



Remedial Action Plan Close Out Audit for:

23 January 2025

FINAL REPORT

*Akiira Geothermal Project located in
Naivasha Sub-County of Nakuru County*

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LIST OF ACRONYMS

AGL	Akiira Geothermal Limited
ADR	Alternative Dispute Resolution
ACC	Assistant County Commissioner
CBOs	Community Based Organisations
CESCR	UN Committee on Economic, Social and Cultural Rights
CSO	Civil Society Organisation
DCC	Deputy County Commissioner
ESIA	Environmental and Social Impact Assessment
EIB	European Investment Bank
FGD	Focus Group Discussion
GIIP	Good International Industry Practice
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
IFC	International Finance Corporation
KII	Key Informant Interview
KNCHR	Kenya National Commission on Human Rights
LRP	Livelihood Restoration Plan
MoE	Ministry of Energy
MPG	Marine Power Generation
MW	Mega Watt
NEMA	National Environment Management Authority
NGOs	Non-Governmental Organizations
NAP-BHR	National Action Plan on Business and Human Rights
PCM	Public Consultation Meeting
PAPs	Project Affected Persons
RAP	Resettlement Action Plan
RemAP	Remedial Action Plan
RPF	Resettlement Policy Framework
SEP	Stakeholder Engagement Plan
UDHR	Universal Declaration on Human Rights
UNGPBHRs	United Nations Guiding Principles on Business and Human Rights

PROJECT SUMMARY

Project:	Remedial Action Plan (RemAP) Close Out Audit for Akiira Geothermal Project Area located in Naivasha Sub-County of Nakuru County
Objectives:	<p>The objective of the study as outlined in the ToR is to:</p> <ul style="list-style-type: none"> i) Conduct a comprehensive review of the Resettlement Policy Framework (RPF) and RemAP implementation results against the agreed objectives and requirements defined in the plans. ii) To verify that remediation activities have been implemented by Akiira Geothermal Limited (AGL) and the relevant stakeholders as defined in the RemAP and the RPF. iii) To undertake a Gap Analysis between measures implemented and actions outlined in the RPF and Resettlement Action Plan (RAP), and requirements as per European Investment Bank (EIB) Standards. iv) In case of gaps in implementation or noncompliance with the Project’s documented commitments and EIB Standards: <ul style="list-style-type: none"> a) Propose Corrective actions; and b) Propose time-bound actions (with budget) to complete the remediation and livelihood restoration commitments. v) Provide a conclusion as to whether the internal monitoring process can be ended, remediation and resettlement activities can be declared completed and if not, outline recommendations.
	<p>The scope of the Closeout Audit Study entails the following:</p> <ul style="list-style-type: none"> i) Interviews with key AGL Project personnel, community representatives, etc. ii) Interviews with resettled people to verify the process, understand the level of knowledge of the process, the level of satisfaction, and determine outcomes. iii) Field verification of payment/compensation records through interviews with the PAPs and affected entities. iv) Review of select resettlement documentation (e.g. signed agreements, payment of compensation and timing, consultation documentation, grievance log, court cases). v) Conduct a survey of the resettled persons to verify the outcomes, identify corrective actions, and collect feedback from PAPs. vi) Conducting Focus Group Discussions (FGD), conversational open-ended interviews, and other unstructured data-gathering methods with PAP groups to supplement the findings from the survey. vii) Identify any outstanding resettlement and compensation issues, grievances or non-compliances and recommend corrective actions to be implemented by AGL.
Client:	Akiira Geothermal Limited
Consultant:	PANAFCON Ltd
Report Title:	Remedial Action Plan Close-Out Audit for Akiira Geothermal Project Area – Final Report
Submission Date:	23 January 2025

EXECUTIVE SUMMARY

E.1.0 BACKGROUND INFORMATION

Marine Power Generation Company Ltd (MPG), a renewable energy company, was awarded a Geothermal Development License by the Ministry of Energy and Petroleum to develop up to 140 Mega Watts (MW) of geothermal energy in Nakuru County, covering a concession area of approximately 480km². The concession area is located on Akiira Ranch, Mlima Panya, and Mount Margaret, which lie within Nakuru and Narok Counties in Kenya.

E 1.1 Project Location

The Akiira Geothermal Limited (AGL) Area is located approximately 120 km North of Nairobi and 12 km south of the existing Olkaria geothermal area. AGL's geothermal wells (Well Pad 1 and 2) prospect is located within the wider MPG concession area that spans 480 km² and is divided into four prospects, namely the Akiira, Tandamara, Mlima Panya, and Mount Margaret prospects. The Akiira Geothermal prospect where the 2 Well Pads are located is associated with the Olkaria Domes/Longonot Volcanic Centre. It is located approximately 2 km south of the Olkaria IV Domes geothermal field and is surrounded by the Suswa and Longonot Volcanoes.

E.1.2 Eviction Process

Prior to forceful evictions, three verbal notices of eviction were consequently issued to the squatters through the office of the Deputy County Commissioner (DCC) in June, September, and October 2019 and by the AGL community liaison office. Encroachers from RAPland heeded the eviction notice and did not incur any loss of household items or structures. Lorropil village encroachers failed to heed the eviction notice. They were thus forcefully evicted by police under instruction from the Sub-County Security Office consequently incurring loss of structure and household items. On the other hand, encroachers from Mlima Tatu Village were able to salvage their household items upon witnessing the forceful evictions at Lorropil Village. The eviction process was categorized as a forceful eviction by the European Investment Bank (EIB), thus triggering the preparation of a Remedial Action Plan (RemAP) in July 2022.

E.1.3 Rationale for the Remedial Action Plan Closeout Audit

The close-out audit has been necessitated by the RemAP, which was prepared following the eviction of encroachers who had settled in AGL Land in two villages, Lorropil and Mlima Tatu, in November 2019. Following the eviction, and with advice from the EIB complaints mechanism, AGL was required to hire an independent Consultant (IBIS) to identify any project-affected person who had a history and association with the project area and who may have been affected by the eviction.

E.1.4 Objectives of the Closeout Audit Study

The key objectives of the Closeout Audit Study were to:

- i) Conduct a comprehensive review of the Resettlement Policy Framework (RPF) and Remedial Action Plan implementation results against the agreed objectives and requirements defined in the plans.
- ii) To verify that resettlement and remediation activities have been implemented by AGL and the relevant stakeholders as defined in the RPF and RemAP.
- iii) To undertake a Gap Analysis between measures implemented and actions outlined in the RPF and RemAP, and requirements as per EIB Standard.
- iv) In case of gaps in implementation or noncompliance with the Project's documented commitments and EIB standards:
 - a) Propose Corrective actions; and

- b) Propose time-bound actions (with budget) to achieve completion of the remediation and livelihood restoration commitments.
- v) Provide a conclusion as to whether the internal monitoring process can be ended, and whether remediation and resettlement activities can be declared completed and if not, outline recommendations.

E.1.5 Scope of the Closeout Audit Study

The scope of the Closeout Audit Study entailed the following:

- i) Interviews with key AGL Project personnel, and community representatives, etc.
- ii) Interviews with resettled people to verify the process, understand the level of knowledge of the process, the level of satisfaction, and determine outcomes.
- iii) Field verification of payment/compensation records through interviews with the Project Affected Persons (PAPs) and affected entities.
- iv) Review of select resettlement documentation (e.g. signed agreements, payment of compensation and timing, consultation documentation, grievance log, court cases).
- v) Survey of the resettled persons to verify the outcomes and identify corrective actions if any and collect feedback from PAPs.
- vi) Focus group discussions, conversational open-ended interviews, and other unstructured data-gathering methods with PAP groups to supplement the findings from the survey.
- vii) Identification of any outstanding resettlement and compensation issues, grievances, or non-compliances and recommend corrective actions to be implemented by AGL.

E.2.0 LEGAL AND REGULATORY FRAMEWORK

The National and International Legal Frameworks and Guidelines which would have guided the implementation of the eviction process have been evaluated. These frameworks also guided the Audit Team in carrying out the Closeout Audit Study.

- i) EIB's Standard 6 on Involuntary Resettlement and the national legal provisions on land resettlement were adhered to during the preparation and implementation of RemAP.
- ii) The gaps between EIB Standards, UN Basic principles and guidelines, and Kenyan policies and laws have been identified.
- iii) The review of the RemAP showed that where the gaps existed within the Kenyan legal and policy frameworks, the Consultant and AGL adopted the provisions provided in EIB Standards, UN Basic principles, and guidelines to fill in those gaps in the Remedial Action Plan preparation and implementation.

E.3.0 METHODOLOGY

3.1 Field Visits and Consultations

All relevant stakeholders were identified and evaluated. The Key Stakeholders and PAPs were consulted through the following forum:

- i) In-depth Oral Interviews
- ii) Key Informant Interviews
- iii) FGDs
- iv) Observations on Adequacy of Stakeholder Engagement

E.3.1 Primary Data

Primary data was collected from various sources including the PAPs, project staff, and other stakeholders through in-depth interviews, key informant interviews, focus group discussions, and field observations. The assessment was conducted using interview schedules. Stakeholder mapping was conducted to identify key stakeholders interviewed during the assessment. Appropriate tools for stakeholder mapping were applied. Secondary data was collected by reviewing the project document.

E.3.2 Secondary Data Collection

AGL provided the following documents which have been reviewed:

- i) AGL Final Grievance Redress Mechanism (GRM) report 2023.
- ii) Revised GRM May 2024.
- iii) AGL Land Use Policy – June 2020.
- iv) AGL Stakeholder Engagement Plan (SEP) 2023 final report.
- v) Resettlement Policy Framework (RPF).
- vi) Environmental and Social Impact Assessment (ESIA) Draft Final – 2016.
- vii) Final Version 2 RemAP – May 2024.
- viii) PAP Lists and Final IBIS AGL eligibility long list.
- ix) Minutes of Milima Tatu Community Meeting at Mlima Tatu Ground September 13, 2022.
- x) Minutes of Lorropil Community Meeting at Chief's Office in RAPland Sep 15, 2022.
- xi) Minutes of RAP land Community Meeting at RAPland Social Hall Sep 20, 2022.
- xii) Minutes of Suswa Community Meeting at Atiseneto Baptist Church Sep 29, 2022.
- xiii) Minutes of the 1st Lorropil Tier Three GRC Meeting May 11, 2023.
- xiv) Minutes of the 2nd Lorropil Tier Three GRC Meeting, May 18, 2023.
- xv) Minutes of the 3rd Lorropil Tier Three GRC Meeting June 15, 2023.
- xvi) Minutes of the 4th Lorropil Tier Three GRC Meeting, September 22, 2023.

E.3.3 The Observation on Adequacy of Stakeholder Engagement

- i) AGL convened several community meetings.
- ii) Whereas a large number of the evicted persons were scattered in different towns and counties, AGL made concerted efforts to trace them and have meaningful engagements.
- iii) AGL used suitable methods in engaging the PAPs and the community members. Meetings were hosted in each of the three villages where the PAPs were before they were evicted.
- iv) Stakeholder feedback was received and incorporated into the RemAP by the Consultant and AGL during the preparation and implementation of the RemAP.

E.4.0 FINDINGS ON IMPLEMENTATION OF REMAP

The Consultant has reviewed the RemAP implementation results against the agreed objectives and requirements defined in the plan. The Consultant has also confirmed that the relevant stakeholders as defined in the RPF and RemAP have been identified and evaluated and remediation activities have been implemented by AGL. The meetings were conducted in languages that participants could understand, and they were able to participate meaningfully. Corrective action to address the grievances of the three PAPs was provided and remedial activities can be declared complete since the grievances have been addressed and remedial compensation disbursed to the three outstanding PAPs.

E. 4.1 Preparation of RemAP

Remedial Measures are packages of compensation and other resettlement measures that are aimed at assisting each category of eligible displaced persons to achieve the objectives of EIB Standard 6 on Involuntary Resettlement.

Due diligence procedure was followed in the development and implementation of the RemAP as follows:

- i) Engagement of an Independent Consultant (IBIS) who prepared the RemAP detailing the eviction impacts and eligibility entitlement criterion of the PAPs.
- ii) During the implementation of remedial actions, *Version 1 of the RemAP Report* documented 58 PAPs. Lorropil village lodged grievances against this list and consequently a grievance redress process was initiated through a cross-comparison, verification, and rationalization into one final PAP list eligible for remediation from the three PAP lists that were in existence (i.e. IBIS Consultant Report PAP List, Chief's PAP List, and Community Liaison Officer (CLO's) PAP List. The final PAP list was consequently rationalized into 52 PAPs by the Sub-County Grievance Committee.

- iii) AGL conducted stakeholder engagement and disclosure of the final PAP list and compensation entitlements with the PAP's.
- iv) Financial literacy training and bank account opening were undertaken with the PAPs by Equity Bank before remediation payments were made to the PAPs with National Identity Cards, while those without were paid in cash.
- v) Compensation payments have been made to all the PAPs.

E.4.2 Remedial Payments to PAPs Per Category

The Consultant carried out a detailed document review to obtain data and information regarding the details of the PAPs who lost their dwelling structures through forceful evictions. The document that was reviewed included the Final IBIS AGL eligibility long list and shortlist, RemAP Report, and compensation report from AGL. Remediation payments were delivered according to the requirement of EIB Standard 6 on Involuntary Resettlement and Kenya's Policies. Entitlements have been delivered as per Remedial Action Plan commitments.

Remediation Implementation was carried out through execution of the following:

- i) Community Engagement.
- ii) Individual PAP Engagement.
- iii) Payment of Remediation Packages for each PAP.

E.4.3 Categorization of PAPs

The distribution of the PAPs in the RemAP are as follows:

- i) Category one - Lorropil Community – 13 PAPs.
- ii) Category two - Mlima Tatu – 14 PAPs.
- iii) Category Three- Lorropil Community – 25 PAPs.

E.4.4 Compensation Categories

There are a total of 52 PAPs Placed into three (3) categories based on their entitlements as follows:

- i) Category One PAPs (13 No) with loss of structure and assets from Lorropil Village that were entitled to individual cash compensation of Ksh. 279,300 and later increased to Ksh. 418,950 after the PAPs raised a complaint about the amount which necessitated an upward review of the figures to cushion them against inflation.
- ii) Category Two PAPs (14 No) with loss of structure only from Mlima Tatu Village that were entitled to individual cash compensation of Ksh 265,700.
- iii) Category Three PAPs (25 No) with no loss of structure or assets from Lorropil Village and thus entitled to movement/ disturbance allowance of Ksh 55,000/= that was later increased to 100,000/= after the PAPs raised a complaint about the amount which necessitated an upward review of the figures to cushion them against inflation.

The payment targeted 52 PAPs; to date, 50 PAPs have been compensated, apart from two PAPs that stand untraced to date.

E. 4.5 Observation on RemAP Payment Delivery

- i) The compensation was done within the required timelines.
- ii) The turnaround time for payments was reasonable.
- iii) The payments were made to the PAP's bank accounts and this method was favourable and convenient while those without national identification cards were paid in cash.
- iv) The PAPs were trained by the Bank to ensure prudent use of the funds for the benefit of the PAP and the family members.
- v) The initial compensation amounts due to the PAPs were reviewed and the resettlement process continued based on the fluctuations in the economy.

E.4.6 Grievance Redress Mechanisms

The Consultant obtained and reviewed all grievance records and reports and the subsequent response. Identification of grievances and disputes that arose during resettlement planning and implementation was done through consultations with local PAP Committees and Grievance Redress Committees and the local administrators and sampled PAPs.

The grievance committee which was put in place by AGL comprised the representatives of PAPs, the Local chiefs and assistant chiefs, the Assistant County Commissioner, and the Deputy County Commissioner. The committee was chaired by the Deputy County Commissioner.

E.4.7 Observations on Grievances

- i) The Grievance Redress Mechanism put in place is adequate, and accessible even though many PAPs reported that they were not aware of the existence of the GRM at the time of the ReMAP closure audit. This indicates that the GRM was not adequately published during the preparation and implementation of ReMAP. The relocation of a significant number of the PAPs to other towns and counties may have contributed to this status.
- ii) All the grievances were entered in the grievance logs.
- iii) Grievances that were not resolved at the lower levels were escalated to higher tiers.
- iv) The Grievance Redress Committees (GRCs) were found to be functional and assisted in the resolution of most of the grievances reported by PAPs.
- v) The grievance redress mechanism also took into account the availability and use of community and traditional dispute resolution mechanisms and judicial recourse as a last resort for disputes whose resolution are generally beyond the established local grievance redress channels.

E.4.8 Livelihood Restoration Measures on PAPs

The Consultant reviewed the outcome evaluation results of the resettlement and other relevant reports and RemAP. A total of 37 PAPs were visited while 8 were reached through the phone during the field verification exercise and field observations were recorded. The discussion was carried out with Key Informants as well as Focus Group Discussions with a sample of PAPs.

Considering the challenges of the PAPs being located in various towns and counties, the successful tracing of 50 out of 52 is a good effort. The monitoring report as provided in the RemAP shows very positive livelihood restoration achievements arising from the remediation payments. Apart from the payments going into direct expenses like school fees by a few PAPs, a good number have invested in income-generating activities including farming, and retail businesses among others to secure their livelihoods. The monitoring exercise provides good lessons learned for the future.

E.5.0 MONITORING AND REPORTING

RemAP described the mechanisms for consultation with and participation of displaced persons in planning, and implementation. It also had a provision requiring the implementing agency to have an arrangement for monitoring and if required by independent monitors.

The RemAP Report recommended that the process of monitoring all deliverables should be done during and after delivery and that a final pre-closure evaluation should be carried out after the delivery of entitlements. It also provided that monthly progress monitoring of process indicators and reporting should be carried out by AGL's Social Specialist on physical and financial progress.

E.6.0 CORRECTIVE ACTIONS

The three PAPs who initially declined the remediation payment offered under Category Three entitlement and registered their grievance were upgraded to Category One to address the grievance. All the three PAPs have collected their Remedial Payments.

Key support points towards this corrective action are evident from key informant interviews with the former Lorropil Community Grievance Committee Chairlady and the Olkaria location administrative chief. In this regard, while probing the former Lorropil grievance committee Chairlady on the historical location context of the PAPs who initially declined remedial payment, she did indicate that the 3 PAPs were residing within Lorropil before eviction. The former GRC Chairlady further stated that when they moved to the temporary structures within the roadside before eviction, the 3 PAPs were part of the group. Consequently, the GRC chairlady indicated that when the police came back a second time, the 3 PAPs were equally affected by the burning of their personal belongings.

A Key Informant (GRC Chairlady) stated that she could not understand why the three (3) PAPs were not placed under Category One since she witnessed them losing their property in a similar scenario to hers and she was deemed to be eligible for remediation under Category One.

The second key informant, the Olkaria Location Administrative Chief while providing her opinion proposed that the 3 PAPs be upgraded to Category One remediation eligibility. The schedule for closure of the pending grievance is provided in the table below.

Table A: Schedule for Closure of Pending Grievance

Activity	Proposed Timelines	Status	Responsible Persons
Invite the PAPs and inform them about the recommendations of the RemAP Closeout Audit with regard to their grievance	2 nd September, 2024	Completed	AGL/GRC
Disclosure of RemAP Closeout Audit Outcome	21 st September 2024	Completed	Panafcon/AGL
Signing of compensation acceptance form/Disbursement of funds	24 th September 2024	3 (No.) PAPs failed to turn up	PAPs/Panafcon /AGL
Communicate the extension of the Remedial Payment Closure date to the 3 (No.) PAPs.	2 nd October 2024	Completed	AGL
Closure of RemAP Implementation	31 st October 2024	Completed	AGL
Signing of compensation acceptance form by 2 (No.) PAPs. 1 (No) PAP declined.	1 st November 2024	Completed	AGL
Disbursement of the funds to 2 (No.) PAPs accounts. 1 (No) PAP declined.	4 th November 2024	Completed	AGL
Cut-off date	31 st December 2024	Completed	AGL
Communication of the 31 st December 2024 cut-off date to the PAP that had declined payment	13 th December 2024	Completed	AGL
PAP reaches out to AGL	24 th December 2024	Completed	AGL
PAP signs remedial payment acceptance form	27 th December 2024	Completed	AGL
Disbursement of funds to the PAP	7 th January 2025	Completed	AGL
Sharing the Final Remedial Action Plan Closeout Audit report with all the relevant stakeholders	24 th January 2025	Completed	AGL

E.7.0 CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The following conclusions can be drawn from the Close Out Audit.

- a) An independent Consultant was engaged by AGL to prepare a RemAP for execution.
- b) Engagements and consultations were carried out during the preparation of the Final List of PAPs (52 PAPs) that were placed into 3 categories according to the loss suffered.
- c) AGL made concerted efforts to trace the evicted persons to carry out remediation payments and monitoring of the PAPs.
- d) Remediation payments were promptly disbursed by AGL.
- e) The Consultation meeting carried out with the 3 PAPs that had initially declined their remediation payment established that the rejection was associated with being placed in Category Three instead of Category One.
- f) The RemAP implementation was carried out following the RemAP prepared by the Independent Consultant.
- g) AGL accepted the recommendation of the Consultant to upgrade the 3 (No.) PAPs from Category Three to Category One as a means of resolving their grievance.
- h) The 3 (No.) PAPs resolved to accept the proposed recommendation of upgrading their entitlements from Category Three to Category One as a means of resolving their grievance during a Focus Group Discussion conducted during the close-out audit field activities on 25th July 2024.
- i) Two (2) PAPs accepted their Remedial Payments by signing the Disclosure Form on 1st November 2024 and received the payments on 4th November 2024. The 3rd PAP accepted his Remedial Payment by signing the Disclosure Form on 27th December 2024 and received the payment on 7th January 2025.
- j) A total of 50 out of the 52 PAPs have been paid their remediation dues and the associated records for the disbursements are available at AGL.
- k) The two untraced PAPs remained untraced until the cut-off date of 31st December 2024.

Recommendations

Key recommendations deduced from KII and FGDs conducted during the close-out audit that may apply to the implementation of unforeseen and forthcoming remediation action plans triggered by future projects entail the following:

1. Maintaining diligent records of all public engagements with PAPs in future projects to prevent misinformation that could derail the process. This includes the records of notices issued as part of the minutes of meetings.
2. Publicize the project GRM so that the members of the public are sensitized about its existence and the need for uptake.
3. Document the positive outcomes from the livelihood restoration programs for replication in future projects.
4. GRC should document and independently record minutes during public and stakeholder engagements for future projects to ensure transparency and accountability.
5. Documenting the evidence of financial literacy training done with PAPs regarding sound financial management skills upon receipt of remediation/ compensation payouts.
6. Since 50 PAPs have collected their remedial payments and the 2 untraced PAPs did not claim their payments by the cut-off date of 31st December 2024, the internal monitoring process has been concluded, and the remediation and resettlement activities are considered complete.

1 INTRODUCTION AND BACKGROUND

The Closeout Audit has been necessitated by the RemAP which was prepared following the eviction of encroachers who had settled in AGL Land in two villages namely Lorropil and Mlima Tatu in November 2019. Following the eviction, and with advice from the European Investment Bank complaints mechanism, Akiira Geothermal Limited (AGL) was required to hire an independent Consultant to identify the Project Affected Persons (PAPs) who had a history and association with the project area and who may have been affected by the eviction. Consequently, IBIS was hired to prepare the RemAP.

1.1 The Project Background

Project Ownership

The Marine Power Generation (MPG), a renewable energy company, was awarded a Geothermal Development License by the Ministry of Energy and Petroleum to develop up to 140 Mega Watts (MW) of geothermal energy in Nakuru County, covering a concession area of approximately 480km². The concession area is located on Akiira Ranch, Mlima Panya, and Mount Margaret, which lie within Nakuru and Narok Counties in Kenya.

MPG along with a few investors further set up AGL as a Project company to develop up to 140MW net of geothermal power, to be constructed in a phased approach of two 70 MW net geothermal power plants in each phase, located in Naivasha Sub-County of Nakuru County. AGL is jointly owned by Centum Investments Company Limited and Frontier Energy, together with the development partners MPG and Ram Energy Inc. (REI).

Safeguards Activities

AGL undertook the initial ESIA Study in 2013 and an EIA license for the project was issued. An updated ESIA Study was carried out in 2016, and a Report was prepared.

Exploration drilling and initial testing of two wells, AW01 and AW02 commenced in 2015 and was completed in early 2016. The wells were not productive resulting in the slowdown of activities at the site. Conveyancing of the Akiira Land was completed on August 22, 2019. In the same year, 3 local village groups drawn from Lorropil, Kambi Turkana, and Mlima Tatu, and also some drawn from far-flung areas such as Mai Mahiu and Narok, encroached into the land resulting in forceful eviction that that was carried out in November 2019. This necessitated the preparation of the RemAP by an independent Consultant (IBIS). A RemAP was prepared in July 2022.

1.2 Project Location

The Akiira Geothermal Area is located approximately 120 km North of Nairobi and 12 km south of the existing Olkaria geothermal area. AGL's geothermal wells (Well Pad 1 and 2) prospect is located within the wider MPG concession area that spans 480 km² and is divided into four prospects, namely the Akiira, Tandamara, Mlima Panya, and Mount Margaret prospects. The Akiira Geothermal prospect where the 2 Well Pads are located is associated with the Olkaria Domes / Longonot Volcanic Centre. It is located approximately 2km south of the Olkaria IV Domes geothermal field and is surrounded by the Suswa and Longonot Volcanoes.

The project area lies in the administrative locations of Hells Gate and Olkaria within Naivasha Sub County, Nakuru County in the Rift Valley of Kenya. The project site is located on private land (Land Registration No. 8396), known as the Akiira Ranch.

It can be accessed from the main Nakuru- Naivasha road through Moi South Lake Road, with entry through Hells Gate National Park (via Olkaria Gate). The project site can also be accessed from the main Mai Mahiu- Narok Road off a 4x4 track at Suswa Centre, through the Akiira Plains. The project site has two geothermal wells which were drilled but failed to produce the intended geothermal power due to technical failures. Currently, there are no ongoing activities at the project site. The site where the 2 wells are located is fenced off and guarded 24 hours.

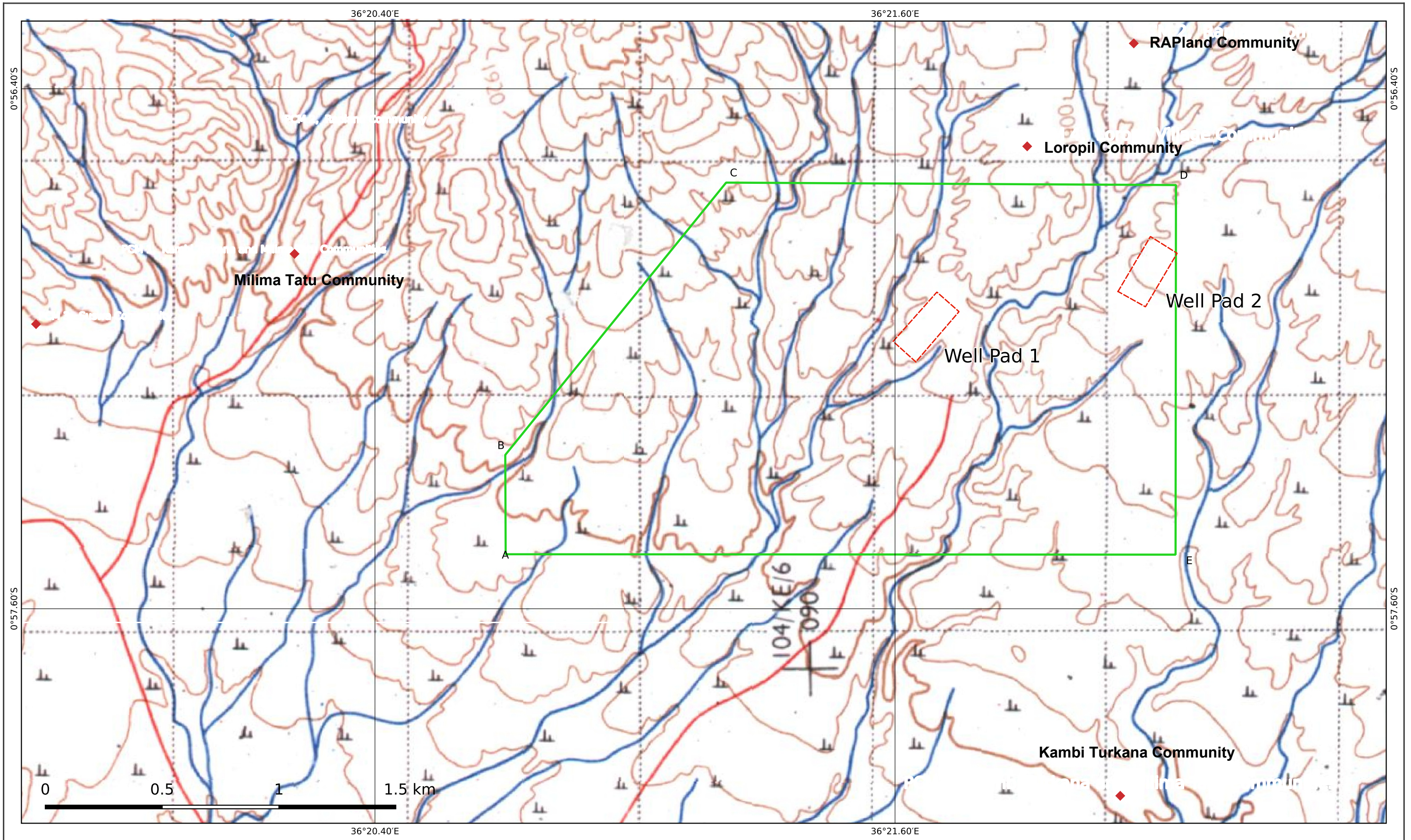
AGL owns the 1000 acres of land acquired from Kedong Ranch in 2015 and the process was completed in 2019. The land title number is *SOUTH LAKE NAIVASHA NAKURU DISTRICT LR. NO 8396/52*.

The coordinates of the Project Site (Akiira Ranch) are provided in the table below.

Table 1: Akiira Ranch Project Boundary Coordinates

No	Location	Latitude	Longitude
1	Point A	-0.95790	36.34503
2	Point B	-0.95408	36.34501
3	Point C	-0.94361	36.35350
4	Point D	-0.94370	36.37080
5	Point E	-0.95792	36.37079

Refer to **Maps 1 and 2** for the Project Site Location.



REMEDIAL ACTION PLAN CLOSEOUT AUDIT FOR AKIIRA GEOTHERMAL PROJECT

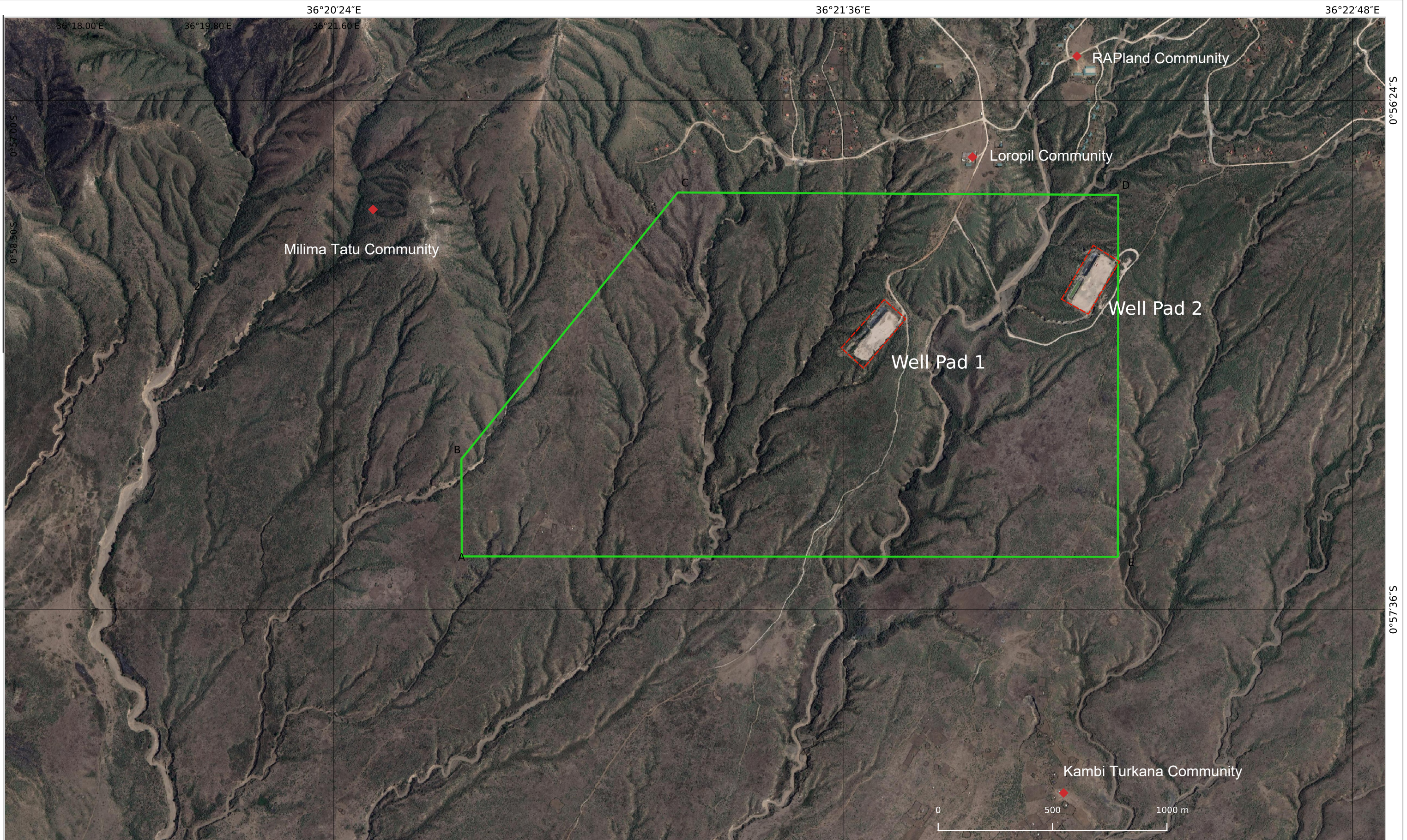
Map 1 : Location of the Project Area - Topo Sheet

- Legend**
- ◆ Location of Different Communities
 - Project Area

Project Area Coordinates

	Lat	Long
A	-0.95790	36.34503
B	-0.95408	36.34501
C	-0.94361	36.35350
D	-0.94370	36.37080
E	-0.95792	36.37079





REMEDIAL ACTION PLAN CLOSEOUT AUDIT FOR AKIIRA GEOTHERMAL PROJECT

Map 2 : Location of the Project Area - Satellite

Legend

- ◆ Location of Different Communities
- Project Area

Project Area Coordinates

	Lat	Long
A	-0.95790	36.34503
B	-0.95408	36.34501
C	-0.94361	36.35350
D	-0.94370	36.37080
E	-0.95792	36.37079

1.3 The Eviction Process

Prior to forceful evictions, three verbal notices of eviction were consequently issued to the squatters through the office of the Deputy County Commissioner (DCC) in June, September, and October 2019 and by the AGL community liaison office. Encroachers from RAP land heeded the eviction notice and did not incur any loss of household items or structures. Lorropil Village encroachers failed to heed the eviction notice and were thus forcefully evicted by police under instruction from the Sub-County Security Office and consequently incurred loss of structures and household items. On the other hand, encroachers from Mlima Tatu Village were able to salvage their household items upon witnessing the forceful evictions at Lorropil Village. The eviction process was categorized as a forceful eviction by the independent Consultant as per EIB Standard 6, thus triggering the preparation of a Remedial Action Plan (RemAP) in July 2022.

1.4 Rationale for the Remedial Action Plan Closeout Audit

The close-out audit has been necessitated by the Remedial Action Plan (RemAP) which was prepared following the eviction of encroachers who had settled in AGL Land in two villages namely Lorropil and Mlima Tatu in November 2019. Following the eviction, and with advice from the EIB complaints mechanism, AGL was required to hire an independent Consultant (IBIS) to identify the project-affected person who had a history and association with the project area and who may have been affected by the eviction. As per the reviewed reports (*Versions 1 & 2 Remedial Action Plan for Akira Geothermal Limited, May 2022 & the Resettlement Policy Framework*), the Consultant (IBIS) undertook the RemAP preparation in Mid-2021, and finally drew up a list of affected individuals into three categories according to impact and need for remediation as follows:

- i) Category One PAPs with loss of structure and assets.
- ii) Category Two PAPs with loss of structure only.
- iii) Category Three PAPs with no loss of structure or assets and entitled to movement/ disturbance allowance to cover intangible losses including the delay in implementation of reparation.

According to EIB Standard 6 paragraph 64, a resettlement audit report should be prepared to assess whether a resettlement program is complete, objectives have been met, commitments delivered, and any corrective actions are needed to achieve targeted outcomes. Completion audits are usually undertaken from one to five years after physical relocation has been completed to ensure sufficient time has passed for livelihood restoration to have been sustainably achieved. The completion audit is conducted by a resettlement specialist or group of specialists who have not been previously involved with the project that is being audited. The completion audit draws on the data generated by ongoing internal monitoring and the findings of the external compliance reviews.

The overall goal of this RemAP Closeout Audit is to establish whether all the commitments made in the RemAP have been met and the resettlement activities have achieved their intended outcomes. The recommendations on addressing the gaps identified during the audit have also been provided in this report.

1.5 Objectives of the Closeout Audit Study

- i) Conduct a comprehensive review of the RPF and RemAP implementation results against the agreed objectives and requirements defined in the plans.
- ii) To verify that resettlement and remediation activities have been implemented by AGL and the relevant stakeholders as defined in the RPF and RemAP.
- iii) To undertake a gap analysis between measures implemented and actions outlined in the RPF and RemAP, and requirements as per EIB Standard 6.

- iv) In case of gaps in implementation or noncompliance with the Project's documented commitments and EIB Standard 6, propose corrective actions and time-bound actions (with budget) to achieve completion of the remediation and livelihood restoration commitments.
- v) Provide a conclusion as to whether the internal monitoring process can be ended, and whether remediation and resettlement activities can be declared completed, and if not, outline recommendations.

1.6 Scope of the Closeout Audit Study

The scope of the Closeout Audit Study entailed the following:

- i) Interviews with key AGL Project personnel, community representatives, etc.
- ii) Interviews with resettled people to verify the process, understand the level of knowledge of the process, the level of satisfaction, and determine outcomes.
- iii) Field verification of payment/compensation records through interviews with the PAPs and affected entities.
- iv) Review of select resettlement documentation (e.g. signed agreements, payment of compensation and timing, consultation documentation, grievance log, court cases).
- v) Survey of the resettled persons to verify the outcomes and identify corrective actions if any and collect feedback from PAPs.
- vi) FGDs, conversational open-ended interviews, and other unstructured data-gathering methods with PAP groups to supplement the findings from the survey.
- vii) Identification of any outstanding resettlement and compensation issues, grievances, or non-compliances and recommend corrective actions to be implemented by AGL.
- viii) The close-out audit includes a comprehensive review of monitoring reports to ensure all actions are completed and issues are addressed satisfactorily. The final audit report includes findings, lessons learned, and any recommendations for future projects.
- ix) The close-out audit includes a review of how stakeholder feedback was incorporated and the extent of community involvement throughout the resettlement process.

2 LEGAL AND REGULATORY FRAMEWORK

2.1 Introduction

This chapter covers the National and International Legal Frameworks and Guidelines which would have guided the implementation of the eviction process. These frameworks also guided the Audit Team in carrying out the Closeout Audit Study.

2.2 The National Legislation and International Guidelines

2.2.1 National Legislation

The National Legislation that is relevant to the eviction exercise that took place resulting in the preparation of the Remedial Action Plan is summarized in the table below.

Table 2: National Legislation

Legal Framework	Provision
The Constitution of Kenya 2010	<p>Kenya’s human rights obligations are enshrined in the Constitution of Kenya (CoK). The Bill of Rights, Chapter Four of the Constitution, guarantees a number of civil, political, economic, social, and cultural rights, and these rights reflect human rights standards spelled out in international human rights law. Art. 20 of the Constitution indicates that the Bill of Rights applies to all citizens and binds all State organs and all persons (including business enterprises). Art. 22 provides access to remedy for any person who claims that right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened</p> <p>The Constitution guarantees the right to property under Art. 40 and the Law edicts that, the State cannot arbitrarily deprive a person of their property (Art. 40 (3)). Art. 40 (4) indicates that provision may be made to compensate occupants in good faith of land, who have been deprived of their property after the acquisition of land, even if the occupants may not have title to the land. Article 43(1)(b) provides that ‘every person has the right to accessible and adequate housing and reasonable standards of sanitation’. However, Article 66 of the same Constitution provides for the State to regulate how these rights may be curtailed for the benefit of the general public. Article 47 of the Constitution provides for administrative action to override individual rights, but the victim has to be given a written reason for the action taken that undermines the right.</p> <p>Specific provisions have been made on environmental and land rights which are spelt out in Chapter Five. The Constitution defines three classifications of land – public land which is governed by Art. 62; community land whose provisions are guaranteed in Art. 63 and private land which is spelled out in Art. 64.</p>
The Land Act 2012	The Land Act was enacted by Parliament to give effect to Article 68 of the Constitution, to revise, consolidate, and rationalize land laws; to provide for the sustainable administration and management of land and land-based resources, and connected purposes. It provides the legal regime over the administration of public and private lands. It also provides for the acquisition of land for public benefit. The government has the powers under this Act to acquire land for projects, which are intended to benefit the general public. The projects requiring resettlement are under the provision of this Act.
Environment and Land Court Act, 2011	Article 162 of the Constitution of Kenya provides for the creation of specialized courts to handle all matters on land and the environment.

Legal Framework	Provision
	Such a court will have the status and powers of a High Court in every respect. Article 159 on the principles of judicial authority, indicates that courts will endeavour to encourage the application of alternative dispute resolution mechanisms, including traditional ones, so long as they are consistent with the constitution. Section 20, of the Environment and Land Court Act, 2011 empowers the Environment and Land Court, on its motion, or on application of the parties to a dispute, to direct the application of alternative dispute resolution (ADR), including traditional dispute resolution mechanisms.
Land Registration Act, 2012	The law provides for the registration of absolute proprietorship interests over land (exclusive rights) that have been adjudicated or any other leasehold ownership interest on the land. Such land can be acquired by the state under the Land Act 2012.
The Land Adjudication Act Chapter 95 Laws of Kenya	Provides for ascertainment of interests before land registrations under the Land Registration Act 2012 through an adjudication committee that works in liaison with adjudication officers.
Community Land Act 2016	This act gives effect to Article 63 (5) of the Constitution; to provide for the recognition, protection, and registration of community land rights; management and administration of community land; to provide for the role of county governments concerning unregistered community land and connected purposes
The Valuers Act 532	The act establishes the valuers' registration board, which has the responsibility of regulating the activities and conduct of registered valuers in accordance with the provision of the act.
Legal Framework	Functional Relationship to Resettlement
The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012	This Act of Parliament puts into effect the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons and the United Nations Guiding Principles on Internal Displacement. The Act requires that displacement and relocation be carried out only if justified by compelling and overriding public interests and following the conditions and procedures of Article 5 of the Protocol, Principles 7-9 of the Guiding Principles, and Sections 21-22 of this Act.
The Matrimonial Property Act 2013	This Act of Parliament outlines the law and procedures for the creation and division of a marital estate, as well as how and by whom matrimonial property should be managed and divided at the end of a marriage. Section 3(2) of the Act asserts that the parties of marriage have equal rights and obligations at the time of marriage and its dissolution. Matrimonial property is vested in the spouses in equal share, regardless of the contribution of either spouse towards its acquisition. Similarly, no estate or interest in the matrimonial property may be alienated without the prior consent of both spouses.
Eviction procedures have been redacted in the Land Laws (Amendment) of 2016 and Regulation of 2017.	Eviction is only legal if it follows these procedures. Lawful eviction procedures provide for appeal by notifying people to the court to stay an eviction. If just cause is found to be 'historical land injustice' remedies are recommended. The decision of the court is based on the legality of the notification procedure executed, as well as the claims. The court can protect affected parties from forced eviction. Kenya Land Policy advocates the government's role in inventorying all squatters, negotiating and facilitating the regularization of settlements or resettlement with tenure security as appropriate. Squatters hold rights of ownership to land after the open, undisturbed, and continuous occupation of the land for 12 years from the time the registered proprietor learns of the invasion. They may make a legal claim of ownership based on 'adverse possession' of the land they occupy.
The Trespass Act (L.N.1964, Rev 2012)	Provides for the owner or police to arrest trespassers without a warrant but they should proceed to the magistrate immediately following.

Legal Framework	Provision
	The court may convict and order the trespasser to leave within a specified period. Failing to follow the order, the court authorizes an administrative or a police officer to remove the person and belongings
National Action Plan on Business and Human Rights (BHR NAP)2020-2025	The Kenya NAP stipulates national policy priorities on BHR, with a focus on five substantive themes: (1) Land and Natural Resources; (2) Revenue Transparency; (3) Environmental Protection; (4) Labour; and (5) Access to Remedy. The NAP recommends corporate human rights policy commitments, the realization of human rights due diligence, reporting, and cooperation with relevant stakeholders to facilitate remedies for business-related human rights violations. It constitutes the Government’s most important commitment to nationally moving towards establishing compliance with these international human rights standards.

2.2.2 EIB STANDARD 6 and International Best Practices

The EIB Standard 6 Environmental and Social Sustainability Framework Standards and International Human Rights are summarised in the table below

Table 3: EIB Standard 6 and International Best Practices

International Standard	Provision
EIB Environmental and Social Sustainability Framework, Standard 6 on Involuntary Resettlement	<p>This Standard is guided on the matter of forced evictions by the UN Commission on Human Rights, forced evictions, 10 March 1993, E/CN.4/RES/1993/77. It promotes the use of international procedural protections against forced evictions as outlined in the UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, and the UN Basic Principles and Guidelines for Development-based Evictions and Displacement.</p> <p>Paragraph 4 (objectives) of Standard 6 provides the need:</p> <ul style="list-style-type: none"> • To avoid or, when unavoidable, minimize involuntary resettlement by exploring alternative projects, project designs, and locations. • To avoid any forced evictions. • To improve displaced persons’ livelihoods and/or living standards, or at least restore them to pre-project levels. <p>Paragraph 18 (Eligibility Criteria) of Standard 6 considers certain types of mitigation measures. for:</p> <ul style="list-style-type: none"> • Persons who do not have formal legal rights to land and/or assets, but who have claims to land or assets that are recognized or recognizable under national laws or customary and traditional rights • Persons who occupy/use the land and/or assets but have no recognizable legal rights or claim to it/them.
IFC Performance Standard 5 (PS5)	<p>The Standard encourages the avoidance of forced eviction and should involuntary physical displacement from homes/land occur and associated loss of livelihoods is unavoidable, then the protection of the rights and interests of affected people should be included in a resettlement plan or livelihood restoration plan that meets IFC Standards.</p> <p>The Standard emphasizes that grievances from affected communities should be responded to and managed appropriately. It also provides for adequate engagement with affected communities.</p>

International Standard	Provision
	PS5 (Land Acquisition and Involuntary Resettlement) encourages the avoidance of forced eviction and should involuntary physical displacement from homes/land occur and associated loss of livelihoods is unavoidable, then the protection of the rights and interests of affected people should be included in a resettlement plan or livelihood restoration plan that meets IFC Standards.
Universal Declaration of Human Rights (UDHR) and the UN Basic Principles and Guidelines	Article 8 of UDHR provides for the right to a Remedy and Reparation for Victims of Gross violations of International Human Rights Law and Serious Violations of International Humanitarian Law, states that a proper remedy for forced evictions is to return the victims as close as possible to the status quo ante.
The UN Basic Principles and Guidelines on Development-Based Evictions and Displacement (A/HRC/4/18)	These Principles and Guidelines present the human rights implications of development-linked evictions and offer rights-compatible guidelines on how to carry out evictions. The Guidelines provide requirements on prior disclosure of eviction plans, opportunities for access to legal, technical, and other advice for affected persons, and public hearings affording space for affected people to challenge the eviction decision and/or to present alternative proposals and articulate their demands and development priorities.
International Covenant on Economic, Social, and Cultural Rights (ICESCR)	Under Art. 11.1, the Convention on the Rights of the Child (Art.27.3), and the Convention on the Elimination of all Forms of Discrimination against Women discrimination Art.14.2(h), are applicable. General Comment No 711 which is an interpretation of the right to adequate housing as guaranteed in Art. 11 (1) of the ICESCR and adopted by the Committee on Economic, Social and Cultural Rights (CESCR), clarifies that the use of the terminology ‘forced eviction’ seeks to convey the sense of arbitrariness and of illegality ¹² , and states that where evictions are deemed to be justified, States must ensure that they put in place all safeguards and due process.
United Nations Guiding Principles on Business and Human Rights (UNGPs)	The principle includes three pillars (i) the State’s duty to Protect Human Rights, ii) Corporate Responsibility to Respect Human Rights, and iii) Access to Remedy.

2.3 Gap Analysis

A Gap Analysis between the National Legislation, UN, and EIB Standard 6 Requirements is provided in the table below.

Table 4: Gap Analysis

Involuntary Resettlement Aspects	UN Basic Principles/EIB Standard 6	Kenyan Legislation	Gap/Observation/RemAP Close-out Audit Approach
Eligibility Classification	Paragraph 18 of EIB Standard 6 provides eligibility for certain types of mitigation measures (remediation) to persons who occupy/use the land and/or assets but have no recognizable legal rights or claim to it/them. Paragraph 61 of UN Basic Principles states that all evicted, irrespective of whether they hold title to their property, should be entitled to compensation for the loss, salvage, and transport of their properties affected, including the original dwelling and land lost or damaged in the process.	Article 155 (Land Act 2012) states that unlawful occupation of land relates to any person who - without lawful authority (or without any right or license under customary or statutory land law): Occupies or erects any building on any public land; or Clears, digs, ploughs, cultivates, harvests or grazes animals over, any public land or part of it.	The RemAP closeout audit was undertaken in alignment with the UN Basic Principles which prescribes for provision of compensation for all irrespective of whether they hold title to property lost (Paragraph 61).
Restoration/ Compensation	Paragraphs 27 and 28 of EIB Standard 6 and Paragraph 60 of UN Basic Principles state that the State should provide or ensure fair and just compensation for any losses of personal, real, or other property or goods, including rights or interest in property.	Article 18 of the Land Acquisition Act (2010) states that whenever the area of the land acquired is greater than the area of the land in respect of which the award has been made, compensation shall be paid for the excess area in accordance with this Act	The compensation paid was at full replacement value and in line with EIB requirements.
In-kind and cash compensation	Paragraph 60 of the UN Basic Principles states that Cash compensation should not replace real compensation in the form of land and common property resources. Where land has been taken, the evicted should be compensated with land commensurate in quality, size, and value, or better.	Article 12 of the Land Acquisition Act (2010) states that the Commissioner may agree with the person, whom he has determined to be the proprietor of the land that that person, instead of receiving an award, shall receive a grant of land, not exceeding in value the amount of compensation which the Commissioner considers would have been awarded.	UN Basic Principles emphasis on in-kind compensation. However, this standard did not apply to the closeout audit since no land was deemed to have been lost by the PAPs.
Compensation valuation	Paragraph 30 of EIB Standard 6 states that valuation shall be replacement cost and Paragraph 61 of UN Basic Principles states that all those evicted, irrespective of whether they hold title to their property, should be entitled to compensation for the loss, salvage, and transport of their properties affected, including the original dwelling and land lost or damaged in the process.	Chapter 532 of the Valuers Act (1984) states that no person can carry on the business as a practicing valuer of movable or immovable property unless the person is registered with the Valuers Registration Board.	Compensation was conducted in accordance to EIB Standard 6

Involuntary Resettlement Aspects	UN Basic Principles/EIB Standard 6	Kenyan Legislation	Gap/Observation/RemAP Close-out Audit Approach
Non-discriminatory compensation	Paragraph 34 of EIB Standard 6 requires that where feasible; compensation shall be issued in the name of both the head of the household and his/her partner. Paragraph 62 of UN Basic Principles states that women and men must be co-beneficiaries of all compensation packages. Single women and widows should be entitled to their own compensation.	The Land Act of 2012 (Amended 2016) states that there shall be equal recognition and enforcement of land rights arising under all tenure systems and non-discrimination in ownership of, and access to land under all tenure systems.	The compensation payments were conducted in adherence to EIB Standard 6.
Stakeholder identification and consultation.	<p>EIB Standard 6 is dedicated to ensuring that all projects it finances are inclusive, and transparent and respect the rights and interests of all stakeholders, particularly in situations that could involve forced evictions. EIB Standard 6 on Stakeholder Engagement establishes comprehensive guidelines to ensure meaningful consultation, active participation, and effective communication with all affected parties.</p> <p>Paragraph 39 of the UN Basic Principles states that, during the planning processes, opportunities for dialogue and consultation must be extended effectively to the full spectrum of affected persons, including women and vulnerable and marginalized groups, and, when necessary, through the adoption of special measures or procedures.</p>	<p>The Constitution of Kenya, 2010 is the supreme law of Kenya and emphasizes public participation as a key principle of governance.</p> <p>Article 10 of the Constitution enshrines public participation as a national value and principle of governance. Additionally, Article 69(1)(d) obligates the state to encourage public participation in environmental protection.</p>	<p>Both the national legislation and EIB Standard 6 recognize the necessity of stakeholder engagement. As such, the closeout audit assessed the effectiveness of the RemAP implementation concerning:</p> <ul style="list-style-type: none"> • Inclusive and transparent engagement with all stakeholders, including affected communities, civil society organizations, and other relevant parties, transparently and inclusively. • Meaningful consultation that ensures that all voices are heard and considered, particularly those of vulnerable or marginalized groups who may be disproportionately affected by forced evictions. • Establishment of accessible and effective grievance mechanisms to address the concerns and complaints of affected stakeholders. • Regular monitoring and evaluation of stakeholder engagement activities to ensure their effectiveness and to make necessary adjustments.

Involuntary Resettlement Aspects	UN Basic Principles/EIB Standard 6	Kenyan Legislation	Gap/Observation/RemAP Close-out Audit Approach
Acceptable circumstances for forced evictions.	Paragraph 50 of EIB Standard 6 provides exceptional circumstances when eviction can be carried out and the required measures. Paragraph 21 of the UN Basic Principles states that States should ensure that evictions only occur in exceptional circumstances and require full justification given their adverse impacts on a wide range of internationally recognized human rights.	The Eviction Guidelines prepared by the Ministry of Lands (2010) commit the Government of Kenya to ensure that evictions only occur in exceptional circumstances. Any eviction must be warranted by law, reasonable in the circumstances, proportionate, and can only be carried out following the Guidelines, international human rights, and humanitarian law.	Kenyan legislation permits forced evictions but does not fully align with the EIB's requirements for minimizing evictions and ensuring comprehensive compensation and mitigation measures. The RemAP adopted EIB procedures to provide appropriate mitigation for PAPs.
RAP implementation and monitoring	<p>Under the EIB Standard 6 requirements:</p> <ul style="list-style-type: none"> • Paragraph 52 emphasizes special consideration for vulnerable, marginalized groups. • Paragraph 63 emphasizes the setting up of a monitoring system and the submission of monitoring reports to EIB. <p>Under the UN Basic Principles, Paragraph 69 states that, States should actively monitor and carry out quantitative and qualitative evaluations to determine the number, type and long-term consequences of evictions including forced evictions.</p>	Environmental Impact Assessment and Audit) (Amendment) Regulations (2019) require the reporting of the potential environmental impacts of the project and the mitigation measures to be taken during and after implementation of the project.	<p>EIB Standard 6 and UN Basic Principles provide detailed guidance regarding resettlement implementation and monitoring.</p> <p>Kenyan legislation only implies the requirement for reporting of impacts and mitigation measures during and after the project. As such, the EIB Standard 6 /UN principles were followed during the closeout audit to assess the efficacy of the implementation of the RemAP.</p>

3 METHODOLOGY FOR REMEDIAL ACTION PLAN CLOSE OUT AUDIT

Remedial Action Plan (RemAP) Close Out Audit was executed through the implementation of the following activities:

- i) Meetings Held During the Assessment.
- ii) Desk Review of Project Documents.
- iii) Field Visits and Consultations.

Primary data was collected from various sources including the PAPs, project staff and other stakeholders through in-depth interviews, key informant interviews, FGDs, and field observations. The assessment was conducted using interview schedules. Stakeholder mapping was conducted to identify key stakeholders interviewed during the assessment. Appropriate tools for stakeholder mapping were applied. Secondary data was collected by reviewing project documents.

3.1 Meetings Held During the Assessment

3.1.1 Virtual Kick-Off Meeting

The virtual kick-off meeting was held on Monday 27th May 2024 and the Consultant was represented by four staff members while AGL was represented by two staff members. The meeting aimed to introduce the Consultant Team to AGL and also get the information and expectations of AGL on the proposed Closeout Audit Study.

3.1.2 Meeting with the Acting Deputy County Commissioner in Naivasha

The Meeting with the Assistant County Commissioner (ACC) who was acting as the Deputy County Commissioner (Ag DCC) and other project area leadership (Chiefs and Assistant Chiefs) was held on Wednesday, June 5, 2024, at the Office of the Deputy County Commissioner in Naivasha. The ACC informed the Consultant that her office has supported AGL in resolving different grievances received from the PAPs. She said that most of the grievances have been closed. She informed the Consultant not to raise the expectations of the PAPs during the RemAP Close-Out Audit.

3.1.3 Inception Meeting with the AGL Staff in Naivasha

The Inception meeting with the AGL Staff was held on 5th June 2024 at the Project office in Naivasha. The Consultant was represented by four staff and AGL was represented by two staff. AGL provided a detailed overview of the preparation and implementation of the RemAP.

3.2 Desk Review of Project Documents

3.2.1 Review of Stakeholder Consultations During RemAP Implementation

The Consultant carried out a detailed document review to obtain data and information regarding consultations with the PAPs and the Project Area Community. The documents that have been reviewed include the RemAP Report, Minutes of Community Meetings (with Mlima Tatu, Suswa, and Lorropil villages), Consultant's reports, and other reports on Consultations and Disclosure held at RAP land, Suswa, and Lorropil.

3.2.2 The Review of Secondary Data

AGL provided the following documents which have been reviewed by the Consultant:

- i) AGL Final Grievance Redress Mechanism (GRM) report 2023.
- ii) Revised GRM May 2024.
- iii) AGL Land Use Policy - June 2020.
- iv) AGL Stakeholder Engagement Plan (SEP) 2023 final report.
- v) Resettlement Policy Framework (RPF).
- vi) Environmental and Social Impact Assessment (ESIA) Draft Final – 2016.
- vii) Final Version 2 RemAP – May 2024.
- viii) PAP Lists and Final IBIS AGL eligibility long list.
- ix) Minutes of Milima Tatu Community Meeting at Mlima Tatu Ground September 13, 2022.
- x) Minutes of Lorropil Community Meeting at Chief’s Office in RAPland Sep 15, 2022.
- xi) Minutes of RAP land Community Meeting at RAPland Social Hall Sep 20, 2022.
- xii) Minutes of Suswa Community Meeting at Atiseneto Baptist Church Sep 29, 2022.
- xiii) Minutes of the 1st Lorropil Tier Three GRC Meeting May 11, 2023.
- xiv) Minutes of the 2nd Lorropil Tier Three GRC Meeting, May 18, 2023.
- xv) Minutes of the 3rd Lorropil Tier Three GRC Meeting June 15, 2023.
- xvi) Minutes of the 4th Lorropil Tier Three GRC Meeting, September 22, 2023.

3.3 Field Visits and Consultations

Project stakeholders are persons or groups who are directly or indirectly affected by a project, as well as those who may have interests in a project and/or the ability to influence its outcome, either positively or negatively. All relevant stakeholders were identified and evaluated. The Key Stakeholders and PAPs were consulted through the following forum:

- i) In-depth Oral Interviews
- ii) Key Informant Interviews
- iii) FGDs

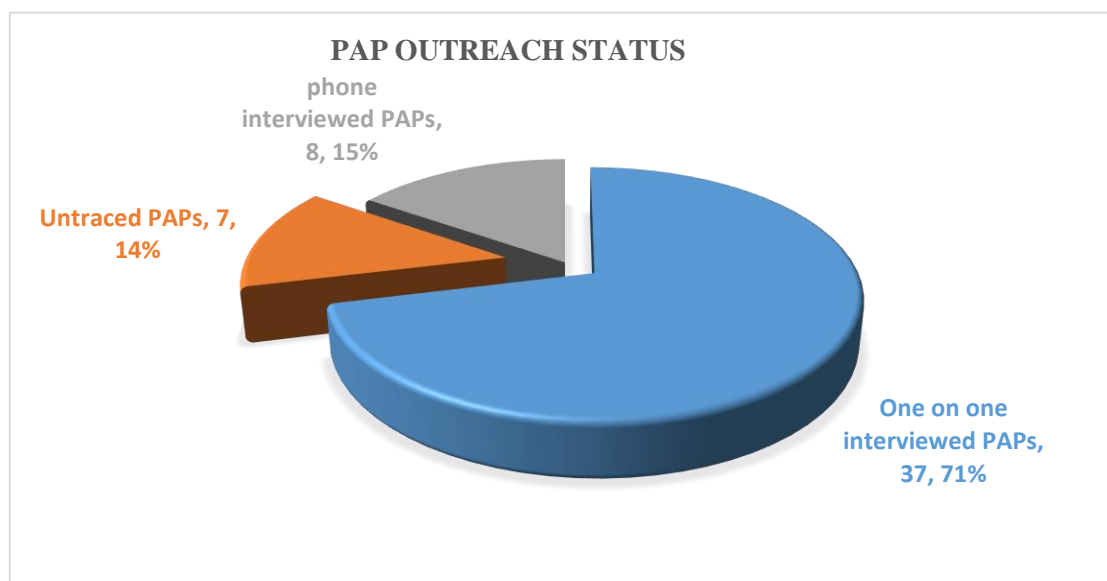
3.4 Collection of Primary Data

3.4.1 In-depth Oral Interviews

The Consultant conducted in-depth interviews with 45 PAPs. The majority of the PAPs (37) were interviewed in person while a few (8) PAPs were interviewed on the phone. The target was to interview 52 PAPs captured in the RemAP, however, 7 PAPs could not be traced during the closeout audit and could also not be reached by phone. The distribution of PAPs per village and the mode of interview used are provided in the table and figure below.

Table 5: Distribution of PAPs According to Villages

Village	No. of PAPs Reached	Percentage
Lorropil	32	71%
Mlima Tatu	13	29%
Total	45	100

Figure 1: Outreach Status of PAP Consultations

3.4.2 Key Informant Interviews

Four (4) Key informant interviews were conducted as follows:

- iv) Key Informant Interview with Assistant County Commissioner at Montana Hotel, Naivasha Town on 24th July 2024.
- v) Key Informant Interview with Olkaria Location Administrative Chief at Naivasha Town on 26th July 2024.
- vi) Key Informant Interview with Narasha Community CBO at Naivasha Town on 26th July 2024
- vii) Key Informant Interview with former Lorropil Community Grievance Committee chairlady at Symphony Hotel, Naivasha Town on 26th July 2024.

3.4.3 One-on-One Interviews with Individual PAPs

Individual interviews were conducted with a total of 45 PAPs either directly or via phone.

- i) One-on-one direct interviews were conducted with 37 PAPs in different places.
- ii) Phone interviews were conducted with 8 PAPs.
- iii) Seven (7) PAPs could not be traced.

3.4.4 Focus Group Discussion

Three focus group discussions were conducted as follows:

- i) FGD with PAPs at RAPland Learning and Resource Centre on 23rd July 2024.
- ii) Focus Group Discussion Findings with Mai Mahiu PAPs at Governors Centre on 24th July 2024.
- iii) FGDs with PAPs who declined remediation payment at Sahara Coffee Shop, Narok Town on 25th July 2024.

3.4.5 Observations on the Adequacy of Stakeholder Engagement

- i) The meetings with Stakeholders were conducted timely and participants were given adequate notices before the meetings.
- ii) AGL used suitable methods in engaging the PAPs and the community members. Meetings were hosted in each of the three villages where the PAPs were before they were evicted. The Meetings were conducted in languages that the locals could understand, and they were able to participate meaningfully.
- iii) Feedback from the stakeholders was received and incorporated into the RemAP by the Consultant and also by AGL during the preparation and Implementation of RemAP.
- iv) The RemAP close-out audit Consultant also held various meetings with the PAPs and other stakeholders and the findings indicate that key stakeholders have been well engaged throughout the project life cycle.

4 ASSESSMENT OF THE REMAP IMPLEMENTATION

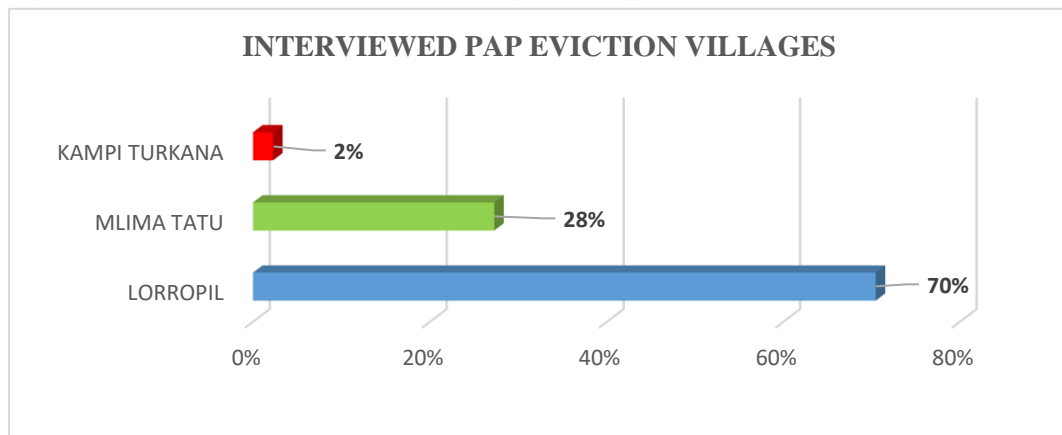
4.1 Distribution of Interviewed PAPs and Demographic Information

In-depth interviews were conducted with 45 PAPs. The distribution of the outcome is presented in the following sections. The results are presented in terms of frequency tables and bar charts.

4.1.1 Interviewed PAPs Per Eviction Villages

The Bar Chart below provides the distribution of the interviewed 45 PAPs according to the Villages.

Figure 2: Distribution of PAPs According to Villages



4.1.2 Occupation

Most of the PAPs (34%) are small-scale traders followed by casual laborers who account for 25% of the total number of PAPs interviewed. A small percentage (9%) of the PAPs are in permanent employment. Subsistence farmers accounted for 18%. PAPs who sell charcoal were 2% while 7% of the PAPs did not disclose their occupation. The distribution is provided in the table below.

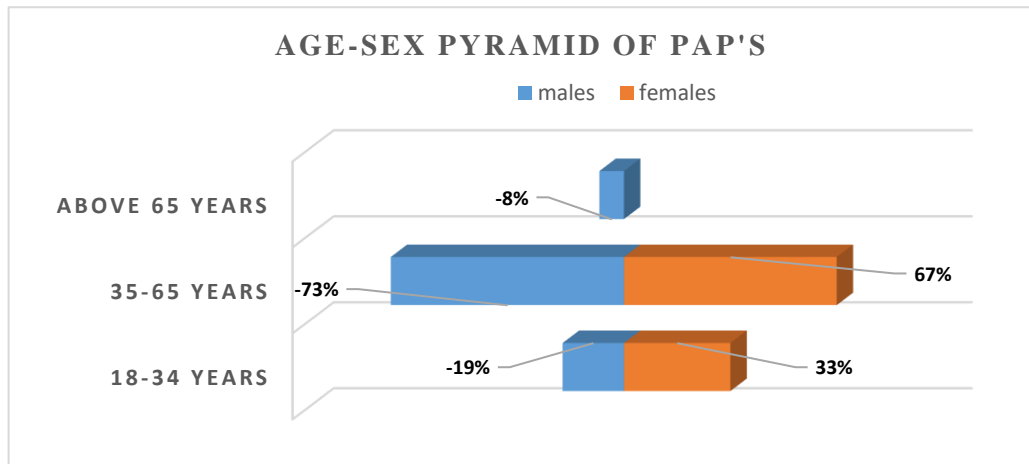
Table 6: Frequency and Percentage of PAP Occupations

Occupation	Frequency	Percentage
Permanent employment	4	9
Small-scale Traders	15	34
Subsistence farming	8	18
Artisan	2	5
Casual Laborer	11	25
None	3	7
Charcoal sale	1	2
Total	44	100

4.1.3 Age and Sex Pyramid

The majority (73%) of PAPs were males aged between 35-65 years. This age category also accounted for 67 % percent of females interviewed. Males aged between 18-34 years accounted for 19 % while females in the same age bracket accounted for 33%. Only 8 % of the PAPs were aged above 65% and were all males as shown in the figure below.

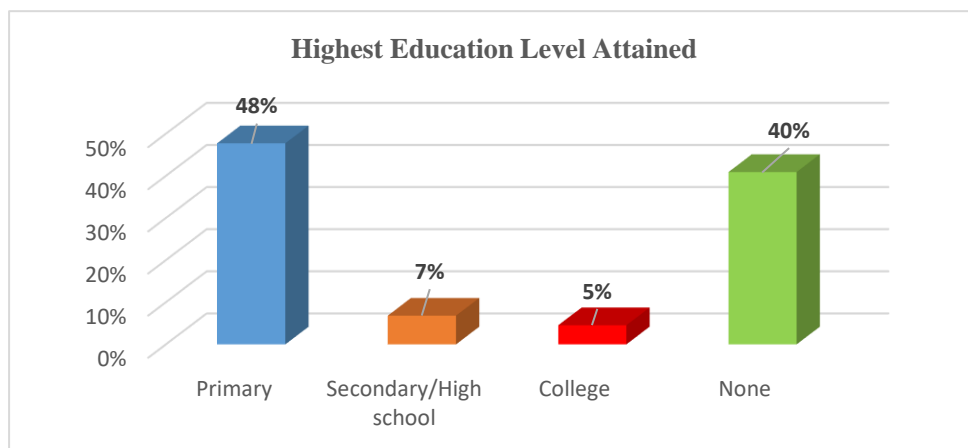
Figure 3: Age and Sex Pyramid of the PAPs



4.1.4 Highest Level of Education

Almost half (48%) of the PAPs have attained primary education. On the other hand, 40% had no formal education while 7% and 5 % of the PAPs had attained secondary-level education and college level respectively as shown in the figure below.

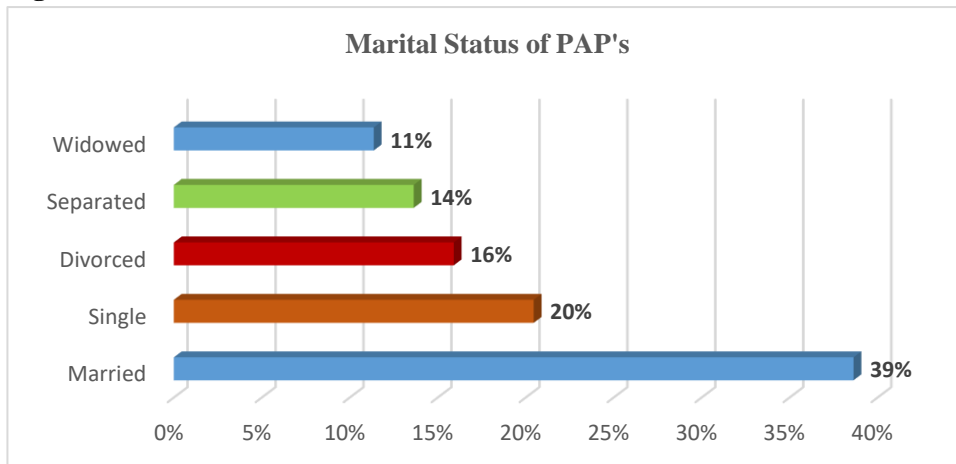
Figure 4: Highest Level of Education of the PAPs



4.1.5 Marital Status

Most of the PAPs interviewed were married accounting for 39%. This is followed by single PAPs (20%) while divorced PAPs accounted for 16%. Widowed and separated PAPs accounted for 11% and 14% respectively as shown in the figure below.

Figure 5: Marital Status of the PAPs



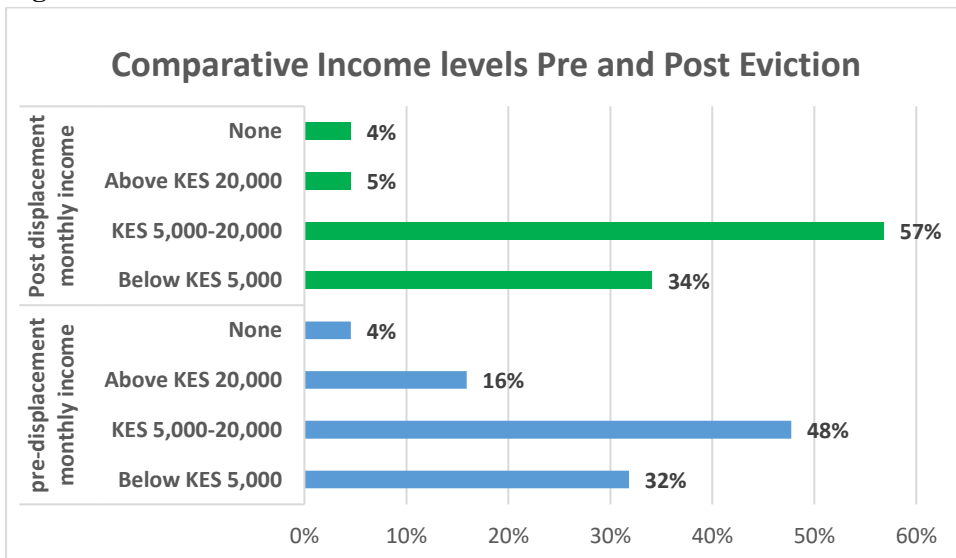
4.1.6 Income Level

Pre-Displacement: Majority (48%) earned between Kshs. 5,000 - 20,000. It was noted that 16% of the PAPs earned Kshs. 20,000 and above. Those who earned below Kshs. 5,000 were 32% while 4 % did not have regular income. Most PAPs indicated that they burnt charcoal and also practiced crop farming at AGL.

Post-Displacement: The majority (57%) of the PAPs earned between KShs.5,000-20,000 while 34% earned below Kshs. 5,000. Only 5% earned above 5% while 4% had no regular income.

There are no major changes in the income levels of PAPs post displacement indicating that PAP's livelihoods have not changed significantly, though there is a slight variation in the income levels. This slight variation may be attributed to data consistency issues and more so because no socio-economic survey was conducted for the affected individual's pre-displacement.

Figure 6: Income Levels of the PAPs



4.2 Development and Implementation of RemAP

Remedial measures are packages of compensation and other resettlement measures that are aimed at assisting each category of eligible displaced persons to achieve the objectives of EIB standard 6 on Involuntary Resettlement. Due diligence procedure was followed in the development and implementation of the RemAP as follows:

- i) Engagement of an Independent Consultant (IBIS) who prepared the RemAP detailing the eviction impacts and eligibility entitlement criterion of the PAPs.
- ii) During the implementation of Remedial actions, *Version 1 of the RemAP report* documented 58 PAPs. Lorropil village lodged grievances against this list and consequently a grievance redress process was initiated through a cross-comparison, verification, and rationalization into one final PAP list eligible for remediation from the three PAP lists that were in existence (i.e. IBIS Consultant Report PAP List, Chief's PAP List, and CLO's PAP List). The final PAP list was consequently rationalized into 52 PAPs by the Sub-County Grievance Committee.
- iii) AGL conducted stakeholder engagement and disclosure of the final PAP list and compensation entitlements with the PAP's.
- iv) Financial literacy and bank account opening were undertaken with the PAPs by Equity Bank before remediation payments for PAPs with National Identity cards, while those without National IDs were paid in cash.
- v) Compensation payment was consequently disbursed to the majority of the PAPs and only 3 PAPs were listed as having initially declined the compensation package and filed a grievance with the GRC. The Grievance was resolved during the closeout audit and the 3 (No.) PAPs have since been paid their remedial compensation.

4.3 Remedial Payments to PAPs Per Category

The Consultant carried out a detailed document review to obtain data and information regarding the details of the PAPs who lost their structures through forceful evictions. The reviewed documents included the Final IBIS AGL eligibility long list and shortlist, RemAP Report and compensation report from AGL. Remediation payments were delivered according to the requirement of EIB Standard 6 on Involuntary Resettlement and Kenya's Policies. The remedial action plan has been conceived and executed as a development program. Entitlements have been delivered as per Remedial Action Plan commitments. Remediation Implementation was carried out through execution of the following:

- i) Community Engagement.
- ii) Individual PAP Engagement.
- iii) Payment of Remediation Packages for each PAP.

4.3.1 Categorization of PAPs

The distribution of the PAPs in the RemAP are as follows:

- i) Category One - Lorropil Community – 13 PAPs,
- ii) Category Two - Mlima Tatu – 14 PAPs and
- iii) Category Three- Lorropil Community – 25 PAPs.

4.3.2 Compensation Categories

There are a total of 52 PAPs Placed into three (3) categories based on their entitlements as follows:

- i) Category One PAPs (13 No) with loss of structure and assets from Lorropil Village that were entitled to individual cash compensation of Ksh. 279,300 and later increased to Ksh. 418,950 after the PAPs raised a complaint about the amount which necessitated an upward review of the figures to cushion against inflation.
- ii) Category Two PAPs (14 No) with loss of structure only from Mlima Tatu Village that were entitled to individual cash compensation of Ksh. 265,700.
- iii) Category Three PAPs (25 No) with no loss of structure or assets from Lorropil Village and thus entitled to movement/ disturbance allowance of Ksh 55;000 that was later increased to 100,000/= after the PAPs raised a complaint about the amount which necessitated an upward review of the figures to cushion against inflation.

The payment targeted 52 PAPs and up to date, 50 PAPs have been compensated; 2 PAPs remained untraced as shown in the table below.

4.3.3 Status of PAPs’ Remediation Payments to Date

The status of the PAP's Remediation payment at the time of preparation of this Close Out Audit Report is provided in the table below.

Table 7: Status of Remediation Payment to Date

Category	Paid	Not Yet Paid
Category One PAPs (16 No)	16	0
Category Two PAPs (14 No)	13	1(Untraced)
Category Three PAPs (22 No)	21	1(Untraced)
Total	50	2

4.3.4 Observation on RemAP Payment Delivery

Arising from the interviews and review of the project documents related to the implementation of RemAP, the following observations are made:

- i) The compensation was done within the required timelines.
- ii) The turnaround time for payments was prompt.
- iii) The payments were made to the PAP’s bank accounts and this method was favourable and convenient and those without national identification cards were paid in cash.
- iv) The PAPs were trained by the Bank to ensure prudent use of the funds for the benefit of the PAP and family members.
- v) The initial compensation amount due to the PAPs was updated as compensation and the resettlement process continued based on the fluctuations in the economy.

4.4 Grievance Redress Mechanisms

AGL provided the Grievance Redress Mechanism (GRM) for the project which has been reviewed by the Consultant. GRM is a core component of managing operational risks within the project.

An appropriate grievance redress mechanism can be an effective tool for early identification, assessment, and resolution of complaints that may arise during project implementation. A

grievance procedure is intended to put in place and facilitate accessible, prompt, and cost-effective handling of grievances at the nearest points of service to community members and the PAPs. The aim and purpose of this system are to make grievance-handling procedures accessible, acceptable, prompt, and affordable.

The Consultant obtained and reviewed all grievance records and reports and the subsequent response. Identification of grievances and disputes that arose during resettlement planning and implementation was done through consultations with local PAP committees and Grievance Redress Committees and the local administrators and sampled PAPs. The grievance committee which was put in place by AGL comprised the representatives of PAPs, the Local chiefs and assistant chiefs, the Assistant County Commissioner, and the Deputy County commissioner. The committee was chaired by the Deputy County Commissioner and a representative of a CBO.

4.4.1 Grievance Structure

The Project GRM has three tiers as follows: Community level, Inter-Community level and Sub-County Grievance Committee.

4.4.1.1 Tier one – Community level

The Community level GRM is grounded on existing local dispute management models/mechanisms in the project area. It provides a forum whereby the Community and Project personnel listen to and resolve grievances. The GRM is spearheaded by Grievances. The GRC were established at appropriate levels. Establishing the GRCs was done formally with a letter of assignment by AGL at the various levels.

Due to the existing cultural and social dynamics in each of the four communities (Suswa, RAPland, Milima Tatu and Lorropil/ Kampi Turkana) within the project area, each community has a eight member committee comprising of the members below so that issues that affect a specific community can be handled at each community village level.

- Five community members (gender balanced).
- Area Assistant Chief.
- AGL CLO.
- AGL Social Expert.

Grievances that are unresolved at the specific community are escalated to the Inter-community grievance level.

4.4.1.2 Tier Two: Inter-Community Level

This level will handle grievances escalated from tier one and it will comprise twelve members as below:

- Two representatives from Suswa.
- Two representatives from RAPland.
- Two representatives from Lorropil/ Kampi Turkana.
- Two representatives from Milima Tatu.
- Area Assistant Chief.
- Area Chief.
- AGL CLO.

- AGL Social Expert.

4.4.1.3 Tier Three: Sub-county Grievance Committee

The Sub County level GRMC is grounded on the mandate of the national government as an oversight of community development and harmonious co-existence between community and development projects. The Sub County GRMC will handle all the grievances escalated from the Tier two

The 9 -person Committee shall be comprised of the following:

- Representative RAPland.
- Representative Suswa Community.
- Representative of PAP’s from Lorropil/ Kampi Turkana.
- Representative of PAPs from Mlima Tatu.
- Area Chief.
- Representative from NEMA.
- The Deputy County Commissioner representative.
- AGL CLO’s.
- AGL Social Specialist.

4.4.2 Grievance Procedures

The AGL managed to resolve grievances at the lowest level whenever possible through an effective prior stakeholder engagement to identify individuals and groups that either supported or did not support the project. The figure below provides a summary of the grievance redress procedure:

Figure 7: Grievance Procedure

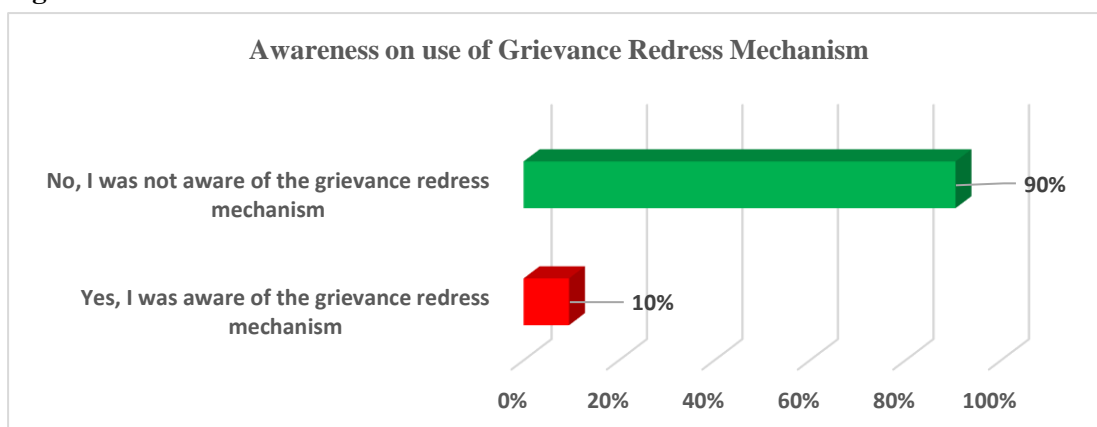


4.4.3 Awareness of the Use of Grievance Redress Mechanism

The interview with PAPs indicated that the majority (90%) of the PAPs were not aware of the existence of the GRM for the project during the preparation and implementation of RemAP. Only a small number (10%) of the PAPs reported that they were aware of the existence of GRM as shown below. It is important to publicize the project GRM so that the community members are made aware of its existence.

The Grievance Redress Mechanism put in place is adequate, and accessible even though many PAPs reported that they were not aware of the existence of the GRM at the time of the RemAP closure audit. This indicates that the GRM was not adequately published during the preparation and implementation of RemAP. The relocation of a significant number of the PAPs to other towns and counties may have contributed to this status.

Figure 8: Awareness on the Use of GRM



4.4.4 Cases Filed with Grievance Committee

There were three cases filed with the Grievance Committee as provided in the table below.

Table 8: Cases Filed with the Grievance Committee

Nature of grievance	Resolution Procedure	Status
Dispute over the initial list of PAPs prepared	The lists were harmonized and a total list of 52 PAPs was agreed upon	Closed
Dispute over the initial compensation amount	The compensation amounts were adjusted upwards. For example, the compensation amount for the PAPs in category three was adjusted by almost 50% from Kshs. 55,000 to Kshs. 100,000 due to inflation forex exchange rates between the USD and KES.	Closed
Dispute over categorization of PAPs	Three PAPs were put in Category Three while they wanted to be in Category One. These PAPs have since been upgraded to category one.	Disbursement of the funds to 3 (No.) PAPs accounts have been done and closed

PAPs Who Initially Declined Remediation Payment

The table below provides the details of the PAPs who initially declined remediation payments and lodged grievances with AGL.

Table 9: PAPs Who Initially Declined Remediation Payment

PAP Code	Initial Categorization	Current Status
PAP 1	Category Three, Declined payment	Upgraded from Category Three to Category One and Remediation Compensation Paid
PAP 2	Category Three, Declined payment	Upgraded from Category Three to Category One and Remediation Compensation Paid
PAP 3	Category Three, Declined payment	Upgraded from Category Three to Category One and Remediation Compensation Paid.

4.4.5 Observations

- i) Grievance Redress Mechanism put in place is adequate, and accessible even though many PAPs who were interviewed reported that they were not aware of the existence of the GRM.
- ii) All the grievances were entered in the grievance logs and acknowledged.
- iii) Grievances that were not resolved at the lower levels were escalated to the next levels.
- iv) The Grievance Redress Committees (GRCs) were found to be functional and assisted in the resolution of most of the grievances reported by PAPs.
- v) The grievance redress mechanism also took into account the availability and use of community and traditional dispute resolution mechanisms and judicial recourse as a last resort for disputes whose resolution are generally beyond the established local grievance redress channels.

4.5 Livelihood Restoration Measures for the PAPs

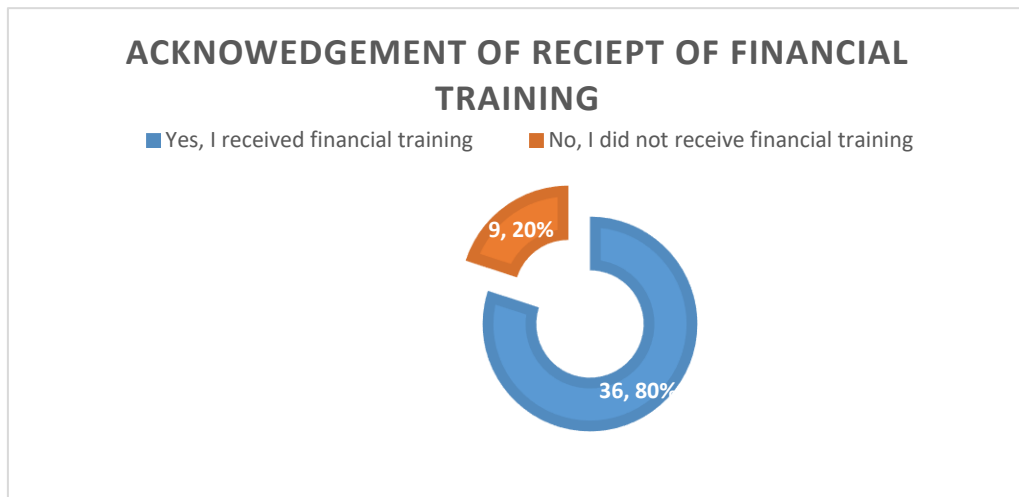
The Consultant reviewed the outcome evaluation results of the resettlement and other relevant reports and RemAP. A total of 37 PAPs were visited while 8 were reached through the phone during the field verification exercise and field observations were recorded. The discussions were carried out with Key Informants as well as Focus Group Discussions with a sample of PAPs.

Considering the challenges of the PAPs being located in various towns and counties, the successful tracing of 50 out of 52 is a good effort. The monitoring report as provided in the RemAP shows very positive livelihood restoration achievements arising from the remediation payments. Apart from the payments going into direct expenses like school fees by a few PAPs, a good number have invested in income-generating activities including farming, retail businesses among others to secure their livelihoods. The monitoring exercise provides good lessons learned for the future.

4.5.1 Financial Training

Financial training and assistance to PAPs to open bank accounts was offered voluntarily and as a compliment to the corrective actions outlined in the RemAP. A majority of the PAPs (36) reported that they received financial training while 9 did not receive the training as shown in the figure below.

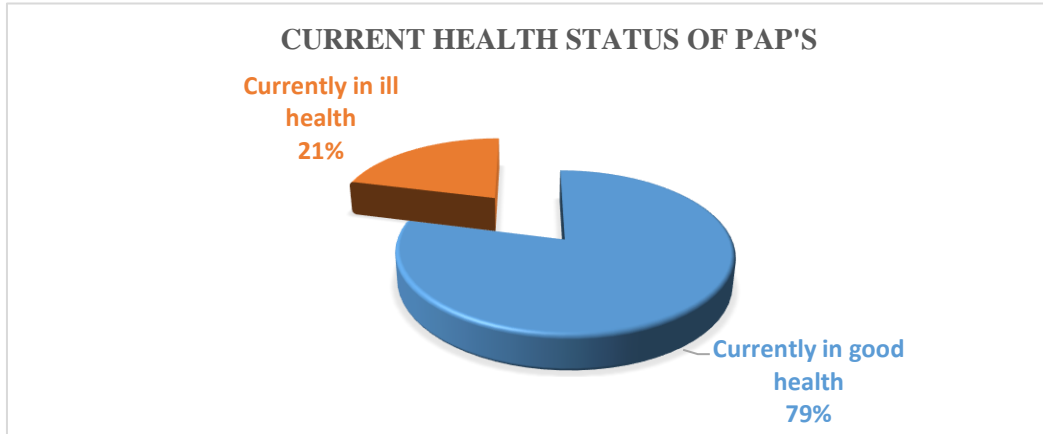
Figure 9: Acknowledgement of Receipt of Financial Training



4.5.2 Health Status of PAPs

Inquiry on the current health status of the PAPs showed that the majority (79%) were in good health. However, A few PAPs (21%) have been ailing from various diseases as shown in the figure below.

Figure 10: Current Health Status of PAPs



5 MONITORING AND REPORTING

5.1 Monitoring and Reviews

RemAP provided a description of the mechanisms for consultation with and participation of displaced persons in planning and implementation. It also had a provision requiring the implementing agency to have an arrangement for monitoring and if required by independent monitors. The RemAP report recommended that the process of monitoring all deliverables should be done during and after delivery and that a final pre-closure evaluation should be carried out after delivery of entitlements. It also provided that monthly progress monitoring of process indicators and reporting should be carried out by AGL’s Social Specialist on physical and financial progress as shown in the table below.

Table 10: Monitoring Requirements

Monitoring and Evaluation Activities	Responsibility
Consultation and written agreement of all neighbouring stakeholder groups that the Remedial Action Plan may go ahead	AGL
Establish individual written agreements on remedy signed with the evictees.	AGL
Verify that all evictees have identification documents, Kenya Revenue Authority (KRA) personal identity number (PIN) bank accounts, or telephone accounts.	AGL
Undertake awareness-raising and advice to all evictees on financial literacy/money management where agreements include payment in cash for remedial items.	AGL & NGO
Advise that monitoring and an audit will be carried out as part of AGL’s obligations to ensure they use the remedy to improve the livelihoods of PAPs.	AGL
Security measures are in place to avoid risks of theft or assault if cash is delivered in any package, for monitoring purposes, delivery should be traceable. These measures would likely include pre-paid bank cards or Mpesa.	AGL
Delivery of all remedial packages signed off and witnessed by leadership and local authorities.	AGL
Technical advice sessions (after session, money management, livestock management, etc.) are documented and impact verification with the target groups is carried out.	AGL
Internal monitoring of use of remedial packages, and location of evictees.	AGL & NGO
Final Pre-closure audit report.	AGL & Independent social/resettlement specialist

5.2 Findings on Monitoring of RemAP Implementation

AGL provided an internal monitoring report on RemAP implementation which was reviewed by the Consultant. The reports comply with the requirements of the RemAP.

6 CORRECTIVE ACTIONS

The three PAPs who initially declined the remediation payment offered under Category Three entitlement and registered their grievance were upgraded to Category One to address the grievance. Two (2) PAPs accepted their Remedial Payments by signing the Disclosure Form on 1st November 2024 and received the payments on 4th November 2024. The 3rd PAP accepted his Remedial Payment by signing the Disclosure Form on 27th December 2024 and received the payment on 7th January 2025.

Key support points towards this corrective action are evident from key informant interviews with the former Lorropil Community Grievance Committee Chairlady and the Olkaria Location Administrative Chief.

In this regard, while probing the former Lorropil Grievance Committee Chairlady on the historical location context of the three PAPs who initially declined the remedial payment, she did indicate that the 3 PAPs were residing within Lorropil before eviction. She further stated that when they moved to the temporary structures within the roadside before eviction, the 3 PAPs were part of the group. Consequently, the Key informant indicated that when the police came back a second time, the 3 PAPs were equally affected by the burning of their personal belongings. The Key Informant stated that she failed to understand why the 3 PAPs were not placed under Category One since she witnessed them losing their property in a similar scenario to her loss in which she was deemed eligible for remediation under Category One.

On the other hand, the Olkaria location administrative chief while providing her opinion proposed corrective action towards resolving the outstanding grievance, prescribed for the 3 PAPs to be upgraded to Category One remediation eligibility.

The schedule for closure of the pending grievance is provided in the table below.

Table 11: Schedule for Closure of Pending Grievance

Activity	Proposed Timelines	Status	Responsible Persons
Invite the PAPs and inform them about the recommendations of the RemAP Closeout Audit with regard to their grievance	2 nd September, 2024	Completed	AGL/GRC
Disclosure of RemAP Closeout Audit Outcome	21 st September 2024	Completed	Panafcon/AGL
Signing of compensation acceptance form/Disbursement of funds	24 th September 2024	3 (No.) PAPs failed to turn up	PAPs/Panafcon/AGL
Communicate the extension of the Remedial Payment Closure date to the 3 (No.) PAPs.	2 nd October 2024	Completed	AGL
Closure of RemAP Implementation	31 st October 2024	Completed	AGL
Signing of compensation acceptance form by 2 (No.) PAPs. 1 (No) PAP declined.	1 st November 2024	Completed	AGL
Disbursement of the funds to 2 (No.) PAPs accounts. 1 (No) PAP declined.	4 th November 2024	Completed	AGL

Activity	Proposed Timelines	Status	Responsible Persons
Cut-off date	31 st December 2024	Completed	AGL
Communication of the 31 st December 2024 cut-off date to the PAP that had declined payment	13 th December 2024	Completed	AGL
PAP reaches out to AGL	24 th December 2024	Completed	AGL
PAP signs remedial payment acceptance form	27 th December 2024	Completed	AGL
Disbursement of funds to the PAP	7 th January 2025	Completed	AGL
Sharing the Final Remedial Action Plan Closeout Audit report with all the relevant stakeholders	24 th January 2025	Completed	AGL

7 CONCLUSIONS AND RECOMMENDATIONS

7.1 Conclusions

The following conclusions can be drawn from the Close Out Audit.

- l) An independent Consultant was engaged by AGL to prepare a RemAP for execution.
- m) Engagements and consultations were carried out during the preparation of the Final List of PAPs (52 PAPs) that were placed into 3 categories according to the loss suffered.
- n) AGL made concerted efforts to trace the evicted persons to carry out remediation payments and monitoring of the PAPs.
- o) Remediation payments were promptly disbursed by AGL.
- p) The Consultation meeting carried out with the 3 PAPs that had initially declined their remediation payment established that the rejection was associated with being placed in Category Three instead of Category One.
- q) The RemAP implementation was carried out following the RemAP prepared by the Independent Consultant.
- r) AGL accepted the recommendation of the Consultant to upgrade the 3 (No.) PAPs from Category Three to Category One as a means of resolving their grievance.
- s) The 3 (No.) PAPs resolved to accept the proposed recommendation of upgrading their entitlements from Category Three to Category One as a means of resolving their grievance during a Focus Group Discussion conducted during the close-out audit field activities on 25th July 2024.
- t) Two (2) PAPs accepted their Remedial Payments by signing the Disclosure Form on 1st November 2024 and received the payments on 4th November 2024. The 3rd PAP accepted his Remedial Payment by signing the Disclosure Form on 27th December 2024 and received the payment on 7th January 2025.
- u) A total of 50 out of the 52 PAPs have been paid their remediation dues and the associated records for the disbursements are available at AGL.
- v) The two untraced PAPs remained untraced until the cut-off date of 31st December 2024.

7.2 Recommendations

Key recommendations deduced from KII and FGDs conducted during the close-out audit that may apply to the implementation of unforeseen and forthcoming remediation action plans triggered by future projects entail the following:

1. Maintaining diligent records of all public engagements with PAPs in future projects to prevent misinformation that could derail the process. This includes the records of notices issued as part of the minutes of meetings.
2. Publicize the project GRM so that the members of the public are sensitized about its existence and the need for uptake.
3. Document the positive outcomes from the livelihood restoration programs for replication in future projects.
4. GRC should document and independently record minutes during public and stakeholder engagements for future projects to ensure transparency and accountability.
5. Documenting the evidence of financial literacy training done with PAPs regarding sound financial management skills upon receipt of remediation/ compensation payouts.

6. Since 50 PAPs have collected their remedial payments and the 2 untraced PAPs did not claim their payments by the cut-off date of 31st December 2024, the internal monitoring process has been concluded, and the remediation and resettlement activities are considered complete.

8 COLOPHON

Client	: Akirra Geothermal Limited
Project	: Remedial Action Plan Close Out Audit for Akirra Geothermal Project Located in Naivasha Sub-County, Nakuru County
File	: Environment, Social Assessment & Resettlement
Length of report	: 32 pages
Author	: PANAFCON Ltd.
Date	: 23 January 2025

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