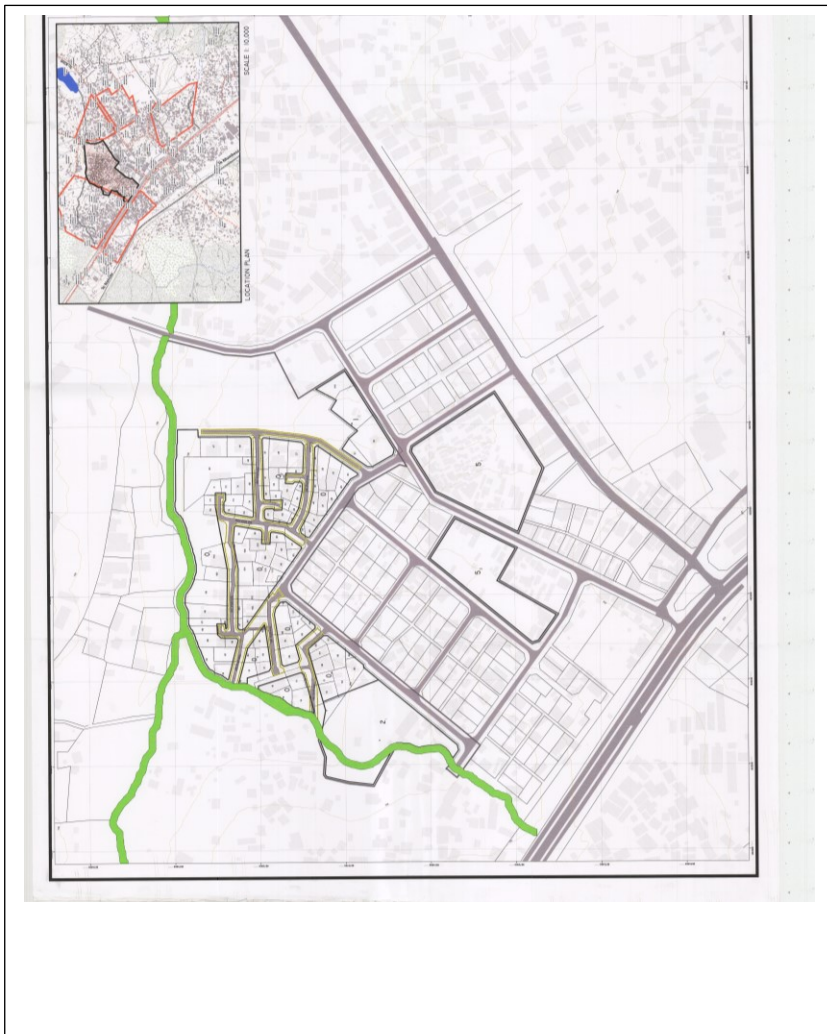




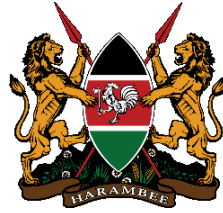
REPUBLIC OF KENYA
**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN
DEVELOPMENT AND PUBLIC WORKS**
STATE DEPARTMENT FOR HOUSING AND URBAN DEVELOPMENT
Kenya Informal Settlements Improvement Project (KISIP)
MLHUD/KISIP/CS/005/2013-2014

**TOWARDS REGULARIZATION OF TENURE SYSTEMS IN INFORMAL SETTLEMENTS
IN KILIFI COUNTY**



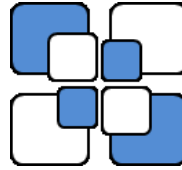
**NJORO YA CHINI INFORMAL
SETTLEMENT**
**ABBREVIATED RESETTLEMENT
ACTION PLAN**

CLIENT



Ministry of Transport, Infrastructure, Housing, Urban
Development and Public Works
State Department for Housing and Urban Development,
Ardhi House, 1st Ngong Avenue, Off Ngong Road
P. O. Box 30119-00100, Nairobi, Kenya
Tel: +254-20-2718050
Fax: +254-20-2734886
Email: kisipinfo@gmail.com

CONSULTANT



Centre for Urban and Regional Planning
Standard Street, Bruce House 14th Floor
P. O. Box 2908-00100 Nairobi, Kenya
Tel: +254-020-244463
Fax: 44444294
Email : info@curp.or.ke



WORLD BANK GROUP



Sida

This Abbreviated Resettlement Action Plan (ARAP) for Planning and Surveying of Njoro ya Chini Informal Settlement, Kilifi County has been prepared under Consultancy Services for **Planning and Surveying of 8 selected informal settlements in Kilifi County, Cluster 2**, by Centre for Urban and Regional Planning Limited on behalf of the Kenya Informal Settlements Improvement Project (KISIP).

Report Prepared by:

Signed  Date 15.10.2019

FELIX K. SWAI
RAP Expert

Checked by:

Full Name of Authorized Representative:

Signed  Date 15/10/2019

RENSON K. MBWAGWA
PRINCIPAL CONSULTANT
CENTRE FOR URBAN AND REGIONAL PLANNING

Client

Signed  Date 17/10/2019

PERIS MANG'IRA
KISIP – COORDINATOR
STATE DEPARTMENT FOR HOUSING AND URBAN DEVELOPMENT
MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN DEVELOPMENT AND PUBLIC WORKS

DEFINITION OF TERMS

Abbreviated Resettlement Action Plan is a resettlement document prepared to mitigate impacts that have affected less than 200 Project Affected Persons (PAP) in accordance to World Bank OP 4.12.

Adoptive planning standards refers to negotiated planning standards that use non-conventional road wayleave widths with the aim of reducing displacement that would result from the use of conventional planning standards (which use road wayleaves of 9m, 12m, 15m, 18m, 25m and 30m).

Compensation/Facilitation means payments made in cash or 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 road wayleaves.

Cut-off date normally, is the date the census begins. It could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx. Here, it is the latter. 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.

In situ planning refers to Planning and Upgrading of a settlement as is' i.e. largely the way people have settled. This means modification of boundary alignments is minimalized to avoid/reduce disruptions, while the planning exercise largely focuses on improvement/expansion of roads (wayleaves) to improve on accessibility where necessary. The Local Physical Development Plan is a reflection of the settlement existing patterns i.e. structures and plots on the ground to the maximum extent possible.

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

Project Affected Person(s) (PAP) 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.

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 road wayleaves.

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) that is prepared to identify, document and provide mitigation measures to impacts that are as a result of planning and surveying activities mainly road wayleaves and boundary adjustments. In such cases, the impacts include full or partial loss of shelter, and /or loss of livelihoods and/or loss, and increased vulnerability. 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, a 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) is a framework document or instrument that was prepared to guide the RAP preparation process throughout the informal settlements improvement project implementation. The RPF sets 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.

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

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

Planning, Survey and Land Titling in Njoro ya Chini

Njoro ya Chini Informal settlement is a 7.81 Ha informal settlement located in Mariakani town, Mariakani Ward, Kaloleni Sub-County and Kilifi County. With a population of approximately 4508, the settlement is characterized by informality ranging from tenure insecurity, lack of adequate infrastructure, poor sanitation, poor housing conditions, and poverty among others.

Initially, Njoro ya Chini informal settlement underwent conventional planning and survey where proposed road way leaves led to adoption of a road hierarchy of 15m, 12m, 9m and 6m roads. The plan generated 115 plots, where 111 plots are individually owned, 1 plot owned by an Institution (church) and 3 co-owned plots. The total number of beneficiaries is 118 beneficiaries, comprising 77 male beneficiaries, 39 female beneficiaries, and 1 church.

However, the resultant impacts due to application of conventional planning standards was significant, with 336 PAPs (124 Structure Owner PAPs and 212 Tenant PAPs) being affected. In line with OP 4.12 which advocates for exploration of all viable alternative project designs where feasible, comprehensive consultations were undertaken with stakeholders including the community and County government. This resulted in plan amendment through an adoptive planning approach - with resultant new road hierarchy of 6m, 4m and 3m. This resulted in the reduction of PAPs to 8 where 5 are structure owners and 3 are tenants.

Planning and Surveying Impacts

118 beneficiaries will be issued a title to their land which provides tenure security and as a result of the infrastructure way leaves provided; the settlement will be open to more development and increase in land values. The revised/amended plans however resulted in impacts on 8 project Affected Persons. This ARAP therefore documents and mitigates the negative impact caused by planning and survey in Njoro Ya Chini. It has been prepared through a participatory process involving field surveys, consultation meetings and discussions held with Project Affected Persons (PAPs), KISIP, County Government officials and relevant stakeholders.

Among the identified individual PAPs, 4 are Male and 4 Female. Vulnerable PAPs include 4 female household heads. There were no complete or localized displacements from the settlement as a result of adoptive planning. Rather all beneficiaries were retained within parcels occupied with minimal reduction of parcel sizes to provide for accessibility². All impacts are due to road way leaves alignment.

The number of affected structures is 6, where 3 are fully affected and 3 are partially affected.

ARAP Preparation Approach and Methodology

The principal approach and methodology in preparation of this ARAP was community-led, anchored on continuous consultation and participation of the community, through formal meetings and comprehensive transect walks. Meetings were held at planning and Surveying phase as well as ARAP preparation phase. Participants in the meeting were the community (beneficiaries and PAPs), the SEC, National and County KISIP, Count Government of Kilifi, and the consultant.

¹ Refer to definition of terms Section

² PAPs were adequately consulted and informed of the reduction in parcel size to provide access through the plan validation meetings.

The technical approach and methodology applied included literature review, detailed field socioeconomic surveys and analysis, onsite valuations, comprehensive GIS inventory and analysis of PAPs and affected assets. This ARAP therefore complies with World Bank's OP 4.12, KISIP's Resettlement Policy Framework and other relevant Kenyan Government Policies and Laws governing displacement.

Mitigation Measures

All persons affected by the project and meeting the cut-off date of 23rd June 2017 will be entitled to a combination of facilitation packages to be issued preferably concurrent with the issuance of titles. Valuation of structures was based on full replacement cost with PAPs entitled to right to salvage materials. Other facilitations are in accordance with an entitlement matrix applicable within KISIP RPF.

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

Implementation of the ARAP

The primary responsibility for the implementation of this ARAP remains with KISIP who will ensure all PAPs are adequately facilitated according to the entitlements defined in this ARAP. The implementation tasks will be carried out by KISIP RAP Implementation Committee (RIC) for Kilifi County, whose composition will be as stipulated in the KISIP Resettlement Policy Framework and section 10 of this ARAP. The full implementation of Njoro Ya Chini ARAP will be guided by the following:

- i. Ensure all PAPs are fully facilitated before any issuance of titles. Where possible, the two processes can be concurrent.
- ii. Involvement of the County Government of Kilifi through the Department of Physical Planning and Urban Development in implementation of the ARAP, e.g. in development control.

In addressing grievances, this ARAP has proposed a two tier Grievance Redress Mechanism at no cost to the PAPs. However, the third level of legal redress carries cost implications for the PAPs. The design of the GRM will enable timely resolution of grievances at settlement level as well as provide for escalation mechanisms to KISIP and Courts of Law³. A grievance log will document all grievances and their status and will be used to monitor GRM progress.

An institutional framework, a conclusive implementation schedule and monitoring and evaluation mechanism will be applied in implementation of the ARAP, as documented in later sections of this ARAP. KISIP will adopt an internal M&E framework while external monitoring and ARAP completion audit will be conducted by a specialized firm.

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

- i. Facilitate all the affected persons according to provisions of this ARAP in a timely manner so that the time used in displacement is minimized. In addition, they will ensure all grievances raised by the PAPs are resolved timely and in a fair manner.
- ii. Issue title deeds to beneficiaries (through the Ministry Of Lands and Physical Planning and NLC) upon completion of PAPs.
- iii. Carry out required sensitization exercises aimed at enhancing women land rights, ensuring proper use of compensation funds, avoidance of gender based violence etc. as documented in this ARAP.
- iv. Work with the relevant institutions towards timely implementation of this ARAP. Particularly, the County Government of Kilifi plays a key role in grievance redress, additional assistance to PAPs and undertaking development control to ensure all PAPs move after facilitation and thereafter maintaining the road reserves.
- v. Issue a three months' self-demolition notice to PAPs to enable them salvage their assets.
- vi. Undertake Monitoring and Evaluation of this ARAP during and after implementation

³ This is a community led process and escalation of grievances to the Courts of Law is highly unlikely

Table of Contents

DEFINITION OF TERMS	ii
Executive Summary	v
Planning, Survey and Land Titling in Njoro ya Chini	v
Planning and Surveying Impacts	v
ARAP Preparation Approach and Methodology	v
Mitigation Measures	vi
Implementation of the ARAP	vi
Table of Contents	vii
LIST OF TABLES	x
LIST OF FIGURES	x
List of Maps	x
List of Abbreviations	xi
1. Introduction	1
1.1. The Kenya Informal Settlement Improvement Project (KISIP)	1
1.2.1 KISIP Components	1
1.2. KISIP Interventions in Njoro ya Chini Informal Settlement	1
1.3 Purpose and Objective of Abbreviated Resettlement Action Plan	2
2. Land Tenure Regularization and Titling in Njoro ya Chini Informal Settlement	3
2.1 Introduction to Land Titling	3
2.2 Plan Amendment in Njoro ya Chini Informal Settlement	5
2.3. Revised LPDP and its outcomes	6
2.4. Next steps	7
2.4.1. Continuous Community Sensitization on Title Registration	8
3. Policy, Legal and Institutional Framework	10
3.1. Introduction	10
3.2. Relevant National and International Policy and Legal Framework, and Standards	10
3.3. Comparison of Kenyan Government Legal Set Up and World Bank Policy on Resettlement	12
4. Methodological Approach to Preparation of ARAP	15
4.1. Approach to Resettlement Action Plan Development	15
4.1.1. Review of relevant documents	15
4.2. Census of PAPs	15
4.2.1. Conceptual Framework on Methodological Approach	16
4.3. PAPs Socio Economic Survey and Valuation	17
4.4. Cut-Off Date	17

5.	Public Consultation and Participation	18
5.1.	Introduction	18
5.2.	Objectives and Process of Public and Stakeholders Consultation	18
5.3.	Stakeholders Consulted	18
5.4.	Summary (ARAP) Issues from Consultations.....	19
5.4.1	ARAP Questions/Comments/Suggestions/Statements Raised During Conventional Planning and Initial RAP preparation.....	20
5.4.2	ARAP Questions/Comments/Suggestions/Statements Raised During and After Plan Amendment including PAP meeting after amendment.....	20
6.	Project Impacts	21
6.1	Introduction	21
6.2	Project Benefits (Positive impacts)	21
6.3	Potential Negative Impacts.....	21
6.3.1	Reduced Parcel Sizes.....	21
6.3.1	Impacts on Structures	22
6.3.2	Loss of Shelter.....	22
6.3.3	Impact on Livelihoods.....	22
6.3.4	Increased Vulnerability	22
6.4	Summary of Losses	22
7.0.	Socio-Economic Baseline.....	23
7.1.	Introduction	23
7.2.	Demographics of the PAPs	23
7.2.1.	Gender representation.....	23
7.2.2.	Marital status.....	23
7.2.3.	Education level.....	23
7.2.4.	Age distribution.....	23
7.2.5.	Vulnerability PAPs.....	23
7.3.	PAPs income and place of work	23
7.4.	Water Supply	23
7.5.	Energy Supply	24
7.6.	Health and sanitation	24
8.	Mitigation Measures.....	25
8.1	Introduction	25
8.2	Eligibility for Compensation and Resettlement Assistance	25
8.3	Compensation Assistance Guiding Principles.....	25
8.4	Entitlement Matrix	26

8.4.1	Entitlements.....	26
9.	Grievance Redress Mechanism	28
9.1.	Need for Grievances Redress	28
9.2.	Grievance Redress Mechanism	28
9.3.	GRC Process Procedures and Timelines for Lodging Complaints	29
10.	Institutions, Implementation Arrangements and Disclosure of ARAP	31
10.1.	ARAP Implementation Procedures and Process	31
10.2.	Implementing Institutions and Organizations framework.....	33
10.3.	Implementation Schedule	34
10.4.	Financial Responsibility and Authority.....	37
11.	ARAP Monitoring and Evaluation	38
11.1.	Introduction	38
11.1.1.	Objective of ARAP Monitoring	38
11.1.2.	Internal monitoring.....	38
11.1.3.	External Monitoring	39
11.1.4.	Monitoring Indicators.....	39
11.1.4.	RAP Completion Audit (RCA)	40
12.	Conclusion and Commitments	42
12.1.	Conclusion.....	42
12.2.	Commitments	42
13.	References	43
ANNEXES.....		44
	Annex A – Amended Local Physical Development Plan.....	44
	Annex B – Plan Amendment Minutes and Lists of Attendance.....	45
	i. Minutes of Plan Amendment Meeting with County	45
	ii. Minutes of Community Forum on Plan Amendment.....	45
	iii. Minutes of Community/ Stakeholders Forum on Plan Adoption.....	45
	Annex C – Amended Plan RAP Affected Structures Map: Conventional Versus Adoptive Planning	45
	Annex D – PAP and Asset register	46
	Annex E – Minutes of PAP meetings.....	46
	I. PAP meeting After Plan Amendment	46
	II. Initial PAP meeting.....	46
	Annex F – Initial Plan Preparation Engagement Minutes and Lists of Attendance.....	46
	Annex G – Grievance Redress Form.....	47

LIST OF TABLES

Table 1: Tenure Regularization and Land Titling Process	3
Table 2: Comparison of Impacts due to Conventional versus Adoptive Planning Standards	6
Table 3 – Plot and Beneficiary breakdown	6
Table 4: Ongoing and Pending steps towards Land Titling.....	7
Table 5: Types of Title registration and gender sensitization.....	8
Table 6: Summary of Stakeholder Meetings	18
Table 7: Positive impacts	21
Table 8: Types of structures affected.....	22
Table 9: Summary of losses experienced in Njoro ya Chini informal settlement.....	22
Table 10 Gender of PAPS.....	23
Table 11: Eligibility Criteria for Facilitation.....	25
Table 12: Structure Characteristics and Valuation Considerations.....	26
Table 13: Entitlement Matrix.....	26
Table 14 – GRM composition and Membership.....	28
Table 15: Implementing organizations and Roles	33
Table 16: Implementation Schedule	36
Table 18: Monitoring Indicators	39
Table 19: ARAP completion Audit	40

LIST OF FIGURES

Figure 1: KISIP Components.....	1
Figure 2: Rationale for Developing ARAP.....	2
Figure 3: Plan Amendment Process.....	6
Figure 4: Conceptual Framework on Methodological Approach.....	16
Figure 5: Socio-Economic Survey and Valuation Process	17
Figure 6: Summary of Project Affected Persons.....	21
Figure 7: GRM process.....	30
Figure 8: ARAP Information sharing and Sensitization Strategy.....	32
Figure 9: Implementing Institutions and Organization Framework	34

List of Maps

Map 1: Affected Structures using conventional Planning Approach.....	45
Map 2: Affected Structures after Re-planning (Adoptive Planning Approach).....	45

List of Abbreviations

AFD.....	Agency Française De Développement
ARAP.....	Abbreviated Resettlement Action plan
CURP.....	Centre for Urban and Regional Planning
GBV.....	Gender Based Violence
GIS.....	Geographic Information System
IDA.....	International Development Association
KISIP.....	Kenya Informal Settlements Improvement Project
KIMAWASCO.....	Kilifi Mariakani Water and Sanitation Company
NLC.....	National Land Commission
NEMA.....	National Environment Management Authority
OP.....	Operational Policy
PAPs.....	Project Affected Persons
RAP.....	Resettlement Action Plan
RIC.....	Resettlement Implementation Committee
RPF.....	Resettlement Policy Framework
Sida.....	Swedish International Development Cooperation Agency
SEC.....	Settlement Executive Committee
SOK.....	Survey of Kenya
TOR.....	Terms of Reference
WB.....	World Bank

Disclosure Copy

1. Introduction

1.1. The Kenya Informal Settlement Improvement Project (KISIP)

The Kenya Informal Settlement Improvement Project (KISIP) is an initiative by the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works's State Department for Housing and Urban Development - to fulfill the mandate spelt out in the presidential circular No. 1/2008. Funded by the World Bank, Agence Française de Développement (AFD), Swedish International Development Cooperation Agency (Sida), and commencing in February 2011, the programme has an overall development objective to improve living conditions in informal settlements in selected Counties in Kenya, through enhancing security of tenure and improving infrastructure based on plans developed in collaboration with the beneficiary community.

1.2.1 KISIP Components

KISIP is divided into four main components as illustrated below;

Component 1	Strengthening Institutions and Program Management
	<ul style="list-style-type: none"> Support the institutional strengthening and capacity building of the Ministry of Transport Infrastructure, Housing and Urban Development), and other participating ministries and counties, and will also finance program management activities (including preparation of a baseline platform and systems for monitoring and evaluation).
Component 2	Enhancement of Security of Tenure
	<ul style="list-style-type: none"> Support the systematization and scale-up of ongoing efforts to strengthen settlement planning and tenure security in informal settlements, and will include financing of the following types of activities: community organization and mobilization, identification and demarcation of settlement boundaries, preparation of Development Plans, surveying, and issuance of title deeds.
Component 3	Invest in Infrastructure and Service Delivery
	<ul style="list-style-type: none"> Infrastructure and service delivery mechanisms are introduced into the informal settlements and support given to prepare and implement settlement upgrading plans developed at the community level, investment in settlement level infrastructure and, where necessary, extension of trunk infrastructure to settlements.
Component 4	Planning for Urban Growth
	<ul style="list-style-type: none"> Supports the planning and development of options that facilitate the delivery of infrastructure services, land, and housing for future population growth. In addition, supports proactive planning to prevent the growth of new slums and mechanisms for delivery of land and housing that can enhance affordability for middle- and low-income households.

Figure 1: KISIP Components

1.2. KISIP Interventions in Njoro ya Chini Informal Settlement

Njoro ya Chini Informal Settlement has an approximate population of 4508 persons and a total area of 7.81 Ha. The settlement is located on public land in Mariakani town, Mariakani ward, Kaloleni Sub County of Kilifi County. Established in the 1970s, as a squatter settlement, the settlements name speaks to its comparison to afforested land, and similar physiographic characteristics and terrain, as that of Njoro area in Nakuru County. The settlement starting off a sparsely populated area grew as a lot of subdivisions took place when the earlier inhabitants began selling of pieces of 'their' land.

Currently, the settlement is characterized by informality ranging from tenure insecurity, lack of adequate infrastructure, poor sanitation and haphazard housing developments, among others.

Before KISIP’s intervention, no effort was put in place to plan and secure the land for the benefit of existing beneficiaries, further complicating the spatial formation (people put up developments without a plan), provision of infrastructure and utilities including water was a challenge due to lack of adequate wayleaves etc. As a result of population growth – with increased informal land sub divisions and sales, and lack of development control, Njoro ya Chini sprawled into an informal settlement.

KISIP’s intervention in the settlement under Component 2 therefore focuses on planning and surveying, as a prerequisite for tenure regularization, provision of adequate access and achieving a well-planned community. As a result, a total number 115 plots were surveyed and issuance of Title Deeds by the Ministry of Lands and Physical Planning will commence during implementation of this ARAP. This (planning and surveying) process however occasioned impacts on 8 Project Affected Persons, due to road wayleaves alignment.

1.3 Purpose and Objective of Abbreviated Resettlement Action Plan

The main objective of this ARAP therefore is to identify, document and mitigate impacts arising from planning and survey in Njoro Ya Chini informal Settlement in Kilifi County, in accordance with World Bank’s OP 4.12, KISIP’s Resettlement Policy Framework (RPF) and other relevant Kenya government policies and laws governing displacement.

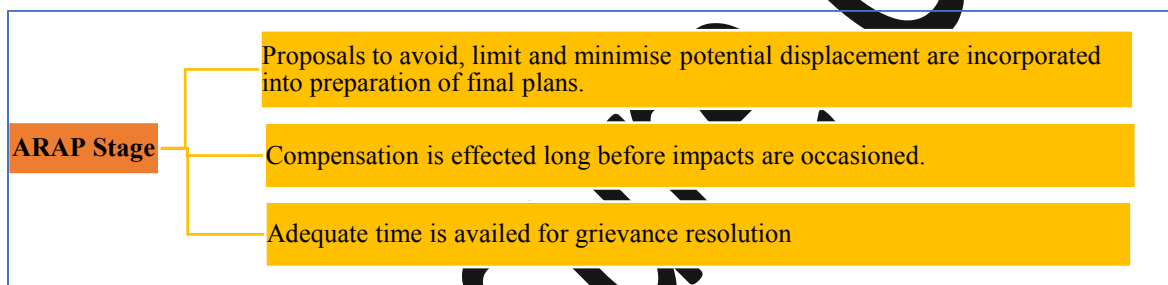


Figure 2: Rationale for Developing ARAP

In specific, the aim was to develop an ARAP for Njoro Ya Chini including to:

- i. Develop innovative mitigation options (legally sound, socially, economically and environmentally sustainable) for the impacted persons based on the existing situation and, best global resettlement practices.
- ii. Conduct extensive and in-depth stakeholder consultations with all project stakeholders.
- iii. Document an acceptable entitlement matrix to guide compensation and other mitigation actions to Project Affected Persons (PAPs).
- iv. Compile an accurate and comprehensive PAP and Asset register.

The Scope of this ARAP is impacts as a result of road wayleaves alignment as per the approved amended Njoro ya Chini Local Physical Development Plan (LPDP) and which impacts on 8 PAPs (5 structure owner PAPs and 3 Tenants). There is no complete or localized displacement from the settlement. Rather, as a result of in-situ planning and the application of adoptive planning standards, all beneficiaries were retained within the parcels they occupy, and with minimal reduction of parcel sizes to provide for accessibility⁴.

⁴ PAPs were adequately consulted and informed of the reduction in parcel size to provide access through the plan validation meetings.

2. Land Tenure Regularization and Titling in Njoro ya Chini Informal Settlement

2.1 Introduction to Land Titling

KISIP began its intervention in Njoro ya Chini informal settlement on 16th May 2016. The project focuses on planning and surveying, which will culminate in tenure regularization. This process of tenure regularization and land titling, undertaken in close collaboration with the local community and its established local leadership structure called the Settlement Executive Committee (SEC) is illustrated in the table below, and aimed at addressing:

- Insecure land tenure
- Inaccessibility and lack of a functional road network caused by unplanned haphazard development.
- Lack of a legible physical settlement layout and plan – due to and leading to unplanned developments.

Table 1: Tenure Regularization and Land Titling Process

Stage	Activities	Primary Actor	Secondary Actor	Indicators	Timelines
Mobilization Stage	<ul style="list-style-type: none"> • Community mobilization • Introduction of KISIP activities in Njoro ya Chini Settlement • Outlining the objective of Planning and Survey which will lead to issuance of title deeds. • Establishment of the SEC, meeting the 2/3 gender rule. • Notice of Intention to Plan prepared and published in the leading local daily newspapers 	<ul style="list-style-type: none"> • SEC • KISIP • Consultant working under KISIP 	County Government	<ul style="list-style-type: none"> • Equal representation in SEC composition • Community welcomed the project as they have been waiting on title deed for a long time. • Community committed to embrace and support the project until completion 	Undertaken 16 th May 2016- February 2017
Planning Stage					
Base Map and physical Preparation	<ul style="list-style-type: none"> • Transit walks to identify settlement boundary and plots guided by SEC. 115 plots identified. • Existing Plot Boundaries form basis for planning and surveying • 100 % Socioeconomic survey of Beneficiaries 	<ul style="list-style-type: none"> • Community • SEC • Consultant working under KISIP 	<ul style="list-style-type: none"> • KISIP • County Government of Kilifi (CGK) 	<ul style="list-style-type: none"> • Base map of Njoro ya Chini • Every Beneficiary is enumerated and bio data available. Tentative list of beneficiaries available. • Participation of SEC ensured that only members of Njoro ya Chini are the Beneficiaries • Beneficiary list representative of women beneficiaries. 	Undertaken February 2017- March 2017
Visioning and Plan preparation	<ul style="list-style-type: none"> • A community led visioning process with vision established as “A vibrant, secure, accessible community in a clean and green environment for all by 2027.” 	<ul style="list-style-type: none"> • Community • SEC • Consultant working under KISIP 	<ul style="list-style-type: none"> • KISIP • CGK 	<ul style="list-style-type: none"> • Active Women participation in every planning stakeholder meeting. 	Undertaken 31st march, 2017-April 2017

	<ul style="list-style-type: none"> Community involved in preparation of plan that best represents their interests including a well-planned settlement with provision of wayleaves for utility services in a good environment. 				
Plan Validation and Approval	<ul style="list-style-type: none"> A community led validation of plan process ensured community vision is represented Community led validation of list of beneficiaries. Community endorsed and approved Plan Plan approved by county and Director of Physical planning Every beneficiary allowed scrutinizing the beneficiary list to ensure correct details have been input. Women encouraged to participate. 	<ul style="list-style-type: none"> Community SEC Consultant working under KISIP 	<ul style="list-style-type: none"> KISIP CGK 	<ul style="list-style-type: none"> Community approval of plan with a road wayleave hierarchy of 15m, 12m, 9m and 6m. County and Director of Physical Planning approval of Plan steps towards tenure regularization and issuance of titles. Approved Plan majorly uses conventional planning standards, with road wayleave widths of 15m, 12m, 9m, and 6m. Women ensure correct details are in the beneficiary list and sign against the details. 	Undertaken 23 rd June 2017
Surveying stage					
Surveying and beaconing of plots	<ul style="list-style-type: none"> Physical Survey of Plots Women asked to be present during exercise and shown boundaries of new plot where beaconing have been placed. Identification of project impacts 	<ul style="list-style-type: none"> Community SEC Consultant working under KISIP 	<ul style="list-style-type: none"> KISIP CGK 	<ul style="list-style-type: none"> Women aware of plot boundaries. Impacts on 336 PAPs documented 	Undertaken Starting 30 th July 2017
Approval of Survey Plan	Survey approved and adjustment of Registry Index Map (RIM) to include individual surveyed Plots numbers	Survey of Kenya	KISIP	New RIM forwarded to Ministry of Land for Titling process.	Submitted but approval process halted due to significant impacts occasioned by the plan/survey. Alternatives to reduce displacement impacts would result in survey revision.
ARAP Preparation					
ARAP Preparation	Impacts as a result of planning and survey are identified, documented and mitigated	<ul style="list-style-type: none"> Community SEC Consultant working 	<ul style="list-style-type: none"> KISIP CGK 	<ul style="list-style-type: none"> 336 PAPs identified. Entitlements are given to mitigate impacts 	Undertaken Starting 30 th July 2017

		under KISIP			
ARAP Review	<ul style="list-style-type: none"> • Commitment to implementation of ARAP. • All safeguards provisions are met and addressed 	<ul style="list-style-type: none"> • KISIP 	Consultant	<ul style="list-style-type: none"> • ARAP found to have massive impacts. Therefore, implementation halted and alternatives to reduce impacts and disruption sought. 	Started but halted due to significant impacts occasioned by the plan. RAP was to be revised after exploration of mechanisms to reduce impacts.

2.2 Plan Amendment in Njoro ya Chini Informal Settlement

Njoro ya Chini Informal Settlement underwent planning and survey which largely adopted conventional/standard road wayleave widths of 15m, 12m, 9m and 6m (i.e. process largely discussed in Table 1 above). However, the impacts of this planning approach within a densely populated settlement resulted into 336 PAPs and 90 affected structures. To minimize these impacts, and in line with OP 4.12, which advocates for exploration of all viable alternative project designs where feasible to reduce impact, comprehensive consultations were undertaken with stakeholders including the community and the County government (refer to minutes in Annex B). This resulted in plan revision/amendment through in situ planning and use of adoptive planning standards⁵ with resultant new road wayleaves hierarchy of 6m, 4m and 3m, a process summarized below:

⁵ Adoptive planning standards and in-situ planning utilizes the available space to the maximum extent possible with minimal isolation or altering of the original condition of the settlement/place. The aim is to improve accessibility and promote improvement of existing settlement over slum clearance and with minimal displacement impacts, thus considering/uses minimum planning standards.

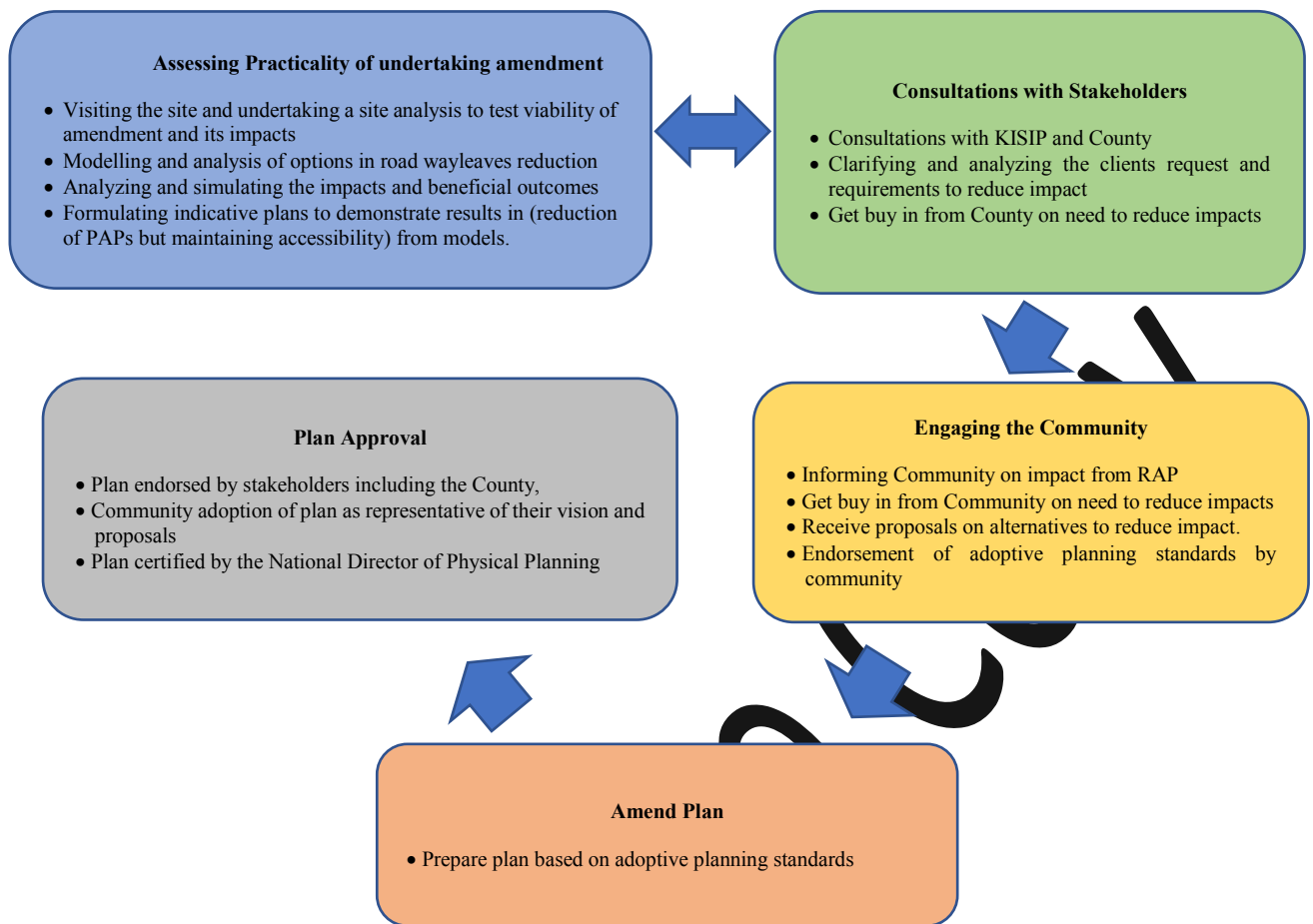


Figure 3: Plan Amendment Process

Table 2 below shows a comparison of the two planning approaches in the quest for minimizing impacts.

Table 2: Comparison of Impacts due to Conventional versus Adoptive Planning Standards

Description	Conventional Planning Standards	Adoptive planning standards
Total PAPs	336	8
Structure owners PAPs	124	5
Tenants	212	3
Total structures	90	6

2.3. Revised LPDP and its outcomes

The revised plan was adopted on 16th April 2019, and has since been approved by the relevant authorities i.e. County Government of Kilifi and the Department of Physical Planning. The summary table below, shows the breakdown of the beneficiaries.

Table 3 – Plot and Beneficiary breakdown

	Number of Plots	Female	Male	Total beneficiaries
Single ownership – church	1			1
Single ownership - Individuals	111	35	76	111
Joint ownership	2	1	1	4

	1	2		2
Total Number of Plots	115		Total Number of Beneficiaries	118
			Total Male	78
			Total Female	39

2.4. Next steps

The table below summarizes the ongoing processes, and those pending towards titling.

Table 4: Ongoing and Pending steps towards Land Titling

Stage	Activities	Primary Actor	Secondary Actor	Indicators	Status
Surveying					
Surveying and beaconing of plots	<ul style="list-style-type: none"> Physical Survey of Plots in line with amended plan. Women asked to be present during exercise and shown boundaries of new plot where beacons have been placed. Identification of project impacts 	<ul style="list-style-type: none"> Community SEC Consultant working under KISIP 	<ul style="list-style-type: none"> KISIP CGK 	<ul style="list-style-type: none"> Revised survey plan prepared. Beneficiaries signed beacon certificates. Women aware of plot boundaries. Impacts documented. 8 PAPs identified. 	Undertaken
Approval of Amended Survey Plan	Amended Survey approval and adjustment of Registry Index Map (RIM) to include surveyed plots numbers	Survey of Kenya	KISIP	New RIM forwarded to Ministry of Land for Titling process.	Ongoing
ARAP Review and Updating					
ARAP Preparation and approval	<ul style="list-style-type: none"> Impacts as a result of planning and survey are identified, documented and mitigated. Commitment to implementation of ARAP All legal provisions are met and addressed 	<ul style="list-style-type: none"> Community SEC Consultant World Bank 	<ul style="list-style-type: none"> KISIP CGK World Bank 	<ul style="list-style-type: none"> Entitlements are given to mitigate impacts Approved ARAP to guide implementation process. 	Ongoing
ARAP implementation	<ul style="list-style-type: none"> Implementing ARAP activities as per implementation schedule 	<ul style="list-style-type: none"> KISIP Community County 	<ul style="list-style-type: none"> Consultant 	<ul style="list-style-type: none"> Facilitation of PAPs Grievance redress Issuance of Title Deeds (undertaken concurrent with facilitation) 	Not yet undertaken
Land Titling					
Sensitization on Title ownership	<ul style="list-style-type: none"> Registrar of Titles Sensitizes Beneficiaries and their spouses on Joint Ownership of titles Types of registrations Benefits of Titles Conditions to be granted on leasehold Titles Law requirements in Regulation of land transactions 	<ul style="list-style-type: none"> Registrar of Titles Community SEC KISIP 	<ul style="list-style-type: none"> CGK Consultant 	<ul style="list-style-type: none"> More women aware on Joint Titling Men allow for joint titling with spouses. Beneficiaries aware of Benefits of the title being issued. Beneficiary grievances adequately addressed. 	Ongoing

Change of beneficiary List	Beneficiary list open for final change of names to appear in the title	<ul style="list-style-type: none"> • Community • SEC • Consultant working under KISIP • KISIP 	CGK	<ul style="list-style-type: none"> • Increased number of Joint Title between spouses • Beneficiaries on the final beneficiary list forwarded to the Ministry of Lands for Title printing. 	On Going
Titles Printing and Signing	The final beneficiary list is the basis of printing of Titles	Ministry of Lands- Chief Land Registrar		Signed Titles are handed over to National Land Commission for Approval.	Not yet undertaken
Gazettelement	The NLC approves transfer of Public land to individual beneficiaries in Njoro ya Chini	National Land Commission		The names of Beneficiaries is officially published in the Kenya Gazette as individual title holders securing their tenure	Not yet undertaken
Issuance of Title	Upon facilitation of all PAPs, Titles are issued to respective beneficiaries in a public event.	NLC KISIP	CGK	Beneficiaries finally have individual titles to their land. Tenure regularization is complete	Not yet undertaken

2.4.1. Continuous Community Sensitization on Title Registration

KISIP and the registrar of Titles will continuously engage and sensitize the community before the issuance of titles, on a number of issues which include types of Registrations (table 5 below), and encouragement of spouses on joint registration of titles.

Table 5: Types of Title registration and gender sensitization

Type Of Title Registration	Details	Emerging issues under KISIP
Single Ownership	<ul style="list-style-type: none"> • Single person completely owns the Land • If Married, Consent of wife is required before any transaction on the land is undertaken 	<ul style="list-style-type: none"> • In case of death, transfer of the land becomes lengthy and costly. • Discouraged under KISIP if husband and wife are involved. Husband and wife encouraged to go for joint ownership. • Consent has to be reached between husband and wife on who will be the single owner of the title.
Joint Ownership Both Husband and wife are registered in the title	<p>Absolute Proprietorship. Both Husband and wife are absolute proprietors of land</p> <p>Tenancy in common shares Husband and wife own the land in shares.</p> <ul style="list-style-type: none"> • Common in cases where there is more than one wife and/or children are involved. 	<ul style="list-style-type: none"> • In case of Death, Land is automatically transferred to the spouse. • This type of ownership is encouraged under KISIP; Sensitization is ongoing • If consent is not reached between husband and wife on absolute ownership, Tenancy in common shares joint ownership is to be explored as the alternative
Sectional Title	<ul style="list-style-type: none"> • This applies to ownership of Assets like high-rise buildings/apartments 	<ul style="list-style-type: none"> • Each party decides what to do with his/her shares since they own only a stipulated share of land. • The title can only accommodate 5 entries of names • In case of more than 5 owners, additional parties to the land are required to nominate one to hold their shares in trust of the others • This is explored especially if children are involved
Conditions to be granted on Leasehold Titles: Majority of KISIP related informal settlements are located in towns/municipalities where lease hold titles as opposed to free hold titles are issued in line with the law.		
Law requirements in Regulation of land:		

- Regulation of Land transactions: The Land Control Board and functions and roles it plays in safeguarding women land rights e.g. requirement for spousal consent in land sales.
- Regulation of transfers/succession when a beneficiary dies, children transfer etc.
- Change of beneficiary where applicable to include joint ownership by spouses.

Gender inclusivity: Gender empowerment sensitization exercises to build the capacity of women in the settlement to safeguard their Land rights including:

- The role of the Land Control Board as a key avenue to safeguard women rights to owning land.
- Succession and land transfers in the case of spousal death.

Disclosure Copy

3. Policy, Legal and Institutional Framework

3.1. Introduction

This ARAP has been developed to guide mitigation of any impact anticipated from planning and surveying. It has been prepared in conformity with OP 4.12 of the World Bank and is anchored in the policy and legal provisions of the Government of Kenya, pertinent to displacement and resettlement. In case of conflicts or gaps between Kenya's laws and World Bank's Policy, World Bank policy will prevail.

3.2. Relevant National and International Policy and Legal Framework, and Standards⁶

Applicable legal and policy provision	Applicable Provisions
Vision 2030	It outlines that Kenya's journey towards prosperity also involves the building of a just and cohesive society, and enjoying equitable social development. It identifies the problem of informal settlements and pushes for land tenure regularization. In terms of gender, and vulnerable groups, it pushes for mainstreaming of gender equity in all aspects of society, and improving livelihoods of vulnerable persons at household, community and national levels.
The Constitution of Kenya, 2010	The Constitution of Kenya 2010 provides the broad framework for land ownership and compensation, including equitable access to land, security of land rights and elimination of gender discrimination in law, customs and practices related to land and property in Kenya. Article 40(3) protects the right to Property. The recognition of alternative dispute resolution mechanisms is aimed at expediting issues of land rights, transfer and supporting economic development.
National Slum Upgrading and Prevention Policy (NSUPP) 2016	The policy acknowledges the importance of allocating adequate budget for all programs relating to slum upgrading and prevention; developing clear frameworks for the participation of all stakeholders in all stages of slum upgrading and prevention processes, and strengthening the capacity of urban community groups to enable their participation in upgrading processes.
National Land Policy 2007	This policy guides that the country towards efficient, sustainable and equitable use of land for prosperity and poverty. Therefore provides an overall framework and define the key measures required to address the critical issues of land administration, access to land, land use planning, restitution of historical injustices, and conflicts. The policy also acknowledges the existence of slums in Kenya urban centres and implicitly identifies the need for urban renewal through a variety settlement and stock upgrading initiatives. It privileges <i>in-situ</i> improvement of existing settlement over slum clearance and displacement of people in line with the planning approach adopted by KISIP in Njoro Ya Chini. It provides for gender and equity principles relating to land rights on matters to do with land and resettlement.
The Land Act (2012) The Land Laws (Amendment) Act 2016 to include Evictions Guidelines April 2017	<p>The Land Act 2012 provides for sustainable administration and management of land. Part II section 8 of the Land Act, 2012 provides guidelines on management of public land by the National Land Commission on behalf of both national and county government. The land under which the settlement falls is classified as Public land hence invoking some sections of this Act.</p> <p>According to the Eviction Guidelines, Section 4.9.1 drafted by Ministry of Lands (2010), the Government shall ensure that evictions only occur in exceptional circumstances. Evictions require full justification given their potential extremely negative impact on a wide range of internationally recognized human rights. This policy is adhered to during implementation of the Project, as indicated no one will be evicted. Rather the project seeks to regularise ownership of the land the informal settlers have settled within.</p>

⁶ Details of all national laws here can be found at kenyalaw.org

Land Registration Act 2012	The Land Registration Act 2012 revises, consolidates and rationalizes the registration of titles to land, to give effect to the principles and objects of devolved government in land registration. One of the advantages of the Land Registration Act 2012 is that it pushes for facilitation of security of tenure to the residents of informal settlements through regularization of land tenure and ownership as KISIP seeks to do.
The National Land Commission Act	This act makes provisions as to the functions and power of NLC. The functions of Commission include review of all grants or dispositions (titles, leases, deeds, transfers) of public land to ensure their propriety or legality.
The Environment and Land Court Act, 2012	The Act enacts Article 162(2) (b) of the Constitution; to establish a superior court to hear and determine disputes relating to the use and occupation of, and title to land. This shall be an important institution in case of grievances with regard to impacts/displacement that cannot be solved through the project's proposed ARAP grievance redress system.
The Valuers Act (1985)	The Valuers Act establishes the Valuers Registration Board, which regulates the activities and practice of registered valuers. The ARAP team has made use of the services of a registered valuer (who is approved by the Board) who undertook asset valuation for the purpose of facilitation.
Matrimonial Property Act No 49 of 2013, Ownership of Matrimonial Property	Part III (Clause 7) states that subject to Section 6 (3), ownership of matrimonial property vests in the spouses according to contributions of either spouse towards its acquisition and shall be divided between the spouses if they divorce or their marriage is otherwise dissolved. This also includes assets thus implications for facilitation requiring sensitization of PAPs.
The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012	The provisions of this Act apply to all internally displaced persons that arise either through calamities, social conflict or development projects and are guided by the Bills of Right under the Constitution of Kenya. The Act therefore provides enacted guidelines in the event of displacement in the settlement. It requires involvement and respect of human rights in such cases.
The County Government Act 2012 and National Government Coordination Act 2013	It is expected that the County government of Kilifi will conduct their mandate of development control under the Act to effectively achieve KISIP's objectives after the facilitation and lapse of notice period including future protection of road wayleaves.
KISIP's Resettlement Policy Framework	The World Bank OP 4.12 of the World Bank requires that a RAP be prepared for all projects that anticipate physical and/or economic displacement. KISIP's RPF 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.
World Bank's OP 4.12 on Involuntary Settlement	The World Bank's IRP requires Bank funded projects to mitigate any physical, social and economic impacts on affected populations. The objective of OP 4.12 is to ensure that populations affected by a project are well taken care off as per the provisions outlined therein.

3.3. Comparison of Kenyan Government Legal Set Up and World Bank Policy on Resettlement

This ARAP has been prepared in conformity with the policy and legal provisions of the Government of Kenya and the World Bank. A comparison is highlighted in the table below. In case of conflicts between the Kenya Legal and policy framework and the World Bank OP 4.12, then World Bank OP 4.12 shall prevail

World Bank OP 4.12	Kenyan Context	Gap filling measures
General ARAP Requirements		
Involuntary resettlement should be avoided wherever possible, or minimized, exploring all alternatives.	Involuntary resettlement possible in context of projects of public interest e.g. the Land Act does not stipulate that resettlement should be avoided wherever possible; on the contrary, as long as a project is for public interest, involuntary resettlement is considered to be unavoidable.	Ensure that resettlement issues are considered at the design stage of the project in order to avoid/minimize resettlement and associated issues.
ARAP Process Requirements		
Grievance Redress Mechanism: The ARAP should provide for appropriate and accessible grievance mechanism will be established. Appropriate and accessible grievance mechanisms are established for these groups.	The Constitution of Kenya, 2010, envisions a prominent role for alternative dispute resolution, including traditional dispute resolution mechanisms. This is in addition to other legislative frameworks which provide for non-formal methods of dispute resolution. For instance, Land Act 2012 clearly outlines the steps and process for grievance redress that includes alternative dispute resolution, and is backed by the judicial system through Environmental and Land Court Act.	Adopt both Kenyan legislation and World Bank.
Consultation: The ARAP process should provide for opportunity for meaningful consultations with affected persons and communities, local authorities, and, Non-Governmental Organizations (NGOs) where appropriate.	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.	Adopt both Kenyan legislation and World Bank.
Information Disclosure: Once approved, the ARAP is made available to the public through its Info Shop. KISIP is also required to disclose it in line with The World Bank Policy on Access to Information	Kenyan Legal Framework not clear on Information disclosure of Approved ARAP	Implement World Bank OP 4.12 policy
Eligibility Criteria Determined by: (a) those who have formal legal rights to land (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	The Land Act 2012 provides that written and unwritten agreements are recognized as valid land right. The Land Act 2012 provides that people eligible for compensation are those holding land tenure rights	Ensure ALL users (including illegal squatters, labourers, rights of access) of affected lands are included in the census survey and all compensation for loss of assets will be at replacement value

<p>country or become recognized through a process identified in the resettlement plan.</p> <p>(c) those who have no recognizable legal right or claim to the land they are occupying.</p> <p>Therefore, although O.P 4.12's recognizes eligibility as both formal (legal) and informal owners of expropriated land, it does not specifically recognize all users of the land to be compensated.</p> <p>O.P 4.12 describes the cut-off date as the date of the start of the census or the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated. 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 or resettlement assistance. Similarly, fixed assets such as structures, established after the cut-off date will not be compensated.</p>	<p>The Land Act 2012 also recognizes those who have interest or some claim in the land such pastoralist or who use the land for their livelihood.</p> <p>The constitution recognizes occupants of land even if they do not have titles and payment made in good faith to those occupants. However, this is not mandatory and does not apply to those who illegally acquire land. The Traffic Act which recognises encroaching into e.g. road reserves as illegal is repugnant or encroachers into e.g. road reserves as stipulated under Traffic Act.</p> <p>The Land Act, 2012 is not specific on the cut-off date but proposes a final survey of land (with regard to private land) to be undertaken before compensation is paid. It does not cover public land.</p>	<p>and measures to restore livelihood undertaken.</p> <p>Those without legal right i.e. all beneficiaries in place of resettlement receive tenure security of land occupied.</p> <p>Implement World Bank OP 4.12 policy</p>
<p>Measures:</p> <p>Cash based compensation should only be made where (a) land taken for the project is a small fraction of the affected asset and the residual is economically viable; (b) active markets for lost assets exist and there is sufficient supply of land and housing; or (c) livelihoods are not land-based.</p> <p>World Bank OP 4.12 Article 6(a) requires that affected persons are provided with prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project. If physical relocation is an impact, affected persons must be provided with assistance during relocation and residential housing, housing sites and/or agricultural sites to at least equivalent standards as the previous site.</p> <p>Replacement cost does not take depreciation into account. In terms of valuing assets, if the residual of the asset being taken is not economically viable, compensation and assistance must be provided as if the entire asset had been taken.</p> <p>Compensation and other assistance required for relocation should be determined prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where</p>	<p>Land Act 2012 appears to prefer mode of cash compensation by the Government to the affected population.</p> <p>Land Act talks of prompt, just compensation before the acquisition of land. However, interpretation of just compensation is yet to be clearly outlined through a specific schedule defining just compensation has not been put in place. Therefore, Costs such as attorney's fees, cost of obtaining advice or cost incurred in preparing and making written claim not in the Land Act. Similarly, the Act does not out rightly stipulate assistance for relocation but can only be implied.</p> <p>The Land Act, 2012 provides for 15% disturbance allowance.</p>	<p>Ensure that all alternative options are considered before providing cash compensation.</p> <p>Use World Bank OP 4.12 procedures in determining form of compensation</p> <p>Implement prompt and effective resettlement assistance.</p> <p>Ensure that ALL resettlement options are agreed on with PAPs and put in place prior to displacement of affected PAPs</p>

<p>required. Displacement must not occur before all necessary measures for resettlement are in place, i.e., measures over and above simple compensation. O.P 4.12 proposes PAPs should be assisted in improving livelihoods etc. or at least restoring them to previous levels.</p>	<p>The Land Act, 2012 is not specific on livelihood restoration.</p>	<p>Implement World Bank OP 4.12 policy</p>
<p>Valuation: With regard to land and structures, —replacement cost is defined as follows: For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour</p>	<p>Land Act 2012 talks of just compensation for the lost assets but it is not specific of the exact amount or procedures on the same. Interpretation of just compensation has not been defined.</p>	<p>Apply the World Bank OP 4.12 valuation measures, in order to fully value all affected assets in a consistent manner.</p>

Disclosure

4. Methodological Approach to Preparation of ARAP

4.1. Approach to Resettlement Action Plan Development.

4.1.1. Review of relevant documents

In the preparation of this ARAP, relevant documents were reviewed, including;

- Project Appraisal Document (PAD) for KISIP which is the official project document.
- Environmental and Social Management Framework (EMSF) which provides a framework for identification and mitigation of potential environmental and social impacts arising from any KISIP intervention.
- Resettlement Policy Framework (RPF) which provides a framework consistent with the World Bank's OP 4.12 for mitigating physical and economic impacts.
- Socio Economic Report for Njoro Ya Chini covering the settlement to provide baseline information for design and monitoring project interventions.
- Community Stakeholders Report which documents community involvement in the identification and prioritization of project interventions.
- Survey Plans, Registry Index Maps (RIMs) and Local Physical Development Plans (LPDPs).
- Planning and plan amendment reports

4.2. Census of PAPs

A 100% census and survey of affected persons was initially conducted in the month of September 2017, and the census updated after resurvey (following plan amendment) in May 2018.⁷ Its main purpose was to enumerate and collect baseline socioeconomic information which will then help in assessing PAPs facilitation, and for monitoring and evaluation purposes. A questionnaire was used to collect basic information on demography, access to social services, economic activities etc.

⁷ Socio economic survey was not repeated after plan amendment but database cleaned up to reflect current PAPs only.

4.2.1. Conceptual Framework on Methodological Approach

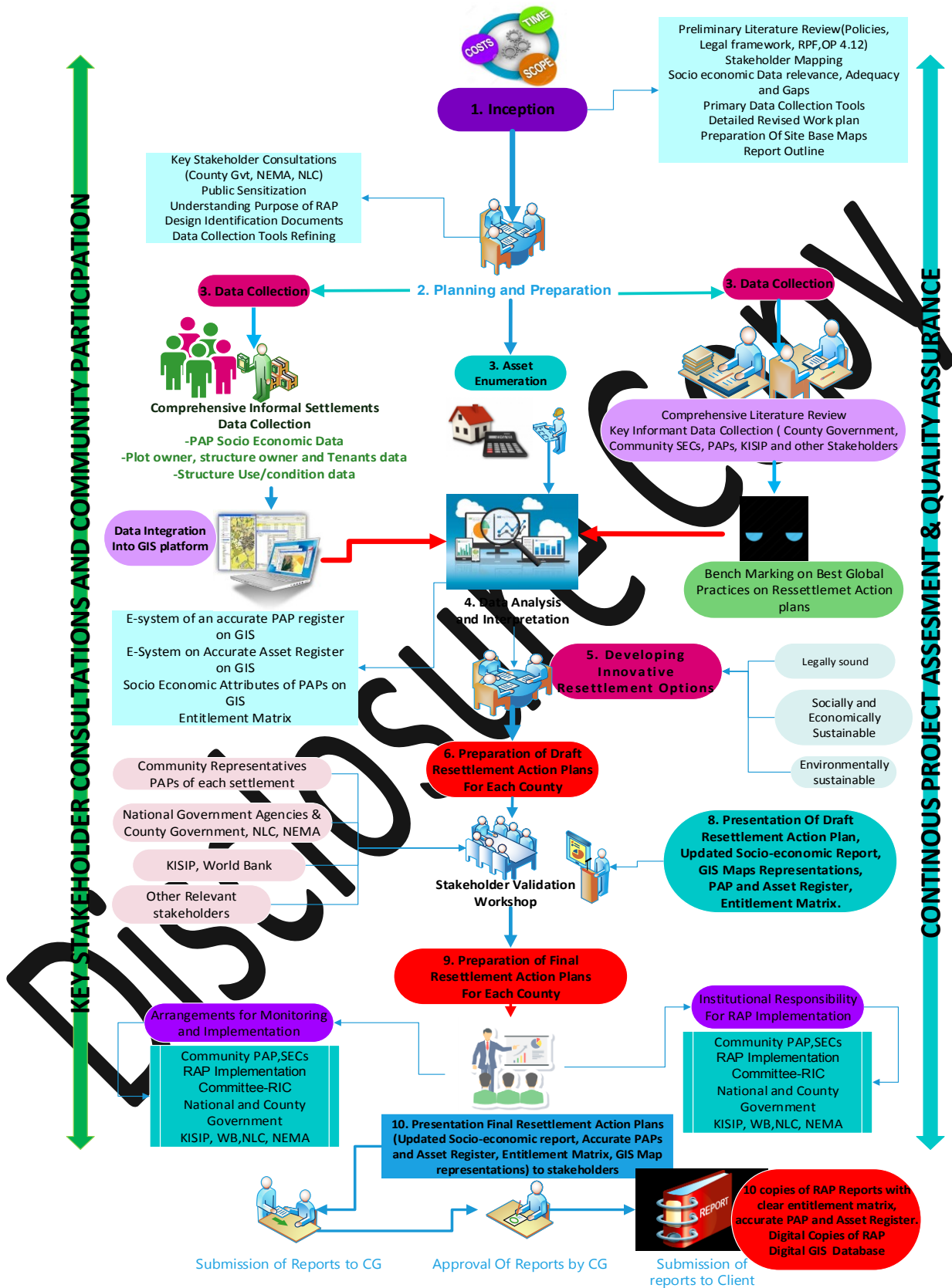


Figure 4: Conceptual Framework on Methodological

4.3. PAPs Socio Economic Survey and Valuation⁸

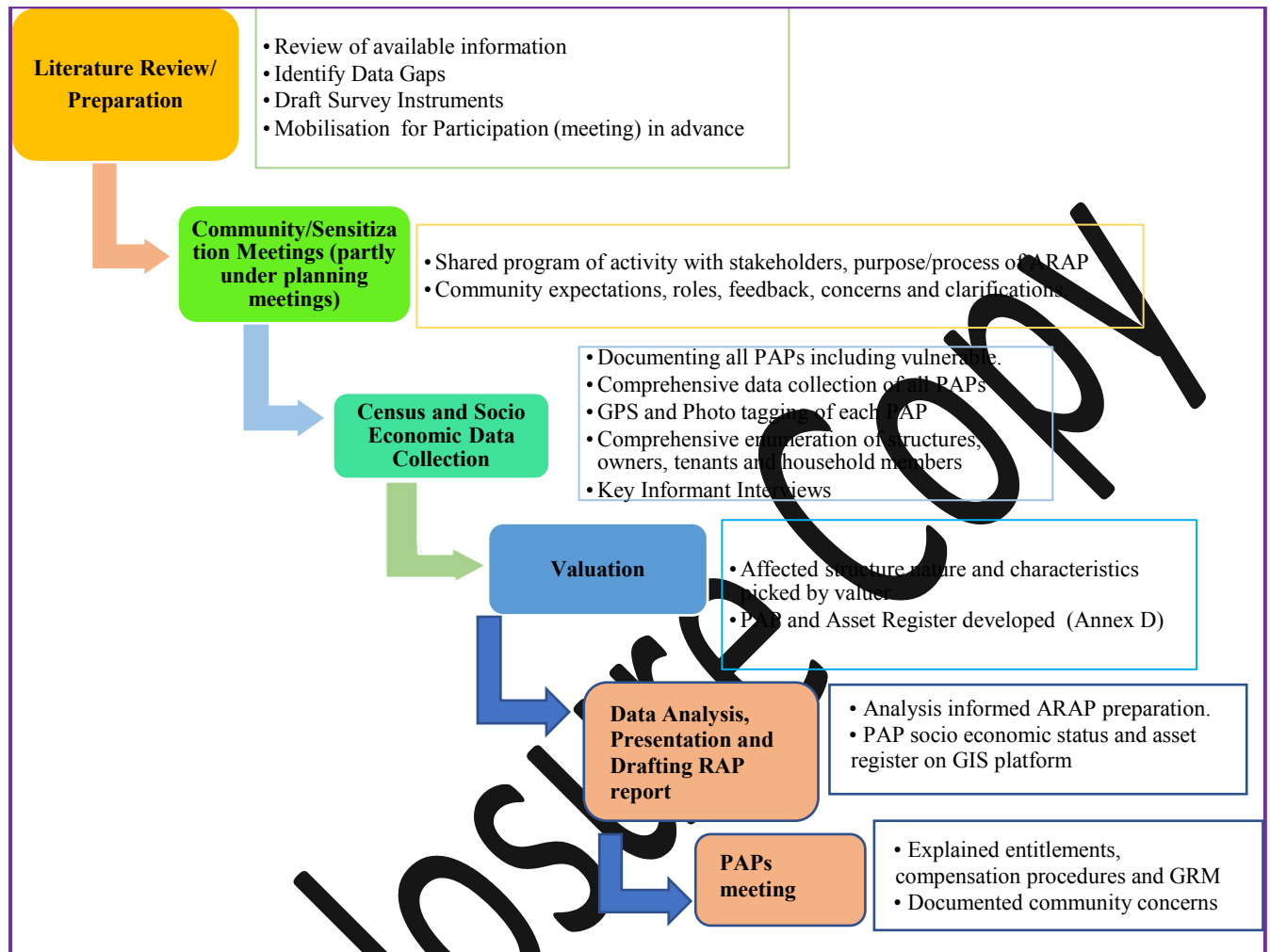


Figure 5: Socio-Economic Survey and Valuation Process

4.4. Cut-Off Date

According to O 4.12, cut-off date is the date the census of PAPs begins. This could also be the date the project area is delineated prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx. The cut-off date, here defined as the latter, was set as 3rd June 2017 (date of validation of the initial plan) and communicated to the PAPs during a stakeholder consultation meeting on the same day, and constantly reminded during subsequent meetings (e.g. 26th June 2018). Any developments after the cut-off date are not eligible for facilitation.

⁸ Process has been iterative due to plan amendment

5. Public Consultation and Participation

5.1. Introduction

In Kenya, public consultation is a mandatory requirement in projects that affect the public. The significance of public participation in the decision-making process is boldly enshrined in the Constitution.

5.2. Objectives and Process of Public and Stakeholders Consultation

Consultations were held with various stakeholders including the PAPs, and local officials with the following key objectives:

- i. To inform PAPs about the project, identify their fears, expectations and concerns about the project.
- ii. To give PAPs a chance to express their views in the planning and implementation of the project, as well as participate in it.
- iii. To inform and discuss about the nature and scale of impacts emanating from the project.
- iv. To obtain qualitative as well as quantitative information on viable mitigation measures in order to restore the lives of PAPs after impact.
- v. To solicit the views of the County Government on the project, and discuss their share of the responsibility for the smooth functioning of the project.

5.3. Stakeholders Consulted

Different stakeholders who have direct or indirect responsibility, and stake in the project were consulted. The primary stakeholders that have major role to play and consulted included the project affected persons while secondary stakeholders included KISIP County officials. In regards to the settlement, consultations with stakeholders were held in four phases; during conventional planning (5 meetings), initial RAP (1 PAP meeting), plan amendment (3 meetings) and RAP update (1 PAP meeting).

Table 6: Summary of Stakeholder Meetings

Meeting	Date	Participants	Gender		Key Issues
			Male	Female	
Conventional Planning Consultations					
Introductory meeting at the County Government of Kilifi	16 th May 2016	<ul style="list-style-type: none"> • County Government of Kilifi (CGK)//County KISIP representatives • KISIP National representatives • Consultant 	12	6	<ul style="list-style-type: none"> • To introduce the Consultants to the County Government • To identify and agree on respective roles of County KISIP Team in the project
Initial SEC sensitization meeting	23 rd February 2017	<ul style="list-style-type: none"> • CGK • Consultant • SEC 	9	7	<ul style="list-style-type: none"> • Shared understanding on the scope of project works • Consensus on the boundaries of the settlement
Launch of the Planning and Surveying project	3 rd February 2017	<ul style="list-style-type: none"> • CGK/County KISIP representatives • KISIP National representatives • Consultant 	111	93	<ul style="list-style-type: none"> • Launch of the project and envisioning on the project objective • Planning process

Plan preparation and visioning workshop	31 st March 2017	<ul style="list-style-type: none"> • SEC Members • Community Members 	89	71	<ul style="list-style-type: none"> • Visioning so as to guide preparation of the plan • Shared understanding on plan formulation
Presentation of LPDP to the Community	23 rd June 2017		75	69	<ul style="list-style-type: none"> • Plan Validation by the community • Verification of List of beneficiaries • Declaration of project cut off as 23rd June 2017
RAP					
Community PAPs meeting	18 th August 2017	<ul style="list-style-type: none"> • CGK • Consultant • SEC Members • PAPs 	63	47	<ul style="list-style-type: none"> • Sensitizing the community on the ARAP and project impacts • Re-cap of cut-off date as 23rd June 2017
Plan Amendment					
Replanning of the informal settlements under Lot 3 Cluster ii in Kilifi County	21 st June 2018	<ul style="list-style-type: none"> • CGK/County KISIP representatives • KISIP National representatives • Consultant 	10	3	<ul style="list-style-type: none"> • Plan amendment so as to minimize displacements in Kilifi settlements. • County approval of need for Plan amendment
Plan Amendment meeting	26 th June 2018	<ul style="list-style-type: none"> • CGK/County KISIP representatives • KISIP National representatives • Consultant • SEC • Community and SEC Members 	35	35	<ul style="list-style-type: none"> • Logic and Justification for plan amendment. • Community suggestions on plan amendment. • Discussing plan amendment through adoptive planning by applying minimum planning standards. • Recap of cut-off date 23rd June 2017 • Discussed issues touching on PAPs including verification of PAPs mitigation measures, facilitation and Grievance redress.
Plan Adoption meeting	16 th April 2019	<ul style="list-style-type: none"> • CGK/County KISIP • KISIP National representatives • Consultant • SEC • Community Members 	25	32	<ul style="list-style-type: none"> • Plan adoption by the stakeholders • Re-cap of cut-off date as 23rd June 2017
ARAP Update					
Community PAPs meeting	16 th April 2019	<ul style="list-style-type: none"> • CGK/County KISIP • KISIP National representatives • Consultant • SEC • PAPs 	13	12	<ul style="list-style-type: none"> • Sensitizing the PAPs on the ARAP and project impacts • Re-cap of cut-off date as 23rd June 2017

5.4. Summary (ARAP) Issues from Consultations

Some of the key issues discussed/raised are presented in the tables below.

5.4.1 ARAP Questions/Comments/Suggestions/Statements Raised During Conventional Planning and Initial RAP preparation

<u>Issues raised</u>	<u>Response</u>
If small parcels of land would be merged with larger parcels to enable the titling process?	Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works officers indicated they will have a meeting to discuss the plots that can't produce a title and report back to the community on the modality of undertaking the exercise
When they are measuring the roads, are they considering the 4m, 6m, or 9m? What is the model for compensation to ensure if compensated for the 4m, the future expansion of the 6m, or 9m? how will this be compensated?	RAP is being done on the 6m and 9m roads for the Plan that was verified.
The community wanted clarifications on the integrity of the structure, how will it be assessed?	On the integrity of the building it will be done on ground in the presence of the PAP and other technical officers
Public Utility plots belong to people. Will they be compensated since rates have been paid for religiously for like the last 20yrs?	They will not be compensated
How many houses got affected in the project?	This is what is being undertaken to determine the exact number of PAPs
If the project hits to your doorstep and your corridor is affected will you be compensated?	Yes, the valuer will value what is affected.
Roads has been measured 9m on all side of my plot, will it generate a title?	If the parcel is developed, and the whole structure is affected, then this will be a full facilitation fee. If the remaining parcel will be too small for any titling process, then the MTIHUD team will give further direction while doing their verification
The owners have no technical knowledge of the value, will they know that is the true value? The committees need to swear to represent the people	An expert is involved-Valuer, and market value will be the basis..
The question whether those affected by the proposals for example roads will be facilitated	The KISIP Project aims at minimal losses and thus those whose property will be touched, there will be facilitation. However, no land will be compensated

5.4.2 ARAP Questions/Comments/Suggestions/Statements Raised During and After Plan Amendment including PAP meeting after amendment

<u>Issues Raised</u>	<u>Response</u>
The project is not facilitating of the reduction of plot sizes. It is indicated that amended plan will ensure no structure would be affected, how true is this?	There is a reduction in PAPs numbers due to reduced road sizes. However, this would be verified during the ground survey and necessary facilitation would be undertaken during the implementation of RAP for those affected.
Valuation: PAP members raised issues surrounding valuation given to their structures and whether there will be verification on the same.	Valuation will be verified for the affected structures by the valuer in the presence of the owner. Additional verification will be undertaken by the KISIP team during implementation.

6. Project Impacts

6.1 Introduction

Planning and surveying of the Njoro ya Chini Informal settlement will lead to both positive and negative impacts.

6.2 Project Benefits (Positive impacts)

The Project has several positive benefits as summarized in the table below.

Table 7: Positive impacts

Tenure security	This is the main benefit derived from this project. Secure land tenure is key in improving the standard of living through long term investment in land within the settlement. Tenure security will transform the previous unrecognized land rights to formal and legal land rights
Improved investments on land and impact on Poverty	Ensuring security of tenure increases access to credit to improve/develop land, setting up of business activities, among others. Economic potential includes increased value on land thus attracting more investments in high density residential areas, possibly rental income, increased commerce due to population growth as well as employment opportunities during the property boom within the settlement.
Impact on Gender and Inequality	The planning and survey process is expected to enhance women's land rights and their empowerment. The total number of female beneficiaries being 39, this is expected to act as a vital pillar for socio economic improvement of the area contributing to growth and livelihood improvement for both women and men.
Impact on Infrastructure	The improvement of the road wayleaves will enhance additional investments by various actors. This is achieved through provision of space for laying drainage, water piping, expanded roads etc.

6.3 Potential Negative Impacts

Though the improvement of the informal settlement will have far reaching positive impacts, it also carries with it negative impacts. 8 Project Affected Persons (PAPs) are affected, which includes 5 structure owners PAPs and 3 Tenant PAPs. The Vulnerable group comprises of 4 women, all being female household heads. Further breakdown is given below.

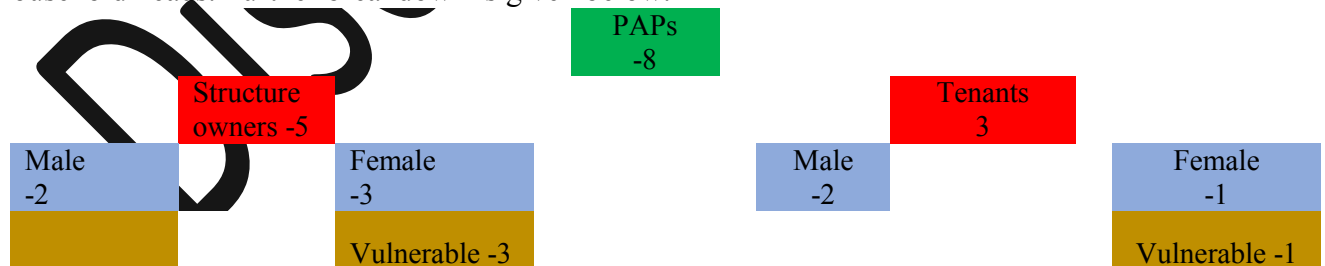


Figure 6: Summary of Project Affected Persons

6.3.1 Reduced Parcel Sizes

There was no complete or localized displacements within the settlement. As a result of the use of adoptive planning standards, all beneficiaries were retained within parcels occupied but with minimal reduction of parcel sizes to provide for accessibility. The use of adoptive standards (during plan amendment) was discussed and endorsed by the community to ensure significant reduction of impacts.

6.3.1 Impacts on Structures

The impact on structures is attributed to road wayleaves alignment in the approved Amended Local Physical Development Plan. In total, 6 Structures will be affected:

- Fully Affected – These are 3, where the whole structure will need to be removed after full facilitation.
- Partially affected - These are 3 in number as per breakdown in the table below. It therefore means that the residual part of the structure will still be viable for use and would require repairs for occupation to occur.

Table 8: Types of structures affected

Type of Structure	Number	Partially	Fully
Main residential House	1	1	
Latrine/ablution	3	1	2
Shop	1		1 ⁹
Veranda	1	1	
Total	6	3	3

6.3.2 Loss of Shelter

Due to the impact a total of 3 residential tenants will lose shelter, and will be forced to find alternative space/accommodation temporarily (as owners repair the affected structures), or permanently due to total loss of the affected structures.

6.3.3 Impact on Livelihoods

Planning and surveying will lead to impact on livelihood sources for 1 Structure owner PAP who derives rent revenue from tenants. The affected shop as per Table 8 above is abandoned and not in use.

6.3.4 Increased Vulnerability

4 women were identified as vulnerable as they are household heads. If proper mitigation measures both for structure owners and tenants are not undertaken, the impact occasioned by the project may exacerbate their vulnerability.

6.4 Summary of Losses

The losses experienced are summarized in table below.

Table 9: Summary of losses experienced in Njoro ya Chini informal settlement

Type of PAP	Structure/Asset Loss	Livelihood	Vulnerability
Structure owner PAPs	5	1	3
Tenants	3	0	1
Total	8	1	4

Note that some of the structure owner PAPs experience multiple impacts i.e. loss of structures and likely increased vulnerability due to project impacts, or loss of livelihoods.

⁹ Abandoned shop

7.0. Socio-Economic Baseline

7.1. Introduction

Socio-economic survey for project affected persons is an important component in the planning for facilitation of the affected persons. Its main objective is to know the social structure and distribution for purposes of planning the attendant compensation, and for monitoring and evaluation purposes. The data required for this purpose was generated through a 100% census and survey of the 8 PAPs.

7.2. Demographics of the PAPs

7.2.1. Gender representation

The gender representation of PAPs in the settlement is 4 males and 4 females, making up 50% and 50% respectively.

Table 10 Gender of PAPs

Type of PAPs	Male	Female	Total
Structure Owners PAPs	2	3	5
Tenants PAPs	2	1	3
Total Number of PAPs	4	4	8

7.2.2. Marital status

The number of married PAPs stands at 50%, while the remaining are single.

7.2.3. Education level

According to the field survey, 18% of the PAPs respondents' attained primary education while 64% attained secondary education and only 16% to the university and college level. This indicates a low transition rate from secondary to tertiary level due to elevated poverty rates. Adult education lies at 2%.

7.2.4. Age distribution

Of the 8 PAPs, age group of 20 to 35 years accounted for 27% while 35-50 years - 55% and the remaining 50-65 Years of age constituted 18% of the PAPs. The average household size is 4.

7.2.5. Vulnerability PAPs

The vulnerable PAPs consists of 4 female household heads.

7.3. PAPs income and place of work

According to the field survey, 52% of the PAPs are unemployed as opposed to 48% who are employed. All the PAPs work within the county. Those within the settlement are involved in businesses like saloons, carpentry, green groceries and kiosks. The average monthly income for the PAPs within the settlement is 3200 KES, with majority falling between 1000-5000 KES per month.

7.4. Water Supply

The settlement is characterized by inadequate water supply. According to the field findings, 86% of the PAPs within the settlement face difficulties in accessing water as opposed to 14% who have access to water. Majority depend on rain water during rainy seasons or buy from water vendors.

7.5. Energy Supply

The main sources of energy for the PAPs include electricity, charcoal and kerosene. At least 60% of the PAPs have access to electricity supply while 40% of the PAPs are yet to be connected. The main use of electricity is lighting. The electricity cost for the inhabitants range between KES. 300-1000 per month.

7.6. Health and sanitation

Due to low-income levels in the settlement, PAPs can only afford to go to the public hospital i.e. Mariakani Sub-County Hospital (200m) not far from the settlement. However, there are several private hospitals in the vicinity of the settlement, and include Mabati Medical Centre, Hope, Babab Al Noor among other small clinics.

On sanitation, all the PAPs have access to toilets. However solid waste management and waste water drainage in Njoro ya Chini is a major problem, all PAPs indicating they burn solid waste in total disregard of regulations.

Disclosure Copy

8. Mitigation Measures

8.1 Introduction

This Abbreviated Resettlement Action Plan (ARAP) addresses the impacts of planning and surveying on the Project Affected Persons (PAPs) by ensuring that they receive appropriate facilitation and rehabilitation measures.

8.2 Eligibility for Compensation and Resettlement Assistance

Njoro ya Chini comprises of people who do not have formal legal rights to the land they are settled on at the time of the census. Still OP 4.12 recognizes such people, requiring their compensation for investments or improvements on the land. Therefore, Njoro ya Chini PAPs are to be provided compensation for affected assets and livelihood, and any other assistance required to enable them pick up their lives after impacts occasioned by planning and surveying e.g. additional facilitation for vulnerable PAPs. Persons who develop after the cut-off date however are not entitled to compensation or any other form of facilitation.

Table 11: Eligibility Criteria for Facilitation

PAP Classification	Eligible for		
	Facilitation	No Facilitation	Rehabilitation/Resettlement Assistance
Those with no legally recognized right to land but settled before cut-off date.	Assets at replacement cost	For land	Assistance in line with RPF
Those with affected businesses located within the Settlement before cutoff date	Assets and lost income as a result of lost business.	For land	Assistance in line with RPF
Those who settle or undertake any business development after Cut-off-date	None	None	None

8.3 Compensation Assistance Guiding Principles

As proposed by the RPF, the following principles will guide payment of compensation for lost assets

- Compensation shall be paid prior to impact;
- Compensation shall be extended to all PAPs irrespective of tenure status as explained above in section 8.2;
- 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 labor 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. In case of physical displacement and depending on tenure category, PAPs will be provided transition assistance such as shifting allowances.
- Consultation with PAPs on facilitation, disclosure of resettlement information to PAPs, and participation of PAPs in planning and implementing the ARAP will be ensured;

8.4 Entitlement Matrix

The entitlement matrix is designed to ensure fair play and to reflect personal effort as captured in from the valuation. All persons affected by the project and meeting the cut-off date requirements will be entitled to a combination of facilitation packages and resettlement assistance depending on the nature of ownership rights on lost assets and scope of the impacts:

- Compensation for structures (residential/commercial) and other immovable assets at their replacement cost;
- Assistance in lieu of the loss of income;
- Assistance for shifting/relocation of tenants
- Additional Support to Vulnerable PAPs as outlined in entitlement matrix below

8.4.1 Entitlements

Pursuant to the impacts anticipated as highlighted above, cash compensation has been calculated in Kenyan currency.

Table 12: Structure Characteristics and Valuation Considerations.

Structure Characteristics	Consultant's Consideration	Valuation	Approximate percentage in the settlement
Less than 20 % of Structure affected where foundation remains intact after demolition and does not alter formation of the structure	Part valuation of the affected area for replacement Cost done at current Market rates*		50% of structures
More than 20% of structure affected, foundation will not remain intact after demolition, formation of structure to be altered upon demolition	Full Valuation for replacement Cost done at current Market rates for the whole structure		50% of the structures

KISIP will ensure that all affected people will be facilitated fully, fairly and promptly and in accordance to this ARAP. In addition to these entitlements, PAPs who are vulnerable and are at greater risk of impoverishment as identified by the census will be provided additional assistance where appropriate including in rebuilding their structures.

An Entitlement Matrix, shown in Table below has been developed to summarize all entitlements.

Table 13: Entitlement Matrix

No.	Type of Loss	PAP Category	Entitlements
Loss of structures			
1.	Partial loss, but residual viable	Squatter	<ul style="list-style-type: none"> Cash compensation at replacement cost without depreciation. For structures affected less than 20% with foundation intact, repair costs will apply as per the part valuation established. Right to salvage material
2.	Fully affected/part affected and remaining structure is non-viable	(a) Tenant/ Lease Holder	<ul style="list-style-type: none"> Housing allowance for two-month equivalent rental value A onetime shifting allowance of KES 5000 Right to salvage materials Alternative accommodation for a vulnerable household, where possible
		(b) Squatter	<ul style="list-style-type: none"> Cash compensation at replacement cost of the affected unit based on Scheduled of Rates without depreciation Right to salvage materials. Assistance to enroll in Government sponsored housing schemes where possible. Vulnerable households will be offered 3 months housing rental allowance

			• Right to salvage materials
Loss of Income			
2.	Loss of rental income		▪ Subsistence allowance equivalent to 2 months rental income
Support to vulnerable groups			
4.		Vulnerable PAPs	<ul style="list-style-type: none"> ▪ Additional cash support of Ksh 2000/month for the first two months ▪ Support in alleviating the respective vulnerability. This will include forwarding of names for consideration by other government agencies/NGOs that offer assistance to the vulnerable and consideration for assistance in rebuilding their structures on a case by case basis.

Disclosure Copy

9. Grievance Redress Mechanism

9.1. Need for Grievances Redress

In any project involving a community, complaints and disputes will always arise. Therefore, there is need for a framework to hear and address complains related to entitlements, mitigation measures and other arising issues included in this ARAP in a timely manner.

Some of the grievances that are anticipated during implementation of this ARAP may include:

- i. Disputes over parcel limits, either between the affected person and the Project, or between two neighbours;
- ii. Misidentification of assets and PAPs
- iii. Omissions of genuine PAPs from the PAP register
- iv. Disputes over valuation of affected assets.
- v. Dispute over the ownership of a given asset (two individuals claim to be the owner of the asset);
- vi. Disagreement over the proposed entitlements;
- vii. Successions, divorces, and other family issues, resulting in disputes between heirs and other family members, over ownership or ownership shares for a given asset;
- viii. Grievances related to issuance of Title Deeds to beneficiaries

9.2. Grievance Redress Mechanism

This ARAP has a three-tier grievance mechanism, at the settlement level is a Settlement Grievance Committee, RAP Implementation Committee (RIC) with membership from KISIP National and Kilifi County Government, and lastly, the Courts of Law.

Table 14 – GRM composition and Membership

Institution	Membership	Functions
Tabora Settlement Grievance Redress Committee	6-member team - 2 WEC members and three other respected community members drawn from the elderly, youth, physically challenged etc with gender consideration). This will be enjoined by the ward administrator and/or the area chief.	<ul style="list-style-type: none"> • To address PAPs grievances as 1st point of contact, within 14 days and at no cost to PAP. • Providing inputs into the monitoring and evaluation process i.e. monthly reports on grievances to RIC
RAP Implementation Committee	<p>Joint Membership of implementation derived from County KISIP + National KISIP Project Coordinating Team</p> <p>From KISIP National PCT</p> <ol style="list-style-type: none"> i. Head of Component 1 ii. Head of component 2 iii. Environmental and social safeguard specialists iv. Community Development specialist v. 3 members from Component 2 - Surveyor, land administrator and valuer vi. Engineer vii. KISIP Finance Officer <p>From the County</p> <ol style="list-style-type: none"> i. County KISIP Coordinator who will be the chairman ii. Community Development Officer iii. Head of Component 3 - Engineer 	<ul style="list-style-type: none"> • Escalation Mechanism: Determine PAPs Grievances unresolved by GRC - within 14 days and at no cost to PAP. • Providing inputs into the monitoring and evaluation process i.e. monthly reports on grievances to RIC

	iv. County Surveyor v. County Physical Planner vi. County Environmental Officer vii. Representative from enforcement department viii. Town Administrator The members of parliament and members of the County Assembly (MCAs) may be co-opted as ex-officio members. Kilifi County will provide the secretariat for the committee.	
Court of Law	Court of Law	<ul style="list-style-type: none"> • PAPs not happy with the project process free to seek legal redress and at their own cost. The Land and Environment court deals specifically with land and environment related disputes of which displacement and valuation are part. • The legal system will only act as a venue of last resort and will be sought after all other redress mediums have been exploited and exhausted.

The Terms of Reference for the Grievance Redress Mechanism Committees will be as follows:

- i. Address all forms of grievances relating to the implementation of this ARAP expeditiously and impartially.
- ii. To consult with all the relevant parties involved in the disputes in the process of seeking solutions, and further to seek technical advice where necessary to reach a verdict.
- iii. Document the grievance handling process from the time a complaint is received to the final determination. To this end, the committee shall maintain a grievance register, minutes of all meetings held to address grievances, and correspondences
- iv. To notify the concerned parties promptly once a verdict has been reached, and the next steps.

9.3. GRC Process Procedures and Timelines for Lodging Complaints

It is desirable to resolve all the grievances at the community level to the greatest extent possible. To achieve the community or settlement level grievance mechanism will be credible and generally acceptable. The grievance redress mechanism will aim to solve disputes at the earliest possible time in the interest of all parties concerned. The Table below summarizes the process of grievance redress in the 3 tier system.

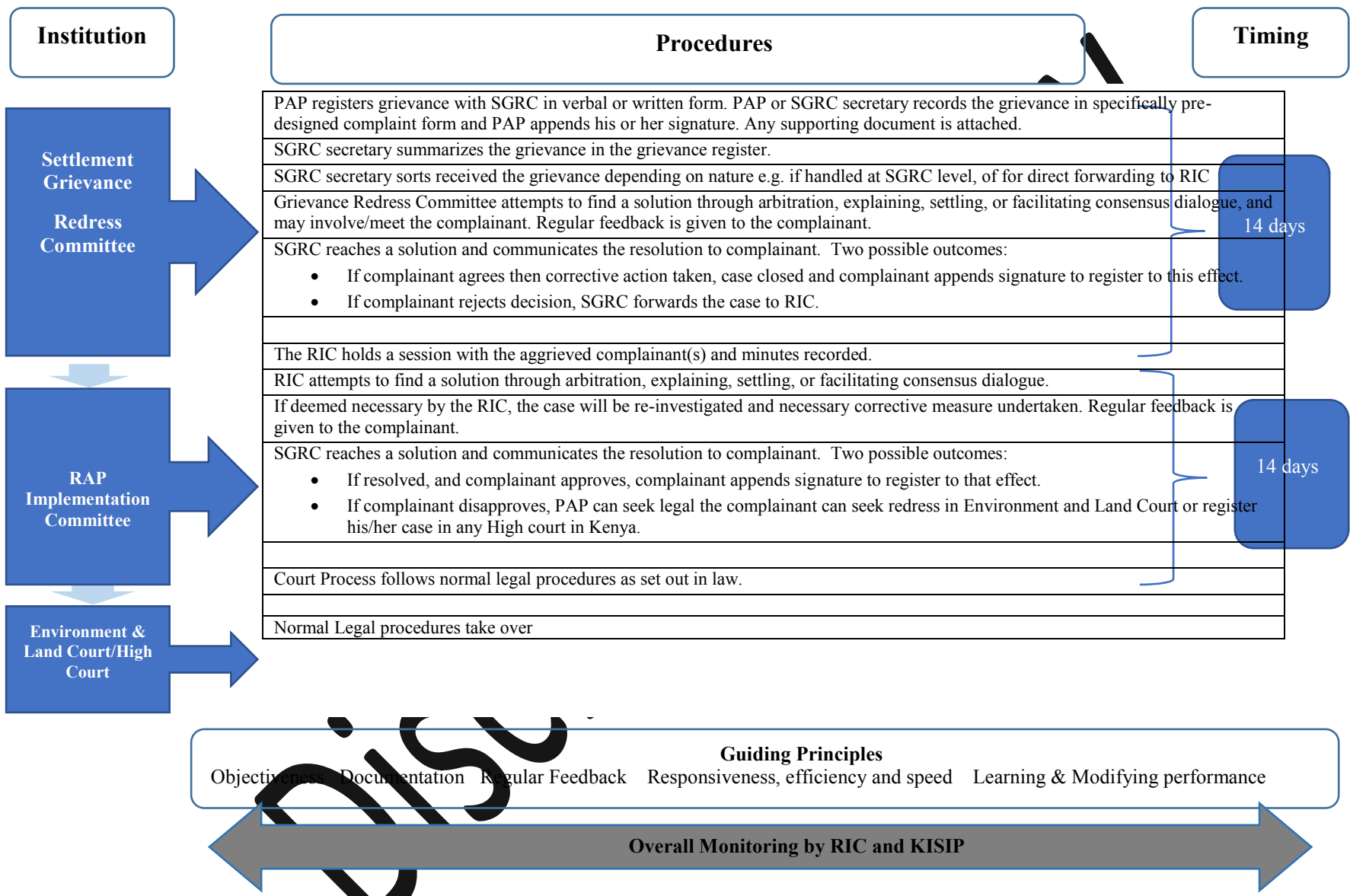


Figure 7: GRM process

10. Institutions, Implementation Arrangements and Disclosure of ARAP

10.1. ARAP Implementation Procedures and Process

Implementing this ARAP involves a number of key procedures and processes:

1. Validation

Validation of the asset and PAP register will be undertaken by the RIC to ensure its correctness.

2. Disclosure Process for the ARAP

Public disclosure of the ARAP will be made to PAPs and other stakeholders for review as well as monitoring of the implementation. Disclosure will be in the form of:

- i. Public disclosure meeting organized in the settlement. It is a requirement that this Resettlement Action Plan will be disclosed in a form, manner and language comprehensible to PAPs and at a place accessible to PAPs and other stakeholders e.g. County Government. A half day workshop will therefore be conducted in the settlement for the PAPs, stakeholders, local leaders with the objective of disclosing the ARAP. During this disclosure meeting, a summary of the main findings and recommendations, entitlements, and PAP register will be presented. Once it is disclosed, the PAPs will be notified about the availability of the ARAP documents. The ARAP will be posted on the Ministry of Lands, Housing and Urban Development website.
- ii. The ARAP will be available at the KISIP offices (National and County) and a copy with the SEC.
- iii. The ARAP will be available at the World Bank Info Shop.

3. Capacity Building

The implementation of the ARAP will require capacity building and orientation of the officers in charge of ARAP implementation at KISIP as well as the GRM institutions described in previous chapter. Therefore, it is planned that training and orientation on the ARAP implementation will be organized after the final approvals of the document.

4. Sensitization

This will cover a number of issues including joint accounts for spouses, on titles registration, appropriate use of compensation funds and avoidance of gender based violence related to compensation funds and titling etc. Figure 8 below summarizes the sensitization and information to be shared. Overall, KISIP through the PCT will ensure coordination with the various stakeholders in ensuring the right type of information is given, and in a timely basis.

After KISIP undertakes sensitization on accounts an appropriate use of compensation funds for households, the PAPs will be allowed to open individual and joint accounts. KISIP will collect (joint) account numbers where applicable, and the verified list of beneficiaries is submitted to KISIP accounts office for processing of funds. Funds will be deposited directly to Bank accounts, and a follow up is done through phone call and/or text to confirm to the PAPs funds have been disbursed.

5. Notice for Self-Demolition

Once the facilitations have been paid out to respective PAPs (Concurrent to the issuance of titles), a notice of self-demolition will be issued by the County Government. This ARAP proposes a 3 months' notice to PAPs. In case a PAPs fails self-demolish his or her own structure within the notice period, the county will commence to demolish the structures as part of development control.

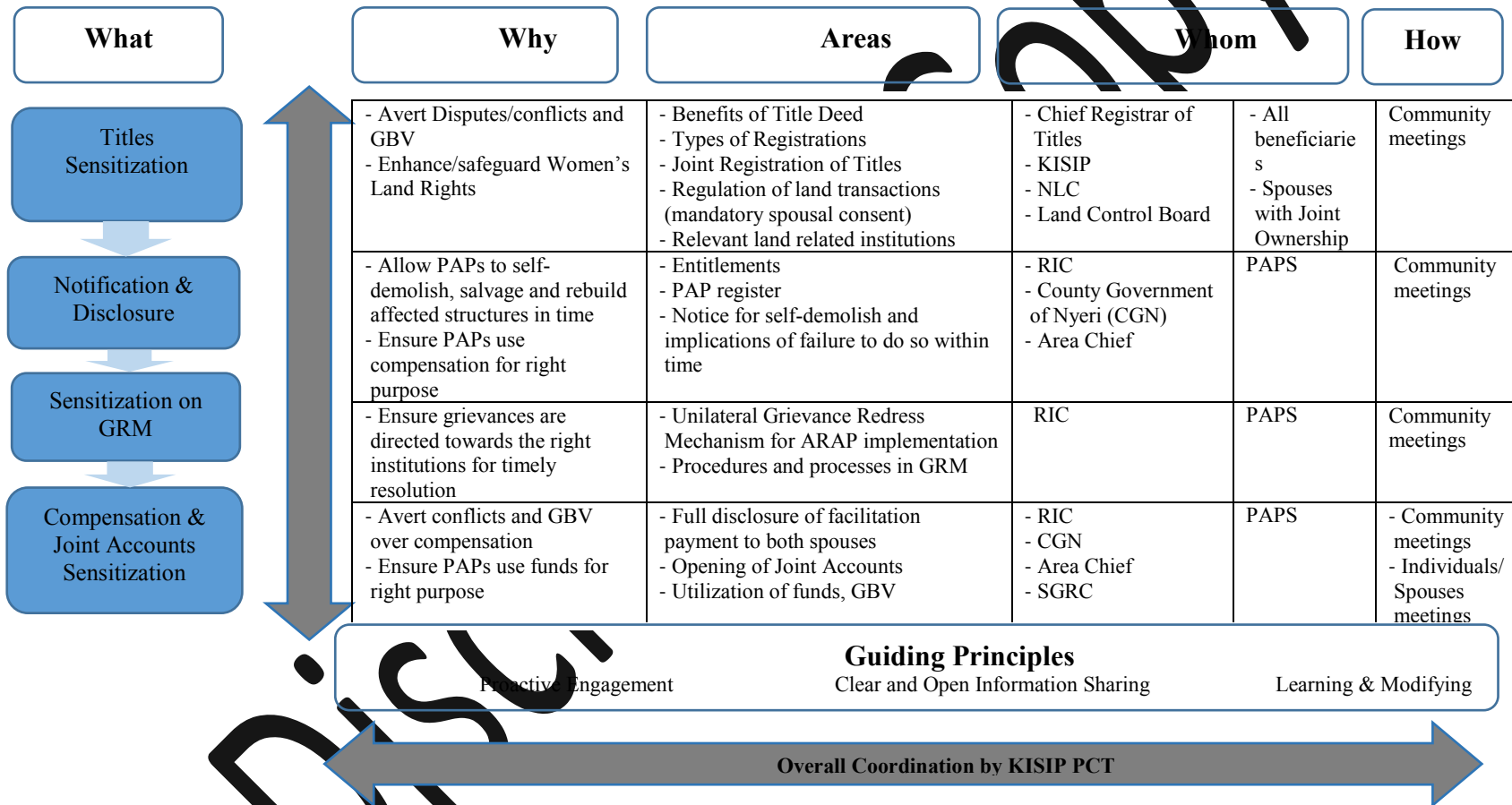


Figure 8: ARAP Information sharing and Sensitization Strategy

10.2. Implementing Institutions and Organizations framework

The Table below summarizes the main roles by various institutions mandated by law and under this ARAP for the successful implementation of the project. KISIP is the primary implementing actor for this ARAP and will ensure this ARAP is implemented within a period of not more than 90 days upon approval from the World Bank. During implementation, KISIP will ensure all PAPs are adequately facilitated according to the provisions of this ARAP concurrent with issuance of Title Deeds to all beneficiaries (including the PAPs). For implementation purposes, KISIP has a Project Coordinating Team (PCT) at the National Level and which consists of a project coordinator, Head of the 4 components outlined in Chapter 1 (and staff related to each component), an Environmental and social safeguards team¹⁰, KISIP Finance and Procurement Office – a structure which are also replicated at the County Level.

Towards managing the implementation of this ARAP, the established RAP Implementation Committee (RIC) for Kilifi County will play a major role in day to day tasks.

Table 15: Implementing organizations and Roles

Institution	Role
Broader Institutions	
Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works	<ul style="list-style-type: none"> • It houses KISIP and provides for overall policy direction.
Ministry of Lands and Physical Planning	<ul style="list-style-type: none"> • It handles land tenure matters and issues titles
Ministry of Finance	<ul style="list-style-type: none"> • Financial management on behalf of the Borrower (GoK) • Provision of counterpart funding – part of which is used to settle compensation claims by PAPs
National Land Commission	<ul style="list-style-type: none"> • Custodian of all public land on behalf of the county governments. • It is responsible for allocation of public land
Kilifi County Government	<ul style="list-style-type: none"> • Part of grievance redress mechanism • Recommendation of vulnerable PAPs for additional assistance to relevant actors, or county government run programmes. • Delivery of other assistance to PAPs will be the responsibility of county governments under the coordination of respective RICs. • Clearance of structures if people don't self-demolish after notice period and compensation. • Responsibility for appropriate and suitable measures to prevent further encroachments after the cut-off date.
ARAP Implementing Institutions under KISIP	
KISIP Project Coordination Team	<ul style="list-style-type: none"> • Overall project coordination • Overall responsibility of ARAP implementation • Ensure budget for implementation is available • Overall responsibility for monitoring and evaluation • Support and capacity building to other engaged institutions at local level.

¹⁰ Comprising of 3 social safeguards experts, a community development officer (who also doubles as the main person in charge of GRM), and 1 Environmental Safeguards expert, a social safeguards expert who also doubles as the coordinator for the team, an M&E officer, and a valuer. Where required the team is enjoined by other staff seconded from the mother state department, for instance valuers, and from Component 2.

RAP Implementation Committee (RIC)	<ul style="list-style-type: none"> • Provide overall leadership and day to day implementation of the ARAP • Study the final ARAP reports and draw update program/schedule for implementation • Organize the public disclosure of the final ARAP • Confirm/validate entitlement and the final PAP register • Oversee compensation and other assistance to the PAPs • Part of grievance redress mechanism • Sensitization about opening of joint accounts and appropriate use of compensation funds • Monitoring and Coordination of ARAP process
SEC	<ul style="list-style-type: none"> • Part of grievance redress mechanism • It provides an entry point and crucial link to the Njirwa Chini community • Assist the vulnerable PAPs organize for rebuilding of structures, and movement, where such assistance is required
GRC	<ul style="list-style-type: none"> • Formed to address all grievances related to the development and implementation of ARAP as previously outlined under Chapter 9.
PAPs	<ul style="list-style-type: none"> • Those affected by the project as described in the document. • Responsibility to utilize facilitation for the intended purpose • Responsibility to self-demolish

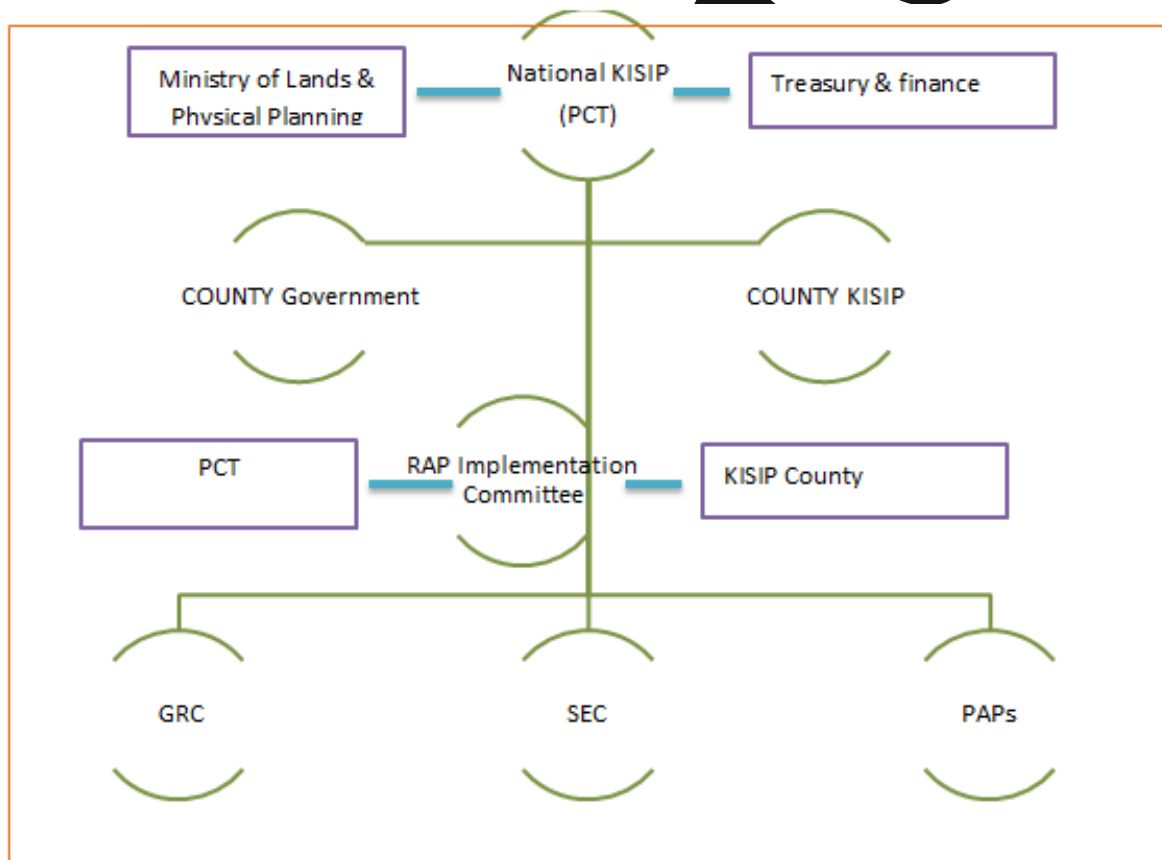


Figure 9: Implementing Institutions and Organization Framework

10.3. Implementation Schedule

The implementation schedule includes the following critical activities:

- a. Finalizing and approval of ARAP– yet to be undertaken
- b. PAPs Sensitization on utilization of facilitated Funds – yet to be undertaken
- c. Disbursement of the compensation– yet to be undertaken
- d. Land Titles Sensitization– yet to be undertaken
- e. Transfer of land title to community and issuance of title deeds– yet to be undertaken
- f. Monitoring and evaluation– yet to be undertaken

The proposed activities are further divided into three broad categories based on the stages of work and process of implementation. The details of activities involved in these three phases, i.e.

- i. ARAP Preparation Phase
- ii. ARAP Implementation Phase
- iii. Monitoring and Evaluation.

Disclosure Copy

Table 16: Implementation Schedule

	Activity	Actor	Time(Months)				
			ARAP implementation starts within 3 months of approval				
			1	2	3	4	5
ARAP Preparation Phase	Review and Approval of final ARAP	Consultant, KISIP, WB	█				
	Validation of ARAP	KISIP, RIC	█				
	Land Titling Sensitization including gender empowerment, avoidance of GBV	KISIP, Chief Land Registrar	█				
ARAP Implementation Phase	Disclosure of ARAP	KISIP, RIC		█			
	Strengthening of GRM and sensitization of community	RIC		█			
	PAPs Sensitization and training on utilization of facilitation funds, joint accounts	KISIP, RIC		█			
	Grievance Redress	County Government, KISIP, RIC, PAPs, GRC		█	█	█	█
	Disbursement of the compensation for affected assets, PAPs	KISIP, Beneficiaries, RIC		█			
	Transfer of land and issuance of title deeds to beneficiaries	KISIP, NLC, County Government, Beneficiaries		█	█	█	█
	Notice for self-demolition	Kilifi County Government		█			
	Self-demolition to allow for salvage of asset materials of affected assets	PAPs		█	█	█	
	Development control if PAPs fail to self-demolish	Kilifi County					█
	Monitoring and Evaluation.	Monitoring and evaluation	KISIP/RIC	█	█	█	█

10.4. Financial Responsibility and Authority

The overall financial responsibility for facilitation of affected structures is solely mandated to KISIP.

This information has been redacted for confidentiality and to protect privacy

Disclosure Copy

11. ARAP Monitoring and Evaluation

11.1. Introduction

During the ARAP implementation, monitoring will be conducted on a continuous basis by KISIP Social Safeguards team, who will collect and record the required information on implementation activities and submit the monitoring reports, on timely basis, to the RIC. Overall internal monitoring framework will incorporate continuous information flow from the settlement level through the RIC accompanied by periodic supervision and verification by National KISIP. The monitoring process will involve the internal and external monitoring.

11.1.1. Objective of ARAP Monitoring

The objective of the monitoring component will be to determine;

- a. If ARAP implementation process is effective and timely in line with the recommendations of this ARAP.
- b. If PAPs have been paid in full and before implementation of any subsequent activities in Njoro Ya Chini Informal Settlement Upgrading.
- c. If PAPs are satisfied with the actual process and facilitation issues.
- d. If PAPs have been able to maintain their pre-project standards of living, and even improve on it.

The census and/or the socio-economic survey study which are the basis for the preparation of a monitoring and exercise will be used as the baseline for the evaluation of this ARAPs.

11.1.2. Internal monitoring

The primary responsibility for internal monitoring remains with KISIP PCT, backed by the social safeguards team. They will monitor both outputs, process and impact, and produce a quarterly report. The monitoring responsibilities will include undertaking the following roles:

- ✓ Ensure that compensation monitoring system are set up accordingly.
- ✓ Facilitate the recruitment of an independent consulting firm to undertake external monitoring of the ARAP implementation
- ✓ Set-up internal monitoring systems for RIC through continuous information flow.
- ✓ Refine monitoring indicators as per the circumstances.

Part of this process will include developing a facilitation dossier recording each PAP initial situation, any subsequent project use of assets/improvements, and facilitation agreed upon and received.

In addition, other institutions will be involved. E.g. at the Settlement level, the SGRC and SEC will monitor progress and address of grievances, rebuilding of structures for vulnerable etc. At the county level, it will be conducted by the RIC. Both at settlement and County level, records of monitoring and evaluation of the ARAP implementation will be kept.

- **Performance monitoring** will be conducted to assess the efficiency within which the ARAP activities have been implemented. It will include ALL involved in resettlement process. Particular emphasis will be on of laid grievance management indicator and verification of the compensation.
- **Impact monitoring** will also be conducted to assess the change in living standards of PAPs with the baseline data collected during the socio-economic study as the baseline and control.

The tools and methods to use can include questionnaires, interview lists, conversations with PAPs, observation on changes e.g. houses been rebuilt.

10.1.1. External Monitoring

Given the small numbers of PAPs involved, external monitoring will be conducted either by an independent consulting firm hired by the National KISIP or KISIP RIC, and will focus on compliance monitoring and impact evaluation. The overall objective of the team will be to carry out the following:

- Review the results of the internal monitoring and overall compliance with the ARAP;
- Assess whether ARAP objectives were met especially with regard to maintaining/improving living standards, compensation levels, etc.;
- Assess general efficiency of ARAP Implementation and formulate lessons for future guidance;
- Determine overall adequacy of entitlements to meet the objectives.
- Assess whether PAPs were able to maintain or achieve their pre-project standard of living, and even improve on it;
- Assess whether local communities remain supportive of the project.

11.1.3. Monitoring Indicators

These indicators will facilitate monitoring of ARAP performance based on set timelines as per the ARAP. Monitoring and evaluation will assist in ensuring that compensation measures are correct, all eligible persons have received their entitlements and that implementation of the ARAP is proceeding well. Lists of indicators are shown in the table below:

Table 17: Monitoring Indicators

Subject	Indicator	Variable
Demographic	Demographic changes and livelihood improvements	<ul style="list-style-type: none"> • Name of persons affected • Educational attainment of PAPs • Employment status of PAPs • Earnings/income by source
Titling	Tenure security and gender inclusivity in land ownership	<ul style="list-style-type: none"> • Number of beneficiaries with titles and type of registration • Number of women with landholding status
Facilitation Compensation and Business Restoration	<ul style="list-style-type: none"> • Construction of new or repaired Structures • Re-establishment of affected businesses i.e. rental units. 	<ul style="list-style-type: none"> • Number of PAPs facilitated by type of loss and gender, and timely • Amount facilitated by type, owner and gender • Use of compensation cash • Number and Type of replacement structures constructed or repairs undertaken, of better or equal standard, by nature of building materials • Well planned housing • Size, construction, durability and environmental suitability of replacement houses • Number of replacement structures. • Status of occupation of reconstructed rental units, and average income.
Social Services	Social service levels	<ul style="list-style-type: none"> • Access to health care services • Water supply access and Possession of latrines

Vulnerability	Status of “vulnerable” PAPs	<ul style="list-style-type: none"> • Number of vulnerable PAPs with replaced structures • Number of vulnerable PAPs who received the additional cash support of Ksh 2000/month for the first two months • Number of Vulnerable PAPs names forwarded to other programmes for additional assistance
Consultation	Consultation programme operation	<ul style="list-style-type: none"> • Number of public consultation meetings related to ARAP (with evidence i.e. list of attendance) • Number of participants attending public consultation meetings related to ARAP, by gender Type of information provided in public meetings • Type and nature of issues raised at public consultation meetings, and nature of responses
	Information dissemination	<ul style="list-style-type: none"> • Disclosure of the ARAP at settlement level and various websites • Accessibility of the ARAP or its summary at settlement level. • ARAP/Entitlement information access by PAPs • The extent of information flows between PAPs, RIC and KISIP • Number of people seeking information on ARAP and facilitation
	Grievances resolved	<ul style="list-style-type: none"> • Formation and membership of GRC and RIC (including the timing) • Number of grievances registered by type and by whom (gender) • Number of grievances resolved promptly, not promptly • Outstanding grievances • Number and type of cases referred to court
Training	Operation of training programme	<ul style="list-style-type: none"> • Nature and type of training held disaggregated by target group/institutions and issues • Number and type of committees trained • Number and type of participants disaggregated by gender • Themes discussed in various trainings • Committee/PAPs perception of usefulness/timing of the training
Management	Procedures in operation	<ul style="list-style-type: none"> • Census and asset verification/quantification procedures in place • Effectiveness of compensation delivery system by KISIP • Coordination between local community structures, County and KISIP Officials

11.1.4. RAP Completion Audit (RCA)

RAP Completion Audit is to verify that the ARAP process has complied with the commitments defined by this document and can be undertaken internally or externally through hired consultants after period of one month after the completion of the ARAP process.

Table 18: ARAP completion Audit

RCA materials	RCA Objectives
(i) This ARAP Report (ii) Documents from Internal and External Monitoring (iii) Kenyan policies and legal statutes	(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

	<p>standards of living, with an emphasis on the “no worse-off if not better-off” requirement; and</p> <p>(v) Identification of potential corrective actions necessary to mitigate the negative impacts of the program, if any, and to enhance its positive impacts.</p>
--	---

Disclosure Copy

12. Conclusion and Commitments

12.1. Conclusion

This ARAP has revealed that planning and survey in Njoro ya Chini Informal settlement will bring a number of positive as well as detrimental impacts. The positive impacts of the project are related to security of tenure and its multiplier effects including enhancing gender inclusivity and equality in land matters. On the contrary, execution of the proposed road project is expected to cause several adverse social impacts, the most important impact been impact on structures, as well as loss of income (through loss of affected rental units). However, these will be mitigated through facilitation of the lost structures and lost income. Furthermore, a well-organized monitoring programme is recommended as an integral part of the ARAP implementation in order to follow up the proper implementation of the recommended mitigation measures and their effectiveness as well as to detect incidence of any unpredicted issues. A participatory approach to the ARAP implementation is also detailed in this ARAP, including key roles by the County Government of Kilifi, SEC, KISIP and PAPs, which will be very helpful in facilitating the planned activities as per the schedule.

12.2. Commitments

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

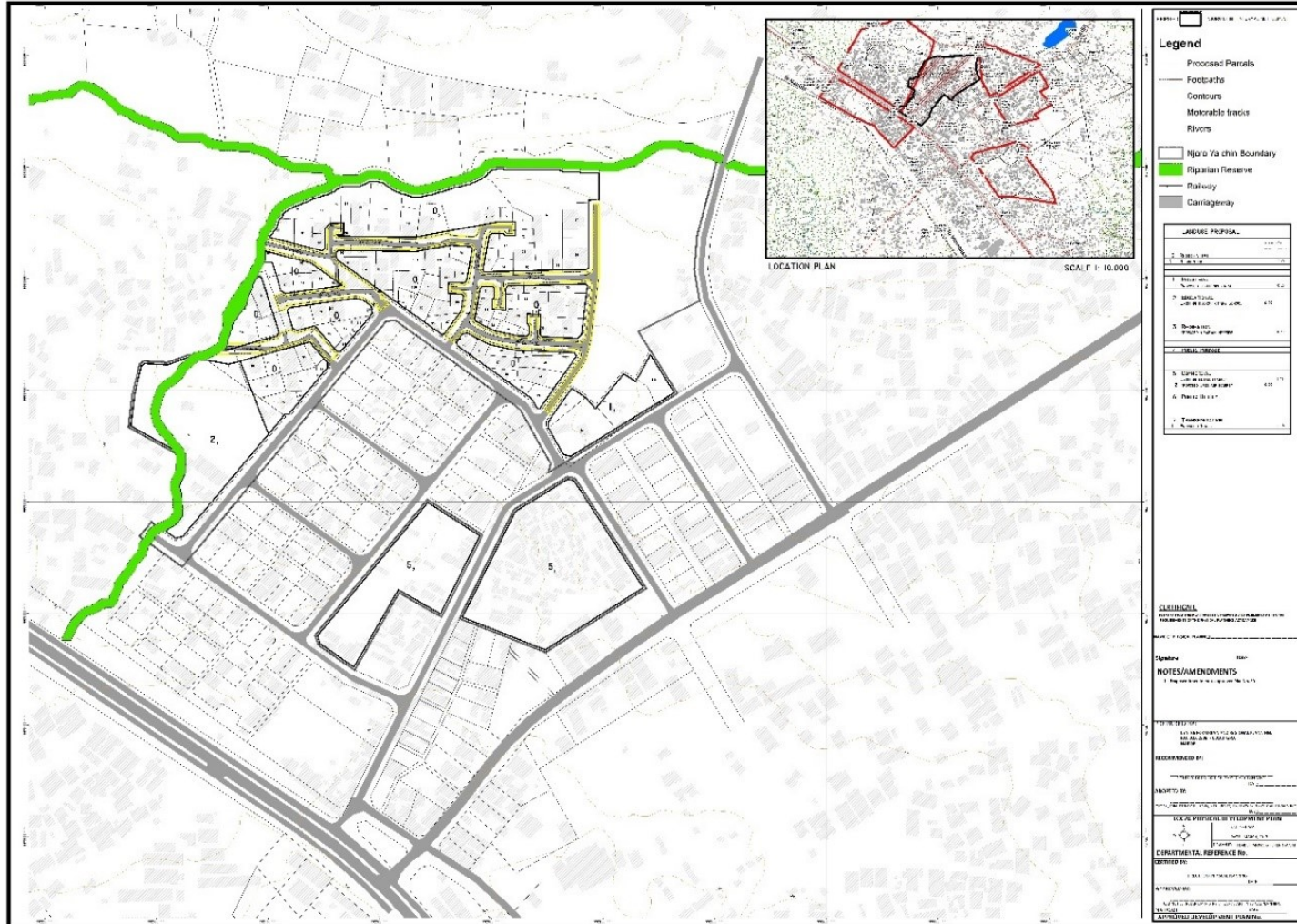
- a. KISIP will facilitate all the affected persons according to provisions of this ARAP in a timely manner so that the time used in displacement is minimized. In addition, they will ensure all grievances raised by the PAPs are resolved in a timely fair.
- b. Concurrent with compensation, KISIP through the Ministry of Lands and Physical Planning (on advisory from NLC) will immediately begin issuance of title deeds to beneficiaries.
- c. KISIP PCT will organize and carry out required sensitization exercises aimed at enhancing women land rights, ensuring proper use of compensation funds, avoidance of gender based violence, etc. as documented in this ARAP.
- d. KISIP will work with the relevant institutions towards timely implementation of this ARAP. Particularly, the County Government of Kilifi plays a key role in grievance redress, additional assistance to PAPs and undertaking development control to ensure all PAPs move after facilitation and thereafter maintaining the road reserves.
- e. KISIP will issue a three months' notice to PAPs to enable them salvage their assets.
- f. KISIP will undertake Monitoring and Evaluation of this ARAP during and after implementation.

13. References

- I. Government of Kenya (2007). Kenya's Vision 2030, Government Printers, Nairobi.
- II. Government of Kenya (2012). Constitution of Kenya 2010, Government Printers, Nairobi.
- III. Government of Kenya (2012). Land Act 2012, Government Printers, Nairobi.
- IV. Government of Kenya (2012). National Land Commission Act. 2012, Government Printers, Nairobi.
- V. Government of Kenya (2012). The County Government Act, Government Printers, Nairobi.
- VI. Government of Kenya (2012). The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, Government Printers, Nairobi.
- VII. Government of Kenya (2012). The Valuers Act, Chapter 532, Government Printers, Nairobi.
- VIII. Government of Kenya (2013). National Government Coordination Act, Government Printers, Nairobi.
- IX. Government of Kenya. *Sessional Paper No. 3 of 2009 on National Land Policy*
- X. http://www.kenyalaw.org/kenyalaw/klr_app/frame.php accessed June 15, 2017.
- XI. KISIP Project Appraisal Document
- XII. KISIP Resettlement Policy Framework
- XIII. Ministry of Lands. Physical Planning Handbook 2007, Department of Physical Planning
- XIV. World Bank. Operational Policy OP. 4.12 updated 2001 – Involuntary Resettlement

ANNEXES

Annex A – Amended Local Physical Development Plan

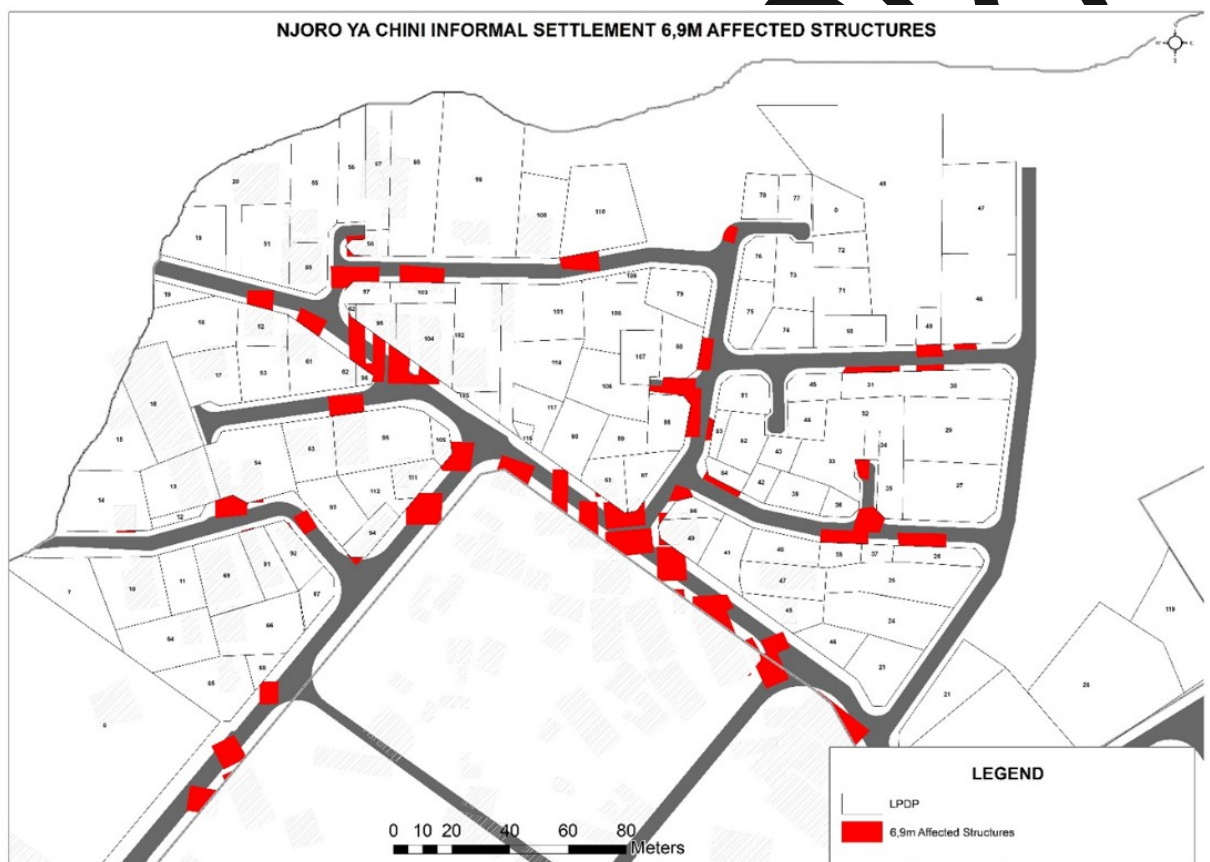


Annex B – Plan Amendment Minutes and Lists of Attendance

- i. Minutes of Plan Amendment Meeting with County
- ii. Minutes of Community Forum on Plan Amendment
- iii. Minutes of Community/ Stakeholders Forum on Plan Adoption

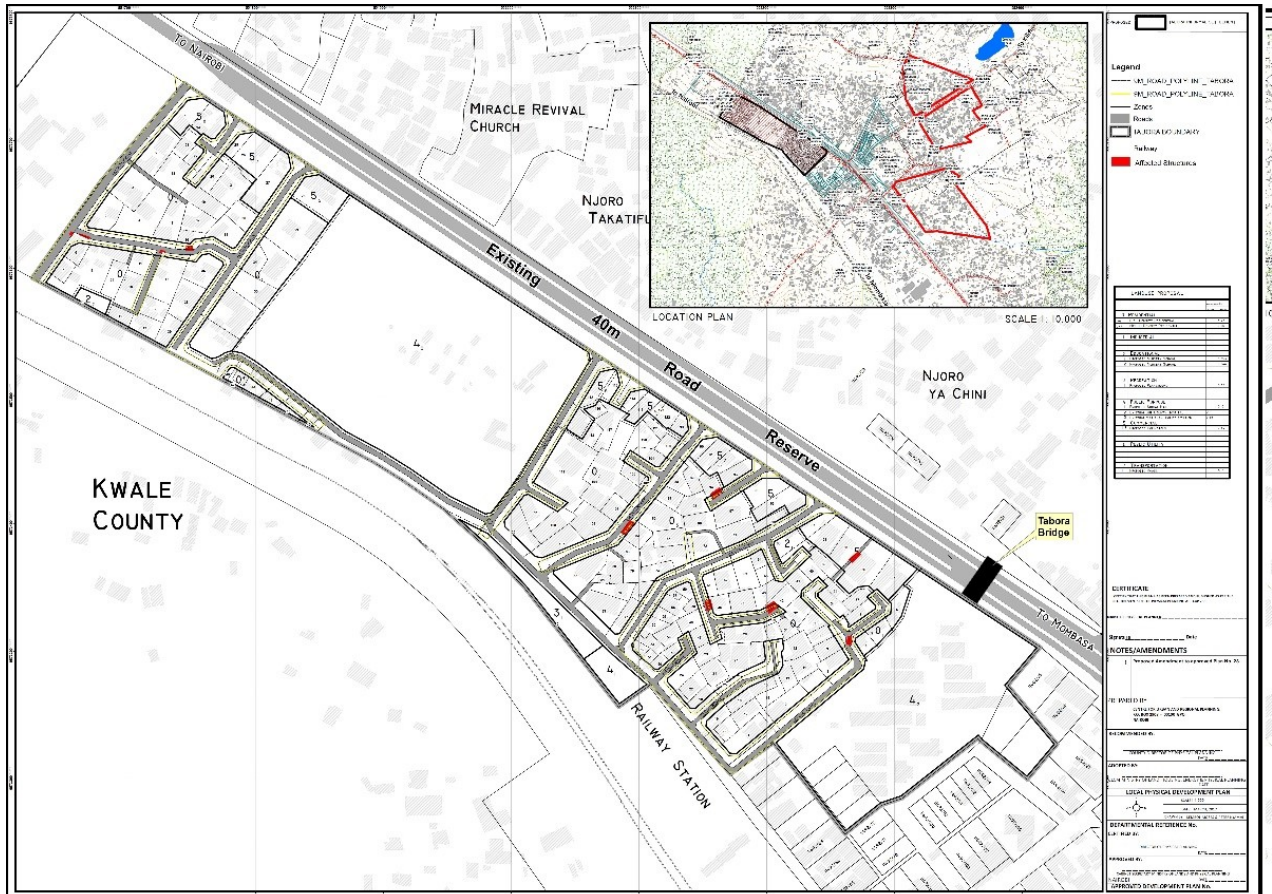
Annex C – Amended Plan RAP Affected Structures Map: Conventional Versus Adoptive Planning

Map 1: Affected Structures using conventional Planning Approach¹¹



Map 2: Affected Structures after Re-planning (Adoptive Planning Approach)

¹¹Some structures might not be legible due to scale of the map and the size of impact



Annex D – PAP and Asset register

This information has been redacted for confidentiality and to protect privacy

Annex E – Minutes of PAP meetings

I. PAP meeting After Plan Amendment

II. Initial PAP meeting

Annex F – Initial Plan Preparation Engagement Minutes and Lists of Attendance

Annex G – Grievance Redress Form

ARAP GRIEVANCE REDRESS FORM ARAP Reference Number:	
Full Name:	
Contact Information Please mark how you wish to be contacted (mail, telephone, e-mail)	Address: Telephone: _____ Email _____
Preferred Language for Communication (Please mark how you wish to be contacted)	English Kiswahili
National Identity Number	I.D. No
Description of Incident or Grievance: What happened? Where did it happen? Who did it happen to? What is the result of the problem?	
Date of Incident/ Grievance: One-time incident/ grievance(date _____) Happened more than once (How many times _____) Ongoing (Currently experiencing problem _____)	
What would you like see happen to solve the problem?	

Disclosure Copy