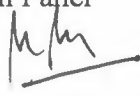


OFFICE MEMORANDUM

DATE: March 21, 2019

TO: Imrana Jalal, Chairperson, IBRD/IDA Inspection Panel

FROM: Mamta Murthi, Acting Vice-President, GGIVP 

EXTENSION: 30655

SUBJECT: ***Kenya: Transport Sector Support Project (P124109) and Additional Financing (P146630)***

As per your request, please find attached the terms of reference (TORs) for the audit of the Resettlement Action Plan (RAP) that Bank Management will commission in response to complaints from affected people at the Webuye Interchange, to ensure that all affected parties were appropriately identified in the RAP and compensated per World Bank policy requirements.

We expect that the RAP audit will take four months to complete.

Terms of Reference

Resettlement Audit: Webuye Interchange

Background of the Resettlement Audit

The construction of the Webuye interchange on the Webuye-Kitale road section (60 km) began in January 2017. In response to complaints from affected people at the Webuye Interchange, World Bank Management requested a RAP Audit, to ensure that all affected parties were appropriately identified in the RAP and compensated per World Bank policy requirements.

Scope of Works

The RAP Audit will:

1. Provide a concise summary of the relevant provisions of the RAP, in particular those that pertain to the identification of and entitlements (compensation and livelihood restoration measures) for PAP's who were small business owners or mobile traders. This summary should include RAP provisions that apply at all the project sites, as well as any provisions that apply specifically to the Webuye interchange.
2. Present a detailed assessment of RAP implementation at the Webuye interchange. This should focus on describing and assessing the adequacy of the consultation process, the establishment of the cut-off date, the conduct of the census, the number and category of PAPs identified, the nature of impacts caused, the nature and timing of the provision of compensation and any livelihood restoration measures, steps taken to manage and address grievances, and related matters.
3. In connection with the assessment described in paragraph 2, above, special attention should be directed to the following questions:
 - (a) Were there mobile traders present within the project area at the time of the RAP census in 2011 who were omitted from the list of PAPs in the RAP? If so, is it possible to identify those PAPs now and to determine the nature and magnitude of the livelihood impacts they may have experienced during construction of the Webuye interchange?
 - (b) Were there small business owners identified in the census who, due to redesign of the interchange, were ultimately not required to move but who nonetheless suffered temporary or permanent economic losses because of the expectation created in the RAP that they would need to move? If so, is it possible to identify those PAPs now and to determine the nature and magnitude of the economic losses they suffered?

In addressing these questions, the consultant should confer with relevant authorities, including the Sub-County Commissioner, the chairman of the Webuye GRC, community leaders etc., and conduct such other inquiries as may be considered appropriate in accordance with a methodology to be proposed by the consultant and agreed with the World Bank.