



Kenya National Highways Authority

Quality Highways, Better Connections

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STAKEHOLDER ENGAGEMENT PLAN

MOMBASA-MARIAKANI ROAD

2018 - 2020



About this Plan

This Stakeholder Engagement Plan (SEP) has been developed by the Kenya National Highways Authority (KeNHA) as part of its commitment to ensuring that the key stakeholders are fully informed and consulted on matters of the Mombasa-Mariakani Road. The development of this SEP was facilitated by KeNHA officers and financed by the European Investment Bank. Dr. Mary Amuyunzu-Nyamongo, provided technical support to the KeNHA team as a consultant.

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LIST OF ABBREVIATIONS AND ACRONYMS

ADP	-	Annual Development Plan
ADR	-	Alternative Dispute Resolution
AfDB	-	African Development Bank
AWP	-	Annual Work Plan
CAP	-	Correction Action Plan
CBO	-	Community-based organization
CBOs	-	Community Based Organizations
CC	-	County Commissioner
CEC	-	County Executive Committee Member
CIDPs	-	County Integrated Development Plans
CLO	-	Community Liaison Officer
CoK	-	Constitution of Kenya
CSOs	-	Civil Society Organizations
CSR	-	Corporate Social Responsibility
CSWs	-	Commercial sex workers
DCC	-	Deputy County Commissioner
DG	-	Director General
E&S	-	Environmental and Social
EIA	-	Environmental Impact Assessment
EIB	-	European Investment Bank
EMCA	-	Environmental Management and Coordination Act
EO	-	European Ombudsman
ESIA	-	Environmental and Social Impact Assessment
ESMF	-	Environment and Social Management Framework
ESMP	-	Environment and Social Management Plan
FAQs	-	Frequently asked questions
FBOs	-	Faith Based Organizations
GBV	-	Gender-based violence
GMC	-	Grievance management committee
GO	-	Grievance Officer
GoK	-	Government of Kenya
GRC	-	Grievance Redress Committee
GRM	-	Grievance Redress Mechanism
IFC	-	International Financing Corporation
KAM	-	Kenya Association of Manufacturers
KeNHA	-	Kenya National Highways Authority
KeRRA	-	Kenya Rural Roads Authority
KES	-	Kenya Shillings
KFS	-	Kenya Forestry Services
KfW	-	Kreditanstalt für Wiederaufbau
KNCCI	-	Kenya National Chamber of Commerce and Industry
KNCHR	-	Kenya National Commission for Human Rights
KPA	-	Kenya Ports Authority
KR	-	Kenya Railways
KURA	-	Kenya Urban Rural Authority
M&E	-	Monitoring and Evaluation
MCA	-	Member County Assembly
MoT	-	Ministry of Transport

MOWASCO	-	Mombasa Water and Sewerage Company
MPs	-	Members of Parliament
NEMA	-	National Environment Management Authority
NGOs	-	Non-Governmental Organizations
NITA	-	National Industrial Training Authority
NLC	-	National Land Commission
OCS	-	Officer Commanding Police Station
PAP	-	Project affected persons
PIU	-	Project Implementation Unit
PSEA	-	Prevention of Sexual Exploitation and Abuse
RAP	-	Resettlement Action Plan
RD	-	Regional Director
RE	-	Resident Engineer
RIU	-	RAP Implementation Unit
SAGA	-	Semi-Autonomous Government Agency
SEP	-	Stakeholder Engagement Plan
SMEC	-	Smoky Mountains Engineering Company
TOR	-	Terms of Reference

EXECUTIVE SUMMARY

Background

The Government of Kenya (GoK), through the Kenya National Highways Authority (KeNHA), is rehabilitating and expanding the Mombasa-Mariakani Road in two (2) Lots: Lot 1: Mombasa - Kwa Jomvu (11.4km), which is funded by the African Development Bank (AfDB); and Lot 2: Kwa Jomvu - Mariakani (30.3km) that is being financed by the Kreditanstalt für Wiederaufbau (KfW) and European Investment Bank (EIB). This Project, which was initiated in 2014, is expected to be completed by 2020.

It is a requirement for the Project to undertake stakeholders' engagement in compliance with national laws and international statutes. The Constitution of Kenya (CoK), 2010 recognizes the right of citizens to participate in decisions that directly affect them. Hence, public participation and consultation are cardinal policy requirements in all matters of public interest in Kenya. In addition, there are other national laws, regulations, and orders that have a bearing on stakeholder consultations and engagement, including: The Land Act, 2012; The Land Registration Act, 2012; The National Land Commission (NLC) Act, 2012; County Government Act, 2012; and The Environmental Management and Coordination Act (EMCA), 1999 (Revised 2015).

This Stakeholders Engagement Plan (SEP) will be implemented in line with the country's national legislation and other requirements and in accordance with international standards taking into consideration the interests of the various actors and the financiers. It will also take into view the social and cultural norms among the communities that define how information is shared, while working through the existing local structures.

Process used for the preparation of the Stakeholder Engagement Plan

For KeNHA, the SEP for Mombasa-Mariakani Road is a vital document for facilitating the development of a broader, more inclusive and continuous engagement with those potentially impacted by the Project. The preparation of this SEP is aimed at documenting a process through which KeNHA will engage its stakeholders in a structured, informed and focused manner. The SEP has been developed through a review of documents, consultation with stakeholders through key informant interviews and group discussions between March and June, 2018. The input of participants during a validation meeting held on August 06, 2018 in Mombasa informed the finalization of this Plan. The meeting had representatives from the National and County Governments, KeNHA, civil society organizations (CSOs) and community members.

The consultation process led to the categorization of the stakeholders into seven key groups: (i) community groups (project affected persons (PAPs), leaders and community members); (ii) National and County Governments; (iii) Government agencies; (iv) business entities; (v) county departments; (vi) CSOs; and (vii) special interest groups.

Concerns raised on the current stakeholder engagement

Stakeholder engagement has taken place on the Mombasa-Mariakani Road since 2014. This was initially done during the Project formulation and preparation activities that included the conduct of Environmental Social Impact Assessment (ESIA) and preparation as well as implementation of the Resettlement Action Plan (RAP) by the RAP Implementation Unit (RIU). Currently, engagement is mainly focused on compensation and relocation that is facilitated by the RIU under the coordination of the Project Implementation Unit (PIU). However, following the forceful evictions of people on the road reserve by KeNHA in 2015, there were several formal complaints that led to the development of a Corrective Action Plan (CAP) during the same year. The CAP implementation had a grievance redress mechanism (GRM) that resulted in the registration of claims by the project affected persons (PAPs). It is notable that some

claims had by then been registered at the financiers' complaints mechanism desks and the Constitution of Administration of Justice (CAJ). By the time of the consultations for this SEP, the Project had also experienced and managed complaints by the PAPs that had been reported to the financiers directly and to the office of the Ombudsman.

The concerns expressed by the stakeholders regarding their engagement in the Project since the inception are varied based on how the project impacts and is impacted by them. However, the common concern was on information flow. There was an overwhelming view that KeNHA does not share information on a regular basis and oftentimes contacts the stakeholders only when it needs their input and/or intervention. Hence, the need for KeNHA to compile and maintain a comprehensive list of its stakeholders and develop a database and schedule of engagement activities. This database should be maintained by the PIU in Mombasa and be reviewed and updated regularly with the participation of the key stakeholders.

Planned actions to implement the SEP

Stakeholder listing and follow-up: KeNHA will update the list of stakeholders and transform this list into a database that will provide information on the stakeholders' rights and/or duties as well as their capacity to engage meaningfully with the Project. Each of the stakeholders has different needs for engagement, which will be taken into consideration when designing engagement strategies. The stakeholders will each be required to nominate a convenor for their sector/interest who will be the liaison person with KeNHA.

Stakeholder engagement: The engagement will flow from the national level (by the Director General's office), regional level (Resident Engineer's office), and community level (through the designated officer by the Project). The engagement will be guided by key principles that include the need for the stakeholders to be fully informed of and invited to participate actively in key decisions regarding the design, alignment, construction and operation of the Project. The Project team will develop and share a public participation schedule with the stakeholders to ensure that they are adequately informed and engaged.

Grievance redress mechanism: A grievance referral system that is well understood by those directly affected by the Project will be implemented to facilitate ease of receipt, documentation, resolution and determination of cases. One of the key challenges experienced by the Project to-date has been direct communication between the community members (complainants) with the financiers, which has been attributed to inadequate and/or delayed response to the complaints raised by those aggrieved. The GRM system provided for in this SEP will ensure prompt response to complaints. There is also an opportunity to use alternative dispute redress (ADR) mechanisms for resolving cases at the community level before they are escalated to the courts of law or reported to the financiers. The CSOs (specifically, Kituo cha Sheria, Haki Yetu and Pamoja Trust), and the Kenya National Commission for Human Rights (KNCHR) and the Ombudsman's Office have the capacity to train and support the implementation of ADR for the Project.

Communication Plan: This plan will be implemented, monitored and evaluated routinely to ensure that it addresses Project concerns comprehensively and regularly.

Monitoring and evaluation (M&E): The arrangements of M&E will be aligned to specific objectives of the SEP including an assessment of whether: (i) the key stakeholders have been fully engaged and there is general support for the project; and (ii) communities have a buy-in and support the Project activities.

Implementation: The implementation of the SEP will be done within the broader context of the roles of

the PIU. The RAP provides for a management plan that brings on board KeNHA and the various implementing agencies, such as the NLC and CSOs. This interaction will be strengthened through the implementation of this SEP.

Cost of implementing this SEP: The estimated cost for the period 2018 – 2020 is Kenya Shillings 14.3 million. The PIU will prepare annual plans that will include the planned activities and the budget for implementation for the specified period.

1.0 INTRODUCTION

1.1 Background

The Government of Kenya (GoK), through the Kenya National Highways Authority (KeNHA), is rehabilitating and expanding the Mombasa-Mariakani Road in two (2) Lots: Lot 1: Mombasa - Kwa Jomvu 11.4km, which is funded by the African Development Bank (AfDB); and Lot 2: Kwa Jomvu - Mariakani 30.3km which is financed by the Kreditanstalt für Wiederaufbau (KfW) and European Investment Bank (EIB). It is anticipated that the road construction will be completed by 2020.

The Mombasa – Mariakani road is part of the A109 International Trunk Road, which functions as a major transit route for traffic to and from Uganda, Rwanda, Burundi and Southern Sudan. The primary objective of the dualling Project is to improve the transportation of import and export goods; and passenger traffic along the Northern Corridor by decongesting the traffic to and from the Port of Mombasa. It is envisaged that the Project will also improve the level of service and reduce travel times, improve road safety, and increase accessibility to Mombasa, its port and the international airport. The Project is approximately 42km long and starts at the Junction of Kenyatta Avenue (A109) and Digo road (A14) within Mombasa City; runs in a north westerly direction through Makupa Causeway, Changamwe, Mikindani, Kwa Jomvu, Miritini, Mazeras, Mariakani town and ends just after the Mariakani weighbridge.

Part of the impacts of the road expansion include land take and relocation of persons within the corridor earmarked for expansion. Prior to the implementation of the Project's Resettlement Action Plan (RAP), forceful evictions were made between Km 10+700km to 11+450km of the Project road, primarily on the current road reserve, which had been earmarked as part of the construction corridor for the road expansion. There was public uproar following the evictions that necessitated the development and implementation of a Corrective Action Plan (CAP) to address the complaints raised by community members affected during the evictions.

The Constitution of Kenya (CoK), 2010 recognizes the right of citizens to participate in decisions that directly affect them. Hence, public participation and consultation are cardinal requirements in all matters of public interest in the country. There are also a variety of laws, regulations, and orders that have a bearing on stakeholder consultations and engagements, including: The Land Act, 2012; The Land Registration Act, 2012; The National Land Commission (NLC) Act, 2012; County Government Act, 2012; and The Environmental Management and Coordination Act (EMCA), 1999 (Revised 2015). Based on the need for continuous engagement and involvement of stakeholders on the road project, KeNHA has produced this Stakeholder Engagement Plan (SEP), which sets out the engagement structures and communication framework for the Project.

1.2 Rationale for the stakeholder engagement plan

The aim of this Plan is to provide a structured approach to stakeholder engagement, which is a key part of the functions of KeNHA as an implementer of the Road Project. The Agency recognizes that the Project affects and is affected by various stakeholders with varied needs for engagement and consultation. Consequently, KeNHA plans to actively engage and consult its stakeholders as a key measure to ensuring compliance with the Kenya Constitution and as part of good governance. The SEP will also be in compliance with the financiers' social safeguards and will contribute to structured and targeted capacity-building of KeNHA.

The EMCA and its supporting legislation have set requirements for public disclosure and consultation in tandem with the Environmental and Social Impact Assessment (ESIA) process, which was completed

and approved by the National Environment Management Authority's (NEMA) in 2015. The updated Road Project RAP (February 2017) and ESIA were duly disclosed and contain requirements for the implementation of a SEP.

For KeNHA, the SEP for Mombasa-Mariakani Road is considered a vital document for facilitating the development of a broader, focused, more inclusive and continuous engagement with those potentially impacted or with interests in the Project. It encompasses a range of activities and approaches for effective engagement. It is anticipated that this Plan will be used as a template for all other road projects undertaken by KeNHA in the country.

1.3 Objectives of the stakeholder engagement

The SEP is aimed at providing a process through which KeNHA will engage its stakeholders in a structured, informed, inclusive and regular manner. The objectives are to:

- (i) Provide the stakeholder engagement requirements as per the Kenyan policies and legislation;
- (ii) Provide guidance for stakeholder engagement as per the standards of International best practice;
- (iii) Provide a summary of public consultations and disclosure activities undertaken on the Project to the time of developing the SEP;
- (iv) Provide an inventory of key stakeholder groups or individuals that are and will be informed and consulted about the Project;
- (v) Identify stakeholders and provide in-depth analyses of the interests and needs of consultation of the different stakeholder groups;
- (vi) Identify the most effective methods and structures through which Project information can be disseminated, and to ensure regular, accessible, transparent and appropriate consultation;
- (vii) Provide guidance for the Project to build mutual, respectful, beneficial and lasting relationships with stakeholders;
- (viii) Review the grievance redress mechanism (GRM), making sure it affords all stakeholders or interested citizenry the ability to provide feedback, channel their concerns and, thereby, access information and, where relevant, seek recourse and remedy under the GRM. The GRM also describes the options available to PAPs for grievances they may have about the process, the identification of eligible people for compensation, the valuing and compensation and any other complaints they may have with the entire process;
- (ix) A Communication Plan is presented that includes how issues are packaged, disseminated and accessible in a way that is clear and comprehensible to the key stakeholders; and programme consultation and timelines for the different stages of the Project;
- (x) Reporting, monitoring and feedback measures that ensure the effectiveness of the SEP and periodic reviews based on findings; and
- (xi) Roles and responsibilities for the implementation of the SEP.

Although several consultations have taken place on the Project since 2014 when it was initiated, these have not been informed by a SEP, which is a key tool for ensuring that all key stakeholders are consulted appropriately using the right tools.

1.4 Approach

Several key informant interviews and group discussions were held by the consultant and the KeNHA team in Mombasa to assess the level of stakeholder engagement in the Project, the challenges encountered and gather suggestions on ways to effectively engage the stakeholders (see Annex 1 for the data collection guide and Annex 2 for a data collection form). The consultations took cognizance of the fact that engagement with the various stakeholders would be varied based on the extent to which their activities impact and/or are impacted by the Project. After developing a draft SEP, a validation meeting attended by 26 participants, was held on August 06, 2018 in Mombasa. The participants were drawn from the National and County Governments, CSOs, communities and KeNHA. The deliberations during the meeting informed the finalization of this Plan (see Annex 3 on the list of participants during the validation meeting).

Based on the consultation process, the stakeholders have been grouped into seven broad categories (Annex 4 presents a list of the people engaged in the consultations):

- (i) Community groups – these include the PAPs, community leaders and members who are directly affected by the Project;
- (ii) National and County Governments (at the policy level) – this mainly refers to the policy makers at the national and county levels. Although they may not be directly engaged in the Project, they play a key governance, policy and oversight role;
- (iii) Government agencies – these include forestry, port, railways, power, water and environment regional teams based in or operating in Mombasa;
- (iv) Business entities including transport, communication and the commercial sector more broadly;
- (v) County departments including infrastructure, gender, youth, water, health and other relevant sectors that have the potential of close interaction on the Project. These also include the ward and village leadership;
- (vi) CSOs – these include the network of CSOs in Mombasa and the individual members engaged in sectoral issues of relevance to the Road Project; and
- (vii) Special interest groups – these include youth, women, persons with disability and the older persons who might require special care and focused representation during discussions and negotiations.

1.5 Structure of this Plan

This Plan is presented in eight sections as summarized below.

Section 1: The introduction section provides a background on the Project, the objectives of the SEP and the approach used to generate the information used for the production of this Plan.

Section 2: This Plan is harnessed within the Kenyan legal provisions and the financiers' engagement principles. This section cites the key legal frameworks that will inform engagement with stakeholders. It also provides the guiding principles for this SEP.

Section 3: This section presents the list of stakeholders, their engagement needs and the planned frequency of consultation with the Project team.

Section 4: The GRM is presented in this section with a view to providing a simple framework that affords timely response to complaints and grievances.

Section 5: A communication plan has been developed to ensure that each stakeholder is reached with the appropriate information using relevant channels of communication.

Section 6: Monitoring, evaluation and reporting are key to the successful implementation of this Plan. This section presents the key indicators for M&E and the reporting requirements.

Section 7: The implementation arrangements outlined in this Plan are aligned to the Project implementation plan. An annual workplan template is provided that will be adjusted based on the Project needs.

Section 8: It is estimated that the Plan will cost Kenya Shillings 14.3 million over the three-year period. The PIU will prepare annual budgeted plans that will be reviewed at the end of each financial year.

2.0 RELEVANT LEGISLATION AND POLICIES ON STAKEHOLDER ENGAGEMENT

2.1 Overview

Project stakeholders are defined as persons or groups who are directly or indirectly affected by a project, as well as those who may have interests in a project and/or the ability to influence its outcome, either positively or negatively. The various local and international standards being applied to this Project define two main categories of stakeholders; differentiating, for example, between “those who will be or are likely to be directly or indirectly affected, positively or negatively, by a project (commonly referred to as project-affected people, households or communities)” and “those who might have an interest in, or may influence the project”.¹ Following these definitions, the two principal groups of stakeholders in the Project are broadly categorised as follows.

Affected Parties: People/entities directly affected by the Project and/or have been identified as potentially vulnerable to change and who need to be engaged in identifying impacts and their significance, as well as in decision-making on mitigation and management measures. Affected parties are those generally located within the Project’s defined area of influence but may be elsewhere (e.g. people who live outside the Road Project area but have personal or business interests that may be directly affected by the construction of the road). Affected parties include two sub-groups:

- (i) Directly affected: Communities, groups and individuals displaced physically and/or economically by the Project, including any vulnerable or marginalised persons; and
- (ii) Indirectly Affected: Residents, businesses, officials and administrators in Mombasa County who may be indirectly affected by employment opportunities, influx and the related pressure on resources and services; local community-based groups who represent affected groups and/or other affected parties; and employees, their representatives and contractors to KeNHA.

Interested Parties: These are people/entities interested in the Project and/or could affect the Project in some way. Interested parties include residents of the adjacent counties in the broader coastal region (Lamu, Kilifi, Kwale, Tana River and Taita Taveta); national and international CSOs, non-governmental organizations (NGOs), community-based organizations (CBOs) and faith-based organisations (FBOs); suppliers and service providers to KeNHA located elsewhere in Kenya or internationally; and other projects in the region that could affect or be affected by the Project. Additionally, since Mombasa-Mariakani highway is the main gateway in and out of Mombasa, the effects of the road construction go beyond the confines of Mombasa County and the coastal region.

This SEP will be implemented in line with the Kenya national legislation, the lenders’ requirements and in accordance with international standards taking into consideration the various actors. It will also take into view the social and cultural norms among the communities that define how information is shared, while using the existing local structures to ensure inclusivity in the consultation and engagement processes.

2.2 Kenyan legislation and policies on stakeholder engagement

The CoK (2010) provides a rich and complex array of civil and political, socio-economic and collective rights of relevance to the implementation of this SEP. It contains several provisions on citizen participation in the governance and political life of the country. In Chapter 5 on Land and Environment, the Constitution

¹Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets. IFC, 2007.

recognizes the right of citizens to participate in governance decisions that directly affect them, including consenting on natural resource issues and development projects. In addition, Article 10(2) sets out the principles and values for good governance, integrity, transparency and accountability, and sustainable development. Article 31(3 and 4) also includes the right to privacy which is relevant to this SEP in relation to information on personal or private affairs and the protection of information. The relevant provisions include:

- 10.(2) *The national values and principles of governance include-*
- *patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;*
 - *human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised;*
 - *good governance, integrity, transparency and accountability; and*
 - *sustainable development.*
31. *Every person has the right to privacy, which includes the right not to have-*
- *their person, home or property searched;*
 - *their possessions seized;*
 - *information relating to their family or private affairs unnecessarily required or revealed; or*
 - *the privacy of their communications infringed.*

In a bid to protect and promote the rights aforementioned, the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act of 2012 (IDP Act), underscores the need for all relevant actors to ensure that all feasible alternatives are explored in order to avoid displacement prior to any decision requiring the displacement of persons.² Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.³

The aforementioned pieces of legislation take cognizance of the need to have a human rights-based approach in development projects. Key actors are implored to embrace principles that promote access to information, public participation and fair administrative action to mitigate on human rights violations resulting from unclear processes. Additionally, Section 160(2)(e) of the National Land Act gives the NLC the power to: “(i) establish appropriate mechanisms for their removal from unsuitable land and their settlement; (ii) facilitate negotiation between private owners and squatters in cases of squatter settlements found on private land; (iii) transfer unutilised land and land belonging to absentee land owners to squatters; and (iv) facilitate the regularisation of existing squatter settlements found on public and community land for purposes of upgrading or development.” The Act places NLC at the centre of relocation and resettlement processes. While abiding by the different legislative provisions outlined in the preceding paragraphs, it is imperative that relevant actors make use of this strategic office to minimise or avoid friction with PAPs.⁴

KeNHA, as a public body is obligated to pay attention to Article 232 on Values and Principles of Public Service Part (1), which includes: (a) involvement of the people in policy making; (e) accountability for administrative acts; and (f) transparency and provision to the public of timely and accurate information.

²Section 22(2).

³Art. 5 Paragraph 2 of the Great Lakes Protocol On Protection and Assistance to Internally Displaced Persons (First Schedule of IDP Act).

⁴This section received input from Maureen M. Mwandime of the KNCHR Mombasa Office, to whom we are grateful.

2.3 Stakeholder engagement requirements for the Financiers

The EIB, KfW and AfDB provide measures for meaningful, transparent and culturally appropriate public consultation of affected communities. Further, they provide for timely disclosure of appropriate information in a suitable form. The requirements set by the financiers for stakeholder engagement are aligned to those of the GoK, as illustrated in Table 1.

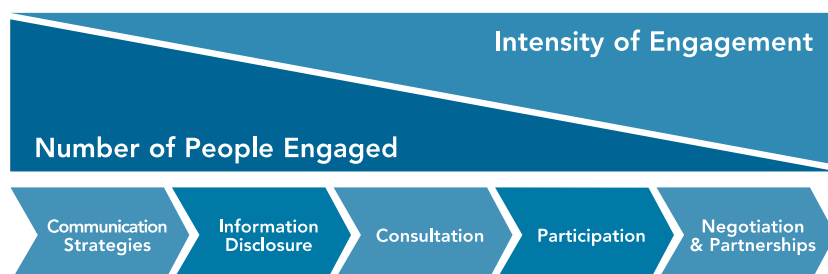
Table 1: Key requirements of the Financiers of relevance to the SEP

Area of focus	EIB	KfW	AfDB
Protection and management of environmental and social risks	Standard (1) stipulates that projects must meet the best international practice with regards to the assessment and management of environmental and social impacts and risks, promote good environmental and social governance and align with relevant EU principles and standards	Requirement for environmental and social assessments to be conducted in order to identify and prevent any adverse impacts and risks, or minimise them to an acceptable level and introduce compensation measures. In addition, the assessments should identify, monitor and manage any residual risks	The Bank introduced the Integrated Safeguards System (ISS) to update and articulate more clearly its environmental and social safeguards to support inclusive and sustainable growth in the region
Involuntary resettlement	Standard (6) seeks to mitigate any adverse impacts arising from loss of assets or restrictions on land use. It also aims to assist all affected persons to improve or at least restore their former livelihoods and living standards and adequately compensate for incurred losses	It requires projects to avoid and minimise involuntary resettlement and forced eviction of people and their living space as well as to mitigate adverse social and economic impacts through changes in land use by reinstating the previous living conditions of the affected population	The Bank requires that, when people must be displaced, they are treated fairly, equitably, and in a socially and culturally sensitive manner. It also requires that they receive compensation and resettlement assistance so that their standards of living, income earning capacity, production levels and overall means of livelihood are improved, and that they share in the benefits of the project that involves their resettlement
Public participation	Standard (10) actively promotes the right to access to information, as well as public consultation and participation	Requires participatory approaches to involve affected local groups and keep the public in the partner country informed	The Project should describe differentiated measures to allow effective consultation and participation of all affected communities, and, where applicable, of vulnerable or disadvantaged individuals or groups, including Indigenous Peoples
Labour standards	Good labour practices and the use of appropriate codes of conduct are important to ensure the fair treatment, non-discrimination and equality of opportunity of workers	Condemn forced labour and child labour, ban discrimination in respect of employment as well as occupation and support the freedom of association and the right to collective bargaining	Requires the borrower or client to apply the international labour standards to a number of specific elements of a Bank-supported operation that involves the employment of a workforce.
Grievance redress mechanism	The EIB has established a grievance system that the project sites are supposed to be informed of. A report to this system triggers a response from the EIB team which is independent from the Bank Project team	The executing agency must establish a grievance process for receiving and dealing with the concerns and complaints of the employees and the members of the affected public. There is a platform that complainants can use to report their grievances directly to the Bank	GRM shall be developed (often as part of the SEP), that details the procedures that a project will establish for managing complaints and grievances. Complaints can also be directly submitted to the Bank

2.4 International best practice

A handbook developed by the International Financing Corporation (IFC) on stakeholder engagement provides guidance on what should be done by groups working in emerging markets that is applicable to this SEP. It provides a five step approach to engaging stakeholders as shown in Figure 1.

Figure 3: Spectrum of stakeholder engagement



Source: IFC, 2007

The IFC guidance encourages groups and companies working with emerging economies to engage with stakeholders to facilitate a proactive cultivation of relationships that can serve as “capital” during challenging times. Like any other business function, stakeholder engagement needs to be managed as a business function and not as an add on. It states in part: “As with other key business functions, direct reporting lines and the engagement of senior management (in the implementation of SEP) is critical.” Box 1 presents a summary of key pointers to successful stakeholder engagement.

Box 1: Some important pointers to successful stakeholder engagement

- (i) It is important to keep in mind that the situation is dynamic and that both stakeholders and their interests might change over time
- (ii) Give people the information they need to participate in an informed manner
- (iii) Documenting consultation activities and their outcomes is critical to effectively managing the stakeholder engagement process
- (iv) It is both good practice and common courtesy to follow up with stakeholders whom you consulted, to let them know what has happened and what the next steps in the process will be
- (v) The more a particular stakeholder group is materially affected by a component of the project, the more important it is for it to be properly informed and encouraged to participate in matters that have direct bearing on it
- (vi) Grievance mechanisms should not be thought of as a substitute for a company’s community engagement process or vice-versa. The two are complementary and should be mutually reinforcing
- (vii) Maintaining a regular presence in the local communities greatly helps to personalize the relationship with the company and engender trust
- (viii) Consistency of information conveyed to stakeholders by different teams or business units within the company is important

Source: IFC (2007)

The United Nations Basic Principles and Guidelines on Development-Based Evictions and Displacement⁵ lays down operational procedures, based on human rights standards, to be followed at each stage of an eviction - before, during and after. The Guidelines further provide for remedies for forced evictions and stipulate that all persons threatened with or subject to forced evictions have the right of access to timely remedy.⁶ Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation, and should comply, as applicable, with the

⁵OHCHR, *Basic Principles and Guidelines on Development-Based Evictions and Displacement*, <https://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf> accessed on 13th August, 2018

⁶Par. 60 – 68 of the United Nations Basic Principles and Guidelines on Development-Based Evictions and displacement.

2.5 Guiding principles for stakeholder engagement

The following are the guiding principles for the implementation of this Plan , drawing from the GoK, Financiers' and international best practices.⁸

- i. Stakeholders should be fully informed of and invited to participate actively in key decisions regarding the design, alignment, construction and operation of the road Project, which will markedly impact their lives and well-being. Stakeholders with a high stake in the project will be engaged regularly as indicated in section 5 on communication. KeNHA will facilitate each sector to identify a convener who will be the contact person with the organization for all project-related matters;
- ii. Public engagement will be conducted in or very proximate to affected communities, especially those communities at significant risk of adverse social impacts and extended disruption during construction;
- iii. Public engagement will be conducted in neutral places where invited stakeholders feel comfortable to participate and where no power relations/dynamics or threats may affect the process negatively;
- iv. Announcements of public engagement, in English and Kiswahili, will be locally prominent, e.g. using large posters displayed in numerous public locations, through the local/chief's office with the capability to reach most people targeted by the message or through the use of mobile platforms commonly used by the target population, within the affected communities and placed at least 7 days prior to the scheduled event;
- v. Announcements of public engagement will be accompanied with the circulation of background materials about the Project to serve the specific purpose of the interaction. This may include executive summary of studies/reports (e.g. RAP, ESIA) or any suitable materials that help stakeholders to get prepared for the discussion. The types of materials to be circulated will be responsive to the nature of the communities and the capabilities of the targeted populations (e.g. materials will be packaged as illustrative drawings rather than in written text to reach those with low literacy levels);
- vi. Stakeholder engagement will be a long-term commitment by the government and responsible authorities. It will be well planned, begin prior to the completion of design and alignment decisions, continued actively throughout the construction phase, and be effectively institutionalized for sustained dialogue and responsiveness to stakeholder needs and concerns during service operations;
- vii. Engagement must be inclusive: care will be taken to identify, invite and engage with all categories of local stakeholders, particularly those categories who may be unable or intimidated to attend public consultations and lack effective representation (e.g. women, persons with disabilities and youth). Special attention will also be given to those who might be affected negatively by the Project to ensure that they are involved and that their concerns are taken into consideration;
- viii. The promise from responsible authorities that stakeholder inputs and contributions will be

⁷United Nations Human Rights Office of the High Commissioner, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*,

<<http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>> accessed on 13th August, 2018.

⁸The contents of this sub-section have been adapted from Cairo Metro Line 3, Phase 3 Finalization of ESIA: SEP (May 29, 2012), by Grontmij.

listened to and fully considered in making final plans and decisions that mitigate risk, lessen adverse impacts and disruption, and enhance accessibility and community benefits. Responsible authorities will communicate their readiness to alter plans if proposed changes are compelling and inform stakeholders how their inputs affected the decisions taken;

- ix. Public disclosure of plans, information and expected impacts/disruptions will be honest, understandable and transparent to local stakeholders, including persons who are not literate. Local stakeholders will not be misled and responsible authorities will not make false promises;
- x. Stakeholder engagement will be managed by capable organizational staff who have facilitation, communication and conflict resolution skills; and
- xi. Public consultations will be carefully and efficiently documented and records should be kept for Project documentation purposes. These include photographs, registration forms (when applicable), comment sheets, copies of the announcements, etc.

3.0 STAKEHOLDER MAPPING AND ANALYSIS

3.1 Overview

Stakeholder engagement has taken place on the Mombasa-Mariakani Road since 2014 when the Project was launched under the leadership of the PIU. In addition, formal public consultations took place during the development of the RAP and ESIA. However, following the forceful evictions of people from the road reserve by KeNHA in 2015, there were many complaints that necessitated further consultations during the development of the CAP. In order to facilitate on-going engagement with the communities, KeNHA recruited a Community Liaison Officer (CLO), who has been based fulltime in Mombasa since 2016.

From the outset, KeNHA has actively sought to build strategic working relationships with the various key stakeholders directly or indirectly impacted by and/or who have an interest in the Project. This has entailed the identification of Project-wide stakeholders during the various consultation activities undertaken by the PIU, CLO and other staff. Efforts have also been made to update the stakeholder lists and enhance KeNHA's knowledge of its stakeholders and their concerns, although there have been gaps.

Due to the nature of the Road Project and the devolved governance system in Kenya, KeNHA has held and been involved in discussions with Mombasa County leadership, and specifically with sectors affecting and affected by the road construction. These include the Kenya Ports Authority (KPA), Mombasa Water and Sewerage Company (MOWASCO), Kenya Forest Services (KFS), the National Environment Management Authority (NEMA), among others. The KeNHA's Regional Director (RD) attends meetings held for Regional Heads of Government and Agencies in the coastal region during which information on the Project is shared. Table 2 presents a summary of the key consultations that have taken place on the Project up to the time of developing this SEP.

Table 2: Previous stakeholder formal engagement activities

Stakeholder Group	Purpose of engagement	Activities
Communities	-During the RAP and ESIA preparation -During the preparation of the CAP -For information sharing on the Project	-Public meetings with the communities in the affected areas (Mikindani and Jomvu) to explain the asset valuation and compensation process and challenges -Shared a popular version of the RAP (this version was produced with the support of Haki Yetu) -Shared information on the entitlement matrix and GRM
PAPs (through their committees)	-Explain the asset valuation and compensation process and challenges -Share information on the entitlement matrix and GRM	-Held clinics to address grievances -Interaction with individual PAPs on need basis -Meetings with groups of PAPs -Regular community meetings (monthly)
Civil society organizations	-Address complaints, some of which have been reported to the Financiers	-Meeting with individuals linked to the complaints to the Financier -Meetings with the CSO Network to share information on the Project and seek to understand their concerns on the Project
Regional Heads of Departments	-Brief them on the status of the road construction, challenges and seek support from specific sectors	-Quarterly meetings organized by the County Commissioner (mainly security meetings) -Meetings during the preparation of the safeguards documents
Service providers (water, health, telecommunication, transport, etc.)	Share plans and seek support in the relocation of infrastructure on the road	-Meeting with specific service providers to discuss the project -Meetings between the Resident Engineer (RE) and business community

3.2 Stakeholders' concerns

During discussions with the stakeholders on the Mombasa-Mariakani Road for the development of this SEP, key concerns were expressed on compensation for PAPs and the secrecy on the amount of money paid to them. Some of the PAPs and CSO representatives were of the view that the secrecy by KeNHA on these matters may have led to some complaints being submitted to the financiers directly since they were not getting any or appropriate answers from the Agency. There was however a counter-argument by the PAP committee members to the effect that handling of compensation was undertaken in such a manner as not to expose the PAPs to security risks. There were fears that some of the PAPs were in conflict with family members and making known the amount of money received for compensation could exacerbate the conflict at the household level. Contrary to this view, the CSOs involved in the group discussions observed that KeNHA should have acquired a 'social license'⁹ that would have allowed it to operate in the communities without fear. They observed that people eventually know the money paid out, hence the fears expressed by the PAP committee members were largely uninformed.

There was also a concern raised by the PAPs that some of them were being asked by the PAP Committees and other local leadership for bribes. This was seemingly a common practice and in one of the communities, a member opined: 'when I receive my next compensation I will need to give the leader some money if I want to live here in peace'. This is an issue that will be addressed by KeNHA to ensure that the PAPs are not held at ransom by some scrupulous members and/or groups in the community.

Although the concerns raised by the stakeholders varied, based on how the project impacts and is impacted by them, the common concern was on information flow. There was an overwhelming view that KeNHA does not share information on a regular basis and oftentimes contacts the stakeholders only when it needs their input and/or intervention. Table 3 presents a summary of the key concerns expressed by the stakeholders regarding their engagement in Project activities (the detailed assessment of the concerns and KeNHA's response is presented in Annex 5).

Table 3: A summary of stakeholder concerns

Topic/issue	Stakeholder concerns
Inadequate information flow	-Lack of information from KeNHA on the Project design -Lack of no information on the Project timelines
Lack of engagement and/of consultation with key partners	-The Project team does not inform service providers (water, sewage, telecommunications, etc.) when it plans to excavate a section of the road to allow them to move their infrastructure (cables, pipes, etc.) -The Jomvu forced evictions of 2015 were conducted without consultation with the county leadership -CSOs consider the Project team to have apathy towards engaging them and have been labelled activists
Involuntary relocation	-Uncertainty regarding the relocation process -Uneven compensation for the PAPs
Compensation	-Delay in compensation, which has made it difficult for the PAPs to plan their lives -Lack of disclosure on the compensation matrix and the amount of money to be compensated
Damage to existing infrastructure	-Excavations on the roads have damaged infrastructure put in place by other service providers including communication cables, pipes, tunnels, sewer and power lines, etc. -Loss of trees and mangroves along the road with no clear plan of replanting
Health and safety	-Dust that affects the people residing along the road -Traffic jams on the highway leading to fuel emissions that pose a health risk -Potential for the contamination of water and food in the affected areas
Employment opportunities	-The Project has not employed local people. However, the contractor cited lack of capacity and

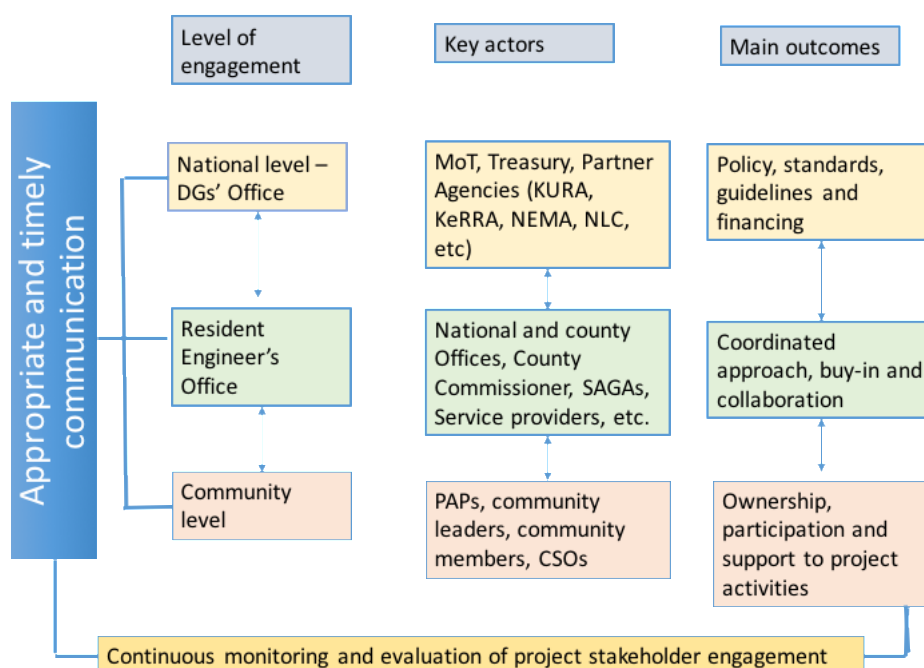
⁹Social license has been defined to be present when 'a project has the ongoing approval within the local community and other stakeholders, ongoing approval or broad social acceptance and, most frequently, as ongoing acceptance.' Source: sociallicense.com/definition.html.

	dishonesty among the youth as a key limitation
Community investment Corporate Social Responsibility (CSR)	-Although the community was promised that there would be investments in the form of CSR, none has been implemented to date -High expectations by the community members

3.3 The most effective methods and structures to reach the stakeholders

The consultations established that each of the stakeholders has different needs for engagement on the Project. Therefore, their consultation and participation should take into consideration their interests and level of influence. An illustration of the different levels of engagement from the national to the community levels is presented in Figure 2.

Figure 4: Engagement levels for the different stakeholder



What is important to note from this figure is that each level informs the next, hence the need for a feedback loop, which emphasizes the critical role of sharing information and to report back. Since the Project implementation process tends to be hierarchical, it is important to vest the stakeholder engagement responsibilities in offices that have the requisite mandates and convening power. For instance, during the consultations for the preparation for this Plan, it emerged that the County Commissioner (CC) has the mandate to convene organizations and agencies working in the County on a regular basis to discuss and deliberate on all development matters. Consequently, the regional level it is expected that the RE and RD of KeNHA would work closely with the CC and support him to convene the regional heads to discuss and seek support the Road Project.

3.4 Stakeholder interests and consultation requirements

Considering the fact that the stakeholder engagement activities implemented by the Project have not been informed by a structured plan, there is a need for KeNHA to build on the stakeholder list compiled as part of this SEP and develop a database. This database should be maintained by the PIU (see the stakeholder list in Table 4 and the detailed mapping of stakeholders in Annex 6). The database will provide information on the stakeholders’ rights and/or responsibilities as well as their capacity to engage

meaningfully on the Project (i.e. factors such as literacy, norms and decision-making via village elders, etc.). The records will be reviewed routinely and updated to reflect any notable changes in stakeholder status or circumstances.

Table 4: Stakeholder analysis

Stakeholder category	Specific groups/entities	Current engagement <i>How they are involved in the project activities</i>	How could the stakeholder contribute to the project?	Level of engagement (High, Medium or Low)	Communication needs
Community	PAPs	-Consultative meetings with the PAPs -Disclosure meetings	Cooperate with the project team and relocate after compensation as per the notice	High – they should be informed at any time of all activities and/or changes taking place that would affect them directly or indirectly	Manage closely
	General community members	Sharing information on the ongoing Road Project	-Support the community in relocation -Own the Project	High – they are directly affected the project. Regular public meetings should be held to brief them on the progress and any changes being planned on the Project	Manage closely
	Community leaders – assistant chiefs, chiefs, elders and other opinion leaders	-Sharing information on the ongoing Road Project	-Mobilizing the communities -Resolving grievances and conflict resolution	High – they are key in resolving conflict, relocation and compensation. They should be involved regularly and on need-basis	Keep informed
	Multi-stakeholder forums	Should bring together all actors to share information on the Road Project	-Make comments on the Project's vision and implications on community life	High – they are directly affected and can affect the project	Regular public meetings to brief them on the progress and any changes planned on the Project
Local administration	County Administration (MCA, Ward representatives)	Informed on the progress of the Project	Support KeNHA in implementing the project -Service provision	High: – they are key in resolving conflict, relocation and compensation. They should be involved regularly and on need-basis	Keep informed
Government agencies	NLC, NEMA	NLC – involved in asset valuation and compensation NEMA – responsible for ESIA and ESMP for the project	-Expediting valuation and compensation for PAPs -Ensuring timely approvals of assessments and implementation plans	High - since they are key service providers for the road they need written updates and face-to-face consultations on a regular basis	Keep informed
	KPLC, KPA, Kenya Railways (KR)	-Information sharing -Technical updates	-Shared space on the road infrastructure -Technical inputs	Medium – status updates and notices on changes on road plans	Keep satisfied
National Government Departments	Treasury, MoT	-Compensation of all PAPs -Technical updates	Release of funds in a timely manner -Technical inputs	High – this consultation should be done at the DG level on need basis but at a minimum every 6 months	Keep informed
County Government Departments	Infrastructure and Roads	Information sharing	Support KeNHA in the project implementation -Provision and protection of material sites -Provide waivers for specific services	Medium – this is a national road but since there are departments at the county with vested interests, shared information during regional project meetings and through status report should suffice	Keep satisfied

Stakeholder category	Specific groups/entities	Current engagement <i>How they are involved in the project activities</i>	How could the stakeholder contribute to the project?	Level of engagement (High, Medium or Low)	Communication needs
Civil Society organizations	Human rights groups, development, road safety, social welfare, etc.	-Monitor relocation and compensation for PAPs -Informed on the progress of the project -Resolving grievances Community disclosure meetings	-Community mobilization -Information sharing -Training, skills, mentorship	Medium – they are the voice of the people although the relationship is currently not smooth. Information should be shared in the form of status reports and they could also be encouraged to be part of the community meetings	Monitor
Business enterprises	Telecommunication companies, MOWASCO, business owners, etc.	Relocation of cables	-Timely relocation of the cables/pipes -Consultation with the contractor on the location of their fibre assets	Medium – shared plans through a WhatsApp platform being managed by the RE coupled with the status report, newsletter, email and SMS	Keep satisfied
Political leadership	National government, County Government, Members of Parliament (MPs), Members of County Assembly (MCAs)	Political goodwill and financing compensation component	-Support the project team -Manage complaints and grievances -Share information	Medium – Status report and should be encouraged to attend the monthly community meetings (for the MCAs and MPs)	Keep informed
Special interest groups	Widows, children, persons with disability, chronically ill, youth through youth groups, etc.	Not engaged	-Organize themselves in groups for ease of support -Articulate their needs	Medium – they are members of the community and would benefit from the community level information	Monitor

The following actions will be performed as part of implementing this SEP.¹⁰

- i. The *Stakeholder Register*: the stakeholder list presented in Annex 6 will be updated routinely by the officer in-charge of implementing the SEP. The aim of the register will be to maintain a comprehensive list of institutions and agencies to be consulted and informed on regular basis.
- ii. The *Commitments Register* (see Annex 7) will be used to collate and track all new environmental and social commitments made by KeNHA to its various stakeholders over the life of the Project and ensure timely follow-through on its promises. This is an essential tool for building trust and establishing good working relationships with the stakeholders.
- iii. *Key Stakeholder Profiles* (see template in Annex 8) will be maintained for both designated key informants and those affected parties that have influence and/or are subject to high impacts. The information captured will include their knowledge and legitimacy, and their capability and willingness to engage with KeNHA.
- iv. *Stakeholder Engagement Form* (see template in Annex 10) will be introduced by KeNHA to ensure proper preparation of each event or activity, including consideration of a range of practical issues, the associated potential risks and a culturally appropriate approach. For instance, prior

¹⁰The contents of this section have been adapted from Cairo Metro Line 3, Phase 3 Finalization of ESIA: SEP (May 29, 2012), by Grontmij.

to holding a stakeholder meeting, the officer responsible will complete the form that will include the names of the participants, objectives of the meeting, expected outcomes and anticipated challenges and resolutions.

- v. *Contact Reports* (see template in Annex 10) will be introduced to record all interactions with stakeholders, except for complaints and grievances which will be recorded and processed as described in Section 4 of this SEP. This form will be completed by the designated officer undertaking stakeholder engagement activities. The stakeholder database will be updated with information from the Contact Reports to facilitate key word searches on specific topics, generate lists of target stakeholder groups and support the planning of engagement and liaison activities (see Annex 6 for the stakeholder matrix used to inform the communication needs).

4.0 GRIEVANCE REDRESS MECHANISM

4.1 Overview on the GRM

Grievance redress mechanisms define institutions, instruments, methods and processes by which a resolution to a complaint and/or grievance is sought and provided. This implies that a mechanism should be available to aggrieved parties to access redress. GRMs can be complex and diverse; and they may be institutional specific (internal) to a project and set up from its inception or they may emerge over time in response to needs identified while the project evolves. GRMs are intended to be accessible, collaborative, expeditious, and effective in resolving concerns through dialogue, joint fact-finding, negotiation and problem solving.

A grievance is any dissatisfaction or sense of injustice, or unfairness felt by a person – in this respect a PAP or his/her representative or other community members and interested parties in connection with compensation entitlements, the RAP implementation process, the project developer, contractor and other scenarios related to project implementation. Grievances may arise from members of communities who are dissatisfied with the consultations, eligibility criteria, PAP categorization, valuation of assets, crop rates, option packages offered, prohibitions, community planning measures, or actual project implementation. During the initial stages of the socio-economic survey, stakeholders are supposed to be made aware of all of the above matters and provided with copies of grievance procedures as a guide on how grievances would be managed by the project.

4.2 The current system of grievance redress

The Project has facilitated the establishment of five PAPs committees, which are under the supervision of the local area chiefs. The committees have access to advisors and relevant professional agencies including the NLC and partners among the CSOs active in the Project area and beyond. The oldest committee was formed in Jomvu in 2015 mainly in response to the forceful evictions that were carried out by KeNHA to clear the road reserves. This committee has since been dissolved since it had served the purpose for which it was formed. The committees bring together people who are directly affected by the Project and who require compensation for loss of assets and land. Each committee has at least 10 members, who elect, from amongst their ranks, the Chair, Organizing Secretary and Treasurer. The committees have, however, expanded to include women and the youth in line with the Constitutional requirements.

It is notable that as the Project extends towards Mariakani, the PIU will need to facilitate the formation of other committees along the road to address the people's specific concerns. The experience gained during the formation and support to the current groups and their training requirements will be critical to the formation of new committees along the Mombasa-Mariakani road.

4.2.1 The main complaints handled by the Project

Most of the grievances handled by the Project and those that have been reported to the financiers revolve around compensation. Community members have questions on:

- i. *The valuation process*, which some feel was not done in an informed and fair manner;
- ii. *The compensation value* – some members feel they were not fairly compensated. Although the PAPs sign off after compensation (see the form in Annex 11), some felt that they did not understand how the value of their compensation was determined;
- iii. *Lack of clarity on when the PAPs will be paid* so that they can organize themselves. It was reported that some members cannot renovate their houses and business premises, invest and/or upgrade their businesses due to these uncertainties; and

- iv. *Evictions* – although there are ‘x’ marks on their doors and/or buildings, there is no clear communication from KeNHA on when they are expected to move from their current houses/premises.

4.2.2 Key challenges and gaps with the existing GRM

- i. *Lack of trust*: There is a pervasive lack of trust in the Project site with potential negative impacts on the potential role of the GRM. The PAPs do not trust that the PIU has their best interests. The Project team feels that the PAPs and their respective communities are dishonest. The CSOs are considered activists who are out to complicate the Project implementation process. Further, there is also lack of trust within the groups. Some PAPs do not trust their leaders while among the CSOs there is internal suspicion about the commitment and objects of the various actors. It is anticipated that the SEP will help build confidence and trust among the stakeholders, which will ultimately lead to synergy among the different players.
- ii. *Delayed response to issues*: A key requirement for an effective GRM is the prompt response to grievances. However, the community members and CSO representatives involved in the consultations identified lack of response as a key challenge with the way KeNHA has addressed complaints. This was construed as: (i) the inability of KeNHA to respond; or (ii) the lack of commitment to solving the problems of the people, especially the poor. It is critical that KeNHA invests in processes that will assure those aggrieved of its willingness and ability to respond to their issues.
- iii. *Inadequate information about the GRM*: Over the last 2 years, the Project GRM has mainly dealt with compensation issues. This has skewed the focus of both the PIU and the communities from the broad function of the GRM. It is important for communities to be informed about the GRM, its functions and channels through which the members can make their complaints and grievances known. As compensation matters get resolved, KeNHA will begin resolving diverse issues from within and outside the Project site. It is therefore critically important for the GRM to be robust.
- iv. *Third party influence*: discussions with the community members and leadership indicated that there are institutions and individuals that have taken advantage of the lack of trust and ignorance of the local people to influence how issues are handled. It was notable that a community member was bragging about his direct contact with the financiers. This does not only have the potential to negate the use of established Project GRM structures, it exposes the community members to exploitation by people who seemingly have answers to their questions. There is also a risk of elite capture, which will interfere with the locally established GRM structures.
- v. *Involvement of local administration leaders in GRM*: the office of the DCC has increasingly taken up the role of managing complaints from the communities. Although the local administration handles disputes; and the courts rely on it to mediate and reduce court cases, some community members and CSO representatives were of the view that this has the potential for abuse of office. However, KeNHA observed that the use of the local administration was informed by the need to tap into their knowledge of the local people (in case there is conflict), since they tend to know almost everyone in their administrative boundaries.

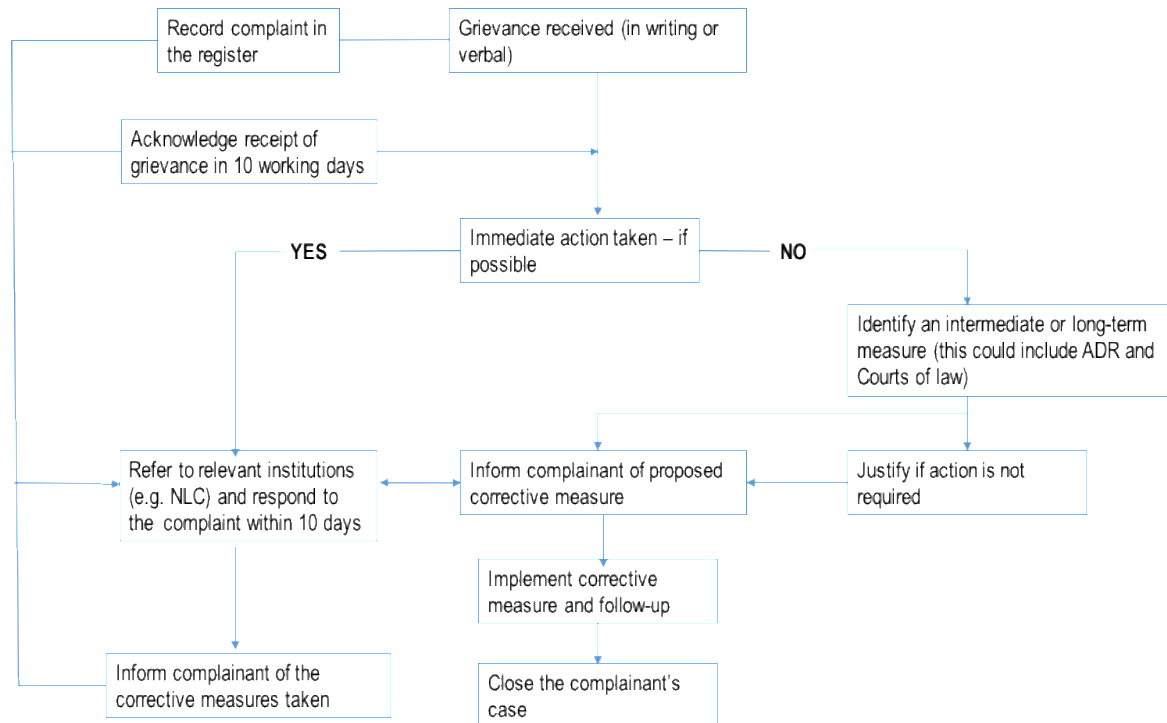
A referral system that is well understood by those directly and indirectly affected by the Project would

allow for ease of receipt, logging, resolution and case management. Some of the key challenges experienced by the Project have included the perceived inability of the Agency to address complaints and the direct communication between the community members (complainants) with the financiers. When asked about this, the community members noted that alternative communication channels were adopted due to lack of clarity on where to report their grievances and the reluctance by KeNHA to respond to the issues raised by community members (see Box 4). The fact that KeNHA staff often do not have answers to questions on compensation also led to lack of trust by community members who needed answers in real time.

4.3 Proposed GRM structure

In order to ensure that complaints are received and addressed appropriately and in a timely manner, a grievance redress structure that is responsive, easy to understand and implement is necessary. The proposed approach accords the complainant a range of options to use with clear timelines on when to expect a response to issues (see Figure 3). The process also ensures that all the complaints are logged and can be tracked to ensure compliance with the laid down procedures.

Figure 5: Grievance handling at the community level



KeNHA will designate an officer at the RE's Project Office to be responsible for managing complaints. Complaints will be received through multiple channels including:

- i. In person reports – a complainant can walk into the RE's office and complete a complaints form. In addition, the Project team will carry copies of the complaints forms during all visits to the communities to allow people with grievances to complete the forms for further action;
- ii. Phone calls by use of a designated line that will be broadly disseminated to all key stakeholders;
- iii. Short message system (SMS) on the designated line to be managed by the responsible officer;

- iv. Emails – using the office email address: integrity@kenha.co.ke and dg@kenha.co.ke
- v. Hotline+254202989000 – this line is managed by the head office in Nairobi. All complaints are handed over to the Engineer in charge of the Project who then reports to the responsible RE. However, it is notable that the hotline is only operational during works hours;
- vi. The Website www.kenha.co.ke has links that allow a complainant to lodge a complaint which the officers responsible will forward to the Engineer in charge of the Project for further action; and
- vii. The complainant can also report the matter to the nearest local administration office, such as the assistant chief, chief or DCC who will then forward the complaint to the responsible officer in the RE's office.

Each complaint will be recorded using the forms attached in Annex 12 and the resolution form in Annex 13 will be completed by the designated officer to close out the case.

There is also an opportunity to use ADR mechanisms for resolving cases at the community level before they are escalated to the courts of law or reported to the financiers. The CSOs, specifically Kituo cha Sheria, Haki Yetu and Pamoja Trust, and the KNCHR and Ombudsman's Office have the capacity to train and support the implementation of ADR for the Project. KeNHA will hold discussions with these organizations on the modalities of integrating ADR within the project. It should be noted that a complainant is free to report the case to the Ombudsman's office, NLC or to the courts of law in the land if he/she feels that the Project procedures are not working in his/her favour.

5.0 PROJECT COMMUNICATION PLAN

The design of this communication plan draws from the existing communication frameworks that need strengthening as the SEP is rolled out. This plan is informed by the stakeholder engagement strategies outlined earlier, with specific attention to the information needs and channels of communication that will ensure a wide reach and impact of the Project. The PIU will support the development of the communication materials, as necessary.

5.1 Objectives

The objective of this communication plan is to define the information requirements for the Project and how information will be distributed. This plan describes the following:

- i. What information will be communicated including the level of detail and format;
- ii. How the information will be communicated - in meetings, email, telephone, web portal, WhatsApp, etc.;
- iii. When information will be distributed, the frequency of Project communication, both formal and informal;
- iv. Who is responsible for communicating Project information;
- v. Communication requirements for all Project stakeholders;
- vi. How sensitive or confidential information will be communicated and who must authorize this;
- vii. How changes in communication or the communication process will be managed;
- viii. Any constraints, internal or external, which may affect Project communication; and
- ix. The escalation process for resolving any communication-based conflicts or issues.¹¹

5.2 Key communication principles

The formulation of communication messages and decisions on the channels to be used will be guided by the following key considerations:

- i. The involvement of the Project beneficiaries (including PAPs and those affected directly by the Project) and community members in the design and dissemination of information;
- ii. Use of multiple channels of communication including group meetings, workshops, radio, newsletters, social media, factsheets, frequently asked questions (FAQs), etc. based on the needs and access requirements of the target audience. All documents will be presented in English and Kiswahili to facilitate broader reach;
- iii. Ability to communicate to a broad range of people, which will be ensured through the use of media that is easily understood, such as local radio stations that broadcast in local languages;
- iv. Sensitivity to GoK, the financiers and other communication requirements to safeguard the integrity of the process and the authenticity of the messages; and
- v. Evidence-based media engagement - the designated officer by the PIU to be responsible for the SEP will be required to monitor and evaluate the effectiveness of the information shared and the channels used, and make adjustments as appropriate. The officer will be engaged on fulltime basis to oversee the implementation of the SEP and the communication plan.

¹¹<http://www.projectmanagementdocs.com/project-planning-templates/communications-management-plan.html#ixzz5DclVWxEP>

5.3 When to communicate

Project communication will be structured and offered regularly but with the flexibility of responding to issues as they emerge. It is envisaged that there will be more engagement at the community level with the PAPs, community members and local leaders. Since the Project is currently under way, the community will need to be informed on all planned activities with potential impact on them. It is important that the following information be provided during regular meetings, when conducting one-on-one discussions and on need-basis:

- i. Relocation of service lines, for instance, water pipes, powerlines, communication cables, etc.;
- ii. Timing of demolitions, for those properties that have been earmarked for demolition and ensuring that all compensation has been paid prior to such demolitions; and
- iii. The list of complaints that have been logged and resolved – this would ensure that the communities are not relying on rumours as their main source of Project information.

5.4 Targets, messages and communication channels

Table 5 presents a list of key stakeholders to be provided with information and consulted on the Project, the regularity of engagement and the level of interaction. This list will be reviewed and adjusted from time to time based on the prevailing contexts and evolving communication needs.

Table 5: Communication Matrix

Stakeholder	Specific org / agency	Message	Communicator	Delivery method	Schedule	Comment
<i>Who will you communicate to?</i>	<i>Who exactly will be targeted at this level?</i>	<i>What is the topic of the message?</i>	<i>Who will the communication be from?</i>	<i>How will the communication be delivered?</i>	<i>When will it happen and how often</i>	<i>Other important information</i>
1. National level	National level partners: MoT, NLC, KPLC, Treasury, etc.	Status of completion of the project	The Director General's Office – the RE/RD to provide the project specific information	-Status report -Meetings Website	Every 6 months	The DG's office will decide on the agenda, which would include briefing on the progress
2. County level stakeholders	Government and county government	-Status of completion -Challenges	The RE through the RD's Office	-Regional meetings (CC's office) -Status report -Website	Every quarter	There are regular partners meeting at the county level that could be leveraged
	Government agencies – KPLC, NEMA, NLC, KFS, KPA, etc.	-Status of completion -Challenges	The RE through the RD's Office	-Regional meetings (CC's office) -Status report -Website	Every quarter	Status report to be produced quarterly and shared to all regional offices
	Business community	-Status of completion -Changes /plans -Challenges	The RE	-Status report -WhatsApp -Email -Website -Pictorial representation of the road	Face-to-face meetings – quarterly or on need basis	Newsletter to be produced monthly and effective use of WhatsApp and SMS platforms
Community level	PAPs	-Progress on compensation -Changes in plans	The designated officer	-Group meetings -Individual consultations -FAQs -Status report -SMS	Monthly meetings with the flexibility of on-need basis	The PAPs tend to have many issues that would require to be addressed in a timely manner

Stakeholder	Specific org / agency	Message	Communicator	Delivery method	Schedule	Comment
		-Progress on the project completion -GRM outcomes		-Pictorial representation of the road		
	GRM committee	-Progress on compensation -Changes in plans -Progress on the project completion -GRM outcomes	The designated officer	-Committee meetings -FAQs -Status report -SMS -Posters -Letters -Pictorial representation of the road	The committee is expected to meet quarterly or when there are matters requiring intervention	As the road expands, there will be many issues to be addressed by the committee
	Community members	-Progress on the project completion -Changes in plans -Address any complaints and /or concerns	The designated officer	-Barazas -FAQs -Status report -SMS -Pictorial representation of the road	Monthly	FAQs will be developed once but shall need to be reviewed based on programmatic and contextual changes
	CSOs	-Progress on the project completion -Address any complaints and /or concerns	The designated officer	-Group meetings -FAQs -Status report -Website -WhatsApp -SMS -Pictorial representation of the road	On need basis but they will be encouraged to be part of the monthly community meetings	They may ask for meetings with the project team which should be obliged depending on the urgency

5.5 Key roles and responsibilities

The Project office will nominate an officer to be in charge of all the communication aspects of the Project.¹² This Officer will work closely with the other PIU members to undertake the communication activities, including:

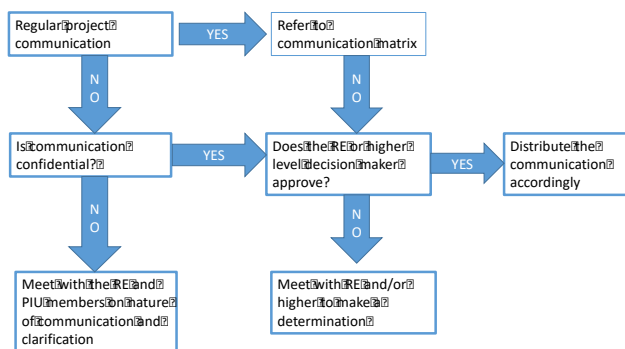
- i. Provide leadership, support and oversee the implementation of the communication and outreach plan for the Project in consultation with the PIU;
- ii. Develop and ensure timely implementation of a work plan on communication and outreach in line with the financiers' visibility guidelines;
- iii. Create appropriate linkages between the various implementers, including Project partners and national counterparts, as appropriate;
- iv. Take appropriate and pre-emptive measures to mitigate any negative publicity on the Project;
- v. Monitor and document the communication effects and impacts of the Project;
- vi. Establish and maintain a database of key stakeholders and their communication needs - this database will be reviewed and updated regularly; and
- vii. Support the Project stakeholders to package and share information on a regular basis - this could be in the form of a newsletter, status reports, FAQ, WhatsApp platform, website, etc.

¹²Given the intensity of the activities involved in the full implementation of the SEP it would be necessary for KeNHA to assign an officer on full-time basis to this role.

5.6 Communication escalation process

Communication can be an extremely complex process depending on the size and scope of the project and the number of stakeholders. The flowchart presented in Figure 4 will provide all the key stakeholders with a better understanding of the steps involved in sharing Project information. It is notable that there may be occasions or situations which fall out of the communication flowchart where additional clarification is necessary. In such situations the RE will be responsible for discussing the communication with KeNHA management to make a determination on how to proceed.

Figure 6: Project communication flow chart



5.7 Communication constraints

All projects are subject to limitations and constraints as they must operate within a specific scope, scheduling, and resource requirements. There are also legislative, regulatory, technological, or organizational policy requirements which must be followed as part of communication management. These constraints must be clearly understood and communicated to all stakeholders. While the management of communication is an important aspect of any project management, it must be done in an effective manner and within the constraints of the allocated budget, time, and resources. Consequently, all Project communication activities will occur within the approved budget and schedule.

The communication activities will be undertaken according to the regularity detailed in the communication matrix (Table 4) in order to ensure the Project adheres to its schedule. Any deviation of these timelines could result in excessive costs or schedule delays and must be approved by KeNHA. Standardized formats and templates will be used for all formal Project communication (a template is presented in Annex 14). The RE will be responsible for ensuring that approvals are requested for and obtained prior to the distribution of any confidential information regarding the Project.

5.8 Review of the communication plan

The designated officer, to oversee the implementation of this plan, will be required to develop quarterly plans, which will be subjected to review by the PIU, similar to the other Project activities. Further, the officer will be expected to make presentations during the monthly Project site meetings and quarterly meetings, as appropriate. The RE, together with the RD of KeNHA, will determine, in consultation with the financiers (EIB, KfW and AfDB) and the implementing partners, the review process and the use of the results generated through this plan. It is anticipated that the reviews will mainly be internal with the primary aim of informing the process for more effective communication on the Project.

5.9 Key issues that should be communicated

The following are some of the important messages that will be given to the community members, PAPs and CSOs:

- i. Compensation process;
- ii. Status of completion/progress made so far on the Project;
- iii. Pictorial design of the road project mainly due to the fact that the design manuals are voluminous and not easily understood; and
- iv. The GRM process to ensure that there is a good understanding of how community members can channel their complaints and grievances and when they expect the issues to be resolved.

6.0 MONITORING AND REPORTING MEASURES FOR THE SEP

6.1 Monitoring objectives

Monitoring and evaluation will be key components of the implementation of the SEP. The Project will support the implementation of participatory monitoring of the SEP to help satisfy stakeholder concerns and promote transparency through monitoring the implementation of mitigation measures or other environmental and social safeguards. Such participation, and the flow of information generated through this process, will also encourage local stakeholders to take a greater degree of responsibility for their environment and welfare in relation to the Project. It will also empower them to provide practical solutions to the issues that affect their lives. Further, participatory monitoring will play a critical role in strengthening relationships between the Project team and its stakeholders. This M&E plan will be linked to the overall Project M&E framework.

The arrangements for implementing the M&E will be aligned to specific objectives of the SEP including an assessment of:

- i. Whether the key stakeholders have been fully engaged and support the Project; and
- ii. Whether communities have a buy-in and are supporting the Project activities.

The specific objectives of the participatory monitoring will be to determine:

- i. If affected individuals, households, and communities have the necessary information on issues that matter most to them including compensation and exit from the project site;
- ii. If the National and County Governments, national agencies, CSOs, business entities and other stakeholders feel they have been sufficiently involved and are adequately informed about the Project; and
- iii. If information was disseminated prior, during and following the implementation of the Project.

6.2 Monitoring and evaluation indicators

A list of proposed monitoring indicators is presented below and includes, but not limited, to:

- i. Number and place of public consultation meetings held at the different levels of engagement – national, county, sub-county and community;
- ii. Type and number of materials produced and disseminated to the stakeholders;
- iii. Number of stakeholders in the database; and
- iv. Number of complaints received, resolved and feedback given to the complainants.

Suggested performance/evaluation indicators include:

- i. Number of stakeholders reached within the reporting period;
- ii. Submission of monitoring reports at the frequency indicated in the M&E of the SEP implementation report; and
- iii. Perceived satisfaction with the implementation of the SEP.

A number of indicators will be used to determine the status of all activities implemented as presented in Table 6.

Table 6: SEP monitoring indicators

SUBJECT	INDICATOR	VARIABLE
Consultation meetings	-Meetings held	No. of meetings held Gender distribution of meeting participants List of participants Meeting reports
Communication materials	-Status reports -Fact sheets -FAQs -Radio spots	No. of status reports produced and disseminated No. of fact sheets produced and disseminated No. of FAQs produced and disseminated No. of radio spots produced and broadcast
Use of social media platforms	-WhatsApp groups -SMS platform -Email communication	No. of participants on WhatsApp platforms No. of participants on the email list
Grievance Redress	-Cases received -Cases resolved -Cases referred	No. of Grievances Time taken to solve Channels used for redress

6.3 Monitoring approaches

Monitoring of the SEP will be done at three levels:

- i. During the regular monitoring of the Project at the implementation stage by KeNHA;
- ii. During the scheduled stakeholder forums/meetings convened as part of this SEP; and
- iii. By the financiers during project implementation missions.

Methods to be used for SEP monitoring will include:

- i. Completion of a SEP review form (see Annex 15) during regular consultative meetings;
- ii. Reports of meetings held with the various key stakeholders; and
- iii. Comparative assessment of stakeholder engagement before and after the roll-out of the SEP.

6.4 Reporting requirements

General reporting: KENHA considers timely elaboration and submission of pertinent reports during the Project period of utmost importance. The reports will be written in English. All the key reports shall receive comments from the PIU, which will then be incorporated in the final report by the responsible officer. KeNHA and the financiers shall disclose the reports on their websites based on their policies.

The following observations will be put into consideration when communicating on the Project:

- i. Determine what information needs to be reported to which stakeholders, by what method and how frequently;
- ii. Regularly update the commitments register and disclose progress to affected and interested parties. In particular, publicize any material changes to commitments or implementation actions that vary from publicly disclosed documents;
- iii. Make monitoring results publicly available, especially reports of any external monitors;
- iv. Regularly report on the process of stakeholder engagement as a whole, both to those stakeholders who are directly engaged, and to other interested parties; and
- v. Translate information reported to stakeholders into local languages and/or into easily understandable formats.¹³

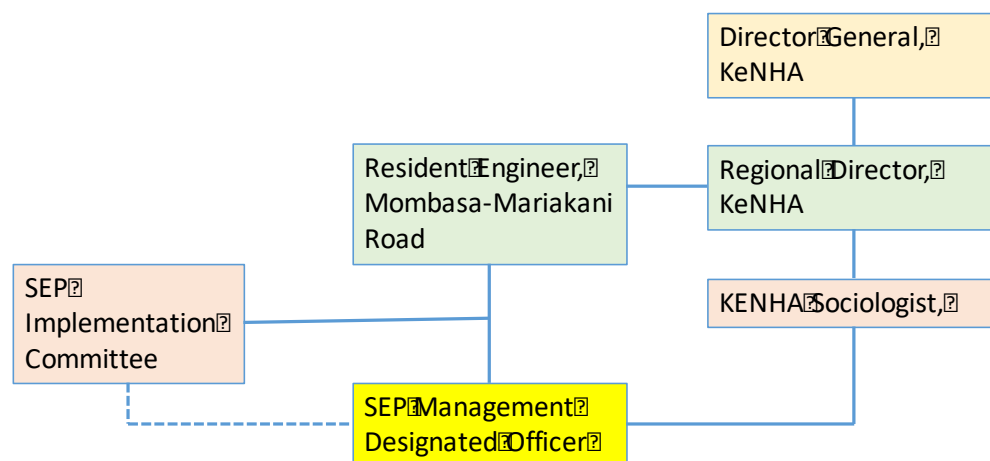
¹³Source: IFC, 2007.

7.0 ROLES AND RESPONSIBILITIES FOR THE IMPLEMENTATION OF THE SEP

7.1 Overview

The implementation of this SEP is within the broader context of the Project implementation. The RE will put in place a SEP Implementation Committee that will support the designated officer to implement the activities. The members of the committee will include a representative of the RE's office, CLO, KeNHA sociologist, as shown in Figure 5.

Figure 7: SEP Management Structure



The roles of the various positions are summarized in Table 7.

Table 7: Roles and responsibilities for SEP Implementation

Director General, KeNHA	-He provides policy direction to the project -He will be consulted on communication issues that require institutional backing
Regional Director, KeNHA	-He supports the RE on all project matters
Resident Engineer, Mombasa-Mariakani Road	-He is responsible for the day-to-day management of the Project -He will designate and supervise the SEP Management Officer
SEP Implementation Committee	-This committee will be put together by the RE. It will have representation from the RE's office, KENHA sociologist, CLO and a representation of the key stakeholders -The Committee will co-opt members on need basis -The committee will meet bi-monthly and on need basis
Sociologist, KeNHA	-He/she will provide technical support to the SEP designated officer - He/she will sit on the SEP Committee - He/she will review the workplan and assess the performance of the SEP designated officer
SEP Management Designated Officer	-Responsible for implementing the SEP and ensuring timely delivery of the Plan -Be the Secretary of the SEP Implementation Committee

7.2 Implementation structure

Lack of information, which was identified as a key challenge for the Project, will be addressed through the implementation of this Plan, over the duration of the Project. The designated officer, to oversee the implementation of the Plan, will develop annual work plans (AWPs), which will provide detailed information on the activities to be undertaken and the timing of each activity. The process of implementation will include making presentations during the monthly site meetings organized by the RE and through quarterly reports. Each meeting held under the SEP will be documented and the reports filed both on paper and digitally. The AWP will be reviewed at the end of each year and a new AWP made

drawing on the lessons learnt. A template for the annual plan is presented in Table 8.

Table 8: Annual SEP implementation plan

Activity	Responsible office/entity	Timeframe in months											
		1	2	3	4	5	6	7	8	9	10	11	12
A. Meetings													
PAPs	Responsible officer												
Community meetings	Responsible officer												
GRM	Responsible officer												
CSOs	Responsible officer												
Regional Heads of department	RE												
County Government Leadership	RE												
Business community in Mombasa	RE												
National level stakeholders	Director General's office												
B. Preparation and dissemination of communication materials													
Fact sheets	Responsible officer												
FAQs	Responsible officer												
Status Reports	Responsible officer/RE												
Radio spots	Responsible officer												
Website/WhatsApp/SMS	Responsible officer /consultant												
C. Monitoring and evaluation													
Monthly monitoring	Responsible officer												
Quarterly monitoring	Responsible officer												
D. Reporting													
Monthly reporting	Responsible officer												
Quarterly reporting	Responsible officer												
Annual reporting	Responsible officer												

It is notable that the communication messages and channels will be adapted based on the needs at the time of preparation of the AWP. For instance, if there is a rumour with the potential of stalling or slowing down Project implementation, the PIU will urgently meet to agree on remedial actions. Hence, the need for the designated officer to spend more time in the community to help capture information that will facilitate timely redress of issues.

8.0 THE COST OF IMPLEMENTING THE SEP

The budget presented in Table 9 is based on estimates and it will be reviewed and refined by the PIU from time to time to ensure resource availability for the various activities.

Table 9: Itemized SEP for the 3-year period (in Kenya Shillings)

SEP Budget (in Kenya Shillings)		Year 1	Year 2	Year 3	Total	Brief description
Item						
1	PIU costs	228,000.00	228,000.00	228,000.00	684,000.00	Meetings with the County and other officials
2	Civil society costs	228,000.00	228,000.00	228,000.00	684,000.00	Meetings
3	GRM					
	Meetings	1,410,000.00	1,410,000.00	1,410,000.00	4,230,000.00	Airtime, transport, venue hire and refreshments Committees will be developed along the way and they will need training
	Training	225,000.00	250,000.00	275,000.00	750,000.00	These will be made by the Project team on a regular basis
	Site visits	145,900.00	145,900.00	145,900.00	437,700.00	
4	PAPs					
	Meetings	600,000.00	600,000.00	600,000.00	1,800,000.00	
	Training (committees)	800,000.00	800,000.00	800,000.00	2,400,000.00	There will be continuous training over the three years as KeNHA moves towards Mariakani
5	IEC materials					
	Production and distribution	1,515,000.00	150,000.00	150,000.00	1,815,000.00	Year 1 will be the main training while year 2 and 3 will be reprinting The dissemination will occur at the county, sub-county and community levels
6	Dissemination	500,000.00	500,000.00	500,000.00	1,500,000.00	
	Total costs	5,651,900.00	4,311,900.00	4,336,900.00	14,300,700.00	

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