



**Republic of Kenya**

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HILL SCHOOL INFORMAL  
SETTLEMENT  
ABBREVIATED  
RESETTLEMENT ACTION  
PLAN

MINISTRY OF TRANSPORT  
INFRASTRUCTURE HOUSING  
AND URBAN DEVELOPMENT  
STATE DEPARTMENT OF  
HOUSING AND URBAN  
DEVELOPMENT  
Kenya Informal Settlements  
Improvement Project (KISIP)

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**KENYA INFORMAL SETTLEMENTS IMPROVEMENT PROJECT**


**ELGON ROAD, UPPER HILL**

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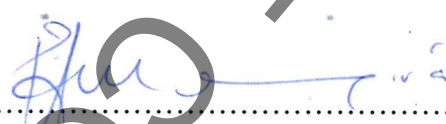


This Abbreviated Resettlement Action Plan (ARAP) for Planning and Surveying for Hill School Informal Settlement, Uasin Gishu County has been prepared on behalf of the Kenya Informal Settlements Improvement Project (KISIP).

**Report Prepared by:**

Signed  ..... Date *6 March 2020* .....

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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.

**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.

**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.

**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.

**Replacement cost** means replacement of assets with same quality and quantity with an amount sufficient to cover full cost of lost assets and related transaction costs and taxes. The cost is to be based on Market rate (commercial rate) according to Kenyan law for sale of land or property, without depreciation in addition to other considerations such as (a) transporting building materials to the construction site; (b) any labour and contractors' fees; and (c) any registration costs. Therefore, for Replacement cost for houses and other structures means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures at market rates without depreciation.

**Resettlement Action Plan (RAP)** or Resettlement Plan is a resettlement instrument (document) to be prepared when program locations are identified. In such cases, planning and survey activities including demarcation of roads leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legal binding requirements to resettle and compensate/facilitate the affected party before implementation of the project activities. According to provisions by the World Bank OP 4.12, 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 Living with Disabilities, ethnic minorities

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## EXECUTIVE SUMMARY

### Introduction

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

Uasin Gishu County, and specifically Hill School Informal settlement is one of the beneficiary settlements. KISIP's activities in Hill School Informal settlement - a 40-acre estate with an approximate population of 4000 persons, and located 3.5km south west of the Eldoret Central Business District (CBD) along Eldoret - Kisumu road, - specifically sought to undertake processing of land tenure documents for the majority poor in the settlement.

The land titling approach and process undertaken in the settlement took cognizance of the existing conditions, and KISIP's interventions were limited by the special conditions of the informal settlement i.e. Hill school had a survey plan prepared using the outdated Cassini Grid System. However, on the ground, numerous informal (due to lack of titles) sales had happened over the years, the settlers had not observed the survey, and the resultant development in the settlement (as the physical mapping by KISIP showed) resulted into encroachment of the roads. Only 10% of the plots - due to cost limitations - had processed title deeds.<sup>1</sup>

Therefore, to enable processing of the remaining title deeds, KISIP's component 2 on tenure regularisation undertook the conversion of the existing survey from Cassini Grid System to Universal Transverse Mercator (UTM) coordinate system<sup>2</sup>, undertook socio-economic and physical mapping of the settlement and updated the list of land owners.

Due to encroachment of some road reserves (as per the survey plan), Component 2 prepared an Abbreviated RAP to identify, document and mitigate impacts that would arise from the implementation of this 'new' survey plan<sup>3</sup>.

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<sup>1</sup> This result of the enumeration (in conjunction with the survey previously prepared) showed the settlement has 155 plots and 177 beneficiaries. 15 plots had processed titles. The survey plan defined 9 and 6m roads.

<sup>2</sup> Note that the current system of survey uses UTM and not the outdated Cassini. To enable processing of titles deeds, there was therefore need to undertake the conversion.

The Cassini System was used in the earliest surveys in Kenya and the grid units are in feet. However, UTM is currently in use by relevant land authorities in Kenya e.g. Survey of Kenya because of difficulty in measuring scale and direction on Cassini. A need therefore arises from time to time for conversion of coordinates from Cassini to UTM and vice versa, especially where processing of title deeds is involved. This was the case for Hill School.

<sup>3</sup> KISIP through Component 3 on infrastructure, had undertaken some engineering designs and implemented some infrastructural works including improvement of selected roads, street lighting and drainage system in Hill School. Therefore, an Infrastructure Resettlement Action Plan (RAP) targeting a section of the settlement had been prepared and implemented.

The ARAP was undertaken reliant on a number of qualitative and quantitative methods with parcel by parcel transect walks, collaboration with the Settlement Executive Committee (SEC) proving useful in identification of PAPs, and verification of affected structures. A number of meetings were also undertaken:

- 7<sup>th</sup> and 11<sup>th</sup> May 2018 – an entry and exit meeting respectively with the County Government of Uasin Gishu
- 7<sup>th</sup> May 2018 – Hill School SEC
- 11<sup>th</sup> May 2018 - Project Affected Persons

### Impacts on Project Affected Persons

Settlement beneficiaries indicated that receiving titles would improve land value and allow investment on their plots.<sup>4</sup> However, over the years, the roads in the settlement had been encroached due to lack of observance of the survey plan as land ownership changed hands over time. Therefore, a total of 68 Project Affected Persons/Institutions/Groups (PAPs/I/G), of which 48 are structure owners, 15 tenants, 4 Institutions (churches) and 1 Self Help Group would be required to vacate the road reserves<sup>5</sup>. Of these, 12 are vulnerable persons.

56% of the individual PAPs are male, compared to women at 44%. The average age is 45. Employment and occupation status data shows that at least 65% of the structure owner PAPs are engaged in businesses – data supported by the fact that a substantial number of the affected structures relate to small businesses (see below table).

12 PAPs are considered vulnerable as 6 male PAPs are elderly, and the remaining 6 are female household heads.

### Impact on Structures

Business related structures e.g. kiosks, sheds, accounting for 37% were mostly affected.

Table 0-1 Structures affected

Type Of Structure	Full	Partial	Total	Percentage
House	2	7	9	14%
Pit Latrine	8	2	10	15%
Fence	1	9	10	15%
Shed/Kiosk	17	7	24	37%
Gate	3		3	5%
Fence	3	4	7	11%
Well	1		1	2%
Poultry cage	2		2	3%
Kennel	1		1	2%
<b>Total</b>	<b>36</b>	<b>29</b>	<b>65</b>	<b>100%</b>

<sup>4</sup> Refer to Minutes in annex A for meeting held on 11<sup>th</sup> May 2018

<sup>5</sup> As indicated in earlier sections, KISIP had already prepared a RAP for infrastructure works undertaken on some of the roads in the settlement.

All of the affected structures (apart from 7) are made of timber off cuts walls and/or Galvanised Corrugated Iron sheets roofing and walls. The remaining 7 are made of stone walls. Similarly, only 15 structures had a cement screed floor, with the rest having earthen or wooden floors.

The impact on all structures was due to settlement without regard to road wayleaves.

### Mitigation

Mitigation measures are provided for all impacts. All assets, including houses, latrines etc. which were surveyed in the Project-Affected Area by the Cut-Off Date i.e. 8<sup>th</sup> May 2018 are eligible for compensation, at full replacement value as at time of valuation. Other entitlements are in line with KISIP's RPF.

A three-tier grievance mechanism - Settlement Grievance Redress Committee, ARAP implementation Committee (RICs), resolution through courts of law for PAPs who may not be satisfied with the proposed entitlements is proposed.

Towards managing implementation of this ARAP, the key day to day implementing institution is the RIC, specifically set up for Uasin Gishu County. Overall, the primary responsibility for the implementation of this ARAP remains with KISIP who will ensure all PAPs are adequately facilitated according to the budget and within the implementation schedule under section 9.4 of this ARAP.

The total costs of implementing this ARAP is Five Million, Nine Hundred and Eight Three Thousand, Three Hundred Shillings (KSh) Shillings.

Table 0-2 ARAP Implementation Budget

	Activity	Cost
1.	Structure costs	5,041,300
2.	Loss of Business Income	176,000
3.	Loss of Rental Income	114,000
4.	Tenants Relocation Allowances	209,000
5.	Vulnerability Support and Assistance	48,000
6.	Awareness raising and sensitization of Beneficiaries and PAPs <sup>6</sup>	100,000
7.	Training and Capacity Building of GRM	95,000
8.	Operational & Administrative Costs of ARAP Committees	100,000
9.	Monitoring and Evaluation	100,000
	<b>Total Costs of ARAP Implementation</b>	<b>5,983,300</b>

### Commitments

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

<sup>6</sup> Sensitization on Land Succession, Joint ownership of land, (Joint) bank accounts, use of compensation money, Gender based violence related to compensation etc.

- KISIP will facilitate all the Project Affected Persons according to provisions of this ARAP including the budget for compensation and timelines as per the implementation schedule. KISIP will issue titles parallel to compensation in line with the implementation schedule.
- KISIP will ensure all grievances are addressed and resolved in a timely manner as indicated during implementation of this ARAP.
- KISIP will undertake community sensitization on land succession processes, Joint land ownership, Joint Bank Accounts and in collaboration with the area chief undertake community sensitization to caution the community against any form of Gender Based Violence (GBV) related the use of compensation funds by spouses.
- KISIP will work with the County Government of Uasin Gishu in ensuring the sustainability of the project. The County will be part of the RIC in implementing this ARAP, part of the grievance resolution mechanism, and undertake development control, Clearance of structures on road way leaves after the expiry of self-demolition period as well as protecting the road reserves from future encroachment by beneficiaries and/or any other actors.
- KISIP will issue a minimum of three months' notice after compensation is issued to PAPs to enable them salvage their assets.
- KISIP will undertake Monitoring and Evaluation of this ARAP during and after implementation as outlined in this ARAP.
- KISIP will forward names of the Elderly PAPs to the County government of Uasin Gishu Ministry of Gender, Social Services and Sports for consideration in programmes such as the unconditional cash transfer programmes that include *Inua Jamii* 70 years and above, and the Older Persons Cash transfers (OPCT) programmes.

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## ABBREVIATIONS AND ACRONYMS

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

GCI	Galvanized Corrugated Iron
GIS	Geographic Information System
GoK	Government of Kenya
GPS	Geographical Positioning System
GRC	Grievance Redress committee
IDA	International Development Association
KISIP	Kenya Informal Settlements Improvement Project
LPDP	Local Physical Development Plan
M&E	Monitoring and Evaluation (M&E)
MTIH&UD	Ministry of Transport, Infrastructure, Housing and Urban Development
NLC	National Land Commission
OP	Operational Policy
PAD	Project Appraisal Document
PAPs	Project Affected Persons
PAPs/I/G	Project Affected Persons/Institutions/Groups
RAP	Resettlement Action Plan
RIC	Resettlement Implementation Committee
RPF	Resettlement Policy Framework
SACCO	Savings and Credit Co-Operative
SEC	Settlement Executive Committee
Sida	Swedish International Development Cooperation Agency
UTM	Universal Transverse Mercator
TOR	Terms of Reference
WB	World Bank

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# 1. INTRODUCTION AND BACKGROUND

## 1.1 INTRODUCTION

Like many other African countries, Kenya has experience rapid urbanization and urban growth. The total population, increased from 10.9 million in 1969 to 38.6 million in 2009 (Kempe 2012). As Figure 1.1 below shows, it is estimated that over 60% of the population will be living in urban areas by 2030 (GOK 2007). While urbanization is not a problem per se, Kenya's process has been accompanied by inadequate, poor and in most instances, the lack of adequate infrastructural services (i.e. roads, water, drainage, sanitation), health risks, congestion, encroachment of ecologically sensitized (and protected) areas etc.

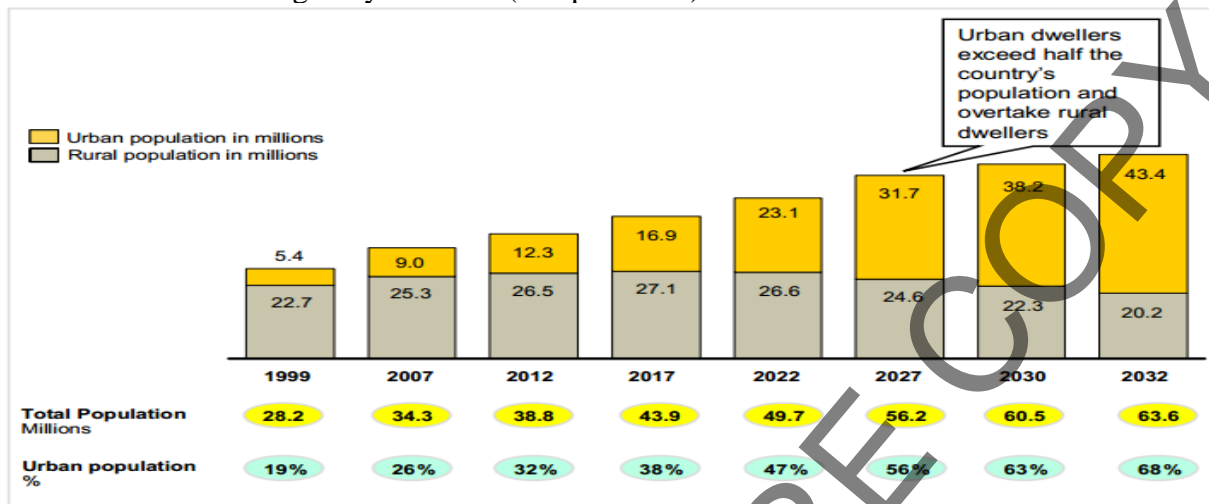


Figure 1-1 Urban-Rural Population growth  
Source: GoK 2007

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

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

In response, and towards the contribution of The 2030 goal for urban areas - a well-housed population living in an environmentally-secure urban environment, the Government of Kenya (GOK) with support from the World Bank, through The International Development Association (IDA), the Swedish International Development Cooperation Agency (Sida) and the Agence Française de Développement (AFD) developed the Kenya Informal Settlements Project (KISIP) as part of a national strategy<sup>7</sup> to address to address challenges associated with urban growth.

## 1.2 KISIP AND THE 4 COMPONENTS

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

The Project has the following four components

- ***Strengthening Institutions and Project Management*** - Carries out activities to strengthen the capacity of MTIHUD as well as the institutional capacity of the selected counties to develop and implement e.g. city-specific urban upgrading strategies and plans. The component also carries out a range of activities for the implementation of the Project including mobilizing communities to participate in the designing and overseeing implementation of Settlement Upgrading Plans, establishing a monitoring and evaluation system, and carrying out socio-economic surveys of slum settlements at the beginning to establish a baseline as well as Monitoring and Evaluation.
- ***Enhancing tenure security*** - Supports the enhancement of tenure security in urban informal settlements, supporting activities that include conducting detailed mapping of existing slum settlements, organizing and mobilizing communities to participate in the informal settlements upgrading activities, preparing local physical development plans, establishing a database on the land tenure status of slums, and in selected Counties, surveying individual plots and preparing registry index maps, and preparing, registering, and issuing titles to individual persons or to groups.
- ***Infrastructure and Service delivery*** - Supports implementation of settlement upgrading plans developed at the community level, investment in settlement level infrastructure, and, where necessary, extension of trunk infrastructure to settlements.
- ***Planning for Urban Growth*** – Assists Counties to plan for future urban growth, through activities such as carrying out a systematic study of the main impediments to delivery of housing and serviced land that is affordable to persons in the lower two

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<sup>7</sup> The Strategy comprises of three multi-sectoral programmes namely; - (i) The Kenya Informal Settlements Improvement Programme, (ii) The Kenya Municipal Program (KMP) and, (iii) the Nairobi Metropolitan Services Improvement Project (NaMSIP) financed by the World Bank.

income quantiles of the urban population, and developing systems, standards, or policies that facilitate delivery of serviced land and housing for low-income households.

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

### 1.3 KISIP INTERVENTIONS IN HILL SCHOOL INFORMAL SETTLEMENT

KISIP's started tenure regularisation activities in Uasin Gishu County in December 2012. This targeted two Eldoret settlements i.e. Maili Nne and Hill School.

The activities in Hill School informal settlement, a 40-acre estate with an approximate population of 4000 persons, and located 3.5km south west of the Eldoret CBD along Eldoret - Kisumu road, specifically sought to achieve the following objectives – all aimed at providing a framework for the regularization and provision of secure land tenure:

- Socio-economic and physical mapping of the settlement and respective communities
- Conversion of the survey from Cassini Grid System to Universal Transverse Mercator coordinate system (UTM).
- Processing of land tenure documents i.e. title deeds

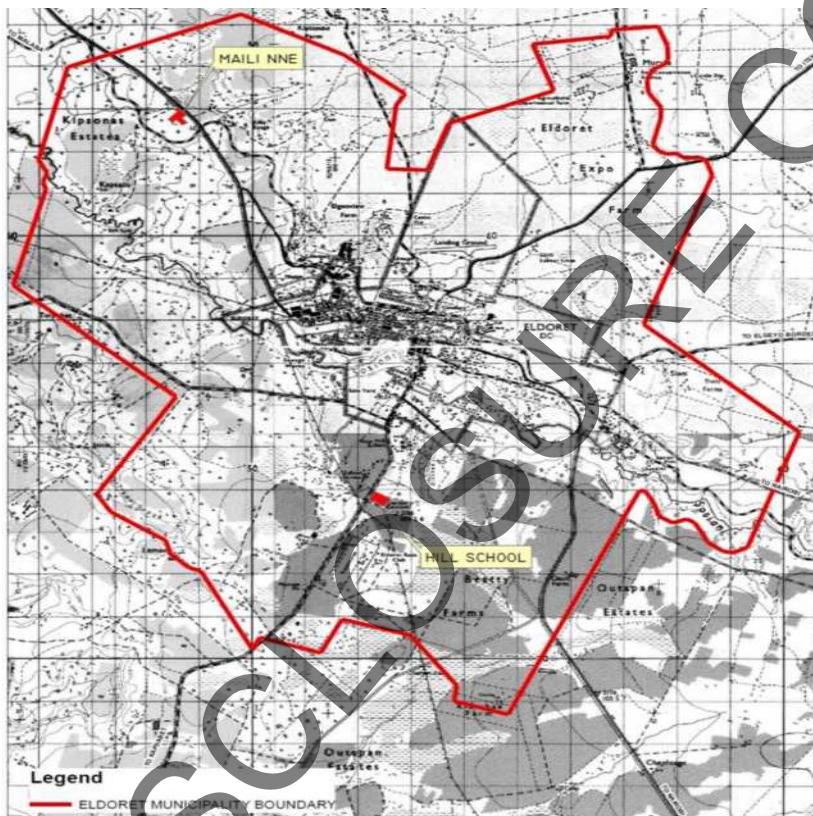


Figure 1-2 Hill School Location Plan

The land titling approach and process undertaken in the settlement took cognizance of the existing conditions, and KISIP's interventions were limited by the special conditions of the informal settlement i.e. Hill school had a survey plan (with coordinates in Cassini system).

However, on the ground, numerous informal (due to lack of titles) sales had happened over the years, the settlers had not observed the survey, and the resultant development in the settlement (as the physical mapping by KISIP showed) had led to road wayleaves encroachment. In addition, processing of titles required the use of the more modern survey grid coordinate system updated i.e. Universal Transverse Mercator coordinate system (UTM)<sup>8</sup>.

In addition, KISIP through Component 3 on infrastructure, had undertaken some engineering designs and implemented some infrastructural works including improvement of (Teleview to Elgon View, Starehe to Elgon View, Kisumu road through to Elgon View, Biashara and Mathare) roads, street lighting and drainage system in Hill School. Therefore, an Infrastructure RAP covering sections of the settlement had already been prepared and implemented, leaving out other sections<sup>9</sup>.

#### 1.4 OBJECTIVE OF ARAP

Standard Safeguards practice requires preparation of Resettlement Action Plans (RAP) before commencement of impact. This way a RAP serves as a tool for the identification of project impacts and affected populations, defines a compensation framework for assistance and restoration of livelihood activities. In addition, it sets out an implementation schedule, assigns organizational responsibilities, and provisions for redress of grievances.

The purpose of preparing this Abbreviated Resettlement Action Plan (ARAP) was therefore to identify PAPs (who would be affected in line with the approved survey) and whom had not been identified by the Infrastructure RAP, as well as to assess the impacts. This was to enable valuation of the assets and provide a strategy for compensation to ensure that the PAPs' livelihoods are restored or improved.

Specifically, the objective was to:

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

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<sup>8</sup> Only 10% (15) of the plots - due to cost limitations - had processed title deeds. The processing of the majority remaining required a change in the survey system.

The Cassini System was used in the earliest surveys in Kenya and the grid units are in feet. However, UTM is currently in use by relevant land authorities in Kenya e.g. Survey of Kenya because of difficulty in measuring scale and direction on Cassini. A need therefore arises from time to time for conversion of coordinates from Cassini to UTM and vice versa, especially where processing of title deeds is involved. This was the case for Hill School.

<sup>9</sup> KISIP works with communities to identify priority infrastructure due to budget limitations, thus only some roads had been covered in the upgrade.

## **1.5 ARAP APPROACH AND METHODOLOGY**

The development of this ARAP took on a participatory approach in which the Uasin Gishu County Government took a central role in mobilisation and participated in the census/socioeconomic survey and community meetings, and one that employed both qualitative and quantitative data collections methods:

### **1.5.1 Document Review:**

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

### **1.5.2 Stakeholder Meetings and Consultations**

#### *County Government of Uasin Gishu*

The RAP process was preceded by a meeting with the County government of Uasin Gishu's Ministry of Lands, Housing, Physical Planning and Urbanization, where the county pledged support for the exercise and allocated staff for easier access to the settlement, and participation in the socio-economic survey of the PAPs. In addition, an exit meeting with the county reiterated the need to accelerate the ARAP process so as to finalize the issuance of titles.

#### *Meeting with the SEC*

A meeting with the Settlement Executive Committee (SEC) was held on 7<sup>th</sup> May 2018. This meeting reached an agreement on which roads had been covered in the infrastructure RAP, and where the road works contractor was operational. The SEC was also advised to mobilise the community in preparation for the PAPs census and Social economic survey.

#### *Meeting with the PAPs*

A meeting with the Project Affected Persons (PAPs) was held on 11<sup>th</sup> May 2018. In this meeting, eligibility for facilitation and the corresponding entitlements were discussed. PAPs were also sensitised on the notice period for self-demolition. The start of the census and survey of the PAPs, i.e. the 8<sup>th</sup> May 2018 was also declared as the cutoff date.

### **1.5.3 Identification of PAPs**

Due to the time lapse since the surveying of the settlement, the identification of PAPs was a sequential and systematic process to ensure all affected parties were identified:

#### *1. Overlay of Survey plan and Structure maps*

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

#### *2. Settlement Executive Committee Meeting*

KISIP had formed a Settlement Executive Committee (SEC) during the planning and survey activity. This was found to be active. A meeting with the SEC sought to reach an agreement on

which roads had been covered in the infrastructure RAP, and where the road works contractor was operational. The pending sections were verified as areas along the roads Corner House, Britannia, Avocado, Bondeni and Mombasa Road.

### *3. Transect Walks*

In collaboration with the SEC, a systematic parcel by parcel transect walk was used to identify persons and structures affected. In each case, the nature of impact was noted and a list of structure owners developed for purposes of the socioeconomic and valuation (assessment).

As part of this exercise, photographs of the structures were taken. In all cases, a PAP was required to indicate the location of the beacons, where KISIP officers and the SEC indeed verified if the structures were indeed affected. Where beacons were missing (in a few cases), the previous location was indicated, and triangulation undertaken by surveyors to verify. At the end of the exercise, the SEC and KISIP team mobilised the PAPs for a PAPs meeting. In addition, a comprehensive list of the PAPs and asset affected (and its nature) was developed. This list served as the basis of the socioeconomic and valuation exercise, thus eliminating possibility of duplication.

#### **1.5.4 Socioeconomic survey**

Using the PAP list developed, each structure owner PAP was visited and a social economic questionnaire administered between 9<sup>th</sup> and 11<sup>th</sup> May 2018. The interview solicited quantitative information on demographic structure, livelihood, employment and income, housing details, household wellbeing and welfare, access to health and education facilities, waste disposal, community based support networks, fears/concerns over the proposed development, and suggestions for resolution (including preference for compensation), among other ARAP issues.

#### **1.5.5 Verification of PAPs, and Collecting their Concerns**

A meeting with all PAPs was held on 11<sup>th</sup> May 2018, in local Swahili Language. The messages revolved around structures and persons eligible for facilitation, use of facilitation for the intended purpose, procedures for movement including notice period, cut-off date etc. as Annex A shows.

#### **1.5.6 Assessment (valuation)**

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

#### *Asset Valuation methodology*

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

This exercise involved: -

- Determination of the affected asset i.e. assessment of the impact by assessing the location of asset in respect to the beacons.
- Carrying out a physical inspection of the properties under instruction by measuring and taking details of ownership, construction, accommodation and locational attributes.
- Writing a report on the subject properties detailing the determined values for compensation purposes and presenting the report and valuation as per professional requirements and more specific the general remarks concerning the subject properties.

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

Kenyan laws do not prescribe the valuation techniques that must be used in resettlement and compensation cases but in practice valuers use market value. The valuation technique used to measure market value should, however, be appropriate for the circumstances, and should be supported by availability of sufficient data.

#### **The World Bank and Choice of the Value Approach**

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

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

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

#### *Establishing Replacement Cost*

Building costs can be estimated in several ways, including:

1. The **square-foot method** (aka **comparison method**) takes the cost per square foot of a recently developed comparable property and multiplies it by the square footage, using the external dimensions of the structures of the subject property.

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

#### **Project Approach**

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

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

#### **Valuation of Loss of Structures**

Replacement cost was adopted for structure loss. This is the cost of constructing similar structures using local labourers and materials. The labour cost is adopted from costs provided from experienced workers within the settlement. They were then adjusted to suit the various common structures within the settlement.

#### **Other entitlements related to Assets, Shelter, Livelihood and Vulnerability**

These are as defined in the entitlement matrix (Table 7.1).

## **2. SOCIO-ECONOMIC AND PHYSICAL MAPPING OF HILL SCHOOL, CONVERSION OF SURVEY SYSTEM, AND PROCESSING OF LAND TENURE DOCUMENTS<sup>10</sup>**

### **2.1 INTRODUCTION**

Hill School was initially 50 acres, and was owned by one Mr. Kemboi Chepsit. He donated 10 acres to Hill school secondary and primary schools, and sold the remaining 40 acres to Wareng land group – a community land group formed in the early 1970s by individuals from neighbouring estates. The group had pooled up resources with an aim of purchasing land for its members. It then divided the 40 acres into ¼ acre plots for its members. Members who got plots were issued with allotment letters and certificate ownership documents. These ownership documents were used by the then Eldoret Municipal Council to levy land rates in the estate. The group later commissioned a private surveyor to prepare a survey plan for the settlement. The survey plan was prepared and approved in 1994 i.e. referred to as F/R No 249/35. From the approved survey plan, the economically well-to-do members of the group (i.e. 15 plots) have since acquired title deeds for their plots, while the majority did not. Some plots were later sold to second and even third party over the years.

### **2.2 CONTEXT FOR KISIP INTERVENTION IN HILL SCHOOL**

In 2012, the Kenya Informal Settlement Improvement Project (KISIP), based on a request by the County Government of Uasin Gishu, sought to update the Survey to metric system, and complete the processing of land tenure documents, majorly titles for the majority (poor), as well as undertake socio-economic mapping of the settlement.

KISIP had intervened in Maili Nne settlement also in the same County of Uasin Gishu, in Eldoret Municipality. Due to the low income level of the community members, the County Government of Uasin Gishu requested KISIP to also take on Hill School for completion of the titling process – although the settlement did not fully meet all the criteria under KISIP e.g. the land was not public land.

The settlement was informal given the low income capacity of its dwellers, lack of basic services and infrastructure, while only 15 of the 177 plots had titles, majority unable to process the crucial documents due to poverty.

In addition, the justification included the work to be undertaken in Hill School by KISIP's component 2 was not major given there would be no planning of the settlement but rather conversion of the survey from Cassini Grid System to Universal Transverse Mercator coordinate system (UTM). This would not therefore impact on land thus would not occasion any land acquisition.

### **2.3 LAND TITLING APPROACH IN HILL SCHOOL**

The land titling process was undertaken on behalf of KISIP by Centre for Urban and Regional Planning (CURP).

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

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<sup>10</sup> This chapter is based on the Planning and socio economic surveys undertaken by the then Planning and surveying Consultant – Centre for Urban and Regional Planning.

- The initial stage was the intensive reconnaissance survey conducted to determine the best methods of undertaking the socio-economic mapping and enumeration once the actual project work starts.
- Stage 2 but complementary to the process above was collection and analysis of all identifiable secondary data relating to the informal settlement (or its neighbourhood). This included reports compiled by various government departments and non-governmental organizations and other data such as census reports. Inventory of reference material on relevant planning policies and legal documents was a continuous process in which the consultants collected and perused through relevant documents.
- The third stage was the collection and analysis of primary data on the housing, household, environmental sanitation and socio-economic characteristics of the informal settlement. This included a field survey of the settlement which involved visiting the site, interviewing respondents, collecting physical and socio-economic data.

Present during these visits was the consultants' team, the client made of the KISIP secretariat, County Government officials and the local Settlement Executive Committee (SEC) as representatives of the people.

### **2.3.1 Socio-economic and Physical Mapping, Enumeration and Structure Numbering**

The settlement mapping exercise took place hand in hand with the enumeration process, and as such, all the households in the settlement were interviewed. This gave a 100% return rate thus eliminating the need for obtaining a representative sample.

In Hill School, 18 people were involved in conducting the survey comprising 6 Planning Officers, 6 Research Assistants, 3 GIS specialists and 3 SEC members. Additional supervisors supervised the questionnaire data collection. The consultant held a one-day training session for the research assistants and village elders (SEC members) at the office of the SEC. This was followed up by a practical lessons and questionnaire testing which enabled the consultants gauge the level of preparedness of the enumerators and effectiveness of the research instruments.

A questionnaire was administered to each household. This one-on one interaction provided the opportunity to deepen the level of community awareness. Interviewers asked individual community members to speak in depth about the history of the place and socio economic activities. The questionnaire was specifically tailored to collect both bio-data and household information from the residents. The bio-data would later to be used to update the list of beneficiaries for purposes of issuance of titles (as the parcels had changed hands over the years). The household data on the other hand would provide information towards the preparation of the socioeconomic reports and later inform the issuance of titles deeds.

The structured questionnaire covered key areas including socio-demographic characteristics, disability, chronic illness and health status of all household members, public facilities frequented and sufficiency of infrastructure, education levels, household income and expenditure etc.

However, this socio economic data is considered outdated and was not used for the purposes of preparing this ARAP.

The preparation for site mapping included aerial maps provided by the client, KISIP, and digitising these the physical features including structures and infrastructure like roads and water points. This map was used as the basis and guide during the on the ground mapping of the structures.

## 2.4 SURVEY PLAN PROVISIONS

This result of the enumeration (in conjunction with the survey previously prepared) showed the settlement has 155 plots and 177 beneficiaries, as per breakdown below.

Table 2-1: Breakdown of beneficiaries<sup>11</sup>

Plots Number	Male beneficiaries	Female beneficiaries	Institutions/Groups	Total beneficiaries
124 individually owned plots	88	36		124
9 Plots			8 Churches, 1 Self Help Group	9
22 Joint Ownership				
13 Plots (2 male beneficiaries each)	26			26
7 Plots (a male and female beneficiary each)	7	7		14
2 Plots (2 female beneficiaries each)		4		4
<b>Total</b>	<b>121</b>	<b>47</b>	<b>9</b>	<b>177</b>

The survey plan defines 9 and 6m roads within the settlement.

## 2.5 NEXT STEPS: SENSITISATION ON TITLE OWNERSHIP

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. This will also aim to ensure gender empowerment to build the capacity of women in the settlement to safeguard their rights to land. Beneficiaries who have not received their titles, and would like to jointly register the land in both names of the spouses will be encouraged and allowed to. It will also cover broader issues such as succession processes, as the public participation indicated a dearth of knowledge among the community on such matters.

<sup>11</sup> Includes the 15 plots that had titles already processed. 2 are owned by women.

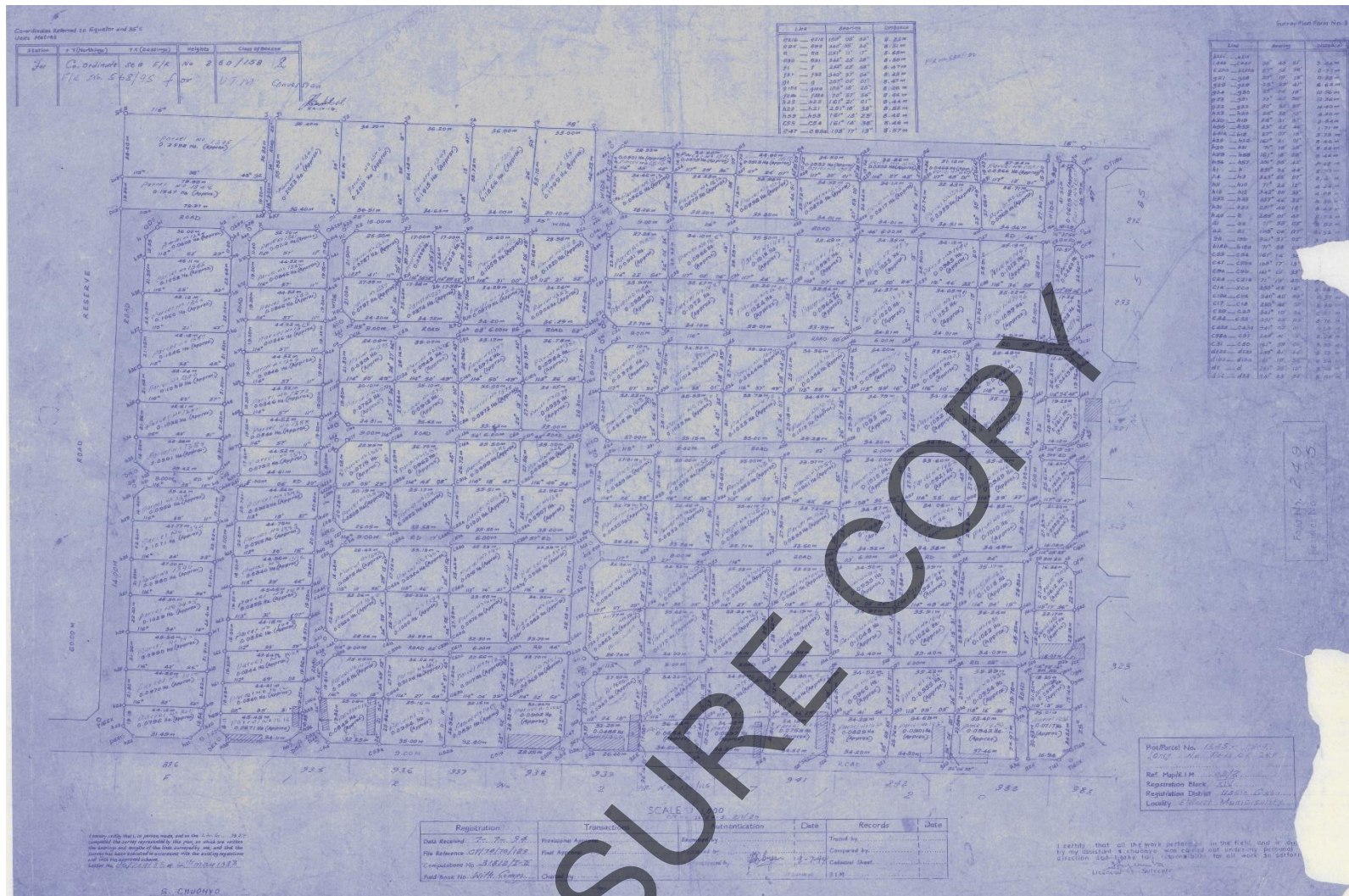


Figure 2-1 Survey Plan

### **3. POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK**

#### **3.1 INTRODUCTION**

This section of the ARAP considers the relevant Government of Kenya (GOK) legislation, as well as relevant international safeguards such as the World Bank Safeguard Policies that frame the approach towards impact on the Project Affected Persons. This is done to ensure that adequate mitigation measures are put in place to deal with the negative impact. Further, the relevant legal sections are spelt out to ensure that all project related activities are in conformity with the existing laws, and regulations, and international best practices. Where conflicts exist between the national framework and World Bank policies, Bank policy will prevail.

#### **3.2 POLICY FRAMEWORK**

##### **3.2.1 The National Housing Policy**

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

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

##### **3.2.2 National Land policy**

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

The policy provides overall framework for land administration and management guided by among others, the principles of gender equity and secure land rights. In section 3.6 on land issues requiring special intervention, land rights of women; and land rights in informal settlements and for informal activities are included. On gender and equity principles, the government purposes to:

- Protect the rights of women in issues of inheritance to land and land-based resources;
- Make provision for joint spousal registration and documentation of land rights, and for joint spousal consent to land disposals, applicable for all forms of tenure;

KISIP undertaking is geared to addressing the above mentioned requirements and in meeting the overall aims of the National Land Policy. One of the key components of KISIP is land tenure regularization.

### **3.3 LEGAL FRAMEWORK**

#### **3.3.1 Constitution of Kenya (2010)**

The Constitution of Kenya 2010 acts as the overarching legal framework for the ARAP.

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

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

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

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

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

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

#### **3.3.2 County Governments Act, 2012**

The Act provides the framework for plan implementation and development control. Every County government may prohibit and control the development and use of land and buildings in the interest of the proper and orderly development of its area.

It reiterates the role of the county government as to prohibit, control and regulate trade and trading activities within their jurisdiction.

### **3.3.3 The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012**

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

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

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

- Sections 21-22 provide the guiding principles in cases of displacement due to development projects:
  - Demonstrate that the displacement is unavoidable and no feasible alternatives exist;
  - Seek the free and informed consent of the affected persons;
  - Hold public hearings on the project planning;
  - Provision of safe, adequate and habitable sites and to the greatest practicable extent, of proper accommodation;
  - Creation of satisfactory conditions of safety, nutrition, health and hygiene and the protection of the family unity; and
  - Full participation of the affected persons in the planning, management of the displacement, and in defining suitable durable solutions;
- In as far as displacement is carried out in a manner that is respectful of the human rights of those affected, special attention has to be given to the special needs of women, children, elderly and persons with special needs especially their effective participation in the planning, management of the displacement, and in defining suitable durable solutions.
- During the displacement and relocation, a government official has to be present, and the monitoring undertaken by an independent body.

### **3.3.4 Valuers Act Cap 532**

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

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

### **3.3.5 Traffic Act Cap. 403**

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

### **3.3.6 The Land and Environment Court, 2011**

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

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

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

## **3.4 KISIP'S RESETTLEMENT POLICY FRAMEWORK**

The main purpose of the RPF is to guide resolution of any displacement anticipated from project activities. The RPF conforms to OP 4.12 of the World Bank and anchored in the policy and legal provisions of the Government of Kenya pertinent to Involuntary Resettlement namely; - The National Constitution, Sessional Paper No. 3 of 2009 on National Land Policy, Chapter 288 of the laws of Kenya among others.

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

- i. Provides for a policy, legal and institutional framework for responding to all displacement impacts occasioned by activities undertaken under KISIP. This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by:
  - Relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
  - The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.
- ii. Offers choices among, and identify technically and economically feasible resettlement alternatives; and,

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

### **3.5 WORLD BANK SAFEGUARDS POLICIES**

The most relevant include:

#### **3.5.1 Operational Policy (OP) 4.12 on Involuntary Resettlement.**

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

The most relevant paragraphs from the policy are listed below.

- OP. 4.12 (8) draws special attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.
- OP. 4.12 (12) requires payment of cash compensation for lost assets as well as livelihoods that are not land-based. Cash compensation levels should be sufficient to replace the lost assets at full replacement cost in local markets.
- OP. 4.12 (13a) requires that displaced persons and their communities, and any host communities are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement.
- OP. 4.12 (13a) requires that appropriate and accessible grievance mechanisms should be established for these groups.
- OP. 4.12 (6 a, b and c) dwells on compensation. These sub sections state that in case of physical relocation, displaced persons should be provided:
  - Prompt and effective compensation at full replacement costs for loss of assets;
  - Assistance (such as moving allowances) and residential housing or housing sites or as required, and other factors, at least equivalent to the advantages of the old site during relocation;
  - Support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard of living, development assistance in addition to compensation measures, credit facilities, training, or job opportunities.
- OP. 4.12 (14 - 16) dwell on eligibility for benefits:
  - 14 requires a census to identify the persons who will be affected by the project and to discourage inflow of people ineligible for assistance. The

project proponent is required to develop an entitlement matrix and criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. This procedure should provide for opportunity for meaningful consultations with affected persons and communities, local authorities, and, Non-Governmental Organizations (NGOs) where appropriate. They should also specify grievance mechanisms.

- 15 requires compensation of 3 groups of persons: those with formal legal rights to land (including customary and traditional rights), those without formal legal rights to land but have a claim to such land or assets-provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan, and those who have no recognizable legal right or claim to the land they are occupying.
- Persons with no recognizable legal right or claim are provided resettlement assistance in addition to compensation for lost assets other than land. All 3 groups are provided compensation for loss of assets other than land.
- 16 provides for the establishment of a cut-off date, meaning persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.
- OP. 4.12 (22) requires the relevant draft resettlement instrument be made publicly available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them.

These are provisions integrated into the development of this ARAP.

### **3.5.2 BP 17.50 – Public Disclosure**

For projects financed by the World Bank, relevant documents related to the project e.g. this ARAP have to be disclosed in-country in a public place in a form and language that are understandable and accessible to project-affected persons – provisions which will be followed in the case of this ARAP.

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### 3.6 COMPARISON BETWEEN KENYAN LEGAL PROVISIONS AND WORLD BANK SAFEGUARDS

Category of PAPs/ Type of Lost Assets	Kenyan Law	World Bank OP 4.12	Gap filling Measures
<b>Qualification for compensation</b>			
Land Squatters (i.e. those who have no recognizable legal right or claim to the land that they are occupying)	The constitution recognizes ‘occupants of land even if they do not have titles’ and payment made in good faith to those occupants of land. However, this does not include those who illegally acquired land.	Must be compensated for any improvement on the land whatever the legal recognition of their occupancy, and considered for resettlement	WB OP. 4.12 prevails.
<b>Compensation Type and Timing</b>			
Preferred value approach	Just and Fair compensation is not explicitly defined but in practice considered as market value.	Replacement Cost approach is used.	WB OP. 4.12 prevails
Livelihood restoration and development assistance	Not specific on livelihood restoration.	Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better.  Offer support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore livelihoods and standards of living (for ex. land preparation, jobs, credit facilities)	WB OP. 4.12 prevails
Timing of compensation payments	The Land Act provides for prompt, just compensation before occupation	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	Follow the principles of OP. 4.12
Relocation /resettlement assistance	The Land Act does not out rightly stipulate assistance for relocation	Avoid or minimize involuntary resettlement and, where this is not feasible, moving and rental allowances provided for.	WB OP 4.12 takes precedence
<b>Consultation And Grievances</b>			
Consultation and disclosure	The Land Act outlines procedures for consultation with affected population by the NLC and grievance management procedures. The IDP Act internalizes high value safeguards techniques such as the application of a free, prior and informed consent process that emphasizes	Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining	Implement consultation procedures as outlined in both Kenyan legislation and World Bank.

Category of PAPs/ Type of Lost Assets	Kenyan Law	World Bank OP 4.12	Gap filling Measures
	the quality and meaningfulness of affected community participation including the impact that views obtained during consultations have on the final decision.	eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.	
<b>Disclosure</b>			
Disclosure of ARAP	Public participation and access to information is entrenched in the constitution. However, no outright clause requiring e.g. ARAPs be made publically available.	WB OP requires the draft resettlement instrument to be made available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them.	WB OP 4.12 takes precedence
Grievance mechanism and dispute resolution	Land Act 2012 clearly outlines the steps and process for grievance redress that includes alternative dispute resolution, re-negotiation with NLC and is backed by the judicial system through the Environmental and Land Court	Establish appropriate and accessible grievance mechanisms	Both are applicable as project needs to establish own grievance mechanisms and those affected still have the right to a judicial process, if they choose to.

In case of conflict between the Kenya n policies and Laws and the World Bank OP 4.12, the provisions of OP 4.12 will prevail.

#### **4. COMMUNITY AND PUBLIC PARTICIPATION**

Access to a free, transparent, authentic, unbiased, timely and informative public consultation and participation process is a fundamental principle and component of the RAP preparation and implementation process. It is also a constitutional right and a requirement of the World Bank Policy that contributes to the successful design, implementation, operation and management of any project. The main objective of an engagement process is to ensure inclusivity of all the parties (stakeholders, PAPs, interested parties), but also ensuring the proposals within the ARAP have the input of the concerned parties. Therefore, this exercise disseminates information to interested and affected parties (stakeholders), solicits their views and consults on sensitive issues, in order to add value to the ARAP design considerations, and to give those affected an opportunity to influence decisions which will impact on their lives.

In Hill School, this involvement process involved consultations with relevant project-affected persons and concerned government authorities in documenting their concerns, assessing potential impacts, and exploring avoidance/mitigation options.

##### **4.1 OBJECTIVES OF PUBLIC CONSULTATION AND PARTICIPATION**

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

1. To provide clear, timely and accurate information about the ongoing project to the communities; this was key to bring the community update on the progress of the project as well as the next steps to be undertaken given time had elapsed since the survey conversion;
2. To obtain feedback (the main concerns and perceptions) of the population and their representatives regarding the project; this included impacts, alternatives, and opportunities;
3. To identify the owners of the affected assets/property;
4. To obtain opinions and suggestions directly from the affected communities on their preferred mitigation measures; this included ensuring their concerns and priorities were understood and act as input into the decision making process and inform the solutions.
5. To solicit feedback that can lead to improve project design (at least for other incomplete titling processes within settlements in KISIP) and, thereby, minimize conflicts and delays in implementation;
6. To reduce conflict through the early identification of contentious issues;

##### **4.2 PROJECT STAKEHOLDERS AND CONSULTATION APPROACH AND METHODS**

Here, project stakeholders are defined as individuals, groups, or organizations, who may affect, be affected by, or perceive itself to be affected by a decision, activity, or outcome resulting from the planning and surveying activities in Hill School. Identification and analysis of stakeholders formed the basis for planning and designing of stakeholder engagement activities. The stakeholders were identified on the basis of:

- Their interest in the project: Found in area to be affected (directly or indirectly), have right of livelihood to the affected assets etc.
- Have mandate over various issues related to the project and general matters that link to the project e.g. County government planning department.

- Their power and measure of influence over the project and its outcomes e.g. County Government.
- Those that are considered vulnerable within the project area, e.g. women, youth, elderly, low income earners, people living with disabilities. This group was identified as special stakeholder groups, their needs and considerations should be prioritized due to vulnerability.

The approach was based on five key principles:

- **Inform** - information dissemination on project progress, and next steps towards the completion of the titling process.
- **Involve** - all relevant stakeholders involved in so as to provide a platform to understand and prioritize their concerns.
- **Consult** - a process that solicited stakeholders' feedback about aspects of the project including analysis of impacts and mitigation.
- **Collaborate** - to enhance consensus building as collaboration brings the stakeholders together, creating opportunities, sharing agreements/disagreements and understandings. Specifically, with the County government of Uasin Gishu, this involved agreements on the way forward towards swift completion of the ARAP process and titling of the pending sections of the settlement.
- **Empower** - integrating stakeholders into governance structures, committees of the project. To give them first-hand information on and enhancing opportunities to participate in crucial decision making, this principle is expected to be followed up on later stages of the project e.g. through strengthening of the grievance redress committees.

#### 4.3 PUBLIC INFORMATION AND CONSULTATION METHODOLOGY

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

A total of 4 meetings were held concerning Hill School ARAP, including 2 meetings with the County Government, one meeting with the SEC and one meeting with the Project Affected Persons. Table 4.1 below summarizes the details including issues discussed and agreements reached.

The invitations to the community were largely through the SEC, and individually during the socio-economic and valuation exercise.

Table 4-1 Details of meetings and agreements reached

Date	Category of Stakeholder	No. Of Participants		Issues Discussed	Key Agreements Reached
		Male	Female		
7 <sup>th</sup> May/ 11 <sup>th</sup> May 2018	<ul style="list-style-type: none"> <li>County Government of Uasin Gishu, Ministry of Land and Physical Planning</li> <li>County KISIP</li> <li>KISIP National</li> </ul>	7	8	<ul style="list-style-type: none"> <li>Purpose of visit to Uasin Gishu Settlements</li> <li>RAP process</li> <li>Status update on the settlement and RAP exercise</li> </ul>	<ul style="list-style-type: none"> <li>Need for an Exit meeting</li> <li>Provision of County Staff for RAP exercise</li> <li>Fast tracking of ARAP preparation process</li> </ul>
7 <sup>th</sup> May 2018	<ul style="list-style-type: none"> <li>Settlement Executive Committee (SEC)</li> <li>County KISIP</li> <li>KISIP National</li> </ul>	11	7	<ul style="list-style-type: none"> <li>Update on Titling in Hill School</li> <li>Status update on the settlement by SEC, including beacons and those who have processed titles on their own.</li> <li>RAP process</li> <li>Identification of PAPs</li> </ul>	<ul style="list-style-type: none"> <li>Joint identification of PAP</li> <li>Roads not under infrastructure contractor thus eligible for RAP under Component 2</li> </ul>
11 <sup>th</sup> February 2018	<ul style="list-style-type: none"> <li>Project Affected Persons</li> <li>County KISIP</li> <li>KISIP National</li> </ul>	25	38	<ul style="list-style-type: none"> <li>Update on Titling in Hill School</li> <li>Eligibility for facilitation, and Procedures for movement including notice period</li> <li>Cut- off date established as 8<sup>th</sup> May 2018</li> <li>Community concerns on titling and RAP process.</li> </ul>	<ul style="list-style-type: none"> <li>No person would be required or forced to move until a timely and substantial notice period is given to allow relocation</li> <li>Expiry of notice period will allow county to demolish property still located on road reserves.</li> </ul>

#### 4.4 PUBLIC CONSULTATION FINDINGS AND CONCERNS

The summary views of the community members and institutional stakeholders consulted are presented in the table below. These views were documented and have been considered in the preparation of this ARAP.

Table 4-2 Concerns from consultations

Question/Comment	Response
There is need to differentiate owners of plots and those putting up business sheds on the road. He added that plot owners have no issue and that the people on the road should not stop titles.	There are also house owners on the road thus owners of business sheds should not be victimised.
When will the county come to demolish the structures?	There is a process. First compensation will be given, then notice to move issued. Only after will the county do enforcement – after expiration of the notice period.
Some members were deceased	In such cases, let people produce the death certificates and through the SEC present the

	documents to county to enable letters be written to KISIP to enable change of names before titles are produced. If the deceased has children, all are written on the titles. If Spouse is left, the name is changed to spouse. Once a title is processed, change can only be through succession process.
Who will receive the notice?	All PAPs will receive notice. But for tenants, the owners of the structures will be required to serve notice to their tenants.
How long will the notice be?	This will be between 1-3 months (The PAPs then requested 3 months as some have tenants who will need to find alternative space)
Some structures are built on land without consent. How will this be addressed?	(The case was verified as some kiosk owners who put up structures on the road) After compensation, these will be required to be cleared. After lapse of notice period, County will do development control. It is also the responsibility of the community to alert the County when the roads are encroached into.
My business structure was left out? Can I be considered?	This will be verified after the meeting.

In addition, the community showed gratitude for the project, noting that despite the delays in the titling process, they were happy that KISIP would see the process to the end, as titles would ensure the rise in land value and trigger investments. The idea of facilitation to move was also welcomed, one community member noting that some people are very poor thus need assistance to relocate structures.

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## 5. IMPACTS

Given that the ultimate goal of an ARAP is to enable those displaced and affected by a project to improve their standard of living, the first task in planning resettlement is to therefore to identify a project's adverse impacts, as well as all the populations that will be affected. In the case of KISIP, the RPF anticipated displacement impacts to be small in scale, and occasioned by activities as follows; -

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

These will affect broad and different categories of PAP/I/G:

- Individuals/Institutions/Groups who may be denied, restricted from, lose part of, or the whole structure used for various purposes such as a dwelling unit, latrines, rental units, as well as income sources, or means of livelihood. Here these can further be classified as vulnerable as defined by the RPF and including the elderly,
- Business owners who may lose business premises, clients and associated income due to temporary or permanent relocation,

In Hill School, KISIP activities towards processing title deeds and reclamation of road wayleaves carries both benefits and negative ramifications for the population.

### 5.1 TENURE REGULARISATION BENEFITS

- Improved tenure security: The beneficiaries will now fully own the land on which they live. Out of 155 plots, only 15 had processed titles. The majority 140 plots will receive their titles concurrent with the implementation of this ARAP.
- Improved land value: Possession of titles deeds coupled with the close proximity to Uasin Gishu Town will increase the value of land in the settlement.
- Improvement in infrastructure: Although KISIP has undertaken some infrastructural works in Hill School, the clearance of road wayleaves (which have provided space for roads, drainage) may trigger additional infrastructure been undertaken by national or county governments, or any other development partner.
- Improved Housing and Development: This project is designed on the premise that people will be more inclined to build durable structures and take better care of their environments if they have secure tenure rights. Processing title deeds for the community may thus trigger se
- Enhancing women participation in land rights: The project advocates for increased women participation in land rights, increased women ownership of land, individually or through co-ownership, as well as in decision making at household level e.g. having a say in the use of compensation money and entitlements. Out of the 47 women owners, 45 will receive their titles through KISIP.<sup>12</sup>

### 5.2 NEGATIVE IMPACTS

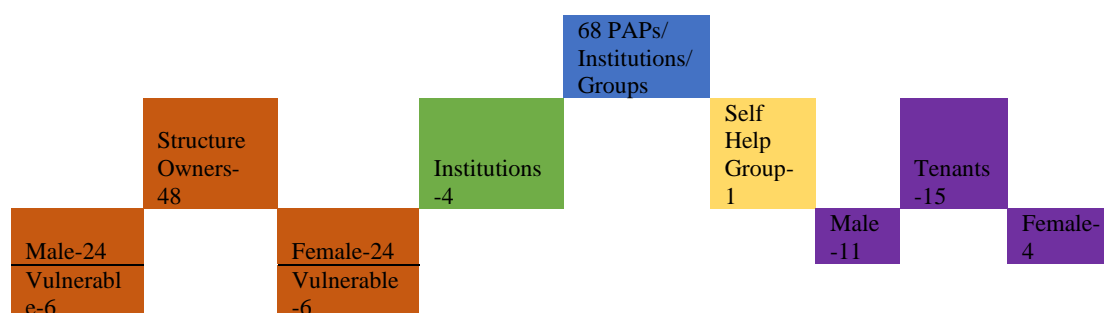
Road wayleave reclamation affected 68 Project Affected Persons/Institutions/Groups (PAPs/I/G), of which 48 are structure owners, 15 tenants, 4 Institutions (churches) and

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<sup>12</sup> The other 2 had already processed their titles.

1 Self Help Group, with further breakdown given in table below. Of these, 12 are vulnerable.

Table 5-1 Cause of Impact



The impacts include:

### 5.2.1 Loss of structures

36 structures were fully affected, and 7 were partially affected. The main structures affected were business sheds/kiosks, accounting for 37%. 9 main houses are also affected as per table below.

Table 5-2 Structures affected

Type Of Structure	Full	Partial	Total	Percentage
House	2	7	9	14%
Pit Latrine	8	2	10	15%
Fence	1	9	10	15%
Shed/Kiosk	17	7	24	37%
Gate	3		3	5%
Fence	3	4	7	11%
Well	1		1	2%
Poultry cage	2		2	3%
Kennel	1		1	2%
<b>Total</b>	<b>36</b>	<b>29</b>	<b>65</b>	<b>100%</b>

All of the affected structures (apart from 7) are made of timber off cuts walls and/or Galvanised Corrugated Iron sheets roofing and walls. The remaining 7 are made of stone walls. Similarly, only 15 structures had a cement screed floor, with the rest having earthen or wooden floors.

The impact on all structures was due to settlement without regard to road wayleaves.

### 5.2.2 Impact on Livelihoods

33 PAPs/Is will lose livelihood:

- 28, will lose business income due to impact on groceries, butcheries, salons, bars, retail shops selling charcoal, household goods, and small consumables e.g. mandazis, samosas, chips/French fries businesses .
- 5 of the PAPs/Is (including a church) will lose rental income.

### 5.2.3 Loss of Shelter

15 Tenants and 3 structure owner PAPs will lose shelter and will have to seek alternative accommodation permanently or temporarily while the affected houses are under repair.

### 5.2.4 Increased vulnerability

The Loss of structures and livelihoods is specifically going to have more impact on Vulnerable PAPs, thus the need for them to be cushioned against impacts and losses. The survey showed that 12 Structure owner PAPs are vulnerable, of which 6 male PAPs are elderly and 6 women are household heads as per table 5.3.

Table 5-3- Vulnerability categories

Category of Vulnerability	Male	Female
Elderly	6	0
Female Household heads		6
<b>Total</b>	<b>6</b>	<b>6</b>

### 5.2.5 Summary of Losses

Table 5-4 Summary of losses

Type of PAP	Loss of assets/structures	Loss of Livelihood	Vulnerability
Structure owner PAP	48	26	12
Institutions	4	1	
Self Help Group	1	1	
Sub total	53		

Some PAPs experienced multiple impacts i.e. loss of structures and/or loss of livelihoods, and/or increased vulnerability.

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## 6. SOCIO-ECONOMIC BASELINE

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

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

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

A 78% i.e. 53 out of the 68 affected persons/institutions/groups<sup>13</sup> socioeconomic survey was undertaken between 9<sup>th</sup> and 11<sup>th</sup> May 2018. This was by the KISIP social safeguards and planning and survey team, County Government of Uasin Gishu, in collaboration with the Settlement Executive Committee. The survey covered social economic attributes of structure owners and included an array of topics – demographic data, livelihood, housing, welfare, community based support networks, health, religion and education, waste disposal as well as concerns/fears about the project. The survey was also specific on data pertaining the structure owner PAP. The PAP or his/her representative was required to sign the questionnaire and a SEC member countersigned as a measure of verification. The findings are detailed in the sections that follows.

### 6.1 NUMBER OF PROJECT AFFECTED PERSONS (PAPS)

The reclamation of road wayleaves affects a total of 68 Project Affected Persons/Institutions/Groups (PAPs/I/G), of which 48 are structure owners, 15 tenants, 4 Institutions (churches) and 1 Self Help Group.

### 6.2 PAPS DEMOGRAPHIC CHARACTERISTICS

#### 6.2.1 Age, Gender and Marital Status

56% of the PAPs are male, compared to women at 44%. As Figure 6.1 below shows, a substantial number of them are between ages 36 to 64, while elderly PAPs constitute 12%. The average age is 45.

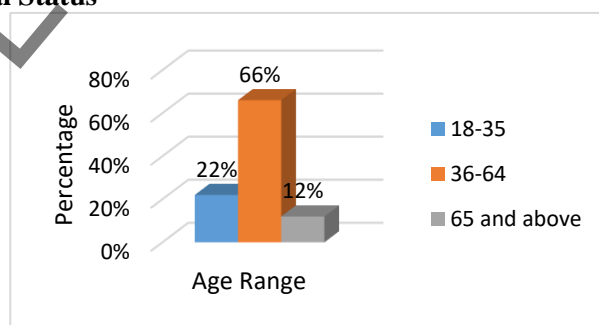


Figure 6-1 Age ranges for structure owner PAPs

<sup>13</sup> Only some tenants were not captured due to unavailability despite repeat attempts to reach them, including leaving questionnaires overnight with the SEC to attempt to reach them at night after work.

The affected structure owner PAPs fall within three categories; married to a single wife/husband (64%) (being the majority), widowed or single (21%) and those in a polygamous marriage (14%). Given that majority of the single are women, this is considered as indicative of high vulnerability. Only 2 women PAPs are in a polygamous marriage.

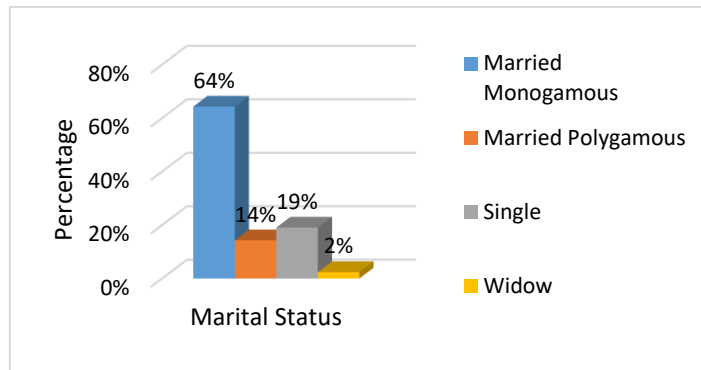


Figure 6-2 Marital status of PAPs

### 6.2.2 Education

All PAPs have some form of education, with at least 45% and 43% having attained primary and secondary school respectively. Post-secondary school is low, represented by only by 12%.

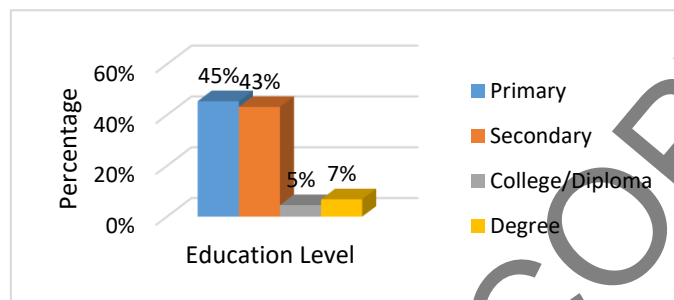


Figure 6-3 Education status of PAP

### 6.2.3 Vulnerability

According to the RPF, people considered vulnerable need be inventoried during the socio-economic baseline survey, to ensure provision of soft landings in the compensation process. Such groups should include the elderly (above 65 years), widowed and/or female heads. In Hill School, 12 PAPs fall under this category.

Table 6-1 Vulnerability categories and numbers

Category of Vulnerability	Male	Female
Elderly	6	0
Female Household heads		6
<b>Total</b>	<b>6</b>	<b>6</b>

### 6.2.4 Occupation and Employment Status of Head

The employment and occupation status data shows that at least 65% of the structure owner PAPs are engaged in businesses – data supported by the fact that a substantial number of the affected structures relate to small businesses.

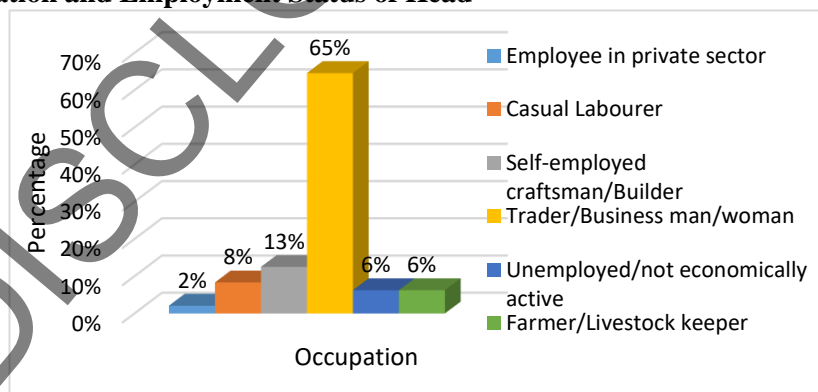


Figure 6-4 Employment status

13% are self-employed craftsmen. A smaller percentage at 6% each are farmers/livestock keepers and unemployed respectively.

### 6.3 OTHER HOUSEHOLD MEMBERS CHARACTERISTICS

This section details the demographic characteristics of the other household members.

#### 6.3.1 Relationship to (structure owner) PAP

Figure 6.5 below shows that majority (72%) of the other members are children to the structure owner PAP. 15% are spouses/partners.

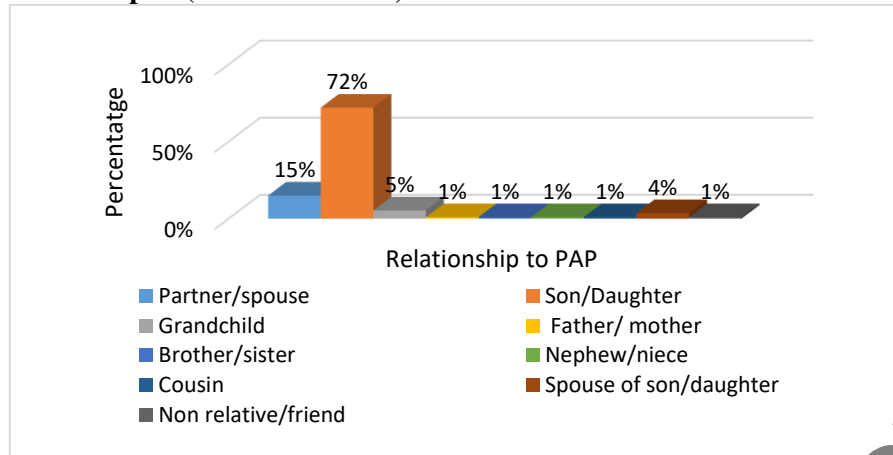


Figure 6-5 Relation to structure owner PAP

#### 6.3.2 Age and Gender

An almost equal share of male (49%) and female (51%) constitutes the other household members.

Almost half (47%) are below the age of 18, thus dependents.

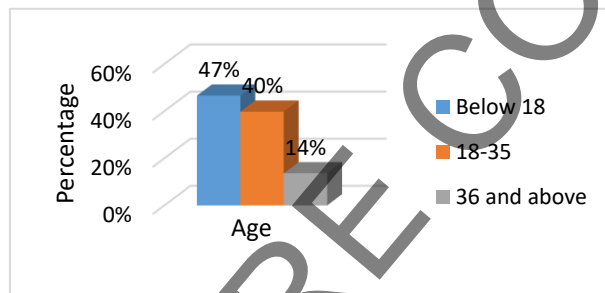


Figure 6-6 Age

#### 6.3.3 Highest Level of Education

33% of the other members have attained or are in secondary school, while 40% are in or have completed primary school. 16% are too young to be in school.

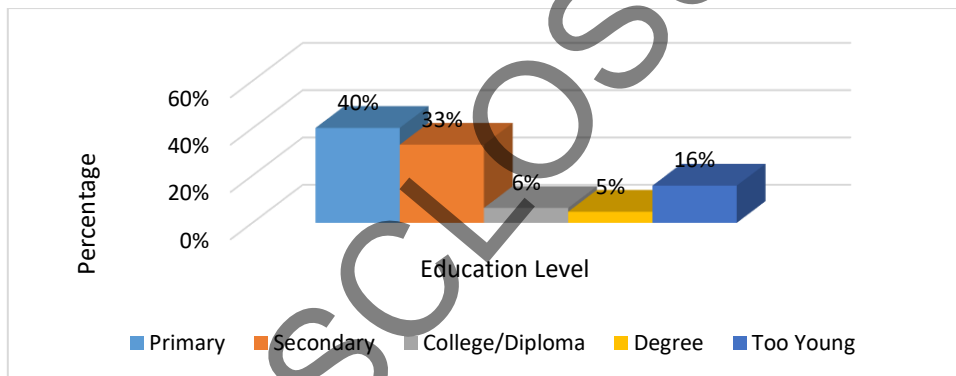


Figure 6-7 Highest level of education for other members

## 6.4 EMPLOYMENT, INCOME AND LIVELIHOODS

At 54%, Business/trading is the main source of livelihood for over half of the structure owner PAPs. This includes a variety of activities such as running groceries, pub/bar, *bodaboda*, salons, video kiosk, sale of charcoal and a host of other consumables such as mandazis, chips/French fries etc. Two PAPs each are employed by the government or in a private sector job.

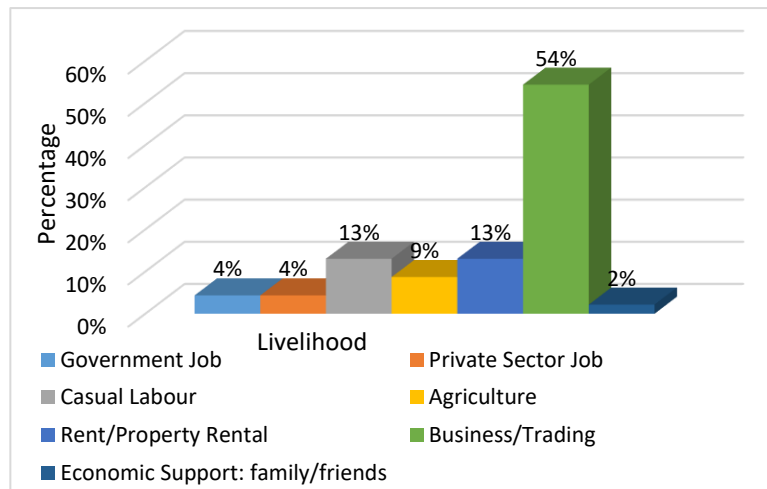


Figure 6-8 Main source of income/livelihood

51% of the structure owner PAPs indicated a secondary source of livelihood and income. This was largely business/trading - showing that even those reliant on others sources for primary income still supplement this through business/trading.

The average income is 13,090 Ksh per month, in line with the types of jobs described above.

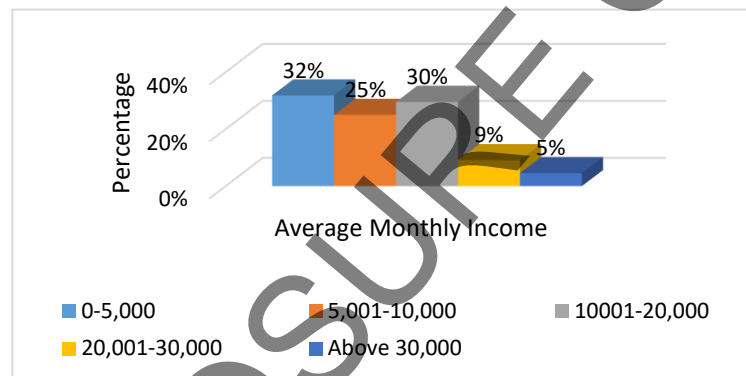


Figure 6-9 Average PAP Income per month

57% earn 10,000 or less per month, while 87% make 20,000 Ksh or less in month – indicating an economically stressed population.

Only 11% of the PAPs indicated a second household member who also brings in some income every month.

Food accounts for the most common expenditure for these PAPs, followed by Education and health. The term others here include items like clothing.

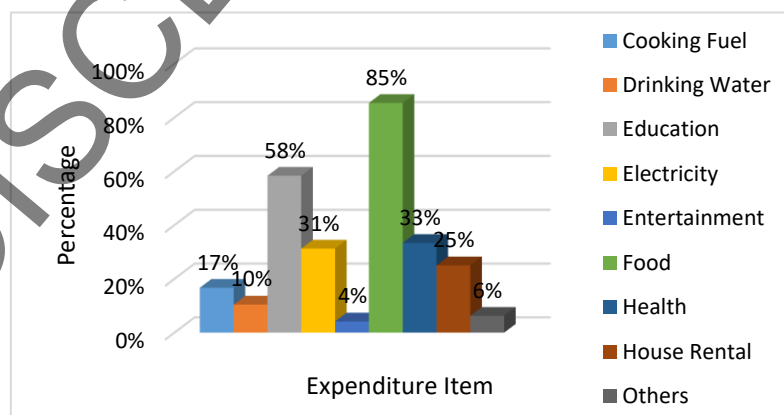


Figure 6-10 Expenditure

### 6.5 HOUSING

95% of the affected persons live in an iron sheet roofed house, and floors largely made of cement screed (71%) or Earth (22%). The walls are however, more varied i.e. Earth/mud at 28%, Wooden 20%, Iron sheets 22%, Bricks/Blocks 15%, Stone and Plastered each at 7%, and the rest using cemented earth walls.

### 6.6 WELFARE INDICATORS

62% of the PAPs rely on Kenya Power and Lighting Company (KPLC) provided electricity for lighting with a substantial 16% reliant on generators.

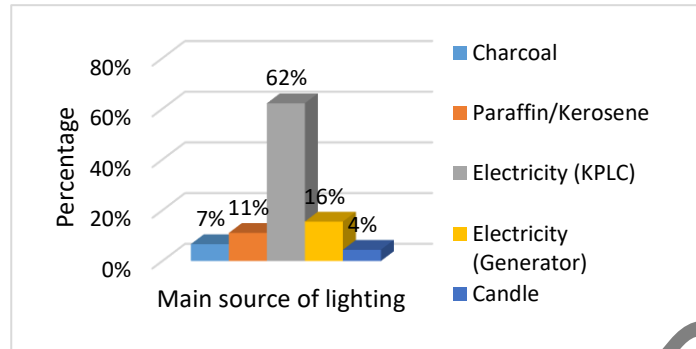


Figure 6-11 Main source of lighting

However, such gains are restricted to lighting, with 94% still relying on charcoal/firewood for cooking. Paraffin/Kerosene and Gas (LPG) are in use by 5% and 2% respectively.

Structure owner PAPs use a variety of water sources with boreholes (at home), taps/piped water and shallow wells been the main sources for domestic purposes.

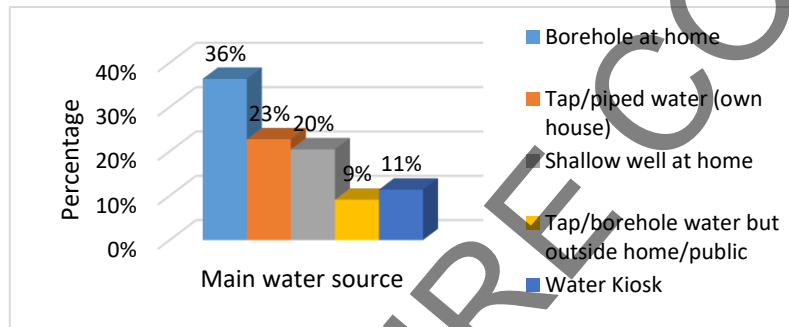


Figure 6-12 Main source of water

The average monthly cost is Ksh 1450.

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

In terms of medical attention, 93% of the project affected persons visit a hospital run by the County government and located within the sub county (but outside the settlement). 23% however seek medical attention in clinics located within the settlement.

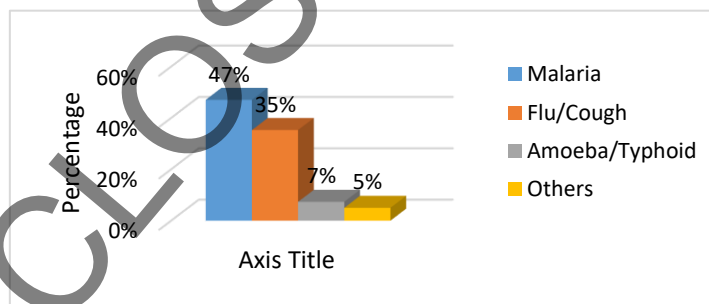


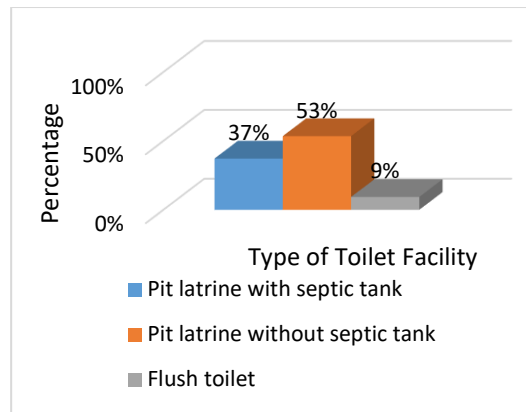
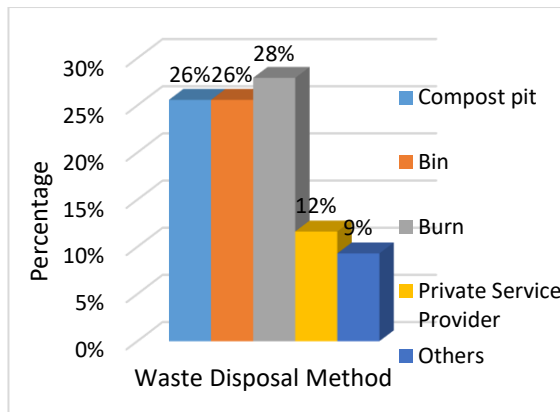
Figure 6-13 Most Common ailment

The common illnesses are Malaria and Flu.

The nearest public primary school is within the settlement.

### 6.8 WASTE DISPOSAL

1. Proper waste disposal is essential for household and public health. 28% indicated they directly burn the waste – in outright contravention of solid waste management regulations. The term others here refers to burying in the ground, throwing along the road / field or disposal in a designated garbage dumpsite.



*Figure 6-14 Solid waste disposal methods*      *Figure 6-15 Toilet/latrine ownership status*  
 90% of the PAPs use a pit latrine to dispose human waste, with 44% indicating the facility is communally owned or public with no cost implications.

### 6.9 COMMUNITY BASED SUPPORT NETWORKS

Community Based networks are crucial support systems socially as well as for economic reasons. At least 33% of the PAPs members of some form of community based association or organisation. Among these, 50% are members of a women group, while the rest are members of a Savings and Credit Co-Operative (SACCO), Church, youth group. The range of benefits accrued from these forms of organisation range from social support, to financial i.e. source of savings (e.g. through merry go round), investment e.g. buying land for members, source of credit facilities to spiritual support.

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## **7. MITIGATION AND COMPENSATION**

The World Bank Operational Policy 4.12 on involuntary resettlement specifically offers a more comprehensive eligibility criterion for compensation, and for determining assets value. Op 4.12, and the Resettlement Policy Framework (which is OP 4.12 compliant) have therefore been applied in defining the mitigation and compensation measures as they offer a comparatively higher standard than national laws. This requires facilitation for lost assets at replacement cost for all PAPs. Further, the principles (under section 7.2) adopted herein contain additional measures and assistance for vulnerable affected persons.

All PAPs are therefore entitled to a combination of compensation measures and resettlement assistance, depending on the nature and scope of impact. From the census carried out, the following categories of PAPs are entitled to facilitation:

- a. Structure owners who will lose part or the whole of their structures.
- b. Vulnerable PAPs within the settlement (i.e. elderly, widows, female heads) as identified by the census will be provided with appropriate assistance by the project.
- c. PAPs who will lose their income.
- d. Tenants losing shelter

### **7.1 PRINCIPLES TO GUIDE PAYMENT OF FACILITATION FOR LOST ASSETS**

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

- Compensation/facilitation shall be paid prior to impact.
- Compensation shall be extended to all PAPs irrespective of tenure status; in this case, the tenure status is not a consideration for entitlements and all PAPs receive facilitation in line with KISIP's RPF.
- Compensation will be at replacement cost meaning that replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs;
- Compensation for structures shall include the full cost of materials and labour required for reconstructing a building of similar surface and standing. In other words, the affected person must be able to have their structure rebuilt in a different location using the compensation paid for the old building. Depreciation will not be taken into account while calculating the cost of affected structures.

### **7.2 CONDITIONS OF ELIGIBILITY FOR COMPENSATION**

#### **7.2.1 Cut-off Date**

The practical Cut-off Date for implementation of the ARAP is the date at which the census of affected people and affected assets commenced, that is 8<sup>th</sup> May 2018. This date serves as the cut-off date for eligibility and no new arrivals or assets established after this date in the project area will be eligible for compensation. All stakeholders including PAPs have been sensitised of the cut-off date and its implications during the meetings held on 11<sup>th</sup> May 2018.

#### **7.2.2 Eligibility**

All Project Affected Persons/Institutions/Groups and assets, including main houses, latrines, fences etc., which were enumerated and surveyed in the Project-Affected Area by the Cut-Off date are eligible for compensation. Any persons entering the project area after the cut-off date will not be eligible for compensation.

### 7.2.3 Facilitation of Vulnerable groups

In addition to the above entitlements, PAPs who are vulnerable and at a greater risk of impoverishment including but not limited to the elderly as identified in the census will be given additional assistance to enable them cope with the displacement caused by the project.

This includes a number of measures:

- Additional cash support month for the first three months for all vulnerable in line with RFP.
- KISIP will forward names of the Elderly PAPs (through the County government of Uasin Gishu Ministry of Gender, Social Services and Sports) to programmes such as the unconditional cash transfer programmes that include *Inua Jamii* 70 years and above, and the Older Persons Cash transfers (OPCT) programmes.
- Engagement of the SEC in assisting the Elderly vulnerable persons (on a case by case basis) relocate or organise for rebuilding of structures, and movement. Co supervision, verification and quality control in such cases to be done by KISIP RIC. The cases will be identified during verification of the asset register and in such cases the SEC in consultation with the PAP will assist source for artisans to rebuild the structures and ensure these have built the structures before the PAP facilitates the artisans for work undertaken.

### 7.3 ENTITLEMENT MATRIX

Table 7-1 Entitlement Matrix

NO	TYPE OF LOSS	PAP CATEGORY	ENTITLEMENTS
<b>A. Loss of structures<sup>14</sup></b>			
1.	Partial loss but residual viable	Encroachers	<ul style="list-style-type: none"> <li>• Cash compensation at replacement cost without depreciation for the affected area</li> <li>• Repair costs for the remaining section</li> <li>• Right to salvage material</li> </ul>
2.	Fully affected/part affected and remaining structure is non-viable	Encroachers	<ul style="list-style-type: none"> <li>• Cash compensation at replacement cost without depreciation</li> <li>• Right to salvage materials.</li> </ul>
<b>B. Loss of Shelter</b>			
		Tenants	<ul style="list-style-type: none"> <li>• Housing allowance for two-month equivalent rental value</li> <li>• A onetime shifting allowance of ksh 5000.</li> </ul>
<b>C. Loss of Income</b>			
	Loss of rental income		• Subsistence allowance equivalent to 2 months rental income
	Loss of income from business		• Cash grant equivalent to one week average income
<b>D. Support to vulnerable groups (Elderly, widowed, female heads etc.)</b>			

<sup>14</sup> KISIP considers this settlement as ‘squatters’ as compensation is being offered in retrospect and as at time of KISIP entry they did not have titles. The titles that some hold were facilitated by KISIP thus the settlement does not qualify for owners with/without titles part of the entitlement matrix.

	<ul style="list-style-type: none"><li>• Additional cash support of Kshs 2000/month for the first three months.</li><li>• Assistance on a case by case basis in rebuilding and movement of structures.</li><li>• KISIP will forward names for enlisting in other programmes run by the county and/or national government, such as the unconditional cash transfer programme 'Inua Jamii 70 years and above cash transfer programme' administered by the national government's Ministry of Labour and Social Protection.</li></ul>
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## 8. GRIEVANCE REDRESS MECHANISM

### 8.1 RATIONALE AND PURPOSE OF GRIEVANCE REDRESS MECHANISM

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

- **Formalized:** the mechanism needs to be formally established and well known, and not ad hoc. It needs rules for addressing grievances, holds regular meetings/deliberations on specific and well known days to discuss the issues and document these through minutes.
- **Simple and easily accessible to the PAPs:** the procedures and mechanisms have to be easily understandable, and within the reach of the PAPs.
- **Fair:** all complaints have to be handled objectively, and the various committees' member should act independent of any external influence to ensure decisions are acceptable to all. The grievance redress mechanism should aim to ensure concerned parties can air their views and complaints without fear of reprimand.
- **Cost free:** PAPs should not incur costs to access project set mechanisms for lodging and addressing complaints
- **Timely and Efficient:** Resolutions should be reached in the soonest time possible to ensure these do not lead to lengthy suits that are time wasting. It is thus advisable that lengthy administrative and legal procedures should be avoided and should be retained as a last resort option.
- **Effective:** decisions reached should be decisive, clear and where applicable, corrective.
- **Participatory:** Should be open for all affected aggrieved parties, thus reaching a wide range of affected actors including the vulnerable

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

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

- Valuation and resultant compensation is perceived as unfair and/or discriminatory, thus rejected by the PAP i.e. contested valuation of assets and land;
- Errors are committed in recording of PAPs details concerning property and valuation;
- The PAPs names, their assets or even community owned assets are omitted from the list of PAPs;
- Ownership of valued assets/property is contested or disputed;
- Title documents issued have errors e.g. wrong or misspelt names, incorrect ID Numbers

- Family disagreements or complications arising due lack of clarity of whom is to transact on behalf of the family;
- Disagreements on modes of payment e.g. whether cash or in kind; and
- Changes in estate administration of affected properties causing delays.

## 8.2 GRIEVANCE STRUCTURE

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

### 8.2.1 Settlement Grievance Redress Committee

The first and preferably the final level in addressing grievances will be at the settlement. With support and guidance from KISIP PCT and RIC, and KISIP county office, the settlement has an established Settlement Grievance Redress Committee (SGRC) comprising of two members from SEC, and three other respected community members who are not PAPs. However, this committee membership will be verified at RAP implementation to ensure PAPs are represented. The committee members will be enjoined by the area chief and/or ward administrator.

### 8.2.2 RAP Implementation Committee

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

From KISIP National PCT

- Component 1,2 and 3 Heads
- Environmental and social safeguard specialist
- Community Development specialist
- 3 members from Component 2 - Surveyor, land administrator and valuer
- Engineer
- KISIP Finance Officer

From the County

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

The members of parliament and members of the County Assembly (MCAs) may be co-opted as ex-officio members.

Uasin Gishu County Government will provide the secretariat for the committee.

### 8.2.3 Law Courts

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

### 8.3 GRIEVANCE PROCEDURES

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

- 1. Uptake or Lodging a Complain:** The secretary of the Settlement Grievance Redress Committee (SGRC) is responsible for receiving, referencing, registering, and filing all grievances. He will listen to the complainant and where necessary (e.g. if complainant does not speak or write English) assist in filling the grievance form. Both the complainant and secretary will sign the form, after the complainant verifies the accuracy. Ideally, a grievance should be lodged orally or in written form and in the language they are comfortable in. The secretary then translates this into an English form. The secretary then logs the grievance into the grievance log or register, detailing date complaint was lodged, complainant, nature of complaint, and in later stages action taken, or not taken, with reasons for the latter. The complainant can also lodge a complaint at the County Government office, where the KISIP coordinator assists in the above process.
- 2. Sorting and Processing:** Since various types of grievances or complains will be lodged, and not all will be handled by the SGRC, the secretary will categorize e.g. as (a) comments, suggestions, or queries; (b) complaints related to titles and titling; (c) complaints referring to compensation and valuation etc., assign priority, and route appropriate grievances to the SGRC. Some e.g. (a) above may only require a clarification or a simple explanation, while (b) are noted and forwarded to KISIP county coordinator for onward forwarding to KISIP national office for action, and (c) will be forwarded to the SGRC for action. In each the action required is written down in the grievance registry.
- 3. Acknowledgment and Follow-up:** The GRM through the chairman acknowledges the receipt of the complaint through communication with the complainant and informs them of the next course of action which depends on the categorization of the complaint (as indicated in previous section). For (c) cases, the time duration (15 days) for resolution of the grievance will also be communicated to the complainant, as well as being informed that he will receive periodic updates on the status of their grievances.
- 4. Verification, investigation, and Action:** The SGRC will then hold a meeting on the grievance and work in consultation with the aggrieved person. In this step, they will also gather information on the grievance and decide on the corrective action within 15 days. The proposed action will be lodged in the register.

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

Two possible scenarios can result from this meeting:

- The aggrieved party accepts the proposed corrective action: A written agreement is developed, detailing the time frame for implementing the corrective action as well as responsible party. This is signed by the SGRC chairperson and the aggrieved party, and the corrective action commences. The acceptance is also lodged in the log, and later the completion date will be lodged after verification that recommended action was undertaken by the SGRC, or concerned party.
- The aggrieved party rejects the proposed corrective: The default position is that case/matter is referred to the RIC who have 15 days to resolve the issue, following procedures similar as above. However, if the SGRC is able to review the resolution through engaging the affected party, and reach a satisfactory decision/resolution this is encouraged. i.e. appeal mechanisms at the SGRC would take a shorter time than referring the case to RIC. If the RIC does not result in an action acceptable to the aggrieved party, he/she can resort to the judicial recourse.

#### 8.4 MONITORING OF GRIEVANCE RESOLUTION

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

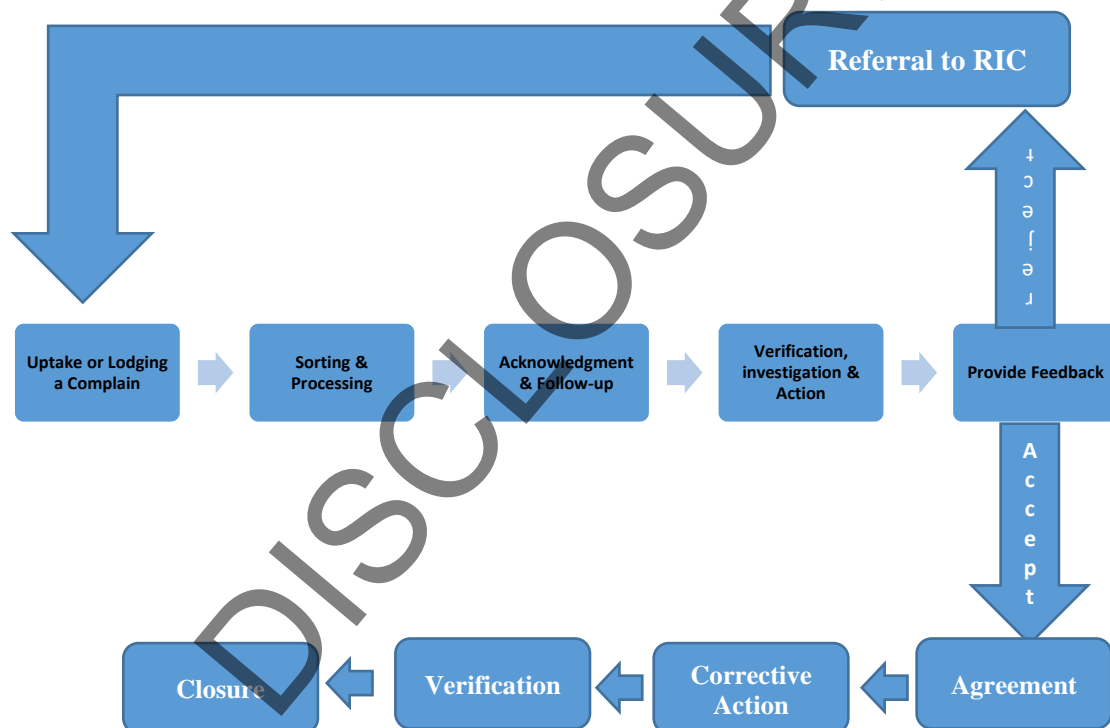


Figure 8-1 Grievance Redress Processual Flow

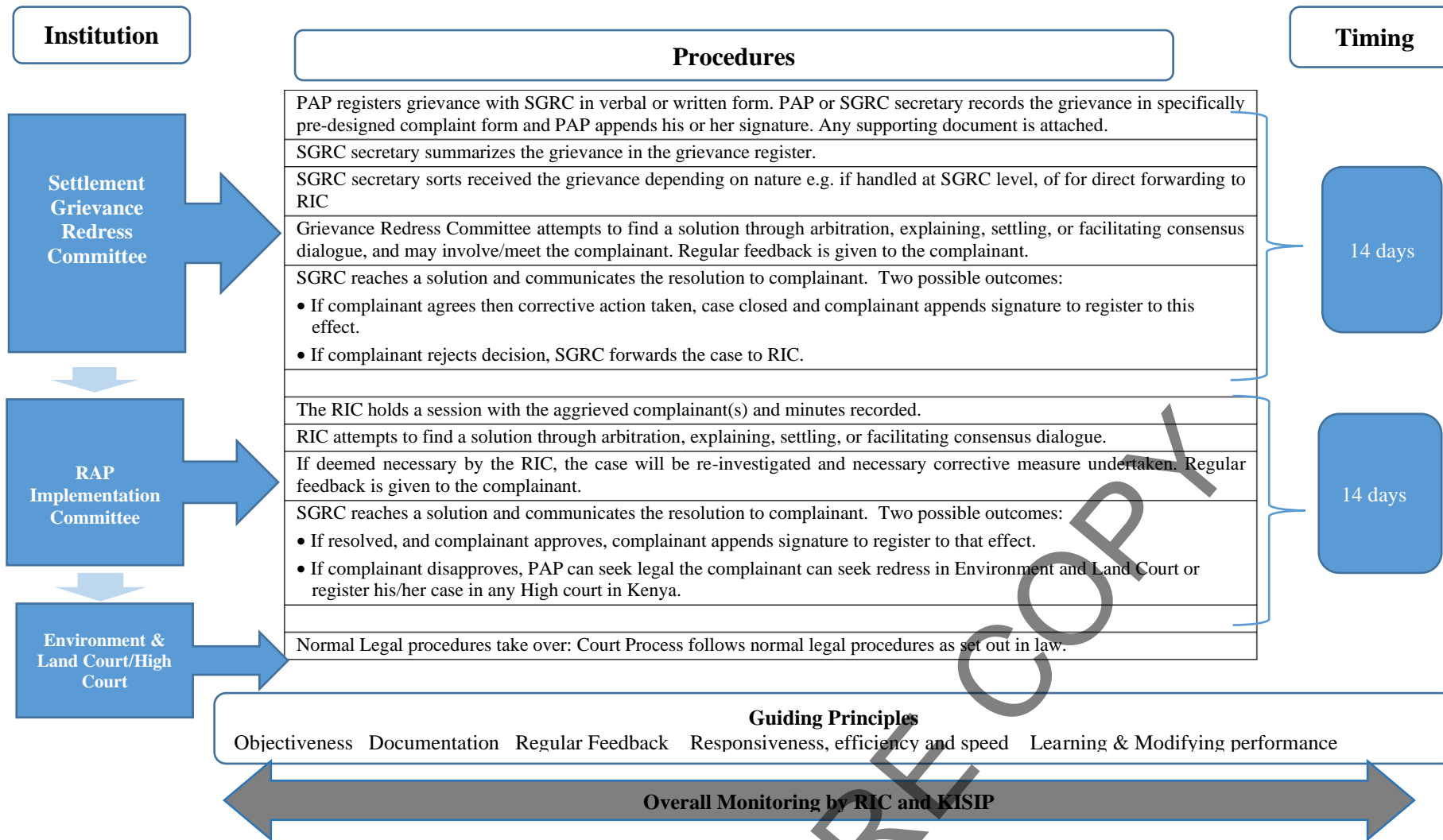


Figure 8-2: GRM Framework

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### **8.5 CAPACITY BUILDING OF THE VARIOUS COMMITTEES**

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

The committees have been provided sufficient budgets and tools (erg grievance registers and forms) to cover their operation and implementation of functions. However, these will not be compensated but serve on voluntary basis.

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## **9. IMPLEMENTATION OF THE ARAP**

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

### **9.1 ARAP INSTITUTIONAL ARRANGEMENTS**

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

1. Ministry of Finance – National Treasury: On issues pertaining to Project funding to ensure smooth flow of financing to implement the ARAP, as the costs towards land displacement and resettlement will be financed from the counterpart funding and be included as part of overall cost of the sub-project.
2. Ministry of Lands and Physical Planning: It handles land tenure matters and issues titles.

#### **9.1.1 RAP Implementation Committee - RIC:**

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

The key roles of the RIC will be to;

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

#### **9.1.2 Other Key institutions in ARAP Implementation**

*KISIP Project Implementation related Institutions*

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

1. A National Office: KISIP has set up a project coordination team (PCT) at the national level, and headed by a project coordinator. This is responsible for overall program coordination (including liaising with senior government officials and the Bank team), KISIP financial

management, procurement, monitoring and evaluation (M&E), and reporting. The PCT is also responsible for managing KISIP's learning and communications activities. The PCT at the central level consists of a project coordinator, four component heads each heading the four components outlined under Section 1.2 (and with teams operating under them). In particular, financial management, Monitoring and Evaluation, procurement and safeguards operate under Component one and will be central as participating members in the RIC, and in other capacities when called upon.

The Environmental and Social Safeguards Team consists of:

- 3 social safeguards experts,
  - A community development officer (who also doubles as the main person in charge of GRM),
  - 1 Environmental expert,
  - A social safeguards expert who also doubles as the coordinator for the team,
  - An M&E officer,
  - A valuer,
2. County Office. This serves as the County Project Implementation Unit, specifically set up for effective implementation of the Project in Uasin Gishu County. Its composition is a replica of the national team. It serves as the liaison between the National Office and the Uasin Gishu County Government. It will:
- Serve as an additional point for registering grievances by the community,
  - Undertake sensitization activities for the project e.g. on joint accounts for facilitation purposes, and use of compensation funds,
  - Validation of assets and PAPs before compensation
  - Oversight over the formation of the grievance redress committee
  - Capacity building of ARAPs committee
  - Monitoring of ARAP activities
3. Settlement Level I.e. Settlement Executive Committee: This is an 18-member committee set up at Hill School informal settlement. It provides an entry into the settlement, and leads the participation of the community in the project. This settlement executive committee with representation from women and vulnerable and marginalized groups (for example, youth, elderly), played a key role in the development of the vision for the settlement and preparation of settlement upgrading plans to realize it. It has been crucial in the ARAP study assisting in identification of PAPs, and in identifying grievances related to titles already issued. The settlement executive committee role is crucial in the ARAP process, and will assist in the formulation of the community grievance redress committee.

#### *County Government of Uasin Gishu*

The county government of Uasin Gishu's role includes:

- Preventing further encroachments after the cut-off date.
- Development control
- Ensure County Land Control Board safeguard interests of women in land related matters.
- Be part of the RAP Implementation Committee.

- Be part of grievance redress mechanism
- Clearance of structures if people don't self-demolish after notice period and compensation
- Delivery of other assistance to PAPs will be the responsibility of county governments under the coordination of respective RICs.

*National Land Commission, Uasin Gishu Office*

These are tasked with the management of Government land on behalf of the county government, transfer and issuance of title deeds to respective beneficiaries.

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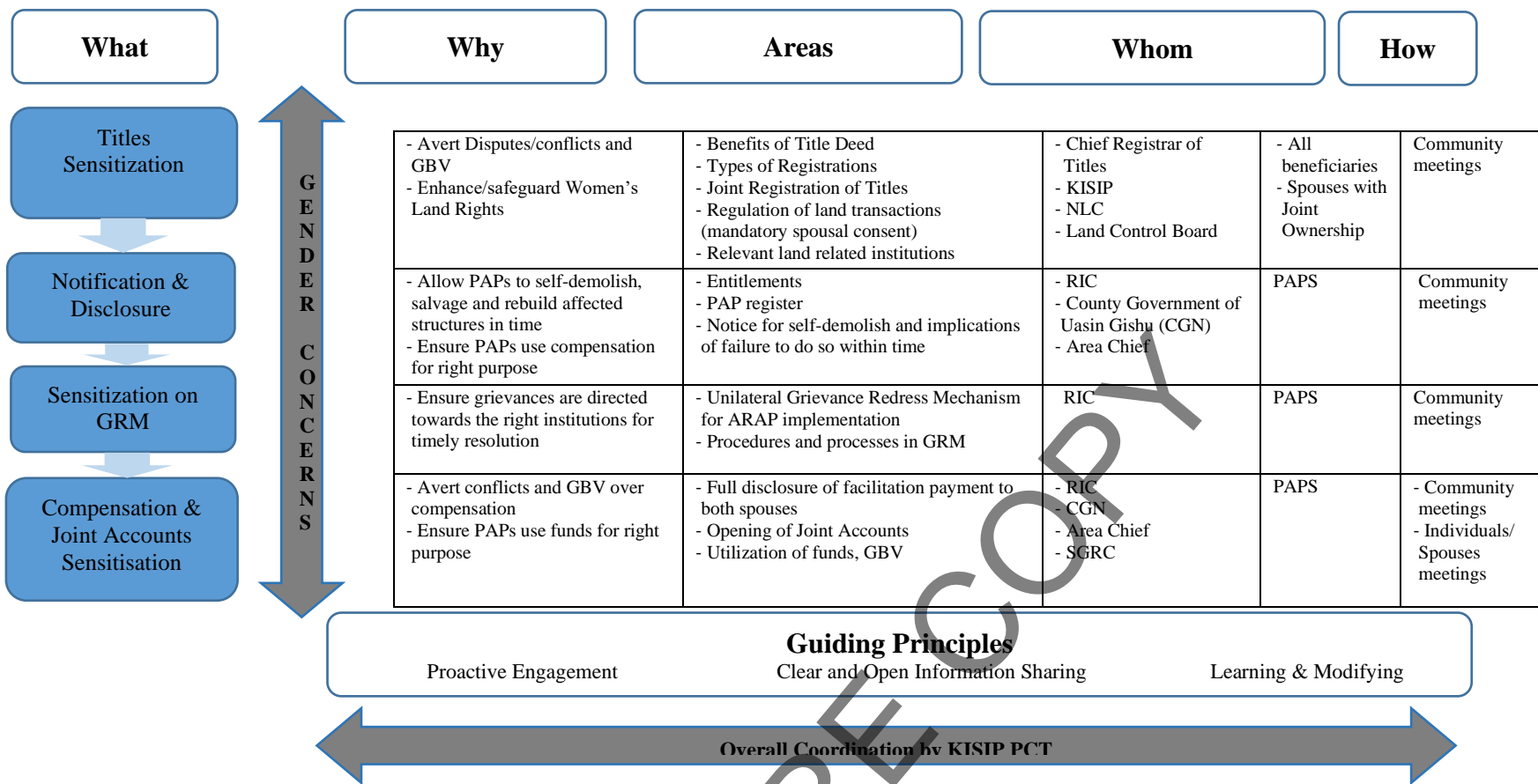


Figure 9-1 ARAP Sensitization and Information Sharing Process

## **9.2 ARAP IMPLEMENTATION PROCESS AND PROCEDURES**

The ARAP implementation process

### **9.2.1 Approval of the ARAP**

KISIP and The World Bank will approve the ARAP.

### **9.2.2 Verification**

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

### **9.2.3 Disclosure**

Meetings will be organized at settlement level and coordinated by the KISIP RAP Implementation Committee, during which a summary of the main findings and recommendations, entitlements, and PAP register will be presented to the community. This includes ensuring a translated version of the Executive summary is available at the settlement. In addition, and in line with past practice (during planning and survey, ARAP meeting), the RIC in collaboration with the SEC will ensure that disclosure meetings are held in a language understandable to all PAPs. Stakeholders in this process will include the county government, the National Land Commission who have been part of the planning process, among other relevant stakeholders. In addition, the ARAP will be made available on the Ministry of Transport, Infrastructure, Housing and Urban Development website and the World Bank's Info shop. Copies of the report will also be made available to the SEC, Grievance Committees, and the County offices.

### **9.2.4 Payment of Facilitation**

Payment of compensation and other assistance will be implemented by the RAP Implementation Committees (RICs). Once the PAP register is validated by the RIC, the appropriate assistance will be given to the PAPs promptly and notices issued for relocation. The date, time and place for payments will be made known to the PAPs in good time, but prior to any displacement.

A PAP who accepts the facilitation as outlined in this ARAP will be required to sign to that affect. The notice period will be 3 months, after which failure for non-self-demolition by PAPs can trigger clearance of the road reserves by the County Government relevant departments.

## **9.3 BUDGET AND COSTS**

The total costs of implementing this ARAP is Five Million, Nine Hundred and Eight Three Thousand, Three Hundred Shillings (KSh) Shillings.

Table 9-1 ARAP Implementation Budget

	<b>Activity</b>	<b>Cost</b>
1.	Structure costs	5,041,300
2.	Loss of Business Income	176,000
3.	Loss of Rental Income	114,000
4.	Tenants Relocation Allowances	209,000
5.	Vulnerability Support and Assistance	48,000
6.	Awareness raising and sensitization of Beneficiaries and PAPs <sup>15</sup>	100,000
7.	Training and Capacity Building of GRM	95,000
8.	Operational & Administrative Costs of ARAP Committees	100,000
9.	Monitoring and Evaluation	100,000
	<b>Total Costs of ARAP Implementation</b>	<b>5,983,300</b>

#### 9.4 IMPLEMENTATION SCHEDULE

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

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<sup>15</sup> Sensitization of on Land Succession, Bank accounts, use of compensation money, etc.

Table 9-2 ARAP Implementation Schedule

	TASK NAME	Actor	Period in Months					
			Implementation to begin within 60 days of Approval of ARAP					
			1	2	3	4	5	6
1.	Approval of ARAP	World Bank						
2.	Sensitization on Title Registration and management (including succession)	KISIP, Chief Registrar of Titles, PAPs						
3.	Validation of asset register	RIC, SEC PAPs						
4.	Disclosure of Updated ARAP	RIC, KISIP, SEC						
5.	Formation and capacity building of Grievance management committees	KISIP, RIC, Beneficiaries						
6.	Sensitization of Community on Grievance Redress Mechanism	RIC, Area Chief, SGRC						
7.	Grievance Redress	County KISIP, RIC, PAPs, GRC						
8.	Sensitization of PAPs on bank accounts and use of compensation funds including joint spousal management of cash, GBV on use of facilitation Funds as well as titles	RIC, Area Chief, SGRC						
9.	Payment of compensation	KISIP, RIC						
10.	Issuance of notice for self-demolition of community members who are yet to move	RIC, Uasin Gishu County						
11.	Issuance of titles <sup>16</sup>	Ministry of Lands, NLC						
12.	Self-Demolition	PAPs, SEC						
13.	Demolition of any structures that have not been demolished at the expiry of the notice period	Uasin Gishu County						
14.	Monitoring activities	KISIP MoTIH&UD						

<sup>16</sup> Indicated as a continuous process to allow for resolution of grievances on titling if any arises.

## **10. MONITORING AND EVALUATION**

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

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

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

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

### **10.1 MONITORING AND EVALUATION PROCESS/METHODOLOGY**

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

- Output/process indicators: These will measure project processes or activities. They will monitor the number and types of activities undertaken, or what is often called deliverables.
- Outcome indicators: These will measure project outcomes or medium impacts of a project.
- Impact indicators: Are indicators that measure the long term impacts of a project or interventions.

Table 10-1: Key performance questions to guide monitoring and evaluation

Level in result chain	Key Performance Questions	
<b>Inputs</b>	<ul style="list-style-type: none"> <li>• Are resources being used efficiently?</li> <li>• What interventions and resources are needed?</li> </ul>	<ul style="list-style-type: none"> <li>• All</li> </ul>
<b>Activities</b>	<ul style="list-style-type: none"> <li>• Have planned activities been completed on time and within the budget?</li> <li>• What are we doing? Are we doing it right?</li> <li>• What unplanned activities have been completed?</li> <li>• What factors are affecting (in an enabling or disabling manner) the implementation of activities?</li> </ul>	<ul style="list-style-type: none"> <li>• Performance Monitoring</li> <li>• <i>Completion Audit</i></li> </ul>
<b>Outputs</b>	<ul style="list-style-type: none"> <li>• What direct tangible outputs has the project delivered?</li> <li>• Are we implementing the project/interventions as planned?</li> </ul>	<ul style="list-style-type: none"> <li>• Performance Monitoring</li> <li>• <i>Completion Audit</i></li> </ul>
<b>Purpose/objectives</b>	<ul style="list-style-type: none"> <li>• What changes have occurred as a result of the outputs? To what extent are these likely to contribute towards the project purpose and desired impact?</li> <li>• Has the project achieved the changes for which it can realistically be held accountable?</li> <li>• Are interventions working or making a difference?</li> <li>• What factors are affecting (in an enabling or disabling manner) the achievement of results as stated in the program descriptions and work plans?</li> <li>• To what extent and in what ways does KISIP need to modify its activities or manner of working to in light of results coming out of its reflection exercises?</li> </ul>	<ul style="list-style-type: none"> <li>• Impact Monitoring</li> <li>• <i>Completion Audit</i></li> </ul>
<b>Goal/long-term objective</b>	<ul style="list-style-type: none"> <li>• To what extent has the project contributed towards its longer term goals? Why or why not?</li> <li>• What unanticipated positive or negative consequences did the project/interventions have? Why did they arise?</li> </ul>	<ul style="list-style-type: none"> <li>• Impact Monitoring</li> <li>• <i>Completion Audit</i></li> </ul>

Source: Global Fund (2009) and International Federation of Red Cross and Red Crescent Societies (2007)

## 10.2 INTERNAL MONITORING PROCESS

The performance and impact of the ARAP implementation process will be assessed internally by KISIP. KISIP PCT i.e. project coordinator will designate a monitoring officer among the safeguards team who will be principally responsible for reporting to both the PCT and RIC on the progress of the ARAP implementation.

This will include both:

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

Monitoring indicators are indicated in Table below.

Table 10-2 Monitoring (Performance) Indicators

Activity/Parameters	Indicators
Compensation payments to PAPs	<ul style="list-style-type: none"> <li>• Number of PAPs promptly paid disaggregated by gender</li> <li>• Number of PAPs not paid promptly and reasons</li> <li>• Amounts of money paid to PAPs</li> </ul>
Restoration of livelihoods and assets	<ul style="list-style-type: none"> <li>• Number of PAPs with restored assets disaggregated by gender and asset type</li> <li>• Number of PAPs without restored assets</li> <li>• Number of occupied (re-established) Rental Units</li> <li>• Number of re-established businesses</li> </ul>
Assistance to Vulnerable	<ul style="list-style-type: none"> <li>• Number of vulnerable PAPs assisted by gender</li> <li>• Type of assistance provided to vulnerable PAPs</li> <li>• Number of vulnerable PAPs not assisted and reasons</li> </ul>
Community participation and public engagement	<ul style="list-style-type: none"> <li>• Number of local consultative meetings held</li> <li>• Number of County and National Government leaders engaged/briefed about the ARAP</li> <li>• Number of PAP consultative meetings held</li> <li>• Type of issues raised at public consultation meetings</li> <li>• Number of participants attending public consultation meetings related to displacement disaggregated by gender</li> </ul>
Grievance management	<ul style="list-style-type: none"> <li>• Number of PAPs sensitised on the grievance mechanism</li> <li>• Number of complaints/ grievances registered/received</li> <li>• Number of grievances resolved promptly (within the duration allowed in the grievance redress mechanism)</li> <li>• Number of grievances not resolved in time but completed</li> <li>• Number of outstanding grievances not resolved</li> <li>• Average timelines for resolution of grievances disaggregated by the various levels of grievance redress mechanism/institutions and disaggregated by different types of grievances.</li> <li>• Number of grievances referred to RIC</li> <li>• Number of grievances referred to Level 3 (Courts of Law)</li> <li>• Number of complainants satisfied with response and grievance redress process</li> <li>• Number of PAPs that have access to the GRM</li> </ul>
Training and Capacity Building	<ul style="list-style-type: none"> <li>• Number of trainings held disaggregated by target group/institutions and issues</li> <li>• Number and type of participants disaggregated by gender</li> <li>• Themes discussed in various trainings</li> </ul>
Awareness and Access to Information	<ul style="list-style-type: none"> <li>• Type of information disclosed to PAPs during each meeting</li> <li>• Accessibility of the ARAP document at the local level</li> <li>• Accessibility of the ARAP document on the Ministry's website and the Bank's Info shop</li> <li>• Awareness on ARAP/Entitlement information</li> <li>• Number of people seeking information on displacement and compensation</li> </ul>
Process Management	<ul style="list-style-type: none"> <li>• Number of proposed institutions formed, or better alternatives</li> <li>• Number of census and asset verification/quantification procedures in place</li> <li>• Number of coordination meetings between various stakeholders.</li> </ul>

**2. Impact Monitoring:** will involve gauging the effectiveness of the RAP and its implementation in meeting the needs of the affected population i.e. assesses the satisfaction of affected people with resettlement initiatives and, thus, the adequacy of those initiatives. Its focus is largely on the effects of resettlement or facilitation. Impact monitoring will also use available avenues to collect data. Semi-structured interviews with a sample of the PAPs, livelihood observation, and Key Informant Interviews (KIIs) which enable a more

in-depth process of inquiry among selected participants and other stakeholders, can be integrated into normal project activities and meetings.

Here the indicators can include:

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

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

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

### **10.3 EXTERNAL EVALUATION**

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

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

Some possible indicators: include:

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

### **10.4 ARAP COMPLETION AUDIT**

This will assess the outcome of the ARAP complies with the commitment of this report, and to the extent which the efforts to restore the living standards of the affected population have been

properly conceived and executed. It verifies if all commitments were delivered, and whether mitigation measures had the desired effect i.e. were the livelihood and living standards been restored or enhanced.

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

The Completion Audit will have the following specific objectives:

- (i) General assessment of the implementation of the ARAP against the objectives and methods set forth in the ARAP,
- (ii) Assessment of compliance of implementation with laws, regulations and safeguard policies;
- (iii) Assessment of the fairness, adequacy and promptness of the compensation and resettlement procedures as implemented;
- (iv) Evaluation of the impact of the compensation and resettlement program on livelihood restoration, measured through incomes and standards of living, with an emphasis on the “no worse-off if not better-off” requirement; and
- (v) Identification of potential corrective actions necessary to mitigate the negative impacts of the program, if any, and to enhance its positive impacts.

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

DISCLOSURE COPY

## 11. CONCLUSION AND COMMITMENTS

Uasin Gishu County, and specifically Hill School Informal settlement is one of the beneficiary settlements of KISIP. The activities in Hill School Informal settlement specifically sought to undertake resurvey for conversion and complete a land titling process. The Settlement, however had a plan approved in 2004 but not implemented.

The County government approached KISIP to complete this titling process and enable the majority poor access their land tenure documents. However, due to numerous informal land sales and failure to observe the survey plan, some community members had extended their settlement into road reserves. This therefore necessitated a Resettlement Action Plan, targeting sections where KISIP's infrastructure component was not active.

The ARAP has identified a number of impacts related to both structure owners and tenants but also providing sufficient mitigation measures. In addition, there are indications by the community and county Government of Uasin Gishu that the process of titling is long overdue for some of the settlement members, and needs to come to a quick conclusion. It is therefore recommended that the ARAP implementation process commences as soon as possible.

### 11.1 COMMITMENTS

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

- KISIP will facilitate all the Project Affected Persons according to provisions of this ARAP including the budget for compensation and timelines as per the implementation schedule. KISIP will issue titles parallel to compensation in line with the implementation schedule.
- KISIP will ensure all grievances are addressed and resolved in a timely manner as indicated during implementation of this ARAP.
- KISIP will undertake community sensitization on land succession processes, Joint land ownership, Joint Bank Accounts and in collaboration with the area chief undertake community sensitization to caution the community against any form of Gender Based Violence (GBV) related the use of compensation funds by spouses.
- KISIP will work with the County Government of Uasin Gishu in ensuring the sustainability of the project. The County will be part of the RIC in implementing this ARAP, part of the grievance resolution mechanism, and undertake development control, Clearance of structures on road way leaves after the expiry of self-demolition period as well as protecting the road reserves from future encroachment by beneficiaries and/or any other actors.
- KISIP will issue a minimum of three months' notice after compensation is issued to PAPs to enable them salvage their assets.
- KISIP will undertake Monitoring and Evaluation of this ARAP during and after implementation as outlined in this ARAP.
- KISIP will forward names of the Elderly PAPs to the County government of Uasin Gishu Ministry of Gender, Social Services and Sports for consideration in programmes such as the unconditional cash transfer programmes that include *Inua Jamii* 70 years and above, and the Older Persons Cash transfers (OPCT) programmes.

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## ANNEXES

### A. MINUTES OF VARIOUS MEETINGS

#### i. County Government of Uasin Gishu Planning Team Meeting

#### **MINUTES OF RESETTLEMENT ACTION PLAN FOR HILL SCHOOL COUNTY HELD WITH THE COUNTY PHYSICAL PLANNING TEAM AT UASIN GISHU COUNTY PLANNING OFFICES ON MAY 7<sup>TH</sup> 2018**

**ATTENDANCE:** See attached list of attendants

#### **AGENDA**

1. Introduction
2. Purpose of visit to Uasin Gishu Settlements
3. Remarks by CEC lands and physical planning
4. Remarks by Social Safeguard experts
5. Way forward
6. AOB

#### **1. Introduction**

The meeting started with a word of prayer by Kiprop acting Chief Officer planning from the County. Then followed the introductions by the County Team led by the CEC Member for Lands, Housing, Physical Planning and Urban Development.

#### **2. Purpose of visit to Uasin Gishu Settlements**

Anthony Kimosop the desk officer for the county first apologised for the late communication to the County on this trip. He noted that late signing of a letter of introduction to the county was the main cause.

He then explained that from 2012 to 2014 KISIP worked in 2 settlements of interest, which were:

- Hill school which had a Survey converted to metric system
- Maili Nne – where the PDP was updated and KISIP prepared the survey plan.

In addition, RAPs for infrastructure in Hill school had been done by KISIP for some roads, and the construction was ongoing. Here also a small number of people had processed their titles.

In order to finalise the process of issuing titles to all pending beneficiaries, a RAP was required in line with World Bank Policy OP 4.12 to ensure that all Project Affected Persons are facilitated.

#### **3. Remarks by CEC lands and physical planning**

The CEC welcomed the group to the county. He indicated their willingness to see this process of titling come to an end. He assured of assistance from county and noted they were happy about the roads works and security lights. Such programmes now promote security and have an impact on local businesses.

He however indicated KISIP should communicate well in advance about proposed activities as these can clash with other planned programmes in the County.

#### **4. Remarks by Social Safeguard experts**

Mr Joel Ombati noted that the team would undertake a few activities including identifying people impacted by the survey plan as mapping undertaken by the previous consultant indicated that people had not settled according to the plan due to informal sales.

This would entail meetings and having impacts identified, inspection for valuation purposes and socio economic survey of the PAPs. He explained that the target would roads/sections not covered by the infrastructure RAPs.

He added, that a reconnaissance in December 2017 which indicated that about 70 people were impacted in Maili Nne and hill school 50.

### 5. Way Forward

CEC Member for Lands, Housing, Physical Planning and Urban Development, Eng. Nelson K Maritim recommended that before closure of the exercise, there was need to have an exit meeting which would also discuss the next steps. This was set for Friday morning on 11<sup>th</sup> May.

In addition, he noted that Hill school has survey plan and it is accurate as far as the county is concerned. He appreciated the work of KISIP and asked for the highest level of professionalism as plans are sensitive in nature.

He added he was promised a copy of the report done by the consultant in Kuinet Informal settlement but was yet to receive anything. He reiterated that the final copies should be sent to county for reference.

He requested that since roads have been achieved in Hill school, the team should assist in sensitization on not to sell land to ensure they benefit in the long run. The same problem is noted for Maili Nne.

Kimosop noted that the programme closes on May 31<sup>st</sup> and possibly KISIP 2 will be starting in 2019. He also indicated that KISIP would avail the county with the Kuinet report.

The CEC pledged staffing for the RAP exercise, emphasising the county was committed to ensure the exercise is successful.

### 6. AOB

There been no other business, the meeting closed at 11am.

*copy sheet*

**KISIP**  
**RAP ACTIVITY MAILI NNE & HILL SCHOOL SETTLEMENT IN AUSIN GISHU COUNTY**  
**ATTENDANCE LIST**

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**ii. Hill School SEC Meeting**  
**MINUTES OF RESETTLEMENT ACTION PLAN (RAP) MEETING WITH**  
**SETTLEMENT EXECUTIVE COMMITTEE FOR HILL SCHOOL UASIN GISHU**  
**COUNTY ON 7<sup>TH</sup> MAY 2018**

**ATTENDANCE: See attached list of attendants**

**AGENDA**

1. Introduction
2. Update on Titling in Hill School
3. RAP process
4. Way forward
5. AOB

**1. Introduction**

The meeting started with a prayer from one of the Settlement Executive Committee (SEC) Members of Hill School at 2pm. The followed introductions.

**2. Update on Titling in Hill School**

Anthony Kimosop from KISIP noted the meeting was meant to update the SEC on the planning and titling process for the settlement but also kickstart the RAP process in the settlement.

He noted that in 2012, a KISIP team went around the settlement and noted some houses needed to be moved to create route for roads, following the settlement mapping exercise. There were also boundary issues related to e.g. a church. He added that it was important to ensure that titles did not bring conflict thus it was important to address any grievances arising.

The Chief welcomed the KISIP team and indicated that the SEC has records on how the land ownership has changed since KISIP started the process to of titling. He thanked KISIP saying roads in the settlement were now passable following the engineering contract issued by KISIP. Only a few roads remained un tarmacked. In addition, there were flood lights put up by the KISIP team which had improved the security in the settlement.

The SEC chairman recalled previous efforts to survey the land all financed by the community prior to KISIP's intervention. He added that settlement by some community members however did not observe the plan/survey as some houses extend onto the road. He added that approximately 40 beneficiaries have titles out of about 155 plots. In addition, Pamoja trust came and wanted to facilitate the process of titling. SEC was even given a computer. This process too met hitches and the titles were never processed. He thus urged KISIP to ensure the titles are processed as the community has waited years.

He lamented that the contractor working on the roads is removing beacons and these need to be replaced before all are lost. He requested the County to ensure the contractor meets the cost of replacing the beacons.

Sally- the community development staff from the county noted that the Pamoja trust process seeks to duplicate an already ongoing process, and admonished the SEC to playing part in this process without the County's knowledge. She reiterated that the County CEC was only aware and recognised the KISIP process.

**3. RAP process**

Dr Wairimu from KISIP informed the meeting that the RAP is a critical process to ensure those affected by the approved survey plan are identified and the impacts on them mitigated. She noted that the team relied on the SEC to confirm which sections are not under the infrastructure works by the ongoing contractor to ensure these PAPs are identified. (The pending sections were verified as areas bordering the roads Corner House, Britannia, Avocado, Bondeni and Mombasa Road). She requested the SEC to avail some members to join the KISIP team the following day to undertake a plot by plot exercise to identify the PAPs on these mentioned roads, following which a socio economic survey will be administered and valuation of the affected assets undertaken.

#### 4. Way forward

The SEC pledged to support the process of RAP in the settlement. The SEC was informed to remind the affected persons of the house visits the following days, and more so those who were not at home at time of identification of the impact. Thereafter a meeting would be held with the PAPs.

There been no other business the meeting ended at 4.15pm.

Hill School  
7/5/2020

#### KISIP

#### RAP ACTIVITY MAILI NNE & HILL SCHOOL SETTLEMENT IN UASIN GISHU COUNTY

#### ATTENDANCE LIST

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Hill School  
7/5/2020

#### KISIP

#### RAP ACTIVITY MAILI NNE & HILL SCHOOL SETTLEMENT IN UASIN GISHU COUNTY

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Hill School  
7/5/2020

**iii. PAP Meeting**  
**MINUTES OF RESETTLEMENT ACTION PLAN MEETING WITH HILL SCHOOL**  
**PAPS UASIN GISHU COUNTY ON 11<sup>TH</sup> MAY 2018**

**ATTENDANCE: See attached list of attendants**

**AGENDA**

1. Introduction
2. Remarks by County
3. RAP Process and Findings
4. Cutoff Date
5. Plenary
6. AOB

**1. Introduction**

The meeting started with a prayer from one of the Settlement Executive Committee Members of Hill School at 11.34am. The followed introductions which showed that plots owners, structure owners, and business people were represented.

**2. Remarks by County.**

Mr Nyabando (Community Development staff from the County) as chair of the meeting invited the County team to speak a word. This was after thanking the SEC for the work undertaken the previous few days in identifying the PAPs.

Mr. Kandie the County surveyor asked the community to respect roads. He highlighted it's the duty of owner to know or keep beacons, as removal has cost implications. He then highlighted the importance of titles and cautioned the community from the premature sale of the land and misuse of the cash they got from the process.

He highlighted that in the SEC meeting earlier in the week, some plots were disputed. These would not be issued with a title until the issues are resolved. He noted the County office is ready and willing to assist in the conflicts.

Sally – a community development staff from the County KISIP noted that County works in collaboration with the national government and there is need for community to also cooperate. She noted that Kenya Urban Roads Authority has pledged to improve the main road near the settlement. She informed the PAPs that once roads are cleared after RAP implementation, there is need to protect the roads to maintain order thus discouraged encroachment.

She highlighted that she had noticed that sewerage is an issue in the settlement and would escalate the issue to the relevant department in the County. She also added that the settlement has a solid waste management problem so the community needs to organise themselves and ensure cleanliness.

**3. RAP Process and Findings**

Faith Birir from KISIP updated the community that KISI was still on track to process their tiles. Therefore, the RAP process is one of the final steps towards the provision of titles, which were under processing.

Joel Ombati – KISIP safeguards expert indicated the intention of the RAP and Social safeguards was to ensure the community don't get titles but are left with anger due to destruction of property. This was also to protect their livelihoods.

He indicated that where the community would volunteer to move their structures, that will also be considered but generally a facilitation will be given. He indicated that the exercise of identifying structures went on well. This identified main houses, latrines, fences, kiosks, bar etc. among others and in the house owner or a representative was available to verify this. Given the SEC had indicated that the beacons were visible and still intact in over 90% of the cases, anyone claiming impact was required to first show the beacons on their land, and the valuer then assessed the impact this would have e.g. affecting a structure, etc. In one or 2 cases, the beacons were missing although it was possible to triangulate.

This had proved to be fairly an easy process.

He clarified that some claimed business structures were mobile structures that were movable/detached thus not valued as there is no impact.

Dr Wairimu – KISIP safeguards expert recollected the previous days activities with the SEC and other community members, which involved a plot by plot transect walk of the sections identified as not covered under the engineering (infrastructure RAP), identifying affected persons, due to road expansion or boundary alignment or even relocation cases. Dr Winnie indicated that since the PAPs had been identified, KISIP would offer some facilitation to these persons to enable them move the affected structures within their parcels. This assistance could also mean facilitation to youth groups as a means of creating short term employment to enable especially the older household heads who may not be in a position to organize the movement on their own.

Given that KISIP did not want to leave the community worse off, Dr Wairimu highlighted that KISIP would give some assistance to the affected persons to move so as to ensure the planning would be maintained as envisioned i.e. orderly and organised, and also to clear the roads for development by the county government in the future. The relocation would also reduce/avoid conflicts between neighbours after the titling process. She highlighted that facilitation was for PAPs along roads where the infrastructure RAP had not covered i.e. The pending sections were verified as areas bordering the roads Corner House, Britannia, Avocado, Bondeni and Mombasa Road. It was noted that there was no interboundary impact.

In addition, after the facilitation, the PAPs would receive notice (issued in collaboration with the county government) to move the affected structures. After the expiry of this notice, the county would be in order to move/demolish the affected structures. She therefore encouraged the affected PAPs to ensure they used the facilitation for the intended purpose. This would ensure roads are protected from occupation so as to maintain the planning intended and also to facilitate faster future development of infrastructure by KISIP, the county government or any other party.

The County government would give a 1-3months notice for the owners of the structures to move. After the lapse of the notice period, the county would be within law to demolish or relocate any structure that still lay on a boundary, on a neighbours land or on a road reserve. However, between the day of the meeting until the notice period, she warned the community members:

- Not to move their structures until when given notice to do so by the county
- Not to replace the existing structures with new ones with the hope of claiming facilitation for the new structures

Additional issues discussed included:

- On eligible structures, these included toilets, main houses, kitchens, etc. Lost land was not considered e.g. where truncation was involved.

- The owner of the plot was not always the owner of the structure and vice versa, this exercise registered both but, in the case, where the two were different, the plot owner was only indicated for purposes of identifying the structure.
- There would be no compensation per se but facilitation to enable movement and relocation of structures.
- Once assistance was issued, it was important that people move their structures i.e. the facilitation should be used for the intended purpose.
- Gender issues: The community was informed that where spouses would like to change the names of the beneficiaries on list of beneficiaries or add more e.g. to register a wife, this is encouraged.

#### 4. Cut-off date

Winnie noted that the start of the census and survey of the PAPs, i.e. the 8<sup>th</sup> May 2018 was the cut-off date. Cut-off date is the date the census begins. Persons entering and/or occupying land in the project area after this date and not included in the inventory of PAPs will not be considered eligible for facilitation. Similarly, fixed assets such as structures, established after the cut-off date will not be compensated/facilitated. After the meeting, there would be an opportunity if someone had been left out but this will be verified.

She called out the names of the identified PAPs.

#### 5. Plenary

Question/Comment	Response
There is need to differentiate owners of plots and those putting up business sheds on the road. He added that plot owners have no issue and that the people on the road should not stop titles.	There are also house owners on the road thus owners of business sheds should not be victimised.
When will the county come to demolish the structures?	There is a process. First compensation will be given, then notice to move issued. Only after will the county do enforcement – after expiration of the notice period.
Some members were deceased	In such cases, let people produce the death certificates and through the SEC present the documents to county to enable letters be written to KISIP to enable change of names before titles are produced. If the deceased has children, all are written on the titles. If Spouse is left, the name is changed to spouse. Once a title is processed, change can only be through succession process.
Who will receive the notice?	All PAPs will receive notice. But for tenants, the owners of the structures will be required to serve notice to their tenants.
How long will be the notice?	This will be between 1-3 months (The PAPs then requested 3 months as some have tenants who will need to find alternative space)
Some structures are built on land without consent. How will this be addressed?	(The case was verified as some kiosk owners who put up structures on the road) After compensation, these will be required to be cleared. After lapse of notice period, County will do development control. It is also the responsibility of the community to alert the County when the roads are encroached into.
My business structure was left out? Can I be considered?	This will be verified after the meeting.

One community member noted that Compensation is good and welcome since some people are very poor.

Another member noted that they need to help the government help them since if floods and fires happened, the community would suffer most if roads are not accessible. They would be the ones to lose. He encouraged the other PAPs, that when time to move comes, they should all move.

One member noted that communication is key and it is important these issues were being communicated. He noted that despite the delays in the titling process, they were happy that KISIP would see the process to the end.

Some community members indicated they were anxious to receive their titles to enable better investment on the land. One noted that the titles coupled with the improvement in infrastructure will lead to higher land values, although just the investment by KISIP in tarmacked roads had resulted in some gains in land value already.

## 6. AOB

The meeting/exercise ended at 2.17pm, with agreements that no person would be required or forced to move until a timely and substantial notice period is given to allow relocation. This would be after the facilitation is issued. However, the expiry of the notice period will allow county to demolish property still located on road reserves.

KISIP  
RAP ACTIVITY MAILI NNE & HILL SCHOOL SETTLEMENT IN UASIN GISHU COUNTY  
ATTENDANCE LIST

*Handwritten note:*  
Hill school

S/NO	NAME	ORGANIZATION	EMAIL ADDRESS	PHONE NO	SIGNATURE
	Asha Baraza	HILL SCHOOL	ashabara3@gmail.com	0713094383	<i>Handwritten signature</i>
	Joyce Wanjiku Mberitu	HILL SCHOOL	Joycewang@gmail.com	0798558113	<i>Handwritten signature</i>
	Josiah Obonko	H/SCHOOL		0714886677	<i>Handwritten signature</i>
	Muthoni Mberu	H/SCHOOL			<i>Handwritten signature</i>
	Leah Mberu	H/SCHOOL		0714550677	<i>Handwritten signature</i>
	Sylvia Chumba	H/SCHOOL		0703782281	<i>Handwritten signature</i>
	Phillis Khamede	H/SCHOOL		0733185032	<i>Handwritten signature</i>
	Ann Cheruvu	H/SCHOOL		07248889059	<i>Handwritten signature</i>
	Muthoni Mjoroge	H/SCHOOL		0702620630	<i>Handwritten signature</i>
	Ronika K. Alwayi	H/SCHOOL		0715290574	<i>Handwritten signature</i>
	Muthura Mberu	H/SCHOOL		0724815175	<i>Handwritten signature</i>
	Mary Wanjia	H/SCHOOL		0724332342	<i>Handwritten signature</i>
	Dorine Akoth	H/SCHOOL		0703607026	<i>Handwritten signature</i>
	Ann Masiyili	H/SCHOOL		0726096895	<i>Handwritten signature</i>
	Mary Wanjiku	HILL SCHOOL		0722839097	<i>Handwritten signature</i>
	Paulina Cherono	HILL SCHOOL		07211351	<i>Handwritten signature</i>
	Monica	HILL SCHOOL		0797014181	<i>Handwritten signature</i>
	Agnes Kimani	HILL SCHOOL		0717236198	<i>Handwritten signature</i>
	Mary Lagat	HILL SCHOOL		0728492692	<i>Handwritten signature</i>

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Hill school.  
9/1/2018

R.A.S.H  
RAP ACTIVITY MAIL NNE & HILL SCHOOL SETTLEMENT IN UASIN GISHU COUNTY  
ATTENDANCE LIST

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	Simon c. waithaka	HILL SCHOOL		0723392326	[Signature]
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	Beatrice Saina	S.H.S SCHOOL		0711134626	B.K.
	SARAH Lwakesi	HILL SCHOOL		0713259149	[Signature]
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	DANIEL KIRAGAI KETER	HILL SCHOOL		0714698818	[Signature]
	Edward Mogyre	HILL SCHOOL		0718652570	[Signature]
	Muthami Mgwai	HILL SCHOOL		070085488	[Signature]
	Chemes Mbuny	HILL SCHOOL		0712045674	[Signature]
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	Paul Kambel	Hill School		0725743499	[Signature]
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	JESANG SHADOM	UGC		0710541504	[Signature]
	NAIPAL MACHA	UGC		0712123064	[Signature]
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	AZNET NGENT	UGC		0703905721	[Signature]

Hill school.  
10/1/2018

R.A.S.H  
RAP ACTIVITY MAIL NNE & HILL SCHOOL SETTLEMENT IN UASIN GISHU COUNTY  
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Miscellaneous

R.A.P  
RAP ACTIVITY MAILI NNE & HILL SCHOOL SETTLEMENT IN UASIN GISHU COUNTY  
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6	ARNET NGENT	UGC		0703905721	
7	Kipho belwa	Resident		071234210	
8	Joseph Njoroge	Resident		0725208386	
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10	Faith Chebet	UGC	faithchebet@yahoo.com	0725497321	

Miscellaneous

R.A.P  
RAP ACTIVITY MAILI NNE & HILL SCHOOL SETTLEMENT IN UASIN GISHU COUNTY  
ATTENDANCE LIST

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4	JOSIF OBONG	1229 Sec.	josifobong@gmail.com	0714880677	
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6.	PHILLIP K. CHEANGOK				
7.	BRENDAS KIPRONO				
8	CATHERINE MAREVA			10032634	
9.	ISAAK NJOROGE			074131834	

**iv. County Exit Meeting**  
**MINUTES OF RESETTLEMENT ACTION PLAN FOR UASIN GISHU COUNTY HELD WITH THE COUNTY PLANNING TEAM AT UASIN GISHU COUNTY PLANNING OFFICES ON APRIL 2018**

**ATTENDANCE:** See attached list of attendants

**AGENDA**

1. Introduction
2. Updates from the RAP Exercise

3. Remarks by County
4. Way forward
5. AOB

## **1. Introduction**

The meeting started with a word of prayer by Mr. Kiprop - acting CO planning from the County.

### **2. Updates from the RAP Exercise**

Kimosop from KISIP explained that the aim was to debrief the CEC as agreed on earlier in the week on the Hill school and Maili Nne RAPs exercise. He explained that the team had met the Settlement Executive Committee for Maili Nne and Hills school. The CEC noted been aware that there were challenges in these settlements.

Joel – KISIP safeguards explained that there seemed to be disputes, some historical in Maili Nne and with about 5 cases in court over ownership.

The team had facilitated the community to chose Grievance committee to deal with the issues arising in Maili Nne. By yesterday the committee had close to 14 disputes registered with them. The community was informed that those they could not handle should be forwards to the county. On the RAP, the community had agreed on voluntarily removing some temporary structures from the roads. Main houses will however be facilitated to move from road reserve. The community had asked for minimum 1 month to move.

Eldowas had 3 kiosks affected by the RAP in Maili Nne so they will need a notice for movement. In Maili nne, a number of disputes existed and a brief write up was passed on to the CEC. These included a person who claimed lacks a plot due to the planning process. She was asked her to write to the GRC. However most people don't have any document of purchase or a witness, so it's a challenge to solve such cases. Another landlord sold his plot twice to 2 buyers. The GRC will receive the case and there is need for the county to investigate. In other cases, roads are encroached and one claimant claims it's his plot. Roads are occupied and blocked. 1 pap has no road to house and uses a path from a neighbour that is now blocked. One has built on another's plot.

In Hill school, Dr Wairimu indicated there seemed to be a problem with the SEC chair as the community indicated he was in the middle of some of the land conflicts. The county noted they would deal with this as they had received the complains on the same.

### **3. The CECs Remarks**

The County is clear about issues of disasters response and thus the message is very clear to the community. The roads need to be cleared so they can receive assistance during disasters

He also noted part of the problem in Maili Nne was that a first survey was undertaken and then people settled, then a second formal survey undertaken. Some people settled as per first beacons ...so county needs to assist in re-establishing the correct beacons.

He noted that Eldowas is doing sewerage any howly so will be a problem. The county will ask for mapping of all facilities been put up and a letter will be directed to them to handle issues of relocation.

The CEC indicated he is aware of the problems in Maili Nne and they will work to resolve them. Hill school has no major issues.

He also requested for the planning report for Kuinet informal settlement under Lot 4.

The CEC reiterated their support for KISIP noting that the Kenya urban support programme is also looking at the county for implementation and so they are on toes to implement all these programmes.

#### 4. Way Forward

The meeting agreed that the county would issue a notice period of minimum 1 month and preferably 3 months to allow tenants sufficient time to relocate, after facilitation. The County will work to resolve all conflicts/disputes in the 2 settlements.

CEC pledged the County's support in the implementation of the RAP.

The County urged KISIP to accelerate the RAP approval process and issuance of titles.

#### 5. AOB

There been no other business, the meeting was closed.

#### KISIP

#### RAP ACTIVITY MAILI NNE & HILL SCHOOL SETTLEMENT IN AUSIN GISHU COUNTY

#### ATTENDANCE LIST

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3.	Jackstone Kiprop	Ag. Co. Phy. Plan. & W.	jackstone@gmail.com	0720479466	
4.	Celestine Kariuki	KISIP Nairobi	kariukicelestine@gmail.com	0122677953	
5.	Faith Bivir	KISIP Nairobi	bivir.faith@gmail.com	0722762185	
6.	Teddy Kangogo	Surveyor Roads	teddykangogo@gmail.com	0721513414	
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9.	Wilma Wairimu	KISIP Nairobi	wairimuwilma@gmail.com	0723720245	
10.	Joel Ondachi	KISIP - Safepub	joelondachi@gmail.com	078076739	
11.	Anthony K. Kiniasop	KISIP Nairobi	anthonykiniasop@gmail.com	0717841556	
12.	Joel Kingor	County Commissioner	joelkingor@gmail.com	0729862897	
13.	Caroline Kangogo	KISIP - Nairobi	carolinekangogo@gmail.com	0707193603	

#### B. ASSET REGISTER FOR HILL SCHOOL

		Structure Description				Impacts and Facilitation	
Parcel No.	Structure Owner	Type of structure	Construction	Accommodation	Area (in Sq ft)	Extent Of Impact	Type of vulnerability
1373	Hill K.A.G Church	Pit Latrine	Gci Roof, Stone Walled Plastered And Painted And Screed Floor	Room	72	Whole	
		Fence	Gci On Timber/ Barbed Wire	Item	120	Partial	
1359	Pauline Jeptepkeny Maiyo	Fence	Gci On Timber Offcuts	Item	20	Partial	
1376	Kenn Johnson Gitonga	Fence	Barbed Wire	Item	100	Partial	
1377	Monica Moyaki	Pit Latrine	Gci Roof, Stone Walled Plastered And Painted And Screed Floor	3 door	60	Whole	Female Household Head
1380	Isaac Nganga Njuguna	Shed/Kiosk	Timber Offcuts	Item		Whole	
	Hellen Chepgneno	Shed	Timber Offcuts	Item		Whole	

		Structure Description				Impacts and Facilitation	
Parcel No.	Structure Owner	Type of structure	Construction	Accommodation	Area (in Sq ft)	Extent Of Impact	Type of vulnerability
1353	Doreen Akoth	Shed	Timber Offcuts	Item		Whole	
1482	Benson Kariuki Kuria	Shed		Item		Partial	Elderly
	Ann Nasimiyu	Shed/Kiosk-Charcoal	Gci Roof, Gci Walling And Earth Floor	Item	20	Whole	Female Household head
	Jackline Visanya	Shed/Kiosk - Grocery		Item		Partial	Female Household head
1481	Peter Kuria Muoge	Shed/Butchery-Extension	Gci Roof, Gci Walling And Screed Floor	Item	16	Partial	
	Anthony Mukhabi	Shed/Kiosk-Samosa	Gci Roof, Timber Wall	Item	24	Whole	

		Structure Description				Impacts and Facilitation	
Parcel No.	Structure Owner	Type of structure	Construction	Accommodation	Area (in Sq ft)	Extent Of Impact	Type of vulnerability
1487	Veronica Wanjiku	Shed-Charcoal	Gci Roof, Polythene Wall, Earth Floor	Item	30	Whole	
	Lucy Nduta Ndirangu And Mary Wanja Ndung'u	Fence	Gci On Timber Offcuts	Item	50	Whole	Female Household head
	Sylvia Malembule	Shed/Grocery-Chips		Item	35	Partial	
1478	Muthoni Njoroge	Kiosk-Mandazi	Gci Roof On Gci Walling And Earth Floor	Item	70	Partial	Female Household head
1477	Beatrice Nungari	Bar/Pub	Gci Roof On Gci Walling And Screed Floor	Room	108	Whole	Female Household head
	Mary Wanja	Kiosk -Grocery	Gci Roof On Gci Poles And Earth Floor	Item	60	Whole	

		Structure Description				Impacts and Facilitation	
Parcel No.	Structure Owner	Type of structure	Construction	Accommodation	Area (in Sq ft)	Extent Of Impact	Type of vulnerability
	Mungai Wellington	Kiosk - Grocery- Households	Gci Roof, Timber Offcuts Walling And Earth Floor	Item	20	Whole	
	Phillis Khamete	Shed/Kiosk- Mandazi		Item	30	Whole	
	Sammy Ngige	Kiosk-Grocery	Gci Roof, Timber Offcuts Wall And Earth Floor	Item	45	Whole	
1498	Johnstone Mulavi	House (Rental Occupied By 3 Female Tenants Who Were Not Around During Enumertaion But Names Indicated As Esther, Maureen))	Gci Roof, Stone Walled And Screed Floor	Room	40	Partial	

		Structure Description				Impacts and Facilitation	
Parcel No.	Structure Owner	Type of structure	Construction	Accommodation	Area (in Sq ft)	Extent Of Impact	Type of vulnerability
		Gate	Mbt	Item	Item	Installation	
1464	Peter Kabiru Waweru	Fence	Timber Offcuts	Item	80	Partial	
		House	Gci Roof, Gci Walling And Screed Floor	Room	60	Partial	
		Pit Latrine	Gci Roof, Stone Walled Plastered And Painted And Screed Floor	3 door	32	Whole	
1465	John Gitau	Fence	Barbed Wire	Item	80	Partial	
		Kiosk-Saloon	Gci Roof, Gci Walling And Screed Floor	Item	105	Partial	
1468 R	Joyce Jelimo	Grocery		Item	30	Whole	

		Structure Description				Impacts and Facilitation	
Parcel No.	Structure Owner	Type of structure	Construction	Accommodation	Area (in Sq ft)	Extent Of Impact	Type of vulnerability
1471	Esther Muthoni	Kiosk -Grocery		Item	12	Whole	
1459	Gerard K. Mwangi	Well		Dug and covered	80	Whole	Elderly
		Fence	Timber Offcuts	Item	80	Partial	
		Gate		Item	Item	Installation	
1479	Charles Ndirangu Kinyori	Fence	Timber Offcuts	Item	100	Whole	Elderly
1452	Nyoro Mwangi	Fence	Timber Offcuts	Item	50	Partial	
1383	Charles Omanwa Okinyi	Grocery		Item	24	Whole	
1378	Seventh Day Adventist Church	Fence	Gci	Item	100	Partial	
1375	Benedictus A.O.K. Mukakula And Paul Ngenya Gitau	Pit Latrine	Gci Roof, Stone Walled Plastered And Painted And Screed Floor	3 door	30	Partial	

		Structure Description				Impacts and Facilitation	
Parcel No.	Structure Owner	Type of structure	Construction	Accommodation	Area (in Sq ft)	Extent Of Impact	Type of vulnerability
		Pub	Gci Roof, Stone Walled Plastered And Painted And Screed Floor	Room	42	Partial	
		Pit Latrine	Gci Roof, Stone Walled Plastered And Painted And Screed Floor	4 door	36	Partial	
		Gate		Item	0	Installation	
1374	Alexander M. Kiberie	House (Rental With 1 Tenant Indicated As Mama Chero)	Gci Roof, Mud Wall And Earth Floor	2 rooms	90	Partial	
1365	Pentecostal Assemblies Of God	House (Rental With 6 Male Tenants Not In)	Gci Roof, Mud Wall And Earth Floor	Room	144	Partial	
1514	Rosemary Njeri	Pit Latrine		4 door	36	Whole	

		Structure Description				Impacts and Facilitation	
Parcel No.	Structure Owner	Type of structure	Construction	Accommodation	Area (in Sq ft)	Extent Of Impact	Type of vulnerability
1506	Edward Ochwa Ojwang	Rental House ( For 5 Male Tennats Who Were Not In But Names Indicated Asdaniel Orinago, Patrick Wamalwa, Lumiti Bulinda, Sam Okello)		8 rooms	4032	Partial	Elderly
		Pit Latrine		4 door	64	Whole	
		Poultry Cage		Item	item	Whole	
		Kennel		Item	item	Whole	
1504	Kimutai Japheth Too	Pit Latrine	Gci Roof, Gci Walling And Sereed Floor	3 door	40	Whole	

		Structure Description				Impacts and Facilitation	
Parcel No.	Structure Owner	Type of structure	Construction	Accommodation	Area (in Sq ft)	Extent Of Impact	Type of vulnerability
		Pit Latrine	Gci Roof, Gci Walling And Screed Floor	1 door	30		
		House-Rental Occupied By 4 Tensnts Who Were Not In	Gci Roof, Gci Walling And Screed Floor	Room	60	Whole	
1500 RR	Reba Mbone	Kiosk	Gci Roof, Timber Wall	Item		Whole	
1497	Okumu Ondanda	Fence	Gci On Timber	Item	20	Partial	
1437	Okoth Oloo Jared	Fence	Barbed Wire	Item	80	Partial	
1436	Isaac Karuma Mugai	Pit Latrine	Gci Roof, Gci Wall, Screed Floor	2 door	32	Whole	Elderly
		Fence	Barbed Wire	Item	50	Partial	

		Structure Description				Impacts and Facilitation	
Parcel No.	Structure Owner	Type of structure	Construction	Accommodation	Area (in Sq ft)	Extent Of Impact	Type of vulnerability
1428	Muthami Migwi	House (Rental Occupied By 5 Male Tenants Who Were Not Around During Enumertaion)	GCI Roof And Wall And Earth Floor	4 roomed	550	Whole	Elderly
	Ruth Njoki	Kiosk	GCI Roof And Timber Walling	Item	50	Partial	
1445	Hawa Wambui Gichuki	Fence	GCI On Timber	Item	50	Partial	
1605	Andrew Kipruto Kimutai And Janifer Kimutai	House	GCI Roof, GCI Wall And Earth	Room	24	Partial	
1399	Mbega Kwa Mbega Self Help Group	Kiosk	GCI Roof, GCI Wall, Earth Floor	Item	14	Partial	
1398	Ruth Njeri Ndungu	House	GCI On Timber	4 roomed	63	Partial	

		Structure Description				Impacts and Facilitation	
Parcel No.	Structure Owner	Type of structure	Construction	Accommodation	Area (in Sq ft)	Extent Of Impact	Type of vulnerability
		Fence	Timber Offcuts	Item	50	Whole	
		Poultry Cage	Timber Offcuts	Item	112	52.00	
1414	Joyce Wanjiku Nderitu And Eunice Wangari Nderitu	Fence	GCI On Timber	Item	30	Whole	
1387	Full Gospel Churches Of Kenya	Fence	Timber Offcuts	Item	120	Partial	

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**C. SOCIOECONOMIC TOOLS: HOUSEHOLD SURVEY QUESTIONNAIRE  
KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT (KISIP)  
RAP SOCIO ECONOMIC BASELINE QUESTIONNAIRE**

**1. Background information and Identifier**

- |   |                           |
|---|---------------------------|
| <b>A</b> Questionnaire/household Serial No. | <b>B</b> Date             |
| <b>C</b> Enumerator Name                    | <b>D</b> County           |
| <b>E</b> Settlement                         | <b>F</b> Sub county       |
| <b>G</b> Village                            | <b>H</b> Respondents Name |

**2. Household Demographics/profile – Household head**

- |   |  |
|---|--|
| <b>A</b> Name of HH head:                             | <b>C</b> HH Head Tel. Number:                        |
| <b>B</b> HH Head ID No:                               | <b>E</b> Age of HH                                   |
| <b>D</b> Gender of HH head: 01-Male<br>02-Female      | <b>G</b> Highest Education Level                     |
| <b>F</b> Marital Status                               | <b>H</b> <u>Primary Occupation/employment status</u> |
| <b>H</b> <u>HH Head Vulnerability Characteristics</u> | 1. Civil Servant (specify).....                      |
| 1. Aged/Elderly (above 65)                            | 2. Employee in private sector                        |
| 2. Chronic Illness                                    | 3. Casual Labourer                                   |
| 3. Widow/Widower                                      | 4. Self-employed craftsman/Builder                   |
| 4. Single parent/Separated/Divorced                   | 5. Trader/Business man/woman                         |
| 5. Orphan   | 6. Unemployed/not economically active                |
| 6. Permanent Disability                               | 7. Too young to work/Student                         |
| 7. HIV/AIDS afflicted persons                         | 8. Farmer/Livestock keeper                           |
| 8. Other (specify).....                               | 9. Retired   |
|   | 10. Shop assistant                                   |
|   | 11. Other (specify).....                             |
| <b>I</b> <u>Place of work</u>                         |  |
| 1. In this village                                    |  |
| 2. Inside this settlement                             |  |
| 3. Outside settlement but within same sub county      |  |
| 4. Outside settlement but within same county          |  |
| 5. Outside this county                                |  |

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**5. LIVELIHOOD**

**A. Primary source of Livelihood and income for family**

1. Government Job
2. Private Sector Job
3. Casual Labour
4. Agriculture
5. Rent/Property rental
6. Construction/construction worker
7. Business (specify)
8. Pension
9. Economic support: family or friends
10. Economic support: Government/NGO
11. Others (specify .....

**B. Secondary source of Livelihood for family**

1. Government Job
2. Private Sector Job
3. Casual Labour
4. Agriculture
5. Rent
6. Business (specify)
7. Remittances
8. Others (specify .....

**C. Average household income per month in (Kshs)**

**D. Apart from HH, is there any member of the household who also brings in some income every month?**

1. Yes (specify whom and how much per month)
2. No

**E. Top 3 household expenditure items**

1. Agricultural Input
2. Cooking Fuel
3. Drinking Water
4. Education
5. Electricity
6. Entertainment
7. Food
8. Health
9. Holiday
10. House Rental
11. Miscellaneous
12. Rental of Agricultural Land
13. Transport
14. Other (specify).....

**F. Average household Expenditure per month in (Kshs)**

1. Below 2,000
2. 2001 – 5,000
3. 5001 – 10,000
4. 10001 – 20,000
5. Above 20,000

**6. LAND/HOUSE OWNERSHIP/STATUS**

**A. Indicate which of the following applies to you (circle all that applies)**

1. Plot owner
2. Structure Owner
3. Tenant (residential)
4. Tenant (Business)

<p><b>B. What is the status of Structure/house you live?</b></p> <ol style="list-style-type: none"> <li>1. Owner</li> <li>2. Tenant</li> <li>3. Use with permission of the owner (no pay involved)</li> <li>4. Institutional house</li> <li>5. Other (specify .....</li> </ol>	<p><b>C. If owner of structure, why did you move here?</b></p> <ol style="list-style-type: none"> <li>1. Economic reasons</li> <li>2. Landlessness</li> <li>3. Skirmishes</li> <li>4. Others (specify .....</li> </ol>	<p><b>D. If tenant, how much rent do you pay per month? Kshs.</b></p>	<p><b>E. If tenant, why did you move here (tick the 2 main ones)?</b></p> <ol style="list-style-type: none"> <li>1. Rent is affordable</li> <li>2. Proximity to school</li> <li>3. Proximity to work</li> <li>4. Others (specify .....</li> </ol>	<p><b>F. If tenant, what rental agreement do you have?</b></p> <ol style="list-style-type: none"> <li>1. Written</li> <li>2. Verbal</li> </ol>
<p><b>G. For main house, describe main material for wall</b></p>	<p><b>H. For main house, describe main material for roof</b></p>	<p><b>I. For main house, describe main material for floor</b></p>		

<ol style="list-style-type: none"> <li>Stone</li> <li>Bricks/Blocks</li> <li>Iron sheets</li> <li>Wooden</li> <li>Cemented earth wall</li> <li>Earth/mud</li> <li>Polythene/ Carton</li> <li>Grass</li> <li>Other (specify).....</li> </ol>	<ol style="list-style-type: none"> <li>Tiles</li> <li>Iron sheets</li> <li>Wooden</li> <li>Concrete</li> <li>Asbestos</li> <li>Makuti</li> <li>Tin</li> <li>Mud/dung</li> <li>Other (specify).....</li> </ol>	<ol style="list-style-type: none"> <li>Cement screed</li> <li>Earth</li> <li>Tiles</li> <li>Wood</li> <li>Other (specify).....</li> </ol>
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## 7. WELFARE INDICATORS

<p>1. <u>What does the family use for lighting?</u></p> <ol style="list-style-type: none"> <li>Fuelwood</li> <li>Solar</li> <li>Charcoal</li> <li>Battery (e.g. car battery)</li> <li>Biogas</li> <li>Gas lamp</li> <li>Pressure lamp</li> <li>Paraffin/Kerosene</li> <li>Electricity (KPLC)</li> <li>Electricity (generator)</li> <li>Candle</li> <li>Other: .....</li> </ol>	<p>2. <u>What does the family use for cooking?</u></p> <ol style="list-style-type: none"> <li>Firewood</li> <li>Solar</li> <li>Charcoal</li> <li>Biogas</li> <li>Paraffin/Kerosene</li> <li>Gas (LPG)</li> <li>Electricity</li> <li>Other: .....</li> </ol>	<p>3. <u>Where do you get water for domestic use?</u></p> <ol style="list-style-type: none"> <li>Borehole at home</li> <li>Tap/piped water (own house)</li> <li>Shallow well at home</li> <li>Tap/borehole water but outside home/public</li> <li>Rain Water</li> <li>River/stream</li> <li>Water kiosk</li> <li>Other (specify).....</li> </ol>	<p>4. <u>Average distance to water source (Return journey)</u></p> <ol style="list-style-type: none"> <li>0-10min</li> <li>10-30min</li> <li>31min-1hr</li> <li>More than 1 hr</li> </ol>	<p>5. <u>Average cost of water per day (Kshs) i.e. how many 20 litre jerrican and at how much is each jerrican?</u></p>
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## 8. HEALTH, RELIGION AND EDUCATION

<p><b>A. <u>Where is the nearest health centre in use by household?</u></b></p> <ol style="list-style-type: none"> <li>Inside this settlement</li> <li>Outside settlement but within same sub county</li> <li>Outside settlement but within same county</li> <li>Outside this county</li> </ol>	<p><b>B. <u>Who operates the medical center?</u></b></p> <ol style="list-style-type: none"> <li>County Government/ Municipality</li> <li>Mission/church</li> <li>Non-Governmental Organization</li> <li>Community based organization</li> <li>Private entity</li> <li>Other (specify).....</li> </ol>	<p><b>C. <u>What are common ailments in the household?</u></b></p> <ol style="list-style-type: none"> <li>Malaria</li> <li>Flu/cough</li> <li>Headache</li> <li>TB</li> <li>Diarrhea</li> <li>Pneumonia</li> <li>Eye infections</li> <li>Amoeba / Typhoid</li> <li>Hypertension/high blood pressure</li> <li>Diabetes</li> <li>Soft Tissue Injuries</li> <li>Other (specify).....</li> </ol>	<p><b>D. <u>How far is your religious institution?</u></b></p> <ol style="list-style-type: none"> <li>Inside this settlement</li> <li>Outside settlement but within same sub county</li> <li>Outside settlement but within same county</li> <li>Outside this county</li> </ol>	<p><b>E. <u>Where is the nearest public (primary) school?</u></b></p> <ol style="list-style-type: none"> <li>Inside this settlement</li> <li>Outside settlement but within same sub county</li> <li>Outside settlement but within same county</li> <li>Outside this county</li> </ol>
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## 9. WASTE DISPOSAL

<p><b>A. <u>How do you dispose of garbage/solid waste that cannot be re-used?</u></b></p>	<p><b>B. <u>Which type of toilet facilities do you have access to?</u></b></p> <ol style="list-style-type: none"> <li>Pit latrine with septic tank</li> </ol>	<p><b>C. <u>How is the facility owned?</u></b></p> <ol style="list-style-type: none"> <li>Public/Communal</li> </ol>	<p><b>D. <u>If Public/communal, do you have to pay?</u></b></p>
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2. Composite pit 3. Bin 4. Burn 5. Bury in ground 6. Throw along the road / field 7. Designated garbage dumpsite 8. Private service provider collects 9. Other specify .....	2. Pit latrine without septic tank 3. Flush toilet 4. Bush/flying toilet 5. No facility 6. Other specify.....	2. <u>Privately owned</u> 3. <u>Other (specify</u> .....	1. <u>Yes</u> 2. <u>No</u>
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**10. COMMUNITY BASED SUPPORT NETWORKS**

**A. Are you a member of any community group?**

i) <u>Type</u> 1. Youth Group 2. Women Group 3. Nyumba kumi 4. Other specify .....	ii) <u>How many Members?</u>	iii) <u>Functions/roles</u>	iv) List benefits from each group

A. Do you think that your participation in these groups will be affected by the proposed project?

1. Yes..... indicate in what way
2. No

**11. GRIEVANCES/CONCERNS/FEARS**

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

**Concern**

**Suggestion on resolution**

**12. For affected assets, what mode of facilitation would you prefer?**

1. Reconstruction of The Same Structures Within the Plot
2. Cash facilitation for Loss of Assets
3. Other (specify) .....

Proof of household enumeration

Household head/representative

SEC representative

Name .....

Name .....

Signature

ID Number .....

ID Number .....

**G. GRIEVANCE REGISTRY**

<b>Date Received</b>	<b>Complainant Name</b>	<b>Contacts</b>	<b>Complaint Description</b>	<b>Outcome Sought</b>	<b>Actions Taken to address the grievance</b>	<b>Closure Date</b>	<b>Signature of the Complainant</b>

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