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## ‘Highway of Destruction’ raises questions about effective and safe access to remedy and poor human rights safeguards at the EIB

Over the last decades, in solidarity with numerous citizens and local communities across the world, CEE Bankwatch Network has researched and documented controversial projects financed by the EIB in the name of supporting EU development policies. This briefing is aimed at exposing the European Investment Bank's (EIB) shortcomings connected with the project appraisal process, monitoring of project implementation and providing access to safe and effective remedy in case of harm. It concerns the implementation of the Resettlement Action Plan (RAP) for the Regional Mombasa Port Access Road<sup>1</sup> project implemented by Kenya's National Highways Authority (KeNHA) as per the recommendations from the European Investment Bank Complaints Mechanism's (EIB-CM) Conclusions Report<sup>2</sup> from November 2019.



<sup>1</sup> European Investment Bank, '[Regional Mombasa Port Access Road](#)', 11 May 2015.

<sup>2</sup> European Investment Bank Complaints Mechanism, '[Conclusions Report: Regional Mombasa Port Access Road, Complaints SG/E/2017/27, SG/E/2017/41 and SG/E/2018/44](#)', 25 November 2019.

The briefing summarises the information from the report *Highway of Destruction*, the result of research commissioned by CEE Bankwatch Network member group Polish Green Network and carried out by Kenyan researcher Naomi Barasa in July 2020. The study is an independent assessment of the implementation of the RAP for the Regional Mombasa Port Access Road as per the recommendations from the EIB-CM. The full report *Highway of Destruction* can be found on CEE Bankwatch Network's website.<sup>3</sup> A draft of this report was also sent to the EIB, and the response received from the Bank can be found on CEE Bankwatch Network's website.<sup>4</sup>

We conducted this assessment to assess the implementation of the EIB-CM's report. As the EIB-CM's report relied heavily on communication with KeNHA, without sufficient information provided through functional and effective independent monitoring, we feared that the implementation of the EIB-CM's recommendations would also lack effective monitoring, and thus that affected individuals' rights would continue to be violated. Unfortunately, these fears came true, as the research found further forced eviction cases and problems, which continue to violate the rights of the communities living along the road.

Our conclusion is clear: the EIB's existing safeguards neither sufficiently prevent intimidation, threats and forced evictions nor protect the existence and well-being of the most vulnerable project stakeholders. The EIB lacks a proper human rights framework consisting of a clear policy statement, an overarching human rights strategy and adequate procedures at the project level including sufficient monitoring and access to remedy.

What comes as an additional conclusion from *Highway of Destruction* is the lack of effectiveness of the accountability mechanisms envisaged in the Bank's policies. The project-based grievance redress mechanism (GRM) has been proven not only ineffective (as demonstrated by the number of complaints submitted to the Bank's second tier mechanism, EIB-CM), but was also accused of abuses towards the representatives of the affected communities.<sup>5</sup>

The EIB Complaints Mechanism brought neither full relief to complainants nor a change of the client's behaviour, demonstrating the Mechanism's ineffectiveness. This is contrary to its statement in the Conclusions Report: '*The EIB Complaints Mechanism is intended not only to address non-compliance by the EIB with its policies and procedures but also to endeavour to solve the problem(s) raised by complainants such as those regarding the implementation of projects.*'<sup>6</sup>

At the beginning, the EIB-CM tried to avoid publishing the shocking number of complaints submitted about this project<sup>7</sup> and has still not addressed the complainants' claims sufficiently. It mostly used the complaints to recommend improvements for the next section of the road construction. This is the minimum that the Bank must do to address the complaints; it also needs to solve the problems of the individual complainants. EIB-CM's conclusions as such and their implementation by the Bank leave a lot to be desired from the institution, which seeks to lay claim to the title of the 'EU development bank'.

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<sup>3</sup> Naomi Barasa, [Highway of Destruction: an independent assessment of the implementation of the Resettlement Action Plan for the Regional Mombasa Port Access Road as per the recommendations from the European Investment Bank Complaints Mechanism's Conclusions Report](#), CEE Bankwatch Network, July 2021.

<sup>4</sup> [Letter from the EIB Civil Society Division to CEE Bankwatch Network](#), 11 June 2021.

<sup>5</sup> Human rights defenders from the area testified that in 2017 they had been intimidated/victimised by local authorities (the Deputy County Commissioner's office leading the GRM) for contacting the lenders. Later, it turned out that the EIB disclosed the complainants' identities to the promoter (email communication from the EIB to CEE Bankwatch Network, 15 May 2017), which may have led to the intimidation and victimisation.

<sup>6</sup> European Investment Bank Complaints Mechanism, [Conclusions Report: Regional Mombasa Port Access Road, Complaints SG/E/2017/27, SG/E/2017/41 and SG/E/2018/44](#), 3, 25 November 2019.

<sup>7</sup> The actual number of complaints was initially not published by the EIB-CM. After several interventions, the number of complaints was disclosed to CEE Bankwatch Network in a written communication from the EIB-CM on 29 October 2019. Later, the number appeared on the website.

In CEE Bankwatch Network's last communication with EIB-CM, the Mechanism stated that new complaints related to this project have been submitted, although surprisingly, they are not shown in the case register.<sup>8</sup>

### Why is the Regional Mombasa Port Access Road called the 'Highway of Destruction'?



Currently, a narrow, crowded road from Mombasa towards Nairobi is the main traffic artery of eastern Africa. Kenya's National Highways Authority (KeNHA) is working to expand a 41.7 kilometre section of the route to a dual carriageway standard. The project is financed by the African Development Bank (AfDB) (EUR 123 million loan), German KfW (EUR 50 million loan), the EIB (EUR 50 million loan signed in 2017) and the EU-Africa Infrastructure Trust Fund<sup>9</sup> (EUR 20 million grant).

The contract for the EIB loan was signed in 2017. The project, for which an Environmental and Social

Impact Assessment (ESIA) and a RAP were prepared, was divided between the financiers into Lot 1 and Lot 2. The AfDB claims responsibility for Lot 1, and the EIB and KfW for Lot 2. In our opinion, the division of the single project into lots is an artificial solution intended to limit the responsibility of individual financiers for the project's due-diligence, monitoring, implementation and impacts along its area of influence.

From 2016 to 2019, there have been around 600 complaints (most likely from individuals) related to the project sent to the EIB Complaints Mechanism. This is the result of negligence in the resettlement process, including forced evictions.

The problems started in 2015, when the Jomvu Narcol and Miritini communities were forcibly evicted as a result of the planned construction works for the Mombasa Port Access Road. The Jomvu Narcol community case was brought to light after Amnesty International documented ruthless demolitions that left over one hundred families homeless.<sup>10</sup> In response to this, the lenders and KeNHA halted the road works, and KeNHA developed a Corrective Action Plan (CAP) in 2016 and revised the RAP in 2017 for the whole project. The CAP was intended to restore the lives of the victims of the forced evictions to their initial state.

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<sup>8</sup> European Investment Bank, '[Complaints - Kenya](#)', accessed 4 July 2021.

<sup>9</sup> The EU-Africa Infrastructure Trust Fund's donor contributions stem from the European Development Fund budget and from several European Union Member States. The EIB is the manager of this blending instrument.

<sup>10</sup> Amnesty International, '[Driven out for development: forced evictions in Mombasa, Kenya](#)', 2015.

The CAP implementation process was marred by many delays, a lack of transparency, reported intimidation and project affected persons' (PAPs) subsequent dissatisfaction with the process. This led to a first round of around 350 complaints, which were addressed in a mediation process<sup>11</sup> concluded by the EIB-CM in 2018.

Unfortunately, the RAP still lacked crucial components, such as a Livelihood Restoration Framework and alternative resettlement for residential purposes. It did not provide satisfactory measures to safeguard vulnerable groups such as women, children, people living with disabilities or elderly people. It also failed to establish an effective and trusted project-based grievance redress mechanism.

As a result, by 2019, around 250 new complaints had been submitted to the EIB-CM. They have been resolved by the Mechanism's Conclusions Report and resulting Action Plan. They concerned concrete issues:

- the failure to compensate project-affected persons (PAPs) promptly for affected assets;
- inability to detail compensation awards reflecting the full replacement cost;
- failure to cover all PAPs in the project corridor **and avoid forced eviction**; and
- failure to conduct a transparent and inclusive stakeholder engagement process throughout all phases of the project and provide a functioning grievance mechanism.

The EIB-CM's Conclusion Report stated that *'it could be concluded that all parties agreed that there are shortcomings in the implementation of the resettlement process. The EIB-CM notes that the promoter, supported by the EIB operational services and the other lenders, is putting in place considerable efforts to address these challenges'*.<sup>12</sup>

However, in their report, the EIB-CM heavily relied on the project promoter's declarations, without (for example) using objective verification measures, such as bank transfer proofs for compensation, despite the history of forced evictions in the project.

The EIB-CM classified the allegations by their occurrence in the two project lots. As often underlined by the EIB, the African Development Bank is financing Lot 1, from Mombasa to Kwa Jomvu, while the EIB and KfW will co-finance Lot 2, from Kwa Jomvu to Mariakani. However, both lots, as they constitute a single project, were covered by a single ESIA, RAP and other related documentation and are subject to the EIB's environmental and social appraisal. The complaints submitted by affected individuals living in Lot 1 have been registered and addressed by the EIB's Complaints Mechanism. This indicates that the EIB has already acknowledged responsibility for ensuring EIB policies are upheld along the entire length of the route.

Below, we present the EIB-CM's recommended actions and our assessment of their implementation.

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<sup>11</sup> European Investment Bank Complaints Mechanism, [\*Mediation Report: Regional Mombasa Port Access Road, Kenya \(Complaints SG/E/2017/03, SG/E/2017/08, SG/E/2017/09, SG/E/2017/11, SG/E/2017/12, SG/E/2017/13, SG/E/2017/14, SG/E/2017/16, SG/E/2017/18, SG/E/2017/19, SG/E/2017/20, SG/E/2017/28 and SG/E/2017/30\)\*](#), 16 November 2018.

<sup>12</sup> European Investment Bank Complaints Mechanism, [\*Conclusions Report: Regional Mombasa Port Access Road, Complaints SG/E/2017/27, SG/E/2017/41 and SG/E/2018/44, 20\*](#).

## Actions required by the Action Plan:<sup>13</sup>

### **1. National Land Commission (NLC)<sup>14</sup> should prepare a guidance note on valuation methodology to be shared with PAPs in English and Kiswahili.**

One of the major problems with the project, which has caused uncertainty and tension among stakeholders, is that PAPs have not been provided with the valuation methodology for their properties, which should be attached to the award letters indicating the amount of compensation to be paid. All of the respondents interviewed in July 2020 stated that they had not received valuation reports for their property. They



had also not received any information, written or verbal, pertaining to the valuation methodology. The researcher interviewed three individuals who admitted that they were paid compensation in cash at the local authority office without any documentation. When they went back to demand the valuation methodology, it turned out their names were not even in the system.

CEE Bankwatch Network asked the EIB if the NLC provided them with a copy of the compensation methodology leaflet, which was supposed to be disclosed by the end of March 2020, according to the Action Plan. On 23 October 2020, the EIB responded that *'[t]he EIB does not hold the compensation methodology leaflet. We have been informed that its production has been delayed.'*<sup>15</sup>

### **2. National Land Commission should implement a compensation process for the remaining sections and update KeNHA and lenders with a revised schedule on a quarterly basis.**

Instead of proper implementation of the compensation process, the research documented further **forced evictions**<sup>16</sup> happening after the EIB-CM concluded its work. The Deputy Officer Commanding Police Division admitted during an interview conducted by the researcher to having enforced various evictions along the Regional Mombasa Port Access Road in 2020 which were sanctioned by KeNHA, among them demolitions at Jomvu Narcol on 12 June 2020 and in Miritini on 14 August 2020. According to responses obtained during interviews (corroborated by information from the police officer), crudely armed youths protected by the police conducted both evictions using excessive force and looting. In Jomvu, no court order was issued and in Miritini the court order was not served to the affected. In Jomvu, homes were demolished and looted and the people

<sup>13</sup> European Investment Bank Complaints Mechanism, *Conclusions Report: Regional Mombasa Port Access Road, Complaints SG/E/2017/27, SG/E/2017/41 and SG/E/2018/44, 22.*

<sup>14</sup> According to the existing RAP, the National Land Commission, as the authority to deal with land issues in Kenya, carried out verification of land ownership, valuation and compensation. The NLC was supposed to set out clear procedures for land acquisition considering project impacts and land rights. The NLC should have carried out the exercise as part of the verification of ownership of property before compensation was paid and relocation carried out. RAP available on the [EIB's website](#), 37.

<sup>15</sup> Email communication from the EIB to CEE Bankwatch Network, 23 October 2020.

<sup>16</sup> A detailed description of the forced evictions documented is in [Highway of Destruction](#).

were rendered homeless, and in Miritini business properties were destroyed and livelihoods ruined. This is contrary not only to the Action Plan but also to the EIB's standards.

### **Forced eviction of the family of Norah Kwamboka<sup>17</sup>**

On 12 June 2020, Norah Kwamboka's family house was ambushed by approximately 20 crudely armed youths, who conducted the demolition under the protection of over seven armed police officers and the senior state officers. There was no court order issued for this eviction nor did the actors identify themselves.

Her daughter Miriam was assaulted by the police. The Officer Commanding Station (officer in charge of a police station) had initially warned her against documenting the operation and threatened to slap her if she did not stop. When she continued taking photos and video, he reportedly pounced on her and in result her arm was broken.

*The whole ordeal ended at around 4 p.m. We had no home, no household belongings. The home I had known my whole life was no more. I am 19 years old and I was born here. All our documents were missing. We tried scavenging in the rubble with no luck. We had lost everything, including our educational certificates. By night my hand had swollen, it was very painful... Later in the day, I managed to go for the X-Ray. It confirmed that my hand had a fracture.*

- Testimony from Miriam Kwamboka

Norah sought an explanation from KeNHA as to why her home was demolished yet no compensation was available, despite the complaint she had launched at the Deputy County Commissioner's office acting as a project grievance mechanism. Her case has not been solved as of the time of writing (July 2021).

Additionally, over 50 per cent of the PAPs interviewed (out of 137 in both lots) have still not received compensation for their properties. Some of them received compensation award letters and await disbursements. The others are among those whose names were missing from the compensation list. Delays in compensation cause further economic losses for the PAPs. Scores of people who were previously self-reliant have been left with no source of income because either their properties were destroyed or street trade has been effectively halted due to the construction. They have become destitute due to the lack of proper and timely compensation and sufficient restoration of their living and working conditions. Many of them can no longer afford to feed their families, pay rent, or access education and health care services, and they have not been compensated for this loss. Others who received compensation said the money was too little and, in most cases, the payments took too long to arrive.

### **3. National Land Commission will engage PAPs and present each PAP with a breakdown of individual assets that will be compensated for Lot 2 (in English and Kiswahili, if the case).**

None of the PAPs interviewed in Lot 2 had received any information, general or specific, regarding compensation. They told the research team that they did not know whether they would be compensated. The

<sup>17</sup> A detailed description of both of the forced evictions with accompanying testimonies from the affected individuals can be found in [Highway of Destruction](#).

PAPs interviewed in the villages stretching from Miritini to Mariakani said they are unaware of what will happen. They attributed this to KeNHA's lack of engagement with the affected population.

**4. KeNHA should share the status of compensation progress and an updated database with lenders on a regular basis, including with respect to missing PAPs.**

CEE Bankwatch asked the EIB about the number of eligible PAPs found missing in the compensation scheme by KeNHA and the number that has been compensated so far. According to the information received from the EIB:

*The EIB does not hold this information. As indicated above as well as in previous exchanges, the project is divided into two lots: Lot 1 and Lot 2. Lot 1 is being financed by the African Development Bank (AfDB) and the Government of Kenya (GoK). We therefore invite you to contact the promoter or relevant financiers should you have any further questions on Lot 1 implementation. Lot 2 construction has not yet started and, as a result, neither have possible relevant compensation schemes.<sup>18</sup>*

This is a striking response, given that it was the EIB-CM that issued this very recommendation to be implemented by the Bank's project staff.

**5. KeNHA should ensure that funds for compensation of Lot 2 are available before the works.**

The people interviewed expressed fear and anxiety about their safety and security. All the people interviewed wished they could get adequate information early enough to be able to reorganise their lives.

**6. KeNHA should prepare a database of eligible PAPs that were previously missed in the process. KeNHA will ensure that PAPs will be assessed, awarded and compensated.**

The research team was unable to establish whether KeNHA had prepared a database of eligible PAPs that were not previously counted. However, the team met scores of PAPs from Changamwe to Jomvu Madafuni whose fate was still unknown. Tens of PAPs complained that their names were missing and none of the concerned institutions were helping to get them back on the list.

**7. KeNHA should update lenders regularly on engagement and communication activities in the area of the project.**

The information gathered by the research team indicates that KeNHA is keen to provide evidence of stakeholders' engagement. Three stakeholder meetings happened early in 2020 (at Mikindani Social Hall on 17 and 19 February 2020 and at Changamwe Catholic Church on 18 February 2020). However, the quality of the meetings and their accessibility for PAPs calls into question whether meaningful participation was achieved. Many PAPs present at the meetings informed the research team that the atmosphere was tense and did not facilitate transparent and inclusive engagement; the Officer Commanding Station was armed in the meeting and the tone of the meeting was hostile. The meeting agendas were not shared in advance, and contrary to many PAPs' expectations did not have anything to do with the implementation of the Action Plan's recommendations. The PAPs also said that KeNHA's Community Liaison Person publicly admitted that she had not seen the EIB-CM's report and was not aware of the Action Plan.

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<sup>18</sup> Email communication from the EIB to CEE Bankwatch Network, 23 October 2020.

## **8. The promoter will ensure that cadastral maps of the projects are available for consultation in KeNHA's offices.**

Annex 19 of the RAP includes maps. Unfortunately, they have not been disclosed on KeNHA's website, nor on the EIB's website. Because this is a recommendation in the EIB-CM's report and Action Plan, some of the complaints submitted to the EIB likely raise the issue of the inability to see the exact road plan on the map. CEE Bankwatch Network has also requested access to cadastral maps for the project. In October 2019, the EIB stated that:

*It is important to highlight that the maps are not needed in order for the 'PAPs to understand their possessions' as beacons have been laid down on the ground defining the area of impact, and this was clearly explained to each PAP. We would also like to highlight that, in order to avoid the disclosure of personal data and to avoid market speculation, such detailed maps are generally not published.<sup>19</sup>*

It was two months before the Complaints Mechanism recommended that cadastral maps of the projects should be available for consultation in KeNHA's offices. In a communication to CEE Bankwatch Network from 23 October 2020, the EIB mentioned: '*...the maps are indeed available at KeNHA Nairobi office. Requesters interested in having access to such maps can send a letter to the address below, clearly stating the reason for the request...*'

In spite of the EIB-CM's recommendation, the research found that cadastral maps were still inaccessible to PAPs. In order to be truly accessible, they need to be available at the field offices located on or near the project site. PAPs who reported visiting the field office declared that they were there to see the maps, to which the security guard at the gate informed them to go and wait for the maps to be brought to them in the community. Inability to access the maps disempowers the PAPs, because it creates a lack of clarity about who is affected by the project. It also represents a form of land acquisition without due process. This is particularly the case because new sets of PAPs are emerging and suffering from adverse impacts, yet they are not part of the initially recognised group of PAPs. This was the case in Mkupe, where PAPs were told that the contractor had decided to expand construction into a certain area to strengthen the ground after discovering that the land was too shaky on the nearby part of the road to support construction. This was also the reason given to Jomvu Narcol PAPs and activists on 21 August 2020 when the house of Winnifer Mark was damaged by the construction site's activities.

Winnifer was never identified as a PAP, but she is now confronted with the reality of a looming forced eviction. In mid-August 2020, the contractor blocked her house off with a gabion, redirected dirty water to her house and blocked her access way. When she sought to know why they were doing this, the contractor said that the land was shaky on that section of the road and they needed to strengthen it in order to facilitate the road construction. She was asked to write to KeNHA seeking to be included in the list as a PAP; however, the contractor continued with the activities that jeopardised her right to adequate housing.

## **9. KeNHA will share engagement material (in English and Kiswahili) with lenders for approval.**

The research did not document whether these materials were produced and shared with lenders.

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<sup>19</sup> Email communication from the EIB to Polish Green Network, 10 October 2019.





**The Action Plan has not ensured remedy and justice for the complainants, which constitutes its major weakness. It is shocking that after it came into force, the project promoter allowed for further forced evictions as described in the research. The Action Plan also failed to tackle the lack of trust in the project grievance mechanism, although the EIB-CM claims that this grievance mechanism is undergoing reform.**

### **Recommendations**

The overarching recommendation stemming from this report is that **the EIB must develop proper human rights due diligence** as an ongoing risk management process which aims to identify, prevent, mitigate and redress the potential adverse human rights impacts of its operations. It should provide information about the likelihood and severity of impacts – taking into account the country context, project specificity and promoter’s track record – and should explain how applying the EIB’s environmental and social standards will remedy potential human rights impacts. Consequently, human rights due diligence is a prerequisite for the proper implementation of the Bank’s environmental and social standards. The Bank must develop **an overarching and coherent three pillar Human Rights Framework** consisting of a strong policy statement, a Human Rights Strategy and a sound human rights due diligence system at the project level.<sup>20</sup>

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<sup>20</sup> A detailed explanation of this recommendation is included in the CEE Bankwatch Network briefing [The EIB’s empty promises on human rights](#), 2020.

There is also a strong need to improve the effectiveness, safety and independence of the EIB Complaints Mechanism. This project calls into question the effectiveness of this Mechanism. Despite hundreds of closed complaints, the EIB-CM's involvement has not substantially changed the situation on the ground and there are still complainants who have not received sufficient remedy for harm done to them. This should be an alarm for the EIB-CM and a moment for self-reflection on how to reform in order to fulfil its mission. Instead, they have attempted to lessen the appearance of harm done, hiding the amount of the cases, relying heavily on KeNHA's own declarations, and poorly monitoring the implementation of the Action Plan.

The recommendations<sup>21</sup> related specifically to the Regional Mombasa Port Access Road project are divided into two parts:

### ***Recommendations to the EIB and other lenders***

1. The EIB should engage in on-the-ground monitoring and evaluation so that it is able to verify information itself. With KeNHA's history of human rights violations, false statements and forced evictions in particular, the lenders need to have a monitoring and evaluation officer on the ground for swift and continuous monitoring of the project implementation.
2. Lenders should establish an independent multi-stakeholder grievance redress mechanism that will be chaired by the Kenya National Commission on Human Rights and tasked to undertake an independent review of the missing names, delayed compensation and grievances for Lot 1 and Lot 2.
3. Lenders and KeNHA should examine and review the role and terms of reference for KeNHA's Community Liaison Officer to embed in the role a more effective means to communicate information to and from the affected persons and create very clear deliverables with regards to feedback and feedforward on matters related to the project's implementation.
4. Lenders should condition the disbursement of the loan on meeting internationally and nationally recognised human rights standards, especially those concerning the right to housing. For this purpose, the RAP should be revised again.
5. Lenders should ensure that KeNHA's project teams (engineers, surveyors and sociologist) and any other state agencies involved in the project undergo human rights training periodically during the project.
6. Future projects should ensure proper human rights due diligence based on international standards and comprised of risk and impact assessments in the field of human rights.

### ***Recommendations to the project promoter KeNHA***

1. KeNHA should consider alternative resettlement assets for Lot 2 and avoid cash compensation where PAPs will be displaced unless the affected person chooses money instead of land. International human rights standards discourage cash compensation where PAPs are likely to be displaced. They require

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<sup>21</sup> These recommendations are based on those from the report [Highway of Destruction](#). Some of them contain additional proposals developed by CEE Bankwatch.

that the state ensure the affected persons are offered alternative resettlement land that guarantees continuity of people's economic, social and cultural activities.

2. KeNHA should undertake proper and robust prior financial planning and management training for all PAPs in Lot 2 before giving compensation and ensure prompt compensation where compensation is necessary. This will safeguard people from financial mismanagement that might plunge them into destitution.
3. KeNHA should establish a RAP implementation monitoring team comprised of the PAPs, KeNHA, the lenders, civil society organisations, the National Environment Management Authority, the NLC and Constitutional Commissions, specifically the Kenya National Commission of Human Rights, that will convene regularly to monitor the resettlement of individuals living in Lot 2.
4. KeNHA should undertake a further revision of the RAP. The implementation of both the RAP and the CAP brought out many challenges, gaps and areas for improvement. The lessons learned are vital to ensure implementation of the RAP in Lot 2. Among the most critical lessons is that the designs, maps and measurements set forth at the beginning of the project are likely to change; hence, KeNHA needs to plan for the incorporation of the newly acquired areas and the respective affected persons. Women and children should be treated as vulnerable groups who need adjusted protection measures included in the RAP.
5. KeNHA, alongside the lenders, should examine and revise the terms of reference for KeNHA's Community Liaison Officer to embed in the role a more effective means to communicate information to and from the affected persons and create very clear deliverables with regards to feedback and feedforward on matters related to the project's implementation.
6. KeNHA should publicly apologise to all the aggrieved persons and remedy the harm caused.