

Intercontinental Consultants and Technocrats PVT Ltd in Association with Geodev Ltd



Final Abbreviated Resettlement Action Plan (ARAP) Report in the Construction of Kangundo -Kenol, Kenol-Koma, Katumani –Mombasa Rd and, rehabilitation of Kenol- Machakos Town-Katumani Link Road Project

Submitted by-

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ABBREVIATIONS

ARAP	Abbreviated Resettlement Action Plan
Cap	Chapter of the Laws of Kenya
EHS	Environment Health and Safety
EMCA 1999	Environment Management and Coordination Act 1999
EMP	Environmental Management Plan
ESIA	Environmental and Social Impact Assessment
GoK	Government of Kenya
Ha	Hectare
LN	Legal Notice
LRCC	Locational Resettlement and Compensation Committees
m	meter
M&E	Monitoring & Evaluation
NaMSIP	Nairobi Metropolitan Services Improvement Project
NEMA	National Environment Management Authority
O&M	Operation and Maintenance
PAPs	Project Affected Persons
PIT	Project Implementation Team
PIM	Project implementation Manual
RO	Resettlement officer
RR	Road Reserve
SGPs	Safe Guard Policies
SCRCC	Sub County Resettlement and Compensation Committees
TORs	Terms of Reference
US\$	United States Dollar

DISCLOSURE PAGE

This Abbreviated Resettlement Action Plan is hereby disclosed for public review as follows:-

Proponent: Ministry of Transport, Infrastructure, Housing & Urban Development
State Department of Housing & Urban Development

Assignment: **Abbreviated Resettlement Action Plan**-ARAP in the Detailed Engineering Design of the Kangundo (Tala)-Kenol, Kenol-Koma, Katumani –Mombasa Rd and, rehabilitation of Kenol-Machakos Town-Katumani Link Road Project

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Attention of: Eng. Benjamin Njenga - The Project Coordinator

Signed: **Date**.....

EXECUTIVE SUMMARY

0.1 INTRODUCTION

The Government of Kenya, through its implementing agency, the Ministry of Transport and Infrastructure, Housing and Urban Development, Nairobi Metropolitan Development has commissioned Intercontinental Consultants and technocrats PVT Ltd in association with Geodev Ltd to carry out preliminary and detailed engineering design of Kangundo (Tala)-Kenol Road (C98/C99), Kenol-Koma Road (E474), Katumani –Mombasa Rd (D522) and Rehabilitation of Kenol-Machakos Town-Katumani (C99) Road.

This Report provides the Abbreviated Resettlement Action Plan prepared to guide resolution of displacement impacts associated with development of the 70km long Project Roads Project.

0.2 OBJECTIVES OF THE ARAP STUDY

The Abbreviated Resettlement Action Plan was designed to achieve the following objectives;

- To guide compensation against displacement in line with laws, regulations and guidelines for Resettlement/Land Acquisition Policy Framework of the Government of Kenya and the World bank.
- To identify and quantify different categories of Project –Affected - People [PAPs] who would require some form of assistance, compensation, rehabilitation or relocation.
- To provide guidelines to stakeholders participating in the mitigation of adverse social impacts of the project.
- To verify the adherence and compliance of the World Bank’s Safeguard Policies.

0.3 ARAP APPROACH

The main activity in the ARAP study was an inventory of all potentially affected persons. This took place in January 2017 and entailed administration of questionnaires on the PAPs identified along the route of traverse. Further, as part of the ARAP Study, consultations with secondary stakeholders took place.

Based on the information collected, an Abbreviated Resettlement Action Plan has been prepared for the project. Core elements of the ARAP include an Asset register and entitlement matrix to guide compensation to all people likely to be affected.

0.4 The Cut -off Date

The Cut-off Date is the date the census began. The initial cut-off date was fixed in November 2014 but due to changes in design this was revised and fixed in January 2017 which is the date the final census began. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance

0.5 LEGAL AND INSTITUTIONAL FRAMEWORK OF THE ARAP

This ARAP and its entitlement matrix have been prepared in compliance with the applicable policy provisions of Kenyan Government and OP 4.12 of the World Bank on Involuntary Resettlement. OP 4.12 requires that an Abbreviated ARAP (ARAP) be prepared for all projects that anticipate minor land acquisition (10 percent or less of all holdings is taken) and fewer than 200 people and no physical relocation is involved. Basically, this

ARAP presents an inventory of (register) of people who will be affected by development of the project roads, a register of the assets that are to be displaced by the project and the proposed compensation package. Relevant Kenya laws considered include:-

- The National Constitution 2010The Land Act 2012
- The National Land Commission Act 2013, etc.

0.6. THE ARAP TEAM

This ARAP study was undertaken by a multidisciplinary team bringing together skills as follows:-

- Mr. Michael M. Wairagu-EIA Lead Expert
- Ms. Nancy Kanyi-Sociologist
- Ms. Monicah Nyang- Socio-economist
- Meshack Owino-Biometrician

0.7 VALUATION AND COMPENSATION

Spectrum of Potentially Affected Persons (PAPs)

Outcome of the inventory of potential PAPs in the Project Road by road section is provided in Table ES 01 below. The study has determined that there are 36 number of PAPs out of which 4 belong to corporates (Farmers Society and Church) and one has no records in the registry/unknown. In this respect, there are 31 number. of PAPs who went through the socio economic survey who include 21 landed PAPs and 10 structured PAPs as summarized in table ES 02. It's worth noting that there are only 17 parcels of land which are being targeted for acquisition. Further analysis indicates that there are 12 affected structures, 11 out of which belong to PAPs on existing road reserve and one structure is on land targeted for acquisition.

Table ES 01: Spectrum of the PAPs by road section

PAPs Category	Section 1		Section 2		Section 4		Total	
	Land	Structure	Land	Structure	Land	Structure	Land parcels	structures
Individual Landed PAPs	4	1	5	0	4	0	13	1
Corporate PAPs	0	0	3	0	0	1	3	1
Encroachers	0	0	0	0	0	10		10
Unknown	0	0	1	0	0	0	1	
Total	4	1	9	0	4	11	17	12
No of PAPs	13	1	5	0	3	10	31	

Table ES 02: The PAPs who went through the socio economic survey

Total PAPs	Tally
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Landed PAPs	21
Structured PAP	10
Total PAPs Interviewed	31

Quantification of Displacement Impacts

Section 1,3 and 4 has 40 meters road reserve while Section 2 enjoys 25m of reserve. This is the designated road reserve upon which the road upgrading is being aligned into. A total of 1.36 ha will be acquired in the road upgrading project which, for a 70km road project is quite small. This represents a significant drop from the 40.81 ha originally targeted and this has been achieved through a decision to restrict all road development to the existing road reserve.

Summary of Costs

This ARAP recognizes two costs regimes as follows:-

(a) Costs towards Compensation

Compensation costs have been computed based on the entitlement as applied to the Assets Register to yield to Costed Assets Register issued as Appendix 5.1 to this ARAP. A summary of the costed assets register is provided in Table ES 02 below. A total of Kshs 29,488,444.90 (Read: Kenya Shillings Twenty Eight Million, One hundred and Ninety Seven Thousands, Six hundred and Twenty shillings, cents Fifty) has been identified under this vote. The bulk (55.91%) of costs will go to acquisition of 1.36 ha.

Table ES 02: Gross Budget for the ARAP

Budget item	Additional Notes	Cost	Remarks
Land	1.36 ha of land or 17 parcels of land	14,337,000	
Structures	12 structures including 7 non-operational shops, 2 toilets and 3 gates	7,880,656	
Trees	Including fruit trees(299) and other trees (70)(both indigenous and exotic)	649,000	
Seasonal crops		84,470	
Restoration cost	An additional 15% markup	6,537,319	
	Trainings on good crop husbandry and environmental conservation as part of CSR.	1,000,000	BOQ Item 1.24. This is however catered for under the ESMP
	Provision of tree seedlings to all PAPs and local reforestation groups as CSR.	2,000,000	BOQ item 1.24. This is provided for under the budget for ESMP
Corporate Social responsibility (CSR)	Support to local reforestation and conservation groups, Trainings on good crop husbandry and environmental conservation as a component of CSR.	1,000,000	BOQ item 1.20. Catered for under the ESMP

Costs towards cushioning the vulnerable	Attachment to the county social services office for counseling and inclusion in the social development projects.	1,000,000	
<i>Total compensation budget</i>		<i>29,488,444.90</i>	
ARAP implementation	External Impact Assessment and Monitoring	6,846,533.47	
Costs: 30% of direct costs	Training on GRM structures	1,000,000.00	
<i>Total Direct Costs</i>		<i>38,334,978.37</i>	
20% Contingency		7,666,995.67	
Total ARAP Budget		46,001,974.04	

(b) ARAP Implementation Costs

A total of Kshs 8,846,533.47 (Read Kenya Shillings Eight Million, Eight Hundred and Forty Six thousands, Five hundred and Thirty Three, Forty Seven cents five) equivalent to 30% of the Compensation Cost has been earmarked to facilitate Nairobi Metropolitan Development to implement the ARAP inclusive of capacity building for the PAPs, management of the GRM as currently managed by the Social Office under the Resident Engineer, and external monitoring.

(c) Contingency:

A 20% Contingency has been allowed to cater for fluctuation in costs and any unforeseen cost elements. Kshs 7,666,995.67 (Read Seven Million, Six Hundred and Sixty Six thousand, Nine Hundred and Ninety Five, Sixty Seven cents only) has been voted for this.

d) Total budget for the ARAP

Table E02 above summarizes the gross budget for the ARAP computed at Kshs 46,001,974.04 (Read: Kshs Forty Six Million, One thousand, Nine hundred and Seventy Four shillings and four cents) will be required in implementing the ARAP.

OTHER ASSISTANCE MEASURES

Assistance to Vulnerable groups: Additional measures will be pursued as follows;-

- **Creating of special programmes:** While ordinary PAPs will undergo training on modalities of coping either the displacement, elderly and sick PAPs will not be available for such. An outreach programme in which they have been linking with the County Social Development Office for assistance either under the Cash Transfer Program, relief assistance among others has been put in place,
- **Monitoring management of proceeds from compensation:** If left alone, some PAPs have no capacity to manage monies accruing from compensation and would end up losing the money without replacing lost assets. The Resettlement Officer will require to network with PAPs to ensure such PAPs have re-placed lost assets.
- **Assistance through Corporate Social Responsibility (CSR) Programme:** Under the CSR programme, training on conservation and crop husbandry have been mounted under the Environmental and Social programme of the in construction supervision. Other components of the CSR already underway include:-

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- Euphorbia fencing of all water pans (BOQ Item 1.20)
 - Allowing communities access to water dammed for road construction during drought season
 - Support to local reforestation groups (BOQ Item 1.24)
 - Engagement of local communities in reforestation and grassing of cut and fill areas

0.8 REQUIREMENTS FOR MONITORING AND EVALUATION

Monitoring by the DoNMED: The arrangements for monitoring will fit in with the overall monitoring plan of the entire project under auspices of the DoNMED. For purposes of this ARAP, monitoring will ensure smooth administration of the compensation packages in a matter that favours all. Exposure of PAPs to vulnerability has to be safeguarded against all costs. So far, monitoring by DoNMED has entailed the following:

- Monthly site meetings bringing together the contractor, RE and Client
- Monthly Technical Meetings
- Quarterly monitoring by World Bank Missions: The RE Team prepares quarterly reports in anticipation of such missions

Post Project Impact Assessment: In order to ensure that compensation and assistance will enable the affected people to improve or restore their livelihoods, an external impact assessment will be undertaken 6-12 months after the implementation is completed to evaluate whether the intended objectives are realized. For this, suitable baseline indicators related to income, assets, land ownership, expenditure pattern of key activities, housing conditions, access to basic amenities, demographic characteristics, indebtedness, etc.

0.9 CONCLUSION AND RECOMMENDATIONS

From discussions with diverse stakeholders, there is a general agreement that the project is quite justifiable and necessary. It enjoys overwhelming public support. Further, this ARAP has determined that, with the exception of a few structures, the road upgrading project as currently aligned will occasion little displacement of people out of their farm holdings which greatly mitigates would be social and displacement impacts. Measures to offset impacts of the little displacement anticipated have already been identified.

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