

SUMMARY OF THE SIRIMA VILLAGE RESETTLEMENT ACTION PLAN

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Country: Kenya
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Preface

The Lake Turkana Wind Project (LTWP), an electrical infrastructures project, located in northern Kenya adjacent to the southeast shores of the lake in the Marsabit district herein referred to as “the Project” comprises of two components: construction of a 310 MW wind farm and rehabilitation of 200km of existing minor urban roads. The road rehabilitation is the subject of this Abbreviated Resettlement Action Plan (A-RAP) herein referred to as “Sub-project”.

Background

The Sirima village is located within the proposed LTWP wind farm site previously designated Trust Land and now leased to LTWP, under a 33 year term, renewable up to 99 years. Under the previous designation 'Trust Land' it was managed under the District administration for and on behalf of the community. Consequently, the PAPA\nomadic pastoralist have customary rights of use to land pastures, however, have no recognizable legal right or claim to the land other than use and are therefore not eligible for land compensation. There are no land tenure issues for the nomadic communities as LTWP has accepted the cultural ‘right of use’ tenure for grazing livestock and traversing LTWP’s land. Apart from temporary access restrictions to active construction areas and hazardous operational infrastructure, there will be no loss of access to grazing land or other natural resources.

The RAP process is a negotiated procedure and no forced evictions are anticipated. The relocation involves an isolated ‘greenfield’ site; there are no impacts upon any host or neighboring community to consider in this RAP. The relocation of Sirima encampment from their current location is required due to health and safety concerns mainly associated with traffic and construction activities due to its close proximity to the [C77] public road. During construction, this area will become congested with traffic, construction activities and associated dust, noise, health and safety impacts. Through the Environmental Social Impact Assessment (ESIA) process and discussions with the Sirima community, it was agreed that the Sirima settlement be relocated from its current location to an area away from the [C77] public road to an area not part of the construction activities in order to minimize the potential for accidents and mitigate against any unnecessary misfortune to the Sirima community and their livestock.

Initially, the A-RAP was deemed appropriate for the relocation of Sirima settlement as opposed to a full RAP; given the number of Project Affected Households (PAHs) who were residing within the settlement at the time i.e. those prior to the census survey and Cut-Off-Date (COD) was initially understood to be 83 PAHs relating to the number of community members listed on the relief food register for the settlement. An independent baseline survey was undertaken in 2012 for the preparation of the draft A-RAP for the Sirima relocation. The survey identified 114 entitled PAHs with 156 entitled persons with structures that needed to be relocated due to potential impacts from

traffic and construction activities. These figures formed the basis for the Sirima Draft A-RAP implementation plan that was disclosed on AfDB and World Bank public disclosure platforms. The A-RAP consultation and engagement process clearly informed the community as to the significance of the cut-off date, 31 May 2012 and only those PAHs enumerated and listed on the entitlement register would be eligible for compensation.

In July\August 2014, with financial close of the Project imminent, LTWP undertook a data, verification entitlement survey of Sirima settlement. The findings identified that there had been in-migration both within the settlement and influx outside the boundary of the encampment. In order to resolve the disparity between those on the relief food register, those enumerated at the COD and those currently residing both in the boundary of the encampment and others outside the fenced boundary LTWP hired a local Turkana resident, a second Community Liaison Officer (CLO), who in a previous employment had undertaken some social work with the Sirima community through an Non-Government Organisation (NGO) and is well versed as to their demographic structure of the community. The initial scope of work for the CLO was to clarify the demographics of the Sirima community so that the RAP entitlement matrix could be finalised. The demographic survey findings concluded that a 161 PAHs originating from eleven 'nuclear' families \ clan that have resided at the Sirima settlement either prior to the cut-off date and or during the delay in implementing the RAP.

The demographic survey also identified an additional 22 Clan members located outside the encampment boundary fence that are not part of the entitled persons register nor were they enumerated prior to the COD and therefore are not entitled to compensation. The survey established that of the 22 Clan member's influx to the settlement, that they have family \ Clan related ties to the original 11 Sirima Clans with a total of 46 structures. For the purpose of clarity in this document these Clan members are categorised as PCOD Households and are being treated separately to Sirima community and in accordance to the wishes of the community and as agreed with LTWP and the PCOD Households.

LTWP has agreed to provide relocation assistance to the PCOD Households who joined the village after the COD in line with the community's wishes. A letter from the PCOD Household dated 26 November 2014 acknowledging the ongoing discussion is provided in the report. The PCOD Householders are fully aware of the assistance being proposed, as detailed in this report, and the feedback from CLO has indicated that PCOD Householder are happy with LTWP's proposal, the PCOD Assistance Relocation Agreement were signed on 20th December 2014.

The number of PAPs/PAHs COD and PCODs are provided below:

SIRIMA RAP CUT-OFF DATE (COD) No.
Project Affected Households (PAHs) 161
Project Affected Persons (PAPs) 1015
Project Affected Structures (PAS) 346
SIRIMA RAP POST-CUT-OFF DATE (PCOD) No.
PCOD Households 22
PCOD Persons 165
PCOD Structures 46

Post Cut-Off-Date Households

The in-migration of more pastoralists, best described as clan member's, either family members and or other Sirima community members, who had not been present at the encampment, during the initial stakeholder engagements\census survey as well as the delay in implementing the Project has provided challenges in finalizing the Sirima entitled person's matrix. The Sirima community households largely originate from the same eleven (11) families, the family demographics are complex, thus LTWP has tried to keep things as simple as possible in this report by categorizing those PAHs with structures enumerated in the census survey i.e. prior to the Cut-Off-Date (COD) as PAHs and PAPs and those that migrated into the footprint area, Post- Cut-Off-Date as PCOD Households and PCOD Persons.

In July\August 2014, the findings of a verification entitlement survey identified that there had been an in-migration of 22 PCOD Households\pastoralists into the community. As this in migration has been effectively sanctioned by the Sirima community, it is not considered to be an example of 'uncontrolled influx'; the additional people have the same ethnic and cultural background. The in migration of an additional 22 PCOD Households with 143 dependents, totaling 165 persons do not have any material implications for the Project's Environmental and Social Management System (ESMS) plans however has a minor impact to the RAP budget not previously foreseen. The agreed assistance being provided to these PCOD Households has been accounted for in the updated budget provided in this updated full RAP. In order to resolve the demographic disparity within the database and RAP entitlement matrix, LTWP hired a local resident of the Turkana tribe, the second CLO described above.

Change Request Notification (CRN)

Upon completion of the re-enumeration and entitlement verification exercise in July\August 2014, following the signing of individual compensation packages, 29 July 2014 and at the close out of meeting on 02 August 2014, the community requested LTWP to amend the Memorandum of Understanding (MoU) from 'Like-for-Like' compensation to a hybrid scheme that includes cash compensation for the materials (sticks), salvaged from their existing structures. This changes the mode of compensation to a composite Cash compensation\'Like-for-Like' arrangement including improved habitable and cultural acceptable structures plus the various community benefits that were previously agreed in the MoU and detailed throughout this RAP report. A change request was submitted to Lenders and the determination resolution was that the community's wishes should be upheld as long as appropriate safeguards were put in place and that the aforementioned changes necessitated the need for a redesign and upgrade of the A-RAP (Ref: Executive Summary of Lake Turkana Windfarm –Access Road Rehabilitation) relocation process to a full RAP.

Change to Project Lenders

In addition to the above requirements and since submission of the Draft A-RAP for disclosure there has been a change to the financing structure for the Project. This RAP has been prepared taking cognizance of the requirements, standards environmental and social aspiration and values of LTWP, its Resettlement Policy Framework (RPF) and new Lenders to the Project. The LTWP Project sponsors comprise KP&P Africa B.V. a Company registered in the Netherlands; Aldwych International Ltd, and Independent Power Producer registered in TK; the Finnish Fund for Industrial Cooperation (FINNFUND), the Danish Investment Fund for Developing Countries (IFU), the Norwegian Investment Fund for Developing Countries (NORFUND) and Vestas Wind Power Invest A.S. The Lenders now include AfDB, German Investment Corporation (DEG), EIB, Danish Export Credit Agency (EKF), Dutch Development Bank (FMO), French Development Finance Institution (PROPARCO) and OPIC. In addition, to meeting all relevant Kenyan legislative and permitting criteria, LTWP in conjunction with previous existing and

new Lenders has developed and prepared an extensive ESMS for the Project including associated management plans which has been approved by Lenders.

Potential Impacts and Mitigation Measures

Positive impacts: of the Project will include improvement of access roads with associated increased safety and tourism, reduction in travel times, employment generation for local communities during construction and reduction in vehicle maintenance costs due to the rehabilitation of 200km of road, a dedicated water source by drilling a borehole and establishment of a community store/kiosk for sale and storage of essential food and miscellaneous settlement provisions. The community will be employed during the relocation process and paid at national rates and will have the opportunity to be considered for employment during the wind-farm construction phase.

Negative impacts: The main negative impact for the Sirima community will be the relocation of their settlement however in relative terms, relocating of their homesteads is part and parcel of their culture. There will also be both permanent and temporary loss of grazing land access, during construction and operations. Loss of access during construction will cause some disruption to the herdsman whilst moving their livestock to and from certain pastures but this will be of short duration and has been assessed as a minor nature. Permanent loss of access and grazing rights will result from mitigation measures with respect to safety. The HV switchyard and transformers, the Operations Village and Maintenance compound will be permanent loss of land, however, given the locations of these permanent structures i.e. away from known pastures this impact has also been assessed as minor land take infringement albeit permanent loss. In addition, typical construction impacts such as, fugitive dust, noise, increase in vehicular traffic with associated safety risks and influx of migratory workers.

Mitigation measures: The HV switchyard, individual transformers and LTWP's Operations Village will be fenced. This equipment and the areas surrounding them are potential hazards to people and livestock and therefore on grounds of public safety and security of the operations personnel, fencing will be constructed with appropriate warning signs and awareness programs provided to the Sirima community and other pastoralist passing through wind-farm site. Grazing will be permitted in and around and between the clusters of turbines once the facility is operational. The minor loss of land due to the fenced areas and the footprint of the turbines for grazing are considered an insignificant impact on availability of grazing land for the livestock. Other impacts during construction will be mitigated by adherence to mitigation provision as detailed in the ESMS and contractor project/work specific construction management plans.

Organizational responsibility

LTWP has a dedicated RAP team of nine experienced specialists that undertakes all associated RAP activities, two community mobilization\ liaison officers, a trainee and two drivers. In addition, LTWP retains an independent environmental and social consultant as well as independent valuers and survey companies to assist in activities or concerns as require outside the RAP team competence. The RAP team consist of LTWP's Senior Social Specialist, Management Information System (MIS)\Database Manager, a multidiscipline team of eight people that assist the MIS Manger in populating the RAP database but also qualified in the following fields, environmental, social health and safety (accredited NEMA practitioners), civil engineering, construction management, finance\accounting and GIS surveying technician.

At the wind farm site there are two CLO's, one is dedicated to Sirima, part of the RAP team and resides

with the community and the other site CLO provides assistance when required but in general looks after the roads subproject RAP and Public Participation and Socio-Economic (PP&SE) activities. The RAP team will provide technical assistance and back-up for all RAP activities.

LTWP will provide sufficient manpower as necessary to ensure the Sirima relocation implementation process and oversight management role of the reconstruction of the settlement assets is completed as stipulated throughout this report.

The RAP team, endeavoring to provide employment, experience and build capacity will select four (4) community members to be 'quasi-supervisors' that will be trained to assist with the administration procedures and oversee the initial setting up of the specific location areas for PAHs structures and the procedure for outlining the 13m and 10m structure circumference in accordance with the safety distance agreed and fitting procedures associated with the solar panels, fixing kits and tarpaulin domes. Training will run concurrently with implementation and following successfully completing the training requirements these 'quasi supervisors' will also carry out identification of family members undertaking the reconstruction of their assets, recording individual man-hours, number of heads consumed and salvaged for compensation purpose. In addition, four women, will be employed to provide food to the family members reconstructing their assets. The women will rotate so that all women who wish to be employed in this role will have the opportunity to do so. For the awareness training seminars, two community members will be selected to be interpreters \ facilitators and assist with various training seminars; entrepreneurial skills, business and finance skills, Banking Agent procedures and sustainable management of resources. All of the above will be paid daily labor rates for assisting in the above processes.

Community participation

A description of the consultation and participation of the displaced and hosts communities in the design and implementation of the resettlement activities including a summary of the views expressed and how these views were taken into account in preparing the resettlement plan. A review of the resettlement alternatives presented and choices made by displaced persons, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as part of pre-existing communities, and to retaining access to cultural property (e.g., places of worship, cemeteries, etc.). Description of procedures for redress of grievances by project affected people shall be accessible throughout the planning and implementation.

Early in the project development LTWP recognized that engagement with the local communities was critical to the successful implementation of the Project. Back in 2009, LTWP engaged Carbon Africa to undertake stakeholder consultation with regard to clean development mechanisms and in pursuit of carbon credits. This stakeholder engagement provided a matrix of key indicators as to the wishes and concerns of the local communities various NGO's, local policy makers and representatives of the local authorities. A register of the consultation undertaken and feedback from participants forms part of LTWP consultation records. The views and feedback received were taken into consideration in the development and design of the Project. Minutes of stakeholder meetings were recorded by LTWP.

Methods of Stakeholder Participation

Meetings were held in Nairobi, at the project site, and in Loiyangalani town. A register of the consultation undertaken and feedback from participants forms part of LTWP consultation records. The

views and feedback received were taken into consideration in the development and design of the Project. In addition to the formal procedures outlined above, LTWP adopted a culturally appropriate two-way systematic approach to community engagement; continuous and candid. Initially, the community engagement focused on increasing public awareness and allaying the fear of change by provision of project information memorandum on the various development activities and phases from screening to completion as well as involving the community in the planning, project design aspects and that of their future.

The second phase focused on dissemination of information and integration within the affected communities. A CLO was appointed dedicated to listening to the community concerns/wishes, providing feedback to the proponents' development team enabling the views of the PAPs to be promptly addressed, in a non-technical manner, in their local dialect and to the extent possible built into the Project design. Accessibility to information and receipt of prompt feedback has produced positive engagement results whereby community involvement in the Project development has been maximized, effective participation is gained and mutual trust obtained. Through the CLO, LTWP provided non-technical summaries on the Project (windfarm and road) and a Community disclosure document in simple pamphlet format; these were distributed at formal stakeholder and community engagement meetings, and drafted in the various local dialects, namely English, Kiswahili, Samburu and Turkana. The non-technical summaries have since been updated and will be disseminated in due course.

This continuous, candid and transparent process of information dissemination and feedback has resulted in cooperation and participation from the various indirectly affected communities as well as those PAPs directly affected by the Project. The project through the consultation process described above has benefited from the vocal support provided by the local communities to the various missions to site by third parties.

Summary of Stakeholders Views and Concerns

Meetings with the Sirima community have been on-going from the advent of the Project, 2007 and commenced formally in March, 2012 with the initial baseline survey followed by the enumeration and asset survey. Many were informal candid discussion, normally on a monthly\bimonthly basis when LTWPs Chief Operating Officer (COO) went to site to collect technical information\data. Formal meetings were arranged either when the community had concerns or wished to discuss the benefits that would be provided or when Project updates were provided and also when consultants, contractors were undertaking technical surveys. In addition, formal meetings were arranged when Lenders and their technical advisors undertook due diligence missions. Minutes are always taken during formal meetings.

Key Recommendations from Stakeholders

Based on the discussion with stakeholders the following concerns and recommendations were made to the Project. The same shall be observed and respected throughout the RAP implementation.

- a) The Project to prioritize employment for the local community;
- b) Compensation to be paid promptly;
- c) Project to involve the community members in the selection of the relocation Area;
- d) Project to build a shade for the elders;
- e) Project to pay the community cash for their salvaged materials;
- f) Project to build a school class room;
- g) Project to assist with water provision;

h) Project to assist with health facility.

These recommendations have been accepted by the Project and are included in the project budget.

Integration with host communities

The RAP process is a negotiated procedure and no forced evictions are anticipated. The relocation involves an isolated 'greenfield' site; there are no impacts upon any host or neighboring community to consider in this RAP.

Socio-economic studies

Community Administration Structure

The Sirima community administration is set up along the basic Kenyan community structure of male, female and youth each providing input into the management of the community's affairs. The committee is rather male dominated however the female members are outspoken especially on issues within their domain that relate to children, food schooling and housing. The males clearly discuss and take the lead in security matters, livestock and pasture availability and rotation.

Demographic Profile of Sirima Community

Household Structure and Gender

The number of females is higher at 52% compared to the males at 48%. Given the strong cultural tradition of the Sirima community, decisions regarding household welfare are mostly made by men however women's profile in the administration and decision process is improving due more so the exposure to foreigners. Results on the analysis of the heads of 11 clans within the encampment show that the majority (82%) of the heads of the clan were males. Only 18% of the clan are female headed.

Marital Status and Cultural Ceremonies

There are basically two ceremonies that form the basis of the Sirima culture, marriage and Asapan 'rite of passage' for a young male to ascend to adulthood. Polygamy is an accepted practice of the Turkana\Sirima ethnic community. When these ceremonies take place the community all gathers together to celebrate. The ceremonies commence, at the family residence, with singing and dancing and gravitate to an area nearby the encampment where the rituals are performed. This 'ceremony location area' has been marked as a sensitive area \ cultural site and is not to be desecrated by construction activities and contractors have been informed of the same.

Literacy Status

Literacy levels in pastoralist community such as in Sirima area are usually low; this is a reflective of the nomadic lifestyles. The education levels of the community could not be assessed but it was generally indicated that the nearby school run classes for nursery and standard one only giving the children of the community early childhood education. Contrary, in figure below depicts that 79% of the children have never attended school. The challenge of access to education will be improved by the construction of a decent school classroom and training of the community members on entrepreneurial skills.

Household Occupation and Source of Livelihood

The main source of livelihood in Sirima is pastoralism. Pastoralists are mobile livestock herders who gain more than half of their income from livestock and livestock products. They practice differing levels of mobility, from sedentary herds that move within a locality, to transhumant herders who move between particular locations on a regular basis, to nomadic herders who have high mobility without regular patterns. About 60% (55% livestock, 5% wages) have a source of income. The remaining 40% do not have any source of income. The waged households comprise the area chief and those employed the project as security guards. Regular wage has brought modernization to the community. There are two shops, one using a solar panel for charging mobile phones and batteries and the other one selling/trading in food.

Community Wealth Assessment

Livestock is the community's sole means of materialistic/worldly wealth and is mainly used for the purpose of dowry payment. Money is of little use in the project area and most purchases are conducted under a barter system for livestock. The price of a livestock depends upon size and condition of the animal. Goats can fetch credit between KES 3,500 and KES 6,000, camels between KES 15,000 and KES 20,000 and donkeys in the order of KES 12,000 depending on the need/skills of the trader and herdsman. The livestock of the Sirima community, of those that were encountered during the survey, appeared to be in good condition and would fetch values towards the higher amounts. Based on the wealth assessment the per capita wealth is Euro 2,230, (KES 261,898) which is much higher than the national average of Euro 887, (KES 104,130). Additionally, wealth per household was computed to about Euro 14,058, (KES 1,651,101). This implies that families in Sirima community are much wealthier than the average household in Kenya. LTWP believes that these figures were inflated due to the high expectations of the community regarding compensation.

Access to Water and Sanitation

Sirima is relatively dry due to poor rainfall regime. As a result, the area faces challenges of water both for domestic and livestock consumption. The settlement exists in this location mainly due to a natural catchment which traps seasonal water. Government intervention turned the natural water catchment into two manmade dams. Unfortunately, poor workmanship, porous materials, lack of maintenance and the high evaporation rate of the area significantly reduces the water retention time of these dams. Water is such an essential commodity that even its limited availability makes this location an attractive "base" for the Sirima community. In addition to the settlement's surface dams, there is also a significant "shared" natural water catchment located on the boundary between Marsabit and Samburu. The location is known as the "secret reservoir" located south of Sirima and approximately a day's walking distance. The catchment is extensive both in size and volume, the ground is impervious and this is the main watering point for pastoralist and their livestock.

The Turkana and Samburu have reached an agreement that this water resource is a shared facility and as such herdsmen from both tribes can use it albeit not at the same time. Samburu herdsmen will bring their livestock in the morning hours and the Turkana in the afternoon. Both groups given the historical conflict that existed are still to some extent afraid of tribal mixing and potential loss of livestock. The Project has alleviated the problem of water accessibility for the Sirima community through construction of a dedicated borehole with solar pumping and a temporary storage tank near the new site where the community shall be relocated. The borehole is in good working condition with lots of water. LTWP will also construct a pit latrine for use by the community members. The current practice

is to use the bush.

Access to Food

Food is scarce and the settlement is listed on the governments 'Relief Food Register' and receives bimonthly provisions supplied by government, United States Agency for International Development (USAID) and other relief food agencies such as the Red Cross. The relief provisions are only for those households listed on the register. The register has never been updated and therefore the provisions are insufficient to meet the expanding community's needs. Typically the provisions consist of maize, ugali/posho, beans, tea leaves and sugar. Being pastoralists, milk from the goats and camels forms a large percentage of their daily liquid intake. The Turkana are a very hardy group and will eat a wide range of animals meats however all respondents indicated that they had never eaten fish. A very small percentage of the livestock is utilized as a food source, however, in desperate times livestock is traded for other essential commodities. Livestock is normally only eaten by the community at special events such as weddings, funerals and cultural occasions.

Access to Health Facilities

The nearest health facilities/dispensaries are at Gatab, South Horr or Loiyangalani all of which are a full day's travel by foot or donkey. The survey findings noted that, in general, the health of the community was surprisingly good for both adults and children with headaches being the main complaint from respondents. Dehydration and the lack of available potable water in the area were acknowledged to be the primary cause. LTWP has committed to support the community with a mobile first aid ambulance to attend to emergencies.

Security of the Community

Insecurity is mainly brought about by cattle rustling which is prevalent throughout the county border area. The area is so vast with little road infrastructure such that policing is currently virtually impossible. The Kenya police endeavoring to mitigate cattle rustling and improve security have recruited Kenyan Police Reservists to help suppress cattle rustling and provide local back-up to the police should the need arise. Within Sirima community three male household heads were selected to be Kenyan Police Reservists and receive training on an annual basis. These reservists were also employed as security guards for LTWP watching over the five wind masts and other LTWP equipment and assets at site. During the development phase LTWP established security sectors around the concessional area and used reservists from the various tribes to provide a watching brief and guard LTWP's assets in their locations. LTWP has contracted out the Project security services to G4S who currently employ 130 security guards.

Housing Conditions of the PAPs

The types of houses found with the Sirima encampment are mainly Manyattas as shown in the figure below. The traditional construction material for a Manyatta includes sticks (locally known as Ekali in Turkana or Siteti in Samburu), hides, and animal dung. The weaving ropes are obtained from Acacia tree. Given the vast range of contemporary materials available/ discarded by visitors to the area, the arrays of building materials has been extended to include other fabrics such as rags, plastics, nylon, cartons and blankets. The survey identified 187 Project Affected Residential Structures main dwellings and 159 Project Affected Sitting Rooms that will be relocated to the new site.

Vulnerable Groups

Lenders guiding principles require resettlement planning to pay special attention to vulnerable groups in the Project area. To this end, LTWP has developed a vulnerability screening mechanism. From the vulnerability screening framework LTWP identified five vulnerable groups, old age (>70 years), female headed household, visually impaired, mental disorders and chest complications. LTWP identified 141 vulnerable persons in Sirima. A list of these 141 vulnerable persons is provided in the RAP Appendices. Furthermore vulnerability analysis considered a link between vulnerable groups, group's gender and social economic standing as well as access to assets and resources. Of the five vulnerable groups assessed the results indicate that mental disorder is the most vulnerable group. The vulnerable groups, mental disorder and chest complication, are not gender sensitive.

Health Aspects, HIV/ AIDS

The nearest health facilities/ dispensaries are at Gatab, South Horr or Loiyangalani all of which are a full day's travel by foot or donkey. The survey findings noted that, in general, the health of the community was surprisingly good for both adults and children with headaches being the main complaint from respondents. Dehydration and the lack of available potable water in the area were acknowledged to be the cause. Since the survey LTWP has provided a dedicated borehole for the community thus mitigating dehydration complaints. In general the Sirima community Feedback from the survey indicates that none of the community members were diagnosed as Human Immunodeficiency Virus (HIV) positive however level of HIV awareness was low as per the community sensitization meetings on sexually transmitted diseases. LTWP has commissioned a Kenyan registered Community Based Organization (CBO), Community Health Africa Trust (CHAT), whose mission is to provide integrated health services and awareness programs through the use of integrated mobile health clinics to otherwise excluded communities across northern and central Kenya. Part of CHAT's scope of work is to undertake HIV awareness, testing, counselling, referrals and distribution of condoms within the neighboring and surrounding communities in Marsabit and Samburu Counties from Laisamis to Loiyangalani. The program forms part of LTWP's Corporate Social Responsibility (CSR). The awareness program has commenced and HIV screening is to follow.

Socio-Economic Census Conclusions

It is clear that pastoral areas present particular challenges and opportunities for both the developer and the community. The people of Sirima settlement from a western perspective live in extreme poverty with limited access to water, schools and health facilities. However, from a nomadic perspective they do have access to facilities such as dispensaries and towns albeit a day's journey away, and nearby they now have access to water via a dedicated borehole and a classroom which is more than most other nomadic groups have and they would not regard themselves as being in poverty per se. Being mostly made of transhumance pastoralists and having settled nearby the main [C77] road, over time, they have been and are continually exposed to change and modernization via tourist and traders bringing their merchandise, beads and trinkets to markets. The construction of the wind-farm will undoubtedly represent a major change to their area and to a lesser extent to the culture and lifestyle of the community. However construction hazards will be of a temporary nature. When the plant is operational the area should revert, to a similar inactive location, as should the Sirima culture and lifestyle over a period of time. The community will benefit from the Project but will also be able to continue with their pastoral lifestyle in the long term.

Legal framework, including mechanisms for conflict resolution and appeal

The legal and policy framework governing resettlement issues as they pertain to the relocation of Sirima village with which the Project must comply include the following:

National

The Constitution of the Republic of Kenya

The constitution of the Republic of Kenya is the main legal instrument that governs resettlement issues in the country. Section 40 of the Constitution recognizes the rights of individuals to own or acquire property. The Constitution provides for the protection of property from unlawful deprivation of ownership or limitation of enjoyment, unless deprivation is for among other reasons, public purpose or in the public interest and is carried out in accordance with the Constitution and any Act of Parliament that (i) requires prompt payment in full, of just compensation to the person; and (ii) allows any person who has an interest in, or right over, that property a right of access to a court of law.

Environmental Management and Coordination Act, 1999

This Act governs all issues related to environmental management in Kenya. It provides for the establishment of an appropriate legal and institutional framework of the management of the environment in the country, including the establishment of a NEMA, which became operational in July 2002. The Act makes environmental impact assessment mandatory for activities specified in its Second Schedule. The Environmental (Impact Assessment and Audit) Regulations, 2003, provide the basis for procedures for carrying out environmental impact assessments and environmental audits.

Land Act, 2012

All issues relating to land are governed by the Land Registration Act 2012. The Act classifies land as public, community or private land. The parcel of land where Sirima settlement sits belongs to LTWP under the leasehold tenure system and is therefore, classified as private land. The Land Act 2012 provides for the management of all types of land including the guidelines related to leases, licenses and agreements on land.

Public Roads and Roads of Access, Cap 399 Laws of Kenya

This Act provides for the dedication, conservation or alignment of public travel lines including construction of access roads adjacent to lands from the nearest part of a public road. It further provides for notices to be served to the adjacent property owners seeking permission to construct the respective roads.

Occupational Safety and Health Act 2007, Cap 15 Laws of Kenya

This Act applies to all workplaces where any person is at work, whether temporarily or permanently. The purpose of the Act is to secure the safety, health and welfare of persons at work; and protect persons other than those at work against risks to safety and health arising out of, or in connection with, the Project activities.

Valuers Act, Cap 532 Laws of Kenya

Valuation of assets in Sirima was carried out in line with Valuers Act Cap 532 Laws of Kenya which requires that a duly authorized valuer be engaged in making cost valuation of assets.

International environmental and social requirements of the project financing institutions have also been taken into account. These include among others the African Development Bank policies; namely the

AfDB's Group Policy on Environment, the Voluntary Resettlement Policy, the Poverty Reduction Policy and the Gender Policy.

Institutional framework

There is no single agency in Kenya that has the mandate for the planning and providing resettlement and compensation help in cases where people are involuntarily relocated for development project. It is, however, a common practice that the project proponent assumes the responsibility for delivery of entitlements even though a number of actions may involve local authorities. The implementation of this RAP will comprise several steps involving individual PAPs, affected communities, Marsabit County Authorities and the relevant Ministries at national level (Ministry of Land, National Land Commission, Ministry of Environment and Ministry of Water and Irrigation, Ministry of Education). LTWP has consulted with local Marsabit County Council and as they are a new administration body and do not have in place resources capable of providing assistance to LTWP in respect to the Sirima RAP implementation. LTWP has agreed to keep the County Council abreast of developments. The administration office is 200km from the site.

Eligibility

The completion of asset inspection and valuation defines the COD for eligibility for resettlement assistance. All the PAHs located within the Sirima encampment at the time of the May 2012 census are eligible for compensation and resettlement assistance. LTWP has agreed to provide relocation assistance to the PCOD Households who joined the village after the COD in line with the community's wishes. As this is a new request from the Sirima community discussions at this juncture in time with the PCOD Households has not been fully concluded with these descents. The PCOD Householders are fully aware of the assistance being proposed, as detailed in this report, and the feedback from CLO has indicated that PCOD Householder are happy with LTWP's proposal, the Assistance Relocation Agreement was signed on 20th December 2014.

The assistance is to compensate PCOD Householders for labor at the agreed daily rate. Their structures will not receive the increase in circumference size benefit, as agreed with the community prior to the COD. These structures can be easily relocated by releasing the mud foundation around the circumference and carrying the structure using pole bearers. It has been estimated that the relocation and re-establishing the structures would take six days per family, using four pole bearers. It has also been proposed and agreed with the Sirima community and PCOD Households that during the relocation of structures those family members that reside within the structure to be relocated will be housed within other family structures, either Manyattas or Sitting Rooms during the relocation period. Food and water will also be provided for those PCOD Householders family members that undertake the relocation and reconstruction of their assets.

Cut-Off-Date (COD)

The original Sirima encampment census was carried out and the COD was set as 31 May 2012 and communicated to all PAPs during the valuation. Any person who undertakes development activity including businesses within the encampment after the COD will not be eligible for compensation.

Entitlements

In line with development of the inventory of affected Assets and Compensation rates and packages being offered, LTWP developed a broad range of mitigation measures in the form of appropriate and fair

compensation and assistance for eligible impacts. This information is presented in the Eligibility Matrix available in the full RAP and has been extensively discussed and agreed with the Sirima community and the previous signed MoU has been updated to reflect the changes. The revised MoU between LTWP and Sirima Community for the relocation of Project Affected Structures (Manyatta) and the MoU for PCOD Assistance Relocation Agreement were signed on 20th December 2014. The copies are provided in the full RAP.

Valuation of, and compensation for losses

As Manyattas are deemed temporary structures according to Kenyan Valuation Act and as such there are no formal guidelines as to how these structures should be valued. In undertaking the valuation exercise, various methods were applied that took into consideration the PAPs legitimate claim, legal and regulatory provisions. LTWP in conjunction with Lartech Africa accredited valuer and in line with LTWP's RPF guiding principles and IFC Performance Standards, agreed that Manyattas must be compensated at Full Replacement Cost (FRC), which does not take into account asset depreciation.

Valuation Methodology

The methodology adopted was to measure the circumference of all dwellings. The mean circumference for the main dwellings was computed to be 10.1m. Of the 176 main dwellings, 90% of the Manyattas assessed fell within ± 1 standard deviation from the mean. The largest Manyatta was found to be three standard deviations from the mean, which implies a maximum circumference of 13m.

Full Replacement Cost Approach

The FRC is the most preferred and recommended valuation method for the affected structures. The value of the affected structure was estimated in terms of cost of materials, cost of labor and cost of transport computed as FRC based on the prevailing market rates.

FRC Methodology

A Manyatta of approximately 10m circumference requires 40 heads of Ekali sticks; each head contains around 100 sticks. In addition, weaving ropes to strengthen and support the skeleton stick structure are required and these ropes are normally obtained from Acacia tree. However, in this composite materials and cash compensation change request methodology, LTWP will outsource necessary materials due to salvage loss and the additional materials to increase the size of main Manyattas to 13m circumference from existing manyatta size and similar requirement with regard to sitting rooms\extension to 10m circumference in order to standardize the structures to accommodate the in kind benefits, domes and solar panels.

The cost of the materials and transport to site is KES 500 per head broken down to KES 350 for materials and KES 150 KES for transport. Individual structure owners will therefore receive compensation according to the number of structures and size of their existing structures. An existing main Manyatta structure of 10m circumference would require 40 heads at a cost of KES 350 therefore in monetary terms the value\cost of materials for a 10m circumference Manyatta would be KES 14,000. According to Kenyan law the owners of the structure is allowed to salvage material from their assets and the salvaged material may be used in the reconstruction of the asset. Given the type of materials and the manual method of demolition proposed by the community not all of the sticks\materials will be

salvageable. On a worse case basis LTWP has assumed that 30% of the materials will not be salvageable i.e. salvage loss would equate to 12 heads. The structure owner would therefore receive cash compensation of KES 9,800 for a 10m circumference Manyatta. The cash component of this composite compensation arrangement has been discussed and agreed with the Sirima community.

Disturbance Allowance

The law requires that 15 per cent disturbance allowance be paid in addition to the FRC compensation value on the affected assets/properties. Compensation for materials is thus 115% of the FRC.

Compensation for Labor

From the onset of discussion it has always been agreed that the community would undertake the demolition and reconstruction of their assets and LTWP would pay daily labor rates. Unskilled labor rates in the area are circa KES 350 however of late with the arrival of more NGO's into the Marsabit area paying KES 500 for casual and unskilled labor LTWP agreed to pay the higher rate KES 500 for labor. Normally it would take five days to construct a new Manyatta, however, with the increase in size it has been calculated and agreed with the community that Manyattas will take no more than eight days and Sitting Rooms six days to be constructed. More detail regarding this arrangement is provided in the full RAP. LTWP will also employ four (4) women from the community to prepare food for those community members undertaking the reconstruction of their structures. The women will get paid daily labor rates and a rota will be developed to share out this role amongst the women in the community. LTWP will provide the food, utensils and associated material necessary to cook and provide sufficient food for all those involved during the period of the program.

Cash Compensation and Security

According to Kenyan law 'Cash Compensation' is the only option when relocating structures for infrastructure projects. In accordance with LTWP's RPF, the owner of affected structures has the right\option either to receive 'Cash Compensation' or a 'Like-for-Like' replacement. Taking cognizance of the landers and above involuntary resettlement safeguard guidelines and the adverse social\family and community impacts experienced when cash compensation is paid out to vulnerable groups LTWP's RAP Team undertook sensitization and awareness meetings on 29 July and 15 October 2014 to explain the adverse impacts associated with cash compensation and to propose a cash security holding solution given that the vast majority of the community do not have bank accounts.

Compensation for Loss of Income

To arrive at fair compensation for loss of business, the time required to setup a similar enterprise on the assumption that resources are available was considered. The time needed to re-establish the business was discussed through participatory approaches and consultations with the PAPs and was estimated at 2 months. The loss of income was derived by calculating the maximum time it would take for any of the PAH with business structures and for the structures to be relocated, estimated on average at eight (8) days. The compensation was computed using the stated daily average income, times 60 days to ensure a fair and equitable compensation was provided.

Identification and selection of resettlement site, site preparation and relocation

The Development Phase involved discussions with the Sirima community as to cultural and traditional practices as well as Clan and family preferences. The outcome of this engagement process resulted in dividing the COD PAHs into four (4) groups of approximately 40 PAHs.

Mapping the Relocation Area

Following consultation a high-level layout of the relocation area was agreed and setting out undertaken in conjunction with the various Clans and associated families. Mapping the area involved setting mark stones on the ground to identify the areas to be occupied by each PAH in accordance with the number structures belonging to individual PAHs and to comply with traditional practices as well as Clan and family preferences. The mapping of the area also considered how the boundary fence would be laid out and where the gates would be positioned, as well as the relationship to the location of the school building, store, borehole and water storage tank, showers, latrines, livestock trough and elders resting structure.

Commencement of Work

Relocation will be implemented in two (2) phases and will involve two (2) groups each with four (4) man teams. Initially the four man teams will split with 2 team members undertaking demolitions and salvage of material whilst the other 2 team members will commence reconstruction. The members of the teams will be selected by the individual PAHs in accordance with available resources within the family, on any given day; however preference will be given to women family members who are traditionally the home builders. Clearly in the consultation there was an overall wish by the community to complete the relocation process quickly and it was agreed that available family males would also partake in the reconstruction process.

Reconstruction

Reconstruction will be carried out in a two phases; on a start to start dependency relationship with ten (10) days lag between the phases i.e. Phase II = Phase I Start to Start + 10 days. Phase I will comprise two (2) groups of 40 PAHs and 41 PAHs respectively whilst Phase II will comprise two groups of 40 PAHs each. PAHs will construct main Manyatta(s) first within eight (8) day period, after all the PAHs individual Manyatta structures have been completed work will commence on Sitting Room structures and a five (5) day period has been allocated to complete each of these structures. The phased and staggered approach will help provide some time base mitigation against lack of dwelling during reconstruction and the overall the process will be much easier managed. It is clear that the process will commence slowly as workers familiarize themselves with the process and procedures. Materials both those salvaged and the heads provided by LTWP will be stockpiled and amounts utilized will be recorded and signed off by the workers and witnessed by the chief and approved by the CLO\ Site Manager.

Shelter, infrastructure and social services

Positive impacts of the Project will include improvement of access with associated increased safety and tourism, reduction in travel times, employment generation for local communities during construction and reduction in vehicle maintenance costs due to the rehabilitation of 200km of road, a dedicated water source by drilling a borehole and establishment of a community store/ kiosk for sale and storage of essential food and miscellaneous settlement provisions. The community will

be employed during the relocation process and paid at national rates and will have the opportunity to be considered for employment during the wind-farm construction phase. The relocation involves an isolated 'greenfield' site; there are no impacts upon any host or neighboring community to consider in this RAP.

Compensation packages and community benefits have been developed and agreed, in full consultation with the Sirima community over a long period of time, in accordance with involuntary resettlement best practices, Lenders, (AfDB, EIB, IFC and OPIC) environmental social health and safety standards and sustainable policies and performance requirements along with the Constitution of the Republic of Kenya and interrelated Environmental Management and Coordination Act, as well as the social aspiration and values of LTWP, its RPF and ESMPs related mitigation measures with special attention to the rights of vulnerable groups. Community benefits and assistance will be provided to the Sirima community and PCOD Householders as outlined throughout this report.

The RAP has incorporated and followed the due processes outlined above into the implementation plan; LTWP has undertaken meaningful as well as culturally engaged with the affected community members; has agreed an MOU with the Sirima community, an 'Assistance Relocation Agreement' with PCOD Householders members. The Assistance Relocation Agreement and a letter of the 26 November 2014 from PCOD Households willingness to relocate and wait on LTWP finalizing the relocation assistance are attached to this report. In addition the resettlement packages mentioned above LTWP will include the following benefits and assistance

- Construction of a community store and provision of the first stock of basic food items up to a value of KES 100,000;
- Construction of pit latrines at the relocation site, three (3) male and three (3) female;
- Construction of shower facilities at the relocation site, three (3) male and three (3) female;
- Construction of a suitable boundary fence with access gates to provide additional security and improve curtailment of livestock;
- Construction of a classroom;
- Training of community members on sustainable entrepreneurial skills in association with the running, managing, stock keeping practices and replenishing of the community store provisions, Banking Agents procedures and basic financing aspects associated with their cash compensation.
- LTWP has provided potable water by means of a dedicated borehole for the community, a temporary water storage tank³, and livestock water trough has been completed;
- LTWP will provide transport and a number of miscellaneous tools, spades and containers for the collection of soil and preparation of mud plastering and thatching purposes for the relocated structures;

PCOD Household assistance to be provided by LTWP will include the following assistance packages;

- Use labour from the family members of the PCOD Households;
- Pay standard daily rates for labour and provide food and water during demolition and reconstruction of the 23 Manyattas and 23 Sitting Room structures;
- Provision of material loss (heads) during the demolition process and necessary for the reconstruction of the above 46 structures in the new settlement location.
- LTWP will also assist with providing transport for the collection of soil and preparation of mud plastering and thatching purposes for the relocated structures;
- The PCOD Household structures will all be constructed to the same dimensions as current and will not receive any of the in-kind benefits, solar panels and associated fixing kits or tarpaulin

domes;

- The Sirima community has agreed that these PCOD Households will be relocated within the new settlement location in accordance with the structure layout as agreed with the community and in accordance with Clan \ lineage and family preferences;

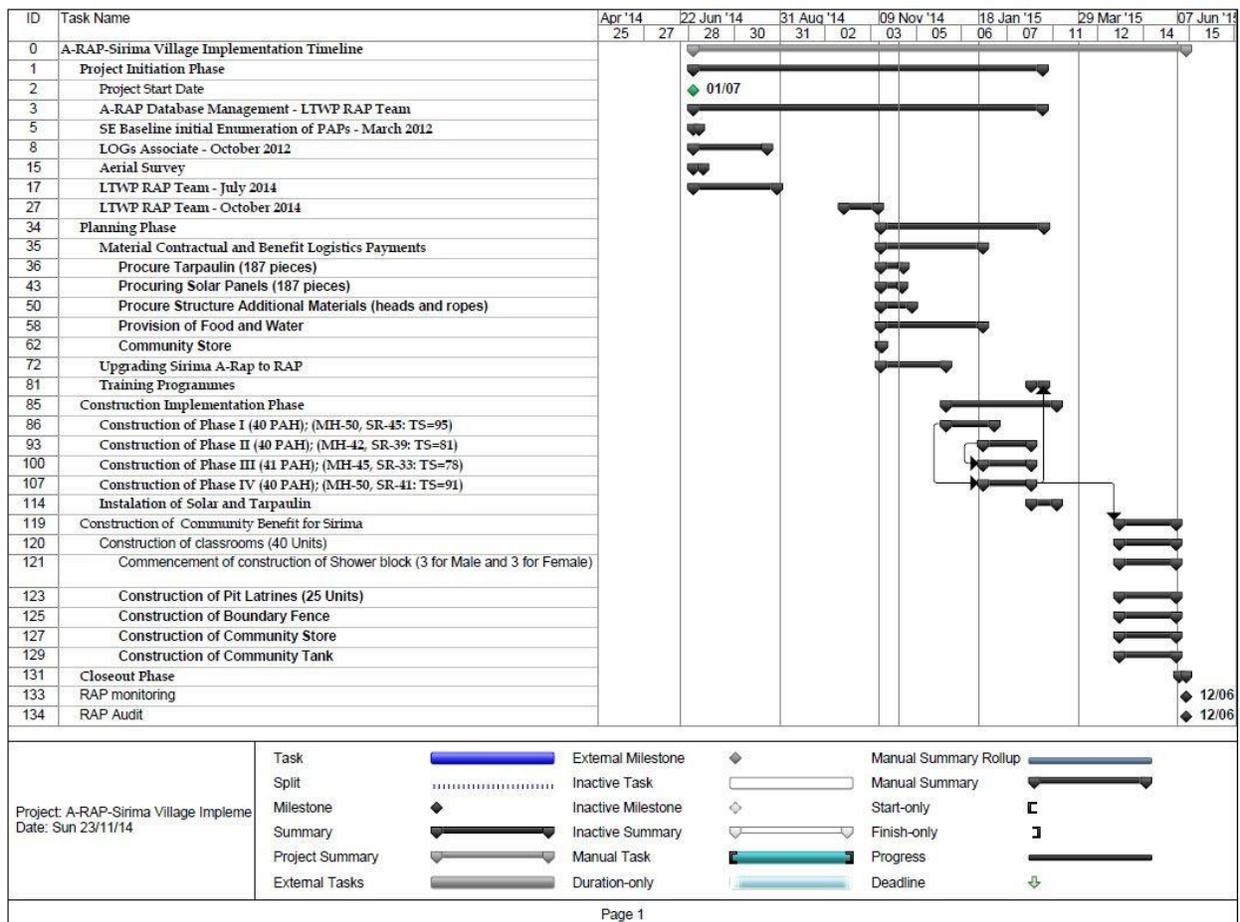
In addition to the above assistance provided by LTWP to PCOD Householders, the Sirima community also agreed that the PCOD Householders will enjoy the benefits, as detailed above, provided by LTWP to the Sirima community residing within the settlement at COD.

Environmental protection

The area is free from pollution or other hazards and there is no forecasted development that would result in further relocation, no threat to ‘tenure’, the new relocation site and the structure locations has been agreed with the community, the area is capable of absorbing/sustaining additional influx sanction by the community and the benefits provided are more than adequate to meet natural expansion of the community.

Implementation schedules

The below schedule is an overview of the planning that LTWP has put into the preparation and implementation of this through its dedicated RAP Team. A more detailed schedule is provided in the Appendices to the FRAP.



Costs and budget

The total RAP budget for Sirima community and encampment relocation is estimated at KES 40mio equal to Euro 340,042. The Budget has four components: (i) RAP Sirima Relocation Budget; (ii) RAP Sirima Community Benefits Budget; (iii) PCOD Households Relocation Assistance Budget and; (iv) Auxiliary Support budget for RPT.

- (i) The Sirima RAP budget for the resettlement of the Sirima settlement Assets including materials, transportation, labor and Disturbance Allowance of 15% is estimated at KES 13.8mio, equivalent Euro 117,090. From a Sirima PAH perspective the average compensation received would equate to KES 51,607 or €439 however in relative terms this figure will depend upon the number of Assets and the days worked. Previously the agreement between LTWP and the community was that the women would undertake the reconstruction of their assets and be paid daily labor rates. The community informed LTWP that they are discontented with the delays in implementing the relocation of their encampment. They wish to relocate as soon and as quickly as possible as such and depending upon availability they have agreed that the women and men from each family will arrange who will participate in the reconstruction activities on a daily basis. LTWP RPT will monitor this process to ensure that women are not being discriminated or victimized due to gender.
- (ii) RAP Sirima Community Benefits Budget amounts to KES 16mio equivalent to Euro 135,697 which takes into account all Sirima Community benefits such as building classroom, community store, pit latrines, shower blocks, business skills \ financial training, solar panels and tarpaulin domes for residential Manyattas.
- (iii) The PCOD Households relocation assistance budget provided by LTWP to 22 PCOD Households amounts to KES 2mio equivalent to Euro 16,606.
- (iv) Auxiliary Support Budget for RPT amounts to KES 1.6mio equivalent to Euro 13,975 and includes provision of relocation tools, training materials, temporary office, cooking utensils, transport material delivery, mud plastering.

Monitoring and evaluation

The objective of monitoring is to provide stakeholders with feedback on RAP implementation, identify problems and successes as early as possible to allow timely corrective action of implementation arrangements. The LTWP RAP team will oversee the RAP implementation and internal monitoring will be through the LTWP Environmental Manager or designate. External monitoring will take place in the form of lender's Engineer on a frequency designated as per Finance Agreement usually on a quarterly basis.

Performance monitoring of this RAP will start after 3 months from its implementation, as this is the notice period for the PAHs to vacate the site. LTWP will gather, analyze, interpret and report monitoring findings and results. The monitoring reports shall document what went well, what did not go well and lessons learnt. The baseline socio-economic surveys undertaken as part of this RAP will provide the foundation upon which future progress and success of implementation of this RAP shall be measured. Monitoring will also include communication with PAPs, documentation of reactions from PAPs and physical monitoring of progress of the RAP's implementation, including the relocation of PAPs and the

affected community assets.

Monitoring Indicators

On top of the socio-economic indicators, the monitoring will also include the following performance indicators:

- a) Disbursement of compensation payments and receipt by PAPs;
- b) Number of persons not yet compensated (by types of losses);
- c) Number of consultations held;
- d) Number of Manyattas rebuilt and occupied;
- e) Number of meetings or consultations with PAPs and other stakeholders;
- f) Progress and completion of scheduled activities;
- g) Community development activities initiated and adopted;
- h) Livelihood restoration (incl. specific sub-indicators);
- i) Level of satisfaction of PAPs (incl. specific sub-indicators)
- j) Grievance redress procedures in place and functioning (incl. specific sub-indicators)
- k) Number of bank accounts opened;
- l) Number of training seminars undertaken;
- m) Delivery on banking and financing awareness seminars;
- n) Number of persons attended each seminar; and
- o) Number of Identity Cards processed.

Within the Sirima encampment, PAPs will have their own committees that will conduct meetings on a two weeks basis during the implementation of this RAP to discuss any matters arising and also to receive any progress reports from LTWP. This is considered a transparent and cost- effective way to obtain regular feedback on RAP implementation.

Evaluation of RAP\Completion Audit

RAP evaluation will enable LTWP to take stock of what has been achieved and thereby providing information for corrective action. In this regard, LTWP will contract an independent consultant to audit the implementation of the RAP. The independent consultant will assess whether the outcome of the RAP complies with relevant legal and regulatory requirements and international standards such as IFC and AfDB requirements. The date of conducting the completion audit shall be agreed between the project and lenders but will commence three months after completion of the relocation a follow up a year later, at year three and a final audit in year five from the completion of the relocation of Sirima Community. If the audit reveals that the key objectives of the RAP were not achieved follow up remedies will be developed to rectify the situation.

Reporting Arrangement

Report on the progress of implementation of the RAP will be useful to effect necessary adjustments and in measuring performance. Progress reports will be made on quarterly basis. The reports will outline in summary the progress, achievements, challenges and lessons learnt.