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INTERIM RESETTLEMENT ACTION PLAN

UPDATE & DETAILED DESIGN OF THE CLEAN BRT CORE LINE 3 IN NAIROBI



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SUPPORT TO KENYA ENERGY AND TRANSPORT SECTORS
CONTRACT TITLE: UPDATE & DETAILED DESIGN OF THE BUS
RAPID TRANSIT (BRT) CORE LINE 3 IN NAIROBI: PROJECT
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ACRONYMS

Acronym	Definition
AFD	Agence Française de Development
AIDS	Acquired Immune Deficiency Syndrom
AoI	Area of Influence
BRT	Bus Rapid Transit
CBD	Central Business District
CMC	Computer Mediated Communication
CRRF	Comprehensive Refugee Response Framework
EIB	European Investment Bank
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standards
FGD	Focus Group Discussion
GoK	Government of Kenya
Ha	Hectares
HIV	Human Immunodeficiency Virus
H&S	Health and Safety
ID	Identification
KES	Kenyan Shillings
KII	Key Informant Interview
LPG	Liquified Petroleum Gas
LRP	Livelihood Restoration Plan
M&E	Monitoring and Evaluation
MoTIHUD&PW	Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works
MRTS	Mass Rapid Transit System
m	Metres
MS	Material Sites
NaMATA	Nairobi Metropolitan Area Transport Authority
NIUPLAN	Nairobi Integrated Urban Development Master Plan
NLC	National Lands Commission
NMA	Nairobi Metropolitan Area
NMT	Non-Motorised Transport
PAP	Project Affected Persons
RAP	Resettlement Action Plan
PLWD	People Living with Disability
RoW	Right of Way
RPF	Resettlement Policy Framework
SEP	Stakeholder Engagement Plan
UNHCR	United Nations High Commission for Refugees
VAT	Value Added Tax
WB	World Bank Group

1. INTRODUCTION

1.1 This Report

This Report is the Interim Resettlement Action Plan (RAP) for the Clean Bus Rapid Transit (BRT) Core Line 3 development (the Project), to be implemented by Government of Kenya (GoK) through the Nairobi Metropolitan Area Transport Authority (NaMATA). The Project runs from Kenyatta Hospital along Hospital roads through to Dandora Railway Station via Ngong Road in Nairobi, Kenya. This RAP provides the policies, procedures, methodology, entitlements and livelihood restoration measures that will be implemented to support physically and economically displaced households to restore their standard of living and livelihoods. It also outlines the activities to be undertaken to deliver compensation and other entitlements, and to monitor the effectiveness of the RAP in delivering the intended outcomes so that necessary adjustments can be made. These will be modified when the Interim RAP is revised for preparation of the Final RAP Report closer to the proposed construction period.

1.2 Project Background

Ramboll was commissioned by the European Union Delegation to Kenya to: a) update the Detailed Design; b) carry out the Environmental and Social Impact Assessment (ESIA) including development of the Stakeholder Engagement Plan (SEP) and Environmental and Social Management Plan (ESMP); and c) complete the Resettlement Policy Framework (RPF) and ultimately, this Interim Resettlement Action Plan (RAP). All deliverables aim to integrate Kenyan national legislation and requirements with those of EIB and AFD regulations and standards.

The ESIA for the project identified land acquisition as one of the Project's impacts, hence triggering Involuntary Resettlement and the need for a RAP to be developed.

1.3 RAP Scope and Objectives

This RAP considers physical and economic displacement that will be caused by the Project and any consequent land restriction along the Project route. Although the majority of the Project route is located within an existing Right of Way (RoW), there has been significant encroachment into the RoW by commercial traders and vendors (see Figure 1.1 for examples). The requirement for resettlement arises from the requirement to displace those people who have encroached into the RoW, as well as those people that will be displaced from their land that will be used for the development of the BRT Core Line 3.

This RAP addresses the principles and objectives that relate to the governance of resettlement action and livelihood restoration for the implementation of the Clean Bus Rapid Transit (BRT) Core Line 3 by Government of Kenya (GoK) through the Nairobi Metropolitan Area Transport Authority (NaMATA).

As a result of work undertaken in this RAP, it is currently understood that the RoW for the Project will result in the economic displacement of approximately 5,700 Project Affected People (PAPs) who use the Right of Way (RoW) for their commercial activities. The Project will also result 88 affected private parcels of land and the physical displacement of up to 49 privately owned structures or ancillary structures.

The objectives of the RAP are to:

- define national and international requirements for physical and economic resettlement;
- understand socio-economic characteristics of affected households;
- evaluate and assess socio-economic activities that are located within the RoW;
- define appropriate levels and means of compensation for losses resulting from the Project;
- identify other assistance and measures to enable affected households to restore and improve their livelihood; and
- propose an appropriate grievance resolution mechanism.

The Project is being designed to address various national and international standards, including those that require a RAP to be developed. The fundamental objectives of resettlement planning, as encapsulated in these standards, is to avoid resettlement whenever feasible, or, when resettlement is unavoidable, to ensure those affected can at least restore their standard of living and livelihoods. Section 3 outlines the standards that are relevant to the development and implementation of this RAP.

While the current estimate of economically displaced PAPs is 5,700, it is acknowledged that these PAPs are fluid and numbers could change. Therefore, a verification census and revised asset valuation exercise will be undertaken to capture data on PAPs present within the RoW approximately 8–10 months prior to construction to provide a more accurate baseline immediately prior to RAP implementation. This Interim RAP will therefore be revised with the final numbers confirmed during the verification exercise and a Final RAP Report will be prepared 6–8 months prior to construction. The verification exercise will be widely publicized and a cut-off date shall be communicated widely upon completion of the verification exercise.

Figure 1.1: Examples of Assets and Traders Within the RoW



Source: Ramboll (July 2022)

1.4 Approach

This RAP was developed based on the outputs of three key activities: an indicative asset inventory and census/socio-economic surveys undertaken in October/November 2021. Additional surveys focusing on livelihood restoration were undertaken in July 2022.

Initial contact was made with County and Sub-Country commissioners, community leaders and other key stakeholders as part of the stakeholder engagement process for the ESIA and the RAP.

They assessed a total of 22.55 ha of land, including 18.3 ha of private land. The valuation team also undertook valuations for the 49 properties within the RoW. Census surveys were conducted with 95 randomly sampled households along the RoW in addition to Focus Group Discussions and Key Informant Interviews to support the characterisation of the baseline.

1.5 Limitations

- This Interim RAP has attempted to account for all potentially affected groups. If, however, a new affected group, particularly a vulnerable group, is identified during the RAP verification phase, this will need to be accounted for and addressed in the Final RAP Report accordingly.
- Through previous in-country experience, it is possible that during the RAP preparation the consultant may encounter that one plot may be listed with more than one title-deed holder. If this instance were to occur, due investigations in order to identify the eligible land owner will need to be taken.
- During the RAP preparation the consultant may encounter PAPs who do not wish to be listed or documented in the census and survey through fear of consequences as a result of their illegal status in the country. This exception is mainly related to immigrants who have set-up informal businesses in the NMA. Clear disclosure of the reason and purpose for the census and socio-economic baseline will need to be provided to these affected people, and an approach to compensation addressed. Illegal immigrants in the country may also not have registered bank accounts for cash compensation, therefore an approach which may be different to the initially anticipated payment method will need to be addressed.

1.6 Document Structure

The structure of the RAP is summarised in Table 1.1.

Table 1.1: RAP Structure

Chapter	Title	Content
1	Introduction	An overview of the objectives of the RAP.
2	Project Description	A summary of the Project; key components, schedule and main activities.
3	Policy, Legal and Regulatory Framework	An overview of national environmental and social, legislative, policy and administrative requirements, as well as good international industry practice and guidelines.
4	Summary of Baseline Conditions	A brief summary of the socio-economic conditions (informed by the ESIA and site visits) that would be expected to prevail in the absence of the Project.
5	Stakeholder Engagement	A description of stakeholder engagement activities undertaken during relevant to resettlement and future engagement requirements.
6	Anticipated Resettlement Impacts	An assessment of potential significant impacts of resettlement with proposed mitigation and management measures.
7	Resettlement Principles	An outline of the guiding principles for resettlement and compensation provision.
8	Indicative Eligibility and Entitlements	A description of the indicative eligibility and entitlements as well as special provisions for potentially vulnerable groups.
9	Institutional Framework for Resettlement	An outline of RAP implementation governance and organisational structure, roles and responsibilities.
10	Replacement Housing	An overview of the approach to managing replacement housing.
11	Livelihood Restoration	An overview of proposed livelihood restoration measures to be implemented.
12	Implementation Plan and Budget	A description of activities required to implement the RAP including engagement, grievance management and monitoring and evaluation measures.

2. PROJECT DESCRIPTION

2.1 Project Background and Rationale

To address urban transportation challenges in the Nairobi Metropolitan Area (NMA), the Government of Kenya (GoK) established the Nairobi Metropolitan Area Transport Authority (NaMATA), a body with the mandate to oversee the development and implementation of an efficient, effective, and integrated public transport system within the NMA. NaMATA is currently placed under the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works (MoTIHUD&PW) with the principal objective of overseeing the establishment of a safe, integrated, efficient, effective, and sustainable public transport system within the NMA.

The NMA extends over 32,000 km² across five counties (with a population of approximately 10.4 million people). The establishment of NaMATA is part of the deliberate action by GoK to introduce an efficient Mass Rapid Transit System (MRTS) in the NMA. The MRTS, including Bus Rapid Transit (BRT) and Commuter Rail, is linked to the Kenya Vision 2030, the Integrated National Transport Policy approved by the Cabinet in 2009 and by Parliament in 2012 and the Nairobi Integrated Urban Development Master Plan (NIUPLAN) in May 2014. The BRT corridors have already been gazetted under Legal Notice No.16 of 2019.

The Project is part of this broader Bus Rapid Transit network and is located in the North-East of Nairobi. The Project serves a 12.4 km long corridor starting from Kenyatta Hospital, through the Central Business District, ending at Dandora railway station. This corridor is known as the “Clean BRT Core Line 3” as part of a city-wide Nairobi Bus Rapid Transit Network.

The envisaged funding plan (EUR 324 million) is as follows:

▪ European Investment Bank (EIB):	EUR 143 million (loan)
▪ Agence française de développement (AFD):	EUR 70 million (loan)
▪ European Union Delegation to the Republic of Kenya:	EUR 45 million (grant)
▪ National Contribution (GoK) for compensation and resettlement; non-recoverable VAT:	EUR 66 million.

In the funding plan, resettlement costs, land acquisition and all taxes and duties will be paid by the Government of Kenya (GoK). This Interim RAP report has been finalised end of September 2022. The Final RAP Report will be completed approximately 8 – 10 months prior to commencing construction.

NaMATA is the Promoter of the Project and is EIB & AFD’s counterpart. NaMATAs role in the resettlement process is to oversee the RAP Preparation, Implementation and Monitoring. *For details refer to Chapter 11.*

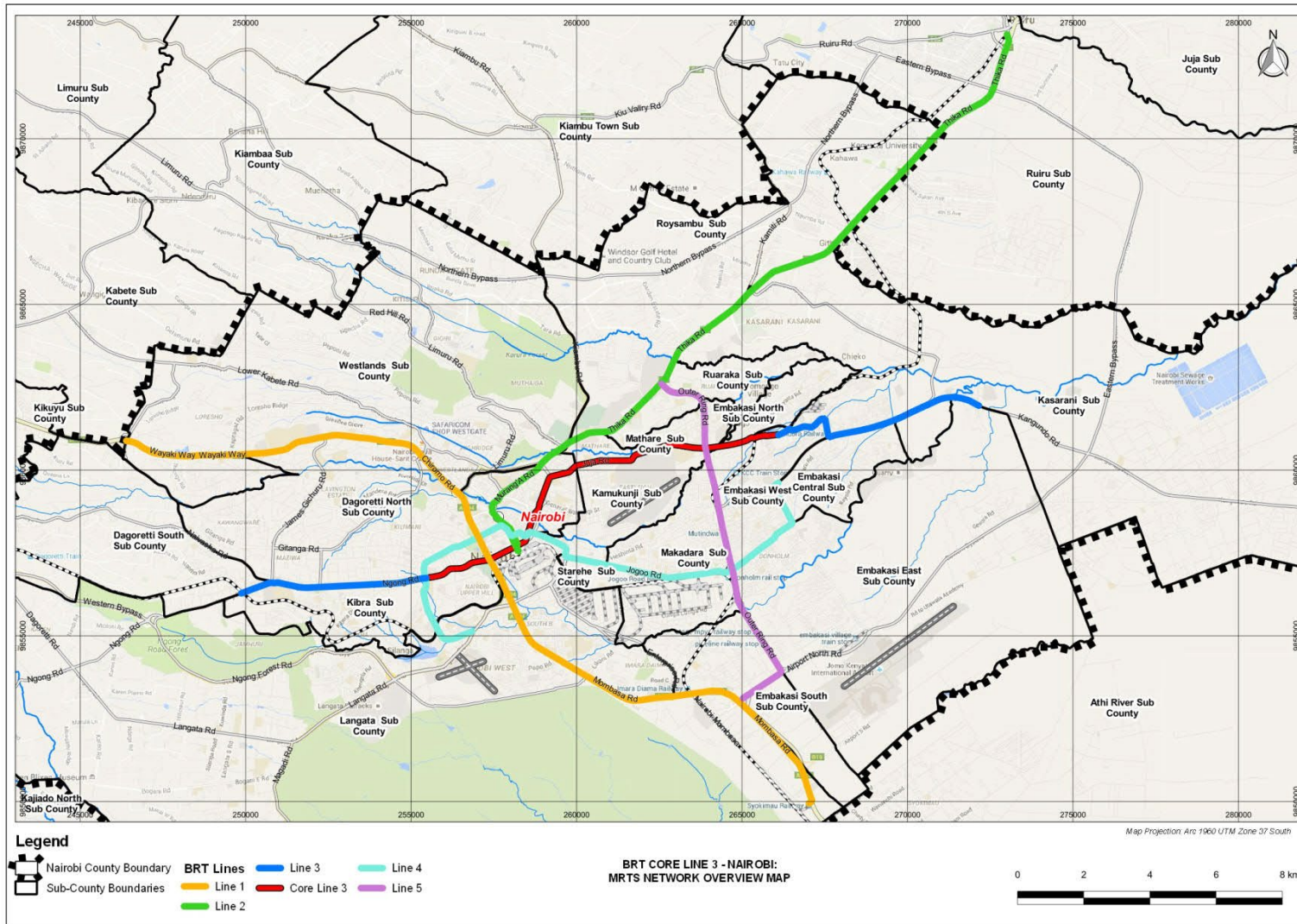


Figure 2.1: Mass Rapid Transit System in Nairobi County (Project: Core Line 3)

Under funding by GoK, NaMATA has started with the roll out of the Nairobi Bus Rapid Transit Network (BRT) through implementation of the Line 2 pilot project on Thika Highway's median lane which constitutes the first Phase of the Nairobi BRT system. The Clean BRT Core Line 3 shall be the second Phase of the Nairobi BRT roll-out and will have shared infrastructure with Line 2 on the section from City Square to Kenyatta Hospital (last shared stop at Library).

2.2 Project Objectives

The specific objectives of the Clean BRT Core Line 3 Project are to:

- Provide infrastructure, systems and fleet for BRT operation on the BRT Core Line 3 corridor;
- Improve the existing non-motorized transport (NMT), traffic management and drainage on the Clean BRT Core Line 3 corridor;
- Provide a BRT Management Centre for managing the entire BRT network;
- Reduce air pollution and greenhouse gas emissions by the introduction of electric buses;
- Provide the basis for further extension to the entire Line 3 Corridor and eventually towards a 3rd Generation BRT System.

2.3 Project Location

The Project is located in the North-East of Nairobi, the capital and largest city of Kenya. It is part of a broader network and serves a 12.4 km long corridor referred to as Clean BRT Core Line 3. It starts from Kenyatta Hospital, progresses down Haile Selassie Road to the Central Business District (CBD), continues to Race Course Road, Ring Road Ngara, Juja Road, and then onto the Terminus at Dandora Railway Station, see Figure 2.2.

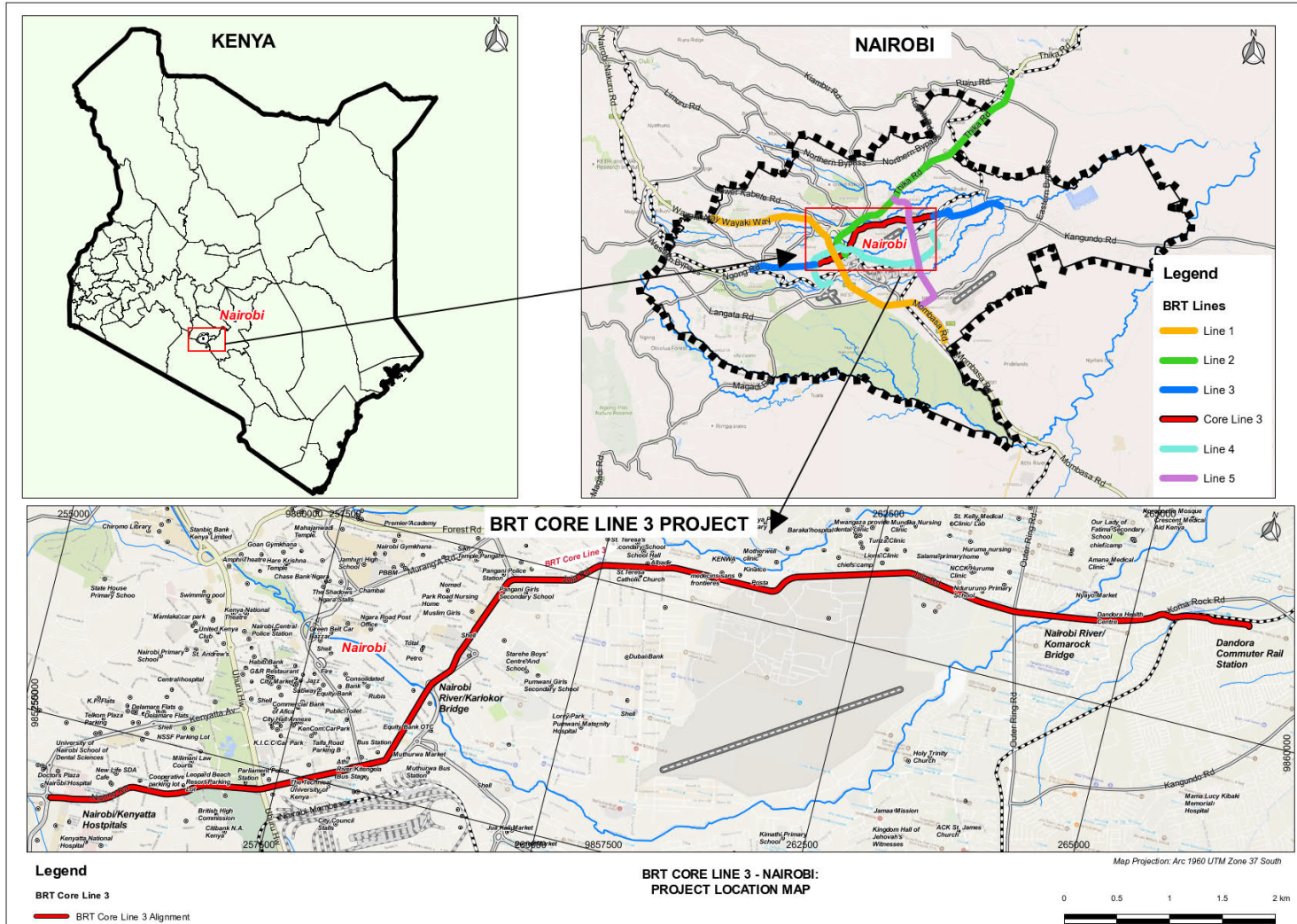


Figure 2.2: BRT Core Line 3 – Project Location

The BRT Core Line 3 Right of Way (RoW) intersects seven sub-counties:

- Dagoretti North;
- Kibra;
- Starehe;
- Kamukunji;
- Mathare;
- Embakasi West; and
- Embakasi North.

For the purpose of cross referencing throughout the RAP, the corridor has been split into five sections (Section A – E) as shown in Figure 2.3 below.

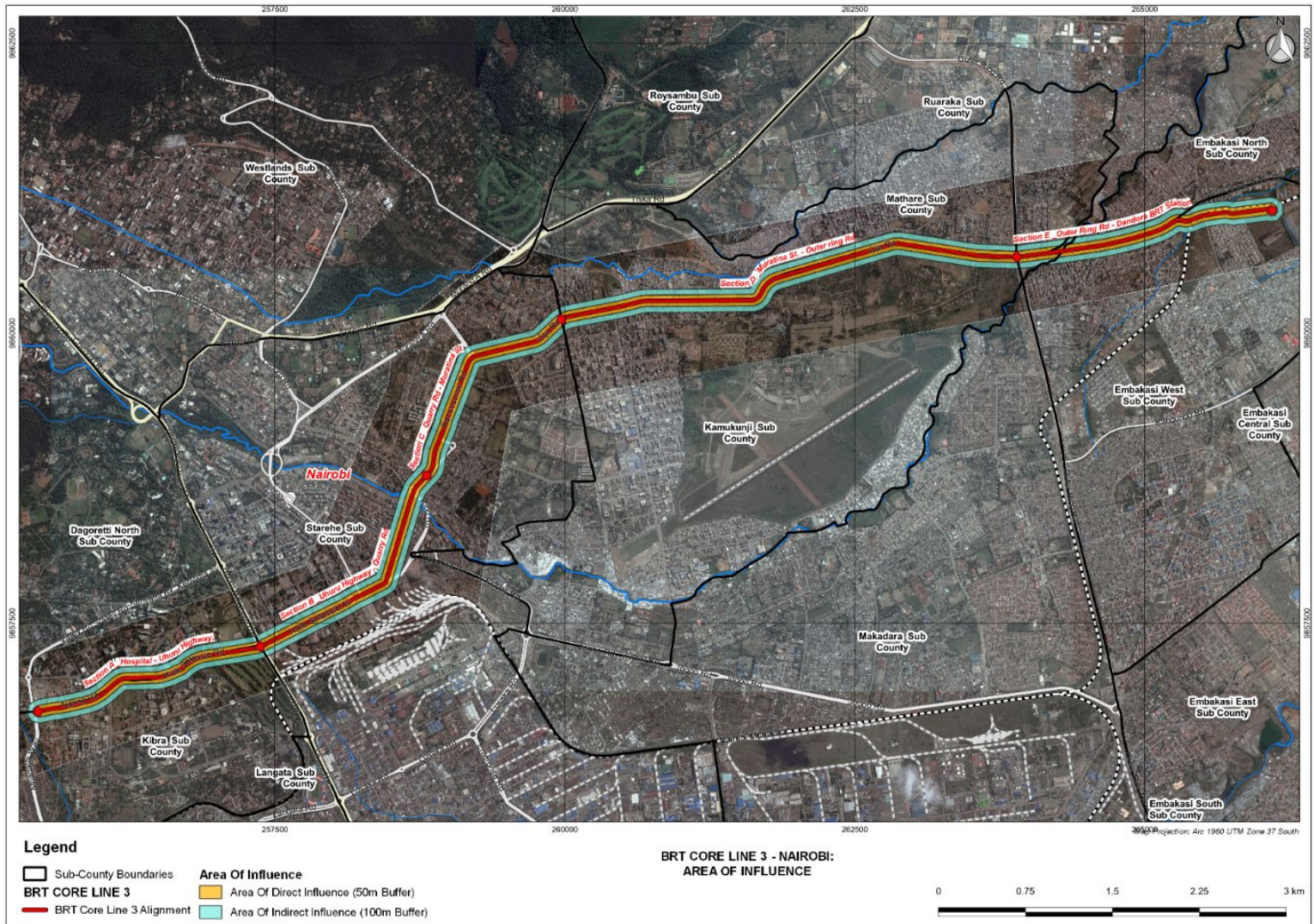


Figure 2.3: BRT Core Line 3 – Corridor Layout with Sections

2.4 Project Design

2.4.1 BRT Infrastructure

BRT infrastructure includes

- BRT lanes in the median of the corridor
- 14 BRT stations (including two terminals). Stations are located in the median, with passing lanes, ticket validation at the entries and level boarding
- 1 Depot including parking for the BRT fleet, charging facilities for the electric buses, cleaning, fuelling, maintenance workshop and offices
 - There are two power substations in the vicinity of the proposed Depot: 1) Juja Road Substation 132/66/11 kV; 2) Dandora Substation. 220/132 kV.
 - The Juja Road Substation is the single largest substation in Nairobi and has the national control centre. It receives power from three main sources: 1) Uganda – 2 lines of 132 kV; 2) Kindaruma Dam 132 kV; 3) Kamburu Dam 220 kV via Dandora at 132 kV.
- Being the centre of control and power distribution in Nairobi, it has alternative power sources to provide continuous power supply
- 9 elevated structures, including footbridges, flyovers and an underpass
- 25 at-grade intersections provided with traffic signalling

2.4.2 Other Infrastructure

In addition to BRT infrastructure, other infrastructure includes:

- Upgrading and adjustment of general traffic lanes and NMT along the entire corridor
- Pedestrian access to and from the stations for at least 150 m for each access point
- Adequate drainage of the entire BRT corridor and surrounding catchment area
- 1 Park & Ride facility at Dandora Railway Station
- 2 Feeder bus stations (at Kenyatta Hospital and Dandora Railway Station)
- Utilities (water, sewer, power and telecom): relocation where necessary and provision of connections to BRT stations, feeder stations and one depot
- Land acquisition, resettlement and mitigation measures.
- BRT fleet consisting of 120 articulated electric low-floor 18 m buses
- Ticketing and information systems
- BRT Management Centre
- Traffic Lanes
- Motorized Traffic

Lane widths should be considered within the overall layout of the street. Where there is limited width, available lane widths have been reduced to 3 m, which is acceptable within an urban environment and in accordance with local standards. Where possible lane widths of up to 3.5 m will be provided.

Cycle Tracks: Cyclists will be separated from the carriageway by a concrete kerb. Cycle widths will be typically 2 m wide and 3 m where there are two-way movements.

Sidewalks: Sidewalks will typically be 2 m wide. However, where space permits the sidewalk width will be increased up to 4 m in busier pedestrian areas. Pedestrians and businesses thrive where sidewalks have been designed at an appropriate scale, with sufficient lighting, shade, and street-level activity. Sidewalks are separated from the carriageway by a concrete kerb. BRT lanes are separated from other vehicular traffic by vertical separation elements and prioritize transit movements at intersections. It provides a high level of capacity and reliability for the bus service, and typically requires the most space of any transit treatment.

Separators: The BRT route is to be physically separated from general traffic lanes. This will ensure that no crossing is possible between general traffic lanes and BRT lanes. The separator between the traffic lanes and the BRT lanes will be 0.5 m.

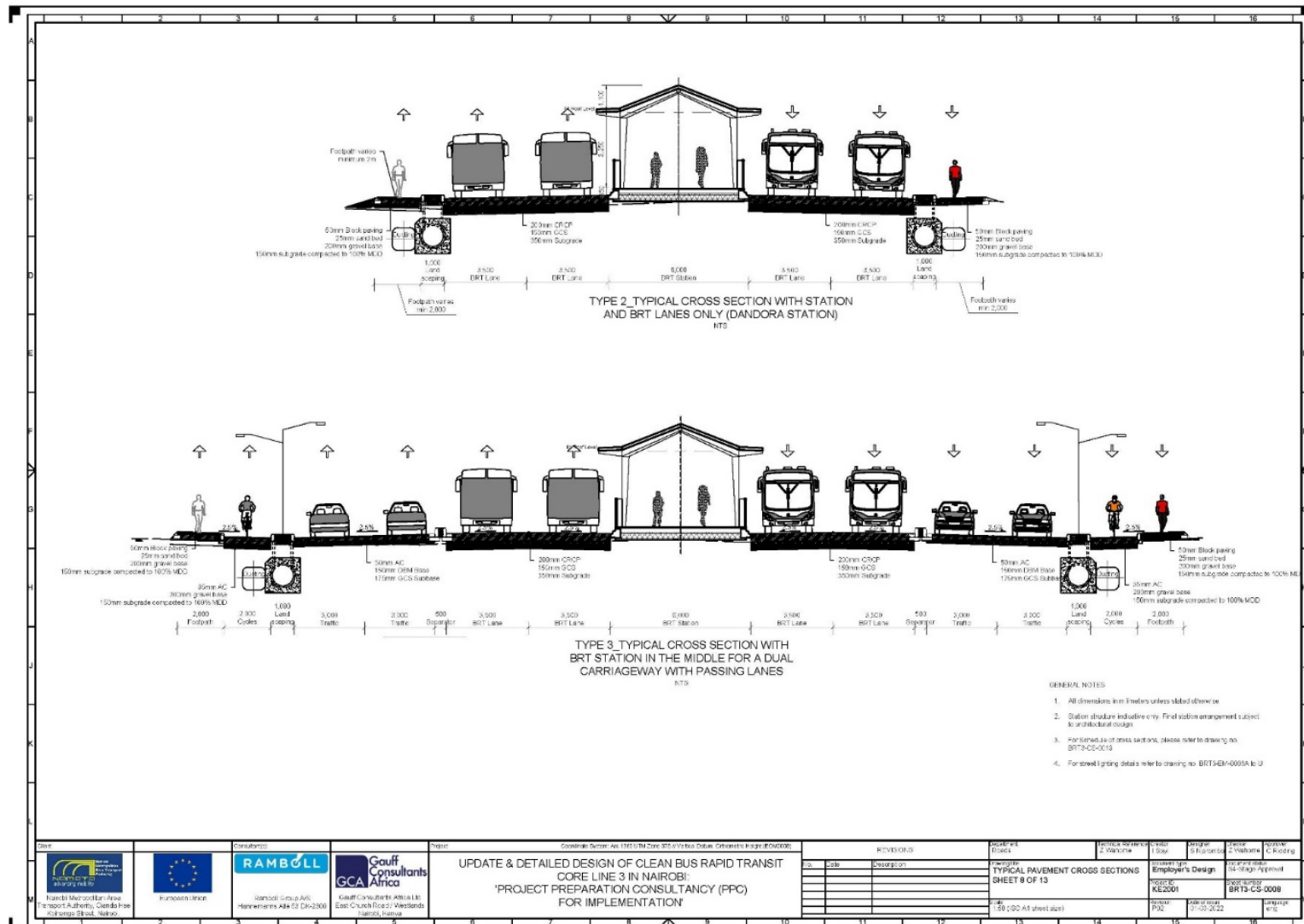


Figure 2.4: Typical cross sections of the project

2.4.3 BRT Stations

Longer stations with passing lanes will be provided at most locations. The station arrangement typically includes two sub-stops sited 50 m apart with additional docking positions for the buses. An architectural view of a typical station is illustrated in the following Figure 2.5.



Figure 2.5: Example of BRT Station

The stations allow for a pedestrian crossing in between and access control areas between the pedestrian crossing and platform. In addition, this allows for one queuing position for buses before and after the pedestrian crossing, which helps to avoid blocking of the passing lanes.

The stations will have the following facilities:

- Staff facilities, ticket office and ticket vending machines;
- Staff toilets;
- Pedestrian crossings;
- Access control for other checks (e.g. COVID 19);
- Independent docking (typically a minimum of 32 m between sub-stops for articulated 18 m buses);
- Low platform boarding.

In total, **14 bus stations** will be provided along the corridor of the Clean BRT Core Line 3. Along the corridor, the distance between two bus stations is typically about 970 m.

Table 2.1: Overview of BRT Stations

No	Location	Section	No. of Sub-Stops per Direction	No. of positions (both directions)	Approx. Length of Station	Width of Station	Passing Lanes	Shared Infrastructure
1	Kenyatta Hospital	A	3	12	190 m	6 m	Yes	No
2	Library	A	3	12	190 m	6 m	Yes	BRT Line 2
3	Green Park	A	3	16	190 m	6 m	Yes	BRT Line 2
4	City Square	B	4	16	280 m	6 m	Yes	BRT Line 2
5	Race Course	B	4	16	282 m	6 m	Yes	No
6	Kariokor Market	C	3	12	210 m	6 m	Yes	No
7	Chai Road	C	3	12	190 m	6 m	Yes	No
8	Muratina Street	D	3	12	190 m	6 m	Yes	No
9	Melawa Road	D	3	12	190 m	6 m	Yes	No
10	Moi Air Base	D	3	12	190 m	6 m	Yes	No
11	Mathare North Road	D	3	12	190 m	6 m	Yes	No
12	Outer Ring Road	D	3	12	190 m	6 m	Yes	No
13	Mutarakwa Road	E	3	12	190 m	6 m	Yes	No
14	Dandora Railway Station	E	3	12	190 m	6 m	Yes	No

2.4.4 Bus Depot

The bus depot will be located at Dandora Railway Station, adjacent to the Clean BRT Core Line 3 Terminus at Dandora Railway Station. An overview of the relevant plot is shown in Figure 2.6 is approximately 12 ha and will include the acquisition of unused/derelict land belonging to Tononoka Steel Mills. This land is currently not in use and will therefore not result in either physical or economic displacement.

The main functions of the depot are:

- Buses storage;
- Maintenance of the buses;
- Centralized management of the Clean BRT Core Line 3 operations;
- Accommodation of the staff.
- To ensure these functions, the following will be provided for:
- Storage space: the depot provides a wide-open space where buses can be stored for night and inter peak hours;
- Workshop to ensure maintenance of the buses. It is made of a maintenance workshop where bus maintenance is undertaken, storage for spare parts.
- Charging stations;

-
- Washing station;
 - Computer mediated Communication (CMC) and systems required for operation of Clean BRT Core Line 3;
 - Administrative building: for staff accommodation and depot supervision.

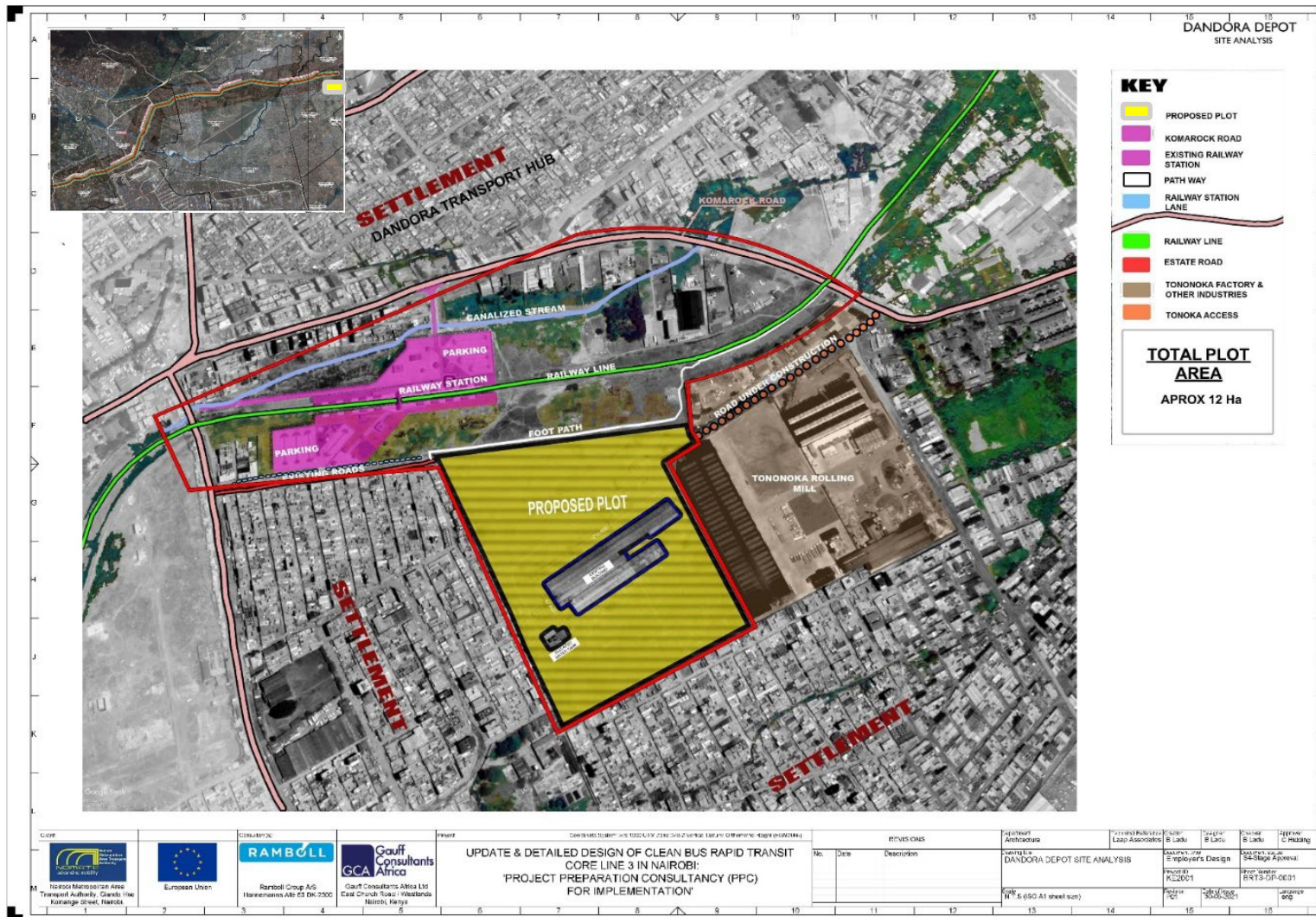


Figure 2.6: Clean BRT Core Line 3 – Plot location Dandora Depot

2.4.5 Prospective Material Sites and Quarries

The following summarises the material sites and quarries. All sites are existing and will not require any additional land acquisition.

Gravel Material Sites

For improvement of subbase and or for use as fill/subgrade layers during construction of the BRT corridor, the following 5 gravel material sites have been identified:

- MS1: Kwanga Gomoro Material site
- MS2: China Material site
- MS3: Opposite Tuskys Supermarket
- MS4: Gituamba Njiru Material site
- MS5: Njoro Ruaka Material site

(MS1) Kwanga Gomoro Material site - The material site MS1 is located along Eastern Bypass. It is an existing material site with a potential for extension.

(MS2) China Material site - The Material Site 2 MS2 is located behind Ruturu shopping centre.

(MS3) Opposite Tuskys Supermarket– This is an existing borrow pit with a possibility of extension.

(MS4) Gituamba Njiru Material site - This Material Site 3 MS 3 is located off the Kangundo Road Interchange. It is an existing borrow pit with a possibility of extension.

(MS5) Njoro Ruaka Material site - This Material Site 5 (MS 5) is near Ruaka trading centre.

Hardstone/Aggregate Sites

As the project is located in the Nairobi Metropolitan Area, hardstone for use in Dense Bitumen Macadam, Asphalt Concrete, Graded Crushed Stone, chippings and for Concrete works can be sourced from the following Commercial Quarries located in Mlolongo:

- Biz-Rock
- Aristocrat
- Silverstone
- National Concrete

Sand

Sand for the project would be sourced from Rivers in Machakos and Kajiado.

Water

Water can be sourced from the Nairobi and Ngong Rivers.



Figure 2.7: Location of Borrow Pits and Aggregate Quarry Sites

2.5 Right of Way

The Right of Way (RoW) for the Clean BRT Core Line 3 intersects seven sub-counties of the Nairobi County: Dagoretti North, Kibra, Starehe, Mathare, Embakasi West and Embakasi North. A significant component of the design was to optimise the alignment, in order to minimise any land acquisition. Therefore, the design approach was to use the current/available right of way (ROW) to the maximum possible extent, including widening pavements to support existing economic activities where possible and siting small market locations. However, there will still be some areas where trading will be restricted and despite extensive amendments to the previous designs, some land acquisition will still be required in particular to accommodate the passing lanes along the BRT stations, for the access to the Terminus at Dandora and for the Depot at Dandora.

The existing RoW along the five sections of the corridor is as follows:

Table 2.2: Sections Right of Way

Section	Sub-Section	RoW Width (m)
Section A: Kenyatta National Hospital–Haile Selassie Avenue Length: 2040m (2.04Km) BRT Stations <ul style="list-style-type: none"> – Kenyatta Hospital – Library – Green Park 	Ngong Road (Raila Odinga Way–Hospital Road Junction)	60
	Haile Selassie Avenue (Hospital Road–Uhuru Highway Junction)	36
Section B: Haile Selassie Avenue Quarry Road Length: 2212m (2.212Km) BRT Stations <ul style="list-style-type: none"> – City Square – Race Course 	Haile Selassie Avenue (Uhuru Highway Junction–Moi Avenue)	45
	Haile Selassie Avenue (Moi Avenue–Race Course Road R/A)	30
Section C: Quarry Road–Muratina Street Length: 1959m (1.959Km) BRT Stations <ul style="list-style-type: none"> – Kariokor Market – Chai Road 	Ring Road Ngara (Racecourse R/A–Juja Road)	36
Section D: Muratina Street–Outer Ring Road Length: 4080m (4.08Km) BRT Stations <ul style="list-style-type: none"> – Muratina Street – Melawa Road – Moi Air Base – Mathare North Road – Outer Ring Road 	Juja Road (Junction Racecourse to Outer Ring Road)	Range 30-36
Section E: Outer Ring Road–Dandora Railway Station Length: 2268m (2.268Km) BRT Stations <ul style="list-style-type: none"> – Muratina Street – Melawa Road – Moi Air Base – Mathare North Road – Outer Ring Road 	Koma Rock Road (Outer Ring Road Overpass– Dandora Railway Station)	36

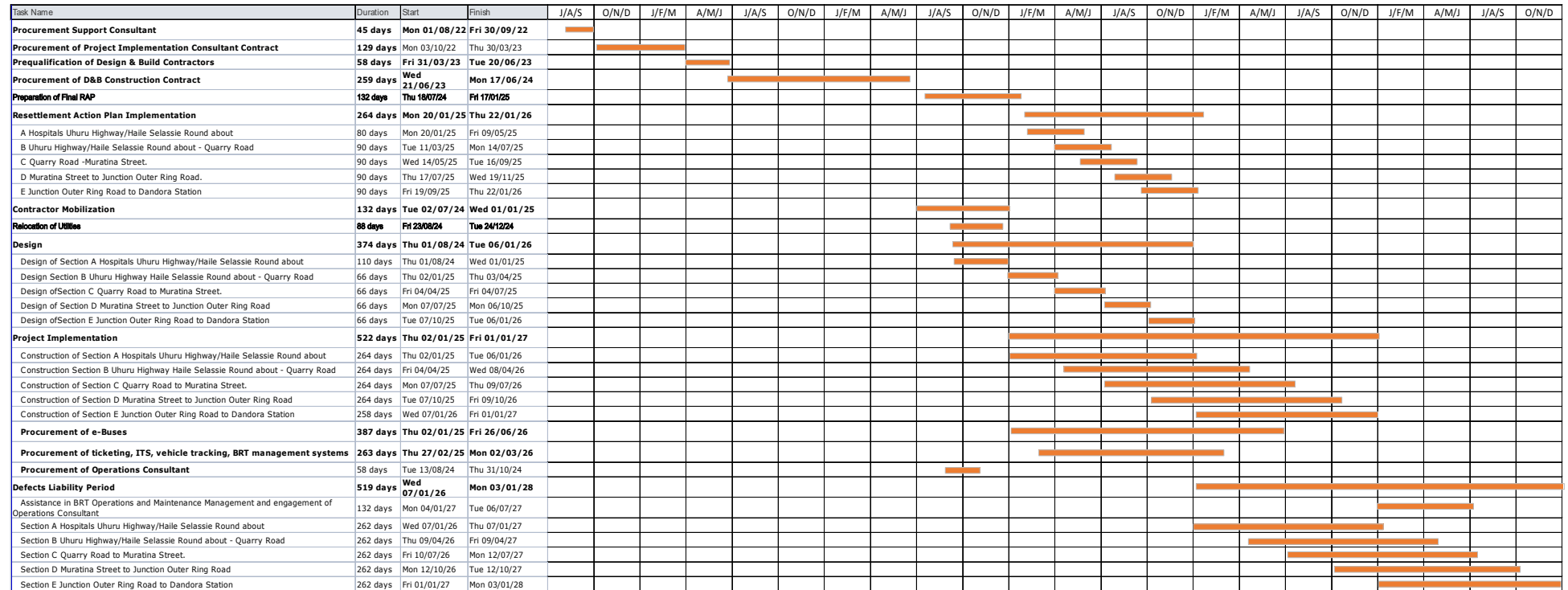
2.6 Indicative Project Implementation Schedule

A timeline has been prepared to reflect the Project implementation process and link the resettlement implementation with the civil works on the different sections of the road. The schedule indicates when land acquisition commences in the different sections of the road and included to the extent possible the dates for construction according to the different sections.

The indicative timeline as per the date of this RAP is as follows and in the timeline overview below:

- NaMATA, through GoK, is required by EIB and AFD to secure sufficient budget for the Project in the financial year 2022/2023 and subsequent financial years (Note: the financial year for GoK runs from 1st July 2022 to 30th June 2023).
- The tender for the Works Contractor is envisaged to be launched in Q3 2023.
- Construction Works are envisaged to start in Q1 2024. All resettlement indemnities shall be paid out to the eligible recipients identified in the RAP before the commencement of the construction works.
- Operation of the Clean BRT Core Line 3 to start in Q3 2026.

Figure 2.8: Indicative Project Implementation Schedule (condensed)



3. POLICY, LEGAL AND REGULATORY FRAMEWORK

The international development assistance provided by International Financial Institutions (IFI) is governed by safeguard and sustainability policies which aim to protect and sustain the environment and livelihoods of communities from adverse social and environment impacts of development projects.

The proposed project will be co-funded by the European Investment Bank (EIB), the Agence Française de Développement (AFD) and the Government of Kenya (GoK). The GOK will apply the *Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act of 2012*, as well as the *Kenya Roads Act No. 201 of 2007*, and *Valuers Act* that is included in the *National Land Policy of 2009*. In addition to the national Kenyan legislation, the Promoter is bound to abide by the Environmental and Social policies of EIB and AFD. The sections below outline the social safeguard policies and regulatory framework triggered by the resettlement process of the proposed project.

3.1 Kenyan Legislation

The Constitution of Kenya, 2010: The main legal framework which will guide the Social Impact Assessment as well as the RPF and RAP is the Constitution of Kenya 2010 under which land issues and compensation are given prominence. The Constitution spells out conditions for ownership of land by the state, community and individuals (citizens and non-citizens). The Constitution empowers the State to exercise the authority of compulsory acquisition. The Land Act 2012 designates the National Land Commission (NLC) as the agency empowered to compulsorily acquire land. The Constitution provides that the state may deprive owners of property only if the deprivation is "for a public purpose or in the public interest," which includes public buildings, roads and way leaves, drainage, irrigation canals, among others.

The State's exercise of this power is left at the discretion of NLC and requires the State to make full and prompt payment of "just compensation" and an opportunity for appeal to court. Article 40(3) (a) refers to the acquisition and conversion of all kinds of land in Kenya (private, public, community land) and foreign interests in land. The Constitution further provides that payment of compensation shall be made to "occupants in good faith" of land acquired by the State who do not hold title deeds for such land.

Land Act, 2012: The Land Act is the Kenya's framework legislation regulating compulsory acquisition of land (i.e. land, houses, easements etc.). The Land Act was adopted on 2nd May 2012 and provides for sustainable administration and management of land and land-based resources including compulsory acquisition. The Act is based on the 2010 Constitution that recognizes the rights of the landowner and the necessity for fair and just compensation.

Land Act No. 6 of 2012: This Act provides for the compulsory or otherwise acquisition of land from private ownership for the benefit of the general public. For the acquisition to take place, the responsible Ministry must issue a gazette notice. The Act also provides for full compensation to the affected parties. Section 8 of the Act provides for full and prompt payment of compensation before vesting and taking possession of the acquired land. The amount of compensation was determined based on an assessment

of market value of the land and improvements thereon with an addition of 15% of market value to cater for disturbance.

The Registration Act No.3, 2012: This provides for the absolute proprietorship over land (exclusive rights). Such land can be acquired by the state under the Land Act. This is of particular relevance to way leave acquisition.

National Land Commission Act, 2012: To resolve any conflicts that may arise during the acquisition of the land for this project, Article 16 authorizes the commission to establish committees for carrying out their functions among them compulsory acquisition process as outlined in Land Act (2012). This is further cascaded to the counties according to article 18 by establishing the County Land Management Boards, in consultation with the national and county governments.

Land Adjudication Act Chapter 95 Laws of Kenya: Provides for ascertainment of interests prior to land registrations under the Land Registration Act 2012 through an adjudication committee that works in liaison with adjudication officers.

Physical and Land Use Planning Act No. 13 of 2019: The Physical and Land Use Planning Act No. 13 of 2019 deals with matters relating to the preparation of land use plans, physical development plans and subdivisions. The powers of expropriation of land are vested in the Minister for Lands while the planning and surveys are vested in the Director of Lands and the Surveyor General respectively. The introduction of a devolved system of Government gives the function of county planning to the County while “general principles of land planning and the coordination of planning by Counties” remains a national function. It is expected that sub-national level committees will be established to oversee implementation of land acquisition resulting from the project.

The Community Land Act, 2016: provides for prompt and fair compensation of persons affected through compulsory acquisitions. This states that there must be a method used in determining value of land whether it is registered/documented or not. Most valuations for compensations have been based on well-documented and formally registered interests in land. This provision creates a gap in the mechanisms that would be used to arrive at the fair compensation of affected parties. There is need to provide clear and proper guidelines in the law for this process to be legally acceptable and admissible in courts of law or in cases of conflict resolution.

Table 3.1: Summary of Legal instruments applicable to resettlement in Kenya

Legal Framework	Relevancy to Resettlement
Constitution of Kenya 2010	The Constitution of Kenya 2010 recognizes individuals’ right to acquire and own property provided they are citizens of the country in article 40. However, Article 66 of the same provides for the State to regulate the manner in which these rights may be curtailed for the benefit of the general public. Article 47 of the Constitution provides for administrative action to override the individual rights, but the victim has to be given written reason for the action taken that undermines the right.
The Land Act 2012 Laws of Kenya	It is the substantive law governing land in Kenya and provides legal regime over administration of public and private lands. It also provides for the acquisition of land for public benefit.
Land Act No. 6 of 2012	Provides for the acquisition of land for public benefit. The government has the power 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.
National Land Commission Act 2012	The Act establishes the National Land Commission with the purpose of managing public land and carrying out compulsory acquisition of land for specified public purposes.
The Land Adjudication Act Chapter 95 Laws of Kenya	Provides for ascertainment of interests prior to land registrations under the Registered Land Act.
Physical and Land Use Planning Act No. 13 of 2019	Section 2 of the Act requires that all land intended for any development requires a planning and development permission.
Community Land Act 2016	It provides for the role of county governments in community land and acquisition of the certificate of title.
County Government Act No. 17 of 2012.	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.

3.2 European Investment Bank (EIB) Guidelines

The EIB is a public institution driven by the policy objectives of the European Union and their principles of sustainable development, public participation, and accountability. It seeks to promote sustainable and inclusive growth while protecting the natural and social environment in holistic manner, thereby ensuring that requirements relating to the protection of the environment and human well-being are integrated in the definition, preparation and implementation of all operations financed by EIB.

The overall objective of EIB Standard is to outline the Promoter’s responsibilities among others in the process of assessing, managing and monitoring environmental and social impacts and risks associated with the Project.

3.2.1 Involuntary Resettlement (EIB ESS 6)

According to the Environmental and Social policies of EIB, Project-induced involuntary resettlement should be avoided by analysing alternative project designs and locations. If it is unavoidable, the Promoter, with full involvement in the decision-making process of all stakeholders, and in particular the affected people, should adopt adequate steps to minimize and mitigate its adverse impacts from an early stage. Resettlement is a process to assist those displaced to replace their housing, assets, livelihoods, land, access to resources and services and to improve or at least restore their socioeconomic and cultural conditions to those levels existing prior to the project.

The objectives of this standard include:

- Avoid or, at least minimize, project-induced resettlement whenever feasible by exploring alternative project designs;
- Avoid and/or prevent forced evictions and provide effective remedy to minimize their negative impacts should prevention fail;
- Ensure that any eviction which may be exceptionally required is carried out lawfully, respects the rights to life, dignity, liberty and security of those affected who must have access to an effective remedy against arbitrary evictions;
- Respect individuals’, groups and communities’ right to adequate housing and to an adequate standard of living, as well as other rights that may be impacted by resettlement;
- Respect right to property of all affected people and communities and mitigate any adverse impacts arising from their loss of assets, or access to assets and/or restrictions of land use, whether temporary or permanent, direct or indirect, partial or in their totality.
- Assist all displaced persons to improve, or at least restore, their former livelihoods and living standards and adequately compensate for incurred losses, regardless of the character of existing land tenure arrangements (including title holders and those without the title) or income-earning and subsistence strategies;
- Uphold the right to adequate housing, promoting security of tenure at resettlement sites;

- Ensure that resettlement measures are designed and implemented through the informed and meaningful consultation and participation of the project-affected people throughout the resettlement process
- Give particular attention to vulnerable groups, including women and minorities, who may require special assistance and whose participation should be vigilantly promoted.

3.2.2 Rights and Interests of Vulnerable Groups (EIB ESS 7)

As a result of the negative project impacts of an infrastructure project. Some individuals or groups within a community may be less resilient to risks and adverse impacts than others. Within the context of EIB operations, individuals and/or groups who are at a higher risk of being unable to anticipate, cope with, resist and recover from project-related risks and/or adverse impacts are considered vulnerable. Vulnerable individuals or groups may include women, children, the elderly, the poor, ethnic, religious, cultural or linguistic minorities, or indigenous groups.

This standard sets out to avoid or minimize, or otherwise mitigate and remedy, potential harmful effects of a project to vulnerable individuals and groups whilst seeking that these populations duly benefit from such projects.

Objectives of the standard include;

- Affirm, respect, and protect the rights and interests of vulnerable individuals and groups within the designated operational scope, throughout the project lifecycle. Such rights include the right to non-discrimination, the right to equal treatment between women and men and the rights of indigenous peoples;
- Adopt a gender-sensitive approach to the management of environmental and social impacts, that takes into account the rights and interests of women and girls, men and boys, including specific attention to the differentiated burden of impacts that women and girls might face;
- Identify and avoid adverse impacts of EIB operations on the lives and livelihoods of vulnerable individuals and groups, including women and girls, minorities and indigenous peoples. Where avoidance is not feasible, to reduce, minimize, mitigate or effectively remedy impacts;
- Ensure that vulnerable individuals and groups are duly and early on identified in EIB operations and that engagement is meaningful, taking into account individuals' and communities' specificities, and delivered in an appropriate form, manner and language; and
- Enable vulnerable groups, including women and girls, minorities and indigenous peoples to benefit from EIB-financed operations.

3.3 AFD Social Safeguards

The Agence Française de Development (AFD) aims to promote sustainable and equitable development in all operations funded, by ensuring that these operations effectively contribute to the objective of sustainable development (combating poverty and ensuring the satisfaction of human needs,

strengthening solidarity between human beings and between territories, preserving biodiversity, preserving habitats and natural resources, combating climate change). All operations financed by AFD are required to comply with the national regulations of the country where the operation is implemented, including for environmental and social issues. However, as regulations in the countries where AFD operates are sometimes incomplete or under development, AFD uses as a reference a number of rules, good practices and directives produced by international standard-setting organizations. The AFD adheres to the World Bank Safeguard Policies for public sector financing. The AFD social safeguard policies triggered by the resettlement process of the Project are presented below.

3.3.1 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS 5)

It recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land, or loss of shelter), economic displacement (loss of land, assets, or access to assets leading to loss of income sources or other means of livelihood), or both. The term “involuntary resettlement” refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

The objectives of this ESS include:

- i. Avoid or minimize involuntary resettlement where feasible, exploring all viable alternative project designs;
- ii. Assist displaced persons in improving their former living standards, income earning capacity, and production levels, or at least in restoring them;
- iii. Encourage community participation in planning and implementing resettlement; and
- iv. Provide assistance to affected people regardless of the legality of land tenure.
- v. This ESS covers not only physical relocation, but any loss of land or other assets resulting in:
 -
- vi. Relocation or loss of shelter;
- vii. Loss of assets or access to assets;
- viii. Loss of income sources or means of livelihood, whether or not the affected people must move to another location.

It also applies to the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

3.4 Comparison Between the Kenyan Legislation, EIB Standards and AFD Social Safeguards

The table below includes a gap analysis between the Kenyan Legislation, EIB Guidelines and AFD Social Safeguards.

The main findings of the gap analysis include issues related with livelihood restoration. The GoK legislation does not consider the following livelihood restoration measures including e.g. activities including training, credit, job placement, and/or other types of assistance. Kenyan laws also do not make any provision for monitoring.

On the compensation side, Kenyan laws do not consider PAPs without the provision of land titles, whereas Lender's standards require that displaced persons with or without land titles or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.

The Lenders standards require specific identification and engagement with vulnerable groups, and the implementation of differentiated measures for vulnerable groups to ensure that adverse impacts do not fall disproportionately on vulnerable people. This is so that vulnerable groups are able to participate in development benefits and opportunities proportionately to other groups. The Kenyan legislation makes no provision for additional support to vulnerable households.

A census and a socio-economic baseline survey of project affected people are required by Lender's standards to establish the number of people to be displaced, livelihoods affected, and property to be compensated. A cut-off date must also be announced in order to prevent an influx of people to the project area. There is no requirement for a census or cut-off date to be imposed according to Kenyan Legislation.

Table 3.2: Gap Analysis between Kenyan legislation and International Standards

Key Aspects	EIB Standards	AFD Standards	Kenyan Law	Comparison gaps	Gap filling measures
Avoidance/ minimization of physical and economic displacement	To avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	Involuntary resettlement should be avoided wherever possible, or minimized, exploring all alternatives.	The Land Registration Act provides for the absolute proprietorship over (exclusive rights) by the state, and such land can be acquired by the land under the Land Act in the project area. Furthermore, the Land Adjudication Act Chapter 95 provides for ascertainment of interests prior to land registrations under the Registered Lands Act.	Kenyan laws do not make provisions for avoidance or minimizing of involuntary resettlement	<ul style="list-style-type: none"> Project measures to avoid and minimize displacement impacts are described in chapter 6. Ongoing dialogue with the Government on replacement land will be undertaken by NaMATA PIU and Project Implementation Consultant. The Project will continue to emphasize the importance of avoiding/minimizing displacement impact.
Valuation of land	Valuation of land by using “replacement cost” It is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels	The methodology to be used in valuing losses to determine their “replacement cost” is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs	Valuation is covered by the Land Act 2012 which stipulates that the affected person receives ‘just compensation’ from National Land Commission (NLC), as determined by NLC. The government has established a compensation principle which is that	Though there is some similarity between the Kenyan Law and the EIB and AFD standards on the valuation of land, the interpretation of ‘just compensation’ in the Kenyan Legislation means the market rate.	<ul style="list-style-type: none"> Implement prompt and effective compensation at full replacement cost for the losses of the land.

Key Aspects	EIB Standards	AFD Standards	Kenyan Law	Comparison gaps	Gap filling measures
	similar to those of the affected land, plus the cost of any registration and transfer taxes.	associated with asset replacement.	compensation for loss of property is paid at market value.		
Valuation of structures	Valuation of Structures using “replacement cost”. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to, or better than, those of the affected structure or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors’ fees, plus the cost of any registration and transfer taxes.	Compensation for lost assets is calculated at replacement as described in the EIB standards.	The Kenyan law recognizes compensation for loss of property including houses, crops and trees due to implementation of development projects. The law recommends a fair and just compensation for loss of property. The government has established a compensation principle, and that is, compensation for loss of property is paid at market value. Property loss falls under four categories namely property owners, business tenants, residential tenant, encroachers (using land) and squatters.	Kenyan laws provide for valuation at market rate while EIB provides for replacement cost.	<ul style="list-style-type: none"> Apply EIB standards on valuation and compensation measures i.e. full replacement cost.
Land and infrastructure	Ensure that displaced persons with titles of land	The policy determine eligibility as: those who	Land compensation at market rate only for titled	No gap in terms of market rate but	<ul style="list-style-type: none"> EIB standards and Kenyan Laws are fully aligned

Key Aspects	EIB Standards	AFD Standards	Kenyan Law	Comparison gaps	Gap filling measures
res privately owned	or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);	landowners or holders of customary rights.	transaction costs must be added to allow for full replacement cost.	however compensation will include 15% allowance to cover full replacement cost.
Legal residents/ households	Ensure that displaced persons without titles of land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	The policy determines eligibility as: those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country).	Land compensation only for titled landowners or holders of customary rights.	GoK legislation does not consider livelihood restoration measures.	<ul style="list-style-type: none"> ▪ Cash compensation. ▪ Relocation assistance (costs of shifting) in the two months after the notice. ▪ Possibility to keep materials (for other constructions). Right to salvage construction materials (without deduction of cost for salvaged material) ▪ Land will be compensated based on market rates (equal to replacement value) including disturbance allowance (15%) and relocation assistance. Assets will be compensated at full replacement value and transition allowance. ▪ For loss of income transport assistance to move business goods will be offered and

Key Aspects	EIB Standards	AFD Standards	Kenyan Law	Comparison gaps	Gap filling measures
					<p>transition allowance equal to 50% of the average income for 18 months</p> <ul style="list-style-type: none"> ▪ Restoration of livelihood (placement of children in new schools, assistance with moving goods, job allocations in case of impossibility to keep old jobs). Vulnerable groups to be offered Resettlement assistance to all PAPs. ▪ Additionally, resettlement assistance to vulnerable groups including access to legal counsel, financial literacy and planning training, opening of bank accounts, transport assistance in filling compensation forms ▪ Ensure that all resettlement options are agreed on with the PAPs and put in place before the displacement of affected persons.

Key Aspects	EIB Standards	AFD Standards	Kenyan Law	Comparison gaps	Gap filling measures
<p>Encroachers and informal residents</p>	<p>Ensure that displaced persons without titles of land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.</p>	<p>The policy determines eligibility as: those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets— provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan.</p>	<p>Encroachers and informal residents are not eligible for compensation.</p>	<p>Kenyan laws do not consider PAPs unprovided of land titles.</p>	<ul style="list-style-type: none"> ▪ Cash compensation for all non-land-based assets such as structures, ancillary structures, trees, crops and other improvements to the land. ▪ Relocation assistance (costs of shifting) and cash compensation in the two months after the notice for those present in the area before cut off date ▪ Possibility to keep materials (for other constructions). ▪ Restoration of livelihood (placement of children in new schools, assistance with moving goods, job allocations in case of impossibility to keep old jobs). ▪ A Security Management Protocol will be developed to ensure forced evictions are avoided.

Key Aspects	EIB Standards	AFD Standards	Kenyan Law	Comparison gaps	Gap filling measures
<p>Consultation and informed participation</p>	<p>EIB standards advise that displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs</p>	<p>The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are (i) Informed about their options and rights pertaining to resettlement; (ii) Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs, the policy is particular on involving vulnerable and marginalized as well as women in the process.</p>	<p>The Land Act outlines procedures for consultation and communication with affected population by the NLC and grievance management procedures. As well as the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012</p>	<p>No gap for titled landowners however Kenyan law is silent on engagement with informal and encroaching/illegal land users..</p>	<ul style="list-style-type: none"> ▪ No need to define measures, for titled landowners since EIB standards and Kenyan Laws are fully aligned. NaMATA to follow guidelines/procedures as outlined in the Land Act for consultation and communication ▪ NaMATA to ensure informal and encroaching PAPs impacted by displacement are included in engagement programme. ▪ Develop a Stakeholder Engagement Plan (SEP) to accompany the RAP and Livelihood Restoration Plan (LRP) ▪ Implement consultation procedures as outlined in the Kenyan legislation, EIB and AFD standards.

Key Aspects	EIB Standards	AFD Standards	Kenyan Law	Comparison gaps	Gap filling measures
Census	Census and a socio-economic baseline survey are required to establish the number of people to be displaced, livelihoods affected, and property to be compensated.	Where involuntary resettlement is unavoidable, either as a result of a negotiated settlement or expropriation, a census will be carried out to collect appropriate socio-economic baseline data to identify the persons who will be displaced by the project, determine who will be eligible for compensation and assistance, and discourage ineligible persons, such as opportunistic settlers, from claiming benefits.	Based on the Land Act section 134 (1), resettlement program is required, but no description of census.	No census requirement in Kenyan Laws.	A census shall be conducted to align with EIB and AFD standards.
Temporary loss for landowners	The EIB policy in involuntary resettlement requires:(i) compensation to restore the structure to its original condition, (ii) inconvenience allowance if the temporary land acquisition produces minor difficulties and, (iii) alternative comparable accommodations, rental	Performance Standard 5 states that involuntary resettlement refers both to physical displacement and to economic displacement as a result of project-related land acquisition and/or restrictions on land use. Resettlement is considered involuntary when affected persons or	Land Act determine that: (1) The Commission shall, as soon as is practicable, before taking possession, pay full and just compensation to all persons interested in the land. (2) An acquiring authority shall pay the first offer of compensation to the	No gap.	<ul style="list-style-type: none"> No need to define measures, EIB standards and Kenyan Laws are fully aligned.

Key Aspects	EIB Standards	AFD Standards	Kenyan Law	Comparison gaps	Gap filling measures
	allowance for equivalent temporary housing, or payment for constructing temporary housing of a reasonable equivalent standard can be provided. If structures themselves are temporarily acquired, or use of the structure is precluded, compensation for moving and restoration expenses are covered	communities do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement. This occurs in cases of (i) lawful expropriation or temporary or permanent restrictions on land use and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.	interested parties before taking possession.		
Temporary Loss for encroachers / informal and illegal users	The EIB policy in involuntary resettlement requires:(i) compensation to restore the structure to its original condition, (ii) inconvenience allowance if the temporary land acquisition produces minor difficulties and, (iii) alternative comparable	Performance Standard 5 states that involuntary resettlement refers both to physical displacement and to economic displacement as a result of project-related land acquisition and/or restrictions on land use. Resettlement is considered involuntary	Kenyan law is silent on encroachers, informal and illegal users impacted by temporary displacement	Significant gap on entitlements for encroachers, informal and illegal land users	<ul style="list-style-type: none"> ▪ Cash compensation to cover temporary disturbance equal to the period of disturbance. ▪ Possibility to keep materials (for other constructions). ▪ Restoration of livelihood (placement of children in new schools, assistance with moving goods, job allocations in case of

Key Aspects	EIB Standards	AFD Standards	Kenyan Law	Comparison gaps	Gap filling measures
	<p>accommodations, rental allowance for equivalent temporary housing, or payment for constructing temporary housing of a reasonable equivalent standard can be provided. If structures themselves are temporarily acquired, or use of the structure is precluded, compensation for moving and restoration expenses are covered</p>	<p>when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement. This occurs in cases of (i) lawful expropriation or temporary or permanent restrictions on land use and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.</p>			<p>impossibility to keep old jobs).</p>
<p>Cut-off date</p>	<p>The EIB identifies a cut-off date in order to prevent people influxing the project area. This measure is stipulated in order to protect the project owner and to prevent wasting of resources.</p>	<p>In the absence of host government procedures, the client will establish a cut-off date for eligibility. Information regarding the cut-off date will be well documented and disseminated throughout the project area.</p>	<p>No cut-off date requirement in Kenyan Laws.</p>	<p>There is a need to identify a cut-off date although GOK does not consider one.</p>	<p>The entitlement cut-off date for the Clean BRT Core Line 3 will be established once the Census is completed for all impacted users within the RoW.</p>

Key Aspects	EIB Standards	AFD Standards	Kenyan Law	Comparison gaps	Gap filling measures
<p>Particular attention to vulnerable people</p>	<p>Improve the standards of living of the affected poor and other vulnerable groups, including women, to at least national minimum standards.</p>	<p>Feasible alternatives of project design must be considered to avoid or minimize physical and/or economic displacement, while balancing environmental, social, and financial costs and benefits, paying particular attention to impacts on the poor and vulnerable.</p>	<p>No additional support to vulnerable households.</p>	<p>EIB requires the identification and engagement with vulnerable groups, and the implementation of differentiated measures to ensure that adverse impacts do not fall disproportionately on vulnerable people and that they are able to participate in development benefits and opportunities.</p>	<ul style="list-style-type: none"> The RAP to provide for inclusion of vulnerable people in the land acquisition and compensation process by identifying, consult with and assess the specific needs of and types of assistance for vulnerable individuals and households are (described in Socioeconomic Baseline, Project Physical and Economic Displacement Impacts, Compensation Entitlement Framework sections).
<p>Provide support for the transition period (between displacement and livelihood restoration)</p>	<p>RAP need to include measures to ensure that the displaced persons are provided assistance (such as moving allowances) during relocation</p>	<p>Transitional support should be provided as necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.</p>	<p>No specific provisions on The Land Act.</p>	<p>The Kenyan law does not mention provision of support during transition.</p>	<p>Relocation assistance (costs of shifting) in the 2 months after the notice. Possibility to keep materials (for other constructions). Restoration of livelihood (placement of children in new schools, assistance with moving</p>

Key Aspects	EIB Standards	AFD Standards	Kenyan Law	Comparison gaps	Gap filling measures
					goods, job allocations in case of impossibility to keep old jobs).
Grievance mechanism and dispute resolution	Call for appropriate and accessible grievance handling mechanisms for both displaced persons and host communities.	For physical resettlement, an appropriate and accessible grievance mechanism will be established.	The Land Act recognizes the right of the affected persons to refer their disputes to the Land and Environment Court, while the Land Policy advocates for negotiation, mediation and arbitration to reduce the number of cases that end up in the court system and delayed justice.	No gap	<p>No need to define gap filling measures, AFD, EIB standards and Kenyan Laws are fully aligned.</p> <p>A Grievance Redress Mechanism (GRM) will be prepared and Grievance Committee formed before compensation and Resettlement. This will be formed in consultation with the project affected persons. This will ensure that issues and concerns of the PAPs are promptly and speedily addressed and minimise litigation options by PAPs.</p> <p>Ensure that the grievance mechanism includes the key EIB and AFD principles such as proper documentation, prompt resolution and providing the resolution at the lowest possible level</p>

Key Aspects	EIB Standards	AFD Standards	Kenyan Law	Comparison gaps	Gap filling measures
Livelihood restoration	<p>People whose livelihoods are negatively affected by a project should have their livelihoods improved or at minimum restored and/or adequately compensated for any losses incurred. This livelihood restoration includes compensation, resettlement and training, credit, job placement, and/or other types of assistance.</p>	<p>Displaced persons should be assisted in improving livelihoods etc., or at least restoring them to previous levels.</p>	<p>The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012 provides for livelihood restoration and resettlement. However, the Legislation does not elaborate on the details of the restoration activities.</p>	<p>EIB Standards elaborates on the livelihood restoration activities including training, credit, job placement, and/or other types of assistance whereas Kenyan Legislation does not elaborate on the details of the restoration activities.</p>	<ul style="list-style-type: none"> The RAP makes provisions for livelihood restoration for the PAPs Livelihood (placement of children in new schools, assistance with moving goods, job allocations in case of impossibility to keep old jobs).
Livelihood restoration and development monitoring	<p>It outlines the responsibilities of parties involved in monitoring and evaluation of the RAP implementation. The mitigation of economic displacement is considered complete when the completion audit concludes that affected persons or communities have received all of the assistance for which they are eligible and</p>	<p>Adequate monitoring and evaluation of activities to be undertaken.</p>	<p>Not specific on the efficacy of compensation modalities to ensure livelihood restoration of displaced persons livelihood</p>	<p>Kenyan laws do not make any provision for monitoring.</p>	<ul style="list-style-type: none"> RAP includes for provisions to ensure that people are able to continue to access the services on which they depend for their livelihoods and wellbeing though a monitoring and reporting program for Compensation and Resettlement Activities.

Key Aspects	EIB Standards	AFD Standards	Kenyan Law	Comparison gaps	Gap filling measures
	have been provided with adequate opportunity to re-establish their livelihoods.				

4. SUMMARY BASELINE

4.1 Introduction

This Chapter aims to characterise the socio-economic context of the Project Area of Influence (AoI) for the proposed Project RoW in support of future resettlement planning. A summary of socio-economic baseline conditions is presented below, specific to the Project AoI.

The summary baseline is based on the findings of ESIA and RAP studies, which have been informed by:

- Desktop studies;
- Kenyan National Bureau of Statistics 2019 Census;
- Socio-economic baseline data obtained for the ESIA;
- Focus Group Discussions (FGDs) with 14 groups along the RoW targeting men, women, youth and people living with disability (PLWD) carried out in January 2021;
- Additional FGDs and application of socio-economic questionnaires to a random sample of 95 individuals / households was undertaken in October and November 2021; and
- Observation and additional Key Informant Interviews (KIIs) with PAPs along the proposed RoW in July 2022.

This baseline has not been informed by a full household survey of all 5,749 PAPs or detailed household socio-economic surveys. The random sample of 95 questionnaires were administered to people who may or may not have assets within the RoW but were within the wider Project area at the time of undertaking socio-economic field studies for the ESIA in November 2021. An additional targeted sample of 80 questionnaires were administered in July 2022 to people with business interests with business or livelihood interests within the RoW. These included chairpersons or leaders of various PAPs occupying the RoW.

The number of PAPs estimated along the RoW increased as a result of the surveys undertaken in 2022, from an initial estimate of just under 3,000 to 5,749. This is due to the inclusion of PAPs along Race Course Road that were missing from the original surveys undertaken in November 2021. It should also be noted that the surveys were undertaken during the last week of July 2022, a period just before the national elections and an influx of informal traders was observed in all sections of the road leading up to the elections, particularly along Haille Selassie and Race Course Road.

A full census, socio-economic survey and asset valuation will be completed for the Final Resettlement Action Plan once final RAP planning commences closer to the proposed construction time. This revised data will be used to update the baseline in the Final RAP Report and confirm the total number of affected PAPs.

4.2 Resettlement Area of Influence

The Project RoW runs through seven sub-counties within Nairobi including: Dagoretti North, Kibra, Starehe, Kamukunji, Mathare, Embakasi West and Embakasi North. The overwhelming majority of PAPs within the RoW are conducting commercial activities – from small scale and informal trading activities (predominantly in Sections A, B and C) to larger businesses with fixed premises (predominantly Sections D and E), that may all be impacted by road widening activities for the development of the BRT Line 3. Traders, even the smallest roadside traders with wares on the road typically purchase a permit from Nairobi City Council. However, some of these permits are not official Nairobi City Council permits and so all traders within the existing KURA RoW are considered to be informal and encroaching the RoW. This removes their entitlement to resettlement support under Kenyan law. The majority of traders, regardless of their size have been in their location for a period of months up to several years, with some of the largest traders found in Section D in location for up to 15 to 20 years. Traders in Section A have been trading at their current location for the last 3 years. Sections B and C have mixed traders with varied duration of stay, the majority being hawkers in this section. Sections D and E have relatively long stays with hawkers on the Outering Interchange.

All traders, regardless of their size are members of small associations and each association has a chairperson. Associations help organise the traders, support applications for permits and in some cases, organise small rotating savings and credit schemes within the organisation. Based on observation, itinerant traders that move daily were limited along the RoW. Traditional hawkers were not observed moving up and down traffic however they do exist in Nairobi in general. This group of traders would need closer examining during the completion of verification surveys when completing the Final RAP Report.

Small minibuses (“matatus”) were also observed to be active along the RoW. Another common activity was undertaken by the “trolleyman” who supported shoppers in transporting purchased goods either to their vehicles or other transport routes. Trolleyman were located on corners and near shops, particularly in the Central Business District (CBD) and dense trading area along Racecourse. A description of the four main types of informal traders found along the route is presented in Table 4.1, while a general summary of the RoW is presented below.

Table 4.1: Common Types of Traders Along the RoW

Type of Trader	Example of Trader
<p>Small roadside informal traders with wares but no infrastructure:</p> <p>Many of these traders have been trading in this spot for more than one year and have paid for permits to trade from the County authority. There are potentially more women involved in this type of trading. This group may also be more itinerant than other types of traders.</p> <p>These traders were predominantly found in Sections B and C but could also be present in D and E.</p>	 <p>Small roadside traders without infrastructures trading on the floor in Section B.</p>
<p>Small roadside traders with tables:</p> <p>These traders are typically less mobile than small roadside traders and were found in each Section along the route.</p>	 <p>Roadside traders with small tables in Section A have been operating at this location for up to 10 years and have paid a fee to the County authority.</p>

Type of Trader	Example of Trader
<p>Small roadside traders with small trading huts:</p> <p>These traders are more permanent and particularly concentrated in Sections C and D but they are also present along Sections B and E.</p>	 <p>Example of small roadside traders with small trading huts that can be dismantled and relocated along Section C.</p>
<p>Larger artisans trading along the roadside with larger, semi permanent trading huts:</p> <p>These traders are largely present along Section D.</p>	 <p>Example of larger artisans such as furniture makers with larger trading huts that can be dismantled and relocated along Section D.</p>



Section A: Kenyatta National Hospital–Haile Selassie Avenue

This section of the route is dominated by Kenyatta National Hospital and NCBA Nairobi Hospital and medical students’ quarters. There is limited activity along the RoW, however there are some small roadside traders with tables set up outside entrances to these medical centres.



Source: Ramboll (July 2022)

Section B: Haile Selassie Avenue Quarry Road

This section is one of the most diverse along the route. It enters the CBD of Nairobi, and the route is lined with a wide variety of permanent shops and roadside traders, particularly smaller informal traders with no infrastructure and wares on the road and traders with small huts. Streets were busy with matatus, motorbike transport and trolley men were busy operating in this section. This section also contains the very busy Race Course Road area that is densely packed with small traders with small huts.



Source: Ramboll (July 2022)

Section C: Quarry Road–Muratina Street

This section includes the busy Koriokor market, where small roadside traders, including drum and hardware sellers are present. This section also includes Juja road, where there will be some physical displacement with several single and multi-storey housing along the route.



Source: Ramboll (July 2022)

Section D: Muratina Street–Outer Ring Road

This section is dominated by the continuation of Juja Road and larger artisan traders such as furniture and coffin makers. There will be some government land acquisition in this section.



Source: Ramboll (July 2022)

Section E: Outer Ring Road–Dandora Railway Station

There is trading activity, including small traders with infrastructure as well as permanent shops at the beginning of this section. There will also be some physical displacement at the start of this section. Land acquisition will be required to divert the Clean BRT Core Line 3 route from Koma Rock Road towards Dandora Railway Station, where there is some roadside trading activity. The majority of land acquisition will be at the end of the route, with land to be acquired from unused/derelict land belonging to the Tononoka Steelworks.



Source: Ramboll (July 2022)

4.3 Demographics

4.3.1 Population

According to the Kenya National Census (2019), the population of Kenya was reported to be 47.5 million in 2019, compared to 28.7 million in 1999, 21.4 million in 1989 and 15.3 million in 1979. This is an increase by a factor of 3.1 over 40 years. Based on the projections of the latest UN data, the current population of Kenya estimate (September 2022) is 56.2 million¹. Nairobi has experienced one of the five highest growth rates in Africa. Since its foundation in 1899, Nairobi has grown to become the second largest city in the African Great Lakes, despite being one of the youngest cities in the region.

The population, number of households, and average household size of the sub-counties which the project corridor passes through, are as follows:

Table 4.2: Distribution of Population, Number of Households and Average Household Size by Sub-County Along the Project Corridor

Project Section	County/ Sub-County	Population	No. of Households	Average Household Size
Section A Kenyatta National Hospital–Uhuru Highway	Kibra	181,509	61,690	2.9
	Dagoreti North	232,365	82,988	2.8
<u>Sections B</u> Uhuru Highway–Quarry Road <u>Section C</u> Quarry Rd–Muratina St.	Starehe	194,726	69,389	2.8
<u>Section D</u> Muratina St. –Outer Ring Road	Kamukunji	263,462	84,365	3.1
	Mathare	204,469	74,967	2.7
<u>Section E</u> Outer Ring Rd–Dandora Railway Station	Embakasi West	267,020	95,364	2.8
	Embakasi North	241,388	86,210	2.8

Source: Kenya National Census (2019) and meetings with Sub-County officials

4.3.2 Ethnicity

Nairobi is a very ethnically diverse city, and Kenya’s major ethnic groups all reside here, including Kikuyu, Luo, Luhya, Kalenjin, Kisii, and Kamba. While it is difficult to know the exact percentages of the ethnic make-up of Nairobi, there are probably more Kikuyu living in the city than any other group. The Kikuyu make-up around 17.1% of the Kenyan population², and their home territory borders Nairobi. In addition to the Kenyan African ethnic groups, there is a sizable population of

¹ As reported by the UN Population Fund: <https://www.unfpa.org/data/world-population/KE> (viewed 15/09/2022)

² As reported by The Star: <https://www.the-star.co.ke/news/2020-02-21-kikuyu-luhya-and-kalenjin-make-up-almost-half-of-kenyan-population/> using the following data: population of Kenya in 2019 was 47.6 million in 2019 and population of Kiuyu was 8.14 million in 2019

Asians, Europeans, and Somalis. Nairobi is also home to a sizable expatriate community as numerous embassies and international organisations have offices in the city.

4.3.3 Religion

The government estimates as of 2019 approximately 85.5% of the total population of Kenya is Christian and 11% Muslim³. These constitute the two largest religious groups. Groups constituting less than 2% of the population include Hindus, Sikhs, Baha'is, and those adhering to various traditional religious beliefs.

During discussions with focus groups, participants agreed that Christianity was the dominant religion in the Project AoI with the communities reporting that Christianity is the most common religion, followed by Islam, and a minority practice traditional belief.

4.3.4 Migrants and Refugees

According to UNHCR⁴, as of 30 September 2021, the population of persons of concern in Kenya stood at 534,622 persons, comprising of 475,865 refugees (89%) and 58,757 asylum-seekers (11%), with a steady increase in the number of new arrivals. Most refugees and asylum seekers in Kenya originate from Somalia (53%).

In March 2021, the Government of Kenya announced its decision to close the Dadaab and Kakuma refugee camps. Subsequently, a Roadmap for Solutions was jointly developed by the Government of Kenya and UNHCR, focusing on six pillars: (1) carry out the verification of the population in Dadaab; (2) resolve the situation of Kenyans who have registered as refugees and refugees who have acquired Kenyan identification (IDs); (3) conduct an intentions survey to assess interest in options for durable solutions for refugees in both Dadaab and Kakuma; (4) support the safe, dignified and voluntary return of refugees to countries of origin, and under the leadership of the Regional Bureau, support regional counterparts to implement programs to facilitate sustainable reintegration; (5) support alternative local solutions in Kenya for refugees and asylum-seekers, including within the framework of the East African Community's Common Market Protocol; and (6) advocate for increased access to resettlement and complementary pathways in third countries for refugees with protection concerns.

The main priorities for the operation in 2022 will be the implementation of these pillars under the Roadmap for Solutions, while preserving the gains made in the Comprehensive Refugee Response Framework (CRRF) approach over the past several years and continuing to provide lifesaving and basic services to refugees and asylum-seekers in the camps and facilitating access to these services in urban areas.

Surveys with trader association chairpersons indicated that Somali refugees were present in the area and as such, they are a potentially vulnerable group. In particular, they are known to supply labour

³ US Department of State 2020 Report on International Religious Freedom: Kenya, released May 12, 2021:

[https://www.state.gov/reports/2020-report-on-international-religious-](https://www.state.gov/reports/2020-report-on-international-religious-freedom/kenya/#:~:text=The%20country's%202019%20census%20recorded,Christian%20and%2011%20percent%20Muslim)

[freedom/kenya/#:~:text=The%20country's%202019%20census%20recorded,Christian%20and%2011%20percent%20Muslim](https://www.state.gov/reports/2020-report-on-international-religious-freedom/kenya/#:~:text=The%20country's%202019%20census%20recorded,Christian%20and%2011%20percent%20Muslim)

⁴ [https://reporting.unhcr.org/kenya#:~:text=As%20of%2030%20September%202021,\)%2CSomalia%20and%20South%20Sudan.](https://reporting.unhcr.org/kenya#:~:text=As%20of%2030%20September%202021,)%2CSomalia%20and%20South%20Sudan.)

/ work for some of the traders along the route. The census and stakeholder engagement to be undertaken for the Final RAP Report will seek to include refugees present along the RoW to understand their interests and identify measures to mitigate any potential impacts to their livelihood.

4.4 Literacy

The literacy rate is high in the Project area based on FGDs and household surveys⁵: 98% are reported literate (Table 4.3) while the illiterate population is only 2%. Ultimately, an outcome of Kenyan government policy is to expand access to all levels of education for all, with a special emphasis placed on secondary education. The respondents with a primary education level (5 years of schooling) are represented by 31% of those surveyed, respondents who have completed secondary school account for 44%, diploma holders account for 14%, graduates account for 6% and the proportion of the population with a master’s degree is 8%.

Table 4.3: Education level of households surveyed

Educational Level	Project Area	
	No. of respondents	Percentage (%)
Illiterate	6	2
Primary	93	31
Secondary	133	44
Diploma	42	14
Graduate	18	06
Master	8	3
TOTAL	300	100

Source: ESIA and RAP socio-economic studies undertaken in November 2021

Almost 47% of the children surveyed are enrolled in primary classes, 24% in secondary school, while 14% and 15% have been enrolled in graduation and master level study. The surveyed respondents advised the survey team that a child begins school at the age of 3 and continues to the age of 20 where full-time employment is then sought.

4.5 Infrastructure and Service Provision

4.5.1 Energy

The main sources of energy in Nairobi County are electricity, solar, LPG, biogas paraffin, charcoal and firewood. Lack of access to clean sources of energy is a major impediment to development through health-related complications such as increased respiratory infections and air pollution. The type of cooking fuel used by households is related to the socio-economic status of households/individuals.

⁵ FGDs and household surveys undertaken in November 2021 as part of the socio-economic studies

High level energy sources are cleaner but cost more and are used by households with higher levels of income compared to simpler sources of fuel such as firewood, which are mainly used by households with a lower socio-economic profile. However, it is noted that firewood is not widely used in the Project AoI. For instance, 63.2% of the population use paraffin as cooking fuel. Other sources of energy for cooking include LPG gas (20.2%), charcoal (10.5%) and firewood (1.8%). About 68.2% of households use electricity as a means of lighting, 28.8% use paraffin while 2.9% and 1.7% use grass and dry cells respectively⁶.

4.5.2 Water Supply

Access to safe water and sanitation is essential for health, security, livelihood, and quality of life, and is especially critical for women and children. Improved water supply and sanitation could thus provide a wide range of benefits such as longer lifespan, reduced morbidity and mortality from disease, and lower health costs. The available existing services and accessibility thereof within communities in the Project area are highlighted in Table 4.4.

Table 4.4: Access to social amenities in the Project area

S #	Social amenities	Available	No access	Satisfaction level
1	Electricity	99%	1%	91%
2	LPG	39%	61%	61%
3	Water Supply	85%	15%	75%
4	Sewerage/Drainage	86%	14%	77%
5	Hospital	100%	100%	81%
6	School	100%	100%	73%

Source: ESIA and RAP socio-economic studies undertaken in November 2021

There was a significant level of dissatisfaction in relation to power failures, lack of clean drinking water, sewerage, and general drainage conditions. Site visits along the alignment revealed significant problems with drainage and solid waste pollution. This supports the view of residents who argued that public utilities are in need of improvement. Surveyed households⁷ also complained of the poor service available in the government hospital. Doctors and medicines are hardly available; hence people are compelled to go to private practitioners for their treatment. In addition, 27% of the respondents are not satisfied with the existing education system in terms of limited staff (teachers) compared to the number of the students, i.e., on average one teacher is available for 50 students. Therefore, while access to services is considered to be high in the Project area, quality of service is a significant issue for many surveyed households.

⁶ FDGs and household surveys undertaken in November 2021 as part of the socio-economic studies

⁷ Households included in the ESIA / RAP socio-economic field studies undertaken in November 2021

4.6 Housing

The types of housing and materials was assessed during household questionnaires and FGDs. Materials used in the construction of dwelling units are an indicator of housing conditions and the extent to which they protect occupants from the elements and other environmental hazards. Availability of materials, costs, weather and cultural conditions have a major influence on the type of materials used in different localities.

Wall materials in Nairobi are mainly characterized by stone, brick/block, mud/wood and corrugated iron sheet. The stone and block walled houses account for 65.9 per cent of households surveyed while wood and corrugated iron sheet account for 31.1%.

The classification by floor type indicates that 75.8% of household have cement floor, 14.2% earthen floor, 7.5% tiles and 2.2% for those with wooden floor. Most of the households in Nairobi have corrugated iron sheet roofed houses which accounts for 56.6%.

Tiles and concrete roofs account for 12.4% and 27.9% respectively.

Within the project area, the survey results indicate that the majority (47%) of the respondents live in temporary houses followed by 44% residing in semi-permanent houses. The lowest number of respondents (9%) live in permanent houses. Permanent Housing within the project area is described as Block residential houses. The semi- and temporary housing includes all the Mabati (iron sheet) and wood houses accommodating the households.

TYPE OF HOUSING

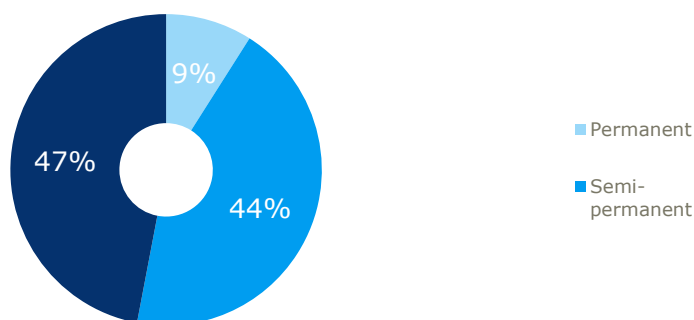


Figure 4.1: Type of Housing for the Respondents⁸

4.7 Gender

4.7.1 Wider Gender Context in Kenya

Kenya is a patriarchal with well-defined roles and responsibilities for men and women. The man is typically seen as the head of the household and expected to provide financial support for the family while women roles include domestic chores, community support and caring for children and other dependents.

This gender-based distribution of roles contributes to gender inequality in Kenya. Women have limited access to decision-making positions and while equal access to education is improving, women still face challenges in accessing higher level education and employment. It has been noted by FGD participants however, that the pace of positive change is greater in urban areas than rural areas. However despite the pace of change, women are still considered a potentially vulnerable group due to their limited access to decision-making and focus on domestic chores.

The new Kenya Constitution (2010) provides a framework to address gender equality and recognizes women's rights as human rights. The Bill of Rights included in the Constitution states: "Every person is equal before the law and has the rights to equal protection and benefit of the law. Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres".

There is also a slow but growing trend for more women in government. The National Gender Equality Commission found that creation of County Governments brought women into public leadership positions⁹. Women have also gained recognition to equality in marriage, in parental responsibility, in employment, and in access to education. As a result, the proportion of women in politics increased from 8.1% in 2002 to 19.8% in 2013. The number of girls attending school has also increased.

However, while progress is being made, it is not evenly spread and gender issues must be considered in the implementation of the RAP, particularly for encroachers. There is a risk that women traders may be excluded from decision making forums related to the implementation of the RAP. Additionally, women in households physically displaced may also need close consideration during implementation to ensure that they can participate in key discussions on replacement housing and compensation. Therefore, due to these risks, women will be considered a potentially vulnerable group with engagement strategies required to ensure they are fully involved in the RAP implementation process. Findings from FGDs with women and men are presented below, outlining gender findings and further potential gender-related risk.

⁸ Source: ESIA and RAP socio-economic studies undertaken in November 2021

⁹ National Gender Equality Commission Annual Report (2018)

4.7.2 Social Baseline Study Findings on Gender

The role of men and women were discussed during the focus groups undertaken for the baseline survey, with the following reported by participants:

- There is a higher percentage of male-headed households than female-headed households in the Project area. ESIA studies found that 46% of surveyed households were found to be managed by women. In most of these cases, the men had left their partner and family, and therefore the women were taking care of their children and income alone. This may limit women's access to decision-making forums on the RAP if they are not able to spare the time, which has been identified as a key gender gap across Kenya as well as the Project area.
- Men in the community are traditionally seen as the principal breadwinners of their families and have the responsibility for decision-making within the family and providing for the family financially. The women surveyed generally commented that they do the traditional unpaid family labour within the household. This may cement gender roles in the household, limiting the opportunities for women to have a say on RAP implementation and replacement housing options for women in physically displaced households.

4.8 General Social Baseline Study Findings

Focus groups undertaken for the baseline survey with men, women and youth provided their perceptions of the Project and their current concerns and issues. All three groups are active traders in the Project AoI. The following points were noted:

- The construction of the proposed Project received equal approval from both men and women.
- Advantages of the project according to the women were highlighted as: the BRT will enhance business, provide increased transport and trade opportunities, and access to health services.
- Disadvantages of the project according to all men and women groups were: expected disruption to businesses during construction, contractors possibly employing unfairly according to ethnicity, HIV/AIDS from worker influx, as well as concerns over health issues from increased transport pollution.
- Women felt the need for the Project and Project benefits outweighed the perceived disadvantages. Men in the community felt that the most important concern to highlight was that that construction should take the shortest amount of time possible.
- Both men and women highlighted that local community members should be used as much as possible during construction and operation.
- Prompt payment of compensation for physically and economically displaced PAPs was mentioned by both men and women as needing to be prioritized, and adequate time for relocation allowed.

- Both genders requested community awareness about the risks of infections brought about by potentially engaging in sexual activities with strangers i.e. influx of construction workers.
- Employment is a priority for youth as very few employment opportunities are said to exist outside trading and labouring opportunities.
- The youth involved participating in FGDs emphasised the need for employment opportunities and would expect employment opportunities from the Project, particularly during construction.
- The general consensus of the project was that the construction companies will promote business, ease transportation and reduce poverty levels in their area.
- There are limited recreational opportunities for youth within the Project area.
- A concern from some youths was that others need to be made aware of the dangers of the BRT Project in terms of health and safety risks during its construction phase as well as during operation when traffic begins.

4.9 Economic Activity and Income

4.9.1 Regional Context

A large segment of the labour force in Nairobi is self-employed, largely in the informal sector, with 1,548,100 people being employed in this sector¹⁰. This is about 3.5 times those in wage employment. The informal sector covers small scale activities that are semi-organized, unregulated and use low and simple technologies while employing a limited number of people per establishment.

The ease of entry and exit into the informal sector, coupled with the use of a low level of technology makes it an easy avenue for employment creation, especially amongst youth.

The level of unemployment in Nairobi stands at 14.7%, the female unemployment rate standing at 18.9%, while that of males is 11.5%¹¹.

The “working poor” account for a substantial proportion of the ‘poor’ population in Nairobi. This reflects in part the fact that the poor are employed in low productivity industries, including the informal sector.

Numerous income generating activities are practiced in the project area. These include employment in government and private sector, operating own businesses such as running fuel stations, auto workshops, shopkeepers, traders, chemists, technicians, plumbers, drivers and transporters. The detail is reflected in Table 4.5 and suggests that most (61%) of the respondents are businessmen, followed the 15% employed in government and 4% in the private sector.

¹⁰ Nairobi City County – County Integrated Development Plan 2018 - 2022

¹¹ Nairobi City County – County Integrated Development Plan 2018 - 2022

Household surveys for the ESIA and RAP (November 2021) also reveal that 11% of the respondents are self-employed and the remaining 9% of the respondents are involved with the driving and labour work. These workers are mostly low paid workers.

Table 4.5: Occupation in the project area

S #	Occupation	No. of Respondents	Percentage (%)
1	Businessmen	112	61
2	Self Employed (technicians, mechanic, carpenter & plumber, ...)	21	11
3	Employee in Government	28	15
4	Employee in private sector	07	4
5	Labourers	07	4
6	Drivers	10	5
TOTAL		185	100

Source: ESIA and RAP socio-economic studies undertaken in November 2021

Almost 71% of the people are employed in the project area, while 29% are reported to be unemployed. The unemployment rate in the project area is high as compared to the average national unemployment rate which stands at 22.3% (KNBS, 2019). However, 70% of the employed are said to be underpaid and hence unable to take care of day-to-day needs.

4.9.2 Social Baseline Study Findings

Economic activities are presented in Section 4.2, with a breakdown of activity along the RoW. In summary there is a particularly high density of smaller traders within the Racecourse area in Sections B and C (Haile Selassie Avenue – Quarry Road – Muratina Street). Traders along the Juja Road in Section D (between Muratina Street and Outer Ring Road) include the larger and more established artisans and woodworkers. As noted earlier in this document, the overwhelming majority of traders along the RoW are informal traders considered to be encroaching on the RoW. As presented in Table 4.1 and Table 4.6, there are a wide variety of trader types. In addition to the high-density trading in Sections B, C and D, trading is the dominant activity in Section E (between Outer Ring Road and Dandora Railway Station), with limited small-scale trading on small tables opposite hospital entrances in Section A (Kenyatta National Hospital).

There are also formal shops within permanent structures along the RoW, particularly in Sections B, C and D. These shops will be potentially impacted by temporary displacement, as discussed in *Chapter 6*.

The types of businesses identified as being present along the RoW through both FGDs and site observation are listed in Table 4.6. Many of these are spread across all sections although some, such as the woodworkers, are concentrated in Section D. An illustration of the types of businesses are also presented in *Chapter 8 Entitlements*.

Table 4.6: Types of Business along the Project Corridor

Types of businesses along the project corridor	Sub-Category
Garment business owners (Caps, bags, clothes, ornaments, beauty products and shoes)	Cloth and accessories shops and kiosks
Groceries/fresh produce vendors	Vegetable vendors
	Fruit Vendors
	Combined Vegetables/Fruits
Fast Moving Consumer Goods (FMCG) and home provision shops and kiosks	Home provisions Shops and Kiosks
Electronic shops, Mpesa, Mobile telephony and related	Electronic Shops
	Mpesa shops and money transfer dealers
	Service and technicians
Wood Works	Furniture
	Caskets
	Wood Resellers and Wholesalers
Social and Entertainment	Bars and Clubs
	Gaming and Betting
	Church affiliates, schools and baby care
Hardware's, household and Constructions Dealers	Resellers of Building materials including sand and ballast
	Service Providers locations
	Household items dealers, toys and used items like chair and beds
Mechanical, motor vehicles tools and other service provider in that sector	Dealers in parts and equipment and tools
	Garages and workshops
	Car and motor-cycle shades and parking's
	Car Wash Bays
Food Vendors	Hotels and Restaurants
	Roasted maize, smokies and sausages in trollies
Other Services	Salons and Body Care
	Cobblers and related services include shoe shiners
	Health stations including weight and related services
	Any other identifiable good and services

Initial FGDs from the ESIA / RAP study found that the majority of respondents in the Project area (34%) earned an average personal income of between KES 20,000-50,000. This was followed by 27% who earned an average income of KES 20,000 or below, 18% who earned an average income of KES 50,000 and above, and 19% of the respondents who gave no response.

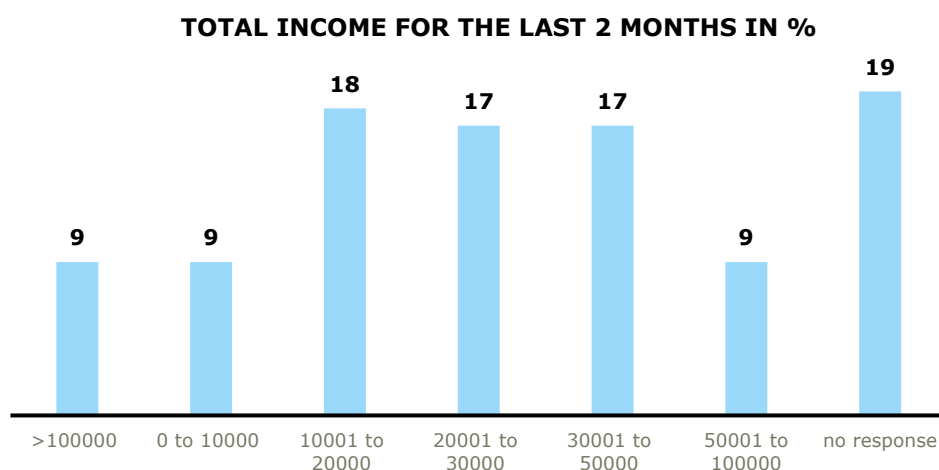


Figure 4.2: Average income earned in the previous two months (September and October 2021)¹²

Further surveys in July 2022 with the chairpersons of trader groups in all RoW Sections provided figures for indicative mean monthly incomes. These are presented below in Table 4.7. Mean incomes fall within the range of incomes identified in Figure 4.2.

Table 4.7: Indicative Mean Income of PAPs per Section

Section	Mean Monthly Income (KES)
A	30,000
B	44,363
C	40,000
D	58,750
E	54,066

The majority of the individuals interviewed stated that they have bank accounts and use them for business and private purposes. Those that do not have bank accounts in the area, are usually illegal immigrants who do not wish to set up bank accounts for fear of repatriation.

4.10 Vulnerability

For this RAP, vulnerable PAPs (and their households) are considered as those with limited assets they can draw upon, and as a result, are less resilient to shocks, which means the loss of land and livelihood assets may disproportionately impact these households. The lack of resources available and the precarious nature of land-based and informal livelihoods in particular means that households

¹² Source: ESIA and RAP socio-economic studies undertaken in November 2021

are less able to adapt or profit from Project related changes. An initial analysis of vulnerable PAPs and households is presented in Chapter 10 on Livelihood Restoration.

The census to be undertaken to prepare the Final RAP Report will focus on the PAPs impacted by resettlement, while ESIA data will provide additional context. The greatest areas of potential vulnerability with reference to physical and economic displacement would be expected to include the following:

- Heads of households 65 years or over: these households may be limited by their human or individual capital, where their age and health may likely limit their livelihood strategy options.
- Women headed households: women are known to face several barriers in society including limited control over decisions related to their land, they tend to dominate the informal sector of work and are more likely to suffer economic and domestic violence. Their education opportunities are also more likely to be limited.
- PAPs residing in destitute households are those with limited financial capital living below the poverty line, who are struggling to cope day to day, putting families at significant risk to any shocks or changes to their daily lives.
- PAPs residing in households who do not have enough to manage and with limited food security.
- PAPs who are disabled or who may have a disabled member in their household who struggle with mobility.
- Illegal immigrants and refugees who may be unwilling to engage with the Project due to their illegal status.

These groups are considered most likely to be the most vulnerable to the loss of assets and income sources. The focus group discussions for the ESIA studies in 2021 had identified 270 households in the project area which are categorised as 'vulnerable'. All 270 households are low-income households, whereby their income is below the poverty level, i.e. below the fixed government minimum wage rate for labour (recently raised to KES 15,120 per month¹³). This survey also established that 37.4% of the households are headed by women and 7.9% of the households have members who have either vision impairment or mobility disabilities. However, this data is general for the Project area and not specific to the RoW.

Additional engagement undertaken in July 2022 to focus on the RoW with County and Sub-County authorities and trader group chairpersons identified 211 potentially vulnerable PAPs actually within the RoW. This data is based on the number of PAPs over 65 and disabled PAPs. It does not include other categories of vulnerability, which will be assessed in the census as part of the final verification to be undertaken prior to completing the Final RAP Report. This data is therefore only an indicator of two types of potential vulnerability.

¹³ <https://www.africanews.com/2022/05/02/kenya-raises-minimum-wage-by-12-as-inflation-soars/>

The greatest area of potential vulnerability for these two categories was identified in Section B, where there is a high concentration of small informal traders. The numbers of potentially vulnerable PAPs within the RoW are presented in Table 4.8 below. However, it should be noted that this number is not exhaustive and based on two criteria of vulnerability only.

Table 4.8: Potentially Vulnerable PAPs

Section	Number	Percentage (%)
A	0	0.0
B	151	71.6
C	40	19.0
D	10	4.7
E	10	4.7
Total	211	100.0

This number will be updated following a full census of PAPs to be completed prior to completing the Final RAP Report prior to Project commencement. Following the full census, this number will be expected to increase as other aspects of vulnerability are assessed. However additional vulnerability context for Project PAPs is provided in *Chapter 9* on Livelihood Restoration, based on limited surveys undertaken in July 2022.

4.11 Summary of Focus Group Discussions (FGD)

Based on 14 FDGs along the RoW during November 2021 for the ESIA it became clear that most of the affected communities are aware of the benefits of a better transport system however share similar concerns and suggestions for the BRT project.

The main short-term concerns are regarding the relocation and compensation process. Communities are aware of the necessary resettlement that will take place but are concerned with the loss of properties and business, the conflicts that may arise and the inclusion of the right affected personnel. It is of major importance that the resettlement process is completed prior to the construction phase.

During the construction phase, common concerns are related to the interference with the local businesses, jobs and lifestyle: alternative routes increasing traffic jams and possible accidents, interference with public utilities (like schools, hospitals, or others), interruption on basic services supply (water, sewer, electricity) and the noise and air pollution are among the main concerns. Also, the rise of insecurity due to loss of jobs or business and the possible Matatus price rising. As a positive factor, communities consider that the construction phase should raise job opportunities for the youth.

There are positive expectations for the BRT operation. Hopes are that the cost and time of travel and goods transport will decrease significantly. It is also expected a fixed price table and schedule to be established. The BRT system will also provide easier access to public utilities (hospitals, schools, Central Business District, others) and improve the security in the area and road safety. The Project will increase local infrastructure and economy, provide local youth with job opportunities and revenue to the GoK. The BRT will maintain better road conditions and reduce the noise, traffic and fuel

consumption/air pollution. The communities are happy to have a new, safer and more comfortable means of transport with proper attention to vulnerable groups, the opening of new routes, a fair price ticketing and a cleaner, safer and prosperous environment.

The main concerns with the general project include the time to complete the project, the loss of jobs and business on parallel markets (e.g. hawking), competition with the Matatu businesses and that outsiders will be brought to work instead of local personnel.

As ways to minimize the impacts derived from the BRT project, the community recommends creating counselling and guidance sessions along the project, to involve the community on updates or changes, aid on youth education and to provide local job opportunities. The communities also recommended proper safety measures to be put in place along the RoW (lighting, speed bumps, zebra crossings, signalling, crossings bridges, special seats for vulnerable groups, etc), pollution to be avoid (for example: spray water on sandy roads) and that Matatu organisations to be engaged. During the construction phase, fair compensation must be provided and proper diversion alternatives with safety signalling and officers involved to control the diversions and avoid accidents and traffic jams.

5. STAKEHOLDER ENGAGEMENT

5.1 Introduction

This chapter describes the stakeholder engagement activities undertaken as part of resettlement planning (and the ESIA) process for the Clean BRT Core Line 3 Project. It provides a summary of consultation with regulatory authorities, local communities, and other key stakeholders. The engagement activities undertaken were designed to share information and knowledge in a timely manner, whilst also seeking to understand and respond to the concerns of potentially impacted or affected stakeholders. The objective of stakeholder engagement is to build relationships based on trust with stakeholders. For the purposes of this document, a stakeholder is defined as persons, groups, organisations, or communities who may be directly or indirectly affected (positively or negatively) by the Project, or who have an interest in the Project. Priority stakeholders are those directly impacted, i.e. those who will be displaced as a result of the Project, either permanently or temporarily. Permanent and temporary displacement impacts are described further in *Chapter 6: Assessment of Resettlement Impacts*.

Stakeholder engagement activities for the Project are being implemented in line with the requirements of the Kenya Land Act (2012), the EIB Environmental and Social Standards and WB Environmental and Social Standards (aligned with AFD requirements), noting that engagement to date has been combined with ESIA engagement and that additional engagement will be necessary with PAPs in order to complete the final RAP. Activities have so far included:

- Identification of key stakeholders;
- Conducting consultation meetings with focus groups, key informants and communities;
- Explaining the Project and its impacts, both positive and negative;
- Assessing the influence and impact of the Project on stakeholders through the ESIA process;
- Presenting findings of engagement; and
- Outlining future engagement requirements to support resettlement planning and implementation.

An overview of stakeholder engagement activities undertaken is presented below.

5.2 Overview of Stakeholder Engagement Undertaken

5.2.1 Stakeholder Identification and Analysis

Prior to undertaking engagement activities, stakeholders were identified and subsequently categorised according to their interaction with the Project. This analysis will be used to ensure ongoing RAP engagement activities will be tailored appropriately to the needs and interests of different stakeholder groups. While the RAP will prioritise PAPs, Table 5.1 also presents additional

stakeholders to be engaged during RAP planning and implementation. This list will be developed further during the preparation of the Final RAP report.

Table 5.1: Identified Stakeholder Groups

Stakeholder category	Specific groups/entities	How they have or will be involved in the project activities	How could the stakeholder contribute to the project?	Level of engagement (High, Medium or Low)	Communication needs
Community	PAPs	<ul style="list-style-type: none"> ▪ Consultative meetings with the PAPs ▪ Disclosure meetings ▪ Consultation on individual entitlements and livelihood restoration options ▪ Consultation on sign-off agreements and compensation offers ▪ Engagement on Grievance Mechanism 	<ul style="list-style-type: none"> ▪ Information sharing on livelihood restoration preferences ▪ Information sharing on options for avoiding and mitigating impacts ▪ Feedback through Grievance Mechanism 	High – as the directly impacted group, they will need to be engaged on entitlements and the RAP process. They should also be informed at any time of all activities and/or changes taking place and when relocation will commence. They will also need regular engagement on livelihood restoration	Ongoing close engagement
	General community members	<ul style="list-style-type: none"> ▪ Sharing information on the ongoing BRT Project ▪ Public meetings (barazas) ▪ Consultation on general entitlements ▪ Engagement on Grievance Mechanism 	<ul style="list-style-type: none"> ▪ Support the community in relocation ▪ Information sharing on options for avoiding and mitigation impacts ▪ Feedback through Grievance Mechanism 	Medium – regular public meetings should be held to brief them on the progress and any changes being planned on the Project	Keep informed
	Community leaders – assistant chiefs, chiefs, elders and other opinion leaders	<ul style="list-style-type: none"> ▪ Sharing information on the ongoing BRT Project ▪ Consultation on general entitlements 	<ul style="list-style-type: none"> ▪ Mobilizing the communities for meetings ▪ Information sharing on options for avoiding and mitigation impacts 	High – they are key in resolving conflict and in supporting the relocation and compensation process. They should be involved regularly and on need-basis	Manage closely

Stakeholder category	Specific groups/entities	How they have or will be involved in the project activities	How could the stakeholder contribute to the project?	Level of engagement (High, Medium or Low)	Communication needs
		<ul style="list-style-type: none"> Engagement on Grievance Mechanism 	<ul style="list-style-type: none"> Resolving grievances and conflict resolution 		
	Multi-stakeholder forums, CBOs, NGOs, Trader associations	<ul style="list-style-type: none"> Sharing information on the ongoing BRT Project Engagement on the Grievance Mechanism Consultation on livelihood restoration programme 	<ul style="list-style-type: none"> Support for livelihood restoration implementation 	Medium: they can play a role in supporting livelihood restoration and community organisation	Regular meetings to brief them on the progress and any changes planned on the Project
Local administration	County Commissioner, Deputy County Commissioners, Chiefs, Assistant Chiefs	Informed on the progress of the Project	<ul style="list-style-type: none"> Support for livelihood restoration implementation Service provision 	High: they are key in resolving conflict, relocation and compensation. They should be involved regularly and on a needs-basis	Keep informed
National Government Departments	National Lands Commission, Ministry of Lands and Physical Planning, NaMATA, NEMA, NMS, KURA, Ministry of Housing	Informed on the progress of the Project	<ul style="list-style-type: none"> Support in Land acquisition, Resettlement, Implementation and Monitoring 	High: they are key in Project implementation	Keep informed
County Government Departments	Departments within Nairobi City County Government	Informed on the progress of the Project	<ul style="list-style-type: none"> Support in Resettlement Guidance on project implementation 	Medium: they will play a role in Project implementation	Keep informed

5.2.2 Stakeholder Engagement Activities

Stakeholder engagement activities undertaken for the RAP are summarised below and a list of meetings undertaken are presented in Table 5.2.

Initial RAP Engagement

Stakeholder engagement for the RAP commenced in January 2021 with key government and local authority stakeholders as well as selected Focus Group Discussions (FGDs) with potential PAPs along the RoW. The objective of these meetings was to introduce the Project and discuss potential resettlement issues.

A second round of engagement was undertaken in October and November 2021 to present the Project and seek views on potential resettlement concerns and options. Three FGDs were organised along the route. Meetings undertaken are presented below in Table 5.2 and Table 5.3. Further details are provided in *Appendix 2*.

Table 5.2: Initial RAP Engagement FGDs

No	Location	Date	No of Participants
1	Kamukuji	14/01/2021	9
2	Starehe	14/01/2021	9
3	Pangani	14/01/2021	9
4	Kariobangi North	15/01/2021	9
5	Dandora	15/01/2021	9
6	Dandora Phase 3&4	15/01/2021	12
7	Kariobangi South	15/01/2021	9
8	Mathare	19/01/2021	10
9	Airbase	19/01/2021	9
10	Huruma	19/01/2021	10
11	Ngara	21/01/2021	9
12	Kilimani	21/01/2021	9
13	Kenyatta	21/01/2021	13
14	Eastleigh North	21/01/2021	9

Table 5.3: Second Round of Engagement FGDs

No	Location	Date	No of Participants
1	Mathare	19/10/2021	25
2	Kenyatta	21/10/2021	31
3	Starehe	22/10/2021	29

Livelihood Restoration Engagement

Additional engagement was undertaken in July 2022 on livelihood restoration. The objective of this engagement was to update the estimate of livelihood restoration impacts and meet with the chairpersons of trading groups to obtain indicative estimates of monthly incomes. Groups include formal and registered groups, formal but unregistered groups, and common interest groups that are not formally organised.

Meetings were also held with County Commissioners, Deputy County Commissioners, Assistant Commissioners, NaMATA and KURA. An initial estimate of potentially vulnerable PAPs was also made during this engagement with local authorities, including estimation of disabled and elderly PAPs. The full list of meetings held between 18–28 July 2022 are listed in Table 5.4 below. Further notes are provided in *Appendix 2*.

Table 5.4: Livelihood Restoration Engagement

Institution/Category	Stakeholder	Justification
National Government	NaMATA	Project Proponent
	County Commissioner	In charge of Project area and coordinator of national government projects
	Deputy County Commissioner	Actors in the Resettlement Action Plan and Livelihood restoration plan implementation and grievance redress mechanism.
	Chiefs	Important participants at the local level in the RAP, LRP and GRM implementation
	Kenya National Highways Authority	Sharing of best practices in the implementation of RAP and LRP
	Kenya Urban Roads Authority	Sharing of best practices in the implementation of RAP and LRP
County Government	Department of Housing and markets	Mandated to develop markets and trade, and revenue collection from markets.
Religious Institutions	PCEA East Leigh	Supports the faith and education sector in the project area.
	Third Street Islamiya Mosque	Project area religious leader and point of refuge for distressed society members
Public Benefit Organisations along Juja Road	Danish Refugee Council (DRC)	Supports livelihoods and education of refugees.
	Rose women	Supports women in enterprise development within the project area
	RefuSHE	Supports women refugees in the the Project area
	HESSED Africa	Supports the health sector in the Project area
	DREAMS.	Supports adolescent girls in the Project area

5.3 Outcomes of Engagement

- The response to the Project has provided some positive thoughts on the Projectand. T there are positive expectations for the BRT operation. These include:
- Hopes are that theThe cost and time of travel and goods transport will decrease significantly;
- It is also expected that Tthe BRT system will also provide easier access to public utilities (hospitals, schools, CBD, others);
- The Project will and improve the security in the area and road safety;

- The Project will increase local infrastructure and boost the local economy (seen as particularly important for traders);
- The project will provide local youth with job opportunities;
- PAPs and other local stakeholders engaged expressed that theyPAPs were happy to have a new, safer and more comfortable means of transport with fair ticketing prices; and
- The Project will provide a cleaner, safer and more prosperous environment.

However, there were also concerns about the Project, particularly relating to displacement, relocation and the compensation process. PAPs are aware of the necessary remobilizations but are concerned with the loss of properties and business, the conflicts that may arise and the inclusion of the right affected personnel. It is of major importance that the resettlement process is completed prior to construction phase.

5.4 Future Engagement

The planned programme of engagement is presented in Table 5.6. The following principles will be applied throughout the implementation of the engagement programme:

- All in-person meetings must be conducted in line with the prevailing Covid-19 restrictions and must be undertaken in line with good practices to minimise transmission risk.
- For meetings, information can be provided through a combination of presentations (using PowerPoint if useful) and supporting hard copy documents to be provided to meeting participants, such as summary RAP information leaflets and maps.
- Prior to each engagement activity, the Project implementation team (see *Chapter 9* on Institutional Framework for Resettlement) must notify traditional authorities as well as the County Commissioner's offices. The preferences of traditional and local authorities in terms of format and timing for prior notification must be elicited and respected.
- For community meetings, notice must be provided to all community members at least 10 days prior to the meeting. This may be done through advertisements, radio, use of mobile message formats to communicate directly with PAPs, etc.
- Notice of meetings with individual PAPs on entitlements and livelihood restoration options must be made at least 10 days prior to meetings in their location. Enough time must be spent in each location (route section) to ensure engagement with individual PAPs is possible.
- Notice of the census and asset valuation survey must be made at least 15 days prior to these activities, with a follow up reminder 10 days prior to these activities taking place to ensure PAPs are available at the time of the census and asset valuation surveys.

Proposed engagement activities are listed in Table 5.6 below.

Table 5.5: Engagement activity to be undertaken prior to and during RAP implementation

Activity	Timing	Stakeholders involved	Purpose
Livelihood Restoration Consultation	September 2022 – September 2023	<ul style="list-style-type: none"> ▪ NaMATA, KURA, ▪ County Commissioners, Deputy County Commissioners, Assistant County Commissioners ▪ Livelihood PAPs ▪ Traditional authorities ▪ NGOs and CBOs 	<ul style="list-style-type: none"> ▪ Identification of trading locations and options ▪ Agreement on livelihood restoration programmes ▪ Identification of potential implementation partners ▪ Discussion on feasibility of livelihood restoration options ▪ Identification of appropriate livelihood restoration measures ▪ To present the Grievance Mechanism ▪ To inform the Final RAP Report
Census and Asset Valuation Verification Surveys ¹⁴ .	To commence 8–10 months prior to scheduled construction	<ul style="list-style-type: none"> ▪ All PAPs along the RoW 	<ul style="list-style-type: none"> ▪ Census data to inform identification of PAPs and targeted livelihood restoration measures ▪ Livelihood restoration data ▪ Asset valuation data to inform final budgeting ▪ Provide update on Project progress to impacted PAPs
RPF disclosure and engagement	Upon approval of RPF	<ul style="list-style-type: none"> ▪ All stakeholders, including PAPs as RPF to be disclosed in the public domain by Lenders 	<ul style="list-style-type: none"> ▪ To inform interested stakeholders of the proposed Project and resettlement process to be followed for the Project.
RAP disclosure and engagement on entitlements	4–6 months prior to construction	<ul style="list-style-type: none"> ▪ Livelihood PAPs ▪ Traditional authorities ▪ County Commissioners, Deputy County Commissioners, Assistant County Commissioners ▪ NLC ▪ 	<ul style="list-style-type: none"> ▪ To inform PAPs of proposed entitlements and livelihood restoration programme ▪ To present an overview of the draft Final RAP ▪ To present the Grievance Mechanism

¹⁴ Note these are the verification surveys to be completed prior to completing the Final RAP Report and are in addition to those surveys and valuation of assets already completed.

Activity	Timing	Stakeholders involved	Purpose
Establishment of Resettlement Working Group and Grievance Committees and Resettlement Steering Committee ¹⁵	2 months prior to construction	<ul style="list-style-type: none"> Proposed members of the Resettlement Working Group and Grievance Committees and Resettlement Steering Committee (see Chapter 9 on Institutional Framework) 	<ul style="list-style-type: none"> To establish the institutional framework for implementing the RAP To implement training on roles and responsibilities To raise awareness of the resettlement committees amongst PAPs
Household sign-off on entitlements and issuing of offer letters	3 months prior to construction of each section – ongoing leading up to their relocation	<ul style="list-style-type: none"> All displaced PAPs 	<ul style="list-style-type: none"> To issue offer letters for cash compensation To discuss final livelihood restoration options to enable households to choose their options To discuss relocation and replacement housing options for physically displaced PAPs To discuss targeted measures with vulnerable households To provide guidance and counselling as required to support PAPs along the route
Engagement on RAP progress	1 month prior to construction of each section	<ul style="list-style-type: none"> Livelihood PAPs Traditional authorities County Commissioners, Deputy County Commissioners, Assistant County Commissioners NaMATA, KURA, NEMA, NLC 	<ul style="list-style-type: none"> To provide an update on the progress of RAP implementation to all key stakeholders
Resettlement Working Group and Grievance Committee engagement	Monthly once established until RAP completion	<ul style="list-style-type: none"> Resettlement Working Group and Grievance Committees 	<ul style="list-style-type: none"> Regular meetings to discuss RAP progress and resolve any issues and grievances
Resettlement Steering Committee	Quarterly once established until RAP completion	<ul style="list-style-type: none"> Resettlement Steering Committee 	<ul style="list-style-type: none"> Regular meetings to discuss RAP progress and resolve any strategic issues and/or ongoing grievances

¹⁵ Additional detail on resettlement committees is presented in *Chapter 9 Institutional Framework for Resettlement*

Activity	Timing	Stakeholders involved	Purpose
PAP Monitoring	Ongoing once implementation commenced RAP has	<ul style="list-style-type: none"> ▪ All PAPs ▪ Ministry of Housing ▪ NLC ▪ NaMATA 	<ul style="list-style-type: none"> ▪ Ongoing monitoring of livelihood restoration options ▪ Monitoring of physically displaced PAPs and relocation to new residential accommodation

5.5 Grievance Redress Mechanism

The mechanism for affected people to raise grievances is presented below and also in the Project SEP. The Grievance Redress Mechanism (GRM) allows PAPs to make a complaint or a suggestion about the way the Project and RAP are being implemented. However, it does not replace existing legal processes and all PAPs have recourse to legal redress in Kenyan Courts of Law in the case of grievances that cannot be resolved through the Project GRM.

5.5.1 Objectives of the Grievance Redress Mechanism

The objectives of the GRM include to:

- Establish a free, fair, and transparent procedure for receiving, recording/documenting, and addressing complaints that is easily accessible, culturally appropriate, and understandable to PAPs and affected communities;
- Inform PAPs and affected communities about the mechanism during the entire resettlement process;
- Consider when and how to seek solutions to complaints in a collaborative manner with the involvement of the affected community and Resettlement Working Group and Grievance Committees;
- Address concerns promptly, using an understandable and transparent process that is readily accessible to all PAPs and wider members of affected communities — at no cost and without retribution;
- Ensure full participation of both genders and vulnerable groups;
- Take into consideration customary and traditional methods of dispute resolution through the establishment of Resettlement Working Group and Grievance Committees;
- Assign consistent, experienced, and qualified personnel within the NaMATA Project Implementation Unit with responsibility for receiving and responding to grievances;
- Establish a redress mechanism so those who feel their grievances have not been adequately addressed have recourse to an external body for reconsideration of their case;
- Document grievances received and responses provided and report back to the community periodically and the Resettlement Steering Committee quarterly;
- Provide periodic reports on issues that the grievance mechanism has identified as of concern to those communities.

5.5.2 GRM development and Implementation

Grievances may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation. During the initial stages of the valuation process, the affected persons must be given copies of grievance procedures as a guide on how to handle

the grievances. A grievance redress mechanism must be developed by the NaMATA PIU immediately and incorporate the principles and high-level process set out below.

The process of grievance redress will start with registration of the grievances with the RAP Implementation team. A local Resettlement Working Group and Grievance Committee (RWGC) (see *Chapter 9 Institutional Framework for Resettlement*) will be established to support grievance management. This committee will be tasked with receiving and verifying information concerning grievances. The grievances that they will review will include non-fulfilment of contracts, issues around compensation, livelihood restoration, or seizure of assets without compensation. The RWGC will be required to work closely with the National Lands Commission on grievance management.

Under the GRM, a grievance register will be maintained by the PIU Grievance Officer and kept at various site offices. All complaints and grievances will be logged in these registers along with details including date of complaint, name and address of complainant, and description of complaint. The grievance log may include grievances associated with resettlement and/or general Project grievances. Therefore, the grievance register will clearly mark/record those grievances that are specifically related to resettlement, to ensure these are identified and available for discussion with the RWGC and if required, NLC. The RWGC will agree any additional details in the register including the corrective action needed, timeframe for corrective action to be taken, and person/project entity responsible for corrective action. Once the corrective action is implemented, the complainant will be informed and the Grievance Officer will document the associated details in the register including the description of action taken, date of action completion, views of the complainant regarding the corrective action, and any residual grievance.

The GRM will be established and operated in a transparent and participatory manner. Complete details of the GRM including its procedures, actions planned, and action taken will be widely disseminated particularly among the local communities, the GRM registers will remain accessible to communities and other stakeholders, and complete information of the corrective actions taken in response to the grievances will be shared with the stakeholders particularly the complainant and related community.

The GRM will be gender responsive, culturally appropriate, and readily accessible to the stakeholders at no cost and without retribution. The mediation process shall be confidential, transparent and objective, as well as accountable, easy, fast, accurate and participative.

The stepwise process of the proposed GRM is summarized below.

Stage 1: When a grievance arises, the affected person may contact the contractor or PIU/Community Liaison Officer directly to resolve the issue of concern. The grievance will be reported to the Grievance Officer and will be logged in the system accordingly. If the issue is successfully resolved, no further follow-up is required.

Stage 2: If no solution can be found at Stage 1, the affected person(s) may submit an oral or written complaint to the RWGC or Community Liaison Officer at sub-location level. The Grievance Officer will log the complaint along with relevant details in the grievance register. The affected person(s) can also approach RWGC or Community Liaison Officer without going through the Stage 1 described above. For each complaint, the Grievance Officer, with support of the RWGC, must investigate the complaint,

assess its appropriateness/eligibility, and identify an appropriate solution. The RWGC will provide a clear response within seven working days to the complainant (if not anonymous), PIU and Contractor (where relevant). The RWGC will, as appropriate, instruct the responsible entity to take corrective actions. The RWGC will review the responsible entity's response and undertake additional monitoring as needed. During the complaint investigation, the RWGC will work in close consultation with the Contractors, the PIC, PIU, and other relevant agencies. The responsible entity should implement the redress solution and convey the outcome to the RWGC within seven working days.

Stage 3: If no solution can be identified by the RWGC or if the complainant is not satisfied with the suggested solution under Stage 2, the RWGC will consult the Resettlement Steering Committee (RSC). The RWGC may also organize a specific RWGC-meeting under the auspices of the PIU, where all relevant stakeholders (i.e., the complainant accompanied by a trusted community representative where desired, the PIU, RSC representatives, and relevant local government offices) will be invited. The meeting will aim to resolve the grievance in a way that is acceptable to all and identify responsibilities and an action plan. The agreed action thus determined should be implemented within 21 days (if additional time is needed to implement the corrective action, it should be discussed and decided during the meeting).

Stage 4: If the affected person/complainant is still not satisfied with the reply in Stage 3, he or she can pursue judicial proceedings. In such cases, the PIU will also inform the Lenders of persistent problems and/or where solutions need to be found at higher levels of government.

5.5.3 Grievance Redress Mechanism Contacts

The GRM developed by the PIU will include full contact details for accessing the GRM. This will be prepared subsequently to this Interim RAP Report. Once developed, key elements of the GRM and contact details will also be provided in the Final RAP Report to be prepared prior to construction. Information on grievance management will also be presented to all PAPs and stakeholders throughout the engagement programme presented in Table 5.5.

6. ASSESSMENT OF RESETTLEMENT IMPACTS

6.1 Introduction

This chapter addresses the predicted physical and economic displacement impacts caused by acquisition of land and construction activities for the BRT Core Line 3 Project. This Chapter specifically aims to classify the types and extent of displacement impacts and is based on the indicative data on impacted land and structures as well as data on roadside users encroaching the existing RoW along the route.

The majority of physical displacement impacts are to walls and other ancillary structures rather than to residential accommodation.

The nature of impact or losses on assets associated with the Project was established by determining:

- whether impact on assets would likely be Permanent or Temporary in nature;
- whether impact on assets would likely be Physical/Tangible or Non-tangible in nature; and
- whether impact on assets would likely cause Displacements or Disturbance/Disruptions.

An asset inventory was conducted by Charles & Barker for permanent structures and land to be acquired in November 2021. A sample of socio-economic surveys also conducted in November 2021 sought to complement the Asset Inventory with quantitative data on a sample of PAPs likely to be impacted along the route. This data is summarised in *Chapter 4 Summary Baseline*.

In addition to the asset surveys conducted in November 2021, additional surveys were undertaken by Ramboll in July 2022 to obtain additional data on traders to inform this Interim RAP Report.

This section describes:

- Permanent loss of assets including:
 - Loss of land for residential, commercial and other uses;
 - Loss of permanent buildings and other fixed improvements to land; and
 - Loss of economic trees and crops.
- Permanent or temporary loss of income and livelihoods:
 - Permanent loss of residential and business accommodation/tenancies;
 - Permanent loss of ground position/location of trading possessions;
 - Temporary loss of income arising from interruptions during construction;
 - Permanent and temporary loss of income by employees;
 - Temporary disruption to transport providers (mutatus); and
 - Temporary loss of access to utilities.

6.2 Permanent Impacts to Land and Physical Assets

6.2.1 Loss of Land

The valuation of land and associated assets identified a total of 18.3 ha to be acquired for the Project RoW. This includes 2.16 ha of private land for RoW expansion, largely along Ring Road Ngara, Juja Road and the Outer Ring/Koma Rock Road. An additional 4.25 ha of land is to be transferred from other GoK departments while a very small area of 19.85 m² is to be provided through the NLC. The majority of land loss will occur in Dandora, with 11.89 ha to be acquired for the Depot. This land is existing industrial land belonging to a private company operating adjacent to the Dandora Railway Station. The total number of affected land parcels is 95 including 88 private parcels, 5 GoK parcels and 2 NLC parcels. Government parcels will not be including in the RAP valuation.

6.2.2 Loss of “Landed Properties”

The initial asset valuation identified 39 permanent “landed properties” which includes buildings with fixed foundations and any civil improvements associated with the building or impacted land to be acquired. In addition, 9 semi-permanent structures within private lands were also identified. The types of structures impacted by section are summarised in Table 6.1. This data is based on asset valuation surveys undertaken in November 2021. The majority of permanent properties will only have external walls and extensions impacted and will not result in the demolition of residential houses. The number of full demolitions will be confirmed in the Final RAP Report upon completion of final asset valuation/verification exercise to be completed prior to construction.

Table 6.1: Type of Impacted Properties

Type of Property	Indicative Number of Permanent Structures	Indicative Number of Semi-Permanent Structures
Section A	0	0
Section B	0	0
Section C	29	0
Section D	7	8
Section E	3	1
TOTAL	39	9

In addition to private property, there will be impacts to government land and structures including Ministry of Interior land and property and civil service estates. As these will required a direct government to government transaction, they will not be valued in the RAP.

6.2.1 Loss of Crops and Economic Trees

There are limited numbers of economic trees within compounds of affected parcels. These include fruit trees providing fruits for households who own them. The total number will be ascertained in the final asset valuation survey for the completion of the Final RAP Report.

There is also some limited informal crop cultivation at the end of the RoW near Dandora. This crop cultivation is informal, within the existing RoW by PAPs who do not own the land. However, where crops are present, these would need to be valued and compensated as an improvement to the land, even where PAPs do not have legal access rights to the land.

6.3 Permanent and Temporary Loss of Income and Livelihoods

6.3.1 Permanent Loss of Residential and Business Accommodation and Tenancies

The number of tenants – either residential or commercial – who may need to relocate is not known and will be ascertained during the asset valuation surveys for the Final Draft RAP.

6.3.2 Permanent Loss of Ground Position/Location of Trading Possessions

Initial baseline studies undertaken in October and November 2021 identified 2,712 traders and vendors along the route, referred to in this document as “livelihood PAPs”. Livelihood PAPs may have permits to trade in their location from the County office, but do not have any legal right to trade from either NaMATA or KURA, who do not issue such licenses. Livelihood PAPs are therefore considered to be informal PAPs.

Additional field studies in July 2022 estimated that up to 5,749 livelihood PAPs may actually be present along the RoW when including traders along Race Course, Haile Selassie and Outer Ring Road. Estimated numbers are presented in Table 6.2.

Table 6.2: Indicative Livelihood PAPs

Route Section	Indicative Number of Livelihood PAPs	Indicative %
<u>Section A</u> Kenyatta National Hospital– Haile Selassie Avenue	50	0.9
<u>Section B</u> Haile Selassie Avenue Quarry Road	2,384	41.5
<u>Section C</u> Quarry Road–Muratina Street	1,812	31.5
<u>Section D</u> Muratina Street–Outer Ring Road	235	4.1
<u>Section E</u> Outer Ring Road–Dandora Railway Station	1,268	22.0
Total	5,749	100

Livelihood PAPs range from those with small ground stalls to larger permanent structures that are not fixed and can be dismantled and relocated. The type of traders along the RoW are presented in Table 6.3.

Table 6.3: Indicative Livelihood PAP Trades and Businesses

Route Section	Type of Trade/Business
<u>Section A</u> Kenyatta National Hospital–Haile Selassie Avenue	Food stalls, florists, airtime voucher vendors, mobile money shops etc
<u>Section B</u> Haile Selassie Avenue Quarry Road	Grocery, beauty products, key cutters, small spares, confectionary, mobile sim cards, snack vendors, clothes, newspaper and book vendors and shoe shiners
<u>Section C</u> Quarry Road– Muratina Street	Small spares, ballast, reusable plastic containers, barbershops, electrical, second hand and light electronics, cutlery, paints, timber and mobile money shops
<u>Section D</u> Muratina Street–Outer Ring Road	Furniture shops, furniture workshops, coffin makers, second-hand clothes, welding and fabrications and motorcycles garages
<u>Section E</u> Outer Ring Road– Dandora Railway Station	Motor spare garages, workshops, hardware, construction materials yards, second-hand clothes vendors, eateries.

For resettlement planning, displacement impacts to livelihood PAPs have been considered as permanent. Although there will be opportunities for some PAPs to return to their preferred trading

location, many will however, be permanently displaced from their preferred location and offered alternative locations¹⁶. Options for their continued ability to trade in new locations are presented in *Chapter 10* on Livelihood Restoration. Further details on the types of traders impacted is presented in *Chapter 8* on Entitlements.

6.3.3 Temporary Loss of Income due to Interruptions During Construction

In addition to the informal livelihood PAPs, formal traders with a fixed shop may lose trade during the construction period. These shops will not be impacted by permanent displacement; however, construction activities may limit or stop clientele from accessing their shops during the construction period. This is most likely to occur in Section B.

6.3.4 Permanent and Temporary Loss of Income by Employees

Employees working for informal traders will lose incomes and this could be a permanent loss of income for employees working for informal traders permanently displaced. Employees working in permanent shops impacted by temporary displacement will also lose income temporarily.

6.3.5 Temporary Disruption to Transport Providers (Matatus)

Mutatus will have their routes disrupted during the construction period. However, NaMATA will be implementing specific measures to support mutatus through the Public Transportation Plan, which is being developed to guide the management of the Mutatu industry. This is a separate programme to the RAP. Disruption to mutatus is seen as an operation issue to be managed rather than a livelihood issue and therefore this impact is scoped out of this Interim RAP and will be scoped out of the Final RAP Report.

6.3.6 Temporary Loss of Access to Utilities and Facilities

Users will temporarily lose access to utilities such as power and water as well as access to roadside crossings and footpaths. This will be a temporary impact during construction and these services will be reinstated following the construction period.

6.4 Level of Displacement Impact

The full extent of displacement impact will be determined prior to completion of the Final RAP Report. Due to the fluid nature of traders in particular, it is acknowledged that the numbers and types of traders, as well as individuals may change between the time of preparing this Interim RAP and the construction period, scheduled for 2025. A final verification census and asset valuation survey will be completed within 8–10 months of scheduled construction to allow enough time for analysis and RAP implementation along the five sections of the route. However, at this stage it is known with confidence that the most significant impacts will be to informal traders (livelihood PAPs) and the circa 48 PAPs losing structures.

¹⁶ The option for providing alternative trading locations will be determined in the Final RAP Report, and is dependent on NaMATA capacity

It is expected that each affected PAP/household will have an individual set of circumstances that will determine the level of impact experienced from economic displacement. The level of displacement impact experienced at a household level will differ depending on several variables.

These include:

- the level of disruption to income caused by the displacement; and
- the level of vulnerability of the household as identified through the socio-economic baseline.

By understanding the likely level of impact at a household level, the Project can focus monitoring efforts and additional support to those households/PAPs that are likely to find it more challenging to recover from the impact of displacement. This understanding shall be further interrogated during the full census of PAPs and even further during household sign-off on entitlements, which will be undertaken during implementation.

7. RESETTLEMENT PRINCIPLES

7.1 Overview

To meet international standards NaMATA shall seek to undertake resettlement in a manner that enables physically and economically displaced persons to at least restore and where possible improve their livelihoods and standards of living. The principles presented below define how this will be achieved in the resettlement process.

7.2 Principles Governing Resettlement

7.2.1 Principle 1: Avoid and Minimise Resettlement Activities

The Project will avoid, and when avoidance is not possible, minimise displacement by exploring micro-sighting options which are technically and financially feasible.

7.2.2 Principle 2: Compliance with National Legislation and International Guidelines

All resettlement activities will adhere to Kenyan legislation and the applicable international standards, in particular the requirements of EIB and AFD.

7.2.3 Principle 3: Consideration of Resettlement in Planning

Consideration of land acquisition and physical and economic resettlement will be integrated into wider Project planning. This will include the potential cost of resettlement, conservative estimates of the time required to undertake resettlement activities prior to construction, logistics and manpower.

7.2.4 Principle 4: Informed Stakeholder Engagement

NaMATA will engage with affected communities and road users. The Project will undertake the stakeholder engagement activities in line with principles of informed consultation and participation (ICP).

The disclosure of relevant information and participation of all affected users and Project affected households will be undertaken during the planning, implementation, monitoring, and evaluation of the land acquisition, resettlement and livelihood restoration activities.

7.2.5 Principle 5: Establishment of a Grievance Mechanism

NaMATA will establish a grievance mechanism which will be disclosed and available to all affected communities, users and households. The grievance mechanism will outline how people can submit grievances and the time within which grievances will be addressed, and who will be responsible for addressing them, including the role of the National Lands Commission and EPC Contractor.

7.2.6 Principle 6: Establishment and Public Disclosure of a Cut-off Date

The Project will establish and publicly disclose a cut-off date to determine eligibility for inclusion in the resettlement process and compensation for loss of assets. The cut-off date will ensure that only genuine affected users are eligible and minimise influx of people into the RoW looking for opportunistic benefits. The cut-off date will be established immediately upon completion of the census.

7.2.7 Principle 7: Recognition of Informal Rights

Affected households and users with no legal rights to land or other assets (i.e without certification) will be included as “displaced persons” provided they have established rights to assets in the affected areas and have been active users of the RoW prior to the publicised cut-off date. This will include all encroachers into the RoW and those active in informal occupations such as vendors and hawking.

7.2.8 Principle 8: Compensation at Replacement Value

All assets will be compensated at full replacement value, defined as the market value of the assets plus transaction costs. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the Project deducted from the valuation of an affected asset.

7.2.9 Principle 9: Restoration of Physical Assets and Livelihoods

Physical relocation of households will be supported through an assistance package tailored to the existing socio-economic conditions and which is culturally appropriate. Replacement lands and resources will be located as close as possible to the original household location. Affected households/individuals will be involved in these decision-making processes.

Livelihood restoration measures will be developed taking into consideration current livelihood activities, development benefits associated with the Project and availability of replacement lands/resources.

7.2.10 Principle 10: Identification and Special Measures for Inclusion of Vulnerable Groups in the Resettlement Process

The Project will identify people who are vulnerable and provide them with special measures to manage displacement impacts. Vulnerable people are often unable to engage in the resettlement process including consultation activities and are less likely to be able to take advantage of development benefits without special measures.

7.2.11 Principle 11: Long-term Monitoring and Evaluation of Resettlement Measures

The Project will develop a programme of monitoring and evaluation to provide timely information regarding the success of the resettlement activities including livelihood restoration measures and development benefits and if corrective measures are required to address emerging issues. The monitoring will be undertaken for a period of 1–3 years depending on the nature and magnitude of the resettlement activities.

8. ENTITLEMENTS

8.1 Overview

This chapter provides an overview of the criteria for eligibility for compensation and a description of the indicative entitlements proposed for the Project in accordance with Kenyan laws and international requirements (both EIB and AFD standards). This is based on the anticipated losses associated with the Project as summarised in *Chapter 6 Assessment of Resettlement Impacts*. This chapter also presents an indicative entitlement matrix that proposes additional compensation measures as required to align with international standards.

8.2 Defining Eligibility and Entitlement

8.2.1 Eligibility and Entitlement under Kenyan Law

Eligibility

Eligible groups recognised by Kenyan law are summarised in Table 8.1 and described below.

Table 8.1: Eligible Groups in accordance with Kenyan Law

Type of Impact	Eligible Groups in Accordance with Kenyan Law
Loss of Permanent Buildings/Structures, including ancillary structures	Owners of building with title deeds or similar document
Loss of Land	Owners of land with land deeds or similar document including institutional, residential and commercial landowners
Loss of rented business accommodation	Tenants with formal rental contracts
Roadside Utilities	Respective service providers
Community facilities and access points	Title holders of community facilities including schools, churches, mosques, etc.
Loss of economic trees	Economic trees such as fruit trees on private land (outside the existing RoW).

Transport operators are an additional eligible group. These include taxi and bus (“matatu”) operators in Nairobi. Transport operators have been scoped out of resettlement planning for this Project as these will be supported by an alternative government scheme.

8.2.2 Gaps to International Standards

As described in *Chapter 3 Policy, Legal and Regulatory Framework*, several gaps have been identified with respect to consistency with international standards (specifically EIB and AFD applicable standards). Additional eligible groups are summarised in Table 8.2.

Table 8.2: Additional Eligible Groups in accordance with International Standards

Type of Impact	Eligible Groups in Accordance with International Standards
Loss of Permanent Buildings/ Structures	Owners of building without any documentation
Loss of temporary business structures	Owners of temporary roadside structures that are not permanently fixed with foundations and can be dismantled and relocated (see Table 8.3)
Loss of livelihood and business location	Vendors, itinerant traders, business owners (see Table 8.3)
Loss of employment	Salaried employees
Loss of crops	Owners of crops farmed within the existing RoW

EIB ESS6 and WB ESS5 (applicable standard of AFD) require that all displaced persons or Project Affected Persons (PAPs) are eligible for certain types of mitigation measures. They may be classified as:

- Persons with formal legal rights to land or assets (including customary and traditional rights recognized under national laws);
- Persons who do not have formal legal rights to land and/or assets, but who have claims to land or assets that are recognised or recognisable under national laws or customary and traditional rights;
- Persons who occupy/use the land and/or assets but have no recognizable legal rights or claim to it/them.

Therefore, eligible persons in the context of this Interim RAP Report shall include those considered legal and illegal users and residents with assets and/or livelihoods that fall within or directly adjacent to the RoW. This includes all those who gain a benefit or utilise the public land/spaces or improvements within the RoW irrespective of their legal standing under Kenyan law. Some impacts may also occur outside the RoW, however these will be identified in the final verification surveys.

The Entitlements Framework presents the entitlements that align with both Kenyan law and applicable international standards for all individuals, users or households impacted by the proposed Project. Entitlements include cash-based compensation as well as livelihood restoration and other allowances to support affected users of the RoW. In accordance with international applicable standards, where possible and reasonable, a range of livelihood assistance options will be provided that allow households to select the type of compensation that best suits their unique conditions.

8.2.3 Informal Livelihoods

As identified in Chapter 6 Assessment of Resettlement Impacts, the overwhelming majority of impacts are to informal livelihood PAPs. These include the various traders along the RoW of varying types (as described in Chapter 4, Table 4.1) who are not eligible for compensation under Kenyan law and many of whom will be permanently displaced. It should be noted that while these traders are informal squatters on the RoW, many (of all sizes) have paid for permits from the County authorities and are

organised, either formally or informally through small associations. Additional livelihoods such as transport operators and cart and trolley owners (who transport goods for shoppers) will also be impacted but on a small scale and will be easy to relocate. These two livelihoods are considered further in *Chapter 10 Livelihood Restoration Plan*.

8.3 Valuation

The basis for valuation in Kenya is the Land Act (2012) and the Valuers Act (Cap 532). Under these laws, valuation and subsequent compensation is to be composed of the following:

- 'Market Value' of land (in the case of land acquisition) as at the date of publication in the Gazette of the notice of intention to acquire the land; and
- Damage sustained or likely to be sustained by persons interested at the time of the Commissioner's taking possession of the land by reason of severing the land from his other land.

The law also makes provisions in the event that the acquisition of land affects other property, whether movable or immovable, or in any other manner, actual earnings. In this case:

- Reasonable expenses incidental to the change will be compensated;
- Damage to profits will be considered; and
- An additional 15% to market value, by way of compensation for disturbance will be provided.

In accordance with international best practice, valuation of assets and incomes will consider full replacement cost (inclusive of all transaction costs and exclusive of depreciation) and will consider a reasonable time to replace lost income in the form of transition support as outlined below.

8.4 Entitlements for Compensation

8.4.1 Requirements

In addition to compensation provisions, the Project will be guided by both Kenyan law and EIB ESS6 and AFD ESS5 requirements for the restoration and/or improvement of means for income earning capacity, productivity levels and associated livelihoods.

International standards acknowledge that compensation alone does not guarantee the restoration or improvement of economic conditions of displaced persons. NaMATA PIU will therefore be required to play a proactive role in supporting livelihood restoration.

8.4.2 Provision of Cash Compensation

The majority of impacted persons will run or manage a business of various size. Therefore, the risk of mismanagement of cash compensation is lowered in this context. However appropriate advice is still

recommended for vulnerable individuals and for those receiving cash income for structures. This will be incorporated into tailored livelihood restoration support. Advice can be provided through third parties and may include: financial forward planning; investment options; improvement of business ventures; training opportunities; and staggered compensation for large cash sums for structures. Cash compensation may include the following categories:

- Cash for replacement of assets at full replacement cost. To ensure full replacement cost is provided, a disturbance allowance will be added equal to 15% of total compensation to cover transaction costs and relocation costs. This will be applied to compensation for land, structures and trees.
- Relocation allowances will be added to livelihood impacts, to ensure traders have the funds to relocate their wares and structures. Relocation allowances will be based on a fixed rate / amount tailored to the locality and will not be calculated for each individual trader.
- Transitional support will be provided to support livelihood restoration (see Chapter 11). Transition support is provided to ensure traders have some income support while they are relocating their businesses and restoring their livelihood. Transition support will be calculated as a fixed amount based on the type of business and will not be calculated separately for each trader. Transition support will be up to a maximum of 6 months for those trading groups that will take longer to relocate and re-establish their businesses. It will be shorter for temporary impacts and only for the duration of the impact (i.e. if the temporary disturbance impact is only 2 weeks, transition support will only cover this 2-week period).

8.4.3 Replacement Housing, Commercial and Community Structures

The Project should, as far as possible, avoid physical displacement. In the event that this is not possible, cash compensation for structures will be the most likely replacement option. However, this shall be supported by a self-build replacement programme that is based on an approved structure plan and construction programme that is closely monitored by NaMATA PIU. The self-build replacement programme may include options for purchasing and renovating existing buildings to the required standards.

Auxiliary household structures can either be compensated in cash or rebuilt by the Project. In either case materials will be allowed to be salvaged.

The Project will rebuild all replacement communal structures (e.g., schools and churches) with preference for local contracting and employment opportunities. Communal facilities will be designed in consultation with the sub-Counties and affected users.

8.4.4 Livelihood Restoration

Through consultation with project affected persons and key stakeholders NaMATA PIU will agree on a livelihood restoration programme for all eligible persons. The livelihood restoration programme will

comprise, by agreement, measures that provide access to livelihood restoration interventions that may include:

- Restoration of temporary business structures;
- Restoration of affected areas within the road reserve and make them suitable for use by vendors;
- Training with a focus on business and start-up opportunities; and
- Grants to support inputs for businesses.

Indicative livelihood restoration measures are presented in *Chapter 10 Livelihood Restoration Plan*.

8.4.5 Access to Project Development Benefits

All affected communities will be provided with the opportunity to access development benefits associated with the Project. This could include access to formal wage-based employment opportunities on the Project or training and skills development in order to supply goods and services, or participation in community development programmes.

8.4.6 Assistance to Vulnerable People

Vulnerable persons and households will be identified through the census (as described in *Chapter 4 Summary Baseline*). These households may need tailored measures to support livelihood restoration and access to specific training and support shall be provided.

8.5 Entitlements Framework

The entitlements framework is presented in Table 8.3.

Table 8.3: Provisional Eligibility and Entitlement matrix

Type of Loss/Impact	Eligible Persons (Beneficiaries)	Eligibility	Entitlement under Kenyan Law	Additional Entitlement in accordance with Lender Standards
Loss of Land	Commercial or residential landowners	Title holder and lease agreement holders (impacting 14.05 ha of land)	<ul style="list-style-type: none"> Cash compensation at market value Resettlement assistance to meet “just compensation” (not clearly defined) 	<ul style="list-style-type: none"> Disturbance allowance (15%) to cover transaction and relocation costs to meet full replacement cost
	Institutional/government land	Relevant government departments (impacting 4.25 ha of land)	<ul style="list-style-type: none"> Government to government arrangement 	<ul style="list-style-type: none"> No further requirements
Loss of Building & Structures	Structure owner	All 48 structures affected whether in existing RoW or new RoW	<ul style="list-style-type: none"> Cash compensation at market value No entitlement for buildings encroaching existing RoW 	<ul style="list-style-type: none"> Cash compensation to cover full replacement cost of a new like-for-like structure Disturbance allowance (15%) to cover transaction and relocation
	Structure owner	Ancillary structure/perimeter walls and civil improvements whether in existing RoW or new RoW	<ul style="list-style-type: none"> Cash compensation at market value No entitlement for structures encroaching existing RoW 	<ul style="list-style-type: none"> Cash compensation to cover full replacement cost of a new like-for-like structure Disturbance allowance (15%) to cover transaction and relocation
	Government buildings and ancillary structures/perimeter walls and civil improvements	Relevant government department	<ul style="list-style-type: none"> Government to government arrangement 	<ul style="list-style-type: none"> No further requirements
Loss of Livelihood	Roadside vendors ¹⁷ including small roadside informal	Individuals, those with membership in Saccos, area Business committees, etc	<ul style="list-style-type: none"> No entitlement 	<ul style="list-style-type: none"> Relocation allowance based on an established fixed amount

¹⁷ Note the majority of impact will be to roadside vendors and owners of vending platforms, where an estimated 5,749 livelihoods will be impacted.

Type of Loss/Impact	Eligible Persons (Beneficiaries)	Eligibility	Entitlement under Kenyan Law	Additional Entitlement in accordance with Lender Standards
	traders with wares as defined in Table 8.3			<ul style="list-style-type: none"> ▪ Livelihood restoration programmes ▪ Transitional support for loss of income for 3 months
	Owners of vending platforms/ temporary business structures ¹⁸ including roadside traders with tables, small roadside traders with small trading huts and large artisans trading along the roadside as defined in Table 8.3	Owners may or may not hold leases and business permits, may have membership in Saccos, area Business committees, etc	<ul style="list-style-type: none"> ▪ No entitlement 	<ul style="list-style-type: none"> ▪ Relocation allowance based on an established fixed amount ▪ Livelihood restoration programmes ▪ Transitional support for loss of income for 3 - 6 months
	Structure owners earning rental income from their property	Structure owners	<ul style="list-style-type: none"> ▪ No entitlement 	<ul style="list-style-type: none"> ▪ Transition support for loss of rental income for up to 6 months.
	Employees	Employees with paid salaries of impacted businesses	<ul style="list-style-type: none"> ▪ No entitlement 	<ul style="list-style-type: none"> ▪ Transition support for up to 3 months for paid employees for loss of income
	Taxi drivers, PSV, & Motorbike operators	Membership in SACCOs and business associations	<ul style="list-style-type: none"> ▪ No entitlement 	<ul style="list-style-type: none"> ▪ Alternative parking points ▪ Considerations in designs for laybys and taxi ranks ▪ Participation in stakeholder engagement programme
	Cart/Trolley owners transporting market produce	Non-motorized transporters (hand carts & Trolley)	<ul style="list-style-type: none"> ▪ No entitlement 	<ul style="list-style-type: none"> ▪ Alternative parking points

¹⁸ Note the majority of impact will be to roadside vendors and owners of vending platforms, where an estimated 5,749 livelihoods will be impacted.

Type of Loss/Impact	Eligible Persons (Beneficiaries)	Eligibility	Entitlement under Kenyan Law	Additional Entitlement in accordance with Lender Standards
				<ul style="list-style-type: none"> ▪ Considerations in designs for provision of parking/loading zones ▪ Participation in stakeholder engagement programme
	Hawkers and itinerant traders	Itinerant traders with no fixed trading location	<ul style="list-style-type: none"> ▪ No entitlement 	<ul style="list-style-type: none"> ▪ Participation in stakeholder engagement ▪ Due notice at least 2 months before start of disturbance period
Loss of Tenancy	Residential and business tenants	Tenants with formal tenancy agreements or no agreement	<ul style="list-style-type: none"> ▪ No entitlement 	<ul style="list-style-type: none"> ▪ Cash compensation for advance rent payment of 6 months ▪ Transport allowance
Temporary loss of business	Business owners	Business owners inside (and potentially outside) the RoW	<ul style="list-style-type: none"> ▪ No entitlement 	<ul style="list-style-type: none"> ▪ Transition support for loss of income for period of disturbance only
Loss of Trees	Owners of trees to be moved within the RoW	Title holders/lease agreement holders	<ul style="list-style-type: none"> ▪ Cash compensation at market price ▪ No entitlement for trees located in existing RoW 	<ul style="list-style-type: none"> ▪ Disturbance allowance (15%) to cover full replacement cost ▪ Replacement trees to be planted
Loss of Crops	Crop owners	Owners of crops with no title/permits encroaching within RoW	<ul style="list-style-type: none"> ▪ No entitlement 	<ul style="list-style-type: none"> ▪ Cash compensation in accordance with most recent market rates ▪ All PAPs entitled whether in existing or new RoW
Road crossings, access points and foot paths	Communal users	Schools, institutions, businesses and community	<ul style="list-style-type: none"> ▪ No entitlement 	<ul style="list-style-type: none"> ▪ Establishment of alternative road crossings, paths and access points in affected areas. ▪ Installation of foot bridges and safe road crossings

Type of Loss/Impact	Eligible Persons (Beneficiaries)	Eligibility	Entitlement under Kenyan Law	Additional Entitlement in accordance with Lender Standards
				<ul style="list-style-type: none"> ▪ Provision of traffic marshalls during construction
Loss of Roadside Utilities	The respective service providers	Utilities (Electrical, street lighting, Sewer lines and Water pipelines and telecommunication lines	<ul style="list-style-type: none"> ▪ Collaborate with the respective service providers to: ▪ Notify users of intended disruptions ▪ Provide alternative sources where possible ▪ Provide service ducts in the project designs. 	<ul style="list-style-type: none"> ▪ No further requirements
Loss of income to vulnerable households	Vulnerable households	Vulnerable households	<ul style="list-style-type: none"> ▪ No entitlement 	<ul style="list-style-type: none"> ▪ Tailored livelihood restoration measures

9. INSTITUTIONAL FRAMEWORK FOR RESETTLEMENT

9.1 Introduction

The implementation of a RAP is typically overseen by a functional and effective institutional framework that brings together stakeholders to collectively achieve and oversee the land acquisition and resettlement process. Resettlement institutions are responsible for guiding preparation, implementation and monitoring of a RAP. The proposed institutional framework set out in this Chapter outlines the expected interfaces for all stakeholders involved in future RAP implementation, allowing for close cooperation between NaMATA Project Implementation Unit (PIU) and other key stakeholders including National Lands Commission, National Ministry of Finance, seven affected Sub-Counties, NEMA, Project Implementation Consultant (PIC), key experts, Lenders, affected households and RoW users and any identified implementing partners.

Due to the linear nature of the Project, a limited two-tier system is proposed comprising the following:

- Three Resettlement Working Group and Grievance Committees (RWGC) for five sections: one clustering Sections A and B, one for Section C and one clustering D and E along the RoW. The RWGCs will involve those with key roles from the PIU in the resettlement implementation.
- One Resettlement Steering Committee (RSC) to review the activities of the separate RWGCs to ensure adequate progress in the correct direction from all parties involved in the resettlement process.

9.1.1 Resettlement Working Group and Grievance Committee

Resettlement Working and Grievance Committee Roles and Responsibilities

The RWGCs will be the main interface between affected RoW users/affected persons and the resettlement process and will be primarily responsible for ground level coordination of the RAP implementation. They will play a key role for solving any complex grievances and disputes, as well as potential requirements to deviate from this RAP or where coordinated actions are required from multiple parties. However, the RWGCs will also have a more general role in RAP implementation.

RWGCs will have prime responsibility for:

- coordinating and overseeing the resettlement process and all those participating in it;
- interfacing with the Project in relation to options, timing and phasing of the resettlement and compensation process;
- overseeing entitlements payments and eligibility criteria;
- overseeing the identification of potential resettlement locations;
- considering grievances that cannot be resolved locally;

- conflict resolution and alerting the RSC if there are issues that cannot be resolved or emerging issues and trends;
- discussing the results of resettlement monitoring and evaluation activities and agreeing modification as required; and
- reporting to the RSC.

Resettlement Working Group and Grievance Committee Composition

It is proposed that the RWGCs be composed of the following core members:

- PIU/PIC Resettlement Manager;
- PIU/PIC Stakeholder Engagement Lead;
- PIU/PIC Grievance Officer;
- PIC E&S Lead;
- EPC E&S Lead;
- Chiefs and Community Leaders;
- Local Member of Council Assembly (MCA) representative;
- Business owners – including permanent, transport, vendors, etc
- Women representatives (for all road sections);
- Youth and disabled representatives;
- Civil society organisations (CSOs) registered at County Commission;
- Sub-County representative;
- NLC representative to be invited in the case of a dispute or grievance relating to land; and
- PIU and PIC team members as required to support in discussion on specialist issues (such as livelihood restoration).

Timing

It is recommended that the RWGCs meet monthly and initially be convened during the disclosure and compensation payment period. Monthly meetings should continue until three months after all compensation has been paid, the existing RoW has been cleared and all land to be acquired has been handed over to the Project. Meeting frequency may then be adjusted to quarterly for the following year and then six-monthly until closure of the resettlement programme. The RWGCs will not commence and end their role at the same time, noting that RWGCs will be established first in the sections where construction will commence first.

9.1.2 Resettlement Steering Committee

Resettlement Steering Committee Responsibilities

The RSC provides higher level oversight of the resettlement process, and meets less frequently to review progress, and resolve any issues that cannot be resolved by the RWGs. This is the forum where

strategic, high-level issues are resolved such as financial, legal or schedule-related issues. The RSC is also responsible for policy-related decision making and compliance with the regulatory framework and financing requirements (as described in *Chapter 3*) as well as the Project's internal standards (including those of EIB and AFD) and operating procedures.

The main responsibilities of the RSC include:

- ensuring alignment between NaMATA, PIU, PIC, NLC, NEMA, KURA, sub-County authorities and affected users within the RoW with respect to RAP implementation, payment of compensation and timing;
- providing an advisory role to the PIU (and RWGCs as required), which includes resolving internal and external resettlement issues and monitoring the budget;
- overseeing compliance and governance issues and ensuring the resettlement process is managed fairly and transparently and is free from corruption or bribery, etc;
- reviewing RAP monitoring reports to ensure that any issues are addressed in an efficient and effective manner;
- ensuring independent external monitoring and reviews are conducted as specified in the RAP;
- responding to implementation problems identified in internal and external monitoring reports; and
- ensuring adequate information sharing with, and feedback to, the PIU on new/modified processes and decisions taken.
- Resettlement Review Committee Composition

It is proposed that the RSC composition includes:

- PIU Manager
- NaMATA Management Representation
- PIU/PIC Resettlement Manager;
- PIU/PIC Stakeholder Engagement Lead;
- Country and Sub-County representative;
- MCA representatives;
- NLC representative;
- NEMA;
- KURA;
- CSO representative;
- Expert input (either NaMATA, Ministry of Housing, KURA, PIU, PIC or external) as required such as Legal, Financial, Engineering, Socio-economic, etc.

Lender (EIB and AFD) representation may also participate in the RSC. It is important that the NaMATA/PIC representation on the RSC is senior enough to:

- *Maintain control:* to provide an element of control over responses to resettlement issues. Involvement will also ensure that issues receive a unified senior management response. Involvement is also important for maintaining control of the budget.
- *Information:* involvement of PIC senior management in the RSC will ensure they are informed of, and will be involved in issues as they arise, giving greater insight into how the resettlement is going as well as understanding of where improvements may be needed. This will help NaMATA and PIC to be more responsive to issues.

9.1.3 Capacity Building

Capacity Building is to be planned for the community representatives and PIU members sitting on the RWGs or RSC, to ensure that the committees are able to govern the resettlement process to meet international standards as well as Kenyan legal requirements.

This may take the form of a workshop, to be facilitated by the PIU (or an external consultant with experience or resettlement to international standards) and should be conducted soon after establishment of the committees.

9.2 Resettlement Implementation Team

This section presents an overview of the proposed implementation team structure. The RAP implementation team includes NaMATA PIU personnel and Project Implementation Consultant personnel. The RAP Implementation Team will be responsible for RAP preparation and implementation, internal monitoring and evaluation during the implementation process, and grievance management throughout the process. The RAP Implementation Team will also be responsible for facilitating the RAP RWGCs and RSC as well as liaising with other key stakeholders and Lenders.

A proposed structure is illustrated in Figure 9.1. The proposed team roles and responsibilities are presented in Figure 9.1 and Table 9.1, separated into:

- **PIU roles for management and general roles;** and
- **PIU (or PIC) RAP roles where experience of international best practice is required.**

It is recommended that NaMATA identify a team with experience of implementing resettlement to international standards to ensure that implementation is consistent with the required standards (EIB ESS6 and WB ESS 5). On this team, experienced personnel will need to fill the roles of RAP Manager, Resettlement and Compensation Lead, Data Manager, and Livelihoods Restoration Lead. It is recommended that the RAP Implementation Team report monthly on implementation progress, quarterly on outcomes and bi-annually on impacts to socio-economic circumstances of PAPs (dependant on the findings of the RAP census and socio-economic survey). Monitoring and evaluation are discussed further in *Chapter 11 Livelihood Restoration Plan*.

NaMATA will be required to identify suitably qualified personnel who can fulfil the roles identified in Figure 9.1 and Tabel 9.1 below. It should be noted that it may be possible to share some roles. For example, CLOs may also be able to perform the role of M&E Officers. The Resettlement Manager may be able to also take on the role of Resettlement and Compensation Lead, or M&E Lead. The most important consideration is that somebody with the appropriate knowledge and experience fills each of the identified roles presented below. This will require a significant input of resources by NaMATA in addition to what is considered in the PIC budget. Implementation will require significant commitment by NaMATA to ensure the right personnel are in place.

Figure 9.1: Implementation Team Structure

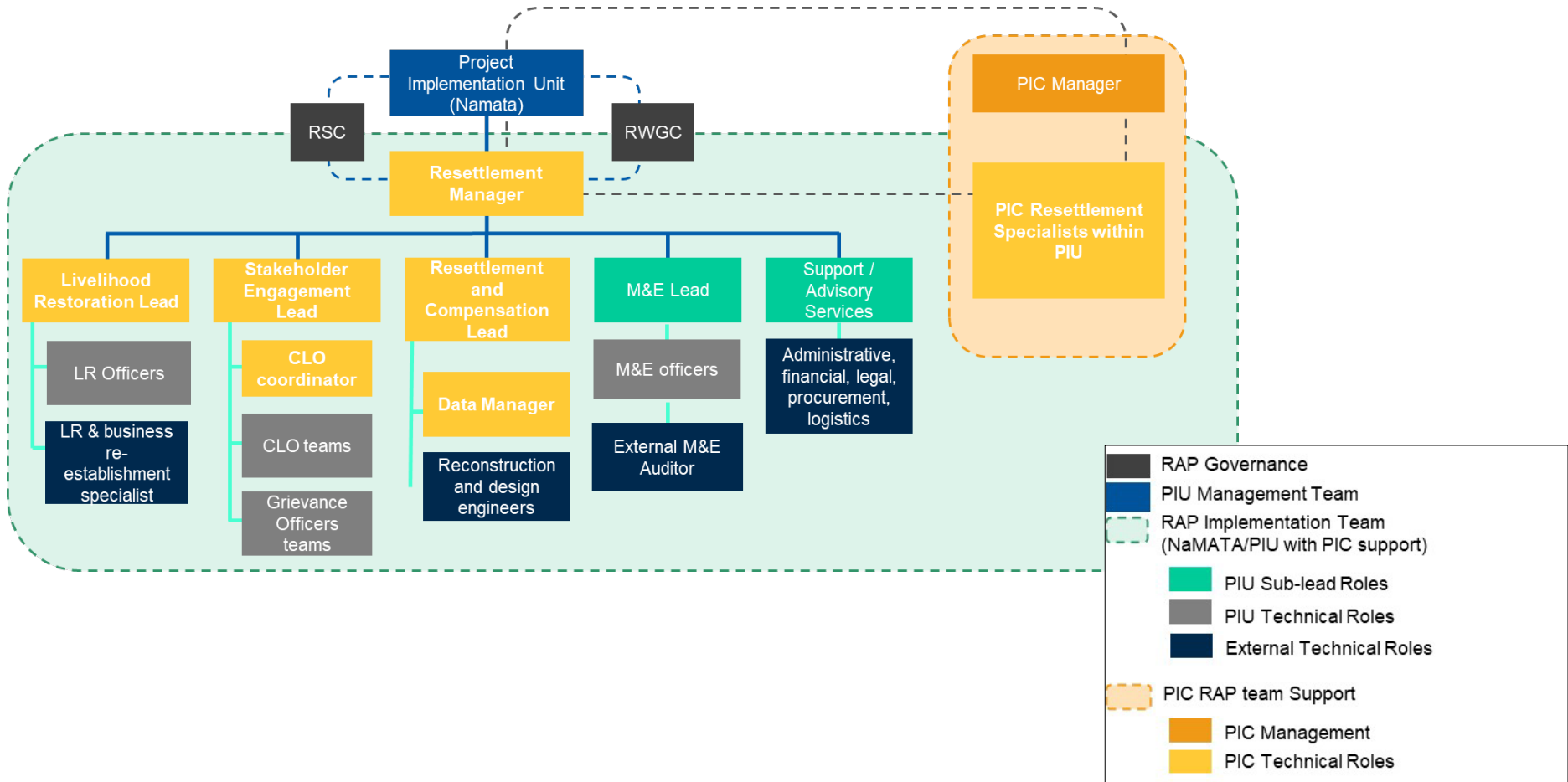


Table 9.1: NaMATA PIU Implementation Team Roles and Responsibilities

PIU General and Resettlement Roles (international experience NOT required)	PIU Resettlement Roles (international experience IS required)	External Roles
PIU Manager	Resettlement Manager	PIC Management Team
Legal Advisor	Data Manager	PIC Technical Team
Finance Department	Livelihood Restoration Lead	Livelihood Restoration & business re-establishment specialist
Stakeholder Engagement Lead	Resettlement and Compensation Lead	Reconstruction and Design Engineers
Livelihoods Officers	Monitoring and Evaluation Lead	External M&E Auditor
Community Liaison Team		
M&E Officers		

Table 9.2: NaMATA PIU Implementation Team Roles and Responsibilities

Position	Roles and Responsibility	Experience of International Standards Required	Timing
NaMATA PIU General Roles			
PIU Manager	<p>The PIU Manager is accountable for delivery of the RAP. The PIU Manager champions the Project and approves budgets and other resources. The PIU Manager specifically:</p> <ul style="list-style-type: none"> ▪ oversees operations (strategic, business and financial) of RAP activities; ▪ reviews and authorises scope changes with the RSC, and ensures variations are justified; ▪ assists the RSC in obtaining necessary resources and approvals; ▪ chairs the RSC; ▪ liaises with the PIC Manager; and ▪ provides oversight as required to ensure that the RAP meets its overall objectives. 	No	Part Time on resettlement
Legal Advisor	<p>Legal matters related to the implementation of the RAP are overseen by the Legal Advisor, who is in charge of strategic and high-level advice to the process. The Legal Advisor will support the PIU RAP Implementation Team with the preparation and validation of contracts, land access and assistance with legal representation in court cases.</p> <p>Review formal sign-off of compensation payments by NaMATA (e.g. a form/sign-off agreement or letter)</p>	No	As required
Finance Department Representatives	<p>The NaMATA Finance Department will be specifically responsible for overseeing payment of compensation and other cash-based allowances/entitlements to each affected person or household. They will liaise with the PIU Project Manager and PIU Resettlement Manager and Stakeholder Engagement Lead. They may also be required to liaise with the National Ministry of Finance and participate in RSC meetings from time to time.</p> <p>Advise on the opening of bank accounts for those who don't have them.</p>	No	As required (may be full time during compensation payment period)
NaMATA PIU Resettlement Roles			
Resettlement Manager	<p>The Resettlement Manager will be directly responsible for ensuring all elements of the RAP are implemented in accordance with Kenyan requirements and applicable international standards.</p>	Yes	Full Time

Position	Roles and Responsibility	Experience of International Standards Required	Timing
	<p>They will work closely with PIU Manager, PIC Technical Team and lead the PIU RAP Implementation Team. The Resettlement Manager will:</p> <ul style="list-style-type: none"> ▪ supervise the RAP Implementation Team; ▪ oversee all RAP activities, including scheduling, resourcing and budget; ▪ act as secretary to the resettlement committees; ▪ actively review grievances; ▪ ensure robust monitoring reporting and identify corrective actions; ▪ promote the participation of all stakeholders and information sharing; and ▪ ensure the maintenance of robust monitoring information and timely development of fit for purpose reports to allow for timely information sharing between the resettlement committees. 		
Data Manager	<p>The Data Manager will set up the data management system and monitor its use and effectiveness. The Data Manager will be competent in setting up a RAP database in compliance with international best practice. They will also:</p> <ul style="list-style-type: none"> ▪ receive, review and file data as per the data management system; ▪ follow-up with team members where data is not correctly captured; ▪ extract data and prepare reports (including M&E reports) as required by the RAP Implementation Team; ▪ maintain an up-to-date database for all users and households affected by the Project; and ▪ log and track grievances. 	Yes	Part Time
Livelihood Restoration Lead	<p>The Livelihood Restoration Lead will be responsible for ensuring technical delivery of the livelihood restoration programme. In particular, they will be responsible for the following:</p> <ul style="list-style-type: none"> ▪ overseeing the livelihood restoration options chosen by each eligible user/household; ▪ linking vulnerable households with suitable support; ▪ providing technical knowledge to the resettlement committees and the PIU resettlement implementation team where necessary; ▪ supporting in the development of a robust monitoring plan for livelihood restoration; 	Yes	Full Time

Position	Roles and Responsibility	Experience of International Standards Required	Timing
	<ul style="list-style-type: none"> ▪ acting as general support to the Resettlement Manager and providing advice on livelihood restoration issues; ▪ developing status reports to be submitted to the resettlement committees; ▪ evaluating livelihood restoration performance and identifying corrective action; ▪ identifying external specialist expertise to support livelihood restoration implementation. 		
Livelihoods Officers	The Livelihoods Officers will assist the Livelihood Restoration Lead in the delivery of the livelihoods programme.	No	Full Time
Stakeholder Engagement Lead	<p>The Stakeholder Engagement Lead will be responsible for the management of stakeholder engagement and implementation of the Stakeholder Engagement Plan. The will be responsible for the following:</p> <ul style="list-style-type: none"> ▪ manage the work of the CLO Coordinator and CLO teams; ▪ oversight of the Grievance Officer teams and implementation of the grievance mechanism; ▪ Escalate grievances that cannot be resolved to the resettlement committees; ▪ alert the Resettlement Manager and PIU Manager as soon as sensitive issues are raised or when an issue may escalate into something more significant; and ▪ review and approve stakeholder engagement reports and minutes for issue to external stakeholders. 	No	Full Time
Community Liaison Team (including CLO coordinator and teams)	<p>CLOs will support RAP implementation. They will be responsible for supporting direct engagements with affected individuals and households and dealing with day-to-day community-related issues and concerns and managing the grievance mechanism. In particular they will:</p> <ul style="list-style-type: none"> ▪ hold regular meetings with RoW users to provide an update on the status of the Project including the RAP implementation; ▪ convey relevant information to the affected users; and back to the NaMATA PIU; ▪ keep minutes and attendance registers of all meetings attended; ▪ alert the Stakeholder Engagement Lead as soon as sensitive issues are raised or when an issue may escalate into something more significant; 	No	Full Time

Position	Roles and Responsibility	Experience of International Standards Required	Timing
	<ul style="list-style-type: none"> ▪ ensure access to the grievance mechanism and work with others in the PIU to resolve grievances. Escalate grievances that cannot be resolved to the Stakeholder Engagement Lead and Resettlement Manager. resettlement committees. ▪ keep records of all interactions, attendance registers and grievances as required; and ▪ provide relevant data to the Data Manager and update relevant databases and reports for monitoring purposes. 		
Resettlement and Compensation Lead	<p>The Resettlement and Compensation Lead will provide oversight for the payment of compensation to all entitled individuals and households. They will work with the Data Manager and Finance Team to ensure accurate payment of entitlements in accordance with the Entitlement Matrix.</p> <p>The Resettlement and Compensation Lead will also be required to work with the reconstruction and design engineers to review options for micro-sighting to avoid displacement as much as is feasibly practicable.</p>	Yes	Full Time (until compensation has been paid)
Monitoring and Evaluation Lead	<p>The Monitoring and Evaluation Lead will develop the M&E framework for internal monitoring of resettlement, building on the framework presented in the RAP once developed. They will set out KPIs and liaise with the Data Manager to support M&E.</p> <p>The Monitoring and Evaluation Lead will also be responsible for preparing M&E reports and working with external M&E auditors to support M&E.</p>	Yes	Part Time
Monitoring and Evaluation Officers	M&E Officers will support the Monitoring and Evaluation Lead in obtaining necessary data to support M&E.	No	Part Time
External Roles			
PIC Management and Technical Team	The PIC will provide general oversight of NaMATA PIU RAP implementation and specialist advice, and guidance as required.	Yes	Part Time
LR & business re-establishment specialist	E.g. small business support provider and/or other similar livelihoods services provider (local NGO or Government agencies or consultants) to offer livelihoods support/training and inputs as relevant.	No	Part Time (or Full Time during implementation of LR measures)

Position	Roles and Responsibility	Experience of International Standards Required	Timing
Reconstruction and design engineers	To be on hand to support the Resettlement and Compensation team in assessing displacement requirements and seeking options to avoid and minimise physical and economic displacement.	No	As required
External M&E Auditor	To be responsible for providing independent external monitoring and close-out audit.	Yes	As required

10. REPLACEMENT HOUSING

10.1 Overview

This Chapter outlines an approach to how the replacement of residential buildings and ancillary structures that form part of the compensation entitlements should be undertaken. The goal is to support PAPs to replace residential assets in order to deliver adequate housing in new locations as required and that provide an improved standard of living for all eligible households.

Entitlements for PAPs include:

- Cash compensation for full replacement cost; and
- Disturbance allowance.

Experience in Kenya, and particularly in urban environments, shows that PAPs tend to prefer the cash compensation option rather having a home purchased and/or renovated directly for them.

International best practice requires a process that will allow households to establish or secure replacement assets that achieve the following:

- Meet or exceed Kenyan regulations and standards: housing structures must comply with Kenya Building Code, which provides the minimum standards for both residential and commercial buildings.
- Improve the quality of residential assets: all residential structures should be replaced with or renovated with high quality, durable, local materials and should minimize both construction costs and operating and maintenance costs for future residents.
- Are sustainable: in addition to considering safety, affordability, habitability and accessibility, housing should limit disruption of existing topography and drainage patterns, and should promote efficient, natural air circulation, natural lighting and shading, and appropriate water and wastewater management.

Due to the nature of displacement experienced it is recommended that the Project adopt an *Assisted Self-Build* approach to replacement housing, where PAPs are supported by the Resettlement Implementation Team to replace housing on their own with compensation, technical support and monitoring provided by the Resettlement Implementation Team. This will be particularly important for any potentially vulnerable PAPs who may be losing residential assets.

10.2 Assisted Self-Build Approach

10.2.1 Eligibility

The owner of a completed and occupied residential structure within the RoW and will be demolished as a result of the Project will be eligible for assisted self-build support in addition to their cash compensation at full replacement cost for a basic new modern structure. The rate for a “basic modern structure” will be applied to eligible residential structures regardless of the existing structure’s materials and standard construction. Compensation will not incorporate devaluation and structures are valued

as new, regardless of their condition. The basic modern structure will incorporate the minimum housing specification for house building in Kenya and these will be defined in a Standard Operating Procedure to be developed for replacement housing by the RAP Implementation Team. This ensures that all PAPs, including those losing very basic structures, will end up with a replacement house of acceptable standard. While the PAP is responsible for constructing or renovating their replacement house, the proposed assisted self-build approach aims to provide logistical, technical and monitoring assistance from the RAP Implementation Team to support them.

It is noted that impacted ancillary structures within the compound will not be eligible for self-build support. This includes foundations, uncompleted buildings and business structures as well as all ancillary structures and civil improvements identified in *Chapter 6*. Assisted self-build support will focus on those PAPs replacing residential structures only.

10.2.2 Replacement Plot

Each physically displaced household will be assisted by the RAP Implementation Team to find suitable replacement land to build a new house, or as more likely, to find a suitable existing house to purchase and renovate to achieve acceptable standards for a basic modern structure. For those seeking to access or purchase a new plot of land to build a new house, plots must be chosen within the following guidelines:

- the location must comply with any County or Sub-County and national planning requirements;
- the location must be accessible to a building contractor; and
- the soil and terrain must be suitable for the building.

Where the PAP is the Title holder of the land on which residential property sits (which is the case for many urban residential homes), they will be responsible for paying for replacement land using the cash compensation that is included in the compensation for landed properties.

10.2.3 Self-Build Support Package

The self-build support from the RAP Implementation Team will include:

- assistance for vulnerable PAPs with planning, scheduling and budgeting for self-build or renovation;
- vetting contractors to ensure they comply with the Kenya Building Code;
- technical oversight during implementation/construction; and
- monitoring progress.

Each owner will receive cash compensation sufficient for households to either rebuild or renovate “basic modern structures” of an improved quality according to the standards described above. Due to the risk in compensation funds being diverted to other pressing needs, PAPs, and particularly vulnerable PAPs, will be closely monitored to ensure their compensation is utilised to replace their house. Options for staggered payments based on milestones will also be considered.

The compensation will be calculated based on the rate of a “basic modern structure” regardless of the eligible structure’s quality. All households losing residential dwelling will additionally receive allowances in accordance with the Entitlements presented in *Chapter 8*. Further details on replacement housing will be confirmed in the Final RAP Report following the verification exercise and additional engagement with PAPs affected by physical displacement.

11. LIVELIHOOD RESTORATION PLAN

11.1 Introduction

This chapter recommends measures to support livelihood restoration for households affected by the BRT Core Line 3 Project. A sustainable livelihood is one that is capable of withstanding challenges and recovering swiftly from shocks and stresses, such as those associated with displacement impacts. A livelihood restoration programme (LRP) is typically designed to respond to anticipated economic impacts from land acquisition and/or economic displacement and the difficulties that households may face in restoring their livelihoods with the cash and in-kind compensation that will be provided.

The measures described in this Chapter consider the livelihoods along the Project Row, site observations and initial engagement on livelihood conducted in July 2022. The measures aim to complement the compensation measures provided within the *Entitlements Matrix in Chapter 8*, to support impacted PAPs and vulnerable households to restore their livelihoods to pre-displacement levels, and where feasible, promote improved sustainable livelihoods.

The livelihood restoration programme has three components (see Figure 11.1): component A focusing on transition support, component B to support capacity building of PAPs, and Component C focused on infrastructure improvements. The overwhelming majority of livelihoods and businesses affected along the RoW are traders of various sizes. The commercial nature of the impacts has informed the proposals for the livelihood restoration programme presented below, to ensure that interventions are proportionate to impacts and relevant to impacted livelihoods. All PAPs will be eligible for some level of support from Component A. Components B and C will target as many PAPs as is practicable.

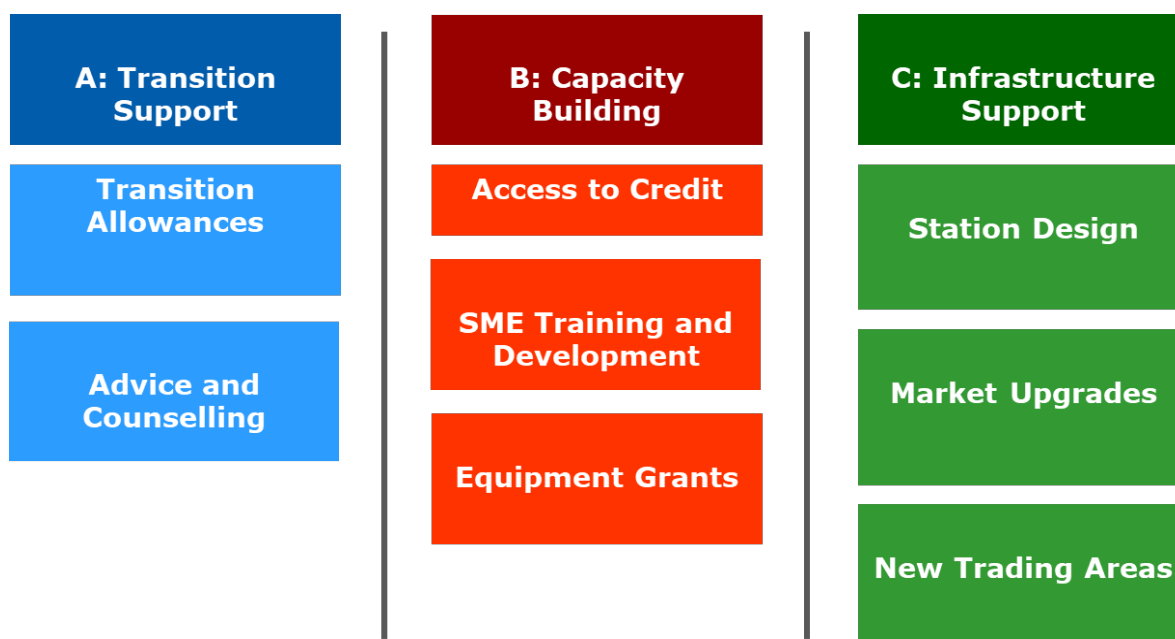


Figure 11.1: Livelihood Restoration Programme Overview

11.2 Context and Rationale

Commercial activities dominate the baseline along the Project RoW. Table 4.5 in *Chapter 4 Summary Baseline* provides a breakdown of the main businesses along the RoW, while Table 6.3 in *Chapter 6 Assessment of Resettlement Impacts* provides a breakdown of the main businesses for each section of the route. Recent field studies (July 2022) estimate up to 5,749 informal traders and businesses along the RoW. The majority of these businesses are considered to be informal because while an estimated 92.5% of livelihood PAPs pay County licenses or have arrangements for business protection, they are still encroaching on the official KURA RoW. Initial surveys and engagement with Chairpersons of trader associations indicate that incomes range from KES 30,000 per month in Section A to KES 58,750 per month in Section D. The average incomes along the RoW were greater than the Kenyan minimum wage of KES 15,120, however a full census and asset survey will be undertaken to ascertain how many livelihood PAPs actually fall below the minimum wage along the route.

The census will also be necessary to confirm the number of potentially vulnerable PAPs along the RoW. Initial engagement with County and sub-County representatives and Chiefs identified 211 potentially vulnerable PAPs, including those living with a disability and those over the age of 65. The majority of these vulnerable PAPs (71.6%) were present in Section B. Vulnerable PAPs identified to date are presented in Table 11.1.

Table 11.1: Estimated Vulnerability Along the RoW

Section	Number	Percentage (%)
A	0	0
B	151	71.6
C	40	19
D	10	4.7
E	10	4.7
Total	211	100

As noted in *Chapter 6*, impacts to the majority of livelihood PAPs will be permanent. While it is expected that the majority of traders will be able to relocate to other trading locations this cannot be guaranteed.

Other livelihood impacts include:

- Temporary loss of income for permanent businesses in buildings and structures that will not be permanently affected by the RoW, but for whom trade may be halted during construction due to limited access to their shops.
- Employees of either formal or informal traders impacted by the Project will have their incomes disrupted.
- PAPs renting out rooms in permanent buildings that will be physically displaced will lose income once permanent buildings have been demolished.
- Transport operators and carters and trolley loaders are not likely to have their livelihoods affected but will be inconvenienced by Project construction.

Proposed support for all livelihood impacts is summarised below. It should be noted that this proposed livelihood restoration programme is a summary and is indicative only. It will require further interrogation and refinement following the completion of the census and asset valuation surveys to complete the Final RAP Report.

11.3 Component A: Transition Support

Transitional support is designed to ensure all PAPs losing income can manage the transition between income loss and re-establishment of their trade/income generation.

11.3.1 Eligibility

All PAPs losing income as a result of the Project will be entitled to transition support. This includes all livelihood PAPs as identified in the Entitlements Matrix (*Chapter 8*):

- Roadside vendors and traders;
- Owners of vending platforms and temporary business structures;
- Owners of permanent structures physically displaced and earning rental income
- Employees whose employment will be disrupted or terminated; and
- Business owners in permanent buildings whose trade will be temporarily interrupted.

11.3.2 Transitional Support

IFC Performance Standard 5 specifies that “transitional support should be provided as necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.” The valuation process assessed that it would take between 3–6 months for traders to re-establish their trading locations. Owners of permanent structures will take the longest to re-establish if they need to construct a new building with their cash compensation. Business owners with permanent buildings will only be disrupted during the period of construction.

Key Inputs

Monetary compensation as defined in Chapter 8 Entitlements.

Timeframe

To be presented to eligible PAPs with their full monetary compensation package within the first four months of RAP implementation.

11.3.3 Advice and Counselling

Livelihood PAPs will be offered advice and counselling, as requested by PAPs during socio-economic surveys in October/November 2021. Advice will be offered during the payment of transition allowances and other benefits on opportunities through the livelihood restoration programme, job opportunities and general health and safety. The PIU will identify external parties such as local government services and / or NGOs who can partner to deliver advice and counselling.

Key Inputs

Time required by the RAP implementation team to identify appropriate support and meet individual PAPs during the payment of transition allowances.

Timeframe

Ongoing prior to and during the construction phase.

11.4 Capacity Building

A small capacity building programme will be offered to all PAPs who show an interest. Entitled PAPs will be entitled to sign up for a limited number of trainings. Trainings to be offered may include those in support of small and medium enterprise (SME) development and management, vocational training opportunities and credit schemes. It is also recommended that they have the opportunity to apply for equipment grants to a limited value to be determined in the Final RAP Report. An indicative budget has been provided for trainings and grants

11.4.1 Eligibility

All PAPs will be eligible to apply for capacity building support. Due to the numbers of informal PAPs, places for all PAPs on training may not be possible but will be offered to as many PAPs as practicable.

11.4.2 Access to Credit Schemes

Credit schemes will be offered through local CSOs and banks to ensure PAPs gain access to safe credit. They will receive training in managing their loans and payments and will need to include a business case to link the loan to their business. PAPs will be guided in making their application to credit providers. PAPs will have to apply to join this programme and will seek support and advice in doing so through the targeted Advice and Counselling support programme.

Key Inputs

The Resettlement Implementation Team will work with service providers. Inputs include the cost of payment for training conducted by service providers and third parties.

Timeframe

Credit programmes will run from the second quarter of RAP implementation, once all compensation and transition support has been paid. Follow up monitoring and mentoring support will be provided for six months following access to credit.

11.4.3 Training in SME Development and Management

Training will be offered to all eligible PAPs through an application process. Interested PAPs will be provided with guidance on how to apply through the targeted Advice and Counselling support programme. It is proposed that training cover:

- Business planning and management;
- Entrepreneurial skills and business development;
- Access to finance;

- Savings and investment;
- Access to markets; and
- Basic business diagnostics.

The aim of this programme is to support PAPs to strengthen their commercial activity and sharpen management skills of impacted business owners and to enhance the success and sustainability of their business. Potential partners and training providers will be identified. The number of training separate training sessions to be offered will be determined once the final census is completed for the Final RAP Report.

Additional ongoing support will be offered with follow up visits by the training agency after six months.

Key Inputs

NaMATA PIU will procure the services of a recognised consultancy or other agency to deliver targeted SME management and development training that is designed specifically for the target PAPs. Refreshments will be offered to all participants.

Timeframe

Training will run in the second quarter of RAP implementation, once all compensation has been paid and financial management training has been completed. PAPs will have the option to choose one training course to attend. Follow up monitoring and mentoring support will be provided six months following delivery of training.

11.4.4 Equipment Grants

The Project will provide grants, open to all livelihood PAPs. Grants will be made available for a range of tools, machines, generators, etc, to support and upgrade businesses. It is noted that by having better tools and structures, businesses may become more productive, reduce costs and increase revenue. A third-party organisation may be identified to manage the grant programme. The grant process will be simple, and PAPs will obtain support with their applications by the grant managing organisation and the RAP implementation team.

Key Inputs

A grant fund will be the main input along with the costs of hiring a professional organisation to manage the scheme.

Timeframe

The grant scheme will run for 12 months from the commencement of the livelihood restoration programme.

11.5 Infrastructure Support

In addition to targeted support directly to PAPs and impacted households, NaMATA will ensure Project infrastructure and design will consider the needs of livelihood PAPs.

11.5.1 Eligibility

All traders will benefit from improved local infrastructure, however displaced PAPs will be prioritised for prime trading locations created for trading activities.

11.5.2 General Infrastructure Options

The following options can be considered for infrastructural support:

- *Station Design:* BRT station design will incorporate locations for small markets to support traders.
- *Existing Market Upgrade:* markets will be improved to support conversion to high-capacity markets. Traders will also be able to relocate to existing markets with capacity – should they choose to do so and should this be the right trading location for them.
- *New Trading Locations:* new locations will be identified along the RoW for traders. This includes new smaller BRT linear markets and widened footbridges and footpaths to accommodate traders. New land will be acquired where available to support new trading locations both along the RoW and feeder streets leading to the RoW. Alternative parking points will also be identified for transport and trolley/car transporters. The PIU and PIC will aim to identify trading locations as near to current trading sites as possible. They must be easily accessed by traders and customers to ensure the trading locations are viable. Final design will be based on ongoing stakeholder engagement with PAPs prior to completion of the Final RAP Report.

The feasibility of these options will be determined in the Final RAP Report and will be based on NaMATA capacity. In addition to these infrastructure options, the construction team will also ensure safe access to existing businesses during construction to enable shoppers to access them. Only when safe access is not possible will transition support for permanent businesses be offered.

Key Inputs

The key input will be the cost of construction of new market locations and any market infrastructure upgrade that will be implemented by the EPC during construction.

Timeframe

To be implemented during construction, ready for use once construction is completed.

11.6 Considerations for Implementation

11.6.1 General Considerations

Implementation of the Livelihood Restoration Programme will involve the following activities to be undertaken by the RAP Implementation Team:

- *Preparation and Planning:* the RAP implementation team will be required to prepare a Standard Operating Procedure (SOP) for livelihood restoration. This will set out the procedure for implementing livelihood restoration activities, including procurement of training/consulting services and confirmation of eligible PAPs.

- *Engagement with eligible PAPs:* vulnerability will be confirmed during the census and household sign-off on entitlements during RAP implementation. The process will include the Livelihood Restoration Lead from the PIU/PIC team to review vulnerability aspects for the household. Once confirmed, the Livelihood Restoration Lead should discuss livelihood restoration options with PAPs and plan the Advice and Counselling Support programme.
- *Procurement of SME and vocational training consultants:* the RAP implementation team will seek proposals for the delivery of SME development and vocational training to support the delivery of the capacity building programme. Proposals will be reviewed, and the best consultancy(s) chosen based on technical experience and cost. Dates and venues for training will be confirmed and opportunities to attend one of each type of training offered to all eligible PAPs.
- *Distribution of inputs:* the RAP implementation team will arrange the distribution of grants with a third-party provider.
- *Monitoring and evaluation:* Monitoring and evaluation elements will be developed for livelihood restoration implementation as part of the RAP Monitoring and Evaluation Plan as outlined in *Chapter 11 Livelihood Restoration Plan*.

The grievance mechanism (described in Chapter 5) will handle all grievances including those related to livelihood restoration.

12. IMPLEMENTATION

12.1 Introduction

This Chapter describes the steps required to implement the RAP, setting out:

- schedule considerations
- implementation activities;
- stakeholder and grievance management;
- an outline for monitoring RAP implementation; and
- budget.

12.2 Implementation Activities

12.2.1 Overview and Schedule

RAP implementation will require the delivery of a number of different interdependent workstreams as illustrated in Table 12.1 and described below.

There are many activities that need to be completed prior to taking possession of land, property and other assets. It is estimated that the implementation of livelihood restoration will take a minimum of 12 months and may continue for an additional three to six months, depending on the level of support available and the cooperation of affected households and PAPs. Monitoring is expected to continue for at least an additional 12 months. The approach to taking possession of land will align with the construction schedule, focusing on those Sections that are earmarked for construction first. During planning for implementation pre-construction, the RAP Implementation team will engage with the construction teams and the PIC to agree priority points to commence the resettlement process. Resettlement activities will therefore be implemented in accordance with construction, moving three to four months ahead of construction along the RoW. Resettlement activities are presented at a high level in Figure 2.8 in *Chapter 2 Project Description*.

Key dates include:

Based on the schedule presented in *Chapter 2*, the following indicative schedule is proposed:

- The Final RAP Report will be completed by the end of 2024, ready for implementation from January 2025.
- Implementation will commence in Section A in January 2025 and continue through to Section E, with all cash compensation payments to be completed by January 2026.
- Livelihood restoration will be ongoing throughout this period, with a priority on compensation payments initially, livelihood restoration will be expected to progress for up to two years, including during the construction period.

Table 12.1 presents an indicative draft schedule of specific resettlement activities, which will require revision once RAP activities have been confirmed and the Final RAP Report is developed by the PIC. The indicative schedule will also be revised to align with the construction timeframe, broken down by

each Section. The schedule below illustrates to order of activities between January 2025 (month 1) and December 2025 (month 12) and the continuation of livelihood restoration into 2026. 2026.

Table 12.1: High Level RAP Implementation Schedule

Activity	Relevant Month - Year 1												Relevant Quarter - Year 2				
	0	1	2	3	4	5	6	7	8	9	10	11	12	Q1	Q2	Q3	Q4
Stakeholder Engagement																	
RAP Disclosure and Engagement																	
Establishment of RAP RWGCs and RSC																	
Implement SEP and Grievance Mechanism																	
Compensation																	
Offer letters and sign-off on entitlements																	
Payment of cash compensation																	
Completion of compensation payments																	
Physical Relocation																	
Secure new residential land																	
Support for construction of replacement housing																	
Handover and Physical Relocation																	
Livelihood Restoration																	
Payment of transition support																	
Permit Support																	
Advice and counselling																	
SME Development and Vocational Training																	
Equipment Grants																	
Access to credit programmes																	
Infrastructure and design planning																	
Completion of livelihood restoration activities																	
Monitoring and evaluation																	
Internal performance monitoring (monthly)																	
Internal impact monitoring (quarterly)																	
Internal bi-annual monitoring reports on impacts																	
External monitoring and evaluation																	
Close-out audit																	

12.2.2 Stakeholder Engagement Activities

This Section describes the main stakeholder activities that will be undertaken to support RAP implementation. Stakeholder engagement will be supported by the Project SEP and through implementing a grievance mechanism. All key stakeholder engagement activities to support RAP implementation are outlined below.

RAP Disclosure

RAP disclosure will be undertaken with the same stakeholders consulted ahead of RAP census and asset surveys. During disclosure, the RAP implementation team will introduce the plan to set up RWGCs and the RSC. This disclosure will also present the entitlements matrix and present a timeline for implementation. RAP disclosure will be undertaken along all route Sections and will target the following stakeholders:

- Affected community chiefs and elders;
- Country and sub-counties;
- National Lands Commission; and
- General community meetings in affected communities.

As with other engagements, the grievance mechanism will be explained along with the next steps in the implementation timeline. The RAP implementation team will also continue ongoing engagement with NaMATA, NLC and KURA on RAP implementation activities.

Engagement with the construction team will also be important at this stage to confirm the construction schedule and agree the sequencing of paying compensation and transition support to align with the construction schedule to ensure land and the existing RoW is cleared of activity and available ahead of construction activities commencing.

Establishment of RAP Institutional Framework

Targeted engagement with County and sub-Counties, NLC, NaMATA, KURA and other government authorities, chiefs and other proposed resettlement committee (RWGCs and RSC) members will be required in advance to set up the institutional framework. This process will commence during RAP disclosure engagement, but formalisation of the committee is not required until the RAP implementation team is in place. The PIU/PIC community liaison team will work with the RAP Manager and Stakeholder Lead and local communities to identify individuals to participate in either the RWGCs and/or RSC.

Once all key members have been identified, a briefing must be provided on the standards underpinning the resettlement process. Proposed members will be invited to attend a detailed meeting, where the measures within the RAP will be outlined along with their key role and responsibilities. An action plan for the RWGCs and RSC will also be agreed with proposed members. It is recommended that this be achieved through a half-day workshop with the proposed RWGC and RSC members.

Stakeholder Engagement Plan

A draft Stakeholder Engagement Plan (SEP) is in place that sets out measures for engaging on the Project and associated activities; this will be updated by the PIC to incorporate resettlement engagement. The SEP should identify persons temporarily or permanently displaced (economically

and/or physically) as key stakeholder groups. The objectives of engagement with displaced households is to be defined in the SEP, and should include: to ensure sound understanding of resettlement and/or compensation processes; and to create awareness around formal processes through which stakeholders can contact the PIU/PIC or NaMATA to prevent individuals from controlling or influencing the engagement process at the local level.

Establishing the RAP institutional framework will support the PIU in achieving this objective and will align with planned engagement on resettlement-related activities in accordance with the SEP.

Engagement activities will include the following:

- Disclosure of the RAP along the RoW;
- Meeting / workshop for the establishment of the RWGCs and RSC;
- Individual household sign-off on entitlements / compensation offer letters;
- Ongoing engagement in support of livelihood restoration;
- Engagement during internal monitoring; and
- Engagement during external monitoring.

Grievance Mechanism

NaMATA has established a Grievance Redress Mechanism (GRM) to support their Project activities, including RAP activities. This enables stakeholders to make a complaint or a suggestion regarding the way the Project is being managed. The GRM defines grievances as those that may take the form of specific complaints for damages/injury, concerns about project activities, perceived incidents or impacts, and / or requests for more information and clarity. Grievances also include those relating to resettlement, including compensation and entitlements as well as scheduling and resettlement management. Further details on grievance and stakeholder engagement are presented in *Chapter 5 Stakeholder Engagement*.

12.2.3 Compensation Provision

Engagement with NLC and NaMATA

The compensation budget included in this Chapter is based on initial asset valuations by Charles & Barker Limited and estimated livelihood restoration costs developed by Ramboll. NLC will liaise with NaMATA to jointly approve the statutory compensation entitlements.

PAP Level Sign-Off on Entitlements

Individual PAP/household sign-off is essential to agree and confirm loss of land and assets and the compensation/livelihood restoration packages and transition support for each PAP. During engagement the team will be required to:

- confirm particularly vulnerable households identified through the RAP and specific livelihood restoration measures/options for support;
- identify those households who wish to identify suitable replacement land to re-build their structure (if this is viable); and

- when relevant, confirm those eligible and requiring assistance or support with replacement housing.

Cash Compensation

Cash compensation and all allowances will be paid in accordance with individual household agreements and in accordance with any agreed milestones for replacement housing to be specified in the draft and Final RAP Reports. All cash compensation will be paid by NaMATA and will not pass through the PIU. NaMATA will maintain a secure bank account with compensation for payment direct to PAPs. PAPs will be required to open bank accounts for the receipt of compensation if they do not already have a bank account. Married PAPs will be encouraged to establish a joint bank account in the name of the head of household and spouse to ensure that the household, rather than the individual that identifies as owning the asset, is able to benefit from the compensation.

Should there be a dispute as to who receives compensation, then the funds will be held back in a secure account (for example, an ESCROW account) until such disputes are resolved.

Cash compensation will be paid along the RoW by Section in accordance with the construction schedule to ensure that the RoW is clear ahead of construction commencing. It is expected that the payment of compensation could take up to 8 weeks in each Section and therefore must commence as early as possible to allow parts of the RoW and assets within it to be acquired ahead of construction. The PIU/PIC must liaise with NaMATA and the engineering/design contractor to confirm the proposed construction schedule ahead of paying compensation.

12.2.4 Physical Displacement Activities

The key steps for supporting physical relocation will be summarised in the draft RAP and Final RAP Report. A Standard Operating Procedure (SOP) for replacement housing will be prepared by the RAP implementation team outlining the timeframe, the minimum standards for replacement housing, and identifying suitable local contractors. The SOP will consider:

- Process for PAPs moving to an existing house they already own (Option 1);
- Purchase and renovation of an existing house (Option 2); or
- Construction of a new house on an alternative parcel (Option 3).

It is recommended that in all cases, compensation be released in accordance with stages of development. For example, a first instalment to be paid to mobilise contractors for construction/renovation, second instalment to lay foundations once build and requirements are agreed with the contractor, remaining amounts to be paid as the building/renovation progresses.

This approach will be discussed during disclosure of the RAP and planned for during the implementation planning.

12.2.5 Livelihood Restoration Activities

The key livelihood restoration activities are described in *Chapter 10 Replacement Housing* and will be prioritised for PAPs identified as potentially vulnerable. During household sign-off/offer letter engagement, the options for livelihood restoration will be discussed with PAPs. It is recommended that

the RAP implementation team develop a SOP for implementing livelihood restoration, setting out the clear process, roles and responsibilities, and steps for implementation.

Livelihood restoration will commence with transition support, which will coincide with payment of statutory cash compensations. The remaining programme will run for approximately 8–12 months.

In addition to livelihood restoration, a Security Management Protocol will be developed by the PIU / PIC to ensure traders and other informal PAPs are not forcefully evicted from their premises.

12.3 Additional Land Take

It is not envisaged that additional land will be required by the Project, however if additional land is required on a temporary basis to support construction activities, then this will be managed through a clear and consistent process. All additional land acquisition will be managed through rental agreements on a willingly negotiated basis. It will not be involuntary. Temporary land requirements will be identified with the following considerations:

- Any land take will need to be identified in a location that does not require physical displacement and minimises economic displacement.
- Additional land requirements will be communicated to the PIU Project Manager and Resettlement Manager, who will assess and validate the need for additional land, approve the request and communicate with NaMATA that temporary land acquisition will be initiated.

NaMATA and the EPC contractor do not intend to rent land with assets. NaMATA will only rent land for temporary use where a directly negotiated rental agreement can be reached with the owner and the users who will receive a directly agreed rental fee. However, in the unlikely case that involuntary temporary land acquisition is required, the following process shall be followed.

- Any land take with assets will need to be identified a minimum of two months prior to gaining access for permanent “landed” buildings, temporary structures and/or business structures.
- PAPs will be notified of the temporary requirement for land and informed of the process by which it will be administered.
- An Asset Inventory and Valuation will be undertaken along with application of the census and household survey. Vulnerable PAPs/households will be identified.
- This information will be compiled into an annex to the Final RAP Report and will be reviewed by the RAP Manager at least one month prior to acquiring the land temporarily.
- Individual eligibility and entitlement will be calculated based on the Entitlements Matrix in *Chapter 8*.
- Should any losses be incurred beyond those identified in Chapter 6, then the entitlement will be set such that it aligns with all Applicable Lender Standards and the entitlements framework presented in *Chapter 8*.
- Compensation will be paid prior to removal of livelihood assets.
- Affected PAPs may have access to additional support through the livelihood restoration programme, depending on the extent of temporary livelihood loss.

12.4 Monitoring and Evaluation

Monitoring and evaluation must be regular to provide essential information on the effectiveness of the RAP to enable adjustments to be made when and where required. Monitoring and evaluation objectives include:

- To enable on-going improvement of the implementation process.
- To monitor key RAP deliverables and milestones.
- To verify that funds for RAP implementation are provided for by the Project in a timely manner and in amounts sufficient for their purposes, and that such funds are utilized in accordance with the provisions of the RAP.
- To audit compliance of the RAP's implementation schedule and budget with the objectives of the RAP, and to enable the Project to demonstrate that the resettlement process is achieving desired outcomes.
- To evaluate emergent, mid-term and long-term impacts of the Project on the quality of life and livelihoods of affected PAPs and households.

Monitoring and evaluation activities will continue for the duration of RAP implementation activities (i.e. payment of cash compensation to be completed within 8 weeks for each Section) and for an additional 12 months to monitor livelihood restoration support. The total monitoring period will be 24 months. During this period, the intensity of the process will vary. During implementation and immediately afterwards, monitoring and evaluation will be more regular and intense, while monitoring and evaluation activities will reduce for the 12 months following RAP completion. The RAP Manager/M&E Lead will be responsible for monitoring and evaluation during implementation and will develop a Monitoring and Evaluation Plan. Ongoing monitoring following RAP and livelihood restoration completion will be the ongoing responsibility of the PIU. There will be two key components to the M&E Plan: (i) internal monitoring; and (ii) external evaluation. These are summarised below.

Internal Monitoring

Key socio-economic indicators for monitoring and evaluation shall be identified through the census of PAPs for monitoring improvements to livelihoods and to monitor vulnerable households. These indicators will be incorporated into the Monitoring and Evaluation Plan for the RAP. However, the Monitoring and Evaluation Plan will also incorporate the following key indicators:

- Performance monitoring: assessing key implementation activities against work plans and budgets with implementing partners. Indicators will include those measuring inputs/activities and outputs in accordance with a simple logical framework planning tool. Examples are presented in Table 12.2, which can be adapted or amended as part of the monitoring and evaluation plan.
- Impact monitoring: assessing the effectiveness of the RAP in meeting the stated objectives and goals. These will include indicators proposed to measure objectives/outcomes of RAP measures. Examples are presented in Table 12.2, which can be adapted or amended as part of the monitoring and evaluation plan.

The overall objectives of internal monitoring processes are:

- to set up a system that will regularly respond to monitoring findings on an ongoing basis, by adapting existing PIU RAP management measures or by modifying implementation processes of the RAP; and
- to create a mechanism to capture and analyse data in a consistent and structured fashion against the pre-resettlement baseline at appropriate intervals and by means of suitable indicators.

Performance and impact monitoring are both internal project management functions. Performance monitoring measures physical progress against Project milestones established in the RAP while impact monitoring assesses the effects of the displacement and compensation.

It is recommended that the Resettlement Manager/M&E Lead and the PIU set up an internal monitoring framework to be shared with the resettlement committees and Lenders.

Table 12.2: Example Indicators

Example Key Indicators
Example input/milestone indicators (to be monitored and reported on monthly)
<ul style="list-style-type: none"> ▪ Spend against budget ▪ Completion of RAP disclosure ▪ Completion of household sign-off on compensation agreements ▪ Identification of replacement housing or land ▪ Commencement of livelihood restoration activities ▪ Meetings with County authorities, KURA and NaMATA regarding land tenure ▪ Grievance mechanism disclosed ▪ Full RAP implementation team in place
Example output indicators (to be monitored and reported on monthly)
<ul style="list-style-type: none"> ▪ Number of meetings held with RWGCs, RSC ▪ Minutes of meetings ▪ Number of open and closed grievances ▪ Distribution of livelihood restoration inputs
Example outcome indicators (to be monitored and reported on quarterly)
<ul style="list-style-type: none"> ▪ % households that have built or acquired replacement housing ▪ % households that have successfully relocated to a new home ▪ % households that have resettled in new trading locations ▪ % households that have restored trading operations ▪ % households satisfied with the resettlement process
Impact monitoring indicators from the socio-economic baseline (to be monitored and reported on bi-annually)
<ul style="list-style-type: none"> ▪ Number of physically displaced households (ie, households with dwellings inside the Project RoW) ▪ Total number of affected PAPs losing either land and/or assets ▪ Total number of female-headed households ▪ % of households with family head equal to or over the age of 65 ▪ % of households self-assessing as destitute ▪ Median monthly trading-based income ▪ Median monthly wage-based income ▪ Lowest monthly wage across all income sources ▪ % of households with savings ▪ % of households with debt ▪ % of households reporting food shortages in the last year ▪ % of households reporting one or more members suffering from a health condition in the last 12 months ▪ % of households reporting on the time it takes for them to access their preferred medical facility within each reported time category ▪ % of household with access to electricity ▪ % of households with access to improved sanitation facilities (flush or pour flush toilet) ▪ % of households with no toilet access

The Project will prepare a monitoring plan and report template prior to compensation being made that includes all indicators that will be tracked. The report template will be completed within one month of

compensation payments being made and then quarterly for at least 12 months after physical resettlement has been completed.

Following the completion of physical resettlement, monitoring frequency can reduce to six-monthly reports until the agreed audit closure date.

External Evaluation

External evaluation by independent monitors will assess whether compensation and other measures to restore the living standards of Project-affected households have been properly designed and carried out and will verify performance of the RAP implementation team and implementing partners.

External evaluation will be undertaken by an external party and will be informed by primary and secondary data collection and rely on internal monitoring outputs such as monitoring reports, minutes of meetings and progress reports as well as independent surveys and consultation conducted by the external monitoring and evaluation consultant directly. The Evaluator will recommend corrective measures if so required.

External evaluation will be undertaken annually throughout the duration of the RAP implementation and until a completion audit has demonstrated successful conclusion of resettlement and livelihood restoration. A completion audit will be undertaken once it has been determined that standards of living and livelihoods have been successfully restored. Should the completion audit confirm this, then the RAP will be considered closed.

12.4.1 Approach to Internal Monitoring and Data Collection

The PIU/RAP implementation team will be responsible for internal monitoring and evaluation. They will be directly responsible for the following activities:

- Monthly progress reports: reports will be prepared on project progress including completion of key activities and implementation budget;
- Quarterly reports: on the completion and outcomes of key activities (which will be shared with Lenders; and
- Bi-annual data collection: it is proposed the team undertake data collection using two approaches. The first is a panel survey, which will be involved in all quarterly data collection surveys. The same stratified selection of PAPs will be included in each panel survey for the monitoring period. The second is a sample approach, where data will be collected on a stratified-random sample of PAPs. Stratification will ensure that all key groups are represented (vulnerable, vendors, physical structures, temporary impacted businesses, tenants, etc). The panel survey will monitor trends across the same group of PAPs while the random sample will provide additional data to compare with the panel group.
- Bi-annual reports: based on the findings of the bi-annual data collection (which will be shared with Lenders).

The RAP implementation team will prepare a detailed or Monitoring and Evaluation Plan prior to commencing implementation. The Monitoring and Evaluation Plan must clearly state the indicators to

be monitored bi-annually and templates for monthly and quarterly reports. Further details of monitoring and evaluation will be presented in the Final RAP Report.

12.5 Indicative Budget

The total cost estimate for the Project inclusive of 15% disturbance allowance is presented below in Table 12.5. This is based on land rates presented in Table 12.3. It should be noted that this is precautionary using high land rates and following detailed calculations, this figure is expected to reduce for land compensation, particularly at Dandora Depot.

Livelihood restoration is calculated based on an average of 3 months transition allowance using average income ranges presented in Table 12.4 for an estimated 5,749 PAPs. An additional 23 % has been added to support training and capacity building. The budget does not include an estimate of costs for infrastructure support (Component C of the Livelihood Restoration Plan – see Chapter 11, Section 11.5), which will be part of the construction costs of the Project. **Commitment to infrastructure support is required by NaMATA and must be incorporated into the Contractor tender documentation with a commitment to provision of new market spaces and trading locations for existing traders.**

A final budget will be prepared for the Final RAP Report based on an updated asset valuation survey to be completed prior to construction commencing. It should also be noted that the indicative figures estimated in this RPF have been updated to include surveys undertaken in July 2022. Therefore, this is a difference with figures contained in "C3 Financial and Economic Appraisal" (specifically items 19 on land acquisition, 20 on resettlement costs and 21 on environmental mitigation). These figures will be revised once the PIC is in place.

Table 12.3: Indicative Rates Used for Compensation for Physical Displacement

Asset Description	Rates (NBI) in KES	Units	Notes
Land	85,000	Per Acre	Averaged for Nairobi
Land	21,003.21	Per Sqm	Averaged for Nairobi
Land	17,297.36	Per Sqm	Averaged for Dandora
Permanent House	12,375	Per Sqm	Including as relevant: surface and bricks in cement, finishings, concrete pillars and modern roofing including corrugated iron, metallic gates, swimming pool
Semi-Permanent Structures	6,270	Per Sqm	Commercial and residential
Other Structures	4,125	Per Sqm	Makeshift and unlicensed (but on land to be acquired)

Boundary Developments	4,620	Per metre	Perimeter fences
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Table 12.4: Estimated Livelihood Restoration Costs

Section	Estimated Number of Livelihood PAPs	Average Monthly Income per Section (KES)	Total Monthly Income (KES)	Proposed 3-Month Transition Allowance (KES)
A	50	30,000	1,500,000	4,500,000
B	2,384	44,363	105,761,392	317,284,176
C	1,812	40,000	72,480,000	217,440,000
D	235	58,750	13,806,250	41,418,750
E	1,268	54,066	68,555,688	205,667,064
Estimated Transition Allowance:			262,103,330	786,309,990
Estimated Capacity Building Support:				180,000,000
Estimated Livelihood Restoration Budget				966,309,990

Table 12.5: Indicative Budget

Budget Component	Total Amount (KES)	Percentage (%) of total project cost
Section A	-	0
Section B inclusive of 15% disturbance allowance	5,256,266	0.2
Section C inclusive of 15% disturbance allowance	104,797,070	3.4
Section D inclusive of 15% disturbance allowance	106,130,275	3.4
Section E inclusive of 15% disturbance allowance	301,929,734	9.8
Dandora Depot inclusive of 15% disturbance allowance	2,560,051,823	83.2
Total Cash Compensation	3,078,165,168	100
Livelihood Restoration	966,309,990	
Estimated PIC Budget	215,410,000	
Contingency (15%)	4,259,885,158	
Estimated Total Budget	4,898,867,932	

APPENDICES

Appendix 1: Socio-Economic Survey

Appendix 2: Stakeholder Engagement Records