



REPUBLIC OF KENYA

**MINISTRY OF WATER, SANITATION AND IRRIGATION
KENYA WATER SECURITY AND CLIMATE RESILIENCE PROJECT
Project No.: P117635 Credit No. IDA 5268 KE**



ZAMCONSULT CONSULTING ENGINEERS LTD.

FINAL REPORT

**CONSULTANCY SERVICES FOR PREPARATION OF RESETTLEMENT
ACTION PLAN NO. 4 (RAP 4) FOR TERTIARY CANALS IN LOWER NZOIA
IRRIGATION PROJECT**

CONTRACT No.: MOWSI/KWSCR-1/007/2019-2020

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EXECUTIVE SUMMARY

The Government of Kenya (GOK) received credit financing from World Bank (WB) and Kreditanstalt für Wiederaufbau (KfW) to implement activities under the Kenya Water Security and Climate Resilience Project I (KWSCRPI). The aim of the project is to contribute to the productive use of water that serves climate resilience objectives.

Three Resettlement Action Plans (RAPs) for phase one of Lower Nzoia Irrigation Development Project (LNIDP-1) including; RAP 1, 2 and 3 have been prepared and are being implemented. This RAP 4 covers the tertiary canals and the associated access roads spread across 14 irrigation blocks in Siaya and Busia Counties. A total of 1253 Project Affected Households (PAHs) will be affected as a result of this project. The gross command area of LNIP-1 is 5,800 ha excluding swamp area and the net irrigation area is 4,075 ha divided into 14 irrigation blocks (Blocks 1-14).

Lower Nzoia Irrigation Development Project Components and Impacts

RAP 1 :(Weir)

Construction of an intake structure (weir) and associated infrastructure to command the identified potential both at the southern and northern banks of the Nzoia River. The weir location has been proposed at a point about 4km upstream of the Nzoia Bridge.

RAP 2: Rehabilitation of Southern and Northern dykes

The Nzoia Flood Protection Structures entail improvement and realignment of the existing flood protection structures, which comprises of two dykes - Southern and Northern – each approximately 17km). The existing dykes were constructed in 1970s and the local community has since then settled within the vicinity of the dykes.

RAP 3: Blocks 1 – 14 (Irrigation areas).

Construction of conveyance, water distribution and drainage canals for the estimated 7,697 ha irrigable area on both banks of the river (Phase 1- 4,075 ha on left bank and Phase 2- 3,622ha on right bank).

RAP 4: Tertiary canals

These are in field canals which shall supply irrigation water to the farms. Total length of the tertiary canals is 45Km.

RAP 4 Project Components triggering displacement

The construction of tertiary canals and associated access roads will occur in privately owned land and will hence cause physical and economic displacement of the PAHs. A total of 1253 PAHs with a total of 6265 Project Affected Persons (PAPs) are currently settled on 33.39720 ha (82.59279 acres) and deriving some livelihoods from these areas where land will be acquired for the construction of tertiary canals. Homesteads belonging to 39 PAHs are affected and the owners shall have to be relocated. This RAP study covers the following project components:

- Tertiary canals
- Access Roads

The economic and physical displacement as a result of land acquisition for the construction of the tertiary canals and associated access roads will lead to loss of the following assets:

- Land
- Structures
- Crops
- Trees
- Graves

RAP Methodology

The preparation of Resettlement Action Plan (RAP 4) entailed verification of PAPs, the affected assets, the socio-economic baseline data of the PAPs, the scope and the magnitude of the social impacts borne by the PAPs and design of an appropriate RAP that will provide social safeguard and compensation measures to effectively remedy the impacts of involuntary resettlement on the livelihoods of the PAPs. The RAP 4 report is based on final designs of LNIDP prepared by the Implementation Support Consultants (ISC) lead by Lahmeyer International Consultants dated June 2017. The RAP was prepared in four stages including:

Stage one: Literature review

The literature review covered the following:

- i. Constitution of Kenya 2010
- ii. National Land Commission Act,
- iii. Land Registration Act
- iv. Community Land Act,
- v. Water Act
- vi. World Bank OP. 4.12
- vii. KWSCRП Resettlement Policy Framework
- viii. Feasibility Study and Detailed Design Reports
- ix. RAP 1,2 and 3

Stage two: Consultation meetings and forums

Consultation meetings were held with project staff from Kenya Water Security and Climate Resilience Project - Project Management Unit KWSCRП-PMU, National Irrigation Authority-Project Implementation Unit (NIA-PIU), Siaya and Busia County government officials and the local communities.

Stage Three: Field surveys – inventory of affected assets and socio-economic profiling of PAHs.

The socio-economic survey was conducted between 11th January 2021 to 3rd February 2021 alongside the census. Many consultations forums were held with PAP communities and relevant individual stakeholders instrumental in RAP preparation and implementation.

Stage four: Report preparation

This entailed valuation of affected assets, social economic data analysis and generating cadastral maps clearly illustrating all the parcels of land that will be acquired. The cadastral mapping was

generated from intensive ground surveying technique and Geographical Information System (GIS) system.

Legal Framework

The RAP has been prepared in line with relevant National legislations and International best practices. The Bank's Operational Policy 4.12: Involuntary Resettlement is triggered by the project since the construction of tertiary canals and related access roads will take up land, affect structures, graves, crops and trees. Key National legislations that guides land acquisition in Kenya include; Constitution of Kenya 2010, National Land Commission Act, Land Registration Act, Community Land Act and Water Act. The Constitution of Kenya 2010 requires that there should be just compensation to those affected by projects. World Bank OP.4.12 requires full replacement costs. This RAP requires that full replacement cost be paid as compensation for land to be acquired and all improvements on it including structures, crops, and trees affected for all the PAHs as per the World Bank OP.4.12.

Summary of Impacts

The construction of tertiary canals and roads will physically and economically affect 1253 households. All the 1253 households will lose a small portion of their land totaling to on 33.39720 ha (82.59279 acres). At the same time, thirty-nine (39) PAHs out of the 1253 PAHs will be relocated because the canals pass through their homesteads and affect residential structures. The magnitude of land take for tertiary canals and roads is low and no PAP is losing more than 10% of their total Household land holding. All the 39 PAHs shall be relocated within the same parcels and shall not be required to buy additional land.

Table 1: Summary of Risk Profile of Impacts

Type of loss	
Households losing more than 20% of Land	Nil
Household losing less than 10% of their land and primary residential structures	39
Subtotal of fully affected	39
Households losing less than 10% of their land only	782
Household losing less than 10 % of their land and non-residential structures	22
Households losing less than 10% of their land and trees	278
Households losing less than 10% of their land and crops	119
Households Losing Business Structure & loss of Business	0
Households with affected gravesites	13
Subtotal of Partially affected	1214
Total Impact on Households	1253
<u>Public Infrastructure / community institutions Impacted</u>	
<u>Public Infrastructure institutions Impacted</u>	nil
<u>Public community institutions Impacted</u>	nil
Subtotal of Public or Community Institutions affected	nil
Total Households and institutions affected	1253

RAP 4 Project Components and impacts

This RAP 4 includes the following components which all trigger economic and physical displacements:

- i. Tertiary canals
- ii. Access roads

The economic and physical displacement as a result of land acquisition for construction activities will lead to loss of the following assets:

- i. Land
- ii. Crops
- iii. Trees
- iv. Graves
- v. Structures

Relocation impacts 39 PAPs losing land structures

As shown in table 2 below, 39 PAHs will lose both part of their land and residential structures and shall be relocated according to the Luo customs and culture. The Luo culture dictate that if the main house in the homestead or main gate is affected then the all structures in the homestead have to be compensated to allow for relocation and reorganization of the home. These principal has been applied during compensation of RAP 1, 2,3 and will be applied to this RAP (4). KWSCRIP will provide increased support and monitoring to mitigate against likely resettlement related risks and impoverishment of the households. The 39 PAHs being relocated do not have any vulnerable PAP. Furthermore, they will relocate within the same parcels of land and shall not be required to purchase another parcel for relocation.

Table 2: PAHs being relocated

Block	NO of PAHs being relocated	Number of Vulnerable PAPs	PAHs required to purchase new parcels
1	0	0	0
2	1	0	0
3	1	0	0
4	2	0	0
5	5	0	0
6	4	0	0
7	3	0	0
8	3	0	0
9	0	0	0

Block	NO of PAHs being relocated	Number of Vulnerable PAPs	PAHs required to purchase new parcels
10	3		
11	4	0	0
12	7	0	0
13	1	0	0
14	5	0	0
Total	39	0	0

Land Acquisition Impacts

The project will result into land acquisition amounting to approximately 33.39720 ha (82.59279 acres) that belong to 1253 households, all PAHs are losing less than 10% of their total land. All the land parcels affected by the project are freehold. Less than a half (507) PAHs have title deeds to the land they own and shall not require succession. The remaining 746 PAPs inherited the land from their deceased parents and must be assisted to go through succession. The project will have to hire a succession lawyer and the budget has been included in this RAP.

Table 3: Land acquisition impacts

Block	PAHs losing less than 10% of their land	PAHs with Title Deed but in the name of Deceased Land owner	PAHs with Title Deed in their names (Alive PAPs)	Acreage (Ha)
1	7	5	2	0.1341
2	20	0	20	0.76599
3	26	18	8	1.26001
4	104	89	15	3.95043
5	33	11	22	1.1732
6	75	49	26	1.99185
7	64	40	24	1.41277
8	162	110	52	3.47474
9	45	28	17	0.71952
10	209	101	108	4.2926
11	99	55	44	1.1484
12	156	100	56	2.70885
13	41	34	7	0.6348
14	212	106	106	3.80535
Total	1253	746	507	27.47261

Non-land/ Economic Displacement

A total of 406 households will be economically displaced as a result of loss of crops and trees which they depend on to support their land-based livelihoods.

Table 4: Non-land /economic displacements / Trees/crops

Block	PAHs Losing Crops	PAHs Losing Trees	Number of Trees	Total number of Non-land Economic (trees and crops) Displaced PAHs
1	0	5	102	
2	1	12	1108	13
3	2	17	272	19
4	16	59	977	75
5	0	13	119	13
6	11	35	495	46
7	11	19	353	30
8	3	15	185	18
9	3	11	162	14
10	29	24	320	53
11	16	20	359	36
12	19	30	320	49
13	3	12	185	15
14	5	15	289	20
Total	119	287	5246	406

Graves

A total of 13 graves are affected by the project and shall be compensated according to the Luo culture and traditions. The costs have been included in the compensation schedule.

Table 5: PAH losing primary residential and non-residential structures

PAH losing primary residential structures and non-residential structures	
BLOCK	STUCTURES
1	0
2	2
3	1
4	4
5	7
6	6
7	4
8	5
9	2
10	5
11	5
12	13
13	2
14	5
TOTAL	61

Table 6: Affected Graves

Block	Graves
1	0
2	1
3	1
4	1
5	1
6	3
7	0
8	1
9	1
10	1
11	2
12	0
13	1
14	0
TOTAL	13

Table 7: Summary of impacts

Block	PAHs Losing non-Residential Structures And less than 10% Of their land	PAHs Losing Crops And less than 10% of their land	PAHs Losing Trees and less than 10% of their land	PAHs Losing grave sites and less than 10% of their land	PAHs losing land (less than 10%)	PAHs being relocated(Losing primary residential structures and less than 10% of their land
1	0	0	5	0	7	0
2	2	1	12	1	20	1
3	1	2	17	1	26	1
4	4	16	59	1	104	2
5	7	0	13	1	33	5
6	6	11	35	3	75	4
7	4	11	19	0	64	3
8	5	3	15	1	162	3
9	2	3	11	1	45	0
10	5	29	24	1	209	3
11	5	16	20	2	99	4
12	13	19	30	0	156	7
13	2	3	12	1	41	1
14	5	5	15	0	212	5
Total	22	119	278	13	782	39

Total Number PAHs and PAPs

The project will directly affect 1253 PAHs and 6265 PAPs as a result of physical and economic displacement.

Table 8: Total Number PAHS and PAPs

Block	PAHs	PAPs
1	7	35
2	20	120
3	26	104
4	104	520
5	33	198
6	75	450
7	64	256
8	162	810
9	45	270

Block	PAHs_	PAPs
10	209	957
11	99	495
12	156	780
13	41	246
14	212	848
Total	1253	6265

Table 9: Vulnerable PAPs categories

No.	Vulnerable PAPs Categories	Nos.
1	Number of Households with vulnerable persons	171
2	Persons with disabilities	21
3	Elderly	43
4	Chronically ill	32
5	Orphans	48
6	Widows	64

PAPs and Stakeholder Consultations

Effective resettlement action planning requires regular and thorough consultation with a wide range of project stakeholders drawn from the affected area. This wide consultation is intended to include individuals and groups who will be affected by the project. The stakeholders' consultations are extremely important for successful implementation of the RAP. Stakeholder and PAP consultation meetings were held within the Project area from 25th November 2020 to 3rd February 2021. The stakeholder and PAP Consultation meetings included the following:

- (i) Courtesy calls and introductory meetings at the County Commissioner office in Siaya
- (ii) Stakeholders meeting with Irrigation Water Users Association (IWUA) leadership
- (iii) Consultation meetings with affected PAPs (Block 1-14)

Table 10: Consultations done by the RAP Consultant during RAP Preparation

Block	Date	Venue	Number of participants
1	11/1/2021	Nzoia Market	18
2	15/1/2021	Rabar dispensary	27
3	18/1/2021	Nyabera	23
4	19/1/2021	Ndur Market	64
5	21/1/2021	Simba Mon	29
6	22/1/2021	Mahero Catholic church	40
7	27/1/2021	Project Office	45
8	29/1/2021	Hera Church	59
9	3/2/2021	ACK church	22
10	29/1/2021	Siriwo	36
11	2/2/2021	Kangwawe	60
12	1/2/2021	Mubwayo	35
13	2/2/2021	Nanjomi	40

14	3/2/2021	Mukhubola	9
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Table 11: Summary of Concerns raised by the Project Affected Persons.

Issues	Feedback	Response
Absentee land owners	What happens to them?	National Land Commission (NLC) shall deposit compensation funds for absentee landowners in interest bearing escrow accounts. The RAP implementation team and the local administration through the office of the Chief shall trace the absentee landlords during RAP implementation.
Graves within the tertiary corridors	Some PAPs reported that there are graves which will be affected during the excavation of tertiary canals.	The Consultant informed the PAPs that the information on the graves shall be collected during the census and also during the inspection by the NLC. They were also informed that the verified graves shall be compensated for its land value and intangible sentimental and cultural value. The family members shall be expected to exhume and relocate such graves as per the provision of the Luo customs, beliefs and practices.
Succession cases	Majority of the PAPs reported that they do not have the titles for the parcels which they inherited from their parents.	The Consultant informed the PAPs that the project will facilitate the process of succession. And that the project will hire a lawyer who shall conduct the succession on behalf of the affected families. The PAPs were also informed that they should have the death certificate for the deceased land owner in place in readiness for succession process. Those PAPs who do not have the death certificate were told to inform the chiefs to help them initiate the process of late registration of death so that they can have that certificate. However, the PAPs were informed that such families will have to appoint an administrator who shall be paid land compensation on their behalf. The administrators are expected to share the compensation money with other members of the family based on the agreed formula between the family members.
Requirements for compensation	Some PAPs wanted to know, the conditions to be met before they are compensated by NLC	The Consultant informed the PAPs that NLC will require the following documents in order to effect payments: Copy of ID Copy of bank account details Copy of title deed/ Letter of administration Copy of KRA pin

		Some PAPs have lost their IDs and they were informed to get a replacement before the compensation process begins.
Securing the tertiary canals	Some PAPs expressed their concerns with regards to open canals which they thought could endanger the lives of the local and more so, the children who are likely to drown in the open water channels.	The consultant informed the PAPs that canal will not be covered as such will pose a challenge to the operations and maintenance of the irrigation system, however, the culverts will be constructed at cross-ways to facilitate movements of the PAPs. The ESMP provided for public education to be conducted to educate the PAPs on how to secure the young children and the general safety requirement that may be necessary for the populations staying closer to the various irrigation infrastructures. The contractor undertaking works on the main canal and dykes has hired environment health and safety officers whose responsibility ensure contractor conforms to provisions listed in the project Health and Safety Management Plan (HSMP), at operation stage, Irrigation Water Users Association leaders will take up the role of sensitising communities member on health and safety provisions
Cut off – date	The PAPs enquired whether they would continue to use their parcels including the corridors which have been pegged and earmarked for acquisition	The Consultant explained to them that they are not expected to undertake any permanent construction of any structure on the corridor. They were informed that the census of all the assets on the corridor has been finalized and that any additional improvement on the corridor will not be compensated
Disputes	There are PAPs who bought land and the process of transferring the ownership to the new buyers have not been concluded or has not commenced.	They were told that RAP implementation team led by Resettlement Implementation Consultant (RIC), the local chiefs who chairs existing Grievance Redress Committees (GRCs) and NLC shall work with the affected PAPs to ensure speedy resolution of the disputes so that the rightful land owner is compensated.
Operation of the project	Some PAPs wanted to know whether the government will operate the project on their behalf or it will be handed over to them upon completion of the construction phase.	They were informed that Lower Nzoia Irrigation Development project will be merged with the existing Bunyala irrigation scheme which is currently under the management of National Irrigation Authority (NIA). The irrigation agency will manage the project and PAPs shall be expected to pay O&M costs to the agency at an agreed rate. The PAPs were informed that capacity development and sensitization for the PAPs and the would be beneficiaries shall be

		conducted.
The vulnerable people	Some PAPs reported that they have been acting on behalf of their sick relatives or older parents on most transactions and wanted to know whether they would be allowed to receive compensation on behalf of such sick or elderly relatives.	The PAPs were informed that receiving compensation for someone who is alive is not possible and would require rigorous justification to NLC. However, The PAPs were informed that Resettlement Implementation Consultant (RIC) has been engaged by the Project, their role among others in liaison with existing GRCs committees will be to provide extra support needed by such category of PAPs with regards to resettlement.
Flooding from River Yala	PAPs reported that River Yala water continues to expand into the farmlands and they were worried that this will contribute to considerable loss of farm land which is well within the command area and was already earmarked for irrigation under the LNIDP.	They were informed that flood control component included in the current project is to control flooding arising from Waters from River Nzoia. They were informed that the project is already aware of the problem and that the relevant government department and the local leadership would look into the matter.
Adjudication	Some PAPs reported that their parcels have not been adjudicated and they lack title deed to show ownership.	They were informed that all the parcels affected by the tertiaries have parcel numbers and that the current RAP preparation process does not include other parcels within the command area which are not affected by the tertiaries. They were informed that adjudication procedures falls within the Ministry of Lands and that they should contact the County government to guide them on how to deal with the issue.

Cut-Off Date

According to OP 4.12, Cut-off date is the date the census begins. Cut-off date is important because it guards against influx of people to the project area. Influx can increase the cost of compensation and need to be avoided. Persons who encroach on the area after the cut-off date are not entitled to any resettlement package. Improvements made to homes or additional structures added by existing residents after the cut-off date are also not eligible for compensation. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated to prevent further population influx and opportunistic investments/claims.

The cut-off date was **11th January 2021** for the census and asset inventory that was carried out at the beginning of the RAP process. The cut-off dates were publicly disclosed in the project areas and to all the PAHs. The disclosure was undertaken by the RAP Consultant teams and local administration officials from the Ministry of Interior jointly with the NIA team. The principle of

the cut-off date was disclosed to the community prior to the field surveys. It was communicated to the affected communities during public meetings (barazas) and to individual PAHs during the fieldwork. They were clearly informed that persons moving to the project areas and those who may do further developments on their affected land after the cut-off dates would not be entitled for compensation and that persons settling in the project area after the cut-off dates may be subject to removal.

Land Rights and Ownership Issues in the Project Area

Land Succession Issues

According to NLC Act 2012, compensation funds are only given to the legally registered title deed holders. There are several cases of land succession among the PAHs where existing title deeds are in the names of deceased persons. The Project shall engage the services of a legal consulting firm to identify and resolve all the succession related cases to enable speedy compensation by NLC. The budget for hiring succession lawyer is included in this RAP.

Valuation and Compensation

The assets affected by tertiary canal and the roads have been categorized as:

- i. Land
- ii. Structures
- iii. Trees
- iv. Crops
- v. Graves

All affected assets have been valued on the basis of full replacement cost for compensation purposes:

Compensation Principles and Strategies

The RAP aims to ensure that all affected people are compensated and assisted in restoring their livelihoods and standards of living to at least pre-project status or better.

Overall objectives of the RAP are:

- i. Avoid or minimize adverse resettlement impacts including physical and economic displacement. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.
- ii. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs in accordance with the principles outlined in OP4.12
- iii. Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- iv. Mitigate adverse social and economic impacts from land acquisition by:
 - a. Providing compensation for loss of assets at full replacement cost;

- b. Ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected; and
 - c. Improve or at least restore the livelihoods and standards of living of affected people.
- v. Provide additional assistance and opportunities (e.g., credit facilities, training, or job opportunities) and improve or at least restore the income-earning capacity, production levels and standards of living of economically displaced persons whose livelihoods or income levels are adversely affected;
- vi. Provide transitional support to affected people, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.

The key principles of this RAP are based on the requirements of OP. 4.12 and constitute the following: -

- i. Compensation and resettlement of project-affected people will be carried out in compliance with Kenyan legislation and World Bank operational policy OP 4.12
- ii. Where Kenyan legislation is less favourable to PAHs than the requirements of OP 4.12 the latter shall apply;
- iii. All physically and economically displaced people will be offered an option between either a full resettlement package, including the provision of replacement structures or cash compensation;
- iv. The Project will provide for measures to support sustainable use of cash compensation (money management training) and for mechanisms within the overall monitoring framework to follow up the use of cash compensation;
- v. The Project will assist PAHs in restoring their livelihoods to at least their previous levels through the development and implementation of tailored livelihoods restoration packages for each household
- vi. The Project aims to ensure PAHs are Project beneficiaries; targeted livelihood restoration programs will have this as a core strategy to achieve this goal.
- vii. The RAP implementation and outcomes will be monitored and evaluated as part of a transparent process.
- viii. Key methods of consultations with the communities included Focus Group Discussion, Key informant interviews at venues identified and agreed upon via consensus.

Eligibility for Compensation

Eligibility is based on the nature and scope of losses. All affected persons are eligible for compensation and resettlement assistance under the OP 4.12 and Kenya's laws. However, recognizing that there are PAHs that have no recognizable legal right or claim over the land they are occupying in the project area, compensation for this RAP will therefore be based on OP. 4.12 which applies beyond Kenyan laws as it relates to such claimants.

In this project, displaced persons are classified in one of the following two groups:

- i. Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of Kenya)

- ii. Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the Kenyan laws or become recognized through a process identified in this RAP.

Land Compensation and Relocation Strategies

The land ownership in the project area is freehold with 507 PAHs having title to the land they hold while 746 households occupy land they inherited from their parents but are yet to transfer the parcels into their names through succession process. Compensation for land will be paid directly to the land owners with title deeds and also the to the other PAHs upon completion of succession processes.

Traditional Land Tenure System.

Land tenure system in the project area is freehold. It has been noted that sons of deceased land owners who have not started or concluded succession process will get compensation for land upon the completion of succession process. However, there is a second categories of sons whose fathers are still living but the land has been sub-divided informally among the sons by their fathers. They remain at the mercy of the legal title holders on whose land they reside and use through customary inheritance. The registered owner is also culturally obliged to share land compensation with the family members who lay claims to the portion affected by the canal. It is legally challenging to share the money but the RAP implementation team will work closely with the family members and NLC to create an understanding on the sharing of land compensation amount between the fathers and their sons. However, the dependents would be compensated for improvement on land allocated to them by their parents. Such improvements include crops, trees and structures. These interests are reflected in the compensation schedule. This RAP notes that this is complicated by the NLC Act which compensates persons who produce title deeds in their names. This RAP requires that all PAHs including those who have not had land that they occupy formally transferred to them be entitled to full compensation i.e. land, crops, trees etc. This is reflected in the compensation schedule.

The approach to compensation

Land compensation

Cash compensation shall be paid by NLC directly to registered land owners and the administrators appointed by the courts through the process of succession.

Compensation for Structures, Crops, Trees and graves

Compensation for these items will be cash at full replacement cost payable to individual owners directly by NLC.

Livelihood Restoration Program

Different Livelihood Restoration Programmes (LRP) are proposed to be implemented by the MoWSI with the assistance of relevant government agencies and the local community leadership. LRP is aligned with existing resources, knowledge, skills and household experiences. The LRP measures proposed in this RAP are clearly linked to entitlements because the PAP's livelihoods are land-based. They shall receive agricultural support. They will also receive basic

financial training to enable them invest the compensation funds wisely. The LRP has two elements:

- (i) Agricultural capacity enhancement / Land based livelihood support;
- (ii) Financial management training;

Table 12: Entitlement matrix

#	Type of Loss/Impact	Entitled person	Description of Entitlements
1.	Primary Residential Structures and non-primary residential structures	Rightful owners of the affected structures	<p>Cash compensation for all structures at full replacement cost, based on professional valuation.</p> <p>Statutory Disturbance Allowance of 15% of compensation amount.</p> <p>Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate as defined by the project schedule and prior to demolition.</p> <p>Livelihood Restoration Agricultural Capacity Enhancement</p> <p>Training on Financial Management, business development, farming</p>
2.	Residential land(relocation)	Registered owner or claimants of customary held land on which complete immovable housing structure is established for primary residence.	<p>Self-managed relocation (Cash compensation)</p> <p>Statutory Disturbance Allowance of 15% of compensation amount.</p> <p>Taxes and fees, and registration costs for Registration of property to be added to valuation and paid for directly.</p> <p>Livelihood Restoration Agricultural Capacity Enhancement</p> <p>Training on Financial Management, business development, farming</p>
3.	Loss of agricultural farming land	Registered owners or claimants of customary held lands	<p>Cash compensation</p> <p>Statutory Disturbance Allowance of</p>

#	Type of Loss/Impact	Entitled person	Description of Entitlements
			<p>15% of compensation amount.</p> <p>Taxes and fees, and registration costs for Registration of property to be added to valuation and paid for directly</p> <p>Livelihood Restoration Agricultural Capacity Enhancement</p> <p>Training on Financial Management, business development, farming</p>
4.	Crops	Owners of crops on farm land	<p>Where crops are planted as part of the regular farming cycle in the project area and land is required, prior to harvesting, Crop Owners receive:</p> <p>Cash: damaged crops will be compensated in cash as mature crops at agreed rates determined annually based on replacement cost determined by Ministry of Agriculture based on market prices plus transaction costs</p> <p>Statutory Disturbance Allowance of 15% of compensation amount.</p> <p>Livelihood Restoration Agricultural Capacity Enhancement</p> <p>Training on Financial Management, business development, farming</p>
	Trees	Owners of trees	<p>All trees shall be compensated at the recommended rates by KFS. And considering the prevailing market rates and the time required to have similar trees grow to maturity.</p> <p>Livelihood Restoration Agricultural Capacity Enhancement</p> <p>Training on Financial Management, business development, farming</p>

#	Type of Loss/Impact	Entitled person	Description of Entitlements
5.	Vulnerable Support Program (Tailored)	There are 208 vulnerable PAPs who shall receive support. This category refers to PAPs with other forms of vulnerabilities which may require special consideration. Vulnerable individuals e.g. the elderly (over 70 years old), physically challenged, those suffering from chronic illness; widows and children who are under 18 years	Assistance in the compensation payment procedure. Helping them to fill compensation documents, photocopy IDs, opening bank accounts. No vulnerable PAP is being relocated.
6.	Graves	Family members	Cash compensation at a rate that is determined by NLC in consultation with the PAHs and project staff. This cash is meant to assist the affected PAHs and communities to conduct customary ceremonies during the relocation of graves.
7	squatters/ encroachers.	Squatters affected	Compensated for structures, crops and trees. Relocation assistance Livelihood restoration programmes

Grievance Redress Mechanism

Grievance redress mechanisms are necessary avenues for allowing project affected persons to voice concerns about the resettlement and compensation process as they arise and, if necessary, for corrective action to be taken promptly. Such mechanisms are important to achieve transparency in the land acquisition and resettlement processes. Arising from the above observations, the Consultant proposes that all the grievances be addressed before commencing construction.

A well-defined Grievance Redress Mechanism that provides the PAPs with an avenue of lodging complaints and concerns and receiving quick/timely response is critical. Grievance mechanisms are important to the resettlement process as they allow for RAP implementers to identify disputes in good time and allow for them to be resolved in a transparent and accountable manner. Compensation based disputes are issues also likely to occur during and after the RAP

implementation program, hence it is critical to establish this system prior to implementation of the resettlement program. Lack of perceived transparency may lead to feelings of mistrust and misinformed judgements on both sides. A well established and validated grievance mechanism can also promote good relations between the project proponent and the affected community thus reducing the risk of hostilities and delays on the construction program, both before and after the contractor takes possession of the site.

Three grievance levels are proposed in this RAP.

Level One: Locational Committees

A Local Grievance Committee constituted of the following members has been formed at the local level and currently being used to support the implementation of RAPs 1,2 and 3. The same committees shall be used to handle the grievances arising from RAP 4. The new PAPs affected by RAP 4 shall be allowed to elect their representatives to join the existing grievance committees. Members of the existing grievances committees include:

- (i) Location Chief –Chairman
- (ii) Village Elder where the grieving PAP comes from;
- (iii) Members: Four PAP representatives consisting of a man, a woman and a youth (18 to 30 years) and an elder.
- (iv) Social development Officer attached to the project by NIA.
- (v) KWSCRП hired Resettlement Implementation Consultant (RIC)

All grievances shall be first handled at level. 1. If the PAP is not satisfied with the judgement, he or she will be allowed to move the case to the next level.

Level Two: County Committee

Some grievances may require calls for witnesses, unbiased parties or technical evaluations prior to proposing a solution. Local mechanisms may not have the capacity to meet all these requirements and would therefore require some form of support.

A County Level Committee constituted of the following members is in place.

- i. A specifically delegated representative from NIA;
- ii. A specifically delegated representative from KWSCRП-PMU office and Resettlement Implementation Consultant (RIC)
- iii. A representative of the County Government e.g. the Chief Officer Lands Housing and Urban Development;
- iv. Deputy County Commissioner (DCC);
- v. An elected PAP from amongst the representatives

Level three: Other legally recognized justice systems available in Kenya

PAPs not satisfied by the outcome of level two may opt for legal redress in a court of law or any other legal system recognized in the Kenyan law.

Institutional Framework for RAP Implementation

The implementation of the RAP requires collaboration from all the stakeholders. This would require a properly constituted structure for the administration of the same. The proposed project involves land acquisition, resettlement and compensation of project affected people for the loss of their land, structures, and trees/crops. The following institutions are currently involved in the implementation of RAPs 1,2 and 3 and shall also implement RAP 4. They are aware that they will be expected to implement RAP 4.

- i. Ministry of Water & Sanitation and Irrigation (MoWSI)

- ii. Kenya Water Security and Climate Resilience Project (KWSCRPMU)
- iii. National Irrigation Authority / Project Implementation Unit (NIA-PIU)
- iv. Scheme Project Implementation Unit (SPIU)
- v. National Land Commission (NLC)

RAP Implementation Schedule

The RAP implementation period and timelines will at least be 2 years particularly the livelihood restoration programs which will last beyond the project construction phase.

Monitoring and Evaluation

Internal monitoring

Monitoring will be carried out on a continuous basis by the NIA who will collect and record the information of resettlement activities and submit the monitoring reports, on timely basis, to the KWSCRPMU.

External Monitoring and Reporting

The project will recruit a RAP Audit Consultant (firm of experts) who will conduct external monitoring as part of its core function. The RAP Audit consultant will undertake Compliance and Completion Audit. The purpose of the compliance/completion audit is to determine whether the Project has met its RAP commitments and can be released from further responsibility. Hence, the independent compliance and completion audit will focus on the assessment of compliance with the commitments of this RAP, the relevant Kenyan legislation and the World Bank Policies.

RAP Disclosure

The RAP will be disclosed in English while the executive summary (non-technical) will be translated into Kiswahili languages. A Project brochure will be prepared at implementation stage with (a) a broad description of the project; (b) entitlement matrix and eligibility; (c) implementation schedule; (d) grievance redress mechanisms and how it will work; and (e) RAP monitoring methods and timeline.

Disclosure will be in electronic form on the website of the following institutions namely:

- (i) KWSCRPMU
- (ii) NIA
- (iii) Ministry of Water & Sanitation and Irrigation (MoWSI)
- (iv) County Government of Siaya and Busia
- (v) World Bank external affairs

Hard copies will be made available in the same Offices with additional copies available at the following sites:

- a) KWSCRPMU Nairobi Office
- b) NIA office in Bunyala scheme and HQ
- c) Siaya and Busia Counties Headquarters
- d) Office of contractor
- e) All locational offices affected by the project

f) All Ward offices affected by the project

RAP budget

The total budget for resettlement compensation is Kshs. 173,234,606.46 including disturbance allowance and livelihood restoration, conveyancing and succession and grievance redress. In addition, administration cost of 15 per cent for the RAP implementation and monitoring and evaluation has been considered. All costs associated with this RAP as highlighted in Table 12 below will be met by KWSCRPMU. However, the total costs of the RAP are bound to change as the unit prices will further be reviewed by NLC at the early stage of implementation to reflect the market prices and/or value and hence full replacement cost at that time.

Table 13: Total RAP Budget

Total RAP cost	Total PAHs
Land	40,751,802.34
Structure	24,922,705
Trees and crops	13,141,830.25
Sub- total 1	78, 816, 337.59
Disturbance allowance (15%)	11,822,450.64
Sub-total 2	90,638,788.23
Livelihood restoration programme	15,000,000
Conveyance/succession lawyer	30,000,000
Independent completion audit	10,000,000
Facilitation for Grievance Redress committee	5,000,000
Sub-total 3	60,000,000
Sub-total 4(2+3)	150,638,788.23
Contingency (15% of total RAP cost)	22,595,818.23
Grand total	173,234,606.46

Actions to be taken by the government

- i. Prompt payment of compensation: The Government has to set aside the funds to compensate the PAPs within the schedule
- ii. Human resources: Successful implementation of this RAP requires adequate human resources to be set aside. To this effect, the government should identify a RAP expert to guide and support the implementing agencies to implement this RAP.

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LIST OF ACRONYMS

ACK	Anglican Church of Kenya
ADR	Alternative dispute resolution
AIDS	Acquired Immuno-deficiency Syndrome
APDK	Association of People with Disabilities of Kenya
DCC	Deputy County Commissioner
FGD	Focused Group Discussions
GPS	Geographical Positioning System
GRM	Grievance Redress Mechanism
HH	Household Head
HIV	Human Immuno Virus
ID	Identity card
ISC	Implementation Support Consultants
IWUA	Irrigation Water Users Association
KCSE	Kenya Certificate of Secondary Education
KNBS	Kenya National Bureau of Statistics
KRA	Kenya Revenue Authority
KWSCRIP	Kenya Water Security and Climate Resilience Project
LNIP	Lower Nzoia Irrigation Project
LRCC	Locational Resettlement and Compensation Committees
LRP	Livelihood Restoration Programmes
M&E	Monitoring and Evaluation
MOF	Ministry of Finance
NGOs	Non-governmental organizations
NIA	National Irrigation Authority
Nia	National Irrigation Authority
NLC	National Land Commission
O & M	Operation and Maintenance
OP	Operational Policy
PAPs	Project Affected Persons
PASW	Predictive Analytics Software
PWDs	Persons with Disability
PIU	Project Implementation Unit
PMU	Project Monitoring Unit
RAP	Resettlement Action Plan
RPF	Request for Proposal
SPSS	Statistical Packages for Social Sciences
SCSDO	Sub County Social Development Officers
TOR	Terms of Reference
USD	United States Dollar
UTM	Universal Transverse Mercator

ANNEXES

Annexes i: Public Consultation meetings attendance lists

Annexes ii: Land Acquisition Maps

Annexes iii: Compensation schedule

1.0 INTRODUCTION

1.1 Background to the Assignment

The Government of Kenya (GOK) received credit financing from World Bank and KfW to implement activities under the Kenya Water Security and Climate Resilience Project, phase one (KWSCR-P-I). The aim of the project is to contribute to the productive use of water that serves climate resilience objectives. Three RAPs, RAP 1, 2 and 3 have been prepared and are being implemented. This RAP 4 covers the tertiary canals and the associated access roads spread across 14 irrigation blocks in Siaya and Busia Counties. A total of 1253 Project Affected Households (PAHs) with a total of 6265 PAPs will be affected by the construction of tertiary canals and the associated access roads.

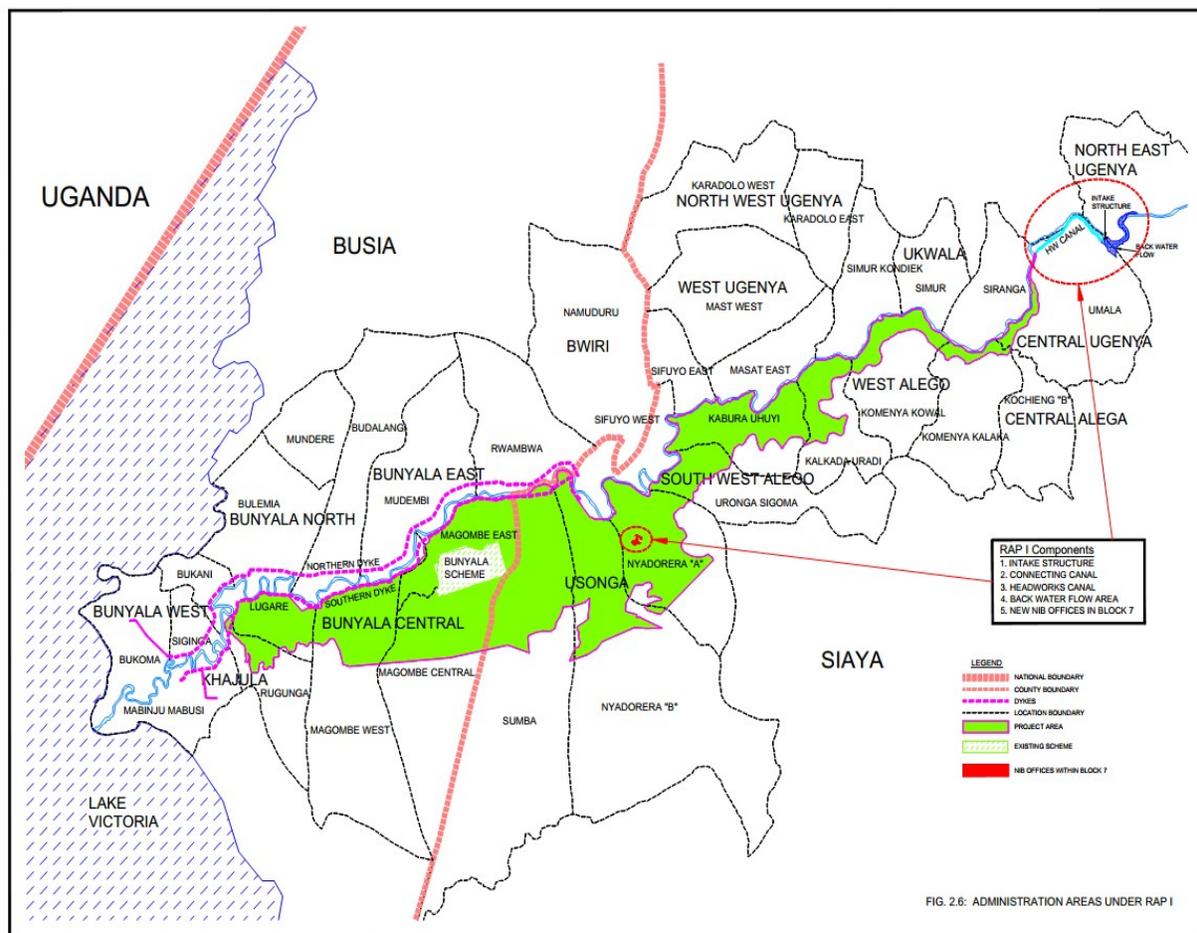


Figure 1: Administrative Map of the Project Area

1.2 Lower Nzoia Irrigation Development Project Components

1.2.1 RAP 1: (Weir)

Construction of an intake structure (weir) and associated infrastructure to command the identified potential both at the southern and northern banks of the Nzoia River. The weir location has been proposed at a point about 4km upstream of the Nzoia Bridge

1.2.2 RAP 2: Rehabilitation of Southern and Northern dykes

The Nzoia Flood Protection Structures entail improvement and realignment of the existing flood protection structures, which comprises of two dykes - Southern and Northern – each approximately 17km). The existing dykes were constructed in 1970s and the local community has since then settled within the vicinity of the dykes.

1.2.3 RAP 3: Blocks 1 – 14 (Irrigation areas).

Construction of conveyance, water distribution and drainage canals for the estimated 7,697 ha irrigable area on both banks of the river (Phase 1- 4,075 ha on left bank and Phase 2- 3,622ha on right bank).

1.2.4 RAP 4: Tertiary canals

These are in field canals which shall supply irrigation water to the farms. Total length of the tertiary canals is 45Km.

2.0 PROJECT DESCRIPTION

2.1 Project location

The project is located in Siaya and Busia Counties, starting from the weir site in Umala Sub-location of Ugunja Sub-county and traversing 15 sub-locations within six locations and three Sub-counties. When completed, the project will drain into the Yala Swamp in Mabinju Sub-location of Budalangi Sub-county in Busia County. The Project will have a gross command area of 5,800 hectares excluding swamp area and about 4,000 hectares in net command / cultivable area. The existing Bunyala Pump Irrigation Scheme that was developed in the late nineteen sixties and that has a net irrigable area of 400 hectares is included within the project and will be rehabilitated.

2.2 RAP 4 Project components and impacts

The construction of tertiary canals and associated access roads will occur in privately owned land and will hence cause physical and economic displacement of the PAHs. A total of 1253 PAHs with a total of 6265 Project Affected Persons (PAPs) are currently settled and deriving some livelihoods from these areas where land will be acquired for the construction of tertiary canals. Homesteads belonging to 39 PAHs are affected and the owners shall have to be relocated. This RAP study covers the following project components:

- Tertiary canals
- Access Roads

The economic and physical displacement as a result of land acquisition for the construction of the tertiary canals and associated access roads will lead to loss of the following assets:

- Land
- Structures
- Crops
- Trees
- Graves

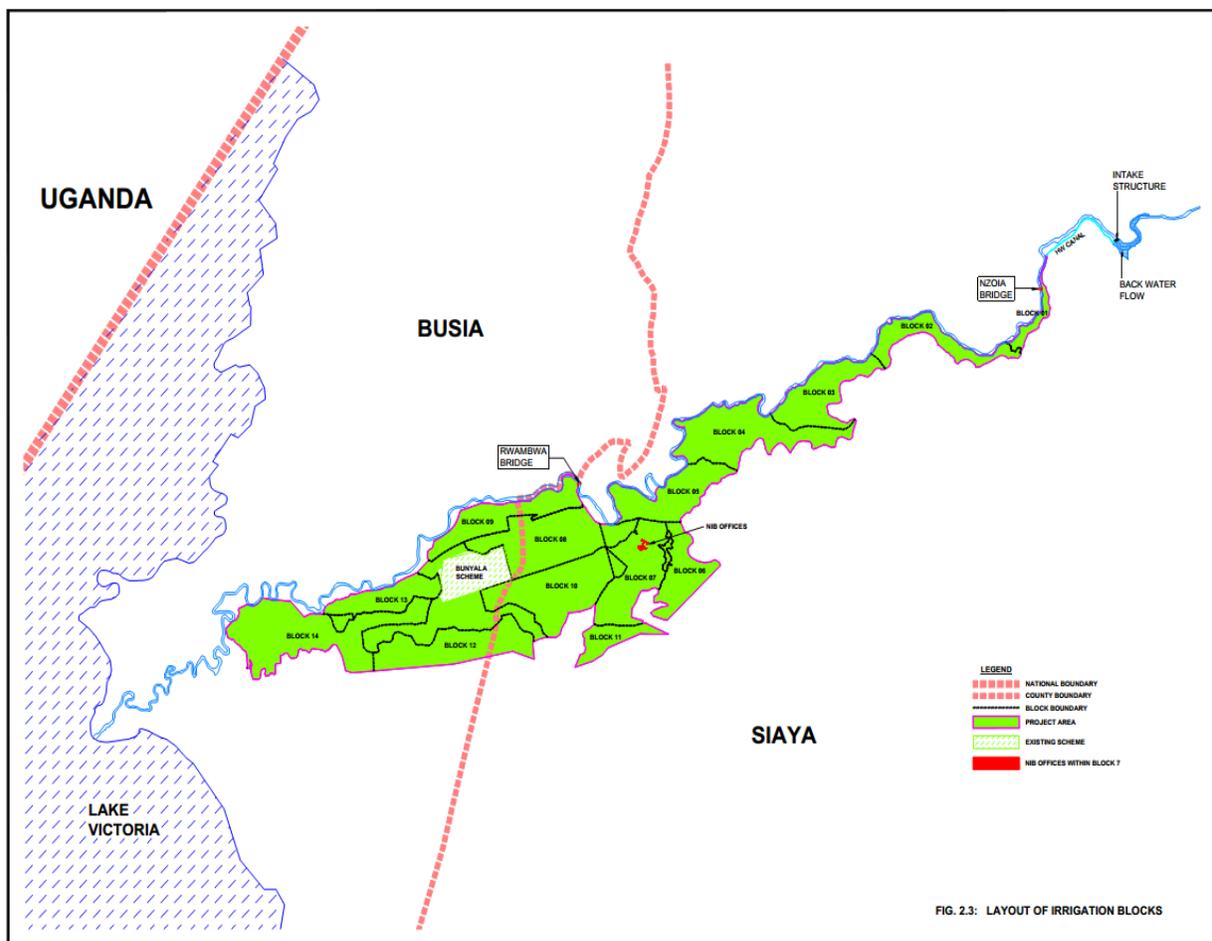


Figure 2: Layout of irrigation blocks

Table 14: Extents of RAP 4 Components (Length and width of affected area)

Total length of the canal	Length (Km)
Tertiary canals	45Km
Width of the tertiary canals	Meters
Width of the tertiary canals block 1	1.52m
Width of the tertiary canals blocks 2 to 14	6.52m
Affected land size	Acres
The affected land area	33.39720 ha (82.59279acres)

2.3 Project beneficiaries

The investment in LNIDP-I is expected to directly benefit over 20,000 people (2,100 households), including smallholder farmers who are currently engaged in rain-fed subsistence agriculture, primarily growing maize and beans, and rearing livestock. Another estimated 50,000 people are expected to benefit through linkages to the scheme activities, outputs and emerging agricultural value chains. In addition, the economy of local Sub-counties would be enhanced by irrigated agriculture.

3.0 RAP METHODOLOGY

The preparation of Resettlement Action Plan (RAP 4) entailed verification of PAPs, the affected assets, the socio-economic baseline data of the PAPs, the scope and the magnitude of the social impacts borne by the PAPs and design of an appropriate resettlement action plan that will provide social safeguard and compensation measures to effectively remedy the impacts of involuntary resettlement on the livelihoods of the PAPs. The RAP 4 report is based on the final designs of the LNIDP prepared by the Implementation Support Consultants (ISC) lead by Lahmeyer International Consultants dated June 2017.

3.1 Literature review

The literature review covered the following:

- i. Constitution of Kenya 2010
- ii. National Land Commission Act,
- iii. Land Registration Act
- iv. Community Land Act,
- v. Water Act
- vi. World Bank OP. 4.12
- vii. KWSCRП Resettlement Policy Framework
- viii. Feasibility Study and Detailed Design Reports
- ix. RAP 1, 2 and 3

3.2 Stakeholder Consultations

Stakeholder consultations for RAP 4 commenced in November 2020 as part of the preparation of RAP for Lower Nzoia Irrigation Development Project tertiary canals. Consultation meetings were held with project staff from KWSCRП-PMU, National Irrigation Authority-PIU, Siaya County Government and the local communities to get additional information. Extensive Consultations were also held with Project Affected Households (PAHs). The main methods employed in the consultation included; community barazas, key informant interviews (KII) and Focus Group Discussions (FGD). In sum, initial field work indicated that all project affected people covered by this RAP preferred cash as compensation for lost land and assets. The PAPs are aware that PAPs in RAP 1, 2 and 3 are getting cash compensation and they would prefer to be accorded the same treatment. A series of community meetings were organized and conducted in the PAP villages to sensitize the PAPs about the purpose and process of data validation process.

This RAP notes that not all PAHs can lay legal claim over the land they occupy and use. These PAHs are mainly adult sons of the registered owner who are still residing on land owned by their father within a homestead and who are yet to be formally transferred to the land that they occupy and use. This is the case where freehold land title has been issued to the registered owner without recognized user rights identified against those titles. This category of household therefore has claim over primary residential structures, crops and trees but remain constrained in legally claiming the land they occupy. They remain at the mercy of the legal title holders on whose land they reside and use through customary inheritance. The registered owner is also culturally obliged to share land compensation with the family members who lay claims to the portion affected by the canal. It is legally challenging to share the money but the RAP implementation team will work closely with the family members and NLC to create an understanding on the

sharing of land compensation amount. However, the sons would be compensated for improvement on land allocated to them by their parents. Such improvements include crops, trees and structures. These interests are reflected in the compensation schedule and shall be compensated. This RAP notes that this is complicated by the NLC Act which require that compensation be made to persons who produce title deeds in their names. This RAP requires that all PAHs including those who have not had land that they occupy formally transferred to them be entitled to full compensation i.e. land crops, trees etc. This is reflected in the compensation schedule.

3.3 Asset Inventory, Census, Socio-Economic Surveys

PAHs were consulted individually at their household level during the census and asset valuations. The questionnaires which collected personal and livelihood information including their perceptions, hopes, fears and concerns about the proposed project were administered. The census survey was conducted between 11th January 2021 to 3rd February 2021 alongside the census.

3.2.1 Asset Inventory

Asset Inventory covered the following:

- i. Full asset inventory of all affected land, structures, crops and trees
- ii. Full census of all 1253 PAHs
- iii. A Socio-Economic Survey to obtain a socio-economic profile of the PAHs in the project area and to further evaluate project potential project impacts.

The data was collected using asset inventory forms which captured information on structures, land, crops and trees. The asset inventory also included GPS and photos of affected property (The forms are provided in appendix: i.

3.2.2 Census and Socio-Economic Survey

The census and socio-economic surveys was conducted by a multidisciplinary team comprising sociologists, surveyor and valuers under the direction of the Team Leader. The survey team employed the following methods as part of the census and socio-economic survey:

- i. Semi structured questionnaires
- ii. Focus Group Discussions
- iii. Key Informant Interviews
- iv. Field observation

The following topics were covered by the census:

- i. Ownership of land, trees, crops and structures
- ii. Economic activities
- iii. Household income;
- iv. Gender,
- v. Age,
- vi. Education,
- vii. Employment status
- viii. Religion

The census and socio-economic survey tools are provided in appendix i.

3.4 Training of enumerators

The training was conducted by the RAP expert and covered the following¹:

- i. Ethical standards (confidentiality and informed consent)
- ii. Familiarity with the tools.

3.5 Identification of PAHs

The surveyors used the design co-ordinates to identify the affected land parcels whose owners were included in the PAHs register. Using the design coordinates, GIS Specialist/ surveyors prescribed the Project Area of Impact using GPS instruments and identified land that would be affected within those boundaries. The landholders and structure holders for each affected land identified were then interviewed, firstly for the asset inventory by the valuer, followed by the enumerators with a Census form and a Socio-Economic questionnaire; and if a landholder had more than one piece of affected land, each of this was surveyed and valued. However, only one Census/ Socio-Economic survey was completed for such PAH.

3.6 Cadastral land survey

The cadastral land surveys included the following activities:

- i. Acquiring of maps (PIDs and RIMs) from Survey of Kenya
- ii. Geo-referencing of the acquired maps to UTM Arc 1960
- iii. Overlaying of the tertiary canal design on the geo-referenced maps
- iv. Extracting data (areas + co-ordinates) of affected parcels
- v. Ground verification using GPS
- vi. Final calculation of areas of affected parcels
- vii. Confirmation of the ownership of affected parcels by conducting land title searches at the Land Registry (Title search certificates for all the affected parcels have been obtained from the Land registry in Siaya and Busia).

3.7 Asset Valuation Surveys

Asset Valuation Surveys included the following activities:

- i. Conducting market research of land transactions, market prices, construction materials, and labor costs within the project locality.
- ii. Identification of all affected land parcels and ground boundaries
- iii. Measuring the affected portion of land for acquisition
- iv. Local rates from the State Department of Agriculture and markets were adopted for crop valuation, taking into account acreage of each particular crop. The emphasis was to ensure full replacement cost. Valuation of trees adopted the local KFS (Kenya Forestry Services) rates, considering the age factor for trees.
- v. Recording the location of all assets with a GPS machine and taking photographs of affected assets.

¹ The enumerators received training to avoid adverse impacts on communities of their enumeration activity. They also signed the code of conduct provided to them by RAP expert before the commencement of data collection exercise

3.8 Data Collection, Entry and Analysis and RAP report preparation

The information obtained from the above surveys were analyzed qualitatively and quantitatively to prepare the RAP report. A database of all the PAHs has been generated and shall be used by the client to implement this RAP. The client will keep on updating the database on a need basis.

3.9 RAP Team

The RAP preparation team of experts consisted of the following:

- i. Land Surveyor
- ii. Valuation Expert
- iii. GIS Specialist
- iv. Sociologist
- v. Research Assistants

4.0 LEGAL AND POLICY FRAMEWORK

This section describes the legal operating environment for acquisition of land as anticipated in the implementation of the LNIDP. The chapter highlights major issues related to land legislation in Kenya with regards to involuntary resettlement. It provides a brief overview of the Kenya land policy, and the Kenya's constitutional provisions related to land use, planning, acquisition, management and tenure, and more specifically the legislations related to land expropriation or acquisition, land valuation and land replacement. The chapter also compares the Kenyan legislation with the World Bank provisions on resettlement, highlighting gaps and making recommendations to fill up the identified gaps. The study has been conducted in accordance with all the relevant legislation pertaining to Land Act 2012, Land Registration Act 2012, National Land Commission Act, 2012 as well as the World Bank OP 4.12 on involuntary resettlement.

Table 15: Summary of relevant resettlement legal statutes applicable

Legal Framework	Functional Relationship to Resettlement
Constitution of Kenya 2010	Constitution of Kenya 2010 recognizes individuals' right to acquire and own property provided they are citizens of the country in article 40. However, Article 66 of the same Constitution provides for the State to regulate the manner in which these rights may be curtailed for the benefit of the general public. Article 47 of the Constitution provides for administrative action to override the individual rights but the victim has to be given written reason for the action taken that undermines the right.
Environment and Land Court Act, 2011	Article 162 of the constitution provides for the creation of specialized courts to handle all matters on land and the environment. Such a court will have the status and powers of a High Court in every respect. Article 159 on the principles of judicial authority, indicates that courts will endeavour to encourage application of alternative dispute resolution mechanisms, including traditional ones, so long as they are consistent with the constitution. Section 20, of the Environment and Land Court Act, 2011 empowers the Environment and Land Court, on its own motion, or on application of the parties to a dispute, to direct the application of alternative dispute resolution (ADR), including traditional dispute resolution mechanisms.
Community land Act 2016	This act give effect to Article 63 (5) of the Constitution; to provide for the recognition, protection and registration of community land rights; management and administration of community land; to provide for the role of county governments in relation to unregistered community land and for connected purposes
The Land Act 2012 Laws of Kenya	It is the substantive law governing land in Kenya and provides legal regime over administration of public and private lands. It

	also provides for the acquisition of land for public benefit. The government has the powers under this Act to acquire land for projects, which are intended to benefit the general public. The projects requiring resettlement are under the provision of this Act.
Land Registration Act, 2012	The law provides for the registration of absolute proprietorship interests over land (exclusive rights) that has been adjudicated or any other leasehold ownership interest on the land. Such land can be acquired by the state under the Land Act 2012 in the project area.
National Land Commission Act 2012	The act establishes the National Land Commission with the purpose of managing public land and carrying out compulsory acquisition of land for specified public purposes.
The Land Adjudication Act Chapter 95 Laws of Kenya	Provides for ascertainment of interests prior to land registrations under the Land Registration Act 2012 through an adjudication committee that works in liaison with adjudication officers.
The Valuers Act 532	The act establishes valuers' registration board, which has the responsibility of regulating the activities and conduct of registered valuers in accordance with the provision of the act.
The Environment Management and Coordination Act, 1999(Amended 2015)	The Environment Management and Coordination Act (EMCA), 1999 provides for the establishment of an umbrella legal and institutional framework under which the environment in general is to be managed. EMCA is implemented by the guiding principle that every person has a right to a clean and healthy environment and can seek redress through the High court if this right has been, is likely to be or is being contravened.
Environmental Impact Assessment and Audit Regulations 2003	The Environmental Impact Assessment and Audit Regulations state in Regulation 3 "the Regulations should apply to all policies, plans, programmes, projects and activities specified in Part IV, Part V, and the Second Schedule of the Act. Part III of the Regulations indicates the procedures to be taken during preparation, submission and approval of the study report (This report).
The Environmental Management and Co-ordination Act (Water Quality) Regulations, 2006)	These Regulations were published in the Kenya Gazette Supplement No. 68, Legislative Supplement No. 36, and Legal Notice No. 120 of 29 September 2006. The Regulations provide for sustainable management of water resources including prevention of water pollution and protection of water sources (lakes, rivers, streams, springs, wells, and other water sources). It is an offence under Regulation No. 4 (2), for any person to throw or cause to flow into or near a water resource any liquid, solid, or gaseous substance or deposit any such substance in or near it, as to cause pollution.
Occupational Safety and Health Act, 2007	Occupational Safety and Health Act (OSHA) is an Act of Parliament that provides for the safety, health and welfare of all

	<p>workers and all persons lawfully present at workplaces, to provide for the establishment of the National Council for Occupational Safety and Health and for connected purposes. It applies to all workplaces where any person is at work, whether temporarily or permanently. The purpose of this Act is to:</p> <p>Secure the safety, health and welfare of persons at work; and protect persons other than persons at work against safety and health arising out of, or in connection with the activities of persons at work.</p>
<p>Work Injury Benefits Act (WIBA), 2007</p>	<p>It is an act of Parliament (No. 13 of 2007) to provide for compensation to workers for injuries suffered in the course of their employment.</p> <p>It outlines the following:</p> <p>Employer’s liability for compensation for death or incapacity resulting from accident; Compensation in fatal cases; Compensation in case of permanent partial incapacity; Compensation in case of temporary incapacity; Persons entitled to compensation and methods of calculating the earnings; No compensation shall be payable under this Act in respect of any incapacity or death resulting from a deliberate self-injury; and Notice of an accident, causing injury to a workman, of such a nature as would entitle him for compensation shall be given in the prescribed form to the director.</p>
<p>The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012</p>	<p>This Act of Parliament puts into effect the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons, and the United Nations Guiding Principles on Internal Displacement. The Act requires that displacement and relocation be carried out only if justified by compelling and overriding public interests, and in accordance with the conditions and procedures of Article 5 of the Protocol, Principles 7-9 of the Guiding Principles, and Sections 21-22 of this Act.</p>
<p>The Matrimonial Property Act 2013</p>	<p>This Act of Parliament outlines the law and procedures for the creation and division of a marital estate, as well as how and by whom matrimonial property should be managed and divided at the end of a marriage. Section 3(2) of the Act asserts that the parties of marriage have equal rights and obligations at the time of marriage and its dissolution. Matrimonial property is vested in the spouses in equal share, regardless of the contribution of either spouse towards its acquisition. Similarly, no estate or interest in the matrimonial property may be alienated without the prior consent of both spouses.</p>

4.1 Land Tenure System in Kenya

Land tenure in Kenya is classified as public, community or private. Public land consists of government forests (other than those “lawfully held, managed or used by specific communities as community forest, grazing areas or shrines”), government game reserves, water catchment areas, national parks, government animal sanctuaries and specially protected areas. The National Land Commission will manage public land. Community land includes land that is “lawfully held, managed or used by specific communities as community forest, grazing areas or shrines,” and “ancestral lands and lands traditionally occupied by hunter-gatherer communities.” Rights are also held through traditional African systems, and rights that derive from the English system introduced and maintained through laws enacted by colonial and then the national parliament. The former is loosely known as customary tenure bound through traditional rules (customary law). The latter body of law is referred to as statutory tenure, secured and expressed through national law, in various Act of parliament e.g. Land Act 2012, Land Registration Act, 2012, Trust Land Act (cap 288) of the Laws of Kenya).

4.1.1 Customary Land Tenure

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

4.1.2 Freehold Tenure

This tenure confers the greatest interest in land called absolute right of ownership or possession of land for an indefinite period of time, or in perpetuity. The Land Registration Act, 2012, governs freehold land. The Act provides that the registration of a person as the proprietor of the land vests in that person the absolute ownership of that land together with all rights, privileges relating thereto. A freehold title generally has no restriction as to the use and occupation but in practice there are conditional freeholds, which restrict the use for say agricultural or ranching purposes only. Land individualization was demanded by the colonial settlers who required legal guarantee for the private ownership of land without which they were reluctant to invest.

4.1.3 Leasehold Tenure

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

4.1.4 Public Tenure

This is where land owned by the Government for her own purpose and which includes unutilized or un-alienated government land reserved for future use by the Government itself or may be available to the general public for various uses. The land is administered under the Land Act 2012 (LA). These lands were vested in the president and who has, normally exercised this power through the Commissioner of Lands, to allocate or make grants of any estates, interests or rights in or over un-alienated government land.

4.2 Land Acquisition Process

4.2.1 Proof that Compulsory Possession is for Public Good

It is very explicit in the Land Act, 2012, Section 107, that whenever the national or county government is satisfied that it may be necessary to acquire some particular land under section 110 of Land Act 2012, the possession of the land must be necessary for public purpose or public interest, such as, in the interests of public defence, public safety, public order, public morality, public health, urban and planning, or the development or utilization of any property in such manner as to promote the public benefit. Irrigation and drainage are explicitly identified as qualifying for land acquisition as public utility and the necessity therefore is such as to afford reasonable justification for the causing of any hardship that may result to any person having right over the property, and so certifies in writing, possession of such land may be taken.

4.2.2 Respective Government agency or cabinet must seek approval of National Land Commission (NLC)

The respective Cabinet Secretary or Government agency or the County Executive Committee Member must submit a request for acquisition of private land to the NLC to acquire the land on its behalf. The Commission will prescribe a criteria and guidelines to be adhered to by the acquiring authorities in the acquisition of land. It is important to note that if the NLC is constituted prior to conclusion of land acquisition, it could prescribe criteria and guidelines necessitating variations or revisions to the current RAP. Similar, the Commission has powers to reject a request of an acquiring authority, to undertake an acquisition if it establishes that the request does not meet the requirements prescribed.

4.2.3 Inspection of Land to be acquired

NLC may physically ascertain or satisfy itself whether the intended land is suitable for the public purpose, which the applying authority intends to use as specified. If it certifies that indeed the land is required for public purpose, it shall express the satisfaction in writing and serve necessary notices to land owners and or approve the request made by acquiring authority intending to acquire land.

4.2.4 Publication of Notice of Intention to Acquire

Upon approval, NLC shall publish a notice of intention to acquire the land in the *Kenya Gazette and County Gazette*. It will then serve a copy of the notice to every person interested in the land and deposit the same copy to the Registrar

The courts have strictly interpreted this provision, requiring that the notice include the description of the land, indicate the public purpose for which the land is being acquired and state

the name of the acquiring public body. NLC shall ensure that the provisions are included in her notice.

The Land Registrar shall then make entry in the master register on the intention to acquire as the office responsible for survey, at both national and county level, geo-references the land intended for acquisition.

4.2.5 Serve the notice of inquiry

Thirty days after the publication of the Notice of Intention to Acquire, NLC will schedule a hearing for public inquiry. NLC must publish notice of this meeting in the *Kenya Gazette and County gazette 15 days before the inquiry meeting* and serve the notice on every person interested in the land to be acquired. Such notice must instruct owner of land to deliver to the NLC, no later than the date of the inquiry, a written claim for compensation.

4.2.6 Holding of a public hearing

NLC then convenes a public hearing not earlier than 30 days after publication of the Notice of Intention to Acquire. On the date of the hearing, NLC must conduct a full inquiry to determine the number of individuals who have legitimate claims on the land, the land value and the amount of compensation payable to each legitimate claimant. Besides, at the hearing, the Commission shall— make full inquiry into and determine who are the persons interested in the land; and receive written claims of compensation from those interested in the land. For the purposes of an inquiry, the Commission shall have all the powers of the Court to summon and examine witnesses, including the persons interested in the land, to administer oaths and affirmations and to compel the production and delivery to the Commission (NLC) of documents of title to the land.

The public body for whose purposes the land is being acquired, and every person interested in the land, is entitled to be heard, to produce evidence and to call and to question witnesses at an inquiry. It will also provide opportunity to land owners to hear the justification of the public authority in laying claims to acquire the land.

4.2.7 Valuation of the land

Part III of the Land Act 2012, section 113 (2a) states that “the Commission shall determine the value of land with conclusive evidence of (i) the size of land to be acquired; (ii) the value, in the opinion of the Commission, of the land; (iii) the amount of compensation payable, whether the owners of land have or have not appeared at the inquiry.” This can be interpreted that NLC must determine the value of the land accordingly and pay appropriate just compensation in accordance with the principles and formulae that it will develop. Nonetheless, just compensation could also be interpreted as market rate. The final award on the value of the land shall be determined by NLC and shall not be invalidated by reason of discrepancy, which may be found to exist in the area.

4.2.8 Matters to be Considered in Determining Compensation

The market value of the property, which is determined at the date of the publication of the acquisition notice, must be considered. Determination of the value has to take into consideration

the conditions of the title and the regulations that classify the land use e.g. agricultural, residential, commercial or industrial.

Increased market value is disregarded when:

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

4.2.9 Matters not to be Considered in Determining Compensation:

- The degree of urgency, which has led to the acquisition.
- Any disinclination of the person's interest to part with the land.
- Damages sustained by the claimant, which will not represent a good cause of action.
- Damages, which are likely to be caused to the land after the publication of the acquisition notice or as a consequence of the future, land use.
- Increased land value accrued by its future use.
- Any development at the time of acquisition notice, unless these improvements were necessary for maintaining the land.

4.2.10 Award of Compensation

The Land Act does not stipulate that compensation must be in the form of money only. Under the Land Act 2012 section 117, the State can award a grant of land in lieu of money compensation ("land for land"), provided the value of the land awarded does not exceed the value of the money compensation that would have been allowable. The law could be interpreted that any dispossessed person shall be awarded the market value of the land. The new law is silent on relocation support or disturbance allowance support.

Upon the conclusion of the inquiry, and once the NLC has determined the amount of compensation, NLC will prepare and serve a written award of compensation to each legitimate claimant. NLC will publish these awards, which will be considered "final and conclusive evidence" of the area of the land to be acquired, the value of the land and the amount payable as compensation. Land Act, Section 115 further stipulates that an award shall not be invalidated by reason only of a discrepancy between the area specified in the award and the actual area of the land. Compensation cannot include attorney's fees, costs of obtaining advice, and costs incurred in preparing and submitting written claims.

4.2.11 Payment of Compensation

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

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

4.2.12 Transfer of Possession and Ownership to the State

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

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

In cases of where there is an urgent necessity for the acquisition of land, and it would be contrary to the public interest for the acquisition to be delayed by following the normal procedures of compulsory acquisition under this Act, the Commission may take possession of uncultivated or pasture or arable land upon the expiration of fifteen days from the date of publication of the notice of intention to acquire.

On the expiration of that time NLC shall, notwithstanding that no award has been made, take possession of that land. If the documents evidencing title to the land acquired have not been previously delivered, the Commission shall, in writing, require the person having possession of the documents of title to deliver them to the Registrar, and thereupon that person shall forthwith deliver the documents to the Registrar.

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

4.2.13 Opportunity for Appeal

The Kenya Constitution establishes Environment and Land Court. Article 162 of the constitution provides for the creation of specialized courts to handle all matters on land and the environment. Such a court will have the status and powers of a High Court in every respect. Article 159 on the principles of judicial authority, indicates that courts will endeavour to encourage application of alternative dispute resolution mechanisms, including traditional ones, so long as they are consistent with the constitution. Section 20, of the Environment and Land Court Act, 2011 empowers the Environment and Land Court, on its own motion, or on application of the parties to a dispute, to direct the application of Alternative Dispute Resolution (ADR), including traditional dispute resolution mechanisms. Any person whose land has been compulsorily acquired may petition the Environment and Land Court for redress with respect to:

- *The determination of such person's right over the land;*
- *The amount offered in compensation; and*
- *The amount offered in compensation for damages for temporary dispossession in the case of the Government's withdrawal of its acquisition of the land.*

Parties will pay fees as determined by Environment and Land Court or the court may choose to waive them completely or in part on grounds of financial hardship. A summary of land acquisition procedures by NLC is shown in Figure 4 below.

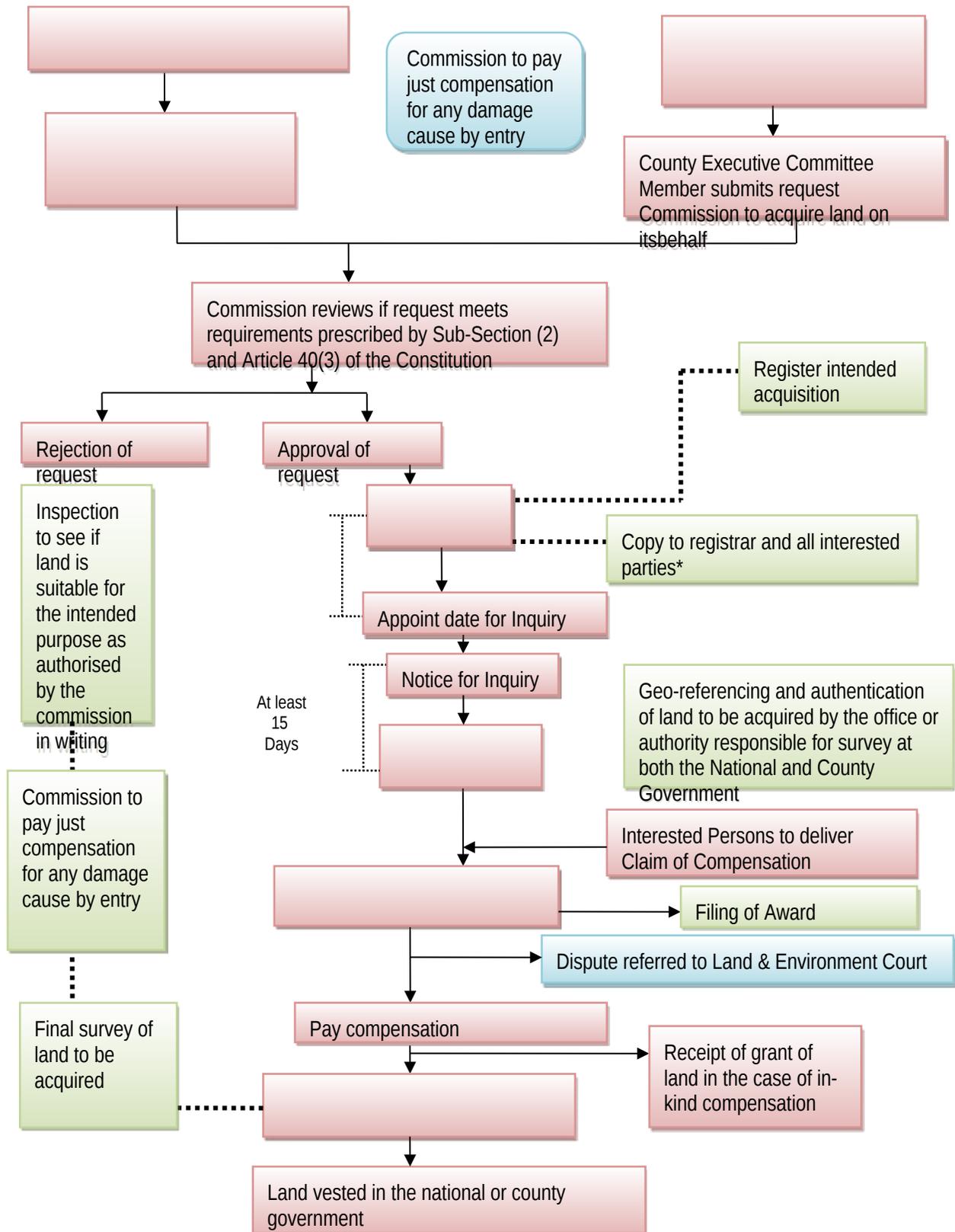


Figure 3: Land Acquisition Procedures

Table 16: Comparative Analysis of World Bank OP 4.12 and Kenyan legislations

OP 4.12	Kenyan Legislation	Comparison	Agreed approach to Address Gap
General Requirements			
<p>World Bank OP4.12 has overall policy objectives, requiring that:</p> <ol style="list-style-type: none"> 1. Involuntary resettlement should be avoided wherever possible, or minimized, exploring all alternatives. 2. Resettlement programs should be sustainable, include meaningful consultation with affected parties, and provide benefits to the affected parties. 3. Displaced persons should be assisted in improving livelihoods etc., or at least restoring them to previous levels. 	<ol style="list-style-type: none"> 1. According to Kenyan Legislation, involuntary resettlement may occur as a result of projects implemented in public interest. 2. The Land Act, 2012 Act outlines procedures for sensitizing the affected population to the project and for consultation on implications and grievance procedures. 3. The Land Act 2012 guarantees the right to fair and just compensation in case of relocation. 	<ol style="list-style-type: none"> 1. The Land Act does not stipulate that resettlement should be avoided wherever possible; on the contrary, as long as a project is for public interest, involuntary resettlement is considered to be inevitable. 2. Same as the World Bank 3. 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. 	<ol style="list-style-type: none"> 1. RAP, ensure that resettlement issues are considered at the design stage of the project in order to avoid/ minimize resettlement. 2. Implement World Bank OP 4.12 policy - displaced should be assisted in improving their livelihood to pre-project status.

OP 4.12	Kenyan Legislation	Comparison	Agreed approach to cover gap
Process Requirements			
<p>Consultation: Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs</p>	<p>The Land Act outlines procedures for consultation with affected population by the NLC and grievance management procedures.</p>	<p>Same as World Bank</p>	<p>Implement consultation procedures as outlined in both Kenyan legislation and World Bank.</p>

OP 4.12	Kenyan Legislation	Comparison	Agreed approach to cover gap
<p>Grievance: For physical resettlement, appropriate and accessible grievance mechanism will be established.</p>	<p>Land Act 2012 clearly outline the steps and process for grievance redress that includes alternative dispute resolution, re-negotiation with NLC and is backed by the judicial system through Environmental and Land Court</p>	<p>Kenyan legislation meets OP4.12 requirements.</p>	<p>No action required</p>
<p>Eligibility Criteria <i>Defined as:</i> (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country); (b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan (see Annex 10 A, Para. 7(f)); and (c) those who have no recognizable legal right or claim to the land they are occupying <i>To determine eligibility:</i> Carry out resettlement</p>	<p>The Land Act 2012 provides that written and unwritten official or customary land rights 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 as 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 Land Act 2012 provides for census</p>	<p>Kenya’s Land Law defines eligibility as both formal (legal) and informal (customary) owners of expropriated land. However, it does not specifically recognize all users of the land to be compensated. The constitution of Kenya on the other hand recognizes ‘occupants of land’ who do not have title and who the state has an obligation to pay in good faith when compulsory acquisition is made. Same as World Bank</p>	<p>Ensure ALL users (including illegal squatters, labourers, rights of access) of affected lands are included in the census survey or are paid Implement cut-off procedures as outlined in the RPF and Kenyan Law</p>

OP 4.12	Kenyan Legislation	Comparison	Agreed approach to cover gap
census. Cut-off date for eligibility is the day when the census begins.	through NLC inspection and valuation process		
<p>Measures: Preference should be given to land based resettlement strategies for displaced persons whose livelihoods are land-based. Cash based compensation should only be made where (a) land taken for the project is a small fraction of the affected asset and the residual is economically viable; (b) active markets for lost assets exist and there is sufficient supply of land and housing; or (c) livelihoods are not land-based.</p> <p>World Bank OP4.12 Article 6(a) requires that displaced persons are provided with prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project. If physical relocation is an impact, displaced persons must be provided with assistance during relocation and residential housing,</p>	<p>Legislation provides for land for land compensation but the Land Act 2012 does not state whether preference should be granted to land to land compensation. Land Act 2012 appears to prefer mode of compensation by the Government to the affected population.</p> <p>Land Act talks of prompt, just compensation before the acquisition of land. However, interpretation of just compensation is yet to be clearly outlined through a specific schedule defining just 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 in the Land Act other than ‘just compensation’</p>	<p>Land for Land provided for in the Land Act based on agreement by the PAP. Cash based compensation seems to be the preferred mode of awarding compensation to the affected population by Government of Kenya</p> <p>‘Just compensation’ as stipulated in the Land Act not yet specifically defined.</p> <p>OP 4.12 provides related land transaction fees. Land Act not clear on this.</p> <p>OP4.12 requires that displacement must not occur before all necessary measures for resettlement are in place, i.e., measures</p>	<p>Ensure that all alternative options are considered before providing cash compensation</p> <p>Use World Bank OP4.12 procedures in determining form of compensation</p> <p>Implement prompt and effective compensation at full replacement cost for the losses of the assets.</p> <p>Implement World Bank policy.</p> <p>Ensure that ALL resettlement options are agreed on with PAPs and put in place BEFORE displacement of affected persons.</p>

OP 4.12	Kenyan Legislation	Comparison	Agreed approach to cover gap
<p>housing sites and/or agricultural sites to at least equivalent standards as the previous site. Replacement cost does not take depreciation into account. In terms of valuing assets, if the residual of the asset being taken is not economically viable, compensation and assistance must be provided as if the entire asset had been taken.</p> <p>Compensation and other assistance required for relocation should be determined prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required</p>	<p>The Act is does not out rightly stipulate assistance for relocation but we can interpret that relocation cost will be included in just compensation.</p>	<p>over and above simple compensation</p>	
<p>Valuation: With regard to land and structures, “replacement cost” is defined as follows:</p> <p>For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land,</p>	<p>Valuation is covered by the Land Act 2012 and stipulates, as already mentioned, that the affected person receive just compensation from NLC, as determined by National Land Commission. Valuers Act stipulates that a residual amount of 0.5% of the total valuation of an asset is expected to pay the valuer.</p>	<p>Though one could argue that there is some form of consistency between the Kenyan Law and World Bank OP.4.12, interpretation of ‘just compensation’ has not been defined.</p> <p>Interpretation of just compensation not clear</p>	<p>Apply the World Bank OP4.12 valuation measures, as outlined in Section 6, in order to fully value all affected assets in a consistent manner.</p> <p>Apply World Bank OP4.12 on valuation and compensation measures.</p>

OP 4.12	Kenyan Legislation	Comparison	Agreed approach to cover gap
<p>plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.</p> <p>For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes.</p>	<p>Land Act 2012 talks of just compensation for the lost assets but it is not specific of the exact amount or procedures on the same.</p> <p>The Land Act 2012 stipulates just compensation.</p>	<p>Interpretation of just compensation not clear.</p>	<p>Apply World Bank OP4.12 on valuation and compensation procedures.</p>
<p>Adequate monitoring and evaluation of activities to be undertaken.</p>	<p>According to Land Act can be undertaken County Land Boards.</p>	<p>Both Kenyan Law and World Bank policy advocates for Monitoring and Evaluation</p>	<p>Implement as prescribed in the World Bank OP4.12 and Kenyan Law.</p>

Table 17: Comparative Analysis of World Bank OP 4.12 and Kenya’s requirements Relevant to the Process

Category of PAPs and Type of Lost Assets	Kenyan Law	World Bank OP4.12
Land Owners	Fair and just compensation which could be in form of cash compensation or Land for Land	Recommends land-for-land compensation. Other compensation is at replacement cost. If livelihoods are land-based, then livelihood restoration is also needed.
Land Tenants	Constitution says that ‘occupants of land’ entitled to some level of pay in good faith. Land Act stipulates that they are entitled to some compensation based on the amount of rights they hold upon land under relevant laws. However, those who acquired land illegally not entitled to any.	PAPs are entitled to some form of compensation whatever the legal/illegal recognition of their occupancy.
Land Users	Land Act not clear on Land Users although in some cases they can receive some form of compensation depending on the determination by NLC	Entitled to compensation for crops and investments made on the land; livelihood must be restored to at least pre-project levels.
Owners of Temporary Buildings	The constitution of Kenyan respects the right to private property and in case of compulsory acquisition, just compensation must be granted to the owner for the loss temporary buildings.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.
Owners of Permanent buildings	The constitution of Kenyan respects the right to private property and in case of compulsory acquisition, just compensation must be granted to the owner for the permanent building	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.
Perennial Crops	Compensation for the loss of crops as per the rates approved by the Ministry of Agriculture. The rates are provided by the Ministry of Agriculture and are based on market rates and full replacement cost.	As per specifications of this project’s RPF, once approved by the Bank and disclosed at the Bank info shop. The rates for crop compensation is provided by the Ministry of Agriculture.

4.3 KWSCRP Resettlement Policy Framework (RPF)

The resettlement goals and principles of this RAP are guided by the Resettlement Policy Framework (RPF) prepared for Kenya Water Security and Climate Resilience project (KWSCRP) in 2012 and stemming from the World Bank OP. 4.12. The RPF for KWSCRP is aimed to ensure compliance with best practice and provides a set of resettlement and compensation principles, organizational arrangements and design criteria to guide and govern sub-projects under KWSCRP requiring land acquisition and resettlement.

The principles and objective of the RAP

Principle I: Minimizing the need for resettlement

Involuntary resettlement and land acquisition will be avoided where feasible, or minimized, where it cannot be eliminated.

People may be affected by land acquisition or restrictions on land use in two ways. They may lose housing, requiring them to move to another location, which is referred to as physical displacement. They may also permanently or temporarily lose land and assets or access to land and assets, leading to a disruption of their livelihoods and loss of income, which is referred to as economic displacement. The process of relocating people, households and communities from one location to another and/or assisting them to replace their lost livelihoods is referred to as resettlement. Physical and/or economic displacement may have considerable impacts, some of which may be related to human rights. Not adequately addressing these risks may also increase project costs. Therefore, every effort should be made to avoid the need to resettle people and communities. If it is not considered early on and planned well, costs, time and the need for management attention are often underestimated. KWSCRP sub-projects activities will seek to avoid, and where avoidance is not possible, minimise displacement (both physical and economic) by exploring alternative Project designs, phasing of land access, and by designing resettlement to minimise impacts on host communities.

Principle II: Compliance with Laws and Standards

KWSCRP sub-projects will comply with relevant Kenyan legislation, regulations and policy, and with World Bank's OP. 4.12-Involuntary Resettlement Policy.

Principle III: Integrating Resettlement in Project Design and Planning

Consider alternative project designs to avoid or, if not possible, minimize project-induced physical and/or economic displacement.

Principle IV: Mitigation (and Compensation)

Where displacement impacts are unavoidable, provide compensation and assistance to mitigate adverse impacts on affected persons. Offering compensations options to PAPs and giving preference to in-kind (i.e. land-for-land, house-for-house etc.) based compensation rather than cash wherever livelihoods are land-based; and offering compensation at **full replacement value** for other affected assets. Where replacement housing is offered seeking to improve living conditions for displaced persons through provision of adequate housing with security of tenure at resettlement sites. Develop appropriate compensation, resettlement and livelihood restoration action plans where displacement is unavoidable.

Principle V: Replacement Cost Based Compensation

Mitigate adverse impacts from land acquisition or restrictions on affected persons' use of and access to land, physical assets or natural resources by providing **“replacement cost”** based compensation for loss of assets at replacement cost, prior to taking possession of acquired assets. PAPs will be eligible for compensation for loss of assets at full replacement value, as well as rehabilitation assistance. Land acquisition and resettlement should be conceived as an opportunity for improving the livelihoods and living standards of PAPs.

Principle VI: Resettlement Assistance and Livelihood Restoration

Assistance for displaced persons and livelihood restoration and improvement will be provided to Project Affected Persons. Livelihood restoration measures will seek to improve or, at a minimum, restore livelihoods and standards of living of physically or economically displaced persons.

The Project will provide opportunities for all displaced persons to derive appropriate development benefits from the Project (e.g. skills training to improve access to jobs etc.) **PAPs will be assisted in their efforts to ideally improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher.** Improve or, at a minimum, restore the livelihoods, income earning capacity and standards of living of displaced persons, including those who have no legally recognizable rights or claims to the land (who were present in the project affected area at the time of the cut-off date), to pre-project levels and support them during the transition period.

Principle VII: Resettlement Must Be Seen as an “Upfront” Project Cost

KWSCR sub-projects will ensure that compensation costs, as well as those resettlement costs that fall within their scope of commitment, are built into the overall project budget and clearly defined as such. Experience across the world shows that unless resettlement is built in as an “upfront” project cost, it tends to be under-budgeted, that money gets whittled away from the resettlement budget to more pressing“ project needs, and that it tends to be seen as peripheral to the overall project.

Principle VIII: Compensation Disclosure

Ensure that compensation, resettlement and livelihood restoration activities are planned and implemented with appropriate disclosure of information, consultation, and the informed participation of those affected. Projects will ensure that land acquisition and resettlement activities are implemented with appropriate disclosure of information, consultation and the informed participation of those affected. This includes disclosure of eligibility and entitlements, cut-off dates, compensation and livelihood restoration packages.

Principle IX: Stakeholder Consultation

PAPs will be meaningfully consulted and will participate in planning and implementing of the resettlement activities.

PAPs, including host communities, will be adequately informed and consulted on all matters that affect them and will participate in decision making related to the planning, implementation, monitoring and evaluation phases of the land acquisition and resettlement activities. This will

include providing access to appropriate advice to ensure that they understand their rights, responsibilities and options. The Project will involve consultation and engagement with relevant stakeholders throughout the planning, implementation, monitoring and evaluation phases of land acquisition and resettlement. This will include Project Affected Persons and communities, community representatives and leaders, County and National Government, and enable them to participate in the planning process and aspects such as compensation and livelihood restoration packages and resettlement village design.

Principle X: Vulnerable and Marginalized Groups

Measures to address resettlement shall ensure that project affected peoples are informed about their options and rights pertaining to resettlement, are included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives.

They will also be provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the project investments. Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line, the landless, the elderly, women and children, orphans, marginalized groups and the ethnic minorities or other displaced persons who may not be protected through the Kenyan law. The objective is to provide whatever additional assistance may be necessary to restore pre-project living standards. Make special provisions for assisting disadvantaged or vulnerable individuals or groups (who were present in the project affected area at the time of the cut-off date) that may be more adversely affected by displacement than others and who may be limited in their ability to take advantage of livelihood assistance and related development benefits.

Principle XI: Full Documentation

Projects will fully document all engagements, consultations, negotiations, compensation measures and transactions undertaken to acquire access to land.

Principle XII: Cultural Appropriateness

All land acquisition and resettlement planning and implementation will be undertaken in a culturally sensitive and appropriate manner with due consideration of local cultures and cultural heritage.

Principle XIII: Informal Rights

Affected persons with no formal legal rights to land will be included as “displaced persons” provided they have established rights to assets in the Area prior to the cut-off date.

Principle XIV: Grievance Redress

Establish a grievance mechanism to receive and address in a timely fashion specific concerns about compensation and relocation that are raised by displaced persons, including a recourse mechanism designed to resolve disputes in an impartial manner

Principle XV: Appropriate Monitoring and Evaluation will be undertaken

Appropriate monitoring and evaluation activities will be undertaken to provide the Project and PAPs with timely, concise, indicative and relevant information about whether compensation,

resettlement and development initiatives are on track or whether corrective actions are required. The implementation of land acquisition and resettlement will be subject to monitoring and independent external evaluation, and the results will be shared with the people affected by resettlement.

4.4 World Bank Operational Policy

World Bank projects and activities are governed by Operational Policies which ensures environmental and social impacts are evaluated in decision making, help reduce and manage the risks associated with a project or program and provide a mechanism for disclosure of information and consultation.

4.4.1 World Bank Operational Policy on Involuntary Resettlement

The main objective of the RAP

The policy requires that a Resettlement Action Plan be developed for a project that would require resettlement of people. Throughout project implementation, supervision of the implementation of the resettlement instrument is done to ensure that the requisite social, financial, legal, and technical experts are included in supervision missions. Supervision focuses on compliance with the legal instruments, including the Project Implementation Plan and the resettlement instrument.

The World Bank OP 4.12 includes safeguards to address and mitigate impoverishment risks arising from involuntary resettlement. For the purposes of this policy, "involuntary" means actions that may be taken without the displaced person's informed consent or power of choice.

The Bank's experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to negative socio-cultural and economic impacts on the resettled people. For this reason, the overall objectives on WB's policy on involuntary resettlement are:

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs;
- Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs;
- Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs;
- Borrower needs to inform potentially displaced persons at an early stage about the resettlement aspects of the project and take their views into account in project design;
- Displaced persons and their communities, and any host communities receiving them, should be provided with timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement.

5.0 PUBLIC ENGAGEMENT AND DISCLOSURE

5.1 Introduction

Effective resettlement action planning requires regular and thorough consultation with a wide range of project stakeholders drawn from the affected area. This wide consultation is intended to include individuals and groups who will be positively or adversely affected by the project. The stakeholders' consultations are extremely important for successful implementation of the RAP.

Stakeholder and PAP consultation meetings were held within the Project area from 25th November 2020 to 3rd February 2021. The stakeholder and PAP Consultation meetings included the following:

- i) Courtesy calls and introductory meetings at the County Commissioner's office, Siaya
- ii) Stakeholders meeting with Irrigation Water Users Association (IWUA) leadership
- iii) Consultation meetings with affected PAPs (Block 1-14)

Courtesy to Siaya County Commissioner

The Consultant paid a courtesy call to Siaya County Commissioners and held a consultative meeting to brief Commissioner on the assignment and the activities to be undertaken. The meeting took place on 26th November 2020.

5.2 Stakeholders' Meeting with IWUA Leaders at the Project Supervisory Teams' office

The Consultant met with IWUA leaders and the project supervisory team at the project engineer (ISC) office in Ugunja on 25th November 2020. The Consultant explained to them the scope of the RAP exercise.

5.3 Community Introductory meetings with PAPs Affected by Tertiary Canals

Community Sensitization meeting were held in each of the 14 irrigation blocks starting from block 1 to 14. During the introductory meetings, the RAP Consultant team was introduced by the host block chairmen after which the Consultant gave a brief background of the Project and informed the participants that ZamConsult Ltd had been contracted by MoWSI to prepare RAP for the tertiaries in Lower Nzoia Irrigation Development project.

The Consultant outlined the activities that were to be undertaken during the field work as follows:

- (i) Determination and acquisition of the tertiary canals
- (ii) Survey and marking of the infrastructure;
- (iii) Identification of Persons Affected by the project through census and Socioeconomic baseline survey of PAPs;
- (iv) Valuation of affected assets;
- (v) PAPs sensitization meetings;

The Consultant underscored the need for the community to co-operate with the Consultants’ Team, locally recruited enumerators, village elders and IWUA /farmers’ representatives during the data collection. In addition, the community was informed about the RAP coverage and it was explained that the exercise would start from the tertiaries in block 1 and ends in block 14. (See Attendance List in appendix: ii).

Table 18: Schedule of community Introductory and Sensitization Meeting in block 1-14

Block	Date	Venue	Number of participants
1	11/1/2021	Nzoia Market	18
2	15/1/2021	Rabar dispensary	27
3	18/1/2021	Nyabera	23
4	19/1/2021	Ndur Market	64
5	21/1/2021	Simba Mon	29
6	22/1/2021	Mahero Catholic church	40
7	27/1/2021	Project Office	45
8	29/1/2021	Hera Church	59
9	3/2/2021	ACK church	22
10	29/1/2021	Siriwo	36
11	2/2/2021	Kangwawe	60
12	1/2/2021	Mubwayo	35
13	2/2/2021	Nanjomi	40
14	3/2/2021	Mukhubola	9

5.4 PAPs Concerns.

The PAPs were concerned that the irrigation infrastructure is going to disturb the social relations and interactions. The project activities are going to impact, to some extent, communication and movement among the PAPs as a result of the canal infrastructure. There may be limited movement within communities and between communities and access to some social and public facilities. Access to Nzoia River, which is a source of water for household use as well as fisheries and livestock, will be hindered.

The consultant informed the PAPs that canal will not be covered as such will pose a challenge to the operations and maintenance of the irrigation system, however, the culverts will be constructed at cross-ways to facilitate movements of the PAPs. The ESMP provided for public education be conducted to educate the PAPs on how to secure the young children and the general safety requirement that may be necessary for the populations staying closer to the various irrigation infrastructures. The contractor undertaking works on the main canal has hired environment health and safety officers whose responsibility ensure contractor conforms to provisions listed in the project Health and Safety Management Plan (HSMP), at operation stage, feeder leaders will take up the role of sensitising communities member on health and safety provisions.

Table 19 (Block 1-14): Summary of PAPs concerns.

Issues	Feedback	Response
Absentee land owners	What happens to them	National Land Commission (NLC) shall deposit compensation funds for absentee landowners in interest bearing escrow accounts. The RAP implementation team and the local administration through the office of the Chief shall trace the absentee landlords during RAP implementation.
Graves within the tertiary corridors	Some PAPs reported that there are graves which will be affected during the excavation of tertiary canals.	The Consultant informed the PAPs that the information on the graves shall be collected during the census and also during the inspection by the NLC. They were also informed that the verified graves shall be compensated for its land value and intangible sentimental and cultural value. The family members shall be expected to exhume and relocate such graves as per the provision of the Luo customs, beliefs and practices.
Succession cases	Majority of the PAPs reported that they do not have the titles for the parcels which they inherited from their parents.	The Consultant informs the PAPs that the project will facilitate the process of succession. And that the project will hire a lawyer who shall conduct the succession on behalf of the affected families. The PAPs were also informed that they should have the death certificate for the deceased land owner in place in readiness for succession process. Those PAPs who do not have the death certificate were told to inform the chiefs to help them initiate the process of late registration of death so that they can have that certificate. However, the PAPs were informed that such families will have to appoint an administrator who shall be paid land compensation on their behalf. The administrators are expected to share the compensation money with other members of the family based on the agreed formula between the family members.
Requirements for compensation	Some PAPs wanted to know, the conditions to be met before they are compensated by NLC	The Consultant informed the PAPs that NLC will require the following documents in order to effect payments: Copy of ID Copy of bank account details Copy of title deed/ Letter of administration Copy of KRA pin Some PAPs have lost their IDs and they were informed to get a replacement before the

		compensation process begins.
Securing the tertiary canals	Some PAPs expressed their concerns with regards to open canals which they thought could endanger the lives of the local and more children who are likely to drown in the open water channels.	The consultant informed the PAPs that canal will not be covered as such will pose a challenge to the operations and maintenance of the irrigation system, however, the culverts will be constructed at cross-ways to facilitate movements of the PAPs. The ESMP provided for public education be conducted to educate the PAPs on how to secure the young children and the general safety requirement that may be necessary for the populations staying closer to the various irrigation infrastructures. The contractor undertaking works on the main canal has hired environment health and safety officers whose responsibility ensure contractor conforms to provisions listed in the project Health and Safety Management Plan (HSMP), at operation stage, feeder leaders will take up the role of sensitising communities member on health and safety provisions
Cut off –date	The PAPs enquired whether they would continue to use their parcels including the corridors which have been pegged and earmarked for acquisition	The Consultant explained to them that they are not expected to undertake any permanent construction of any structure on the corridor. They were informed that the census of all the assets on the corridor has been finalized and that any additional improvement on the corridor will not be compensated
Disputes .	There are PAPs who bought land and the process of transferring the ownership to the new buyers have not been concluded or has not commenced.	They were told that RAP implementation team, the local chiefs who chairs existing Grievance Redress Committees (GRCs) and NLC shall work with the affected PAPs to ensure speedy resolution of the disputes so that the rightful land owner is compensated.
Operation of the project	Some PAPs wanted to know whether the government will operate the project on their behalf or it will be handed over to them upon completion of the construction phase.	They were informed that Lower Nzoia Irrigation Development project will be merged with the existing Bunyala irrigation scheme which is currently under the management of National Irrigation Authority (NIA). The irrigation agency will manage the project and PAPs shall be expected to pay O&M costs to the agency at an agreed rate. The PAPs were informed that capacity development and sensitization for the PAPs and the would be beneficiaries shall be conducted.
The	Some PAPs reported that	The PAPs were informed that receiving

vulnerable people	they have been acting on behalf of their sick relatives or older parents on most transactions and wanted to know whether they would be allowed to receive compensation on behalf of such sick or elderly relatives.	compensation for someone who is alive is not possible and would require rigorous justification to NLC. However, The PAPs were informed that Resettlement Implementation Consultant (RIC) has been engaged by the Project, their role among others in liaison with existing GRCs committees will be to provide extra support needed by such category of PAPs with regards to resettlement.
Flooding from River Yala	PAPs reported that River Yala water continues to expand into the farmlands and they were worried that this will contribute to considerable loss of farm land which is well within the command area and was already earmarked for irrigation under the LNIDP.	They were informed that flood control component included in the current project is to control flooding arising from Waters from River Nzoia. They were informed that the project is already aware of the problem and that the relevant government department and the local leadership would look into the matter.
Adjudication	Some PAPs reported that their parcels have not been adjudicated and they lack title deed to show ownership.	They were informed that all the parcels affected by the tertiaries have parcel numbers and that the current RAP preparation process does not include other parcels within the command area which are not affected by the tertiaries. They were informed that adjudication procedures falls within the Ministry of Lands and that they should contact the County government to guide them on how to deal with the issue.

5.5 RAP Disclosure

The RAP will be disclosed in English while the executive summary (non-technical) will be translated into Kiswahili languages. A Project brochure will be prepared at implementation stage with (a) a broad description of the project; (b) entitlement matrix and eligibility; (c) implementation schedule; (d) grievance redress mechanisms and how it will work; and (e) RAP monitoring methods and timeline.

Disclosure will be in electronic form on the website of the following institutions namely:

- i. KWSCRIP
- ii. NIA
- iii. MoWSI
- iv. County Government of Siaya and Busia
- v. World Bank external affairs

National Land Commission (NLC) will further disclose part of the RAP by publishing on the Kenya Gazette Notice of its intention to acquire land on behalf of the Ministry. The gazette will contain the list of parcel numbers affected by the project, name of registered owners and the size of the land to be acquired in each parcel. The gazette notice will be for a period of thirty days. NLC will further disclose individual compensation awards to the PAHs through one-on-one engagement with individual heads of affected households or accompanied by his/her family members as the PAH may deem appropriate.

6.0 BASELINE AND SOCIO-ECONOMIC PROFILE OF PAPS

There are 1253 PAHs and the socio-economic survey was conducted for all the project affected households at 100% covering all the PAHs. There was only one respondent per household.

The socio-economic baseline presented in this section includes data on project household demographics, education, livelihoods, health and nutrition and basic services and community facilities. The data forms the basis of a better understanding of the structure and make-up of affected households, their livelihoods practices adopted to secure household food needs and income; as well as providing a baseline for evaluating the success of livelihood restoration support.

6.1 General background

Siaya County which has a land surface area of 2,530km² and water surface area is 1,005 km². With a total population estimated to be 885,762 persons (KNBS 2012 Population projections) comprising of 419,227 males and 466,535 females.

Detailed Findings

Administratively, there is a County Commissioners in charge of Siaya County and similarly there are 2 Deputy County Commissioners in charge of Ugenya and Ugunja Sub Counties assisted by Assistant County Commissioners and followed by chief and assistant chiefs at location and Sub-locations levels respectively. Every village is led by an elder appointed by the Chief or Assistant Chief to assist in matters that are important in public administration, such as maintaining public order, implementation of government policies, dispute resolution and providing overall leadership to the communities in the area of jurisdiction. Most recently under the Nyumba Kumi initiative, a peace committees and Huduma Committees have been set up and each of these are led by a Chairman who also reports directly to the Assistant Chief on peace and development matters respectively. The Chief, Assistant Chiefs and those working under him/her act as the bridge between the government and the people. Chiefs are generally respected by the community members. This hierarchy of leadership forms part of the Institutional Framework for the RAP implementation. This administration plays a significant role in dispute resolution, issuance of letters of confirming property ownership and therefore they chair the grievance committees at Location and Sub-Location level.

6.2 Demographics in Project Affected Household Heads

The total number of Project Affected Household heads in the project areas where economic and physical displacement is expected has been established during this socio-economic and census study at **1253** Project Affected Households (PAHs).

6.2 Age distribution

From the survey the age distribution of the respondents is as follow: 8.7 % (0-5yrs), 32.1 % (5-18yrs), 32.2 % (19-35yrs), 16.7 % (36-49yrs), 8.2 % (49-65yrs) 2.2% (65 yrs and above. The majority of PAPS are aged 65years and below. However, it important to note that no aged PAP considered to be vulnerable shall be relocated.

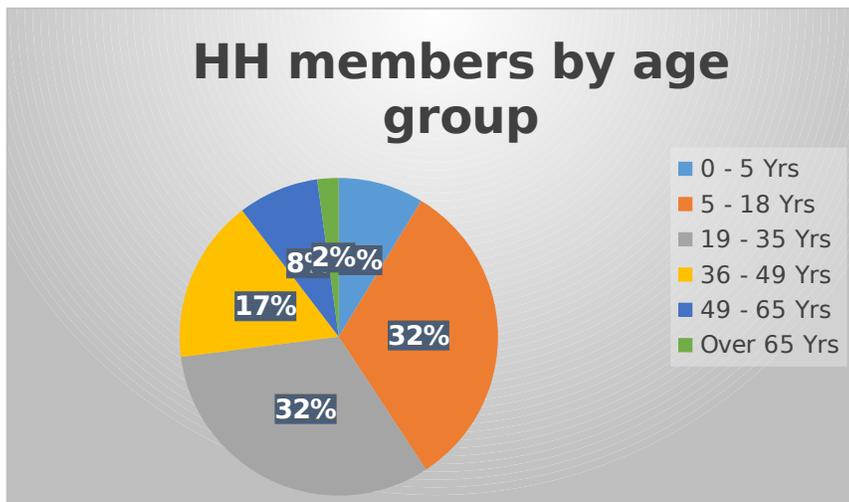


Figure 4: Age Distribution of Household Heads

Source: Household interview

6.4 Gender Distribution of Household Heads among the PAPs

It was noted that affected households include female household heads which make up 48% of PAHs. These include widows who form the larger group in this category of female household heads while the others are separated or single women. In the RAP widows fall under the category of vulnerable groups so that they are not disinherited during compensation. During discussions with opinion leaders and FGDs in the project area the fate of widows in the compensation and resettlement was featured prominently. This is because widows often lose land to the late husband's extended family who claim land and other assets. The community members felt that special consideration be given to female household heads during land succession processes and compensation. The project will hire a succession lawyer who ensure that widows are supported to become estate administrators of their deceased husbands. Additionally, illiterate widows shall be supported go through compensation procedures.

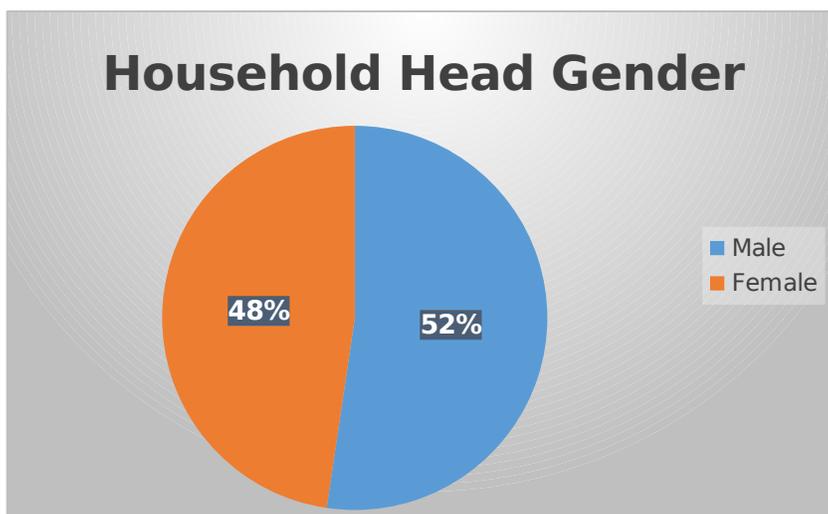


Figure 5: Gender Distribution of Household Heads

Source: Household interview

6.5 Educational Level

Majority (49%) of the respondents have attained primary education. Only 12 % of the respondents are illiterate. Education is essential in empowering people to take advantage of opportunities. During the community introductory meetings what came out clearly is that they have capacity to interrogate information given and even how it affects and serves the people and this can be attributed to the fact that they are educated. It is assumed that the educated can effectively articulate their issues and understand information passed on to them, they can participate in socio economic development initiatives and they can be trained as trainers on new farming technologies and agribusiness. But the RAP implementation committee will need to support 12% illiterate PAPs who may require special attention in order to make sure that their interests are well articulated during compensation.

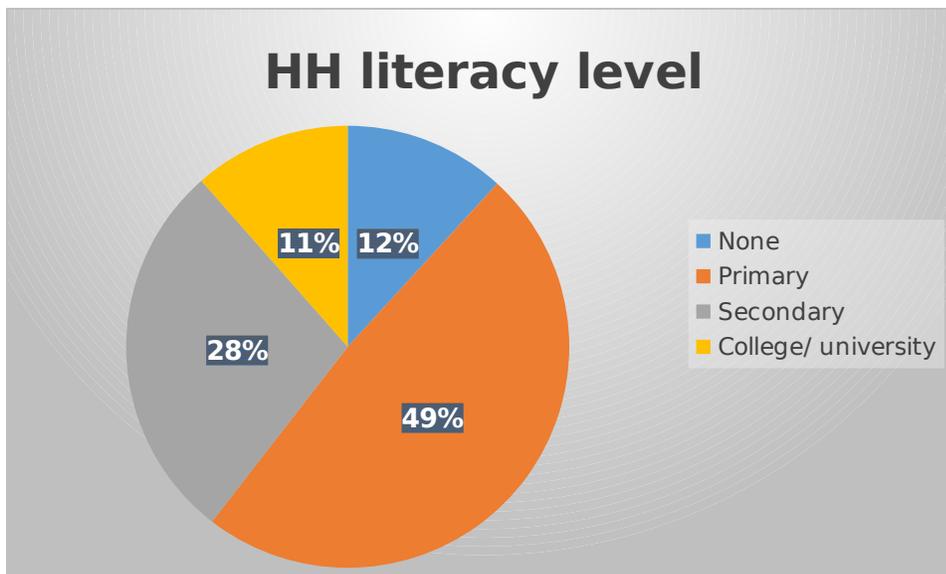


Figure 6: Educational Level

Source: Household Data

6.6 Land Ownership

The land tenure system in the community is freehold. The Communities in the project region are primarily patrilineal and therefore the men own land and inheritance of any form of property is clearly defined along male lines of descendants. The man is the households' head and owns the land. From a cultural stand point a woman does not own land and may not inherit land even when the husband is deceased. Only 37 % of the PAPs own the land while 63% do not own the land. Further, only 29% of the PAPs have land ownership documents while 71 % do not have.

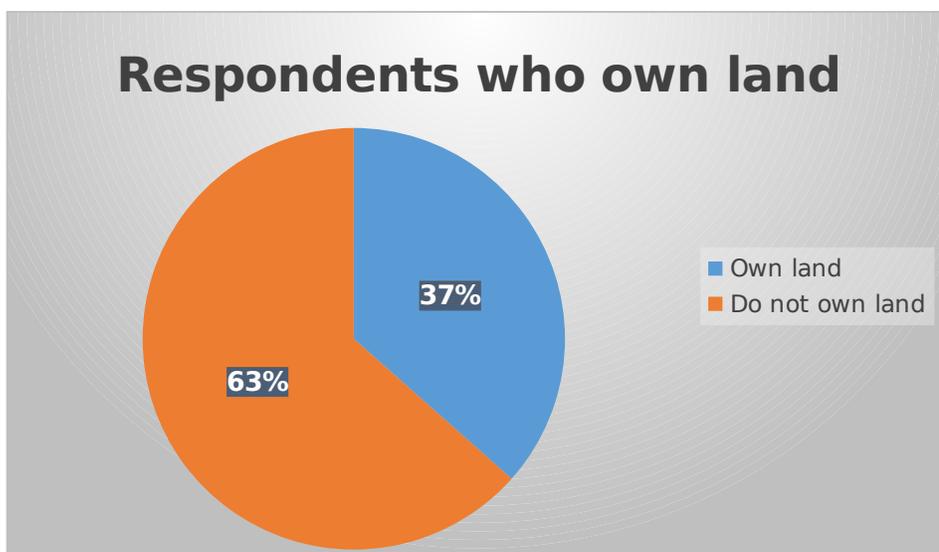


Figure 7: Land Ownership Documents

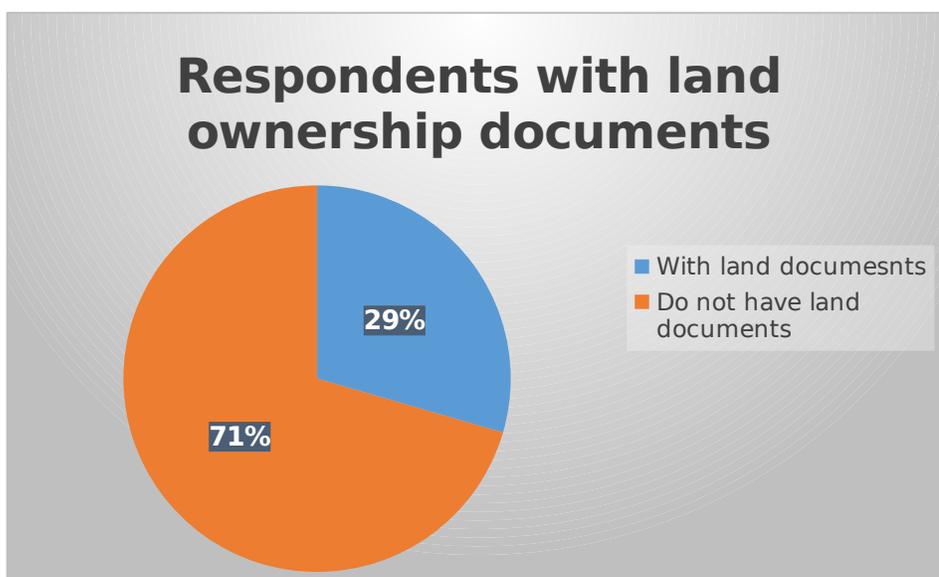


Figure 8: PAPs with Land Ownership Documents

6.7 Occupation

The main sources of income for most 88.9 % of the respondents are subsistence farming. However, these are subsistence farmers' using rudimentary methods of farming only to face various challenges in crop production even as they rely on low and unreliable rainfall, and as inferred in the FGDS, certified seeds, fertilizer and farm inputs are hardly used. From key informant interviews rainfall is inadequate at below 500 mm/year and also unreliable especially for maize farming in project areas. Only 2.5 % of the PAPs are in formal employment. Other income sources include livestock farming (7%) and business (5.8%).

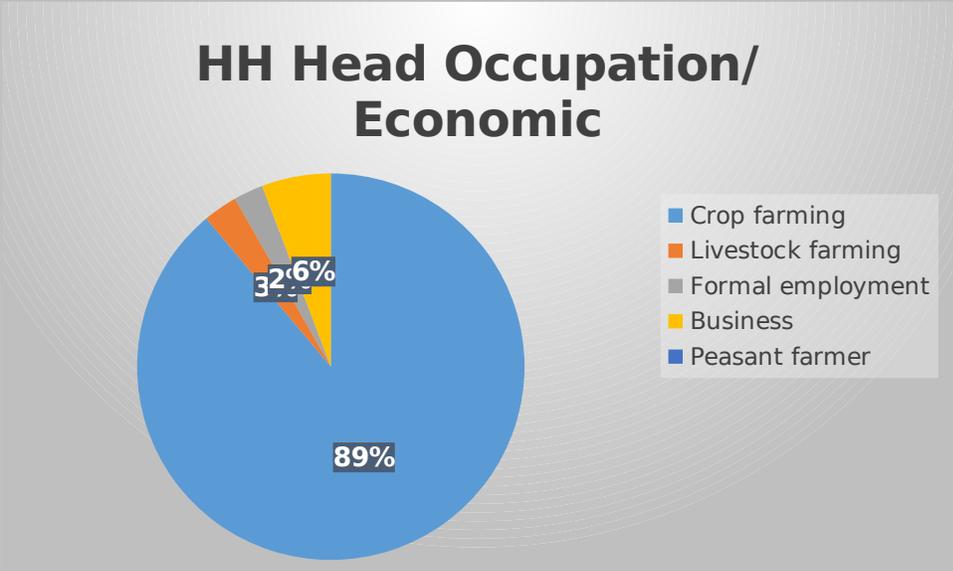


Figure 9: Occupation of the PAPs

6.8 Household Incomes

The survey shows that majority (88%) of the respondents have income of less than Kshs. 15,000 per month. This is drawn mainly from crop farming. Poverty level is taken as that of Siaya County, which is around 48% (County Integrated Development Plan 2013 - 2017) and higher than the national average of 34 per cent, hence considered as high. The causes of poverty in these areas are diverse and include poor soil fertility leading to low farm yields, low income among households to afford farm inputs, over-reliance on traditional methods of farming and lack of alternative sources of income. Income sources include livestock, fishing, formal and informal employment, business, remittances, pensions, etc. There exists food insecurity at the household level as farmers are unable to produce enough under rain-fed conditions due to the unpredictable weather patterns and from the interviews most household expenses are high on food as the harvest is not adequate to meet household food security needs. Successful irrigated farming will increase food production.

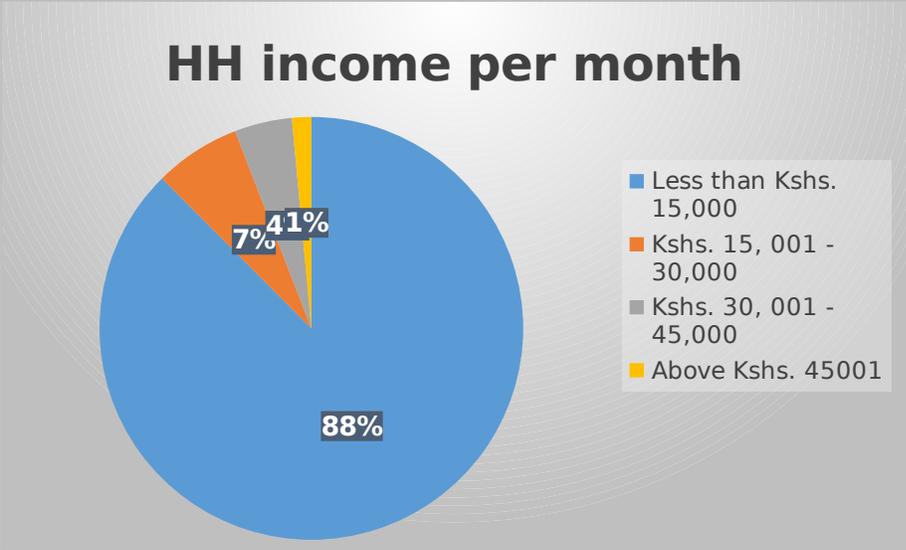


Figure 10: Monthly Income

6.9 Health and nutrition .

There exists a health facility in each of the Sub-Locations and within reasonable proximity (< 5 Km). Most common disease is malaria (93%) followed by other water borne diseases (31%) which include Diarrhea, Typhoid, Cholera and Amoeba calling for measures to ensure water treatment combined with sanitation improvements. Cases of Covid-19 infections were also reported in the County with some patient being admitted in Siaya County referral Hospital, while some were put in isolation under home-based care. The actual number of Covid -19 patients in the County was not established in this study. HIV/AIDS is at 20% and is a major challenge as it is appreciably higher than the national prevalence of 6.2% (rate in Siaya County is 17.8%). There exists poor nutrition in the area and there is an outreach program by the Community Health Volunteers/Health Committees in collaboration with AMREF which provides food/nutrition supplements to affected children. According to the latest KDHS Report (2008-09), 34% of children below 5 years of age in Western region, including Siaya are food insecure due to poverty and inadequate food particularly for children.

7.0 PROJECT IMPACTS AND MITIGATION MEASURES

RAP 4 Project Components and impacts

This RAP 4 includes the following components which all trigger economic and physical displacements:

- iii. Tertiary canals
- iv. Access roads

Data collected from the census was analyzed and the following have been established:

- (i) Persons affected by the project (PAPs);
- (ii) Total Land affected;
- (iii) Parcel numbers affected;
- (iv) Natural resources affected;
- (v) Identification of Vulnerable PAPs e.g. the disabled, widows, aged and Orphan and
- (vi) Details of affected structures and other assets;
- (vii) Compensation preferences;

The census data collection tool is in Appendix i of this report.

The construction of tertiary canals and roads will physically and economically affect 1253 households. All the 1253 households will lose a small portion of their land totaling to on 33.39720 ha (82.59279 acres). At the same time, thirty-nine (39) PAHs out of the 1253 PAHs will be relocated because the canals pass through their homesteads and affect residential structures. The magnitude of land take for tertiary canals and roads is low and no PAP is losing more than 10% of their total Household land holding. All the 39 PAHs shall be relocate within the same parcels and shall not be required to buy additional land.

Table 19: Summary of Risk Profile of Impacts

Type of loss	
Households losing more than 20% of Land	Nil
Household losing less than 10% of their land and primary residential structures	39
Subtotal of fully affected	39
Households losing less than 10% of their land only	782
Household losing less than 10 % of their land and none residential structures	22
Households losing less than 10% of their land and trees	278
Households losing less than 10% of their land and crops	119
Households Losing Business Structure & loss of Business	0
Households with affected gravesites	13
Subtotal of Partially affected	1214
Total Impact on Households	1253
<u>Public Infrastructure / community institutions Impacted</u>	
<u>Public Infrastructure institutions Impacted</u>	nil
<u>Public community institutions Impacted</u>	nil
Subtotal of Public or Community Institutions affected	nil
Total Households and institutions affected	1253

Relocation impacts.

As shown in table 21 below, 39 PAHs will lose both part of their land and residential structures and shall be relocated according to the Luo customs and culture. The Luo culture dictate that if the main house in the homestead or main gate is affected then the all structures in the homestead have to be compensated to allow for relocation and reorganization of the home. These principal has been applied during compensation of RAP 1, 2,3 and will be applied to this RAP (4). KWSCRP will provide increased support and monitoring to mitigate against likely resettlement related risks and impoverishment of the households. The 39 PAHs being relocated do not have any vulnerable PAP. Further, they will relocate within the same parcels of land and shall not be required to purchase another parcel for relocation. (There shall be no permanent/total) displacement of PAPs. There shall also be no temporary acquisition of land. All land take will be permanent for the construction of canals and access roads. The 39 Households are not permanently displaced because they are losing less than 10% of the parcels affected by the tertiary canals.

Table 20: PAHs being relocated

Block	NO of PAHs being relocated	Number of PAPs	Number of Vulnerable PAPs	PAHs required to purchase new parcels
1	0	0	0	0
2	1	5	0	0
3	1	6	0	0
4	2	11	0	0
5	5	28	0	0
6	4	21	0	0
7	3	18	0	0
8	3	16	0	0
9	0	0	0	0
10	3	12		
11	4	15	0	0
12	7	26	0	0
13	1	3	0	0
14	5	23	0	0
Total	39	184	0	0

Land Acquisition Impacts

The project will result into land acquisition amounting to approximately 33.39720 ha (82.59279 acres) that belong to 1253 households, all PAHs are losing less than 10% of their total land. All the land parcels affected by the project are freehold. Less than a half (507) PAHs have title deeds to the land they own and shall not require succession. The remaining 746 PAPHs inherited the land from their deceased parents and must be assisted to go through succession. The project will have to hire a succession lawyer and the budget has been included in this RAP.

Table 21: Land acquisition impacts

Block	PAHs losing less than 10% of their land	PAHs with Title Deed but in the name of Deceased Land owner	PAHs with Title Deed in their names (Alive PAPHs)	Acreage (Ha)
1	7	5	2	0.1341
2	20	0	20	0.76599
3	26	18	8	1.26001
4	104	89	15	3.95043
5	33	11	22	1.1732
6	75	49	26	1.99185
7	64	40	24	1.41277
8	162	110	52	3.47474
9	45	28	17	0.71952
10	209	101	108	4.2926
11	99	55	44	1.1484
12	156	100	56	2.70885
13	41	34	7	0.6348
14	212	106	106	3.80535
Total	1253	746	507	27.47261

Non-land/ Economic Displacement

A total of 406 households will be economically displaced as a result of loss of crops and trees which they depend on to support their land-based livelihoods.

Table 22: Non-land /economic displacements

Block	PAHs Losing Crops	PAHs Losing Trees	Number of Trees	Total number of Non-land Economic (trees and crops) Displaced PAHs
1	0	5	102	
2	1	12	1108	13
3	2	17	272	19

Block	PAHs Losing Crops	PAHs Losing Trees	Number of Trees	Total number of Non-land Economic (trees and crops) Displaced PAHs
4	16	59	977	75
5	0	13	119	13
6	11	35	495	46
7	11	19	353	30
8	3	15	185	18
9	3	11	162	14
10	29	24	320	53
11	16	20	359	36
12	19	30	320	49
13	3	12	185	15
14	5	15	289	20
Total	119	287	5246	406

Graves

A total of 13 graves are affected by the project and shall be compensated according to the Luo culture and traditions. The costs have been included in the compensation schedule.

Table 23: PAH losing Structures

PAH losing primary residential structures and non-residential structures	
BLOCK	STUCTURES
BLOCK 1	0
BLOCK 2	2
BLOCK 3	1
BLOCK 4	4
BLOCK 5	7
BLOCK 6	6
BLOCK 7	4
BLOCK 8	5
BLOCK 9	2
BLOCK 10	5
BLOCK 11	5
BLOCK 12	13
BLOCK 13	2

BLOCK 14	5
TOTAL	61

Table 24: Affected Graves

Block	Graves
1	0
2	1
3	1
4	1
5	1
6	3
7	0
8	1
9	1
10	1
11	2
12	0
13	1
14	0
TOTAL	13

Table 25: Summary of impacts

Block	PAHs Losing non-Residential Structures	PAHs Losing Crops	PAHs Losing Trees	PAHs with Graves to be Relocated	PAHs losing land (less than 10%)	PAHs being relocated(Losing primary residential structures)
1	0	0	5	0	7	0
2	2	1	12	1	20	1
3	1	2	17	1	26	1
4	4	16	59	1	104	2
5	7	0	13	1	33	5
6	6	11	35	3	75	4
7	4	11	19	0	64	3
8	5	3	15	1	162	3
9	2	3	11	1	45	0
10	5	29	24	1	209	3
11	5	16	20	2	99	4
12	13	19	30	0	156	7
13	2	3	12	1	41	1
14	5	5	15	0	212	5

Total	22	119	278	13	782	39
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Total Number PAHs and PAPs

The project will directly affect 1253 PAHs and 6265 PAPs as a result of physical and economic displacement.

Table 26: Total Number PAHS and PAPs

Block	PAHs	PAPs
1	7	35
2	20	120
3	26	104
4	104	520
5	33	198
6	75	450
7	64	256
8	162	810
9	45	270
10	209	957
11	99	495
12	156	780
13	41	246
14	212	848
Total	1253	6265

Table 27: Vulnerable PAPs Categories

No.	Vulnerable PAPs Categories	Nos.
1	Number of Households with vulnerable persons	171
2	Persons with disabilities	21
3	Elderly	43
4	Chronically ill	32
5	Orphans	48
6	Widows	64

7.1 Measures taken to avoid and/or minimise project impacts

The tertiary canals were realigned to avoid homesteads to reduce the impacts on settlements. Most of the tertiary canals are designed on farmlands. Secondly, the canals have been designed along existing access roads to avoid acquiring more land for access roads. Only, in locations where no access roads exist has the project acquired the tertiary canal corridor and the associated access road.

8.0 ELIGIBILITY AND VALUATION

Lower Nzoia Irrigation Development Project will lead to displacement (economic and physical) by affecting households who use lands or have structures in locations where the project components have been identified. Based on the obligations and entitlements outlined in the KWSCR P Resettlement Policy Framework (RPF) and Financial Agreement between Government of Kenya (GoK) and World Bank, the Project has developed detailed entitlement matrices for the project. This chapter outlines the general principles and processes the Project will follow with respect to entitlement for each category of PAP.

8.1 Eligibility

There are four variables to consider regarding eligibility:

- i. Who is eligible? – this is established through the definition of PAP and their relationship to the project-affected-area determined through the census
- ii. How are they deemed eligible? - this is established in the eligibility criteria
- iii. When are they eligible? - this is defined by the Cut-off Date
- iv. What are they eligible for (entitlement)? – this is defined in the Entitlement Matrix

Defining Project Affected People (Who is eligible)

For this resettlement, PAHs are defined as any individual or group of persons (constitutes e.g. a family or clan with shared interest in an asset) whom have legal or customary rights to assets that may be lost because of the project activities, as determined by the Cadastral Land and Asset Valuation Survey. A PAH may have a right to one or more groups of assets including (1) rights to land, (2) ownership of annual and perennial crops, (3) ownership of trees, (4) homestead property, (5) homestead structures, (6) graves, (7) and other privately held physical assets located within the development footprint of the Project. As indicated, a group could refer to an extended family or clan who have shared ownership of land or assets. For this RAP, all assets and land have been recorded against PAHs and each PAH has been given an ID number. Therefore, Entitlement and Eligibility is considered for each PAH with an ID. There may be multiple PAPs within a single household (as used in the socio-economic survey) which claim ownership to different households.

Table 28: Eligibility Framework

Description	Who	How	When
Physically displaced PAP:	Individuals, households or groups who will lose their place of residence due to Land Acquisition required for the Project Area.	Determined by the Cadastral and Asset Survey.	At the time of signing the cut-off date form during the rolling out of census and socio-economic survey. The cut-off date was 11th January 2021
Economically displaced PAP:	Individuals, households who will lose land, assets or access to assets or natural resource that leads to loss of income sources or livelihoods, but does NOT necessarily result in the direct loss of a place of residence.		
Physically and Economically displaced PAP:	Individuals, households or groups who fit into both categories above.		

8.1.1 Eligibility Criteria

Affected PAPs eligible for compensation/replacement include:

- i. Those who have formal legal rights (Certificate of Title) to land.
- ii. Those who do not have formal legally certified rights to occupy or use the land or other assets but have a claim to the land under the Land Act, 2012.
- iii. Those who have a claim to assets (e.g. structures or crops) on the land to be acquired. This includes land owners/claimants with assets on their own land and also those who claim assets on land they do not own/claim.
- iv. Those who have no recognizable legal right or claim to the land they are occupying (i.e. informal occupants). These were recorded as part of the Cadastral & Asset survey.

6.3 8.1.2 Cut-Off Date

Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. Improvements made to homes or additional structures added by existing residents after the cut-off date are also not eligible for compensation and resettlement assistance. According to OP 4.12, Cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated to prevent further population influx and opportunistic investments/claims.

The cut-off date was **11th January 2021** for the census and asset inventory and was set at the beginning of the RAP process. The cut-off date was publicly disclosed in the project areas and to all the PAHs. The disclosure was undertaken by the RAP Consultant teams, local administration jointly with the NIA team. The principle of the cut-off date was disclosed to the community prior to the field surveys. It was communicated to the affected communities during public meetings (barazas) and to individual PAHs during the fieldwork. They were clearly informed that persons moving to the project areas and those who may do further developments on their affected land after the cut-off dates would not be entitled for compensation and that persons settling in the project area after the cutoff dates may be subject to removal. The Asset register will be updated during RAP implementation as needed to reflect any additional information and justifiable changes and to correct any residual errors or omissions.

8.1.3 Category of PAH

The project identified the following categories of Project Affected People differentiated by the types of impacts:

PAH Categorization

- i. Land Owners
- ii. Land and Crop/Tree Owners
- iii. Land and Structure Owners
- iv. Land, Crop/Tree and Structure Owners
- v. Crop Owners

8.1.4 Entitlement Matrix

The Entitlement matrix establishes the specific rights and entitlements to replacement assets or compensation and assistance. These rights are granted to any PAHs who will lose proven assets, as determined during the Cadastral, Asset and Valuation study. The matrix established the specific rights per the type of loss, as well as differentiating the potential compensation entitlement granted to physically and/or economically displaced PAPs.

Table 29: Entitlement matrix

#	Type of Loss/Impact	Entitled person	Description of Entitlements
1.	Primary Structures used as dwelling	Rightful owners of the affected structures	<p>Cash compensation for all structures at full replacement cost, based on professional valuation.</p> <p>Statutory Disturbance Allowance of 15% of compensation amount.</p> <p>Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate as defined by the project schedule and prior to demolition.</p> <p>Livelihood Restoration Agricultural Capacity Enhancement</p> <p>Training on Financial Management, business development, farming</p>
2.	Residential land(relocation)	Registered owner or claimants of customary held land on which complete immovable housing structure is established for primary residence.	<p>Self-managed relocation (Cash compensation)</p> <p>Statutory Disturbance Allowance of 15% of compensation amount.</p> <p>Taxes and fees, and registration costs for Registration of property to be added to valuation and paid for directly.</p> <p>Livelihood Restoration Agricultural Capacity Enhancement</p> <p>Training on Financial Management, business development, farming</p>
3.	Loss of agricultural farming land	Registered owners or claimants of	Cash compensation

#	Type of Loss/Impact	Entitled person	Description of Entitlements
		customary held lands	<p>Statutory Disturbance Allowance of 15% of compensation amount.</p> <p>Taxes and fees, and registration costs for Registration of property to be added to valuation and paid for directly</p> <p>Livelihood Restoration Agricultural Capacity Enhancement</p> <p>Training on Financial Management, business development, farming</p>
4.	Crops	Owners of crops on farm land	<p>Where crops are planted as part of the regular farming cycle in the project area and land is required, prior to harvesting, Crop Owners receive:</p> <p>Cash: damaged crops will be compensated in cash as mature crops at agreed rates determined annually based on replacement cost determined by Ministry of Agriculture based on market prices plus transaction costs</p> <p>Statutory Disturbance Allowance of 15% of compensation amount.</p> <p>Livelihood Restoration Agricultural Capacity Enhancement</p> <p>Training on Financial Management, business development, farming</p>
	Trees	Owners of trees	<p>All trees shall be compensated at the recommended rates by KFS. And considering the prevailing market rates and the time required to have similar trees grow to maturity.</p> <p>Livelihood Restoration Agricultural Capacity Enhancement</p> <p>Training on Financial Management, business development, farming</p>

#	Type of Loss/Impact	Entitled person	Description of Entitlements
5.	Vulnerable Support Program (Tailored)	There are 208 vulnerable PAPs who shall receive support. This category refers to PAPs with other forms of vulnerabilities which may require special consideration. Vulnerable individuals e.g. the elderly (over 70 years old), physically challenged, those suffering from chronic illness; widows and children who are under 18 years	Assistance in the compensation payment procedure. Helping them to fill compensation documents, photocopy IDs, opening bank accounts. No vulnerable PAP is being relocated.
6.	Graves	Family members	Cash compensation at a rate that is determined by NLC in consultation with the PAHs and project staff. This cash is meant to assist the affected PAHs and communities to conduct customary ceremonies during the relocation of graves.
7	squatters/encroachers.	Squatters affected	Compensated for structures, crops and trees. Relocation assistance Livelihood restoration programmes

8.2 Valuation Methods

The valuation methodology is summarized in this section.

8.2.1 Valuation Process for Land and other Assets

The impacts that will arise from the development of the Lower Nzoia irrigation development tertiary canals and associated access roads includes:

- Loss of land;
- Loss of crops;

- Loss of trees;
- Loss of residential structures;
- Loss of graves

This RAP report therefore requires compensation for loss of all assets at full replacement cost in accordance with OP. 4.12.

8.2.1.1 Land - Market Research and Valuation

To help establish the replacement cost, the valuation team carried out market research for land, structures, crops and trees in Siaya and Busia Counties before commencement of valuation exercise. This exercise was primarily aimed at attaining relevant and reliable information about market transactions within and near the project Area. The valuation team carried out research to elicit comparable value for land within and near the project area. The exercise was carried out together with the market research for crops and trees.

8.2.1.2 Land Market Research - Objectives

The exercise was mainly aimed at attaining relevant reliable information about market transactions for the land within and near the project area. The collected information informed the valuation of the affected land at the comparison method.

8.2.1.3 Land Market Research - Target PAPs

The market research exercise targeted the different land owners in the villages. It also targeted key informants such as the village elders, Land Office in Siaya and Busia, legal land conveyance firms in Siaya and Busia who have knowledge of land transactions by virtue of work.

8.2.1.4 Valuation of land using Comparison Method

Comparable sales method has been adopted for valuing the affected land. This is based on the open market comparison of the land to be valued with what other similar parcels of land are currently selling for in the area but considering the differences between them. The comparability of the land is based on the use, location, site conditions and income related factors.

8.2.2 Valuation of structures using current replacement approach

The structures have been valued at full replacement cost.

8.2.3 Replacement Cost Valuation of Crops and Trees

This RAP study adopted local rates of department of agriculture to arrive at the values. This was the methodology adopted in computing the unit rate for maize and other seasonal crops. For crop valuation, local rates from the State Department of Agriculture and markets were adopted taking into account acreage of each particular crop. The emphasis was to ensure full replacement cost. For trees affected, the valuation adopted the local KFS (Kenya Forestry Services) rates, considering the age factor for trees.

The crops and trees within the project area were categorized into two major categories:

- i. Annual crops - crops that complete their growing season within one year.
- ii. Perennial crops - crops that go through their entire life cycle, in two or more years. Perennial crops are harvested multiple times before their death.

8.2.4 Valuation of graves

During public consultations, the loss of graves and burial sites were an important concern of affected people. They requested that traditional ceremonies be performed for each burial site and the costs shall include:

- (i) Foodstuffs for feeding the mourners (bull, two goats, chicken, rice);
- (ii) Exhumation and reburial costs
- (iii) Government documentation for exhumation including official certificate
- (iv) Transportation
- (v) Bereavement fee
- (vi) Hiring of tents, chairs and utensils

The PAPs also requested that compensation be made for graves. Graves have been valued and shall be compensated at an amount that shall take care of all the costs.

9.0 COMPENSATION PACKAGES

All PAPs shall be compensated in cash for the affected property including, land, structures, trees, crops and graves. NLC shall value the property and pay full replacement cost. Only small portion of land shall be acquired from every PAH for the construction of the canals. The government has no intention of buying land for any PAP. During the public consultations, it was clear that all the PAPs prefer cash compensation as is the case with RAP 1, 2 and 3.

9.1 Loss of Residential Land

Households which will be losing residential land (that is land with a structure recorded as residence on the land) are eligible for replacement land or they may choose cash compensation at replacement value as per the Entitlement Matrix. However, this RAP notes that not all PAHs can lay legal claim over the land they occupy and use. These PAHs are mainly adult sons of the registered owner who are still residing on land owned by their father within a homestead and who are yet to be formally transferred to the land that they occupy and use. This is the case where freehold land title has been issued to the registered owner without recognized user rights identified against those titles. This category of household therefore has claim over primary residential structures, crops and trees but remain constrained in legally claiming the land they occupy. They remain at the mercy of the legal title holders on whose land they reside and use through customary inheritance. The family members are expected to reach an agreement on how to share the land compensation cash between the parents who are the registered land owners and the sons who do not have legal ownership under Kenyan laws.

9.2 Loss of Farmland

Households which will be losing farmland (i.e. without structures on it) are eligible for cash compensation at replacement value as per the entitlement matrix. Transitional support will be provided as necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.

9.3 Loss of Residential Structures

All primary residential structures are located on land that is split into 2 parts i.e. residential and agricultural. Land use in the project affected area is also split into 2 uses where a portion of the parcel of land is used for residential purposes (homestead with primary residential structures) and the remaining portion (often the largest) serving as agricultural land. The project will give PAPs with an affected primary residence cash compensation at replacement cost as required by OP. 4.12

9.4 Loss of Non-Residential Structures

Non-residential structures include gates, pit latrines among others. The project will affect 22 non-residential. As stated in the entitlement matrix, the project will provide cash compensation at replacement cost for all non-residential structures identified in the asset survey.

9.5 Loss of Graves Burial Sites and Sacred Sites

There are 13 graves within the Project Area. Where the project will disturb graves and sacred sites, the project will make provisions for either the physical or symbolic relocation of graves or sacred sites. The compensation for the loss of graves will be in cash.

9.6 Loss of trees and crops

Trees shall be compensated as per the rates provided by the KFS while crops shall be compensated at the rates provided by the Ministry of Agriculture. Both trees and crops shall be compensated in cash.

9.7 Special Measures for Vulnerable Households

The vulnerable persons affected by the Project are people who by virtue of gender, cultural practices, 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 PAPs would be asked to nominate the persons who would receive the money on their behalves. Such persons shall be vetted by the RAP implementation team who shall also confirm that the vulnerable PAPs are not short-changed by the nominee upon payment of compensation funds. The vulnerable PAPs have been identified and the breakdown is given in table 31.

- (i) The vulnerable groups of persons affected by the project are found in **170 households**. Those identified included elderly, physically challenged; those suffering from chronic illnesses, orphans and widows. They shall be supported by the RAP implementation committee and Rap implementation consultant to secure their compensation packages. In addition, the widows will need extra support in terms of land succession making sure they are not disinherited.

Table 30: Vulnerable PAPs Categories

No.	Vulnerable PAPs Categories	Nos.
1	Number of Households with vulnerable persons	171
2	Physically Challenged Persons	21

3	Elderly / aged	43
4	Chronically ill	32
5	Orphans	48
6	Widows	64

10 Livelihood Restoration Program

Different Livelihood Restoration Programmes (LRP) are proposed in this RAP to be implemented by MoWSI with the assistance of relevant government agencies and the local community leadership. LRP will be additional support given to PAPs on top of compensation. LRP is aligned with existing resources, knowledge, skills and household experiences. LRP will be provided on top of compensation. All PAPs are eligible for LRP because their livelihood is agriculture-based. Further, the project has a component for support to agricultural production which will benefit all farmers in LNIDP and all PAPs in this RAP are farmers under the project. Financial training is necessary because PAPs shall receive cash compensation and need to be trained prior to receiving the cash. The LRP shall be implemented for a period of two years. Resettlement Implementation Consultant (RIC) who is already engaged in the project Shall implement the proposed LRP.

The LRP has various elements:

- i. Agricultural capacity enhancement / Land based livelihood support;
- ii. Financial management training

The cost estimate for LRP is **Ksh 15,000,000**. This cost estimate is over and above the compensation budget.

Table 31: Livelihood Support Cost Estimate

Activity / Description	Budget Estimate (KES)
Agricultural Capacity Enhancement	10,000,000
Training on Financial Management, business development, farming	5,000,000.00
Total	15,000,000.00

11.0 GRIEVANCE REDRESS MECHANISM

11.1 Introduction

Currently, there is an established and functional three-level grievance redress mechanism for LNIDP under RAPs 1, 2 and 3. The established GRM will also support RAP 4. The existing GRM was agreed upon by the relevant parties and has been operationalized.

Grievance redress mechanisms are necessary avenues for allowing project affected persons to voice concerns about the resettlement and compensation process as they arise and, if necessary, for corrective action to be taken promptly. Such mechanisms are important to achieve transparency in the land acquisition and resettlement processes. Arising from the above observations, the Consultant proposes that all the grievances be addressed before commencing construction.

A well-defined Grievance Redress Mechanism (GRM) that provides the PAPs with an avenue of lodging complaints and concerns and receiving quick/timely response is critical. Grievance mechanisms are important to the resettlement process as they allow for RAP implementers to identify disputes in good time and allow for them to be resolved in a transparent and accountable manner. Compensation based disputes are issues also likely to occur during and after the RAP implementation program, hence it is critical to establish this system prior to implementation of the resettlement program. Lack of perceived transparency may lead to feelings of mistrust and misinformed judgements on both sides. A well established and validated grievance mechanism can also promote good relations between the project proponent and the affected community thus reducing the risk of hostilities and delays on the construction program, both before and after the contractor takes possession of the site.

Grievance redress mechanism is a core component of managing operational risk. Grievance redress mechanisms have proven to be an effective tool for early identification, assessment, and resolution of complaints which may arise during project implementation. NIA must inculcate deeper understanding of the steps involved in grievance redress to enable them improve project outcomes and support both project teams and beneficiaries to improve results for LNIDP.

There is a strong belief that lack of a proper grievance redress mechanism has occasioned the stalling of many development projects around the world due to misunderstandings and disputes over various issues. This has made the business case for a functional GRM even stronger as the costs of ignoring such disputes or responding too late have proven to be too high for organizations to recover from. An effective grievance mechanism has the ability to identify minor incidents affecting PAPs before they escalate into unmanageable conflicts.

11.2 Subject Matter of Grievances / Expected Grievances

The PAPs may have grievances on the value of compensation for land, movable and immovable assets, crops, human and livestock disturbance. Other grievances may arise from the loss of livelihood, disconnection of streams of income and reduction of earning capacity due to the

relocation. Considering the nature of resettlement and as informed by the findings of the field studies, the type of grievances that may arise include:

- (i) Grievances on the value of compensation for land, movable and immovable assets, crops.
- (ii) Grievances between two PAPs from the same family (nuclear and extended). During the FGDs under this RAP study, the youth noted that there are some families where issues of succession have not been clearly resolved. Such situations among the PAPs may result in family feuds over who should receive compensation on behalf of the affected family;
- (iii) Grievance between two PAPs from different families;
- (iv) Grievance between PAPs and the RAP implementers. Grievances between PAPs and RAP implementers may arise if PAPs feel they are not adequately involved in the implementation process.
- (v) Grievances may arise from the loss of livelihood, disconnection of streams of income and reduction of earning capacity due to the relocation;
- (vi) Lack of appropriate timeframe for relocation;
- (vii) Livelihood restoration program packages;

11.3 Proposed Grievance Mechanism

11.3.1 Level One: Locational Committees

The project affects so many locations and NIA and the RAP implementation Consultant are working together with the local administration through the chief to ensure that local level grievance handling structures are easily accessible to PAPs from the affected villages. The Consultant has a community liaison officer (Grievance focal point) who works closely with the local administrators to ensure that grievances are received and addressed appropriately and on time. The grievance system also handles sexual gender-based violence cases and the members have been trained on SGBV.

A Local Grievance Committee constituted of the following members been formed at the local level:

- i) Location Chief –chairman
- ii) Village Elder where the grieving PAP comes from;
- iii) Four PAP representatives consisting of a man, a woman and a youth (18 to 30 years) and an elder who are elected by PAPs in each location.
- iv) Community liaison Officer (Grievance Focal point) from NIA/ Resettlement Implementation Consultant (RIC) who will be the secretary (Preferably recruited from the local community).

11.3.2 Procedures of Grievances at Level One

This committee will sit at the office of the chief once a week to address any reported grievance. The following procedure is proposed:

- i. A PAP registers a grievance and within one working day, the committee members are alerted of the case;

- ii. The affected person is immediately informed of the next date of the scheduled hearing. Depending on the case load, a maximum of 7 working days should be given between the date that a case is recorded and the date when the hearing is held;
- iii. The committee meets once every seven calendar days to deal with emerging cases. At these meetings, hearings with the affected persons and related witnesses will be held;
- iv. The committee will communicate its judgement to the affected persons within 3 working days;
- v. If no resolution is made or the PAP is not satisfied with the judgement, the case is moved to the next level by the committee. This will be done within 5 working days of the hearing;
- vi. If the PAP is not satisfied with the judgement, he or she will be allowed to move the case to the next level.

11.3.3 Level Two: project level grievance

Cases not resolved at the locational level committee are forwarded to the project level committee within 5 working days where technical experts will have an opportunity to address the grievances.

A project Level Committee Constituted of the following members is in place:

- (i) A specifically delegated representative from NIA
- (ii) Project Manager/ Engineer (Consultant)
- (iii) Project Sociologist (Consultant)- Secretary
- (iv) A specifically delegated representative of the County Government e.g. the Chief Officer Roads
- (v) Deputy County Commissioner (DCC)- Chair
- (vi) Members: three PAP representatives consisting of a man, a woman and a youth.
- (vii) KWSCRP hired Resettlement Implementation Consultant (RIC)

Procedures of Grievance at Level Two

- (i) A grievance is forwarded from the Local Level Committee and logged at DCC or the site residence engineer's Office.
- (ii) Within five working days, a notice is sent out to all the interested parties informing them of the date of the hearing;
- (iii) A hearing will then be held within 7 days of the grievance being raised;
- (iv) The ruling of the hearing should be communicated within 5 working days;
- (v) The ruling of the project level committee is final

Level three: Legal system

The PAPs are at liberty to seek assistance from any other relevant government agency such as the office of the ombudsman or any other legal system if they are not satisfied by the judgement of the project level committee.

Grievance tiers

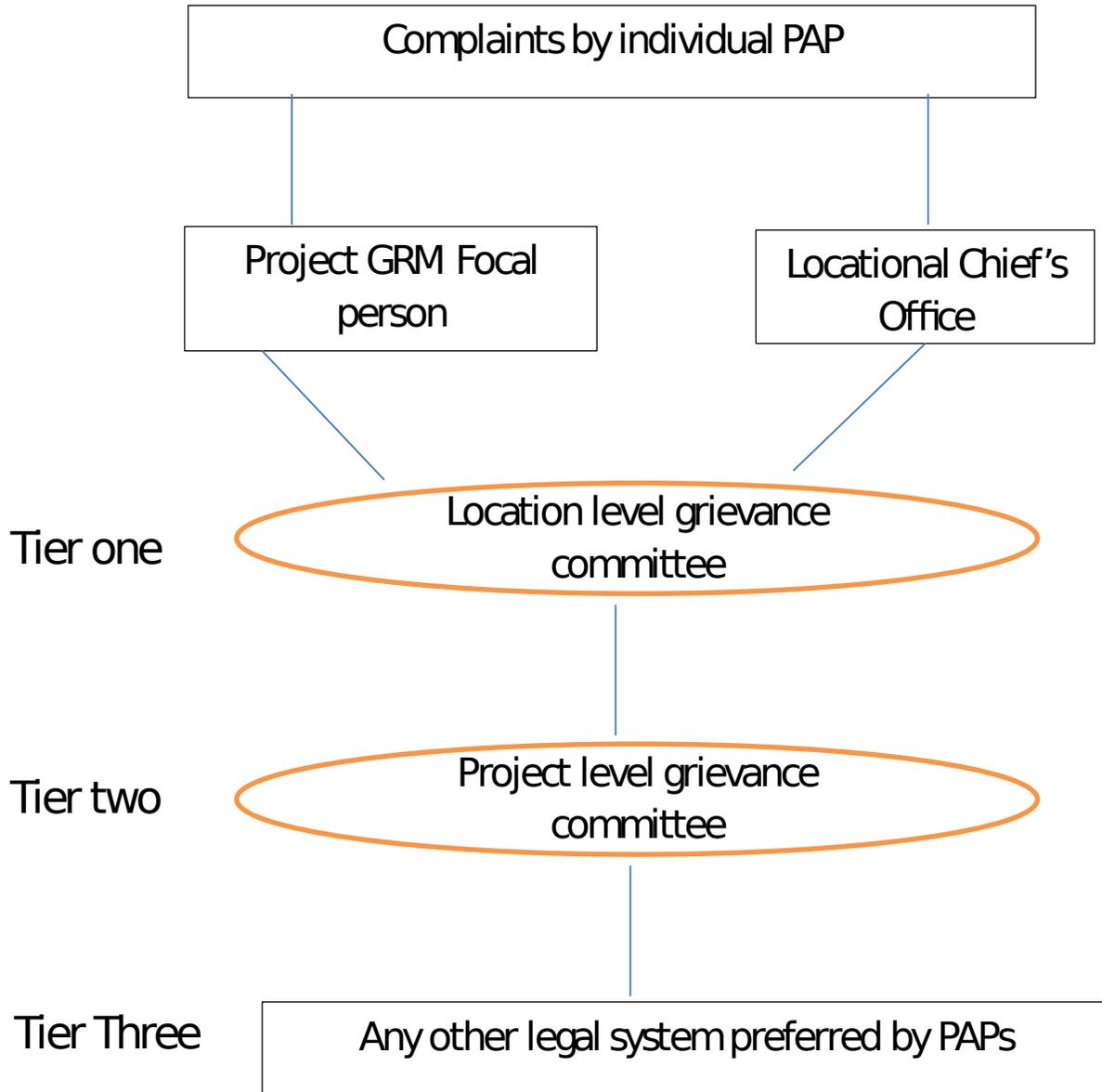


Figure 11: Grievance tiers

11.3.4 Grievance flow

Step 1: Reporting and Receiving Grievances

A communication campaign will ensure that PAPs and other stakeholders know where and how to submit grievances. The LNIDP related grievances should be received from different channels including:

Email: The official email for GRM for receiving the grievances dedicated by NIA

Verbal/ Personal visit: Grievances can be recorded from personal visits to project office at *the resident engineer's office site or the chief's office.*

Project staff: Grievances can also be filed through project staff including focal persons or individual members of GRC.

Written grievances can be submitted at the suggestion box which shall be located within strategic places within the compound of the chief's office.

Step: 2 Recording and processing of grievances

All submitted complaints and grievances will be entered into a database and GRM log book which will be updated regularly. Each complaint and grievance should be ranked, analyzed and monitored according to type, accessibility and degree of priority. A database will be established to track complaints and their resolution. At *NIA/ Consultant office*, all complaints will be documented and archived both physically (hard copies) and soft (computer/electronic database including all scanned documents received or related to the case along the process). Grievance redress log is provided in appendix: iv.

Step 3: Reviewing and Investigating Grievances

All grievances will need to undergo some degree of review and investigation, depending on the type of grievance and clarity of circumstances.

Step 4: Developing resolution options and preparing a response

Once the grievance is well understood, resolution options can be developed taking into consideration stakeholders' preferences, project policy, past experience, current issues, and potential outcomes.

Step 5: Feedback mechanism

One of the most important steps of the LNIDP –GRM is to provide clear feedback of outcome to the complainants. The GRM focal points at the *project level*, are responsible to give feedback to the complainants via email, message or call. The complainants must know that their complaints were recorded by the Committee and that they are investigating the issue. In case of anonymous complain/grievance, acknowledgement will not be possible. The means through which the complainant has been acknowledged shall also be recorded in the database. In this regard, the complainants shall receive acknowledgement feedback within 5 working days after the issue is reported.

Means of acknowledgment and communicating the grievance redress outcome

Email/ messaging: Either an automatic or manual reply will be sent to the complainants confirming the receipt of their complaints and getting back to them after analyzing it. The complainant, who has sent his /her grievance through email, will receive the final feedback through email.

Grievance feedback form: An offline either printed or soft Grievance feedback form will be used. The form is provided in appendix v.

Phone Call: The complainant, who has shared his/her grievance through mobile, will also receive feedback through a call by relevant Focal Point.

Grievance redress timeframe

After the grievance/complain is resolved, the Committees must provide a feedback to the complainant within 30 days from the date the grievance is reported. The Committees must also record the satisfaction of the complainant on the solutions provided in the feedback form. The solutions must also be recorded in the database for reporting to the appropriate authorities.

Step 6: Monitoring, Reporting and Evaluating a Grievance Mechanism

Monitoring and reporting can be a useful tool for measuring the effectiveness of the grievance redress mechanism and the efficient use of resources, and for determining broad trends and recurring problems so that they can be resolved proactively before they become points of contention. Monitoring and reporting also create a base level of information that can be used to report back to communities. To ensure smooth operation of GRM, NIA/Consultant will conduct frequent supervisions and monitoring missions on grievances handling system to ensure the GRM is functioning and included in regular reporting mechanism. The status of grievances submitted and grievance redress will be reported by focal persons through quarterly reports.

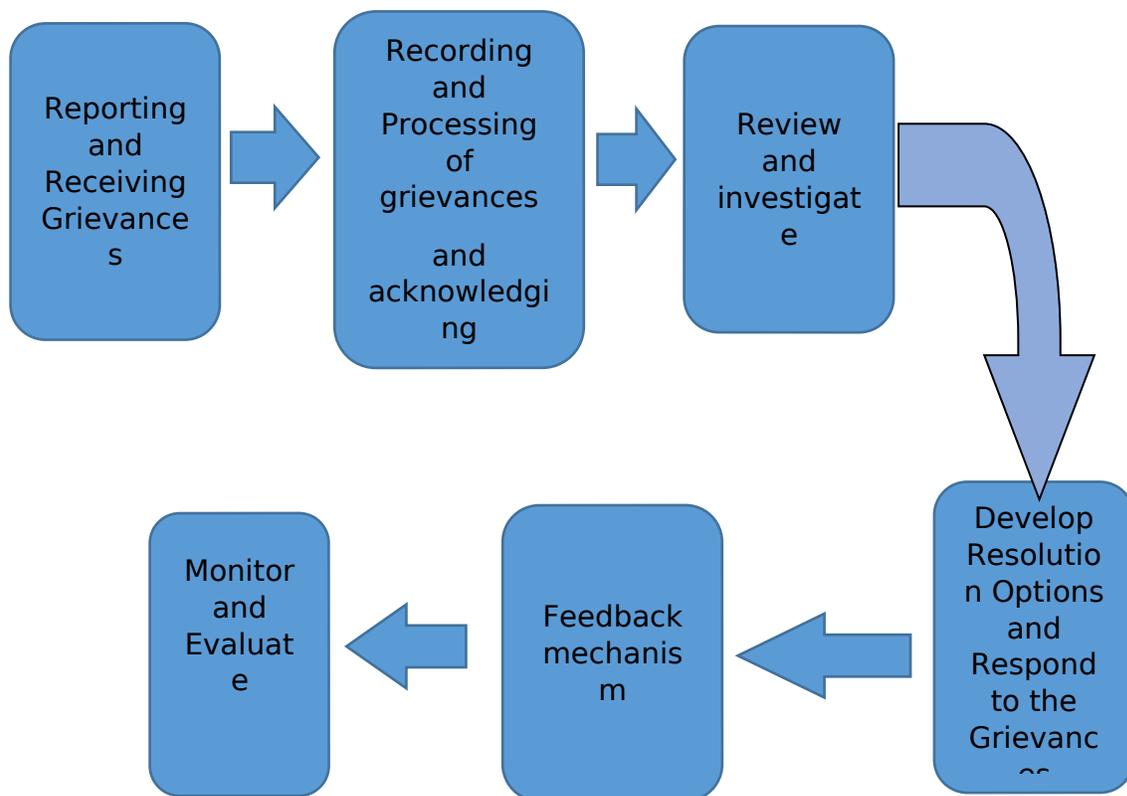


Figure 12: Grievance flow diagram

12. 0 INSTITUTIONAL FRAMEWORK FOR RAP IMPLEMENTATION

12.1 Existing Institutions of Relevance to this RAP.

The implementation of the RAP requires collaboration from all the stakeholders. This would require a properly constituted structure for the administration of the same. The proposed project involves land acquisition, resettlement and compensation of project affected people for the loss of their land, structures, business disruption and trees/crops. The Institutional Framework clarifies the role of various stakeholders in the implementation and administration of the RAP. It further clarifies the role of PAPs and their responsibility in the entire exercise. The procedures to be followed, along with the support facilities available and a timeframe for implementation of each of the activities are also outlined.

The following institutions are currently involved in the implementation of RAPs 1, 2 and 3 and shall also support the implementation of RAP 4. They have been informed that RAP 4 is under preparation.

- i. MoWSI
- ii. Kenya Water Security and Climate Resilience Project (KWSCRPMU)
- iii. National Irrigation Authority - Project Implementation Unit (NIA-PIU & SPIU)
- iv. National Land Commission
- v. Irrigation Water Users Association
- vi. Ministry of Interior and Coordination
- vii. County government of Siaya and Busia

MoWSI

The Project is owned by the Government of Kenya through MOWI and the KWSCRPMU / NIB-PIU will be responsible for its implementation. MOWI shall be responsible for mobilization of financing from Ministry of Finance (MOF) for this RAP. MOWI will request the Ministry of Finance to allocate funds for this RAP and will thereafter give the funds to NLC to compensate all the identified PAPs.

Kenya Water Security and Climate Resilience Project (KWSCRPMU)

KWSCRPMU has established a Project Implementation Unit (PMU) for the RAP, located in Lower Nzoia (Siaya), with a team dedicated to carrying out the respective activities, and coordinating with the County and National Government.

The KWSCRPMU Environmental and Social specialists will serve as the primary point of contact between communities of the project affected area and the project, and will have the following primary areas of responsibility inter alia:

- i. Liaise with County and Sub County government regarding local community liaison;
- ii. Log and respond to grievances lodged by members of the community;
- iii. Organize and facilitate compensation payment actions;

- iv. Obtain prior written permission from community leaders/affected members for any intended damage to any infrastructure, crops or land because of construction and compensation to be paid.

KWSCRIP/PMU has the following other responsibilities regarding the implementation of the RAP.

National Irrigation Authority - Project Implementation Unit (NIA-PIU & SPIU)

NIB is a functionally semi-autonomous parastatal under MOWI. It is the project implementing agency for LNIP. NIB will have overall responsibility of carrying out monitoring and evaluation of the resettlement process through a Project Implementation Unit (PIU) that is already established for this project. The NIB-PIU will be coordinating its activities in close consultation with the PMU. It will be responsible for the following:

- i. Ensure maximum participation of the affected people in the planning of their own resettlement and post resettlement circumstances;
- ii. Coordinate with NLC over the issue of Land Acquisition;
- iii. Accept financial responsibility for payment or compensation and other designated resettlement related costs;
- iv. Ensure detailed valuation of the structures to determine the case to case value of each component of the project and agree upon a value for compensation;
- v. Ensure that the affected persons receive their compensation in terms of amounts agreed and promptly;
- vi. Ensure monitoring and evaluation of the PAPs and undertake appropriate remedial action to deal with grievances and to ensure that income restoration is satisfactorily implemented;
- vii. Oversee the implementation of the RAP alongside already engaged Resettlement Implementation Consultant (RIC) ;
- viii.
- ix. Oversee Implementation of Monitoring and Evaluation of the Resettlement Process.

National Land Commission

The National Land Commission (NLC) is an independent constitutional agency that has statutory powers to undertake compulsory acquisition of private or community land for public purposes or public interest.

It performs these functions on behalf of the national government and county governments. The specific powers and functions of the NLC are set out in the National Land Commission Act 2012, and the Land Act 2012. Key roles of NLC in the implementation of this RAP will include:

- i. Provide approval to request made by KWSCRIP-PMU / NIB-PIU to acquire land for the Project;
- ii. Notify landholders in writing of the intention to acquire land;
- iii. Assist in resolving disputes related to compensation;
- iv. Acquire land on behalf of NIA;
- v. Undertake public consultation on intended acquisition;

- vi. Undertake actual payment of entitlement awards to PAPs
- Ministry of Interior and Coordination**

Below is the breakdown of levels of administration:

- | | | |
|------|--------------------------------|---|
| i. | County Commissioner | Head of County; |
| ii. | Deputy County Commissioner | Head of Sub-County; |
| iii. | Sub-County Commissioner | Head of Division; |
| iv. | Deputy Sub-County Commissioner | Head of Sub Division |
| v. | Chief | Head of Location; |
| vi. | Assistant Chief | Head of Sub Location; |
| vii. | Village Elders | Operate under Chief and Assistant Chiefs within |

The officers of this Ministry were instrumental in mobilisation and co-ordination between the study team and the Siaya and Busia County Governments. Their contribution to the implementation phases of this RAP would promote continuity in whatever communication strategy is selected for RAP implementation.

County government of Siaya and Busia

The County Governments were formed under the Kenyan Constitution 2010 and consist of various levels including:

- i. The County Governor;
- ii. The County Executive;
- iii. The Legislature known as Members of the County Assembly, headed by a Speaker;
- iv. Various officers leading specific departmental roles.

Other actors within the County include:

- i. Members of Parliament who represent their specific constituencies at the National Assembly;
- ii. A County Level Women’s Representative who represents gender issues at the National Assembly;
- iii. A Senator who represents the County at the Senate.
irrigation system. They are registered with the relevant Government institutions and legal instruments developed and applied to enforce accountability and transparency.

Irrigation Water Users Association

The role of IWUAs will be key since they will be charged with the responsibility of managing the operations of the project once NIB runs it over the initial period of 3 years. The responsibilities and roles of IWUAs include the following:

- i. Resource mobilization from members for the installation, maintenance and sustainable management of irrigation or drainage facility.
- ii. Management of operation and maintenance of the irrigation facility for maximum benefits to members.

- iii. Facilitate access and ensure effective management of resources for sustainability of the irrigation scheme.
- iv. Provide equitable access to irrigation water and drainage to the members.
- v. Facilitate access to inputs, financial services, value addition and marketing.
- vi. Develop and promote group cohesion.
- vii. Participate in the tendering/contracting process. This will build transparency, accountability and harmony among the various actors in the schemes.
- viii. Develop and enforce scheme bylaws and strategies to ensure participatory and representative decision making and management.
- ix. Establish mechanisms for conflict resolution
- x. Develop annual work plans and budgets based on actual needs water acquisition, fees and other charges for O&M.
- xi. Capability building for members.

13.0 RAP IMPLEMENTATION SCHEDULE

The RAP implementation period and timelines will at least 2 years particularly the livelihood restoration programs which will last beyond the project construction phase.

13.1 RAP Disclosure

The RAP will be disclosed in English while the executive summary (non-technical) will be translated into Kiswahili languages. A Project brochure will be prepared at implementation stage with (a) a broad description of the project; (b) entitlement matrix and eligibility; (c) implementation schedule; (d) grievance redress mechanisms and how it will work; and (e) RAP monitoring methods and timeline.

Disclosure will be in electronic form on the website of the following institutions namely:

- i. KWSCRP
- ii. NIA
- iii. Ministry of Water and Sanitation
- iv. County Government of Siaya and Busia
- v. World Bank external affairs

Hard copies will be made available in the same Offices with additional copies availed at the following sites:

- a) KWSCRP Nairobi Office
- b) NIA office in Bunyala scheme and HQ
- c) Siaya and Busia Counties Headquarters
- d) Office of contractor
- e) All locational offices affected by the project
- f) All Ward offices affected by the project

Table 32: RAP implementation schedule

Timelines	Months																	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18-24
Gazettment of parcels by NLC																		
Inspection of parcels																		
Enquiry																		
Issuing of awards																		
Disbursement of funds																		
Relocation of PAPs																		
Livelihood restoration																		

15.0 RAP BUDGET

The total budget for resettlement compensation is Kshs. 173,234,606.46 including disturbance allowance and livelihood restoration, conveyancing and succession and grievance redress. In addition, administration cost of 15 per cent for the RAP implementation and monitoring and evaluation has been considered. All costs associated with this RAP as highlighted in Table 12 below will be met by KWSCRPMU. However, the total costs of the RAP are bound to change as the unit prices will further be reviewed by NLC at the early stage of implementation to reflect the market prices and/or value and hence full replacement cost at that time.

Table 34: Total RAP Budget

Total RAP cost	Total PAHs
Land	40,751,802.34
Structure	24,922,705
Trees and crops	13,141,830.25
Sub- total 1	78, 816, 337.59
Disturbance allowance (15%)	11,822,450.64
Sub-total 2	90,638,788.23
Livelihood restoration programme	15,000,000
Conveyance /succession lawyer	30,000,000
Independent completion audit	10,000,000
Facilitation for Grievance Redress committee	5,000,000
Sub-total 3	60,000,000
Sub-total 4(2+3)	150,638,788.23
Contingency (15% of total RAP cost)	22,595,818.23
Grand total	173,234,606.46

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- Siaya County Agricultural Sector Development Strategy: 2013 – 2022 by Siaya County Government
- Siaya County Integrated Development Plan (2018 – 2022)
- Well – Being In Kenya a Socio- Economic Profile: 2020; by KNBS
- World Bank (2004), Involuntary Resettlement Policy 4.12 (Revised April 2004).

APPENDICES

Appendix i: Census Data Collection Tools

Zamconsult Consulting Engineers Ltd

RAP FOR PROPOSED WORKS CONTRACTS UNDER KENYA WATER SECURITY AND CLIMATE RESILIENCE PROJECT RESETTLEMENT ACTION PLAN (RAP) HOUSEHOLD QUESTIONNAIRE

A Resettlement Action Plan triggered by the proposed tertiary canals in lower Nzoia Irrigation Project under KWSCRIP is being carried out by Zamconsult Consulting Engineers. The aim of this exercise is to identify the Project Affected Persons (PAPs) by type of loss. We need your honest and accurate information during this discussion. Your inputs will assist in the understanding of your needs for improvement. The answers you provide will be kept confidential.

1 SECTION 1 DETAILS

- 1.1 Name of the Enumerator: Sign
- 1.2 Name of the respondent ID NO. Tel No.
- 1.3 Relationship of respondent to head of house (a) The Head (b) Spouse
(c) Offspring..... (d) Others Specify.....
- 1.4 Date of Interview: Time of Interview:
- 1.5 Respondents place of residence (a) Village..... (b) Location
..... (c) Sub-County (d) County
.....

2 SECTION 2 BASIC HOUSEHOLD CHARECTERISTICS

- 2.1 Name of the household head?
- 2.2 I.D number of household head Telephone Number of Household head
- 2.3 Sex of Household head 1) Male..... 2) Female.....
- 2.4 Marital Status of the Household Head? 1) Married..... 2) Never Married.....
3) Widowed (Single) 4) Widowed Remarried 5)
Divorced (Single)..... 6) Divorced Remarried
- 2.5 How many members does this household have? 1) All..... 2) Males..... 3) Females.....
- 2.6 How many of your household members have attained each of the following education levels?
(1) None (2) Primary (3) Secondary (4) College/university
- 2.7 What is the occupation /economic activities of the household head (tick)
(1) Crop farming (2) Livestock farming (3) Formal employment
- (4) Business (5) Pastoralism..... (6) Others (specify)
- 2.8 Is this business affected by the proposed road project? (Tick as appropriate)
(1) Yes..... (2) No.....
- 2.9 If yes, what is the business type? (1) Shop (2) Bodaboda (bicycle/motorbike).....
(3) M-pesa..... (4) Jua kali (5) Others specify
- 2.10 What is the average income from this business per month? (Tick as appropriate)
(1) Less than 15,000..... (2) 15,001-30,000..... (3) 30,001-45,000..... (4) Above 45,001
..... (Exact Value)
- 2.11 What is the average combined household income per month? (Tick)
(1) Less than 15,000..... (2) 15,001-30,000..... (3) 30,001-45,000..... (4) Above 45,001

- 2.12 What's the religion of the Household Head? (Tick)
 (1) Christian..... (2) Muslim..... (3) Hindu..... (4) Traditionalist (5) Others Specify

3 SECTION 3 LAND OWNERSHIP DETAILS

- 3.1 Do you own the land you currently reside on? (Tick)
 1) Yes.....2) No.....
- 3.2 Who owns the land? Name of Registered Owner.....
- 3.3 Does the registered owner have any land ownership documents? (Tick) 1) Yes.....2) No.....
- 3.4 If yes, what documents do you have for the land? (Tick)
 (1) Title deed..... (2) Allocation letter..... (3) None..... (4) Other, specify.....
- 3.5 What is the L.R/plot/parcel. No. of the Land.....
- 3.6 What is the total size of the land?Acres/Ha/ Plot size (specify)
- 3.7 What is the total size of the land affected by the proposed Project?
 Length..... (m).. Width..... (m)
- 3.8 What is the ownership nature of this land? (Tick)
 (1) Owned by extended family..... (2) Owned by individual..... (3) Owned by nuclear family..... (4) Communal land (5) Trust land..... (6) Others Specify

4 SECTION 4 ASSETS, BUILDING STRUCTURES & OTHER PROPERTY DETAILS

a) STRUCTURES measurements (In Meters)

1) Permanent buildings

Length	Width	Storeys	Sketch

2) Semi-permanent buildings

Length	Width	Storeys	Sketch

3) Temporary Buildings

Length	Width	Storeys	Sketch

e) CROPS

TYPE	Length	Width
Maize		
Beans		
Vegetables		
Sugarcane		
Pineapples		
Cassava		
Sweet Potatoes		
Others		

5 SECTION 5 LIVESTOCK DETAILS

5.1 What type of Animals Do You Have?

TYPE	No.
Indigenous cattle	
Dairy Cattle	
Goats	
Dairy goats	
Sheep	
Chicken	
Ducks	
Pigs	
camels	
Others, Specify	

6 SECTION 6 EXPECTED MODE OF COMPENSATION

6.1 What is your preferred mode of compensation? (Tick)

(1) In Kind..... (2) Monetary terms..... (3) Others Specify

Appendix ii: Minutes of meetings

MINUTES OF 1 BLOCK ONE MEETING HELD AT NZOIA MARKET ON 11TH JANUARY 2021 AT 10. 00 A.M

Members present

Agenda

- 1) Introduction
- 2) Objective of the RAP assignment
- 3) Questions and answer session
- 4) AOB

Min 01: Introduction

The meeting was opened by the block chairman at 10.30 A.M. The chairman introduced the block committee members and invited the Consultant team leader to introduce the consultant team members.

Min 02: Overview and scope of the RAP assignment

The Consultant informed the PAPs that the RAP exercise was meant to achieve the following objectives:

- i. To undertake a census survey to ensure that all potential PAPs are identified and appropriate measures to remedy resettlement effects and to secure livelihoods are recommended and documented.
- ii. To undertake socio-economic survey in the project footprint area and ensure that baseline data are generated for the purposes of monitoring and evaluation during the project implementation period.
- iii. To undertake asset inventory survey and ensure that all assets that will be affected by the proposed project are enumerated, valued and costed.
- iv. To map out the affected properties (structures, crops, trees, fences, graves etc.) using GPS with an accuracy of 1 metre in UTM Coordinate System to make RAP implementation predictable and smooth.
- v. To undertake stakeholder mapping, analysis, and public consultation and participation throughout the RAP preparation process.
- vi. To recommend cost effective and sustainable measures to be implemented to restore and enhance the livelihoods of project affected persons.
- vii. To develop a Resettlement Action Plan (RAP) consistent with the policy and regulation of the Government of Kenya as well as the World Bank's policy on Involuntary Resettlement. The RAP shall identify project affected people (PAPs), affected assets, loss of access to resources and provide for mitigation measures and compensation in accordance to the Government of Kenya regulation and the World Bank guidelines. Where Banks' standards are confirmed to hold a wider scope than the relevant national provisions, the former will take precedence.

Min 03: Questions from PAPs

Some PAPs wanted to know what will happen to the PAPs who are not available to be enumerated during the RAP exercise. They said that some land owners are working in various

towns and they had not been informed to come. The consultant informed the PAPs that the PAPs who were not available for the census enumeration and socio-economic survey studies need not to worry because the Census team have picked the relevant information including the parcel number, size of land affected and any other improvement which may be affected by the tertiary canal. They were also informed that socio-economic survey only targeted a sample of the affected population and not everybody was meant to be reached by the baseline socio-economic survey. They were however informed that every land PAP who is eligible for compensation shall have to present themselves personally to the National Land Commission during the enquiry.

AOB

There being no other business, the meeting ended at 1.00 P.M

MINUTES OF BLOCK TWO MEETING HELD AT RABAR DISPENSARY ON 15TH JANUARY 2021 AT 2. 00 P.M

Members present

**See the attendance sheet in annex: I*

Agenda

- i. Introduction
- ii. Objective of the RAP assignment
- iii. Questions and answer session
- iv. AOB

Min 01: Introduction

The meeting was opened by the block chairman at 10.30 A.M. The chairman introduced the block committee members and invited the Consultant team leader to introduce the consultant team members.

Min 02: Overview and scope of the RAP assignment

The Consultant informed the PAPs that the RAP exercise was meant to achieve the following objectives:

- i. To undertake a census survey to ensure that all potential PAPs are identified and appropriate measures to remedy resettlement effects and to secure livelihoods are recommended and documented.
- ii. To undertake socio-economic survey in the project footprint area and ensure that baseline data are generated for the purposes of monitoring and evaluation during the project implementation period.
- iii. To undertake asset inventory survey and ensure that all assets that will be affected by the proposed project are enumerated, valued and costed.
- iv. To map out the affected properties (structures, crops, trees, fences, graves etc.) using GPS with an accuracy of 1 metre in UTM Coordinate System to make RAP implementation predictable and smooth.
- v. To undertake stakeholder mapping, analysis, and public consultation and participation throughout the RAP preparation process.
- vi. To recommend cost effective and sustainable measures to be implemented to restore and enhance the livelihoods of project affected persons.
- vii. To develop a Resettlement Action Plan (RAP) consistent with the policy and regulation of the Government of Kenya as well as the World Bank's policy on Involuntary Resettlement. The RAP shall identify project affected people (PAPs), affected assets, loss of access to resources and provide for mitigation measures and compensation in accordance to the Government of Kenya regulation and the World

Bank guidelines. Where Banks' standards are confirmed to hold a wider scope than the relevant national provisions, the former will take precedence.

Min 03: Questions from PAPs

Some PAPs reported that there are graves which will be affected during the excavation of tertiary canals. The consultant informed the PAPs that the information on the graves shall be collected during the census and also during the inspection by the national land Commission. They were also informed that the verified graves shall be compensated and the family members will be expected to exhume and relocate such graves as per the provision of the Luo customs, beliefs and practices.

AOB

There being no other business, the meeting ended at 4.00 P.M

MINUTES OF BLOCK THREE MEETING HELD AT NYABERA ON 18TH JANUARY 2021 AT 10. 00 A.M

Members present

**See the attendance sheet in annex: I*

Agenda

- i. Introduction
- ii. Objective of the RAP assignment
- iii. Questions and answer session
- iv. AOB

Min 01: Introduction

The meeting was opened by the block chairman at 10.30 A.M. The chairman introduced the block committee members and invited the Consultant team leader to introduce the consultant team members.

Min 02: Overview and scope of the RAP assignment

The Consultant informed the PAPs that the RAP exercise was meant to achieve the following objectives:

- i. To undertake a census survey to ensure that all potential PAPs are identified and appropriate measures to remedy resettlement effects and to secure livelihoods are recommended and documented.
- ii. To undertake socio-economic survey in the project footprint area and ensure that baseline data are generated for the purposes of monitoring and evaluation during the project implementation period.
- iii. To undertake asset inventory survey and ensure that all assets that will be affected by the proposed project are enumerated, valued and costed.
- iv. To map out the affected properties (structures, crops, trees, fences, graves etc.) using GPS with an accuracy of 1 metre in UTM Coordinate System to make RAP implementation predictable and smooth.
- v. To undertake stakeholder mapping, analysis, and public consultation and participation throughout the RAP preparation process.
- vi. To recommend cost effective and sustainable measures to be implemented to restore and enhance the livelihoods of project affected persons.
- vii. To develop a Resettlement Action Plan (RAP) consistent with the policy and regulation of the Government of Kenya as well as the World Bank's policy on Involuntary Resettlement. The RAP shall identify project affected people (PAPs),

affected assets, loss of access to resources and provide for mitigation measures and compensation in accordance to the Government of Kenya regulation and the World Bank guidelines. Where Banks' standards are confirmed to hold a wider scope than the relevant national provisions, the former will take precedence.

Min 03: Questions from PAPs

Majority of the PAPs reported that they do not have the titles for the parcels which they inherited from their parents. The consultant informs the PAPs that the project will facilitate the process of succession. And that the project will hire a lawyer who shall conduct the succession on behalf of the affected families. The PAPs were also informed that they should have the death certificate for the deceased land owner in place in readiness for succession process. Those PAPs who do not have the death certificate were informed the chiefs to help them initiate the process of late registration of death so that they can have that certificate. However, the PAPs were informed that such families will have to appoint an administrator who shall be paid land compensation on their behalf. The administrators are expected to share the compensation money with other members of the family based on the agreed formula between the family members. **AOB**

There being no other business, the meeting ended at 1.00 P.M

MINUTES OF BLOCK FOUR MEETING HELD AT NDUR MARKET ON 19TH JANUARY 2021 AT 11. 00 A.M

Members present

**See the attendance sheet in annex: I*

Agenda

- i. Introduction
- ii. Objective of the RAP assignment
- iii. Questions and answer session
- iv. AOB

Min 01: Introduction

The meeting was opened by the block chairman at 10.30 A.M. The chairman introduced the block committee members and invited the Consultant team leader to introduce the consultant team members.

Min 02: Overview and scope of the RAP assignment

The Consultant informed the PAPs that the RAP exercise was meant to achieve the following objectives:

- i. To undertake a census survey to ensure that all potential PAPs are identified and appropriate measures to remedy resettlement effects and to secure livelihoods are recommended and documented.
- ii. To undertake socio-economic survey in the project footprint area and ensure that baseline data are generated for the purposes of monitoring and evaluation during the project implementation period.
- iii. To undertake asset inventory survey and ensure that all assets that will be affected by the proposed project are enumerated, valued and costed.
- iv. To map out the affected properties (structures, crops, trees, fences, graves etc.) using GPS with an accuracy of 1 metre in UTM Coordinate System to make RAP implementation predictable and smooth.

- v. To undertake stakeholder mapping, analysis, and public consultation and participation throughout the RAP preparation process.
- vi. To recommend cost effective and sustainable measures to be implemented to restore and enhance the livelihoods of project affected persons.
- vii. To develop a Resettlement Action Plan (RAP) consistent with the policy and regulation of the Government of Kenya as well as the World Bank's policy on Involuntary Resettlement. The RAP shall identify project affected people (PAPs), affected assets, loss of access to resources and provide for mitigation measures and compensation in accordance to the Government of Kenya regulation and the World Bank guidelines. Where Banks' standards are confirmed to hold a wider scope than the relevant national provisions, the former will take precedence.

Min 03: Questions from PAPs

Some PAPs wanted to know what would be required of them during compensation. The Consultant informed the PAPs that NLC will require the following documents in order to effect payments:

Copy of ID

Copy of bank account details

Copy of title deed/ Letter of administration

Copy of KRA pin

Some PAPs have lost their IDs and they were informed to get a replacement before the compensation process begins.

AOB

There being no other business, the meeting ended at 2.00 P.M

MINUTES OF BLOCK FIVE MEETING HELD AT SIMBA MON ON 21ST JANUARY 2021 AT 9.00 A.M

Members present

**See the attendance sheet in annex: I*

Agenda

- i. Introduction
- ii. Objective of the RAP assignment
- iii. Questions and answer session
- iv. AOB

Min 01: Introduction

The meeting was opened by the block chairman at 10.30 A.M. The chairman introduced the block committee members and invited the Consultant team leader to introduce the consultant team members.

Min 02: Overview and scope of the RAP assignment

The Consultant informed the PAPs that the RAP exercise was meant to achieve the following objectives:

- i. To undertake a census survey to ensure that all potential PAPs are identified and appropriate measures to remedy resettlement effects and to secure livelihoods are recommended and documented.

- ii. To undertake socio-economic survey in the project footprint area and ensure that baseline data are generated for the purposes of monitoring and evaluation during the project implementation period.
- iii. To undertake asset inventory survey and ensure that all assets that will be affected by the proposed project are enumerated, valued and costed.
- iv. To map out the affected properties (structures, crops, trees, fences, graves etc.) using GPS with an accuracy of 1 metre in UTM Coordinate System to make RAP implementation predictable and smooth.
- v. To undertake stakeholder mapping, analysis, and public consultation and participation throughout the RAP preparation process.
- vi. To recommend cost effective and sustainable measures to be implemented to restore and enhance the livelihoods of project affected persons.
- vii. To develop a Resettlement Action Plan (RAP) consistent with the policy and regulation of the Government of Kenya as well as the World Bank's policy on Involuntary Resettlement. The RAP shall identify project affected people (PAPs), affected assets, loss of access to resources and provide for mitigation measures and compensation in accordance to the Government of Kenya regulation and the World Bank guidelines. Where Banks' standards are confirmed to hold a wider scope than the relevant national provisions, the former will take precedence.

Min 03: Questions from PAPs

Some PAPs expressed their concerns with regards to open canals which they thought could endanger the lives of the local and more children who are likely to drown in the open water channels. The consultant informed the PAPs that canal will not be covered as such will pose a challenge to the operations and maintenance of the irrigation system, however, the culverts will be constructed at cross-ways to facilitate movements of the PAPs. The consultant also informed the PAPs that public education will be conducted to educate the PAPs on how to secure the young children and the general safety requirement that may be necessary in for the populations staying closer to the various irrigation infrastructures

AOB

There being no other business, the meeting ended at 11.00 A.M

MINUTES OF BLOCK SIX MEETING HELD AT MAHERO CATHOLIC CHURCH ON 22ND JANUARY 2021 AT 10. 00 A.M

Members present

**See the attendance sheet in annex: I*

Agenda

- i. Introduction
- ii. Objective of the RAP assignment
- iii. Questions and answer session
- iv. AOB

Min 01: Introduction

The meeting was opened by the block chairman at 10.30 A.M. The chairman introduced the block committee members and invited the Consultant team leader to introduce the consultant team members.

Min 02: Overview and scope of the RAP assignment

The Consultant informed the PAPs that the RAP exercise was meant to achieve the following objectives:

- i. To undertake a census survey to ensure that all potential PAPs are identified and appropriate measures to remedy resettlement effects and to secure livelihoods are recommended and documented.
- ii. To undertake socio-economic survey in the project footprint area and ensure that baseline data are generated for the purposes of monitoring and evaluation during the project implementation period.
- iii. To undertake asset inventory survey and ensure that all assets that will be affected by the proposed project are enumerated, valued and costed.
- iv. To map out the affected properties (structures, crops, trees, fences, graves etc.) using GPS with an accuracy of 1 metre in UTM Coordinate System to make RAP implementation predictable and smooth.
- v. To undertake stakeholder mapping, analysis, and public consultation and participation throughout the RAP preparation process.
- vi. To recommend cost effective and sustainable measures to be implemented to restore and enhance the livelihoods of project affected persons.
- vii. To develop a Resettlement Action Plan (RAP) consistent with the policy and regulation of the Government of Kenya as well as the World Bank's policy on Involuntary Resettlement. The RAP shall identify project affected people (PAPs), affected assets, loss of access to resources and provide for mitigation measures and compensation in accordance to the Government of Kenya regulation and the World Bank guidelines. Where Banks' standards are confirmed to hold a wider scope than the relevant national provisions, the former will take precedence.

Min 03: Questions from PAPs

The PAPs enquired whether they would continue to use their parcels including the corridors which have been pegged and earmarked for acquisition. The Consultant explained to them that they are not expected to undertake any permanent construction of any structure on the corridor. They were informed that the census of all the assets on the corridor has been finalized and that any additional improvement on the corridor will not be compensated

AOB

There being no other business, the meeting ended at 1.00 P.M

MINUTES OF BLOCK SEVEN MEETING HELD AT THE PROJECT OFFICE ON 27TH JANUARY 2021 AT 2. 00 P.M

Members present

**See the attendance sheet in annex: I*

Agenda

- i. Introduction
- ii. Objective of the RAP assignment
- iii. Questions and answer session
- iv. AOB

Min 01: Introduction

The meeting was opened by the block chairman at 10.30 A.M. The chairman introduced the block committee members and invited the Consultant team leader to introduce the consultant team members.

Min 02: Overview and scope of the RAP assignment

The Consultant informed the PAPs that the RAP exercise was meant to achieve the following objectives:

- i. To undertake a census survey to ensure that all potential PAPs are identified and appropriate measures to remedy resettlement effects and to secure livelihoods are recommended and documented.
- ii. To undertake socio-economic survey in the project footprint area and ensure that baseline data are generated for the purposes of monitoring and evaluation during the project implementation period.
- iii. To undertake asset inventory survey and ensure that all assets that will be affected by the proposed project are enumerated, valued and costed.
- iv. To map out the affected properties (structures, crops, trees, fences, graves etc.) using GPS with an accuracy of 1 metre in UTM Coordinate System to make RAP implementation predictable and smooth.
- v. To undertake stakeholder mapping, analysis, and public consultation and participation throughout the RAP preparation process.
- vi. To recommend cost effective and sustainable measures to be implemented to restore and enhance the livelihoods of project affected persons.
- vii. To develop a Resettlement Action Plan (RAP) consistent with the policy and regulation of the Government of Kenya as well as the World Bank's policy on Involuntary Resettlement. The RAP shall identify project affected people (PAPs), affected assets, loss of access to resources and provide for mitigation measures and compensation in accordance to the Government of Kenya regulation and the World Bank guidelines. Where Banks' standards are confirmed to hold a wider scope than the relevant national provisions, the former will take precedence.

Min 03: Questions from PAPs

There are PAPs who bought land and the process of transferring the ownership to the new buyers have not been concluded or has not commenced. Such PAPs were informed that they need to have an agreement with the registered land owners who sold them such parcels so that they don't get into unnecessary disputes when NLC commences land acquisition processes. They were informed that it is only the registered land owner who can receive payment from NLC. They were told that the local chief and the grievance redress committees would help them have an agreement with registered land owner who would be paid and then the amount of money equivalent the section they bought and is affected by tertiary canal is handed over to them

AOB

There being no other business, the meeting ended at 4.00 P.M

MINUTES OF BLOCK EIGHT MEETING HELD AT HERA CHURCH ON 29TH JANUARY 2021 AT 3. 00 P.M

Members present

**See the attendance sheet in annex: I*

Agenda

- i. Introduction
- ii. Objective of the RAP assignment
- iii. Questions and answer session
- iv. AOB

Min 01: Introduction

The meeting was opened by the block chairman at 10.30 A.M. The chairman introduced the block committee members and invited the Consultant team leader to introduce the consultant team members.

Min 02: Overview and scope of the RAP assignment

The Consultant informed the PAPs that the RAP exercise was meant to achieve the following objectives:

- i. To undertake a census survey to ensure that all potential PAPs are identified and appropriate measures to remedy resettlement effects and to secure livelihoods are recommended and documented.
- ii. To undertake socio-economic survey in the project footprint area and ensure that baseline data are generated for the purposes of monitoring and evaluation during the project implementation period.
- iii. To undertake asset inventory survey and ensure that all assets that will be affected by the proposed project are enumerated, valued and costed.
- iv. To map out the affected properties (structures, crops, trees, fences, graves etc.) using GPS with an accuracy of 1 metre in UTM Coordinate System to make RAP implementation predictable and smooth.
- v. To undertake stakeholder mapping, analysis, and public consultation and participation throughout the RAP preparation process.
- vi. To recommend cost effective and sustainable measures to be implemented to restore and enhance the livelihoods of project affected persons.
- vii. To develop a Resettlement Action Plan (RAP) consistent with the policy and regulation of the Government of Kenya as well as the World Bank's policy on Involuntary Resettlement. The RAP shall identify project affected people (PAPs), affected assets, loss of access to resources and provide for mitigation measures and compensation in accordance to the Government of Kenya regulation and the World Bank guidelines. Where Banks' standards are confirmed to hold a wider scope than the relevant national provisions, the former will take precedence.

Min 03: Questions from PAPs

Some PAPs wanted to know whether the government will operate the project on their behalf or it will be handed over to them upon completion of the construction phase. They were informed that Lower Nzoia Irrigation Development project will be merged with the existing Bunyala irrigation scheme which is currently under the management of National Irrigation Authority (NIA). The irrigation agency will manage the project and PAPs shall be expected to pay O&M costs to the agency at an agreed rate. The PAPs were informed that capacity development and sensitization for the PAPs and the would be beneficiaries shall be conducted.

AOB

There being no other business, the meeting ended at 5.00 P.M

MINUTES OF BLOCK NINE MEETING HELD AT ACK CHURCH ON 3RD FEBRUARY 2021 AT 10.00 A.M

Members present

**See the attendance sheet in annex: I*

Agenda

- i. Introduction
- ii. Objective of the RAP assignment
- iii. Questions and answer session
- iv. AOB

Min 01: Introduction

The meeting was opened by the block chairman at 10.30 A.M. The chairman introduced the block committee members and invited the Consultant team leader to introduce the consultant team members.

Min 02: Overview and scope of the RAP assignment

The Consultant informed the PAPs that the RAP exercise was meant to achieve the following objectives:

- i. To undertake a census survey to ensure that all potential PAPs are identified and appropriate measures to remedy resettlement effects and to secure livelihoods are recommended and documented.
- ii. To undertake socio-economic survey in the project footprint area and ensure that baseline data are generated for the purposes of monitoring and evaluation during the project implementation period.
- iii. To undertake asset inventory survey and ensure that all assets that will be affected by the proposed project are enumerated, valued and costed.
- iv. To map out the affected properties (structures, crops, trees, fences, graves etc.) using GPS with an accuracy of 1 metre in UTM Coordinate System to make RAP implementation predictable and smooth.
- v. To undertake stakeholder mapping, analysis, and public consultation and participation throughout the RAP preparation process.
- vi. To recommend cost effective and sustainable measures to be implemented to restore and enhance the livelihoods of project affected persons.
- vii. To develop a Resettlement Action Plan (RAP) consistent with the policy and regulation of the Government of Kenya as well as the World Bank's policy on Involuntary Resettlement. The RAP shall identify project affected people (PAPs), affected assets, loss of access to resources and provide for mitigation measures and compensation in accordance to the Government of Kenya regulation and the World Bank guidelines. Where Banks' standards are confirmed to hold a wider scope than the relevant national provisions, the former will take precedence.

Min 03: Questions from PAPs

Some PAPs reported that they have been acting on behalf of their sick relatives or older parents on most transactions and wanted to know whether they would be allowed to receive compensation on behalf of such sick or elderly relatives. They were informed that the project would work closely with the local provincial administration and family members to ensure that the interest of all the vulnerable populations is taken care off throughout the process of RAP preparation and implementation.

AOB

There being no other business, the meeting ended at 1.00 P.M

MINUTES OF BLOCK TEN MEETING HELD AT SIRIWO ON 29TH JANUARY 2021 AT 11. 00 A.M

Members present

**See the attendance sheet in annex: I*

Agenda

- i. Introduction
- ii. Objective of the RAP assignment
- iii. Questions and answer session
- iv. AOB

Min 01: Introduction

The meeting was opened by the block chairman at 10.30 A.M. The chairman introduced the block committee members and invited the Consultant team leader to introduce the consultant team members.

Min 02: Overview and scope of the RAP assignment

The Consultant informed the PAPs that the RAP exercise was meant to achieve the following objectives:

- i. To undertake a census survey to ensure that all potential PAPs are identified and appropriate measures to remedy resettlement effects and to secure livelihoods are recommended and documented.
- ii. To undertake socio-economic survey in the project footprint area and ensure that baseline data are generated for the purposes of monitoring and evaluation during the project implementation period.
- iii. To undertake asset inventory survey and ensure that all assets that will be affected by the proposed project are enumerated, valued and costed.
- iv. To map out the affected properties (structures, crops, trees, fences, graves etc.) using GPS with an accuracy of 1 metre in UTM Coordinate System to make RAP implementation predictable and smooth.
- v. To undertake stakeholder mapping, analysis, and public consultation and participation throughout the RAP preparation process.
- vi. To recommend cost effective and sustainable measures to be implemented to restore and enhance the livelihoods of project affected persons.
- vii. To develop a Resettlement Action Plan (RAP) consistent with the policy and regulation of the Government of Kenya as well as the World Bank's policy on Involuntary Resettlement. The RAP shall identify project affected people (PAPs), affected assets, loss of access to resources and provide for mitigation measures and compensation in accordance to the Government of Kenya regulation and the World Bank guidelines. Where Banks' standards are confirmed to hold a wider scope than the relevant national provisions, the former will take precedence.

Min 03: Questions from PAPs

PAPs reported that River Yala water continues to expand into the farmlands and they were worried that this will contribute to considerable loss of farm land which is well within the command area and was already earmarked for irrigation under the LNIDP. They were informed

that flood control component included in the current project is to control flooding arising from Waters from River Nzoia. They were informed that the project is already aware of the problem and that the relevant government department and the local leadership would look into the matter.

AOB

There being no other business, the meeting ended at 1.00 P.M

MINUTES OF BLOCK ELEVEN MEETING HELD AT KANGWAWE ON 2ND FEBRUARY 2021 AT 10.00 A.M

Members present

**See the attendance sheet in annex: I*

Agenda

- i. Introduction
- ii. Objective of the RAP assignment
- iii. Questions and answer session
- iv. AOB

Min 01: Introduction

The meeting was opened by the block chairman at 10.30 A.M. The chairman introduced the block committee members and invited the Consultant team leader to introduce the consultant team members.

Min 02: Overview and scope of the RAP assignment

The Consultant informed the PAPs that the RAP exercise was meant to achieve the following objectives:

- i. To undertake a census survey to ensure that all potential PAPs are identified and appropriate measures to remedy resettlement effects and to secure livelihoods are recommended and documented.
- ii. To undertake socio-economic survey in the project footprint area and ensure that baseline data are generated for the purposes of monitoring and evaluation during the project implementation period.
- iii. To undertake asset inventory survey and ensure that all assets that will be affected by the proposed project are enumerated, valued and costed.
- iv. To map out the affected properties (structures, crops, trees, fences, graves etc.) using GPS with an accuracy of 1 metre in UTM Coordinate System to make RAP implementation predictable and smooth.
- v. To undertake stakeholder mapping, analysis, and public consultation and participation throughout the RAP preparation process.
- vi. To recommend cost effective and sustainable measures to be implemented to restore and enhance the livelihoods of project affected persons.
- vii. To develop a Resettlement Action Plan (RAP) consistent with the policy and regulation of the Government of Kenya as well as the World Bank's policy on Involuntary Resettlement. The RAP shall identify project affected people (PAPs), affected assets, loss of access to resources and provide for mitigation measures and compensation in accordance to the Government of Kenya regulation and the World Bank guidelines. Where Banks' standards are confirmed to hold a wider scope than the relevant national provisions, the former will take precedence.

viii.

Min 03: Questions from PAPs

Some PAPs reported that their parcels have not been adjudicated and they lack title deed to show ownership. They were informed that all the parcels affected by the tertiaries have parcel numbers and that the current RAP preparation process does not include other parcels within the command area which are not affected by the tertiaries. They were informed that adjudication procedures fall within the Ministry of Lands and that they should contact the County government to guide them on how to deal with the issue

AOB

There being no other business, the meeting ended at 1.00 P.M

MINUTES OF BLOCK TWELVE MEETING HELD AT MUBWAYO ON 1ST FEBRUARY 2021 AT 9.00 A.M

Members present

**See the attendance sheet in annex: I*

Agenda

- i. Introduction
- ii. Objective of the RAP assignment
- iii. Questions and answer session
- iv. AOB

Min 01: Introduction

The meeting was opened by the block chairman at 10.30 A.M. The chairman introduced the block committee members and invited the Consultant team leader to introduce the consultant team members.

Min 02: Overview and scope of the RAP assignment

The Consultant informed the PAPs that the RAP exercise was meant to achieve the following objectives:

- i. To undertake a census survey to ensure that all potential PAPs are identified and appropriate measures to remedy resettlement effects and to secure livelihoods are recommended and documented.
- ii. To undertake socio-economic survey in the project footprint area and ensure that baseline data are generated for the purposes of monitoring and evaluation during the project implementation period.
- iii. To undertake asset inventory survey and ensure that all assets that will be affected by the proposed project are enumerated, valued and costed.
- iv. To map out the affected properties (structures, crops, trees, fences, graves etc.) using GPS with an accuracy of 1 metre in UTM Coordinate System to make RAP implementation predictable and smooth.
- v. To undertake stakeholder mapping, analysis, and public consultation and participation throughout the RAP preparation process.
- vi. To recommend cost effective and sustainable measures to be implemented to restore and enhance the livelihoods of project affected persons.
- vii. To develop a Resettlement Action Plan (RAP) consistent with the policy and regulation of the Government of Kenya as well as the World Bank's policy on Involuntary Resettlement. The RAP shall identify project affected people (PAPs), affected assets, loss of access to resources and provide for mitigation measures and compensation in accordance to the Government of Kenya regulation and the World

Bank guidelines. Where Banks' standards are confirmed to hold a wider scope than the relevant national provisions, the former will take precedence.

Min 03: Questions from PAPs

Some PAPs wanted to know whether the government will operate the project on their behalf or it will be handed over to them upon completion of the construction phase. They were informed that Lower Nzoia Irrigation Development project will be merged with the existing Bunyala irrigation scheme which is currently under the management of National Irrigation Authority (NIA). The irrigation agency will manage the project and PAPs shall be expected to pay O&M costs to the agency at an agreed rate. The PAPs were informed that capacity development and sensitization for the PAPs and the would be beneficiaries shall be conducted.

AOB

There being no other business, the meeting ended at 11.00 A.M

MINUTES OF BLOCK THIRTEEN MEETING HELD AT NANJOMI ON 2ND FEBRUARY 2021 AT 10. 00 A.M

Members present

**See the attendance sheet in annex: I*

Agenda

- i. Introduction
- ii. Objective of the RAP assignment
- iii. Questions and answer session
- iv. AOB

Min 01: Introduction

The meeting was opened by the block chairman at 10.30 A.M. The chairman introduced the block committee members and invited the Consultant team leader to introduce the consultant team members.

Min 02: Overview and scope of the RAP assignment

The Consultant informed the PAPs that the RAP exercise was meant to achieve the following objectives:

- i. To undertake a census survey to ensure that all potential PAPs are identified and appropriate measures to remedy resettlement effects and to secure livelihoods are recommended and documented.
- ii. To undertake socio-economic survey in the project footprint area and ensure that baseline data are generated for the purposes of monitoring and evaluation during the project implementation period.
- iii. To undertake asset inventory survey and ensure that all assets that will be affected by the proposed project are enumerated, valued and costed.
- iv. To map out the affected properties (structures, crops, trees, fences, graves etc.) using GPS with an accuracy of 1 metre in UTM Coordinate System to make RAP implementation predictable and smooth.
- v. To undertake stakeholder mapping, analysis, and public consultation and participation throughout the RAP preparation process.
- vi. To recommend cost effective and sustainable measures to be implemented to restore and enhance the livelihoods of project affected persons.
- vii. To develop a Resettlement Action Plan (RAP) consistent with the policy and regulation of the Government of Kenya as well as the World Bank's policy on

Involuntary Resettlement. The RAP shall identify project affected people (PAPs), affected assets, loss of access to resources and provide for mitigation measures and compensation in accordance to the Government of Kenya regulation and the World Bank guidelines. Where Banks' standards are confirmed to hold a wider scope than the relevant national provisions, the former will take precedence.

Min 03: Questions from PAPs

The PAPs enquired whether they would continue to use their parcels including the corridors which have been pegged and earmarked for acquisition. The Consultant explained to them that they are not expected to undertake any permanent construction of any structure on the corridor. They were informed that the census of all the assets on the corridor has been finalized and that any additional improvement on the corridor will not be compensated

AOB

There being no other business, the meeting ended at 1.00 P.M

MINUTES OF BLOCK FOURTEEN MEETING HELD AT MUKHUBOLA ON 3RD FEBRUARY 2021 AT 2. 00 P.M

Members present

**See the attendance sheet in annex: I*

Agenda

- i. Introduction
- ii. Objective of the RAP assignment
- iii. Questions and answer session
- iv. AOB

Min 01: Introduction

The meeting was opened by the block chairman at 10.30 A.M. The chairman introduced the block committee members and invited the Consultant team leader to introduce the consultant team members.

Min 02: Overview and scope of the RAP assignment

The Consultant informed the PAPs that the RAP exercise was meant to achieve the following objectives:

- i. To undertake a census survey to ensure that all potential PAPs are identified and appropriate measures to remedy resettlement effects and to secure livelihoods are recommended and documented.
- ii. To undertake socio-economic survey in the project footprint area and ensure that baseline data are generated for the purposes of monitoring and evaluation during the project implementation period.
- iii. To undertake asset inventory survey and ensure that all assets that will be affected by the proposed project are enumerated, valued and costed.
- iv. To map out the affected properties (structures, crops, trees, fences, graves etc.) using GPS with an accuracy of 1 metre in UTM Coordinate System to make RAP implementation predictable and smooth.
- v. To undertake stakeholder mapping, analysis, and public consultation and participation throughout the RAP preparation process.
- vi. To recommend cost effective and sustainable measures to be implemented to restore and enhance the livelihoods of project affected persons.

- vii. To develop a Resettlement Action Plan (RAP) consistent with the policy and regulation of the Government of Kenya as well as the World Bank's policy on Involuntary Resettlement. The RAP shall identify project affected people (PAPs), affected assets, loss of access to resources and provide for mitigation measures and compensation in accordance to the Government of Kenya regulation and the World Bank guidelines. Where Banks' standards are confirmed to hold a wider scope than the relevant national provisions, the former will take precedence.

Min 03: Questions from PAPs

Some PAPs reported that there are graves which will be affected during the excavation of tertiary canals. The consultant informed the PAPs that the information on the graves shall be collected during the census and also during the inspection by the national land Commission. They were also informed that the verified graves shall be compensated and the family members will be expected to exhume and relocate such graves as per the provision of the Luo customs, beliefs and practices.

AOB

There being no other business, the meeting ended at 1.00 P.M

Appendix-iii: Grievance redress log

Complaint Received							Redress Activities					
S N	Re g N o.	Chan nel used	Name and address of complai nant	Date of compla int	Grieva nce Summ ary	Categ ory	GR M Lev el	Rectification of Issues			Resol ved	Refer red
								Not Comme nced	In Progr ess	Compl eted		

appendix- iv : Feedback on grievance resolution form

Country:

Institution :.....

1. Name of Complainant.....

2. Date of Complaint.....

3. Summary of the Complaint:
.....
.....
.....

4. Summary of Resolution
.....
.....
.....

5. Date of Redress of the Grievance: (dd-mm-yyyy)

Signature of the grievance committee chairperson

Name: _____

Date: dd-mm-yyyy

Signature of the Complainant in acceptance of the solution to his /her Grievance _____

Name: _____

Appendix v: Captions captured during consultative meetings (Block 1-14)



Block 14- 3/2/2021



Block 9- 3/2/2021



Block 11- 2/2/2021



Block 13-2/2/2021



Block 12-1/2/2021



Block- 10- 29/1/2021



Block 8-29/1/2021



Block 6-22/1/2021



Block 5-21/1/2021



Block 7-27/1/2021

