

REPUBLIC OF KENYA



COAST WATER WORKS DEVELOPMENT AGENCY

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND WATER SUPPLY DISTRIBUTION NETWORKS LOT 2B.

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ACRONYMS

AfDB	African Development Bank
CEO	Chief Executive Officer
CWWDA	Coast Water Works Development Agency
CBO	Community Based Organisations.
EHS	Environment Health and Safety
EMCA	Environmental Management and Coordination Act
ESIA	Environmental and Social Impact Assessment
ESU	Environmental and Social Unit
E&S	Environmental and Social
ESS	Environment and Social Standards
ESF	Environment and Social Framework
GRM	Grievance Redress Mechanism
GOK	Government of Kenya
MOWASSCO	Mombasa Water Supply and Sanitation Company
Km	Kilometre
Ksh	Kenya shillings
M & E	Monitoring and Evaluation
NEC	National Environment Council
NEMA	National Environment Management Authority
NGO	Non-Governmental organisation
NLC	National Land Commission
PAHs	Project Affected Households
PAPs	Project Affected Persons
PIU	Project Implementation Unit
RAP	Resettlement Action Plan
RIU	RAP Implementation Unit
SGRC	Sub Location Grievance Redress Committee
SIA	Social Impact Assessment
SPAHS	Severely Project Affected Households
Sq.M	Square metres

GLOSSARY OF TERMS

TERMS	MEANING
Compensation	Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced.
Cut-off date	Date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of commencement of the assets inventory, will not be compensated.
Host population	People living in or around areas to which people physically displaced by a project will be resettled that, in turn, may be affected by the resettlement.
Economic displacement	Loss of income streams or means of livelihood resulting from land acquisition or obstructed access to resources (land, water, or forest) resulting from the construction or operation of a project or its associated facilities
Involuntary resettlement	Resettlement is involuntary when it occurs without the informed consent of the displaced persons or if they give their consent without having the power to refuse resettlement.
Land expropriation	Process whereby a public authority, usually in return for compensation, requires a person, household, or community to relinquish rights to land that it occupies or otherwise uses
Project-affected household	All members of a household, whether related or not, operating as a single economic unit, who are affected by a project.
Project-affected person	Any person who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.
Physical displacement	Loss of shelter and assets resulting from the acquisition of land associated with a project that requires the affected person(s) to move to another location.
Replacement cost	The rate of compensation for lost assets must be calculated at full replacement cost, that is, the market value of the assets plus transaction costs. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.
Resettlement Action Plan (RAP)	The document in which a project sponsor or other responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project.
Resettlement assistance	Support provided to people who are physically displaced by a project. Assistance may include transportation, food, shelter, and social services that are provided to affected people during their relocation. Assistance may also include cash allowances that

TERMS	MEANING
	compensate affected people for the inconvenience associated with resettlement and defray the expenses of a transition to a new locale, such as moving expenses and lost work days.
Stakeholders	Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.
Veranda /Verandah	Is a roofed, open-air hallway or porch, attached to the outside of a building. It is partly enclosed by a railing and frequently extends across the front and sides of a structure.
Vulnerable groups	People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

EXECUTIVE SUMMARY

E1. Introduction and Project Description

The Government of Kenya (GoK) and Coast Water Works Development Agency (CWWDA) in association with African Development Bank (AfDB) has undertaken to implement ‘The Construction of Water Distribution Pipelines in Mombasa South Mainland under the National Urban Water Supply and Sanitation Program

The Client, CWWDA has subsequently engaged Francis Allen Consulting Limited to undertake Environmental and Social Impact Assessment (ESIA) and Resettlement Action Planning (RAP) for the proposed water supply distribution pipelines in Mombasa South Mainland Lot 2B (which mainly touches Timbwani and Shika Adabu Locations).

The water supply which will be fresh drinking water (maji safi /Marere) will be abstracted from the Mwache Dam through gravity to Dogo Kundu and later pumped to No.4 water tanks in Mazeras and thereafter distributed to the different areas. The project will commence once the proposed Dam fills up and in the meantime the pipeline network which has been identified will need to be designed and all assets within the corridor identified.

E2 The Resettlement Plan and its purpose

This Resettlement Action Plan (RAP) covers Project Affected Persons (PAPs) in Likoni Sub County who reside in Timbwani and Shika Adabu Locations respectively. It enumerates PAPs who will be affected by the planned construction of the water supply distribution pipelines in Mombasa South Mainland Lot 2B.

The RAP aims at addressing the project’s livelihoods disruption impacts.

E3. Summary of the project impacts

Most of the activities on the South Mainland project will take place along road reserves. The works to be carried out will involve replacement of existing dilapidated pipelines, extensions to some areas that are not currently served by the existing distribution network and augmentation of the existing pipelines in areas where the existing pipelines have been found to be inadequate. A total of No.42 PAPs (No.31 male and 11 females were present during the RAP census) who own Structures and operate businesses along the road reserve will be affected in the proposed Lot2B of South mainland water supply distribution network. Loss of land will not be triggered under this Project. Administrative locations that will be impacted are Timbwani and Shika Adabu Locations. Hence, No. 36 PAPs are eligible for compensation of loss of structures and No. 6 for business loss.

The proposed pipeline alignments lie within existing road reserves and wayleaves owned by the County Government of Mombasa, Kenya Rural Roads Authority (KeRRA), Kenya Urban Roads Authority (KURA), or Kenya National Highways Authority (KeNHA). No land will be acquired since the PAPs are occupying the land informally.

E5. RAP Study Methodology and approach

A consultative approach was adopted to make clear the project components and implementation activities, and to explain the likely impacts and the resettlement measures available to the PAPs. The approach included the following tasks:

- a. Resettlement Impacts and Screening
- b. Review of literature and legislation relevant to the project;
- c. Community sensitisation and census;
- d. PAPs census and property identification;
- e. Property assessment and valuation; and
- f. Data analysis and reporting.

E6. Institutional and Legal Framework

This RAP has been prepared in compliance with the requirements of the relevant Government of Kenya (GOK) national legislation and African Development Bank Integrated Social Safeguards (ISS) 2013, Operational Safeguard 2 (OS2) on involuntary resettlements, land acquisition, population displacements and compensation. The applicable national law/regulations included: The constitution of Kenya 2010, Kenya roads act 2007, Physical planning act 1996, The EMCA 1999, Land Act 2012 and the valuers Act Cap 532.

The assessment acknowledges that there are people whose livelihood depend on the road corridor reserve where activities for construction of the Project will take place.

The overall responsibility of managing the RAP implementation process of the project rests with the CWWDA and it will include the delineation of the pipeline location, surveying, and constitution of the project management unit. The following institutions will also have a role to play in the proposed project: Ministry of Water, Sanitation and Irrigation; Mombasa Water Supply and Sanitation Company (MOWASSCO), and the Mombasa County Government.

E7. Basis of Valuation

The method adopted for this RAP was the Gross Replacement Value Method (GRVM) that evaluates the current cost of replacing an asset. The approach entails measurement of the improvements (buildings, structures) to which the appropriate construction costs are applied, resulting in the new replacement (or reproduction) cost. An addition of 15% is added to the value of structures as statutory allowance to cater for disturbance.

To ensure adequate compensation for potential loss of income streams, PAPs will be compensated for average loss of income calculated over a period of 3 months.

E8. Summary of project impacts

The project implementation activities will take place along road reserves, and the impacts related to resettlement are mainly on the people whose livelihood activities take place along the road reserve. The RAP found that No.36 PAPs will partially or wholly lose their structures

and No.6 PAPs their businesses will be temporarily impacted. The project impacts are loss of livelihood on vendors who depend on the road reserve for business operation and loss of business structures located along the road reserve where the pipeline shall be laid. Business operated on the road reserve where the proposed pipeline is located include fruits vendors, grocery, second hand clothes stalls, food kiosks, salons and main house extensions like veranda.

E9. Community participation and consultation

Consultation and public participation have been a continuous process on this project. Consultations were done during the design phase of the project and during this RAP preparation which commenced in the month of March 2024. A total of No.2 public meetings was held in Timbwani and Shika Adabu. A total of No. 85(Females=18, Males =67) community members participated in the process. Location (Minutes for the consultation meetings and attendance sheet are attached in Appendix A of this Report.)

E10. Compensation Principles & Strategy, and Eligibility Criteria

The RAP aims to ensure that all affected parties are compensated and assisted in restoring or improving their livelihood.

All the PAPs, irrespective of their legal status, have been identified and are eligible for some form of compensation if they operated a livelihood activity within areas earmarked for project implementation by the ‘cut-off date’ which was declared during the consultative meetings as **24th March, 2024**. Eligible PAPs will be the ones who were contacted by the updated RAP’s cut-off date and dwelling within any of the project sites. The owners of the property were either business operators or sub-letting. In each case, both their biodata and socioeconomic data were captured.

The main RAP resettlement strategy will be adequate and prompt monetary compensation and resettlement assistance, including a 15% disturbance allowance, and specialised assistance to vulnerable groups.

Entitlement Matrix

Loss	Category of PAP	Entitlement
Residential or Business structure (kiosk, eateries, workshop, rental property, etc.);	Structure Owners	<ul style="list-style-type: none"> • Cash compensation based on the Replacement value (= Market Value and 15% of the full replacement cost as the disturbance allowance to cater for the cost of transportation and labour during removal of the structures). (market value of new material to re-establish the respective structure) • 3 months’ notice to the PAPs of intention to use the site • In-kind compensation to the PAPs where a similar structure is constructed for them away from the pipeline easement.
Loss of Income	Business operators	<ul style="list-style-type: none"> • Cash compensation based on a calculated average loss of income over an appropriate period of 3 months. • Professional Financial Management Training of the PAPs

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

Loss	Category of PAP	Entitlement
		<p>to enhance utilisation of compensation money in a bid to improve their livelihood</p> <ul style="list-style-type: none"> • Continuous Sensitization of PAPs on available compensation options and livelihood restoration measures • 3 months' notice to the PAPs of intention to use the site
Other	Vulnerable PAPs (PAPs without right of tenure to the land they occupy and losing residential structures)	<ul style="list-style-type: none"> • Targeted and localized house-to-house or group sensitization for the vulnerable PAPs households during pre-payment consultations • Priority consideration in processing compensation payments and specialized assistance to vulnerable PAPs in explaining and filling out compensation payment forms. • Assistance in reconstruction of structures. • recommend for enrolment to government social programme such as the 'Inua Jamii' 70 years and above cash transfer programme for elderly PAPs

E11. Livelihood restoration programme

Affected households are entitled to participate in and to benefit from the targeted set of livelihood restoration programs which were developed for this RAP. These include:

- Financial training for sustainable use of cash compensations (including training on the maintenance of a bank account, on small household investments, saving strategy and financial planning at the household level);
- Business skills training - facilitation of access to alternative income generation activities;
- Possibility of the PAPs being assisted to re-establish their business on private facilities or public market stalls to ensure they don't get relocated in case of other road reserve uses; and
- Priority access to construction employment - PAPs will be provided with priority consideration for construction employment as part of compensation and livelihood restoration measures, especially roadside vendors unable to continue with their activities during construction.

E12. Grievance Redress Mechanism.

During the RAP process, it is inevitable that complaints will arise among the affected people over contentious issues. Therefore, timely and appropriate redress is important to ensure satisfactory resettlement and completion of the project as scheduled. Procedures have been put in place in the RAP to allow people to air their complaints or claims and an escalation hierarchy from the Project's Community Liaison Officer to the Courts.

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

E13 RAP Budget

The overall estimated costs for RAP activities will be **Ksh. 19,576,057.74**. In addition, including a 5 percent contingency item and a 5 per cent each for administration cost for the RAP implementation, financial management training, Stakeholder Engagement, monitoring and evaluation has been considered. The cost includes valuation of the affected structures and livelihood sources for the PAPs, cost of livelihood restoration and cost of monitoring and evaluation. The PAPs will be paid compensation allocation prior to commissioning of the Project

Summary of RAP cost South mainland medium term.

Description	Estimated Cost (Ksh)
Loss of Structures	14,689,114.45
Loss of Business	369,391.50
Sub Total 1(inclusive of 15% disturbance allowance)	15,058,505.95
Financial Management Training, Awareness raising and sensitization 5%	752,925.30
Training and Capacity Building for GRM 5%	752,925.30
Operational & Administrative Costs of RAP Committees 5%	752,925.30
Monitoring and Evaluation 5%	752,925.30
RAP Completion Report 5%	752,925.30
RAP Contingency 5%	752,925.30
Sub Total 2	4,517,551.79
TOTAL RAP COSTS	19,576,057.74

E14 Implementation schedule

The implementation schedule covering the activities to be undertaken is outlined in the below. The schedule includes the target months when each activity is set to be implemented and the institute on responsible the activity.

Implementation schedule.

Implementation period	Month1	Month 2	Month3	Month4	Month5	Month6	Month 7	Month 8
Activity								
RAP preparation, review & update								
RAP approval								
RAP Disclosure								
Formation of GRCs & training of the committees								
Grievance Redress								
Validation of asset ownership & values								
Compensation								
Training on Financial Management								
Notice to vacate (3-month notice)								
Continuous Monitoring and Evaluation								

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

E15 Monitoring and Evaluation

The main objective of monitoring and evaluation will be to:

- Identify emerging or potential issues and design methods for efficient and effective mitigation response;
- Design methods for responding efficiently to problems/issues;
- Ensure mandatory activities are complied with and on time; and
- Provide feedback to the Project and develop corrective actions.

E15 Summary Compensation Sheet

Compensation Summary Sheet		
S/No	Variables	Data
A. General		
1	Region/Province/Department	Coast Province
2	Municipality/ District	Mombasa County
3	Village/Suburb	Likoni Sub County
4	Activity that triggers resettlement	Construction of Lot 2B Water Distribution Pipelines.
5	Project Overall Cost (Ksh)	860,000,000
6	Overall Resettlement Cost	Ksh.19,576,057.74
7	Applied Cut of Date(s)	24 th March 2024
8	Dates of consultation with the project affected by the project (PAP)	18 th to 23 rd March 2024
9	Dates of the negotiation of the compensation rates / prices	23 rd - 24 th March 2024
B. Specific Information		
10	Number of people affected by the project (PAP)	42
11	Number of Physically displaced	N/A
12	Number of economically displaced	6
13	Number of affected households	42
14	Number of females affected	11
15	Number of vulnerable affected	N/A
16	Number of major PAP	N/A
17	Number of minor PAP	N/A
18	Number of total right-owners and beneficiaries	42
19	Number of households losing their shelters	N/A
20	Total area of lost arable/productive lands (ha)	N/A
21	Number of households losing their crops and/or revenue	N/A
22	Total areas of farmlands lost (ha)	N/A
23	Estimation of agricultural revenue lost (USD)	N/A
24	Number of buildings to demolish totally	N/A
25	Number of buildings to demolish totally at 50%	N/A
26	Number of buildings to demolish totally at 25%	10
27	Number of tree-crops lost One	N/A
28	Number of commercial kiosks to demolish	13 Partially

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

29	Number of ambulant/street sailors affected	N/A
30	Number of community-level service infrastructures disrupted or dismantled	0
31	Number of households whose livelihood restoration is at risk	N/A

E16. Recommendations and Commitments

The RAP recommends the following:

- Provide full compensation for the PAPs assets before commencement of construction works to avoid conflict;
- Adequate notice - preferably 3 months be given before construction commencement;
- Carry out continuous stakeholder engagement through-out the project implementation phases.

1 INTRODUCTION

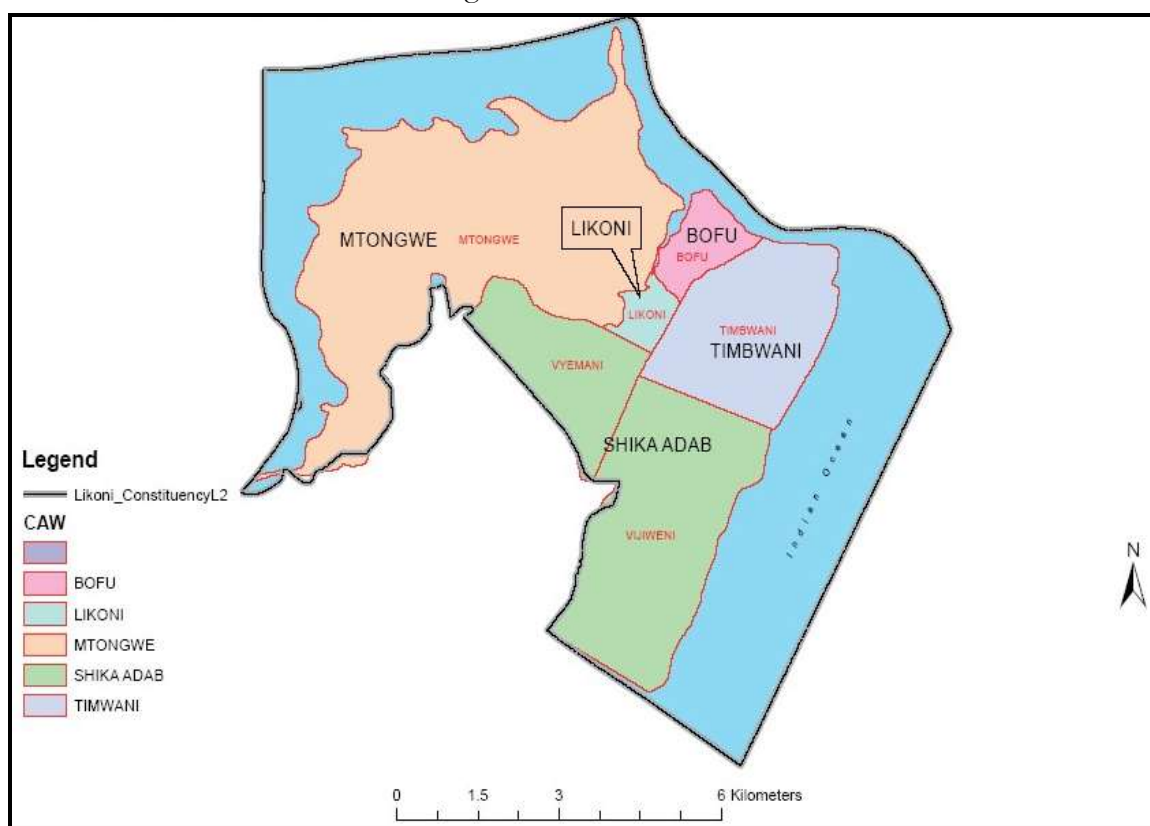
1.1 PROJECT OUTLINE

The Government of Kenya (GoK) and Coast Water Works Development Agency (CWWDA), in association with African Development Bank (AfDB) has undertaken to implement ‘The Construction of Water Distribution Pipelines in Mombasa and Sanitation Facilities in Mombasa South Mainland (Likoni)’ Lot 2B.

The Client, CWWDA has subsequently engaged Francis Allen Consulting Limited to undertake the assignment of providing services to update the Resettlement Action plan for the construction of water supply pipelines in Mombasa’s South mainland Lot 2B.

1.2 PROJECT LOCATION

The Project is located in Mombasa South Mainland, Likoni Sub - county which includes Shika Adabu (Vyemani and Vijiweni Sub locations) and Tibwani location. The area is predominantly a residential area with several commercial shopping centres and densely populated population. Located at latitude -4.09113 and Longitude 39.65073E.



(Source: Independent Electoral Boundaries Commission, 2011)

Figure 1: Location map of the proposed project areas

1.3 PROJECT SCOPE AND DESCRIPTION

Coast Water Works Development Agency (Client) proposes to expand the existing water supplies within Mombasa City and specifically Likoni Sub County, through funding from African Development Bank (AfDB).

The main locations which are targeted are Timbwani, Shika Adabu and Mbuta Locations, both in Likoni Sub County. The water supply which will be fresh drinking water (maji safi /Marere) will be abstracted from the Mwache Dam through gravity to Dogo Kundu and later pumped to No.4 water tanks in Mazeras and thereafter distributed to the different areas. The project will commence once the proposed Dam fills up and in the meantime the pipeline network which has been identified will need to be designed and all assets within the corridor identified.

The project is categorized into short term and medium term depending on the urgency of implementation. The pipelines will follow existing rights-of-way on the road reserves that will results to destructions of assets such as business stalls, GCI sheet kiosks, verandah and chain-link fence.

This report covers the proposed South Mainland distribution lines, and the project scope is Lot 2B (medium term) in Mombasa south mainland. The layout below shows the proposed pipeline route and **Table 1** below indicates list of proposed interventions as per the design report.

Table 1: South Mainland Activities

Detail	Lot 2B	Total
Primary and Secondary Pipelines (km)	25.7	49.5
Tertiary Pipelines (km)	30.9	66.8
Bulk Water Meters (No.)	22	70
Consumer connection pipelines (km)	41.3	98.8
New Consumer metered connections (No.)	1,000	2,000
Relocated Consumer metered connections (No.)	450	1,500
Fire Hydrants (No.)	46	93
Ablution Block(no)	-	2

[illegible]

1.4 SOCIO-ECONOMY OF THE PROJECT AREA

Mombasa County is exclusively a metropolitan region and is the second-largest urban centre in Kenya. Mombasa has a major port and an international airport, and it is the centre of the coastal tourism industry.

The port serves both Kenya and countries of the interior, linking them to the ocean.

1.5 WATER SUPPLY IN MOMBASA COUNTY

Water in Mombasa County is managed by the Mombasa Water and Sewage Company. Water supply for the county is from Mzima Springs in Taita Taveta County, Marere, and Sabaki/Baricho in Kilifi County and Tiwi Boreholes in Kwale County. This supply only meets 65 per cent of the County water demand. Additionally, most residents rely on borehole water that contains a high percentage of faecal contamination and is not safe for human consumption. In total, 73.9 percent of the total population has access to safe water¹.

1.6 WATER SUPPLY SCHEMES

The County also sources its water from 452 shallow wells spread across the entire County, three permanent springs, four water pans found in the rural areas of the County and several boreholes operated by private investors, NGOs and local CBO's. These sources are complemented by piped water systems from Mzima springs, Marere, Sabaki/Baricho and Tiwi Boreholes. The piped systems are currently under rehabilitation by the Coast Water Works Development Agency².

1.7 DISTANCE FROM WATER SOURCES AND ACCESS

The average distance from the water source is estimated at 0.1km which is close compared to the national average of 1.2km. This is because of the geographical size of the County and the multiple sources of water.

1.8 THE OBJECTIVES OF THE RAP

The overall objective of the RAP is to identify and develop a mitigation plan to ensure that adverse impacts due to project implementation are exhaustively identified and resolved so that the community benefits from the proposed project during and after construction. Specifically, the RAP seeks to minimise the social and economic impacts arising from involuntary resettlement. The RAP aims to: -

- Define clearly the project affected persons, their eligibility for compensation, the assets to be compensated and the cut-off date for eligibility;

¹ Mombasa County integrated Development Plan (2018-2022)

² Mombasa County integrated Development Plan (2018-2022).

- Provide a socio-economic basis for identification of entitlements and strategies for minimising the impacts on the project affected persons;
- Establish rates for compensation on loss of assets and the methodology of determining the values; and
- Establish livelihood restoration, compensation process and establish a dispute resolution mechanism to address any grievances arising from the displacement.

1.9 SCOPE OF THE RESETTLEMENT ACTION PLAN

The RAP has ensured that the Environment and Social Standards guidelines of African Development Bank Integrated Social Safeguards (ISS), 2013 Operational Safeguard 2 (OS2) on involuntary resettlements, land acquisition, population displacements and compensation. Have been adhered to. To ensure compliance, the preparation process has included;

- Identification of the Project Affected Persons (PAPs);
- Carrying out asset inventory for all the identified PAPs. The inventory has included affected structures;
- Holding consultations with the PAPS' and the community in general. These have been done through the assistance of the local administration (Assistant County Commissioners, elders and Chiefs); and
- Preparation of the compensation schedule and the resettlement plan with the necessary budget to facilitate the implementation.

1.10 RAP STUDY METHODOLOGY AND APPROACH FOR CARRYING OUT THE RAP

The information for formulation of the Resettlement Action Plan was based on primary and secondary data sources. The information collected through the different methods was analyzed to generate social and economic data of the community members. The key steps are explained below;

1. Primary Data Collection

a) Resettlement Impacts and Screening

Screening of the project resettlement impact was undertaken to determine the nature, scope and extent of impacts to PAP's assets and sources of livelihood. Key considerations were;

- Small scale business operators along the road reserve where the pipes will be laid; and
- Loss/ disturbance of livelihood by the small business operators along the road reserve on the proposed pipeline alignments.

The screening process identified that there will be no acquisition of land because the pipelines are planned to be constructed within existing road reserves.

b) Household Survey and Enumeration

This was used to identify the affected households and to take an inventory of their assets and livelihood as well as their socio-economic characteristics. A structured questionnaire was administered to the identified project affected households by trained enumerators recruited from the local community.

c) Site Visits and Observations

A number of site visits were conducted to identify the pipeline routes. These visits were also used to identify the people affected by the design who were enumerated for the survey. In addition, the Consultant carried out a physical mapping of all PAPs within the project areas, with all their affected developments.

2. Secondary Data Collection

This involved conducting a review of existing documents, reports, laws and policies relating to resettlement and other issues of the project and the project area. The main documents looked at were the previously carried out RAP reports on issues concerning water systems. Other key documents reviewed include but were not limited to:

- Kenyan Policies and Laws on Land and resettlement
- African Development Bank Integrated Social Safeguards (ISS), 2013 Operational Safeguard 2 (OS2) on involuntary resettlements, land acquisition, population displacements and compensation.
- Current and Previous Design Reports among others.

3. Public Consultation

This was done at three levels:

- Interviews with individual affected persons
- Key informant interviews with selected community leaders and relevant key stakeholders
- Public Consultation meetings (Barazas)

4. Data Analysis and Processing

The collected information was analyzed thematically to reflect the components included in this RAP report.

1.11 RAP STUDY TEAM

The team comprised of the following professionals:

- Technical team (Engineers)
- Sociologist
- Land Valuer/Land Economist;
- Surveyors;
- Environmental Experts; and
- Various Enumerators from the locations within the project areas.

1.12 RAP REPORT OUTLINE

This report outline was greatly informed by the requirements set out for a RAP Study Report by African Development Bank Integrated Social Safeguards (ISS) 2013 Operational Safeguard 2 (OS2) on involuntary resettlements, land acquisition, population displacements and compensation. The reporting structure is as follows;

Executive Summary: Provides a quick overview of the project, its objectives and the findings of this RAP study with an emphasis on the predicted impacts that are expected to arise from land take for the project, supported by key highlights of the key action points and schedules for management of the project's resettlement program.

Chapter 1: **Introduction:** This chapter gives a background of the project, the proponent and the objectives of the consultancy. It also sets the stage for the key project design aspects that necessitate land take and how they informed the approach to the RAP Study.

Chapter 2: **Policy and Legal Framework:** This chapter outlines the overview of the policy, legal, regulatory and institutional framework that govern involuntary resettlement and compulsory acquisition in Kenya. The chapter also provides highlights of the differences and similarities between Kenyan Law and African Development Bank Integrated Social Safeguards (ISS), 2013

Chapter 3: **Potential Project Impacts:** This section identifies the potential project impacts and provides an analysis of the particular impact and proposes recommendations for implementation.

Chapter 4: **Participation and Consultations:** This chapter gives description of the objectives, methods used and summary of results of the public consultation activities undertaken during the RAP studies. It also outlines the level of achievement of the objectives that the study set out to achieve when undertaking public participation and stakeholder involvement in resettlement planning. Lastly it provides mechanisms and programs for future stakeholder engagement under this RAP.

Chapter 5: **Census and Socioeconomic Surveys:** This section provides the approach and methodology to the Census Survey and the Baseline Socio-economic survey and provides the findings as well as the pre-resettlement socio-economic indicators of relevance to resettlement arising from the proposed project.

Chapter 6: **Compensation Eligibility, Resettlement Strategy and Valuation Criteria:** This section describes the methodology in development of the asset inventory and subsequent

valuation methodologies applied in determination of the compensation for assets that would be lost through proposed water supply intervention. It also demonstrates the basis for the development of the asset compensation budget as outlined in the RAP implementation budget presented in subsequent chapters of this report.

Chapter 7: Grievance Redress Mechanism: This section describes the procedure and mechanism through which PAPs or community members will be able to report, make, place/ lodge or express a grievance against the Project and its staff or contractors as part of the Resettlement Action Plan (RAP) implementation. It also describes the roles and responsibilities of different structures in resolving grievances. Further, the section has described strategies that will be used to address other forms of social safeguard grievances such GBV and Sexual Base Abuse and Violence.

Chapter 8: Institutional Arrangements for RAP Implementation: This section outlines the institutional arrangements for implementation of this RAP. It merges the findings of the desktop study, census, socio-economic survey, valuation and public participation program into an entitlement matrix thus providing the basis for the RAP requirements. It then identifies the key actors, their roles, responsibilities as well as the additional support and collaborative approaches that will be necessary to achieve the objectives and principles set out in this RAP's implementation arrangements. It provides an activity schedule on the main milestones through a RAP implementation schedule.

This section lastly, outlines the costs and budgets for implementing the RAP. It covers the compensation budget, the known administrative costs as well as the operating expenditure necessary for the implementation of all the activities outlined through-out this RAP.

Chapter 9: Monitoring and Evaluation: This section outlines the monitoring and evaluation activities and requisite indicators that will be applied during the RAP implementation process. It also defines the indicators to guide the objective assessment of the level of achievement of the objectives and principles set out in this RAP.

Chapter 10: Recommendation and Commitments. The section instructs CWWDA to ensure implementation of the RAP will be in accordance with the AfDBs Integrated Safeguard Systems Operational Safeguards on Involuntary Resettlement, Land Acquisition, Population Displacement and Compensation and within the relevant Kenyan legal framework.

2 RELEVANT LEGISLATIVE/ REGULATORY FRAMEWORK

This chapter reflects on the legal framework that surrounds land, development of water and sanitation systems and valuation of assets for the purpose of compensation. They are as follows;

2.1 APPLICABLE GOK POLICY AND LEGAL FRAMEWORK

This RAP has been prepared in accordance with laws, regulations and guidelines for Resettlement/Land Acquisition Policy Framework of the Government of Kenya (GoK). The relevant national and local laws, regulations and guidelines are presented **Table 2** below;

Table 2: Summary of Kenyan Legal Policies and Regulations

Name of Act	Specific Section	Application	Remarks
The Constitution of Kenya 2010,	Article 40(3) states: “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—results from an acquisition of land or an interest in land or a conversion of an interest in land, or title to land, in accordance with Chapter 5 ; or 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	Anyone dissatisfied with the award of compensation for compulsory acquisition of private land by the Commissioner has the right to seek judicial recourse. A further appeal to the High Court can be made. Further, multiple structure owners dissatisfied with the RAP implementation can bring a constitutional reference against deprivation of property without compensation.	The procedure of compulsorily acquiring private land for the purpose of the project can be considered where any extra space is needed for setting up the infrastructures proposed in this project.

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Name of Act	Specific Section	Application	Remarks
The Land Act, 2019	Section 110 (1) of the Land Act 2012 states that land may be acquired compulsorily under this Part if the Commission certifies, in writing, that the land is required for public purposes or in the public interest as related to and necessary for fulfilment of the stated public purpose. Under such an acquisition, section 111(1) provides that if land is acquired compulsorily under this Act, just compensation shall be paid promptly in full to all persons whose interests in the land have been determined. The procedure for land acquisition is laid out in Part VIII of the Act	An act of Parliament to make provision on land regulation and for the compulsory acquisition of land for public benefit. An inquiry held, objections heard, compensation payable. Applies to allocation of and dealings with public land and private land. All encroachment on the public right of way under the section 143 of the Act will not be compensated or permitted.	The project will not compulsorily acquire private land. Will apply if the project elects to ask the government to allocate public land for any relocation PAPs within the way leaves will be required to remove their structures.
The Physical and Land Use Planning Act, Cap 286 (Act No.13 of 2019)	(CAP. 286) Under the Physical Planning Act, physical development activities are supposed to be carried out according to the physical plans. The Act provides for the preparation and implementation of physical development plans and for related purposes. It gives provisions for the development of local physical development plan for guiding and coordinating development of	Requires preparation of development plans for every intended development and invitation to the public to comment /object to the development	The project design follows what is provided for on the existing wayleave. To be considered when planning residential sites and other relocation sites but this is not likely under the project.

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Name of Act	Specific Section	Application	Remarks
	infrastructural facilities and services within the area of authority of County, municipal and town council and for specific control of the use and development of land.		
The Public Procurement and Disposal Act No 3 of 2005 and the Public Procurement and Disposal (Public Private Partnerships) Regulations, 2009)	Article 227 of the constitution of Kenya (1) When a state organ or any other public entity contracts for goods or services, it shall do so in accordance with a system that is fair, equitable, transparent, competitive and cost effective.	Applies to all procurements by government and public entities	Would apply to the acquisition of any land that will be required for relocation. In the case of the proposed water supply project all the PAPs identified have encroached on the wayleaves and therefore there is no land that will be acquired.
Survey Act, 2012	CAP 299 the regulation cites the code of conduct of professional licensed surveyors and by laws in which they execute their mandate.	The Act defines the survey practice, shows who a qualified surveyor is and makes provisions in relation to surveys and geographical names and the licensing of land surveyors, and for connected purposes. It also makes provisions on notices of boundaries and describes authenticated plans in law.	The Act is critical in identifying the authentic survey documents to use in the project and qualified surveyors to engage to identify boundaries of road wayleaves.
Environmental Management and Coordination Act, 1999 and subsidiary legislation on EIA/EA (Legal Notice 101 of 2003 and 31 of 2019).	EMCA calls for environmental impact assessment (EIA) (under Section 58) to guide the implementation of environmentally sound decisions and empowers stakeholders to participate in sustainable management of the natural resources. Part V	Provision for resettlement action plans to address displacement/relocation impacts.	NEMA Regulations require RAP to be prepared for high-risk projects. While an RAP will be prepared in this project, it does not have to be submitted to NEMA because the project is low risk.

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Name of Act	Specific Section	Application	Remarks
	<p>from Sections 42 – 57 deals with Protection and Conservation of the Environment while Part VI deals with Integrated Environmental Impact Assessment. Projects likely to cause environmental impacts require that an environmental and social impact assessment study to be carried out. It is under this provision that the current study has been undertaken because Legal Notice No, 32 and 34 of April 19, 2019 places the proposed interventions under the Medium-Risk Category requiring the preparation of a comprehensive project report.</p>		
Kenya Roads Act Cap.2	<p>Section 49 of the Kenya Roads Act, 2007 (No. 201 of 2007) prohibits erection of structures on a road reserve without permission from the Roads' Authority. Where a person, without the required permission, erects constructs or establishes a structure or other thing, or makes a structural alteration or addition to a structure, the Authority may by notice in writing direct that person to remove the unauthorized structure. If the person to whom a notice has been issued fails to</p>	<p>Applies specifically to the function of Kenya Urban Roads Authority, Kenya Rural Roads and County Roads in implementation of Lot 2B project.</p>	<p>KURA/KeRRA shall have the responsibility for supervising construction, rehabilitation and maintenance of all public roads in the municipalities in Kenya.</p>

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Name of Act	Specific Section	Application	Remarks
	remove the structure, alteration or addition mentioned in the notice, within the period stated, such item may be removed by the Authority itself and the Authority can recover the cost of the removal from that person.		
The Valuers Act Cap 532	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. All valuers must be registered with the Board to practice in Kenya. The Board shall keep and maintain the names of registered valuers, which shall include the date of entry in the register; the address of the person registered the qualification of the person and any other relevant particular that the Board may find necessary. The Valuer's Act does not provide for a description of the valuation procedures and methods.	Provision for valuation by Valuers registered by the Valuers Registration Board. The act governs the formation and composition of best valuation practices.	This applies for the valuation of affected structures.
The Prevention, Protection and Assistance to	The provisions of this Act are guided by the Bill of Rights under the	Development projects is listed as one of the causes of displacement and is	Mombasa Southland Water Distribution is a development

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Name of Act	Specific Section	Application	Remarks
Internally Displaced Persons and Affected Communities Act, 2012	<p>Constitution of Kenya (2010). Section 5 of the Act lists development projects among the displacing factors and outlines involvement of the affected persons through awareness, sensitization, training and education on causes, impact, consequences and prevention measures.</p> <p>Section 6 of the Act provides that displacements and relocation from land required for a development project will only be justified by a compelling and overriding public interest. The procedures to follow are listed under Section 22.</p>	<p>dependent on the public's interest in the development project.</p> <p>The act provides for the full identification of PAPs and their socio-economic background.</p>	<p>project that will displace people. The act provides for their input and feedback.</p>
Environmental Management and Coordination Act, 1999 amended in 2015 and subsidiary legislation on EIA/EA (Legal Notice 101)	<p>The Environmental Impact Assessment and Audit Regulations state in Regulation 3 states that "the Regulations should apply to all policies, plans, programmes, projects and activities specified in Part IV, Part V and the Second Schedule of the Act.</p> <p>Part III of the Regulations indicates the procedures to be taken during preparation, submission and approval of the environmental project report.</p>	<p>Provision for resettlement action plans to address displacement/relocation impacts.</p>	<p>Regulations require RAP whenever relocation is identified as a project impact.</p>

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Name of Act	Specific Section	Application	Remarks
	Part 4(1) of the Regulation further states that: “no Proponent shall implement a project” (a)Likely to have a negative environmental impact; or (b)For which an environmental impact assessment is required under the Act or these Regulations, unless an environmental impact assessment has been concluded and approved inaccordance with these Regulation.		
The Sexual Offences Act,2006.	The act provides the description of the sexual offences and the procedure on how to handle the victim and perpetrator in each categorized offence.	<p>The Act applies in the;</p> <ul style="list-style-type: none"> • Protection of vulnerable individuals. • Confidentiality and Privacy of reported cases of Sexual Harassment (SH) and Sexual Assault (SA) in the project’s duration. • Access to support services through the formation of committees that deal with issues of SH and SA. • Sensitization and training <p>Creation of secure reporting mechanisms for SH and SA.</p>	Provision of substantial and extensive openings to deal with matters surrounding SH and SA or related offences, in the duration of the project and in the implementation of the Resettlement Action Plan.
<ul style="list-style-type: none"> • The Land Value Act, 2019 		<ul style="list-style-type: none"> • Applicable in the provision of allowing for the consultation and consent from the affected parties before resettlement and land acquisition. • Provides for 	Provides for the consultation and consent of the communities during the curation of this RAP and its implementation.

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Name of Act	Specific Section	Application	Remarks
		meaningful engagement with communities.	
HIV/ AIDS Prevention and Control Act, 2006 (No.14 of 2006).	Part 11 Section 7 requires HIV and AIDs education in work places; specifically, provision of basic information and instruction on HIV/AIDS prevention and control.	<ul style="list-style-type: none"> • Applies on the need to create awareness on matters HIV/AIDS for the duration of the project. • Emphasis on the protection and involvement of individuals and families affected by HIV/AIDS, in decision making and also in the protection of individuals affected by HIV/AIDS. 	Provides social protection specifically for PAPs that are affected or directly feel the effects of HIV/AIDs.
Matrimonial Property Act, 2022	Section 6 of the act basically ensures Protection the rights of widows, widowers and divorcees through the enactment of a law on co-ownership of matrimonial property; Put in place appropriate legal measures to ensure that men and women are entitled to equal rights to land and land-based resources during marriage, upon dissolution of marriage and after the death of the spouse; and	Applies when a couple is due for compensation that there is fair and equitable distribution of this resources with the rights and interests of parties involved.	The PAP list does include married couples and the matrimonial property act is applicable.
The National Gender and Equality Act Commission ,2011.	The Constitution of Kenya (2010), Section 60 (1) (f) seeks to eliminate gender discrimination in law, custom, and practices related to land and property. Section 81 (b), 175 (c) and 177 (1) (b) provides for no	The Gender and Equality Act is relevant in ensuring the rights, needs and gender specific concerns of the affected parties are addressed, the act particularly looks at the needs of Women and those that are vulnerable are addressed adequately	The RAP acknowledges that there are vulnerable individuals within the settlement that require special attention accorded to them during the RAP process.

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Name of Act	Specific Section	Application	Remarks
	more than two- third of elected members in elective bodies, representation in devolved government and special seats of elective assemblies to be male. Section 91 (1) (f) and 91 (2) (a) provides for observance of gender equality in the running and founding of political parties and similarly with the judicial service commission as provided for under Section 172 (2) (b)	through the RAP process.	
Children's Act No. 29, 2022.	An act of Parliament to give effect to Article 53 of the constitution, to make provision for children rights. Part 11 Safeguards for rights and best interests of the child.	The act focuses on the rights, welfare and protection of children in Kenya. It also applies in the safety of children as it advocates for the protection of children from exploitation and abuse.	The act ensures that the rights and welfare of children are protected and taken into consideration all through the implementation of the Resettlement Action Plan.

2.2 AFRICAN DEVELOPMENT BANK'S SAFEGUARD POLICIES.

2.2.1 The African Development Bank ISS Operational Safeguards

The African Development Bank's Integrated Safeguards Systems, 2013 is designed to guide bank staff and borrowers in the identification, assessment, and management of involuntary resettlement associated with bank-financed projects. The policy seeks to avoid or minimize involuntary resettlement, and where it is unavoidable, ensure that those affected are properly compensated and assisted in their transition into new living conditions. The key elements of the policy include:

- I. Scope: The policy applies to all Bank-financed projects that involve involuntary resettlement, regardless of sector or financing instrument.
- II. Definition: Involuntary resettlement is defined as the physical displacement of people or the loss of access to resources and assets as a result of Bank-financed projects.

- III. Procedures: The policy requires the borrower to conduct a social and environmental assessment to identify and assess the impacts of involuntary resettlement. The assessment should include a consultation process with affected communities and the development of a resettlement plan.
- IV. Compensation and Assistance: The policy requires that affected people receive compensation and assistance to restore or improve their living standards. The compensation should be prompt, fair, and transparent, and should reflect the full value of the lost assets and resources.
- V. Grievance Redress: The policy requires the borrower to establish a grievance redress mechanism to address complaints and disputes related to involuntary resettlement.
- VI. Monitoring and Reporting: The policy requires the borrower to monitor the implementation of the resettlement plan and report regularly to the Bank on its progress.

Overall, the policy is intended to ensure that involuntary resettlement is managed in a way that respects the rights and dignity of affected people and minimizes the social and economic costs of project implementation.

Towards addressing said impacts OS 2 requires that a RAP be prepared with the following objectives:

To outline measures to ensure that the displaced persons are:

(i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.

If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are: (I) provided assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.

Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also include measures to ensure that displaced persons are: (I) offered

support after displacement for a transition period based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and (ii) provided with development assistance in addition to compensation measures demanded by the policy; (iii) such as land preparation, credit facilities, training, or job opportunities.

This RAP complies with the requirements of OS2 in the following ways:

- I. The RAP study assesses project alternatives to avoid, where feasible, or minimize involuntary resettlement.
- II. The potential economic and social impacts of the project have been assessed in this study and summarized as well.
- III. Project-affected persons, host communities and local non-governmental organizations, as appropriate, have been consulted.
- IV. PAPs have been informed of their rights, including prompt compensation at full replacement cost for loss of assets attributable to the project, assistance during relocation, and transitional support and development assistance.

Further, information disclosure acknowledges that for effective implementation and planning for a RAP report there is a requirement for public participation and transparency for inclusivity of the communities in development projects. Mombasa South Mainland Medium Term Water Distribution Project as a development project is objected to and complies to the guideline. Ensuring that the communication lines between the project stakeholders and the borrowers are open, to enhance the project's impact and the RAP's impacts.

The OS2 requires that a RAP achieves the following in the life of the project and the RAP;

- I. Evaluate the level of interest and support from the stakeholders for the project.
- II. Promote safe and effective, and inclusive engagement with project- affected parties including women's perspectives and vulnerable groups.
- III. Improve project benefits and minimize harm to local communities.
- IV. Provide information in a timely, understandable, accessible and appropriate manner and format.
- V. Establish accessible and inclusive mechanisms for PAPs to provide input, raise issues, ask questions, propose suggestions express concerns and file grievances.

To this effect this RAP complies in the following ways;

- I. A stakeholder analysis was conducted to establish the levels of interest and support for Mombasa South Mainland Medium Term Water Distribution Project.
- II. Involvement of the community's perspectives that include women's perspectives and vulnerable persons, that have been included in the preparation of the project's documents.
- III. By openly discussing and disclosing of information pertinent to the local administration, stakeholders, PAPs and the affected communities. This is information such as the cutoff date, RAP Implementation Procedures and the legal frameworks that guide resettlement and compensation activities.

2.3 GAPS BETWEEN AfDB OPERATIONAL SAFEGUARDS AND THE KENYAN POLICIES

Both the Kenyan and the AfDB Policies on land acquisition related impacts allow for land acquisition. However, operational differences exist between both documents as follows: -

While the GoK Policy legally allows for land acquisition and thus causes displacement, the AfDB policies favour a policy of avoidance or minimization of involuntary resettlement and design appropriate mitigation provision in case avoidance or minimization is not possible.

While the Kenyan system has no provision for resettlement and actually allows for compensation for land at market rates, the AfDB OS emphasizes that affected people be provided with compensation at replacement cost and supported during the transitional period to improve or at least restore their living standards to pre-displacement levels.

The Kenya system recognizes only title holders as bonafide property owners while under the AfDB operational safeguards 2, lack of legal title is no bar in extending assistance and support to those affected by the investments.

This is summarized in the table below, with recommendations given for bridging the gaps.

Table 3: Comparison of AfDB Policies and Kenyan Policies

General Requirement			
African Development Bank Operational Safeguard 2	Kenyan Policy	Comparison	Comparison and Recommendation
The OS 2 provides that involuntary resettlement where feasible. It allows for exploration of other	Involuntary resettlement may occur as a result of projects implemented in public interest.	The Kenyan Policy does not stipulate that resettlement should be avoided wherever possible;	Resettlement issues should be considered at the design stage of the project in order to avoid/minimize resettlement.

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General Requirement			
African Development Bank Operational Safeguard 2	Kenyan Policy	Comparison	Comparison and Recommendation
alternatives in project design to avoid involuntary resettlement.		on the contrary, as long as a project is for public interest, involuntary resettlement is considered to be inevitable.	
The OS 2 guidelines outline principles and requirements encourage for meaningful community engagement.	The Land Act, 2012 Act outlines procedures for consultation on implication and grievance procedures.	Both policies are similar.	

Consultation			
African Development Bank Operational Safeguard 2	Kenyan Policy	Comparison	Comparison and Recommendation
The Operational Safeguard highlights issues on Economic displacement and recommends measures to allow affected persons to improve or at least restore their incomes or livelihoods.	The Land Act 2012 guarantees the right to fair and just compensation in case of relocation.	Just and fair compensation as outlined in the Land Act 2012 is not clear and can only be subjective. It does not talk about improving livelihood or restoring them to pre-project status.	Implement the Operational safeguard to allow that displaced persons should be assisted in improving their livelihood to pre-project status.

Grievance			
African Development Bank Operational Safeguard 2	Kenyan Policies	Comparison	Comparison and Recommendation
Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs	The Land Act outlines procedures for consultation with affected population by the National Land Commission and Grievance management procedures	Both Policies are similar.	
The Operational Safeguard 2 provides that a grievance	Land Act 2012 clearly outline the steps and process for grievance redress that includes alternative	Kenyan legislation meets the AfDB Operational 2	

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Grievance			
African Development Bank Operational Safeguard 2	Kenyan Policies	Comparison	Comparison and Recommendation
redress mechanism.	dispute resolution, re-negotiation with NLC and is backed by the judicial system through Environmental and Land Court	requirements.	
For physical resettlement appropriate and accessible grievance mechanism will be established.	Land Act 2012 clearly outline the steps and process for grievance redress that includes alternative dispute resolution, re-negotiation with NLC and is backed by the judicial system through Environmental and Law Court.	Kenyan legislation meets the AfDB Operational Safeguard 2 requirements.	

Eligibility Criteria			
African Development Bank Operational Safeguard 2.	Kenyan Policies	Comparison	Comparison and Recommendation
<p>The Operational Safeguard 2 determines eligibility as:</p> <p>a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the of the country):</p> <p>b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan.</p> <p>c) Those who have no recognizable legal right or claim to the land they are</p>	<p>The Land Act 2012 provides that written and unwritten official or customary land right are recognized as valid land right. The Law provides that people eligible for compensation are those holding land tenure rights</p> <p>Land Act also recognizes those who have interest or some claim in the land such pastoralist or who use the land for their livelihood.</p> <p>The constitution recognizes ‘occupants of land even if they do not have titles and payment made in good in good faith to those occupants of land. However, this does not include those who illegally acquired land.</p>	<p>Kenya’s Land Law defines eligibility as both formal (legal) and informal (customary) owners of expropriated land. However, it does not specifically recognize all users of the land to be compensated. The constitution of Kenya on the other hand recognizes ‘occupants of land’ who do not have tenure ship and who the state has an obligation to pay in good faith when compulsory acquisition is made.</p>	<p>Ensure ALL users (including illegal squatters, labourers, rights of access) of affected lands are included in the census survey and are facilitated for</p>

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

Eligibility Criteria			
African Development Bank Operational Safeguard 2.	Kenyan Policies	Comparison	Comparison and Recommendation
occupying			
The procedure for determining eligibility	Land Act 2012 provides for census through NLC inspection and valuation process	Both policies are similar	

Measures			
African Development Bank Operational Safeguard 2.	Kenyan Policies	Comparison	Comparison
Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based.	Legislation provides land for land compensation but the Land Act 2012 does not state whether preference should be granted to land to land compensation	Land for Land provided for in the Land Act but not specific on when it should be applied except when the affected person chooses to receive land to land award	Ensure that all alternative options are considered in preference to providing cash compensation.
<p>Cash based compensation should only be made where</p> <p>(a) Land taken for the project is a small fraction of the affected asset and the residual is economically viable.</p> <p>(b) Active markets for lost assets exist and there is sufficient supply of land and housing; or</p> <p>(c) Livelihoods are not land based</p> <p>The AfDB Operational Policy 2 requires that displaced persons are provided with prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project. If physical relocation is an impact, displaced persons must be provided with assistance during relocation and residential housing, housing sites and/or agricultural sites to at least equivalent standards as the previous site. Replacement cost does not take depreciation into account. In terms of valuing assets, if the residual of the asset being</p>	<p>Land Act 2012 appears to prefer mode of compensation by the Government to the affected population. The Land Act talks of prompt, just and full compensation before the acquisition of land. However, interpretation of just compensation is yet to be clearly outlined through a specific schedule defining just and fair compensation have not been put in place. The Act is does not out rightly stipulate</p>	<p>Cash based compensation seems to be the preferred mode of awarding compensation to the affected population by the Government of Kenya. Just compensation as stipulated in the Land Act not yet specifically defined. Land Act very clear on attorney fees that it is not included. The AfDB OS 2 includes those cost as part of full replacement</p>	<p>Use the AfDB procedures in determining form of compensation. Implement prompt and effective compensation at full replacement cost for the losses of the assets. Ensure that ALL resettlement options are agreed on with PAPs and put in place before displacement of affected persons.</p>

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

Measures			
African Development Bank Operational Safeguard 2.	Kenyan Policies	Comparison	Comparison
taken is not economically viable, compensation and assistance must be provided as if the entire asset had been taken. Compensation and other assistance required for relocation should be determined prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required	assistance for relocation but can be interpreted that relocation cost will be included in the compensation.		

Valuation			
African Development Bank Operational Safeguard 2.	Kenyan Policies	Comparison	Comparison and Recommendations
With regard to land and structures, “replacement cost” is defined as follows: The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.	Valuation is covered by the Land Act 2012 and stipulates, as already mentioned, that the affected person receive fair and just compensation from NLC, as determined by National Land Commission. Valuers Act stipulates that a residual amount of 0.5% of the total valuation of an asset is expected to pay the valuer.	Though one could argue that there is some form of consistency between the Kenyan Law and the AfDB OS 2 interpretation of ‘just and fair compensation has not been defined.	Apply the AfDB valuation measures, as outlined in the section on valuation, in order to fully value all affected assets in a consistent manner.

Monitoring			
African Development Bank Operational Safeguard 2.	Kenyan Policies	Comparison	Comparison and Recommendations.
Adequate monitoring and evaluation of activities to be undertaken.	According to Land Act can be undertaken County Land Boards.	Both Kenyan Law and AfDB advocates for Monitoring and Evaluation.	Implement as prescribed in the AfDB and Kenyan Law.

Institutional Responsibilities for RAP Implementation

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

During the RAP preparation process, a number of key institutions were identified as critical to both preparation and implementation of the RAP. This is summarized in the **Table 4**. Consultations with and involvement of the Project-Affected Persons has been sought during the process.

Table 4: Summary of Institutional Responsibilities for RAP

No	Institution	Role	Capacity
1.	African Development Bank (AfDB)	To guide bank staff and borrowers in the identification, assessment, and management of involuntary resettlement associated with bank-financed projects.	Capacity at the Bank level exist to support the PIU in sustainable implementation of the project's Environmental and Social Operational Safeguards.
	Ministry of Water, Sanitation and Irrigation.	Houses Coast Water Works Development Agency, as an agency for development in water.	The Ministry has experts' in key areas: land management and administration, physical planning and resettlement
2.	Coast Water Works Development Agency.	Has the responsibility of implementing the RAP.	Capacity exists with the full support of the MWSI.
3.	County Government of Mombasa	Assisting in verification of claims on land allotment letters Participation in the RAP Implementation Committee (RAPIC) Participation in monitoring and evaluation of the RAP implementation process Participation and support in grievance resolution	Capacity exists
4.	Kenya Urban Roads Authority	In charge of the management of urban roads. It approves road designs and maintains roads. The designs are mostly along roads under the custody of KURA.	Capacity exists
5.	Kenya Power	Responsible for relocating electricity transmission lines from the road reserves where the designs have been proposed.	Capacity exists.
6.	Mombasa Water and Sewerage Company	Responsible relocating affected water infrastructure e.g., pipes, water kiosks to maintain service levels	Capacity exists.
7.	Ministry of Finance	Financial management on behalf of the Borrower (GoK) Provision of compensation claims by PAPs	Capacity exists and funds will be made available.
8.	Ministry of Interior & National Coordination	Assisting in verification of claims and provision of	Capacity Exist

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

No	Institution	Role	Capacity
		security during payment of compensation. Participation in RAPIC Participation in the grievance resolution mechanism.	
9.	National Environment Management Authority (NEMA)	Provide approval of the ESIA report and issuing required licenses. Review and provide a NEMA license for the ESMP. Be part of the RAPIC and participate in the resolution of grievances. Escalate unsolvable grievances to the tribunal.	Capacity Exist
10.	Survey of Kenya	It also makes provisions on notices of boundaries and describes authenticated plans in law.	Capacity Exist

3 POTENTIAL PROJECT IMPACTS

This section describes the Project activities and their potential impacts in terms of property and livelihood activities likely to be affected in implementation of the proposed project.

It presents the PAP categories and types of livelihood properties and socio-economic services that are likely to be affected or lost because of Project implementation.

Alternative measures to minimize resettlement, displacement and restricted access are also discussed. Spatial Image of PAP distribution is shown below **Figure 2**.

This section draws upon: (i) the affected community baseline socio-economic data outlined in Section 5; (ii) additional information gathered through the fieldwork, engagement and consultation process to date (see Appendix 1); and the affected asset valuation work conducted in order to inform the entitlement requirements of each eligible group. These facts are used to identify and describe the key displacement impacts that the affected people will likely experience, the predicted scale of these impacts, and the sorts of measures that AfDB would expect the Project to put into place in order to mitigate these impacts and ensure that the resettlement process is transformed into a mechanism for social development.

3.1 POTENTIAL PROJECT IMPACTS

Construction activities will take place on the road reserve while meeting the conditions set out on the Kenya Road Act, 2007. However, the following proposed pipelines will cause disturbance to communities in the Project area. The number of PAPs affected by line and location also shown on Table 5.

Table 5: Summary of the project impacts on the Medium-term category

S/No	Line number	Location	Number of PAPS
1.	SC02	Approved Timbwani	3
2.	SC05	Approved Timbwani	20
3.	SC06	Blue Economy Timbwani	0
4.	SC07	Shika Adabu	2
5.	SC08	Approved Timbwani	3
6.	SC09	Approved Timbwani	1
7.	SC10	Approved Timbwani	3
8.	SC12	Shika Adabu	0
9.	SC14	Shika Adabu	5
10.	SC15	Shika Adabu	4
11.	SC16	Shika Adabu	0
12.	SC17	Shika Adabu	0
13.	SC18	Shika Adabu	0
14.	SC19	Shika Adabu	0
15.	SC20	Shika Adabu	0
16.	SC21	Shika Adabu	1
17.	SC23	Shika Adabu	0
Total			42

Project impacts can be summarized as below and more details as has been tabulated in each specific impact. The project does not envisage acquisition of land as the proposed pipelines will be located in the existing road reserve.

- Loss of structures and associated facilities;
- Loss of Business / live hood

3.2 IMPACT ON STRUCTURES

The Project's location will result in the demolishing of a number of structures such as main house extensions, verandas, road cabros and temporary structures that are close proximity to the road reserve. The project will impact 36 PAPs.

Table 6: Summary of the affected PAPs with Structures

S/NO	PAP Code	Project Route	Description of affected Asset	Total Value (Ksh)
1	TM03	SC02	Water Tower Tank	166,000.20
2	TM04	SC10	Veranda/House Extension	868,250.00
3	TM05	SC10	Incomplete House	1,408,750.00
4	TM06	SC10	Permanent Residency	310,500.00
5	TM07	SC09	Temporary Structure	11,500.00
6	TM0	SC08	Perimeter Wall & Veranda	151,225.00
7	TM09	SC08	Verandah	89,700.00
8	TM10	SC08	Shop Extension/Verandah	422,050.00
9	TM11	SC08	Veranda	433,550.00
10	TM12	SC05	Veranda	46,488.75
11	TM13	SC05	Water Tower Tank	197,800.00
12	TM14	SC05	Part of Main House	2,305,750.00
13	TM15	SC05	Veranda	41,658.75
14	TM16	SC05	Veranda	90,850.00
15	TM17	SC05	Veranda	57,500.00
16	TM18	SC05	Veranda	28,980.00
17	TM19	SC05	Veranda	175,087.50
18	TM20	SC05	Veranda	280,600.00
19	TM21	SC05	Veranda	77,855.00
20	TM22	SC05	Permanent Residency	3,719,100.00
21	TM23	SC05	House Extension	446,775.00
22	TM24	SC05	Temporary Structure	11,500.00
23	TM25	SC05	Veranda	170,257.50
24	TM26	SC05	Veranda	252,126.00
25	TM27	SC05	Veranda	76,676.25
26	TM28	SC05	Veranda Shop Extension	302,450.00
27	TM2	SC05	Veranda	64,722.00
28	TM30	SC05	House Extension	442,750.00
29	SA01	SC12	Incomplete House	1,415,880.00
30	SA02	SC12	Temporary Structure	17,250.00

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S/NO	PAP Code	Project Route	Description of affected Asset	Total Value (Ksh)
31	SA04	SC12	Veranda	109,882.50
32	SA05	SC12	Veranda	218,500.00
33	SA06	SC14	Veranda	12,650.00
34	SA07	SC14	Verandah	74,750.00
35	SA08	SC14	Veranda	110,400.00
36	SA12	SC21	Verandah	79,350.00
TOTAL COST (inclusive of 15% disturbance allowance)				15,058,505.95

RAP Recommendation

- Compensation at Full Replacement Cost for the affected structures before commencement of works within the section in question;
- Provision of a three month notice to structure owners after payment of compensation to relocate their structures;
- Provision of a notice of three months to tenants before the demolition exercise so as to source for alternative rental units;
- Provision of opportunity to salvage the remains from demolition of the PAPs structures.
- Financial management training of the PAPs to enhance efficient utilisation of compensation money

3.3 IMPACT ON BUSINESS

There are No. 6 PAPs who their businesses will be impacted during project implementation as shown in **Table 7** below. It can be reported that this business owners will lose part of their income for a short period of time as they seek to reestablish their livelihood somewhere else or within the same structure.

Table 7:Summary of Affected PAPs with Businesses

S/NO	PAP Code	Project Route	Total Value (Ksh)
1	TM01	SC02	193,441.50
2	TM02	SC02	69,000.00
3	SA09	SC14	40,250.00
4	SA10	SC14	17,250.00
5	SA03	SC12	17,250.00
6	SA11	SC21	32,200.00
Total Costs (inclusive of 15% disturbance allowance)			369,391.50

RAP Recommendation

- Cash compensation based on a calculated average loss of income over an appropriate period of 3 months
- Provision of a three month notice to business owners after payment of compensation to relocate their structures;

- Provision of a notice of three months to tenants before the demolition exercise so as to source for alternative rental units;
- Provision of opportunity to salvage the remains from demolition of the PAPs structures.
- Financial management training of the PAPs to enhance efficient utilisation of compensation money.

3.4 ALTERNATIVES AND MECHANISMS TO MINIMISE RESETTLEMENT AND LOSS OF LIVELIHOOD

- Use of manual excavation: The contracting firm will as much as possibly use manual excavation in built-up areas and along private hedges for all the pipelines. This will enable the project to minimize the extent of structural damage associated with machine excavation in such heavily build-up areas.
- Temporary step-back: Most of the activities related to the construction have been designed along road reserves within available space on the road reserve. PAPs will be given adequate notice that will enable them to remove their structures when civil works are being implemented in their area. It is anticipated that the construction will be done within short sections which can take up to 5 days for the excavation and laying of pipes rather than opening more area which shall increase the community risk and increase loss of livelihood. After pressure testing of the pipes, the PAPs will be free to go back to their business operation/rebuild their business structures.
- Social services access points will remain open or alternative entry points will be provided: Access points for institutions offering social services such as schools, markets and health facilities along the affected road reserves will not be blocked. In other instances, alternative entry points may be provided by the Contractor while on site in such areas. One strategy is to work on the entry points of such service institutions on weekends or during breaks when the access points are not fully engaged.





Photo 1: Sample of paved areas and temporary livelihood structures which will be impacted.

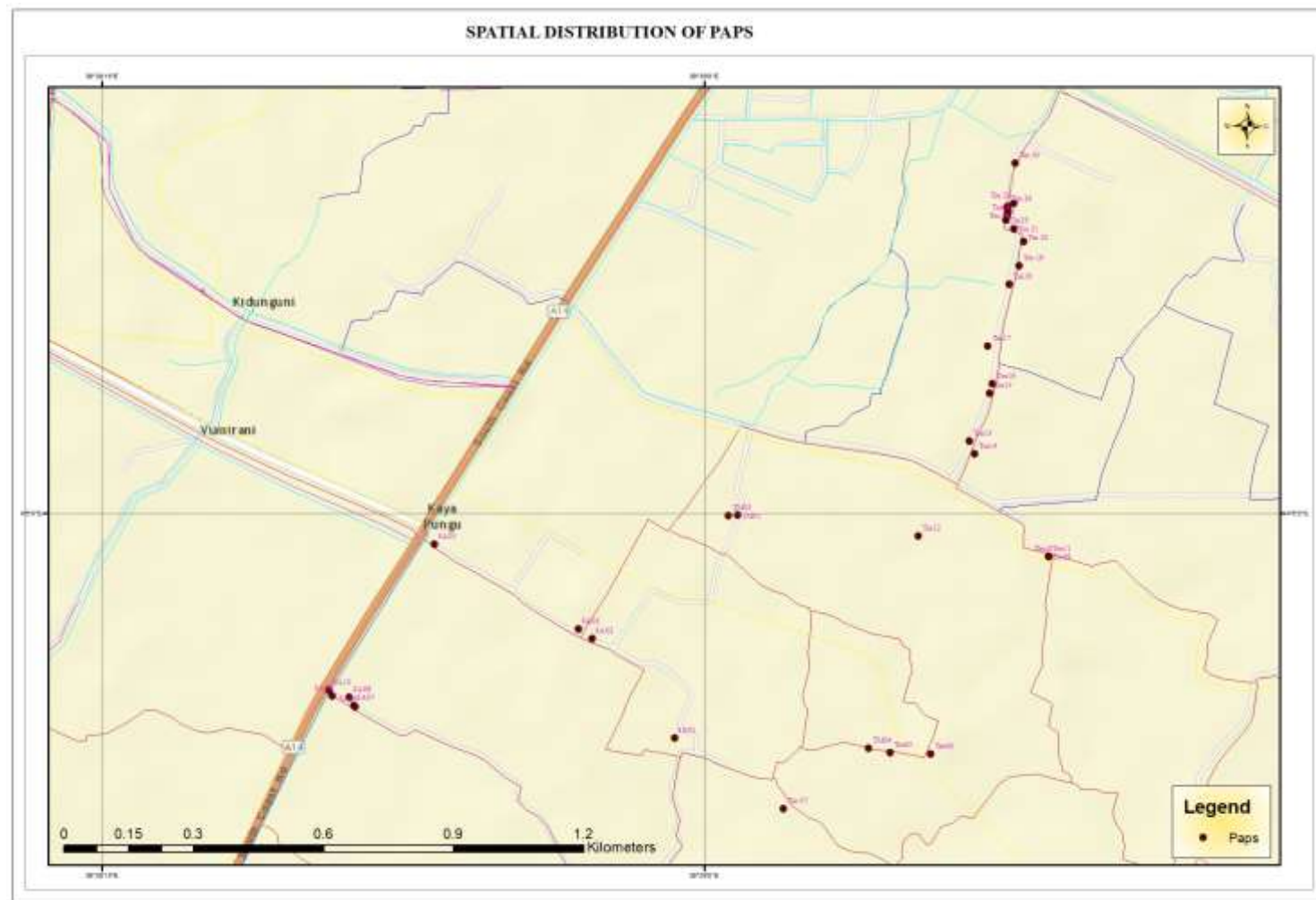


Figure 2: Indicates the distribution of affected PAPs along the pipelines

4 PUBLIC PARTICIPATION AND CONSULTATIONS

Both Kenyan and African Development Bank Policies emphasize the importance of public consultation, both within the PAPs and stakeholders. The Consultant conducted both key informant interviews and public consultation to sensitize all stakeholders and get feedback on the proposed project.

Consultations for the South Mainland pipeline distribution project was initially held from October 2018 during the design and preliminary studies for the project. Consultations have taken a continuous approach throughout the project phases.

Currently the preparation of the updated RAP including the relevant consultations was undertaken in the month of March 2024. The Consultant carried out public consultation in the form of a public participation meetings and consultative meetings where, the Consultant presented the project to the local community, comprised of stakeholders, Community Leaders, Local Administration and representation from the CWWDA.

4.1 OBJECTIVES OF STAKEHOLDER PARTICIPATION

Stakeholder consultation is generally useful for gathering environmental data, understanding likely impacts, determining community and individual preferences, selecting Project alternatives, and designing viable and sustainable mitigation and compensation plans.

Stakeholder consultation during RAP process is undertaken during the design, implementation, and initial operation stages of the Project. The aim is to disseminate information to interested and affected parties (stakeholders), solicit their views and consult on sensitive issues.

The specific aims of the Public Consultation and Participation process during the Preparation of the RAP include:

- (i) To inform the local people, leaders and other stakeholders about the proposed water distribution project and its objectives;
- (ii) To sensitize the community about the project and potential impacts on people and livelihoods’;
- (iii) To promote Project ownership by the operator and beneficiaries in order to minimize conflicts;
- (iv) Obtain opinions and suggestions from the directly affected persons on the Project impacts and appropriate measures to mitigate them;
- (v) Obtain opinions and suggestions on the Project Concepts, Designs, etc. and therefore minimize conflicts and delays in implementation;
- (vi) To facilitate the development of appropriate and acceptable entitlements options;

- (vii) To increase long term Project sustainability and ownership; and
- (viii) To reduce problems of institutional coordination, especially at the different Governments levels.

Public Participation pictures



4.1.1 Stakeholder Participation Process

Consultations were done with relevant stakeholders within the Project area during preparation of the RAP Report. **Table 8** below provides Summary schedule.

Table 8: Schedule of Dates

Dates	Key Informant	Designation
19 th March 2024	Matthew Wambugu	Deputy County Commissioner – Likoni Sub County
21 st March 2024	Kithinji G.Ithai	Deputy County Commissioner – Nyali Sub – County
19 th March 2024	Mohamed Mgupi	Chief- Shika Adabu
19 th March 2024	Halima Juma	Chief- Timbwani
18 th March 2024	Hajj Massa	Project Coordinator - CWWDA
19 th March 2024	Abdalla Rashid	Chief – Mbuta Location
19 th March 2024	Sadiq Mwatsumba	Chief – Shonda Location

More consultations were done with the **Public and other interested parties through Public Meetings** in the target area. The **Table 9** below provides a schedule of Public Meetings held with Project Interested Persons.

Table 9: Schedule of Public Meetings South Mainland project

Date of the Meeting	Meeting Venue/ Courtesy calls.	Participants Involved	Number of participants & Gender Representation
22 nd March 2024	Timbwani Chief's Camp	<ul style="list-style-type: none"> Area Location chief and assistant Village elders Residents Consultant representatives CWWDA Representatives 	Total 38 Male 20 Female 18
	Shika Adabu Hall	<ul style="list-style-type: none"> Chief Shika Adabu Location and Assistants Shonda location Chief Residents Consultant representatives CWDDA representative 	Total 47 Male 40 Female 7

NOTE: It is worth noting that being the holy month of Ramadhan number of women representation was low as well as the attendance of other community members. The village elders were tasked with the responsibility of notifying to the rest of the population within their areas of jurisdiction.

Table 10: Summary of Key Issues Raised During the Public Consultation Processes and their Response.

Item	Issue raised	Response by client and consultant
Benefits of the Project	<ul style="list-style-type: none"> The community were supportive of the project in the area and they emphasized that the project to serve all. 	<ul style="list-style-type: none"> The Client Representative from CWWDA assured the Shika Adabu residents that the proposed water supply will serve people even beyond their area.
Employment Opportunities	<ul style="list-style-type: none"> The community enquired on the job opportunities the project would bring to the area 	<ul style="list-style-type: none"> The project will employ local people to do both manual and technical works were possible. Considerations will also be availed to locals as first priority as per the AfDB principle on local content.
Compensation	<ul style="list-style-type: none"> The community enquired on whether there would be compensation for structures and houses which might be affected during construction. 	<ul style="list-style-type: none"> Compensation will be done for every affected person as well as there will be a disturbance allowance of 15%. Crops will be valued by the Agricultural officer using market rate. Easement rights will be used to acquire land beyond the existing road reserve and where the remaining land is rendered useless

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Item	Issue raised	Response by client and consultant
		<p>there will be full acquisition.</p> <ul style="list-style-type: none"> • Owners of structures who have encroached the way leave will be given notice to remove their structures. • Structures which will be within their rightful land will be valued and compensation awarded as per area affected. • Interruption of business/livelihood will be compensated where feasible and minimal disturbance will be observed by the contractor.
Road Reserve	<ul style="list-style-type: none"> • The community pointed out that in some areas communities are not aware of the road reserve as some built where there was vacant space and some physical planning was not done professionally. 	<ul style="list-style-type: none"> • During implementation the department of physical planning will be engaged to demarcate such areas, even though those structures will be mapped in this RAP exercise.
Project commencement	<ul style="list-style-type: none"> • The community enquired on the when the project will commence/ delay in delivery as some areas have been some pipes are laid 	<ul style="list-style-type: none"> • The community was informed once the dam construction is complete that's when the project construction might commence and hence, they need to engage the community in advance as well as define the routes. • Further detailed design studies will be undertaken as well. Actual cost of the project will be achieved once all studies have been done and this information can be assessed from the CWWDA. • Where pipes were previously laid it was communicated that was still part of the proposed project only that they are implementing in phases.
Willingness to Pay	<ul style="list-style-type: none"> • Community expressed that they are 100% willing to pay for the water as they have been waiting for long since some areas are already piped. 	<ul style="list-style-type: none"> • This was noted by the client representative.
Sensitization / PPC	<ul style="list-style-type: none"> • Community leaders emphasized that the residents be educated and sensitized more on the proposed project 	<ul style="list-style-type: none"> • It was explained that PPC is a continuous process in all stages of development and that there would be several meetings about the proposed project
Health and Safety	<ul style="list-style-type: none"> • Community expressed a concern on contractors leaving open pits and unfinished works which possess a danger 	<ul style="list-style-type: none"> • The ESIA will address all the concern. • NEMA office will be involved in periodical inspection of construction areas to ensure contractors compliance.

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

Item	Issue raised	Response by client and consultant
Grievances	<ul style="list-style-type: none"> How will grievances be attended to 	<ul style="list-style-type: none"> A Grievance Redress Mechanism Committee will be formed at each stage of the project level to ensure issues are solved as efficient as possible. This committee will be comprised of community members and local administration, further the RAP/ESIA report will develop as detailed GRM strategy.
Meter Registration /installation	<ul style="list-style-type: none"> Community raised an issue where some members registered for metres which were installed and water was never connected. 	<ul style="list-style-type: none"> Community members were informed that metering was being undertaken in phases and that was Mombasa Water Sewerage Company is in charge.
Wayleave Area	<ul style="list-style-type: none"> How will we know wayleave distance from the road reserve 	<ul style="list-style-type: none"> It was explained 2 to 3 metres from the edge of the existing road.
Ownership of the Pipeline	<ul style="list-style-type: none"> A PAP asked who will own the pipeline 	<ul style="list-style-type: none"> Mombasa Water and Sewerage Company will fully own the pipeline after installation and will be charge of metering and connection to the household.

The meeting minutes are attached in Appendix A of this Report.

4.1.2 Key Stakeholder Participation Process

Key stakeholder consultation was conducted with the respective agencies in October 2021, and the process of engagement has been continuous at each stage of updating RAP.

Date	Venue	Participants Involved	Number of participants & Gender Representation
4 th October 2021	Pride inn Hotel	<ul style="list-style-type: none"> Stakeholder workshop with representative from National and County government CWWDA representative Religious leaders 	Total: 21 Male 14 Female 7

4.2 STRATEGIES FOR FUTURE STAKEHOLDER ENGAGEMENT

A key strategy for implementation of the RAP is collaboration both in the vertical and horizontal levels between the affected communities/people, national and county government administration to enhance co-ordination, enabling sharing of experiences to consolidate the RAP process.

Consultation and community participation is a continuous process which will be followed in all stages of the project (that is, during project inception and planning, the feasibility assessment stage, preparation and development of project designs, implementation of the project and implementation of after-project community support activities).

All levels and different types of stakeholders shall be consulted, such as directly affected communities, indirectly affected communities and among others. The consultation process will ensure that all identified stakeholders are consulted. Information about the project will be shared with the public, to enable meaningful contribution, and enhance the success of the project

There are several methods that could be used for communication and consultation and these include; stakeholder meetings, use of questionnaires, use of the media (radio, newspapers, TV) with particular emphasis on local media using the local language, use of notice boards at the local administration offices, posters in strategic locations frequented by the local people such as trading centres in Tibwani and Shika Adabu and Sub County offices among others. Where necessary, representatives of the different stakeholders shall be involved in the consultation process.

All concerns, views and issues raised by the stakeholders will be documented by written minutes. Attendance lists and photographs of the meetings will form part of the Detailed RAP Report and will be used as evidence that the consultations took place.

During this future PPCs there will be need to RAP implementation team will incur costs hence the budget for these activities has been factored in the overall RAP budget at 5% for community sensitization.

4.3 RAP REPORT DISCLOSURE

The disclosure process of the RAP shall be undertaken in a manner that is inclusive, culturally appropriate and ensures participation of all stakeholders including vulnerable groups and marginalized communities. The proponent CWWDA will publicly disclose this RAP, in English and in Kiswahili and any other local language, where need be and make copies available and distribute with a letter accompanied to the County Government of Mombasa and other government authorities concerned. This could be done by:

- Publishing it on proponent's website;
- Depositing/posting it in a range of publicly accessible places such as, County Government Offices, chief offices and other public places like churches and market centers where they could be protected and not abused.
- In addition, the proponent will ensure that the affected public is adequately sensitized through public meetings, notices, and information booklets.

Once this RAP is disclosed, the public have to be notified both through administrative structures and informal structures about the availability of the RAP documents and also be requested to make their suggestions and comments. The final approved RAP will be made available in easily accessible locations in or near the affected project areas. Once disclosed in country, the proponent will authorize the AfDB to disclose through their different communication avenues (website and Library)

This RAP study has also noted that information specific to PAP units (those who are entitled to compensation) shall be disclosed only to the specific PAPs that are individual PAP or the household head and his spouse(s) only. These include inventory of assets, proposed compensation figures and baseline socio-economic data at household level.

**RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR
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5 SOCIO-ECONOMIC CHARACTERISTICS OF THE PAPs

The following section provide a summary of the data collection methods and results used to characterize socio-economic baseline conditions in the project area prior to significant project implementation. The social economic status of the people is likely to be slightly disrupted during the project implementation period.

The socio - economic survey was undertaken in the Project area to:

- Identify the Project affected persons (PAPs);
- Obtain the socio-economic status of the PAPs;
- Identify the vulnerable groups;
- Identify the impacts of the project to the livelihood of the PAPs; and
- Document the concerns of the PAPs.

5.1 SOCIO – ECONOMIC METHODOLOGY

Data used to establish socio – economic baseline conditions were derived from field surveys conducted in the project area during the preparation of the RAP. The survey team employed the following methodologies while undertaking RAP.

- Census survey
- Socio-economic survey
- Land and Asset Valuation
- Key Informant Interviews

A total of 42 No. PAPs were present during the census. The data of the PAPs absent during the census was picked for the purpose of valuation.

A structured questionnaire was used to collect the details of PAPs as well as filling of the mandatory individual PAP forms. The surveys were carried out between 18th to 25th March 2024.

5.2 DATA ANALYSIS AND REPORTING

Results were coded and entered in the Statistical Package for Social Sciences (SPSS) tool whereby the data was analyzed by running frequencies and cross tabulations. Data entry was carried out on the Statistical Packages for Social Sciences (SPSS) tool together with Excel Spreadsheets and triangulated. Both qualitative and quantitative were coded for easier analysis and interpretation. The analysed data was presented as below;

5.2.1 PAPs gender distribution

A total of 42 PAPs were present during the during the census. 36% were male whereas 64% were female.

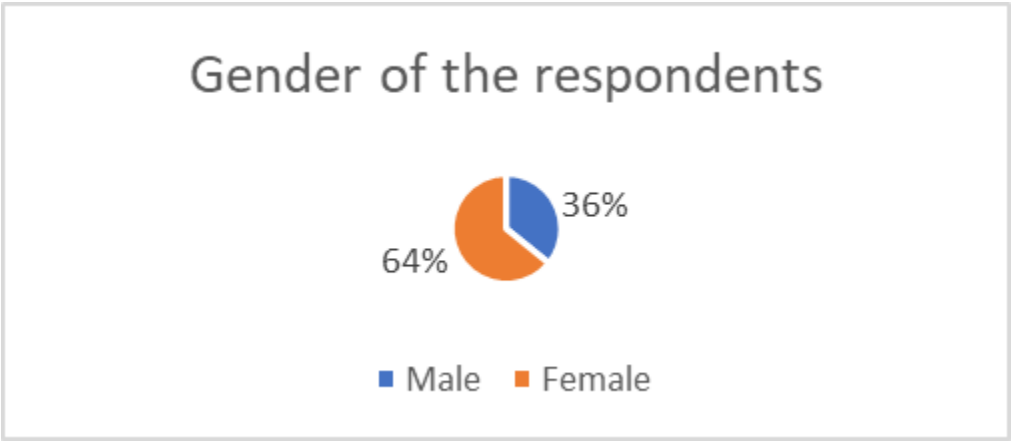


Figure 3: Gender distribution of the PAPs

5.2.2 PAPs age distribution

30% of the respondents are aged between 18- 30 years, 43% are aged between 31-40 years, 13% are aged between 41-50 years, while 10% are aged between 51 -60 years 1% is aged between 60-70 years and 1% is above 70 years.

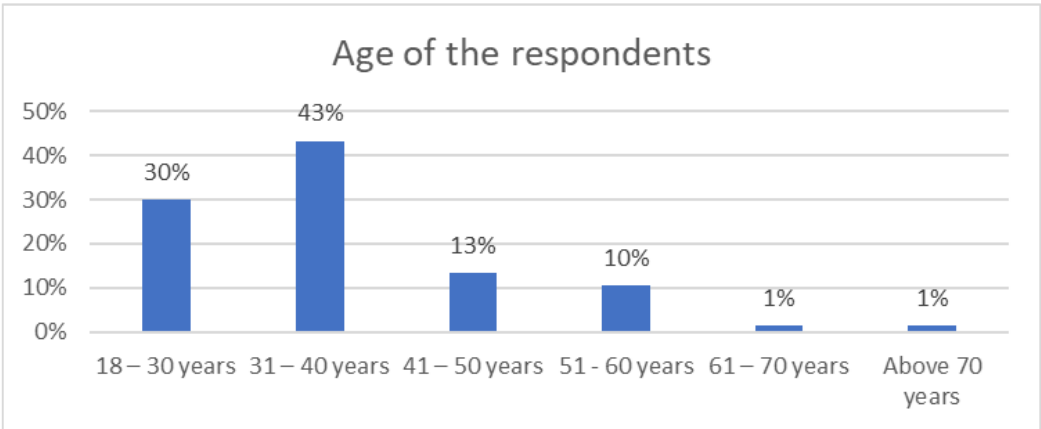


Figure 4: Age presentation of the PAPs

5.2.3 PAPs Religious Affiliation

From the census it was established that 61% of the PAPs are Muslim and 39% are Christians.

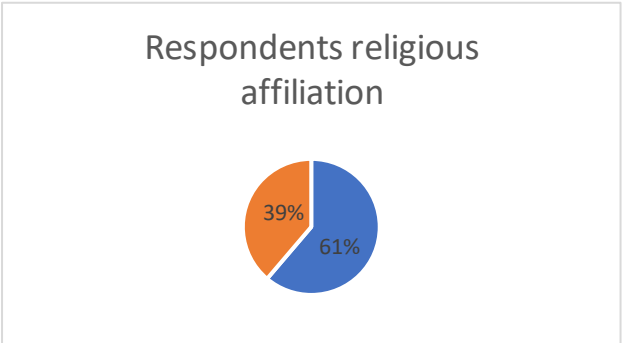


Figure 5:PAPs Religious affiliation.

5.2.4 PAPs Household size

Majority of the households 52% have 5-10 members, 43% below 5 members, while 5% have more than 10 members in their households.

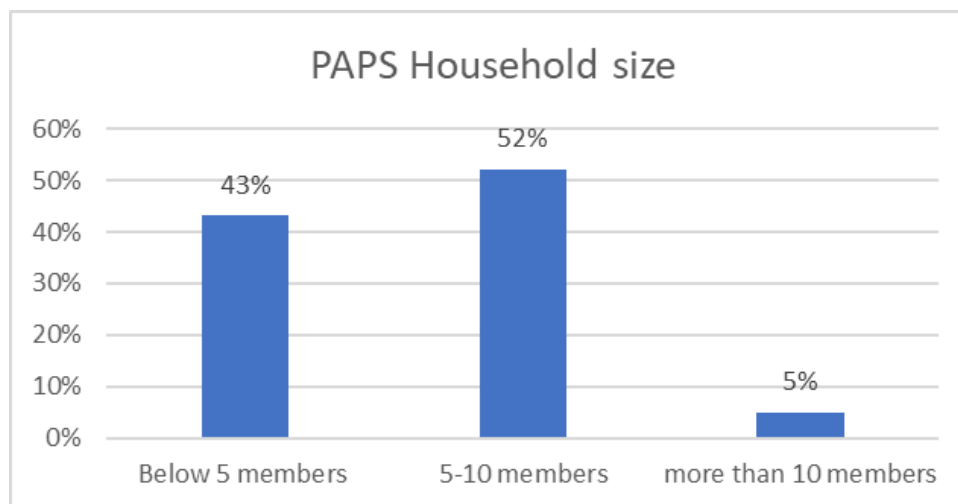


Figure 6:PAPs household size

5.2.5 Education level

From the study it was established that 3% of the respondents had no formal education; 51% had achieved Primary school education; 43% had achieved secondary education, while 3% had attained tertiary level of education.

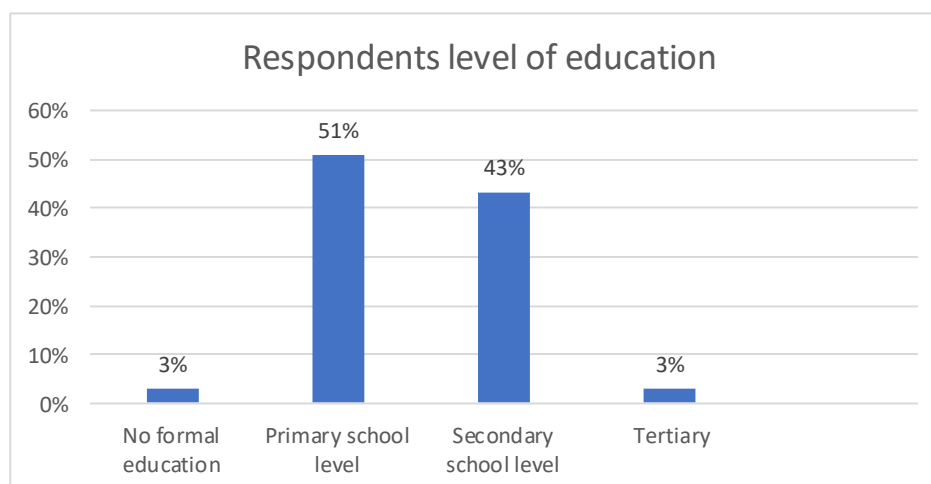


Figure 7:PAPs Education level

5.2.6 Sources of Livelihood

The study established that 96% of the PAPs depended on business activities as their main source of livelihood, 1% depend on casual employment while 3% respondent depended on farming as a source of livelihood.

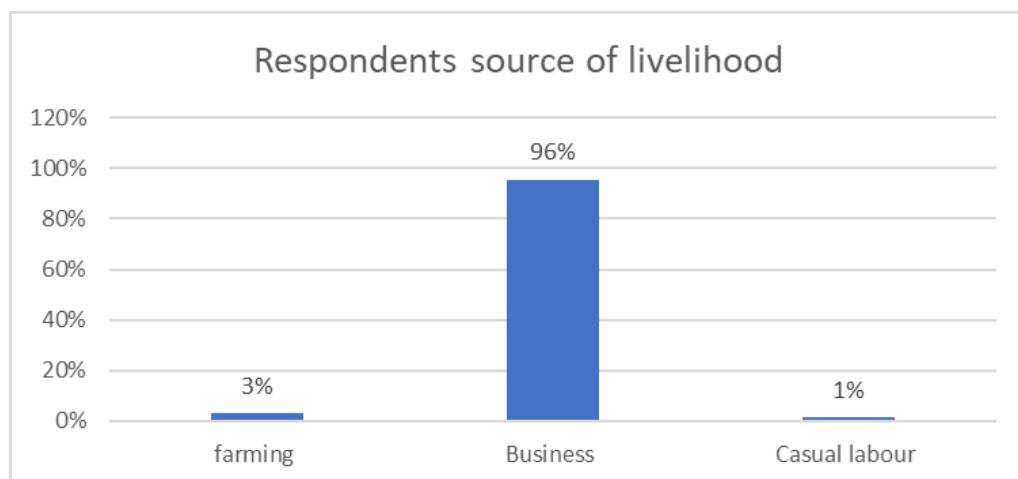


Figure 8:PAPs sources of Livelihood

5.2.7 Water sources

From the survey it was established that 10% depend on piped water, 63% depend on shallow wells, whereas 27% buy water from vendors.

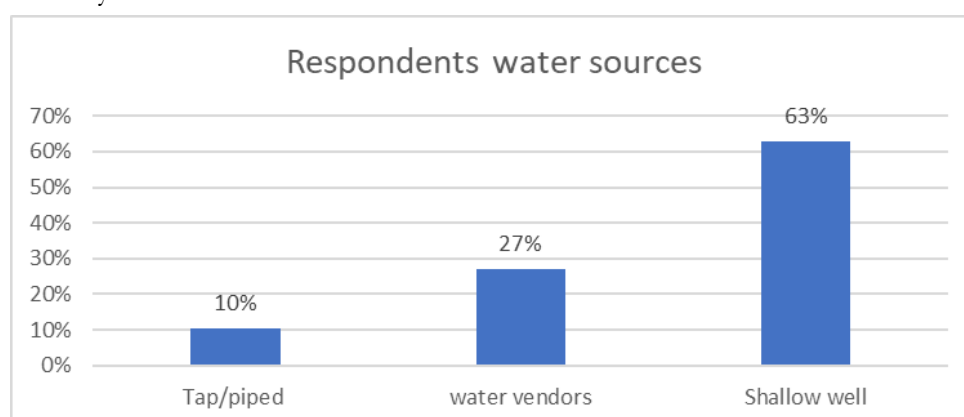


Figure 9:PAPS water sources

5.2.8 Distance from the water sources

Majority of the PAP'S 51% walk for less than 1km to access water, whereas 40% have readily available water in the compound. 9% access water at a distance greater than 1km.

5.2.9 Sanitation facilities

From the study it was established that 60% of respondents use pit latrines for sanitation and 40% use flush toilets.

5.2.10 Waste disposal methods

From the study it was established that 15% dispose waste in compost pits, 6% bury or burn waste, whereas 73% pay garbage collectors to dispose of waste and 2% throw waste behind the house while as 4% throw waste by the roadside.

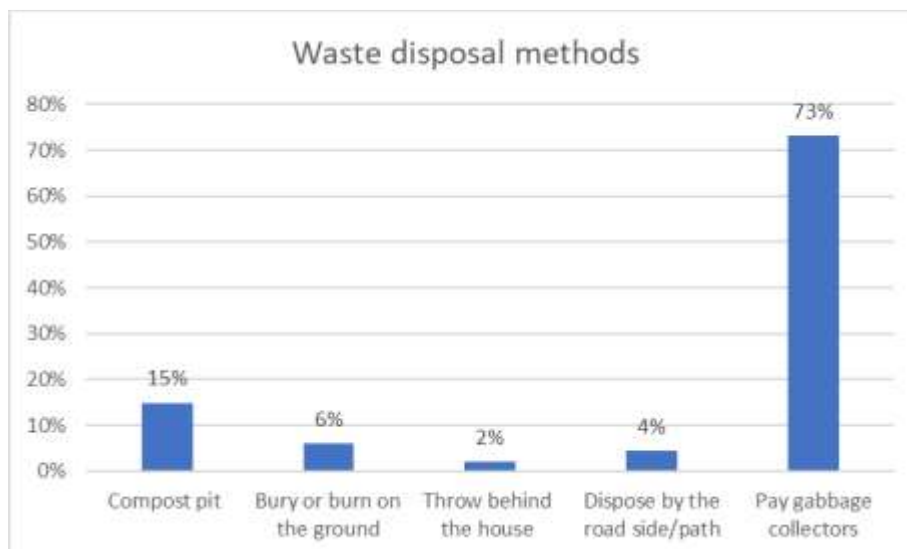


Figure 10:Methods of waste disposal

5.2.11 Project impacts

From the study it was established that all the PAPs interviewed supported the project implementation and were willing to give up their working spaces for project implementation. They gave positive and negative impact that would be brought about by the project as listed below

Table 11: Anticipated project impacts and mitigation

Positive impacts	Negative impacts	Proposed mitigation for the negative impacts
Access to readily available water	Business disruption during construction	Compensation for the structures
Increased health and hygiene	Loss of livelihood	Quick implementation of the project to reduce business/customer loss
Access to adequate water supply	Demolition of business kiosks and verandas	Reinstatement of business structures after implementation
Save cost of buying water		

5.2.12 Households with Vulnerable Members

Vulnerable groups are social and distinct groups of people who might suffer disproportionately or face the risk of being marginalized because of resettlement compensation, out of the PAPs valued no vulnerability was reported.

6 COMPENSATION ELIGIBILITY AND RESETTLEMENT STRATEGY

6.1 ELIGIBILITY CRITERIA

Any person or household who will suffer loss of or damage to land, shelter, business, trade or loss of access to productive resources, as a result of the implementation of the water supply project was considered eligible for compensation and/or resettlement assistance, provided the damage/loss is induced by the project. To be eligible one must have been captured in PAP census and asset inventory by the close of the cut-off date **24th March 2024**. The eligibility list provided in the RAP asset register (**Appendix B**) remains the basis for providing entitlements to the PAPs.

The AfDB OS OS2 provides three criteria for eligibility. These are:

- Those who have formal legal rights to asset (including customary and traditional rights recognized under the laws of the country);
- Those who do not have formal legal rights to assets at the time of census but have a claim to such assets and become recognized during the survey; and
- Those who have no recognizable legal rights or claim to the assets they are occupying.

By inference, a person is eligible for compensation as long as they had/owned a permanent structure, or a temporary structure that had been in the particular location of the proposed project location.

6.2 ELIGIBILITY

Both in principle and in the context of the project, eligibility for compensation for displacement defines:

- Which losses of assets and income are compensated under the project, and which are not;
- Who is entitled to receive the compensation, and who is not; and
- What evidence is expected in order to support claim for compensation.

The eligible losses and entitlements are elaborated in the entitlement matrix (Section 6.2).

6.3 EXCLUSION FROM ELIGIBILITY.

As described in earlier section of this RAP Report, all direct economic and social impacts that result from AfDB Bank-assisted investment projects, and are caused by (a) the involuntary taking of land resulting in (b) relocation or loss of shelter; (c) loss of assets or access to assets; or (d) loss of income source impacts related to the loss of land, are eligible for compensation

with the exception of four main categories of loss, which are explicitly classified as ineligible for compensation:

- Losses arising from structures or activities in the Project area, or in any of the sub-project areas impacted by the Project, that post-date the cut-off date;
- Losses claimed on the basis of intention to use the land for a particular purpose (actual prior investment in plans and permissions may be compensated, but expected future value arising from proposed future investments is excluded);
- Losses arising from structures or activities outside the Project area; and
- Losses claimed on a fraudulent basis or by material misrepresentation of facts e.g. of identity, ownership, employment, or nature of asset or use of land.

6.4 CATEGORY OF OWNERSHIP AND LOSSES

The category of eligible losses and PAPs eligible for compensation are those experiencing permanent or temporary losses of the following assets:

- Informal business (stand owner, business operator or rent tenant); and
- Livelihood loss.

Thus, all eligible affected people are entitled to appropriate compensation regardless of whether they have legal rights to the assets. Eligibility for compensation does not create or confer a right where none previously existed- e.g. It does not make legal occupation of the road reserve. Under this assessment the category of loss is temporary business structures, extended verandas and part of main house walling along the project locations on the existing road reserve.

6.5 FORMS OF COMPENSATION

The resettlement measures and strategies have been developed in close consultation with community members, the PAPs, institutional stakeholders and in reference to the Kenyan national legal policies, the African Development Bank OS2.

In the consultative meetings PAPs were made aware of available compensation options which included in kind or cash compensation. However, PAPS in the settlement expressed the preference for cash compensation as opposed to the option of in-kind reconstruction of a similar structure by the project.

6.6 SPECIAL CONSIDERATIONS AND ENTITLEMENT

The RAP recognizes that there are vulnerable groups among the PAPs. These are social and distinct groups of people who might suffer disproportionately or face the risk of being marginalized because of resettlement compensation and specifically include:

- disabled household heads;
- households where the head is unemployed; and
- households headed by elderly persons with no means of support.

Under this RAP there were no vulnerable persons identified among the PAPs enumerated.

6.7 ENTITLEMENT MATRIX

The Entitlement Matrix³ developed for this Assessment is presented in **Table 12**.

Table 12:Entitlement Matrix

Loss	Category of PAP	Entitlement
Residential or Business structure (kiosk, eateries, workshop, rental property, etc.);	Structure Owners	<ul style="list-style-type: none"> • Cash compensation based on the Replacement value (= Market Value and 15% of the full replacement cost as the disturbance allowance to cater for the cost of transportation and labour during removal of the structures). (market value of new material to re-establish the respective structure) • 3 months notice to the PAPs of intention to use the site • In-kind compensation to the PAPs where a similar structure is constructed for them away from the pipeline easement.
Loss of Income	Business operators	<ul style="list-style-type: none"> • Cash compensation based on a calculated average loss of income over an appropriate period of 3 months. • Professional Financial Management Training of the PAPs to enhance utilisation of compensation money in a bid to improve their livelihood • Continuous Sensitization of PAPs on available compensation options and livelihood restoration measures • 3 months' notice to the PAPs of intention to use the site
Other	Vulnerable PAPs (PAPs without right of tenure to the land they occupy and losing residential structures)	<ul style="list-style-type: none"> • Targeted and localized house-to-house or group sensitization for the vulnerable PAPs households during pre-payment consultations • Priority consideration in processing compensation payments and specialized assistance to vulnerable PAPs in explaining and filling out compensation payment forms. • Assistance in reconstruction of structures. • recommend for enrolment to government social programme such as the 'Inua Jamii' 70 years and above cash transfer programme for elderly PAPs

6.8 VALUATION METHODOLOGY

The method adopted for this RAP was the Gross Replacement Value Method (GRVM) that evaluates the current cost of replacing an asset. The approach entails measurement of the improvements (buildings, structures) to which the appropriate construction costs are applied, resulting in the new replacement (or reproduction) cost. An addition of 15% is added to the

³ The entitlement matrix has proposed extra category of losses that are not necessarily affected in this RAP. However, the categories are provided as a guide so that in the event of such losses, the entitlements provided will apply.

value of structures as statutory allowance to cater for disturbance. This method is consistent with the replacement cost method.

6.8.1 Structures Valuation

Some of affected assets are temporal structures and others are permanent made from iron sheets roofing, coral masonry stones for walling and paved or tiled floor. Therefore, in valuing the structures, that is, the cost of replicating a similar structure at the current cost/rate of construction per square foot, the rates given was approximately Ksh. 1000 to 2000 for residential structures were adopted.

Masonry Wall Kshs. 5,000 rate per foot per length and Galvanized iron for roofing Kshs. 800 was adopted.

6.8.2 Livelihood and loss of Business

The Socio-Economic survey involving all the households identified that majority of the six (6) PAPs were engaged in small scale business. Therefore, to ensure adequate compensation for potential loss of income streams, PAPs will be compensated for average loss of income calculated over a period of 3 months. This duration is the estimated time taken by the contractor to excavate the pipe trench, install, test the water pipe and reinstate the site.

7 GRIEVANCE REDRESS MECHANISM

7.1 GRIEVANCE PROCEDURE AND RATIONALE

This section describes the procedure and mechanism through which PAPs or community members will be able to report, make, place/ lodge or express a grievance against the Project and its staff or contractors as part of the Resettlement Action Plan (RAP) implementation. It also describes the roles and responsibilities of different structures in resolving grievances.

The aim and purpose of this system is to make the grievance handling procedures accessible, prompt and affordable to the PAPs given the generally low values of some of the properties to be affected, and also provide an alternative to the costly and time-consuming formal court procedures for handling grievances and disputes.

The objective of the grievance handling systems and procedure is to establish for the PAPs mechanism for raising complaints related to compensation for loss of structures and other livelihood properties and assets and having such complaints resolved as amicably as possible through acceptable and binding corrective actions. This grievance management system will be in place throughout the Project construction period, including the exit period.

During the PAPs sensitisation meeting they were sensitised to form a community grievance committee. This committee will be formed during implementation of the project.

Grievance Redress Mechanism for Project is proposed for 3 tier arrangement, as follows:

- The first tier will allow for amicable review and settlement of the grievance at the Project site level;
- The second tier will involve a mediation committee in case the grievance cannot be solved at the first tier; and
- The third tier will be the option of allowing the grieved party to seek redress in a Court of Law.

7.2 GRIEVANCE REDRESS MECHANISM

This RAP establishes that the Project Implementation Team at CWWDA will form a Grievance Redress Committee (GRM) with the affected locations. Further that there will be a RAP implementation Committee. The RIC committee will be drawn from CWWDA, it will comprise of an Environmental & Social Safeguards Specialist and a Project Engineer, assisted by Land Surveyors and Land Valuers.

This RAP has an enhanced framework of GRM through the following three-tier Grievance Mechanism:

- (i) Sub Location Grievance Redress Committees (SGRC)

It is desirable to resolve all the grievances at the community level to the greatest extent possible. The community or community level grievance mechanism must be credible and generally acceptable. The grievance redress mechanism will aim to solve disputes at the earliest possible time in the interest of all parties concerned.

The committee will comprise of 2nr Community Elders, 1nr Women's Representative, 1nr Youth Representative, 1nr Representative of Vulnerable Groups and Location Chief who chairs the Committee. The Committee in addressing construction-related grievances will give opportunity to the local communities and the public to express any grievances related to Project.

(ii) Mediation Committees

The mediation committee will be constitute seven members and must have a quorum of at least three persons during the mediation. Decisions will be reached by simple majority. The Grievance Committee should be constituted for as long as grievances are being lodged.

This committee is made up of the below listed persons.

- One representative of the Administration; - National Government (Assistant County Commissioner).
- One representative of National Administration; - Local Chief.
- One representative of CWWDA acting as an observer.
- Three representatives of the affected people, amongst them at least one woman. These representatives will be chosen from community-based organizations, elders, traders, etc.
- Relevant road authority representative i.e., Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KeRRA) or Kenya National Highways Authority (KeNHA).
- In case the grievance is not resolved at first tier, the SGRC handling resettlement-related grievances will be enjoined by the Resettlement Implementation Committee (RIC) from CWWDA.

(iii) Courts of Law

If complainants are not satisfied by the decision of the first two tiers of the Grievance Mechanism, they can seek redress from the Courts of Law.

7.3 PROCEDURE OF RECEIVING AND RESOLUTION OF COMPLAINTS

7.3.1 Step 1: Receipt of Complaint/Grievance

A verbal or written complaint from a PAP or community member will be received by the Grievance Officer (GO) on behalf of the Grievance Committee. **Table 13** below defines the roles of the GO or an assigned Contract Officer in a given administrative

jurisdiction/authority near to community level where grievances are received and recorded, and a copy delivered to the offices of the contractor and MOWASSCO Project Coordinating Office.

7.3.1.1 Role of a grievance officer

Table 13: The role of grievance officer

A Grievance Officer (GO), who will be a member of the Sub Location Grievance Redress Committee (SGRC) appointed by members of the committee. Principal responsibilities of the GO will include:

- Recording the grievances in the grievance log, both written and oral, of the affected people, categorising and prioritising them and providing solutions within a specified time period.
- Discussing grievances on a regular basis with the SGRC and coming up with decisions/actions regarding issues that can be resolved at that level.
- Informing the SGRC of serious cases within an appropriate time frame.
- Reporting to the aggrieved parties about developments regarding their grievances and the decisions of the SGRC and mediation committee.
- Providing inputs into the monitoring and evaluation process.

The grievance team will hold meetings at site level, Grievances will be received by a contact person who would then hand over the received complaints to the GO, for entering the grievance log.

The Grievance Log will indicate grievances, date opened/lodged, actions taken to address or reasons why the grievance was not acted upon (e.g. the grievance was not related to the resettlement process), information provided to complainant and date on which the grievance was closed.

Grievances can be lodged at any time directly to the GO. The process of lodging complaints is outlined below:

- a. The GO will receive a complaint from the complainant.
- b. The GO will ask the complainant questions in their local language, write the answers in English and enter them in English onto the grievance form.
- c. The local leader (representative of an independent local civil society organisation) and the complainant both sign the grievance form after they have both confirmed the accuracy of the grievance.
- d. The GO lodges the complaint in the Grievance Log.

7.3.2 Step 2: Determination of Corrective Action

If in their judgment, the grievance can be solved at this stage, the GO and SGRC will determine a corrective action in consultation with the aggrieved person. A description of the

action, the time frame within which the action is to take place, and the party charged with implementing the action will be recorded in the grievance data base.

Grievances will be resolved, and the status reported back to complainants within 30days. If more time is required, this will be clearly communicated in advance to the aggrieved person. In cases that are not resolved within the stipulated time, site investigations will be undertaken, and results discussed in the monthly meetings with the affected persons. In some instances, it may be appropriate to appoint independent third parties to undertake the investigations.

7.3.3 Step 3: Meeting with the Complainant

The proposed corrective action and the time frame in which it is to be implemented will be discussed with the complainant within 30 days of receipt of the grievance. If no agreement is achieved, Step 2 will be revisited.

7.3.4 Step 4: Implementation of Corrective Action

Agreed corrective actions will be undertaken by the project developer or its Contractors within the agreed time frame. The date of the completed action will be recorded in the grievance database.

7.3.5 Step 5: Verification of Corrective Action

To verify satisfaction, the aggrieved person will be approached by the GO and SGRC to verify that the corrective action has been implemented. A signature of the complainant will be obtained and recorded in the log and/or on the consent form (see Step 1). If the complainant is not satisfied with the outcome of the corrective action, additional steps may be undertaken to reach agreement between the parties. If additional corrective action is not possible alternative avenues maybe pursued.

7.3.6 Step 6: Action by Grievance and Resettlement Committee

If the complainant remains dissatisfied and a satisfactory resolution cannot be reached, the complaint will be handled by the Mediation Committee.

This committee is made up of the below listed persons.

- One representative of the Administration; - National Government (Assistant County Commissioner);
- One representative of National Administration; - Local Chief;
- One representative of CWWDA acting as an observer;
- Three representatives of the affected people, amongst them at least one woman. These representatives will be chosen from community-based organizations, elders, traders, etc; and

- Relevant road authority representative i.e., Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KeRRA) or Kenya National Highways Authority (KeNHA).

This committee must have a quorum of at least three persons. Decisions will be reached by simple majority. The Grievance Committee should be constituted for as long as grievances are being lodged.

Once the Mediation Committee has determined its approach to the lodged grievance, this will be communicated to the GO, who will communicate this to the complainant. If satisfied, the complainant signs to acknowledge that the issue has been resolved satisfactorily. If the complainant is not satisfied, however, the complainant notes the outstanding issues, which may be re-lodged with the Grievance Committee or the complainant may proceed with judicial proceedings.

7.3.7 Step 7: Alternative Action/Judicial Recourse

In case the grievances are not resolved at the mediation committee level then the complainant is free to seek redress in a Court of Law at any given time.

7.3.8 Capacity-Building for the Grievance Officer and Grievance Redress Committees

It will be important for the GO to be appointed based on his/her experience and training in conflict resolution through mediation and reconciliation. It will also be important for the GO to have sufficient skills in data management, including data entry, data analysis and storage. This notwithstanding, it will be important that steps are taken to orient and build the capacity of the GO as part of the Project Implementation Team in conflict resolution procedures, such as mediation and reconciliation, and other management areas such as record-keeping, report-writing and ICT equipment management.

The Grievance Redress Committee members will also need to be oriented to the grievance management system suggested in the RAP. The capacities of the Grievance Committee members will also need to be built around issues of conflict identification, conflict information analysis and conflict resolution as provided for in the land legislation.

7.4 OTHER ALTERNATIVES

The other alternative recourse suggested as a measure of last resort is for the complainant to seek redress in formal Courts of Law. The constitution establishes the Land and Environment Court (High Court) and empowers this Court to determine disputes relating to the amount of compensation to be paid for land acquired compulsorily in public interest.

Figure 11 provides an illustration of Grievance redress flow chart discussed in the above Sub-section

7.5 MANAGEMENT OF OTHER SOCIAL SAFEGUARDS GRIEVANCES

The section below discusses approaches to address grievances that may rise from Gender Based Violence, Sexual Exploitation Abuse and Harassment and Violence against Children in the proposed project area during implementation.

Managing any sexual abuse related cases in the project will require a multifaceted approach that prioritizes prevention, education, and immediate, appropriate responses when incidents occur. The RAP therefore has proposed the below strategies:

- a) **Prevention Training:** Conducting mandatory training programs for all workers, community and project supervisors to recognize, prevent, and report sexual harassment and abuse. This should include information on what constitutes harassment, how to respond if they witness or experience it, and the consequences for engaging in such behaviour.
- b) **Clear Policies and Procedures:** Developing and enforcing clear policies and procedures regarding sexual harassment and abuse, including a zero-tolerance policy. Ensuring that these policies are communicated effectively to all workers and subcontractors, and provide avenues for reporting incidents confidentially.,
- c) **Promote Reporting Culture:** Creating a culture where victims feel safe and supported when reporting incidents of sexual harassment or abuse. Assure confidentiality and non-retaliation for those who come forward. Establish multiple reporting channels, including anonymous options if possible.
- d) **Thorough Investigations:** Take all reports of sexual harassment or abuse seriously and conduct prompt and thorough investigations. Designate trained personnel to handle complaints impartially and ensure that investigations are fair, objective, and transparent.
- e) **Accountability and Disciplinary Action:** Hold perpetrators of sexual harassment or abuse accountable for their actions through appropriate disciplinary measures, up to and including termination. Consistently enforce consequences to send a strong message that such behaviour will not be tolerated.
- f) **Support for Victims:** The Project to provide support services for victims, including access to counselling, legal assistance, and medical care if needed. Ensure that victims are protected from further harm and harassment during and after the investigation process.
- g) **Community Engagement:** Partnering with community organizations, advocacy groups, and law enforcement agencies to address systemic issues related to sexual harassment and abuse in the construction industry. Collaborate on prevention campaigns and initiatives to raise awareness and promote positive cultural change.
- h) **Regular Reviews and Updates:** Regularly review and update policies and procedures in response to changing laws, regulations, and best practices. Solicit feedback from workers and stakeholders to identify areas for improvement and ensure that your approach remains effective over time.

By implementing these strategies, the project will create a safer and more respectful work environments where all workers and community can thrive without fear of harassment or abuse.

In addition, the RAP recommends the implementer to develop supplementary social safeguard tools such as the Code of Conduct, Child Protection Strategy, Grievance Redress Mechanism Plan that includes how issues of GBV and Sexual Abuse and Harassment will be addressed.

NOTE: Further reporting of this grievances will follow the process detailed in **Section 7.3** above. It is worth noting that sexual offences in Kenya are considered criminal hence the victim will be guided to report the incident to the gender desk at the nearest police station for further investigation and resolution. The project team / GO will similarly follow up with the case for closure.

7.6 MONITORING AND EVALUATION OF THE GRM

Developing a robust Monitoring and Evaluation (M&E) framework for grievances in the project involves establishing clear objectives, defining key performance indicators (KPIs), determining data collection methods, analysing data, and using findings to improve grievance handling processes.

The objective of monitoring is to ensure that the design and implementation of the complaints and grievances mechanism adequately responds to the stakeholders' needs in a cost-effective manner. The designated offices will receive and process complaints and grievances throughout the project cycle. Lessons learned throughout the process of handling grievances and complaints can help ensure continuous improvement of the project operations.

Table 14 illustrates the recommended monitoring and evaluation of grievances & complaints handling procedures.

Table 14: GRM Monitoring and Evaluation Indicators

No.	GRM Procedure	Key Indicators	Means of Verification (MOV)	Timelines
1.	Receiving Complaints via GO or Project Team Records of Complaints: written complaints received through remote-access methods	Details of the complaint dates when, where, how the grievance was received and recorded. Responsible Evidence, supporting documents and statements. Documented complainant's story and expectations	Grievance Log/Matrix/Table. Paper grievance files electronic files (e.g., spreadsheets) Anonymously or through third parties' records Social media and short electronic texts (SMS) records. Record (File Number) of registered complaints or Grievances per case.	1 day
2.	Case file tracking and Investigations	Investigations - response time per recorded complaint. Percentage of true/false claims Complaints and	A detailed file is established	7 days

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

No.	GRM Procedure	Key Indicators	Means of Verification (MOV)	Timelines
		grievances Screening and reviewing records Validation and investigation results		
3.	Resolution of complaints & Grievances; Outcome and response to complainant(s) and complaints.	Recorded Turn-around time taken to resolve the complaints and grievances Document reported on How, when, and by whom a decision was communicated to. Closure date. Confirmation report that the complainant or grievant was satisfied. Management actions to avoid recurrence.	GRM reports on monthly or quarterly basis and annual reports	7 or 14 days depending with the level of grievance. Continuous monitoring as per the project cycle.
4.	Issue acceptance of a complaint/grievance and offer remedy	Confirmation report that the complainant or grievant was satisfied. Management actions to avoid recurrence.	GRM reports on monthly or quarterly basis and annual reports. Signed Grievance form that the issue has been resolved and grievant is satisfied	14 days
5.	Grievance / Complaint closure and settlement	Confirmation report that the complainant or grievant was satisfied.	GRM reports on monthly or quarterly basis and annual reports.	30 days

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

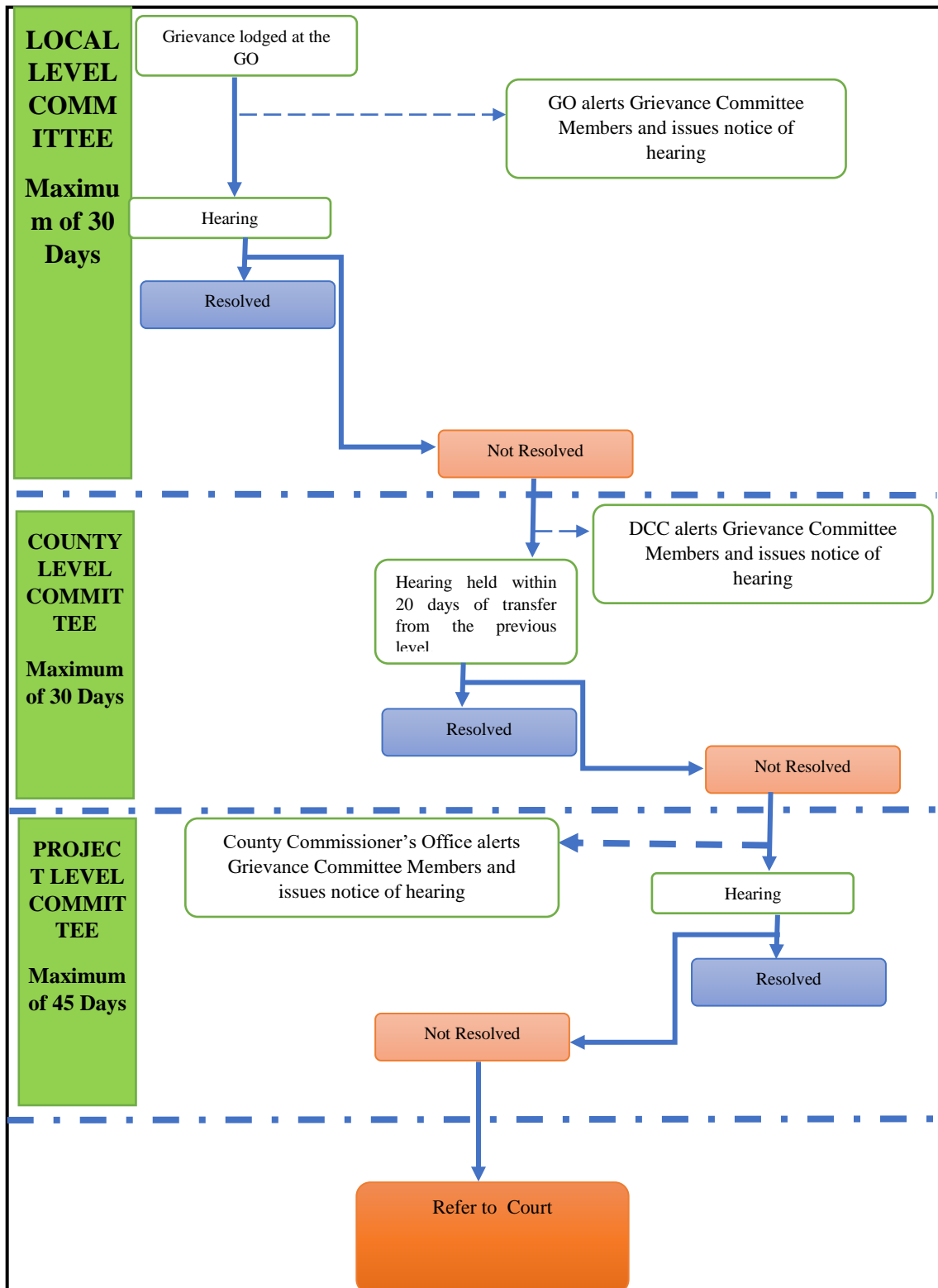


Figure 11: Grievance Redress Flow Chart

8 RESETTLEMENT ACTION PLAN IMPLEMENTATION ARRANGEMENTS

8.1 RESETTLEMENT IMPLEMENTATION PRINCIPLES

The main objective of resettlement and compensation is to ensure that the PAPs get fair and prompt compensation. In this way it is expected that their income, production capacity and standard of living will be improved, or at least restored to their former levels. The guiding principles for the implementation of the RAP will be as follows:

- (i) Resettlement or relocation has been minimised by taking into consideration all possible alternative measures;
- (ii) Compensation will be paid before Project Works commence in a specific Project area and in a manner that does not curtail the livelihoods of the PAPs in terms of access and utilisation of such compensation;
- (iii) The compensation values awarded will be fair enough to restore the livelihoods of PAPs;
- (iv) The compensation awards will be paid out according to the preference of the PAPs;
- (v) All other activities related to the RAP will be communicated in advance to the PAPs using the preferred channels of communication;
- (vi) Where grievances arise, the respective PAPs will be given an opportunity to be heard, fairly and promptly;
- (vii) Measures will be taken to ensure that vulnerable groups get special assistance and support; and where spousal and children consent is needed, the provision will be enforced; and
- (viii) A statutory disturbance allowance of 15 percent of the compensation value will also be included.

8.2 RESETTLEMENT IMPLEMENTATION ARRANGEMENTS

8.2.1 RAP Implementation Unit (RIU)

All PAPs will be compensated before their structures are demolished, implying that compensation will be paid before project works start at a specific site/in a specific area as per the contractor's work schedule.

CWWDA will be the lead agency in the RAP implementation and will work together with the County and National Governments to implement the RAP. CWWDA has an Environmental and Social Unit (ESIU), which oversees all RAP processes.

In this project, CWWDA will establish a RAP Implementation Unit (RIU), to implement this RAP. The unit will be responsible for ensuring that PAPs promptly access their compensation

entitlements and that their livelihoods are restored after resettlement.

The RAP implementation team will be responsible for:

- i. Delivery of the RAP compensation and rehabilitation measures; and
- ii. Appropriate coordination between the agencies and jurisdictions involved in the RAP implementation.

8.2.2 RAP Implementation Unit Structure

The RIU will comprise a core unit responsible for day-to-day operations and technical support staff.

The composition of the core unit will be as follows:

- An implementation team that will have the following members of staff:
- Implementation Manager (1); CWWDA Technical Manager
- Implementation Officer (1); CWWDA Social Specialist
- Monitoring Officer (1); CWWDA M&E Specialist
- Administrators (3); one of the administrators can be the designate GO.

Other Technical staff will include:

- Valuer (1);
- Independent civil society organization/ NGO representative (1);
- National Government Representatives (chiefs); and
- Representative of the PAPS in the affected sites.

Table 15 shows the various institutions and their role in the implementation of the RAP

Table 15: Institutional Roles in RAP Implementation

Name of Institution	Role of Institution
African Development Bank (AfDB)	<ul style="list-style-type: none">• To guide bank staff and borrowers in the identification, assessment, and management of involuntary resettlement associated with bank-financed projects.• To support the PIU in sustainable implementation of the project's environmental and Social Operational Safeguards.
Ministry of Finance and Treasury	<ul style="list-style-type: none">• Financial management on behalf of the Borrower (GoK)• Provision of compensation claims by PAPS
Ministry of Water and Irrigation	<ul style="list-style-type: none">• Will be an overall implementing agency.• Central agency responsible for holding all information on the RAP.• Mobilization of financial resources from

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

Name of Institution	Role of Institution
	Government/ County Governments for resettlement and compensation purposes of the approved RAP.
Ministry of Interior & National Coordination	<ul style="list-style-type: none"> Assisting in verification of claims and provision of security during payment of compensation. Participation in RAPIC Participation in the grievance resolution mechanism.
County government of Mombasa	<ul style="list-style-type: none"> The county government has role in provision of available public services such as water and necessary permits and cess.
CWWDA, MOWASCO	<ul style="list-style-type: none"> Responsible for day-to-day coordination and implementation of the RAP Oversee the RAP consultant's work Seek approval from NLC for the acquisition of way leave. Work with the NLC to establish the GRC at the sub county level. Provide budget to NLC for compensation Make funding request from MOWI for RAP implementation and compensation through NLC. Ensure the grievance committees are established and working. Collect all the needed documentation for compensation as well as grievances and compiling them monitor the RAP implementation.
National Land Commission	<ul style="list-style-type: none"> Provide approval to request made by CWSB and MOWASCO to acquire wayleave. Notify landholders in writing of the intention to acquire way leave. Assist in resolving disputes related to compensation Undertake public consultation on intended acquisition with the help of GRC Receive money from MOWI for actual payment of entitlement awards to PAPs.
National Environment Management Authority (NEMA)	<ul style="list-style-type: none"> Provide approval of the ESIA report and issuing required licenses. Review and provide a NEMA license for the ESMP. Be part of the RAPIC and participate in

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

Name of Institution	Role of Institution
	<p>the resolution of grievances.</p> <ul style="list-style-type: none"> • Escalate unsolvable grievances to the tribunal.
Project Level Committee (PLC)	<ul style="list-style-type: none"> • Ensure effective flow of information between NLC and PAPs • Coordinate Locational Grievance Committees (LGCs), validate inventories of PAPs and affected assets; monitor the disbursement of compensation funds; guide and monitor the implementation of relocation • Coordinate activities between the various organizations involved in relocation; facilitate grievance and conflict resolution; 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. • Resolve disputes that may arise relating to resettlement process. If it is unable to resolve any such problems, will channel them through the appropriate formal grievance procedures laid out in this RAP. Assist with the livelihood restoration where feasible.
Locational level committee (LLC) / Local Grievance Committee	<ul style="list-style-type: none"> • Conduct 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 the effective working of RAP consultants in preparation and validation of the RAP • Resolve manageable disputes that may arise relating to resettlement and compensation process. If it is unable to resolve, help refer such grievances to the Project level Committee • Ensure that the concerns of vulnerable persons such as the disabled, widowed women, orphaned children affected by the project are addressed and included in the RAP.

Name of Institution	Role of Institution
Other Relevant Stakeholders such as KeNHA, KURA KeRRA, Kenya Power Survey of Kenya among others	<ul style="list-style-type: none"> • Provision of technical support in resettlement, including road reserve issues

8.2.3 CWWDA RAP Committee

The CWWDA RAP committee will oversee overall monitoring and evaluation of the resettlement process. The committee will comprise of Environmental and Social Safeguards Specialist, Land Surveyor, Accountant, Legal and Monitoring/ Evaluation Expert and Project Engineer, all drawn from the Project Coordinating Unit (PCU) that was established under the Consultancy Contract.

The committee will work with a representative of CWWDA and the Project Affected Persons (PAPs), the committees' roles are as follows:

- To ensure the list of all PAPs has been verified and documented in the PAPs register. The register shall have among other parameters the following:
 - The name of the person;
 - Type of loss (structure / Livelihood);
 - Identification number of the PAP;
 - Compensation Amount; and
 - Bank Details or M-Pesa details of the PAP.
- To verify the correctness of each PAP as stated in the register and ascertain that every identity card holder is correctly documented in the register.
- To develop an appropriate framework for delivering the compensation payments to the PAPs in line with government financial management regulations and as much as possible keeping in mind that most PAPs have no bank accounts. If an individual is absent during payment, the Compensation Committee will immediately communicate a new date of payment to such individual(s).
- On completion of the PAP Audit list, payments will be made according to locations and adequate information will be made available to all affected persons prior to payment. Such information will include: Dates and locations where payment will be made, List of eligible people, amount to be made Mode of payment, etc.

8.3 RAP IMPLEMENTATION SCHEDULE

The implementation schedule for this RAP covers the period from the finalization of the preparation of the RAP and its subsequent approval to the conclusion of the envisaged Project within CWDDA Project Area. This RAP is structured such that the procedures will be

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

phased to synchronize with the work program of the contractor. Phasing is done to eliminate cases of re-encroachment on the pipeline way leave by PAPs after compensation.

An outline of the proposed implementation schedule is as presented in **Table 16** below;

Table 16: RAP implementation schedule prepared for the Project.

Implementation period	Month1	Month 2	Month3	Month4	Month5	Month6	Month 7	Month 8
Activity								
RAP preparation, review & update								
RAP approval								
RAP Disclosure								
Formation of GRCs & training of the committees								
Grievance Redress								
Validation of asset ownership & values								
Compensation								
Training on Financial Management								
Notice to vacate (3-month notice)								
Continuous Monitoring and Evaluation								

8.4 BUDGET

The **Table 17** below represents the cost estimates for the implementation of the proposed Mombasa South Mainland Medium Term Water Distribution Works RAP including a 5% percent contingency item. In addition, a 5% per cent each for administration cost for the RAP implementation, GRM, Stakeholder awareness and sensitization financial management training, monitoring and evaluation has been considered. The overall estimated costs for RAP activities will be **19,576,057.74**.

PAPs will be paid their resettlement and compensation entitlements prior to the project works being carried out in the affected project sites. Monitoring the RAP implementation process (part of the role of the CWWDA internal Resettlement Implementation Unit (RIU)) and external evaluation of outcomes will be necessary in order to ensure the effectiveness and impact of the RAP.

Table 17: Summary of RAP cost South mainland Medium Term.

Description	Estimated Cost (Ksh)
Loss of Structures	14,689,114.45
Loss of Business	369,391.50
Sub Total 1(inclusive of 15% disturbance allowance)	15,058,505.95
Financial Management Training, Awareness raising and sensitization 5%	752,925.30
Training and Capacity Building for GRM 5%	752,925.30

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

Operational & Administrative Costs of RAP Committees 5%	752,925.30
Monitoring and Evaluation 5%	752,925.30
RAP Completion Report 5%	752,925.30
RAP Contingency 5%	752,925.30
Sub Total 2	4,517,551.79
TOTAL RAP COSTS	19,576,057.74

***Note:** It should be noted that the socio-economic conditions of the project area change and this will definitely impact the future project implementation costs.*

9 MONITORING AND EVALUATION

9.1 BACKGROUND

The PIC will be required to monitor and report on the effectiveness of RAP implementation, including the physical progress of its resettlement and rehabilitation activities, the disbursement of compensation, the effectiveness of public consultation and participation activities and the sustainability of the Project's livelihood restoration and development efforts. Inspections and audits will be used, where relevant, to verify compliance and progress toward the desired outcomes.

Qualified and experienced external experts will be retained to verify the Project's monitoring information. Finally, the Project will document monitoring results, implement corrective and preventive actions where necessary and follow up on these actions to ensure their effectiveness.

Monitoring and Evaluation (M&E) involves the development of a system through which information regarding resettlement activities of PAPs is analyzed by the implementing agency or other tasked independent monitors to ensure objectivity and success of the whole RAP process. RAP monitoring helps to evaluate the success of resettlement through the study of specific performance indicators for a reasonable period of time after the resettlement activities have been completed.

A monitoring plan will include both internal and external monitoring. There will be a three-tier process which will include internal field monitoring by the Resettlement Steering Committee and/or the Social Safeguard Specialist as well as the overall monitoring by the PAP Committee and CWWDA.

The monitoring framework will also offer a schedule on which monitoring will be conducted and this will run for a minimum of three months after completion of the RAP process. The monitoring and evaluation process will check to ensure that compensation is done in the right manner and that all eligible PAPs are adequately compensated according to the compensation procedures and market rates in this RAP.

A list of performance indicators which will be tabled include:

- Input indicators e.g., sources and amounts of funding for various RAP activities
- Output indicators that concern activities and services which are produced with the
- Inputs e.g., payment of compensation for loss of property
- Public participation indicators e.g., creation of Resettlement Implementation Committee.

9.2 MONITORING PLAN

Monitoring will be initiated at an early stage in the resettlement process and will continue for approximately two years but, during this period, the intensity of the process will vary. For example, before and immediately after the physical move, monitoring will be fairly intense, while one year later the frequency of the monitoring will have reduced. The Project's monitoring plan will have three key components; namely:

- Performance monitoring;
- Internal monitoring; and;
- External Monitoring

These three components will constitute two parallel aspects:

9.2.1 Performance Monitoring

Once the PAPs have received their compensation or have been rebuild, the focus of the social safeguards team will be to promote income generation for those PAPs whose businesses were affected and monitor the new livelihood patterns are sustainable and assessing how the income generating interventions are impacting on the living standards. To achieve compliance with the targets, it will be necessary to establish benchmarks upon which the success rate is measured.

9.2.1 Internal Monitoring

The internal monitoring consists of performance monitoring and impact monitoring, operated by the Project

It is the responsibility of the PAP Committee and Resettlement Committee to conduct regular internal monitoring of the resettlement performance indicators and to correct where necessary. The monitoring should be a systematic evaluation of the activities of the operation in relation to the specified criteria of the condition of approval.

In undertaking the same, Project Implementation Unit will be responsible for implementing resettlement and compensation activities and it will therefore be their responsibility to undertake regular internal monitoring of the process.

The objective of internal monitoring and supervision will be:

- To verify that the valuation of assets lost or damaged, and the provision of compensation, resettlement and other rehabilitation entitlements, has been carried out in accordance with the resettlement policies provided by the GOK, and AfDB.
- To oversee that the RAP is implemented as designed and approved;
- To verify that funds for implementation of the RAP are provided by the Project authorities in a timely manner and in amounts sufficient for their purposes, and that such funds are used in accordance with the provisions of the RAP. The main internal indicators which will be monitored regularly will include:
 - ✓ Entitlements monitoring-This evaluates the status of entitlement and ensures that they are in accordance with the approved policy and that the assessment of compensation is carried out in accordance with agreed procedures;

- ✓ Payment of compensation to the PAPs in the various categories is made in accordance with the level of compensation described in the RAP;
- ✓ Public information and public consultation and grievance procedures are followed as described in the RAP;
- ✓ Restoration of affected public facilities and infrastructure are completed prior to construction.

9.2.2 External Monitoring

It will be imperative to involve an external M&E specialist for the project to meet the accountability and transparency criteria. The external monitoring will purposely validate the work done by the RPIC monitoring to ascertain that the targets are met and the objectives of the RAP are adhered to. The specialist will particularly review the implementation of the payment of loss of structures, business and disruption of livelihoods. It will be important for the exercise to be carried out during and after the life of the project. However, it may require more frequency (maybe quarterly) to ensure there is no lapse in the follow-up on implementation of the resettlement goals and that no grievances are overlooked. The RAP has provided a budget to facilitate the external specialist and his team to carry out their assignment effectively.

The PAPs will be effectively involved and informed through participatory meetings in the evaluation exercise.

9.2.3 Monitoring and Evaluation Indicators

These will include primarily the activities and the entitlements due for the project affected people.

These include among others:

- Frequency and number of consultations held with various stakeholders; parties engaged in grievance redress and participating in the project such as Civil Society groups;
- Grievances filed by the PAPs and nature of the grievances including the time it has taken to resolve them
- Procedures in the operations such as asset verification and valuation procedures including effectiveness of compensation delivery system;
- Number of land parcels, structures, businesses, livelihoods and the affected persons and amount of compensation proceeds released to the target group;
- Number of assets compensated and the amounts paid out to the individuals and public facilities restored;
- Number and category of people paid their compensation and rehabilitated including vulnerable groups receiving assistance;
- The growth in the number of settlements, market areas and the change in standard of living of the displaced persons.

The following indicators are proposed for this RAP

Table 18: Monitoring and Evaluation Indicators:

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

1. Process Indicators	
Project input, stakeholder participation and monitoring	Adequacy of compensation budget
	Causes of administrative cost overruns and / or shortfalls
	Existence of an adequately staffed RAP implementation committees
	Availability of resources for RAP implementation committees
	Existence of a grievance resolution mechanism
	Availability of resources for Grievance Mechanism
	Existence of Monitoring and Evaluation Systems
	Existence of monthly monitoring and quarterly audit reports
	Adequacy of resources for implementation staff
	PAPs/E involvement in RAP implementation processes such as disclosure, grievance resolution, monitoring and evaluation activities
	Level of inter-departmental and inter-agency support in resettlement processes
	Existence of records on corrective actions and lessons learnt thereof
2. Output indicators	
Delivery of entitlements, relocation and rehabilitation	Amount of compensation disbursed
	Number of houses and business structures relocated and assisted
	Progress of compensation payment and relocation of PAPs vis a vis construction program
	Impacts of deviation from resettlement program to the construction program
	Adequacy of capacity building initiatives for resettlement implementation actors
	Efficacy of inter-agency coordination mechanisms
	Efficacy of the Grievance Resolution Mechanism
	Perceptions of stakeholders toward the Grievance Resolution Mechanism
3. Impact Indicators	
Long term impacts	Restoration of pre-displacement income levels
	Efficacy of livelihood restoration measures
	Level of security of tenure at resettlement sites (temporary occupation licenses, leases etc)

9.3 RESETTLEMENT COMPLETION AUDIT

The purpose of the Resettlement Completion Audit is to verify that the resettlement process has complied with resettlement commitments defined by the RAP. Reference document for the Completion Audit will be this RAP Report.

The Resettlement Completion Audit will have following specific objectives:

- Assessment of compliance of implementation with laws, regulations and safeguard policies;
- Assessment of the fairness, adequacy and promptness of the compensation and resettlement procedures as implemented;
- Evaluation of the impact of the compensation and resettlement program on livelihood restoration, measured through incomes and standards of living, with an emphasis on the “no worse-off if not better-off” requirement; and

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

- Identification of potential corrective actions necessary to mitigate the negative impacts of the program, if any, and to enhance its positive impacts.

The Resettlement Completion Audit will be based on documents and materials generated by internal and external monitoring. In addition, sub consultant will make their own assessments, surveys and interviews in the field and with Project Affected Persons.

Table 19: RAP Monitoring Plan

Activity	Type of Information	Source of Information	Responsibility	Frequency
Performance monitoring	Measurement of inputs indicators against proposed timetable and budget	Monthly or quarterly narrative reports	Project Sponsor	Semi-annually or annually
Internal Monitoring	Measurement of RAP monitoring indicators against the implementation schedule	Monthly or quarterly narrative status and Financial Reports	CWWDA/ Project Implementation Team	Semi-annual/annual as required by the Proponent CWWDA/ MOWASCO
Impact Monitoring	Assessment of PAP satisfaction compensation of the affected assets and livelihood sources	Quarterly or semi-annual quantitative and qualitative surveys Regular public meetings and other consultation with people affected by the Project; review of grievance mechanism outputs	Project resettlement unit or contracted external Monitoring Agency	Annual or more frequently as required by the Proponent CWWDA/ MOWASCO
Completion Audit	Measure output indicators such as livelihood restoration and development Adaptation strategies	External assessment/ sign off report on performance and impact monitoring reports, consultation with PAP,	Contract external agency	On completion of RAP schedule as agreed by parties involved.

10 CONCLUSION AND COMMITMENTS

10.1 Conclusion

The Resettlement Action Plan (RAP) identified that implementation of the proposed improvement of Water Distribution Network within Mombasa South Mainland will result in destruction/damage of structures used for business belonging to private individuals. However, loss of land will not be triggered under this Project.

The proposed pipelines alignments lie within existing road reserves and wayleaves belonging to roads Authorities i.e., Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KeRRA) or Kenya National Highways Authority (KeNHA). Therefore, no land will be acquired since the PAPs are occupying the land informally.

The total number of Project Affected Persons (PAPs) along the proposed water main routes is No.42 PAPs in the medium-term category(2B) PAPs. All the PAPs assets that will be affected by the implementation of the project have been included in the asset register and PAPs signed individual agreement form.



10.1.1 RAP Provisions

To ensure smooth implementation of the Proposed Project, the below listed provision will be undertaken by CWWDA.

- CWWDA will provide adequate notice to the PAPs for them to salvage and relocate their assets.
- To minimise grievances. CWWDA will not only follow the full replacement cost for compensation but hold comprehensive consultation and negotiations with the PAPs.
- CWWDA will ensure all the No.42 PAPs are compensated prior to laying of the water lines. The RAP provides for phasing of compensation depending on the water lines that are ready for construction. This approach will eliminate the risk of PAPs re-encroaching on water lines after compensation.

APPENDIX A – PUBLIC PARTICIPATION MINUTES, ATTENDANCE LIST AND NOTIFICATION

Minutes for the meeting held in Shika Adabu Location

Minutes for the meeting held in Shika Adabu Location			
CONSULTANCY SERVICES FOR PREPARATION OF FINAL ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) STUDIES / AND FINAL ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP) / FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM IN LIKONI SUB-COUNTY.			
CONSULTANT		CLIENT	
 FRANCIS ALLEN CONSULTING		 COAST WATER WORKS DEVELOPMENT AGENCY	
Venue: Shika Adabu Location Chief's Camp	Date: 22 nd March 2024	Time: 3:00PM	Version: 01

PARTICIPANTS PRESENT:

As per the attached attendance sheet.

AGENDA

1. Prayers and introductions
2. Project Description
3. Discussion on the ESIA and RAP Process
4. Question and Answer
5. Way forward/ A.O.B

1. INTRODUCTION AND PRELIMINARIES:

The meeting was brought to order by the area Chief Mr. Mohamed at 11:00 am and all participants self-introduced themselves. The Client Representative Mr. Hajj and the Consultant Sociologist highlighted the agenda of the meeting.

2. PROJECT DESCRIPTION:

Coast Water Works Development Agency (Client) proposes to expand the existing water supplies within Mombasa City and specifically Likoni Sub County, through funding from African Development Bank (AfDB).

The main Locations which are targeted are Timbwani, Shika Adabu and Mbuta Locations, both in Likoni Sub County. The water supply which will be fresh drinking water (maji safi /Marere) will be abstracted from the Mwache Dam through gravity to Dogo Kundu and later pumped to No.4 water tanks in Mazeras and thereafter distributed to the different areas. The project will commence once the proposed Dam fills up and in the meantime the pipeline network which has been identified will need to be designed and all assets within the corridor identified.

The project is categorized into short term and medium term depending on the urgency of implementation. The pipelines will follow existing rights-of-way on the road reserves that will results to destructions of assets such as business stalls, GCI sheet kiosks, verandah and chain-link fence.

Further, Francis Allen Consulting Limited was mandated to carry out ESIA and RAP activities in the project affected area. The client has identified a consultant to undertake the assets which will be impacted negatively and with that cost estimated will be derived.



3. DISCUSSION ON THE ESIA AND RAP PROCESS

ESIA and RAP Processes, issues of Resettlement, relocation, compensation, environmental and social issues, gender among others were explained to the participants.

The community were informed that the consultant will walking around the pipeline routes assessing and identifying likely assets which will impacted. The consultant will be accompanied by a village elder and carry out valuation of these assets in the presence of the owner, a witness or PAP representative. The community members were informed to give consent to inspect the property, take photographs, provide

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RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

Minutes for the meeting held in Shika Adabu Location			
CONSULTANCY SERVICES FOR PREPARATION OF FINAL ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) STUDIES / AND FINAL ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP) / FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM IN LIKONI SUB- COUNTY.			
CONSULTANT		CLIENT	
 FRANCIS ALLEN CONSULTING <small>Providing Sustainable Solutions</small>			
Venue: Shika Adabu Location Chief's Camp	Date: 22 nd March 2024	Time: 3:00PM	Version: 01

details such as name, phone, identification number and accent their signatures to the Individual Agreement Form.

Community members were informed that the cut - off will on the day census and valuation will be undertaken which was the 24th of March 2024.

4. QUESTIONS AND ANSWER

The community members present were urged to give their views on the project, which they did a summary of the consultative issues and concerns are tabled below:

Issues Raised and Comments given:

Item	Issue raised	Response by client and consultant
Benefits of the Project	<ul style="list-style-type: none"> The community were supportive of the project in the area and they emphasized that the project to serve all. 	<ul style="list-style-type: none"> The Client Representative from CWWDA assured the Shika Adabu residents that the proposed water supply will serve people even beyond their area.
Employment Opportunities	<ul style="list-style-type: none"> The community enquired on the job opportunities the project would bring to the area 	<ul style="list-style-type: none"> The project will employ local people to do both manual and technical works were possible. Considerations will also be availed to locals as first priority as per the AfDB principle on local content.
Compensation	<ul style="list-style-type: none"> The community enquired on whether there would be compensation for structures and houses which might be affected during construction. 	<ul style="list-style-type: none"> Compensation will be done for every affected person as well as there will be a disturbance allowance of 15%. Crops will be valued by the Agricultural officer using market rate. Easement rights will be used to acquire land beyond the existing road reserve and where the remaining land is rendered useless there will be full acquisition. Owners of structures who have encroached the way leave will be given notice to remove their structures. Structures which will be within their rightful land will be valued and compensation awarded as per area affected. Interruption of business/livelihood will be compensated where feasible

List of participants- Shika Adabu Location

FRANCIS ALLEN CONSULTING
Real Development Solutions

CONSULTANCY SERVICES FOR PREPARATION OF FINAL ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) STUDIES / AND FINAL ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP) / FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM IN LIKONI SUB-COUNTY.

ESIA AND RAP PUBLIC PARTICIPATION CONSULTATION FORM

DATE: 22/03/2024

LOCATION: Shika Adabu

No.	NAME/INA	GENDER/ENJIA	LOCATION/KUJILI	ID NUMBER	TELEPHONE/NAME/AREYA SIMU	SIGNATURE
1	Juma Abdullahi Ligo	M	SHIKA ADABU Extension of existing			
2	Mwambi Al. Mwambi	M	SHIKA ADABU VYENJEANI	2204378	070281593	
3	Juma Al. Ligo	M	SHIKA ADABU BARRAKA MOMBASA	2223317		
4	Mwambi Al. Mwambi	M	SHIKA ADABU VYENJEANI	546602	0712921040	
5	Mwambi Al. Mwambi	M	SHIKA ADABU BARRAKA MOMBASA	220390	0713754960	
6	Mwambi Al. Mwambi	M	SHIKA ADABU VYENJEANI	16041254	072376340	
7	Darius Mwambi Al. Mwambi	M	SHIKA ADABU VYENJEANI	5429002	0723764443	
8	Robert Stephen Ochieng	M	SHIKA ADABU Extension of existing	22175006	0715119550	
9	HATISI FAKI	M	VYENJEANI	1768800	0720056132	



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ESIA AND RAP PUBLIC PARTICIPATION CONSULTATION FORM

DATE: 20/03/2024

LOCATION: Likoni, Mombasa

No.	NAME/RESIDENT	GENDER/SEX	LOCATION/VILLAGE	ID NUMBER	TELEPHONE/NUMBER	SIGNATURE
1	Kyandwa Tsokoe			2985714	0791385133	[Signature]
2	Rana Juma Mambwa	Male	Shikandoko	24942563	0726084470	[Signature]
3	SWALEH MOHAMMED KURESHI	Male	Shikandoko	1017359	0713843110	[Signature]
4	PERIS MUKHISI NGUMBA	Female	Shikandoko	32147205	011792540	[Signature]
5	ALI JUMA BEGA	Male	Mwawechhe	20918469	0727542083	[Signature]
6	JOEL SITEMA	Male	Shikandoko	30492054	0111785900	[Signature]
7	BERYL ANYANGO	Female	Mwawechhe	28568203	0716515647	[Signature]
8	TATUMA HAMADI	Female	Shikandoko	35504982	0795453281	[Signature]
9	PURIT MWEBERU	Female	Mwawechhe	878697164	0796556600	[Signature]



CONSULTANCY SERVICES FOR PREPARATION OF FINAL ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) STUDIES / AND FINAL ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP) / FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM IN LIKONI SUB-COUNTY.

ESIA AND RAP PUBLIC PARTICIPATION CONSULTATION FORM

DATE: 20/01/2024 LOCATION: CHUKA ZIRU

No.	NAME/JINA	GENDER /JINSIA	LOCATION/KUJI	ID NUMBER	TELEPHONE/NAME ARYA SIMU	SIGN /SAHI
1	ABDULA SALIM MUMANGANGA	M	SAKAPA-ADABU	27744082	0725713274	A-
2	HASSAN M. MWIRIPAMBA	M	SITILIPAMBA	10959591	0701959990	C-H
3	SHAKOMBO SATIM	M	S/ADABU	13419121	071263400	R
4	KHALID MUMWENZU	M	MWAMECHE	4605002	0718807385	BAU
5	BAKARI ABDALLA	M	VYE MANI		0711515836	BE
6	IDO BINDO	M	MWAMECHE	13629964	0722923702	BE
7	ABDULA K. KHARAS	M	MWAMECHE	846885	0731563306	CHW
8	MOHAMMEDI KASSIM	M	MWAMECHE	13195773	072741974	CHW
9	Abdulla Abdulla Kharafu	M	SHONDA	2185584	0773820363	BW



CONSULTANCY SERVICES FOR PREPARATION OF FINAL ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) STUDIES / AND FINAL ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP) / FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM IN LIKONI SUB-COUNTY.


ESIA AND RAP PUBLIC PARTICIPATION CONSULTATION FORM

DATE: 08/04/2024


LOCATION: SHIKA

No.	NAME/JINA	GENDER /JINSIA	LOCATION/KIBI	ID NUMBER	TELEPHONE/AMBA ARIYA SIMU	SIGN /SAHI
1	Idi Ibrahim Nyala	M	Shikamba JIVE NI	16105441	0729002200	[Signature]
2	Juma Omar Sudi	M	Mwafiche	27505030	0708585192	[Signature]
3	Hassa Tsuma Guo	M	Mwawele	14437507	0113240308	[Signature]
4	Ali M. Abdallah	M	Shikamba WITWENI	23669856	0708092240	[Signature]
5	Mgugu Mohamed M.	M	Shikamba	23196920	0726344695	[Signature]
6	Fusuf Ali Yessi	M	Shikamba	26268207	0111515402	[Signature]
7	Murudin Ibrahim	M	Shikamba	02413246	0744536522	[Signature]
8	Fatih Mnende	F	Francis Allen Kibanda	32346102	0714250733	[Signature]
9			ENVIRONMENT			

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.



ESIA
Environmental and Social Impact Assessment



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ESIA AND RAP PUBLIC PARTICIPATION CONSULTATION FORM

DATE: 23/03/2024..... LOCATION: CHIKARA, NDA.....

No.	NAME/JINA	GENDER /JINSIA	LOCATION/KUJITI	ID NUMBER	TELEPHONE/NAMBA ARI YA SIMU	SIGN /SAHI
1	Violet Kouranga	M	Chikara Wndor	A2071638	0735527677	
2	Idalah Mubera	F	Francis Allen Consulting	-	0720291814	
3	Haji Massa	M	CHWDA	9880973	0722379703	
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CONSULTANCY SERVICES FOR PREPARATION OF FINAL ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) STUDIES / AND FINAL ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP) / FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM IN LIKONI SUB-COUNTY.

ESIA AND RAP PUBLIC PARTICIPATION CONSULTATION FORM

DATE: 20/03/2024

LOCATION: Shika, Seme

No.	NAME/JINA	GENDER /JINSIA	LOCATION/KIHH	ID NUMBER	TELEPHONE/NAME ARI YA SIMU	SIGN/SABHI
1	MWANASHA KASSIM	F	USAMPA	5329954	0741228282	✓
2	MOHAMMED BAKARI	M	MWUWECHA	3721188	0114764951	✓
3	SALIM ABDULLAH TENGDA	M	Kibwundwani	26335707	0712668735	✓
4	Monamea Sara Ruvumani	M	Vinco	4550046	020789083	✓
5	ALI RIZIK ALIFAH	LOT	UJAHIA	3077762	071625463	✓
6	MOHAMED ABDALLA	M	SHONDA	38692684	0768175002	✓
7	MASUD ABDALLA	M	SHIKA ADABU	31313131	0735094808	✓
8	MOHAMED ABU KHAN	M	MWUWECHA	26143049	074444766	✓
9	Angus Peter	N		31120810	070876778	✓

Minutes for the meeting held in Tibwani Location

**RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR
MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.**

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.

List of participants- Tibwani



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ESIA AND RAP PUBLIC PARTICIPATION CONSULTATION FORM

DATE: 25/03/2024

LOCATION: Tibwani

No.	NAME/JINA	GENDER JINSIA	LOCATION/KILIFI	ID NUMBER	TELEPHONE/NAIRI ARI YA SIMU	SIGN/SABHI
1	Victor Koinange	Male	Coast water	4201638	0933587674	
2	Angelo Nasilo	Male	Tennies Pallen	31626510	070487188	
3	Haji Makena	MALE	CHW.DA	9850473	0722374703	
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ESIA AND RAP PUBLIC PARTICIPATION CONSULTATION FORM

DATE: 20/03/2024

LOCATION: TIMBUKANI

No.	NAME/JINA	GENDER JINSIA	LOCATION/KUJILI	ID NUMBER	TELEPHONE/NAMB AHI YA SIMU	SIGNATURE
1	R.S. Mwanangura	M	TONGE HAMMA	15195152	0701186515	[Signature]
2	Jusuf Hassan	M	MARIMA	209201554	07235586948	[Signature]
3	Mwanazizi Hamisi	F	MARIMA	5412845	0791788484	[Signature]
4	Benjamin Peter	F	KONG POLISI	11789404	0719469667	[Signature]
5	Fatuma Kombo	F	Timbukani	03093854	0703467171	[Signature]
6	Mwanangura Hamisi	F	Braail	5440016	0723655518	[Signature]
7	Helena Habangala	F	Duduz	23535715	0725262948	[Signature]
8	BENJAMIN OGATI	M	Timbukani	10468062	0717312585	[Signature]



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ESIA AND RAP PUBLIC PARTICIPATION CONSULTATION FORM

DATE: 22/01/2024

LOCATION: TIMBWAANI

No.	NAME/INA	GENDER /JINSA	LOCATION/KUJILI	ID NUMBER	TELEPHONE/NAMBARI YA SIMU	SIGN /SAHHI
1	MUULEWA SALIM YUGA	F	TIMBWAANI	113662444	0740357540	[Signature]
2	MILICENT AKINYI ALEX	F	TIMBWAANI	23303567	0702264072	[Signature]
3	Zaini Mwanagha	F	SHUKAABUABU	4628220	0720811362	[Signature]
4	ESHA KUBWA	F	TIMBWAANI	23738460	0706382920	[Signature]
5	CHABBA MEGAMERAMMERU	M	TIMBWAANI	2427244	0715458326	[Signature]
6	LUCY AKINYI BUYU	F	TIMBWAANI	33178605	0725498567	[Signature]
7	MUJANWAHA PARAD		TIMBWAANI	30899203	0769730092	[Signature]
8	REHMANA ALI MOHAMED	F	TIMBWAANI	32396717	071111857	[Signature]
9	MUJANWAHA ABIDRA	F	TIMBWAANI	24812282	0729364504	[Signature]




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ESIA AND RAP PUBLIC PARTICIPATION CONSULTATION FORM

DATE: 20/03/2024

LOCATION: TIMBWAN

No.	NAME/JINA	GENDER /JINSIA	LOCATION/KUJIB	ID NUMBER	TELEPHONE/NAHIBARIYA SIMU	SIGN /SAHIH
1	ABDUS AHTMANI	M	TIMBWAN	0654264	0720369620	
2	SWALEH H. MAKALO	M	TIMBWAN	16031627	0721150132	
3	Juma Bena	M	TIMBWAN	9873716	0722488118	
4	JUMANNE HENDI	M	TIMBWAN	3166758	0794335857	
5	Juma H. BOKO	M	TIMBWAN	1177879	0726680920	
6	FATUMA NUR.	F	TIMBWAN	4605973	0722682461	
7	SAUDU M. KADUNGO	F	TIMBWAN	21181525	0703512392	
8	NAWAP HONGI KITAP	F	TIMBWAN	13195474	0113976220	
9	HELEN KANDIRU	F	TIMBWAN	1164530	0721379538	








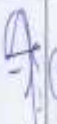



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ESIA AND RAP PUBLIC PARTICIPATION CONSULTATION FORM

DATE: 22/02/2024

LOCATION: TIMBUWANI

No.	NAME/JINA	GENDER /JINSIA	LOCATION/KUJI	ID NUMBER	TELEPHONE/NAMBARI YA SIMU	SIGN /SAHII
1	FRANCIS MWAWALI GHARO	M	TIMBUWANI	5534200	0713646218	
2	WILIAMIS MBOE	M	"	8410784	0729819992	
3	SALIM ARHUMANI	M	"	1013109	0704717215	
4	HASSAN NAMBEO	M	"	11873651	0722105667	
5	MUSSE MIBANDI	M	"	2197612	0727935918	
6	YUNUS MUDIMU AMIRI	M	"	22726258	0704591590	
7	HAJIMA JUMA MURUGUMA	F	TIMBUWANI	3774207	0707437173	
8	BWENSO HUSSANU FIJO	M	TIMBUWANI	841741	0711535889	
9	AZIZ OMAR SIMBA	M	TIMBUWANI	5326906	0704012751	

APPENDIX C – INDIVIDUAL PAP AGREEMENT FORMS

Attached Separate Document

APPENDIX B – SUMMARY MATRIX OF PAPs

Attached separate document

APPENDIX D – SPARTIAL DISTRIBUTION OF PAPS



**RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED WATER DISTRIBUTION WORKS FOR
MOMBASA SOUTH MAINLAND MEDIUM-TERM LOT 2B.**