MINISTRY OF TRANSPORT INFRASTRUCTURE HOUSING AND URBAN DEVELOPMENT
STATE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Kenya Informal Settlements Improvement Project (KISIP)
This Abbreviated Resettlement Action Plan (ARAP) for Kihatha Informal Settlement, Nyeri County has been prepared the Kenya Informal Settlements Improvement Project (KISIP).

Report Prepared by:

Signed ..............................................  Date........................................

Winnie W. Wairimu
Social Safeguards Expert
Kenya Informal Settlements Improvement Project

Checked by:
Full Name of Authorized Representative:

Signed ..............................................  Date........................................

Peris Mang’ira
KISIP National Coordinator,
Ministry of Transport, Infrastructure, Housing and Urban Development
DEFINITION OF TERMS

**Abbreviated Resettlement Action Plan** is a resettlement document prepared to mitigate impacts that has affected less than 200 Project affected persons in accordance to World Bank OP 4.12.

**Compensation/Facilitation** means payments made in cash/in kind in recognition of loss of assets and Livelihoods resulting from impacts caused by planning and surveying.

**Complete Displacement**: means the displacement of a structure owner or institution PAP etc. from one parcel of land to a different parcel of land outside the settlement due to the planning and survey activities including demarcation of roads.

**Cut-off date** is the date the census begins. Persons entering and/or occupying land in the project area after this date and not included in the inventory of PAPs will not be considered eligible for facilitation. Similarly, fixed assets such as structures, established after the cut-off date will not be compensated/facilitated.

**Market rate**: The selling price of a commodity in the open competitive market.

**Project Affected Person(s) (PAPs)** are persons, households, enterprises, and public or private institutions affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they must move to another location.

**Rehabilitation Assistance** is the additional support, over and above compensation accorded to the vulnerable or at-risk members of the affected community during implementation of the ARAP e.g. labour support.

Improvement of the settlement: This refers to planning with a focus on upgrading or enhancing a settlement e.g. through expansion of some road wayleaves where necessary, as opposed to total renewal or total redevelopment of the settlement.

**Localized displacement** means displacement of a structure owner or institution PAP etc. from one parcel of land to a different parcel of land (within the settlement) due to the planning and survey activities including demarcation of roads.

**Replacement cost** means replacement of assets with same quality and quantity with an amount sufficient to cover full cost of lost assets and related transaction costs and taxes. The cost is to be based on Market rate (commercial rate) according to Kenyan law for sale of land or property, without depreciation in addition to other considerations such as (a) transporting building materials to the construction site; (b) any labour and contractors” fees; and (c) any registration costs. Therefore, for Replacement cost for houses and other structures means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures at market rates without depreciation.
Resettlement Action Plan (RAP) or Resettlement Plan is a resettlement instrument (document) to be prepared when program locations are identified. In such cases, planning and survey activities including demarcation of roads leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPS contain specific and legal binding requirements to resettle and compensate/facilitate the affected party before implementation of the project activities. According to provisions by the World Bank OP 4.12, RAP is prepared where project affected persons are more than 200 while an Abbreviated RAP is prepared where project affected persons are less than 200.

Resettlement Assistance means the measures to ensure that Project Affected Persons who may require to be physically relocated are provided with assistance during relocation, such as moving/shifting allowances for ease of resettlement, residential housing or rentals, rental allowance whichever is feasible and as required, for ease of resettlement.

Resettlement Policy Framework (RPF) has been prepared as an instrument to be used throughout the informal settlements improvement project implementation. The RPF will be disclosed to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project. The Resettlement Action Plans (“RAPs”) for the project will be prepared in conformity with the provisions of this RPF.

Survey means a 100% field assessment carried out to identify and determine the number of Project Affected Persons (PAP).

Squatters are those who have extended their settlements into Government/public land and have no formal right or claim to the portion of the lands.

Vulnerable Groups include all those affected by the project who are below the poverty line, the elderly, women and children headed households, indigenous people, Persons with severe disabilities, ethnic minorities or other Project Affected Person who may not be protected through national land compensation legislation.
EXECUTIVE SUMMARY

Introduction
In response to, and towards the contribution of the Vision 2030 goal for urban areas - a well-housed population living in an environmentally-secure urban environment, - the Government of Kenya (GOK) with support from the World Bank, through The International Development Association (IDA), the Swedish International Development Cooperation Agency (Sida) and the Agence Française de Development (AFD) developed the Kenya Informal Settlements Improvement Project (KISIP) as part of a national strategy\(^1\) to address challenges associated with urban growth. KISIP aims to improve living conditions in informal settlements in selected municipalities in Kenya, by improving security of tenure and investing in infrastructure based on plans developed in consultation with the community.

Nyeri County, and specifically Riamukurwe Informal settlement is one of the beneficiary settlements. KISIP’s activities in Riamukurwe Informal settlement, a settlement located approximately 0.6 kilometres southwest of Nyeri town in Nyeri town constituency, Mukaro location, Municipality division, Riamukurwe sub location, and covering a total area of 12.5 Hectares, specifically sought to regularize and provide security of land tenure in the former colonial village. The Settlement had a Local Physical Development Plan (LPDP) approved in 2007 but not implemented.

In 2012, KISIP started a planning and survey process in the settlement. The preparation of a basemap showed that due to human activities, situation on the ground was different from what was captured from the approved LPDP, which had since been overtaken by developments on the ground. For instance, some of the proposed roads in the 2007 LPDP were encroached, thus necessitating the revision of the plan. The revised LPDP produced 106 plots where 41 plots are owned by female beneficiaries, 53 by male beneficiaries, 2 plots co-owned by 2 female beneficiaries each, 1 plot co-owned by 2 male beneficiaries, 2 churches, 1 public nursery school, 1 secondary school, a plot proposed for solid waste management, a market, 1 plot reserved for the public administration, 1 dispensary and a community cemetery. In total, these are 109 beneficiaries, of which 55 are male and 45 female. The LPDP provides for 12m, 9m and 6m roads within the settlement.

The approved LPDP was implemented and 92 titles out of the 106 issued in 2016 by the Ministry of Lands and Physical Planning.\(^2\) This however prompted impact on 31 Project Affected Persons (PAPs), in advance of the preparation, clearance and disclosure of an Abbreviated Resettlement Action Plan (ARAP). Following a World Bank Social Audit in 2017, it was agreed on that an ARAP should be undertaken retrogressively. The purpose of this ARAP is therefore twofold:

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\(^1\) The Strategy comprises of three multi-sectoral programmes namely; (i) The Kenya Informal Settlements Improvement Programme, (ii) The Kenya Municipal Program (KMP) and, (iii) the Nairobi Metropolitan Services Improvement Project (NaMSIP) financed by the World Bank.

\(^2\) 14 titles pending, majority been those belonging to public purpose plots and institutions. Issuance of the remaining titles will be concurrent with the implementation of this RAP.
To identify PAPs who had pulled down their assets/structures and constructed them within the boundaries of the allocated parcels, and in collaboration with the PAP and Settlement Executive Committee (SEC), reconstruct displacement impacts.

Identify PAPs who were yet to pull down the assets/properties, and assess the impacts of the project.

The ARAP was undertaken reliant on a number of qualitative and quantitative methods with parcel by parcel transect walks, as well as collaboration with the Settlement Executive Committee (SEC) proving useful in identification of PAPs, and verification of affected structures, more those that had been demolished or moved. Various meetings were also undertaken:

- 25th January/2nd February 2018 with the County Government of Nyeri
- 31st January 2018 - National Land Commission
- 25th January 2018 - Settlement Executive Committee
- 26th January 2018 - Project Affected Persons

Impacts on Project Affected Persons

Despite its positive impacts of enhancing security of tenure for the beneficiaries, the planning and survey component affected a total of 31 Project Affected Persons and Institutions (PAP/Is) as per Table 0.1 below, and due to boundary and road wayleave alignment.

<table>
<thead>
<tr>
<th>Table 0-1 Categories of PAP</th>
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<tbody>
<tr>
<td>Structure Owner PAPs - 29</td>
</tr>
<tr>
<td>Tenant - 1</td>
</tr>
<tr>
<td>Institution - 1</td>
</tr>
<tr>
<td>Male - 14</td>
</tr>
<tr>
<td>Female - 15</td>
</tr>
<tr>
<td>Male - 1</td>
</tr>
<tr>
<td>Vulnerable - 4</td>
</tr>
<tr>
<td>Non Vulnerable - 10</td>
</tr>
<tr>
<td>Vulnerable - 15</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 0-2 Cause of Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cause of Impact</td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>Boundary realignment</td>
</tr>
<tr>
<td>Road wayleave alignment</td>
</tr>
<tr>
<td>Both Boundary and Road alignment</td>
</tr>
</tbody>
</table>

There was no complete or localised displacement from the settlement, but minimum reduction in plot sizes in lieu of provision of roadway leaves led to impact on 44 structures.

The affected PAPs are 48% male and 48% female. 3% represents an Institution (church). The average age for PAPs is 60.88, indicating the PAPs are relatively elderly persons. Despite so, casual labour is the main source of livelihood for half of the PAPs.
19 PAPs are considered vulnerable as they are elderly (above 65 years), widowed and/or female heads. Of these, 15 are female and 4 are male.

**Impact on Assets/Structures**
Main houses, accounting Main houses were the most affected, accounting for 43%. This involved full impact on 7 houses. One shop was partially affected.

<table>
<thead>
<tr>
<th>Table 0-3 Structures affected</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Structure Type</strong></td>
</tr>
<tr>
<td>Main House</td>
</tr>
<tr>
<td>Secondary House</td>
</tr>
<tr>
<td>Kitchen</td>
</tr>
<tr>
<td>Latrine</td>
</tr>
<tr>
<td>Store</td>
</tr>
<tr>
<td>Cowshed</td>
</tr>
<tr>
<td>Shop</td>
</tr>
<tr>
<td>Fence</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

All affected main and secondary housing units are were made of timber cuts walls and Galvanised Corrugated Iron sheets (GCI). 54% of the units have/had an earth floor and 46% have/had cement screed floors. The impact on structures was due to both boundary realignment and proposed road expansion as Table 0.4 below shows.

<table>
<thead>
<tr>
<th>Table 0-4 Cause of Impact on structures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Structure Type</strong></td>
</tr>
<tr>
<td>Main House</td>
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<tr>
<td>Secondary House</td>
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<tr>
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<tr>
<td>Shop</td>
</tr>
<tr>
<td>Fence</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

In addition, 5 fruit trees, 1 non-fruit tree i.e. Cedar and 136 banana plants were affected. 1 PAP will lose rental income due to the demolition of a shop. In addition, the shop owner will lose business income due to impact on a shop he has rented.

**Mitigation**
Mitigation measures are provided for all impacts. All assets that met the Cut-Off Date i.e. 26th January 2018, including main houses, kitchens et which were surveyed in the Project-Affected Area are eligible for compensation, at full replacement value as at time of valuation.
A three-tier grievance mechanism - Settlement Grievance Redress, ARAP implementation Committee (RICs), resolution through courts of law for PAPs who may not be satisfied with the proposed entitlements will be adopted in the implementation of this ARAP.

Towards managing implementation of this ARAP, the key day to day implementing institution is the RIC, specifically set up for Nyeri County. Overall, the primary responsibility for the implementation of this ARAP remains with KISIP who will ensure all PAPs are adequately facilitated according to the budget. The implementing period of this RAP is 7 months whose activities are detailed in Section 9.2.

This information has been redacted for confidentiality and to protect privacy.

Commitments
To ensure this ARAP is fully implemented, KISIP commits to the following:

- KISIP will facilitate all the Project Affected Persons according to provisions of this ARAP including the budget for compensation and timelines as per the implementation schedule.
- KISIP will ensure all grievances are addressed and resolved in a timely manner as indicated during implementation of this ARAP.
- KISIP will undertake verification and ensure Titles with errors as issued to the beneficiaries are corrected and re-issued. This include issuing the remaining titles (Not yet Issued) to the respective beneficiaries in accordance to the implementation schedule of this ARAP.
- KISIP will undertake community sensitization on land succession processes, and in collaboration with the area chief undertake community sensitization to caution the community against any form of Gender Based Violence (GBV) related the use of compensation funds by spouses.
- KISIP will work with the County Government of Nyeri in ensuring the sustainability of the project. The County will be part of the RIC in implementing this ARAP, part of the grievance resolution mechanism, provide additional assistance where necessary to vulnerable PAPs in rebuilding their structures through the SEC, undertake development control, Clearance of structures on road way leaves after the expiry of self-demolition period as well as protecting the road reserves from future encroachment by beneficiaries and/or any other actors.
- KISIP will issue a minimum of three-months self-demolition notice after compensation is issued to PAPs to enable them salvage their assets.
- KISIP will undertake Monitoring and Evaluation of this ARAP during and after implementation as outlined in this ARAP.
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ABBREVIATIONS AND ACRONYMS

AFD  Agence Française De Développement
ARAP  Abbreviated Resettlement Action Plan
CURP  Centre for Urban and Regional Planning
GCI  Galvanized Corrugated Iron
GIS  Geographic Information System
GoK  Government of Kenya
GPS  Geographical Positioning System
GRC  Grievance Redress committee
IDA  International Development Association
KISIP  Kenya Informal Settlements Improvement Project
LPDP  Local Physical Development Plan
M&E  Monitoring and Evaluation (M&E)
MTIH&UD  Ministry of Transport, Infrastructure, Housing and Urban Development
NLC  National Land Commission
OP  Operational Policy
PAD  Project Appraisal Document
PAPs  Project Affected Persons
RAP  Resettlement Action Plan
RIC  Resettlement Implementation Committee
RPF  Resettlement Policy Framework
SEC  Settlement Executive Committee
SIDA  Swedish International Development Cooperation Agency
TOR  Terms of Reference
WB  World Bank
1. INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION
Like many other African countries, Kenya has experienced rapid urbanization and urban growth. The total population increased from 10.9 million in 1969 to 38.6 million in 2009 (Kempe 2012). As Figure 1.1 below shows, it is estimated that over 60% of the population will be living in urban areas by 2030 (GOK 2007). While urbanization is not a problem per se, Kenya’s process has been accompanied by inadequate, poor and in most instances, the lack of appropriate urban planning, which explains the proliferation of informal settlements. The mushrooming of informal settlements in major towns, poses various fundamental challenges, including inadequate infrastructural services (i.e. roads, water, drainage, sanitation), health risks, congestion, encroachment of ecologically sensitize (and protected) areas etc. In addition, these are areas often characterized by insecure tenure, the occupants often encroaching into private or public land.

![Urban-Rural Population growth](source: GoK 2007)

This complex mix of factors poses a serious challenge to the socio-economic development of the inhabitants, and the country in general. Particularly, insecure tenure, inadequate urban planning and insufficient serviced land diminishes confidence and investment in land, housing and infrastructure – factors which Vision 2030 – the country’s long term blue print for development – seeks to address. The target is to transform the county and provide for a high quality life for its citizens by the year 2030, by sustaining a 10% annual growth rate. The Vision is implemented under 3 pillars i.e. Economic, Political and Social, with the latter being of most relevance here.

Particularly, Housing and Urbanization under the Social Pillar is perceived as an area of concern. The government sees the planning and management of urban development as critical to the overall vision of the housing and urbanisation requirements for the realisation of Vision 2030 are most relevant. The document thus poses a challenge of developing ‘realistic strategies.
that promote sustainable urbanisation by creating functional, vibrant and efficient urban centres that support the unlocking of Kenya’s development potential.’

In response, and towards the contribution of The 2030 goal for urban areas - a well-housed population living in an environmentally-secure urban environment, Government of Kenya (GOK) with support from the World Bank, through The International Development Association (IDA), the Swedish International Development Cooperation Agency (Sida) and the Agence Française de Development (AFD) developed the Kenya Informal Settlements Project (KISIP) as part of a national strategy to address to address challenges associated with urban growth.

1.2 KISIP AND THE 4 COMPONENTS
Housed in the Ministry of Transport, Infrastructure, Housing and Urban Development (MTIHUD), and currently being implemented in 14 counties in the following 15 towns and cities of Eldoret, Embu, Garissa, Kakamega, Kericho, Kisumu, Kitui, Machakos, Malindi, Mombasa, Nairobi, Naivasha, Nakuru, Nyeri and Thika; selected on the basis of agreed criteria, Kenya Informal Settlements Project (KISIP) aims to improve living conditions in informal settlements in selected municipalities in Kenya, by improving security of tenure and investing in infrastructure based on plans developed in consultation with the community.

The Project has the following four components:

- **Strengthening Institutions and Project Management** - Carries out activities to strengthen the capacity of MTIHUD as well as the institutional capacity of the selected counties to develop and implement e.g. city-specific urban upgrading strategies and plans. The component also carries out a range of activities for the implementation of the Project including mobilizing communities to participate in the designing and overseeing implementation of Settlement Upgrading Plans, establishing a monitoring and evaluation system, and carrying out socio-economic surveys of slum settlements at the beginning to establish a baseline and at the end of the Project to determine the impact of the Project’s interventions, all through provision of goods, technical advisory services and training required for that purpose.

- **Enhancing tenure security** - Supports the enhancement of tenure security in urban informal settlements (including provision of technical advisory service, goods and training required for that purpose), such activities to include conducting detailed mapping of existing slum settlements, (organizing and mobilizing communities to participate in the informal settlements upgrading activities, identifying and demarcating settlement boundaries, preparing local physical development plans, establishing a database on the land tenure status of slums, upgrading of the Geographical Information Systems labs at the MTIHUD and in selected Counties,

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3 The Strategy comprises of three multi-sectoral programmes namely; (i) The Kenya Informal Settlements Improvement Programme, (ii) The Kenya Municipal Program (KMP) and, (iii) the Nairobi Metropolitan Services Improvement Project (NaMSIP) financed by the World Bank.
surveying individual plots and preparing registry index maps, and preparing, registering, and issuing titles to individuals or to groups

- **Infrastructure and Service delivery** - Supports implementation of settlement upgrading plans developed at the community level, investment in settlement level infrastructure, and, where necessary, extension of trunk infrastructure to settlements. Areas of investments include roads, bicycle paths, pedestrian walkways, street and security lighting, vending platforms, solid waste management, storm water drainage, water and sanitation systems, electrification, public parks, and green spaces, whose selection and prioritization is based on a set of agreed criteria.

- **Planning for Urban Growth** – Assists Counties to plan for future urban growth, through activities such as carrying out a systematic study of the main impediments to delivery of housing and serviced land that is affordable to persons in the lower two income quantiles of the urban population, conducting analysis of the available financing for low-income housing, and developing the appropriate strategies to improve access to financing, and developing systems, standards, or policies that facilitate delivery of serviced land and housing for low-income households.

Component 2 in terms of enhancement of tenure security in urban informal settlements is of relevance here.

### 1.3 KISIP INTERVENTIONS IN NYERI

KISIP started its planning and survey related activities in Nyeri in December 2012. This targeted seven Nyeri settlements including Kihuyo, Kihatha, Riamukurwe, Ithenguri, Gatitu, Githiru and Muruguru – all spread out within Nyeri Municipality.

The activities in Riamukurwe, an informal settlement, a settlement located approximately 0.6 kilometres south west of Nyeri town in Nyeri town constituency, Mukaro location, Municipality division, Riamukurwe sub location, and covering a total area of 12.5 Hectares, specifically sought to achieve the following objectives – all aimed at providing a framework for the regularization and provision of secure land tenure and perhaps later infrastructure development in the former colonial village:

- Socio-economic and physical mapping of the settlement and respective communities
- Preparation of Local Physical Development Plans – where applicable; and submission for approval
- Surveying of plots and preparation of survey plans and submit to the director of Surveys for approval.
The in situ planning approach and process undertaken in the settlement took cognizance of the existing conditions, and KISIP’s interventions were limited by the special conditions of the informal settlement i.e. Riamukurwe had an approved Local Physical Development Plan (LPDP) prepared in 2007, but not implemented. Further, to minimize displacement and resettlement impacts, the nature of the assignment took an improvement angle as opposed to renewal or total redevelopment of the settlement.

In addition, the placement of beacons in March 2014, and the issuance of title documents by the Ministry of Lands and Physical Planning in 2016 led to impact on 31 PAPs and institutions, in advance of the preparation, clearance and disclosure of an ARAP. In interviews in January 2018, the community indicated that they perceived the beacons and titles as an indication that everyone should settle within their own parcel, thus triggering movement.

**1.4 OBJECTIVE OF ARAP**

Standard Safeguards practice requires preparation of Resettlement Action Plans (RAP) before implementation of a project to mitigate potential impacts. This way a RAP serves as a tool for the identification of project impacts and affected populations, defines a compensation framework for assistance and restoration of livelihood activities. In addition, it sets out an implementation schedule, assigns organizational responsibilities, and provisions for redress of grievances. However, as indicated previously, land title deeds were issued in 2016. In this case, Project Affected Persons (PAPs) interpreted this as a requirement to rebuild structures within their parcels. The purpose of preparing this Abbreviated Resettlement Action Plan (ARAP) in retrospect was therefore twofold:

- To identify PAPs who had pulled down their assets/structures and constructed them within the boundaries of the allocated parcels, and in collaboration with the PAP and Settlement Executive Committee (SEC), reconstruct the impacts.
- Identify PAPs who were yet to pull down the assets/properties, and assess the impacts of the project,
In both instances, this was to enable valuation of the assets and provide a strategy for compensation to ensure that the PAPs’ livelihoods are restored or improved. Specifically, the objective was to:

(a) To identify PAPs and their properties and determine the extent of involuntary displacement, and put in place measures to minimise and/or mitigate such impacts;
(b) To value PAPs’ property and assets, and provide a clear pathway to restoration of livelihood activities post displacement and relocation.
(c) To carry out consultations with the PAPs, SEC, and other stakeholders, including the County Government and local administration, and to update them on the project, and further obtain their concerns regarding the socio-economic impacts of the project and mitigation measures.
(d) To set out provision for redress of complaints and grievances made aware to, and accessible to all the PAPs.
(e) To establish a framework for monitoring, evaluation, and reporting of project impacts.

1.5 ARAP APPROACH AND METHODOLOGY
The development of this ARAP took on a participatory approach in which the Nyeri County Government took a central role, and one that employed both qualitative and quantitative data collections methods:

1.5.1 Document Review:
The planning and survey activities were undertaken by a Consultant – Centre for Urban and Regional Planning (CURP) between December 2012 and October 2014. This process has been reconstructed on the basis of review of documentation including the final completion report, Socio economic and Physical mapping report, progress reports etc.

1.5.2 Stakeholder Meetings and Consultations
County Government of Nyeri
The re-entry into the settlement was preceded by a meeting with the County government of Nyeri’s Ministry of Lands, Housing, Physical Planning and Urbanization, where the county pledged support for the exercise and allocated staffing for easier access to the settlement. The meeting also served as an advisory on emerging issues in the settlement. In addition, an exit meeting with the county reiterated the need to accelerate the RAP process so as to finalize the issuance of titles.

National Land Commission
A meeting with National Land Commission (NLC) sought to shed light on developments in the settlement including emerging grievances as a result of the titling process.

1.5.3 Identification of PAPs
Due to the time lapse since the surveying of the settlement, the identification of PAPs was a sequential and systematic process to ensure all affected parties were identified.
1. **Overlay of Survey plan and Structure maps**

Before carrying out field visits, a desk analysis that sought to identify the number of Project Affected Persons/Institutions (PAP/Is) impacted by the demarcation of settlement boundaries was undertaken. In this case, individuals/institutions with structures that fell outside the parcel boundaries were considered affected as they would have, in most cases pull down their structures and construct them within the boundaries of the allocated parcels.

2. **Settlement Executive Committee Meeting**

KISIP had formed a Settlement Executive Committee (SEC) during the planning and survey activity. This was found to be active—having evolved to handle a broader range of issues than KISIP related activities, and having incorporated the younger generation as a sustainability measure. A meeting with the SEC sought to update on the findings of the Bank’s social audit, as well as seeking a status update on the position of beacons, and movement and relocation of the community since the surveying process, and—with a focus more those affected by interboundary alignment, relocation (in the sense of resettlement from one parcel to a different one) and road expansion.

The meeting was crucial in shedding light on emerging concerns related to the titling process (e.g. where names on titles were misspelt or did not match the National Identity Cards), and emerging grievances.

3. **Transect Walks**

In collaboration with the SEC, (and with other community members joining), a systematic parcel by parcel transect walk was used to identify businesses and structures affected by interboundary and road wayleave alignment. In each case, the nature of impact was noted and a list of structure owners developed for purposes of the socioeconomic and valuation (assessment) carried out the following day. This proved useful for various reasons:

- The SEC in all settlements were effective in identifying over 90% of the affected structures, whether intact or cases where these had been relocated already.\(^4\) Their knowledge of the settlement proved to be very key to the exercise.
- In areas where the structure had already been relocated, the SEC and the neighbours could not only identify but also verify indeed if such a structure existed previously, and its make.
- Through verification, outsiders would not be included as PAPs.

As part of this exercise, photographs of the affected structures were taken.\(^5\) In all cases, a PAP/I was required to indicate the location of the beacons, where KISIP officers and the SEC indeed verified if the structures were indeed affected. Where the structure had already been demolished, the PAP was required to physically indicate the site that previously hosted the structures, and the SEC would verify. At the end of the exercise, the SEC and KISIP team mobilised the PAPs for a PAP meeting held the following day.

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\(^4\) The rest were largely identified through transect walks and discussions with the settlement beneficiaries on whether any structures had been affected. Even in those cases, the SEC and the neighbors had to verify that indeed such structures had existed and had been affected, where already demolished.

\(^5\) Reconstructed and those yet to be reconstructed
In addition, a comprehensive list of the PAPs, structure affected (and its nature), and cause of impact was developed. This list served as the basis of the socioeconomic and valuation exercise the next day, thus eliminating possibility of duplication.

1.5.4 Socioeconomic survey
Using the PAP list developed, each PAP (person or institution) was visited and a social economic questionnaire administered on 26th January 2018. Where livelihood involved a business, an additional enterprise questionnaire was filled. A separate institutional questionnaire was administered for affected institutions. The interview solicited quantitative information on demographic structure, livelihood, employment and income, housing details, household wellbeing and welfare, access to health and education facilities, waste disposal, community based support networks, fears/concerns over the proposed development, and suggestions for resolution (including the preference for compensation), among other ARAP issues. The enterprise interview solicited for information on management, income, staffing, nature and ownership of business, registration status, clientele, business owners concerns about the project and recommendations of how these can be addressed.

1.5.5 Verification of PAPs, and Addressing their Concerns
A meeting with all PAPs was held on 26th January 2018. Due to the nature of the participants including the elderly, the meeting was held in a mix of the local language i.e. Kikuyu and Swahili. The messages revolved around structures and persons eligible for facilitation, use of facilitation for the intended purpose, procedures for relocation including notice period, Cut-off date etc. The list of PAPs and affected structure was read out for verification purposes. In addition, it was noted that the SEC had been collecting concerns related to titles already issued. Rather than establishing a separate grievance redress mechanism, the community agreed that the SEC (with the SEC secretary acting as the records keeper) should continue collecting all the concerns. This exercise would inform the basis of a verification exercise that was to be carried out by both KISIP Nairobi and Nyeri, together with the National Land commission to ensure titles with issues would be corrected/reissued.

1.5.6 Assessment (valuation)
A parallel valuation exercise/assessment was undertaken by a registered valuer. This included a second assessment of the impact by assessing the location of the structure in respective to the beacons. The affected structure was also measured using a tape measure and its make including materials taken.

Where the structure had already been demolished, the owner was asked to show its former location and to describe its make and size. The size was re-established using the newly reconstructed structure as a comparison. The SEC was asked to verify the details issued.

Asset Valuation methodology
Valuation can simply be defined as the art or science of establishing the value (worth) of a particular interest in property for a specific purpose and at a particular moment in time; taking into considerations all the features of the property and also considering all the underlying factors of the market. Asset valuation is a way of objectively determining the worth of an asset by a qualified professional. In Kenya, the Valuers Act cap 532 prescribes who a qualified valuer
is. In summary, the law provides for a qualified valuer being a registered valuer under the Valuers registration board and in practice the valuer should be licenced to practice as at the time of valuation of the property assets. This is the professional who was involved in survey and valuation in Riamukurwe informal settlement.

This exercise involved:

- Determination of the affected asset i.e. assessment of the impact by assessing the location of asset in respect to the beacons.
- Carrying out a physical inspection of the properties under instruction by measuring and taking details of ownership, construction, accommodation and locational attributes.
- Inspection of ‘ownership’ documents of land, or legal documentation of structure owner in presence of SEC to verify the person was indeed a PAP and known to the settlement.
- Writing a report on the subject properties detailing the determined values for compensation purposes and presenting the report and valuation as per professional requirements and more specific the general remarks concerning the subject properties.

The International Valuation Standards Council (IVSC), as well as most major valuation standard setters in the world, refers to three approaches to valuation, namely, the Comparison approach, the Investment approach (Discounted Cash Flow approach) and Depreciated Replacement Cost approach.

Kenyan laws do not prescribe the valuation techniques that must be used in resettlement and compensation cases but states that the valuer uses market value. The acquiring authority is free to choose any of the three valuation approaches depending on the particular circumstance of the property being valued. The valuation technique used to measure market value should, however, be appropriate for the circumstances, and should be supported by availability of sufficient data. This is summarized in the table below;

<table>
<thead>
<tr>
<th>Value Approach</th>
<th>Application guidance provided by IVSC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Market approach</strong></td>
<td></td>
</tr>
<tr>
<td>Valuation technique</td>
<td></td>
</tr>
<tr>
<td>uses prices and other</td>
<td>• Under the market approach, the value is determined based on comparable transactions. Although property interests are not homogeneous, the IVSC considers the market approach most commonly applied.</td>
</tr>
<tr>
<td>relevant information</td>
<td>• “In order to compare the subject of the valuation with the price of other real property interests that have been recently exchanged or that may be currently available in the market, it is usual to adopt a suitable unit of comparison.”</td>
</tr>
<tr>
<td>generated by market</td>
<td>• A unit of comparison is only useful when it is consistently selected and applied to the subject property and the comparable property interests in each analysis.”</td>
</tr>
<tr>
<td>transactions involving</td>
<td></td>
</tr>
<tr>
<td>identical or comparable</td>
<td></td>
</tr>
<tr>
<td>assets</td>
<td></td>
</tr>
<tr>
<td><strong>Income approach</strong></td>
<td></td>
</tr>
<tr>
<td>Valuation techniques</td>
<td>Various valuation methods can be captured under this valuation technique. They all have in common that the valuation is based on estimated future income and profits or cash flows.</td>
</tr>
<tr>
<td>converts expected</td>
<td>Most commonly recognized are the: <strong>Income capitalization method</strong>, also known as the yield method under which a constant income stream is capitalized; and,</td>
</tr>
<tr>
<td>future net cash flows</td>
<td></td>
</tr>
<tr>
<td>to a single current</td>
<td></td>
</tr>
<tr>
<td>(discounted) amount</td>
<td></td>
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</tbody>
</table>
The discounted cash flow method.
“The yield method” is quick and simple but cannot be reliably used where the income is expected to change in future periods to an extent greater than that generally expected in the market or where a more sophisticated analysis of risk is required. In such cases, various forms of discounted cash flow models can be used.”

<table>
<thead>
<tr>
<th>Cost approach</th>
<th>Valuation technique</th>
<th>that reflects the amount that would be required currently to replace the service capacity of an asset (often referred to as current replacement cost)</th>
</tr>
</thead>
<tbody>
<tr>
<td>IVSC considers that this method should be applied by exception only:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>“It is normally used when there is either no evidence of transaction prices for similar property or no identifiable actual or notional income stream that would accrue to the owner of the relevant interest. It is principally used for the valuation of specialized property, which is property that is rarely if ever sold in the market, except by way of sale of the business or entity of which it is part.”</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The World Bank and Choice of the Value Approach
The Replacement cost (RC) approach is the basis of value preferred by the World Bank’s OP 4.12 Policy guidelines on involuntary resettlement. Replacement cost is the estimated cost to construct, at current prices, a building with utility equivalent to the building being valued. The concept of replacement assumes the use of modern materials and current standards, design, layout, and quality of workmanship.

The concept of replacement embodies all the subject property’s attractions and deficiencies that in valuation of assets are accounted for by the process of depreciation. The World Bank’s OP 4.12 Policy guidelines on involuntary resettlement, however, disallows depreciation of assets for compensation purposes. This simply translates to assessing “replacement cost” as if the structure being valued is new and has been constructed using modern materials and current standards, design, layout, and quality of workmanship.

Similar floor area of premises can easily be understood to offer similar utility but what are modern materials, design and layout can be contentious. This report has assumed that “replacement cost” refers to the cost of buying or creating an alternative new asset that provides the same utility as provided by the subject property.

Building costs can be estimated in several ways, including:

1. The square-foot method (aka comparison method) takes the cost per square foot of a recently developed comparable property and multiplies it by the square footage, using the external dimensions of the structures of the subject property.
2. The unit-in-place method estimates the cost of the subject property by summing the costs of the individual components of the structures, such as materials, labour, overhead, and profit.
3. The quantity-survey method estimates the separate costs of construction materials (wood, plaster, etc.), labour, and other factors and adds them together. This method is the most accurate and the most expensive method.
4. There is also an index method that uses the actual construction cost of the subject property, then multiplies it by how much the cost of materials and labour have increased
since the structure was built. This method is deemed the least accurate and is generally used as a check on the 3 main methods of reproduction or replacement cost.

Project Approach
For this RAP, the Valuation has adopted what it would cost to build a new structure (costs of preparing the site, purchase and delivery of materials, and labour without allowing for depreciation) as the replacement cost. Dividing the total cost by the plinth area of the structure in square feet gives the rate per square foot used in the report. Contract average prices all-in rates of construction in the major towns are available in the Quantity Surveyors Journal published in Kenya.

The calculation of replacement cost at current market values was made using information collected from both secondary and primary sources (direct interviews with project affected and interested people) and from the provincial administration. Replacement cost at current market value of business structures will be based on current fair market prices for new building materials and labour, without any deductions made for depreciations or for salvaged building materials.

Valuation of Loss of Structures
Replacement cost was adopted for structures. This is the cost of constructing similar structures using local labourers and materials. The labour cost is adopted from costs provided from experienced workers within the settlement. They were then adjusted to suit the various common structures within the settlement. The cost was however discounted to reflect the reimbursables since the structures had already been rebuilt and hence market value in this case will be the value of reimbursable to effect similar constructions.

Valuation of trees
Tree value rate is adopted from the forest order No. 132 of 2012. According to the Forest Act the rate is the rate of licensing cutting of forest cover by the Kenya Forestry Service. The various trees will be valued differently according to the Act and hence different sizes/ages of trees categorized as Young, Average and mature. A valuer derives the rates and adjusts to suit the specific category of tree.

Other entitlements related to Assets/Livelihoods
These are as defined in the entitlement matrix in Section 7.3
2. DESCRIPTION: PLANNING AND SURVEY OF RIAMUKURWE INFORMAL SETTLEMENT

2.1 INTRODUCTION

The colonial town of Nyeri was the centre of the Happy Valley settlers, a group of British aristocrats and adventurers who became famous for their infamous decadent lifestyles and exploits in the first half of the 20th century. The Informal settlements involved in the KISIP project are some of the colonial relics that remained behind and were the areas where Africans were sequestered and prohibited from general interaction with the white population. These settlements, including Riamukurwe have come to be known in wider terms as colonial villages, where the land is owned communally and individual land rights were discouraged and non-existent.

The settlements were created by hiving off a small section of the big white farm lands to settle the natives who worked on the farms. After independence, the people in the colonial villages were settled back in the farms. However, because of land grabbing by the leaders at the time, not all people could be resettled, and a number remained in the colonial villages. The settlements remained as a British crown land until 2003 when the government ended that tenure system. The Kenyan government issued titles to the villages and surrendered them to Nyeri County Council as a trustee on behalf of the people living in the colonial villages.

2.2 CONTEXT FOR PLANNING AND SURVEY ACTIVITIES BY KISIP

The population in the settlements kept increasing with time and by the turn of the century; many of the villages could not accommodate more people. The government through the department of Physical Planning, Nyeri County Council and the local community began the preparation of plans for the settlements. Fresh picking was done in the villages, lists of owners generated and LPDPs were prepared. The outputs were validated except the list of owners. Some LPDPs were found to need amendments. The final LPDPs were prepared and approved but some villages have had back and forth process with the then Nyeri county council as it was claimed more plots were created and given to ghost owners who the villagers could not agree with.

In 2012, the Kenya Informal Settlement Improvement Project (KISIP) picked a number of the colonial villages including Riamukurwe for planning and survey, with an intention to issue ownership documents to residents. The residents were found to have the unique characteristic of semi-formal land ownership system, as they had some form of document outlining their rights to the land they occupied. This is regardless of the fact that the settlement was located on land owned by the Government of Kenya.

Geographically, Riamukurwe is approximately 0.6 kilometres south west of Nyeri town and covering a total area of 12.5 Hectares. The settlement is located in Nyeri town constituency, Mukaro location, Municipality division, Riamukurwe sub location, approximately 1,760 meters above sea level. It has an almost flat terrain of 1.25 % slope around its central parts to a
moderately gentle slope of 8.3% around the other sections all of which drains North eastwards towards the Thuta River.

The settlement is composed of sparsely distributed semi-permanent wooden walled buildings over the settlement with the commercial area having a slightly higher density of stone walled one storied settlement permanent buildings. Just like the other settlements in Nyeri county, most of the left-over land around the residential houses are being used for small scale farming and dairy cow keeping.

The settlement is well endowed with spaces for public purpose activities such as a slaughter house, a secondary and a primary school, churches (Catholic Church and Baptist church), chief’s office, a dispensary, a cattle clutch, an open-air market, a public cemetery and a solid waste collection site.

2.3 PLANNING AND SURVEY DESIGN AND APPROACH
The highly consultative and participatory planning and surveying process was undertaken through review of the existing relevant project documents (such as the LPDPs, Survey Plans, Development Plans, Aerial Photographs, Acts of Parliament, Policies, existing owners' lists for various settlements, minutes of meetings and the various reports among others.

The collation of the data and information was done in three stages:

- The initial stage was the Intensive Reconnaissance survey conducted to determine the suitability for planning and to determine the best methods of operation once the actual project work starts.
- Stage 2 but complementary to the process above was aerial photographs, topographical planning maps, and photo mosaics of the study area - for the purposes of a comprehensive trend analysis of the spatial pattern of development over time and to assess the level of intervention required. This also involved collection and analysis of all identifiable secondary data relating to slums and informal settlements in the study area. This included reports compiled by various government departments and non-governmental organizations and other data such as census reports. Inventory of reference material on relevant planning policies and legal documents was a continuous process in which the consultants collected and perused through relevant documents. These acted as a guide to the planning process and a check to ensure that the final outputs would follow legal stipulations.
- The third stage was the collection and analysis of primary data on the housing, household, environmental sanitation and socio-economic characteristics of slums and informal settlements. This included a field survey of the settlement which involved visiting the site, interviewing respondents, collecting physical and socio-economic data, updating maps among several other activities.

Present during these visits was the consultants' team comprising of the surveyors and the planners, the client made of the KISIP secretariat, County Government officials and the local SEC as representatives of the people.

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7 The commercial area was not the subject of KISIP planning and Survey.
2.4 Development of Land Information System (LIS)

The Land Information System (LIS), for Informal Settlements survey is a tool developed to build a robust information system on infrastructural facilities available in slums and also about the socio-economic profile of the beneficiaries and their livelihoods. This LIS is a databank which enables analysis, monitoring and planning with multi-faceted benefits such as:

a. Informed decision making for Planners & Policy makers
b. Identification of the livelihood needs like primary education, training, employment etc. in each informal settlement area. Decision can be taken on the needs or area of focus for development of individuals as well as the settlements.
c. Identification of the prevailing conditions of illiteracy, child labour, unemployment etc. in the areas
d. Prioritization of the needs based on the analysis leading to realistic planning and effective implementation.
e. Impact assessment of projects implemented in the areas
f. Impact assessment of livelihoods initiatives/schemes taken up by Government
g. Development of participatory tools

The system will be Land /Parcel Management Database capable of addressing Specialist Software query applications to develop reports and maps utilizing data from software applications; such as Sequel. The system has GIS capability as an inbuilt feature (single suite capability) and support queries from both spatial and attribute data (planning, socio economic, finance, customer) addressing questions such as where, who, how far/near from multiple stakeholder view.

The system will support reporting (user built) from maps to table data and vice-versa. All data will be exportable as XML to support offline integration with other cooperate systems in use. The system will be based on four modules: Data, User interface, GIS and business. Each module will feature industry based security services to support, confidentiality, integrity and availability.

2.5 Socio-economic and Physical Mapping, Enumeration and Structure Numbering

The settlement mapping exercise took place hand in hand with the enumeration process as such all the households in all the settlement were interviewed. This gave a 100% return rate thus eliminating the need for obtaining a representative sample. In Riamukurwe, the consultants held a one-day training session for the research assistants and village elders (SEC members). This was followed up by a practical lessons and questionnaire testing which enabled the consultants gauge the level of preparedness of the enumerators and effectiveness of the research instruments.

The interview usually lasted between 45 and 60 minutes. The structured questionnaire covered key areas including Socio-demographic characteristics, Disability, chronic illness and health status of all household members, Public facilities frequented and sufficiency of infrastructure, Education Levels, Household income and expenditure etc. However, this socio economic data is considered outdated and was not used for the purposes of preparing this ARAP.
2.6 SETTLEMENT MAPPING:
The preparation for site mapping included survey work where identification and picking of the settlement boundary was done by surveyors. The surveyors were guided by existing cadastre map and LPDP. Prior to the field work, the consultants prepared a base map from aerial maps provided by the client, KISIP. This was done by merging the boundary map and the aerial map of the informal and then digitizing all the physical features including structures and infrastructure like roads and water points among other highlights like schools, churches, mosques etc. This map was used as the basis and guide during the study especially in the planning phase where some of the sites needed to be zoned to accommodate the various teams involved.
During the mapping exercise, these maps were further updated to accommodate newer structures and features that were non-existent at the time the aerial pictures were taken or were left out during the digitizing process.

2.6.1 Structure Numbering
The settlement was divided into zones for ease of enumeration. The definition used to identify a structure was that of a building standing independently of the other buildings and used mainly for living and sleeping purposes. For this reason, free standing toilets and kitchens were not counted as structures.

2.6.2 Plan Approval
The prepared plan was endorsed by the community and County Government, and approved by the Department of Physical Planning.

2.7 SURVEY WORK
The initial stages of the survey work involved identification, establishment and verification of the perimeter boundaries for the informal settlement. This was followed by generation of Digital Base Maps covering the said areas for planning and subdivision.
The team managed to integrate all data from diverse sources after all products had undergone and passed quality control standards. The data integrations occurred through superimposition of layers, points, lines, areas, polygons. These were accurate and there were practically no shifts or errors in the final product.
The consultants were able to generate all subdivisions and boundaries accurately after establishing a multi-faceted and user friendly GIS.
The eventual work involved picking the individual plot boundaries as well the settlements' boundaries as illustrated in the revised LPDP and placing of beacons to that effect. These picked boundaries were then plotted on survey plans which were presented to the Director of Surveys for approval.

2.8 PROCESS OUTCOMES
This result of the planning and survey (which mainly targeted the residential areas) was a revised plan (Figure 2.1). The revised LPDP produced 106 plots where 41 plots are owned by female beneficiaries, 53 by male beneficiaries, 2 plots co-owned by 2 female beneficiaries each, 1 plot co-owned by 2 male beneficiaries, 2 churches, 1 public nursery school, 1 secondary school, a plot proposed for solid waste management, a market, 1 plot reserved for the public administration, 1 dispensary and a community cemetery. In total, these are 109 beneficiaries,
of which 55 are male and 45 female. In 2016, a total 92 titles have been issued and 14 are pending.

The approved LPDP provided for 15m, 9m and 6m roads within the settlement.

2.9 Alternative Measures considered towards minimizing the Potential Impacts

The following measures were used to ensure that resettlement impacts were minimized for PAPs:

- The nature of the assignment took an improvement angle as opposed to renewal or total redevelopment of the settlement. This means where possible, the 2007 LPDP was largely implemented as is, rather than major modifications.
- The plan design was structured with precision to ensure that the proposed 15m, 9m and 6m carriage way affected as few structures as possible. This was done to minimize the impact on the beneficiaries.
Figure 2-1 Riamukurwe LPDP
3. POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

3.1 INTRODUCTION
Riamukurwe Informal settlement sits on public land (as at time of KISIP’s entry). However, all improvements on the land are considered private property. This section of the ARAP therefore considers the relevant Government of Kenya (GOK) legislation, as well as relevant international safeguards such as the World Bank Safeguard Policies that frame the approach towards impact on the Project Affected Persons. This is done to ensure that adequate mitigation measures are put in place to deal with the negative impact. Further, the relevant legal sections are spelt out to ensure that all project related activities are in conformity with the existing laws, and regulations, and international best practices. Where conflicts exist between the national framework and World Bank policies, Bank policy will prevail.

3.2 POLICY FRAMEWORK

3.2.1 The National Housing Policy
The National Housing Policy seeks to address issues that affects provision of adequate shelter and healthy living environment at an affordable cost for all Kenyans. It recognizes that need to facilitate access to land and security of tenure for all socio-economic groups, including the pertinent need to eliminate legal and customary barriers, where they exist, to women’s equal access and control of land and finance. Specifically, it recognizes that security of land tenure is a central requirement for clearing the backlog of housing demand for the urban poor

The policy sees the need for upgrading of informal settlements and slums through for instance ensuring security of land tenure, provision of basic infrastructural facilities and services, improvement of housing structure and the socio-economic status of the target community. Most importantly, it indicates that such efforts of planning and infrastructure development need to be undertaken with minimal displacement to the host populations.

3.2.2 National Land policy
Through the sessional paper, the government seeks to guide the country towards efficient, sustainable and equitable use of land for prosperity and posterity, noting that land is at the heart of the economic, social, and cultural development of Kenya.

The policy provides overall framework for land administration and management guided by among others, the principles of gender equity and secure land rights. In section 3.6 on land issues requiring special intervention, land rights of women; and land rights in informal settlements and for informal activities are included, noting that the particularly for the former, the problem is the absence of security of tenure and planning. Here the government proposes to:

- Take an inventory of genuine squatters and people who live in informal settlements;
- Facilitate planning of land found to be suitable for human settlement;
- Facilitate the regularization of existing squatter settlements found on public and community land for purposes of upgrading or development;

On gender and equity principles, the government purposes to:

- Protect the rights of women in issues of inheritance to land and land-based resources;
- Make provision for joint spousal registration and documentation of land rights, and for joint spousal consent to land disposals, applicable for all forms of tenure; KISIP undertaking is geared to addressing the above-mentioned requirements and in meeting the overall aims of the National Land Policy. One of the key components of the KISIP is land tenure regularization. Under it, the overall objective is to transform informal settlements from settlements with insecure land tenure and poor living conditions into officially recognized settlements, and in the process fully recognising and enhancing gender rights.

### 3.3 LEGAL FRAMEWORK

#### 3.3.1 Constitution of Kenya (2010)
The Constitution of Kenya 2010 acts as the overarching legal framework for the RAP. It defines public land to include land which at the effective date was un-aliensated government land as defined by an Act of Parliament in force at the effective date, as well as land in respect of which no individual or community ownership can be established by any legal process. It vests such land vest to the county government in trust for the people resident in the county, and shall be administered on their behalf by the National Land Commission.

Article 27 of the Constitution promotes gender equality and freedom from discrimination. The Constitution provides for equitable access to land, security of land rights and means for dispute settlement for community, private and public land. Section 40 protects the right to individual and association property, noting that every person has the right, to acquire and own property (a) of any description; and (b) in any part of Kenya.

There are general sections that deal with for instance issues of justice, land deprivation and security of land rights:

- Article 10(2) (b) upholds human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized.
- Article 19(2) recognizes and protects human rights and fundamental freedoms in order to preserve dignity of individuals, communities and to promote social justice.
- Article 21(1) states that it is the duty of the state and every state organ to observe, respect, protect, promote and fulfill the rights and fundamental freedoms of every citizen. In 21(3), all the state organs and public officers have the duty to address the needs of vulnerable groups within society including women, children, older persons, persons with disabilities, youth, members of minority groups, marginalized communities and particular ethnic, religious or cultural communities.
- Article 40(1) protects rights to land.

**Article 60** is on the use of land; this article articulates the principles of land use and management. It states that land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable, and in accordance with the following principles:

- equitable access to land;
- security of land rights;
- sustainable and productive management of land resources;
- transparent and cost effective administration of land;
sound conservation and protection of ecologically sensitive areas.

It is important to note that the Constitution makes reference to or sees the need to explicitly guarantee rights of special groups. For instance, Article 53 addresses Children’s rights, Article 54 makes reference to persons with disability, while Article 56 speaks of minorities and marginalized groups. Article 57 looks at older persons. By talking about those that are unable to support themselves and their dependants, Article 43(3) can be looked at as providing for those who are vulnerable, and which has been considered in this project.

3.3.2 The Land Act, 2012
This Act applies to all land declared as public land in Article 62 of the Constitution, allowing under Section 99 for it to be converted to private land by alienation.

In terms of settlement, Section 134 provides for Settlement schemes and programmes to provide shelter and livelihoods to squatters (identified through a Sub-County selection committee), including those involuntary displaced by development projects. This section mandates the Commission to implement and administrate such settlement programmes on behalf of the national and county governments, with the settlement being undertaken on public land, and where such is not available the NLC has to buy such land.

3.3.3 County Governments Act, 2012
The Act provides the framework for plan implementation and development control. Every County government may prohibit and control the development and use of land and buildings in the interest of the proper and orderly development of its area.
It reiterates the role of the county government as to prohibit, control and regulate trade and trading activities within their jurisdiction.

3.3.4 The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012
This Act identifies Internally Displaced Persons (IDPs) to include persons displaced by a range of factors. Of most importance here is displacement by large scale development projects. The Act calls for full respect of the rights of such individuals or groups as provided for the fundamental rights and freedoms under the Bill of Rights of the Constitution of Kenya.

The IDP Act internalizes high value safeguards techniques such as the application of a free, prior and informed consent process that emphasizes the quality and meaningfulness of affected community participation including the impact that views obtained during consultations have on the final decision.

Part I Section 6 and Part V Section 21 set the conditions and standards for displacement and relocation due to development projects. This is only justified by compelling and overriding public interests.

Sections 21-22 provide the guiding principles in cases of displacement due to development projects:
o Demonstrate that the displacement is unavoidable and no feasible alternatives exist;
  o Seek the free and informed consent of the affected persons;
  o Hold public hearings on the project planning;
  o Provision of safe, adequate and habitable sites and to the greatest practicable extent, of proper accommodation;
  o Creation of satisfactory conditions of safety, nutrition, health and hygiene and the protection of the family unity; and
  o Full participation of the affected persons in the planning, management of the displacement, and in defining suitable durable solutions;

  • In as far as displacement is carried out in a manner that is respectful of the human rights of those affected, special attention has to be given to the special needs of women, children, elderly and persons with special needs especially their effective participation in the planning, management of the displacement, and in defining suitable durable solutions.
  • During the displacement and relocation, a government official has to be present, and the monitoring undertaken by an independent body.

3.3.5 Valuers Act Cap 532

The valuation practice in Kenya is governed by the Valuers Act Cap 532, which provides for a Valuers Registration Board that regulates the activities and conduct of registered valuers. Valuers in Kenya are registered upon application to the Board and are required to be full members of the Institution of Surveyors of Kenya (ISK).

The Act is relevant in this case since for assessment of compensation amount valuation principals are key and only a qualified valuer as per the Act is allowed to do assessment for compensation purposes.

3.3.6 Traffic Act Cap. 403

The relevant sections in this Act relate to encroachment on roads and other public utilities. Section 91(1) clearly illegalizes any encroachment on a road or road reserve. This relates to any person who may erect any building, advertisement sign, dig ditches, plant trees or any other obstacles or deposit without valid written permission from the relevant authority. In subsection (2) the Act empowers the Authority to remove anything placed or erected on the road or reserve thus making it lawful for an authority to deal with the obstruction and encroachments.

3.3.7 Physical Planning Act Cap 286

The Act provides for the preparation and implementation of physical development plans, and for connected purposes.

Section 24 provides for the development of land use plans and local physical development plans to guide and coordinate development of infrastructural facilities, services and for the specific control, provision, use and development of land for public purposes. Section 24 (2) also deals with matters related to the development of local physical development plans. These plans offer an opportunity for progressive development of an area. This may include an aim to promote the provision of safety, order, public amenities, convenience and general welfare of the inhabitants of an area. It also provides for any provisions necessary for replanning and reconstruction of
the plan area, for purposes of providing for or making new roads, streets, bridges or right-of-way.

- Section 26 requires the Director (after developing the plan) to publish a notice announcing the plan is open for inspection thus providing opportunity for public participation in the process, and later republished after approval by the Minister as section 28 requires.
- Section 29 grants powers to local authorities to consider and approve all development applications and grant all development permissions. This in a way illegalizes all building undertaken without such approval, and thus Section 30 stipulates that any person carrying out development within the area of a local authority without a development permission granted by the local authority is guilty of an offence, liable to fines or imprisonment. The authority is required to give the developer ninety days’ notice to comply.

3.3.8 The Land and Environment Court, 2011
The Land and Environment Court is established under the Environment and Land Court Act, 2011 (No. 19 of 2011). It is empowered by law, given the status of the High Court and has the jurisdiction to hear and determine disputes, actions and proceedings concerning compulsory acquisition of land.

The ideal situation is the use of appropriate means of traditional dispute resolution, conciliation and mediation as proposed under Section 20 of Environment and Land Court Act. The use of the Land and Environment Court should be an option of last resort.

PAPs should be informed of the Land and Environment Court option. However, they should be notified that the costs of this option should be met by the individual complainants unless the court dictates otherwise.

3.4 KISIP’S RESETTLEMENT POLICY FRAMEWORK


OP 4.12 of the World Bank requires that an RPF be prepared for all projects that anticipate displacement of both settlements and livelihoods. Though minimal, if any displacement is anticipated from KISIP activities, this RPF:

i. Provides for a policy, legal and institutional framework for responding to all displacement impacts occasioned by activities undertaken under KISIP. This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by:

- Relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
• The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

ii. Offers choices among, and identify technically and economically feasible resettlement alternatives; and,

iii. Puts in place modalities for providing prompt and effective compensation at full replacement cost for loss of assets attributable directly to the project and provide support during the transitional period to enable the affected people to improve or at least restore their pre-impact living standards.

3.5 WORLD BANK SAFEGUARDS

The most relevant include:

3.5.1 Operational Policy (OP) 4.12 on Involuntary Resettlement

The World Bank Resettlement Policy Framework i.e. Operational Policy (OP) 4.12 on involuntary resettlement (including OP 4.12 Annex A on Involuntary Resettlement Instruments) are normally applied for projects that require international financing. In general, these largely advocate for developers to avoid or minimize involuntary acquisition, defined as actions that may be taken without the displaced person's informed consent or power of choice. Where applicable, they advocate for an improvement or restoration of livelihoods and standards of living of those displaced in real terms relative to pre-displacement levels, or to levels prevailing prior to the beginning of project implementation, whichever is higher.

The most relevant paragraphs from the policy are listed below.

• OP. 4.12 (8) draws special attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

• OP. 4.12 (12) requires payment of cash compensation for lost assets as well as livelihoods that are not land-based. Cash compensation levels should be sufficient to replace the lost assets at full replacement cost in local markets.

• OP. 4.12 (13a) requires that displaced persons and their communities, and any host communities are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement.

• OP. 4.12 (13a) requires that appropriate and accessible grievance mechanisms should be established for these groups.

• OP. 4.12 (6 a, b and c) dwells on compensation. These sub sections state that in case of physical relocation, displaced persons should be provided:
  o Prompt and effective compensation at full replacement costs for loss of assets;
  o Assistance (such as moving allowances) and residential housing or housing sites or as required, and other factors, at least equivalent to the advantages of the old site during relocation;
  o Support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard
of living, development assistance in addition to compensation measures, credit facilities, training, or job opportunities.

- **OP. 4.12 (14 - 16)** dwell on eligibility for benefits:
  - 14 requires a census to identify the persons who will be affected by the project and to discourage inflow of people ineligible for assistance. The project proponent is required to develop an entitlement matrix and criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. This procedure should provide for opportunity for meaningful consultations with affected persons and communities, local authorities, and Non-Governmental Organizations (NGOs) where appropriate. They should also specify grievance mechanisms.
  - 15 requires compensation of 3 groups of persons: those with formal legal rights to land (including customary and traditional rights), those without formal legal rights to land but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan, and those who have no recognizable legal right or claim to the land they are occupying.
  - Persons with no recognizable legal right or claim are provided resettlement assistance in addition to compensation for lost assets other than land. All 3 groups are provided compensation for loss of assets other than land.
  - 16 provides for the establishment of a cut-off date, meaning persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

- **OP. 4.12 (22)** requires the relevant draft resettlement instrument be made publicly available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them.

- These are provisions integrated into the development of this ARAP.

**3.5.2 BP 17.50 – Public Disclosure**

If for instance, the project is financed by the World Bank, relevant documents related to the project have to be disclosed in-country in a public place in a form and language that are understandable and accessible to project-affected groups and local NGOs.
### 3.6 Comparison between Kenyan Legal Provisions and World Bank Safeguards


<table>
<thead>
<tr>
<th>Category of PAPs/ Type of Lost Assets</th>
<th>Kenyan Law</th>
<th>World Bank OP 4.12</th>
<th>Gap Measures</th>
<th>Filling Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Qualification for compensation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Squatters (i.e. those who have no recognizable legal right or claim to the land that they are occupying)</td>
<td>The constitution recognizes ‘occupants of land even if they do not have titles’ and payment made in good faith to those occupants of land. However, this does not include those who illegally acquired land. Encroaching onto public land prosecutable as criminal offense. Actually, the traffic Act makes it an offense to encroach on a road reserve.</td>
<td>Must be compensated for any improvement on the land whatever the legal recognition of their occupancy, and considered for resettlement</td>
<td>WB OP. 4.12 prevails. 2 beneficiaries resettled within settlement. Rest receive the land occupied rather than resettlement.</td>
<td></td>
</tr>
<tr>
<td><strong>Compensation Type and Timing</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preferred value approach</td>
<td>Just and Fair compensation is not explicitly defined but in practice considered as market value.</td>
<td>Replacement Cost approach is used.</td>
<td>WB OP. 4.12 prevails.</td>
<td></td>
</tr>
<tr>
<td>Livelihood restoration and development assistance</td>
<td>Not specific on livelihood restoration.</td>
<td>Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better.</td>
<td>Offer support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore livelihoods and standards of living (for ex. land preparation, jobs, credit facilities)</td>
<td>WB OP. 4.12 prevails.</td>
</tr>
<tr>
<td>Timing of compensation payments</td>
<td>The Land Act provides for prompt, just compensation before occupation</td>
<td>Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.</td>
<td>Follow the principles of OP. 4.12</td>
<td></td>
</tr>
<tr>
<td>Relocation/resettlement assistance</td>
<td>The Land Act does not out rightly stipulate assistance for relocation.</td>
<td>Avoid or minimize involuntary resettlement and, where this is not feasible, moving and rental allowances provided for.</td>
<td>WB OP 4.12 takes precedence</td>
<td></td>
</tr>
</tbody>
</table>

**Consultation and Grievances**

- Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.
- Follow the principles of OP. 4.12
- Avoid or minimize involuntary resettlement and, where this is not feasible, moving and rental allowances provided for.
<table>
<thead>
<tr>
<th>Category of PAPs/ Type of Lost Assets</th>
<th>Kenyan Law</th>
<th>World Bank OP 4.12</th>
<th>Gap Filling Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultation and disclosure</td>
<td>The Land Act outlines procedures for consultation with affected population by the NLC and grievance management procedures. The IDP Act internalizes high value safeguards techniques such as the application of a free, prior and informed consent process that emphasizes the quality and meaningfulness of affected community participation including the impact that views obtained during consultations have on the final decision.</td>
<td>Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.</td>
<td>Implement consultation procedures as outlined in both Kenyan legislation and World Bank.</td>
</tr>
<tr>
<td>Disclosure</td>
<td><strong>Disclosure of ARAP</strong>&lt;br&gt;Public participation and access to information is entrenched in the constitution. However, no outright clause requiring e.g. ARAPs be made publically available.</td>
<td><strong>WB OP</strong> requires the draft resettlement instrument to be made available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them.</td>
<td><strong>WB OP 4.12</strong> takes precedence</td>
</tr>
<tr>
<td></td>
<td><strong>Grievance mechanism and dispute resolution</strong>&lt;br&gt;Land Act 2012 clearly outlines the steps and process for grievance redress that includes alternative dispute resolution, re-negotiation with NLC and is backed by the judicial system through the Environmental and Land Court</td>
<td><strong>Establish appropriate and accessible grievance mechanisms</strong></td>
<td>Both are applicable as project needs to establish own grievance mechanisms and those affected still have the right to a judicial process, if they choose to.</td>
</tr>
</tbody>
</table>
4. COMMUNITY AND PUBLIC PARTICIPATION

Access to a free, transparent, authentic, unbiased, timely and informative public consultation and participation process is a fundamental principle and component of the Resettlement Action Plan preparation and implementation process. It is also a constitutional right and a requirement of the World Bank Policy that contributes to the successful design, implementation, operation and management of any project. The main objective of an engagement process is to ensure inclusivity of all the parties (stakeholders, PAPs, interested parties), but also ensuring the proposals within the ARAP have the input of the concerned parties. Therefore, this exercise disseminates information to interested and affected parties (stakeholders), solicits their views and consults on sensitive issues, in order to add value to the ARAP design considerations, and to give those affected an opportunity to influence decisions that will affect their lives. In Riamukurwe, this involvement process involved consultations with relevant project-affected persons/groups/businesses and concerned government authorities in documenting their concerns, assessing potential impacts, and exploring avoidance and mitigation options.

4.1 OBJECTIVES OF PUBLIC CONSULTATION AND PARTICIPATION

The specific objectives of the consultation process for the ARAP were:

1. To provide clear, timely and accurate information about the ongoing project to the communities; this was key to bringing the community update on the progress of the project as well as the next steps to be undertaken given time had elapsed since titles were issued to some of the members;
2. To obtain feedback (the main concerns and perceptions) of the population and their representatives regarding the project; this included impacts, alternatives, and opportunities;
3. To identify the owners of the affected assets/property;
4. To obtain opinions and suggestions directly from the affected communities on their preferred mitigation measures; this included ensuring their concerns and priorities were understood and act as input into the decision-making process and inform the solutions.
5. To solicit feedback that can lead to improve project design (at least for other incomplete titling processes within settlements in KISIP) and, thereby, minimize conflicts and delays in implementation;
6. To reduce conflict through the early identification of contentious issues;
7. To manage expectations related to the project e.g. the fact that where a title had been issued, transfer to next of kin is a succession case beyond the mandate of KISIP as a programme.

4.2 PROJECT STAKEHOLDERS AND CONSULTATION APPROACH AND METHODS

Here, project stakeholders are defined as individuals, groups, or organizations, who may affect, be affected by, or perceive itself to be affected by a decision, activity, or outcome resulting from the planning and surveying activities in Riamukurwe. Identification and analysis of stakeholders formed the basis for planning and designing of stakeholder engagement activities. The stakeholders were identified on the basis of:
Their interest in the project: Found in area to be affected (directly or indirectly), have right of livelihood to the affected assets etc.

Have mandate over various issues related to the project and general matters that link to the project e.g. County government planning department,

Their power and measure of influence over the project and its outcomes e.g. National Land Commission

Those that are considered vulnerable within the project area, e.g. women, youth, elderly, low income earners, people living with disabilities. This group was identified as special stakeholder groups, their needs and considerations should be prioritized due to vulnerability.

The approach was based on five key principles:

- **Inform** - information dissemination on project progress, and next steps towards the completion of the titling process and the World Bank Social audit findings.
- **Involve** - all relevant stakeholders involved in so as to provide a platform to understand and prioritize their concerns.
- **Consult** - a process that solicited stakeholders’ feedback about aspects of the titling that had already been implemented as well as their inputs on the upcoming stages of the proposed activities, analysis of impacts and identification of priorities/mitigation.
- **Collaborate** - to enhance consensus building as collaboration brings the stakeholders together, creating opportunities, sharing agreements/ disagreements and understandings. Specifically, with county government of Nyeri, this involved agreements on the way forward towards swift completion of the ARAP process and titling of the pending sections of the settlement.
- **Empower** - integrating stakeholders into governance structures, committees and board members of the proposed project. To give them first-hand information on and enhancing opportunities to participate in crucial decision making, this principle is expected to be followed up on later stages of the project e.g. through formation of implementation and grievance redress committees.

### 4.3 Public Information and Consultation Methodology

Public participation was achieved using a variety of information and consultation methods. These were contextualized to the type of stakeholder and complexity of information to be shared or collected. This process was undertaken in close collaboration with the County Government of Nyeri, National Land Commission and the Settlement Executive Committee, leveraging on their more up to date knowledge on the settlement.

A total of 5 meetings were held concerning Riamukurwe ARAP, including 2 meetings with the County Government, Ministry of planning, one meeting with the Riamukurwe Settlement Executive Committee, one meeting with the Riamukurwe Project Affected Persons Meeting, and a meeting with the National Land Commission (Nyeri). Table 4.1 below summarizes the details including issues discussed and agreements reached.

The invitations to the community were largely through the SEC, and individually during the socio-economic and valuation exercise.
<table>
<thead>
<tr>
<th>Date</th>
<th>Category of Stakeholder</th>
<th>No. Of Participants</th>
<th>Issues Discussed</th>
<th>Key Agreements Reached</th>
</tr>
</thead>
</table>
| 25th January/2nd February 2018 | County Government of Nyeri, Ministry of Lands, Housing, Physical Planning and Urbanization | 7 8                 | • Findings of the World Bank’s social audit  
  • Update on KISIP project  
  • Status update on the settlement  
  • Fast tracking of ARAP preparation process  
  • Verification exercise                                                                 |                                                                                      |
| 31st January 2018    | National Land Commission                                                                  | 3 4                 | • Developments in the settlement including emerging grievances as a result of the titling process  
  • Joint verification process                                                                 |                                                                                      |
| 25th January 2018    | Settlement Executive Committee (SEC)                                                     | 16 8                | • Findings of the Bank’s social audit  
  • Update on KISIP project  
  • Status update on the settlement, including position of beacons  
  • Status update on movement of the community after surveying process  
  • Identification of PAPs  
  • Grievances arising from titling process  
  • Community concerns/views on impacts due to planning and survey  
  • Joint identification of PAPs. SEC was informed to remind the affected persons of the house visits the following day and more so those who were not at home at time of identification of the impact.  
  • Continued sensitization of community e.g. no person should request neighbour to move assets in interboundary cases until after ARAP implementation  
  • Need for GRM  
  • Need for verification exercise including titles already issued  
  • Cases of extreme vulnerability will receive assistance from SEC/community in reconstructing affected structures. |                                                                                      |
| 26th January 2018    | Project Affected Persons                                                                  | 14 18               | • Findings of Bank’s social audit  
  • Update on KISIP project  
  • Eligibility for facilitation, and Procedures for relocation including notice period  
  • Cut-off date established  
  • Community concerns on titling and impacts from planning and survey process.  
  • No person would be required or forced to move until a timely and substantial notice period is given to allow relocation  
  • Expiry of notice period will allow county to move  
  • Cut off declared                                                                 |                                                                                      |
4.4 PUBLIC CONSULTATION FINDINGS AND CONCERNS

The summary views of the community members and institutional stakeholders consulted are presented in the tables below which shows the issues raised by the PAPs and responses from the KISIP Team as well as County Government of Nyeri. These views of the County government, community and PAPs were documented and have been integrated into the resettlement measures and strategies outlined in this ARAP.

Table 4-2 Consultations with the County Government of Nyeri

<table>
<thead>
<tr>
<th>Questions/Comments/Concerns</th>
<th>Response by KISIP team</th>
</tr>
</thead>
<tbody>
<tr>
<td>The ARAP exercise was long overdue and happening way too late, over 6 years since KISIP interventions in these settlements started. There is therefore the possibility that some people have sold the parcels and relocated.</td>
<td>The intention was to fast track the ARAP process to ensure that the remaining titles can be issued as soon as possible, possibly before the closure of the programme in May. The exercise will involve parcel by parcel identification of PAPs.</td>
</tr>
<tr>
<td>Most of the issues reported in Riamukurwe concern the titles e.g. wrong names, and other normal disputes but can be solved without difficulty</td>
<td>A joint verification exercise will enable identify the issues related to the titles already issued. Setting up a GRM to identify and address any grievances is in the pipeline.</td>
</tr>
<tr>
<td>The main interests of the Community remain titles only. ARAP now complicates issues.</td>
<td>The ARAP process is central to the completion of the titling process.</td>
</tr>
<tr>
<td>Other ongoing programmes such as the presidential scheme often cause conflicts as people cannot tell the difference between those and KISIP.</td>
<td>This will be handled if it arises during the meetings, and necessary clarifications offered to the community.</td>
</tr>
<tr>
<td>There is need to exercise caution where money is involved as the numbers of PAPs may risk delaying completion of exercise.</td>
<td>The PAP meeting is preceded by the identification of the affected structures/assets. The SEC and neighbours will also be key in verifying the claims of affected structures.</td>
</tr>
<tr>
<td>Generally, there has been a lapse in information between KISIP and the county. E.g., the county is yet to receive the so mentioned audit report.</td>
<td>The Bank’s social audit will be availed to the County.</td>
</tr>
</tbody>
</table>

Table 4-3 Consultations with Settlement Executive Committee

<table>
<thead>
<tr>
<th>Questions/Comments/Concerns</th>
<th>Responses by KISIP Team/County Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>Names on some titles were wrongly spelt. Will this be corrected?</td>
<td>A verification exercise will be carried out jointly by KISIP and the County Government to identify such cases, and the cases brought to attention of the Ministry for correction.</td>
</tr>
<tr>
<td>There were people from other settlements whose names were indicated in this settlement. This was attributed to the fact that the consultant was working in several settlements at the same time thus likely to result in confusion. In addition, there was no have a proper validation process.</td>
<td>Since no community member lost any land, a verification exercise will be carried out jointly by KISIP and the County Government as soon as possible to identify such cases, and ensure the list of beneficiaries is updated with the correct names.</td>
</tr>
<tr>
<td>Some titles had all names of members in a family indicated including names of small children. This was a recipe for conflicts between parents and children. Indications are that names collected in household</td>
<td>This would be corrected during the verification exercise and proper titles issued.</td>
</tr>
</tbody>
</table>
enumeration were all translated in titles (at this point a SEC member pointed to his child in nursery who was indicated on his title)

| There was difference of 14 names between KISIP list of beneficiaries and the one on the ground done by SEC. KISIP had 106 but local had 120. Will this be corrected? | This could be a reason of inclusion of for instance commercial plots on the list that community has, which however follows a different titling process to be handled via the County government. However, the verification exercise will determine the cause of these differences. |
| Most public utilities were not indicated in the KISIP list of beneficiaries despite being enumerated This is contentious since there had been previous attempts to grab several public utilities. | The process of titling for the public utilities is handled by the County government thus the difference. The SEC is advised to pay a visit to the county and discuss this process of securing titles to public utilities. |
| There were 4 people sharing a very small plot of land but community hived part of the cemetery and resettled 2, but this wasn’t reflected in the plan. Can it be indicated? | The verification exercise will ascertain the correct position. |
| Why is the community receiving leasehold titles while other places people were receiving free hold titles? Lease hold titles are not ‘proper titles’ and attracted rates from county government. | The settlement is in a municipality thus leasehold titles. Other places are rural thus free hold titles. Since there has been a recent presidential order to scrap off rates for some of these settlements, the county is willing to relook at the issue of rates. Some programmes under the presidential programme on titles did indeed receive free hold titles but that is different from KISIP. |
| The community also raised a concern of when would the titles today. | The ARAP exercise is an important step in reactivating the titling process in the settlement. This will be complete in the following 2-3 months, and parallel verification exercise will be held to correct identify issues to be corrected to enable titling is complete this year. |

Table 4-4 Concerns from consultations with Project Affected Persons

<table>
<thead>
<tr>
<th>Questions/Comments/Concerns</th>
<th>KISIP Team/County Government/Local administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where the direct beneficiary was deceased and the family was in no position to do succession, would KISIP consider changing the titles?</td>
<td>The law is very clear if a title had already been issued, succession is the only process to change the name on it. If no title had been issued yet, KISIP can address that if all relevant documents are provided. Where titles have been issued already, the chief indicated he would write for the concerned families to take to court.</td>
</tr>
<tr>
<td>The local church already had a title but the LPDP shows that the administration and health centre was been proposed on a section of this land, how did this happen. (later the gentleman changed the story indicating no title had been issued yet)</td>
<td>The 2007 plan already showed the land in question as 3 parcels. If indeed there was a title, KISIP does not deal with such disputes. Only the National Land Commission (currently occupying the former provincial commissioner’s office in Nyeri town) can adjudicate in such cases. Even if the land was still public as some claim, still NLC will be involved, engaging the community on what they want to do with the land.</td>
</tr>
<tr>
<td>A neighbour to a lady indicated the beacon fell in her house but she was not around or in this meeting for</td>
<td>The group agreed that the team would check this out if the neighbour would seek her consent to allow the team into the compound after this meeting (NB this did happen and the valuer was able to assess the impact).</td>
</tr>
<tr>
<td><strong>My allotment letter does not have/carry my correct ID number or right name. Will this be corrected?</strong></td>
<td><strong>Such cases were noted including where children were indicated on titles. KISIP would organise for a verification and validation exercise, and such errors addressed.</strong></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>One man noted that the list of names produced by KISIP, gave his plot to someone else.</strong></td>
<td><strong>This was also highlighted as to be addressed through a verification exercise to be undertaken in the coming three months.</strong></td>
</tr>
<tr>
<td><strong>A deceased person’s names had wrongly been written on a title deed. However, the spouse (my mother) had legally remarried i.e. had a new marriage certificate, and we the deceased man’s children fear we will be dispossessed of our father’s property.</strong></td>
<td><strong>This is a special case. The title names can be corrected during the verification exercise. However, the fears on dispossession will be treated uniquely after the meeting (Later on, the Chief indicated he was aware of the case. He would liaise with the family and county and ensure this was addressed).</strong></td>
</tr>
</tbody>
</table>

In addition, the community showed gratitude for the project, noting that titling will be beneficial for security of tenure and spurring developments in the areas. The project resulted in massive savings for the community given their socio-economic standing which would not have allowed them to pursue the titling process as individuals.
5. IMPACTS
Given that the ultimate goal of an ARAP is to enable those displaced and affected by a project to improve their standard of living - a goal that requires an examination of social, environmental, and economic conditions, the first task in planning resettlement is to therefore identify a project’s adverse impacts, as well as all the populations that will be affected. In the case of KISIP, the RPF anticipated displacement impacts to be small in scale, and occasioned by activities as follows;

- Partial demolition of structures to expand / realign road reserves
- Reclamation of encroached way-leaves,
- Displacement of open and mobile shops (kiosks) to expand / realign road reserves, provide drainage canals, etc.
- Displacement of some settlement members to reclaim some areas e.g. riparian reserves etc.

These will affect broad and different categories of actors:

- Individuals who may be denied, be restricted from, lose part of, or the whole structure used for various purposes such as a dwelling unit, latrines, rental units, as well as income sources, or means of livelihood. Here these can further be classified as vulnerable as defined by the RPF to include:
  - Indigenous people: These are people who are closely tied to their traditional or customary lands and natural resources on these lands, but these lands may not be under legal ownership.
  - Persons with Disabilities: Such are usually disadvantaged in that their labour is challenged which makes them often unable to secure employment and locks them out of certain businesses.
  - Elderly persons: Elderly people without assets or investments and people to depend on suffer numerous vulnerabilities. Displacement will affect their economic viability while resettlement would damage their economic viability even more than losing land since it will separate them from the person on whom they depend for their support.
  - HIV/AIDS afflicted persons: Relatively high percentages of the poor and total population are living with HIV or are terminally ill with AIDS. Many are beneficiaries of numerous health Projects from the government, international organizations and the NGO community.
  - Orphans and street children: Due to the impacts of the AIDS pandemic, there are a considerable number of orphaned children, whose parents have died from AIDS related diseases. These children today fall into three categories of care namely (i) those being looked after by close relatives, (ii) those being looked after by the government, local authorities or NGOs and (iii) those living alone and providing for themselves and other siblings. These children are more vulnerable since they are often "voiceless" because they have no parents to defend or stand up for them.
  - Child workers: Numerous orphaned children will be encountered in Kenyan urban areas where they engage in any form of economic activity to provide for themselves and their siblings. Core occupation include activities such as manual work at open air markets, transporting loads for short distances, scavenging for waste paper etc.
- Business owners who may lose business premises, clients and associated income due to temporary or permanent relocation,
The broader community losing utilities.

In Riamukurwe, the planning and survey activities carries both benefits and negative ramifications for the population

5.1 PLANNING AND SURVEY BENEFITS
- Improved tenure security: Despite the fact that 92 titles were issued in 2016, with 14 pending, all beneficiaries will now fully own the land on which they live by completion of this project.\(^8\).
- Improved land value: Tenure security coupled with the close proximity to Nyeri Town has already increased the value of land in the settlement.
- Improved Housing and Development: This project is designed on the premise that people will be more inclined to build durable structures and take better care of their environments if they have sufficient ownership rights to the land they are settled on. During the socio economic survey and public meetings, residents noted that tenure security as symbolised by the issuance of titles improves their prospects of accessing financing for improvement and investment in various activities including their businesses.
- Improvement in infrastructure: the planning and survey exercise has earmarked spaces for use for roads, drainage infrastructure which can now be undertaken by national or county governments.
- Enhancing women participation in land rights: The project advocates for increased women participation in land rights, increased women ownership of land, individually or through co-ownership, as well as in decision making at household level e.g. having a say in the use of compensation money and entitlements. 45 women are land beneficiaries of the project.

5.2 NEGATIVE IMPACTS
The planning and survey in Riamukurwe, with roadway wayleave and boundary realignment being the main cause of impacts, has affected three broad categories of actors as shown in tables below:

**Table 5-1 Categories of PAPs**

<table>
<thead>
<tr>
<th>Type of PAP</th>
<th>Number</th>
<th>Vulnerable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure owner PAPs</td>
<td>29</td>
<td>19</td>
</tr>
<tr>
<td>Institution</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Tenant (business) owner</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

**Table 5-2 Cause of Impact**

<table>
<thead>
<tr>
<th>Cause of Impact</th>
<th>Structure Owner PAPs</th>
<th>Institutions</th>
<th>Tenants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boundary realignment</td>
<td>13</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Road wayleave alignment</td>
<td>15</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Both Boundary and Road alignment</td>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

There was no complete or localised displacement from the settlement, however 44 structures were impacted.

\(^8\) Remaining titles will be issued concurrent with the implementation of this ARAP.
The impacts include:

5.2.1 Reduction in Parcel sizes
The 2004 LPDP had not been implemented. Therefore, the amendment of the LPDP through a KISIP facilitated process, and the resultant subdivision surveys, and fixing and monumentations of beacons on land parcels in Riamukurwe e.g. in truncation of roads resulted in reduced parcels for some of the beneficiaries. Still, all beneficiaries retained sufficient plots to build structures affected by truncation. Furthermore, the value of the land as a result to titling supersedes the negative effects of reduction in plot sizes.

5.2.2 Loss of structures
The main structures affected were main houses, accounting for 43%. This largely involved full impact on 7 houses. Latrines also stand out at 20%, with a more balanced impact between total and full loss. One shop was partially affected.

<table>
<thead>
<tr>
<th>Structure Type</th>
<th>Full Loss</th>
<th>Partial Loss</th>
<th>Total</th>
<th>Percentages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main House</td>
<td>19</td>
<td>19</td>
<td>19</td>
<td>43%</td>
</tr>
<tr>
<td>Secondary House</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>11%</td>
</tr>
<tr>
<td>Kitchen</td>
<td>9</td>
<td>9</td>
<td>9</td>
<td>20%</td>
</tr>
<tr>
<td>Latrine</td>
<td>9</td>
<td>9</td>
<td>9</td>
<td>20%</td>
</tr>
<tr>
<td>Store</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2%</td>
</tr>
<tr>
<td>Cowshed</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>7%</td>
</tr>
<tr>
<td>Shop</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2%</td>
</tr>
<tr>
<td>Fence</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>5%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>19</strong></td>
<td><strong>30</strong></td>
<td><strong>44</strong></td>
<td></td>
</tr>
</tbody>
</table>

All affected main and secondary housing units are/were made of timber cuts walls and Galvanised Corrugated Iron sheets. 54% of the units have/had an earth floor and 46% have cement screed floors.

The impact on structures was due to both boundary and road wayleave realignment as Table 5.4 shows.

<table>
<thead>
<tr>
<th>Structure Type</th>
<th>Road</th>
<th>Boundary</th>
<th>Road and Boundary</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main House</td>
<td>9</td>
<td>9</td>
<td>1</td>
<td>19</td>
</tr>
<tr>
<td>Secondary House</td>
<td>3</td>
<td>2</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Kitchen</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Latrine</td>
<td>1</td>
<td>8</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Store</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Cowshed</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Shop</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Fence</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>19</strong></td>
<td><strong>24</strong></td>
<td><strong>1</strong></td>
<td><strong>44</strong></td>
</tr>
</tbody>
</table>

5.2.3 Impact on Livelihoods
9 PAPs’ livelihood will be affected. Of these, 1 PAP will temporarily lose rental income due to the partial demolition of a shop. The business owner will also lose clients during relocation (and most likely during repair of the affected structure), and therefore impact
on his income source. In addition, 7 individuals that rely on income from sale of bananas will be affected – 136 banana plants will be affected.

5.2.4 Increased vulnerability
Socially and economically distressed affected persons such as the elderly, female household heads will be disproportionately affected. Loss of structures and livelihood and income is specifically going to have more impact on these categories, thus the need for them to be cushioned against losses. The survey shows that 19 PAPs are vulnerable, and include the elderly (above 65 years), those chronically ill, widowed and/or female heads. Of these 15 are female and 4 are male.

5.2.5 Loss of trees
5 fruit trees\(^9\) and 1 non-fruit tree i.e. Cedar will be affected by proposed road expansion.

5.2.6 Increase in Poverty
Informal settlers by virtue of their lack of a legally recognised right to the land they have settled on are a vulnerable category. In this case, this is compounded by other factors. The analysis of occupation and livelihoods shows the area occupants are largely dependent on casual labour for a living, with low-income levels. In addition, combination of several factors e.g. age, gender, marital status etc. (as the next session on social economic data shows) reveals that this is a generally socially and economically stressed population. This largely means any form of impact e.g., loss of structures or disruption of livelihoods without proper facilitation can entrench them deeper into poverty.

5.2.7 Gender Concerns in Impact
Considering all affected structures, the impacts are shared equally i.e. PAPs consist of 48% men and 48% women. However, given their lesser social and economic standing, women tend to experience greater impact due to a combination of factors (e.g. if head of a household), and especially if caution is not taken in ensuring improvement in the standards of living.

5.2.8 Summary of losses

\textit{Table 5.5 Summary of losses}\(^{10}\)

<table>
<thead>
<tr>
<th>Type of PAP</th>
<th>Loss of assets/structures</th>
<th>Loss of Livelihood</th>
<th>Vulnerability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure/asset owner PAP</td>
<td>29</td>
<td>9</td>
<td>19</td>
</tr>
<tr>
<td>Institutional PAP</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tenant</td>
<td></td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

Of the 31 PAP/Is:

- 22 suffered from loss of structures/assets only,
- 1 from loss of livelihood only and
- 8 from loss of both assets/structures and livelihoods.

\(^9\) These are owned by 5 different PAPs who indicated the fruits are for household consumption and not sale. Thus not commercially produced.

\(^{10}\) Some PAP/Is suffered multiple impacts
6. SOCIO-ECONOMIC BASELINE

In RAPs/ARAPs, a socio economic survey of the settlement, at the individual and community levels, is important, serving various functions:

- Enumerating and collecting basic information on the affected population;
- Establishing a list of legitimate beneficiaries before the project’s onset that counters spurious claims from those moving into the project area solely in anticipation of benefits;
- Ascertain various types of losses suffered by the population;
- Enumeration of assets/structures, and serving as basis for valuation of assets/livelihoods
- Laying a framework for designing of sustainable income restoration or development interventions;
- Providing a baseline for monitoring and evaluation of the project income restoration and sustainable development initiatives i.e. helps establish indicators that can be measured at a later date for monitoring and evaluation.

The qualitative and quantitative data collected enables resettlement planners to budget resources and services for the affected population.

A 81% (25 out of the 31 PAP/Is) socioeconomic survey was undertaken in Riamukurwe on 26th January 2018, by the KISIP social safeguards and planning and survey team. This covered social economic attributes of both structure owners, tenants and their dependents, including a range of topics – demographic data, livelihood, housing, welfare, community based support networks, health, religion and education, waste disposal as well as concerns/fears about the project. An additional business enterprise survey questionnaire was administered to the 1 affected retail shop owner, while an institutional questionnaire was administered to the clergy of the affected church. The PAP/Is were required to sign the questionnaire and a SEC member verified. The findings are detailed in the sections that follows.

6.1 NUMBER OF PROJECT AFFECTED PERSONS (PAPs) AND PROJECT AFFECTED INSTITUTIONS (PAIs)

The planning and survey component affected a total of 31 Project Affected Persons/Institutions (PAP/Is), as Table 6.1 below indicates. Given this ARAP is undertaken in retrospect, and despite the fact that the Ministry of Lands and Physical Planning issued titles to some Riamukurwe Settlement residents, including part of the PAPs who are the subject of this ARAP, this ARAP is prepared to quantify and provide mitigation of impacts at pre-issuance of title deeds to the beneficiaries.

<table>
<thead>
<tr>
<th>Category of PAP/I</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure owner PAPs</td>
<td>29</td>
</tr>
<tr>
<td>Tenant (business)</td>
<td>1</td>
</tr>
<tr>
<td>Structure owner Institution (Church)</td>
<td>1</td>
</tr>
</tbody>
</table>
6.2 STRUCTURE OWNER PAPs DEMOGRAPHIC CHARACTERISTICS

6.2.1 Age, Gender and Marital Status
The affected PAPs are 48% male and 48% female. The average age for the PAPs is 60.88, indicating the owners are relatively elderly persons. The youngest is 47 and oldest is 79 years. At least 60% are 60 years and above.

The affected PAPs fall within three categories; married to a single wife/husband, widowed or single. At least 46% are widowed, which when combined with the fact that majority of the affected are elderly, could be an indicator of various levels of vulnerability.

6.2.2 Education
Education levels in Riamukurwe are low, with 75% having achieved primary level only, and 17% with no formal schooling. Only 8% have achieved post primary education.

6.2.3 Vulnerability
According to the RPF, people considered vulnerable need to be inventoried during the socio-economic baseline survey, to ensure provision of soft landings in the compensation process. Such groups should include the elderly (using the official age of 65 and above for this category), female household heads, widows/widower, chronically ill and orphans. In Riamukurwe, out of the 25,11 interviewed PAPs, 19 fall within the category of vulnerable. 1 PAP indicated he is an orphan. However, given they are above the age of 18, this was not considered as a vulnerable person.

<table>
<thead>
<tr>
<th>Category of Vulnerability</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aged</td>
<td>2</td>
</tr>
<tr>
<td>Chronically ill</td>
<td>1</td>
</tr>
<tr>
<td>Widower</td>
<td>1</td>
</tr>
<tr>
<td>Female household head</td>
<td>5</td>
</tr>
</tbody>
</table>

Table 6-2 Vulnerability categories

11 The vulnerability assessment of the other 6 PAPs that were not available for the survey, will be undertaken during validation and verification of the ARAP.
6.2.4 Occupation and Employment Status
The analysis of the employment and occupation status of the PAPs reveals that at least 50% are casual labourers. 25% indicated they do farming, however restricted by the small plot sizes within the settlement, while 8% are not economically active, which correlates mostly with the age data. This implies they rely on other family members.

Figure 6-4 Employment status

6.3 OTHER HOUSEHOLD MEMBERS CHARACTERISTIC
This section details the demographic characteristics of the other household members.

6.3.1 Relationship to PAP
Figure 6.5 below shows that majority (70%) of the other members are children to the PAP. 16% are spouses/partners, while a smaller percentage (11%) are grandchildren.

Figure 6-5 Relation to PAP

6.3.2 Age and Gender
Majority of the other members are male at 55%. A substantial number (36%) of them are below the age of 18 given as indicated earlier.

Figure 6-6 Gender

Figure 6-7 Age

A high dependency ration exists in this settlement, where at least 60% of the rest of the members are not economically active at the moment.
6.3.3 Highest Level of Education

At least 45% are in or have completed primary education, with 36% pursuing or have completed secondary education.

*Figure 6-8 highest level of education*

- No School/Too young
- Primary
- Secondary
- College/Diploma
- Vocational
- Degree

6.4 EMPLOYMENT, INCOME AND LIVELIHOODS

Casual Labour is the main source of livelihood for half of the affected PAPs. The 27% who indicate business as a source of livelihood fall within a range of sectors including bodaboda operators, butchery, retail shop, etc. The average income range for most of them falls within the 4,000 to 10,000 shillings, in tandem with the types of jobs undertaken as indicated already. Casual labour specifically is irregular, offers low job security and is seasonal. Many interviewees indicated the pay per day ranges between 300-500 Kenyan Shillings, and mostly happens 3-5 six days a week.

*Figure 6-9 Main source of income/livelihood*

At least half of these PAPs indicated a secondary source of income. The most common activity is casual labour and business.

6.5 HOUSING

Majority of the housing structures in the settlement consist of wooden walls and Iron sheet roofing. However, the floor is more differentiated with at least 46% made of earth and 38% cement screed.

*Figure 6-10 Housing materials: Wall, roof and floor*

6.6 WELFARE INDICATORS

The expansion of electrification has greatly benefitted Riamukurwe, with 98% of the affected PAPs using electricity for lighting. This could partly be attributed to the proximity of the settlement to the main town of Nyeri. Only 2 PAPs use solar for lighting. However, such gains are restricted to lighting, with all affected still relying on...
firewood for cooking. Although trees are in abundance in Nyeri, this practice has a destructive and negative impact on the environment and should be greatly discouraged.

PAPs use tap water for domestic purposes, with Nyeri Water and Sewerage company ensuring access to all PAPs. This greatly reduces time spent in search for water. The average cost per month within Riamukurwe is Ksh 404.

### 6.7 ACCESS TO HEALTH, RELIGION AND EDUCATION SERVICES

All Interviewed indicated they seek medical attention outside of the settlement but within the same sub county. This is largely in reference to the County government/municipality run health centre. The most visits are triggered by flu and the common cold.

![Figure 6-11 Common ailments](image)

80% of the settlement go to a religious institution within the village or settlement, while the nearest public primary school according to 67% is within the settlement. The rest i.e. 33% indicate this school is within the village.

### 6.8 WASTE DISPOSAL

Proper waste disposal is essential for household and public health. 79% of the PAPs use a compost pit to dispose off domestic waste including paper and organic waste. The rest i.e. 21% indicated they directly burn the waste – in outright contravention of solid waste management regulations.

All interviewed indicated using a pit latrine to dispose human waste. This in 96% of the cases is privately owned. Only 1 PAP indicated sharing a facility with the neighbours, with no cost implications.

### 6.9 COMMUNITY BASED SUPPORT NETWORKS

Community Based networks are crucial support systems socially as well as for economic reasons. At least 58% of those interviewed are members of some form of community based association or organisation. Among these, 73% are members of a women group, while the rest are members of a self-help group. The range of benefits accrued from these forms of organisation range from social support e.g. for widows and orphans, source of savings (e.g. through merry go round), financial assistance in funerals and weddings, source of credit facilities for productive use e.g. buying seeds, medical healthcare support, support agriculture, medical bill and rent bills etc.
7. MITIGATION AND COMPENSATION

This section of the report identifies the categories of the PAPs eligible for resettlement during the planning and surveying exercise, and the type of entitlements that apply to them. The World Bank Operational Policy 4.12 on involuntary resettlement specifically offers a more comprehensive eligibility criterion for compensation, and for determining assets value i.e.

a. Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

b. Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets, provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan; and

c. Those who have no recognizable legal right or claim to the land they are occupying

In this case, all PAPs in Riamukurwe fall under category b and c. Despite some having titles as at the time of this ARAP, KISIP considers the whole settlement occupants as squatters for the purposes of this ARAP. This is largely because the ARAP is being undertaken in retrospect and as at the time of KISIP’s entry, none of the settlement occupants had titles. The current titles are actually an outcome of the KISIP process.

OP 4.12, and the Resettlement Policy Framework which is OP 4.12 compliant have therefore been applied in defining and offering a comparatively higher standard of mitigation and compensation measures compared to national laws. This requires facilitation for lost assets at replacement cost to both titled and non-titled landholders and resettlement assistance for lost income and livelihoods. Further, the principles adopted herein contain additional measures and assistance for vulnerable affected persons. All PAPs are therefore entitled to a combination of compensation measures and resettlement assistance, depending on the nature and scope of impact.

From the census carried out, the following categories of PAPs are entitled to facilitation:

a. Structure owners who will loss part or the whole of their structures due to boundary alignments and road wayleaves alignment. These are yet to move their structures within the demarcated and beaconed plots.

b. Structure owners lost part or the whole of their structures due to boundary alignments and road expansion. These have already moved and reconstructed structures in the allocated plots within the settlement. PAPs whose livelihood will be affected by the proposed demolition of structures, due to proposed road expansion.

c. Vulnerable PAPs within the settlement (i.e. elderly, widows, chronically ill, female household heads) as identified by the census will be provided with appropriate assistance by the project.

7.1 Principles to guide payment of facilitation for lost assets

According to the RPF, the following principles will guide payment of compensation for lost assets:

- For those who have not yet moved their structures, compensation/facilitation shall be paid prior to impact. For those who have moved their structures,
compensation is in retrospect, with respect to the extent to which the moved asset can be reconstructed;

- Compensation shall be extended to all PAPs irrespective of tenure status; in this case, the tenure status is not a consideration for entitlements given all PAPs were squatters as at time of KISIP’s entry into the settlement;
- Compensation will be at replacement cost meaning that replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs;
- Compensation for structures shall include the full cost of materials and labour required for reconstructing a building of similar surface and standing. In other words, the affected person must be able to have their structure rebuilt in a different location using the compensation paid for the old building. Depreciation will not be taken into account while calculating the cost of affected structures. The Compensation package will also include cost of moving, where actual relocation within the settlement is involved;
- In case of localised displacement, PAPs will be provided transition assistance such as moving and rental allowances/or alternative house where possible.

However, provision of title deeds to the PAPs is not part of the compensation package; the titles are provided to all the beneficiaries with an aim of enhancing security of tenure within Riamukurwe informal settlement.12

7.2 CONDITIONS OF ELIGIBILITY FOR COMPENSATION

7.2.1 Cut-off Date
The practical Cut-off Date for implementation of the ARAP is the date at which the census of affected people and affected assets commenced, that is 26th January 2018. Assets established after this date shall not be eligible for compensation. This date serves as the cut-off date for eligibility and no new arrivals in the project area or assets created after the cut-off date will be eligible for compensation after this date. All stakeholders including PAPs have been informed of the cut-off date and its implications during the meetings held on 25th and 26th January.

7.2.2 Eligibility
Assets, including structures, fences, trees and crop fields, which were surveyed in the Project-Affected Area by the Cut-Off Date are eligible for compensation. This also includes potential effects on livelihood e.g. the shop owner likely to face impacts due to relocating his business once the shop he has rented is affected. People residing in the Project-Affected Area by the Cut-Off Date are eligible for compensation even if they have no legal tenure, and whether they had moved their structures or not.

7.2.3 Facilitation of Vulnerable groups

In addition to the above entitlements, persons who are found in difficult situations and at a greater risk of impoverishment including but not limited to the elderly, widows/widowers, chronically ill, female household heads as identified in the census will require special allowance for vulnerability to enable them cope with the displacement caused by the project. This includes a number of measures:

12 The 14 remaining titles will be issued concurrent with the implementation of this ARAP.
• Provision of cash support for the first three months as rental expenses where main dwelling unit is affected.
• Additional cash support of Kes2000/month for the first three months for all vulnerable in line with RFP.
• Enlisting of the elderly (through the County government of Nyeri Ministry of Gender, Social Services and Sports) to programmes such as the unconditional cash transfer programmes that include Inua Jamii 70 years and above, and the Older Persons Cash transfers (OPCT) programmes run by the government of Kenya Ministry of Gender, Social Services and Sports.
• Engagement of the SEC in assisting the vulnerable persons (on a case by case basis) relocate or organise for rebuilding of structures, and movement. Co supervision, verification and quality control in such cases to be done in collaboration with County government including County KISIP team. The cases will be identified during verification of the asset register and in such cases the SEC in consultation with the PAP will assist source for artisans to rebuild the structures and ensure these have built the structures before the PAP facilitates the artisans for work undertaken.

7.3 ENTITLEMENT MATRIX

Table 7-1 Proposed Entitlement Matrix

<table>
<thead>
<tr>
<th>NO</th>
<th>TYPE OF LOSS</th>
<th>PAP CATEGORY</th>
<th>ENTITLEMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Loss of structures</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 1. Partial loss but residual viable Squatter | | • Cash compensation at replacement cost without depreciation  
• Repair costs equivalent to 25% of the compensation  
• Right to salvage material |
| 2. Fully affected/part affected and remaining structure is non-viable Squatter | | • Alternative accommodation where possible, or  
• Cash compensation at replacement cost without depreciation  
• One time shifting allowance of KShs 2500 where main dwelling unit is affected.  
• Housing allowance for 2 months, where main dwelling unit is affected.  
• Right to salvage materials.  
• Additional cash support for the first three months as rental expenses for vulnerable groups, where main dwelling unit is affected. |
| Tenant/ Lease Holder | | • Housing allowance for two month equivalent rental value.  
• A onetime shifting allowance of Ksh 2500 |
| B. Loss of trees and crops | | | • Right to harvest seasonal fruits  
• The annual market value of trees for the previous 3 years is deemed appropriate as tree compensation. |
| C. Loss of Income/Livelihood | | | |
1. Loss of rental income  
   - Subsistence allowance equivalent to 2 months rental income

2. Loss of income from business  
   Owners  
   - Cash grant equivalent to 1-month average income. **NB:** 1-month average income is income lost due to shifting of business to a new location, and re-establishing.

### D. Support to vulnerable groups (Elderly, female household heads etc.)

- Additional cash support of Kshs 2000/month for the first three months.
- Assistance on a case by case basis in rebuilding and movement of structures.
- Enlisting in other programmes run by the county and/or national government, such as the unconditional cash transfer programme "Inua Jamii 70 years and above cash transfer programme’ administered by the national government’s Ministry of Labour and Social Protection.

### E. Unidentified Impacts

Mitigation measures will be proposed based on the principle of this RPF.
8. GRIEVANCE REDRESS MECHANISM

8.1 RATIONALE AND PURPOSE OF GRIEVANCE REDRESS MECHANISM

Involuntary displacement and resettlement is prone to grievances, which if not handled swiftly can delay the successful completion of the titling process. The ARAP implementation process therefore provides opportunities for the PAPs to air and articulate their complaints and grievances, and seek to have these resolved amicably, and in the shortest time possible. This means of grievance address has to be:

- **Formalized**: the mechanism needs to be formally established and well known, and not ad hoc. It needs rules for addressing grievances, holds regular meetings/deliberations on specific and well-known days to discuss the issues and document these through minutes.

- **Simple and easily accessible to the PAPs**: the procedures and mechanisms have to be easily understandable, and within the reach of the PAPs.

- **Fair**: all complaints have to be handled objectively, and the various committees’ members should act independent of any external influence to ensure decisions are acceptable to all. The grievance redress mechanism should aim to ensure concerned parties can air their views and complaints without fear of reprimand.

- **Cost free**: PAPs should not incur costs to access project set mechanisms for lodging and addressing complaints.

- **Timely and Efficient**: Resolutions should be reached in the soonest time possible to ensure these do not lead to lengthy suits that are time wasting. It is thus advisable that lengthy administrative and legal procedures should be avoided and should be retained as a last resort option.

- **Effective**: decisions reached should be decisive, clear and where applicable, corrective.

- **Participatory**: Should be open for all affected aggrieved parties, thus reaching a wide range of affected actors, including the vulnerable.

Ideally, such an effective and efficient process that seeks to rebuild and maintain relationships between the affected parties and the project will be beneficial not only to the PAPs, but also the project since it will avoid delays that can derail the project implementation for a long period. Legal means for dispute resolution however remain open and available to the PAPs, if and when the need arises.

Here a grievance been any query, concern, issues, complaint, dissatisfaction or sense of injustice or unfairness felt by a person – in this respect a PAP or his/her representative in connection with his/her compensation entitlements, the ARAP implementation process, the project staff etc. related to project implementation may arise due to several reasons:

- Valuation and resultant compensation is perceived as unfair and/or discriminatory, thus rejected by the PAP i.e. contested valuation of assets and land;

- Errors are committed in recording of PAPs details concerning property and valuation;

- The PAPs names, their assets or even community owned assets are omitted from the list of PAPs;

- Ownership of valued assets/property is contested or disputed;

- Title documents issued have errors e.g. wrong or misspelt names, incorrect ID Numbers.
• Family disagreements or complications arising due lack of clarity of whom is to transact on behalf of the family;
• Disagreements on modes of payment e.g. whether cash or in kind; and
• Changes in estate administration of affected properties causing delays.

8.2 GRIEVANCE STRUCTURE
This ARAP adopts a three-tier grievance mechanism- at the community, RAP Implementation Committee, and resolution through courts of law. It is desirable to resolve all the grievances at the community level to the greatest extent possible. To achieve this, the community or settlement level grievance mechanism must be credible and generally accepted. The grievance redress mechanisms will aim to solve disputes at the earliest possible time in the interest of all parties concerned.

8.2.1 Settlement Grievance Redress Committee
The first and preferably the final level in addressing grievances will be at the settlement. With support and guidance from KISIP PCT and RIC, and KISIP county office, the settlement will form a Settlement Grievance Redress Committee (SGRC) comprising of two members from SEC, and three other respected community members who are not PAPs. The three committee members will be elected by the community in a transparent manner, with possible candidates including a representative of the women, men, and vulnerable. This will be enjoined by the area chief and ward administrator to form a seven-member team.
It is important to note that currently, the SEC secretary currently receives all grievances. He will be incorporated into the SGRC once formally constituted at ARAP implementation stage.

8.2.2 RAP Implementation Committee
The second level of grievance mechanism will involve the RAP Implementation Committee (RIC), who will consider grievance reports forwarded to it from the community grievance committee and make a determination. This will also be responsible for monitoring the complaints - handling performance at lower levels. Since the implementation of ARAP is a joint responsibility between the Ministry and the County governments, the Committee will have joint membership as per RPF:

From KISIP National PCT
• Head of Component 1
• Head of Component 2
• Head of component 3
• Environmental and social safeguard specialist
• Community Development specialist
• 3 members from Component 2 - Surveyor, land administrator and valuer
• Engineer
• KISIP Finance Officer

From the County
• County KISIP Coordinator who will be the chairman,
• Community Development Officer
• Head of Component 3 - Engineer
• County Surveyor
• County Physical Planner
• County Environmental Officer
• Representative from enforcement department
• Town Administrator

The members of parliament and members of the County Assembly (MCAs) may be co-opted as ex-officio members.
Nyeri County Government will provide the secretariat for the committee.

8.2.3 Law Courts
If complainants are not satisfied by the decision of the RICs, they can seek redress from the High court. During sensitization on the grievance redress mechanism, prior to compensation, PAPs will be informed of this option and notified that it is not cost free but rather the costs should be met by the individual complainants unless the court dictates otherwise.

8.3 GRIEVANCE PROCEDURES
Grievance procedures may be invoked at any time, depending on the complaint. No person or community will experience any further impact until any complaints he/she has are satisfactorily resolved. The following procedure will be followed:

1. Uptake or Lodging a Complain: The secretary of the Settlement Grievance Redress Committee (SGRC) will be responsible for receiving, referencing, registering, and filing all grievances. This is crucial for continuity as he does so currently.
   He will listen to the complainant and where necessary (e.g. if complainant does not speak or write English) assist in filling the grievance form. Both the complainant and secretary will sign the form, after the complainant verifies the accuracy. Ideally, a grievance should be lodged orally or in written form and in the language they are comfortable in. The secretary then translates this into an English form.
   The secretary then logs the grievance into the grievance log or register, detailing date complaint was lodged, complainant, nature of complaint, and in later stages action taken, or not taken, with reasons for the latter.
   The complainant can also lodge a complaint at the County Government office, where the KISIP coordinator assists in the above process.

2. Sorting and Processing: Since various types of grievances or complains will be lodged, and not all will be handled by the SGRC, the secretary will categorize e.g. as (a) comments, suggestions, or queries; (b) complaints related to already issued titles and titling; (c) complaints referring to compensation and valuation etc., assign priority, and route appropriate grievances to the SGRC.
   Some e.g. (a) above may only require a clarification or a simple explanation, while (b) are noted and forwarded to KISIP county coordinator for onward forwarding to KISIP national office for action, and (c) will be forwarded to the SGRC for action.
   In each the action required is written down in the grievance registry.

3. Acknowledgment and Follow-up: The GRM through the chairman acknowledges the receipt of the complaint through communication with the complainant and informs them of the next course of action which depends on the categorization of the complaint (as indicated in previous section). For (c) cases, the time duration (15 days) for resolution of the grievance will also be
communicated to the complainant, as well as being informed that he will receive periodic updates on the status of their grievances.

4. **Verification, investigation, and Action:** The SGRC will then hold a meeting on the grievance and work in consultation with the aggrieved person. In this step, they will also gather information on the grievance and decide on the corrective action within 15 days. The proposed action will be lodged in the register.

5. **Provide Feedback:** The GRM will inform the complainant – through a meeting, followed by a summarised written communication of the decision and resolution - of the results of investigations and the actions proposed.

Two possible scenarios can result from this meeting:

- The aggrieved party accepts the proposed corrective action: A written agreement is developed, detailing the time frame for implementing the corrective action as well as responsible party. This is signed by the SGRC chairperson and the aggrieved party, and the corrective action commences. The acceptance is also lodged in the log, and later the completion date will be lodged after verification that recommended action was undertaken by the SGRC, or concerned party.

- The aggrieved party rejects the proposed corrective: The default position is that case/matter is referred to the RIC who have 15 days to resolve the issue, following procedures similar as above. However, if the SGRC is able to review the resolution through engaging the affected party, and reach a satisfactory decision/resolution this is encouraged. i.e. appeal mechanisms at the SGRC would take a shorter time than referring the case to RIC. If the RIC does not result in an action acceptable to the aggrieved party, he/she can resort to the judicial recourse.

8.4 **MONITORING OF GRIEVANCE RESOLUTION**

At both, SGRC and RIC, regular progress monitoring of grievances filed, their status and actions taken and recommendations/resolution will be constantly undertaken. The SGRC specifically, will monitor and track grievances, assessing the extent to which progress is being made to resolve them, and submit (monthly) grievance resolution reports to RIC.
8.5 Capacity Building of the Various Committees

Committees such as the SGRC will undergo training e.g. on best practices in resettlement, grievance redress, monitoring and evaluation as provided for in the implementation schedule. The Grievance Committee members will also need to be oriented to the grievance management system outlined in the ARAP as adopted from the RPF. The capacities of the Grievance Committee members will also need to be built around issues of conflict identification, conflict information analysis and conflict resolution as provided for in the land legislation.

The committees have been provided sufficient budgets to cover their operation and implementation of functions. However, these will not be compensated but serve on a voluntary basis.
9. IMPLEMENTATION OF THE ARAP

The primary responsibility for the implementation of this ARAP remains with KISIP, under the State Department of Housing, Ministry of Lands, Housing and Urban Development (MoLH&UD). In this capacity, the Principal Secretary MoLH&UD has overall oversight over the KISIP National team. It is also the responsibility of this ministry to source from Treasury the required funds to implement this ARAP.

9.1 ARAP INSTITUTIONAL ARRANGEMENTS

Given the nature of planning and survey, the devolution process and the multi sectoral nature of KISIP interventions, KISIP, under the Ministry of Lands, Housing and Urban Development (MoLH&UD) will interface with other sector ministries, agencies and Counties on matters and policies relating to the project, and necessary for the successful implementation of this ARAP. The two most important ministries at this point, and with a key role in this ARAP include:

1. Ministry of Finance – National Treasury: On issues pertaining to Project funding to ensure smooth flow of financing to implement the ARAP, as the costs towards land displacement and resettlement will be financed from the counterpart funding and be included as part of overall cost of the sub-project.
2. Ministry of Lands and Physical Planning: It handles land tenure matters and issues titles. There are pending titles as only part of the settlement received titles. In addition, and as highlighted in the public participation chapter, some titles (already issued) need to be corrected to reflect the right names, ID Numbers etc.

9.1.1 RAP Implementation Committee - RIC:

Towards managing implementation of ARAPs, the key implementing institution will be a working committee known as RAP Implementation Committee (RIC), specifically set up for Nyeri County. Since the implementation of ARAP is a joint responsibility between the Ministry and the County governments, the Committee will have joint membership as outlined previously in Section 8.2.2. The key roles of the RIC will be to:

- Provide overall leadership in the implementation of ARAPs
- Study the approved ARAP reports and draw a final program of implementation
- Confirm entitlements and the approved PAP register
- Organize the public disclosure of the approved ARAP
- Oversee compensation and other assistance to PAPs
- Support the grievance redress mechanism i.e. serves as second tier in the grievance redress mechanism
- Develop the schedule for some of the activities e.g. target dates for the start and completion of compensation payments, timetables for and the place of compensation payments;
- Capacity build ARAPs committee e.g. SGRC
- Overall monitoring of the ARAP implementation
- Support on Verification of Names on titles already issued and those that will be issued
9.1.2 Other Key institutions in ARAP Implementation

KISIP Project Implementation related Institutions
KISIP has set up institutions at three levels, which will also play a critical role in the ARAP implementation:

1. A National Office: KISIP has set up a project coordination team (PCT) at the national level, and headed by a project coordinator. This is responsible for overall program coordination (including liaising with senior government officials and the Bank team), KISIP financial management, procurement, monitoring and evaluation (M&E), and reporting. The PCT is also responsible for managing KISIP’s learning and communications activities. The PCT at the central level consists of a project coordinator, four component heads each heading the four components outlined under Section 1.2 (and with teams operating under them). In particular, financial management, Monitoring and Evaluation, procurement and safeguards operate under Component one and will be central as participating members in the RIC, and in other capacities when called upon.

The Environmental and Social Safeguards Team consists of:
- 3 social safeguards experts,
- A community development officer (who also doubles as the main person incharge of GRM),
- 1 Environmental expert,
- A social safeguards expert who also doubles as the coordinator for the team,
- An M&E officer,
- A valuer,

2. County Office. This serves as the County Project Implementation Unit, specifically set up for effective implementation of the Project in Nyeri County. Its composition is a replica of the national team. It serves as the liaison between the National Office and the Nyeri County Government. It will:
- Serve as an additional point for registering grievances by the community,
- Undertake sensitization activities for the project e.g. on joint accounts for facilitation purposes, and use of compensation funds.
- Validation of assets and PAPs before compensation
- Oversight over the formation of the grievance redress committee
- Capacity building of ARAPs committee
- Monitoring of ARAP activities
- Play a crucial role in the verification exercise to identify titles issued and which need to be rectified.

3. Settlement Level I.e. Settlement Executive Committee: This is an 18-member committee set up at Riamukurwe informal settlement. It provides and entry into the settlement, and leads the participation of the community in the project. This settlement executive committee with representation from women and vulnerable and marginalized groups (for example, youth, elderly), played a key role in the development of the vision for the settlement and preparation of settlement upgrading plans to realize it. It has been crucial in the ARAP study assisting in identification of PAPs, and in identifying grievances related
to titles already issued. The settlement executive committee role is crucial in the ARAP process, and will assist in the formulation of the community grievance redress committee.

County Government of Nyeri
The county government of Nyeri’s role includes:

- Preventing further encroachments after the cut-off date.
- Development control
- Ensure County Land Control Board safeguard interests of women in land related matters.
- Be part of the RAP Implementation Committee.
- Be part of grievance redress mechanism
- Clearance of structures if people don’t self-demolish after notice period and compensation
- Delivery of other assistance to PAPs will be the responsibility of county governments under the coordination of respective RICs.

National Land Commission, Nyeri Office
These are tasked with the management of Government land on behalf of the county government, transfer and issuance of title deeds to respective beneficiaries. They will play a critical role in the verification of titles exercise so that these can be corrected.
<table>
<thead>
<tr>
<th>What</th>
<th>Why</th>
<th>Areas</th>
<th>Whom</th>
<th>How</th>
</tr>
</thead>
<tbody>
<tr>
<td>Titles Sensitization</td>
<td>- Avert Disputes/conflicts and GBV</td>
<td>- Benefits of Title Deed</td>
<td>- Chief Registrar of Titles</td>
<td>All beneficiaries</td>
</tr>
<tr>
<td></td>
<td>- Enhance/safeguard Women’s Land Rights</td>
<td>- Types of Registrations</td>
<td>- KISIP</td>
<td>- Spouses with Joint Ownership</td>
</tr>
<tr>
<td>Notification &amp; Disclosure</td>
<td>- Joint Registration of Titles</td>
<td>- Joint Registration of Titles</td>
<td>- NLC</td>
<td>Community meetings</td>
</tr>
<tr>
<td>Sensitization on GRM</td>
<td>- Regulation of land transactions</td>
<td>- Regulation of land transactions (mandatory spousal consent)</td>
<td>- Land Control Board</td>
<td></td>
</tr>
<tr>
<td>Compensation &amp; Joint Accounts Sensitisation</td>
<td>- Avert conflicts and GBV over compensation</td>
<td>- Relevant land related institutions</td>
<td>- RIC</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Ensure PAPs use funds for right purpose</td>
<td>- Allow PAPs to self-demolish, salvage and rebuild affected structures in time</td>
<td>- County Government of Nyeri (CGN)</td>
<td>PAPS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Notice for self-demolish and implications</td>
<td>- Area Chief</td>
<td>Community meetings</td>
</tr>
<tr>
<td>GUIDANCE INFORMATION</td>
<td>- Ensure grievances are directed towards the right institutions for timely resolution</td>
<td>- Full disclosure of facilitation payment to both spouses</td>
<td>RIC</td>
<td></td>
</tr>
<tr>
<td>PRIORITY CONCERNS</td>
<td></td>
<td>- Opening of Joint Accounts</td>
<td>- PAP</td>
<td>Community meetings</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Utilization of funds, GBV</td>
<td>- Notice for self-demolish and implications</td>
<td></td>
</tr>
</tbody>
</table>

**Guiding Principles**
- Proactive Engagement
- Clear and Open Information Sharing
- Learning & Modifying

**Overall Coordination by KISIP PCT**

*Figure 9-1 ARAP Sensitization and Information Sharing Process*
9.2 ARAP IMPLEMENTATION PROCESS AND PROCEDURES

The ARAP implementation process

9.2.1 Approval of the ARAP
KISIP, and the World Bank will approve the ARAP.

9.2.2 Verification
Two verification exercises (as indicated in the implementation schedule) will be undertaken at the settlement level and targeting two different categories of settlement members:

1. The first is a verification exercise targeted at the whole settlement i.e. all beneficiaries of the planning and survey exercise. This will, as indicated by the public participation exercise, verify the list of beneficiaries of the settlement to facilitate pending titles. In the case of titles already issued, this will detect the errors on the documents as highlighted by the community are rectified. This exercise will involve the KISIP planning and survey team, National Land Commission and County Government of Nyeri.

The exercise will also double as a sensitisation exercise to ensure gender empowerment to build the capacity of women in the settlement to safeguard their rights to land. Beneficiaries who have not received their titles, and would like to jointly register the land in both names of the spouses will be encouraged and allowed to.

It will also cover broader issues such as succession processes, as the public participation indicated a dearth of knowledge among the community on such matters.

2. A second verification and validation exercise will be undertaken by the RIC to ensure the PAP register is inclusive of every PAP, and all assets. This will also include collecting further details on the PAPs such as account details. Prior to this, however, a sensitisation exercise will be undertaken to educate the PAPs on the importance of using the facilitation payments for the intended use (including ramifications of misuse e.g. the fact that county government will have powers to later demolish structures already compensated but not moved after end of notice period), as well as gender concerns such as need to avoid Gender based violence in management of compensation money, need to ensure use of compensation money should be a joint family decision, and need to open joint accounts. Opening of joint accounts will be pursued as a measure to ensure women’s role and decision making in household decisions related to facilitation is enhanced.

Where structures have already been demolished, the PAPs will be advised to use the facilitation funds to improve the existing structures or for production activities such as augmenting their livelihoods.

9.2.3 Disclosure
Meetings will be organized at settlement level and coordinated by the KISIP RAP implementation Committee, during which a summary of the main findings and recommendations, entitlements, and PAP register will be presented to the community. This includes ensuring a translated version of the Executive summary is availed at the settlement. In addition, and in line with past practice (during planning and survey, ARAP meeting), the RIC in collaboration with the SEC will ensure that disclosure meetings are held in a language understandable to all PAPs.

Stakeholders in this process will include the county government, the National Land Commission who have been part of the planning process, among other relevant stakeholders.
In addition, the ARAP will be made available on the Ministry of Transport, Infrastructure, Housing and Urban Development website and the World Bank’s Info shop. Copies of the report will also be made available to the SEC, Grievance Committees, and the County offices

9.2.4 Payment of Facilitation
Payment of compensation and other assistance will be implemented by the RAP Implementation Committees (RICs). Once the PAP register is validated by the RIC, the appropriate assistance will be given to the PAPs promptly and notices issued for relocation. The date, time and place for payments will be made known to the PAPs in good time, but prior to any displacement. A PAP who accepts the facilitation as outlined in this ARAP will be required to sign to that affect. The notice period will be 3 months, after which failure for self-demolition by PAPs can trigger clearance of the road reserves by the County Government relevant departments.

9.3 Budget and Costs

This information has been redacted for confidentiality and to protect privacy.

9.4 Implementation Schedule
Table 9.2 summarises the schedule for implementation of the ARAP. Implementation should begin within 60 days of approval of the ARAP
### Table 9.1 ARAP Implementation Schedule

<table>
<thead>
<tr>
<th>TASK NAME</th>
<th>Actor</th>
<th>Period in Months</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval of ARAP</td>
<td>World Bank</td>
<td>1 2 3 4 5 6 7</td>
</tr>
<tr>
<td>Verification of list of beneficiaries and titles Issued to allow for correction of errors</td>
<td>KISIP, NLC and CGN, SEC</td>
<td>1 2 3 4 5 6 7</td>
</tr>
<tr>
<td>Sensitization on Title Registration and management (including succession)</td>
<td>KISIP, Chief Registrar of Titles, PAPs</td>
<td>1 2 3 4 5 6 7</td>
</tr>
<tr>
<td>Validation of asset register</td>
<td>RIC, SEC PAPs</td>
<td>1 2 3 4 5 6 7</td>
</tr>
<tr>
<td>Disclosure of Approved ARAP</td>
<td>RIC, KISIP, SEC</td>
<td>1 2 3 4 5 6 7</td>
</tr>
<tr>
<td>Formation and capacity building of Grievance management committees</td>
<td>KISIP, RIC, PAPs</td>
<td>1 2 3 4 5 6 7</td>
</tr>
<tr>
<td>Sensitization of Community on Grievance Redress Mechanism</td>
<td>KISIP, Area Chief, SGRC</td>
<td>1 2 3 4 5 6 7</td>
</tr>
<tr>
<td>Grievance Redress</td>
<td>County KISIP, RIC, PAPs, GRC</td>
<td>1 2 3 4 5 6 7</td>
</tr>
<tr>
<td>Sensitization of PAPs on bank accounts and use of compensation funds including joint spousal management of cash, GBV on use of facilitation funds as well as titles</td>
<td>RIC, Area Chief, SGRC</td>
<td>1 2 3 4 5 6 7</td>
</tr>
<tr>
<td>Payment of compensation</td>
<td>KISIP, RIC</td>
<td>1 2 3 4 5 6 7</td>
</tr>
<tr>
<td>Issuance of notice for self-demolition of community members who are yet to move</td>
<td>RIC, Nyeri County</td>
<td>1 2 3 4 5 6 7</td>
</tr>
<tr>
<td>Issuance of titles[^1^]</td>
<td>Ministry of Lands, NLC</td>
<td>1 2 3 4 5 6 7</td>
</tr>
<tr>
<td>Self-Demolition</td>
<td>PAPs, SEC</td>
<td>1 2 3 4 5 6 7</td>
</tr>
<tr>
<td>Demolition of any structures that have not been demolished at the expiry of the notice period</td>
<td>Nyeri County</td>
<td>1 2 3 4 5 6 7</td>
</tr>
<tr>
<td>Monitoring activities</td>
<td>KISIP MoTIH&amp;UD</td>
<td>1 2 3 4 5 6 7</td>
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</table>

[^1^]: Indicated as a continuous process to allow for resolution of grievances on titling if any arises.
10. MONITORING AND EVALUATION

Monitoring refers to routine and systematic collection of data relating to project activities and performance. In this manner, it provides regular feedback and early indications of progress, or lack of progress. Monitoring informs on whether project activities and outputs are going on as planned, and thus points to the likelihood of whether the objectives will be met or not. It provides opportunities to feed back into the project process, and effect changes where necessary. Evaluation on the other hand focuses on the performance of a project versus intended objectives. It asks the principal question; is the project producing the anticipated impact or outcomes?

In this case, Monitoring and Evaluation (M&E) will enable KISIP assess the overall success, effectiveness of the implementation of the resettlement and compensation processes and measures, and the resultant outcomes and impacts. Its specific objectives will be:

- To monitor and report on the effectiveness of ARAP implementation, including the progress of disbursement of facilitation/compensation, the effectiveness of public consultation etc.
- To check if timelines and schedule of events is being adhered to and met,
- To assess if ARAP actions, compensation and rehabilitation measures are adequate in restoring livelihoods and/or enhancing living standards;
- To provide feedback on ARAP implementation and to identify problems and successes as early as possible to allow timely adjustment of implementation arrangements
- To assess the level of PAPs satisfaction with the resettlement process
- To assess if the PAPs, ARAP actions and compensation measures have helped the people who sought cash compensation in restoring their lost incomes and in sustaining/improving pre-project living standards;

The final responsibility for M&E rests with the PCT of KISIP, thus the need to ensure the exercises are well funded and adequate staffing is available more so for internal monitoring, as well as setting up the right procedures to guide the exercise. These function will however be exercised in collaboration with other stakeholders including the County KISIP team, the GRC, and the SEC of Riamukurwe.

10.1. MONITORING AND EVALUATION PROCESS/METHODOLOGY

The M&E will be undertaken at two levels: internally and externally, with a focus on the three IFC recommended areas/components of a monitoring plan i.e. be performance monitoring, impact monitoring, and completion audit, and with different focus areas in terms of indicators. Indicators act as the target benchmarks against which to check progress. Indicators are what tells you how the monitoring party will recognize success. These also should balance between quantitative and qualitative indicators. These include (and guided by questions in Table 10.1):

- Output/process indicators: These will measure project processes or activities. They will monitor the number and types of activities undertaken, or what is often called deliverables.
- Outcome indicators: These will measure project outcomes or medium impacts of a project.
- Impact indicators: Are indicators that measure the long-term impacts of a project or interventions.
Table 10-1: Key performance questions to guide monitoring and evaluation

<table>
<thead>
<tr>
<th>Level in result chain</th>
<th>Key Performance Questions</th>
<th>Source: Global Fund (2009) and International Federation of Red Cross and Red Crescent Societies (2007)</th>
</tr>
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<tbody>
<tr>
<td>Inputs</td>
<td>• Are resources being used efficiently?</td>
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</tr>
<tr>
<td></td>
<td>• What interventions and resources are needed?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• All</td>
<td></td>
</tr>
<tr>
<td>Activities</td>
<td>• Have planned activities been completed on time and within the budget?</td>
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<tr>
<td></td>
<td>• What are we doing? Are we doing it right?</td>
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<td></td>
<td>• What unplanned activities have been completed?</td>
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</tr>
<tr>
<td></td>
<td>• What factors are affecting (in an enabling or disabling manner) the implementation of activities?</td>
<td></td>
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<tr>
<td></td>
<td>• Performance Monitoring</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Completion Audit</td>
<td></td>
</tr>
<tr>
<td>Outputs</td>
<td>• What direct tangible outputs has the project delivered?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Are we implementing the project/interventions as planned?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Performance Monitoring</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Completion Audit</td>
<td></td>
</tr>
<tr>
<td>Purpose/objectives</td>
<td>• What changes have occurred as a result of the outputs? To what extent are these likely to contribute towards the project purpose and desired impact?</td>
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<tr>
<td></td>
<td>• Has the project achieved the changes for which it can realistically be held accountable?</td>
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<tr>
<td></td>
<td>• Are interventions working or making a difference?</td>
<td></td>
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<tr>
<td></td>
<td>• What factors are affecting (in an enabling or disabling manner) the achievement of results as stated in the program descriptions and work plans?</td>
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<tr>
<td></td>
<td>• To what extent and in what ways does KISIP need to modify its activities or manner of working to in light of results coming out of its reflection exercises?</td>
<td></td>
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<tr>
<td></td>
<td>• Impact Monitoring</td>
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<td></td>
<td>• Completion Audit</td>
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<tr>
<td>Goal/long-term objective</td>
<td>• To what extent has the project contributed towards its longer term goals? Why or why not?</td>
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<td></td>
<td>• What unanticipated positive or negative consequences did the project/interventions have? Why did they arise?</td>
<td></td>
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<tr>
<td></td>
<td>• Impact Monitoring</td>
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<td></td>
<td>• Completion Audit</td>
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10.2 INTERNAL MONITORING PROCESS
The performance and impact of the ARAP implementation process will be assessed internally by KISIP. KISIP PCT i.e. project coordinator will designate a monitoring officer among the safeguards team who will be principally responsible for reporting to both the PCT and RIC on the progress of the ARAP implementation.
This will include both:

1. **Performance monitoring:** Will allow KISIP to measure physical progress against milestones established in the ARAP. Ideally, performance monitoring of the ARAP should be integrated into the overall project management to ensure that ARAP activities are synchronized with all project implementation activities, and that performance monitoring becomes a continuous process that relies on existing processes of collecting data to the extent possible, rather than scheduling of the exercise as a separate event. This means the monitoring officer can (after every major activity) update the M&E database.

Monitoring indicators are indicated in Table below.
### Table 10-2 Monitoring (Performance) Indicators

<table>
<thead>
<tr>
<th>Activity/Parameters</th>
<th>Indicators</th>
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</table>
| Compensation payments to PAPs           | - Number of PAPs promptly paid disaggregated by gender  
- Number of PAPs not paid promptly and reasons  
- Amounts of money paid to PAPs            |
| Restoration of livelihoods and assets    | - Number of PAPs with restored assets disaggregated asset type  
- Number of PAPs without restored assets  
- Number of PAPs with livelihood levels restored (based on socio-baseline survey)  
- Number of PAPS with and without restored livelihood enterprises. |
| Assistance to Vulnerable                | - Number of vulnerable PAPs assisted  
- Type of assistance provided to vulnerable PAPs  
- Number of vulnerable PAPs not assisted and reasons  
- Number of vulnerable PAPs resettled |
| Community participation and public engagement | - Number of local consultative meetings held  
- Number of County and National Government leaders engaged/briefed about the ARAP  
- Number of PAP consultative meetings held  
- Type of issues raised at public consultation meetings  
- Number of participants attending public consultation meetings related to displacement disaggregated by gender |
| Grievance management                    | - Number of complaints/ grievances registered/received  
- Number of grievances resolved promptly (within the duration allowed in the grievance redress mechanism)  
- Number of grievances not resolved in time but completed  
- Number of outstanding grievances not resolved  
- Average timelines for resolution of grievances disaggregated by the various levels of grievance redress mechanism/institutions and disaggregated by different types of grievances.  
- Number of grievances referred to Level 3 (Courts of Law)  
- Number of complaints referred to World Bank Safeguards team.  
- Number of complainants satisfied with response and grievance redress process  
- Number of PAPs that have access to the GRM |
| Training and Capacity Building           | - Number of trainings held disaggregated by target group/institutions and issues  
- Number and type of participants disaggregated by gender  
- Themes discussed in various trainings |
| Awareness and Access to Information     | - Type of information disclosed to PAPs during each meeting  
- Accessibility of the ARAP document at the local level  
- Accessibility of the ARAP document on the Ministry’s website and the Bank’s Info shop  
- Awareness on ARAP/Entitlement information  
- Number of people seeking information on displacement and compensation |
| Process Management                      | - Number of proposed institutions formed, or better alternatives  
- Number of census and asset verification/quantification procedures in place  
- Number of coordination meetings between various stakeholders. |

2. **Impact Monitoring:** will involve gauging the effectiveness of the ARAP and its implementation in meeting the needs of the affected population i.e. assesses the satisfaction of affected people with resettlement initiatives and, thus, the adequacy of those initiatives. Its focus is largely on the effects of resettlement or facilitation. Impact monitoring will also
use available avenues to collect data. Semi-structured interviews with a sample of the PAPs, livelihood observation, and Key Informant Interviews (KIIs) which enable a more in-depth process of inquiry among selected participants and other stakeholders, can be integrated into normal project activities and meetings.

Here the indicators can include:

- Payment of compensation including its levels and timing.
- Perception of PAPs on adequacy of facilitation
- Adequacy of training and other developmental inputs e.g. Perception of PAPs on usefulness and timing of trainings and issues discussed.
- Land tenure related dynamics e.g. development of settlement triggered by land tenure process, changes in land values and plot ownership
- Rehabilitation of vulnerable groups
- Enterprise relocation, compensation and its adequacy

The monitoring officer will produce monthly performance monitoring and quarterly Impact monitoring reports for review by the RIC and PCT. These can also use the reports to make decisions where adjustments are needed to ensure the ARAP implementation process achieves the desired results, and on time. He or she will work with other institutions e.g. the GRC committee in tracking progress of the grievances, KISIP finance office in tracking disbursement of facilitation etc. This makes proper documentation of all processes in the ARAP implementation essential to the success of the M&E function.

The baseline chapter/data and asset register will serve as the basis for monitoring and evaluation.

10.3 EXTERNAL EVALUATION
An external evaluation will help KISIP meet accountability and transparency thresholds. This therefore needs to involve an external and independent M&E specialist (individual or firm) for purposes of evaluating compensation and resettlement activities, and verification if undertaken according to the RAP.

External evaluators will involve and interview PAPs, to ascertain their knowledge and concerns about the resettlement process, their entitlements, and the rehabilitation measures. It will also survey the standards of living of PAPs.

Some possible indicators include:

- Adequacy of staff numbers/skills/knowledge levels; equipment and facilities) at RIC, GRC
- Legislative compliance with national and World Bank standards
- Outputs of the M&E, compensation payments, community engagement, reporting, grievance processes as indicators of effectiveness and adequacy
- Collaboration and coordination adequacy within and between the various committees, and other stakeholders e.g. with NLC, county government
- Livelihood changes among PAPs, including production systems and the standard of living and welfare
10.4 ARAP COMPLETION AUDIT

This will assess the outcome of the ARAP complies with the commitment of this report, and to the extent which the efforts to restore the living standards of the affected population have been properly conceived and executed. It verifies if all commitments were delivered, and whether mitigation measures had the desired effect i.e. were the livelihood and living standards been restored or enhanced.

This also documents the lessons learnt for feeding into implementation of other ARAPs, and future projects.

The Completion Audit will have the following specific objectives:

(i) General assessment of the implementation of the ARAP against the objectives and methods set forth in the ARAP;

(ii) Assessment of compliance of implementation with laws, regulations and safeguard policies;

(iii) Assessment of the fairness, adequacy and promptness of the compensation and resettlement procedures as implemented;

(iv) Evaluation of the impact of the compensation and resettlement program on livelihood restoration, measured through incomes and standards of living, with an emphasis on the “no worse-off if not better-off” requirement; and

(v) Identification of potential corrective actions necessary to mitigate the negative impacts of the program, if any, and to enhance its positive impacts.

The Completion Audit will be based on documents and materials generated by internal and external monitoring. In addition, auditors will make their own assessments, surveys and interviews in the field and with Project-Affected People.
11. CONCLUSION AND COMMITMENTS

Nyeri County, and specifically Riamukurwe Informal settlement is one of the beneficiary settlements of KISIP. The activities in this settlement specifically sought to provide a framework for the regularization and provision of secure land tenure and later infrastructure development in the former colonial village. The Settlement, however had a plan approved in 2007 but not implemented. This was therefore revised.

The placement of beacons in April and May 2014, and the issuance of title documents by the Ministry of Lands and Physical Planning in 2016 led to displacement impact for some persons, in advance of the preparation, clearance and disclosure of ARAP. Following a World Bank Social Audit in 2017, it was agreed on that an ARAP should be undertaken in retrospect to:

- Identify PAPs who had pulled down their assets/structures and constructed them within the boundaries of the allocated parcels, and in collaboration with the PAP and Settlement Executive Committee (SEC), reconstruct displacement impacts.
- Identify PAPs who were yet to pull down the assets/properties, and assess the impacts of the Planning and survey.

The ARAP has identified a number of impacts related to the implementation of the proposed 2007 LPDP including loss of structures, loss of trees, impacts on livelihoods. The ARAP however does not result in complete or localised displacement of any PAP in the settlement. Those affected also have enough land to rebuild the affected structure, where this is yet to take place.

In addition, there are indications by the community and county Government of Nyeri that the process of titling is long overdue for some of the settlement members, and needs to come to a quick conclusion. It is therefore recommended that the ARAP implementation process commences as soon as possible.

11.1 COMMITMENTS

To ensure this ARAP is fully implemented, KISIP commits to the following:

- KISIP will facilitate all the Project Affected Persons according to provisions of this ARAP including the budget for compensation and timelines as per the implementation schedule.
- KISIP will ensure all grievances are addressed and resolved in a timely manner as indicated during implementation of this ARAP.
- KISIP will undertake verification and ensure Titles with errors as issued to the beneficiaries are corrected and re-issued. This include issuing the remaining titles (Not yet Issued) to the respective beneficiaries in accordance to the implementation schedule of this ARAP.
- KISIP will undertake community sensitization on land succession processes, and in collaboration with the area chief undertake community sensitization to caution the community against any form of Gender Based Violence (GBV) related the use of compensation funds by spouses.
- KISIP will work with the County Government of Nyeri in ensuring the sustainability of the project. The County will be part of the RIC in implementing this ARAP, part of the grievance resolution mechanism, provide additional assistance where necessary to vulnerable PAPs in rebuilding their structures through the SEC, undertake development control, Clearance of structures on road way leaves after the expiry of self-demolition period as well as protecting the road reserves from future encroachment by beneficiaries and/or any other actors.
- KISIP will issue a minimum of three-months self-demolition notice after compensation is issued to PAPs to enable them salvage their assets.
- KISIP will undertake Monitoring and Evaluation of this ARAP during and after implementation as outlined in this ARAP.
REFERENCES

ANNEXES

A. MINUTES OF VARIOUS MEETINGS

i. County Government of Nyeri Planning Team Meeting

MINUTES OF RESETTLEMENT ACTION PLAN FOR NYERI COUNTY HELD WITH THE COUNTY PLANNING TEAM AT NYERI COUNTY PLANNING OFFICES ON 25TH JANUARY 2018

ATTENDANCE: See attached list of attendants

AGENDA

1. Introduction
2. Purpose of meeting
3. Concerns from the county
4. Way forward
5. AOB

1. Introduction

The meeting started with a prayer from Mr Chege, a planner with the Nyeri County. Then followed introductions from both the KISIP county, county planning department and KISIP Nairobi team. Ms. Beatrice Koch who is the sitting chief officer Lands, Housing, Physical Planning and Urbanisation

Welcomed the KISIP team to the County.

Faith Birir from KISIP explained that Mr Wafula would explain the reason for the visit, what KISIP expected to achieve with the visit.

Mr John Wafula explained that based on an internal discussion and looking at KISIP processes, there has been a lot of emphasis on social safeguard issues when it comes to infrastructure. However, this has not been the case in planning and survey, and this element has developed rather late compared to the rest of the components.

Particularly in 2017, The World Bank undertook a social audit in settlements under Lot I in Nyeri which recommended that RAPs be undertaken. It was noted that the bank guidelines were not followed in relocation for instance. Despite the fact that people had been displaced and moved in some cases for compliance purpose, there was need to go back and look at the process and those displaced should be helped in some way. Other findings were positive:

- 94 interviewed were satisfied with project outcomes
- Over 90 percent noted engagements with KISIP or county,
- No forced evictions noted

However, the lack of facilitation to relocate was of major concern to the Bank.

Dr Wairimu also noted that the visit was also partly meant for the county to advice on emerging issues in these settlements given their closer proximity to the settlements.
2. **Discussions and concerns from County**

- The exercise was long overdue and happening way too late given over 6 years since KISIP interventions in these settlements started. There is therefore the possibility that some people have sold and relocated.
- Generally, there has been a lapse in information between KISIP and the county. E.g. the county is yet to receive the so mentioned audit report.
- A number of serious issues have emerged in the settlements. For instance, in Gatitu, more than half of the plots have been transferred, some legally some illegally. There were cases of genuine lease that were ignored in the planning process, but plan did not recognise. The community members do not agree with the SEC, and has since disowned it. A number of issues also emerged due to people taking advantage of the gap in transition during the devolution process.
- In Riamukurwe, some issues have been reported but these are normal disputes and concerns that can easily be resolved.
- There is need to exercise caution where money is involved as the numbers of PAPs may rise.
- Other ongoing programmes such as the presidential scheme often cause conflicts as people cannot tell the difference between those and KISIP.
- The main interests of the Community remain titles only. RAP complicates issues.
- There was lack of documentation on Githiru thus county has retendered the work. Majority of the Lot 1 documentation is missing.
- Kihatha, kihuyo and Muruguru have issues but these again are normal

3. **Way Forward**

- The county noted they were understaffed thus could only join the KISIP mission where possible.
- A question on facilitation of county staff when involved in KISIP assignments related to consultants was clarified. It is the responsibility of the consultants to facilitate them.
- It was agreed on that the RAP would be fastracked to ensure the titling process is completed as soon as possible.

The team then agreed on an exit meeting.
PLANNING AND SURVEY FOR LOT 1 INFORMAL SETTLEMENT IN NYERI COUNTRY RESETTLEMENT ACTION
PLAN (RAP) EXERCISE FROM 24TH JANUARY 2018 TO 3RD FEBRUARY, 2018

ATTENDANCE LIST

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<tr>
<th>S/N</th>
<th>NAME</th>
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<th>EMAIL ADDRESS</th>
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<td>1</td>
<td>A. Njiru Chege</td>
<td>NYERI COUNCIL</td>
<td><a href="mailto:njiru@nyericounty.com">njiru@nyericounty.com</a></td>
<td>0728760464</td>
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<tr>
<td>2</td>
<td>MOES Muthoni</td>
<td>NYERI COUNCIL</td>
<td><a href="mailto:dem@nyericounty.com">dem@nyericounty.com</a></td>
<td>0796336596</td>
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<td>Waine Waimau</td>
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Attendance list

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<td>Shanya Shashi</td>
<td>KISIP</td>
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Riamukurwe Set Meeting

MINUTES OF THE SETTLEMENT EXECUTIVE COMMITTEE, OTHER COMMUNITY REPRESENTATIVES MEETING (RESETTLEMENT ACTION PLAN RIAMUKURWE) HELD AT WONDERFUL NURSERY SCHOOL RIAMUKURWE ON 25TH JANUARY 2018

ATTENDANCE: See attached list of attendants

AGENDA

1. Introduction
2. Purpose of meeting
3. Identification of PAPs
4. Way forward
5. AOB

1. Introduction

The SEC Chairman Mr Joseph Gatonga welcomed the KISIP team to Riamukurwe, terming it as colonial village that has since changed given during the President Kibaki regime they received allotment letters, and later when KISIP came in, some have received titles even as the rest of the settlement awaits their titles. He then introduced the rest of the members from the settlement i.e. 3
women and 10 men. He explained the presence of the 4 young men in the meetings as a deliberate strategy by the SEC to ensure succession and continuity in the settlement’s village, through training and inducting the young men into leadership in the SEC.

2. Purpose of meeting

KISIP county coordinator Mr Moses Muriuki then introduced the County team that consisted of Mr Chege, a planner. He thanked the SEC for arranging for a meeting on such short notice having informed them only last Friday.

He explained that KISIP and the county wanted to pick up the issues of Riamukurwe from where it had stopped to ensure the title is the end product of every settlement member. However, before titling, there were some issues that needed to be addressed.

Mr Muriuki noted that there was a follow up meeting from the World Bank in 2017 which found that some community members were impacted on by the planning and survey, and while some had relocated and moved their structures, others had not. This trip was thus a way of acting on some of those findings and issues that needed to be addressed.

Faith Birir, KISIP liaison for Nyeri introduced the KISIP team. She then apologised for the fact that the process of titling had stalled but now KISIP wanted to fast track this and address the pending issues. She noted that although the work that started around 2011 with some getting titles in 2016, some community members still had not received their titles. The chairman of the SEC noted that since the community had allotment letters, they were not so worried of insecure of tenure but would be happier with a title.

Mr Wafula – social safeguards from KISIP apologised that the process had taken long, partly because there were many settlements been handled at the same time. He also noted that KISIP was very concerned to address the issues raised by the Bank so as to finalise this process.

Mr Stanley Nganga – a national government valuer working with KISIP noted that his role was to check who had relocated, check who moved and where, and what that process entailed in terms of costs. He would also value those who had not since moved.

Dr Winnie Wairimu - social safeguards from KISIP highlighted that the team was also interested in hearing recent developments in the settlement, emerging disputes and their nature, also if there existed mechanisms to address these.

The SEC secretary Mr Duncan Gichuki responded to Dr Wairimu’s statements by highlighting that a number of disputes had emerged. He noted that during the socioeconomic survey, the group of young people working with the consultant was required to go house by house and take a photo of the land owners. However, for the 2 days they were around, it rained heavily and thus the enumeration happened from the nursery school. The SEC noted this was bound to cause problems and hoped for a validation process. However, when the names came from the municipal, there was several types of divergence:

- Names were wrongly spelt.
- There were people from other settlements whose names were indicated in this settlement. This they attributed to the fact that the consultant was working in several settlements at the same time thus likely to result in confusion. In addition, they did not have a proper validation process.
• Titles had all names of members in a family indicated including names of small children. This was a recipe for conflicts between parents and children. Names collected in household enumeration were all translated in titles (at this point a SEC member pointed to his child in nursery who was indicated on his title)
• There was difference of 14 names between KISIP list and the one on the ground done by SEC. KISIP had 106 but local had 120.
• Most public utilities were not indicated in the KISIP lists despite being enumerated (SEC members produces enumeration cards for all public facilities including a nursery, secondary, public cemetery that they indicated was full so tended to reuse graves, markets). He noted this was contentious since there had been previous attempts to grab several public utilities.
• There were 4 people sharing a very small plot of land but community hived part of the cemetery and resettled 2, but this wasn’t reflected.

The secretary noted having noted all these and more concerns and documenting them with the chief.
Dr Wairimu asked if anyone had lost land to which the secretary noted that everyone on ground had land but KISIP’s list of beneficiaries had errors.
One other member also asked why they were receiving leasehold titles while other places people were receiving free hold titles adding these were not ‘proper titles’ and attracted rates from county government. Mr Muturi and Chege (planner) from the county explained that the difference was the settlement is in a municipality but since there has been a presidential order, the county was willing to relook at the issue of rates. He clarified that some programmes under the presidential programme on titles did indeed receive free hold titles but that is different from KISIP.
The community also raised a concern of when would the titles come to which Dr Wairimu noted it was proper to deal with the issues so as to complete the process and this is why KISIP came today.
Dr Wairimu inquired on those who had moved. The SEC chair noted some had moved but others could move especially the vulnerable and the community was willing to assist. In 2 cases, these had not moved and were not capable of moving because of vulnerability…they had no means to construct a new unit.

3. Identification of PAPs
Dr Wairimu and Mr Wafula indicated they need assistance identifying the affected houses. The SEC produced the previous plan of 2007 showing all the 120 plots. They however noted some disputes over some land e.g. between a church and the proposed administration police post. It was thus agreed on that the settlement needed a GRM mechanism to deal with such cases. In addition, continued sensitization of community e.g. no person should request neighbour to move assets in interboundary cases until after RAP implementation was key, as well as a verification exercise to detect issues with titles already issued.

After about 30 minutes of attempts to locate on the map affected persons, the group agreed to do transect walks throughout the whole settlement with SEC showing the 14-16 PAPs they were aware of as having been affected. In the meeting, it was agreed on that this exercise would identify mainly structures affected by both roads as well as interboundary alignment. They would also point
out dispute cases and explain the nature of the dispute. It was also agreed on that those affected by movement of fences more so interboundary was difficult to assess or remember since some years had passed. However, the ones affected by the road would only be enumerated during the infrastructure works as many hedges were poorly maintained and missing in many sections. (The team then took transect walks accompanied by the SEC and about 10 other community members identifying the structures, type of house affected, taking down details of owner of parcel for easier identification, cause of impact (road or interboundary). Only where the SEC or owner or community could identify the beacon was picked up. The team identified 23 plots of land which had structures affected in the categories of main house, latrines, cowsheds, kitchens and trees. In the process of doing this, more community members came up with claims. 1 person claimed impact but could not show the beacon for KISIP, County and SEC to establish the authenticity of the claim. The case was referred to the following day and the member given sufficient time to locate the claimed beacon).

The following were identified:

<table>
<thead>
<tr>
<th>Name of PAP</th>
<th>Asset Affected</th>
<th>Cause of Impact</th>
<th>Other Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Martha Wairimu Maina</td>
<td>House</td>
<td>Road</td>
<td>Sickly</td>
</tr>
<tr>
<td>Teresia Waitherero</td>
<td>House</td>
<td>Road truncation</td>
<td>Vulnerable (elderly)</td>
</tr>
<tr>
<td>Veronica Nyambura Kamoja</td>
<td>House</td>
<td>Interboundary</td>
<td>Vulnerable</td>
</tr>
<tr>
<td>Joram Mweru Ikua</td>
<td>toilet</td>
<td>Interboundary</td>
<td></td>
</tr>
<tr>
<td>Francis Maina Waimeri</td>
<td>House</td>
<td>Interboundary</td>
<td>Deceased</td>
</tr>
<tr>
<td>Mary Wambui Kiranya</td>
<td>Latrine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agnes Njoki Mwangi</td>
<td>Main house</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Patrick Kinyua Theuri</td>
<td>Toilet</td>
<td></td>
<td>Deceased</td>
</tr>
<tr>
<td>Lucy Wanjiru Mutiri</td>
<td>Toilet, cowshed, 3</td>
<td>Interboundary</td>
<td>Deceased</td>
</tr>
<tr>
<td></td>
<td>houses,</td>
<td>(for first 4),</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>then road for 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>house</td>
<td></td>
</tr>
<tr>
<td>Gladys Wamuci</td>
<td></td>
<td>road</td>
<td>Deceased</td>
</tr>
<tr>
<td>Mary Wangui Wambugu</td>
<td>House, Cowshed,</td>
<td>Road</td>
<td></td>
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<td></td>
<td>toilet</td>
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<tr>
<td>Charles Maina Buri</td>
<td>House</td>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>John Muthe Wanyeki</td>
<td>Avocado tree</td>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Beatrice Wairimu Kaigori</td>
<td>Avocado tree</td>
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<td></td>
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<tr>
<td>Emma Wambui Mwangi</td>
<td>House</td>
<td>Interboundary</td>
<td></td>
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<tr>
<td>John Kangara Ndirangu</td>
<td>Kitchen</td>
<td>Interboundary</td>
<td>already demolished and relocated</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>house</td>
</tr>
<tr>
<td>Pentecostal Free Mission Fellowship Church</td>
<td>Kitchen, Toilet</td>
<td>Interboundary</td>
<td></td>
</tr>
<tr>
<td>Paul Mwangi Hihiu</td>
<td>Toilet</td>
<td>Interboundary</td>
<td></td>
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<tr>
<td>Lucy Murungi Wambugu</td>
<td>House</td>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Description</td>
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</tr>
<tr>
<td>-----------------------------</td>
<td>--------------------------------------------------</td>
<td>-------------</td>
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</tr>
<tr>
<td>Peter mwangi Wanjau</td>
<td>House</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>already demolished and relocated house</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dabi theuri</td>
<td>House, loss of rental income</td>
<td>Road</td>
<td></td>
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<tr>
<td>Dabi Theuri's shop tenant</td>
<td>Loss of income and business facilities</td>
<td>Road</td>
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</tr>
<tr>
<td>Beatrice Wachero</td>
<td>House</td>
<td>Road</td>
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### 4. Way forward

After the transect walk, KISIP, county and SEC met and agreed to meet at 9am the following morning for the survey, as well as identification of new claimants amongst the PAPs. The SEC was requested to identify 7 people who would work with the KISIP team the following day, in undertaking the survey. Then PAP meeting would follow in the afternoon of Friday.

The meeting ended at 4.20 pm with a word of prayer.

KISIP Nyeri County Coordinator, Mr Moses Muturi

KISIP Liaison Officer, Ms Faith Birir
# ATTENDANCE LIST

**Date: 25/1/2018**

<table>
<thead>
<tr>
<th>S/N</th>
<th>NAME</th>
<th>ORGANIZATION</th>
<th>EMAIL ADDRESS</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Anthony Chege</td>
<td>Lady Nyeri</td>
<td><a href="mailto:ngomuchael@gmail.com">ngomuchael@gmail.com</a></td>
</tr>
<tr>
<td>2</td>
<td>John W. Kwaia</td>
<td>Kisip</td>
<td><a href="mailto:kisip@gmail.com">kisip@gmail.com</a></td>
</tr>
<tr>
<td>3</td>
<td>Wanja Wabaino</td>
<td>Kisip</td>
<td><a href="mailto:wabaino@gmail.com">wabaino@gmail.com</a></td>
</tr>
<tr>
<td>4</td>
<td>Moses Mutua</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:mutua.m@gmail.com">mutua.m@gmail.com</a></td>
</tr>
<tr>
<td>5</td>
<td>Duncan Gachugi</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:gachugi.d010@gmail.com">gachugi.d010@gmail.com</a></td>
</tr>
<tr>
<td>6</td>
<td>Nancy Njeri</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:njeri.n@gmail.com">njeri.n@gmail.com</a></td>
</tr>
<tr>
<td>7</td>
<td>Solomon K. Wangua</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:wana.1981@gmail.com">wana.1981@gmail.com</a></td>
</tr>
<tr>
<td>8</td>
<td>George M. Wachira</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:pachira.g010@gmail.com">pachira.g010@gmail.com</a></td>
</tr>
<tr>
<td>9</td>
<td>Charles Mwangi</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:mwangi.c@gmail.com">mwangi.c@gmail.com</a></td>
</tr>
<tr>
<td>10</td>
<td>David Wambugu</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:wambugu.d010@gmail.com">wambugu.d010@gmail.com</a></td>
</tr>
<tr>
<td>11</td>
<td>Regina Wanjiru</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:wanjiru.r010@gmail.com">wanjiru.r010@gmail.com</a></td>
</tr>
<tr>
<td>12</td>
<td>James W. Gathaga</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:gathaga.j010@gmail.com">gathaga.j010@gmail.com</a></td>
</tr>
<tr>
<td>13</td>
<td>Charles Mwangi</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:mwangi.c@gmail.com">mwangi.c@gmail.com</a></td>
</tr>
<tr>
<td>14</td>
<td>Mary Ndegwa G.</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:ndegwa.m@gmail.com">ndegwa.m@gmail.com</a></td>
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**Date: 25/1/2018**

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<td>Joseph Gachangi</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:gachangi.j010@gmail.com">gachangi.j010@gmail.com</a></td>
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<tr>
<td>16</td>
<td>Gabriel Gachangi</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:gachangi.g010@gmail.com">gachangi.g010@gmail.com</a></td>
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<tr>
<td>17</td>
<td>Fred Ngurici</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:ngurici.f010@gmail.com">ngurici.f010@gmail.com</a></td>
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<tr>
<td>18</td>
<td>Anthony Wawiu</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:wawiu.a010@gmail.com">wawiu.a010@gmail.com</a></td>
</tr>
<tr>
<td>19</td>
<td>Charles Kihaka</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:kihaka.c@gmail.com">kihaka.c@gmail.com</a></td>
</tr>
<tr>
<td>20</td>
<td>Simeon Wanjiru</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:wanjiru.s010@gmail.com">wanjiru.s010@gmail.com</a></td>
</tr>
<tr>
<td>21</td>
<td>Peter Biyira</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:biyira.p010@gmail.com">biyira.p010@gmail.com</a></td>
</tr>
<tr>
<td>22</td>
<td>Jacob Kipkemo</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:kipkemo.j010@gmail.com">kipkemo.j010@gmail.com</a></td>
</tr>
<tr>
<td>23</td>
<td>Shenawi Kibor</td>
<td>Kisip - Nyeri</td>
<td><a href="mailto:kibor.s010@gmail.com">kibor.s010@gmail.com</a></td>
</tr>
<tr>
<td>24</td>
<td>Charles Ndirangu</td>
<td>Youth KIST</td>
<td><a href="mailto:ndirangu.c@gmail.com">ndirangu.c@gmail.com</a></td>
</tr>
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</table>
iii. PAP Meeting
MINUTES OF THE RESETTLEMENT ACTION PLAN AND CUT OFF DATE HELD WITH PROJECT AFFECTED PERSONS OF RIAMUKURWE INFORMAL SETTLEMENT ON 26TH JANUARY 2018 AT WONDERFUL NURSERY SCHOOL RIAMUKURWE

ATTENDANCE: See attached list of attendants

AGENDA
1. Introduction
2. Purpose of meeting
3. Identification of PAPs
4. Compensation/facilitation for relocation
5. Relocation and Notice
6. Questions/ Concerns on Titling Process Way forward
7. AOB

1. Introduction

The meeting was called to order and opened by the local chief at 2.30pm, and requested one of the community members to open by prayer. The prayer was by an administrator from the office of the Chief.

The assistant Chief Mr John Thiongo acted as the chair of the session. He welcomed everyone to the meeting, thanking them for arriving as short notice despite the fact that most community members are casual labourers, thus having to forgo their day’s wages on this particular day. He reiterated that the national and county government have visited Riamukurwe to enable fast-track the titling process that had stalled. He thus encouraged the community members to ask the various questions they had about this process as well as the exercise that had started the previous day i.e. identifying the project affected persons as those whose structures were impacted on by interboundary alignments or expansion of roads, thus the enumeration and socio-economic baseline survey that saw the various teams going door to door.

The Settlement Executive Committee Mr Gitonga then expressed the concern that many of the community members had waited for many years for their titles. While some already had their titles, some were still waiting, and thus he would not take time but would let the meeting go on so the community could be informed on the issues which had delayed the titling process.

Mr Moses Muturi – KISIP county coordinator noted the titling process had taken too long, have started since 2007. While some had received titles, others had not. He also noted that some people had since demolished houses indicated as falling on the road reserves. He noted the titling process in Riamukurwe had not been abandoned but faced some delays given that KISIP works in many Counties. Despite the teething issues, the County and national government were committed to address pending issues so as to complete the process.

He noted that the World Bank insists on avoiding leaving people in worse situations. Similarly, the government of Kenya despite its slow processes and bureaucracies had not forgotten the people of Riamukurwe and was keen on leaving the community better off.

Faith – KISIP liaison to Nyeri County introduced the KISIP team from Nairobi. She then thanked the community for the assistance accorded to the team since the previous day of identifying affected persons to the socio-economic baseline survey.
2. Purpose

Dr Winnie Wairimu – KISIP social safeguards consultant first started by thanking the community for the unprecedented support they had showed the team. She noted the purpose of the meeting was to inform the community the logic behind the identification that was undertaken the previous day to the steps that would follow to ensure this process is brought to a completion that results in titling, including facilitation to enable relocation, how vulnerable groups would be assisted, notices for relocation and setting of a cut off.

Dr Wairimu reminded the community of the World Bank audit which revealed a number of issues including the fact that some persons had relocated their structures in the absence of any assistance and that this needed to be corrected. The Bank’s policy requires that due process is followed before people are required to move including enumerating those affected, assessing the extent of likely damage caused by the relocation and offering assistance in such cases.

3. Identification of PAPs

She highlighted that as the SEC had been asked to inform the community members, the team had been interested in identifying those whose structures both residential, and business related including trees had been affected by boundaries between neighbours as well as expansion of the planned roads. She highlighted this was a clear and simple process. Given the SEC had indicated that the beacons were clearly visible and still intact in over 99% of the cases, anyone claiming impact was required to first show the beacons on their land, allotment letter, ID card and the team valuer then assessed the impact this would have e.g. affecting a structure, tree etc. This had proved to be fairly an easy process.

However, in some cases, the structures had since been demolished or moved. In such a case, the SEC had verified that indeed such a structure had once existed and in the community member had to describe the type, use and make to the valuer Mr Nganga.

She noted that this morning a number of new community members had come up indicating previously demolished structures, showing the SEC had done proper additional mobilization overnight.

4. Compensation

Given that KISIP did not want to leave the community worse off, Dr Wairimu highlighted that KISIP would give some assistance to the affected persons and institution to move so as to ensure the planning would be maintained as envisioned i.e. orderly and organized, and also to clear the roads for development by the county government in the future. The relocation would also reduce/avoid conflicts between neighbours after the titling process was complete.

She highlighted this assistance would be to two groups:

- Those who had already moved to cover costs of the relocation. Here many had indicated the re use of the same materials to rebuild the structure
- Those who were yet to move, would also receive some facilitation to move their structures

She indicated this cannot be considered compensation per se.

She also noted that the SEC had previously indicated that a number of persons were unable to move due to a sickly or very elderly household head. Here she noted that the SEC had previously
indicated the willingness of the community to facilitate this movement by offering assistance where such was needed and called upon.

After the completion of the RAP report, KISIP would bring the list of those affected and give a copy to the SEC and county. They will then ask the affected to give out their bank account numbers for the facilitation to be deposited. In addition, due to the many problems noted on titles, a verification exercise would be carried out, including allowing families who would want to add the names of spouses on the titling document.

5. Notice and Relocation

She highlighted that once the assistance was issued, it was important that people move their structures i.e. the facilitation should be used for the intended purpose. However, between today until the notice period, she warned the community members:

- Not to move their structures until when given notice to do so by the county
- Not to replace the existing structures with new ones with the hope of claiming facilitation for the new structures
- Not to ask their neighbours to move their structures, even where already had a title since these were yet to be facilitated to do so

Wairimu highlighted it was crucial that community members would act as each other’s first point of correction since all had been present in the meeting.

The County government would then give a 1-3 months’ notice for the owners of the structures to move. After the lapse of the notice period, the county would be within law to demolish or relocate any structure that still lay on a boundary, on a neighbour’s land or on a road reserve.

6. Cut-off

Winnie noted that after today i.e. the 26th day of 2018, no other person would be considered for facilitation to move, given sufficient word had gone around and the SEC had enabled the identification of these cases.

Once the process was complete, and relocation done, one would receive their title.

7. Reactions to the team’s presentations

a) A young man asked where the main beneficiary was deceased and the family was in no position to do succession, would KISIP consider changing the titles. Mr Muturi indicated that the law was clear, if a title had already been issued, succession was the only process to change the name on it. If no title had been issued yet, KISIP can address that if all relevant documents are provided. Where titles had been issued already, the chief indicated he would write for the concerned families to take to court.

b) A Mr Charles Maina kanyori asked since the church already had a title but the LPDP shows that the administration and health centre was been proposed on a section of this land, how did this happen. Mr Mutiru explained that KISIP did not do a new plan but was using an existing one...a 2007 one which showed the land in question as 3 parcels. If indeed there was a title, KISIP does not deal with such disputes. Only the National Land Commission (currently occupying the former provincial commissioner’s office in Nyeri town) to
adjudicate in such cases. Even if the land was still public as some claim, still NLC will be involved, engaging the community on what they want to do with the land.

c) A neighbour to Beatrice Wangari Kachohi indicated the beacon fell in her house but she was not around or in this meeting. The group agreed that the team would check this out if the neighbour would seek her consent to allow the team into the compound after this meeting (NB this did happen and the valuer was able to assess the impact).

d) A man noted that his allotment letter did not have/carry his ID number or right name. Mr Muturi and Dr Wairimu notes that they had heard of such many cases including where children were indicated on titles. Faith indicated KISIP would organise for a verification and validation exercise, and such errors addressed.

e) One man noted that the list of names produced by KISIP, gave his plot to someone else. This was also highlighted as to be addressed through a verification exercise.

f) A young man indicated there was a deceased person’s names had wrongly been written on a title deed. However, the spouse (their mother) had legally remarried i.e. had a new marriage certificate, and the deceased man’s children feared they would be dispossessed of their father’s property. Mr Muturi indicated this was a special case and would be treated uniquely after the meeting (Later on, the Chief indicated he was aware of the case. He would liaise with the family and county and ensure this was addressed).

g) A woman indicated she had 6 kids and nowhere to stay. (It was clarified she was mentally disturbed and lived on the streets. (NB: She is not a member of the settlement). The chief indicated this was the community’s responsibility to take care of such cases. He requested the community members to desist telling her that the chief had land to allocate as the chief has no powers to give any land.

h) The SEC secretary Mr Duncan Gichuki indicated some people were writing on their titles in attempt to correct the mistakes on them. HE asked them to stop and this spoils the document.

i) A member thanked the KISIP team saying the titling process would be beneficial for security of tenure and spurring developments in the areas.

j) Another indicated it was a process they appreciated. The cost of even getting a title was costly due to things such as stamp duty, yet KISIP had undertaken it on the behalf of the community, scrapping off all fees, and making it a free process

8. Grievance Redress

Dr Wairimu mentioned that the KISIP team had received various types of concerns including:

- Misspelt names on titles
- Cases of all family members including children, some as young as 4-year olds appearing on titles, alongside their parents
- Cases of death of a household head, after the issuance of allotment letter
- Cases of individuals living in other settlements been indicated as owners of plots occupied and owned by members of this settlement
- Cases of where an affected structure was contested by family members despite the deceased father having divided and allocated property between the children
She indicated since the SEC chair and secretary were already receiving so many of these reports, including copies of the disputed documents – which showed the community trusted them, there was no need to create a separate grievance system. She advised the two to continue receiving the grievances in the meantime. The KISIP county coordinator would issue the two with a black book in which to register all issues related to these titles for forwarding to the KISIP county coordinator. KISIP would then come and train this committee on how to properly record these cases. The meeting ended at 4.58pm with a word of prayer from a member of the SEC, after thanking KISIP for what she saw as a process that would secure for her land she had never thought she would ever own. In addition, she thanked the members of the community who had forgone their wages for the 2 days (they are casual labourers) to see this process come to an end.

KISIP Nyeri County Coorindator, Mr Moses Muturi

KISIP Liaison Officer, Ms Faith Birir

KISIP Social Safeguards, Winnie Wairimu
# AT  TENDANCE LIST

<table>
<thead>
<tr>
<th>S/N</th>
<th>NAME</th>
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<td>M. Kumaw</td>
<td></td>
<td>0728120814</td>
<td>7/10</td>
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<tr>
<td>20</td>
<td>Mesheck mwangi</td>
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<tr>
<td>21</td>
<td>Richard mwangi</td>
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<td>Peter mwangi</td>
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<td>John mwangi</td>
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<td>Solomon mwangi</td>
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<td>25</td>
<td>Margaret mwangi</td>
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<td>Anthony mwangi</td>
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<td>Salome mwangi</td>
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<td>Joseph mwangi</td>
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<td>Andrew mwangi</td>
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<tr>
<td>30</td>
<td>Charles mwangi</td>
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<td></td>
</tr>
<tr>
<td>31</td>
<td>Joseph mwangi</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>George mwangi</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
B. ASSET REGISTER

This information has been redacted for confidentiality and to protect privacy.

C. SOCIOECONOMIC TOOLS

i. Household survey questionnaire

KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT (KISIP)
RAP SOCIO ECONOMIC BASELINE QUESTIONNAIRE

1. Background information and Identifier

<table>
<thead>
<tr>
<th>A</th>
<th>Questionnaire/household Serial No.</th>
<th>B</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>Enumerator Name</td>
<td>D</td>
<td>County</td>
</tr>
<tr>
<td>E</td>
<td>Sub County</td>
<td>F</td>
<td>Village</td>
</tr>
<tr>
<td>G</td>
<td>Settlement</td>
<td>H</td>
<td>House No</td>
</tr>
<tr>
<td>I</td>
<td>LR No</td>
<td>J</td>
<td>Respondents Name</td>
</tr>
</tbody>
</table>

2. Household Demographics/profile – Household head

<table>
<thead>
<tr>
<th>A</th>
<th>Name of HH head:</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>HH Head ID No:</td>
</tr>
<tr>
<td>D</td>
<td>Gender of HH head: 01-Male 02-Female</td>
</tr>
<tr>
<td>E</td>
<td>Age of HH</td>
</tr>
<tr>
<td>F</td>
<td>Marital Status</td>
</tr>
</tbody>
</table>

H HH Head Vulnerability Characteristics
1. Not Vulnerable
2. Aged/Elderly
3. Chronic Illness
4. Widow
5. Orphan
6. Permanent Disability
7. HIV/AIDS afflicted persons
8. Other (specify) ……..

<table>
<thead>
<tr>
<th>I</th>
<th>Place of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>In this village</td>
</tr>
<tr>
<td>2</td>
<td>Inside this settlement</td>
</tr>
<tr>
<td>3</td>
<td>Outside settlement but within same sub county</td>
</tr>
<tr>
<td>4</td>
<td>Outside settlement but within same county</td>
</tr>
<tr>
<td>5</td>
<td>Outside this county</td>
</tr>
</tbody>
</table>

3. Household Demographics/profile – Other Household members

<table>
<thead>
<tr>
<th>Name</th>
<th>Gender</th>
<th>Age</th>
<th>Relation to HH</th>
<th>Marital Status</th>
<th>Highest Level of education</th>
<th>Economically Active?</th>
<th>Any vulnerability</th>
</tr>
</thead>
</table>
4. LIVELIHOOD

A. Primary source of Livelihood and income for family
1. Government Job
2. Private Sector Job
3. Casual Labourer
4. Agriculture
5. Rent
6. Business (specify)
7. Remittances
8. Others (specify) .............................

B. Secondary source of Livelihood for family
1. Government Job
2. Private Sector Job
3. Casual Labourer
4. Agriculture
5. Rent
6. Business (specify)
7. Remittances
8. Others (specify) .............................

C. Average household income per month in (Kshs)

D. Apart from HH, is there any member of the household who also brings in some income every month?
1. Yes (specify whom and how much per month)
2. No

5. LAND/HOUSE OWNERSHIP/STATUS

A. Indicate which of the following applies to you (circle all that applies)
1. Plot owner
2. Structure Owner
3. Tenant
### B. What is the status of Structure/house you live?

1. Owner  
2. Tenant  
3. Traditional use  
4. Use with permission of the owner  
5. Institutional house  
6. Squatter  
7. Other (specify) 

### C. If owner, who is the registered owner of the property/house in which you live?

1. Wife  
2. Husband  
3. Son  
4. Daughter  
5. Joint husband and wife  
6. Parents/parents in law  
7. Other (specify) 

### D. If owner of structure, why did you move here?

1. Domestic reasons  
2. Economic reasons  
3. Landlessness  
4. Eviction  
5. Skirmishes  
6. Others (specify) 

### E. If tenant, why did you move here (tick the 2 main ones)?

1. Rent is affordable  
2. Proximity to school  
3. Proximity to work  
4. Others (specify) 

### F. What is the status of Structure/house you live?

1. Owner  
2. Tenant  
3. Traditional use  
4. Use with permission of the owner  
5. Institutional house  
6. Squatter  
7. Other (specify) 

### G. If tenant, how much rent do you pay per month? Kshs.

### H. In both cases, how long have you lived here? Years/months

### I. Describe main material for wall

1. Stone  
2. Bricks/Blocks  
3. Iron sheets  
4. Wooden  
5. Cemented earth wall  
6. Earth/mud  
7. Polythene/ Carton  
8. Grass  
9. Other (specify) 

### J. Describe main material for roof

1. Tiles  
2. Iron sheets  
3. Wooden  
4. Concrete  
5. Asbestos  
6. Makuti  
7. Tin  
8. Mud/dung  
9. Other (specify) 

### K. Describe main material for floor

1. Cement screed  
2. Earth  
3. Tiles  
4. Wood  
5. Other (specify) 

### 6. WELFARE INDICATORS

#### A. What does the family use for lighting?

1. Fuelwood  
2. Solar  
3. Charcoal  
4. Battery (large, e.g. car battery for power)  
5. Biogas  
6. Gas lamp  
7. Pressure lamp  
8. Paraffin/Kerosene  
9. Electricity  
10. Other: 

#### B. What does the family use for cooking?

1. Firewood  
2. Solar  
3. Charcoal  
4. Biogas  
5. Paraffin/Kerosene  
6. Electricity  
7. Gas (LPG)  
8. Other: 

#### C. Where do you get water for domestic use?

1. Borehole-  
2. Tap/piped water  
3. Shallow well  
4. Rain Water  
5. River/stream  
6. Water kiosk  
7. No water  
8. Other (specify) 

#### D. Average distance to water source (Return journey)

1. 0-10min  
2. 10-30min  
3. 31min-1hr  
4. More than 1 hr  

#### E. Average cost of water per day (Kshs) i.e. how many 20 litre jerrican and at how much is each jerrican?
### 7. HEALTH, RELIGION AND EDUCATION

<table>
<thead>
<tr>
<th>A. Where is the nearest health centre in use by household?</th>
<th>B. Who operates the medical center?</th>
<th>C. What are common ailments in the household?</th>
<th>D. How far is your religious institution?</th>
<th>E. Where is the nearest public (primary) school?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. In this village</td>
<td>1. County Government/Municipality</td>
<td>1. Malaria</td>
<td>1. In this village</td>
<td>1. In this village</td>
</tr>
<tr>
<td>3. Outside settlement but within same sub county</td>
<td>3. Non-Governmental Organization</td>
<td>3. Headache</td>
<td>3. Outside settlement but within same sub county</td>
<td>3. Outside settlement but within same sub county</td>
</tr>
<tr>
<td>4. Outside settlement but within same county</td>
<td>4. Community based organization</td>
<td>4. TB</td>
<td>4. Outside settlement but within same sub county</td>
<td>4. Outside settlement but within same sub county</td>
</tr>
<tr>
<td>Outside this county</td>
<td>5. Private entity</td>
<td>5. Diarrhea</td>
<td>5. Outside settlement but within same sub county</td>
<td>5. Outside this county</td>
</tr>
<tr>
<td></td>
<td>6. Other (specify)</td>
<td>6. Pneumonia</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>7. Eye infections</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>8. Amoeba / Typhoid</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>9. Hypertension</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>10. Diabetes</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>11. Soft Tissue Injuries</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>12. Other (specify)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 8. WASTE DISPOSAL

<table>
<thead>
<tr>
<th>A. How do you dispose of garbage/solid waste that cannot be re-used?</th>
<th>B. Which type of toilet facilities do you have access to?</th>
<th>C. How is the facility owned?</th>
<th>D. If Public/communal, do you have to pay?</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Bin</td>
<td>2. VIP toilet</td>
<td>2. Privately owned</td>
<td>2. No</td>
</tr>
<tr>
<td>3. Burn</td>
<td>3. Flash toilet</td>
<td>3. Other (specify)</td>
<td></td>
</tr>
<tr>
<td>4. Bury in ground</td>
<td>4. No facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Throw along the road / field</td>
<td>5. Bush / flying toilet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Designated garbage dumpsite</td>
<td>6. Other specify</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Private service provider collects</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Other specify</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 9. COMMUNITY BASED SUPPORT NETWORKS

<table>
<thead>
<tr>
<th>A. Are you a member of any community group?</th>
<th>i) Type</th>
<th>ii) Group name</th>
<th>iii) How many Members?</th>
<th>iv) Functions/roles</th>
<th>v) List benefits from each group</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Youth Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Women Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Nyumba kumi</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. Other specify</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

80
A. Do you think that your participation in these groups will be affected by the proposed project?
   1. Yes…….indicate in what way

   2. No

10. GRIEVANCES/CONCERNS/FEARS
Please list all your fears/concerns over the proposed development, and suggestions for resolution.

<table>
<thead>
<tr>
<th>Concern</th>
<th>Suggestion on resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Proof of household enumeration**

<table>
<thead>
<tr>
<th>Household head/representative</th>
<th>SEC representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Name</td>
</tr>
<tr>
<td>Signature</td>
<td>Signature</td>
</tr>
<tr>
<td>ID Number</td>
<td>ID Number</td>
</tr>
</tbody>
</table>
ii. Business/Enterprise survey questionnaire

KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT (KISIP)
RAP BUSINESS/ENTERPRISE BASELINE QUESTIONNAIRE

i. Background information and Identifier

<table>
<thead>
<tr>
<th>A.</th>
<th>Questionnaire/household Serial No.</th>
<th>B.</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.</td>
<td>Enumerator</td>
<td>D.</td>
<td>County</td>
</tr>
<tr>
<td>E.</td>
<td>Sub County</td>
<td>F.</td>
<td>Village</td>
</tr>
<tr>
<td>G.</td>
<td>Settlement</td>
<td>H.</td>
<td>House No</td>
</tr>
<tr>
<td>I.</td>
<td>LR No</td>
<td>J.</td>
<td>Respondents Name</td>
</tr>
</tbody>
</table>

ii. Business Name .................................................................

iii. Years of operation in the present location............................

iv. Owner of Business ...................................................................

v. Does the owner reside in the settlement? Yes/No...........................

vi. Business registration status

1. Registered
2. Not registered

(b) If registered, who is the registered business owner?

1. Male
2. Female
3. Company
4. Other (specify) .................

vii. Nature of business premise

1. Permanent
2. Temporary
3. Open Air
4. Other (specify) .................

viii. Ownership of Business Premises

1. Owner
2. Rented
3. 

If rented, what is the name and address of landlord?

.................................................................................................................................

ix. Nature of Business

1. Supermarket
2. Wholesale shop
3. Retail shop
4. Hardware
5. Petrol/Kerosene pump
6. Textiles seller
7. Bar
8. Butchery
9. Food kiosk
10. Green grocer
11. Charcoal dealer
12. Carpenter
13. Bicycle repair
14. Shoe cobbler
15. Tailoring
16. Hair salon
17. Posho mill
18. Welding
19. Video show/library
20. Secondhand clothes
21. Secondhand goods
22. Battery charging
23. Telephone bureau
24. Motorcycle transport
25. Other commercial ..........

10. Where do your customers come from?

6. In this village
7. Inside this settlement
8. Outside settlement but within same sub county
9. Outside settlement but within same county
10. Outside this county
11. Who is the principal Person who manages this business?
   1. Male
   2. Female

<table>
<thead>
<tr>
<th>12. Monthly business income (Kshs)</th>
</tr>
</thead>
</table>

13. (a) Total No. of employees including business owner ……………|
   (b) No of permanent employees ……………|
   (c) No of employees casual/ temporary………|
   (d) No of female employees …………………|
   (e) No of male employees ……………………|

10. Concerns

<table>
<thead>
<tr>
<th>Business owners concerns about the project.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business owner’s recommendations about how the concerns raised above can be addressed/how project can improve their business/life</td>
</tr>
</tbody>
</table>

Proof of Business enumeration

<table>
<thead>
<tr>
<th>Household head/representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name ........................................</td>
</tr>
<tr>
<td>Signature ..........................</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SEC representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name .................................</td>
</tr>
<tr>
<td>Signature .........................</td>
</tr>
</tbody>
</table>
### iii. Public Facilities/Structures Questionnaire

#### KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT (KISIP)
PUBLIC FACILITIES/STRUCTURES QUESTIONNAIRE

1. **School**

<table>
<thead>
<tr>
<th></th>
<th><strong>A. School ID No</strong></th>
<th><strong>B. Name of school</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C.</strong></td>
<td><strong>School Ownership</strong></td>
<td><strong>D. School Type</strong></td>
</tr>
<tr>
<td>1.</td>
<td>Public School</td>
<td>1. Nursery</td>
</tr>
<tr>
<td>2.</td>
<td>Private School</td>
<td>2. Primary</td>
</tr>
<tr>
<td>4.</td>
<td>Village Polytechnic</td>
<td>4. Village Polytechnic</td>
</tr>
<tr>
<td>5.</td>
<td>Special needs school (disabled, deaf, blind, mentally disabled)</td>
<td>5. Special needs school (disabled, deaf, blind, mentally disabled)</td>
</tr>
<tr>
<td>6.</td>
<td>Other (specify)</td>
<td>6. Other (specify)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>E.</strong></th>
<th><strong>Number of students</strong></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>F.</strong></th>
<th><strong>Where do majority of your students come from?</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>11.</td>
<td>In this village</td>
</tr>
<tr>
<td>12.</td>
<td>Inside this settlement</td>
</tr>
<tr>
<td>13.</td>
<td>Outside settlement but within same sub county</td>
</tr>
<tr>
<td>14.</td>
<td>Outside settlement but within same county</td>
</tr>
<tr>
<td>15.</td>
<td>Outside this county</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>G.</strong></th>
<th><strong>Number of teachers</strong></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>H.</strong></th>
<th><strong>Number of other workers</strong></th>
</tr>
</thead>
</table>

2. **Health Centre**

<table>
<thead>
<tr>
<th></th>
<th><strong>A. Health facility ID No</strong></th>
<th><strong>B. Name of facility</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C.</strong></td>
<td><strong>Ownership</strong></td>
<td><strong>D. What services do you offer?</strong></td>
</tr>
<tr>
<td>1.</td>
<td>Public</td>
<td>1. Outpatient</td>
</tr>
<tr>
<td>2.</td>
<td>Private</td>
<td>2. Inpatient</td>
</tr>
<tr>
<td>3.</td>
<td>Communal</td>
<td>3. Pharmacy</td>
</tr>
<tr>
<td>4.</td>
<td>Mission</td>
<td>4. Laboratory</td>
</tr>
<tr>
<td>5.</td>
<td>NGO</td>
<td>5. Other</td>
</tr>
</tbody>
</table>
### 3. Public Utility/ Purpose

<table>
<thead>
<tr>
<th>A.</th>
<th>Facility ID No:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>B.</th>
<th>Name of facility</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>C.</th>
<th>Ownership</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>D.</th>
<th>Where do majority of your clients/users come from?</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>E.</th>
<th>Type of facility?</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>F.</th>
<th>Number of clients per day</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>G.</th>
<th>Rate of bed occupancy (per day in Ksh)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>H.</th>
<th>What are the common ailments?</th>
</tr>
</thead>
</table>

13. Malaria  
14. Flu/cough  
15. Headache  
16. TB  
17. Diarrhoea  
18. Pneumonia  
19. Eye infections  
20. Amoeba / Typhoid  
21. Hypertension  
22. Diabetes  
23. Soft Tissue Injuries  
24. Other (specify).............

<table>
<thead>
<tr>
<th>I.</th>
<th>Where do your patients come from?</th>
</tr>
</thead>
</table>

1. In this village  
2. Inside this settlement  
3. Outside settlement but within same sub county  
4. Outside settlement but within same county  
5. Outside this county

<table>
<thead>
<tr>
<th>J.</th>
<th>No of Medical personnel</th>
</tr>
</thead>
</table>

1. Doctors............  
2. Midwife.............  
3. Nurse...............  
4. Pharmacist..........  
5. Clinical officers....  
6. Others................

<table>
<thead>
<tr>
<th>K.</th>
<th>Number of other personnel</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>L.</th>
<th>Numbe</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>A.</th>
<th>Facility ID No:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>B.</th>
<th>Name of facility</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>C.</th>
<th>Ownership</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>D.</th>
<th>Where do majority of your clients/users come from?</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>E.</th>
<th>Type of facility?</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>F.</th>
<th>Number of clients per day</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.</td>
<td>No of employees</td>
</tr>
<tr>
<td>----</td>
<td>----------------</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>