



LAKE VICTORIA NORTH WATER SERVICE BOARD

RESETTLEMENT ACTION PLAN WATER SUPPLY SCHEME FOR KAPCHEROP INDIGENOUS PEOPLE



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DRAFT REPORT

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FACT SHEET

Project Name	Water Supply Scheme for Kapcherop Indigenous People
Assignment Name	Resettlement Action Plan for the Pproposed Water Supply Scheme for Kapcherop Indigenous People.
Lead Implementing Agency	Lake Victoria North Water Service Board
Funding Agencies	World Bank
Consultant	Johnson Awuor Najj Consultants Ltd Box 16256-00100, Nairobi.
Target settlements	Elgeiyo-Marakwet County – Sengwer population in Kapcherop, Kona 4 area, Leiwa, Kipsero , Kamakitwa and Kapkutung

Disclaimer:

This Resettlement Action Plan is strictly confidential to Lake Victoria North Water Service Board and any use of the materials thereof should strictly in accordance with the agreement between LVNWB and Johnson Awuor.

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ABBREVIATIONS

AFD	Agence Francaise de Development
AIDS	Acquired Immune Deficiency Syndrome
EMCA	Environmental Management and Coordination Act
ERC	Energy Regulatory Commission
ESIA	Environmental and Social Impact Assessment
HHs	Households
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome
IFC	International Finance Corporation
IPP	Indigenous Peoples Plan
IPs	Indigenous Peoples
LVNWSB	Lake Victoria North Water Service Board
M&E	Monitoring and Evaluation
MoU	Memorandum of Understanding
NEMA	National Environment Management Authority
NLC	National Land Commission
OP (4.10)	(World Bank's) Operational Policy on IPs
PAPs	Project Affected People
PDP	Project Affected Person
RAP	Resettlement Action Plan
RLA	Registered Land Act
ToR	Terms of Reference
WaSSIP	Water and Sanitation Service Improvement Project
WB	World Bank

GLOSSARY OF TERMS

Affected Person (AP): includes any person, affected households (AHs), firms or private institutions who, on account of changes that result from the project will have their (i) standard of living adversely affected; (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, and/or grazing land), water resources, or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with physical or economic displacement.

Assistance: means support, rehabilitation and restoration measures extended in cash and/or kind over and above the compensation for lost assets.

Compensation: means payment in cash or kind for an asset to be acquired or affected by a project at replacement cost at current market value.

Cut-off date: means the date after which eligibility for compensation or resettlement assistance will not be considered is the cut-off date. The start date of carrying out the census/inventory of losses is considered as the cut of date for eligibility of resettlement benefits.

Displaced Person (DP): As per ADB Safeguard Policy Statement (SPS) 2009- displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

Encroachers: mean those people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project. The term also refers to those extending attached private land into public land or constructed structure on public land for only renting out.

Entitlement: means the range of measures comprising cash or kind compensation, relocation cost, income restoration assistance, transfer assistance, income substitution, and

business restoration which are due to PAPs, depending on the type and degree /nature of their losses, to restore their social and economic base.

Household: A household includes all persons living and eating together (sharing the same kitchen and cooking food together as a single-family unit).

Inventory of losses: means the pre-appraisal inventory of assets as a preliminary record of affected or lost assets.

Non-titled/squatters: means those who have no recognizable rights or claims to the land that they are occupying and includes people using private or public land without permission, permit or grant i.e. those people without legal title to land and/or structures occupied or used by them. ADB's policy explicitly states that such people cannot be denied resettlement assistance.

Relocation: means displacement or physical moving of the displaced persons from the affected area to a new area/site and rebuilding homes, infrastructure, provision of assets, including productive land/employment and re-establishing income, livelihoods, living and social systems

Replacement cost: means the value of assets to replace the loss at current market price, or its nearest equivalent, and is the amount of cash or kind needed to replace an asset in its existing condition, without deduction of transaction costs or for any material salvaged.

Resettlement: means mitigation of all the impacts associated with land acquisition including restriction of access to, or use of land, acquisition of assets, or impacts on income generation as a result of land acquisition.

Structures: mean all buildings including primary and secondary structures including houses and ancillary buildings, commercial enterprises, living quarters, community facilities and infrastructures, shops, businesses, fences, and walls, tube wells latrines etc.

Vulnerable Households: means households that are (i) headed by single woman or woman with dependents and low incomes; (ii) headed by elderly/ disabled people without means of support;

EXECUTIVE SUMMARY

Lake Victoria North Water Service Board (LVNWSB) contracted Johnson Awuor to undertake the Resettlement Action Plan (RAP) for the proposed Kapcherop Water Supply Project.

The water supply scheme for Kapcherop indigenous people is a project by Lake Victoria North Water Services Board (LVNWSB) which began in 2009 under WaSSIP I program sponsored by The World Bank. The community participation in this project has been outstanding as they have effectively played a crucial role in helping to formulate the project design needs. The Kapcherop Indigenous Person (IPs) of Sengwer which the project targets, has an organized community management system on their local resource base (water, land, forest and livestock). They appreciate the benefit of the water supply scheme especially on health; they can make informed choice of technology, service level and operation management. The first phase of this scheme never reached majority of Sengwers to which this new phase is aimed at. The scheme is located in Kapcherop division in Elgeyo/Marakwet County. The first phase of the project (completed) due to elevation challenge did not reach the people living upstream of the finished treatment works where majority of indigenous people live. As such, through community consultation the donor was approached to finance an extension to cover settlement clusters which gave room for WaSSIP I-AF project.

The water supply intake is at Kiptargon River 18 km away from Kapcherop town to the North using existing motorable gravel road. The treatment will be by filtration and chlorination process (the clean water tank at T/Works is 150m³) and the flow to the first two tanks at Kipteber Primary School (60m³) and at Kiplegetet just in the outskirts of the centre. The other tanks each 10m³ are located at Kona 4 area, Leiwa, Kipsero, Kamakitwa and Kapkutung. The elevation analysis favors gravity based hydraulic flow. In the Phase I scheme, the T-works has capacity of 570m³/day to serve town population. The town network has pressure balancing challenge in low lying areas (low pressure zones occasioning rationing), leakage due to bursts on old pipes and some areas have not been

connected. A new tank will be installed at Moi Girls to help stabilize the flows on this old network.

This project is expected to have wide spread positive impacts on the overall socio-economic status and livelihood of the Sengwer in Kapcherop Division of Elgeyo Marakwet County. However, the Project will have minor negative impacts especially to those who are on the water intake, treatment works and those at the tanks with minimal effects on those on the pipeline wayleave. A Resettlement Action Plan is therefore required to guide this process.

Purpose

The main purpose of the RAP was to ensure proper guidelines and procedures are adhered to in the mitigation of the adverse impacts that might occur during the project implementation in order to ensure that the PAPs along the wayleave will not be affected due to the resettlement operations by the adverse impacts of the project.

The Resettlement Action Plan (RAP) was prepared to ensure that the losses are minimized by but PAPs will be addressed and that they are assisted to develop their social and economic potential. This will enable them to restore their living standards and income. RAP ensures that the affected people are not worse off than they were before the project came to place and this will be put in place where consideration will be put on women, vulnerable groups, disabled and children who are usually the most affected in such situations.

Approach and Methodology

To meet the objectives of the study, we adopted systematic, integrated, participatory and collaborative approaches. We gathered information through document reviews, field investigations, focus group discussions and key informant interviews. We consulted administrators (Chiefs and their Assistants), community leaders among others who were predominantly male except for Sengwer Ward administrator who is a female. In the six areas where we had the FGDs, 18 women were involved against 42 men who were part of the discussions.

The RAP examined all 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 provides implementation framework, accountability, monitoring and evaluation mechanisms.

Some of the key components in the RAP include:

- i) **Population:** This will give an indication of the people/populations who may be affected during project implementation.
- ii) **Public Consultations:** Consultations was conducted with the affected persons/communities where issues that may arise during the project life cycle were discussed.
- iii) **Project Impacts:** The project traversed a long stretch of land with considerable levels of mitigatable impacts to the flora and fauna. Some impacts were 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 monitoring and evaluation. This will ensure that issues that may arise before and after project implementation are properly addressed.
- v) **Community expectations:** All the community expectations and concerns as obtained during the public participation were documented and addressed.

Legal Framework of the RAP

This RAP and its entitlement matrix have been prepared in compliance with the applicable policy provisions of Kenyan Government and requirements of the World Bank's Safeguard Policy on Involuntary Resettlement. OP 4.12 of the World Bank requires that a RAP be prepared for all projects that anticipate land acquisition and displacement affecting shelter, livelihood and associated impacts. This RAP presents an inventory of PAPs, a register of the assets that are likely to be affected by the project and the proposed compensation package.

Relevant Kenya laws considered include:-

Land Act, 2012

Valuers' Act

The New Constitution of Kenya

The Land Acquisition Act Chapter 295

The Wayleaves Act, etc.

The Asset Register: An Asset register detailing the farms likely to be affected and the likely damage has been prepared as part of this RAP attached as annexes. The project entitlements have been designed to cover compensation, and rehabilitation for lost assets and restoration or enhancement of the livelihoods of all categories of affected people.

SUMMARY OF COSTS FOR PROJECT AFFECTED PERSONS

TITLE NUMBER	REGISTERED OWNER	STRUCTURES	TREES	LAND	TOTAL
127/ Korongoi	Chesum Lilei	-	250,000	300,000	550,000
42/ Korongoi	Kirop Suter Metobei	-	100,000	360,000	460,000
123 Charangany Kapcherop	Kipsang Kimagut Ngobiki	-	100,000	300,000	400,000
25/ Korongoi	Kipngetich Matugaa		60,000	600,000	660,000
4/ Korongoi	Kipteber primary school			120,000	120,000
100/ Korongoi	Philip Kanda	-	-	180,000	180,000
254/ Korongoi	Thomas Kipkorir Sang	-	-	120,000	120,000
Cherangany / Kapcherop / 331	Komen Tuiser			120,000	120,000
1502/ Cherangny/ Kapcherop	Jacob Yator			120,000	120,000
1/Charanga ny Kapcherop	Moi Girls High school	-	-	120,000	120,000
K.F.S.	K.F.S.	-	3,000,000/	240,000	3,240,000
TOTAL			3,510,000	2,700,000	6,210,000

The need for treated water led the IP to willingly contribute the way leave / pipeline area which shows the high level ownership of the project. The design also deliberately avoided structures in the whole line.

During Determination of the RAP, land acquisition, and compensation, in all the households affected, the wives were involved in the negotiations alongside their husbands and in cases where the women were heading families they invited their sons to be part of the negotiation processes and they signed the contracts.

During the implementation of this water project, close monitoring will need to be done and PAPs are well informed of the implementation schedule so as to reduce the impact of the project on their livelihoods. This will be achieved through good planning of the project in the operational phase.

The consultations held during the site visits and the public baraza with the PAPS, chiefs, Provincial administration and the local communities, they requested that the Constructor to consider the youths during the construction phase by giving them casual jobs, compensate those who will be affected in time so that they may be able to relocate and should also provide water to all the areas as was agreed with the community.

Costs of the RAP: From analysis of potential damage and application of valuation methodologies.

- 1) Acquisition of land is Kenya Shillings **Two Million, Seven Hundred Thousand Only (Ksh 2,700,000)**.
- 2) Trees: **Three Million Five Hundred and Ten thousand only (Kshs 3,510,000)**

The Total cost of the land, trees and structures: **Six Million Five Hundred and Ten Thousand shillings only (Kshs 6,210,000)**

Chapter

One



1.0 INTRODUCTION

1.1 Background of the Project

Kenya has a population of about 42 Million people from 42 tribes including the Indigenous People of Sengwer living in the Cherangany forests in Kapcherop Division, Elgeyo-Marakwet County, formerly in Rift Valley Province. The Sengwer communities are known for their close attachment to their land and natural forests, non-dominance, distinct culture and language. The indigenous peoples depend on the forests for their livelihoods.

The World Bank in their final report on **Indigenous People's (IPs) Planning Framework, 2006**, recognized the Sengwer as an Indigenous Community and hence were subjected to support programs aimed at alleviating poverty, protection from climate change and hence protection from extinction, and extracting their knowledge on traditional mechanisms on climate change adaptation. The preservation of these indigenous peoples' way of life is key priority in this project; water provision in communal points will improve quality of life equitably.

The World Bank in partnership with the Government of Kenya through Lake Victoria North Water Services Board (LVNWSB), one of the eight Water Boards formed by the Water Act 2002 under the then Ministry of Water and Irrigation to supply the IPs with treated domestic water under WASSIP I umbrella.

Under WASSIP I in Kapcherop Division, a target area of 7.5Km² with a total Sengwer Indigenous Persons population of 5,386 people in 1,229 households (Source: National Housing and Population Census – Population Distribution Report 2009) was taken under the project resulting into commissioning of an intake and a treatment plant in the year 2009 that supplied water under gravity to the town. The capacity of this finished phase is

570m³/day which was substantial to serve majority of the people.

The phase-1 project above was meant to supply Kapcherop town and the Indigenous Persons living in the town and its adjacent centers. This however only served 1% of the Indigenous People's population since the upstream homesteads where majority of the Sengwer people living upstream could not be supplied water under gravity supply due to topographical height differences. Also, the 32mm Class A PVC pipeline that were used in the town's distribution system had worn out and meant pipe bursts are witnessed on a more frequent basis. Further, the absence of a central storage tank also influenced the system's pressure imbalances where the higher altitude regions could not access water when the lower altitude region networks were actively draining water and hence acute water rationing.

This presented the need for additional funding of the project dubbed WaSSIP I – AF where the upstream Indigenous People of Sengwer will be supplied treated water targeting the Indigenous Persons.

1.2 Technical Description of the project

a) Design options

The aim of this water design is to make adequate quantities of safe drinking water to the community of target. The production will be through appropriate technical means-wholly gravity driven.

The level of service to be provided is important to users which include single point, stand pipe and household connection in piped systems and fed by gravity from source .Treatment of the supplies will be through filtration process and chlorination before free flow to main storage tank by gravity force.

b) Sources of water

In this area, ordinarily sources of water are groundwater, rainwater, surface water predominantly streams. For this case we are getting water from a confluence of Kiptargon streams near Tembu primary 18km from Kapcherop town center.

c) Storage distribution

Water for use can be stored for future use. The chance of the type of storage is based on economic situation of the users. For this project, main ground tank will be located at Kipteber hill at elevation 2538m above sea level (Kipteber Primary).The intake is at elevation 2680m above the sea level while treatment is at 2642m asl. From main tank the

flows will be by gravity to nine identified community water points as in the Service Points (SP) 10No. The areas are Chiefs Area (SP 1), Kipteber Area (SP 2), Kiplinger Area (SP 3), Kapkanyar Area (SP 4), Kipsero Area (SP 5), Aiwa Area (SP 6), Kamarinyei Area (SP 7), Kalbul Area (SP 8), Kona4 Area (Benon included) (SP 10) and Kapcherop Town (SP 9) which is served by WaSSIP I whose intake is on Chepkaitit Stream .

1.3 Scope of work

The project scope included baseline socio economic 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:

Survey on the actual number of people to be affected by the proposed project; this include:

- Description of the project area including location of the project area and the people to be affected by the project.
- Undertaking of a socio economic 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 with their official identification as in the National Identity Card phone contacts and physical contacts (street/estate, village, sub-location, location, District and Country).

Assessment of the size of land to be affected by the project, including:

- Description of the total land that will be affected by the water supply project
- 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.

Survey on the structures to be affected by the proposed project, including:

- the total number of structures affected by the proposed project

- Provision of baseline description of structures affected including permanent structures, the total number and type of structures to be affected, total number of public institutions/community structures to be affected
- 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

Census/count of trees affected by the proposed project 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 used for compensation

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

Description of implementation process, linking resettlement implementation to civic works:

Initiate stakeholder involvement and come up with specific stakeholder committees either locational or sub-locational 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.

1.4 Justification for Resettlement Action Plan

The scope and level of detail of resettlement planning varies with circumstances, depending on the project's complexity and the magnitude of its effects. This project is envisaged to have minimal impact on the PAFs. 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 OP 4.12 calls for the preparation of individual Resettlement Plan that must be consistent with the relevant Policy and Safe Guarded documents for this project.

The Resettlement Action Plan was guided by OP 4.12

The objective of OP 4.12 is to (i) avoid or minimize involuntary resettlement where feasible, exploring all viable alternative project designs; (ii) assist impacted persons in improving their former living standards, income earning capacity, and production levels, or at least in restoring them; (iii) encourage community participation in planning and implementing resettlement; and (iv) provide assistance to Project Affected People.

1.5 Approach and methodology

Our approach was characterized by careful and meaningful blending of time-tested international best practice as well as advice based on practical experiences, local realities and clients' needs. Throughout the consulting process, the consultant emphasized and ensured ownership of processes and final outcomes by our client. The RAP was done in stages / Phases:

Phase 1: Planning Phase

(a) Desk Review of Relevant Documents and Literature

The consultant undertook literature review of documents and literature considered relevant to the process that enabled the consultant to have a detailed understanding of the project, legal and regulatory framework. These included but not limited to: Guidelines, policies and the reports e.g.

- Government Land Act CAP 280
- Land Titles Act Cap 282
- Impact Assessment and Audit Regulations
- World Bank's IFC Environmental policies
- The African Development Bank Group involuntary Resettlement policy

- Environmental Management and Coordination ACT 1999
- Feasibility Study Reports
- The Water Supply Scheme – Kapcherop Indigenous People design Report
- Hydro-geological Survey Reports
- RPF for Water and Sanitation Services Improvement Project Additional Financing and Design Reports for the proposed projects.

(b) Stakeholder Identification/Mapping

The Consultant conducted detailed stakeholder identification and mapping of the stakeholders likely to be affected or influence the project are identified and targeted as part of the RAP study. This will include; -

- Respective County Governments in Project Area e.g. County Governors, ward representatives
- Project Affected Persons
- Ministry of Land
- National Land Commission
- Ministry of Environment, Water and Natural Resources
- County Administration-County Commissioners, Deputy County Commissioners Assistant County Commissioners Chiefs and Assistant Chiefs, Village elders etc.
- Civil Society Organizations

d) Development of Tools for the Socio- Economic and Environmental survey

The consultant designed/developed tools used for the socio-economic baseline survey. The tools included questionnaires used for collect qualitative and quantitative data and information.

Phase 2: Initial Consultations and Mobilization of Field Work

a) Consultations with stakeholders:

The RAP consultant with community leaders organized a comprehensive program of consultations with key stakeholders in addition to representatives of the client and the government ministries with responsibilities directly related to the Project and the issues of resettlement and restoration of livelihoods. Stakeholders included, among others; relevant government agencies (e.g., Kenya Forest Service, NEMA, relevant ministries and local authorities) and relevant international organizations and NGOs, and Project Affected Persons (PAPs).

Phase 3: RAP Fieldwork

• Scope of RAP fieldwork

The RAP Consultant carried out RAP fieldwork comprising consultations with affected communities and household-level surveys for the PAP census and inventory of losses (IOL).

In general, the work involved:

- Coordination with county, district and/or sub-district representatives who will participate in the fieldwork, as agreed in the initial consultations.
- Initial contact with the leadership in affected communities; as agreed in the initial consultations, the community leadership has been advised in advance by the local authorities or, in their absence, by the RAP consultant
- Initial community meeting with the leadership and community members, as described below.
- Further consultations in the form of interviews with key informants, focus groups (e.g., with women or other special groups) to collect information relevant to the socio-economic profiles of communities and the formulation of income restoration and community development strategies, as described below.
- Household surveys with all PAPs to collect information for the census and inventory of losses (IOL), as described below.
- Replacement cost surveys carried out by the valuation team to establish market rates for affected assets as a basis for compensation, as described below.

The RAP fieldwork comprised various activities that are described in more detail below: Consultations and the PAP census and inventory of losses, including valuation of assets and data entry and management activities.

- **RAP Information Dissemination and Community Consultations**

At this level, the consultant's approach to the dissemination of information and consultations with affected communities will be:

Initial community public consultations meetings:

To initiate fieldwork in affected communities, the RAP Consultant through the community leaders organized community meetings with local leadership, to which all community members will be invited. The purpose of the meeting was to introduce the Project, the policies and procedures to determine eligibility for compensation, resettlement and rehabilitation assistance and the program of consultations, focus groups and household surveys; and, to provide an opportunity for PAPs and other people in the community to ask questions and express comments and concerns. The consultations consisted of the entire of Sengwer Indigenous People with nearly 30% of those who participated in the consultations being women who shared on the challenges they face in accessing clean water and how the water project will change their lives.

Phase 4 Field Data Collection

a) Field data census and inventory:

The RAP Consultant worked with a team of enumerators to support the data collection. The RAP Consultant was responsible on a daily basis to review and validate the surveys, in particular the census/IOL surveys. The enumerators ensured that all questionnaires are complete, that data entry conforms to agreed procedures and the results are legible. The questionnaires were transferred to the data entry team for processing.

b) Data Collection Methods & Instruments

i. Census and Inventory of Losses

The RAP Consultant conducted a complete census and inventory of losses (IOL) of all PAPs in affected communities by administering a standard questionnaire during household-level interviews. The information provided by the PAP household and, as required, was validated by the team on the ground. The questionnaire accompanied with photographs of the PAP and, as required, key affected assets; and, full GPS data to locate the PAP and all key assets. The questionnaire was signed by the PAP representative (e.g. head of household) and

representatives of local authorities that form part of the RAP team for the census and IOL. As described above, all data was validated and entered into a data management system.

ii. Census and socio economic data:

The Consultant used a standard questionnaire to collect basic PAP census information that registers and locates the household; and, identifies all household members (resident and non-resident) by age, sex, ethnic group, and relationship to head of household, education and occupation and housing conditions. The census also documented housing conditions, health conditions and key agricultural and non-agricultural economic activities, sources of income and household expenditures. This information was used (i) to establish a list of PAPs; (ii) to establish a socio-economic profile of PAPs based on existing conditions; and, (iii) to provide a baseline for resettlement monitoring and evaluation.

iii. Inventory of losses:

The Consultant used standard questionnaire to collect IOL information from PAPs about assets that are affected temporarily or permanently: (i) land assets, including the entire PAP land holding and the affected portions, by land type, area, use, number of parcels, tenure/use rights and location; (ii) structures by construction type, use, area, ownership/use rights and location, as well as the extent of loss; (iii) annual and perennial crops and trees, by type and area, and including recent yields; (iv) business losses, by types, amounts and duration of losses (structures, incomes, jobs, customers, etc.); and, (v) other losses not included above, e.g., fencing, wells, irrigation structures, grave or tombs.

The census and IOL also documented PAPs and affected communities the losses of common property resources (e.g., forest, woodland and pasture) and/or the loss or restriction of access to these resources; damage or loss of public structures such as schools, clinics, meeting halls, places of worship, water points, etc.; and, damage, displacement or loss of cultural properties such as sites of religious, historical, archeological or other cultural significance.

iv. Procedures for conducting census and IOL:

In conducting the census the consultant followed the required procedures for notifying people and collecting, validating, approval and disclosing information on eligible PAPs and affected assets, stemming from national laws and regulations. The RAP team worked with national and sub-national authorities from the initial consultations onward and strived to integrate and respect to the extent possible these procedures. The consultant also ensured

that the question of the establishment of a “cut-off date” as per the World Bank policies is discussed and agreed in the initial consultations.

c) Data Processing & Analysis Methods

i. Data Processing – Transcription and Translation

The Consultant developed a comprehensive approach to the management of social data including an Information Management System and Geographic Information System (GIS) capabilities. The system is designed to facilitate the integration, analysis, consultation and reporting of social data collected for the preparation and implementation of a RAP, Local Development Plan or Stakeholder Engagement Plan; It was developed with a user-friendly interface that facilitates access and use by non-IT specialists.

ii. Data analysis

Quantitative data sets were analyzed using SPSS analysis software. For qualitative sets, the data was fed into NVIVO statistical software alongside identification parameters for qualitative analysis. A codebook was developed that included all thematic areas and parameters as required for analysis by the client. Upon completion of the data entry transcriptions and translation to Kiswahili as well as processing, the study team leader carried out qualitative and quantitative data analysis, which included a search for patterns and for concepts that help explain the patterns.

d) Determination of RAP

The consultant carried out detailed analyses of the census/IOL data and synthesize the results of community and other consultations, previous socio-economic survey work and complementary studies, in order to prepare proposals for compensation packages, relocation and rehabilitation strategies to be included in the RAP. Throughout this process, the RAP Team engaged in a participatory planning process, consulting and collaborating with sub County committees, other responsible agencies, NGOs and other stakeholders to assess needs, evaluate the feasibility of proposals and identify modalities to implement proposals.

With respect to RAP, the work determined compensation, relocation and rehabilitation packages by:

- ✚ Identifying eligible PAPs by location, category of PAP and the types and severity of losses.
- ✚ Preparing review and update, as required, the Project Entitlement Matrix, and ensure that it is validated and approved as per national procedures. The Entitlement Matrix will identify, for both temporary and permanent displacement, all categories

of PAPs, all types of losses associated with each PAP category and the types of compensation and assistance to which each category is entitled.

- ✚ Defining compensation packages including allowances, etc. for eligible PAPs based on their category, losses, entitlements and agreed compensation and allowance forms and rates.
- ✚ Identifying PAPs that will be displaced and define the options and strategies to relocate and resettlement them.
- ✚ Identifying all PAPs who are eligible for rehabilitation strategies and define the scope of strategies that are required to assist them. This will include PAPs who require assistance to restore livelihoods and incomes and, also, special assistance for vulnerable PAPs such as households headed by women, children or disabled people, very poor households, households affected by HIV/AIDS, etc.

Given the sensitive nature of land transactions and in particular the compensation exercise, the consultant 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 pipeline would pass. These included:

A detailed desk study to establish and describe the socio-economic conditions

Key Informant Interviews and Semi-Structured Interviews were conducted with the Chiefs, Assistant Chiefs, opinion leaders and Village Elders most of whom were male except for the Ward Administrator who is a woman.

Open-ended questionnaires were administered to obtain views about the proposed project and its perceived impacts from households.

Public Barazas which were organised and chaired by the Chiefs and Assistant Chiefs.

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.).

GPS (Global Positioning System) and Maps - The provided sites coordinates were input in the handheld GPS.

The Resettlement Action Plan was conducted using participatory and none participatory methods. The participatory methods consisted of public consultations with the project beneficiaries and community level leaders in open forums using focused Group discussions,

semi-structured interviews and key informant interviews. These techniques enabled the consultant to draw conclusions on broad community perceptions, perspectives and aspirations in relation to LVNWSB and the WaSSIP supported water schemes that were either under construction or were being proposed for implementation. On the other hand, the non participatory methods – literature review and household survey questionnaire, were applied respectively to enable the consultant get secondary and primary information on, and related to the project, and to assess the pre-project water situation in the project area.

Chapter

Two

2.0 LEGAL AND INSTITUTIONAL FRAMEWORK

This chapter looks at the various legislations that relate to land acquisition and resettlement in Kenya. This RAP will apply the laws, legislation, regulations, and local rules governing the use of land and other assets in Kenya, as well as the standards of the World Bank's operational policy OP4.12 on Involuntary Resettlement (and, in case of any discrepancy between the two sets of standards, those most advantageous to the PAPs will prevail).

Kenya's relevant legal and institutional framework is presented in four sections:

Laws on Property and land rights, as defined by Kenyan law and customary practice;

Expropriation/acquisition of land and compensation of land and other assets,

Grievance Resolution Mechanism, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution; and

Comparison between national legislation and World Bank OP4.12, using equivalence and acceptability standards.

2.1 The Legal Context Pertaining to IPs

The legal and institutional frameworks applicable to IPs presented in this report is with specific reference to the Constitution of Kenya, and the relevant international statutes and charters - including the World Bank's Safeguard policies, and the UN and Africa Commission charters. The Constitution of Kenya, as the supreme law of the land, affects the provisions of all the other Kenyan and international laws and contains provisions that affect the political, social and cultural development of the IPs especially concerning land tenure issues.

a) Definition of the term IP

The WB, in its operational policy on IPs (OP 4.10) states that “there is no globally accepted definition of the term ‘IPs’.”¹ The very term IPs is confusing because most people in the world are indigenous to their countries in the sense of having been born in them and being descended from people who were born in them. However, there are several widely accepted formulations which define the term IPs put forward by international organizations, such as the United Nations, the International Labour Organization and the World Bank.

The word “Indigenous” originates from the Latin word “*Indigena*” meaning, native. The dictionary definition of the word “Indigenous” is native, original, aboriginal, home-grown or local. It connotes something originating or occurring naturally in a particular place. The Compact Oxford Dictionary gives several meanings to the word indigenous. Most importantly the definitions ascribed to the word denote:

a person born in a specified place;

a native or a local inhabitant;

a person inhabiting or existing in a land from the earliest times or from before the arrival of colonialists;

The OP 4.10 clarifies in paragraph 3 & 4 that: “Because of the varied and changing contexts in which Indigenous Peoples live and because there is no universally accepted definition of “Indigenous Peoples,” this policy does not define the term. Indigenous Peoples may be referred to in different countries by such terms as “indigenous ethnic minorities,” “aboriginals,” “hill tribes,” “minority nationalities,” “scheduled tribes,” or “tribal groups.” For purposes of this policy, the term “Indigenous Peoples” is used in a generic sense to refer to a distinct, vulnerable, social and cultural group. The article then provides the characteristics of indigenous or vulnerable social cultural group as follows:

- a) *Self identification as members of a distinct indigenous cultural group and recognition of this identity by others;*
- b) *Collective attachment to geographically distinct habitat or ancestral territories in the project area and to the natural resources in these habitats and territories;*
- c) *Customary, cultural , economic or political institutions that are separate from those of the dominant society and culture;*

¹ The World Bank in its Operational Policy Statement on IPs does not define IPs “Because of the varied and changing contexts in which IPs live and because there is no universally accepted definition of “IPs,” “However, according to the document, IPs may be referred to in different countries by such terms as “indigenous ethnic minorities,” “aboriginals,” “hill tribes,” “minority nationalities,” “scheduled tribes,” or “tribal groups.” (paragraph 3, OP 4.10)

d) An indigenous language often different from language of the country or region.

The African Commission on Human and People Rights (ACHPR) in its publication entitled “*Indigenous People of Africa - the Forgotten People*” concurs that there is no global consensus on a single universal definition, nor would such a definition be desirable or necessary. It is far more relevant and constructive to try to outline the major characteristics that can help identify the indigenous peoples such as: “...*a politically underprivileged group, who share a similar ethnic identity different to the nation in power, and who have been an ethnic entity in the locality before the present ruling nation took over power*”².

b) The Constitution of Kenya and the IPs

On its part, the Constitution of Kenya does not recognize the word *IPs* but refer to the groups of people who would fall under this terminology as “*Minority and Marginalized Groups*” (*MMGs*).

The Constitution of Kenya has been examined in order to assess whether it takes care of *IPs* rights to land, water, and other rights. The constitution is the supreme law of the land, enshrining the fundamental rights and freedoms for all, irrespective of ethnic background or status. The promulgation of the Constitution of Kenya in August 2010 was an invaluable achievement for all minority and marginalized communities in the country, as it adopted the spirit of the United Nations Declaration on the Rights of Indigenous Peoples, the WB’s OP4.10 and WaSSIP. This constitution recognizes the minorities and marginalized groups and states in the Bill of Rights Chapter 4 section 56 as follows:

The State shall put in place affirmative action programmes designed to ensure that minority and marginalized groups (*MMGs*):

- participate and are represented in governance and other spheres of life;
- are provided special opportunities in educational and economic fields;
- are provided special opportunities for access to employment;
- develop their cultural values, languages and practices; and,
- have reasonable access to water, health services and infrastructure.

Other provisions of the Constitution which take care of the needs of *IPs* include:

² “United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295). *United Nations*. UNPFII

- **IPs and Public finance:** On public finance, Chapter 12 article 203 (h) of the Constitution states that one of the criteria for determining equitable shares shall take into consideration “affirmative action in respect of disadvantaged areas and groups”.
- **Participation of IPs in governance structures:** On participation of IPs in governance and decision-making at all levels, chapter 11 article 174 (e) of the Constitution which deals with Devolved Governments states that the devolved government shall “*protect and promote interests and rights of minorities and marginalized communities*” which include the IPs. Similarly, article 177 C) of the same chapter which deals with representation in the County Assemblies states that the County Assembly membership shall include “*Members of marginalized groups, including persons with disabilities and the youth, prescribed by an Act of Parliament*”
- **Provision of Water & Sanitation Services:** the Water Act 2002 has created 8 WSBs to accelerate the provision of water and sanitation services in their respective regions of jurisdiction. In this respect, LVNWSB has the mandate and responsibility for the provision of water and sanitation services in the entire Western Kenya and parts of the Rift valley, of which Marakwet West is a part. The Kapcherop water project was initiated with the aim of supporting the water needs of the Sengwer IPs. This is a practical step and affirmative action aimed at fulfilling the Human Rights Principle which states that the *right to water entitles every person to have access to sufficient, affordable water and sanitation of acceptable quality for personal and domestic use*”.

From the above analysis, it is right to conclude that the Constitution of Kenya puts in place adequate measures and framework that, when implemented fully, should address the aspirations and needs of IPs and other MMGs in Kenya. Together with OP 4.10 and the UN and Africa Commission charters on IPs, there are adequate legal provisions to deal with IP issues.

2.2 Laws on Property and Land Rights in Kenya

The **Constitution of Kenya (CoK), 2010** currently in force, replaced the 1969 constitution. It was approved by 67% of Kenyan voters and was promulgated on 27 August 2010.

The new Kenya Constitution has a comprehensive Bill of Rights in **Chapter Four (4)** and a well elaborated **Chapter Five (5)** on Land and Environment. These two chapters provide constitutional basis for land ownership, expropriation and protection of rights to land.

Land in Kenya is classified as public, community or private. Prior to the new Constitution, there were over 70 pieces of legislations, Acts and subsidiary law governing land and land matters. Under the new Constitution they are being consolidated and rationalised to four pieces of legislation as follows:-

National Land Bill – discusses Land issues in general and establishes mechanisms for Land acquisition;

Land and Environmental Court – this establishes a court to deal with all disputes;

Land Registration Bill;

The Community Land Bill.

Article 60 (1) states that that “Land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable, and in accordance to the following principles:

Equitable access to land;

Security of land rights

Sustainable and productive management of land resources;

Transparent and cost effective administration of land;

Sound conservation and protection of ecological sensitive areas;

Elimination of gender discrimination in law, customs and practices related to land and property in land; and

Encouragement of communities to settle land disputes through the recognized local community initiatives consistent with this Constitution.

The State is permitted to regulate the use of any land, or any interest in or right over any land in the interest of defence, public safety, public order, public morality, public health, or land use planning.

According to **Article 61 (1)**, all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals. Land is classified as public land, community land or private land and each category is defined in the subsequent articles. Public land is defined to include all minerals and mineral oils; government forests, government game reserves, water catchment areas, national parks, government animal sanctuaries and specially protected areas, gazetted roads and thoroughfares, all rivers, lakes and other water bodies as defined by law; the territorial sea, continental shelf, exclusive economic

zone and the sea bed, all land between the high and low water marks, any land not classified as community or private land under the Constitution-such public land shall vest and be held in trust by the national government in trust for the people of Kenya and shall be administered by the National Land Commission.

Community land includes land that is “*lawfully held, managed or used by specific communities as community forest, grazing areas or shrines,*” and “*ancestral lands and lands traditionally occupied by hunter-gatherer communities.*” Rights are also held through traditional African systems, and rights that derive from the English system introduced and maintained through laws enacted by colonial and then the national parliament. The former is loosely known as customary tenure bound through traditional rules (customary law). The latter body of law is referred to as statutory tenure, secured and expressed through national law, in various Act of parliament e.g. **Land Act 2012, Land Registration Act, 2012, Trust Land Act (cap 288)** of the Laws of Kenya.

The right to property is protected in **Article 40 (1)** Subject to Article 65; “*every person has the right, either individually or in association with others, to acquire and own property of any description; and in any part of Kenya*”.

The following land tenure systems exist in Kenya.

Customary Land Tenure

This refers to unwritten land ownership practices by certain communities under customary law. Kenya being a diverse country in terms of its ethnic composition has multiple customary tenure systems, which vary mainly due to different agricultural practices, climatic conditions and cultural practices. However most customary tenure systems exhibit a number of similar characteristics as follows: First, individuals or groups by virtue of their membership in some social unit of production or political community have guaranteed rights of access to land and other natural resources. Individuals or families thus claim property rights by virtue of their affiliation to the group.

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. Freehold land is governed by the **Land Registration Act, 2012**. 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. A freehold title generally has no restriction as to the use and occupation but in practice there are conditional freeholds, which restrict the use for say agricultural or ranching purposes only. Land individualization was demanded by the colonial settlers who required legal guarantee for the private ownership of land without which they were reluctant to invest.

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 also to certain conditions which must be observed e.g. relating to developments and usage. Leases are also granted by the government for government land, the local authorities for trust land and by individuals or organizations owning freehold land. The maximum term of government leases granted in Kenya is 99 years for agricultural land and urban plots. There are few cases of 33 years leases granted by government in respect of urban trust lands. The local authorities have granted leases for 50 and 30 years as appropriate.

Public Tenure

This is where land owned by the Government for its own purpose and which includes unutilized or un-alienated 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 **Land Act 2012**. These lands were vested in the president and who has, normally exercised this power through the Commissioner of Lands, to allocate or make grants of any estates, interests or rights in or over un-alienated government land. However the new constitution grants those rights to the **National Land Commission (NLC)** which is governed by the National Land Commission Act, 2012 that specifies the role of NLC.

The **Land Act 2012**, Part III, Section 27 recognizes the capacity of a child as being capable of holding title to land. However this can only happen through a trustee and such a child shall be in the same position as an adult with regard to child's liability and obligation to the land.

2.3 Expropriation/Acquisition of Land and Compensation of Land and other Assets

a) The Constitution of Kenya, 2010

CoK 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 National Land Commission, 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 [Article 40 (4)]. 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 [Article 40 (6)].

b) The Land Act, 2012

The Land Act is the Kenya’s framework legislation regulating compulsory acquisition of land (i.e. land, houses, easements etc.). The Land Act was adopted on 2nd May 2012 and provides for sustainable administration and management of land and land based resources including compulsory acquisition.

Section 107 (1) provides for the power of entry to inspect land. **Sub-section (1)** states that whenever the national or county government is satisfied that it may be necessary to acquire some particular land under section 110, the respective Cabinet Secretary or the County Executive Committee Member shall submit a request for acquisition of public land to the Commission to acquire the land on its behalf. **Sub-section (2)** requires that the Commission prescribe a criteria and guidelines to be adhered to by the acquiring authorities in the acquisition of land.

Sub-section(5) stipulates that upon approval of a request under sub-section (1), the Commission shall publish a notice to that effect in the Gazette and the county Gazette, and shall deliver a copy of the notice to the Registrar and every person who appears to the Commission to be interested in the land.

Sub-section (8) states that all land to be compulsorily acquired shall be geo-referenced and authenticated by the office or authority responsible for survey at both the national and county government

Under **Section 108 (1)** The Commission may authorize, in writing, any person, to enter upon any land specified in a notice published under section 107 and inspect the land and to do all things that may be reasonably necessary to ascertain whether the land is suitable for the intended purpose.

Section 109 provides payment for damage for inspection. As soon as practicable after entry has been made under section 108, the Commission shall promptly pay in full, just compensation for any damage resulting from the entry.

Section 110 (1) stipulates 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 fulfillment of the stated public purpose.

Section 111 (1) states 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. Under Subsection (2), The Commission shall make rules to regulate the assessment of just compensation.

Section 112 (1) requires that at least thirty days after publishing the notice of intention to acquire land, the Commission shall appoint a date for an inquiry to hear issues of propriety and claims for compensation by persons interested in the land, and shall

- (a) cause notice of the inquiry to be published in the Gazette or county Gazette at least fifteen days before the inquiry; and
- (b) serve a copy of the notice on every person who appears to the Commission to be interested or who claims to be interested in the land.

Section 113 (1) requires that upon the conclusion of the inquiry, the Commission shall prepare a written award, in which the Commission shall make a separate award of compensation for every person whom the Commission has determined to have an interest in the land. Every award shall be filed in the office of the Commission (Subsection 4).

Part III of the Land Act 2012, section 113 (2a) states that “*the Commission shall determine the value of land with conclusive evidence of (i) the size of land to be acquired; (ii) the*

value, in the opinion of the Commission, of the land; (iii) the amount of compensation payable, whether the owners of land have or have not appeared at the inquiry.”

Market value of the property, which is determined at the date of the publication of the acquisition notice must be taken into account when determining compensation. Determination of the value has to take into consideration the conditions of the title and the regulations that classify the land use e.g. agricultural, residential, commercial or industrial. Increased market value is disregarded when:

- It is accrued by improvements made within two years before the date of the publication of the acquisition notice, unless it is proved that such improvement was made in good faith and not in contemplation of the proceedings for compulsory acquisition. It is accrued by land use contrary to the law or detrimental to the health of the occupiers of the premises or public health.
- Any damages sustained or likely to be sustained by reason of severing such land from other land owned by the claimant.
- Any damage sustained or likely to be sustained if the acquisition of the land had negative effects on other property owned by the claimant.
- Reasonable expenses, if as a consequence of the acquisition, the claimant was compelled to change his residence or place of business (i.e., compensation for disruption to the claimant’s life).
- Any damage from loss of profits over the land occurring between the date of the publication of the acquisition notice and the date the NLC takes possession of the land.

Section 114 (2) stipulates that upon acquisition of land, and prior to taking possession of the land, the Commission may agree with the person who owned that land that instead of receiving an award, the person shall receive a grant of land, not exceeding in value the amount of compensation which the Commission considers would have been awarded, and upon the conclusion of the agreement that person shall be deemed to have conclusively been awarded and to have received all the compensation to which that person is entitled in respect of the interest in that land.

Section 115 stipulates that upon the conclusion of the inquiry, and once the NLC has determined the amount of compensation, NLC will prepare and serve a written award of compensation to each legitimate claimant. NLC will publish these awards which will be considered “final and conclusive evidence” of the area of the land to be acquired, the value of the land and the amount payable as compensation. Land Act, Section 115 further stipulates that an award shall not be invalidated by reason only of a discrepancy between

the area specified in the award and the actual area of the land. Compensation cannot include attorney's fees, costs of obtaining advice, and costs incurred in preparing and submitting written claims.

A notice of award and offer of compensation shall be served to each person by the Commission. **Section 120** provides that "*first offer compensation shall be paid promptly*" to all persons interested in land. Section 119 provides a different condition and states that the NLC "as soon as practicable" will pay such compensation. Where such amount is not paid on or before the taking of the land, the NLC must pay interest on the awarded amount at the market rate yearly, calculated from the date the State takes possession until the date of the payment.

In cases of dispute, the Commission may at any time pay the amount of the compensation into a special compensation account held by the Commission, notifying the owner of the land accordingly. If the amount of any compensation awarded is not paid, the Commission shall on or before the taking of possession of the land, open a special account into which the Commission shall pay interest on the amount awarded at the rate prevailing bank rates from the time of taking possession until the time of payment.

Once the first offer payment has been awarded, the NLC will serve notice to landowners on the property indicating the date the Government will take possession. Upon taking possession of land, the commission shall ensure payment of just compensation in full. When this has been done, NLC removes the ownership of private land from the register of private ownership and the land is vested in the national or county Government as public land free from any encumbrances (Section 115 & 116).

On the other side, the Commission also has the power to obtain temporary occupation of land. However, the commission shall as soon as is practicable, before taking possession, pay full and just compensation to all persons interested in the land.

In cases of where there is an urgent necessity for the acquisition of land, and it would be contrary to the public interest for the acquisition to be delayed by following the normal procedures of compulsory acquisition under this Act, the Commission may take possession of uncultivated or pasture or arable land upon the expiration of fifteen days from the date of publication of the notice of intention to acquire. On the expiration of that time NLC shall, notwithstanding that no award has been made, take possession of that land. If the documents evidencing title to the land acquired have not been previously delivered, the Commission shall, in writing, require the person having possession of the documents of title to deliver them to the Registrar, and thereupon that person shall forthwith deliver the

documents to the Registrar. On receipt of the documents of title, the Registrar shall — cancel the title documents if the whole of the land comprised in the documents has been acquired; if only part of the land comprised in the documents has been acquired, the Registrar shall register the resultant parcels and cause to be issued, to the parties, title documents in respect of the resultant parcels. If the documents are not forthcoming, the Registrar will cause an entry to be made in the register recording the acquisition of the land under this Act.

Part IX of the Land Act provides for settlement programs. Under **Section 134 (1)**, The Commission shall, on behalf of the national and county governments, implement settlement programmes to provide access to land for shelter and livelihood.

Subsection (2) stipulates that settlement programmes shall, include, but not be limited to provision of access to land to squatters, persons displaced by natural causes, development projects, conservation, internal conflicts or other such causes that may lead to movement and displacement.

c) Valuers’ Act, Chapter 532,

Under The Valuers’ Act, Chapter 532, Compensation awards will be made by the National Land Commission based on land valuation determined by registered Valuers. 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.

d) Physical Planning Act

The Physical Planning Act deals with matters relating to preparation of all land use plans, physical development plans and subdivisions. The powers of expropriation of land are vested in the Minister for Lands while the planning and surveys are vested in the Director of Lands and the Surveyor General respectively. The introduction of a devolved system of Government gives the function of county planning to the County while “General principles of land planning and the coordination of planning by counties” remains a national function.

2.4 World Bank Policy OP 4.12 (Involuntary Resettlement)

The World Bank policy on involuntary resettlement emphasizes that any development project should avoid or minimize involuntary resettlement and where this is not feasible, it should compensate for lost assets at full replacement cost and assist the displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

The **World Bank OP 4.12, Annex A (Paragraphs 17-31)**, describes the scope (level of detail) and the elements that a resettlement plan should include.

WB OP 4.12.(6a) demands that the resettlement plan includes measures to ensure that displaced persons are (i) informed about their options and rights, (ii) consulted on, offered choices among others and provided with technically and economically feasible resettlement alternatives, and (iii) provided prompt and effective compensation at full replacement costs.

WB OP 4.12 (8) requires that particular attention should be paid to the needs of vulnerable groups among those displaced such as those below the poverty line, landless, elderly; women and children and indigenous peoples and ethnic minorities.

WB OP4.12 (12a) states that for households depending on land for their livelihoods preference should be given to land based solutions; however, payment of cash compensation for lost assets may be appropriate where livelihoods are land-based but the land taken for the project is a small fraction (less than 20%) of the affected asset and the residual is economically viable.

WB OP4.12 Para (6 b & c) state that in case of physical relocation, displaced persons should be (i) provided with 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, location advantages, and other factors is at least equivalent to the advantages of the old site.

WB.OP 4.12 (13 a) 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.

In addition displaced persons should be 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 provided with development assistance in addition to

compensation measures such as land preparation, credit facilities, training, or job opportunities.

WB OP4.12 Para 13 (a) requires that appropriate and accessible grievance mechanisms are established to sort out any issues arising.

2.5 Comparison between the Kenyan Legislations and World Bank OP 4.12

There are a number of differences between the Kenyan laws and World Bank Safeguard policies, such as:

The World Bank OP 4.12 favors avoidance or minimization of involuntary resettlement while the Kenyan laws say that, as long as a project is for public interest, involuntary resettlement is considered to be inevitable.

World OP 4.12 stipulates that Displaced persons should be assisted in improving livelihoods or at least restoring them to previous levels. Kenyan legislation (Land Act) provides for 'just and fair compensation'. However, 'just and fair compensation' is not clear and can only be determined by NLC which can be subjective. It is does not talk about improving livelihood or restoring them to pre-project status.

A comparison of the Kenyan laws and WB requirements regarding compensation is given in Table 2.1.

Table 1: Comparison of Kenyan and World Bank Policies on Resettlement and Compensation

Category of PAPs/ Type of Lost Assets	Kenyan Law	World Bank OP4.12	Comment
Land Owners (loss of land)	<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 2012 provides for census through NLC inspection and valuation process</p> <p>Fair and just compensation which could be in form of cash compensation or Land for Land.</p>	<p>Identification of PAPs is done through census and socio-economic surveys of the affected population, PAPs with title as well as PAPs who do not have a formal title but have customary and traditional right recognized under Kenyan law or who have a recognized claim to the land at the time the census begins – are entitled to compensation for land that they lose (besides other assistance – see below)</p> <p>Land-for-land exchange is the preferred option; compensation is to be based on replacement cost.</p>	<p>Although the Kenyan law provides for land for land compensation, it does not state explicitly whether preference should be granted to land for land compensation.</p> <p>Preference should thus be given to land for land option</p>
Land Squatters (i.e. those who have no recognizable legal right or claim to the	The constitution recognizes ‘occupants of land even if they do not have titles’ and payment made in good faith to those occupants of land. However, this does	Must be compensated for houses and other structures whatever the legal recognition of their occupancy (see below).	WB OP.4.12 prevails

Category of PAPs/ Type of Lost Assets	Kenyan Law	World Bank OP4.12	Comment
land that they are occupying)	not include those who illegally acquired land	Entitled to compensation for loss of crops and assistance for relocation as the case may be, and assistance for restoration of livelihood (see below)	
Land Users/ Land Sharecroppers	The Land Act is not clear on Land Users although in some cases they can receive some form of compensation depending on the determination by NLC	No specific provisions to land compensation. Entitled to compensation for crops, entitled to relocation assistance as the case may be, and income must be restored to at least pre-project levels (see below).	
Owners of non-permanent buildings	The constitution of Kenyan respects the right to private property and in case of compulsory acquisition, just compensation must be granted to the owner for the loss temporary buildings.	Recommends in-kind compensation or cash compensation at full replacement cost including labor. Recommends resettlement assistance	WB OP.4.12 prevails
Owners of permanent buildings	The constitution of Kenyan respects the right to private property and in case of compulsory acquisition, just compensation must be granted to the owner for the permanent building	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement	WB OP.4.12 prevails

Category of PAPs/ Type of Lost Assets	Kenyan Law	World Bank OP4.12	Comment
Perennial and annual Crops	Cash compensation for the loss of crops	Market value for lost crops. Income restoration assistance (such as land preparation, credit facilities, training etc). Land for land compensation allows people to re-establish annual crops immediately.	
Seasonal crops	Cash compensation for the loss of crops	Market value for lost crops wherever arrangements cannot be made to harvest.	WB OP.4.12 prevails
Livelihood restoration and development assistance	Not specific on livelihood. The constitution says some pay maybe made in good faith	Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better. Offer support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore livelihoods and standards of living (for ex. land preparation, jobs, credit facilities)	WB OP.4.12 prevails
Timing of compensation payments	The Land Act provides for prompt, just compensation before the acquisition of land.	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the	Follow the principles of OP.4.12

Category of PAPs/ Type of Lost Assets	Kenyan Law	World Bank OP4.12	Comment
		timetable in the plan of actions.	
Consultation and disclosure	The Land Act outlines procedures for consultation with affected population by the NLC and grievance management procedures.	Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.	Implement consultation procedures as outlined in both Kenyan legislation and World Bank.
Relocation assistance and resettlement assistance	The Land Act does not out rightly stipulate assistance for relocation	Avoid or minimize involuntary resettlement and, where this is not feasible, assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher Moving allowances	WB OP4.12 takes precedence

Category of PAPs/ Type of Lost Assets	Kenyan Law	World Bank OP4.12	Comment
Grievance mechanism and dispute resolution	Land Act 2012 clearly outlines the steps and process for grievance redress that includes alternative dispute resolution, re-negotiation with NLC and is backed by the judicial system through the Environmental and Land Court	Establish appropriate and accessible grievance mechanisms	No gap

Chapter



Three

3.0 PROJECT DESCRIPTION

3.1 Project Background

Under WASSIP I in Kapcherop Division, a target area of 7.5Km² with a total Sengwer Indigenous Persons population of 5,386 people in 1,229 households (Source: National Housing and Population Census Population Distribution Report (2009) was taken under study resulting into commissioning of an intake and a treatment plant in the year 2009 that supplied water under gravity to the town. The capacity of this finished phase is 570m³/day which was substantial to serve majority of the people. The phase-1 project above was meant to supply Kapcherop town and the Indigenous Persons living in the town and its adjacent centers. This however only served 1% of the Indigenous People's population since the upstream homesteads where majority of the Sengwer people live could not be supplied water under gravity supply due to topographical height differences. Also, the 32mm Class A PVC pipeline that were used in the town's distribution system had worn out and meant pipe bursts are witnessed on a more frequent basis. Further, the absence of a central storage tank also influenced the system's pressure imbalances where the higher altitude regions could not access water when the lower altitude region networks were actively draining water and hence acute water rationing. This presented the need for additional funding of the project dubbed WaSSIP I-AF which is being implemented as Water Supply Scheme for Kapcherop Indigenous People.

3.2 The Indigenous People of the Sengwer

The Sengwer are a tribe who were removed from their lands by British Settlers in the late 19th and early 20th century. At that time they resettled in the Cherangany Hills near the border with Uganda.

For planning purposes for WaSSIP1- AF, the total population of the Sengwer community is 33,187 people according to the national figures. For the purpose of WaSSIP and other WB funded projects in which OP 4.10 has been triggered, they present themselves as the IPs of Cherangany Hills.

3.2 The IP livelihood and Culture

While traditionally IPs relied on hunting and gathering for their livelihoods which made their life tied to the forests³ which they looked to for all their socio-cultural activities such as circumcision, religious and marriage rights as well as security, today, their lifestyle has changed irrevocably. Like other communities that live in the project area, IPs now relies on farm agriculture, mass production of livestock and small to medium-scale enterprises for their socio-economic and livelihood needs. Like other communities in the project area, they hold land titles to the parcels of land that they own and their economy is well integrated into the market economy of the country.



Figure 1: Nay tea Zone

3.3 Project location

The project is located in Kapcherop Division that falls within the Elgeyo-Marakwet County headquarter(division) at Kapcherop town in the upper part of former Rift Valley Province. The neighboring counties bordering the project area are; West Pokot to the North, Trans Nzoia to the West, Uasin Gishu to South-West , Keiyo to the South and Baringo to the East.

According to the *National Housing and Population census – the population distribution report, 2009*, Kapcherop Division is composed of eight (8) administrative locations, with each location consisting of a number of sub-locations as shown in the table 1 below. The IPs in Kapcherop Division live in at least five of the eight locations (1-5 in the table), which,

³ Forests are part of the Cherengany Hills Watershed

according to the IPs, should be the target locations for the provision of water by LVNWSB-WaSSIP.

Table 2: Administrative locations in Kapcherop Division

<i>Location</i>	<i>Sub-locations</i>	
1. Sengwer	Kapcherop; Kipsero; Kapchepear; Korongoi	IPs are found in these locations, together with other communities
2. Kamoi	Kakisango; Kamoi; Kibuga	
3. Kapterit	Kapterit; Kisambach	
4. Cherengany	Chebai; Tenden; Koitugum	
5. Koisungur	Kokwongoi; Kibigos	
6. Kapchochur	Chorwo; Kapchochur; Kaptalamwa	
7. Chebororwa	Kamanin; Kabelio; kondabilet;kaptiony; Busiesoo	
8. Lelan	Kapsait; Chemosong	

Geographically the project area is between latitude 0°51' to 1° North and Longitudes 35° 29' to 35° 43' East. The temperature at the project area is +25° C day and +9°C at night. The targeted Indigenous People of Sengwer live in the Sengwer Location (one of the administrative units of the division) and is composed of various settlement areas as, Kipsero; Kipteber; Kamarinyei (Kamakitwa area); Kalbul; Laiwa (Kapkutung); and Kapcherop town itself. The figure below shows the water supply network.



Figure 2: Kapcherop water supply map (Source: Google earth)

3.4 The Kapcherop catchment area

The Kapcherop catchment area is part of the Western Marakwet Escarpment that forms part of the Lake Basin and drains into Lake Victoria. The Kipteber Natural Forest is composed of indigenous trees covering roughly 50 percent of the land and acts as the rich source of the Chepkaitit and Kiptargon streams (the former stream is source of already finished supply T/Works while the latter will be source to this upstream study). The high altitude area (2200 –2700m height above sea level) coupled with heavy vegetation cover highly influences the trimodal (Mid-March, July/August, and October/November periods) rainfall pattern in the area accounting for around 1,000mm to 1,300mm per annum.



Figure 3: Kapcherop catchment area

3.5 Description of Proposed Upstream Gravity Flow Water System for Kapcherop Town Targeting the Indigenous People of Sengwer

This technology will take advantage of the hilly terrain in the upstream, where the indigenous people have formed their settlements. This area has a good water source from the Kiptargon River and storage area at Kipteber Hill. Water from the river will be tapped; it will flow downward to the storage area, where it will be released to meet the community needs. The technology is gravity driven; hence the overall cost is low during operation. A schematic image for the technology is as shown in figure 1.

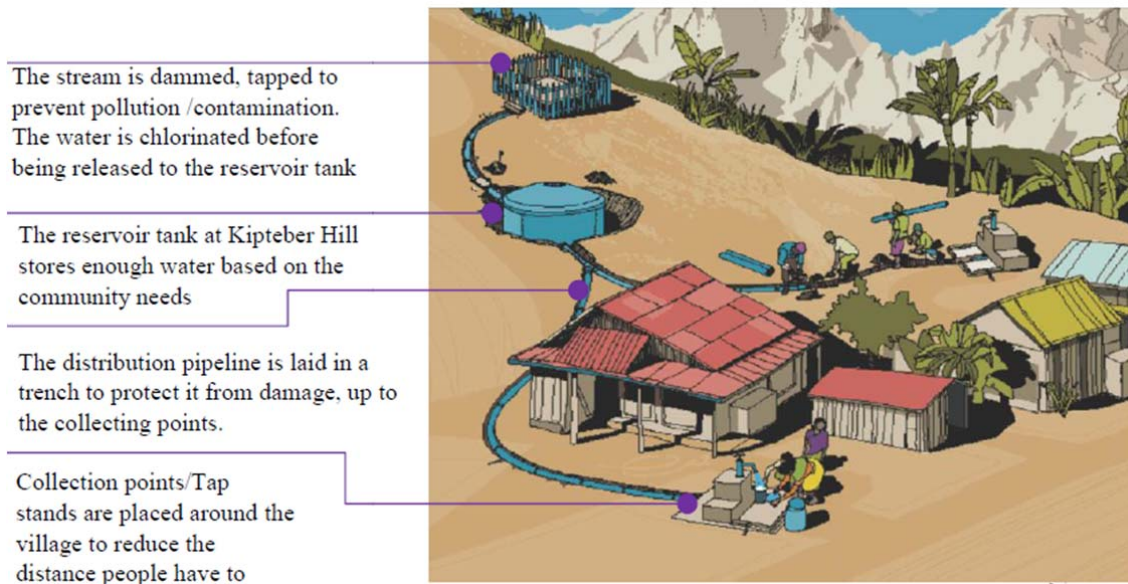


Figure 4: Gravity flow water technology (Source: Detail design report)

3.6 Water supply design details

Table 3: Water supply design details

Description	Amount/no.
Stream tapping daily demand	557m ³ /day
Raw water pipe to chlorinate tank	Class D uPVC pipe 150φ 2.005km long.
Treated water tank at T/work site	150 m ³ capacity (Masonry)
Main pipe to distribution tanks	class D uPVC pipe 75φ 8.4 km long
Storage tank at Kipteber Primary School	50m ³ capacity (Masonry)
Kiplegeted Tank	50m ³ Masonry
Other tanks are at Laiwa, Kona 4, Kipsero, Kalbul and Kamakitwa	all 10m ³
Water Kiosks at Kipsero Primary School, Kamakitwa, Kapkutung, Kalbul, Kona 4 and Chief's area	10No
1m ³ Pressure Break Tank (PBT)-	10No.locations
Support piers as columns 300mm x 300 mm standing on 1200mm square bases	11No.
Weir 6m long (reinforced concrete 25m ³),	Total reinforced concrete work is

Description	Amount/no.
Sedimentation tank (reinforced concrete 70m ³), Spring Box (reinforced concrete 50m ³), Tank hard stands, kiosks, miscellaneous concrete (thrust blocks, PBT, Piers etc) –concrete works (100m ³).	about 250m ³ .

Chapter

Four

4.0 SOCIO-ECONOMIC SURVEY

4.1 Approach for Identifying Project Affected Persons

With the complete final design, locations determined, a land survey demarcating the required project's land was undertaken after which the identification of project's affected persons followed. The PAPs were classified into three groups namely;

- a) Those who have formal legal rights to the land they occupy;
- b) Those who do not have formal legal rights to land, but have a claim to land that is recognized or recognizable under the national laws including those measures put in place by the draft land policy; or
- c) Those who have no recognizable legal right or claim to the land they occupy.

The following categories were used in identifying groups of PAPs for the purpose of determining impacts.

Project affected persons (PAPs) are individuals whose assets may be lost, including land, property, other assets, and/or access to natural and/or who may lose access to economic resources as a result of activities related to sub-project(s), whether permanently or temporarily.

Project affected households are groups of PAPs in one household and where one or more of its members are directly affected by the Kapcherop Water Project. These include members like the head of household, male, and female members, dependent relatives, tenants, etc.

Vulnerable groups of people. From these households, the Kapcherop Water Project will separately identify the vulnerable members, such as those who are old or ill; children; those stricken with HIV/AIDS; women; unemployed youth; etc. Households headed by women that depend on sons, brothers, and others for support will also be identified. Similarly, households with elderly or seriously ill or disabled persons will be identified. Vulnerable people and households will be eligible for additional support.

4.2 Population

The Total Population is 11,415 as per the 2009 census. For population projections, the Elgeyo – Marakwet County's annual population growth rate set at 2.6% following the 2009 Population Census was used to project the approximate population growth up to the ultimate year. The Household per Location is 2,335 and the average number of membership per household is 5.

4.3 Level of education

Figure below shows a study into their level of education; majority (58%) had the highest level of education at Primary School; around 27% had secondary school education; while around 10% had post-secondary school education. From the analysis 5% of the population are illiterate and have no education.

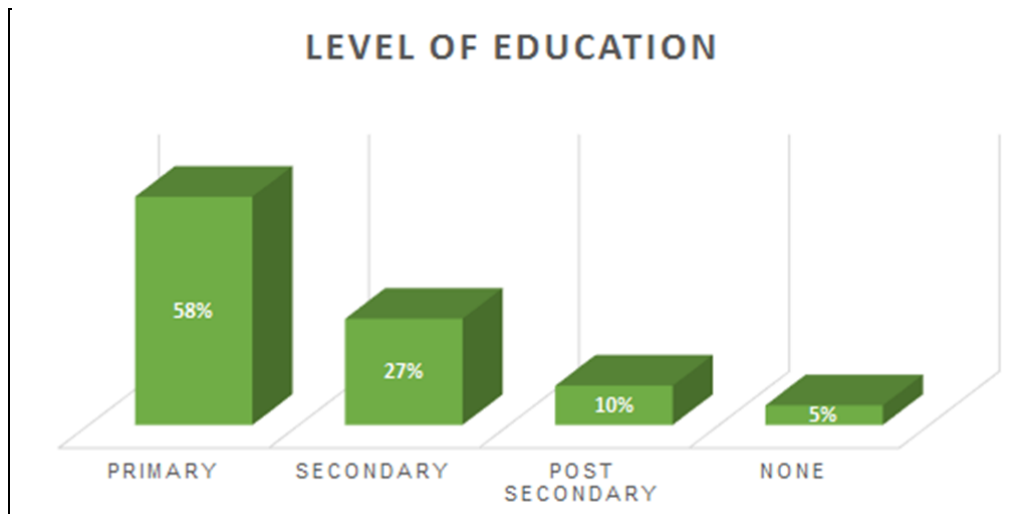


Figure 5: Level of education

4.4 Occupation

From the figure below; the occupation of the people was found that 69% were farmers; 26% were found to engage in businesses; 5% in employment both public and private sector.

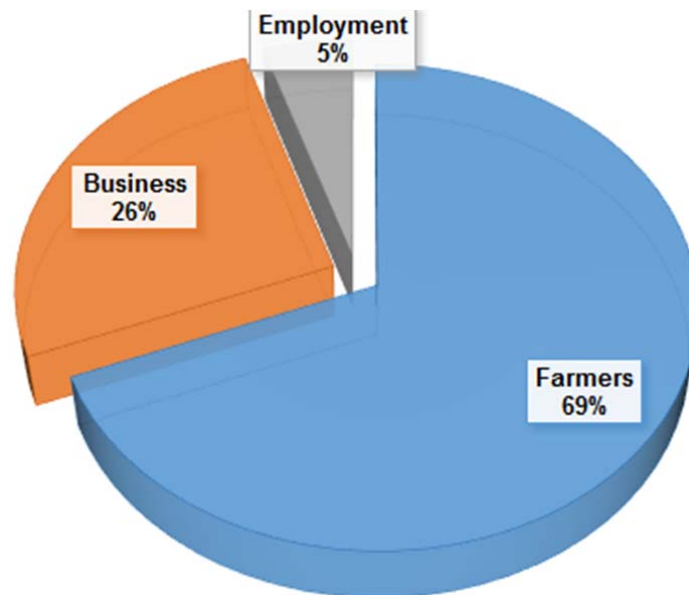


Figure 6: Occupation

4.5 Amount of income

The communities have different sources of income based on the available resources and climatic conditions. As shown in the figure below, the majority of the respondents (48%) indicated that the average amount of income per month is above Ksh. 20,000 which is primarily from farming, 16% of the respondents earn less than 10,000 per month. Due to the sensitivity, 20% of respondents didn't disclose their income.

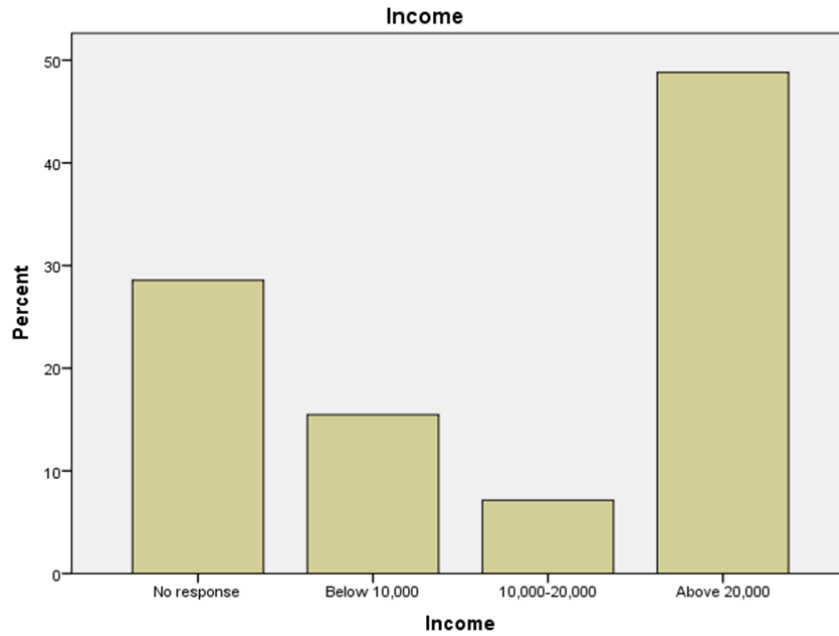


Figure 7: Amount of income per month

4.6 Main source of water

During the study, the major water sources for domestic use; around 83% were found to obtain water from rivers or springs, 10% obtaining water from wells, 5% practice rain water harvesting for domestic use. Additionally, 2% get piped water especially those living near the town and those from public water kiosks.

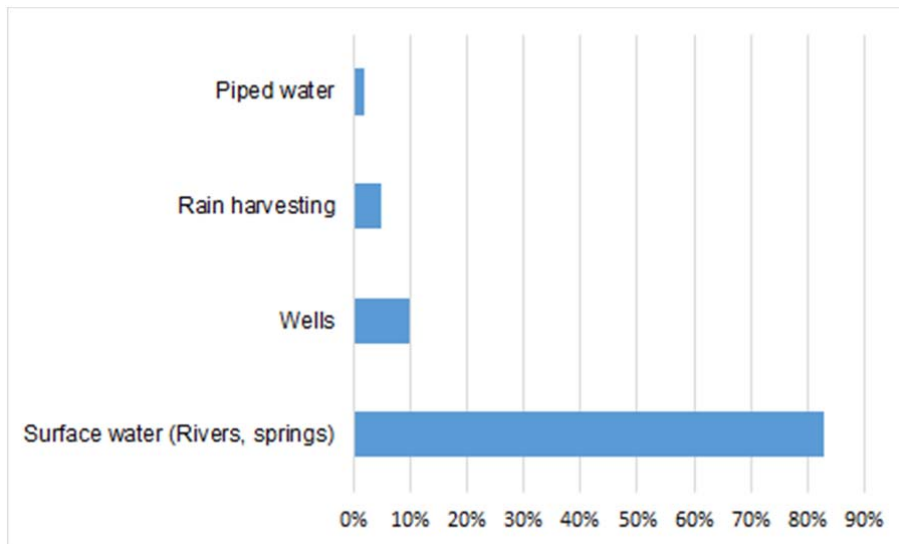


Figure 8: Sources of water

4.7 Social Characteristics

a) Ethnic distribution

The dominant ethnic group in the project area is Sengwer. The group is regarded as to be the indigenous people and also considered as vulnerable ethnic minorities.

b) Women

The economic, social and political status of women in the project area presents a case of exclusion, discrimination and lack of involvement in decision making. Apart from land ownership, most girls are subjected to early marriages after which their roles are largely confined to household chores. They are generally economically dependent upon men who tend to make the decision as to how many children the family should have and how the family resources should be used. Women are burdened by back-breaking work including all food preparation, child rearing and domestic chores. Women are also the principle collectors of water and firewood, and in some instances, they have to walk long distances to acquire these resources for drinking and cooking. Women's access to formal education is low in the affected area.

c) Children

Children are the most vulnerable members of the population due to the effects of displacement and disintegrations of families. In the project area, children are tasked to look after cattle, sheep and goats.

d) Housing

The quality of housing in the project affected area consists of a mix of permanent, semi-permanent houses and *Manyatta* houses.



4.8 Religion, Ethnicity and Language

The project area is characterized by religious diversity but dominated by Christianity. Christianity comprises of 98% of the population. The remaining 2% are traditional religion and those who don't subscribe to any religious faith as shown below.

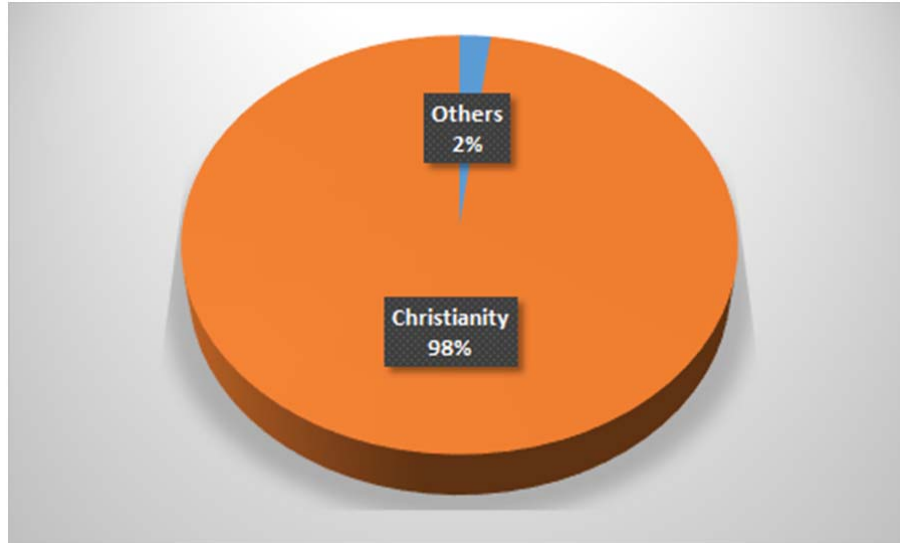


Figure 9: Religion

4.9 Land Use and tenure

Most of the respondents indicated that land is basically used for mixed farming where crops farming and dairy farming is dominant. The area is conducive for farming and agricultural production.

4.10 Economic and Livelihood activities

The IPs and the other communities in the target locations are involved in the following economic and livelihood activities:

- i. Agricultural production, including maize, beans, a variety of vegetables, millet, sorghum, potatoes and many types of fruit (for household consumption and sale), and, pyrethrum and tea (as cash crops);
- ii. Livestock production (mainly cattle and sheep – for food and sale) including production of wool (from merino sheep), and related marketing;
- iii. Small scale trading (although a few elite among them, just like other communities in Kenya) are engaged in large scale enterprises;
- iv. Honey production: honey, which is a natural resource based livelihood activity, is a key source of livelihood and income for the IPs. They harvest honey between the months of January and March, when it is found in plenty.

- v. Herbal medicine: This is another source of income for the IPs who use and sell herbal medicine that is found within the forests of Cherengany Hills.
- vi. Firewood and charcoal as a source of income: Some Sengwer IPs burn and sell charcoal while others collect and sell dead wood from the forest for income. Both firewood and charcoal are sold in the open markets in towns such as Kapcherop, Kapsowar, Kitale and Eldoret among other smaller trading centers.

Chapter

Five

5.0 PROJECT IMPACT

From the IPs consultation, a number of potential benefits of the project were identified by the people, among them prospects for employment, the provision of clean and safe water that will lead to eradication of water borne diseases thus freeing up time that can be put to other productive uses. The potential negative effects consisted of suspicion that the project might not cover all the areas as were proposed by the community, leading to further marginalization of the IPs in the area. In this project there are no households and people to be displaced or structures lost. The project will acquire small pieces of land for the construction of the intake, treatment plant and the tank sites As a matter of fact none of the households or people affected will lose more than 5% of their land holdings.

5.1 Resettlement Impacts

a) Displacement

The proposed water supply project requires no displacement of households or demolition of any structures except in areas where the design cannot be changed. The process took into consideration the laws, legislation, regulations, and local rules governing the use of land and other assets in Kenya, as well as the standards of the World Bank's operational policy OP4.12 on Involuntary Resettlement.

The World Bank policy on involuntary resettlement emphasizes that any development project should avoid or minimize involuntary resettlement and where this is not feasible, it should compensate for lost assets at full replacement cost and assist the displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

b) Affected Land

The land envisaged to be acquired is to be used for construction treatment works and storage tanks. The way leave for the water supply pipeline will be provided by the community members as their contribution to the project. The total land to be acquired is will be 1.084 HA which will be at the intake, treatment works, water tanks and access roads.

c) Affected Trees and Crops

Different species of trees, both fruit bearing and timber type are present in the area. Trees affected include:

Cypress

Bluegum

Indigenous trees

There will be minimal impact on trees because the pipeline will be routed along the areas without trees. KFS will be the most affected stakeholder since there are many forests in the area.

d) Public institutions

Water tanks will be constructed at Kipteber primary school and Kenya Forrest Service. The land will be acquired for these tanks with an area of 0.04Ha with compensation cost of Kshs 120,000. These institutions will give way leave for the pipelines as their contribution to the project.

The water supply will be re-designed so as to re-route the pipeline at Kipteber primary school, Silibwet AIC Church, Kipsero Primary school to minimise the impact, this will avoid demolition of structures.



Kipteber Primary



Kipsero Primary



Silibwet AIC Church

5.2 Potential Positive impacts of the proposed water projects

A number of potential benefits of the WaSSIP1- FE were identified by the IPs and other stakeholders. These include:

- i. The projects have led to employment during construction and will lead to further employment opportunities within the technical and managerial departments of the water supply schemes;
- ii. Business opportunities will result from a sustainable supply of enough quantities of water, as well as employment created within these businesses. Examples include running of water kiosks and carwash;
- iii. Increased small scale irrigation opportunities leading to enhanced household food security (provided that the treated water can be used for the purpose) and reduced vulnerability levels;
- iv. Sustainable supply of enough, clean and safe water to the communities;
- v. Assured water for livestock –especially milk cows – further boosting food security and income levels of households, leading to further reduced vulnerability levels;
- vi. Increased numbers of people with access to safe drinking water;
- vii. Improved hygiene levels leading to better health due to reduction/eradication of waterborne diseases such as typhoid and amoebaesis;
- viii. Improved revenue collection for the County Council;
- ix. Reduced workload of women and children resulting in availability of more time which can be redirected to other productive activities;
- x. Better roads, especially for communities living near the water intakes;

a) Potential Negative impacts

During the Public consultations the IP presented some off the potential adverse effects of the project and the proposed mitigation measure.

Table 4: Potential negative impacts

Potential negative effects	Proposed mitigation measures
Opposition of the IP Kapcherop Water Project may occur if the proposed design does not cover all the IP locations are not implemented	The Design Engineer to include all the areas in the design.
Risk of injury and siltation if intakes are not properly protected and fenced off to reduce access by livestock and human activity;	Support an upstream environmental conservation programme
Increased incidences of malaria due to large volumes of stagnant water at the intakes; Continued prevalence of water borne diseases if water is not properly treated	Support a sanitation programme in the area.
Conflict with land owners if storage tanks, water intake and Treatment works are not adequately compensated , if there is no clear legally binding agreement with land owner; a non binding agreement could lead to problems later, between water users and the land owner, especially if the younger generations of the land owner;	Timely and adequate payment based on the valuation report
Conflict at water collection points if the water collection points (water kiosks) are not enough to be shared by all users within a particular area;	Construction of adequate water points
Concentration of people and livestock around water points leading to environmental degradation including soil erosion;	Construct adequate water points.
Payment for water which is currently fetched by women free of charge, may lead to some people shunning the treated and safe water.	

5.3 Views on areas of potential conflict

A number of areas of potential conflict during implementation of the ongoing and the proposed projects were identified. The people foresee potential conflicts between the community and the Committee on the one hand, and the committee and the implementing agency on the other. In broad terms, they foresee situations where conflict could arise between the following groupings:

Committee/Community Vs LVNWSB

Internal conflict within the Committee (also Community Vs Community)

Committee Vs Community

a) Committee/Community vs LVNWSB

If the Board does not involve the Community in an honest partnership that ensures their participation during planning, implementation and the handing over processes of the project , i.e. failure to follow the *free, prior and informed consultations* – may lead to conflicts/disputes/mistrust;

- i. Unclear identity and mandate of the Committee may lead to presumptive actions or demands leading to conflict;
- ii. If LVNWSB does not build the capacity of the Committees in such a way that they are able to mobilize and involve the people in project activities, the people would develop curiosity, which in turn could spark curiosity and rumors, leading to high expectations that LVNWSB may not be able to fulfill.

b) Committee vs Community

- i. If the membership of the Committee, both general and executive, is not representative of all communities, gender and social groups living within the project area;
- ii. If Committee fails to deliver its mandate in an honest, open, objective, accountable and transparent manner;
- iii. If the Committee fails to mobilize and embrace full participation of the people in the project activities, it will be seen to have grabbed a community project, and to run it as a personal property, and this would result into suspicion and resentment for the Committee.

c) Internal conflict (within the committee)

- i. If one area, gender or age group is allowed to dominate the committee i.e. if the Committee is seen as an IP affair and not inclusive or representative enough, either at the membership or the executive level.
- ii. If the committee fails to respect its constitution with regard to meetings, accountability and a strict adherence to term in office;
- iii. If there is 'mutual' suspicion among the committee members, especially on the grounds of IP versus other communities, there is bound to be conflict.

Chapter

Six

6.0 PUBLIC CONSULTATION AND PARTICIPATION

6.1 Introduction

Public consultations in relation to the RAP occur at all stages, starting with inception and planning when the potential lands and alternative sites are being considered. A participatory approach was adopted as an on-going strategy throughout the entire project cycle. Public participation and consultations was done through individual, group, and community meetings. Selection of ways to consult, and expand participation by PAPs and other stakeholders, took into consideration literacy levels prevalent in affected communities; ethnicity and cultural aspects; and practical conditions (like distance). The role of traditional political and cultural leaders, including the community elders, in the participation strategy was important.

The requirement for *free, prior and informed consultations* has been prioritized in the project with clear communication and consultation with the IP during the design and Resettlement Action Plan. The IP were given full information on the project and their place in it, in order to ensure an effective partnership based on *free, prior and informed consultations*.

The community participation in this project has been outstanding as they have effectively played a crucial role in helping to formulate the project design needs. The Kapcherop Indigenous Persons (IPs) of Sengwer which the project targets, has an organized community management System on their local resource base (water, land, forest and livestock). They appreciate the benefit of the water supply scheme especially on health; the management and the operation of the project.

6.2 The Process for Free, Prior and Informed Consultations with IPs

OP 4.10 requires the full involvement of IPs in all aspects of a project that may be implemented in an area in which they have a claim, whether the claim is due to historical, cultural, social or economic reasons. Their full participation and involvement is especially necessary in cases where a project may have adverse effects on them. For their full involvement to be achieved, the policy makes it incumbent upon the implementing agency to undertake participatory consultations with them at each stage of the project, particularly during project preparation, to fully identify their views and ascertain their broad support for the project. To ensure such *free, prior and informed consultations*, OP 4.10 requires the WSBs implementing the WaSSIP and the GoK (borrower) to:

- Establish an appropriate gender and inter-generationally inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation by the affected Indigenous Peoples' communities, the Indigenous Peoples Organizations (IPOs) if any, and other local civil society organizations (CSOs) identified by the affected Indigenous Peoples' communities;
- Use consultation methods appropriate to the social and cultural values of the affected Indigenous Peoples' communities and their local conditions and, in designing these methods, give special attention to the concerns of IPs women, youth, and children and their access to development opportunities and benefits;

6.3 Public consultations as provided for in the Water Act 2002

The Water Act 2002 has adopted participatory consultations as the strategy for water management & catchments' conservation. Part III section 2 (1) of the Water Act 2002 states that: *Following public consultations the Minister shall formulate, and publish in the Gazette, national water resources management strategy in accordance with which the water resources of Kenya shall be managed, protected, used, developed, conserved and controlled.* The Act further states in the same chapter that WRMA shall “*provide mechanism and facilities for enabling the public and communities to participate in managing the water resource within each catchment area.* In this regard, the provision for the representation of the communities in Catchments Area Advisory Committees (CAAC) is an indication of a clear demand by the Act for the *participation/consultation* of stakeholders in water resource management. In this respect, participation of local communities including IPs is ensured by the provision that demands the inclusion of a local farmer, pastoralist, businessman, NGO and any person from the local area, who has

demonstrated interest and competence in water resource management as detailed in Water Act 2002 Part III sections (16 b to f).

In adopting participatory consultations as the strategy for engagement with stakeholders, the Water Act 2002 is in conformity with OP 4.10. The engagement with IPs should be based on the principles of *free, prior and informed consultations* which in practice mean that the people should be informed in good time, of the activities being undertaken, strategies being used, the policies involved and any information that would enable them to make informed judgments and decisions concerning the project. Their opinion should then be sought with regard to matters of the project and their broad support should be obtained. *Free, prior and informed consultations* does not mean consensus in all aspects of the project but that the IPs and all parties understand the reasoning behind the actions and decisions being undertaken. For the *free, prior and informed consultations* to be achieved, the implementing agency needs to be proactive in giving relevant information to the people either directly or through institutions that can represent them adequately, such as an elected body, to enable them make informed decisions that are not based on hearsay, rumors, speculation or fear.

6.4 The consultation process

The participatory consultation in the IP water project has led the high level of ownership and the positive reception the project is receiving on the ground.

- *Will there be other storage tanks at strategic points apart from the main one at the Treatment plan?*
- *How will the project be managed, i.e. will it be managed by the WUA/Committee or by LVNWSB?*
- *Who will be employed in the various positions in the scheme?*
- *When will work start in the other clusters to cater for the IPs since 99% of them live in the various locations?*

6.5 Preferred consultation process

The IP and other communities agreed that a participatory, consultative and inclusive approach, based on the *free, prior and informed consultation* principles, should be applied in the engagement between LVNWSB-WaSSIP and the project beneficiaries.

6.6 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. The main groups of stakeholders are:

a) Directly Affected People

These are the people who reside in the area or derive their livelihood from the affected land. These people will lose their property to LVNWSB through compensation of land, physical assets, trees and crops. Both men and women of the affected households who were directly affected people were informed and consulted on major issues concerning relocation, livelihood rehabilitation and income restoration. They participated in the socio economic survey.

b) Indirectly Affected Persons

This group of stakeholders includes all those who reside in areas neighboring 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.

c) Government Agencies and Other Organizations

These include:

KFS

Nyayo Tea Zone

National Environment Management Authority (NEMA)

Ministry of Lands

Ministry of Roads and infrastructure

Ministry of Agriculture

County Government

6.7 Community Meetings and issues raised

Community consultation 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 information gathered was used as input into the Resettlement Action Plan Interviews using questionnaires and public *barazas* with the stakeholders were carried out from 16th to 23th September 2014 in the presence of administrative leaders, community leaders and the residents who are likely to be affected by the project along the way leaves trace.

a) Community meetings

Emerging from the preliminary phase, a number of consultation meetings were organised with the community and the provincial administration to create awareness and consult on compensation options, possible effects of the proposed project on the community and to make clarifications on issues that were not clear to the community in relation to the proposed project. The consultants, among other things, discussed the emerging issues from the PAPs exploring various feedback options and possibilities on areas that were not clear to the community members.

The meetings had open forum (*Baraza*) especially with the PAPS. The plenary session at the beginning were used to introduce the project details and its effects on the community members living along the line route. It is in these meetings where the consultant had the opportunity to listen to views in the preferred compensation modes, land rates and other issues pertaining to the involuntary resettlement. The meetings were organized with the help from the public administration- the chiefs and their assistants. Community *barazas* were done in the following areas: Intake (Tembu Primary School), Kipteber, Kiplegetet, Kipkanyar, Kalbul and Kipsero

Table 5 Community consultation data

		Men	Women	Total
Tembu	Primary	66	18	84
School(intake)				
Kipteber		47	9	56
Kiplegetet		49	14	63
Kipkanyar		30	16	46
Kalbul		52	28	80
Kipsero		76	39	115

b) Keys issues raised

1. The need for a conservation/protection of the river sources in the catchment areas
2. Payment of ecosystems services; where the upstream people should be compensated for conserving the water catchment
3. Committee should be set up to manage the projects at village level to manage the project.
4. There should be involvement of Kapcherop water committees and the project committee in the implementation of this project

c) Questions

1. Where does the water come from and how will those in the catchment be compensated?
2. Will the project install water taps in the homes?
3. Will the water be paid monthly?
4. How will be the cost of water be determined?

Public *baraza* at Intake



Kapkanyar community meeting

- Employment of locals during construction phase of the project. This should be done through Kapcherop water resource users associations
- There should be inclusive representation in the project meetings



Plate 1: Public baraza at Kapkanyar

Kalbul community consultation meeting

- Who are the beneficiaries of the project? How many households?
- Where will the distribution of the water start? From the tank or on the mains?
- How will be the network of the project be?
- Is the water sufficient to cover all the households?
- There should be fairness during compensation
- How is the tariff management done?



Plate 2: Public *baraza* at Kalbul village



Plate 3: Public *baraza* at Kipsero village

The consultant responded to the above issues that the locals will be considered for employment and throughout the project duration, they be involved through consultation and cooperation.

Chapter

Seven



7.0 VALUATION OF AND COMPENSATION FOR LOSSES

This section describes the methods used in valuation of land and structures eligible for compensation consistent with either Kenyan laws or policies or World Bank policy on involuntary resettlement (OP 4.12).

7.1 Inventory of Assets and PAPs

In order to prepare for compensation and other resettlement benefits, it is imperative that a comprehensive asset and affected persons inventory in the designated areas for the different project components was done. Such an inventory was conducted by a multidisciplinary team composed of the following types of persons: - a Project Team Leader, Surveyor, Valuation Expert and Sociologist. In addition to this team, respective Location and Sub Location Chiefs plus village leaders were present to witness the process.

7.2 Valuation Procedure

At each affected land/plot, the Valuer took careful count of all crops and trees. In addition, the Valuer counted and measured all the affected buildings/structures in the presence of the affected person and a local leader. A Compensation Assessment Form was filled to record all the properties affected. The licensees or sharecroppers crops were also noted and recorded on a separate Compensation Form bearing the names of the licensee or sharecropper. The property of the share cropper/licensee were recorded in the presence of the landowner, the licensee/sharecropper and the area leader. All the participating parties will verify the contents of the Compensation Assessment Form and will thereafter append their signatures to this form. The affected persons will take a copy of the Compensation Assessment while the original will be retained by the Valuer.

7.3 Land Survey

A Land Surveyor demarcated the boundary of the project land required for acquisition. He then demarcated individual affected property so as to determine the different land areas/sizes acquired from each PAP. The surveyor worked hand in hand with the affected persons, other community members and the Local authorities (i.e. sub location chiefs and village leaders). This is mainly for purposes of transparency and confirming land boundaries and ownership of the affected property. In cases where the land owners were absent, family members, caretakers or spouses were encouraged to be present and represent the household. The land inventory specified the different customary tenures under which the different affected plots of land fall (e.g. customary, leasehold, freehold etc.).

7.4 Socio-economic Profile of Each PAP

Structured questionnaires were administered by a team of trained Research Assistants in order to document each Project Affected Person's profile. The team was supervised by a Resettlement Expert. The questionnaires were entered into SPSS and analyzed to estimate the magnitude of the impacts and for monitoring purposes.

The socio-economic survey revealed a substantial amount of information on the economy and social organization of the affected community. The Resettlement Expert reviewed the data so as to identify appropriate and sustainable interventions. Special attention will be paid to the needs of vulnerable people among the PAPs especially households with incomes below the national poverty line, including the landless, elderly, disabled, women, children, and other disadvantaged groups.

For these reasons, the project financier should bear in mind that resettlement may provide opportunities to an affected community to improve housing, public infrastructure and services and to engage in land use planning that contributes to the long term development objectives.

7.5 Computation of Compensation Packages

Valuation and Calculation of the affected property was based on the following;

a) Compensation Rates / Valuation Tables

A schedule of rates obtained from the Chief Valuer, Commissioner of Lands Office, Ministry of Lands and Settlement was used to calculate the replacement cost.

b) Rates from other Contractors

In the absence of compensation rates, rates from other Contractors with similar types of construction in the vicinity of the project were applied.

c) Replacement Cost

Replacement cost refers to the amount sufficient to cover full recovery of lost assets and related transaction costs. Replacement cost was used when valuing all the permanent structures.

7.6 Market Rate Approach

Market rates were applied especially when valuing and calculating compensation values for land.

7.7 Forms of Compensation

When compensation forms were filled both men and women signed and in cases of women headed households they involved their children in the negotiations and signing of the compensation forms and contracts. Compensation was done in the following forms

- Cash Compensation will be in Kenyan local currency -- compensation will be calculated at new (i.e. un-depreciated) replacement value. Rates will be adjusted for inflation.
- In-kind compensation shall include items such as land, houses, building materials (of equal or better value), seedlings, agricultural input etc. If building materials are provided transport and labour cost must also be provided.
- Additional assistance may include, moving allowances, labour, food and rent during the transition period etc.
- Economic rehabilitation assistance may include training, capacity building as well as provision of assistance to facilitate re-establishment of livelihoods such as seedlings, agricultural inputs and financial credits for equipment.



Chapter

Eight



8.0 ELIGIBILITY AND ENTITLEMENT MATRIX

8.1 Introduction

This section sets out the eligibility criteria of the different categories of PAPs that will be affected by the water supply project for resettlement and benefits.

The involuntary taking of land, results in relocation or loss of shelter and loss of assets or access to assets or natural resources or loss of income sources or means of livelihood, whether or not the PAPs must move to another location. The WB OP 4.12 Para 15 (a, b, & c) categorizes those eligible for compensation and resettlement in three groups as shown below.

- (a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- (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 action plan (itinerant farmers or sharecroppers) and;
- (c) Those who have no recognizable legal right or claim to the land they are occupying.

PAPs covered under a) and b) above are to be provided compensation for land they lose, and other assistance in accordance with the policy. Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy or use, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy or use the project area prior to a cut-off date. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in a), b) or c) above are to be provided with compensation for loss of assets other than land.

All PAPs irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the cut-off date. Persons who occupy the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

The entitlement cut-off date refers to the time when the valuation assessments of the land and assets/developments on the land and a census of all the affected people are complete. The date of the census will serve as the cut-off date for eligibility and no new arrivals in the project area or assets created after the cut-off date will be eligible for compensation after this date. All stakeholders including PAPs will be informed of the cut-off date and its implications. Information about the cut-off date will be disseminated mainly through public meetings and community meetings with administrative officers taking lead.

8.2 Eligibility for resettlement/relocation

Eligibility for compensation and/or resettlement considered the following categories of PAPs:

- All those affected households whose family lands and/or assets and buildings are located within the proposed treatment works area, intake or in water tanks.
- Households who are occupying land acquired for the project and the remaining piece is considered economically unviable.

8.3 Eligibility for Community Compensation

A Community may claim compensation as a group such as farmer's group/association. Communities permanently losing land and/or access to assets and or resources will be eligible for compensation. The rationale for this is to ensure that the pre-project socio-economic status of communities adversely impacted is also restored.

8.4 Loss of Income and Livelihood

PAPs who will be affected by a reduction in income due to the project were considered for livelihood restoration strategies. Where necessary, PAPs will be entitled to transitional assistance, which include moving expenses and temporary residence.

Livelihood restoration strategies will be implemented during the construction of the project. Monitoring of the strategies will commence about 3 months after their implementation and will continue after the construction phase for a period of about 1 year.

8.5 Assistance to Vulnerable Groups

The compensation principles shall entail special measures and assistance for vulnerable affected persons, such as female headed households, disabled persons and the poor. PAPs will be entitled to compensation and resettlement assistance that will help in the restoration of their livelihoods to at least, pre-project standards.

An entitlement matrix is given in the table **Error! Reference source not found.** below.

Table 6: Entitlement matrix

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural land	Less than 20% of land holding affected	Farmer/ title holder	<ul style="list-style-type: none"> ✚ Cash compensation for affected land equivalent to replacement value or Market value
	Land remains economically viable.	Tenant/ lease holder	<ul style="list-style-type: none"> ✚ Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.
	Greater than 20% of land holding lost	Farmer/ Title holder	<ul style="list-style-type: none"> ✚ Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice. ✚ Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs. ✚ Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature). ✚ Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)
	Land does not become economically viable.		
		Tenant/Lease	<ul style="list-style-type: none"> ✚ Cash compensation equivalent to average of last 3 years' market

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
		holder	<p>value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.</p> <ul style="list-style-type: none"> ✚ Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature.
Commercial Land	Land used for business partially affected	Title holder/ business owner	<ul style="list-style-type: none"> ✚ Cash compensation for affected land ✚ Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).
	Limited loss	Business owner is lease holder	<ul style="list-style-type: none"> ✚ Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)
	Assets used for business severely affected If partially affected, the remaining assets become insufficient for business purposes	Title holder/business owner	<ul style="list-style-type: none"> ✚ Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. ✚ Transfer of the land to the PAP shall be free of taxes, registration, and other costs.

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			<ul style="list-style-type: none"> ✚ Relocation assistance (costs of shifting + allowance) ✚ Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)
		Business person is lease holder	<ul style="list-style-type: none"> ✚ Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. ✚ Relocation assistance (costs of shifting) ✚ Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to reestablish the business.
Residential Land	Land used for residence partially affected, limited loss Remaining land viable for present use.	Title holder	✚ Cash compensation for affected land
		Rental/lease holder	✚ Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)
	Land and assets used for residence severely affected Remaining area insufficient for	Title holder	<ul style="list-style-type: none"> ✚ Land for land replacement or compensation in cash according to PAP's choice. ✚ Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	continued use or becomes smaller than minimally accepted under zoning laws		<p>with adequate physical and social infrastructure systems as well as secured tenure status.</p> <ul style="list-style-type: none"> ✚ When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value. ✚ Transfer of the land to the PAP shall be free of taxes, registration, and other costs. ✚ Relocation assistance (costs of shifting + allowance)
	Land and assets used for residence severely affected Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Rental/lease holder	<ul style="list-style-type: none"> ✚ Refund of any lease/ rental fees paid for time/ use after date of removal. ✚ Cash compensation equivalent to 3 months of lease/ rental fee. ✚ Assistance in rental/ lease of alternative land/ property. ✚ Relocation assistance (costs of shifting + allowance)
Buildings and structures	Structures are partially affected Remaining structures	Owner	<ul style="list-style-type: none"> ✚ Cash compensation for affected building and other fixed assets. ✚ Cash assistance to cover costs of restoration of the remaining structure

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	viable for continued use	Rental/lease holder	<ul style="list-style-type: none"> ✚ Cash compensation for affected assets (verifiable improvements to the property by the tenant). ✚ Disturbance compensation equivalent to two months rental costs
	Entire structures are affected or partially affected Remaining structures not suitable for continued use	Owner	<ul style="list-style-type: none"> ✚ Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. ✚ Right to salvage materials without deduction from compensation ✚ Relocation assistance (costs of shifting + allowance) ✚ Rehabilitation assistance if required (assistance with job placement, skills training)
		Rental/lease holder	<ul style="list-style-type: none"> ✚ Cash compensation for affected assets (verifiable improvements to the property by the tenant). ✚ Relocation assistance (costs of shifting + allowance equivalent to four months rental costs). ✚ Assistance to help find alternative rental arrangements ✚ Rehabilitation assistance if required (assistance with job placement, skills training)
		Squatter/informal dweller	<ul style="list-style-type: none"> ✚ Cash compensation for affected structure without depreciation ✚ Right to salvage materials without deduction from compensation

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			<ul style="list-style-type: none"> ✚ Relocation assistance (costs of shifting + assistance to find alternative secure accommodation) to area where he/she can live and work legally preferably in the community of residence through involvement of the project ✚ Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available) ✚ Rehabilitation assistance if required assistance with job placement, skills training)
		Street vendor (informal without title or lease to the stall or shop)	<ul style="list-style-type: none"> ✚ Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. ✚ Relocation assistance (costs of shifting) ✚ Assistance to obtain alternative site to re- establish the business.
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	✚ Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.
Trees	Trees lost	Title holder	✚ Cash compensation based on type, age and productive value of affected trees plus 10% premium
Temporary	Temporary acquisition	PAP (whether	✚ Cash compensation for any assets affected (e. g. boundary wall

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Acquisition		owner, tenant, or squatter)	demolished, trees removed)
Community property			✚ In kind replacement or compensation at replacement cost for land and structures

Chapter

Nine



9.0 RAP IMPLIMENTATION SCHEDULE

Generally, this RAP study assesses the potential positive and negative social impacts of the proposed water supply project as per the design that could in effect minimize the resettlement and resultant impacts.

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, civil works etc.

9.1 Time schedule

The activities prior to construction are outlined in the following table below with **the cut-off date being October 30th 1014.**

Table 7: RAP Implementation schedule

RAP Activities	Duration	Start	Finish
Submission of Final RAP report by the consultant	1 day	Mon 10/27/14	Mon 10/27/14
Review and Approval of RAP Report by LVNWSB/WB	14 days	Tue 10/28/14	Fri 11/14/14
Constitution of resettlement team/committee	5 days	Mon 11/17/14	Fri 11/21/14
Validation process by consultant's valuer and client	7 days	Mon 11/24/14	Tue 12/2/14
Community consultation	7 days	Wed 12/3/14	Thu 12/11/14
Constitution of RAP PAP committee	7 days	Wed 12/3/14	Thu 12/11/14
Notification of entitlement	7 days	Wed 12/3/14	Thu

RAP Activities	Duration	Start	Finish
			12/11/14
Signing of Agreement on entitlement by PAPs	5 days	Fri 12/12/14	Thu 12/18/14
Payment of compensation (70%)	3 days	Fri 12/19/14	Tue 12/23/14
Notification of relocation	3 days	Wed 12/24/14	Fri 12/26/14
Redress of Grievances	14 days	Fri 12/12/14	Wed 12/31/14
Relocation of households/structures	20 days	Wed 12/24/14	Tue 1/20/15
Final payment of compensation (30%)	3 days	Wed 1/21/15	Fri 1/23/15
Submission of project completion report by the RAP committee	7 days	Wed 1/21/15	Thu 1/29/15
Monitoring and Evaluation	60 days	Wed 12/3/14	Tue 2/24/15

9.2 Gantt chart

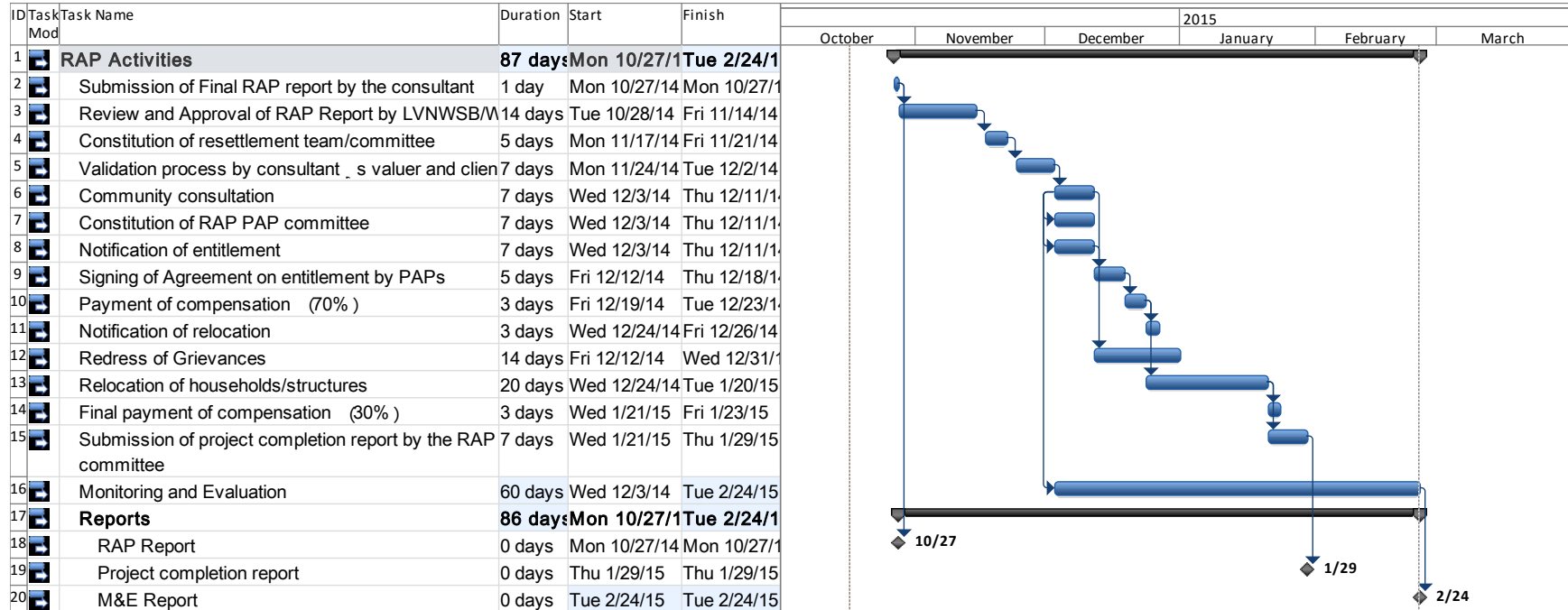


Figure 10: RAP Implementation schedule

Chapter

Ten



10.0 GRIEVANCE REDRESS MECHANISM

10.1 Introduction

During the implementation of the project activities it is likely that disputes/disagreements between the project implementers and the affected persons will occur especially in terms of boundaries, ownership of crops or land or use of land/ properties, compensation values, delay in disbursement of the compensation packages. It will therefore be necessary to establish channels through which aggrieved people could file their complaints so as to ensure successful project development and implementation.

The grievance redress procedures will have to provide opportunity for PAPs to settle their complaints and grievances amicably. The procedure to be adopted will allow PAPs not to lose time and resources from going through lengthy administrative and legal procedures. This may be set up through Local Authorities, including a Resettlement Committee and through community leaders.

The grievance mechanisms should:

Provide an effective avenue for expressing concerns and achieving remedies for communities

Promote a mutually constructive relationship between the project and the community or PAPs.

Prevent and address community concerns

10.2 Grievance Mechanisms

The Land Act 2012 and National Land Commission Act 2012 obligate the NLC to manage grievances and disputes related to resettlement or land amicably. NLC will be expected to arbitrate or negotiate with PAPs or landowners that have any grievances concerning their compensation. The structures they put in place are also expected to take up this responsibility.

This RAP thus proposed the following grievance resolution mechanisms.

10.3 Grievance Resolution Committee

The grievance committee is proposed at the local level and this may constitute the following people;

Location Chief

Sub Location Chief

Village leader

Two representatives of Project Affected Persons (1 Male and 1 Female)

A representative of the implementing agency

Complaints of PAPs on any aspect of compensation or addressed losses shall first be lodged in writing to the Committee, which will be resolved by use of customary rules and existing grievance resolution mechanisms. The Grievance Resolution Committee will try as much as possible to arrive at a compromise for the complaints raised. This may be obtained through series of conciliations, mediations and negotiations exercises conducted with the PAPs. The project implementers will also verify the claims on ground with the assistance of the grievance committee. If unresolved then the case will be forwarded to the Land and Environmental Court or High Court.

10.4 Land and Environmental Court or High Court

The constitution allows a right of access to courts of law by any person who has an interest or right over property. The aggrieved PAP not satisfied with the decision of the Committee may submit the case to courts of law as a last resort. However, this will only happen after all amicable ways to resolve the grievance have failed.

10.5 Grievance Resolution Process

PAPs will be consulted about the different approaches to resolving grievances during RAP preparation. Subsequently, through sensitization meetings the PAPs will be informed of the different grievance mechanisms in place for them to lodge their complaints and dissatisfactions. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency. All the grievances will

be channeled via the Grievance Resolution Committees. Complaints will be filled in a Grievance Resolution Form (Annex 2.).

After registration of the complaint, an investigation will be carried out by the committee members to verify its authenticity. Thereafter a resolution approach will be selected based on the findings. The decisions of the action to be taken or taken will be communicated to all involved parties mainly in written form. All measures will be undertaken to ensure that the grievance is solved amicably between the concerned parties and the courts will be the last resort. Efficiency in solving of the grievances will be of paramount importance.

The steps are summarized in figure below.

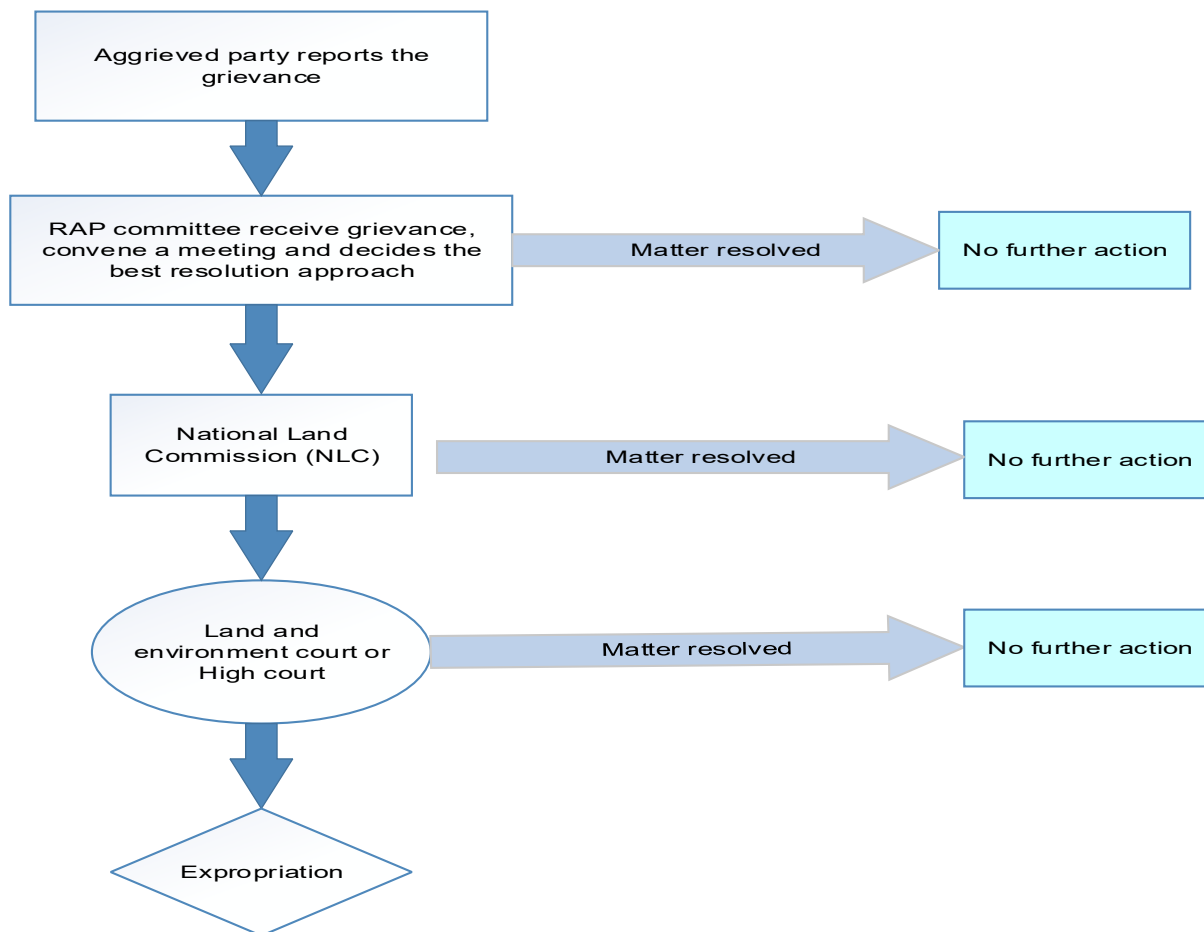


Figure 11: Grievance redress procedure

10.6 Monitoring Complaints

In addition to the Grievance Resolution Form, a Grievance Log will be kept by the project implementers indicating the date the complaint was lodged, actions to be taken and personnel or team responsible for the complaint. A Project Liaison Officer or Resettlement Expert for the project will monitor and document the progress of all complaints through weekly or monthly grievance resolution reports.

Chapter

Eleven

11.0 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.

11.1 Internal monitoring

The internal monitoring will be performed by LVNWSB. The target of internal monitoring is to ensure that there is overall fairness and transparency while compensation process takes place and Resettlement Action Plan is performed based on legal rights.

The main monitoring center would be compensation allocation schedule, payment and use of compensation fee, implementation of the policies and regulation specified in the resettlement plan and the whole course of implementation of the compensation.

The main source of data for internal monitoring will be the data base generated from the RAP for e.g. records on compensation for assets as well as the day today observations by implementing staffs. The client's team will record the progress of land allocation and resettlement. They will make a summary report starting from the commencement of the activities and special events will be reported on continuous basis.

11.2 External Monitoring

External monitoring will be conducted through a contracted independent and qualified consultant. The consultant should visit the project area at least thrice per year.

The consultant should ensure that:

Replacement housing for those who have had to move is of an adequate standard.

Monies paid to households who have lost crops and other forms of livelihood production have received fair compensation

Where land has been permanently acquired for the project, households affected have been afforded suitable land replacement or fair compensation.

The grievances raised by stakeholders, notably PAPs, have been settled within the stipulated timeframe without delay including the effectiveness of the compensation delivery system.

Review the results of internal monitoring and review overall compliance of RAP

The consultant must write its reports before the end of each visit and submit them to the RAP committee.

11.3 Monitoring Indicators

The table below shows the monitoring indicators:

Table 8: Monitoring indicators

Subject	Indicator	Variable
Land	Relocated PAPs	Area of cultivation land acquired Developments Area of communal land acquired Area of private land acquired Area of government land acquired
Buildings/ Structures	Number of buildings to be demolished	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	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	Number and type of trees cut Age size at girth level
	Value of crops to be destroyed	Crops destroyed by area, type and ownership
Compensation, Re-establishment and Rehabilitation	Number of PAPs compensated	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

Subject	Indicator	Variable
		Water supply access
	Number of community resources re-established	Number of community buildings replaced Number, type of plants lost Number of seedlings supplied by type Number of trees planted
Hazards and Disturbances	Number of complaints received from PAPs	Number of households affected by hazards and disturbances from construction (noise levels, blasting, increased traffic levels)
Social/ Demographic	Changes to household structure	Household size (births, deaths, migration in and out) Age distribution Gender distribution Marital status Status of vulnerable households
	Population migration	Residential status of household members Movement in and out of the household (place and residence of household members)
	Changes to access	Distance/travel time to nearest school, health Centre, church, shop, village
	Changes to health status	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,

Subject	Indicator	Variable
		quality of services) Utilization of health care services Disease prevention strategies Extent of educational programmes Latrine provision at schools (schoolchild population per latrine onsite)
	Changes to educational status	Literacy and educational attainment of household members School attendance rates (age, gender). Number, type of educational establishments
	Changes to status of women	Participation in training programmes Use of credit facilities Landholding status
	Change in access to clean water	No of those accessing to clean water Reduced cases of water borne diseases Reduced distance to water points
	Change in amount of time spent to collect water	Reduced distance to water points Average time spent on accessing water .

Chapter Twelve

12.0 BUDGET AND FUNDING OF THE RESETTLEMENT ACTION PLAN

12.1 The RAP Costs

The RAP cost is based on the valuation report on the value of land, trees and structures affected by the project.

	Cost	Total
Direct compensation costs		
Land	2,160,000	2,160,000
Structures	1,032,000	1,032,000
Trees	3,670,000	3,670,000
Sub Total		6, 862,700
RAP Monitoring costs		1,400,200
GRAND Total		8,262,900.00

Chapter



Thirteen

13.0 CONCLUSIONS AND RECOMMENDATIONS

13.1 Conclusions

This RAP has been prepared consistent with the applicable policy provisions of Kenyan Government and the provisions of the 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 project, a register of the assets that are likely to be displaced 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 SPSS and observations were employed.

Development of the project has been justified on the basis that it will improve access to portable water by the Sengwer indigenous people. Provision or additional water supply has potential to un-lock the economic potential of rural areas and thus contribute to national economic growth.

13.2 Recommendations:

Continuous sensitisation of affected communities in the pre-construction phase of the project LVNWSB should compensate all the affected persons in a timely manner using the prevailing market rates.

Compensation value of 100% to PAPs should be made before project. This will be done at either the LVNWSB offices and/or county administration offices.

A minimum of one month notice should be given to the PAPs to enable them salvage their assets

Unskilled labour should 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.

Monitoring and Evaluation: For the RAP to be successful there will be need for continued monitoring and evaluation. This will ensure that arising issues are properly addressed.

Chapter Fourteen

14.0 ANNEXES

ANNEX 1: SAMPLE GRIEVANCE AND RESOLUTION FORM

Name (Filer of Complaint): _____

ID Number: _____ (PAPs ID number)

Contact Information : _____ (Village; mobile phone)

Nature of Grievance or Complaint:

Date Individuals Contacted Summary of Discussion

Signature _____ Date: _____

Signed (Filer of Complaint): _____

Name of Person Filing Complaint : _____ (if different from Filer)

Position or Relationship to Filer: _____

Review/Resolution

Date of Conciliation Session: _____

Was Filer Present? : Yes No

Was field verification of complaint conducted? Yes No

Findings of field investigation:

Summary of Conciliation Session Discussion:

Issues _____

Was agreement reached on the issues? Yes No

If agreement was reached, detail the agreement below:

If agreement was not reached, specify the points of disagreement below:

Signed (Conciliator): _____ Signed (Filer): _____

Signed: _____

Independent Observer

Date: _____

ANNEX 2: Valuation Report

Valuation Report

LAND PARCELS THAT WILL BE AFFECTED BY THE PROJECT			
TITLE NUMBER	REGISTERED OWNER	SIZE OF LAND AFFECTED	REMARKS
INTAKE TO TREATMENT WORKS			
127/ Korongoi	Chesum Lilei 0702323406	0.1 Ha	
42/ Korongoi	Kirop Suter 0725493294	0.12 Ha	Will need access road
23/ Korongoi	Kimagut Kipsang Ngobiki	0.1HA	
25/ Korongoi	Kipngetich Mutugaa 0703169535 ID 3540193	0.2 Ha	
TREATMENT WORKS TO CHIEF'S AREA			
20/ Korongoi	Simion Kosgey Rotich 0729377298 ID 5531325	~	No compensation (community contribution)
21/ Korongoi	Chepkaitany Kotut 0722460400	~	No compensation (community contribution)
19/ Korongoi	John Kwambai	~	No compensation (community contribution)

16/ Korongoi	James Rotich	~	No compensation (community contribution)
12/ Korongoi	Kapkor Chesire	~	No compensation (community contribution)
11/ Korongoi	Kimaiyo Kipsang	~	No compensation (community contribution)
10/ Korongoi	William Chemolo Toroitich 0723522079 ID 0877689	~	No compensation (community contribution)
TREATMENT WORKS TO KIPTEBER PRIMARY SCHOOL			
24/ Korongoi	Kipngetich Chebonei Charles	~	No compensation (community contribution)
7/ Korongoi	Kipsooi Telei	~	No compensation (community contribution)
6/ Korongoi	Wilson Barngetuny	~	No compensation (community contribution)
5/ Korongoi	Ruto Chesire ID 3540260		No compensation (community contribution)
4/ Korongoi	Kipteber primary school (Marakwet county council)	0.12Ha	
TREATMENT WORKS TO KIPLEGETED AREA			
24/ Korongoi	Kipngetich Charles	~	No compensation

			(community contribution)
	Michael Mengich Kiptarus		No compensation (community contribution)
	K.F.S forest		More consultation
17/ Cherangany kapkanyar	John Chepkole 0727675105	~	No compensation (community contribution)
15/ Cherangany kapkanyar	Kiplagat Bowen 0710475043 ID 7390013	~	No compensation (community contribution)
14/ Cherangany kapkanyar	Francis Barngetuny 0724677920 ID 5531999	~	No compensation (community contribution)
KIPTEBER PRIMARY SCHOOL TO KAPKANYAR			
100/ Cherangany kapkanyar	Philip Kanda	0.064ha	Needs a road access to tank
4/ Korongoi	Kipteber primary school (M.C.C.)	0.04 ha	Tank Site
	K.F.S.		More consultation
	Kapkanyar road reserve		
KIPTEBER PRIMARY SCHOOL TO KONA 4			
254/ Cherangany/ Kapkanyar	Thomas Kipkorir Sang 0722502141	0.04 Ha	Tank site

KIPTEBER PRIMARY SCHOOL TO KALBUL			
	K.F.S.		More consultation
	Road reserve		
	K. F. S.		
	Kalbul road reserve		
331/ Cherangany kapcherop	Komen Tuiser 0728172530 ID 3531403	0.04 Ha	Tank site
KIPLEGETED TO LAIWA			
	Thomas Kanda		No compensation (community contribution)
	Emanuel Kanda		No compensation (community contribution)
	Road reserve		
	Johnstone Chelanga		No compensation (community contribution)
43/ Cherangany kapcherop	Cheboi Arap Too ID 5531239		No compensation (community contribution)
	Road reserve		
	Kenya Forest Service	0.04 Ha	Tank site
T- JUNCTION TO KIPSIERO			
	Road reserve		
1502/ Cherangany kapcherop	Jacob Yator 0729815631	0.06 Ha	Tank site

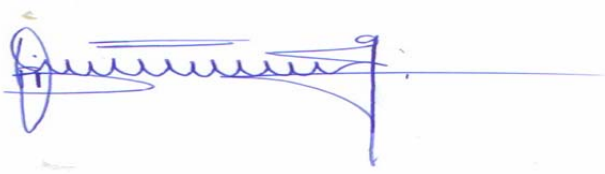
	ID 12679505		
	Kipsiero primary school		No compensation (school contribution)
	Patrick Cheserek		No compensation (community contribution)
	Kipsiero dispensary		No compensation (community contribution)
	K.F.S.	0.04 Ha	Tank site
LAIWA – KAPKUTUNG LINE			
	Road reserve		
	Kakutung primary school		No compensation (school contribution)
REHABILITATION OF MOI GIRLS KAPCHEROP TOWN LINE			
	Moi Girls High School Kapcherop	0.12 Ha	Tank site
	Road reserve		
	St. Patrick Catholic church Kapcherop		
	Road reserve		
	Charles Bowen		

TREES TO BE AFFECTED BY THE PROJECT						
TITLE NUMBER	OWNER	TREES	SIZE	NUMBER	COST	TOTAL
127/ Korongoi	Chesum Lilei	Cyprus	4ft	50	@2,000	250,000
		Bamboo	1ft	50	@2,000	
		Natural	5ft	5	@2,000	
		Blueghum	3ft	20	@2,000	
42/ Korongoi	Kiprop Suter	Natural	6ft	10	@2,000	100,000
		Blueghum	4ft	10	@2,000	
		Bamboo	1ft	30	@2,000	
	Sitienei Magut	Natural	4ft	50	@2,000	100,000
25/ Korongoi	Kipngetich Mutugaa	Natural	3ft	30	@2,000	60,000
19/ Korongoi	John Kwambai	Cyprus	2ft	10	@2,000	60,000
		Natural	4ft	20	@2,000	
	K.F.S.		3,000,000			3,000,000
	Total					3,570,000

SUMMARY OF PROJECT AFFECTED PERSONS

TITLE NUMBER	REGISTERED OWNER	STRUCTURES	TREES (KShs.)	LAND (Kshs)	TOTAL (Kshs)
127/ Korongoi	Chesum Lilei	-	250,000	300,000	550,000
42/ Korongoi	Kirop Suter Metobei	-	100,000	360,000	460,000
123 Charangany Kapcherop	Kipsang Kimagut Ngobiki	-	100,000	300,000	400,000
25/ Korongoi	Kipngetich Matugaa		60,000	600,000	660,000
4/ Korongoi	Kipteber primary school			120,000	120,000
100/ Korongoi	Philip Kanda	-	-	180,000	180,000
254/ Korongoi	Thomas Kipkorir Sang	-	-	120,000	120,000
Cherangany/ Kapcherop / 331	Komen Tuiser			120,000	120,000
1502/ Cherangny/	Jacob Yator			120,000	120,000

Kapcherop					
1/Charangany Kapcherop	Moi Girls High school	-	-	120,000	120,000
K.F.S.	K.F.S.	-	3,000,000	240,000	3,240,000
TOTAL			3,510,000	2,700,000	6,210,000



Oyuga Isaiah Bonyo: Registered Valuer

Date: 20TH February 2015

**Annex 3: MINUTES OF PAPS AND LEADERS MEETING AT KAPCHEROP WATER SUPPLY OFFICE
ON 22/10/2014.**

AGENDA 1: PRELIMINARIES

The meeting was opened with a word of prayer from Selina Chemutai.

The chairman welcomed the leaders and the community members to the consultative meeting. He also introduced the Sub County Water Officer Mr. William Kilimo, Mr. James Ngugi (LVNWSB) and Johnson Awuor (RAP Consultant)

AGENDA 2: CONFIRMATION OF PEOPLE AFFECTED BY THE PROJECT

The members confirmed that:

Chesum Lelei (127/ Korongoi and Kiprop Suter 42/Korongoi are the true beneficiaries at the intake. The affected land is 0.21 ha each but will need access roads. (The Design Engineer needs to confirm the state of Sitienei Mugut since according to the design coordinates the parcel is not affected)

Kipngetich Mutugaa (25/ Korongoi) 0.12ha will be acquired for the Treatment works.

The following are the owners of land where the tanks will be constructed

Kipteber Primary school

Mr. Philip Kanda

Jacob Yator Cherutoi

Thomas Kipkorir Sang

Joel Cheruiyot Komen

Kenya Forest Service

Moi Girls High School Kapcherop

AGENDA 3: EMERGING ISSUES ON THE LINE

The Kipteber Tank should be moved to the upper part of the schools so that it's not very close to the classrooms.

The line at Kipteber Primary School, Silibwet AIC Church, Kipsero Primary schools should be re- routed to avoid the public facilities.

There is need for the Design Engineer to re-visit the following areas as they were missing on the design but were originally part of the project.

Kona 4- Benon

Kalbul- Chesebet Dispensary and Primary school

Kalbul- Shoe 4 Africa

Kamakitwa- Kaptaketeng Primary school

T- Junction – Kona 4and Kabaraget

AGENDA 4: COMPENSATION

The PAP and the leaders discussed the issue of land compensation and agreed that the value of the land in the area per acre is between Kshs 300,000- 500,000 but this will respect the Valuers calculated figures. The total compensation will include trees, structures and land.

AGENDA 5: NEXT STEPS

The PAPs and leaders agreed

- a) That the LVNWSB and the consultant to proceed and disclose the valuation report to the PAPs.
- b) That there be continuous consultations.
- c) That LVNWSB compensates the PAPs.
- d) Transfer of parcels to the project

AGENDA 6: AOB

1. The leaders and the PAPs requested that the community to approve the design before the implementation starts to ensure that all the areas are included.
2. That a capacity building component to develop the capacity of the committees to included in the project.
3. The leaders and PAPs suggested that the project consider supporting the public institutions which will be affected by the project such as building a classroom for the schools/ stocking libraries of the affected by the project.

List of Attendance

	Name	Position
1	William Chemwolo	Assistant Chief
2.	Reuben Tekeroi	Chekwga- Treasurer
3.	William Kilimo	Sub County Water Officer –Marakwet West
4.	Micheal Kirui	Community Leader
5	Augustine Chepkirui	Assistant Chief

6.	Julius Cheruiyot	Chekwga- Chairman
7	Seline Jepkoskei	Chekwga Secretary
8	Kiprop Suter	Intake
9	Sitienei Magut	Community member
10	Joshua Kiptum	Assistant Chief
11	Philip Kanda	Tank site
12	Kipngetich Motokaa	Treatment site
13	Jakob YatorCherutoi	Tank Site
14	Thomas sang	Tank Site
15	Akoma Bonface	Community member
16	Charles Kiprop	Community member
17	Willium Chesum	Intake
18	Wilfred Kimagut	Community member
19	James Ngugi	LVNWSB
20	Johnson Awuor	Rap Consultant