

Republic of Kenya

**MINISTRY OF AGRICULTURE
LIVESTOCK, FISHERIES AND
IRRIGATION (MOALFI)**

**RESETTLEMENT POLICY
FRAMEWORK (RPF)**

**NATIONAL AGRICULTURAL AND RURAL
INCLUSIVE GROWTH PROJECT (NARIGP)**

Revised October 2018

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ABBREVIATIONS AND ACRONYMS

AIDS	Acquired immune deficiency syndrome
ARP	Abbreviated Resettlement Plan
ASAL	Arid and Semi-Arid Lands
BP	Bank Policy
CDP	Community Development Plan
CBO	Community Based Organization
CC	Compensation Committee
CPCU	County Project Coordinating Unit
CDDC	Community Driven Development Committees
CDP	County Development Plan
CIDP	County Integrated Development Plans
CIG	Common Interest Group
CoGs	Council of Governors
CPSC	County Project Steering Committee
CS	Cabinet Secretary
CSA	Climate Smart Agriculture
EMPs	Environmental Management Plans
EPS	Economic Planning Secretary
ESMF	Environmental and Social Management Framework
GCRC	Gross Current Replacement Cost
GoK	Government of Kenya
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
HIV	Human immune deficiency virus
IA	Implementing Agency
IDA	International Development Agency
IP	Indigenous Peoples
IPPF	Indigenous Peoples Planning Framework
IWUA	Irrigation Water User Association
KENAFF	Kenya Agricultural Farmers Federation
KWS	Kenya Wildlife Service
LH	Lower Highland
LSK	Law Society of Kenya
M&E	Monitoring and Evaluation
MCA	Member of County Assembly
MEP	Monitoring Evaluation Plan
MET	Monitoring Evaluation Team
MOALFI&I	Ministry of Agriculture, Livestock, Fisheries and Irrigation
MoDP	Ministry of Devolution and Planning
MoU	Memorandum of Understanding
NARIGP	National Agricultural and Rural Inclusive Growth Project
NEMA	National Environment Management Authority
NGO	Non-Governmental Organization
NPC	National Project Coordinator
NPCU	National Project Coordinating Unit
NPSC	National Project Steering Committee
NRM	Natural Resource Management
NTAC	National Technical Advisory Committee

O&M	Operations & Maintenance
OP	Operational Policy
PAP	Project Affected Persons
PCU	Project Coordinating Unit
PDO	Project Development Objective
PF	Resettlement Process Framework
PICD	Participatory Integrated Community Development
PO	Producer Organizations
PS	Principal Secretary
RAP	Resettlement Action Plan
RCA	Replacement Cost Approach
RPF	Resettlement Policy Framework
SDCP	State Department for Crop Development
TIMPS	Technologies, Innovations and Practices
ToR	Terms of Reference
ToTs	Training of Trainers
UM	Upper Midland
VC	Value Chain
VMG	Vulnerable and Marginalized Groups
WB	World Bank
WRUA	Water Resource User Association

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EXECUTIVE SUMMARY

Introduction

1) The development of a Resettlement Policy Framework (RPF) is a way to comply with the World Bank safeguard policy on Involuntary Resettlement (OP/BP 4.12) triggered by projects that entail physical displacement through acquisition of land for project activities; economic displacement or restricted access to natural resources and assets that leads to loss of income sources or means of livelihood under the involuntary resettlement. The RPF will provide project stakeholders with procedures to address the risks that may arise as a sub-project requires for the economic or physical resettlement of populations. It is expected to provide guidelines on how the projects will avoid, manage or mitigate all project related displacement risks.

Brief Description of Project

2) The Government of Kenya has requested for a credit facility from the International Development Agency (IDA – World Bank Group) to finance the implementation of the National Agricultural Rural Inclusive Growth Project (NARIGP). The project implementation is under the overall responsibility of Ministry of Agriculture, Livestock, Fisheries and Irrigation (MoALFI).

3) The project supports Kenya's Vision 2030 whose key element is the development of 'an innovative, commercially oriented and modern agriculture, livestock and fisheries sector' in an inclusive way. Specifically the project aims at transforming smallholder subsistence agriculture by: (i) increasing the productivity, commercialization, and competitiveness of selected agricultural commodities; and (ii) developing and managing key factors of production, particularly land, water and rural finance.

Description of Project Areas

4) The selection of targeted counties was guided by a number of variables including: (i) regional balance, to ensure equitable sharing of project benefits across the country; (ii) clustering, to reduce the Operations and Maintenance (O&M) costs of project implementation; (iii) security, to guarantee an enabling operating environment, supervision and monitoring of project activities; amongst others. Consequently, twenty one counties were proposed by GoK to be targeted by the project as shown below:

Table 1: List of Selected Counties for NARIGP

Agro-geographical Area	Counties
Arid areas	Samburu, Turkana
Semi-Arid areas	Makueni, Meru, Kitui, Embu, Kilifi, Kwale, Narok
Medium to high rainfall areas	Kirinyaga, Kiambu, Murang'a, Nakuru, Bungoma, Trans Nzoia, Nandi, Vihiga, Kisii, Nyamira, Migori and Homa Bay

5) **The Project Development Objective (PDO)** of NARIGP is to increase agricultural productivity and profitability leading to improved livelihoods and reduced vulnerabilities of targeted rural communities in selected counties. To achieve the PDO it will be necessary to adopt Climate Smart Agriculture (CSA) production practices, which maximizes the triple wins – increased productivity (e.g., using more inputs, innovations and improved practices),

resilience (e.g., through efficient use and better management of soil and water resources), and reduced greenhouse gases (e.g., better management of manure, crop residues and promotion of agro-forestry).

6) **Project Components –The project has 4 components.** Component 1 entails (i) mobilizing smallholder farmers into Common Interest Groups (CIGs) and Vulnerable and marginalized Groups (MGs); (ii) building their capacities to plan, implement, manage and monitor community-level micro-projects along their priority Value Chains (VCs); and (iii) providing primary production Technology, Innovation and Management Practices (TIMPs). Component 2 focuses on federating CIGs and VMGs, capacitated under Component 1, to form Producer Organizations (POs) (or join existing POs). Component 3 provides (i) technical advisory services (e.g., public extension services) facilitated by the counties; (ii) an enabling environment for the private sector and Public-Private Partnership (PPP) to operate; and (iii) implements inter-community (e.g., catchment or landscape-wide and larger rural infrastructure) investments based on priorities identified under Components 1 and 2. Component 4 supports the national and county level project coordination activities(WB, 2015).

7) **Project Beneficiaries** - The primary beneficiaries of the project will be targeted rural small and marginal farmers, including women and youth and VMGs and other stakeholders, organized in CIGs and federated into POs along the VC, and selected county governments. It is envisaged that NARIGP will be implemented in 21 selected counties.

8) **Principles, Objectives and Processes** - NARIGP does not envisage a resettlement but OP 4.12 is triggered as a precautionary measure. The purpose of the RPF for NARIGP will be to: (i) avoid or minimize involuntary resettlement where feasible, exploring all viable alternative micro project designs, (ii) assist displaced persons (if any) in restoring their former living standards, income and profit capacities, and production levels to near normal, (iii) encourage community participation in planning and implementing resettlement (where applicable), providing procedures to assisting the affected persons regardless of the legality of land tenure as a result of implementing the various micro projects.

9) The RPF is therefore, prepared to guide the selection and implementation of micro-projects that will require precautionary measures related to involuntary resettlement. The World Bank’s safeguard policy on involuntary resettlement, OP4.12 is to be complied with where involuntary resettlement, impacts on livelihoods, acquisition of land or restrictions to access to natural resources and proceeds.

10) This framework will target certain activities that may negatively impact on the livelihoods of the target beneficiaries thus reducing the average household yields. Examples of such activities include sustainable land and water management, infrastructure development and land acquisition.

11) The Bank O.P.4.12 requires that RPF report be disclosed as a separate and stand-alone report by the Government of Kenya and the World Bank. The disclosure of the document should be in both project visible locations where it can be accessed easily by general public and at Info shop of the World Bank.

12) **Potential Project Impacts-** The potential impacts include but not limited to the ones related to the following: land use and utilization; inequalities in incomes and other benefits; and community livelihoods, household farm production, and profits. In line with the World

Bank safeguard policy OP 4.12, the NARIGP will therefore; minimize displacement through a number and structured steps, which are detailed in the main text of the framework.

13) **Resettlement Impacts** - This RPF considers project affected people as those who stand to lose, as a consequence of the project implementation,

14) A Resettlement Action Plan (RAP) will be used where more than 200² individuals are displaced. An Abbreviated Resettlement Plan (ARP) will be used where less than 200 individuals are displaced. In some instances RAPs are required where micro-projects affect more than 200 people, but with minor land acquisition (20% or less of all holdings is taken) and no physical relocation is involved.

15) **Mitigation Measures** - Detailed social assessment studies will be carried out within the communities as and when required. The framework for the compensation/resettlement will then be applied incorporating specific elements of interest. Vulnerable persons among the micro Project Affected Persons (PAPs) will be identified and special assistance offered during the compensation implementation process with a well-defined criteria.

16) **Eligibility Criteria, Entitlements and Valuation of Affected Assets** - The purpose of the valuation exercise is to assess the loss to the affected persons as part of the assessment of resettlement issues under the project. The basis of this valuation is derived from the World Bank's Involuntary Resettlement Policy, OP 4.12; the Resettlement Policy Framework developed for NARIGP; and The Constitution of Kenya 2010.

17) **Land Acquisition and Valuation of land and other assets** - Land acquisition in Kenya, is broadly defined in the Constitution of Kenya, while the detailed procedures are explained elsewhere. Section 75 for example outlines expropriation on private land, stating it is allowed if the development and utilization of the property will promote public benefit among other things. The necessity for expropriation is justified by hardship caused to any persons, and the law that stipulates prompt payment of full compensation makes the provision justifiable.

18) **Structures** - The Replacement Cost Approach (RCA) will be adopted for the valuation of the structures. The RCA is based on the assumption that cost and value are related.

19) **Livelihood** - Losses of income and profits for businesses will be estimated from net daily/monthly profit of the business verified by an assessment of visible stocks and activities. In addition to the compensation, disturbance allowances of 10% of total compensation will be considered (where applicable).

20) **Economic Plants/Livestock/Aquaculture** - The enumeration approach will be adopted for the crops and livestock affected by the micro project. The enumeration approach involves taking census of the affected crops and livestock including fish and applying flat realistic rate approved by the land valuation team.

²The actual parameters will be determined as per case specific

21) **Grievance Redress Mechanism (GRM)** - The objectives of the grievance process are to: Provide affected people with avenues for making a complaint or resolving any dispute that may arise during the course of the implementation and determination of entitlements of compensation and implementation of the project; ensure that appropriate and mutually acceptable redress actions are identified and implemented to the satisfaction of complainants; and avoid the need to resort to forceful actions and/or judicial proceedings. The general steps of the grievance process comprise: receipt of complaints; determining and implementing the redress action; verifying the redress action; amicable mediation and settlement; dissatisfaction and alternative actions; and documentation and communication.

22) **Institutional/Departments Responsibilities:** The main institutions involved with the implementation of the resettlement activities are: Ministry of Agriculture, Livestock, Fisheries and Irrigation (MoALFI); National Land Commission; National Project Coordination Unit; County Land Valuation Officers; The National Environmental Management Authority (NEMA); CIGs/Community Driven Development Committees (CDDCs) /POs; and Consultant. The implementation of activities will be under the overall guidance of the Office of the Coordinator of the National Agricultural Rural Inclusive Growth Project (NARIGP).

23) **Training and Awareness Creation Budget for RPF Implementation** - The estimated budget for sensitization and training of key technical team members and Training of Trainers (ToTs) responsible for implementing the RPF and logistical support is estimated at US\$ 198,000. The budget for the preparation of RAPs/ARAPs will be developed from the specific social assessment studies and mitigation/livelihood restoration measures to be developed. It will cover resettlement activities including compensation cost for affected assets. The cost will be derived from expenditures relating to:

- The preparation of the resettlement/compensation plan,
- Relocation and transfer,
- Income, profits and means of livelihood restoration plan, and
- Administrative costs. This cost will be borne by the Government of Kenya.

24) **Participatory Monitoring and Evaluation Plan** - To ensure that the implementation of the resettlement is carried out in accordance with the relevant requirements of this resettlement policy framework, the actions will be monitored and evaluated internally by a Monitoring and Evaluation Team (MET) to be constituted by the NARIGP Coordination Unit of the Ministry of Agriculture, Livestock, Fisheries and Irrigation (MoALFI). The MET will be expected to develop and implement a Monitoring and Evaluation Plan (MEP). The main indicators that the MEP will measure include:

- Number of impacts on affected individuals, households, and communities;
- Percent improvement of communities affected by the micro project; and
- Number of disputes or conflicts received, settled and referred elsewhere.

25) The monitoring unit will submit periodic (quarterly) reports to the NARIGP, and copied to the MoALFI. The report will at least cover status of compensation disbursement, nature of complaints, redress actions and follow-ups.

26) **Stakeholder Consultation, participation and Disclosure of RPF** - The Consultants have carried out appropriate consultations with stakeholders during the preparation of this

RPF. Stakeholders consulted include relevant Government agencies, county government officials, non-governmental organizations, non-state actors and civil society groups identified during the consultative period. Further a consultation between consultants and the government implementing agencies was held from 8th to 11th December 2015. Useful comments were made which have since been included in this draft (See Annex 11). Public and stakeholder consultations/disclosure was to be undertaken on 16th December 2015 in Nairobi but postponed to 21st December 2015.

27) As provided under WB policy OP 4.12, information and consultation on the NARIGP RPF was organized as follows: Circulation of the draft RPF for comments to all relevant institutions (e.g. MoALFI, State Department of Water, National Environment Management Authority (NEMA), Kenya National Agricultural Farmers Federation (KENAFF), State Department of Cooperatives and Enterprise Development, etc.) as well as the WB(WB, 2008).

28) **Public Disclosure** – initial comments by stakeholders’ in the public workshops which was organized by the then MoDP were incorporated in the final RPF. The RPF was then reviewed, approved and cleared by the World Bank. Thereafter the framework was disclosed in the e-government websites and media <http://www.devolutionplanning.go.ke/Publications/RESETTLEMENT%20POLICY%20FRAMEWORK.pdf> and official media – Daily Nation Newspaper, February Friday, 19th 2016, page 48 and The Standard Newspaper, February Friday, 19th 2016 (see Annex 14) and at the WB External website on February 11, 2016 prior to appraisal. And therefore, this revised and realigned version of the RPF as a result of change of the fiduciary will also be re-disclosed in the e-government websites, media as well as the World Bank External website. The e-government links will be shared with the World Bank.

29) The final consultation and disclosure workshop was held at the Kenya School of Management on January 12, 2016. The workshop was attended by about 51 participants from 10 counties (Baringo, Bungoma, Nairobi, Nakuru, Kilifi, Kakamega, Kwale, Vihiga, Samburu, and Siaya). These included representatives from Central Government and County Governments, several project implementing agencies and Representatives of VMGs/IPOs. A series of consultations were also held in the Counties on January 6 and 7th in Embu and Nakuru and in Kisumu and Narok and Kilifi and Kwale counties on Jan 13th and 14th 2016.

30) The MoALFI underlined the importance it attached to the safeguards and emphasized that the NARIGP envisages no and/or minimal physical relocation of PAPs in its implementation across the 21 counties. The bulk of micro-projects will be small CDD, micro-projects to be carried out on farm, with minimal and reversible impacts. Every effort would be made to ensure that the siting of micro-project investments avoided physical resettlement of anyone and minimized economic displacement.

31) Feedback from the consultations was overall supportive of the project and the participants endorsed the draft EMSF, RPF and VMGF but areas for enhancing the frameworks were highlighted. Participants welcomed bringing participants from around Kenya and representatives from the VMGs as a good step. With regard to the design, the participants (a) especially welcomed the channeling of technical assistance and resources directly to communities and underlined the importance of ring fencing such resources against leakages; (b) requested to know more about the criteria for county selection and urged that counties with insecurity not be further marginalized; and (c) emphasized the importance of

timely dissemination; and the need for clear and appropriate communication channels. The participants endorsed the CDD approach and representatives of the CIG groups stated that they had benefited from previous and on-going projects that had CDD activities and believed that this project would build on the successes and good practices.

32) The participants welcomed that the project and Government was reaching out to VMGs and groups that met the criteria of OP 4.10 indigenous peoples and affirmed that the proposed pro-active steps in the framework were adequate in ensuring the VMGs benefit from NARIGP. The detailed comments and MOALFI responses are summarized in Annex 12 as well as a format on the list of attendees in Annex 13. Given overall, these stakeholder consultations earlier done, this is regarded sufficient for the target community remains same.

33) **Definition of terms used in the report.** Unless the context dictates otherwise, the following terms shall have the following meanings:

- **Micro-projects** means any activity which is directly being implemented by project beneficiaries as a result of undergoing inclusion through the PICD process and funded by the World Bank under NARIGP.
- **Census** means a field survey carried out to identify and determine the number of Project Affected Persons (PAP), their assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the Local Leaders.
- **Compensation** means the payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, income/profits including fixed assets thereon, in part or whole.
- **Cut-off date** is the date of commencement of the census of PAPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.
- **Project Affected Persons (PAPs)** means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons physically relocates. These people may have their: (i) standard of living adversely affected, whether or not the Project Affected Person must move to another location; (ii) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected; (iii) access to productive assets adversely affected, temporarily or permanently; or (iv) business, occupation, work or place of residence or habitat adversely affected.
- **Involuntary Displacement** means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:
 - i. Loss of benefits from use of such land;
 - ii. Relocation or loss of shelter;

- iii. Loss of assets or access to assets; or
 - iv. Loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.
- **Involuntary Land Acquisition** is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.
- **Land** refers to agricultural and/or non-agricultural land, natural resources embedded in and any structures thereon whether temporary or permanent and which may be required for the micro-project.
- **Land acquisition** means the taking of or alienation of land, buildings or other assets thereon for purposes of the micro-project.
- **Rehabilitation Assistance** means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.
- **Replacement cost** means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs.
- **Replacement cost for agricultural land** means the pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (a) preparing the land to levels similar to those of the affected land; (b) any registration, transfer taxes and other associated fees;
- **Replacement cost for houses and other structures** means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures, in an area; and such costs shall include:
 - a) Building materials;
 - b) Transporting building materials to the construction site;
 - c) Any labour and contractors' fees; and
 - d) Any registration costs.
- **Resettlement Assistance** means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation.
- **Resettlement Action Plan (RAP)** is a resettlement instrument (document) to be prepared when development locations requiring resettlement are identified, *i.e.* where land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. A RAP is prepared by the party impacting on the people and their livelihoods. A RAP contains specific requirements for resettling and compensating the

affected parties before implementation of the project activities causing adverse impacts.

- **Resettlement Policy Framework (RPF)** this is a framework prepared to guide resettlement action and in particular the preparation of resettlement Action Plans during Project implementation. The RPF will be publicly disclosed in impacted areas to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project implementation. Resettlement Action Plans will be prepared consistent with the provisions of this RPF.
- **Vulnerable Groups** includes: widows, the elderly, the disabled, the sick, minority groups as described in the Constitution of Kenya and also communities who meet the requirements of the World Bank OP 4.10, low income households and youth; incapacitated households – those with no one fit to work and; child-headed households and street children and other people or households, characterised by low nutrition levels, low or no education, lack of employment or incomes; ethnic minority and/or gender bias (GoK, 2011).

1. INTRODUCTION

1.1 Background

34) Agriculture is a major driver of the Kenyan economy and the dominant source of employment for roughly half of the Kenyan people. In 2013, the sector contributed almost 27 percent to the national GDP³. The sector generates most of the country's food requirements. It also generates nearly two-thirds (65 percent) of merchandise exports and roughly 60 percent of foreign exchange earnings. About 91 percent of these exports in raw or semi-processed form, the country foregoes significant income by not adding value to its produce.

1.2 Brief Description of Project

35) The Government of Kenya has received a credit from the International Agency (IDA – World Bank Group) to finance the preparation of the National Agricultural Rural Inclusive Growth Project (NARIGP). The project preparation is under the overall responsibility of the Ministry of Agriculture, Livestock, Fisheries and Irrigation (MoALFI). The project will contribute to the Government's high level objective, which aims at transforming smallholder subsistence agriculture into an innovative, commercially oriented, and modern sector by: (i) increasing the productivity, commercialization, and competitiveness of selected agricultural commodities; and (ii) developing and managing key factors of production, particularly land, water and rural finance.

1.3 Description of Project Areas

36) The selection of targeted counties was guided by the following underlying principles and criteria: (i) regional balance, to ensure equitable sharing of project benefits across the country; (ii) clustering, to reduce the operations and maintenance (O&M) costs of project implementation; (iii) security, to guarantee an enabling operating environment, supervision and monitoring of project activities; and (iv) data and facts, to ensure that selection is based on available socio-economic data (e.g., production potential, population density, poverty rates, malnutrition levels, and vulnerabilities). Based on these guiding principles, criteria was developed to identify the list of targeted counties to be supported by NARIGP: (a) agricultural, livestock and fisheries potential; (b) poverty indices, including poverty incidence and poverty rates, as well as the number of VMGs; (c) vulnerability to climate change risks/fragile ecosystems; (d) human development indicators, such as malnutrition and food insecurity; (e) willingness of county governments and communities to commit to the program's objectives/principles and provide cash/labor or in-kind support. Consequently, twenty-one counties were proposed by GoK to be targeted by the project.

1.4 The Project Development Objective (PDO)

37) The PDO of NARIGP is to increase agricultural productivity and profitability leading to improved livelihoods and reduced vulnerabilities of targeted rural communities in selected counties. To achieve the PDO it will be necessary to adopt climate smart agriculture (CSA) production practices, which maximizes the triple wins – increased productivity (e.g., using more inputs, innovations and improved practices), resilience (e.g., through efficient use and better management of soil and water resources), and reduced greenhouse gases (e.g., better

management of manure, crop residues and promotion of agro-forestry). Improved livelihoods will be measured in terms of increased rural household incomes, accumulated assets, improved nutrition status, and increased access to services (e.g., technical, business and financial advisory). Similarly, reduced vulnerability will be assessed through the ability of the targeted rural households, including the vulnerable and marginalized members of the rural communities to sustain their livelihoods (e.g., afford meals and generate incomes) and cope with production (e.g., climate variability and droughts) and market shocks (e.g., high food prices or volatility).

1.5 Project Components

38) A key premise of the NARIGP is the importance of linking farmer/CIGs and VMGs organized along priority VCs to markets. Thus the three technical components of NARIGP are interlinked. Component 1 entails (i) mobilizing smallholder farmers into CIGs and VMGs; (ii) building their capacities to plan, implement, manage and monitor community-level micro-projects along their priority VCs; and (iii) providing primary production TIMPs (e.g., inputs, animal husbandry and agronomic practices) and advisory services to improve productivity. Component 2 focuses on federating CIGs and VMGs, capacitated under Component 1, to form POs (or join existing POs) along selected VCs; providing technical (value addition), business (planning and management) and financial (access to credit/finance) advisory services; and linking them to markets and value addition opportunities. Component 3 provides (i) technical advisory services (e.g., public extension services) facilitated by the counties; (ii) an enabling environment for the private sector and public-private partnership (PPP) to operate; and (iii) implements inter-community (e.g., catchment or landscape-wide and larger rural infrastructure) investments based on priorities identified under Components 1 and 2. Component 4 supports the national and county level project coordination activities, including establishment of a Monitoring and Evaluation (M&E) and Management Information System (MIS), fiduciary, human resources, communication and citizen engagement, and environmental and social safeguards compliance (WB, 2015).

1.6 Project Beneficiaries

39) The primary beneficiaries of the project will be targeted rural small and marginal farmers, including women and youth and VMGs and other stakeholders, organized in CIGs and federated into ProPOs along VC, and selected county governments. VMG groups will include youth, Indigenous People (IP), elderly women and men, widows / orphans, disabled, recovering substance abusers, and people living with HIV/AIDS. It is envisaged that NARIGP will be implemented in 21 selected counties.

1.7 Purpose of the Resettlement Policy Framework (RPF)

40) The RPF will provide project stakeholders with procedures to address compensation issues as related to affected properties (including land and assets) and livelihoods including land and income generated activities during project implementation. The objectives of the Resettlement Policy Framework (RPF) are to:

- i. Establish the NARIGP resettlement and compensation principles and implementation arrangements;
- ii. Describe the legal and institutional framework underlying Kenyan approaches for resettlement, compensation and rehabilitation;

- iii. Define the eligibility criteria for identification of PAPs and entitlements;
- iv. Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and
- v. Provide procedures for filing grievances and resolving disputes.

41) The RPF will apply to all micro-projects/ activities to be identified in a participative manner with target communities within the project target areas. The procedures will be carried out throughout preparation and implementation, and impacts of any potential resettlement will be included in M&E. When a RAP is required, it will be prepared in accordance with guidance provided for in this RPF, including detailed measurement surveys, identification (census) of PAPs/displaced persons, and public consultation and disclosure procedures (PCDP)(REA, 2015). This RPF follows the guidance provided for in the WB OP 4.12 on involuntary resettlement (see Annex 1). This RPF ensures that any possible adverse impacts of proposed micro-project activities are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. These risks will thus be minimized by:

- Avoiding displacement of persons without a well-designed compensation and relocation process;
- Minimizing the number of PAPs to the extent possible;
- Compensating for losses incurred and displaced incomes and livelihoods; and
- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and their wellbeing.

2. PROJECT DESCRIPTION AND RATIONALE FOR RPF

2.1 Justification for the Project Areas

42) The government of Kenya initially put up a proposal for 21 counties to be supported under this finance agreement. The selection of targeted counties was guided by the following underlying principles and criteria: (i) regional balance, to ensure equitable sharing of project benefits across the country; (ii) clustering, to reduce the operations and maintenance (O&M) costs of project implementation; (iii) security, to guarantee an enabling operating environment, supervision and monitoring of project activities; and (iv) data and facts, to ensure that selection is based on available socio-economic data (e.g., production potential, population density, poverty rates, malnutrition levels, and vulnerabilities). Based on these guiding principles, criteria was developed to identify the list of targeted counties to be supported by NARIGP: (a) agricultural, livestock and fisheries potential; (b) poverty indices, including poverty incidence and poverty rates, as well as the number of VMGs; (c) vulnerability to climate change risks/fragile ecosystems; (d) human development indicators, such as malnutrition and food insecurity; and (e) willingness of county governments and communities to commit to the program’s objectives/principles and provide cash/labour or in-kind support (ibid).



Figure 1: NARIGP Counties in yellow color

Agro-geographical Area	Counties
Arid areas	Samburu, Turkana
Semi-Arid areas	Makueni, Meru, Kitui, Embu, Kilifi, Kwale, Narok
Medium to high rainfall areas	Kirinyaga, Kiambu, Murang’a, Nakuru, Bungoma, Trans Nzoia, Nandi, Vihiga, Kisii, Nyamira, Migori and Homa Bay

2.2 Physical Environment

43) The selected Project counties; have patterns of livelihoods clearly varying from one area to another. Local factors such as climate, soil (see Annex 8), access to markets and exchange all influence livelihood patterns. For example people living in fertile highland areas, generally pursue an agricultural pattern of livelihood, whereas in the lowlands they grow few crops and are either pastoralists or agro-pastoralists. Those living in a coastal or lakeside zones may follow a livelihood based upon fishing or combining fishing with other activities, and so on. Aspects that determine patterns of livelihood include: Agro-ecology and market access. Market access affects the ability of people to sell their produce (crops; aquaculture, trees, fruits and vegetables or livestock) (Joy R.A Otolu, 2013).

44) Since patterns of livelihood depend so much upon geography, it makes sense to divide Kenya into a number of livelihood zones. Kenya is classified broadly into ecological zones (Kenya soil survey, 2010). Agro-ecological Zoning (AEZ) refers to the division of an area of land into smaller units, which have similar characteristics related to land suitability, potential production and environmental impact (Joy R.A Otolu, 2013).

45) The ecological zones have a mix of altitude, rainfall and soil. Zoning in Kenya is divided into AEZ and this refers to the division of an area land into smaller units, which have similar characteristics related to land suitability, potential production and environmental impact. An agro-ecological zone is a land resource mapping unit defined in terms of climate, landform and soils, and/or land cover, and having a specific range of potentials and constraints for land use (FAO, 1996).

46) FAO's ecological zones in Kenya can be classified into Tropical Alpine, Upper Highlands - UH, Lower Highlands – LH, Midlands which include Upper Midland – UM, Lower midland – LM. There is also the Lowlands that is the low altitude – L and Coastal lowlands – CL. These zones are controlled by a mix of altitudes, rainfall and soil. The zone groups are temperate belts defined according to the maximum temperature limits within which the main crops can flourish. In introducing the various value chains the above should be taken into cognizance.

2.3 Socio-cultural Environment

47) In recent years, the poverty paradox in Kenya has met renewed attention among researchers, policy-makers and the common public. Yet, very little attention has been focused on the relationship between socio-economic factors and popular participation in management of constituency development funds geared towards rural poverty alleviation. According to World Bank (1995), Kenya is a low-income country, with an average per capita income of about US\$360 per annum. Smoke (1993) asserts that over the past 30 years, poverty has been on the rise in Kenya.

48) Vulnerable persons among the micro-projects affected persons (PAP) will be identified and special assistance offered during the compensation implementation process with a well-defined criteria would include among others: age above 70 years, physical/mental disability, women, displaced farmers, youth, widows, orphaned children and bedridden or seriously sick persons.

2.4 Land, Tenure and Land use and Related Issues

It will be easy to identify and compensate the micro-project affected persons in the medium and high potential areas where the main land tenure system is freehold. It will however be

quite difficult to do the same in the Arid and Semi- Arid Lands (ASALs) where the land is communally owned. The inhabitants of the ASALs are pastoralists who predominantly rely on livestock as the source of household income and as a livelihood activity. The implementation of NARIGP activities may result in change of land use, which may lead to lose of grazing grounds for the pastoralists and result in resources conflicts between the pastoralists and small-scale farmers.

	PRIVATE LAND	PUBLIC LAND	COMMUNITY LAND
KEY LAWS APPLICABLE TO EACH CATEGORY OF LAND	Land Act (Act No.6 of 2012) Land Registration Act (Act No.3 of 2012) Land Control Act 1967 National Land Commission Act (Act No. 5 of 2012) 2012 Environmental Management and Coordination Act (Act No.8 of 1999)/Revised 2012 Forests Act (Act No. 7 of 2005)/Revised 2012: Section 2 of the Act provides that the Act shall apply to all forests and woodlands on private land.	Land Act (Act No.6 of 2012) Land Registration Act (Act No.3 of 2012) Land Control Act 1967/Revised 2010 National Land Commission Act (Act No. 5 of 2012) Environmental Management and Coordination Act (Act No.8 of 1999)/Revised 2012 Forests Act (No. 7 of 2005)/Revised 2012: Section 2 provides that this Act shall apply to all forests and woodlands on State and local authority land. Wildlife (Conservation and Management) Act 2013	New Community Land Act (TBC). In lieu of this new Act, existing law applies: <ul style="list-style-type: none">• Land Act 2012• Land Registration Act 2012• Land Control Act 1967• National Land Commission Act 2012• Trust Lands Act, Chapter 288/Revised 2009• Land (Group Representatives) Act, Chapter 287/Revised 2012.• Land Adjudication Act, Chapter 284/Revised 2010• Land Consolidation Act, Chapter 283/Revised 2012• Environmental Management and Coordination Act (Act No.8 of 1999)/Revised 2012.
	FOREST LAND Forests Act (No. 7 of 2005)/Revised 2012 Environmental Management and Coordination Act (No.8 of 1999)/Revised 2012 Wildlife (Conservation and Management) Act 2013		

Figure 2: Snapshot of the land classification in Kenya and Respective Acts⁴

2.5 Land Acquisition

49) Procedure for acquisition of private land in Kenya can be in two ways: purchase or issued out by a willing donor.

a) Purchase Land

50) In practice, the procedure for acquiring an interest in private land is to enter into a contract for the sale and purchase of the land with a defined completion period. The process is subject to freedom of contract but there are also guidelines from the Law Society of Kenya (LSK), set out in the *Law Society of Kenya Conditions of Sale*, to guide the legal practitioners facilitating land transactions.

51) The key stages are as follows: (i) Payment of the deposit and signing of the sale agreement; (ii) Preparation to *complete*; (iii) Completion; and (iv) Registration.

b) Deposit

52) A deposit is usually ten per cent (10%) of the purchase price, and is paid by the purchaser as a commitment to the transaction. Before paying the deposit, it is imperative to carry out a search of the register and obtain a certificate of official search, to ascertain the true owner of the land, Section 29 of the Land Registration Act provides that every proprietor at the time of acquiring a land, lease, or charge shall be deemed to have had notice of every

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entry in the register relating to the land, lease, or charge. The deposit will often be held by the vendor's lawyer prior to completion of the transaction. Although the vendor may want the money released to them, this is not considered good practice: in the event that the transaction fails, the purchaser would be left only with the option of suing for the return of the deposit. However, if the deposit is held by a lawyer, it will be available for return to the purchaser. Once the deposit is paid, both parties sign the sale agreement. A period of time is also allowed for the transaction to complete (Yvonne, 2014).

c) Preparation to Complete

53) The sale *agreement* will provide for a completion period, usually of 90 days. The agreement should specify how completion will take place - whether by: exchange of title, the instrument of transfer and completion documents with the funds in respect of the balance of purchase price; or by exchange of the documents with an undertaking.

54) In the period between signing of the agreement and the completion date, the vendor pays the outgoings on the property, such as land rent for leaseholds and rates for properties in the county governments. The vendor also procures the clearances and consents necessary to register the title in favour of the purchaser.

d) Completion

55) On or before the date set for completion, the vendor's lawyer procures the transfer executed by the vendor in favour of the purchaser, and sends a copy of this to the purchaser's lawyer as an indication of the vendor's readiness to complete. The purchaser will then pay the balance of purchase price to the vendor's lawyers. *In* exchange, the vendor's lawyer sends to the purchaser's lawyers all the documents that are necessary for the purchaser to register the title in the purchaser's name. In the event that completion is by undertaking, the documents will be sent in exchange of the undertaking. Ideally, the vendor's lawyer should hold the balance of the purchase price and the balance until the Title is in the name of the purchaser and then thereafter release it to the vendor.

e) Registration

56) Upon receipt of the documents from the vendor's lawyers. The purchaser's lawyer then proceeds to pay stamp duty on the transaction. This is usually assessed at 4% of the purchase price for land in municipalities and towns, and 2% for land in rural areas. Before the transfer is registered, a government valuer will assess the property to confirm that sufficient stamp duty was paid against the value of the property. After valuation, the purchaser's lawyer goes ahead to present all the documents to the Registrar of Lands, then the transfer is registered and the title issued, reflecting the changed ownership of the land.

57) The Certificate of Title issued by the Registrar upon registration or issued to a purchaser of land upon a transfer or transmission by the proprietor is prima facie evidence that the proprietor is the absolute indefeasible owner of the land subject to any encumbrances noted on the register. Under Section 81 of the Land Registration Act, any person suffering damage by reason of an error in a copy of or extract from the register is entitled to indemnity from the Government.

f) Individual donates land for community micro-project

58) Where community micro-projects fall under private land and the owner of this land is willing to surrender/donate it for the said community project; then the following should take precedence in acquiring such land: (i) the offer must occur in a community meeting where beneficiaries are present; (ii) the *community* micro-project leaders together with the private land owner invite the area Chief or Ward Administrator; (iii) then an MoU is drawn and signed where copies are kept by all parties involved (community, Area Chief and the private land owner).

This process would ensure that the private landowner would not in future claim the community project.

2.6 Activities that may require land acquisition under NARIGP

Component 2 and 3 may have activities that may require land acquisition.

Component	Activities likely to require land acquisition
2: focuses on federating CIGs and VMGs, capacitated under Component 1, to form POs (or join existing POs) along selected VCs	Value addition structures & equipment/machinery; stores/warehousing; cold rooms; milk coolers; Group farm; cattle dips, shallow wells, irrigation systems, earth pans, electricity installation way leaves, etc.
3: provides (i) technical advisory services (e.g., public extension services) facilitated by the counties; (ii) an enabling environment for the private sector and PPP to operate; and (iii) implements inter-community (e.g., catchment or landscape-wide and larger rural infrastructure) investments based on priorities identified under Components 1 and 2	Small scale irrigation systems; access roads (last mile); Source (Weir) and water canals & piping, water storage tanks; Earth pans;

2.7 Resettlement Impacts

59) This RPF considers project affected people as those who stand to lose, as a consequence of the project, all or part of their physical and non-physical assets, including homes, communities, productive lands, resources such as forests, range lands, fishing areas, or important cultural sites, commercial properties, tenancy, income-earning opportunities, and social and cultural networks and activities. Such impacts may be permanent or temporary. This might occur through land expropriation, using eminent domain or other regulatory measures, and include restricted or reduced access to legally designated parks and protected areas such as gazetted forests.

60) While there are different levels and types of CDD projects, community driven development projects can be defined as “projects for which the majority of investment funding is for a large number of small and scattered micro-projects. Such micro-projects may be multi-sectoral or may be limited to a single sector, such as agriculture, tend to be homogenous within the sector, with the following characteristics relevant to safeguard issues:

- Overall size – small to medium

- Often aimed at rural development
- Numerous, scattered micro-projects
- Nature and scope of micro-projects not known at the time of appraisal
- Micro-projects selected by a community-driven mechanism
- Implementation governed by an Operational Manual (OM) or equivalent
- Monitoring and evaluation (M&E) mechanisms fairly elaborate to capture the quantity and quality of project outcomes.”

61) Identified project social risks: It should be noted that minimal resettlement is anticipated under this project and is only likely to occur for micro-projects linked to building local community infrastructure and assets. The kinds of micro-project activities to be undertaken are anticipated to have minimal adverse social risks and can be sited in such a way as to avoid the physical relocation of people. As a result minimal, if any, physical resettlement is expected under any component of this project.

62) Most if not all CDD projects are categorized as B projects.⁵ Given the challenges involved in managing environmental and social issues related to Category A projects, it is recommended that CDD projects avoid any type of activities that could lead to a Category A rating. A Category A project is expected to have significant, large-scale irreversible or unpredictable impacts. However, if Category A micro-projects are explicitly excluded from a CDD project, a clear technical justification should be provided to put such micro-projects in the Negative List, such as the lack of capacity by communities to manage significant environment and social risks, high transaction costs to properly manage impacts, etc.

63) The exact micro-project sites for the project are not yet definitively identified. Therefore at this stage it is neither possible to determine the exact location, demography and impact on assets and/or livelihood of neither the PAPs nor the resettlement related impoverishment risks they might face, if any. However, as noted no resettlement is envisaged and the siting of micro-project investments will, as much as possible, take this into consideration. Moreover, the majority of adverse impacts are minimal given the nature of the investments related to CDD projects.

64) Types of micro-projects will be further elaborated during preparation, however the project components that will most likely trigger OP 4.12 are:

- Subcomponent 2.2: Value Chain Development:*** To identify and develop competitive value chains for integration and economic empowerment of targeted smallholder farmers. Support will be provided for: (i) identification, selection and mapping of competitive nutrition-sensitive value chains for smallholder development; (ii) promotion of productivity enhancing climate-smart agricultural technologies and practices; (iii) strengthening of input supply and extension services delivery systems; (iv) adoption of improved post-harvest handling and management practices; (v) market linkages; (vi) value addition and processing; (vii) infrastructure development (e.g. small-scale irrigation, last mile and spot improvements of rural access roads); and (viii) accelerated access to information. Value chain infrastructure envisaged

⁵ A Category B project is expected to have site-specific, predictable, and readily manageable impacts; a Category C project is expected to have no adverse material impacts; and a Category FI project involves many components financed through Financial Intermediaries and that can be screened as A, B, or C depending on the nature of the FI portfolio.

under this subcomponent will include small-scale irrigation, value chain facilities and access spot road improvements. All rural infrastructures will be small scale and developed on a demand-driven basis at the community level. There may be land acquisition and need to compensate.

- b) ***Subcomponent 3.4.: County Investments and Safety-Nets.*** Supports investments in key agricultural and rural development infrastructure, and natural resource management investments that span across multiple targeted communities to provide safety-nets in the form of short-term employment during off-season, particularly to VMGs and unemployed/out-of-school youth. Safety-net investments will largely be for public works and cash-for-work opportunities facilitated by concerned county governments and could comprise “last-mile” rural road construction, dams, irrigation systems, and rehabilitation for farmers groups, land conservation and NRM-related activities that require a concerted labor force, etc. The safety-net programs will also provide life and technical skills development training in order to have long-lasting impacts beyond temporary works.

65) In conclusion no physical resettlement is envisaged under this Component 1 and in Component 2 and 3 every effort will be made to site infrastructure to enhance value addition (cattle holding sheds, water pans, small irrigation systems) in areas that avoid and/or minimize physical and economic displacement. Once the sites are established and it becomes clear that there will be economic or physical impacts that require compensation mitigation actions, micro-project RAPs will be prepared as required by NEMA and World Bank guidelines. The RPF will identify the typical micro-project impacts anticipated for the prototypes of investments that are envisaged under component and develop a checklist to guide triggering the policy and guidance on actions and forms of compensation that should be provided.

66) The guidelines of the resettlement policy framework apply to all components under the project, whether or not they are directly funded in whole or in part by the World Bank. The policy framework applies to all economically and/or physically displaced persons regardless of the total number affected by the severity of impact and whether or not they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those economically and/or physically displaced especially those below the poverty line, the landless, youth, the elderly, women and children, indigenous groups, ethnic minorities and other historically disadvantaged groups or other economically and/or physically displaced persons who may not be protected through Kenya’s land compensation legislation.

67) Potential project impacts - The potential impacts may include but not limited to the following as shown in the table below:

Table 1: Potential Social Impacts Associated with the Project

No.	Type of impact	Description of potential impact / issue	Social significance
1	Land use and utilization	Condition and size of existing land is likely to be changed due to adoption of more cropping than livestock systems. It is estimated that Pastoralists likely to lose grazing grounds for their livestock and this may lead to resource use Conflicts between pastoralists and smallholder farmers due to changes in land use.	Highly rated
2	Inequality on incomes, and other benefits	Disruption of socio-cultural fabric may lead to inequality aspects like gender and inter-generational (youth) disparities in community micro project memberships or as a result of non-inclusivity to community micro-projects	Highly rated
3	Community livelihoods and household farm production, profits, incomes, etc.	At project full implementation land will be cleared during land preparation. Both pastoral and agro-pastoral systems will lose relatively more grazing land to cropping systems. The ASAL counties depend predominantly on livestock as a source of household income and a livelihood activity.	Highly rated

2.8 NARIGP Categories of PAPs

2.8.1 Introduction

68) Land acquisition for micro-projects may result in negative impacts to different categories of PAPs. Until the exact micro-project locations are determined it is not possible to estimate the likely number of people who may be affected, because the technical details of the micro-projects have not yet been developed. However, the likely displaced (economically or physically) persons can be categorized into these 3 groups:

- a) **Affected Individual:** Individual who risks losing assets, investments, land, property and/or access to natural and/or economical resources as a result of a NARIGP micro-project. This could be a person, who farms on steep slopes or who gather fire wood in gazetted forests.
- b) **Affected Household:** A household is affected if one or more of its members are affected by any NARIGP micro-project. This includes: (a) any members in the households, men, women, youth, children, dependent relatives and friends, tenants;

(b) Vulnerable individuals who may be too old or ill to farm along with the others; (c) Members of households who cannot reside together because of **cultural** rules, but who depend on one another for their daily existence; (d) members of households who may not eat together but provide housekeeping or other activities critical to the family's maintenance; and (e) Other vulnerable people who cannot participate, due to being physically challenged or for cultural reasons, in production, consumption, or co-residence (GoK, 2011).

69) Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labour contributions are critical to the functioning of the "household". For example, in polygamous settings, there are situations where each wife has her own home.

- c) **Vulnerable Households:** Vulnerable households may have different land needs from most households, or needs unrelated to the amount of land available to them. Vulnerable households include:
 - i. **Vulnerable and Marginalized Groups** - are often closely tied to their traditional or customary lands and natural resources on these lands, but these lands may not be under legal ownership pursuant to national law. Due to this any form of resettlement embodies for vulnerable and marginalized groups more serious risks than for any other **populations and should** consequently **be avoided at all costs**. If this is not feasible, the vulnerable and marginalized groups' land use will be documented by experts in collaboration with the affected households without prejudicing any land claim, the affected vulnerable and marginalized groups will be informed of their rights with respect to these lands under national laws, including any national law recognizing customary rights or use, the project will offer affected vulnerable and marginalized groups at least compensation and due process available to those with full legal title to land in the case of commercial development of their land under national laws, together with culturally appropriate development opportunities; land-based compensation or compensation-in-kind will be offered in lieu of cash compensation where feasible and the project will enter in good faith into a negotiation with the affected vulnerable and marginalized groups, and document their informed participation and the successful outcome of the negotiation.
 - ii. **Single women** – who may be dependent on sons, brothers, or others for support. Since an affected individual is able to name the person with whom s/he is linked in dependency as part of the household, resettlement will not sever this link.
 - iii. **Elderly** – elderly people farm or work as long as they are able. Their economic viability may depend on how much land they farm or how much they produce because, by producing even small amounts of food to "exchange" with others, they can subsist on cooked food and generous return gifts of cereal from people such as their kith and kin and neighbours. Losing land will affect their economic viability. What would damage their economic viability even more than losing land is resettlement that separates them from the person or household on whom they depend for their support. The definition of household by including dependents avoids this.
 - iv. **HIV/AIDS afflicted persons** – relatively high percentages of the poor and total population are living with HIV or are terminally ill with AIDS. Many are

beneficiaries of numerous health programs from government (central and local), international organizations and the NGO community.

- v. **Orphans and street children** – due to the impacts of the AIDS crisis that plagues Kenya today, there is a considerable number of orphaned children, whose parents have died from AIDS. These children are more vulnerable since they are often “voiceless” because they have no parents to defend or stand up for them and also because they are considered too young to be heard. Orphaned children engage in any form of economic activity to provide for themselves and their siblings, by engaging in activities such as manual work at open air markets, transporting of loads for short distances in centres, scavenging for waste paper, metals and other exploitative employment, etc.
- vi. **Woman-headed households** – may depend on husbands, sons, brothers, or others for support. However, in other cases too, women are the main breadwinners in their household even where the men have remained with the family. Women therefore need relatively easy access to health service facilities, as mothers and wives. For example, where the land being acquired is used by a woman with no formal rights to it or a woman who is dependent on a man other than her husband for her primary income. These women should not be resettled in a way that separates them from their households as the very survival of their households may depend on them. Their compensation must take into account all these factors.
- vii. **Small-scale female farmers** - are also vulnerable because they may not have men available within the household to carry out male specific land preparation tasks such as bush clearing, digging, harrowing, ridging, holing for bananas or ploughing land.
- viii. **Non-farming females** – these earn income from other sources and/or depend on relatives for “exchanges” of staple foods. Since they do not farm they will not be affected by the micro-projects need for agricultural land. If a building of theirs lies on land needed by a micro-project, they will receive replacement cost compensation. If someone on whom they depend is resettled, they are protected because the resettler can name them as part of the household.

70) These groups could be identified as being particularly vulnerable to land acquisition activities, and as such the following considerations will be made when project sites are identified and PAPs listed:

- a) Special consideration should be paid to these groups by identifying their needs from the socio-economic and baseline studies undertaken as part of the RAP and RPF process;
- b) The groups should be individually consulted and given opportunities to participate in the resettlement decision-making process, as well as project activities;
- c) Consultation with these groups should ensure that resulting resettlement and compensation improves their pre-project livelihood;

- d) The RAPs and RPFs should be designed to ensure special attention is paid to the monitoring of the resettlement process in order to ensure that pre-project livelihoods are indeed improved upon;
- e) PAPs and RPFs should be given sufficient technical and financial assistance to make use of the grievance mechanisms of the project where required;
- f) Decisions concerning them should be made in the shortest possible time.

71) The RPF envisaged in the NARIGP offers numerous inherent opportunities and benefits for the intended target groups – especially women and youth who would be involved in the smallholder activities.

2.8.2 Eligibility Criteria for Various Categories of Affected People

72) This section outlines eligibility criteria, which is necessary to determine who will be eligible for resettlement and benefits, and to discourage inflow of ineligible people.

a) Principles

73) In line with the World Bank safeguard policy OP 4.12, the NARIGP will therefore, minimize displacement through the following design procedures:

- i. Wherever inhabited dwellings may potentially be affected by a component of a micro-project, the micro-project shall be redesigned (facility relocated or rerouted) to avoid any impact on such dwellings and to avoid displacement/relocation accordingly;
- ii. Wherever the impact on the land holding of one particular household is such that the household may not be sustainable in the long term, even if physical displacement of such a household is not feasible, the micro-project shall be redesigned (facility relocated or rerouted) to avoid any such impact;
- iii. Minimization of land impact will be factored into site, practice and technology selection and design criteria;
- iv. Costs associated with displacement and resettlement (if any) will be internalized into micro-project costs to allow for fair comparison of processes and sites;
- v. To the extent possible, sub project facilities will be located on public spaces; a more participatory approach will be put in place for the communities to confirm where to site these facilities with express authority of the local administration.
- vi. Infrastructures required by the sub project will be routed inside existing right-of-ways, easements or reservations (roads, streets, power lines, drainage canals) wherever possible.

74) The involuntary taking of land results in: relocation or loss of shelter; and loss of assets or access to assets or loss of income sources or means of livelihood, whether or not the PAPs must move to another location or not. Therefore, meaningful consultations with the affected persons (directly and through representatives), local authorities and communal

leadership allows for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. OP4.12 suggests the following three criteria for eligibility;

- a) Those who have formal rights to land (including customary/communal land, traditional and religious rights, recognized under Kenyan Law);
- 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 national and local laws of Kenya or become recognized through a process identified in the resettlement plan;
- c) Those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from, but are recognized under the World Bank's OP 4.12.

75) Those covered under (a) and (b) above are to be provided compensation for the land they lose, and other assistance in accordance with this RPF. Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this RPF, if they occupy the project area prior to a cut-off date established by the management committees in close consultation with the potential PAPs, local community leaders and the respective local Land Control Boards and the OP-SP and acceptable to the World Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b) or (c) above are to be provided with compensation for loss of assets other than land. Therefore, it is clear that all project affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. Persons who encroach the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance (GoT, 2003).

b) Eligibility Process

76) PAPs may be classified in one of the three groups listed in Section 3.8. The process will involve review of tenure documents owned by occupants, interviews with households and groups in the affected area. County governments and national government's Ministry of Land concerned with land ownership and management will also hold the consultant. PAPs covered in a) and b) are provided compensation for the land they lose, and other assistance ensuring that they are: Informed about their options and rights pertaining to resettlement; Consulted on, or offered choices among, and provided with technically and economically feasible resettlement; Provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project (GoK, 2014).

77) Land for land compensation will be applied to PAPs who might lose their land. All PAPs irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some assistance if they occupied the land before the entitlement cut-off date. Persons who encroach on the area after the socio- economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance. There will therefore be a package of compensation and other

resettlement measures to assist each category of eligible PAPs to achieve the objectives of the policy.

78) Eligibility criteria will also be determined by: (i) Loss of property (ii) Loss of wages (iii) Cut off date.

c) Eligibility for Community Compensation

79) It is also important to note that the eligibility may be claimed collectively e.g. as a community or religious group and does not necessarily have to be individuals or families. Communities (on communal lands) that permanently lose land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation. Example of community compensation could be for public toilets, market places, taxi parks, schools and health posts. The rationale for this is to ensure that the pre-project socio-economic status of communities where adversely impacted, is also restored (WB, 2008).

80) Eligibility criteria will also be determined by the status of development up to when the study starts and will further be determined by other development approval as issued by both central and local government offices. The key local authorities to be interviewed by the consultants will include County, Divisional and location government officials such as the County/ divisional agricultural officer, the County officers, chiefs and sub-chiefs. Other PAPs include: identified large and small-scale farmers, businessmen and businesswomen, women leaders and other leaders of social groups.

2.9 NARIGP RPF Opportunity to PAPs

81) The NARIGP RPF will provide the PAPs the: Opportunity to: participate equally in decision making in well-organized governance and management systems in matters that impact on their well-being; acquire access to land of economic size that would make them more productive; enhance their operational capacity through skill and innovative transfer acquisition of knowledge farming practices; access to improved agriculture inputs i.e. Seeds, fertilizers, implements, extension services; access to adequate and improved economic and social infrastructural facilities namely farm to market roads, electricity, irrigation, potable water, storage; access to credit facilities; access to enlarged and ready markets; form stronger and mutually beneficial social groups; generation of employment; and creation of more income, wealth and savings through diversified activities.

82) **Adverse Effects:** If gender is not mainstreamed in all the different aspects of the project, the target groups, especially women, are most likely to suffer the under listed adverse effects: insecurity in land acquisition and tenure; inability to expand their farms; continued operation at subsistence level using old and unproductive tools and farming practices; loss of farms without adequate compensation; loss of livelihood for entire families; resettlement without due regard to the welfare of the target groups; restricted access to improved economic and social infrastructural facilities; limited ability and capacity to diversify their operations; depressed employment opportunities especially for the youth; non motivation to form associations to improve their wellbeing; Increase gender disparities among men and women; and exposure to greater economic disparities resulting in worsening of poverty among the target groups.

2.10 Approximate Numbers of PAPs

83) No involuntary resettlement is anticipated under Component 1 focusing on CDD. These investments will largely be on farm, small and with limited adverse impact and footprint. There may be resettlement impacts related to investments at the county level to support agricultural value chains (Landscape SLM investments, upgrading rural roads, value chain processing plants etc.). It is also important to underscore that at this stage it is not possible to determine the number of PAPs for several reasons: The individual micro-projects of the community driven development components (2&3) will be identified during project implementation by the local communities in a participatory process. Due to this, the locations, nature and magnitude of these micro-projects cannot be determined before implementation. For each micro-project, which might require physical and/or economic resettlement (this will be assessed through screening processes), the number of PAPs will be established through a RAP, which will be elaborated before project implementation.

84) At appraisal stage it was assessed that some of the water management related micro-projects (NARIGP Comp. 2&3) might require the physical and/or economic resettlement of populations to provide space for the rehabilitation and extension of water storage facilities and/or irrigation schemes. However, project descriptions do not exist for any of these micro-projects that would allow an estimate of the number of PAPs to be made. For each micro-project that is considered during screening to require physical and/or economic resettlement, the number of PAPs will be established through a RAP, which will be elaborated before the micro-project is approved for inclusion in the work program of the project.

2.11 Potential Relocation Areas

85) The location for resettlement will be identified during the development of individual micro-project RAPs, which will involve consultation with relevant authorities and the PAPs involved (if applicable). If people must move to another location due to the implementation of a micro-project, the project will:

- a) Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation where appropriate (if applicable); and
- b) Provide relocation assistance suited to the needs of each group of displaced persons, with particular attention paid to the needs of the poor and the vulnerable. Alternative housing and / or cash compensation will be made available prior to relocation (if applicable).
- c) In the case of physically displaced persons with recognized or recognizable rights, the project will offer the choice of replacement of property of equal or higher value, equivalent or better characteristics and advantages of location, or cash compensation at full replacement value.
- d) In the case of physically displaced persons without recognizable rights, the projects will compensate them for loss of assets and structure's at current market replacement costs plus compensation for loss of stream of income and costs of relocation. It should be noted again that the project anticipates none or minimal physical resettlement and bulk of impacts will be economic displacement at a small scale.

- e) Where these displaced persons own and occupy structures, the project will compensate them for the loss of assets other than land, such as dwellings and other improvements to the land, at full replacement cost, provided that these people have occupied the project area prior to a disclosed and agreed cut-off date. Compensation in kind will be offered in lieu of cash compensation where feasible. Based on consultation with such displaced persons, the client will provide relocation assistance sufficient for them to restore their standards of living at an adequate alternative site.

86) Economic Displacement: If land acquisition for a micro-project causes loss of income or livelihood, regardless of whether or not the affected people are physically displaced, the projects will meet the following requirements: i) promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost; ii) In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of re-establishing commercial activities elsewhere, for lost net income during the period of transition, and for the costs of the transfer and reinstallation of the plant, machinery or other equipment; iii) Provide replacement property (e.g., agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognized or recognizable; iv) Compensate economically displaced persons who are without legally recognizable claims to land for lost assets (such as crops, livestock, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost; v) Provide additional targeted assistance (e.g., credit facilities, training, or job opportunities) and opportunities to improve or at least restore their income-earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected; vi) Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.

3.0 RELEVANT LEGAL, REGULATORY AND INSTITUTIONAL FRAMEWORK

3.1 Relevant National Legislative Framework

87) The section sets out the legal framework, the fit between the laws and regulations of Kenya and World Bank policy requirements, and proposed measures to bridge the gaps between them. In Kenya, expropriation is provided for in the Constitution under section 75 for private land and sections 117 and 118 for unregistered trust land. But the constitution only gives general guidelines. The detailed procedures for land acquisition are elaborated under the “Land Acquisition Act” in chapter 295 for private land and chapter 288 for unregistered Trust Lands. “Trust Land” refers to that land that is still held under African customary tenure. The title to this land is said to vest in the County Council in trust for its inhabitants, hence the term “Trust”.

88) Expropriation in this context refers to the taking away of private land and landed property for public purpose by the government with or without the owner’s consent subject to laws of eminent domain, which stipulates prompt and adequate compensation among other things. In Kenya “setting apart” for unregistered trust land and “Compulsory acquisition” for all registered private lands are the terms commonly in use.

89) Expropriation of land is an important aspect of land management in Kenya since it is a key instrument by which land is made available for various development needs that are deemed to promote public benefit, e.g. infrastructure, housing, dams and irrigation, or certain industrial purposes.

3.2 Procedures under Chapter 295 of the “Land Acquisition Act”

90) In short, a formal request for expropriation should be submitted to the “Commissioner of Lands” by the benefiting authority, e.g. a municipal council in the case of urban areas. Any other public body or Government may request land acquisition in this way. The commissioner will then forward the application to the minister in charge of lands. If the minister is convinced that the land is required for public purpose, he writes to the commissioner to that effect, and directs him to acquire the land (Section 6(1)). The commissioner will then give “Notice of intention” to acquire the land (Section 6(2)) in the “Kenya Gazette” side by side with the “Notice of Inquiry”.

91) The “Notice of Intention” must mention the public body or the public purpose for which the land is to be acquired. The “Notice of Inquiry” mentions places and fixed dates when persons interested in the subject land are to submit their claims to the commissioner of lands or his appointee (a “Valuation Officer” also known as “Collector of Compensation”) according to Section 9.

92) Meanwhile the collector of compensation is supposed to inspect the said land and value it for compensation. After the inquiry, the collector will issue and award depending on his own assessment and the representations of interested parties as submitted at the inquiry (Section 10 and 11). The award is issued in a prescribed form, together with a statement form. The former indicates the amount of compensation awarded, while the latter gives the landowners option of acceptance or rejection of the award. If the landowner accepts the award, the collector will issue a cheque in settlement together with a formal “Notice of Taking Possession and Vesting” (section 19). The notice instructs the landowner to take his

title for amendment or cancellation. It is copied to the Government surveyor and the land registrar to make the necessary changes to the affected deed. If the owner rejects the award, the collector deposits the money in court pending the former's appeal. Compensation is based on the open market value.

3.3 Procedures under Chapter 288 of the “Trust Lands Act”

93) “Setting apart” carried out at the instance of the state involves a procedure whereby the President will write to the local authority in charge of the said trust land informing the council that the land is required for public purpose by a public body. The council is supposed to deliberate the matter at a full council meeting and give consent. The “County Commissioner” in charge of the affected area will then proceed to ascertain interests, determine areas and assess compensation for the land after which he is to issue an award. In case of acquisition at the instance of the County government itself, the whole process is repeated except that this time the President is not involved in giving directions. It starts with a full council meeting.

Other legislation concerning resettlement is described in Figure 2, 3 and 4.

Legal Framework	Functional Relationship to Resettlement
The Land Acquisition Act Chapter 295 Laws of Kenya	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 sub-projects requiring resettlement are under the provision of this Act.
The Registered Land Act Chapter 300 Laws of Kenya	Provides for the absolute proprietorship over land (exclusive rights). Such land can be acquired by the state under the Land Acquisition Act in the project area.
The Land Adjudication Act Chapter 95 Laws of Kenya	Provides for ascertainment of interests prior to land registrations under the Registered Land Act.
Physical Planning Act No. 6 of 1996	Section 2 of the Act requires that all land intended for any development requires a planning and development permission.

Figure 3: Kenya Legislation on Resettlement

Legal Framework	Functional Relationship to Resettlement
	Section 36 of the Act also requires that development projects, which have substantial alteration of the state of land, must be subjected to an EIA.
The Environmental Management and Co-ordination Act 1999,	The legislation that governs Environmental Impact Assessment (EIA) studies. This resettlement exercise falls under the Second Schedule, which lists the projects required to undergo EIA studies in accordance with section 58 (1-4) of the Act. Resettlement components of the sub-projects may pose potentially negative environmental impacts. Part 3 of this Schedule applies to settlement planning. Therefore according to the above Act, the proposed sub-projects may require EIA studies.
The Local Government Act Chapter 265 Laws of Kenya	Provides for making by- laws and institutions by Councils. By-laws can be made on the governance of a project under the provisions of this Act.
The Traffic Act Chapter 403 Laws of Kenya	The Act also prohibits encroachment on and damage to roads including land reserved for roads by any project or any human settlement or by an exercise of resettlement. The project is under the provision of the Act.
The Wayleaves Act Chapter 292 Laws of Kenya	Provides for certain undertakings to be constructed e.g. pipelines, canals, pathways etc., through or under any lands or settlements. The project is under the provision of the Act.
The Water Act Chapter 372 Laws of Kenya	The Act vests the water in the State and gives the provisions for the water management, including irrigation water, pollution, drainage, flood control and abstraction. It is the main legislation governing the use of water especially through water permit system where special provision for water may be made for settlements or resettlement areas.
The Lakes and River Act Chapter 409 Laws of Kenya	This Act provides for protection of river, lakes and associated flora and fauna. The provisions of this Act may be applied, in the management of the resettlement zones in this project.
The Wildlife Conservation and Management Act, Cap 376	This Act provides for the protection, conservation and management of wildlife in Kenya. The provisions of this Act should be applied in the management of the project.
The Public Health Act Laws of Kenya	Provides for the securing of public health and recognises the importance of water. It provides for prevention of water pollution by any development activity including resettlement by stakeholders.

Figure 4: Kenya Resettlement Legislation continued

3.4 Comparison between WB OP4.12 and Kenya Legal Requirements

94) The laws of Kenya only provide compensation for land that is legally owned by PAPs and no compensation to encroachers for the same. The World Bank OP4.12 provides for compensation for land to both legal owners and encroachers. OP4.12 states that where there is a conflict between the Bank and government frameworks, those of the Bank shall take

precedence. A further comparison between the Laws of Kenya and the World Bank OP 4.12 are contained in Figure 5 below.

Category of PAPS/ Type of Lost Assets	Kenyan Law	World Bank OP4.12
Land Owners	Cash compensation based upon market value. Under statute. Land for Land under Customary Law	Recommends land-for-land compensation. Other compensation is at replacement cost.
Land Tenants	Entitled to compensation based upon the amount of rights they hold upon land under relevant laws.	Are entitled to some form of compensation whatever the legal recognition of their occupancy.
Land Users	In some cases land users have some form of secured tenure extended to them under law regarding easement rights where if a person uses land for 7 consecutive years without a dispute entitles him to a right equivalent to ownership. In other cases land users not entitled to compensation for land, entitled to compensation for crops and any other economic assets.	Entitled to compensation for crops, may be entitled to replacement land and income must be restored to pre-project levels at least.
Owners of "Non permanent" Buildings	Cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.
Owners of "Permanent" buildings	Cash Compensation is based on market value.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.
Perennial Crops	Cash compensation based upon market rates calculated as an average net agricultural income.	As per section G of this RPF once approved by the Bank and disclosed in Kenya and at the Bank infoshop.

Figure 5: A Comparison between Kenyan Law and World Bank OP 4.12 – regarding compensation

95) From the point of view of the process of land acquisition and compensation, it is clear that the procedures described in Sections 4.2 and 4.3 above are likely to be significantly more time consuming and onerous than would be practicable in the event that resettlement issues arise in a significant number of micro-projects. It will therefore be necessary to streamline the compensation review process under Kenyan law to ensure that approval timelines are consistent with those required by the Bank for timely micro-project approval and implementation. It is therefore a priority that the NPCU develops and agrees (with the Office of the President) a valuation and compensation procedure that allows the delegation of authority and decision making to the local (or county) level in the case of micro-projects that have minimal resettlement impact.

4.0 COMPENSATION FOR LAND AND OTHER ASSETS

4.1 Methods of Valuing Affected Assets

96) This section sets out the detailed requirements for determining the value of affected assets. Due to the large number and the localized nature of the majority of micro-project interventions, it is anticipated that a relatively large number of small-scale asset valuations will need to be carried out during the course of the project. It would therefore be unwise and inefficient to deploy an individual valuation expert in each and every case.

97) It is, therefore, proposed that a valuation expert is contracted by NARIGP at the project outset to develop a standardized procedure for asset valuation, which can then be applied by a project representative at the local and/or county level. This standardized procedure would include a series of ‘look-up’ tables for estimating asset value by type according to the approximate size and condition of the existing asset. The tables would necessarily be developed using legally acceptable valuation procedures accepted by both the Government of Kenya and World Bank for purposes of fairness and consistency. The approach will consider replacement costs and types and levels of compensation under the Kenya law, and valuation of lost assets will be made at their replacement cost. The calculation methods to be adopted for the different types of assets are discussed below.

4.2 Preparation of Asset Inventory

98) In order to prepare an inventory of assets for a micro-project, a field team would visit the affected area to carry out an asset valuation survey. The team would be led by an appropriate project representative, and would include the Local Chief/ward administrator, a representative of the PAPs, a representative of the Local Land Control Board County/Town Council, and a village representative (collectively referred to as the Compensation Committee).

99) During the survey, each asset will be enumerated and inscribed on an inventory and a valuation of the asset carried out using the approach described above. The values of each asset will then be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person. Personal data will be taken such as names, national ID number, a photograph of the person and of the asset affected as well as its GIS location. The document indicates when the affected person will be notified, and that the inventory will not be official until a second signed copy is verified by project supervisory staff and returned to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism. An example of a land asset and physical inventory census survey form is provided in Annex 4.

4.3 Methods of Compensation

100) Individual and household compensation will be made in cash, in kind, and/or through assistance. The compensation committee will determine the type of compensation. The below table describes the forms of compensation.

Forms of Compensation

Cash Payments	Compensation will be calculated in Kenya Shillings. Rates will be adjusted for inflation ⁶ .
In-kind Compensation	Compensation may include items such as land, houses, other buildings, building materials, seedlings,
Assistance	Assistance may include moving allowance, agricultural inputs and financial credits for equipment, transportation and labour

101) For the majority of small-scale micro-projects the asset valuation would be led by the local (or county) project representative e.g. using the standardized approach described in the previous section. For larger projects that are judged (under the ESMF process) to have significant impacts the process may require an IA-appointed Resettlement Expert.

102) Making compensation payments raises some issues regarding inflation, security and timing that must be considered. One purpose of providing in-kind compensation is to reduce inflationary pressures on the costs of goods and services. Local inflation may still occur, thus market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values. The question of security, especially for people who will be receiving cash compensation payments needs to be addressed by the local administration. Local banks and microfinance institutions should work closely with the local administration at this level to encourage the use of their facilities, which will positively impact the growth of the local economies. The time and place for in-kind compensation payments will be decided upon by each recipient in consultation with the compensation committee. Monetary payments should be paid at a time in relation to the seasonal calendar.

4.4 Valuation Methods to Be Adopted

4.4.1 Replacement Cost Approach

103) The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations. These costs are taken as a minimum estimate of the value of measures that will reduce the damage or improve on on-site management practices and thereby prevent damage. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

4.4.2 Gross Current Replacement Cost

104) Gross Current Replacement Cost (GCRC) is defined as the estimated cost of erecting a new building having the same gross external as that of the existing one, with the same site works and services and on a similar piece of land.

4.4.3 Other Methods

105) **Rates from Contractors** - When rate schedules do not exist or are out of date, recent quotations by contractors for similar types of construction in the vicinity of the project can be

⁶This will be guided by the RAP

used for calculating replacement costs. In projects offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable.

106) **Schedule of rates from Ministry of Roads and Public Services and Ministry of Lands-** The State Department of Materials has a schedule of rates for preparing estimates for construction of projects, which the consultant can use to assess costs for construction materials and labour. When applied to calculation of replacement cost (see above), the current rates from contractors for the period of actual replacement must be used.

107) **Calculation of Compensation by Asset** - The following methods of calculation should be adopted for the preparation of the aforementioned standardized asset valuation tables and/or the application of specific case-by-case valuations in the case of projects that have significant impacts:

4.5 Compensation for Land

108) Compensation for land is aimed at providing a farmer whose land is acquired and used for project purposes with compensation for land, labour, livestock and crop loss. For this reason and for transparency, "Land" is defined as an area or homestead:

- a) In cultivation
- b) Being prepared for cultivation, or
- c) Cultivated during the last agricultural season.

109) This definition recognizes that the biggest investment a farmer makes in producing a crop or keep livestock is his other labour. A farmer works on his/her land most of the months of the year. The major input for producing a crop is not seed or fertilizer, but the significant labour put into the land each year by the farmer. As a result, compensation relating to land will cover the market price of labour invested as well as the market price of the crop lost.

4.6 Land Measurement

110) For the purposes of measuring land, the unit of measurement would be that which is used and understood by the affected farmers. Therefore, in rural areas if a traditional unit of measurement exists, that unit should be used. If a traditional unit of measurement does not exist in a particular area then it is recommended that land should be measured in meters or any other internationally accepted unit of measurement. However, in such an event, the unit that is being used must be explained to the affected farmers/users and must somehow be related to easily recognizable land features that the communities are familiar with, such as using location of trees, stumps, etc. as immovable pegs.

111) The most important concern of this exercise is to ensure that the affected person is able to verify using his/her own standards/units of measurement for him/herself, the size of land that is being lost. Ensuring that this occurs maintains transparency in the system and will thus avoid subsequent accusations of wrong measurements or miscalculation of areas. For example, a farmer losing a certain piece of land should know exactly how much land he/she is losing, in terms of size and the replacement land must be at least of that same size and comparable value as land lost, determinable by the farmer, and confirmed by an agricultural expert or expert in other land uses being replaced.

4.7 Calculation of Crops Compensation Rate

112) The current prices for cash crops will be determined. All crops will be valued using a single rate regardless of the crop grown. This rate incorporates the value of crops and the value of the labour invested in preparing a new land. Determining compensation using a single rate creates transparency because anyone can measure the area of land for which compensation is due and multiply that by a single rate known to all. This approach also allows assignment of values to previous year's land (land in which a farmer has already invested labour) and land that have been planted but have not yet sprouted. Further, it avoids contention over crop density and quality of mixed cropping. The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation is to be updated to reflect values at the time compensation is paid.

4.8 Compensation for Livestock

113) Compensation will be ideal from two point of views: the market value of the category of animal by age and region; and two the valuation guidelines normally advised by the Ministry of Agriculture, Livestock, Fisheries and Irrigation; or in case of game by the Kenya Wildlife Service (KWS).

4.9 Compensation for Buildings and Structures

114) Compensation will be paid by replacing structures such as huts, houses, and farm buildings, latrines and fences at current market replacement costs. Any homes lost will be rebuilt on acquired replacement land. However, cash compensation would be available as a preferred option for structures (i.e. extra buildings) lost, that are not the main house or house in which someone is living. The going market prices for construction materials will be determined. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The project will survey these prices for administrative purposes on an on-going basis.

115) Compensation will be made for structures that are: abandoned because of relocation or resettlement of an individual or household, or directly damaged by micro-project activities.

116) Replacement values will be based on: drawings of individual's house and all its related structures and support services; average replacement costs of different types of household buildings and structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. bricks, rafters, bundles of straw, doors etc.); prices of these items collected in different local markets; costs for transportation and delivery of these items to acquired/replacement land or building site; and estimates of construction of new buildings including labour required.

4.10 Compensation for Community Assets

117) Compensation will be provided for community assets identified through the socio-economic survey. In all cases, these will be provided in-kind and new facilities will be provided for even if there are existing facilities at the new location.

4.10.1 Compensation for Sacred Sites

118) This policy does not permit the use of land that is defined to be cultural property by the Bank's Safeguards OP 4.11. Sacred sites include but not restricted only to; altars, initiation centres, ritual sites, tombs and cemeteries. It includes other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities/homesteads/county governments' the use of sacred sites for any project activity is not permitted under this project.

4.10.2 Compensation for Vegetable Gardens and Beehives

119) These are planted with vegetable and ingredients for daily use. Until a replacement garden starts to bear, the family displaced (economically or physically) as a result of the project land needs will have to purchase these items in the market. The replacement costs therefore, will be calculated based on the average amount that an average town dweller spends on buying these items for one year per adult from the local market.

120) Beehives are placed in various locations in the bush by some individuals that specialize in honey gathering. If such hives would be disturbed by the project activities, or access to hives is denied, beekeepers can move them, and the bees will adapt to the new location. Beekeepers would be compensated by the value of one season's production costs of honey for each hive that is moved and any reasonable costs associated with moving the hive.

4.10.3 Compensation for Horticultural, Floricultural and Fruit trees

121) Kenya has variable weather patterns, but suitable for growing of fruits especially in the Western and Central parts of Kenya where the NARIGP micro-projects will be implemented. Where fruits exist on affected land e.g. Mangos, which is one of the common fruit trees in the project areas; the agriculture valuation method must be adopted. This goes for all other tree based crops including other trees of nutritional, medicinal and other significant economic value. Given their significance to the local subsistence economy, which this project intends to positively impact, fruit trees will be compensated on a combined replacement/market value. Fruit trees used for commercial purposes will be compensated at market value based on historical production records. If households chose to resettle, they will be compensated for the labour invested in the trees they leave behind, because they will continue to own the trees left behind under customary rights. It is not uncommon for individuals to own trees in other villages in which they formally lived and, in some cases, to continue to harvest fruit from those trees for subsistence purposes and/or sale to traders. If a household/individual chooses to transfer ownership of the trees, transfer costs will be paid in addition to labour costs. The compensation rate will be based on information obtained from the socio-economic information.

5.0 INSTITUTIONAL FRAMEWORK, & IMPLEMENTATION SCHEDULE AND COSTS

5.1 Introduction

122) Before any project activity is implemented, PAPs will need to be compensated in accordance with the resettlement policy framework. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual RAPs.

123) The measures to ensure compliance with this RPF would be included in the RAPs that would be prepared for each land involving resettlement or compensation. The schedule for the implementation of activities must be agreed upon between the resettlement committee and the PAPs, such as target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, dates of possession of land that PAPs are using (this date must be after transfer date for completed civil works to PAPs and payments of all compensation), and how these activities are linked to the implementation of the overall micro-project.

124) The screening process must ensure that RAPs contain acceptable measures that link resettlement activity to civil works in compliance with this policy. The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the RAP is approved by the local and national authorities, it should be sent to the World Bank for final review and approval.

5.2 Project Launching

125) At each micro-project launching, an assessment of the social impacts of each micro-project will be conducted. Emphasis will be given to avoid or reject any micro-projects presumed to induce extensive adverse social impacts. The assessment will help to: (a) determine which micro-project should be rejected; (b) any mitigation measures to be taken for those with small to medium adverse effects which are reversible; (b) establish whether or not detailed RAPs with timetables and budgets should be prepared. **There will be no physical relocation carried out under the Component 1 CDD interventions.**

126) Terms of Reference (TOR⁷) for the assessments will be drafted by the implementing agencies in consultation with the World Bank. Issues to be addressed by the screening process will include: demography, land tenure and socio-economic structures (for larger micro-projects involving more than 100 households, as needed); and consultations with county governments and with the PAPs (for all micro-projects). A key task to be conducted under this process is a household survey describing the extent of the social impacts. At this

⁷Annexed Sample ToR for both SA and RAP

stage, all PAPs will be listed in order to avoid an influx of people trying to take advantage of the compensation and rehabilitation. A cut-off date is proclaimed. That means, a date from which eligibility for compensation will be terminated. New inhabitants coming to the project affected areas will not be considered for compensation. The principles of compensation/rehabilitation will be triggered wherever there will be land acquisition and adverse social impacts.

5.3 Implementation Schedule

127) The timing of the resettlement will be coordinated with the implementation of the main investment component of the project requiring resettlement. All RAPs will include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, and post relocation of economic and social activities. The plan should include a target date when the expected benefits for resettlers and hosts would be achieved. Arrangements for monitoring implementation of resettlement and evaluating its impact will be developed during project preparation and used during supervision. Monitoring provides both a warning system for project managers and a channel for the resettlers to make known their needs and their reactions to resettlement execution.

128) Environmental and social impact assessments, (if deemed necessary) through the application of the ESMF, will be conducted parallel with the design of the micro-projects, and will determine the number of PAPs and to assess demand of needs of the displaced persons. The needs are such as, housing, water, health facilities and sanitation. Target dates for achievement of expected benefits to resettled persons and hosts are to be set.

129) Disseminating various forms of assistance to them will be done. Planning and coordination of the tasks of the various actors is key to successful implementation. To achieve this goal, workshops will be organized with the stakeholders and other relevant government agencies, at project launching and at the commencement of every micro-project identified to have adverse social impacts.

130) The stakeholders will be requested to participate in the decision making process and provide inputs in the area of their expertise in order to establish a coherent work plan or schedule. PAPs will also be consulted with the aim of obtaining their positions on issues at stake. The requirements of their work/programs/business activities will be incorporated in the expropriation/compensatory plans.

131) The workshops will focus on: taking stock of the legal framework for compensation; settling institutional arrangements and mechanisms for payment of compensation; defining tasks and responsibilities of each stakeholder; and establishing a work plan.

132) A monthly implementation schedule of activities is to be undertaken and will be a topic of discussion at the next workshop. This way, they will be able to feed back on the implementation process, any curative measures or improvements. The project staff /county governments/consultants will conduct this under the leadership of a resettlement expert.

5.4 PAPs Representative Committee⁸

133) PAPs Representative Committee shall carry out the following as regard to redressing grievances:

Hear the grievances of the PAPs, and provide an early solution/recommendation;

- a) Immediately bring any serious matters to the attention of the Grievance Redress Committee (GRC)
- b) Inform the aggrieved parties about the progress of their grievances and the decisions of the Implementing Agencies (IAs) and Resettlement Committee.

134) A Grievance Redress Committee⁹ (GRC) will be constituted to register grievances raised by the PAPs and address grievances forwarded by the PAPs representative committee. The GRC will try as much as possible to arrive at a compromise for the complaints raised. This may be obtained through a series of conciliations, mediations and negotiations exercises conducted with the PAPs. If PAPs accept the recommendations made by the committee, the committee along with PAPs who are willing to take part in these proceedings may hold mediations at the appointed places. In situations where PAPs are not satisfied with the decision of GRC, the grievance should be escalated to the NARIGP management structures before the PAPs can approach the Judiciary if they are still not satisfied.. The response time for cases handled in both committees will depend on the issues addressed but it should be as short as it is possible.

5.5 RPF Implementation Budget

135) Resettlement activities in Kenya can be financed through a number of arrangements, namely: government budget; loans borrowed from the domestic market by governments; loans borrowed from development partners; and grants. In the case of the NARIGP project, the resettlement budget will be financed through a credit finance advanced to the Government of Kenya by the World Bank under the NARIGP project. The overall cost of the NARIGP Project is an estimated US\$200 million, covering all project activities including resettlement.

136) At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs/details have not yet been developed and land needs have not yet been identified. When these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, thus facilitating the preparation of a detailed and accurate budgets for each RAP. Each RAP will include a detailed budget, using the following template.

⁸The establishment, role and responsibilities will be detailed in the project operational manual

⁹Similarly this will be expanded in the project operational manual

	Amount or number	Total estimated cost	Agency responsible
Asset acquisition			
Land			
Structures			
Crops and economic trees			
Infrastructure			
Land Acquisition and preparation			
Land			
Structures			
Crops and other			
Community Infrastructure			
Relocation			
Transfer of possessions			
Installation costs			
Economic rehabilitation			
Training			
Capital Investment			
Technical Assistance			
Monitoring			
Contingency			
TOTAL			

Figure 6: Illustrative Budget for a RAP

137) The project will manage and monitor the resettlement budget and will finance this budget through the administrative and financial management rules and manuals as for any other activity eligible for payment under the NARIGP. This budget will be subject to the approval by the NPCU. At this stage, all that can be reasonably and meaningfully prepared is an indicative budget, highlighting key features that the budget must contain. This is shown in the Table 2 below.

Table 2: Illustrative Budget for RAP

Item	Estimated Cost US\$	Comments
Preparation for full RAP for new micro-projects	205,000	Full RAP US\$ 5,000 plus RAP for 200 new micro projects @ US \$ 1,000 each
Preparation of process frameworks for gazetted / protected areas	40,000	Assume external assistance is required 4 each @ US \$ 10,000
Resettlement compensation for micro projects ¹⁰	5,000	Assume approximately 500 micro-projects with 10% (50) involving resettlement @ US\$ 100/micro-project
Compensation for crop farmers	25,000	Assume approximately 500 micro-projects with 5% (25) involving resettlement @ US\$ 1,000/each

¹⁰E.g. a water pan and/or community irrigation scheme will be located in such a way as to avoid physically relocating people, however land take may be required.

Compensation for livestock farmers	12,500	Assume 500 micro-projects 5% (25) involving resettlement @ US\$ 500/micro-project
Compensation for horticultural crops: vegetables, fruits and flowers	25,000	Assume 500 micro-projects 10% (50) involving resettlement @US\$ 500/micro-project
Compensation for tree crops	100,000	Assume 500 micro-projects 20% (100) involving resettlement @ US\$ 1,000/micro-project
Compensation for housing and other infrastructure	25,000	Assume 500 micro-projects 5% (25) involving resettlement @US\$ 1,000/micro-project
M&E Costs	50,000	Assume external expert costs/year over 5 year-period

5.6 IMPLEMENTATION ARRANGEMENTS

5.6.1 Introduction

138) Implementation of NARIGP will involve a three-tier institutional arrangement (national, county and community). Under the **first-tier** at national level, the NT will represent the Government, and the MOALFI will be the main implementing agency. Within the MOALFI, the project will be anchored in the State Department for Crops Development (SDCD). The **second tier** will be the county level, with the county governments as the executing agencies of the project. The **third tier** will be the community level, where beneficiaries will implement their community-led interventions. The three-tier institutional arrangement aims to: (a) lessen the approval layers for faster decision-making and efficient project implementation; and (b) utilize the constitutionally mandated governance structures at the national and county levels, to the extent possible.

139) To enhance linkages and ownership of the project, the participating county governments will be fully involved in the decision-making process at the national level as they will be represented in the NPSC and NTAC by the Chair of the agriculture committee, of Council of Governors (CoGs) and the Chair, caucus of the County Executive Committee Members of CoGs, respectively. In addition, county governments will be fully responsible for the decision-making and project oversight at county and community levels. A summary of the institutional arrangements are provided below, while the detailed roles and responsibilities of the national, county and community institutions will be provided in the PIM.

140) **National level.** Overall project oversight and policy guidance will be provided by the NPSC, which will be chaired by the cabinet Secretary (CS), MOALFI and co-chaired by the Chair agriculture committee in the CoGs. It will comprise PSs from the relevant state departments of line ministries, and representatives of the private sector and civil society. The National Project Coordination Unit (NPCU) to be headed by the National Project Coordinator (NPC) will be established under the SDCP; and will be responsible for managing day-to-day project implementation. The NTAC, comprising among others, directors of relevant line

ministry departments, director generals of the relevant government agencies, chief executive officer of the CoGs, and representatives of the private sector, will be chaired by the Agriculture Secretary, and co-chaired by the chair, caucus of county Executive Committee Members. NTAC will be responsible for providing technical support to the project and approving county level investment proposals (under Component 3), based on the recommendation of the NPCU. The number of members of NTAC attending each meeting will depend on the agenda or technical advice sought by the NPCU. The NPC will serve as the secretary to both the NPSC and NTAC.

141) **County level.** Depending on each county’s governance structure, the CPSC, chaired by the County Executive Committee Member (CECM) in charge of agriculture and livestock will be responsible for providing implementation oversight in the respective counties, including approving county annual work plans and budgets, community-led micro-project proposals; investment proposals submitted by POs; and ensuring that they are incorporated in the CIDP. The CPSC will comprise chief officers of the relevant county ministries (e.g., Agriculture, Livestock and Fisheries; Water; Trade and Cooperatives; Environment and Natural Resources; Works, to name a few); county director of environment (NEMA); and representatives from the private sector (e.g. County Chamber of Commerce), county representative of farmers/POs, civil society and VMGs. The CPCU, which will be embedded into the respective county government structures will comprise of the CPC, County Component Leaders (three), and County M&E, County Environmental and Social safeguards Compliance Officer, Finance and Procurement Assistants. Similarly, the actual number of members of CPSC attending each meeting will depend on the agenda or technical advice sought by the CPCU. The CPC will serve as the secretary to the CPSC.

142) **Community level.** The CDDCs with elected leaders (chair, secretary, treasurer and board members) will represent beneficiaries in the targeted communities. CDDCs will be responsible for mobilizing communities into CIGs and VMGs, through the PICD process. They will also be responsible for identifying the vulnerable and marginalized members of the community through participatory targeting approaches. CDDCs will facilitate the preparation of prioritized CDP and the resulting community micro-projects, as well as their implementation, community participatory monitoring and reporting.

Table 3: Institutional Roles in RPF Process

Institution	Role
County Government	Screening of micro-projects and in cases where resettlement is unavoidable, formation of Resettlement committees
Resettlement committees at micro-project level (village elders plus selected community value chain/CIG Reps. Local administration, women and youth reps., MCA, Sub-County Administrator	Vet PAPs to be resettled. Completed RAPs are forwarded to the MOALFI and the WB
County Steering Groups	Screening of micro-projects and in cases where resettlement is unavoidable, formation of Resettlement committees Coordinates grievance mechanisms Approval of RAPs
County and Sub County land committees	Approval of subdivision and transfer of titles to PAPs at Sub County and County levels

	Approval of County proposals for relocation of sites
MOALFI	Establishment of project implementation/coordination structures Control financing of RAPs

5.6.2 Local Level Planning and Implementation

143) At the local level, a work plan will be developed for the local development component, through a transparent decision making process. The work plan and budget at county level, and progress reports on all aspects of project implementation in each county will be displayed on a prominent information board at county headquarters. County Directors of Agriculture (representing the Ministry of Agriculture, Livestock, Fisheries and Irrigation) will be responsible for coordinating development initiatives alongside the County Directors of the implementing agencies. The County governments shall take responsibility for implementation of the RPF, with assistance from other line local offices of the above mentioned government ministries.

5.6.3 Specific Roles in the Compensation Procedure

144) **Public Participation** with the PAPs would initiate the compensation process as part of an ongoing process that would have started at the planning stages when the technical designs are being developed and at the land selection/screening stage. This process, therefore, seeks their involvement and wishes to involve PAPs in a participatory approach with the project, from the beginning.

145) **Notification of land resource holders** – in cases where there is clearly no identified owner/user, the respective local land control boards and the resettlement committee having been involved in identifying the land that the resettlement committee’s require will notify the community leaders and representatives who will help to identify and locate the land users. These leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance. The user(s) will be informed through both a formal notification in writing and, for as many people as are illiterate, by verbal notification delivered in the presence of the area Chief and representatives of the local Land Control Board, MCA and PAPs and a Community Elder.

146) **Documentation of Holdings and Assets**– the Representatives of the Local County Land Board, the area Chief, a Local Elder and other members of the resettlement committee will arrange meetings with affected individuals to discuss the compensation process. For each individual or household affected, officials of the resettlement committee completes a compensation database containing necessary personal information on, the affected party and those that s/he claims as household members, total land holdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by local land control board Chairman, Local Chief, Area MCA and a local elder. Databases will be kept current and will include documentation of lands surrendered. This is necessary because it is one way in which an individual can be monitored over time. All claims and assets will be documented in writing (GoK, 2014).

147) **Agreement on Compensation and Preparation of Contracts** – All types of compensation are to be clearly explained to the individual and households involved. The

respective resettlement committees draws up a contract listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form, which is signed and witnessed. The compensation contract and the grievance redress mechanisms are read aloud in the presence of the affected party and the representative of the Local Land Control Board, The Local Chief, Local MCA, a representative of PAPs and local Community Elder prior to signing.

148) **Compensation Payments** – All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party, the Chairman or representative of local Land Control Board, Local MCA, Local Elder, representative of the PAPs and Local Chief.

5.6.4 Community Compensation Payments

149) It is very unlikely that micro--projects will take land occupied by physical structures, including community facilities. However, if this situation arises, community compensation will be in-kind only for a community as a whole in the form of reconstruction of the facility to at least the same standard or equivalent better standard required by local planning regulation. Examples of community compensation include:

- i) School Building (public or religious);
- ii) Public Toilets;
- iii) Well or Pump;
- iv) Market Place;
- v) Road;
- vi) Storage/ warehouse.

6.0 PUBLIC CONSULTATION AND DISCLOSURE

150) The consultation and disclosure workshop was held at the Kenya School of Management on January 12, 2016. It was attended by about 40 participants from 10 counties (Baringo, Bungoma, Nairobi, Nakuru, Kilifi, Kakamega, Kwale, Vihiga, Samburu, and Siaya). These included representatives from Central Government (Ministry of Devolution and Planning and Ministry of Public Service, Youth and Gender Affairs), several project implementing agencies (KAPAP, Western Kenya CDD, Accelerating Rural Women's Access to Markets and Trade); Rural Water Users Associations; members of Value Chain (VC) Common Interest Groups (CIGs) (dairy, horticulture, fishing, animal husbandry; Representatives of VMGs/IPOs (Ogiek, Maasai, Samburu, Watta) and NGOs undertaking community-based value chain activities (ICT and gender and youth initiatives). The participants were encouraged to share their views bearing in mind that they were selected and invited to represent the views of all Kenya.

151) The Ministry of Devolution and Planning (MoDP) underlined that the project is based on the priorities of the Vision 2030 long-term vision and of the 5-year Mid-Term Development Plan (MTDP) goals of the Government. The key messages from the Government were that:

- a. *The MoDPI recognized the critical role that the counties had to play in the roll out and implementation success of the project.* In this regard, the MoDP was consulting extensively with the Council of Governments to ensure the project responded to county needs and to reach agreement on the final county participation and the project has been informed by the county integrated plan priorities.
- b. *Do no harm.* The safeguards were important to ensure that the Government and the project did not harm the environment and that investments did not impact negatively on communities so that the environmental and natural resources were safeguarded for future generations. The GoK has laws on land acquisition and these will apply in parallel with the WB policies.
- c. *The Government takes safeguards issues seriously as captured in the laws of the Constitution of Kenya (CoK) and in the Vision 2030.* While GoK has prepared the requisite documents, including the Environmental and Social Management Framework (ESMF), the Resettlement Policy Framework (RPF), and a Vulnerable and Marginalized Group Framework (VMGF) – the GoK had the requisite laws to address the same.
- d. *Bottom up Community Driven Development (CDD) approach.* The Government was adopting a bottom up approach in this project to ensure the project responds to the needs and priorities of the beneficiary communities. Since the project is community driven it was not possible to know the specific micro-projects under each component but the majority of the projects would be micro-projects and that the projects at the county level would build from these micro projects (For example, if the value chain in one sub county was dairy the possible county-level investments could include collection points and cooling plants).

- e. *The bulk of the anticipated negative impacts would be for economical displacement.* Emphasized that the project did not anticipate the physical relocation of any one and if the unlikely cases should this occur – this would be handled at the national level.

152) *Feedback from the consultations was overall supportive of the project but areas for enhancing the project were highlighted.* Participants welcomed bringing participants from around Kenya and representatives from the VMGs as a good step. With regard to the design, the participants (a) especially welcomed the channeling of technical assistance and resources directly to communities and underlined the importance of ring fencing such resources against leakages; (b) requested to know more about the criteria for county selection and urged that counties with insecurity not be further marginalized; and (c) emphasized the importance of timely dissemination; and the need for clear and appropriate communication channels. The participants endorsed the CDD approach and representatives of the CIG stated that that they had benefited from previous and on-going projects that had CDD activities and believed that this project would build on the successes and good practices.

- a. *Challenges of channeling funds.* Participants were concerned about leakages if funds were channeled through the county level and wished to access funds directly from a national entity. They shared that there were alternative institutions, other than counties to channel the funds to communities. For example, the Community Development Trust Fund, a semi-autonomous agency which had been channeling project funds from the EU to communities on behalf of Government for many years. MoDP responded that enhanced financial management measures had been built into the project to track funds. As well social accountability measures would also allow the community and their committees to be more involved in tracking funds at the county and community levels.
- b. *Growth and inclusivity versus a singular focus on an enabling environment.* Participants cautioned that leaving out counties facing insecurity would further marginalize them *The MoDP noted that two counties were being considered in the arid north, including Garissa and that this would be concluded when national government met with the Council of Governors. The GoK was reorienting its ongoing projects to increase development impacts. E.g. road corridors now seen as development corridor springing in roads, access to markets, transmission lines, internet connectivity, and market trading facilities, social infrastructure*
- c. *Clear, Appropriate communication channels.* Importance of proper information and dissemination to avoid rumors and misinformation that can cause conflict. This should be along with proper accountability and transparency of account to the communities. These suggestions were endorsed.

153) Detailed comments on all three instruments are captured in Annex 12. And Annex 13. Which includes a format used to capture list of participants.

Feedback on the draft Environmental and Social Management Framework (ESMF)

154) *The MoDPI explained that the public consultation and disclosure were to show how the NARIGP intended to address safeguards issues through the ESMF based on the Kenya national environmental and social policies and regulatory guidelines and World Bank OP 4.01 Environmental Assessment. The MoDP also informed the participants that a series of public consultations had already been held with target communities, particularly in*

connection with the site specific frameworks. Even though the frameworks were prepared in English, they had been consulted on in local languages and during implementation key elements would be translated into the local languages and made available prior to the release of funds as requested in the community development plans proposals. The NARIGP consulted project-affected people, Producer Organizations (POs) and CIGs about the project's safeguards aspects, and will take their views into account. Furthermore, the NARIGP will initiate such consultations as early as possible (wherever applicable using the Free, Prior and Informed Consultation approach). Following this consultation, the NARIGP frameworks were made publicly available to the relevant stakeholders through the MoDP, NEMA and World Bank websites. The participants provided feedback on the potential negative effects and the proposed mitigation measures, the proposed arrangements for the ESMF mainstreaming, and the communication, conflicts and grievance handling mechanism.

155) *The participants overall endorsed the approach and the elements of the ESMF and found it to be comprehensive.* They however believed it could be strengthened in a number of ways, including in the treatment of physical cultural resources (as OP 4.11 Physical Cultural Resources was not triggered); management of presence of Maximum Residual Levels (MRLs) of chemicals; clearer guidance of activities to be undertaken in the forests (such as water catchment protection activities as OP4.36 Forests was not triggered) ensuring a representative grievance complaints mechanisms; having clear communication channels from the project to communities and other implementing organs; additional guidance on air and noise pollution; and ensuring adequate notice and information dissemination for stakeholders to be well informed ahead of project implementation.

Feedback on the draft Resettlement Action Plan (RPF)

156) *Key messages from the Ministry on the Resettlement Action Plan.* The MoDP emphasized that the OP 4.12 is triggered as a precautionary measure. **NARIGP envisages no and/or minimal physical relocation of project affected persons (PAPs) in its implementation across the 21 counties.** The bulk of micro-projects will be small CDD, micro-projects to be carried out on farm, with minimal and reversible impacts. The majority of impacts would be minimal and mostly economic displacement as a result of small pieces of land take or loss of physical assets to make way for community and/or county investments. Every effort would be made to ensure that the siting of micro-project investments avoided physical resettlement of anyone and minimized economic displacement.

157) The main objective of the RPF is to guide the preparation of the RAPs for the anticipated micro-projects during project implementation including to: (a) Establish the NARIGP resettlement and compensation principles and implementation arrangements; (b) Explain the legal and institutional framework underlying Kenyan approaches for resettlement, compensation and rehabilitation; (c) Define the eligibility criteria for identification of project affected persons (PAPs) and entitlements; (d) Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and (e) Provide procedures for filing grievances and resolving disputes. The consultations were to receive advice on how to sharpen the framework and anticipated issues to ensure the smooth implementation at community and county levels.

158) *Comments from the Participants on the Resettlement Policy framework.* The participants believed that the framework was adequate. The issues discussed included that:

- a. *Key Stakeholders* should include the following: Water and irrigation, security and internal affairs, NEMA; Enterprise Development/Cooperative
- b. *Grievance mechanism channels* should include the following: Council of Elders, Chief, Village Administrator and Ward administrator, County Independent Management Committees, and Faith-based Organizations. There should be clear communication and timely feedback mechanisms.
- c. *Channels to reach populations*. It would be important to explore various communication channels, including social media to reach Youth, IPOs, CIGs, and POs.
- d. *The M&E Framework be demystified*, and all key actors sensitized, including community led social audits. Group biodata should be captured to ensure monitoring; and
- e. *Explore the use of semi-autonomous agencies with good track records in CBD as implementing arms of the project*. Participants shared the experience of the Community Development Trust Fund (CDTF) originally in the Ministry of Planning and now a semi-autonomous agency outside of the government tasked with implementing micro finance projects on behalf of Government.

Comments on the draft Vulnerable and Marginalized Group Framework (VMGF)

159) *The participants welcomed that the project and Government was reaching out to VMGs and groups that met the criteria of OP 4.10" indigenous peoples" and affirmed that the proposed pro-active steps in the framework were adequate in ensuring the VMGs benefit from NARIGP*. Substantive comments were proposed to make the framework more robust. These included: (a) World Bank and NARIGP response to FPI-Consultation in a national and international dispensation of increased application of FPI-Consent concept: (b) Concerns about NARIGP flow of funds; and (c) Consideration for traditional value chains; (d) Identification of traditional practices that might limit the success of the project; and (e) Step-by-step engagement with VMG and the use of appropriate tools. Other challenges in the process of information, inclusion and participation of VMGs in NARIGP included recognition of the diversity of cultural practices, timely accessible information in VMG appropriate forms; and addressing leadership, elite capture and project ownership;

- f. *World Bank and NARIGP response to FPI-Consultation in a national and international dispensation of increased application of FPI-Consent concept*: The participants noted that FPI-Consultations utilized by the World Bank is legally different and has different implications from the FPI-Consent used by the UN. The latter are now being discussed at the national policy level. The participants believed that although the FPI-Consultation is aimed at helping to generate broad community support for the project, in their views it has been inadequate. They also noted that the ongoing revision of the World Bank safeguard policies was considering using FPI-Consent in place of FPI-Consultation. They wished to know how the World Bank and the Government would respond to the FPI-consent process in the implementation of NARIGP since FPI-Consent might require a different process of consultation and evidence of the broad VMG for the support. They indicated that they would be interested to know how the World Bank and Kenya government intended to respond to these changes, especially in ensuring that NARIGP is responsive to the existing international legislative framework and ongoing revision of policies and laws in Kenya. The MoDP noted that there were

adequate provisions in the CoK 2010, the PICD process along with the frameworks to guide implementation. The Bank responded that the discussion on updating the environmental and social safeguards was still underway but had yet to be approved by the Board of the World Bank. This did not stop the project taking good practice and applying it. Projects prepared once new policies were approved would apply the new requirements.

- g. *Concerns about NARIGP Funds Flow:* The participant sought for clarification on funds flow modalities for the micro-projects intended to benefit the VMG. The participants were apprehensive about a financial flow mechanism that would channel VMG intended funding support through the county government. They cited several instances where they have not been satisfied with the manner in which the county government has managed public funds from the national government intended to address certain development or contingency needs, such as El Niño contingency funds. The participants recommended that funds should flow from the World Bank to treasury and then to the national government and either directly to the VMG or through reputable intermediary funds management institutions such as “Community Development Trust Fund (CDTF) – which is a semi-autonomous joint GoK/EC/Danida Poverty Alleviation Programme or other intermediary funding agencies. Mr Kimani from the MOALFI, in clarifying on NARIGP funds flow, indicated that the exact mechanism is still at the design process and the VMG’s views and concerns would be considered in the design alongside other relevant stakeholder’s views and recommendations.
- h. *Consideration for traditional value chains.* The participants observed that in most government design and implemented projects, there has been a focus on value chain in the context of modern agriculture practices. Thus, the participants expressed the need for NARIGP to, in addition to modern agriculture practices, focus on promoting traditional agricultural and livestock value chains such as pastoralism, honey production, and food crops.
- i. *Identification of traditional practices that might limit the success of the project.* The participants indicated that NARIGP should endeavor to address traditional barriers that might limit certain vulnerable groups among the marginalized communities from accessing benefits accruing from NARIGP. Thus the social assessment should ensure such issues are addressed early in the project design and implementation phase. Such issues could include gender-differentiated access to project information in a timely and culturally appropriate manner.
- j. *Recognition of diversity of cultural process:* The participant noted that different VMG’s have distinct and diverse cultures and consultation processes. Thus, they recommended that NARIGP should ensure that consultation processes recognize and appropriately respond to these cultural diversities.
- k. *Step-by-step engagement with VMG.* The participants indicated that NARIGP should avoid information overload to the VMG, which could compromise the understanding of critical project issues and consequently lead to confusion and conflicts. The participants indicated that they prefer a step-by-step approach to information dissemination and addressing of issues while allowing them time to deliberate and arrive at a consensus on each piece of information and issue. The

information should be in form that is culturally appropriate and in relevant VMG forums. MoDP welcomed the comment and noted that the OP 4.10 and participatory approach took this into account.

- l. *Simple tools for Micro-projects proposal development.* The participants indicated that NARIGP should utilize a simplified template for developing micro-projects, noting the low literacy levels among the VMG. They cited the simplified project proposal template utilized by CDTF in its community environmental facility projects that has been successfully utilized in developing the ongoing community projects around the county. The MoDP explained the PICD process and how it was designed to be use in rural communities.

- m. *The Grievance Redress Mechanism should adhere to NARIGP guiding principles of Inclusion and Transparency* and that the NARIGP should uphold and ensure the VMG as well uphold the principles. The GRM should:
 - o Have an early response to early conflict warnings: Participants indicated that NARIGP should ensure timely and appropriate response to early conflicts or warnings of potential conflicts without waiting for grievances to escalate to grievances.
 - o Utilize VMG traditional complaint handling mechanism. Participants observed that every VMG has its own complaints handling and grievance redress mechanism which NARIGP should study during the social assessment and ensure the mechanisms are utilized in establishing complaints handling committees and grievance redress mechanism as well when addressing complaints and grievances; and
 - o Include a Neutral grievance redress committee: The participants stated that NARIGP should ensure that any established grievance redress committee is neutral to avoid biasness in resolving conflicting issues among the parties, whether its government and VMG, VMG and politicians or among VMG members or VMG institutions. The independent grievance redress committee should draw membership from neutral institutions such as civil society organization among others.

160) **Monitoring Indicators.** The VMG representatives agreed that the suggested indicators for monitoring VMGPs were appropriate and that the criteria for screening VMGs was adequate with minor suggestions.

161) *The project coordinator thanked the participants for their valuable contributions, which would be used to further strengthen the project frameworks. The detailed comments and MoDP responses are summarized in Annex 12.*

162) Further the final RPF was reviewed and cleared by both GoK & World Bank both in-country (in the project/e-government site - <http://www.devolutionplanning.go.ke/Publications/RESETTLEMENT%20POLICY%20FRAMEWORK.pdf>);and official media – Daily Nation Newspaper, February Friday, 19th 2016, page 48 and The Standard Newspaper, February Friday, 19th 2016 (see Annex 14) and at the WB External website on February 11, 2016 prior to appraisal. After realigning the framework

to the Ministry of Agriculture, Livestock, Fisheries and Irrigation, it will also be reviewed, approved and cleared by the Bank then re-disclosed in-country and World Bank External website.

7.0 PROCESS FOR SCREENING, PREPARING AND APPROVING RAPs

7.1 Introduction

163) This section sets out the step by step process that NARIGP will take to determine whether the micro-project will result in physical or economic displacements, and therefore whether a RAP is required and if so, how to prepare and implement one. Section 7.1 describes the screening process, while the sections thereafter describe the detailed actions required to prepare RAPs. The screening process presented below will ensure that micro-projects presented to the NARIGP for funding comply with the requirements of OP 4.12 and the Kenyan law under Sections 75,117 and 118 of the Constitution, and specifically Chapter 295 under the General Land Act relating to land acquisition/use and resettlement.

7.2 Screening for Involuntary Resettlement

164) Micro-project screening is used to identify the types and nature of potential impacts related to the activities proposed under the project and to provide adequate measures to address the impacts. Screening for resettlement issues shall be part of the environmental and social screening, as is detailed in the ESMF. Measures to address resettlement shall ensure that PAPs are:

- (a) Informed about their options and rights pertaining to resettlement;
- (b) Included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives;
- (c) Provided prompt and effective compensation at full replacement cost for; and
- (d) Losses of assets and access attributable to the micro-project(s)

165) Micro-project screening will be incorporated into the micro-project application form which the county must submit as part of their local development plan. The goal is to identify and consider resettlement issues as early as possible.

166) On the basis of the screening, the County Director of Agriculture¹¹ will propose which of the following options should be put in place: (a) an option assessment of alternative project designs with a view to avoid and/or reduce displacement risks; (b) the elaboration of an open minded option assessment as vulnerable and marginalized groups might be affected and if avoidance is not feasible an vulnerable and marginalized groups plan (this decision will need to be co-signed by the vulnerable and marginalized groups screening structure); (c) The elaboration of a resettlement process framework (PF) where micro-projects may lead to a restriction of the access of populations to gazetted and/or protected forests (see draft TORs in Annex A); and (d) the elaboration of a resettlement action plan to address all other resettlement risks (see draft TORs in Annex 2).

¹¹Respective County Directors

167) For projects not anticipated to result in displacement, and where loss of assets are anticipated to be *negligible*, then this information shall also be indicated in the micro-project application form along with a request to waive the requirement for a RAP.

7.1.1 Screening Checklist

168) The screening checklist form is shown in Annex 3, and will be incorporated into the Project’s Implementation Manual/project operational manual. The screening checklist will be completed by a CPCU and submitted to the resettlement committee for a decision. In case that vulnerable and marginalized groups might be affected, the IPPF provides an additional recommendation whether the justification for a physical and/or economic resettlement and/or whether the proposed option is shared by the affected vulnerable and marginalized groups.

7.1.2 Screening Review Form

169) The screening form will then need to be reviewed by the CPSC and cleared by the resettlement committee. The resettlement committee will advise whether an additional option assessment should be carried out with a view to avoid or reduce the physical or economic displacement or whether the argument of the micro-project proposal is providing sufficient evidence for the decision proposed. The checklist review form, presented in Annex 3, prompts the reviewer to verify the information provided, and confirm the best course of action.

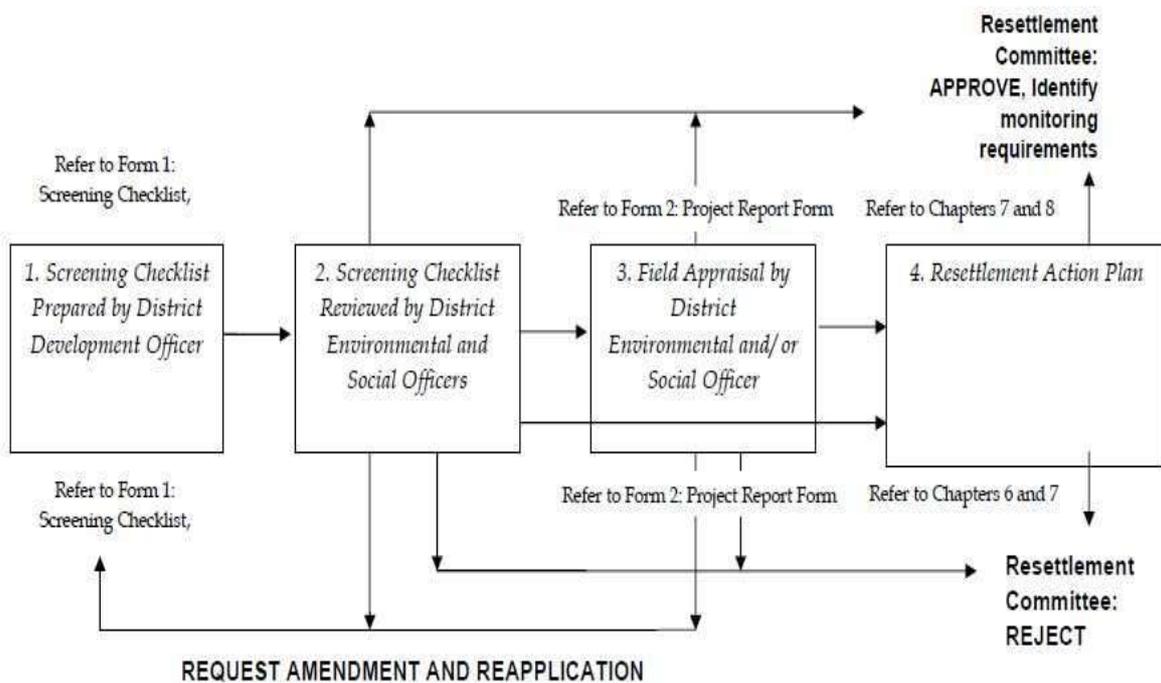


Figure 7: Decision Tree for micro-project Preparation and Approval

Source: Adopted from NRM Project

7.3 Micro-project design

170) If the screening indicates that an individual micro-project requires in its present layout the physical or economic resettlement, the project, which might want to finance this micro-project, will advise on the relevant structures (communities, CIGs, CDCs, WRUAs, IWUAs, Community Forest Associations, etc.) to consider feasible alternative micro-project designs to avoid or at least minimize physical or economic displacement, while balancing environmental, social, and financial costs and benefits.

7.4 Baseline and Socio-Economic Data

171) An important aspect of preparing a RAP is to establish appropriate socio-economic baseline data to identify the persons who will be displaced by the individual micro-project, to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits. The PAPs may be classified into three groups:

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

172) In summary, the census consolidates information that 1) provides initial information on the scale of resettlement to be undertaken; 2) gives an indication of further socio-economic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and 3) establishes indicators that can/be measured at a later date during monitoring and evaluation. An illustrative example of a census survey form is provided in Annex 6. Baseline data for micro-project RAPs will include: number of persons; number, type, and area of the houses to be affected; number, category and area of residential plots and agricultural land to be affected; and productive assets to be affected as a percentage of total productive assets.

7.5 Preparation of a micro-project RAP

173) A RAP shall be prepared by the CPCU, preferably with the support of technical service providers, for micro-projects that have been determined to result in potential involuntary resettlement and/or land acquisition. When a RAP is required, the CPCU shall submit completed studies along with their RAP's micro-project application to the resettlement committee for appraisal, and subsequently to the NPCU and World Bank. Detailed guidelines for preparing a RAP and an abbreviated RAP are available on the World Bank's website (www.worldbank.org) and in the World Bank's Resettlement and Rehabilitation Guidebook. The basic elements of a RAP (in the case where an RPF is in place) are provided in Box 1.

Box1 Contents of a RAP (OP 4.12)

<ul style="list-style-type: none">• Identification of project impacts and affected populations;• Particular aspects of the legal framework for land acquisition and compensation, as applied to the sub-project;• Particular aspects of the compensation framework, as applied to the sub-project;• Description of resettlement assistance and restoration of-livelihood activities;• Detailed budget;• Implementation schedule;• Particular aspects of the description of organizational responsibilities, as applied to the sub-project;• Details of public consultation, participation, and planning for the sub-project;• Particular aspects of the description of provisions for redress of grievances, as applied to the sub-project; and• Particular aspects of Framework for monitoring, evaluation, and reporting, as applied to the sub-project.	
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7.6 Review of micro-project RAPs

174) Micro-projects proposed by the county will be reviewed and recommended by the Resettlement Committee (RC). In this process, RC will review eligibility for micro-projects based on field appraisals, which includes results of the environmental and social screening used and consequently, approval by the CPSC

175) The RAP will be submitted once complete to the decentralized decision committees for screening and approval in compliance with the project institutional administrative arrangements. It is anticipated that counties will not have the institutional capacity to prepare RAPs or studies during the start of the program and thus will be assisted and supported by local service providers/NGOs. The Ministry of Lands, National land Commission and the County Land Boards will be provided training on the environmental and social safeguards policies and good practice as well be supported to strengthen and/or set up systems for monitoring and implementation of the same. Capacity building for the safeguards systems will also be supported under the Kenya devolution Trust Fund managed by the World Bank. This will ensure there is a trained cadre of staff at the county level with knowledge about environmental and social safeguards and systems in place.

7.6.1 Strategy to handle Conflicts

176) As the screening process is carried out by the beneficiaries, they will establish an independent grievance mechanism, guided by the CPCU, to inform all PAPs about the project and receive and address specific concerns about compensation and relocation that are raised by displaced persons or members of host communities, including are course mechanism designed to resolve disputes in an impartial manner.

7.6.2 Compensation and Benefits for Displaced Persons

177) The IAs will oversee the implementation of resettlement activities and ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place. When displacement cannot be avoided, the project, which wants to finance the individual micro-project, will offer displaced persons and communities' compensation for loss of assets at full replacement cost and other assistance to help them improve or at least restore their standards of living or livelihoods. Where livelihoods of displaced persons are land-based, or where land is collectively owned, the projects will offer land-based compensation. The project will further provide opportunities to displaced persons and communities to derive appropriate development benefits from the project.

7.6.3 Loss of Property

178) This includes loss of: houses, crops and trees, structures, fixed improvements, businesses which should be compensated at market valuation, negotiated settlements, productivity valuation, material and labor valuation. In cases where the loss is partial then disposition of salvage material will be exercised. Cash payments may also be made if a small fraction of property is lost instead of replacing the whole property, but if the partial loss results in the PAPs not being economically viable then the property is replaced. Those who lose houses will also be assisted with temporary residence (if necessary).

7.6.4 Loss of Wages and Income

179) These are persons who will lose their income due to the project. Workers losing employment in the process of relocation should be entitled to transitional income support. Compensation equivalent to lost income required for the duration of impact should be paid to the latter. In addition, PAPs will be entitled to transitional assistance, which include moving expenses, temporary residence (if necessary), and employment in the project while waiting employment. In difficult cases, local authorities such as chiefs may be used to judge eligibility as well as village committees.

7.6.5 Cut-Off Date

180) Cut-off dates are essential in the process of drawing up lists to ensure that ineligible persons do not take the opportunity to claim eligibility. The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land thereby posing a major risk to the micro-project. The cut-off date for this project shall be determined by the RC, as appropriate, making anyone who makes a claim for loss of land or any assets after such a date ineligible for expropriation/ compensation.

181) The entitlement cut-off date refers to the time when the assessment of persons and their property in the identified project areas are carried out, i.e. the time when the micro-project owners/implementers have identified the land sites they would need and when the socio-economic study is taking place. Thereafter, no new cases of affected people will be considered. Unfinished structures would be identified and secured, and unused materials for individuals' constructions will be gathered at the site so that the cut-off survey can estimate PAPs'

investment which should be compensated for in lieu of expenses (including labor) incurred until the cut-off date. Because the time period between the cut-off date and the time that actual productive investments (civil works, etc.) would start, (e.g. likely to be anytime period from six months on), special attention needs to be taken to secure the sites from rush and opportunistic invasion.

182) These measures could include close consultation with the recognized PAPs, signs that inform general public of intended use of site, security patrols to identify opportunistic invaders etc. Further patrols and monitoring of any violation of the cut-off date could be carried out by local administrations such as the office of the Chief and be reported to the local resettlement committee. This could also be done both by the local PAPs representatives or the local community. The cut-off date is to be chosen in close consultation with the Provincial/Local governments responsible for land administration, and local leaders and the sub project owners/implementers. This should occur as soon as possible after the affected land is identified.

183) This process must be in full compliance with the conflict resolution mechanisms in this RPF and this date must be communicated effectively to the potential PAPs and surrounding local communities. The local community and traditional leaders will play a crucial role in identifying users of land.

7.6.6 Consultation

184) Following disclosure of all relevant information through the project's communication channels and the independent grievance mechanisms; the project will provide for, RAPs, consult and facilitate the informed participation of affected persons and communities, including host communities, in decision making processes related to the resettlement. The MCAs will ensure that consultation will continue during the implementation, monitoring, and evaluation of compensation payment and resettlement to ensure that the living conditions of the PAPs are enhanced or at least restored.

7.7 Approval of Resettlement Action Plans¹²

185) After clearance from the RC, the compensation, resettlement and rehabilitation activities of the RAP will be satisfactorily completed and verified by the communities before funds can be disbursed for civil works under the micro-project. The EMPs and RAPs developed for micro-projects will also be reviewed by the IAs and the World Bank. For quality assurance, it is required that RAPs prepared for micro-projects be submitted to the World Bank for review to ensure that they are produced in line with the OP 4.12. Gaps in quality shall be addressed through training at the county level for relevant service providers and reviewers, funded by the project as part of the budget for capacity building. Subsequent RAPs prepared throughout the rest of the project can then be reviewed by the Land Commissioners, with an annual independent review process led by the NPCU.

¹²Read together with the project operational manual

7.8 Mechanism for Consultations and Participation of Displaced Persons in Planning, Implementation and Monitoring

7.8.1 Introduction

186) The involvement of involuntary resettlers and hosts in planning prior to the implementation is critical. Initial resistance to the idea of involuntary resettlement is to be expected. To obtain cooperation, participation, and feedback, the affected hosts and resettlers will be systematically informed and consulted during preparation of the resettlement plan about their options and rights. They will also be able to choose from a number of acceptable resettlement alternatives. Particular attention must be given to vulnerable groups such as vulnerable and marginalized groups, ethnic minorities, the landless, and women to ensure that they are represented adequately in such arrangements. A comprehensive process of free, prior, and informed consultations should be completed for indigenous communities and VMGs.

187) The plan should address and mitigate the resettlement's impact on host populations. Host communities and local governments should be informed and consulted. Any payments due to the hosts for land or other assets provided to resettlers should be promptly rendered. Conflicts between hosts and resettlers may develop as increased demands are placed on land, water, grass, forests, services etc., or if the resettlers are provided services and housing superior to that of the hosts. Conditions and services in host communities should improve, or at least not deteriorate. Providing improved education, water, health and production services to both groups fosters a better social climate for their integration. In the long run, the extra investment will help prevent conflicts and secure the project's aim.

188) Successful resettlement requires a timely transfer of responsibility from settlement agencies to the resettlers themselves. Otherwise, a dependency relationship may arise, and agency resources may become tied up in a limited number of continually supervised schemes. Local leadership must be encouraged to assume responsibility for environmental management and infrastructure maintenance. Relocating or compensating people implies communication or dialogue with the stakeholders. The consultation and participation process will include:

- a. Data collection, analysis and interpretation
- b. Preparation and planning
- c. Implementation
- d. Monitoring and evaluation
- e. Communication

The project will coordinate all the four operations.

7.8.2 Data Collection, analysis and interpretation

189) After familiarizing with the project through literature review and consultations with the Ministry of Agriculture, Livestock, Fisheries and Irrigation and the NPCU staff, the consultants will design appropriate questionnaires intended for data collection at project sites. The sites will vary from households to community groups, based on the TOR for the socio-economic surveys and study.

Preparation and planning

190) The consulting team will ensure inclusivity of all targeted PAPs at all levels of the study. The PAPs will be consulted through meetings at county governments' halls and other county facilities to provide preliminary accurate data. Information about the project will be shared in a local language that they understand. PAPs will be given a platform to ask questions about the project, identify social impacts of project operations, and suggest mitigation measures and alternatives to be considered in the design. The contribution of the PAPs will be integrated into the micro-projects implementation process, from planning to evaluation. Furthermore, data about socio-impacts of the micro-projects and the mitigation measures suggested will be provided to local newspapers and local radio stations and other media. The data collected will serve as instruments for the monitoring of the social mitigation measures.

7.8.3 Implementation Phase

191) During implementation, the PAPs will need to be informed about their rights and options, at which point they will have their say and discuss matters that need clarification. Cash compensation amount and size of land offered for compensation will be presented to each eligible PAP for consideration and endorsement before cash payment or land compensation can be effected.

a) Monitoring and Evaluation Phase

192) The PAPs representatives will participate in the project completion workshops (annual, mid-term and end term), to give their evaluation of the impacts of the project. They are also to suggest corrective measures, which may be used to improve implementation of other micro-projects. After completion of all expropriation/compensation operations, the PAPs will be consulted in a household survey to be undertaken as a monitoring and evaluation exercise.

b) Grievances Redress Mechanisms

193) Grievances may arise from members of communities who are dissatisfied with: (a) the eligibility criteria, (b) community planning measures, (c) approval of CDPs and allocation of funds or (d) actual implementation.

194) This section sets out the measures to be used to manage grievances. The overall process of grievance handling is as follows¹³:

- a) Compensation committees including representatives of PAPs will establish the compensation rates.
- b) During the initial stages of the valuation process, the affected persons are given copies of grievance procedures as a guide on how to handle the grievances/sensitization of PAPs.

¹³Details of the GRM are to be put in the project operational manual

- c) The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases. An example of a grievance redress form is provided in Annex 6.
- d) The project will use a local mechanism, which includes peers and local leaders of the affected people. These will ensure equity across cases; they eliminate nuisance claims and satisfy legitimate claimants at low cost.
- e) The response time will depend on the issue to be addressed. Compensation will be paid to individual PAPs only after a written consent of the PAPs is received, including both husband and wife and children.
- f) Should a PAP decline the compensation suggested, he/she could appeal to the County

195) CPSC and local Land Control Board.

- a) A Compensation Committee (CC) and local Land Control Board at the local level will first revise his/her case.
- b) Then the CC will draft its inclusions and submit them to the Implementing Agencies for deliberation in the aim of settling the differences. Grievances will be escalated to higher levels of project management and if they are not resolved, the grievance is escalated to the country World Bank office.
- c) And when these have failed the individual PAP has the right to take his case to the civil courts for litigation.

196) In order to deal with the grievance that may rise during the implementation of the RAP, there is need to incorporate a grievance redress process with IAs and with PAPs representatives committee to hear the complaints and provide solutions, and reduce unnecessary litigation by resolving disputes through mediations.

c) Grievance Redress Process

197) At the time the individual resettlement plans are approved and individual compensation contracts are signed, affected individuals and homesteads would have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple, administered as far as possible at the local levels to facilitate access, flexibility and open to various scrutinies.

198) The Resettlement Committee¹⁴ being a party to the contract would not be the best office to receive, handle and rule on disputes. Therefore, taking these concerns into account, all grievances concerning non-fulfilment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to the County Lands Officer, assisted by the local Land Control Board.

¹⁴The role of this committee, establishment and composition will be detailed in the project operational manual

199) If the verdict rendered by the chief is not acceptable to either the individual affected or the management committee, then the parties in their compensation contract would have agreed that the matter would be appealed to a Court of Law as provided for by law. Notwithstanding that the grievance redress mechanism accepts that the compensation and resettlement plans will be (contracts) binding under the laws of Kenya.

200) The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the Courts which would otherwise take a considerably longer time.

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

202) All attempts would be made to settle grievances. Those seeking redress and wishing to state grievances would do so by notifying their area chief. The chief will inform and consult with the RC, the IA, the local Land Control Board and PAP and other records to determine a claim's validity. If valid, the chief will notify the complainant and s/he will be settled. If the complainant's claim is rejected, then the matter will be brought before the County Land Registrar and local Land Control Board. If the PAP is dissatisfied with their decision, then s/he will be free to seek the determination by a Court of Law as provided in the Constitution. The decision of the High Court would be final and all such decisions must be reached within a full growing season after the complaint is lodged.

203) If a complaint pattern emerges, the IAs, the local Land Control Board and the local Chief will discuss possible remediation. The local leaders will be required to give advice concerning the need for revisions to procedures. Once they agree on necessary and appropriate changes, then a written description of the changed process will be made. The IA and the local Land Control Board will be responsible for communicating any changes to future potential PAPs when the consultation process with them begins.

8.0 MONITORING AND EVALUATION

8.1 Arrangements for Monitoring and Evaluation

205) This section sets out requirements for the monitoring of the implementation of the RPF. In addition, monitoring of social indicators will be mainstreamed into the overall monitoring and evaluation system for both levels of project implementation (micro-projects and project). The arrangements for monitoring will anchor on the overall monitoring plan of the entire NARIGP, which will be through the PCU of the Project, housed at the Ministry of Agriculture Livestock Fisheries and Irrigation. All RAPs will set the following major socio-economic goals by which to evaluate their success:

- a. Affected individuals, households, and communities able to maintain their pre-project standard of living, and even improve on it; and
- b. Local communities remaining supportive to the project.
- c. Absence or prevalence of conflicts.

206) In order to assess whether these goals are met, RAPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities.

207) The NPCU and IAs will institute an administrative reporting system that:

- a. Provides timely information about all resettlement grievances arising as a result of NARIGP activities for action;
- b. Identifies any grievances in relation to resettlement that have not been resolved at a local level and require resolution through the involvement of the CPCU;
- c. Documents the timely completion of project resettlement obligations (i.e. payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary losses;
- d. Evaluates whether all PAPs have been compensated in accordance with the requirements of this RPF, and that PAPs have higher living standards in comparison to their living standards before physical or economic displacement.
- e. Feedback system to the PAP process and other stakeholders.

208) Consistent with the Environmental and Social Management Framework, the micro-project committees and CPCUs would be responsible for periodically transferring the information compiled “on the ground” to the NPCU, so that it is alerted in a timely manner to any difficulties arising at the local level.

8.2 Monitoring Of RPF Implementation

209) The CPCU will compile basic information on all physical or economic displacement arising from the NARIGP, and convey this information to the NPCU, on quarterly basis. They will compile the following statistics:

- a. No. of micro-projects requiring preparation of a RAP;

- b. No. of households, and number of individuals (women, men and children) physically or economically displaced by each micro-project;
- c. Length of time from micro-project identification to payment of compensation to PAPs;
- d. Timing of compensation in relation to commencement of physical works;
- e. Amounts of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- f. No. of people raising grievances in relation to each micro-project;
- g. No. of unresolved grievances.

210) The Project Environmental and Social Safeguards Compliance Officer will scrutinize these statistics in order to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. They will alert the NARIGP coordinators, and the Ministry of Agriculture, Livestock, Fisheries and Irrigation, if there appears to be any discrepancies. The financial unit under the NPCU will directly monitor compensation. The NPCU will allow for calculation of the final cost of resettlement and compensation per PAP; financial records will be maintained by the micro-projects.

211) The resettlement statistics will also be provided to an independent consultant who will be contracted on an annual basis, in collaboration with the Environmental Audit (as described in the ESMF). The following indicators will be used to monitor implementation of the RPF.

Monitoring	Evaluation
Outstanding compensation or resettlement contracts not completed before next agricultural season.	Outstanding individual compensation or resettlement contracts.
Subprojects unable to settle compensation after two years.	Outstanding compensation contracts.
Grievances recognized as legitimate out of all complaints lodged.	All legitimate grievances rectified
Pre- project production and income (year before land used) versus present production and income of resettlers, off-farm-income trainees, and users of improved agricultural techniques.	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation.
Pre- project production versus present production (crop for crop, land for land).	Equal or improved production per affected household/homestead.
Pre-project income of vulnerable individuals identified versus present income of vulnerable groups	Higher post- project income of vulnerable individuals.

Figure 8: NARIGP RPF Verifiable Indicators

8.3 Database Management for PAPs

212) Each PAP will be provided with among others: signed documents recording initial situation, all subsequent sub project use of assets/improvements, and compensation agreed upon and received. The RC and CPCU will maintain a complete database on every PAP impacted by the project land use requirements including relocation/resettlement and compensation, land impacts or damages. Each PAP receiving compensation will have a database containing:

- a. PAP biological information
- b. Number of dependent/PAP claim.
- c. Amount of land available to the PAP when the database is opened.
- d. Additional information will be acquired for PAP's eligibility for resettlement and/or compensation:
- e. Level of income and of production
- f. Inventory of material assets and improvements in land, and
- g. Debts.

213) Each time land is used /acquired by a micro-project, the database will be updated to determine if the PAP is being affected to the point of economic non-viability and eligibility for compensation/resettlement or its alternatives. These databases will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for.

8.4 RPF Audit

8.4.1 Annual Audit

214) The annual audit of RPF implementation will include: a summary of the performance of each micro-project vis-à-vis its RAP; a summary of compliance and progress in implementation of the process frameworks for NARIGP resources; a presentation of compliance and progress in the implementation of the RPF. The audit will: Verify results of internal monitoring; Assess whether resettlement objectives have been met; specifically, whether livelihood and living standards have been restored or enhanced; Assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation; Ascertain whether the resettlement entitlements were appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions. Annual audit reports will be submitted to the NPCU and shared with the World Bank for information for information

8.5 Socio-Economic Monitoring

215) The purpose of socio-economic monitoring is to ensure that PAPs are compensated and recovery is on time. It will go on as part of the implementation of each micro-project RAP, to assess whether compensation has been paid, income has been restored and resettlement objectives were appropriate and delivered. Monitoring of living standards will continue following resettlement. The objective is that the standard of living of the PAPs has been improved, restored and has not declined.

216) A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, how many children in school compared to before, health standards, etc.). Proposals are set out in Figure 11. The following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance.

217) For each micro-project with adverse social impacts, a monitoring and evaluation plan of the mitigation measures will be established. As part of the preparation of each RAP, a household survey will be conducted of all PAPs, prior to physical or economic displacement, and this will provide baseline data against which to monitor the performance of the RAP. Following the completion of all expropriation/compensation operations, a household survey will be conducted. The aim of the survey is to assess the impacts of the social mitigation and measures implemented. In addition, the relevant county technical teams and PAPs will be consulted to provide their assessments of the impacts of social mitigation measures applied.

ANNEXES

Annex 1: Draft TORs for Elaboration of a Resettlement Process Framework (PF)

A process framework is prepared when Bank-supported projects may cause restrictions in access to natural resources in legally designated protected areas such as gazetted forests. The purpose of the process framework is to establish a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve resettlement policy objectives, and implementation and monitoring of relevant project activities. Specifically, the process framework describes participatory processes by which the following activities will be accomplished.

- (a) Project components will be prepared and implemented. The document should briefly describe the project and components or activities that may involve new or more stringent restrictions on natural resource use. It should also describe the process by which potentially displaced persons participate in project design.
- (b) Criteria for eligibility of affected persons will be determined. The document should establish that potentially affected communities will be involved in identifying any adverse impacts, assessing of the significance of impacts, and establishing of the criteria for eligibility for any mitigating or compensating measures necessary.
- (c) Measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms, to pre-displacement levels, while maintaining the sustainability of the park or protected area will be identified. The document should describe methods and procedures by which communities will identify and choose potential mitigating or compensating measures to be provided to those adversely affected, and procedures by which adversely affected community members will decide among the options available to them.
- (d) Potential conflicts or grievances within or between affected communities will be resolved. The document should describe the process for resolving disputes relating to resource use restrictions that may arise between or among affected communities, and grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.

Additionally, the process framework should describe arrangements relating to the following:

- (e) Administrative and legal procedures. The document should review agreements reached regarding the process approach with relevant administrative jurisdictions and line ministries (including clear delineation for administrative and financial responsibilities under the project).
- (f) Monitoring arrangements. The document should review arrangements for participatory monitoring of project activities as they relate to (beneficial and adverse) impacts on persons within the project impact area, and for monitoring the effectiveness of measures taken to improve (or at minimum restore) incomes and living standards.

Annex 2: Draft TORs for Elaboration of Resettlement Action Plan (RAP)

This template is extracted from OP 4.12 Annex 1 which can also be found on the Bank's website at www.worldbank.org.

The scope and level of detail of the resettlement plan vary with magnitude and complexity of resettlement. The plan is based on up-to—date and reliable information about (a) the proposed resettlement and its impacts on displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers elements, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

Description of the micro-project: General description of the sub project and identification of sub project area.

Potential Impacts: Identification of (a) the sub project component or activities that give rise to resettlement, (b) the zone of impact of such component or activities, (c) the alternatives considered to avoid or minimize resettlement; and (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

Objectives: The main objectives of the resettlement program.

Socio-economic studies: The findings of socio-economic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including;

(a) **The results of a census survey covering;**

Current occupants of the affected area to establish a basis for design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance; standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population; the magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic; information on vulnerable groups or persons, for whom special provisions may have to be made; and provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.

(b) **Other studies describing the following;**

land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area.

The patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the micro-project

Public infrastructure and social services that will be affected; and Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g. community organizations, ritual groups, non- governmental organizations (NGO's) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Legal Framework: The findings of an analysis of the legal framework, covering:

- (a) The scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment,
- (b) The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the sub project,
- (c) Relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law related to displacement, and environmental laws and social welfare legislation
- (d) Laws and regulations relating to the agencies responsible for implementing resettlement activities
- (e) Gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps, and,
- (f) Any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage .

Institutional Framework: The findings of any analysis of the institutional framework covering:

- (a) The identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
- (b) An assessment of the institutional capacity of such agencies and NGOs; and
- (c) Any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

Eligibility: Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

Valuation of and compensation for losses: The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of

compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

Resettlement Measures: A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of OP 4.12. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

Site selection, site preparation, and relocation: Alternative relocation sites considered and explanation of those selected, covering,

- (a) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, local advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources,
- (b) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites,
- (c) Procedure for physical relocation under the project, including timetables for site preparation and transfer; and
- (d) Legal arrangements for regularizing tenure and transferring titles to resettlers.

Housing, infrastructure, and social services: Plans to provide (or to finance resettler's provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

Environmental protection and management. A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

Community Participation: a description of the strategy for consultation with and participation of resettlers and host communities, including:

- (a) A description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of resettlement activities,
- (b) A summary of the views expressed on how these views were taken into account in preparing the resettlement plan,
- (c) A review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of

compensation and resettlement assistance, to relocating as individual families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and

- (d) Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as vulnerable and marginalized groups, ethnic minorities, landless, and women are adequately represented.

Integration with host populations: Measures to mitigate the impact of resettlement on any host communities, including:

- (a) Consultations with host communities and local governments,
- (b) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers,
- (c) Arrangements for addressing any conflict that may arise between resettlers and host communities, and
- (d) Any measures necessary to augment services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

Grievance procedures: Affordable and accessible procedures for third-party settlement of disputes arising from resettlement, such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

Organizational responsibilities: The organizational framework for implementing resettlement, including identification of agencies responsible for delivery or resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

Implementation Schedule: An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

Costs and budget: Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetable for

expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

Monitoring and evaluation: Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

Annex 3: Screening Checklist Category A Project)

Sub-project name	[type here]
Location	[type here]
Estimated cost (KSh)	[type here]

TYPE OF PROJECT OR ACTIVITY

CATEGORY A	<input type="checkbox"/>	Policy, legal or strategy document
	<input type="checkbox"/>	Dam project greater than 15m in height
	<input type="checkbox"/>	Medium-scale irrigation scheme
	<input type="checkbox"/>	Medium-scale water storage structure
	<input type="checkbox"/>	Rehabilitation of medium-scale water storage structure
	<input type="checkbox"/>	Forestry concession with the private sector
	<input type="checkbox"/>	Construction of roads, bridges

CATEGORY B	<input type="checkbox"/>	Farm forestry or agroforestry, small-scale woodlots and tree nurseries
	<input type="checkbox"/>	Small-scale irrigation scheme
	<input type="checkbox"/>	Small-scale water storage facility
	<input type="checkbox"/>	Spring capping or rural water supply scheme
	<input type="checkbox"/>	Small-scale dam (less than 15 m in height)
	<input type="checkbox"/>	Check-dam
	<input type="checkbox"/>	Forest infrastructure
	<input type="checkbox"/>	Participatory forest management or reafforestation
	<input type="checkbox"/>	Dykes
	<input type="checkbox"/>	Riverbank stabilisation
	<input type="checkbox"/>	Terracing of farmland
	<input type="checkbox"/>	Agricultural interventions
	<input type="checkbox"/>	Please give more details: [type here]
	<input type="checkbox"/>	Support to income generating initiatives
	<input type="checkbox"/>	Please give more details: [type here]
<input type="checkbox"/>	Other	
	Please give more details: [type here]	

CATEGORY A PROJECTS

For all Category A projects, an Environmental and Social Management Plan (ESMP) will be required.

In addition, the following studies may be required:

	Yes	No
Will this Category A project affect Indigenous People? If yes, an Indigenous People's Plan will be required.	<input type="checkbox"/>	<input type="checkbox"/>
Will this Category A project require land for its development, and therefore displace individuals, families or businesses from land that is currently occupied, or restrict people's access to crops, pasture, fisheries or forests, even, whether on a permanent or temporary basis. If yes, a Resettlement Action Plan will be required.	<input type="checkbox"/>	<input type="checkbox"/>
Will this Category A project involve the use of pesticides? If yes, a pest management plan will be required.	<input type="checkbox"/>	<input type="checkbox"/>