

International Bank for Reconstruction and Development
International Development Association

THIRD PROGRESS REPORT
ON THE IMPLEMENTATION OF MANAGEMENT'S ACTION PLAN
IN RESPONSE TO THE
INSPECTION PANEL INVESTIGATION REPORT (REPORT# INSP/97705-KE)
ON THE
KENYA
ELECTRICITY EXPANSION PROJECT
(P103037)

June 2, 2020

ABBREVIATIONS AND ACRONYMS

CAC	Council of Elders
EIB	European Investment Bank
EIB-CM	EIB Complaints Mechanism
IDA	International Development Association
IPN	Inspection Panel
KEEP	Kenya Electricity Expansion Project
KenGen	Kenya Electricity Generating Company PLC
KeRRA	Kenya Rural Roads Authority
MAP	Management Action Plan
MLPP	Ministry of Lands & Physical Planning
MoU	Memorandum of Understanding
MW	Megawatt
NCG	Nakuru County Government
RAP	Resettlement Action Plan
RAPIC	RAP Implementation Committee
SCC	Stakeholder Coordination Committee

Contents

Abbreviations and Acronyms	ii
I. Introduction	1
II. Implementation of the Management Action Plan.....	2
III. Consultations with Requesters on MAP Implementation Progress.....	20
Annex 1: Photographs.....	21

I. INTRODUCTION

1. This is the third and final Progress Report to the Board of Executive Directors (the Board) on the implementation of the Management Action Plan (MAP) in response to the Inspection Panel Investigation Report No. 97705-KE on the Kenya Electricity Expansion Project (P103037). The [first progress report](#) was submitted in April 2018 and the [second progress report](#) in April 2019.
2. The Kenya Electricity Expansion Project (KEEP or the Project) was designed to increase capacity and efficiency of electricity supply and expand access to electricity in urban, peri-urban and rural areas. KEEP was approved by Executive Directors on May 27, 2010 for US\$330 million equivalent of International Development Association (IDA) financing. An Additional Financing for the Project for US\$68 million equivalent was approved on June 16, 2016. Component A of the Project involved the construction of the Olkaria IV 140MW power plant, which is situated within the Hell's Gate National Park, near Naivasha, in Nakuru County. The component also included construction of another 140MW plant at the existing Olkaria I site; steam gathering facilities to supply 4x70MW units (280MW) at the Olkaria I and IV power plants; a 10-kilometer road to the Olkaria IV power plant within the national park, and laboratories and offices (known as the Geothermal Complex) outside the park. The Kenya Electricity Generation Company PLC. (KenGen), a partly privately-owned company, is the implementing agency. The Olkaria IV plant was taken over by KenGen from the contractor on September 12, 2014 and was officially commissioned on October 17, 2014. The Project closed on December 31, 2017. KEEP is successfully supplying 280MW of low-cost green energy to Kenya's national grid system.
3. On November 13, 2014, a [Request for Inspection](#), submitted by members and representatives of a Maasai community that was resettled due to the Project-supported geothermal developments in the greater Olkaria geothermal area, was registered by the World Bank's Inspection Panel (IPN Request RQ 14/06). The same concerns brought to the Panel were raised with the European Investment Bank Complaints Mechanism (EIB-CM) as the Project was co-financed by the EIB.
4. Management submitted its [Response to the Request](#) on December 19, 2014. Following Board approval of the Panel's Recommendation on February 13, 2015, the Inspection Panel undertook to investigate the allegations. The Inspection Panel submitted its [Investigation Report](#) to the Board on July 2, 2015. On September 17, 2015, Management submitted its [Report and Recommendation](#) in response to the Inspection Panel's findings. Given that EIB had initiated a mediation process to help resolve the identified issues, Management proposed to the Board to participate in the mediation process through the Bank's Grievance Redress Service as co-facilitator, instead of undertaking consultations on remedial actions in parallel.
5. On October 20, 2015, the [Executive Directors considered the Panel's Investigation Report and Management's Report and Recommendations](#), and approved the Bank's participation in the mediation process. The Board welcomed the Bank's commitment to work through mediation to resolve outstanding issues and asked Management to return to the Board within one year to present the results of the mediation and an Action Plan for Board approval.

6. The mediation parties (representatives of the Maasai community and KenGen, the implementing agency) finalized and signed the mediation agreement on May 28, 2016. Fifteen of sixteen community representatives signed the agreement. One community representative decided not to sign the agreement but did not explain why. After the conclusion of the mediation session, at a *Baraza* (public community meeting) on June 10, 2016, the agreement was presented to the whole community, a clear majority of which supported it, as recorded in the minutes of the meeting and confirmed by observers from the Bank.

7. An [addendum](#) to the Management Report and Recommendation, dated October 30, 2016, was approved by the Executive Directors on February 16, 2017. The addendum contained the MAP to address Panel findings, which was developed on the basis of the mediation agreement. The addendum also described the preparation for and outcome of the mediation process.

II. IMPLEMENTATION OF THE MANAGEMENT ACTION PLAN

8. The MAP is aligned with the outcome of the mediation. It addresses issues of noncompliance identified by the Panel, and includes additional steps agreed during the mediation. Table 1 below provides the implementation status of the actions covered in the MAP as of March 31, 2020.

9. The Bank team has closely followed up on the progress in the implementation of the MAP, through regular site visits, meetings with the community, KenGen, and government officials. The latest site visit took place during February 24-28, 2020.

10. All MAP actions have been completed. The mediation agreement was broader than the Bank's MAP (e.g. it also included the community's commitments) and hence KenGen's commitment to implement these broader actions is beyond the MAP and the Bank's oversight.

Status of Open MAP Actions

11. ***Livelihood restoration.*** All the agreed livelihood restoration activities were completed. KenGen remains committed to advising and supporting project-affected persons to advertise and market their wares once the project-affected persons have re-established their business location in the Cultural Center. KenGen had already funded the Business Development Plan for the Cultural Center, which has been shared with the project-affected persons.

12. ***Status of the land title transfer.*** The 999-year leasehold title for the 1,500 acres in "RAPland"¹ was handed over to the project-affected persons on March 14, 2019 as noted in the last report. All relevant legal stages for the land transfer of the remaining titles have been completed and only minor administrative steps remain to be finalized, once the Lands Office services resume after the current restrictions related to Covid-19 are lifted. All titles have now been obtained by KenGen and have either been transferred to the responsible bodies, or such transfer has been approved by the relevant authorities while KenGen holds the titles in custody until the final administrative procedures are completed.

¹ *RAPland* is the name designated by the Maasai community for the resettlement site.

- *14 Acres – Cultural Center.* The Certificate of Title for the 14 acres (L.R No 8396/54) was issued in the name of KenGen. The transfer documents have since been executed by the trustees of the Ewang'an Sinyati Welfare Society and KenGen. The consent of the Land Control Board to transfer the 14 acres of land to the Welfare Society was granted to KenGen. Land rate clearance has been obtained and the valuation for stamp duty has been completed. KenGen has since applied to the Land Rent Accountant at the Ministry of Lands & Physical Planning (MLPP) to open the Land Rent Account for the 14 acres. This will be completed once the Lands Office resumes its operations after the current COVID-19 related interruption. KenGen will pay the stamp duty and land rent to obtain the Land Rent Certificate, which is the final administrative step to enable the transfer of the title to the Ewang'an Sinyati Welfare Society.
- *Olkaria Primary / Secondary School and Local Administration Offices.* The leases were executed by the Cabinet Secretary (National Treasury) and submitted for registration at the MLPP. The titles have since been registered in favor of the Cabinet Secretary as the Trustee on behalf of the beneficiaries and are now in KenGen's custody for official handing over to the National Treasury.
- *Cattle Dip & Social Hall.* The titles were issued in the name of KenGen and transferred to the beneficiaries. Transfer of the title has been registered in favor of the Ewang'an Sinyati Welfare Society. The Certificate of Title is in KenGen's custody for handover to the Welfare Society.
- *Churches.* The Certificates of Titles for Olosinyat Baptist Church, Open Gate Ministry and Gospel Assembly were issued in the name of KenGen. The churches need to finalize registration of their trusteeships as required by law to enable processing of relevant consents and approvals. The application for transfer, registration and issuance of titles to the authorized representatives/Trustees (Transferees) will follow once the trusteeships have been registered.
- *Dispensary.* The Nakuru County Government (NCG) executed the lease for the land allocated for the Dispensary. The MLPP processed the registration and issued the Certificate of Title in the name of the NCG for its custody as required by law.

13. ***RAPland Roads.*** The road network in RAPland occupies 40.32 hectares of land, which has been owned by the government since KenGen transferred the land titles and formally ended its legal obligation to further maintain the roads. Since the RAPland roads fall under the classification of *County Roads* as they access villages and not towns, it was decided by Kenya Rural Roads Authority (KeRRA) that the NCG would be responsible for these roads, and not KeRRA. However, KenGen has maintained the RAPland access roads and will continue to do so as a matter of corporate social responsibility until the NCG is ready to officially take over the custodianship and maintenance in the future.

14. KenGen has engaged NCG concerning the custodianship and maintenance of RAPland access roads. Consultative meetings were held on January 15 and 22, 2020, and included a site

visit. KenGen forwarded to NCG a copy of the deed plans for the public roads on January 22, 2020.

15. Soil stability at the resettlement site remains a challenge when heavy rains occur. Recent rains have compromised some of the gullies which were stabilized earlier when KenGen completed the respective MAP actions. KenGen has committed, beyond the MAP, to repair the roads and has dedicated a significant budget to achieve this. KenGen is now looking into alternative engineering solutions to address the challenges of flash floods, including re-routing roads where possible (see Annex 1, photo #7). Tendering for the gullies' further rehabilitation is in progress with site visits completed on March 12, 2020. However, the opening of bids for evaluation was first postponed from April 1 to May 6, and again to June 15, 2020 due to the COVID-19 pandemic and the government's decision to cancel public events.

16. ***Construction of houses for additional project-affected persons identified during post-resettlement clinic.*** These houses were completed and handed over to the project-affected persons on September 24, 2018. During its February 2020 site visit, the Bank team visited the five houses to confirm that they have been constructed and that the eligible project-affected persons have moved in (see Annex 1, photos #4 and #5).

17. ***Scholarships.*** KenGen will continue to provide scholarships until 2029 for secondary school education of children of project-affected persons who meet the academic qualification criteria required under the Memorandum of Understanding (MoU). KenGen has so far sponsored eleven (11) students from RAPland for secondary education, as agreed in the MoU. Since the last reporting period, four of the students completed Form Four in 2019. The scholarship beneficiaries benefitted from mentoring opportunities with the KenGen Foundation Mentoring Program, conducted during August 11-14, 2019. Going forward, KenGen will continue to provide scholarships as part of its Corporate Social Responsibility program, which is beyond the MAP.

Status of Other Key Issues

18. ***Water supply.*** Water supply to the project-affected persons has been compromised mainly by uneven consumption inside RAPland. As during earlier site visits, the Bank team observed that households of project-affected persons on the upper end of the main water line had vegetable gardens that appeared to have been irrigated regularly, while households of project-affected persons at the lower end of the main line complained about lack of water. The Bank team also observed during its visit that most of the water taps at the public water kiosks were either left open or were broken, with water flowing nonstop from those taps. During this site visit, participating Welfare Society members agreed that more awareness raising for behavioral changes in the community were needed to avoid wasting fresh water, and that the society and its sub-committees would work to address this.

19. KenGen pumps water to the main storage tank (see Annex 1, photo #3) twice per week. At the time of the February 2020 mission, the main supply line to the reinforced concrete storage tank was damaged due to topsoil movements following heavy rains earlier in the year. Following this, KenGen supplied water to the community through a water truck. The waterline has since been

repaired and adequate water supply has been restored to the RAPland community with the twice-weekly filling of the main storage tank.

20. KenGen continues to assist the community's water sub-committee with the management of water consumption inside the community. This could include charging user fees to eliminate the current supply problem created by free riders. The community water sub-committee has also hired a water technician (formerly engaged by the KenGen contractor) to help develop a technical solution that would ensure equitable water consumption by the four villages. However, the underlying governance issue related to water use remains a challenge that the community needs to address internally.

21. ***Request for conversion of the land title from leasehold to freehold.*** The community has recently initiated steps to convert the land titles obtained from KenGen from the 999-year *leasehold*² to *freehold*.³ The February 2020 Bank mission team was advised by the members of the Welfare Society that the request for this conversion had been submitted to the MLPP. KenGen has supported this request in writing and the community's legal representation was following up with the ministry on the matter. The mission team met with senior staff of the ministry who were familiar with the community's request and who confirmed that it was being processed to obtain the approval of the National Treasury. Both the MLPP and the Ministry of Energy assured the mission team of their support for this request. The mission team conveyed the support of the Bank and EIB for this conversion process. While this activity is not formally part of the MAP, it would further help to achieve the objective of supporting the community to reestablish its livelihoods at the resettlement site.

22. ***Clerical error on land title.*** In early 2019 the Bank received a communication that raised concerns about a clerical error on the RAPland title. While all information was correct in the deed plan, including importantly all the coordinates of the boundaries of the plot (and this was independently confirmed by the community and KenGen), the geographical description of the plot was not correct. The Bank raised the matter with KenGen and the MLPP, and was assured that this clerical error would have no impact on the validity of the title. The February 2020 Bank mission team also reviewed a sample of other land titles in this jurisdiction and noted that the same clerical error is found in all of them.⁴ The mission team also raised the issue during the consultations with the community, noting that the Bank would be willing to assist if the community wished to seek a correction of the title. The mission team advised the community of the process and requirements for this correction, and recommended that the community consult with its lawyer to weigh the benefits and costs of pursuing such correction. The feedback obtained from community members, and specifically from Welfare Society officials, was that they did not consider this clerical error to be material. Moreover, the representatives of the Welfare Society informed the mission team that since they had already applied for a conversion of the title from *leasehold* to *freehold*, they expected the geographic reference to be corrected in this step and did not wish to delay the process of conversion that they had started.

² The leasehold period for the transferred title starts from the date of first issuance of the title, which is May 1, 1950.

³ *Leasehold* is a form of land tenure that is limited by a term, while *Freehold* is full ownership, not limited by a term.

⁴ The title states "north-east" instead of "south-west," which possibly resulted from changes to municipal borders to which these directions refer.

23. ***Fencing of RAPland and the Cultural Center land.*** The February 2020 mission team was able to confirm that the works had been completed.

24. ***Business activities at the Cultural Center.*** The Bank mission in February 2020 visited the newly constructed guest house at the Cultural Center (see Annex 1, photo #6). This is being used to accommodate tourists who wish to stay in the area of the Hell's Gate National Park and experience living in a Maasai manyatta.⁵ The community's plan is to rebuild the manyattas following the layout of a traditional Maasai village, to use them for tourist visits, a "living" Maasai museum, and shops. This activity is outside the MAP.

25. This is the final progress report given that all MAP items have been completed.

⁵ A manyatta is a traditional Masai settlement, established by a family or clan.

Table 1. MAP Implementation as of end February 2020

(Actions completed in the previous reporting period are described in more detail in the [First Progress Report](#) from April 2018, and the [Second Progress Report](#) from April 2019.)

Issue/ Action Category	Action	Action implemented/timeline
A) Identification of Project-Affected Persons		
1) Ensure that project-affected persons who believe that they have been left out or wrongly categorized understand that they can bring forward such claims.	<ul style="list-style-type: none"> - KenGen will convene a post-RAP clinic where the cases of the 200 individuals whose names were submitted by the complainants will be re-examined and a decision on their entitlements made on a case by case basis. This will be witnessed by representatives of: the Council of Elders (CAC), RAP Implementation Committee (RAPIC), KenGen, GIBB Consultants, EIB-CM, World Bank, and Ministry of Energy and Petroleum. The Deputy County Commissioner for Naivasha Sub-county, or his/her representative, will preside over the clinic. - KenGen will publicly announce the dates and venue of the clinic in Kiswahili and Maa languages at least 2 weeks in advance to the community through complainants' representatives, RAPIC, Mediators, World Bank, and EIB-CM. 	Completed (in previous reporting period)
2) Review claims and confirm or revise the entitlements where justified.	<ul style="list-style-type: none"> - KenGen commits to provide additional houses at RAPland for those project-affected persons who were found eligible and who were wrongly omitted, based on the 	<p>Completed</p> <p>The February 2020 Bank mission team confirmed that the five houses had been constructed and that the eligible project-affected persons have moved in.</p>

Issue/ Action Category	Action	Action implemented/timeline
	outcome of the verification (under A.1).	
	- KenGen commits to provide any cash compensation for those project-affected persons who were found eligible and who were wrongly omitted, based on the outcome of the verification (under A.1).	<i>Completed (in previous reporting period)</i>
B) Consultation, Participation and Grievance Redress		
1) Review the Grievance and Complaints Handling Mechanism and discuss with project-affected persons possible adjustments to improve its functionality.	<ul style="list-style-type: none"> - KenGen will update and improve the current grievance redress structure to ensure that it is independent and effective. - KenGen will also consider community proposals for the design of the grievance redress structure to ensure that traditional community structures are reflected in such a mechanism. KenGen will reach out to community representatives to obtain such proposals. 	<i>Completed (in previous reporting period)</i>
2) Facilitate participation of project-affected persons, including women and youth, in community committees and facilitate access to livelihood restoration opportunities.	- KenGen will promote enhanced representation of youth in future Stakeholder Coordination Committees (SCC) to facilitate communication on job opportunities as they arise. RAPland youth will be mobilized to nominate their representative and forward the name to KenGen for inclusion into the SCC membership. This will enhance youth participation in Project implementation.	<i>Completed (in previous reporting period)</i>

Issue/ Action Category	Action	Action implemented/timeline
	<ul style="list-style-type: none"> - KenGen will engage with the National Youth Service⁶ to seek to create a partnership for RAPland youth; the National Youth Service, a government department, will ensure the youth have access to technical skills training and apprenticeships in different fields, leading to job placement opportunities. 	<i>Completed (in previous reporting period)</i>
	<ul style="list-style-type: none"> - KenGen will promote enhanced representation of women in future SCC to enhance their participation and to facilitate communication on job opportunities as they arise. KenGen will reach out to RAPland women to nominate their representative and provide the names for inclusion into the SCC. 	<i>Completed (in previous reporting period)</i>
	<ul style="list-style-type: none"> - KenGen will consider additional project-affected persons from existing community sub-project committees for inclusion in RAPIC; these will be drawn from among youth and women to enhance their representation in RAPIC. 	<i>Completed (in previous reporting period)</i>
	<ul style="list-style-type: none"> - KenGen will ensure that every project-affected person has access to the measures proposed above and specifically that the most vulnerable are given priority access to unskilled and semi-skilled 	<i>Completed (in previous reporting period)</i>

⁶ The National Youth Service is a government department. The purpose is to alleviate youth unemployment by providing necessary skills.

Issue/ Action Category	Action	Action implemented/timeline
	employment and training programs conducted by KenGen.	
C) Adequacy of Resettlement Site and Infrastructures and Amenities		
1) Ensure finalization of the land titling process for the 1,700 acres ⁷ at RAPland and for 14 acres for the Cultural Center.	Land Titles: <ul style="list-style-type: none"> KenGen will transfer titles for 1,500 acres at RAPland and 14 acres at the Cultural Center to the project-affected persons. KenGen will complete the process of title transfer once the community has nominated and registered the trustees holding the land on behalf of the community. 	<p>Completed</p> <p>1,500 acres Community Land: The 999-year leasehold title for the 1,500 acres in RAPland was handed over to the project-affected persons on March 14, 2019 as noted in the last report. The status of other title transfers is discussed below.</p> <p>All transactions requiring government intervention (payment of taxes; registration of leases, etc.) have been suspended due to the COVID-19 pandemic and will be completed once the suspension is lifted.</p> <p>14 Acres – Cultural Center. The Certificate of Title for the 14 acres (L.R No 8396/54) was issued in the name of KenGen. The transfer documents have since been executed by the trustees of the Ewang'an Sinyati Welfare Society and KenGen. The consent of the Land Control Board to transfer the 14 acres of land to the Welfare Society was granted to KenGen. Land rate clearance has been obtained and the valuation for stamp duty has been completed. KenGen has since applied to the Land Rent Accountant (MLPP) to open the Land Rent Account for the 14 acres; once done KenGen will pay the stamp duty and land rent, and obtain the Land Rent Certificate, which is the final administrative step to enable the processing of the transfer in favor of the Ewang'an Sinyati Welfare Society.</p>
	<ul style="list-style-type: none"> KenGen will process and hand out subdivided titles for public facilities on RAPland, such as road network, health facility, school, and other registered social amenities (e.g., churches). 	<p>Completed</p> <p>Olkaria Primary / Secondary School and Local Administration Offices. The leases were executed by the Cabinet Secretary (National Treasury) and submitted for registration at the MLPP. The titles have since been registered in favor of the Cabinet Secretary as the</p>

⁷ 1,500 acres of community land and 200 acres of social amenities, e.g., roads, school, dispensary, social hall, etc.

Issue/ Action Category	Action	Action implemented/timeline
		<p>Trustee on behalf of the beneficiaries and are now in KenGen's custody for official handing over to the National Treasury.</p> <p>Cattle Dip & Social Hall. The titles were issued in the name of KenGen and transferred to the beneficiaries. Transfer of the title has been registered in favor of the Ewang'an Sinyati Welfare Society. The Certificate of Title is in KenGen's custody for handover to the Welfare Society.</p> <p>Churches. The Certificates of Titles for Olosinyat Baptist Church, Open Gate Ministry and Gospel Assembly were issued in the name of KenGen. The churches need to finalize registration of their trusteeships as required by law to enable processing of relevant consents and approvals. The application for transfer, registration and issuance of titles to the authorized representatives/Trustees (Transferees) will follow once the trusteeships have been registered.⁸</p> <p>Dispensary. The NCG executed the lease for the land allocated for the Dispensary. The MLPP processed the registration and issued the Certificate of Title in the name of the NCG for its custody as required by law.</p>
	<ul style="list-style-type: none"> KenGen will provide RAPIC with the RAPland map sheet and accounts for the 200 acres of social amenities. 	Completed (in previous reporting period)
	<ul style="list-style-type: none"> KenGen will revisit and confirm with surveyors and community members the boundaries of the 14 acres of Cultural Center land. 	Completed (in previous reporting period)
	<ul style="list-style-type: none"> KenGen will fence the 14 acres of the Cultural Center and provide signs to protect against 	<p>Completed</p> <p>The February 2020 Bank mission team confirmed that the construction of the</p>

⁸ It is not clear when or if this will happen since some of the Olkaria churches do not wish to register the land in the name of their umbrella church organization. In this case they will need to register their church as a new entity which would require significant time.

Issue/ Action Category	Action	Action implemented/timeline
	encroachment, unauthorized access and theft.	fence is complete. (Annex 1, photo #10)
	– KenGen will support community efforts to ensure complete vacation of the Cultural Center, and jointly inspect the situation upon completion.	<i>Completed (in previous reporting period)</i>
2) Ensure finalization of RAPland infrastructure, including water supply and roads.	Water supply: – KenGen will continue to ensure reliable interim water supply through KenGen water bowsers while the RAPland waterline is being restored.	<i>Completed</i>
	– KenGen will repair and extend a permanent water pipeline in RAPland.	<i>Completed (in previous reporting period)</i>
	– KenGen will support the establishment of a Water Resource Users Association in the community to ensure sustainability of the water lines and systems and ownership by project-affected persons of water management and conservation initiatives.	<i>Completed (in previous reporting period)</i>
	– KenGen will procure a consultant to train project-affected persons on water harvesting (e.g., collection from roofs and storing in tanks) and conservation, and on maintenance of water line systems.	<i>Completed (in previous reporting period)</i>
	– KenGen will re-route main water pipeline away from the roadsides and build bridges to support the pipes over the gullies	<i>Completed (in previous reporting period)</i>

Issue/ Action Category	Action	Action implemented/timeline
	to avoid recurring damage to the line.	
	– KenGen will repair the main water storage tank at Olkaria IV and install one additional water tank.	<i>Completed (in previous reporting period)</i>
	Roads: – KenGen will repair the road to unreachable houses beyond the school.	<i>Completed (in previous reporting period)</i>
	– KenGen will provide short-term solutions for flood related road conditions, such as creating temporary routes while the main road is under repair.	<i>Completed (see above item)</i>
	– KenGen will upgrade RAPland roads to all-weather condition, according to the standards of KeRRA.	<i>Completed (in previous reporting period)</i>
	– KenGen will register and hand over the roads to KeRRA to ensure government maintenance one year after receipt of the completion certificate.	<p>Completed</p> <p>Since the RAPland roads fall under the classification of County Roads as they access villages and not towns, it was decided by KeRRA that NCG would be responsible for these roads, and not KeRRA.</p> <p>The subdivision scheme in RAPland means that the road network occupies 40.32 hectares of land, which has been surrendered to the government vide deed of surrender of the respective deed plans. This effectively formally ended KenGen's legal obligation to further maintain the roads.</p> <p>However, KenGen has maintained the RAPland access roads and will continue to do so as a matter of corporate social responsibility until the NCG is ready to officially take over the custodianship and maintenance in the future. KenGen has engaged NCG concerning custodianship and maintenance of RAPland access roads. Consultative meetings were held on</p>

Issue/ Action Category	Action	Action implemented/timeline
		January 15 and 22, 2020, and included a site visit. KenGen forwarded to NCG a copy of the deed plans for the public roads on January 22, 2020.
	– KenGen will review feasibility of using box culverts across gullies, as suggested by community.	<i>Completed (in previous reporting period)</i>
	– KenGen will maintain roads for at least one year after completion of works (receipt of the completion certificate), prior to handing over to KeRRA.	<i>Completed</i> See above item.
	– KenGen will identify the areas where additional road repairs are needed and carry out such repairs.	<i>Completed (in previous reporting period)</i>
	Others – KenGen will provide bookshelves for school library.	<i>Completed (in previous reporting period)</i>
	– KenGen will deliver remaining medical clinic equipment.	<i>Completed (in previous reporting period)</i>
	– KenGen will provide clinic shelves, repair fence, fabricate and install Kraal gates, and discuss staffing issues with county government to achieve improved staffing of the county-run clinic.	<i>Completed (in previous reporting period)</i>
3) Ensuring rehabilitation/restoration of land at resettlement site.	– KenGen will identify four major gullies that require stabilization and procure a contractor to undertake the required works.	<i>Completed (in previous reporting period)</i>
	– KenGen will undertake studies with technical experts to assess and recommend practical and sustainable interventions to improve soil stability,	<i>Completed (in previous reporting period)</i>

Issue/ Action Category	Action	Action implemented/timeline
	erosion prevention, productivity of pasture and smallholder agriculture, as well as the below actions:	
	a) Procure a Consultant to undertake RAPland Improvement Studies.	
	b) Mapping of key environmental problematic areas (highly eroded areas/ unstable areas).	<i>Completed (in previous reporting period)</i>
	c) Soil testing for purposes of determining appropriate vegetation and fodder crop species for the area.	<i>Completed (in previous reporting period)</i>
	d) Raising of fodder crops and other plant species at KenGen tree nursery.	<i>Completed (in previous reporting period)</i>
	e) Identification of land rehabilitation and improvement measures, including soil stabilization and soil control measures, and land productivity improvement measures.	<i>Completed (in previous reporting period)</i>
	f) Technical assessment of soil stability and recommendations on sustainable interventions (productivity of pasture and smallholder agriculture) and supervision.	<i>Completed (in previous reporting period)</i>
D) Livelihood Restoration		
1) Have an independent post-relocation survey done to determine the overall post-relocation impacts on the project-affected persons, in particular, vulnerable	– KenGen will share with the community representatives the criteria used for assessing vulnerability with RAPIC by June 30, 2016.	<i>Completed (in previous reporting period)</i>
	– KenGen will reassess the status of the six	<i>Completed (in previous reporting period)</i>

Issue/ Action Category	Action	Action implemented/timeline
and poor people affected by the Project.	individuals whose names were submitted in addition to the eight individuals already identified by KenGen and communicate the result of this re-assessment.	
2) Formulate tailor-made programs to ensure livelihood activities for the vulnerable and the very poor among the project-affected persons (as identified through the survey) are enhanced. 3) Continue to work with disabled project-affected persons to ensure accessibility of houses and facilities provided at RAPland.	– KenGen will continue support of RAPland Olkaria Primary Pupils through scholarships.	Completed
	– KenGen will support vulnerable project-affected persons by linking the elderly and orphans to the national government social safety nets as well as linking the Naivasha Sub-county Medical Officer Health with the Kenya Palliative Care Society to train and build capacity of the local health unit and community to administer palliative care.	Completed (in previous reporting period)
	– KenGen will consult with every vulnerable household head and identify sustainable actions for the identified vulnerable project-affected persons and agree to implement them.	Completed (in previous reporting period)
	– KenGen will review the access issues raised by handicapped community members at RAPland with a view to either relocate them inside RAPland or make needed adjustments to their housing, for better access.	Completed (in previous reporting period)
4) Formulate training and other programs and advise project-affected persons on income	– KenGen will procure a consultant to undertake a feasibility study to assess potential business and	Completed (in previous reporting period)

Issue/ Action Category	Action	Action implemented/timeline
restoration options, including for youth and women.	employment opportunities. Based on the study's findings, the consultant will carry out training needs assessments, and develop and deliver the required training for:	
	– Women. Train, advise and support women traders and project-affected persons on sustainable production of wares, advertising and marketing of wares, and alternative incomes beyond livestock and tourism, e.g., agricultural production, entrepreneurship, craftworks, etc.	<i>Completed (in previous reporting period)</i>
	– Cooperatives. KenGen will deliver the training for forming trading groups and cooperatives.	<i>Completed (in previous reporting period)</i>
	– Marketing. KenGen will advise and support project-affected persons to advertise and effectively market their wares.	<i>Completed (in previous reporting period)</i>
	– Micro-finance facility. KenGen will explore possibilities of starting a micro-finance facility to ensure access to small business finance at RAPland.	<i>Completed (in previous reporting period)</i>
5) Support provided to the Cultural Center.	– KenGen will fence the Cultural Center land and provide signage to protect from encroachment.	<i>Completed (in previous reporting period)</i>
	– KenGen will support community efforts to ensure Cultural Center is vacated and facilitate a joint inspection of the	<i>Completed (in previous reporting period)</i>

Issue/ Action Category	Action	Action implemented/timeline
	situation at the Cultural Center.	
	<ul style="list-style-type: none"> – KenGen will support preparation of a feasibility study on a potential business development plan for the Cultural Center (i.e., identify existing businesses, their performance, challenges, and ways of improving, and identify feasible ecotourism business options). 	<i>Completed (in previous reporting period)</i>
6) Offer support to manage the funds generated from leasing out the bus to ensure cost effective and affordable transportation for those project-affected persons whose income depends on commuting.	<ul style="list-style-type: none"> – KenGen will provide awareness raising among project-affected persons about the Welfare Society to promote ownership and participation among the community. 	<i>Completed (in previous reporting period)</i>
	<ul style="list-style-type: none"> – KenGen will provide training in corporate governance and accountability to the project-affected persons' Welfare Society to enhance its capacity to manage their assets (including bookkeeping, accounting, annual reporting, trusteeship, society elections). 	<i>Completed (in previous reporting period)</i>
	<ul style="list-style-type: none"> – KenGen will convene a meeting with the participants of the mediation process to consider community proposals to resolve the transport issue. Submit proposals to the mediators to resolve the transport issue at the June 3, 2016 meeting. 	<i>Completed (in previous reporting period)</i>
	<ul style="list-style-type: none"> – KenGen will participate in all further discussions 	<i>Completed (in previous reporting period)</i>

Issue/ Action Category	Action	Action implemented/timeline
	and meetings as may be convened and required to resolve the issue of maximizing the availability of transport facilities for the community.	
E) Bank Safeguards Capacity and Supervision		
1) Ensure strengthened safeguards coverage of the entire portfolio.	<ul style="list-style-type: none"> - Management will retain Lead Safeguards Specialist based in Nairobi to advise on complex social safeguards issues, support quality control, and advise on the country program. The specialist will also support coordination and monitoring of the safeguard performance of the country portfolio; - Management will hire additional specialist consultants to ensure effective supervision of safeguards; - Management will intensify training of safeguards specialists, specifically to strengthen skills in managing complex social issues. 	<i>Completed (in previous reporting period)</i>

III. CONSULTATIONS WITH REQUESTERS ON MAP IMPLEMENTATION PROGRESS

Community Consultation on MAP Implementation

26. The latest progress in the implementation of the MAP was presented to and discussed with the Requesters and a broad representation of the community in consultation meetings that took place February 24 and 25, 2020 (see Annex 1, photos #1 and #2).

27. **Participation.** Representatives of the following community groupings were targeted to participate in consultations: (a) Requesters' representatives at the Mediation Table; (b) women and youth who work at the Gorge – Cultural Center; (c) CAC Elders and leaders of RAPIC representing the four affected Villages; (d) leaders or officials of the Welfare Society and Members of Water, Roads and Education Committees; and (e) five Requesters who were resettled through mediation.

28. **Summary.** The community expressed satisfaction that MAP issues have been addressed. Participants were particularly happy that the transfer of land titles is now resolved, but expressed dissatisfaction with the outstanding issue of leasehold fees. They recognize, however, that the conversion of the land title from leasehold to freehold (which would eliminate the lease fees) is not part of the MAP and, hence, they are pursuing it independently. The mission team learned from the community that the process is in an advanced stage and supported by various governmental authorities. This was subsequently confirmed in communications with the relevant ministries.

Feedback on Specific Issues

29. **Land titles.** The community confirmed that the title for the Cultural Center land has been issued and is in the process of being transferred to the Welfare Society.

30. **Transportation.** The bus has been made serviceable and leased out to a third party by the Welfare Society, and the community is largely supportive of this, given how long the bus had been idle. The mission team engaged with women from the community who are particularly in need of transportation to reach the Cultural Center where they sell their crafts (Annex 1, photos #8 and #9). During the consultation they noted that several private individuals offering transport services to and from RAPland have entered the market. These are pickup trucks, minibuses and motor bikes. This has also contributed to reducing tensions inside the community concerning transportation.

31. **RAPland roads.** As in the previous reporting periods, the community expressed satisfaction with the works, especially the building of the drifts instead of bridges, installation of culverts, stone pitching and gabions on steep embankments as well as building of water runoff trenches to stop soil erosion along the roads. The community noted that the heavy rains have tested the measures and some repairs were needed, which KenGen has committed to do.

ANNEX 1: PHOTOGRAPHS



1. Consultation meeting on February 24, 2020 to review the progress made in implementing the MAP



2. Consultation meeting on February 24, 2020 to review the progress made in implementing the MAP



3. Dedicated water storage tank for RAPland



4. Project-affected persons have moved into the five additional houses that were constructed after the post-resettlement clinic



5. Project-affected persons have moved into the five additional houses that were constructed after the post-resettlement clinic



6. Newly constructed guest house on the premises of the Cultural Center



7. KenGen is looking into alternative engineering solutions to address the challenges of flash floods, including the use of check dams



8. and 9. Mission team visit to female traders' selling stalls at the Hell's Gate "Gorge"



10. The Cultural Center is now fully fenced