RESETTLEMENT POLICY FRAMEWORK (RPF)

FOR

KENYA POWER’S LAST MILE CONNECTIVITY PROJECT PHASE III

PREPARED BY

SAFETY, HEALTH & ENVIRONMENT DEPARTMENT (SHE) - KPLC

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Table of Content
List of Figures ........................................................................................................ ii
List of Tables ........................................................................................................ ii
ACRONYMS AND ABBREVIATIONS .................................................................. viii
EXECUTIVE SUMMARY ....................................................................................... x
   Background ...................................................................................................... x
   Project Beneficiaries .................................................................................... x
   Purpose of RPF ............................................................................................ xi
   Objectives of RPF ......................................................................................... xi
   Legal Framework ........................................................................................... xii
   RPF Methodology and Consultation ............................................................... xiii
   Potential For Displacement ............................................................................ xiii
   Project Screening for Impacts ......................................................................... xiv
      (i) Sub-projects Screening ........................................................................... xiv
      (ii) Preparation of RAPs/ARAP ................................................................... xiv
      (iii) Community Sensitization ..................................................................... xiv
   Eligibility for Compensation .......................................................................... xv
   Valuation Methods for compensation ............................................................ xv
      Crops Compensation .................................................................................... xv
      Agricultural land ........................................................................................ xv
      Land in rural areas ....................................................................................... xv
      Houses and other structures ....................................................................... xvi
      Loss of Income ............................................................................................ xvi
   Public Consultations and Participation .......................................................... xvi
   RPF Implementation and Monitoring Arrangements ....................................... xvi
      Documentation ............................................................................................ xvii
      Procedure for Delivery of Compensation .................................................... xvii
      Institutional arrangement ............................................................................ xvii
      Monitoring and Evaluation Team ................................................................ xviii
      Monitoring Aspects ..................................................................................... xviii
   Budget and Funding ........................................................................................ xix
   Disclosure ........................................................................................................ xix
1  CHAPTER ONE: INTRODUCTION ....................................................................... 1
1.1 Introduction .................................................................................................................................... 1
1.2 Background ................................................................................................................................... 2
1.3 Resettlement Policy Framework Background ............................................................................... 5
1.4 Purpose and Objectives of the Framework ...................................................................................... 6
1.5 Scope ............................................................................................................................................ 7
1.6 Methodology for Developing and Updating the RPF ................................................................. 7
  1.6.1 A Literature Review .............................................................................................................. 8
  1.6.2 Public Participation and Concerns ....................................................................................... 8
  1.6.3 Grievance Redress Mechanism ........................................................................................... 9
  1.6.4 Monitoring and Evaluation ................................................................................................. 10
1.7 Principles of the Resettlement Policy Framework ...................................................................... 10

2 CHAPTER TWO: PROJECT DESCRIPTION .................................................................................. 12
  2.1 Introduction ................................................................................................................................ 12
  2.2 Background and Rationale .......................................................................................................... 12
  2.3 Project Objectives ..................................................................................................................... 14
  2.4 Project Scope ............................................................................................................................ 14
  2.5 Project Description Works ........................................................................................................ 15
    2.5.1 Component A: Distribution Maximization ........................................................................ 15
    2.5.2 Component B: System Reinforcement and Upgrade ......................................................... 21
  2.6 Summary of the Project Costs ................................................................................................. 26
  2.7 Project implementation, supervision and management ............................................................ 27
  2.8 Monitoring and Evaluation of project implementation ............................................................ 27
  2.9 Land Acquisition and displacement Implications of LMCP Phase III ..................................... 27
  2.10 Sub Projects Exclusion List .................................................................................................... 27

3 CHAPTER THREE: POLICY AND LEGAL FRAMEWORK .......................................................... 28
  3.1 Introduction .............................................................................................................................. 28
  3.2 The Power of Eminent Domain ................................................................................................. 29
  3.3 Relevant Land Acts .................................................................................................................. 30
    3.3.1 Constitution of Kenya 2010 .............................................................................................. 30
    3.3.2 Land Act, 2012 .................................................................................................................. 32
    3.3.3 National Land Commission Act (2012) .......................................................................... 35
    3.3.4 Prevention, Protection and Assistance to Internally Displaced Persons and Affected
           Communities No. 56 of 2012 ......................................................................................... 35
List of Figures

Figure 1: Household connections required to achieve universal access by 2030 .......... 13
Figure 2: RAP Screening and Approval Process .......................................................... 85
Figure 3: The Grievance Redress Mechanism Process Flow Diagram ................... 131

List of Tables

Table 1: RPF Methodology ......................................................................................... 8
Table 2: System Losses .......................................................................................... 13
Table 3: Scope of the work .................................................................................. 14
Table 4: The summary of Target Transformers and Customers ........................... 16
Table 5: Summary Bill of Quantities .................................................................... 16
Table 6: Cost Estimation based on Construction Units ......................................... 17
Table 7: Overloaded 11kV and 33kV feeders/Substations ..................................... 21
Table 8: Longest 11kV feeders .......................................................................... 22
Table 9: Longest 33 kV feeders .......................................................................... 22
Table 10: List of proposed potential areas to be considered under the Last Mile Phase III 24
Table 11: Summary of relevant legal statutes applicable to LMCP Phase III. ........... 28
Table 12: Comparison of Kenya and AfDB Resettlement Policy on Resettlement and compensation ................................................................. 52
Table 13: Entitlement Matrix .............................................................................. 90
Table 14: Forms of Compensation .................................................................... 104
Table 15: KPLC Project Implementation Structure .............................................. 119
Table 16: Summary of Grievance Redress Process .............................................. 129
Table 17: Public consultation meeting attendance and venues .......................... 138
Table 18: Stakeholder meeting attendance and venues ........................................ 140
Table 19: Project benefits, impacts and mitigation measures raised by participants .... 141
Table 20: Illustrative Budget Template for the RAP ............................................. 156
Table 21: Monitoring Indicators will depend on nature of the project ................. 165
# ACRONYMS AND ABBREVIATIONS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ADR</td>
<td>Alternative Dispute Resolution</td>
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<td>AFDB</td>
<td>African Development Bank</td>
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<td>ARAPs</td>
<td>Abbreviated Resettlement Action Plans</td>
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<td>BCS</td>
<td>Broad Community Support</td>
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<td>CPS</td>
<td>Country Partnership Strategy</td>
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<td>CRWC</td>
<td>County Resettlement Working Committee</td>
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<td>DPs</td>
<td>Displaced Persons</td>
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<td>EAC</td>
<td>East African Community (EAC)</td>
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<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<td>Energy Management System</td>
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<td>ERC</td>
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<td>GCRC</td>
<td>Gross Current Replacement Cost</td>
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<td>Gross Domestic Product</td>
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<td>Government of Kenya</td>
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<td>GRC</td>
<td>Grievance Redress Committee</td>
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<td>ICT</td>
<td>Information and Communications Technology</td>
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<td>International Development Association</td>
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<td>IPP</td>
<td>Independent Power Producers</td>
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<td>IR</td>
<td>Involuntary Resettlement</td>
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<td>ISS</td>
<td>Integrated Safeguards System</td>
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<td>KNES</td>
<td>Kenya National Electrification Strategy</td>
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<td>KPLC</td>
<td>Kenya Power and Lighting Company</td>
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<td>Kenya Shillings</td>
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<td>LEP</td>
<td>Livelihoods Enhancement Programme</td>
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<td>OS</td>
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<td>OVC</td>
<td>Orphaned Vulnerable Children</td>
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<td>PAD</td>
<td>Project Appraisal Document</td>
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<td>Project Affected Persons</td>
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<td>Project Coordination Unit</td>
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<td>Public Information Centre</td>
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<td>Project Implementation Manual</td>
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<td>PIU</td>
<td>Project Implementation Unit</td>
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<td>PLO</td>
<td>Project Liaison Officer</td>
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<td>PPA</td>
<td>Purchase Power Agreement</td>
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<td>Public-Private-Partnership</td>
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<td>REA</td>
<td>Rural Electrification Authority</td>
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<td>RPF</td>
<td>Resettlement Policy Framework</td>
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<td>USD</td>
<td>United States Dollar</td>
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<td>VMGF</td>
<td>Vulnerable and Marginalized Groups Framework</td>
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EXECUTIVE SUMMARY

Background
The Government of Kenya has pledged to stimulate economic growth and accelerate job creation to improve the economic wellbeing of Kenyans. Among the many interventions to achieve this is expansion of the power distribution system to be within reach and thus enable more Kenyans connect to the grid at affordable cost and hence initiate economic activities at the micro-economic level. The current trend of network expansion driven by customer demand is approaching saturation. In the foreseeable future there is a likelihood of the annual connectivity stagnating at the 300,000-400,000 level. To jumpstart and accelerate connectivity, a new thinking is needed as happened in 2004.

To reduce the cost burden of increased connectivity on Kenya Power, as well as reduce the amount paid by the customer to connect to the grid, the strategy proposed is to extend the distribution network to as near the customer as possible using external or government funding. This can initially be achieved by extending the low voltage network on existing and other upcoming distribution transformers to reach households lying within transformer protection distance (maximization). This model would involve building low voltage lines both single phase and three phase (to a small extent) along rural access roads.

The proposed LMCP phase III will be implemented in all counties except in Nairobi and Mombasa counties. The transformers for maximization are selected from all constituencies in a county considering the following: Constituency Development Fund allocation criteria or distribution formula, current electricity access rate with those with low access getting more allocation, transformers with the lowest connection cost per household which is mostly dictated by population density and their location close to the existing electricity network. Preference is given to transformers serving public utilities such as schools and health centres.

Project Beneficiaries

Project beneficiaries include households and businesses that will be connected to the electricity network for the first time and whose use of electricity will replace consumption of kerosene and other fuels for lighting. Further, it will enable productive activities, thus contributing to economic growth. A second group of beneficiaries will be the existing electricity consumers, including business customers of KPLC, for whom the quality and reliability of electricity service will improve. Businesses suffer loss of sales, damage to equipment, and additional cost of electricity supply from standby generators when grid electricity supply is unstable. By providing public financing for the last mile electrification that has high economic return but low financial return, remote rural consumers will be connected to the grid since it would have taken years to have a decent level of energy consumption to become viable consumers of KPLC. The project will help KPLC maintain its commercial viability while meeting the GoK social objective of universal access to electricity.

It is with this background that the African Development Bank (AfDB) is partnering with The Kenya Power and Lighting Company PLC (Kenya Power) to fund the KPLC’s Last Mile Connectivity Project Phase III to increase on-grid electricity access for households, social-based infrastructure facilities, and MSMEs. With this in mind, a criterion has been proposed...
to define which parts of the country will benefit from the fund. The number of customers to be reached with the proposed funding is 150,000. The table below gives a summary of targeted transformers and customers to benefit from this project.

**Purpose of RPF**

In a situation, where sub-projects or activities are in different development locations or regions of the country with varying geographical, topographical and socio-economic conditions, and where the exact locations of the sub projects are not known and yet to be decided, there is a need to prepare a document that will ‘guide’ the planning, design and construction elements of sub-projects and such a document is the Resettlement Policy Framework (RPF). The purpose of this policy framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied during the implementation of AFDB LMCP Phase III. This RPF outlines the guiding principles to be followed when involuntary land acquisition and Resettlement and or compensation is undertaken.

The main purpose of this Resettlement Policy Framework (RPF) which has been prepared to appropriately deal and give guidance with matters that lead to land acquisition, compensation and resettlement of people who will be affected by the implementation of the sub-projects for Last Mile Connectivity Project (LMCP) Phase III.

This Resettlement Policy Framework (RPF) provides the necessary background to ensure that any subprojects that might involve land acquisition and/or resettlement and loss of livelihoods of any people will comply with both Kenyan law and the African Development Bank’s Operational Safeguards. The RPF will prescribe the process from the preparation, through review and approval to implementation of the sub-projects that will ensure that the substantive concerns of all African Development Bank’s Operational Safeguards and relevant Kenyan policy and legal frameworks will be adequately addressed.

**Objectives of RPF**

The purpose of this Resettlement Policy Framework is to establish the resettlement and compensation principles, organizational arrangements, and design criteria to be applied to meet the needs of the people who may be affected by the various sub-projects to be implemented under the LMCP Phase III especially where the distribution lines will be passing to reach the customers’ households, as well as any sub stations. The lines may be constructed along private or communal lands or public land (at times occupied by squatters). Thus, the AfDB Involuntary Resettlement Policy is triggered. It will be used among others:

- To avoid, minimise, manage, and/or mitigate potential risks arising out of damage to assets, land acquisition, disruption to work, temporary negative impacts on livelihoods and/or in the unlikely case of displacement.
- To develop a Resettlement Action Plan and propose an implementation framework forRAP to mitigate such effects

The objectives of the Resettlement Policy Framework (RPF) are to:
• Establish the resettlement and compensation principles and implementation arrangements for LMCP Phase III components;
• Describe the national and international policy, legal and institutional framework underlying all resettlement, compensation and rehabilitation to be undertaken;
• Develop appropriate criteria for identifying project impacts, affected populations (including vulnerable groups) and assets within the project counties;
• Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
• To put in place modalities for providing prompt and effective compensation at full replacement cost for loss of assets attributable directly to the project and provide support during the transitional period to enable the affected people to improve or at least restore their pre-impact living standards;
• Document valuation methodologies to be used in valuing the assets of affected persons and Formulate methodologies for quantifying loss of livelihoods and business income;
• Develop appropriate institutional framework necessary for implementing safeguard measures including monitoring and evaluation of resettlement activities;
• Describe the consultation procedures and participatory approaches to ensure PAPs and other key stakeholders are meaningfully consulted and given opportunities to participate in the planning and implementation of resettlement program; includes providing measures for information dissemination and disclosure.
• Provide mechanisms and procedures for filing grievances and resolving disputes; and
• Offer guidance in the development of Resettlement Action Plans for the sub projects, as well as providing a format for preparation of ARAPs.

Legal Framework
There are a number of national and local legal frameworks that regulate land relations in Kenya. These frameworks define land rights, ownership, procedures and requirements of transfer and acquisition of land between individuals and groups. They also provide procedures for the acquisition of land by the state or a public body for public projects.

Among the most important legal instruments in this regard which were reviewed are the Constitution of Kenya; Land Act 2012; Community Land Act 2016; National Land Commission Act 2012; Land Valuers Act Cap 532.

The African Development Bank (AfDB) Group exists to contribute to poverty reduction in Africa by spurring sustainable economic development and social progress in its Regional Member Countries (RMCs). The Bank Group is committed to avoiding or minimizing adverse environmental and social impacts in its projects. As part of this effort, the Bank has developed an Integrated Safeguards System (ISS). One of the key components is Operational Safeguards (OSs). Operational Safeguard 2 on Involuntary Resettlement: Land Acquisition, Population Displacement and Compensation, clearly states that “It seeks to ensure that when people must be displaced they are treated fairly, equitably, and in a socially and culturally sensitive manner; that they receive compensation and resettlement assistance so that their
standards of living, income earning capacity, production levels and overall means of livelihood are improved, and that they share in the benefits of the project that involves their resettlement.”

The policy aims to ensure that disruption to the livelihoods of people in the project area is avoided or at least minimized, and that the displaced persons receive resettlement assistance to improve their living standards. It provides guidance to Bank staff and borrowers to set up a mechanism for monitoring the performance of the resettlement programmes.

Any site-specific Resettlement Action Plan for the sub-projects has to be consistent with Kenyan laws and AfDB Policy, whichever is highly stringent.

RPF Methodology and Consultation
This methodology was used in the preparation this resettlement policy framework includes literature review, public and stakeholder consultations,

A detailed CPP/community engagement for LMCP Phase III was carried out in 9 Counties in 8 different Kenya Power service regions and was held between 20th June 2023 - 8th July 2023. In total, during consultation process a total of 42 stakeholder forums were held in 9 counties

The Engagement was undertaken at two levels:

- Public meetings which included a variety of stakeholders: The consultations with key stakeholders ranging from relevant Ministries, Government Agencies, County Government officials, NGOs, AfDB and the general public including project affected persons was carried from 20th June 2023, 26th June 2023 and 2nd – 8th July 2023. 40 public stakeholder forums were held in Nakuru, Kisii, Kakamega, Trans-nzoia, Embu, Garissa, Machakos, Makueni and Taita Taveta Counties. These counties were considered based on their geographical locations and representing the eight regions as per KPLC administrative boundaries. Further some of the counties (Trans Nzoia and Garissa) visited are inhabited by pastoral communities which are key in the implementation of this project. The site selection also considered different areas (rural and urban to ensure all possible types of impacts are covered. These were chaired by the area chiefs, Assistant Chief and Village elders. A total of 2242 stakeholders were engaged comprising of 1341 male and 901 female.

- 2 forums for CSOs, NGOs and Key Government state departments/ Institutions and Agencies in Nairobi and Machakos Counties and A total of 70 stakeholders were engaged comprising of 39 male and 31 female.

Potential For Displacement
The proposed LMCP Phase III is not expected to result in significant/massive land acquisition. This is because the construction of the distribution lines will largely be done along the existing road reserves. In case the distribution lines passes through private land and/or squatters settlement and any other legal and illegal establishment that will require land acquisition and compensation of the affected properties hence, it will trigger the social safeguard (AfDB Involuntary Resettlement Policy). To some extent, the setup of transmission lines can affect persons running businesses on road reserves. Explicitly, land
acquisition is anticipated for the sub stations. But, overall, minimal to moderate social displacement risks are anticipated under this LMCP Phase III.

**Project Screening for Impacts**
Sub-project screening is used to identify the types and nature of potential impacts related to the activities proposed under the sub Project and to provide adequate measures to address the impacts. Screening for resettlement issues shall be part of or undertaken at the same time as the environmental and social screening. Therefore, the first stage in the process of preparing the individual site-specific resettlement plans is the screening process to identify the land acquisition and land use needs that will cause resettlement.

(i) **Sub-projects Screening**
Sub-projects might have a social impact on the community. Potential socio-economic impacts that will require mitigation measures, resettlement and compensation will have to be identified. The subprojects will be screened to know whether involuntary resettlement, land acquisition, or loss, denial or restriction of access to land and other economic resources will be caused by the implementation of the sub-project or whether the sub-project result in the permanent or temporary loss of crops, fruits and household infrastructures such as granaries, outside toilets, kitchens, and other structures.

The screening will be undertaken by the project implementation agency (KPLC) through its safeguards team composed of; Six Environmental Experts, Three Social Experts, Eleven Safety Engineers, Eight Project Engineers and Forty-Seven Customer Experience Officers who will prepare the screening reports. The social experts will take the lead and overall responsibility. These screening reports will be cleared internally by Manager Safety, Health and Environment (SHE) who will submit them to AFDB for clearance.

Screening will be based on the description of the nature, scope and location of the proposed project impacts, defined area of impact, primary engineering drawings, maps of the area, satellite images of the sub project area showing homes, farms, workplaces, schools, health posts, places of worship and other individual and community assets. It is anticipated that to be able to undertake accurate screening, site visits must be undertaken and the attached screening checklist in Annex 2 of this report filled.

(ii) **Preparation of RAPs/ARAP**
Specific Resettlement Action Plans will be prepared by the Project Implementation Unit (PIU) to be set up specifically in KPLC in consultation with other parties responsible for resettlement specifying the procedures that will be followed and the actions it will take to properly resettle and compensate affected people and communities. The Abbreviated Resettlement Action Plan will be used where less than 200 individuals are displaced.

(iii) **Community Sensitization**
Communities within and along the project areas will be sensitized on the project and likely impacts and the extent of their involvement to ensure project success. Measures will be instituted to address negative project impacts and well communicated to the community.
Eligibility for Compensation

Determination of the eligibility of the owners and occupants of the assets/properties to be compensated shall be done, taking into consideration all the existing laws of Kenya and policies of the African Development Bank (AFDB). PAPs eligible for compensation will include:

- Those who have formal legal rights to land or other assets, and
- Those who initially do not have formal legal rights to land or other assets but have a claim to legal rights based upon customary and traditional rights; upon the possession of documents such as land tax receipts; or upon the permission of local authorities to occupy or use the project affected plots.
- Those who have no recognizable legal right or claim to the land they are occupying are also eligible for compensation for immovable assets.

Compensation will be paid to all categories of Project Affected Persons as described in the eligibility criteria and entitlement matrix section of this report. All those persons enumerated before the cut-off date will be eligible for compensation. This RPF applies to all eligible persons regardless of the severity of impact and whether or not they have legal title to land. The project affected families will be sensitized to have a joint bank account where the husband and wife shall be signatories towards accessing the compensation fund. This will ensure wives benefit from the fund.

Valuation Methods for compensation

The overall principle is to achieve full replacement value in line with AFDB policy.

**Crops Compensation**

The compensation for the crops will be paid at market rate for the production lost. This rate incorporates the value of crops and the value of the labour invested in preparing new land. Market value is equivalent to average of last three years’ market value for the mature and harvested crop. The value of the labour invested in preparing agricultural land and ploughing will be compensated at the average wage in the community for the same period of time. KPLC will undertake an assessment of trees/crop damage through a census count of crops/trees affected by the sub-project investments (number, type and breast height diameter of mature trees, photographs of affected per each parcel affected) and paid as per KPLC approved rates.

**Agricultural land**

Compensations for agricultural land will be calculated as the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. However, the proposed LMCP phase III will be implemented along the road reserves after having permission from the ministry of roads and its associated institutions namely; Kenya National Highway Authority (KeNHA), Kenya Urban Roads Authority (KURA) and Kenya Rural Roads Authority (KeRRA).

**Land in rural areas**

Compensation for land in rural areas will be calculated as the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and
services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.

**Houses and other structures**
This compensation shall comprise the current market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors’ fees, plus the cost of any registration and transfer taxes.

**Loss of Income**
Losses of income for businesses will be estimated from net daily/monthly profit of the business verified by an assessment of visible stocks and activities. In addition to the compensation, disturbance allowances of 15% of total compensation will be considered. The estimation of supplementary assistance for affected commercial structures or business units will generally be based on the estimated income obtained from the use of the business/commercial unit and the estimated period of disruption of business activities.

**Public Consultations and Participation**
As per AFDB requirements the borrower or client is responsible for conducting and providing evidence of meaningful consultation with communities likely to be affected by environmental and social impacts, and with local stakeholders, and also for ensuring broad community support. The communities shall be provided with broadly satisfactory explanations on the proposed safeguards instruments and the mitigation measures that will be provided for in the instruments. Consultations will be concluded in a timely manner in the context of key project preparation steps, in an appropriate language, and in accessible places. The results of the consultations will be adequately reflected in the project design and in the project documentation. During implementation, (PAPs) will be informed about their rights and options. A grievance mechanism will be set up and all grievances will be recorded and acted upon in a specified time frame.

**RPF Implementation and Monitoring Arrangements**
The compensation mechanisms will include:

(i) Sub-county Resettlement Compensation Committees (SCRCC) including representatives of the national land commission, the Implementing Agency (IA); county administration representative, sub-country land registrar, and three\(^1\) PAPs; and

(ii) Locational Resettlement Compensation Committees (LRCCs) based in each administrative location where sub-projects are located and shall be the voice of the PAPs to include location chief, assistant chiefs, men and women PAPs, youth and vulnerable groups’ representatives.

The participation of local leaders and PAPs in disseminating information and resolving disputes will be important once RAP implementation starts. PAPs representatives will participate in the sub-project workshops at mid-term and at the end of RAP implementation.

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\(^1\) Male, female and youth/vulnerable
To the extent possible, the RAP should include social accountability tools to assess the quality of RAP implementation, and in some cases, assist the RAP team in tracking expenditures.

**Documentation**
The names, identification card number, addresses of affected persons will be compiled and kept in a excel database including claims and assets. The records are also important especially for future monitoring activities. Documentation will include documents relevant to land transactions (voluntary and involuntary).

**Procedure for Delivery of Compensation**
Consultation and public participation with the PAPs will initiate the compensation process to ensure that all affected individuals and households are well informed and adequately involved in the entire process. Those who hold title to the land resources will be duly informed and in case there are no clearly identified owners or users of land to be acquired, MOEP, the respective county and national government administrations through the lands officers and the traditional leaders of the respective communities where the land is located will be solicited to help identify owners or users in order to sensitize them on the project and its implications.

The KPLC/PIU through their internal teams will undertake a detailed survey of all losses that will result for each household, enterprise, or community affected by the project. During inventories of assets, the owners or persons authorized to represent them on their behalf will be required to countersign them to minimize the possibility of subsequent claims or disputes regarding claims.

Compensation payment will be made by KPLC to the PAPs or by court order on the amount of compensation where this has been the subject of litigation between the project and the Affected Entity in conjunction with National Land Commission.

**Institutional arrangement**
Ministry of Energy: The MoEP will provide overall coordination of the Project and lead in the implementation which will include overall responsibility for safeguards due diligence, and compliance monitoring.

1. **Project Implementation Unit**
KPLC, will establish Project Implementation Unit (PIUs) that will lead project implementation through staff nominated into the PIUs. The KPLC PIU will be led by Chief Engineer and will include procurement specialist, project engineers, legal officer, wayleaves officer, surveyor, project economist, project finance specialist, environmental and social safeguards specialists, and project engineers.
Specifically, LMCP Phase III KPLC PIU will be responsible for the overall coordination of the project implementation and oversight including the following: (i) defining, jointly with the respective county governments, the project areas based on technical and policy development priorities; (ii) resolving in consultation with the county governments challenges requiring high level intervention facing the project; (iii) monitoring the implementation of the project in consultation of the counties; and (iv) consolidating information.
In April 2008, KPLC established an Environmental and Social Unit within its Safety, Health and Environmental (SHE) Department. The staffing of this unit consists of:

<table>
<thead>
<tr>
<th>No.</th>
<th>Professionals</th>
<th>Number in Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Safety Engineers</td>
<td>10</td>
</tr>
<tr>
<td>2</td>
<td>Environmental Specialists</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>Socio-Economists</td>
<td>2</td>
</tr>
<tr>
<td>4</td>
<td>Occupational Health and Safety officer</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>Occupational Health and Public Officer</td>
<td>1</td>
</tr>
</tbody>
</table>

The SHE department has sufficient capacity to determine and monitor the mitigation of potential adverse environmental and social impacts. KPLC will undertake regular monitoring to ensure standard practice are adhered to always. Scheduling of compensation payments will be closely monitored to ensure that, in most cases, compensation is paid prior to the start of project implementation. Additional Social Safeguards staff in other departments are available to support the department if need arises.

2. **Compensation and Resettlement Committees** - The Compensation and Resettlement Committees at Sub County and Locational level will be responsible for organizing and ensuring that compensations payable to PAPs are made in line with the provisions and procedures of this RPF.

3. **Grievance Redress Committees** - The Grievance Redress Committees (GRCs) will be responsible for receiving and logging complaints and resolving disputes. The GRC will resolve each grievance or dispute to ensure that redress actions are implemented by whoever is mandated to undertake such action.

The GRC committees will be formed at the site/local level as well as county level, and national level.

If affected persons are not satisfied with the GRC, they will be entitled to seek redress through the Courts of Law at their own costs.

**Monitoring and Evaluation Team**

The PIU monitoring and evaluation team will be responsible for the monitoring of the RAP implementation programme to ensure that stated targets are met and project affected persons are duly compensated in line with the RAP requirements. This monitoring and evaluation will be constituted during the implementation of the LMCP Phase III. The sequence of implementation activities and responsibilities are summarized in the table below.

**Monitoring Aspects**

The monitoring and evaluation will be the main mechanism to alert LMCP Phase III of any delays and problems and these activities will help measure the extent to which the main objectives of the RPF have been achieved. To ensure that the implementation of resettlement is executed in line with this RPF, the activities will be monitored and evaluated internally by KPLC PIU at the national level. The PIUs will undertake the routine internal monitoring and evaluation of the implementation of the resettlement issues to ensure that all the responsible
unit follow the schedule and comply with the principles of the resettlement plan. A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. Quarterly reports shall be prepared and submitted to AfDB. Annual evaluations/audits will be done each year and submitted to AfDB and will assess whether the PAPs enjoy the same or higher standards of living than before. A final completion audit/report will be prepared.

**Budget and Funding**
The actual final cost of resettlement and compensation for each investment will be fully determined during the site-specific sub project socio-economic study for the preparation of the individual RAPs. The Government of Kenya will finance all the resettlement compensations cost because they are the party that would be impacting livelihoods. Although at this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details of all investments have not yet been finalized, however this RPF will work with some level of estimates so as to ensure land acquisition costs are captured within the overall project cost. The estimated five-year budget for technical assistance for capacity building, stakeholder engagement, information dissemination and awareness creation, monitoring, screening and public consultations among others would be **Kshs. 244,200,000.00**.

**Disclosure**
This RPF will be disclosed in compliance with relevant Kenyan Regulations and the AFDB’s disclosure policy. The document will be disclosed at the Bank’s Public Information Centre (PIC) and the Bank’s web site for public. In accordance with the Bank’s disclosure policy, KPLC will disclose this RPF in their websites since it’s a legal requirement.
CHAPTER ONE: INTRODUCTION

1.1 Introduction
The Kenya power sector has undergone tremendous changes especially from the year 2000. There had been limited investments in power supply and demand was slowly outstripping supply which resulted to use of expensive emergency power to the tune of 290MW to avert load shedding. This led to heavy investment in power generation through both Kenya Electricity Generating Company PLC (KenGen) and Independent Power Producers (IPPs) and by 2013, the problem had eased i.e., less emergency power was dispatched.

With the intensified investment in power generation, there was less investment in electricity distribution system which led to low electricity connections as well as reduced quality supply. As of 2013, 2,264,508 customers had been connected to the grid representing 35% electricity access rate in Kenya. Consequently, the Government made a policy decision to spur connectivity with a target of 70% access rate by 2017 and universal connectivity thereafter. This necessitated the Government to mobilize resources to invest in electricity distribution modernization in order to achieve the goal of universal connectivity and capacity building within the sector.

The Last Mile Connectivity Programme was one such Government of Kenya initiative of ensuring increased electricity access to Kenyans, particularly in rural and low-income areas where electricity penetration rates are very low. The project entails extension of low voltage network on existing and other upcoming distribution transformers to reach households lying within transformer protection distance (maximization).

The Implementation of Last Mile Connectivity Programme and other electricity scaling up access initiatives e.g. The Global Partnership on Output-Based Aid (GPOBA) that targets informal settlements in urban areas and low-income households in the rural areas) has had major positive impact on the Government’s target of achieving universal access to electricity by 2030. For instance, Electricity access rate in Kenya is the highest in East Africa according to the latest report from the World Bank tracking global achievements in sustainable energy for all. According to The Energy Progress Report that was released by the World Bank on 2nd May covering the period up to 2016, electricity access rate in Kenya stood at 56%, compared to Tanzania (32.8%), Rwanda (29.37%), Uganda (26.7%) and Burundi (7.5%).

As at the end of April 2018, the electricity access rate in the country stood at 73.42%. The national access rate has grown steadily in the last five years from a low of 32% in 2013 due to accelerated investment in the distribution network and increased investment in renewable energy generation. However, the rapid expansion in electricity access has not been accompanied by a corresponding strengthening of the of the electricity backbone infrastructure particularly at the medium voltage level. As a consequence, the
distribution system is characterized by longer distribution network, overloaded transformers and overstretched distribution substations. This has led to unreliable and poor quality of electricity service, high cost of operations and maintenance, and a rapid increase in the power system losses that went as high as 25.25% during the first half of fiscal year 2020/21. This unenviable situation, compounded by increasing grid-defection by large consumers has had a major negative impact on KPLC’s financial performance.

African Development Bank (AfDB) has been the lead partner in accelerating access to electricity services and has already funded two phases of the Last Mile Connectivity Project which have been successfully implemented and completed. Under Last Mile Connectivity Phase I, 210,000 No. households were connected and 312,000 No. households connected under Phase II of the Project.

The National Treasury programmed the funding of the Last mile Connectivity Project Phase III for 2019/2020 from the African Development Bank (AfDB) for an amount of USD 100 million that was captured in the AfDB’s Country Strategy Paper (2018-2023). Following that, AfDB and the Government of Kenya conducted the project appraisal in 2019 and the negotiations and approval didn’t happen due to budgetary constraints and limited fiscal space. However, the National Treasury, informed both the AfDB and the Ministry of Energy that the phase III funding and its implementation had been rescheduled to a later date in the ADF-16 funding cycle.

Last Mile Phase III is designed to meet two objectives (i) increase access to electricity through maximization of new and existing transformers; and (ii) reduce power system loses through reinforcement of the system by extension of the Medium Voltage lines, construction and upgrade of the distribution substations. The system reinforcement component is crucial to mitigating the negative effect of accelerated connectivity by strengthening the backbone infrastructure to reduce losses and increase reliability. Additionally, for the sustainability of the Last Mile Connectivity Programme there will be a component on institutional support and capacity building for KPLC staff.

1.2 Background
The country’s long-term development blue print, Vision 2030 aims at transforming Kenya into a globally competitive newly industrialized middle income and prosperous country. The Second Medium Plan 2013-2017 identifies energy as one of the enablers for transformation into “a newly industrializing, middle-income country providing a high quality of life to all its citizens in a clean and secure environment” Efficient, accessible and reliable infrastructure is identified as an enabler for achieving sustainable economic growth, development and poverty reduction by lowering the cost of doing business and improving the country’s global competitiveness.

The Government of the Republic of Kenya is seeking the financial support from the Africa Development Bank for the Last Mile Connectivity Project-III (LMCP-III). The proposed
implementation period is 3 years. The project aims to improve the power systems and electricity access and reliability, in line with the Kenya Growth and Development Strategy. Over the past two decades or so, Kenya has seen a steady growth in electricity connections both in urban and rural areas. According to the Kenya National Bureau of Statistics (KNBS) Population census, 50.4 percent of households in overall were connected to power in 2019 as opposed to 23% in 2009. In rural areas the change is from 5 percent to 26.3 percent while in urban areas this is from 50% to 88.4 percent.

The above shift has been driven by a combination of various factors chief among them being the incoming of a new political dispensation in 2002. The regime at that time demanded that the company accelerate connectivity, which called for a totally new approach in the connectivity model within KPLC. In 2004, a new connection policy was developed to address this new challenge and also take cognizance of the more enlightened customer. Other factors supporting the increased pace of electrification, includes off-grid solutions such as solar, the fruits of the State’s last-mile connectivity programme, which was launched in 2014 mainly targeting rural areas, as well as the cost for installation of electricity was dropped from Sh35,000 down to only Sh15,000 to speed up the Government’s agenda to have at least 75 per cent of Kenyan households connected to electricity by 2022.

The Government of Kenya aims at stimulating economic growth and accelerates job creation to improve the wellbeing of Kenyans. Among the many interventions to achieve this is expansion of the power distribution system to be within reach and thus enable more Kenyans to connect to the grid at affordable cost and hence initiate economic activities at the micro-economic level. To reduce the cost burden of increased connectivity on KPLC, as well as reduce the amount paid by the customer, the strategy proposed was to extend the distribution network to as near the customer as possible through government funding. This is being achieved by extending the low voltage network on existing and other upcoming distribution transformers to reach households lying within transformer protection distance (maximization) under the Last Mile Connectivity Program.

Despite the successes noted in electricity connection, recently a number of challenges have emerged.

- First, the exponential growth in demand and particularly the last-mile connectivity projects have not been followed by corresponding investments in the transmission and medium voltage distribution infrastructure thereby compromising the power supply reliability. For instance, on average, power outages in 2021/22 were restored within 2.74 hours (i.e., Customer Average Interruption Duration Index – CAIDI), and during the same period, a customer experienced, on average, a total outage of 104.43 hours.
- Second, in reference to electricity last-mile connectivity, the original target of achieving universal by 2022, is has been extended to 2027. Following the period
between 2014 and 2018 whereby the national access rate increased from 32% in 2014 to 75% in 2018, there has been a modest growth in the number of connections since then.

- Third, the lack of adequate investments in the distribution infrastructure to keep pace with the population growth is partly responsible for the slowed increase in electricity access.
- Fourth, an impact assessment of Phase 1 of the Last Mile Connectivity Project in Kenya has established a need for the African Development Bank-supported initiative to encourage the productive use of electricity by beneficiaries, in addition to basic household consumption. Impact Evaluation of the AfDB Supported Kenya Last Mile Connectivity Project Phase 1 found that within 2-3 years after connection electricity consumption by beneficiaries has remained low, with beneficiaries mainly using the electricity for lighting and charging phones.

The assessment, conducted by the bank’s Independent Development Evaluation unit (IDEV) 2022, recommends that the Kenya Power and Lighting Company (KPLC) should find ways to "stimulate" additional demand for electricity by households and businesses in rural areas. The report recommends programs to link electricity access with income-generating activities such as promoting small businesses.

It is with this background that the African Development Bank (AfDB) is partnering with The Kenya Power and Lighting Company PLC (Kenya Power) to fund the KPLC’s Last Mile Connectivity Project Phase III to increase on-grid electricity access for households, social-based infrastructure facilities, and MSMEs. With this in mind, a criterion has been proposed to define which parts of the country will benefit from the fund. The number of customers to be reached with the proposed funding is 150,000.

The capital works will contribute to improving the reliability of power supplies by reducing the frequency and duration of power supply interruptions in the 45 Counties. KPLC plans to use the funds to strengthen the power distribution network in the entire County, to improve the network efficiency and reliability, and to meet growing and new demands for electricity. Planning and design of the network upgrade is underway by KPLC and its Engineers which include upgrading the proposed works to be co-financed by the AfDB Credits include –maximum utilization of existing Transformers to improve electricity access to low end customers or households.

To reduce the cost burden of increased connectivity on KPLC, as well as reduce the amount paid by the customer to connect to the grid, the strategy proposed is to extend the distribution network to as near the customer as possible using external or government funding. This can initially be achieved by extending the low voltage network on existing and other upcoming distribution transformers to reach households lying within transformer protection distance (maximization). This model would involve
building low voltage lines both single phase and three phases (to a small extent) along rural access roads.

In a situation, where sub-projects or activities are in different development locations or regions of the country with varying geographical, topographical and socio-economic conditions, and where the exact locations of the sub projects are not known and yet to be decided, there is a need to prepare a document that will 'guide' the planning, design and construction elements of sub-projects and such a document is the Resettlement Policy Framework (RPF). The purpose of this policy framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied during the implementation AFDB LMCP Phase III. This RPF outlines the guiding principles to be followed when involuntary land acquisition and Resettlement and or compensation is undertaken.

1.3 Resettlement Policy Framework Background
Since, the specific sites where subprojects will be carried out have not yet been selected; the proper safeguard instrument to be prepared for compliance with the Kenyan requirements and the AfDB operational Safeguard policies is a Resettlement Policy Framework (RPF). While any displacement/resettlement activities are expected not to be significant, this RPF defines the process by which potential subproject resettlement impacts leading to the need for a Resettlement Action Plan (RAP) or Abbreviated Resettlement Action Plan (ARAP) will be screened, and impact assessment and compensation measures developed and implemented. Once the sub-projects, specific sites and the beneficiary communities have been defined clearly, all sub-projects and activities will be screened and the appropriate Mitigation tools such as ESIAs and RAP/ARAPs will be developed were applicable in line with the provisions of the local regulations and AfDB safeguards. The RPF derives from the AfDB Involuntary Resettlement Policy, which sets out safeguard measures where a Bank-assisted project will involve involuntary resettlement of persons to make way for implementation of the project, and/or where such resettlement may result in loss of assets for those being resettled. The RPF provides the basis for preparing Resettlement Action Plans or Abbreviated Resettlement Action Plan for individual sub-projects once their location and scope will be identified to mitigate such effects.

This Resettlement Policy Framework (RPF) provides the necessary background to ensure that any subprojects that might involve land acquisition and/or resettlement and loss of livelihoods of any people will comply with both Kenyan law and the African Development Bank’s Operational Safeguards. The RPF will prescribe the process from the preparation, through review and approval to implementation of the sub-projects that will ensure that the substantive concerns of all African Development Bank’s Operational Safeguards and relevant Kenyan policy and legal frameworks will be adequately addressed.
The RPF describes the design criteria for the resettlement of affected persons in the course of implementation of the project, the legal context, the process for the preparation of RAP, the content of a Plan, the process for its execution and finally the required institutional organization.

1.4 Purpose and Objectives of the Framework

The purpose of this Resettlement Policy Framework is to establish the resettlement and compensation principles, organizational arrangements, and design criteria to be applied to meet the needs of the people who may be affected by the various sub-projects to be implemented under the LMCP Phase III especially where the distribution lines will be passing to reach the customers' households, as well as any sub stations. The lines may be constructed along private or communal lands or public land (at times occupied by squatters).

Thus, the AfDB Involuntary Resettlement Policy is triggered. It will be used among others:

- To avoid, minimise, manage, and/or mitigate potential risks arising out of damage to assets, land acquisition, disruption to work, temporary negative impacts on livelihoods and/or in the unlikely case of displacement.
- To develop a Resettlement Action Plan and propose an implementation framework for RAP to mitigate such effects.

The objectives of the Resettlement Policy Framework (RPF) are to:

- Establish the resettlement and compensation principles and implementation arrangements for LMCP Phase III components;
- Describe the national and international policy, legal and institutional framework underlying all resettlement, compensation and rehabilitation to be undertaken;
- Develop appropriate criteria for identifying project impacts, affected populations (including vulnerable groups) and assets within the project counties;
- Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
- To put in place modalities for providing prompt and effective compensation at full replacement cost for loss of assets attributable directly to the project and provide support during the transitional period to enable the affected people to improve or at least restore their pre-impact living standards;
- Document valuation methodologies to be used in valuing the assets of affected persons and Formulate methodologies for quantifying loss of livelihoods and business income;
- Develop appropriate institutional framework necessary for implementing safeguard measures including monitoring and evaluation of resettlement activities;
- Describe the consultation procedures and participatory approaches to ensure PAPs and other key stakeholders are meaningfully consulted and given
opportunities to participate in the planning and implementation of resettlement program; includes providing measures for information dissemination and disclosure.

- Provide mechanisms and procedures for filing grievances and resolving disputes; and
- Offer guidance in the development of Resettlement Action Plans for the sub projects, as well as providing a format for preparation of ARAPs.

### 1.5 Scope

The resettlement policy framework covers the following elements, consistent with the provisions described in AfDB Involuntary Resettlement Policy:

- **a)** Description of the project and components for which land acquisition and resettlement are required, and an explanation of why a resettlement framework is required
- **b)** Principles and objectives governing resettlement preparation and implementation;
- **c)** Description of the process for screening the sub projects as well as preparing and approving resettlement plans;
- **d)** Estimated population displacement and likely categories of displaced persons, to the extent feasible;
- **e)** Eligibility criteria for defining various categories of displaced persons;
- **f)** Legal framework reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them;
- **g)** Methods of valuing affected assets;
- **h)** Organizational procedures for delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;
- **i)** Description of the implementation process, linking resettlement implementation to civil works;
- **j)** Description of grievance redress mechanisms;
- **k)** Description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;
- **l)** Description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
- **m)** Arrangements for monitoring by the implementing agency and, if required, by independent monitors.

### 1.6 Methodology for Developing and Updating the RPF

This methodology was used in the preparation this resettlement policy framework as shown in the table below.
Table 1: RPF Methodology

<table>
<thead>
<tr>
<th>Stage</th>
<th>Activity</th>
<th>Outputs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Desktop survey</td>
<td>• Data collection and review (desktop)</td>
<td>Baseline desktop information on the social characteristics of the existing situation on the proposed project site</td>
</tr>
<tr>
<td></td>
<td>• Review and confirmation of ToR</td>
<td></td>
</tr>
<tr>
<td>Field assessment</td>
<td>• Reconnaissance, associated data collection and review</td>
<td>• Inception Report</td>
</tr>
<tr>
<td></td>
<td>• Initial site assessments and investigations</td>
<td>• Baseline data on the socio-economic characteristics of the existing situation on the proposed project site</td>
</tr>
<tr>
<td></td>
<td>• Socio-economic studies and valuation of losses</td>
<td></td>
</tr>
<tr>
<td>Reporting</td>
<td>RPF Preparation</td>
<td>RPF Report</td>
</tr>
</tbody>
</table>

To achieve the above mentioned output, the following is a detailed description on how resettlement policy framework was prepared.

1.6.1 A Literature Review
The social experts carried out a detailed analysis of project information, legal and policy provisions that are relevant to the proposed project in relation to the socio-economic concerns. The experts further used already published desktop studies to collect literature of the project towards getting the baseline information. The following were the documents that were reviewed including; feasibility report, national policies and AFDB Social safeguards policies. Internet searches provided a variety and comparison of the best practices of site selection of proposed last mile project and current information on international standards on environmental and social impacts. The Social experts analysed all relevant Kenyan relevant legislations, including the pertinent regulations and standards governing compensation, social, land, property valuation, relocation among others.

1.6.2 Public Participation and Concerns
The objective of this task was to hold structured and comprehensive consultations with Interested and Affected Parties (IAPs) likely to be affected by the project; this was done in order to understand their perceived view of the project and assess the extent to which their views were taken into account specifically with regard to social protection. The involvement of the public, civil societies and relevant government authorities was an integral part of the RPF process because public input helped to ensure that important social issues were not overlooked during the preparation of this RPF.

The Social Experts developed a schedule of issues to be discussed with members of the public. At one level, members of the public were selected randomly for informal
interviews. The consultations include structured forums that were organized through the local administrative authorities in conjunction with the client. These forums served as information disclosure to the community concerning the proposed development and provided an opportunity for public participation in identification of anticipated [positive and negative] impacts from the development.

This was achieved through:

- Stakeholder analysis and mapping,
- Held the consultations with all project interested parties; including local representatives, government and private professionals, NGOs, representatives of businesses communities, locally elected leaders and other stakeholders,
- Document a summary of the views of the public.

A detailed CPP/community engagement for LMCP Phase III was carried out in 9 Counties in 8 different Kenya Power service regions and was held between 20th June 2023 - 8th July 2023. In total, during consultation process a total of 42 stakeholder forums were held in 9 counties The Engagement was undertaken at two levels:

- Public meetings which included a variety of stakeholders: The consultations with key stakeholders ranging from relevant Ministries, Government Agencies, County Government officials, NGOs, AfDB and the general public including project affected persons was carried from 20th June 2023, 26th June 2023 and 2nd – 8th July 2023. 40 public stakeholder forums were held in Nakuru, Kisii, Kakamega, Transnzoa, Embu, Garissa, Machakos, Makueni and Taita Taveta Counties. These counties were considered based on their geographical locations and representing the eight regions as per KPLC administrative boundaries. Further some of the counties (Trans Nzoia and Garissa) visited are inhabited by pastoral communities which are key in the implementation of this project. The site selection also considered different areas (rural and urban to ensure all possible types of impacts are covered. These were chaired by the area chiefs, Assistant Chief and Village elders. A total of 2242 stakeholders were engaged comprising of 1341 male and 901 female.
- 2 forums for CSOs, NGOs and Key Government state departments/ Institutions and Agencies in Nairobi and Machakos Counties and A total of 70 stakeholders were engaged comprising of 39 male and 31 female.

1.6.3 Grievance Redress Mechanism

Grievance procedures will be required to ensure that Project Affected Persons (PAPs) can lodge complaints or concerns, at no cost, and with the assurance of a timely and satisfactory resolution of the issue, at the lowest level possible. The development of the GRM was affirmed up in consultation with the PAPs to ensure acceptability and ownership at the time of preparation of specific ARAP/RAP.

This is achieved through
• Description of the step-by-step process for registering and addressing grievances and provide specific details regarding a cost-free process for registering complaints, response time, and communication methods.
• Description of the mechanism for appeal.
• Description of the provisions for approaching civil courts if other options fail.

1.6.4 Monitoring and Evaluation
The social experts proposed RPF implementation arrangements for monitoring activities by KPLC, supplemented by independent monitors as appropriate to ensure complete and objective monitoring. The consultant established performance monitoring indicators to measure inputs, outputs and outcomes for resettlement activities. Final the experts established Evaluation indicators to be measured at a reasonable period of time during the implementation of RPF.

1.7 Principles of the Resettlement Policy Framework
To maintain standards of the Bank's Integrated Safeguards System (ISS) on involuntary resettlements, the following key principles will guide the project proponent in the respective resettlement processes and procedures:

1. The RPF applies to all components under the project, whether or not they are funded in whole or part by the Bank;
2. This RPF applies to all PAPs regardless of the category/type of PAP, total number affected, the severity of the impact and whether or not they have legal title to the land, and those who may not be protected through the Kenyan compensation legislation.
3. Involuntary resettlement and land acquisition will be avoided to the extent possible/feasible or minimized by exploring all viable alternatives, and only compensated where it cannot be eliminated.
4. Where involuntary resettlement and land acquisition are unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs, providing resources to give PAPs the opportunity to share project benefits.
5. Gender equality and equity will be ensured and adhered to throughout the resettlement program.
6. All project affected persons (PAPs) and groups will be identified in a fair and transparent manner together with all their interests in land, property and businesses.
7. Adherence to world’s best practices regarding disclosure of information to the PAPs in line with free-prior- informed Consent (FPIC); PAPs will be adequately and meaningfully consulted and will participate in planning and implementation of the resettlement activities. The RAPs will be made available and disclosed to those involved in a culturally accessible manner.
8. PAPs will be assisted in their efforts to ideally improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher.

9. Measures to address resettlement shall ensure that project affected peoples are informed about their options and rights pertaining to resettlement, are included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives. They will also be provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the project investments.

10. All PAPs will be identified and recorded as early as possible, preferably at project investment identification stage, in order to protect those affected by the project and prevent an influx of illegal encroachers, squatters, and other non-residents who will wish to take advantage of such benefit.

11. Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line, the landless, the elderly, women and children, orphans, marginalized groups and the ethnic minorities or other displaced persons who may not be protected through the Kenyan law. The objective is to provide whatever additional assistance may be necessary to restore pre-project living standards.

12. The implementation of individual RAPs must be completed prior to the implementation of the sub projects.

As noted above, investments will avoid or at least minimize involuntary resettlement to the extent possible. However, where it is unavoidable, appropriate measures to mitigate adverse impacts will be carefully planned and implemented following the general framework outlined in this document.
2 CHAPTER TWO: PROJECT DESCRIPTION

2.1 Introduction
The Government of Kenya has identified energy as one of its key enablers to its long-term development plan the “Kenya Vision 2030. The aim of the Vision is to make Kenya a globally competitive and prosperous country with a high-quality life to all Kenyans by 2030. Towards this end, the Government set the goal of achieving universal access to electricity by 2030.

Kenya Power supports the efforts of the Government of Kenya in the Electrification Schemes and system reinforcement schemes. Kenya Power projects normally result in significant amount of construction work for distribution and transmission lines, substation and access roads to substations but with minimal environmental impacts. All these projects shall be subjected to environmental screening so as to determine its impacts and propose various mitigation measures on the impacts to be identified and implemented in compliance with the donors’ safeguard policies as well as relevant national environmental legislation.

2.2 Background and Rationale
Kenya has greatly increased electricity access over the last few years, from 2.3 million connections in 2013 to 8.9 million by the end of June 2022 thereby achieving an electricity access rate of over 70%. To achieve 100% access by 2030, Kenya needs to accelerate grid and grid-equivalent connections to ~ +0.8 million household connections per annum between 2023 and 2030, and thereafter increase significantly to accommodate the growing population. It is estimated that Kenya currently has ~14 million households of which ~5 million are not connected to the grid. This figure is expected to rise to ~17 million households requiring connections by 2030, as depicted in Figure 1 below.

![+0.8 million new household connections needed by 2030](image-url)
To accelerate electricity connectivity towards universal access, the scaling-up access initiatives (including the Last mile connectivity Programme) have proved vital and with positive economic and social impacts. However, the rapid expansion has not been accompanied by a corresponding reinforcement of the electricity backbone infrastructure, particularly at the medium voltage level. Consequently, the distribution system is characterized by a longer distribution network, overloaded transformers and overstretched distribution substations. This has led to unreliable and poor quality of electricity service, high cost of operations and maintenance, and a rapid increase in system losses. This unenviable situation has had a major negative impact on KPLC’s financial performance.

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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy Purchased (GWh)</td>
<td>7.67</td>
<td>8.08</td>
<td>8.83</td>
<td>9.27</td>
<td>9.81</td>
<td>10.2</td>
<td>10.7</td>
<td>11.4</td>
<td>11.4</td>
<td>12.1</td>
<td>12.6</td>
</tr>
<tr>
<td>Sales (GWh)</td>
<td>6.34</td>
<td>6.48</td>
<td>7.24</td>
<td>7.65</td>
<td>7.91</td>
<td>8.27</td>
<td>8.45</td>
<td>8.76</td>
<td>8.77</td>
<td>9.20</td>
<td>9.81</td>
</tr>
<tr>
<td>System Losses (GWh)</td>
<td>1.32</td>
<td>1.59</td>
<td>1.59</td>
<td>1.62</td>
<td>1.90</td>
<td>1.93</td>
<td>2.24</td>
<td>2.72</td>
<td>2.68</td>
<td>2.89</td>
<td>2.83</td>
</tr>
<tr>
<td>System Efficiency</td>
<td>82.7%</td>
<td>80.2%</td>
<td>81.9%</td>
<td>82.5%</td>
<td>80.6%</td>
<td>81.1%</td>
<td>79.0%</td>
<td>76.3%</td>
<td>76.5%</td>
<td>76.1%</td>
<td>77.6%</td>
</tr>
<tr>
<td>System Losses</td>
<td>17.3%</td>
<td>19.8%</td>
<td>18.1%</td>
<td>17.5%</td>
<td>19.4%</td>
<td>18.9%</td>
<td>21.0%</td>
<td>23.7%</td>
<td>23.5%</td>
<td>23.9%</td>
<td>22.4%</td>
</tr>
<tr>
<td>Technical Losses</td>
<td>12.5%</td>
<td>12.4%</td>
<td>12.4%</td>
<td>12.4%</td>
<td>12.3%</td>
<td>12.2%</td>
<td>10.8%</td>
<td>12.5%</td>
<td>12.4%</td>
<td>12.4%</td>
<td>12.4%</td>
</tr>
<tr>
<td>Non-Technical Losses</td>
<td>10.8%</td>
<td>12.0%</td>
<td>11.2%</td>
<td>11.1%</td>
<td>10.8%</td>
<td>12.5%</td>
<td>12.3%</td>
<td>10.8%</td>
<td>12.0%</td>
<td>11.2%</td>
<td>11.1%</td>
</tr>
</tbody>
</table>

Table 2: System Losses

Furthermore, frequent power interruptions result in many entities opting for self-generation within their premises to meet their electricity needs. These self-generation
equipments are mainly diesel generators that have high greenhouse gas emissions and are expensive to run.

Attaining the goal of universal access will require complementing efforts for extending and upgrading the national grid and implementing system reinforcement projects. These will significantly improve the quality of supply to customers by reducing the frequency of power outages and irregular supply, ultimately reducing overall power system losses.

2.3 Project Objectives
The main development goal of the proposed project is to support the Government’s initiatives of ensuring increased electricity access to Kenyans, particularly the low-income groups. The Last Mile Connectivity Program will contribute towards improving the living conditions of households and allow the expansion and diversification of income-generating activities carried out by small businesses and industries. The program is an enabler for the achievement of Vision 2030 and will contribute to promoting sustainable economic growth and reducing poverty in Kenya leading to the Government making major strides toward achieving sustainable development goals (SDGs).

Last mile Connectivity Project Phase III is designed to meet the following objectives

1. Increasing access to electricity through maximization of new and existing transformers.

2. Improve system reliability through reinforcement of the system by extension of the Medium Voltage lines, construction and upgrade of the distribution substations with aim of reducing losses.

2.4 Project Scope
Last mile Connectivity Phase III is geared towards scaling up access and network improvement to accelerate connectivity, improve system reliability and quality electricity supply.

It comprises mainly five components namely:

Table 3: Scope of the work

<table>
<thead>
<tr>
<th>No.</th>
<th>Component Name</th>
<th>Component Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Construction of Medium Voltage and low-voltage</td>
<td>This component includes the procurement of contractors for the construction of low-voltage lines and the installation of energy meters</td>
</tr>
<tr>
<td></td>
<td>distribution lines and metering</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Supply of Prepaid meters and Metering Accessories</td>
<td>This component includes the procurement of Suppliers of Single-Phase Meter and Metering Accessories</td>
</tr>
<tr>
<td>No.</td>
<td>Component Name</td>
<td>Component Description</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------</td>
<td>---------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>3.</td>
<td>System Reinforcement</td>
<td>It entails the construction of new substations, upgrading of existing substations and extension of associated lines.</td>
</tr>
<tr>
<td>4.</td>
<td>Capacity Building</td>
<td>Capacity building program for KPLC staff and technical assistance towards quality supply, system losses reduction and improved customer service delivery, prepare a distribution system benchmarking template.</td>
</tr>
<tr>
<td>5.</td>
<td>Consultancy services</td>
<td>Project supervision and management by a consultancy firm to assist KPLC during the project implementation. Recruitment of public and media relations experts/firms to create customer awareness and promote the productive use of electricity and other sustainable uses. Providing technical assistance to develop and support KPLC’s internal capacity in undertaking bankable proposals, feasibility studies, and PPPs.</td>
</tr>
</tbody>
</table>

2.5 Project Description Works
The projects encompass engineering, procurement and construction of the Low voltage line, Medium Voltage Lines, Transformer installation, primary substation construction & upgrade, network reinforcement and metering. Implementation of the project will be on a Turnkey basis.

Engineering Works have been categorized into two components:

- **Distribution Maximization:** MV line densification, MV line extension, construction of low-voltage distribution lines and metering
- **System Reinforcement:** Construction of new substations, upgrading of existing substations and extension of associated lines.

2.5.1 Component A: Distribution Maximization

2.5.1.1 Target Transformers and Customers for Maximization
The program will focus on maximizing the utilization of 2,160 transformers identified to connect approximately 150,000 households, equivalent to an estimated population of 0.6 million people, across 45 counties with limited access to the electricity grid. However, Nairobi and Mombasa counties will be excluded from the program.
Table 4: The summary of Target Transformers and Customers

<table>
<thead>
<tr>
<th>Description</th>
<th>Units</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Targeted Number of Household</td>
<td>No.</td>
<td>150,000</td>
</tr>
<tr>
<td>Maximization Transformers</td>
<td>Pcs</td>
<td>744</td>
</tr>
<tr>
<td>New Hookup Transformers</td>
<td>Pcs</td>
<td>874</td>
</tr>
<tr>
<td>New Transformers with HT extension</td>
<td>Pcs</td>
<td>542</td>
</tr>
<tr>
<td>Total Transformers</td>
<td>Pcs</td>
<td>2,160</td>
</tr>
</tbody>
</table>

From this data, the transformers were distributed based on the penetration of the MV network in each county, the criteria of selection is based on four new transformers and one for maximization. 58% of the project transformers will be shared equally among the constituencies, while the remaining 42% shared based on the access rate. However, despite the high number (47,536) of transformers pending maximization, many households remain out of reach of the MV network and existing distribution transformers. Therefore, the project proposes the extension of MV lines and the installation of new transformers to ensure wider coverage.

Based on the internal simulation model, it is estimated that the average cost of customer connection for the project will be Kshs. 72,104.10. The estimated cost for the maximization component is Kshs. 10,815,615,199.2, and this will enable the project to connect 150,000 households.

2.5.1.2 Cost Estimation and Preliminary Bill of Quantities for 150,000 Households.

The tables below show the summary Bill of Quantities and Cost Estimation based on Construction Units and what would be needed to reach the targeted 150,000 households. The material specification required during construction has been provided in the table below, based on KPLC experiences in Last 1 and 2.

Table 5: Summary Bill of Quantities

<table>
<thead>
<tr>
<th>Description</th>
<th>Units</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Targeted Number of Household</td>
<td>No.</td>
<td>150,000</td>
</tr>
<tr>
<td>Maximization Transformers</td>
<td>Pcs</td>
<td>744</td>
</tr>
<tr>
<td>New Hookup Transformers</td>
<td>Pcs</td>
<td>874</td>
</tr>
<tr>
<td>New Transformers with HT extension</td>
<td>Pcs</td>
<td>542</td>
</tr>
<tr>
<td>Total Transformers</td>
<td>Pcs</td>
<td>2,160</td>
</tr>
</tbody>
</table>
## 2.5.1.3 Cost of the Materials and Works (Contractor to Supply)

Table 6: Cost Estimation based on Construction Units

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Unit of measure</th>
<th>Total Materials, quantity</th>
<th>Unit Price (Ksh.)</th>
<th>Total materials, Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>LV Materials</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CONDUCTOR 50MM2 AA HD BARE</td>
<td>M</td>
<td>13,596,090.64</td>
<td>85.99</td>
<td>1,169,127,834.13</td>
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</tr>
<tr>
<td>STAY COMPLETE- WOODEN</td>
<td>No</td>
<td>33,600</td>
<td>3,395.78</td>
<td>114,098,968.65</td>
<td></td>
</tr>
<tr>
<td>STAY COMPLETE-CONCRETE</td>
<td>No</td>
<td>108,001</td>
<td>4,828.24</td>
<td>521,453,396.33</td>
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</tr>
<tr>
<td>POLE WOOD TREATED 10.0M - With Pole cap</td>
<td>No</td>
<td>48,000</td>
<td>10,247.26</td>
<td>491,871,759.12</td>
<td></td>
</tr>
<tr>
<td>CONCRETE POLES 10.0M</td>
<td>No</td>
<td>72,000</td>
<td>18,759.69</td>
<td>1,350,706,684.65</td>
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</tr>
<tr>
<td>COMPLETE WOODEN LV POLE FITTING</td>
<td>No</td>
<td>101,869</td>
<td>1,580.24</td>
<td>160,976,961.49</td>
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</tr>
<tr>
<td>COMPLETE CONCRETE LV POLE FITTING</td>
<td>No</td>
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<td>2,875.82</td>
<td>310,590,630.59</td>
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<tr>
<td>COMPLETE PME (To achieve earth Values)</td>
<td>No</td>
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<td>7,147.53</td>
<td>471,740,124.91</td>
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<tr>
<td>POLE WOOD TREATED 11.0M - With Pole cap</td>
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<td>2,160</td>
<td>12,801.94</td>
<td>27,652,374.75</td>
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<tr>
<td>POLE WOOD TREATED 12.0M - With Pole cap</td>
<td>No</td>
<td>1,440</td>
<td>13,702.53</td>
<td>19,731,774.74</td>
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</tr>
<tr>
<td>11KV MV FITTINGS</td>
<td>No</td>
<td>2,160</td>
<td>7,259.20</td>
<td>15,679,976.53</td>
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</tr>
<tr>
<td>33KV MV FITTINGS</td>
<td>No</td>
<td>1,440</td>
<td>11,797.98</td>
<td>16,989,204.46</td>
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<tr>
<td>Sub Total</td>
<td></td>
<td></td>
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<td>4,670,619,690.38</td>
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</tbody>
</table>

<p>| Uprrating Transformer Maximized | | | | |
| 25 KVA transformers (11kv) with all accessories | No | 13 | 401,103.92 | 5,214,351.01 |</p>
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Unit of measure</th>
<th>Total Materials, quantity</th>
<th>Unit Price (Ksh.)</th>
<th>Total materials, Value</th>
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<tbody>
<tr>
<td>50</td>
<td>KVA transformers (11Kv) with all accessories</td>
<td>No</td>
<td>54</td>
<td>255,700.80</td>
<td>13,807,843.20</td>
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<tr>
<td>25</td>
<td>KVA transformers (33kv) with all accessories</td>
<td>No</td>
<td>9</td>
<td>425,175.16</td>
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<tr>
<td>50</td>
<td>KVA transformers (33Kv) with all accessories</td>
<td>No</td>
<td>36</td>
<td>528,622.80</td>
<td>19,030,420.80</td>
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<td><strong>Sub Total</strong></td>
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<td></td>
<td></td>
<td><strong>41,879,191.42</strong></td>
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<td><strong>Metering Material</strong></td>
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<td></td>
<td>10MM2 PVC INSULATED SINGLE-PHASE CONCENTRIC ALUMINIUM CABLE</td>
<td>M</td>
<td>3,300,022</td>
<td>99.37</td>
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<td>SMALL METER BOX</td>
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<td>CUTOUT SERVICE</td>
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<td>MCB 1P+N 60/80A(DOUBLE)</td>
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<td>SERVICE CABLE FITTINGS</td>
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<td>710.17</td>
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<td></td>
<td>Enclosed End Board Complete with Earthing materials</td>
<td>No</td>
<td>75,001</td>
<td>4,000.00</td>
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<td></td>
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<td><strong>Sub-station Material</strong></td>
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<tr>
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<td>50 KVA transformers (33kv)</td>
<td>No</td>
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<tr>
<td></td>
<td>50 KVA transformers (11Kv)</td>
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<td>850</td>
<td>213,084.00</td>
<td>181,036,166.40</td>
</tr>
<tr>
<td></td>
<td>33kV Sub Station Structures Complete with accessories</td>
<td>No</td>
<td>566</td>
<td>160,665.81</td>
<td>91,001,114.78</td>
</tr>
<tr>
<td></td>
<td>11 kV Sub Station Structures Complete with accessories</td>
<td>No</td>
<td>850</td>
<td>152,958.74</td>
<td>129,953,745.50</td>
</tr>
<tr>
<td></td>
<td>Complete Substation Earthing</td>
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<td>51,607.48</td>
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<td><strong>Sub Total</strong></td>
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<td><strong>724,577,179.97</strong></td>
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<td><strong>HT Extension Material</strong></td>
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</tr>
<tr>
<td></td>
<td>POLE WOOD TREATED 12.0M - With Pole cap</td>
<td>No</td>
<td>4,336</td>
<td>13,702.53</td>
<td>59,414,170.08</td>
</tr>
<tr>
<td></td>
<td>POLE WOOD TREATED 11.0M - With Pole cap</td>
<td>No</td>
<td>6,504</td>
<td>12,801.94</td>
<td>83,263,817.76</td>
</tr>
<tr>
<td></td>
<td>MV POLE FITTINGS</td>
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<tr>
<td></td>
<td>33 KV Inter POLE FITTINGS</td>
<td>No</td>
<td>3,035.2</td>
<td>13,140.24</td>
<td>39,883,256.45</td>
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<td>33 KV VFA POLE FITTINGS</td>
<td>No</td>
<td>433.60</td>
<td>17,872.70</td>
<td>7,749,602.72</td>
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<tr>
<td>Code</td>
<td>Description</td>
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<td>Unit Price (Ksh.)</td>
<td>Total materials, Value</td>
</tr>
<tr>
<td>------</td>
<td>-----------------------------------------------</td>
<td>----------------</td>
<td>--------------------------</td>
<td>------------------</td>
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</tr>
<tr>
<td>34</td>
<td>34 KV Double cross Arm POLE FITTINGS</td>
<td>No</td>
<td>433.60</td>
<td>24,925.23</td>
<td>10,807,579.73</td>
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<tr>
<td></td>
<td>33 KV Terminal fitting</td>
<td>No</td>
<td>217</td>
<td>17,388.26</td>
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</tr>
<tr>
<td></td>
<td>33 kV TEE-off POLE FITTINGS</td>
<td>No</td>
<td>217</td>
<td>25,268.63</td>
<td>5,478,238.98</td>
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<td>11</td>
<td>11 KV Inter POLE FITTINGS</td>
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<td>4,553</td>
<td>7,262.90</td>
<td>33,066,531.12</td>
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<tr>
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<td>11 KV VFA POLE FITTINGS</td>
<td>No</td>
<td>650</td>
<td>9,639.81</td>
<td>6,269,732.42</td>
</tr>
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<td></td>
<td>11 KV Double cross Arm POLE FITTINGS</td>
<td>No</td>
<td>650</td>
<td>14,006.08</td>
<td>9,109,554.43</td>
</tr>
<tr>
<td></td>
<td>11 KV Terminal fitting</td>
<td>No</td>
<td>325</td>
<td>17,153.00</td>
<td>5,578,155.60</td>
</tr>
<tr>
<td></td>
<td>11 kV TEE-off POLE FITTINGS</td>
<td>No</td>
<td>325</td>
<td>19,995.75</td>
<td>6,502,617.90</td>
</tr>
<tr>
<td>75MM</td>
<td>75MM ASCR Conductor</td>
<td>M</td>
<td>1,951,200</td>
<td>156.78</td>
<td>305,903,945.81</td>
</tr>
<tr>
<td></td>
<td>Complete with Aerial Earth</td>
<td>M</td>
<td>260,160.00</td>
<td>167.49</td>
<td>43,574,519.26</td>
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<tr>
<td></td>
<td>33kV HV STAY COMPLETE-WOODEN - Normal</td>
<td>No</td>
<td>1,041</td>
<td>6,384.46</td>
<td>6,643,921.85</td>
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<td></td>
<td>33 KV FLYING STAY LIGHT-WOODEN POLE</td>
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<td>260</td>
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<td>9,110,168.41</td>
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<td></td>
<td>11kV HV STAY COMPLETE-WOODEN</td>
<td>No</td>
<td>1,561</td>
<td>5,770.39</td>
<td>9,007,347.97</td>
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<tr>
<td></td>
<td>11 KV FLYING STAY LIGHT-WOODEN POLE</td>
<td>No</td>
<td>390</td>
<td>23,252.58</td>
<td>9,074,086.82</td>
</tr>
</tbody>
</table>

**Sub Total** | **Total materials, Value** | **654,207,022.09**

**Total** | | **7,596,577,619.08**

**Cost of the other Materials and Works**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Unit of measure</th>
<th>Total materials, quantity</th>
<th>Unit Price (Ksh.)</th>
<th>Total materials, Value</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Single Phase Meters</td>
<td>No</td>
<td>139,480.00</td>
<td>3,333.33</td>
<td>464,933,333.33</td>
</tr>
<tr>
<td></td>
<td>Three Phase Meters</td>
<td>No</td>
<td>10,521.00</td>
<td>6,500.00</td>
<td>68,386,500.00</td>
</tr>
<tr>
<td></td>
<td>Consultancy</td>
<td></td>
<td></td>
<td></td>
<td><strong>500,000,000.00</strong></td>
</tr>
<tr>
<td></td>
<td>Installation costs</td>
<td></td>
<td></td>
<td></td>
<td>1,625,979,490.48</td>
</tr>
<tr>
<td></td>
<td>Site Office, Transport and test witness</td>
<td></td>
<td></td>
<td></td>
<td>240,588,952.83</td>
</tr>
</tbody>
</table>

**Total** | | **2,899,888,276.65**

**Estimated Cost of Services**
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Unit of measure</th>
<th>Total Materials, quantity</th>
<th>Unit Price (Ksh.)</th>
<th>Total materials, Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>37.</td>
<td>Design costs (Survey and documentation)</td>
<td>Ksh.</td>
<td>2,459</td>
<td>54,300</td>
<td>133,524,590.2</td>
</tr>
<tr>
<td></td>
<td>Sub Total</td>
<td></td>
<td></td>
<td></td>
<td>133,524,590.2</td>
</tr>
<tr>
<td>38.</td>
<td>Total Cost of Materials and Works</td>
<td></td>
<td></td>
<td></td>
<td>10,629,990,485.9</td>
</tr>
<tr>
<td>39.</td>
<td>Project Management Costs</td>
<td>Ksh.</td>
<td></td>
<td></td>
<td>290,624,713.3</td>
</tr>
<tr>
<td></td>
<td>Total Connection Cost</td>
<td></td>
<td></td>
<td></td>
<td>10,920,615,199.2</td>
</tr>
<tr>
<td></td>
<td>Other Cost</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Material handling cost</td>
<td></td>
<td></td>
<td></td>
<td>26,665,992</td>
</tr>
<tr>
<td></td>
<td>Contingency 10%</td>
<td></td>
<td></td>
<td></td>
<td>550,175,904</td>
</tr>
<tr>
<td></td>
<td>Capacity Building</td>
<td></td>
<td></td>
<td></td>
<td>500,000,000</td>
</tr>
<tr>
<td></td>
<td>Total Other costs</td>
<td></td>
<td></td>
<td></td>
<td>1,076,841,895</td>
</tr>
<tr>
<td></td>
<td>System Reinforcement</td>
<td></td>
<td></td>
<td></td>
<td>3,102,646,000</td>
</tr>
<tr>
<td></td>
<td>EIA/NEMA Approvals</td>
<td></td>
<td></td>
<td></td>
<td>32,501,500</td>
</tr>
<tr>
<td></td>
<td>Total Project Cost</td>
<td></td>
<td></td>
<td></td>
<td>15,132,604,595</td>
</tr>
</tbody>
</table>

**2.5.1.4 Productive use of Electrical Energy by Potential Customers**

It is worth noting that in the past rural electrification programs, the beneficiaries tended to utilize energy household lighting and social benefits only.

In order to realize the aims of the government to uplift the living standards of the people living in rural areas through the implementation of last-mile connectivity projects, the program to be implemented must seek to incorporate a component (s) that will focus on productive use of electrical energy by the potential customers. This can be achieved by including the following components in the project:

1. Provide knowledge and skills for small, micro-business and households on how to use the newly found electrical power for profitable enterprise.

2. Incorporate three-phase customers, and this will involve establishing new transformers at a strategic location where we get three-phase customers in every county

In addition, KPLC is also undertaking various activities geared toward stimulating the productive use of electricity on the following fronts.

1. Pika na Power centers: The Company has ongoing plans to establish four 4 pika na power centers in main towns these are (Nairobi – Operational) Mombasa, Nakuru
and Kisumu to be operational by end of June 2023. These are centers demonstrating the various appliances used in clean cooking.

2. KPLC has partnered with the Modern Energy Cooking Services (MECS) Programme and others involved in opening clean cooking hubs in the counties. Where clean cooking champions are identified and trained to facilitate training around the counties.

3. KPLC working with Nuvoni Research Company tasked to come up with a cooking strategy that informs the clean cooking policy.

4. KPLC is currently involved in a pilot project funded by Loughborough University. It has Stima loan component targeting newly connected last-mile customers to facilitate acquiring clean cooking appliances and also conduct customer education. This is targeting to study the customer’s willingness to adopt e-cooking, the ability of customers to pay and the best model for e-cooking assets financing.

2.5.2 Component B: System Reinforcement and Upgrade

The exponential growth of Kenya’s electric power distribution network, since 2013 to date, has necessitated high levels of investments necessary to ensure such demand for electricity is met. The distribution sub-sector has been a minor beneficiary of such investments in comparison to the generation and transmission sub-sectors.

Accelerated connectivity programs such as the Last Mile have resulted in the deterioration of Grid performance owing to overloaded feeders and associated equipment, very long distribution network, among others. In this regard, significant investments in the distribution sub-sector are necessary to improve the performance of the Grid and Quality of Service.

a) Overloaded feeders and substations:

With feeder and equipment loading having a direct correlation to technical losses, initiatives geared towards de-loading highly loaded equipment will aid in loss reduction. Furthermore, the deployment of such equipment on the power distribution network will result in an increase in system reliability and improved quality of power supply. Examples of such highly loaded feeders are shown in table 7.

Table 7: Overloaded 11kV and 33kV feeders/Substations

<table>
<thead>
<tr>
<th>No</th>
<th>Substation Name</th>
<th>11KV Feeder Name</th>
<th>Load (A)</th>
<th>Rating</th>
<th>Loading</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ruaraka</td>
<td>Kahawa Feeder</td>
<td>448</td>
<td>430</td>
<td>104%</td>
</tr>
<tr>
<td>2</td>
<td>Ngong Road</td>
<td>Kibera Feeder</td>
<td>423</td>
<td>430</td>
<td>98%</td>
</tr>
<tr>
<td>3</td>
<td>Langata</td>
<td>Soweto Feeder</td>
<td>405</td>
<td>430</td>
<td>94%</td>
</tr>
<tr>
<td>4</td>
<td>Babadogo</td>
<td>Lucky Summer</td>
<td>370</td>
<td>430</td>
<td>86%</td>
</tr>
</tbody>
</table>
5. Matasia          Ongata Rongai        369      430    86%
6. Kimathi          1st Avenue          368      430    86%
7. Athi River       Apex                360      430    84%
8. Ruaraka          Breweries 2         358      430    83%
9. Ruai             Kibiku              356      430    83%
1. New Airport      Athi                356      430    83%
1. Athi River       Katani              345      430    80%
1. Nairobi West     Hurlingham          343      430    80%
1. Ruai             Utawala             323      430    75%
1. Villa Franca     Road B              320      430    74%

Note Load data sourced from the Regional Control Centres

b) Long distribution lines

The accelerated connectivity programs have resulted in very long medium voltage feeders (and spurs) in certain areas. Such feeders have had the highest number of incidences recorded.

Tables 8 and 9 below indicate examples of the 11kV and 33kV longest feeders.

Table 8: Longest 11kV feeders

<table>
<thead>
<tr>
<th>No</th>
<th>11 kV Feeders Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Ndaragwa 11 kV ex Nyahururu 33/11kV sstn</td>
</tr>
<tr>
<td>2.</td>
<td>Kitui Rural ex Kitui 33/11kV ssstn</td>
</tr>
<tr>
<td>3.</td>
<td>Chepkanga ex Chepkoilel 33/11kV sstn</td>
</tr>
<tr>
<td>4.</td>
<td>Siongiroi ex Bomet 33/11kV sstn</td>
</tr>
<tr>
<td>5.</td>
<td>Kaptumo ex Kapsabet 33/11kV sstn</td>
</tr>
<tr>
<td>6.</td>
<td>Mulot ex Bomet 33/11kV sstn</td>
</tr>
<tr>
<td>7.</td>
<td>Loitoktok ex Loitoktok 33/11kV sstn</td>
</tr>
<tr>
<td>8.</td>
<td>Sanganyi ex Ikoge 33/11kV sstn</td>
</tr>
<tr>
<td>9.</td>
<td>Endeless ex Kitale 33/11kV sstn</td>
</tr>
<tr>
<td>10.</td>
<td>Shimoni ex Msabweni 33/11kV sstn</td>
</tr>
<tr>
<td>11.</td>
<td>Kwale ex Diani 33/11kV s/stn</td>
</tr>
</tbody>
</table>

Table 9: Longest 33 kV feeders

<table>
<thead>
<tr>
<th>No</th>
<th>33 kV Feeders Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>DCK Narok 33kV ex Suswa 132/33kV sstn</td>
</tr>
<tr>
<td>2.</td>
<td>Nyahururu-Maralal 33kV L2 ex Lanet 132/33kV sstn</td>
</tr>
</tbody>
</table>
2.5.2.1 The proposed list of Substation Projects from the Distribution Master Plan

KPLC’s Distribution Master Plan, an important guide on investments in network expansion and reinforcement, is prepared through a consultative approach incorporating various departments in KPLC. First done in 2012-2013 by a consultant Parsons Brinkerhoff (PB) UK, it has undergone a series of updates and revisions; with the 2022-2026 Distribution Master Plan being the most current. It proposes a number of interventions, in addition to those proposed and committed to in the 2012-2017 Distribution Master Plan, intended at improving grid reliability and quality of electrical power supply. For instance, the table below contains some samples of possible sub projects based on areas identified to have major issues and customer complaints. These, among others will involve the upgrade/reinforcement of the existing network. This involves the construction of new primary substations, upgrade of existing substations and extension of medium and low voltage lines as shown in table 10 below.

<table>
<thead>
<tr>
<th>No</th>
<th>33 kV Feeders Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Kibwezi-Makindu 33kV line ex Kiboko 132/33kV sstn</td>
</tr>
<tr>
<td>4</td>
<td>Kitui ex Mwingi</td>
</tr>
<tr>
<td>5</td>
<td>Moi Barracks – Kitale 33kV line</td>
</tr>
<tr>
<td>6</td>
<td>Kabimoi 33kV line ex Eldama Ravine</td>
</tr>
<tr>
<td>7</td>
<td>Lessos-Eldoret 33kV ex Lessos 132/33kV sstn</td>
</tr>
<tr>
<td>8</td>
<td>Sotik ex Chemosit 132/33kV sstn</td>
</tr>
<tr>
<td>9</td>
<td>Mwingi ex Mwingi</td>
</tr>
<tr>
<td>10</td>
<td>Lessos-Flouspar ex Lessos 132/33kV ssstn</td>
</tr>
<tr>
<td>11</td>
<td>Maua 33kV line ex Meru 132/33kV s/stn</td>
</tr>
</tbody>
</table>
Table 10: List of proposed potential areas to be considered under the Last Mile Phase III

<table>
<thead>
<tr>
<th>No</th>
<th>County</th>
<th>Project Type</th>
<th>Name/Location Description</th>
<th>Asset Type</th>
<th>Proposed Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Kwale</td>
<td>New</td>
<td>Mtongwe 33/11, 2x7.5 MVA Substation</td>
<td>33/11, 2x7.5 MVA</td>
<td>Improve supply reliability</td>
</tr>
<tr>
<td>2</td>
<td>Bomet</td>
<td>New</td>
<td>Mogogosiek (Bomet) – Olenguruone/ Kiptagich 33kV link</td>
<td>Overhead Line</td>
<td>33kV, 75mm2 ACSR OHL</td>
</tr>
<tr>
<td>3</td>
<td>Tharaka Nithi</td>
<td>New</td>
<td>Kathwana/Kanjuki 33kV switching</td>
<td>Switching Station</td>
<td>33kV switching</td>
</tr>
<tr>
<td>4</td>
<td>Kilifi</td>
<td>Upgrade</td>
<td>Casuarina Ex Malindi</td>
<td>Overhead Line</td>
<td>11kV 150mm2 ACSR</td>
</tr>
<tr>
<td>5</td>
<td>Makueni</td>
<td>Upgrade</td>
<td>Mtito Andei</td>
<td>Substation</td>
<td>1x2.5+1x7.5MVA</td>
</tr>
<tr>
<td>6</td>
<td>Meru</td>
<td>Refurbish</td>
<td>Marania/Kiiru</td>
<td>Substation</td>
<td>33/11kV, 1x7.5</td>
</tr>
<tr>
<td>7</td>
<td>Meru</td>
<td>New</td>
<td>Maua</td>
<td>Switching Station</td>
<td>33kV switching</td>
</tr>
<tr>
<td>8</td>
<td>Meru</td>
<td>New</td>
<td>Mikinduri – Maua link</td>
<td>Overhead Line</td>
<td>33kV, 75mm2 ACSR</td>
</tr>
<tr>
<td>9</td>
<td>Kitui</td>
<td>New</td>
<td>Mutomo/Ikutha 33/33kV</td>
<td>Switching Station</td>
<td>33kV switching</td>
</tr>
<tr>
<td>10</td>
<td>Bungoma</td>
<td>New</td>
<td>Kimilili 7.5mva 33/11kv substation</td>
<td>Substation</td>
<td>33/11, 1x7.5 MVA</td>
</tr>
<tr>
<td>11</td>
<td>Baringo</td>
<td>Upgrade</td>
<td>Kabarnet 33/11kV, 1x1.5+x2.5MVA Substation</td>
<td>33/11kV, 2x2.5MVA</td>
<td>Additional Substation Capacity</td>
</tr>
<tr>
<td>12</td>
<td>Uasin Gichu</td>
<td>New</td>
<td>Turbo</td>
<td>Station</td>
<td>33kV switching</td>
</tr>
<tr>
<td>No</td>
<td>County</td>
<td>Project Type</td>
<td>Name/Location</td>
<td>Asset Type</td>
<td>Proposed</td>
</tr>
<tr>
<td>----</td>
<td>--------------</td>
<td>--------------</td>
<td>---------------</td>
<td>------------</td>
<td>----------</td>
</tr>
<tr>
<td>13</td>
<td>Elgeyo Marakwet</td>
<td>New</td>
<td>Nyaru</td>
<td>Station</td>
<td>33kV switching</td>
</tr>
<tr>
<td>14</td>
<td>Uasin Gishu</td>
<td>New</td>
<td>Turbo Ex. Webuye 132/33kV, 33kV feeder</td>
<td>Overhead Line</td>
<td>33kV, 150mm2 ACSR</td>
</tr>
<tr>
<td>15</td>
<td>Kisumu</td>
<td>New</td>
<td>Kisian – Kombewa 33kV link</td>
<td>Overhead Line</td>
<td>33kV, 150mm2 ACSR</td>
</tr>
<tr>
<td>16</td>
<td>Migori</td>
<td>New</td>
<td>Kehancha 33/11kV, 1x7.5</td>
<td>Station</td>
<td>33kV switching</td>
</tr>
<tr>
<td>17</td>
<td>Kajiado</td>
<td>New</td>
<td>Namanga</td>
<td>Primary ss</td>
<td>33/11kV, 1x7.5MVA TX</td>
</tr>
<tr>
<td>18</td>
<td>Bomet</td>
<td>New</td>
<td>Bomet – Ololunga 33kv link</td>
<td>Overhead Line</td>
<td>33kV, 150mm2 ACSR</td>
</tr>
<tr>
<td>19</td>
<td>Kericho</td>
<td>Refurbish</td>
<td>Sosiot/Kericho Ex. Muhoroni 33kV line</td>
<td>Overhead Line</td>
<td>33kV, 75mm2 ACSR</td>
</tr>
<tr>
<td>20</td>
<td>Elgeyo Marakwet</td>
<td>New</td>
<td>Nyaru Ex. Kabarnet 132/33kV, 33kV feeder</td>
<td>Overhead Line</td>
<td>33kV, 150mm2 ACSR</td>
</tr>
<tr>
<td>21</td>
<td>Homabay</td>
<td>New</td>
<td>Adiedo/Kendu Bay</td>
<td>Station</td>
<td>33kV switching</td>
</tr>
</tbody>
</table>

At this point it is key to note that the actual sub projects is yet to be decided upon. The above list includes general geographical areas where customers have e.g., noted poor service and thus form part of the potential areas for sub projects. KPLC is yet to make a decision on the geographic location of specific sub projects and their design..
## 2.6 Summary of the Project Costs.

<table>
<thead>
<tr>
<th>Project/Program</th>
<th>Counties</th>
<th>MV [Estimated km]</th>
<th>LV [Estimated km]</th>
<th>New Consumers Targeted</th>
<th>Proposed estimated number of Substations</th>
<th>Capital Costs (Kes.) (based on previous experiences)</th>
<th>Cost per Consumers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Component A: Distribution Maximization</td>
<td>45</td>
<td>650</td>
<td>6,571</td>
<td>150,000</td>
<td>0</td>
<td>10,920,615,199.2</td>
<td>Kes. 72,804.10</td>
</tr>
<tr>
<td>Component B: System Reinforcement and Upgrade</td>
<td>211</td>
<td></td>
<td>21</td>
<td></td>
<td>21</td>
<td>3,135,147,500</td>
<td></td>
</tr>
</tbody>
</table>
2.7 Project implementation, supervision and management
KPLC will be the Implementing Agency of the project. KPLC has the necessary technical and managerial ability to implement projects as demonstrated by the on-going projects financed by development partners. The involvement of the Supervision and Management consultant to be recruited through competitive bidding process will reinforce the capability of the Project Implement Team. The project is planned to be implemented in 18 months from contract commencement.

2.8 Monitoring and Evaluation of project implementation
KPLC will maintain comprehensive and robust consultation, monitoring and evaluation systems. The PIU will ensure that the members in the Implementation Units are fully integrated into the management information processes of the project. The Monitoring and Evaluation System will track the performance indicators, scheduling and implementation data, and expenditure, as shall be agreed within the framework of the annual work plan and budget.

2.9 Land Acquisition and displacement Implications of LMCP Phase III
The proposed LMCP Phase III is not expected to result in significant/massive land acquisition. This is because the construction of the distribution lines will largely be done along the existing road reserves. In case the distribution lines passes through private land and/or squatters settlement and any other legal and illegal establishment that will require land acquisition and compensation of the affected properties hence, it will trigger the social safeguard (AfDB Involuntary Resettlement Policy). To some extent, the setup of transmission lines can affect persons running businesses on road reserves. Explicitly, land acquisition is anticipated for the sub stations, medium and low voltage lines. But, overall, minimal to moderate social displacement risks are anticipated under this LMCP Phase III.

2.10 Sub Projects Exclusion List
LMCP III is classified as a Category 2 project in line with the African Development Bank Integrated Safeguards System (ISS) operational safeguard 1 on environmental and social assessment (OS1) and the Bank’s Environmental and Social Assessment Procedures (ESAP). This largely means high risk sub projects as per the ISS categorization (and in county legislation) are largely excluded under the funding.
3 CHAPTER THREE: POLICY AND LEGAL FRAMEWORK

3.1 Introduction
The chapter sets out the national and international policy and legal operating environment for acquisition of land and resettlement as anticipated in the implementation of the LMCP Phase III. The chapter seeks to highlight major issues related to Kenya’s land legislation with regards to compulsory land acquisition and involuntary resettlement. It provides a brief overview of related provisions connected with land use, planning, acquisition, management and tenure, and more specifically the legislation related with land expropriation or acquisition, land valuation and land replacement. The chapter compares the Kenyan legislation with the AFDB provisions on resettlement, with gaps highlighted and recommendations drawn to fill gaps.

Table 11: Summary of relevant legal statutes applicable to LMCP Phase III.

<table>
<thead>
<tr>
<th>Legal Framework</th>
<th>Functional Relationship to Resettlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Energy Act No. 12 of 2019</td>
<td>This is the main law governing KPLC’s operations and the energy sector as a whole. The EPRA established under this Act regulates the activities of the Company to ensure compliance with the law and other legal requirements.</td>
</tr>
<tr>
<td>The Companies Act Cap 486</td>
<td>The Kenya Power and Lighting Company Limited (KPLC) is established as a Limited Liability Company under the Companies Act, Cap 486, Laws of Kenya. Its mandate, as obtained from its Memorandum of Association, is the production, supply and sale of electricity.</td>
</tr>
<tr>
<td>The Land Adjudication Act Chapter 95 Laws of Kenya</td>
<td>Provides for ascertainment of interests prior to land registrations under the Land Registration Act 2012 through an adjudication committee that works in liaison with adjudication officers.</td>
</tr>
<tr>
<td>Environment and Land Court Act, 2011</td>
<td>This Act establishes Environment and Land Court, a court with status of high court which shall facilitate the just, expeditious, proportionate and accessible resolution of disputes related to land and environment, including compulsory land acquisition, land tenure, titles, boundaries, compensation, valuations, rates, land use and environmental planning.</td>
</tr>
<tr>
<td>Way Leaves Act Cap 292</td>
<td>Section 143 (2) states that a public right of way may be—a right of way created for the benefit of the national or county government, a local authority, a public authority or any corporate body to enable all such institutions, organizations, authorities, and bodies to carry out their functions, referred to in this Act as a wayleave; or (b) a right of way created for the benefit of the public, referred to in section 145 of this Act as a communal right of way.</td>
</tr>
</tbody>
</table>
### Legal Framework

<table>
<thead>
<tr>
<th><strong>Functional Relationship to Resettlement</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Land Act (2016)</td>
</tr>
<tr>
<td>Matrimonial Property Act No 49 of 2013</td>
</tr>
<tr>
<td>National Land Policy</td>
</tr>
<tr>
<td>National Museums and Heritage Act (2006)</td>
</tr>
<tr>
<td>Forest Conservation and Management Act (No.34 of 2016)</td>
</tr>
</tbody>
</table>

### 3.2 The Power of Eminent Domain

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

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

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

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

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

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

This doctrine is triggered by the necessity of the government-sponsored project that will require that privately owned land revert back to the government. However, the proponent will ensure that all the private landowners who will relinquish land and other properties are fully compensated and appropriately resettled within acceptable timeline.

3.3 Relevant Land Acts
3.3.1 Constitution of Kenya 2010
Constitution of Kenya 2010 recognizes individuals’ right to acquire and own property provided they are citizens of the country in article 40. However, Article 66 of the same provides for the State to regulate the manner in which these rights may be curtailed for the benefit of the general public. Article 47 of the Constitution provides for administrative action to override the individual rights but the victim has to be given written reason for the action taken that undermines the right.

Article 21 on Implementation of rights and fundamental freedoms Section 3 states “All State organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalised communities, and members of particular ethnic, religious or cultural communities.”

Section 60 of Chapter 5 lays down the principles of land ownership and use as follows:

- Equitable access to land;
- Security of land rights;
- Sustainable and productive management of land resources;
- Transparent and cost-effective administration of land;
- Sound conservation and protection of ecologically sensitive areas;
- Elimination of gender discrimination in law, customs, and practices related to land and property in Kenya; and
- Encouragement of communities to settle land disputes through recognized local community initiative.
The Constitution establishes the protection of legally acquired land and property rights, and any acquisition of rights of land and property, be it voluntary or involuntary, must comply with the law. The recognition of alternative dispute resolution mechanisms is aimed at expediting issues of land rights, transfer and supporting economic development even in events of development of projects of national interest.

3.3.1.1 **Classification of Land under the Constitution of Kenya: Sections 61-64**

All land in Kenya belongs to the people of Kenya collectively as a nation, as communities, and as individuals. Land in Kenya is classified as public, community, or private as explained in the sections below:

**Article 62. Public land:** land which at the effective date was un-alienated government land as defined by an Act of Parliament in force at the effective date; (b) land lawfully held, used or occupied by any State organ, except any such land that is occupied by the State organ as lessee under a private lease; (c) land transferred to the State by way of sale, reversion or surrender; (d) land in respect of which no individual or community ownership can be established by any legal process; (e) land in respect of which no heir can be identified by any classification of land; (f) all minerals and mineral oils as defined by law; (g) government forests, government game reserves, water catchment areas, national parks, government animal sanctuaries, and specially protected areas; (h) all roads and thoroughfares provided for by an Act of Parliament; (i) all rivers, lakes and other water bodies as defined by an Act of Parliament; (j) the territorial sea, the exclusive economic zone and the sea bed; (k) the continental shelf; (l) all land between the high and low water marks; (m) any land not classified as private or community land under this Constitution; and (n) any other land declared to be public land by an Act of Parliament. The constitution also indicates that Public land shall not be disposed of or otherwise used except in terms of an Act of Parliament specifying the nature and terms of that disposal or use.

**Article 63: Community Land:** This is a land that communities identified based on ethnicity, culture, or similar community interests and consists of land:

(a) Land lawfully registered in the name of group representatives under the provisions of any law; (b) Land lawfully transferred to a specific community by any process of law; (c) Any other land declared to be community land by an Act of Parliament; and (d) Land that is- (i) lawfully held, managed or used by specific communities as community forests, grazing areas or shrines; (ii) ancestral lands and lands traditionally occupied by hunter gatherer communities; or (iii) lawfully held as trust land by the county governments.
**Section 64: Private land:** consists of (a) registered land held by any person under any freehold tenure; (b) land held by any person under leasehold tenure; and (c) any other land declared private land under an Act of Parliament.

### 3.3.2 Land Act, 2012

The land acquisition process shall be governed by the Land Act, 2012 (Act No. 6 of 2012). The Act specifies the manner for determination and the award for compulsory acquisition to be served on the persons determined to have interest in the affected land.

According to Section 128 of the Act, any dispute arising out of any matter under the Act, which involves compulsory acquisition process, should be referred to the Land and Environmental Court for determination. Sections 107-133 of the Land Act specify the procedure to be followed in the process of compulsory land acquisition. Section 134 of the Act creates a Settlement Fund for land acquisition to provide shelter and livelihoods to people who are involuntarily displaced.

Part II section 8 provides guidelines on management of public land by the National Land Commission on behalf of both national and county government. This law, in section 8(b) stipulates that the Commission shall evaluate all parcels of public land based on land capability, classification, land resources mapping consideration, overall potential for the land use, and resource evaluation for land use planning. Section 8(d) stipulates that the Commission may require the land to be used for a specified purpose subject to such conditions, covenants, encumbrances or reservations as are specified in the relevant order.

The Act governs land valuation for compulsory acquisition. Land acquisition through the application of state powers as highlighted in the Land Act, 2012 No. 6 of 2012, the acquisition is involuntary (compulsory acquisition).

#### 3.3.2.1 Methods of acquisition of title to land

***Section 7.*** Title to land may be acquired through— (a) allocation; (b) land adjudication process; (c) compulsory acquisition; (d) prescription; (e) settlement programs; (f) transmissions; (g) transfers; (h) long term leases exceeding twenty one years created out of private land; or (i) any other manner prescribed in an Act of Parliament.

Under The Land Act, 2012 ***Section 107*** whenever the national or county government is satisfied that it may be necessary to acquire some particular land under section 110, the respective Cabinet Secretary or the County Executive Committee Member shall submit a request for acquisition of public land to the Commission to acquire the land on its behalf. The Commission shall prescribe a criteria and guidelines to be adhered to by the acquiring authorities in the acquisition of land. The Commission may reject a request of an acquiring
authority, to undertake an acquisition if it establishes that the request does not meet the requirements. Upon approval of a request, the Commission shall publish a notice to that effect in the Gazette and the county Gazette and shall deliver a copy of the notice to the Registrar and every person who appears to the Commission to be interested in the land. Upon service of the notice, the registrar shall make an entry in the register of the intended acquisition. Interested persons include any person whose interests appear in the land registry and the spouse or spouses of any such person, as well as any person actually occupying the land and the spouse or spouses of such person. All land to be compulsorily acquired shall be geo-referenced and authenticated by the office or authority responsible for survey at both the national and county government.

3.3.2.2 Compensation to be paid

Section 111. (1) Says if land is acquired compulsorily under this Act, just compensation shall be paid promptly in full to all persons whose interests in the land have been determined. (2) The Commission shall make rules to regulate the assessment of just compensation.

3.3.2.3 Inquiry as to compensation

Section 112 (1) At least thirty days after publishing the notice of intention to acquire land, the Commission shall appoint a date for an inquiry to hear issues of propriety and claims for compensation by persons interested in the land, and shall— (a) cause notice of the inquiry to be published in the Gazette or county Gazette at least fifteen days before the inquiry; and (b) serve a copy of the notice on every person who appears to the Commission to be interested or who claims to be interested in the land. (2) The notice of inquiry shall call upon persons interested in the land to deliver a written claim of compensation to the Commission, not later than the date of the inquiry. (3) At the hearing, the Commission shall— (a) make full inquiry into and determine who are the persons interested in the land; and (b) receive written claims of compensation from those interested in the land. (4) The Commission may postpone an inquiry or adjourn the hearing of an inquiry from time to time for sufficient cause.

(5) For the purposes of an inquiry, the Commission shall have all the powers of the Court to summon and examine witnesses, including the persons interested in the land, to administer oaths and affirmations and to compel the production and delivery to the Commission of documents of title to the land. (6) The public body for whose purposes the land is being acquired, and every person interested in the land, is entitled to be heard, to produce evidence and to call and to question witnesses at an inquiry.

3.3.2.4 Award of compensation

Section 113. (1) Upon the conclusion of the inquiry, the Commission shall prepare a written award, in which the Commission shall make a separate award of compensation for every person whom the Commission has determined to have an interest in the land. (2) Subject to
Article 40 (2) of the Constitution and section 122 and 128 of this Act, an award— (a) shall be final and conclusive evidence of— (i) the size of the land to be acquired; (ii) the value, in the opinion of the Commission, of the land; (iii) the amount of the compensation payable, whether the persons interested in the land have or have not appeared at the inquiry; and (b) shall not be invalidated by reason only of a discrepancy which may thereafter be found to exist between the area specified in the award and the actual area of the land. (3) If an interest in land is held by two or more persons as co-tenants, the award shall state— (a) the amount of compensation awarded in respect of that interest; and (b) the shares in which it is payable to those persons.

3.3.2.5 Notice of award
Section 114. (1) On making an award, the Commission shall serve on each person whom the Commission has determined to be interested in the land, a notice of the award and offer of compensation. (2) Upon acquisition of land, and prior to taking possession of the land, the Commission may agree with the person who owned that land that instead of receiving an award, the person shall receive a grant of land, not exceeding in value the amount of compensation which the Commission considers would have been awarded, and upon the conclusion of the agreement that person shall be deemed to have conclusively been awarded and to have received all the compensation to which that person is entitled in respect of the interest in that land. (3) An agreement under subsection (2) shall be recorded in the award.

3.3.2.6 Payment of compensation
Section 115. (1) After notice of an award has been served on all the persons determined to be interested in the land, the Commission shall, promptly pay compensation in accordance with the award to the persons entitled thereunder, except in a case where— (a) there is no person competent to receive payment; or (b) the person entitled does not consent to receive the amount awarded; or (c) there is a dispute as to the right of the persons entitled to receive the compensation or as to the shares in which the compensation is to be paid. (2) In any of the cases referred to in paragraphs (a), (b) and (c) of subsection (1), the Commission may at any time pay the amount of the compensation into a special compensation account held by the Commission, notifying any persons interested accordingly.

3.3.2.7 Survey where part of holding is acquired
Section 118. If part of the land comprised in documents of title has been acquired, the Commission shall, as soon as practicable, cause a final survey to be made of all the land acquired.

The LMCP Phase III might require the acquisition of land within the affected areas. The Proponent will adhere with the provisions of this Act in the process of acquiring such land for LMCP Phase III. In accordance with the Act (sub-section 4), notice will be given before carrying out works with full description of the intended works and targeted place for inspection. For guidance, compensations values for acquired land, structures, trees and crops will be
determined by a Registered Valuer and estimated values included in the RAP reports for implementation by KPLC.

3.3.3 National Land Commission Act (2012)

To resolve any conflicts that may arise during the acquisition of the land for LMCP Phase III, Article 16 authorizes the commission to establish committees for the better carrying out their functions among them compulsory acquisition process as outlined in land Act (2012). This is further cascaded to the counties according to article 18 by establishing the County Land Management Boards, in consultation with the national and county governments. The Board’s subject management of any transactions on land to scrutiny hence can be useful in resolving any disputes arising from land acquisition process for purposes of this project.

3.3.4 Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities No. 56 of 2012

The Act defines Internally Displaced Persons as a person or group of persons who have been forced to leave their homes or places of habitual residence as a result of large scale development projects. According to article 5(2) and 6(3), the government shall prevent such displacements except where it is justified by overriding public interests.

Article 12(1), authorizes the formation of a national Consultative Coordination Committee for internally displaced persons that can deal with matters that arise out of displacement and relocation. While article 22(1-5) explains the procedures for displacement induced by development projects, which should take into considerations the following:

- Seek the free consent and informed consent of the affected persons;
- Hold public hearings on the project planning
- Give justification for displacement and demonstrate that the displacement is unavoidable and no feasible alternative exist
- Give reasonable time to the persons affected to review the decision and challenge it if need be the displacement to be carried out in a manner that is respectful of the human rights of those affected, taking in particular into account the protection of community land and the special needs of women, children and persons with special needs
- The process to incorporate information for those affected and their effective participation, including by women, in planning, management of the displaced, and in defining suitable durable solutions;
- Provisions of safe, adequate and habitable sites and to the greatest practicable extent, of proper accommodation; and
- Creation of satisfactory conditions of safety, nutrition, health and hygiene and the protection of family unity.
- Ensure the presence of government official when the displacement and relocation is effected and the monitoring by the independent body.
The proposed project triggers this Act. The project Proponent will comply with the requirements of this Act by carrying out a screening process to assess project impacts and identify distribution lines alternative routes to avoid structures where feasible and minimize involuntary resettlement. The potential economic and social impacts of the project will be assessed, and cost of compensation determined when the sites of the sub projects will be identified. Project-affected persons, host communities and other stakeholders must be consulted. PAPs will be informed of their rights including prompt compensation of acquired way leave land at the current market value and compensation at full replacement cost for loss of assets attributable to the project; assistance during relocation, and transitional support and development assistance.

3.3.5 The Valuers Act 532
The Act establishes a Board (Valuers Registration Board-VRB) with the responsibility of registering the Valuers and regulating their activities according to the provision of the Act. The Valuers Act is an Act of Parliament to provide for the registration of Valuers and the regulation of the valuation profession and practice in Kenya.

Clause 21 of Cap 532 prohibits any person who is not a Registered Valuer and whose name does not appear in the register to prepare and submit a valuation report. The importance of these provisions is that a valuation report prepared by a person or firm not registered under the provisions of Clause 21 is invalid and cannot be used for the basis of compensation.

The provisions of this Act are relevant to the proposed project as a Registered Valuer is required for the purposes of determining types and amount of compensation. In this project, the Act will be triggered since registered valuers will be required to carry out valuation estimates for the project according to the regulations in the Act. The Valuers who will be carrying out the valuation of the affected assets on behalf of the proponent is registered in accordance to the Act.

3.3.6 The Land Registration Act, 2012 (No. 3 of 2012)
The law provides for the registration of absolute proprietorship interests over land (exclusive rights) that has been adjudicated or any other leasehold ownership interest on the land. Such land can be acquired by the state under the Land Act 2012 in the project area. Section 15 and 16 mandates the office or authority responsible for the survey of land to prepare and thereafter maintain cadastral maps, for every registration unit. Section 16. (1) The office or authority responsible for the survey of land may rectify the line or position of any boundary shown on the cadastral map based on an approved subdivision plan, and such correction shall not be affected except on the instructions of the Registrar, in writing, in the prescribed form, and in accordance with any law relating to subdivision of land that is for the time being in force.
Section 21. (1) Any person who defaces, removes, injures or otherwise impairs a boundary feature or any part of it unless authorized to do so by the Registrar commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred thousand shillings or to both.

Section 26. (1) The certificate of title issued by the Registrar upon registration, or to a purchaser of land upon a transfer or transmission by the proprietor shall be taken by all courts as prima facie evidence that the person named as proprietor of the land is the absolute and indefeasible owner, subject to the encumbrances, easements, restrictions and conditions contained or endorsed in the certificate, and the title of that proprietor shall not be subject to challenge, except — (a) on the ground of fraud or misrepresentation to which the person is proved to be a party; (b) where the certificate of title has been acquired illegally, unprocedurally or through a corrupt scheme. (2) A certified copy of any registered instrument, signed by the Registrar and sealed with the Seal of the Registrar, shall be received in evidence in the same manner as the original.

Section 31. (1) If a certificate of title or a certificate of lease has been issued, then, unless it is filed in the registry or the Registrar dispenses with its production, it shall be produced on the registration of any dealing with the land or lease to which it relates, and, if the certificate of title or the certificate of lease shows all subsisting entries in the register, a note of the registration shall be made on the certificate of title or the certificate of lease.

Section 93. (1) Subject to the law on matrimonial property, if a spouse obtains land for the co-ownership and use of both spouses or, all the spouses

(b) The Registrar shall register the spouses as joint tenants. (2) If land is held in the name of one spouse only but the other spouse or spouses contribute by their labour or other means to the productivity, upkeep and improvement of the land, that spouse or those spouses shall be deemed by virtue of that labour to have acquired an interest in that land in the nature of an ownership in common of that land with the spouse in whose name the certificate of ownership or customary certificate of ownership has been registered and the rights gained by contribution of the spouse or spouses shall be recognized in all cases as if they were registered. (3) Where a spouse who holds land or a dwelling house in his or her name individually undertakes a disposition of that land or dwelling house—

(a) the lender shall, if that disposition is a charge, be under a duty to inquire of the borrower on whether the spouse has or spouses have, as the case may be, have consented to that charge; or (b) the assignee or transferee shall, if that disposition is an assignment or a transfer of land, be under a duty to inquire of the assignor or transferor on whether the spouse or spouses have consented to that assignment.

(4) If the spouse undertaking the disposition deliberately misleads the lender or, the assignee or transferee by the answers to the inquiries made in accordance with subsection
(3) (a) or (3) (b), the disposition shall be void at the option of the spouse or spouses who have not consented to the disposition.

Section 98. (1) An owner of land or a lessor may, by an instrument in the prescribed form, grant an easement over the land, lease or a part of that land to the owner of another parcel of land or a lessee for the benefit of that other parcel of land. (2) The owner of land or a lessor referred to in subsection (1), who is transferring, assigning or leasing land or a lease may, in the transfer, assignment or lease, grant an easement for the benefit of the land transferred, assigned or leased over the land retained by him or her or reserve an easement for the benefit of land retained by him or her. (3) An instrument creating an easement shall clearly specify— (a) the nature of the easement and any conditions, limitations or restrictions subject to which it is granted; (b) the period of time for which it is granted; (c) the land, or the specific part of it burdened by the easement; and (d) the land to benefit from the easement, and shall, required by the Registrar, include in a plan that sufficiently defines the easement.

Section 103. (1) A person who—
(a) knowingly makes a false statement, orally or in writing, in connection with a disposition or other transaction affecting land or any other matter arising under this Act, or (b) knowingly gives a false information or makes a false statement, either orally or in writing, in connection with a call for information made under this Act or in connection with an investigation into the commission of any offence under this Act; (c) fraudulently procures—(i) the registration or issue of any certificate of ownership, or any other document or instrument relating to the land; (ii) the making of an entry or the endorsement of a matter on a document or instrument referred to in subparagraph (i); or (iii) the cancellation or amendment of the documents, instruments, entries or endorsements referred to in this paragraph. (d) fraudulently alters, adds to, erases, defaces, mutilates or destroys any document or instrument relating to land or any entry on or endorsement of any such document or instrument; suppresses or conceals from the Registrar, or any authorized officer exercising powers under this Act, or assist or joins in so doing, any material document, factor matter, commits an offence and is liable on conviction to a fine not exceeding five million shillings or imprisonment for a term not exceeding five years or to both such fine and imprisonment.

The acquisition of such lands where the proposed LMCP Phase III shall traverse through private plots will be undertaken in compliance with the provisions of this Act including the right for spouses to consent. As proof of land ownership; copies of land title, official Allotment letters and identity cards shall be used to confirm ownership and KPLC will undertake this to ensure just compensation.
3.3.7 Community Land Act
The CLA came into force on 21 September 2016 and aims at:

- Giving effect to Article 63 of the Constitution of Kenya, 2010 (the Constitution) which provides for a classification of land known as community land. To this end, the Constitution provides that community land shall vest in and be held by communities.
- Providing for, first, the recognition, protection and registration of community land rights. Second, the management and administration of community land. Third, the role of county governments in relation to unregistered community land and related matters.
- The Act repeals the Land (Group Representatives) Act (Chapter 287 of the Laws of Kenya) and the Trust Lands Act (Chapter 288 of the Laws of Kenya).

The CLA provides an opportunity for securing collective land rights founded on customary law, by giving legal recognition of customary rights in land as lawful forms of property with equal legal force and effect as rights obtained and transacted under freehold and leasehold tenure. In so doing, it addresses the foundational issue that has historically undermined land rights of rural communities since colonial times. Important features of the CLA are outlined below;

33) Ownership: Community land has been defined as a consciously distinct and organized group of users of community land who are citizens of Kenya and share attributes such as; common ancestry; similar culture or unique mode of livelihood; socio-economic or other similar common interest; geographical space; ecological space; or ethnicity.

34) Tenure systems: Ownership of community land can be held as communal land, family or clan land, reserve land or in any other category of land recognized under the Act or other written law. In addition, community land can be held in land tenure systems such as customary, freehold, leasehold or any other tenure system recognized by law.

35) Role of the County Government: Counties are empowered to hold in trust on behalf of a community unregistered community land and any monies payable as compensation for compulsory acquisition of any such unregistered community land. Any such monies are to be deposited in a special interest earning account by the County Government and shall be released to the community upon registration of the community land. A County Government is prohibited from selling, disposing, transferring, and converting for private purposes or in any other way disposing of any unregistered community land that it is holding in trust on behalf of a community. Upon registration of community land, the trusteeship of the county government to manage and administer the community land ceases to exit.

36) Registration: Any community claiming an interest in or right over community land is required to register their land by application to the community land registrar who shall
maintain a community land register for each registration unit. A certificate of title issued by the Community Land Registrar is evidence of ownership of the land and is not subject to challenge, except on grounds of fraud or misrepresentation to which the person is proved to be a party or where the certificate of title has been acquired illegally, Unprocedural or through a corrupt scheme.

A Certificate of reservation may be issued in the interim by the Registrar pending the registration of community land and acquisition of the certificate of title. The registration of a community as the proprietor of land shall vest in that community the absolute ownership of that land, while, the registration of a community as the proprietor of a lease shall vest in that community the leasehold interest described in the lease, together with and subject to all implied and express rights and privileges.

Community Assembly and Community Land Management Committee: A registered community must have a community assembly consisting of all adult members of the community. The community assembly elects between seven and fifteen members of the community assembly to constitute the community land management committee. The community is expected to elect between seven and fifteen members from among themselves to be the members of the community land management committee. The functions of the Community Land Management Committee shall be to:

- Have responsibility over the running of the day-to-day functions of the community;
- Manage and administer registered community land on behalf of the respective community;
- Coordinate the development of community land use plans in collaboration with the relevant authorities;
- Promote the co-operation and participation among community members in dealing with matters pertaining to the respective registered community land; and
- Prescribe rules and regulations, to be ratified by the community assembly, to govern the operations of the community.

Conversion of Community Land: Community land can be converted to either public land or private land and vice versa. The Act provides that at least two-thirds of the community members must approve any conversion of community land. This does not however limit the application of the Land Act, 2012 and any other law in respect of compulsory acquisition of land. The Act recognizes and permits for the following conversion systems of community land:

- Conversion of community land into private land by; transfer; allocation by the registered community, but this has to be ratified by the community assembly.
- Conversion of public land into community land by allocation by the commission as stipulated in the Land Act.
- Conversion of private land to community land by; transfer; surrender; operation of law in relation to illegally acquired community land; and operation of any other written law.
- Conversions to public land by either by; compulsory acquisition; transfer; or surrender.

**Rights and Entitlement in the Community Land:** A registered community can, with the approval of the members, allocate part of the registered community land to a member or a group of members in the community at a fee for use and occupation for a period determined by the community. A separate title will not be issued to the individual and the rights of the community supersede that of the individual allocated land. There are other conditions for use of the land allocated which include; lawful use, the land cannot be assigned or leased to a third party; and the land must be surrendered back to the community if the individual is no longer entitled to use the land. The law also places obligations to the registered communities in the pastoral areas to ensure:
- They avail land to their members for the purpose of grazing;
- Reserve special areas for farming areas, settlement areas, community conservation areas, access and rights of way, cultural and religious sites, urban development, or any other purpose as may be determined by the community, county government or national government for the promotion of public interest.
- Ensure every member of the community has the right to equal benefit from community land, full and equal enjoyment of right of use and access with no discrimination based on gender, minority, and disability or marginalized groups.

**Customary land rights:** The Act recognizes customary land rights including the customary right of occupancy and provides for their adjudication and documentation. The Act also gives customary land rights equal footing in law as freehold and leasehold tenure. In this regard, the term “customary land rights” is defined to mean rights conferred by or derived from African customary law, customs or practices provided that such rights are not inconsistent with the Constitution or any written law.

**Registration of a community**
It is through the act of registration that a community attains the legal personality to be registered as owner of land. This is an important first step as only a registered community within the meaning of section 2 of the CLA can apply to be registered as a landowner. As part of the registration process, the community elects a Community Land Management Committee (CLMC), which oversees the process of registration of the community, including the development of its Constitution and Regulations, the registration of the land, and its management on behalf of the community upon registration.
The procedure for registration of “a community claiming an interest in or right over community land” is set out in section 7 of the Community Land Act and detailed in Part II of the Community Land Regulations and includes the following key steps;

37) A community claiming an interest in or right over community land is required to register its rights under the Land Registration Act. They must also have a plausible justification for why they are registering the community land as a collective, e.g., common ancestry, similar culture, etc. The Register of Members of the community is important, as it is the basis of inclusiveness, ensuring that all eligible members are identified and recorded. The number of members is important, as certain decisions require to be validated by a specific proportion of the total number of registered members of the community. The Constitution of the community specifies the details to be included in the Register of members, and how the register shall be maintained and updated.

39) Before submission of the community formation and registration documents to the registrar of societies, the local chief must authenticate these documents by applying an official stamp to the application documents and letter.

40) The elected community representatives apply to the Registrar of Community Land for registration of the community, using the Form prescribed by the Community Land Regulations.

The application shall be accompanied by:
(a) The name of the community
(b) The register of members of the community
(c) A certified true copy of the Minutes of the Community Assembly at which it was resolved to apply for registration of the community
(d) The Constitution of the community
(e) A description of the interest being claimed by the community

Upon authentication of documents, the Registrar of Societies provides the community with a registration certificate after due diligence. This means the community is officially registered, but their interest in the land has not been documented.

Registration of community land
Registration of community land is done in accordance with the provisions of the CLA and the Land Registration Act. It is preceded by adjudication, which includes the recording of community land claims, demarcation of community land and delineation of boundaries. Upon registration, a title deed in the prescribed form is issued in the name of the community. Thereafter, the community under the leadership of the CLMC can plan the development and management of the community land and the natural resources on it. Key steps of the registration process are outlined below;
• **Notice:** Section 3 of the 2017 regulations requires group representatives that intend to register a claim in an interest in land to notify the community land registrar responsible for the community land registration unit within which the land is situate of the intention.

• **Procedure:** A form for notification is provided in the Fifth Schedule. The notification is to be submitted in duplicate with the duplicate copy being retained by the community. It should also be signed by at least fifteen members of the community; and be accompanied with the prescribed fee.

• **Election of members:** Upon receipt of the notification, the community land registrar invites all members of the community with communal interest to a public meeting for the purpose of electing the members of the community land management. Notice of the meeting is to be published through various media including newspapers, affixing notices on boards etc

• **Election of Committee Members:** The Land Registrar, in consultation with the national and county government representatives for the area where land is located, will further convene and oversee the process of election of community land management committee members. The qualifications, vacation and the process of filling of vacancies are provided for under the regulations

• **Application for registration:** The community land management committee will then apply to the registrar for registration of the community.

• **Registration:** The registrar will consider an application for registration and may issue a certificate of registration in the name of the community. Upon registration, the community named in the certificate of registration becomes a body corporate with all the powers and responsibilities attendant thereto.

• **Office bearers:** The persons elected as members of the Community Land Management Committee will now become the officers of the community with various functions including to manage and administer registered community land on behalf of the respective community and to coordinate the development of community land use plans in collaboration with the relevant authorities.

**Procedure for registration of community land from group ranches**

Section 47 of the Community Land Act requires all registered group ranches to seek fresh registration and transform themselves into communities in accordance with the Act. To convert from the group representatives to registration under the Community Land Act 2016, the following process will be followed as per the Community Land Regulations, 2017;

• **Inventory:** The Cabinet Secretary will ensure that there is an inventory of all land held under the repealed Land (Group representatives) indicating their status and forward it to the registrar

• **Notice:** Upon the commencement of these regulations, the registrar is required to notify the group representatives and their members of the requirement to convert into a community
• Timelines for application: Within twelve months of the commencement of the regulations, the groups are required to make an application to register as a community
• Effect of Conversion: Upon issuance of certificate of registration, the community's particulars and interest are to be entered in the register in accordance with the Land Registration Act, 2012 and thereafter a certificate of title or lease will be issued.
• Surrender of current titles: Before issuing certificate of title or lease, the registrar will require the surrender of the existing title document and certificate of incorporation issued under the Land (Group Representatives) Act for cancellation. If the titleholder does not comply, the title documents will be deemed cancelled at the expiry of thirty days.

Unregistered Community Land
County governments shall hold in trust all unregistered community land on behalf of the communities for which it is held. The respective county government shall hold in trust for a community any monies payable as compensation for compulsory acquisition of any unregistered community land. Upon registration of community land, the respective county government shall promptly release to the community all such monies payable for compulsory acquisition. Any such monies shall be deposited in a special interest earning account by the county government. The respective county government shall transfer the amount and the interests earned to the communities as may be prescribed.

3.3.8 The Valuers Act, 2010
Valuation of land is a critical aspect of compulsory acquisition practice and compensation. The National Land Commission based on land valuation determined by registered valuers will make compensation awards. Besides, the Valuers Act establishes the Valuers Registration Board, which regulates the activities and practice of registered valuers.

The Valuers Act provides for the registration of Valuers and the regulation of the valuation profession and practice in Kenya. Clause 21 prohibits any person who is not a Registered Valuer and whose name does not appear in the register to prepare and submit a valuation report. The importance of these provisions is that a valuation report prepared by a person or firm not registered under the provisions of Clause 21 is invalid and cannot be used for the basis of compensation.

The provisions of this Act were relevant to the proposed project and RAP process. An independent, registered Valuer will be used for the purposes of returning independent land valuations that will inform the compensation process for land.
3.3.9 The Land Value (Amendment) Act, 2019

The Land Value (Amendment) Act (hereinafter referred to as the “Act”) was assented to on 2nd August 2019 and came into force on 19th August 2019. It amends three pieces of legislation including the Land Act, the Land Registration Act and the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act. This Act introduces key provisions on the assessment of the value of land acquired compulsorily, the Act goes further to outline the forms of compensation. The Act also establishes a Land Acquisition Tribunal to hear and determine issues arising from the land acquisition process. Another commendable provision is amendment to the Land Registration Act which gives the Land Registrar the power to impose restrictions on any transactions on land that is the subject of compulsory acquisition.

*The provisions of this Act were relevant to the proposed project and land acquisition process. The land acquisition tribunal has been established to address issues arising from land acquisition process.*

3.3.10 Public Procurement and Disposal Act 2015

This ACT of Parliament is in line with Article 227 of The Constitution; to provide procedures for efficient public procurement and for assets disposal by public entities; and for connected purposes ENACTED by Parliament of Kenya. The purpose of the Act is to promote competition and ensure that competitors are treated fairly; to promote the integrity and fairness of those procedures; to increase transparency and accountability in those procedures; and. to increase public confidence in those procedures. The Act covers public procurement and asset disposal system in the entire public sector at both levels of Government. It applies to procurement planning, procurement processing, contract management, inventory and asset management and disposal of assets as well as compliance and enforcement mechanisms.

*The provisions of this act will be followed during land acquisition using willing buyer willing seller basis in land acquisition for the substations.*

3.10 African Development Bank Policies

3.10.1 AfDB Integrated Safeguard System

To better articulate its safeguard policies while improving their clarity, coherence and consistency, the Bank has developed an Integrated Safeguards System (ISS). The ISS builds on the two previous safeguard policies: Involuntary Resettlement (2003) and Environment (2004) and on three cross-cutting policies and strategies: Gender (2001), the Climate Risk Management and Adaptation Strategy (2009) and the Civil Society Engagement Framework (2012). It also builds on the Bank’s sector policies: Health (1996), Integrated Water Resources Management (2000), Agriculture and Rural Development (2000, 2010), and Poverty Reduction (2004). It brings these policies and strategies into a consolidated framework that is intended to enhance the effectiveness and relevance of the Bank’s work.
The ISS is designed to promote the sustainability of project outcomes by protecting the environment and people from the potentially adverse impacts of projects. The ISS consists of four interrelated components:

- the Integrated Safeguards Policy Statement
- the five Operational Safeguards.
- the ESAPs
- and the IESIA Guidance Notes

One of the key components is Operational Safeguards (OSs). Operational Safeguard 2 on Involuntary Resettlement: Land Acquisition, Population Displacement and Compensation, clearly states that “It seeks to ensure that when people must be displaced they are treated fairly, equitably, and in a socially and culturally sensitive manner; that they receive compensation and resettlement assistance so that their standards of living, income earning capacity, production levels and overall means of livelihood are improved, and that they share in the benefits of the project that involves their resettlement.”

OS 2 states that “This Operational Safeguard (OS) 2 should also be taken into account when a project requires the temporary relocation of people. In that case, the resettlement activities should be subject to consideration and criteria that are consistent with this OS, while considering the temporary nature of the displacement. The objectives would be to minimize disruption to the people affected, avoid irreversible negative impacts, provide satisfactory temporary services and where appropriate compensate for transitional hardships.

It further states that open, inclusive and effective consultation with local communities shall be guided by and include the following elements which stem out of United Nations Basic Principles on Development-Based Evictions and Displacement (2007):

- Appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives;
- Effective dissemination by the authorities of relevant information in advance, including lands records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups;
- A reasonable time period for public review of, comments on, and/or objection to any options of the proposed plan;

Opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and, Holding of public hearings that provide affected persons and/or their legally designated representatives with the opportunities to challenge the eviction design and process, and/or to present and discuss alternative proposals and articulate their demands and development priorities.’

It states that “Broad Community Support” (BCS) is considered by the Bank as a key principle and an achievement which should demonstrate that borrowers and clients have been able to
achieve openness, transparency, and inclusiveness in decision making about the project, and that genuine efforts to maximize benefits to communities and reduce any harmful impacts have been made. The Bank therefore requires that borrowers and clients fulfil the following:

- Ensure that BCS is obtained for projects that may significantly adversely impact local communities by accurately identifying and characterizing risks;
- Appropriately inform local communities that a BCS requirement is embedded in the Bank’s policy and procedures and ensure that they can access any guidance available on how BCS should be implemented; and,
- Provide and insert into the project appraisal document an explicitly written statement embodying the agreements reached from the negotiations with affected people as a guarantee that consultations were conducted in a meaningful way.

In addition, it requires The borrowers or client carries out a comprehensive socio-economic Survey in line with international standards for social and economic baseline studies as agreed to in the environmental and social assessment process—including a population census and an inventory of assets (including natural assets upon which the affected people may depend for a portion of their livelihoods). This survey identifies the people who will be displaced by the project; all the relevant characteristics of those people, including conditions of vulnerability; and the magnitude of the expected physical and economic displacement. The baseline survey include gender and age-disaggregated information pertaining to the economic, social and cultural conditions of the affected population.

As early as possible in the resettlement process, the borrower or client works with informally constituted local committees made up of representatives from key stakeholder groups and, in particular, vulnerable communities to establish a culturally appropriate and accessible grievance and redress mechanism to resolve, in an impartial and timely manner, any disputes arising from the resettlement process and compensation procedures.

The above articles together with the ISS provides guidance on procedures for displacement and resettlement in AfDB funded projects.


The primary goal of the AfDB Involuntary Resettlement Policy is to ensure that when people must be displaced by the AfDB financed projects, they are treated equitably and that they share in benefits of the Project that involve resettlements. In general, the Resettlement Policy is applicable where displacement of people is unavoidable and all other alternatives, which can minimize the impacts, are unavailable.

The following are the guiding principles of the Resettlement Policy:

(a) The borrower should develop a Resettlement Plan where physical displacement and loss of economic assets are unavoidable. The plan should ensure that
displacements are minimized and that displaced persons are provided with assistance prior to, during and following physical relocation.

(b) Compensation at full replacement cost for loss of lands and other assets should be paid prior to project implementation with the view to improve the former living standards, income earning capacity and production levels of the affected population. The improvement of living standards should also apply to host communities. In addition, needs of disadvantaged groups (landless, female headed households, children, elderly, minority ethnic groups, religious groups linguistic groups and so forth) must be at the centre of the development approach.

(c) Economic and social benefits should be taken into account in determining requirements for compensation. Under the Policy, only displaced populations having formal legal rights to lands, assets or those who can, under the country customary laws are considered and will be fully compensated for loss of land or assets.

(d) Displaced persons and host communities should be meaningfully consulted early in the planning process and encouraged to participate in the planning and implementation of Resettlement Program. Displaced persons should be informed on their options and rights pertaining to resettlement. They should be given genuine choices among technically and economically feasible resettlement alternatives.

(e) Re-settlers should be integrated socially and economically into host communities so that adverse impacts on host communities are minimized.

(f) Particular attention should be paid to needs of disadvantaged groups among those displaced, especially those below the poverty lines, the landless, the elderly, women, children as well as ethnic, religious and linguistic minorities including those without legal title to assets and female headed households. Appropriate assistance should be provided to help these groups to cope with dislocation and improve their status. Provision of health care services particularly to pregnant women and infants may be important during and after relocation to prevent the increase in morbidity and mortality due to malnutrition, the psychological stress of being uprooted and the increase in risk of diseases.

(g) Displaced persons should be compensated for their losses at full replacement costs prior to their actual move or before taking of land related assets or commencements of project activities, whichever occurs first.

(h) The total cost of the project as a result should include the full cost of all resettlement activities factoring in loss of livelihoods and earning potential among the affected persons. Such attempt to calculate the total economic cost should also factor social, health, environmental and psychological impacts of the projects and displacements, which may disrupt productivity as well as social integration.
The African Development Bank has actively led on gender issues since the 1980s, developing and implementing strategies and tools to systematically integrate gender considerations into the Bank's operations as well as targeted initiatives. The Bank's 2021-2025 vision for gender equality and women and girls' empowerment is to transform the continent's key sectors into grounds of accessible opportunities where women, girls, men and boys, regardless of their background, enjoy equal access and control over productive resources and benefit from supportive infrastructure and services to thrive.

The Board of Directors of the African Development Bank has approved a new Gender Strategy for 2021-2025: "Investing in Africa's women to accelerate inclusive growth." The strategy, approved on 11 December 2020, seeks to strengthen the Bank's commitment as a leader on the continent, to reach gender equality and women and girls' empowerment in Africa. To bridge the existing gaps hindering women's contribution to development, the Bank is addressing obstacles to inclusive economic and social transformation for women across Africa.

The Gender Strategy 2021-2025 is anchored on three pillars that support the Bank’s priorities to promote transformative gender equality and women and girl's empowerment and accelerate economic and social development in regional member countries (RMCs). These pillars are:

- **Pillar 1: Empowering women through access to finance and markets:**
  This first pillar focuses on enhancing access to finance and technical assistance to women entrepreneurs in business model development, financial and business planning, to transform them into productive and competitive enterprises. The Affirmative Finance Action for Women in Africa (AFAWA) flagship initiative, led by the African Development Bank, is key to achieving this pillar as it seeks to unlock $5 billion over five years to support women's small and medium enterprises. The Bank will also dedicate efforts to creating opportunities for women in the non-financial sectors.

- **Pillar 2: Accelerating employability and job creation for women through skills enhancement:**
  This second pillar aims to increase access to relevant skills and jobs for women by considering the need to introduce more women to science, technology, engineering, and mathematics fields while leveraging technology to enhance access to skills and information.

- **Pillar 3: Increasing women's access to social services through infrastructure:**
Under the third pillar, the Bank will seek to influence gender-responsive quality infrastructure development to guarantee women have adequate access and positively benefit from infrastructure projects as stakeholders, workers and end-users.

Through this new Gender Strategy, the Bank will capitalize on its longstanding experience, leadership and convening power as well as building on its comparative advantage to achieve maximum impact on the ground.

3.10.3 AfDB Group’s Policy on Disclosure and Access to Information

The Bank believes that the sharing of information on its operations nurtures openness and transparency that are crucial to its mandate which, as set out in the Agreement establishing the African Development Bank, is contributing to sustainable economic development and social progress of its regional member countries individually and jointly. The formulation of a revised Information Disclosure Policy has therefore been given high priority by Management, with the goal of meeting transparency requirements, the needs of the Bank Group’s shareholders and other stakeholders, and the standards set by partner institutions in developing similar policies of their own. The new Policy has a number of new elements including introduction of an appeals mechanism; increased project level information; provision for simultaneous disclosure; and enhanced access to a broad range of stakeholders through strengthened implementation modalities.

The revised Policy constitutes a major shift in the information that the Bank Group may disclose - from a policy that listed which information would be made available, to one that allows disclosure of any information in the Bank Group’s possession as long as it is not on a list of exceptions. It is anchored on the principles of: (i) Maximum disclosure; (ii) Enhanced Access; (iii) Limited list of exceptions; (iv) A Consultative Approach; (v) Pro-active disclosure; (vi) Right to appeal; (vii) Safe-guarding the deliberative process; and (viii) Provision for review.

3.11 Gap Analysis of Kenyan National Laws vis-à-vis AfDB Resettlement Policy

Any site-specific Resettlement Action Plan for the sub-projects has to be consistent with Kenyan laws and AfDB Policy, whichever is highly stringent. A gap analysis was undertaken in order to measure difference between Kenyan laws and the AfDB Policy requirements. The table below provides a summary comparison of legal and international requirements including variations with Kenyan legislation. Where there is a difference between the two, the higher standard will prevail.

3.12 Similarities between the Government of Kenya (GoK), and AfDB Resettlement Policy

From analysis undertaken above, the GoK, and AfDB Resettlement Policy requirements are found to converge on the following points: -
- Assistance to the affected people to living standards, capacity for income generation, and production levels, to at least to restore to their former levels
- Participation of all stakeholders
- Consultations with project affected persons at every stage
- Grievance redress mechanisms for project-affected persons

The table below provides a summative comparative analysis of the AfDB Resettlement Policy and the Kenyan Law context.
### Table 12: Comparison of Kenya and AfDB Resettlement Policy on Resettlement and compensation

<table>
<thead>
<tr>
<th>Category of PAPs/ Type of Lost Assets/issue</th>
<th>Kenyan Law</th>
<th>AfDB Policy Guidelines</th>
<th>Existing Gaps and/or Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Justification for displacement</strong></td>
<td>The IDP Act and the Constitution protect every human being against arbitrary displacement. However, compulsory acquisition and associated displacement is justifiable for public purpose or in the public interest, and in the Land Value Amendment Act cannot be construed as arbitrary displacement as long as carried out as set by law.</td>
<td>Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs</td>
<td>AfDB policy prevails for exploration of all possible alternatives for minimising displacement</td>
</tr>
<tr>
<td>Land Owners (loss of land)</td>
<td>The Land Act 2012 provides that people eligible for compensation for land are those holding land tenure rights. The Land Value (Amendment) Act, 2019 also recognises payment in good faith for those holding land lwafully which is ancestral or traditionally occupied pending adjudication.</td>
<td>Recognizes those who have legal right as well as those whom may not have formal legal rights to land or other assets but can prove that they have a claim that would be recognised under the customary laws of the country.</td>
<td>Not much difference. Legal owners with formal rights as well as those with customary rights will receive full replacement value for their land. For substation land will be acquired and paid full replacement value.</td>
</tr>
<tr>
<td>Category of PAPs/ Type of Lost Assets/issue</td>
<td>Kenyan Law</td>
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<tr>
<td>Fair and just compensation which could be in form of cash compensation or Land for Land</td>
<td>The policy recommends payment for compensation be land for-land or at replacement cost</td>
<td>Preference for land for land (especially for farming communities) but PAPs to be given choice between land and replacements values in cash</td>
<td></td>
</tr>
<tr>
<td>The constitution and Land value Amendment do not recognise those occupying land illegally or person unlawfully occupying any land without the consent of the owner. Occupant in good faith does not apply here.</td>
<td>Entitled to resettlement assistance in lieu of compensation for land to improve their former living standards (compensation for loss of livelihood activities, common property resources, structures and crops, etc.)</td>
<td>National law does not recognize compensation entitlements for encroachers. However, the lenders policies recognize that encroachers qualify for resettlement assistance in lieu of compensation. Recommendation is for lenders policies to set a precedent i.e. Are to be provided supplementary assistance</td>
<td></td>
</tr>
<tr>
<td>Contractual agreement between the landlord and tenant</td>
<td>Provides for rent compensation, disturbance and assistance</td>
<td>There is a conflict between the two and the AFDB policy to be applied</td>
<td></td>
</tr>
</tbody>
</table>
| Business Owners | Loss of earnings/profit is considered based on availability of evidence. | Provides for compensation and assistance | Kenyan Law requires that evidence to be produced prior to
<table>
<thead>
<tr>
<th>Category of PAPs/ Type of Lost Assets/issue</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Structure owners (permanent and temporary structures)</td>
<td>The constitution of Kenyan respects the right to private property and in case of compulsory acquisition; ‘just compensation’ must be granted to the owner for the loss of buildings. Land Value Amendment Act recognises that all improvements on land shall be compensated as long as they existed as at the date of the notice of intention to acquire the land</td>
<td>Provides for compensation and assistance regarding loss of assets (including loss of structures and assets of cultural, spiritual, and other social importance)</td>
<td>Both policies recognise need to compensate for structures/improvements on the land regardless of land ownership status. All structures to be compensated fully</td>
</tr>
<tr>
<td>Vulnerable groups</td>
<td>Particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and</td>
<td>The Constitution calls for the protection of the interests of certain categories of persons. This</td>
<td>All vulnerable groups to be considered without discrimination</td>
</tr>
<tr>
<td>Category of PAPs/ Type of Lost Assets/issue</td>
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<tr>
<td>children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.</td>
<td>includes youth, persons with disabilities, minorities and marginalized group to ensure they participate in all spheres of life.</td>
<td>AfDB policies stipulate provision for livelihood restoration and preferably improvement. Recommendation is for Livelihood restoration measures to be considered as pertinent.</td>
<td></td>
</tr>
<tr>
<td>Livelihood restoration and development assistance</td>
<td>Not specific on livelihood.</td>
<td>Ensures that overall means of livelihood is restored or improved beyond pre-project levels</td>
<td></td>
</tr>
<tr>
<td>Relocation and compensation procedures after compensation</td>
<td>Land Act provides for a notice to take possession of land after compensation.</td>
<td>Compensation and resettlement assistance that ensures improvement in standards of living, income earning capacity, and overall means of livelihood. The affected populations and host communities are provided with support before, during, and after relocation, for a transition period that</td>
<td>Kenyan law does not provide specifically support after the compensation period apart from the 1 month relocation period. Recommendation: Affected persons are to be offered support after displacement, for a transitional period and adequate notice to be issued for the PAPs</td>
</tr>
<tr>
<td>Category of PAPs/ Type of Lost Assets/issue</td>
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<tr>
<td>Economic displacement</td>
<td>The Kenyan law has no provision for compensation is respect of economic displacement</td>
<td>recognises both physical and economic displacement.</td>
<td>Provide for mitigation of economic displacement to restore livelihoods</td>
</tr>
<tr>
<td>Timing of compensation payments</td>
<td>The Land Act provides for prompt, just compensation before the acquisition of land</td>
<td>Any payments due provided to the affected population are promptly before impact or displacement.</td>
<td>Recommendation entails timely payment of compensation to those affected prior to displacement.</td>
</tr>
<tr>
<td>Consultation and disclosure</td>
<td>The Constitution is particular on consultation and disclosure on projects</td>
<td>Greater public consultation and participation by</td>
<td>No evident gap between Kenyan law and lenders policies.</td>
</tr>
<tr>
<td>Category of PAPs/ Type of Lost Assets/issue</td>
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<tr>
<td><strong>Grievance Redress Mechanism</strong></td>
<td>The Land Act outlines procedures for consultation with affected population by the NLC and grievance management procedures</td>
<td>communities and local stakeholders is necessary for any project. Disclosure of RAPs is a must.</td>
<td>Recommendation is for adequate consultations including information disclosure is necessary for success of this process.</td>
</tr>
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<td></td>
<td>Land Act 2012 clearly outlines the steps and process for grievance redress that includes alternative dispute resolution, renegotiation with NLC and is backed by the judicial system through the Environmental and Land Court</td>
<td>The Bank ensures that clients establish credible and independent local grievance and redress mechanisms to help resolve affected people’s grievances and concerns regarding the environmental and social impacts of the project</td>
<td>No evident gap between Kenyan law and lenders policies. Recommendation entails the formation of an appropriate grievance redress mechanism is required</td>
</tr>
<tr>
<td><strong>Socioeconomic survey, Resettlement Plan</strong></td>
<td>No legal basis and procedures, But survey of land to be acquired required, and establishment of persons with an interest in that land.</td>
<td>Resettlement plans should be based on recent information about the scale and impact of resettlement on the displaced population, including socio-economic</td>
<td>Both adopted. In addition, RAP must be prepared.</td>
</tr>
<tr>
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<tr>
<td>Monitoring and Evaluation of resettlement implementation</td>
<td>The Land Act refers to NLC as the responsible party in implementation of acquisition. The NLC however cannot be taken as independent party given it acts on behalf of the national and county government. – They represent the states interests. The IDP Act requires the presence of a Government official when the displacement and relocation is effected and the monitoring by an independent body. No provisions for monitoring after the acquisition.</td>
<td>requires arrangements for monitoring and evaluation of resettlement activities by the implementing agency to be supplemented by independent monitors’ objective information and performance</td>
<td>Bank policy prevails to ensure monitoring beyond the acquisition and RAP implementation.</td>
</tr>
</tbody>
</table>
CHAPTER FOUR: POTENTIAL IMPACTS AND PROJECT AFFECTED PERSONS

This RPF considers project affected people as those who stand to lose, as a consequence of the project, all or part of their physical and non-physical assets, including homes, communities, productive lands, resources such as forests, range lands, or important cultural sites, livelihood, commercial properties, tenancy, income-earning opportunities, and social and cultural networks and activities. Such impacts may be permanent or temporary. The kinds of sub-project activities to be undertaken are anticipated to have minimal adverse social risks and all effort will be taken to site activities in such a way as to avoid the physical relocation of people.

The RPF ensures that any possible adverse impacts of LMCP Phase III sub projects activities are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. These risks can be minimized by:

- Avoiding displacement of people;
- Minimizing the number of PAPs, to the extent possible;
- Compensating for losses incurred and displaced incomes and livelihoods where impacts are fully unavoidable; and
- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and their wellbeing.

4.1 Project Activities likely to cause displacement impacts

The main project activities likely to cause displacement of persons/livelihood/assets include acquisition of Right of Way (ROW) for sub stations. It is not anticipated that any land will be acquired for Cable Stringing. Majority of the lines will be installed in existing way leaves as the project is focused on last mile connections. In this regard however, it is expected that persons earning a living from the wayleaves e.g. through small businesses operational on existing way leaves may be affected, especially since some of the works will be undertaken in urban/repi-urban areas. Distribution line operation and maintenance of the lines and sub statations is not expected to result in any displacement or resettlement impacts.

4.2 Types of Impacts Anticipated

Involuntary resettlement, if left unmitigated, normally gives rise to severe economic, social, and environmental risks. People face impoverishment when their productive assets or income sources are lost, and social networks are weakened. Some of the impacts of resettlement, if not mitigated, include: (a) Landlessness (b) Joblessness (c) Homelessness (d) Marginalization (e) Increased morbidity and mortality (f) Food insecurity (g) Educational loss (h) Loss of access to common property and (i) Social displacement and Poverty.
4.2.1 Beneficial Impact

Preliminary data collected for the Last Mile project indicates that Kenya Power has a total of 34,899 distribution transformers across the country. Majority of the transformers have varied lengths of low voltage network emanating from them some of which pass close to ready and potential customers. The assessment done indicates further that the company has potential for connecting approximately 472,002 households that are within 600metres of the existing transformers. The estimated number of targeted customers (by metres installation) with the available funding from AfDB will be 193, 443. This translates into an estimated 851,149 people as direct beneficiaries accessing electricity at the current national household size of 4.4.

Electricity access will replace kerosene lamps which are expensive to operate. Kerosene is costly both for low income households that buy it, and for governments that subsidize it. In parts of Africa, for instance, kerosene costs make up 10-25% of household monthly budgets according to a report by Lighting Africa market trends report 2013. A study on Energy Kiosks for Lighting up Kenya presented in at Light Africa conference 2010 found that on average a family spends about 750 per month for lighting kerosene. Empirical data presented by Kenya National Bureau of Statistics found 2013 indicates that a family consuming about 50kw/h of electricity which is mainly domestic paid a bill of Kshs 586 in February 2012, Kshs 568 in January 2013 and 564 in February 2013 which gives an average bill of Ksh 572. Comparing these two costs of consumption electricity bills seem to be cheaper than using kerosene for lighting by about Kshs 128. Therefore the Last Mile Connectivity Project means greater savings on the part of the households. These savings can be put into more productive use.

4.2.1.1 Employment and wealth creation

According to the Kenya Economic report of 2013 by Kenya Institute for Public Policy and Research Analysis (KIPPRA), the Kenyan economy has faced various shocks and challenges resulting in high cost of living and below-target growth rates. Consequently, the overall poverty levels increased from 48.8 per cent in 2007 to 50.8 per cent in 2008 before declining marginally to 49.8 per cent in 2012. The employment rate (proportion of employed persons to the working age population) is about 69.2%.

The Last Mile Connectivity project will have a positive impact on both direct and indirect employment levels in the country although the bulk of them will be on temporary basis since the project has a timeframe. Based on an estimate of connecting a customer who is 600m away and requiring about 12 poles, it will take about 192-person hours. According to the preliminary estimate by the engineers each household will require an average of 1.8 poles which is basically 2 poles to be connected. Therefore, connecting each household will require 32 person-hours on average. Consequently connecting 128, 961 households will require 4,
126,752-person hours. These job opportunities will be made available to the locals thereby easing unemployment in the country. In addition, this will translate into incomes at the household levels which will trigger other spending and demand in the local economy.

4.2.1.2 Local Material Supplies
Another positive impact of the project involves local material sourcing mainly sale of wooden poles for use in the project. An estimated 237,359 wooden poles will be required for the project according to the preliminary engineer’s estimates. Most of the poles about 80% are sourced locally while the rest come through importation. Transportation costs makes sourcing of poles locally more cost effective than importing. This project is not likely to be an exceptional in pole sourcing. Therefore, going by the estimate of 80% local sourcing, the local farmers will benefit by selling about 189,887 poles. This translates into Kshs 664,605,200 using a farm-gate price of Kshs 3,500 per wooden pole for this kind of a project. The stated amount does not include labour and transport costs for the poles which will also be a benefit to the local people. Therefore the project will generate new income revenues for the local population across the country. The new income revenues received will create demand for other goods and services causing a trickledown effect to the entire economy.

4.2.1.3 Connection payment model
From a social point of view, the Last Mile Connectivity Project should respond to the challenge of paying for connection charges upfront by utilizing a deferred mode of payment for the connection charges. A deferred model of payment has been used in the company before and is commonly referred to as Stima Loan. Stima Loan is a Kenya Power initiative in partnership with the French Development Agency (AFD) through the Government of Kenya. It aims at connecting low-income families that cannot afford the connection fees upfront by giving them loans. More than 49,000 Kenyans have benefitted (May, 2014) from the loan scheme with customers paying 20% upfront with the balance payment spread out over a period of 24 months. According to the Engineers preliminary estimates the average cost of connecting one household under the Last Mile connectivity project is $ 1,047 equivalent to about Kshs 91,089.

4.2.1.4 Social Inclusion
The national grid mainly serves the large urban areas and the relatively high population density rural areas. Large parts of the country, particularly in the northern part of the country, remain off-grid due to having only 7% of the country’s total population. There are currently eight off grid counties in the country, namely Garissa, Lamu, Wajir, Mandera, Marsabit, Tana River, Turkana and Isiolo according to KPLC. The 14 existing Off-Grid power stations are owned by the Government of Kenya under the Rural Electrification Programme and are managed by Kenya Power. With a total capacity of 17MW, the total energy generated
by the off-grid diesel power plants is relatively low, and for the year 2012/13 amounted to just 0.4% of the total electricity sales in the country.

The Last Mile Connectivity Project aims at scaling up access of electricity to all socio-economic groups of the country. This is in line with the tenets of social inclusion which the World Bank defines as the process of improving the terms for individuals and groups to take part in society. Further, Social inclusion aims to empower poor and marginalized people to take advantage of burgeoning global opportunities. It ensures that people have a voice in decisions which affect their lives and that they enjoy equal access to markets, services and political, social and physical spaces.

According to the preliminary project design, the Last Mile Connectivity Project demonstrates this by making a 100% apportionment i.e. connection to households in off grid station counties which is not the case in other counties. There is a deliberate effort to apply equity by ensuring counties with low penetration benefit the most. Consequently, the counties which hold low penetration and which also exhibit higher poverty levels will get 100% coverage. These are Garissa, Lamu, Mandera, Marsabit, Tana River, Isiolo, Turkana with only Wajir getting 75% coverage. The fact that the Last Mile Connectivity project will cover the off grid areas at a 100% despite their low sales in electricity is a demonstration that the project is keen on social inclusion.

4.2.1.5 HIV/AIDS

Kenya Power’s HIV/AIDS policy underscores the fact that HIV/AIDS has no cure and the only way to stop its spread is through attitudinal and behavioral changes as well as management that can be secured effectively through education (awareness and information campaigns). One of the positive impacts of this project will be disseminating of HIV and AIDS information to communities and workers who otherwise would not have had the correct information on three levels:

a) In Direct beneficiaries of the project i.e. those who will be connected will have the benefit of health education messages through use of radios and TV as using electricity to power these gadgets is more reliable. Benefits are higher because the beneficiaries will be able to access HIV/AIDS information that is reliable and which comes from time to time as they can use the TV and radios at will. The beneficiaries will also benefit from expert’s opinion on the pandemic such as listening to doctors and nutritionists regarding HIV/AIDS including listening to doctors on the issues.

b) The other method of disseminating HIV/AIDS information during project implementation will be through the contractor. The contactors will be expected to disseminate information to the workers as part of their daily tool box talks. This will reach more people as the project is being implemented country wide.
c) During the Environment Impact Assessment for other projects the Safety Health and Environment department disseminates HIV/AIDs to the public during public consultations meetings.

4.2.1.6 Health benefit of the project
According to the 2009 population census access to electricity stood at 23%, while 31% used lantern lamps and 39% was using tin lamps for lighting. This indicates that 70% of the population was using kerosene for lighting. Although access to electricity has improved a majority of Kenyans are still using kerosene for lighting. This poses health problems as reported by World Bank report 2008 on the Welfare of Rural Electrification. The report notes that kerosene lamps emit particles that cause air pollution; these are measured by the concentration of the smallest particles per cubic meter (PM10). Burning a liter of kerosene emits PM51 micrograms per hour, which is just above the World Health Organization 24-hour mean standard of PM10 of 50 micrograms per cubic meter. But these particles do not disperse, so burning a lamp for four hours can result in concentrations several times the World Health Organization standard. The health risks posed by this indoor air pollution mainly include acute lower respiratory infections, but also low birth weight, infant mortality, and pulmonary tuberculosis. Additionally, available data suggest that insufficient illumination (low light) conditions can cause some degree of eye strain, and reading in these conditions over long periods of time may have the potential to increase the development of nearsightedness (myopia) in children and adults. The Last Mile project will result in many families replacing kerosene lamps for lighting with electricity thereby reducing disease burden at the family level and on the government.

4.2.1.7 Benefits to education
Access to electricity at the household level and schools will create opportunities for children to study. For example children from households with electricity have an advantage because they have more time for study and doing homework in the evening as opposed to children from households without electricity. This benefit will in the end translate to better results. Additionally children in households with electricity can also access T.V. which gives them an advantage of benefiting from education programs being aired through such communication channels. Appropriate lighting through electricity will provide school going children in homes an opportunity to study after household chores especially girls who have to assist their mothers in preparing dinner.

4.2.1.8 Improved standard of living
The implementation of this project will result in connecting about 851,149 beneficiaries to the national grid. Access to electricity will change the standard of living of the people as they can use domestic appliances like iron boxes, fridges, television sets, washing machines to
mention but a few. Use of electricity for lighting implies that the people will not be exposed to smoke arising from use of kerosene lamps which predisposes people to respiratory diseases.

4.2.1.9 Increase in Revenues
The implementation of the project will boost income streams accrued from increased sales of electricity to KPLC in the long run. Though not in the short term, these revenues will go to system reinforcement to ensure reliable quality supply while some of it goes to the government as taxes which results in improvement in service provision by the government to its citizens.

4.2.1.10 Security
There will be enhanced security in the country arising from well-lit social, commercial and individual premises. With the implementation of the project, the level of security will increase across the country. This is as a result of more security lights which helps keep off opportunistic crimes and gender based violence.

4.2.1.11 Communications
Access to electricity will lead to improved communication for the beneficiaries. This will be enabled by the fact that charging of mobile phones will be easier and cheaper. Access also to mass media like radio and T.V will provide opportunity for the households to access a wide range of information which is useful for decision making. Some of information beneficiaries receive include: information on markets, farm inputs, crop management and local affairs, nutrition, diseases, investments and entertainment among others.

4.2.1.12 Gender Considerations
The vision of National Gender and Equality Commission is “A society that upholds gender equality, dignity and fairness for all”. The Commission is guided by a mission “To effectively and efficiently promote gender equality and freedom from discrimination of all persons in Kenya”. Kenya Powers Gender mainstreaming policy is in line with the NGEG Vision and Mission. The company’s gender vision is a world class power provider that is free from inequality and discrimination. The gender mission is promoting gender equality in powering people for better lives.

Electricity is a basic service especially for lighting but is still a luxury for many rural women and men. Access to modern electricity will go a long way towards alleviating the daily household burdens of women, giving them more time, improving their health and enhancing their livelihoods. The Last Mile Project will increase access to electricity across the whole country. Available literature on gender and energy suggests that providing electricity to communities and homes and motive power for tasks considered women’s work can promote
gender equality, women's empowerment, and women's and girls' access to education, health care, and employment.

This project will not be an exceptional. Indeed, most gender benefits of the project will occur because women tend to spend more time at home, are responsible for household chores that can be carried out more productively with electricity, and because certain tasks are culturally defined as women's work. Majority of the beneficiaries will use the electricity mainly for lighting and powering low energy gadget such as TV, radio, phone charging, refrigeration and to some extent ironing and cooking. In general, lighting and TV are the first common uses of electricity, accounting for at least 80% of rural electricity consumption according to a working paper on Energy Gender and Development of the World Bank 2012. The first and strongest impacts of the project shall occur via lighting and TV. Electricity will definitely displace more expensive candles and kerosene lamps, thereby reducing indoor air pollution, fire, burn risk and providing higher quality light. Women and girls will benefit more from air pollution of kerosene lamps because they spend more time in the kitchen.

Lighting and television will improve access to information, the ability to study, and extend the effective working day. This is more so because children can have extended time of study. The women will also benefit more due to access of information especially on health and nutrition since they also spend more time at home. The project will also enhance security in the rural areas as most homes will be lit up, a benefit that is more appreciated by women. Access to modern electricity will go a long way towards alleviating time drudgery spent on activities such looking for firewood and other the daily household burdens of women, giving them more time to spend on productive activities, improving their health and enhancing their livelihoods. Available literature on gender and energy suggests that providing electricity to communities and homes promotes gender equality, women’s empowerment, and women’s and girls’ access to education, health care, and employment. Lighting and television will improve access to information, the ability to study, and extend the effective working day. This is more so because children can have extended time of study. The women will also benefit more due to access of information especially on health and nutrition since they also spend more time at home. The project will also enhance security in the rural areas as most homes will be lit up, a benefit that is more appreciated by women. All women headed household will be considered for connection and the contractor will ensure a third rule shall be applicable to women for all oppournities that comes along with the proposed project. With the implementation of the project, the power supply will be stable and reliable hence more customers will be connected to the system. The women and men under power supply will engage in income generating activities in order to improve their economic status.
4.2.2 Negative Impacts

The proposed project construction will entail connection of households, electricity metering, distribution lines and substations might displacement of people who have depended on the road corridor for their livelihoods. Others to be affected will include people with land ownership claims whose land will be compulsorily acquired for the substations and maybe for the distribution lines construction. The following are the negative impacts which are associated with the proposed project:

4.2.2.1 Land Take

The proposed improvements more so the distribution lines will be confined within the existing road reserve. KPLC does not anticipate to acquire any land for the wayleaves but limit the land use. However, for the substations the implementing agency will acquire land.

4.2.2.2 Limit of land use

The following restrictions will apply during operations to ensure access for the maintenance of the distribution lines and substations:

- Crop trees: planting of trees is not allowed inside the distribution line corridor.
- These restrictions will result in reduced areas available for cultivation and other livelihoods.
- The permanent especially for the substations land take and restrictions to trees is a direct negative impact which is permanent in nature. The amount of land where restrictions will apply are relatively small in the overall context of the land around the settlements.

Receptor sensitivity is considered high considering the level of dependence on agriculture and tree farming as the primary source of subsistence and livelihoods. The potential impact is therefore considered moderate.

The following Mitigation measures will apply as follows:

- Responsibilities will include monitoring and providing the necessary follow-up to support households to restore their livelihoods throughout the operations phase.
- The grievance mechanism established during the construction phase will be maintained during operations to ensure that local communities and stakeholders have an adequate channel to voice concerns.

4.2.2.3 Loss of properties

Property loss can have a significant impact on individuals and communities due the proposed project is likely to occur. The following are the likely impacts of property loss:

- Financial Loss: Property loss can result in substantial financial implications. The value of the lost property, whether it is a home, personal belongings, or business assets, can
be significant. This can lead to financial strain, insurance claims, and the need to find alternative housing or replace essential items.

- **Emotional Distress:** Experiencing property loss can be emotionally distressing. People may feel a sense of grief, loss, and a disruption in their daily lives. The sentimental value assigned to personal belongings can make the emotional impact even more significant.

- **Displacement and Disruption:** Property loss may result in displacement, especially if it involves the destruction of a home or business premises. Displacement can lead to temporary or even long-term disruptions in terms of finding new housing, adjusting to new routines, and potentially having to relocate to a different area.

- **Practical Challenges:** Property loss often brings practical challenges. For example, individuals may need to replace important documents, such as identification cards or passports. Additionally, the loss of essential utilities or infrastructure can further complicate daily life and routine tasks.

- **Community Impact:** Property loss can also affect the wider community. In case of the proposed project affects the various properties it will impacted negatively. This can result in the loss of community spaces, social connections, and a sense of collective well-being.

It is essential to acknowledge and address these impacts by seeking support, both emotionally and practically from the project proponent.

### 4.2.2.4 Loss of structures

The structures that will be affected by the proposed project include the permanent structures, fences, temporary structures that are erected within the road reserve to provide shelter to the informal traders. Others include the kiosks where trading activities are carried out within the road corridor. Some of the kiosks are extensions of the private buildings abutting the road corridor.

### 4.2.2.5 Loss of business income

During the construction of the proposed project a number of informal businesses will be affected especially those operating along the road reserves where the project will be implemented leading to displacement and loss of business income. The project proponent will compensate the affected business as per AFDB policy.

### 4.2.2.6 Loss of agricultural crops and trees

The loss of agricultural crops and trees can have significant impacts on both local communities and the broader ecosystem. The following will be the impacts that will be associated with the loss of agricultural crops and trees;
• Economic Impact: Agricultural crops serve as a primary source of income for many farmers and communities. When crops are lost due to the proposed project, farmers can suffer substantial financial losses. This loss of income can lead to economic instability, poverty, and food insecurity in affected areas. Particularly it’s common to find people farming on road reserves.

• Food Security: Agricultural crops are a crucial component of the global food supply chain. When crops are lost, it can lead to food shortages and price hikes, impacting food security both locally and globally. Disruptions in the availability and affordability of agricultural products can have severe consequences, particularly for vulnerable populations that rely heavily on subsistence farming or limited food access.

• Environmental Impact: Trees play a vital role in maintaining ecosystem balance. They contribute to carbon sequestration, improve air quality, prevent soil erosion, and provide habitats for various organisms. When trees are lost due to the proposed project, it can lead to ecological imbalances, loss of income and the loss of biodiversity.

• Climate Change: Agricultural crops and trees play a role in mitigating climate change. Through photosynthesis, they absorb carbon dioxide and release oxygen, helping to counteract greenhouse gas emissions. When crops and trees are lost through the proposed project it leads to the diminish of the natural carbon sink and potentially exacerbating climate change impacts.

• Loss of Livelihoods: The loss of agricultural crops and trees can also result in the displacement of farmers and communities whose livelihoods depend on these resources. This can lead to social and economic upheavals, as people may be forced to migrate or seek alternative means of income.

To mitigate the impact of crop and tree loss, it is crucial to implement sustainable agricultural practices, promote reforestation efforts, invest in climate-resilient crops, and provide support systems and insurance schemes for farmers. Furthermore, raising awareness about the importance of conservation, sustainable land management, and climate change adaptation is essential for building resilience and protecting agricultural resources for future generations. The contractor will be advised to minimise tree cutting during the construction of the proposed project.

4.2.2.7 Loss of grazing land
The loss of grazing land can have minimal impacts especially during the construction phase on various aspects as highlighted below

• Economic impact: Grazing land provides a critical resource for livestock farming and ranching. A loss of grazing land can lead to reduced livestock productivity and higher production costs. This can result in economic losses for farmers and ranchers who heavily rely on grazing for their livelihoods.
• Environmental impact: Grazing land plays a crucial role in maintaining ecosystem balance. It supports a diverse range of plant and animal species, contributes to soil fertility, and helps with water filtration and retention. Loss of grazing land can lead to habitat loss, reduced biodiversity, and negative impacts on soil and water quality.

• Food security: Grazing land is essential for livestock production, which is a significant source of meat, milk, and other animal-based products. If grazing land is lost, it can result in reduced food production and potentially impact food security, especially in regions where livestock farming plays a vital role in the local diet.

• Climate change: Healthy grazing land can act as a carbon sink, helping to mitigate climate change. When vegetation on grazing land is destroyed or degraded, it can release stored carbon and contribute to greenhouse gas emissions. Loss of grazing land may, therefore, exacerbate climate change and its associated impacts.

• Social impact: Loss of grazing land can have social implications, especially for communities that depend on traditional livestock farming practices. It can disrupt their way of life, cultural heritage, and traditional knowledge related to livestock rearing. This can lead to social and economic challenges for these communities.

It is crucial to address and manage the loss of grazing land through sustainable land management practices, conservation efforts, and policies that support responsible grazing practices to minimize these impacts associated with the proposed project.

4.2.2.8 Loss of livelihood
The loss of livelihood due to a project can have significant impacts on individuals, families, and communities. Some potential consequences include:

• Economic Disruption: People may lose their main source of income, leading to financial instability and poverty. This can result in difficulty accessing basic necessities such as food, housing, and healthcare.

• Social Dislocation: Displacement from work can disrupt social networks and relationships. Communities that depend on a particular industry or project that is likely to be affected by the proposed project may experience a breakdown of support systems and face challenges in rebuilding their social fabric.

• Psychological Effects: Losing one's livelihood can have a profound psychological impact, including feelings of stress, anxiety, and loss of purpose. Individuals may also experience a decline in their mental and emotional well-being.

• Increased Inequality: The loss of livelihood can exacerbate existing socio-economic disparities, as marginalized groups and vulnerable populations are often more severely affected. This can lead to increased inequality within communities and contribute to wider societal issues.

• Environmental Consequences: Projects impacting livelihoods may also have unintended environmental consequences. For instance, if people are forced to engage
in unsustainable practices, it can lead to deforestation, pollution, or overexploitation of natural resources.

It’s crucial for project proponents to thoroughly assess and address potential negative impacts on livelihoods. Mitigation measures should be implemented to minimize harm, rerouting of the proposed electricity infrastructure, provide alternative livelihood opportunities and ensure that affected communities are adequately compensated and supported in their transition.

4.2.2.9 **Loss of community assets**
The implementation of the proposed project is likely to cause the loss of community assets which can have significant impacts on a community and its residents. Here are a few potential impacts associated with loss of community assets:

- **Disruption of Services**: Community assets such as schools, libraries, churches, community centers, parks, and healthcare facilities provide essential services to residents are likely to be affected by the proposed project. The loss of these assets can disrupt access to education, healthcare, social activities, spiritual nourishment and other vital services, leading to a decline in the quality of life for community members in the proposed project areas.

- **Economic Consequences**: If the community assets that often contribute to the local economy by attracting businesses, tourists, and investment will be affected by the proposed project. They will have the negatively impact to the economic development, leading to a decline in property values, loss of jobs, and decreased opportunities for local businesses.

- **Social Disruption**: Community assets play a crucial role in fostering social connections, promoting community engagement, and providing a sense of identity and pride. The loss of these assets by the proposed project will disrupt social networks, create a sense of loss and displacement, and weaken the social fabric of the community.

- **Health and Well-being**: Community assets, such as parks and recreational facilities, contribute to the physical and mental well-being of residents. The loss of these assets by the proposed project will result in a lack of access to outdoor spaces, exercise opportunities, and recreational activities, leading to a decline in health outcomes and overall well-being.

- **Displacement and Inequality**: The loss of community assets can disproportionately affect vulnerable populations, exacerbating existing inequalities. For example, if a community residential homes will be lost, it can lead to displacement, housing insecurity, and increased social and economic disparities within the community.
To mitigate the impacts of loss of community assets, it is important for the project implementing agency to compensate for the lost community assets by replacing them at an appropriate area that is agreeable by the community members. Additionally, the project proponent will undertake community involvement and engagement in decision-making processes related to rebuilding, revitalization, and asset replacement are crucial for ensuring that the needs and aspirations of community members are taken into account.

### 4.2.2.10 Loss of cultural assets (graves/shrines)

The loss of cultural assets like graves and shrines can have significant impacts on communities and societies. The following are the potential effects for the loss of culture:

- **Cultural Identity:** Graves and shrines hold immense cultural and historical significance, often representing the identities and beliefs of communities where the proposed project will be implemented across the 45 counties. Their loss can lead to a decline in cultural identity, as these assets are often integral to the collective memory and shared traditions of a community.

- **Intergenerational Knowledge:** Many graves and shrines hold the remains or artifacts of ancestors, making them crucial repositories of intergenerational knowledge and wisdom. When these assets are lost, valuable historical and cultural information can disappear, making it harder for future generations to understand and appreciate their heritage.

- **Spiritual Beliefs and Practices:** Graves and shrines often serve as sacred sites in the African setup, playing a role in religious and spiritual practices of various cultures. Their destruction or loss can disrupt these practices, affecting the spiritual wellbeing and connection of individuals within the project implementation communities across the country.

- **Tourism and Economy:** Cultural assets like graves and shrines can also be significant tourist attractions, contributing to local economies through tourism revenue. Their loss can impact the tourism industry, resulting in economic drawbacks for the community or region that relies on this sector.

- **Social Cohesion:** Cultural assets often serve as meeting points or gathering spaces for communities, facilitating social cohesion and a sense of belonging. Their disappearance can disrupt community bonds and social interactions, leading to a sense of disconnection and loss within the community.

Preserving and protecting cultural assets like graves and shrines is essential for maintaining cultural diversity, heritage, and the overall wellbeing of communities. These will be implemented by avoiding the construction of electricity substations, distribution and transmission lines where there are cultural sites. KPLC and the contractors shall consult the local community so that they can identify these cultural sites so that they are not tempered with during the construction phase of the proposed project.
4.3 Definition of Project Affected Persons
This RPF considers Project Affected Persons (PAPs) to be those who are adversely affected by the project’s actions and who stand to lose as a consequence of the project, all or part of their physical and non-physical assets, which may include homes, communities, productive lands, resources such as forests, fishing areas or important cultural sites, commercial properties, tenancy, income-earning opportunities, people operating on the road reserves among others as well as their social and cultural networks and activities. Such impacts may be permanent or temporary. This might occur through land expropriation, using eminent domain or clearance of road reserves occupied by business or other squatters.

The RPF applies to all economically and/or physically displaced persons regardless of the total number of affected or the severity of impact and whether PAPs have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those economically and/or physically displaced especially those below the poverty line, the landless, the elderly, women and children, including marginalized groups, or other economically and/or physically displaced persons.

The likely displaced persons (economically or physically) under LMCP Phase III sub projects are categorized into the following groups namely:

(i) **Project affected persons (PAPs)** are individuals whose assets/investments may be lost and/or affected, including land, property, other assets, livelihoods, and/or access to natural and/or economic resources etc. as a result of activities related to a given LMCP Phase III sub projects.

(ii) **Project affected households** are households where one or more of its members are directly affected by an investment of LMCP Phase III sub project. A household is affected if one or more of its members are affected by sub projects, either by loss of property, land, and access, or otherwise his or her livelihood could be affected in any way by project activities.

(iii) **Vulnerable groups** or households who could be a member of affected households. They include vulnerable members, such as those who are too old or too ill; disabled, child household heads, those stricken with HIV/AIDS; those living below the poverty line, the landless, indigenous peoples, those without legal title to assets, unemployed youth especially those without skills; households headed by women that depend on sons, brothers, and others needing support and are especially vulnerable. The vulnerable groups are eligible for additional assistance under this RPF, as it is explained later in Entitlement Matrix.
Vulnerable groups, individual or part of the households may have different land needs from most households or needs unrelated to the amount of land available to them, e.g.:
   i. Female headed households;
   ii. Poor
   iii. Non-farming residents;
   iv. Elderly;
   v. Physically Challenged;
   vi. Persons Living With HIV/AIDS
   vii. Marginalized and Vulnerable Persons; and
   viii. Orphans and Vulnerable Children

Following is a brief explanation of some of the vulnerable groups identified for this RPF:

- **Orphans** - Due to the impacts of the AIDS crisis in Kenya and the past conflicts around the country, there are a considerable (some estimates put it at 20% of all children or 1.7 million) number of orphaned children, who have lost at least one parent. These children today fall into three categories of care namely (i) those being looked after by close relatives, (ii) those being looked after by the government or NGOs and (iii) those living alone and providing for themselves and other siblings. These children are more vulnerable since they are often “voiceless” because they have no parents to defend or stand up for them and also because they are considered too young to be heard.

- **HIV/AIDS Afflicted Persons** - Relatively high percentages of the poor and total population are living with HIV or are terminally ill with HIV/AIDS. Many are beneficiaries of numerous health programs from the government, international organizations and the NGO community.

- **Female-household Heads** - The female headed households include widows, single mothers and separated or divorced women. These may depend on relatives, sons, brothers, or others for support. These women should not be resettled in a way that separates them from their households as the very survival of their households may depend on them. Their compensation must take into account all these factors.

- **Small-scale Female Farmers** - Small-scale female farmers are also vulnerable because they may not have men available within the household to carry out male specific land preparation tasks. Either male relatives in other households help them voluntarily, or they hire men for cash, or food. Land compensation will specifically include the labour costs of preparing new land.
- **Elderly Persons**: Elderly people are those over 60 years farm or work as long as they are able. Their economic viability may depend on how much land they farm or how much they produce because, by producing even small amounts of food to “exchange” with others, they can subsist on cooked food and generous return gifts of cereal from people such as their kith, kin and neighbours. Losing land will affect their economic viability and resettlement would damage their economic viability even more than losing land since it will separate them from the person or household on whom they depend for their support.

- **Non-farming households depending on farming household’s**: This is another category of affected people who could be among the vulnerable. They are non-farming individuals who are engaged in other works, including some agricultural work and their livelihoods could be affected as a result of the project they include landless labourer, fishermen, whose main income come from fishing, sand harvesters, and small businesses relaying on the farming communities. In addition, women non-farmers. These women earn income from other sources and/or depend on relatives for “exchanges” of staple foods. Since they do not farm they will not be affected by the sub-projects need for agricultural land. However, if their buildings lie on land needed by a subproject. They will lose at minimum their social network that they rely on if not resettled together.

- **Indigenous people**: These are people who are closely tied to their traditional or customary lands and natural resources on these lands, but these lands may not be under legal ownership.

These household types are not mutually exclusive, and a female headed household may be a small-scale farmer or an orphan may be an HIV/AIDS affected person. These groups are particularly vulnerable to land acquisition activities, and as such the following considerations will be made when sub project sites are identified and PAPs listed. In addition, the list above is not an exhaustive list and the socio-economic survey which will be done for preparation of sub project specific RAPs needs to be exhaustive in the category of the affected people and their sources of livelihoods.

(iv) **Affected Community** – A community is affected if project activities affect their socio-economic and/or social-cultural relationships or cohesion. For example project activities could lead into loss of welfare or cultural erosion etc. In addition, the investments can cause breakdown of communities and social networks due to physical separation as a result of the investment specific infrastructures if not mitigated. LMCP Phase III sub projects will not displace communities since the low voltage distribution lines will be implemented along the road reserves which falls on the public land.
(v) **Affected Institution/Organisations:** - During the implementation of the LMCP Phase III there is a likelihood that various institutions and organisations’ properties and assets will be affected. These institutions and organizations include; the religious, government institutions and farmers organization (cooperatives and water user associations) therefore the compensation will be given to the damaged properties for all institutions but for the government properties, the authorization will be provided by the relevant officials.

### 4.4 Approximate number of PAPs

Determination of the number of PAPs is not possible at this time due to the nature of project under LMCP Phase III sub projects, specifically locations, nature, scope and magnitude. At this stage, project descriptions (feasibility studies, technical designs) do not exist for any of the LMCP Phase III sub projects to allow estimation of number of the PAPs. For each sub-project that will be considered during screening, the number of PAPs will be established through a RAP/ARAP which will be elaborated after the sub-project line routes are screened and approved. The purpose of this RPF is therefore to establish the mechanisms, procedures and principles for compensation and livelihood restoration for all potentially affected people under and guide the preparation of the RAPs for individual investments. The number of PAPs including determination of physical or economic displacement will only be established through the census which will be undertaken as part of the preparation of the investment specific RAP.

### 4.5 Potential sites for sub-projects

Location for sub-project investments e.g distribution lines will be identified once the sites have been identified following which, sub project specific RAPs will be developed by KPLC PIUs.
CHAPTER FIVE: SCREENING SUB PROJECTS AND PREPARING & APPROVING RESETTLEMENT ACTION PLANS, COMPENSATION AND LIVELIHOOD RESTORATION PLANS

This chapter describes how a determination will be made (screening) on whether LMCP Phase III investments will lead to physical or economic displacements. If through the screening process, it is determined that displacement will occur, then this section highlights the steps, process and methodologies for preparing RAPs/abbreviated RAPs. The ARAP/RAPs for each investment will be prepared in accordance with this RPF and AfDB Policies.

5.1 The Screening and Resettlement Processes and planning process

5.1.1 Screening

Sub-project screening is used to identify the types and nature of potential impacts related to the activities proposed under the sub Project and to provide adequate measures to address the impacts. Screening for resettlement issues shall be part of or undertaken at the same time as the environmental and social screening. Therefore, the first stage in the process of preparing the individual site-specific resettlement plans is the screening process to identify the land acquisition and land use needs that will cause resettlement. The screening will be undertaken by the project implementation agency (KPLC) through its safeguards team composed of; Six Environmental Experts, Three Social Experts, Eleven Safety Engineers, Eight Project Engineers and Fourty Seven Customer Experience Officers who will prepare the screening reports. The social experts will take the lead and overall responsibility. These screening reports will be cleared internally by Manager Safety, Health and Environment (SHE) who will submit them to AFDB for clearance.

Screening will be based on the description of the nature, scope and location of the proposed project impacts, defined area of impact, primary engineering drawings, maps of the area, satellite images of the sub project area showing homes, farms, workplaces, schools, health posts, places of worship and other individual and community assets. It is anticipated that to be able to undertake accurate screening, site visits must be undertaken and the attached screening checklist in Annex 2 of this report filled.

If screening determines that there will be involuntary displacement/resettlement related impacts, advice to consider feasible alternative designs to avoid or at least minimize physical or economic displacement, while balancing environmental, social and financial costs and benefits will be sought as a first step. Four options are often considered out of a screening report i.e.

1. A sub project is dropped entirely if found to have Category 1 Level impacts (refer to exclusions list in Chapter 2.)
2. An option assessment of alternative project site with a view to avoid impact or reduce impact
3. An option assessment of alternative or improved designs with a view to avoid and/or reduce displacement risks;
4. The elaboration of a resettlement action plan to address all other resettlement risks (see draft ToRs in Annex 1).

For Option 4 above, it will come to place once all alternatives have been considered and none offers a solution to mitigate the resettlement. The next step will be to initiate consultations and the preparation of a RAP to mitigate such impacts (See ToR in Annex 6). If results of social screening of a sub project would indicate that the project is likely to lead to risks and impacts associated with involuntary resettlement, and the involuntary resettlement impacts are unavoidable, the key step will be to determine the appropriate safeguards instrument to be prepared. The following guidance will be used to make a decision for a full RAP or an ARAP.

Bank policy dictates that if it is determined that more than 200 people would be affected, then that would require the preparation of a full RAP. If less than 200 persons are affected by a sub-project, ARAP will have to be prepared in accordance with Operational safeguard 2 – Involuntary resettlement: land acquisition, population displacement and compensation where impact on the entire population are not significant, or fewer than 200 people are displaced. This will inform the choice of resettlement and compensation options and help estimate compensation cost. If there is no land acquisition, displacement, resettlement or any nature of RAP related impact anticipated, no RAP/ARAP is required. In case there will be people who are operating along the road reserve and be displaced by the proposed project they will be liable for disturbance allowance and payment of structures. This will call for the preparation of ARAP/RAP in line with AFDB Policies and Kenyan Constitution to guide their compensation. However, the project will document the outcome of the screening report that shows there are no land acquisition, displacement, livelihood and resettlement impacts.

- As per AfDB policy, the borrower or client prepares a Full Resettlement Action Plan (FRAP) for (i) any project that involves 200 or more persons (as defined by the involuntary resettlement policy), or (ii) any project that is likely to have adverse effects on vulnerable groups. The outline of a typical FRAP can be found in Annex A of the Involuntary Resettlement policy and the related IESIA Guidance Note.

- For any project in which the number of people to be displaced is fewer than 200 people and land acquisition and potential displacement and disruption of livelihoods are less significant, the borrower or client prepares an Abbreviated Resettlement Action Plan (ARAP). Annex B of the Involuntary Resettlement policy describes an ARAP, and related guidance can also be found in the relevant IESIA Guidance Note.
It is anticipated that NO Full RAP will be undertaken/prepared under this project (refer to the exclusions list under Chapter 2). Any project requiring a Full Resettlement Action Plan (FRAP) under the provisions of the Bank’s policy on involuntary resettlement is also deemed to be Category 1.i.e. high risk project.

The steps to be undertaken for each individual Abbreviated Resettlement Action Plan (RAP) include:

1. A census for identification and enumeration of Project Affected Persons (PAPs), and asset inventory of the affected assets
2. A socio-economic survey,
3. Public Consultation.

Each ARAP when prepared will contain the analysis of alternative sites undertaken during the land screening process.

5.1.2 Resettlement Processes and planning

Once the decision is made on the location of a given sub project and the census will be conducted for a preparation of the ARAP for a given investment, KPLC starts the ARAP processes, including the preparation of the RAP as explained below.

5.2 Preparation of a Project specific RAP

Overall responsibility for preparing a resettlement Action Plan will be of KPLC through Project Implementation Unit (PIU) and in accordance with this RPF and AfDB standards.

As soon as a sub-project is cleared under the said categories the implementing agency will initiate a consultative and participatory process for preparing the RAP as follows:

(i) A baseline socio-economic survey and census using annexes 3 and 4 will be completed to determine scope and nature of resettlement impacts including the number and types of PAPs, household demographics/Standard characteristics of affected households including livelihoods and income, the number and size of the assets, the economic activities, the other socio-economic data, and productive assets to be affected, among others. The magnitude of the expected loss of assets, total or partial, and the extent of impact, Information on vulnerable groups or persons for whom special provisions may have to be made; and The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project is a key part of the census and survey. Photographs of PAPs and their assets will be taken to supplement identification and enable transparency with respect to material assets

(ii) The socio-economic assessment will focus on the potential affected communities, including demographic data, description of the area, livelihoods, the consultation

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2 The use of the word RAP starting this section here does not imply a FRAP but rather the resettlement document prepared whether full or abbreviated.
process, and socio-cultural characteristics of the population. In addition, PAPs knowledge or awareness on the project and their preferences for type of compensation should be assessed. This together with the census will establish baseline information on livelihoods and income, landholding, etc. The socio-economic survey and census will be undertaken concurrently.

Aside from the census and socioeconomic survey, which are the basis for collecting data and information on the PAPs and their assets, the following guidelines will be used when the RAP is being developed.

- **Preparation of a PAP and Asset Inventory:** To prepare inventory of the land and development on it, a field team should visit the affected area to carry out an asset valuation survey. The team should include Locational Resettlement and Compensation Committee whose membership will be entirely drawn from the location set up. During the survey, each asset should be enumerated and inscribed on an inventory and a valuation of the asset carried out.

  The following are the guidelines that will be used in the preparation of RAPs;
  
  - Legal and Policy Framework: review of the relevant national and international laws, policies, and guidelines related to resettlement, such as those set forth by the AFDB.
  - Clearly define the scope and objectives of the Resettlement Action Plan, including the specific project activities, anticipated impacts, and the population to be affected by resettlement.
  - Gather comprehensive baseline data on the affected population, including socio-economic, cultural, and livelihood aspects. Conduct an impact assessment to understand the potential effects of the project on the affected population and their assets.
  - Engage with affected communities throughout the resettlement process, ensuring their meaningful participation in decision-making. Establish channels for communication, feedback, and grievance redressal.
  - Explore all feasible alternatives to resettlement, including project redesign or options for on-site or in situ development. Only consider resettlement as a last resort when no viable alternatives exist.
  - Develop a comprehensive framework for compensating affected households and individuals for the loss of assets, livelihoods, and access to resources. Provide assistance packages that help restore or improve the affected population's standard of living.
  - Design and implement programs to restore or enhance the livelihoods of affected communities, taking into account their skills, preferences, and market
opportunities. Support income generation activities, vocational training, or job placement initiatives.

- Ensure that new resettlement sites or host communities have adequate infrastructure, services, and amenities, including housing, water supply, sanitation, healthcare, education facilities, and access to livelihood opportunities.
- Establish a robust monitoring and evaluation framework to assess the effectiveness of the Resettlement Action Plan implementation. Regularly monitor the well-being of the affected population, addressing any emerging issues promptly.
- Put in place mechanisms to address grievances and resolve disputes in a fair and transparent manner. Develop and enforce social safeguards to prevent or mitigate any negative impacts of the resettlement process.

It is important to note that these guidelines provide a general overview, and the specific requirements for a Resettlement Action Plan. Consulting with experts and relevant stakeholders is recommended to ensure compliance and effective implementation.

- **Consultation and participatory approaches:** A participatory approach will be adopted to initiate the compensation process. Consultations will start during the planning stages when the technical designs are being developed, and at the land selection/screening stage. The process therefore seeks the involvement of PAPs, civil society, local leadership and any other interested parties throughout the census and socioeconomic study for identifying eligible PAPs and throughout the RAP preparation process. In addition, PAPs meetings need to be held and documented as the need for stakeholder’s consultation is to secure the informed participation and consent of all people affected consultation particularly in the following areas:
  - Alternative project design;
  - Assessment of project impacts;
  - Resettlement strategy;
  - Compensation and eligibility, as well as proposed entitlements;
  - Development of opportunities and initiatives;
  - Development of procedures for redressing grievances and resolving disputes;
  - Mechanisms for monitoring and evaluation and for implementing corrective actions.

All the investments will provide for informed participation of affected persons and communities, including host communities and FGDs for women/vulnerable groups and other vulnerable groups, in decision-making processes related to resettlement.
• **Notification**: All eligible PAPs will be informed about the project and the RAP process. A cut-off date will be established as part of determining PAPs eligibility, which is the date the census and the socioeconomic survey will be initiated since they will be undertaken concurrently. In special cases where there are no clearly identifiable owners or users of the land or asset, the RAP team must notify the respective local authorities and leaders. A “triangulation” of information – affected persons; community leaders and representatives; and an independent agent (e.g. local organization or NGO; other government agency; land Valuers) – may help to identify eligible PAPs. The RAP team, in consultation with the PAPs, will agree the cut-off date and the basis thereof, and will notify all PAPs about the established cut-off date and its significance. They will be notified both in writing, accessible public notices and by verbal notification delivered in the presence of all the relevant stakeholders, e.g. through public barazas.

5.3 **Other key processes but not part of RAP preparation**

- **Notification to NLC**: One of the first steps in this process once the census undertaken for the preparation of the RAP is done; the implementing agency makes a written request to NLC of the intention for the acquisition of the identified area for a given investment. NLC will inspect the land and grant approval for the land to be acquired for the implementation of the project. With this approval, NLC will make a written notification through the *Kenya Gazette* or *County gazette* of the intention to acquire the identified land for public purposes.

- **Documentation and verification of land and other assets**: During RAP implementataion process, NLC, the legal agency responsible for the approval of compulsory land acquisition and compensation for national and county development projects, together with KPLC registered Valuers, environmental and social experts and the implementing agency, will arrange meetings with PAPs to discuss the compensation and valuation process.

- **Compensation and valuation**: All types of compensation will be clearly explained to the individual and households involved by KPLC teams, NLC representative and resettlement committees. This will refer especially to the basis for valuing the land and other assets, which will always be done in the presence of the PAPs or their representatives. Once such valuation is established, the NLC will produce, in presence of implementing agency, a Contract or Agreement that lists all property and assets that will be acquired by the project and the types of compensation selected. *Table 13* above provides a sample of entitlements that are eligible for compensation. All compensation should occur in the presence of the affected persons and verified by
the community local leaders. If cash compensation is the preferred choice of the PAPs, the means to provide such cash compensation will be decided by the PAPs, e.g., through a cheque, direct deposit to the PAPs account or direct payment of the cash to PAPs through mpesa if the amount is small, given that access to banking is sometimes a challenge in remote environment. Compensation costs will met by the Government of Kenya.

- From this point, the provisions of this RPF will be utilized up to payment of the compensation package including resettlement support where appropriate. The costs associated with resettlement or relocation will be included in the RAP budgets for all investments.

- **Payments:** The Government of Kenya through the National Treasury will provide funding to the Ministry of Energy, which is the overall implementing agency for the LMCP Phase III. Ministry of Energy shall upon receipt of request from the implementing agency for the cost of the RAP implementation, provide funds to the implementing agency for the actual RAP implementation. The compensation amount for the land and properties will be determined by the valuation of KPLC and NLC Valuers. The valuation report will be shared to NLC for compensation.

- **Gender Sensitive Grievance Mechanism:** KPLC which is the implementing agency shall play a major role in the establishment of grievance mechanism which is one of the key components of the RAP process requirements for every investment, explained in Chapter 7, under Implementation Arrangements. All PAPs during the RAP preparation phase will be informed about the proposed GRM and their input on it sought. They will also be sensitised on how to register grievances or complaints, including specific concerns about compensation and relocation as well as dispute regarding livelihood restoration measures. The PAPs will be informed about the dispute resolution process, specifically about how the disputes will be resolved in an impartial and timely manner. Environmental and Land Court will provide opportunity for appeal when a solution will not be found using the established local mechanisms. The court will deal with land and compensation related disputes. However, the Land Act 2012 and Environment and Land Court Act 2011 advocates for Alternative Dispute Resolution (ADR) methods in tackling land related disputes. Alternative dispute resolution approaches will be given preference and based on customary rules, arbitration or third-party mediation. ADR will be promoted or defended as a resolution to disputes related to resettlement and land.
5.4 Gender Impact Assessment and Mitigation Measures

According to the African Development Bank Group Gender Strategy 2021 -2025 call for the gender assessment will be conducted by including gender specific questions in the social assessment tools of the project area of influence. The gender assessment of targeted beneficiary population will be conducted through gender specific questions in socio-economic questionnaire and qualitative participatory assessment tools to collect gender disaggregated data on all social and economic aspects, specifically related to resettlement impacts and risks. The data will be analyzed using Statistical Package for the Social Sciences software (SPSS) into descriptive statistics, inferential statistics, correlation, regression among other analysis on gender issues relevant to this study. The key information will include analysis of production and income stream data by gender in order to differentiate the roles that men and women play in maintaining a household’s livelihood, which will be used to design a livelihood restoration and improvement plan. The gender gap analysis of women’s participation in their own development activities and day to day household tasks will also be carried out. According to the African Development Bank Group Gender Strategy 2021 -2025 states the need of preparing the gender action plan (GAP) for bank financed Project for gender mainstreaming in the last mile connectivity Project. The GAP will comprise of actions that will both mitigate adverse impacts and provide opportunities to improve quality of women’s lives. The GAP will be prepared based on key findings of the poverty social and gender assessment and consultations carried out during RAP and ESIA preparation. The RAP will be implemented in consonance with the GAP.

The impacts on community assets, social services, village common natural resources will also be assessed and documented to prepare mitigation measures or restoration. The upstream and downstream impacts will also be studies to fully mitigate them. A vulnerability assessment will be conducted to identify additional measures to the vulnerable households or communities to develop additional measures to mitigate impacts sufficiently. The vulnerable may include the very poor, Affected Persons with no formal titles, ethnic or religious minorities, female, disabled or elderly headed households with dependents, the elderly, chronically sick and the disabled. The men and women Affected Persons will be consulted closely for the assessment of their expectations, views, concerns and priorities about impacts and resettlement options. Overall, the discussions during consultations will focus on the positive and negative impacts; measures to enhance positive impacts and to minimize or mitigate negative impacts.

The assessment of replacement cost will be carried out through valuation of prevailing market rates of land and other assets, which will provide basis for determining the compensation for the affected land and other assets.
5.5 Approval of Resettlement Action Plans

The PIUs in KPLC and AFDB will review all RAPs developed. For quality assurance, it is required that RAPs prepared for specific investments be submitted to the AFDB for review and clearance to ensure that they are produced in line with principles of this RPF and safeguards quality control. Gaps in quality shall be addressed through reviewers and the KPLC PIUs.
Figure 2: RAP Screening and Approval Process
CHAPTER SIX: ELIGIBILITY CRITERIA, ENTITLEMENT, VALUATION & COMPENSATION

This chapter is a summary description of the category of the affected groups and their entitlements based on impacts identified in previous chapters. In addition, this chapter describes entitlements for each type and category of impact, and sets out the detailed requirements for determining the value of affected assets and outlining the process by which valuation will be undertaken. It also explains entitlement and compensation measures.

6.1 Eligibility type for Compensation

Determination of the eligibility of PAPs to be compensated shall be done through a transparent process, taking into consideration AfDB ISS. In accordance with the involuntary resettlement policy of the Bank, three groups of displaced people are entitled to compensation or resettlement assistance for loss of land or other assets taken for project purposes:

a) Those who have formal legal rights to land or other assets recognised under the laws of the country concerned. This category generally includes people who are physically residing at the project site and those who will be displaced or may lose access or suffer a loss in their livelihood as a result of project activities.

b) Those who may not have formal legal rights to land or other assets at the time of the census/evaluation but can prove that they have a claim that would be recognised under the customary laws of the country. This category may include people who may not be physically residing at the project site or persons who may not have any assets or direct sources of livelihood derived from the project site, but who have spiritual and/or ancestral ties with the land and are locally recognised by communities as customary inheritors. Depending on the country's customary land use rights, they may also be considered to have a claim if they are sharecroppers, tenant farmers, and seasonal migrants or nomadic families losing user rights.

c) Those who have no recognisable legal right or claim to the land they are occupying in the project area of influence and who do not fall into either of the two categories described above, if they themselves or witnesses can demonstrate that they occupied the project area of influence for at least six months prior to a cut-off date established by the borrower or client and acceptable to the Bank. These groups may be entitled to resettlement assistance other than compensation for land to improve their former living standards (compensation for loss of livelihood activities, common property resources, structures and crops, etc.).

6.2 Types of Displacement Covered under RPF

The RPF covers both physical and economic displacement.
6.2.1 Physical Displacement
Currently KPLC the project proponent hasn’t identified all the sites where the proposed project will be implemented hence this RPF. There is a likelihood of having physical displacement if there will be squatters, businesses, settlements among other activities being undertaken within the roads reserves where the low voltage lines and sites where the substations will be constructed hence the Resettlement Action Plan will be prepared once these sites have been fully identified to guide their compensation in line with the Kenyan constitution and AFDB policy. KPLC with engagement of National Land Commission (NLC) as is required by the Land Act, 2012 will ensure that just compensation is provided for all land acquired. This RPF offers displaced persons choices among others feasible resettlement options, including adequate replacement housing, land or cash compensation based on the replacement cost where appropriate. In accordance with AFDB policies, PAPs will be be provided full relocation costs above the compensation amount i.e. full replacement value for their lost assets. Particular attention will be paid to the needs of the poor and the vulnerable, who will be assisted through capacity empowerment during the RAP implementation to adapt to new environments.

In the case of physically displaced persons with recognized or recognizable rights, the project will offer the choice of replacement property of at least equal value, equivalent or better characteristics and equal or better location or cash compensation at full replacement value. Replacement value includes all the expenses which replacing a property will cost. Where displaced persons own and occupy structures, the project will compensate them for the loss of assets other than land, such as dwellings and other improvements to the land, at full replacement cost.

Compensation in kind maybe offered in lieu of cash compensation based upon mutual agreement between the KPLC and PAPs as provided for by the Land Act 2012 and in conformity with the requirements of AFDB Involuntary Resettlement Policy (2003). The Land Act 2012, is the legal instrument governing land acquisition and compensation in Kenya, specifies that all PAPs must receive fair compensation. In regard to costs related to moving, disturbances, and legal fees for land transactions of the PAPs. This presents a gap where if not properly interpreted may not see the PAPs getting compensation for the above-related costs unless the AFDB procedures are followed. For that reason, in all instances where compensation will be undertaken, unless the interpretation of just compensation by NLC is taken to mean all other related costs of relocation mentioned above then the AFDB Involuntary Resettlement Policy will apply and will require that these costs are fully met by the implementing agency.
6.2.2 Economic displacement

The Land Act 2012, Part VIII, section 111 and 125, provides for just, full and prompt payment in the assessment of NLC in case of economic displacement. There is no specific mention of moving allowance and disturbance allowance as part of the compensation. Again, as highlighted above unless “just payment” is interpreted to include related costs of economic displacement, the AFDB Involuntary Resettlement Policy (2003) that provide for the same will be followed instead of the host country regulations. If land acquisition for a given sub project causes loss of income or livelihood, regardless of whether or not the affected people are physically displaced or not (and regardless of whether they are the legal owner of the land or not), the project will meet the following requirements:

a) Promptly compensate economically displaced persons for loss of economic/cultural assets or access to assets at full replacement cost;
b) In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of re-establishing commercial activities elsewhere, for lost net income during the period of transition, and for the cost of transfer and reinstallation of plants, inventory, machinery and other equipment;
c) Compensate economically displaced persons who are without legally recognizable claims to land for lost assets (such as crops, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost;
d) Provide additional targeted assistance (e.g. training or job opportunities) and opportunities to improve or at least restore their income-earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected;
e) Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.

In particular, the taking of land and related assets will take place only after full compensation has been paid and where applicable, resettlement sites, new homes, related infrastructure, public services and relocation costs have been provided to economically or physically displaced persons.

6.3 Cut Off Date

The entitlement cut-off date refers to the time when the assessment of persons and their property in particular sub project areas is carried out, which is the time when the census and/or economic survey is initiated. The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the area. Persons who encroach on the area after the cut off date socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

Where there are clearly no identified owners or users of land or assets, the respective County Administration will notify the community leaders and representatives to help to identify and
locate the land users and owners. These leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance. The PAPs will be informed through both formal notification in writing and by verbal notification in Public meetings delivered in the presence of the community leaders or their representatives.

6.4 Entitlement Matrix

The table below summarizes the entitlements for each group of affected persons. Entitlements for compensation related impacts will be based on the eligibility criteria for the various categories of losses identified, while payment of compensation and other entitlements and assistance will be made to PAP households and individuals according to the following principles:

a) Compensation shall be paid prior to displacement/impact;
b) Compensation will be at least full displacement value and the compensation policy and its processes shall be perceived by the PAPs as being full, fair and prompt;
c) Preference will be given to land-based resettlement strategies for persons whose livelihoods are land based;
d) Whenever replacement land is offered, it will be at minimum land of equivalent value, in terms of the combination of productive potential, locational advantages and other factors.
e) Where sufficient land is not available at reasonable price, non-land based options centred on opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost;
f) Taking of land and related assets may take place only after compensation has been paid and resettlement sites, new houses, related infrastructure, public services and moving allowances have been provided to displaced persons;
g) Assistance may include support in the form of temporary accommodation, employment referrals or priority employment in project activities. The assistance is meant to help them cope with the displacement caused by the programme;
h) Compensation and other assistance shall be provided prior to displacement preparation and provision of resettlement sites with adequate facilities.
Table 13: Entitlement Matrix

<table>
<thead>
<tr>
<th>Land and Assets</th>
<th>Type of Impact</th>
<th>Person (s) Affected</th>
<th>Compensation/Entitlement/Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural land</td>
<td>Land remains economically viable.</td>
<td>Title holder</td>
<td>- Cash compensation for affected land at full replacement value that includes 15% of the disturbance allowance.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Community land</td>
<td>- Cash compensation for affected land at full replacement value that includes 15% of the disturbance allowance.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tenant/ lease holder</td>
<td>- Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encroachers/Squatters</td>
<td>- No compensation for land</td>
</tr>
<tr>
<td>Land is no longer economically viable.</td>
<td>Title holder</td>
<td>- Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP’s choice equal to full replacement cost that includes 15% of the disturbance allowance.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location, which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs.</td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Type of Impact</td>
<td>Person (s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>- Relocation assistance (costs of shifting + assistance in re-establishing economic trees + livelihood rehabilitation assistance)</td>
</tr>
<tr>
<td>Community land</td>
<td></td>
<td></td>
<td>- land for land replacement where feasible or compensation in cash at full replacement value that includes 15% of the disturbance allowance or cash compensation at replacement value. The county government will be approached to allocate land in this case</td>
</tr>
<tr>
<td>Tenant/Lease holder</td>
<td></td>
<td></td>
<td>- Cash compensation equivalent to average of last 3 years’ market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.</td>
</tr>
<tr>
<td>Encroachers/Squatters</td>
<td></td>
<td></td>
<td>- Relocation assistance (costs of shifting + assistance in re-establishing economic status + livelihood rehabilitation assistance)</td>
</tr>
<tr>
<td>Land users</td>
<td>Impact on livelihood</td>
<td>Land less, encroachers</td>
<td>- Compensation to restore livelihood and ensure they will not be worse off as a result of the investments’ activities.</td>
</tr>
</tbody>
</table>
| Commercial Land | Land used for business is partially | Title holder/ business owner | - Cash compensation for affected land at full replacement value (include 15% disturbance allowance)  
- Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax


<table>
<thead>
<tr>
<th>Land and Assets</th>
<th>Type of Impact</th>
<th>Person (s) Affected</th>
<th>Compensation/Entitlement/Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>affected/Limited loss</td>
<td>Business owner is lease holder</td>
<td>- Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).</td>
</tr>
<tr>
<td></td>
<td>Assets used for business</td>
<td>Title holder/business owner</td>
<td>- Where feasible Land for land replacement or compensation in cash at full replacement value according to PAP’s choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</td>
</tr>
<tr>
<td></td>
<td>severely affected</td>
<td></td>
<td>- If land replacement not agreeable then Or Cash compensation for affected land at full replacement value applies</td>
</tr>
<tr>
<td></td>
<td>If partially affected, the</td>
<td></td>
<td>- Relocation assistance (costs of shifting + allowance)</td>
</tr>
<tr>
<td></td>
<td>remaining assets become</td>
<td></td>
<td>- Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates where records do not exist).</td>
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<td></td>
<td>insufficient for business</td>
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<td>purposes</td>
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<tr>
<td>Land and Assets</td>
<td>Type of Impact</td>
<td>Person (s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
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</tr>
<tr>
<td>Residential Land</td>
<td>Land used for residence partially affected, limited loss i.e. Remaining land viable for present use.</td>
<td>Title holder</td>
<td>- Cash compensation for affected land at full replacement value</td>
</tr>
</tbody>
</table>
| | Land used for residence severely affected. Remaining area insufficient for continuing use or | Title holder | - Land for land replacement or compensation in cash according to PAP’s choice, based on the replacement cost.  
- Land for land replacement shall be of minimum plot of acceptable size under the zoning law/s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status. |
<table>
<thead>
<tr>
<th>Land and Assets</th>
<th>Type of Impact</th>
<th>Person (s) Affected</th>
<th>Compensation/Entitlement/Benefits</th>
</tr>
</thead>
</table>
|                | become smaller than minimally accepted under zoning laws                       |                     | Transfer of the land to the PAP shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + allowance)  
- When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.  
- Transfer of the land to the PAP shall be free of taxes, registration, and other costs. |
|                | Land used for residence severely affected Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws | Rental/lease holder | - Refund of any lease/ rental fees paid for time/ use after date of removal  
- Cash compensation equivalent to 3 months of lease/ rental fee  
- Assistance in rental/ lease of alternative land/ property  
- Relocation assistance (costs of shifting + allowance) |
| Buildings and structures | Structures are partially affected and Remaining | Owner                | - Cash compensation for affected building and other fixed assets  
- Cash assistance to cover costs of restoration of the remaining structure                                                                                                                                                                      |
<table>
<thead>
<tr>
<th>Land and Assets</th>
<th>Type of Impact</th>
<th>Person(s) Affected</th>
<th>Compensation/Entitlement/Benefits</th>
</tr>
</thead>
</table>
|                | structures viable for continued use | Rental/lease holder          | - Cash compensation for affected assets (verifiable improvements to the property by the tenant).  
- Disturbance compensation equivalent to two months rental costs (only if relocating or remaining part is undergoing repairs which require the tenant to vacate temporarily |
|                |              | Squatter/informal dweller     | - Cash compensation for affected building and other fixed assets  
- Cash assistance to cover costs of restoration of the remaining structure.                                                                                                                   |
|                | Entire structures are affected | Owner                        | - Cash compensation for entire structure and other fixed assets without depreciation equal to full replacement cost, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP.  
- Right to salvage materials without deduction from compensation  
- Relocation assistance (costs of shifting + disturbance allowance)  
- Rehabilitation assistance if required (assistance with job placement, skills training) |
<table>
<thead>
<tr>
<th>Land and Assets</th>
<th>Type of Impact</th>
<th>Person (s) Affected</th>
<th>Compensation/Entitlement/Benefits</th>
</tr>
</thead>
</table>
| Rental/lease holder | Rental/lease holder | - Cash compensation for affected assets (verifiable improvements to the property by the tenant) at full replacement value without depreciation  
- Relocation assistance (costs of shifting + allowance equivalent to four months rental costs)  
- Assistance to help find alternative rental arrangements  
- Rehabilitation assistance if required (assistance with job placement, skills training) |
| Squatter/informal dweller | Squatter/informal dweller | - Cash compensation for affected structure at full replacement value without depreciation  
- Right to salvage materials without deduction from compensation  
- Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement in the project)  
- Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available)  
- Rehabilitation assistance if required assistance with job placement, skills training) |
<table>
<thead>
<tr>
<th>Land and Assets</th>
<th>Type of Impact</th>
<th>Person (s) Affected</th>
<th>Compensation/Entitlement/Benefits</th>
</tr>
</thead>
</table>
|                | The structures are partially affected and remaining structures not suitable for continued use | Owner | - Cash compensation for entire structure and other fixed assets without depreciation equal to full replacement cost, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP.  
- Right to salvage materials without deduction from compensation  
- Relocation assistance (costs of shifting + disturbance allowance)  
- Rehabilitation assistance if required (assistance with job placement, skills training) |
|                | Rental/lease holder | - Cash compensation for affected assets (verifiable improvements to the property by the tenant)  
- Relocation assistance (costs of shifting + allowance equivalent to four months rental costs)  
- Assistance to help find alternative rental arrangements  
- Rehabilitation assistance if required (assistance with job placement, skills training) |
|                | Squatter/informal dweller | - Cash compensation for affected structure at full replacement value without depreciation  
- Right to salvage materials without deduction from compensation |
<table>
<thead>
<tr>
<th>Land and Assets</th>
<th>Type of Impact</th>
<th>Person(s) Affected</th>
<th>Compensation/Entitlement/Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street vendor</td>
<td>informal without title or lease to the stall or shop</td>
<td>- Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement in the project) - Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available - Rehabilitation assistance if required assistance with job placement, skills training</td>
<td></td>
</tr>
<tr>
<td>Standing crops</td>
<td>Crops affected by land acquisition or temporary acquisition or easement</td>
<td>PAP (whether owner, tenant, or squatter)</td>
<td>- Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher - Relocation assistance (costs of shifting)</td>
</tr>
<tr>
<td>Fruit and commercial Trees</td>
<td>Trees lost</td>
<td>Owner of Trees</td>
<td>- Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop, plus the labour cost (should PAP be required to harvest before time)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Cash compensation based on type, age and productive value of affected trees plus 10% premium</td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Type of Impact</td>
<td>Person (s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>---------------------------------</td>
<td>------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Vegetable gardens and beehives</td>
<td>Lost vegetable garden and beehives</td>
<td>Vegetable and beehives owners</td>
<td>- Vegetables: Calculated based on the average amount that an average town dweller spends on buying these items for one year per adult from the local market</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Beehives: If such hives will be disturbed by the project activities, or access to hives is denied, beekeepers will be free to move them, and hopefully the bees will adapt to the new locations. Beekeepers will be compensated by the value of one season's production costs of honey for each hive that is moved and any reasonable costs associated with moving the hive</td>
</tr>
<tr>
<td>Loss of access to grazing</td>
<td>On livelihood Restoration</td>
<td>Households undertaking grazing activities in the affected areas.</td>
<td>- <em>Alternate Arrangements</em>: Encourage adoption of zero-grazing techniques,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- <em>Economic rehabilitation assistance</em>: Provide assistance to facilitate this transition... For example, assistance with and payment for construction of new zero-grazing structures on alternative lands; provision of buffer lands for growth of cattle fodder; assistance with cultivation of fodder, provision of cattle fodder for lag period until cultivated cattle fodder becomes available.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Ensure that the livestock owners have access to land for grazing or ways to sustain their livelihoods.</td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Type of Impact</td>
<td>Person (s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
</tr>
<tr>
<td>-----------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>----------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Loss of access to water sources</td>
<td>Loss of access to water for household use, for household plots, etc.</td>
<td>Affected households</td>
<td>- Replace water access: Provide alternate access to water sources in the interim period. Ensure that the investments’ design take into consideration different use and need for water and accommodate the users accordingly.</td>
</tr>
<tr>
<td>Loss of communal properties such as burial grounds and places of worship, community centres, and social buildings</td>
<td>Loss of access to these sites, temporarily or permanently, loss of investment made.</td>
<td>Communities affected</td>
<td>- Consultation: Undertake consultation with affected households to determine appropriate arrangements and compensation if suitable. Replacing the social building such as schools and dispensaries.</td>
</tr>
<tr>
<td>Loss of livelihoods</td>
<td>Loss of means of livelihoods such as small production, such as collection of forest product,</td>
<td>Communities engaging in non-farming livelihoods such as hunters and gatherers, fisher folk, beekeeper etc.</td>
<td>- Livelihood restoration programs: Undertake to help the affected communities restore their livelihood by initiating income generating projects.</td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Type of Impact</td>
<td>Person (s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
</tr>
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</tr>
<tr>
<td>fishery, beekeeping, small dependent jobs on affected assets, such as sand, forest, inaccessible water bodies and forest</td>
<td>Temporary Acquisition</td>
<td>PAP (whether owner, tenant, or squatter)</td>
<td>- Cash compensation for any assets affected (e.g. boundary wall demolished, trees removed) or reinstatements as agreed with the PAP</td>
</tr>
</tbody>
</table>
| | Vulnerable Groups | Elderly, the sick, disabled, children headed households, HIV/AIDS victims, those living below the poverty line, the landless, indigenous peoples, those living without legal title to assets, unemployed | - In kind assistance and Cash compensation for any assets affected  
- Priority in physical mobilization and compensation give sufficient time to resettlement plot;  
- A preference for in-kind compensation  
- Assistance in the compensation payment procedure |
<table>
<thead>
<tr>
<th>Land and Assets</th>
<th>Type of Impact</th>
<th>Person (s) Affected</th>
<th>Compensation/Entitlement/Benefits</th>
</tr>
</thead>
</table>
| Unidentified Impacts | Loss of cultural sites, graves, shrines, cultural trees among others | The local community, cultural healers | - Relocation of the graves  
- Avoiding the cultural sites and shrines |

*Note: All PAPs will be entitled to three months notice that will be issued after receiving compensation payments to e.g. demolish the structures.*
6.5 Methods Of Assets Valuation

Valuation is the process of determining the value of land, or an asset that PAPs possess or use. Compensation for all land use and assets in kind or cash will be required for the following:

i. Land;

ii. Residential buildings, any structures and fixtures;

iii. Cultivated crops (both cash and food crops) and trees; and

iv. Loss of businesses or employment.

Replacement cost is used for land and properties affected by the proposed LMCP Phase III.

- For houses and other structures, it is the market cost for replacing the property, including the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors’ fees, plus the cost of any registration and transfer. The depreciation of the house is not considered.

- For agricultural land, the replacement value is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus all transaction costs including the cost of any registration and transfer taxes.

In addition, resettlement and economic rehabilitation assistance will be provided to the PAPs, as outlined in the Entitlement Matrix. It is critical that if cash compensation is selected then replacement values be used to establish actual compensation for all sub projects to be funded. A registered Valuer with Valuers Registration Board (VRB) will undertake the valuation exercise, using existing market price, to establish replacement cost and this will be done as part of the preparation of each investment specific RAP.

Although the type of compensation will be the individual’s choice, compensation in kind will be preferred as cash payments raises issues regarding inflation and security. In addition, provision of cash does not ensure that the PAP’s income will be restored, and to mitigate against possible impoverishment resulting from cash compensation, sensitization and training on how to invest compensation cash would be undertaken. For payment of compensation in-kind, the timing and alternative locations will have to be decided and agreed upon by each recipient.

6.5.1 Valuation Process of Assets

6.5.1.1 Field Preparation of Asset Inventory

The first step will be to carry out an asset valuation survey as part of the RAP preparation. KPLC will form teams comprising of; Socio-Economists, Registered Valuers, Lawyers,
Accountants, Gender Expert among other relevant professional who will be required for this assignment of carrying out the RAP. The KPLC teams will work closely with Locational Resettlement Committees, which will be established for the implementation of the RAP in a given sub project County. It will include a representative of the PAPs.

Each asset will be enumerated and inscribed on an inventory and a valuation of the asset carried out. The values of each asset will then be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism. The information collected, including census, will have been compiled in electronic and hard copy form, with a separate file for each affected household, including:

(i) Census results;
(ii) Asset inventory and valuation;
(iii) Photographs; and
(iv) Any other relevant information including current livelihood strategies of households.

The type of compensation will be an individual choice although every effort will be made to instil the importance and preference of accepting in kind compensation if the loss amounts to more than 20% of the total loss of subsistence assets. Table 14 below describes the forms of compensation.

**Table 14: Forms of Compensation**

<table>
<thead>
<tr>
<th>FORMS OF COMPENSATION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash Payments</td>
<td>Compensation will be calculated in Kenya Shillings, based on the replacement cost. Rates will be adjusted for inflation.</td>
</tr>
<tr>
<td>In-kind Compensation</td>
<td>Compensation may include items such as land, houses, and other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment. KPLC and NLC will work together towards the implementation of kind compensation.</td>
</tr>
<tr>
<td>Resettlement and Economic Rehabilitation Assistance</td>
<td>Assistance may include livelihood restoration measures, moving allowance, transportation and labour.</td>
</tr>
</tbody>
</table>

One purpose of using in-kind compensation will be to reduce inflationary pressure on the cost of goods and services. Local inflation may still occur and thus market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values. The issue of security, especially for people who will be receiving cash compensation payments will be addressed by ensuring PAPs are paid via bank accounts,
and through the local administration. The timing and venue for in-kind compensation will be decided in consultation with the PAPs.

6.5.2 Methods for Valuing Assets in Kenya
Valuation is not an exact science. There are, however, certain fundamentals and basic appraisal methods, which will enable the Valuers to arrive at a logical and supportable estimate of value of property owned by PAPs. Any valuation model to have validity it will have to produce an accurate estimate of the market price. The method will therefore have to reflect the market culture and conditions at the time of valuation. The following methods will be considered:

6.5.2.1 Investment method
The investment method will treat property like any other investment in the market, where the main factors influencing investment decisions are security of principal, adequate yield, security of income, administrative costs and capital growth. The procedure is to capitalize the rental income (net of expenses or outgoing) using a coefficient based on the prevailing market yield. Yield adjustments will have to be made where income is terminable. Where ownership will accrue in future or the expected income stream is likely to change, the benefit is deferred at an appropriate rate, where adequate market data are available. Where sale and rental transactions are rare, and there is scarcity of comparative data on rental and capitalization rates, the method will not be used.

6.5.2.2 Direct comparison method
The method will be used to value assets by comparing like with like. It is a very reliable method if current market information is available on sale prices and rentals. It is usual to reduce sales or rented information on unit price for compensation purpose.

6.5.2.3 Replacement Cost Approach
Replacement Cost Approach, is where market sale and rental information is not available, value can be arrived at by using the cost approach - that the costs of replacing assets is based on damages caused by project operations. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

6.5.2.4 Gross Current Replacement Cost
Gross Current Replacement Cost (GCRC) is defined as the estimated cost of erecting a new building having the same gross external area as that of the existing one, with the same site works and services and on a similar piece of land.
6.5.3 Other methods Rates from Contractors:
When rate schedules do not exist or are out of date, recent quotations by contractors for similar types of construction in the vicinity of the project will be used for calculating replacement costs. In projects offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable.

6.5.3.1 Schedule of rates from National Construction Authority
The National Construction Authority have a schedule of rates for preparing estimates for construction projects, which the KPLC teams can use to assess costs for construction materials and labour. When applied to calculate replacement cost, rates current for the period of actual replacement must be used.

6.5.4 Compensation under this RPF and Calculation of compensation by assets
As noted earlier, to comply with AFDB Involuntary Resettlement Policy (2003), under this RPF the full replacement cost approach will be used, which includes all expenses to replace a lost property and/or land. No depreciation will be used since the crux of this approach is that the people who loses land and assets will be able to replace them at least at the pre project level.

The following methods of calculation will be adopted for the preparation of the aforementioned standardized asset valuation tables and/or the application of specific case-by-case valuations in the case of sub projects that have significant impacts.

6.5.4.1 Compensation for Land in urban areas
The compensation will be based on replacement cost, which will be the market price plus the cost of buying a new plot of land and the fees and taxes involved.

6.5.4.2 Compensation for Agricultural Land
The project will first offer replacement of land for any affected land. If receiving land as compensation, the affected party will then be compensated for the labour required to replant the crops. In the case where there is no alternative land available, cash compensation at full replacement value will be provided. This will be valued based on the prevailing market value in the locality to purchase an equally productive plot of land in the same locality.

Any associated costs of purchasing the land i.e., taxes, and registration fees will be included in the compensation. Compensation will also be done for any improvement made on the land with calculation made using current prevailing market rates for labour, equipment and materials. In cases where land lost is only a small fraction of total land owned by the PAP, but renders the remaining land as unusable, the compensation provided will be calculated based on the total land affected (i.e., the actual land lost plus the remaining unusable land).
In addition, the PAPs will be compensated for any permanent improvements made to the land (for instance water distribution and supply lines). This will be calculated based on the price of making the permanent improvement at current prevailing market rates for labour, equipment and materials.

Compensation for land is aimed at providing a farmer and land owners whose land is acquired and used for project purposes, with compensation for land labour and crop loss. The farmer’s labour is one of the biggest investments he/she makes in producing a crop, which is higher than all other inputs such as seed and fertilizer. As a result, compensation relating to land will cover the market price of labour invested as well as the market price of the crop lost.

Should a PAP not prefer replacement land, cash compensation at full replacement value will be offered.

6.5.4.3 Land Measurement

For purposes of measuring land, the unit of measurement would be that which is used and understood by the affected farmers and if a traditional unit of measure exists in the rural areas, that unit will be used. If a traditional unit of measurement does not exist in a particular area then it is recommended that land should be measured in meters or any other internationally accepted unit of measurement.

However, in such an event, the unit that is being used must be explained to the affected farmers/users and must somehow be related to easily recognizable land features that the communities are familiar with, such as using location of trees, stumps, etc. as immovable pegs. The most important concern of this exercise is to ensure that the affected person is able to verify using his/her own standards/units of measurement, the size of land that is being lost. This will ensure transparency in the system and will thus avoid subsequent accusations of wrong measurements or miscalculation of areas. A farmer should know how much land he/she is losing, in terms of size and the replacement land must be at least of that same size and comparable value as land lost.

6.5.4.4 Calculation of Crops Compensation Rate

The compensation of the crops will be paid at market rate for the production lost. This rate incorporates the value of crops and the value of the labour invested in preparing new land. Market value is equivalent to average of last 3 years market value for the mature and harvested crop. The value of the labour invested in preparing agricultural land and ploughing will be compensated at the average wage in the community for the same period of time.

6.5.4.5 Crop Values Determination

The value of each staple crop affected will be taken as the highest market price (over 3 years) reached during the year. This will be validated from current market prices of crops as kept by County Agricultural office. The labour cost for preparing replacement land is calculated
on what it would cost a farmer to create a replacement land. This value is found by adding together the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop.

The labour costs will be paid in Kenya Shillings at the prevailing market rates. For transparency reason, all land labour will be compensated for at the same rate. If the land is needed at agriculturally critical date when farmer or PAPs will not have enough time to prepare another land without assistance, support will be provided in the form of labour intensive village hire, or perhaps mechanized clearing, so that replacement land will be ready by the sowing dates. The farmer will still continue to receive his/her cash compensation to enable him/her to pay for sowing, weeding and harvesting.

6.5.4.6 Compensation for Buildings and Structures
Compensation will be paid by replacing structures such as houses, buildings, huts, farm, outbuildings, latrines and fences on alternative land provided as an in-kind compensation. Cash compensation would be available as preferred option for structures lost, that are not the main house or house in which someone is living. The ongoing market prices for construction materials will be determined. Alternatively, compensation will be paid in-kind for the replacement costs without depreciation of the structure. The second option is provision of cash compensation at full replacement value. Replacement values will be based on:

i) Measurements of structures and detail of materials used;
ii) Average replacement costs of different types of household buildings and
iii) Structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. poles, bricks, rafters, bundles of straw, corrugated iron sheets, doors etc.).
iv) Prices of these items collected in different local markets;
v) Costs for transportation and delivery of these items to acquired/ replacement land or building site;
vii) Estimates of construction of new buildings including labour required;
vi) Any associated taxes, registration fees.

6.5.4.7 Compensation for Community Assets
Community assets include community-owned assets such as water points, wells, marketplaces and community/public facilities (e.g., schools, wells, clinics police posts). Community assets will be identified through the census and enumerated. In the event that community assets are affected, new facilities will be provided as per the needs of the PAPs. However, if community trees are affected, the community will be compensated through provision of new seedlings equivalent to the value of lost trees. Some community assets such as burial grounds in rare cases may need to be moved, therefore the cost of moving graves and related structures should be considered.
6.5.4.8 Compensation for Sacred Sites
This RPF is conscious of the fact that valuation of sacred places is a difficult undertaking because of the complexity of placing monetary value on a cultural site. Additionally, most sacred sites belong not only to an individual but a family, village or community.

Under this RPF to the largest extent possible, the sacred sites and use of land that is defined to be cultural and/or sacred property will be avoided. Sacred sites will include but not restricted only to; museums, altars, initiation centres, ritual sites, ancestral tombs, trees, stones, and cemeteries, which are considered sacred by the project, affected persons. It will also include other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. However, if the impact on some cultural sites is unavoidable, utmost care will be taken to ensure that all related activities affecting such sites and compensation is culturally appropriate and acceptable to the involved community and that all the processes are done in a consultative manner and with full participation of the affected communities.

6.5.4.9 Compensation for Loss of Enterprises
Business structures in project areas will be replaced in an appropriate location as outlined above. In addition, compensation will be paid for the lost income, profits and production during the transition period (time lag between losing the business and re-establishment). If it is not possible or preferable to provide replacement site for an affected business/enterprise, the full replacement cost to re-establish the business, as described above, will be provided.

6.5.4.10 Compensation for vegetable gardens and beehives
Most vegetable garden, form part of the residential space of most homes-though miniature in size, they make critical component of most family's food and nutritional supplement through provision of vegetables. Until a replacement garden starts to bear, the family displaced (economically or physically), will have to purchase vegetables in the market for daily use. The replacement costs therefore, will be calculated based on the average amount that an average town dweller spends on buying these items for one year per adult from the local market. Beehives are placed in various locations in the bush by individuals specializing in honey gathering. If such hives will be disturbed by the project activities, or access to hives is denied, beekeepers will be free to move them, and hopefully the bees will adapt to the new locations. Beekeepers will be compensated by the value of one season’s production costs of honey for each hive that is moved and any reasonable costs associated with moving the hive.

6.5.4.11 Compensation for horticultural, floricultural and fruit trees
Papaya, Banana, Guava, spice crops, medicinal and aromatic crops will form a set of primary fruit trees that are likely to be found in project targeted area and are estimated to account
for a significant amount of all fruit bearing trees. They are primarily important as a source of: subsistence food for families; cash produce that contribute to the export economy; petty market income in some areas, and shade (in the case of mango trees). For banana trees, they have a relatively much shorter productive life, normally, than mango trees. For species, banana trees will not bear fruit more than once a year. Therefore, compensation for banana trees would be based on the full market rates for bananas harvested in that year and for one additional year. The second year payment is for the replacement cost of planting a new tree, looking after it and harvesting it which could all be done in one year. This method in general is used for trees/plants that have a relatively short life. Mango tree and other fruit bearing trees with longer life span will be compensated on a combined replacement/market value. Mango trees used for commercial purposes will be compensated at market value based on historical production records.

If households choose to resettle, they will be compensated for the labour invested in the trees they leave behind. For this RPF, the compensation rate will be based on the value of the mango and other fruits harvested in one season multiply by the years of the maturity of the tree. The compensation could also be in the form of providing a combination of new grafted and local trees to farmers, as well as cash payments to offset lost yearly income.

6.5.4.12 Other domestic fruit, shade trees,
As defined in this RPF, individuals will be compensated for wild trees, which are located in their land. Wild productive trees belong to the community when they occur in the bush as opposed to fallow land. These trees will be compensated for under the umbrella of the community compensation.

6.5.4.13 Compensation for livelihood that are not necessarily land based
For those who have small production and that production is a major part of their livelihoods, such as forest fruit and herbs collectors, fishermen, beehive keepers, livestock owners, tenants, those working on land, sand collectors, earning an income, which is affected by any of sub project investment, the RPF proposes full livelihood restoration and support to such vulnerable groups affected by the project activities. The livelihood restoration support will be in the form of cash plus training and capacity building to engage in new occupation, including activities created by a given sub project.

6.5.4.14 Vulnerable Groups
Vulnerable people refers to individuals who are at a higher risk of experiencing harm or facing difficulties due to various factors such as age, health conditions, disabilities, socio-economic status, or other circumstances. It is important to provide support, resources, and protection to vulnerable people to ensure their well-being and safety. The vulnerable groups will be identified during the planning of this sub projects and organise consultative meetings.
with them writing their neighbourhood to give their views in regard to the proposed project and consider them to access the project benefits. Others include:

- In kind assistance and Cash compensation for any assets affected
- Priority in physical mobilization and compensation to give sufficient time to resettlement plot;
- A preference for in-kind compensation
- Assistance in the compensation payment procedure

These special groups will be assisted in terms of electricity connection through the provision and installation of ready boards (a switch, a socket and one lamp holder) in their households this will aid in reducing the burden of wiring on them.

6.6 Processes of Land compensation and entitlement

Processes of acquiring land for the project can take 2 forms as explained below. The specific method will be determined at the RAP stage.

6.6.1 Formal Processes Involved In Compulsory Acquisition of Land

The following is the formal processes involved when land needed for public development projects is acquired.

Step 1: An acquiring authority makes a formal request to the NLC indicating the purpose of the land to be acquired. The request should prove that the land is needed for public purpose.

Step 2: The Commission will consider the request in view of the guidelines. If the Commission is convinced that the land is required for public purpose, the Commission will write to the Acquiring Agency to that effect, and directs them to acquire the land.

Step 3: The Commission will then give “Notice of Intention” to acquire the land in the “Kenya Gazette or County gazette”. The public announcements will be made widely in standard mass communication avenues such as newspapers. The “Notice of Intention” must mention the public body or the public purpose for which the land is to be acquired. A copy of the notice is given to the Registrar and every person who appears to the Commission to be interested in the land.

Step 4: NLC will inspect the land and undertake valuation through registered Valuers for just compensation before issuing an award depending on their own assessment and the representations of interested parties as submitted at the inquiry.
**Step 5:** NLC then publishes a “Notice of Inquiry” which must mention places and fixed dates when persons interested in the subject land are to submit their claims to the NLC or their appointee.

**Step 6:** Upon conclusion of the inquiry, The award will then be issued in the prescribed form indicating the amount of compensation awarded while the statement form gives the landowners option of acceptance or rejection of the award. If the landowner accepts the award, NLC or acquiring authority will shall, promptly pay compensation in accordance with the award to the persons entitled, unless there is no competent person to receive the payment, if there is a dispute etc.

**Step 7:** After the pay, a “Notice of Taking Possession and Vesting” will be issued by NLC or acquiring authority on the exact date of taking possession. The notice will instruct the landowner to take his/her title for amendment or cancellation. It is copied to the Government Land Registrar to make necessary changes to the affected deed. On the other hand, if the owner rejects the award, the NLC or acquiring authority deposits the money in special account pending the former’s appeal. Compensation will be based on ‘just compensation’.

**Step 8:** After the full compensation and after land has been acquired, NLC or acquiring authority shall as soon as practicable ensure that a final survey is undertaken of the land acquired.

Section 117 of Land Act 2012 allows for in-kind compensation as follows: “Notwithstanding anything contained in the Lands Act, where the land is acquired for the Government or County government, NLC may agree with the person whom he has determined to be the proprietor of the land that person, instead of receiving an award, shall receive a grant of land, not exceeding in value the amount of compensation which NLC considers would have been awarded, and upon the conclusion of the agreement that person shall, be deemed conclusively to have been awarded and to have received all the compensation to which he is entitled in respect of his interest. An agreement under subsection (1) shall be recorded in the award. Such a grant can be another land or anything equivalent to the value of the land”.

### 6.6.2 Willing Buyer and Willing Seller in Land Acquisition

The project proponent will also pursue land acquisition through willing buyer willing seller basis for the substations land, however it will be in line with AFDB Policy. This is the procedures that will be followed in land acquisition using this method;

**Step 1: Open Tender** – The project proponent will prepare the Expression of Interest (EOI) documents in regard the location and size of the land which will be required for the proposed
substations. This tender will be advertised in the local newspaper and KPLC website. The interested bidders will be given adequate time to respond to EOI.

**Step 2: Land Suitability**
KPLC will form an evaluation team from various departments to ensure the suitability of land to be purchased for the construction and operation of various substations is ok. The team will come up with a suitable criteria that will be used to determine the best sites. The team will visit various sites as per the EOI responses received to determine the following:
- Suitability for the Civil works (Civil Engineer)
- Accessibility and size (Surveyor)
- Electrical suitability (Electrical Engineer)
- Free from any sensitive environmental and social issue (Environmental Expert and Social Expert) including must be in Category 2 project level (i.e. no major land acquisition/displacement similar to Category 1 projects).

These experts will come up with their recommendations towards identifying the best sites that will move next step of evaluation which will include screening of the sub project as per procedures set out in this RPF.

**Step 3: Land Valuation**
Once the best sites have been identified, the KPLC Valuers will visit those sites and undertake land valuation in line with market prices of the area considering site and location. This will be undertaken in line with AFDB Policies.

**Step 4: Negotiation**
KPLC Valuers will negotiate with the land owners and give them price offers as per the replacement rate in line with AFDB Policy. Once the price is agreed upon, KPLC will draw a land sale agreement which has to be signed by the two parties and make the payment to the land owner as per the agreement. These sites will be included in the RAP at the same time (i.e. socioeconomic survey and consultation) taken at same time but prior to the compensation.

**Step 5: Transfer of the Property**
Once the payments have been made as per the sale agreement, the land owner transfers the property to KPLC.

**6.7 Procedures for In Kind Compensations**
Procedures for in-kind compensation in the implementation of a resettlement action plan will be handled by KPLC project implementation unit that will comprises; Project Manager, Civil Engineer, Surveyor, Wayleaves Offices, Wayleaves Officer, Socio-Economist, Lawyer, Environmental Specialist, Valuer and Regional Project Engineers. Consultations among these
experts, will be highly recommended to ensure compliance and fairness throughout the process. In kind compensation process will generally follow a structured process to ensure fair compensation for project affected individuals or communities. Here are the typical steps that will involved:

**Step 1. Impact Assessment:** Conduct a detailed assessment to identify the potential impacts of the resettlement action and determine the individuals or communities eligible for compensation. This involves understanding the nature and extent of the displacement, loss of assets, and impacts on livelihoods, and will culminate in An ARAP.

**Step 2. Valuation of Losses:** Assign a fair and realistic value to the losses experienced by affected individuals or communities. This includes assessing the value of land, structures, crops, livelihoods, and any other impacted assets.

**Step 3. Consultation and Negotiation:** Engage with affected individuals or communities through consultation processes to gather their inputs and negotiate compensation arrangements. This ensures their voices are heard, their concerns are addressed, and the compensation is agreed upon mutually.

**Step 4. Compensation Options:** Explore various compensation options, including in-kind alternatives, based on the needs and preferences of affected individuals or communities. In-kind compensation may include providing replacement land, housing, infrastructure, livelihood support, or other goods and services. KPLC will procure the services of a construction company to build houses and other infrastructures for the project affected persons since their houses will be demolished to pave way for the project construction. Further KPLC and NLC will take the lead with the project affected persons in identifying replacement land for them. KPLC in conjuction with the project affected persons will initiate income restoration projects to assist them to pick up as soon as possible.

**Step 5. Documentation and Agreement:** Prepare a written agreement or contract that clearly outlines the compensation package, including the specific in-kind compensation to be provided. This agreement should be signed by both parties involved and serve as a legal document to ensure the compensation is delivered as agreed.

**Step 6. Implementation and Monitoring:** Implement the in-kind compensation plan by providing the agreed-upon goods or services to the affected individuals or communities. Establish a monitoring mechanism to track the progress of the compensation delivery and ensure that it is executed effectively and on a timely basis.

**Step 7. Grievance Redress:** As part of the project GRM, address any concerns or grievances
that may arise during or after the compensation process. This provides affected individuals or communities with a platform to seek resolution if they feel their compensation is not being delivered appropriately.

**Step 8. Review and Evaluation:** Periodically review and evaluate the effectiveness of the in-kind compensation plan to identify any areas for improvement. This allows for adjustments and refinements to be made to ensure the compensation process remains fair and equitable.

The whole process will adhere to applicable Kenyan laws, regulations, and AFDB Policy related to resettlement and compensation when developing and implementing a resettlement action plan.

6.8 **Timing of Compensation**

Before any project investment is implemented, PAPs will need to be fully compensated by NLC and/or directly by KPLC (e.g. squatters structures) in accordance with the principles of this RPF and the RAPs. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and other assistance required for relocation prior to displacement and preparation of resettlement sites with adequate facilities, where required. Taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the RPF and individual RAPs.

The schedule for the implementation of activities related to specific RAPs, will be prepared based on the principles of this RPF, and must be agreed between the NLC, implementing agency, MOEP, Sub-county Resettlement Compensation Committees (SCRCC) and affected PAPs to give legitimacy to the whole process as outlined in the law.

These will include the target dates for start and completion of civil works, the dates of the possession of land and properties used by PAPs, dates of the full compensation, dates of transfer of titles to NLC, and date of hand over of land to implementing agency. This schedule will be determined by the NLC in consultation with the implementing agency, SCRCC and the PAPs. The consultation process will ensure that RAPs contains acceptable measures agreed upon among all stakeholders that link resettlement activity to civil works under each specific investment in compliance with this policy.

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3 which includes representatives of the national land commission, the Implementing Agency (IA); county administration representative, sub-country land registrar, and three PAPs
The timing mechanism of these measures will ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected.

### 6.9 Notice Period After Compensation

The PAPs will be given 3 months after receiving compensation to vacate their premises to create room for project implementation.
7  CHAPTER SEVEN: IMPLEMENTATION AND INSTITUTIONAL ARRANGEMENTS AND SCHEDULE, LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS

7.1  Implementation Arrangements

7.1.1  KPLC

The Ministry of Energy and Petroleum MoEP will be responsible for overall coordination of the project and consolidate the information related to the project implementation. KPLC will be responsible for the implementation of Resettlement Framework Plan and Environmental Social Management Framework.

Institutional Roles for RAPs preparation and implementation under LMCP Phase III Resettlement implementation, will be done at different levels namely, KPLC and National Land Commission; at the County/Sub-County level the Resettlement and Compensation Committee; and then at the grassroots level, locational Resettlement and Compensation Committee.

The Ministry of Energy and Petroleum (MoEP) will be Responsible for overall coordination and oversight of the LMCP Phase III project, including (i) definition of areas to be electrified based on technical and policy development priorities ;(ii) Consolidating information from Geospatial, implementing agencies (iii) Monitoring the implementation of project; and (iv) evaluating the project.

LMCP Phase III  KPLC PIU will be responsible for the overall coordination of the project implementation and oversight including the following; (i) defining, jointly with the respective county governments, the project areas based on technical and policy development priorities; (ii) resolving in consultation with the county governments challenges requiring high level intervention facing the project; (iii) monitoring the implementation of project in consultation of the counties; and (iv) consolidating information.

In terms of the RPF, KPLC as an Implementing Agency of government under the MoEP will implement LMCP Phase III will be responsible in;

(i)  Project preparation, Appraising and approving sub projects, organizing the management resources, Ensuring adequate and capable management resources, conducting appraisals and approval of technical design, implementation of safeguards activities, total cost estimates and cost estimates of the sub-projects, negotiating, signing and supervising the implementation of contracts, implementation of safeguards activities and way leaves acquisition

(ii)  KPLC will be also responsible for the needed safeguards instrument, in this case RAPs for LMCP Phase III, in accordance to the RPF. KPLC will screen the proposed LMCP Phase III sub projects to determine their viability and feasibility. Once the
LMCP Phase III is proposed for funding, KPLC will form a dedicated Project Implementation Unit (PIU) with key social safeguards and RAP team that will prepare RAPs for forwarding to the AFDB for review. The preparation and implementation of individual RAPs is the responsibility of KPLC which will entail the following:

- Screening of the sub-projects
- Undertaking RAP preparation
- Public consultation and participation
- RAP disclosure
- Quarterly RAP reporting to the bank
- RAP oversight
- RAP monitoring and evaluation
- Grievance Redress Mechanism

In addition, the Project Implementation Manual to be prepared by the KPLC PIU in consultation with Environmental and Social Experts of SHE department that will include a checklist of the sub-projects, their potential threats and preventive or mitigation measures, as well as capacity building for safeguard implementation and compliance monitoring.

A dedicated Project Implementation Unit (PIU) will be responsible for the day to day running of the Project. KPLC PIU will have specific staff secondment from company existing staff cadre. This PIU will be led by Chief Engineer/project Coordinator/Team Leader; and will include procurement specialist, project Socio economist, legal specialist, surveyor, gender expert, Wayleaves officer, land valuer, project finance specialist/accountant, environmental safeguards specialists, and social safeguards specialists, and project engineers.
KPLC will assign a dedicated team the responsibility for the project implementation including contract award and supervision. The PIU is composed of staff members of various departments to carry out day to day activities of implementation. Additionally, the PIU will be supported by some technical consultants (where need be) especially the technical design of the LMCP Phase III.

7.1.2 National Land Commission (NLC)

The National Land Commission (NLC) is the legal agency under the new constitutional dispensation responsible for compulsory acquisition of private land for public development by national government and county governments. NLC is governed by National Land Commission Act 2012, which stipulates one of its roles as that of compulsory acquiring land for national government and county governments’ development projects among other roles. Key roles of NLC in the implementation of this RPF and subsequent RAPs will include: provide approval to acquire land; notifies landholders in writing of the intention to acquire
land; assist in resolving disputes related to compensation; undertake public consultation on intended acquisition with the help of SCRCC; receive money from MOEP for actual payment of entitlement awards to PAPs. NLC have also devolved to the county and they have adequate structures and representation on the ground hence making the implementation of the RAPs proper and efficient.

7.1.3 Resettlement and Compensation Committees
KPLC PIU will form 2 committees to assist with resettlement and grievance resolution matters as below. Gender considerations will be key in constituting the committees.

7.1.3.1 (Sub County Resettlement and Compensation Committees (SCRCC))
SCRCCs will be established at the sub county level to ensure participatory and transparent implementation of the RAP with a maximum of eleven members that will be gender balanced. For purposes of this RPF, SCRCC will help NLC carry out its mandate efficiently particularly ensuring effective communication of NLC with the affected communities, accompanying NLC for valuation where needed etc. Members to SCRCC will include representation from the following agencies and entities
- Representative of NLC, as the chair of SCRCC to grant legitimacy to the acquisition and resettlement process and ensure that legal procedures as outlined in Land Act 2012 and binding document of the RPF are adhered to.
- One Two representatives of the implementing agency as the acquiring institution (KPLC) as secretariat to ensure the whole process is moving on well with regular follow ups
- A County government Administration representative, which will provide the much needed community mobilization, and support to the sub project and to the process of resettlement
- A national government representative (Assistant County Commissioner) which will provide the much needed community mobilization, and support to the sub project and to the process of resettlement
- KPLC Land Survey Officer will survey all affected land and produce acquisition map.
- The Sub County Gender and Social Development Officer (National government) who will be responsible for livelihood restoration programs.
- The Sub County Lands Registrar (National government) will verify all affected land and validate the same.
- Three PAPs representative from Location Resettlement Committee – act as voice for the PAPs

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4 Male, female and youth/vulnerable
• One representative from NGOs and CBOs locally active in relevant fields to ensure effectiveness, fairness, just compensation, and transparent process in the whole acquisition process.

The SCRCC will have the following specific responsibilities:

- Assist sensitise the PAPs on the RAP process and entitlements
- Ensuring effective flow of information between NLC and PAPs and the implementing agency and the PAPs
- Coordinate Locational Resettlement and Compensation Committees (LRCCs), validate inventories of PAPs and affected assets;
- Work with PIU to coordinate activities between the various organizations involved in relocation; and provide support and assistance to vulnerable groups.
- Conducting extensive public awareness and consultations with the affected people so that they can air their concerns, interests and grievances.
- Coordination with the project implementation agency in the implementation of livelihood restoration activities.

7.1.3.2 Locational Resettlement and Compensation Committee (LRCC)

Since sub counties are fairly large, further decentralized resettlement unit will be formed at the location of the sub project. Subsequently, Locational Resettlement and Compensation Committees (LRCCs), based in each administrative location of sub projects, will be established. The LRCCs will be constituted by implementing agencies and SCRCCs through consultation with the PAPs and will act as the voice of the PAPs and should be gender balanced. The LRCCs will work under guidance and coordination of SCRCC and implementing agencies. LRCCs will be formed two to three weeks after the formation of the SCRCC. Their membership will comprise of the following:

- The locational Chief, who is the Government administrative representative at the locational unit and who deals with community disputes will represent the Government in LRCC
- Assistant Chiefs, who supports the locational Chief and Government in managing local community disputes in village units will form membership of the team.
- Female PAP, elected by women PAPs, will represent women and children related issues as regards resettlement and compensations
- Youth representative, elected by youths, will represent youth related concerns in the LRCCs
- Male representatives elected by the members of the PAPs
- Vulnerable persons representative, will deal and represent vulnerable persons issues in the LRCC.
- Business representative, will represent business people concerns in LRCC
- CBO representatives
Membership of LRCCs will be elected by each category of PAPs except the locational Chief and assistant chiefs who will be automatic members of the team by virtue of their positions. Each of LRCCs will elect their own chairperson and a secretary among themselves. The roles of LRCCs will include among others the following:

- Conducting extensive public awareness and consultations with the affected people.
- Help ensure that local concerns raised by PAPs as regards resettlement and compensation among others are promptly addressed by relevant authorities.
- Assist KPLC team working on RAP preparation and validation of it
- Ensure that the concerns of vulnerable persons such as the disabled, widowed women, orphaned children affected by the sub project are addressed.
- Assist the PAPs in the process of compensation, including helping those who cannot write or read.
- Ensure that all the PAPs in their locality are informed about the content of the RAP.

7.2 Grievances Redress Mechanism

The current Kenyan constitution section 159, Land and Environmental Court Act 2011, National Land Commission Act 2012 and Land Act 2012 advocates for alternative dispute resolution mechanisms before seeking formal legal redress in disputes relating to land and resettlement. In practice this can be the village head and other local or traditional dispute resolution mechanisms or project based GRCs. In addition, the Land Act 2012 and National Land Commission Act 2012 obligate the NLC to support grievances and disputes related to land acquisition amicably in conjunction with KPLC. KPLC will be expected to put in place mechanisms and structures that arbitrate or negotiate with PAPs or landowners whenever there are any grievances concerning their compensation.

Grievance mechanisms provide a formal avenue for affected groups or stakeholders to engage with the project implementers or owners on issues of concern or unaddressed impacts. Grievances are any complaints or suggestions about the way a project is being implemented. They may take the form of specific complaints for damages/injury, concerns about routine project activities, or perceived incidents or impacts. Identifying and responding to grievances supports the development of positive relationships between projects and affected groups/communities, and other stakeholders. Grievances can be an indication of growing stakeholder concerns (real and perceived) and can escalate if not identified and resolved. The management of grievances is therefore a vital component of stakeholder management and an important aspect of risk management for a project. Projects may have a range of potential adverse impacts to people and the environment in general, identifying grievances and ensuring timely resolution is therefore very necessary.

Grievance procedures are required to ensure that PAPs are able to lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution of the
issue. The procedures should also ensure that the entitlements are effectively transferred to the intended beneficiaries.

PAPs will be informed of the intention to implement the grievance mechanism, and the procedures will be communicated at the time of the preparation of investments’ specific RAPs.

Under LMCP Phase III, grievances may arise from members of communities who are dissatisfied with (i) the eligibility criteria; (ii) valuation of assets and compensation, or (iii) actual implementation of RAPs, among others. This section sets out the measures to be used to manage grievances.

The AfDB standards outline requirements for grievance mechanisms for projects. Grievance mechanisms should receive and facilitate resolution of the affected institutional or communities’ concerns and grievances. Concerns should be addressed promptly using an understandable and transparent process that is culturally appropriate and readily acceptable to all segments of affected communities, at no cost and without retribution. Mechanisms should be appropriate to the scale of impacts and risks presented by a project.

As such the ESMF has provided guidance on the grievance management process to serve as a guide during project implementation and which will be considered in the various ESAs to be developed.

7.2.1 Key Elements of the GRM

A key element of resettlement activities will be the development and implementation of a grievance mechanism in all investments. The project based GRM works within existing legal and cultural frameworks, providing an additional opportunity to resolve grievances at the local, project level. The key objectives of the GRM are:

- Record, categorize and prioritize the grievances;
- Settle the grievances via consultation with all stakeholders (and inform those stakeholders of the solutions);
- Forward any unresolved cases to the relevant authority.

Grievances will be actively managed and tracked to ensure that appropriate resolution and actions are taken. A clear time schedule will be defined for resolving grievances under each investment, ensuring that they are addressed in an appropriate and timely manner.

The grievance procedure will be simple and will be administered, as far as possible, at the project level by the independent grievance redress committees which will be elected by the PAPs. There will be Locational Resettlement and Compensation Committees (LRCCs) based in each administrative location and as already described above. It will be established by KPLC through PAPs consultative meetings chaired by the representative of implementing agency. Further in some communities a member of key traditional institutions will be added.
into the committee especially in the cultural sensitive areas. LRCC will act as the voice of the PAPs and will work under guidance and coordination of SCRCC in handling PAPs' grievances. Some of the grievances can be resolved at this level. If not, the LRCC will assist the PAPs to escalate their grievances to the SCRCC.

The grievance procedure outlined in this RPF will not replace existing legal dispute and grievance redress in the country especially in respect to what will be set up by the NLC, which PAPs will be persuaded to use an option of last resort if they feel dissatisfied. Based on consensus, the SCRCCs and LRSCs will seek to resolve issues quickly in order to expedite the receipt of entitlements, without resorting to expensive and time-consuming legal actions that may delay the implementation of a sub project. If the grievance procedure fails to provide a result, complainants can still seek legal redress.

Should a PAP refuse the compensation suggested, the individual PAP has the right to take his/her case to the civil court for litigation.

The principles of grievance mechanism management that need to be observed include.

- All complaints and grievances are resolved as quickly as possible.
- That the resolution of complaints and grievances should be at the lowest possible level for resolution.
- All complaints that can be resolved, should be resolved immediately on the site. The focus of the GRM is to resolve issues in a customarily appropriate fashion at community level and record details of the complaint, the complainant, and the resolution.

All PAPs will be informed how to register grievances or complaints, including specific concerns about land and environment. The PAPs will be informed about the dispute resolution process, specifically about how the disputes will be resolved in an impartial and timely manner.

7.2.2 The LMCP GRM

It is highly recommendable that the client (KPLC) establishes a grievance mechanism as early as possible in the project development phase. In this section, the Grievance Redress Committee (GRC) is elaborated in and recommends its composition at the project level.

There will be three levels of the GRM are as described below:
7.2.2.1 Site/Local GRC

It is important to note that every sub project will have its own grievance redress committee which will include different users that can submit their claims and will allow even anonymous claims. This will serve as the first level committee. Since counties are large, decentralized Grievance Redress Committee will be formed at the location of the sub-project. Subsequently, Locational Grievance Redress Committees (LGRC’s), based at each location of a sub-projects, will be established. The LGRC’s will be constituted by implementing agencies and representatives of CGRCs through consultation with the PAPs and will act as the voice of the PAPs. The LGRCs will work under guidance and coordination of CGRC and the implementing agency. Their membership will comprise of the following:

1. The locational Chief, who is the Government administrative representative at the locational unit and who deals with community disputes will represent the Government in LGRC
2. Assistant Chiefs, who supports the locational Chief and Government in managing local community disputes in village units will form membership of the team.
3. Female PAP, elected by women PAPs, will represent women and children related issues regarding the project.
4. Youth representative, elected by youths, will represent youth related concerns in the LGRCs.
5. Male representatives elected by the members of the PAPs.
6. Vulnerable people's representative will deal and represent vulnerable person's issues in the LGRCs.
7. CBO/NGO representative

The membership of the GRCs at the sub project will vary and will be contextualised to each area given the sub projects will be implemented in various and different parts of the country with different cultural orientations. Gender considerations will be key in the constitution of the GRCs. At minimum a GRC will comprise of the Chief or Assistant chief, village elder, one Male PAP, one female PAP, One Youth and PLWD.

Membership of LGRCs will be elected by each category of PAPs except the locational Chief and assistant chiefs who will be automatic members of the team by virtue of their positions. Each of LGRCs will elect their own chairperson and a secretary among themselves.

The roles of LRCCs will include among others the following:

a) Conducting extensive public awareness and consultations with the affected people.
b) Help ensure that local concerns raised by PAPs as regards to the project are promptly addressed by relevant authorities.
c) Resolve manageable disputes that may arise relating to the project. If it is unable to resolve/help refer such grievances to the CGRCs instituted.
d) Ensure that the concerns of vulnerable persons such as the disabled, widowed women, orphaned children affected by the sub project are addressed.

e) Assist the community in recording grievances, including helping those who cannot write or read.

f) Help the vulnerable groups’ access project benefits.

g) Ensure that all the PAPs in their locality are informed about the project.

7.2.2.2 County Grievance Redress Committees (CGRC)

CGRC will be established at the county level to ensure participatory and transparent implementation of the project. The CGRC will help the project carry out its mandate efficiently- particularly ensuring effective communication with the communities. Members to CGRC will include representation from the following agencies and entities.

1. Representative of NLC, to grant legitimacy to the acquisition process and ensure that legal procedures as outlined in Land Act 2012

2. Representative of the implementing agency (Project Engineer and Regional Safety Health and Environment Engineer

3. Representative of NEMA to handle environmental issues.

4. The County Administration representative, which will provide the much-needed community mobilization, and support to the sub-project.

5. Wayleaves Officer will survey all affected land and produce maps.

6. The County Gender and Social Development Officer who will be responsible for ensuring gender programs are adhered to.

7. Two PAP representatives from Location Grievance Resettlement Committee – act as voice for the PAPs

8. NGOs and CBOs locally active in relevant fields

The CGRC will have the following specific responsibilities:

a) Ensuring effective flow of information between PAPs and the implementing agency

b) Coordinate Locational Grievance Redress Committees (LGRC)

c) Coordinate activities between the various organizations involved; facilitate grievance and conflict resolution; and provide support and assistance to vulnerable groups.

d) Conducting extensive public awareness and consultations with the affected people so that they can air their concerns, interests, and grievances.

e) Resolving disputes that may arise within the project. If it is unable to resolve any such problems, channel it to the National Grievance Redress committee before utilizing the appropriate formal grievance procedures.

7.2.2.3 National Grievances Redress Committee (NGRC)

NGRC will be established at the National level to ensure participatory and transparent implementation of the project. The NGRC will help the project carry out its mandate
efficiently—particularly ensuring effective and amicable settling of disputes among the communities/PAP.

Members to NGRC include representation from the following agencies and entities.

1. Representative from the Ministry Of Energy, chair of the Committee
2. Representative from NLC to handle matters that involve land take.
3. Representatives of the Implementing Agencies Kenya Power (Project manager, project engineer, procurement, accountant, environmentalist, socio economist, way leaves, and surveyor).
4. Representative from the County Grievance Redress Committee—depending on the matter at hand; Land or Environment
5. Representative from Gender and Social Development Office who will be responsible for ensuring gender issues are well addressed.
6. County Administration representative
7. Project Affected Person’s to represent the matter before the committee.

7.2.2.3.1 Functions of the National Grievances Redress Committee

a) Ensuring effective flow of information between PAPs, the implementing agency and the County Grievance Redress committee on matters brought before the committee.
b) Co-ordinate County Grievance Redress Committees (CGRC)
c) Co-ordinate activities between the various organizations involved; facilitate grievance and conflict resolution at the highest level.

Resolving disputes that may arise within the project. If it is unable to resolve any such problems, the PAP’s can seek legal redress or Approach AfDB redress system.

7.2.2.4 Legal Redress

The Land Acquisition Tribunal has the jurisdiction to hear and determine appeals from the decision of the NLC on the process of compulsory land acquisition of land. However, if a party is dissatisfied by the decision of the tribunal, they may appeal to the Environment and Land Court. The court will deal with land related disputes and in this case the PAPs meet the cost for the suit. However, the Land Act 2012 and Environment and Land Court Act 2011 also advocates for Alternative Dispute Resolution (ADR) methods in tackling land related disputes. ADR approaches will be given preference and based on customary rules, arbitration, or third-party mediation. ADR will be promoted or defended as a resolution to disputes related to land. The affected persons and other stakeholders also have a right to access the AfDB redress mechanism at no cost.

7.2.3 The Grievance Redress Process and Procedures

Grievance Redress Mechanism will be implemented to ensure that all complaints from local communities are dealt with appropriately, with corrective actions being implemented, and the complainant being informed of the outcome.
• **Development and Publicizing the grievance management procedures**
  The grievance mechanism will be disclosed to the project stakeholders as a part of the project stakeholder engagement program stating the purpose and functioning of the projects grievance mechanism. The uptake channels will be publicized and advertised via public meetings, through provincial administration office and at the implementing agency local office and where relevant contractors/supervising engineers.

• **Receiving and registering the grievance**
  Any member of the grievance redress committee can receive the complaints from the public either through direct face-face meetings or in writing which will be forwarded to the GRC secretary for proper documentation and filling. The GRC Secretary will receive complaints verbally and put them in writing for consideration. The GRC secretary will provide written acknowledgement. Recognizing that many complaints may be resolved ‘on the spot’ and informally by committee, there are opportunities to encourage these informal resolutions to be registered to (i) Encourage responsiveness; and (ii) Ensure that repeated or low-level grievances are being noted in the system. The GRM should have the ability to handle anonymous complaints.

• **Documenting the grievance**
  All grievances will be received by GRC secretary or RGC liaison officer who will document and records kept for further action. The records should indicate the grievances received, grievances resolved, and grievances not resolved. Complainants should be handed a receipt and a flyer that describes the GRM procedures and timeline (staff should be trained to read this orally for illiterate complainants). Where possible, the grievance log should capture complaints being made via informal or traditional systems, such as village elders.

• **Reviewing and investigating grievances**
  The grievances shall be screened to determine whether they are eligible for the grievance mechanism. Ineligible complaints include those that are not project related or those that the community procedures are more appropriate to address. Eligibility should be a procedural step to ensure that the issue being raised is relevant to the project. It is often better to ensure a relatively low barrier to entry with quick turnaround rather than to prevent users having their issues considered. Complaints that cannot be resolved on the spot should be directed to the grievance focal point who will have a set number of days to assess the issue and provide a written response to the complainant, acknowledging receipt and detailing the next steps it will take (one week or less is recommended).
  The grievances are categorized in three categories (A, B or C)

*Category A: Immediate action*-these issues require immediate actions are typically issues which threaten the short-term safety or the community member’s e.g., chemical spills or accidents near community water supply or sensitive environments.

*Category B: Urgent action*-these are issues which cause a nuisance or a long-term safety to the community members, employees and the environment. They should be communicated
to the Manager (Safety Health and Environment) within 12 hours after receiving and be responded to within 72 hours.

Category C: action – these are issues requiring action which is not of urgent nature and are typically procedural or dispute type issues.

- **Action and Feedback**
  This is the development of resolution options taking into consideration the community preferences, project policy, past experience, current issues and potential outcomes

- **Closure**
  All grievance records and supporting documents will be filled and recorded in the database. Upon completion of the agreed upon corrective actions, collect proof that these actions have taken place this includes photos, documentary evidence record of resolution which is signed and dated by the responsible staff member and if the resolution have been to the satisfaction of the complainant confirmation of this for the record. These are all included and recorded in the case documentation. If complainants remain unsatisfied with the grievance process, they have the right of recourse to the courts.

- **Monitoring, Reporting and Evaluating**
  Monitoring and reporting are the tools for measuring the effectiveness of the grievance mechanism, efficient use of project resources and for determining trends and recurring problems to facilitate proactive resolution.

The Grievance Redress Process is summarizing in the table below

**Table 16: Summary of Grievance Redress Process**

<table>
<thead>
<tr>
<th>Process</th>
<th>Description</th>
<th>Time Frame</th>
<th>Other Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grievance submission</td>
<td>Face to face; phone; letter, e-mail; recorded during public/community Interaction. Anonymous claims</td>
<td>1 Day</td>
<td>KPLC hotline no. 95551 or 0703070707 or 0732170170</td>
</tr>
<tr>
<td>Grievance assessment and log</td>
<td>Grievance significance assessed and recorded or logged (i.e. in a log book)</td>
<td>Within 5 Days of receipt</td>
<td>Significance criteria: Level 1 – one off event; Level 2 – complaint is widespread or repeated; Level 3 - any complaint</td>
</tr>
<tr>
<td>Process</td>
<td>Description</td>
<td>Time Frame</td>
<td>Other Information</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Grievance is acknowledged</td>
<td>Acknowledgement of grievance through appropriate medium</td>
<td>Within 5 Days of receipt</td>
<td>Email, letter, call.</td>
</tr>
<tr>
<td>Development of response</td>
<td>Grievance assigned to appropriate party for investigation and resolution</td>
<td>Within 15 Days of receipt</td>
<td>Response would take the form of meeting with aggrieved person/s, investigations and resolution agreed.</td>
</tr>
<tr>
<td></td>
<td>Response development with input from management/relevant stakeholders</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Response communication</td>
<td>Redress action approved as appropriate and communicated to complainant</td>
<td>Within 21 Days of receipts and maximum 1 month of receipt</td>
<td>Resolution delivered</td>
</tr>
<tr>
<td>Implementation of response</td>
<td>Redress action implemented and update of progress on resolution communicated to complainant</td>
<td>Within 15 Days of reaching a resolution</td>
<td>Progress of implementation</td>
</tr>
<tr>
<td>Grievance closure</td>
<td>Grievance Closure</td>
<td></td>
<td>Grievance Closure report</td>
</tr>
</tbody>
</table>

The SHE department ensures compliance with national and international environmental regulations and with the AfDB operational Safeguards. The staff includes environmental and social specialists and Socio-economist. The SHE department has prepared a number of ESIAs, RAPs, and/or Environmental Audits as well monitoring of other projects for Kenya Power.
It should be noted that if complainants are not satisfied with the grievance process, they have the right to present their complaint through the court system. Where all options have been explored and they fail AfDB internal mechanism (AfDB Nairobi Office) will apply. Thereafter, if no amicable solution is found, complainants can be free to complain to the Independent...
Response Mechanism (IRM) Administered by Compliance Review and Mediation Unit (BCRM) of AfDB.

7.2.4 The Bank’s grievance and redress mechanism
The grievance and redress system at the AfDB comprises public access to the process through:

1. the Bank country office, or
2. the Compliance Review and Mediation Unit (CRMU) which administers the Independent Review/Recourse Mechanism.

The country-level team has a responsibility for receiving and responding to requests for redress while the CRMU provides a corporate window for receiving requests for dispute resolution and mediation process.

The mandate of the Bank’s Independent Review Mechanism (IRM) is to provide people who are, or are likely to be, adversely affected by a project financed by the Bank Group as a result of violation of the Bank Group’s policies and procedures with an avenue to request the Bank to comply with its own policies and procedures. The requestors first seek to resolve their complaints with Bank Management; but if in their opinion, Bank Management has not adequately handled their complaints, they may submit their requests to IRM.

The IRM is an independent accountability instrument established by the Boards of Directors of the AfDB to provide people adversely affected by Bank-financed operations with an independent complaints mechanism through which they can seek redress and hold the bank to account to respect its policies and procedures related to sustainability.

The Independent Review Mechanism (IRM) administered by Compliance Review and Mediation Unit (BCRM) provides people adversely affected by projects financed by the African Development Bank Group (AfDB) with an independent mechanism through which they can request the Bank Group to comply with its own policies and procedures.

For recourse, BCRM receives requests presented by two or more persons (such as community of persons, an organization, association, society, or other grouping of individuals) and/or by a qualified representative of the affected persons who demonstrate that their rights or interests have been or are likely to be adversely affected by the non-compliance of the relevant Bank Group policies. The requestor(s) and any other interested persons may ask that their identities be kept confidential, and if so, the reasons for such confidentiality.

Requests must be sent to the Director of the Compliance Review and Mediation Unit (BCRM), African Development Bank Group (AfDB)
The IRM comprises two separate, but related, phases:

- A grievance or problem-solving phase, led by the CRMU reporting directly to the Bank President, to assist project-affected people in finding solutions to their problems; and

- A compliance review phase, led by a three-member panel drawn from the IRM roster of experts.

- **Problem-Solving (mediation)**

  In a request for problem-solving, BCRM will restore an effective dialogue between the requestors and any interested persons with an aim to resolving underlying issues without seeking to attribute blame or fault to any such party.

- **Compliance Review (investigation)**

  The compliance review function is handled by the IRM Roster of Experts appointed by the Board of Directors. The Experts together with the Director of BCRM determine eligibility of request(s) for compliance review, and submit their eligibility report, recommending whether or not to undertake the compliance review, to the Board of Directors or to the President, as the case may be for project’s status of approval.

  The purpose of a Compliance Review is to examine whether the Bank Group has complied with its policies and procedures applicable to the concerned project/operation and, in cases of non-compliance, whether such non-compliance has caused or may cause harm to the Complainants and/or the environment.

**Grievance Log**

The grievance logbook will ensure that each complaint has an individual reference number and is appropriately tracked and recorded actions are completed. The information to be recorded will include:

- Name, age, gender of complainant.
- Date the complaint was reported.
- Date the grievance logged.
- Action taken.
- Date information on proposed corrective action sent to complainant (if appropriate).
- The date the complaint was closed; and
- Date response was sent to complainant.
a) **Sorting and Processing** – This step determines whether a complaint is eligible for the grievance mechanism and its seriousness and complexity. The complaint will be screened, however, this will not involve judging the substantive merit of the complaint. The following guide will be used to determine whether a complaint is eligible or not:

Eligible complaints may include those where:

- The complaint pertains to the mini-grid project.
- The issues raised in the complaint fall within the scope of issues the grievance mechanism is authorized to address.

Ineligible complaints may include those where:

- The complaint is clearly not mini-grid project–related.
- The nature of the issue is outside the mandate of the grievance mechanism.
- The complainant has no standing to file.
- Other project or organizational procedures are more appropriate to address the issue.
- Closing Out and Escalation: Project-related grievances will be addressed and closed out as appropriate. The GRM will provide a channel for escalation e.g., through legal redress.

The proponent KPLC will monitor the activities of the stakeholder engagement and grievance management activities.

### 7.2.5 Capacity Building and Remuneration for GRCs

The GRCs will be trained on their mandates and how to deal with various grievances. These committees will be trained by the KPLC social specialists. The committee members will offer these services voluntarily to the community. However, the project proponent will facilitate these committees in their day to day activities including stationery/documentation, some transport/lunch allowance etc.

### 7.3 Stakeholder and Institutional Capacity Assessment and Building

The implementing stakeholders need an understanding of the RPF and RAP in order to either direct, implement or monitor the process because each level of stakeholders and type will have a different role in the RAP process. While the national level structures may require just the sensitization/awareness regarding the RPF and RAP good practices, the county levels will require more detailed training since some of them will be implementers. The beneficiaries at community level will require capacity building which though not technical but enough to allow them to understand and appreciates the processes and the expected outcomes. The trainings for community level structures will, for instance, include governance, group dynamics, beneficiary screening, gender mainstreaming, financial prudence, investment strategies, and conflict resolution mechanisms.

Also KPLC staff may require capacity enhancement on screening, and the Bank ISS.
7.4 Implementation schedule

Each investment/sub project once identified and screened, if required, will prepare an individual implementation schedule, which will be included in the RAP for that investment. Therefore, all RAPs will include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, and post relocation economic and social activities. The plan will include a target date when the expected benefits for resettled persons and host community, if relevant, would be achieved, as well as institutions responsible for each step of the RAP implementation. Arrangements for monitoring of implementation of the resettlement and evaluating its impact will be developed during the preparation of individual RAPs implementation schedules. The principles for preparation of monitoring and evaluation are discussed in Chapter 14, Monitoring and Evaluation. Target dates for achievement of expected benefits to resettled persons and hosts will be set and the various forms of assistance to the resettled persons will be disseminated to them.

Planning and coordination of the tasks of the various actors involved in the RAP implementation will be key to successful RAPs implementation. To achieve this, workshops will be organized with the stakeholders and other relevant government agencies, at individual sub project site launching and at the commencement of every project investment identified to have adverse social impacts. The workshops will focus on (i) taking stock of the legal framework for compensation, (ii) describing institutional arrangements and mechanisms for payment of compensation, (iii) defining tasks and responsibilities of each stakeholder and (iv) establishing a work plan in accordance to individual tasks in RAP.
CHAPTER EIGHT: PUBLIC PARTICIPATION AND CONSULTATION

8.1 Introduction

Public consultation and Participation is one of the tasks that is predominantly discussed with the various relevant institutions and beneficiaries who are directly or indirectly engaged with the project and those who are impacted and have an interest. It is important and critical in the planning process and preparation of an applicable and effective design for the LCMP - 3’s safeguards approach. The most important step is to hold stakeholder consultations with relevant institutions, local communities and all other interested/affected parties during planning and screening process and in the course of any further social assessment work that helps to identify key environmental and social risks and issues and determine how the concerns of all parties will be addressed.

As a principle, the guidelines for public consultation include, among others, a requirement of major elements of the consultation program should be timed to coincide with significant planning and decision-making activities in the project cycle.

The objectives of public consultation are to:

- Inform the public about the proposed program and its likely anticipated impacts on the nearby social and biophysical environment.
- Collect, collate and analyse stakeholders’ views on the program.
- Accommodate the stakeholders’ concerns during the project implementation.
- Establish the social implications of the project on the different stakeholders.

As per the National and AfDB requirements, the borrower or client is responsible for conducting and providing evidence of meaningful consultation (i.e., consultation that is free, prior and informed) with communities likely to be affected by environmental and social impacts, and with local stakeholders, and also for ensuring broad community support.

Kenya Power will undertake its consultation with reference to the updated AfDB IESIA Guidance Notes on consultation, participation and broad community support, which also provide guidance on affected communities’ involvement in the process of project planning, implementation and monitoring. Consultation is based on stakeholder analysis and is preceded by disclosure of adequate project information and environmental and social information to ensure that participants are fully informed. This process will begin at an early stage during project preparation and continues as needed. It will be conducted in a timely manner in the context of key project preparation steps, in an appropriate language, and in an accessible place. The results of the consultation will be adequately being reflected in the project design and in the project documentation.

For Category 2 projects, like LCMP –III the affected communities and stakeholders are consulted about the Environmental and Social Management Framework, and the draft RPF. Consultation should be conducted with the objective of ensuring that the project has community support, and that affected people endorse the proposed mitigation and management measures. When the borrower or client has identified vulnerable communities
that would potentially be affected by the project, the borrower/client engages in meaningful informed consultation and participation with the vulnerable communities, beginning as early as possible in the project cycle before the project is submitted for Board consideration and continuing throughout the project cycle. The borrower or client demonstrates that consulted individuals or groups can effectively represent the affected groups. In particular, this process of engagement:

- Involves representative bodies and civil society organizations, as well as members from the vulnerable communities themselves;
- Ensures inclusivity in a socially and culturally appropriate manner;
- Provides sufficient time for the vulnerable groups’ decision-making processes;
- Facilitates the vulnerable groups’ expression of their views, concerns and proposals in the language and manner of their choice, without external manipulation, interference, coercion, or intimidation; and
- Respects the culture, knowledge and practices of vulnerable communities.

### 8.2 Requirements and Rationale for Stakeholder/Public Participation

As per the AfDB requirements, the borrower or client is responsible for conducting and providing evidence of meaningful consultation (i.e., consultation that is free, prior and informed) with communities likely to be affected by environmental and social impacts, and with local stakeholders, and for ensuring broad community support. In addition, stakeholder consultations is required by the Constitution of Kenya 2010, which recognises public participation as among the national values and principles of governance.

In the course of the preparation for this RPF, Consultative Public Participation (CPPs) sessions were conducted to provide project information and facts to likely project-affected persons and other stakeholders thus giving them a platform to enable them to express their appreciation, concerns and fears as well as contribute ideas and opinions towards project design and implementation for sustainability.

### 8.3 Stakeholder Participation in the Preparation of the RPF

A detailed CPP/community engagement for LMCP Phase III was carried out in 9 Counties in 8 different Kenya Power service regions and was held between 20th June 2023 - 8th July 2023. In total, During consultation process a total of 42 stakeholder forums were held in 9 counties The Engagement was undertaken at two levels:

- **Public meetings which included a variety of stakeholders:** The consultations with key stakeholders ranging from relevant Ministries, Government Agencies, County Government officials, NGOs, AfDB and the general public including project affected persons was carried from 20th June 2023, 26th June 2023 and 2nd – 8th July 2023. 40 public stakeholder forums were held in Nakuru, Kisii, Kakamega, Transnzoia, Embu, Garissa, Machakos, Makueni and Taita Taveta Counties. These counties were considered based on their geographical locations and representing the eight regions
as per KPLC administrative boundaries. Further some of the counties (Trans Nzoia and Garissa) visited are inhabited by pastoral communities which are key in the implementation of this project. The site selection also considered different areas (rural and urban to ensure all possible types of impacts are covered.

The following were the measures that were put in place that ensured open participation, inclusivity and accessible of the public consultation meetings:

- The meeting notice of two weeks was given to the locals through the area chief
- All members (Men, women, youth and persons living with disability) of the community were invited without discrimination
- The meeting was open to all members of the community
- Community members were given adequate time to contribute towards successful implementation of the proposed project

These were chaired by the area chiefs, Assistant Chief and Village elders. A total of 2242 stakeholders were engaged comprising of 1341 male and 901 female.

### Table 17: Public consultation meeting attendance and venues

<table>
<thead>
<tr>
<th>No</th>
<th>County</th>
<th>Sub county</th>
<th>Potential Schemes</th>
<th>Stakeholder Engagement in Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Male</td>
</tr>
<tr>
<td>1.</td>
<td>Nakuru</td>
<td>Njoro</td>
<td>Piave-Kahuho</td>
<td>15</td>
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<tr>
<td>2.</td>
<td>Nakuru</td>
<td>Njoro</td>
<td>Lower Piave –Kwa Chief Jimmy Corner</td>
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<td>3.</td>
<td>Nakuru</td>
<td>Gilgil</td>
<td>Gema Village</td>
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<td>Gilgil</td>
<td>Mwitumberia</td>
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<td>5.</td>
<td>Nakuru</td>
<td>Rongai</td>
<td>Waldai-Matuiku</td>
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</tr>
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<td>6.</td>
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<td>Kuresoi South</td>
<td>Tachasis</td>
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<tr>
<td>7.</td>
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<td>Kuresoi South</td>
<td>Kapkores</td>
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<td>8.</td>
<td>Kisii</td>
<td>Nyaribari Masaba</td>
<td>Riabigutu</td>
<td>56</td>
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<td>9.</td>
<td>Kisii</td>
<td>Bobasi</td>
<td>Ekerema</td>
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<td>10.</td>
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<td>Bomachoge Chache</td>
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<td>Stakeholder Engagement in Attendance</td>
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<td></td>
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<td>20</td>
<td>Taita Taveta</td>
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<td>Lessisia B&amp;C</td>
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<td>Wundanyi</td>
<td>Kishushe</td>
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<td>22</td>
<td>Embu</td>
<td>Mbeere North</td>
<td>Ciambugu</td>
<td>65</td>
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<td>23</td>
<td>Embu</td>
<td>Mbeere South</td>
<td>Gataka</td>
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<td>Embu</td>
<td>Manyatta</td>
<td>Karmwage</td>
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<td>Runyenjes</td>
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<td>Balambala</td>
<td>Laidhera</td>
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<td>Kakamega</td>
<td>Malava</td>
<td>Mandara</td>
<td>37</td>
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</table>

**Total No Of Stakeholders Consulted** | **1341** | **901** | **2242**
• 2 forums for CSOs, NGOs and Key Government state departments/ Institutions and Agencies in Nairobi and Machakos Counties and A total of 70 stakeholders were engaged comprising of 39 male and 31 female.

Table 18: Stakeholder meeting attendance and venues

<table>
<thead>
<tr>
<th>No</th>
<th>County</th>
<th>Venue</th>
<th>Potential Schemes</th>
<th>Stakeholder Engagement in Attendance</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Male</td>
</tr>
<tr>
<td>1.</td>
<td>Machakos Town</td>
<td>Gelani Hotel</td>
<td>Meeting with CSOs</td>
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</tr>
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<td>2.</td>
<td>Nairobi City</td>
<td>Stima Club</td>
<td>Government Agencies, state Departments, Institutions and NGOs</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>39</td>
</tr>
</tbody>
</table>

Note: The data that is segregated into female and male is for those in attendance during the stakeholder engagement meetings that were held to sensitize the potential customers on the last mile connectivity project. This information is important in ensuring:

• Understanding and addressing gender disparities in the project
• Representation and inclusivity in the project cycle
• Measuring progress towards gender equality

The issues discussed during both forums included why ESMF and RPF, Project description, Project Impacts (Positive and Negative), Mitigation Measures, Gender mainstreaming, Electrical safety, Electricity application process, the Dos and Don’ts regarding the safe use of electricity, GRM, incident reporting using *977# just to mention a few. The potential schemes visited, assessed and engagements done during the ESMF preparation included:

8.4 Results of stakeholder Consultations

All stakeholders were supportive of the project since it will provide communities with a number of advantages with minimum or no impacts. The stakeholders also appreciated that the importance of the proposed project in the enhancement of household incomes and strengthening of self-reliance due to advantage from access to electricity. The stakeholders also pointed out the contribution the project will make on improving communities’ access to energy services and improvement of the social well-being. During the consultation with stakeholders’ participants noted specific project benefits, impacts, mitigation measures and
raised various concerns and these are discussed in the this report.

Table 19: Project benefits, impacts and mitigation measures raised by participants

<table>
<thead>
<tr>
<th>Benefit</th>
<th>Impact</th>
<th>PROPOSED MITIGATION MEASURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Health benefits due to use of clean energy</td>
<td>Way leave acquisition</td>
<td>Since the project is mainly distribution and aims at reaching the customer, the lines will mainly use the road reserve. Way leave officer from KPLC will steer the process of way leave consent where necessary</td>
</tr>
<tr>
<td>• Opportunity to connect more customers</td>
<td>Occupational Health and Safety of the workers</td>
<td>Use of Personal Protective Equipment and adherence to work instructions</td>
</tr>
<tr>
<td>• Enhanced Security</td>
<td>Noise</td>
<td>Work would be carried out during the day between 08:00 a.m and 05:00 p.m NEMA Noise regulations would be observed.</td>
</tr>
<tr>
<td>• Creation of employment</td>
<td>Mild dust emission</td>
<td>Where rough roads are used vehicles to maintain a slower speed</td>
</tr>
<tr>
<td>• Opportunities for establishing new businesses even at the local level</td>
<td>Social impacts like HIV AIDs, youth pregnancy, drug abuse</td>
<td>Public education against the said social evils</td>
</tr>
<tr>
<td>• Prolonged hours of operation due to power supply for business people</td>
<td>Electric shocks and electrocution of people.</td>
<td>Proper public education to the people on safe use of electricity. Proper wiring in the customers’ premises by qualified technicians. Use of danger/hatari signs on the poles.</td>
</tr>
<tr>
<td>• Promotion of education services as children can do studies in the evening</td>
<td>Oil Leaks from transformer</td>
<td>Frequent inspection and maintenance of the transformers.</td>
</tr>
<tr>
<td>• Better access to information through use of radios and televisions</td>
<td>Vegetation clearance</td>
<td>Use of road reserve. Proper designs to avoid clearance of vegetation.</td>
</tr>
<tr>
<td>• More opportunities for</td>
<td>Cultural property</td>
<td>Avoidance. Consultations with the designers and contractors during construction.</td>
</tr>
</tbody>
</table>
8.4.1 Issues/Concerns Raised in the Forums
8.4.1.1 Public stakeholders/ Project Affected Persons feedbacks

<table>
<thead>
<tr>
<th>NO.</th>
<th>ISSUE/CONCERN</th>
<th>RESPONSE FROM KPLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>What is the cost of connection and how are we supposed to pay?</td>
<td>15 thousand shillings for domestic customers (residential use) and 45 thousand shillings for customers who require three phase connection, payment shall be spread over three years, as one purchases token, 50% will be allocated to connection fee and the other 50% to tokens</td>
</tr>
<tr>
<td>2</td>
<td>What will happen to those who applied for connection and have already paid 35 thousand shillings to be connected?</td>
<td>Those who have applied will be connected at the cost they were quoted, if they have done payment.</td>
</tr>
<tr>
<td>3</td>
<td>Some of us have done wiring for solar installation; is it good enough for electricity?</td>
<td>Consult with qualified and registered wiring technicians who will advise and ensure you are issued with a wiring certificate.</td>
</tr>
<tr>
<td>4</td>
<td>Some of us may not fall within the 600 meters radius you have mentioned; what will happen?</td>
<td>Those who will not be connected in this phase shall be connected in subsequent and following phases of the last mile. We have several schemes funded by different development partners. One is also free to walk to nearest KPLC office and apply for connection after which survey will be done and shall be issued with a quotation, if one pays he/she shall be connected,</td>
</tr>
<tr>
<td>5</td>
<td>If I am within the same compound with my sons families, can I apply for one meter and extend connections to them?</td>
<td>We advocate for safe and reliable supply. Electricity cable extensions from one household to the next may pose electrical risks and also affect the quality of supply. We advise each household to get connected through individual drops/meters so that safety is guaranteed and one can also pay according to individual's consumption.</td>
</tr>
</tbody>
</table>
6 We have a church which requires a drop, who will apply? The leader of the church in agreed with the church committee shall apply for connection using the church registration certificate, Pin, and the next of kin shall be decided by the committee i.e. either the leader, or one of the church elders.

7 We have noticed power outages and think the transformer you have told us shall be maximized may already be overloaded, will you bring another transformer? We will study the load of the transformer and make an informed decision whether the transformer requires uprating or if there is need for an additional transformer.

8 Most of the attendees in all the meetings expressed their concerns that they have waited for too long to be connected, welcomed the project and requested connection to be done soonest without delays. They also requested to be given first priority (schemes where public consultations were done) once project implementation starts. They also requested that the contractor should call for an entry meeting before any construction starts and that the locals be given priority for all the jobs they qualify for in the project. They also requested KPLC to be considerate and factor how the disadvantaged in the society like orphans and the aged/very poor who could not even afford wiring cost could get connected to electricity. KPLC representatives assured the members present that their concerns would be captured in minutes for the meetings and the company in liaison with the contractor would assess the vulnerable members in the society and ensure no one is left out or disadvantaged by the proposed last mile project.

8.4.1.1.1 Some of the sentiments from the community meetings

a) When will the project begin for planning purposes, power supply benefits are many and cannot be emphasized our need for power supply is long overdue. Do something to fast-track the process

b) Business opportunities will improve and we shall start others once power is available because running businesses on diesel is quite expensive. Some of the businesses we look forward to improving our; refrigeration of food, canteen milk, Barbershops, saloons, welding business, pumping water, and use of chaff cutter for dairy farming among others

c) Security will improve due to the availability of lighting

d) Learning will improve due to the availability of lighting

e) Employment opportunities will increase for the youth due to an increase in business opportunities

f) Medical services will improve due to the availability of refrigeration services

g) Charging of phones will be made easier and more convenient

h) Paying for power is not a problem we shall pay the connection fee and consumption
During connection provide us with the list of trained technicians who can do for us quality work to avoid electrocutions. The feeder-back sessions revealed that the potential beneficiaries are really in need of power.

8.4.1.2 CSOs forum feedbacks

<table>
<thead>
<tr>
<th>Questions/Comments</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>With regard to climate change mitigation, Why use tree poles for the construction of power lines when you can instead use concrete poles?</td>
<td>KPLC utilizes both concrete and wooden poles for their power lines. In cases where trees are cut down to accommodate wooden poles, KPLC ensure compensatory measures by planting a specified number of trees. Additionally, the choice between wooden and concrete poles is based on cost and design considerations, particularly in areas prone to termite infestation where concrete poles are given priority.</td>
</tr>
<tr>
<td>Why make the decision to upgrade only the 3-phase system connectivity for SME? He additionally inquired about the selection of Kakinduni area as an area of consideration for the project?</td>
<td>The decision to prioritize 3-phase connectivity was based on the planning perspective, with a focus on supporting vocational institutions and community business enterprise projects. These specific initiatives required 3-phase connectivity to effectively meet their needs. The selection of Kakinduni area was based on the project’s focus on rural areas and the area’s potential for commercial enterprises, which made it a suitable candidate for consideration.</td>
</tr>
<tr>
<td>Why do you source labor from external regions instead of prioritising local labor?</td>
<td>The previous project phases had encountered some challenges with sourcing local labor. Some of the employed individuals failed to meet the contractor’s deadlines and some were unable to carry out their assigned tasks effectively, causing significant delays. However, be assured KPLC will still consider local labor. The MCA is requested to partner with the CSOs to oversee the selection process for casual work, ensuring careful consideration of suitable local candidates.</td>
</tr>
</tbody>
</table>

8.4.1.3 Key Government agencies, state departments and NGOs feedbacks

<table>
<thead>
<tr>
<th>Comment/Question</th>
<th>Response/Remarks from Kenya Power</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is it possible to incorporate county governments in these projects as their key stakeholders, including county authorities, have been identified and actively engaged to gain a comprehensive response.</td>
<td>Key stakeholders, including county authorities, have been identified and actively engaged to gain a comprehensive response.</td>
</tr>
<tr>
<td>Comment/Question</td>
<td>Response/Remarks from Kenya Power</td>
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<tr>
<td>participation is very crucial for the project implementation?</td>
<td>understanding of government plans. The involvement of counties has facilitated the identification of their specific electricity needs and supply requirements to meet customer demands. Moreover, counties serve as valuable references for identifying other areas within their jurisdiction that require power infrastructure development. The county governments will be involved especially in resettlement and GRMs</td>
</tr>
<tr>
<td>How will the National Land Commision be engaged in the LMCP?</td>
<td>The project will have clear channels of engagement with all stakeholders involved in the implementation of this project.</td>
</tr>
<tr>
<td>Will land surveyors and valuers be involved in the project ?and if so they should be included in the ESMF.</td>
<td>The surveyors and valuers will be full involved in the implementation of this project</td>
</tr>
<tr>
<td>Consider creating a comprehensive Grievance Redress Mechanism draft. Ensurer the stakeholder engagement plan is comprehensive and outlines the hierarchical structure effectively</td>
<td>A comprehensive GRM will be prepared once this project is approved by the board of AfDB. A detailed stakeholder engagement plan will be prepared that will guide the consultations in this project.</td>
</tr>
<tr>
<td>Engage the National council of people with disabilities to establish effective communication mechanisms that ensure meaningful participation of individuals with disabilities.</td>
<td>The project proponent will engage the national council of people with disabilities for more insight on how to engage people living with disabilities.</td>
</tr>
<tr>
<td>Clearly highlight the potential risks associated with Labour influx in the ESMF.</td>
<td>The following are risks associated with labour influx; population increase, social vices, Sexual Harrassment, low wage income, spread of HIV/AIDS and sexually related diseases, gender based violence,</td>
</tr>
<tr>
<td><strong>Comment/Question</strong></td>
<td><strong>Response/Remarks from Kenya Power</strong></td>
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<tr>
<td>Ensure confidentiality for grievances reports by vulnerable groups e.g sexual</td>
<td>pressure on the existing infrastructures among others</td>
</tr>
<tr>
<td>assault cases</td>
<td></td>
</tr>
<tr>
<td>What skills will be transferred to the communities?</td>
<td>The PIU will establish a robust logging in of the various grievances with a lot of confidence. The</td>
</tr>
<tr>
<td></td>
<td>report timing should be open and anonymity is highly encouraged. The reporting desk should be</td>
</tr>
<tr>
<td></td>
<td>manned by a lady.</td>
</tr>
<tr>
<td>Incorporate local translators to disseminate information to the locals</td>
<td>Construction, plumbing, electrical, store keeping, accounting skills will be transferred to the</td>
</tr>
<tr>
<td></td>
<td>casuals and students in the colleges studying construction related courses who will be undertaking</td>
</tr>
<tr>
<td></td>
<td>interships programs with the contractor</td>
</tr>
<tr>
<td>The gender mainstreaming aspects should be inclusive of women, boys and girls</td>
<td>The project proponent has noted and it will implement it in any community consultation meeting in</td>
</tr>
<tr>
<td>Contractors to sign a code of conduct to protect women</td>
<td>ensuring effective communication.</td>
</tr>
<tr>
<td></td>
<td>Noted and it should be adhered to.</td>
</tr>
<tr>
<td>Liase with road agencies under the national and county government to safeguard</td>
<td>Noted and it’s a requirement by the project proponent that all contactor workers should sign and</td>
</tr>
<tr>
<td>infrastructure</td>
<td>adhere to the code of conduct at all times they will be working for the proposed project.</td>
</tr>
<tr>
<td></td>
<td>Collaboration with relevant stakeholders at both the county and national government levels,</td>
</tr>
<tr>
<td></td>
<td>including KURA, KeNHA, MoL, NLC, and KeRRA, will be established to devise effective strategies for</td>
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<tr>
<td></td>
<td>addressing road reserve and wayleave challenges. The aim is to find sustainable solutions and</td>
</tr>
<tr>
<td></td>
<td>establish</td>
</tr>
<tr>
<td>Comment/Question</td>
<td>Response/Remarks from Kenya Power</td>
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<tr>
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</tr>
<tr>
<td>Does KPLC have capacity to handle social issues as they heavily deal with power</td>
<td>Efficient mechanisms to overcome these issues.</td>
</tr>
<tr>
<td>infrastructure? KPLC should engage social specialist as the state department of</td>
<td>Kenya power has the capacity to deal with social issues through the environment and social section in the Safety Health and Environment Department with the support of safety engineers, customer experience officers and project engineers who are based across the country but where necessary will engage the experts from state department of Social Affairs.</td>
</tr>
<tr>
<td>social affairs has 500 designated social specialists across all 45 counties.</td>
<td></td>
</tr>
<tr>
<td>EMCA does not address social issues therefore KPLC should work with the state</td>
<td>The project proponent PIU team will get in touch with the state department for Social Affairs and get details of the bill and collaborate on the way forward towards the implementation of this project.</td>
</tr>
<tr>
<td>department for social affairs. They have the social risk impact and mitigation</td>
<td></td>
</tr>
<tr>
<td>bill in place that addresses social exclusion which is not highlighted in the</td>
<td></td>
</tr>
<tr>
<td>ESMF</td>
<td></td>
</tr>
<tr>
<td>The gender components was good but was not exhaustively addressed</td>
<td>The project proponent PIU members will identify gaps in the gender document and fill those gaps</td>
</tr>
<tr>
<td>Appreciated impact of the project. How do you intend to conserve the environment?</td>
<td>The project proponent through its PIU will strive to conserve the environment through minimisation of tree cutting, the proposed project to be implemented in areas that are not ecologically sensitive, the low voltage line will be constructed along the roads. The contractor will strive to plant tree to replace those which will be cut during the implementation of the proposed project. Further the proponent will ensure any waste generated to be disposed off by NEMA licensed firms. Further KPLC will comply with various environmental and social related legislations during the implementation of this project.</td>
</tr>
<tr>
<td>Comment/Question</td>
<td>Response/Remarks from Kenya Power</td>
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<tr>
<td>--------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>How do you intend to plant trees in line with the presidential directive?</td>
<td>KPLC has an elaborate plan on how to plant trees across the country as per the presidential directives. KPLC has allocated a budget towards the same. KPLC also encourages its project contractors to implement corporate social responsibility project in tree planting.</td>
</tr>
<tr>
<td>KWS is ready to partner with Kenya Power to come up with a framework guiding</td>
<td>The network distribution management team of the project will conduct mapping of wildlife migratory routes in order to develop design mechanisms that effectively mitigate potential environmental and wildlife impacts.</td>
</tr>
<tr>
<td>environmental conservation and strategies to deal with human-wildlife conflict</td>
<td></td>
</tr>
<tr>
<td>The resettlement issues should be taken seriously. The RPF should clearly indicate</td>
<td>KPLC will endeavour to undertake the purchase of land with strict compliance with the Kenyan law. Any land that could be acquired through willing buyer and willing seller should be subjected to valuation so as to get the correct market price for that piece of land. NLC will be involved in this exercise and AFDB Policies will apply in this process.</td>
</tr>
<tr>
<td>the speculated willing land buyer and willing seller with the market quotation</td>
<td></td>
</tr>
<tr>
<td>price.</td>
<td>KPLC will strive to adhere to all country and AFDB policies in regard to the implementation of the proposed project. There will be regular inspection and monitoring that will be undertaken to enhance compliance.</td>
</tr>
<tr>
<td>Measures should be put in place to ensure adherence of effective environmental and</td>
<td></td>
</tr>
<tr>
<td>social governance throughout the project implementation.</td>
<td></td>
</tr>
<tr>
<td>ESIA to include issues on teenage pregnancies and HIV/AIDS</td>
<td></td>
</tr>
<tr>
<td>Comment/Question</td>
<td>Response/Remarks from Kenya Power</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>How does the project address the needs of individuals with disabilities, such as providing provisions for sign language interpreters and hearing aid devices?</td>
<td>People living with disabilities will actively participate in stakeholder engagements as part of the project’s inclusive approach. Local translators and sign language interpreters will be utilized to ensure that people with disabilities are well-informed about the project’s requirements and benefits.</td>
</tr>
<tr>
<td>Could you elaborate on the communication methods employed to effectively engage and include people with disabilities?</td>
<td>To ensure effective communication, the project will engage the services of communication experts who will facilitate information dissemination. Local translators and sign language interpreters will be utilized to ensure that people with disabilities are well-informed about the project’s requirements and benefits. In the safeguard documents people with disabilities will fall under the category of vulnerable groups and will be considered case by case.</td>
</tr>
<tr>
<td>What measures are in place to ensure there is no stereotyping or discrimination against individuals with disabilities within the project?</td>
<td>Public awareness will be enhanced through the engagement of communication experts who specialize in inclusive communication methods, ensuring effective communication to the general public as well as individuals with disabilities. No one will be left out.</td>
</tr>
<tr>
<td>Can you explain the specific considerations and provisions outlined in the safeguard documents regarding people with disabilities?</td>
<td>KPLC acknowledged the invitation extended by Nature Kenya and expressed its commitment to collaborate with them in formulating a focused approach for the conservation and preservation of natural resources, particularly in forested and wetland areas.</td>
</tr>
<tr>
<td>Lastly, how is information made accessible to individuals with disabilities to ensure their active participation and engagement throughout the project?</td>
<td></td>
</tr>
<tr>
<td>Comment/Question</td>
<td>Response/Remarks from Kenya Power</td>
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<td>---------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>that will use existing science to guide project implementation.</td>
<td>Collaboration with key stakeholders, including the Ministry of Lands and the National Lands Commission, will provide guidance on the applicable legislation and procurement procedures to ensure a smooth evaluation process. The involvement of the Ministry of Lands will help in land Valuation and lock out exaggerated quotes</td>
</tr>
<tr>
<td>How will KPLC manage huge expectations and over-exaggerated quoted prices of from land sellers?</td>
<td>KPLC in collaboration with relevant stakeholders at both the county and national government levels, including KURA, KENHA, MoL, NLC, and KRRA, will work in collaboration to establish the official road reserve corridor. In response to the issues raised regarding wayleaves, we will incorporate a change in design approach, moving towards vertical formation designs instead of horizontal formation for the conductors. Any acquisition of private land will be compensated.</td>
</tr>
<tr>
<td>What actions will KPLC take when the wayleave and road reserves corridor are less than 10 m ?And what are the compensation measures in the event they get into people's land?</td>
<td>The gender aspect lacks clarity on the procedure of handling the vulnerable marginalized groups and social impacts such as livelihood restoration. The gaps in the gender aspect have been noted and will be incorporated in the report. Gender inclusivity and ensuring equal benefits of the project is covered in the ESMF/RPF. Vulnerable groups are also covered to ensure they are not left out in the project. Any involuntary resettlement necessitated by the project shall be handled case by case ensuring livelihood restoration.</td>
</tr>
<tr>
<td>The gender aspect lacks clarity on the procedure of handling the vulnerable marginalized groups and social impacts such as livelihood restoration.</td>
<td>For structures within the 10m wayleave corridor KPLC will incorporate a change in design approach, moving towards vertical designs instead of horizontal ones, and</td>
</tr>
<tr>
<td>What plans have you put in place to deal with squatter settlements and structures you find in the 10m wayleave corridor?</td>
<td></td>
</tr>
<tr>
<td>Comment/Question</td>
<td>Response/Remarks from Kenya Power</td>
</tr>
<tr>
<td>------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>We are looking forward to the social risk management bill.</td>
<td>Avoidance of displacement will be the key principle. Where not possible to fully avoid, only structures /livelihood is compensated on road reserves.</td>
</tr>
<tr>
<td>We appreciate the project and hope the 45 counties including marginalised counties are covered. As a commission, we are grateful for the initiatives. Issues on safety and inclusivity have been well articulated. Vulnerable people who may not afford to be connected should be considered.</td>
<td>KPLC has a provision for providing ready boards for the vulnerable members of society who may not afford to install in their houses and schemes will be spread across the 45 counties. On the issue of connecting health facilities and dispensaries, the project has a component of ensuring community projects are connected with electricity and this includes health facilities and dispensaries. The project design ensures sustainability by utilizing a combination of concrete and wooden poles. Concrete poles are specifically deployed in areas susceptible to termite infestation and where terrain proves to be a challenge.</td>
</tr>
<tr>
<td>Can the project consider health facilities and dispensaries in marginalized areas? On the issue of falling and hanging poles, how sustainable is this project especially in areas prone to termite infestation?</td>
<td>All purchase of land will be guided by the procurement act. Key stakeholders, including county authorities, have been identified and actively engaged to gain a comprehensive understanding of government plans. The involvement of counties has facilitated the identification of their specific electricity needs and supply requirements to meet customer demands. Moreover, counties serve as valuable references for identifying other areas within their jurisdiction that require power infrastructure development. This will be captured in the SMF. The issue of land acquisition in the community owned lands and communal unregistered land is covered in the ESMF.</td>
</tr>
<tr>
<td>Be cautious on the willing-buyer willing-seller policy as element of corruption may come in. You should be guided by the procurement act. All evaluation should be done by ministry of lands to avoid project derail due to of highly exaggerated quotation prices by willing land sellers. There is no mention in the ESMF of any partnership or collaboration with the county government. Make efforts to partner with county government as they have already formulated the Integrated County Development Plan which has already identified areas in need for development.</td>
<td>All purchase of land will be guided by the procurement act. Key stakeholders, including county authorities, have been identified and actively engaged to gain a comprehensive understanding of government plans. The involvement of counties has facilitated the identification of their specific electricity needs and supply requirements to meet customer demands. Moreover, counties serve as valuable references for identifying other areas within their jurisdiction that require power infrastructure development. This will be captured in the SMF. The issue of land acquisition in the community owned lands and communal unregistered land is covered in the ESMF.</td>
</tr>
<tr>
<td>Comment/Question</td>
<td>Response/Remarks from Kenya Power</td>
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</tr>
<tr>
<td>There was no mention on community land ownership especially for communal unregistered lands. The acquisition process is not easy in such areas and there is a community land act in place that should be used as a guide. The responsibility of the citizens should be made very clear in a way they can undertake wiring and to avoid exploitation of customers by conmen. Clearly indicate the wiring cost and process. Design a unique identification to identify contractors and citizens in order to stop vandalism of power infrastructure.</td>
<td>ESMF/RPF and the Community Act will guide as required. Public engagement forums will be carried out in all schemes before project implementation where responsibilities of the customer and connection cost will be explained to the members of the public to protect them from exploitation from conmen. On the issue of contractor identification of contractors KPLC has a system that helps the public to identify genuine contractors and the public will be educated on the process. KPLC encourages members to use *977# which has an option of verifying under option 5 whether the person in question is a genuine Kenya Power or Contractor staff. Kenya power branded overalls, company vehicles are mostly used by staff working on the network. Contractors shall provide branded reflective vests and identification cards.</td>
</tr>
<tr>
<td>I don’t think project engineers are competent to carry out supervision during project implementation. The project should include environmental and social safety experts to handle supervision. The resettlement policy framework is not clear on the principles and strategies that will guide the resettlement process. Involve us when the safeguard documents are ready to review so we can give our final input.</td>
<td>KPLC will factor in environment and social experts in the project monitoring. Principles and Strategies that will guide the resettlement process are clearly stated in the RPF. Once the safeguard documents are finalized KPLC will share the documents with interested stakeholders.</td>
</tr>
<tr>
<td>The document should be enhanced to include key areas that ensure comprehensive community engagement, address the needs of indigenous vulnerable groups, and consider biodiversity conservation. Additionally, it is important</td>
<td>Issues on community engagement, indigenous vulnerable groups and biodiversity conservation are adequately covered in the safeguard documents.</td>
</tr>
<tr>
<td><strong>Comment/Question</strong></td>
<td><strong>Response/Remarks from Kenya Power</strong></td>
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<tr>
<td>to assess the broader impacts beyond the implementation of the connectivity project.</td>
<td>KPLC will continue monitoring the project post implementation and any necessary corrections or replacement of damaged electrical infrastructure done. Customer education will also continue post implementation and also to check the impact of the project on the livelihoods of the beneficiaries.</td>
</tr>
</tbody>
</table>

**Photos**

- KPLC Manager Addressing the meeting
- Participants at the meeting
- Group Photo of the participants
- Participants at the meeting
8.5 Stakeholder Consultation during the Sub project’s planning and Implementation

In the preparation of the various ESAs for the sub projects, Kenya Power will undertake its consultation with reference to the AfDB ISS Guidance Materials on consultation, participation and achieving broad community support, which also provide guidance on affected communities’ involvement in the process of project planning, implementation and monitoring. Each ESA Consultation will first start with a stakeholder mapping and analysis, and will be preceded by disclosure of adequate project information and environmental and social information to ensure that participants are fully informed. This process will begin at an early stage during each sub project preparation and continue as needed during implementation. It will be conducted in a timely manner in the context of key project preparation steps, in an appropriate language, and in an accessible place. The results of the consultation will be adequately being reflected in the project design and in the project documentation.

Kenya Power will be responsible for conducting and providing evidence of meaningful consultation (i.e., consultation that is free, prior and informed) with communities likely to be affected by environmental and social impacts, and with local stakeholders, and also for ensuring broad community support for each sub project.

8.6 Future Consultations
The community around each sub project and other relevant stakeholders will be consulted and involved during the screening process of sub projects, preparation of the ESIAs/RAPs, implementation of the RAPs as well as monitoring and evaluation of the RPF and RAPs.

8.7 Participation Phases
8.7.1 Screening and RAP preparation phase
During the preparation of RAPs, public meetings, focus group discussions and socio-economic survey study will be undertaken. The project implementing agency shall undertake stakeholder mapping and analysis to identify relevant stakeholders to be consulted during the preparation of the RAPs, they will include civil society groups, local leadership (county/national administration as well as political), utility agencies, vulnerable groups among others. It will involve active participation of all the PAPs and vulnerable groups in provision of data for the RAP. PAPs will be important information providers, enabling accurate and effective data. Information about proposed project will be explained to PAPs in the local language that they understand. Besides, PAPs and vulnerable groups they will be given platform to ask questions about the project, identify impact of the proposed projects, suggest mitigation measures and alternatives to be considered in the technical design that limit impacts. The KPLC teams responsible for RAPs preparation will also provide
rationale for data collection, discuss data with PAPs and vulnerable groups who will give them feedback on the collected data.

8.7.2 Implementation
During implementation, the PAPs will be informed about their rights and options directly, but also through their elected committees, opinion and local leaders, at which point they will provide their input and views. Cash compensation amount and size of land offered for compensation will be presented to each eligible PAP for consideration and endorsement before cash payment or land compensation can be effected. At NLC inquiry stage, PAPs are also allowed to present their claims on the compensation with an opportunity to provide evidence to support their proposed compensation amount.

8.7.3 Monitoring and Evaluation phase
The PAPs and their representatives will participate in the project completion workshops, to give their evaluation of the impacts of the LMCP Phase III. They will suggest corrective measures, which will be used to improve implementation of supported projects. After completion of all expropriation/compensation operations, the KPLC will conduct a household survey as a monitoring and evaluation exercise.

The public consultations will be carried out on the different platforms that is national level, county level and sub county level on different dates. On the National level the County executives of Energy and Environment, representatives from the national government, NGOs, CBOs, Youth representatives among others will be invited. The project design, job opportunities, partnerships, community land, site selection and electricity connection fees, land acquisition matters, compensation of property and capacity building will be the basis of discussions among others. KPLC representatives will ensure transparency and proper mechanisms have been put in to place in ensuring successful implementation of LMCP Phase III.

8.8 Information Dissemination and Disclosure Measures
Once the RPF and later the individual RAPs are cleared, they will be disclosed in the KPLC websites, and in the AFDB website too. The document will further be disclosed at the Bank’s Public Information Centre (PIC) and the Bank’s web site for public review and comments in accordance with the Bank’s disclosure policy and the Bank’s Environmental and Social Impacts Assessment Procedures (ESAP 2013). In addition, each RAP will be available in the localities (Local Chief’s Office) where the investments are intended. The entitlement section of each RAP and the entitlement matrix will be translated into the Kiswahili (where need be) and be distributed among the affected communities.
CHAPTER NINE: RPF IMPLEMENTATION BUDGET

The actual final cost of resettlement and compensation for each investment will be fully determined during the site specific sub project socio-economic study for the preparation of the individual RAPs. The Government of Kenya will finance all the resettlement compensations cost because they are the party that would be impacting livelihoods. Although at this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details of all investments have not yet been finalized, however this RPF will work with some level of estimates so as to ensure land acquisition costs are captured within the overall project cost.

When these locations are known, and after the conclusion of the site-specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, detailed and accurate budgets for each RAP will be prepared. Each RAP will include a detailed budget, using the following template thus facilitating the preparation of a detailed and accurate budget for resettlement and compensation. The key concern will be to ensure full replacement value for lost/affected assets.

Table 20: Illustrative Budget Template for the RAP

<table>
<thead>
<tr>
<th>No.</th>
<th>Item</th>
<th>Costs (in KSHS)*</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Compensation for loss of Land /hectare</td>
<td></td>
<td>For land acquisition purposes, based on cost realized in projects involving similar issues in Kenya.</td>
</tr>
<tr>
<td>2</td>
<td>Compensation for loss of Crops /hectare of farm lost</td>
<td></td>
<td>Includes costs of labour invested and average of highest price of staple food crops as per methods described in this RPF.</td>
</tr>
<tr>
<td>3</td>
<td>Compensation for loss of access for pastoralists N/A</td>
<td></td>
<td>Those affected would be provided with shared access, or alternate routes (decision agreed through consultation and participation of all)</td>
</tr>
<tr>
<td>4</td>
<td>Compensation for loss of access to fishing resources /fishmonger</td>
<td></td>
<td>Data provided from revised socio-economic study will determine market values of catch, fish products etc. that is produced.</td>
</tr>
<tr>
<td>5</td>
<td>Compensation for other livelihoods affected such as gathering medical herbs and plants from the forest, small production such as beekeeper loss of labour income N/A</td>
<td></td>
<td>Livelihood restoration program</td>
</tr>
<tr>
<td>No.</td>
<td>Item</td>
<td>Costs (in KSHS)*</td>
<td>Assumptions</td>
</tr>
<tr>
<td>-----</td>
<td>----------------------------------------------------------------------</td>
<td>-----------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>6</td>
<td>Compensation for Buildings and Structures</td>
<td></td>
<td>The cost is to facilitate the replacement of the buildings and structures to be affected</td>
</tr>
<tr>
<td>7</td>
<td>Compensation for Trees</td>
<td>/year/tree</td>
<td>Based on methods described in this RPF for compensation for trees.</td>
</tr>
<tr>
<td>8</td>
<td>Cost of Relocation Assistance/Expenses</td>
<td>/household</td>
<td>This cost is to facilitate transportation, etc.</td>
</tr>
<tr>
<td>9</td>
<td>Cost of Restoration of Individual Income</td>
<td>Say</td>
<td>Assumed to be higher than the GDP/capita.</td>
</tr>
<tr>
<td>10</td>
<td>Cost of Restoration of Household and business income</td>
<td>Say</td>
<td>Through employment in Program Activities.</td>
</tr>
<tr>
<td>11</td>
<td>Cost of Training Farmers, pastoralists and other PAPs</td>
<td></td>
<td>This is a mitigation measure, which seeks to involve those affected by the project activities. This figure represents a costs of around Ksh/person</td>
</tr>
<tr>
<td>12</td>
<td>Livelihood Restoration/Enhancement</td>
<td>/Project</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Business advisory/Pre compensation financial management training for PAPs</td>
<td>Businessmen/all PAPs</td>
<td>Administrative support to undertake livelihood restoration or monitoring and evaluation of RAPs implementation</td>
</tr>
<tr>
<td>12</td>
<td>NGO support</td>
<td>Number/years</td>
<td>Administrative support to undertake livelihood restoration or monitoring and evaluation of RAPs implementation</td>
</tr>
<tr>
<td>13</td>
<td>Cost of restoration of livelihood for vulnerable</td>
<td>/year/</td>
<td>Assumed to be higher than the GPP/capita</td>
</tr>
<tr>
<td></td>
<td>Contingencies</td>
<td></td>
<td>Assumed 10%</td>
</tr>
</tbody>
</table>

*Note: Disturbance allowance will be included in the compensation package*

The RPF implementation budget refers to all costs that will be incurred to implement the requirements or recommendations of this safeguard instrument. The RPF requirements ensure that implementation of the projects integrates social issues for the sustainability of the project as well as the sub-projects. Among other things the RPF recommends the following key issues, namely: training, capacity building, social impact assessment, gender analysis report, public consultation, information dissemination, stakeholders’ engagement, grievance redress mechanism system, screening, reviewing and monitoring mechanisms. These issues are clearly described here under; the staff-who will be involved in the implementation of the project should be trained to enhance their skills on social land acquisition issues. Building the capacity of staff from
implementing division/departments/sections such as Projects and SHE will enable them to screen, review and monitor social issues for LMCP Phase III to ensure compliance with requirements of the national legal policies and Acts as well as AFDB Involuntary Resettlement Policy (2003). The estimated five year budget for technical assistance for capacity building, stakeholder engagement, information dissemination and awareness creation, monitoring, screening and public consultations among others would be **Kshs. 244,200,000.00** as per the table below;

### 9.1 Estimated level of costs for RPF implementation

<table>
<thead>
<tr>
<th>S/NO</th>
<th>RPF proposed actions)</th>
<th>Concerned institutions</th>
<th>Level of cost (Kshs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Training and capacity Building KPLC Environmental and Social Unit on (Social Impact Assessment, GRM, Gender Mainstreaming, GBV, Data Analysis, Labour Management, Public Engagement, Land Acquisition, Monitoring and Evaluation Courses) Capacity building and refresher trainings for Resettlement and GRM committees</td>
<td>KPLC Environmental and Social Unit</td>
<td>25,000,000</td>
</tr>
<tr>
<td></td>
<td>Screening and reviewing of sub projects Project Implementation Unit</td>
<td>Project Implementation Unit</td>
<td>15,000,000</td>
</tr>
<tr>
<td></td>
<td>Screening and reviewing of sub projects Project Implementation Unit</td>
<td>Project Implementation Unit</td>
<td>20,000,000</td>
</tr>
<tr>
<td></td>
<td>RAP Preparation including cost for Census, surveys and cadastral maps, public consultations and RAP report preparation Project Implementation Unit</td>
<td>Project Implementation Unit</td>
<td>20,000,000</td>
</tr>
<tr>
<td>2</td>
<td>Social Impact Assessment and Gender Analysis Report KPLC project implementation Unit, Environmental and Social Unit</td>
<td>KPLC project implementation Unit, Environmental and Social Unit</td>
<td>15,000,000</td>
</tr>
<tr>
<td>3</td>
<td>Public Consultation, information dissemination, stakeholders’ engagement during RAP implementation KPLC project implementation Unit, Environmental and Social Unit</td>
<td>KPLC project implementation Unit, Environmental and Social Unit</td>
<td>20,000,000</td>
</tr>
<tr>
<td>4</td>
<td>Grievance redress mechanism Payments for GRC members,</td>
<td>KPLC Environmental Unit and</td>
<td>10,000,000</td>
</tr>
<tr>
<td>S/NO</td>
<td>RPF proposed actions)</td>
<td>Concerned institutions</td>
<td>Level of cost (Kshs.)</td>
</tr>
<tr>
<td>------</td>
<td>-----------------------</td>
<td>------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>4</td>
<td>NLC field visits facilitation</td>
<td>NLC, KPLC</td>
<td>2,000,000</td>
</tr>
<tr>
<td>5</td>
<td>RPF and RAP implementation and Monitoring activities</td>
<td>MoE, KPLC PIU, NEMA</td>
<td>20,000,000</td>
</tr>
<tr>
<td>6</td>
<td>Annual Audits</td>
<td>MoE, KPLC</td>
<td>20,000,000</td>
</tr>
<tr>
<td>7</td>
<td>Completion Audit</td>
<td>MoE, KPLC</td>
<td>15,000,000</td>
</tr>
<tr>
<td>8</td>
<td>Estimated Land Acquisition/Resettlement/Livelihood Costs</td>
<td></td>
<td>40,000,000</td>
</tr>
<tr>
<td>11</td>
<td>Contigency at 10 %</td>
<td></td>
<td>22,200,000</td>
</tr>
<tr>
<td><strong>Total Costs</strong></td>
<td></td>
<td></td>
<td><strong>244,200,000</strong></td>
</tr>
</tbody>
</table>
10 CHAPTER TEN: MONITORING AND EVALUATION

10.1 Overview

The purpose of monitoring and evaluation is to report on (1) the progress in implementing the RPF procedures and processes as well as the (2) effectiveness of the implementation of the RAPs, and the outcomes and impact of compensation on the PAPs in relation to the purpose and goals of the RAPs. In terms of the RAP, KPLC is therefore required to set major socio-economic goals by which to evaluate progress which will include (i) affected individuals, households, and communities being able to maintain their pre-project standard of living, and even improve on it, (ii) the local communities remaining supportive of the project and (iii) the absence or prevalence of conflicts (iv) project affected persons reporting satisfaction with the resettlement operation. In order to assess whether these goals are met, KPLC will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities.

Monitoring can help to determine;

- If affected people are satisfied with the actual resettlement process.
- If affected people have been paid in full and before implementation of any project that is causing resettlement.
- If affected individuals, households, and communities have been able to maintain their pre-project standard of living, and even improve on it.

The overall objectives of monitoring are often to:

- Provide timely information about all resettlement grievances arising as a result of the project activities for action;
- Identify any grievances in relation to resettlement that have not been resolved at a local level and require resolution through the involvement of the PIU;
- Document the timely completion of project resettlement obligations (i.e. payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary losses;
- Evaluate whether all PAPs have been compensated in accordance with the requirements of this RPF, and that PAPs have higher living standards in comparison to their living standards before physical or economic displacement.
- Feedback system to the PAP process and other stakeholders consistent with the RPF, the Sub-Project Committees and the PIU will be responsible for periodically transferring the information compiled “on the ground” to the PIU, so that it is alerted in a timely manner to any difficulties arising at the local level.
The census and/or the socio-economic survey study will serve as a basis for the preparation of investment specific RAPs, will be used as the base line for the monitoring and evaluation of the individual RAPs.

In terms of the RPF, Monitoring of the RPF will be undertaken under the M&E framework of the project and will be done to ensure that project objectives as well as the requirements under the RPF are realised.

10.2 Monitoring Plan

In order to comply with AfDB requirements the overall internal monitoring procedures and plan will include internal performance monitoring, Impact monitoring and annual/final external evaluation as follows:

10.2.1 Internal Performance Monitoring

Internal monitoring is an internal management function carried out regularly, perhaps monthly or quarterly, to measure physical progress against milestones established in the RAP. The report compares achievements at the inspection date against the targets for the required actions.

Internal performance monitoring will be based on the RPF to check if the procedures outlined herein are been followed e.g. was screening of the project undertaken etc. but also based on the ARAPs to be developed to check that physical progress has been made in execution of required actions. The main performance milestones to be checked will be:

- Public consultation with different stakeholders;
- Census, assets inventories, assessments and socio-economic studies completed;
- Grievance and redress procedures in place and functioning;
- Compensation payments disbursed;
- Relocation of people completed;
- Income restoration activities initiated;
- Monitoring and evaluation reports submitted.

Financial records will be maintained by NLC and KPLC to permit calculation of the final cost of resettlement and compensation per individual or household and they will be included in the monitoring report. The statistics will also be provided to the external independent consultant/agency that will be contracted on an annual basis to monitor the implementation of the RAPs.

Internal monitoring should always identify bottlenecks, troubleshoot and feed into improving the delivery of the project including the RAP process.
Narrative reports on progress will be produced and submitted to the AfDB on quarterly basis. This is mainly the responsibility of KPLC PIU more so the Safegurds and M/E officers.

10.2.2 Impact Monitoring

Impact monitoring measures the effectiveness of the RAP and its implementation in meeting the needs of the affected population. This may be conducted internally by PIU or an independent external agency, annually. Where feasible, affected people should be included in all phases of impact monitoring, including the identification and measurement of baseline indicators.

It will use socio-economic data and census information gathered at the beginning of the project as baseline information. Reporting will be conducted on an annual basis. The methodology for impact monitoring will involve the following checks:

- Payment of compensation and timing of payments;
- Preparation and adequacy of resettlement sites;
- Housing construction;
- Provision of employment and income levels;
- Adequacy of training and other support provided;
- Infrastructure relocation or replacement;
- Enterprise relocation, compensation and its adequacy;
- Grievances raised and their resolution; and
- Standard of living of the affected people after the implementation of Resettlement.

A key component in both internal performance monitoring and impact monitoring is Database Management or The Management Information System (MIS) for PAPs. An MIS system can facilitate record keeping, analysing and generating required information. It will include specific systems to track the execution of the land acquisition and resettlement activities in accordance with the priorities set out in the RPF and the relevant RAPs. It will track the progress of preparation and implementation of the RAPs, especially land acquisition and payment of compensation, and the resettlement programs, including self-relocation. It will cover all the steps in the process of land acquisition.

In a simplified manner, so as to track PAPs compensation, the PIU will need to maintain a complete database on every PAP impacted by the project land use requirements including relocation/resettlement and compensation, land impacts or damages. Each PAP receiving compensation will have a database containing:
- PAP demographic information including vulnerability
- Number of dependent/PAP claim.
- Level of income and of production
- Assets affected by the project
- Amount of land available to the PAP when the database is opened.
- Additional information will be acquired for PAP's eligibility for resettlement and/or compensation:
  - Inventory of material assets and improvements in land,
  - Compensation

10.2.3 External Annual Audit
An annual independent audit of the RPF/RAPs is undertaken in line with AfDB policy. This can cover both performance and impact monitoring related questions. External evaluation will assess whether compensation and other measures to restore the living standards of project-affected persons have been properly designed and carried out. It will verify in the field some of the quantitative information submitted by the internal monitoring agency as well as using some of the impact indicators.

The annual audit of RPF implementation will include: a summary of the performance of each Sub-project vis-à-vis its RAP; and a presentation of compliance and progress in the overall implementation of the RAP. The audit will:
- Verify results of internal monitoring;
- Assess whether the RAP sub projects are in compliance with OP 4.12 and the Government regulations; whether the resettlement objectives have been met; specifically, whether livelihood and living standards have been restored or enhanced;
- Verify that the safeguard program is being implemented in accordance with the plans and procedures set out in the RPF and RAPs
- Assess the resettlement efficiency, effectiveness, impact and sustainability,
- drawing lessons for future resettlement activities and
- recommending corrections in the implementation;
- Ascertaining whether the resettlement entitlements were appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions.
- To review the performance of the implementing agencies, including the Project team, and other institutions formed for implementation of the RPF.

Annual audit reports will be submitted to the PIU and shared with the AfDB.
10.2.4 Completion Audit and Report
Is meant to determine what extent the RAP activities have been implemented. The audit should verify that all physical inputs committed in the RAP have been delivered and all services provided. The audit should evaluate whether the mitigation actions prescribed in the RAP have had the desired effect. This is usually carried out at the end of project completion after all RAP inputs so as to evaluate achievements against the baseline conditions of the population before displacement, as established through the census and socioeconomic studies.

10.3 Methodology Use for the RAP Monitoring
Base line data will be collected from different sources, including the census and socio-economic study undertaken for the preparation of individual RAPs. In addition, the information collected by the SCRCC and LRCC will be used. Finally, questionnaire (in the case of independent monitoring), and focus groups discussions will be used to collect data and information.

10.4 Indicators to Determine Status of Affected People
A number of objectively verifiable indicators (OVIs) will be used in order to determine the status of all affected people as shown in the table below. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing, but also qualitative indicators.
### Table 21: Monitoring Indicators will depend on nature of the project

<table>
<thead>
<tr>
<th>Subject</th>
<th>Indicator</th>
<th>Variable (Data to be disaggregated by gender of PAP)</th>
</tr>
</thead>
</table>
| Land acquisition and Compensation/ resettlement | Compensation and Acquisition of various assets e.g. Land, Buildings/ Structures, Trees, Crops | - Number of individuals receiving cash or a combination of cash and in-kind compensation.  
- Number of households affected  
- Number of PAPs compensated by type of loss  
- Amount compensated by type and owner  
- Area of cultivation/communal/government/private land acquired for developments  
- Number, type and size of primary government/private/community/public buildings acquired  
- Number, type and size of auxiliary/secondary private/community/public buildings acquired  
- Number of replacement houses/businesses constructed/replaced  
- Number of community/public/government buildings replaced  
- Size, construction, durability and environmental suitability of replacement houses  
- Crops destroyed by area, type and ownership  
- Number and type of trees cut Versus replaced  
- The ability of individuals and families to re-establish their pre-displacement activities, income, crops or other alternative incomes;  
- Number of PAPs who received relocation/rehabilitation assistance. |
<table>
<thead>
<tr>
<th>Subject</th>
<th>Indicator</th>
<th>Variable (Data to be disaggregated by gender of PAP)</th>
</tr>
</thead>
</table>
| Livelihoods/Economics | Restoration of income and livelihood | • Number requiring income opportunities; type of income  
• Opportunities provided.  
• Number of PAPs who received IR training.  
• Number of PAPs using IR training for income generation.  
• Number of PAPs received employment by project  
• Number of persons/ households economically active following relocation or re-adjustment.  
• Ownership of capital assets  
• Landholding size, area cultivated and production volume/value, by crop (cash and subsistence crops)  
• Landholding status (tenure)  
• Employment status of economically active members  
• Skills of homestead members  
• Earnings/income by source  
• Changes to income-earning activities (agriculture) – pre- and post-disturbance  
• Changes to income-earning activities (off-farm)– pre- and post-disturbance  
• Amount and balance of income and expenditure  
• Realization of homestead income restoration plans (components implemented, net income achieved)  
• Possession of bank and savings accounts |
| Vulnerability    | Vulnerable households, groups, and persons | • Number of vulnerable APs requiring assistance.  
• Number of Vulnerable Group PAPs who received assistance.  
• Number of such PAPs productively utilizing assistance provided  
• Changes in status of vulnerable persons by type of service |
<table>
<thead>
<tr>
<th>Subject</th>
<th>Indicator</th>
<th>Variable (Data to be disaggregated by gender of PAP)</th>
</tr>
</thead>
</table>
| Capacity Building             | Operation of training programme          | • Number of PAPs received pre compensation training  
• Number of PAPs received other forms of training e.g. business  
• Training programmes conducted for the stakeholders and  
• Number of participants.  
• Training programmes conducted for staff and other officers and number of participants.  
• Systems and procedures designed and introduced. |
| Participation and consultations |                                          | • Number of stakeholder participations & consultations by Type, purpose, venue, attendance.  
• Types and Modes of communication used  
• Number and type of handbooks and informative bulletins distributed. |
| Grievances Redress Mechanism  | Grievance management                     | • The number of grievances registered  
• The number of grievances resolved as a percentage of the total cases;  
• Number of people raising grievances in relation to each type of grievance  
• The number of grievances and time and quality of resolution through the GRC  
• Number of meetings held by the GRC (by level), including the attendance of GRC members  
• Number of grievances received and resolved at first level by type, nature of response, redresses provided, and timeliness of response.  
• Number of grievances escalated to second level by type, nature of response, redresses provided, and timeliness of response.  
• Number of grievances received and resolved at second level by type, nature of response, redresses provided, and timeliness of response.  
• Number of grievances in court by type, nature of response, redresses provided, and timeliness of response. |
<table>
<thead>
<tr>
<th>Subject</th>
<th>Indicator</th>
<th>Variable (Data to be disaggregated by gender of PAP)</th>
</tr>
</thead>
</table>
| Social/ Demographic             | Changes to homestead structure      | - Household size (average number of households)  
- Status of “vulnerable” homesteads  
- Residential status of homestead members  
- Movement in and out of the homestead (place and residence of homestead members)                                                      |
|                                 | Access to social facilities         | - Distance/travel time to nearest market centre, church, shop, health centre                                                                                              |
|                                 | Changes to health status            | - Nutritional status of resettled homestead members  
- Number of people with disease, by type (STDs, diarrhoea, malaria, malnutrition conditions)  
- Mortality rates-Deaths registered per household  
- Access to health care services (distance to nearest facility, cost of services, quality of services)  
- Utilization of health care services  
- Disease prevention strategies  
- Latrine provision at schools  
- Access to clean water sources |
|                                 | Changes to educational status       | - Literacy and educational attainment of homestead members  
- Access to education facilities  
- School attendance rates (age, gender)  
- Number, type of educational establishments |
|                                 | Changes in social organization      | - Organizational membership of homestead members  
- Leadership positions held by homestead members |
| Management                      | Staffing                            | - Number of implementing agencies by function  
- Number of GoK ministry officials involved by function |
<table>
<thead>
<tr>
<th>Subject</th>
<th>Indicator</th>
<th>Variable (Data to be disaggregated by gender of PAP)</th>
</tr>
</thead>
</table>
|         | Procedures in operation | • Census and asset verification/quantification procedures in place  
• Effectiveness of compensation delivery system  
• Number of land transfers effected  
• Co-ordination between local community structures, KPLC and GoK officials |

Most of the information for these indicators will be collected through survey, interviews and focus group discussions with the affected communities. The data for these indicators will be collected every six months during the RAP implementation by the implementing agency, SCRCC and AFDB. LRCCs will also assist with collection of monitoring data of the RAPs implementation.

The pre-project census information will provide most, if not all of the required information to set a baseline against which performance can be tracked.

In addition to the existing baseline data, the following steps will be taken to ensure the proper monitoring of the RAPs:

- *Questionnaire data will be entered into a database for comparative analysis;*
- *Each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received;*
- *The implementing agency will maintain a complete database on every individual impacted by the sub-project land use requirements.*
- *Regular resettlement status reports submitted by the implementing agency will be reviewed.*
11 ANNEXES

ANNEX 1: GLOSSARY OF TERMS
ANNEX 2: SAMPLE RESETTLEMENT SCREENING FORM
ANNEX 3: CENSUS AND LAND ASSET INVENTORY FORM
ANNEX 4: COMMUNITY ASSET AND INFRASTRUCTURE
ANNEX 5: SAMPLE GRIEVANCE REDRESS FORMS
ANNEX 6: TORS FOR DEVELOPING A RAP
ANNEX 7: OUTLINE FOR THE RAP
ANNEX 8: MINUTES AND ATTENDANCE LISTS FOR THE PUBLIC PARTICIPATION
ANNEXES

ANNEX 1: GLOSSARY OF TERMS

DEFINITIONS

Unless the context dictates otherwise, the following terms will have the following meanings:

“Replacement cost for houses and other structures” means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures. Such costs will include: (a) transporting building materials to the construction site; (b) any labour and contractors’ fees; and (c) any registration costs.

“Resettlement Assistance” means the measures to ensure that Affected Persons and Displaced Persons under various investments who may require to be physically relocated are provided with assistance during relocation, such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement.

“The Resettlement Policy Framework (RPF)” is an instrument to be used throughout by the KPLC during the implementation. The RPF sets out the resettlement objectives and principles, organizational arrangements and funding mechanisms for any resettlement that may be necessary during investments implementation. The RPF guides the preparation of Resettlement Action Plans of individual investments in order to meet the needs of the people who may be affected by the project. The Resettlement Action Plans (“RAPs”) for various projects will therefore be prepared in conformity with the provisions of this RPF.

“Census” means a field survey carried out to identify and determine the number of Projected Affected Persons (PAP) or Displaced Persons (DPs) as a result of land acquisition and related impacts under various investments. The census provides the basic information necessary for determining eligibility for compensation, resettlement and other measures emanating from consultations with affected communities and the local government institutions (LGIs).

“Cut-off date” is the date of commencement of the census of project-affected persons, within various projects, when those who will move to the area after the time of census will not be compensated.
“Displaced Persons” mean persons who, for reasons due to involuntary acquisition or voluntary contribution of their land and other assets under the various investments, will suffer direct economic and or social adverse impacts, regardless of whether or not the said Displaced Persons are physically relocated. These people may have their standard of living adversely affected, whether or not the Displaced Person will move to another location; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.

“Involuntary Displacement” means the involuntary acquisition of land resulting in direct or indirect economic and social impacts caused by: Loss of benefits from use of such land; relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether the Displaced Persons has moved to another location or not.

“Involuntary Land Acquisition" is when the project affected people need to be relocated or give up their rights to land and other assets as a result of development projects or other reasons which are beyond their control in this case the PAPs.

“Land” refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required.

“Land acquisition” means the possession of or alienation of land, buildings or other assets thereon for purposes of the projects.

Rehabilitation Assistance” means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable Program Affected Persons and Displaced Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.

Resettlement and Compensation Plan”, also known as a “Resettlement Action Plan (RAP)” or “Resettlement Plan” - is a resettlement instrument (document) to be prepared for each individual investment which is prepared based on the principles of this RPF. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or
loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs contain specific and legal binding requirements to resettle and compensate the affected party before implementation of a given investment.

“Replacement cost” means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. It includes expenses that a person will incur in order to replace his or her house or land (at market price) which could include taxes and moving allowance. In terms of land, this may be categorized as follows; (a) “Replacement cost for agricultural land” means the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the others costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes;

Project Affected Person(s) (PAPs) are persons affected by land and other assets loss as a result of a number of projects. These persons(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location.

“Compensation” means the payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets thereon as well as other impacts resulting from activities.
ANNEX 2: SAMPLE RESETTLEMENT SCREENING FORM

LCMP III ACQUISITION, DISPLACEMENT, LIVEHOOD AND RESETTLEMENT SCREENING FORM

A. GENERAL BACKGROUND

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Sub project Name</td>
</tr>
<tr>
<td>2.</td>
<td>Sub project Type</td>
</tr>
<tr>
<td>3.</td>
<td>Sub project Location, sub county, County</td>
</tr>
<tr>
<td>4.</td>
<td>Coordinates (GPS)</td>
</tr>
<tr>
<td>5.</td>
<td>Land Area (approximate)</td>
</tr>
<tr>
<td>6.</td>
<td>Current Land Use &amp; Development on site</td>
</tr>
<tr>
<td>7.</td>
<td>Describe any Possible Alternative Site(s)</td>
</tr>
<tr>
<td>8.</td>
<td>Brief Sub project Description</td>
</tr>
<tr>
<td>9.</td>
<td>Provide an appropriately-scaled map clearly showing: The project area with existing buildings, infrastructure, vegetation, and land use if Possible; The project area with any planned construction, plants, lines, or access roads if Possible</td>
</tr>
<tr>
<td>10.</td>
<td>Is there any other infrastructure in or close to the project area?</td>
</tr>
<tr>
<td>11.</td>
<td>Expected subproject duration (and start date)</td>
</tr>
<tr>
<td>12.</td>
<td>Present owner(s)/users of the project site</td>
</tr>
<tr>
<td>13.</td>
<td>How will the proponent go about land purchase?</td>
</tr>
</tbody>
</table>

B. POLICY TRIGGERS

<table>
<thead>
<tr>
<th>Questions to be considered</th>
<th>Yes/No. Briefly Describe</th>
<th>Is this likely to result in a significant effect? Yes/No/? -why</th>
<th>Risk level (H/M/L)</th>
</tr>
</thead>
</table>

174 | P a g e
<p>| | | | |</p>
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<th></th>
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</thead>
<tbody>
<tr>
<td>14</td>
<td>Does the project trigger one or more of the Bank Safeguard policies</td>
<td></td>
<td></td>
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<tr>
<td>15</td>
<td>Does the project fall under/trigger any sensitive GoK Policies and Laws?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**C. PROJECT LOCATION**

<table>
<thead>
<tr>
<th>Questions to be considered</th>
<th>Yes/No. Briefly Describe</th>
<th>Is this likely to result in a significant effect? Yes/No/? - why</th>
<th>Risk level (H/M/L)</th>
</tr>
</thead>
<tbody>
<tr>
<td>16. Is the site or around the site protected under international or national or local legislation for their ecological, landscape, cultural or other value, which could be affected by the project?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Are there any routes or facilities on or around the site which are used by the public for access to recreation or other facilities, which could be affected by the project?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. Are there any areas or features of historic or cultural importance on or around the site which could be affected by the project?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19. Are there existing land uses on or around the site e.g., homes, gardens, private property, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, mining, or quarrying which could be affected by the project?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20. Is the site densely populated or built up, which could be affected by the project</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21. Are there any areas on or around the site which are occupied by sensitive land uses e.g., hospitals, schools, places of worship, community facilities which could be affected by the project?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22. Do people live on the proposed site?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23. Do indigenous peoples live on or near the site?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
24. Are there known archaeological, historical or other cultural property? Are any of these world heritage/ UNESCO designated etc.

<table>
<thead>
<tr>
<th>D. SOCIO ECONOMIC IMPACT</th>
<th>Questions to be considered</th>
<th>Yes/No. Briefly Describe</th>
<th>Is this likely to result in a significant effect? Yes/No/? - why</th>
<th>Risk level (H/M/L)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

25. Will the project entail displacement or resettlement of population?

26. Will the project affect People’s property or livelihoods/income?

27. Will the project affect indigenous peoples?

28. Will it limit access to natural resources to local populations?

29. Will it have an impact on land use?

30. Will it induce further encroachment of nearby areas?

31. Could cultural resources be affected?

32. Could it affect nearby properties?

<table>
<thead>
<tr>
<th>E. DISPLACEMENT IMPACTS</th>
<th>Questions to be considered</th>
<th>Yes/No. Briefly Describe</th>
<th>Is this likely to result in a significant effect? Yes/No/? -why</th>
<th>Risk level (H/M/L)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

33. Will project include?

34. Acquisition of private/community land?

35. Alienation of any type of government land including that owned by urban local body/community?

36. Clearance of encroachment from government/urban local body land?
### 37. Clearance of squatting from Government/Urban local body?

### 38. Number of structures, both authorized and/or unauthorized to be acquired/cleared?

### 39. Number of households to be displaced?

### 40. Details of village common properties to be alienated, Pasture land (acres) cremation/burial ground and others specify?

### 41. Describe existing land uses on and around the project area (e.g., Community facilities, agriculture, tourism, private property)?

### 42. Are financial/in kind compensation measures expected to be needed?

#### F. LOSS OF ASSETS, CROPS, FRUIT, HOUSEHOLD INFRASTRUCTURE AND LIVELIHOOD

<table>
<thead>
<tr>
<th>Questions to be considered</th>
<th>Yes/No. Briefly Describe</th>
<th>Is this likely to result in a significant effect? Yes/No/? -why</th>
<th>Risk level (H/M/L)</th>
</tr>
</thead>
<tbody>
<tr>
<td>43. Will the project result in the permanent or temporary loss of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>44. Crops?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>45. Fruit trees/coconut palms? Specify with numbers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>46. Household assets/infrastructure? Specify with type/ numbers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>47. Loss of agriculture land? specify with numbers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>48. Loss of business structures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>49. Loss of rental accommodation by renters</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50. Loss of livelihood/income</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### G. WELFARE, EMPLOYMENT AND GENDER

<table>
<thead>
<tr>
<th>Questions to be considered</th>
<th>Yes/No. Briefly Describe</th>
<th>Is this likely to result in a significant effect? Yes/No/? -why</th>
<th>Risk level (H/M/L)</th>
</tr>
</thead>
<tbody>
<tr>
<td>51. Is the project likely to provide local employment opportunities, including employment opportunities for women?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>HISTORICAL, ARCHAEOLOGICAL, OR CULTURAL HERITAGE SITES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Questions to be considered</td>
<td>Yes/No. Briefly Describe</td>
<td>Is this likely to result in a significant effect? Yes/No/? -why</td>
</tr>
<tr>
<td>54.</td>
<td>Based on available sources, consultation with local Authorities, local knowledge and/or observation could the project alter?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>55.</td>
<td>Historical heritage site(s) or require excavation near the same?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>56.</td>
<td>Archaeological heritage site(s) or require excavation near the same?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>57.</td>
<td>Cultural heritage site(s) or require excavation near the same</td>
<td></td>
<td></td>
</tr>
<tr>
<td>58.</td>
<td>Graves or sacred locations or require excavation near the same?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CONCLUSIONS:
1. Is Proposed project is eligible for financing under the project criteria…………yes/no….Reasons……
2. Approximately how many persons will be affected …………………
3. RAP category required (RAP/ARAP)
   - RAP is required (more than 200 people affected)
   - ARAP is required (less than 200 PAPs)
   - No resettlement or compensation plans are needed

Completed by……………………………………………………………………………………
Name…………………………………………………………………………………………
Position in the executing agency
Date…………………… Signature…………………………………………………………….

Assisted by:
Name of officer …………………………………………………………………………….
Position……………………………………………………………………………………
Date……………………………………… Signature ………………………………………..

Verified and Validated by:
Name of the Manager .......................................................... Position .......................................................... Date ................................ Signature ..............................
ANNEX 3A: CENSUS AND LAND ASSET INVENTORY FORM

ASSET INSPECTION SHEET
Household No / unique Identifier .......................... Date:

A) GENERAL DETAILS OF AFFECTED ASSET OR LIVELIHOOD

<table>
<thead>
<tr>
<th>Village / Cluster</th>
<th>Location</th>
<th>Sub County</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Plot Number  
PAP category  
Ownership / Rented  
GPS coordinates / Photo Number  

Codification
PAPs Category:
1 – Land owner, 2- Structure Owner, 3 – Crop / tree Owner, 4-Livelihood Owner, 5- tenant, 6- employees.

B) DEMOGRAPHIC DATA OF PAP

<table>
<thead>
<tr>
<th>Name of the owner (HH)</th>
<th>ID</th>
<th>Telephone</th>
<th>Gender</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Spouse Details  
ID  
Telephone  
Gender  
Age  

Household size  
Education Level  
Livelihood / Income Streams  

C) VULNERABILITY PERSONS

<table>
<thead>
<tr>
<th>No</th>
<th>Vulnerable Parameter</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Is the Household headed by a woman</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Is the HH headed by child under 18yrs</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Is the HH headed by a disabled Person</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Is the HH headed a chronic ill person</td>
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</tr>
<tr>
<td></td>
<td>Is the HH headed by elderly over 65yrs</td>
<td></td>
</tr>
</tbody>
</table>

Yes (1) or No (2)

D) LAND AFFECTED (Yes/no) ......................... Total Size (acre/square meters) .........................

5 Structure owner could be PAPs or Institutions owning land, structures, livelihood or community assets
Area Acquired…………..(acres)    LR Number …...........................................Title Deed
Issued / Not Issued………………………………(Attach Copy)

Status of Landownership / Land Successions
………………………………………………………………………………

E)    **STRUCTURE** …………..(partial / total impact)  tick appropriately
………………………….(commercial/residential)

<table>
<thead>
<tr>
<th>TYPE OF STRUCTURE affected</th>
<th>Accommodation Details-no. of rooms</th>
<th>NATURE OF MATERIAL</th>
<th>Size in sq. ft</th>
<th>GPS coordinates</th>
<th>PHOTO NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
</tr>
</tbody>
</table>

F)    **LOSS OF LIVELIHOOD**

<table>
<thead>
<tr>
<th>S/ NO</th>
<th>Type of Business</th>
<th>Average Daily Income</th>
<th>Affected</th>
<th>Owner of the business</th>
<th>Employées</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Ksh.</td>
<td>Total / Partial</td>
<td>Type Name (ID and address if not member of the household)</td>
<td>Name (ID and address)</td>
</tr>
<tr>
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<td></td>
</tr>
</tbody>
</table>

G)    **CROPS GROWN**

<table>
<thead>
<tr>
<th>TYPE OF CROP</th>
<th>AREA IN SQUARE FEET</th>
<th>Name (ID and address if not member of the household)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<tr>
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</tr>
</tbody>
</table>

H)    **TREES GROWN**

<table>
<thead>
<tr>
<th>TYPE OF TREE</th>
<th>AGE OF TREES</th>
<th>Name (ID and address if not member of the household)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>YOUNG</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MEDIUM</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MATURE</td>
<td></td>
</tr>
</tbody>
</table>
I) TENANTS
List the Names and Telephone Numbers of Residents Tenants in the Structure

TENANT’S / EMPLOYEE INFORMATION USING STRUCTURE OR BUSINESS

<table>
<thead>
<tr>
<th>Name of Tenant</th>
<th>Gender</th>
<th>Rent Amount (Kshs)</th>
<th>Telephone</th>
<th>ID Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Survey No.</td>
<td>Name of Head of Household</td>
<td>No. of persons in Household</td>
<td>Total Land Holding of Household (m2)</td>
<td>Land to be Acquired (m2)</td>
</tr>
<tr>
<td>------------</td>
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</tbody>
</table>

- Loss of assets includes structures permanent and temporary, area of residential, fruit trees, agricultural land lost, other (specify), graveyards, residence (rented), business lost, and income loss.
## ANNEX 3C RAP MANDATORY ANNEX – RECAP OF PAPS

### Summary matrix of PAP

<table>
<thead>
<tr>
<th>Code PAP*</th>
<th>First and last names of the PAP</th>
<th>Sex (M, F) and Age</th>
<th>Profession and principal activity of PAP</th>
<th>Tel. of the PAP and/or representative</th>
<th>PAP’s Picture</th>
<th>Image of the affected property/ies</th>
<th>GPS coordinates of the affected property/ies</th>
<th>Real compensation cost in local currency &amp; dollars</th>
<th>Witness/Neighbor of the PAP (Names and Tel.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAA000</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

* Code must be alphanumeric to contemplate/indicate the location or site AND the number of PAP by location or site. Example: for a single site RAP in Bamako the coding could read BAM0001, BAM0002, etc. or for a two sites (Yopougon et Adjame) RAP in Abidjan the coding would read: YOP0001, YOP0002, etc. et ADJ0001, ADJ0002, etc.
## ANNEX 3D SOCIO ECONOMIC SURVEY QUESTIONNAIRE

### Socio-Economic Household Datasheet of PAPs

<table>
<thead>
<tr>
<th>Name of Interviewer</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID Code</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Supervisor</th>
<th>(After verification of interview)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID Code</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cell Name</th>
<th>Number of Concession in Village (GPS Coordinates)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID Code</td>
<td></td>
</tr>
</tbody>
</table>

Date: ......................................................
Day Month Year

### Name of Head of Extended Family (Household head):

<table>
<thead>
<tr>
<th>Number of Nuclear Families in Extended Residential Group (including household of head of extended family)</th>
</tr>
</thead>
</table>

#### 1. Household HEAD Personal details

Age.

Sex: M/F

Education Background: None/Primary level only/Secondary level/Beyond secondary level

Vulnerability......

- ☐ 1-widow........☐ 2-orphan ...................☐ 3 Household headed by children under 18yrs
  ......☐ 4-sick ......☐ 5-disabled ......☐ 6-elderly over 65yrs 7- (others) specify

Marital Status:
☐ 1- Single ☐ 2-Married Monogamous ☐ 3- Married Polygamous ☐ 4- Separated/Divorced ☐ 5- Widowed

Religion...........................................

Family size of respondents: ..........Own children. Dependent children.........other dependants..................
## Household Interview

<table>
<thead>
<tr>
<th>Name and surname</th>
<th>Relationship To head of Family</th>
<th>Sex</th>
<th>Place of Birth</th>
<th>Age</th>
<th>Marital Status</th>
<th>Residence Tenure</th>
<th>Ethnic Group</th>
<th>Religion</th>
<th>Education level</th>
<th>Income Earner</th>
<th>Economic Activities</th>
</tr>
</thead>
<tbody>
<tr>
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<td>5.</td>
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</tr>
</tbody>
</table>

**Relation to Head of Family:**
1. HoH; 2 Spouse of HoH; 3. Child of HoH; 4 Spouse of Child of HoH; 5 Grandchild of HoH; 6 Parent of HoH; 7;8 9 Other(specify); 0 No Answer.

**Marital Status:**
1. Married; 2 Widowed; 3 Divorced; 4 Unmarried; 0 No Answer

**Residential Status:**
1. PRP (Permanent Resident); 2 RA (Resident Absent); 3 Member of non-resident HH; 4 Visitor; 9 Other(specify); 0 No Answer

**Occupations:** - Principal Occupation:
1. Farmer; 2 Shepherd; 3 Household; 4 Merchant; 5. Religious leader, teacher; 6 Artisan; 7 Transport; 8 Unemployed; 9 Other(specify); 0 No Answer Secondary Occupations: identify

**Educational Level:**
1. Illiterate; 2 Three years or less; 3 Primary School; 4 Secondary school; 5 technical School; 6 Religious School; 0 No Answer
Religion:
1 Christian (specify denomination); 2 Muslim; 9 Other(specify); 0 No Answer

3. HOUSEHOLD'S LIVING CONDITIONS
3.1 Access to drinking water (more than one possible answer): ....................

☐ 1- Traditional well at home ☐ 2- Borehole at home ☐ 3- House with a water tap ☐ 4- Access to public water taps outside the house
☐ 5- Access to well/boreholes outside the house ☐ 6- Access to surface water e.g., river ☐ 7- Rainwater ☐ 8- Other (specify)..............................

3.2 Sanitary facilities (more than one possible answer): ....................
☐ 1- Flush toilet in the house ☐ 2- Latrine with septic tank ☐ 3- Latrine without septic tank ☐ 4- Public toilets outside the house
☐ 5- Bush/open defecation ☐ 5- None

3.3 Energy - Type of lighting (more than one possible answer): .......
☐ 1- Electricity (public utility) ☐ 2- Electricity (power generator) ☐ 3- Kerosene lamp/lantern ☐ 4- oil lamp/lantern ☐ 5- wood
☐ 6- Candle ☐ 7- Solar panel/lamp ☐ 8- None ☐ 9- Other ...........................................

3.4 Energy source – Cooking combustible (more than one possible answer): .......

☐ 1- Electricity ☐ 2- kerosene ☐ 3- Charcoal ☐ 4- LPG Gas ☐ 5- Biogas ☐ 6- dry plants (wood/firewood) ☐ 7- Other

3.5 Household Assets: (indicate number of items if applicable)  (multiple response expected)
4. Access to social Services

4.1 Main mode of transport
- □ 1- Bicycle
- □ 2- Motorcycle
- □ 3- Truck
- □ 4- Car
- □ 5- Canoe/Boat
- □ 6- Generator
- □ 7- Radio
- □ 8- Tractor
- □ 9- Water pump
- □ 10- Mobile Phone
- □ 11- Television
- □ 12- TukTuk

4.2 Nearest Primary School
- □ 1- 0-1km
- □ 2- 2-5km
- □ 3- 6-10km
- □ 4- More than 10km

4.3 Where do you seek medical treatment
- □ 1- Public Health facility
- □ 2- Private health Facility
- □ 3- Mission/NGO Hospital
- □ 4- Traditional/spiritual healer
- □ 5- Chemist/shop
- □ 6- Other (specify)

4.4 Nearest health Facility
- □ 1- 0-1km
- □ 2- 2-5km
- □ 3- 6-10km
- □ 4- More than 10km

4.5 Who operates the medical center?
- GOK/Municipality
- FBI/ NGO/ CBO/ Private/ other (tick)

4.6 What main disease(s) did you or a member of your household suffer from in the last one year? (multiple responses possible)
- □ 1- Amoeba/typhoid
- □ 2- Malaria
- □ 3- Tuberculosis
- □ 4- Common cold
- □ 5- Diarrhoea
- □ 6- Fever
- □ 7- Hypertension
- □ 8- Other specify

4.7 Where is the nearest public school?
- Within estate/walking distance/takes bus/far away

4.8 How long have you lived here?

5. LIVELIHOOD – (MULTIPLE RESPONSES EXPECTED)

5.1 Sources of CASH income for the household head
<table>
<thead>
<tr>
<th>No.</th>
<th>Source of income</th>
<th>Sector</th>
<th>Average Distance (km)</th>
<th>Monthly Income of the Household</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Nb. Member of the Household</td>
</tr>
<tr>
<td>1.</td>
<td>Main source:</td>
<td></td>
<td></td>
<td>Head of the household</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Spouse</td>
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<td></td>
<td></td>
<td>Adult child</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Other: ................................</td>
</tr>
<tr>
<td>2.</td>
<td>Secondary source:</td>
<td></td>
<td></td>
<td>Head of the household</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Spouse</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Adult child</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Other: ................................</td>
</tr>
</tbody>
</table>

**Sector:**
- 1- Crop Farming
- 2- Animal husbandry
- 3- Fishing and/ or fish-farming
- 4- Handicraft
- 5- Construction
- 6- Property rental
- 7- Trading/Commerce
- 8- Civil service
- 9- Pension
- 10- Economic support: Family or friends
- 11- Economic support: Government or NGO
- 12- Economic Support: Remittances
- 13- Other

(specify)........................................

5.2 Other types of affected household production (Identify income sources and income amounts that are potentially affected by the project)

<table>
<thead>
<tr>
<th>No.</th>
<th>Affected Asset</th>
<th>Income</th>
<th>Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Type of Income</td>
<td>Sector</td>
</tr>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Type of income:
- □ 1- Rent-generated income from house on an affected plot of land
- □ 2- Rent-generated income from owner of business on and affected land plot
- □ 3- Rent-generated income from person undertaking agrarian activities on affected land
- □ 4- Sale-generated income from affected business
- □ 5- Income generated by the sale of products from an affected land plot
- □ 6- Income from an employee of an affected business
- □ 7- Income generated by the sale of fishing products in an affected area
- □ 8- Employment-generated income for a farm worker operating on an affected plot of land
- □ 9- Other (specify)

### Sector:
- □ 1- Formal
- □ 2- Informal

### Type of impact:
- □ 1- Partial impact
- □ 2- Total impact

### Duration of impact:
- □ 1- Temporary impact
- □ 2- Permanent impact

### 6. MAIN EXPENSES OF THE HOUSEHOLD – *(Multiple response expected)*
(Specify amounts based on the reference period of your choice–Week, Month OR Year- in each category)
### Main expenses of the household

<table>
<thead>
<tr>
<th>No.</th>
<th>Main expenses of the household</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Choose the reference period:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Week</td>
<td>Month</td>
</tr>
<tr>
<td>1.</td>
<td>House rental</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Rental of agricultural land</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Agricultural input</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Food</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Drinking water</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Health</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Transport</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Education</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Other (specify):</td>
<td></td>
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<tr>
<td>10.</td>
<td>Other (specify):</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Other (specify):</td>
<td></td>
</tr>
</tbody>
</table>

7. HOUSEHOLD’S PERCEPTIONS IN RELATION TO THE PROJECT AND TO AVAILABLE COMPENSATION AND RESETTLEMENT OPTIONS

7.1 Are you aware of the PROJECT?  
☐ 1- Yes ☐ 2- No

7.2 What is your main source of information about this project? .............
☐ 1- Members of your family  ☐ 2- Neighbours  ☐ 3- National or regional Government  ☐ 4- Local authorities  
☐ 5- Public meeting  ☐ 6- other ..........................................................

7.3 Are you aware that your Land structures or livelihood sources could be affected by this project? ☐ 1- Yes ☐ 2- No

7.4 In the event that your assets or livelihood is affected by the project, what type of compensation would you prefer?
  ☐ 1- Provision of alternative Land or Structures for my affected land parcel
2 Cash compensation for loss of assets or livelihood

7.5 In the event that you would be affected, what other type of assistance would you need during resettlement? *(More than one possible answer)*

☐ 1- Assistance for the transportation of the affected assets.
☐ 2- The authorities to allow for salvage of materials
☐ 3- Compensation to include 15% disturbance allowance
☐ 4- No assistance
☐ 5- Other (specify): .................................................................

7.6 How do you think this project could affect your household?

<table>
<thead>
<tr>
<th>No.</th>
<th>Theme</th>
<th>Impact</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Household income</td>
<td>Type</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Household expenses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Household food</td>
<td></td>
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</tr>
<tr>
<td>4.</td>
<td>Employment of members of the household</td>
<td></td>
<td></td>
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<tr>
<td>5.</td>
<td>Household children’s education</td>
<td></td>
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<tr>
<td>6.</td>
<td>Household members’ health</td>
<td></td>
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<tr>
<td>7.</td>
<td>Household’s access to electricity services</td>
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<tr>
<td>8.</td>
<td>Household’s social network</td>
<td></td>
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<tr>
<td>9.</td>
<td>Road and/or pedestrian network frequently</td>
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<tr>
<td>10.</td>
<td>Other (specify):</td>
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</tbody>
</table>

How affected: ☐ 1- Positive ☐ 2- Negative ☐ 3- Without impact ☐ 4- Don’t know
ANNEX 3E INDIVIDUAL AGREEMENT FORM, BETWEEN THE PROJECT AFFECTED PEOPLE (PAP) AND THE DEVELOPER

Republic of Kenya

A. Basic data
   - Project name: ..........................................................
   - Sub-project/activity that triggers the resettlement: ..........................................................
   - Location of the affected asset (village, municipality, district, region): ..................................
   - Site or Corridor where the affected asset is/are installed: ..............................................

B. Identity of the Project Affected Person (PAP)
   - PAP’s code: ..........................................................
   - Name & Surnames: ..........................................................
   - Age: ..........................................................................
   - Sex: ..........................................................................
   - Representative of Household or minor? □ If ticked, provide signed /authorization to represent.
   - Physical address: ..........................................................
   - Tel: ..........................................................................
   - Nature & ID no.: ..........................................................

C. Nature/type and replacement cost6 of the affected asset

<table>
<thead>
<tr>
<th>No.</th>
<th>Nature of affected asset</th>
<th>Characteristics/Quantity/Size of the affected asset</th>
<th>Tick</th>
<th>Nominal value ($)</th>
<th>Agreed compensation (Amount in real value &amp;/or in-kind)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Land</td>
<td></td>
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<tr>
<td></td>
<td>Built land</td>
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</tbody>
</table>

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6 Replacement is provided in kind for: (i) primary and sole residence and (ii) subsistence food production farm. The payment of cash to the PAP is not recommended in these two cases.
<table>
<thead>
<tr>
<th>Residential building (primary residence)</th>
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</thead>
<tbody>
<tr>
<td>Building in rent</td>
<td></td>
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<tr>
<td>Shop</td>
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<tr>
<td>Hangar</td>
<td></td>
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<tr>
<td>Fence</td>
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<tr>
<td>Grave/graveyard</td>
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<tr>
<td>Sacred/worship site</td>
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<tr>
<td>Fallow</td>
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<tr>
<td>Livestock farm</td>
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<tr>
<td>Fish ponds</td>
<td></td>
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<tr>
<td>Plantations</td>
<td></td>
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<tr>
<td>Crops</td>
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<tr>
<td>Income-generating activities other than agriculture</td>
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</tbody>
</table>

**Total real amount due to the PAP (including in-kind compensation)**

---

**D. Nature of the assistance provided to the PAP**

<table>
<thead>
<tr>
<th>No.</th>
<th>Nature of the assistance</th>
<th>Tick</th>
<th>Nominal value ($)</th>
<th>Agreed compensation (Amount in real value &amp;/or in-kind)</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Temporary rent</td>
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<td>Moving expenses</td>
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<td></td>
<td>Capacity building</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Vocational training</td>
<td></td>
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<tr>
<td></td>
<td>In-kind subsidy/inputs</td>
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<td></td>
<td>Other (specify)</td>
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</tbody>
</table>

**Total real amount due to the PAP (including in-kind compensation)**

---

Based on the assessments and negotiations carried out within the context of the resettlement for the works (development/construction) of the project, and by mutual agreement, the PAP
receives the sum of [**total amount in full spell**], and/or [**list the in-kind goods/benefits**] as compensation.

<table>
<thead>
<tr>
<th>Project Affected Person (PAP)</th>
<th>Developer (Expropriating authority)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Signature &amp; date</strong>&lt;br&gt;Name &amp; Surname</td>
<td><strong>Signature &amp; date</strong>&lt;br&gt;Name &amp; Surname, Function</td>
</tr>
<tr>
<td><strong>PAP’s Witness # 1</strong>&lt;br&gt;Signature &amp; date&lt;br&gt;Name &amp; Surname, Tel., ID no.</td>
<td>Signature/Seal of a Notary or Judicial Officer (if possible)</td>
</tr>
<tr>
<td><strong>PAP’s Witness # 2</strong>&lt;br&gt;Signature &amp; date&lt;br&gt;Name &amp; Surname, Tel., ID no.</td>
<td></td>
</tr>
</tbody>
</table>

7 Like the identification and assessment of asset and damages suffered as a result of the project, this agreement was signed without any constraint or threat of reprisals against the affected person, and with full knowledge of the implications and effects of the signatures affixed.
### ANNEX 4: COMMUNITY ASSETS AND INFRASTRUCTURE

<p>| | | | | |</p>
<table>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Village</td>
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<tr>
<td>2.</td>
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<tr>
<td>3.</td>
<td>Camera and photograph number</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>type of the structure or asset</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>School</td>
<td>08</td>
<td>Well</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Clinic</td>
<td>09</td>
<td>Public latrine</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>Church, mosque or temple</td>
<td>10</td>
<td>Public laundry</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>Shrine</td>
<td>11</td>
<td>Playground</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>Town hall</td>
<td>12</td>
<td>Cemetery</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>Meeting hall</td>
<td>13</td>
<td>Electric</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Well</td>
<td>14</td>
<td>Public telephone</td>
<td></td>
</tr>
</tbody>
</table>

5. Name of structure

6. Formal owner of the structure

01 District Government

02 Community or Volunteer Organization

03 Private individual

04 Other [please specify]

7. Name and address of the owner
   [please state name and address of the responsible chairman or secretary if the structure is owned by an organization or by Government]

8. Plot number

9. Telephone number
<table>
<thead>
<tr>
<th></th>
<th>Earthen walls</th>
<th>Earthen wall</th>
<th>1</th>
<th>Earthen wall</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Cement-plastered</td>
<td>Cement-plastered</td>
<td>2</td>
<td>Cement-plastered wall</td>
</tr>
<tr>
<td>3</td>
<td>Straw and bamboo</td>
<td>Straw and bamboo</td>
<td>3</td>
<td>Straw and bamboo</td>
</tr>
<tr>
<td>4</td>
<td>Unbaked brick</td>
<td>Unbaked brick</td>
<td>4</td>
<td>Unbaked brick</td>
</tr>
<tr>
<td>5</td>
<td>Backed brick</td>
<td>Baked brick</td>
<td>5</td>
<td>Baked brick</td>
</tr>
<tr>
<td>6</td>
<td>Cement block</td>
<td>Cement block</td>
<td>6</td>
<td>Cement block</td>
</tr>
<tr>
<td>7</td>
<td>Galvanized tin</td>
<td>Galvanized tile</td>
<td>7</td>
<td>Galvanized tile</td>
</tr>
<tr>
<td>8</td>
<td>tile</td>
<td>Tile</td>
<td>8</td>
<td>Tile</td>
</tr>
<tr>
<td>9</td>
<td>Other [specify]</td>
<td>Other [specify]</td>
<td>9</td>
<td>Other [specify]</td>
</tr>
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</table>

16. Building value per m²

17. Building value [no’s 14×16]

Signature of structure’s owner

Print name [block capitals]

Signature of valuation surveyor
<table>
<thead>
<tr>
<th>Grievance Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grievance Number</td>
</tr>
<tr>
<td>Name of the Recorder</td>
</tr>
<tr>
<td>County</td>
</tr>
<tr>
<td>Date</td>
</tr>
</tbody>
</table>

### INFORMATION ABOUT GRIEVANCE

**Define the grievance**

### INFORMATION ABOUT THE COMPLAINANT

| Forms of Receive | 
|------------------|---|---|---|---|---|---|---|---|---|---|
| □ Phone Line | □ Community/Information meetings | □ Mail | □ Informal | □ Other |

| Name-Surname | |
|----------------|---|---|---|---|---|---|---|---|---|---|
| Telephone Number | |
| Address | |
| Village | |
| District | |
| Signature of Complainant | |

### DETAILS OF GRIEVANCE

<table>
<thead>
<tr>
<th>1. Access to Land and Resources</th>
<th>2. Damage to</th>
<th>3. Damage to Infrastructure or Community Assets</th>
<th>4. Decrease or Loss of Livelihood</th>
<th>5. Traffic Accident</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Fishing grounds</td>
<td>a) House</td>
<td>a) Road/Railway</td>
<td>a) Agriculture</td>
<td>a) Injury</td>
</tr>
<tr>
<td>b) Lands</td>
<td>b) Land</td>
<td>b) Bridge/Passage ways</td>
<td>b) Animal husbandry</td>
<td>b) Damage to Property</td>
</tr>
<tr>
<td>c) Pasturelands</td>
<td>c) Livestock</td>
<td>c) Power/Telephone Lines</td>
<td>c) Beekeeping</td>
<td>c) Damage to Livestock</td>
</tr>
<tr>
<td>d) House</td>
<td>d) Means of livelihood</td>
<td>d) Water sources, canals and water infrastructure for irrigation and animals</td>
<td>d) Small scale trade</td>
<td>d) Other</td>
</tr>
<tr>
<td>e) Commercial site</td>
<td>e) Other</td>
<td>e) Drinking water</td>
<td>e) Other</td>
<td></td>
</tr>
<tr>
<td>f) Other</td>
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<tr>
<th>10. Other</th>
<th>11. (Specify)</th>
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<tr>
<td>Compensation (Specify)</td>
<td>a) Nuisance from dust</td>
</tr>
<tr>
<td>------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td></td>
<td>c) Vibrations due to explosions</td>
</tr>
<tr>
<td></td>
<td>e) Complaint follow up</td>
</tr>
</tbody>
</table>

**COMPLAINT ACKNOWLEDGEMENT FORM. FORM No:******

1. **STATEMENT OF THE COMPLAINANT**
   a) Name…………………………………
   b) Gender   Female □  Male □
   c) Occupation: …………………………
   d) Mobile No……………………………
   e) Region: ………………………………
   f) County: ………………………………
   g) Location and Sub county: ……………………………
   h) Street/Village: ……………………………

1.1. **COMPLAINTS HAVE BEEN RECEIVED THROUGH:**
   a) Complaint form □
   b) Letter □
   c) Toll free number □
   d) Office visiting □
   e) Meeting with the representative of the company in person/site □
   f) Visiting the local government office □
   g) Postal address □

2. **DETAILS OF THE COMPLAINT**
   The project acknowledges to receive your complaint of Date……..Month……..Year……… Concerning with…………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………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being dealt with and you will be given an initial feedback within fourteen days, starting
from Date......../......../........

3. RECIPIENT OF THE COMPLAINT
Name: .................................................................
Title: ..............................................................
Signature.................................

4. COMPLAINT/REPRESENTATIVE
Name: .........................................................
Signature: ..................................................

5B: Grievance Investigation Form

1. COMPLAINT DETAILS
   b) Name: ..................................................  b) Gender  Female ☐  Male ☐
   d) Age: ..........................................................  d) Mobile No.: ......................
   e) County: .......................................................  f) Sub county/Location ......................
   g) Street/Village: ...........................................  h) Date.................................
   i) Valuation number (if the complaint concerns with Valuation/compensation)...

2. REFERENCE
   Complaint received Date....../....../...... Through form Number......................

3. INVESTIGATION DETAILS
   Complaint received Date....../....../...... Through form Number......................
   Grievance Investigation: Details/Facts:

   Committee members involved in the investigation Signatures:

   Witness Name/Signature (If any witnesses involved):       Date:
5C: Feedback Complaint Form

FEEDBACK COMPLAINT FORM  FOMU NO. .............

1. COMPLAINT DETAILS
   c) Name: ........................................ b) Gender  Female ☐  Male ☐
   e) Age: ........................................ d) Mobile No.: ......................
   f) County: ..................................... f) Sub county/Location ..............
   g) Street/Village: ............................. h) Date ..............................
   j) Valuation number (if the complaint concerns with Valuation/compensation) ..........

2. REFERENCE
   Complaint received Date....../....../...... Through form Number......................

3. FEEDBACK
   Initial feedback of the complaint concerning with
   .........................................................................................................................
   .........................................................................................................................
   .........................................................................................................................
   .........................................................................................................................
   .........................................................................................................................
   .........................................................................................................................
   .........................................................................................................................
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   .........................................................................................................................
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4. COMPLAINT FEEDBACK PROVIDER INFORMATION
   Name: .................................................................
   Title: ........................................... Signature: .................................
5. COMPLAINT/REPRESENTATIVE
Name: ....................................................Signature: ....................................................

5D: Complaint Closing Form

1. COMPLAINT DETAILS
d) Name: .......................................................... b) Gender  Female □  Male □
g) Age: ............................................................ d) Mobile No.: ............................
h) County: .......................................................... f) Sub county/Location .................................

           g) Street/Village: ........................................ h) Date ........................................

k) Valuation number (if the complaint concerns with Valuation/compensation) ..................

2. REFERENCE
   Complaint received Date....../....../...... Through form Number..............................
   ........................................with a feedback form No............................................

3. PROCEDURES TO CLOSE GRIEVANCE
   The following steps have been followed by the PROJECT in order to find a solution concerning with your complaint.

   i. ........................................................................................................................................

   ii. ........................................................................................................................................

   iii. ........................................................................................................................................

   iv. ........................................................................................................................................

3. COMPLAINT CLOSING FORM
   Due to the steps mentioned above, THE project would like to inform you that your complaint which was presented through a form No.............................. has been closed.

4. AGREEMENTS
   I............................................................with whom I had a complaint with form No....................

   AGREE □  DO NOT AGREE □ with the solution towards my complaint.

5. COMPLAINT FEEDBACK PROVIDER INFORMATION
   Name: ................................................................................................
   Title: ............................................................ Signature: ..........................................

6. COMPLAINT/REPRESENTATIVE
   Name: ............................................................Signature: ............................................
ANNEX 6: DRAFT TORS FOR THE DEVELOPMENT OF RESETTLEMENT ACTION PLAN (RAP)

The scope and level of detail for the development of individual RAPs plan depends on the project type and project impact. The following sample is written for sub projects with substantial impact and can be tailored based on the type and the impact of the subprojects. With this caveat, following are what is needed for the TOR for the RAP preparation.

(a) **Description of the investment project area and area of influence**: Information presented in this section will include description of the project area showing location, sitting of plants, structures, lands, affected dwellings etc; objectives and strategy; the investment/project objectives; policy and legal framework; timeframe; geographical coverage; project strategic context and rationale.

(b) **Potential Impacts**: Description of investment/project components or activities which would trigger resettlement; the cultural, social, economic and environmental impacts envisioned; and the alternatives considered to avoid or minimize resettlement.

(c) **Community Participation**: This sub-section includes:

   i. Description of the consultation and participation of the people to be displaced and host communities in design and implementation of resettlement activities including a summary of the views expressed and how these views were incorporated during the preparation of the resettlement plan.

   ii. A review of the resettlement alternatives identified and choices made by the displaced people, including choices related to forms of compensation and resettlement assistance, relocating as individual families or as part of pre-existing families and to retaining access to cultural property (e.g., cemeteries, places of worship etc)

   iii. Description of procedures for redress of grievances by affected people throughout the planning and implementation period.

   iv. Description of measures aimed at sensitizing and educating the affected and host communities on matters of resettlement.

(d) **Integration with host communities**

   - Arrangements for consultation with host communities and procedures for prompt payment to the host for land and other assets should be provided to the resettled persons.
   - Arrangements for resolving conflicts which may arise between the resettled persons.
• Arrangements for resolving conflicts which may arise between the resettled persons and host communities should be put in place.
• Appropriate measures to augment public services such as education, water, health in host communities in order to avoid disparities between resettled persons and the host communities should be put in place.
• Plan for resettled persons should be integrated economically and socially into host communities so that adverse impacts to host communities are minimized.

a) Socio-economic Studies

These will include the following: - Population census of the project area including a description of production systems, household organization, baseline information on livelihoods and standards of living of the displaced population (and host communities)

• An inventory of assets of displaced households; the magnitude of the expected loss (total or partial for individual or group assets); and extent of physical and economic displacement;
• Information on disadvantaged/vulnerable groups or persons for whom special provisions may have to be made. Such groups and persons include those living below the poverty line, the landless, the elderly, women, children, indigenous people, ethnic minorities and displaced persons who are not protected through national land compensation legislation. Resettlement involving vulnerable/disadvantaged groups/persons should be preceded by a social preparation phase to build their capacity to deal with issues of resettlement;
• Provisions for updating information on the livelihood of displaced people and their standards of living at regular intervals;
• Description of land tenure systems including common property and non-title based land ownership or allocation recognized locally and related issues;
• Public infrastructure and social services that will be affected; and
• Social and cultural characteristics of displaced and host communities. Appropriate patterns of social organization should be promoted and the existing social and cultural institutions of resettled persons and their host should be retained, supported and used to the extent possible.

(g) Institutional arrangement and responsibilities

This will be the same as the RPF.
(h) **Eligibility**
Definition of displaced persons and criteria for compensation and other resettlement assistance including relevant cut off dates. The assurance should be given that lack of legal title should not bar affected persons from being compensated.

(i) **Valuation and Compensation for losses**
- The methodology to be employed for valuing losses in order to determine their replacement cost. This is a description of the levels of compensation under the local laws and supplementary measures aimed at determining replacement of cost for lost assets.
- A description of the packages of compensation and other resettlement measures that will ensure that each category of eligible displaced persons get their fair compensation. In conformity with the AFDB Involuntary Resettlement Policy (2003), displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them to pre-displacement levels or to levels prevailing prior to the start of project implementation whichever is higher.

(k) **Identification of alternative sites, selection of resettlement site(s), site preparation and relocation**
- Institutional and technical arrangements for identifying and preparing relocation sites for which a combination of productive potential, location advantages and other factors, should be at least comparable to ancillary resources.
- Procedures for physical relocation including timetable for site preparation and land title transfer and description of resettlements sites.
- Measures to prevent the influx of ineligible person (encroachers and squatters) into the selected sites such as the identification and recording of affected people at the project identification stages.
- Legal arrangements for regularizing tenure and transferring titles to resettled persons

(l) **Shelter, infrastructure and social services**
This sub-section provides details regarding plans to provide or finance housing, infrastructure (e.g., roads, water supply etc) and social services (schools, health services) and plans aimed at ensuring that services and any necessary site development to host.

(m) **Environmental protection:** An assessment of possible environmental impacts of the proposed resettlement and measures to mitigate and manage the impacts.

(n) **Implementation Schedules**
An implementation schedule covering all resettlement activities from project preparation through implementation to monitoring and evaluation. The schedule should indicate dates for achievement of expected benefits to resettled persons and hosts and dates for terminating the various forms of assistance.

(o) **Costs and Budget**

The breakdown of cost estimates for all resettlement activities including allowances for inflation and other contingencies, timetable for expenditures, sources of funds and arrangements for timely disbursement of funds.

(p) **Monitoring and evaluation**

Under this sub-section, information regarding arrangements for monitoring of resettlement activities by the implementing agency is presented. When appropriate, independent monitors will supplement the role of the implementing agency to ensure objectivity and completeness of information. Performance indicators for measuring inputs, outputs and outcomes of resettlement activities and for evaluating impacts for a reasonable period of time after the resettlement activities have been completed are also presented. (Similar to the RPF).

(q) **Commitment to follow RPF guidelines and requirement**

A statement of assurance that the implementing agency will follow the guidelines and requirement of the RPF should be included in the RAP.

(r) **Description of programmes for improvement and restoration of livelihoods and standards of living of the affected people.**

Programmes aimed at improving and restoring the livelihoods and standards of living of the affected people in line with the Resettlement Policy framework.
ANNEX 7: OUTLINE OF RESETTLEMENT ACTION PLAN

According to the AFDB Involuntary Resettlement Policy (2003), when the resettlement policy framework is the only document that needs to be submitted as a condition of the loan, the resettlement plan to be submitted as a condition of sub project financing need not include the policy principles, entitlements, the eligibility criteria, organizational arrangements, arrangements for monitoring and evaluation, the framework for participation, and mechanisms for grievance readdress set forth in the resettlement policy framework. The sub project specific resettlement plan needs to include base line census and socioeconomic survey information; specific compensation rates and standards; policy entitlements related to any additional impact identifies through the census or survey; description of resettlement sites and programs for improvement or restoration of livelihoods and standards of living; implementation schedule for resettlement activities; and detailed cost estimate”. This, in addition to the detailed description of the project and its impacts are needed to be included in the RAPs prepared. Therefore, the following is a more elaborate RAP outline, prepared for the projects without an RPF. It is included in this RPF since it provides detailed outlined for what is needed to be in each section. However, not all sections are required for the individual RAPs, as explained above.

**Introduction**
- It briefly describes the project.
- Lists project components including associated facilities (if any).
- Describes project components requiring land acquisition and resettlement; give overall estimates of land acquisition and resettlement.

**Minimizing Resettlement**
- Describes efforts made to minimize displacement.
- Describes the results of these efforts.
- Describes mechanisms used to minimize displacement during implementation

**Census and Socio-economic Surveys**
- Provides the results of the census, assets inventories, natural resource assessments, and socioeconomic surveys.
- Identifies all categories of impacts and people affected.
- Summarizes consultations on the results of the various surveys with affected people.
• Describes need for updates to census, assets inventories, resource assessments, and socio-economic surveys, if necessary, as part of RAP monitoring and evaluation.

**Legal Framework**
• Describes all relevant local laws and customs that apply to resettlement.
• Identifies gaps between local laws and AFDB policies, and describe project-specific mechanisms to address conflicts.
• Describes entitlement policies for each category of impact and specify that resettlement implementation will be based on specific provisions of agreed RAP.
• Describes method of valuation used for affected structures, land, trees, and other assets.

**Prepares entitlement matrix**
• Describe the kinds of loss and impacts of the PAPs and project.
• Describe the eligible persons.
• Describe the kind of entitlements for the affected persons.

**Resettlement Sites**
• Describes the specific process of involving affected populations in identifying potential housing sites, assessing advantages and disadvantages, and selecting sites.
• Describes the feasibility studies conducted to determine the suitability of the proposed sites, including natural resource assessments (soils and land use capability, vegetation and livestock carrying capacity, water resource surveys) and environmental and social impact assessments of the sites.
• Demonstrates that the land quality and area are adequate for allocation to all of the people eligible for allocation of agricultural land.
• Provides data on land quality and capability, productive potential, and quantity.
• Give calculations relating to site requirements and availability.
• Describes mechanisms for: 1) procuring, 2) developing and 3) allotting resettlement sites, including the awarding of title or use rights to allotted lands.
• Provides detailed description of the arrangements for site development for agriculture including funding of development costs.

• Have the host communities been consulted about the RAP? Have they participated in the identification of likely impacts on their communities, appropriate mitigation measures, and preparation of the RAP?
• Do the host communities have a share of the resettlement benefits?
Income Restoration

- Describes if there are compensation entitlements sufficient to restore income streams for each category of impact?
- Describes additional economic rehabilitation measures are necessary?
- Briefly spell out the restoration strategies for each category of impact and describe their institutional, financial, and technical aspects.
- Describes the process of consultation with affected populations and their participation in finalizing strategies for income restoration.
- Explains if income restoration requires change in livelihoods, development of alternative farmlands or some other activities that require a substantial amount of training, time for preparation, and implementation?
- Describes how the risks of impoverishment are to be addressed?
- Describes the main institutional and other risks for the smooth implementation of the resettlement programs?
- Describes the process for monitoring the effectiveness of the income restoration measures.
- Describes any social or community development programs currently operating in or around the project area.
- If program exist, do they meet the development priorities of their target communities? Are there opportunities for the project proponent to support new program or expand existing programs to meet the development priorities of communities in the project area?

Institutional Arrangements

- Describes the institution(s) responsible for delivery of each item/activity in the entitlement policy
- Describes the Implementation of income restoration programs; and coordination of the activities associated with and described in the resettlement action plan.
- States how coordination issues will be addressed in cases where resettlement is spread over a number of jurisdictions or where resettlement will be implemented in stages over a long period of time.
- Identifies the agency that will coordinate all implementing agencies. Does it have the necessary mandate and resources?
• Describes the external (non-project) institutions involved in the process of income restoration (land development, land allocation, credit, and training) and the mechanisms to ensure adequate performance of these institutions.
• Discusses institutional capacity for and commitment to resettlement.
• Describes mechanisms for ensuring independent monitoring, evaluation, and financial audit of the RAP and for ensuring that corrective measures are carried out in a timely manner.

Implementation Schedule
• Lists the chronological steps in implementation of the RAP, including identification of agencies responsible for each activity and with a brief explanation of each activity.
• Prepares a month-by-month implementation schedule of activities to be undertaken as part of resettlement implementation.
• Describes the linkage between resettlement implementation and initiation of civil works for each of the project components.

Participation and Consultation
• Describes the various stakeholders.
• Describes the process of promoting consultation/participation of affected populations and stakeholders in resettlement preparation and planning.
• Describes the process of involving affected populations and other stakeholders in implementation and monitoring.
• Describes the plan for disseminating RAP information to affected populations and stakeholders, including information about compensation for lost assets, eligibility for compensation, resettlement assistance, and grievance redress.

Grievance Redress
• Describes the step-by-step process for registering and addressing grievances and provide specific details regarding a cost-free process for registering complaints, response time, and communication methods.
• Describes the mechanism for appeal.
• Describes the provisions for approaching civil courts if other options fail.

Monitoring and Evaluation
• Describes the internal/performance monitoring process.
• Defines key monitoring indicators derived from baseline survey. Provide a list of monitoring indicators that will be used for internal monitoring.
• Describes institutional (including financial) arrangements.
• Describes frequency of reporting and content for internal monitoring.
• Describes process for integrating feedback from internal monitoring into implementation.
• Defines methodology for external monitoring.
• Defines key indicators for external monitoring.
• Describes frequency of reporting and content for external monitoring.
ANNEX 8: MINUTES AND ATTENDANCE LISTS FOR THE PUBLIC PARTICIPATION