

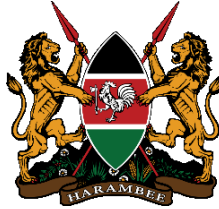


REPUBLIC OF KENYA
**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN
DEVELOPMENT AND PUBLIC WORKS**
STATE DEPARTMENT FOR HOUSING AND URBAN DEVELOPMENT
Kenya Informal Settlements Improvement Project (KISIP)
MLHUD/KISIP/CS/005/2013-2014

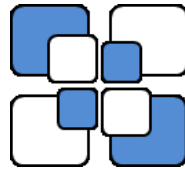
**TOWARDS REGULARIZATION OF TENURE SYSTEMS IN INFORMAL SETTLEMENTS
IN KILIFI COUNTY**



TABORA INFORMAL SETTLEMENT
ABBREVIATED RESETTLEMENT ACTION PLAN

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This Abbreviated Resettlement Action Plan (ARAP) for Planning and Surveying of Tabora 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).

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

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

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 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 and Survey in Tabora

Tabora Informal settlement is a 5.88 Ha settlement located in Mariakani town, Mariakani Ward, Kaloleni Sub-County and Kilifi County. With a population of approximately 2589 (1579 male and 1010 female) inhabitants, the settlement is characterized by informality ranging from tenure insecurity, lack of adequate infrastructure, poor sanitation, poor housing conditions, and poverty, among others.

Initially, Tabora informal settlement underwent a conventional planning and survey process, where a road hierarchy of 9m and 6m roads was adopted. The plan generated 173 plots comprising of 159 individually owned plots, 1 institutional plot (a church), a plot owned by a cooperative, 2 public purpose plots (sub-county hospital and Police station)¹, and 10 jointly owned plots. The total number of beneficiaries is 184 of which 121 are male, 59 are female and 4 institutions.

However, the resultant impacts due to application of conventional planning standards was significant, with 211 PAPs (98 Structure Owner PAPs and 113 Tenant PAPs) being affected. In line with OP 4.12 which advocates for exploration of all viable alternative project designs towards minimizing displacement, consultations were undertaken with stakeholders including the community and County government to reduce the massive impact and disruption to be caused by the plan. This resulted in plan revision/amendment through application of adoptive planning standards² - with a resultant new road hierarchy of 6m, 4m and 3m. This resulted in the reduction of PAPs to 12 PAPs, 11 of them being structure owners and 1 tenant.

Planning and Surveying Impacts in Tabora

184 beneficiaries will be issued a title to their land which provides tenure security and as a result of the infrastructure wayleaves provided; the settlement will be open to more development and investments, while land values are expected to increase. The revised/amended plans however negatively impacted 12 Project Affected Persons (11 structure owners and 1 tenant). This ARAP therefore identifies, documents and mitigates the impacts caused by the amended plan. It has been prepared through a participatory process where the potential positive and negative social impacts created by planning and surveying of the settlement were identified through field surveys, consultation meetings and discussions held with Project Affected Persons (PAPs), KISIP, County Government officials and relevant stakeholders.

The PAPs constitute 9 males and 3 females. There are 4 vulnerable persons - 3 of them female household heads and 1 senior citizen of above 65years. There were no complete or localized displacements from the settlement, rather all beneficiaries were retained within their parcels occupied with minimal reduction of parcel sizes to provide for accessibility³. All impacts are due to road wayleaves alignment.

The numbers of affected structures are 21 where 5 are fully affected and 16 partially affected.

¹ KISIP facilitates the issuance of Titles by the Ministry of Lands and Physical Planning for the plots, which are respectively vested into the County Government and the Ministry of Interior and Coordination of National Government (with the name of the Police station written).

² Refer to definition under Definition of Terms Section.

³ The PAPs were adequately consulted and informed of the reduction in parcel size to provide access through the plan validation meetings.

ARAP Preparation Approach and Methodology

The principle 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 meetings were the community (beneficiaries and PAPs), the SEC, National and County KISIP, County Government of Kilifi, National Land Commission, etc.

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 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 24th May, 2017 are entitled to a combination of facilitation packages to be issued prior to issuance of titles. Valuation of structures was based on full replacement cost with PAPs entitled to right to salvage. Other facilitations are in accordance with an entitlement matrix applicable within KISIP RPF.⁴

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 RPF. The implementation of Tabora ARAP will be guided by the following:

- i. Ensuring 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 various relevant departments such as Department of Lands, Energy, Housing & Urban Development in planning, development control and regularization of buildings, Community Development, Gender, Culture, Social Services and Sports etc.

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 through a grievance committee, escalation mechanism at the county level as well as providing for additional escalation mechanisms to Courts of Law⁵. A grievance log will document all grievances and their status and a grievance register will be used to monitor grievance resolution 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:

⁴ See table 15.

⁵ This is a community led process and escalation of grievances to the Courts of Law is highly unlikely.

- 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 (on advisory from NLC) upon facilitation 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' notice to PAPs to enable them move, repair and salvage their assets.
- VI. Undertake Monitoring and Evaluation of this ARAP during and after implementation.

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LIST OF ABBREVIATIONS

AFD.....	Agence Française De Développement
ARAP.....	Abbreviated Resettlement Action plan
CURP.....	Centre for Urban and Regional Planning
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

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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’ 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.

1.2.3 Components of KISIP

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 Tabora Informal Settlement

Tabora Informal Settlement is a 5.88 Ha. settlement located in Mariakani town, Mariakani Ward, Kaloleni Sub-County and Kilifi County. The settlement is located on public land, off the Nairobi-Mombasa Highway (which provides the main access to the settlement), between Mariakani sub-county Hospital and Mariakani police Station. With a population of approximately 2589 (1579 male and 1010 female) inhabitants, the settlement is characterized by informality ranging from tenure insecurity, lack of adequate infrastructure, poor sanitation, poor housing conditions, and poverty among others.

Before KISIP’s entry, no effort had been put in place to secure the land for the benefit of the beneficiaries, further complicating the spatial formation (people put up developments without a plan),

provision of infrastructure and utilities was difficult due to lack of adequate wayleaves etc. As a result of population growth, increased demand for land and lack of development control, Tabora Settlement sprawled into an informal settlement. KISIP's intervention in the settlement under component 2 therefore focusses on planning and surveying, as a prerequisite for security of tenure, provision of adequate access and achieving a well-planned sustainable community. As a result, a total number 173 plots were surveyed and issuance of Title Deeds to 184 beneficiaries by the National Land Commission will commence during implementation of this ARAP. This (planning and surveying) process however occasioned impacts on 12 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 Tabora 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.

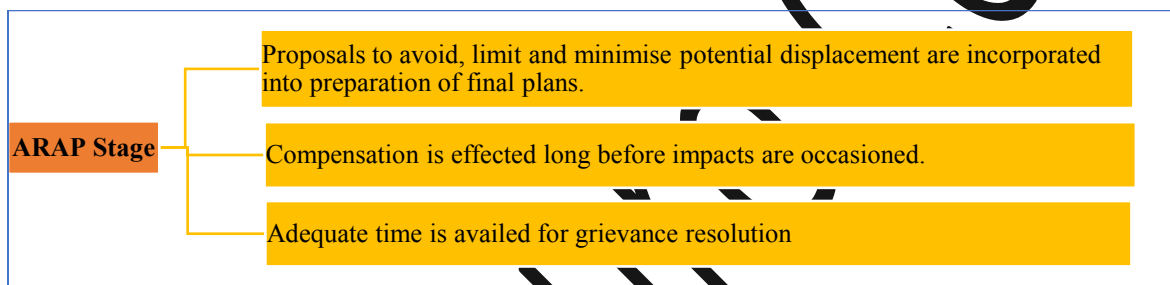


Figure 2: Rationale for Developing ARAP

In specific, the aim was to develop an ARAP for Tabora 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 way leaves alignment as per the approved amended Local Physical Development Plan, which impacts on 12 PAPs, 11 of them being structure owners, and 1 tenant. There was 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 accessibility.

2. Land Tenure Regularization and Titling in Tabora Informal Settlement

2.1 Introduction to Land Titling

KISIP began its intervention in Tabora informal settlement in 16th May 2016. The project focuses on planning and surveying, which will culminate in tenure regularization. This process of tenure regularization and land titling, was 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
- Lack of a functional road network caused by unplanned haphazard development
- Lack of a settlement plan layout with clear development guideline – leading to unplanned developments.

Table 1: Tenure Regularization and Land Titling Process

Stage	Activities	Primary Actor	Secondary Actor	Indicators	Status
Mobilization Stage	<ul style="list-style-type: none"> • Community Mobilization • Introduction of KISIP activities in Tabora 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 newspaper 	<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 deeds for a long time. • Community committed to embrace and support the project until completion 	Undertaken starting 16 th May 2016
Planning Stage					
Base Map and physical Preparation	<ul style="list-style-type: none"> • Transect walks to identify settlement boundary and plots guided by SEC. 184 beneficiaries 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 Tabora • Every Beneficiary is enumerated and bio data available. Tentative list of beneficiaries available. • Participation of SEC ensured that only members of Tabora are the Beneficiaries • Beneficiary list representative of women beneficiaries. 	Undertaken 5 th March 20-17-20 th March 2017
Visioning and Plan preparation	<ul style="list-style-type: none"> • A community led visioning process • Community prioritizes accessibility • Community involved in preparation of plan that 	<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. • Community endorses road hierarchy for the settlement. 	Undertaken on 29 th March 2017 (Visioning)

	best represents their interests of a regularized settlement with utility services in a clean green environment.			<ul style="list-style-type: none"> • Community endorse minimum reduction in plot sizes to provide accessibility and facilitate titling 	
Plan Validation and Approval Validation of Beneficiary List	<ul style="list-style-type: none"> • A community led validation of plan ensured community vision is represented • Community led validation of list of beneficiaries • Community endorsed and approved Plan • Plan approved by county and submitted to 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 • County and Director of Physical Planning approval of Plan step towards tenure regularization and issuance of titles. • Approved Plan annexed as Annex A uses priorly conventional planning standards in most sections, with road leave widths 9m and 6m. • Women ensure correct details are in the beneficiary list and sign against the details 	Undertaken 24 th May, 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 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"> • Women aware of plot boundaries. • Impacts on 211 PAPs documented. 	Undertaken June 2017
Approval of Survey Plan	Survey approval and adjustment of Registry Index Map (RIM) to include individual surveyed Plot 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 under KISIP 	<ul style="list-style-type: none"> • KISIP • CGK 	<ul style="list-style-type: none"> • 211 PAPs identified. • Entitlements are given to mitigate impacts 	Started June 2017
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 displacement and impacts. • ARAP implementation paused 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 (Re-planning) in Tabora Informal Settlement

Tabora Informal Settlement underwent planning which largely adopted conventional/standard road wayleave widths with a hierarchy of 9m and 6m (i.e. process largely discussed in Table above). However, the impacts of this planning approach within such a dense settlement resulted into 211 PAPs (98 Structure Owner PAPs and 113 Tenant PAPs) and 171 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, comprehensive consultations were undertaken with stakeholders including the community and County government (refer to minutes in Annex B). This resulted in plan revision/amendment through in situ planning and use of adoptive planning standards⁶ - with a resultant new road hierarchy of 6m, 4m and 3m (See Annex A), a process summarized below:

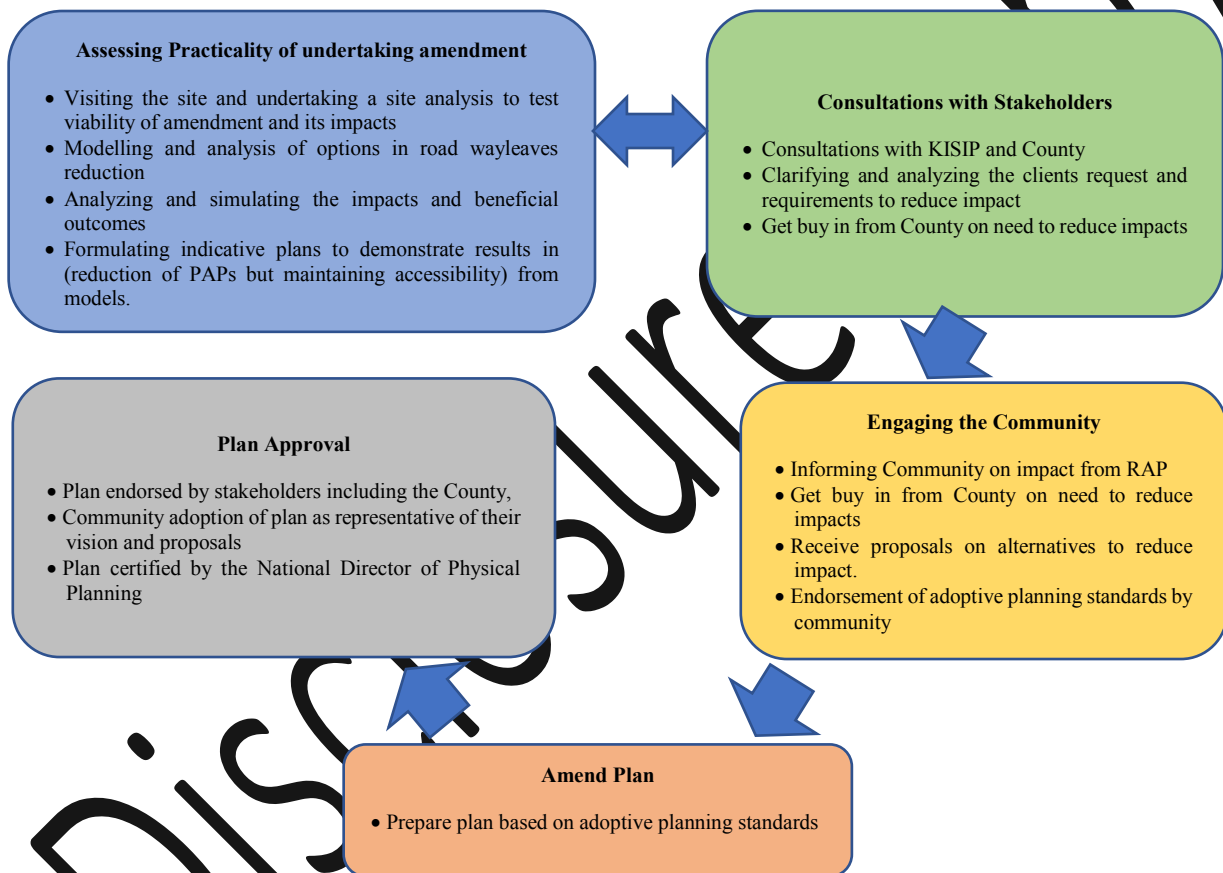


Figure 3: Plan Amendment Process

Table 2 below shows a comparison of the two planning approaches in the quest for minimizing impacts. The maps showing the visual difference in impacts are in Annex C.

⁶ Adoptive planning standards and in-situ planning utilizes the available resources/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.

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

Description	Conventional Planning Standard	Adoptive planning standards
Total PAPs	211	12
Structure owners PAPs	98	11
Tenants	113	1
Total structures	171	21

2.3 Revised LPDP and its outcomes

The amended plan was validated on 18th 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	Male	Female	Total beneficiaries
Single ownership – cooperative	1	N/A	N/A	1
Single Ownership - Institution (Church)	1	N/A	N/A	1
Single ownership - Public purpose (Sub-county hospital and Police station)	2	N/A	N/A	2
Single ownership - Individuals	159	103	56	159
Joint Ownership (Individuals) (10 plots)	(spouses)	1	1	6
	Brothers	2		12
	(Brothers)	1	3	3
Total Number of Plots	177		Total Number of Beneficiaries	184
			Total Male	121
			Total Female	59

2.4 Next Steps

Table below summarizes the steps pending towards titling.

Table 4: Ongoing and Pending steps towards Land Titling

Stage	Activities	Primary Actor	Secondary Actor	Indicators	Status
Re-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. Impacts and PAPs documented. 12 PAPs identified. 	Ongoing (for signing of beacon certificates)
Approval of Amended Survey Plan	Amended Survey approval and adjustment of Registry Index Map(RIM) to include	Survey of Kenya	KISIP	New RIM forwarded to Ministry of Land for Titling process.	Ongoing

	individual surveyed plots numbers				
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 safeguards provisions are met and addressed 	<ul style="list-style-type: none"> Community SEC Consultant working under KISIP World Bank 	<ul style="list-style-type: none"> KISIP CGK 	<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 SEC 		<ul style="list-style-type: none"> Facilitation of PAPs Grievance redress Issuance of Title Deeds (undertaken concurrently with facilitation) 	Not yet undertaken
Land Titling					
Sensitization on Title ownership	<p>Registrar of Titles Sensitizes Beneficiaries and their spouses on</p> <ul style="list-style-type: none"> 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 on Joint Title between spouses Beneficiaries on the final beneficiary list forwarded to the Ministry of Lands for Title printing. 	On Going
Title 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 Tabora	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	<p>Singe person completely owns the land.</p> <ul style="list-style-type: none"> 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.	Absolute Proprietorship.	<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 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
	Tenancy in common shares	
Sectional Title	<ul style="list-style-type: none"> This applies to ownership of Assets like high-rise building, apartments 	<ul style="list-style-type: none"> In case a beneficiary builds an asset and decides to share among children/Wives, each floor is entitled to a sectional title. This sectional title can be further subjected to Joint co-ownership among children. However, this does not apply in this settlement.
<p>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.</p>		
<p>Law requirements in regulation of land:</p> <ul style="list-style-type: none"> 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 die, children transfer etc. Change of beneficiary where applicable to include joint ownership by spouses. 		
<p>Gender Inclusivity: Gender empowerment sensitization exercises to build the capacity of women in the settlement to safeguard their Land rights including:</p> <ul style="list-style-type: none"> 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. 		

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 Standards⁷

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 laws, 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 posterity 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 Tabora. 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 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.
The Land Laws (Amendment) Act 2016 to	

⁷ Details of all Laws here can be found at kenyalaw.org

include Evictions Guidelines April 2017	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.
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, which establishes 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 impact/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 contribution 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 this 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 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
<p>General ARAP Requirements</p> <p>Involuntary resettlement should be avoided wherever possible, or minimized, exploring all alternatives.</p>	<p>Involuntary resettlement possible in contexts 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.</p>	<p>Ensure that resettlement issues are considered at the design stage of the project in order to avoid/minimize resettlement and associated issues.</p>
<p>ARAP Process Requirements</p> <p>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.</p>	<p>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.</p>	<p>Adopt both Kenyan legislation and World Bank.</p>
<p>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.</p>	<p>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.</p>	<p>Adopt both Kenyan legislation and World Bank.</p>
<p>Information Disclosure: Once approved, the ARAP is made available to the public through its Info Shop. ARAP is also required to disclose it in line with the World Bank Policy on Access to Information.</p>	<p>Kenyan Legal Framework not clear on Information disclosure of Approved ARAP</p>	<p>Implement World Bank OP 4.12 policy</p>
<p>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</p>	<p>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</p>	<p>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>

<p>land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan.</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. 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</p> <p>(a) land taken for the project is a small fraction of the affected asset and the residual is economically viable;</p> <p>(b) active markets for lost assets exist and there is sufficient supply of land and housing; or</p> <p>(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>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. Meaning 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>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 Implement prompt and effective resettlement assistance.</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 required. Displacement must not occur before all necessary measures for resettlement are in place, i.e., measures over and above simple compensation.</p> <p>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 provides for 15% disturbance allowance.</p> <p>Land Act, 2012 is not specific on livelihood restoration</p>	<p>Ensure that ALL resettlement options are agreed on with PAPs and put in place prior to displacement of affected PAPs</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>

Disclosed

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 (ESMF) 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 impact.
- Socio Economic Report for Tabora 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 the affected persons was conducted in the month of June/July 2017 during initial planning activities, and the census updated after resurvey (following plan amendment) in July 2018.⁸ Its main purpose was to enumerate and collect baseline socioeconomic information which will then help in assessing their facilitation, and for monitoring and evaluation purposes. A questionnaire was used to collect basic information on demography, access to social services, economic activities etc.

⁸ 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

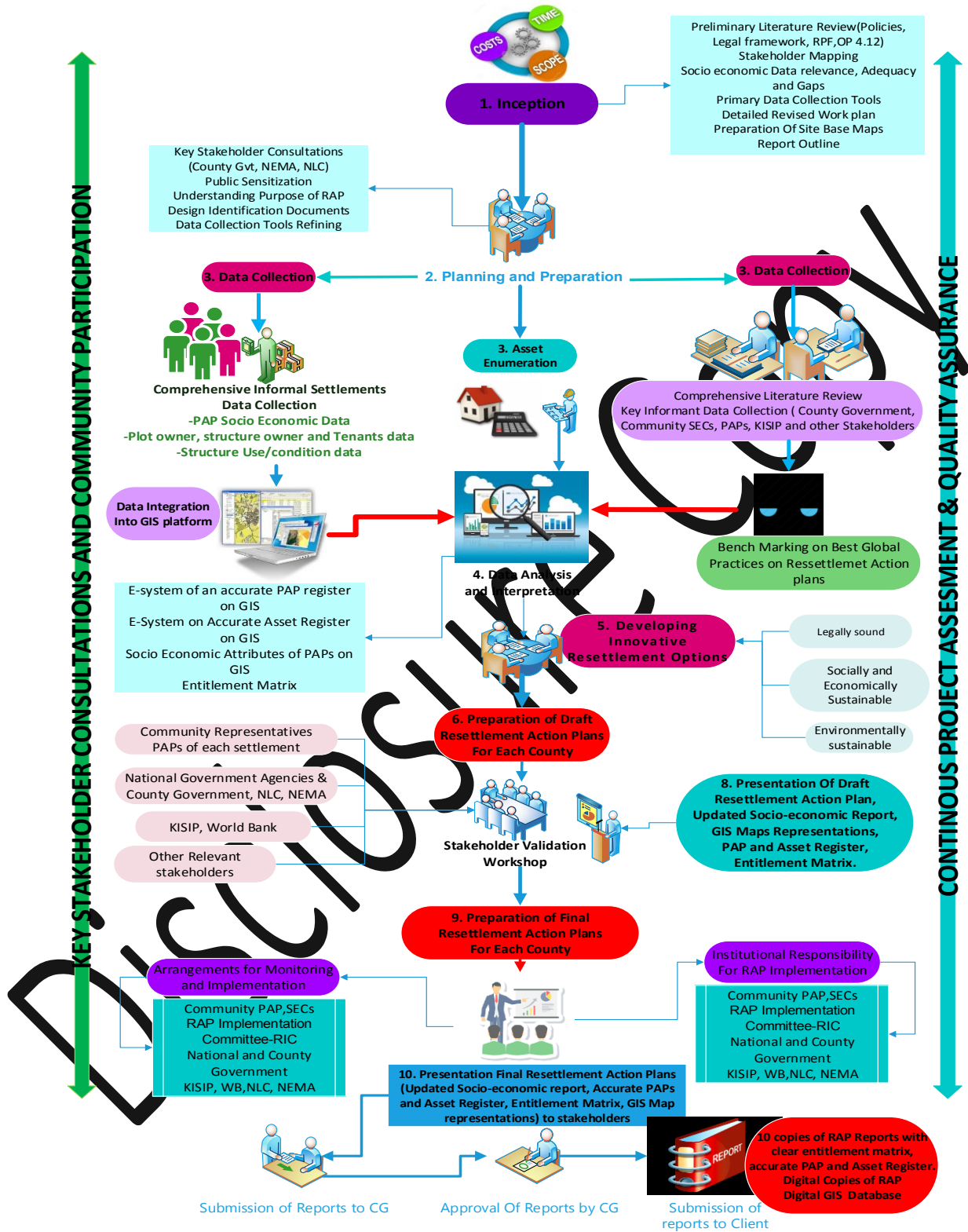


Figure 5: Conceptual Framework on Methodological

4.3. PAPs Socio Economic Survey and Valuation

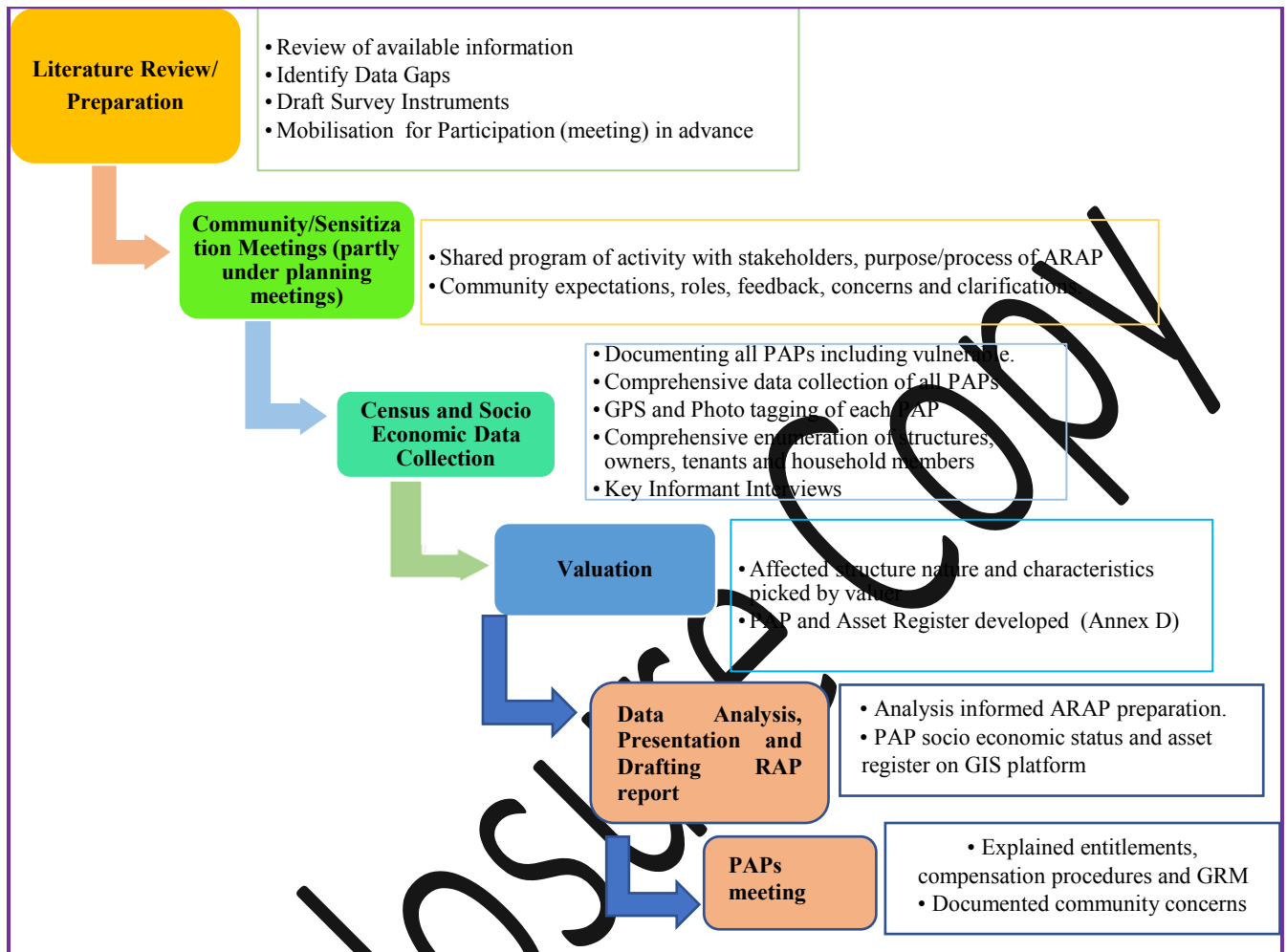


Figure 6: Socio-Economic Survey Methods

4.4. Cut-Off Date

According to OP 4.12, the cut-off date is the date the census of PAPs begins. It can 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 24th May 2017 (date of validation of the initial plan), communicated to the PAPs during a stakeholder consultation meeting on the same day, and constantly reminded during subsequent meetings (e.g. 21st June 2018 and 14th April 2019). Any developments after the cut-off date are not eligible for facilitation.

5. Public Consultation and Participation

5.1. Introduction

In Kenya, public consultation is a mandatory requirement in projects that affect the community. 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:

- To inform PAPs about the project, identify their fears, expectations and concerns about the project.
- To give PAPs a chance to express their views in the planning and implementation of the project, as well as participate in it.
- To inform and discuss about the nature and scale of impacts emanating from the project.
- To obtain qualitative as well as quantitative information on viable mitigation measures in order to restore the lives of PAPs after impact.
- 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 three phases; during conventional planning (6 meetings), initial RAP (1 PAP meeting), plan amendment (2 meetings) and RAP update (1 PAP meeting).

Table 6: Summary of Stakeholder Attendance

Meeting Session	Date	Participants	Key issues		
			Male	Female	
Conventional Planning Consultations					
Introductory meeting at the County	16 th March 2016	<ul style="list-style-type: none"> County Government of Kilifi (CGK) County KISIP 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.
Launch of the Project Meeting for Mariakani Settlements (Makaburini; Tabora; Njora ya Chini; Njoro ya Juu; Jakaba)	3 rd February 2017	<ul style="list-style-type: none"> CGK/ County KISIP KISIP National representatives Consultant Community Members 	83	41	<ul style="list-style-type: none"> Sensitization on aim of the Project and process/aspects of physical planning Official launch of project in the settlements

SEC sensitization meeting	4th February 2017	<ul style="list-style-type: none"> CGK/ County KISIP KISIP National representatives Consultant SEC Members 	8	4	<ul style="list-style-type: none"> Shared understanding between the consultants and the SEC on the scope of project works Consensus on the boundaries of the settlement
Visioning workshop	29 th March 2017	<ul style="list-style-type: none"> CGK/ County KISIP KISIP National representatives Consultant SEC Members Community Members 	102	77	<ul style="list-style-type: none"> The visioning -guidance in the plan preparation process.
Presentation of the Plan to the County	24th May, 2017	<ul style="list-style-type: none"> CGK/ County KISIP KISIP National representatives Consultant 	9	7	<ul style="list-style-type: none"> Plan Validation by the county
Presentation and Validation of LPDP to the Community	24th May, 2017	<ul style="list-style-type: none"> CGK/ County KISIP KISIP National representatives Consultant SEC Members Community Members 	50	34	<ul style="list-style-type: none"> Plan Validation by the community Verification of List of beneficiaries Declaration of project cut off
ARAP Meeting Based on the Initial Plan					
Community PAPs Sensitization meeting	18 th August 2017	<ul style="list-style-type: none"> County Government of Kilifi KISIP National representatives Consultant SEC Members Community Members 	17	27	<ul style="list-style-type: none"> Sensitizing the community on the ARAP and project impacts Re-cap of cut-off date as 24th May 2017
Plan Amendment					
Replanning of the informal settlements under Lot 3 Cluster ii in Kilifi County.	21 st June 2017	<ul style="list-style-type: none"> CGK/ County KISIP KISIP National representatives Consultant 	10	3	<ul style="list-style-type: none"> Plan amendment so as to minimize displacements in Kilifi settlements. County buy in on need for Plan amendment
Tabora Plan Amendment meeting	22 nd June 2017	<ul style="list-style-type: none"> CGK/ County KISIP KISIP National representatives Consultant SEC Members Community Members Tabora PAPs 	53	32	<ul style="list-style-type: none"> Logic and justification for plan amendment. Community suggestions on plan amendment Discussing plan amendment through adoptive planning standards. Re-cap of cut-off date as 24th May 2017 Discussed issues touching on PAPs including verification of PAPs mitigation measures, facilitation and Grievance redress.
Plan Adoption meeting	14 th April 2019	<ul style="list-style-type: none"> CGK/ County KISIP KISIP National representatives CURP SEC 	44	27	<ul style="list-style-type: none"> Plan adoption by the stakeholders Re-cap of cut-off date as 24th May, 2017

		<ul style="list-style-type: none"> Community Members 			
ARAP Update					
Community PAPs meeting	14 th April 2019	<ul style="list-style-type: none"> CGK/ County KISIP KISIP National representatives CURP SEC PAPs 	8	9	<ul style="list-style-type: none"> Sensitizing the PAPs on the ARAP and project impacts Re-cap of cut-off date as 24th May 2017

5.4. Summary Findings of the Public and Stakeholders' Consultations

Some of the key issues discussed are sub divided are presented in the tables below.

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

Table 7: Findings of Consultations with PAPs and Community Groups

The question of compensation incase where one is displaced from their land/ home.	The affected structures will be facilitated after the valuer has assessed the losses incurred. However, land is not being compensated and the plan will seek to ensure no one loses land in entirety. Land loss will be minimized to extent possible.
Persons living on the border of settlement and railway reserve affected were concerned if they would be facilitated	All genuine PAPs would be facilitated.
How would facilitation be undertaken for the affected persons	During the RAP process valuation would be done for the facilitation to be undertaken
The community was also concerned on when the implementation of the project would be undertaken	An assurance was given by the KISIP National that implementation would start as soon as the RAP process is completed and survey is already done
Plot 038, has a grave yard. What if it has been affected by the road? How will it be sorted out?	The consultant assured the resident that it has not been affected by the road. No Graves affected by the road proposals in the whole settlement.
Who Facilitates the PAPs? Is it the world Bank?	Clarified that this is the responsibility of the National Government and not the World Bank

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

Comment	Response
Taking it that boundaries have been placed on ground, whether persons can assume developments, within the boundaries?	The Consultant team, insisted on involvement of SEC Committee, backed with minutes approving this
Whether facilitation on whole structure will be considered, even when partially affected.	Considerations of extent of impact will be made by the Valuer, to ascertain whether partially or completely affected, corners affected by road truncations etc. and all this will be factored; Often considerations are factored to ascertain if the impact warrants total facilitation or not.

Status of the project	Project status was reported to be at Resettlement Action Planning (RAPs), after which the RAP is implemented and titles issued concurrently
Clarification on beacon placement; not correctly placed on ground	(KISIP Representative alongside Consultant team went to ascertain the beacons on ground as stated by the community member, upon which were found to be correctly placed on ground);
When the cut-off dates would be called off	The Consultant team reiterated that cut-off dates will be called off upon decommissioning of project; KISIP Urban Planning Expert stated that cut-off date was important for the PAPs, as it gives window to address PAPs;
Case of undeveloped plot hence the beneficiary wondered whether they will be compensated	KISIP does not compensate on land. Gok is the bearer of land
Whether compensation for trees will be made	Owners will be facilitated to ensure that they can replace the trees. However, some trees are difficult to compensate and of cultural importance, thus avoidance of any impact but also cultural heritage so cannot be cut unless extremely necessary.

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6. Project Impacts

6.1 Project Impacts

Planning and surveying of Tabora Informal settlement will lead to both positive and negative impacts.

6.2 Potential Project Benefits (Positive impacts)

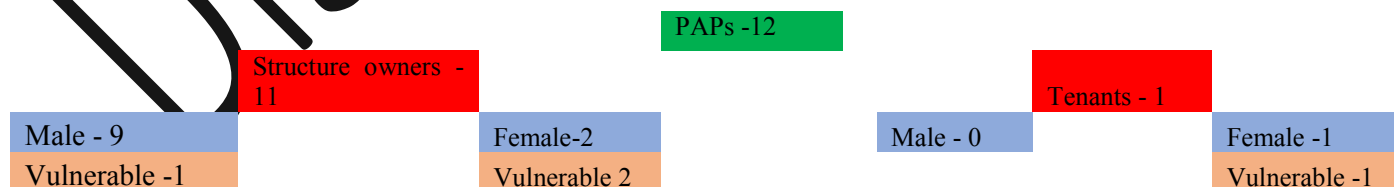
Table 8: Potential Positive Impacts

Impact	Description
Tenure security	This is the main benefit derived from this project. Secure land tenure is key to 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 59, this is expected to act as a vital pillar for socio economic improvement in the area contributing to growth and livelihood improvement for both women and men, given evidence shows when women are empowered, they benefit the whole household.
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 potential negative impacts. 12 Project Affected Persons (PAPs) i.e.11 structure owners and 1 tenant are affected. Further breakdown is given in table below.

Table 9: Breakdown of Project Affected Persons



6.3.1 Reduced Parcel Sizes

There were 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.

6.3.2 Impacts on Structures

The impact on structures is attributed to road wayleaves alignment as per the approved amended LPDP. In total, 5 structures are fully affected, while 16 are partially affected, as per Table below

Table 10: Types of materials of the affected structures

Type of Structure	Number	Fully	Partially
Perimeter wall	3		3
Gates/Gates House	2		
Tank stand	1	1	
Toilet	2		2
Septic tanks	7	4	3
Front verandah/yard	2		2
Residential House/block	3		3
Chicken House	1		
Total	21		16

The type of materials used for houses (and residential auxiliary's e.g. toilets, perimeter walls) consists largely of GCI roofs, to a variety of walls (including natural stone, coral, mud) and cement screed floors. Septic tanks are largely made of concrete.

6.3.3 Loss of Livelihood

1 residential rental unit will be affected, thus losing the owner income during repairs as it is partially affected.

6.3.4 Loss of Shelter

1 tenant will lose shelter temporarily as the affected structure is repaired.

6.3.5 Increased Vulnerability

3 women⁹ were identified as vulnerable as they are household heads. 1 male structure owner is above 65 years of age

6.4 Summary of Losses

The losses experienced are summarized in table below.

Table 11: Summary of losses experienced in Tabora informal settlement

Type of PAP	Structure/Asset Loss	Loss of Livelihood	Loss of Shelter	Vulnerable
Structure owner PAPs	11	1		3
Tenants			1	1

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

⁹ 2 structure owners and 1 tenant

7. 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 socio-economic structure and distribution of PAPs for purposes of planning the attendant facilitation, and for monitoring and evaluation purposes. The data required for this purpose was generated through a 100% census and survey of the 12 PAPs.

7.2 Demographics of the PAPs

7.2.1 Gender Representation

12 PAPs are affected, of which 9 males and 3 females. This translates to a 75:25 gender composition of the PAPs.

Table 12: Gender distribution of PAPs

Type of PAPs	Male	Female	Total
Structure Owners PAPs	9	2	11
Tenants PAPs	0	1	1
Number	9	3	12

7.2.2 Marital Status

75% of the PAPs are married.

7.2.3 Vulnerability

There are 4 vulnerable PAPs in the settlement, 3 of them being female household heads and 1 male being above 65 years of age.

7.2.4 Education Attainment

Out the 12 PAPs, 5 has attained college/tertiary education level, 3 have attained secondary education level, while 4 has primary education as the highest education attainment.

EDUCATION LEVELS

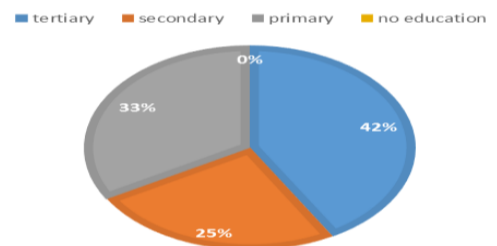


Figure 7: Education levels

7.2.5 Age Distribution

Of the 12 PAPS, 1 structure owner is above 65 years of age. Table below shows the full age distribution for all PAPs.

Table 13: Age distribution

Age cohort	Number of PAPs	Percentage
20-35	3	25
36-50	4	33

51-65	4	33
Above 65 years	1	8

7.3 PAPs Income and Place of Work

1 PAP has retired from civil service. The breakdown of the other 11 is as follows: 8 of self-employed and work within Mariakani town in small scale businesses like food vending kiosks and grocery shops and the other 3 are employed by the County Government of Kilifi within Mariakani sub-county.

Table 14: Income range for PAPs

Income Range per month KES	Percentage of total PAPs
0-10,000	33
10,000-20,000	42
20,000-30,000	8
30,000-40,000	8
40,000 and above	8

7.4 Water Supply

All the PAPs have access to piped water from Kilifi Mariakani Water and Sewerage Company. The average cost of water is 500 KES for the 12 PAPs

7.5 Energy Supply

98% PAPs have access to electricity, most using it for lighting while 2% use it for cooking.

The average monthly cost of electricity is KES 600, which is quite costly for most of the PAPs.

The main sources of energy for cooking are gas and charcoal which 90% of the PAPs relies on, while alternative sources include firewood, electricity and kerosene.

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 (500m) not far from the settlement. However, there are several private hospitals in the vicinity of the settlement, and include Mabati Medical Centre, Hope, Baobab Al Noor among other small clinics.

On sanitation, all the PAPs have access to toilets, however solid waste management and waste water drainage is still a big problem.

7.7 Transportation

The main means of transport used the PAPs are motorcycle and walking others include *matatus* and private car. The increased use of *Bodaboda* would be attributed to their ease to maneuver the available narrow paths in the settlement that are used for access.

8. Mitigation Measures

8.1 Mitigation Measures

This Abbreviated Resettlement Action Plan (ARAP) addresses the impacts of planning and surveying on the Project Affected Persons (PAPs) in Tabora by ensuring that they receive appropriate facilitation and for lost assets and income.

8.2 Eligibility for Compensation and Resettlement Assistance

Tabora largely 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, Tabora 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 15: Eligibility Criteria

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 incomes 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

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. The Compensation package will also include cost of moving, such as transport costs as well as any associated land titling or transfer fees.
- Consultation with PAPs on facilitation, disclosure of ARAP, and participation of PAPs in planning and implementing the ARAP will be ensured;

8.3 Entitlement Matrix

The entitlement matrix is designed to ensure fair play and to reflect personal effort as captured in 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/rehabilitation assistance depending on the nature of ownership rights on lost assets and scope of the impacts.

8.3.1 Entitlements

Pursuant to the impacts anticipated in Chapter 7, cash compensation has been calculated in Kenyan currency.

Table 16: Structure Characteristics and Valuation Considerations

Structure Characteristics	Consultant's Valuation Consideration	Approximate percentage on 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	82% 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	18% of the structures

KISIP will ensure that all affected people will be facilitated fully, fairly and promptly and in accordance with this ARAP. An Entitlement Matrix, shown in Table below has been developed to summarize entitlements.

Table 17: 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 be borne by 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 KSh 5000 • 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 market rates. • Right to salvage materials.
Loss of Income			
2.	Loss of rental income		<ul style="list-style-type: none"> ▪ 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.

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. Disputes over the ownership of a given asset (two individuals claim to be the owner of an 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 e.g. misspelt names

9.2. Grievance Redress Mechanism

KISIP has a unimodal planning and survey as well as ARAP/RAP Grievance mechanism. The three-tier grievance mechanism involves a Settlement Grievance Redress Committee (GRC) at the settlement level, RAP Implementation Committee (RIC) with membership from KISIP National and Kilifi County Government, and lastly, the Courts of Law.

Table 18 – GRM composition and Membership

Institution	Membership	Functions
Tabora Settlement Grievance Redress Committee	6-member team - 2 REC members and four other respected community members who were selected from the community with gender consideration. These are enjoined by the area chief, ward and town administrator.	<ul style="list-style-type: none"> • 1st point of contact to address PAPs grievances, within 14 days and at no cost to the PAP. • Providing inputs into the monitoring and evaluation process i.e. monthly reports on grievances to RIC
RAP Implementation Committee	<p>Joint Membership for implementation derived from County KISIP + National KISIP Project Coordinating Team i.e.</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 chair. ii. Community Development Officer iii. Head of Component 3 - Engineer iv. County Surveyor v. County Physical Planner 	<ul style="list-style-type: none"> • Escalation Mechanism: Determine PAPs grievances unresolved or beyond the scope of the GRC within 14 days and at no cost to PAP. • Providing inputs into the monitoring and evaluation process i.e. quarterly reports on grievances to PCT.

	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 option will only be as avenue 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 this, the community or settlement level grievance mechanism must be credible and generally acceptable.¹⁰ 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.

¹⁰ Thus why the Community was asked to choose the representatives to the GRC.

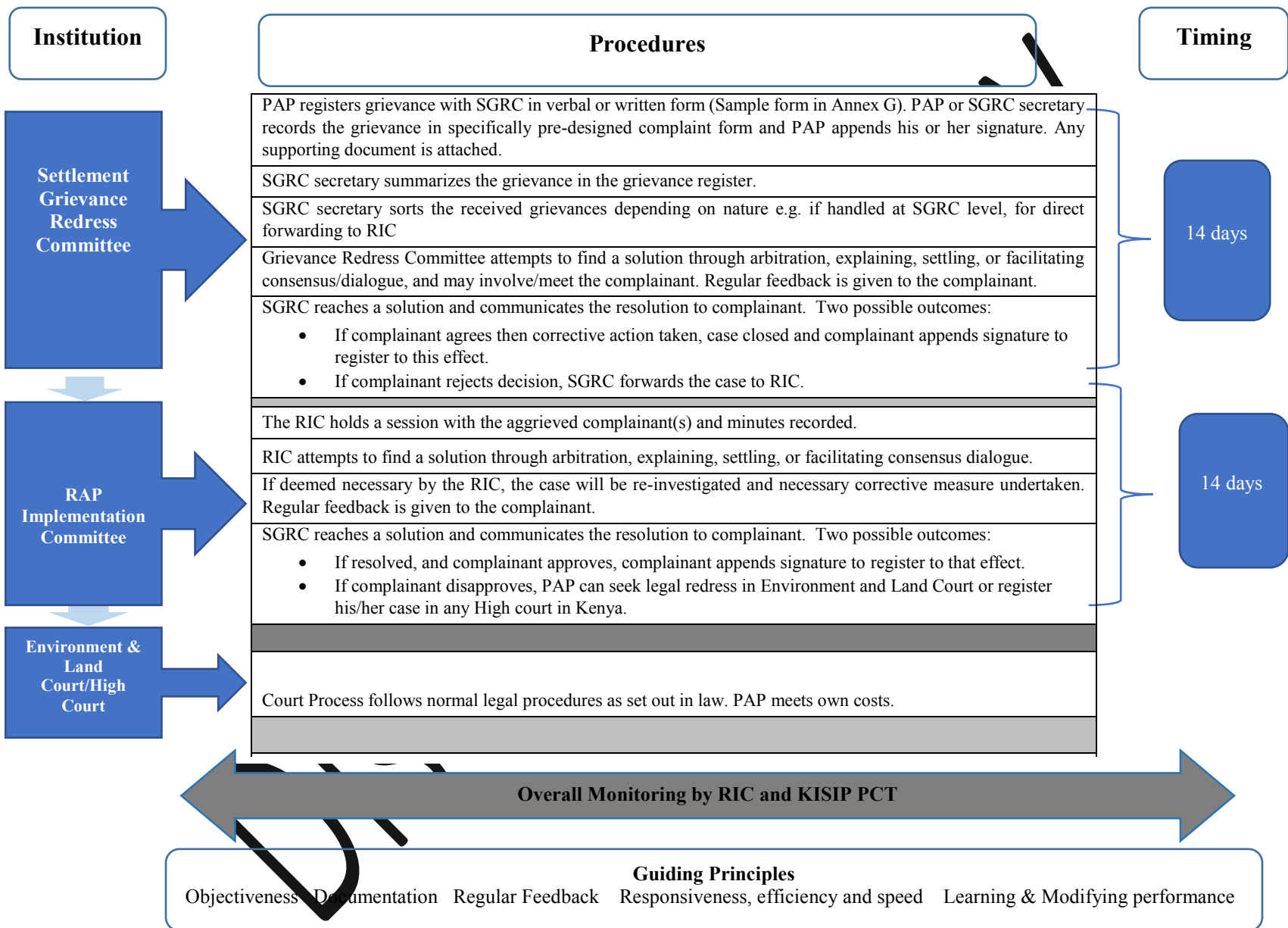


Figure 8: GRM Process

10. Institutions, Implementation Arrangements and Disclosure of RAP

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 and comprehensiveness.

2. Disclosure Process for the ARAP

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

- i. Public meeting organized in the settlement. It is a requirement that the ARAP 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 meeting will therefore be held in the settlement for the PAPs, and with representation from the local leadership, County administration etc. 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 document.
- ii. Availability of the ARAP on the Ministry of Lands, Housing and Urban Development website
- iii. Availability of the ARAP at KISIP offices (National and County) and a copy with the SEC.
- iv. Availability of the ARAP on the World Bank Info Shop.

3. Capacity Building

The implementation of the RAP will require capacity building and orientation of the officers in charge of ARAP implementation at KISIP¹¹ as well as the GRM institutions described in the previous chapter. Therefore, it is planned that training and orientation of the committees on ARAP implementation will be organized after the approval of the document. However, it is important to note that SGRC strengthening and sensitization was undertaken in December 2018 by KISIP PCT. It is foreseen that if need may arise, additional backstopping of the committee may be undertaken at validation of this ARAP.

4. Sensitization of PAPs

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 10 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 on appropriate use of compensation funds for households, the PAPs will be allowed to open individual and joint accounts.¹² KISIP will collect (joint) account numbers

¹¹ This is largely at the county level given KISIP national has already implemented a number of RAPs.

¹² Where no bank accounts, SACCO accounts and Mpesa numbers registered in the name of the PAP will also be considered.

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 facilitation has been paid out to the respective PAPs (concurrent with the issuance of titles), a notice for self-demolition will be issued by the County Government. This ARAP recommends a 3 months' notice to PAPs while the SEC will act as the main institution on the ground to remind the PAPs of the need to move and rebuild/repair their structures as required. In case a PAPs fails self-demolish his or her own structure within the notice period, the county government will commence to demolish the structures as part of development control.

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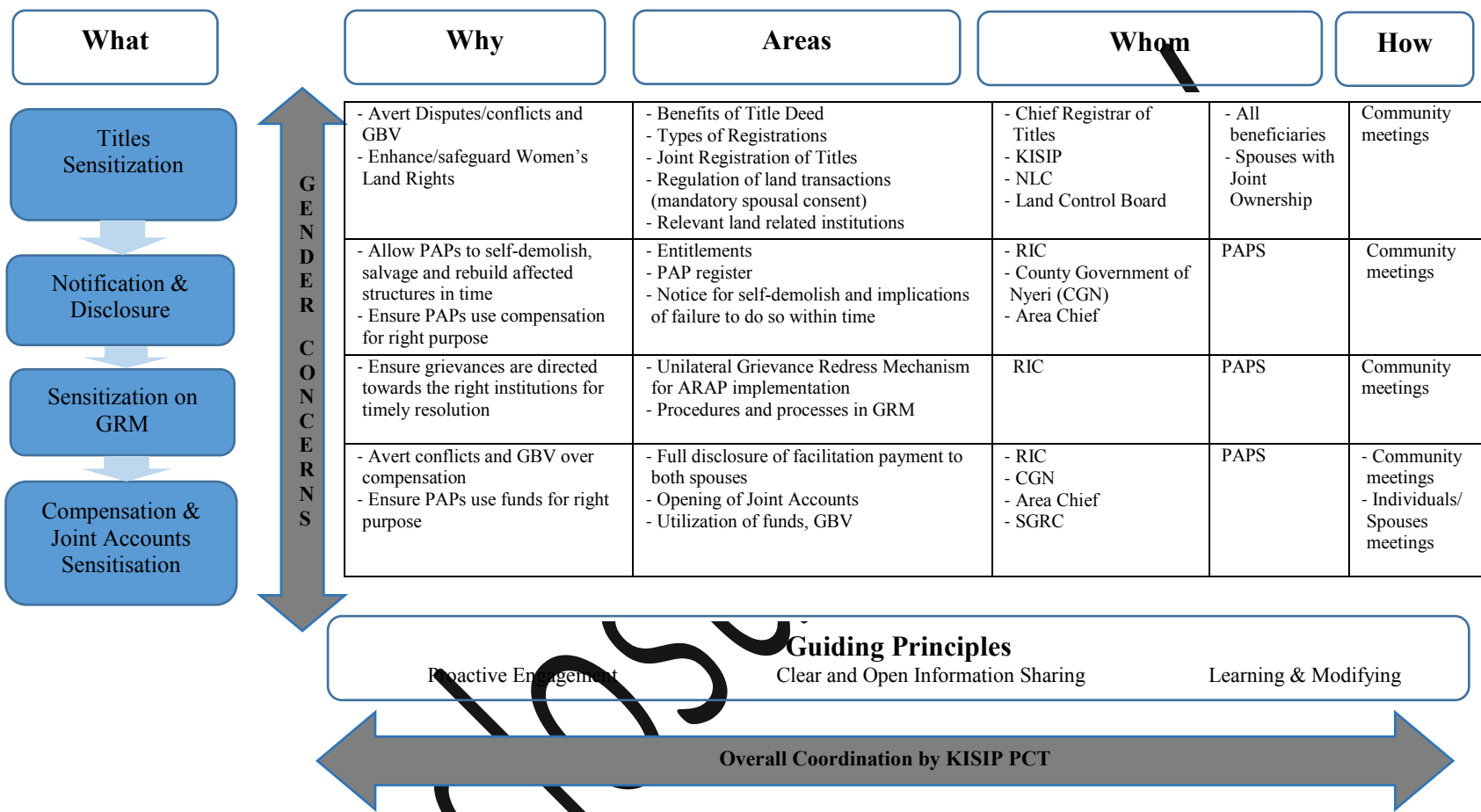


Figure 9: ARAP Information and Sensitization Strategy

10.2. Implementing Institutions and Organizations framework

KISIP is the primary implementing actor for this ARAP and will ensure this ARAP is implemented within a period of not more than 60 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. 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 team,¹³ KISIP Finance and Procurement Office – a structure which is 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. The Table below summarizes the main roles by various institutions under this ARAP for the successful implementation of the project.

Table 19: 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 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 • Delivery of additional assistance to PAPs e.g. the vulnerable will be the responsibility of county governments. • 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.
RAP Implementation Committee (RIC)	<ul style="list-style-type: none"> • Provide overall leadership and day to day implementation of the ARAP

¹³ 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.

	<ul style="list-style-type: none"> • Study the final ARAP reports and update program/schedule for implementation • Organize the public disclosure of the final ARAP • Confirm/validate entitlement and the final PAP register • Oversee facilitation of the PAPs • Part of grievance redress mechanism • Sensitization of PAPs e.g. on 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 Tabora community
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 and rebuild structures

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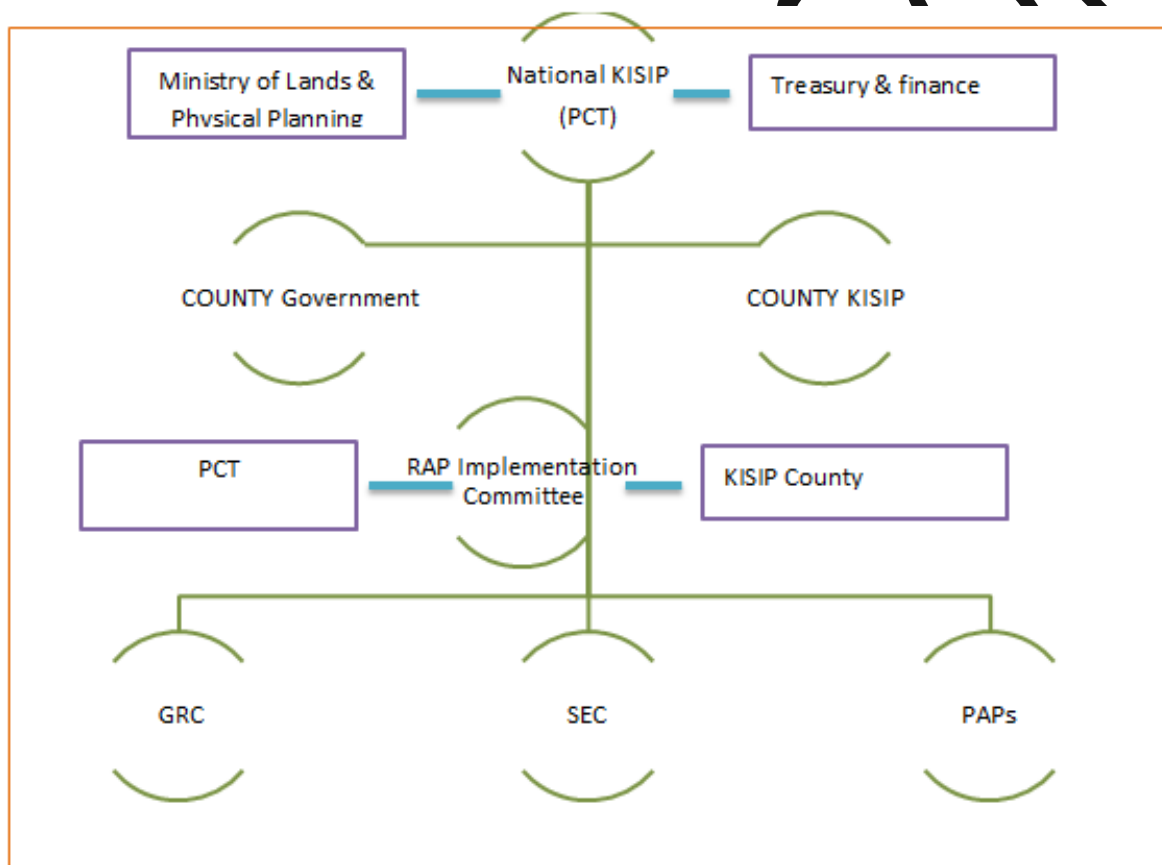


Figure 10: Implementing Institutions and Organization Framework

10.3. Implementation Schedule

The implementation schedule includes the following critical activities:

- Finalizing and approval of ARAP– yet to be undertaken
- PAPs Sensitization on utilization of facilitated Funds – yet to be undertaken
- Disbursement of the compensation– yet to be undertaken
- 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.

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Table 20: 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 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 is solely mandated to KISIP.

This information has been redacted for confidentiality and to protect privacy

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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 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 Tabora Informal Settlement Upgrading.
- c. If PAPs are satisfied with the actual ARAP implementation process and facilitation issued.
- d. If PAPs have been able to maintain or improve their pre-project standard of living.

The census and/or the socio-economic survey study will be used as the baseline for the evaluation of this ARAP.

11.1.2. Internal monitoring

The primary responsibility for internal monitoring lies 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:

- a. Ensure that a compensation monitoring system is set up accordingly.
- b. Set-up internal monitoring systems for RIC through continuous information flow.
- c. If needed, facilitate the recruitment of an independent consulting firm to undertake external monitoring of the ARAP implementation.
- d. Refine monitoring indicators as per the circumstances.

Part of this process will include developing a facilitation dossier recording each PAP initial situation, all 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. 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, largely undertaken by the KISIP PCT with main responsibility falling on the Social Safeguards team. Particular emphasis will be laid on grievance management and verification of the facilitation.
- **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 can 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 investment.

11.1.3. Monitoring Indicators

These indicators will facilitate monitoring of ARAP performance based on set timelines 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 21 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. • Occupation of rental unit • 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

		<ul style="list-style-type: none"> • 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 GR 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 • Co-ordination between local community structures, County and KISIP Officials

11.1.1. Resettlement 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 a period of one month after the completion of the ARAP implementation process.

Table 22: 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, measured through incomes and standards of living, with an emphasis on the “no worse-off if not better-off” requirement; and (v) Identification of potential corrective actions necessary to mitigate the negative impacts of the program, if any, and to enhance its positive impacts.

12. Conclusion and Commitments

12.1. Conclusion

This ARAP shows that planning and survey in Tabora 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 project is expected to cause several adverse social impacts, including impact on structures and livelihood. However, these will be mitigated through facilitation of the lost assets and 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.

11.2. Commitments

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

- a. 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 Directorate of Lands (on advisory from NLC) will immediately begin issuance of title deeds to beneficiaries.
- c. To 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. To 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. To issue a three months' notice to PAPs to enable them salvage their assets.
- f. To undertake Monitoring and Evaluation of this ARAP during and after implementation.

13. References

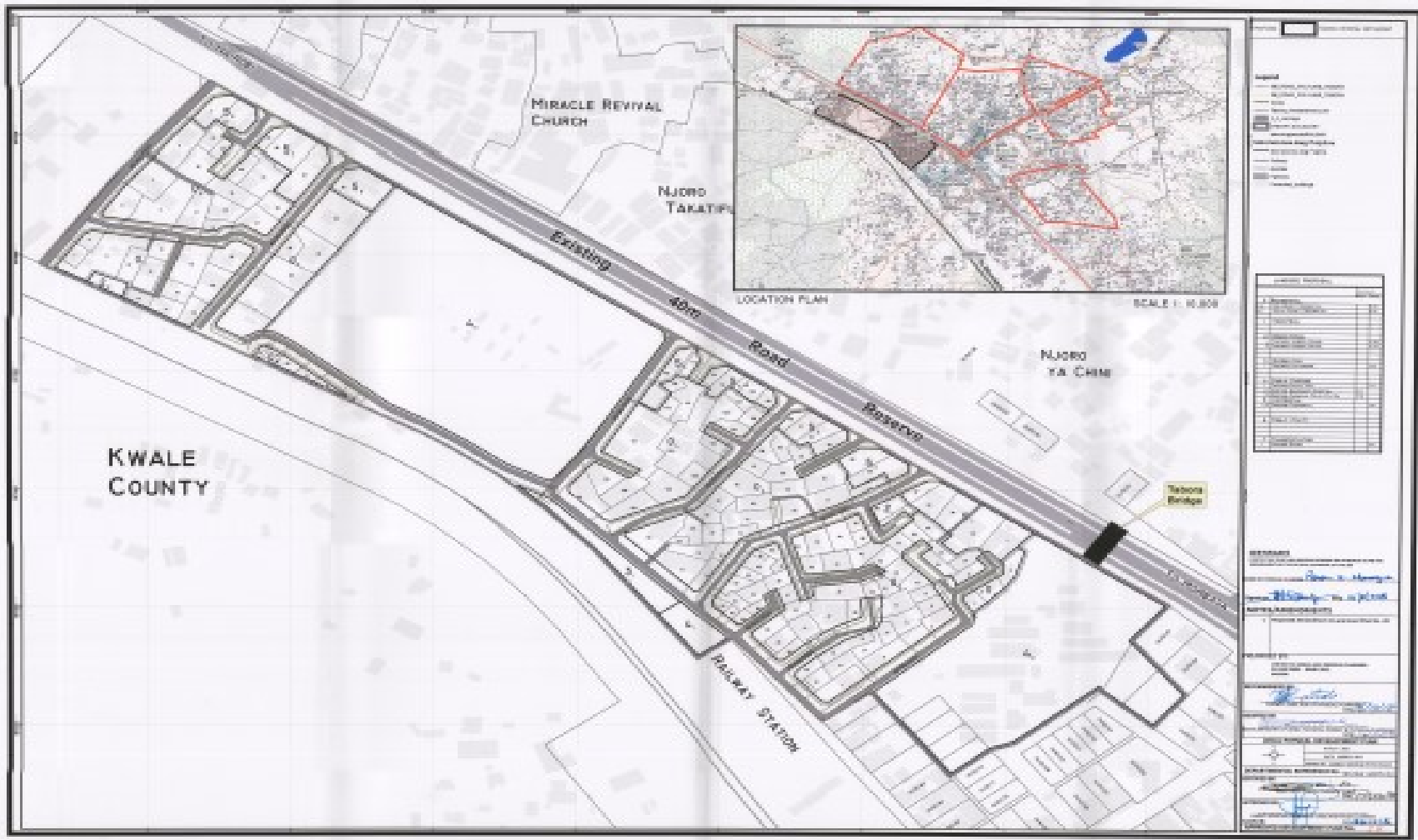
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¹⁴ Referred to as the "National Land Policy" in this report

ANNEXES

Annex A - Local Physical Development Plan

Map 1: Tabora Amended Local Physical Development Plan

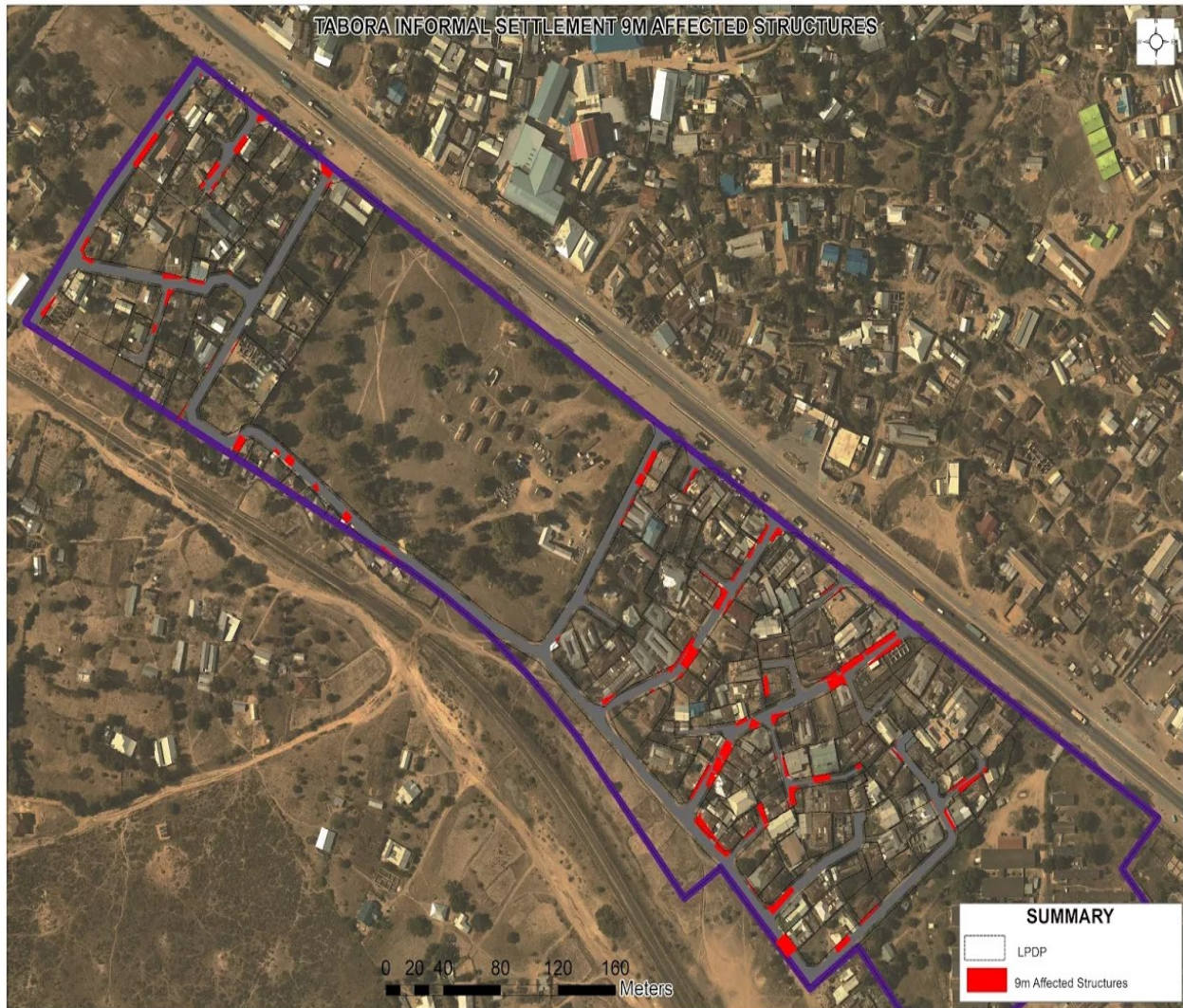


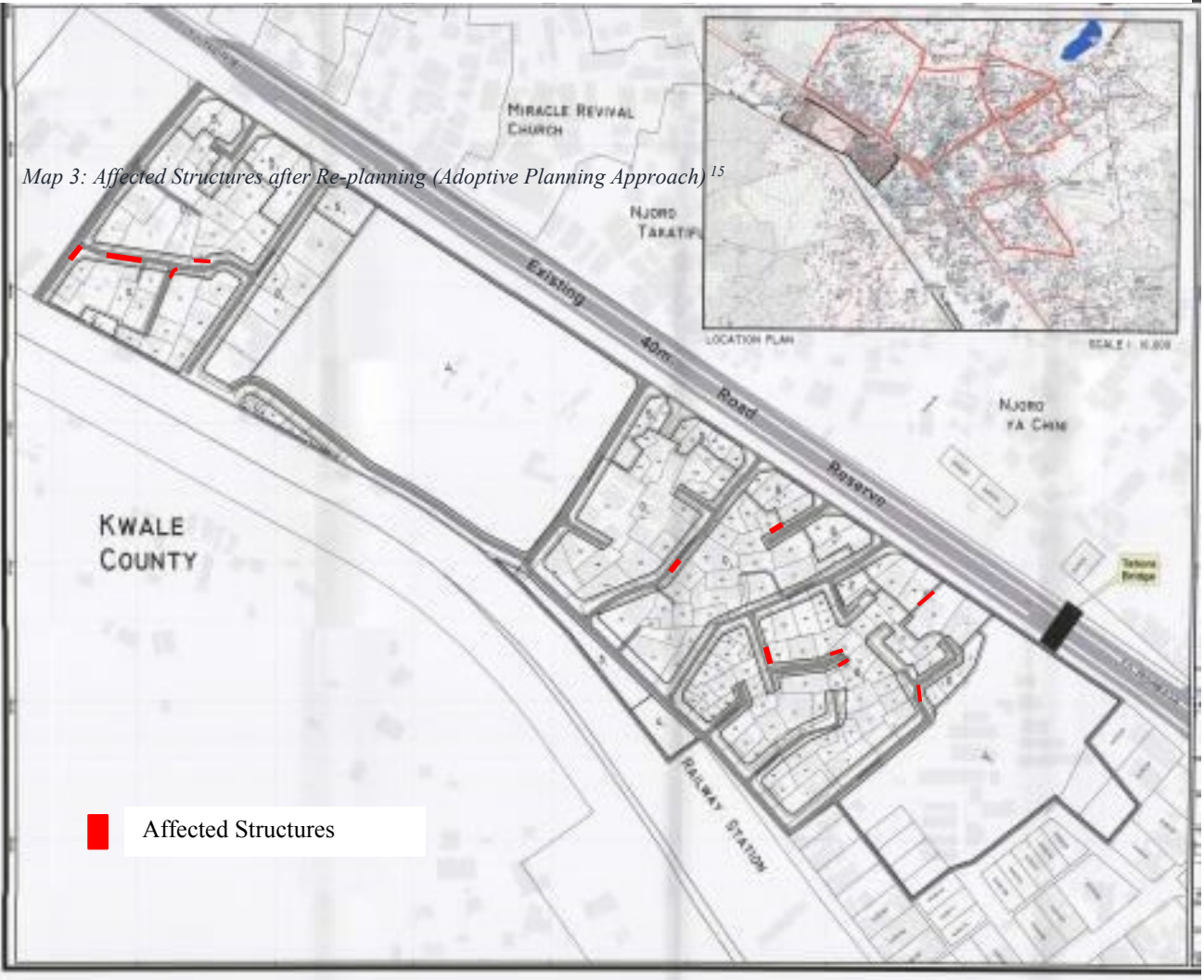
Annex B – Plan Amendment Minutes

- 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 2: Affected Structures using conventional Planning Approach





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¹⁵ Some structures might not be legible due to scale of the map and the size of impact that was greatly minimized through adoptive planning standards. The shaded areas largely serves to show the location of the affected structures and not the actual number of affected structures.

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. Minutes of PAP meetings before Amendments

Annex F – Initial Planning Minutes and Lists of Attendance

Annex G – Grievance Redress

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?	