

Resettlement Action Plan Study for the Power Supply Component of the Mombasa SEZ Development Project



Original

Updated Final RAP Report - Main Report (Vol A)

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15 April 2019

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LIST OF ACRONYMS

ACC	Assistant County Commissioner
CC	County Commissioner
CEO	County Environmental Officer
CS	Cabinet Secretary
CSR	Corporate Social Responsibility
DCC	Deputy County Commissioner
DDP	District Development Plan
DP	Displaced Persons
DPCT	District Project Coordination Team
DRC	District Resettlement Committee
DSDO	District Social Development Officer
EA	Environmental Assessment
EMCA	Environment Management and Coordination Act, 1999
EMF	Electromagnetic Field
EMP	Environmental Management Plan
EPs	Entitled Persons
ERM	Environmental Resources Management
ESIA	Environmental and Social Impact Assessment
GCI	Galvanised Corrugated Iron
GDC	Geothermal Development Company
GoK	Government of Kenya
GPS	Global Positioning System
HH	Household Head
HoF	Head of Finance
HoLS	Head of Legal Services
HoTS	Head of Technical Services
HoWA	Head of Wayleave Acquisition
HSCM	Head of Supply Chain Management
ICNIRP	International Commission on Non-Ionizing Radiation Protection
IMA	Independent Monitoring Agency
IMU	Independent Monitoring Unit
IPP	Independent Power Producers
JDT	JICA Design Team
JICA	Japan International Cooperation Agency
KCAA	Kenya Civil Aviation Authority
KETRACO	Kenya Electricity Transmission Company
Km	Kilometres
Km ²	Square Kilometres
KPC	Kenya Pipeline Corporation
KPLC	Kenya Power and Lighting Company Limited
KRA	Kenya Revenue Authority
KRU	KETRACO Resettlement Unit
kV	Kilo Volts
KWS	Kenya Wildlife Service
m	Meters
M	Million
MD & CEO	Managing Director and Chief Executive Officer
M&E	Monitoring and Evaluation
Mm	millimetres
NEMA	National Environment Management Authority

NLC	National Land Commission
NRPB	National Radiological Protection Board
OP	Operational Policy
PAH(s)	Project Affected Household(s)
PAP(s)	Project Affected Person(s)
PDP(s)	Project Displacement Person(s)
PDR(s)	Property Damage Report(s)
PIN	Personal Identification Number
PIT	Project Implementation Team
PMU	Project Management Unit
PWD	Persons With Disability
RAP	Resettlement Action Plan
REA	Rural Electrification Authority
RF	Resettlement Framework
RIC	RAP Implementation Committee
RIM	Registry Index Map
ROW	Right of Way
RPF	Resettlement Policy Framework
SEZ	Special Economic Zone
SGR	Standard Gauge Railway
TL	Transmission Line
TOR	Terms of Reference
UTM	Universal Transverse Mercator
WB	World Bank

PROJECT SUMMARY

Consulting Services for:	Consultancy Services for carrying out Resettlement Action Plan (RAP) Study for the Power Supply Component of the Mombasa SEZ Development Project
Project Components	<p>The project is composed of a 220 kV Transmission Line extending over a distance of approximately 50 km from Mariakani (Kilifi County) to Mombasa SEZ (Mombasa County) via Kwale County and a Sub-Station at Dongo Kundu.</p> <p>The main components of the Project are:</p> <ul style="list-style-type: none"> • Development of 220 kV transmission line from Mariakani 400/220 kV substation to Mombasa SEZ (The Mariakani 400/220 kV substation is not included in the Project scope) • Development of 220/32 kV substation inside Mombasa SEZ • Development of 32 kV distribution line inside Mombasa SEZ from 220/32 kV substation
Project Objectives	To provide adequate power supply for the proposed Special Economic Zone that will host an Industrial Park, Free Trade Zones, Residential Area, Enterprise and Port Facility among others components.
RAP Study Objectives:	The objective of this RAP study is to grasp specific impacts caused by the development of this project component and present appropriate compensation package through detailed survey and participatory approach for series of consultation meetings for the Power Supply Component of the Mombasa SEZ Development Project.
Client:	JICA Design Team (JDT)
Proponent:	Kenya Electricity Transmission Company (KETRACO)
Consultant:	PANAFCON Ltd (Kenya)
Report Title:	Updated Final RAP Report – Main Report (Vol A)
Submission Date:	15 April 2019

DEFINITION OF KEY TERMS

Assets: Comprises land, structures or crops/trees, unless otherwise defined.

Census: means a field survey carried out to identify and determine the number of Project Affected Persons (PAPs) families/households/persons or Project Displaced Persons (PDPs). The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures that result from consultation with PAPs.

Community Sensitization Meeting (equivalent to Local Stakeholder Meeting in JICA Guidelines): Meeting convened to inform the community regarding a proposed project

Compensation: Payment in-kind and/or cash for an asset to be acquired or affected by a project at replacement cost, without taking into account depreciation. In addition, a disturbance allowance of 15% is paid for all structures affected; included in the disturbance allowance is a proportion for the PAP to look for alternative land. Where there are Vulnerable PAPs, Kenya Electricity Transmission Company (KETRACO) will identify alternative land. KETRACO will cover the costs of any change and registration of titles.

Cut-off date: Date of commencement of the socio-economic survey/census and asset inventory of PAPs. Persons (encroachers) entering and/or occupying land in the project area after this date and not included in the inventory of PAPs will not be considered eligible for compensation or resettlement assistance. Similarly, fixed assets such as structures, crops/trees established after the cut-off date will not be compensated.

Displacement: PAPs are moved away from their current land of settlement to a NEW acquired land.

Disturbance Allowance: A cash uplift for each structure (at 15%)

Encroachers: Those people who move into the project area after the cut-off date and are therefore not eligible for compensation provided by the project.

Entitlement: Range of measures comprising cash compensation, income rehabilitation assistance, transfer assistance, income substitution, and relocation which are owing to business restoration and/ or PAPs, depending on the type, degree and nature of their losses, to restore their social and economic base.

Host Community: Community/land area where people, physically displaced by a project, will be resettled.

Household: Family or collection of people, which function as a single economic unit.

Income Restoration: Measures required ensuring that PAPs have the resources to at least restore, if not improve, their livelihoods.

Indigenous Peoples: People indigenous to an area and include ethnic minorities as defined by World Bank Operational Policy on Indigenous Peoples (OP 4.10).

Involuntary Resettlement: Both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition and/

or encumbrance. Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition and/or the encumbrance associated with the Row of a transmission route is significant resulting in displacement of PAH. This occurs in cases of: lawful expropriation or restrictions on land use based on eminent domain; negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.

Land Expropriation: Process whereby a public authority requires a person, household or community to relinquish rights to land that it occupies. KETRACO has this right.

Offers of Agreement: This instrument will be a legally binding agreement between KETRACO and individual/ group PAPs for full and final compensation for land acquisition and/ or encumbrance including crop damage, in-kind compensation, disturbance allowance, uplift, transition assistance and alternative land registration costs and expenses. These offers will be time bound.

Open Market Value: An opinion of the best price at which the sale of an interest in an asset would have been completed unconditionally for cash consideration on the date of valuation, assuming: a willing seller; that, prior to the date of valuation, there had been a reasonable period (having regard to the nature of the asset and state of the market) for the proper marketing of the interest, for the agreement of price and terms and for the completion of the sale; that the state of the market, level of values and other circumstances were, on any earlier assumed date of exchange of contracts, the same as on the date of valuation; that no account is taken of any additional bid by a purchaser with a special interest; and that both parties to the transaction had acted knowledgeably, prudently and without compulsion.

PAP Consultation Meeting: Meeting with the Project Affected Persons (PAPs) to disclose to them project impacts and proposed restoration measures.

Project Affected Person: Any person who, on account of the execution of the Project, or any of its components or subprojects would regardless of land type have their: right, title or interest in any house, titled/trust land (including residential, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, in full or in part, permanently or temporarily; business, occupation, work, place of residence or habitat adversely affected; or Standard of living adversely affected.

Project Displaced Persons: All the people affected by a project who through involuntary acquisition and/ or encumbrance placed upon the land on account of the execution of the project, necessitating the moving and resettlement from the affected land; includes any person, household, firms, or public or private institutions who as a result of a project would have their: standard of living adversely affected; right, title or interest in all or any part of a house, land (including residential, commercial, agricultural, plantations, forest and grazing land) or any other moveable or fixed assets acquired or possessed, in full or in part, permanently or temporarily adversely affected; or business, occupation, place of work, residence, habitat or access to forest or community resources adversely affected, with or without displacement business, occupation, place of work, residence, habitat or access to forest or community resources adversely affected, with or without displacement.

Relocation: Physical moving of PAPs from their pre-project place or residence, place for work or business premises, to an area that is not affected by the project. PAPs are moved away from the project corridor but within the same parcel of land.

Replacement Value/ Cost: Full cost of replacing or reinstating an asset with another of similar functionality, quality and quantity with an amount sufficient to cover the loss and related costs such as labour and contractor fees, transporting building materials and related transaction costs and taxes but without depreciation.

Resettlement Action Plan: Time-bound action plan, with budget, setting out resettlement strategy, objectives, eligibility criteria, entitlements, actions, responsibilities, monitoring and evaluation. The type of RAP can be categorised by the magnitude of the resettlement required.

Stakeholder Meeting: Meeting with Key Stakeholders to inform them about the project and seek guidance/consensus about the project activities

Squatter: A person occupying land to which they have no claim under any tenure but is eligible for compensation as he/she is present during the census and inventory of assets or in occupation of private land for over 12 years in accordance with The Limitations of Actions Act.

Transition Assistance: in addition to the Disturbance Allowance for structures and crops, KETRACO's RPT will provide to vulnerable PDPs and eligible PAPs assistance in the form of a management resource (whether it be a KETRACO representative or someone agreeable to the PAP to oversee the transition); an allowance will be paid for this person to oversee the process. The specific assistance will be developed and agreed with the PDP/ PAP as part of their individual compensation package.

Vulnerable Groups: Any person or groups who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement i.e.

- Female-headed households with dependents;
- Children-headed households;
- Disabled household heads;
- Poor households;
- Landless;
- Elderly households with no means of support: and
- Ethnic minorities.

Wayleave: A RoW over the land of another. This RoW is for carrying sewer, drain, power line or pipeline into, through, over or under any lands but in so doing may interfere with the existing buildings.

EXECUTIVE SUMMARY

INTRODUCTION

According to the Government of Kenya, long-term development plan “Vision 2030”, Kenya aims to be a middle-income country by 2030 and the development of the Mombasa Special Economic Zone (hereinafter referred to as “Mombasa SEZ”) is mentioned as a priority project to achieve this goal. Based on this background, the Japan International Cooperation Agency (JICA) has commenced from January 2017 “Preparatory Survey for Mombasa Special Economic Zone Development Project (hereinafter referred to as “Preparatory Survey”)”. The aim of the Preparatory Survey is to plan and design necessary infrastructures for the SEZ. One of the components is to develop a 220 kV electrical transmission line and substation to serve the Mombasa SEZ.

OBJECTIVE OF RAP

The objective of this RAP study was to carry out a detailed Resettlement Action Plan (RAP) Study for the Power Supply Component of the Mombasa SEZ Development Project. The end goal of the Study was to ensure that the population that will be affected during the project implementation will be duly compensated and their lives improved or at least their standard of living restored, income generating opportunities and production levels are restored to pre-project levels and where feasible ensure that the PAPs benefit from the project. The project affected persons will be impacted through physical and economic displacement by loss of land, structures, crops, trees and means of income generation or loss of means of livelihood.

POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

The study was conducted in accordance with the relevant Kenyan legislation, JICA Guidelines for Environmental and Social Considerations (April 2010) and World Bank Operation Policy OP4.12 Involuntary Resettlement. It covered land ownership and acquisition, energy transmission, relocation and resettlement and loss of structures, trees and crops among others.

TYPES OF AFFECTED STRUCTURES

The Power Supply Component project will affect the following listed structures:

Permanent Structures - Residential Houses, Commercial Houses, Toilet/ Ablution Block/ Buildings, Bathroom Structures, Septic Tank, Water Tank Stands, Watch Tower, Shallow Wells, Water Pans, Water Tap, Water Valve, Installed Solar Panels, Fences and Graves. There are 17 permanent residential houses that will be affected by the project.

Semi-Permanent Structures - Earth Wall Residential Houses and GCI Sheet Residential Houses. There are 89 semi-permanent residential houses affected by the project. The other structures include Kitchen structures, Domestic animal houses, Kiosks, Pit latrines, Dish racks, Business sheds. A total of 280 structures will be affected.

PARTICIPATION AND CONSULTATION

Sensitisation Meetings

The Community Sensitization meetings took place before the field census and asset inventory surveys and related activities took place. A total of 6 Sensitization Meetings were held in Mariakani, Mbunguni, Ng’ombeni, Kasemeni, Gandini and Mwavumbo/Mwatate locations from Wednesday July 12, 2017 to Tuesday July 18, 2017. The Sensitisation Meeting for Mtongwe Location (Dongo Kundu) took place on Tuesday March 20, 2018. The total number of participants were 1,560 (Men=1,021, Women=539).

The meetings were attended by Project area community, National and County Government Representatives, KETRACO, JDT, Local Leaders, NLC and Consultant Team.

PAP Consultation Meetings

The PAP Consultation Meetings were convened from Monday April 23 to Friday April 27, 2018. A total of 9 meetings took place. One meeting was held in each of the 9 locations where the Transmission Lines is passing through (Mariakani, Mwavumbo, Mwatate, Mtaa, Kasemeni, Gandini, Mbunguni, Ng'ombeni and Mtongwe Locations). The meetings were attended by KETRACO, PAPs, JDT, National and County Government Representatives, Consultant Team, NLC and Local Leaders.

Public Consultation Meetings (PCM)

The Public Consultation Meetings were held from Monday June 18 to Friday June 22, 2018. A total of 9 meetings took place. One meeting was held in each of the 9 locations where the Transmission Lines is passing through (Mariakani, Mwavumbo, Mwatate, Mtaa, Kasemeni, Gandini, Mbunguni, Ng'ombeni and Mtongwe Locations) A total of 1,384 persons attended (Male=1,066, Female=318). The meetings were attended by KETRACO, Project area community, JDT, National and County Government Representatives, Local Leaders and Consultant Team.

Final Stakeholders Consultation Meetings

The Final Stakeholders Consultation Meetings were held from Monday February 25, 2019 to Thursday February 28, 2019. A total of 9 meetings took place. One meeting was held in each of the 9 locations where the Transmission Lines is passing through (Mariakani, Mwavumbo, Mwatate, Mtaa, Kasemeni, Gandini, Mbunguni, Ng'ombeni and Mtongwe Locations) A total of 586 persons attended (Male=457, Female=129). The meetings were attended by KETRACO, Project area community, JDT, National and County Government Representatives, Local Leaders and Consultant Team.

PROJECT AFFECTED PERSONS

The census and asset inventory surveys were conducted along the Transmission Line (TL) wayleave. **Cut-off date was set as 13 July 2017** when the RAP field census survey started for the area outside Dongo Kundu. The **Cut-off date for Dongo Kundu area was set as March 21, 2018** when the census survey commenced in Dongo Kundu area.

No	Activity	Outside Dongo Kundu	Inside Dongo Kundu
1	Cut-off Date	13 July 2017	21 March 2018
2	Locations	1. Mariakani 2. Mwavumbo 3. Mwatate 4. Mtaa 5. Kasemeni 6. Gandini 7. Mbunguni 8. Ng'ombeni	1. Mtongwe

The number of land parcels affected by the TL is 565 with a total area of approximately 519.71 Acres. The total population of the PAPs is 3,849 (Adults – 1,957, Children – 1,892). The project will cause the relocation of 60 households while 16 are going to be displaced from the Transmission Line (TL) wayleave corridor. A total of 280 structures 11,908 Trees and 9,267 units of various crops will also be affected.

Vulnerable Groups

The project has affected a total of 198 vulnerable HH who have been documented and will be provided with special assistance that will be governed by KERACO Resettlement Policy Framework. 22 vulnerable HH fall in the Highly Vulnerable category, 171 fall in the moderately vulnerable category while 5 are in the low category.

The proposed assistance will include:

- Construction assistance to the vulnerable HH who are either displaced or have to relocate their affected structures.
- Vulnerable HH whose land has been affected by the project are to be provided with assistance that is equivalent to the entirely affected area.
- Over and above the 15% disturbance allowance, vulnerable people will be given assistance including sourcing host land, support with dismantling, moving and building new structures.
- KETRACO to provide assistance equivalent to the cost of 0.5 acres in the area where the Vulnerable HH without land resides. This will enable the landless Vulnerable HH resettle.
- In addition, KETRACO will set up a consultation help desk by both male and female officials to provide vulnerables with all necessary information.

INCOME RESTORATION

There shall be two main types of income restoration, namely Land Based (arising from land easement and acquisition to provide a 40m wide wayleave and site for the 220kV transmission line, substation, distribution line and access road)

Non-Land Based Income Restoration

The non-land based income activities in the project corridor is the operation of a kiosk and a maize grindig/shelling machine.

Land Based Income Restoration

Majority of the households affected by the transmission line are subsistence farmers who plant various crops for domestic consumption. An easement will be registered on the affected parcels of land. This effectively will temporarily limit the use of the affected parcels during construction but these farming activities will resume after a period of 2months or so. The land owners where easement is effected will not surrender their titles for the affected portion. The persons owning land in the substation area will surrender their titles since affected land will be fully acquired and paid. A total of 16 households (12 outside Dongo Kundu, 4 inside Dongo Kundu) will be displaced. Replacement land for the displaced persons will be sought within the same area so that affected households can continue with their subsistence agricultural activities.

Source of Income Restoration

The sources of income of the PAPs who may be affected by the project include farmers (only for short period during construction), those operating posho mill and kiosk and those operating at the quarry. Income restoration will be carried out by paying these businesses the equivalent of the net monthly income for a period of 3 months to cushion them during relocation. It is also anticipated that through employment of locals to provide semi-skilled and unskilled labour during construction of the project, some source of income will be generated hence improving the livelihood of the local population.

SCOPE OF LAND ACQUISITION, COMPENSATION AND RESETTLEMENT

The proposed 220kV transmission line, substation, distribution line and access road project will occupy land until the time it is decommissioned. Whereas some activities like

farming and grazing of animals within the wayleave area can continue taking place, for health, safety, security and maintenance purposes a cleared strip of land is required underneath the conductors and between the towers. The land sited for proposed sub-station will be acquired permanently, fenced off and the current users of the land will not be able to access the land or use it in any way.

Land Easement and Acquisition

The proposed Transmission Line project shall acquire a wayleave of 40metres wide covering a total distance of 53 km and land for the substation in Dongo Kundu.

- The total affected land for the project is 519.71 acres.
- The Transmission Line (TL) land that shall be placed under easement is 502.19 acres
- The Sub-station and access road will occupy 17.52 acres. This will be fully acquired and compensated since it will be fenced off and the sub-station infrastructure constructed.

Entitlement Matrix

Entitlement Matrices outlining land easement, acquisition-and losses arising from damage to structures, crops and trees have been prepared. **Table 12** provides Entitlement Matrix for Land while **Table 13** Provides Entitlement Matrix for Structures and other Assets. Various categories of HH and the various entitlement options have been identified. Cash compensation for loss of land is to be done at 30% upwards of the market value of the affected land considering the magnitude of impact. Where a parcel is severely affected or the land is in the substation area, payment will be made to fully replace the parcel (100% compensation).

Land Ownership

The ownership/occupancy of the affected land falls into 8 categories:

- Genuine land owners with titles (without dispute) - 6
- Land owners with titles (with dispute) – 2 (PAP569 and PAP636)
- Land owners with no titles (without dispute) - 320
- Land owners with no titles (with dispute) - 1
- Land owners in Group Ranch (without dispute) – 149
- Land owners in Group Ranch (with dispute) - 5
- Land owners in Government land (Health Centre) - 12
- Claimants/Squatters – (PAP569 Land – 7 and PAP636 land in Dongo Kundu – 67 giving a total of 74.

Valuation of Compensation Cost

Taking into account all the factors, it is the opinion of the RAP preparation Consultant that, the value of the properties affected by the proposed Power Supply Component of the SEZ is approximately **KShs. 409,487,758** broken down as provided in **Table A** overleaf.

Table A: Summary of the Land, Structures & Trees Affected and Related Cost

No.	Property	Total Amount (KShs)
1	Land	173,137,125
2	Structures	50,181,343
4	Trees	26,513,305
5	Crops	2,220,975
Sub Total 1 (KShs)		252,052,748
	Livelihood Recovery Support (1) Support for Small Businesses	229,500
	Support for Livelihood Recovery (2) Support for Socially Vulnerable People	64,649,350
	Monitoring and Evaluation	55,330,000
Sub Total 2 (KShs)		372,261,598
	Reserve Cost (10% of Gross Total)	37,226,160
Grand Total (KShs)		409,487,758

NB:

Vulnerable Persons: Provision for financial assistance to vulnerable persons has been arrived at as follows:

- Giving the equivalent of the entire affected land for those whose land has been affected by the project.
- For those who have structures affected, KETRACO will give assistance including sourcing host land, support with dismantling, moving and building of new structures.
- For those who do not have land, the equivalent of the cost of 0.5 acres will be provided to enable them get land for resettlement

INSTITUTIONAL ARRANGEMENTS FOR RAP IMPLEMENTATION

The overall responsibility of compensation and resettlement rests with the project sponsor, the Government of Kenya through KETRACO. KETRACO takes the lead on verification and compensation. The three teams that will be implementing the RAP are KETRACO Resettlement Unit (KRU), National Land Commission (NLC), RAP Implementation Committee (RIC) and PAP Committee.

KETRACO Implementation Unit (KRU)

KRU will be composed of experts from KETRACO in various key disciplines that can oversee and provide policy direction and guidance to the RAP implementation process. The team will be composed of - Land Economist (Team Leader), Legal Advisor, Accountant, Building Technician, Environmental and Social Specialist, Social Economist, Land Economist/Valuer, Electrical Engineer, Wayleave Officer, Surveyor and any other specialist if required (Internal or External Consultant)

National Land Commission (NLC)

NLC will work very closely with KETRACO in carrying out RAP verification, Land Acquisition and compensation payments.

The RAP Implementation Committee (RIC)

Effective implementation of the RAP will require a RAP Implementation Committee (RIC).

This committee shall have representatives from the County and National Government, Community Leaders, Ministry of Land, Housing & Urban Development, Ministry of Tourism & Wildlife, Ministry of Environment and Natural Resources, Ministry of Devolution and Planning - State Department of Special Programmes, Ministry of Agriculture Livestock and Fisheries, Kenya Wildlife Service, Kenya Forest Service and KETRACO. The committee shall carry out its deliberations at the nearest Sub County Headquarters where most Government Offices are located namely Kaloleni, Kinango, Matuga and Likoni.

The RAP Implementation Committee shall have the responsibility of implementing and managing the Resettlement Plan, coordinating the resettlement activities and providing technical support. Project implementation support will be provided by various agencies at the National, County, Sub-county, Location, Sub location and Village levels.

PAP Committee

The PAP Committee has representation from various key groups in the community namely:

- Youth
- Men
- Women
- Vulnerable Persons
- County Government (Important Departments)
- National Government (Important Departments)

There are 9 PAP Committees (One Committee in each location). PAP Committees have the responsibility of receiving and recording complaints/grievances from PAPs and the community. Resolving of compensation and resettlement issues, ensuring there is smooth communication between community and other stakeholders and linking the community with the RAP Implementation Committee (RIC).

RAP IMPLEMENTATION

RAP Implementation Schedule

As per JICA Guidelines, no civil works are to be started before compensation has been paid and the land acquired. Additional assistance should be provided to the affected population in accordance with the KETRACO Resettlement Policy Framework before, during and after the works are taken up. The RAP Implementation Schedule shall involve the following activities:

Preparation

- Public Sensitization and Awareness Campaigns with the PAPs
- Finalisation of RAP Report and making it ready for implementation
- Following up on the land documentation for the HH
- Validation of the Land and Assets ownership and values have been done (NLC)
- Making the RAP implementation committees are ready
- Notification for Easement and Acquisition of project corridor land (NLC)
- Identification of responsibilities of the various units that are to implement the plan
- Preparation of compensation letters of offer

Implementation

- Issuance of letters of offer and Finalisation of Agreements
- Compensation and Resettlement of PAPs
- Livelihood Restoration Activities

- Ensuring that Vulnerable HH are compensated and given relocation and Resettlement Assistance
- Acquisition of Wayleave
- Survey TL Route and Mark out Boundaries
- Clearing of TL Route and Construction
- Monitoring of Compensation and Resettlement Activities by an Independent Consultant and preparation of Report on Compensation and Resettlement.
- Installation of Active Grievance Redress Mechanism
- Evaluation of Progress of Compensation and Resettlement

Post Implementation

- Internal Monitoring of Resettled PAPs – done by KETRACO
- External Monitoring of Resettled PAPs – done by Independent Consultant for a period of 1 year after resettlement of the PAPs. The Consultant will prepare quarterly reports and a final report at the end of 1 year.

Grievance Redress

The RAP provides for a formalized grievance redress mechanism to help reduce any complaints and grievances of the PAPs and to enhance the acceptance of rehabilitation and resettlement program through people's participation and support. All efforts are to be made to reduce unnecessary litigation by resolving disputes through mediation, negotiation and compromise in a congenial, fair and impartial setting. This will be done as follows:

- Grievances will be received and recorded at the location level and handled by the PAP Committees.
- Issues that cannot be handled by this committee will be forwarded to the RAP Implementation Unit (RIU) for resolution.
- If RIU is not able to provide a solution, the grievance is escalated to the KETRACO RAP Implementation Unit (KRU) at the KETRACO Headquarters.

CONCLUSIONS

- The HH will retain ownership of the affected parcels of land and a wayleave easement will be registered against the affected plot. The affected TL land will be placed under restricted use but farming activities will be allowed to proceed as long as no structures constructed and plants/trees growing to heights exceeding 12 feet are not grown.
- The proposed Power Supply Component project will affect the following:

Land Parcels

- 565 parcels of land will be affected (easement and Acquisition).

Displacement of Persons/Structures

- 16 households (12 outside Dongo Kundu and 4 inside) will be displaced
- Displacement of the 16 households will affect 89 PAPs (65 PAPs outside Dongo Kundu and 24 inside)..

Relocation of Persons/Structures

- 60 households (56 outside Dongo Kundu and 4 inside) will need to relocate their structures within the same parcel of land they currently occupy.
- Relocation of the 60 households will affect 403 PAPs (377 outside Dongo Kundu and 26 inside)

The 16 displaced households will easily get replacement land within the project area since the area is sparsely populated and land is available for sale. This was established from the local administration and community members.

Project affected persons are subsistence farmers who also engage in keeping domestic animals like cattle, sheep, goat and chicken. The displaced and relocated persons will still continue using the wayleave area for their core activities which are grazing of domestic animals and subsistence farming. They will however not be allowed to put up any structures or plant trees that have a height exceeding 12 feet within the wayleave area

RECOMMENDATIONS

1. The project is viable, important for the development of the SEZ that will in turn enhance the economy of the region and generate job opportunity. However, the study has established that there will be displacement and relocation of persons requiring compensation and resettlement.
 - The relocation will be within the same parcel of land if the remaining land is adequate to construct other structures (relocation PAPs are 403).
 - The PAPs whose parcels of land will be severely affected to the extent that it cannot accommodate new residential structures will get replacement land within the project area (Displaced HH is 16 while PDPs are 89).
2. KETRACO is to ensure that all affected persons are fully compensated in a timely manner. The resettlement should be done with due consideration of the wishes of the affected persons and support given after resettlement to ensure that the project does not leave them worse off.
3. Consultations with the PAPs should be done frequently and keep them informed of the timetable/ timelines of each step in the compensation and resettlement process.
4. Display cadastral maps showing the affected land parcels and names of the Household Heads (HH) at all the chief's offices along the project area so that the local residents can confirm with their local leaders whether their land is affected and to what extent. This will enhance communication with the HH and PAP committees on who is affected.
5. The HH that are either displaced or relocated, should be informed in good time (given 3 months' notice period for relocation/ displacement and resettlement) and modalities of conducting resettlement counselling put in place.
6. Majority of the affected parcels of land are large and will therefore mainly cause relocation and limited displacement of housing structures, damage to crops and felling of trees. It is therefore recommended that KETRACO enters into negotiation for easement of the affected portions of land under the TL plus compensation of any structures that may be demolished during project implementation. The affected land within the substation will be acquired and fully compensated. The HH with land parcels should be duly reminded about the difference between acquisition and easement to avoid misunderstanding during land acquisition and compensation.
7. In instances where the entire parcel of land is significantly or entirely affected (whether there are structures on it or not), KETRACO shall compensate the affected land owner at 100% of the cost of buying similar land in the same area.
8. Displacement and relocation should be done in conformity with the desires of the PAPs and local population. This will help in reducing resettlement related grievances, costs and project delays.
9. KETRACO should ensure compensation funds are availed in a timely manner and grievances are quickly addressed through the set up committees (PAP Committee, RIC and KRU).

10. A total of 198 Vulnerable HH have been identified. The vulnerable HH will require special consideration during project implementation.

Vulnerable persons who have lost land and structures are to be provided with assistance as follows:

- Construction assistance to the vulnerable HH who are either displaced or have to relocate their affected structures.
- Vulnerable HH whose land has been affected by the project are to be provided with assistance that is equivalent to the entirely affected area.
- Over and above the 15% disturbance allowance, vulnerable people will be given assistance including sourcing host land, support with dismantling, moving and building new structures.
- KETRACO to provide assistance equivalent to the cost of 0.5 acres in the area where the Vulnerable HH without land resides. This will enable the landless Vulnerable HH resettle.
- In addition, KETRACO will set up a consultation help desk by both male and female officials to provide vulnerables with all necessary information.

The proposed assistance to the vulnerable PAPs over and above disturbance allowance is provided in the **Data Book (Vol B) Section 10**.

Overall opinion of the Consultant on the proposed project

The proposed Power Supply Component of the Mombasa SEZ Project is considered important, strategic and beneficial in providing adequate and stable power to the activities of the SEZ. The RAP Consultant highly recommends that the proposed project be allowed to proceed taking into account the proposed Mitigation Measures and Social Management Plan.

1 INTRODUCTION

This RAP report has been prepared as required under the terms of the Contract for Consultancy Services for the Resettlement Action Plan (RAP) Study for the Power Supply Component of the Mombasa SEZ Development Project, signed on June 21, 2017 between JICA Design Team - JDT (the Client) and Panafcon Ltd (the Consultant).

1.1 Project Background

According to the Government of Kenya, long-term development plan “Vision 2030”, Kenya aims to be a middle-income country by 2030 and the development of the Mombasa Special Economic Zone (hereinafter referred to as “Mombasa SEZ”) is mentioned as a priority project to achieve this goal. The Mombasa SEZ will be developed in the Dongo Kundu area of Mombasa County (part of the SEZ is also inside Kwale County), which will cover an area of approximately 1,200 ha. The Mombasa SEZ is planned to consist of free trade zone, industrial park, residential zone, tourism zone among others and are planned to be developed through three phases. New infrastructures such as port, road, power and water supply facilities will need to be developed to serve the Mombasa SEZ. Based on this background, the Japan International Cooperation Agency (JICA) has commenced from January 2017 “Preparatory Survey for Mombasa Special Economic Zone Development Project (hereinafter referred to as “Preparatory Survey”)”. The aim of the Preparatory Survey is to plan and design necessary infrastructures for the SEZ, and one of the components is to develop a 220 kV electrical transmission line and substation to serve the Mombasa SEZ.

Kenya’s Power Sector falls under the Ministry of Energy, which offers the general oversight and policy direction. The Energy Regulatory Commission (ERC) is an independent body responsible for the regulatory function of the energy sector. The functions of ERC include tariff setting and oversight, coordination of the development of Indicative Energy Plans, monitoring and enforcement of sector regulations. It was established as a single sector regulator.

The electricity sub-sector players can be grouped into three main categories namely:

- Energy Generation (KenGen, GDC, IPPs and Imports)
- Transmission (**KETRACO**)
- Distribution (Kenya Power and Rural Electrification Authority-REA)

The Kenya Electricity Generation Company Limited (KenGen) is a wholly government-owned utility transmitting 85% of the electricity generated in Kenya. Geothermal Development Company Ltd (GDC) is in charge of development of geothermal resources in Kenya. The Kenya Power is responsible for electricity distribution and supply to customers. Kenya Power purchases bulk power through power purchase agreements with KenGen, Independent Power Producers (IPPs) and the Uganda Electricity Transmission Company (UETCL).

Power Supply Component of the Mombasa SEZ Development Project will facilitate the evacuation of high voltage power by KETRACO from the proposed Mariakani substation in Kilifi County off Nairobi-Mombasa Highway to the proposed Dongo Kundu Substation in Mombasa County.

Thereafter, the power will be stepped down at the proposed Dongo Kundu Substation and distributed to the SEZ through a proposed distribution line from the substation to the SEZ zone.

1.2 Project Description

The power supply facilities for the Mombasa SEZ will be developed by Kenya Electricity Transmission Company Limited (KETRACO) which will consist of the following components:

- Development of 220 kV transmission line from Mariakani 400/220 kV substation to Mombasa SEZ (note that Mariakani 400/220 kV substation is not included in the Project scope and will be constructed through another project)
- Development of 220/33 kV substation inside Mombasa SEZ
- Development of 33 kV distribution line inside Mombasa SEZ from 220/33 kV substation

1.2.1 Project Location

The 220 kV transmission line from Mariakani 400/220 kV substation to Mombasa SEZ 220/33 kV substation covers a distance of approximately 53 km and will traverse three counties namely Kilifi, Kwale and Mombasa. A 40 m wayleave will be secured along the transmission line route (20m on either side from the centre of the 220kV transmission line). Refer to **Annex 9** for Transmission Line GPS Coordinates

Refer to **Figure 1**: Map showing the location of the Mariakani-Dongo Kundu Transmission Line in the three counties of Kilifi, Kwale and Mombasa.

1.2.2 Beneficiaries of Compensation Payment

Persons owning land and other assets along the 40m wide TL corridor and Sub-station in Dongo Kundu will be eligible for compensation for easement of the TL land and compulsory acquisition of the substation land and affected assets.

PAPs will receive the following compensation for affected property:

- Easement of land taken up for the Transmission Line where the compensation payment is for inconvenience by causing reduced use of affected land (30 – 50%)
- Full land acquisition for the Substation land in Dongo Kundu
- The total number of land parcels affected that will be compensated are 565 covering a total area of 519.71 acres.
- Affected structures (residential houses, latrines, cow sheds etc) – 280 Structures
- Affected trees - 11,908
- Perennial Crops – 9,267 units
- Owners of affected structures will receive additional 15% payment as disturbance allowance to facilitate PAPs' relocation and resettlement.
- Vulnerable persons will also receive extra assistance from the project proponent (KETRACO) in terms of relocation and putting up replacement structures.

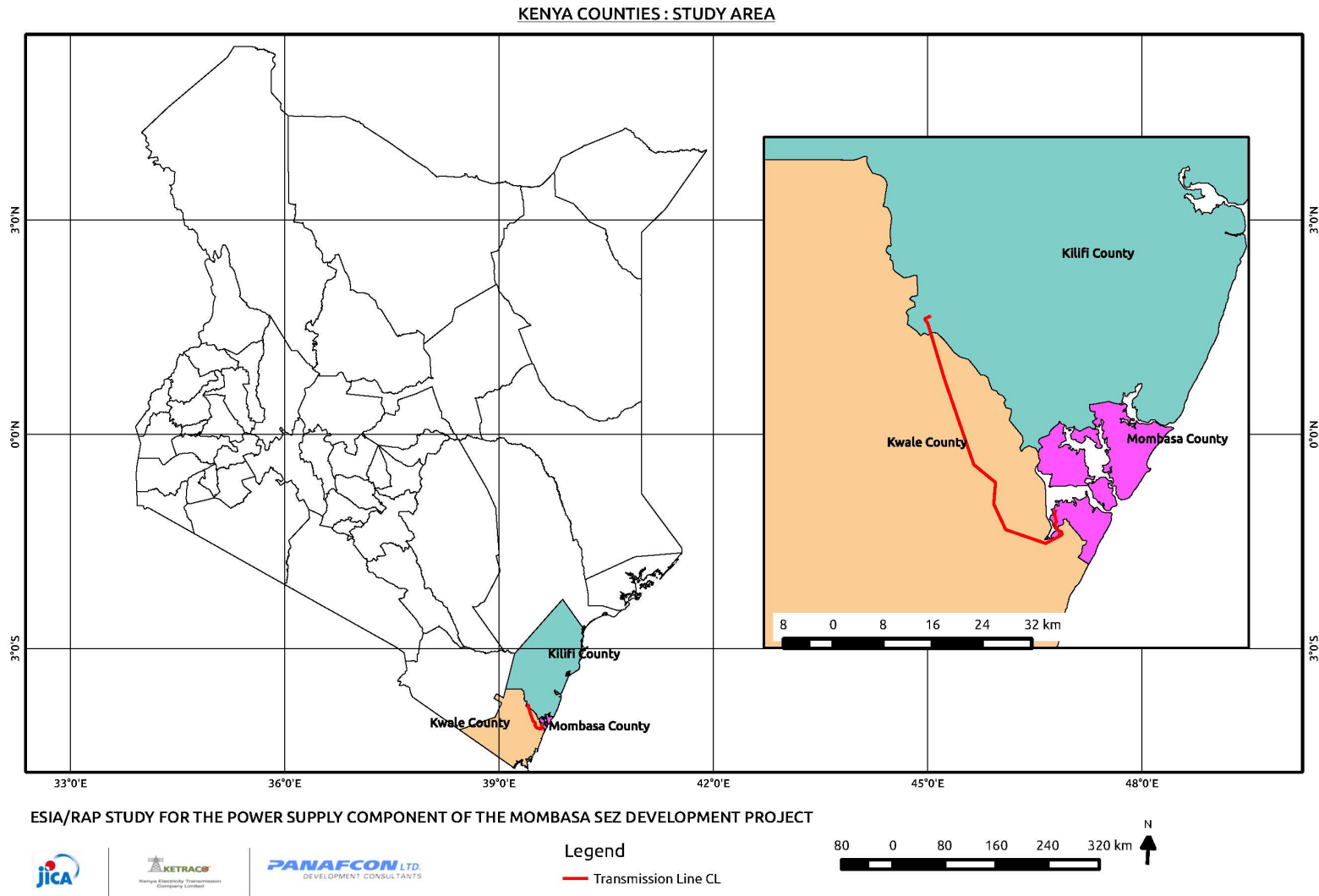


Figure 1: Location Map Showing Kilifi, Kwale and Mombasa Counties

The Mombasa SEZ 220/33 kV substation will be located in Likoni Sub-County, Mombasa County over a hilly terrain adjacent to the new Southern Bypass Road. **Figure 2 & 3** shows the location of the Mombasa SEZ 220/33 kV substation and the route of the 220 kV transmission line respectively.



Figure 2: Location of the Mombasa SEZ 220/33 kV substation

Dongo Kundu

Location

Dongo Kundu area is in Mtongwe Location, Likoni Sub-County, Mombasa County. It is located immediately south of Port Reitz and to the east of Bombo Creek.

Occupancy

The area is occupied by people from various tribes in Kenya living harmoniously as neighbours. Some of the occupants come from as far as Nyanza, Western Kenya, Northern Rift Valley, North Eastern and Central Kenya. During the census survey carried by Panafcon, some of the HH indicated that they have been occupying the land for over 30 years.

Land Tenure

Majority of the land parcels in Dongo Kundu are unregistered. The private citizens who currently occupy the land claim to be the owners. The Dongo Kundu land falls in the 10-mile Coastal Strip that has historical implications that are being looked into by the land agencies including National Land Commission (NLC)

Topography and Productivity

The area has undulating topography with hills and valleys and altitude varying from Sea Level (0m) to approximately 80m above sea level. It is well vegetated with various indigenous and exotic trees, fruit trees (Mangoes, coconut etc) and other subsistence crops grown by land occupants.

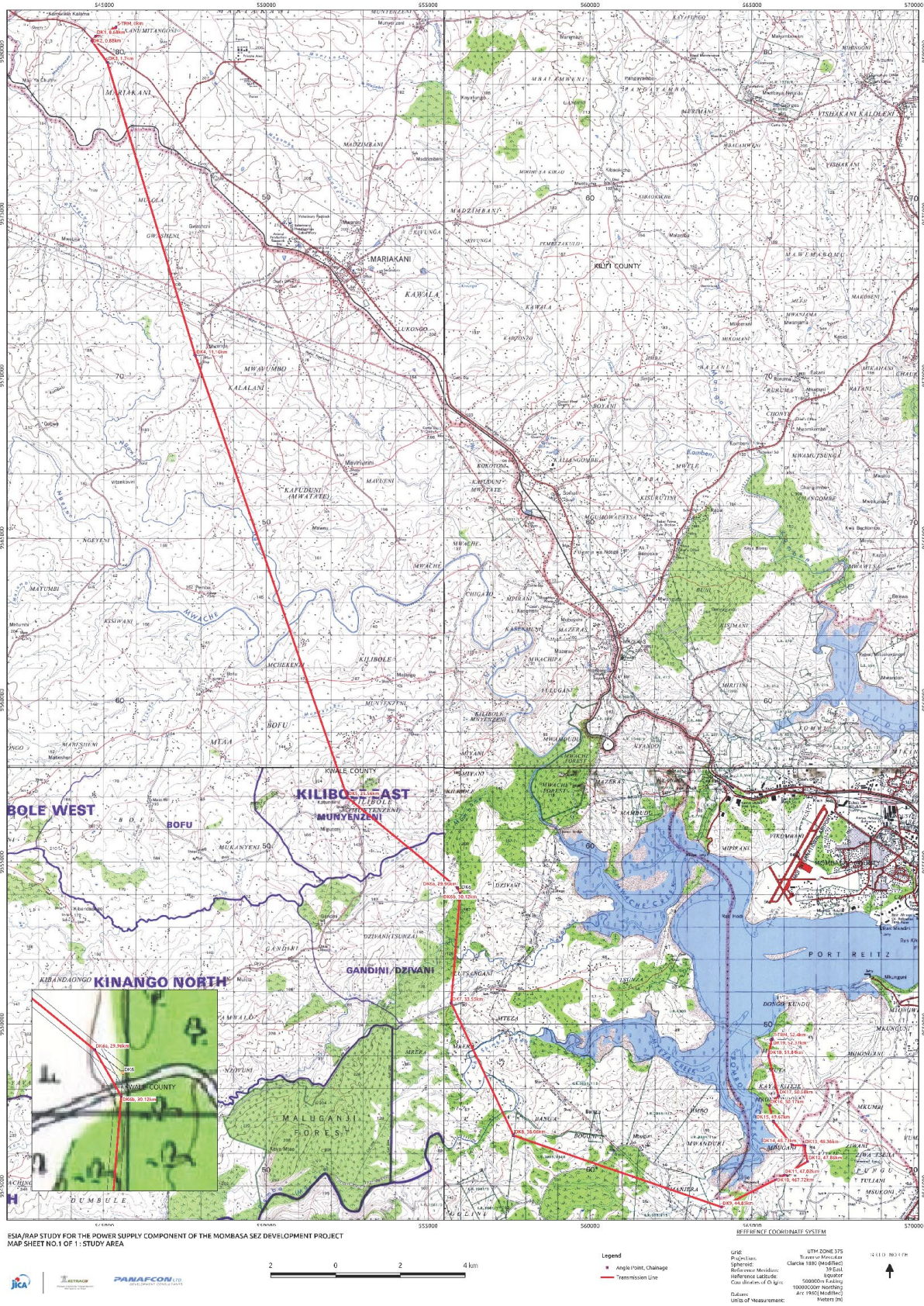


Figure 3: Route of the 220 kV Transmission Line

The 33 kV distribution line will run from Mombasa SEZ 220/33 kV substation to the new port to be developed inside the Mombasa SEZ. The distance is approximately 6.5 km. The distribution line will be installed along the right-of-way of the new Southern Bypass Road and new port access road.

1.2.3 Background Information of the Project Area

The project traverses 3 Counties of Kilifi, Kwale and Mombasa.

The Mariakani-Dongo Kundu Transmission line traverses 3 Counties of Kilifi (3.9Km), Kwale (44.5Km) and Mombasa (4.1Km). These 3 Counties have different demographic and socio-economic settings as shown in **Table 1**.

Table 1: Population Distribution and Economic Data

No.	County	Sub-County	Area (Km ²)	Population Projection 2017	Population Density/km ²	Major Industry	Protected Areas
1	Kilifi	Kaloleni	686.4	205,857	300	<ul style="list-style-type: none"> Mabati Rolling Mills Kaluworks Ltd 	None
2	Kwale	Kinango	4,011.7	268,758	67	<ul style="list-style-type: none"> Top Steel Kenya Ltd Factory in Mwavumbo Location 	<ul style="list-style-type: none"> 2 Shrines (at Km 17.32 and km 23.5) Kaya Gandini at km 30.1 Family Grave Yard (11.6km) Community Graveyard (27km)
		Matuga	1,031.2	194,910	189	<ul style="list-style-type: none"> Exploitation of limestone at Waa and base titanium 	<ul style="list-style-type: none"> Shimba Hills National Reserve Mwaluganje Sanctuary Wetlands of Bombo Creek
3	Mombasa	Likoni	41.1	224,986	5,474	<ul style="list-style-type: none"> Mombasa Port Activities Kenya Navy Operations 	<ul style="list-style-type: none"> Kaya Kiteje

Source: Mombasa, Kilifi and Kwale County Development Plans

1.2.4 Basic Design of 220kV Transmission Line

The 220 kV transmission line will be an overhead double-circuit transmission line supported by steel-lattice type transmission towers. The height of the transmission tower will vary depending on the site topography and surrounding structures, but sufficient clearance height will be secured from the ground level as per Kenyan regulation. The four corners of the transmission tower base will be secured over a concrete foundation. The exact location of the transmission towers will be determined in the ensuing detailed design study. **Figure 4** shows a typical design of steel-lattice type transmission tower.

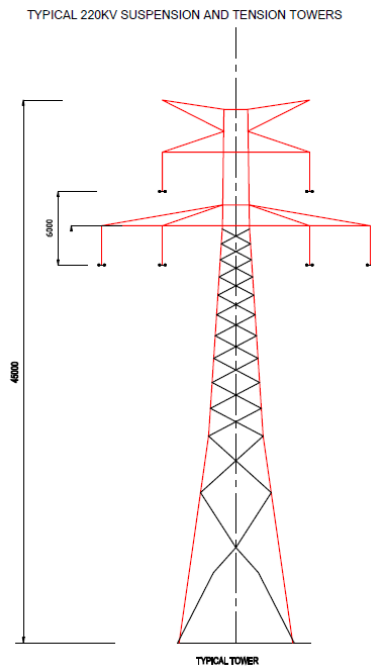


Figure 4: Typical design of steel-lattice type transmission tower.

1.2.5 Basic Design of 220/33kV Substation

The 220/33 kV substation will mainly consist of transformer (75 MVA x 2 units), switchgear (220 kV), control building and access road. The area of the substation will be approximately 4.65 acres which includes some vacant space for future expansion. **Figure 5** shows the layout of the 220/33 kV substation.

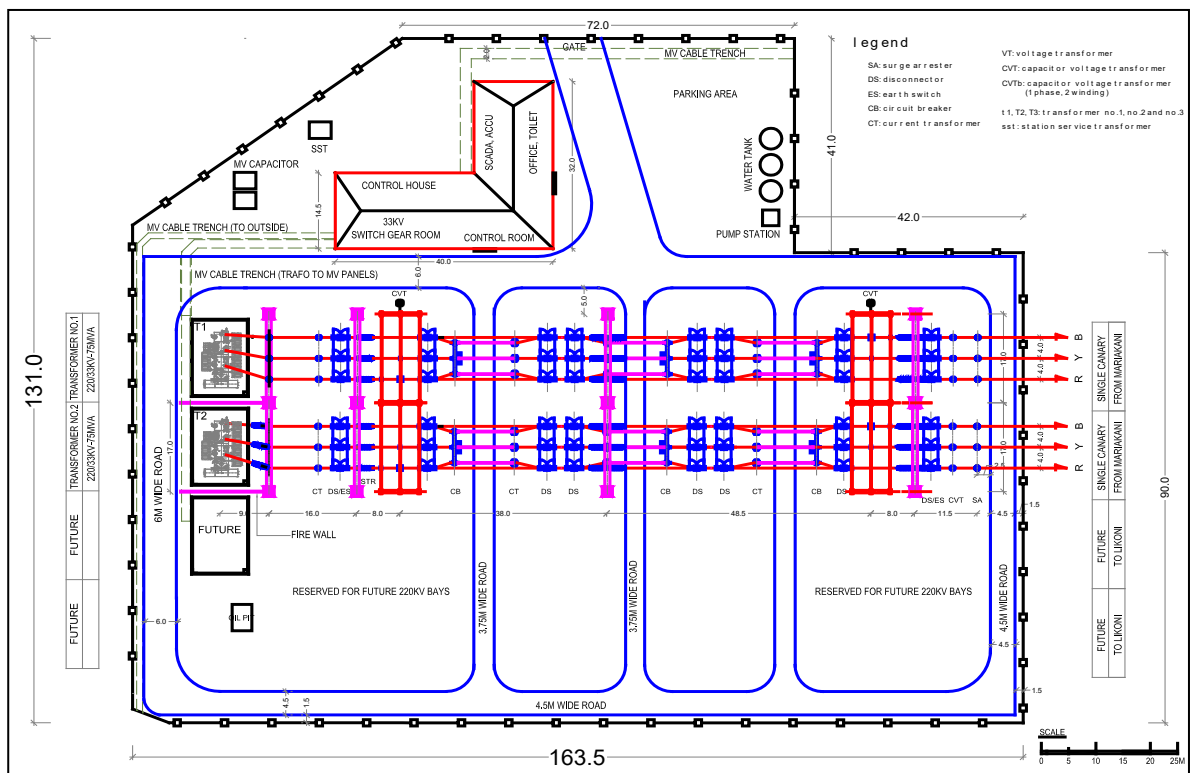


Figure 5: Layout of Mombasa SEZ 220/33 kV substation

1.2.6 33 kV Distribution Line

The 33 kV distribution line will be an overhead double circuit type supported by concrete pole/foundation.

1.2.7 The Project Phases

The project will be carried out in three main phases as detailed below.

a) Pre-Construction Phase

The pre-construction phase involved the following activities;

- Selection of appropriate routes and sites that ensures least displacement or interruption to human, wildlife and physical environment.
- Preparation of Design Drawings of the various project components for approval by the Ministry of Energy, Government Agencies and the Local Government.
- Commissioning of the Environmental and Social Impact Assessment (ESIA) Study.
- Commissioning of the RAP Study to identify persons and structures existing within the 40-metre wide Right of Way TL corridor. For this Power Supply Component project, approximately 519.71. acres of land will be negotiated with the land owners for ROW.
- Identification of affected land parcels for easement/acquisition and compensation.
- Land acquisition and compensation for loss of structures, crops and trees.
- Compensation and relocation of PAPs
- Clearing of vegetation along the 40-metre wide Right of Way corridor (Vegetation clearing will be done manually by use of pangas and slashers. In areas where big trees are encountered, portable power saw mills (petrol powered) will be used)
- The proponent has endeavoured to obtain all relevant approvals from the various local authorities and relevant institutions.

b) The Construction Phase

The construction phase will involve the following;

- The key activities in putting up the transmission line include digging of foundation holes for power transmission line steel tower structures, assembling of structures, concrete casting, and stringing of the conductors.
- The foundations of the steel towers/pylons will be dug manually before casting of concrete for the foundation. The depth will be a minimum of 5m. Excavation depths for the transmission line structure footing are expected to vary depending on the nature of the soil and geological conditions. A geotechnical study shall be undertaken to determine the actual depth of the foundations.
- Erection of the lattice structures (pylons) will involve delivery of the structures, physical assembly at site and laying using cranes. The steel structures will be assembled on site. They will have rivets and will be bolted together. Strong aluminium rollers will be used to hoist the structures and in exceptional situation helicopters can be used.
- The average height of the line will be between 30-40 m but this will depend on clearance given from Kenya Civil Aviation Authority (KCAA) after they confirm that the proposed transmission line height is not going to interfere with safety of the air travel.
- Modes of transport to be employed in the project will be by use of lorries and 4-wheel drive vehicles. Maintenance of these vehicles will be done through licensed garages found in the project area. There will be no on-site maintenance of vehicles.
- Powered equipment is expected to be used during construction. These include power saw, and compressors to break any compact rock

c) The Operational Phase

The operational phase will involve the following;

- Maintaining the ROW by ensuring that:
 - Trees and other plants within the right of way corridor do not grow to heights that exceed the height of 4m
 - No settlements or prohibited activities are carried out in the right of way corridor
- Monitoring the resettlement of PAPs

1.2.8 Construction Method

Transmission line and tower

Construction of transmission lines will typically involve the following works:

- Clearance of vegetation along the transmission line corridor and within the footprint of the transmission tower base. Low-lying vegetation along the transmission line corridor will be maintained.
- Construction of concrete foundation of the transmission tower. This will include excavation of tower base, concrete placement and backfilling. The concrete mix will be prepared at the site.
- Erection of transmission tower (assembling of lattice prefabricated components)
- Stringing of transmission cable. Transmission cable will be installed by placing a winch at one end of the line section, and a tensioner and cable drum at the other end.

Substation

Construction of substation will typically involve the following construction works:

- Clearance of vegetation within the substation site
- Grading works (cutting and filling) to level the site
- Construction of concrete foundation
- Construction of control house and installation of equipment and steel structures

Construction machines

Table 2 shows the main construction machines required for construction of transmission line and substation.

Table 2: Main Construction Machines for the Transmission Line and Substation

Type	Quantity	Type	Quantity
Truck (3 ton)	1	Excavator	6
Truck with crane (2 ton)	2	4-wheel tractor	1
Mobile crane (20 ton):	1	Light truck	4
Power shovel	1	Dump truck (10 ton)	10
Hydraulic rotary drilling rig	1	Water tank truck	1
Pile driving equipment	1	Concrete mixing machine	10
Back hoe	1	Diesel engine generator	8
Stringing winch	1	Welding machine	4
Stringing tension	1	Cutting machine	6

Construction workers

Around 20 workers (e.g. masons, supervisors, unskilled laborers) are expected daily to be working at the substation construction sites. Around the same number of workers will also be working at the transmission line sites. Most workers will be procured locally, although skilled foreigners may be hired for highly technical works. The entire recruitment process for the workers will be managed by the contractors in accordance with Kenya labour laws.

Normal working hours are planned to be from around 08:00-17:00 from Monday to Saturday. Works outside of normal working hours will require permission from KETRACO and relevant local authorities.

Construction materials

Construction works will require raw materials such as cement, aggregates, gravel, wood, bricks and reinforcing steel bar. Most will be procured from Kenya from licensed suppliers, and there will be no need for the Project to develop any new quarries.

Temporary construction facilities

Temporary construction facilities such as stockyard are planned to be established within the site boundary of the substations and corridor of the transmission lines. Other temporary construction facilities may include concrete batching plant, access road and workers camp. The requirement and locations of these facilities will be considered in more detail in the detailed design stage.

Construction schedule

Construction works is expected to take around 2 years; according to the construction schedule prepared by JICA Design Team.

1.3 Objective of the RAP Study

The objectives of the RAP Study were to:

- Determine the socio-economic effects of the proposed Transmission Line project in order to provide cost effective project alternatives,
- Identify all HH and project affected persons (PAPs), establish of their socio-economic base, gender category; household or family; the cut-off dates for eligibility for compensation; the assets to be compensated at replacement cost.
- Provide a detailed socio-economic survey in order to identify entitlement, key issues that arise in terms of land easement/acquisition and compensation, as well as options and strategies for minimising impacts on current land use activities or cultural heritage.
- Provide specific rates for compensation of loss of assets at current market value and the methodology of how these values are derived.
- Establish the land acquisition and compensation processes, available options, eligibility and entitlement,
- Carry out elaborate consultations and convene consultation meetings with project area stakeholders and communities.
- Take into account the requirements of the applicable laws of Kenya and JICA Guidelines for Environmental and Social Consideration – April 2010 and the policies and procedures of KETRACO.
- Provide a grievance redress mechanisms and organizational framework for implementing relocation and resettlement including identification of agencies responsible for delivery of resettlement measures and the provision of services.
- Prepare a comprehensive Resettlement Action Plan (RAP) document on PAPs, land and property (structures, trees and resources) affected by the project and establish estimate cost for compensation and resettlement
- Establishment of a monitoring plan for the PAPs

The goal of the study was to ensure that the population affected by the project are identified and duly compensated and their lives improved or at least standard of living is restored, income generating opportunities and production levels are improved to pre-project levels.

1.4 Scope of the RAP Study

1.4.1 The Current RAP Study

The proposed TL Project will traverse privately owned land affecting private developments (structures, trees and crops) on the affected land. The implementation of the project will result in relocation and displacement of people, loss of property and damage to natural resources thus the requirement to prepare a Resettlement Action Plan.

The Resettlement Action Plan has been prepared in accordance with applicable Laws of Kenya, JICA's Guidelines for Environmental and Social Considerations April 2010 and World Bank safeguard policies. The RAP Study also conforms to KETRACO's Resettlement Policy Framework (RPF) which is firmly harmonized with above mentioned guidelines (JICA and WB)

The RAP has outlined JICA guiding principles that are followed when there is involuntary resettlement and land acquisition in order to identify, avoid, reduce and mitigate any adverse impacts to individual PAPs and to the project area communities and to enhance the positive impacts. RAP process applies to all affected persons and their assets regardless of the total number of persons affected per household, the severity of the impact on the assets and persons and whether or not they have legal title to the land.

The RAP study involved carrying out a 100% census survey that identified people within the project corridor who will either be displaced or relocated as a result of the project. It provides a socio-economic profile and baseline data on the Project Affected Persons (PAP). The RAP study has considered the legal and policy framework and institutional arrangements for resettlement. The other issues considered include income restoration strategies, community participation and stakeholder consultation done during RAP preparation, RAP Implementation schedule, monitoring and supervision of resettlement progress and indicative resettlement cost budgets to facilitate all the resettlement activities that will be necessitated by the project.

The Grievance redress mechanisms for lodging complaints has also been evaluated and documented in the RAP Report. Some of the aspects considered include affordable and accessible procedures for third-party settlement of disputes arising from resettlement. Grievance redress mechanism that has been proposed has taken into account the availability of local/community and traditional settlement mechanisms and judicial recourse as a last resort.

1.4.2 Previous RAP Study carried out in the Project Area

There are a number of RAP Reports that have been carried out within the project area. They include:

- The Mombasa Port Area Road Development Project (MPARDP) carried out a detailed RAP Study in 2009 for the proposed Mombasa Southern Bypass and the Kipevu Link Roads considered to ease the traffic pressure on the Kenya Ferry Service Ltd and facilitate the movement of people and cargo between Nairobi Mombasa and Tanzania easier and stress free. A Supplementary RAP was then prepared in 2011 under the JICA-funded Mombasa City Roads Development Project and later revalidated in 2013 at the Detailed Design of the project. Another RAP was carried out in June 2014 to factor in the new design features. The studies were done for Kenya National Highways Authority (KeNHA)

- The RAP Study of the Resettlement Action Plan for Dongo Kundu - Mariakani (50km) Double Circuit 400kv Transmission Line (TL) in July 2015. This was done by Migrate Technologies.
The Dongo Kundu – Mariakani Transmission Line was meant to evacuate 700 – 800 MW of power from the proposed Liquefied Natural Gas/Compressed Natural Gas plant at Dongo Kundu, Mombasa to Mariakani. The right of way corridor for the TL was 60m wide. This study was done for KETRACO.
- In April 2016, University of Nairobi Enterprises and Services (UNES) carried out Geospatial Survey, Socio-Economic Survey and Asset Valuations of the Project Affected Persons (PAPs) within the Dongo Kundu Special Economic Zone (SEZ) Land. The study was carried out for Kenya Ports Authority (KPA).
- In 2016, Panafcon Ltd carried out Reviewing & Updating of RAP for the Proposed Dualling of Mombasa - Mariakani A109 Road. The study was carried out for KeNHA.

1.5 Justification for Resettlement Action Plan

The development of the project will lead to physical displacement of people in the villages and town centres where it will traverse resulting in involuntary resettlement. There will be loss of residential and business structures, loss of crops, trees and associated farming activities. The PAPs will suffer economic displacement due to loss of business income and loss of other livelihood sources.

The original Resettlement Action Plan for this transmission line was prepared and submitted by Migrate Technologies Limited in July 2015 in line with GoK laws and regulations and World Bank safeguard policies. However, this RAP Study Report required review and updating before implementation due to the following:

- The proposed line's electric power carrying capacity reduced from the initial 400kV to 220kV hence the line's corridor reduced from the initial 60 metres to 40 metres. As a result, the direct impact area of the project subsequently reduced
- There was need to re-evaluate and confirm the current value of assets inventoried and valued in the July 2015 RAP since the lapse of two years. Two years is rather long hence property ownership especially land and its value including other assets must have changed.

The RAP study report has carried out 100% census and inventory of affected assets to ensure that all the affected HH are captured for compensation and resettlement. KETRACO will ensure compensation is done before commencement of civil works in accordance with applicable Laws of Kenya, JICA's Guidelines for Environmental and Social Considerations April 2010 and World Bank safeguard policies.. Compensation for the losses will be at prevailing market rates for affected land and replacement costs of the affected developments (structures, crops and trees) on the land. PAPs will also be provided with rehabilitation assistance where applicable, in order to assist them to improve or sustain their pre-project living standards and income generating capacity. Particular attention will be paid to the needs of the vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women and children.

1.6 Scope of Wayleave Acquisition, Resettlement and Related Impacts

The land in Kilifi, Kwale and Mombasa County where KETRACO intends to develop the 220kV Transmission Line is largely under private ownership. In order for KETRACO to fulfil the objective of implementing the construction of the transmission line project and associated substation, land has to be encumbered/acquired.

The transmission line covers a total distance of 53 km. The estimated size of land to be encumbered by the project is 519.71 acres.

1.6.1 The Need to Acquire Land for the Transmission Line and Substation

The high tension overhead TL self-supporting steel lattice towers individually occupy relatively small areas of land. However, for health, safety, security and maintenance purposes a cleared strip of land is required underneath the conductors and between the towers. Such transmission lines, therefore, require a wayleave while the substation will require a secured/ fenced off land that will be fully acquired. The standard width of the wayleave for a 220kV transmission line structure is 20 meters on either side of the centreline giving a total width of 40 metres for the entire 53 km .

Although the route of the proposed transmission line minimizes disruption to settlements and natural resource sites, it is unavoidable that a significant amount of land along the right of way currently owned, occupied or being used by different stakeholders for residential, or agricultural activities (e.g. crop and/or livestock farming) will be affected. This RAP report therefore evaluates affected persons, property and loss of livelihood for compensation, resettlement and restoration according to the relevant provisions of the laws of Kenya and JICA's Guidelines for Environmental and Social Considerations April 2010.

1.6.2 Wayleaves and Easement (Transmission Line)

Easements – Transmission Line

An easement is a section of land registered on one's property title, which gives someone else (KETRACO) the right to use the land for a specific purpose even though they are not the land owner. An easement conveys limited rights to KETRACO for a specified use (installation and maintenance of Power Transmission Lines) while the property owner retains the land for other uses within the 40-metre wide Right of Way corridor along the entire 53 km route of traverse.

In Kenya the Land Act 2012 (Act No. 6 of 2012) and Energy Act of 2006 allow for ROW of transmission lines. A wayleave is registrable as an easement i.e. it can be specifically described and defined. Compensation will be made to the land owner. The total land area that will be taken up by the project is 519.71 acres.

- The wayleave corridor may be used for all other purposes except construction of structures and planting of trees which can grow to a height exceeding 12 feet high;
- Cash compensation for loss of land is to be done at 30% upwards of the market value of the affected land considering the magnitude of impact;
- The encumbered part of the wayleave land will still remain property of the land owner.

1.6.3 Land Acquisition (Sub-station/Access Road)

The 220/33 kV substation will mainly consist of transformers (75 MVA x 2 units), switchgear (220 kV), control building and access road. The area of the substation is 4.65 acres which includes some vacant space for future expansion. The substation access road is 12.87 acres. The sub-station area will be fully acquired and compensated at 100% and the land will belong to KETRACO. This is because the Sub-station area will have to be fenced off and cannot be accessed for other activities.

1.6.4 Compensation

The project activities will include:

- Route selection and survey
- Public participation.
- Socio economic baseline assessment
- Valuation and compensation of affected people's property and resettlement,
- Land acquisition and easement registration;
- Clearing of the transmission line's Right of Way (ROW),
- Excavations of tower bases, foundations and tower erection works.
- Stringing of conductors over the entire distance of the transmission line corridor.

Concerns expressed during consultations include adequate and timely compensation of affected persons, acquisition of land and resettlement of affected persons within the local area to avoid drastic change of environment and departure from ancestral land. Due to lack of land registration documents for affected land, majority expressed fear that they may not be considered for compensation since land documents is a requirement. NLC indicated that they will address the issue of lack of land documents.

1.7 The RAP Study Methodology

The transmission line wayleave corridor, socio-economic survey and valuation of affected peoples land and property was carried out during the field work exercise where the Consultant Team administered questionnaires, conducted household interviews with the Household Heads whose property were determined to be in the right of way of the proposed transmission line and also carried out Public Sensitization Meetings at 6 centres along the transmission line route.

1.7.1 The Guiding Principles of the RAP Study

The following guiding principles based on JICA's Guidelines for Environmental and Social Considerations April 2010 and World Bank OP 4.12 Involuntary Resettlement have been used to steer the RAP process. Whereas the transmission line will affect a narrow corridor of 40m wide over a distance of 53 km, challenges arise from the fact that some of the affected population have not secured land title deeds for their parcels of land while some do not have any form of formal education hence relying on family members for assistance.

It is therefore important that the Principal Implementing Agency, KETRACO binds itself to the JICA and World Bank guiding principles on Involuntary Resettlement and forms a mechanism for prompt legal redress to any issues arising from the implementation of the project. KETRACO's RPF is firmly harmonized with JICA and WB guidelines making it easy for the agency to conform to these guidelines.

1.7.2 Census Survey

The information collected during the field census surveys include:

- Enumeration of the project affected Household Heads. **Data Book (Vol B) Section 2** provides list of project affected persons.
- Household demographic data;
- Means of livelihood and economic activities;
- Inventory of properties and housing structures, commercial structures, common or shared properties, trees and infrastructure falling within the 40m wide wayleave;
- Land Tenure;

- Socio-Cultural Activities; and
- Perception of the proposed Power Supply project.

1.7.3 Transmission Line Route and Substation Site Survey Methodology

Methodology:

- Location of the positions of all the Way Points and the Sub-stations were provided by the Client in UTM Arc 1960 Co-ordinate System;
- Using the points so provided, the positions along the proposed Transmission Line were computed at 100m. interval;
- Using a hand-held GPS Instrument (accuracy to less than 2m) set in Arc 1960 reference System the position of every point computed was located on the ground;
- A 20m distance on either side of the wayleave centre line was identified on the ground to be able to determine PAPs, structures and other resources like trees that fall within the transmission Line corridor;
- Every existing salient features (houses, boundary fences, rivers, roads, power lines and large trees, etc.) along the 40m way leave were picked and documented;
- The 100m interval along the TL corridor as directed by the Surveyor was used by the other experts (Valuer, Sociologist and the Questionnaire Administrators) to collect data on the property owners, affected land and property.
- The field data was used to draw the route map in Civilcad2008 software to compute the precise area to be acquired for every person affected by the project (PAP).

1.7.4 Valuation and Compensation Methodology

Property values are affected by many factors, the relative importance of which will differ with each heterogeneous property. The assets affected by the proposed project have been categorised as Land, Structures, Trees, Crops and Specialized assets which have been valued on the basis of their net current realisable market value for compensation purposes. reinstatement.

The following methodologies have been adopted for the affected assets.

a) The Open Market Value of land has been used

Comparable sales method has been adopted for valuing the affected land.

Valuation of the land is carried out by Valuer who has an official certification of registration, and the compensation amount based on the replacement cost is calculated by a predetermined calculation method. In the case of Kenya, monetary compensation has been practiced rather than the provision of alternative land based on the strong intention of affected residents. The relocated residents will recover and maintain their livelihood by acquiring appropriate land with free will. In addition, KETRACO will not perform designation of the alternative land, but it will provide necessary information about the land in the vicinity to the affected household to be resettled and plan to reduce the impact on livelihood by promoting smooth and prompt resettlement.

The amount of compensation for land affected by wayleave is calculated according to the criteria of KETRACO in the following way. Since the substation and its maintenance road are acquired completely, it corresponds to the following 100% case. Therefore, 100% will be applied. Compensation amount is calculated by (Applicable rate:%) x (wayleave area) x (unit price of land).

- If the area of the target land is 4,000 m² (about 1 acre) or less and the area occupied by wayleave with respect to the total area is 50% or less, the applicable rate is 50% of the replacement cost.
- If the area of the target land is 4,000 m² (about 1 acre) or more and the area occupied by wayleave with respect to the total area is 50% or more, the applicable rate is 30% of the replacement cost.
- If the area occupied by wayleave with respect to the total area of the target land is 50% or more and the value as an asset decreases remarkably, 100% is applied.

b) The Developments/Structures

Affected developments and housing structures will be compensated at full replacement value; this will be the cost of building a new house of similar nature at the current market value. Includes all fees (construction permit and registration fee etc.) and construction cost. There will be an additional disturbance allowance paid to the affected house owners which is 15% of the cost of the affected structures.

c) The trees

- It is conducted in accordance with the procedure written by Kenya Forest Services (KFS) based on The Forest Act 2005 and The Forest Regulations 2016. In particular, by the market price (KSH / kg), the growth period (year), the average life expectancy (year), the seedling price (KSH) are taken into consideration in the evaluation of trees, and in the case of fruit trees, the annual average harvest amount (kg / year) is added. Therefore, the asset evaluation of fruit trees can be obtained by the following formula.
- Tree (fruit tree) = annual average harvest amount × market price × number of years + seedling price.

In the case of ordinary trees, based on the KFS's procedure manual, cubic volume as lumber is calculated in addition to the price of seedling, species, and age of tree.

d) Crops

The crops which were on the affected land as at the time of our inspections have been valued based on the schedules prepared by the state department of Agriculture for various types and age but taking into account the level of management.

e) Businesses

Monthly income (profits) accruing from affected businesses have been determined during the detailed asset inventory survey. As part of income restoration, compensation to be paid for the affected businesses has been computed as being equivalent to 3 months net business income.

f) Specialized properties

Consultations were done with the elders, religious leaders, professionals in the community to get their views regarding special properties like shrines. They were of the opinion that the shrines can be relocated after performing guided rituals.

1.7.5 Cut-off Dates

Area outside Dongo Kundu

The cut-off date for the area **outside Dongo Kundu was set as 13 July 2017** when the census of PAPs began. The area starts from Mariakani – boundary of Dongo Kundu and covers 8 locations. The cut-off date was validated during PAP Meetings held at the 8 centres when the resettlement instruments were disclosed to the PAPs.

Dongo Kundu

The Community Sensitization Meeting for Dongo Kundu was carried out on Tuesday March 20, 2018. The members were informed about the census survey in Dongo Kundu that was to begin on Wednesday March 21, 2018. **The Cut-off date for Dongo Kundu was therefore set as March 21, 2018** which is the date when the census survey commenced in Dongo Kundu.

Table 3 provides the 9 Locations affected by the different Cut-off Dates.

Table 3: Cut-off Date and Locations

No	Activity	Outside Dongo Kundu	Inside Dongo Kundu
1	Cut-off Date	13 July 2017	21 March 2018
2	Locations	1. Mariakani 2. Mwavumbo 3. Mwatate 4. Mtaa 5. Kasemeni 6. Gandini 7. Mbunguni 8. Ng'ombeni	1. Mtongwe

1.7.6 Impacts on Land and Structures

The main negative impacts of the project will arise from the need to put TL land under easement and acquire land for the substation and other associated infrastructure like access roads for use during construction and maintenance. The impacts of land acquisition will vary from one affected person or entity to another but may include (in part or full land acquisition):

- The permanent loss of the market value of acquired land and assets;
- The permanent loss of the productive potential of the acquired land and resources and, therefore, the loss of future food supplies or business income (including farming income);
- The permanent loss of recreational, community and other use of acquired land;
- The permanent loss of residential accommodation and business (including farming) premises and structures acquired by the project;
- The temporary loss of land and assets during the construction phase of the project (e.g. damage to property outside the wayleaves); and
- The possible loss of social cohesiveness and social networks when affected people or entities are required to move away from the project area.

The most extreme impacts will be felt by people who will have to relinquish all or most of their land and other property and move to other locations which may be some distance away from the affected project area.

Less extreme impacts will be felt by people who will lose smaller portions of their land and assets and who will not need to physically relocate. Losses will not only be limited to property owners with legally recognised property rights but some impacts could possibly be felt by people without ownership rights, such as tenants and informal or itinerant land users.

Although not directly related to the acquisition of land for project purposes it is possible that construction teams may adversely impact on (e.g. damage) land or property located outside the wayleave.

The affected people will, therefore, suffer losses which may be temporary or permanent and such displacement will need to be dealt with in accordance with the requirements of the resettlement action plan.

The Proposed Power Supply Component project will affect land parcels, displace households and affect structures composed of permanent, semi-permanent and temporary buildings, trees and some crops.

1.7.7 Limitations of Study

The Power Supply Component project 220kV Transmission Line RAP study recorded the following limitations:

- Some of the PAPs did not have land Title Deeds and they also could not provide exact land boundaries.
- Significant number of affected households along the wayleave could not provide accurate information on their land sizes.
- Land issues were found to be sensitive hence respondents were not very free to engage in discussions.
- Issue of absentee PAPs (working away from the project area).

1.7.8 The RAP Study Team

The Resettlement Action Plan Study Team included the following experts:

- Project Manager;
- Team Leader/Environmental and Social Management Expert;
- Sociologist/Community Development Expert;
- Land Valuer/Economist/Wayleave Officer;
- Environmental Scientist,
- Land Surveyor/GIS Expert;
- Socio-Economic Survey Team Members/Enumerators

2 MINIMIZING RESETTLEMENT

The proposed Mariakani-Dongo Kundu 220kV Transmission Line (TL) and Sub-station at Dongo Kundu will require a 40m wide wayleave corridor running a distance of 53km from Mariakani-Dongo Kundu. This has the potential of displacing persons occupying the TL corridor and the substation area. The project area is located in an area that is partly peri-urban and partly rural with scattered rural settlements. It crosses the Mombasa-Nairobi highway near the beginning.

2.1 Efforts to Minimise Displacement

In the KETRACO Resettlement Policy Framework, when implementing the identified projects, KETRACO endeavours to avoid settlements with residential structures and areas of sensitive natural habitats, to the extent possible, by realignment of transmission lines and/or relocation of sub-stations. This policy was applied in this project during the design stage.

2.1.1 Policy of Avoiding Public Institutions.

KETRACO has a policy of ensuring that their power lines avoid the following institutions as a matter of priority:

- Schools
- Churches
- Mosques
- Hospitals
- Cultural Sites including Kayas and Shrines
- Human Settlements with large populations

All the above infrastructure are located within the project area and the TL has avoided them.

2.1.2 Route Selection during Design

The Mariakani-Dongo Kundu the Transmission Line has 20 angle points over a distance of 53km. These were introduced to ensure that TL avoids settlements and institutions. Some of these include the following among others:

- DK1 – Near Mombasa to Nairobi Highway (avoids a school)
- DK6a and DK6b – Introduced to avoid Kaya Gandini
- DK16 – Avoid Kaya Kiteje and Residential Area
- DK17 – Avoid Kaya Kiteje and Residential Area

2.1.3 Commissioning of RAP Study to Guide Resettlement and Restoration

KETRACO implemented the policy of minimising displacement and also designing Transmission Line routes with minimal impact, however, it is difficult to completely avoid impacting on existing developments. In order to minimise displacement, This Resettlement Action Plan (RAP) Study has been commissioned to:

- Identify persons affected by the project and record their socio-economic data and information
- Determine the size of land affected
- Determine the Structures, Trees and Crops that lie within the project area corridor and are potentially going to be affected by the project
- Evaluate the loss of income from affected businesses
- Identify persons with disability (vulnerable persons) and determine the level of vulnerability so as to be able to offer appropriate assistance and restoration.

All the above evaluations have been carried out to identify land, assets and livelihood activities that are impacted for compensation, resettlement and restoration. The outcome of the RAP study is going to be used to carry out compensation and restore affected livelihoods to minimise effects of displacement.

2.2 Results of Efforts to Minimise Displacement

The efforts of applying the first principle of involuntary resettlement which states that displacement should be avoided where feasible, or minimized exploring all viable alternative project designs has generated positive results. The Transmission Line route that is being evaluated in this RAP study has yielded the following positive results. They include the following:

- Whereas the project area has schools, the project has only touched the compound of Kiteje Secondary School and there are considerations to review that section to avoid the school property completely.
- The major settlements (small towns and centres) have been avoided
- Hospitals and medical centres have been completely avoided
- The project has managed to avoid mosques and churches
- The TL was initially touching the southern part of Kaya Gandini, however the TL has been reviewed and Kaya Gandini has been avoided by introducing DK6a and DK6b.
- The project proponent is going to make full compensation for the acquired substation land and make easement payments for the transmission line wayleave corridor at the current market value of the land where the impact has occurred.
- The project proponent is going to make compensation payments for the structures, trees and crops that are affected by the project using replacement cost. They will also be adding a 15% payment as disturbance allowance for structures.
- The proponent has requested that vulnerable PAPs be identified during this RAP Study and their level of vulnerability so as to guide in the provision of special assistance during resettlement and restoration.
- The proponent has requested that income sources that will be disrupted by the project be evaluated for restoration

2.3 Mechanisms Used to Minimise Displacement during Implementation

The project is going to carry out the following steps to minimise displacement during implementation:

- The proponent will allow the PAPs to carry away salvage materials from their demolished structures after compensation payment is made.
- After compensation payment for affected trees are made, PAPs will also be allowed to take away the wood products from the trees.
- Persons who will experience disruption on source of income will be offered the net monthly income for a period of 3 months to cushion them during the transition period.
- The proponent will offer full assistance to vulnerable persons who are not able to relocate and resettle on their own.
- There will be regular monitoring of the resettlement process to ensure that the process of relocation, resettlement and restoration are bearing fruit. Resettlement should not make PAPs poorer or worse off.
- All PAPs and organizations (whether public or private) who lose land, structures, crops, trees or sources of income or livelihoods will be fully compensated or rehabilitated according to this RAP, based on their losses to ensure that at least they can restore their livelihoods to the pre-project level.

- The Contractor will hire the existing rental houses instead of establishing workers camps where possible. This will be complemented by hiring of local residents within the project area;
- There will be establishment of access roads on existing tracks and along the line being constructed for vehicles working on the transmission line. This will limit social disturbances and destruction of the environment;
- Excavation, foundation and stringing of conductors will be done in such a manner as to minimize the negative impacts. Crops and structures outside the TL corridor that are affected during construction will be evaluated and compensated;
- There will be replacement of the damaged trees by replanting to restore the environment after the construction work is completed;
- Where possible, the Contractor will provide employment opportunities to the PAPs during the construction phase.
- The Contractor will be expected to monitor the following social aspects
 - ✓ Noise coming from construction activities especially near settlements, schools and hospitals located near project area.
 - ✓ Dust generated from construction activities (excavation activities during preparation of access roads, pylon base sites and Sub-station site).
 - ✓ Provision of adequate safeguard measures including cordoning off the excavated sites using barriers to avoid accidents, providing appropriate signage to control movement of vehicles, people and machinery.
 - ✓ Provision of alternative access paths and roads to facilitate smooth movement of people and vehicles.
- Most of the grievances will arise during construction. The contractor will have an officer who will be working with the Grievance Committee to address registered complaints associated with construction activities. The monitoring will be done as often as daily during construction. PAP Committees that were elected by the PAPs during the PAP Meetings in every location will facilitate recording of complaints and grievances for quick response by the various committees or KETRACO.
- The Contractor will facilitate promotion of community awareness and flow of information by working together with the PAP Committees to plan and carry out meetings to inform and educate community members. This will cover various issues regarding safety, security and potential inconveniences arising from construction activities.
- If circumstances permit it may be possible to reduce the affected range by setting wayleave less than 40 m such as about 20 m. with this approach, it may be possible to minimize the number of resettlement, trees to be cut. KETRACO has been implementing this method nationwide as much as the site condition allows. Specifically, it is necessary to judge according to each site situation at the implementation stage. At the implementation stage, consultation with surrounding residents shall be conducted and only after confirmation on safety and maintenance aspects, necessary steps such as review of the construction plan shall be carried out. It will be reflected in the tender documents as environmental and social considerations clause because the matter shall be addressed by the contractor in the implementation stage. Also monitoring shall be carried out appropriately so that individual lands are not used more than planned.

3 CENSUS AND SOCIO-ECONOMIC SURVEYS

The project area is inhabited by a number of tribes the main ones being the Mijikenda sub-groups (Giriama, Duruma and Digo) and Kamba. The main religions dominating the area include Christians, Muslims and Traditionalists. The Swahili culture is dominant along the transmission line where the main attire is a mixture of models including the Swahili Buibui, Arabic Kanzu, Kitenge and Khanga/Lesso.

3.1 Settlement and Population

The project is located in a rural setting with sparsely distributed settlements/homesteads. The Transmission Line corridor will affect some homesteads. Population density is low with settlements scattered across the project area. The population density in the area between DK1 and DK5 in Kinango Constituency is currently about 67 persons per km² while the rest of the area covering Matuga Constituency has a population density of about 189 persons per km² as per the first County Integrated Development Plan (2013-2017). There is a mixture of permanent houses, semi-permanent houses (iron sheet and timber houses) and mud walled houses.

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3.2 Land Use

Land use in the higher area between Mariakani substation and DK5 is largely scanty subsistence farming where maize is grown and domestic animals are reared. There are instances of a few people engaged in quarrying activities. More intense agricultural activities take place in the low-lying areas which are dominated by the coconut-cassava and cashew nut-cassava agro ecological zones. A few farms have maize and beans being grown in them. Most of the project area falls under the coconut-cassava zone.

3.3 Livelihood

Project area community are involved in mixed farming where they grow maize, sorghum, millet, green grams, beans, peas and cassava. Livestock rearing is also practiced in the area. Other commercial activities taking place include quarrying for building stones and small-scale mining. Fisheries livelihood is mainly carried out along the coastal line particularly in the Dongo Kundu area. Formal employment, casual labour, small business/petty trade and tourism are carried out in urban centres. The semi commercial crops like coconuts and mangoes are largely grown in Matuga Constituency. The cash crops grown in this area are cashew nuts, coconuts, sugarcane, cotton, simsim and tobacco. The main livestock species kept for both food and income generation include zebu cattle, goats and sheep.

3.4 Source of Primary Data

The Consultant applied a variety of methods to ensure that impact and compensation assessments are based on current and verifiable socio-economic and demographic information. These include socio-economic survey: comprising detailed census/inventories of affected households and their assets as well as formal and semi-formal discussions with stakeholders. The Consultant developed comprehensive household questionnaires and key informant guides for data collection. The household questionnaire captured the following information: Level of education of family heads, their source of income, number of children, male and female adults per affected household, type of land tenure, affected land size, number and type of structures per affected household, type of affected crops and trees of economic/medicinal significance. PAP, Stakeholder and Public Sensitization was done as part of participatory approach through household and stakeholder questionnaire administration. The following meetings were organised:

- 7 Key Stakeholder meetings.
- 7 Sensitization meetings.
- 9 PAP Meetings were held to disclose project impacts and proposed restoration to HH.
- 9 PCMs were held to disclose the environmental and social impacts of the project and the proposed mitigation measures.

The Consultant made use of Maps and GPS to identify the ground location of the 40m wide wayleave of the transmission line from Mariakani to Dongo Kundu, the substation site and access road ROW in Dongo Kundu. Households and affected structures and other resources located within the wayleave/ access road corridor and at the substation site were inventorised and recorded. Refer to **Annex 1** for sample Household Questionnaires and **Annex 2** for Key Stakeholder Questionnaires.

3.5 Socio-Economic of Households in the Project Affected Areas

The proposed TL, substation, distribution lines and access road in Dongo Kundu traverses Kilifi, Kwale and Mombasa Counties. The project affected persons (PAPs) are therefore distributed over a large area between Mariakani and Dongo Kundu. The socio-economic characteristics of the affected population was homogeneous because the affected persons are found predominantly in rural social settings.

The project area is inhabited by the Miji Kenda community with each administrative location dominantly habited by a particular Miji Kenda sub-tribe as shown in **Table 4** below. "**Mijikenda**" literally means **nine homes or nine homesteads (in Swahili)**, referring to the common ancestry of the Mijikenda people. The nine Mijikenda sub-tribes are the nine different homes of the same tribe. Each sub-tribe speaks its own dialect of the **Mijikenda language**. The Mijikenda sub-tribes are **Giriama, Digo, Chonyi, Duruma, Jibana, Kambe, Kauma, Rabai and Ribe**. The most common sub-tribe in the project area is Duruma. They are engaged mainly in subsistence crop farming and limited animal husbandry.

Table 4: Project Area Community

County	Sub-County	Location	Community/Spoken Language
Kilifi	Kaloleni	Mariakani	Giriama, Duruma and Kamba
Kwale	Matuga	Mbunguni	Duruma
Kwale	Matuga	Ng'ombeni	Duruma
Kwale	Kinango	Kasemeni	Duruma
Kwale	Kinango	Gandini	Duruma
Kwale	Kinango	Mwavumbo &	Digo & Duruma

County	Sub-County	Location	Community/Spoken Language
Mombasa	Likoni	Mtongwe	Digo, Duruma, Swahilis, Kamba, Luhya, Luo, Somali, Taita, Kikuyu, Kisii, Pokomo, Meru

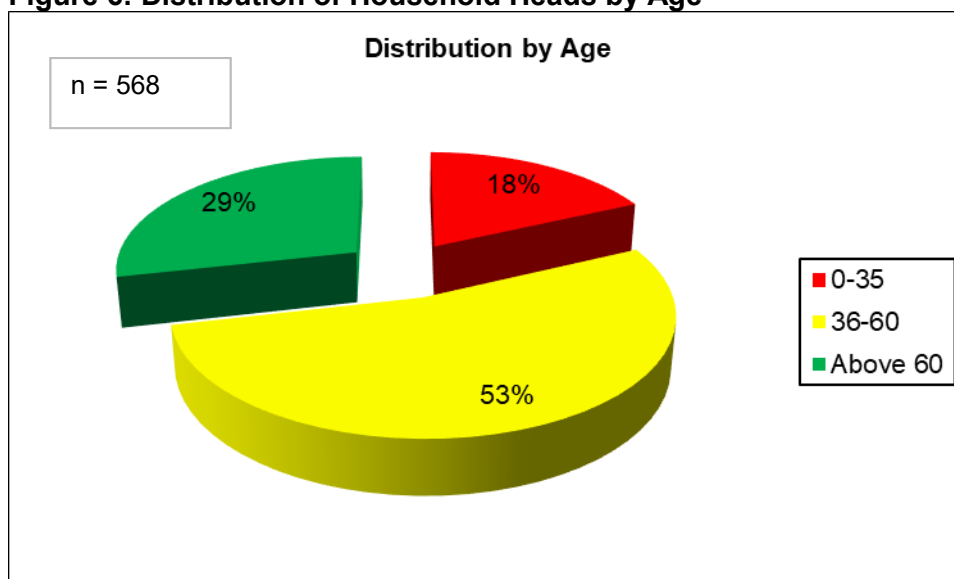
Whereas majority of the project area community belong to the Duruma language speaking community (who speak Duruma language), almost all the community members in the project area speak Kiswahili. This was therefore the language of communication that the project area community favoured. Oral communication and the Consultation Meetings were conducted in Kiswahili.

The PAP survey identified 565 affected land owners. This total number includes 7 Claimants in Mariakani Location and 67 Claimants in Dongo Kundu. The name squatters refer to individuals who have constructed their structures on land which they do not have legal title to; mainly being sons, daughters or close relatives of the legally registered title holders. These squatters therefore have an understanding with the legal titleholders and there is peaceful coexistence between these squatters and the legal title holders.

The project area does not have unwelcomed squatters who occupy land without the authority and blessing of the land owners. The 7 claimants who are claiming land in Mariakani Location that is currently registered under PAP569 and the 65 claimants who are claiming land in Dongo Kundu that is currently registered under PAP636 have been registered as claimants since they have been occupying the land for over 30 years. However National Land Commission will verify this status. Those with structures will be eligible for compensation for the affected structures. They will use this money to build their new structures elsewhere on the same parcel of land away from the wayleave area if the land is sizable enough to allow this. If the remaining area of the land affected is too small for settlement and support of meaningful economic activities, the squatters just like other affected PAPs with small parcels of land on which they have constructed structures will purchase land elsewhere and relocate their structures. The following sections characterize the PAPs and their livelihoods.

3.5.1 Distribution of Household Heads (HH) by Age

Age is a major demographic characteristic. A total of 598 HH were interviewed regarding their ages which were distributed into 3 categories as given in the **Figure 6** below:

Figure 6: Distribution of Household Heads by Age

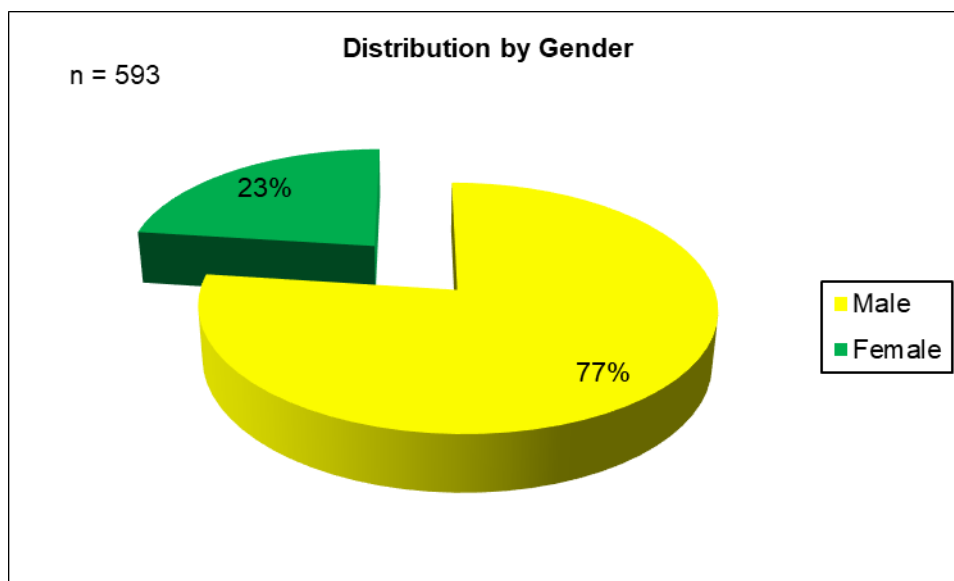
Source: Panafcon – RAP Survey, 2017-2018

The above age distribution translates to the percentages shown in **Figure 6**, 53% were in the age group of between 36 and 60 years. 29% were above 60 years while 18% were 35 years and below. In rural Kenya, up to 60-year-old people are usually in charge of their livelihood affairs, managing their mainly land-based resources and actively making a living. However, those above 60 years of age are generally aging people who are not able to effectively do manual work that is required to support livelihood activities in rural Kenya. In terms of livelihood restoration this category requires support to construct houses and other structures that will be relocated from the project corridor and at the substation site in Dongo Kundu. This calls for more human and financial resources to manage these additional operations. 71% of the HH were aged below 60 years. This category of HH is generally considered physically, economically and socially active to command over any compensatory resources and re-organize their livelihoods accordingly in line with project requirements.

3.5.2 Distribution of Household Heads by Gender

A gender analysis was carried out on 593 household heads. There were 136 female and 457 male household heads. This translates to 77% of the Household Heads being male while the remainder 23% are female as shown in **Figure 7**. In terms of gender, the Household Heads surveyed defy the normal population pyramid where the number of males nearly equals that of females in the various age groups of any population. Part of the reason for this kind of outlook relates to the fact that the one major population group in the Kilifi, Kwale and Mombasa Counties that host the project are the Miji Kenda who are patriarchal. Hence property in land and structures are socially defined to belong to male adults and thus considered the legal owners and not the women even if the resources/ affected assets have been sourced and secured by the women. Men were therefore registered for purposes of valuation and registering for compensation. There were calls for concerted efforts to ensure that women who own land and property are not side-lined in the process of paying out compensation and putting together sufficient monitoring processes to ensure that spouses of the affected asset owners participate in the compensation processes to enhance their socioeconomic safety. The inclusion of spouses in compensation for affected property is advocated for in the Land Act 2012 Section 107.

Figure 7: Distribution of Household Heads by Gender



Source: Panafcon – RAP Survey, 2017 – 2018

3.5.3 Distribution of Household Heads according to Marital Status

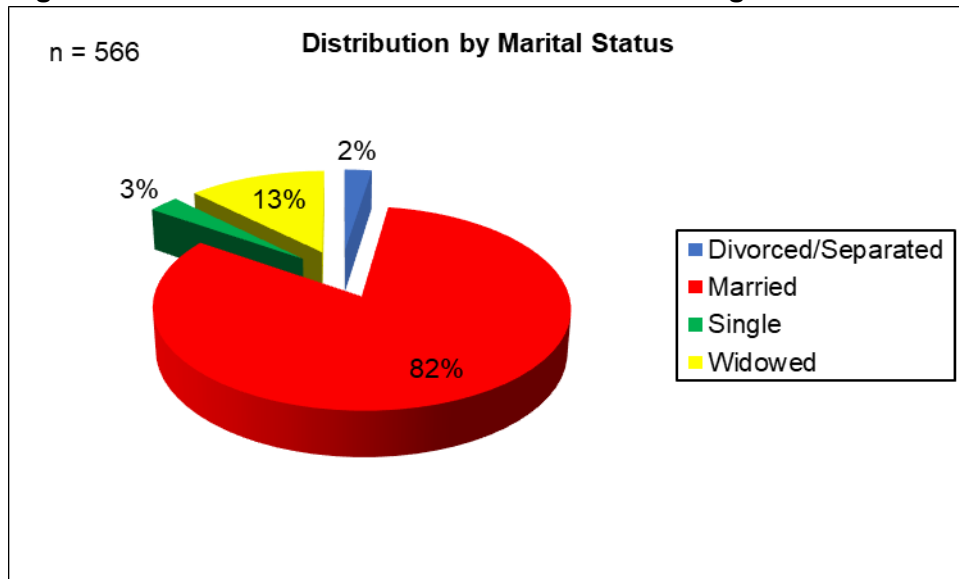
A total of 566 household heads were evaluated under five classes as listed below:

- Married = 465
- Divorced = 11
- Separated = 3
- Single = 16
- Widowed = 71

The above distribution showed that 82% of them were married while 13% were widowed and 3% were single. A combined total of 2 % of the interviewed HH were either divorced or separated. Refer to **Figure 8**. The implication of the marital status outlook of Household Heads is that most of them are in family set-ups and hence compensation should take into consideration this fact and provide support in such a way as not to separate family members or jeopardise their rights such as denying children the right to education by relocating a family to a location where there is no suitable school.

Equally, the destinations for resettlement should be screened for susceptibility to family disorganization or cultural pollution such as would come from resettling a rural family in an urban area.

Figure 8: Distribution of Household Heads according to Marital Status



Source: Panafcon – RAP Survey, 2017 - 2018

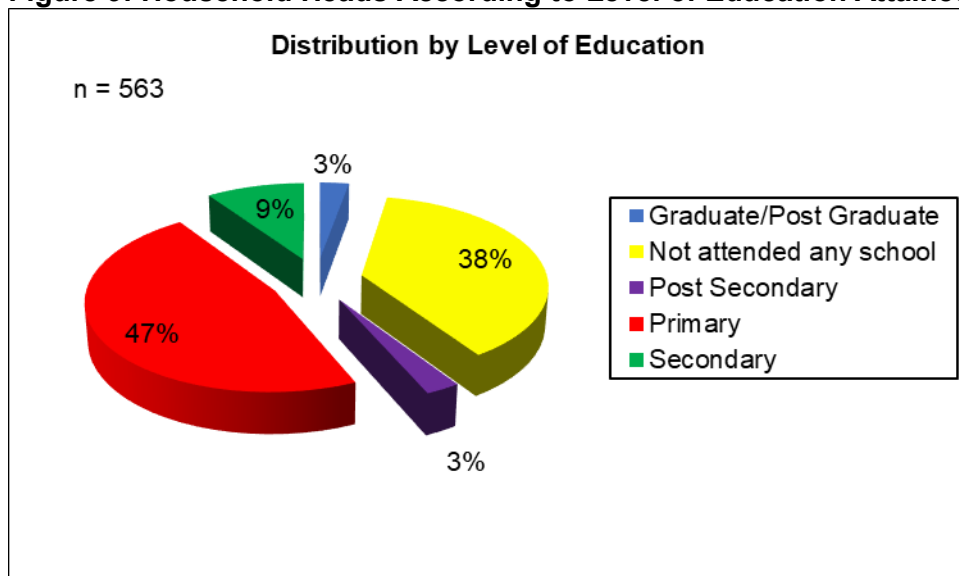
3.5.4 Distribution of Household Heads according to Level of Education

An assessment on level of education was done for 563 household heads and the findings are presented below:

- Post Graduate = 1
- Graduate = 15
- Post Secondary = 15
- Secondary = 54
- Primary = 265
- Not Attended School = 213

The above findings translate to the percentages given in **Figure 9** below.

Figure 9: Household Heads According to Level of Education Attained



Source: Panafcon – RAP Survey, 2017 - 2018

38% of the household heads had not attended any school at all, 47% had achieved primary level while 9% had achieved secondary school level. 3% had achieved post-secondary and also another 3% had achieved graduate/post graduate education. Post-secondary education refers to skill-based training after secondary school level education. The fact that 62% of the household heads had formal education implies that 38% of the HH will require extra support with the management of compensation funds and resettlement issues.

3.5.5 Socio-economic Characteristics of Household Heads (HH)

In this section, the study delved into the actual socio-economic characteristics of the HH.

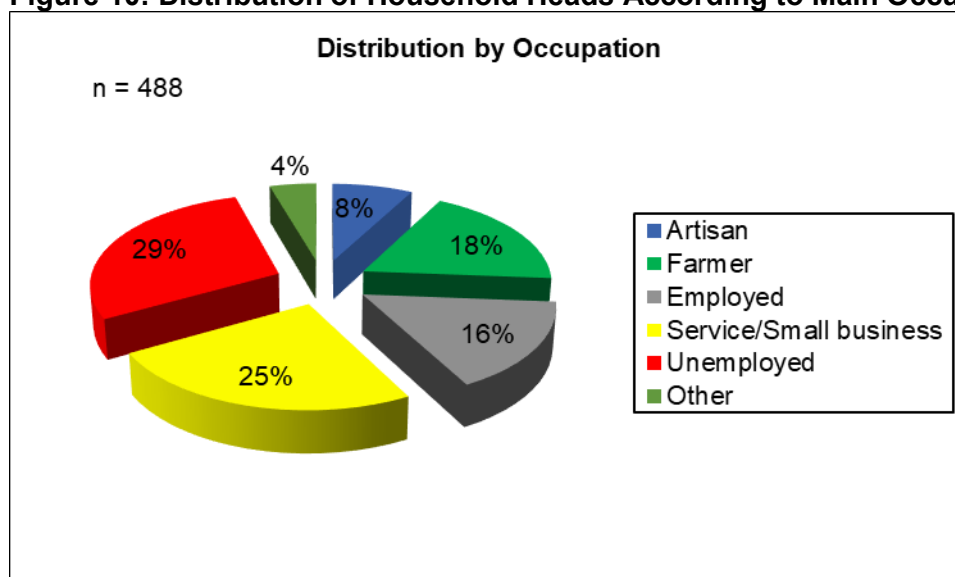
Occupation of the HH

The main occupation of 488 household heads are as follows:

- Artisan = 38
- Farmer = 90
- Employed = 78
- Administration = 3
- Service/small business = 120
- Unemployed = 140
- Others = 19

The above figures translate into the percentages presented in **Figure 10**. 25% are running small businesses, 8% are artisans in the informal sector and 18% are involved in farming activities for their livelihood. 16% of the respondents are employed in the formal sector. 29% of the HH considered themselves unemployed since they were not involved in any income generating activities. These were mainly people who had no or limited formal education.

Figure 10: Distribution of Household Heads According to Main Occupation



Source: Panafcon – RAP Survey, 2017 - 2018

The HH appreciate the gaps in their social and economic progress that the proposed project would fill in improving their lives and hence offered great support for it on this basis. Overall, the various occupations and lifestyles of the HH already mentioned imply that most of them were in the natural resource-based livelihoods and any displacement from their current locations would most likely throw their livelihoods off balance.

This calls for careful design of resettlement so that PAPs are not relocated to areas that will not suit their farming livelihood styles.

The various occupations described above include the following:

- **Artisan:** Those privately involved in artisanry jobs like Carpentry, mechanics, masonry, painting, weaving and electrical works.
- **Farmer:** Those involved in Farming activities that contributes to their livelihood
- **Employed:** Those having regular jobs like Civil servants, teachers, guards, cooks and account clerks
- **Un-employed:** Those not gainfully employed or engaged in regular income activities
- **Service/Small Business:** Those operating motorbike transport (boda boda), kiosk operators, charcoal vendors, drivers of public transport vehicles and wine tappers.
- **Others:** Those offering Administration Services like Chiefs, Village Elders and Retired persons

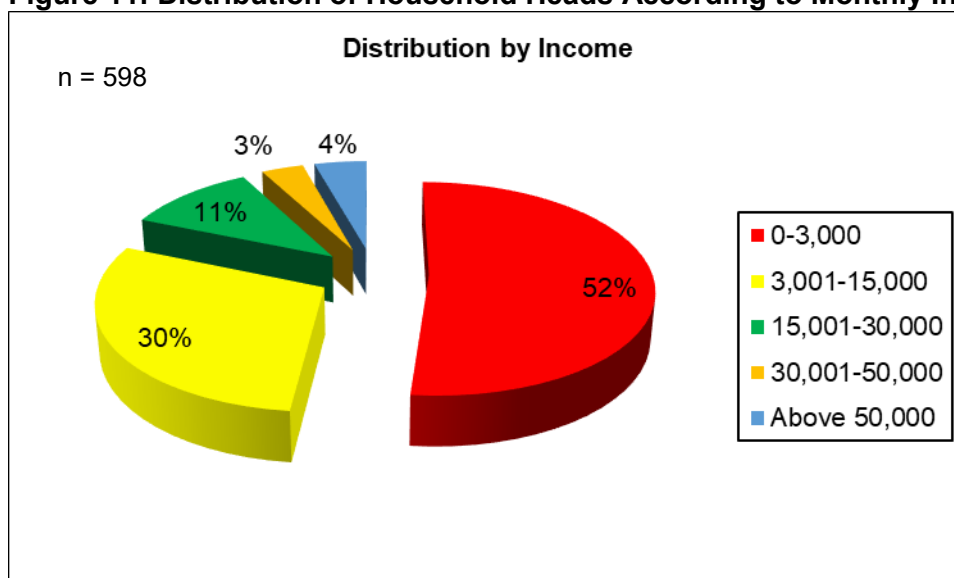
Income of the HH

The incomes of 598 household heads were distributed into the following 5 categories.

- 0 – 3,000 = 309
- 3,001 – 15,000 = 177
- 15,001 – 30,000 = 65
- 30,001 – 50,000 = 21
- Above 50,000 = 26

The above numbers were translated into percentages presented in **Figure 11**. The results show that 52% either have an income of KShs 3,000 or less or no regular income at all. This suggests that majority of the HH are poor. Those earning between KShs 3,000 and KShs 15,000 form 30% of the population. 11% of the HH earn between KShs 15,000 and KShs 30,000 while only 3% earn between KShs 30,000 and KShs 50,000. The remaining 4% earn above KShs 50,000. See **Figure 11** for Distribution of income among the Household Heads.

Figure 11: Distribution of Household Heads According to Monthly Income



Source: Panafcon – RAP Survey, 2017 - 2018

3.5.6 Distribution of Household Heads by Source of Energy for Cooking

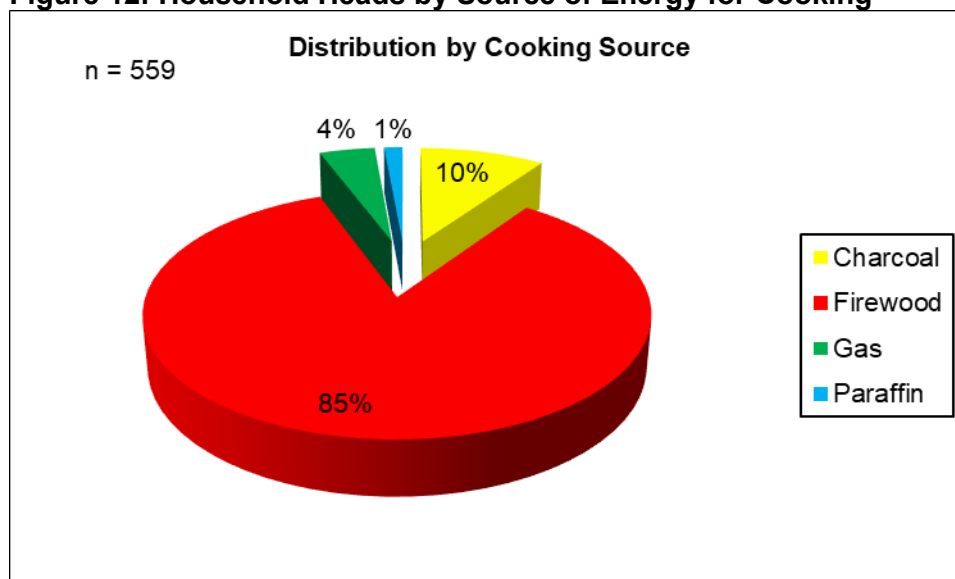
A total of 559 household heads were interviewed regarding their energy sources for cooking and the following results were obtained:

- Firewood = 473
- Charcoal = 54
- Gas = 24
- Paraffin = 8

The above numbers translated to percentages shown in **Figure 12**. 85% use firewood, 10% use charcoal, 4% use gas. While 8% use Paraffin. Users of other sources form 1%. This is a worrying trend when considering conservation of forest resources.

A total of 95% of energy sources are forest resources based (Firewood and Charcoal). Firewood does not only deplete forest resources, it significantly contributes to air pollution resulting in Upper Respiratory Tract Infection (URTI). Sensitisation of the project area community should be carried out to educate them on the impacts of absolute reliance on natural vegetation for cooking energy (destruction of forest resources and health effects) Use of clean energy sources like gas and charcoal briquettes) should be promoted.

Figure 12: Household Heads by Source of Energy for Cooking



Source: Panafcon – RAP Survey, 2017 – 2018

3.5.7 Distribution of Household Heads by Source of Energy for Lighting

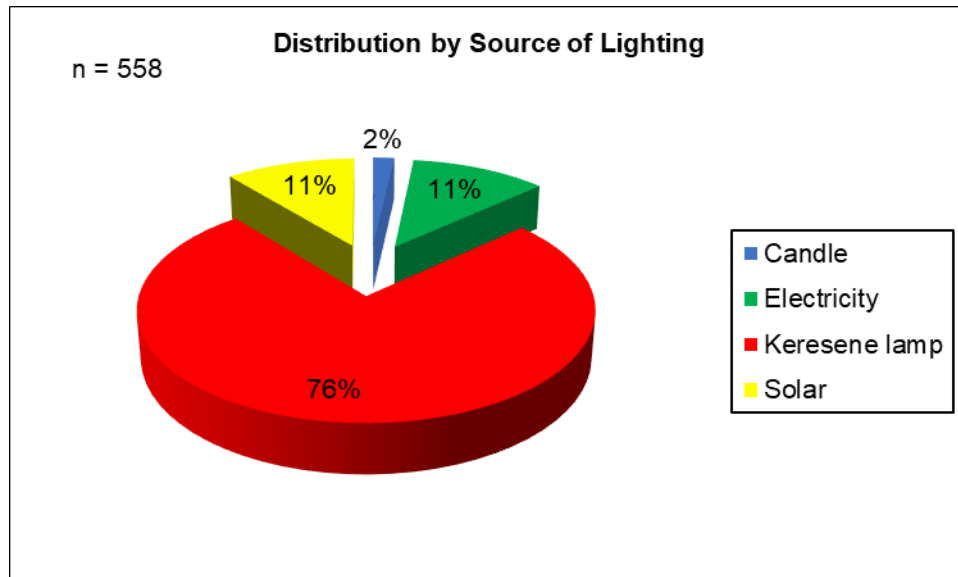
Out of 558 household heads interviewed regarding sources of energy for lighting, the following results were obtained:

- Electricity = 64
- Candle = 10
- Kerosene Lamp = 423
- Solar = 61

The above numbers translated to the percentages presented in **Figure 13**. Majority of the project area respondents use Kerosene Lamp (76%). Electricity and Solar Power follow with 11% each. Use of candles and other sources form only 2%.

Use of kerosene lamps is unsafe health-wise and may contribute to respiratory and eye related diseases due to smoke emission.

Figure 13: Household Heads by Source of Energy for Lighting



Source: Panafcon – RAP Survey, 2017 – 2018

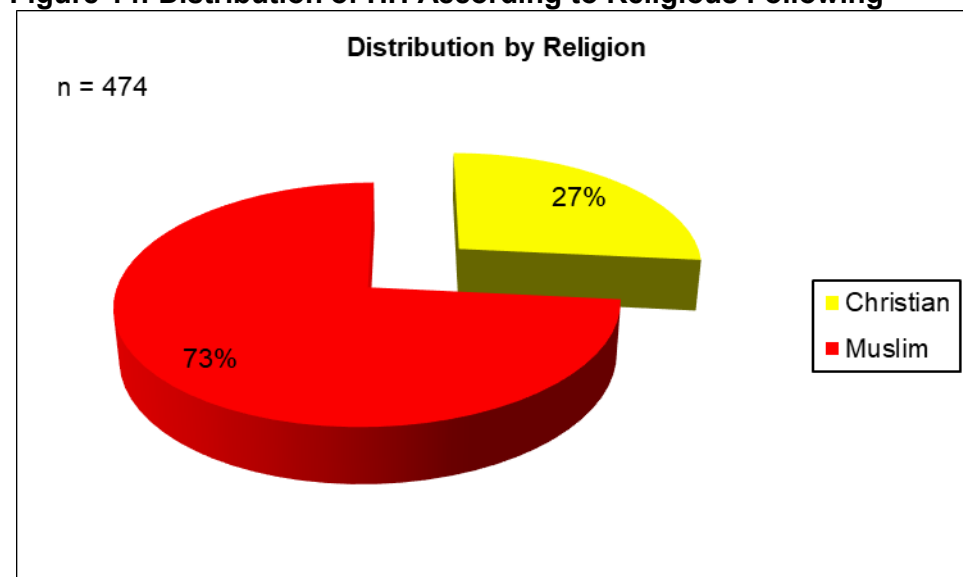
3.5.8 Distribution of Household Heads by Religious Following

The 474 household heads who indicated their religious following exhibited 2 dominant religious groups as given below:

- Muslim = 348
- Christian = 126

The above data translated to 73% being Muslim followers while 27% being Christian followers. It will be important to this into consideration when aspects of resettlement are being discussed with the PAPs.

Figure 14: Distribution of HH According to Religious Following



Source: Panafcon – RAP Survey, 2017 – 2018

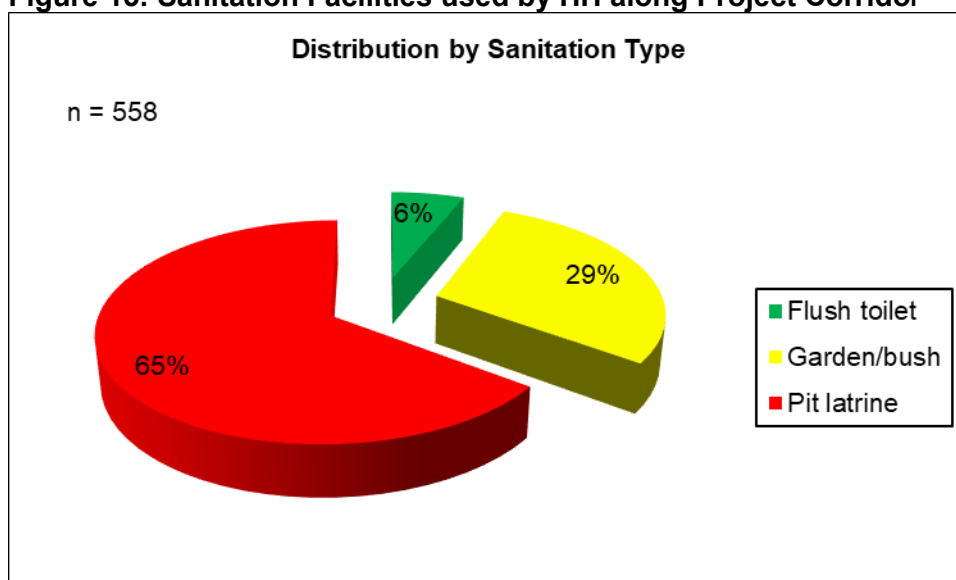
3.5.9 Distribution of HH by Sanitation Type

The 558 household heads who indicated the type of sanitation facility they use were distributed as follows:

- Flush toilet = 34
- Pit latrine = 362
- Garden/bush = 162

This translates to 65% use pit latrines, 29% use Garden/bush while 6% use flush toilets as shown in **Figure 15**. The 29% do not have any developed sanitary facility (use the bush) to answer the call of nature. A small percentage (6%) use flush toilet facilities. Considering that a significant population (30%, refer to **Figure 16**) use water from boreholes/wells for drinking and given that groundwater is not very deep, there is cause for concern on health and sanitation of the community since the wells are located where the community is settled.

Figure 15: Sanitation Facilities used by HH along Project Corridor



Source: Panafcon – RAP Survey, 2017 - 2018

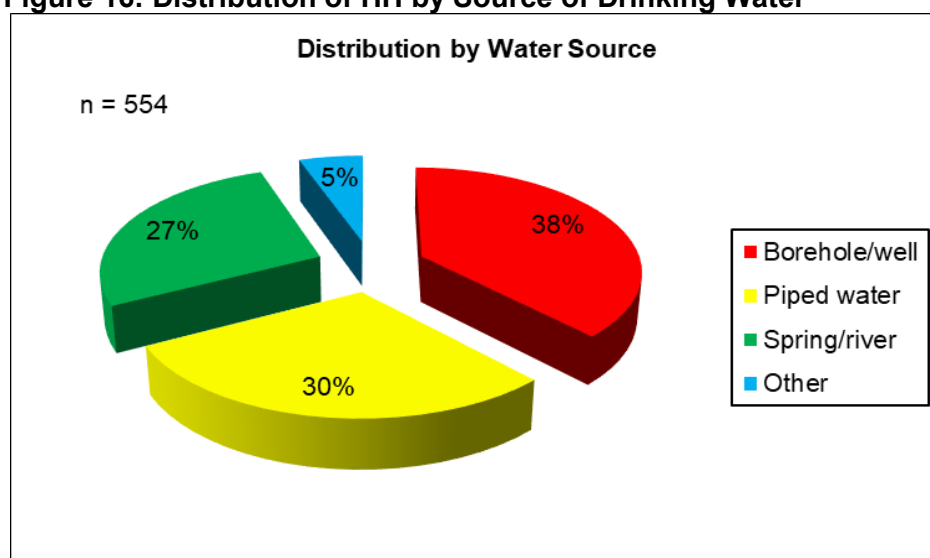
3.5.10 Distribution of HH by Source of Drinking Water

The 556 household heads who indicated the source of their drinking water along the project corridor are distributed as follows:

- Borehole/well = 210
- Piped water = 163
- Spring/river water = 151
- Others = 30

The above numbers translate to the percentages provided in **Figure 16**. Majority rely on boreholes/wells as a source of drinking water (38%). Piped and spring water sources are also used almost in equal measure (30% and 27% respectively). The significant quantity of piped water use reflects the urban nature of the project area. The 5% who use other sources largely rely on water purchased from water vendors.

Figure 16: Distribution of HH by Source of Drinking Water



Source: Panafcon – RAP Survey, 2017 – 2018

3.6 Land Ownership/Occupancy along the Transmission Line Corridor

Table 5 provides the different categories of land ownership disputes recorded during the census survey. The different categories recorded were 7.

Table 5: Land Ownership Status

No	Land Ownership Situation	Number of Land parcels (number of households)	Remarks
1	Land is properly registered, there is no conflict concerning land.	6	-
2	Land owner is not currently registered. There is no conflict concerning land.	319	NLC, KETRACO and Local governments are proceeding for registration.
3	Registration of the landowner is not currently being done, so mediation is necessary.	1	The mediation is undergoing by KETRACO and NLC.
4	Owener of the part of a Ranch (community land) with no land-related dispute.	149	
5	Owener of the part of Ranch (community land) without registration by household which is necessary to receive compensation payment	5	NLC is leading procedures to confirm ownership.
6	12 households are using land within the Health center (public land). The boundary of the land with the center is not clear.	12	NLC and KETRACO confirm the boundary of the land and start procedures to confirm ownership.
7	PAP569 In the company land, residents living more than thirty years are claiming ownership.	7	NLC and Local governments start procedures to confirm ownership.

No	Land Ownership Situation	Number of Land parcels (number of households)	Remarks
8	Dongo Kundu area leased under the name of PAP636 - Since 1997 PAP636 has leased the land of Dongo Kundu to manage it. On the other hand, residents living more than thirty years are claiming ownership there.	65	NLC and Local governments start procedures to confirm ownership.
9	PAP545 The school's land is due to donation from residents of the community, and one household has resided in the premises of the school. So land ownership is not clear.	1	KETRACO is leading procedures to confirm ownership.
Total		565	

3.7 Types of Affected Land, Tress and Crops along the TL Corridor

The affected land in the project area broadly fall into 3 categories namely farmland, residential land and commercial land. Table 6A/6B provides the areas of the different types of affected land in each location.

Table 6: Types of Affected Land, Tress and Crops along the TL Corridor

A) Types and Area of Affected Land

No	Location	Land Use Type	Arces	Total
1	Gandini	Farmland	76.83	76.83
		Residential land		
		Commercial area		
2	Kasemeni	Farmland	43.33	43.97
		Residential land		
		Commercial area		
3	Mariakani	Farmland	36.03	36.03
		Residential land		
		Commercial area		
4	Mbunguni	Farmland	78.47	78.47
		Residential land		
		Commercial area		
5	Mtaa	Farmland	34.45	34.45
		Residential land		
		Commercial area		
6	Mtongwe	Farmland	53.51	55.00
		Residential land		
		Commercial area		

No	Location	Land Use Type	Arces	Total
7	Mwatate	Farmland	42.44	44.32
		Residential land		
		Commercial area	1.88	
		Other (Trading center planned place)		
8	Mwavumbo	Farmland	109.73	110.57
		Residential land		
		Commercial area	0.84	
9	Ngombeni	Farmland	37.54	40.07
		Residential land		
		Commercial area	2.53	
		Other (Kiteje Sec Sch)		
Total				519.71

B) Table 6B: Trees and Crops

No.	Region	Livestock Hut	Plant Type	Subtotal	Total
1	Gandini Location	3	Mango (tree)	26	199
			Tamarindo (tree)	2	
			Coconut (tree)	83	
			Cashew nut (tree)	35	
			Neem tree (trees)	8	
			Banana (crops)	20	
			Sisal hemp (crops)	25	
			Aloe vera (crops)	0	
2	Kasemeni		Mango (tree)	12	591
			Tamarindo (tree)	1	
			Coconut (tree)	208	
			Cashew nut (tree)	37	
			Neem tree (trees)	333	
			Banana (crops)	0	
			Sisal hemp (crops)	0	
			Aloe vera (crops)	0	
3	Mariakani	1	Mango (tree)	0	14
			Tamarindo (tree)	14	
			Coconut (tree)	0	
			Cashew nut (tree)	0	
			Neem tree (trees)	0	
			Banana (crops)	0	
			Sisal hemp (crops)	0	
			Aloe vera (crops)	0	
4	Mbunguni	6	Mango (tree)	23	2,242
			Tamarindo (tree)	2	
			Coconut (tree)	682	

No.	Region	Livestock Hut	Plant Type	Subtotal	Total
			Cashew nut (tree)	19	
			Neem tree (trees)	83	
			Banana (crops)	1,191	
			Sisal hemp (crops)	240	
			Aloe vera (crops)	2	
5	Mtaa		Mango (tree)	2	44
			Tamarindo (tree)	0	
			Coconut (tree)	28	
			Cashew nut (tree)	0	
			Neem tree (trees)	14	
			Banana (crops)	0	
			Sisal hemp (crops)	0	
			Aloe vera (crops)	0	
6	Mtongwe	11	Mango (tree)	46	925
			Tamarindo (tree)	22	
			Coconut (tree)	11	
			Cashew nut (tree)	18	
			Neem tree (trees)	254	
			Banana (crops)	358	
			Sisal hemp (crops)	210	
			Aloe vera (crops)	6	
7	Mwatate		Mango (tree)	9	20
			Tamarindo (tree)	1	
			Coconut (tree)		
			Cashew nut (tree)	7	
			Neem tree (trees)	3	
			Banana (crops)	0	
			Sisal hemp (crops)	0	
			Aloe vera (crops)	0	
8	Mwavumbo	6	Mango (tree)	4	1,003
			Tamarindo (tree)	15	
			Coconut (tree)	27	
			Cashew nut (tree)	0	
			Neem tree (trees)	26	
			Banana (crops)	50	
			Sisal hemp (crops)	881	
			Aloe vera (crops)	0	
9	Ngombeni	2	Mango (tree)	47	796
			Tamarindo (tree)	3	
			Coconut (tree)	56	
			Cashew nut (tree)	77	
			Neem tree (trees)	316	

No.	Region	Livestock Hut	Plant Type	Subtotal	Total
			Banana (crops)	152	
			Sisal hemp (crops)	117	
			Aloe vera (crops)	28	
	Total	29			5,834

*Note: Only major Trees and Crops are listed on this table, for details refer to **Data Book (Vol B) Sections 6 & 7.***

3.8 Project Impacts on Household Heads (HH)

The Transmission Line will affect households, private and public land parcels, structures, businesses, trees and crops.

Table 7 below provides affected Household Heads and assets leading to relocation or displacement.

Table 7: Summary of Affected HH and Assets

#	Breakdown	Outside Dongo Kundu			Inside Dongo Kundu			Mariakani-Dongo Kundu		
		A	B	Total	A	B	Total	A	B	Total
1.0	Asset Holder									
1.1	Number of Households	7	524	531	67		67	74	524	598
1.3	Other Institutions/Organisations		7	7		1	1	0	8	8
	Total Asset Holders	7	531	538	67	1	68	74	532	606
	<i>Households repeatedly counted</i>	1	33	34	2		2	3	33	36
	Record Total	8	564	572	69	1	70	77	565	642
2.0	Affected Inhabitants									
2.1	Number of Adults	33	1,690	1,723	234		234	267	1,690	1,957
2.2	Number of Children	30	1,686	1,716	176		176	206	1,686	1,892
	Number of Affected Residents	63	3,376	3,439	410		410	473	3,376	3,849
3.0	Relocation of self out of the premises / within the remises									
3.1	Households reocating outside their own premises		12	12	4		4	4	12	16
3.2	Number of people in same as above		65	65	24		24	24	65	89
3.3	Households relocating to their own premises	4	52	56	4		4	8	52	60
3.4	Number of people in same as above	31	346	377	26		26	57	346	403
	Total households relocated to / outside the premises	4	64	68	8		8	12	64	76
	Number of people in same as above	31	411	442	50		50	81	411	492
4.0	Affected Land									
4.1	Number of partitions on land	7	493	501	65		65	72	493	565
4.2	Land area requiring acquisition of usage rights and land	3.23	460.20	463.43	56.28		56.28	59.51	460.20	519.71

Source: Panafcon – RAP Survey, 2017 – 2018

Note: A: Household claiming ownership of land (no entitlement)

B: Land owned household (with title rights)

Table 7: Summary of Affected HH and Assets (Continued)

5.0	Affected Structures, Trees & Crops	Qty/No	Remarks
5.01	Residential Houses	106	Permanent = 17, Semi-Permanent = 89
5.02	Pit Latrines	9	
5.03	Bathrooms	35	
5.04	Kitchens	24	
5.05	Plant Nursery	1	
5.06	Kiosks	1	
5.07	Water Tanks	2	
5.08	Solar Plants	3	
5.09	Animal Sheds	29	
5.10	Water Wells	3	
5.11	Fences	11	
5.12	Water Pan	2	
5.13	Pits	6	Developed for Pit Latrine but not yet built
5.14	Trees (Various Types)	11,908	
5.15	Crops (Various Types)	9,267 Units	Perennial Crops (Aloe Vera, Sisal, Sugarcane, Pineapple, Cassava and Bananas)
6.0	Affected Businesses		
6.1	Business	3	Quarry, Kiosk and Posho Mill
7.0	Affected Cultural Properties		
7.1	Shrines (under PAPs 204 & 269)	2	At Chainages 17.2km and 23.5km
8.0	Affected School/Government Institutions		
8.1	Kiteje Secondary School	1	School land partly claimed by PAP545 (Chainage 46.9km)
8.2	Government Institutions etc.	6	Kenya Railways, Kenya Pipeline Company, Kenya Power, Kenya Ports Authority, Proposed Trading Center and Matuga Water Supply

Source: Panafcon – RAP Survey, 2017 - 2018

Notes:

1. Claims are the areas with disputes under PAP569 and PAP636

3.9 Vulnerable Household Heads (HH)

A total of 198 vulnerable HH have been identified as persons affected by the project. A total 136 HH are women while the remaining 62 are men.

3.9.1 Breakdown of Socially Vulnerable HH

Land ownership (squatter status), gender, age, education level, persons living with disability, the terminally ill and low income and having dependants are considered as vulnerable A total of 136 out of 198 vulnerable persons have no regular income or are earning KShs 3,000 and below). Table 8 provides a breakdown of the socially vulnerable HH of the project.

Table 8: Breakdown of Socially Vulnerable HH

No.	Breakdown	Household
1	Bedridden, terminal days, seriously ill and others	8
2	Disabled person	7
3	Elderly people	68
4	Female head of household, widow	114
5	Young person	1
	Total	198

3.9.2 Breakdown by Location, the Transfer type and Land Ownership Situation

Table 9 gives the breakdown by location, the land transfer type and ownership situation for the 198 vulnerable HH.

Table 9: Breakdown by Location, the Land Transfer type and Ownership Situation

No.	Location	Women are heads of households (HH)	Men are head of household (HH)	Sub total (HH)	Own land relocation (HH)	Move your own land (HH)	Sub total (HH)	Landless household	Household with land
1	Gandini	12	1	13	0	3	3	4	9
2	Kasemeni	24	10	34	3	4	7	4	30
3	Mariakani	19	11	30	0	7	7	7	23
4	Mbunguni	20	6	26	0	4	4	6	20
5	Mtaa	4	2	6	1		3	1	5
6	Mtongwe	17	6	23	1	2	2	1	22
7	Mwatate	7	2	9	0	1	1	1	8
8	Mwavumbo	20	17	37	0	1	2	0	37
9	Ngombeni	13	7	20	0	2	0	0	20
	Total	136	62	198	5	24	29	24	174

3.9.3 Assistance to Vulnerable Persons

Vulnerable persons are often not able to make their voice heard effectively; they are often physically weaker, and may need special help in the relocation/disturbance phase of the project. Majority of the vulnerable persons in this project either have very low income of less than KShs 3,000 per month (136 out of 198). The significant level of poverty noted among the vulnerable persons makes them require assistance during resettlement implementation.

KETRACO shall provide the following assistance to vulnerable HH:

- Construction assistance to the vulnerable HH who are either displaced or have to relocate their affected structures.
- Vulnerable HH whose land has been affected by the project are to be provided with assistance that is equivalent to the entirely affected area.
- Over and above the 15% disturbance allowance, vulnerable people will be given assistance including sourcing host land, support with dismantling, moving and building new structures.
- KETRACO to provide assistance equivalent to the cost of 0.5 acres in the area where the Vulnerable HH without land resides. This will enable the landless Vulnerable HH resettle.
- In addition, KETRACO will set up a consultation help desk by both male and female officials to provide information necessary for finding and confirming relocation areas, and providing support related to dismantling, transporting and reconstruction of the houses. In addition, as with households other than the socially vulnerable, a livelihood improvement orientation will be held to support livelihood restoration and maintenance of their livelihoods in accordance with means of livelihood such as farming guidance, etc. In the orientation, a guidance on the proper use of compensation money will be conducted.

Table 10 provides the breakdown of the assets belonging to socially vulnerable HH, the compensation and support that will be paid.

Table 10: Breakdown of Assets of Vulnerable HH and Compensation

No.	Breakdown	Household	Compensation, Support Amount (KShs)
1	The central asset is land. Attached to structures, trees, crops, shops	172	54,020,950
2	It does not include land. The central asset is a structure. Incidentally trees, crops	20	8,703,400
3	Trees, crops only	6	1,925,000
Total		198	64,649,350

The proposed assistance to be given to vulnerable persons is provided in the **Data Book (Vol B) Section 10**.

3.10 Disputes recorded along Transmission Line (TL) Corridor

A total of 565 land parcels are affected by the TL from Mariakani – Dongo Kundu boundary. These land parcels have various structures, trees and crops in them. Out of these, disputes were recorded during the census survey as shown in **Table 11** and **Annex 10** for Disputed Land Parcels.

Table 11: Land and Assets with Tasks

No	Breakdown of disputes	Measures for conflicts solution	Number
1	Land use dispute between co-owner Whether to use it as a cultivated land between two co-owner or as pasture or pasture land is contested.	Regional administration, local elders, and families participated and mediation towards solution was started. Chief, which has jurisdiction, plans to issue a document indicating a ruling. The contents will be verified when NLC and KETRACO confirm the compensation amount at a later date.	1

No	Breakdown of disputes	Measures for conflicts solution	Number
2	A Ranch Regarding the land of Ranch, it is registered as one case, and it is shared by five members. Lands used by five members are affected by the transmission line project, the compensation will be determined according to the area size owned each. An adjustment meeting is required.	NLC implemented hearing surveys. The adjustment meeting was held for the survey result.	5
3	Health Center Twelve households use the land within the Munda health center (public land). The boundary of the land with the center is not clear.	NLC and KETRACO are in the process of verifying land boundary and ownership. The compensation amount will be decided according to the confirmation result.	12
4	PAP569 40.79 acres of land are registered in the Mariakani district of Kilifi County under PAP569. Seven households are claiming ownership of 18.51 acres of them. Total 7.23 acres of households are affected by wayleave of transmission lines and are subject to compensation. Seven households have resided in the same place for more than 30 years, claiming ownership.	NLC and Local government are mediating based on relevant laws and past cases and others. The compensation amount will be decided as soon as arbitration is completed.	7(Complainant)
5	Dongo Kundu area The land in Dongo Kundu area where SEZ would be developed was leased to PAP636 in 1997. Meanwhile, as a result of the census survey, there are 65 households living in the same place for more than 30 years, claiming ownership of the land. They are claiming ownership.	NLC and Local government are mediating based on relevant laws and past cases and others. The compensation amount will be decided as soon as arbitration is completed	65
6	PAP544 The school's land is due to donation from residents of the community, and one household has resided in the premises of the school. So land ownership is not clear.	It is being adjusted that KETRACO secures the residential area for them, then they will be resettlement. After completion of relocation, decide how to compensate for school land.	1

Source: Panafcon – RAP Survey, 2017 and 2018

Status of the Disputes under Nos 5 and 6 of Table 9 above

- **Land Under PAP569** – The 7 HH who are claiming ownership of land parcels within the registered land under PAP569 have been registered as claimants since they have been occupying the land for over 30 years. NLC and the County Government of Kilifi will carry out verification and advise accordingly.
- **Land Under PAP636** – The 67 HH who are claiming ownership of land parcels within the registered land under PAP636 have been registered as claimants since they have been occupying the land for over 30 years. NLC and the County Government of Mombasa will carry out verification and advise accordingly.

Annex 10 provides details of the recorded disputes and possible resolutions. Local resolution mechanisms have been proposed.

Figure 17: Initial Case – PAP 544 and PAP 545

Figure 18: Proposed Case – PAP 544 and PAP 545

In addition, if necessary, NLC will dispatch executives from the headquarters to solve the land problems in the local area and make an official hearing based on the request from the NLC's Local Coordinator located in the local governments will be carried out. In the hearing gathering, NLC hears allegations from disputed parties, respond to necessary procedures on the spot, and work on prompt resolution.

4 LEGAL AND POLICY FRAMEWORK

4.1 Introduction

The RAP study has been carried out with reference to relevant laws of Kenya, JICA Guidelines for Environmental and Social Considerations and World Bank Safeguard Policies. The proposed 220kV Transmission Line (approx. 53km) from Mariakani-Dongo Kundu and a Sub-station in Dongo is going to cause easement/acquisition of land, loss of residential houses and other structures, loss of trees and crops and disruption of livelihood. The project has triggered the need to prepare a Resettlement Action Plan as required by the mentioned Legislation and guidelines. Since KETRACO's RPF is firmly harmonized with JICA and WB guidelines the RAP Study has been prepared addressing KETRACO's RPF requirements.

4.1.1 Kenyan Legislation

Power of Eminent Domain

The Power of Eminent Domain is the right of the state to acquire land, using its sovereign power, for public purpose. National law establishes which public agencies have the prerogative to exercise eminent domain. It is the right of the state or its assignees to take private property for public purposes thus ousting the individuals or private rights to property.

In **Chapter 4 of The Constitution of Kenya, 2010, Section 40 (3)** The State shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation — (b) is for a public purpose or in the public interest and is carried out in accordance with this Constitution and any Act of Parliament that —

- (i) requires prompt payment in full, of just compensation to the person; and
- (ii) allows any person who has an interest in, or right over, that property a right of access to a court of law.

The Current Constitution of Kenya qualifies this power by among others specifying that there must be full just and prompt compensation whenever this power is used by the state. Having political sovereignty over a particular territory entitles state to interfere with private property rights.

In Kenya the Doctrine of Eminent Domain is more specifically embodied in the **Land Act, 2012 (Act No. 6 of 2012)** of the Laws of Kenya, the Act that deals with modalities, rules, principals and procedures of compulsory acquisition and easements covered under Part X – Easements and Analogous Rights. However, this Act is interpreted together with a superior law, Sec 40 of the Constitution of Kenya. Once land is compulsorily acquired; private property rights are extinguished and the land reverts to the original "grantor" the state. Any cancellation under Section 142 of the Land Act 2012 shall be effected in the prescribed form and the easement, or analogous right shall be extinguished on the date that the cancellation is recorded in the register.

Other Kenyan legislation on land include the National Land Commission Act of 2012, Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012, the Limitation of Actions Act Cap. 22 revised in 2012 among others.

4.1.2 Basic Principles Regarding JICA Guidelines

While project proponents etc. bear the ultimate responsibility for the environmental and social considerations of projects, JICA supports and examines appropriate environmental and social considerations undertaken by project proponents to avoid or minimize development projects' adverse impacts on the environment and local communities, and to prevent the occurrence of adverse impacts. JICA thus promotes sustainable development in developing countries. JICA has created clear requirements regarding environmental and social considerations, which project proponent must meet.

JICA provides project proponent with support in order to facilitate the achievement of these requirements through the preparation and implementation of cooperation projects. JICA examines undertakings by project proponent in accordance with the requirements and makes adequate decisions regarding environmental and social considerations on the basis of examination results.

JICA recognizes the following seven principles to be very important.

- 1 A wide range of impacts must be addressed.**
The types of impacts addressed by JICA cover a wide range of environmental and social issues.
- 2 Measures for environmental and social considerations must be implemented from an early stage to a monitoring stage.**
JICA applies a Strategic Environmental Assessment (SEA) when conducting Master Plan Studies etc., and encourages project proponent to ensure environmental and social considerations from an early stage to a monitoring stage.
- 3 JICA is responsible for accountability when implementing cooperation projects.**
JICA ensures accountability and transparency when implementing cooperation projects.
- 4 JICA asks stakeholders for their participation.**
JICA incorporates stakeholder opinions into decision-making processes regarding environmental and social considerations by ensuring the meaningful participation of stakeholders in order to have consideration for environmental and social factors and to reach a consensus accordingly. JICA replies to stakeholders' questions. Stakeholders who participate in meetings are responsible for what they say.
- 5 JICA discloses information.**
JICA itself discloses information on environmental and social considerations in collaboration with project proponent in order to ensure accountability and to promote the participation of various stakeholders.
- 6 JICA enhances organizational capacity.**
JICA makes efforts to enhance the comprehensive capacity of organizations and operations in order for project proponent to have consideration for environmental and social factors, appropriately and effectively, at all times.
- 7 JICA makes serious attempts at promptness.**
JICA addresses request of acceleration for the prompt implementation of projects while undertaking environmental and social considerations.

In addition to the above core principles on the JICA policy, it also lays emphasis on a detailed resettlement policy inclusive of all the above points; project specific resettlement plan; institutional framework for implementation; monitoring and evaluation mechanism, time schedule for implementation; and detailed Financial Plan etc.

Table 12 overleaf elaborates how the relevant legislation on involuntary resettlement has been triggered by the project and the measures taken to cushion the affected communities.

Table 12: Relevant Legislation used in the RAP Study

No.	Legislation/ Guideline	Relevance of the Legislation/Guideline	Trigger of Legislation/Guideline	Project Fulfilment of the Legislation/Guideline
Kenyan Legislation				
1	The Constitution of Kenya 2010	<p>The Constitution of Kenya protects land and property owners as specified in: Chapter 4 Section 40 (3) The State shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation — (b) is for a public purpose or in the public interest and is carried out in accordance with this Constitution and any Act of Parliament that —(i) requires prompt payment in full, of just compensation to the person; and (ii) allows any person who has an interest in, or right over, that property a right of access to a court of law.</p> <p>Section 40 (4) Provision may be made for compensation to be paid to occupants in good faith of land acquired under clause (3) who may not hold title to the land.</p>	<p>Project will result in:</p> <ul style="list-style-type: none"> • Restricted use of land belonging to the community • Loss of structures including residential houses • Loss of trees • Disruption of settlements • Compensation for affected assets and resettlement are necessary 	<ul style="list-style-type: none"> • A RAP Study to identify affected persons and property for compensation and resettlement of affected persons has been commissioned. • All privately owned land that will either be acquired or suffer restricted use will be duly compensated and appropriate resettlement carried out.
2	The Land Act 2012	<p>The Land Act governs land acquisition as mentioned in:</p> <p>Section 7. Title to land may be acquired through—(c) compulsory acquisition;</p> <p>Application for Land Acquisition - Section 107. (1) Whenever the national or county government is satisfied that it may be necessary to acquire some particular land under section 110, the respective Cabinet Secretary or the County Executive Committee Member shall submit a request for acquisition of public land to the National Land Commission to acquire the land on its behalf.</p> <p>Just and Timely Compensation - Section 111. (1) Says If land is acquired compulsorily under this Act, just compensation shall be paid promptly in full to all persons whose interests in the land have been determined.</p> <p>Creation of Wayleave Section 144. (1) Unless the Commission is proposing on its own motion to create a wayleave, an application, for the creation of a wayleave, shall be made by any State department, or the county government, or public authority or corporate body, to the Commission.</p> <p>Notice for Creation of Wayleave –Section 144 (4) The applicant shall serve a notice on— (a) all persons occupying land over which the proposed wayleave is to be created, including persons occupying land in accordance with customary pastoral rights; (b)The county government in whose area of jurisdiction land over which the proposed wayleave is to be created is located; (c) all persons in actual occupation of land in an urban and per-urban area over which the proposed wayleave is to be created;</p>	<p>Implementation of the project will entail the acquisition of land and easements for wayleaves corridors and for which displacement or restriction of access may result</p>	<ul style="list-style-type: none"> • A RAP Study to identify affected persons and property for compensation and resettlement of affected persons has been commissioned. • All privately owned land that will either be acquired or suffer restricted use will be duly compensated and appropriate resettlement carried out.

No.	Legislation/ Guideline	Relevance of the Legislation/Guideline	Trigger of Legislation/Guideline	Project Fulfilment of the Legislation/Guideline
		<p>Settlement - Section 134. (1) The National Land Commission shall, on behalf of the national and county governments, implement settlement programmes to provide access to land for shelter and livelihood.</p> <p>Squatters – Section 160 (2) Without prejudice to the foregoing, the Commission shall have the powers to make regulations—(e) with respect to squatters—(ii) to facilitate negotiation between private owners and squatters in cases of squatter settlements found on private land;</p>		
3	The National Land Commission Act 2012	<p>The National Land Commission Act: The object and purpose of this Act is to provide– (a) for the management and administration of land in accordance with the principles of land policy set out in Article 60 of the Constitution and the national land policy; (d) for a linkage between the Commission, county governments and other Institutions dealing with land and land related resources.</p> <p>Section 5. Functions of the Commission ((a) to manage public land on behalf of the national and county governments; (e) to initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress; (f) to encourage the application of traditional dispute resolution mechanisms in land conflicts; Section 16 authorizes the commission to establish committees for better execution of their functions among them compulsory acquisition process as outlined in the Land Act (2012).</p>	Compulsory acquisition of land for on behalf of the national and county governments shall be carried out by National Land Commission (NLC)	<ul style="list-style-type: none"> The National Land Commission will carry out land easement for the TL and acquisition of Substation land on. behalf of KETRACO They will work together with KETRACO to carry out compensation and Resettlement of affected persons in this project.
4	The Valuers Act 2012	<p>The Valuers Act provides for the registration of valuers and for connected purposes</p> <p>Section 21. Unregistered persons not to practice as valuers (1) After the expiration of six months from the commencement of this Act or such further period as the Minister may, by notice in the <i>Gazette</i>, allow either generally or in respect of any particular person or class of persons– (a) no individual shall carry on business as a practicing valuer unless he is a registered valuer; (b) no partnership shall carry on business as practicing valuers unless all the partners whose activities include the doing of acts by way of such practice are registered valuers; (c) no body corporate shall carry on business as valuers unless the directors thereof whose duties include the preparation of valuations in respect of any type of movable or immovable property are registered valuers.</p> <p>Section 24. Dishonest practices Any person who—(c) knowingly and willfully makes any statement, oral or written, which is false in a material particular or which is misleading with a view to gaining any advantage or privilege under this Act whether for himself or for any other person.</p>	Valuation of affected land and property for compensation must be carried out by a Registered Valuer.	Valuation of affected land and other property in this RAP Study is being carried out by a Registered Valuer.

No.	Legislation/ Guideline	Relevance of the Legislation/Guideline	Trigger of Legislation/Guideline	Project Fulfilment of the Legislation/Guideline
5	Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012	<p>The Act provides for prevention of displacement. Displacement and relocation due to development projects shall only be lawful if justified by compelling and overriding public interest.</p> <p>Section 5. Prevention of displacement (1) Subject to the Constitution, the Government and any other organization, body or individual shall guard against factors and prevent and avoid conditions that are conducive to or have the potential to result in the displacement of persons.</p> <p>Section 6. Protection from displacement (3) Displacement and relocation due to development projects shall only be lawful if justified by compelling and overriding public interests and in accordance with the conditions and procedures in Article 5 of the Protocol, Principles 7-9 of the Guiding Principles and as specified in sections 21-22 of this Act.</p> <p>Section 22. Says Procedures for displacement induced by development projects</p> <p>(1) Subject to the Constitution and section 21(2) of this Act and prior to the decision to give effect to the displacement of persons due to development projects or projects to preserve the environment, the Government shall-</p> <p>(a) seek the free and informed consent of the affected persons; and</p> <p>(b) hold public hearings on the project planning.</p> <p>(2) The decision to give effect to the displacement of persons shall give the justification for the displacement and demonstrate that the displacement is unavoidable and no feasible alternatives exist. The decision shall contain detailed justification on the alternatives explored.</p> <p>(3) The Government shall ensure that the displacement is not carried out unless -</p> <p>(a) reasonable time is given to the affected persons to review the decision and challenge it before an independent body on the grounds that the conditions in section 21(2) are not adhered to;</p> <p>(b) an effective remedy in accordance with articles 46 and 47 of the Constitution is available for those affected</p> <p>(4) The Government shall ensure that the displacement is carried out in manner that is respectful of the human rights of those affected, taking in particular into account the protection of community land and the special needs of women, children and persons with special needs. This requires in particular-</p> <p>(a) full information of those affected and their effective participation, including by women, in the planning, management of the displacement, and in defining suitable durable solutions;</p> <p>(b) provision of safe, adequate and habitable sites and to the greatest practicable extent, of proper accommodation; and (c) creation of satisfactory conditions of safety, nutrition, health and hygiene and the protection of the family unity.</p>	Implementation of the project will entail the acquisition of land and easements for wayleaves corridors and for which displacement or restriction of access may result	<ul style="list-style-type: none"> • A RAP Study to identify affected persons and property for compensation and resettlement of affected persons has been commissioned. • The RAP study that is currently underway is being steered to undertake the procedures elaborated in this act

No.	Legislation/ Guideline	Relevance of the Legislation/Guideline	Trigger of Legislation/Guideline	Project Fulfilment of the Legislation/Guideline
		(5) The Government shall ensure the presence of a Government official when the displacement and relocation is effected and the monitoring by an independent body.		
6	The Energy Act 2006 Revised in 2012	<p>The legislation provides for the establishment of the Energy Regulatory Commission (ERC) that regulates services offered by energy agencies like KETRACO.</p> <p>Section 47. Assent to proposal (1) An owner, after receipt of the notice and statement of particulars under section 46, may assent in writing to the construction of the electric supply line upon being paid such compensation as may be agreed and any assent so given shall be binding on all parties having an interest in the land, subject to the following provisions– (a) that any compensation to be paid by the licensee giving notice to the owner, in cases where the owner is under incapacity or has no power to assent to the application except under this Act, shall be paid to the legal representative of the owner; (b) that an occupier or person other than the owner interested in the land shall be entitled to compensation for any loss or damage he may sustain by the construction of the electric supply line, so long as the claim is made within three months after the construction of the electric supply line.</p> <p>Section 54. Compulsory acquisition of land (1) Where a licensee requires the compulsory acquisition of land for any of the purposes of a licence, the licensee may apply to the Minister to acquire the land on his behalf. (2) Where the Minister in consultation with the Commission is satisfied that it is in the public interest to do so, he may acquire the land in accordance with the relevant laws.</p>	implementation of the project will entail the acquisition of land and easements for wayleaves corridors and for which displacement or restriction of access may result	A RAP Study to identify affected persons and the affected land that will need to be acquired for the project so that compensation and resettlement can be implemented.
7	Limitation of Actions Act Cap. 22 revised in 2012	<p>According to Limitations of Actions Act:</p> <p>Section 7 An action may not be brought by any person to recover land after the end of twelve years from the date on which the right of action accrued to him or, if it first accrued to some person through whom he claims, to that person.</p> <p>Section 9. Accrual of right of action in case of present interest in land (1) Where the person bringing an action to recover land, or some person through whom he claims, has been in possession of the land, and has while entitled to the land been dispossessed or discontinued his possession, the right of action accrues on the date of the dispossession or discontinuance.</p> <p>Section 13 Right of action not to accrue or continue unless adverse possession.</p>	There are affected parcels of land occupied by persons who do not possess land ownership documents to the land but claim to have occupied it for a period exceeding 12 years	The RAP study that has been commissioned is identifying and documenting the land owner holding the land documents and also the claimants for further determination of the genuine land owner.

No.	Legislation/ Guideline	Relevance of the Legislation/Guideline	Trigger of Legislation/Guideline	Project Fulfilment of the Legislation/Guideline
		<p>(1) A right of action to recover land does not accrue unless the land is in the possession of some person in whose favour the period of limitation can run (which possession is in this Act referred to as adverse possession), and, where under sections 9, 10, 11 and 12 of this Act a right of action to recover land accrues on a certain date and no person is in adverse possession on that date, a right of action does not accrue unless and until some person takes adverse possession of the land.</p> <p>Section 38. Registration of title to land or easement acquired under Act</p> <p>(1) Where a person claims to have become entitled by adverse possession to land registered under any of the Acts cited in section 37 of this Act, or land comprised in a lease registered under any of those Acts, he may apply to the High Court for an order that he be registered as the proprietor of the land or lease in place of the person then registered as proprietor of the land.</p>		
8	The Land Registration Act, 2012 (No. 3 Of 2012)	<p>The Land Registration Act provides for the following:</p> <p>Section 24. Interest conferred by registration</p> <p>Subject to this Act—(a) the registration of a person as the proprietor of land shall vest in that person the absolute ownership of that land together with all rights and privileges belonging or appurtenant thereto;</p> <p>Section 26. Certificate of title to be held as conclusive evidence of proprietorship</p> <p>(1) The certificate of title issued by the Registrar upon registration, or to a purchaser of land upon a transfer or transmission by the proprietor shall be taken by all courts as <i>prima facie</i> evidence that the person named as proprietor of the land is the absolute and indefeasible owner, subject to the encumbrances, easements, restrictions and conditions contained or endorsed in the certificate, and the title of that proprietor shall not be subject to challenge</p> <p>Section 93. Co-ownership and other relationships between spouses:</p> <p>(2) If land is held in the name of one spouse only but the other spouse or spouses contribute by their labour or other means to the productivity, upkeep and improvement of the land, that spouse or those spouses shall be deemed by virtue of that labour to have acquired an interest in that land in the nature of an ownership in common of that land with the spouse in whose name the certificate of ownership or customary certificate of ownership has been registered and the rights gained by contribution of the spouse or spouses shall be recognized in all cases as if they were registered.</p>	Some of the land parcels affected by the project are still in the process of being registered for the owners to get land ownership documents	The RAP study is identifying the registered and non-registered land parcels to enable those Household Heads without land documents pursue them for any land compensation. Obtain the relevant land

No.	Legislation/ Guideline	Relevance of the Legislation/Guideline	Trigger of Legislation/Guideline	Project Fulfilment of the Legislation/Guideline
9	Community Land Act, No. 27 of 2016.	<p>Section 22. Conversion of community land to public land (1) Community land may be converted to public land by—(a) compulsory acquisition;</p> <p>Section 23. Conversion of community land to private land Registered community land ma), subject to the approval of the registered community, be converted to private land through— (a) transfer;</p>	Land parcels under a Ranch have been affected by the project	Census Survey of the affected land parcels in a Ranch have done for each individual member for compensation. The members have shown their parcels of land and are just waiting for land documents which under preparation.
JICA’s Guidelines for Environmental and Social Considerations April 2010				
1	Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives.	To ensure that there is reduction project impact through avoidance thereby minimizing displacement or relocation of project area person and loss of property.	In the project area, there are houses and other structures, villages, markets, public facilities, trees, and cultivated areas.	A study to minimize the influence by the transmission line route shall be conducted.
2	When, after such an examination, avoidance is proved unfeasible, effective measures to minimize impact and to compensate for losses must be agreed upon with the people who will be affected.	To ensure that project alternatives and appropriate designs are explored to minimise impact to project affected persons.	Resident relocation will occur.	A study to minimize the impact at initial stage shall be conducted. Also a study to mitigate impacts during project implementation stage shall be done. In case the influence will not be avoidable compensation and assistance measures shall be provided. If the influence can not be avoided, compensation and support will be given.
3	People who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported by project proponents etc. in a timely manner. Prior compensation, at full replacement cost, must be provided as much as possible. Host countries must make efforts to enable people affected by projects and to improve their standard of living, income opportunities, and production levels, or at least to restore these to pre-project levels.	To ensure that project affected persons are not made poorer or worse off than before the project. Compensation for affected land and property is fully paid and livelihood of affected persons is made equal to or better than before the project implementation	<ul style="list-style-type: none"> · Loss of living infrastructure due to acquisition of land and acquisition of wayleave will occur (restriction of land use). · Relocation of structures including houses will occur. · Loss of trees and crops will occur. · Decrease in income due to business interruption (kiosk, flour grinding, and quarrying). 	<p>Provide adequate support so that the living level of affected persons will be improved or will reach at least equivalent level to the previous one. For this reason, the livelihood recovery and support measures will be prepared for all affected persons.</p> <p>Appropriate compensation measures according to the level of impact on the land will be prepared.</p> <p>Appropriate compensation for</p>

No.	Legislation/ Guideline	Relevance of the Legislation/Guideline	Trigger of Legislation/Guideline	Project Fulfilment of the Legislation/Guideline
	<p>Measures to achieve this may include: providing land and monetary compensation for losses (to cover land and property losses), supporting means for an alternative sustainable livelihood, and providing the expenses necessary for the relocation and re-establishment of communities at resettlement sites.</p>			<p>structures, trees, and crops including houses will be prepared.</p> <p>Appropriate compensation and support will also be given to operators such as affected small business.</p> <p>Appropriate compensation for income reduction due to business interruption will be provided.</p> <p>Payment of compensation is paid in advance by replacement cost.</p> <p>Not to obstacle life after relocation adequate support will be provided.</p>
4	<p>Appropriate participation by affected people and their communities must be promoted in the planning, implementation, and monitoring of resettlement action plans and measures to prevent the loss of their means of livelihood. In addition, appropriate and accessible grievance mechanisms must be established for the affected people and their communities.</p>	<p>To ensure that project affected house heads are meaningfully consulted and given the opportunity to participate in the resettlement programs.</p>	<p>The project affects many back bodies existing in approximately 53 km along the line.</p>	<p>In order to obtain residents and regional understanding, and cooperation, consultation meetings for the affected persons shall be conducted four times in each region.</p> <p>In the first meeting, project outline and the start of the survey will be shared, and obtain residents' cooperation for the survey.</p> <p>In the second meeting, impacts of the project on environmental and social aspects, and countermeasures will be presented.</p>

No.	Legislation/ Guideline	Relevance of the Legislation/Guideline	Trigger of Legislation/Guideline	Project Fulfilment of the Legislation/Guideline
				<p>In the third meeting, detailed impacts and compensation policy will be presented.</p> <p>In the fourth meeting, final results of environmental and social study will be presented.</p> <p>An accessible and effective grievance redress mechanism will be prepared.</p>
5	<p>For projects that will result in large-scale involuntary resettlement, resettlement action plans must be prepared and made available to the public. 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. When consultations are held, explanations must be given in a form, manner, and language that are understandable to the affected people. It is desirable that the resettlement action plan include elements laid out in the World Bank Safeguard Policy, OP4.12, Annex A.</p>	<p>To ensure that resettlement action plan reports are prepared for large scale projects and they are made available to project affected household heads.</p>	<p>Displacement more than 200 persons will occur.</p>	<p>A comprehensive and detailed RAP study will be conducted. Conduct public and transparent consultation meeting will be held. Affected persons can participate in all stages of the RAP process.</p> <p>Regarding the census survey to determine the eligibility for setting compensation and support measures will be provided by setting cutoff date. Especially to identified land ownership, local governments, NLC, and community elders will make necessary collaboration. In order to grasp land ownership clearly, survey will be conducted by involvement of the experienced local persons who are familiar with local circumstances.</p>

No.	Legislation/ Guideline	Relevance of the Legislation/Guideline	Trigger of Legislation/Guideline	Project Fulfilment of the Legislation/Guideline
				<p>Cultivation within wayleave, trees less than 12 feet, breeding of livestock are possible, compensation policy shall be in accordance with intension of the affected persons.</p> <p>Establish livelihood restration measures that can improve and maintain the lives of relocated persons.</p> <p>For business operators, the lost income will be compensated. Community based and mutual aid organizations will be utilized to facilitate relocation.</p> <p>Identify affected socially vulnerable households and prepare support measures that will not hinder livelihood maintenance.</p>

4.2 Land System in Kenya

Land in Kenya is classified as Public, Community or Private

4.2.1 Public Land

In Kenya, Public land refers to land unalienated by the **Kenya Government**, used or occupied by a State organ, which no individual or community ownership can be established, minerals and mineral oils, Government forests, and game reserves.

Other land in Kenya that fall into this category are water catchment areas, **national parks**, Government animal sanctuaries, **roads, rivers, lakes** and other water bodies, the territorial sea, the exclusive economic zone and the sea bed. The continental shelf, land between the high and low water marks and any land not classified as private or community land also fall in this category.

In Kenya, public land will be held in trust for the people by a **County Government** and administered on their behalf by the **National Land Commission**. Other pieces of land will be held by the national government in trust for the people and administered on their behalf by the National Land commission.

4.2.2 Community Land

In Kenya, Community land is held by communities on the basis of ethnicity, culture or similar interest. Community land comprises land registered in the name of group representatives, transferred to a specific community and land held, managed or used by communities as community forests, grazing areas or shrines. The other pieces of land that fall under community land are ancestral lands and those traditionally occupied by hunter – gatherer communities, held as trust land by the county governments.

4.2.3 Private Land

Private Land in Kenya consists of land held by a person under freehold tenure or leasehold tenure or any other land declared private land under an Act of Parliament.

4.2.4 Land Tenure in the Project Area

The Mariakani-Dongo Kundu Transmission and Substation in Dongo Kundu traverses land parcels that fall in the above 3 categories namely:

- Private land – Individuals and Private Company;
- Community land – a Ranch;
- Public land (Wayleaves for Kenya Railways, Kenya Power, Water Pipeline etc)

Majority of the land parcels in the project area fall in the category of private land.

4.3 The KETRACO Wayleave Acquisition Procedure

4.3.1 Wayleave Easement Procedure for Transmission Line Land

This method relates to compensation for the limited loss of use of land, structures and crops/trees

The Head of Technical Services (HoTS) instructs the Head of Wayleaves Acquisition (HoWA) to commence the wayleave acquisition process guided by availability of wayleave acquisition funds within the project budget.

- The HoWA will convene a kick off meeting with the Project Implementation Team (PIT) to share responsibilities guided by feasibility studies, RAP, ESIA, and survey data.

Land

- The HoWA through HoTS will request the Managing Director and Chief Executive Officer (MD & CEO) to make an application to National Land Commission (NLC) to create a public RoW (Electricity Wayleave). The application will be accompanied by the relevant documents required by NLC (ESIA, Cadastral Data, RAP, NEMA License etc.).
- Upon publication and gazette of the intention to create a public RoW by NLC, the PIT will serve notices as per Section 144(4) of the Land Act 2012.
- The PIT conducts public consultation/sensitization and address emerging concerns from all stakeholders.
- The HoWA through HoTS requests the MD & CEO to recommend to the Cabinet Secretary (CS) Land through the NLC to gazette the public RoW (Electricity Wayleave).
- Upon gazette of the public RoW, the HoWA through HoTS requests the respective land registrars to appropriately record the public RoW as per section 147 of the Land Act 2012.
- Upon creation of the public RoW, the HoWA selects a Valuer from the pre-qualified list of valuation consultants and requests the Head of Supply Chain Management (HSCM) to issue appropriate valuation instructions.
- Upon receipt of a satisfactory valuation report from the Valuer, the HoWA ensures the relevant Land Compensation Schedules are prepared.
- The HoWA through HoTS requests the MD & CEO to approve the Land Compensation Schedule and forward to:
 - (a) NLC for concurrence; and,
 - (b) Head of Finance (HoF) for payment, on easement execution;
- Upon receipt of NLC's concurrence the HoWA through HoTS ensures that Letters of Offer for compensation for the anticipated limited loss of use of land to PAPs (land owners) are prepared and issued.

Where Offer is Accepted

If the land compensation offer is accepted, HoWA through HoTS will forward the original accepted letter of offer together with the following requisite documents to Head of Legal Services (HoLS) for easement preparation, execution and registration:

(a) Requirements for Private Land Owned by an Individual/s

- Original title document or Certificate of official search
- Copy of National Identity Card(s)
- 2-coloured passport-size photo
- Copy of KRA PIN certificate
- Bank account details (Copy of ATM card)
- Where the grantor prefers payment to be made to an account other than the grantors', a written authority to that effect witnessed by area Chief

(b) Requirements for Private Land Owned by Registered Companies

- Original title document or Certificate of official search

- Copy of National Identity Card for at least two directors
- Certificate of Incorporation
- Copy of the CR-12
- 2-coloured passport-size photo for the directors
- Copy of KRA PIN certificate for the company and the directors
- Bank account details (Copy of ATM card)

(c) Requirements for Private Land where the Registered Owner is dead

- Original title document or Certificate of official search
- Copy of National Identity Card of the administrator(s)
- 2-coloured passport-size photo(s)
- Copy of KRA PIN certificate(s)
- Grant of Letters of Administration (Where probate is done or the compensation amount is above KShs. 500,000.00)
- Chief's letter listing all the beneficiaries (with signatures) and proposed administrator(s) (Where probate is not done and the compensation amount is below KShs. 500,000.00).
- Original/ Copy of Death Certificate or Notification of Death Certificate
- Bank account details of the beneficiaries (Copy of ATM card)

Easements Documentation

- a) The HoWA will ensure that official land searches for affected land parcels whose offer letters have been accepted are carried out and submitted to the HoF to facilitate payments.
- b) The HoLS will forward the executed easements to HoF for payments and then register the easements, notify HoWA and PIT of the same through HoTS and return the title document to the PAP land owner(s) who will acknowledge receipt in writing.
- c) Upon payment of compensation, HoF will notify HoWA and PIT of the same through HoTS marking the end of wayleave acquisition.

Where Offer is Rejected

If the offer is rejected, or a dispute arises before payment of compensation and registration of easement:

- a) Negotiations will be done by the PIT guided by HoWA in accordance with the RPF, 2011 and if successful and approved through HoTS, by the MD & CEO or HoF as the case may be, will follow the procedure given above for accepted offers;
- b) In the case of a stalemate, HoWA will forward the matter to HoTS to be handled through alternative dispute resolution methods in accordance with section 148(5) of the Land Act, 2012 and Article 159 of the Constitution. This will be handled by a special multidisciplinary team to be appointed by the MD & CEO in writing. This may also involve the input of the NLC.
- c) If case (b) above fails, HoWA will forward the matter to HoLS with relevant attachments to litigate.

Compensation Payment

- a) Compensation will not be paid to a public body unless there is demonstrable interference of the use of the land by that public body in accordance with Section 148(2) of the Land Act 2012.
- b) When the affected land is trust land (unregistered community land), KETRACO will engage the area County Government with a view to agreeing on the modalities of the County Government holding the compensation monies as trustees of the residents thereon which may through public participation be used on communal projects.

Structures

- a) HoWA will validate and update the RAP valuation report for structures compensation
- b) HoWA will then forward the validated and updated structure valuation/compensation schedule through HoTS to the MD & CEO or HoF as appropriate for approval.

Other properties (Crops, Trees etc.)

- a) The project Land Economist will enumerate property damage (crops, trees etc.) in Project Damage Report (PDR) and sign with each PAP for concurrence, witnessed by the area Chief/ Assistant Chief.
- b) The project Land Economist will then cost the enumerated damage, disclose the costing to PAPs, prepare the Property Damage (crops, trees etc.) Compensation Schedule and forward together with the PDRs to HoWA.
- c) The Manager Project Accounts will appoint a team of accountants to be accompanied by the land economist and any other team member in carrying out crop/tree damage verification on the ground. This is to ensure tree/crop numbers indicated on the Crop Damage Reports (CDRs) are the same as what has physically been damaged on the ground. The team will prepare a crop/tree verification report.
- d) HoWA will then forward the compensation schedule together with the PDRs and the verification report to the MD & CEO or HoF as appropriate through HoTS for approval and payment.

4.3.2 Wayleave Acquisition Procedure for Sub-station Land

This procedure will start with the HoTS writing to the MD & CEO with justification for acquisition of land; advising on the location, size, and availability of funds.

Upon approval, the HoTS will in consultation with other departmental heads appoint a multi-disciplinary scoping team for the identification of alternative sites for substation land or approve an advertisement criterion guided by the Feasibility Study Report.

In assessing the suitability of the available options of substation land, both the scoping and evaluation teams will be guided by but not limited to the following:

- a) Accessibility
- b) Environmental conditions
- c) Geotechnical conditions
- d) Legal conditions
- e) Proximity to the load (approx. Kms)
- f) Security conditions
- g) Shape
- h) Size
- i) Social conditions
- j) Terrain

The procurement methods to be used will include:

Option 1: Open Tender which includes: development of specifications, advertising to request for offers, evaluation, valuation, negotiation and a report to the MD & CEO. (indicative land values for the areas)

Option 2: Restrictive Procurement which includes: specifications, scoping, request for offers from a particular number of people, evaluation of offers, valuations, negotiations with successful candidates and a report for approval by the MD & CEO. (indicative land values for the areas)

Option 3: Direct Procurement – scoping, request for offer, valuation, negotiation, and an evaluation report for approval by the MD & CEO. (indicative land values for the areas)

If procurement is through open tender, offers will be invited through the print media by the HSCM, who will recommend/advice the MD & CEO to appoint an evaluation team to evaluate the various responses and submit an evaluation report to the MD as per procurement guidelines. The procedure for procurement through advertisement will then proceed to **Approval of Scoping Report**.

If alternative methods of procurement (restrictive / direct) are adopted, then the scoping team will then scout for ideal alternative sites where applicable, in the vicinity of identified termination / interfacing /interconnection point of the transmission line to meet the criteria above as guided by the Public Procurement and Asset Disposal Act.

The Scoping Team

This team will comprise a Land Economist, a Land Surveyor, an Electrical Engineer, a Civil Engineer, an Environmentalist, a Legal Officer, a Socio-Economist and a Procurement Officer.

The scoping team will submit a report to the HoTS giving detailed justification for the options selected guided by the specific roles and details of each land category. The report will further indicate the preferred options for acquisition with an appropriate ranking. This will include survey plans and coordinates marking the site to be acquired, official searches of the titles or copies of ownership documents, and contacts of the land owners.

At the same time, the HoWA will identify an external Valuer from the prequalified list of valuation consultants and forward to HSCM for issuance of instructions. Final output from the scoping team will include – valuation reports, bids from land owners, official searches, maps and coordinates.

The HoTS will forward the report to the HSCM to initiate the acquisition process through the various methods

Approval of Scoping Report

On approval of the scoping report (for alternative methods)/evaluation report (open tender method), the HSCM in consultation with the HoTS will nominate a negotiation team to the MD & CEO for approval.

The negotiation team will be multidisciplinary and members of the PIT and scoping team will not form part of the negotiation team. The negotiation team will ensure that negotiations with the recommended land owners are carried out guided by the following: -

- a) Valuation reports of the land parcels,
- b) Scoping/evaluation report
- c) Other reports from the PIT, and
- d) Budgetary allocation.

Successful Negotiation

The negotiation team will prepare a report on the negotiations and forward it through the HoTS to HSCM as per the internal communication procedures to give an opinion as required under the Public Procurement and Asset Disposal Act. The HSCM will forward the report with recommendations to the MD & CEO for approval and further guidance.

The report will contain among others the following details:

1. Minutes of the negotiation meetings.
2. The agreed purchase price and payment terms.
3. If there are any fixtures/improvements (crops, trees, structures, etc.) on the subject parcel, their values and payment terms. Details will include:
 - a) Acreage being purchased.
 - b) In the event of excision/subdivision/amalgamation the party to carry out the task.
 - c) Details of the Vendor.
 - d) Handling of succession issues, if any.
 - e) Copies of documents stipulated in the conveyancing procedures.
 - f) In the event of encumbrances how they will be discharged
 - g) Valuation report

If approved, the HSCM will forward the negotiation report and the documents to the HoLS for drafting of the sale agreement guided by the negotiation report. After drafting of the sale agreement, the HoLS will forward a copy of the sale agreement to the HSCM.

- If the land requires excision/subdivision, the HoLS will forward a copy of agreement to the HSCM who, together with the HoTS will ensure that the excision/subdivision is done. Thereafter, the HSCM will forward all relevant documents to the HoTS for conveyance.

The HoTS will confirm that the land has been properly surveyed by forwarding the following verified documents to the HoLS.

 1. Signed beacons certificate as to the actual position of the surveyed land.
 2. Survey plans / Mutations.
 3. Cadastral maps, Sealed deed plans / Amended Registry Index Maps, where applicable or Preliminary Index Diagrams (PIDs) and Part Development Plans.
 4. Necessary approvals including change of user approvals where applicable.
- If the land doesn't require excision/subdivision, the HSCM will forward all the completion documents to the HoLS for conveyance in accordance with conveyancing procedure.

Failed Negotiation

In the event that all negotiations fail, the HSCM will as per the internal communication procedure inform the HoTS, who will consult with the MD & CEO for further guidance on:

- (a) The report of the Negotiation Team.
- (b) Appointment of a Special multi-disciplinary Negotiation Team (SNT) by the MD & CEO in writing.
- (c) Referring the acquisition to the NLC.

4.3.3 Wayleave Acquisition Notices by KETRACO

As elaborated in the Entitlement Matrix (**Table 13**) notice will be issued to allow PAP to relocate their structures and other assets before wayleave is acquired by KETRACO. The notice period will vary from item to item. The notice periods that have been indicated in the matrix are as follows:

- Relocation of structures – 3 months but period can be varied by KETRACO depending on prevailing circumstances. There may be need to extend the period and there are simple structures that may only require a few days to relocate.
- Removal of Trees – 3 months
- Removal of Perennial Crops – 3 months
- Removal of annual crops – 3 months. Majority of the annual crops require 3 months to mature and allow the crop owners to harvest them. However, should there be an annual crop that requires a longer period than 3 months, this will be considered by KETRACO on a case by case basis.

4.3.4 Land Acquisition Process by NLC

The land acquisition process by National Land Commission (NLC) takes the following steps:

1. Preparation of property boundary/ownership data and land acquisition drawings
2. Land acquisition documents are forwarded to NLC
3. NLC approves land acquisition documents
4. **Notice of Intention to Acquire Land (30 days)** - NLC publishes in the Kenya Gazette and County Gazette of the intention to acquire land. NLC serves notice to every person who seems interested in the land and copies to the Registrar.
5. **Notice of Inquiry (15 days)** - At least thirty days after publishing the notice of intention to acquire land, NLC appoints a date for inquiry to hear issues of propriety and claims for compensation by persons interested in the land (notice is placed in the Kenya Gazette or County Gazette for at least **15 days**).
NLC will also serve a copy of the notice on every person who appears to NLC to be interested or who claims to be interested in the land
6. Upon receipt of the notice, the Registrar shall make an entry in the register of the intended acquisition
7. The notice of inquiry shall call upon persons interested in the land to deliver a written claim of compensation to NLC, not later than the date of the inquiry.
8. At the enquiry hearing, NLC shall:
 - Make full inquiry into and determine who are the persons interested in the land and receives written claims of compensation from those interested in the land. The Institution, and every person interested in the land, is entitled to be heard, to produce evidence and to call and to question witnesses at an inquiry;
 - Receive written claims of compensation from those interested in the land.
9. Upon conclusion of the inquiry, NLC prepares a written award for every person whom the Commission has determined to have an interest in the land
10. On making an award, NLC serves on each person whom the Commission has determined to be interested in the land, a notice of the award and offer of compensation
11. The Institution through NLC pays just and full compensation
12. NLC takes possession of the acquired land and vests in the Institution
13. Upon taking possession, the NLC:
 - Notifies the interested persons and the Registrar.
 - Carries out survey of remaining land and rectifies titles.
 - Cancels titles where land has been fully acquired.

If the owner of the land is not clear, the NLC head office will first extract the issues related to the land described in the RAP report, and will check the current status of the land that needs to be dealt with, the local officers in each County, will conduct field survey.

Local officers of NLC will confirm land registers and conduct interview survey. They will submit verification survey report to head office. Based on a verification result report, consultation with KETRACO to prioritize the cases based on the urgency level to be addressed, and, also based on the urgency level, and importance degree, scale etc. of the target project, and start the reconciliation to identify the ownership. Compensation funds for land for which the owner is not clear are pooled in a special account managed by NLC and remitted to the target individual's account once the ownership will be identified. In mediation, the appropriateness of the claim against traditional and customary land will be also individually reviewed.

4.4 Comparison of GoK Laws to JICA's Guidelines

The GoK laws and JICA emphasizes that affected persons must receive just compensation in a timely manner. However, JICA provides other guidelines requiring that affected communities be consulted regarding project implementation and resettlement. Affected communities should also receive the opportunity to participate, implement, and monitor resettlement.

There is no provision in the laws of Kenya that the state should attempt to minimize involuntary resettlement. However, in this circumstance the JICA's Guidelines for Environmental and Social Considerations April 2010 will supersede and hence apply in its entirety. Refer to **Table 13** for the Comparison of GoK Laws in Relation to JICA's Guidelines for Environmental and Social Considerations April 2010 (GAP Analysis)

Recommendations to Bridge the Gap between JICA Guidelines and Kenyan Law

Table 13: Comparison of JICA Guideline and Kenyan Laws (Gap Analysis)

No	JICA Guidelines	Laws of Kenya	GAP Between JICA GL and Kenyan Laws	Resettlement Policy for this Project
1.	Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives. (JICA GL)	Evictions and Resettlement Bill 2012 Sec 6 (1) prescribes the procedures that shall be observed before forced evictions is carried out. Land Act 2012 Sec 110(1) states that Land may be acquired compulsorily. The Act does not recommend that resettlement should be avoided, minimized or mitigated	The Land Act 2012 does not provide for exercising avoidance, minimizing or mitigation of resettlement wherever possible. It only mentions that as long as a project is for public interest, involuntary resettlement is considered to be inevitable but compensation must be paid for legally owned property that is affected. The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012 - Section 5 provides for prevention of displacement of persons. Similarly according to JICA guidelines; involuntary resettlement and loss of means of livelihood should be avoided.	To avoid involuntary resettlement and loss of livelihood where feasible by: <ul style="list-style-type: none"> • Selecting appropriate route of the transmission line that avoids settlements • Carry out prompt and just compensation.
2.	When population displacement is unavoidable, effective measures to minimize impact and to compensate for losses should be taken. (JICA GL)	Measures to minimize impact are not expressly provided but compensation for land, structures, trees and crops are provided for in the Land Act 2012 Section 148. The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012 <ul style="list-style-type: none"> • Section 5 provides for prevention of displacement of persons • Section 22 (2) requires that PAPs give their consent and public hearing is held 	Whereas the Land Act 2012 considers prompt and just compensation, it does not emphasize avoidance, minimizing or mitigation of resettlement wherever possible. The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012 provides for similar measures as JICA Guidelines.	The following actions will be implemented to minimize project impact: <ul style="list-style-type: none"> • Compensation for land, structures, trees and crops • Compensation for disruption of livelihood sources • Payment of disturbance allowance • Provision of extra assistance to vulnerable persons affected by the project

No	JICA Guidelines	Laws of Kenya	GAP Between JICA GL and Kenyan Laws	Resettlement Policy for this Project
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 and production levels to pre-project levels. (JICA GL)	The Land Act 2012 Sec.134. (1)The Commission shall, on behalf of the national and county governments, implement settlement programmes to provide access to land for shelter and livelihood. (2) Settlement programmes shall, for the purposes of the Act, include, but not be limited to provision of access to land to squatters, persons displaced by natural causes, development projects, conservation, internal conflicts or other such causes that may lead to movement and displacement. Hence the Kenyan Law provides for livelihood restoration and resettlement. However, the Legislation does not elaborate on the details of the restoration activities.	Kenyan Legislation does not elaborate on the livelihood restoration activities that should be implemented or supported to enhance standard of living. On the other hand, the JICA environmental and social considerations elaborate on the livelihood restoration activities including provision of support for the transition period (between displacement and livelihood restoration).	Carry out adequate compensation and restore livelihoods of affected persons to pre-project levels or higher
4.	Compensation must be based on the full replacement cost as much as possible. (JICA GL)	Land Act 2012 Sec 111. (1) stipulates that if land is acquired compulsorily under this Act, just compensation shall be paid promptly in full to all persons whose interests in the land have been determined.	Requirements are similar	Valuation of land and other assets for compensation has been carried out by a registered valuer applying the principle of replacement cost for affected assets.
5.	Compensation and other kinds of assistance must be provided prior to displacement. (JICA GL)	Land Act 2012 Section 125 . (1) The Commission shall, as soon as is practicable, before taking possession, pay full and just compensation to all persons interested in the land.	Requirements are similar	All PAPs shall be identified and the affected land and assets documented for compensation and assistance. Compensation and assistance shall be provided prior to displacement
6.	For projects that entail large-scale involuntary resettlement, resettlement action plans must be prepared and made available to the public. (JICA GL)	There is no express provision in the laws that resettlement action plans must be prepared and made available to the public	Kenyan laws have not provided for the preparation of resettlement action plan that describes all features of resettlement requirements and ready to disclose to public.	Resettlement Action Plan for this project is being prepared. RAP Report has all features of resettlement requirements and mechanism of disclosure to the affected communities

No	JICA Guidelines	Laws of Kenya	GAP Between JICA GL and Kenyan Laws	Resettlement Policy for this Project
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)	According to Article 35 of the Constitution on Access to information (1) Every citizen has the right of access to— (a) information held by the State; and (b) information held by another person and required for the exercise or protection of any right or fundamental freedom; in this case the information is the intention to compulsorily acquire privately owned land by the government. Evictions and Resettlement Bill 2012 Sec 6 (1) prescribes the procedures that shall be observed before forced evictions is carried out which includes adequate consultation.	Requirements are similar	The RAP for the project has been prepared following a consultation process which involved all stakeholders (PAPs, government agencies, project area community, County and National Government Officers etc.), Consultation will be a continuous process at all stages of the project development
8.	When consultations are held, explanations must be given in a form, manner, and language that are understandable to the affected people. (JICA GL)	There are no provisions	Kenyan Laws have not provided that there should be clear explanations on the project to the affected persons in a form or manner and language they understand	The RAP has been prepared following a consultation process with PAPs and all stakeholders in a language (Kiswahili) that the community understands and by following participatory process. PAP meetings have been convened where project information has been provided and a question and answer session conducted to give a chance to PAPs to ask questions and answers are provided during the meeting. Consultation will be a continuous process at all stages of the project development.

No	JICA Guidelines	Laws of Kenya	GAP Between JICA GL and Kenyan Laws	Resettlement Policy for this Project
9.	Appropriate participation of affected people must be promoted in planning, implementation, and monitoring of resettlement action plans. (JICA GL)	The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012 Provides for participation of affected persons	Requirements are similar	The RAP for this project has been prepared following a consultative process with the PAPs and all stakeholders. There was a Sensitization Meeting at the beginning of the RAP Study, rigorous consultations with the PAPs during the detailed census survey and PAP Consultation Meeting after the census survey. Consultation will be a continuous process at all stages of the project development
10.	Appropriate and accessible grievance mechanisms must be established for the affected people and their communities. (JICA GL)	Land Act 2012 Sec 128: Any dispute arising out of any matter provided for under the Land Act may be referred to the Land and Environment Court for determination. It clearly provides the procedures to be followed when launching complaints. These include: <ul style="list-style-type: none"> • Encouragement of communities to settle land disputes through recognized local community initiatives • Use of Alternative dispute resolution mechanisms, • Re-negotiation with NLC that is backed by the judicial system through Environmental and Land Courts for determination 	Requirements are similar	Appropriate and accessible grievance mechanism for this project has to be established and included in the RAP Report. It provides details of the process of lodging complaints and roles and responsibilities of the committee members

No	JICA Guidelines	Laws of Kenya	GAP Between JICA GL and Kenyan Laws	Resettlement Policy for this Project
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, and socioeconomic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers of others who wish to take advantage of such benefits. (WB OP4.12 Para.6)	Land Act 2012 in Section 147 provides for identification and documentation of persons within a wayleave	Kenyan Laws do not provide cut-off date	The RAP report for this project contains detailed census survey, asset inventory and socioeconomic survey that was carried out on the PAPs. Cut-off date was set at the date the census survey commenced to avoid encroachment. The asset inventory and socioeconomic survey data has been used to establish eligibility and compensation requirements.
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	The Land Act 2012; sec 111. (1) States that if land is acquired compulsorily under this Act, just compensation shall be paid promptly in full to all persons whose interests in the land have been determined. The NLC is yet to make rules to regulate the assessment of just compensation. The Land Act 2012 provides that written and unwritten official or customary land right are recognized as valid land right where it conforms to the Constitution of Kenya of 2010. The Law provides that people eligible	Requirements are similar	The RAP report has ensured that compensation and assistance is provided to all affected persons, whether physically displaced or economically displaced, irrespective of their legal status. Persons that have been listed during the census survey are eligible for compensation and assistance.

No	JICA Guidelines	Laws of Kenya	GAP Between JICA GL and Kenyan Laws	Resettlement Policy for this Project
	to the land they are occupying. (WB OP4.12 Para.15)	for compensation are those holding land tenure rights. The Land Act also recognizes those who have interest or claim in the land such as pastoralist or those who use the land for their livelihood. Section 40 (4) of The Constitution of Kenya recognizes 'occupants of land even if they do not have titles' and payment made in good faith to those occupants of land. However, this does not include those who illegally acquired land		
13.	Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. (WB OP4.12 Para.11)	Land Act 2012 Sec 111. (1) stipulates that if land is acquired compulsorily under this Act, just compensation shall be paid promptly in full to all persons whose interests in the land have been determined. The Act appears to consider cash-based mode of compensation by the Government to the affected population.	Cash based compensation seems to be the preferred mode of awarding compensation to the affected population by Government of Kenya. However, JICA environmental and social considerations strongly suggest that Land for Land Compensation should be adopted for PAPs who generate income from the Land	The transmission line (TL) wayleave land will be put under easement and therefore the compensation is for the inconvenience of reducing the uses that the wayleave land can provide. Since the compensation for the TL will not be 100%, cash compensation will be given preference
14.	Provide support for the transition period (between displacement and livelihood restoration). (WB OP4.12 Para.6)	Kenyan the Law provides for livelihood restoration and resettlement. However, the Legislation does not elaborate on the details of the restoration activities.	Kenyan laws lack details on how support is to be provided to PAPs	PAPs are to be provided with support during the transition and livelihood restoration period. A 15% disturbance allowance will be paid for structures to assist PAPs relocate to their new sites

No	JICA Guidelines	Laws of Kenya	GAP Between JICA GL and Kenyan Laws	Resettlement Policy for this Project
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 children, ethnic minorities etc. (WB OP4.12 Para.8)	Apart from the requirement that spouses are included in land and property transactions to safeguard their interest as elaborated in the Land Act 2012 Section 107, the Kenyan Legislation does not specifically cater for other vulnerable groups.	Kenyan laws lack specific details regarding vulnerable groups	Vulnerable Persons have been identified in this RAP. They will be provided with extra assistance over and above the compensation for the land and other affected assets including: <ul style="list-style-type: none"> • Relocation assistance • Assistance to put structures
16.	For projects that entail land acquisition or involuntary resettlement of fewer than 200 people, abbreviated resettlement plan is to be prepared. (WB OP4.12 Para.25)	There is no provision for preparation of an abbreviated RAP	The Kenyan laws lack guidance categorization of projects as far as displacement is concerned.	Full RAP has been prepared since more than 200 PAPs have been encountered.

4.5 Valuation of Land, Structures, Trees/Crops and Disruption of Business

Property values are affected by many factors, the relative importance of which will differ with each heterogeneous property. Some of the factors may be matters of opinion involving subjective judgement which may therefore not be quantitatively measurable.

The assets affected by the proposed project have been categorised as Land, Structures, Trees, Crops and Specialized assets which have been valued on the basis of their net current realisable market value for compensation purposes. The general principle of compensation is that, for the owner, the value of acquired land is greater than the market value. This is because there are questions of severance, injurious affection and disturbance.

The only compensation to a disposed owner would be to put him into a position to reinstate himself on the 'other land' so as to be able to carry on his activities substantially, unaltered and undiminished. This would be a basis for compensation known as equivalent reinstatement.

The above principles of compensation are contained to a large extent in the Land Act of 2012 where the compensation is based on: -

- Market value of the land taken;
- Any damages sustained or likely to be sustained by reason of severing such land from his other land;
- Any damage from loss of profits over the land;
- Additional 15% market value for disturbance.

The Act states that where land is needed for access compensation, it will be limited to the damage done to trees, plants, growing crops and permanent improvements on the land, together with the periodical dominium in the profits of the land and adjoining land by reason of such use. **Data Book (Vol B) Section 4.4** provides Compensation Cost Matrix Table.

4.5.1 Valuation of Land

The Open Market Value of land taken

Comparable sales method has been adopted for valuing the affected land. This is based on the open market comparison of the land to be valued with what other similar parcels of land are currently selling for in the area but taking into account the differences between them on a willing seller willing purchaser basis. The comparability of the land is based on the use, location, site conditions and income related factors.

The market-comparison method is ideal for establishing values of real estate and other goods in a competitive economy. The most critical aspect of the comparative sales method is what constitutes comparability. This is usually in respect of properties, comparability of transactions and market conditions. Each of these aspects has been thoroughly analysed to obtain an ideal rate. Where part of the property is acquired the Consultant has also taken into account damage to the remainder of the property. This is in cases where the physical taking of a part of the land might reduce the value of the remainder by making it less convenient for some particular purpose.

This form of loss is called damage by severance. This is because after severance the highest achievable use cannot be realized. **Data Book (Vol B) Section 5** gives the valuation for land.

4.5.2 Valuation of Developments/Structures

Affected developments and housing structures will be compensated at full replacement value; this will be the cost of building a new house of similar nature at the current market value. There will be an additional disturbance allowance paid to the affected house owners which is 15% of the cost of the affected structures.

4.5.3 Valuation of Trees

The trees were valued based on compensation schedules prepared by the Kenya Forest Service for various species depending on age and its future potential. The Consultant has also taken into account the extent of utilization, type of species, quality of logs and diameter of the logs. It was noted that the trees on the corridor of the project area are composed of various indigenous tree species which have various benefits including production of fruits, making of furniture, carvings, medicinal value, construction and firewood among other uses. Trees were identified and distributed into 3 categories of mature, medium and young and cost estimates established according to these categories. During the estimation of the number of trees on each affected parcel of land, the Consultant considered trees with 300mm girth or more with an estimated height of 12 feet or higher above the ground. These were considered to be medium and on average can produce 1 cubic metre of firewood when harvested. Valuation for Trees are provided in the **Data Book (Vol B) Section 6**.

4.5.4 Valuation of Crops

The crops which were on the affected land as at the time of our inspections have been valued based on the schedules prepared by the state department of Agriculture for various types and age but taking into account the level of management. Refer to the **Data Book (Vol B) Section 7** for valuation of Crops. Since some crops cannot be counted individually, the Consultant has adopted the use of Crop Unit. The area occupied by the crop as one continuous unit has been referred to as one crop unit and the value has been determined by the value of the standard area of that crop calculated over the whole area covered by the crop.

4.5.5 Disruption of Businesses

A large area of the project site is occupied by settlements with residential houses. Only 3 businesses have been affected. These are:

- Quarry Business for mining building stones. It is located at chainage 10.7km
- Kiosk Business selling grocery items to the community members. It is located at chainage 24.4km
- Posho Mill business for grinding maize and other grains for the community members. It is located in the Sub-station area (Dongo Kundu)

Monthly income (profits) accruing from these businesses has been determined during the detailed asset inventory survey. As part of income restoration, compensation to be paid for the affected businesses has been computed as being equivalent to 3 months business income.

This will cushion the business owners from the effects of resettlement interruption. It is considered that over this period, the Business PAPs will have identified alternative sites where they can re-establish their businesses. Refer to the **Data Book (Vol B) Section 8** for valuation of business loss.

4.5.6 Valuation of Specialized Properties

Specialized assets are those that cannot have values *per se* but whose values are attached to an individual, community or religions. During our field inspections we noted that the land affected by the project have graves on which the PAPs attach some sentimental values and cannot be ignored.

Consultations were done with the elders, religious leaders, professionals in the community to get their views. They were of the opinion that the graves can be relocated without performing rituals. These shall involve the cost of feeding the mourners and other incidentals thereof.

Overhead transmission projects in KETRACO context does not envisage relocation of graves. During construction, a lot of care is taken to ensure that the project does not affect graves, including moving tower locations to avoid graves.

4.6 Project Principles of Compensation for Resettlement

The basic principles of resettlement adopted for the Project are as follows:

1. Involuntary resettlement will be avoided or minimized by identifying possible alternative project designs and appropriate social, economic, operational and engineering solutions that have least impact on the population in the project area;
2. 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;
3. 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;
4. The cut-off date for eligibility for compensation for physical assets affected by Project activities such as the construction of the transmission line, towers and construction of roads will be the start date of the census of the PAPs as per the provisions of OP 4:12 of the World Bank on Involuntary Resettlement which states that that cut-off data is normally the date the census begins.

The cut-off date for the project area that lies in Kilifi and Kwale Counties was set as 13 July 2017 when the RAP field survey commenced at the Mariakini point of the project. The Cut-off Date for Dongo Kundu has been set as March 21, 2018 when the Census Study for Dongo Kundu commenced.

5. All PAPs will be entitled for compensation at replacement cost at the current market value for affected assets, incomes and businesses; all severely affected HH will also be provided with transitional assistance and income restoration and other rehabilitation assistance which will be sufficient to improve or at least restore their pre-project living standards, income levels and productive capacity;

6. After the design was completed by JDT, a census and socio-economic survey was conducted as the basis for resettlement plan preparation. The detailed data obtained from the census survey and asset inventory and valuation of land and other assets is the basis that will be used for determining compensation;
7. For the PAP population that will be relocated or displaced, efforts will be made for existing social and cultural institutions family ties and relations of the people who are being resettled to be maintained to the greatest extent possible.
8. Preparation of RAP, as part of project preparation and implementation, was carried out with the full participation of both the affected people, as well as representatives of the local governments of the project affected areas, community leaders, civil society and social organizations such as the women groups and local NGOs
9. Comments, concerns and suggestions of those consulted will be duly taken into consideration during the design and implementation phase of the resettlement plans
10. Consideration and assistance will be provided, where necessary, to those most vulnerable to the adverse impacts of resettlement (including the those living below the poverty line, 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;
11. Adequate budgetary support has been fully committed and made available to cover the costs of land easement/acquisition, resettlement and rehabilitation within the agreed implementation period;
12. Appropriate reporting, monitoring and evaluation mechanisms have been identified and put in place as part of the resettlement management system. Monitoring and evaluation of the land acquisition process and the final outcome will be conducted independently of the executing agency;

4.7 Compensation Policy for Loss of Land, Structures, Crops and Trees

The Project will encumber on land for the 40m wide transmission line wayleave and acquire land for the substation site. This will be used for the construction of the transmission line towers, conductors and access roads (to facilitate construction and maintenance of the line) and the substation. The compensation policy that will be used in this Project are provided below:

Following the collection of the baseline data, market surveys for structures, land, trees and crops, a compensation policy framework has been developed providing options for eligible PAHs and PAPs taking cognisance of the feedback from the various stakeholders. Meetings were convened to disclose the various resettlement and compensation options available for all PAHs. At the PAP consultation meetings, the resettlement, rehabilitation, assistance and compensation options available were discussed in broad general terms and further meetings will be arranged during the RAP Implementation period to discuss with individual PAPs on the specific resettlement, rehabilitation, assistance and compensation options that are applicable to them.

4.7.1 Compensation for Land, Structures and Trees

Area for each Land Parcel

The transmission line requires a 40 metres wide wayleave where the conductors will be strung. The length of the wayleave across each PAPs land has been determined by the Consultant Surveyor. This has been used to calculate the total area of the wayleave on each individual parcel of land.

Compensation for affected Land for each PAP

Easement for Transmission Line (TL)

Every affected land owner will be compensated for easement depending on the area of land taken up by the wayleave across their land. Cash compensation for loss of land is to be done at 30% upwards of the market value of the affected land considering the magnitude of impact. The unit of compensation for land will be the same depending on the current market value at the locality but the compensation for impact will be different depending on the severity of the impact.

KETRACO will compensate the PAPs for reduction of use (controlled used) of the ROW since the PAPs cannot build houses or any dwellings and also, they cannot plant trees that have the potential of growing to a height greater than 12 ft high within the wayleave area. However, they can grow crops and graze their livestock within the wayleave.

The Criteria used is as follows:

Land parcels below 4000m² (approx. 1 acre) and <50% affected the compensation per centum used will be 50% of the open market value (OMV) of the affected area and where the parcel is >4000m² and <50% affected the compensation per centum will be 30% of the OMV.

When a parcel is >50% affected and deemed uneconomically viable then compensation will be paid at the full OMV for loss of use of land for the affected parcel depending on where it is located. The reason for compensating 30-50% is because of the limitation put on the affected area which KETRACO does not buy off but pay for the limited loss of use.

Example 1:

1. If for example 0.5 acres of land is affected out of a total acreage of 5 acres, the impact is calculated as $0.5/5 \times 100 = 10\%$ (This impact is low and will be compensated at 30%). Assuming an acre of land at OMV is KShs 500,000, The calculation will be - Affected Area x Compensation % x Rate per Acre. That is $0.5 \times 30\% \times 500,000 = 75,000/=$.
2. On the other hand, assuming 3 acres of land is affected out of a total acreage of 5 acres, the impact will be $3/5 \times 100 = 60\%$ and therefore will be compensated at 50%. The compensation amount will be calculated as $3 \times 50\% \times 500,000 = 750,000$.
3. Finally, assuming 4.8 acres of land is affected out of a total acreage of 5 acres, the impact will be $4.5/5 \times 100 = 96\%$ and therefore will be compensated at 100% because the remaining land is considered to be uneconomical. The compensation amount will be calculated as $4.8 \times 100\% \times 500,000 = 2,400,000$.

Substation Land

The substation land will be fully acquired and fully paid off (100% Compensation) since it will be fenced off and the owner will not be able to access it for reduced use.

4.7.2 Compensation for Structures

Compensation for structures shall cover full replacement cost at current market rate exclusive of depreciation and inclusive of all fees (such as construction permits and title charges) and labour costs

4.7.3 Compensation for Trees/Crops

Trees

All growing/mature trees affected by the transmission line corridor and substation will be compensated at the current market value based on compensation schedules prepared by the Kenya Forest Service for various species depending on age and its future potential.

Crops

Only perennial crops will be compensated and the values will be compensated based on the schedules prepared by the state department of Agriculture for various types and age but taking into account the level of management

4.7.4 Restoration for Business Disruption

Only 3 businesses have been affected (kiosk, posho mill and quarry businesses). Monthly income (profits) accruing from these businesses have been determined and used for establishing income restoration payment for the affected businesses. This has been computed as being equivalent to 3 months business net income. This will cushion the business owners from the effects of resettlement interruption.

Compensation shall consider vulnerability of the PAPs as stipulated in the applicable laws of Kenya, the JICA's Guidelines for Environmental and Social Considerations April 2010 and KETRACO Resettlement Policy Framework

4.7.5 Compensation Procedure

After validation of property values in the RAP Report, KETRACO will give each property owner a Letter of Offer showing the amount of money that they will be paid for each affected property.

If the PAPs are satisfied with the amount indicated on the Offer Letter, they will sign the letter of offer and return it to KETRACO indicating their bank account details or their full names as per their national ID to enable KETRACO transfer the compensation money to their bank accounts. Land owners will be required to show proof of ownership of the affected parcel of land by either a Title Deed or Letter of Allotment or any other land ownership documents that are recognized by law. A signed Letter of Offer forms a legally enforceable and formal agreement between KETRACO and the PAP. If the PAP is not satisfied with the valuation offer given, they will be free to hire their independent valuer at their own cost who will provide their independent valuation which will be negotiated with KETRACO Valuer to arrive at an agreement. Should the negotiations between the two valuers fail; the matter will be referred to the Valuers Tribunal for final settlement. Since KETRACO does not acquire the land nor get title to it, an Easement Form will be signed to pave way for compensation for the ROW. The form will be attached to the PAPs Title Deed at the Ministry of Land to show that there is a wayleave on the particular parcel of land.

4.7.6 Compensation for Disturbance and Other Losses

In the valuation, the Consultant has also taken into account losses not directly based on the value of interest on the land. Such losses normally arise as a result of the service of the notice to acquire the land and such loss must be capable of assessment at the date of the notice of intention to acquire the land. The Consultant has:

- Included the 15% disturbance allowance in the valuation of structures.
- Disturbance allowance of 15% will take care of disturbance and relocation.

4.7.7 Land Claimants in the Road Corridor

Land Under PAP569 - There are 7 PAPs occupying Land in Mariakani at the beginning of the Transmission Line between MTR-M and DK2 registered under PAP569. The PAPs are claiming ownership since they have been occupying the land for over 30 years.

Since the Limitations of Actions Act Revised Edition 2012 mentions that "*An action may not be brought by any person to recover land after the end of twelve years from the date on which the right of action accrued to him or, if it first accrued to some person through whom he claims, to that person*", the Consultant has therefore considered to register their claim pending verification by the National Land Commission (NLC) and the County Government of Kilifi.

Land Under PAP636 - There are 65 PAPs occupying land in Dongo Kundu registered under PAP636. The PAPs are claiming ownership since they have been occupying the land for over 30 years. Since the Limitations of Actions Act Revised Edition 2012 mentions that "*An action may not be brought by any person to recover land after the end of twelve years from the date on which the right of action accrued to him or, if it first accrued to some person through whom he claims, to that person*", the Consultant has therefore considered to register their claim and included the value of the affected land in the cost table pending verification by National Land Commission (NLC) and the County Government of Mombasa.

4.7.8 Land Documentation and PAP Consultation Issues

The project area land adjudication and issuance of land title deeds is still in progress. In some instances, PAPs the Census Survey and Asset Inventory teams came across affected property whose owners were not present. These were ably overcome as elaborated below.

PAPs who do not have land title deeds and could not provide exact land boundaries.

- Land parcels in a Ranch are under one title deed. The other land parcels in the project area either have title deeds or are at different stages of processing. National Land Commission (NLC) is facilitating this process together with the County Governments of Kilifi, Kwale and Mombasa.
- The Census Survey and Asset Inventory team consulted the Local Administration (Village Elders, Assistant Chiefs and Chiefs) and the immediate neighbours on the ground to establish the land boundaries. The Surveyor was then able to survey the land boundary and establish the size of the PAP land. The affected area by the TL was also surveyed and area established.

Affected households along the wayleave which could not provide accurate information their land sizes.

The Census Survey and Asset Inventory team consulted the local Administration (Village Elders, Assistant Chiefs and Chiefs) and the immediate neighbours on the ground to establish the land boundaries. The Surveyor was then able to survey the land boundary and establish the size of the PAP land. The affected area by the TL was also surveyed and areas established.

Absentee PAPs.

The Census Survey and Asset Inventory Team was able to contact the neighbours of the absentee PAP and the local administration offices to obtain their contact details. Some of the absentee PAPs were able to come to site to provide details while others were interviewed in Nairobi but came to the site during the PAP Meetings.

Non-registered land.

NLC together with the Lands Office and the County Government are progressing the adjudication of land parcels in the project area to facilitate issuance of title deeds.

4.7.9 Entitlement Matrix

The Entitlement Matrix outlines the impacts/losses caused by the easement/acquisition of land for the project (land, structures, crops and trees), the various categories of HH and the various entitlement options. Cash compensation for loss of land is to be done at 30% upwards of the market value of the affected land considering the magnitude of impact. This is determined by considering the percentage of the acquired land area compared to the total size of the affected parcel. **Table 14** provides the Entitlement Matrix for land while **Table 15** provides Entitlement Matrix for structures and other losses.

Table 14: (A) Entitlement Matrix (Land)

No.	Type of Loss	Entitled Persons (Beneficiaries)	Entitlement (Compensation Package)	Implementation Issues and Plan of Action	Responsible Organization
1.	<p>RESIDENTIAL</p> <p>(1) Partial loss of residential land but remaining land is large enough where continuous dwelling is possible.</p> <p>(2) Partial loss of residential land where continuous dwelling is not possible.</p> <p>(3) Entire loss of residential land.</p>	<p>1) Those who have legal rights to land including customary and traditional rights recognized under the laws of Kenya</p>	<p>Transmission Line</p> <p>a) Cash compensation for reduced use of land is to be done at 30% upwards of the replacement cost of the affected land considering the current open market value of the land in the location of the affected land and magnitude of impact. This status shall be evaluated in detail as provided under Section 4.9.1 of the RAP Report.</p> <p>b) Relocation of homestead shall be done within the same land parcel if the remaining unaffected land is large enough to accommodate new homestead.</p> <p>c) Where the remaining unaffected land is not large enough to accommodate the new homestead, the compensation amount to be provided by KETRACO shall be 100% of the affected land parcel to allow the vulnerable HH to be able to purchase new land equivalent to the affected area for the establishment of a new homestead.</p> <p>d) The compensation shall cover administrative charges, title fees, or other legal transaction costs.</p> <p>e) There shall be compensation money management training and guidance services.</p> <p>f) Relocation shall be done after receiving compensation payment.</p> <p>g) Notify three months in advance to vacate.</p>	<p>i) PAPs' intention for dwelling place shall be assessed through all sorts of consultation meetings</p> <p>ii) Existing local land tenure system shall be assessed</p> <p>iii) Media and responsible NGO shall be invited to consultation meetings</p> <p>iv) Traditional, customary and historical background shall be assessed.</p>	<p>KETRACO NLC County Governments Local community NGOs</p>

No.	Type of Loss	Entitled Persons (Beneficiaries)	Entitlement (Compensation Package)	Implementation Issues and Plan of Action	Responsible Organization
1.	<p>RESIDENTIAL</p> <p>(1) Partial loss of residential land but remaining land is large enough where continuous dwelling is possible.</p> <p>(2) Partial loss of residential land where continuous dwelling is not possible.</p> <p>(3) Entire loss of residential land.</p>	<p>2) Community Land (Mwavumbo Ranch) – Land has been divided to individual members who are waiting for land titles.</p> <p>3) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land assets provided that such claims are recognized under the laws of Kenya or become recognized through a process of identification. (PAP569 and PAP636)</p>	<p><i>Substation Land – Dongo Kundu</i></p> <p>a) Cash compensation for loss of land is to be done at 100% of the market value of the affected land.</p> <p>b) Assistance to find new land for relocation of homestead</p> <p>c) Administrative charges, title fees, or other legal transaction costs.</p> <p>d) Compensation money management training and guidance services.</p> <p>e) Relocation shall be done after receiving compensation payment.</p> <p>f) Notify three months in advance to vacate.</p> <p><i>Additional Assistance to Vulnerable Persons</i></p> <p>a) Vulnerable shall be paid by double amount of the affected land value.</p>	<p>Addition to above,</p> <p>v) The Land Act 2012 provides that written or unwritten official or customary land right are recognized as valid land right where it conforms to the Constitution of Kenya 2010,</p> <p>vi) A person occupying land to which they have no claim under any tenure but is eligible for compensation as he/she is present during the census and inventory of assets or in occupation of private land for over 12 years in accordance with the Limitations of Actions Act.</p> <p>vii) KETRACO will work together with County Government and other Local Authority Offices to identify land for resettlement of vulnerable persons in the project.</p> <p>Addition to above,</p> <p>viii) Resettlement land for the project displaced persons within SEZ area shall be studied within and outside of SEZ area. Two alternatives shall be considered.</p>	<p>KETRACO NLC County Governments Local community NGOs</p>

No.	Type of Loss	Entitled Persons (Beneficiaries)	Entitlement (Compensation Package)	Implementation Issues and Plan of Action	Responsible Organization
1.	<p>RESIDENTIAL</p> <p>(1) Partial loss of residential land but remaining land is large enough where continuous dwelling is possible.</p> <p>(2) Partial loss of residential land where continuous dwelling is not possible.</p> <p>(3) Entire loss of residential land.</p>	<p>4) Vulnerable HH who have recognizable legal right or claim to the land they are occupying at the time of the census begin.</p> <p>5) Vulnerable HH who have recognizable legal right or claim to the land they are occupying at the time of the census begin.</p> <p>6) Those who do not have recognizable legal right or claim to the land they are occupying at the time of the census begins.</p> <p>7) Vulnerable HH who do not have recognizable legal right or claim to the land they are occupying at the time of the census began</p>	<p>a) For affected persons occupying land that does not belong to them and therefore they do not have recognizable legal rights of claim to the land, no compensation for land will be paid to them.</p> <p>b) Notify three months in advance to vacate.</p> <p>a) For vulnerable HH who do not have recognizable legal right or claim to land, KETRACO shall provide assistance by cash to acquire 0.5acres of land where such vulnerable persons can be resettled.</p> <p>b) Notify three months in advance to vacate</p>	<p>Addition to above,</p> <p>viii) Resettlement land for the project displaced persons within SEZ area shall be studied within and outside of SEZ area. Two alternatives shall be considered.</p>	<p>KETRACO NLC County Governments Local community NGOs</p>

No.	Type of Loss	Entitled Persons (Beneficiaries)	Entitlement (Compensation Package)	Implementation Issues and Plan of Action	Responsible Organization
2	<p>LAND FOR AGRICULTURAL & BUSINESS</p> <p>(1) Loss of agricultural land</p> <p>(2) Loss of business land (small shop etc.)</p> <p>(3) Loss of livestock rearing land</p> <p>(4) Loss of grazing land</p>	<p>1) Those who have legal rights to land including customary and traditional rights recognized under the laws of Kenya</p> <p>2) Community Land (Mwavumbo Ranch) – Land has been divided to individual members who are waiting for land titles.</p> <p>3) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land assets provided that such claims are recognized under the laws of Kenya or become recognized through a process of identification.</p> <p>4) Vulnerable HH who have recognizable legal right or claim to the land they are occupying at the time of the census begin.</p>	<p>In addition to compensation as same as for Residential, <u>Land Used for Agricultural Activities</u></p> <p>(This includes land for grazing of domestic animals and carrying out farming of crops)</p> <p>a) Cash compensation for reduced use of land is to be done at 30% upwards of the current market value of the affected land considering the magnitude of impact. This status shall be evaluated in detail.</p> <p>b) Farming of crops and grazing of animals will continue along the wayleave land however land owners will not be allowed to grow crops or trees that exceed 12 feet in height. Land owners will also not be allowed to put up animal sheds or granaries for their crops.</p> <p><u>Substation Land – Dongo Kundu</u></p> <p>a) Relocation assistance (cost for shifting and livelihood restoration assistance).</p> <p><u>Additional Assistance to Vulnerable Persons</u></p> <p>a) There shall be compensation money management training and guidance services.</p>	<p>i) Existing local land tenure system shall be assessed</p> <p>ii) Media and responsible NGO shall be invited to consultation meetings</p> <p>iii) Traditional, customary and historical background shall be assessed.</p> <p>iv) The Land Act 2012 provides that written and unwritten official or customary land right are recognized as valid land right where it conforms to the Constitution of Kenya 2010,</p> <p>v) A person occupying land to which they have no claim under any tenure but is eligible for compensation as he/she is present during the census and inventory of assets or in occupation of private land for over 12 years in accordance with the Limitations of Actions Act.</p>	<p>KETRACO NLC County Governments Local community NGOs</p>

No.	Type of Loss	Entitled Persons (Beneficiaries)	Entitlement (Compensation Package)	Implementation Issues and Plan of Action	Responsible Organization
2.	<p>LAND FOR AGRICULTURAL & BUSINESS</p> <p>(1) Loss of agricultural land</p> <p>(2) Loss of business land (small shop etc.)</p> <p>(3) Loss of livestock rearing land</p> <p>(4) Loss of grazing land</p>	<p>5) Vulnerable persons who do not have formal legal rights to land at the time the census began but have a claim to such land assets provided that such claims are recognized under the laws of Kenya or become recognized through a process of identification.</p> <p>6) Those who do not have recognizable legal right or claim to the land they are occupying</p> <p>7) Vulnerable HH who do not have recognizable legal right or claim to the land they are occupying at the time the census began and do not have a claim</p>	<p>a) For affected persons occupying land that does not belong to them and therefore they do not have recognizable legal rights of claim to the land, no compensation for land will be paid to them.</p> <p>b) Notify three months in advance to vacate.</p> <p>a) For vulnerable HH who do not have recognizable legal right or claim to land, KETRACO and County Government shall provide assistance by cash to acquire 0.5acres of land where such vulnerable persons can be resettled</p> <p>b) Project construction shall not commence until such vulnerable persons are appropriately resettled.</p> <p>c) Notify three months in advance to vacate</p>		<p>KETRACO</p> <p>NLC</p> <p>County Governments</p> <p>Local community</p> <p>NGOs</p>

Table 15: (B) Entitlement Matrix (Buildings and others)

No	Affected Asset	Type of Loss	Category of PAP	Entitlements
1.	Any Residential and/or Commercial Structures	Partial or Entire loss of Structure	Private Owners, County Governments and Statutory bodies	<p>Replacement of Affected Residential or Commercial Structure</p> <ul style="list-style-type: none"> • Cash compensation at replacement cost for affected building structure based on the current replacement cost or equivalent reinstatement basis or probable cost of acquiring similar premises for same purpose. • Replacement cost to include cost of buying materials, transportation of materials to the site and cost of the artisan carrying out the construction. <p>Recommendation on Restoration Assistance</p> <ul style="list-style-type: none"> • 15% cash top up in disturbance allowance for relocation assistance (cost for shifting and livelihood restoration assistance). • Relocation to be done after receiving compensation payment • Money Management training <p>Relocation Notice 3 months' notice to vacate</p>
			Vulnerable HH	<p>Replacement of Affected Residential or Commercial Structure</p> <ul style="list-style-type: none"> • Cash compensation at replacement cost for affected building structure based on the current replacement cost or equivalent reinstatement basis or probable cost of acquiring similar premises for same purpose. • Replacement cost to include cost of buying materials, transportation of materials to the site and cost of the artisan carrying out the construction. <p>Recommendation on Restoration Assistance</p> <ul style="list-style-type: none"> • Over and above the 15% disturbance allowance, vulnerable persons shall be given assistance including sourcing host land, support with dismantling of structures, moving and building new structures at the new relocation site. • Relocation to be done after receiving compensation payment • Money Management training <p>Relocation Notice 3 months' notice to vacate</p>
2.	Movable Assets such as Dish Racks	Loss of working space	Private Owners	<p>Affected Movable Structures like Racks and Stands</p> <ul style="list-style-type: none"> • Since structures like racks, stands etc. can be relocated, there will be no compensation for them. However, there will be relocation assistance. • Relocation to be done after receiving compensation payment

No	Affected Asset	Type of Loss	Category of PAP	Entitlements
				<p>Recommendation on Restoration Assistance</p> <ul style="list-style-type: none"> Relocation assistance (cost of shifting, and livelihood rehabilitation assistance) will be provided <p>Relocation Notice 1 month' notice to vacate</p>
4	Low lying structures	Water wells, water pans, fences that are not part of the homestead that is being relocated	Private Owners	<p>Low Lying Structures within the Project Corridor</p> <ul style="list-style-type: none"> Low lying structures like water wells, water pans, non-homestead fences etc. will be avoided by the project and therefore will not be affected hence there will be no need to pay compensation for them. Low lying structures belonging to HH who have been displaced and are moving away to a new parcel of land where they will need the same. <p>Recommendation on Restoration Assistance</p> <ul style="list-style-type: none"> Wells and other low-lying structures that belong to homesteads that will be displaced will be evaluated on a case by case basis for compensation Fences that surround homesteads that will be relocated/displaced to a new parcel of land will be compensated <p>Relocation Notice 1 month' notice</p>
5.	Trees	Loss of Trees	Private Owners, County Governments and Statutory bodies	<p>Compensation Cash Compensation for each tree based on compensation schedules prepared by the Kenya Forest Service (KFS) for various species depending on age and its future potential</p> <p>Recommendation on Restoration Assistance</p> <ul style="list-style-type: none"> Tree owners will be allowed to benefit/make use of the wood products from their trees after they have been cut down. Relocation to be done after receiving compensation payment <p>Relocation Notice 3 months' notice to vacate</p>
6.	Affected Annual Crops	Loss of Annual Crops outside TL corridor and within corridor during construction	Private Owners	<p>Compensation</p> <ul style="list-style-type: none"> Annual crops will not be compensated since they can be harvested within the notice period of 3 months. Where KETRACO and the Contractor are not able to wait for the 3 months, compensation for the affected annual crops shall be offered. Cash Compensation will be paid for affected annual crops based on compensation schedules prepared by the Agricultural Department if the crops outside the TL are affected by activities of the contractor.

No	Affected Asset	Type of Loss	Category of PAP	Entitlements
				<ul style="list-style-type: none"> Similarly, any loss of opportunity for farmers to plant their annual crops in season due to interference or interruption by construction activities, KETRACO and the Contractor shall evaluate for appropriate income loss compensation. <p>Recommendation on Restoration Assistance</p> <ul style="list-style-type: none"> Valuation and Compensation of affected crops <p>Relocation Notice 3 months' notice to remove annual crops before construction commences</p>
7	Affected Perennial Crops	Loss of Perennial Crops	Private Owners	<p>Compensation</p> <ul style="list-style-type: none"> Cash Compensation for affected perennial crops based on compensation schedules prepared by the Agricultural Department for various perennial crop types depending on age and its future potential <p>Recommendation on Restoration Assistance</p> <ul style="list-style-type: none"> Restoration assistance (livelihood rehabilitation assistance) Relocation to be done after receiving compensation payment <p>Relocation Notice 3 months' notice to vacate</p>
8.	Business	Loss of Businesses conducted in structures	Private Owners Of Quarry, Poshu Mill and Kiosk businesses	<p>Compensation for Loss of Business</p> <ul style="list-style-type: none"> Determination of the monthly net income from the businesses As livelihood restoration, there will be compensation for disruption of business determined by considering the net monthly income for a period of three months during the relocation period. Payment of disturbance allowance at 15% of the value of structure affected by the project (Quarry, Posho Mill and Kiosk). <p>Recommendation on Relocation Assistance</p> <ul style="list-style-type: none"> Payment to be made immediately notice to vacate is issued. Provision of relocation assistance <p>Relocation Notice 3 months' notice to vacate</p>
9.	Graves/Graveyard and culturally sensitive areas (Kayas and Shrines)	Loss of Burial Site and Buried Relatives	Next of Kin of Buried persons	<p>Compensation</p> <ul style="list-style-type: none"> KETRACO will endeavour not to disturb, relocate or move any graves along the right of way by making appropriate adjustments to the proposed line/tower. Therefore, there will be no compensation for graves since they will be avoided <p>Recommendation on Restoration Assistance N/A</p> <p>Relocation Notice N/A</p>

No	Affected Asset	Type of Loss	Category of PAP	Entitlements
		Loss of Trees used as shrines <ul style="list-style-type: none"> Chainage 17.2km Chainage 23.5km 	Private individuals owning trees used as shrines	<p>Compensation</p> <ul style="list-style-type: none"> Further consultations with owners of the shrine tree Cash Compensation for affected shrine tree based on negotiations that will be held between Panafcon/JICA/KETRACO and shrine tree owner. Previous RAP study carried in the project area in 2016 (RAP Study for Dongo Kundu) have determined that each Shrine tree will be KShs 65,000. Facilitate the carrying out of Shrine Transfer Ceremony as recommended by the Shrine Tree owners. <p>Recommendation on Restoration Assistance</p> <ul style="list-style-type: none"> Cost of ceremony required to complete the process of restoration for the Shrine Tree owner, family and community members Pay compensation for the shrine tree <p>Relocation Notice 3 months' notice to vacate</p>
10	Vulnerable Persons (Special Assistance)	Loss of structures, Trees and Crops	structure, Trees and Crop PAPs	<p>Special assistance to Vulnerable PAPs losing land and structures has been included in the report following KETRACOs Resettlement Policy Framework Policy. Details of the special assistance on land and structures for each vulnerable PAP is provided in the Data Book (Vol B) Section 10.</p> <p>Compensation of Affected Structures, Trees, Crops and Business</p> <p>Structures</p> <ul style="list-style-type: none"> Full compensation of affected structures at current replacement cost. Replacement cost to include cost of buying materials, transportation of materials to the site and cost of the artisan carrying out the construction. Payment of disturbance allowance at 15% of the value of structures In addition to the disturbance allowance, vulnerable people will be given assistance including sourcing host land, support with dismantling, moving and building new structures. This will be especially critical for the 6 highly vulnerable PAPs. <p>Business</p> <ul style="list-style-type: none"> Compensation for the calculated monthly profit for a period of 3months for loss of business <p>Trees</p> <ul style="list-style-type: none"> Cash Compensation for each tree based on compensation schedules prepared by the Kenya Forest Service for various species depending on age and its future potential <p>Crops</p> <ul style="list-style-type: none"> Cash Compensation will be paid for affected annual crops based on compensation schedules prepared by the Agricultural Department if the crops outside the TL are affected by activities of the contractor.

Source: Panafcon – RAP Survey, 2017 and 2018

5 RESETTLEMENT SITES

5.1 Actual Resettlement Approach

The number of project affected HH that will be displaced by the project are 16. The number of project affected HH that will need to relocate within the same parcel of land are 60.

The 16 displaced HH will need to identify new parcels of land for resettlement. This is because the TL and substation has impacted their parcels of land to the extent that the remaining area cannot be used for resettlement.

5.2 Resettlement Sites

During the consultations with project affected HH regarding compensation and resettlement, almost all indicated the following:

- They would like that all compensation payments should be made to the HH directly and not through any other offices or agencies;
- The HH will have better network within their communities and can therefore easily find alternative resettlement land, through communication among local residents;
- The HH should be given the opportunity to identify resettlement sites of their choice hence compensation for land should be paid to them and they will look for resettlement land on their own;
- The project area has vacant land parcels that could be purchased for resettlement by project displaced persons (PDPs).
- Due to the fact that KETRACO allows agricultural activities (farming and livestock rearing to continue within the TL corridor the PDPs would prefer to resettle as close as possible to their TL affected land so they can continue with their farming activities. Therefore, they are best placed to identify the land for resettlement. One of the HH visited during a field review visit mentioned

The Land Act 2012 Section 115 provides for cash compensation for acquired land for public use.

According to KETRACO Resettlement Policy Framework, KETRACO will encourage land for land approach, but recognises that cash for land will be the preferred option for the majority of PAPs. If the Project Displaced Person (PDP) opts for cash compensation, the receiver should be encouraged to operate through a joint account in the name of both or group of entitled persons and his or her spouse, unless the person is divorced or separated.

KETRACO will therefore consider providing the 16 PDPs in this project, cash for land compensation and they will have the freedom to identify and purchase resettlement site land of their choice.

6. INCOME AND LIVELIHOOD RESTORATION

The project will result in the easement of approximately 53km Transmission Line corridor that is 40m wide. The sub-station and access road will occupy 7.09ha.

Project Impacts

- The land for the for the 40m wide transmission line corridor covering 53km will be put under easement where KETRACO compensates land owners for restricting use of the corridor. Cash compensation for loss of land is to be done at 30% upwards of the market value of the affected land considering the magnitude of impact.
- The land for the Sub-station will be fully acquired and paid 100%
- Affected Structures will be paid using replacement cost at the current market rate. An additional 15% of the value of the structure will be paid as disturbance allowance
- Income losses due to disruption of income sources will also be compensated. Net monthly income for a period of 3 months will be paid out to enable the PAPs to settle in their new environment.
- Vulnerable persons have been identified and special assistance will be provided during relocation and resettlement.

Compensation Payment

Compensation payments shall be promptly carried out within reasonable time and not severely delayed. Severe delays result to devaluation of the compensation award. Compensation money shall be made available before the actual move so that displaced households can use the money to overcome or minimize the hurdles of dislocation. Compensation for land easement or acquisition shall not be limited to monetary payments to individuals only but there shall be proper assistance to the affected people to re-establish themselves in the new environment.

The market value of the land being acquired (project affected land for displaced persons where there is 100% replacement) is used to determine the amount to be paid for such affected land. Price fluctuations due to speculation and other factors may make the determined amount become less than the prevailing market value during compensation. Cash compensation should be supplemented in order to allow the displaced persons to replace the affected asset and be resettled.

Project Benefits

The project is expected to create employment opportunities for members of the local communities during construction specifically in areas where the transmission line is expected to pass. Besides the direct employment by the project, other forms of employment are likely to result from the spin-off effects including establishment of local markets for providing goods and services during construction.

The employment opportunities will generate income and improve the standards of living in the project area and its environs, albeit on a small scale. Given that the levels of poverty are high in some areas where the transmission line passes, these employment opportunities will provide a major positive economic boost to the region.

6.1 Livelihood Restoration

Majority of the affected households are subsistence farmers who rely on small scale agriculture and livestock keeping. A few of the PAPs are skilled and semi-skilled labourers.

The proposed project will have minimal impact on the project area community livelihoods since farming and livestock rearing activities will be allowed to continue in the project area. The 40m wayleave corridor taken up by the project can still be used for crop farming and grazing of animals by the community. There will be some disruption during construction but this will be for a limited period of about 2months when the contractor will be carrying out construction in each area. Where businesses are disrupted, KETRACO will provide compensation payment of the net monthly income for a period of 3months to cushion the business owners during the relocation period.

The Proposed restoration measures for different project impacts are provided in **Table 16**.

Table 16: Livelihood Recovery Measures

No	Livelihood activities	Contents	Livelihood recovery support measures	Responsible body	budget
1.	Building stone quarry	Collection, processing, sales of stones	<ul style="list-style-type: none"> Support such as providing necessary information for securing a suitable place close to the current site so that the target person can continue quarrying and selling activities and maintain their daily lives Support for movement of required equipment and tools. Provide training and orientation opportunities related to management improvement, operation strengthening methods and safety management. To compensate for 3 months worth of monthly income to maintain livelihood during the relocation period 	<ul style="list-style-type: none"> KETRACO NLC 	<ul style="list-style-type: none"> RAP budget KShs67,500
2.	Kiosk (store) business	Sales of groceries and daily goods	<ul style="list-style-type: none"> Support such as providing necessary information for securing new places in suitable places where business can be continued, such as places close to customers. Provide training and orientation opportunities related to management improvement and strengthening methods. To compensate for 3 months worth of monthly income to maintain livelihood during the relocation period. 	<ul style="list-style-type: none"> KETRACO NLC 	<ul style="list-style-type: none"> RAP budget KShs27,000
3.	Posho Powder Industry	Collect corn, grind cereal from customer	<ul style="list-style-type: none"> Support such as providing necessary information to secure new suitable land that can carry out dusting industry. Provide training and orientation opportunities related to management improvement and strengthening methods. To compensate for 3 months worth of monthly income to maintain livelihood during the relocation period. 	<ul style="list-style-type: none"> KETRACO NLC 	<ul style="list-style-type: none"> RAP budget KShs135,000
4	Agriculture	Agricultural production activity in affected land	Farming guidance / training and advisory activities related to management improvement and strengthening methods.	<ul style="list-style-type: none"> KETRACO County Government of Kilifi, Kwale, Mombasa 	County Government budget
5.	Regular and irregular employment	Staff of neighbouring schools, drivers such as public transportation,	KETRACO, county government and municipalities prepare a letter of recommendation addressed to the relocation destination company and support the residents to promptly get new equivalent jobs. We will also make it easier for you to get a vacation for job hunting.	<ul style="list-style-type: none"> KETRACO County Government of Kilifi, Kwale, Mombasa 	Affected residents targeted

No	Livelihood activities	Contents	Livelihood recovery support measures	Responsible body	budget
		carpenters, painters, welders, small stores in the market, motorcycle taxies and other simple labour	Pay careful attention so that there will be no hindrance to the living of the Target.		
6.	Public facility	Access to school, health centre, water supply area	<p>KETRACO considers citizens as well as the county government so that residents can easily access public facilities such as schools, public health centres and other medical facilities and water supply stations.</p> <p>Appropriate orientation for the purpose of guidance, instruction so that the affected people can access public facilities without trouble. In the case of implementation, notify the target person in advance so that there will be no omission. About school, guiding map shall be distributed which shows attending school road beforehand and confirm that there is no trouble in attending school.</p>	<ul style="list-style-type: none"> • KETRACO • County Government of Kilifi, Kwale, Mombasa 	County government budget Affected residents targeted
7.	Work	Acquisition of simple labour to residents of affected communities. Pay attention to the employment of women.	<p>KETRACO and contractors work with the county government to arrange for all residents created by the project for local residents.</p> <p>Women - Special consideration to make it easier for work. As a type of occupation, employment opportunities are specified in the fields of records, materials management, contact personnel etc. Contractors act on their own initiative and record achievements.</p> <p>Provide an opportunity to receive vocational training so that the target people can become independent even after the project ends.</p>	<ul style="list-style-type: none"> • KETRACO • Contractor 	Construction budget Affected residents targeted

6.2 Mitigation of Adverse Impacts at the Community Level

The project area community expressed that there are adverse impacts that are likely to emerge as a result of the transmission line project.

The concerns presented by the communities were listed as prostitution and increase in HIV/Aids cases, scaling down of farm use, cutting down of trees along the transmission line corridor, relocation of structures, potential differences in culture and beliefs between the resident community members and the outsiders who will be working for the project and community misconceptions on what the project can do to improve their livelihoods. They also mentioned that Cultural Sites like the Shrines that will require special ceremonies to allow the Powerline through.

6.2.1 Determination of Kaya Gandini Boundary

The survey to prepare the Map for Kaya Gandini boundary has been carried out by the Kwale County Government however the Map is still being finalised and therefore could not be released to the study team. The CEC of Environment and Natural Resources for Kwale County (Madam Saumu Beja) assisted by allowing the County Surveyor to accompany the Study Team to the ground to verify the location of the Kaya Gandini Boundary.

The verification exercise was carried out on Tuesday March 27, 2018. This was done in the presence of the following Officers:

- Panafcon Study Team members including the Panafcon Surveyor
- The Kwale County Surveyor – Mr Chidunga Mwajoto
- The Kaya Gandini Chairman – Mr. Mwanamwenga Chigamba Nyanje

The team moved around the site and the boundary was mapped out by the 2 Surveyors. It was established that the Transmission Line is affecting **0.5acres** of the southern edge of Kaya Gandini. The total area of Kaya Gandini is 100Ha as recorded in the Kenya Gazette of 18 March 1994. See **Figure 19** showing a sketch of the affected section of Kaya Gandini.

Figure 19: Sketch Showing Affected Section of Kaya Gandini

6.2.2 Project Alternative to Avoid Kaya Gandini

During the RAP Census Survey, it was established that DK6 was touching the edge of Kaya Gandini, which is a gazetted natural monument site. An alternative route to avoid Kaya Gandini was therefore considered. **Figure 20** shows the new TL alignment avoiding Kaya Gandini.

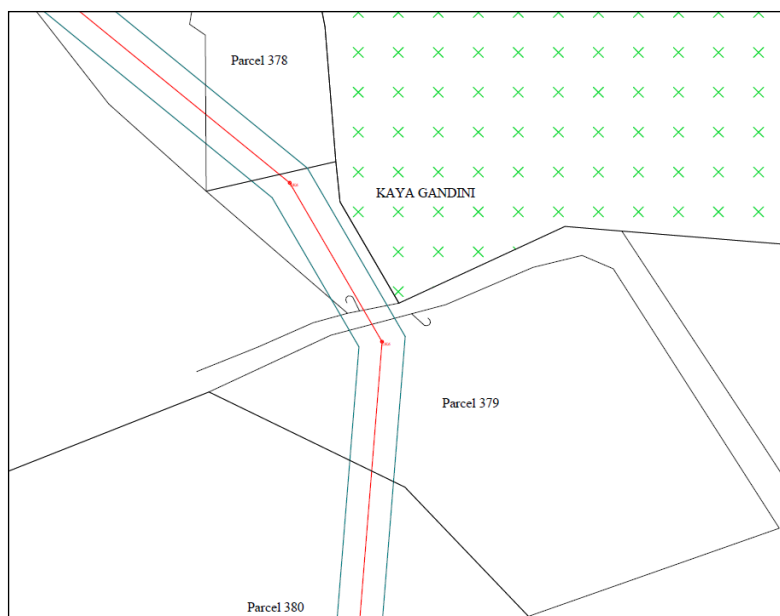


Figure 20: Sketch Showing Alternative Route Avoiding Kaya Gandini

6.2.3 Shrine Transfer Ceremony Cost

There are sacred trees (Tree Shrine) that are protected by the residents for generations in two places in the transmission line route. Because tree height is more than 12 feet, KETRACO standards requires logging. With regard to the current route, it was difficult to avoid because of the influence of roads running parallel to the power transmission line, after discussions with each tree owner and the community, agreement on logging has been reached with them but in detailed design stage, avoidance of such areas will be studied. The two shrine owners (PAP 269 – Kasemeni Location and PAP 204 of Mwatate Location) were consulted interviewed regarding their Shrine trees that have been affected by the TL. They mentioned that if the TL route is difficult to alter, a Shrine Transfer Ceremony can be conducted to transfer the holy powers of the Shrine from one tree to another designated tree/object if the existing one is going to be cut down. They accepted that the trees can be cut down after the Shrine transfer ceremony is done and their trees are compensated. **Table 17** provides what is required and the related cost for each Shrine Ceremony. The total comes to KShs 340,770.00.

Table 17: Cost of Shrine Transfer Ceremony

No	Item	Unit Cost (KShs)	No of Units	Total Cost (KShs)
1. Shrine Tree at Chainage 23.5km – Kasemeni Location				
1	Sheep (Black in Colour)	5,000.00	1	5,000.00
2	Chicken (Black in Colour)	1,000.00	1	1,000.00
3	Dressing for 2 Women & 2 Men (Red & Black Dresses)	500.00	4	2,000.00
	Cultural Elders Gracing Ceremony	12,000.00	1	12,000.00
	Total for Shrine 1			20,000.00
2. Shrine Tree at Chainage 17.2 – Mwatate Location				
1	Bulls (Black, Red, White)	60,000.00	3	180,000.00
2	Goats (Black, Red, White)	8,000.00	3	24,000.00
3	Sheep	8,000.00	1	8,000.00
4	Chicken (Roosters) - Black =, Red, White	1,000.00	3	3,000.00
5	Clothes (Black, Red, White)	1,000.00	3	3,000.00
6	Rice	150.00	10	1,500.00
7	Coconuts	50.00	50	2,500.00
8	Potatoes (1 Bag)	4,500.00	1	4,500.00
9	Uto (10 Litres)	1,300.00	2	2,600.00
10	Sugar (10 Kg)	150.00	10	1,500.00
11	Tomatoes (1 Crate)	8,000.00	1	8,000.00
12	Onions (1 Net)	1,200.00	1	1,200.00
13	Drums and Kayamba	15,000.00	1	15,000.00
14	Traditional Elders (4 Experts)	6,000.00	4	24,000.00
15	Mobilizations Fee	41,970.00	1	41,970.00
	Total for Kaya 2			320,770.00
	Grand Total for Shrine 1 and 2			340,770.00

6.2.4 Adverse Impacts and Proposed Mitigation Measures

It will be important that the project proponent designs and implements an education and awareness programme (IEC) in the project area to minimise false expectations and misconceptions. This is particularly important given the controversies surrounding land issues.

It is recommended that the project implementers work together with the project area Administration and document all aspects of this programme rigorously to adequately address issues that arise.

The main reasons behind the concerns presented by the communities and mitigations for the impacts are summarized in **Table 18**.

Table 18: Identified Adverse Impacts and Proposed Mitigation Measures

No.	Threats/Impacts	Impact Rating	Main reason and identified threat	Proposed Mitigation Measures
1	Increase in social vices such as prostitution, HIV/Aids cases etc.	High	Previous experience has shown increased infections from prostitution during execution of similar projects in the area	Information, Education and Communication (IEC) should be conducted amongst the community and the project staff making them aware of the potential dangers and alternative behavior that will be needed so as to protect themselves. KETRACO and the Contractor will facilitate its implementation.
2	Reduction in use of land	High	Restricted land use will affect productivity	Compensation for the parts of farms reduced from acquisition of the way leave by the proponent Awareness to the community on land use alternatives that promote intensive use of the remaining land or compatible with overhead power cables
3	Lack of land documentation	High	Land documentation is required for verification of land ownership who should be compensated	The agencies dealing with issuance of land documentation including National Land Commission (NLC) should speed up the process of providing project area residents with land documents since majority do not have.
4	Cutting down of trees	High	Concern was highest in the semi-arid area where there is little tree cover.	Compensate for trees cut and support a re-forestation of farm forestry initiatives where the communities will be encouraged to participate in tree planting. As the project proponent, KETRACO will facilitate the tree planting exercise.
5	Relocation of structures	High	Non-compensation of affected structures as noted from previous similar projects	Timely compensation for affected assets to enable affected households to relocate and resettle.
6	Cultural and religious based community squabbles	Low	Lack of respect for the local culture by previous projects	Project can promote activities that are common to the communities and project employees that will provide for opportunities to create understanding such as sports and cherished communal activities
7	Community misconceptions	High	Expectations that big projects must provide direct benefits to the local areas in which they are implemented	Awareness creation amongst the community on the project facts, what it can do and its limitations specifically to address expectations expressed during the social study and in the course of project implementation. Avail Transmission Line EIA Study Report after it has been approved by NEMA
8	Loss of Sacred Trees used as shrines	High	2 sacred trees along the transmission line corridor are affected at chainage 17.2 and 23.5km)	<ul style="list-style-type: none"> Revise design of transmission line route to avoid shrines Negotiate with tree owners for compensation and ceremony to transfer shrine to a different location

6.3 Impact on Livelihoods and Expected Measures by the Contractor

The Contractor will carry out construction activities that are likely to impact the livelihoods of the project area community. Some of the impacts have been identified and the expected measures to be taken by the Contractor are elaborated in **Table 19**.

Table 19: Impact on Livelihoods and Measures

No	Livelihood Component	Measures by Contractor	Supervision Responsibility
1	Land for Contractors Camp	Contractor to ensure land owners are identified and appropriately compensated before land is used for construction activities and any crops or trees affected are also fully compensated	<ul style="list-style-type: none"> • KETRACO • NLC
2	Other land parcels used by contractor during construction	Contractor to ensure land owners are identified and appropriately compensated before land is used for construction activities and any crops or trees affected are also fully compensated	<ul style="list-style-type: none"> • KETRACO • NLC
3	Kiosk, Posho Mill and Quarry Businesses	Contractor shall not remove these business structures until the structures and business losses are fully paid	KETRACO
4	Jobs	Contractor will provide casual jobs to community members of every location where the project construction activities will be taking place. The Contractor will give priority to women for employment opportunities	KETRACO

7. INSTITUTIONAL ARRANGEMENTS FOR RAP IMPLEMENTATION

A properly constituted structure for the administration of resettlement is required. The proposed powerline project has some positive/negative effects especially to those who may be displaced from right of way through land easement/acquisition hence there is a need to compensate them for the loss of their land and developments therein. KETRACO emphasizes maintaining a good relationship with the residents, and in cooperation with the NLC, prioritizes the quick solution for the conflict and the land where the ownership is not clear, and then the construction starts. If the solution of land ownership disputes is prolonged, review of the construction plan shall be considered in the implementation stage.

NLC is an agency of the Ministry of Land, which has been legally granted the role of acquiring land for public purpose on behalf of the government. The underlying law is the country's Constitution Chapter 5, Section 66 and Land Act 2012, Section 143. In addition, paragraph 127 of the Land Act 2012 requires NLC to take appropriate action after discussing with the target residents regarding issues concerning land.

See **Figure 21** for the Institutional Arrangements for RAP Implementation. **Table 20** provides a list of the organisations that will be involved in resettlement and their roles.

Table 20: Organisations Involved in Resettlement

No	Organization/ Institute	Membership and Qualification	Responsibility during RAP Implementation
1	Resettlement Steering Committee (RSC)	<ul style="list-style-type: none"> • KETRACO Resettlement Unit (KRU) • PAP Committee • County government representative • Government representative • NGO, CBO 	Promotion of RAP
2	KETRACO Resettlement Unit (KRU)	Any Specialist (Legal Advisor, Accountant, Building Technician, Environment and Social Specialist, Social Economist, Land Economist / Valuer, Electrical Engineer, Wayleave Officer, Surveyor etc.)	Provide necessary expert advice in various aspects of resettlement activities and support the progress of the process.
3	PAP Committee	Representatives of PAP including women, youth, socially vulnerable, men, County government, central government	It is a community-based organization selected from among PAPs and becomes an entry point of PAPs that register complaints. Clarify the nature and content of complaints.
4	Central government representative	County Commissioner, Deputy County Commissioner, Assistant County Commissioner, Chiefs, Assistant Chiefs and Village Elders	Representatives of the central government will provide administrative support. Cooperate with the county government to provide coordination services and monitor various activities and events in the resettlement process.
5	County Government Department	Departments of Planning, land and housing, social services. Subcounty, Ward and Village Administrators	County government officials focus on the land and other resources and information available in the county and work to ensure smooth implementation of resettlement by providing guidance on county government requirements and relocation options.

NLC			
6	NLC	Experts on land assessment, possession, relocation, dispute mediation, registration	Respond to the concerned residents concerned about the land concerned, relieving doubts, smooth land acquisition and Resettlement for the project. In lieu of KETRACO, NLC confirms the land ownership of substations and maintenance roads and has the legal responsibility to acquire it. In addition, it will eventually be responsible for ensuring the wayleave usage right of the 40 m wide transmission line.

7.1 Organization Structure

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

The Institutional Framework clarifies the role of various stakeholders in the implementation and administration of the RAP. It further clarifies the role of PAPs and their responsibility in the entire exercise. The procedures to be followed along with the support facilities available and a timeframe for implementation of each of the activities.

Figure 21 provides the Institutional Arrangement for RAP Implementation.

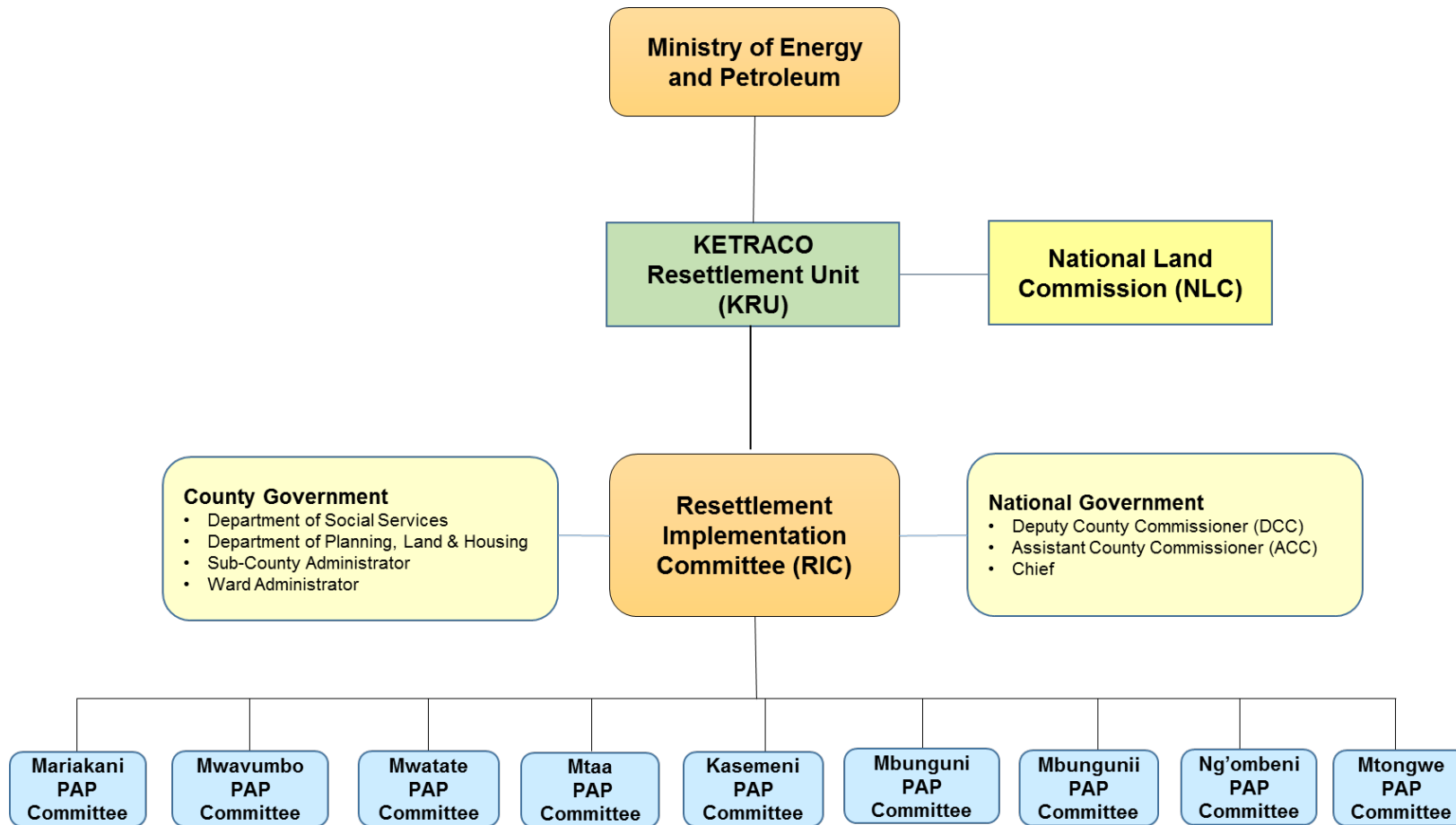


Figure 21: Institutional Arrangement for RAP Implementation

7.2 KETRACO Environmental and Social Safeguards Staffing

The KETRACO Wayleave Department has the following officers who are responsible for executing Environmental and Social safeguards:

- Seven environmental experts,
- Fifteen sociologists/resettlement experts,
- Eighteen land economists and
- Fifteen surveyors

At any given moment, KETRACO will avail environmental experts and sociologists attached a project.

7.3 KETRACO Resettlement Unit (KRU)

KRU will be the apex unit overseeing the resettlement activities. The team will be composed of experts from KETRACO with various key disciplines that can oversee the RAP implementation process. The final structure of the unit shall be provided by KETRACO. However, the structure shall include professionals presented in **Figure 22** below. There are always experienced and qualified practitioners inside KETRACO, and if necessary KETRACO will employ qualified personnel from the outside as needed. KETRACO has good enough ability and experience to implement. The unit will be formed at the start of the project.

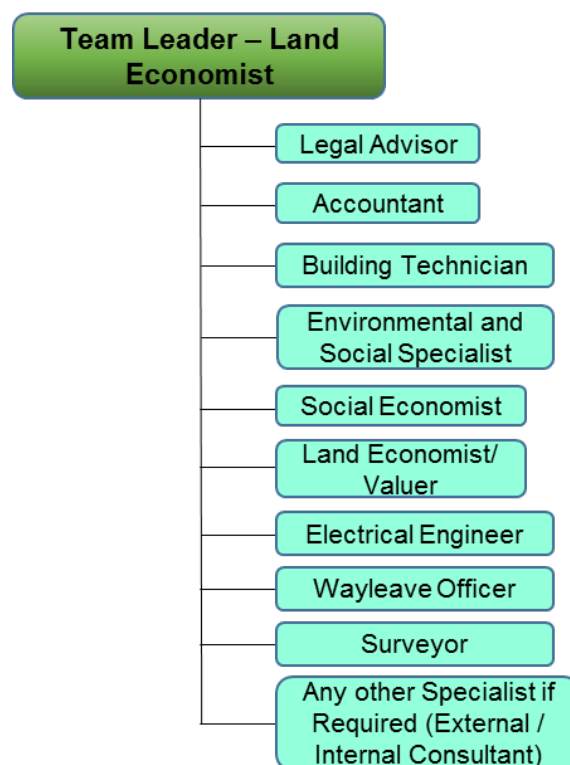


Figure 22: KETRACO Resettlement Unit (KRU)

KETRACO Resettlement Unit (KRU) will provide professional guidance on various issues touching on land, affected assets and valuation, compensation, resettlement and monitoring.

They will also ensure that resettlement is done according to the laid down guidelines and requirements. Grievances that cannot be resolved by the PAP Committee or RAP Implementation Unit will be referred to KRU for redress.

The KRU will be responsible for the following:

- Coordinating resettlement activities and providing policy direction for the process
- Ensuring maximum participation of the affected people in the planning of their own resettlement and post resettlement circumstances.
- Accepting financial responsibility for payment or compensation and other designated resettlement related costs.
- Ensuring proper valuation of affected assets in order to determine case by case value of each asset and agree upon a value for compensation.
- Ensure that the affected persons receive their compensation in terms of amounts agreed.
- Ensure monitoring and evaluation of the PAPs and undertaking appropriate remedial action to deal with grievances and to ensure that income restoration is satisfactorily implemented.
- Oversee the implementation of the RAP.
- Ensure RAP Implementation Monitoring is adequately carried out and findings used to improve the resettlement activities.

The Unit will represent the Proponent in the whole resettlement process.

7.4 National Land Commission (NLC)

The National Land Commission (NLC) will work very closely with KETRACO to carry out RAP implementation. They will verify land ownership and then carry out land acquisition on behalf of KETRACO. NLC has the mandate to carry out compulsory land acquisition on behalf of the County or National Government. They will have the responsibility of carrying out the following among others:

- Verification of valued land and assets
- Resolving land issues associated with the project
- Easement and acquisition of project affected land for the project
- Payment Compensation to PAPs together with KETRACO

7.5 RAP Implementation Committee (RIC)

The RAP Implementation Committee has been established in KETRACO's past and ongoing projects. The committee, which will be established directly under the KRU established within KETRACO, will coordinate with the central government and relevant local governments other than the Ministry of Energy, and support the promotion of KRU's efficient work. In addition, they are working to raise issues related to land from each PAP committee, promptly notify the KRU, and lead the discussion for solving the issue with the NLC by the KRU.

The RAP Implementation Committee will have the following representation:

- Representatives of the Proponent (KETRACO);
- Officer from various County Government Departments (including the Department of Social Services, Department of Planning, Energy, Roads, Land and Housing, Subcounty Administration, Ward Administration);
- NGO and CBO representatives from the project area;
- Officers from National Government (including the County Commissioner, Deputy County Commissioner, Assistant County Commissioner).
- Representative from the PAP Committee

The RAP implementation committee will facilitate the RAP implementation activities on the ground and deliberate on any emerging issues. They will work under the guidance of the KETRACO Resettlement Unit (KRU). They will work with NLC to:

- Verify land tenure and ownership for compensation purposes;
- Carry out resettlement and compensation on the ground;
- Link the PAPs to other stakeholders;
- Create awareness on land alternatives and resettlement options and identify alternative land for relocation where applicable;
- Ensure displaced persons are informed about their options and rights pertaining to resettlement, offered choices and provided with alternatives;
- Ensure there is prompt compensation at full replacement cost for losses of assets attributable directly to the project; offer support after displacement, for a transition period, based on a reasonable estimate of the time likely/to be needed to restore their livelihood and standards of living;
- Resolve Grievances arising from resettlement activities
- Ensure there is cash compensation for loss of land at 30% upwards of the market value of the affected land considering the magnitude of impact;
- Ensure there is development assistance in addition to compensation measures;
- Establish the actual number of persons to be resettled;
- Assist in the resettlement process and monitor resettled persons to ensure the following have been fulfilled:
 - Compensation has been paid in full
 - Relocation and displaced PAPs have built new houses and settled in;
 - Confirm that PAPs are continuing with their livelihood activities
 - The social life of the PAPs is continuing (children continue going to school, PAPs can access social amenities like churches and social centres)

7.6 PAP Committee

PAP Committees have been initiated to ensure smooth resolution of PAP issues. The committee's role will include receiving any complaints from PAPs, resolving of resettlement and compensation issues at the location level, ensuring promotion of avenues to address grievances and ensuring continuous communication between the PAPs, other stakeholders and RIU. The Committee will set up a Grievance Desk in each location where PAPs can forward their complaints and also receive any feedbacks regarding their issues and the project.

The committee will operate at the location level but base their offices at Kaloleni, Kinango, Matuga and Likoni which are the Subcounty headquarters with several Government Offices. The PAP Committees will provide regular reports to RAP Implementation Committee (RIC).

A list of the PAP Committee Members for each of the 9 locations is provided in **Annex 14**.

The committee consists of the following representatives:

- Youth
- Men
- Women
- Vulnerable Persons
- County Government (Important Departments)
- National Government.

7.7 Community Consultation

Consultation was undertaken with the affected communities. The outcome of the community consultation indicated that initially, the PAPs did not know about the Power Supply project but were however made aware of the project during the consultation. The community will continuously be consulted, sensitized and involved during the implementation process.

Community Sensitization Meetings

Elaborate community consultation was done during the RAP study by the Consultant. Community Sensitization Meetings were conducted at seven centres along the transmission. Six Sensitization Meetings were convened from Wednesday 12 July – Tuesday 18 July 2017.

Sensitization Meeting for Mtongwe Location was convened on 21 March 2018. The purpose of the sensitization meetings was to inform the community about the project, the possible impacts (loss of land and assets) and the detailed census survey activities that would be carried by the Consultant.

Consultations during the Detailed Census Survey

The RAP Study Team conducted elaborate consultations with PAPs during the detailed census survey and asset inventory. The PAPs were also given a chance to ask questions for clarification. The purpose of the detailed census survey was to identify the project affected persons and their assets.

PAP Consultation Meetings

PAP Consultation Meetings were convened in each of the 9 locations where the project traverses. The meetings took place from Monday 23 April – Friday 27 April, 2018. The purpose of the PAP Consultation Meeting was to disclose the project impacts and provide information regarding compensation and resettlement. It was also convened to provide the PAPs with an opportunity as questions and seek clarification.

Public Consultation Meetings (PCMs)

A total of 9 PCMs were held (one meeting in each location) to disclose to the project area community and stakeholders the project environmental and social impacts and the proposed mitigation measures

There will be continuous consultations to enhance community ownership of the project implementation plans including the actual date of compensation and demolitions. These consultative meetings shall include all stakeholders. Grievance redress will also be an ongoing process.

7.8 Compensation of the Household Head (HH)

Compensation to the Household Heads affected by the project is a pre-construction activity and shall be done before easement/acquisition is carried out or demolition of structures commences. This will be done at either the KETRACO offices or at the local chief's office, whichever will be appropriate after approval.

Compensation for land, structures, trees, crops and loss of business will be done according to the Entitlement Matrix provided in **Table 14** and **Table 15** above.

After compensation, a period of three months' notice shall be given to the affected people before the demolition exercise commences, so as to allow relocation and salvage of necessary assets by the HH. 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 KETRACO once all the PAPs have been fully compensated.

8. IMPLEMENTATION SCHEDULE

The implemented of the project will require that PAPs are compensated and resettled before the contractor can take over the wayleave. The implementation activities will be in three phases namely Preparation, Implementation and Post Implementation.

8.1 Preparation

- Public Sensitization and Awareness Campaigns with the PAPs
- Finalisation of RAP Report and making it ready for implementation
- Following up on the land documentation for the HH
- Validation of the Land and Assets ownership and values have been done (NLC)
- Making the RAP implementation committees are ready
- Notification for Easement and Acquisition of project corridor land (NLC)
- Identification of responsibilities of the various units that are to implement the plan
- Preparation of compensation letters of offer

8.2 Implementation

- Issuance of letters of offer and Finalisation of Agreements
- Compensation and Resettlement of PAPs
- Livelihood Restoration Activities
- Ensuring that Vulnerable HH are compensated and given relocation and Resettlement Assistance
- Acquisition of Wayleave
- Survey TL Route and Mark out Boundaries
- Clearing of TL Route and Construction
- Monitoring of Compensation and Resettlement Activities by an Independent Consultant and preparation of Report on Compensation and Resettlement.
- Installation of Active Grievance Redress Mechanism
- Evaluation of Progress of Compensation and Resettlement

8.3 Post Implementation

- Internal Monitoring of Resettled PAPs – done by KETRACO
- External Monitoring of Resettled PAPs – done by Independent Consultant for a period of 1 year after resettlement of the PAPs. The Consultant will prepare quarterly reports and a final report at the end of 1 year.

The project implementation schedule is shown in **Figure 23** overleaf.

Figure 23: Implementation Schedule

Nr.	Task (activity)	Period (months)														
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Preparation																
1	Business promotion, exchange of opinions, activities of residents' consultation	[Task 1: Active from month 1 to 15]														
2	Detail of transmission line route RAP investigation, socioeconomic evaluation of PAPs, confirmation on business impact, assessment and compensation	[Task 2: Active from month 1 to 2]														
3	Identifying owners of land and assets and assessing asset value (NLC)	[Task 3: Active from month 2 to 4]														
4	Notice of Wayleave usage right setting (NLC)	[Task 4: Active from month 4 to 5]														
5	Acquisition of land use right in power line wayleave and acquisition of substation site (NLC)	[Task 5: Active from month 5 to 7]														
6	Mobilization of required equipment, mobilization of Resettlement responding personnel, sharing of related laws and education process, training for Resettlement responding personnel	[Task 6: Active from month 6 to 7]														
Implementation																
7	Compensation	[Task 7: Active from month 7 to 8]														
8	Resettlement (securing relocation destination by consultation with stakeholders: when necessary)	[Task 8: Active from month 8 to 11]														
9	Detailed transmission line route survey and marking of site boundary	[Task 9: Active from month 7 to 9]														
10	Preparation of power transmission line business land, leveling, construction of transmission line facilities	[Task 10: Active from month 11 to 15]														
11	Livelihood recovery activity	[Task 11: Active from month 7 to 15]														
12	Complaints handling	[Task 12: Active from month 1 to 15]														
Monitoring																
13	Internal monitoring	[Task 13: Active from month 1 to 15]														
14	External monitoring	[Task 14: Active from month 3 to 15]														

9 PARTICIPATION AND CONSULTATION

The Public Sensitization process involved visiting areas along the 53 kilometre stretch of the way leave (40 meters wide) for evaluation of settlements and other resources that will be affected by the transmission line. The stakeholders were identified and consulted with the objective to grasp the existing socio-economic conditions within the proposed project area of influence and the immediate surroundings. The census survey, field identification of PAPs, affected structures and trees were carried out throughout the project corridor. Public Sensitization Meetings were carried out before the field census and asset inventory surveys and administration of household questionnaires.

9.1 Objectives of Public Information and Consultation

The objective of making available Public Information and Consultation was to inform and sensitise the public and stakeholders regarding the project.

The specific objectives of the consultation process were:

- To create awareness and garner support for the proposed project
- To engage the local community especially the Interested and Affected Parties about the problems they anticipate with the project and how these can be overcome.
- To consult and gather recommendations from the local administration e.g. DCC and ACC, Chiefs, Assistant Chiefs, Councillors, Village Elders and communities.
- To provide an opportunity to all the communities in the project area to raise issues or concerns regarding the project.
- To allow for identification of recommendations on project alternatives and mitigation measures.

9.2 Interviews, Questionnaire Administration and Group Discussions

The Consultant team was able to carry out interviews with the PAPs and key stakeholders during the field census survey. The following questionnaires were used to collect information from PAPs and Key Stakeholders:

9.2.1 Household Questionnaires

Objective –

Administered to collect PAP's biodata and information regarding, assets that will be affected by the project, livelihood sources

Implementation

All the PAPs encountered along the transmission line from Mariakani-Dongo Kundu and the Sub-station at Dongo Kundu were interviewed and Household Questionnaires filled. A total of 616 questionnaires were filled.

Outcome/Results

The results of the interviews are informative and are being used to determine resettlement and restoration needs. Majority of the PAPs expressed concern about compensation for land since majority did not have the required land ownership documentation.

9.2.2 Focus Group Discussions (FGD)

Objective

To establish whether there are any issues affecting special groups of persons.

Implementation

Focus group discussions were held with women in Mariakani Location regarding compensation in a polygamous homestead. There was also focus group discussion with squatters claiming land owned by another company. Various FDGs were also conducted in the other 8 locations during the sensitization, PAP and Public Consultation Meetings. Individual consultations with women and other socially vulnerable groups will continue to be conducted until satisfactory resettlement is completed.

The issues of concern discussed during the FGD with women include the following:

- a) How will the women benefit from the compensation payment for affected family property like land and residential houses?
- b) If women own any affected property, will they be paid on will the payments be made to their spouses?
- c) How will KETRACO ensure that compensation payment for residential houses are used for putting up new houses since it can be misused?

Other Focus Group Discussions held were concerning:

- a) Succession issues in the homesteads where land registered owner has died.
- b) Women being discriminated by other family members
- c) Vulnerable persons affected by the project and assistance that can be provided.
- d) Providing women a chance to ask pertinent questions since they shied off talking where there are men present.

Outcomes/Results

- Women were happy to be given special moment to express their views and concerns and also ask questions.
- NLC was able to provide assurance to those having land issues.
- Assurance regarding women owning property was given emphasizing that property owners will be the ones to be compensated whether it is a woman or a man.

9.2.3 Key Informant/Stakeholder Interviews

Objective

To obtain important data and information regarding the project area and also to seek guidance on the best approach to execute meetings and discussion with community members where the project is going to be implemented.

Implementation

Key Informant Interviews were carried out with County Officers, key stakeholders and project area leaders and local administration. A total of 10 Interviews were conducted.

Outcomes/Results

Data and information obtained during the interviews were useful in guiding the study and organizing meetings and discussions with the project area community.

The household questionnaires were administered to the PAPs to collect personal information of the PAPs including name of asset owner/household head, ID No., Telephone Contacts, gender, marital status, level of education, occupation, land ownership, land size, information on structures and trees within the wayleave area of the PAP land parcel including their coordinates.

Key Stakeholders Questionnaires were administered on the key stakeholders in the project area who have direct or indirect interest in the project. Refer to **Annex 2**. A summary of the stakeholder feedback has been presented in **Table 22**.

9.3 Summary of the Meetings Conducted in the Project Area

The following key meetings were convened to sensitize and inform the project area community and key stakeholders on the project objects and potential impacts including land easement/acquisition, displacement of persons, loss of property and disruption off businesses. **Table 21** provides a summary of the meetings conducted.

Table 21: Summary of Meetings

Activity	Key Stakeholder Meetings	Sensitisation Meetings	PAP Consultation Meetings	Final Stakeholders Consultation Meetings
No of Meetings	7	7	9	9
Dates	July 3-7, 2017	July 12 - 18,2017and March 20, 2018	April 23 - 27, 2018	February 25 - 28, 2019
Location of Meetings	1) Mombasa County Commissioners Office 2) Office of the Governor - Mombasa 3) Office of the Governor – Kilifi 4) Matugu Sub-County Commissioners Office 5) Kaloleni Sub-County Deputy Commissioners Office 6) Likoni Sub-County Deputy Commissioners Office 7) Chiefs Office – Mtongwe Location	1) Mitangoni near Tiba SS - Mariakani Location 2) Mbunguni Chief’s Camp – Mbunguni Location 3) Kiteje Assistant Chief’s Office – Ng’ombeni Location 4) Mnyenzi Assistant Chief’s Office – Kasemeni Location 5) Lutsangani AP Camp – Gandini Location 6) Mwanda Dispensary – Mwavumbo and Mwatate Locations 7) Dondo Kundu AP Camp – Mtongwe Location	1) Mitangoni near Tiba SS - Mariakani Location 2) Redeemed Gospel Church Mwanda – Mwavumbo location 3) Kolueni Pri. School – Mwatate Location 4) Bofu Chief’s Camp – Mtaa Location 5) Mnyenzi Methodist Church – Kasemeni Location 6) Lutsangani AP Camp – Gandini Location 7) Mbunguni Chief’s Camp – Mbunguni Location 8) Kiteje Assistant Chief’s Camp – Ng’ombeni Location 9) Dondo Kundu AP Camp – Mtongwe Location	1) Baraza Field near Tiba SS - Mariakani Location 2) Mwanda – Mwavumbo location 3) Kolueni Pri. School – Mwatate Location 4) Bofu Chief’s Camp – Mtaa Location 5) Mnyenzi Health Centre – Kasemeni Location 6) Lutsangani AP Camp – Gandini Location 7) Mbunguni Chief’s Camp – Mbunguni Location 8) Kiteje Assistant Chief’s Camp – Ng’ombeni Location 9) Dondo Kundu AP Camp – Mtongwe Location
Attendants		Women = 539 Men = 1,021 Total = 1,560	Women = 197 Men = 703 Total =900	Women = 129 Men = 457 Total = 586

Table 22: Analysis of Stakeholders Feedback

#	Stakeholder Name	Department or Organization	ID No.	Telephone	Involvement or Role in Project	Stakeholder Interest, Goals, and Concerns	Support for Project
1.						<p>Positive aspects</p> <ul style="list-style-type: none"> • Availability of more power in Kwale County • More people to be connected to the power supply • Through compensation more people will be economically empowered <p>Concerns</p> <ul style="list-style-type: none"> • Some people may be displaced • Environmental degradation <p>Suggestions</p> <ul style="list-style-type: none"> • Prompt compensation • Allow community participation • Sensitize the community • Involve the local leaders in talking to the community • Before giving out compensation the community can be trained on how to invest the money wisely 	Yes
2.						<p>Positive aspects</p> <ul style="list-style-type: none"> • The project is good for everyone • It will create chances for more factories to be established <p>Concerns</p> <ul style="list-style-type: none"> • Project taking place without the community's awareness • Disruption of crops and displacement of residents <p>Suggestions</p> <ul style="list-style-type: none"> • Public Participation • Better payment for the damages 	Yes

#	Stakeholder Name	Department or Organization	ID No.	Telephone	Involvement or Role in Project	Stakeholder Interest, Goals, and Concerns	Support for Project
3.						<p>Positive aspects</p> <ul style="list-style-type: none"> • Spur development in the area • Project will raise the standard of living of the community if adhered to <p>Concerns</p> <ul style="list-style-type: none"> • The project will not yield desired goals if politics are going to be involved. • The physical environment like forest and water will be affected <p>Suggestions</p> <ul style="list-style-type: none"> • The community should be fully engaged • All stakeholders should be involved for the betterment of the project 	Yes
4.						<p>Positive aspects</p> <ul style="list-style-type: none"> • It will open room for development <p>Concerns</p> <ul style="list-style-type: none"> • If project is politicized it may not meet the desired goal • The community will be displaced <p>Suggestions</p> <ul style="list-style-type: none"> • The community should be fully compensated before evacuation • Stakeholders in all sectors should be involved to meet the goals/objectives of the projects 	Yes
5.						<p>Positive aspects</p> <ul style="list-style-type: none"> • Electricity Transmission to the community to provide light • Road construction will ease transportation and communication <p>Concerns</p> <ul style="list-style-type: none"> • Relocation of community members from their homes • Separation of family members due to relocation <p>Suggestions</p> <ul style="list-style-type: none"> • Reasonable compensation for affected assets to maintain / improve the life standard of the latter • Transparency should be observed throughout the project especially during compensation 	Yes

#	Stakeholder Name	Department or Organization	ID No.	Telephone	Involvement or Role in Project	Stakeholder Interest, Goals, and Concerns	Support for Project
6.						<p>Positive aspects</p> <ul style="list-style-type: none"> Ensures reliability of power to export and domestic sectors <p>Concerns</p> <ul style="list-style-type: none"> The community's structures, homes, schools, stores and crops maybe affected <p>Suggestions</p> <ul style="list-style-type: none"> Avoid forested and heavily settled areas Consult widely (All-inclusive participation) 	Yes
7.						<p>Positive aspects</p> <ul style="list-style-type: none"> Lead to economic growth <p>Concerns</p> <ul style="list-style-type: none"> Relocation of some households <p>Suggestions</p> <ul style="list-style-type: none"> Have adequate public participation in all stages of project Adequate compensation to affected persons to enable them to resettle them comfortably 	Yes
8.						<p>Positive aspects</p> <ul style="list-style-type: none"> All affected persons will be compensated <p>Concerns</p> <ul style="list-style-type: none"> Loss of land and crops <p>Suggestions</p> <ul style="list-style-type: none"> Compensate land owners despite the lack of title deeds Employ local casuals during the construction 	Yes
9						<p>Positive aspects</p> <ul style="list-style-type: none"> Community will Benefit from Project <p>Concerns</p> <ul style="list-style-type: none"> Displacement of Community members & property loss <p>Suggestions</p> <ul style="list-style-type: none"> Compensate affected persons Provide job opportunities to community members Proponent should see how community can get power 	Yes

9.4 Community Sensitization Meetings

9.3.1 Method of Invitation

Project area community members and key stakeholders were invited to attend the sensitization meetings using the following methods:

- Radio Announcements through the local FM Station. This was done for a period of one week before the sensitization meeting commenced. The announcement was done in Kiswahili which is the common language used by the community.
- Mobile Vehicles with speakers driving through the project area for a period on one week before the meeting commenced.
- Chiefs Office (Chief informs those who visit his office and during his meetings with community members). This took place in the period of one week before the meetings commenced.
- Through announcements made at Local Churches and Schools
- Pinning of the Announcement Posters at Market Centres, Churches, Schools and Chief's Office. This was done by the Location Chief assisted by his Assistant Chiefs and Village Elders. The adverts were both in English and Kiswahili.

9.3.2 Purpose of Convening the Sensitization Meetings

The purpose of holding sensitisation meetings with the project area community members was to achieve the following:

- Inform the community members about the upcoming Transmission Line Project
- Mention to them how they are likely to be affected by the project (acquisition and easement of land, loss of structures, trees and crops, and potential loss of income)
- Mention the approach that the Consultant will use in collecting data during the census survey (questionnaire administration and the recording of property owners' personal details through detailed interviews).
- Elaborate on the configuration of the Transmission Line corridor (40m wide) and substation.
- Mention how valuation was going to be carried out on the affected property for compensation.
- Request for support from the community to enable the Consultant undertake a successful inventory survey of the affected land parcels and other assets within the project corridor.

9.3.3 Dates and Venues of the Sensitization Meetings

A total of Six (6) Community Sensitization Meetings were organized by the DCC through ACCs and the Chiefs in July 2016. The seventh meeting was convened in Dongo Kundu on March 20, 2018 at the Dongo Kundu AP Camp. Dongo Kundu was convened

Refer to **Annex 6** for minutes and Registers of the Sensitization Meetings. Dates and venues of the meetings are provided in **Table 23** below.

Table 23: Sensitization Meetings

#	Venue of Meeting	Date	Time	County	Sub-County	Location	Number of participants
Region other than Dongo Kundu							
1.	Baraza Meeting Area, Near EMACO Hotel, Mitangoni	Wednesday, 12 July 2017	10.00am	Kilifi	Kaloleni	Mariakani	Total = 85 Male = 64 Female = 21
2.	Mbunguni Chief Camp's Grounds	Thursday, 13 July 2017	10.00am	Kwale	Matuga	Mbunguni	Total = 307 Male = 200 Female = 107
3.	Kiteje Assistant Chief's Office Grounds	Thursday, 13 July 2017	02.00pm	Kwale	Matuga	Ng'ombeni	Total = 236 Male = 77 Female = 159
4.	Mnyenzi Assistant Chief's Office Grounds	Friday, 14 July 2017	10.00am	Kwale	Kinango	Kasemeni	Total = 125 Male = 99 Female = 26
5.	Lutsangani AP Camp Grounds	Friday, 14 July 2017	02.00pm	Kwale	Kinango	Gandini	Total = 257 Male = 192 Female = 65
6.	Baraza Meeting Area Near Mwanda Dispensary	Tuesday, 18 July 2017	02.00pm	Kwale	Kinango	Mwavumbo & Mwatate	Total = 183 Male = 131 Female = 52
Dongo Kundu							
7.	Dongo Kundu AP Camp	Tuesday 20 March, 2018	10.00am	Monbasa	Likoni	Mutongue	Total = 367 Male = 258 Female = 109
	Total participants						Total = 1,560 Male = 1021 Female = 539

During the sensitisation meeting, community members were given an opportunity to give comments, suggestions or ask questions for clarification. Questions and issues raised by the participants are provided in **Table 24**.

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Table 24: Summary of Issues raised during Sensitization Meetings

No.	Questions	Answers
1.	In other KETRACO projects in the neighbourhood, I think there are cases where there is a land with conflict, and there was a problem in payment of compensation. Does this project face similar challenges?	If land ownership is contested, KETRACO will prepare compensation and wait until the case is resolved by the concerned parties. KETRACO will provide appropriate information in a timely manner so that there will be no inconvenience to the resettled residents. We have been dealing with transparency and honesty at all stages of the relocation process. We work hard to resolve conflict with NLC, local government, PAP Committee and village experienced elders.
2.	It is possible that some unjustified persons were recorded as owners of assets in the old census survey. How will you ensure that only people who are really affected are properly recorded?	In the current census survey, if the ownership of the target land is confirmed using the existing mechanism that is deemed appropriate by the local, all the subjects are recorded. Of course, it is necessary to engage NLC and local administrations as necessary. Elders of the village are sure to visit and confirm the affiliation of structures, trees and crops of each household.
3.	My land for which usage rights are set is divided into two by the transmission line. What is the ownership of the land in such a case?	KETRACO acquires only the right to use the land of the transmission line part. The ownership of land related to Wayleave remains with the owner of the original land. Whether residence and livelihood maintenance is possible on divided land will be judged by negotiating with the affected residents based on the extent and degree of the influence.
4.	Oral land transactions were made among already deceased parties. There is no document which is the basis for the remaining dependents to prove the transaction and request compensation. In such a case, who will be paid compensation?	Basically, compensation for land will be paid to registered persons on the verge of security. In such cases, it is desirable to mobilize and resolve existing dispute resolution mechanisms that rely on community experience and wisdom before appealing to legal procedures. NLC and the involvement of local administrations are required to determine ownership.
5.	When the semi-permanent structure house is affected, how is compensation calculated?	Compensation is calculated as the current market price, that is, the reacquisition cost necessary to obtain a house of the same structure as the house currently owned. An additional 15% of annoying fee will be paid in addition.
6.	Does the big community benefit somewhat from the business activities of KETRACO, or will it be covered only by affected people affected by the project? Titanium Mining Company did well well digging, road maintenance, classroom maintenance, but what does KETRACO do for the community?	The original duty of KETRACO is the design, construction and maintenance of the high voltage transmission line. KETRACO may also be able to fulfil social responsibility in sectors such as water supply, roads, education, etc., based on the judgment of the top management based on a humanitarian point of view. On the other hand, Titanium Mining Company is a private company, and it is possible to use part of the profit as a contribution measure to the community.
7.	You may not have all the landlords of all the land you own. What will happen in this case?	We will set up a site for interviews individually with the target person at a later date. Take enough time for this process.
8.	What about houses and trees just outside the 40-m wide wayleave?	Structures and trees on the outside of 40 m wide wayleave are out of scope and can be used as it is.
9.	Many of the trees in the project area are endemic species with medicinal value. How does KETRACO determine the value of these unique trees?	When calculating compensation amount, from KFS, price data of all trees growing in Kenya is obtained and carried out. Similarly, the data necessary for calculating the compensation amount of all the crops grown in Kenya will be obtained from the Ministry of Agriculture.
10.	In this project, is it possible to hire local youth through the transmission line?	This project is expected to create employment opportunities in areas where transmission lines will pass. In addition to direct employment by the project, other revenue opportunities may arise, such as ripple effect including the formation of local markets that provide goods and services to stakeholders including workers during construction.

No.	Questions	Answers
		KETRACO is a policy to recommend contractors to hire young people. With this in mind, Chief and its assistants need to work to ensure that their policies are implemented at the project construction stage.
11.	While building a house during the previous census survey, they were asked not to continue construction. Although the construction was stopped, the unfinished building was then damaged by being exposed to the weather and rain, causing damage. I visited the KETRACO office in Nairobi at least twice and offered a complaint about the damage. How is this case handled, whether it is under the influence of wayleave this time?	In such a case, it will be deliberated not to be disadvantaged by affected people. Complaints should be recorded properly. It is advised that the house will remain as it is until the evaluation is completed and compensation is paid, this case must be handled by the staff in charge.
12.	Which trees will be affected / compensated by size, age, etc.?	Trees are compensated after logging based on various tree species, size, age and price data provided by Kenya Forest Service (KFS). Meanwhile, the crops are compensated according to the guidelines provided by the Ministry of Agriculture, if damaged due to the influence of construction.
13.	What will KETRACO do if wayleave passes through a family cemetery?	KETRACO never interferes or compensates for the cemetery. The contractor is also in the position to receive instructions and supervision from KETRACO. Usually, we will follow KETRACO's strict policy of not building a tower in the graveyard and do not do excavation.
14.	Procedures to receive the issue of the right tend to be delayed by resolving the conflict and registering the land. The reason is that it takes time to process, that the subject cannot afford the expenses or is not interested in holding the entitlement. What happens in such cases?	Conflicts relating to the land of some areas are awarded and there are cases where the warranty number itself is not yet issued although the warranty number is ready. In other areas, the land is not awarded or jointly owned. Chief, who is in charge of the relevant area, strongly advises the target residents to immediately begin the process of inheriting the rights in order to receive legitimate compensation if the registrant dies.
15.	Will the transmission line pass exactly through a given place? How can the community know who is influenced by the population and who will not accept it?	During the survey in the coming weeks the investigators will present to the affected people. It will be confirmed by consultants during census investigation and asset survey in the coming weeks and will be handled at a later council.
16.	Why will KETRACO pay lease of land monthly after receiving land lease from affected residents? The target residents lose their lives for the rest of their lives and are subject to restrictions on their livelihood activities.	That understanding is not accurate. Land Act 2012 does not allow the lease of the land necessary for the construction of the transmission line. Under this law, KETRACO will acquire the right to use the land of the transmission line route for public interest. The ownership of the land will remain at the affected residents and make appropriate compensation.
17.	How long will it take for affected residents to receive the compensation after the construction of transmission lines starts? Also, how long will it take to complete construction?	Residents are notified three months in advance to relocate. KETRACO extends this period if residents are unable to leave within this period for justifiable reasons. Because this happens, I think it will take about 2 years to complete construction.
18.	Can the target residents recover the construction materials from the affected land after compensation?	Affected residents are allowed to recover construction materials within the notice period. By the expiration of the notice period, buildings left in the site without reasonable and just reasons are demolished by contractors. The logged trees in the site can be sold or used by the original owner.
19.	Can residents of the community get	The electricity transmitted is for the community and its people.

No.	Questions	Answers
	electricity to be consumed at home from the transmission line? Or just pass through this transmission line?	However, electricity supply to each residence is a jurisdiction project of Kenya Power. KETRACO carries out only high voltage transmission, which is the first step for people to access electric power at home, after which distribution is performed at an appropriate voltage by the Kenya power from the substation.
20.	Will it be compensated for the collapsed house that was in Wayleave long ago?	In the survey, evaluate and record all assets in the current situation. Past property is out of compensation.
21.	Can the residents burial the deceased person in the wayleave?	It is not a construction of a structure and it takes time to burial acts to be about several hours so it is not a big problem. Discuss the correspondence separately and solve it
22.	Is there a difference in compensation for the land on which the tower in Wayleave is built and the land on which no tower is constructed?	Regardless of the presence or absence of a steel tower, compensation calculation is uniform. In the same place, if it is the same area, it becomes the same compensation amount regardless of the presence or absence of a steel tower.
23.	Are there any special additional payments for socially vulnerable people such as disabled people?	Residents' relocation policy of this project calls for identifying socially vulnerable households and providing legitimate compensation and necessary assistance when relocating.

9.5 Consultation During Implementation

The proponent will continuously consult with the local administration and hold further public meetings with the PAPs during the Project Implementation as a means of evaluation and monitoring on their progress.

It will be important that the PAPs comfortably settle and continue with their lives. Some of the PAPs will be offered employment opportunities as semi-skilled and unskilled laborers and hence there will be continued communication with the affected people during project implementation. This will ensure continued support to the project by all stakeholders since they will directly fetch benefits that accrue from the project.

9.6 Proposed Consultations during RAP Implementation and Construction

The affected communities will be consulted on a continuous basis throughout all the project phases so that they can appreciate and offer support to the project. This process starts from the pre-design phase when the RAP and ESIA studies are being carried out by the Consultant up to the construction phase.

During RAP Study, the community and the local administration have been consulted to collect preliminary data on land ownership and affected asset holders. These consultations were done through PAP and key stakeholder meetings and field census survey.

During these meetings the PAPs were informed of the intention of KETRACO to acquire transmission line wayleave corridor through easement and there will be compensation for land, structures and trees/crops. There will be further consultations when offers are given to the PAPs and the plans for the area including actual date of compensation and demolitions. These consultative meetings shall include all stakeholders.

The information gathered from the project area will be confirmed with the local administration, local county councils and finally at the Ministry of Land to confirm who the registered land owners so that compensation for the land and other assets is released to them.

9.7 Information Dissemination

All stakeholders must be consulted and be effectively involved in a two-way communication with the project sponsors. Special efforts will be made to consult with women and vulnerable PAPs (physically challenged persons, illiterate, women, widows and the elderly). There will be an explicit public information strategy. This will include the use of mass media, possibly through radio and television, to advise the dates and times of the meetings, availability of documents and compensation measures. Public Sensitization should be preceded by providing all the relevant and accurate information to the PAPs.

Following disclosure of all relevant information, the client will consult with and facilitate the informed participation of affected persons and communities, including host communities, in decision-making processes related to resettlement. Consultation will continue during the implementation, monitoring, and evaluation of compensation payment and resettlement. Supply of information and consultation with different stakeholders should be through a language and medium they are comfortable with. In certain cases, for example, the land acquisition process, where the information is not easily understood by the people, KETRACO shall take responsibility for simplifying and ensuring that the whole process is understood by the project affected persons, using appropriate methods of communication.

9.8 Steps to Ensure Women's Participation in Resettlement Activities

Kenya is largely a patriarchal society. The women are both marginalized and dominated by men. Kenya seems to fit the description. Gender inequality can be seen in all spheres of the public life as women face various social, economic and political barriers that impede their participation and maintain their second-class status within the society. The social barriers include cultural practices.

According to the United Nations Population Fund, addressing gender equality and women's empowerment requires strategic interventions at all levels of programming and policy-making. There should be focus on certain critical areas comprising: reproductive health (giving women control over their bodies and lives), economic, educational and political empowerment, and stewardship of natural resources.

The specific actions that have been considered in order to ensure women's participation and fairness in restoration matters of the project area are given below.

9.8.1 Women Household Head Elected as Member of Resettlement Committee

During the PAP Consultation Meetings that were conducted in the project area from Monday April 23 – 27, 2018 the PAPs were requested to elect members who can represent them in the PAP Committees that will handle resettlement issues on behalf of the women. A woman representative has been elected in each of the 9 Committees (one committee for each location) **Table 25** provides details of the elected women representatives in the PAP Committees.

Table 25: Elected Women in the PAP Committees

No.	Name of female representative	place
1	Woman Representative 1	Mariakani
2	Woman Representative 2	Mwavumbo
3	Woman Representative 3	Mwatate
4	Woman Representative 4	Mtaa
5	Woman Representative 5	Kasemeni
6	Woman Representative 6	Gandini
7	Woman Representative 7	Mbunguni
8	Woman Representative 8	Ng'ombeni
9	Woman Representative 9	Mtongwe

9.8.2 Participation in Census Survey and Consultation on Resettlement

Project Affected Persons (PAPs) have been directly involved in the detailed census survey where they were shown the location where the transmission line corridor (40m wide) is passing through in each of the affected land parcels. They have also been shown the assets that have been affected by the transmission line corridor. That has taken place involving both men and women.

During the PAP Consultation Meeting, compensation, resettlement and relocation options were discussed. Consultations on resettlement and relocation will continue to be done until the time when NLC will carry out verification of land and other assets, compensation is paid out by KETRACO and notices to vacate are issued.

9.8.3 Training of PAPs on Resettlement and Restoration

The training of the PAPs to prepare them for the resettlement and restoration of their livelihoods will be done. The training sessions will incorporate gender issues to ensure that decision making and execution of activities on use of compensation money and resettlement involves all parties of either gender. The patriarchal nature of Kenyan society provides dominance to the men over the women and therefore their opinions and choices are bound to be suppressed.

This needs to be discussed during the training and mutual understanding reached on how best husband and wife can go through the resettlement process successfully.

9.8.4 Invitation of Both Spouses to Participate in Compensation Process

The land Act of 2012 Section 107 (7) says that for the purposes of sections 110 to 143, interested persons shall include any person whose interests appear in the land registry and the spouse or spouses of any such person, as well as any person actually occupying the land and the spouse or spouses of such person.

KETRACO will effect compensation as stipulated in the Land Act 2012 which requires the involvement of the parties that have an interest in the property to be involved in the compensation process.

9.8.5 Equal Job Opportunity for Men and Women

Same opportunity will be provided to both men and women when skilled workmanship is required. Such positions will be advertised and those interested will be given an opportunity to apply.

9.8.6 Livelihood Recovery

During compensation and resettlement, the implementing agency will give priority to women when developing livelihood/income recovery programs. This is necessary since the patriarchal nature of the Kenyan society is likely to put women at a disadvantaged position.

9.8.7 Vulnerable Groups

These groups of persons (elderly, disabled, women and underage Household Heads) were specifically identified during the census survey so that special assistance can be provided during resettlement implementation. KETRACO is going to evaluate the nature and extent of vulnerability and provide special assistance for each vulnerable person according their needs. This will include support during construction of houses or other required structures and relocation.

9.8.8 Monitoring Indicators

Appropriate monitoring indicators are going to be developed to monitor the resettlement process taking into account the various impacts that resettlement can adduce. Of principal focus will be the social benefits, economic opportunities, livelihoods and social cultural infrastructure. The monitoring indicators will be able to reveal whether the PAPs are being disadvantaged by the project or their livelihoods are improving after resettlement thereby informing the necessary actions that should be taken to remedy the situation.

9.9 Public Information Booklet (PIB)

A public Information booklet will be used to provide information to the PAPs and other stakeholders. The information on the booklet include possible questions and answers on the proposed project.

These questions and answers on the PIB are used as a guideline to facilitate communication between the proponent, PAPs and key stakeholders. The object of having the PIB is 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 rehabilitation packages applicable to the Project. The PIB will be prepared by KETRACO in consultation with JICA and distributed to all PAPs in the Project area.

Contents of the PIB will include; 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, Information dissemination to and consultations with PAPs and what to do if PAPS have a question and/or problem, Specific entitlements of PAPs, Description of the detailed impact of the Project on specific households,

Compensation rates for each type of impact, Options for resettlement and rehabilitation and Date for delivery of the entitlements.

9.10 PAP Consultation Meetings

The PAP Consultation Meetings were conducted from Monday April 23 – Friday April 27, 2018. A total of 9 PAP Consultation Meetings were convened with the Household Heads of the affected community members. One meeting was done in each of the 9 locations traversed by the Mariakan-Dongo Kundu Transmission Line and Substation in Dongo Kundu. Only the Household Heads of the community members affected by the project were invited to attend the PAP Consultation Meetings.

9.10.1 Channels Used to Invite PAPs to Attend PAP Consultation Meetings

PAPs were invited to attend the PAP Consultation Meetings through the following avenues:

- Direct phone calls made to the Household Heads since all their contacts were recorded during the detailed census survey
- Door to door visits to the homesteads of the affected persons by village elders or Assistant Chiefs
- Passing of information through immediate neighbours of the affected persons.

9.10.2 Purpose of Convening PAP Consultation Meeting

The purpose of conducting PAP Consultation Meetings was to achieve the following:

- Disclose to the PAPs the affected property/asset (Land, Structure, Trees, Crops and Businesses);
- Ensure that each PAP was aware of the affected property;
- Elaborate to the PAPs how the affected property is going to be compensated
- Elaborate on how resettlement is going to be done for those who will be relocating houses within the same parcel of land and also for those who will have to look for new parcels of land because the remain portion of land is too small.
- Provide details on the processes that are going to follow from now to the construction of the facility.
- Elaborate on the process of land acquisition for the Substation and easement for the Transmission Line including land documents required and how they can be obtained.
- Elaborate on how compensation money will be paid out
- Provide an opportunity for the PAPs to ask questions, give suggestions and seek clarification on any matter related to the resettlement process.
- Provide the PAPs with the opportunity to elect PAP Committee members who will represent them from now on with regards to the next steps and the resolving of complaints/grievances.

The venues, dates and number of participants who attended the PAP Consultation Meetings are elaborated in **Table 26**.

Table 26: PAP Consultation Meetings

#	Venue of Meeting	Date	Time	County	Sub-County	Location	Number of participants
1.	Baraza Field near Tiba Petrol Station	Monday, 23 April 2018	09.00am	Kilifi	Kaloleni	Mariakani	Total=81 Male=60 Female=21
2.	Redeemed Gospel Church near Mwanda Dispensary	Monday, 23 April 2018	02.00pm	Kwale	Kinango	Mwavumbo	Total=154 Male= 134 Female =20
3.	Kolueni Primary School	Tuesday, 24 April 2018	09.00am	Kwale	Kinango	Mwatate	Total=53 Male =43 Female =10
4.	Bofu Chief's Camp	Tuesday, 24 April 2018	02.00pm	Kwale	Kinango	Mtaa	Total=45 Male=37 Female=8
5.	Munyenzeni Methodist Church	Wednesday, 25 April 2018	09.00am	Kwale	Kinango	Kasemeni	Total=120 Male=106 Female=14
6.	AP Camp Lutsangani	Wednesday, 25 April 2018	02.00pm	Kwale	Kinango	Gandini	Total=108 Male=87 Female=21
7.	Mbunguni Chiefs Camp Ground	Thursday, 26 April 2018	09.00am	Kwale	Matsan goni	Mbunguni	Total=95 Male=78 Female=17
8.	Kiteje Assistant Chief's Camp	Thursday 26 April 2018	02.00pm	Kwale	Matsan goni	Ng'ombeni	Total=118 Male=91 Female=27
9.	Dongo Kundu AP Camp	Friday 27 April 2018	09.00am	Mombasa	Likoni	Mtongwe	Total=93 Male=67 Female=26
Total Number of Participants							Total=867 Male =703 Female =164

9.10.3 Issues Raised by PAPs during Consultation Meeting

PAPs were given a chance to ask questions, make suggestions and seek clarification on any matter regarding the resettlement process. Some of the issues and questions have been captured in **Table 27**. The other detailed information can be referred to in the minutes provided in **Annex 7**.

Table 27: Main Questions and Answers During PAP Consultation Meetings

o.	Questions	Answers
1.	If the land affected by the project is leased, how is compensation made?	Compensation is made to the rightful owner of the asset. Those who lease are subject to compensation for land use, crops and trees that are cultivated on rental land, but land compensation is paid to landowners
2.	Is the price different between the Nairobi-Mombasa highway and the remote inland land?	Land in different areas may be of different price. In any case, it is certain that an appropriate assessment will be carried out to determine compensation for individual parcels.
3.	The land on which the steel tower is installed is more influential than the land without tower, so there is a difference in compensation?	There is no other compensation policy on the land where the steel tower is installed. It is uniform. It is compensated for the land with an appropriate amount.
4.	Is it necessary for land obligation to be compensated for land? What happens if the right document cannot be prepared or is not yet acquired? The NLC decides how to approach the compensation issue of the landowner without a title.	The NLC decides how to approach the compensation issue of the landowner without a title. KETRACO recognizes that there is a solution although the majority of the landowners do not have a document that is the basis for compensation. The coordinator in charge of County of NLC is responsible for solving such problems.
5.	Do I receive compensation via Chief, or are you being directly paid by residents?	Compensation is paid directly to affected people through bank accounts. The target residents are notified of the timing of providing personal bank accounts, and certificates describing the compensation amount to be deposited are issued.
6.	If Wayleave affects trees, who is responsible for cutting them? Is it KETRACO or a resident?	It cannot be evaluated that it will be harvested before compensation is fixed. Therefore, all the inhabitants should wait until the evaluation is confirmed by KETRACO.
7.	A Ranch has one single entitlement. What is the approach to compensation for individual parts of affected land?	A ruling by the NLC and the local administrative agencies has been initiated in order to issue respective rights documents to the affected residents so that compensation is paid to each household according to the compensation.
8.	If crops and trees are affected by the project and the owner does not have a national ID card, can you get compensation?	Procedures to identify beneficiaries are required before payment of compensation. People who are affected and compensated by the project need to have an ID. It is illegal that you do not have a National ID card.
9.	How can I compensate for the deceased real estate owner?	Families are required to identify representatives. The family reports it to Chief. Regional administrative agencies (Chief and Assistant County Chef) arbitrate using the community's traditional mechanism to solve problems.
10.	How does KETRACO deal with people claiming land falsely?	The problem should be reported to Chief / Assistant County Chief and resolved before compensation. The NLC will verify and solve the problem before compensation is paid by KETRACO.
11.	If the affected structure deteriorates and the condition is bad, can you repair it?	Do not modify the deteriorating structure as it is. Also new structures should not be built in wayleave.
12.	Can parents without bank accounts use their son's account?	The account name must be the same as the legal owner of the asset. Through Chief Office and KETRACO, if adjustment is necessary, it will be dealt with and solved.

o.	Questions	Answers
13.	The father of the owner of the land died. That father was registered. Can my son re-register as an owner and present a bank account as an account for payment of compensation instead of a family member?	Changes to registered contents can be made by appropriate predetermined procedures by local administrative agencies.
14.	Are you fighting land ownership with your son in your family?	Family conflicts should basically be settled within the family, but it can be solved by the involvement of local government agencies.
15.	House affected by the project was damaged by the flood. Will KETRACO pay compensation?	Compensation is made according to the condition of the house. Relocation is done after compensation.
16.	Land is a family property. In this case, can men and their spouse jointly register ownership of the land?	There is no problem if family members agree.
17.	If there is a land rights document, but the target land is subdivided, how is compensation made?	In such a case, we will consult with NLC and obtain legal documents on subdivided land. In this case, there is no conflict between owners concerning subdivided land. Compensation is paid based on the entitlement to the segmented land. (Consultation with NLC is important.)
18	Will it be subject to compensation if we are obliged to interrupt the planning, for example land creation, expansion or renovation planned in the future?	It is necessary to give fair support to the activities of residents toward recovery of livelihood. Any kind of consideration will be made if activities to increase personal assets have already been implemented and it is officially recognized.
19	Residents in the Dongo Kundu region do not have land rights documents, but can you explain clearly what will be compensation for land?	NLC and KETRACO correspond to that case. NLC gives the right judgment and gives the owner of the legitimate the right to be compensated. The law stipulates that compensation will be made in good faith to those who do not have land rights documents.
20	The value of asset changes with the passage of time, but when will the compensation unit price be revised, how is it done? What about Japan's case?	Assets are valued using the data at the time of survey, while consulting the relevant ministries and agencies. Evaluation of land varies from region to region. Review is done according to case. In Japan, the background and conditions are different, so it is not a reference.

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FINAL STAKEHOLDERS CONSULTATION MEETINGS

The Final Stakeholders Consultation Meetings were held from Monday February 25, 2019 to Thursday February 28, 2019. A total of 9 meetings took place. One meeting was held in each of the 9 locations where the Transmission Lines is passing through (Mariakani, Mwavumbo, Mwatate, Mtaa, Kasemeni, Gandini, Mbunguni, Ng'ombeni and Mtongwe Locations) A total of 586 persons attended (Male=457, Female=129). The meetings were attended by KETRACO, Project area community, JDT, National and County Government Representatives, Local Leaders and Consultant Team.

Table 28: Final Stakeholders Consultation Meetings

#	Venue of Meeting	Date	Time	County	Sub-County	Number of Participants
1.	Baraza Field, near Tiba Petrol Station	Monday, 25 Feb 2019	09.00am	Kilifi	Mariakani	Total=51 Male=32 Female=19
2.	Mwanda Dispensary	Monday, 25 Feb 2019	11.00am	Kwale	Mwavumbo	Total=124 Male=107 Female=17
3.	Kalueni Primary School	Monday, 25 Feb 2019	02.00pm	Kwale	Mwatate	Total=34 Male=28 Female=6
4.	Bofu Chief's Camp	Tuesday, 26 Feb 2019	09.00am	Kwale	Mtaa	Total=48 Male=32 Female=16
5.	Mnyenzi Health Center	Tuesday, 26 Feb 2019	11.00am	Kwale	Kasemeni	Total=80 Male=67 Female=13
6.	AP Camp Lutsagani	Tuesday, 26 Feb 2019	02.00pm	Kwale	Gandini	Total=57 Male=45 Female=12
7.	Mbunguni Chief's Camp Ground	Wednesday, 27 Feb 2019	09.00am	Kwale	Mbunguni	Total=81 Male=63 Female=18
8.	Kiteje Assistant Chief's Camp	Wednesday 27 Feb 2019	02.00pm	Kwale	Ng'ombeni	Total=52 Male=39 Female=13
9.	Dongo Kundo AP Camp	Thursday, 28 Feb 2019	09.00am	Mombasa	Mtongwe	Total=59 Male=44 Female=15
						Total=586 Male=457 Female=129

Table 29: Main Questions and Answers Final Stakeholders Consultation Meetings

No	Questions	Answers
Mwavumbo		
1	I have always been a victim of Development Projects. I was affected during SGR, Mwanda Hospital Construction and now the Transmission Line Project. Will KETRACO compensate me this time round since I was compensated previously during those projects?	KETRACO has its own wayleave that is different from SGR and other infrastructure. If you are a PAP within the Transmission Line Corridor, then you are entitled for compensation.
Mwatate		
2	I was affected by Mwache Dam and the current Transmission Line. Will compensation be done to Mwache Dam PAPs only and leave the others affected by KETRACO?	Compensation does not discriminate. ROW for KETRACO will be paid in accordance to what has been affected/ acquired.
3	Can someone who was a PAP in the 60 m Corridor Line be a PAP in the 40 m Corridor Line?	If you happen to fall again within the 40 m Transmission Corridor Line then you become a PAP and will be compensated
Mtaa		
4	I do not know how much of my land is acquired and never saw the survey team taking measurements with tape measures on my land. I would wish to know the acquired size	The current surveying methods have changed. The equipment used is sophisticated and taken using coordinates which are calculated to generate the acquired sizes of land within the corridor. The time for you to know your acquired size of land will come and it will be shown to you so that you sign against it.
5	During compensation, will KETRACO purchase land for us or will I be given an opportunity to do it on my own?	KETRACO does not purchase land for PAPS. It is your choice to choose your area of residence in case you are displaced. If you are to relocate then you shift on the same piece of land
6	I have a land and structure, while compensating me will it be for structure only or both land and structure or will the cost be double?	I have a land and structure, while compensating me will it be for structure only or both land and structure or will the cost be double?
Kasemeni		
7	Land is owned by our family and it is only one of us whose name was recorded during the RAP survey. What happens to the others?	Compensation money shall be paid after verifying the family members. It will be upon the family members to agree on how the money shall be shared equally among the family
8	In a situation that am a PAP and have been affected in this area and then affected in another place, will I be counted twice?	Yes. If you own more than one property within the corridor in different areas you will be counted and compensated

No	Questions	Answers
Gandini		
9	I have coconut trees that I have been using from generation to generation, at what rate are they valued?	Tree rates are controlled by Kenya Forestry Service (KFS). You are also free to visit their office and confirm the rates
10	I own a shrine, at what cost will it be compensated?	Provision has been made for Shrine transfer ceremony and also the value of the Tree. However, we will negotiate that on the day of compensation
Mbunguni		
11	I have a house within the corridor which later fell down. Will I be compensated for that?	During valuation process your house was captured by photos and measurements taken. If it fell down your compensation money is still intact. If you construct a new one it will not be compensated
12	Will each tree have its own rate or you will use a flat rate for each?	Rates vary according to tree type and tree size. This will be done by comparing rates with KFS
Ng'ombeni		
13	I prefer that we are issued with title deed before we are compensated	That's a positive intention and you really need to put an effort to acquire a title deed. Make arrangements with the Chief, Lands Office and County Government.
14	Could you tell us about the Kayas that have been affected by the Transmission Line	There was only one Kaya in Gandini Location called Kaya Gandini which was slightly affected by the Transmission Line. We made an adjustment and shifted the line away from it. As per now it is not within the corridor.
Dongo Kundu		
15	I want to construct a house and never saw you erecting beacons so that I proceed with my plan. Will you carry out another survey to know the affected persons?	No. All structures within the corridor were captured and valued. Any structure constructed out of the cut-off date shall not be compensated.
16	Rainy season is approaching and I have plans to start farming. Can I go on?	You are at liberty to go on with your normal farming practices but when you harvest nothing shall be compensated.

11 GRIEVANCE REDRESS

KETRACO has been implementing environmental and social considerations for many projects so far, and it has more than 20 staff members in charge of environmental and social considerations.

In addition, past and ongoing projects also use the grievance redress mechanism supported by the PAP Committee and are fully functioning. Regional elders are respected by residents, traditional consultations involving elders and good environment of adjustment are making decisions conforming to the actual situation, which is effective for smooth implementation of the resettlement process of this project. In addition, there is a local NGO working in the environmental field in the target area, and it has a role to understand the intentions of residents and to discuss with the executing agency.

During the Community Sensitization and PAP Consultation Meetings in the project area, there were concerns expressed that include adequate and timely compensation of affected persons, acquisition of land and resettlement of affected persons within the local area to avoid drastic change of environment and departure from ancestral land.

Grievance redress mechanisms are necessary avenues for allowing project affected persons to voice concerns about the resettlement and compensation process as they arise and, if necessary, for corrective action to be taken promptly. Such mechanisms are important to achieving transparency in the acquisition and resettlement processes. Arising from the above observations, the Consultant proposes that all the grievances be addressed before commencing construction and that where all or significant part of the land is acquired requiring resettlement elsewhere, resettlement land should be sought from the local area and the affected communities be given an assurance of deserved consideration.

11.1 Subject Matter of Grievances

The PAPs may have grievances on the value of compensation for Land, movable and immovable assets, crops, human and livestock disturbance. Other grievances may arise from the loss of livelihood, disconnection of streams of income and reduction of earning capacity due to the relocation. All these require timely attention to ensure affected families do not suffer inconveniences.

11.2 Method of Lodging Complaints

After valuation of assets, each identified PAP will be issued with a letter of award for their acceptance or otherwise before payment is released. In the event of a dispute or grievance, KETRACO will issue a grievance redress form through the PAP Committee and will be completed by the aggrieved person so as to reach a settlement within a period of one month. The proponent will not commence any construction works before all grievance are settled. The proponent will use all available mechanism to ensure that the grievances are settled within a short time so as to reduce undue stress on the PAPs and delays in project implementation.

11.3 Proposed Procedure

In projects that require relocation and resettlement of people and loss of property and livelihood, grievance redress mechanisms are essential tools. These mechanisms allow the affected people to voice concerns about the resettlement and compensation process. The project proponent (KETRACO) is hence expected to take corrective action to address these grievances in consultation with the PAPs and other key stakeholders that include, NGOs, CBO, County Government Offices and other agencies that provide services in the project area. Such mechanisms are fundamental to achieving transparency and fairness in the resettlement process.

The grievances will be dealt with as follows:

- a) All grievances will be referred to the PAP Committees through the representative appointed to receive and register grievances. Refer to **Annex 13** for a sample of the Grievance Redress Form that will be used to register grievances. (both in English and Kiswahili).
- b) The PAP Committee will review and may be able to offer solutions immediately.
- c) If the issue relates to land boundary disputes, ownership disputes or succession the PAP Committee will refer the issue to the Council of Elders for arbitration. The Council of elders are expected to provide a solution within one week.
- d) The outcome of the deliberation of the Council of elders is received by the PAP Committee and shared with the Resettlement Implementation Committee (RIC) and KETRACO Resettlement Unit (KRU). See Section 7.2, **Figure 21** for RIC and **Figure 22** for KETRACO Resettlement Unit (KRU) structure.
- e) Other grievances touching on Affected Assets, Valuations, Compensation Amounts, Payments, Resettlement Sites, Restoration and Extra Assistance will also be deliberated upon by the PAP Committee in collaboration with RIC and KRU. The issues are expected to be resolved within one month from the date of lodging the grievances.
- f) Where the PAP Committee, RIC and KRU are not able to provide a solution to the grievance especially issues dealing with land, the grievances will be forwarded to Land Compensation Tribunal and Public Complaint Committee for direction.
- g) If the PAP is still not satisfied with the outcome, then the issue will escalate to the Courts for Legal Redress. Refer to **Figure 24** for the Chart Showing Grievance Redress Mechanism.

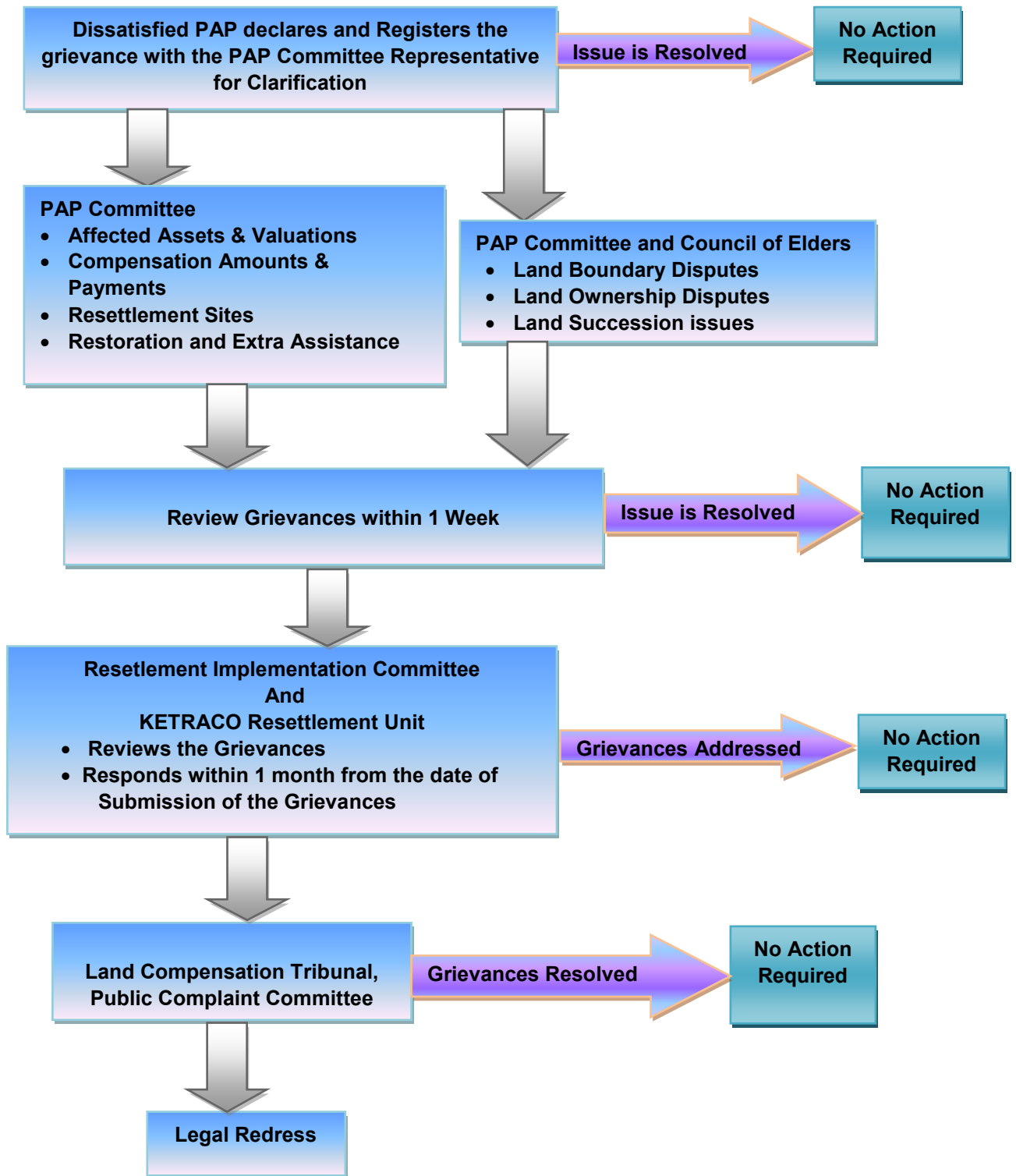


Figure 24: Chart Showing Grievance Redress Mechanism

12 MONITORING AND EVALUATION

The Monitoring and Evaluation exercise is intended to report on the effectiveness of RAP Implementation activities against set milestones. The objective is to provide feedback on RAP implementation and to identify emerging issues/ problems and take note of successes as early as possible in order to allow timely adjustment of implementation arrangements. Identification of appropriate indicators that can be measured/monitored during this process is key to the success of monitoring and evaluation of resettlement implementation.

12.1 Internal Monitoring and Evaluation (M&E)

The proponent (KETRACO) will conduct regular internal monitoring of the resettlement performance of the operation through the RAP Implementation Team (KETRACO Resettlement Unit – KRU) which will be responsible for implementing resettlement and compensation activities and monitor its efficiency. The responsible key person for social monitoring shall be the Social Monitoring Specialist/Social Coordinator who is part of the RAP Implementation Team

The objective of internal monitoring and supervision will be:

- To verify that the valuation of assets lost or damaged, and the provision of compensation, resettlement and other rehabilitation entitlements, has been carried out in accordance with the resettlement regulations, guidelines and policies provided by the Government of Kenya and the JICA's Guidelines for Environmental and Social Considerations April 2010.
- To oversee that the RAP is implemented as designed and approved;
- To verify that funds for implementation of the RAP are provided by the Project authorities in a timely manner and in amounts sufficient for their purposes and that such funds are used in accordance with the provisions of the RAP.
- To verify that grievances are registered and handled as proposed in the grievance redress procedures of the RAP Report
- To verify that restoration of livelihoods is done in the shortest time possible and PAPs are able to continue with their normal livelihood activities.
- To verify that PAPs socio-cultural activities including access to social amenities (Church, Mosque, Hospitals and Schools etc) are guaranteed.
- To ensure that each PAP household will have a digitised compensation file/record indicating his or her background situation before RAP (based on the census data), the compensation allocated and actually received, the impacts on land and property, the use of PAP assets /improvements after RAP, etc.;
- Establish the time taken and ability of the PAPs to re-establish their livelihood activities

The M&E will be undertaken regularly during implementation and also at the end for the purposes of compiling the Project Completion Report. The report will include an evaluation that ascertains whether resettlement compensation goals and objectives have been realised. Monitoring will be thematically carried out at two process levels: during the resettlement compensation payment period and after that period (post-compensation payment period). Each process or thematic monitoring period will have a number of monitoring issues which the M&E officer will pay attention to, as summarised in **Table 30** overleaf.

Table 30: Monitoring Thematic Issues during and after Compensation Payments

Monitoring Periods	
Resettlement Compensation Payment Period	Post-Resettlement Compensation Payment Period
<ul style="list-style-type: none"> • Number of PAPs compensated • Number of PAPs with legal papers to new property • Number of PAPs requiring livelihood restoration • Number of PAPs with registered grievances • No of vulnerable PAPs assisted 	<ul style="list-style-type: none"> • Number of PAPs resettled successfully • Restored livelihoods and assets • No of PAPs whose grievances have been resolved • Number of vulnerable groups restored

12.1.1 Roles and Responsibility

RAP Implementation Committee

The RAP Implementation Committee will be charged with the task of monitoring and evaluation of the PAPs since they will be familiar with the various variables in the project area. It will therefore be prudent to continue the post project evaluation system and conduct actual monitoring and reporting. The PAP committee would periodically provide the Proponent with collected data for report preparation.

Social Monitoring Specialist

The roles and responsibilities of the Social Monitoring Specialist must contribute to the objectives of the monitoring process. The roles and responsibilities will involve:

- setting up a system to receive, collect and store on a regular basis, basic demographic and livelihood data about PAPs;
- identifying and improving the indicators to measure RAP performance;
- collecting and analysing M&E data against pre-compensation baseline information to be able to track and isolate changes in the livelihoods of the PAPs;
- setting up a system to enable PIT to use the M&E findings to improve RAP implementation measures and processes;
- maintaining in good order and regularly updating the M&E database;
- giving feedback to other officers in the PIT, on the RAP advisory committee, local government stakeholders, civil society and community;

12.1.2 Performance Monitoring

Performance monitoring will be carried out to establish physical progress of resettlement activities against set milestones in order to generate data that can be used to judge the success or otherwise of resettlement activities. The data generated during monitoring relates to the indicators that will be monitored. It can be qualitative or quantitative in nature depending on the parameter being monitored. The data will be collected on a regular basis, analysed and presented appropriately.

12.1.3 Impact Monitoring

The resettlement activities will generate both positive and negative impacts to the Project Affected Persons (PAPs). Impact monitoring will be carried out to gauge the effects of the RAP implementation on the PAPs so that appropriate adjustments can be made without undue delay.

The basic activities for a sound-monitoring programme for the transmission line will at least include the following parameters:

- Quality of life of the resettled persons.
- Change in health trends of persons in the project area.
- Period taken to restore income streams and sustainability of these incomes.

12.1.4 Monitoring and Evaluation Indicators and Variables

The main internal indicators that will be monitored regularly include the following:

- That KETRACO's entitlements are in accordance with the approved policy and that evaluation for compensation is carried out in accordance with agreed procedures.
- Payment of compensation to the PAPs in the various categories is made in accordance with the level of compensation described in the RAP.
- Public information, Public Sensitization and Grievance Procedures are followed as described in the RAP.
- Payment of allowances that facilitate relocation are made in a timely manner.
- PAP Committee is fully involved in the activities related to resettlement and restoration since they represent the PAPs.

The relevant monitoring indicators and frequency of monitoring against which RAP implementation effectiveness will be evaluated are presented in **Table 31**. A Draft Monitoring and Evaluation Form is presented in **Annex 14**.

Table 31: Proposed Monitoring Indicators and Variables

No	Monitoring Items	Indicator	Monitoring Index	Monitoring Period	Responsible Body	Monitoring Frequency
1	Land	Acquire land or acquire usage rights	<ul style="list-style-type: none"> Area of shared land to be acquired for KETRACO transmission line project Area of private property acquired or to which usage rights are set Where state ownership is acquired or where usage rights are set 	RAP in progress	<ul style="list-style-type: none"> KETRACO Resettlement Unit (KRU) PAP Committee 	Every quarter during the implementation period
2	Building Structure /	Number, size, type of buildings affected	<ul style="list-style-type: none"> Number, type, size of private buildings affected Number, type, size of buildings in the affected community Number, type, size of government buildings 	RAP in progress	<ul style="list-style-type: none"> KRU PAP Committee 	Every month during implementation
		Other structures affected by the project	<ul style="list-style-type: none"> Number, type, and size of other affected private facilities Number, type, and size of other affected community structures 	RAP in progress	<ul style="list-style-type: none"> KRU PAP Committee 	Every month during implementation
3	Trees and crops	Affected trees and crops	<ul style="list-style-type: none"> Number and type of trees Area of affected crops 	RAP in progress	<ul style="list-style-type: none"> KRU PAP Committee 	Every month during implementation
4	Loss of income	Income affected by the project	<ul style="list-style-type: none"> Daily wage, weekly wage, monthly income affected by the project 	RAP in progress	<ul style="list-style-type: none"> KRU PAP Committee 	Every month during implementation
5	Compensation for damages	Amount of compensation paid to PAP	<p>Land</p> <ul style="list-style-type: none"> Compensation for land per acre Amount of compensation for the acquired land or the land for which the right to use has been set Compensation Payment Period <p>Building</p> <ul style="list-style-type: none"> Compensation for each structure Compensation for affected buildings Compensation payment period for structures Payment of annoyance allowance 	RAP in progress	<ul style="list-style-type: none"> KRU PAP Committee Relocation expert NLC 	Every week during the RAP implementation period

No	Monitoring Items	Indicator	Monitoring Index	Monitoring Period	Responsible Body	Monitoring Frequency
			Trees and crops <ul style="list-style-type: none"> • Trees and crops compensation • Compensation payment period Company / income source <ul style="list-style-type: none"> • Loss compensation amount • Revenue compensation amount for 3 months 			
5	Relocation and restoration	Number of PAPs requiring relocation and restoration	Transfer <ul style="list-style-type: none"> • HH moved to your premises, number of people • Number of households that relocated and settled • Number of buildings rebuilt • Quantity and type of lost plants • Number of seedlings by type offered • Number of planted trees • Number of rebuilt business / income sources • Feedback from PAPs on satisfaction, emotions and reactions to implementation of immigration 	At the time of relocation and one year later	<ul style="list-style-type: none"> • KRU • PAP Committee • Relocation expert • NLC 	<ul style="list-style-type: none"> • Weekly on relocation • 1 month after resettlement for 1 year
7	Socially vulnerable who need special assistance	Type of vulnerability of each head of household	<ul style="list-style-type: none"> • Number of vulnerable household heads affected by the project • Types and levels of vulnerability • Influences experienced by the weak • Assistance provided to the weak 	At the time of relocation and one year later	<ul style="list-style-type: none"> • KRU • PAP Committee • Relocation expert • NLC 	<ul style="list-style-type: none"> • Weekly on relocation • 1 month after resettlement for 1 year
8	Community resources	Reconstructing community resources	<ul style="list-style-type: none"> • Number of redeployed community structures • Quantity and type of lost plants • Number of seedlings by type offered • Number of trees planted 	RAP in progress	<ul style="list-style-type: none"> • KRU • PAP Committee • Relocation expert • NLC 	Weekly at relocation
9	Disability and Disturbance	Junk factor	<ul style="list-style-type: none"> • Noise level at the nearest residence or facility under construction • Increased number of affected houses and noise level, dust, traffic volume etc. 	Under construction	<ul style="list-style-type: none"> • KRU • PAP Committee • Contractor 	Every week under construction

No	Monitoring Items	Indicator	Monitoring Index	Monitoring Period	Responsible Body	Monitoring Frequency
					<ul style="list-style-type: none"> Construction Management Consultant 	
10	Society / Demographics	Change to household's demographics	<ul style="list-style-type: none"> Household size (birth, death, access) Age distribution Gender distribution Marital status Relationship with head of household Status of 'vulnerable' households 	At the time of relocation and one year later	<ul style="list-style-type: none"> KRU PAP Committee Resettlement expert 	One month during the quarter at resettlement and one year after housing move
		Population movement	<ul style="list-style-type: none"> Household residential areas Move to and from household (Household member's location and place of residence) 	At the time of relocation and one year later	<ul style="list-style-type: none"> KRU PAP Committee Resettlement expert 	Every month when relocating
		Change of usage	<ul style="list-style-type: none"> Distance / travel time to nearest school, public health centre, church, shop, village 	Upon relocation	<ul style="list-style-type: none"> KRU PAP Committee Resettlement expert 	Every month when relocating
		Change in health condition of PAP	<ul style="list-style-type: none"> Nutritional status of relocated household members Number of patients by type (STD, diarrhoea, malaria, immunologic diseases) Mortality Access to medical services (distance to the nearest facility, service cost, quality of service) Use of medical services Disease prevention strategies Implementation of educational programs Toilet penetration rate at school (number of children per VIP in site) 	At the time of relocation and one year later	<ul style="list-style-type: none"> KRU PAP Committee Resettlement expert 	A fixed period of time every month at relocation and one year after relocation
		Changes in the	<ul style="list-style-type: none"> Participate in the training program 	At the time of	<ul style="list-style-type: none"> KRU 	A fixed period of

No	Monitoring Items	Indicator	Monitoring Index	Monitoring Period	Responsible Body	Monitoring Frequency
		status of women	<ul style="list-style-type: none"> Using credit facilities Landholding status Participation in related activities and corporate activities 	relocation and one year later	<ul style="list-style-type: none"> PAP Committee Resettlement expert 	time every month at relocation and one year after relocation
		Household income ability	<ul style="list-style-type: none"> Ownership status of capital assets Land ownership status Changes in ownership of livestock: confusion before and after relocation Prices of livestock purchase and sale, status of exchange transactions Employment situation of economically active members Household members' skills I Remunerated salary income excluded Change in income - change before and after relocation Income and expenditure balance conditions Realization of restoration plan of household income (Degree of component implementation, achievement of net income) Possession status of bank account Access to natural resources (tree, grass, sand, stone) that generate income 	At the time of relocation and one year later	<ul style="list-style-type: none"> KRU PAP Committee Resettlement expert 	A fixed period of time every month at relocation and one year after relocation
		Changes in social organization	<ul style="list-style-type: none"> Participation in external organization of household member, status of participation Are household members in the leadership position of external organizations 	At the time of relocation and one year later	<ul style="list-style-type: none"> KRU PAP Committee Resettlement expert 	A fixed period of time every month at relocation and one year after relocation
		Population inflow	<ul style="list-style-type: none"> Changes in the size and number of colleges due to formal and informal population movements Market growth 	At the time of relocation and one year later	<ul style="list-style-type: none"> KRU PAP Committee Resettlement expert 	A fixed period of time every month at relocation and one year after relocation
11	Consultation	Diffusion of	<ul style="list-style-type: none"> Number of people in the information centre, job title, 	During	<ul style="list-style-type: none"> KRU 	A fixed period of

No	Monitoring Items	Indicator	Monitoring Index	Monitoring Period	Responsible Body	Monitoring Frequency
		information	<ul style="list-style-type: none"> personnel allocation Staff dispatch, equipment, documentation at information centre Information Center Activities Number of people accessing the information centre Information requests, problems encountered in the information centre 	relocation and 1 year after	<ul style="list-style-type: none"> PAP Committee Resettlement expert 	time every month at relocation and one year after relocation
		Handling complaints	<ul style="list-style-type: none"> Number of complaints registered, by type Number of complaints resolved Number submitted to court 	During relocation and 1 year after	<ul style="list-style-type: none"> KRU PAP Committee Resettlement expert 	A fixed period of time every month at relocation and one year after relocation
		Management of consultation program	<ul style="list-style-type: none"> Number of regional committees established Number of women and adolescents in the committee Number of local committee meetings and dates Types of problems raised at local committee meetings Involvement of regional committees in project planning Number of participating NGOs 	During relocation and 1 year after	<ul style="list-style-type: none"> KRU PAP Committee Resettlement expert 	A fixed period of time every month at relocation and one year after relocation
12	Training	Operation of training program	<ul style="list-style-type: none"> Number of Trained Regional Committees Number of PAPs trained in project-related courses Number of women participating in the training program 	During relocation and 1 year after	<ul style="list-style-type: none"> KRU PAP Committee Resettlement expert 	A fixed period of time every month at relocation and one year after relocation
13	Management	Recruitment	<ul style="list-style-type: none"> Number of executing agencies by function Number of persons concerned with central government agencies that can correspond to each function Number and role of specialists within KRU 	During relocation and 1 year after	<ul style="list-style-type: none"> KRU PAP Committee 	Every quarter from the beginning of resettlement and relocation
		Procedure in operation	<ul style="list-style-type: none"> Assess / quantify census and assets Specific procedures Effectiveness of compensation allocation system Number of land registration registrations implemented 	After preparing RAP and starting resettlement	<ul style="list-style-type: none"> KRU PAP Committee Resettlement 	Quarter after RAP preparation and settlement

No	Monitoring Items	Indicator	Monitoring Index	Monitoring Period	Responsible Body	Monitoring Frequency
			<ul style="list-style-type: none"> PAP committee, coordination between KRU and central government officials 		expert · NLC	
Progress and Final Report						
14	Monitoring and evaluation report		<ul style="list-style-type: none"> Periodical progress reports are prepared according to items weekly, monthly or quarterly. Final report on monitoring 			

12.2 External Monitoring

External Monitoring is necessary to ensure that there is independence, equity and fairness in RAP Implementation. An independent monitoring unit (IMU) should be established to evaluate implementation of compensation and resettlement. The IMU shall be appointed to monitor the resettlement and compensation process and implementation of requirements to verify that compensation, resettlement and rehabilitation have been implemented in accordance with the agreed RAP. The IMU should include personnel with resettlement and social development experience and should include relevant representatives from the KRU. The project affected persons should be represented through relevant PAP Committee. The objective of this unit will also be to provide a forum for skills-sharing and to develop institutional capacity. It is important that the Unit is able to maintain a strong, independent position and provide constructive feedback to the project to ensure the objectives are met.

12.2.1 Objectives

The IMU will also be involved in the complaints and grievance procedures to ensure concerns raised by PAPs are addressed.

More specifically, the IMU will carry out the following:

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

12.2.2 Agency Responsibilities

The proponent should hire an organization for the independent monitoring and evaluation of RAP implementation. The organization, to be called the Independent Monitoring Agency (IMA) will be specialized in social sciences and experienced in resettlement monitoring. The IMA should start its work as soon as the final detailed RAP has been approved by KETRACO.

12.2.3 Methodology

The Monitoring & Evaluation advisors will use the baseline information collected and included in this RAP report. This would ensure they are in a position to note changes that may have occurred before and after resettlement.

The basis of comparison could be qualitative, although a quantitative measure could also be developed. Where land is severely affected and the PAPs have to look for alternative land to put up their shelter. The choice of the relocation site should depend on the PAP's preference.

12.2.4 Detailed Measurement Survey

This method of survey will require the examination of all the affected households and on the final valuation figures. This will be carried out after the detailed design survey has been carried out and the final route established.

12.3 Evaluation Method of Monitoring Results

Evaluation of monitoring results may use either quantitative or qualitative methods, or a mix of the two. As a starting point it will be useful to consider the various sources and type of data to be evaluated then choose an appropriate method.

Numerical data which includes the number of affected households and structures will be analyzed using quantitative methods while qualitative data which include the quality of life before and after resettlement will be analyzed using qualitative methods.

The Draft Terms of Reference for an External RAP Implementation Monitoring Agency is provided in **Annex 15**.

12.4 Monitoring and Evaluation (M&E) Budget

The monitoring and evaluation of resettlement activities will be necessary to ensure that resettlement is properly carried out and the set goals of resettlement activities are met. It also ensures that challenges that arise are promptly addressed. **Table 32** provides the proposed Monitoring and Evaluation Budget.

Table 32: Proposed Monitoring and Evaluation Budget

No	Activity	Total Cost (KShs)
1	Cost for Internal Monitoring	11,240,000.00
2	Cost for External Monitoring	20,000,000.00
3	Preparation Cost for Resettlement Land	3,260,000.00
4	NLC	10,800,000.00
6	Management Cost	5,000,000.00
7	Contingency Cost	5,030,000.00
	Total Cost	55,330,000.00

13 COSTS AND BUDGETS

13.1 Affected Households, PAPs and Property per Location

The affected land, structures, trees and perennial crops along the project corridor per location is summarized in **Table 33** below:

Table 33: Summary of Affected Assets and their Valuation per Location

No.	County	Sub county	Location	Property Holders	Land Size (Acres)	Structures	Trees	Crop Units	Adults	Children	Total PAPs	Total (KShs)
1	Kwale	Kinango	Gandini	55	72.05	19	1,302	52	138	138	276	14,631,685
2	Kwale	Kinango	Kasemeni	90	50.36	51	797	571	239	267	506	20,394,530
3	Kilifi	Kaloleni	Mariakani	55	35.77	34	144	-	198	183	381	31,140,278
4	Kwale	Matuga	Mbunguni	93	88.12	40	2,475	5,489	262	289	551	28,901,670
5	Kwale	Kinango	Mtaa	27	24.34	14	84	211	81	116	197	7,773,830
6	Mombasa	Likoni	Mtongwe	68	56.28	45	4,888	1,140	234	176	410	77,172,227
7	Kwale	Kinango	Mwatate	38	42.34	5	130	148	104	123	227	10,001,460
8	Kwale	Kinango	Mwavumbo	130	111.35	45	955	931	544	482	1,026	44,620,643
9	Kwale	Matuga	Ngombeni	50	39.10	27	1,133	725	157	118	275	17,416,425
Sub Total 1				606	519.71	280	11,908	9,267	1,957	1,892	3,849	252,052,748
Livelihood Recovery Support (1) Support for Small Businesses												229,500
Support for Livelihood Recovery (2) Support for Socially Vulnerable People												64,649,350
Monitoring and valuation												55,330,000
Sub Total 2 (KShs)												372,261,598
Reserve Cost (10% of Gross)												37,226,160
Grand Total (KShs)												409,487,758

13.2 Total Valuation Cost

Taking into account all the factors, it is our opinion that, the value of the properties affected by the Power Supply Component project 220kV Transmission Line covering a total distance of 53 km is approximately **KShs. 409,487,758** broken down as provided in **Table 34** below. Refer to the **Data Book (Vol B) Sections 4 - 10** for compensation matrix table and valuations for various assets.

The above figure includes land compensation for the claimed land by PAPs in Dongo Kundu pending verification by National Land Commission (NLC). Details of the assistance for Vulnerable Persons is provided in the **Data Book (Vol B) Section 10**.

Table 34: Summary of the Land, Structures & Trees Affected and Related Cost

No.	Property	Total Amount (KShs)
1	Land	173,137,125
2	Structures	50,181,343
4	Trees	26,513,305
5	Crops	2,220,975
Sub Total 1 (KShs)		252,052,748
	Livelihood Recovery Support (1) Support for Small Businesses	229,500
	Support for Livelihood Recovery (2) Support for Socially Vulnerable People	64,649,350
	Monitoring and Evaluation	55,330,000
Sub Total 2 (KShs)		372,261,598
	Reserve Cost (10% of Gross Total)	37,226,160
Grand Total (KShs)		409,487,758

NB:

Vulnerable Persons: Provision for financial assistance to vulnerable persons has been arrived at as follows:

- Giving the equivalent of the entire affected land for those whose land has been affected by the project.
- For those who have structures affected, KETRACO will give assistance including sourcing host land, support with dismantling, moving and building of new structures.
- For those who do not have land, the equivalent of the cost of 0.5 acres will be provided to enable them get land for resettlement

13.3 Total Valuation Cost

It will be the responsibility of KETRACO to channel the funds for the compensation to the PAPs directly with respect to land, trees, houses and other structures and any allowances. KETRACO will also be responsible for contracting an independent institution to undertake the independent monitoring to evaluate how the compensation process is carried out and measure its success or otherwise.

13.4 Project Approach

The calculation of replacement cost at current market values was made using information collected from both sources (field census survey of transmission line wayleave, direct interviews with project affected and interested people) and from the provincial administration. Cash compensation for loss of land is to be done at 30% upwards of the market value of the affected land considering the magnitude of impact. Replacement cost at current market value of houses and structures will be based on current fair market prices for new building materials and labour, 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.

14 CONCLUSIONS AND RECOMMENDATIONS

14.1 Conclusions

The 220kV Power Supply Component project is viable, important for the local and business community since power outage in the project area is very frequent. The project will also enhance development of the region; however, the study has established that there will be some displacement of persons requiring resettlement.

The proposed Power Supply Component project will affect 565 parcels of land. It will create displacement of structures belonging to 16 households while 60 households will relocate their structures within the same parcel of land they are currently occupying as these are large enough to accommodate displaced persons within the same land parcels. Therefore, affected housing structures can be re-built within the remaining parts of the land. The 16 PAP households whose parcels of land will be severely affected such that they cannot effectively construct their structures and make homes on the same parcels will easily get replacement land within their neighbourhood as the project area has plenty of land for sale..

There was some prior awareness or knowledge of the project however, there was no formal dissemination of information regarding the project. This was from the provincial administration officers to the resident communities in the proposed project areas. After this study the project affected persons should all be continuously informed of the project progress and the timelines of the major activities like compensation offer negotiation, compensation payment and relocation.

Most of the land project area belongs to individuals under freehold tenure and who either have land titles or are in the process of obtaining them. The affected land parcels where the owners are settled were keen to be informed on the criteria to be used in compensation so that they would be sure of their entitlement. Most of the affected parcels of land at the project area are large enough to accommodate displaced persons within the land parcels. Therefore, affected housing structures can be re-built within the remaining parts of the land.

The county administration and local communities in the proposed project areas would fully support the project but requested to be fully informed on the plans and their concerns looked into. The communities also requested to be engaged in the planning and implementation at a level so that they can be sure to get first-hand information and details regarding compensation and resettlement timelines. There is also need to involve the chiefs of the areas where the proposed transmission line has affected households and pieces of land in order to verify the legal owners before compensation to avoid family feuds and mistrust.

14.2 Recommendations

1. The project is viable, important for the development of the SEZ that will in turn enhance the economy of the region and generate job opportunity. However, the study has established that there will be displacement and relocation of persons requiring compensation and resettlement.

- The relocation will be within the same parcel of land if the remaining land is adequate to construct other structures (Relocation HH is 60 while PAPs are 403).
 - The PAPs whose parcels of land will be severely affected to the extent that it cannot accommodate new residential structures will get replacement land within the project area (Displaced HH is 16 while PDPs are 89).
2. KETRACO is to ensure that all affected persons are fully compensated in a timely manner. The resettlement should be done with due consideration of the wishes of the affected persons and support given after resettlement to ensure that the project does not leave them worse off.
 3. Consultations with the PAPs should be done frequently and keep them informed of the timetable/ timelines of each step in the compensation and resettlement process.
 4. Display cadastral maps showing the affected land parcels and names of the Household Heads (HH) at all the chief's offices along the project area so that the local residents can confirm with their local leaders whether their land is affected and to what extent. This will enhance communication with the HH and PAP committees on who is affected.
 5. The HH that are either displaced or relocated, should be informed in good time (given 3 months' notice period for relocation/ displacement and resettlement) and modalities of conducting resettlement counselling put in place.
 6. Majority of the affected parcels of land are large and will therefore mainly cause relocation and limited displacement of housing structures, damage to crops and felling of trees. It is therefore recommended that KETRACO enters into negotiation for easement of the affected portions of land under the TL plus compensation of any structures that may be demolished during project implementation. The affected land within the substation will be acquired and fully compensated. The HH with land parcels should be duly reminded about the difference between acquisition and easement to avoid misunderstanding during land acquisition and compensation.
 7. In instances where the entire parcel of land is significantly or entirely affected (whether there are structures on it or not), KETRACO shall compensate the affected land owner at 100% of the cost of buying similar land in the same area.
 8. Displacement and relocation should be done in conformity with the desires of the PAPs and local population. This will help in reducing resettlement related grievances, costs and project delays.
 9. KETRACO should ensure compensation funds are availed in a timely manner and grievances are quickly addressed through the set-up committees (PAP Committee, RIC and KRU).
 10. A total of 198 Vulnerable HH have been identified. The vulnerable HH will require special consideration during project implementation.

Vulnerable persons who have lost land and structures are to be provided with assistance as follows:

- Construction assistance to the vulnerable HH who are either displaced or have to relocate their affected structures.

- Vulnerable HH whose land has been affected by the project are to be provided with assistance that is equivalent to the entirely affected area.
- Over and above the 15% disturbance allowance, vulnerable people will be given assistance including sourcing host land, support with dismantling, moving and building new structures.
- KETRACO to provide assistance equivalent to the cost of 0.5 acres in the area where the Vulnerable HH without land resides. This will enable the landless Vulnerable HH resettle.

The proposed assistance to the vulnerable PAPs over and above disturbance allowance is provided in the **Data Book (Vol B) Section 10**.

Overall opinion of the Consultant on the proposed project

The proposed Power Supply Component of the Mombasa SEZ Project is considered important, strategic and beneficial in providing adequate and stable power to the activities of the SEZ. The RAP Consultant highly recommends that the proposed project be allowed to proceed taking into account the proposed Mitigation Measures and Social Management Plan.

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Client	: JICA Design Team (JDT)
Project	: Consultancy Services for Preparation of Resettlement Action Plan (RAP) Study for the Power Supply Component of the Mombasa SEZ Development Project
File	: 27-001
Length of report	: 158 pages
Author	: PANAFCON Ltd.
Date	: 15 April 2019
