



MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT

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Second Kenya Informal Settlements Improvement Project (KISIP2)

CONSULTANCY SERVICES FOR DESIGN REVIEW, REPACKAGING OF DETAILED ENGINEERING DESIGNS & PREPARATION OF PROCUREMENT DOCUMENTS; UPDATING RAP AND ESIA REPORTS; AND SUPERVISION OF THE PROPOSED INFRASTRUCTURES IMPROVEMENT WORKS IN SELECTED INFORMAL SETTLEMENTS IN KISUMU COUNTY (6 No. SETTLEMENTS)



Abbreviated Resettlement Action Plan Report: Manyatta A, Manyatta B, Nyawita and Kibuye Settlements

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Client **County Government of Kisumu. Department of Lands, Housing, Physical Planning and Urban Development (LHPP&UD).**

Project Name: **Consultancy Services for Engineering design review, repackaging of detailed engineering designs & preparation of procurement documents; updating of RAP and ESIA Reports; and supervision of the proposed infrastructure improvement works in selected informal settlement in the counties of Kisumu & Kakamega (11No. settlements)**

Report Title: **Abbreviated Resettlement Action Plan Report For The Proposed Infrastructures Improvement Works In Selected Informal Settlements In Kisumu County (Manyatta A, Manyatta B, Nyawita and Kibuye settlements)**

Reviewed and Updated **Ms. Florence O. Ogalo**
Report Prepared by:

Tel: +254 725 206573

Email: florenceoloo@ymail.com

Sign  Date 26th September 2023

Client: **County Government of Kisumu**

Department of Lands, Housing, Physical Planning and Urban Development (LHPP&UD).

Sign  Date 26/09/23

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DEFINITION OF TERMS

Abbreviated Resettlement Action Plan is a resettlement document prepared to mitigate impacts that has affected less than 200 Project affected persons in accordance with World Bank OP 4.12.

Adoptive planning standards refers to negotiated planning standards that use non-conventional road way leave widths to reduce displacement that would result from the use of conventional planning standards (which use road way leaves of 9m, 12m, 15m, 18m, 25m and 30m).

Compensation/Facilitation means payments made in cash in recognition of loss of assets and Livelihoods resulting from impacts caused by planning and surveying.

Complete Displacement: means the displacement of a structure owner or institution PAP etc. from one parcel of land to a different parcel of land outside the settlement due to the planning and survey activities including demarcation of roads.

The cut-off date is the start date of the socio-economic survey/census and asset inventory of PAPs. Persons entering and/or occupying land in the project area after this date and not included in the inventory of PAPs will not be considered eligible for facilitation. Similarly, fixed assets, such as structures, established after the cut-off date will not be compensated/facilitated.

Grievance: any dissatisfaction or sense of injustice or unfairness felt by a person in this respect a PAP or his/her representative in connection with his/her compensation entitlements, the RAP implementation process, the project and other scenarios related to project implementation.

Squatters are those who have extended their settlements into Government lands and have no formal right or claim to the portion of the lands.

Market rate: The selling price of a commodity in the open competitive market.

Project Affected Person(s) (PAPs) are persons, households, enterprises, and public or private institutions affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected by whether or not they must move to another location.

Public Participation is a facilitative process of strengthening the organizational and management capacities of people in such a way that they become self-reliant in solving their problems. It connotes the people's organised action towards resolving issues or acquiring what they desire and what may benefit them. This, then, requires that people, as a group, must have proper ownership of actions and a highly organized course of action.

Rehabilitation Assistance is the additional support, over and above compensation accorded to the vulnerable or at-risk members of the affected community during implementation of the RAP, e.g., labour support.

Relocation/Localized displacement means the displacement of a structure owner or institution PAP etc. from one parcel of land to a different parcel (within the settlement) due to the planning and survey activities including demarcation of roads.

Replacement cost means the replacement of assets with same quality and quantity with an amount sufficient to cover the full cost of lost assets and related transaction costs and taxes. The cost is to be based on Market rate (commercial rate) according to Kenyan law for the sale of land or property, without depreciation in addition to other considerations such as (a) transporting building materials to the construction site; (b) any labour and contractors' fees; and (c) any registration costs.

Resettlement Action Plan Abbreviated Resettlement Action Plan (ARAP) or Resettlement Action Plan (RAP) is a resettlement instrument (document) to be prepared when program locations are identified. In such cases, planning and survey activities including demarcation of roads leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods. ARAPS or RAPs contain specific and legal binding requirements to resettle and compensate/facilitate the affected party before implementation of the project activities. According to provisions by the World Bank OP 4.12, RAP is prepared where project affected persons are more than 200 while ARAP is prepared where project affected persons are less than 200.

Resettlement Assistance means the measures to ensure that Project Affected Persons who may require to be physically relocated are provided with assistance during relocation, such as moving/shifting allowances for ease of resettlement, residential housing or rentals, rental allowance whichever is feasible and as required, for ease of resettlement.

Resettlement Policy Framework (RPF) has been prepared as an instrument to be used throughout the informal settlements improvement project implementation. The RPF was disclosed to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project. The Resettlement Action Plans ("ARAPs") for the project will be prepared in conformity with the provisions of this RPF.

Survey means a 100% field assessment carried out to identify and determine the number of Project Affected Persons (PAP).

Specialized Assistance: Involves assistance to the vulnerable PAPs in reconstruction of affected structures through provision of transport and labour from the community or SEC during reconstruction of the affected structures.

Vulnerable Groups include all those affected by the project who are below the poverty line, the elderly, women and child-headed households, the disabled, indigenous people, ethnic minorities, or other Project Affected Persons who may not be protected through national land compensation legislation.

LIST OF ACRONYMS

AFD	French International Development Agency
IDA	International Development Association
GoK	Government of Kenya
GRG	Grievance Redress Committee
KISIP	Kenya Informal Settlements Improvement Project
LPDP	Local Physical Development Plan
M&E	Monitoring and Evaluation (M&E)
MLPWHUD	Ministry of Lands, Public Works, Housing and Urban Development
NGO	Non-Governmental Organization
NLC	National Land Commission
NLP	National Land Policy
OP	Operational Policy
PAD	Project Appraisal Document
PAP	Project Affected Persons
PDO	Project Development Objective
PDP	Part Development Plan
RAP	Resettlement Action Plan
RFP	Resettlement Policy Framework
RIC	Resettlement Implementation Committee
RoW	Right of Way
CRIC	County Resettlement Implementation Committee
NRIC	National Resettlement Implementation Committee
RPF	Resettlement Policy Framework
SEC	Settlement Executive Committee
SEF	Stakeholder Engagement Framework
SGRC	Settlement Grievance Redress Committee
WB	World Bank
NPCT	National Project coordination team
CPCT	County Project coordination team
ESMF	Environmental Social and Management framework

EXECUTIVE SUMMARY

Introduction

To improve the livelihoods of the population within informal settlements, the Government of Kenya received credit from International Development Association (IDA) and Agence Francaise de Development (AfD) towards the cost of the Second Kenya Informal Settlements Improvement Project (KISIP 2). The project aims to improve the condition of selected roads, improve the accessibility of potable water, and improve security and visibility at night by introducing streetlights and floodlights in established settlements. To improve the lives and livelihoods of at least 2.5 million people within informal settlements in select counties through the enhancement of security of tenure and essential infrastructure improvement based on plans developed in consultation with the community in line with Kenya Vision 2030.

Targeted informal settlements in Kisumu County under the improving infrastructure component in this project are situated in the following sub-counties: Kisumu Central (Manyatta A, Nyawita, Migosi, and Kibuye); Kisumu East (Manyatta B); Kisumu West (Bandani) and Muhoroni (Bondeni, Shauri Moyo, Shauri Yako, Swahili/Sangoro).

These planned infrastructure upgrades will impact some assets and livelihoods, which may result in long-term impacts for affected people without proper planning and management. A census was conducted to identify and document the Project Affected Persons (PAPs) and impacts, resulting in a PAP and Asset register. The methodology used included a census and socioeconomic survey of the PAPs, a literature review, community and stakeholder consultation, and a valuation of the affected assets.

In addition, this ARAP report has been prepared in line with KISIP's Resettlement Policy Framework (RPF), World Bank Operational Policy (OP 4.12) on Involuntary Resettlement, which primarily guides the KISIP RPF and National Legal Framework.

The Abbreviated Resettlement action plan applies to the project as the number of the affected persons/persons identified are less than 200.

Project Impacts

The positive impacts by far outweigh the negative impacts. Improved infrastructure will attract more services into the settlements while improving accessibility. Improved water and sanitation have an impact on health and hygiene, while the set-up of security masts/lights in strategic places, as informed by the crime mapping, will, in the long run, improve the overall security status of the settlements.

Negative impacts are also anticipated. The total number of PAPs is 26 individuals and one institution (County Government of Kisumu- Wards Administrator office). The total number of structures affected by the proposed development is 30. The table below summarises structures loss and livelihoods that may be affected by the proposed interventions.

Settlement	No. of structures	Livelihood	Tenants	Male	Female	Total PAPs
Manyatta A	7	2	1	4	2	6
Manyatta B	15	4	1	7	3	10
Nyawita	3	1	1	2	2	4
Kibuye	5	-	-	5	1	6
TOTAL	30	12		18	8	26

Mitigation Measures

All persons affected by the project and who meet the cut-off date of 30th May 2018 are entitled to a combination of facilitation (Facilitation herein means payments made in cash at full replacement in recognition of loss of assets and Livelihoods) packages to be issued before impact and infrastructure development.

Valuation of structures was based on full replacement cost, with PAPs entitled to the right to salvage. Other facilitations are per an entitlement matrix applicable within KISIP RPF.

The total budgetary requirement for implementing this ARAP is Kenya Shillings seven million, eighteen thousand, seven hundred and two (**Kshs. 7,018,702**), with **Kshs. 3,517,722** as total facilitation owed to the PAPs.

Public Consultation and Participation

According to the policy and legal framework adopted, public participation and consultation are key requirements for the RAP process. This was conducted through public meetings and Barazas, discussions with various key stakeholders, including Settlement Executive Committees (SEC), County Government Officials including KISIP officials and other key community leaders and key informants such as the area Chiefs. Some of the concerns raised during consultations:

KIBUYE

- Most of the PAPs captured in the initial ARAP are either deceased or relocated by the county government to the newly built market centre.
- PAPs who had relocated to within the market should not be compensated since they are not going to be affected by KISIP 2 project.
- Waste facilities should be constructed within the market.
- PAPs should be relocated to a place with good drainage since the initially proposed area for relocation is prone to flooding and their metallic materials are susceptible to rusting due to moisture.
- Water points to be affected by the project should be avoided where possible.
- Family members of PAPs who are deceased should agree on whom to receive the facilitation money.

MANYATTA B

- Early notice to vacate should be issued.
- The grave next to the road should be avoided.
- There should be compensation for lost livelihood.
- Bringing down toilets and fences in rental spaces will lead to the loss of tenants.

MANYATTA A

- Businesses along the roads with wide corridors should be spared since there is enough working space.
- There should be facilitation for lost livelihood.
- Early notice to vacate should be issued.
- Family members of PAPS who are deceased should agree on whom to receive the facilitation money.

NYAWITA

- Early notice to vacate should be issued.
- There should be facilitation for lost property.

The PAPs were also engaged through questionnaires where the following issues were relayed:

- Timely relocation notices for the affected.
- Locals and PAPs to be considered for employment opportunities.
- Consider the installation of street lighting to curb crime.
- Hire skilled workers to ensure the quality of work.
- Community involvement in the project.
- Participation of all parties concerned in case of relocation of the grave site.
- Avoid cutting off trees during the relocation period.

Implementation of the ARAP

The implementation of this ARAP will start after approval of the ARAP report by the World Bank. KISIP County RAP Implementation Committee is the implementing agency of this ARAP.

PAPs will be compensated for their losses at full replacement cost before the commencement of project civil works.

The implementation schedule is planned for two (2) months. Key activities are the Disclosure of ARAP after review and approval of the ARAP report, formation of key committees like SGRC and RIC, Validation of asset valuation/values, Sensitization of PAPs on payment procedures/modalities and use of facilitation funds, actual facilitation, issuance of notice for self-demolition, actual demolition, and implementation of infrastructure activities. These activities will be carried out in sequence, with initial activities being forming an implementation committee, asset validation and sensitization of PAPs. It is good to note that the County has the Resettlement Implementation Committee, The settlement Grievance Redress Committees in place.

In addressing grievances, this ARAP has proposed a four-tier Grievance Redress Mechanism at no cost to the PAPs. However, the fourth level of legal redress carries cost implications for the PAPs. The design of the GRM will enable the timely resolution of grievances at the settlement level and provide for escalation mechanisms. A grievance log will document all grievances and their status, and a grievance register will be used to monitor grievance resolution progress. KISIP

will adopt an internal Monitoring and Evaluation framework while a specialised firm will conduct external monitoring and ARAP completion audit.

To ensure this ARAP is fully implemented, the County Government of Kisumu commits to:

- Conduct overall coordination for implementation of this ARAP.
- Allow PAPs to open individual and joint accounts, collect (joint) account numbers and the verified list of beneficiaries, and facilitate the processing of funds.
- Ensure that all the PAPs have been facilitated and compensated; KISIP will do follow-ups by phone calls or texts to confirm disbursement of funds deposited directly into the PAP's bank accounts.
- Provide efficient and timely notices to the PAPs for self-demolition and right to salvage.
- Support the SGRC in handling and dispute resolution.
- Conduct monitoring and evaluation, capacity building and sensitisation of all the key stakeholders.
- Coordinate the construction of the proposed roads according to the designs to ensure that no new people will be displaced, or property destroyed by the project.

1 INTRODUCTION

1.1 Background

The Government of Kenya is in consultation with the World Bank to consider the Kenya Informal Settlements Improvements Project II (KISIP II) to consolidate the gains made under KISIP I and enhance the project's benefits to more people in informal settlements. This Second Kenya Informal Settlements Project (KISIP II) will build on the successes and lessons learned in KISIP I, but also introduce new interventions to deepen its overall impact. It will support the interventions that have been successful under KISIP I: tenure regularization, infrastructure upgrading, and institutional strengthening. Unlike KISIP I, however, the proposed project will include new approaches and new activities to strengthen its impact on the participating communities.

1.2 Overview of the Kenya Informal Settlement Improvement Program (KISIP)

The Government of Kenya has received a credit from International Development Association (IDA) and Agence Francaise de Development (AfD) towards the cost of the Second Kenya Informal Settlements Improvement Project (KISIP 2) and applied part of the proceeds of this credit to procure **Consultancy Services for Engineering design review, repackaging of detailed engineering designs & preparation of procurement documents; updating of RAP and ESIA Reports; and supervision of the proposed infrastructure improvement works in selected informal settlement in the counties of Kisumu & Kakamega (11No. settlements)**

KISIP 2 builds on the successes and lessons learnt from KISIP 1 and continues to support the interventions that have been successful.

The overall project development objective of the KISIP 2 programme is to improve access to basic services and tenure security of residents in participating urban informal settlements and strengthen institutional capacity for slum upgrading in Kenya in consultation with the community.

This Project, while concentrating on informal settlements, complements existing and past urban operations in Kenya to address the urban infrastructure deficit and urban institutional challenges. It supports the Government's affordable housing agenda as it seeks to complement the demand-side and supply-side operations to improve housing affordability

KISIP comprise following four components, namely;

Component 1: Integrated Settlement Upgrading. This component supports settlement upgrading through two main interventions classified under two sub-components:

Sub-component 1.1: Tenure regularization

Coordinates regularization of tenure for people living on uncontested public lands whose process includes;

- a) Development of a local physical plan for the settlement which lays out land parcels and infrastructure (roads, drainage, walkways, etc.);
- b) Surveying with physical placement of beacons to demarcate the parcels as per the plan;
- c) Preparation and issuance of letters of allotment based on the survey plan; and finally
- d) Issuance of titles.

Sub-component 1.2: Infrastructure Upgrading

Coordinates infrastructure investment portfolio whose menu includes: roads, bicycle paths, pedestrian walkways, street and security lighting, vending platforms, solid waste collection and settlement sorting, stormwater drainage, water and sanitation systems, public parks, and green spaces. It further includes investments related to prevention of crime and violence, including but not limited to community centres.

Component 2: Socioeconomic Inclusion Planning This component supports community development plans to enhance social and economic inclusion, identifies beneficiaries who fit the eligibility criteria of government programs but are excluded and connects them appropriately, supports participatory crime and violence mapping, monitors the employment of local labour, carries out community capacity building and awareness raising for various project interventions including community-based solid waste management.

Component 3: Institutional Capacity Development for Slum Upgrading

This component supports institutional and policy development at national and county levels; develops a capacity building plan for national and county levels to implement the Strategy and to develop understanding of slum upgrading processes; also supports technical assistance, training, workshops and learning events, experience sharing and peer-learning activities with other counties, and other capacity building activities.

Component 4: Program Management and Coordination

This component supports activities of the NPCT and the CPCT related to national and county-level project management and coordination, including planning, surveying, engineering, fiduciary (financial management and procurement), safeguards compliance and monitoring, monitoring and evaluation (M&E), communication, and community development.

1.3 Project Location

Kisumu County is one of the beneficiary counties for KISIP interventions. The intervention focuses on 9 of its informal settlements; Manyatta A, Manyatta B, Kibuye, Shauri Moyo, Shauri Yako, Swahili/Sangoro, Nyawita/Migosi, Bandani, and Bondeni infrastructure improvement components.

1.3.1 Administration

Kisumu County comprises of seven sub-counties, with the Muhoroni sub-county being the largest, covering 658 km² with two divisions, 10 locations and 35 sub-locations. Nyakach subcounty, as the second largest, has the highest number of divisions (4) and locations (23), while Kisumu East, Kisumu Central, and Seme have the lowest number of divisions (1 each). Kisumu Central has the lowest locations (3) and sub-locations (9). Nyando, the third largest area coverage, has the most sub-locations (36).

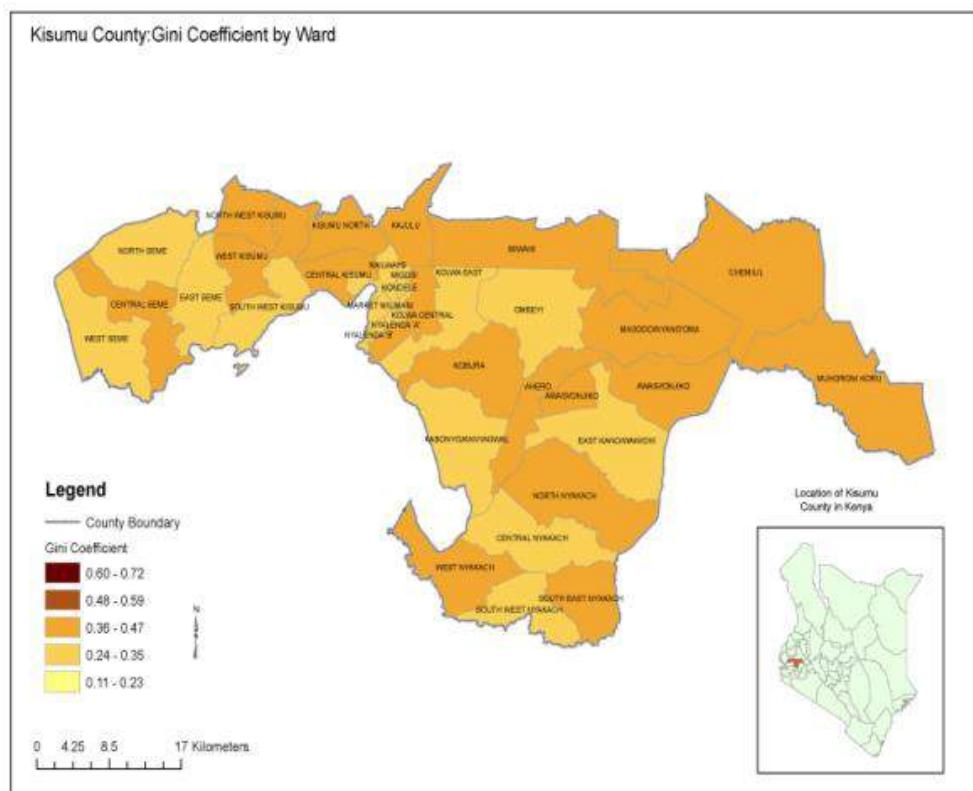


Fig. 1. 1: Kisumu County Administrative/ Political Boundaries showing the wards

Table 1. 1: Kisumu County Administrative/ Political Boundaries Summary

Sub-County	No. of Divisions	No. of Locations	No. of sub-locations	Area (Km ²)
Kisumu East	1	5	12	141.6
Kisumu Central	1	3	9	36.8
Kisumu West	3	6	20	209.0
Seme	1	6	28	267.7
Muhoroni	2	10	35	657.5
Nyando	2	14	36	446.1
Nyakach	4	23	35	326.7

Source: Kisumu County Integrated Development Plan (CIDP), 2023-2027

Table 1. 2: Kisumu County Government Administrative wards

Sub County	No. of Wards	No. of Villages
Kisumu Central	6	12
Kisumu East	5	10
Kisumu West	5	10
Nyando	5	10
Nyakach	5	10
Muhoroni	5	10
Seme	4	8

Source: Kisumu County Integrated Development Plan (CIDP), 2023-2027

The Table below shows the administrative locations of the sites earmarked for KISIP investments as well as the sub counties in which they are located.

Table 1. 3: KISIP Investment Sites

Name of site	Sub County	Ward
Manyatta A	Kisumu Central	Kondele
Manyatta B	Kisumu East	Manyatta B
Bandani	Kisumu West	Central Kisumu
Migosi	Kisumu Central	Migosi
Nyawita	Kisumu Central	Railways
Shauri Yako	Muhoroni	Koru
Shauri Moyo	Muhoroni	Koru
Kibuye	Kisumu Central	Kaloleni-Shauri Moyo
Bondeni	Muhoroni	Koru
Swahili	Muhoroni	Koru

1.3.2 Population

Population size, structure and distribution against the county resource endowment are major challenges to the setting of priorities for development and in the implementation plans. In 2019, the population of the county was 1,155,574 consisting of 560,942 males and 594,609 females and 23 intersex. This figure has been projected to increase to 1,290,016 in 2025 and 1,329,805 in 2027 respectively. The rapidly increasing population requires increased investments in basic social infrastructure and utilities such as schools, health infrastructure, water, sanitation, and services.

The sites targeted by the KISIP have high densities in terms of population especially in Manyatta A, Manyatta B, Nyawita and Kibuye, with the major influence being the desire to be near to major urban centres where there are likely to be more economic/livelihood activities. The population of sites where KISIP interventions are being implemented is summarized below.

Table 1. 4: Population distribution within the selected settlements

Name of Settlement	Sub location	Sex			Households
		Male	Female	Total	
Manyatta A	Manyatta A	22,444	24,259	46,705	14,086
Manyatta B	Manyatta B	16,492	16,691	33,183	10,375
Kibuye	Kaloleni	8,173	8,831	17,004	5,148
Nyawita	Nyawita	6,011	6,134	12,145	3,767
Migosi	Migosi	10,630	13,262	23,892	6,777
Bandani	Kogony	15,405	15,735	31,140	9,255
Shauri Moyo	Muhoroni East	1,827	1,913	3,740	1,066
Shauri Yako	Muhoroni East	1,827	1,913	3,740	1,066
Bondeni	Muhoroni East	1,827	1,913	3,740	1,066
Swahili	Muhoroni East	1,827	1,913	3,740	1,066

Source: 2019 Kenya Population and Housing Census: volume II

1.3.3 Project Description

Kisumu road alignments are currently done to gravel standards and the conditions range from fair to poor. The road alignment in Nyawita, northern sections of Bandani, Kibuye and parts of

Manyatta A/B traverse through gently sloping terrain and are characterized by stable subgrade. Alignment that traverses the flat sections such as west of Manyatta A/B, southern sections of Manyatta B and Bandani are characterized by poor subgrades and drainages conditions, with water ponding common along some road roads e.g., Kaombe – Kasawino Road (Manyatta B), Koyango – Daraja Mbili Road (Manyatta A), lower sections of the Auji – Pundo Road (Bandani) among others. Muhoroni alignments traverses through expansive soils and has very poor drainage setting due to the flat terrain.

The Kisumu alignment roads currently host of various human activities ranging from roadside trading in form of temporary kiosks to permanent shops; and transportation routes especially via walking and *boda-boda* transport and commercial and private vehicles.

Due to the poor road surface conditions, there is huge dust generation arising from vehicular movements to the discomfort of the road users/residents. The road corridors are poorly kept and are generally unappealing. Below table summarises the current analysis of the road corridors.

Table 1. 5: Description of the Right of Way within the selected settlements

Settlement	Description of the corridors
Nyawita	<p>Koyoo- Koyuga Road It has a narrow road corridor with a length of 869m, the available road corridor is around 7-8m. The road is encroached by few structures like fences, Kenya power lines and a house</p>
Bandani	<p>Auji- Pundo Road The road has a wide road corridor with no PAPs. It has a road length of 1,360m with available road corridor of 10-12 m.</p> <p>Pundo- Nita Road It has a wide road corridor with no PAPs. It has a road length of 294m with available road corridor of 12m.</p> <p>Pamjos-Kanyamedha Road It has a wide road corridor with no PAPs. It has a road length of 930m with available corridor of 11m</p>
Kibuye	<p>SDA-Thep thep Road It has a narrow road corridor with juakali stalls as major PAPs; there is also a water point along the corridor. The road is 397m long.</p> <p>Mama Ngina – Highway Secondary Road It has a wide road corridor with day time traders who are temporary PAPs. It has available road corridor of between 12-15m and a road length of 284m.</p>
Manyatta A	<p>Mosque-Kona Mbuta Road It has a wide road corridor with temporary PAPs such as Second cloth road side sellers. The road is 684m long with available road corridor of between 12-15m.</p> <p>Kona Mbuta Kaego Road It has a narrow road corridor with few number of PAPs. The road is 443m long with available road corridor of 9m.</p> <p>Kajanta Kona Mbaya It has a wide road corridor with no PAPs. The road is 483m long with available road corridor of 12m.</p> <p>Mezani-Lovebar Road It has a wide road corridor with few PAPs. The road is 888m long with available road corridor of 10-12m.</p>
Manyatta B	<p>Kaego-Nerea Road It has a narrow road corridor with few PAPs. The road is 463m long with available road corridor of 9-11m</p>

Settlement	Description of the corridors
	<p>Daraja Mbili-Koyango Road It has a narrow road corridor with few PAPs. The road is 654m long with available road corridor of 9-10.5m</p> <p>Transformer-Daraja Mbili Road It has a wide road corridor with few PAPs. The road is 903m long with available road corridor of 10.5-13m</p> <p>Kaombe-Kasawino Road It has a narrow road corridor with few PAPs. The road is 1310m long with available road corridor of 9-11m</p> <p>Wells-Walgudha Road It has a narrow road corridor with few PAPs. The road is 761m long with available road corridor of 9-13m</p>
Shauri Yako	<p>Nairobi road- kwa chief Road It has a wide road corridor with no PAPs. The road is 800m long with available road corridor of 12.5m.</p> <p>Nairobi Road-Wings of change Road It has a wide road corridor with no PAPs. The road is 269m with available road corridor of 12.5m.</p>

1.4 Proposed Settlement Interventions in Kisumu counties

The Table below gives a brief overview of the proposed interventions per settlement.

Table 1. 6: Project Re-scoping

SETTLEMENT	INITIAL PRIORITISED PROJECT	PRIORITISED WORKS
Bandani	Road 1 Road 2 Road 3 Road 4	Roads & Drainages: Pamjos- Kanyamedha School Auji- Pundo Road Pundo -Nita Road
Manyatta A	Tunnel Kondele St. Luke – White Gate Gudka – Corner Maji Kona Mbuta Mosque Manyatta Primary Kona Mbaya Bypass Skyward Road Mezani Love Bar Pinky Road Kanyamogo Siji Road Sewer Connectivity Ablution blocks (2No.) Street lighting Flood lighting (12No.)	Roads & Drainages: Konambuta- Mosque Road Mezani- Lovebar Kajanta- Konambaya Road Kona mbuta -Kaego Road Floodlights (6 No)
Manyatta B	Coptic Kaumbe Wandiege Walghudha Raila Estate-Mama Moraa Kaiego Junction - Kaiego Bridge Baptist Pawremo Othoth Judea-Daraja Mbili Water supply Sewer and last mile Connectivity Ablution blocks (2No.)	Roads & Drainages: Kaego – Nerea Bridge Kaombe – Kasawino Wells – Walgudha Transformer – Daraja Mbili Daraja Mbili – Koyango Sewer and last mile connectivity Water Supply

SETTLEMENT	INITIAL PRIORITISED PROJECT	PRIORITISED WORKS
	Street lighting Flood lighting (13No.)	
Nyawita/ migosi	Koyoo Koyuga Kamidimo Mosque Pamba Koyoo Nyawita Market Chief Sega Sega-Pamba Sewer Connectivity Ablution block (1No.) Street lighting Flood lighting (5No.) Migosi Roads and drainage Sewerage Ablution block (1No.) Street lighting Flood lighting (9No.)	Nyawita Koyoo- Koyuga Road Migosi Floodlights (3 No) Sewerage (Last mile connectivity) Drainage
Bondeni	Buhuma-Township-Slaughter Rd KCB-Depot - Slaughter Rd Transformer-Suasan-FPFK-Lydia Rd Stage to Town Road Masanga Road Ablution Block Street lighting Flood lights (3No.)	Floodlight (1 No) Independent drainage
Shauri Yako	Chief - Caleb - Catholic Rd Major - Wings of Change Rd Bridge School - Sister Ann Hospital Hill RD Ablution Block Street Lighting Flood light (4)	Roads: Caleb – Wings of change Nairobi road- chief- Wing Road
Sangoro/ Swahili	Roads and Drainage Street Lighting Flood light (1)	Water reticulation
Shauri Moyo	SM 1 SM 2 SM 3 SM 4 SM 5 SM 6 SM 7 SM 8 SM 9 Ablution Block Street Lighting Flood light (3)	Floodlight (1 No) Water reticulation to serve 207 plots
Kibuye	Highway School Road Kibuye Rd Water supply/kiosk Street lighting/ Flood light – (1) Sewer Connectivity	Roads and drainage: Mama Ngina- Highway Secondary SDA- Thepthe Road Ablution Block: (At Kathepthe area) Water Supply; water kiosks

Abbreviated Resettlement Action Plans for Shauri Moyo, Shauri Yako, and Swahili/Sangoro were prepared and implemented. A situation Analysis will be conducted to ascertain the status of these settlements.

Abbreviated Action Plans for Manyatta A, Manyatta B, Nyawita/Migosi, Kibuye, Bandani, and Bondeni had been prepared in reference to the earlier proposed interventions. Based on the re-scoped interventions in the mentioned settlements, this has necessitated the need to update and review the ARAP reports earlier prepared in accordance with World Bank safeguard procedures.

1.5 Initial ARAP Report

The Initial ARAP reports prepared for the settlements mentioned above were based on the initial scope of works. The table below summarizes the project impacts identified during this process.

Table 1. 7: Number of PAPs, livelihoods and structures affected

Settlement	No of Structures	Livelihoods	Vulnerable		No of PAPs	
			Male	Female	Male	Female
Kibuye	33	33	1	-	16	17
Manyatta A	75	40	1	7	27	28
Manyatta B	70	18	-	4	24	24
Nyawita	77	16	4	10	25	35

The consultant employed the use of questionnaires to gather both quantitative and qualitative data to determine the socio-economic status of the PAPs. The following topics were covered in the report:

- Bio-data of the PAPs.
- Household Demographic Data
- Income and Livelihoods
- Health
- Education
- Structure details.
- Utility details.

1.6 Objectives of the Assignment

The main objective of the assignment is to review and update the Abbreviated Resettlement Action Plan (ARAP) to identify displacement impacts of the infrastructure interventions and provide for mitigation measures as provided for in the KISIP 2 Resettlement Policy Framework (RPF) in compliance with the World Bank and Government of Kenya (GoK) requirements.

The consultancy exercise covered but was not limited to the following activities:

- Collecting socio-economic baseline information in the project affected area
- Identifying the persons and livelihoods potentially affected by the project activities
- Generating a list and profile of properties to be affected and conducting an assessment of the losses.
- Reviewing the WB and national policies, legislation and guidelines related to ARAP
- Propose mitigation measures for resettlement.
- Generating an Asset and PAP register

1.7 Approach followed for Update of the Abbreviated Resettlement Action Plan

A participatory approach ensured the participation and consultation of key stakeholders in the process. The study also combined quantitative and qualitative data collection methods. Mobilization of all field activities and stakeholder engagements was done through the KISIP county team-Social safeguards, the Settlement Executive Committees (SEC) and Grievance Redress Committees (GRC).

1.7.1 Document Review

The development of the Abbreviated RAP was complemented by reviewing the existing literature pertaining to the resettlement and road development. The literature review involved the identification of the applicable legal and administrative frameworks and policies enshrined in the Kenyan Constitution 2010 and the World Bank Safeguard Policy (OP 4.12) on involuntary resettlement and compensation requirement and mechanism towards compensation. In addition, this report was informed by the review of the earlier prepared project documents i.e., Project Appraisal Document (PAD), Resettlement Policy Framework (RPF), Stakeholder Engagement Framework (SEF) and Environmental and Social Management Framework (ESMF).

The purpose of the review was to:

- Review legal and policy framework on compensation and resettlement.
- Harmonize differences in resettlement and compensation guidelines between the Kenyan government and the World Bank Guidelines
- In this respect, among others, the following documents were reviewed: The Kenyan Constitution 2010, National Land Commission Act 2012, Urban Areas and Cities Act 2011, and the World Bank guidelines on Involuntary Resettlement and the Environmental and Social considerations, detailed Engineering Designs, the initial draft Abbreviated RAP reports.

1.7.2 PAPs Verification Census and Socio-economic Survey

PAPs were verified against the existing Asset register between June 22nd and 23rd 2023 jointly with the County surveyor, SEC chairpersons and GRC chairpersons. Given that an inception meeting with the client upheld the cut-off date, new physical displacement PAPs and structures were not enumerated. PAP details, e.g., phone numbers, missing ID numbers were updated where available.

A socioeconomic survey was undertaken targeting the PAPs. The interview solicited quantitative information on household demographic structure, households' living conditions, access to basic social services, livelihood, employment and income, and households' perceptions about the project and preferred compensation and resettlement options, among other resettlement related issues.

1.7.3 Verification

A valuation exercise was undertaken to verify the impact by assessing the location of the affected asset in respective to the design layout. The affected structure's measurements were verified using a tape measure, including materials, type of impact (partial/full) and use (residential, commercial etc.). Where structures were found to be outside the road RoW, these were eliminated from the inventory.

All valuation was undertaken in collaboration with the County Surveyor, County Valuer, Area Chief, SEC chairpersons and Settlement GRC chairpersons accompanied the team to all houses/structures. This safeguard measure ensured that the correct PAP details and ownership status were captured. The properties were inspected and valued for RAP purposes in July 2019 by duly qualified Valuers.

1.7.4 Stakeholder and PAPs consultation

According to the World Bank OP 4.12 on Involuntary Resettlement and legal framework adopted, public participation and consultation is a key requirement for ARAP process.

This was conducted through public meetings and *Barazas*, discussions with various key stakeholders among them Project Affected Persons (PAPs), Settlement Executive Committees (SEC), Grievance Redress Committees, County Government Officials including KISIP officials and other key community leaders and informants such as the area Chiefs.

Mobilizations of these meetings were done through the County Project Coordination Committee, SEC, and the GRC committees.

2 REVIEW OF POLICY AND LEGISLATIVE FRAMEWORK THAT HAS IMPLICATIONS FOR THE PROPOSED KISIP PROJECT

This Abbreviated Resettlement Action Plan (ARAP) has been prepared to identify and guide mitigation of any impact anticipated from the proposed projects. The relevant national policy and legal provisions of the Government of Kenya, pertinent to displacement and resettlement, as well as requirements of OP 4.12 on involuntary resettlement (and other relevant policies) of the World Bank in which this report is anchored are outlined in the section that follow. In the case of conflicts or gaps between Kenya's laws and World Bank's policies, the latter due to their hire safeguards requirements will prevail.

2.1 KISIP Policy Framework

Table 2. 1: National policy framework that guides the process of ARAP.

Policy	Policy Brief	Relevance to the project
KISIP Resettlement Policy Framework	Generally, the RPF just like the WB OP advocates for minimum resettlement. It requires that direct economic and social impacts that result from Bank-Assisted investment projects are covered, compensated, mitigated or restored, a Grievance Redress Mechanism set, and clearly set out responsibilities in managing compensation i.e., RAP implementation.	The Resettlement Framework policy has been used as guidance in the screening, socio-economic studies, eligibility and preparation of this report.
KISIP Stakeholder Engagement Framework	activities that require engagement with local communities and other stakeholders. It covers sub-project conceptualization, feasibility studies, planning and Environmental and Social Impact Assessment (ESIA), Resettlement Action plans, grievance redress, construction and later operations phases. The Stakeholder Engagement Framework (SEF) is designed to ensure effective engagement with local communities and other key stakeholders throughout KISIP II life cycle. This SEF supports sub-project conceptualization, feasibility studies, planning and impact assessment processes, implementation, and operational and maintenance phases of the project.	It guides stakeholder engagement both during the update of the initial A-RAP and implementation of the ARAP.
Environmental and Social Management Framework	The ESMF is based on the World Bank's environmental and social safeguard policies as well as Kenyan laws and policies. The ESMF provides an overview of relevant World Bank Safeguards Policies and Government of Kenya regulations and documents the baseline conditions, potential environmental and social impacts and mitigation measures, environmental assessment procedures, institutional roles, and compliance monitoring of all project components and subcomponents to ensure full compliance with the applicable guidelines.	The objective of the ESMF is to set out the principles, rules, guidelines and procedures for assessing the environmental and social impacts of KISIP interventions and monitoring of compliance to ensure that environment and social are sustainably managed in all aspects of the project.

Policy	Policy Brief	Relevance to the project

2.2 National Policy Framework

Table 2. 2: National policy framework that guides the process of ARAP.

Policy	Policy Brief	Relevance to the project
Sessional Paper No. 3 of 2009 on National Land policy 2007	<p>Some of the principles employed in this policy are: Equitable access to land for subsistence, commercial productivity, settlement, and the need to achieve a sustainable balance between these uses; Secure land rights, sustainable management of land and effective development regulation of land development. Defines land as public, private and community. It further provides for the titling of community lands. In addition, the government will hold in trust forests, national parks and water catchment areas in trust for the people of Kenya;</p>	<p>The proposed upgrade projects have been designed within the Right of Way. The ARAP process will ensure fair compensation and relocation assistance as per the current market rates.</p>
Gender Policy, 2011	<p>This Policy Framework aims at mainstreaming gender concerns in the national development process in order to improve the social, legal/civic, economic and cultural conditions of women, men, girls and boys in Kenya. The policy provides direction for setting priorities to ensure that all ministerial strategies and their performance frameworks integrate gender equality objectives and indicators and identify actions for tackling inequality. In addition, each program will develop integrated gender equality strategies at the initiative level in priority areas. Within selected interventions, the policy will also scale-up specific initiatives to advance gender equality.</p>	<p>The overall objective of the Gender and development is to facilitate the needs and concerns of both, men and women in all areas in the development process in the country. This policy calls for awareness of mainstreaming during the A-RAP update process. With awareness of gender concerns and issues in the society the A-RAP is able to identify impacts and develop mitigation to ensure gender mainstreaming in all aspects of the ARAP implementation.</p>

Policy	Policy Brief	Relevance to the project
HIV/AIDS policy 2009	<p>The policy identifies HIV/AIDS as a global crisis that constitutes one of the most formidable challenges to development and social progress. The Pandemic heavily affects the Kenyan economy through loss of skilled and experienced manpower due to deaths, loss of man hours due to prolonged illnesses, absenteeism, reduced performance, increased stress, stigma, discrimination and loss of institutional memories, among others. Specifically, the policy aims at:</p> <ul style="list-style-type: none">Setting Minimum Internal Requirements (MIR) for managing HIV and AIDS;Establishing and promoting programs to ensure non-discrimination and non-stigmatization of the infected;Contributing to national efforts to minimize the spread and mitigate against the impact of HIV and AIDS;Ensuring adequate allocation of resources to HIV and AIDS interventions;Guiding human resource managers and employees on their rights and obligations regarding HIV and AIDS	<p>The policy guides the A-rap processes to ensure that there is no Discrimination of those living with HIV/AIDS and identification of Vulnerability that may need additional assistance during the implementation of the ARAP.</p>

2.3 Legal Framework

Further to the policies, legal statutes guide the development of projects within the confines of the law to ensure that the project aligns with the Constitution of Kenya that protects the rights of every Kenyan. This section outlines specific guidelines that the project should align with during project development, implementation, operation and implementation.

Table 2. 3: Legal Framework

Act	Brief	Relevance to the project
Constitution of Kenya 2010	<p>The Constitution 2010 is the supreme law of the Republic of Kenya and binds all persons and state organs, at both national and county levels of government. In Article 10, it obligates all state organs, state officers and public officers who make or implement public policy decisions to the values of respect for human dignity, social justice, human rights, protection of the marginalized, transparency and accountability. The same notions of protection of human rights, fundamental freedoms, and the right to dignity of individuals are entrenched by the bill of rights in Chapter 4, Article 19, while the duty of the State and every state organ to observe, respect, protect, promote, and fulfil the same is reiterated in Article 21.</p> <p>On Grievance and Dispute resolution</p> <p>Article 66 encourages community-based dispute resolution mechanisms on land as long as they are consistent with the spirit of the Constitution; this is aimed at expediting issues of land rights and transfer, and to support economic development.</p> <p>Article 162 establishes a court of the same standing as the High Court to hear and determine disputes relating to the use and occupation of, and title to, land.</p> <p>On public participation:</p> <p>As per Article 1(2), all sovereign power belongs to the people of Kenya, who may exercise this directly or through their elected representatives. Article 10 (2) a, b and c outlines the national values and principles of governance to include democracy and participation of the people; inclusiveness; good governance, integrity, transparency and accountability. Further, Article 27 guarantees equality and non-discrimination. Hence, public participation undertaken within this project should ensure equality and non-discrimination. In Article 33 and 35, the tenets of public participation are outlined i.e. public participation should respect the freedom of expression of all participants and should protect the right to access</p>	<p>The Constitution Provides framework for ARAP processes and compensation more pertinently, it will guide compensation of those economically displaced, which are not covered under any other statute.</p>

Act	Brief	Relevance to the project
	<p>information by citizens. Particularly, Article 61 gives the public, individually or as a group, a say in matters of land including acquisition, management, transfer, disposal, or ownership of private, public and/or community land while Article 174(c) is clear that the objects of devolution are to give powers of self-governance to the people and enhance their participation in the exercise of such powers in decision-making, since as Article 174(d) outlines, Communities have the right to manage their own affairs and to further their development,</p> <p>The constitution also outlines how both national and County governments should carry out their affairs i.e., through involving the public. In Article 118(1), Parliament shall— (a) conduct its business in an open manner, and its sittings and those of its committees shall be open to the public; and (b) facilitate public participation and involvement in the legislative and other business of Parliament and its committees. Article 119(1): Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending, or repealing any legislation. (2) Parliament may not exclude the public, or any media, from any sitting, unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion. Where it concerns the county government, in Article 196(1), a county assembly shall— (a) conduct its business in an open manner, and hold its sittings and those of its committees, in public; and (b) facilitate public participation and involvement in the legislative and other business of the assembly and its committees, (2) A county assembly may not exclude the public, or any media, from any sitting, unless in exceptional circumstances the speaker has determined that there are justifiable reasons for doing so, Article 201 (a): there shall be openness and accountability, including public participation in financial matters, Article 232(1) (d): The values and principles of public service include the involvement of the people in the process of policy making and (f) transparency and provision to the</p>	

Act	Brief	Relevance to the project
	<p>public of timely and accurate information, Fourth Schedule Part 2(14): The functions and powers of the county are to coordinate and ensure the participation of communities in governance. Counties are also to assist communities to develop the administrative capacity to enhance their exercise of power and participation in governance at the local.</p>	
Environment and Land Court Act No. 19 of 2012	<p>It gives effect to Article 162(2)(b) of the Constitution; to establish a superior court to hear and determine disputes relating to the environment and the use and occupation of, and title to, land, and to make provision for its jurisdiction functions and powers. This shall be an important institution in case of grievances regarding impacts/displacement that cannot be solved through the project grievance redress system.</p>	<p>The Court shall hear and determine disputes; relating to compulsory acquisition of land</p>
The Valuers Act – 1985	<p>The Valuers Act establishes the Valuers Registration Board, which regulates the activities and practice of registered valuers. The RAPs to be prepared in response to the impacts on structures and livelihoods should make use of the services of a registered valuer (who is approved by the Board) who undertook asset valuation for the purpose of facilitation.</p>	<p>These will guide the process of Valuation of affected properties, businesses and the livelihood of PAPs (Project affected persons).</p>
HIV and AIDS Prevention and Control Act, 2006	<p>This is an Act of Parliament to provide measures for the prevention, management and control of HIV and AIDS, to provide for the protection and promotion of public health and the appropriate treatment, counselling, support, and care of persons infected or at risk of HIV and AIDS infection, and for connected purposes</p>	<p>The Act guides the A-rap processes to ensure that there is no Discrimination of those living with HIV/AIDs and identification of Vulnerability that may need additional assistance during the implementation of the ARAP.</p>
The National Gender and Equality Act, 2011	<p>National Gender Equality Commission is a constitutional Commission established by an Act of Parliament in August 2011, as a successor commission to the Kenya National Human Rights and Equality Commission under Article 59 of the Constitution. NGEC derives its mandate from Articles 27, 43, and Chapter Fifteen of the Constitution; and Section 8 of NGEC Act (Cap. 15) of 2011, with the objectives of promoting gender equality and freedom from discrimination.</p>	<p>The Act calls for equal protection of all genders especially the Vulnerable. The acts guides resettlement implementation process to ensure non-discrimination and representation of both genders and youth in the decision-making processes and Grievance Mechanism. It calls for protection of the vulnerable due to the Gender to be able to benefit from facilitation if identified as PAPs.</p>

Act	Brief	Relevance to the project
The Children Act, 2022	<p>This Act protects the welfare of children within the Country. The Act identifies Children as people below 18 years old and protects them from exploitation. Section 10, protects the child from:</p> <p>Economic exploitation.</p> <p>Any work that interferes with his/ her education or harms the child's health or physical, mental, spiritual, moral, or social development.</p>	<p>This act guides in safeguarding the rights of children in the process of involuntary relocation. The RIC is guided to ensure no rights of the child are violated in the process and that the relocation process should not exacerbate poverty that may influence children to be involved in child Labour.</p>
Persons with Disability Act, CAP 133	<p>This act protects the rights of people with disabilities ensuring they are not marginalized and that they enjoy all the necessities of life without discrimination.</p>	<p>This Act will ensure that persons with disabilities are equally represented in the Settlement Grievance committees and are given a platform to channel opinions, comments and be fully involved in the decision-making processes.</p>

2.3.1 World Bank's Social Policies and Standards.

Table 2. 4: World Bank's Policies and Standards

Safeguard Policies	Relevance
Physical and Cultural Resources (OP 4.11)	<p>While OP 4.12 provides for the displaced to retain access to cultural property (e.g., places of worship, cemeteries), or to be compensated for the same, it is OP 4.11 that defines these physical cultural resources. Physical cultural resources are considered as above or below ground local objects, sites or structures that groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. The policy requires that appropriate measures for avoiding or mitigating impacts on cultural resources be established. These may range from full site protection to selective mitigation. Read together with OP 4.12 (15), the mitigation and compensation measures, alternatives and options should be decided and reviewed through consultation with the community,</p>
Involuntary Resettlement OP /BP 4.12	<p>The important elements of WB's involuntary resettlement policy are:</p> <p>The recognition that displacement and resettlement can have long term impacts on affected persons, including impoverishment. This therefore requires resettlement planning be treated as an integral part of the project design, to be dealt with from the earliest stages of the project, conceived and executed as a part of the project, and the full costs of compensation should be included in project costs and benefits.</p> <ul style="list-style-type: none"> • Advocates for an avoidance and minimization strategy in the development of projects. • Compensation is the last resort measure, only after exploration/exhaustion of the first two i.e., this should be the exception, not the norm; • A census to identify the persons who will be affected by the project and to discourage the inflow of people ineligible for assistance should be undertaken; <p>Compensation should:</p> <p>-Aim to improve the lives of those affected. Thus, displacement and resettlement are conceived as a development opportunity. The restoration of the previous lives and livelihoods to pre-displacement levels is the basic minimum required;</p> <p>Be comprehensive, and covers lost assets, shelter, livelihood, and income; assistance for relocation, including the provision of relocation sites with appropriate facilities and services; and assistance for rehabilitation; In terms of land, a preference for land-based compensation is advocated for where livelihoods are dependent on land. In case of physical relocation, assistance (such as moving allowances) and residential housing or housing sites or as required, and other factors, at least equivalent to the advantages of the old site during relocation and support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard of living;</p> <p>Be at replacement cost – sufficient to replace lost assets and cover transaction costs;</p>

Safeguard Policies	Relevance
Involuntary Resettlement OP /BP 4.12	<p>Eligibility cover (a) those who have formal legal rights to land, (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 and (c) those who have no recognizable legal right or claim to the land they are occupying. However, compensation here varies depending on the category;</p> <p>Be fully provided prior to clearance of right of way/ ground levelling and demolition.</p> <p>Particular attention should be paid to households headed by women and other vulnerable groups, such as indigenous peoples, and appropriate assistance should be provided to help them improve their status;</p> <p>Adequate involvement and consultation of those affected on the land acquisition and resettlement, including options available;</p> <p>Set of grievance redress mechanism to arrest and address emerging issues and concerns by the project affected persons; and,</p> <p>A resettlement plan or abbreviated resettlement plan is prepared for all operations that entail involuntary resettlement. The document should be publicly available and disclose.</p>

2.4 Alignment of World Bank and GoK policies/laws on Involuntary Displacement and Resettlement

Table 2.4 compares the provisions of Kenya laws against World Bank Policy and identifies the gap thereof.

Table 2. 5: Comparison of Kenya Legal Framework and World Bank Policy

Category	Kenya Legal framework	WB Policy	Recommendations
Requirement for a RAP	Kenya law does not out rightly stipulate a drafting of the RAP document prior to impact and resettlement.	The proposed project and its components are within already build area; however, the consultant considered the possible sources of material for construction with trigger OP 4.11.	Adopt World Bank (WB) policy
Conditions for Displacement	-Involuntary resettlement possible in contexts of projects of public interest e.g., the Land Act does not stipulate that resettlement should be avoided wherever possible; on the contrary, as long as a project is for public interest, involuntary resettlement is considered to be unavoidable	<p>Involuntary resettlement should be avoided -where feasible or minimized exploring all viable alternative project designs.</p> <p>Improvement of livelihoods and standards of living or at least to restore them in real terms to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.</p>	Adopt World Bank (WB) policy

Category	Kenya Legal framework	WB Policy	Recommendations
Vulnerable Groups	The constitution of Kenya requires the state to address the needs of vulnerable groups, including the minority and marginalized groups.	OP 4.12 requires particular attention is paid to the needs of vulnerable groups among those to be affected especially the elderly, women, people living with disabilities and children	Adopt World Bank (WB) policy
Squatters (i.e., those who have no recognizable legal right or claim to the land that they are occupying)	<p>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 not include those who illegally acquired land.</p> <p>Encroaching onto public land is prosecutable as criminal offense. Actually, the traffic Act makes it an offense to encroach on a road reserve.</p>	Must be compensated for any improvement on the land whatever the legal recognition of their occupancy and considered for resettlement.	Adopt World Bank (WB) policy
Compensation	<p>Impacts Covered</p> <p>Land value (amended) act covers loss of land, damage due to severing</p> <p>Modality</p> <p>Compensation preference.</p>	<p>Compensation at replacement cost.</p> <p>Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better. In addition, 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 is required.</p>	Adopt World Bank (WB) policy

Category	Kenya Legal framework	WB Policy	Recommendations
Cut-off Date	The Land Act, 2012 is not specific on the cut-off date but proposes a final survey of land (with regard to private land) to be undertaken before compensation is paid. It does not cover public land.	O.P 4.12 describes that normally the cut-off date is the date the census begins. It could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx. Persons and developments established after this date and not included in the inventory of PAPs will not be considered eligible for facilitation or resettlement assistance.	Adopt World Bank (WB) policy
Consultation and disclosure	<p>The Land Act outlines procedures for consultation with affected population by the NLC. However, where no land acquisition is foreseen, this is not clear. IDP Act however requires provision of full information and consultation of the affected.</p> <p>Public participation and access to information is entrenched in the constitution. However, no outright clause requiring e.g., ARAPs be made publicly available.</p>	<p>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 mitigation measures.</p> <p>WB OP requires the draft resettlement instrument to be made available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them.</p>	Adopt World Bank (WB) policy
Grievance Redress	Constitution advocates for alternative dispute resolution mechanisms. Land and Environment Act provides for a court of the high court status for land disputes.	Requires establishment of a project-based grievance redress mechanism. However, does not rule out access to legal redress.	Adopt World Bank (WB) policy

3 PUBLIC CONSULTATION AND PARTICIPATION

3.1 Introduction

Public participation refers to the active participation of stakeholders in collective issues. World Bank OP 4.12 and KISIP2 Stakeholder Engagement Framework (SEF) requires that affected persons be meaningfully consulted and should have opportunities to participate in the design and implementation of the project, as well as resettlement programs. Further, displaced persons are informed about their rights pertaining to resettlement and consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives. In addition, public participation is a legal requirement under the Constitution and legal framework, which requires a commitment towards citizen involvement and consultation in the planning and delivery of projects and services.

3.2 Objectives of Stakeholder Consultations

The aim of stakeholder consultations was to identify the interests of the different stakeholders and draw consensus. The objectives of the stakeholder consultations were:

- To sensitize the community about the project and potential impacts on people and livelihoods.
- Provide a platform for the community to air views and concerns which are relevant to the ARAP, and which must be resolved.
- Involve them in key processes of census and the undertaking of the affected asset inventory,
- Provide an opportunity for the community to propose the most appropriate mitigation measures for asset and livelihood losses.
- To seek support from the community and other all relevant stakeholders in the preparation and implementation of the ARAP.
- To discuss the ARAP report and its recommendations.

3.3 Consultation Method and Approach in ARAP Development

The approach required a stakeholder analysis, to determine the stakeholders (individuals, groups, institutions/organizations) who will be affected directly or indirectly, positively or negatively by the proposed project, who can contribute to, or hinder its success, and those with an interest in the ARAP, have mandate over various issues related to the ARAP and general matters that link to the project area. Overall, the key guiding participation principles are outlined in the table below.

Table 3. 1: Principles of Participation and how ensured in the ARAP process

Principle	How observed
Adaptive, Communicative, Meaningful and Pro-active Consultation	<ul style="list-style-type: none"> Participation was carried out in a non-coercive, open, transparent manner, free from any forms of manipulation, bribery, intimidation or duress. Information was shared in Swahili and English as the national language, and where necessary the local dialect Luo was used. Effort was set towards simplification of technical processes such as valuation.
Accessibility	<ul style="list-style-type: none"> The location for all consultations was accessible to all who wanted to attend; with meetings held within the settlements, and preferably at sites/locations used for their own community meetings e.g., community Social Halls.
Inclusivity	<ul style="list-style-type: none"> All PAPs, male and female, youth, land owners, structure owners, tenants etc. were notified of the meetings and involved in the meetings. The consultant took utmost care to ensure women's voice was well represented. This involved a deliberate effort to ask the women on their opinion on issues raised.
Right to Questions and Response	<ul style="list-style-type: none"> In line with Article 33 of the Constitution, stating that public participation should respect the freedom of expression of all participants, the stakeholders were given an opportunity to ask questions, share views or make comments about the planned project activities. In all cases, the consultant sought to understand and respond to the PAPs concerns. All questions and queries were responded to and clarifications provided.

Public participation was achieved through a variety of information and consultation methods. These were contextualized to the type of stakeholder and complexity of information to be shared or collected.

Table 3. 2: Consultation method

Stakeholder Type	Consultation Method
Primary stakeholders-project Affected Persons	<ul style="list-style-type: none"> Household socio-economic survey and Asset Inventory Public meeting/Baraza Consultations with SEC and GRC.
Interested parties/Other stakeholders e.g., CPCT	<ul style="list-style-type: none"> Consultation meetings with the county CPCT.

3.4 Public Participation meetings in the Initial A-RAP exercise

Public participation consultations undertaken during the initial preparation of the A-RAP has been summarised below

Table 3. 3: Summary of public participations during initial preparation of A-RAP

Settlement	Date	Total No. attendants	Male representation	Female representation
Kibuye	17/1/2018	78	52	26
	2 nd /6/2018	41	25	16
	30 th /5/2018	16	10	6
Manyatta A	10 th /10/2017	203	128	75
	30 th /5/2018	28	15	13
	24 th /5/2019	61	28	33

Settlement	Date	Total No. attendants	Male representation	Female representation
Manyatta B	10/10/2017	112	55	57
	30/5/2018	22	10	12
	1/06/2019	56	29	27
Nyawita	15/10/2017	81	45	36
	30/5/2018	26	21	5
	31/05/2019	67	38	27

Key issues discussed were:

- Initial displacement issues and willingness to move structures to pave way for proposed infrastructure.
- Cut-off dates
- A-RAP processes.
- Validation exercise of PAPs.
- A-RAP disclosure

3.5 Public Participation meetings during the update of A-RAP exercise

Summary of Public participation meeting conducted during the re-scoping exercise.

Table 3. 4: Summary of meeting attendance in during re-scoping exercise

Settlement	Date	Location	Total No. attendants	Male representation	Female representation
Kibuye		Mama Ngina Social Hall	37	25	12
Nyawita/Migosi	8 th Feb, 2023	Ezra Gumbe social Hall	60	35	25
Manyatta A	9 th Feb, 2023	Kosawo Hall	50	33	17
Manyatta B	9 th Feb, 2023	Kasawino Social Hall	54	39	15
Total number of participants in the county			323	217	106

During the process of the ARAP update, Public participation meeting with Kisumu County KISIP team was held at KISIP Boardroom on the 6th of January 2023. The total number of individuals who attended the meeting was 37, out of which 26 were male and 11 females.

The objective of the meeting was to present to the Kisumu KISIP County team the original scope of work, appraised cost and cost allocated to implement the project. Public participation meetings were also conducted in each of the selected settlements. The purpose of the meetings was to allow the community members identify priority projects that would fit the allocated costs and would be most beneficial to the project.

The community members were advised to identify projects in areas that had no RAP concerns emerging. The project team confirmed that the project components would as much as possible, fit within allocated public land and way leaves.

The table 3.3 below summarizes the details of the meeting and gender representation.

Table 3. 5: Summary of meeting attendance in during re-scoping exercise

Settlement	Date	Location	Total attendants	No. representation	Male representation	Female representation
Kibuye	7 th Feb, 2023	Mama Ngina Social Hall	37	25	12	
Nyawita/Migosi	8 th Feb, 2023	Ezra Gumbé social Hall	60	35	25	
Manyatta A	9 th Feb, 2023	Kosawo Hall	50	33	17	
Manyatta B	9 th Feb, 2023	Kasawino Social Hall	54	39	15	
Total number of participants in the county			323	217	106	

Key points raised during community consultation meetings:

KIBUYE

- Most of the PAPs captured in the initial ARAP are either deceased, relocated by county government to the new built market centre.
- PAPs who had relocated to within the market should not be compensated since they are not going to be affected by KISIP2 project.
- Waste facilities should be constructed within the market.
- PAPs should be relocated to a place with good drainage since their metallic materials are usually affected by water leading to rusting.
- Water point to be affected by the project should be avoided where possible.
- Family members of PAPs who are deceased should agree on who to receive the facilitation money.

MANYATTA B

- Early notice to vacate should be issued.
- The grave next to the road should be avoided.
- There should be compensation for lost livelihood.
- Bringing down toilets and fences in rental spaces will lead to loss of tenants.

MANYATTA A

- Businesses along the roads with wide corridors should be spared since there is enough working space.
- There should be facilitation for lost livelihood.
- Early notice to vacate should be issued.
- Family members of PAPs who are deceased should agree on who to receive the facilitation money.

NYAWITA

- Early notice to vacate should be issued.
- There should be facilitation for lost property.

The identification and prioritization of these settlement interventions were informed by the need to minimise need for resettlement and Land acquisitions: the Interventions chosen to ensure that

relocation was minimal, or no relocation needed. The designs for the interventions utilized the existing right of way.

The minutes and list of attendees is on Annex II of this report.

All community members including vulnerable groups i.e., the youth, men, women, and persons living with disability were represented in the identification of priority projects.

3.6 RAP Disclosure and Public Participation Exercise

The RAP team held public consultation meetings both in Kisumu and Muhoroni Settlements.

The main aim of these meetings was to public disclosure on the ARAP processes, Cut-off dates and eligibility of those who may be affected for relocation and entitlement. Through these meetings the settlement residents were able to air their views/fears and concerns to be considered ARAP processes.

Table 3. 6: Views and Concerns of the Public disclosure meetings

Settlement Issues/Concerns Raised	Response
GRC and SEC should be included in the payroll	The consultant reiterated of the GRC and SEC positions should be on voluntary basis and only sitting allowance will be offered if there is any scheduled meeting.
SEC members to be provided with hard copies of the agreed scope of work per settlement	The Consultant assured community members that they will be provided with hard copies of the projects they selected
Relocation of PAPS should be done in an orderly manner	<p>The sociologist stated that relocation of PAPs will not be forceful and the SEC, GRC, sociologist, valuer and Surveyor will be involved in the ARAP process. The county has formed a resettlement implementation committee that will foresee and implement resettlement in accordance with the Kenyan Law and world bank policies.</p> <p>Notice to relocate will be issued for the affected to be able salvage materials.</p> <p>All PAPs will have access to the Grievance Redress Mechanism.</p> <p>Compensation of PAPs will be done on replacement method where a 15% disturbance allowance will be applied.</p> <p>Alternative relocation sites for those who may be affected but not eligible due to cut-off date will be offered for mobile traders.</p>
Corruption may interfere with how grievances will be handled	The Sociologist stated that handling of grievances will be done in a transparent and fair manner jointly with the Grievance Redress Committees.

The PAPs were also engaged through questionnaires where the following issues were relayed:

- Adequate relocation Notice for the affected.
- Locals and PAPs to be considered for employment opportunities.
- Consider installation of street lighting to curb crime.
- Hire skilled workers to ensure quality of works.
- Community involvement in the project.
- Involvement of all parties concerned in case of relocation of grave site.
- Avoid cutting of trees during relocation period.

4 PROJECT IMPACTS AND MITIGATION MEASURES

4.1 Introduction

The proposed project has significant identified impacts to the communities living in the identified settlement. This section will not only look at the project impacts in relation to involuntary resettlement but also some of the impacts identified in the Project's Environmental and Social Impact Assessment (ESIA) and Environmental and Social Management Plan (ESMP). In the analysis there is recognition that social, economic and biophysical impacts are inherently and inextricably interconnected. A change in one domain may trigger impacts across other domains, and there are iterative or flow-on consequences within each domain.

4.2 Potential Positive Impacts.

Table 4. 1: Positive Impacts

Improved Infrastructure and Associated Improvement in Living Conditions	Construction of roads improves accessibility and opens up the slum areas to other social economic benefits such as investments, accessibility to public services among them education, water, health, recreation, social and urban integration, among others. Thus, the beneficiary's welfare is improved. In addition, there will be clear and paved walkways to enhance accessibility.
Improvement in health and hygiene	Improved water supply, which is another infrastructure improvement, will go an extra mile in improving the hygiene and health of the community members by reducing water borne diseases since there will be adequate clean and safe water for domestic use. The project also proposes ablution blocks that will affirm health and hygiene within the settlement by improving sanitation within the settlement which was another big challenge noted
Improvement in Security and Reduction in Crime	The crime mapping undertaken showed a prevalence of mugging due to poorly lit sections of the settlement. Set up of security masts/lights in strategic places and as informed by the mapping will in the long run improve the overall security
Increased Livelihood and Incomes	Evidence from other settlements where KISIP has undertaken improvement in infrastructure, more so roads and security lights, shows improvement in the local economy. Women are able to set up shops or open-air kiosks particularly in the improved way leaves as well as increased trading hours due to the security lights.
Improved Housing	Past projects in the country on settlement upgrading have revealed that improvement in infrastructure incentivizes residents to invest more in house improvement. This could be in terms of improved cleanliness, materials upgrade, some triggered to put up rental units, new constructions, and expansion of existing structures etc.
Impact on Gender and Women related Concerns	A gender layer in terms of impacts can be derived from investments in infrastructure in informal settlements. Improvement of sanitation facilities tends to benefit women more compared to men, health and hygiene wise. In addition, women bear a disproportionate burden when water services are not accessible which will likely improve with investments
Improved Drainage	Drainage of waste water/run off was another challenge noted in this settlement. Better drainage will help prevent flooding and it will also help in reduction of soil erosion.

4.3 Negative Impacts

The direct negative impacts of the Project include:

- The possibility of involuntary relocation
- The loss of privately owned assets, including productive resources (such as boundary fences and trees) and structures on the land
- The loss of communal resources e.g., water kiosks, boda-boda shed, perimeter fencing
- Impacts on the subsistence / livelihoods and income-earning capacity of those affected
- The loss of access to and/or increased pressure on existing services and facilities, and
- Changes in movement patterns

Less direct effects include: impacts on social groups and social behaviour; and the vulnerability of some social categories as a result of the Project.

The Consultant has identified site clearance and reclamation of the Right of Way as a project activity that may result in the displacement of population. The term “displaced population” refers to persons who will be affected in any of the following ways:

- Loss of their house or shelter
- Loss of their productive assets
- Loss of their income sources or means of livelihood/ renters.
- Loss of access to resources and social services

It should be noted that all affected property owners within the road reserve area are supposed to be facilitated to resettle and not to be compensated. This is so because the road alignment is following the existing alignment, there is no bypass or diversion.

4.3.1 Loss of Assets/Structures

In the implementation of the proposed interventions, the number of Project Affected Persons (PAPs) are 26 and 1 public office-Office of the Ward Admin- being affected at Manyatta B (6 in Kibuye settlement, 4 in Nyawita settlement, 6 and 10 in Manyatta A and B respectively). The PAPs have been categorized according to the type of assets affected:

These PAPs are mainly found within the 6-9 meters wide right of way along the proposed road. For those residents who have encroached into the RoW (as renters or owners), the impacts cover the loss of Livelihoods, partial/full structure loss.

Structures exist on the RoW, the impacts, therefore, will include the demolition of residential or business structures (rented or owned) as well as the demolition will be mainly of boundary fences. The properties to be affected are indicated in Table 4.2 below:

Table 4. 2: Summary of identified PAPS, structures/assets loss and Livelihoods

Settlement	No. of Livelihood structures	Vulnerable Persons	Tenants	Male	Female	Public Institution	Total PAPS	
Manyatta A	7	2	-	1	4	2	-	6
Manyatta B	15	4	3	1	7	3	1	11
Nyawita	3	1	1	1	2	2	-	4
Kibuye	5	-	-	-	5	1	-	6
TOTAL	30	7	4		18	8	1	27

Table 4. 3: Summary of affected structures/ Livelihoods per settlement

Name of settlement	Type of asset/ structure	Total	Partial/full loss	Total no. structures	Of Tenant
NYAWITA	<ul style="list-style-type: none"> live fence iron sheet fence house 	1 1 1	Fully affected. Fully affected. Partially affected	3	1
KIBUYE	<ul style="list-style-type: none"> Jua kali stalls water point 	4 1	Fully affected. Fully affected.	5	0
MANYATTA A	<ul style="list-style-type: none"> houses iron sheet fence pit latrine butchery 	2 3 1 1	Partially affected. Fully affected. Fully affected. Fully affected	7	1
MANYATTA B	<ul style="list-style-type: none"> Posho mill houses pit latrines container shop well iron sheet fence live fence barbed wire fence 	1 6 2 1 1 2 1 1	Fully affected. 4partially affected & 2 fully affected. Fully affected. Fully affected. Fully affected. Fully affected. Fully affected. Fully affected.	15	1

Source: Field Data

4.3.2 Access to Social Facilities

Similar to the accessibility to productive sources, the project design has considered minimizing the impact on all the social services whenever possible either by diverting the road alignment or reducing the width of the road to be constructed. For example, the water points, power lines, learning centres and religious structures, graves located closer to the road will be avoided as much as possible by road realignment. However, the contractor should be instructed to replace the disrupted services before the construction of the road starts to reduce the impacts on the service users.

4.4 Resettlement Mitigation Measures

The following interventions have been proposed to minimize possible land acquisition and resettlement within the project:

4.4.1 Facilitation

To minimize the negative impacts to the people who will be affected by the road implementation, their relocation will be facilitated. The valuation will be undertaken on all properties to be affected. All structures will be facilitated at replacement cost. Where the impact is partial and the residual is usable, repair costs will be applied. An addition of a flat rate of Kshs.5000 (Five thousand Kenya shillings) will be awarded to each of the 4 identified vulnerable PAPs, as per the RPF recommendation on the identification of vulnerable groups and further recommends provision of additional assistance.

4.4.2 Relocation alternatives.

Where necessary to avoid further impacts of PAPs in relocation, the drainages have been redesigned to closed drains so as to allow for pedestrian walk ways.

5 SOCIAL ECONOMIC SURVEY OF PAPS

5.1 Introduction

The initial exercise employed questionnaires to gather quantitative and qualitative data to determine the socio-economic status of the PAPs. The following topics were covered in the report:

- Bio-data of the PAPs.
- Household Demographic Data
- Income and Livelihoods
- Health
- Education
- Structure details.
- Utility details.

A 100% social Economic survey of the PAPs was carried out to ascertain baseline information of the Project Affected Persons (PAPs). To achieve the socioeconomic aspects captured, the consultant developed a structured questionnaire to capture the PAPs current socio-economic status and the views and concerns of the identified PAPs.

Generally, the objective of the social-economic survey is:

- To ascertain the total population of the Project Affected Persons to enable the development of an accurate asset register.
- To inform appropriate compensation measures to restore their lives or improve as per the RPF Policy and OP 4.12 provisions.
- To provide baseline data for monitoring and evaluation of the ARAP.
- To ensure that vulnerable PAPs are identified.
- To ascertain the facilitation choices of PAPs regarding various options available to them in the RPF policy.

5.2 Summary of structures affected.

The total number of PAPs is 26 and 1 structure owned by the County Government of Kisumu-Ward Admins office. The total number of structures affected by the proposed development is 30. The table below summarises structures loss and livelihoods that may be affected by the proposed interventions.

Table 5. 1: Summary of structures and PAPs per settlement.

Settlement	No. of structures	Livelihood	Tenants	Male	Female	Public Institution	Total PAPs
Manyatta A	7	2	1	4	2	-	6
Manyatta B	15	4	1	7	3	1	11
Nyawita	3	1	1	2	2	-	4
Kibuye	5	-	-	5	1	-	6
TOTAL	30	7		18	8	1	27

5.3 Demographic Details of PAPs

5.3.1 Household Heads and Gender

Most PAPs are males, at 83%, and females, at 17%. 4 of the PAPs were identified as vulnerable i.e., four were elderly people, with one being a widow and female head of household.

The gender representation of the PAPs is shown in Figure 5.1.

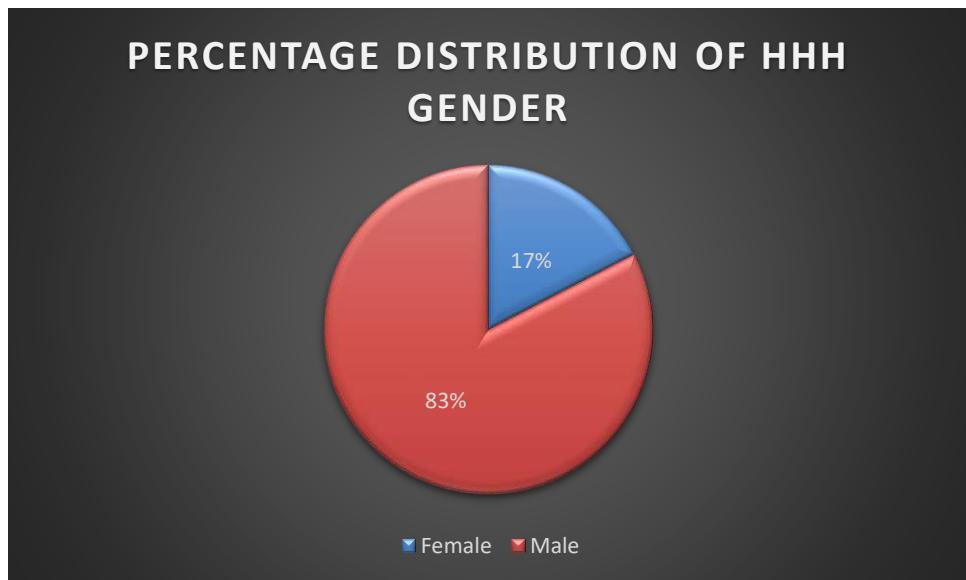


Fig. 5. 1: Gender of the PAPs

5.3.2 Household size

The average household size of the PAPs is 11.8, with the highest household size reported being 17 and the least being 2.

Figure below shows the representation of household size.

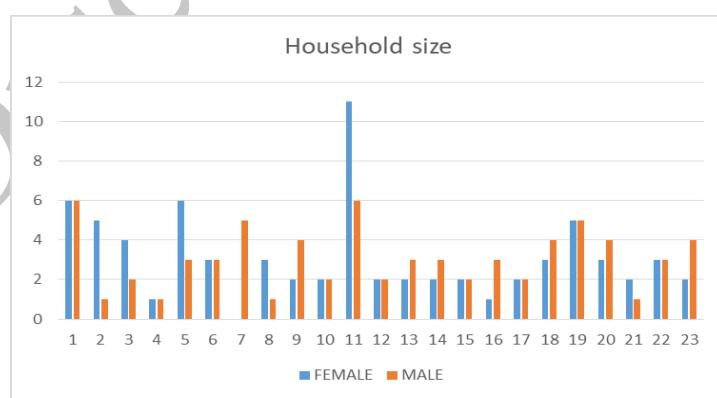


Fig. 5. 2: Household sizes

5.3.3 Household heads and Marital status

From the survey, 87% of the PAPs reported being married, 9% being single, and 4% being widowed.

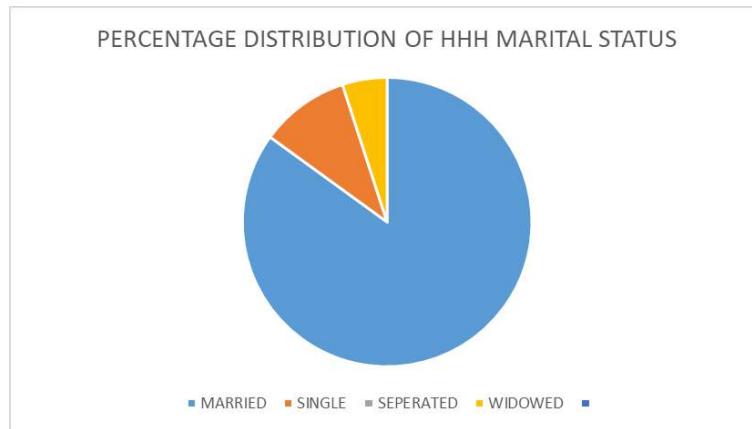


Fig. 5. 3: Percentage of marital status

5.3.4 Level of Education

College/University level of education is the highest achieved among the PAPs. As per Figure 5.4.

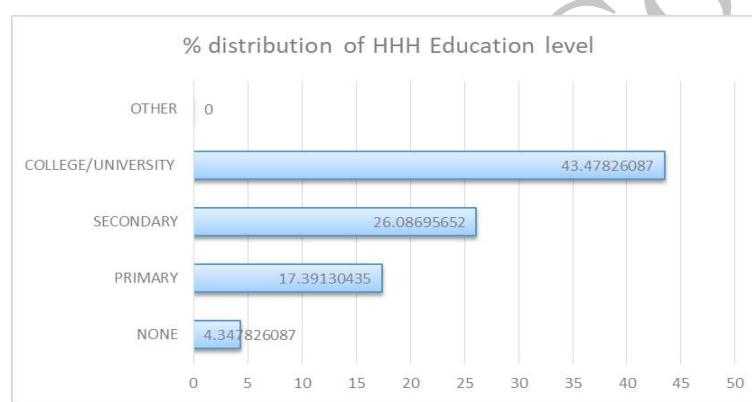


Fig. 5. 4: Distribution of HHH Education Level

5.3.5 Sources of livelihoods

According to the HH Survey, the primary source of livelihood for the respondents in the project area is Trade at 48 %, with 17% in employment. The information is displayed in the below.

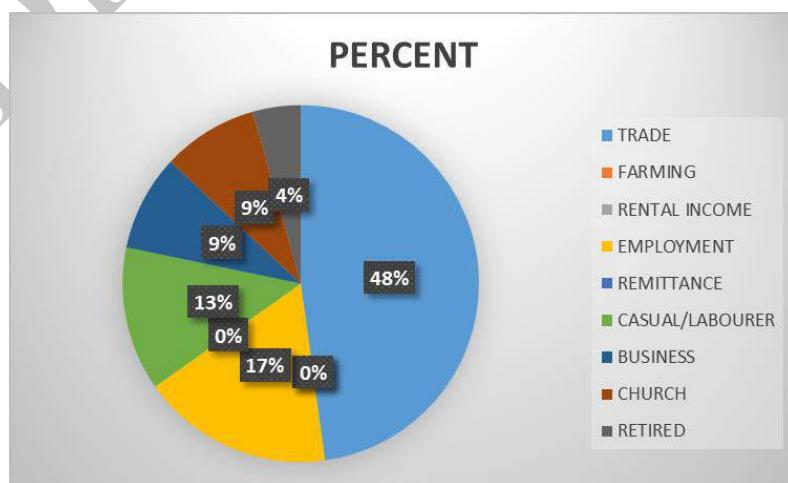


Fig. 5. 5: Sources of livelihood in the project area

From the HHH Survey, the respondents had varied income level ranges. Those who earned below KSH 5000-10000 a month were at 26%, while those who earned 30000-50000 Kenya shillings were 31%. The information is shown in the pie-chart below.

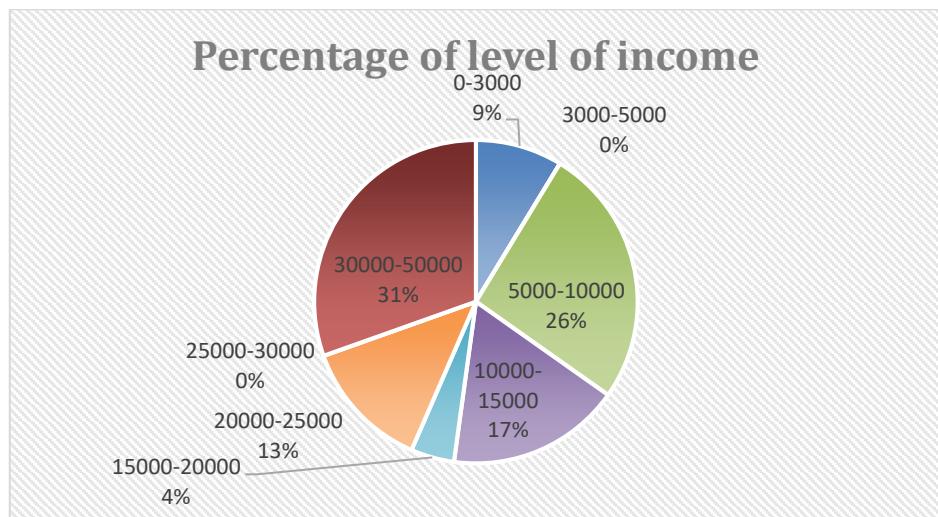


Fig. 5. 6: Level of Income

5.3.6 Housing

78% of the PAPs own properties/ structures to be affected, while 22% are tenants. Of the 78% Owning the properties, 17% acquired the properties through inheritance. This has been illustrated in **Figure 5.7** and **Figure 5.8** Below.

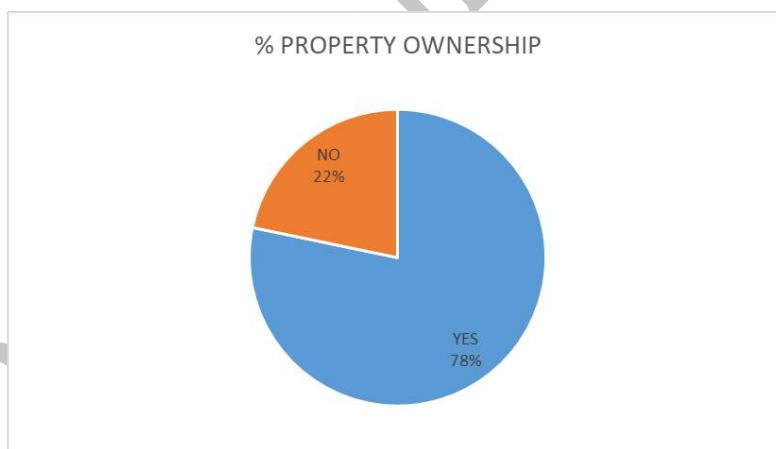


Fig. 5. 7: Percentage property ownership

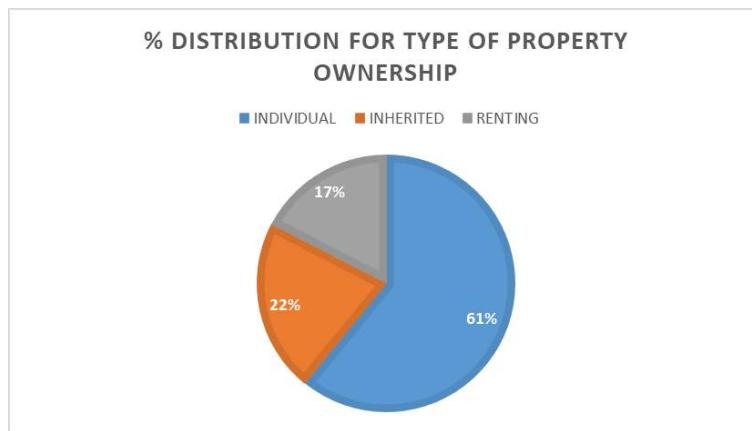


Fig. 5. 8: Percentage distribution of property ownership

The housing structures in the project area are a mix of permanent and semi-permanent temporary houses. From the HH Survey, respondent information shows that 57% of the houses are made of brick wall and 91% with concrete floors. The information is displayed in the **Figure 5.9** below



Fig. 5. 9: Percentage distribution of Housing wall material

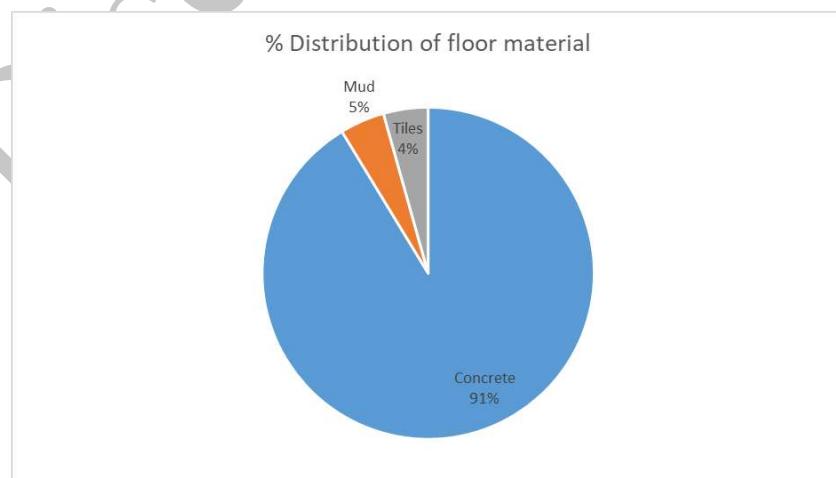


Fig. 5. 10: Percentage distribution of Housing floor material

Housing Conditions of the PAPs were recorded as per the representation presented below



Fig. 5. 11: Housing Conditions of the PAP

5.3.7 Sources of Energy

5.3.7.1 Sources of cooking energy

According to the Survey, 70% of the households rely on Charcoal as their main source of cooking energy while 26% rely on gas energy. The information is represented in the **Figure 5.12** below.

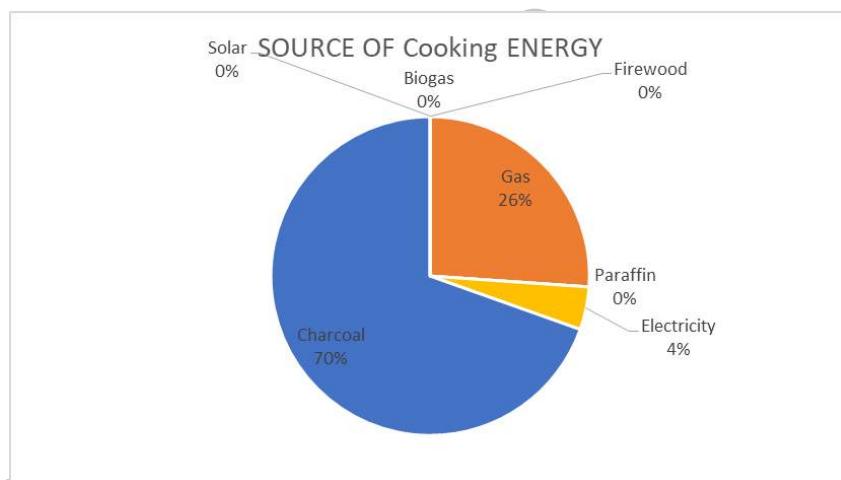


Fig. 5. 12: Energy sources for cooking

5.3.7.2 Sources of lighting energy

However, according to the HH Survey done for the PAPs, the KPLC electricity access for households is 96% while 4% uses solar energy.

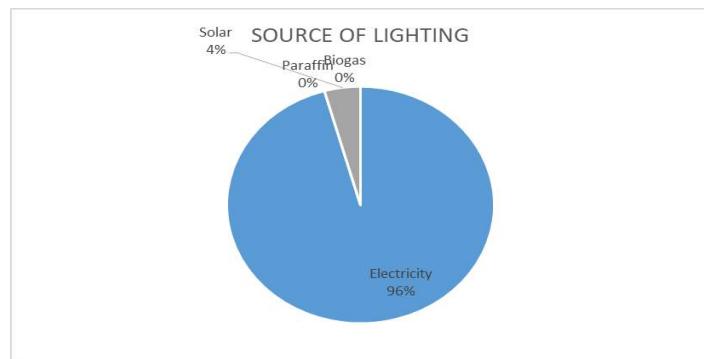


Fig. 5. 13: Sources of energy for lighting

5.3.8 Health

According to the HH Survey, Malaria is the most prevalent disease reported followed by HIV/AIDS among the PAPs. The prevalence diseases reported have been illustrated in the figure below

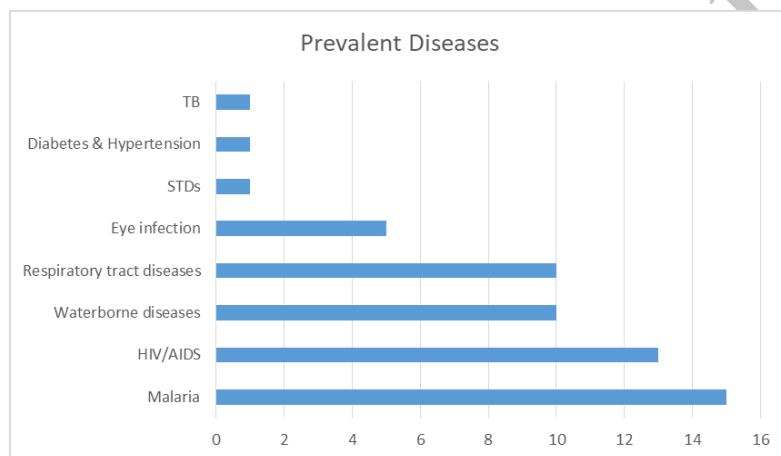


Fig. 5. 14: Disease prevalence in the project area

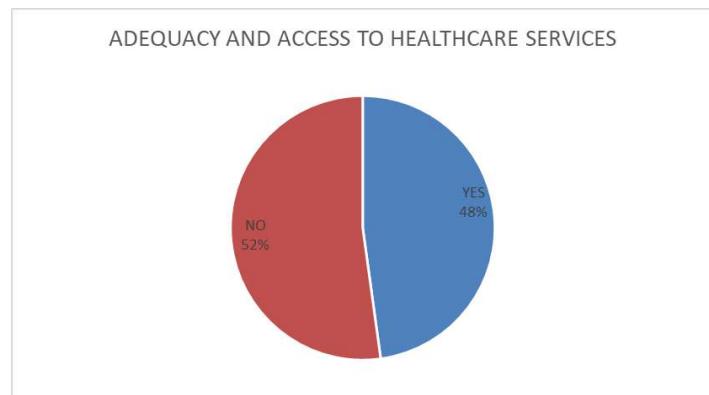
5.3.9 Access to Amenities

When asked where most household purchases were done, 48% of respondents reported of being able to access kiosks/Retail shops where most of the purchases were done while 35% reported the open-air market. Figure below show representation to these available amenities



Fig. 5. 15: Household purchases

48% of the respondents reported of able to access medical care and that the services were adequate while 52 % disagreed.

**Fig. 5. 16: Access to Health Care**

6 GRIEVANCE REDRESS MECHANISM (GRM)

6.1 Overview

The Grievance Redress Mechanism is a key tool through which local communities and other stakeholders exercise their voices. It is also a way to mitigate, manage and resolve potential or realized negative impacts.

A grievance is an issue, concern, or complaint raised by an individual or group affected by the project exploration, construction, or operational activities. Both concerns and complaints can result from either real or perceived impacts of a company's operations and may be filed in the same manner and handled with the same procedure.

In this Project, a grievance is NOT:

- A question or suggestion on the company or project; and/or
- An appeal or request for assistance.

6.1.1 The objective of the GRM.

- Develop an easy-access, no-cost, and efficient complaint procedure for the community involved and/or impacted by the project.
- Provide the community, PAPs, and stakeholders with a clear process for raising grievances.
- Establish a system of investigation response and quick complaint resolution.
- Allow stakeholders the opportunity to raise complaints.
- Ensure that grievances are handled fairly and transparently, in line with the projects' internal policies, international best practices, and lender expectations.

6.1.2 Principles Guiding the Project-Level GRM

Accessibility and Availability: It should be accessible to everybody who would like to submit a complaint; aid those who face barriers such as language, literacy, awareness, cost, or fear of reprisal.

Predictability: It should offer a clear procedure with time frames for each stage and clarity on the types of results it can and cannot deliver.

Fairness: Its procedures should be widely perceived as fair, especially regarding access to information and opportunities for meaningful participation in the final decision.

Rights compatibility: Its outcomes should be consistent with applicable national and international standards and should not restrict access to other redress mechanisms.

Transparency: Its procedures and outcomes should be transparent enough to the public interest concerns at stake.

Capability: It should have the technical, human, and financial resources to deal with the issues at stake.

Feedback: It should serve to channel citizen feedback to improve project outcomes for the people.

6.1.3 Grievance Redress Mechanism

The general steps of the grievance process have been summarized in Table 6.1 below and comprise:

- Registration/receipt/Acknowledgment of Complaints.
- Investigate and determine the solution to the complaint.
- Implementing the Redress Action.
- Verifying the Redress Action.
- Monitoring and Evaluation; and
- Recourse or Alternatives

Table 6. 1: Summary of Grievance Mechanism and Processes

Step	Process	Description	Time Frame	Responsibility
1	Grievance Receipt and registration Logging	<ul style="list-style-type: none"> • Grievance reception through verbal, phone, and written communications. Can be received through public/community meetings. • Grievance significance assessed 	1-2 days	The Settlement GRC, Grievance Officer-CPCT.

		and logging of the complaint in the grievance register.		
2	Development and Implementation of Response	<ul style="list-style-type: none"> • GRC meets to decide on grievances raised. • The grievance is assigned to the appropriate party for resolution. • Response Feedback approved by the GRC. • Written feedback is communicated to the complainant. • Start Implementing Redress action. 	5-10 days	GRC
3	Verifying the Implementation of Redress Action	<ul style="list-style-type: none"> • Redress action implemented and verified by the GRC. • GRC satisfied with implementation of redress action. • Complainant duly signed the Grievance resolution forms. 	10-15 days	Social Safeguards officer
4	Close of Grievance or refer to 2 nd tier	<ul style="list-style-type: none"> • Grievance Resolution recorded. • Confirm with the complainant that the grievance can be closed. If not refer to the next tier for resolution. • Record final acknowledgment to close of grievance. 	15-25 days	Social Safeguard/Grievance Officer
5	Court of Law	<ul style="list-style-type: none"> • Complainant can resort to court if the 1st and 2nd tiers could not resolve the dispute. 	-	Safeguard specialist at CRIC and NRIC
6	Monitoring and Evaluation	<ul style="list-style-type: none"> • Grievance Mechanism process is documented and monitored 	-	Safeguard specialist at CRIC and NRIC

The Grievance Officers at County and National levels will establish a register of resettlement/compensation-related grievances and disputes. Receiving complaints will include logging and registration as this will help monitor the status of the grievances and ease reporting on them. The existence and conditions of access to this register (where, when, how) will be widely disseminated within the project community/town as part of the general consultation undertaken for the project.

The RPF recommends a four-tier grievance mechanism- at the community, County, National, and resolution through courts of law. It is desirable to resolve all the grievances at the community level to the greatest extent possible. To achieve the community or settlement level grievance mechanism must be credible and generally acceptable. The grievance redress mechanisms will aim to solve disputes as soon as possible in the interest of all parties concerned.

The first level in addressing grievances will be at the settlement. The settlement will form a Settlement Grievance Redress Committee comprising of two members from SEC, and three other respected community members who are not PAPs. The community should elect the committee in a transparent manner and after sensitization by KISIP PCT.

The second level of the grievance mechanism will involve the County Resettlement Implementation Committee (CRIC). The CRICs will consider grievance reports forwarded to it from the community grievance committee and decide.

The third level of grievance mechanism will involve the National PCT, (NRIC) which will comprise the National Project Coordinator, Heads of Components, Environment and Social Safeguard heads, and a designated Grievance Redress Officer who will be the Secretary. It will handle grievances referred to it by the CGRCs and monitor the performance of the whole GRM for the project.

If complainants are not satisfied by the decisions of the grievance's committees, the aggrieved can seek redress from the relevant court level.

Disclosure Copy

7 VALUATION METHODOLOGY ELIGIBILITY CRITERIA AND ENTITLEMENT MATRIX

7.1 Introduction

In property valuations, there are 5 generally accepted methods or approaches to value. These are the Sales Comparison, the Income Capitalization, the Gross Replacement Cost Method (GRC), the Residual, and the Profits method:

7.1.1 Valuation Methodology adopted for this Project.

The method adopted is the Gross Replacement Cost Method (GRC) which evaluates the current cost of replacing an asset. The approach entailed the identification of all assets affected by infrastructure upgrades including structures, crops, and other assets. Valuation of structures involved measuring the improvements (buildings, site works) to which the appropriate construction costs are applied, resulting in the new replacement (or reproduction) cost.

In addition, a sum equal to 15% of the market value has been added to the compensation amount for disturbance.

The principle of compensation should follow the objectives of equity and equivalence. The adequacy of compensation should be measured against the goal of ensuring that people are not impoverished. This principle is articulated in the World Bank Policy on Involuntary Resettlement.

7.2 Costs

The compensation cost caters to the loss of structures and businesses. The total value amounted to approximately Kshs.3, 517,722. The breakdown is as follows.

Table 7.1: Value of compensation per settlement.

Settlement	Estimated Value (Kshs)	No of structures	15% Disturbance Allowance (Kshs)	Livelihood	Vulnerable Persons	Vulnerability allowance (Kshs)	Total (Kshs)
Manyatta A	439,000	7	65,841	2	-	-	504 841
Manyatta B	2,477,070	15	371,562	4	3	15,000	2,862,652
Nyawita	48,950	3	7,341	1	1	5,000	61,281
Kibuye	77,345	5	11,603	5			88 948
Total	3,042,353	30	456,347	12	4	20,000	3,517,722

7.3 Criteria for Eligibility

- Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan.
- Affected persons who have no recognizable legal right or claim to the land or assets they occupy or use, such as squatters.

If any person is found to have encroached on the land after the cut-off date as previously set in the previous documented settlement ARAPs being updated, such a person is not entitled to facilitation or any form of resettlement assistance unless there is a change in horizontal alignment of the road.

The eligibility criterion has considered the World Bank's guidelines stipulating that PAPs should include all the economically and/or physically displaced persons, even those who may not be protected under the national land compensation legislations.

7.4 Project Affected Persons (PAPs) Identification

7.4.1 Individual Properties

For the purpose of this assignment, the identification of the project affected individuals including properties was done within the 6 - 9m wide road corridor. The list of affected persons and their properties is attached as **Appendix 1** to this report.

7.4.2 Public Institutions

Only one public institution has been affected along. This is the office of the Ward Administrator-Manyatta B) Kaombe-Kasawino road.

7.5 Vulnerability among the PAPs

Children, the elderly, single mothers, female heads of households, and orphans are normally considered the most vulnerable in a project area. These groups also include the disabled, widows, and the terminally ill among which people living with HIV/AIDS are a part of. The various groups are considered vulnerable due to their inability to cope with and participate in decision-making with regard to resettlement.

7.6 Eligibility for facilitation relevant to cut-off date in accordance with World Bank guidelines

The displaced persons in the project area include the communities owning the houses and businesses within the right of way. As the road alignment follows the existing alignment there are few houses that will be affected by the road alignment. Other properties which will be considered for compensation or facilitation are those which will be affected during the road construction activities particularly those resulting from diversions and camp siting.

The actual relocation cost for the diversions will be undertaken during road construction and taken care of by the contractor. However, it is envisaged that the diversions will be kept to a minimum. The eligibility category as per World Bank is indicated in Table 7.2 below:

Table 7.2: Criteria for Eligibility (Guidelines)

Displacement Category	Entitlement
Individuals who have formal legal rights to land (including customary and traditional rights recognized under the laws of Kenya.)	<ul style="list-style-type: none">Facilitation for loss or relocation of assets at full replacement cost

Displacement Category	Entitlement
Individuals who do not have formal legal rights to land, but have a claim to such premises or assets (provided that such claims are recognized under the Kenyan laws or become recognized through a process identified in the resettlement plan)	<ul style="list-style-type: none"> Compensation for loss in premises and assets at full replacement cost In case of physical relocation, provide assistance during relocation (i.e., moving allowances) and residential housing and/or agricultural sites with productive and location advantages equivalent to the lost sites. Support after displacement, until livelihoods and standards of living are restored to pre-displacement levels
Individuals who have no recognizable legal right or claim to the premises they are occupying (i.e., squatter settlements, disputed ownership, or on RoW)	Resettlement assistance as appropriate (i.e., premises, assets, cash, employment, etc.)

7.7 Eligibility Recommended in the Resettlement Policy Framework

The basic principle followed in the RPF is that PAPs should be assisted in their efforts to improve their former living standards, income earning capacity, and production levels, or at least to restore them to pre-Project level whereby lack of legal title does not exclude individuals from the eligibility to receive compensation and/or rehabilitation assistance. PAPs eligible for compensation will include:

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

7.8 Cut-Off Date

In line with OP 4.12, the cut-off date is the date the census begins. Persons entering and/or occupying land in the project area after this date and not included in the inventory of PAPs will not be considered eligible for facilitation. Similarly, fixed assets such as structures, established after the cut-off date will not be facilitated to be moved.

Establishing this cut-off date is essential in the process, as new inhabitants coming to the project-affected areas after the cut-off date will not be considered for compensation. The Project Cut-off Date for Kisumu settlements is based on the initial ARAP reports done to mitigate the previous scopes of intervention in the respective Settlements. The table below summarises the cut-off dates during the previous ARAP exercise.

Table 7.3: Summary of the Cut-off dates applied.

Settlement	Cut-off Date
Kibuye	2 nd June 2018
Manyatta A	30 th May 2018
Manyatta B	30 th May 2018
Migosi	28 th November 2018
Nyawita	30 th May 2018
Bandani	8 th December 2017

7.9 Entitlement Matrix

The entitlement matrix outlined in Table 7.4 below defines the type of compensation and assistance to be provided to the different categories of project affected households. The following principles will guide payment of compensation for lost assets:

- Compensation shall be paid prior to acquisition or displacement.
- Compensation shall be extended to all PAPs irrespective of tenure status.
- Compensation will be at replacement cost meaning that replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs.
- Compensation for structures shall include the full cost of materials and labour required for reconstructing a building of similar surface and standing. In other words, the affected person must be able to have their structure rebuilt in a different location using the compensation paid for the old building. Depreciation will not be considered while calculating the cost of affected structures. The Compensation package will also include the cost of moving, such as transport costs as well as any associated land titling or transfer fees.
- In cases where in-kind replacement is not the preferred option of the PAPs, then the cash compensation will be based on the replacement cost.

To mitigate the aforementioned impacts an entitlement matrix was drawn.

Table 7.4: Entitlement Matrix

Type of Impact	Person Affected (s)	Entitlement
/Category		
Fully affected/part affected and remaining structure is non-viable	Squatters	<ul style="list-style-type: none"> • Cash compensation for entire structure at full replacement cost. • One-time relocation allowance where main dwelling unit is affected. • Right to salvage materials without deduction from compensation • Access to Grievance Mechanism • 15% disturbance allowance.
Partial viable but loss residual	Squatters	<ul style="list-style-type: none"> • Cash compensation for the affected structure at replacement cost • Right to salvage materials without deduction from compensation • Rehabilitation assistance if required (assistance with job placement, skills training) • Cash compensation for the affected building to the extent not viably feasible and other fixed assets at replacement cost. • Cash compensation to cover cost of restoration of the remaining structure
Loss of income	Business owners	<ul style="list-style-type: none"> • Eligible to participate in livelihood restoration activities such as markets-PAPs in Kibuye are to be considered. • Access to Grievance Mechanism. • Rental allowance.
Vulnerable PAPs		<ul style="list-style-type: none"> • Priority in processing/disbursement of compensation. • Employment Priority in project related jobs. • Recommendation for additional assistance by county programmes such as the Inua Jamii program if they qualify. • Disturbance allowance • Transportation to new locations <p>Priority in processing and disbursing of compensation.</p>

8 INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS

The implementation will start after the approval of the ARAP report. This ARAP should be implemented within 2 months after approval. This chapter details the various processes involved in this implementation and the institutions responsible for the implementation.

8.1 Institutional Framework for Implementation of ARAP

Implementation of the project will involve a three-tier institutional arrangement (National, County, and Community). Both the National and County Project Coordination Teams (PTCs) will have dedicated Safeguards Teams to address safeguard issues and will be part of the Resettlement Implementation Committee (RIC). The community through the Settlement Executive Committees (SECs) will be enabled to participate in the preparation of ARAP, verification and validation exercise of the ARAP, and continuous engagement of PAPs for implementation and Grievance management.

Table 7. 5: Implementing Organizations and Roles

Institution	Role
Ministry of Lands, Public Works, Housing and Urban Development	<ul style="list-style-type: none">• It houses KISIP and provides for overall policy direction and coordination with other relevant ministries that may have a role in the proposed projects.
Ministry of Finance	<ul style="list-style-type: none">• Financial management on behalf of the Borrower (GoK)
Kisumu County Government	<ul style="list-style-type: none">• Provision of counterpart funding – part of which is used to settle compensation claims by PAPs• Part of grievance redress mechanism• Recommendation of vulnerable PAPs for additional assistance to relevant actors, or county government run programmes.• Delivery of other assistance to PAPs will be the responsibility of county governments under the coordination of respective RICs.• Clearance of structures if people don't self-demolish after notice period and compensation.• Responsibility for appropriate and suitable measures to prevent further encroachments after the cut-off date.

Table 7. 6: ARAP Implementing Institutions under KISIP

ARAP Implementing Institutions under KISIP	
KISIP National Project Coordination Team	<ul style="list-style-type: none">• Overall project coordination• Overall responsibility for monitoring and evaluation• Support and capacity building to other engaged institutions at local level.
KISIP County National project coordination	<ul style="list-style-type: none">• Project coordination• Overall responsibility of ARAP implementation• Ensure budget for implementation is available.• Internal monitoring of ARAP• Grievance Redress mechanism

ARAP Implementing Institutions under KISIP	
Resettlement Implementation Committee (RIC) at County Level	<ul style="list-style-type: none"> Provide overall leadership and day to day implementation of the ARAP Study the final ARAP reports and draw update program/schedule for implementation. Organize the public disclosure of the final ARAP Confirm/validate entitlement and the final PAP register Oversee compensation and other assistance to the PAPs Part of grievance redress mechanism Sensitization about opening of joint accounts and appropriate use of compensation funds. Monitoring and Coordination of ARAP process
Settlement Executive Committee (SEC)	<ul style="list-style-type: none"> Part of grievance redress mechanism It provides an entry point and crucial link to the community Assist the vulnerable PAPs organize for rebuilding of structures, and movement, where such assistance is required
Grievance Redress Committee (GRC)	<ul style="list-style-type: none"> Formed to address all grievances related to the development and implementation of ARAP

8.2 Gender Empowerment Initiatives

To enhance gender equality and inclusivity, deliberate initiatives will be undertaken during ARAP implementation to sensitize the community members on the need to involve women in the ARAP implementation process. In addition, sensitization on likely Gender Based Violence (GBV) concerning the use of compensation money will be undertaken as indicated in the ARAP implementation schedule. KISIP CPCT, CRIC, and Gender department will roll out this sensitization jointly, and women-based organizations operating within Kisumu County ARAP Budget

The County government of Kisumu will be responsible for funding the ARAP implementation budget. The total budget for implementing RAP for this settlement is Kenya Shillings seven million, eighteen thousand, seven hundred and two. (Kshs. 7,018, 702). It comprises of compensation costs for the loss of structures and facilitation allowances for moving and reconstructing the structures at three million five million and eighteen thousand and two shillings (3,518,702) and Kenya shillings three million five hundred thousand to take care of administrative costs related to the implementation of the ARAP.

Table 7. 7: Summary of ARAP Budget

No.	Item under compensation	Amount (Kshs)		
1.	Loss of structures(Partially/ fully affected) (residential houses, sanitation blocks, shops, gate and Livelihoods			3,498,702
2	Facilitation assistance due to vulnerability	@5000 person		20 000
3.	Awareness raising and sensitization of beneficiaries and PAPs			1,000,000
4.	Training and Capacity Building for GRM			500,000

No.	Item under compensation	Amount (Kshs)		
5.	Operational & Administrative Costs of ARAP Committees			1,000,000
6.	Monitoring and Evaluation			1,000,000
	TOTAL			7,018,702

8.3 ARAP Implementation Schedule

The ARAP Implementation Schedule defines the duration and timing of the key milestones and tasks and indicates who is responsible for implementing the task provided. **Table 8.4** presents ARAP implementation schedule prepared for the Settlement.

Table 7. 8: ARAP Implementation Schedule

S/. No.	TASK NAME	Actor	Period in Months	
			Implementation immediately after approval of ARAP	1) 2
1.	Approval of ARAP	World Bank		
2.	Sensitization of PAPs on the need to involve women in ARAP implementation and need to eliminate GBV triggered by compensation	County RIC, CPCT		
3.	Disclosure of ARAP	Consultant, County RIC, and County Coordination team		
4.	Formation and capacity building of Grievance Management Committees	County RIC, CPCT, PAPs		
5.	Validation of asset valuation/values	County Government of Kisumu, CRIC		
6.	Grievance Redress	NRIC, CRIC, PAPs, GRC		
7.	Sensitization of PAPs on bank accounts and use of compensation funds including joint spousal management of cash	CPCT, SEC, CRIC, County Government		
8.	Payment of compensation	County Government of Kisumu, CPCT		
9.	Issuance of notice for self-demolition	County Government of Kisumu, CPCT		
10.	Self-Demolition	PAPs		
11.	Demolition of any structures that have not been demolished at the expiry of the notice period	County Government of Kisumu		
12.	Monitoring activities	NRIC, NPCT, MPLH&UD		

9 MONITORING AND EVALUATION

Monitoring refers to the routine and systematic collection of data relating to project resources, activities, and performance with an aim to assess performance or guide implementation. In this manner, it provides regular feedback and early indications of progress, or lack of progress thereof, allowing for speedy adjustments to ensure ARAP objectives are met. It informs on whether project activities and outputs are going on as planned and thus points to the likelihood of whether the objectives will be met or not – thus providing opportunities to feed back into the project process and effect changes where necessary, towards the actualization of the objectives of the ARAP. Evaluation, on the other hand, focuses on the performance of a project versus intended objectives, by asking the principal question; is the project producing the anticipated impact or outcomes? In other cases, as they apply to this ARAP, it is the periodic i.e., mid-term and final assessment of an ongoing or completed project. In combination, Monitoring and Evaluation (M&E) enables the assessment of progress as well as the overall success and effectiveness of the implementation of the resettlement and compensation processes and measures, and the resultant outcomes and impacts.

9.1 General Objectives of M&E

Monitoring and Evaluation is a specific requirement of the World Bank OP 4.12, which is necessitated as part of the process framework, a comprehensive description of the arrangements for monitoring the activities and process set forth in the resettlement instrument, in this case, the ARAP.

The main goal of M&E is to review with an aim to facilitate adaptation of actions or performance towards the achievement of the objectives of the ARAP i.e., the improvement or at least restoration of the social and livelihood resources of the PAPs at their pre-project level.

M&E will aim at achieving the following:

- Monitoring of the resettlement process is being managed in line with the set objectives, methods, and desired outcomes.
- To monitor and report on the effectiveness of ARAP implementation, including the progress of disbursement of facilitation/compensation, the effectiveness of public consultation, and management of grievances.
- To check if timelines and implementation schedule are being adhered to and met.
- To assess compliance with requirements established in national legislation and international best practices and safeguards.
- A feedback tool to identify emerging or potential problems and challenges as early as possible, to allow timely intervention in implementation arrangements, processes, packages etc.
- Assess unidentified project related adverse risks or impacts that may have not been unforeseen for enhanced mitigation and management.
- To assess the level of PAPs satisfaction with the compensation and resettlement process.

- To assess if ARAP action and compensation measures undertaken are adequate in restoring livelihoods or sustaining/improving pre-project living standards.

Based on the above, the monitoring and Evaluation of ARAP implementation will be based on the ARAP itself, the existing Kenyan legal framework, and World Bank Safeguards policies. The responsibility for M&E rests with both the KISIP National Project Coordination Team and the County Project Coordination Team, with expected reporting to the higher levels of company management. It is the County project coordinator's responsibility to ensure that the process is well facilitated, and adequate staffing is available more so for internal monitoring, as well as setting up the right procedures to guide the exercise.

9.2 Monitoring and Evaluation Framework

9.2.1 ARAP Monitoring Plan

The ARAP monitoring plan and framework involve:

- i) Internal monitoring by KISIP PCT.
- ii) External monitoring commissioned to specialized firms.
- iii) ARAP Completion Audit.

A comprehensive M&E framework should seek to track progress on 5 key areas of ARAP inputs, activities, output, purpose/ objectives, and the goal/ long-term objective (Figure 9.1). These relate broadly to the 2 main components of a monitoring plan i.e., ARAP performance and ARAP impact/outcome monitoring, and under which a variety of questions can be used as a key guide in the monitoring process as table 9.1 below shows. The third, a completion audit can dwell on both areas.

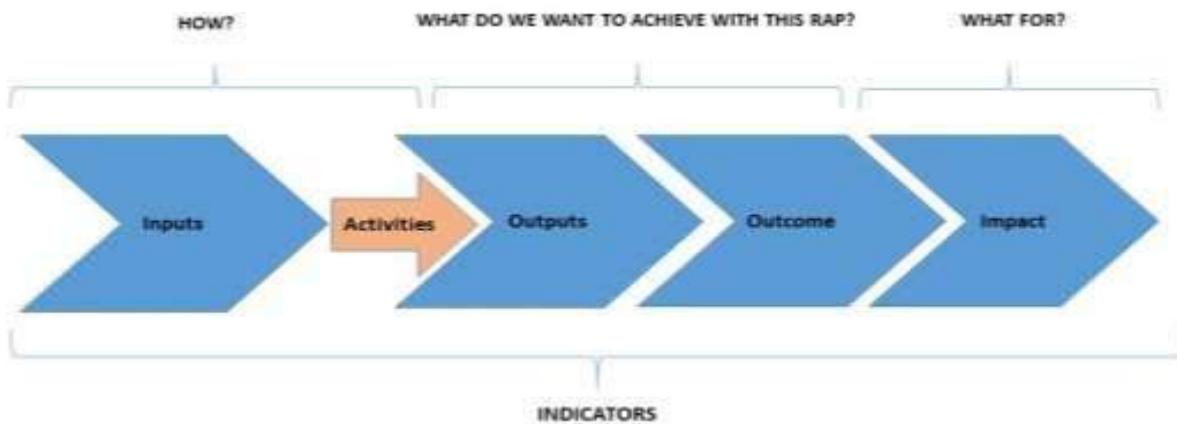


Fig. 9. 1: Key areas to track progress in ARAP

Table 9. 1: Key questions to guide monitoring and evaluation.

Level in result chain	Sample Key Questions to ask/guide	Corresponding Components of Monitoring plan
Inputs	<ul style="list-style-type: none"> • Are resources being used efficiently? • What interventions, measures and resources are needed? 	(Internal) Performance monitoring
Activities	<ul style="list-style-type: none"> • Have planned activities been completed on time and within the budget? • What are we doing? Are we doing it right? • What unplanned activities have been completed? • What factors are affecting (in an enabling or disabling manner) the implementation of activities? 	(Internal) Performance monitoring
Outputs	<ul style="list-style-type: none"> • What direct tangible outputs has the ARAP implementation delivered? • Are we implementing the measures/interventions as planned? 	(Internal) Performance monitoring
Purpose/ objectives	<ul style="list-style-type: none"> • What changes have occurred as a result of the outputs? To what extent are these likely to contribute towards the project purpose and desired impact? 	(External) Impact Evaluation
	<ul style="list-style-type: none"> • Has the ARAP achieved the changes for which it can realistically be held accountable? • Are interventions working or making a difference? • What factors are affecting (in an enabling or disabling manner) the achievement of results as stated in the ARAP and work plans? • To what extent and in what ways does KISIP (and its implementing partners) need to modify its activities or manner of working considering results coming out of its reflection exercises? 	
Goal/ long-term objective	<ul style="list-style-type: none"> • To what extent has the ARAP implementation contributed towards its longer-term goals? Why or why not? • What unanticipated positive or negative consequences did the ARAP proposed measures/interventions have? Why did they arise? 	(External) Impact Evaluation

Source: *Global Fund (2009) and International Federation of Red Cross and Red Crescent Societies (2007)*

9.2.2 Internal Performance Monitoring

Internal performance monitoring allows KISIP **National Project Coordination Team (NPCT) and County Project Coordination Team (CPCT)** to measure physical progress against milestones and schedule of required actions established in the ARAP. This will be a continuous routine process aimed at monitoring the resettlement and compensation process and ensuring that the ARAP implementation processes desired outcomes are achieved efficiently and effectively throughout the project lifecycle.

Internal monitoring will be undertaken by KISIP National and County Project Coordination Team and shall be integrated into the overall project management. The process will involve the

collection of relevant resettlement information, analysis, and documentation to inform the project RAP monitoring process.

The PCT – the key person being the M&E officer (provided for in the RPF as the Social Safeguard Officer in the county team) – after every major activity updates the M&E database. For instance, to monitor the delivery of the consultations held with the PAPs as scheduled, after the meeting, the title of the meeting held, date, number of participants (male and female), and issues discussed, etc. should be updated in the database. In addition, after every compensation cycle undertaken by Kisumu County, County Project Coordination Team will update the compensation schedules. The monitoring team will track the progress of the grievance handling and get updates on compensation disbursement. The reports generated will be used to make decisions where adjustments are needed to ensure the ARAP implementation process achieves the desired results on time.

9.2.3 Midterm Impact evaluation

The midterm impact evaluation will gauge the effectiveness of the ARAP and its implementation in meeting the needs of the affected population i.e., assesses the satisfaction of affected people with resettlement initiatives and, thus, the adequacy of those initiatives. Its focus is largely on the effects of resettlement or compensation, although it will incorporate some performance aspects. For instance, it will purposely validate the work done by the NPCT and CPCT in monitoring, to ascertain that the targets are met and the objectives of the ARAP are adhered to.

Essentially, evaluation should be as participatory as possible. Therefore, evaluators will involve and interview PAPs (and other stakeholders), to ascertain their knowledge and concerns about the resettlement process, their entitlements, and the rehabilitation measures. It uses a variety of avenues to collect data, including:

- Document review, entailing review of the grievance registers, sensitization material to assess their appropriateness, etc.
- Semi-structured interviews with a sample of the PAPs from the various settlements covering all types/categories of PAPs, including the vulnerable, and those who have gone through the GRM process.
- Resettlement sites and Livelihood observation.
- Survey of a sample of PAPs to assess their socio-economic life against the baseline to check if lives/livelihoods improving, and to assess their satisfaction with the compensation/rehabilitation methods and entitlements, the timing of payments, etc.
- Meet the various committees to assess their ability to do their work, note their challenges, and provision of necessary resources to facilitate effective work.
- Key Informant Interviews (KII) enable a more in-depth process of inquiry among selected participants and other stakeholders.

Overall, an external evaluation will assist the Coordination teams meet accountability and transparency thresholds. Evaluation, therefore, should be facilitated by an external and independent M&E specialist (individual or firm) for purposes of evaluating compensation and resettlement activities, and verification if undertaken according to the ARAP.

9.2.4 Post-Implementation Evaluation (Completion Audit)

Upon completion of the ARAP implementation (at least 6 months after implementation), the National Coordination team will undertake an audit to determine if the outcome of the ARAP complies with the objective of the ARAP towards restoration or improvement of the standard of living of the PAPs. It verifies if all commitments were delivered, and whether mitigation measures had the desired effect. If the outcome of the audit reveals that these objectives may not have been realized, NPCT will institute follow-up measures, as they may deem appropriate. The audit is undertaken by an external independent third party and will consider the baseline conditions, the results of resettlement monitoring, and the midterm review. In addition, the auditors will make their own assessments, surveys, and interviews in the field and with Project-Affected- People.

Table 9. 2: Internal Monitoring Indicators

Activity/Parameters	Indicators
Vulnerable Groups	<ul style="list-style-type: none"> • Number of Vulnerable groups facilitated assisted. • Number of vulnerable PAPs not assisted and reasons. • Number of Vulnerable PAPs given further assistance.
Compensation payment to PAPs	<ul style="list-style-type: none"> • Number of PAPs promptly paid disaggregated by gender. • Number and amounts of payments made to PAPs. • Number of PAPs with restored assets disaggregated by type of structure. • Number of PAPs not promptly paid and reasons. • Number of PAPS with restored livelihood enterprises • Use of compensation cash. •
Livelihood Restoration	<ul style="list-style-type: none"> • Number of PAPs with restored assets. • Number of PAPs with livelihood levels restored (based on socio-baseline survey). • Number of community facilities restored. • Number of vulnerable PAPs assisted Type of assistance provided to vulnerable PAPs. • Number of vulnerable PAPs resettled. • Number of PAPs without restored assets. • Number of PAPS without restored livelihood enterprises. • Number of community facilities not restored and reasons. •
Community participation and public engagement	<ul style="list-style-type: none"> • Number of local consultative meetings held. • Number of County and National Government leaders engaged/briefed about the ARAP. • Number of Civil Society representatives engaged/briefed about the ARAP. • Number of PAP consultative meetings held

Activity/Parameters	Indicators
Vulnerable Groups	<ul style="list-style-type: none"> • Number of Vulnerable groups facilitated assisted. • Number of vulnerable PAPs not assisted and reasons. • Number of Vulnerable PAPs given further assistance.
Grievance management	<ul style="list-style-type: none"> • Number of grievances received. • Number of grievances resolved promptly (in allowed time). • Number of grievances not resolved in time but completed. • Number of outstanding grievances not resolved. • Number of grievances referred Nature of outcomes from referred grievances.
Gender Concern	<ul style="list-style-type: none"> • No. and type of grievances raised by either men / women • Number of women who have opened joint spousal accounts for transmittal of compensation funds • Participation of women in trainings • Number of women involved/consulted by spouses on use of compensation cash
Awareness and Access to Information	<ul style="list-style-type: none"> • Type of information disclosed to PAPs during each meeting • Accessibility of the ARAP document at the local level • Accessibility of the ARAP document on the Ministry's website and the Bank's Info shop • Awareness on ARAP/Entitlement information • Number of people seeking information on displacement and compensation
Process Management	<ul style="list-style-type: none"> • Formation of proposed institutions or better alternatives • Census and asset verification/quantification procedures in place • Effectiveness of compensation delivery system by CPCT • Efficiency of compensation delivery system by CPCT • Availability of adequate funds for the process

10 CONCLUSIONS AND RECOMMENDATIONS

10.1 Conclusion

This is a revised ARAP report prepared for 26 PAPs in Manyatta A, Manyatta B, Nyawita and Kibuye Settlements and one Institution in Manyatta B that will be affected by the proposed infrastructural development activities implementation. Adequate validation and verification of the affected structures has been done, and the budget and mechanisms to compensate them have been made and included in this report. The ARAP also provides the institutional and implementation schedule and framework.

Furthermore, this ARAP provides a roadmap for the Grievance Redress Mechanism, which PAPs should use to resolve their issues. Sufficient provisions have been made for PAPs to receive facilitation to help them move or reconstruct the demolished structures and resume their normal lives.

10.2 Commitments

To ensure this ARAP is fully implemented, KISIP commits to the following:

- (i) To carry out extensive sensitization exercise and stakeholder engagement for all the PAPs on the Resettlement implementation processes.
- (ii) To carry out Sensitization exercises aimed at enhancing women participation in ARAP process and Gender Based Violence (GBV) triggered by compensation as documented in this ARAP.
- (iii) To facilitate all the Project Affected Persons according to provisions of this ARAP including the budget for compensation and timelines as per the implementation schedule.
- (iv) To ensure Grievances raised are addressed and resolved on a timely manner during implementation of the ARAP as provided by the GRM.
- (iv) To undertake to commence implementation of infrastructure project after PAPs have been facilitated and their structures relocated away from the road reserves and way leaves.
- (v) To undertake monitoring and evaluation to ensure compliance to national laws and regulations and safeguard policy

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- World Bank Operational Policy 4.11 - Physical Cultural Resources. July, 2006. Revised April 2013.
- World Bank Operational Policy 4.10 - Indigenous Peoples. July, 2005. Revised April 2013.
- KISIP-II-RPF-Resettlement Policy Framework
- | | | |
|--------------------------|------------|-----------|
| KISIP-II-SEF-Stakeholder | Engagement | Framework |
|--------------------------|------------|-----------|

Annex I: Selected RAP Photographs.

KIBUYE SAMPLE PHOTOS



Group photo with Kibuye SEC



Presentation by the Project Team Leader



Deliberations with the Kibuye SEC



KISIP Coordinator addressing the SEC

MANYATTA A SAMPLE PHOTOS



Group photo with Manyatta A SEC



Presentation of priority works by the SEC Chair



Presentation by the Project Team Leader



Presentation of scope of works and budget allocation by the Consultant

MANYATTA B SAMPLE PHOTOS



Group photo with Manyatta B SEC



Presentation of scope of works by the Consultant



Presentation by the Project Team Leader



KISIP Coordinator addressing the SEC members

NYAWITA – MIGOSI SAMPLE PHOTOS



Group photo with Migosi SEC



Group photo with Nyawita SEC



Presentation of scope of works and budget allocation by the Consultant



Discussion with Nyawita- Migosi SEC

SELECTED RAP PHOTOGRAPHS

	
<p>Rental house in Manyatta A to be impacted partially</p>	<p>Butchery shop in Manyatta A to be impacted fully</p>
	
<p>Live fence in Nyawita to be impacted fully</p>	<p>Iron sheet fence in Nyawita to be impacted fully</p>
	
<p>Jua Kali shop in Kibuye to be impacted fully</p>	<p>Water point in Kibuye to be impacted fully</p>



Posho mil in Manyatta B to be impacted fully



Ward office in Manyatta B to be impacted fully

*Annex II: Minutes of public consultation meetings during
review and update*

Disclosure Copy

**MINUTES OF ESIA AND RAP DISCLOSURE FOR KISUMU SETTLEMENTS HELD
ON 21st JUNE 2023 AT EZRA GUMBE SOCIAL HALL**

MEETING AGENDA

1. Introduction
2. ESIA and RAP Disclosure by the consultant
3. Fears and concerns about the project from the community
4. AOB

ITEM	DESCRIPTION	ACTION
1.0	<p>Introduction</p> <p>The meeting started at 1015hrs with a word of prayer. Migosi ward administrator thanked all the members for attending the meeting and asked them to introduce themselves.</p> <p>Kisumu KISIP Coordinator stated that the main agenda for the public participation meeting was for ESIA and RAP disclosure and to provide opportunity for the community members to air their views on fears and concerns about the project. The KISIP Coordinator invited the consultant to give their presentation.</p>	Information
2.0	<p>ESIA and RAP Disclosure by the consultant</p> <p>Eng. Paul Agwaro- stated that the process of rescoping in regard to community priorities had been completed and designs towards the proposed project had been approved.</p> <p>He mentioned that the aim of the meeting was to disclose the approved design, Identified Impacts and Mitigation measures and Possible area for RAP and the RAP processes.</p> <p>Eng. Agwaro took the participants through the following scope of works for the proposed project:</p> <p>Bandani Settlement</p> <p>Roads:</p> <ol style="list-style-type: none">1. Pamjos- Kanyamedha School (Part of Road 3)2. Auji- Pundo Road3. Pundo -Nita Road <p>Manyatta A</p> <p>Roads:</p> <ol style="list-style-type: none">1. Konambuta- Mosque Road2. Mezani- Lovebar3. Kajanta- Kona Mbaya Road4. Kona Mbuta -Kaego Road <p>-Floodlights (6 No)</p> <p>Manyatta B</p>	



<p>Roads:</p> <ol style="list-style-type: none">1. Kaego – Nerea Bridge2. Kaombe – Kasawino3. Wells – Walgudha4. Transformer – Daraja Mbili5. Daraja Mbili – Koyango <p>-Sewer and last mile connectivity</p> <p>-Water Supply</p> <p>Nyawita/ Migosi Settlement</p> <p>Nyawita</p> <p>Koyoo- Koyuga Road</p> <p>Migosi</p> <ol style="list-style-type: none">1. Floodlights2. Sewerage (Last mile connectivity)3. Drainage <p>Kibuye Settlement</p> <p>Roads:</p> <ol style="list-style-type: none">1. Mama Ngina- Highway Secondary2. SDA- Thepthe Road <p>-Ablution Block: (At Kathepthe area)</p> <p>-Water Supply</p> <p>He further explained that for any infrastructural project there is expected positive and negative impacts that will clearly be elaborated by the ESIA team, and the mitigation measures proposed to minimise these adverse effects.</p> <p>The Environmental expert to the project, Ms Cynthia Achieng, took the participants through the ESIA processes and the methodologies that were used in identification and preparation of the ESIA report.</p> <p>She stated that the process of ESIA was largely guided by the EMCA 2019. The following Impacts and the mitigation measures were highlighted:</p> <p>Positive Impacts</p> <ul style="list-style-type: none">➤ Improved road accessibility➤ Frequent water supply➤ Reduction on insecurity issues➤ Reduced flooding due to better drainages➤ Creation of employment opportunities➤ Improved business➤ Lighting project will help businesses to operate for long hours hence increase in return. <p>Negative Impacts</p>	
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	<ul style="list-style-type: none">➤ Air and Noise pollution causing eye and respiratory problems.➤ Excessive Vibrations from heavy machines that may cause cracks on houses and structures on the road side.➤ Increase in traffic accidents.➤ Gender based violence, sexual exploitation and harassment.➤ Increase in spread of HIV/AIDs.➤ Child protection Issues➤ Loss of businesses and structures along the road corridor➤ Lack of access to business premises during construction works leading to low sales.➤ Increase in alcohol consumption. <p>The environmentalist indicated that the contractor is expected to develop an Environmental and Social Management Plan that will be guided by the ESIA and other sub management plan which will be used to ensure that the negative impacts highlighted are mitigated through the construction Phase of the project. She urged the community members to report environmental and social issues immediately they happen through the Grievance Redress Committee</p> <p>Grievance Redress Mechanism (GRM)</p> <p>The sociologist-Ms Florence- took the participants through the process of Grievance Redress committee. She mentioned that the Grievance redress mechanism had been adopted from the functions of KISIP 1 and the KISIP 2 Operating Procedure.</p> <p>Ms. Florence took the participants through the functions of GRM, Guiding principles, Grievance Redress committees and their functions and the processes of Grievance Redress mechanism.</p> <p>She mentioned that the GRM levels will be four tiers with the settlement GRC being the first level of Grievance Redress mechanism.</p> <p>She reported that the project will introduce Grievance Redress forms that will assist in collection Grievances with the GRC members assisting in collection of Grievances from the settlements.</p> <p>Resettlement Action Plan (RAP)</p> <p>The sociologist mentioned that in the rescoping processes the SEC and GRC members made sure that the priority projects chosen had minimal to No RAP issues. The proposed project may affect individuals businesses or structures partially and hence the need of Resettlement Action plan to guide the facilitation and entitlement of those who will be affected by the project.</p> <p>She stated that since the RAP exercise is an update from the ARAP</p>	
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	<p>exercises conducted by the previous Consultant in 2018, The set cut-off date will apply. The verification exercise will be conducted jointly with the SEC and GRC chair and ensure a participatory methodology in ensuring the PAPs entitlements are rightly captured.</p> <p>The sociologist took the participants through the RAP process and what forms eligibility and to what extent the PAPs are entitled to.</p>													
3.0	<p>Issues and concerns from the community The following are some of the issues raised by the community members in relation to the project;</p> <table border="1"> <thead> <tr> <th>Issue/concern</th><th>Response</th></tr> </thead> <tbody> <tr> <td>Corruption may interfere with how grievances will be handled</td><td>The Sociologist stated that handling of grievances will be done in a transparent and fair manner jointly with the Grievance Redress Committees.</td></tr> <tr> <td>Allocate a budget to build waste disposal facilities to avoid dumping waste in the drainages to be constructed</td><td>KISIP County CGRC Chairperson said that due to limited funds KISIP2 will not be able to go beyond the selected scope of work however the county government will include in its budget construction of waste disposal facilities to avoid clogging of the drainages.</td></tr> <tr> <td>Community members to be provided with hard copies of the agreed scope of work per settlement</td><td>KISIP County GRC Chairperson assured community members that they will be provided with hard copies of the projects they selected</td></tr> <tr> <td>The engineers to consider community members opinions when designing drainages and culverts</td><td>Consultant's engineer assured the community members that they will be involved during decision making</td></tr> <tr> <td>Relocation of PAPS should be done in an orderly manner</td><td>The sociologist stated that relocation of PAPs will not be forceful and the SEC, GRC, sociologist ,valuer and Surveyor will be involved in the RAP process</td></tr> </tbody> </table>	Issue/concern	Response	Corruption may interfere with how grievances will be handled	The Sociologist stated that handling of grievances will be done in a transparent and fair manner jointly with the Grievance Redress Committees.	Allocate a budget to build waste disposal facilities to avoid dumping waste in the drainages to be constructed	KISIP County CGRC Chairperson said that due to limited funds KISIP2 will not be able to go beyond the selected scope of work however the county government will include in its budget construction of waste disposal facilities to avoid clogging of the drainages.	Community members to be provided with hard copies of the agreed scope of work per settlement	KISIP County GRC Chairperson assured community members that they will be provided with hard copies of the projects they selected	The engineers to consider community members opinions when designing drainages and culverts	Consultant's engineer assured the community members that they will be involved during decision making	Relocation of PAPS should be done in an orderly manner	The sociologist stated that relocation of PAPs will not be forceful and the SEC, GRC, sociologist ,valuer and Surveyor will be involved in the RAP process	
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4.0	AOB													

	<p>There being no any other business, the community agreed to fully support the project and ensure its implementation is successful. The meeting ended at 1300hrs with a word of prayer.</p>	
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KISIP GRC OFFICER:

Name: J & L Oron
Date: 5/7/23

Signature J & L Oron

KISIP COORDINATOR:

Name: Tom Mbaya Ogalah
Date: 05/07/23

Signature Tom Mbaya Ogalah

CONSULTANT'S REPRESENTATIVE

Name: Paul Agwara
Date: 05/07/2023

Signature Paul Agwara



Annex III: Final Asset Register Kisumu County

Annex IV: Questionnaire

HOUSEHOLD QUESTIONNAIRE

Questionnaire Number	
Date of Interview	
Name of Enumerator	
Signature of enumerator	

PART 1: DEMOGRAPHIC DATA

1.1	Ward	
1.2	Location	
1.3	Village	
1.4	Name of Respondent	
1.5	Age	
1.6	Tel No.	
1.7	HH Head	YES.....NO.....
1.8	Gender of HH	
1.9	Total HH Members	Male.....Female.....

PART 2: RESPONDENT'S INFORMATION

2.1 Gender

i. Male	
ii. Female	

2.2 Relationship to HH Head

If not HH Head what is relationship to the HH Head. (Tick where appropriate)	Child by Birth
	Child by Relation
	Grand Child
	Employee/worker

	Others (Specify)

2.3 Marital Status (Household Head)

i. Married	
ii. Single	
iii. Separated	
iv. Widowed	
v. Underage (below 18 years)	

2.4 Education Level (Household Head)

i. None	
ii. Primary	
iii. Secondary	
iv. College/University	
v. N/A	

PART 3: SOCIAL-ECONOMIC FACTORS

3.1 What is the main source of income for the household? (Tick where applicable)

Income source (specify)	(Kshs)
Trade	
Farming	
Rental Income	
Employment	
Remittance	
Casual/ Labourer	
Other	

3.2 What is the average monthly income for the household? (In ksh)

Kshs. 0- 3000	
Kshs. 3000-5000	
Kshs. 5000- 10000	
Kshs. 10000- 15000	
Kshs. 15000- 20000	
Kshs. 20000- 25000	
Kshs. 25000- 30000	
Kshs. 30000-50000	

3.3 What is your average monthly expenditure on the following (in KES):

Housing (i.e rent)
Food
Healthcare
Education
Leisure

3.4 Will the project implementation affect your source of income (in relation to the household head?)

Yes
No

3.5 If yes, how will your source of income be affected? (Whether positively or negatively)

Explain.....
.....
.....
.....
.....

3.6 Where are most household purchases done? (Tick where applicable)

Kiosks / Retail Shop	Local supermarket in the area	Open market	Other (specify)
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PART 4: TENURE STATUS

4.1 Do you own this property? (Tick appropriately)

Yes
No

4.2 Type of ownership

Constructed/ Individual ownership	
Inherited	
Renting	

4.3 Will the project implementation activities have any effect on your property?

Yes No

4.4 If yes, what effects could be experienced? (Tick appropriately)

Demolition of a structure	Removal of trees or crops
Dust generation	Direction of storm water to premise
Restricted access to premises	Deposition of soil spoils in premises
Other (Specify).....	

PART 5: CULTURE

5.1 Would the operation activities planned under the project disturb any historical sites, animal parks, nature Trails sacred sites or cultural sites? (YES or NO)

.....
(ii) If yes, explain how

.....
.....

(iii) How can the mentioned problem be avoided or addressed?

5.2 What 3 core values do you think hold the community together and should be respected during the project implementation period?

5.3 How will the completion of the proposed project benefit the community?

PART 6: SAFETY AND HEALTH

6.1 What are the 3 main prevalent diseases affecting the community? (Tick appropriately)

Malaria	Kwashiorkor	Water borne diseases (Typhoid, cholera)	Respiratory Tract infections	Diarrhoea
HIV/AIDS	STDs	Eye infections	TB	Skin diseases
Other (specify).....				

6.2 (i) Is there adequate affordable and adequate healthcare services and medicines in the health facilities in the area?

Yes No

(ii) If no, in your opinion what can be done to address the problem?

.....
.....
.....
.....

6.3 (i) Do you think HIV (AIDS) prevalence in this community will increase during the project implementation period and after?

Yes Do Not Know
No

(ii) Do you know where to go for voluntary counselling and testing for HIV/AIDS?

Yes
No

6.4 In your opinion, do you think the health status of the community will improve after completion of the project?

.....
.....
.....
.....

6.5 In your own opinion are the people living around the project area aware of the health and safety challenges associated with the proposed project?

.....
.....
.....
.....

6.6 If YES, what safety and health concerns do you anticipate from the project implementation on community health?

.....
.....
.....
.....
.....

6.7 In your opinion, what do you think can be done to address the above mentioned negative impacts?

.....
.....
.....
.....
.....

PART 7: WATER AND SANITATION

7.1 What are the main sources of water for your household? (Tick as appropriate)

Piped water	Rainwater harvesting	Others (specify)
Well	Borehole	
River	Water pans	

7.2 Will your source of water be affected by the project implementation activities?

Yes	No
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7.3 If yes, how will your source of water be affected by the project implementation activities?

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7.4 How do you think the negative effects mentioned above can be addressed?

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.....
.....
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.....

PART 8: HOUSING

8.1 What is the main wall material of the house you reside in?

Concrete	Iron Sheets	Wood
Bricks	Mud	Other (specify).....

8.2 What is the main floor material of the house you reside in?

Concrete	Iron Sheets	Wood
Bricks	Mud	Other (specify).....

8.3 What is the state of the house you reside in?

Has cracked wall (s)	Has cracked floor
In good state	Other (specify)

8.4 Do you think that the implementation of the proposed project will affect the state of your housing.....

.....
.....
.....

PART 9: ENERGY

9.1 What is the main source of energy for cooking?

Firewood	Gas
Paraffin	Electricity
Charcoal	Solar
Biogas	Other (Specify).....

9.2 What is the main source of energy for lighting?

Electricity	Paraffin
Solar	Biogas

PART 10: COMMUNITY PARTICIPATION

10.1 Are you aware of the proposed project implementation?

Yes	No
-----	----

10.2 If yes, how did you get the information? From:

Friend/Neighbours	
Local leaders	
Media	
Others (specify)	

10.3 Do you attend development projects meetings?

Yes	
No	

10.4 If no, give reasons

.....
.....
.....
.....

10.5 According to you, which gender is least represented in development project meetings?

Gender	Give Reasons
Female	
Male	

10. 6 Are area residents normally hired for local public developments projects; especially as casual labourers?

Yes	No
-----	----

10.7 According to you, how does the community resolve grievances/conflicts?

.....
.....
.....
.....

PART 11: ANTICIPATED IMPACTS

11.1 What positive impacts do you anticipate from the project implementation?

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.....
.....
.....

11.2 What negative impacts do you anticipate from the project implementation?

.....
.....
.....
.....
.....

11.3 In your opinion, what do you think can be done to address to the above mentioned negative impacts?.....

.....

.....

.....

11.4 Are there any other concern that you may have and wish to be brought to the attention of the proposed project implementer?

.....

.....

.....

PART 12: VULNERABLE GROUPS

12.1 Are there any vulnerable persons residing in your household?

Yes	No
-----	----

12.2 If yes, above, specify (tick where appropriate)

PWDs	
Elderly	
Orphans	
Other(specify)

THE END!