ANNEX 2

RESETTLEMENT ACTION PLAN
SUMMARY

Project Title: Multinational Uganda-Kenya (Kapchorwa-Suam-Endebess-Kitale – Eldoret) : Eldoret Bypass Section

Project Number: P-Z1-DBOO-107

Country: Kenya
Department: OITC
Division: OITC.2
Project Category: 1

1 Project Description

The project is situated in the County of Uasin Gishu and to the west of the boundaries of Municipal Council of Eldoret. The road project is proposed to start at Cheplaskei; approximately 13km from the centre of Eldoret Town and follow a north-westerly direction traversing the Eldoret-Kapsabet-Kisumu Road at Kapsaret. The proposed alignment crosses D288 and continues on the general alignment, linking again with the Eldoret-Malaba Road (A104) at Maili Tisa near the junction to Kitale. Uasin Gishu County occupies an area of 3,345.2km² and its main administrative centre is Eldoret Town. The County has three constituencies which include Eldoret East (Hospital Kapsoya and Kimumu/Serogoi), Eldoret North (Huruma, Kamukunji, Kapyemit, Kidiwa, Kapsoya, Stadium, Industrial market) and Eldoret South (Kipkenyo, Langas, Pioneer, Elgon View, and Race Course) constituencies. Eldoret Municipality that is the expanded area of Eldoret Town, is approximately 147 Km² located in Uasin Gishu County in the western highlands of the Rift Valley region.

2 Potential Impacts

The proposed road alignment is a new road and traverses farmlands. It is estimated that 326 land parcels will be affected by acquisition for new the road reserve of 80 m. The land to be acquired for the whole project that includes the ROW and land for road side amenities amounts to 250.54ha. Out of the 326 land parcels affected, 43 (spread along the corridor) are fully affected by the proposed corridor and the owners will require to find alternative land. The remaining 283 land parcels are partially affected and owners can reestablish within their remaining piece of land. Out of the 326 parcels of land to be affected by compulsory acquisition, 576 assets claimants (PAPs) have been identified in the assets inventory exercise that was carried out concurrently with the household survey. These assets range from vacant land, residential houses, domestic out-buildings including stores, cattle sheds and pit latrines and trees.

<table>
<thead>
<tr>
<th>Categories of structures affected</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Houses</td>
<td>322</td>
</tr>
<tr>
<td>Business premises</td>
<td>12</td>
</tr>
<tr>
<td>Churches (2 completely affected and 9 are partially affected)</td>
<td>11</td>
</tr>
<tr>
<td>Public institutions (New Administration offices at Kapseret fully affects) /Schools</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>347</strong></td>
</tr>
</tbody>
</table>
### Categories of building materials for affected structures

<table>
<thead>
<tr>
<th>Type of building material</th>
<th>No. of the affected structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iron sheets roofing and mud walls</td>
<td>332</td>
</tr>
<tr>
<td>Grass thatched and mud walls</td>
<td>14</td>
</tr>
<tr>
<td>Other roofing materials</td>
<td>2</td>
</tr>
</tbody>
</table>

### Types of asset affected

<table>
<thead>
<tr>
<th>Type of Asset</th>
<th>Total number affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toilets</td>
<td>179</td>
</tr>
<tr>
<td>Wells</td>
<td>166</td>
</tr>
<tr>
<td>Fruit trees</td>
<td>4,666</td>
</tr>
<tr>
<td>Indigenous trees</td>
<td>106,383</td>
</tr>
<tr>
<td>Commercial trees (grevillea, wattle, eucalyptus, etc.)</td>
<td>1,245,656</td>
</tr>
<tr>
<td>Greenhouses</td>
<td>13</td>
</tr>
<tr>
<td>Total</td>
<td>1,357,063</td>
</tr>
</tbody>
</table>

**Source:** Assets Inventory and Household Survey (2014)

**Loss of Social Facilities:** There are some social facilities that will be affected along the proposed road corridor. These include among others two (2) church buildings, one (1) school (one class room and a temporary office block) and a proposed office block for administration offices. Any public facility that will be displaced will be restituted before removal or compensation will be paid to the developers as determined by the National Land Commission and the rules governing such compensation.

**Cultural Resources:** The proposed road corridor affects some (37) private graves in various homesteads and also passes through one (1) site where the rite of passage (circumcision) ceremonies are held at River Sosian. There are no public burial sites along the corridor but in some homesteads, there are multiple graves. There are no common grazing areas as each farmer manages his/her livestock within his farm. However, cattle dips along the road are partially affected both in space and accessibility. The design has provided for safe access by providing cattle crossings at convenient locations relative to the facility. Consultation were held with the Kalenjin Counsel of Elders to seek their opinion on relocation of cultural sites (graves and circumcision sites). The community counsel of elders accepted to relocate these sites and indicated that they will need to undertake traditional ceremonies prior to relocation.
3 Organization Responsibility

A number of public institutions, in addition to KeNHA, will be involved in the RAP implementation at different levels.

Kenya National Highways Authority (KeNHA) - The Project Executing Agency:

- Will be responsible for Land Acquisition and releasing the road corridor to Contractor
- Ensuring that resettlement is done in accordance with the RAP.
- Coordination of resettlement issues with other agencies
- Facilitate the grievance redress process as secretariat
- Monitoring and Evaluation of the social mitigation activities and implementation progress.

Project Implementation Team: A project implementation team comprising of senior managers within KeNHA will be established to steer and co-ordinate the project and headed by a Director. The Project Engineer will be overall responsible for the project implementation of the RAP and will provide necessary assistance for successful implementation of the social safeguards. The various staff in the PIT will:

- Provide training on social safeguard issues
- Conduct public awareness and consultations
- Training of the various stakeholders
- Coordinate matters with other agencies on matters pertaining to social safeguards
- Monitoring and Evaluation of social safeguard matters of the project and
- Supervise implementation of the grievance redress committee decisions.

Office of the County Commissioner: Officers of the office of the county commissioner at the locational and sub-county level will facilitate the convening of public consultative forum and provision of security for such forums, they will be the contact point for compensation and any assistance to project affected persons, and they will provide grass-root mobilisation of the community.

The County Government: It will be responsible for safeguarding the objectives of the road improvement by ensuring adherence to development control measures along the road corridor. They will harmonize the location of social amenities with the road corridor to mitigate negative impacts.

Local RAP Implementation Committee: Responsibilities of the RAP Implementation Committee (RIC) will be handled at the grass-root by a PAPs committee based at the Resident Engineers office for speedy handling of emerging issues that may stall the project. Compensation and resettlement will be coordinated by the implementing agency, i.e. KeNHA. There will be collaboration with other stakeholders among them the Uasin Gishu County, National Land Commission, Representatives of the National Government at the project location and the civil society.
**PAPs Committee:** During the sensitization and public consultation forum it was agreed to constitute a project PAPs committee comprising of among others representatives of the potential PAPs, women and youth and members of the provincial administration and other opinion leaders. The communities were encouraged to identify any groups of CBOs/NGOs operating within the area to assist them in appreciating and internalizing the project components and their impacts on the community.

**Independent NGOs/CBOs:** It is anticipated that members of the civil society working in the project areas will assist the communities to internalize the project implications and create a sense of public ownership of the project process. The process will be continuous until the project is completed with the consultations diminishing in frequency as the emerging issues are resolved.

4 Public Consultations

Consultations with a wide range of project affected persons and stakeholders in the general area of the project were conducted. These included individuals or groups who will be positively or negatively affected by the project including potential host communities. Comprehensive consultations have been held with various stakeholders and the project affected persons from the reconnaissance stage through the public consultations, the project affected persons census along the road; a socio-economic survey and an assets inventory. The consultations held along the road corridor were aimed at seeking views of the local communities along the project road on various aspects of the design. Secondly, the public forums served to create awareness to the local community and particularly the potential project affected persons on how the project would impact on their daily lives during and after the improvement. The communities were encouraged to form Interim Committees (Ad-Hoc) inclusive of the potential project affected persons, the youth and women in consultation with the Chiefs of their areas to engage in internalizing the proposed project.

Public consultations were held at various locations as determined by administrative boundaries for ease of administration and management of the stakeholder composition and record keeping for future reference and analysis. The list of public officers and civil society to be involved in the process was exhaustively compiled. A special forum was arranged for the Civil Society groups and the vulnerable groups including youth, women and people with disabilities. Additional consultation was also undertaken with the Kalenjin Counsel of Elders to seek their opinion on relocation of cultural sites that are being affected which include graves located in various homesteads and one circumcision site. The elders are willing to relocate and will undertake traditional ceremonies to cleanse the graves. Removal and reburial will entail cleansing of the new sites and internment of the remains to be facilitated by the church according to the wishes of the family.

The views of the stakeholders at the various forums are considered significant for successful implementation of the resettlement plan and overall project. Details are summarized in the main RAP report as raised at the various meetings during sensitization and public consultative forums in terms of the frequency that the issue was raised.
5 Integration with Host Communities

During the PAP census and social economic survey, it transpired that land availability from among relatives was not a problem and their relatives would offer them space to settle to maintain the family closeness. Therefore, the PAPs could relocate within the project area and would continue to share in the road benefits as if they had not been displaced. An analysis of the land acquisition information indicates that all the affected land parcels are large and very few people will lose all their parcels. Those that might be affected by the total loss of their properties are mainly in the trading centre at Lemook and Kapteldon. Cases of determining severance and the appropriate compensation will be determined during inspections/verification for land acquisition. The landowners in consultation with the National Land Commission, will agree on whether the land-owner will cede the un-economical balance of the land portion.

In view of the fact that the PAPs are part of the community by ethnicity and the fact that the area is newly settled, the PAPs will integrate in the community still as part of the settlement transition. The community and the PAPs would therefore be able to benefit in the improvement of social and physical facilities as a result of the project. The displaced persons will continue to share in the use of social facilities and other cultural and religious places of worship. Since the individual relocation will be within the same community there will be no cultural or social disruption. Therefore there will be continuity in the neighborhood concept and attendant socio-cultural benefits.

6 Social Economic Survey and PAP Census

The socio-economic survey of the communities along the proposed Cheplaskei-Kapseret-Leseru (Maili Tisa) alignment was conducted during the months of May 2014 and covered 480 households along proposed roads’ corridor. A census for the PAPs was concurrently conducted along the road corridor and an assets inventory prepared covering all the PAPs along the road corridor. The number of PAPs enumerated is 576 adults excluding 1356 children (below the age of 16 years). This represents the number enumerated in the 480 households that were interviewed along the corridor and includes empty land parcels utilized by the land owners for farming without any households settled there. Emphasis was placed in the interviews to determine the vulnerable groups comprising people with disabilities, elderly persons, orphans, female-headed households and the youth. From the data collected along the road corridor, 4 main sources of livelihoods were identified from the household responses. The dominant activity along the proposed alignment is farming. Other income generating activities include business and wage employment both in the formal and informal sectors. Various descriptions of what the people along the corridor do for a living were indicated and a total of 64 activities (excluding farming) were mentioned by the respondents although all fell into the same major categories.

The main activities found along the proposed alignment besides small-scale farming (29) include retail shops (29) dealing in basic household goods and flour milling; wage employment (16) and others activities occupying 19 of the sampled lot.
As regards income distribution, the information gathered from household survey conducted shows that people living in the general areas had incomes ranging from 50,000/= to 2,755,000/= per month. These are PAPs with multiple sources of incomes ranging from farming to formal employment. There is evident correlation between the level of education and the income levels as people with higher incomes are correspondingly people with university education. The low incomes are reflected in the category of people mainly involved in farming activities with no other sources of income. Of the total respondents, 28.2% are in informal employment while 71.8% are engaged in private businesses and self-employment. The informal businesses are reflected in the details of the households along the road corridors that show the activities and trade types being carried out.

Regarding education levels, the majority of the sampled population had attained a minimum of secondary school level of education (46.2%) of whom 22.6% had attended technical institutions, while 12.6% had graduated from University level of education. However, 19.4% of the total household population had left schooling at primary level.

Access to health, and water and sanitation facilities: The survey shows that most of the health facilities are within walking distance for minor ailments and emergency cases except referral cases where the services are only available at Moi Teaching and Referral Hospital. Kapteldon Sub-District Hospital within Kaperet Location serves a vast area and is supplemented by Sosiani, Kisior and Kapchinja dispensaries in the public sector. There are private facilities at Patrician in Nigeria Location, St.Luke’s Hospital (Kaperet Location) and Trinity Hospital in Leseru (Kamagut) location. In terms of accessibility to health facilities, the average distance is 3km with the shortest being 200m. The principal mode of transport to health facilities is walking for distances of less than 2 km and Boda Boda or hired transport where the distances are greater. The common diseases prevalent in the project area include malaria (23.7%), stomach problems and diarrhea (21.7%), respiratory complaints (10.5%) and eye infections (9.7%). The recorded complaints were infrequent with most of the respondents requiring attention only once per year.

On the other hand, the area traversed by the proposed road alignment has a shortage of water and most of the households depend on shallow wells dug in the homestead. Of the 576 assets enumerated, only 43 households (9.0%) had access to piped water while 329 (68.5%) depended on wells for their water supply. Areas with piped water are found around Kaperet, Lemok and Mutwot within Kaperet Location. Water supply in the area is managed by the Eldoret Water and Sanitation Company with no reliable supply. With regards to sanitation, most families depended on pit latrines. Only 22 households (4.6%) had water-borne sanitation in their homes with septic tanks and soak-pits on their compounds.

The age and demographic characteristics of the household surveyed shows that the communities living along the road corridor are predominantly from the same ethnic group; the Kalenjin. Out of the 480 households interviewed during the survey, only 31 (6.5%) respondents were non-Kalenjin with the Luhyia being a majority 17 (54.8%) as they come from the neighboring County of Kakamega. Kikuyu ethnic group came second having relocated to the area at independence and have settled on land parcels neighboring villages to the proposed alignment. The gender composition of the household survey representative of the general population in the project area depicts a population composition of 57.9% men and 42.1% women. The population composition within the communities is dominated by people in the age bracket of 21-30years (19.4%) and 31-
40 years (27.7%). Those below 20 years and over 80 years account for 1.3% and 1.5% respectively. This is consistent with the population composition since the project road traverses an area that is recently settled with exception of remnants of the large scale and plantation farm workers. Majority of the affected population falls within the age brackets of 31-60 years (63.9%).

7 Legal and Institutional Framework

The RAP is prepared in accordance with the Kenya Government legislations and AfDB guidelines and safeguard policies that govern preparation of Resettlement Action Plans. The relevant national legislations and AfDB policies and guidelines considered among others are as follows:

a) The Constitution of Kenya 2010;
b) Land Act No.6 of 2012;
c) The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012;
d) Land Adjudication Act; Cap 283
e) Urban Areas and Cities Act, 2011;
f) National Land Commission Act, 2012;
g) Kenya Roads Act, 2007;
h) Traffic Act Cap.403;
i) Public Roads and Roads of Access Act, Cap 399;
j) Physical Planning Act Cap 286;
k) AfDB Environmental Policy, 2004;
l) AfDB Involuntary Resettlement Policy, 2003;
m) AfDB Gender Policy, 2001;
n) Bank Group Policy on Poverty Reduction, 2004;
o) Policy and Guidelines on Cooperation with Civil Society Organizations (CSOs), 1999.
p) AfDB’s Integrated Safeguard System, 2013

Comparison of GOK provisions for Resettlement and AfDB Integrated Social System, 2013

The legal provisions reviewed above contain provisions that are applicable to provide for the compensation or resettlement of project affected persons in the event of displacement as a result of the undertaking of a public project. It is evident that the provisions are not explicit except in terms of compensation and do not make provision for other modes of restoration as necessary under the AfDB guidelines. The gaps have been identified and possible suggestions made to harmonize the differences to achieve the AfDB requirements. The gaps are highlighted in the Table below with suggestions to harmonize the two systems of guidelines.

Comparison between AfDB Policy Guidelines and Kenya law
<table>
<thead>
<tr>
<th>Category of project affected person/lost asset</th>
<th>Kenya Law</th>
<th>AfDB Policy Guidelines</th>
<th>Comparison/Gaps</th>
<th>Recommendation to bridge gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land/Buildings Owners</td>
<td>Compensation in cash for land and developments at the prevailing market price. Includes an element for disturbance</td>
<td>The policy recommends payment for compensation be land-for-land or at replacement cost</td>
<td>Payment of compensation in monetary form instead of in kind</td>
<td>Due to lack of suitable land to exchange, payment to be in cash including the disturbance allowance</td>
</tr>
<tr>
<td>Tenants and informal settlers</td>
<td>Considered in commercial premises for loss of earnings/profit</td>
<td>Provides for compensation/assistance</td>
<td>No compensation for land but any losses incurred</td>
<td>Either arrangement adequate</td>
</tr>
<tr>
<td>Agricultural tenants</td>
<td>Compensation for loss of crops</td>
<td>Compensation for crops and labour and maybe for alternative comparable land. Assistance until new crop ready for harvesting at alternative location</td>
<td>Extension of support beyond the compensation until affected establishes oneself</td>
<td>Consider providing for a bridging finance to the affected person</td>
</tr>
<tr>
<td>Livelihood restoration</td>
<td>Compensation for losses and improvements</td>
<td>Provision for compensation including transport assistance to move locations</td>
<td>No provision in the Kenyan law</td>
<td>Compensation to be based on replacement cost</td>
</tr>
<tr>
<td>Consultations and disclosure</td>
<td>Involvement of the communities mandatory in all public projects and disclosure</td>
<td>Project affected persons to participate in decisions determining resettlement</td>
<td>No gap although in reality the PAP is more informed than be part of the decision making</td>
<td>Adequate consultations by both parties to be enhanced</td>
</tr>
<tr>
<td>Grievance redress mechanism</td>
<td>Not documented but the role</td>
<td>Procedures for dispute resolution in place and fully documented</td>
<td>Establishment for alternative dispute resolution</td>
<td>Should be documented details to be</td>
</tr>
</tbody>
</table>
played by the administrators at grass-root level under the Chiefs’ Act | mechanism in place and still being improved | within public domain

8    Grievance Redress Mechanism

In order to deal with the grievances that may arise during the implementation of RAP, a grievance redress process has been incorporated within the Resettlement Committee (RC). The grievance redress process will be carried out by a sub-committee within RC which will hear the complaints and provide solutions, and reduce unnecessary litigation by resolving disputes through mediation. The Project PAPs Committees that are already in operation at locational level will form the basis of constituting the RC to deal with emerging issues. These are envisaged to transform themselves and contribute membership to the Grievance Redress Committee (GRC) and the RC.

The PAPs shall play a role in the grievance redress committee through representatives elected by the PAPs who will carry out the following as regards redressing grievances:

(a) Guide the complainant in petitioning the Grievance committee and the Project Office to file his/her complaint and play an advocacy role
(b) Hear the grievances of the PAPs and provide an early solution to those they are able to;
(c) Immediately bring any serious matters to the attention of the RC; and
(d) Inform the aggrieved parties about the progress of their grievances and the decisions of the RC.

Grievance Redress Sub–Committee shall be formed within the RC. This shall address the following main issues:

(e) Register the grievances raised by the PAPs; and
(f) Address the grievances forwarded by the RC/PAPs representatives.

Grievance Redress Sub-Committee shall try as much as possible to arrive at a compromise and find an amicable solution on complaints raised from the project affected persons. This may be obtained through series of conciliation, mediation and negotiation exercises conducted with the PAPs. If PAPs accept the explanation and recommendations made by the committee, the committee along with PAPs representative will hold mediations meetings at the appointed places and time.
Grievance Redress Procedure.

PAP or community has a complaint

PAPs Committee (PAPC)

Makes a ruling and informs the PAP

Satisfied with Decision

N

PIT makes a ruling and informs the PAP, and PAPC

Satisfied with Decision

N

Resettlement Committee, RC

N

RC consults inter-ministerial caucus, NLC, makes decision and informs the interested parties

Satisfied with Decision

NO

COURT OF LAW
9 Institutional Framework

The overall responsibility for the implementation of the RAP is vested in KeNHA –Director General and staff of the Project Implementation Team (PIT) that will be established specifically for the proposed Eldoret Bypass road project. The PIT will be established within the project to handle day today issues arising from the relocation and resettlement activities. KeNHA has the necessary experience and adequate capacity for the task envisaged of carrying out implementation of the RAP.

Kenya National Highways Authority (KeNHA), Uasin Gishu County, Ministry of Lands, Housing and Urban Development and the State Office for Administration will through the Resettlement Committee (RC), oversee the implementation of the RAP. The RAP implementation is at three (3) levels that are Project Implementation Team (PIT), Resettlement Committee (RC) and Project Affected Persons Committees (PAPCs). The PAPCs will be four (4), one for each area; Ngeria, Kapseret, Simat/Sosian and Leseru.

It is envisaged that the project implementation team will be charged with the responsibility of coordination and undertaking planning and implementation of the project land acquisition, compensation and income restoration activities. The members will be nominated by the Director General to the PIT. The members proposed for inclusion in the Project Implementation Team (PIT) include; Project Engineer, Finance officer, Registered Land Valuer, Senior Environmental expert, Senior Sociologist, Senior Surveyor, Senior Road Reserve Protection Office, ICT officer (database management) and a Procurement Officer. The PIT will meet quarterly and part of its key activities is to determine strategic actions necessary for facilitation of the smooth and timely progress of the land acquisition and compensation process as well as monitor performance against commitments and obligations.

Among the responsibilities of the Project Implementation Team:-

- To ensure that appropriate agencies that are mandated to plan and implement compensation, income restoration, and rehabilitation programs are identified as early as possible in Project preparation;
- To ensure compliance with the Resettlement Plan and Environmental Management Plan; and
- To facilitate acquisition of the required land and payment of compensation to the PAPs during the preconstruction period, and monitoring the completed road facility and ensure that the objectives of the resettlement plan have been achieved.
- To establish and facilitate the duties of Resettlement Committee.
- The following four components will form part of Implementation of the RAP:-
- Notification;
- Verification of properties of affected persons and estimation of their type and level of losses;
- Preparation of compensation entitlements after Land Acquisition; and
• Relocation and resettlement of the PAPs as necessary.

The RAP provides for an external Resettlement Consultant who will be retained in the project to advise the PIT on the Bank’s involuntary resettlement requirements. The consultant will work closely with the PIT to ensure processes for consultation, verification of property affected, and compensation monitoring and grievance resolution are clearly defined and fully implemented.

10 Eligibility Criteria and Entitlement Matrix

Eligibility for the project was determined by the effect the proposed road alignment has on a person, institution or a cultural facility as at the cut-off date. The cut-off dates for the project affected persons census and assets inventory was agreed to be the last day of the census exercise. The last date for the assets inventory and census for the project affected persons was 30th May 2014. The date was widely publicized at the public meetings and during the household survey and the assets inventory exercise. For the proposed road project, the following groups are entitled to compensation and/or assistance under the project:

- **Project Affected Persons (PAPs)** - These include people and households regardless of their ownership status as squatters etc., that will face their livelihoods adversely affected and/or lose their right or title on land, house, habitat, water resource or any asset possessed, due to the project implementation.

- **Project Affected Families (PAFs)** – All members of a project affected household residing under one roof and operating as a single economic unit, who are adversely affected by the project or any of its components.

- **Displaced Family** – Any tenure or interest holder on a property and his/her family members, who on account of acquisition of the property for the project purpose becomes a displaced person.

- **Squatters** – People who have occupied land for purpose of their livelihoods violating the law and are not entitled to compensation for lost land under this policy. But if displaced they are

Typical impacts that will be experienced include:

- Loss of assets such as dwelling houses, business structures, property walls/fences;
- Loss of trees and crops;
- Loss of means of livelihoods;
- Impacts on cultural and religious properties;
- Loss of community assets;
- Loss of public assets such as administrative offices, schools, clinics, etc.; and
- Loss or compromised means of access to social amenities and homes.
Vulnerable Groups – Distinct groups of social and economically distressed people who might suffer disproportionately from the effects of displacement. These may be ethnic minority, women and child-headed households, impoverished youth, the most poor (based on the poverty line), the disabled and elderly.

**Entitlement Matrix**

<table>
<thead>
<tr>
<th>Category</th>
<th>Entitlement</th>
<th>Responsibility</th>
</tr>
</thead>
</table>
| Individuals with legal rights to land, assets and interest. | • Right to compensation for loss of land and assets at replacement cost  
• Development assistance of over and above compensation measure  
• Support after displacement until livelihoods are adequately restored  
• Provision of assistance and accommodation  
• Right to salvage the materials of their assets  
• Adequate vacate notice period | KeNHA and NLC |
| Individuals with no formal legal rights but claim to such land or assets. | • Right to compensation and loss of land and assets at replacement cost  
• Development assistance of over and above compensation measure  
• Support after displacement until livelihoods are adequately restored  
• Provision of assistance and accommodation  
• Right to salvage the materials of their assets  
• Adequate vacate notice period | KeNHA, NLC, RC and PAPs committees |
| Individuals who have no recognizable or known to the land they occupy (squatters). | • Assistance and allowances as appropriate  
• Right to salvage the materials of their assets  
• Adequate notice period | KeNHA, NLC, RC and PAPs committee |
| Vulnerable Project Affected Persons (very aged persons and child headed homes) | • Support through programs and facilitation to access needed basic services including, medical care, housing, capital support for start-up activities (businesses) and capacity building  
• Mobilization into organized groups | KeNHA, County Government, Ministry of Devolution |
| People who encroach on the RoW after the cut-off date | • No compensation for developments  
• Right to salvage assets  
• Adequate notice to vacate | KeNHA |

*Income Restoration Program:* The objective of income restoration activities is to ensure that no PAP shall be worse off than he or she was before the project. Restoration to pre-project levels of income is an important part of rehabilitating individuals, households and socio-economic and cultural systems in affected communities. The majority of the PAPs run kiosks and roadside trades and these will be entitled to the following:
Provided the traders with spaces in the formal markets and already available infrastructure. The following options will be applied as income restoration measures in the project.

a) Provision of training on management of the compensation money (money management skills)
b) Provision of vocational skills training;
c) Encouraging and assisting the PAPs to form self-help groups;
d) Creation of awareness to access credit facilities; and
e) Improvement of sites for carrying out business activities.

11 Identification of Resettlement Sites, Preparation and Relocation

The resettlement plan does not envisage any en-mass relocation of the PAPs to new sites, hence no need to provide for site acquisition and preparation. During the public sensitization and the asset inventory it became abundantly clear that the affected persons would prefer to be compensated in cash for loss of their assets. However analysis of the social economic survey indicate that some category of the vulnerable groups will need to be provided with assistance for accommodation on land they will identify. The local authority and the arms of government will be involved in the resettlement of people entitled to restoration of their livelihoods and identification of alternative sites for relocation. Suitable arrangements will be made to ensure smooth and humane relocation and clearance of the road corridors for construction.
12 Shelter, Infrastructure, and Social Services

As evident in the discussion on project impacts, the affected communities have indicated their preference to relocate within the existing community which will minimize the disturbance to implement the resettlement. Moving people away from their familiar environs may require providing them with new services. From interviews conducted in the villages it was very clear that land availability to be purchased by the PAPs was not considered to being a problem since they all come from the same ethnic group that had recently migrated into the area.

The displaced population by settling within the community will continue to utilize the existing social facilities such as schools, hospitals, mosques, churches and other religious and traditionally significant cultural sites. The social and cultural relationships will be maintained. This is likely to sustain people’s economic system, ways of production and other means of income generation and trading. Their productive skills remain applicable for no significance geographical and social change has occurred; and the neighborhood serves as an important element of social life shall be maintained.

13 Implementation Schedule

Kenya National Highways Authority (KeNHA) through the established project implementation team, County Government of Uasin Gishu and, Ministry of Lands, Housing and Urban Development shall through Resettlement Committee (RC), oversee the implementation of RAP. Removal of private and public properties (salvage) and reconstruction of residential and business structures, and the all activities leading to resettlement are estimated to take fourteen (14) months. However, the key structures and committees will remain in place until the end of the project implementation. This takes into account important variables such as conflicts / grievance resolution and any other unforeseen circumstances. The following chart depicts the various timeframes for a successful RAP implementation.

**Implementation Schedule/Work Plan**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Period of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2015 2016 2017 2018</td>
</tr>
<tr>
<td></td>
<td>Q1   Q2   Q3   Q4</td>
</tr>
<tr>
<td>Finalisation and Approval of RAP</td>
<td></td>
</tr>
<tr>
<td>Gazetting of parcels for land acquisition</td>
<td></td>
</tr>
<tr>
<td>Verification of property/asset ownership</td>
<td></td>
</tr>
<tr>
<td>Valuation and offering of awards</td>
<td></td>
</tr>
<tr>
<td>Bank account opening</td>
<td></td>
</tr>
<tr>
<td>Activity</td>
<td>Period of Implementation</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Payment of compensation</td>
<td></td>
</tr>
<tr>
<td>Issuance of vacate notice</td>
<td></td>
</tr>
<tr>
<td>PAPs consultation and communication</td>
<td></td>
</tr>
<tr>
<td>Formation and functioning of PAPs committees, GRC and PIT</td>
<td></td>
</tr>
<tr>
<td>Livelihood assistance activities</td>
<td></td>
</tr>
<tr>
<td>Contractor identification</td>
<td></td>
</tr>
<tr>
<td>Removal of all affected structures</td>
<td></td>
</tr>
<tr>
<td>Dispute /grievances resolution</td>
<td></td>
</tr>
<tr>
<td>Monitoring and evaluation</td>
<td></td>
</tr>
</tbody>
</table>

14  **Estimated Costs and Budget**

The total cost to mitigate the social impacts for the road sections is as shown below. The budget to mitigate the impacts and offer support for restoring livelihoods. The values indicated are estimates, the government valuer will ascertain the values and revise accordingly shortly before any definite compensation can be processed. The RAP total cost including administrative and contingencies is estimated at KSh.1,055,389,936.17 which is expected to be made by the Government as part of the counterpart funding.

**Compensation and Resettlement Plan Cost**

<table>
<thead>
<tr>
<th>COMPENSATION ITEM</th>
<th>TOTAL COST (KSHs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td>520,122,571.60</td>
</tr>
<tr>
<td>Value of Structures</td>
<td>308,517,533.00</td>
</tr>
<tr>
<td>Value of Trees and Crops.</td>
<td>39,541,341.17</td>
</tr>
<tr>
<td><strong>Sub-total A</strong></td>
<td><strong>868,181,445.77</strong></td>
</tr>
<tr>
<td>Disturbance Allowance at 15%</td>
<td>153,208,490.40</td>
</tr>
<tr>
<td><strong>Sub-total B</strong></td>
<td><strong>1,021,389,936.17</strong></td>
</tr>
<tr>
<td>Stakeholder Participation</td>
<td>2,500,000.00</td>
</tr>
</tbody>
</table>
15 Monitoring and Evaluation

A Monitoring and Evaluation (M&E) program is required to be developed to provide feedback to Project management that will ensure that the program remains on schedule and successful. Monitoring provides both a working system for effective implementation of the RAP by the Project managers, and an information channel for the PAPs to assess how their needs are being met. Monitoring shall be conducted in two ways: by an external expert and internally by the RC.

An agency will carry out monitoring and evaluation of RAP implementation. The agency shall begin the work right from the implementation of RAP and will meaningfully and realistically monitor and evaluate the resettlement programs on a periodic basis so that all the vital activities are successfully implemented. Monitoring and evaluation will be useful in formulation of corrective measures by identifying the problems and difficulties faced by the PAPs and bringing them to the notice of the RC.

The committee shall carry out the following:
- Verify results of internal monitoring by RC;
- Assess whether resettlement objectives have been met; specifically, whether livelihoods and living standards have been restored or enhanced;
- Assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation process; and
- Ascertain whether the resettlement entitlements were appropriate to meet the objectives and whether the objectives were suited to PAPs conditions.

The agency shall be knowledgeable in matters relevant to the activity and shall serve for the full duration of the project with an extension of period to carry out a final audit as specified in the schedule or as may be revised in future.