



KENYA ELECTRICITY TRANSMISSION COMPANY LIMITED

ABBREVIATED RESETTLEMENT ACTION PLAN

MENENGAI SOILO 132 KV LINE

DECEMBER 2013

Assignment:

Abbreviated Resettlement Action Plan for the Proposed Menengai Soilo 132kV Transmission Line

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ABBREVIATIONS

AFD	Agence Francaise de Development
AIDS	Acquired Immune Deficiency Syndrome
EMCA	Environmental Management and Coordination Act
ESIA	Environmental and Social Impact Assessment
ERC	Energy Regulatory Commission
EU	European Union
HHs	Households
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome
IFC	International Finance Corporation
IPPs	Independent Power Producers
KenGen	Kenya Electricity Generating Company Ltd
KETRACO	Kenya Electricity Transmission Company
KRU	KETRACO Resettlement Unit
kV	Kilo Volts
M&E	Monitoring and Evaluation
MoE	Ministry of Energy
MoU	Memorandum of Understanding
PAPs	Project Affected People
RAP	Resettlement Action Plan
RLA	Registered Land Act

EXECUTIVE SUMMARY

The Kenya Electricity Transmission Company Limited (KETRACO) conducted an Abbreviated Resettlement Action Plan (RAP) of the proposed 132 kV 12 km Menengai Soilo Transmission Line.

1. Objectives

The objective of this study is to prepare an abbreviated resettlement action plan for the proposed 132 kV 12 km Menengai Soilo Transmission Line. The RAP will identify the likely project affected persons and propose mitigation measures.

2. Approach and Methodology

To meet the objectives of the study, the team adopted systematic, integrated, participatory and collaborative approaches. Information gathering was done through document reviews, field investigations, public participation and focused group discussions.

The RAP study examines legal and regulatory frameworks and grievance redress procedures for the PAPs, socio-economic profiles in the project area, identified areas that would require resettlement and proposed relevant compensations and entitlements. The report also provide implementation framework, accountability, monitoring and evaluation mechanisms

Some of the key components from the RAP will include:

- i) **Population:** this gives an indication of the people/populations that will be affected during project implementation.
- ii) **Public Consultations:** Consultations were conducted with the affected persons/communities where issues that may arise during the project life cycle will be discussed.
- iii) **Project Impacts:** The project will traverse a short stretch of agricultural and residential land with considerable levels of mitigable impacts to the flora and fauna. Some impacts will be socio-economic in nature especially during the construction phase. This would be addressed by interventions suggested in the ESIA report.
- iv) **Monitoring and Evaluation:** There will be need for continued RAP monitoring and evaluation. This will ensure that issues that may arise before and after project implementation are adequately addressed.

- v) **Community expectations:** All the community expectations and concerns as obtained during the public participation will be documented and addressed. Cases if any of indigenous population will be handled as per the Indigenous People Planning Framework.

CHAPTER ONE

1.0: INTRODUCTION

1.1 Introduction

The Kenya Electricity Transmission Company Limited (KETRACO) undertook an assessment for the Resettlement Action Plan (RAP) of the proposed 132 kV 12km *Menengai Soilo* Transmission Line.

1.2 Transmission line (Menengai Soilo)

The Proposed 132Kv single circuit transmission line will take off from the proposed 132/33kV Menengai substation and terminate at the existing 132/33kv Soilo substation near Nakuru town. The width for the right of way (Row) is 30 meters.

1.3 Background of the Project

The Kenya Electricity Transmission Company Limited (KETRACO), a state corporation under the Ministry of Energy is mandated, *inter alia*, to plan, design, build, operate and maintain new electricity transmission lines and associated substations that will form the backbone of the National Transmission Grid. In response to this mandate, KETRACO proposes to construct a *Menengai Soilo* Transmission Line.

The KETRACO Least Cost Power Development Plan identified various 132 kV developments for improving the performance of the West Kenya network to cater for the increasing load growth and meet the 2030 vision objectives. To meet this objective, KETRACO intends to construct approximately 12km *Menengai Soilo* Transmission Line.

Given that KETRACO does not own any land within the neighborhood of the proposed project, and given that the proposed project seeks to pass through privately owned land, the basis of acquisition would be through negotiation and mutual agreements with the property owners.

1.4 Project Components

The proposed 132 kV transmission line is to be constructed covers a distance of approximately 12km from Menengai crater to Soilo in Nakuru town with a way leave of 30m wide, 15m on either side of the centre line.

1.4.1 Towers

Transmission line conductors are strung on line suspension tower and bend (strain) towers. For the proposed 132 kV transmission line, compact cross-rope suspension structure and self supporting towers might be used. The towers will be between 30-50 meters in height depending on the physical terrain and a total footprint area of approximately 10 m x 10 m is required.

1.4.2 Way Leave

The way leave width for a 132 kV transmission line is 30 m i.e. 15 m on either side of the centre line. The way leave trace is required to ensure the safe construction, maintenance and operation of the power line. Any farming activities except commercial tall trees such as Cypress, Eucalyptus, Avocado tree can be practiced underneath the power line.

1.5 Objective of the RAP

The objective of the RAP is to carry out a detailed Abbreviated Resettlement Action Plan (RAP).

The RAP entails:

- A survey on the amount of land that will be affected by the proposed line,
- The actual number of structures that will be affected by the proposed line,
- The number of people that will be affected by the proposed line.

1.6 Scope of work

1.6.1 Resettlement Action Plan

The project scope included baseline data on the people affected, valuation of structures and total land affected, compensation mechanism, conflict redress mechanism and a report detailing all these variables.

The specific tasks included:

Detailed survey on the actual number of people to be affected by the proposed line; this include:

- Description of the project area including location of the project area and the number of people to be affected by the project in each location or district.
- Undertaking of a baseline survey of the people affected by the project

- Description of the categories of people affected, partially or wholly taking into account gender, vulnerability and other diversity concerns.
- Identification of all the people to be affected (PAPs) on the entire trace of the line providing their names, official contacts and physical contacts (street/estate, village, sub-location, location, District and Country).

A detailed evaluation of the amount of land to be affected by the project, including:

- Description of the total land that will be affected by the way leave access., land
- Description of baseline for land tenure, land use patterns and transfer systems.
- Evaluation of both the commercial and subsistence farm land that will be affected by the proposed line and give a rough estimate of the land values.
- Report on the type of effect for every parcel of land affected in terms of partial or entire parcel.

A detailed survey on the structures to be affected by the proposed lines, including:

- The total number of structures affected by the proposed line
- Provision of baseline description of structures affected including permanent structures
- The total number and type of structures to be affected by the proposed transmission line
- Total number of public institutions/community structures to be affected by the proposed line
- Description of structures affected- plinth area and construction materials
- Detailed values/estimation of structures to be affected accompanied by pictures measurements and geographical positions (inscribed as a foot note of the pictures) of the structures affected (using coordinates)
- Names of the true owners of structures and include the names in each caption of pictures taken for each structure
- Type and methodology of compensation, preferred method of valuation with justification and the compensation framework including country laws and regulations.
- An inventory of losses and a detailed entitlement Matrix that will be used for compensation

A detailed census/count of trees affected by the proposed line and also:

- The number, type and breast height diameter of mature trees affected per each parcel affected
- Assessment of trees/crop damage estimate values of the trees/crops affected

An inventory of losses and a detailed entitlement matrix that will be use for compensation

Detailed organizational arrangement for delivery of entitlement, including livelihood restoration measures, preparation and review of costs estimates, the flow of funds and contingency arrangements

Detailed description of implementation process, linking resettlement implementation to civic works:

Initiate stakeholder involvement and come up with specific stakeholder committees at locational level in areas affected that will ensure smooth implementation of the RAP.

Detailed grievance redress mechanism including concise procedures for dispute resolution taking into account traditional dispute settlement measures and judicial resource.

Detailed description of arrangements for monitoring by the implementing agency and if required, by independent monitors

Detailed description of mechanism for consulting with, and participation of displaced persons in planning, implementing and monitoring

Detailed estimated budget cost for the whole resettlement action plan inclusive of costs of structures, land, contingencies and monitoring of the project.

1.7 Justification for Abbreviated Resettlement Action Plan

A Resettlement Action Plan (RAP) for any project that results in either the physical or the economic displacement of people such as this project will indeed require the physical relocation of some persons. The scope and level of detail of resettlement planning varies with circumstances, depending on the project's complexity and the magnitude of its effects.

Where a project affects less than 200 persons in number, an abbreviated resettlement action plan is desirable.

The line route will lead to physical movement of structures, physical displacement of people, loss of their shelter, loss of assets, loss of income sources or means of livelihood, or restriction of access to economic

resources. As a minimum requirement, a Resettlement Action Plan must ensure that the livelihoods of people affected by the project are restored to levels prevailing before inception of the project, thus World Bank's OP 4.12 and AfDB involuntary resettlement framework calls for the preparation of individual Resettlement Plan that must be consistent with the relevant Policy and Safe Guarded documents for this project.

1.8 Approach and methodology

Given the sensitive nature of land transactions and in particular the compensation exercise, the team involved and sought the help of community leaders during their field work. The social assessment team used both qualitative and quantitative techniques to collect data and information on the social and economic status of the community and area along the proposed 12 kilometre transmission line. These included:

- A detailed **desk study** to establish and describe the socio-economic conditions within the proposed transmission line route
- **Key Informant Interviews** and **Semi-Structured Interviews** were conducted with the DOs, Chiefs, Assistant Chiefs, Councillors and Village Elders.
- **Transect walk**, was done to establish the biophysical nature of the project area and to meet the stakeholders.
- A **check list** of the information to collect from each category of the persons to be interviewed guided the collection of data throughout the field exercise.
- **Photography**- cameras were used to take photographs of public participation meetings, PAPs and affected assets (trees, crops, houses etc.)

Resettlement cost

A total of approximately 83.4 acres of land will be affected by the transmission infrastructure. Approximately **Ksh. 122,047,530.80** will be required to compensate the affected land, structures, crop and trees. Similarly, a 15% of the total compensation cost will be provided to each PAP as a disturbance and relocation allowance where physical structures will be affected. Below is a summary of the total RAP budget.

Table 1: Summary Budget of the RAP

Land Compensation	Structure Compensation	Trees and Crops	Crops	RAP Implementation Cost
121,140,280.80	84,000	510,750	312,500	122,047,530.80

CHAPTER 2

2.0: LEGAL FRAMEWORK

The chapter sets out the legal operating environment for acquisition of land as anticipated in the implementation of the Project. The chapter highlights major issues related to Kenyan land legislation with regards to involuntary resettlement in this RAP. It provides a brief overview of the Kenya land policy, and the Kenya's constitutional provisions related to land use, planning, acquisition, management and tenure, and more specifically the legislations related with land expropriation or acquisition, land valuation and land replacement.

Table 4 below summarizes the relevant legal framework in Kenya applicable to this project in regard to resettlement.

Table 2 Summary of relevant resettlement legal statutes applicable to this project

Legal Framework	Functional Relationship to Resettlement
Constitution of Kenya 2010	Constitution of Kenya 2010 recognizes individuals' right to acquire and own property provided they are citizens of the country in article 40. However, Article 66 of the same Constitution provides for the State to regulate the manner in which these rights may be curtailed for the benefit of the general public. Article 47 of the Constitution provides for administrative action to override the individual rights but the victim has to be given written reason for the action taken that undermines the right.
The Land Act 2012 Laws of Kenya	It is the substantive law governing land in Kenya and provides legal regime over administration of public and private lands. It also provides for the acquisition of land for public benefit. The government has the powers under this

	Act to acquire land for projects, which are intended to benefit the general public. The projects requiring resettlement are under the provision of this Act.
Land Registration Act, 2012	The law provides for the registration of absolute proprietorship interests over land (exclusive rights) that has been adjudicated or any other leasehold ownership interest on the land. Such land can be acquired by the state under the Land Act 2012 in the project area.
National Land Commission Act 2012	The act establishes the National Land Commission with the purpose of managing public land and carrying out compulsory acquisition of land for specified public purposes.
The Land Adjudication Act Chapter 95 Laws of Kenya	Provides for ascertainment of interests prior to land registrations under the Land Registration Act 2012 through an adjudication committee that works in liaison with adjudication officers.
The Valuers Act 532	The act establishes valuers registration board, which has the responsibility of regulating the activities and conduct of registered valuers in accordance with the provision of the act.

THE NATIONAL LAND POLICY

The National Land Policy (“NLP” or “Policy”) was adopted in August 2009 with the aim of providing an overall framework for new legislation and defining key measures required to address critical issues such as land administration, access to land, land use, and restitution related to historical injustices and an outdated legal framework. The NLP addresses constitutional issues such as compulsory acquisition and development control. Section 45 of the NLP defines compulsory acquisition as “the power of the State to extinguish or acquire any title or other interest in land for a public purpose, subject to prompt payment of

compensation.” Under the current Constitution, the Land Act 2012 empowers the National Land Commission (under the guidance of Minister for Lands) to exercise the power of compulsory acquisition on behalf of the State. Similarly, the NLP empowers the National Land Commission to compulsorily acquire land.

According to the NLP, the exercise of compulsory acquisition in the past has been conducted with abuses and irregularities. The NLP therefore calls for a revision of such power and requires the GoK:

- To review the law on compulsory acquisition to align it with the new categories of land ownership (public, private and community land);
- To harmonize the framework for compulsory acquisition to avoid overlapping mandates;
- To establish compulsory acquisition criteria, processes and procedures that are efficient, transparent and accountable;
- To institute legal and administrative mechanisms for the exercise of the power of compulsory acquisition by the State through the National Land Commission; and
- To confer pre-emptive rights on the original owners or their successor in title where the public purpose or interest justifying the compulsory acquisition fails or ceases.

The Constitution of Kenya

The Constitution of Kenya, 2010, protects the sanctity of private property rights and states that no property can be compulsorily acquired by the Government except in accordance with law. 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 Five; 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.

The Constitution empowers the state to exercise the authority of compulsory acquisition. Land Act 2012 (LA) designates the National Land Commission (NLC) as the agency empowered to compulsorily acquire land. Article 40 of the Constitution provides that the state may deprive owners of property only if the deprivation is "for a public purpose or in the public interest," which includes public buildings, roads, way leaves, drainage, irrigation canals among others. The state's exercise of this power is left at the discretion of NLC, and requires the state to make full and prompt payment of "just compensation" and an opportunity for appeal to court.

Article 40(3)(a) refers to acquisition and conversion of all kinds of land in Kenya (private, public, community land and foreign interests in land). The Constitution further provides that payment of compensation shall be made to "occupants in good faith" of land acquired by the state who do not hold title for such land. An occupant in good faith is a "bona fide" occupant. On the other hand, under the Constitution, those who have acquired land illegally are not regarded as deserving any compensation.

In addition to Article 40, Chapter Five of the Constitution is relevant to compulsory acquisition. This chapter, entitled "Land and Environment," is divided into two parts. Part 1 deals with land, and Part 2 deals with environment and natural resources. Part 1 of Chapter 5, articles 60 – 68, describes the principles of land policy. Land should be held, used and managed in a manner that is equitable, efficient, productive and sustainable and in accordance with security of land rights, sound conservation and protection of ecologically sensitive areas. These principles must be implemented through a national land policy reviewed regularly by the national government and through legislation.

2.1 The Constitution of Republic of Kenya

Issues related to land are provided in Chapter Five of the new constitution of Kenya requiring that land be held and used in a manner that is equitable, efficient, productive and sustainable. Section 61 (2) of the constitution has classified land as public, community or private. The definitions of the same are provided in

sections 62, 63 and 64 of the constitution. The proposed transmission line will traverse public, community and private land.

2.2 World Bank Safeguard policies triggered by the proposed project

The objective of the World Bank's environmental and social safeguard policies is to prevent and mitigate undue harm to people and their environment in the development process.

OP 4.12 - Involuntary Resettlement

This policy is triggered in situations involving involuntary taking of land and involuntary restrictions of access to legally designated parks and protected areas.

The policy aims:

- To avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts.
- It promotes participation of displaced people in resettlement planning and implementation,
- To assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement.

The proposed project triggers this policy in that it shall require involuntary acquisition of land as well as restrictions of access in areas within the transmission line Wayleave.

The Proponent complies with the requirements of OP 4.12 in the following ways:

- PAPs, host communities and local nongovernmental organizations, have been consulted.
- 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.

OP 4.10 - Indigenous Peoples

The World Bank policy on indigenous peoples underscores the need to identify indigenous peoples, consult with them, ensure that they participate and benefit from Bank-funded operations in a culturally appropriate way - and that adverse impacts on them are avoided, or where not feasible, minimized or mitigated.

Indigenous Peoples are identified as possessing the following characteristics in varying degrees: self-identification and recognition of this identity by others; collective attachment to geographically distinct habitats or ancestral territories and to the natural resources in these habitats and territories; presence of distinct customary cultural, economic, social or political institutions; and indigenous language.

Along the proposed transmission line route, there are minimal cases of indigenous social groups. The project proponent complies with the requirements of this policy by having undertaken: - public consultations and information disclosure with the Project Affected Persons, an environment and social impact assessment, an environmental and social management and monitoring plan, and a resettlement action plan that encompasses all persons affected by the Wayleave acquisition.

2.3 The African Development Bank Involuntary Resettlement Policy

The AfDB involuntary resettlement policy has been developed to cover involuntary displacement and resettlement of people caused by a Bank financed project and it applies when a project results in relocation or loss of shelter of the persons residing in the project area, or their assets being lost or livelihoods being affected.

The primary goal of the involuntary resettlement policy is to ensure that when people must be displaced they are treated equitably, and that they share the benefits of the project that involves their resettlement.

Objectives

- To avoid involuntary resettlement where feasible, or minimize resettlement impacts where population displacement is unavoidable, exploring all viable project designs. Particular attention must be given to socio-cultural considerations, such as cultural or religious significance of land, the vulnerability of the affected population, or the availability of in-kind replacement for assets, especially when they have important intangible implications. When a large number of people or a significant portion of the affected population would be subject to relocation or would suffer from impacts that are difficult to quantify and to compensate, the alternative of not going ahead with the project should be given a serious consideration.
-

- To ensure that displaced people receive resettlement assistance, preferably under the project, so that their standards of living, income earning capacity, and production levels are improved.
- To provide explicit guidance to Bank staff and to the borrowers on the conditions that need to be met regarding involuntary resettlement issues in Bank operations in order to mitigate the negative impacts of displacement and resettlement and establish sustainable economy and society.
- To set up a mechanism for monitoring the performance of involuntary resettlement programs in Bank operations and remedying problems as they arise so as to safeguard against ill-prepared and poorly implemented resettlement plans.
- Community participation in planning and implementing resettlement should be encouraged.

According to AfDB's IRP, the resettlement plan should include measures to ensure that displaced persons are:

- Informed about their options and rights pertaining to resettlement;
- Consulted on, offered choices among, and provided with technically and Economically feasible resettlement alternatives and
- Provided prompt and effective compensation at full replacement cost for losses
- Provided assistance (such as moving allowances) during relocation, and
- Provided with residential housing, or housing sites, or as required agricultural sites for which a combination of productive potential, location advantages and other factors is at least equivalent to the advantages of old sites.

Where it is necessary to achieve the objectives of the resettlement plan, it should also ensure that displaced persons are:

- 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 standard of living; and
- Provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training, or job opportunities.

2.4 Statutory Tenures

2.4.1 Freehold Tenure

This tenure confers the greatest interest in land called absolute right of ownership or possession of land for an indefinite period of time, or in perpetuity. The Registered Land Act (RLA) Cap 300 of the Laws of Kenya governs freehold land. The Act provides that the registration of a person as the proprietor of the land vests in that person the absolute ownership of that land together with all rights, privileges relating thereto.

With regard to the areas with lower agricultural potential, mostly arid and semi arid parts of the country where the dominant land use was pastoralism, a different registration system was instituted in 1968. This is the regime of Land (Group Representatives) Act. Here the registration of group ranches was viewed as a compromise between individual ownership and the need for access to wider resources in dry lands. Under this system 'communal lands' are divided into smaller 'ranches,' which are then registered in the names of group representatives (three to ten members) elected by the members of the group (Wanjala 2000). Every member of the group has rights in the ownership of the group land in undivided shares. The members are entitled to reside therein free of charge with their family and dependants and make exclusive use for the grouped ranches resources.

The proposed project traverses through Menengai crater and parts of Nakuru town districts which is partly freehold.

2.4.2 Leasehold Tenure

Leasehold is an interest in land for a definite term of years and may be granted by a freeholder, usually subject to the payment of a fee or rent and is subject to certain conditions which must be observed. For government land the government also grants leases, the local authorities for trust land and by individuals or organisations owning freehold land. The constitution has set the maximum term for leasehold tenure to ninety-nine (99) years.

Part of the corridor falls within the leasehold.

2.5.3 Public Tenure

This is land owned by the Government for own purpose and which includes unutilised or unalienated government land reserved for future use by the Government itself or may be available to the general public for various uses. The land is administered under the Government Lands Act Cap 280. These lands are vested in the president who has, normally through the Commissioner of Lands, powers to allocate or make grants of any estates, interests or rights in or over unalienated government land. Categories of government land include forest reserves, other government reserves, alienated and unalienated government land, national parks, townships and other urban centres and open water bodies (GOK, 1996).

The Government Lands Act does not contain any notion of trusteeship by government of the land on behalf of the people of Kenya. Indeed the government at times acts as a private owner and allocates parcels to those in its favour.

2.6.4 Community Tenure System

This mode of ownership is currently governed by the Trust Land Act, by which all land in the rural areas which is neither government land nor individually owned is vested in the county council in trust for the residents living there.

2.7 KETRACO Resettlement Policy Framework

It outlines the principles, procedures, entitlements and eligibility criteria, the organization arrangements and provisions for monitoring and evaluation, the framework of stakeholder participation, as well as the mechanism for redressing grievances.

Objectives

- Avoid or minimise involuntary resettlement
- Ensure that affected individuals and households and /or displaced communities are meaningfully consulted, have participated in the planning process, and are adequately compensated to the extent that at least their pre-displacement incomes have been restored and that people and enterprises affected by the project are compensated for any loss of property and/or socio-economic displacement as a result of the project

- Provide the PAPs with opportunities to restore or improve their living standards and income earning capacity to at least pre-project levels
- Provide guidelines to stakeholders' participation in the mitigation of adverse social impacts of the project, including rehabilitation or resettlement operations to ensure that PAPs are not impoverished by the adverse effects of the project.

Generally, KETRACO mandates itself to adhere to all relevant legislations, guiding principles and policies both locally and internationally.

2.8 Easement

KETRACO requires easements for the way leave corridor. An easement is an agreement made between the landowners and KETRACO granting the RoW to place towers on or cables under his or her land. While KETRACO will not acquire part of the land affected by the easement, it will register an encumbrance upon the land. For instance, while the landowners will continue to own the land and may use such land for crop farming and animal grazing, they will not be allowed to construct structure or grow vegetation that can reach greater than 12 feet high within the way leave trace. The provisions concerning the acquisition of easement are set out in the Limitations of Actions Act and Registered Lands Act Laws of Kenya.

CHAPTER THREE

3.0: PROJECT DESCRIPTION AND BASELINE DATA

3.1 Location

The Proposed 12Km, 132Kv single circuit transmission line will take off from the proposed Menengai substation and terminate at the existing 132/33 Soilo substation.

3.2 Proposed transmission line route

The transmission line begins from proposed Menengai substation located within the Menengai crater

Caldera.

This section is scattered with rock outcrops of volcanic pumice. The vegetation is grassland with scattered shrubs. No farming activities were noted except for grazing animals reared outside the crater.



Madrugada Limited

This commercialized agricultural enterprise managed by Mr. Barkley. The section traversed by the line is predominantly savanna grass with scattered acacia species.



Milimani West

From the Madrugada Farm, the line traverses a section owned by Makao settlement scheme, Egerton University Workers Sacco, Prisons department and Nakuru County dumpsite. This section stretches to the Nakuru Kabarak road.



Nakuru Kabarak road



Nakuru county dumpsite

From the Nakuru Kabarak road, the line traverses private land, across a railway line, Nakuru teachers Sacco plots into Soilo sub station. Part of the land is agricultural with wheat grown on it.

3.3 Physical Environment

3.3.1 Topography and climate

The project area is classified into two main agro-climatic zones. The lowland areas of Mogotio and Kisanana in the north are located in semi-arid zone IV with an annual rainfall of 800 mm and mean temperatures of 30°C. Njoro, Bahati and parts of Kampi ya Moto divisions with an altitude of between 1800 m and 2400 m above sea level and average rainfall of between 760 mm and 1270 mm per year fall within a dry sub-humid equatorial climatic zone. Solai area and parts of Kampi ya Moto divisions are marginal areas within the Rift valley floor with altitudes between 1520 – 1890 m above sea level and receives rainfall of less than 760 mm annually. Around Nakuru area, mean annual rainfall is approximately 900 mm. The rainfall regimes are bimodal with the long rains occurring in March to July and the short rains in September to November. Temperatures vary with topography and range from 9.4 to 29.3 °C.

3.3.2 Soils

The soils are predominantly highly productive volcanic hence favorable for a wide range of crops.

3.4 Biological Environment

3.4.1 Vegetation

The line traverses from areas classified as low to medium agricultural potential. There are few indigenous trees and vegetation within the proposed transmission corridor.

3.4.2 Wildlife

The area being relatively densely populated hence does not support wildlife.

CHAPTER FOUR

4.0: SOCIO-ECONOMIC DYNAMICS

4.1.0 Project area

Nakuru district is one of the districts that make up the Rift Valley Province. It lies within the Great Rift Valley and borders four other districts namely: Naivasha to South East, Nakuru North to the North, Molo to the West, Koibatek and Laikipia to the North East.

The district covers an area of 1484.1km² and is located between Longitude 35 28' and 35⁰ 36' East and Latitude 0⁰ 13 and 1⁰ 10' South.

4.1.2 Social Characteristics

The settlement patterns in the district are largely guided by natural resource availability, rainfall patterns and economic opportunities in the urban centres. Kampi Ya Moto Division is the largest division but has the least population density attribute to rural-urban migration as a result of a much well developed physical infrastructure, industrial establishments and proximity to both the district and provincial headquarters.

Table below shows that the district was projected to have a total population of 471,513 people in 2008 with municipality division recording the highest share of the population estimated at 236,886 people followed by Lanet division with 46,478 people in the same period. Barut division is the least populated with a figure of 11,699 people. The projections for the subsequent years to the end of 2012 indicated a steady rise to 492,144 and 571,276 people respectively for the year 2010 and 2012, a similar trend is repeated for the rest of the 2008 – 2012.

Projected population and Population Density Per Division

Division	Area (Km ²)	1999 (Census)		2008 Projections		2010 Projections		2012 Projections	
		Pop.	Density km ²	Pop.	Density km ²	Pop.	Density km ²	Pop.	Density km ²
Baruti	36.8	9169	249	11699	318	12210	332	14174	385
Lanet	38.1	36428	956	46478	1220	48511	1273	56311	1478

Municipality	187.6	185665	990	236886	1263	247250	1318	287006	1530
Kampi ya moto	305.3	23187	78	30388	100	31717	104	36817	121
Rongai	261.4	35726	137	45582	174	47576	182	55226	211
Ngata	197.9	25618	129	32685	165	34116	172	39601	200
Mbogoini	203.2	23427	115	29890	147	31198	154	36214	178
Solai	253.8	29710	117	37906	149	39565	156	45926	181
Total	1484.1	369,560	249	471,513	318	49144	332	571,276	385

Source: Nakuru District Development Plan, 2008 – 2012

4.1.3 Land ownership and use

About half (about 50%) of the land in the proposed project area is public owned land comprising of the Menengai Forest which covers the Northern, Eastern and Southern parts of the Menengai Caldera, Kenya Prison Service land and Municipality of Nakuru land. The rest of the land is private owned with sizes ranging from 0.8 to 200 acres.

The local people occupying the northern and north-eastern parts of the prospect area practice small-scale intensive mixed farming that include livestock keeping. To the east and south of the area are sub-urban and urban developments. Large-scale wheat and dairy farming occupies mostly the western area and some parts of the Caldera floor.

4.1.4 Water resources and consumption

The main surface water resources are permanent rivers Molo and Rongai in the far NW of the Project area. The Crater and Olbanita streams in the northeastern parts of the area are seasonal and have water flowing most months of the year. Other surface water bodies include Lakes Nakuru (Saline) and Solai, and the Olbanita swamp.

The Olbanita swamp is located in an area dominated by dry and thermally anomalous boreholes. The productive ones are characterized by very shallow, low-yield aquifers that get depleted fast since the deeper rock formations are impervious mainly due to hydrothermal alteration.

4.1.5 Public health and sanitation profile

Rift Valley Provincial Hospital is the largest health facility in the project area located in Nakuru Town. There are also a number of health centres and dispensaries within the project area. According to the District Public Health Office (Ministry of Health, Nakuru), the top ten most common diseases in the project area for listed health facilities are malaria, upper respiratory tract infections, skin diseases, diarrhoea, accidents, rheumatism, pneumonia, eye infections, urinary tract infection and dental disorders.

4.1.6 Ethnic distribution

The line traverses an area dominated by different tribes. Since most of the settlement schemes belong to institutions, the land parcels belong to different tribes.

4.1.7 Women

The economic, social and political status of women in most project affected area is always known to be weak. They are generally economically dependent upon men who tend to make the decision as to how many children the family should have. In this area however, this does not apply because of the town influence. Most land owners are employed and the gender disparity cannot be quantified.

4.1.8 Children

Children are the most vulnerable members of the population due to the effects of displacement and disintegrations of families. The line has however avoided most settlement areas.

4.1.9 Housing

The quality of housing in the project affected area consists of a mix of permanent and semi-permanent structures. The line has been designed to avoid most of these structures.

4.2.0 Economic Characteristics

The majority of the populations affected are;

- Large and medium business operators and
- People in formal and informal employment.

4.2.1 Food Security

The main agricultural activity of the project area has been crop farming and livestock keeping. Areas surrounding Menengai Caldera and parts of the intra-caldera are intensively cultivated on both commercial and subsistence scale due to rich fertile volcanic soils. The main cash crops grown are Wheat, Sisal and Coffee. Other cash crops include, Maize, Potatoes, Citrus, Pyrethrum, Brassicas, Kales and Tomatoes. The main food crops grown are Maize, Beans and Potatoes. Other food crops include Sorghum and Millet grown at Kampi ya Moto and Makongeni.

Around Kiamunyi, Mashiaro, Menengai farm, Valley farm and Kampi ya Moto areas, large-scale wheat, maize and dairy farming is predominant. The eastern side of the caldera rim is mainly under subsistence cultivation of maize, beans, potatoes and horticultural crops (tomatoes).

4.2.2 Public Health

Apart from Nakuru town that has the municipal sewage system. Most of the stakeholders in the project area have their own sewerage systems, which are mostly soak pits, septic tanks and pit latrines. Latrine coverage for the project area has been estimated to be 68.6% (Nakuru District Public Health Office, Ministry of Health).

4.2.3 Vulnerable groups

Children, the elderly, single mothers, female heads of households, and orphans are considered the most vulnerable. These groups also include the disabled; widows; small-scale farming females, non-farming females, and the terminally ill among which people living with HIV/ AIDS are a part of.

The various groups are considered vulnerable due to their ability to cope with and participate in decision making with regards to resettlement.

- **Children** are vulnerable because they have no control over the direction or speed of the resettlement process. They have little say and entirely depend upon their parents and guardians for relocation and restoration of livelihoods.
- The **elderly** are vulnerable because most of them are physically weak and cannot relocate to new shelters nor restore their livelihoods without support from others. It is more difficult for the female elderly.

- **Single mothers** are vulnerable because they are faced with multiple tasks of being breadwinners; mothers; providers of shelter; and providers of security for those under their responsibility. Shelter relocation and livelihood restoration will be huge tasks for single mothers. The same is true for **female heads** of households, probably more so because some of them will also have to deal with irresponsible husbands.
- The **orphans** are a special group different from other children because they are totally dependent on sympathetic relatives or adults. With the increase of responsibilities in the resettlement process, orphans will most likely be marginalized. Their needs might not be a priority in the planning and/or in the implementation stages.
- **Widows** are vulnerable because they have lost their breadwinners and are suddenly faced with the reality that they have to provide for themselves, the children and other dependants. Resettlement will be an additional responsibility, which will need outside support. The need becomes bigger where the widow is elderly.
- **Female small-scale** farmers and the **non-farming females** are vulnerable too because they have to meet out their livelihoods on a day-to-day basis. In the absence of sizeable commercial activities and alternative income earning opportunities in the project area, they have to struggle in each day in order to get the day's essentials. Resettlement is a time-demanding process and they will face time constraints to participate in both.
- The **terminally ill** are vulnerable because they cannot attend to their resettlement responsibilities without support from family members or relatives.
- Those below the **poverty line** and the **illiterate** can easily be cheated and manipulated in the process by dishonest and opportunistic individuals within and outside the community.

The vulnerable groups require assistance and protection to help them overcome difficulties during the RAP implementation. Special attention should be given to them on a case by case basis, with regard to their habitation, livelihood and education.

4.2.4 Social institutions affected by the line

The line has been routed to avoid key public amenities including schools, churches and dispensaries. However, there are sections the line passes close to a private school compounds but will avoid hitting the structures.

CHAPTER FIVE

5.0: PUBLIC CONSULTATION AND PARTICIPATION

5.1 Introduction

KETRACO Resettlement Framework Plan (RFP) stipulates that any displaced persons and their communities and any host communities receiving them should be provided with timely and relevant information, consulted on resettlement options and offered opportunities to participate in planning, implementing and monitoring resettlement. RFP requirements for Public Consultation are being used as the primary point of reference.

During the fieldwork a number of community meetings/public *barazas* were planned within the way leave trace with households that are likely to be affected by the project and with local administration, community leaders and elders. House – to house consultations of PAPs were also conducted.

In order to have adequate participation of the communities, notices were given to respective communities through the local area Chiefs and Elders. These leaders assisted in mobilization of the community to attend public consultative meetings. In addition, pictorial aids showing the locations of the different project area were prepared and used during information gathering and dissemination.

5.2 Stakeholders

During the public consultations, multiple groups of stakeholders were consulted. The stakeholders were those who have an interest in the project development, and who will be involved in the further consultative process.

5.2.1 Directly Affected People

Are those who reside in the way-leave or derive their livelihood from the proposed way-leave of the Menengai Soilo 132 kV transmission line. These people will lose their property to KETRACO through compensation of land, physical assets, trees and crops. All the directly affected people were informed and consulted on major issues concerning relocation, livelihood rehabilitation and income restoration. They all participated in the socio economic survey.

5.2.2 Indirectly Affected Persons

This group of stakeholders includes all those who reside in areas neighbouring the project area or are reliant on resources in the project area and will have no change or the project may not adjust their livelihood e.g. groups such as those residing far from the project area but have farms near the proposed project area.

5.2.3 Government Agencies and Other Organizations

These include:

- Office of the president
- National Government officers (County Commissioners, Sub county Commissioners, District Officers, Area Chiefs and Assistant Chiefs)
- National Environment Management Authority (NEMA),
- Ministry of Lands
- Ministry of Roads
- Ministry of Agriculture
- County Councils
- Kenya Wildlife Service
- Kenya Forest Service.

5.3 Community Meetings and issues raised

Community meetings were held within the project area to give information about the project and gather people's perceptions, opinions, suggestions and fears about the project. The community meetings acted as a forum for discussions between the RAP team and the community members.

The following is a summary of the views of the stakeholders interviewed:

- Compensation rates may not be sufficient to acquire an alternative land
- The project may lead to displacement of the residents.
- Resettlement of residents may interfere enormously with their livelihoods since they will have to move businesses, schools, Health centres.

CHAPTER SIX

6.0: VALUATION AND COMPENSATION

6.1 Introduction

Under this Resettlement Action Plan, it is estimated that the land to be acquired for the Way-leave will be a corridor measuring 12Kms (12,000 m) by 30 m. That sums to 36Ha.

Considering the prevailing situation whereby land market along the corridor was not active, various valuation methods were applied. The valuation was done on full **replacement cost** and **open market value**. Items to be compensated within the way-leave include land, structures, trees and crops.

6.2 Valuation Methodology

Valuation was conducted in line with Principle 8 of the International Resettlement Standards which states that “Resettlement must be seen as an upfront project cost”.

Valuation can simply be defined as the art or science of establishing the value (worth) of a particular interest in property for a specific purpose and at a particular moment in time; taking into considerations all the features of the property and also considering all the underlying factors of the market.

All valuation techniques rely on the collection and analysis of data such as social, Economic, Government and Environmental attributes. Specific data include local market conditions and details of property transactions such as location, physical and functional form and legal characteristics. The value of the property is affected by the rights of enjoyment or compensation when such benefit may be alienated.

In Kenya, compensation value requires that the value paid to include all the other miscellaneous expenses as well as the injurious affection due to the disturbance to them. Thus in such circumstances, the value paid is higher than normal market. Thus the factors that affect the value are those that affect the rights on land, thus location, legal rights and permitted use.

6.2.1 Comparison Method

Comparison method compares like properties. It is the most reliable and requires an active market while adjustments are made to fit specific properties. The limitation faced by this method is lack of data and sometimes misleading data. Comparable may be biased where the seller may sell more or less depending on the needs at the time. Elsewhere the data given may not be correct because of personal secrecy. Thus in long run, valuers have been able to come up with values per square foot/meter that can be used in various regions and give a reasonable value. Adjustments are made depending on various factors.

6.2.2 Investment Method

Investment method is based on the expected future returns and its applicable where active investment market is available. Just like comparison method, investment method is limited due to lack of varied data.

6.2.3 Cost approach method

Cost approach method is where the property value is assessed based on the cost of buying the site and constructing the building. It is based on the reproduction/replacement value.

6.2.4 Profit method

Profit method is used in absence of sufficient rental or sales evidence and where the hypothetical purchaser would base his/her offer of profit from the business conducted from the property.

6.2.5 Residual method

Residual method is applied to property with development potential either undeveloped or partially developed.

6.2.6 Open Market Value (OMV) and Replacement Cost Approach

The Resettlement Policy Framework (RPF) provided by KETRACO was adopted as a primary guideline during valuation since the values were competitive and acceptable. OMV and Replacement cost approach methods were found to be more viable in this particular project where Open Market Value (OMV) was used for valuation of land and replacement cost approach for valuation of assets.

6.3 Valuation and compensation of affected assets

We followed the procedures outlined in the Valuers Act Cap 532, which requires that an authorised valuer is entitled to do cost valuation of assets to be possessed by any development project. Also, KETRACO's RPF formed the basis and provided the guidelines in the exercise.

6.3.1 Valuation and compensation of Land

Adequate compensation rates have been drawn based on the prevailing market rates of the affected land along the way-leave trace. The compensation rates varied along the project area due to change in land use and the infrastructure. RPF stipulates per centum principle for land valuation as shown in table 6.1.

Table 1: Per centum principle

Land Parcel	Area Affected (%)	Per centum of OMV (%)
Less than 1 Acre	> 50	100
Less than 1 Acre	< 50	50
Greater than 1 Acre	< 50	30

6.3.2 Valuation and compensation of Structures

When the structures are for investment purposes, then the 'income approach' is sometimes used. However, the preferred method of valuation is the 'replacement cost' method. It is based on the theory that the market value of an improved parcel can be estimated as the sum of the land value and the depreciated value of improvements. In other words - subtracting the land value from the overall value of the land and built structures will give you the value of the structures. Replacement value requires the estimate of land value, accrued depreciation and the current cost of constructing of improvements. Depreciation is deducted from the current cost of construction to get an estimate of improvement value.

In carrying out replacement cost value three steps are required:

- Data collection: descriptive data on the improvement being valued
- Determining an accurate cost of estimate: expenditure involved in completing a house based on replacement cost or reproduction cost. Reproduction cost is the cost of constructing an identical

structure by using the same design and materials. Replacement cost is the cost of constructing a substitute structure of equal utility using current materials, design and standards.

- Estimation of accrued depreciation – which is the loss in value from replacement cost new.

The established KETRACO's rates prevailed since even after applying all the methods still it was competitive and ensured upfront compensation. The RPF rates are shown in Table 5.2.

Table 2: Rate for Structures

Structure	Unit of Measure	Rate (KES)
<u><i>Buildings</i></u>		
• Permanent	Square Feet(f ²)	1,500 – 4,500
• Semi-Permanent	Square Feet (f ²)	1,000-3,000
• Temporary	Square Feet(f ²)	500-3,000
<u><i>Other Structures</i></u>		
• Domestic Storage Facilities	Square Feet(f ²)	500-2,000
• Domestic Animal Units	Square Feet (f ²)	500-1000
• Water Storage Facilities	Cubic Metre (M ³)	1500-2000
• Pit Latrines	Feet(f)	1,300
• Boreholes/Wells	Feet(f)	1,000

6.3.3 Valuation and compensation of Trees and Crops

Compensation of trees and crops was decided according to the gross market value of the lost trees/crops. Gross market value makes full provision for owners' crops or users input already expended (labour, seeds, fertilizer etc) in the event that there is a crop in – ground at the time of acquisition.

There are two determinant of gross or full market value which are market value for crops and the average annual yield of the crop. The price used to calculate compensation is the highest market price of the crop during the year. The average annual yield of the crop involves some degree of data collection and analysis. Harvesting of crops and trees will be given first priority but where harvesting will not be possible, counting

of the affected crops will be carried out and values applied according to the Ministry of Agriculture and Kenya Forest Service rates.

6.4.1 Livelihood Restoration

One of the objectives of this RAP is to ensure that livelihoods are improved or restored to pre-displacement levels. Compensation for affected property therefore sought to facilitate full and smooth recovery without exposing the PAPs to vulnerability and this applies to people who are not necessarily physically displaced but who are affected by a land loss that affects their sustainability.

The restoration strategies to be applied to ensure income restorations to the affected communities are as discussed below which rather revolves round compensation. The overall objective of the adopted strategies is to ensure no negative change in the livelihood of the affected persons and their respective activity. The strategies aim at livelihood promotion through various economic incentives to the affected.

Land-based Compensation

Land-based resettlement options for this project was provided to displaced people whose livelihoods were based on use of the land and rather own a land small enough not to require them further stay within the land. These options may include resettlement on or access to land acquired or purchased for resettlement based on the wish of the affected person. The following are the guiding principles for land-land compensation option:

- New land should be equivalent or superior in productive potential to the land from which people will be displaced;
- New land should be located in reasonable proximity to land from which people will be displaced;
- New land should be provided free of any “transaction costs” such as registration fees, transfer taxes, or customary tributes;
- New land should be prepared for productive levels similar to those of the land from which people will be displaced; preferably, affected people should be paid by the project to do this work.

Cash Compensation

This compensation option is adopted where the affected persons choose cash rather than land for-land compensation after an informed consultation. The following are the World Bank guiding principles for cash compensation option:

- Compensation rates should be calculated in consultation with representatives of affected populations to ensure that rates are fair and adequate;
- Compensation for land, crops, trees, and other fixed assets should be sufficient to enable affected people to restore their standard of living after resettlement;
- Compensation for structures should cover full replacement cost exclusive of depreciation and inclusive of all fees such as construction permits and title charges and labour costs;
- Compensation payments should be made before any acquisition of assets or physical resettlement takes place unless those payments are staggered to enable affected people to begin preparation of new sites;
- Compensation for dismantled infrastructure or disrupted services should be paid to affected communities, or to local institutions as appropriate, at full replacement cost, before civil works begin;
- Compensation for lost earnings should be paid to proprietors and employees for the duration of work stoppages resulting from the relocation of enterprises.

6.4 Cost summary

6.5 Cut-off date

The entitlement cut-off date refers to the time when the assessment of persons and their property in the area is carried out, i.e. the time when the project area has been identified and evaluated. It was agreed that the cut-off date will be **5.12.2013**

Entitlement cut-off date implies no new cases of affected people and properties will be considered after the set up date. The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land areas thereby posing a major risk to the project. Therefore, establishment of a cut-off date is of critical importance since it defines legal PAPs to be compensated before project starts. Persons encroached in the area after RAP study (census and valuation) are not eligible for compensation or any form of resettlement assistance. Once it is determined that an area is likely to incur land acquisition or relocation, the project implementation entity together with the community agrees on a program of

implementation. The dates would then be communicated to the community through their respective representative in the villages and broader project locations.

CHAPTER SEVEN

7.0: ELIGIBILITY AND ENTITLEMENT MATRIX

7.1 Eligibility

The RPF has clearly shown that, those eligible for compensation may fall within the following:

- Asset owner
- Business tenant
- Residential tenant
- Squatter

Encroachers, i.e. those who come after cut-off date, are not eligible for compensation or other rehabilitation measures provided by the project.

7.2 Entitlement matrix

The entitlement matrix (outlined below) outlines the type of loss, entitled person and the compensation thereof. The RPF gave an outline of how the matrix was made for the project.

Table 3: Entitlement matrix

Type of Loss	Specification	Affected Person	Category	Compensation Entitlements
Land	<ul style="list-style-type: none"> Private land 	<ul style="list-style-type: none"> Owners 	<ul style="list-style-type: none"> Very small plots 	<ul style="list-style-type: none"> Provide 100% compensation at open market value
			<ul style="list-style-type: none"> Land parcels <4000m² and less than 50% affected 	<ul style="list-style-type: none"> Provide per centum rate of 50% of the Open Market Value of the land affected
			<ul style="list-style-type: none"> All other categories of land 	<ul style="list-style-type: none"> Provide per centum rate of 30% of the open Market Value of the affected land.
				<ul style="list-style-type: none">
Building and Structures	<ul style="list-style-type: none"> Modern houses with modern finishes including concrete, natural stone, bricks and treated sawn timber materials structures 	<ul style="list-style-type: none"> Owners 	<ul style="list-style-type: none"> Permanent 	<ul style="list-style-type: none"> Provide compensation rate within range of KES 1,500 – 3000 per square feet depending on finishes used
	<ul style="list-style-type: none"> Structures made from sawn timber, timber-off cuts, GCI walling, sundried bricks or cemented floors 	<ul style="list-style-type: none"> Owners 	<ul style="list-style-type: none"> Semi-permanent 	<ul style="list-style-type: none"> Provide compensation rates of within range of KES 1000-2500 per square feet depending on finishes used

	<ul style="list-style-type: none"> Thatch roofs, rammed or earthen floors and Adobe blocks and wattle, thatch walls, tents, tarpaulins and manyattas 	<ul style="list-style-type: none"> Owners 	<ul style="list-style-type: none"> Temporary Houses 	<ul style="list-style-type: none"> Provide compensation rate within range of KES 500-1500 per square feet depending on finishes used
	<ul style="list-style-type: none"> Based on the permanency, design, size and construction materials used. 	<ul style="list-style-type: none"> Owners 	<ul style="list-style-type: none"> Storage facilities 	<ul style="list-style-type: none"> Rates will be between KES 500 - 1,500 per square feet
	<ul style="list-style-type: none"> 			
	<ul style="list-style-type: none"> Chicken pens, zero grazing units and other domesticated animal facilities. 	<ul style="list-style-type: none"> Owners 	<ul style="list-style-type: none"> Animal facilities 	<ul style="list-style-type: none"> Rates will be between KES 500 - 1,000 per square feet
	<ul style="list-style-type: none"> These are storage facilities for water. They range from plastic tanks, concrete tanks, bricks and stone. 	<ul style="list-style-type: none"> Owners 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Provide rate in the range of KES 1,500.00-2,000 per cubic metre

	<ul style="list-style-type: none"> These will be determined by type of construction material, (chain links, barbed wire, concrete) 	<ul style="list-style-type: none"> Owners 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Chain link from KES 400 – 600 per metre run, barbed wire from KES 100 – 300 per metre run, concrete/stone wall from KES700 – 1,000 per metre run, natural hedge is catered for under crop damage. The variance will be determined by type of the supports
	<ul style="list-style-type: none"> Crops damaged as a result of the acquisition way leaves and construction activities. 	<ul style="list-style-type: none"> Owners 	<ul style="list-style-type: none"> All crops 	<ul style="list-style-type: none"> Crop damage compensation rates will be at market rates
	<ul style="list-style-type: none"> All trees taller than 12 feet 	<ul style="list-style-type: none"> Owners 	<ul style="list-style-type: none"> Private or Public 	<ul style="list-style-type: none"> For trees, compensation rates will be derived at Market rate
	<ul style="list-style-type: none"> Business premises affected acquisition way leaves and construction activities. 	<ul style="list-style-type: none"> Owners 	<ul style="list-style-type: none"> All 	<ul style="list-style-type: none"> Provide one-time payment

CHAPTER EIGHT

8.0: RAP ORGANIZATIONAL PROCEDURE AND IMPLEMENTATION SCHEDULE

8.1 organizational procedure

The RPF outlines that, transmission line projects will be under the administrative authority of the Ministry of Energy and Petroleum with KETRACO as the implementing agent. Policy and strategic decisions involve the following Ministries:

- Ministry of Finance
- Ministry of Environment and Natural Resources
- Ministry of Land, Housing and Urban development.
- Ministry of Roads and Public Works
- Ministry of Agriculture
- Ministry of Planning and Devolution
- The Office of the President

The County Governments in the respective project regions will also be involved.

The Ministry of Energy provides administrative input and makes decisions about the policy direction of the projects undertaken by KETRACO.

8.1.1 Resettlement Project Team (RPT)

KETRACO will establish a RPT, comprising a socio-economist, surveyor, way leave officer, environmental specialist, transmission engineer, land valuer, legal officer and structural engineer to manage the RAP process.

Roles and responsibilities

- i. Public sensitization of all stakeholders and on-going community engagement;
- ii. Socio-economic survey to identify the PAPs;
- iii. Establish eligibility for compensation;
- iv. Valuation of loss of use of assets i.e. land, structures and crops/trees;
- v. Determination of compensation for loss of employment/incomes and loss of business;

- vi. Offer compensation options – including cash and resettlement alternatives;
- vii. Deliver prompt compensation/resettlement;
- viii. Undertake transfer of lands for the vulnerable PDPs;
- ix. Be a member of the grievance procedure; and
- x. Monitoring, evaluation and reporting.

8.1.2 Local PAP Committees

The PAPs committee acts as a link between the various communities and KETRACO. The committee will also ensure that those who have been compensated use the money for the intended purpose. PAP committee shall comprise:

- Chairperson appointed by the PAPs
- Secretary appointed by the PAPs
- 2 members nominated by the PAPs
- Local Area Chief

8.2 Implementation schedule

Generally, this RAP study assesses the potential positive and negative social impacts of the proposed 12km 132 kV single circuit line as per the design that could in effect minimize the resettlement and resultant impacts.

The project implementation timeframe is not definite as the start date was not indicated in the TOR. However, all the residents in the corridor including PAPs were eager to be given clear timeframe as well as be furnished with the duration they will be served with notices to relocate.

The RAP anticipates that the project implementation schedule will consist of three phases namely preparation, implementation and post implementation. It mainly will include works such as clearing access roads, erecting posts and connecting transmission lines.

The resettlement schedule for land acquisition, house demolition and relocation will be coordinated with Resettlement Project Team (RPT). The activities prior to construction are outlined in the following Gantt chart.

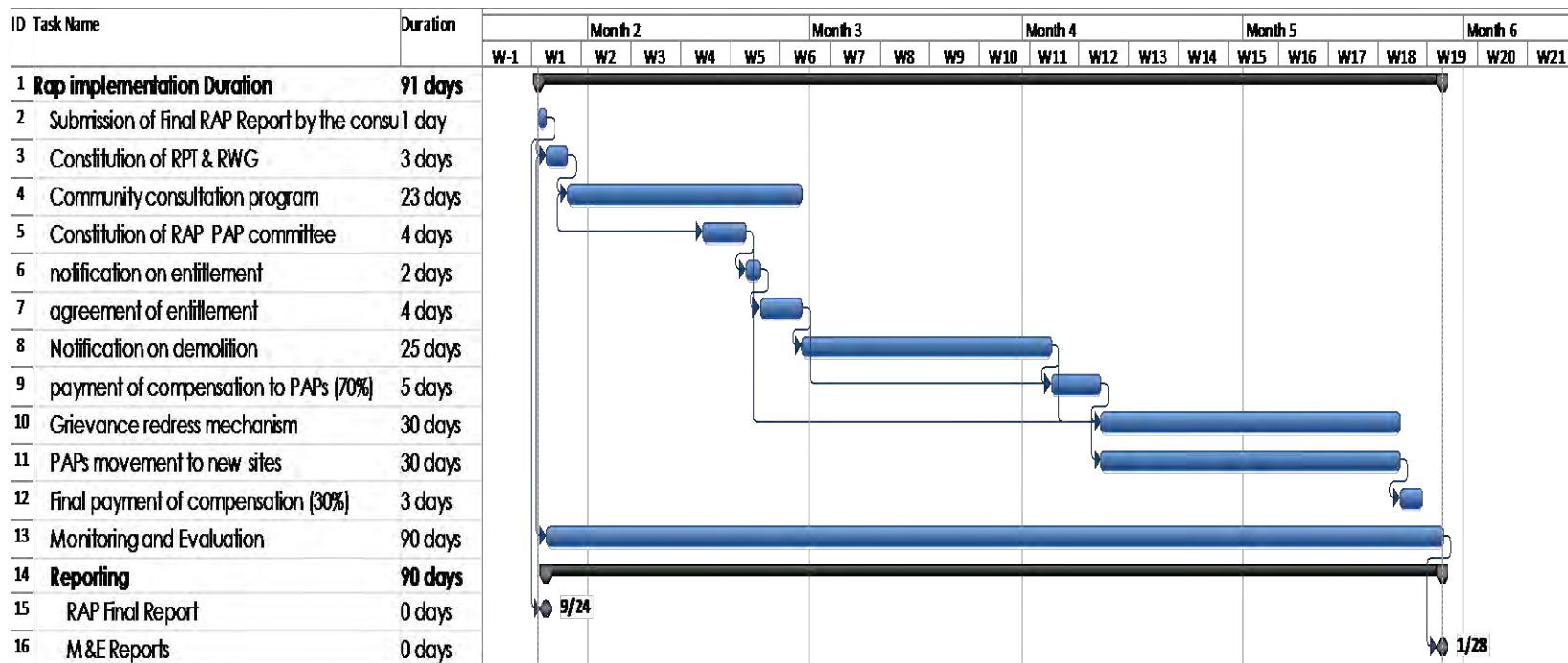


Figure 1: RAP Implementation schedule

CHAPTER NINE

9.0: GRIEVANCE REDRESS MECHANISM

9.1 Introduction

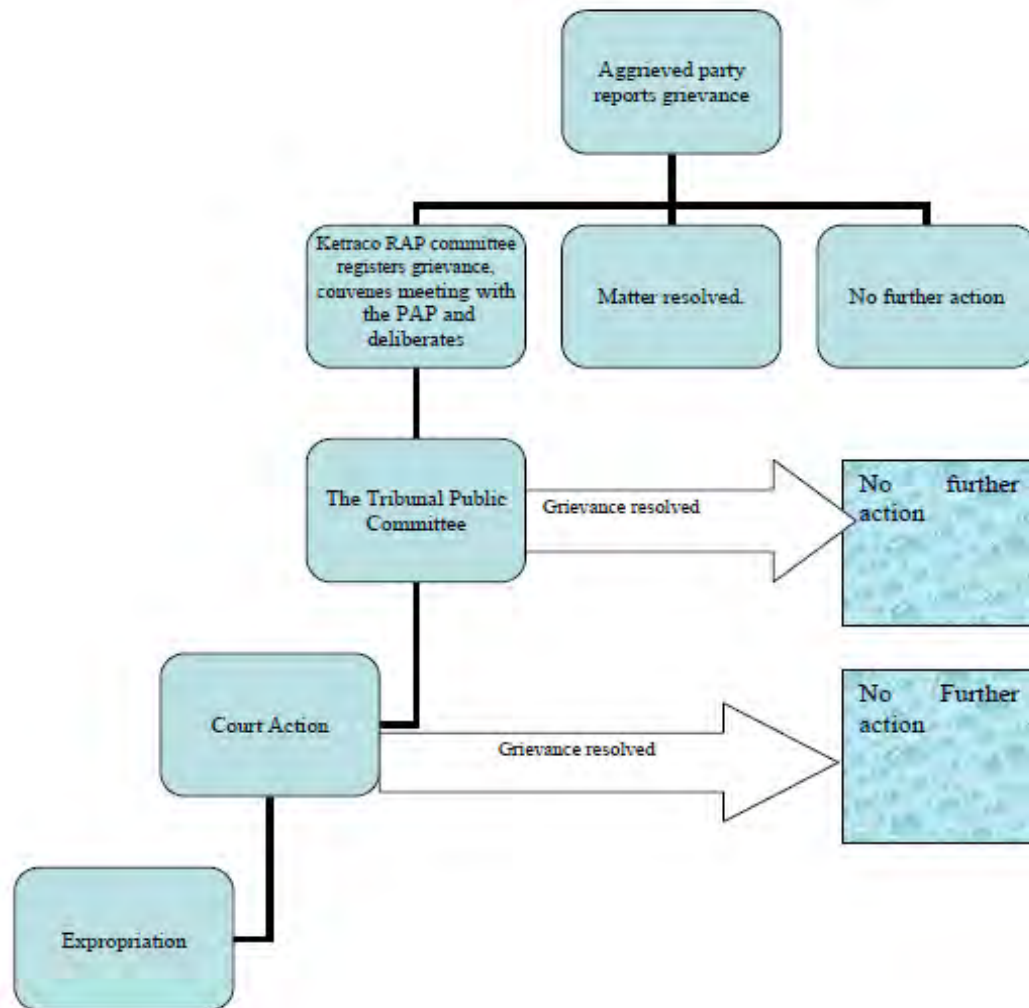
As part of the RAP, options for instituting independent grievance mechanisms need to be explored. It is recommended that for every location traversed by the proposed line, a grievance redress team comprised of respected local elders be put in place to coordinate with the proponent in responding to all grievances.

This grievance redress mechanisms should aim at solving or managing disputes at the earliest possible time in the interest of all involved and interested parties.

9.2 Grievances Redress Procedure

The proponent has put in place an elaborate grievance redress mechanism to deal with all emerging issues in the project area. Grievance procedures may be invoked at any time, depending on the complaint and if the resolution of the Pap committee is not acceptable to the “aggrieved” party, the matter should be referred to the High Court whose decision will be final.

The steps are summarized in figure below.



Grievance redress procedure
(Source: KETRACO RPT)

CHAPTER TEN

10.0 MONITORING AND EVALUATION

In order to guarantee that the compensation plan is smoothly performed and the benefit of the affected persons be well treated, the implementation of the compensation plan will be under monitoring throughout the whole process. Monitoring will be divided into two parts, i.e. internal and external monitoring.

10.1. Internal Monitoring

It is the responsibility of the KETRACO to conduct regular internal monitoring of the resettlement performance of the operation through the PIT, which will be responsible for implementing resettlement and compensation activities. The monitoring should be a systematic evaluation of the activities of the operation in relation to the specified criteria of the condition of approval. 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, AfDB and World Bank/ IFC
- 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 that will be monitored regularly:

- That the KETRACO's entitlements 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
- Relocation and payment of subsistence and shifting allowances are made in a timely manner
- Restoration of affected public facilities and infrastructure are completed prior to construction.

10.2 Responsible Parties

Due to the magnitude of the project, it is recommended that PC be charged with the task of monitoring and evaluation of the PAPs. It will therefore be enlisted to continue the post project evaluation system and conduct actual monitoring and reporting. KETRACO will obtain M&E reports from the PCs for compilation.

10.3 Methodology for monitoring

The approaches and methods used would require regular dialogue and surveys of the affected communities. The dialogue will provide a forum for affected parties to air any grievances or complaints that may arise. The survey will provide a more objective form of progress measurement to complement the more subjective consultations/dialogue.

10.4 Reporting

Post-resettlement monitoring results should be subject to review by, representatives of the affected community through the PC and representatives of KETRACO. The Monitoring Team must write its reports before the end of each visit and submit them to the KETRACO Project Manager and the PC. The Monitoring team should structure its reporting in conjunction with accepted variables,

10.5 Monitoring Indicators

The table below shows the monitoring indicators:

Table 4: Monitoring indicators

Subject	Indicator	Variable
Land	Relocated PAPs	<ul style="list-style-type: none"> • Area of cultivation land acquired • developments • Area of communal land acquired • Area of private land acquired
Buildings/ Structures	Number of buildings to be demolished	<ul style="list-style-type: none"> • Number, type and size of private buildings acquired • Number, type and size of community buildings acquired • Number, type and size of government buildings acquired
	Number of other structures to be demolished	<ul style="list-style-type: none"> • Number, type and size of other private structures acquired • Number, type and size of other community structures acquired
Trees and Crops	Number of trees to be cleared	<ul style="list-style-type: none"> • Number and type of trees cut • Age size at girth level
	Value of crops to be destroyed	<ul style="list-style-type: none"> • Crops destroyed by area, type and ownership

Compensation, Re-establishment and Rehabilitation	Number of PAPs compensated	<ul style="list-style-type: none"> • Number of households affected (buildings, land, trees, crops) • Number of owners compensated by type of loss • Amount compensated by type and owner • Number of replacement houses constructed • Size, construction, durability and environmental suitability of replacement houses • Possession of latrines
	Number of community resources re-established	<ul style="list-style-type: none"> • Number of community buildings replaced • Number, type of plants lost • Number of seedlings supplied by type
Hazards and Disturbances	Number of complaints received from PAPs	<ul style="list-style-type: none"> • Number of households affected by hazards and disturbances from construction (noise levels, blasting, increased traffic levels)
Social/ Demographic	Changes to household structure	<ul style="list-style-type: none"> • Household size (births, deaths, migration in and out) • Age distribution • Gender distribution • Marital status
	Population migration	<ul style="list-style-type: none"> • Residential status of household members • Movement in and out of the household (place and residence of household members)
	Changes to access	<ul style="list-style-type: none"> • Distance/travel time to nearest school, health Centre, church, shop, village

	Changes to health status	<ul style="list-style-type: none"> • Nutritional status of resettled household members • Number of people with disease, by type (sexually transmitted diseases, diarrhea, malaria) • Mortality rates • Access to health care services (distance to nearest facility, cost of services, quality of services) • Utilization of health care services
	Changes to educational status	<ul style="list-style-type: none"> • Literacy and educational attainment of household members • School attendance rates (age, gender)
	Changes to status of women	<ul style="list-style-type: none"> • Participation in training programmes • Use of credit facilities • Landholding status

CHAPTER ELEVEN

11.0 CONCLUSIONS

11.1 Conclusions

This RAP has been prepared consistent with the applicable policy provisions of Kenyan Government and the provisions of the African Development Bank and World Bank's Safeguard Policy on Involuntary Resettlement (OP 4.12). OP 4.12 requires that a RAP be prepared for all projects that anticipate land acquisition and displacement affecting shelter, livelihood and associated impacts. Basically, this RAP presents an inventory of (register) of people likely to be affected by development of the transmission lines, a register of the assets that are likely to be displaced by the project and the proposed compensation package.

Baseline data on proposed development was generated through desktop studies, site visits and interviews with the proponent, potentially affected people. Stakeholder consultations were undertaken towards development of a Resettlement Action Plan (RAP) and as per requirements of Environmental Management and Coordination Act 1999 (EMCA). To identify, predict, analyze and evaluate the various impacts that may emanate from the project, diverse study methods and tools including use of checklists, matrices, expert opinion and observations were employed.

Development of the project has been justified on the basis that it will improve access to electric power in a country where current national coverage averages allow 14% with most connections being recorded in urban areas. Provision of additional and stable has potential to unlock the economic potential of rural areas and thus contribute to national economic growth.

Project Impacts: The project is 12 kilometers long and will affect a total of approximately 83.4 acres earmarked for creation of way leaves on which all physical development and trees taller than 12 feet will be removed. This constitutes the most drastic impact of the project. An Asset register detailing the features of all farms likely to be affected and the likely damage has been prepared as part of this RAP. A total of approximately Ksh 122,047,530.80 will be required to affect way leave agreements and offset damage to property. An entitlement matrix setting out compensation packages for diverse impacts has been prepared.

11.2 Action points:

- Continuous sensitisation of affected persons in the pre-construction phase of the project will be undertaken as a preparatory measure before project implementation. KETRACO should be at the forefront in ensuring this is carried out
- KETRACO will compensate all the affected persons in a timely manner using the prevailing market rates.
- Compensation to PAPs will be made before demolition commences. This will be done at either the KETRACO offices and/or provincial administration offices.
- A minimum of one month notice will be given to the PAPs to enable them salvage their assets
- Unskilled labor will be drawn from local communities and income generating opportunities for women will be considered during project construction in the form of food preparation and sale to workers
- For the RAP to be successful there will be need for continued monitoring and evaluation. This will ensure that arising issues are properly addressed.

ANNEX I: FINAL REPORT STRUCTURE

- a) Executive Summary.
- b) Introduction.
- c) Project Description.
- d) Community participation and consultation
- e) Legal framework
- f) Census and Socioeconomic Surveys.
- g) Income and Livelihood Restoration.
- h) Implementation Schedule.
- i) Grievance Redress.
- j) Costs and Budgets.
- k) Entitlement Matrix

ANNEX 2: KEY INTERVIEW GUIDE FOR KEY INFORMANTS

1. What are the key economic and social challenges in this community?
2. How will the transmission line affect the community?
3. Which community facilities and services will be affected by the project?
4. What are the concerns and fears relating to this transmission line project?
5. How can we identify the most vulnerable individual in the project?
6. What strategies do we use to handle grievances resulting from the project?
7. Give your recommendation for the project implementation.

ANNEX 3: EVIDENCE OF PUBLIC CONSULTATION



ATTENDANCE SHEET FOR MENENGAI-SOILO 132KV TL

Date... 5.12.2013

Activity... PUBLIC CONSULTATIVE MEETING

Place... MUKHAI WEST

No.	Name	ID Number	Designation	Telephone Contacts	Sign.
1.	EVANS MOKONGE	9314392	CHIEF	072777399	
2.	ELIJAH NJORGE	10567252	Chief	072129210	
3.	KOKWON REUBEN	28665603		0704708408	
4.	CHEBOR ISAAC	26578228		0720975363	
5.	REUBEN GAKONDE	0472630		0716603116	
6.	Conita	5758112	Resident	0724920152	
7.	Tony O Onyello	23652561	Resident	0715443840	
8.	JOSEPH MORO	21632372		0704706297	
9.	ANNA KAGUNSA	6590132	Resident	0723729318	
10.	MAKERU M. RUTH	22073312	Resident	0722531776	
11.	John MASONIK			0775078983	
12.	Bismarck O. Kerama	7309962	Resident	0722802414	
13.	BERNARD M. BUNDA	2530694	Resident	0722656039	
14.	ONESMUS M. WANJA	2046471	Official - EMTU	0723214488	
15.	JOEL O. MAMWERA	20120384	KETRACO - LG	0721235839	
16.	DAVID MOINDI	11555665	KETRACO - EMTU	0720936524	





**STAKEHOLDER CONSULTATION ON ToR FOR RAP FOR THE PROPOSED MENENGAI-PIPELINE
(SOILO) 132KV AND MENENGAI-RONGAI 400KV TRANSMISSION LINES**

No.	Name	Organization	Designation	Telephone	Email	Signature	Date
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3.	David Koskei	GOK	Deputy County Commissioner Rongai	0722334191	kipngelichkenya@gmail.com		6/11/2013
4.	Wilfred Ouma	NBMS	County Director of Environment	0722371165	Wilfred.oma@gmail.com		6/11/13
5.	PETER NEVEN CHIES	PRO-ADM	CHIEF	0726227682	-		7/11/13
6.	EVANS MOKONGE	PROV-ADM	CHIEF	072777399	-		7/11/13
7.	Ahmed FANKE	GOV	Deputy Resident	0722669479	-		7/11/13
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10.	Tobias OSMO	GOV	Sub County Dir of Env	0722437766	tobiasosmo@gmail.com		8/11/13