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RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KIGORO-KABETE GRAVITY WATER SUPPLY PIPELINES

KIGORO-NGETHU SECTION
RAP REPORT
VOLUME 1

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NORTHERN COLLECTOR TUNNEL PROJECT

RESETTLEMENT ACTION PLAN UPDATE FOR KIGORO-NGETHU TREATED WATER PIPELINE

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LIST OF ACRONYMS

ACC	Assistant County Commissioner
ADR	Alternative Dispute Resolution
AFD	Agence Française de Développement
AIDS	Acquired Immunodeficiency Syndrome
AWSB	Athi Water Services Board
CEM	County Executive Member
CEO	Chief Executive Officer
CSR	Corporate Social Responsibility
DRSRS	Department of Resource Survey and Remote Sensing
DSDO	District Social Development Officer
ESIA	Environmental & Social Impact Assessment
FGD	Focus Group Discussion
ha	Hectare
HIV	Human Immunodeficiency Virus
KFS	Kenya Forest Service
Km	Kilometre
KeRRA	Kenya Rural Roads Authority
KTDA	Kenya Tea Development Authority
KURA	Kenya Urban Roads Authority
KWS	Kenya Wildlife Service
m	Metre
MCA	Member of County Assembly
MDGs	Millennium Development Goals
MLHUD	Ministry of Land Housing and Urban Development
mm	Millimetre
NCTPh1	Northern Collector Tunnel Phase 1
NCWSC	Nairobi City Water and Sewerage Company
NEMA	National Environment Management Authority
NGO	Non-governmental organisation
NLC	National Land Commission
OP	Operational Policy
PAPs	Project Affected Persons
PASW	Predictive Analysis Software
PIU	Project Implementation Unit
RAP	Resettlement Action Plan
RAPIC	RAP Implementation Committee
SPSS	Statistical Package for Social Sciences
STI	Sexually Transmitted Infection
URTI	Upper Respiratory Tract Infections
VIP	Ventilated Improved Pit-latrines
WaSSIP-AF	Water and Sanitation Services Improvement Project-Additional Funding
WB	World Bank
WRMA	Water Resources Management Authority

EXECUTIVE SUMMARY

Background

The Government of Kenya through the Athi Water Services Board (AWSB) received funding for construction the Northern Collect Tunnel Phase 1 project from the Agence Française de Development (AFD) and additional financing from the World Bank for the Water and Sanitation Services Improvement Project-Additional Funding (WaSSIP-AF). The project is aimed at increasing bulk water supply to Nairobi City and its environs.

The proposed infrastructure for the project will run through three Counties namely Murang'a, Kiambu and Nairobi. Water will be abstracted from three rivers namely Gikigie, Irati and Maragua and transfer it through an 11.8km long tunnel to an outlet at Githika River that will eventually drain the water into the dam. This section is located within Murang'a and Kiambu County.

After the dam, a new raw water gravity main will transfer the water to the Kigoro Water Treatment Plant about 6 km downstream of the dam. The treated water will then be transmitted through a gravity main to Gigiri tanks in Nairobi. This section is located in parts of Murang'a, Kiambu and Nairobi County. Figure 1 to 3 shows the layout of the whole project from Thika dam to existing Gigiri water storage tanks for distribution in Nairobi and environs. This report is for the section of the pipeline in light blue.

This RAP report covers the **Kigoro-Ngethu Pipeline for Treated Water**. This pipeline starts at Kigoro Treatment Plant and terminates near Ngethu Treatment Plant where the pipeline will join the existing wayleave (about 12.6 km). From the Ngethu Treatment Plant to the Gigiri tanks is 35.7 km and land acquisition for that portion of the pipeline is covered under a separate RAP. The 6 km portion from dam to Kigoro is also covered under a separate RAP.

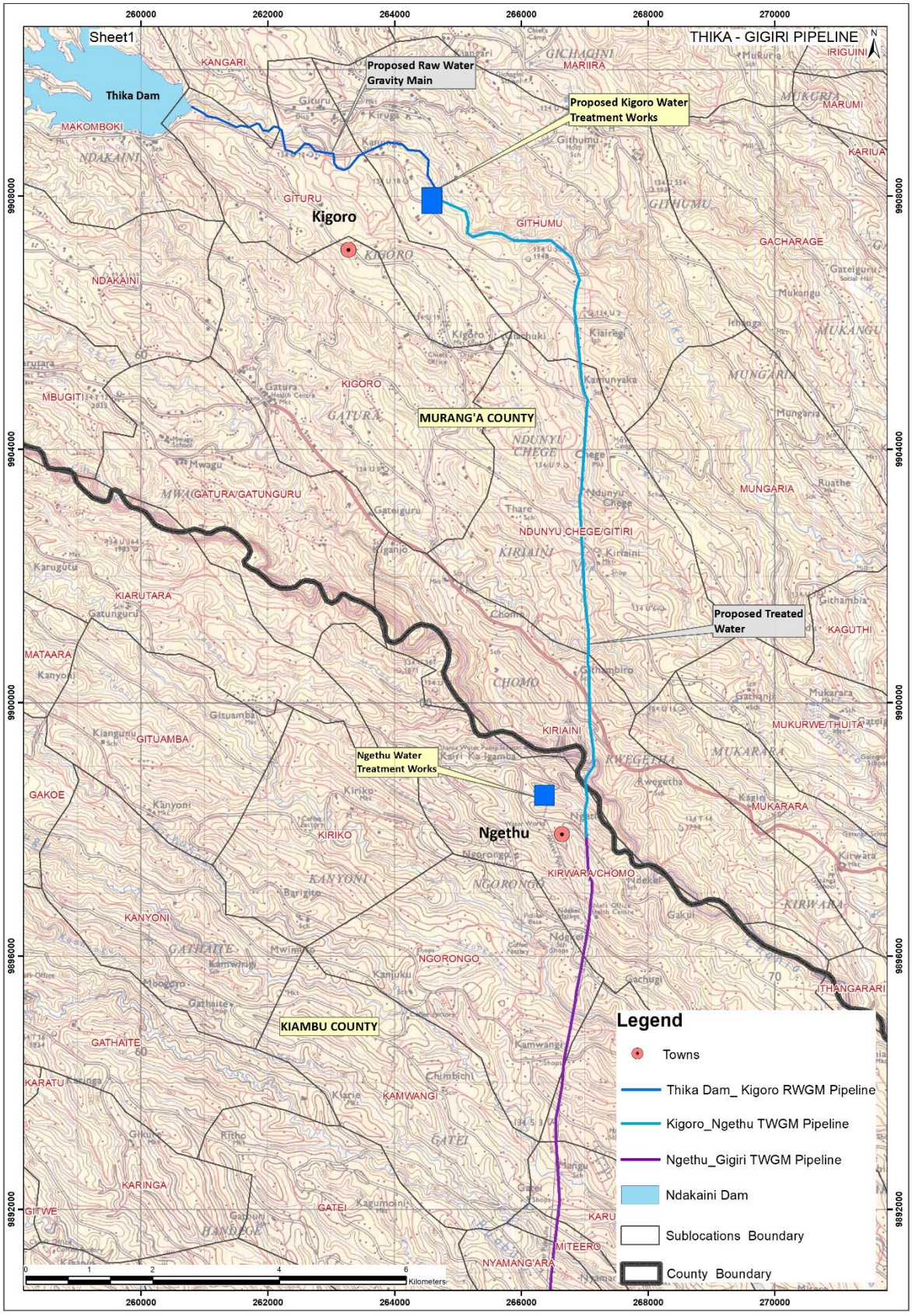


Figure 1: Location Map – Sheet 1

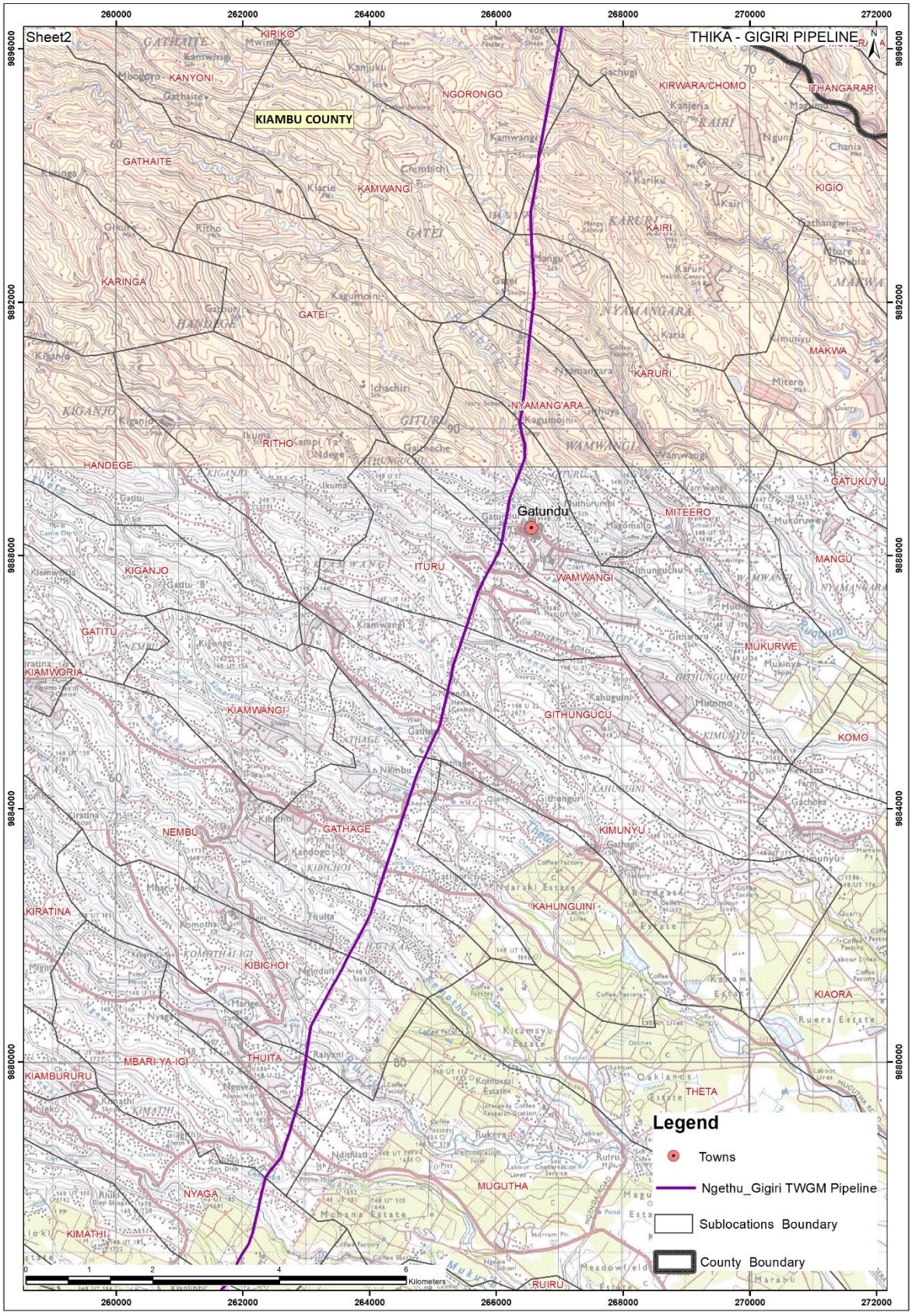


Figure 2: Location Map – Sheet 2

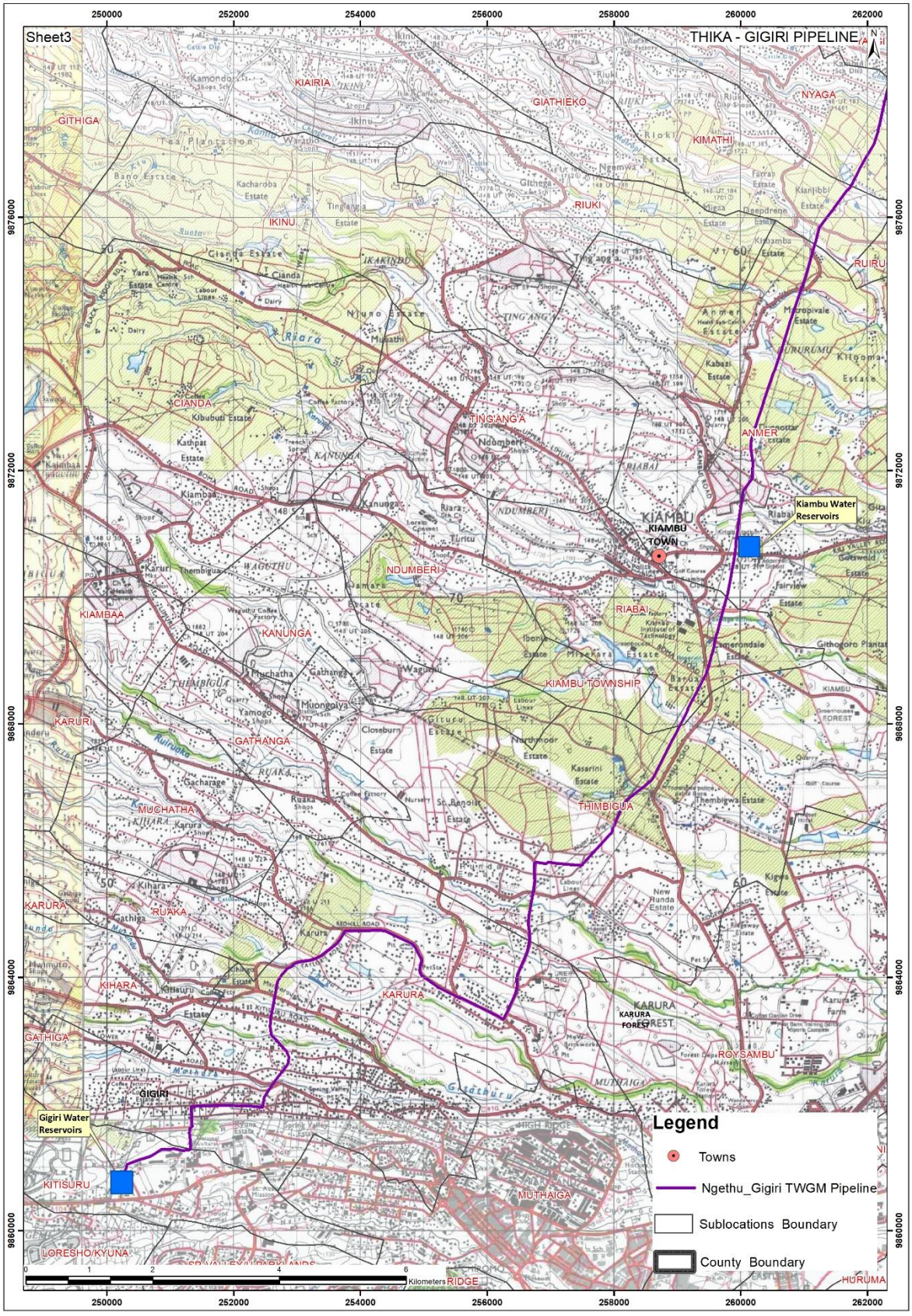


Figure 3: Location Map – Sheet 3

Athi Water Services Board (AWSB) commissioned GIBB Africa Limited to prepare a Resettlement Action Plan (RAP) for the proposed Thika-Kigoro-Kabete (T-K-K) Pipeline under the Northern Collector Phase 1(the Project).

Development of the Resettlement Action Plan Report

The overall aim of the preparation of the RAP for the project is to guide the resettlement and compensation activities through involvement of all stakeholders, especially the Project Affected Persons (PAPs) to allow for their meaningful contribution into the program.

An in-depth literature review was carried out before embarking on the field work to aid in the understanding of the exercise and in the development of comprehensive data collection tools. A review of the Policy, Legal and Regulatory Framework for resettlement for this project was also done to guide the study.

Some of the documents that were reviewed included the previous project study reports, Kenyan Land laws and sectoral policies of relevance to land, World Bank Operational Policies and sourcebooks with focus on resettlement and stakeholder engagement in preparation and implementation of resettlement programs.

Initial field studies covering all project components were conducted between April and October 2015. These consisted of community sensitisation meetings, demarcation of the corridor centre line through use of temporary benchmarks (wooden pegs), census, household survey, key informant interviews, Focus Group Discussions (FGDs) and transect walks. During this period a land and asset inventory was developed through a door to door survey from September to October 2015. The development of the inventory was also guided by the census survey, the cadastral maps and the temporary benchmarks set on the affected corridor. The inventory was then used to develop a Land and Asset Valuation Report to inform the resettlement budget as proposed under this RAP Report.

A Resettlement Action Plan report was prepared, in accordance with the project requirements outlined in the previous section and submitted to the Athi Water Services Board, in January 2016.

Initially, the report covered the land requirements for all the project pipeline infrastructure for both raw and treated from Murang'a, Kiambu and Nairobi Counties. The RAP report equally identified and developed mitigation measures for the impacts of the expected land take in accordance with the laws of Kenya and World Bank social safeguards with a focus on the Operational Policy on Involuntary Resettlement (O. P. 4.12).

The initial 2016 RAP report noted that approximately 100 PAPs within the Ngethu – Gigiri treated water pipeline sections were not enumerated as they did not allow the consultant to undertake the census exercise due to historical grievances with regard to easement registration of the existing wayleave. Additional meetings were held with the affected persons with AWSB in attendance to engage the PAPs further on the historical issues and to seek a solution for purposes of the project.

These meetings resulted in a split of the initial RAP Report into three sections composed of the RAP for the Raw Water Pipeline (Thika-Kigoro) and the RAP for the Treated Water Pipeline (Kigoro to Ngethu and Ngethu to Gigiri Tanks). The RAP for Thika-Kigoro pipelines was therefore prepared and submitted to AWSB in September 2017.

It was also decided to include the National Land Commission (NLC) as a key part of the grievance resolution mechanism for the historical grievances in cognisance of their mandates in Alternative Dispute Resolution on land based grievances. The revised report for the Ngethu-Gigiri Section of the pipeline will therefore be updated to ensure integration of a system to manage grievances emerging from PAPs who had outstanding historical issues on the existing wayleave.

Update of the Kigoro-Ngethu Section of the RAP Report

Following the finalisation of the RAP for Thika dam – Kigoro pipeline in September 2017, AWSB mobilised GIBB to update the baseline socio-economic data for the PAPs within the Kigoro-Ngethu Section. This was done between December 2017 and January 2018.

AWSB also independently mobilised a land and asset valuer to revise the land and asset inventory in view of re-alignment of sections of the pipeline as well as in view of the time lapse since the valuation conducted by GIBB in September-October 2015, and submitted in January 2016.

Lastly, AWSB mobilised the full-time field project sociologists to assist with sensitisation and mobilisation of each household / enterprise to participate in the update activities.

These activities facilitated the preparation of a report to update the RAP arrangements for the section of the Pipeline that would fall under a new wayleave (Thika-Kigoro-Ngethu).

As such, the complete set of RAP Study documents for the Thika-Kigoro-Gigiri Pipeline (the section from Gigiri to Kabete was removed from the works contract) are as follows:

- **RAP for Thika-Kigoro dated September 2017;** The RAP has been prepared and AWSB has disclosed and implemented this RAP. As the RAP was implemented prior to World Bank clearance, an audit is currently being done by the Independent Panel of Experts (IPE) to confirm compliance with World Bank Safeguard Policies. The Audit Report is expected in June 2018.
- **RAP for Kigoro-Ngethu dated January 2018** (this report)
- **RAP for Ngethu to Gigiri (Version 3 of March 2017):** The consultant faced challenges in preparing the RAP for this section of the pipeline. About 100 PAPs within the section of treated water pipeline from Ngethhu to Gigiri (within Kiambu County) did not allow the consultant to undertake census and valuation. They claimed that they were not paid for the existing18m wayleave. They therefore demanded to be paid for the old wayleave plus the proposed new wayleave of 3m making it an acquisition of 21m. This is what necessitated the splitting of the RAP into 3. AWSB has sought the services of National Land Commission (NLC) in a bid to resolve the issues. The RAP will then be submitted to WB for review and approval once the consultation process with the aggrieved PAPs is completed.

This Report covers the Kigoro-Ngethu section of the Pipelines.

Identification of Project Affected Persons

For the affected 172 land parcels, the total number of PAP households is 286. The breakdown of these households is as follows:

- 177 Land owners: Due to the fact that four parcels are co-owned by a number of individuals;
- 4 Lesees who only own crops;
- 105 sons, daughters, grandsons and grand-daughters who only own crops.

This translates to a total of 379 Project Affected Persons. None of these PAPs will be relocated. This means therefore that there will be no physical displacement but the PAPs will loss economically in terms of crops/trees planted on the proposed wayleave. The RAP has valued these crops and trees using current market rates and full replacement cost. This will enable the PAPs to plant these trees/crops on other sections of the remaining land.

Socio-Economic Profile of the PAPs

Land Use and Land Tenure

The main land use onsite includes cash crop farming at 55% followed by residential land use at 21%. In relation to land tenure, Majority of the PAPs (79%) are land owners while (19%) are land tenants, meaning they have an agreement with the land owner to plant crops on the affected property.

The land is under freehold tenure and most of the lands have titles. The other form of land tenure is public land that is owned by the government, these are mostly used for public utilities such as power, water supply lines and roads.

Housing

From analysis and observation during the survey, majority of the PAPs have houses with iron sheet roofing (83%), Cemented floors (72%) and stone walls (69%). There are also houses that were made of wooden floors and walls.

Education

The household survey findings show that majority of the PAPs (26% male and 24% female) have attained basic primary school education. 20% male and 20% female have attained secondary school education. Disruption of household livelihoods might lead to increase of cases of school dropouts if the PAPs incomes are not restored. In cases of resettlement, the increase in distance from the initial schools the PAPs attended might impact negatively on the performance of the PAPs.

Water Supply and Sanitation

The study established that majority (59%) of the PAPs have access to piped water system either connected to their homesteads (32%) or communal water points (27%). WHO categorises bottled and piped water as improved water sources, during resettlement, damages to the water supply infrastructure might lead the PAPs to use alternative water sources such as rivers that are an unimproved water source. It is estimated that about 93% of the PAPs in the project area use pit latrines while 7% use flush toilets. A few PAPs who had flush toilets within their households were using Offsite sanitation.

Energy Sources

The most common source of energy for cooking used by the PAPs is firewood (44%), while the least source of energy for cooking was electricity (3%). Electricity is largely used for lighting purposes among all the PAPs (62%) followed by kerosene lamp (31%). The least form of energy used for lighting is LPG gas at 1%. The PAPs indicated that during power blackouts, they resorted to using rechargeable batteries (6%) and kerosene lamps.

During resettlement, in cases where a PAP prefers land for land compensation, it will be important for the PAPs to be resettled in areas where they can access energy sources previously available to them.

Highlights of the Emerging Issues from the Stakeholder Engagement Process

Key issues arising from the stakeholder engagement process and captured in the RAP for pipelines issued on January 2016 and revised in March 2017 RAP are presented in Table E1 below.

Table E1 Issue-Response Matrix on Key Issues Raised from Stakeholder Engagement

Issues/concern	Comments	Responses of relevance to the RAP study
Use of wayleaves provided under the road reserve.	• Use of the road reserve without the knowledge of Kenya Urban Roads Authority (KURA) will lead to a scenario where other road support infrastructure such as storm water drains might lack space for construction; • Road junctions will result in destruction of the water supply lines.	• The layout of the pipeline will be submitted to KURA to identify areas where there will be conflict in road reserve use. • For areas where the Pipeline will cut across a road, the contractor is expected to apply for permission for the construction works. The roads that will be damaged by the pipeline should be repaired to original standards, a 30% cost of the repair cost in form of a bankers cheque is left at the Kenya Rural Roads Authority (KeRRA) offices as guarantee that the roads will be repaired by the applicant.
Valuation of affected assets and compensation for losses	• The value of crops range from season to season and there is a possibility of the crops being given values of a high season which tends to be low; • Lack of a standard price list for crops in the agricultural docket therefore the crops may be over priced or under-priced; • Unrealistic expectations on land values; • Compensation proposed under this RAP should be reasonable; • Some of the trees have taken many years to mature, some are for economic purpose, some provide feeder to livestock other help in soil preservation, cutting down of these trees will lead to soil erosion and loss of livelihoods; Most of the riparian land is used for irrigation in the county hence loss of this produce will result in impacts on food sources for the affected persons.	• Valuation was done at full replacement cost using recent market rates; • Affected households will be allowed to harvest crop residue in addition to the cash compensation for the loss of crops.
Reduction in tea production	The Tea factories have employed staff based on a monthly average tea collection, acquisition of land with Tea will subsequently lead to reduction of production and a subsequent loss of jobs to the employees The farmers should be allowed to grow the tea after the construction on the wayleave to reduce the ripple effect of acquiring the land from the farmers.	

Issues/concern	Comments	Responses of relevance to the RAP study
Health, safety and economic impacts on the temporary wayleave	• The trenches dug to lay the pipe could be as deep as 20m and this will lead to loss of access to one side of the property and a danger to livestock and human lives. • Haphazard stock piling will destroy crops outside of the temporary and permanent right of way • Disruption of tea collection as a result of works on roads used to deliver tea; • Water and sanitation facilities that will be affected should be restored to their original state to maintain the water and sanitation standards in the county; The contractor's site to be established in a location will not contaminate water sources and cause noise in human settlements. This will ensure that the impacts are minimised.	A community health and safety action plan is in place and it addresses the issues raised including: • Regular community meetings to sensitize the community on health and safety hazards; • Provision of temporary access (bridges etc.) and alternative routes in cases where roads are blocked; • Stockpiling of materials within the acquired right of way or within the designated sites; • Repair of damaged roads shortest time possible.
Land fragmentation	Productive land will be divided into segments leaving some parcels of land injuriously affected and thus not economically viable.	In cases where the impact of acquisition results in loss of up to 20% or more of the economic viability of the land, acquisition of the entire land parcel will be provided.
Employment	• It will be beneficial to the residents of the project area to get employment from the project; this will also ensure that the project runs smoothly without any protests. • Employment will also help reduce cases of crime and social crimes that could be as a result of idleness;	• The project will restore incomes of the people who are directly economically affected by the acquisition of land and assets.
Project acceptance	• Risk of resistance by land owners to give up any portion of their land.	• Grievance resolution will be conducted during the mobilisation phase of RAP implementation; • Identification of an alternative alignment as a last resort where no agreements can be reached will be conducted.
Risk of future land use conflicts due to the easement for the Pipeline.	• Terms of the easement should be clearly documented in the agreement so that both parties know what they are getting into, this will avoid issues of people building permanent structures above the pipeline or growing perennial crops; • The wayleave/easement should be registered with the lands ministry to avoid land grabbers; • This will not only inform any proposed measures to prevent future encroachment on the wayleave but would also help in informing any measures to manage the risk of vandalism on the pipeline;	AWSB shall: • Clearly outline the terms of land acquisition whether its easement or wayleave; • Ensure that the neighbouring land owners know what land uses are permitted on the wayleave; • Develop a program to map out all the acquired land under this project including setting out of permanent beacons.

Issues/concern	Comments	Responses of relevance to the RAP study
Lack of replacement land for resettlement (in-kind compensation)	• Majority of the affected land in Murang'a and Kiambu Counties, are ancestral having been passed down through generations to the current owners therefore, it might be difficult for the PAPs to relinquish their lands. • During valuation, the land values should be well informed and alternative land prices around the area should be considered, this will enable the PAPs buy land in the nearby alternative areas.	• PAPs consulted opted for cash compensation; • Measures proposed for PAPs in informal settlements include a program for provision of alternative livelihoods such as casual employment and skill transfer to promote increase in incomes at household level and some level of security of tenure through sourcing of housing in formal settlements as tenants.
Losses during operation phase of water pipeline	Water release during cleaning or when the pipes burst has a high volume and velocity and is causing havoc namely: • Pollution of soil by chlorine when the treated water is released into the farms; • Destruction of crops, trees, soil erosion, animals and human life in the valleys; • Disruption of access to the well where the community draws their water from. This happens when excess water is released into the existing Ngethu channel. The large volume of water overwhelms the existing stream channel onto which it is released.	• Losses during the operation of the pipeline will be compensated by AWSB; • AWSB will integrate protection works and drainage structures as part of protection works for adjacent land users. These protection works will be developed by qualified professionals and established with the full participation of the affected persons
Inadequate land for in-kind compensation	Concern as to where PAPs could get resettlement land as there was a scarcity of land in the project area	• PAPs opted for cash compensation; • Valuation rates were based on the latest market rates to ensure that PAPs could still acquire land in the present market conditions; • Timely payment of compensation to reduce the risk of increased prices due to speculation due to the false demand that may arise due to the project.
Lack of land ownership documentation	• There are cases where succession has not been done after the death of the registered land owner; • There are cases where sub-divisions have been done but the new owners have not updated their land ownership documentation at the land registries.	The project will provide support in the form of sensitisation and timely notices to allow for those who need to update their documentation to do so, prior to issuance of compensation for land.
Project start and end date	The PAPs wanted to know when will the project start and end so that they can plan their activities.	The project is expected to start as soon as the contractor will have been awarded the tender, the project end date is not fixed but the duration is expected to be about two years.
Fear of forceful evictions	Eviction to pave way for the project	Implementation arrangements are in accordance with O.P. 4.12 hence forceful evictions are not expected even

Issues/concern	Comments	Responses of relevance to the RAP study
		for those who have no legally recognisable rights as per the laws of Kenya.
Road destruction due to heavy equipment	The community raised issues on the impact of heavy trucks and equipment being carried on the existing road network within the project area during construction. They noted that the roads are very important to the community as they use them to transport their tea.	The contractor will ensure the roads are maintained in proper condition and alternative traffic arrangements are made when necessary.
Compensation for loss of business incomes	Valuation of incomes for businesses whose incomes fluctuate through-out the year.	Compensation for loss of income considered the income through-out the business cycle and not just peak or low seasons.
Cut- Off dates	• The community asked the study team of the intention of the cut-off dates and asked whether only the enumerated and valued structures as well as parcels affected will be compensated after the cut- off dates; • Concern where business expansion plans would be considered.	• Community was sensitised on the meaning of the cut-off date as per O.P. 4.12; • Further elaboration was made on the fact that assets not on site by the cut-off date were not going to be included in the valuation report nor the compensation arrangement under this RAP Report; • Prompt implementation of the RAP will be done to ensure that there is no uncertainty, stagnation or additional losses to the PAPs due to delays in RAP or project implementation; • PAP engagement activities will be conducted through-out the implementation as well as the monitoring and evaluation program to identify and mitigate any emerging issues that may not have been foreseen during the preparation of this RAP.
Corrupt dealings during payment	It is important that the proponent (AWSB) to ensure that all payments or transactions on the given parcels to be done directly to the owner and/ or the administrator of the land at the time of compensation. The community did not want any crooks that will come in the name of brokering or mediating between AWSB and the land owner.	• This RAP report recognises that there will be need for multi-stakeholder involvement and possible recruitment of staff for certain elements of RAP implementation. This measure will enhance the capacity of AWSB in implementing the RAP. • It will be critical to legitimise any stakeholders or representatives involved in the RAP process either due to their legal mandate as per the laws of Kenya, or through public vetting through validation by the PAPs. These include the members of the RAPIC, grievance resolution committees or the monitoring and evaluation exercises;

Issues/concern	Comments	Responses of relevance to the RAP study
		• However, payment of compensation to the land and asset owners should be done directly by staff with a direct mandate from AWSB.
Loan repayment disruptions	• Concern over the consideration of loan repayment plans that would be running during the compensation period.	• This RAP proposes compensation at full replacement cost and adequate notice to ensure that there is no loss of income; • During mobilisation, PAPs should however be reminded to take cognisance of the cut-off date to ensure that they do not incur liabilities that are not covered under this RAP; • Prompt compensation will be done to ensure that people do not accrue debts as a result of delays and uncertainties over the compensation. The PAPs will be paid within one (1) month after signing the compensation agreements.
Grievances handling	• Concern over the risk of conflicts over the transactions during the compensation period; • Need for a grievance redress mechanism specifically for the resettlement process to be integrated into the resettlement program.	• This report proposes a grievance redress mechanism as informed by consultations with stakeholders; • The mechanism has been integrated as one of the key components of the implementation arrangements for this RAP.
Emerging issues on the existing and any future proposed easement	• The community raised the issue of future land use on proposed wayleave. They were particularly concerned with the restrictions of the type of land use activity and structures, asking whether the wayleave will restrict farming activities.	• The PAPs are not allowed to cultivate any crops or trees that may cause harm to the water pipeline, build on or over, drill or develop in any manner whatsoever on the wayleave acquired. The types of crops and developments that are prohibited will be explained to the PAPs during the disclosure process.
	• Some respondents wanted to know if AWSB will get titles for the 3m wayleave and if that is the case, they wanted to know what would happen to the residual land. •	• The wayleave will be registered but there will be no title for it; • Where residual land is not economically viable, AWSB will acquire the entire land parcel to promote livelihood restoration.
Compensation of crops	There are crops that take up to six years to mature when planted for example macadamia and avocado trees. Compensation for these crops should consider the duration of the project and the losses incurred between this period and the time it takes for the crops to mature.	• Valuation was done at full replacement cost using recent market rates; • Affected households will be allowed to harvest crop residue in addition to the cash compensation for the loss of crops.

Proposed Resettlement and Compensation Measures

Majority of the PAP households within Kigoro-Ngethu project area fall under category (a) of O.P 4.12. These are defined as those with legal rights recognised by Kenyan Law.

The proposed entitlement matrix is presented in Table E2 below.

Table E2 Proposed Entitlement Matrix

Category of PAPs	Proposed Entitlement			Proposed additional assistance
	Land	**Crops and Trees**	**Structures**	
Land Owner	• Cash compensation at full replacement cost; • Payment of a disturbance allowance amounting to 15% of the value of land; • PAPs should be sensitised at the on-set to update their land ownership documentation. There are cases of sub-divisions and succession that should be sorted to ensure that there is no question on the eligibility of the land owner identified under this RAP; • Where land parcels are small resulting in losses of up to 20% of land or a residual land that is of no economic value to the land owner, the entire land parcel will be acquired.	• Cash compensation at full replacement cost; • Disturbance allowance at 15% of the crop and tree value.	• Cash compensation at full replacement cost; Disturbance allowance at 15% of the asset value.	• 6 months' notice to allow PAPs to update land ownership documentation prior to compensation payment; • Initial verification of ownership claims at the village level in liaison with MLHUD before confirmation by County Land Officials i.e. County Lands Officer and County Surveyor; to fast track the process of updating documentations; • Minimum of 3 months notice to vacate the premises; • Allowance to salvage any crop remains, timber and wood products; • Allowance to salvage any materials from the demolitions; • Capacity building and sensitisation on use of compensation funds.
Land Tenants	-	• Cash compensation at full replacement cost; Disturbance allowance at 15% of the crop and tree value.		• Allowance to salvage any crop remains, timber and wood products. • Three month notice to move; • Relocation assistance pegged at an arbitrary maximum of 6000 (developed from reported average of 3 months rent); • Psycho-social support should be provided by AWSB in conjunction with the District

Category of PAPs		Proposed Entitlement			Proposed additional assistance
		Land	Crops and Trees	Structures	
					Social Development Officers (DSDO). This can be through counselling and liaison to the existing welfare support programs under the DSDO's office; • Assistance with transport for their property and salvaged properties during resettlement, if it is necessary that they have to be resettled.
Other Vulnerable Groups	Female crop owners- Daughters and Wives of land owners.	Already covered in main entitlements.			• Monitor resettlement activities to ensure no coercion during decision making. • Capacity building and sensitisation on use of compensation funds; • Psycho-social support should be provided by AWSB in conjunction with the District Social Development Officers (DSDO). This can be through counselling and liaison to the existing welfare support programs under the DSDO's office; • Assistance with transport for their property and salvaged properties during resettlement, if it is necessary that they have to be resettled.

Category of PAPs		Proposed Entitlement			Proposed additional assistance
		Land	Crops and Trees	Structures	
	The elderly	Already covered in main entitlements.			• Provide assistance as determined during final negotiation of packages e.g. securing of transport means during relocation; • Monitoring of their health status to ensure successful integration. • Psycho-social support should be provided by AWSB in conjunction with the District Social Development Officers (DSDO). This can be through counselling and liaison to the existing welfare support programs under the DSDO's office; • Assistance with transport for their property and salvaged properties during resettlement, if it is necessary that they have to be resettled. •

Proposed RAP Implementation Arrangements

This report proposes a three tier mechanism for implementation of this RAP:

- A RAP implementation committee;
- A grievance resolution mechanism;
- A monitoring and evaluation mechanism.

The proposed RAPIC consists of representatives from AWSB, Murang'a and Kiambu County Government, Ministry of Interior and Co-ordination as well as elected PAP representatives. Specific roles and responsibilities are proposed for the members of this RAPIC with AWSB taking the main co-ordination, record keeping and internal monitoring and evaluation roles.

The proposed grievance resolution mechanism has three levels prior to consideration of court systems and to allow for majority of the expected arising grievances to be handled at sub-county level. The highest level identified under this mechanism is the Land and Environment Court as required by the Constitution, while the lowest level is as per the policy direction given by World Bank, The Kenya Land Policy and the Constitution.

The proposed implementation schedule is expected to run for twelve (12) months commencing with disclosure of proposed entitlements at household level, grievance management, community mobilisation and concluding with a close-down audit.

Compensation payment and resettlement of PAPs will be done prior to the contractor taking possession of any construction site.

The RAP implementation budget including compensation funds and select administrative costs is estimated at ***One Hundred and Five Million, Thirteen Thousand, Six Hundred and Fifty Only (Kshs 105,013,650***). The exact breakdown of this estimation is as presented in Table E3

Table E3: Estimated Direct Costs for RAP Implementation

Asset	Amount in Kshs
Compensation for loss of land and improvements inclusive of 15% disturbance allowance for all losses	97,100,000
Provisional cost for M&E at 3% of compensation cost	2,913,000
Sub Total	100,013,000
Contingency 5% of total budget	5,000,650
Grand Total	105,013,650

1 INTRODUCTION

The Government of Kenya through the Athi Water Services Board (AWSB) received funding for construction the Northern Collect Tunnel Phase 1 project from the Agence Française de Development (AFD) and additional financing from the World Bank for the Water and Sanitation Services Improvement Project-Additional Funding (WaSSIP-AF). The project is aimed at increasing bulk water supply to Nairobi City and its environs.

The proposed infrastructure for the project will run through three Counties namely Murang'a Kiambu and Nairobi. Water will be abstracted from three rivers namely Gikigie, Irati and Maragua and transfer it through an 11.8km long tunnel to an outlet at Githika River that will eventually drain the water into the dam. This section is located within Murang'a County.

After the dam, a new raw water gravity main will transfer the water to a Water Treatment Plant 6km downstream of the dam. The treated water would then be transmitted through a gravity main to Gigiri Reservoir in Nairobi. This section is located parts of Murang'a, Kiambu and Nairobi County.

Athi Water Services Board (AWSB) commissioned GIBB Africa Limited to prepare a Resettlement Action Plan (RAP) for the proposed Northern Collector Phase 1(the Project). A Resettlement Action Plan report was therefore prepared and submitted to the client, Athi Water Services Board, on March 2017. The report covered the land requirements for the project pipeline infrastructure for both raw and treated from Murang'a, Kiambu and Nairobi Counties. The RAP report equally identified and developed mitigation measures for the impacts of the expected land take in accordance with the laws of Kenya and World Bank social safeguards with a focus on the Operational Policy on Involuntary Resettlement (O. P. 4.12).

However, the RAP report was not approved by the financier, World Bank, due to challenges encountered during census exercise that were highlighted within the March 2017 RAP report. As such, following a meeting between the World Bank and AWSB on 14 November 2017, it was agreed that the RAP for the treated water pipeline would be split into two sections composed of the RAP for Kigoro-Ngethu pipeline (new wayleave) and Ngethu-Gigiri (existing wayleave) with the aim of fast tracking the approval process.

The RAP for Kigoro-Ngethu pipeline was prioritized for updating the census and socioeconomic baseline survey data for submission to World Bank. As such this RAP update report covers the Kigoro-Ngethu section between chainages 0+000 to 12+554.

1.1 Project Location

Majority of the pipeline Kigoro-Ngethu section of the pipeline is based in Murang'a County with a small length of the pipeline before Ngethu Treatment works being located in Kiambu County.

Table 1-1: Administrative units covered by the Water Pipelines

County	Sub County	Division	Location
Murang'a	Gatanga	Kigoro	Ndakaini
			Ndunyu Chege
			Kigoro
Kiambu	Gatundu North	Chania	Gituamba
			Makwa
			Kairi

The map showing the proposed pipeline is as shown in Figure 1-1 below:

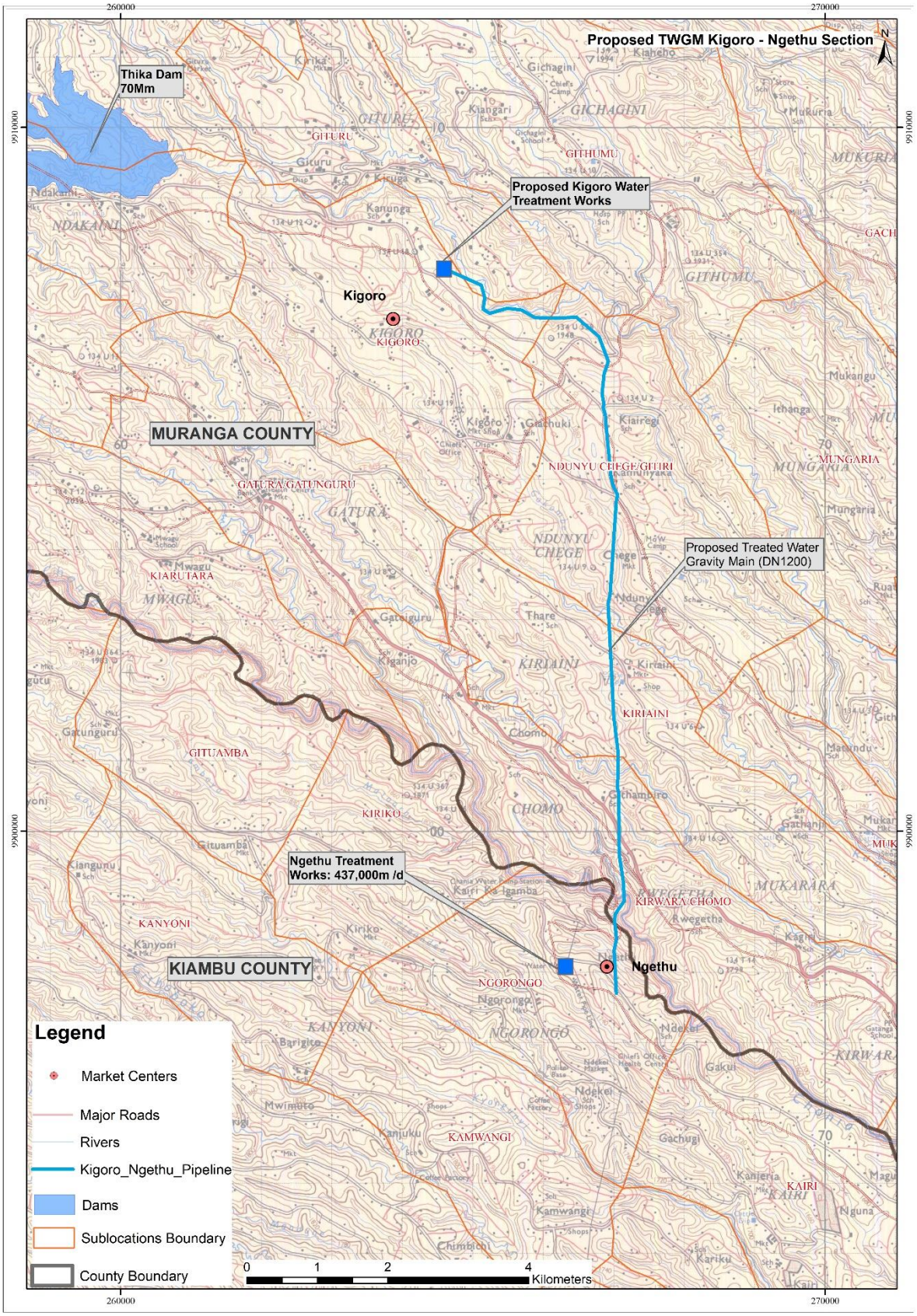


Figure 1-1: Map showing the project area within Kiambu County

1.2 Project Components Necessitating Resettlement

1.2.1 Description of the Project Components

The proposed section of the pipeline will consist of construction of 12.554km long treated water gravity main from Kigoro water treatment plant to Ngethu treatment plant.

It is expected that the treated water will join the existing transmission line from Ngethu to the final destination in Gigiri pending the resolution of historical resettlement grievances between Ngethu – Gigiri section to be addressed.

1.2.2 Land Take for the Pipeline Structures

The assessment for land take for Kigoro-Ngethu pipeline structures was based on the land requirements for installation of these structures and all related activities during the installation. The total footprint for land take for these structures was therefore based on the land requirements as determined by the footprint of the pipeline design as provided by the design engineer. Table 1-2 summarises these land requirements.

Table 1-2: Land take for pipeline works

Project Component	Land Take	Approximate distance in Km	Size in acres
Treated water	Permanent land take 6m	12.554	18.61
	Temporary land take 3m		9.30
Total		**64.8**	**27.91**

1.2.3 Temporary Land Acquisition for the Construction Phase

Temporary land requirement that may arise during the construction phase has been established to be 3 metre either left or right depending on the side with the least impact.

Temporary land acquisition is usually done to cover for loss of private property or temporary loss of access to private property as a direct result of construction activities. In such cases, access to the construction site would also be affected if the aggrieved owners of the assets are not compensated for the losses.

From our understanding of construction activities, these temporary land requirements may arise due to the following reasons:

- Need for space for movement by the contractors machines: Machines that usually require a lot of space to manoeuvre within the construction site sometimes destroy private property outside the permanently acquired land;
- Need for storage areas or space for stock-pilling of materials and spoils. This would only occur if the space provided for permanent land acquisition is not adequate.

1.3 Identification of Project Affected Persons

For the affected 172 land parcels, the total number of PAP households is 286. The breakdown of these households is as follows:

- 177 Land owners: Due to the fact that four parcels are co-owned by a number of individuals;
- 4 Lessees who only own crops;
- 105 sons, daughters, grandsons and grand-daughters who only own crops.

This translates to a total of 379 Project Affected Persons. None of these PAPs will be relocated. This means therefore that there will be no physical displacement but the PAPs will loss economically in terms of crops/trees planted on the proposed wayleave. The RAP has valued these crops and trees using current market rates and full replacement cost. This will enable the PAPs to plant these trees/crops on other sections of the remaining land.

1.4 Objectives of the RAP

A RAP study is a field assessment with the aim of identifying and consulting persons affected by a project or a proposed development and stakeholders influenced or having an influence on the project. The above exercise leads to the development of a time-bound plan with a budget for compensation of Project Affected Persons (PAPs) and its implementation.

The main objectives of the RAP study were:

- Identification of Project Affected Persons (PAPs);
- Identification of land parcels to be acquired for development of project infrastructure;
- Collection of qualitative and quantitative baseline socio-economic data of PAPs;
- Establishment of entitlements to PAPs;
- Collection of preferences for compensation;
- Development of a RAP.

1.5 RAP Study Methodology

1.5.1 Desk Study

An in-depth literature review was carried out before embarking on the field work to aid in the understanding of the exercise and in the development of comprehensive data collection tools. Since literature review is a continuous exercise, more documents were reviewed during reporting stage.

Some of the documents that were reviewed included:

- Previous project study reports including:
  - Feasibility Study and Master Plan for Developing New Water Sources for Nairobi and Satellite Towns Volume I: Preliminary Design Report – Northern Collector Phase I Project (July 2012)
  - Final Detailed Design Drawings;
  - Project Survey Reports;
- Kenyan land laws including:
  - Land Laws (Amendment) Act, 2016;
  - Land Act 2012;
  - Land Registration Act, 2012;
  - National Lands Commission Act, 2012;
  - Environment and Land Court Act, 2011;
- World Bank operational policies and sourcebooks with focus on:
  - Involuntary Resettlement Policy (O P 4.12);
  - Involuntary Resettlement Source Book-Planning and Implementation in Development Projects;
  - A Guide to Designing and Implementing Grievance Mechanisms for Development Projects.
- Available copies of easement records on the existing right of way.

1.5.2 Determination of the Project Footprint

Cadastral maps were acquired for Murang'a and Kiambu in areas where the pipeline is to be laid to:

- Determine the project footprint of relevance to land take;
- Identify affected land parcels;
- Determine the size of land to be acquired at land parcel level.

The study surveyors also set-out the alignment of the affected land parcels through temporary pegging.

1.5.3 Community Sensitisation Meetings

The objectives of the community sensitisation meetings were:

- Describing the Project foot- print from Thika dam to the proposed Kigoro Water Treatment Plant 6km downstream of Thika and Treated Water gravity main from Kigoro treatment plant up to Gigiri reservoirs
- Setting and agreeing on the Cut- Off dates for compensation as per World Bank's O P 4.12;
- Information dissemination and sensitisation on the RAP study activities, especially those that would require active PAP participation;
- Discussions and agreement on the schedule and modalities for the household survey (census, enumeration and valuation exercises). This included an explanation of the PAP's' roles in the exercise including the documentation required during the census and the valuation activities;
- Collection and collation of public comments on resettlement.

A total of six (6) public meetings were held along the entire project area in several sub-counties with five (5) meetings in Murang'a County and one (1) meeting in Kiambu County. The primary stakeholders such as Land Owners, property owners, residents and business owners within the project site were informed and sensitized about the proposed project and their views and comments noted.

Attendees were informed of the proposed project and the project footprint earmarked for land take. The sociologist also sensitised the attendees on the project goals and benefits.

After the presentations the attendees were given the opportunity to give their views, comments and queries. As such, the meetings provided a platform for expression of overall opinions, issues and concerns by community members who live on or conduct economic activities on the targeted right of way for the project.

Issues arising from the meetings are presented in Chapter 4 of this report.

1.5.4 Census

A census was done to identify the PAPs and register them according to their location. The following activities were conducted during the census:

- Identification of all PAPs through a pre-set questionnaire.
- Distribution of PAP IDs

For cases where the PAP Unit representative was not available for enumeration, responses were sought from the representatives of the household head or adult persons belonging to the household.

Absentee PAPs who did not have any representatives at all were identified through the assistance of village elders.

1.5.5 Socio-economic Baseline Survey

The tools used for baseline survey were:

- Household survey;
- Observations during transect walks.

(a) Household Questionnaire

The household questionnaires were administered by male and female enumerators with tertiary level of education. As the questionnaire was developed in English, the training and pre testing prior of enumerators prior to the actual enumeration, included a component to enable them administer it in Swahili and Kikuyu. The enumerators were recruited from within the project area.

Data collected from the household survey included:

- Demographic characteristics of the PAPs;
- Sources of income and economic activities of the PAPs;
- Marital status of the PAPs and the number of household members who would be affected by the project.
- Levels of education of the household head and other members of the PAP household;
- Sources of primary income for the household
- Preferred mode of compensation.

(b) Observations during Transect Walks

Observations were made by the study team to further inform quantitative and qualitative data collected during the field studies. Key parameters observed included conditions of housing, types of settlements, nature of trading and business activities, social interactions among the residents in the project area, land use and land cover.

1.5.6 Data Analysis

The analysis of quantitative data was done using PASW (Predictive Analytics Soft Ware), formally known as Statistical Packages for Social Sciences (SPSS). Data was presented in form of prose, tables, matrices, pie charts and graphs.

Data collected from the household survey was triangulated with information from site surveys, observations by the sociologist, focus group discussions and key informant interviews.

1.5.7 Basis of valuation

The basic principle governing valuation for compensation is that none of the affected persons should be made worse off compared to the situation he was in before the land was acquired but on the contrary, should be made better or at least restore them to pre-displacement level. To ensure that this was achieved, the valuation was undertaken as follows:

a) **Valuation of land:** The current market rates where used. This involved getting recent comparable land sales evidence as seen in the area and other areas of comparable agro-climatological characteristics.
b) **Valuation of trees and crops:** Valuation was done at full replacement cost for perennial crops and 8 years income for fruit trees. For annual crops, valuation was done at full replacement value and PAPs are also given advance notice to harvest their crops. The full replacement cost includes the current market rates for the crops and lost income before the crop/tree matures. The market value was determined by undertaking a mini market inquiry where local leaders and property owners were asked to provide information on prices of trees and crops when one is buying a farm. Schedule of updated crop prices from the Ministry of Agriculture (Crops Department) was also obtained with adjustments made in consideration of crop compensation rates used in recent acquisitions within the project area.

c) **Loss of structures:** Cash compensation is done at full replacement cost for construction of the structure plus transition benefits without deduction of value of salvage materials.
d) **Loss of business structure:** Cash compensation is done at full replacement cost for construction of the structure plus rehabilitation assistance equivalent to one (1) year income and transition benefits without deduction of value of salvage materials.

1.6 Emerging Issues after Submission of the RAP Report

1.6.1 Initial Versions of the RAP Report for the Project

A Resettlement Action Plan report was prepared, in accordance with the project requirements outlined in the previous section and submitted to the Athi Water Services Board, in January 2016.

Initially, the report covered the land requirements for all the project pipeline infrastructure for both raw and treated from Murang'a, Kiambu and Nairobi Counties. The RAP report equally identified and developed mitigation measures for the impacts of the expected land take in accordance with the laws of Kenya and World Bank social safeguards with a focus on the Operational Policy on Involuntary Resettlement (O. P. 4.12).

The initial 2016 RAP report noted that approximately 100 PAPs within the Ngethu – Gigiri treated water pipeline sections were not enumerated as they did not allow the consultant to undertake the census exercise due to historical grievances with regard to easement registration of the existing wayleave. Additional meetings were held with the affected persons with AWSB in attendance to engage the PAPs further on the historical issues and to seek a solution for purposes of the project.

These meetings resulted in a split of the initial RAP Report into three sections composed of the RAP for the Raw Water Pipeline (Thika-Kigoro) and the RAP for the Treated Water Pipeline (Kigoro to Ngethu and Ngethu to Gigiri Tanks). The RAP for Thika-Kigoro pipelines was therefore prepared and submitted to AWSB in September 2017.

It was also decided to include the National Land Commission (NLC) as a key part of the grievance resolution mechanism for the historical grievances in cognisance of their mandates in Alternative Dispute Resolution on land based grievances. The revised report for the Ngethu-Gigiri Section of the pipeline will therefore be updated to ensure integration of a system to manage grievances emerging from PAPs who had outstanding historical issues on the existing wayleave.

1.6.2 Update of the Kigoro-Ngethu Section of the RAP Report

Following the finalisation of the RAP for Thika dam – Kigoro pipeline in September 2017, AWSB mobilised GIBB to update the baseline socio-economic data for the PAPs within the Kigoro-Ngethu Section. This was done between December 2017 and January 2018.

AWSB also independently mobilised a land and asset valuer to revise the land and asset inventory in view of re-alignment of sections of the pipeline as well as in view of the time lapse since the valuation conducted by GIBB in September-October 2015, and submitted in January 2016.

Lastly, AWSB mobilised the full-time field project sociologists to assist with sensitisation and mobilisation of each household / enterprise to participate in the update activities.

These activities facilitated the preparation of a report to update the RAP arrangements for the section of the Pipeline that would fall under a new wayleave (Thika-Kigoro-Ngethu).

As such, the complete set of RAP Study documents for the Thika-Kigoro-Gigiri Pipeline (the section from Gigiri to Kabete was removed from the works contract) are as follows:

- **RAP for Thika-Kigoro dated September 2017;** The RAP has been prepared and AWSB has disclosed and implemented this RAP. As the RAP was implemented prior to World Bank clearance, an audit is currently being done by the Independent Panel of Experts (IPE) to confirm compliance with World Bank Safeguard Policies. The Audit Report is expected in June 2018.
- **RAP for Kigoro-Ngethu dated January 2018** (this report)
- **RAP for Ngethu to Gigiri (Version 3 of March 2017):** The consultant faced challenges in preparing the RAP for this section of the pipeline. About 100 PAPs within the section of treated water pipeline from Ngethhu to Gigiri (within Kiambu County) did not allow the consultant to undertake census and valuation. They claimed that they were not paid for the existing18m wayleave. They therefore demanded to be paid for the old wayleave plus the proposed new wayleave of 3m making it an acquisition of 21m. This is what necessitated the splitting of the RAP into 3. AWSB has sought the services of National Land Commission (NLC) in a bid to resolve the issues. The RAP will then be submitted to WB for review and approval once the consultation process with the aggrieved PAPs is completed.

This Report covers the Kigoro-Ngethu section of the Pipelines.

2 POLICY AND LEGAL FRAMEWORK

2.1 Policy Framework

2.1.1 National Land Policy

According to the Land Policy, rights of ownership refer to the quantity of rights that different tenure systems confer on individuals or groups of individuals. The principal rights of ownership are the right to use, the right to dispose of, and the right to exclude others from the land owned.

The definition and scope of these rights to land differ from one tenure system to another, depending on policy considerations such as the need to ensure equity in access to land.

According to the Land Policy, the Kenyan cadastre is still very in-optimal. An optimum cadastre system is necessary to ensure an efficient system of land delivery. In practical terms, this would allow not only for preparation and maintenance of cadastral information that indicates who owns what interest in land; but other details such as land capability, uses, size, distribution and topographical characteristics.

The policy also recognises the important of local grievance resolution mechanisms and sets forward proposals for implementation of the same. For example it calls for encouragement and facilitation of the use of Alternative Disputes Resolution (ADR) mechanisms such as negotiation, mediation and arbitration to reduce the number of cases that end up in the court system and delayed justice.

With regard to land take for public purposes, Section 3.2 of the policy on compulsory acquisition has been overtaken by events since the promulgation of the 2010 Constitution. More up to date items of relevance to this RAP are enshrined in the Kenyan Constitution and the new land laws that came into effect after 2012.

This policy document is important for establishment of the government's tenets on land ownership, security of tenure and registration of land ownership instruments. The document also provides historical facts on challenges to security of tenure and settlement in the country.

The policy recognizes that the land rights of vulnerable individuals and groups are not protected and are subject to bias and discrimination. Further, the vulnerable lack cohesive institutions to represent their interests.

The policy identifies that while the Law of Succession Act was supposed to harmonize inheritance laws, in practice the transmission of land rights is largely done within customary law, which discriminates against women and children.

To secure access to land and land based resources for vulnerable groups, the Government shall:

- Develop mechanisms for identifying, monitoring and assessing the vulnerable groups;
- Put in place mechanisms for redistribution of land and resettlement;
- Facilitate their participation in decision making over land and land based resources;
- Protect their land rights from unjust and illegal expropriation.

To protect the rights of women, the Government shall:

- Put in place appropriate legislation to ensure effective protection of women's rights to land and related resources;
- Repeal existing laws and outlaw regulations, customs and practices that discriminate against women in relation to land;

- Enforce existing laws and establish a clear legislative framework to protect the rights of women in issues of inheritance to land and land-based resources;
- Make provision for joint spousal registration and documentation of land rights, and for joint spousal consent to land disposals, applicable for all forms of tenure;
- Secure inheritance rights of unmarried daughters in line with the practices of the respective communities;
- Facilitate public awareness campaigns on the need to write wills to protect dependants in the event of death;
- Carry out public education campaigns to encourage the abandonment of cultural practices that bar women from inheriting family land; and
- Ensure proportionate representation of women in institutions dealing with land at all levels.

To secure the rights of spouses to matrimonial property, the Government shall:

- Review succession, matrimonial property and other related laws to ensure that they conform to the principle of equality between women and men;
- Enact specific legislation governing division of matrimonial property to replace the Married Women's Property Act of 1882 of England;
- Protect the rights of widows, widowers and divorcees through the enactment of a law on co-ownership of matrimonial property;
- Put in place appropriate legal measures to ensure that men and women are entitled to equal rights to land and land-based resources during marriage, upon dissolution of marriage and after the death of the spouse; and
- Put in place mechanisms to curb selling and mortgaging of family land without the involvement of the spouses.

2.1.2 World Bank Operational Policy on Involuntary Resettlement-O P 4.12

The policy requires that a Resettlement Action Plan be developed for a project that would require resettlement of people.

Throughout project implementation supervision of the implementation of the resettlement instrument is done to ensure that the requisite social, financial, legal, and technical experts are included in supervision missions. Supervision focuses on compliance with the legal instruments, including the Project Implementation Plan and the resettlement instrument.

The World Bank (WB) OP 4.12 includes safeguards to address and mitigate impoverishment risks arising from involuntary resettlement. For the purposes of this policy, "involuntary" means actions that may be taken without the displaced person's informed consent or power of choice.

The Bank's experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise negative socio-cultural and economic impacts on the resettled people. For this reason, the overall objectives on WB's policy on involuntary resettlement are:

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs;
- Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs;
- Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

2.1.3 World Bank Policy on Gender and Development -O P 4.20

The objective WB's Gender and Development policy is to assist member countries to reduce poverty and enhance economic growth, human well-being, and development effectiveness by addressing the gender disparities and inequalities that are barriers to development.

Projects are expected to take into consideration the gender dimensions of the proposed intervention. This study considered the gender dimensions of the project by collecting data whilst considering gender segregation.

The enumeration team also had representation from both genders with respect to the fact that some women may be shy to talk to men and vice versa. A special meeting was also organised for women in the project area as part of the study activities for gender analysis in the project area.

2.2 Legal Framework

2.2.1 The Constitution of Kenya

The Constitution of Kenya categorises land as follows:

- Public Land;
- Community Land;
- Private Land.

The Constitution also provides that the National Land Commission shall recommend a National Land Policy to the National Government while Parliament shall revise and enact legislation to ensure implementation of the issues outlined in it.

Section 40 of the Constitution of Kenya recognizes and protects the right to private property including land. However, Section 40(3) (b) provides that the State may take possession of private land if this is necessary for public purpose or in public interests.

The Constitution also requires that compulsory acquisition be preceded by prompt payment in full, of just compensation to the affected person. It also allows any person who has an interest in or right over, that property a right of access to a court of law.

2.2.2 The National Land Commissions Act 2012

This is an Act of Parliament to make further provision as to the functions and powers of the National Land Commission, qualifications, and procedures for appointments to the commission; to give effect to the objects and principles of devolved government in land management and administration, and for connected purposes.

Compulsory Acquisition in Kenya is also to be handled by the National Lands Commission.

Other mandates of the Commission include management of public land on behalf of the national and county governments.

The Act also mandates the Commission to ensure that public land and land under the management of designated state agencies are sustainably managed for their intended purpose and for future generations.

Thirdly, the Act empowers the Commission to administer all unregistered trust land and unregistered community land on behalf of the county government.

2.2.3 The Land Act 2012

This is an Act of Parliament intended to give effect to Article 68 of the Constitution, to revise, consolidate and rationalize land laws; to provide for the sustainable administration and management of land and land based resources, and for connected purposes.

(a) Principles and values to guide Land management and administration

Parts 1 and 2 of section 4 of the Act outline the main guiding principles in land management and administration, binding to all land actors including state officers. These principles are to be applied when enacting, applying or interpreting any provisions of this Act; and when making or implementing public policy decisions. In discharging their functions and exercising of their powers under this Act, the Commission and any State officer or Public officer shall be guided by the following values and principles:

- Equitable access to land;
- Security of land rights;
- Sustainable and productive management of land resources;
- Transparent and cost effective administration of land;
- Conservation and protection of ecologically sensitive areas;
- Elimination of gender discrimination in law, customs and practices related to land and property in land;
- Encouragement of communities to settle land disputes through recognized local community initiatives;
- Participation, accountability and democratic decision making within communities, the public and the Government;
- Technical and financial sustainability;
- Affording equal opportunities to members of all ethnic groups;
- Non-discrimination and protection of the marginalized;
- Democracy, inclusiveness and participation of the people and
- Alternative dispute resolution mechanisms in land dispute handling and management.

(b) Compensation in respect to public right of way

Section 143 of the act empowers the Commission to create public rights of way. A public right of way may be: **(a)** *a right of way created for the benefit of the national or county government, a local authority, a public authority or any corporate body to enable all such institutions, organisations, authorities and bodies to carry out their functions, referred to in the Act as a wayleave; or* **(b)** *a right of way created for the benefit of the public, referred to in section 145 of this Act as a communal right of way*.

A public right of way shall attach to and run with the servient land in respect of which it has been created and shall be binding on all owners from time to time of the servient land, any manner they are occupying the land, whether under a land or a derivative right thereof, or under customary law or as a successor in title to any such owner or as a trespasser.
This section is relevant to the tunnel as its right of way is expected to run under private land.

Section 144 (1) states that 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 NLC.

In applying for wayleave, section 144(4) requires the applicant to serve a notice on:

- All persons occupying land over which the proposed wayleave is to be created, including persons occupying land in accordance with customary pastoral rights;

- The county government in whose area of jurisdiction land over which the proposed wayleave is to be created is located;
- All persons in actual occupation of land in an urban and per-urban area over which the proposed wayleave is to be created; and
- Any other interested person.

Subsection (5) requires the Commission to publish the application along the route of the proposed wayleave calculated to bring the application clearly and in a comprehensible manner to the notice of all persons using land over which the proposed wayleave is likely to be created.

Section 145 (1) provides that a county government, an association, or any group of persons may make an application to the commission for a communal right of way.

Once an application has been made to the Commission, the determination for creation of a wayleave is conducted as per section 146 of the act and includes:

- The Commission, after at least ninety days from the date of the serving of notices, considering all the information received and all representations and objections made by any person served with a notice and recommending to the Cabinet Secretary whether to:(i) appoint a public inquiry to give further consideration to the representations and objections; or (ii) refer the application to the County Government for its opinion on whether to approve the application; or (iii) initiate and facilitate negotiations between those persons who have made representations on the application and the applicant with a view to reaching a consensus on that application;
- The Cabinet Secretary determining whether or not to create to create a public right of way, after taking account, as the case may be, of:*(a)* the recommendations of the Commission; or*(b)* the advice of the county government; or *(c)* the outcome of any negotiations referred to above;
- The Cabinet Secretary creating a public right of way by order in the Gazette. The order comes into force thirty days after its publication in the gazette.

An appeal against an order creating the wayleave is allowed within six weeks after the order has been made. Such appeal is made to the Court on a point of law against an order made by the Cabinet Secretary, but apart from such an appeal, an order of the Cabinet Secretary shall not be questioned by way of judicial review or otherwise in any court.

According to section 148, prompt compensation shall be payable (by the State Department, county government, public authority or corporate body that applied for the public right of way) to any person for the use of land, of which the person is in lawful or actual occupation, as a communal right of way and, with respect to a wayleave, in addition to any compensation for the use of land for any damage suffered in respect of trees crops and buildings as shall, in cases of private land, be based on the value of the land as determined by a qualified valuer.

In case of disagreement or dissatisfaction on amount or method of or time taken to make payment, the affected individual may apply to court for determination and award.

Section 148 (6) stipulates that the Commission shall make regulations prescribing the criteria to be applied in the payment of compensation. However, these regulations are yet to be gazetted.

(c) Acquisition of private land for public use

Section 110 (1) of the Land Act 2012 states that land may be acquired compulsorily under this Part if the Commission certifies, in writing, that the land is required for public purposes or in the public interest as related to and necessary for fulfillment of the stated public purpose.

Under such an acquisition, section 111(1) provides 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 procedure for land acquisition is laid out in Part VIII of the Act. The procedure can be summarised as outlined in Figure 2-1.

Highlights of requirements under this process are:

- The Act requires that the owners, residents and their spouses should also be notified; as opposed to just the owners;
- The inspector would also have to get the consent of the occupier and give them not less than seven days' notice to enter the premises;
- The Commission shall have the power of a court to summon and examine witnesses and compel the production and delivery to the Commission of documents of title to the land;
- Separate award of compensation to every person. An award is final and conclusive evidence of the size of the land, the value in the opinion of the Commission and the amount of compensation payable, whether or not the person attends the inquiry;
- Regulations and rules pertaining to this process are yet to be gazetted;
- Section 128 of the Land Act states that any dispute arising out of any matter provided for under this Act may be referred to the Land and Environment Court for determination.

(d) Land transfers

Section 43 defines "transfer" as a conveyance, an assignment, a transfer of land, a transfer of lease or other instrument used in the disposition of an interest in land by way of transfer.

It further provides that a proprietor may transfer land, a lease or a charge to any person (including himself or herself), with or without consideration, by an instrument in the prescribed form and that the transfer shall be completed by the registration of the transferee as proprietor of the land, lease or charge.

From this provision, the transferee of a charge may require the charger to execute the transfer for the purpose of acknowledging the amount due under the charge at the date of execution of the transfer.

(e) Transmission of land ownership upon death

The provisions of this law are relevant to the process of succession for any PAPs who are yet to update land ownership documents due to death of the registered land owner.

Section 49, 50 and 51 provide that if one of two or more joint proprietors of any land, lease or charge dies, the Registrar shall, on proof of the death, delete the name of the deceased from the register by registration of the death certificate.

Also, if a sole proprietor or a proprietor in common dies, the proprietor's personal representative shall, on application to the Registrar in the prescribed form and on production to the Registrar of the grant, be entitled to be registered by transmission as proprietor in the place of the deceased with the addition after the representative's name of the words *"as executor of the will of (.....) [deceased]" or "as administrator of the estate of (.....) [deceased]",* as the case may be.

Upon production of a grant for the above, the Registrar may, without requiring the personal representative to be registered, register by transmission;

a) Any transfer by the personal representative; and
b) Any surrender of a lease or discharge of a charge by the personal representative.

In this section, "grant" means the grant of probate of the will, the grant of letters of administration of the estate or the grant of summary administration of the estate in favour of or issued by the Public Trustee, as the case may be, of the deceased proprietor.

Subject to any restriction on a person's power of disposing of any land, lease or charge contained in an appointment, the personal representative or the person beneficially entitled on the death of the deceased proprietor, as the case may be, shall hold the land, lease or charge subject to any liabilities, rights or interests that are unregistered but are nevertheless enforceable and subject to which the deceased proprietor held the same, but for the purpose of any dealing the person shall be deemed to have been registered as proprietor thereof with all the rights conferred by this Act on a proprietor who has acquired land, a lease or a charge, as the case may be, for valuable consideration.

The registration of any person as aforesaid shall relate back to and take effect from the date of the death of the proprietor.

2.2.4 Land Laws (Amendment) Act, 2016

Section 44(b) (2) (b) of this act states that:

(2) The Commission shall establish and maintain a register containing-
……...
(b) the names and addresses of all persons whose land has converted to public through compulsory acquisition or reversion of leasehold.
……

These provisions once enacted will be critical in management of public land acquired for establishment of infrastructure as they would provide a record of publicly acquired land.

2.2.5 Land Acts Repealed by the Land Act 2012

The following Acts were repealed through the Land Act 2012:

- The Wayleave Act, Cap 292;
- The Land Acquisition Act, Cap 295.

2.2.6 The Land Registration Act 2012

This is an Act of Parliament intended to revise, consolidate and rationalize the registration of titles to land, to give effect to the principles and objects of devolved government in land registration, and for connected purposes.

Section 7(1) of the Act provides for establishment of a land registry in each registration unit which shall keep registers of the following regarding land:

- A land register, in the form to be determined by the Commission;
- The cadastral map;
- Parcel files containing the instruments and documents that support subsisting entries in the land register.
- Any plans which shall, after a date appointed by the Commission, be geo-referenced;
- The presentation book, in which shall be kept a record of all applications numbered consecutively in the order in which they are presented to the registry;
- An index, in alphabetical order, of the names of the proprietors; and
- A register and a file of powers of attorney.

Further, section 9 (1) provides that the Registrar shall maintain the register and any document required to be kept under this Act in a secure, accessible and reliable format. These documents include:

- Publications, or any matter written, expressed, or inscribed on any substance by means of letters, figures or marks, or by more than one of those means, that may be used for the purpose of recording that matter;
- Electronic files; and
- An integrated land resource register.

The register, as provided for in part 2 of section 9, shall contain the following particulars;

- Name, personal identification number, national identity card number, and address of the proprietor;
- In the case of a body corporate, name, postal and physical address, certified copy of certificate of incorporation, personal identification numbers and passport size photographs of persons authorized and where necessary attesting the affixing of the common seal;
- Names and addresses of the previous proprietors;
- Size, location, user and reference number of the parcel; and
- Any other particulars as the Registrar may, from time to time, determine.

These provisions are essential throughout the RAP process including the verification of land ownership and update of land ownership documentation arising from acquisition of the wayleave and land for intake and water storage facilities.

2.2.7 Land Acts Repealed by the Land Registration Act 2012

The following Acts have since been repealed through the Land Registration Act 2012 and other related new legislations to give effect to the new constitution:

- The Indian Transfer of Property Act, 1882;
- The Government Land Act, Cap. 280;
- The Registration of Titles Act, Cap. 281;
- The Land Titles Act, Cap. 282;
- Registered Land Act, Cap. 300.

2.2.8 The Land and Environment Court Act 2011

This is an Act of Parliament to give effect to Article 162 (2) (b) of the Constitution; to establish a superior court to hear and determine disputes relating to the environment and the use and occupation of, and title to, land, and to make provision for its jurisdiction functions and powers, and for connected purposes.

The principal objective of this Act is to enable the Court to facilitate the just, expeditious, proportionate and accessible resolution of disputes governed by this Act.

Section 13 (2) (b) of the Act outlines that in exercise of its jurisdiction under Article 162 (2) (b) of the Constitution, the Court shall have power to hear and determine disputes relating to environment and land, including disputes:

- Relating to environmental planning and protection, trade, climate issues, land use planning, title, tenure, boundaries, rates, rents, valuations, mining, minerals and other natural resources;
- Relating to compulsory acquisition of land;
- Relating to land administration and management;
- Relating to public, private and community land and contracts, chooses in action or other instruments granting any enforceable interests in land; and
- Any other dispute relating to environment and land.

Section 24 (2) also states that the Chief Justice shall make rules to regulate the practice and procedure, in tribunals and subordinate courts, for matters relating to land and environment.

Relevance:

In case of any disputes relating to compensation if not solved at the project level can be forwarded to the Land and Environment Court

2.2.9 The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012

An Act of Parliament to make provision for the prevention, protection and provision of assistance to internally displaced persons and affected communities and give effect to the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons, and the United Nations Guiding Principles on Internal Displacement and for connected purpose.

Section 3 of the Act state that '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.

Displacement and relocation which come about due to development projects or projects to preserve the environment should be:

- Authorized and carried out in accordance with the applicable law;
- Justified by compelling and overriding public interests in the particular case; and
- Conducted when no feasible alternatives exist.

2.2.10 The Matrimonial Property Act 2013

The Matrimonial Property Act 2013 sets out the law and procedures for creation and division of a marital estate. It also stipulates how and by whom matrimonial property should be managed as well as how it should be divided at the end of a marriage.

Under section 6 of the Act, Matrimonial Property is described as the matrimonial home, household goods and effects in the matrimonial home, immovable property owned by either spouse, which provides basic sustenance for the family and any other property acquired during the subsistence of the marriage which the spouses expressly or impliedly agree to be matrimonial property.

Under section 3 (2) of the act, the parties to a marriage have equal rights and obligations at the time of the marriage and at the dissolution of it. Matrimonial property shall be deemed to vest in the spouses in equal shares regardless of the contribution of either of them towards the acquisition thereof.

Section 12(1) provides that no estate or interest in any matrimonial property shall be alienated in any manner without the prior consent of both spouses and that neither spouse shall be liable to be evicted from' the matrimonial homes except in accordance with a court order.

The provisions of this Act are relevant to the recognition of the role of both spouses in the decisions connected to matrimonial property to be affected by the project, and especially compensation payment on the same.

2.3 Comparison of World Bank Policies and Kenyan Law

A comparison of the Kenyan laws and WB requirements is presented in Table 2-1 overleaf. This comparison was conducted with the following considerations:

- None of the affected land parcels fall under the category of community land, therefore the community land Act is not included in the comparison;
- The affected persons are either:
  - ✓ Land owners as recognised by land ownership instruments and related records as prescribed by Kenyan law;
  - ✓ Tenants of land owners in the above category;
- The ratification status or coming into force of the International Treaties and Conventions included in this review was not included in the conduct of this analysis. The inclusion of these documents was to provide perspective at the policy level.

Table 2-1 Comparison between World Bank Operational Policies and Kenya Policy and Laws

Aspect	World Bank Policy	The Constitution	Kenyan Laws	Remarks
Consultation and Engagement of PAPs	O.P 4.12-Paragraph 2(b): Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. Paragraph 6 (a) The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are: (i) Informed about their options and rights pertaining to resettlement; (ii) Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives.	**Access to information.** **35.** (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. **Obligations in respect of the environment.** **69.** (1) The State shall— …… (*d*) encourage public participation in the management, protection and conservation of the environment.	**Access to Information Act** AN ACT of Parliament to give effect to Article 35 of the Constitution; to confer on the Commission on Administrative Justice the oversight and enforcement functions and powers and for connected purposes. It provides limitation on access to information on matters of national security but also states in Section 6. (4): Despite anything contained in subsections (1) and (2), a public entity or private body may be required to disclose information where the public interest in disclosure outweighs the harm to protected interests as shall be determined by a Court. **Environmental (Impact Assessment and Audit) (Amendment) Regulations, 2016** Section 7.(l) During the process of conducting an environmental impact assessment study under these Regulations, the proponent shall in consultation with the Authority, seek the views of persons who may be affected by the project. It then provides the modalities for notices and a minimum number of meetings to be held. **Land Act, 2012** Section 107: On approval of an application for land acquisition: (5) Upon approval of a request under subsection(1), the Commission shall publish a notice to that effect in the Gazette and the county Gazette, and shall deliver a copy of	Community sensitisation meetings were held to provide information as required in WB Policy (See Minutes of Meeting and public participation chapter on key aspects discussed during community sensitisation). Key objectives of the community meetings and the achievements of the program are as presented in Chapter 4 of this Report. In addition to engagement of PAPs in preparation of the RAP, the Bank Approved Report should be presented to affected persons in form, manner and language that is understandable to the affected persons. It should also be disclosed in a location that is publicly available to PAPs. The disclosure arrangements provided in this Report with regard to the RAP report itself prior to its implementation, as well as integration of a PAP sensitisation program into the RAP Implementation Schedule, aim at achieving this requirement. (See Chapter 4, 6, 7 and 8 of this Report).

Aspect	World Bank Policy	The Constitution	Kenyan Laws	Remarks
			the notice to the Registrar and every person who appears to the Commission to be interested in the land. Section 112 also provides procedures for hearings where interested parties can present their case to the commission.	
			The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012 **22.** (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- (a) seek the free and informed consent of the affected persons; and (b) hold public hearings on the project planning. (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.	

Aspect	World Bank Policy	The Constitution	Kenyan Laws	Remarks
Eligibility Criteria	15. *Criteria for Eligibility*. Displaced persons may be classified in one of the following three groups: (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country); (b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan (see Annex A, para. 7(f)); and[19] (c) those who have no recognizable legal right or claim to the land they are occupying.	(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— (*a*) results from an acquisition of land or an interest in land or a conversion of an interest in land, or title to land, in accordance with Chapter Five; or (*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 Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012** *"internally displaced person" means a person or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of ……. large scale development projects.....and who have not crossed an internationally recognized State border"*	The Bank's policy on eligibility criteria and entitlements was adopted in this RAP Report.
Entitlement for Compensation	16. Persons covered under para. 15(a) and (b) are provided compensation for the land they lose, and other assistance in accordance with para. 6. Persons covered under para. 15(c) are provided resettlement assistance[20] in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the			

Aspect	World Bank Policy	The Constitution	Kenyan Laws	Remarks
	Bank.[21] Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in para. 15(a), (b), or (c) are provided compensation for loss of assets other than land.			
Valuation and Prompt Compensation	Paragraph 6 (a) The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are: (iii) Provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.		After Repeal of the Compulsory Acquisition Act, regulations for Valuation methodologies are to be developed under the requirements for Compulsory Acquisition as outlined in the Land Act. The now repealed Compulsory Acquisition Act required that valuation be based on market value of affected crops and properties. **The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012** Section 22: (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. Section 9: *(2) Without limiting the generality of the subsection (1), the following conditions for durable solutions shall apply:* *.....* *(b) full restoration and enjoyment of the freedom of movement;* *(c) enjoyment of an adequate standard of living without discrimination;*	The previous (repealed) valuation procedures were based on market values while World Bank policy requires that compensation be based on full replacement cost. The valuation methodology applied in this study is in line with the World Bank requirements on full replacement cost. The Rap Implementation Arrangements proposed in this RAP also aim and compliance with the Policy and the Constitution of Kenya on prompt, full and just compensation.
	Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.			

Aspect	World Bank Policy	The Constitution	Kenyan Laws	Remarks
			(d) access to employment and livelihoods; *(e) access to effective mechanisms that restore housing, land and property;* *……..* *(i) access to justice without discrimination.*	
Monitoring and Evaluation	The World Bank policy requires collection of baseline socio-economic data as a basis for monitoring the efficacy of livelihood restoration measures proposed in resettlement instruments. It also outlines the responsibilities of the borrower and the Bank in monitoring and evaluation of the borrower's compliance with the resettlement instrument. Upon completion of the project, the borrower is required to undertake an assessment to determine whether the objectives of the resettlement instrument have been achieved. If the assessment reveals that these objectives may not be realized, the borrower proposes follow-up measures that may serve as the basis for continued Bank supervision, as the Bank deems appropriate".	---	The laws of Kenya on Compulsory Acquisition (Land Act, 2012), are not explicit on monitoring of the efficacy of compensation modalities to ensure livelihood restoration of displaced persons. However: **The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012** **Section 22** (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.	This RAP outlines a monitoring and evaluation framework for use by AWSB during implementation of the resettlement program.

Aspect	World Bank Policy	The Constitution	Kenyan Laws	Remarks
Grievance Mechanisms	Paragraph 13: Appropriate and accessible grievance mechanisms are established for these groups. i.e. Displaced persons and their communities, and any host communities receiving them	Article 159 on Judicial Authority: (2) In exercising judicial authority, the courts and tribunals shall be guided by the following principles— (*c*) alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms shall be promoted, subject to clause (3); ……. (3) Traditional dispute resolution mechanisms shall not be used in a way that— (*a*) contravenes the Bill of Rights; (*b*) is repugnant to justice and morality or results in outcomes that are repugnant to justice or morality; or (*c*) is inconsistent with this Constitution or any written law.	The Land Act 2012 recognizes the right of the affected persons to refer their disputes to the Land and Environment Court, while the Land Policy advocates for negotiation, mediation and arbitration to reduce the number of cases that end up in the court system and delayed justice. Similarly, the World Bank guidelines and policies call for appropriate and accessible grievance handling mechanisms for both displaced persons and host communities.	This RAP has given proposals for local grievance mechanisms to promote compliance with the Kenyan and World Bank policies.

3 SOCIO-ECONOMIC PROFILE OF THE PAPS

3.1 Administrative Boundaries

The proposed Kigoro-Ngethu pipeline will traverse two counties namely Murang'a and Kiambu. In Murang'a the project will pass through Gatanga Sub-County, in Kiambu the project will pass through one sub-counties namely Gatundu North. The map showing the project alignment within Murang'a and Kiambu counties is as shown if figure 1-1 in Chapter 1.

The pipelines will traverse several locations as shown in Table 3-1.

Table 3-1: Administrative units along the project area

County	Sub County	Division	Location
Murang'a	Gatanga	Kigoro	Ndakaini
			Ndunyu Chege
			Kigoro
Kiambu	Gatundu North	Chania	Gituamba
			Makwa
			Kairi

3.2 Population Size and Composition

3.2.1 Population Distribution and Gender Composition

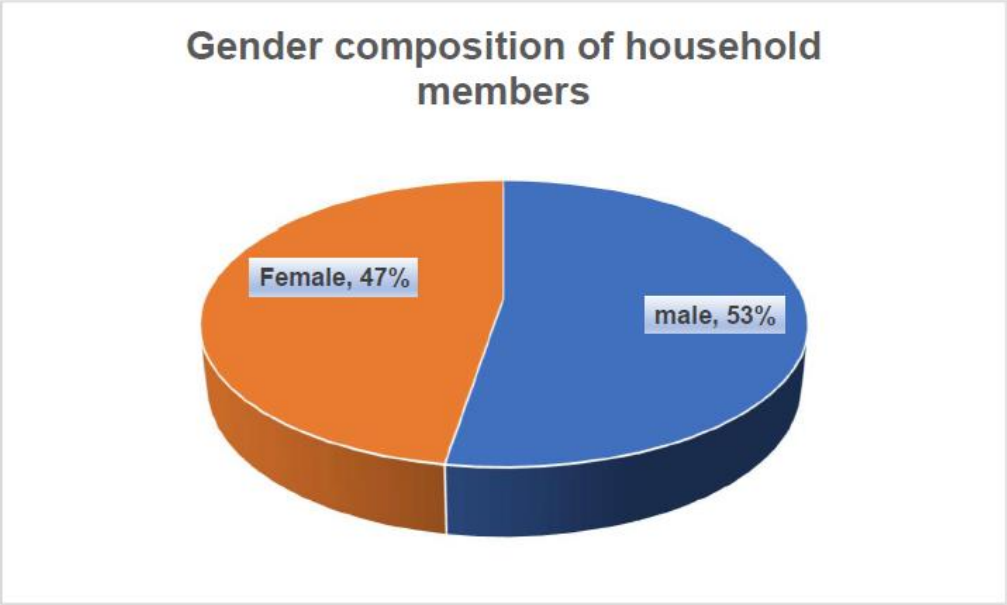
For the affected 172 land parcels, the total number of PAP households is 286. The breakdown of these households is as follows:

- 177 Land owners: Due to the fact that four parcels are co-owned by a number of individuals;
- 4 Lesees who only own crops;
- 105 sons, daughters, grandsons and grand-daughters who only own crops.

The PAPs sampled for the update of the socio-economic baseline data represent 36% of the total number of PAPs.

The population distribution of the PAPs in Murang'a and Kiambu was found to consist of more men (72.1%) than women (27.9%). It was also noted that in Murang'a and Kiambu, the largest age group was between 50-59 years followed by 60 -69 years. Children between the ages of 10 -19 was the least group followed by those between the ages of 0-9 years.

Figure 3-1: Gender Distribution among PAP Households

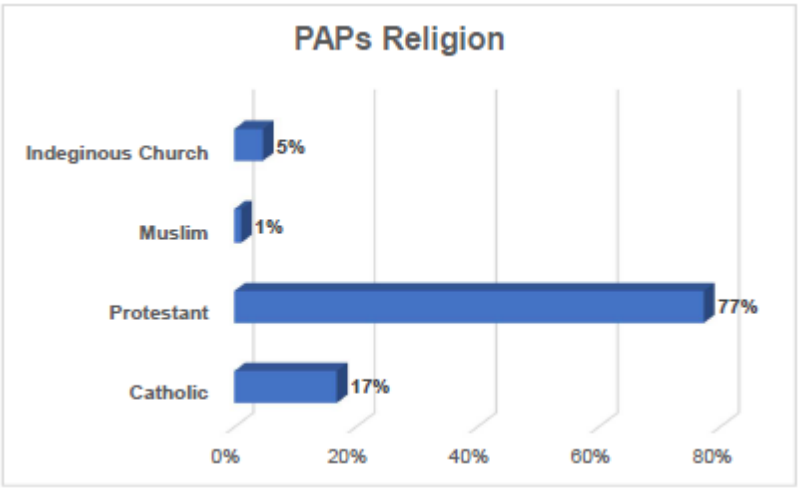


From the analysis shown in figure 3-1, it was noted that there are slightly more male PAPs (53%) than there are female (47%). It will be important to ensure that both the men and women household heads are advised on how to spend the money in efforts to restore their livelihoods. This includes requirements for opening of joint accounts with assistance from AWSB where possible. In addition, it might also be necessary to ask the PAPs to be accompanied with their spouses or immediate family to minimise issues of a PAP misappropriating the cash.

3.2.2 Religion

Christianity is the largest religion at 94% where 77% are Protestants, while 17% are Catholics. Muslims form only 1% of the PAP population while indigenous religious groups account for 5%. as shown in Figure 3-2.

Figure3-2: PAPs religion



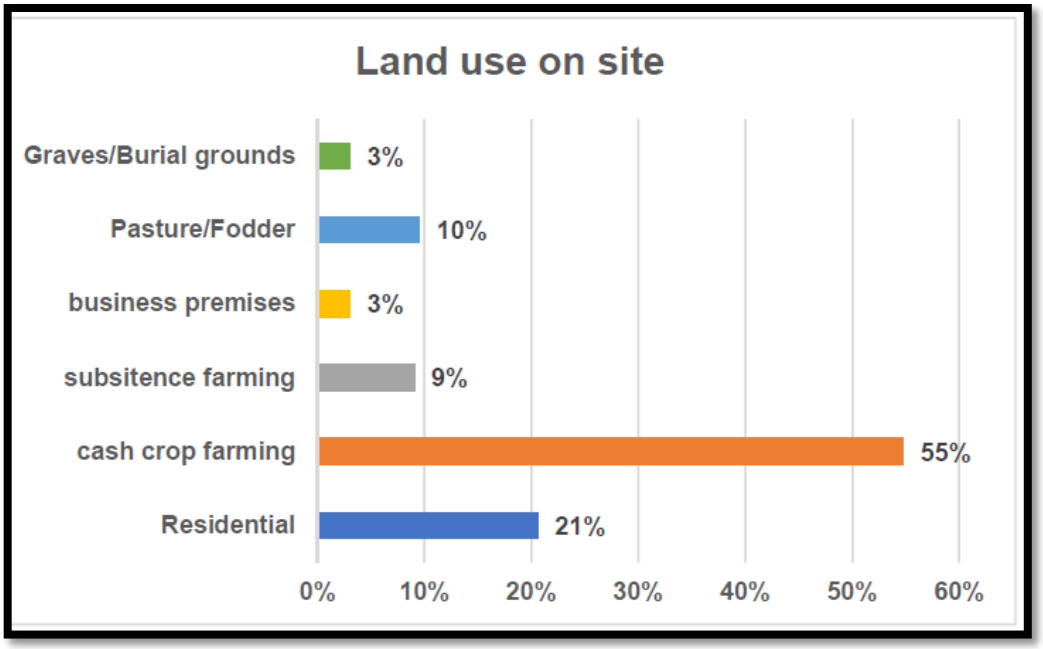
This relative homogeneity in belief systems reflected by the response of a majority of the population will ease the process of resettlement and integration in case there will be need of relocation of the affected population from the proposed wayleave.

3.3 Land Use and Land Tenure

3.3.1 Land Use

The major land use onsite as indicated by the PAPs include cash crop farming at 55% followed by residential land use at 21%. The other land use along the proposed wayleave was found to be pasture/fodder grounds (10%), subsistence farming (9%). Graves/burial grounds and business premises take up the least land use patterns at 3% each.

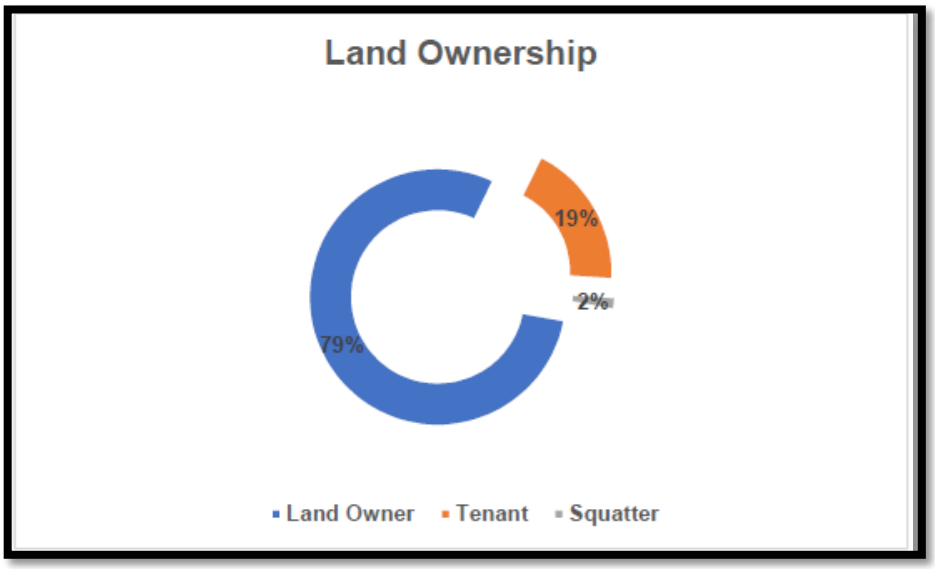
Figure 3-3: Land use patterns on site



3.3.2 Land Tenure

The land in Murang'a and Kiambu County is under freehold tenure and most of the lands have titles. The other form of land tenure is public land that is owned by the government, these are mostly used for public utilities such as power, water supply lines and roads. Majority of the PAPs surveyed (79%) are land owners while (19%) are land tenants.

Figure 3-4: Land ownership by PAPs



The land tenants include spouses and daughters of the registered land owners. While under the marital properties act the spouses would retain land rights, depending on the enforcement of the act, the daughters of the land owners do not have any land rights. However, neither of the two groups pay rent to the land owner, as they are family to the registered land owner. The actual words applied during the engagement process is that they were “allowed” to farm on the property. This is also supported by kikuyu culture where women of the household were also allowed to farm within the property of the household head.

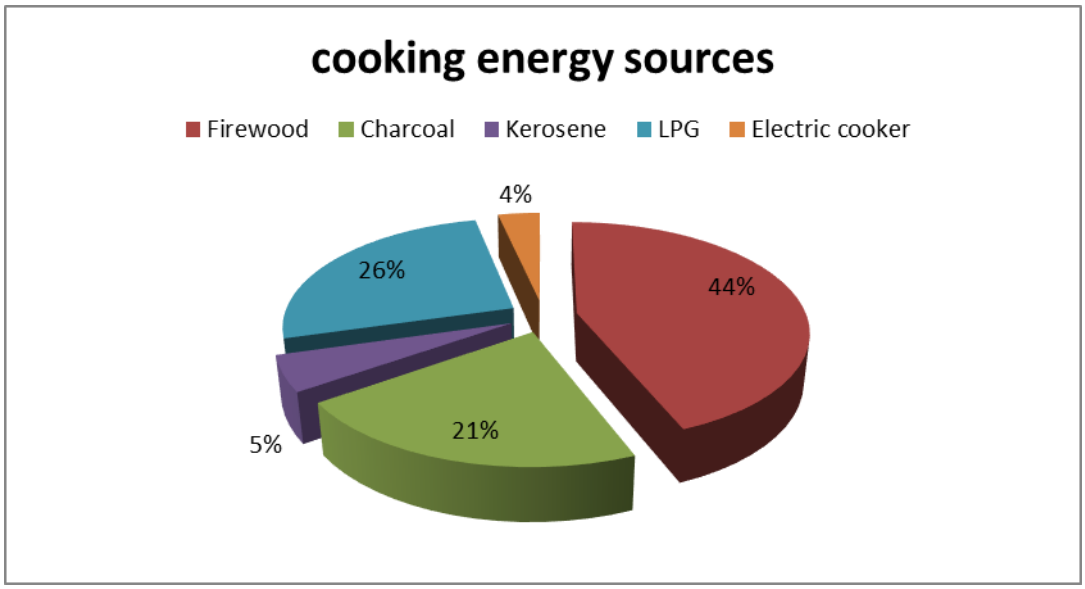
From the engagement process during the RAP study, both groups do not pay rent to the land owner.

3.4 Energy

3.4.1 Energy Source for cooking

From the survey analysis in Figure 3-5, the most common source of energy for cooking used by the PAPs is firewood (44%), while the least source of energy for cooking was electricity (3%) as most of the PAPs indicated that it was too expensive.

Figure 3-5: Energy sources for cooking

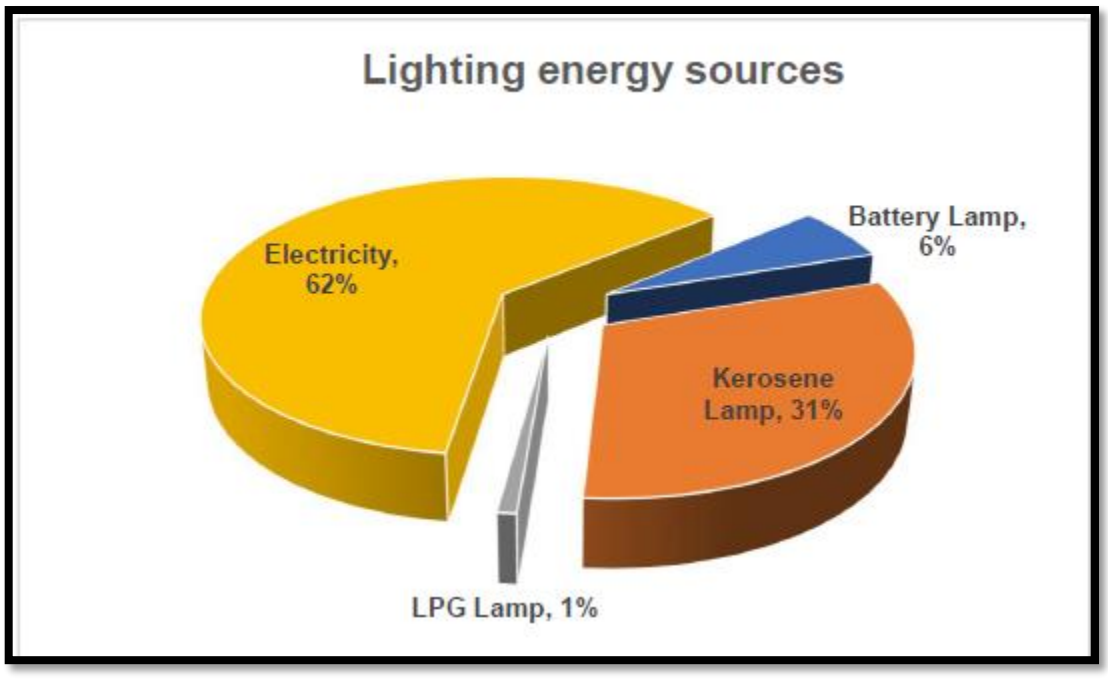


3.4.2 Energy Source for Lighting

Electricity is largely used for lighting purposes among all the PAPs (62%) followed by kerosene lamp (31%). The least form of energy used for lighting is LPG gas at 1%. The PAPs indicated that during power blackouts, they resorted to using rechargeable batteries (6%) and kerosene lamps.

During resettlement, in cases where a PAP prefers land for land compensation, it will be important for the PAPs to be resettled in areas where they can access energy sources previously available to them.

Figure 3-6: Energy sources for lighting



3.5 Transport and Communication

3.5.1 Transport

Murang'a and Kiambu County are served by different class of roads that has opened up the county to markets for the tea, macadamia, bananas and coffee. The project area has a number of murram roads of class D, E, F, G that run through the County connecting the farms to the buying centres and factories.

The Major form of motorised transport is through the use of motorcycle taxis (*bodaboda*) and 14 seater Public Service Vehicles. Non-motorised transport modes such as donkey pulled carts are also available in the area.

The roads that are expected to be affected were noted to be under KURA and KeRRA. The constituency roads officer indicated that maintaining roads within Murang'a and Kiambu are critical for transportation of Tea and Coffee from the farms to the processing factories. Disruption of these roads is expected to affect the delivery of coffee to the factories thus affecting the livelihoods of the people using them.

3.5.2 Communication

In the entire project area, it was noted that majority of the PAPs (92%) have access to mobile phones and use it as the main mode of communication, 1% of the PAPs have postal addresses through which they receive mails. The PAPs who did not have access to either mobile phones or postal addresses have access to mobile phones belonging to neighbours or relatives. This is particularly important when communicating dates for RAP disclosure meetings; this is a sure way to ensure all the PAPs have been notified of the meetings in time.

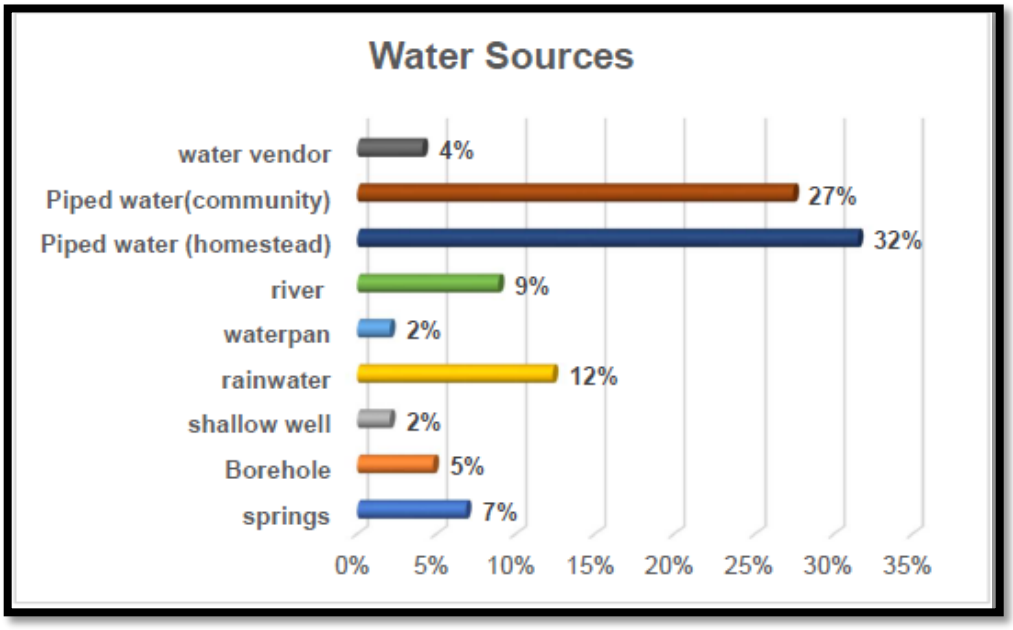
3.6 Water and Sanitation

3.6.1 Water Sources

The study established that majority (59%) of the PAPs have access to piped water system either connected to their homesteads (32%) or communal water points (27%). WHO categorises bottled and piped water as improved water sources, during resettlement, damages to the water supply infrastructure might lead the PAPs to use alternative water sources such as rivers that are an unimproved water source.

Rain water harvesting is a common practice among the PAPs as it was the second most common source of water at 12% who harvest the rain water using water tanks connected to roof gutters. Water vendors were also a source of water for the PAPs at 4% and is not considered as an improved water source by WHO despite it being sourced from water kiosks. 7% of the PAPs indicated protected springs as their source of water. Protected springs are considered improved water sources as per WHO standards although are highly susceptible to ground water pollution which might occur during construction. Figure 3-7 shows the water sources used by the PAPs along the proposed wayleave.

Figure 3-7: Water sources used by used by PAPs

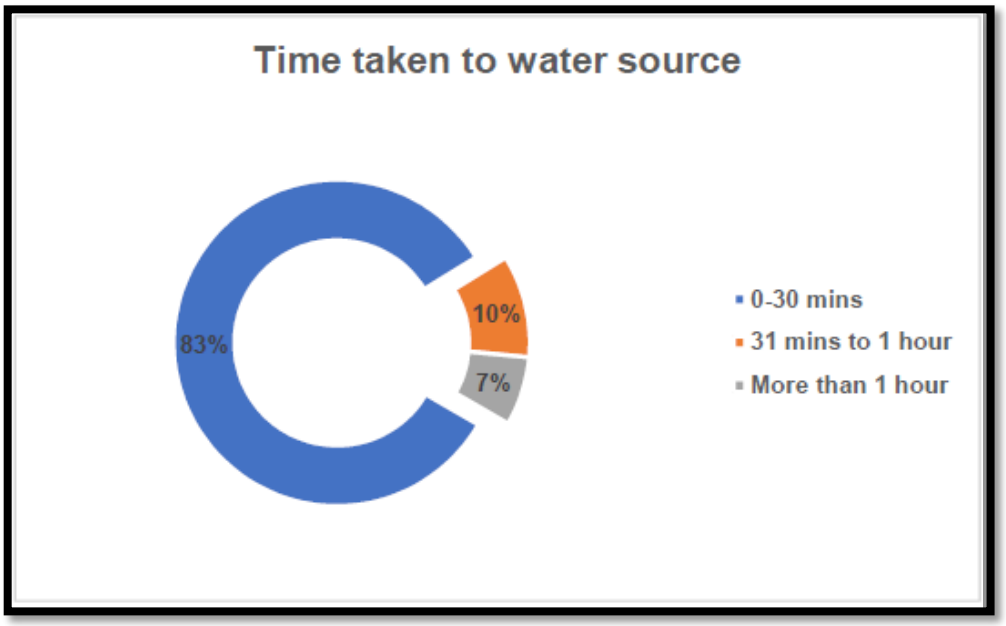


3.6.2 Access to Water

Ease of access to a water source is a factor of time and distance, according to UN standards, a water source is considered accessible if it is less than 1Km away from the intended consumer. The survey results indicated that majority of the PAPs (83%) access water sources in less than 30 minutes while walking reducing water-carrying burdens, which in turn increases children attendance at school as well as mothers time for household activities. This shows that the PAPs live in close proximity to the water source which is mainly piped water, springs or streams located near their homesteads. Figure 3-8 shows the duration taken to fetch water that more often is a task delegated to and women and children.

Resettlement within the same locale is therefore critical to ensuring that the PAPs do not have to cover more distance and time to access the water source.

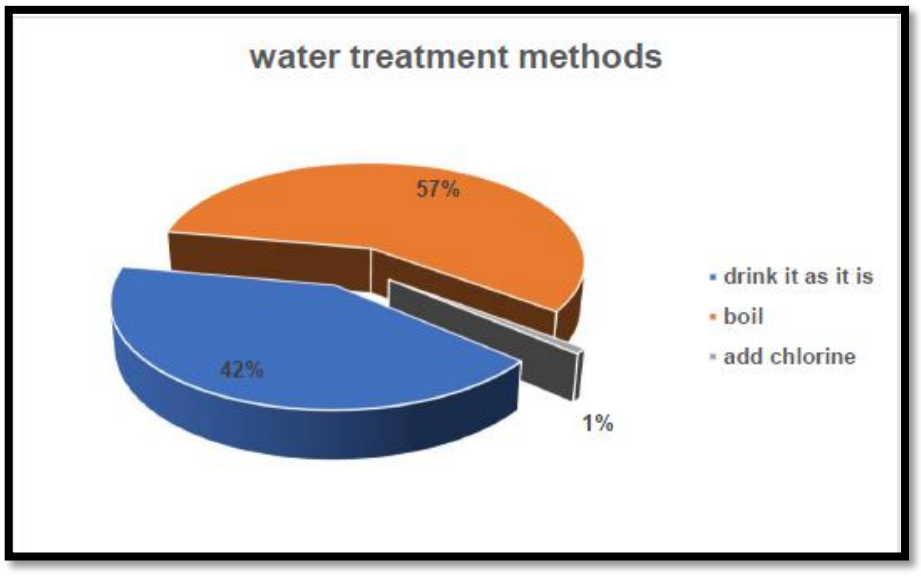
Figure 3-8: Time taken to water source



3.6.3 Modes of Water Treatment

PAPs households use different purification strategies to make water safe for consumption. Figure 3-9 shows the most common method for treating water for domestic consumption is boiling (57%). 42% of the PAPs indicated that they do not treat water as they trust its safety. The percentage of persons who treat their water is relatively high compared to those who do not. These results indicates that sensitisation of the PAPs and the community at large on water and sanitation issued is key to avert and reduce cases of water borne diseases.

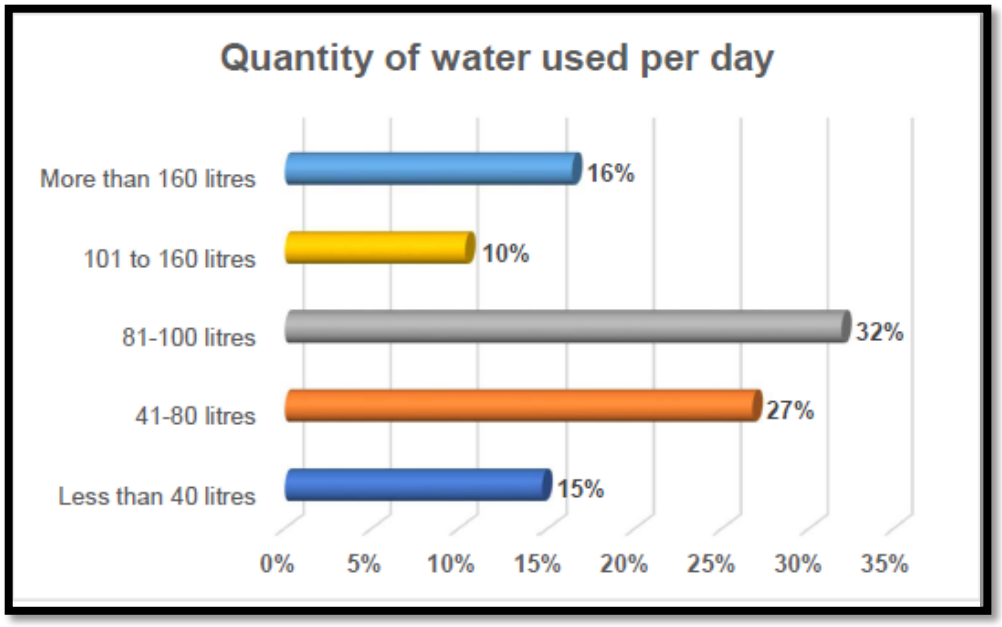
Figure 3-9: Water treatment methods used by PAPs



3.6.4 Quantity of Water Used

According to WHO, the average water use for drinking, cooking and personal hygiene is at least 15 litres per person per day. Considering the average household size of the PAPs is 4, Figure 3-10 indicates the amount of water used by PAPs and their households.

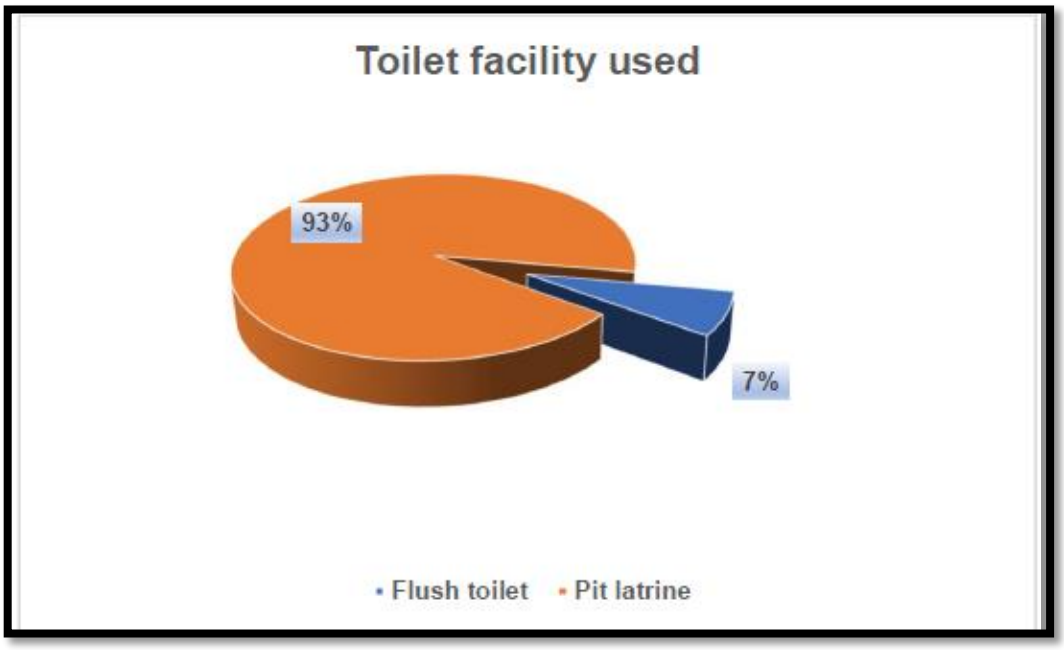
Figure 3-10: Amount of water used by PAPs



3.6.5 Sanitation

From the survey analysed in figure 3-11, there are two types of sanitation facilities. It is estimated that about 93% of the PAPs in the project area use pit latrines while 7% use flush toilets. A few PAPs who had flush toilets within their households were using Offsite sanitation.

Figure 3-11: Toilet facility used by PAPs

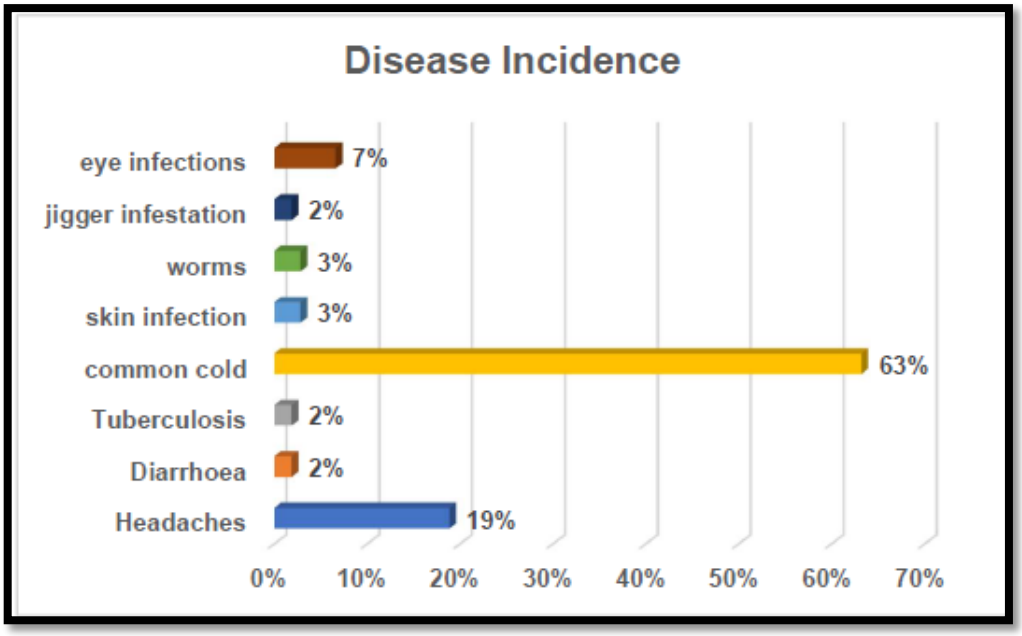


3.7 Health

3.7.1 Disease Incidence

From the responses gathered from the PAPs, it was noted that majority of them suffered from common cold (63%), headaches (19%) and eye infections (7%).

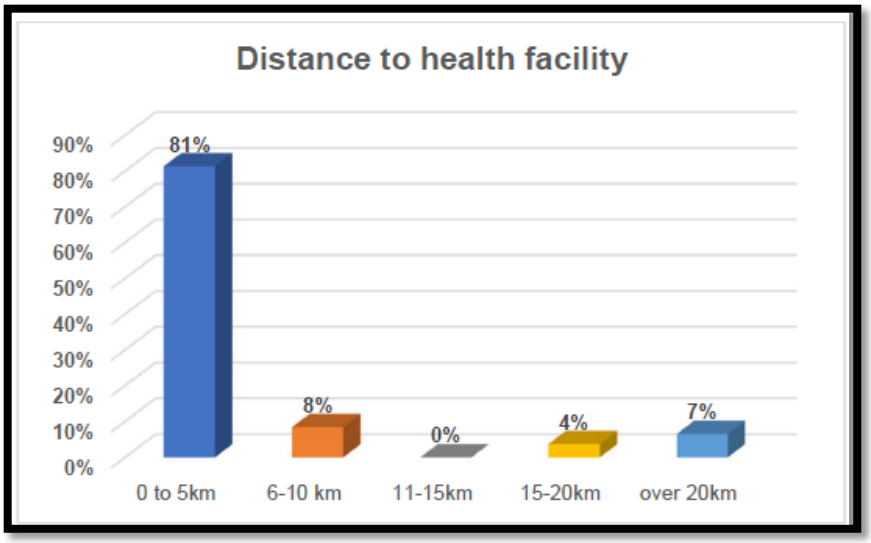
Figure 3-12: Prevalent ailments



3.7.2 Health Facilities

During the survey, it was observed that majority of the PAPS (81%) live within 5 Km of major health facilities, this helps them reduce the time taken and distance covered to seek medical care. PAPs access the hospitals by use of public transport vehicles, motorbikes or on foot to access health facilities. Figure 3-13 shows the distance covered by PAPs to the nearest medical facility

Figure 3-13: Distance covered to health facilities



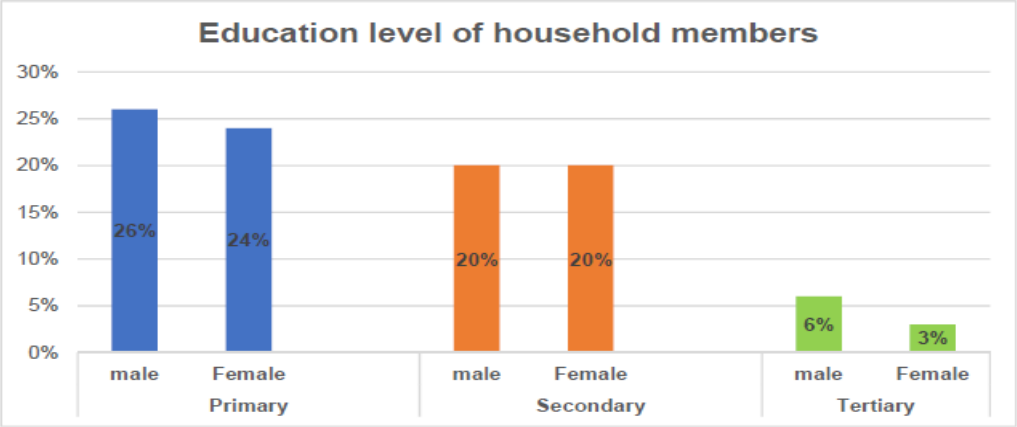
3.8 Education

3.8.1 Highest Level of Education

The household survey findings show that majority of the PAPs (26% male and 24% female) have attained basic primary school education. 20% male and 20% female have attained secondary school education. Disruption of household livelihoods might lead to increase of cases

of school dropouts if the PAPs incomes are not restored. In cases of resettlement, the increase in distance from the initial schools the PAPs attended might impact negatively on the performance of the PAPs. Figure 3-14 shows the education levels among the PAPs.

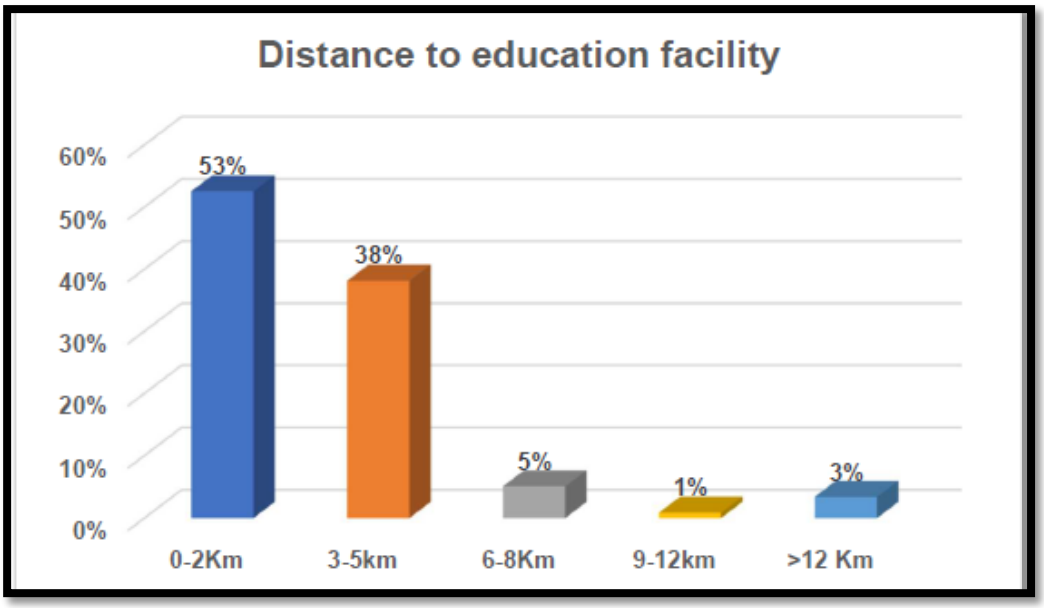
Figure 3-14: Education level among PAPs



3.8.2 Distance to Educational Facility

The PAPs indicated that there are several schools in the area and majority of them (53%) attend schools less than 2km away. Should relocation of some of the PAPs occur, it will be necessary that they be resettled within the 2km radius of the schools to reduce the impact on education. Figure 3-15 shows the distances covered by the PAPs to educational facilities.

Figure 3-15: Distance to educational facility



3.9 Economic Activities

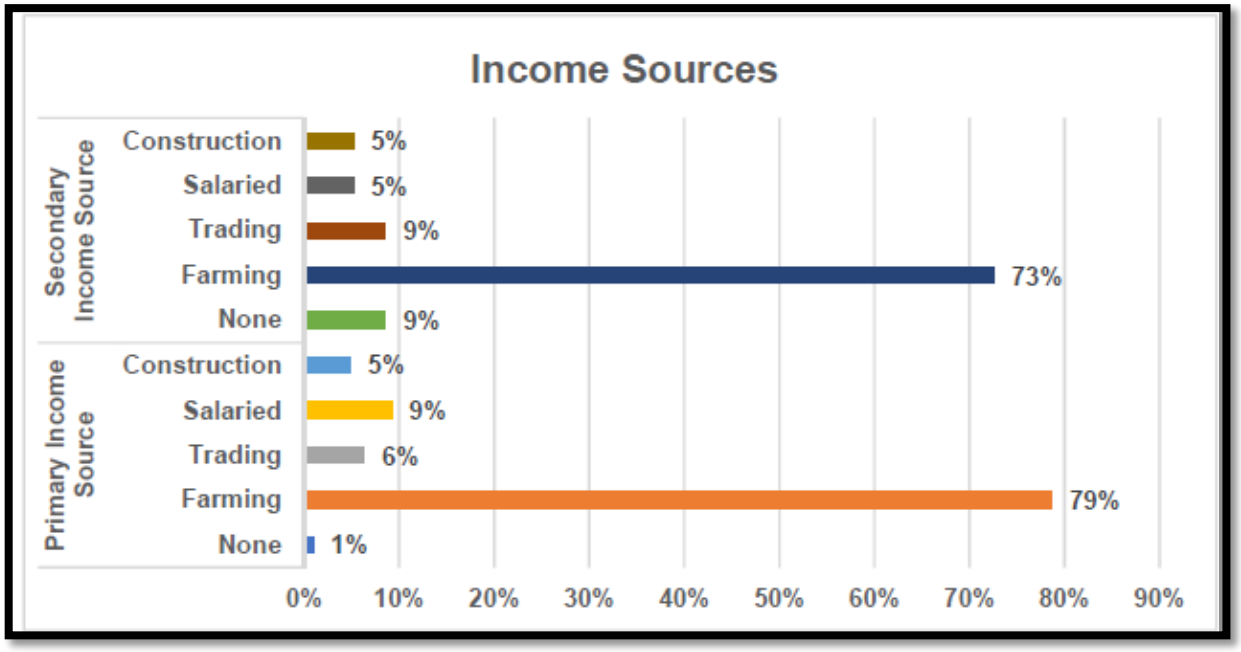
3.9.1 Income Sources

Majority of the PAPs engage in farming as their primary (79%) and secondary sources of income (73%). Salaried employment is the second most common primary source of income at 9% while

small scale commercial trading is the second common source of secondary income.

The incomes activities conducted by the PAPs are as indicated in figure 3-16.

Figure 3-16: Income sources of the PAPs

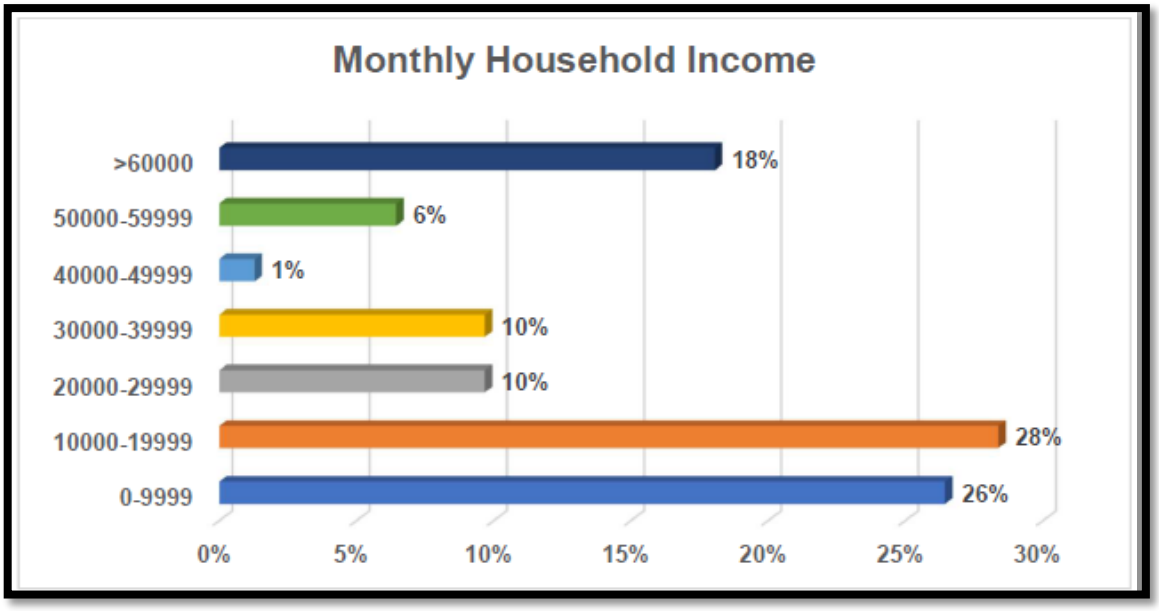


3.9.2 Monthly Household Income

From the survey results as shown in figure 3-17, majority of the households (64%) have an average monthly income of less than 30,000 a month, while 35% have an average monthly income of above Kshs30, 000.

Sensitisations and capacity building on financial management skills is therefore important to protect PAPs from the risk of misusing compensation funds for their immediate needs. There is also a risk of PAPs misusing the funds especially for those PAPs who will receive huge sums of money that they have never handled before.

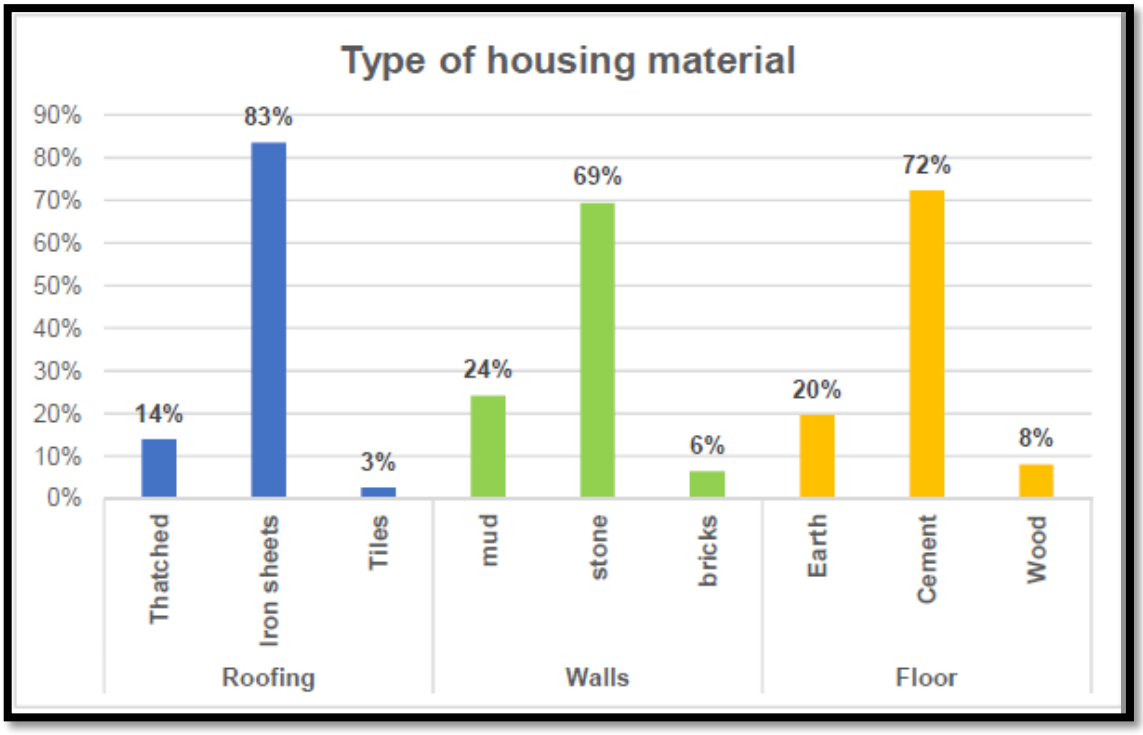
Figure 3-17: Monthly household income



3.10 Housing and Settlement

From analysis shown in figure 3-18 and observation during the survey, majority of the PAPs have houses with iron sheet roofing (83%), Cemented floors (72%) and stone walls (69%). There are also houses that were made of wooden floors and walls.

Figure 3-18: Type of housing material



4 PUBLIC CONSULTATION AND DISCLOSURE

4.1 Background

The Kenyan Constitution promotes public participation as one of the national values and principles of governance. Chapter Eleven of the Constitution on "*Objects and Principles of Devolved Government"* also calls for enhancement of "*participation of the people in the exercise of the powers of the State and in making decisions affecting them."*

The World Bank Policy on Involuntary Resettlement gives policy direction on consultation of affected persons where it states "*displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs*" (Paragraph 2b).

It also requires the following as elements of a participation plan:

"Involvement of resettlers and host communities, including:

- A description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;
- A summary of the views expressed and how these views were taken into accounting preparing the resettlement plan;
- A review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals, families, or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centres, cemeteries); and;
- Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented" (Annex A, paragraph. 15).

According to the World Bank Resettlement Source Book, participation is important because the success of resettlement depends on the responsiveness of the people affected. The displaced persons must themselves be able and willing participants if they are to return to productivity and resume responsibility for their lives.

4.1.1 Objectives of the Public Consultation

The specific objectives of the consultation process were to:

- Make the resettlement process participatory and transparent;
- Facilitate the development of appropriate and acceptable entitlement options;
- Increase the effectiveness and sustainability of income restoration strategies, and improve coping mechanisms.
- Minimise the risk of poor co-ordination through establishment of communication channels and redress mechanisms as early as the RAP Study phase;
- Providing a platform for future consultation by:
    - Reducing conflict through early identification of contentious issues;
    - Improving transparency and accountability of decision making;
    - Facilitating participation to increase public confidence in the RAP process;
    - Identifying local leaders with who further dialogue can be continued in subsequent stages of the project.
    - Establishment of cut-off date

Public consultation process for the Pipeline project took place through-out the ESIA study process starting with the Scoping Stage through to the Detailed ESIA stage. To facilitate direct involvement by PAPs, special measures were put in place to ensure discussion on resettlement related issues at all forums.

In addition, the area Chiefs were sensitised during the mobilisation for public participation, to ensure that PAPs are part of the persons participating in the meetings. Similarly during the household survey, the enumerators were trained to identify PAP households to ensure that the questionnaire with elements specific to RAP was administered to these households during the household survey.

The PAPs were also engaged in detail during the development of the Land and Asset Inventory. Specific forms filled at household level are provided in Volume III of this Report.

4.2 Stakeholder Engagement

To enhance maximum participation and achieve a better output, the right stakeholders were taken on board. This was done through stakeholder identification and involvement based on their needs, interests, relative power and potential impact on project outcome.

In this regard, two broad categories of stakeholders were identified. These include:

- *Primary stakeholders* – those who are the beneficiaries of a development intervention or those directly affected (positively or negatively), by the project, commonly referred to as Project Affected Persons (PAPs). For purposes of the RAP, these include:
    - Households, businesses, organised community groups as well as government / public institutions and private institutions who are to be impacted through land take, displacement and resettlement;
    - The RAP implementation Agency i.e. AWSB
- *Secondary stakeholder*- those who influence development or are indirectly affected by the project especially those stakeholders involved in resettlement planning and implementation. For purposes of the RAP these include:
    - Murang'a and Kiambu County Government representatives;
    - National government agencies with mandates impacting land take, resettlement and livelihood streams of the PAPs;
    - Civil Society Organisations with experience or on-going activities related to the livelihood streams of the PAPs;
    - Any other stakeholders of relevance to the resettlement process.

4.3 Previous Consultations

Different strategies of consultation were adopted depending on the role each target group played in the area. Notifications of these meetings were done during the reconnaissance tour and the courtesy visits at various offices of the Assistant County Commissioners along the proposed route. The notices were given at least one week for public meetings and three days for government officials and CSOs prior to the meeting day to allow them time for preparation.

The study team held introductory meetings with key stakeholders at the scoping stage between 10- 22 April, 2014. These meetings served as an introduction of the Northern Collector Tunnel-Phase 1 project and set the ground for the ESIA studies ad RAP studies held from the month of August to early October, 2014.

Consultations with the Sub-County administration in Kangema and Kigumo Sub-Counties were done during the preliminary field visits to notify them of the proposed project as well as to aid in identification of relevant institutional stakeholders to be consulted during the ESIA study.

The key stakeholders that were consulted included:

- Mr. J.G Kamau- Deputy County Commissioner (DCC) - Kangema Sub County;
- Mr. Charles Langata- Assistant County Commissioner (ACC) on behalf of the DCC - Kigumo Sub County;
- Mr. David Gichoni- Sub County Water Officer- Kigumo Sub County;
- Ms. Faith Mbathi- Service Water Officer (WRMA) – Murang'a Sub Region;
- Hon. Anderson Muchemi Waweru- Member of the County Assembly- Kangari Ward;
- Hon. Caroline Wairimu Njoroge – Member of the County Assembly- Kigumo Ward;
- Hon. Charles Mwangi Kirigwi – Member of the County Assembly- Kinyona Ward;
- Hon. Peter Irungu Kihungi- Member of the County Assembly – Kanayanyaini Ward;
- Hon. David Muhoro Njeri – Member of the County Assembly – Kariara Ward

4.4 Public Consultation during the RAP Study

Various approaches were employed by the field team during the stakeholders' consultation process. These included consultative and participatory meetings, interviews, discussions and administering of questionnaires. Due to different levels of stakeholders and their roles regarding the project, the consultative meetings were carried out on various levels of stakeholders to ensure that there is an open and interactive communication.

In the meetings, the Consultant team explained what was entailed in the project proposal and envisioned social and environmental impacts. After presentations, questions and opinions were invited from the participants.

The minutes of the meeting were prepared and signed by a representative. The records of consultations are as shown in Appendix 2.

The following stakeholder groups were consulted:

Table 4-1: Stakeholder groups consulted.

Stakeholders		Consultation tools
Primary stakeholders	**Residents of Murang'a County:** • Kigoro • Ndunyu Chege (2 No Meetings) • Kiriaini • Gatanga	Six (6) Public meetings were conducted on from Kigoro to Ngethu. The meetings were spaced 2km apart to ensure adequate sensitization of the people living within the project zone of influence. Informal interviews were held with area residents especially the village elders who have knowledge of the area from day of the past to date. Questionnaires were used to collect household data to describe the household characteristics of the people living in the project area.
	Residents of Kiambu County: • Ngethu Social Hall	

Stakeholders		Consultation tools
Primary stakeholders	**Institutions in Murang'a;** These include those institutions that run their daily operations or manage infrastructure within the proposed wayleave: • Water Resource Users Association (WRUA); • Gatanga water and Sewerage Company. • Murang'a Water and sanitation company	One on one meetings and minutes of the meetings taken;
	Institutions in Kiambu Gatundu water and sanitation Company formerly known as Karimenu water, provides water for residents of Gatundu North and south as well as run their daily operations within the project area.	We sought their views through a questionnaire but by the time this report was finalised they hadn't responded.
Secondary stakeholders	**Government Agencies in Murang'a;** The following stakeholders identified and consulted on the proposed project were: • National Administration;(Deputy County Commissioner Murang'a County, Area chief and assistant chiefs of each location); • County director of Public health; • Water resource management authority; • County Registrar; • Constituency roads officer KeRRA • County Director of Physical planning; • Deputy county Surveyor; • County Director Agricultural officer; • County Director of Environment; County Water Director.	These stakeholders were consulted through: • One on one meetings, and Round table meetings.
	Government Agencies in Kiambu The following National Government stakeholders were identified and consulted on the proposed project: • Kiambu County Commissioner, • Senior ACC 1 representing Deputy County Commissioners for Gatundu North, • Area chief and assistant chiefs of each location); • County director of Education;	These stakeholders were consulted through: • One on one meetings, • A round table meeting with the Chiefs and assistant chiefs in Gatundu North. • Questionnaires.

Stakeholders		Consultation tools
	The Kiambu County Government stakeholders identified and consulted were as follows; • CEC Planning and Development; • CEC Education, Youth, Culture and Social Services; • CEC for Agriculture, livestock and fisheries; • Water, Environment, and Natural Resources; • Health Services.	

Table 4-2 shows the date and venues of previous meetings held within the respective locations and gender representation.

Table 4-2: List of Previous Public Meetings and the Venues

County	Sub County	Location	Venue	Date	male	females	total
Murang'a	Gatanga	Kigoro	Kanunga Chiefs office	5/5/2015	30	44	74
		Ndunyu Chege	Kagongo Tea Buying Centre	6/5/2015	11	13	24
		Ndunyu Chege	Ndunyu Chege Tea Buying Centre	14/5/2015	12	61	73
		Kiriai- Ini	Chief's Office	4/5/2015	9	21	30
		Gatanga	Tea Buying Centre	10/5/2015	24	37	61
Kiambu	Gatundu North	Ngethu	Ngethu social hall	19/5/2015	13	16	29

4.5 Summary of Issues Raised

4.5.1 Issues Raised by Key Informants

Table 4-3 provides a summary of the issues raised by key informants.

Table 4-3: Issues raised by Key Informants

Issue/concern	Comments	Responses of relevance
Use of wayleaves provided under the road reserve.	• Use of the road reserve without the knowledge of KURA will lead to a scenario where other road support infrastructure such as storm water drains might lack space for construction; • Road junctions will result in destruction of the water supply lines.	• The layout of the pipeline will be submitted to KURA to identify areas where there will be conflict in road reserve use. • For areas where the Pipeline will cut across a road, the contractor is expected to apply for permission for the construction works. The roads that will be damaged by the pipeline should be repaired to original standards, a 30% cost of the repair cost in form of a bankers cheque is left at the Kenya Rural Roads Authority (KeRRA) offices as guarantee that the roads will be repaired by the applicant.
Valuation of affected assets and compensation for losses	• The value of crops range from season to season and there is a possibility of the crops being given values of a high season which tends to be low; • Lack of a standard price list for crops in the agricultural docket therefore the crops may be over priced or under-priced; • Unrealistic expectations on land values; • Compensation proposed under this RAP should be reasonable; • Some of the trees have taken many years to mature, some are for economic purpose, some provide feeder to livestock other help in soil preservation, cutting down of these trees will lead to soil erosion and loss of livelihoods; • Most of the riparian land is used for irrigation in the county hence loss of this produce will result in impacts on food sources for the affected persons.	• Valuation was done at full replacement cost using recent market rates; • Affected households will be allowed to harvest crop residue in addition to the cash compensation for the loss of crops.

Issue/concern	Comments	Responses of relevance
Reduction in tea production	The Tea factories have employed staff based on a monthly average tea collection, acquisition of land with Tea will subsequently lead to reduction of production and a subsequent loss of jobs to the employees. The farmers should be allowed to grow the tea after the construction on the wayleave to reduce the ripple effect of acquiring the land from the farmers.	
Health, safety and economic impacts on the temporary wayleave	• The trenches dug to lay the pipe could be as deep as 20m and this will lead to loss of access to one side of the property and a danger to livestock and human lives. • Haphazard stock piling will destroy crops outside of the temporary and permanent right of way • Disruption of tea collection as a result of works on roads used to deliver tea; • Water and sanitation facilities that will be affected should be restored to their original state to maintain the water and sanitation standards in the county; • The contractor's site to be established in a location will not contaminate water sources and cause noise in human settlements. This will ensure that the impacts are minimised.	A community health and safety action plan is in place and it addresses the issues raised including: • Regular community meetings to sensitize the community on health and safety hazards; • Provision of temporary access (bridges etc.) and alternative routes in cases where roads are blocked; • Stockpiling of materials within the acquired right of way or within the designated sites; • Repair of damaged roads shortest time possible.
Land fragmentation	Productive land will be divided into segments leaving some parcels of land injuriously affected and thus not economically viable.	In cases where the impact of acquisition results in loss of up to 20% or more of the economic viability of the land, acquisition of the entire land parcel will be provided.
Employment	• It will be beneficial to the residents of the project area to get employment from the project; this will also ensure that the project runs smoothly without any protests. • Employment will also help reduce cases of crime and social crimes that could be as a result of idleness;	• The project will restore incomes of the people who are directly economically affected by the acquisition of land and assets.
Risk of future land use conflicts due to the easement for the Pipeline.	• Terms of the easement should be clearly documented in the agreement so that both parties know what they are getting into, this will avoid issues of people building permanent structures above the pipeline or growing perennial crops; • The wayleave/easement should be registered with the lands ministry to avoid land grabbers;	AWSB shall: • Clearly outline the terms of land acquisition whether its easement or wayleave; • Ensure that the neighbouring land owners know what land uses are permitted on the wayleave; • Develop a program to map out all the acquired land under this project including setting out of permanent beacons.

Issue/concern	Comments	Responses of relevance
	• This will not only inform any proposed measures to prevent future encroachment on the wayleave but would also help in informing any measures to manage the risk of vandalism on the pipeline;	
Lack of replacement land for resettlement (in-kind compensation)	• Majority of the affected land in Murang'a and Kiambu Counties, are ancestral having been passed down through generations to the current owners therefore, it might be difficult for the PAPs to relinquish their lands. • During valuation, the land values should be well informed and alternative land prices around the area should be considered, this will enable the PAPs buy land in the nearby alternative areas.	• PAPs consulted opted for cash compensation
Losses during operation phase of water pipeline	Water release during cleaning or when the pipes burst has a high volume and velocity and is causing havoc namely: • Pollution of soil by chlorine when the treated water is released into the farms; • Destruction of crops, trees, soil erosion, animals and human life in the valleys; • Disruption of access to the well where the community draws their water from. This happens when excess water is released into the existing Ngethu channel. The large volume of water overwhelms the existing stream channel onto which it is released.	• Losses during the operation of the pipeline will be compensated by AWSB; • AWSB will integrate protection works and drainage structures as part of protection works for adjacent land users. These protection works will be developed by qualified professionals and established with the full participation of the affected persons

4.5.2 Issues Raised by PAPs

Table 4-4 provides a summary of the issues raised by PAPs.

Table 4-4: Issues raised at the Community Sensitisation Meetings

Issues/concern	Comments	Responses of relevance to the RAP study
Use of wayleaves provided under the road reserve.	• Use of the road reserve without the knowledge of Kenya Urban Roads Authority (KURA) will lead to a scenario where other road support infrastructure such as storm water drains might lack space for construction; • Road junctions will result in destruction of the water supply lines.	• The layout of the pipeline will be submitted to KURA to identify areas where there will be conflict in road reserve use. • For areas where the Pipeline will cut across a road, the contractor is expected to apply for permission for the construction works. The roads that will be damaged by the pipeline should be repaired to original standards, a 30% cost of the repair cost in

Issues/concern	Comments	Responses of relevance to the RAP study
		form of a bankers cheque is left at the Kenya Rural Roads Authority (KeRRA) offices as guarantee that the roads will be repaired by the applicant.
Valuation of affected assets and compensation for losses	• The value of crops range from season to season and there is a possibility of the crops being given values of a high season which tends to be low; • Lack of a standard price list for crops in the agricultural docket therefore the crops may be over priced or under-priced; • Unrealistic expectations on land values; • Compensation proposed under this RAP should be reasonable; • Some of the trees have taken many years to mature, some are for economic purpose, some provide feeder to livestock other help in soil preservation, cutting down of these trees will lead to soil erosion and loss of livelihoods; Most of the riparian land is used for irrigation in the county hence loss of this produce will result in impacts on food sources for the affected persons.	• Valuation was done at full replacement cost using recent market rates; • Affected households will be allowed to harvest crop residue in addition to the cash compensation for the loss of crops. • The farmers are not allowed to plant tea because they are deep routed. Annual crops such as legumes, maize and nappier grass is allowed. This will be communicated to the farmers during the disclosure process.
Reduction in tea production	The Tea factories have employed staff based on a monthly average tea collection, acquisition of land with Tea will subsequently lead to reduction of production and a subsequent loss of jobs to the employees The farmers should be allowed to grow the tea after the construction on the wayleave to reduce the ripple effect of acquiring the land from the farmers.	The tea production will be affected as farmers will not be allowed to farm tea on the wayleave. However, the overall impact will be minimal since small sections of individual lands will be taken up by the project
Health, safety and economic impacts on the temporary wayleave	• The trenches dug to lay the pipe could be as deep as 20m and this will lead to loss of access to one side of the property and a danger to livestock and human lives. • Haphazard stock piling will destroy crops outside of the temporary and permanent right of way • Disruption of tea collection as a result of works on roads used to deliver tea; • Water and sanitation facilities that will be affected should be restored to their original state to maintain the water and sanitation standards in the county;	A community health and safety action plan is in place and it addresses the issues raised including: • Regular community meetings to sensitize the community on health and safety hazards; • Provision of temporary access (bridges etc.) and alternative routes in cases where roads are blocked; • Stockpiling of materials within the acquired right of way or within the designated sites; • Repair of damaged roads shortest time possible.

Issues/concern	Comments	Responses of relevance to the RAP study
	The contractor's site to be established in a location will not contaminate water sources and cause noise in human settlements. This will ensure that the impacts are minimised.	
Land fragmentation	Productive land will be divided into segments leaving some parcels of land injuriously affected and thus not economically viable.	In cases where the impact of acquisition results in loss of up to 20% or more of the economic viability of the land, acquisition of the entire land parcel will be provided.
Employment	• It will be beneficial to the residents of the project area to get employment from the project; this will also ensure that the project runs smoothly without any protests. • Employment will also help reduce cases of crime and social crimes that could be as a result of idleness;	• The project will restore incomes of the people who are directly economically affected by the acquisition of land and assets.
Project acceptance	• Risk of resistance by land owners to give up any portion of their land.	• Grievance resolution will be conducted during the mobilisation phase of RAP implementation; • Identification of an alternative alignment as a last resort where no agreements can be reached will be conducted.
Risk of future land use conflicts due to the easement for the Pipeline.	• Terms of the easement should be clearly documented in the agreement so that both parties know what they are getting into, this will avoid issues of people building permanent structures above the pipeline or growing perennial crops; • The wayleave/easement should be registered with the lands ministry to avoid land grabbers; • This will not only inform any proposed measures to prevent future encroachment on the wayleave but would also help in informing any measures to manage the risk of vandalism on the pipeline;	AWSB shall: • Clearly outline the terms of land acquisition whether its easement or wayleave; • Ensure that the neighbouring land owners know what land uses are permitted on the wayleave; • Develop a program to map out all the acquired land under this project including setting out of permanent beacons.
Lack of replacement land for resettlement (in-kind compensation)	• Majority of the affected land in Murang'a and Kiambu Counties, are ancestral having been passed down through generations to the current owners therefore, it might be difficult for the PAPs to relinquish their lands. • During valuation, the land values should be well informed and alternative land prices around the area should be considered, this will enable the PAPs buy land in the nearby alternative areas.	• PAPs consulted opted for cash compensation
Losses during operation phase of water pipeline	Water release during cleaning or when the pipes burst has a high volume and velocity and is causing havoc namely:	• Losses during the operation of the pipeline will be compensated by AWSB;

Issues/concern	Comments	Responses of relevance to the RAP study
	• Pollution of soil by chlorine when the treated water is released into the farms; • Destruction of crops, trees, soil erosion, animals and human life in the valleys; • Disruption of access to the well where the community draws their water from. This happens when excess water is released into the existing Ngethu channel. The large volume of water overwhelms the existing stream channel onto which it is released.	• AWSB will integrate protection works and drainage structures as part of protection works for adjacent land users. These protection works will be developed by qualified professionals and established with the full participation of the affected persons
Inadequate land for in-kind compensation	Concern as to where PAPs could get resettlement land as there was a scarcity of land in the project area	• PAPs opted for cash compensation; • Valuation rates were based on the latest market rates to ensure that PAPs could still acquire land in the present market conditions; • Timely payment of compensation to reduce the risk of increased prices due to speculation due to the false demand that may arise due to the project.
Lack of land ownership documentation	• There are cases where succession has not been done after the death of the registered land owner; • There are cases where sub-divisions have been done but the new owners have not updated their land ownership documentation at the land registries.	The project will provide support in the form of sensitisation and timely notices to allow for those who need to update their documentation to do so, prior to issuance of compensation for land.
Project start and end date	The PAPs wanted to know when will the project start and end so that they can plan their activities.	The project is expected to start as soon as the contractor will have been awarded the tender, the project end date is not fixed but the duration is expected to be about two years.
Fear of forceful evictions	Eviction to pave way for the project	Implementation arrangements are in accordance with O.P. 4.12 hence forceful evictions are not expected even for those who have no legally recognisable rights as per the laws of Kenya.
Road destruction due to heavy equipment	The community raised issues on the impact of heavy trucks and equipment being carried on the existing road network within the project area during construction. They noted that the roads are very important to the community as they use them to transport their tea.	The contractor will ensure the roads are maintained in proper condition and alternative traffic arrangements are made when necessary.
Compensation for loss of business incomes	Valuation of incomes for businesses whose incomes fluctuate through-out the year.	Compensation for loss of income considered the income through-out the business cycle and not just peak or low seasons.

Issues/concern	Comments	Responses of relevance to the RAP study
Cut- Off dates	• The community asked the study team of the intention of the cut- off dates and asked whether only the enumerated and valued structures as well as parcels affected will be compensated after the cut- off dates; • Concern where business expansion plans would be considered.	• Community was sensitised on the meaning of the cut-off date as per O.P. 4.12; • Further elaboration was made on the fact that assets not on site by the cut-off date were not going to be included in the valuation report nor the compensation arrangement under this RAP Report; • Prompt implementation of the RAP will be done to ensure that there is no uncertainty, stagnation or additional losses to the PAPs due to delays in RAP or project implementation; • PAP engagement activities will be conducted through-out the implementation as well as the monitoring and evaluation program to identify and mitigate any emerging issues that may not have been foreseen during the preparation of this RAP.
Corrupt dealings during payment	It is important that the proponent (AWSB) to ensure that all payments or transactions on the given parcels to be done directly to the owner and/ or the administrator of the land at the time of compensation. The community did not want any crooks that will come in the name of brokering or mediating between AWSB and the land owner.	• This RAP report recognises that there will be need for multi-stakeholder involvement and possible recruitment of staff for certain elements of RAP implementation. This measure will enhance the capacity of AWSB in implementing the RAP. • It will be critical to legitimise any stakeholders or representatives involved in the RAP process either due to their legal mandate as per the laws of Kenya, or through public vetting through validation by the PAPs. These include the members of the RAPIC, grievance resolution committees or the monitoring and evaluation exercises; • However, payment of compensation to the land and asset owners should be done directly by staff with a direct mandate from AWSB.

Issues/concern	Comments	Responses of relevance to the RAP study
Loan repayment disruptions	• Concern over the consideration of loan repayment plans that would be running during the compensation period.	• This RAP proposes compensation at full replacement cost and adequate notice to ensure that there is no loss of income; • During mobilisation, PAPs should however be reminded to take cognisance of the cut-off date to ensure that they do not incur liabilities that are not covered under this RAP; • Prompt compensation will be done to ensure that people do not accrue debts as a result of delays and uncertainties over the compensation. The PAPs will be paid within one (1) month after signing the compensation agreements.
Grievances handling	• Concern over the risk of conflicts over the transactions during the compensation period; • Need for a grievance redress mechanism specifically for the resettlement process to be integrated into the resettlement program.	• This report proposes a grievance redress mechanism as informed by consultations with stakeholders; • The mechanism has been integrated as one of the key components of the implementation arrangements for this RAP.
Emerging issues on the existing and any future proposed easement	• The community raised the issue of future land use on proposed wayleave. They were particularly concerned with the restrictions of the type of land use activity and structures, asking whether the wayleave will restrict farming activities. • Some respondents wanted to know if AWSB will get titles for the 3m wayleave and if that is the case, they wanted to know what would happen to the residual land.	• The PAPs are not allowed to cultivate any crops or trees that may cause harm to the water pipeline, build on or over, drill or develop in any manner whatsoever on the wayleave acquired. The types of crops and developments that are prohibited will be explained to the PAPs during the disclosure process. • The wayleave will be registered but there will be no title for it; • Where residual land is not economically viable, AWSB will acquire the entire land parcel to promote livelihood restoration.
Compensation of crops	There are crops that take up to six years to mature when planted for example macadamia and avocado trees. Compensation for these crops should consider the duration of the project and the losses incurred between this period and the time it takes for the crops to mature.	• Valuation was done at full replacement cost using recent market rates; • Affected households will be allowed to harvest crop residue in addition to the cash compensation for the loss of crops.

4.6 Project Acceptance

Majority of the surveyed PAPs (83%) within Kigoro-Ngethu pipeline expressed support for the project. Some of the issues raised by those who did not support the project are discussed in Table 4-4 and they include:

- Use of wayleaves provided under the road reserve;
- Valuation of affected assets and crops and compensation for losses of business incomes;
- Land fragmentation and reduction in tea production;
- Health, safety and economic impacts on the temporary wayleave;
- Risk of future land use conflicts due to the easement for the Pipeline;
- Lack of replacement land for resettlement (in-kind compensation);
- Losses during operation phase of water pipeline in case of pipe bursts and during ;
- Lack of land ownership documentation and fear of forceful evictions;
- Road destruction due to heavy equipment;
- Corrupt dealings during payment; and
- Loan repayment disruptions.

4.7 Preferred Mode of Compensation

All the PAPs unanimously wanted to be compensated in cash.

4.8 Level of Achievement of Stakeholder Engagement Objectives

The stakeholder engagement plan had specific objectives. One of the key indicators of meaningful stakeholder engagement is the demonstration of stakeholder involvement in the decision-making process in relation to planning for the resettlement program for the Kigoro-Ngethu Pipelines.

A qualitative analysis of the level of achievement of the stakeholder engagement plan for the RAP studies is presented in Table 4-5 below.

Table 4-5: Level of Achievement of the Objectives of Stakeholder Engagement

Objective	Achievement
• Make the RAP study participatory and transparent; • Providing a platform for future consultation by reducing conflict through early identification of contentious issues; Facilitating participation to increase public confidence in the RAP process:	The RAP study provided platforms for PAP and stakeholder participation in the assessment of impacts as well as proposed mitigation measures. 100% of the PAPs were consulted via the census questionnaire. A total of 291 persons attended the public consultation meetings 99 being male and 192 female translating to 34% male and 66% female. Where complaints were beyond the capacity of the consultant to resolve, additional meetings were held with the participation of relevant parties from the proponent to provide clear communication on outstanding issues as well as proposals on how to mitigate them from various parties. Thirdly, from the participation process, social risks related to land take, resettlement and compensation as raised by the affected persons were documented, with the objectives of informing decision makers on stakeholder perspectives on the issues at hand.
• Facilitate the development of appropriate and acceptable entitlement options; • Providing a platform to improve transparency and accountability in decision making:	Entitlement options as prescribed by Kenyan law and World Bank's O.P 4.12 were discussed with the affected persons. Where the PAPs had differing opinions on the prescribed entitlements, discussions were held on the same and presented in this report in a manner as to inform decision makers on PAP and stakeholder comments on the same. Feedback from the stakeholders especially the PAPs, AWSB and the World Bank also informed the compensation and additional support as defined in this RAP's Entitlement Matrix
• Minimise the risk of poor co-ordination through establishment of communication channels and redress mechanisms as early as the RAP Study phase; • Providing a platform for future consultation by identifying stakeholders with who further dialogue can be continued in subsequent stages of the project:	Chapter 6 of this report proposes the grievance mechanism to be followed in case of a grievance arising. It is also expected that the disclosure process may result in documentation of additional feedback from identified partners for RAP implementation as well as the wider public. This RAP provides an opportunity for integration of accepted changes, prior to disclosure of confirmed entitlements to the PAPs at the beginning of the RAP implementation phase. Lastly, this RAP integrated a section on development of a stakeholder engagement strategy and a communication plan for RAP implementation phases.

4.9 Disclosure of the RAP Report

The Disclosure process should be undertaken in a manner that is inclusive, culturally appropriate and ensures the participation of vulnerable groups.

4.9.1 Background

Section 34 of the World Bank Policy on Disclosure of Information states that *whenever the Bank requires a Resettlement Instrument (RI) or Indigenous Peoples' Development Plan (IPDP) for an operation; the proposed borrower prepares an RI or IPDP as a separate, free-standing document. As a condition of appraisal of the operation, the borrower provides the draft RI or IPDP, which conforms to the relevant policy and makes it available at a place accessible to, and in a form, manner and language understandable to the displaced or affected people and local NGOs. Apart from the above,* Paragraph 22 of O.P 4.12 also states that once the Bank accepts this instrument (in this case the RAP) as providing an adequate basis for project appraisal, the Bank will make it available to the public through its InfoShop.

After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.

4.9.2 Disclosure of the RAP Report by Athi Water Services Board

During the field studies, the study team established that due to the nature of the terrain of the project area and the modes and schedules of the public transport system, the disclosure of the RAP is better done at select locations along the pipeline alignment.

The study documents should be disclosed at two levels i.e. public level and household level. For purposes of this section, public level disclosure means that any member of the public can review the documents provided. Household level disclosure means that only the household head and his spouse(s) can review the documents provided. The documents to be viewed at both levels are as follows:

- Public level:
  - The RAP Report (This Report);
  - Land Acquisition Map;
- Household Level: information specific to PAP units should be disclosed only to the specific PAPs, that is the household heads and their spouses only:
  - Land search findings;
  - Inventory of assets;
  - Proposed compensation figures;
  - Baseline socio economic data at household level.

This study also proposes that the RAP report be disclosed at a desk that can be easily accessed by the public. This can be done at the same points that NEMA discloses the ESIA Report. In practice, this is usually the County Director of Environment under NEMA.

4.9.3 Disclosure by World Bank

For disclosure, the WB policy on Involuntary Resettlement (OP 4.12) recommends the following:

- Condition of appraisal: borrower provides the Bank with (acceptable) draft Resettlement Action Plan (RAP) and makes it available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them."
- Bank discloses draft RAP on the Bank's external website;
- After final RAP approved by Bank, both Bank and Borrower disclose again in same way.

4.9.4 Kenya Legal Requirements

The Environmental and Social Impact Assessment Report from which this Resettlement Action Plan is development was submitted to the National Environment Management Authority (NEMA) on 16 October 2015.

Regulation 22

Upon receipt of both oral and written comments as specified Public hearing by section 59 and section 60 of the Act, the Authority may hold a public hearing. A public hearing under these Regulations shall be presided over by a suitably qualified person appointed by the Authority.
The date and venue of the public hearing shall be publicized at least one week prior to the meeting –
(a) by notice in at least one daily newspaper of national circulation and one newspaper of local circulation; (b) by at least two announcements in the local language of the community and the national language through radio with a nationwide coverage.
The public hearing shall be conducted at a venue convenient and accessible to people who are likely to be affected by the project.
A proponent shall be given an opportunity to make a presentation and to respond to presentations made at the public hearing.
The presiding officer shall in consultation with the Authority determine the rules of procedure at the public hearing.
On the conclusion of the hearing, the presiding officer shall compile a report of the views presented at the public hearing and submit the report to the Director General within fourteen days from the dale of the public hearing.

4.10 Future Consultations

A participatory approach is encouraged in future through public meetings, one on one discussions through grievance mechanism and focus group discussions. Future consultations are recommended when:

- The project is formally referred to public review, hearing or enquiry;
- AWSB seeks to apply best case practice to the proposal;
- The project depends upon gaining the consent;
- The project involves gaining the consent or support of local stakeholders.

4.11 Stakeholder Engagement Strategy for RAP Implementation

Future consultations should include mechanisms to promote consultations to ensure that stakeholders maintain active participation during the RAP implementation. A Stakeholder Engagement Plan (SEP) is required as part of the RAP implementation to provide structured stakeholder engagement.

The main objectives of the SEP include:

- Mechanisms to build on the previous stakeholder engagement activities and requisite expectations to finalise on a mutually agreed approach to deal with the outstanding issues;
- Establish and maintain a plausible working relationship with identified stakeholders;
- Identify new stakeholders that would be critical actors / partners in resolution of outstanding issues;
- Establish modalities for development of messages in a form and manner that can be easily understood by the specific target population;

- Allocate adequate resources (financial and human) for implementation of the stakeholder engagement plan;
- Develop a system for record keeping, monitoring and evaluation of the SEP implementation process and expected outcomes;
- Development of a communication plan to guide information dissemination and engagement with each target stakeholder group;
- Ensure issues raised by key stakeholders are addressed as well as in project decision-making and design phase;
- Outline a Grievance Mechanism for local stakeholders.

The SEP has identified stakeholder groups that may be affected by and/or interested in the implementation of the Project, as well as proposed communication methods and media for each group, presented in Table 4-6 below.

Table 4-6: Stakeholder Consultations during Project Construction and Operation Phase

Stakeholder/s	Type of Communication and Proposed Method	Responsibility	Timing
External stakeholders			
People residing (or using land) and owners of businesses operating in Project affected areas	• Information delivered to residents / businesses operating in areas affected by the Project, through community meetings, • public notice boards at chiefs offices • Focus group discussions specifically for women so they can voice their issues and concerns	Contractor / AWSB/ consultant	Throughout the implementation of the Project, as appropriate
Local community representatives (Chiefs and Ward Representatives)	Regular communication by phone or through public meetings, project progress updates	Contractor / AWSB/ Consultant	All Project phases
Interested NGOs and other organisations	Local media (newspapers) ESIA, RAP and SEP published on Athi Water Services Board website and available at the site offices.	Contractor / AWSB/ Consultant	Throughout the implementation of the Project
Relevant National Government and County Government Authorities for example: KURA, KeRRA, Kenya Power.	Official correspondence and meetings, progress reports Permitting procedures	Contractor / AWSB/ NCWSC	During project design, construction and implementation
Kenya National Museums	Official correspondence and meetings Permitting procedures in case cultural/archaeological sites are encountered.	Contractor / AWSB/ Consultant	During project Construction phase
Internal stakeholders			
Employees (Contractor, Athi Water, Nairobi City Water and Sewerage Company(NCWSC) and Consultant)	• Bulletin board • Grievance procedure • Code of conduct	Contractor / AWSB/ NCWSC / Consultant	Throughout the implementation of the Project
Temporary construction workers and subcontractors	Information in contract, bulletin board, training. Grievance procedure. Code of conduct	Contractor	Upon the selection of subcontractors and during construction

4.11.1 Community Relations in Construction Phase

This section sets out the proposed objectives, mechanisms and responsibilities for liaison with persons affected by the project and the neighbouring communities during the Construction Phase. It identifies the approach and frequency of consultation with affected settlements. The primary responsibility for liaison will be borne by the Construction Contractor i.e. in communicating health and safety aspects and AWSB for resettlement issues. Athi Water Services Board will therefore require the Contractor to develop his own plan and more detailed proposals for community liaison. This will build on the approach outlined in this section.

4.11.2 Objectives and Division of Responsibility

The objectives of the Community Relations Programme will be to:

- Provide local residents affected by the project with regular information on the progress of work and its implications.
- Inform the project/contractor of any community related issues that may impact construction.
- Monitor implementation of mitigation measures and the impact of construction via direct monitoring and feedback from settlements.
- Identify any significant new issues that may arise during the construction period; and
- Manage any complaints against the project/contractors and local residents (i.e., provide a grievance mechanism).

The responsibility of the Community Liaison Programme and employment of community liaison staff will be divided between AWSB and the Construction Contractor. It is intended that during the Construction Phase, the Contractor/AWSB will have day-to-day responsibility for community liaison and will be the primary point of contact with affected settlements.

The Community Liaison Officer(s), (CLOs) will be appointed on full time basis and will be responsible for the coordination of Project public relations and external liaison needs. The CLOs will also manage the good reputation of both Athi Water Services Board and the Construction Contractor and liaise with third parties who are or may be affected by the execution of the Works as well as interface with affected project persons.

4.11.3 Construction Contractor Role in Community Liaison

The Construction Contractor will be required to adhere to the requirements of the Environmental and Social Management and Monitoring Plan (ESMMP) that sets out how the Contractor will meet and monitor the mitigation measures recommended by the plan.

The role and responsibilities of the contractor include:

- Provide primary interface between project and affected or interested persons;
- Coordinate and implement required pre-construction activities, namely;
    - produce management plans for community relations, construction camps and transport; train staff with community relations responsibilities; and
    - implement induction training workshops for all construction staff;
- Assist in local recruitment process; and
- Ensure on-going communication with project and affected or interested persons through the following activities;
    - Meet with community leaders and hold community meetings prior to arrival of construction teams in a given locality to inform local residents about construction activities, work schedule, construction staff Code of Conduct, grievance procedure, safety issues, dates of future meetings and contact details of CLO staff;
    - Hold fortnightly meetings with directly project and affected or interested persons during construction to provide information on progress and provide channel for issues and queries to be raised;

- Liaise with contract representatives on major issues arising and ensure that the local residents are kept informed of any expected or unexpected disruption through leaders and by maintaining a community information centre.
- Provide a focus for negotiation and resolution of specific disputes with residents if/when they arise, using the dispute resolution procedure;
- Submit monthly social impacts reports to the project; and
- Monitor processing and resolution of complaints and ensure alignment across the project with the dispute resolution process.

Successful community liaison will be achieved through sharing this responsibility throughout the Construction Contractor's team. Each work team will allocate primary responsibility for community liaison to an individual. These individuals will liaise with the team of dedicated CLOs and involve them as necessary.

4.11.4 AWSB's Role in community liaison

AWSB through the project sociologists will engage with the community especially during the implementation of the RAP. This will include:

- Providing training on financial management to the PAPs with the help of the appointed financial consultants
- Disclosure compensation packages
- Assist the PAPs in opening joint accounts
- Attend to grievances as itemised in Chapter 7.

This will be done through meetings organised by local chiefs and where appropriate, one on one meetings. The sociologists will prepare quarterly RAP implementation status reports which include the grievance log.

4.11.5 Community Relations in Operational Phase

The objective of the Community Relations Programme in this phase will be to:

- Maintain constructive relationships between local residents and the pipeline operators, to assist in the operation of the pipeline;
- Maintain awareness of safety issues among local residents along the pipeline route;
- Ensure compliance with land use constraints among land owners along the pipeline route; and
- Monitor community attitudes to the pipeline and operating company (NCWSC)

4.11.6 PAPs Engagement

PAPs are also expected to participate through the following platforms throughout the implementation process:

- RAP Implementation Committee;
- Proposed grievance mechanism for the RAP Implementation process;
- Focus Group Discussions and Social Surveys during monitoring and evaluation of the RAP implementation process by internal and external reviewers;
- Training of project team/staff and awareness raising activities with community members.

To further enhance participation the above teams should be provided with information cards (info-cards) with the following information at the very least:

- Procedures for collecting in cash compensation:
- Eligibility criteria for compensation
- How to access the grievances committee and the fact that the grievance process is free of charge.

The back page should have a flow diagram of the approved grievance mechanism and the summary write up of the mechanism. The info card should also be distributed at the first community meeting at the commencement of the resettlement process. Members should be informed of all the locations where they can get other copies of the info card. These should include the village chairmen, residences, office of the County Government, AWSB Community Liaison Office and community members who sit in the RAP Implementation Committee

The PAP should the sign that they have received the info-card.

4.11.7 Decommissioning

In the event of decommissioning of the pipeline, liaison would continue to take place by the AWSB and NCWSC with project and affected or interested persons prior to de-commissioning. This role would complement work carried out by the operating company and social investment team to reduce the negative impact of pipeline decommissioning.

5 IMPACTS OF THE PROJECT

5.1 Background

This section outlines some of the key displacement impacts that the project's land acquisition process is likely to affect. It also provides an overview of international guidance on how such displacement impacts should be addressed.

An important aspect of resettlement planning process is to obtain a detailed understanding of the likely impacts that the project will have on those that will be physically and or economically displaced as a result of it.

This knowledge enables appropriate compensation and livelihood restoration plans to be formulated. This ensures affected PAPs are provided with the best possible means through which to re-establish their livelihoods in the post relocation setting.

Projects impacts can be summarized as below:

- Loss of land;
- Loss of housing related facilities such as fences, water supply, electricity and sanitation facilities;
- Loss of crops and trees;

5.2 Eligibility Criteria for Compensation

PAPs eligible for resettlement and compensation were determined as per the World Bank involuntary resettlement policy-OP 4.12

In line with O P 4.12, displaced persons may be classified in one of the following three groups:

(a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country)

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

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

Identified impacts and mitigation measures for each loss are presented in the following sections.

5.3 Land Loss

Land take will be in the form of permanent easement for the pipeline. An estimated 121 land owners will be affected by the project.

Table 5-1 below shows the estimated compensation for the new land to be acquired for the new easement along the Kigoro to Ngethu pipeline.

Table 5-1: Compensation Estimates for Acquisition of Land on the Kigoro Ngethu new wayleave

Location/Identification of affected land	Affected Land size(acres)	Corresponding no. of land owners	Asset Value
Kigoro	2.6169	21	3,289,200
NdunyuChege	6.5994	52	9,899,100
Kiriaini	2.6712	26	4,006,800
Rwegetha	2.5446	11	3,816,900
Chania Ngorongo	2.3942	11	3,191,300

Commitments

- Cash compensation at full replacement cost;
- Payment of a disturbance allowance amounting to 15% of the value of land;
- PAPs should be sensitised at the on-set to update their land ownership documentation. There are cases of sub-divisions and succession that should be sorted to ensure that there is no question on the eligibility of the land owner identified under this RAP;
- Adequate notice of 6 months to be given to PAPs to allow them update land ownership documentation prior to compensation payment, as this is likely to affect the RAP implementation process and consequently the construction phase of the project, if notice is not given early enough;
- Initial verification of ownership claims at the village level in liaison with MLHUD before confirmation by County Land Officials i.e. County Lands Officer and County Surveyor; to fast track the process of updating documentations.
- Where land parcels are small resulting in losses of up to 20% of land or a residual land that is of no economic value to the land owner, the entire land parcel will be acquired.

5.4 Loss of Structures

5.4.1 Structures

There are no permanent household structures affected by the Kigoro-Ngethu pipelines. The affected structures are mostly temporary structures located within the farm area of most PAPS and include; pit latrines, beehives, and fences.

Recommendations

- Cash compensation at full replacement cost;
- Payment of a disturbance allowance amounting to 15% of the value of the structure;
- Upon payment of compensation PAPs should be given at least four (4) months to relocate from the project site;
- Provision of opportunity to salvage the remains from demolition of the PAPs structures.

5.5 Loss of Crops and Trees

Affected crops and trees include tea, fruit trees (avocado, plums), bamboo, eucalyptus, wattle trees, croton trees, banana stems, maize crops, beans among others. Compensation estimates are presented in Table 5-2 below.

Table 5-2: Compensation Estimates for Crops and Trees

Nature of Assets	Asset Value
Crops and Trees	49,094,550.50

Recommendations

- Cash compensation at full replacement cost;
- Provision of opportunity to harvest and salvage fodder, fruits and timber.

5.6 Impact on Public Infrastructure

Acquisition of land and structures in these areas is not recommended. However, AWSB should ensure that records of areas where the pipe cuts across public utilities are shared with the agencies responsible for these assets. This can be done in the form of sharing "as built drawings" or in any other form as agreed by AWSB and the other parties.

5.7 Impact on Vulnerable Members of the Community

The World Bank defines vulnerable groups *'…as the poor, women, and indigenous peoples; those less able to care for themselves (children, the elderly, and the disabled); and other groups not protected by national land compensation law (those without land or use rights; host communities; and community members remaining in the original area after resettlement).'* Source: *World Bank Involuntary Resettlement Sourcebook p. 71.*

Table 5-3 below presents a qualitative analysis of the participation barriers to be faced by the vulnerable groups of PAPs within the Kigoro-Ngethu project area.

Table 5-3: Qualitative analysis of the participation barriers to be faced by the identified vulnerable groups

Category	Description	Possible Impairment/Limitation	Participation Barrier	Proposed Assistance	Related resources (financial and human) of relevance to the implementation budget
Female crop owners-Daughters and spouses of land owners	There is the risk of decisions on compensation collection being influenced by the male relative.	Household roles that may limit women from participating in engagement activities	Cultural barriers limiting women from making decisions without consulting a male counterpart or relative.	Monitor resettlement activities to ensure no coercion during decision making Provide option of organised childcare for those in need during resettlement period Capacity building and sensitisation on use of compensation funds.	Consideration of gender balance when recruiting/allocating staff for RAP implementation. Women to assisted in opening bank accounts Joint accounts to be opened and women to be present during disclosure of compensation package Training on financial management to be provided before payment of compensation packages PAPs to be sensitized on alternative crops to be planted on the acquired wayleave Monitoring and evaluation team should give special consideration to the gender aspects related to use of compensation packages

Category	Description	Possible Impairment/Limitation	Participation Barrier	Proposed Assistance	Related resources (financial and human) of relevance to the implementation budget
					Focus group discussions specifically for women so they can voice their issues and concerns
The elderly	PAPs that are over 65 years of age especially when they have	• No social support from able bodied children and grandchildren to assist in relocation activities		• Provide assistance as determined during final negotiation of packages e.g. securing of transport means; .	Monitoring of their health status to ensure successful integration

Recommendations

Additional assistance over and above compensation for affected properties should include but not limited to:

- Psycho-social support should be provided by AWSB in conjunction with the District Social Development Officers (DSDO). This can be through counselling and liaison to the existing welfare support programs under the DSDO's office;
- Assistance with transport for their property and salvaged properties during resettlement, if it is necessary that they have to be resettled.

5.8 Entitlement Matrix

In summary, the following entitlements and additional assistance are presented in Table 5-4 below.

Table 5-4: Proposed Entitlement Matrix

Category of PAPs	Proposed Entitlement			Proposed additional assistance
	Land	**Crops and Trees**	**Structures**	
Land Owner	• Cash compensation at full replacement cost; • Payment of a disturbance allowance amounting to 15% of the value of land; • PAPs should be sensitised at the on-set to update their land ownership documentation. There are cases of sub-divisions and succession that should be sorted to ensure that there is no question on the eligibility of the land owner identified under this RAP; • Where land parcels are small resulting in losses of up to 20% of land or a residual land that is of no economic value to the land owner, the entire land parcel will be acquired.	• Cash compensation at full replacement cost; • Disturbance allowance at 15% of the crop and tree value.	• Cash compensation at full replacement cost; Disturbance allowance at 15% of the asset value.	• 6 months' notice to allow PAPs to update land ownership documentation prior to compensation payment; • Initial verification of ownership claims at the village level in liaison with MLHUD before confirmation by County Land Officials i.e. County Lands Officer and County Surveyor; to fast track the process of updating documentations; • Minimum of 3 months notice to vacate the premises; • Allowance to salvage any crop remains, timber and wood products; • Allowance to salvage any materials from the demolitions; • Capacity building and sensitisation on use of compensation funds.

Category of PAPs	Proposed Entitlement			Proposed additional assistance
	Land	Crops and Trees	Structures	
Land Tenants	-	• Cash compensation at full replacement cost; Disturbance allowance at 15% of the crop and tree value.		• Allowance to salvage any crop remains, timber and wood products. • Three month notice to move; • Relocation assistance pegged at an arbitrary maximum of 6000 (developed from reported average of 3 months rent); • Psycho-social support should be provided by AWSB in conjunction with the District Social Development Officers (DSDO). This can be through counselling and liaison to the existing welfare support programs under the DSDO's office; • Assistance with transport for their property and salvaged properties during resettlement, if it is necessary that they have to be resettled.

Category of PAPs		Proposed Entitlement			Proposed additional assistance
		Land	Crops and Trees	Structures	
Other Vulnerable Groups	Female crop owners- Daughters and Wives of land owners.	Already covered in main entitlements.			• Monitor resettlement activities to ensure no coercion during decision making. • Capacity building and sensitisation on use of compensation funds; • Psycho-social support should be provided by AWSB in conjunction with the District Social Development Officers (DSDO). This can be through counselling and liaison to the existing welfare support programs under the DSDO's office; • Assistance with transport for their property and salvaged properties during resettlement, if it is necessary that they have to be resettled.
	The elderly	Already covered in main entitlements.			• Provide assistance as determined during final negotiation of packages e.g. securing of transport means during relocation; • Monitoring of their health status to ensure successful integration. • Psycho-social support should be provided by AWSB in conjunction with

Category of PAPs		Proposed Entitlement			Proposed additional assistance
		Land	Crops and Trees	Structures	
					the District Social Development Officers (DSDO). This can be through counselling and liaison to the existing welfare support programs under the DSDO's office; • Assistance with transport for their property and salvaged properties during resettlement, if it is necessary that they have to be resettled. •

6 INSTITUTIONAL ARRANGEMENTS FOR IMPLEMENTATION

6.1 Existing Institutions of Relevance to This RAP

The following institutions have been identified to be relevant in the implementation of the RAP.

Table:6-1 Stakeholders/institutions to support RAP planning and implementation

Stakeholders	Category	Role/Contributions	Expectations
Central Government	Ministry of Lands, Housing and Urban Development;	Processing land documentations and confirmation of ownership.	Successfully implementation of the RAP process
Central Government	The Treasury	Provision of funds for compensation	RAP is planned and successfully implemented through participatory process
Project Proponent	AWSB	Project Developer, Overseeing RAP Implementation including addressing grievances, technical, legal and policy issues. Facilitate the Valuation exercise	RAP is planned and successfully implemented through participatory process Resources for compensation are executed in time as planned.
County Government	Murang'a and Kiambu, County Government	Management of the County;	All PAPs are paid on time; Telecom services are relocated promptly
Kenya Rural Roads Authority (KeRRA) and Kenya Urban Roads Authority (KURA)	State Corporations	State corporations under the Ministry of Transport and Infrastructure established by the Kenya Roads Act, 2007 with the mandate of Management, Development, Rehabilitation and Maintenance of Rural Roads and National urban trunk roads respectively. They control developments on their road reserves.	Procedures for laying of pipelines along road reserves and across roads are complied with.
Project Affected Persons/Enterprises	Category A and C	Those whose land will be affected and those residing along the pipeline route	Compensation and livelihoods improvement, assistance in identifying alternative area for business
World Bank	Funding of the project	Check and monitor that the RAP studies and implementation are being conducted as per World Bank requirements	RAP is planned and successfully implemented in accordance with the Bank Requirements.

6.1.1 Ministry of Transport Infrastructure, Housing and Urban Development (MoTIHUD)

The Ministry of Land, Housing and Urban Development (MLHUD) is mandated to formulate and implement land policy, undertake physical planning, register land transactions, undertake land surveys and mapping, land adjudication and settlement, land valuation and administration of State and public land.

The MLHUD delegates the management of land in the Counties to the County Land Boards and Land Committees, while the Commissioner of Lands manages land belonging to the Government of Kenya.

Murang'a and Kiambu County Lands Board

The roles of the County Land Board are as follows:

- Keep and allocate land by the State in the County;
- Assist in recording, registering and transferring of rights or claims on land;
- Make and keep up to date a list of compensation rates for the loss or damage to crops, houses and other property;
- Revises the list of rates of compensation each year.

The following departments under the Ministry of Lands will be important in the implementation and management of the RAP:

County Lands Officer, County Lands Survey Office, and Valuation Surveyor

The office deals with acquisition, planning, demarcation, survey, and allocation of all agricultural land.

In the implementation of this RAP the department will be relevant in provision of support in dispute resolution and provision of clarification where land ownership instruments are outdated. This may occur in cases where registered owners are deceased or have subdivided and sold their land yet the records have not been updated.

6.1.2 National Land Commission

The National Land Commission (NLC) is mandated to:

- Manage public land on behalf of the national and county governments;
- Recommend a National Land Policy to the national government;
- Advise the national government on a comprehensive programme for the registration of title in land throughout Kenya;
- Conduct research related to land and the use of natural resources, and make recommendations to appropriate authorities;
- Initiate investigations, on its own initiative, or on a complaint, into present or historical land injustices, and recommend appropriate redress;
- Encourage the application of traditional dispute resolution mechanisms in land conflicts;
- Assess tax on land and premiums on immovable property in any area designated by law; and
- Monitor and have oversight responsibilities over land use planning throughout the country.

The role of the NLC under the Land Act 2012 in resettlement is mainly concerned with compulsory acquisition. NLC will be used by AWSB for alternative dispute resolution in land based grievances.

6.1.3 Ministry of Interior and Coordination

Under the new dispensation, the Ministry has an 8 tier administrative framework starting with the County Commissioner to the Village Elders.

Below is the breakdown of levels of administration:

- Regional Commissioner — Heads the Region;
- County Commissioner — Head of Counties;
- Deputy County Commissioner — Head of County;
- Sub-County Commissioner — Head of Division;
- Deputy Sub-County Commissioner — Head of Sub Division
- Chief — Head of Location;
- Assistant Chief — Head of Sub Location;
- Village Elders — Operate under Chief and Assistant Chiefs within villages.

The officers of this Ministry were instrumental in mobilisation and co-ordination between the study team and the Murang'a and Kiambu County Government. Their contribution to the implementation phases of this RAP will promote continuity in whatever communication strategy is selected for RAP implementation.

6.1.4 County Governments

The County Governments were formed under the Kenyan Constitution and consist of various levels including:

- The County Governor;
- The County Executive;
- The Legislature known as Members of the County Assembly, headed by a Speaker;
- Various officers leading specific departmental roles.

Other actors within the County include:

- Members of Parliament who represent their specific constituencies at the National Assembly;
- A County level Women's Representative who represents gender issues at the National Assembly;
- A Senator who represents the County at the Senate.

The people's representatives play a crucial role in support of the resettlement program due to their role as opinion leaders in the project area. Support of the RAP by the County Government will not be underscored as they play a crucial role in management of expectations both among the County Assembly and the PAPs.

This group will therefore provide advisory and support services on a case by case basis during the implementation of the project and all its components including this RAP.

6.2 Proposed RAP Implementation Arrangements

This report proposes a three tier mechanism for implementation of this RAP

- A RAP implementation mechanism (RAPIC);
- A grievance resolution mechanism;
- A monitoring and evaluation mechanism.

Details are presented in subsequent sections.

6.3 RAP Implementation Committee

We propose that a RAP Implementation Committee (RAPIC) be formulated with the following participants;

- Athi Water Services Board;
- County Government of Murang'a and Kiambu;
- Ministry of Interior Design and Coordination;
- PAP representatives.

Specific roles are as presented in the following section.

6.3.1 Athi Water Services Board

We propose that the main driver of RAP implementation and consequently the RAPIC be AWSB. To facilitate this, various staff in AWSB will be expected to play both primary (implementation) and secondary (co-ordination, supervisory and advisory) roles in RAP implementation. These are:

- The Chief Executive Officer (CEO) AWSB;
- Technical Manager, Project Implementation Unit;
- AWSB Legal Advisors;
- Environmental Officer;
- Sociologists.

We propose that the RAPIC secretary, the Grievance Resolution Co-ordinator as well as the field team leaders during RAP implementation be AWSB staff. All these persons will report to the Chief Executive Officer or whomever he seconds in his stead on RAP implementation matters.

Considering that AWSB staff already have specific roles within the organisation that may or may not directly relate to RAP, we encourage that specific terms of reference (ToRs) be written for any AWSB staff charged with RAP implementation roles. These ToRs will be relevant to the implementation of the RAP for the duration of the pre-construction and construction phases of this project.

While the CEO of AWSB is a key figure in RAP implementation, the day to day running of the RAPIC will be seconded to the Technical Manager, Project Implementation Unit.

Due to the intensive time inputs expected during the disclosure period and the compensation payment phases, AWSB will hire more temporary staff to assist at these two crucial stages of RAP implementation. AWSB has already employed 5 project based sociologists who are assisting the office staff in implementation of the RAP for the Thika dam-Kigoro section of the

pipeline. Temporary staff will also be required during the field activities for monitoring and evaluation verification / validation exercises.

The following roles will be performed by AWSB Staff:

Primary Roles

These are the roles relevant to the day to day implementation of the RAP:

- Community sensitisation through-out the implementation process;
- Disclosure of the RAP Study outputs;
- Secretary of the RAPIC;
- Convene RAPIC meetings;
- Keep records of the deliberations of the committee;
- Issuance of compensation payment to PAPs;
- In collaboration with the County Government, issue notices to relocate to PAPs;
- Monitoring of the RAP implementation program (progress, inputs, outputs, outcomes and performance);

Secondary Roles

These are roles related to support of the overall implementation of the RAP. The key players will be AWSB staff in other disciplines including engineering, legal services, public relations / communication, human resources and finance. Specific roles will be to advise on or assist with:

- Drawing of Terms of Reference for internal staff (AWSB) and representatives of various public bodies involved in RAP implementation;
- Allocation of human resources and where necessary, hiring of staff to assist with or drive RAP implementation;
- Dispute resolution;
- Communication with public entities, the media and civil organisations;
- Financial accounting and / or audits where deemed necessary, of financial resources allocated to compensation payment and RAP implementation;
- Recruitment of RAP implementation support staff.

6.3.2 Murang'a and Kiambu County Government

The following roles will be performed by the County Government:

- Advise in verification of land ownership instruments issued by the former County / Municipal Councils;
- Where necessary, advise on land ownership instruments issued by the former County / Municipal Councils;
- Ensure that there is no further encroachment on the wayleave after the cut-off date;
- In collaboration with AWSB, issue notices to relocate to PAPs;
- Participate in dispute resolution.

While the County Governors are a key figure in RAP implementation, the day to day involvement of the County Government in the RAPIC will be seconded to the County Executive Member in charge of Land.

The County Executive Member in charge of Land will be the key person in co-ordinating County Government Staff in their supporting roles for RAP implementation.

6.3.3 MoTIHUD Officers in Murang'a and Kiambu

The roles and responsibilities of MoTIHUD officers will include but not be limited to the following:

- Verifying ownership of the land;
- Assist with land adjudication where necessary and the related roles;
- Assist in efficient update of land ownership records;
- Participate in the grievance mechanism when called upon;
- Advise on valuation whenever there is a re-alignment of the project wayleave.

6.3.4 Ministry of Interior and Coordination

The roles of these officers in the implementation of this report are:

- Co-ordinating and mobilizing identified departments at County level to participate in the implementation of the RAP report especially the Chiefs;
- Provision of security during implementation of the RAP;
- Facilitation of election of PAP representatives.

The Chief and Assistant Chiefs will be responsible for the following:

- Initial verification of ownership claims at the village level in liaison with MoTIHUD before confirmation by County Land Officials i.e. County Lands Officer and County Surveyor;
- Certification of agreements between land owners and family members with regards to the compensation exercise;
- Verification of sale and resolution of grievances for cases where land parcels were sold without a written sale agreement to facilitate compensation;
- Organising public sensitization and mobilization drives during disclosure by MoTIHUD and compensation;
- Participating in dispute resolution.

6.3.5 PAP Representatives

These are persons in the RAPIC to represent the PAPS. PAP representatives from institutions will be appointed by the respective institution while PAP Representatives for households and tenant farmers will be elected.

Through-out the approximately six kilometre stretch the following representatives will be key:

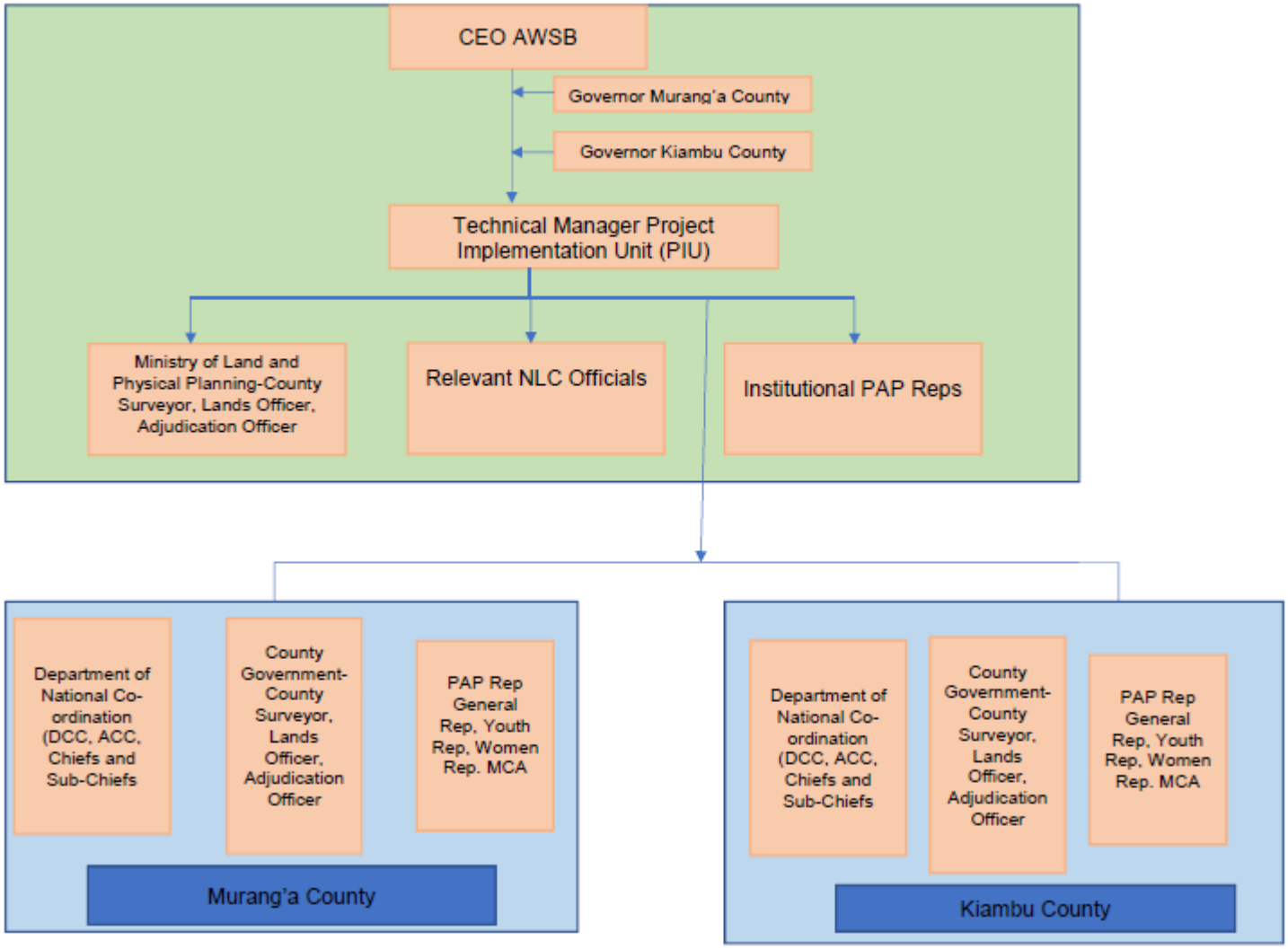
- Two representatives of land and asset owners;
- A representatives of tenant farmers;
- A female representative of land and asset owners;
- A female representative of tenant farmers;
- A youth representative of tenant farmers;
- A representative from Members of County Assembly (MCAs) of the affected areas.

The PAP representatives will then select a chairman among themselves.

The roles of the PAP representatives are to:

- Collect views of the PAPS and present them to the RAPIC;
- Help in confirmation of the asset inventory;
- Act as a liaison between the RAPIC and the PAPs and vice versa;
- Assist in dispute resolution where necessary.

Figure 6-1 Organogram for the Proposed RAPIC



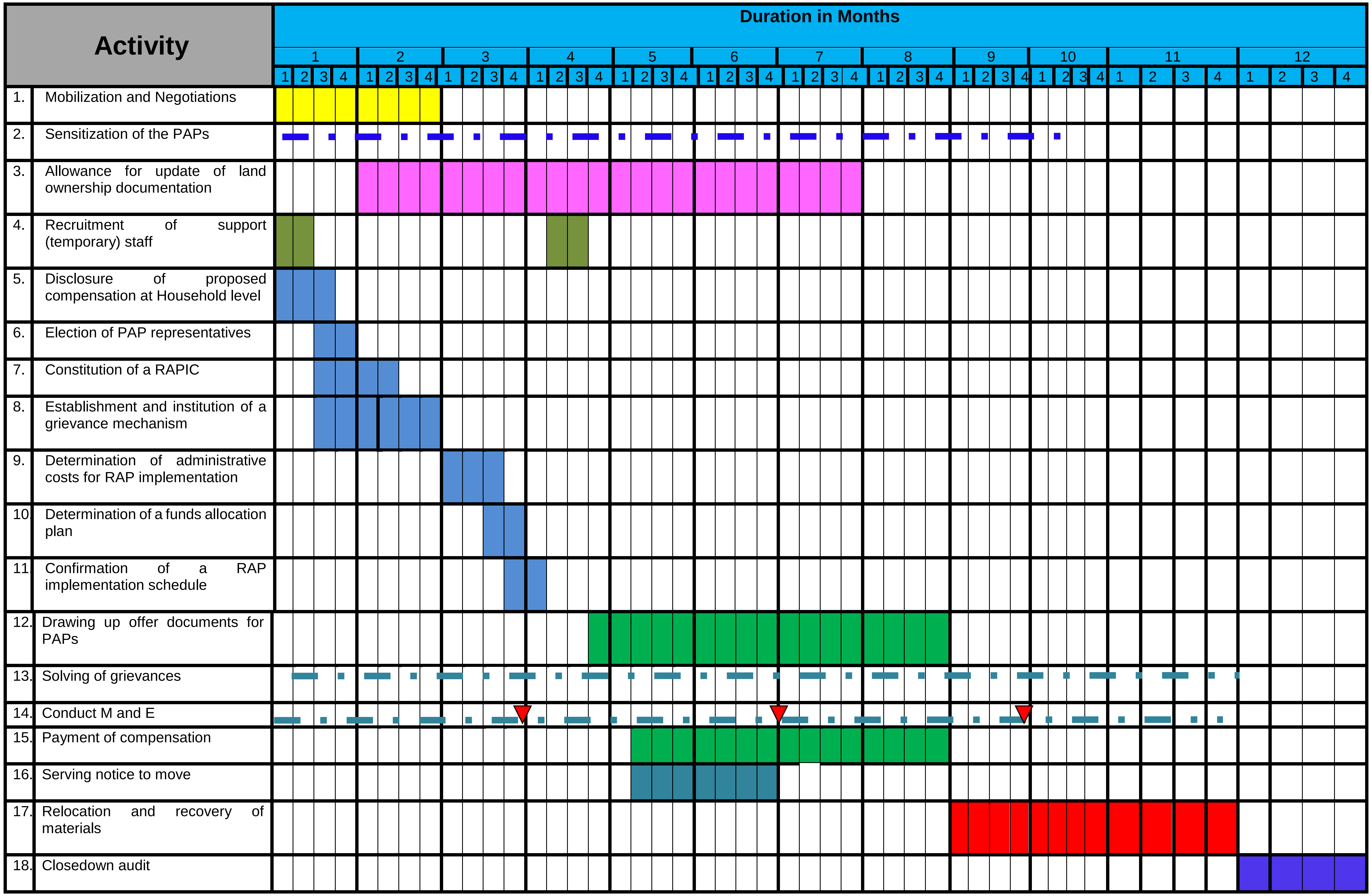
Key

PIU: Project Implementation Unit
REP: Representative
MCA: Member of County Assembly

6.4 RAP Implementation Schedule

An outline of the proposed implementation schedule is as presented in Figure 6-2 overleaf.

Figure 6-2 RAP Implementation Schedule



6.5 RAP Implementation Budget

6.5.1 Direct Costs for RAP Implementation

The estimated RAP Budget can be estimated at ***One Hundred and Five Million, Thirteen Thousand, Six Hundred and Fifty Only (Kshs 105,013,650***). The exact breakdown of this estimation is as presented in Table 6-2.

Table 6-2: Estimated Direct Costs for RAP Implementation

Asset	Amount in Kshs
Compensation for loss of land and improvements inclusive of 15% disturbance allowance for all losses	97,100,000
Provisional cost for M&E at 3% of compensation cost	2,913,000
Sub Total	**100,013,000**
Contingency 5% of total budget	5,000,650
Grand Total	**105,013,650**

To avoid duplication in budgeting, the following items are covered in the RAP for Thika-Kigoro section of the new wayleave:

Asset	Amount in Kshs
Provisional sum to cover for RAPIC and grievance committee meeting costs (rooms, transport, refreshments, stationery etc) at a maximum of Kshs 900,000 per month for a maximum of 20 months.	6,000,000.00
Provisional sum for Capacity Building Programs for RAPIC, M&E and Grievance Committee members at a maximum lump sum of KES 2,000,000.	2,000,000.00
Capacity building and sensitization of PAPS on compensation (500,000 for a maximum of 6 months)	1,500,000.00
Provisional sum for Consultancy services for development of a communication plan-A lumpsum of 3,000,000.00	3,000,000.00

6.5.2 Administrative Costs for RAP Implementation

Annual budgetary arrangements will be made for the running of the various arms of the implementation committee. Budgetary arrangements will include the following:

- Staff packages in the event of hiring of additional resettlement staff (e.g. salaries and benefits);
- Office capital investment costs and running expenses;
- Logistical costs for travel to meetings and field visits from AWSB headquarters in Nairobi to Murang'a and Kiambu County. These costs include, fuel and out of office allowances for AWSB staff;
- Purchase of field equipment and vehicles;
- Resettlement preparation costs;
- Financial auditing costs;
- Internal monitoring and evaluation costs (provision for external monitoring and evaluation already given in the RAP Budget in this report);
- Specialised surveys to evaluate the improvements required and / or the success of the re-establishment of incomes and livelihoods;
- Allowance for land adjudication, survey, and subdivision for the affected land parcels whose ownership instruments are outdated;
- Allowance for a survey program for the acquired wayleave.

7 GRIEVANCE MECHANISMS

7.1 General Information

Grievance mechanisms are important to the resettlement process as they allow for RAP implementers to identify disputes in good time and allow for them to be resolved in a transparent and accountable manner.

Compensation based disputes are issues likely to occur during and after the RAP implementation program, hence it is critical to establish this system prior to implementation of the resettlement program.

Lack of perceived transparency may lead to feelings of mistrust and misinformed judgements on both sides.

A well established and validated grievance mechanism can also promote good relations between the project proponent and the affected community thus reducing the risk of hostilities and delays on the construction program, both before and after the contractor takes possession of the site.

7.1.1 Existing Mechanisms for Dispute Resolution

From consultations during the RAP studies, the study team was informed that the following local mechanisms already exist:

For the case of land disputes on boundaries of property, the District Land Registrar's office usually handles these cases. Other land disputes are usually referred to the Courts.

Section 4 (2) (h) of the Land Act 2012 on the guiding values and principles under the Act is on "encouragement of communities to settle land disputes through recognized local community initiatives".

The grievance mechanism proposed under this RAP aims at incorporation of a locally based grievance mechanism.

7.1.2 Expected Grievances

Considering the nature of resettlement and as informed by the findings of the field studies, the type of grievances that may arise include:

- Grievances from PAPs who want the proponent to permanently acquire the easement as they feel their land is no longer economically viable;
- Issues of succession that have not been clearly resolved among household siblings. Such situations among the PAPs may result in family feuds over who should receive compensation on behalf of the affected family;
- Grievance between PAPs and the RAP implementers;
- Grievance between PAPs and AWSB with regard to compensation packages offered;
- Grievances between PAPs and RAP implementers may arise if PAPs feel they are not adequately involved in the implementation process.

These kinds of disputes are best resolved at the local level to avoid time delays that may arise if people move to court. It would also help to manage the risk of loss of social capital due to bad relationships among family members and neighbours.

7.1.3 Proposed Grievance Mechanism

During the Elders FGDs, the study team probed on the appropriate proposals to compensation to avoid the occurrence of the noted problems during compensation, such as family feuds and conflict. Members agreed that the most appropriate method will be to go through the local administration in case the issue was not solved at family level.

The findings from the FGDs also raised suggestion that while the proposed grievance mechanism will be through the local administration, other members of the mechanism should include PAP representatives from all locations affected as well as local and external professionals.

The following grievance mechanism is proposed for the implementation of this RAP:

(a) Level One: Local Committee

A Local Grievance Committee constituted of the following members will be formed at the local level:

- Chairman: Area MCA
- Secretary: Area Chief
- Members: three PAP representatives consisting of a man, a woman and a youth (18 to 30 years).

This committee will sit at the office of the Ward Representative. The following procedure is proposed:

1. A PAP registers a grievance at the Chief's office using a "Grievance Registration Form" and within two working day, the committee members are alerted of the case(See appendix 4 for a sample of the Grievance Registration Form);
2. The Grievance is logged into the Grievance Register and the affected person is immediately informed of the next date of the scheduled hearing. Depending on the case load, a maximum of 14 working days should be given between the date that a case is recorded and the date when the hearing is held;
3. The committee meets once every seven calendar days to deal with emerging cases. At these meetings, hearings with the affected persons and related witnesses will be held;
4. The committee will communicate its judgement to the affected persons within 7 working days (See appendix 5 for a sample Resolution Form);
5. If no resolution is met or the PAP is not satisfied with the judgement, the case is moved to the next level by the committee. This will be done within 14 working days of the hearing;
6. If the PAP is not satisfied with the judgement, he or she will be allowed to move the case to the next level.

(b) Level Two: County Committee

Some grievances may require calls for witnesses, unbiased parties or technical evaluations prior to proposing a solution. Local mechanisms may not have the capacity to meet all these requirements and would therefore require some form of support.

A County Level Committee will constitute of the following members:

- County Commissioner (CC);
- A representative from the county land management boards;
- Respected Opinion Leader in the Community such as a religious leader or a community elder;
- A specifically delegated representative from AWSB;
- A representative of the County Government e.g. the Chief Officer Lands Housing and Urban Development

- Members: three PAP representatives consisting of a man, a woman and a youth.

This committee will be chaired by the Opinion leader but the proposed secretary who is the County Commissioner is the representative from MSF.

This committee may also invite an arbitrar or qualified representatives from the Attorney General's Office at the County Level. Other specialists from the line ministries can also be invited to provide expert advice as the need arises. These may include officers from the National Land Commission, County Land Management Boards, Ministry of Land and Physical Planning such as the District Lands Surveyor and / or the District Land Registrar.

This committee will sit once a month at the County Government Office. The following procedure is proposed:

1. A grievance is forwarded from the Local Level Committee either by the PAP or forwarded by the secretary (the Chief) of the local committee and logged at the County Commissioners' Office. This includes other cases forwarded from the Local Committee Level (see appendix 6 for a sample Complaints Log);
2. Within five working days, a notice is sent out to all the interested parties informing them of the date of the hearing;
3. Prior to the hearing, the chairman and the secretary will determine the need for an arbitrar and invite them to the hearing;
4. A hearing will then be held within twenty days of the grievance being raised;
5. In cases where an arbitrar is required, the committee's ruling is final. The complainant should however be made aware of the fact early prior to commitment to the arbitration;
6. The ruling of the hearing should be communicated within 3 working days;
7. Disputes that cannot be resolved at this level should be forwarded by the committee to the next level within five working days.

Whatever decision is made at this level should be communicated downwards to the local level to avoid duplication of issues.

(c) Level Three: Project Committee

Some grievances may also occur that are outside of the direct control of the RAPIC and would require intervention at national or county policy level. These include disputes that require policy interpretation or investigations prior to a conclusive resolution, or changing of compensation packages as agreed under this RAP. In such cases, the RAPIC may require legal interpretation on certain aspects.

A Project Level Committee constituted of the following members is therefore proposed:

- Chairman: Chief Executive Officer AWSB;
- A representative from the Ministry Of Finance;
- A specifically delegated representative from AWSB;
- Legal representative AWSB;
- Project Engineer, who will also serve as the secretary.

This committee will sit once a quarter at the County Government Office. The following procedure is proposed:

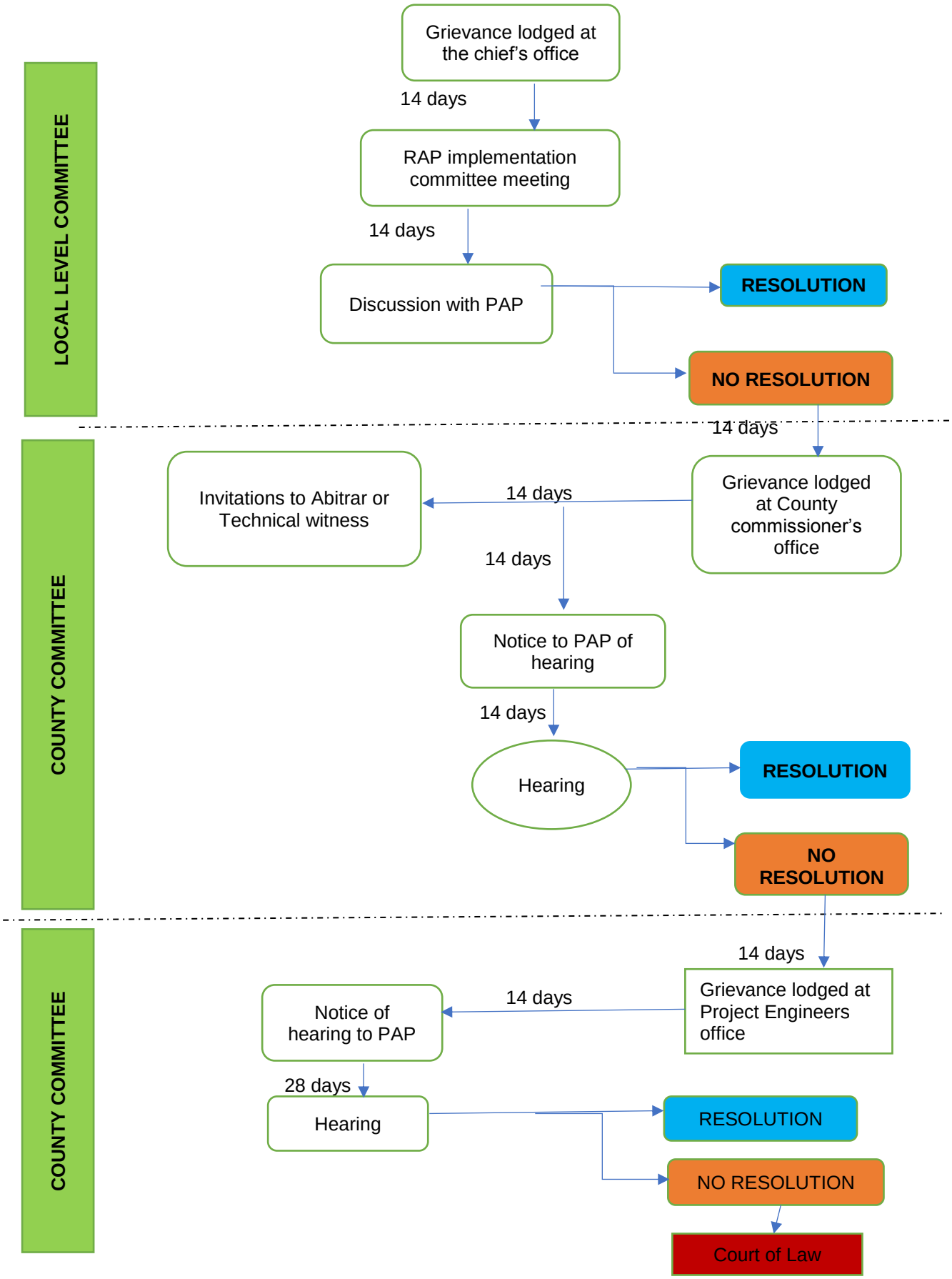
1. A grievance is logged at the County Government Office and within five working days, a notice is sent out to all the interested parties informing them of the date of the hearing. This includes cases forwarded from the County Committee Level;
2. A hearing will then be held within thirty days of the grievance being raised;
3. In the event that investigations and technical witnesses are required, a maximum of thirty (30) calendar days will be taken prior to a hearing being held;

4. The committees decision will be communicated in writing within 5 working days of the date of the hearing;
5. If the committee does not resolve an issue, the affected persons are free to go to the Land and Environment Court.

Considering the various levels of decision making required at this stage, it is proposed that the final decision from this committee be communicated within three months (a quarter within the financial year).

A flow chart of this process is presented in Figure 6-2 overleaf.

Whatever decision is made at this level should be communicated downwards to the local level to avoid duplication of issues.


LOCAL LEVEL COMMITTEE
Grievance lodged at the chief's office
14 days
RAP implementation committee meeting
14 days
Discussion with PAP
RESOLUTION
NO RESOLUTION
14 days
COUNTY COMMITTEE
Grievance lodged at County commissioner's office
14 days
Invitations to Abitrar or Technical witness
14 days
Notice to PAP of hearing
14 days
Hearing
RESOLUTION
NO RESOLUTION
COUNTY COMMITTEE
14 days
Grievance lodged at Project Engineers office
14 days
Notice of hearing to PAP
28 days
Hearing
RESOLUTION
NO RESOLUTION
Court of Law

8 MONITORING AND EVALUATION

Monitoring and Evaluation (M&E) involves the development of a system through which information regarding resettlement activities of PAPs is analyzed by the implementing agency or other tasked independent monitors to ensure objectivity and success of the whole RAP process.

RAP monitoring helps to evaluate the success of resettlement through the study of specific performance indicators for a reasonable period of time after the resettlement activities have been completed. The process is also important in measuring project inputs, outputs and outcomes of resettlement activities and for evaluating resultant resettlement impacts.

8.1 Internal Monitoring

AWSB has the overall responsibility of conducting regular internal monitoring of the progress of project implementation. The monitoring should be systematic evaluation of the implementation stage in relation to the recommendations of this report.

In undertaking the same, AWSB will be the main driver of RAP implementation. As such, it will be their responsibility to undertake regular internal monitoring of the process.

The objectives of internal monitoring and evaluation will be:

- To ensure that the compensation process is implemented with utmost transparency;
- To verify that funds for implementation of the RAP are provided in a timely manner and in amounts sufficient for their purposes.

The Internal monitoring process should entail the following regarding the process:

- Accomplishment to-date;
- Objectives attained and not attained during the period;
- Problems encountered, and;
- Suggested options for corrective actions.

8.2 External Monitoring

To ascertain quality and objectivity in the process, we also recommend that AWSB engage an external expert to conduct a comprehensive evaluation of the implementation of compensation activities and milestones on a regular basis.

The objective of the monitoring will be to:

- Review the results of the internal monitoring and review overall compliance with the study recommendations;
- Assess whether compensation process objectives have been met, especially with regard to signing of agreements and management of grievances;
- Evaluate post-compensation assistance to PAPs;
- Assess general efficiency of the process and formulate lessons for future guidance;
- Determine overall adequacy of entitlements.

8.3 Monitoring and Evaluation Schedule

The tools for monitoring and evaluation should include:

- Review of reports e.g. construction, grievances, implementation etc;
- Review of minutes of public meetings;
- Review of complaints reports;
- Focus Group Discussions;
- Sample surveys.

The monitoring and evaluation cycle should consist of the benchmark shown on Table 8-1. Below

The completion audit should bring to AWSB‘s responsibilities for resettlement, compensation, livelihood restoration, and development support

.

Table 8-1 Monitoring and Evaluation benchmarks

Benchmarks	Responsibilities	Aspects	Reporting	Frequency
Monitoring of resettlement exercise	AWSB representatives from head office	• Review and confirmation of census and identification documents; • Conduct audits on grievances, including checkups on number of public meetings held; • Conduct monitoring of the the process, extent and level of community engagement with PAPs leading to resettlement/relocation; • Community engagement process and outcomes; • Include contingency to deal with emerging issues; • PAPs perception on handing of grievances; • Percentage of payments made vis a vis percentage of payments issued; • Percentage of people resettled; • Percentage of social amenities constructed; • Percentage of social programmes implemented; • Follow up reports submitted on emerging issues during RAP implementation.	This should be supported by submission of quarterly reports by: • AWSB Environmental Officer; • Officer in charge of community liaison in AWSB	At the beginning of RAP implementation and ongoing
Monitoring of Resettlement impacts	Officer in charge of community liaison in AWSB	• Develop monitoring checklist from the ESIA study reports; • Monitor changes vis a vis PAPs baseline data; • Identify improvements in the lives of PAPs, Expected, improvements include; ○ Improved school attendance; ○ Upgrades in social amenities e.g. schools, medical facilities, water supply, sanitation facilities and communication facilities; ○ Improved access to social amenities in terms of better roads or faster means of travel and their affordability. ○ Jobs retained ○ New jobs created for PAPs.	This should be supported by submission of monthly reports by the AWSB Environmental Officer, the AWSB community Liaison Officer.	At the beginning of RAP implementation and ongoing.

Benchmarks	Responsibilities	Aspects	Reporting	Frequency
Preliminary and Completion Audit	Independent third party	• Ensure all physical assets that were committed have been delivered to the PAPs; • Compliance to a local and international laws and policies; • Percentage of targets achieved; • Constraints and mitigations to constraints; • Handling of emerging issues; • Response on grievances raised. This should include adequacy of dealing with queries and the promptness with which grievances were attended to; • Percentage attendance of public meetings; • Percentage of development initiatives that were started as well as their status at closure (active or inactive).	Semi-annually	Semi-annually

8.4 Methods of Monitoring

The M&E approach would be to identify and select a set of appropriate monitoring aspects and indicators and gathering information on them to assess the changes and variations. Participation of stakeholders, especially the affected persons and vulnerable groups will be ensured in the M&E process. Monitoring tools would include both quantitative and qualitative methods as follows:

- **Focused Group Discussions (FGD):** Consult with a range of stakeholder groups (local government, Compensation Unit, NGOs, community leaders and PAPs);
- **Key informant interviews:** Consult individuals like local leaders, persons with special knowledge or experience about relocation activities and implementation;
- **Stakeholder meetings:** Open or one on one meeting to elicit information about performance of various project activities;
- **Structured direct observations:** Field observations on status of RAP report implementation, plus individual or group interviews for crosschecking purposes;
- **Informal surveys/interviews:** Informal surveys of PAPs, workers, project staff, and implementing agency personnel using non-sampled methods.

In the case of special issues, in-depth case studies of PAPs and host populations from various social classes will be undertaken to assess impact of the project.

From the monitoring and evaluation process, the expert will prepare status reports to be forwarded to AWSB for further action.

8.5 Reporting

The quarterly evaluation reports shall be compiled by the internal evaluation team formed by the AWSB. This report shall then be availed to the Compensation Unit and the PAPs. The same procedure shall be adopted by the external evaluation team.

For this RAP the monitoring and evaluation reporting schedule will be as follows:

- Monthly reports on:
  - Assessment on the use of resources and the production of outputs, and to identify key issues requiring more intensive study;
  - Panel studies to provide continuous feedback on implementation and to identify potential problems;
  - Combined progress report to include all the above and to be circulated internally.
- Periodic reports to be done whenever management requires help in the evaluation of problems, or require information to help in making an important decision;
- Annual monitoring and evaluation reports.

The end of monitoring and evaluation will be marked by completion of RAP implementation.

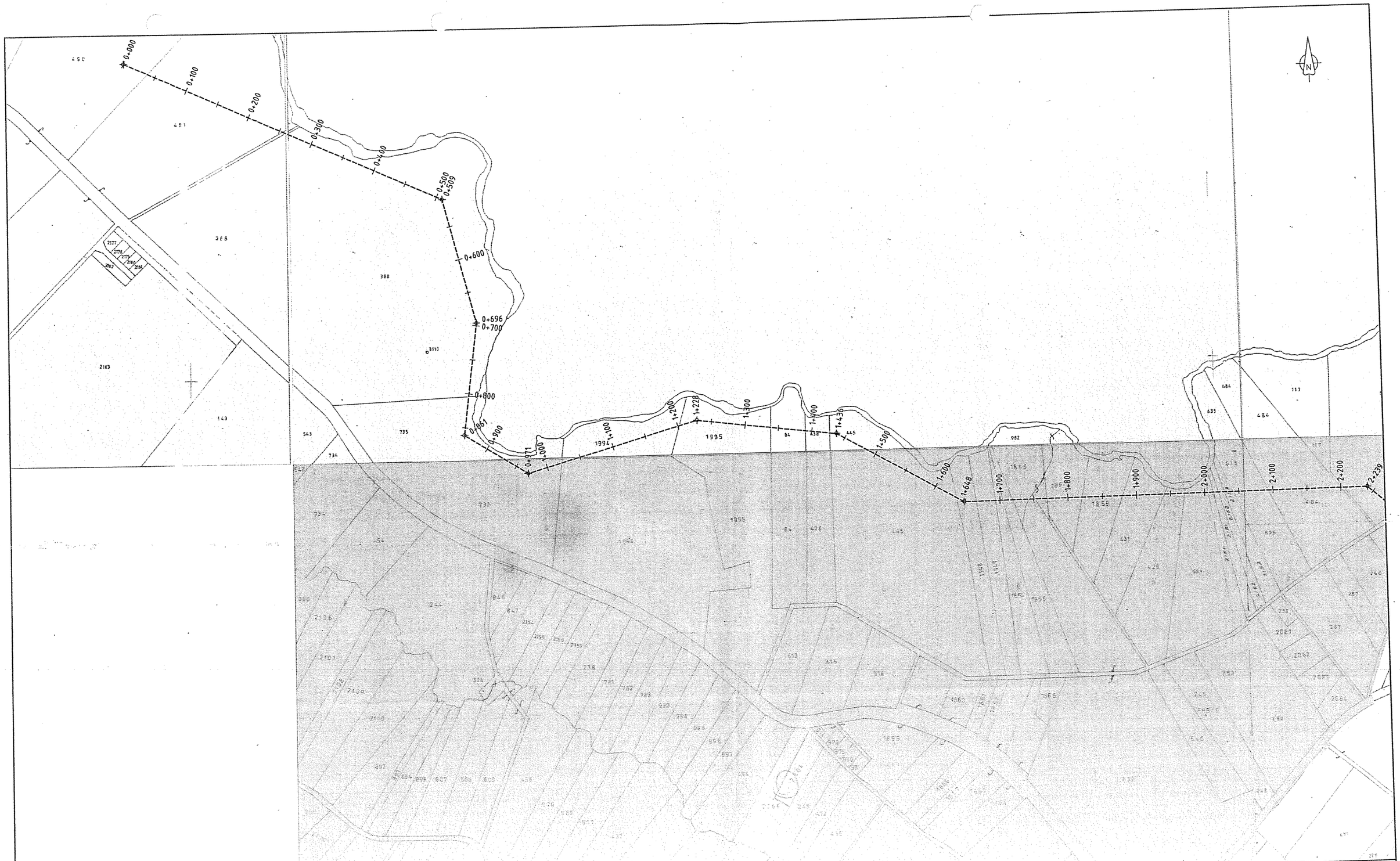
9 CONCLUSION

Generally, the proposed project will result in appreciable benefits to the city of Nairobi, its satellite towns and Kenya at large and bring opportunities for both social and economic development. The proposed community water supply project is also expected to bring direct benefits to the residents of Murang'a and Kiambu County. As part of rehabilitation, the project should consider an alternative of free or highly subsidized water connections with free meters for the vulnerable in informal settlements and female headed households as part of the compensation framework and this can be discussed with relevant companies responsible for water distribution such as Nairobi Water and Sewerage Company, and equivalent companies in Murang'a and Kiambu respectively.

The report outlines mechanisms to allow for PAP involvement throughout the disclosure, implementation as well as monitoring and evaluation processes under RAP implementation. The report includes measures to ensure that resettlement does not interfere with sources of income including current jobs available to the PAPs and compensation from loss of income from business structures and related activities. A participatory approach was facilitated and is encouraged in future through public meetings, one on one discussions through grievance mechanism and focus group discussions. The proposed implementation committee calls for inclusion of community members, including representatives of vulnerable groups to ensure that every PAP has a voice during resettlement process.

This RAP study also provides for additional institutional support to AWSB as well as targeted recruitment of staff during specific activities and events during the RAP implementation program. AWSB will hire more temporary staff to assist in RAP implementation. AWSB has already employed 5 project based sociologists who are assisting the office staff in implementation of the RAP for the Thika dam-Kigoro section of the pipeline. It also required that whoever is allocated tasks for RAP implementation, should be given specific terms of reference, roles and responsibilities and the requisite financial and human resources to carry out their mandate. Some of the identified institutions under this proposed set-up have experience through the implementation of the RAP for Thika Dam – Kigoro pipeline. However, additional capacity building programs are also necessary, to bring all the stakeholders in touch with the accepted resettlement policies proposed under this RAP.

Appendix 1: Copy of Cadastral Maps for Kigoro -Ngethu Pipeline



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P. O. BOX 24446-00100
NAIROBI

PROJECT
THIKA-KIGORO-KABETE RAW & TREATED WATER PIPELINE

DRG TITLE
TREATED WATER PIPELINE
LAYOUT PLAN

CH. 0+000 TO 2+239

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Checked:	PG		
Approved:	MBN	DRG. No.	03
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NAIROBI

PROJECT
THIKA-KIGORO-KABETE
RAW & TREATED WATER
PIPELINE

DRG TITLE
TREATED WATER PIPELINE
LAYOUT PLAN

CH. 2+100 TO 4+200

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RAW & TREATED WATER
PIPELINE

DRG TITLE
TREATED WATER PIPELINE
LAYOUT PLAN

CH. 4+300 TO 6+200

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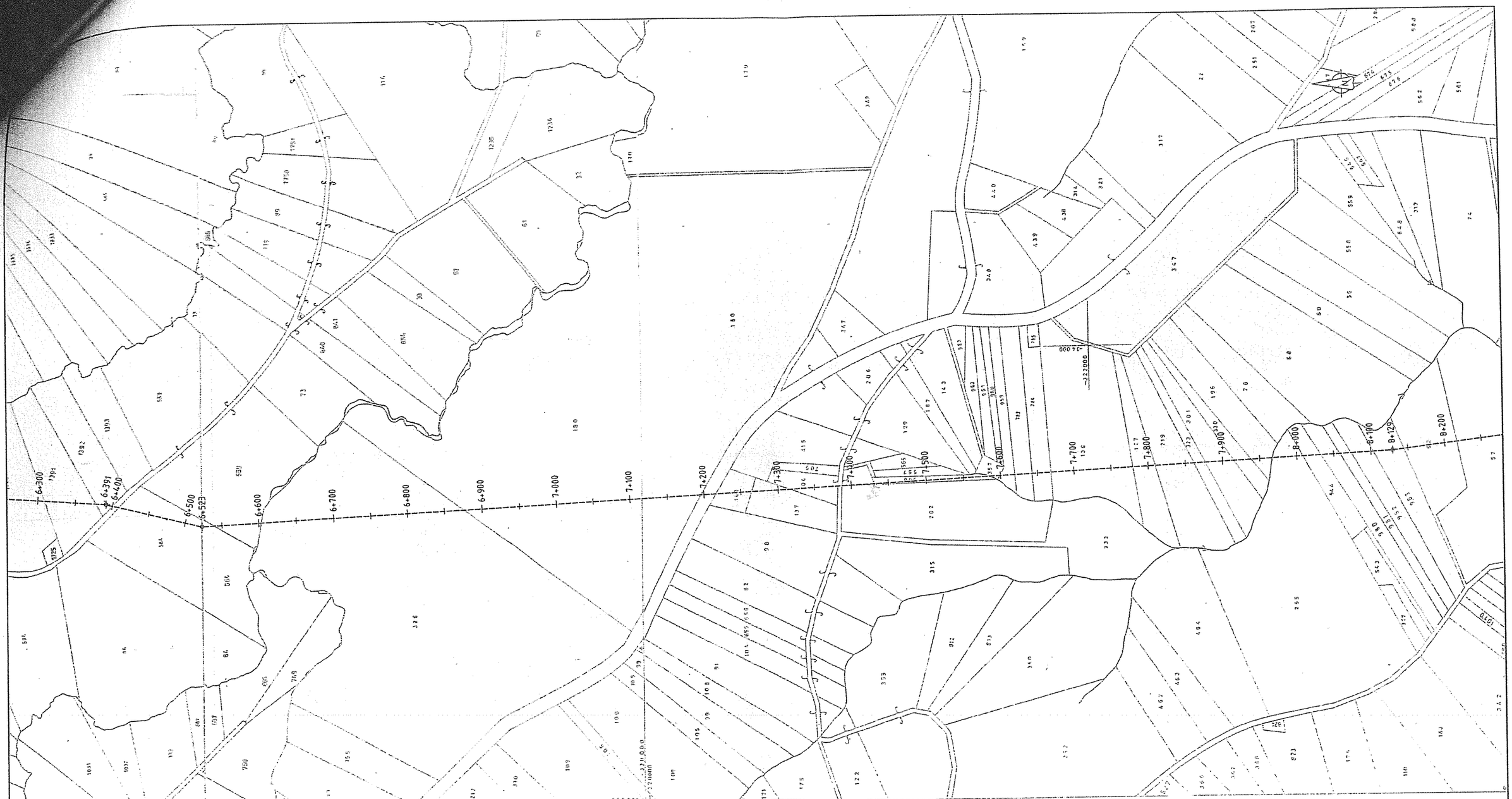

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RAW & TREATED WATER
PIPELINE

DRG TITLE
TREATED WATER PIPELINE
LAYOUT PLAN

CH. 6+300 TO 8+200

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PIPELINE

DRG TITLE
TREATED WATER PIPELINE
LAYOUT PLAN

CH. 8+200 TO 10+100

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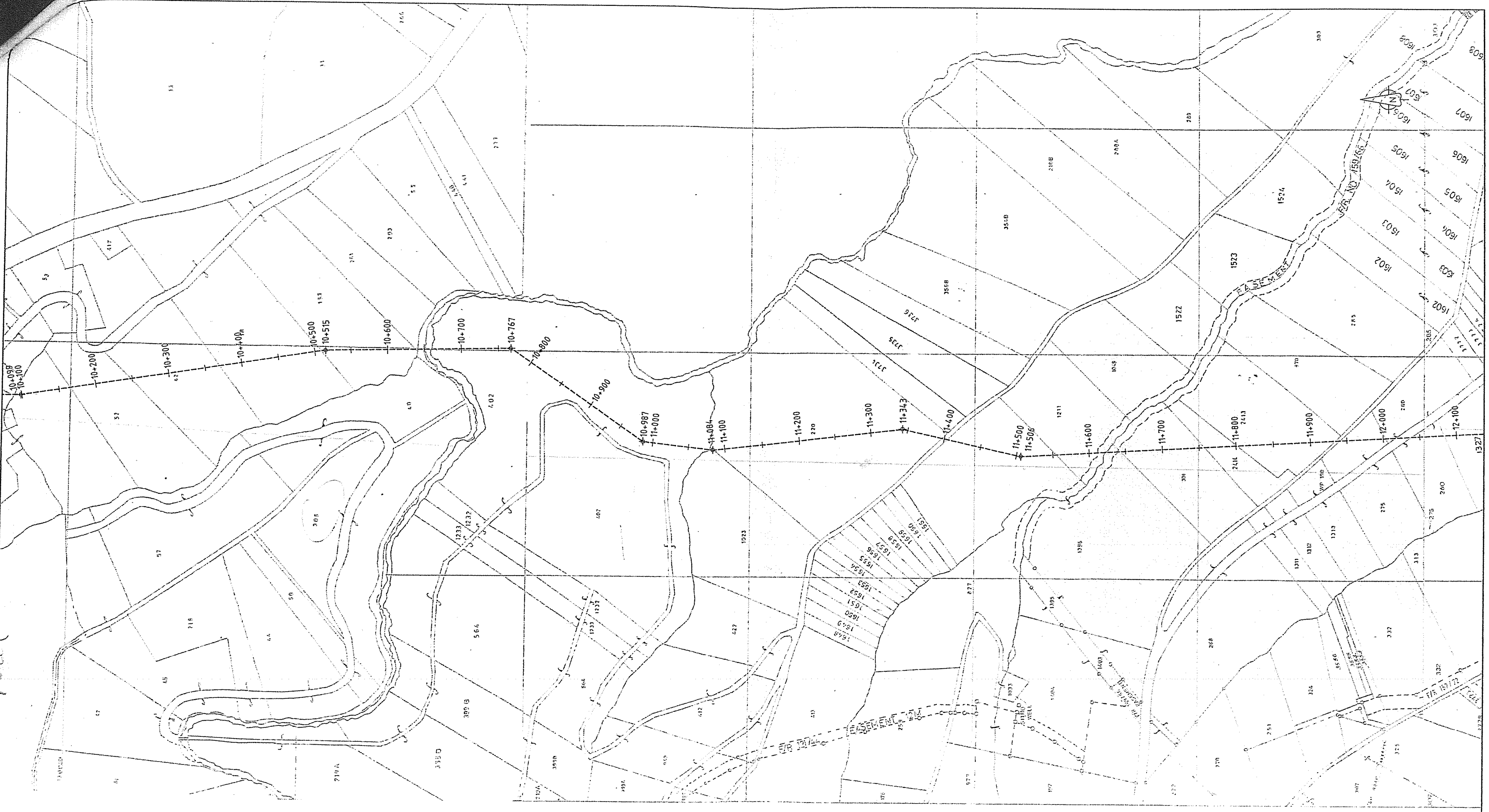

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DRG TITLE
TREATED WATER PIPELINE
LAYOUT PLAN

CH. 10+100 TO 12+100

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Designed:	SM	
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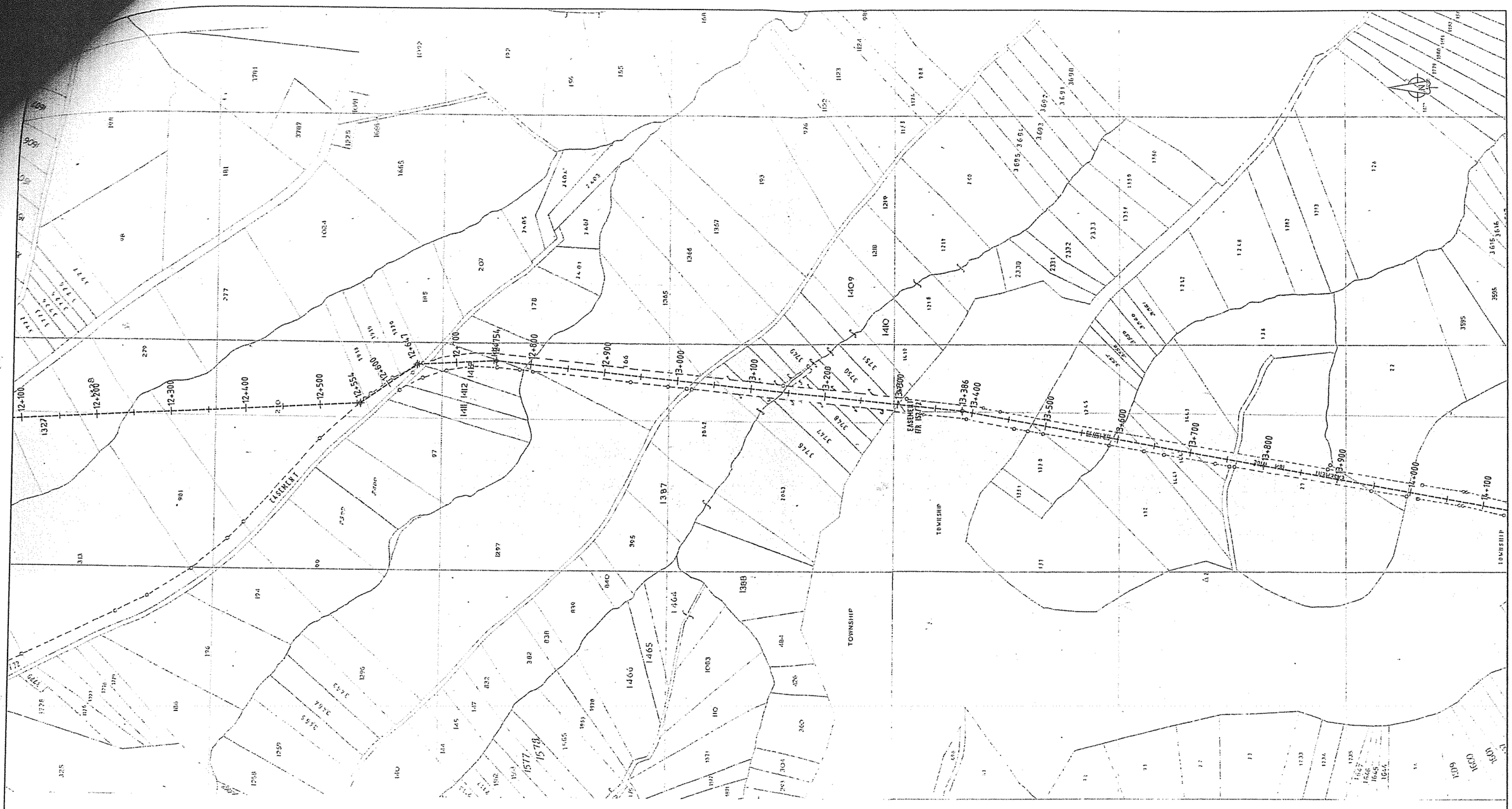

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RAW & TREATED WATER
PIPELINE

DRG TITLE
TREATED WATER PIPELINE
LAYOUT PLAN

CH. 12+100 TO 14+100

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Appendix 2: Minutes of Stakeholder and Community Sensitisation Meetings

Murang'a County

Notes for the meeting held with.. the public of Nairobi City Water and sewerage company officers at Ndakaini Location.

Attendance

1. Job Kihamba (Dam coordinator)
2. Joseph Ndungu (Environmentalist (AIWSB)
3. Newton Stower (Project Env' GIBB)
4. Florence
5.
6.
7.
8.

Agenda

To discuss potential environmental and social impacts of the project in the project area and set a cut-off date for the valuation of the affected assets

Notes

The meeting started with a word of prayer from Madam Euginia who was invited by the area chief to offer a word of prayer.

The chief apologized for the late start of the public meeting that the attributed to the bad weather and people working on farms.

The chief invited the Dam coordinator Mr. Job Kihamba to invite the guests who had requested for the meeting.

Mr Job Kihamba welcomed the public to the NCWSC thanked the team from Athi water and GIBB international. He indicated that the project will be highly beneficial to Nairobi city water on helping it fulfill its Mandate. He stated that the people within Ndakaini who have relatives

Notes drafted by: Newton Stower — **Confirmed by:** FLORA MWANGI

Designation: Project Environmentalist — **Designation:** CHIEF NDAKA-INI LOCATION SIGN:.....

Signature: — **Signature:**

Project Name: .....
Project Code.....
Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

in Nairobi will bare him witness that their friends or relatives who live in Nairobi suffer from insufficient water supply.

The chief indicated that a total of 15 household will be affected within the location, he told the public that the meeting concerns Environmental impact assessment & Resettlement action plan. He advised the audience to ask as many questions as they can so as to insure that the project meets its end goal. The chief invited Mr. Ndungu from Athi water to address the audience. He told the audience that Athi water intend to increase supply of water to Nairobi by an additional pipeline of 1.5 M diameter to Kigoro T works and from there to Kabete treatment works & water supply. He told the audience that the project environmentalist will give more details on the EIA & RAP exercise.

The project Environmentalist from GIBB ~~told~~ gave an account of the project details to the audience. He indicated that the EIA is important in determining the impacts ~~value~~ of the project on the ~~people living~~ Bio-physical environment.

Notes drafted by: Newton Stower *Confirmed by:* FLORA MWANGI

Designation: Project Environmentalist *Designation:* CHIEF NDAKA-INI LOCATION SIGN:.....

Signature: *Signature:*

Project Name: .....

Project Code.....

Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

Question 1: The Valuation date should be made public to the affected people to ensure that none of the people who's assets will be affected miss out on the valuation.

Response: The Enumeration date will be on 12th May 2015 and the cut off date shall be on. 15/5/2015

Question 2: How wide is the wayleave to be acquired.

The wayleave is to be 9m, 6m will be for the construction wayleave while 3 meters will be for laying the pipes. However this will be official confirmed once the Surveyor has pegged the riparian boundary to determine the amount of private land to be taken.

Question 3: Which side of the river will it be.

The pipe will be on the right side of river for the first 2 Km after which it will shift to the left side of river.

Question 4: Once the dam was built the area became very cold due to a lot of water in the area. How will the project ensure that the crops are still viable in the area after the climate change?

Notes drafted by: Newton Stower *Confirmed by:* FLORA MWANGI

Designation: Project Environmentalist *Designation:* CHIEF NDAKA-INI LOCATION

Signature: *Signature:* SIGN:

Project Name: .....

Project Code.....

Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

Question: How will the project benefit the locals in terms of water supply. Having the water taken from the area and the locals have no water, We want the project to give us water.

Response: The water is supplied in the area is suppose to come from Gatanga water supply, the water from the dam is ~~supposed~~ designed to supply water to Naroki and finance have been put to cater for water supply within the area.

Question: If a portion of my land from the bigger part of the land because the river meanders how will I be helped.

Response: If the land separated is ingurious affect the land will be fully acquired by the project, this will be for the areas where the pipe passed over the land ~~area~~

Question: If I have a grievance on the value put on my assets, what do I do.

Response: A grievance resolution Mechanism will be proposed ~~from~~ in the report and it will be carried out by a RAP implimentation committee that will consist of PAP representatives. During valuation photos of assets will be taken and a description which will be signed by the pap. Valuation will be done based on the current market rates and will not be lower than the government value.

Notes drafted by: Newton Stower ***Confirmed by:*** FLORA MWANGI

Designation: Project Environmentalist ***Designation:*** CHIEF NDAKA-INI LOCATION

Signature: ***Signature:*** SIGN:.....

Project Name: .....

Project Code.....

Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

Question: This dam currently floods, addition of water from another dam will increase flooding in the area, how will this be managed.

Response: The water being tapped from the proposed Maragua dam will only collect flood waters and once the current flood region has been reached, the water from the Maragua dam shall not be channeled to Ndakaini Dam.

Question: How will tenants be compensated for loss of their assets

Response: Tenants will only be compensated for the affected crops and not for the land but the land owner shall be compensated for the land.

Question: Will we get employment from the project or it will employ people from outside. The chiefs should ~~not~~ be satisfied balance to ensure the jobs are equitably distributed.

Notes drafted by: Newton Stower *Confirmed by:* FLORA MWANGI

Designation: Project Environmentalist *Designation:* CHIEF NDAKA-INI LOCATION

Signature: *Signature:* SIGN:.....

Project Name: .....

Project Code:.....

Date of meeting: ...../...../ 2014

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PUBLIC CONSULTATION MEETING ATTENDANCE LIST

ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE:_____ VENUE: NWSC Offices

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	FLORA W. MWANGI	CHIEF NDAKAINI Loc.	0727 602496	
2.	JOHN M. KAMAU	ASS. CHIEF NDAKAINI	0725412044.	
3.	GEOFFREY M. MUNYUA	ASS. CHIEF KIMANDI	0726 942300	
4.	JOB KIHAMBA	DAM COORD, THIKA DAM (NCWSC)	0726-215848	
5.	JOSEPH NDUNGU	ENVIRONMENTALIST	jndungu@nwsboard.go.ke	
6.	NEWTON STOKES	PROJECT ENVIRONMENTALIST	Pstokes@gibbinternational.com	
7.	SAMMY M. MUTUNGA	FARMER	0723022088	
8.	SAMUEL GATURI KAMAU	FARMER	0717978876	
9.	JANE W. MWANGI	FARMER	0721 913 068	
10.	JOSEPH K. GICHINI	FARMER	0720098261	

CHIEF
NDAKA-INI LOCATION
SIGN:.....

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PUBLIC CONSULTATION MEETING ATTENDANCE LIST

ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: _____ VENUE: NWSC Office

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	JACINTA WANJIRU	AGRICULTURALIST NA	0710961766	[signature]
2.	BETH KIHONGE	PLANT OPERATOR	0719204546	[signature]
3.	VIRGINIA W. NJENGA		0726325425	[signature]
4.	Maomi Wanjugu		0716885084	[signature]
5.	Margret Waithira		0719584632	[signature]
6.	Rose Mary Njeri		0715003911	Rose
7.	Francis Kinyua Mukuna		0713591758	[signature]
8.	JOSEPH KABU KAMAU	FARMER	0729688919	[signature]
9.	Johnson Karanja	FARMER	0734426670	[signature]
10.	John Njoroge	Worker	0726580282	[signature]

CHIEF
NDAKA-INI LOCATION
SIGN: [signature]

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: _____ VENUE: NWSC Officers

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	Nicholas Otieno	security supervisor (NCWSC)	0729915636	[signature]
2.	Benson M. Mahugu	FARMER	~~0728~~ 0723269747	[signature]
3.	Isaac M Marenge	FARMER	0724 492 328	[signature]
4.	MACHARIA GERALD	[illegible]	2014035	[signature]
5.	JAMES M. KARANJA	FARMER	0726-649523	[signature]
6.	Simon Maina	Catchment Supervisor	0723-956459	[signature]
7.	GILBERT OMWERI	HR- Officer - Thika Dam	0722465081	[signature]
8.	JAMES K. MUKUNA	FARMER	0733868898	[signature]
9.	David MBUGUA	TEC. SUP. Thika Dam	0721544450	[signature]
10.				

CHIEF
NDAKA-INI LOCATIO
SIGN: [signature]

Notes for the meeting held with... the public at Kagongo tea buying centre in Ndungu chege location

Attendance

1. Job Kyambo	5.
2. Newton Stower	6.
3. Peter Ndungu	7.
4. Francis N. wainaina	8.

Agenda

To discuss potential environmental and social impacts of the project and set a cut off date for the valuation of the affected assets

Notes

The meeting started with a word of prayer from ~~Mr~~ the A. chief of Ndungu chege.

The Asst chief invited the public to the meeting and thanke the audience for prompt attendance of the meeting.

The chief introduced the GIBB team to the audience and gave them a brief overview of what the meeting was all about.

He went ahead to invite the GIBB team to give a description of the project and inform the public about the RAP exercise

The GIBB ~~RAP~~ ~~expert~~ personnel thanked the public for attendance of the public meeting and went ahead to give a description of the project and set the cut off date as the first day of enumeration of the enumeration exercise.

Notes drafted by: Newton Stower **Confirmed by:**

Designation: Project Environmentalist **Designation:**

Signature: **Signature:**

Project Name: .....

Project Code.....

Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued...

He elaborated that the cut off date is set to avoid people laying claims on property that was built after the Valuation exercise.

He indicated that it is important for the PAPs to be present during the enumeration and valuation exercise so as to ensure that their details are taken and that their Socio-economic status taken.

He indicated that for those PAPs who will not be available shall be required to leave a respondent behind to give their details. He also told the public to ask questions on areas they did not understand.

Question: The current dam is always full, do you intend to expand the dam

The dam shall not be increased in size. The extra water will only be channelled into the Dam to maintain levels, but during floods the tunnel shall be closed. This will help ensure that the flood is not transferred from one area to the other.

Question: We dont know exactly what extent of our lands will be taken

AfriSA intends to acquire 3m wayleave permanently for laying the pipe and a 6m temporary construction wayleave that will be returned to owner after construction.

Notes drafted by: Newton Stower *Confirmed by:*

Designation: Project Environmentalist *Designation:*

Signature: *Signature:*

Project Name: .....

Project Code.....

Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

The crops on the wayleave shall be ~~compensated~~ valued and submitted to AWSB.

- How wide will the treated water pipeline be and how long will the pipe be.

The pipeline has been proposed to be 1200mm diameter and 66 Km long, it shall start from Ndakaini to Kigoro where there will be a treatment works then it proceeds to Kabete passing through Gatanga & Gatunda as it heads to Kabete treatment & supply works.

The treated water will be about 60 Km and the raw water will be 5.8 Km

Question: If the pipe is to pass through my land and affect my house, will the line be shifted.

The main purpose for the RAP is to identify all the assets to be affected by the project and in so doing, critical assets such as houses and institutions are prey to be avoided as much

Notes drafted by: Newton Stower *Confirmed by:*

Designation: Project Environmentalist *Designation:*

Signature: *Signature:*

Project Name: .....

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Date of meeting: ...../..... / 2014

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Notes for the meeting held with...

Notes continued....

as possible because the magnitude of the impact is heavy on the project proponent interms of cost and the PAP interms of livelihood disruption. Therefore houses will be proposed to be avoided. Where its not possible it will be proposed that AKISB compensates for the house.

Question: I do not have a title for my land, how will I be helped if my whole land is to be affected

For PAPs who own land but do not have titles, shall be enumerated as everyone else. but will need to get letters from the area chiefs acknowledging that the land belongs to the PAP. Further to this, the study shall carry out land searches to determine the land owner to ensure the rightful owner is recorded.

Question: Who are the persons affected by the pipeline within the location

The persons who will be affected be the project shall be clearly known after the surveyor pegs the proposed pipeline, the meeting required that every beneficiary or PAP be called for the meeting but the PAPs shall be contacted during the survey exercise.

Notes drafted by: Newton Stower *Confirmed by:*

Designation: Project Environmentalist *Designation:*

Signature: *Signature:*

Project Name: .....

Project Code.....

Date of meeting: ...../..... / 2014

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Notes for the meeting held with...

Notes continued....

Question: Are we allowed to use the wayleave after the project has been completed.

The wayleave after compensation is property of the KWSB who have proposed that no developments such as structures, deep rooted crops & trees should be put on the wayleave. Minimal use such as planting nappier may be allowed depending KWSB choice.

Question: When the valuation is on, will the farmers be involved in determining the value for affected assets

The farmers shall be called to attend the valuation exercise, then photo of their assets shall be taken and they shall be asked to sign against the assets that are seen to be within the proposed wayleave.

Question: The chiefs should accompany the valuer, surveyor and owners of the land.

The chief together with the valuer shall walk from one asset to the next to ensure no PAP is left out

Notes drafted by: Newton Stower *Confirmed by:*

Designation: Project Environmentalist *Designation:*

Signature: *Signature:*

Project Name: .....

Project Code.....

Date of meeting: ...../...../ 2014

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 06/05/015 VENUE: KAGONGO TEA BUYING CENTRE

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	Ephantus Kiarie	KAGONGO	0723 990 379	
2.	Giluthi Korai	KAGONGO	—	
3.	Margaret gathoni	KAGONGO	0722 92 9264	
4.	ABRAHAM MWANGI	KAGONGO	0728-550801	
5.	STEPHEN MBUGUA	KAGONGO	0724 746399	
6.	DANIEL NJOROGE	KAGONGO	—	Daniel
7.	SIMON MWANGI	KA GONGO	0722 474950	
8.				
9.				
10.				

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 06/05/2015 VENUE: KAGONGO TEA BUYING CENTRE

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	JOHN KANIARU KANYOTU	FARMER	0720564061	
2.	PRISILLA W. KANIARU	"	0710410908.	
3.	STEPHEN N. NJUGUNA	"	0725511592	
4.	JANE W. NGURU	"	0710749258.	
5.	RAPHAEL N. MUTHIA	"	0726629701	
6.	DAVID N KANYOTU	"	0720497094	
7.	Muchiri Njoroge	"	0726206864.	M. Njoroge
8.	PETER NDUNGU	CHIEF	0735530733	
9.				
10.				

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 06/05/015 VENUE: KAGONGO TEA BUYING CENTRE

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	KIMUHU NJOROGE	FARMER	P.O. BOX 1768 - THIKA	Kimuhu
2.	JOHN EDWARD GITHU	FARMER	0729538341 Box 84 TKA	
3.	HANNAH NDUTA	FARMER	0713129606 - Box 1768 THIKA	Hannah Nduta
4.	HANNAH WAMBUI	FARMER	Box 718 THIKA -	
5.	RACHAEL WARIMO NJIHIA	FARMER	0717362925 - 718 THIKA	R W N.
6.	ALICE WARUGURU KINYANJUI	FARMER	0717531474 - 1768 THIKA	
7.	FRANCIS N. WAINAINA	ASST. CHIEF - CHOMO	0722986221 - 916 THIKA	
8.				
9.				
10.				

Notes for the meeting held with... the public at Kiairigi tea buying centre on the propose Thika - Kigoro Kabete pipeline

Attendance

1. Samuel Thuo
2. Newton Stower
3. Members of public.
4.
5.
6.
7.
8.

Agenda

To discuss potential environmental and social impacts of the project to the Bio physical & social environment of the project area.

Notes

2100
+ 1500
3600

The meeting started with a word of prayer from the chief Ndunyu Chege who then invited the public to the meeting.

The chief apologised for the late start of the public meeting as he was finishing up with another meeting. The chief told the members in the audience that a team sent from GIBB Africa consultants had been contracted by AWSB to carry out RAP & EOIA studies for the proposed pipeline. He stated that it is therefore crucial that many questions are asked for clarification to avoid misunderstanding later when the project is being implemented.

The chief invited the GIBB team to address the audience and state the main purpose of the visit.

Notes drafted by: Newton Stower **Confirmed by:** SAMUEL K THUO

Designation: Project Environmentalist **Designation:** CHIEF

Signature: **Signature:**

CHIEF
NDUNYU - CHEGE LOCATION

Project Name: .....
Project Code.....
Date of meeting: ...../..... / 2014

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Notes for the meeting held with...

Notes continued....

The guest Iram thanked the audience for the prompt attendance of the meeting, he stated that GIBB africa, had be contracted by KWSB to carry out RAP & ESIA for the pipelines to take water from Ndakini.

He went ahead to state that it is required by law that all projects before implementation go through public consultations to ensure people are informed of the proposed developments, the comment are therefore used to influence better design of the project. He also stated that the project also included RAP which was done to know the persons assets that are expected to be affected by the project the rightful owner determined and a valuation roll developed that shall be submitted to the client. the roll will be used by the client should he refuse to use the proposed wayleave. He stated that the last day of the enumeration will be the cut off date for eligibility for valuation and enumeration.

Question 1: Will we be compensated before or after the project.

Response: Affected persons are all to be compensated before the start of the project the KWSB follows the guidelines set by WorldBank policies on on resettlement action plan, this will help the PAPs restore their lives faster

Question: Will we get jobs.

Response The project is expected to source unskilled labour from the local community but might have to source for skilled labour elsewhere Kenya

Notes drafted by: Newton Stower *Confirmed by:* SAMUEL K-THUO

Designation: Project Environmentalist *Designation:* CHIEF

Signature: *Signature:*

[redacted]

Project Name: .....

Project Code.....

Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

Question : When will the project start.

Response : The project will start once the project has gotten approval from NEMA and a contractor awarded the contract. The project must go through the tendering process stipulated in the Kenyan laws

Question : What criteria will be used in valuing crops.

Response : The project has contracted a licensed land and asset valuer to value the crops. His proposed values should not be lower than the government valuers, this might be informed by the market rate for the affected ~~crops~~.

Question : Will the valuation rates be provided before the works start

Response : The rates of the assets affected shall be generated by the licensed valuer. After he has compiled his rate in the valuation roll, the PAPs will be called for the disclosure, this is when the PAPs will comment on the given rates.

Question : I have a fish pond that will be affected, how will I be compensated.

Response : All affected assets will be valued as at is on the day of valuation and will be documented in the valuation roll. Should ATLSS choose to compensate as indicated in the valuation roll

Notes drafted by: Newton Stower ***Confirmed by:*** SAMUEL K. THUO

Designation: Project Environmentalist ***Designation:*** CHIEF

Signature: ***Signature:***

E. HEF
MDUNYU - CHEGE LOCATI

Project Name: .....

Project Code.....

Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

Then the fish ponds will be compensated

Question : When will survey work start?
Response The survey work will start once the ~~same~~ PAPs agree that the surveyor should put beacons (wood) on their lands to mark the pipe's alignment.

Question : The terrain is very steep in the area, should there soil collapse on the lands below will they be compensated
Response : The contractor has a duty to restore the site to its previous state or leave it in a much better state than it was before the project. The contractor should be reported if he does not rehabilitate the sites as agreed

Question : Will we benefit from the water?
Response : The residents already have piped water within the area and only need to pay the connection fee for the water to be distributed to their homes

Question : During construction damages caused during construction activities. who shall compensate them
Response : Damages within the acquired wayleave shall be compensated for but ~~all~~ damages by ~~the~~ pipes but damages during construction

Notes drafted by: Newton Stower *Confirmed by:* SAMUEL K-ITHIO

Designation: Project Environmentalist *Designation:* CHIEF

Signature: *Signature:*

IEF
NDUNYU - CHEGE LOCATI

Project Name: .....
Project Code.....
Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

Phase shall be compensated for by the contractor as he progresses with works

Question: There is a supply line from Gotanga water that will be affected; how will we be compensated for that.

Response: Gotanga Water is under AHSB that is also in charge of the project and thus if any damages will be done to the water supply lines they will be rehabilitated to ensure supply.

Question: How long will it take for before my property is taken what is the period of notification.

Response: The report will suggest a notification of 2 months before the project start date to ensure adequate time for the PAPs to re-establish their livelihoods elsewhere before the project starts.

Question: If I dont have a title but was allocated land that im farming on, how will I be compensated.

Response: The compensation figure will be allocated to the original title owner, who if deceased will be indicated and the beneficiaries stated with their respective assets under the title. During compesation everyone will be compesated as per the affected assets.

Question: Will the surveyor walk with a guide to ensure all the right people and enumerated.

Response: Yes the surveyor will move around with

Notes drafted by: Newton Stower *Confirmed by:* SAMUEL KITHEO

Designation: Project Environmentalist *Designation:* CHIEF

Signature: *Signature:*

CHIEF
NDUNYU - CHEGE LOCATION

Project Name: .....

Project Code.....

Date of meeting: ...../..... / 2014

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Notes for the meeting held with...

Notes continued....

a village elder to ensure that everyone knows where the pipe will pass in their lands, during this process, respective land owners shall also be identified.

Question: The tea & coffee supply to the factory shall affect the factory how will this project ensure that the ~~project~~ factory is not affected

Response: The project is being restricted to the riparian and where the alignment follows through a plantation, a corridor of 3m is being acquired

Question: What ESIA package are we receiving from the project

Response: The water distribution budget for Gatanga water has been increased to ensure that more water is created and supplied to different areas

Question: What happens if a graveyard is to be affected

Response: The project has tried as much as possible to avoid the graveyards but in cases where a grave cannot be avoided then a compensation package will be proposed to for the burial committees involved with exhuming & burying the dead.

Question: Camp base ground.

Notes drafted by: Newton Stower *Confirmed by:* Samuel K-Thew

Designation: Project Environmentalist *Designation:* CHIEF

Signature: *Signature:*

CHIEF
NDUNYU - CHEGE LOCATIO

Project Name: .....
Project Code.....
Date of meeting: ...../...../ 2014

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 14/05/15 VENUE: KIAIREGI TEA B. CENTRE (GITIRI SUB LOC)

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	ZIPPORAH WI MWAURA	farmer	0714892659	[signature]
2.	JAMES NDUNGU MAINA	farmer	0716341144	[signature]
3.	MARY WANJIRU NJOROGE	Farmer	0716 143278	[signature]
4.	WINFRED MUIKARI KUHUNYA	farmer	0715962541	[signature]
5.	BEATRICE WAITHIRA KIMANI	farmer		[signature]
6.	Philomena M. KARANJA	Farmer	0722 224 546	[signature]
7.	Judy M. Gachia	Farmer	0729 609 841	[signature]
8.	Simon Muturi	"	0713 731666	[signature]
9.	Mary Ngonyo	"	0724969175	[signature]
10.	Samuel Macharia	Farmer	0711141603 ~~0714671141~~	[signature]

SAMUEL KITHUO

CHIEF
NDUNYU - CHEGE LOCATION

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 14/05/15 VENUE: MAIREGI TEA. B. CENTRE (GITIRI SUB. LOC)

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	JULIAH MUGURE	Farmer	0715095687	
2.	Josphat mkumari	Farmer	0721205662	
3.	GEOFFREY MAINA MACHARIA	Farmer	0706920708	
4.	PETER KIMANI MUIGAI	Farmer	0720265342	
5.	Luciah mumbi muiruri	farmer	0720982611	
6.	cicilien munganjiguna	farmer	0727517867	
7.	Joseph Gatua Muiruri	farmer	0727425937	
8.	Paul Njoroge Kahiu	Farmer	0706391692	
9.	Stephen Macharia	Farmer	0729975063	
10.	Charles Mahihu	Farmer	0723389728	

Samuel Kiilfuo

CHIEF
NDUNYU - CHEGE LOCATION
.....

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 14/05/15 VENUE: KAIREGI TEA B. CENTRE

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	GILBERT MWAURA MUIGAI	FARMER	0723219216	
2.	Naftali Kamau Githuku	Famer	0721144987	
3.	Simon Mungai Kabugi	Farmer	0720 798 788	
4.	GEOFFREY NDUNGU M.	FARMER	0701 565 085	
5.	Stephen Githuku Kariuki	Farmer	0722-897586	
6.	Davis Ngunga Kungu	Farmer	—	
7.	MARGARET WI GACHIA	FARMER	0720 428 400	
8.	LOISE WAIGARI MUCHIRA	FARMER	0725 103 223	
9.	MICHAEL M. MWANGI	Boda Boda	0726778685	
10.	PETER NGANGA MURUITHIA	FARMER	0718 138 355	

SAMUEL KIFFO

IIEF
DUNYU - CHEGE LOCATION

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 14/05/15 VENUE: KAIREGI TEA B. CENTRE

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	Rebecca W. Mwenda	Farmer	—	[signature]
2.	Joice Wairimu	Farmer	0726174075	[signature]
3.	Noomi Wangari	Farmer	—	[signature]
4.	Joel Ngunga Kungu	Farmer	—	[signature]
5.	Johnson Kamau Ndungu	/	—	[signature]
6.	Michel Gachau	farmer Gachau	—	[signature]
7.	Hungo Gachia	farmer	0701 560 853	[signature]
8.	Goeffrey Gachia		—	[signature]
9.	PETER KIMANI	Farmer	0727786790	[signature]
10.	JECITA KAMAU ~~JECITA WAGURA~~		0727564207	[signature]

SAMUEL K. THUO
[signature]

HEF
NDUNYU - CHEGE LOCATION

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 14/05/15 VENUE: KIAIREGI TEA B. CENTRE

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	Amos Mwangi Kamau	Farmer	0724 389606	[signature]
2.	James Maina Muchiri	Farmer	0708494496	[signature]
3.	Geofrey Kihara Kariuki	Farmer	0726031263	[signature]
4.	JOSEPH MUKABINGUGI	FARMER		[signature]
5.	Job - maina	FARMER	0722 572 530	[signature]
6.	Peterson Gachukia	Farmer	0721408171	[signature]
7.	James Igecha	Farmer	0701268068	[signature]
8.	Paul Kamau	Farmer	0722601339	[signature]
9.	WILSON MWANIKI		0719 299 537	[signature]
10.	Anne Wambui	Farmer	0711 401344	[signature]

Samuel Kiffuo
[signature]

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 14/05/15 VENUE: KIAIREGI TEA B. CENTRE

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	James M Ngongai	Farmer	0724 389 609	[signature]
2.	Francis M Ngandwa	Student	0727 466 137	[signature]
3.	Jamleck M Njuguna	Farmer	0712 546 253	[signature]
4.	JANET WANGARI KIAMA	FARMER	0704353995	[signature]
5.	Ester Njoki Ngánga	Farmer	0713 363 757	[signature]
6.	WANGARI MACHARIA	Business lady	0727 461 805	[signature]
7.	John Chege Macharia	farmer	0721 325 711	[signature]
8.	Daniel Maina Kuhunya	farmer	0715 641 958	[signature]
9.	Hungo Kagutha	Farmer	0713 410 573	[signature]
10.	Rose Mutheni K.	farmer	0711 561 646	[signature]

SAMUEL K-THUO
[signature]

CHIEF
NDUNYU - CHEGE LOCATION
.....

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 14/05/15 VENUE: KIAIREGI TEA B. CENTRE

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	Elizabeth Wambui K.	Farmer	0728 593117	Enkuhunga
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

Samuel K. Thuo

CHIEF
NDUNYU - CHEGE LOCATION

Notes for the meeting held with. the public at Ngorongo community hall at the Assistant county Commissioners office in Ngorongo sublocation

Attendance

1. Newton Stower
2. Chief Vincent Mwaura
3. Members of the public
4.
5.
6.
7.
8.

Agenda

Discuss the inputs of the project to the project area and collect views on the project. The meet was also used to sensitize the public on the RAP and set a cut off date.

Notes

The meeting started with a word of prayer by a member of the audience.

The chief then invited the GIBB team to the meeting and introduced them to the audience. He told the audiences that he will address them in Kiswahili first and later, he will translate in kitungu for the elderly to understand the project.

The chief invited the RAP expert to address the audience on the project details.

The RAP & ESIA expertan thanked the audience for their prompt attendance of the attendance meeting. He stated that the project is expected to have both negative and positive impacts to the project area and thus it is necessary for an ESIA to be carried out to generate most likely impacts of the projects and

Notes drafted by: Newton Stower

Confirmed by: VINCENT W. MWAURA

Designation: Project Environmentalist

Designation: ASSISTANT CHIEF

Signature:

Signature:

ASST. CHIEF
NGORONGO SUB-LOCATION

Project Name: .....

Project Code.....

Date of meeting: 15../5../2018

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Notes for the meeting held with...

Notes continued....

propose mitigation measures. He said that for those persons whose assets will be affected shall be subjected to enumeration exercise to determine their socio economic status and that all their affected assets after which a valuer will be mobilized to value all the assets within the wayleave that are expected to be affected. He said its important for a cut off date to be set to avoid people claiming assets that were not there during the valuation. He set the cut off to be the 1st day of march

Question: Athi water initially took 12 m and later took 6m that was not compensated for. We want to first of all be paid for the 6 m that was taken

The agreement made back then was not AKISB but but with the then municipal council, however the issue concerning the wayleave shall be submitted to AKISB to give advise on the way forward.

A meeting shall be organised with AKISB to discuss the issues raised concerning the wayleave.

Question: Why are you doing survey work without involving the land owner.

The survey work has not yet begun but when it starts, the chief shall be requested to

Notes drafted by: Newton Stower *Confirmed by:* VINCENT W. MWAURA

Designation: Project Environmentalist *Designation:* ASSISTANT CHIEF

Signature: *Signature:* ASST. CHIEF NGORONGO SUB-LOCATION

Project Name: .....

Project Code.....

Date of meeting: ..15../5../ 2014

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Notes for the meeting held with...

Notes continued....

-contact the assets owners at least a day before the surveyor goes to the site. All the owners of the affected assets shall be present and informed during the survey and valuation exercise.

Question: Will the pipeline be on the surface or be underground.

In some areas, depending on the terrain of the land, the pipe shall be on the surfaces and in some instances, it shall be in the ground. Areas with deep valleys/river crossings shall have the pipeline on the surface.

Question: We were promised water by Kenyatta, as community appreciation for accepting the project. We want the water returned before the project is implemented.

The project area has an already running water supply system but the locals have not gone ahead to apply for the water connection. The project will supply water to Nairobi ~~but~~ but the local areas shall be supplied with water from the local water company. ATWSB is incharge of supply bulk water to the water service provider.

Notes drafted by: Newton Stower *Confirmed by:* VINCENT W. MWAURA

Designation: Project Environmentalist *Designation:* ASSISTANT CHIEF

Signature: *Signature:*

ASST. CHIEF
NGORONGO SUB-LOCATION

Project Name: .....
Project Code.....
Date of meeting: ..14./.X.. / 2014

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Notes for the meeting held with...

Notes continued....

Question: Back then I was paid 39 shillings, this was daylight robbery, we dont refuse the pipeline to pass but we want proper compensation

Your sentiments shall be presented in the report as said the assets shall be valued as they are and values awarded. The value awarded shall be as per the government valuer, it shall not be lower than the government's value that equal or slightly higher.

Question: The GIBB team should assess and know how the extra 6 m was paid to.

The sentiment concerning the wayleave shall be presented to KETSB and the response shall be communicated to the community through the chief.

Notes drafted by: Newton Stower *Confirmed by:* VINCENT W' MWAURA

Designation: Project Environmentalist *Designation:* ASSISTANT CHIEF

Signature: *Signature:*

ASST. CHIEF
NGORONGO SUB-LOCATION

Project Name: .....

Project Code.....

Date of meeting: ..15./..5./2019

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Notes for the meeting held with...

Notes continued....

Comment: We have very little lands, if 30m is acquired we will not be able to use the lands. So we want land for land compensation and not cash compensation

-During the RAP study one of the option the PAP has is to request to be compensated land for land where the PAP is given an alternative land elsewhere of equal or higher value. When the land affected is infinitesimally affected, it will be proposed that the entire land be acquired.

Question: Where will the excavated soil be put after the construction ~~excess~~ of the pipeline.

One of the reasons as to why KPLC intends to acquire 6m construction wayleave is to ensure that there is enough working space that includes room for the excavated top soil. The top soil will then be used in back filling.

Notes drafted by: Newton Stower *Confirmed by:* VINCENT W. MWAURA

Designation: Project Environmentalist *Designation:* ASSISTANT CHIEF

Signature: *Signature:*

ASST. CHIEF
NGORONGO SUB-LOCATION

Project Name: .....

Project Code.....

Date of meeting: ..15../..5../ 2014

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Notes for the meeting held with...

Notes continued....

Question: How will we benefit from this project
The project will be a source of employment to the locals, and will offer market for locally available goods & services such as hotels that will eventually build the economy of the area.

Question: The water from the treatment works destroys our crops when air valves are opened and we are never compensated.
The water valves have been proposed to be constructed in natural water courses so that the water does not flow into peoples lands destroying crops and eroding soil.
It will be proposed to ~~the~~ LSB that the water be channelled into water courses such as rivers & streams

Question: What happens when land is injuriously affected and not economically viable
We shall Recommend to ~~the~~ LSB that land that has been injuriously affected be fully compensated to

Notes drafted by: Newton Stower *Confirmed by:* VINCENT W. MWAURA

Designation: Project Environmentalist *Designation:* ASSISTANT CHIEF

Signature: *Signature:*

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Project Name: .....
Project Code.....
Date of meeting: ..15../..5../ 2012

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Notes for the meeting held with...

Notes continued....

reduce impacts of the neighbourhood of the PAP and ensure they restore their lives as before or to a much better state.

Question: Where will the construction soil be dumped because the 3 m is very narrow for heavy machinery.

The soil shall be put within the 6 m construction wayleave that access intends to acquire temporarily and shall be used in backfilling of the excavated area.

Notes drafted by: Newton Stower

Confirmed by: VINCENT W. MWAURA

Designation: Project Environmentalist

Designation: ASSISTANT CHIEF

Signature:

Signature:

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Project Name: .....

Project Code.....

Date of meeting: ..15../..5./ 2014

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 15/08/2015 VENUE: NGORONGO SOCIAL HALL

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	RUTH WANJIRU KAMAU	FARMER		
2.	KAMAU KIBINU	"	0727575944	
3.	KIRA GACARI	"		
4.	Samson Muiru	Farmer	0726159783	
5.	Mary Njeri Mbugua	Farmer	Nil	
6.	EZEKIEL KIRUMSHIGA	FARMER	0721713720	
7.	TIMOTHY WAMWEA KAMAU		0719397539	
8.	BETH K. MWANGI	Farmer	0720685581 Bethwangiru 277@gmail.com	
9.	JOHN GITHONGO	FARMER	0710726479	
10.	Dorcas Wambui M.	FARMER.	0727753433.	Dorcas W.M.

VINCENT W. MWAURA
ASST. CHIEF
NGORONGO SUB-LOCATION

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 15/05/2015. VENUE: NGORONGO SOCIAL HALL.

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	JOHN MUIGAI GITAU	FARMER	0703948241	
2.	JOHN THIMO KAMAU	"	0723279013	
3.	JOSEPH GATHOWYE	"	0720459726	
4.	JOHN GAITHI NGANGA	"	0715 037700	
5.	PATRICK KAMAU NGATIA	"	0722-787604	
6.	Paulina Kabura	0717 73882		
7.	Rose Muthoni		0704189331	
8.	Martha Wambui Macharia		0720373989	
9.	[illegible]	"	0726 277 947	
10.	NJERI CHINGARE [illegible]	"		

VINCENT W. MWAURA
ASST. CHIEF
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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 15/05/2015 VENUE: NGORONGO SOCIAL HALL

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	MARY W Ngenge	Farmer	0723829428	
2.	Leonard Mugo	farmer	0726037347	
3.	BERNADETA NJUHI	farmer	0713200150	
4.	JULIA WAMBUI	farmer	0723326151	
5.	Peter Wamaina	Farmer	0723136870	
6.	MARY MUITHENGA	farmer	0726585031	
7.	John Wahinya Njoroge	Farmer	0719366618	
8.	Florence N Okeyo	farmer	0710207897	
9.	GEOFREY KIHORO K	"	0700810668	
10.				

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ASST. CHIEF
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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 15/5/15 VENUE: NGORONGO SOCIAL HALL

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	Joseph Kavaya Kavuti	Farmer	0728172362	
2.				
3.				
4.				
5.				
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VINCENT W. MWAURA
ASST. CHIEF
NGORONGO SUB-LOCATION

Notes for the meeting held with... the publics in Kigoro to discuss the potential impacts of the proposed Thika-Kigoro-Kabete pipeline at Kamung'.

Attendance

1. Onesmus Maina
2. Newton Stower
3. Members of the public
4.
5.
6.
7.
8.

Agenda

To discuss the possible positive and negative impacts of the proposed pipeline to the Biophysical and social environments of the area.

Notes

The meeting started with a word of prayer from a member of the audience who was requested by the chief.

The chief then welcomed the people to the meeting after which he introduced the project team to the meeting audience. He urged the audience to ask as many questions as possible to avoid misunderstandings in the future.

He invited the GIBB team to address the audience on the purpose of the meeting.

The project environmentalist welcomed the audience to the meeting and thanked them for the good turn out. He gave the project description of the proposed pipelines, and indicated that its part of the ESIA process. He indicated that is also necessary that due to the impact of land acquisition and distruction to assel- a RAP is to be done. He set the cut off dat for the RAP as the first day of enumeration

Notes drafted by: Newton Stower **Confirmed by:** ONESMUS MAINA

Designation: Project Environmentalist **Designation:** CHIEF KIGORO

Signature: **Signature:**

CHIEF KIGORO LOCATION

Project Name: .....

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Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

Questions: If have 2 parcels of land and I have not be notified which one will be affected and why have I not been notified.

The chief was walked through the line and provided a list of names who the owners will be affected, the chief then went ahead to call you all for the meeting. further consultations will be done with the PAPs during the ~~removal~~ survey work, enumeration and valuation exercise in ~~days~~ to come.

Question: Will we be compensated before or after the project start. at what stage.

KWSB will be advised to compensate befor the construction works begin to ensure PAPs restore their livelihoods before ~~the~~ ~~one~~ ~~relocated~~ project starts. This is with regards to the WB policy on involuntary resettlement.

The compensation will be done after the set up of the RAPIC, and disclosure of the entitlements to the PAPs After this, the PAPs will be served with notices of pending works

Question: If we are not contented with the compensation package, what can we do, can we appeal

Notes drafted by: Newton Stower ***Confirmed by:*** ONESMUS MAINA

Designation: Project Environmentalist ***Designation:*** CHIEF KIGORO

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Notes continued....

In case the PAP feels the amount allocated is not equal to the value of his property he will launch a complaint to the 1st level of grievance resolving mechanism proposed in the RAP report, if he still feels the problem is not resolved he moves to the next level. When all the levels within the project implementation have not been addressed the issues, he will move to court and present his complaints against the project.

Question: Why dont we give the valuer our rates before the valuation exercise begins

It will not be proffessional if a valuer goes by the values suggested by the PAP, valuation is based on a number of factors the valuer considers before he assigns value to an asset. The PAP will be only sign on a paper giving the detailed discription of the assets to be affected.

Question: When is the cut off date.

The first day of enumeration will be the cut off date for enumeration eligibility for compensation.

Notes drafted by: Newton Stower *Confirmed by:* ONEJMUS MANA

Designation: Project Environmentalist *Designation:* CHIEF KIGORO

Signature: *Signature:* CHIEF KIGORO LOCATION

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Notes continued....

after This is to ensure that people do not erect structures after the valuation and start laying claims during the project ~~has~~ been implementation.

All the assets noted during the enumeration exercise are what will be valued during the valuation exercise. any modification or additional structures shall not be valued

Question: Which land parcels have been affected

This will be determined after the surveyor has been mobilised to peg the centre line of the pipeline. This will then be followed by measurements from the centre line to determine to what extent an asset is affected.

Question: What size will the wayleave be?

TKFWB intends to acquire 6m temporarily for construction and 3m for laying the pipeline. the 3m will then belong to TKFWB but the 6m returned to the PAP after the construction.

Notes drafted by: Newton Stower ***Confirmed by:*** ONESMUS MUNDA

Designation: Project Environmentalist ***Designation:*** CHIEF KIGORO

Signature: ***Signature:***

CHIEF KIGORO LOCATION

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Project Code.....

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Notes continued....

Question: If I had future plans to develop the land will I be compensated for that.
Only the assets valued are subject to ~~valuation~~ compensation, any developments made after the cut off date shall not be eligible for valuation.

Question: Why didnt the team come with the cadastrals map to show which land parcels will be affected.
The cadastral maps shall be availed during the valuation exercise. This is only possible after the surveyor has pegged the land and land parcels are determined. This will then help in acquisition of the right land parcels that the line will be overlaid on.

Question: If the pipe cuts across my shamba will I be allowed to use the remaining part of my shamba.
The project will acquire 3m on permanently but the 6m will be repossessed by the PAP, the 3m will AWSB's property. ~~but~~ The PAP only has rights to use his property but the 3m is dependent on agreement with AWSB.

Notes drafted by: Newton Stower | *Confirmed by:* ONESMUS MAINA

Designation: Project Environmentalist | *Designation:* CHIEF KIGORO

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Notes continued....

Question: We were already compensated with the KETRACO power lines who left the site without compensation.
The KETRACO project was under a different project and organisation, KHSB requested for the RAP so that it can help them decide on the best route for the pipeline and the costs

Question: We were consulted earlier on the treatment works, how is this different from the other.
The T works are higher up under a different Consultancy, GIBB is only interested in carrying out Consultation for the ESIA & RAP for the pipelines. The consultation for the ~~ESIA~~ T works may not have captured issues related to the pipeline.

Notes drafted by: Newton Stower *Confirmed by:* ONESMUS MAINA

Designation: Project Environmentalist *Designation:* CHIEF KIGORO LOC

Signature: *Signature:* CHIEF KIGORO LOCATION

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DATE:_____ VENUE:_____

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	Peter M. Karanja	Farmer	0729385694	[signature]
2.	Samuel K. Njoroge	Farmer	0720925978	[signature]
3.	WILFRED M. MWANIKI	Farmer	0722165108	[signature]
4.	Jonge N. Njoroge	Farmer	0713613191	Nyambura
5.	JOSEPH N. KAGIRI	Farmer	0724297129	[signature]
6.	Kamau Cathulau	Farmer	0727936185	[signature]
7.	Nganga Njari	Farmer	—	Nganga
8.				
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[signature]

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 5/5/2015 VENUE: KANUNGA CHIEF'S CAMP.

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	Cecilian Kaitterero	Farmer		
2.	Easter Muthoni K.		07219254922	Esther
3.	Eunice Wangari H.	Farmer	0723 290 875	[illegible]
4.	Easter Wangira M.	Farmer	0716005113	[illegible]
5.	CHARLES MWANIKI	FARMER	0721352812	[illegible]
6.	JOSEPH MWANIKI	FARMER	—	[illegible]
7.	Loise Wangari M.	Farmer	0725 103 223	
8.	Peter Kimani M	Farmer	0720 265 342	Kimani
9.	Lucy Muigai	Farmer	0726 272783	[illegible]
10.	WILFRED KIGO NJIIRI	FARMER		[illegible]

OK [illegible]

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 5/5/2015 **VENUE:** KANUNGA CHIEF'S CAMP

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	PETER NJOROGE NJUGUNA	FARMER	0711787836	
2.	HENRY KINYUA NJUGUNA	FARMER	0724 062 713	
3.				
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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 5/5/2011 VENUE: KANUNGA CHIEF'S CAMP

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	PHILIP MG'ANGA	WELDER	0721 303 926	Philip
2.	Rose WANJIKU	FARMER	0727 961 115	
3.				
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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 5/5/2015 VENUE: KANUNGA CHIEF'S CAMP

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	Stephen Gitthuku Kariuki	Farmer	0722-897586	[signature]
2.	ZIPPORAH W. MWAURA		0714892659	[signature]
3.	JOHN K. KAGIO	Male	~~2013~~ 0724389373	[signature]
4.	James N. Kiarie	farmer	0727955927	[signature]
5.	David of Muigai	[signature]	2016540	[signature]
6.	JOHANA C. MFOROGE	farmer	0728933108	[signature]
7.	Esther Marjuri Njugina	Farmer	0727517867	[signature]
8.	GILBERT MWAURA MUIGAI	FARMER	0723219216	[signature]
9.	Muigai Kamau	FARMER	0723132950	SAMUEL M.
10.				

[signature] [signature]

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 5-5-2015 VENUE: KANUNGA CHIEF'S CAMP

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	JOHN W. KIMARI	KANUNGA	0727461151 1670 THIKA	[signature]
2.	PAUL N. MWANGI	KANUNGA	0723064176 642 THIKA	[signature]
3.	PETER KAMAU	KANUNGA	0723 828225	[signature]
4.	Hana Mugwe	KANUGAA		
5.	Samuel K. Bonge	Kanunga	0726 654635	[signature]
6.	JAMES N. BORONJE	KANUNGA	0717729448	[signature]
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OK [signature]

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DATE: 5/5/2015 VENUE: KANUNGA CHIEF'S CAMP

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	WILSON MWANIKI M.	TEACHER	0723335803	
2.	FRANCIS MWAURA M.	FARMER	0748881592	
3.	CYRUS KAGIRA NJUGUNA	FARMER	0722-884644	
4.	SOLOMON KAGIRA N.	FARMER	0714265427	
5.	ALICE WAIRIMU K.	FARMER	0722991807	
6.	ESTHER WA MUIGAI	FARMER	0710668478	
7.	WANJIRU KINUTHIA	TEACHER	0727759190	
8.	NSUCTUNA	KABU		
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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 5/5/2015 VENUE: KANUNGA CHIEFS CAMP

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	Paul M Kagira	Farmer	0722360991	[signature]
2.	Simon M Kagira	Farmer	0710368241	[signature]
3.	James Philip Kiarie	Farmer	0716083050	[signature]
4.	Kuria Nyoage	Farmer	0726420030	[signature]
5.	Kimani Ho	Sarah	2018003	[signature]
6.	FRANCIS MWANIKI KIMARI	FARMER/TEA EXTN ASST NJUNG	0722 369698	[signature]
7.	JOSEPH KARANJA MURUNA	FARMER	0728-200335	[signature]
8.	PETER NGANGA MURUITHIA	FARMER	0718138355	[signature]
9.	Roachol wambui NYAMBURA	farmer	0710687274	[signature]
10.	Karanja Mwaniki	farmer	0720985250	[signature]

OK. [signature]

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 5/5/15 VENUE: KANUNGA CHIEFS CAMP

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	SIMON N. NGANGA	Businessman	0728888212	[signature]
2.	JOSEPH GAWA M.	TEACHER	0727 425 937	[signature]
3.	CHARLES M. KARIUKI	FARMER	0723 389 728	[signature]
4.	Grace Njoki Mukoru	Farmer	0727004694	[signature]
5.	Samuel KIARII KAGURA	Farmer	0721575714	[signature]
6.	CHARLES WAIWATIVA	FARMER	0723837327	[signature]
7.	JAMES MAINA MUCHIRI	FARMER	0722885003	[signature]
8.	APOLO MWANGI NDUATI	FARMER	—	[signature]
9.	MWANGI NJUGUNA	FARMER	—	Mwangi Njuguna
10.	SAMMY NGENGA	FARMER	0725709298	[signature]

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 5/5/2016 VENUE: KANUNGA CHIEF'S CAMP.

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	ONESMUS MAINA	CHIEF KIGORO	0724480366	
2.	PETER MWANIKI KAMAU	A/CHIEF KANUNGA	0733200937	
3.	PAUL MAINA NJUGUNA	A/CHIEF GIACHUKI	0735704567	
4.	HELINA WANGARI L.		0723490286	
5.	DAVID NJOROGE KAGIRA	FORMER CHIEF/DIRECTOR NJUNU TEA FACTORY	0725585241	
6.	BERNARD KUTHUNYA		0723 478742	
7.	J. P. M. Kagira	Farmer	0722960885	
8.	DOUBLE M. KARANJA	FARMER	0700764171	
9.	GEORGE K. KARANJA		0705142248	
10.	Phavis Kamau	FARMER	0722459053	

OK.

CHIEF
KIGORO LOCATION

Notes for the meeting held with.. the public at Ndunyu chege tea buying centre for comments on the proposed Thika – Kagaro – Kabete Pipeline.

Attendance

1. Newton Stower	5.
2. Samuel Thuo	6.
3. Member of the public	7.
4.	8.

Agenda

To discuss the proposed Thika – Kagaro – Kabete pipeline and collect comments on the proj ed. To set the cut off date for the Eligibility of PAPs.

Notes

The meeting started with a word of prayer from the audien who was invited by the area chief.

The chief thanked the audience for their prompt attendance despit the lat start of the meeting. He introduce the leaders from the provincial administration. and the GIBB team. He invited the assistant chief to welcome the people and the GIBB team.

The Assistant chief urged the audience to be patient and listen to the GIBB and any questions they feel they really need answers to, they asked. He indicated that its crucial that questions are all answered satisfactorily since there is the issue of land take.

He indicated its good that nowadays the government is courteous enough to consult land owners and project affected persons unlike before when the government used to compulsorily acquire land without consulting the public

Notes drafted by: Newton Stower

Confirmed by: SAMUEL K-THUO

Designation: Project Environmentalist

Designation: CHIEF NDUNYU - CHEGE LOCATION

Signature:

Signature:

Project Name: .....

Project Code.....

Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

The chief invited the GIBB team to address the public. The project environmentalist started by thanking the audience for attending the public meeting and then went ahead to give the project description. He indicated that the project is expected to generate both negative and positive impacts on the area. He stated that it is necessary that the audience gives their comments & opinions of the project so as to determine the impacts. This will allow for determination of mitigation measure for the negative impacts & a way to improve the positive impacts.

He also talked about the component of RAP that is as a result of land acquisition. He informed the audience that the cut off date for eligibility is on the first day of enumeration and that any asset not included in the exercise shall not be valued.

Question: Where is the land acquisition plan

The land acquisition plan will be availed during the valuation exercise to show the PAP to what extent his/her land will be affected. This exercise is preceded by the surveyor first of all pegging where the pipelines will pass.

Question: The land that will be permanently acquired will it be the same value as that for temporary acquisition

land that will be permanently acquired shall be valued as per the Government valuers rates or

Notes drafted by: Newton Stower *Confirmed by:* SAMUEL K. THUO

Designation: Project Environmentalist *Designation:* CHIEF NDUNYU - CHEGE LOCATION

Signature: *Signature:*

Project Name: .....

Project Code.....

Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

slightly higher but the land that affected temporarily shall not be bought but except that the affected crops shall be compensated for, land temporarily acquired for an hour cannot be compensated.

Question: will I be allowed to use my land after the pipe has been laid

Once the pipe has been laid the temporarily acquired land shall be reposessed by the owner but the wayleave (3m) shall be KWSB's property. Thus the use will be KWSBs discretion

Question: How deep will the pipe be laid.

The pipe will be deep in some cases and above ground in some areas depending on the topography of the land. There is no standard depth that the pipe will be laid.

Question: When is the project start date.

The project is expected to start once the NEMA license has been issued for the project.

Notes drafted by: Newton Stower *Confirmed by:* SAMUEL K. THRO

Designation: Project Environmentalist *Designation:* CHIEF

Signature: *Signature:*

CHIEF
NDUNYU - CHEGE LOCATIO

Project Name: .....

Project Code.....

Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

Question: The dust that will come from the project will affect tea & coffee

The contractor shall use the ESMP in the project ESIA report to ensure best management practices. The ESMP shall out line how the contractor stops potential impacts and what the contractor should do to minimize the effects

Question: What will the basis of crop valuation will the crops be valued the same.

The crops will be valued as per the government rates, each crop has a different value from the other thus valuation will be dependent of type and age of crop.

Question: Will the compensation be done before or after the project.

Ideally WB policies require that the PAPs be compensated before project start date, AfDB shall be advised to use the WB policy guidelines when implementing the RAP.

Question: If the way have expands past what is intended to be required, will it be compensated.

If the contractor goes beyond what was acquired, it will required be outside the pre existing PAP budget and thus considered as damages by the contractor who shall pay for the damaged assets.

Notes drafted by: Newton Stower *Confirmed by:* SAMUEL K-ITHUO

Designation: Project Environmentalist *Designation:* CHIEF

Signature: *Signature:*

CHIEF
NDUNYU CHEGE LOCATION

Project Name: .....
Project Code.....
Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

The access road to the construction site, will it be compensated.? for areas with very steep slopes

The contractor road to be used is outside the scope of the RAP and thus if a road is to be acquired, the contractor an AKICB shall contact the properties owners and agree on the assets to be affected.

Question: Will houses that are affected be compensated.

The project aims to avoid any demolition of houses, ~~private~~ institutions or cultural & religious grounds, however should any of them be affected, AKICB shall be advised to follow WB policy by compensation & site restoration of livelihoods.

Question will a road be constructed during the project.

Access road to the construction site might need to be constructed but it outside the scope of the ESIA and RAP

Question: for lands that have low lying rocks, will the rocks be ~~backfilled~~ removed or left on the surface.

The contractor is expected to reinstate all the site that he will have used, it is outlined in the proposed ESIA report that the construction site be restored to an earlier state or better.

Notes drafted by: Newton Stower *Confirmed by:* SAMUEL B TITUS

Designation: Project Environmentalist *Designation:* CHIEF

Signature: *Signature:*

CHIEF
NDUNYU - CHEGE LOCATION

Project Name: .....

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Notes for the meeting held with...

Notes continued....

Question If the project affects two different property ie one tempory acquisition and the other permanent.

All the affected assets shall be valued as they are, all land shall be valued and paid incase its held by two different people it shall be calculated its correspond to each persons share of affected property

Question: The soil erosion resulting from the construction exercise, how will it be managed

Soil erosion prevention mechanisms such as terracing, gabions and planting of cover vegetation shall be proposed in the ESIA report in the ESMP that shall be used by the contractor to reduce the impact of soil erosion.

Question: Where the ~~construction~~ laying of the pipe passes above land will I be compensated - How will children be protected.

The land ~~below~~ shall be acquired and will belong to KKISB, this will allow for future operation and maintainence activities.

Question: If the pipe bursts later after the construction & destroys my crops will I be compensated & by whom

KKISB will hand over the pipeline to NCKISC after project completion, therefor NCKISC shall be responsible for subsequent damages

Notes drafted by: Newton Stower *Confirmed by:* SAMUEL K-THW

Designation: Project Environmentalist *Designation:* CHIEF

Signature: *Signature:*

CHIEF
NDUNYU - CHEGE LOCATION

Project Name: .....

Project Code.....

Date of meeting: ...../..... / 2014

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Notes for the meeting held with...

Notes continued....

Question: will I get employment.

The project will source casual labour locally which mostly be unskilled labour, as for skilled labour, the contractor shall interview persons from the area and pick one who is qualified. if the finds none qualifies, he shall source for the skilled labour elsewhere.

Question: Where the pipe passes through a grave, will it be exhumed, will I be compensated.

The RAP strives to avoid any burial grounds therefore the first priority will be to realign the pipeline but if the design don't allow then KPLC shall come to an agreement on the assistance required to relocate the grave.

Question: Where need information on the land parcels to be affected.

This information shall be availed during the survey exercise as the beacons will be put.

Notes drafted by: Newton Stower *Confirmed by:* SAMUEL K-THUO

Designation: Project Environmentalist *Designation:* CHIEF

Signature: *Signature:*

CHIEF
NDUNYU - CHEGE LOCATION

Project Name: .....

Project Code.....

Date of meeting: ...../...../ 2014

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PUBLIC CONSULTATION MEETING ATTENDANCE LIST

ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 14/05/15 VENUE: NDUNYU CHEGE TEA BUYING CENTRE (NDUNYU CHEGE SUB LOC)

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	Solomon Ngugi-M.	A/CHIEF	0720757139	[signature]
2.	Samuel K. Thuo	A/CHIEF	0724609910	[signature]
3.	Paul M. Nganga	A/CHIEF	0735 704569	[signature]
4.	Miriam Muthoni S.	A/chege / Mkulima	0723562366	[signature]
5.	James Njoroge Mutheri	Resident.	0700836180	[signature]
6.	Margaret Wambui Mutheri	Farmer	0720075403	margaret
7.	Maria Njoroge	Farmer	0715645144	[signature]
8.	Jotham Muigai Phinehas	Farmer	0726628044	[signature]
9.	Peter Njoroge chege	Farmer	0722214516	PNC
10.	HENRY. K. Kabute	Farmer	0720298808	HKabute

Samuel K. Thuo
[signature]

CHIEF
NDUNYU - CHEGE LOCATION

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PUBLIC CONSULTATION MEETING ATTENDANCE LIST

ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 14/05/15 VENUE: NDUNYU CHEGE TEA BUYING CENTRE

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	Nahason Maina nganga	farmer	0722950689	
2.	Peter Kamau Nyoroge	farmer	0722907358	
3.	Henry Chege	farmer	0729 993698	
4.	JOHN MUANGI	FARMER	0725257794	
5.	JANE NJERI	FARMER	0729351563	
6.	JANE NJERI CHEGE	FARMER	0728544056	JANE
7.	ISAAC NJENGA CHEGE	FARMER	0724498429	
8.	DANIEL MAIMA CHEGE	FARMER	0713685690	
9.	Peter Kamande Chege	FARMER	0711320015	
10.	JULIUS NDUGI CHEGE	FARMER	0720779755	Julius

CHIEF
NDUNYU - CHEGE LOCATION

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 14/05/15 VENUE: NDUNYU CHEGE TEA BUYING CENTRE

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	Peter Macharia Mugai	Farmer	0713410570	[signature]
2.	DAVID Ndwatimungai	Farmer	0724148532	[signature]
3.	Geoffrey Kimani	Farmer	0701737846	[signature]
4.	JAMES MAINA	Farmer	0724611320	[signature]
5.	FRANCIS GITHINJI	Farmer	0725461445	[signature]
6.	ISAAC KURIA DANIEL	Farmer	0719257897	[signature]
7.	JAMES MAINA MUCHINA	FARMER	0722885003	[signature]
8.	John Mwenge Wandiri	Farmer	0711199390	[signature]
9.	Njorogemaina Kamau	FARMER	0720503850	Njoroge
10.	ZJ MWANGI	ECONOMIST	0725219512/0733712500	[signature]

SAMUEL KITHIO
[signature]

CHIEF
NDUNYU - CHEGE LOCATION

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 14/05/15 VENUE: NDUNYU CHEGE TEA BUYING CENTRE.

35

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	Peter Mama Kamau	Farmer	0720003210	
2.	DANIEL M- KAMAU	FARMER	0723389011	
3.	Ezra Cutaw D.W Kamau	Farmer	—	E Cutaw
4.	Peter Njoroge Cutaw	Farmer	—	P. Njoroge
5.	Henry Nyunguna Matheri	Farmer	0700692332	
6.				
7.				
8.				
9.				
10.				

SAMUEL K-THUO

CHIEF
NDUNYU - CHEGE LOCATION

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 04/05/2015 VENUE: KIRIA-INI LOCATION

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	DAVID M. NJOROGE	FARMER	0702868365	
2.	BONIFACE M. KAMAU	"	M/L	
3.	STANLEY M. KAGIRA	"	0716260624	
4.	ELIJAH M. KAMWAKU	"	0727426177	
5.	SAMUEL M. KIEMJE	"	0711706091	
6.	WILSON KAMAU THETHA	"	0726054333	
7.	JOYCE W. KIARIE	"	0710874694	
8.	TABITHA M. MWAURA	"	M/M	
9.	FRANCIS C. RUBELIA	"	"	
10.	ESTHER W. MJITHIA	"	0728567795	

CHIEF
KIRIA-INI LOCATION

Confirmed
J.N. Mwaura.

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 04/15/2015 VENUE: KIRIAINI LOCATION

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	Geoffrey K. Kimani	farmer	0722441393/1162	GKkimani
2.	DANIEL K. NJAU	"	0728215278 "	
3.	JOHNSON K MAINA	"	0727966949	
4.	ALICE WAMBUI NDUATI	"	0725388162	
5.	JOHN MWANGI NJUATI	"	0720875663	
6.	MWANGI KINYTHIA	"		m K
7.	PAUL W. MWANGI	"	0700495825	
8.	JAMES K. MWANGI	"	N/L	
9.	GIDEON M. KAMAU	"	0726930662	
10.	PETER K. KAGIRI	"	0725345554	

Confirmed
J. N. MWAURA

CHIEF
KIRIA-INI LOCATION

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 04/08/2015 VENUE: KIRIAINI LOCATION

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	JACKSON MUIRURI	FARMER	0713829760 1162 THIKA	
2.	JOSEPH KINYANJUI NJOROGE	"	0728 251330/219 GITHUNA	
3.	STEPHEN NJOROGE	"	027538355 (1162 Thika	
4.	Julias KAMAU	"	0713 139543 (1162 Th	
5.	Geoffrey Gathuru Ngugi	"	0723318858 (219 Gaturo)	
6.	JACOB NJOROGE	"	0727096495 (1162 THIKA)	
7.	HEZEKIAH MWAURA	"	0729813105 (1162 Thi	
8.	Anest Muigai M	"	0704442507 (1162 Thika)	
9.	Francis Kegefubesha	"	1162 Thika	
10.	ELINJCH GACIRU		0720665897	

Confirmed
J.N. Mwaura CHIEF
KIRIA-INI LOCATION

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 4/5/2015 VENUE: KIRIA-INI LOCATION

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	FRANCIS NYOIKO	FAMERS	1162 THIKA	
2.	SAMUEL NGANGA	FAMERS	1162 THIKA	
3.	SARAH KIENG	FAMERS	1162 THIKA	
4.	Mr. David KAMAU M	FAMERS	1162 THIKA	
5.	SAMUEL Maina Macharia	FARMer	1162 Thika	maina
6.	patrik Kariuki Ndegi	Farmer		
7.	SAMSON MAINA MWANGI	Farmer	74 GATURA	
8.	DAVID CHEGE	farmer	1162 THIKA	
9.	ALLAN MWANGI MAINA	FARMER	0724831498 80x 1162 THIKA	
10.	FREDRICK NDICHU	BUSSINMEN	0725319108 1162 THIC	

CHIEF
KIRIA-INI LOCATION

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 04/05/2015 VENUE: KIRIA-INI LOCATION

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	ALICE M. KURIA	FARMER	~~0~~ N/L	ALICE M KURIA
2.	JOHN N. MWAURA	ADMINISTRATOR	0723 454053	
3.	JOSEPH NDUNGU	Environmentalist-AWSB	0720863626	
4.	PRISCILLA W. NYANJU	ADMINISTRATOR	0725244789	
5.	Rachel Wari Njoroge	Farmer	0725307050	
6.	Daniel Mbogoche	Farmer	0714588008	
7.	Peter Mainaina	Farmer	0705096108	
8.	J.K. NJUGUNA	ASSISTANT CHIEF	0721-693615	
9.				
10.				

Confirmed
J. N. Mwaura
CHIEF
KIRIA-INI LOCATION

Kiambu County

Notes for the meeting held with... number of the public in Ngethu to discuss potential impacts of the Ruka-Kyigoro-Kabete pipline

Attendance

1. Peter Hanton Stower	5.
2. Anthony Njoroge	6.
3. Members of the public.	7.
4.	8.

Agenda

To discuss the possible positive and negative impacts of the proposed pipline to the Bio-physical ~~environment~~ and socio environment.

Notes

The meeting started with a word of prayer from the chief who later invited the members of the public to the meeting.

He thanked the audience for being patient even after the meeting started late, The chief told the audience that the GIBB team will communicate in English and afterwards, he will translate the message to the locals who do not understand kiswahili well.

The chief invited the GIBB team to address the audience and give the public the description of the project.

The GIBB Environmentalist ~~read~~ told the audien of the proposed 1.2 dia pipline from Ndakaini to Kyigoro Twarker all the way to Kabete, He indicated that the proposed project is expect to have a number of environmental impacts both negative and positive and encourage the audience to ask as many

Notes drafted by: Newton Stower **Confirmed by:** ANTONY NJOROGE

Designation: Project Environmentalist **Designation:** CHIEF

Signature: **Signature:** ASST. CHIEF NGETHU SUB-LOCATION

Project Name: .....

Project Code.....

Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

Questions as they can. ~~[illegible]~~ He indicated that the project will require about between 6-16 m out of which 3 meter will be acquired on permanent basis. He stated that it und WBS Op 4.12 that the public has to be sensitized on the project and a cut off date set. He explained that a cut off date is where all affected assets and persons are recorded in a census and any other developments or immigration of persons in the project zone of impact past that date are not considered eligible for compensation. He set the ~~date~~ cut off date on the first day of enumeration. ~~[illegible]~~

After elaborating on the project details, the GIBB personnel invited questions from the audience. The chief gave a translation of what had been said and asked members of the public to ask questions

Question: When acquiring the 3 m Id like to be paid as a plot, let all the land / be consolidated.

- The land to be acquired will be ~~per~~ valued as per the acreage to be acquired, if one owns more than one parcel each parcel shall be valued seperately and the total land value shall be calculated.

Notes drafted by: Newton Stower *Confirmed by:* ANTONY NDOLOLO W.

Designation: Project Environmentalist *Designation:* ~~[illegible]~~ CHIEF

Signature: *Signature:* ~~[illegible]~~ OFFICE ~~[illegible]~~ CHIEF ~~[illegible]~~ VGETHU SUB-LOCATION

Project Name: .....

Project Code.....

Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

Question: If you take 6m temporarily for construction, will we be paid for compensation during maintainance

- Currently, the GIBB team is working on a confined TOR to acquire 3m permanent and 6m for construction during construction phase, during maintainance, the client shall organise to meet the land owners to discuss how the matter will be handled. During this study, crops growing along the construction wayleave shall be valued and presented to the client (AfDB)

Question: When the surveyor & valuer are on site we want to be involved during the exercise.

- During the survey work, the surveyor will be accompanied by village elders appointed by the chief, the same shall also be done during valuation except that during valuation, the valuer will require the land owner to be present or at least have his representative around to give him/her details

Question: The previous lines have cause landslides, this project will increase loss of arable land.

- During the construction erosion works, the contractor will be required to carry out soil conservation measures as proposed in the mitigation measure for massive soil

Notes drafted by: Newton Stower

Confirmed by: Antony Ndolo

Designation: Project Environmentalist

Designation: A/ CHIEF

Signature:

Signature:

ASST CHIEF OFFICE
VGETATIO SUB-LOCATION

Project Name:.....

Project Code.....

Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

movement. After construction exercise, monitoring and evaluation will be done to ensure the project zone of influence has been restored to its initial state or a much improved state. Areas that have been left out should be reported to the Resident Engineer for appropriate action to be taken.

Question: We lost springs during construction phase and now we dont have water.

During the Environmental study, all the springs along the project footprint will be mapped and the contractor brought to the attention of their location so as to avoid damaging the eye of the springs.

Question: How will we be compensated for loss of income from crops -

The project will be implemented as per WB OP 4.12, The affected rates will be valued by the valuer who will ensure that his rate are not below the government record of market rates. The values will either be equal to the government market rate or slightly high depending on a number of factors that bring about variation

Notes drafted by: Newton Stower *Confirmed by:* ANTONY WANGEW

Designation: Project Environmentalist *Designation:* ASSISTANT CHIEF OFFICE SUB-LOCATION

Signature: *Signature:*

Project Name: .....

Project Code.....

Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

Question : How will the issue of soil destroying crops be handled

The contractor shall implement the ESMP in the ESIA report to ensure that the impacts on soil & crops will be reduced. This will be by restricting the construction works to the contractor wayleave to ensure no additional assets are affected.

Question : Will we get water.

AMSB is only responsible for bulk supply and provision of its infrastructure but supply is from the water companies' the water supply company has supplied water but most people are reluctant to pay for connection. Creating perforations in the water supply line will lead to water losses and pressure loss

Question : will we get employment.

The contractor will be advised to source for unskilled labour locally and give priority to any skilled labourer within the project area. If no skilled labourer

Notes drafted by: Newton Stower *Confirmed by:* ANTONY NDOLOGE W.

Designation: Project Environmentalist *Designation:* CHIEF

Signature: *Signature:*

CHIEF OFFICE SUB-LOCATION NGETHU

Project Name: .....

Project Code.....

Date of meeting: ...../...../ 2014

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Notes for the meeting held with...

Notes continued....

is available in the area, then they will be sourced from elsewhere.

Question: Who will ~~g~~ cater for the expenses incurred ~~during~~ for amending the titles
The cost of ammending the titles will be proposed and include in the disturbance allowance, this will help cater for the costs of ammending the titles and getting the title deeds

Question: This project has been slowly by slowly taking my land. we suggest that AKISB ~~you~~ buys the entire land.
AKISB shall be informed of your proposal and the a ~~meeting~~ response shall be communicated to the PAPs through the chiefs.

Notes drafted by: Newton Stower *Confirmed by:* ANTONY NJOROGE W.

Designation: Project Environmentalist *Designation:* A/ CHIEF

Signature: *Signature:*

ASSISTANT CHIEF OFFICE NGETHU SUB-LOCATION

Project Name: .....
Project Code.....
Date of meeting: ...../..... / 2014

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PUBLIC CONSULTATION MEETING ATTENDANCE LIST

ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 19.05.2015 VENUE: NGETHU SOCIAL HALL

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	GATHUNDO CHEGE	FARMER		
2.	Solmon Mugni	Ndungu	0727782627	
3.	PETER MUNYAMBU	FARMER	0724638289	
4.	PETER NDUNGU	FARMER	0705506763	
5.	JOHN KAMOGE	FARMER	0725553270	
6.	GEORGE NDUNGU	FARMER	0728 406 288	
7.	MICHAEL KIMANI	FARMER	0726668270	
8.	STEPHEN MWAURA	FARMER	0701088319	
9.	JOHN GITAU MAINA	FARMER	ID: 27255503	
10.	JANE WANJIKU NJOKE	FARMER	0723409189	

ASST. CHIEF OFFICE
NGETHU SUB-LOCATION

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CONSULTING · DESIGN · MANAGEMENT

PUBLIC CONSULTATION MEETING ATTENDANCE LIST

ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN FOR PROPOSED THIKA-KABETE RAW AND TREATED WATER PIPELINE

DATE: 19/05/2015 VENUE: NGETHU SOCIAL HALL

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	JOSEPH NJUGUNA NYOIKE	FARMER	0726135411	
2.	Mary Wanja Maitungu	farmer	0726585031	
3.	Maria Nyeri Njoroge	farmer	0727444064	
4.	TERESIA Wangari Gachathi	farmer	0728111405	Wangari
5.	MARTHA W. NJOKE	FARMER	0720329888	
6.	FAITH WANGARI	FARMER	0711310129	
7.	RUTH WANGARI	FARMER	0707434250	
8.	DANSON KIMANI GACHINA		I.D. 22539220	
9.	STEPHEN Njoroge Mwangi	FARMER	0725773799	Njoroge
10.	JAMES MBUGUA	FARMER	0714771797	

ASST. CHIEF OFFICE
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DATE: 19/05/2015 VENUE: NGETHU SOCIAL HALL

	NAME	DESIGNATION	Contacts Telephone/ Email address	SIGNATURE
1.	PETER	Nonoge	0728782472	[signature]
2.	AGATHA MYAKOMA	farmer ~~MYAKOMA~~	0711588350	Agatha
3.	Alex N. Naung		0716975531	[signature]
4.	Gabriel Sachshi	Farmer	0726263405	[signature]
5.	PATRICIA WAIRIMU	FARMER ~~0723961169~~	0723961169	
6.	PHILAPHIAN MWAURA	Farmer	07	
7.	EUNICE NJER	Farmer	0716108572	—
8.	Manthai Wanjiku	Farmer	0720329888	
9.	peter mburu	Farmer	—	—
10.				

[signature]
ASST. CHIEF OFFICE
NGETHU SUB-LOCATION

Appendix 3: Template of Household Survey Form

"Hallo, My name is _____. I am part of a team from GIBB International, who are conducting an Environmental and Social Impact Assessment (ESIA) study for the development of Thika Dam - Kigoro - Gigiri - Kabete Pipelines in Murang'a, Kiambu and Nairobi Counties. The study will be collecting household baseline socio-economic data along and within the pipeline site to assist us determine the impacts of the project. In the event the results of the air and noise modelling studies show that you will be grieviously affected, you are likely to be resettled. If the above is the case, you will be informed in the future during the study. Your participation in answering these questions is very much appreciated. Your participation is completely voluntary, and you do not need to answer any questions you do not want to. Your responses will be **COMPLETELY CONFIDENTIAL**. Your responses will be added to those of other households and analysed together.

FOR OFFICIAL USE

Qno:	
Date:	Start Time:
Name of Enumerator:	Initials:
Checked by Supervisor:	Sign:

1.0 IDENTIFICATION

1.1	Settlement / Estate / Village:	
1.2	Sub-location:	
1.3	Location:	
1.4	Sub-county	
1.5	County:	
1.6	Name of Respondent:	
1.8	Telephone contact:	
1.9	Relation to HH head:	

3.0a HOUSEHOLD EXPENDITURE

3.1 How much did you spend on the following?

	Per month in KES	Last year in KES
Food		
School expenses, uniforms, books		
Travel and transport		
Agricultural inputs incl. animal care		
Medical expenses (hospital, drugs)		
Water		
Savings		
Communication		
Recreational and culture		
Fuel (Kerosene, firewood, gas, charcoal)		
Miscellaneous good and services		
Other unclassified expenses		

3.2 How easy is it for your household to get three meals per day?

1. Very easy
2. Easy
3. Not Easy

4.0 HOUSE INFORMATION

4.1 Type of the House or the Residence of the Respondent:

4.1.1 Roofing:
1. Thatched
2. Corrugated Iron Sheets
3. Tiles
4. Other _____

4.1.2 Walls:
1. Mud
2. Stone
3. Bricks
4. Other _____

4.1.3 Floor
1. Earth
2. Cement
3. Wooden
4. Others _____

4.2 What is your source of energy for ...

4.2.1 Cooking
1 Firewood
2 Charcoal
3 Kerosene
4 Liquid Petroleum Gas (LPG)
5 Electric Cooker
6 Other _____

4.2.2 Lighting
1. None
2. Battery Lamp
3. Kerosene Lamp
4. LPG Lamp
5. Electricity
6. Other _____

4.3 What is the distance from this homestead to the nearest.

1. Trading centre _____ KM
2. Health centre/dispensary? _____ KM
3. Primary School _____ KM

4.4 What are the sources of drinking-water for members of your household? *(Mark all that apply)*

1. Springs
2. Borehole
3. Shallow well
4. Rainwater collection
5. Water pan
6. River
7. Other
8. PW to homestead
9 PW to community
10 Water Vender

PW=Piped water

6.0 LAND TENURE AND OWNERSHIP

Land Tenure System	(Mark with ✓ Where Applicable)
Private Land (Freehold)	
Private Land (Leasehold)	
Trust Land	
Government Land	

Please Define the nature of the Government Land _____

6.2 What category do you fall in
1. Land owner ☐ 2. Tenant ☐ Squatter ☐ Other

6.3 Do you intend or plan to subdivide the land in this area in the near future?
1. Yes ☐ 2. No ☐

6.4 What are the Land Uses on Site (Multiple answers applicable)

Residential Uses	
Cash Crop Farming (including cash crops / trees-fruits, timber, wood fuels)	
Subsistence Farming	
Business premises	
Pastures / Fodder / Grazing Ground	
Graves / burial sites	
Other (Specify)	

7.2 Did you find the amount of food produced enough for your household food needs
1. Not enough ☐ 3. More than Enough ☐
2. Enough ☐ 4. Don't know ☐

8.0 LIVESTOCK INVENTORY

8.1 Kindly provide the number of livestock that you keep

1. Bull ☐
2. Oxen (draught) ☐
3. Cows (Adult) ☐
4. Calves ☐
5. Sheep ☐
6. Goats ☐
7. Pigs ☐
8. Rabbits ☐
9. Beehives ☐

Sheep/Goats
1. Meat production ☐
2. Milk production ☐
3. Manure production ☐
4. Savings ☐
others..... ☐

8.2 What are the main reasons for keeping the livestock?

Cattle
1. Meat production ☐
2. Milk production ☐
3. Manure production ☐
4. Savings ☐
5. Draught power ☐

8.3 Where do you take your livestock to graze?

9.0 ACCESS TO BANKING SERVICES

9.1 Do you have a bank account
1. Yes ☐ 2. No ☐

9.1a If yes

Appendix 4: Template of Land and Asset Inventory Form

Thika Dam-Kigoro-Gigiri-Kabete Pipelines	Date			
Data Collection Sheet				
Village/Area				
Land Owner				
Title Details	Description of the improvements			Remarks
Title No.	Type of improvements	Description	Size (Acreage/Square feet)	
Size of Land :				
Registered Owner's Details:				
Name:				
ID No:				
Phone :				
Photo Details:				
PAP's Code:				
Improvements' Code:				
PAP's Signature:				

Appendix 5: Sample of Complaint Registration Form

COMPLAINT REGISTRATION FORM

REFERENCE	

SECTION A

You are filling in this form because you want the Organization Responsible to look at your complaint. Phone us on+254..... if you need help to complete the form.

Tell us about yourself:

Surname		Title		
First name(s)				
Occupation				
Identity Number:				
Address to which we may send your letter				
Telephone daytime		Cell		
Fax		E-mail		

Details of anyone complaining with you:

Surname		Title		
First name(s)				
Occupation				
Identity Number				
Address to which we may send your letter				
Telephone daytime		Cell		
Fax		E-mail		

SECTION B

Details of the person against whom you are complaining:

Name of person or company			
Their address			
Phone number		Fax	

Your policy number	

SECTION C

Please tell us what your complaint is about:

First tell us in just a few words what your complaint is about and then give us the background.

Remember

We do not know anything about your complaint so please give us all the details.

Please list in date order phone calls, meetings, or letters you have received or exchanged with the person against whom you are complaining. **If you have letters, please enclose them.**

SECTION D

How would you like your complaint to be resolved? (Outcome expected)

Your permission for us to go ahead:

I would like the Organization responsible to investigate my complaint.

I understand that the Organization receiving my Complaint or his/her staff may need to exchange information about my complaint with other relevant organizations (for example to find out important information about my case).

May publish examples of where things can go wrong, based on real cases but will always respect my privacy and keep my personal information confidential.

Signature _____ Date _____

COMPLAINANT

Signature _____ Date _____

WITNESS

PLEASE POST THIS FORM TO:

Athi Water Services Board
3rd Floor, Africa Re Centre
Hospital Rd-Upper Hill,
P.O. Box 45283-00100,
Nairobi, Kenya

- ✓ included everything you want to tell us about your complaint?
- ✓ enclosed a copy of the company's final response letter?
- ✓ enclosed copies of relevant documents?

Phone:

Fax:

For security and training purposes, we may monitor or record phone calls

Email:
Website:

FOR OFFICE USE

DATE RECEIVED	
FILE NUMBER	
CAPTURED BY	
OFFICIAL RESPONSIBLE	

Appendix 6: Sample of Grievance Resolution Form

SAMPLE GRIEVANCE RESOLUTION FORM

Date of Conciliation Session: _____
Was Filer Present? : ____Yes _____No
Was field verification of complaint conducted? _____Yes _____No

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Signatures of Investigators / Verifiers

Aspect of verification / investigation

Investigator	Role in Grievance Management System	National Identification Number	Telephone Number	Signature

Aspect of verification / investigation

Investigator	Role in Grievance Management System	National Identification Number	Telephone Number	Signature

Aspect of verification / investigation

Investigator	Role in Grievance Management System	National Identification Number	Telephone Number	Signature

Summary Findings of verification exercise/investigations:

Aspect	Summary of Findings

RESOLUTION :

Sign: _____ Sign: _____

Name: _____ Name: _____

Title: [Grievance Management Level] Chairperson ***Title: [Grievance Management Level] Secretary***

Date: _____ Date: _____

DECLARATIONS

I _____[*insert name*}_____ of ID Number_____ hereby accept / disagree with the resolution made.

Sign: _____

Name: _____

Title: Aggrieved Person

Witnessed by:

Sign: _____

Name: _____

Title: Independent Observer

Appendix 7: Sample of Complaints Log

SAMPLE COMPLAINT LOG FORM FOR EXPECTED GRIEVANCES

No	Issue Title	Priority	Receipt Date	Originator's Name	Assigned To	Response Date	Status	Resolution	Closing Date
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									

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DOCUMENT CONTROL SHEET

FORM MP180 / B

CLIENT: ATHI WATER SERVICES BOARD

PROJECT: THIKA-DAM-KIGORO-GIGIRI-KABETE PIPELINE
JOB NO: 000987

TITLE: RESETTLEMENT ACTION PLAN DRAFT REPORT~KIGORO-NGETHU SECTION

	Prepared by	Reviewed by	Approved by
ORIGINAL	NAME Allan Ochieng	NAME Aggrey Kwadha	NAME Anastasia Ngatti
DATE 23 Jan 2018	SIGNATURE	SIGNATURE	SIGNATURE

REVISION	NAME	NAME	NAME
DATE	SIGNATURE	SIGNATURE	SIGNATURE

REVISION	NAME	NAME	NAME
DATE	SIGNATURE	SIGNATURE	SIGNATURE

REVISION	NAME	NAME	NAME
DATE	SIGNATURE	SIGNATURE	SIGNATURE

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