

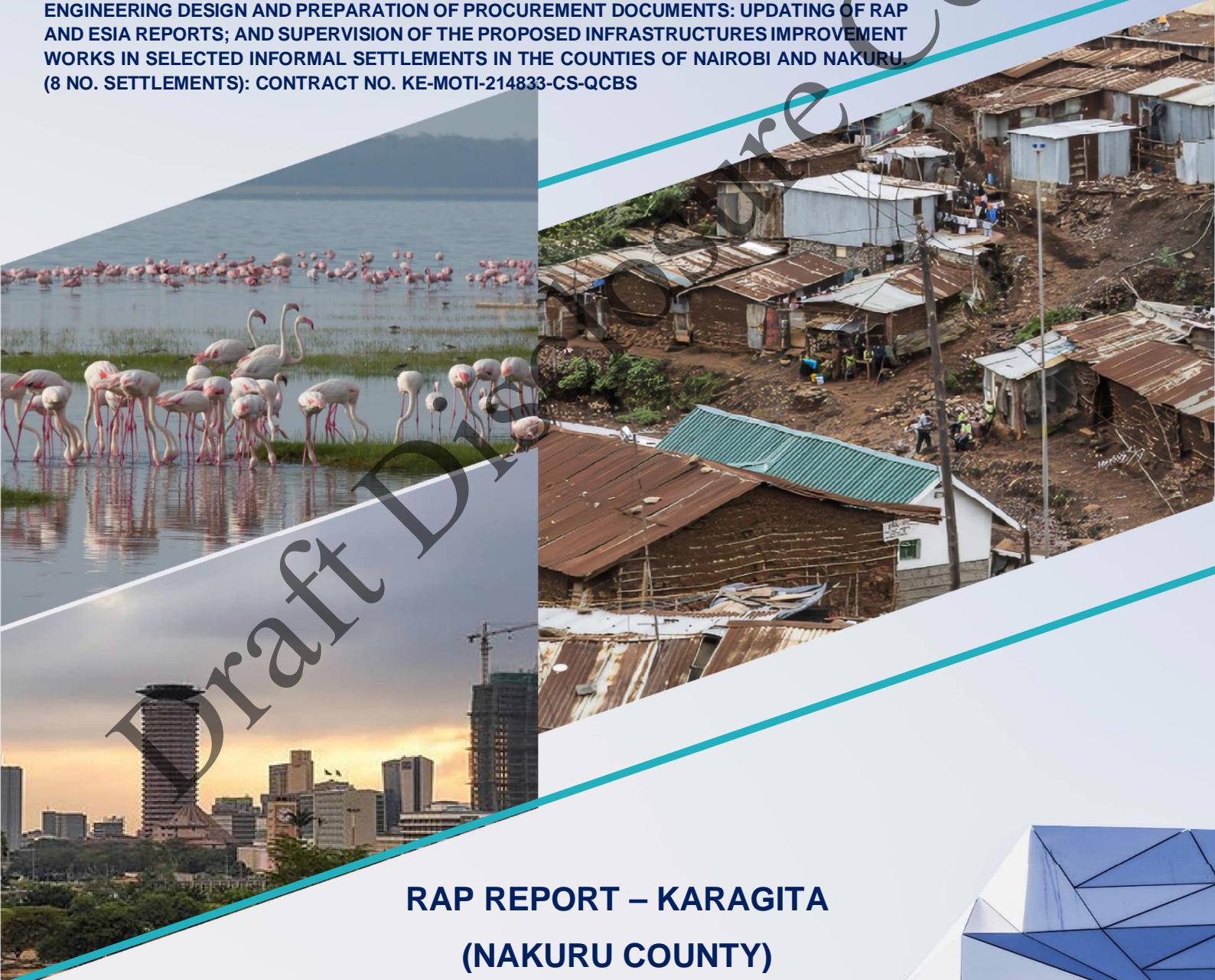


## MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT

*State Department for Housing and Urban Development*

### KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT (KISIP 2)

CONSULTANCY SERVICES FOR ENGINEERING DESIGN REVIEW, REPACKAGING OF DETAILED ENGINEERING DESIGN AND PREPARATION OF PROCUREMENT DOCUMENTS: UPDATING OF RAP AND ESIA REPORTS; AND SUPERVISION OF THE PROPOSED INFRASTRUCTURES IMPROVEMENT WORKS IN SELECTED INFORMAL SETTLEMENTS IN THE COUNTIES OF NAIROBI AND NAKURU, (8 NO. SETTLEMENTS): CONTRACT NO. KE-MOTI-214833-CS-QCBS



#### RAP REPORT – KARAGITA (NAKURU COUNTY)



Tertiary Consulting  
Engineers Limited

In JV with



GA CONSULTANTS LTD

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This Resettlement Action Plan (RAP) for Infrastructure Upgrading in Karagita, Nakuru County has been prepared under Consultancy Services for Socio-economic Surveys, Infrastructure Upgrading Plans, Engineering Designs, Preparation of Bidding Documents, Environmental Impact Assessments and Resettlement Action Plans in Informal Settlements by Tertiary Consulting Engineers Limited in a Joint Venture with GA Consultants Ltd on behalf of the Kenya Informal Settlements Improvement Project (KISIP).

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**KISIP – COORDINATOR**

**MINISTRY OF LANDS HOUSING AND URBAN DEVELOPMENT**

## LIST OF ACRONYMS

AFD.....	Agence Française de Development
ESIA.....	Environmental Social and Impact Assessment
EMSF.....	Environmental and Social Management Framework
CG.....	County Government
CGRC.....	Community Grievance Redress Committee
KERRA.....	Kenya Rural Roads Authority
KENSUP .....	Kenya Slum Upgrading Program
KISIP.....	Kenya Informal Settlements Slum Upgrading Project
KURA.....	Kenya Urban Roads Authority
LA .....	Land Act
MoLH&UD.....	Ministry of Lands Housing and Urban Development
NLC.....	National Land Commission
NEMA.....	National Environment Management Authority
NGO's.....	Non-Governmental Organizations
OP.....	Operations Policy
PAD.....	Project Appraisal Document
PAPs .....	Project Affected Persons
PCT.....	Project Coordination Team
PDP	Part Development Plan
RAP.....	Resettlement Action Plan
RPF.....	Resettlement Policy Framework
SEC.....	Settlement Executive Committees
SIDA.....	Swedish International Development Cooperation Agency
SWM.....	Solid Waste Management
SUP.....	Settlement Upgrading Plans
WB.....	World Bank

## DEFINITION OF KEY TERMS

Terminology	Definition
Census	A complete and accurate count of the population that will be affected by land acquisition and related impacts. When properly conducted, the population census provides the basic information necessary for determining eligibility for compensation and for preparing and implementing Resettlement Action Plan (RAP).
Compensation	When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistances may be necessary to help them improve or at least restore their standards of living or livelihoods.
Cut-off date	The date the census and assets inventory of persons affected by the project begins. Persons encroaching on the project area after the cut- off date are not eligible for compensation and/or any other type of resettlement assistance.
Displaced Persons	The people or entities directly affected by a project through the loss of land and the resulting loss of residences, other structures, businesses, or other assets.
Eligibility	The criteria for qualification to receive benefits under a resettlement program.
Facilitation	“Facilitation” means the payment in kind, cash or other assets given in exchange for the acquisition of fixed assets thereon in the case of public land tenure i.e. applies to squatters and encroachers.
Forced eviction	Forced eviction is defined as the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including all applicable procedures and principles in ESS5.
Grievance Mechanism	Complaint mechanism is a locally based formalized way through which project affected people and communities may raise their concerns directly with the project when they believe the project has caused or may cause them harm. The Grievance Mechanism ensures that complaints are being promptly received, assessed, and resolved by those the responsible for the project.

Terminology	Definition
Household	The term household refers to a group of people who reside together and share in the functions of production and consumption. It is also the smallest unit of consumption, and sometimes production.
Household Head	For purposes of a census, the household head is that person among the household members who is acknowledged by other members of the household as the head and who is often the one who makes most decisions concerning the welfare of the members of the household.
Involuntary Resettlement	<p>Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets, or access to assets, including those that lead to loss of income sources or other means of livelihood), or both. The term "<i>involuntary resettlement</i>" refers to these impacts.</p> <p>Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.</p>
Land Acquisition	<p><i>Land acquisition</i> refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way.</p> <p>Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible.</p> <p>“Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.</p>
Livelihood	Refers to the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.
Livelihood Restoration	Livelihood Restoration means the measures required to ensure that Project Affected Persons (PAPs) have the resources to at least restore, if not improve,

Terminology	Definition
	their livelihoods. It requires that people are given the means and assistance necessary for them to improve, or at least restore, their livelihood and living conditions to pre-project levels. Inventory of losses means the pre-appraisal inventory of assets as a preliminary record of affected or lost assets.
Project Affected Person (PAP)	PAPs are persons on whom the project has a direct economic and social impact. The impact may be caused by the involuntary taking of land resulting in: <ul style="list-style-type: none"> <li>a) relocation or loss of shelter.</li> <li>b) loss of assets or access to assets.</li> <li>c) loss of income sources or means of livelihood whether the person should move to another location; or</li> <li>d) By the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.</li> </ul>
Replacement Cost	<i>Replacement cost</i> is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labour for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period between calculation of compensation rates and delivery of compensation is extensive.

Terminology	Definition
Resettlement	Resettlement covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures.
Resettlement Action Plan	This is the planning document that describes what will be done to address the direct environmental, social, and economic impacts associated with involuntary taking of land.
Resettlement Entitlements	Resettlement entitlements, with respect to a particular eligibility category, are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category.
Restrictions on land use	<i>Restrictions on land use</i> refers to limitations or prohibitions on the use of agricultural, residential, commercial, or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, restrictions on land use within utility easements or safety zones.
Stakeholder	<i>Stakeholder</i> refers to individuals or groups who: (a) are affected or likely to be affected by the project ( <i>project-affected parties</i> ); and (b) may have an interest in the project ( <i>other interested parties</i> ).

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## EXECUTIVE SUMMARY

The Kenya Informal Settlement Improvement Project (KISIP) was initiated by the Government of Kenya supported by Development Partners that include the World Bank, the Swedish International Development Cooperation Agency (SIDA) and the Agence Française de Développement (AFD) in 2011. The project complements the Kenya National Slum Upgrading Program, established in 2003, and led by the State Department for Housing and Urban Development. The project's key development objective is to improve living conditions and strengthen security of tenure in informal settlements in selected towns in Kenya.

KISIP I was active from 2011 to November 2019 and was implemented in selected towns across 14 counties in Kenya. Among the municipalities targeted included Nairobi, Mombasa, Kisumu, Eldoret, Naivasha, Machakos, Malindi-Kilifi, Kakamega, Nyeri, Thika, Kericho, Kitui, Garissa and Embu.

In order to consolidate the gains made under KISIP I and enhance the benefits of the project to more people in informal settlements, the second phase of the KISIP activities, dubbed KISIP II was initiated by the Government of Kenya in conjunction with the World Bank. KISIP II has been structured to build on the successes and lessons learnt from KISIP I and introduce new interventions to deepen its overall impact. It aims to support the interventions that have been successful under KISIP I, namely; tenure regularization, infrastructure upgrading, and institutional strengthening. Unlike KISIP I, however, the new project also aims to include new approaches and new activities to strengthen its impact on the participating communities.

In Nakuru, KISIP II has proposed to implement infrastructure improvement projects in four informal settlements namely, Karagita, Kwa Murogi, London-Hilton and Lake View. The type of infrastructure that will be implemented in the settlements include roads and drainage; water and sewerage; and flood lighting. These projects respond to the current challenges within the settlements as identified and prioritized through community consultation. The socio-economic studies, feasibility studies, and detailed engineering designs have been completed.

The environmental and social screening of the proposed projects established that implementation of the proposed projects will trigger some minor displacement of assets and

livelihoods. However, no private land will be expropriated as all the affected assets are encroachments on designated public way leaves. This Resettlement Action Plan (RAP) has been prepared in conformity with the World Bank's Operational Policy on Involuntary Resettlement (OP 4.12), and the Project's Resettlement Policy Framework (RPF).

The preparation of this RAP involved review of key documents including the Project Appraisal Document (PAD), Resettlement Policy Framework (RPF), a separate socio-economic survey report for the settlements prepared during project conceptualization, the survey plans, Part Development Plans (PDPs) and a KISIP I RAP Report prepared in 2015. Moreover, the methodology also involved field work; consultations with the community, project affected persons, and other stakeholders; socio-economic survey of the PAPs, census of affected assets and persons; valuation; and preparation of PAP registers.

Consultations with the PAPs have been undertaken to discuss and agree on the mitigation options. The PAPs recognize that they illegally occupy land reserved for infrastructure development particularly roads and are willing to remove their structures and temporally businesses to pave way for the project. The population affected by this project includes people occupying land on the road reserves in violation of Kenyan laws. These groups of people; who are often referred to as encroachers, are not entitled to compensation for loss of land under both the OP 4.12 and the government of Kenya laws. However, they are entitled to compensation for any improvement made to the land and to resettlement assistance to an area where they could live legally if they occupied the project area before an established cutoff date.

A census and socio-economic survey of the Project-Affected People (PAPs) was undertaken, and a PAP Register prepared. A total of 20 persons will be affected by the project. The kinds of losses identified are temporary structures, fences erected on way leaves, and temporary market stalls or kiosks. In addition, livelihood losses have been identified for traders who sell their wares on the road corridors and will have to move to alternative sites. The floodlights will be placed on public land that is available and drainage runs parallel to the roads being upgraded, so there will be no additional displacement impacts.

A valuation of the affected assets and livelihoods has been undertaken and an entitlement matrix and compensation package proposed in this RAP. The RAP proposes the settlement of

compensation and resettlement assistance before the commencement of the project. A budget of **KES 1,630,178.00** has been provided for the implementation of this RAP.

The project will not result in large scale disruptions of livelihoods and displacement as it is upgrading existing infrastructure (roads and drainage), and the design follows the designated way leaves. It will not result in loss of land and the need to compulsorily acquire private land. On the contrary, the construction of the proposed infrastructure (roads, drainage, security lighting and water and sewerage) will greatly improve the living conditions of the inhabitants in all the four informal settlements. With the implementation of mitigation measures, including those proposed in this RAP, the overall social impacts of the project will be minimal. The project will also offer significant socioeconomic opportunities for community members and the general population in the area.

In line with the World Bank safeguards requirements, this RAP will also be publicly disclosed in community meetings in the settlements, the Ministry's website, and the Bank's website. Copies will be made available to the settlement Executive Committees in the respective settlements, and KISIP County offices, as well as to the Resident Engineer.

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Draft Disclosure Copy

## CHAPTER 1. INTRODUCTION

### 1.1 Background

The Kenya Informal Settlement Improvement Project (KISIP) was initiated by the Government of Kenya with support from Development Partners including the World Bank, the Swedish International Development Cooperation Agency (SIDA) and the Agence Française de Développement (AFD) in 2011. It complements the Kenya National Slum Upgrading Program, established in 2003, and led by the State Department for Housing and Urban Development. The project's key development objective is to improve living conditions and strengthen security of tenure in informal settlements in selected towns in Kenya.

KISIP I was active from 2011 to November 2019 and was implemented in selected towns across 14 counties in Kenya. KISIP II has been structured to build on the successes and lessons learnt from KISIP I and introduce new interventions to deepen its overall impact. It aims to support the interventions that have been successful under KISIP I, namely: tenure regularization, infrastructure upgrading, and institutional strengthening. Unlike KISIP I, however, the new project also aims to include new approaches and activities to strengthen its impact on the participating communities.

KISIP II is open to all Counties' participation, based on selection criteria. Among its opening activities include the implementation of the upgrading plans for 39 settlements in six counties (Nairobi, Kilifi, Kakamega, Kisumu, Nakuru, Mombasa) which had detailed designs and bidding documents prepared under the Phase I umbrella.

The contract, "Consultancy services for engineering design review, repackaging of detailed engineering designs, and preparation of procurement documents; updating of RAP and ESIA reports; and supervision of the proposed infrastructure improvement works in selected informal settlements in the counties of Nairobi and Nakuru" therefore targets to review and supervise implementation of infrastructure improvement select settlements in Nairobi and Nakuru Counties that were designed during KISIP I. This RAP has been prepared for the proposed infrastructure upgrading of informal settlements within Nakuru County one of the settlements being Karagita in Naivasha Municipality. Planned Projects at Nakuru County Settlements as described above is presented in Sub section below;

## 1.2 Project Description

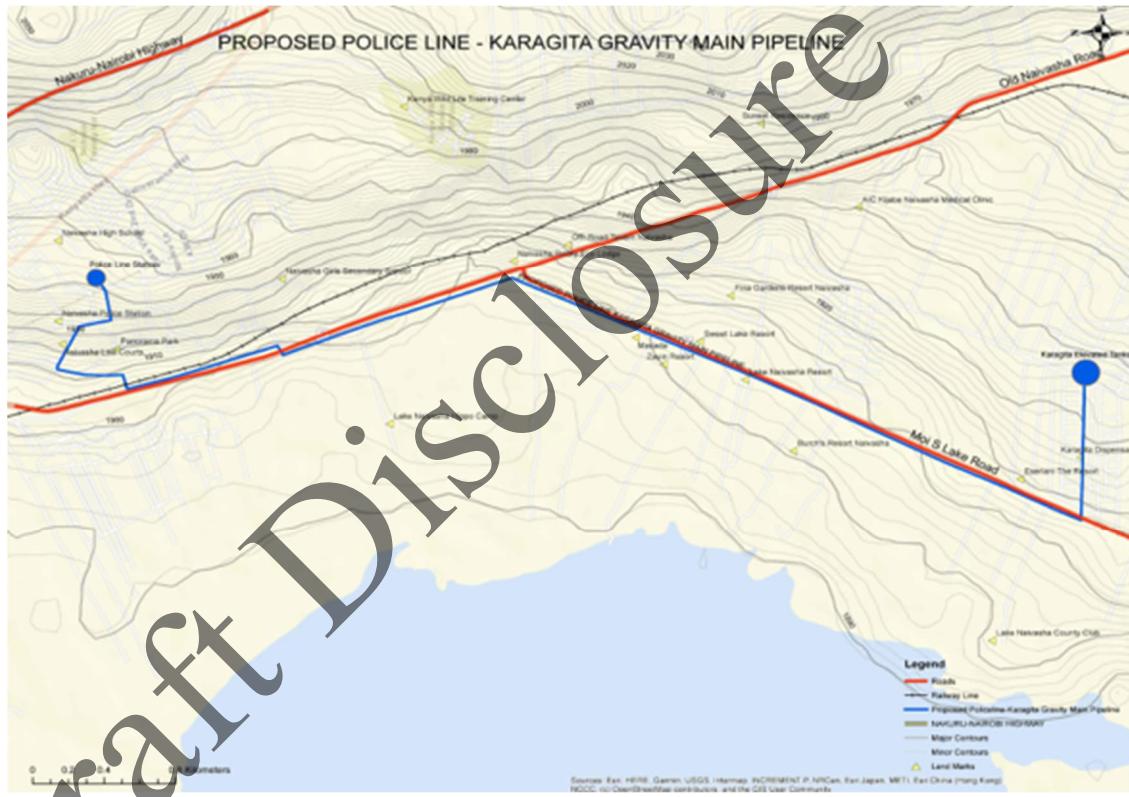
The Project scope for Karagita Informal Settlement in Naivasha town informal settlements as presented in the Project Design Report is summarized in table 1.1 below.

**Table 1-1: Project Scope of Works**

Settlement	Scope of Works
<b>Karagita Settlement in Naivasha</b>	
4.1	W1: Ø225mm HDPE pipe, 7800 m long water supply pipeline

The layout of the projects in Karagita, is presented in the figure below:

**Figure 1-1: Layout of the Project Activities in Karagita in Nakuru County**



## 1.3 Project Impacts

These proposed sub-project will have the following positive impacts:

- Improve accessibility within the four (4) settlements by upgrading the poor road and footpath network in the settlements.
- Improve drainage and solve flooding related impacts within the settlements.
- Improve sanitation and solve sanitation related health risks.

- Improve security through security lighting

However, the projects may have limited negative displacement impacts, which will be mitigated:

- Displacement of livelihoods, structures and businesses located on the way leaves

#### **1.4 The Need for RAP**

Displacement impacts are anticipated to be quite limited in scale occasioned by:

- i. Partial demolition of structures on the road reserves
- ii. Reclamation of encroached way-leaves
- iii. Land reservation for receptacles and waste collection centres, posts for security lighting
- iv. Removal of structures to create room for trunk infrastructure, such as drainage

Both the World Bank's Policy on Involuntary Resettlement (OP 4.12) and the Resettlement Policy Framework (RPF) require the development and implementation of a Resettlement Action Plan (RAP) to address any anticipated displacement impacts of a Bank-financed project. Moreover, the Environmental Management and Coordination Act, 1999, provides for a RAP whenever displacement is identified as an impact during Environmental Impact Assessment (EIA).

## 1.5 Objectives of RAP

The objective of this RAP is to clarify the principles and procedures that will govern the mitigation of adverse social impacts induced by the proposed projects. Specifically, the RAP is designed to ensure that:

- i. All types of losses are identified, clearly defined and properly categorized to reflect the nature and scope of the loss.
- ii. A standard or measure for defining eligibility and entitlement in order to have a fair basis for assessing compensation for the loss or impact suffered.
- iii. Compliance with provisions of Kenyan Laws and World Bank Operational Policies (OP 4.12, paragraph 2(b)): that resettlement activity shall be conceived and executed as development programs, providing sufficient investment resources to enable the PAPs to share in project benefits.
- iv. Displaced persons will be compensated for their losses at full replacement cost and provided assistance for disturbance prior to the beginning of civil works.
- v. A comprehensive database, based on values assessed, validated in the event of disputes and, more importantly, serve as the database for monitoring and evaluation of the resettlement instrument.
- vi. The PAPs will be consulted and given the opportunity of participating in the design, implementation and monitoring of the resettlement.
- vii. A Grievance Redress Mechanism (GRM) will be established, to acknowledge and resolve complaints arising from Resettlement and Compensation.

## 1.6 Scope of the RAP

RAP outline contains:

- i. A summary description of the Project, including measures to avoid and/or minimize resettlement
- ii. A summary description of the baseline socio-economic conditions in the Project area,
- iii. An assessment of the World Bank Policies and Kenyan legal instruments applicable to displacement and resettlement in the Project,
- iv. An assessment of likely displacement impacts,
- v. A description of the proposed strategy to deal with displacement impacts.,

- vi. Description of Entitlement Eligibility of PAPs and their assets
- vii. Estimated Budget for compensation of Affected Assets
- viii. Implementation details, which presents the organizational and other arrangements to implement the mitigations related with physical and economic displacement
- ix. Grievance management mechanism
- x. Monitoring and Evaluation Methods for RAP

## 1.7 Minimizing Impacts of Resettlement

Efforts have been made to minimize involuntary displacement and relocation of residents, given the population density in most of the informal settlements, the proposed infrastructure investments may result to project impacts on people's assets and sources of livelihoods. Therefore the need for preparation of a Resettlement Action Plan which offers measures to mitigate the impacts and propose suitable implementation arrangements. A resettlement policy framework prepared for the project has been used to guide the preparation of this RAP.

The project design team made deliberate efforts to avoid and minimize impacts of the project activities to people's assets and sources of livelihoods; this was done at the project conception stage. In order to minimize impacts of the project on people's assets and livelihood, the design team ensured that;

- All the civil works have been designed within the existing road reserves; this was achieved by using the Part Development Plans (PDPs) developed by the county government office of Physical Planner.
- All Sites for setting up the proposed flood lights are on government land within the settlements where no one claims ownership, this also was achieved through the use of Part Development Plans (PDPs) developed by the county government.
- Realignment of the Project Routes in areas where the impact of resettlement was likely to be more acute.

## CHAPTER 2. THE RAP PROCESS

### 2.1 Introduction

The preparation of this Resettlement Action Plan was guided by the project's Resettlement Policy Framework (RPF). The RPF sets out the process to be undertaken in the preparation of RAPs, and key components to be included in the RAPs e.g., provision of socio-economic baseline information, policy, legal and institutional framework, grievance redress mechanism, public consultation, census of Project Affected Persons (PAPs) and assets, entitlement matrix, implementation schedule, budget, and monitoring and evaluation.

At the project conception stage, social and environmental screening was undertaken to determine the nature and magnitude of the potential impacts on the environment, people, and livelihoods; and determine the level of environmental and social assessment required. The social screening revealed that the project will be constructed within the government gazetted road reserves which currently has been encroached at isolated sections by traders and temporally structures either as house extension or business sheds. This therefore triggered World Banks Safeguards Policy OP 4.12 which requires that RAP to be prepared to ensure that the PAPs are adequately compensated for the loss they are likely to incur.

To minimize impacts of the project on people's assets and livelihoods, the design team ensured that all the civil works have been designed within the existing road reserves. This was achieved by using the Part Development Plans (PDPs) from the county government.

The RAP was prepared based on the survey plans undertaken for the project which identified the project routes within the settlements. The main objective of the RAP was to minimize the adverse impacts on project affected persons (PAPs) and enhance or at least restore their livelihoods to that of the pre-project level. This was achieved through restricting the infrastructure within the designated road reserves and therefore minimizing the need for acquisition of private land which could lead to displacements. Moreover, an assistance package has been proposed in the entitlement matrix for the minimum disruptions particularly from encroached structures and loss of income from small businesses along the road corridors.

A socio-economic survey of the settlements was conducted, and 100% census carried out on the project affected persons. Moreover, the communities were involved in the whole process from project identification, identification of potential impacts on their livelihoods, and proposed mitigation measures. Community meetings were organized, and the Settlement Executive Committees (SECs) involved in enumeration of the PAPs. This RAP report will also be publicly disclosed to the communities before implementation.

## 2.2 Approach and Methodology

The methodology adopted in the preparation of this RAP involved various steps:

- i. Review of relevant documents
- ii. Community and stakeholder consultation
- iii. Socio-economic study and census of the PAPs and assets
- iv. Valuation of assets and livelihood losses
- v. Preparation of PAPs registers

### 2.2.1 Review of Relevant Documents

As a first step, a number of key documents relating to KISIP were consulted to provide guidance and initial data. These documents were consulted throughout the process. These documents included:

- i. Project Appraisal Document (PAD) for KISIP which is the official project document
- ii. Environmental and Social Management Framework (EMSF) which provides a framework for identification and mitigation of potential environmental and social impacts arising from any KISIP project intervention
- iii. Resettlement Policy Framework (RPF) which provides a framework consistent with the World Bank's OP 4.12 for mitigating physical and livelihood displacement impacts.
- iv. Conceptual Design Report KISIP Nakuru 2014 prepared after community consultation and project identification that converts community needs into engineering solutions.
- v. Socio Economic Report for Nakuru 2014 prepared as part of this consultancy covering Karagita to provide baseline information for design and monitoring project interventions.
- vi. RAP Report prepared in 2015 under KISIP I

- vii. Community Consultation Report Nakuru 2014 which documents community involvement in the identification and prioritization of project interventions.
- viii. Environmental and Social Impact Assessment Report that is being prepared simultaneously with the RAP, as part of the consultancy.
- ix. Survey Plans, Registry Index Maps (RIMs) and Part Development Plans (PDPs) that shows the official way leaves and any public utility land. The maps provides for the main settlement access road (R1) minimum width of 12m or 39.6ft and internal settlement roads (R2) require a minimum width of 9m or 29.7ft and sewer way-leave of 6m. Therefore, any structure or livelihood within the above referred dimension was considered to be an encroachment. Project Map is attached as appendix to this report.
- x. Engineering Designs and Layout plans prepared for the proposed interventions.

### **2.2.2 Census of the Project Affected Persons**

Under KISIP I the RAP Team conducted a household survey which included 100% census of the affected persons from 18<sup>th</sup> to 21<sup>st</sup> December 2014 in Karagita. Under this RAP for KISIP II, the census of the PAPs was carried out from 13<sup>th</sup> to 16<sup>th</sup> February 2023, and concluded between 17<sup>th</sup> and 18<sup>th</sup> April 2023, basically to update the 2015 RAP. The purpose of the census was to: enumerate and collect basic information on the affected persons, identify affected assets and livelihoods for each PAP, register the affected population and establish a list of legitimate beneficiaries before the project's onset that counters spurious claims from those moving into the project area solely in anticipation of benefits, establish socioeconomic baseline information for the purpose of establishing fair compensation rates, and provide a baseline for monitoring and evaluation of the resettlement interventions.

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

The standard questionnaire was also used to collect inventory of losses information from PAPs about assets that are affected (i) structures by construction type, use, area, ownership/use rights and location, as well as the extent of loss; (ii) business losses, by types, amounts and duration of losses. The information was provided by the PAP as required and validated by the team on the ground. The questionnaire was accompanied with photographs of the PAP, key affected assets; and full GPS data to locate the PAP and all key assets. The questionnaire was signed by the PAP or representative.

In conducting the census, the team followed the required procedures for notifying people and collecting, validating, approval and disclosing information on eligible PAPs and affected assets, stemming from national laws and regulations. The team also ensured that the question of the establishment of a “**cut-off date**” as per the World Bank policies was discussed and agreed in the initial consultations.

The RAP team ensured PAPs, or their representatives were present during asset enumeration. The PAPs were required to sign the asset inventory collecting tool to show a confirmation that it's the true copy of the information collected. Photos of PAPs were taken by the RAP team standing in front of their assets, and are presented as an appendix to this report.

### **2.2.3 Stakeholder Consultations**

The community and other stakeholders have been involved in all project processes. PAP and stakeholder consultations were held during socio-economic surveys to identify and prioritize project interventions based on the needs identified the resources available and the likely impacts of the proposed interventions. The PAPs and stakeholders were consulted for this updated RAP between February 13<sup>th</sup> and 16<sup>th</sup>, 2023, and the minutes, pictures and meetings attendance sheets are presented Annex 2. The key outcome of the consultations was the unanimous support for the respective projects and the willingness of the PAPs to cooperate and vacate the road reserves once advised to give way to project activities. Screening of the proposed interventions for environmental and social impacts was done with community involvement. The potential for large-scale relocation of people and livelihoods was one of the considerations in prioritizing the selected project interventions.

The RAP team involved the community and the Project Affected Persons in developing this RAP. Before commencement of the census and enumeration PAPs', and affected assets and livelihoods, a number of meetings were held within the settlement with the local Settlement Executive Committees SECs committee members, general public, and Project Affected Persons (PAPs). The objectives of the stakeholder consultations was:

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

Tables overleaf give a schedule of the community meetings held and the issues discussed respectively.

**Table 2-1: Public Meeting held in Karagita Settlements Between February 13<sup>th</sup> and 16<sup>th</sup>, 2023**

No	Issues	Response and Discussions
1	Members wanted to know the extent of water line and assets to be affected if the proposed line will follow surveyor's beacons	RAP team remarked that the extend of structures to be affected will be those falling within the 1.5m corridor for the main water line
2	PAPs wanted to know who will engage with KeNHA to make sure that when the water pipes were laid they would not be broken during road repairs.	The RAP team responded that the project leadership was engaging with KeNHA for permission to use the road reserve and an agreement will be reached to protect water infrastructure along roads.
3	Members asked about the findings of previous reports i.e., the geotechnical reports and any other	RAP team respondent clarified to the members that some of the reports the community was asking were technical reports that might not make any sense to them if disclosed to them, however the RAP and Valuation reports as well as ESIA reports will be disclosed to them through the KISIP county

No	Issues	Response and Discussions
		representative office and National Environment Management Authority (NEMA)
4	Members wanted to know if the project will actually proceed to completion	RAP team pointed out that government project always proceed to completion and the proposed projects will be implemented once all relevant studies have been completed
5	Members wanted to know if the labour will be sourced from the community during construction of the project	RAP team clarified that all casual labourers will be sourced from the local settlement through the Settlement Executive Committee and also qualified skilled labourer for vacant positions within the contract. However, the RAP team cautioned the community that the contractor will come with his skilled work force and that they should not confuse and claim that the he has hired them from other settlement.
6	Members raised the issue of valuation and if they will have any say on values provided by the valuer	RAP team informed the meeting that the community have all the say and authority in the valuation process and that they are free to hire a private valuer for the purpose of rates comparison. Valuation will be done at a full replacement cost as required by OP 4.12
7	PAPs sought to have roads projects instead of water because they said since KISIP I they had changed minds.	The RAP Team indicated that KISIP II was a continuing with KISIP I designed sub-projects and that the water project was based on expressed need. The PAPs agreed with the RAP Team.

The RAP team had also previously held meetings with other relevant institutions critical to the preparation and implementation of this RAP. The purpose of the consultations was obtaining institutional inputs on critical issues relating to resettlement. Table 2.2 illustrates outcome of the meetings.

**Table 2-2: Outcome of Previous Institutional Consultations**

S/no	Institution	Meeting Month	Outcomes of the Meeting
1	Kenya Urban Roads Authority (KURA)	September to December 2014	Office of the KURA Nakuru region Supports the project The projects have been designed accordance to the requirements of KURA
2	Nakuru Water and Sanitation Company	September to December 2014	The company Supports KISIP intervention in Water and Sanitation in the county as the town is experiencing sewage problems
3	Rift Valley Water Services Board	September to December 2014	The company Supports KISIP intervention in Water and Sanitation in the county The sewer line proposals are according to the sewer plan of the town.
4	Nakuru County Government	September to December 2014	Office of the Governor Nakuru Supports the project and is willing to assist the RAP team on case by case basis especially on the issues of way leaves.

### 2.3 2.3 Valuation of Assets and Livelihoods

Valuation of structures was based on full replacement cost, consideration was made on replacement of the structure regardless of its state of maintenance and elements of depreciation were not included in the valuation. Other elements that were considered and included in the valuation were market rate for construction material, labour and transportation costs of the material that will be involved in the re-establishment of such structures.

Livelihood valuation was based on average daily income from the respective livelihood activities, for rental income, monthly average income from rent was computed for 2 months, the gross income was therefore computed as guided by the entitlement matrix for other assistance required.

## CHAPTER 3. POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

Resettlement of Project-Affected Persons (PAPs) in the project will therefore be carried out in accordance with laws, regulations and guidelines for Resettlement/Land Acquisition Policy Framework of the Government of Kenya and World Bank's Operational Policy (O.P 4.12), which has resulted in the preparation of this RAP.

### 3.1 Applicable GoK Policy and Legal Framework

This RAP has been prepared in accordance with laws, regulations and guidelines for Resettlement/Land Acquisition Policy Framework of the Government of Kenya (GoK). The relevant national and local laws, regulations and guidelines are presented in Table 3.1. Since no land acquisition will be undertaken by the project, laws, policies and regulations relating to land acquisition will not be analyzed in detail.

**Table 3-1: Relevant Laws Related to Resettlement**

Name of Act	Application	Remarks
<b>The Land Act No.6 of 2012 (Revised, 2019)</b>	<p>An act of Parliament to make provision on land regulation and for the compulsory acquisition of land for public benefit. An inquiry held, objections heard, compensation payable.</p> <p>Applies to allocation of and dealings with Public land and private land.</p> <p>All encroachment on the public right of way under the section 143 of the Act will not be compensated or permitted</p>	<p>The project will not compulsorily acquire private land.</p> <p>Will apply if the project elects to ask the government to allocate public land for any relocation</p> <p>PAPs within the way leaves will be required to remove their structures.</p>
<b>Children Act, No. 29 of 2022</b>	Provides for children's rights including the majority age to	The Act will guide employment in the

Name of Act	Application	Remarks
	manage child labor. Also provides for children's rights and protection.	construction sites and its enforcement will prevent child labour in the project.
Sexual Offences Act, 2017	Defines sexual offences including sexual harassment, exploitation and abuse. Generally, it provides for the prevention of gender-based violence and abuse at work and at home.	The law is critical to preventing GBV/SEA and SH in the project.
<b>The National Gender and Equality Commission Act, 2011</b>	It establishes the National Gender and Equality Commissioner which inter alia promote gender equality and freedom from discrimination in accordance with Article 27 of the Constitution; coordinate and facilitate mainstreaming of issues of gender, persons with disability and other marginalized groups in national development and to advise the government on all matters thereof; and investigate on its own initiative or on the basis of complaints, any matter in respect of any violations of the principle of equality and freedom from discrimination and make recommendations for the improvement of the functioning of the institutions concerned. The commission is also mandated to conduct research and public	The project will tap into the work of the commission in monitoring gender equality and freedom from discrimination, as well as in conducting in public awareness and education efforts throughout the life of the project.

Name of Act	Application	Remarks
	education on equality and freedom from discrimination.	
<b>Matrimonial Property Act No. 49 of 2013</b>	The Act defines matrimonial property and provides for the rights and responsibilities of spouses in relation to matrimonial property and for connected purposes.	The Act will be critical in ensuring that spouses are notified during compensation to be sure that if the property in question is co-owned both owners are aware of and may access compensation monies.
<b>The Constitution of Kenya 2010, Section 40 (3)(ii)</b>	Anyone dissatisfied with the award of compensation for compulsory acquisition of private land by the Commissioner has the right to seek judicial recourse. A further appeal to the High Court can be made. Further, multiple structure owners dissatisfied with the RAP implementation can bring a constitutional reference against deprivation of property without compensation.	The procedure of compulsorily acquiring private land for the purpose of the project can be considered where any extra space is needed for setting up the infrastructures proposed in this project.
<b>The Physical Planning Act, Cap 286 (Act No 6 of 1996)</b>	Requires preparation of development plans for every intended development and invitation to the public to comment /object to the development	The project design follows what is provided for on the Part Development Plans (PDPs).  To be considered when planning residential sites and other relocation sites but this is not likely under the project.

Name of Act	Application	Remarks
<b>Land Registration Act No. 3 of 2012</b>	A maximum of 5 persons can be registered as owners of one piece of land.	Would be applicable if land identified for relocation of the PAPs is registered under this Act.
<b>The Public Procurement and Disposal Act No 3 of 2005 and the Public Procurement And Disposal (Public Private Partnerships) Regulations, 2009</b>	Applies to all procurements by government and public entities	Would apply to the acquisition of any land that will be required for relocation. It would also apply to contracts for the construction work to be undertaken.
<b>Survey Act, 2012</b>	The Act defines the survey practice, shows who a qualified surveyor is and makes provisions in relation to surveys and geographical names and the licensing of land surveyors, and for connected purposes. It also makes provisions on notices of boundaries and describes authenticated plans in law.	The Act is critical in identifying the authentic survey documents to use in the project and qualified surveyors to engage to identify boundaries of road wayleaves.
<b>Kenya Roads Act Cap.2</b>	Applies specifically to the function of Kenya Urban Roads Authority in implementation of the KISIP road upgrading project.	KURA shall have the responsibility for supervising construction, rehabilitation and maintenance of all public roads in the municipalities in Kenya under KISIP project.
<b>Environmental Management and Coordination Act, 1999 and subsidiary</b>	Provision for resettlement action plans to address displacement/relocation impacts	NEMA Regulations require RAP to be prepared for high risk projects. While an RAP will be prepared in this

Name of Act	Application	Remarks
<b>legislation on EIA/EA (Legal Notice 101 of 2003 and 31 of 2019).</b>		project, it does not have to be submitted to NEMA because the project is low risk.

### 3.2 World Bank Safeguard Policies

According to OP 4.12, any World Bank assisted project/program must comply with the provisions of OP 4.12 for impacts associated with land acquisition and displacement. OP 4.12 applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. This policy covers direct economic and social impacts that both result from World Bank assisted projects, and are caused by:

- a) The involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets and services; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location.
- b) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

Towards addressing said impacts, OP 4.12 requires that a Resettlement Action Plan (RAP) or Resettlement Policy Framework (RPF) be prepared, with the following objectives:

- a) To outline measures to ensure that the displaced persons are: (i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.
- b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are: (i) provided assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.

Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also include measures to ensure that displaced persons are: (i) offered support after displacement for a transition period based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and (ii) provided with development assistance in addition to compensation measures demanded by the policy; (iii) such as land preparation, credit facilities, training, or job opportunities.

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

- a. Project-affected persons, host communities and local nongovernmental organizations, as appropriate, have been consulted and informed of the proposed project and its potential displacement impacts on them.
- b. PAPs have been informed of their rights, including prompt compensation at full replacement cost for loss of assets attributable to the project, assistance during relocation, and transitional support and development assistance

### 3.3 Gaps between Kenyan law and World bank Requirements

The RAP was prepared in conformity with the policy and legal provisions of the GoK and the World Bank.

Area of concern	Kenya Law	World Bank Requirements	Gaps	Gap filling measures
Land ownership	Kenya recognizes three forms of land ownership: public; private; and community land.	Identified three types of PAPs and this is compatible with the provisional constitution.	The same as World Bank requirements	The Kenyan law will be applied
Involuntary resettlement	According to Kenyan Legislation, involuntary resettlement may occur because of projects implemented in public interest. The Land Act, 2012 Act outlines procedures for sensitizing the affected population to the project and for consultation on implications and grievance procedures.	To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement	The Law does not stipulate that resettlement should be avoided wherever possible; on the contrary, if a project is for public interest, involuntary resettlement is considered to be inevitable. Just and fair compensation as outlined in the Land Act 2012 is not clear and can only be determined by NLC, which can be subjective. It does not talk about improving livelihood or restoring them to pre-project status.	For each of the subprojects, ensure that resettlement issues are considered at the design stage of the project to avoid/ minimize resettlement for this component is use of the road reserve to the extent possible during selection of the routes Implement World ESS5 policy - the displaced should be assisted in improving their livelihood to pre-project status.
Compensation Eligibility	The Land Act 2012 guarantees the right to fair and just compensation in case of relocation.	World Bank recognizes three classes of PAPs eligible for compensation:  1. Those with formal legal rights to land (including customary and	The CoK on the other hand recognizes 'occupants of land' who do not have title and who the state has an obligation to pay in good faith	Ensure ALL users (including squatters, laborers, rights of access) of affected lands are included in the census

KARAGITA RAP REPORT (NAKURU COUNTY)

Area of concern	Kenya Law	World Bank Requirements	Gaps	Gap filling measures
	<p>The Land Act 2012 provides that written and unwritten official or customary land right are recognized as valid land right. The Law provides that people eligible for compensation are those holding land tenure rights. Land Act also recognizes those who have interest or some claim in the land such pastoralist or who use the land for their livelihood. 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>traditional rights recognized under the laws of the country)</p> <p>2. Those who do not have formal legal rights to land at the time of census, but have a claim that is recognized under the laws of the country</p> <p>3. Those who have no recognizable legal right or claim to the land they are occupying (e.g. squatters, encroachers).</p> <p>Types of losses to be compensated include physical and economic displacement and cover land, residential or commercial structures, and lost income caused by temporary or permanent economic displacement</p>	<p>when compulsory acquisition is made but this is sometimes not fully implemented</p>	<p>survey and are paid for loss of assets other than land. Where resettlement will require new land, the impact will be handled during screening and preparation of RAP if need be</p>
Valuation Method	<p>Valuation is covered by the Land Act 2012 and stipulates, as already mentioned, that the affected person receive fair and just compensation from NLC, as determined by National Land Commission. Valuers Act stipulates that a residual amount of 0.5% of the total valuation of</p>	<p>Bank requires full replacement cost for all lost assets</p>	<p>Land Act 2012 provides for fair and just compensation for the lost assets, but it is not specific of the exact amount or procedures on the same.</p>	<p>Apply the World Bank measures on valuation and compensation</p>

KARAGITA RAP REPORT (NAKURU COUNTY)

Area of concern	Kenya Law	World Bank Requirements	Gaps	Gap filling measures
	<p>an asset is expected to pay the valuer.</p> <p>The Land Act 2012 stipulates just and fair compensation.</p>			
Consultation	<p>The Land Act 2012 outlines procedures for consultation with affected population by the NLC and grievance management procedures.</p>	<p>Project affected persons (PAPs) facing physical or economic displacement persons must be meaningfully consulted to express their concerns and discuss ways to minimize impacts on affected communities.</p> <p>PAPs also should have opportunities to participate in planning and implementing resettlement programs.</p>	<p>The Land Act complies with the World Bank requirements</p>	<p>Implement consultation procedures as outlined in both Kenyan legislation and World Bank</p>
Grievance Mechanism	<p>Land Act 2012 clearly outlines the steps and process for grievance redress that include alternative dispute resolution, renegotiation with NLC and is backed by the judicial system through Environmental and Land Court.</p>	<p>World Bank policy calls for project-level grievance redress mechanism to cover resettlement and related compensation matters, construction phase grievances and operations phase grievances.</p>		<p>World Bank ESS5 and RAP guidelines to be followed</p>
Information Disclosure		<p>World Bank requires disclosure by Bank at external website and simultaneous public disclosure in-country disclosure by clients' line ministries websites or other readily accessible public disclosure means</p>		<p>World Bank ESS5 and RAP guidelines to be followed.</p>

KARAGITA RAP REPORT (NAKURU COUNTY)

Area of concern	Kenya Law	World Bank Requirements	Gaps	Gap filling measures
		available in their jurisdiction. Information disclosed in language(s) understood by the PAPs and other stakeholders.		
Compensation Payment Schedule and Cut-off date	<p>Land Act 2012 provides for census through NLC inspection and valuation process</p> <p>Land Act talks of prompt, just and full compensation before the acquisition of land. However, interpretation of just compensation is yet to be clearly outlined through a specific schedule defining just and fair compensation has not been put in place.</p> <p>Attorney's fees, cost of obtaining advice or cost incurred in preparing and making written claim not included in just compensation</p>	<p>Cut-off date to be established at time of census and asset survey.</p> <p>Compensation to be agreed upon with PAPs and provided prior to taking over of assets or relocation.</p>		Implement cut-off procedures as outlined in the RPF and Kenyan Law

As is noted throughout matrix above, in case of conflict between these two sets of laws/policy (Kenya and World Bank), World Bank Regulations shall prevail under this project.

### 3.4 Institutional Responsibilities for RAP Implementation

During the RAP preparation process, a number of key institutions were identified as critical to both preparation and implementation of the RAP. This is summarized in Table 3.2 below. Consultations with and involvement of the Project-Affected Persons has been sought during the process.

**Table 3-2: Statutory Institutions with Roles in the RAP process**

No	Institution	Role	Capacity
1	Ministry of Lands, Housing, and Urban Development	Houses the KISIP project Provides policy direction Handles land tenure issues	The Ministry has experts in key areas: land management and administration, physical planning, resettlement
2	County Government of Nakuru	Has the responsibility of implementing the RAP as spelled out in the RPF	Financial capacity is lacking. In the transition, KISIP providing assistance
3	Kenya Urban Roads Authority	In charge of the management of urban roads. It approves road designs and maintains roads.	Capacity exists
4	Kenya Power	Responsible for relocating electricity transmission lines from the road reserves	Capacity exists. Costs provided in the BQ.
5	Nakuru Water and Sewerage Company (NAWASC)	Responsible for relocating affected water infrastructure e.g., pipes, water kiosks to maintain service levels	Capacity exists. Costs provided in the BQ.
6.	Ministry of Finance	Financial management on behalf of the Borrower (GoK) Provision of counterpart funding – part of which is used to settle compensation claims by PAPs	Capacity exists and funds will be made available.

In addition to the above governmental institutions, several structures were established at the community level in each of the settlements:

- a. A Community Settlement Executive Committee (SEC) which was instrumental in mobilizing the community and providing a link between KISIP, the Consultants, and the community. The Committee has been involved in all stages of RAP development and is expected to continue playing an active role in monitoring its implementation.
- b. The Community Grievance Redress Committee formed to address all grievances related to the development and implementation of this RAP.
- c. The County Resettlement Advisory Committee which will provide leadership at the county level in the implementation of the RAP and addressing grievances from the community grievance committee.

The overall coordination of the whole process, from development to implementation and monitoring, is provided by the KISIP PCT. The National KISIP Coordinating Unit will supervise and coordinate the implementation of this RAP, and report on implementation. It shall ensure active participation of the community at all times.

## CHAPTER 4. SOCIO-ECONOMIC BASELINE

### 4.1 Employment

Majority of wage earners are in the private sector mainly in the flower, tea and coffee farms, construction, academic institutions, public transport, wholesale and retail trade, hotels and restaurants and *jua kali* sectors mostly comprise of the youth. The estimates for 2009 Population and Housing Census indicate that on average, 14 per cent of the County population (12 per cent urban and 16 per cent rural) are self-employed.

In Karagita settlement the main sources of income were wages and salary, trade or business, and rental properties as shown in the bar chart below.

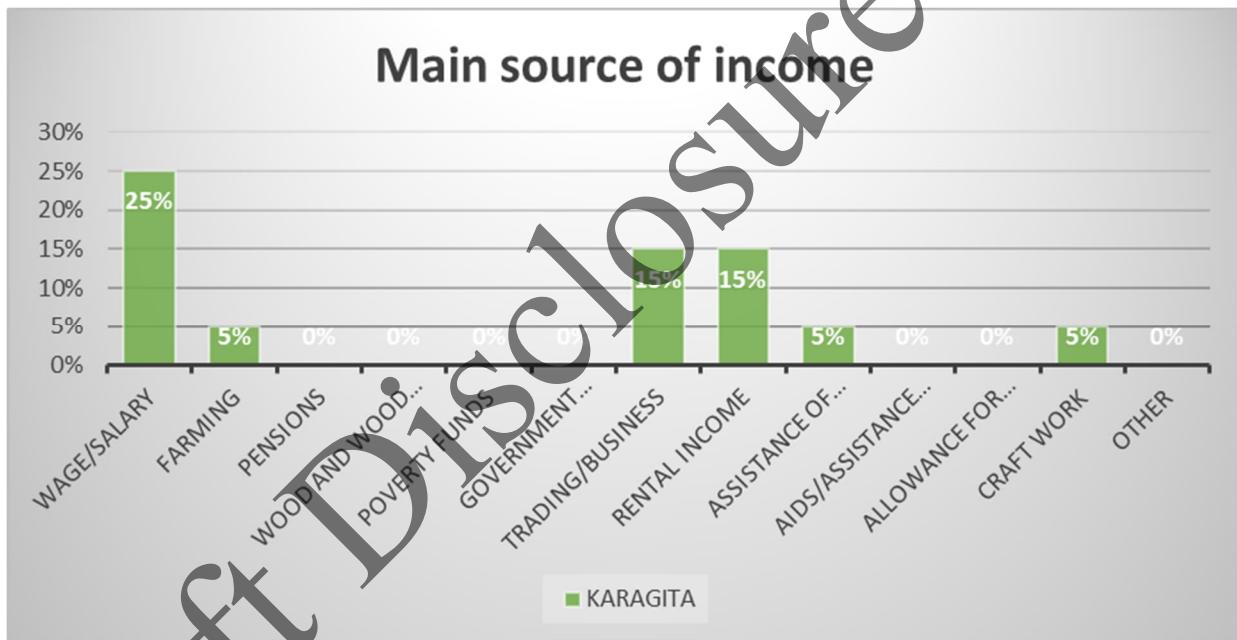


Figure 4-1: Income sources for Karagita informal settlement

### 4.2 Housing

Due to rapid urbanization and failure of the formal sector to supply adequate houses especially for the low-income segment of the society, there has been proliferation of informal settlements to meet the housing gap. This is manifested by the slums and squatter settlements and other form of shanty developments. The major informal settlements are in Nakuru East (Bondeni, Manyani, and Lakeview), Nakuru West (Ronda, Kaptembwo, and Gituima), Gilgil (Kampi Somali, Maina, and Makaburi), Naivasha (Lakeview, Kihoto), Molo (Casino,

Kasarani), Njoro (Industrial area, Juakali, Jewathu, Bondeni). However, the County has made significant investments in selected informal settlements in Naivasha and Nakuru through Kenya Informal Settlement Improvement Project (KISIP). The figures below illustrate the common housing materials used in creating structures in the informal settlements.

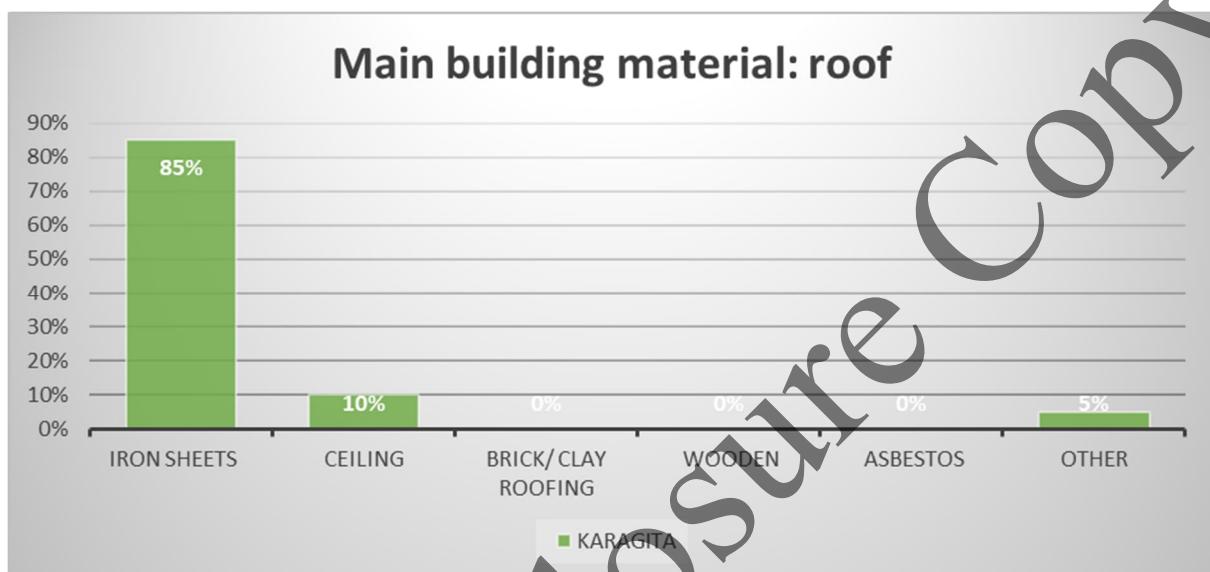


Figure 4-2: House roofing materials for Karagita informal settlement



Figure 4-3: Structure material used for Karagita informal settlement

#### 4.3 Land Use

Land is the main source of livelihood for many people in Nakuru County. All socio-economic activities depend largely on land. Hence, rights of land ownership and land use are critical in influencing growth in all sectors.

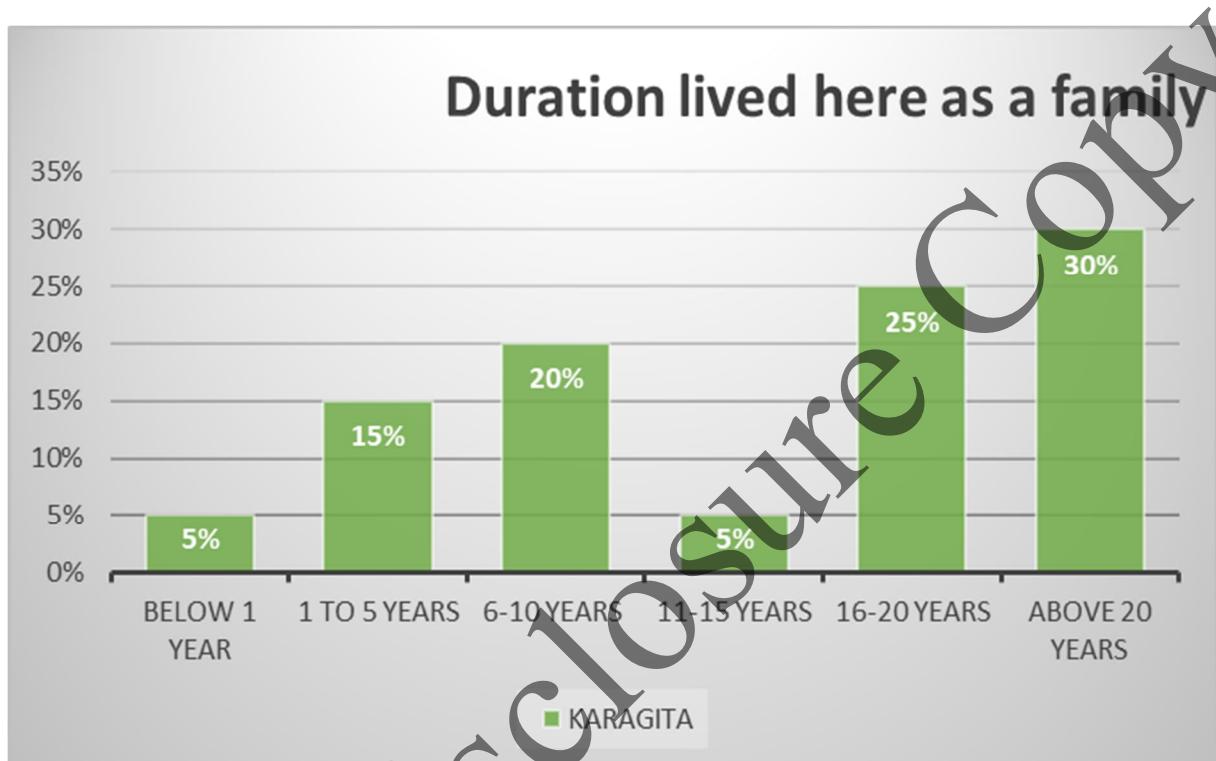
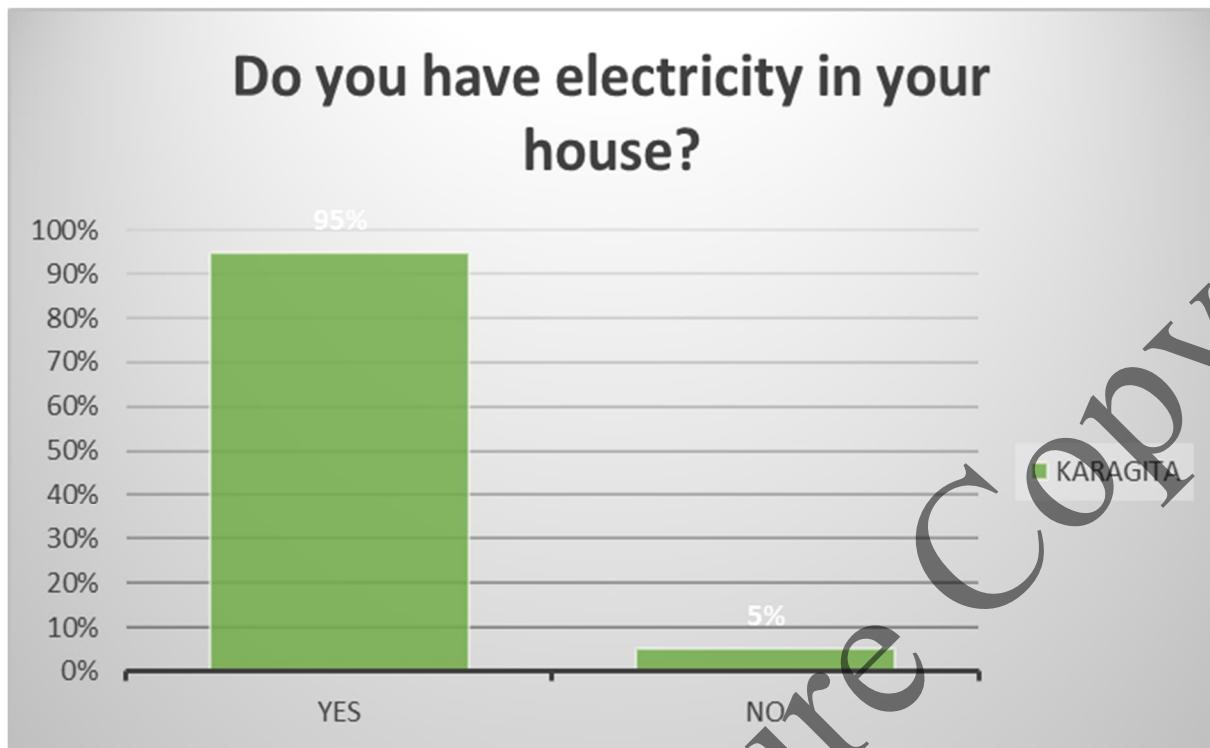


Figure 4-4: Land ownership duration in Karagita informal settlement

#### 4.4 Energy Access

Electricity is the main source of energy for lighting in the County at 55.4 percent whereas firewood and charcoal are the major sources of energy for cooking at 42.6 percent and 30.7 percent respectively (KIHBS 2015-16). Electricity coverage in the County stands at 80 percent with most of these connections in urban areas. Other renewable sources like wind, solar and biogas account for less than 3 percent.



**Figure 4-5: Electricity access in Karagita informal settlement**

In terms of fuel for cooking majority of the respondents (80%) used gas, 19% used charcoal, and the remainder 1% used other sources such as woodfuel.

#### 4.5 Water & Sanitation

Nakuru County is supplied with water by various schemes. These include; public water companies, community water supply schemes and private water vendors. The County department of Water estimates 63 percent of the population in Nakuru County have access to improved treated water which is either piped, rain water, borehole, protected well and protected spring. The 49.5 percent of HH access piped water although the highest percentage is among the urban dwellers.

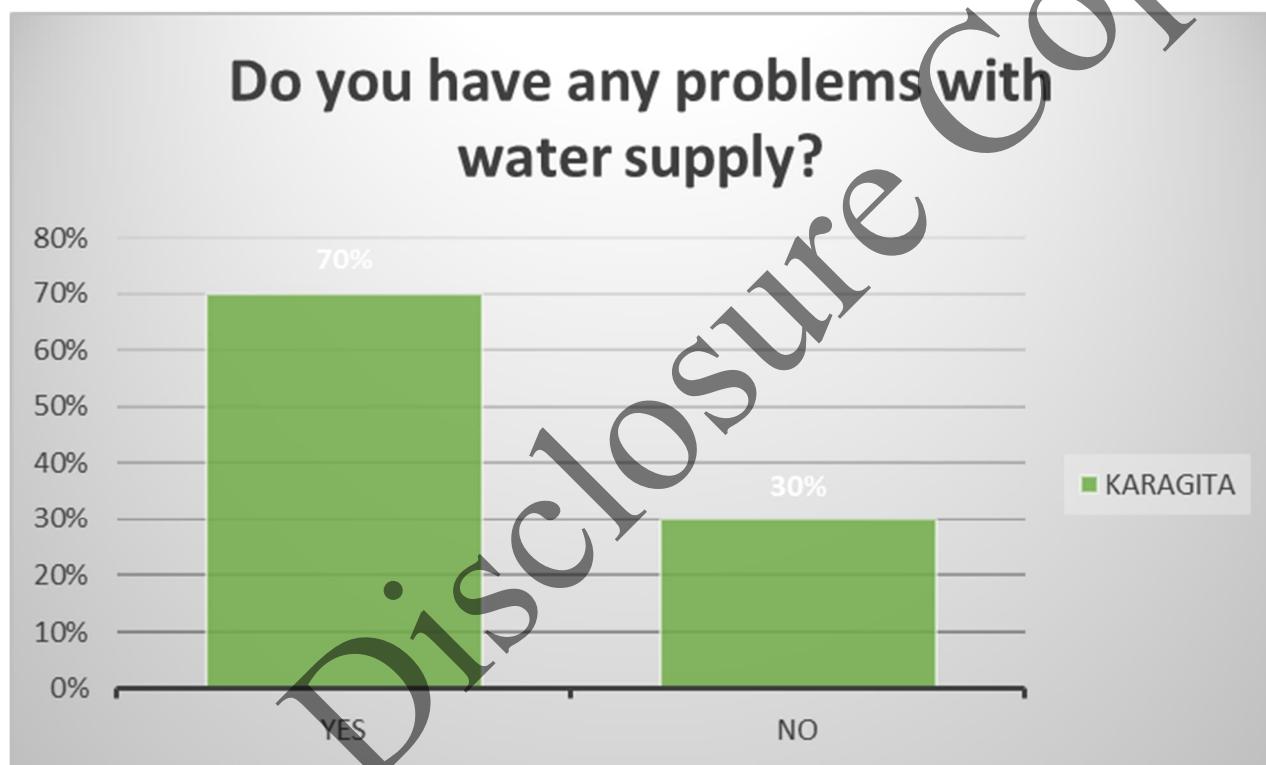


Figure 4-6: Water supply access in Karagita informal settlement

According to KIHBS 2015-16 most of the residents of Nakuru County dispose human waste through pit latrine which are covered which is at 76.9 percent. Only 15.3 percent of the HH are connected to the main sewer. However, the number of HH with a place for hand washing near the toilet facility is at 18.6 percent. This poses a great danger that can lead to outbreak of water borne diseases.

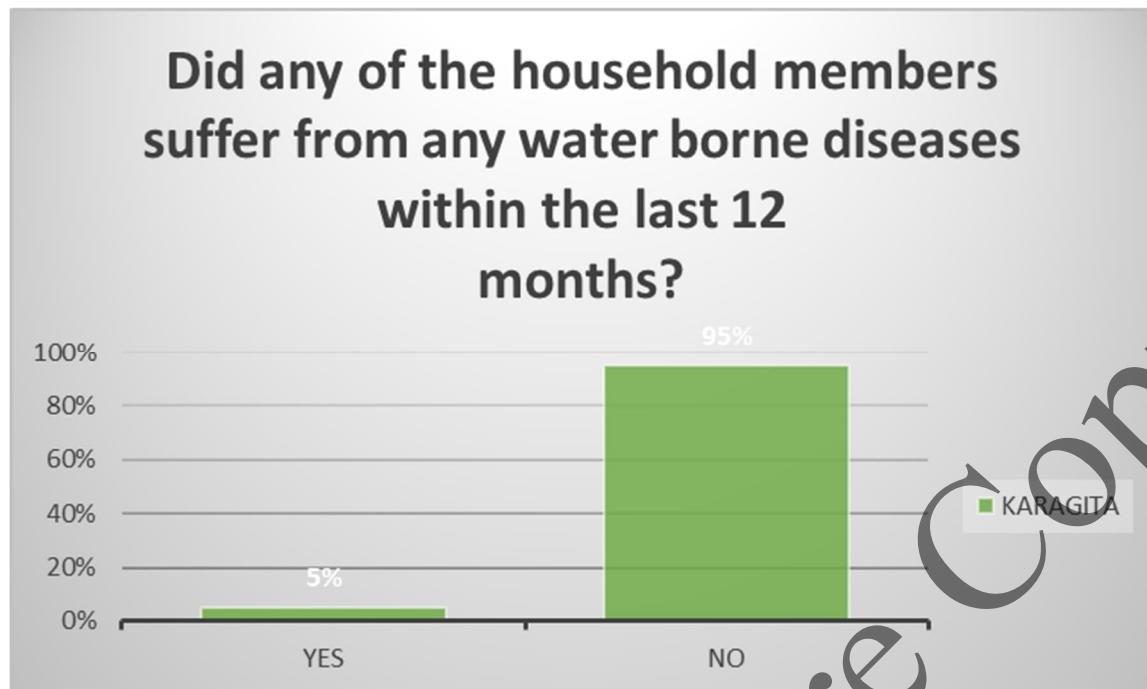


Figure 4-7: Waterborne disease outbreak in Karagita informal settlement

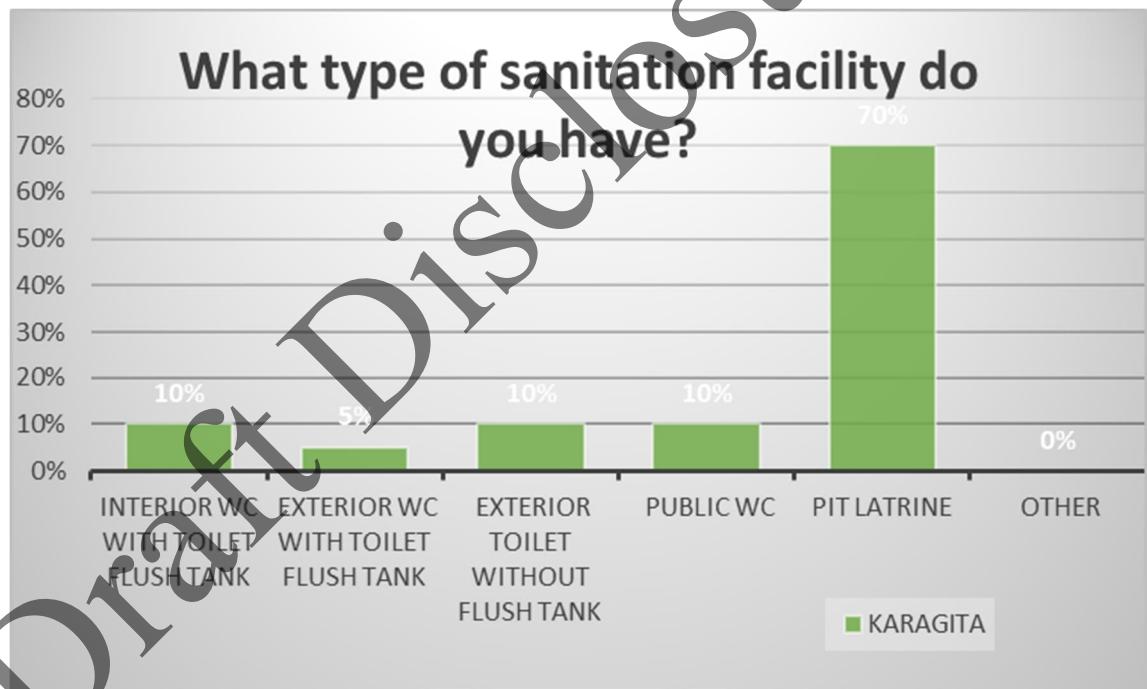


Figure 4-8: Sanitation Facilities in Karagita informal settlement

## CHAPTER 5. RESETTLEMENT IMPACTS AND MITIGATION

Project activities will give rise to either total or partial resettlement impact to PAPs assets and sources of livelihood, majority of assets affected are temporal fixed business stands, house extensions, verandas, gates perimeter walls either in masonry stone or wood as well as structures for business either temporal or mobile kiosks.

None of the residential structures enumerated will be totally affected, the impact to the structures is partial to the areas encroaching to the road reserve. The entitlement matrix has proposed various entitlements depending on the type of loss and the category of PAPs, the structures mentioned in the review comment above have been enlisted.

### 5.1 Type of Losses

#### 5.1.1 Loss of Land

The project interventions in the settlements will not affect private land through any form of acquisition. All the interventions have been designed to use the designated way leaves. As such no person will lose land to which they have a title. All the PAPs are encroachers and not landless. They have just extended their buildings and businesses beyond their boundaries. It is important to note that even after the project reclaims the way leaves, no one is going to be left landless. They will push back the structures into their plots.

The kind of displacement that is anticipated will be as a result of reclaiming the encroached road reserves. Consequently, there will be no compensation for land, only developed assets on the road reserve will be compensated for. It is also not expected that the structure owners who will lose their structures will move elsewhere outside the settlement.

#### 5.1.2 Loss of Structures

This is the most important type of impact identified. The structures were erected on the road reserves and will need to be removed before the commencement of works. Most of the structures are of a temporally nature with a few permanent ones. The structures are used for

dwelling either by owners or are rented out; while others are used for commercial purposes.

The impact on the structures will be two-fold:

- a. Total loss: where the whole structure will need to be removed or where the residual will not be viable and functional.
- b. Partial loss: where part of the structure will be affected, and the residual will still be viable and functional with reconstruction/repairs.
- c.

### 5.1.3 Loss of Shelter

From the census, loss of shelter will be experienced in two ways:

- a. Some structure owners who themselves reside in the affected structures (partially or wholly) will be affected during demolition and reconstruction. If the structure will wholly be affected and need to be constructed within the lot boundaries, alternative accommodation will have to be temporarily provided or adequate notice and facilitation given to complete the reconstruction before demolition and another notice before commencement of works. In case of partial loss, the structure owner may not necessarily move, but steps will be taken to ensure the minimal disruption to their occupancy is mitigated.
- b. Tenants occupying the affected structures and who may be required to either temporarily or permanently seek alternative accommodation. Measures will be put in place to mitigate the likely disruption, including payments to facilitate the relocation.

**Table 5-1: PAPs Occupying Structures**

No	PAP Category	Settlements
		Karagita
1	Structure owners	18
2	Tenants	2
3	Number of female PAPs	10
4	Number of male PAPs	10
	<b>Total</b>	<b>20</b>

#### 5.1.4 Loss of Livelihoods

The following categories of livelihood loss were identified:

- a. Structure owners/landlords who will lose rental income as a result of tenants relocating from the affected structures
- b. Loss of income from businesses that will be affected as a result of removal of either permanent or temporal business premises. Most of these businesses are located on the road reserves.

#### Type of common business

The common business which the PAPs engage in within the settlements; popular business in the settlement is grocery shops, food kiosk/hotel and other categories which include charcoal vending, movie shops and movie stalls

**Average daily income:** Majority of the respondents whose structures are likely to be affected recorded making daily incomes at an average of Kshs 200 to Kshs 2000 depending on the kind of business one is engaged in; monthly incomes were mainly from rental income which ranged from a minimum of Kshs 1000 to a maximum of Kshs 1000.

**Table 5-2: Project Affected Persons Losing Rental and Business Income**

No	Type of loss	Settlement
		Karagita
1	Loss of rental income from the business structures	1
2	Loss of income from business	19
	<b>Total</b>	<b>20</b>

#### 5.2 Number of Project Affected Persons (PAPs) and Assets Affected

The number of Project Affected Persons (PAPs) identified were **20 PAPs**, the Project Affected Household (PAH) is a family unit which is represented by the Household head enumerated therefore the number of PAPs is the same as that of PAHs.

## CHAPTER 6. COMPENSATION AND RESETTLEMENT ASSISTANCE

### 6.1 Eligibility Criteria

The World Bank Resettlement Policy/Guidelines require compensation for affected assets at replacement cost to both titled and non-titled landholders and resettlement assistance for lost income and livelihoods. In this project, the absence of formal titles will not constitute a barrier to resettlement assistance and rehabilitation.

Further, the principles adopted herein contain special measures and assistance for vulnerable affected persons, such as female-headed households, disabled persons, and the poor. PAPs are entitled to a combination of compensation measures and resettlement assistance, depending on the nature and scope of impact.

From the census carried out, the following categories of PAPs will be entitled to facilitation:

- i. Structure owners who will lose part or whole structures. It should be noted that all the structures have encroached on the road reserves.
- ii. Tenants who have rented the affected structures and may be required to seek alternative accommodation temporarily or permanently.
- iii. Structure owners who derive an income from renting their structures and will lose the income as a result of removal of the structures.
- iv. People who conduct businesses in the affected structures and will lose income as a result.
- v. People conducting business on the road reserves permanently even if they do not own a structure but will be required to move to give way for the project.

### 6.2 Cut-off Date

The entitlement cut-off date for KISIP II RAP was 18<sup>th</sup> April 2023; this date was the last date of the census in the settlements. No structure established in the Project-Affected Area after (18<sup>th</sup> April 2023) is considered eligible for compensation under this updated RAP.

### 6.3 Entitlements

The Entitlement Matrix describes compensation and related assistance for each category of affected PAPs. Eligibility reference has been made to the Resettlement Policy Framework (RPF) developed for the KISIP Project which proposes full replacement cost for assets and livelihoods anticipated to be affected.

The matrix in table 6-1 below elaborates the entitlement which is relevant to the PAPs of the proposed KISIP projects.

### 6.4 Livelihood Restoration

Livelihood restoration an important aspect in ensuring that the PAPs livelihood is totally restored even after compensation is done. All categories of PAPs described in table 6-1 below are eligible to the livelihood restoration packages Livelihood restoration packages that are application for such kind of resettlement are as illustrated below:

- i. Employment priority during construction both skilled and non-skilled
- ii. Transitional assistance – this could include adequate time allowed for the PAPS to relocate and salvage construction materials
- iii. Additional assistance to vulnerable groups

Training on:-

- compensation funds management
- Other related business support.

### 6.5 Vulnerable People

Vulnerable people are people who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. Vulnerable people are potentially eligible for specific assistance under this Resettlement Action Plan are those who are affected by the Project land acquisition, compensation and resettlement activities.

Vulnerable people include, but are not limited to:

- i. Disabled persons, whether mentally or physically;
- ii. Seriously ill people, particularly people living with HIV/AIDS and other illnesses;

- iii. The elderly, particularly when they live alone;
- iv. Households whose heads are children;
- v. Households whose heads are female and who live with limited resources;
- vi. Households whose heads have no or very limited resources; and
- vii. Widows and orphans.

Under this RAP no vulnerable groups of PAPs have been identified. Nonetheless, should there be vulnerable PAPs at the points of implementation the contingency fund will be applied in assisting them.

Additional financial support will include a lumpsum of KES 5,000 disturbance allowance is recommended for each PAP.

## **6.6 Notification**

The PAPs will be served with adequate notice of 30 days to relocate upon compensation and another before the commencement of works. All the stakeholders in the project (e.g., KURA, NEMA, and KPLC) will also be notified of the relocation exercise.

## **6.7 Payment of Compensation**

In line with the World Bank operational policy on involuntary resettlement (OP 4.12), KISIP will ensure that the conditions of PAPs are restored to the status that is at the minimum commensurate to their pre-project status. A list of all PAPs has been documented in the PAP register. In addition, every person affected by the project registered with their national identification card for easy identification for possible compensation.

The RAP implementation process will verify the correctness of each PAP as stated in the register and ascertain that every identity card holder is correctly documented in the register. On completion of the PAP verified list, the County Government of Nakuru that will carry out payment of compensation. The county government RAP Implementation Team will include an experienced RAP Implementation Consultant to lead the process and work closely with representatives of the County Government and SEC. Payments will be made according to

locations and adequate information will be made available to all affected persons prior to payment. Such information will include:

1. Dates and locations of payment
2. List of eligible people and amount
3. Mode of payment, namely a traceable mode of payment

In the event that an individual is absent during payment, the Compensation Committee will immediately communicate a new date of payment to such individual(s).

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Table 6-1: Entitlement Matrix

Type of loss		Type of PAP	Entitlement
1	Loss of Land	Land owner	<ul style="list-style-type: none"> <li>Not applicable under the project because no private land is to be acquired for implementation of the projects. All the PAPs are encroachers.</li> </ul>
2	Loss structure	Structure Owner	<ul style="list-style-type: none"> <li>Cash compensation at replacement cost calculated without depreciation. Replacement cost includes cost of materials, transport, and labor to construct a similar structure</li> <li>Owners will retain the right to salvage materials from the structure</li> <li>A lump sum of KES. 5,000.00 as disturbance allowance</li> <li>Loss of income equivalent to 2 month's rent incase the affected structure is rented.</li> </ul>
3	Loss of shelter	Tenant	<ul style="list-style-type: none"> <li>A one month notice to look for alternative accommodation and another notice before commencement of works.</li> <li>2 months' rent to look for alternative accommodation during repairs of the affected parts of the structure with an option to resume tenancy at the completion of reconstruction/repairs.</li> <li>A onetime disturbance allowance of KES 5000 to cover for transport costs and labour costs during moving</li> <li>If the rented premises are used for business, a loss of livelihood equivalent to five days of loss of profit will be provided.</li> </ul>
		Structure owner who occupies the structure	<ul style="list-style-type: none"> <li>2 month's rent to look for alternative accommodation during repairs or reconstruction of the affected structure.</li> </ul>
4	Loss of Livelihood / Income	Structure owner	<ul style="list-style-type: none"> <li>Subsistence allowance equivalent 2 months' rent to compensate for loss of income.</li> </ul>
		Business owner / trader	<ul style="list-style-type: none"> <li>Cash grant equivalent 5 days' daily income to compensate for the loss of business</li> <li>A lump sum allowance of Kshs. 5,000.00 to cover for transport and labor during movement.</li> </ul>
		Vulnerable groups	<ul style="list-style-type: none"> <li>Additional livelihood support of KES 5000 for all vulnerable PAPs</li> <li>Additional assistance to be considered on case by case basis and may include business support (training and capital)</li> </ul>

## CHAPTER 7. GRIEVANCE MANAGEMENT & REDRESS

### 7.1 Grievances and Disputes

In practice, grievances and disputes that are most likely during the implementation of a resettlement program are the following:

- i. Misidentification of assets or mistakes in valuing them;
- ii. Disputes over parcel limits, either between the affected person and the Project, or between two neighbors;
- iii. Dispute over the ownership of a given asset (two individuals claim to be the owner of this asset);
- iv. Disagreement over the valuation of a parcel or other asset;
- v. Successions, divorces, and other family issues, resulting in disputes between heirs and other family members, over ownership or ownership shares for a given asset;
- vi. Disagreement over resettlement measures, for instance on the location of the resettlement site, on the type or standing of the proposed housing, or over the characteristics of the resettlement parcel;
- vii. Gender-based violence (GBV) /Sexual Exploitation, Abuse and Sexual Harassment (SEA/SH).

### 7.2 Management Mechanism

This RAP recommends a four-tier grievance mechanism- at the community or settlement, county, national, and resolution through courts of law. The recommended GRC will be made as GBV-responsive as possible. This will be done *inter alia* by having both genders in the membership of the committees at all tiers. 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 at the earliest possible time in the interest of all parties concerned.

This is a four-tiered grievance mechanism - at the community, County, national and resolution through courts of law. As recommended in the RPF it is desirable to resolve all the grievances at the community level to the greatest extent possible. To achieve this the mechanism must be credible and generally acceptable. The grievance redress mechanism will aim to solve disputes at the earliest possible time in the interest of all parties concerned.

The first level in addressing grievances will be at the Kwa Murogi 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 committee should be elected by the community in a transparent manner and after sensitisation by KISIP PCT.

The second level of grievance mechanism will involve the County Resettlement Implementation Committee (CRICs). The CRICs will consider grievance reports forwarded to it from the community grievance committee and make a determination. The CRIC will comprise of the County Coordinator, Environment Officer, Social/Community Officer, Component Heads for Infrastructure, and Land tenure, Assistant Deputy County Commissioners, and Ward Administrator.

The third level of grievance mechanism will involve the National PCT, (NRIC) which will comprise of 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.

In the fourth level, if complainants are not satisfied by the decisions of the grievance's committees, they can seek redress in the court of law.

Grievance procedures may be invoked at any time, depending on the complaint. No person or community from whom land or other productive assets are to be taken will be required to surrender those assets until any complaints he/she has about the method or value of the assets or proposed measures are satisfactorily resolved.

The RAP study recommended the composition of the grievance committee to be composed of 5 persons, 2 from the SEC not being office holders and 3 elected by the community while respecting women, youth and vulnerability representation the committee will elect their chairman and secretary and SEC members are not eligible.

### **7.3 Terms of Reference for the Grievance Redress Mechanism Committee**

The roles and functions of the Grievance Redress Mechanism Committee is normally based on the mandate and expectations of stakeholders from the committee, more specific the committee will endeavor to resolve issues resulting from.

- i. Misidentification of assets or mistakes in valuing them;
- ii. Disputes over parcel limits, either between the affected person and the Project, or between two neighbors;
- iii. Dispute over the ownership of a given asset (two individuals claim to be the owner of this asset);
- iv. Disagreement over the valuation of a parcel or other asset;
- v. Successions, divorces, and other family issues, resulting in disputes between heirs and other family members, over ownership or ownership shares for a given asset;
- vi. Disagreement over resettlement measures, for instance on the location of the resettlement site, on the type or standing of the proposed housing, or over the characteristics of the resettlement parcel;
- vii. The committee will handle other issues as they emerge.

Figure 7-1 summarizes the most preferred way of handling grievances. This RAP proposes a maximum of 8days as the time a grievance should take under the resolution mechanism, however for issues that can be handled by the CGRC; the study recommends 3days maximum time for resolution.

#### **7.4 Effectiveness of the Grievance Redress Mechanism**

To ensure effectiveness of the Grievance redress mechanism the committee will report on a monthly basis to the Project implementation team the cases received and how they were resolved during RAP implementation and Project implementation.

The committee is supposed to endeavor resolve grievances as soon as they are reported, the maximum duration for resolving these grievances at level one has been given as within 7days.

To ensure Effectiveness of the Grievance Redress Mechanism the KISIP county office will Provide for reporting mechanism for the committee, Technical support to the committee, Material assistance and logistics as well as provide for 1days training on their roles.

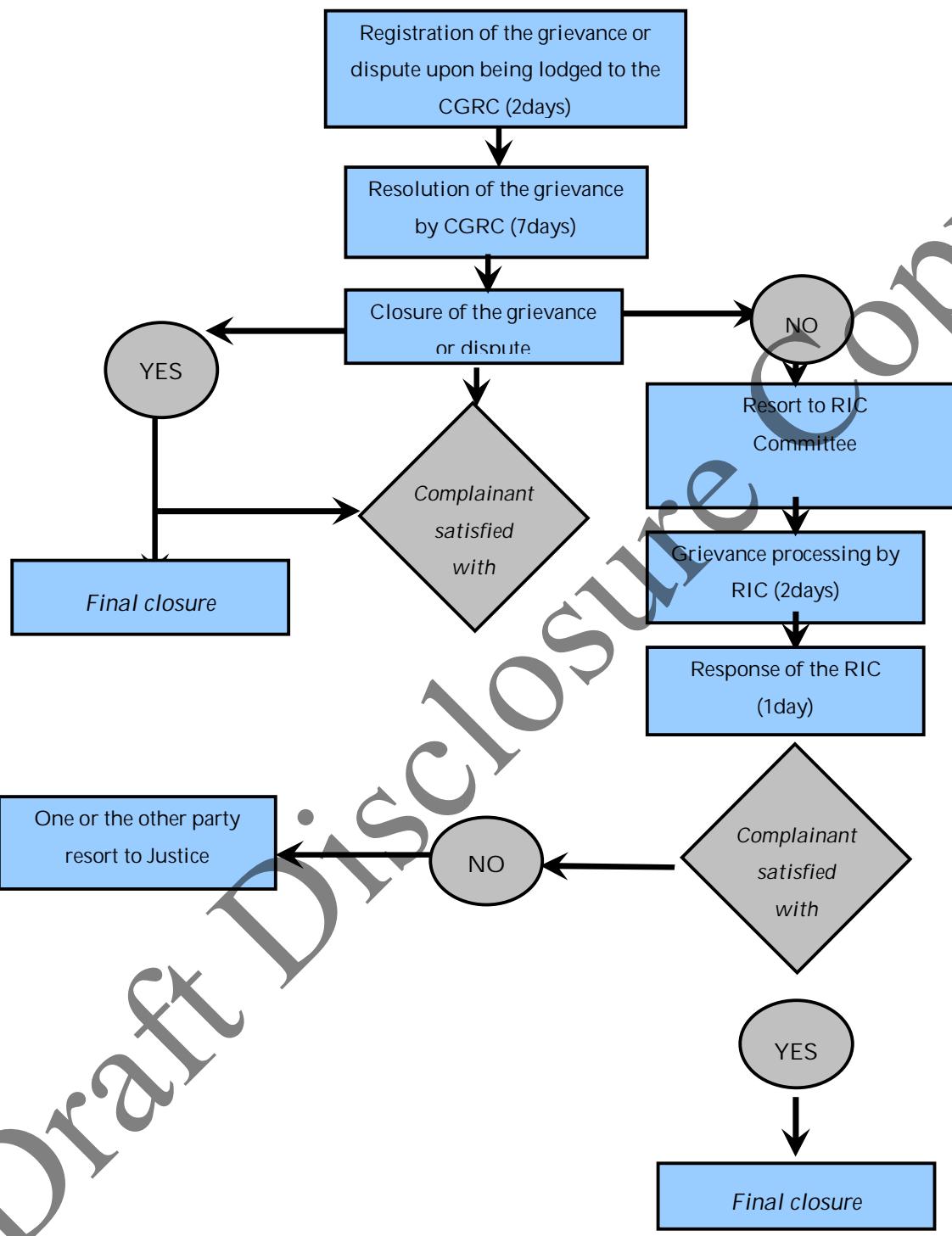
## 7.5 Gender-Based Violence (GBV)/SEAH

Confidential, culturally sensitive and survivor centric channels for reporting GBV/SEAH complaints in the resettlement activities will be identified and integrated into the GRM (details are provided in the project SEAH Prevention and Response Plan). The GRM has the following key features on preventing GBV/SEAH: (i) establish quotas for women in community level GRM to facilitate safe reporting; (ii) provide multiple channels to receive complaints (channels to be determined after community consultations); (iii) resolve complaints at the point of service delivery to reduce information and transaction costs, and gender sensitive independent channels for redress; and (iv) communicate GRM services at the community level to create GBV/SEAH awareness and enable survivors to file complaints.

## 7.6 World Bank's Grievance Redress Service (GRS)

Communities and individuals who believe that they are adversely affected by a World Bank supported project, including resettlement issues, may submit complaints to existing project-level GM or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, because of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. Information on how to submit complaints to the World Bank's corporate GRS can be found at <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. Information on how to submit complaints to the World Bank Inspection Panel, can be found at [www.inspectionpanel.org](http://www.inspectionpanel.org).

Figure 7-1: Grievance / Dispute Management Mechanism



## CHAPTER 8. MONITORING AND COMPLETION AUDIT

### 8.1 Introduction

Monitoring and Evaluation (M&E) procedures establish the effectiveness of all resettlement activities, in addition to the measures designed to mitigate adverse social impacts. The procedures include internal track-keeping efforts as well as independent external monitoring.

The purpose of resettlement monitoring for the KISIP is to verify that actions and commitments described in the RAP are implemented and eligible project-affected persons receive their full compensation prior to the start of the rehabilitation activities on the project area;

RAP actions and compensation measures have helped the people who sought cash compensation in restoring their lost incomes and in sustaining/improving pre-project living standards; Complaints and grievances lodged by project-affected persons are followed up and, where necessary, appropriate corrective actions taken. Changes in RAP procedure are made, if necessary, to improve delivery of entitlements to project-affected persons.

The World Bank operational policy (OP 4.12) states that the project sponsor (i.e., KISIP) is responsible for adequate M&E of the activities set forth in the resettlement instrument. Monitoring will provide both a warning system for the project sponsor (KISIP) and a channel for the affected persons to make known their needs and their reactions to resettlement execution.

KISIP monitoring and evaluation activities and programs will be adequately funded and staffed. In-house monitoring may need to be supplemented by independent monitors to ensure complete and objective information. Accordingly, the primary responsibility for monitoring rests with KISIP. Fortunately, KISIP already has an Environmental and Social safeguard team and an implementation-monitoring unit. These groups, in cooperation with each other and with guidance from the External actors, will monitor the project.

### 8.2 Monitoring and Evaluation framework

The RAP Monitoring Plan and Framework is adopted from IFC (Handbook for Preparing a Resettlement Action Plan). It involves:

- Internal monitoring by KISIP;
- Impact monitoring commissioned to specialized firms; and
- A RAP Completion Audit

**Table 8-1: RAP Monitoring Plan**

Component Activity	Type of Information/ Data Collected	Source of Information/ Data collection Methods	Responsibility for Data Collection, Analysis and Reporting	Frequency/ Audience of Reporting
<b>Performance monitoring</b>	Measurement of input indicators against proposed time-table and budget including procurement and physical delivery of goods, structures and services.	Monthly or quarterly narrative status and financial reports	KISIP PCT KISIP County Team, SEC	Semi-annual/annual as required by KISIP and World Bank
<b>Impact monitoring</b>	Tracking effectiveness of inputs against baseline indicators  Assessment of PAP satisfaction with inputs  Assessment of satisfaction of Vulnerable PAPs with assistance provided.	Quarterly or semi-annual quantitative and qualitative surveys  Regular public meetings and other consultation with people affected by the project; review of grievance mechanism outputs.  Regular monitoring meetings with and interviews of PAPs.	Project resettlement unit or contracted external monitoring agency	Annual or more frequently as required by KISIP and WB
<b>Completion audit</b>	Measurement of output indicators such as productivity gains, livelihood	External assessment/sign-off report based on performance and impact monitoring	Contracted external auditing and evaluation agency	On completion of the RAP time table as agreed between KISIP and WB

Component Activity	Type of Information/ Data Collected	Source of Information/ Data collection Methods	Responsibility for Data Collection, Analysis and Reporting	Frequency/ Audience of Reporting
	restoration, and developmental impact against baseline	reports, independent surveys and consultation with affected persons		

### 8.3 RAP Monitoring Framework

The RAP allows for verification of internal RAP implementation reports by a field check of the following:

- Payment of compensation including its levels and timing
- Settlement of emerging grievances
- Adequacy of training and other developmental inputs
- Rehabilitation of vulnerable groups
- Infrastructure repair, relocation or replacement
- Enterprise relocation, compensation and its adequacy
- Transition allowances

These will be achieved through;

- a. Interview a random sample of affected people in open-ended discussion to assess their knowledge and concerns regarding the resettlement process, their entitlements and rehabilitation measures.
- b. Observe public consultations with affected people at the village level
- c. Observe the function of the resettlement operation at all levels to assess its effectiveness and compliance with the RAP.
- d. Check the type of grievance issues and the functioning of grievance redress mechanisms by reviewing the processing of appeals at all levels and interviewing aggrieved affected people.
- e. Survey the standards of living of the affected people (and of an unaffected control group where feasible) before and after implementation of resettlement to assess whether the standards of living of the affected people have improved or been maintained.
- f. Advise project management regarding necessary improvements in the implementation of the RAP, if any.

## 8.4 Resettlement Completion Audit

The purpose of the Completion Audit is to verify that the resettlement process has complied with resettlement commitments defined by the RAP. Reference documents for the Completion Audit are the following:

- Resettlement Action Plan prepared.
- Kenyan policies and legal statutes as defined in section 2 of this RAP report
- World Bank Safeguards Requirements

The Completion Audit has the following specific objectives:

- General assessment of the implementation of the RAP against the objectives and methods set forth in the RAP;
- Assessment of compliance of implementation with laws, regulations and safeguard policies;
- Assessment of the fairness, adequacy and promptness of the compensation and resettlement procedures as implemented;
- Evaluation of the impact of the compensation and resettlement program on livelihood restoration, measured through incomes and standards of living, with an emphasis on the “no worse-off if not better-off” requirement; and
- Identification of potential corrective actions necessary to mitigate the negative impacts of the program, if any, and to enhance its positive impacts.
- The Completion Audit will be based on documents and materials generated by internal and external monitoring. In addition, auditors will make their own assessments, surveys and interviews in the field and with Project-Affected- People

## CHAPTER 9. IMPLEMENTATION OF THE RAP AND INSTITUTIONAL ORGANIZATION

### 9.1 Introduction

The RAP implementation process will be a collaborative one between several institutions and community groups. The aim of such collaboration is to create broad consensus around the process to make it as smooth and acceptable as possible. This smooth process will in turn improve the acceptability of the project in the Karagita Informal Settlement community and offer the county government and her development partners a license to operate the project. The institutions responsible for the RAP implementation will include the following

### 9.2 Project Management

#### 9.2.1 Project Management at Ministry level

MoLH&UD will interface with other sector ministries, agencies and Counties on matters and policies relating to the project and more specifically RAP issues. The MoLH&UD will interface with the National Treasury on issues pertaining to RAP budget financing. The ministry will also communicate directly with the Bank on technical issues RAP preparation, approvals, disclosure and even implementation being among them.

#### 9.2.2 The Project Coordinator (PC)

PC is the overall technical coordinator in the implementation of KISIP and assisted by a Social Development Officer in case of land acquisition and resettlement and other social issues related to this program. The Project coordinator will supervise the project team and ensure that project implementation activities and reports are on schedule and in compliance with the financing agreement. The coordinator will report to the PS and will from time to time draw the attention of the PS to all emerging policies issues for decision at that level or a higher level. The PC is responsible for the PCT at National Level and will coordinate their responsibilities in RAP implementation including monitoring and quality assurance. For effective implementation of the Project, Counties will establish County KISIP Teams whose composition is a replica of the national team.

### 9.2.3 The County Government

Once the RAP Report is cleared by the KISIP Project and the World Bank, the County Government of Nauru will commence the implementation process. The county government will require to have adequately qualified personnel for the purposes of handling the resettlement process in terms of consulting with PAPs and preparing them for compensation in a manner acceptable to them and one that reduces grievance for smooth project implementation. The services may also be outsourced to a competent consultant familiar with the RAP.

Specifically, the primary responsibilities of the County Government of Nakuru will include the following:

Providing each PAP with a letter of eligibility;

- a) Disclosing and if necessary, negotiating compensation amounts with the PAPs;
- b) Signing compensation agreements with PAPs;
- c) Monitoring the disbursement of compensation payments which will be made through verifiable and traceable methods;
- d) In conjunction with National Government Administration Officers, facilitate PAPs needing such assistance to open Bank accounts through which the compensation money will be channeled;
- e) Coordinate the implementation of resettlement activities;
- f) Maintain regular contact with the respective SECs and National Government Administration Officers;
- g) Give the priority of the employment opportunities to the PAPs;
- h) Negotiate and sign agreements with public utility companies for the relocation of affected public utilities;
- i) Disburse compensation payments to public utility companies;
- j) Supervise the implementation of the RAP;
- k) Carry out regular monitoring and supervision of RAP implementation and appoint an agency for external monitoring of RAP activities;
- l) Review monitoring reports and initiate remedial actions; and
- m) Ensure the timely provision of funds as per the resettlement budget.

#### **9.2.4 Settlement Executive Committee**

The settlement executive committee (SEC) will be the link between the county government and the Lakeview Community. They will reach out to PAPs with information from the county government or any other organ of the project. The SEC is a critical institution in organizing consultation meetings with PAPs and securing community acceptability of the RAP Implementation.

#### **9.2.5 RAP Implementing Committee**

The RAP Implementing Committee shall be constituted by the County Government of Nakuru and the KISIP Project Coordinator Unit. The Implementation committee will bring together social experts from the county government, the RAP Implementation Consultant, a representative of the PAPs, and SEC. The roles and responsibilities of the RAP Implementation Committee will include the following:

- Coordinating effective and timely disclosure of the RAP
- Resolving problems related to coordination of several implementing agencies
- Responding to implementation problems identified in internal and external monitoring reports
- Ensuring adequate consultation with all stakeholders, including development partners (DPs) or their representatives

### **9.3 Notifications**

The RAP implementation committee will ensure the PAPs are served with adequate notice of not less than 30 days to relocate upon compensation and before the commencement of works. All the stakeholders in the project (e.g., KURA, NEMA, and KPLC) shall also be notified of the relocation exercise.

### **9.4 Payment of Compensation**

The RAP implementation committee shall ensure the list of all PAPs has been verified and documented in the PAP register. The register shall have, among other parameters, (1) the name of the person, (2) type of loss (structure / Livelihood) (3) identification number of the PAP, (3) Compensation Amount (3) Bank Details or Mpesa details of the PAP.

The RAP implementation committee will verify the correctness of each PAP as stated in the register and ascertain that every identity card holder is correctly documented in the register.

On completion of the PAP Audit list, the committee shall recommend payment and compensation. Payments will be made according to locations and adequate information will be made available to all affected persons prior to payment. Such information will include:

Dates and locations of payment, List of eligible people and amount Mode of payment, etc.

An appropriate framework for delivering the compensation payments to the PAPs will be decided by KISIP in line with government financial management regulations and as much as possible keeping in mind that most PAPs have no bank accounts. In the event that an individual is absent during payment, the Compensation Committee will immediately communicate a new date of payment to such individual(s).

## **9.5 Other Institutional Responsibilities for RAP Implementation**

During the RAP preparation process, several key institutions were identified as critical to both preparation and implementation of the RAP. This is summarized in Table 9.1 below. Consultations with and involvement of the Project-Affected Persons has been sought during the process.

**Table 9-1: Statutory Institutions with Roles in the RAP process**

No	Institution	Role	Capacity
1	Ministry of Land Housing and Urban Development	Houses the KISIP project Provides policy direction Handles land tenure issues	The Ministry has experts in key areas: land management and administration, physical planning, resettlement
2	County Government of Nakuru	The county Government has the responsibility of implementing the RAP	The county government has made adequate financial arrangements to pay out compensation once due
3	Kenya Urban Roads Authority	In charge of the management of urban roads. It approves road designs and maintains roads.	Capacity exists
4	KPLC	Responsible for relocating electricity transmission lines from the road reserves	Capacity exists. Costs provided in the BQ.
5	Nakuru Water and Sewerage Company (KIWSC)	Responsible relocating affected water infrastructure e.g., pipes, water kiosks to maintain service levels	Capacity exists. Costs provided in the BQ.
6.	Ministry of Finance	Financial management on behalf of the Borrower (GoK) Provision of counterpart funding – part of which is used to settle compensation claims by PAPs	Capacity exists and funds will be made available.
7	Settlement Executive Committee (SEC)	Coordination of settlement community including PAPs and links them to the County/National Government and the project as whole. The SEC will also link specific community groups such people living with disabilities, women and community-based organizations to the project to have inputs to the RAP Process. This was gender issues will be incorporated in a coordinated fashion.	The SEC is operational and widely accepted in the settlement. Has capacity to play her role effectively.
8.	Grievance Redress Committee (GRC)	Registration, coordination, processing, documenting, and monitoring grievances handling processes in the project.	The GRCs are in place in the settlement and are widely accepted to handle grievances.

In addition to the above government institutions, the community through the settlement executive committee (SEC) are central to preparation and implementation of this RAP

The SECs were formed during the project inception to mobilize the community and provide a link between the community, the consultant, the County Government, and KISIP. The Committee has been involved in all stages of RAP development and is expected to continue playing an active role in monitoring its implementation.

## 9.6 Disclosures of the RAP

The RAP report once approved by the World Bank Safeguards team will be disclosed in the World Bank website, locally the report will be disclosed at the county KISIP coordination offices in the County, Copies of the report will be made available to the SEC committees of respective settlements

KISIP PCT is obligated to disclose documentation locally, and will make the following available:

- RAP in English (one copy available at all times in Project information offices, one copy given to the resettlement committees),
- Update notes when needed, given to each of the resettlement committees and publicly available at Project information offices.

In addition, this RAP will be publicly disclosed in English on the MoLHUD website also the RAP executive summary will be disclosed and shared with the Settlement Executive Committees (SECs) for ease of access by the affected persons. Public disclosure meetings will be held at Karagita Settlement before RAP implementation. The county government will use its usual public participation avenues to reach all actors in the settlement including but not limited to translating the RAP executive summary into Kiswahili and distributing copies. The County Government will further use the Ward administrators to ensure that the settlement dwellers are reached with copies in appropriate languages through specific meetings of PAPs in town halls at settlement level and public barazas for sensitizing all respective settlement dwellers as appropriate.

## 9.7 RAP implementation Schedule

The implementation schedule for this RAP covers the period from the preparation of the RAP to the conclusion of the envisaged projects in Karagita to the completion and the time that the

infrastructure is fully available for use. It should be noted that the procedure in the schedule starting from notification of the PAPs before their displacement through compensation and resettlement will be done in phases to synchronize with the various phases of the project.

The RAP Implementation Schedule defines the duration and timing of the key milestones and tasks. The major component tasks for the schedule include:

- a. Disclosure of RAP
- b. Validation of PAP register and compensation package due to each PAP
- c. Resolution of emerging grievances
- d. Notification of PAPs prior to the commencement of the activities that will affect them
- e. Compensation and/or Supplementary Assistance
- f. Commencement of project operations
- g. Monitoring and evaluation, including baseline update

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Table 9-2: RAP Implementation Schedule

S/No	Activity	Weeks from Approval of RAP Report											
		1	2	3	4	5	6	7	8	9	10	11	12
1	Approval of RAP	●											
2	Disclosure of the RAP Report	●	●										
3	Validation of the RAP report to verify PAP and compensation details		●	●									
4	Signing of compensation and relocation assistance agreements			●	●	●							
5	Handling of Grievances		●	●	●	●	●	●	●	●	●	●	●
6	Payment of compensation to PAPs and facilitation of relocation			●	●	●	●						
7	Issuance of notices for relocation			●	●	●	●						
8	Actual relocation						●	●	●	●	●		
9	Commencement of works										●	●	●
10	Monitoring of the resettlement activities		●	●	●	●	●	●	●	●			

## CHAPTER 10. BUDGET

The RAP budget is estimated as indicated in table 10-1 below

**Table 10-1: RAP Estimate Budget**

S/no	Item under Compensation	Amount Estimates (KES)
1	<b>Loss of Assets and Livelihoods</b>	555,340.00
2	<b>Implementation Management</b>	226,640.00
3	<b>Monitoring Implementation Process</b>	200,000
4	<b>RAP Audit</b>	500,000
5	<b>Contingency (10%)</b>	148,198.00
	<b>Total Compensation</b>	<b>1,630,178.00</b>

## CHAPTER 11. CONCLUSION AND RECOMMENDATIONS

### 11.1 Conclusion

In case of disputes regarding RAP implementation including compensation amount, there are a series of avenues set up to deal with dispute resolution including negotiations, mediation and arbitration. Litigation should be avoided as much as possible since it is lengthy and time wasting, and may escalate project costs.

The compensation rates that have been computed in this RAP are in line with market rates for the various categories of items. Utmost care has been taken to ensure that compensation amounts for structures are replacement values. However, in the event of super inflation before compensation there will be legitimate need to adjust the figures accordingly to meet World bank thresholds for replacement of affected assets at current market rates.

### 11.2 Recommendations

- The County Government of Nakuru and KISIP are to ensure that all project affected persons (PAPs) are fully compensated in a timely manner. The resettlement should be done with due consideration of the wishes of the affected persons and support given after resettlement to ensure that the project does not leave them worse off.
- Consultations with the PAPs should be done frequently and keep them informed of the timetable/ timelines of each step in the RAP implementation process including compensation and assistance.

## ANNEXES

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**ANNEX 1: PAPs AND STAKEHOLDER CONSULTATIONS RECORD**

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**KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT II (KISIP II) | 4**

**NO. SETTLEMENTS THE COUNTIES OF  
NAIROBI AND NAKURU [CONTRACT. NO.: KE-MOTI-214833-CS-QCBS]**

**MINUTES OF THE PUBLIC PARTICIPATION MEETING FOR KARAGITA  
SETTLEMENT**

**VENUE: NAIWAWASCO BOARDROOM 10/03/2023**

**TIME: TIME: 10.00 AM -12.00 PM**

**IN ATTENDANCE**

**CONSULTANT – GA**

	<b>NAME</b>	<b>DESIGNATION</b>
1	Dr. Eng. Elisha Akech	Project Team leader
2	Eng. Patrick Wambulwa	Project Environmentalist

**COUNTY, KISIP AND SETTLEMENT OFFICIALS AND SETTLEMENT RESIDENTS**

	<b>NAME</b>	<b>DESIGNATION</b>
9.	See Attendance List	

## **1. INTRODUCTION**

The participants of the meeting assembled in the boardroom at 10.00am and the meeting commenced with a word of prayer and introductions from the members present.

The meeting chair thanked all the members present for attending the meeting and welcomed the team from the Consultant.

## **2. MEETING RESOLUTIONS**

- 1: The water project will be implemented by introducing the rising main from police line borehole to the tank
- 2: Installation of the defluorination unit and the pump will accompany the above
- 3: The surplus amount from the budget cap will be communicated to the KISIP national team by the Nakuru County after the procurement of the contractor. In the communication, the community priority projects to absorb the amount will also be communicated
- 4: Lusaka road has been identified. This will address the flooding challenge faced in the area.

## **4. CLOSING REMARKS**

The Consultant Project team leader noted that the project team had taken note of all points discussed.

There being no other business, the Chair thanked the project team and appreciated all the members for attending the meeting. The meeting ended by a word of prayer from one of the members.

**Photo Plate**



Consultation meeting for Karagita water pipeline project

**ANNEX 2: ASSET REGISTER AND PHOTOS**

Draft Disclosure Copy

**ANNEX 3: LETTER FROM NAKURU COUNTY ON RAP  
IMPLEMENTATION**

Draft Disclosure Copy



**COUNTY GOVERNMENT OF NAKURU**  
DEPARTMENT OF LAND, PHYSICAL PLANNING, HOUSING &  
URBAN DEVELOPMENT



Telephone: 051-2211193

Website: [www.nakuru.go.ke](http://www.nakuru.go.ke)

E-mail: [co.hud@nakuru.go.ke](mailto:co.hud@nakuru.go.ke)

FB: Nakuru County Government-Official

Twitter: @NakuruCountyGov

Office of Chief Officer

Housing & Urban Development Division

P.O. Box 2870 – 2010

NAKURU

**REF: NKU/LPPHUD/KISIP.2/VOL.1/30**

**DATE: 16<sup>th</sup> May, 2023**

Tertiary Consulting Engineers Ltd  
In joint venture with GA Consultants Ltd  
**NAIROBI, KENYA**

**REF: RAP FACILITATION**

Reference is made to the above subject matter.

Please note that we have featured the RAP budget for the four settlements within our work plan.

Find the attached work plan.



**Copy to: KISIP 2 National Coordinator**



COUNTY GOVERNMENT OF NAKURU

**SECOND INFORMAL SETTLEMENTS IMPROVEMENT PROJECT**

**IDA CREDIT NO: IDA67590**

**PROJECT NO: P167814**

**CKE 1188 01 S**

**ANNUAL WORK PLAN FOR FY 2022/2023**

**APPROVED BY:**

NAME : DAVID KAMAU KURIA Signature:  
Designation: NAKURU IISIP II Date:  
COORDINATOR



KEY		Tendering process																									
		Actual Implementation																									
S/N.	Project Output	Activities	Approved Budget (KES)		Target in FY 2022/23	Key Performance Indicators	Means of Verification	Lead Actor	Time Lines																		
			County Government	Development Partner					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun							
<b>Second Kenya Informal Settlement Improvement Project (KISIP2)</b>																											
Project Development Objective: To improve access to basic services and land tenure security of residents in participating urban informal settlements and strengthen institutional capacity for slum upgrading in Kenya																											
Delivery Unit: CPCT																											
Infrastructure upgrading works in settlement Kwa Murogi		Preparation of Detailed Eng. Designs and Bidding Documents (including ESIA preparation of RAPs)				Settlement upgrading plans(SUP), Engineering Designs, ESIA, RAPS.	Approved SUP reports; Engineering Design Reports; Procurement Documents; RAP reports; ESIA Reports.	SDNUD																			
		RAP implementation	500,000.00		- 1	RAP implementation report;	RAP implementation report; Signed payment logs; Bank Statements;	County																			
		Procurement of Works	500,000.00		- 1	Signed Contract	Bid evaluation report; award and acceptance letters; Signed Contract(s)	County																			
		Upgrading to bitumen standard	0		- 0	No. of Km constructed and	Status reports, progress review reports; Minutes of review meetings; IPCs ; Completion certificates	County																			
		Construction of drainage	0	22,450,706.50	1.4 km	No. of Km constructed		County																			
		Installation of high mast security lights	0	11,949,664.50	3	No. of Masts installed		County																			
Infrastructure upgrading works in settlement Lake View		Preparation of Detailed Eng. Designs and Bidding Documents (including ESIA preparation of RAPs)				Settlement upgrading plans(SUP), Engineering Designs, ESIA, RAPS.	Approved SUP reports; Engineering Design Reports; Procurement Documents; RAP reports; ESIA Reports.	SDHUD																			
		RAP implementation	500,000.00		- 1	RAP implementation report;	RAP implementation report; Signed payment logs; Bank Statements;	County																			
		Procurement of Works	500,000.00		- 1	Signed Contract	Bid evaluation report; award and acceptance letters; Signed Contract(s)	County																			
		Upgrading to bitumen standard	0	132,419,258.00	1.4 km	No. of Km constructed and	Status reports, progress review reports; Minutes of review meetings; IPCs ; Completion certificate	County																			
		Construction of drainage	0	21,230,988.00	1/4 km	No. of Km constructed		County																			
		Installation of high mast security lights	0	11,949,583.00	3	No. of Masts installed		County																			
<b>TOTALS</b>			2,000,000	200,000,000.00																							




## PROJECT CONCEPT NOTE

### Second Kenya Informal Settlement Improvement Project (KISIP 2)

#### SECTION 1: PROJECT PROFILE

Project Name:	Second Kenya Informal Settlement Improvement Project (KISIP 2)
Project Reference Number:	IDA67590 P167814;
County	County Government of Nakuru
Initiating Department/Division/Section/Unit	Department of Housing and Urban Development
Estimated Project Cost (Ksh):	Ksh. 1,165 Million (input total cost IDA + county)
Accounting Officer:	Chief Officer Housing and Urban Development
Official Contact Details (Provide email, Telephone Number, Postal and Physical Address):	kamau.kuria@nakuru.go.ke 051-2211193 P.O. Box 2870 – 2010
Project Geographic Location:	Nakuru
<b>Sub-County and Ward: Nakuru East and Nakuru West Sub County</b>	
Planned Start Date:	15 <sup>th</sup> February 2021
Planned End Date:	15 <sup>th</sup> December, 2028
Date of Submission:	11 <sup>th</sup> April 2023

#### SECTION 2: PROJECT BACKGROUND

##### 1. Situational Analysis

Kenya is rapidly urbanizing, with the urban population growing at about 4.3 percent a year. In 2016, about 25–27 percent of Kenyans lived in urban areas. Kenya's five largest urban areas (Nairobi, Mombasa, Kisumu, Nakuru, and Eldoret) account for approximately 34 percent of the urban population. By 2050, about half of the population will be living in cities. The urban transition in Kenya will play an important role in determining the country's growth prospects and social stability.

Urban settlements in Nakuru County are either clustered (nucleated) or linear. Urban centres are clustered settlements with predominantly non-primary activities. Another form of urban settlement that is predominant is linear settlement which is urban growth along the major roads

The county continues to experience high rates of immigration whose effect has been a steady increase in population especially in the urban centres estimated at 3.4 % per annum. Urban population account for 38% of the County population. The rapid urban growth has resulted to urban problems such as congestion, environmental degradation, regional imbalances and a burgeoning population of under and unemployed workers and sprawling slums and squatter settlement among others.

The ever rising population growth in urban areas calls for better housing, creation of more economic opportunities, enhanced security, improved urban planning, water and sanitation,



social amenities like schools and effective health centres. This will prepare them to absorb more population sustainability.

The town authorities should provide adequate parking spaces and bus parks for internal and transit motorists. All towns should designate lorry parking spaces. The authorities should discourage use of private cars in favor of public mass transport, cycling and walking. Strict traffic management strategies should be employed.

## **2. Problem Statement**

The city of Nakuru and all other major urban centres including Naivasha, Gilgil, Molo, Njoro, Mau Narok and Mai Mahiu have seen rapid growth of informal settlements coupled with stunted infrastructure improvements. Most of the informal settlements have witnessed massive decay, degeneration and collapse of support infrastructure. These include access roads, walkways, urban public spaces, drainage, water and sanitation and waste management.

The main contributing factor to poor state of roads in the county has been lack of focus on basic infrastructure improvements in the informal settlements, lack of supportive policy frameworks at local levels, inadequate structured consultations “voices” from the settlements and low financial allocations to the settlements improvements.

## **3. Relevance of the Project Idea**

*(Justify the need for the proposed project by: linking the project to National/County Development Plan Strategic goals and Objectives that the proposed project is expected to contribute to)*

The proposed project to be implemented under KISIP 2 programme will greatly contribute towards realization of Government's Vision 2030 and Medium Term Plan 2023-2027, affordable housing and climate change mitigation and County Government's urbanization priority areas as outlined in the County Integrated Development Plan 2023-2027, Urban IDPs and the Nakuru City Regeneration strategy.

## **SECTION 3: SCOPE OF THE PROJECT**

KISIP 2 will be implemented in 4 settlements in 3 sub-counties. It is projected to benefit 87,100 people provided with improved infrastructure.

## **SECTION 4: LOGICAL FRAMEWORK**

### **a) Goal**

*(State the goal in the MTP/CIDP the project intends to achieve)*

Vision 2030 goal for urban areas is to achieve “a well-housed population living in an environmentally-secure urban environment.” This will be achieved by bringing basic



infrastructure and services – roads, streetlights, water and sanitation facilities, storm water drains, footpaths, and others – to informal settlements. By strengthening tenure security in informal settlements, KISIP 2 will also foster private investment in housing and in businesses.

**b) Project Objectives/ Outcomes**

The project development objective is “*to improve access to basic services and land tenure security of residents in participating urban informal settlements and strengthen institutional capacity for slum upgrading in Kenya*”

The achievements of the project development objective will be measured principally by the following indicators:

- Population in informal settlements with enhanced land tenure security
- Population in informal settlements with access to enhanced infrastructure and services (roads, drainage, pedestrian walkways, water connection etc.)
- Number of National and County slum upgrading and prevention policies and strategies reviewed or formulated and adopted for implementation.

**c) Proposed Project Outputs**

*(Describe direct outputs the project is expected to deliver – Customize to County)*

*(i) Female beneficiaries (percentage, core supplement):*

The project will endeavour to be gender sensitive in project implementation through its investments in infrastructure and enhancement of tenure security options to ensure gender parity in projects. Out of the projected 87,100 overall project beneficiaries, 50% will be females, 50% males.

*(ii) People in informal settlements provided with access to improved drainage infrastructure under KISIP 2 (Number).*

Access to drainage facilities has been a major developmental concern for communities under the KISIP 2 settlements. This is because of constant flooding and need for storm water management. This means that storm water drainage canals will be constructed in the major urban areas benefitting under KISIP 2, of which the target is construction of 6 km of drainage canals. This will benefit approximately 87,100 persons.

*(iii) Number of People in urban areas provided with access to all-season roads within a 500-meter range under KISIP 2 (number).*

Investments in access road network consist of settlement main access roads connecting the settlements and trunk roads, settlement roads providing access within the settlements, walkways and footpaths. Under KISIP 2 10.0 km of roads and 3.0 km of footpaths will be constructed through the project hence benefiting approximately 87,100 persons.

*(iv) Number of people in urban areas provided with access to improved water sources under KISIP (number).*

Under KISIP 2, the project is projected to lead to the construction of water pipelines, water kiosks and water tanks, which will benefit approximately 10,000 water connections. This means that 35,000 people will be provided with access to improved water sources under the project.

**d) Project Activities and Inputs**

**Project Inputs**

- a) Funds from development partners- Kshs. 1,150 Million



b) GoK (County) counter-part funding- Kshs 15Million

**Project Activities**

- Preparation of detailed topographical survey for engineering designs.
- Preparation of Detailed Engineering Designs and Bidding Documents including ESIA preparation.
- Infrastructure Works Procurement and Implementation
- Develop county-specific slum upgrading and prevention strategies and/or policies

**1. Project Logical Framework Matrix**

Narrative	Indicators	Sources/ Means of Verification	Assumptions
Goal (MTP/CIDP)	No. of people with improved living conditions	Implementation reports	Improved living conditions
Project Objective/Outcomes	Improved access to basic services, land tenure security of residents in participating urban informal settlements and strengthen institutional capacity for slum upgrading in Kenya.	Implementation reports	
Key Output	<ul style="list-style-type: none"> <li>(i) People in informal settlements provided with access to improved drainage</li> <li>(ii) Number of People in urban areas provided with access to all-season roads within a 500-meter range</li> <li>(iii) Number of people in urban areas provided with access to improved water sources</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation reports</li> <li>• Copy of completion certificates</li> <li>• Copies of County specific slum upgrading strategies</li> </ul>	
Key Activities	<ul style="list-style-type: none"> <li>(i) Upgrade infrastructure</li> <li>(ii) Capacity build national and county governments for slum upgrading and prevention</li> </ul>	Progress reports	



## SECTION 5: INSTITUTIONAL ARRANGEMENTS

### 1. Implementation Plan

The County has established a County Project Coordination Team (CPCT) which implements and supervises project activities. It is anchored in the Directorate of Housing and Urban Development, Department of Lands, Physical Planning, Housing & Urban Development.

### 2. Risk and Mitigation Measures

Risk	Mitigation Measures
• Political instability/insecurity	Engagement of local and County leadership
• Lack of cooperation with community	Community engagement plan to be developed throughout the project implementation
• Delay/Lack of funding	Ensure timely reporting and actions to lower risks of delay and late absorption
• Natural disasters	Ensure clear communication flow from the community level to government level to lower risks of natural disaster.

### 3. Project Sustainability

Frequent maintenance and repair of the roads, drainages and high masts

### 4. Programme Stakeholders and Collaborators

Stakeholder	Level of influence	Engagement Strategy
Development Partners	Medium	
Council of Governors	medium	
Benefiting settlement communities	High	Quarterly Community clinics
Ministry of Lands, Public Works, Housing and Urban Development	High	Monthly projects briefs, bi-annual conferences and annual project audits
Local leadership	High	Bi-annual project meetings

### 5. Project Readiness:

CPCT is in place, All designs and BoQs finalized, SECs are in place in all settlements, GRC are set up in every settlement, County allocations for recurrent support in place, Community mobilization including local leadership (MCAs, Chiefs and Ward Administrators)

### 6. FINANCIAL ANALYSIS

#### A. Capital Cost to Complete the Project (Kshs.): 1,150 million

Consultancy Fees: KES .....

Land Acquisition Costs (Land Value): .....

Site Access, Preparation and utility: .....

Construction Costs: KES .....

Equipment: KES .....



Other Capital Costs (Conveyancing, Approvals and Management Company): .....

**B. Recurrent Costs (Kshs.); 15 million**

Labour Costs (casuals).. 1 million.....

Operating Costs: KES ..4 million.....

Committees.....10 million.....

**C. Estimated Total Project Cost per Year:**

Source	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027
	Total (Kshs.)	Total (Kshs.)	Total (Kshs.)	Total (Kshs.)	Total (Kshs.)
Donor/ Conditional Grant Capital	200million	800 million	150 million		
County	2 million	10million	3 million		
<b>TOTAL</b>	<b>202 million</b>	<b>810 million</b>	<b>153 million</b>		

**D. Indicate the Proposed Financing Options for the Project:**

The project has been funded by:

- County Government of Nakuru kshs 15 million
- Credit from International Development Association (IDA): 1150 million
- Credit from French Development Agency (AFD): nil

**E. State all other Cost Implications to other Related Projects**

None

**F. Operational Cost after Implementation**

20 million-drainage maintenance

Road repairs

Water pipes repairs

Street lightning repairs

COUNTY GOVERNMENT OF NAKURU  
CHIEF OFFICER

11 APR 2023

HOUSING & URBAN DEVELOPMENT  
P.O. BOX 2870-20100, NAKURU

**ANNEX 4: LETTERS OF APPROVAL FOR WATER PIPELINE  
WAYLEAVE**

Draft Disclosure Copy

Our Ref: WL.SWL/22

Date: September 21, 2023

**Eng. Nahason Wahome**  
Managing Director  
Naivasha Water and Sanitation Co. Ltd  
P.O. Box 321  
**NAIVASHA**

Dear Sir,

**RE: APPLICATION FOR WAYLEAVE FOR WATER PIPELINE ACROSS THE RAILWAY AT KM 640/975 MUNYU-NAIVASHA SECTION IN NAKURU COUNTY**

We acknowledge receipt of your letter ref:NAIVAWASCO/KRC/KISIP dated May 3, 2023 received on August 14, 2023 requesting a wayleave crossing for a water pipeline at KM 640/975 Munyu – Naivasha section.

We have reviewed the request and have no objection for the laying of the DN 200mm water pipeline across the railway line by micro-tunneling subject to the following conditions:

- i. The applicant will obtain a signed wayleave agreement with Kenya Railways (KR) before commencement of works;
- ii. The applicant should submit a programme of works before commencement of any works;
- iii. All the works should be done under the supervision of a Regional Civil Engineer (RCE Central) Eng. Joshua Njagi, 0722691222 or his representative in order to guarantee train safety; and in the knowledge of the Senior Real Estate Officer, Ms. Jane Mbugua on 0722-126921;
- iv. The micro-tunneling works will adhere to operational window of Freight trains. The Freight train schedule will be communicated daily by the RCE Central;
- v. The proposed water pipes shall be laid out at a minimum depth of 2.0 meter from top of the rail where it passes under the railway line;
- vi. The micro-tunneling pits shall be located at a minimum depth of 2.0m from top of the railway line sleepers/ toe of the embankment on both sides;
- vii. The micro-tunneling works must not block the railway line or cause detriment to the railway formation;
- viii. The water pipeline running parallel to the railway line is to be laid within 5m from the edge of the Railway reserve boundary;
- ix. The applicant will be required to make good any defect caused to the railway line and related structures in the course of the works;

- x. Upon payment, the applicant will be required to issue a notice of at least 7 days to enable Kenya Railway(KR) schedule the supervision staff for the works;
- xi. Any unforeseen costs arising out of the proposed works will be borne by the applicant;
- xii. Naivasha Water and Sanitation Co. Ltd will be responsible for the damages caused to the sewer pipeline as a results of KR operational incidences;
- xiii. In case of any improvement to the Railway Infrastructure, where the sewer line is crossing the railway line or running within the railway reserve, the cost of removal and/or diversion of the sewer line will be met by Naivasha Water and Sanitation Co. Ltd;
- xiv. The applicant will within the railway reserve clearly mark at intervals with markers written "Sewer Pipeline" for ease of identification;
- xv. During the construction period the applicants' vehicles shall cross the Railway line only at designated level crossings to ensure their safety;
- xvi. The applicant shall keep KR indemnified against any claim arising from the above works.

The charges for the same are as follows: -

FEES/CHARGES	AMOUNT (KSHS.)
Supervision Charges	223,948.86
Application Fee	5,000.00
Administration Fee	100,000.00
Capitalized wayleave charges	600,000.00
<b>TOTAL CHARGES</b>	<b>928,948.86</b>

If the above is acceptable to you, return a signed copy of this letter (signifying acceptance to the terms and conditions of the letter) and an RTGS remittance of Kshs. 928,948.86 in favor of Kenya Railways KCB Bank, Moi Avenue, Branch Account No.1108981917.

Kindly note that this offer is valid within 14 days with effect from the date of offer after which if no payments have been received that same shall automatically lapse.

Yours faithfully,



Rachel Kimanzi  
Ag. Estate & Valuation Manager  
**FOR: MANAGING DIRECTOR**



# KENYA RURAL ROADS AUTHORITY

Tel: 020-7807600/01-05,  
Mobile No. 0711-851-103  
Director General: [dgkerra@kerra.go.ke](mailto:dgkerra@kerra.go.ke)  
Website: [www.kerra.go.ke](http://www.kerra.go.ke)

Barabara Plaza Block B,  
Mazao Road,  
Off airport south road, JKIA  
P.O. Box 48151-00100  
Nairobi, KENYA

KeRRA/05/04/Vol. 5/ (263)

10<sup>th</sup> July, 2023

Naivasha Water and Sanitation Company,  
P.O. Box 321 - 20117,  
NAIVASHA.

## RE: APPROVAL FOR LAYING WATER PIPELINE ALONG AND THROUGH MARULA – KONGONI – OLKARIA – KARAGITA ROAD C707 (MOI SOUTH LAKE ROAD)

Reference is made to your email addressed to us on the above captioned subject matter dated 6<sup>th</sup> March, 2023.

This office has no objection to the proposed laying of DN 200mm HDPE waterline along **Marula – Kongoni – Olkaria – Karagita Road C707 (Moi South Lake Road)** from Maili Mbili Junction to Karagita Stage and across the road at the Karagita Stage through Micro tunnelling in Nakuru County at the locations indicated on the attached drawings, provided that the following conditions are met during the execution of the said works:

1. You shall ensure that a competent Contractor is employed to carry out the works of Micro tunnelling through **Marula – Kongoni – Olkaria – Karagita Road C707 (Moi South Lake Road)** and laying of waterline along the road as indicated in the drawings in accordance with the laid down procedures.
2. This approval is only for the laying of waterline along and Micro tunnelling through **Marula – Kongoni – Olkaria – Karagita Road C707 (Moi South Lake Road)** at the locations indicated on the attached drawings.
3. The approved Contractor shall acquaint himself/herself with the position of all existing services such as other pipelines, water pipes, sewer lines, surface water drains, telephone cables, electricity cables and lighting poles, water mains and the like. The Contractor will consult with the Regional Director, Nakuru Region and a right of way necessitated by these works and services shall be addressed in liaison with the relevant parties and service providers.
4. You shall provide reflective traffic control road signs displayed on both sides of the works at distances not less than 50m from the works or as directed by the Engineer's Representative to allow free flow of traffic. Any relocation of other infrastructure services necessitated by these works shall be addressed in liaison with the relevant authorities.

5. You shall undertake to make good any damage caused to any other road structures or public utility service(s) as a result of the works. You shall also tidy up the site and remove all surplus materials on completion of the works.
6. You shall comply with clause 27 (2) of The Kenya Roads Act, 2007 which states that '**where any infrastructure utility is located within a road reserve, the provider or operator of such infrastructure utility shall, upon written request by the responsible Authority relocate such infrastructure utility to a location or alignment approved by the Authority at no cost to the Authority**'.
7. During the construction works, you or your representative shall abide by all existing laws and regulations e.g. the Traffic Act, County Government Act, Physical Planning Department's Requirements, and County By-Laws etc. without prejudice to the Authority's requirements under any approval.
8. You shall ensure compliance with the Environmental Management and Co-ordination Act (1999) and the Environmental Impact Assessment/ Environmental Audit Regulations, 2003 in liaison with the relevant Authorities.
9. No other new works shall be undertaken on the said road without prior approval from this office.
10. You shall pay per diem for officers supervising the works. For guidance purposes per diem for officers who will supervise your works are Grade 6 KShs. **11,200.00** and Grade 7 KShs. **11,200.00**. This shall be paid for any day they visit the site.
11. The work shall be carried out in the presence of the Engineer's Representative and you shall undertake to provide transport to and from work.
12. Notify the **Regional Director, Nakuru Region**, who is hereby appointed the Engineer's Representative of the date you intend to carry out the works for the necessary supervision to be provided.
13. Draw 2 (two) Banker's Cheques of **KShs 150,000/- (Kenya Shillings One Hundred and Fifty Thousand)** each payable to the Director General, Kenya Rural Roads Authority, pay one cheque to the Director General, KeRRA and obtain the receipt of the same. The other Cheque of **KShs. 150,000/-** shall be deposited with the Regional Director, Nakuru Region, and will be refunded to you 30 (thirty) days after satisfactory reinstatement of the above works as per (1) to (16) while **KShs. 150,000/-** is the official charge payable to the Kenya Government for contingencies and additional reinstatement works as necessary. You should show the receipt to the Engineer's Representative before commencement of works.
14. You shall ensure that all the construction works are completed within **6 (six)** months from the date of this approval otherwise the validity of this consent shall be deemed to have expired.
15. You shall indemnify the Government from any claims of compensation from any third party arising out of any incident or accident related to these works during the period that you will be constructing the lanes.
16. The approval granted hereto shall not be prejudicial to our powers as the Roads Authority to order amendment or revision or revoke the proposal before, during or after construction of the works and without giving reasons thereto.

Please sign and return a copy of this letter to my office to signify your understanding and acceptance of the conditions set here in.

Also note that no work should commence before this office has acknowledged your acceptance.

Yours faithfully,

  
Eng. P. P. Gichohi

**DIRECTOR (ROAD ASSET MANAGEMENT)**

CC:

**Regional Director, to ensure compliance with the conditions and specifications**

Nakuru Region,  
P.O Box 17791,  
**NAKURU.**

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Signed

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Date

**TECHNICAL SERVICES MANAGER, NAIVASHA WATER & SANITATION  
COMPANY OR AUTHORIZED REPRESENTATIVE RUBBER STAMP.**



# Kenya National Highways Authority

Quality Highways, Better Connections

**Barabara Plaza, Block A & C, Jomo Kenyatta International Airport (JKIA), Off Airport South Road, along Mazao Road, P.O Box 49712 - 00100 Nairobi, Tel 020 - 4954000 / 0700 423 606 Email** dg@kenha.co.ke / Website [www.kenha.co.ke](http://www.kenha.co.ke)

Print Date: 14/09/2023

## Wayleave Application Payment Advice

To

**Naivasha Water and Sanitation Company Limited**  
321-20117 Naivasha, Kenya

Phone: +254704343691

Email: [info@naivashawater.co.ke](mailto:info@naivashawater.co.ke)

**Invoice No: 484355**

**Application No: WL-0005042**

**Invoice Date: 23/08/2023**

**Payment Due: 14/09/2023**

**Account: WL-0005042**

Qty	Description	Subtotal
1	Water Lines between coordinates( -0.736127° 36.4370552° AND -0.736157° 36.436944°) - 2 Lanes Meters; Road Class A; Surface Type: Bitumen/ Paved	200,000.00;
1	Water Lines between coordinates( -0.736184° 36.436899° AND -0.747885° 36.441106°) - 1380 Meters; Road Class A; Surface Type: Bitumen/ Paved	11,275.00;
1.	Refundable Amount	211,275.00;

Pay **Kshs. 422,550.00**

Payable to **e-citizen (Paybill No. 222222)**, Whereby one shall be payment of fees for use of the Road reserve and the other will be a deposit Refundable to you 30 (Thirty days ) after satisfactory completion and reinstatement and submission of the "AS BUILT DRAWINGS" of the above works.

To get Account Number: Click **Payment** then **Make Payments**

Amount Due On: 14/09/2023

<b>Subtotal:</b>	Ksh. 422,550.00
<b>Total:</b>	Ksh. 422,550.00

NB: Please note that this is not an Approval

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Draft Disclosure Copy