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AFRICAN DEVELOPMENT BANK GROUP

PROJECT : RIFT VALLEY RAILWAYS PROJECT

COUNTRY : MULTINATIONAL (KENYA AND UGANDA)

EXECUTIVE SUMMARY OF THE RESETTLEMENT ACTION PLANS

Project team	**Head of team:**	A. NALIKKA	Investment Officer	OPSM3
	Team members:	K. LONSWAY M. PAL R. MSHANA R. ARON	Manager Investment Officer Investment Officer Social Dev. Specialist	ONEC3 OPSM3 OPSM3 ONEC3
	Head of area division: **Area director:** **Regional director:**	N. ANVARIPOUR T. TURNER G. NEGATU	Manager Director Director	OPSM3 OPSM OREA

Executive Summary of the Resettlement Action Plans

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Country	:	**MULTINATIONAL (KENYA AND UGANDA)**
Project reference	:	**P-Z1-DC0-011**

1. Introduction

The Governments of the Republic of Kenya and the Republic of Uganda agreed in 2004 to concession their respective railways together. Rift Valley Railways (RVR) signed Concession Agreements in 2006 and Amending Deeds in relation to these agreements in 2010. The agreements and deeds were signed through the respective legal entities, Rift Valley Railways Kenya Ltd. (RVRK) and Rift Valley Railways Uganda Ltd. (RVRU).The concessionaire was to rehabilitate, operate and maintain the rail networks as one railway system. The concessionaire, RVR, is seeking financing from the African Development Bank.

RVR intends to embark on an investment program which will include rehabilitation of the track, upgrading and modernisation of the locomotive fleet, rehabilitation of the wagon fleet to improve efficiency by operating at design speeds. The investment program, when implemented, is expected to create significant economic and social benefits in both Kenya and Uganda, and will contribute to regional efforts to accelerate economic growth and alleviate poverty.

Presently, encroachment prevails across the railway reserve. RVR would at a minimum, require a clear operational corridor to permit the forecast train operations and to ensure community safety. The Kenya Concession Agreement and the Uganda Concession Agreement provide for the preparation of a Resettlement Action Plan (RAP) as the means of managing encroachment on the railway reserve in a planned and coordinated manner in Kenya and Uganda respectively. The Bank's Involuntary Resettlement Policy mandates the preparation of a RAP when a project will result in the physical and/or economic displacement of project affected persons (PAPs).

Accordingly, RVR on behalf of the Governments contracted a consulting firm, GIBB Africa Limited (GIBB), to undertake the preparation of two Full RAPs on the encroachments on the majority of the railway reserve in line with the Bank's Involuntary Resettlement Policy. The RAP for the majority of the conceded network in Kenya and the conceded network in Uganda were finalized in 2011. The World Bank financed earlier a RAP, which was prepared by Pamoja Trust, a non-profit institution, in 2010 for the Kibera/ Mukuru section of the network, which is considered to be the most densely populated segment and located in Nairobi. This Executive Summary describes the findings from the GIBB prepared RAPs for the majority of the conceded network in Kenya and the conceded network in Uganda as well as the findings from the Pamoja Trust prepared RAP for the Kibera/ Mukuru section of the network.

2 Project Area Description

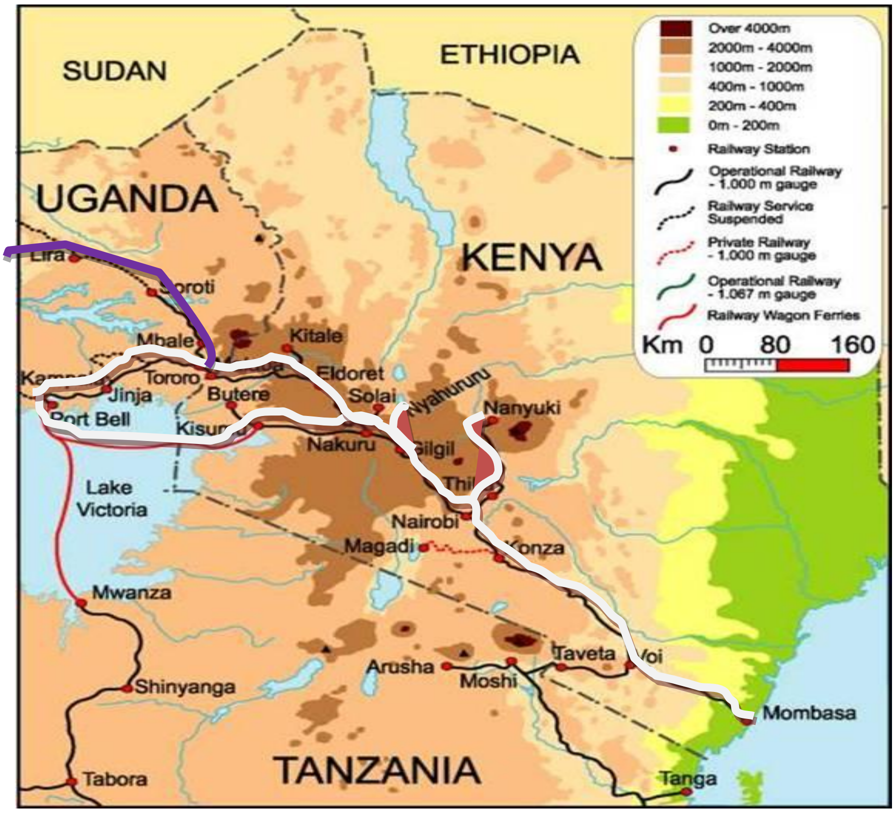
The operations are spread all over Kenya and Uganda and are divided into in 3 designated operational units:

- *Eastern Region* which begins from Mombasa and ends at Kibwezi (all in Kenya);

- *Central Region* begins from Kibwezi to Nairobi and extends to Eldoret (all in Kenya);
- *Western Region* which runs from Eldoret to Kisumu and Malaba (all in Kenya) crossing over to Uganda through Tororo, Jinja and terminates at Kampala. A branch line route extends from Kampala to Port Bell at the shores of Lake Victoria.

The conceded railway network in Kenya comprises of a total track length 1920 km which runs from Kenya's Indian Ocean port of Mombasa to Malaba. From the main line, there are branch lines to other areas in Kenya namely: Voi – Taveta Line; Nairobi – Nanyuki Line; Gilgil – Nyahururu Line; Nakuru – Kisumu Line; Kisumu – Butere Line; and Leseru – Kitale Line. The conceded railway network in Uganda has a total track length of 771km made up of the Malaba-Kampala main line, the Tororo Station –Pakwach Station; Jinja Station-Jinja Pier; Kampala Station -Nalukolongo Workshop and Kampala Station- Port Bell branch lines. RVR's system comprises a total track length of 2,350 km (1920 km in Kenya and 431 km in Uganda), from Port of Mombasa in Kenya to Tororo in Uganda (refer to Figure 1). The Kibera/ Mukuru section consists of 9 km though it is very densely populated.

<u>Figure 1: Kenya – Uganda railway network</u>



<u>Legend</u>

Rail network for RVR Concession 2010

Line to be added to concession in future

The system has 219 locomotives (175 in Kenya and 44 in Uganda) and approximately 7500 wagons and three water ferries (approx. 6000 wagons and one ferry in Kenya and 1433 wagons and two ferries in Uganda). The concession system included about 87% and 35% of KRC's and URC's railway networks respectively.

The railway network comprises of the main line from Kenya to Uganda, which runs from Mombasa through Nairobi, Nakuru, Eldoret, Malaba, Jinja, and Kampala to Kasese in western Uganda (a distance of approximately 1660 km). A branch line runs from Nakuru to Kisumu on Lake Victoria (217 km), from where there is a wagon ferry link with Jinja and Port Bell in Kampala. Along the railway line, there are various station buildings, maintenance sheds, workshops, depots, stores and warehouses / goods sheds and the marine facilities.

3 Potential Impacts Requiring Resettlement

Given the nature of its operations, RVR would require a clear operational corridor to permit the forecast train operations for the purposes of the Project. A clear operational corridor would facilitate the operation of freight and passenger trains as well as preserve community safety for communities surrounding the railway reserve. Community safety in the context of railway operations refers to a package of issues associated with risks posed by encroachment and initiatives put in place to manage and reduce their impact. The conceded network is characterized by encroachment of various assets. The clearance of the encroaching structures would create various potentially adverse impacts on communities along the rail network in the form of displacements, disruptions of livelihoods, and loss of assets and property. This would also result in involuntary resettlement effects being experienced by PAPs.

4 Policy Legal and Regulatory Framework

The legal and policy framework for compensation and resettlement under the project is defined by the relevant laws and regulations of the Kenyan Government, the Ugandan Government and the Bank's Involuntary Resettlement Policy. In case of discrepancies between the laws and regulations of Kenya and Uganda and the Bank's policy and environmental and social requirements, the more stringent shall prevail.

***The Main Pieces of Legislation Regarding Compensation and Resettlement Issues in Kenya are*:** The Constitution of Kenya (2010); Kenya Railways Corporation Act Cap 397 (as amended); Kenya Railways Corporation (Vesting of Lands) Orders 1986; The Kenya Land Policy (2007).

Constitution of Kenya (2010)
Article 40 of the Constitution is on the protection of the right to property. Clause (4) of the Article states that Provision may be made for compensation to be paid to occupants in good faith of land acquired under clause (3) who may not hold title to the land. Clause (3) in this case refers to compulsory acquisition of land. However in the same vein, clause (6) states that the consideration does not extend to those who acquired the property unlawfully.

Kenya Railways Corporation Act Cap 397 (as amended)
The Kenya Railways Corporation (KRC) is the owner of the railway assets that were conceded in Kenya and is empowered by the Kenya Railways Corporation Act Cap 397 (as amended) to enter into the Concession Agreement with the concessionaire. The railway reserve is vested on the Kenya Railways Corporation (KRC) for the Government of Kenya (GOK). Rift Valley Railways as the concessionaire also has a stake on the railway reserve.

Kenya Railways Corporation (Vesting of Lands) Orders 1986
These regulations created under the Kenya Railways Act revoked the Kenyan (Vesting of Land) Regulations 1963. These regulations refer to "*all land that was vested in the East Africa Railways Corporation (EARC) vested in that Corporation in any written law, as well as any land conveyed to that*

Corporation or otherwise placed at that Corporations disposal" and vests it in the Kenya Railways Corporation. It includes all land that was in use or that was reserved for use by the EARC.

The Main Pieces of Legislation Regarding Compensation and Resettlement issues in Uganda are: The Constitution of Uganda (1995); Uganda Railways Corporation Act (CAP 331); Land Regulations (2004); and the Land (Amendment) Act (2010).

<u>The Constitution of Uganda (1995)</u>
First and foremost, the Constitution of the Republic of Uganda vests land in the citizens of Uganda. The railway reserve belongs to the Government of Uganda (GoU) and is vested in Uganda Railways Corporation (URC) through the Uganda Railways Corporation Act (CAP 331). The concession granted RVR the right to use the reserve in providing the services in accordance with the terms of the Agreement but the ownership remained with URC. Existing legislation and institutional frameworks are not only comprehensive in terms of covering resettlement issues, but they are also detailed providing justification and procedures for expropriation, property valuation and compensation, and provision of rehabilitation support to PAPs.

<u>Uganda Railways Corporation Act (CAP 331)</u>
Section 34 sub section (1) of the Uganda Railways Corporation Act (CAP 331) empowers the Corporation or any authorised employee for the purpose of preventing the occurrence of any accident, preserving the safe operation of any transport service provided by the Corporation or repairing any damage caused by an accident. The corporation is allowed to:

- To cut down or remove any trees or other obstruction, not being a building, which obscures the view of any fixed signals;
- Execute any other works necessary to prevent the occurrence of any accident.

Section 34(2) states that if any tree or other obstruction removed under sub-section 34(a) came into existence subsequent to the transport services, no compensation is payable in respect of any entry or cutting down or removal of a tree or other obstruction.

Section 34(3) empowers the High Court upon application by the corporation to demolish or modify building or pay the corporation for the cost incurred by it re-sitting or placing any signalling equipment or taking any other step necessary to prevent the obstruction or danger from erected building which obscures the view of a fixed signal.

An exception is given to that person who previously obtained approval of the Managing Director for the erection of the building or has modified it to the satisfaction of the Managing Director. The High Court to which the application is made may grant the order applied for and may make order as to the payment of compensation and costs as it thinks fit.

<u>The Land Regulations, 2004</u>
Section 24(1) of the Land Regulations, 2004 states that the District Land Board shall, when compiling and maintaining a list of rates of compensation, take into consideration the following;

- Compensation shall not be payable in respect of any crop which is illegally grown;
- As much time as possible shall be allowed for harvest of seasonal crops;
- The current market value of the crop and trees in their locality will form the basis of determining compensation;
- For buildings of non-permanent nature, replacement cost less depreciation will form the basis of compensation
- Disturbance allowance of:

- Fifteen percent of the value stated above shall be payable where notice of six months or more is given; or
- Thirty percent of the value stated above shall be payable where notice of less than six months is given.

The Land (Amendment) Act 2010

Section 76(1) (a) of the Land (Amendment) Act 2010 states that the jurisdiction of the District Land Tribunal shall be to determine dispute relating to the grant, lease, repossession, transfer or acquisition of land by individuals, the commission or other authority with responsibility relating to land.

African Development Bank's Involuntary Resettlement Policy

The Bank's Involuntary Resettlement Policy applies to projects, for which Bank financing is sought, that will result in physical displacement and/or economic displacement. Where a project affects 200 or more persons, a Full RAP must be prepared. The guidelines in this policy are applicable to the Project. The guidelines present basic policy principles and operational procedures to apply when addressing development induced resettlement.

The Bank's Involuntary Resettlement Policy recognizes three categories of persons eligible for compensation and/or resettlement assistance. As the railway reserve is legally vested in KRC and in URC respectively, the PAPs are expected to fall under the category of "displaced persons with no recognizable legal right or claim to the land they are occupying" as outlined in the policy. As such, though they are not entitled to compensation for the land on which their assets are, they are eligible to compensation for their assets and resettlement assistance.

5 Scope of the Study and Eligibility of PAPs

The railway reserve is described as land on either side of a railway line which forms part of the Railway Infrastructure and which is owned by or vested in Kenya Railways Corporation (KRC). The railway reserve is also described as land on either side of a railway line which forms part of the Railway Infrastructure and which is owned by or vested in Uganda Railways Corporation (URC). Through the concession agreements, the Kenyan and Ugandan governments conceded to RVR an operational corridor of 10.4m (from the total railway reserve) for which to operate the trains. The 10.4m corridor is specifically defined as 5.2 metres from the centre of the track on either side.

The RAP for the Kibera/ Mukuru section: The PAPs were identified as land users and occupants within and beyond the 10.4m corridor. A demarcation of a protection safety zone of an additional 40m (20m on each side) beyond the corridor in Kibera was included in the RAP to address the heavy population density and the threat it posed. A zone of 50m in Mukuru was included since resettlement will be on one side of the line. Structures within the corridor and these zones will all be cleared. The assets include residential structures, business structures, public utility facilities, and informal schools. A total of 9,567 PAPs were identified in the Kibera and Mukuru sections. The cut-off date for eligibility is March 21, 2010; after this date no PAPs can claim eligibility for resettlement purposes.

The RAP for the majority of the conceded network in Kenya and the RAP for the conceded network in Uganda: The reserve is traditionally defined as 30m from the centreline of the main railway line within the sections between stations. This translates to a 60m corridor. However, in certain urban centres, the railway reserve is defined as 15m from the centreline of the main railway line, translating to a 30m corridor. Unless otherwise indicated, station land is traditionally defined from the start (first inner home) signal to the end (second inner home) signal, with a width of 100m (300feet) from the centreline of the main line. A survey was undertaken covering the entire railway reserve and station areas as defined above. Eligible PAPs consist of "displaced persons with no recognizable legal right or claim to the land they are occupying" as outlined in the Bank's Involuntary Resettlement Policy.

The study boundary for the RAPs prepared by GIBB Africa was guided by Section H-7 of the Kenya Concession Agreement and Section H-7 of the Uganda Concession Agreement, both of which provided for the preparation of a RAP for the resettlement of the encroachers on the immediate railway reserve. This was specifically defined as 5.2 metres from the centre of the track on either side and translates to a 10.4m corridor. For resettlement purposes, the priority was placed on clearing the 10.4m corridor for the smooth operation of RVR train operations.

The PAPs were identified as land users or occupants found within the 10.4m corridor. A total of 649 PAPs were identified within the 10.4m corridor in Kenya. These range from residential households, tenants, business people and farmers. The PAPs had different assets ranging from structures, trees and crops. A total of 1041 PAPs were identified within the 10.4m corridor in Uganda. These range from residential households, tenants, business people and farmers. The PAPs had different assets ranging from structures, trees and crops. The RAPs also include safety considerations covering areas beyond the 10.4m corridor in both countries in line with the Bank's E&S requirements. These additional zones focus on level crossings and densely populated areas in which encroachment must be cleared. The additional zones, which exist beyond the 10.4m but are within the 60m reserve, necessitate clearance for resettlement purposes given the scale of encroachment that exists at the level crossings and in the densely populated areas. If left uncleared, these additional zones would further threaten community safety and compromise RVR operations. A total of 364 PAPs were identified in the level crossings areas, and a total of 81 PAPs were identified in the heavily encroached areas in Kenya. A total of 434 PAPs were identified in the level crossings areas, and a total of 1274 PAPs were identified in the heavily encroached areas in Uganda.

The cut-off date for eligibility in Kenya was set as 18th December 2010 which was the last day of survey. The cut-off date for eligibility in Uganda was set as 22nd January 2011 which was the last day of survey. After this date, no new persons will be eligible for compensation or resettlement assistance.

Overall, the project will result in resettlement effects being experienced by a total number of 13,410 PAPs in Kenya and Uganda as evidenced through the findings of the three RAPs.

6 Census and Collection of Baseline Socio-economic Data

The baseline data collected was not only important for establishment of socio-economic situation of PAPs but also provided a benchmark for monitoring and evaluation of the impact of resettlement on their socio-economic environment.

PAPs in the Kibera/ Mukuru section of the network

Socio-economic Profile

The majority of the PAPs are encroachers, with no legal title or ownership rights. The majority of the PAPs consist of occupants encroaching on the railway reserve through residential and commercial owner occupied and tenant occupied buildings, religious, educational and health institutions. Every space on the reserve is literally occupied and very small portions are left to make provision for basic services such as sufficient foot paths, adequate sanitation, drainage and decent housing. Business structures on the reserve are built against each other parallel to the railway track. The area is characterized by incredible numbers of mobile vendors who lay their commodities either on the ground, on a cart or hold/hang their commodities on their bodies. The relationship between the mobile vendors and the pedestrians is abrasive as a result of competition for the same space. The PAPs inhabit a highly densely populated area, in which the largest slum in Kenya (KIbera) is situated. Poverty is rampant.

Inventory of Assets Affected
A total of 9,567 persons will be affected by the Project. This figure includes 2,615 persons in Mukuru and 6,952 persons in Kibera respectively (refer to the table below).

Table 1 Affected Assests

Type of Household PAP	Kibera	Mukuru
Residential	3147	1447
Businesses	2859	1496
Residential cum business	45	43
Institutions	280	19
Public Facilities	532	258

The affected assets include residential structures; business structures; public utility facilities respectively comprising water tanks, water points, toilets and bathrooms; and informal schools.

PAPs in the majority of the conceded network in Kenya

Socio-economic Profile
The majority of the PAPs are encroachers, with no legal title or ownership rights. They are primarily non-land owners, tenants, leaseholders, and squatters. The use of the rail corridor is due to lack of alternative land, proximity to customer bases, and poverty.

The average age of household heads is 42 years for the main line and 45.49 for the branch line. This implies that most household heads can engage in activities with economic gain for household livelihoods. The data shows that majority of the household heads were male (67.1%) as compared to female household heads (32.9%). This implies that gender equity in continued consultations and decision making should be upheld to ensure that female voices are equally heard at every stage of the RAP.

Inventory of Affected Assets in Kenya.
A total of 649 persons will be affected by the Project. The affected assets within the 10.4m corridor are as presented in Table 2.

Table 2 Affected Assets within the Corridor

Type of assets	Number of Assets
Farms, crops and trees	588
Temporary Houses	18
Permanent Houses	5
Temporary business structures	4
Pit Latrines	4
Verandas	2
Kitchens	1
Fences/walls	7
Churches	3
Well	1
Goods shed	1
Total	**634**

It should be noted that 93% of the affected assets are farms, crops and trees.

PAPs in conceded network in Uganda

Socio-economic Profile

The majority of the PAPs are encroachers, with no legal title or ownership rights. They are primarily tenants, leaseholders, and squatters. The use of the rail corridor is due to lack of alternative land, proximity to customer bases, and poverty.

The majority of the household heads are between 22 and 44 years. This is a productive age bracket and therefore implies that they are able to be engaged in economic activities to cater for their families. The average age of the Head of Household was found to be 34 years. 40.34% of affected households are Female headed while 58.66% are Male headed.

Owing to the inter play of historical, socio-cultural, economic and environmental factors that are at work against the interests of women in general, gender relations are unfavorable to women in the project area. There are more female headed households between ages 20-34 and therefore women are likely to be more burdened in terms of taking care of their families vis a vis other economic duties. Furthermore, multifaceted socio-cultural, economic, and political constraints restrict their participation and representation in local political and administrative positions. Although it is indisputable that women play a vital role and shoulder a disproportionate burden in all aspects of household livelihood and survival, they have limited direct access to resources e.g. land.

Inventory of Affected Assets in Uganda
A total of 1,041 persons will be affected by the Project. The direct impact on the PAPs in terms of loss of assets and property is summarised in Table 3.

Table 3 Affected Assets within the Corridor

Assets	**Number of Units**				**Total units**
	Main line	**KPL- NLG**	**TRR- MBL**	**KPL-PBL**	
Farms(crops and trees)	55	14	2	1	72
Residential structures	154	46	9	24	233
Temporary business structures	92	211	0	3	306
permanent business structures	14	3	0	0	17
Pit Latrines	24	0	2	0	26
Verandas	2	0	0	0	2
Kitchens	2	0	0	0	2
Fences/walls	2	0	0	0	2
Churches	1	0	0	0	1
Graves	1	0	0	0	1
Total	**347**	**274**	**13**	**28**	**662**

It should be noted that 80% of the affected units are either temporary business or residential structures. Developments are predominant in urban centers accounting for 89.76%.

The census survey revealed that PAPs who own business structures prefer cash compensation at full replacement cost of the affected structure. Therefore, given their preference, cash compensation and creation of alternative market places by the respective municipal councils have been recommended. The full replacement cost applies to providing PAPs with compensation to obtain improved structures. Respective stakeholders should agree on how to keep the corridor free from human activities to enhance safety of the traders. This should be done through a Memorandum of Understanding between RVR, URC, respective Municipal Councils, respective market authorities through the market committees and respective mayors.

The census survey revealed the existence of mobile vendors within the corridor in various markets on specific market days. These vendors sell a variety of goods ranging from groceries, fish, shoes and clothes. There are a total of 267 mobile vendors. The vendors shall be given adequate notice and priority to relocate to the nearest gazetted markets, which have better infrastructure. Formal structures will be established in the larger reserve to accommodate vendors. URC, in cooperation with RVR, shall work towards the implementation of prior agreements to formalize the propoosed market structures.

Vulnerable Groups

The census survey identified vulnerable groups in the majority of the conceded network in Kenya and the conceded network in Uganda who might find it difficult to withstand displacement and restore their livelihoods as quickly and as easily as others may do. The survey identified the following as vulnerable groups among the PAPs:

- Household heads over 60 years;
- Female headed households;
- Illiterate household heads;
- Unemployed and squatters with no alternative land for resettlement.

Households that are a combination of one or more of the above parameters are more likely to be impoverished by relocation or resettlement if special programmes are not put in place to cater for their special needs. The following considerations are recommended for the identified vulnerable groups: (i) resettlement assistance; (ii) free access to counselling services; (iii) free access to scribe services – help the elderly and illiterate in filling relevant forms; and (iv) representation at the Local grievance committee and RAP Implementation committee.

7 PUBLIC CONSULTATION, ENGAGEMENT AND DISCLOSURE

The Kibera/ Mukuru section of the network

Participatory approaches were used in the RAP survey. The approaches consisted of community consultation, social mobilization, and stakeholder consultations. These approaches enabled for the PAPs to be informed on the resettlement options, discuss viable solutions and their preferences, and to factor in concerns linked to their socio-economic status.

The majority of the conceded network in Kenya and the conceded network in Uganda

Participatory approaches were used during the RAP surveys. Accordingly, household surveys, community meetings, public meetings and key informant meetings were held. PAPs were targeted through these approaches along with stakeholders within the broader project area.

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Sensitization and Familiarisation: Start-up meetings were held with the local administration representatives in each district where the railway traverses. RVR, KRC, and URC officials were also consulted at the section and station level along the railway line.

Identification and Project Impact Boundary Delineation: An in-depth literature review was done before embarking on the field work to aid in the understanding of the exercise and in the development of comprehensive data collection tools. A variety of methodologies were used to ensure that impact and compensation assessments are based on current and verifiable socio-economic and demographic information. Brief descriptions of the methodologies applied are highlighted below:

Community Level survey: A quantitative survey was conducted at household level using a structured questionnaire designed to generate data and information. In Kenya, a total of 7,123 households were surveyed during the study. A total of 48 public meetings were held in the study area with a combined total of 3,302 community members in attendance. In Uganda, a total of 5620 households were surveyed during the study. A total of 12 public meetings were held in the study area with a combined total of 730 community members in attendance.

<u>Public Consultations</u>

Public consultations were held. The overall goal was to disseminate information on the resettlement plan and land use on the railway reserve. The process was also aimed at incorporation of the views of the Project Affected Persons (PAPs) in the design of the mitigation measures and the Resettlement Action Plan. As a continuous activity, public consultations and disclosure was initiated from the onset and there is commitment to continue the process throughout the project life cycle. As part of the continuous process, a series of public consultations were carried out with PAPS, community groups and local officials during the census and socio-economic surveys in both Kenya and Uganda.

The public meetings provided a platform for expression of overall opinions, issues and concerns by community members who have encroached on the railway reserve and shall be affected by the project. Public consultation meetings in the respective sections were organised and were attended by local administration officials, RVR, KRC, and URC representatives and the members of the public. The members of the public included both the PAPs and residents within the vicinity of the 10.4 metre corridor.

In Kenya, a total of 48 public meetings were held in the study area with a combined total of 3,302 community members in attendance. In Uganda, a total of 12 public meetings were held in the study area with a combined total of 730 community members in attendance. Key agenda points that were covered during the public consultations included; providing clear and accurate information about the project to the communities, obtaining the main concerns of the communities and their representatives regarding the project and consult on the communities perceived negative impacts associated with relocation from the railway reserve.

Major findings of consultations with PAPs and Community Groups;

- Squatters stated that they don't have alternative land resources (Kenya and Uganda);
- Priority for issuance of Temporary Occupation Licences in the wider reserve to be given to PAPs (Kenya and Uganda);
- Controlled cultivation should be allowed for PAPs in the wider railway reserve (Kenya and Uganda);
- Re-introduction of passenger train services as the railway mode of transport is considered economical to the local population (Uganda);
- The community is aware that the railway reserve land is government land (Kenya and Uganda).

Stakeholder Engagement
As part of the continuous consultative process, RVR will organize additional community meetings and key stakeholder workshops at district and location level in conjunction with local administration officials. Public engagement has been spread over three years and the meetings will be held on a quarterly basis in each district traversed by the railway line.

The meetings will be an avenue for: (i) further disclosure and discussion on the RAPs; and (ii) communication to the community on the implementation strategies in the RAPs for corridor management and engagement on issues associated with land use in the vicinity of the corridor.

8 VALUATION AND COMPENSATION

Table 4 presents the Compensation Matrix for the PAPs in the Kibera/ Mukuru section of the network.

Table 4 Compensation Matrix

Affected category	Type of loss	Compensatory measure
Mobile vendors (Kibera)	Loss of trading location/space with subsequent loss of income from trading	Provision of financially "equivalent" unchallenged spots within the trading sheds developed along the footpath.
Traders operating from their own premises (owner operated) businesses)	Loss of trading location with subsequent loss of income from trading Loss of structure to house the business	1. Relocation to trading stalls built along the footpath offering equivalent or higher income opportunities within the reserve and in direct proximity to clientele (financially "equivalent" locations) 2. Assistance with relocation (transport etc.) for vulnerable groups (such as single female headed households with small children, the sick and the disabled)
Traders operating from rented premises. (tenant operated businesses)	Loss of trading location with subsequent loss of income from trading Loss of structure to house the business	1. Relocation to trading stalls built along the footpath offering equivalent or higher income opportunities within the reserve and in direct proximity to clientele (financially "equivalent" locations) 2. Relocation sites or trading stalls on the KR reserve and in direct proximity to clientele. 3. Assistance with relocation (transport etc.) for vulnerable groups (such as single female headed households with small children, the sick and the disabled)
Employees in businesses	Possible loss of job (can only be established during relocation)	Only for those who will not continue employment in relocated businesses: 1. Information on optional employment opportunities (Implementer); and 2. Linking with credit providers to finance start-

Affected category	Type of loss	Compensatory measure
		up business
Structure owners who occupy their own residential premises	Loss of shelter	1. Replacement shelter within the relocation units built against the wall on the reserve 2. Access to existing social infrastructure and services (schools, means of public transport etc.) of at least the same level as in their current locations 3. Transport assistance for vulnerable groups (such as single female headed households with small children, the sick and the disabled)
Tenants in residential structures	Loss of shelter	1. Replacement shelter within the relocation units built against the wall on the reserve 2. Access to social infrastructure and services (schools, means of public transport etc.) of at least the same level as in their current locations 3. Transport assistance for vulnerable groups (such as single female headed households with small children, the sick and the disabled)
Residences cum businesses: Structure owners (who live and trade in their own structures)	Loss of trading location with subsequent loss of income from trading. Loss of shelter	1. Replacement shelter within the relocation units built against the wall on the reserve 2. Access to existing social infrastructure and services (schools, means of public transport etc.) of at least the same level as in their current locations 3. Relocation to trading space within the shed built along the footpath offering equivalent or higher income opportunities within the reserve and in direct proximity to clientele (financially "equivalent" locations) 4. Assistance with relocation (transport etc.) for vulnerable groups (such as single female headed households with small children, the sick and the disabled)
Tenants of residences cum businesses	Loss of shelter, loss of trading location with subsequent loss of income from trading	5. Replacement shelter within the relocation units built against the wall on the reserve 6. Access to existing social infrastructure and services (schools, means of public transport etc.) of at least the same level as in their current locations 7. Relocation to trading sheds built along the footpath offering equivalent or higher income opportunities within KR reserve and in direct proximity to clientele (financially "equivalent" locations) Assistance with relocation (transport etc.) for

Affected category	Type of loss	Compensatory measure
		vulnerable groups (such as single female headed households with small children, the sick and the disabled)
Institutions	Loss of location and structure for the institution. Loss of service for the community	Provision of alternative structure within the units developed against the perimeter wall within the reserve.
Pupils in the affected schools		1. Infill in the existing schools outside the railway reserve 2. Construction of additional streams within the existing school outside the railway reserve and provision of teaching facilities and staff
Infrastructure and other public assets	Loss of service to the community	Replacement at the estimated cost

Valuation of Structures

Full Replacement Cost method was used to determine the value of the affected structures in Kenya and Uganda. The Full Replacement Cost method of valuation seeks to facilitate the owner of the structure to develop a similar or an improved structure at current market costs in another location. The full replacement was reached at by the provision of a 15% disturbance allowance based on the total asset value. This allowance is expected to assist the PAPs in covering for: (i) transportation costs; (ii) labour costs; (iii) transactional costs; and (iv) legal fees where applicable.

Valuation of Crops and Trees

In Kenya, crops were valued based on the Ministry of Agriculture guidelines for each type of crop. The trees were valued based on the value of the net product of the tree in terms of fruits, timber and other wood products.

In Uganda, crops and trees were valued using district compensation rates provided by District Land Boards. These rates are normally submitted to the office of the Chief Government Valuer for consideration and approval for each particular year. In cases where District Authorities have not fulfilled their obligations to compile or review these rates and a particular project takes place in that District, then, valuation will be done based on rates of the neighbouring districts. For this exercise therefore, Kampala District rates were adopted throughout the line as they are the most up to date.

Entitlement and Compensation

An entitlement matrix is a very important instrument in the implementation of the RAP and it facilitates the smooth and timely disbursement of compensation and other benefits for those that are legally entitled to them.

As the corridor is legally vested in KRC and URC, the PAPs are expected to fall under the category of "*Displaced persons with no recognizable legal right or claim to the land they are occupying*" as outlined in the AfDB Involuntary Resettlement Policy. As such under the policy though they are not entitled to compensation for the land on which their assets are, they are eligible to compensation for their assets and assistance in resettlement.

Table 5 presents the entitlement matrix for different categories of PAPs in the majority of the conceded network in Kenya. It is worth noting that reference to the full replacement cost applies to providing PAPs with compensation to obtain improved structures. Since the full replacement cost of the structures is based on the current market value of the materials, the PAPs shall be in a better position to build or buy better structures than they currently occupy.

Table 5 Entitlement Matrix

Type of Loss	Category	Entitlements
Loss of structures:	Structure owners: Loss of structures and outhouses for residential and business structures	• Cash compensation at full replacement cost; • Allowance to collect material remains so long as it does not interfere with the corridor clearance schedule; • Six month notice to relocate
	Additional assistance for owner occupied structures from informal settlements that have extended into the corridor	• Priority for temporary leases beyond the 10.4m corridor in the short-term; • Record keeping of the resettlement sites by this category of PAPs by provincial administration especially the vulnerable groups such as victims of historical clashes.
	Additional assistance for owner occupied business structures:	• Priority for temporary leases beyond the 10.4m corridor in the short-term; • Record keeping of the resettlement sites by this category of PAPs by provincial administration.
	Additional assistance for loss of religious structures:	• Any future consultations should be done with the recognised representatives of the institutions to ensure transparency with the affected congregations.
	Tenants	• Three months notice to acquire new business and residential structures.
Impacts on water and sanitation	Decommissioning of the pit latrines and well:	• With due reference to the preferred compensation mode by the PAP, relocation of these structures should not be far from their residences; • Total decommissioning of the pit latrines and well to ensure that it does not cause health and safety impacts after decommissioning.
Loss of seasonal crops:	Crop owners	• Allowance to harvest seasonal crops.
Loss of perennial crops:		• Cash compensation at full replacement cost; • Allowance to harvest
Loss of agriculturally productive land:	Additional assistance for Crop owners in rural areas:	• Allowance of acceptable crop farming beyond 10m of the centreline of the track as per the engineers manual; • Establishment of leases with top priority to

Type of Loss	Category	Entitlements
		PAPs
Management of level crossings:	Additional recommendations for management of the corridor within level crossings	• Updating of level crossing registers within RVR and KRC Offices; • Community sensitisation on procedures for application of level crossings.
Management of closed stations and gang camps	Additional recommendations within closed railway stations and gang camps	• Constant vigilance in management of the corridor in these areas; • Clear communication with KRC on agreed procedures for management of the corridor in these areas
Loss of access to graves	Community members	• Allow access to graves through the corridor if PAPs need to conduct religious or cultural ceremonies.

Table 6 presents the entitlement matrix for different categories of PAPs in the conceded network in Uganda. It is worth noting that reference to the full replacement cost applies to providing PAPs with compensation to obtain improved structures. Since the full replacement cost of the structures is based on the current market value of the materials, the PAPs shall be in a better position to build or buy better structures than they currently occupy.

Table 6 Entitlement Matrix

Type of Loss	Category	Entitlements
Loss of structures:	Structure owners: Loss of structures and outhouses for residential and business structures	• Cash compensation at full replacement cost; • Allowance to collect material remains so long as it does not interfere with the corridor clearance schedule; • Six month notice to relocate
	Additional assistance for owner occupied structures from informal settlements that have extended into the corridor	• Priority for temporary leases beyond the 10.4m corridor in the short-term.
	Additional assistance for owner occupied business structures:	• Priority for temporary leases beyond the 10.4m corridor in the short-term.
	Tenants	• Six months notice to move; • Logistical support for resettlement.
Loss of trading space	Mobile vendors	• Three months notice to move to gazzetted markets;
	Business owners (owner operated and tenants)	• Six months notice to move to gazzetted markets; • Logistical support for resettlement.
Loss of seasonal	Crop owners	• Notice to harvest seasonal crops.

Type of Loss	Category	Entitlements
crops:		
Loss of perennial crops and trees		• Cash compensation at full replacement cost; • Notice to harvest crops; • Allowance to salvage material remains from chopped trees
Management of level crossings:	Additional recommendations for management of the corridor within level crossings	• Updating of level crossing registers within RVR and URC Offices; • Community sensitisation on procedures for application of level crossings.
Management of closed stations and gang camps	Additional recommendations within closed railway stations and gang camps	• Constant vigilance in management of the corridor in these areas; • Clear communication with URC on agreed procedures for management of the corridor in these areas
Loss of access to graves	Community members	• Allow access to graves through the corridor if PAPs need to conduct religious or cultural ceremonies.

9 Institutional Arrangements for the Implementation of the RAPs

The Kibera/ Mukuru section of the network

Institutional Framework

KRC will be the main implementer of the RAP. Aside from the inter-ministerial advisory Project Implementation Team, the arrangements will include two teams. The first is the Preparatory Team to carry out tasks required before project implementation such as the preparation of detailed designs, liaison and communication. The second, a Project Implementation Unit (PIU), will undertake the day to day management of the RAP. The PIU will be headed by a Project Manager with members with legal, environmental, communication and social expertise to handle the social aspects of the project and technical consultants to handle the infrastructural aspects of the project.

Grievance Mechanism

The grievance procedure consists of three tiers, with disputes presented for resolution at the first instance to a segment level committee. Any dispute not resolved at that level will be referred to a multi segment committee and thereafter to a PIT Grievance Appeals Committee comprising of three (3) representatives from the Project Implementation Team and 2 professionals appointed by the PIT, one of whom shall be an Advocate of the High Court of Kenya. Recourse to the national judicial system shall still be open to any party dissatisfied with the decision of the PIT Grievance Appeals Committee.

The majority of the conceded network in Kenya and the conceded network in Uganda
Institutional Framework
KRC will be the main implementer of the RAP in Kenya while URC will be the main implementer of the RAP in Uganda. RVR will assist both entities. Due to the large area of coverage under the RAPs, the institutional arrangements are to be at the following levels in both countries: (i) a RAP Steering Committee; (ii) a RAP Implementation Committee (RIC); external auditors; and (iv) an Independent Evaluation Committee. The RIC will consist of village chairmen/ elders; representatives of women; and youth representatives.

Grievance Mechanism
The recommended grievance mechanism is to involve all the above listed institutions. A local conflict resolution committee (LCRC) will be formed at the village level. This committee will comprise of the village elder, a religious representative, an elected PAP representative and specific vulnerable group representatives of relevance to the village. Disputes will be resolved at the community level as far as possible.

The grievance mechanism for the RAP implementation process is as follows:

(a) The PAP will file a complaint with the local conflict resolution committee (LCRC) through a Grievance Action Form. The complaint will also be recorded in a Grievance Log located at the nearest railway station. This log will provide the ability to track the number and nature of complaints and actions that have been taken on the complaints.
(b) The PAP should expect a response from the LCRC within seven days of submitting the Grievance Action Form. If the issue is not resolved, the LCRC will forward the complaint to the RIC.
(c) The RIC will be given a fourteen day notice to hold a meeting. Two days after the meeting, the committee will call the PAP for discussions and resolution. The resolution will be presented to the PAP in written form within the same day of the meeting.
(d) If there is no resolution to the PAPs grievance, the RIC shall refer the matter to the RAP Steering Committee. The PAP should expect a response within 30 days of the submission of the RIC report.

10 Implementation Schedule

The Kibera/ Mukuru section: The implementation of the RAP will cover two and a half years for Mukuru and three years for Kibera.

The majority of the conceded network in Kenya and the conceded network in Uganda: The implementation of the RAPs covering the majority of the conceded network in Kenya and and the conceded network in Uganda will be phased out over a 5 year time frame. The phased out implementation will serve to minimize disturbances to livelihoods until such time that it is critical for the railway corridor to be cleared to facilitate operations in line with RVR's Business Plan.

11 Total Budget Costs

The Kibera/ Mukuru section of the network: The total estimated budget for implementing, monitoring, and evaluating the RAP for the Kibera/ Mukuru section is 3,089,877,428 Kenyan Shillings (approximately USD 39,112,373). The majority of this cost will be financed by World Bank while the remaining cost will be covered by Kenyan government.

The majority of the conceded network in Kenya: The total estimated budget for implementing, monitoring, and evaluating the RAP for the majority of the conceded network in Kenya is 21,351,277 Kenyan Shillings (approximately USD 266,891). This cost will be covered by the Kenyan Government.

The total estimated budget for clearing, monitoring, and evaluating the additional areas in light of safety considerations beyond the 10.4m corridor, in particular level crossings and densely populated areas, in Kenya is 188,073,555 Kenyan Shillings (approximately USD 2,350,919). This cost will be covered by the Kenyan Government.

The conceded network in Uganda: The total estimated budget for implementing, monitoring, and evaluating the RAP for the conceded network in Uganda is 2,383,687,004 Ugandan Shillings (approximately USD 1,005,351). This cost will be covered by the Ugandan Government.

The total estimated budget for clearing, monitoring, and evaluating the additional areas in light of safety considerations beyond the 10.4m corridor, in particular level crossings and densely populated areas, in Uganda is 3,697,284,804 Ugandan Shillings (approximately USD 1,560,035). This cost will be covered by the Ugandan Government.

12 Monitoring and Evaluation

The Kibera/ Mukuru section of the network

The major monitoring activities will center on formulating performance monitoring indicators to measure inputs, outputs and outcomes of relocation activities; the involvement of the affected PAPs in the monitoring process (participatory monitoring); the evaluation of the impact and relocation for a reasonable period after the completion of all activities; and use of the results to guide other relocations and resettlements. A monitoring plan will be prepared and will consist of the following three elements: performance monitoring; impact monitoring; and evaluation.

The majority of the conceded network in Kenya and the conceded network in Uganda

The monitoring and evaluation framework integrates the fact that the full implementation of the RAPs is expected to run for about five years, depending on the immediate focus areas on RAP implementation by KRC and by URC, both of which will be assisted by RVR. The monitoring and evaluation program is expected to monitor the efficiency of proposed interventions and inputs. The program will outline basic indicator factors for RAP outputs and staff benchmarks. Impact evaluation for the proposed strategies is expected to be participatory and is tied to the Public Consultation and Disclosure Plan (PCDP) developed with both RAPs. The Bank will provide technical assistance to support the Kenyan and Ugandan governments and RVR in strengthening their capacities to effectively implement, monitor, and evaluate the RAPs.

A quarterly evaluation report shall be compiled by the internal evaluation team formed by RVR. This report shall then be availed to the RIC and the RAP Steering Committee in both countries as well as the project financiers. An annual audit shall be undertaken by a private consultant with vast experience in RAP implementation. The external auditor will be accorded utmost cooperation by RVR in access to all relevant information pertaining to the program.

CONTACTS

Any queries on this document should be referred to the following contact persons:

RIFT VALLEY RAILWAYS

Mr. Paul Kabaale, General Manager, Safety, Health, Risk, Environment and Quality Assurance (SHREQ) Department, Rift Valley Railways (Kenya) Ltd and Rift Valley Railways (U) Ltd, Rift Valley Head Office, Haile Selassie Avenue, P O Box 62502 00200, Nairobi, Kenya, Tel: +254 2044476-9, Email: paul.kabaale@rvr.co.ke

AFRICAN DEVELOPMENT BANK

Ms. Angela Nalikka, Principal Investment Officer, Infrastructure Finance Division (OPSM.3), Private Sector and Microfinance Department (OPSM), African Development Bank, BP 323 - 1002 Tunis Belvedere, Tunisia Tel: +216 71 10 2272, Email: a.nalikka@afdb.org

Mr. Kurt Lonsway, Division Manager, Environment and Climate Change Division (ONEC.3), Department of Energy, Environment and Climate Change (ONEC), African Development Bank, BP 323 - 1002 Tunis Belvedere, Tunisia Tel: +216 71 10 3313, Email: k.lonsway@afdb.org

Ms. Rachel Aron, Senior Social Development Specialist, Environment and Climate Change Division (ONEC.3), Energy, Environment and Climate Change Department (ONEC), African Development Bank, BP 323 - 1002 Tunis Belvédère, Tunisia Tel.: +216 71 10 2792, Email: r.aron@afdb.org