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RESETTLEMENT FOR SONDU/MIRIU HYDROPOWER PROJECT IN KENYA

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1. INTRODUCTION

This paper describes the resettlement and mitigation measures for the Sondu/Miriu Hydropower Project (hereinafter referred to as "the Project") located in Kisumu District, Nyanza Province of the Republic of Kenya about 250 km north-west of the capital Nairobi. The policy has achieved its first aim of a smooth start to the Project.

The Project is a run-of-river hydropower scheme utilising the water of the Sondu River, catchment area 3,345 km². The Project consists of a gated weir and intake structure, a headrace tunnel 6,290 m long and 4.2 m in diameter, a steel penstock line 1,216 m long and 3.6–1.65 m in diameter, a power house, and an outlet channel of 4,800 m long. The planned capacity and annual energy production are 60 MW and 330.6 GWh with potential for an additional 20MW of capacity.

Kenya Electricity Generating Company Ltd. (KenGen) is the executing agency for the Project and Nippon Koei Co., Ltd. (the Consultant), Japan is the Designer and the Engineer. The Overseas Economic Corporation Fund (OECF) has provided a loan to KenGen that covers the majority of the budget. The Consultant's Services commenced in July 1997 and the main civil works started in March 1999. Project completion is planned for September 2003.

The project area included approximately 166 ha of privately owned land, two primary schools, a secondary school and a church. Since March 1998 KenGen, with the assistance of the Consultant, has been in negotiation with the local communities and local authorities over the compensation arrangements and designs of the schools and church which are all being replaced at no financial cost to the community. There are a total of 371 plots and 488 land owners/interested parties affected.

2 RESETTLEMENT

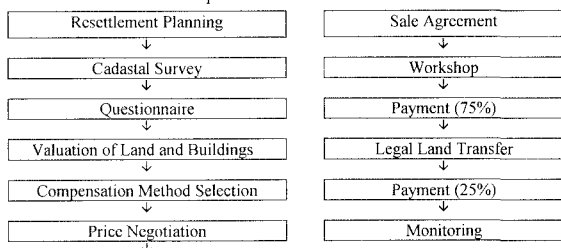
2.1 Resettlement Plan

The Resettlement Plan for the Project, including a socio-economic survey, was prepared in 1994 as part of the Environmental Impact Assessment in 1994. The Plan proposed the resettlement methods and necessary countermeasures to avoid negative impact by the Project. Following the Resettlement Plan, the land compensation and relocation of schools and church were executed as mentioned below.

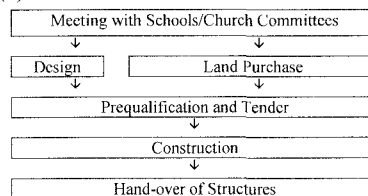
2.2 Procedure of Land Compensation and Relocation of Schools and Church

The flow chart below shows the procedure adopted for the Land Purchase and Compensation of landowners and the relocation of schools and church.

(1) Land Purchase and Compensation



(2) Relocation of Schools and Church



2.3 Administrative Framework

KenGen and the Consultant, with the assistance of a Sub-consultant from Kenya, have executed the land compensation works with the following split in responsibilities.

(1) Kenya Electricity Generating Company Ltd. (KenGen)

- Co-ordination with concerned authorities
- Assignment of a Community Liaison Officer
- Obtaining of approval of Land Board
- Organising public meetings and workshops
- Price negotiation and payment of land compensation
- Payment of compensation
- Land transfer and registration
- Procurement of a Contractor for schools and church

(2) Consultant (Nippon Koei Co., Ltd.) and Sub-consultant (Mangat I. B. Patel & Partners)

- Planning of compensation programmes
- Cadastral survey of land to be compensated
- Valuation of land, buildings and other improvement
- Preparation of Mutation Forms
- Preparation of letters of offer, sale agreement, letters of consent, land transfer and registration forms
- Questionnaire on land compensation options
- Monitoring of social and natural environmental impact of the Project
- Assistance for land transfer involving deceased landowners
- Discussion with committees of schools and church for relocation of schools and church
- Design and construction supervision of schools/church

2.4 Community Liaison Office

KenGen has assigned a Community Liaison Officer (CLO), who is from the Project area, to co-ordinate between KenGen and the community. The CLO had a very important role, as mentioned below, in the compensation works.

- Communication with inhabitants at the site offices twice a week
- Co-ordination with concerned local authorities
- Moderation at public meetings and workshops
- Price negotiation and payment of land compensation
- Confirmation of landowners and interested parties

Because the CLO is from the Project area and he can communicate closely and timely with inhabitants in the local language, inhabitants have placed their deep trust in him thus making land compensation smooth and trouble free.

2.5 Land Compensation Policy

KenGen's policy is to involve the community at all stages of the process. Before any work on land compensation was started meetings were held with the communities affected by the Project to explain the Project and why relocation was necessary. After the meetings a questionnaire was circulated to the community seeking feed back on the form of land compensation e.g. land for land, cash or combination. The vast majority chose the option of cash compensation but KenGen made available the other options if preferred. The factors that made the cash compensation preferable included (1) the fact that for most of the families only a small portion of their land was affected, (2) some had other family plots close to the Project and needed the cash for improvement while (3) other relocated families wanted to purchase land among their extended families near the Project. For social and cultural factors very few wanted to move away from their environment.

The value of the land, buildings, crops and other improvements was fixed at market prices by negotiation with landowners. KenGen bears all necessary expenses for land compensation even those that are normally paid by the seller. Furthermore, KenGen pays 75 % of the compensation amount after the sale agreement is concluded and the land board has approved the agreement even though only 10 % is usually paid in Kenya. The remaining 25 % is paid after the Land Registrar issues a new land title to KenGen. At the time of payment workshops were held to help the local community as discussed in Section 3.

The landowners and interested parties appreciated KenGen's policy for the land compensation and they have been very co-operative. The vast majority of the landowners stayed in the area either purchasing businesses or land nearby or staying on their own land because only part of their original land was purchased leaving a viable plot for them to still work. The preparation of necessary documents takes a long time and substantial manpower partly due to the number of people involved but also the records need updating for change in ownership e.g. for death of the named party. Despite these difficulties the compensation has been progressed without significant problems.

3. WORKSHOPS

3.1 Object of Workshops

The project area is within a rural community, without any services, that relies on fishing and subsistence farming for its existence. The sudden arrival of migrant workers and the effect of relatively large sums of money from the land compensation payments will have an impact on the community. Workshops were organised to minimise this impact by advising on investment and business opportunities and also the health risks, including sexually transmitted diseases, of such a large influx of mainly male workers on the community. Four all day workshops were held with lunch provided. Around 200 to 300 people attended each workshop. The workshops included a question and answer session after each speaker, and with the informal contact over lunch, the links between the community and the project were further improved.

3.2 Agenda of Workshops

The Workshops covered the following topics:

- Welcome (Area Councillor and District Officer)
- Introduction and request for co-operation (KenGen)
- Opening of Workshop (District Commissioner)
- Briefing about the Project (Consultant)
- Possible Project Impact (Sub-consultant)
- Opportunities for Local Communities & Resettlement Alternatives (C(LO)
- Banking System (Bank Clerk)
- Economic Issues on Unexpected Large Sums; negative behaviour and opportunities for investment, etc. (Community Affair Specialist)
- Gender Issues; right of woman on compensation money, exposure of women to influences, rights of children (Female Administrator)
- Health Issues; incidences of illness, water borne illness, behaviour to guard against HIV (Health Expert)

2. CONCLUSION

The land compensation has progressed smoothly for the following reasons:

- Inhabitants and local authorities in the Project area recognise that the Project will provide employment and business opportunities to them and improve their living standards by receiving electricity from the Project.
- They appreciate KenGen's land compensation policy including the efforts to involve and help the community as reasonable compared with policies adopted by other executing agencies in the past.

The Construction Phase has just started and the adopted policy has put in place a framework for communication between the Community and the Project and the goodwill to make it work. The Consultant will monitor the social impact on the inhabitants of the Project and the CLO will remain in place as the link between the Project and the Community. Only time will tell whether these links can survive and mitigate the inevitable strains the influx of the large workforce will have on the area but the policy has been successful to date and should be considered for future projects.