



**Republic of Kenya**

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ITHENGURI 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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**Ministry of Transport, Infrastructure, Housing and Urban  
Development**  
Transcom House  
Ngong Road

P.O Box 52692 - 00200  
Nairobi  
Kenya  
Telephone: +254-020-2729200  
Fax: +254-020-2730330

**KENYA INFORMAL SETTLEMENTS IMPROVEMENT PROJECT**

**ELGON ROAD, UPPER HILL**

Prepared by Winnie W. Wairimu  
KISIP Social Safeguards Consultant  
November 2019




**DEFINITION OF TERMS**

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

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

**Report Prepared by:**

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

**DR. WINNIE W. WAIRIMU**  
**SOCIAL SAFEGUARDS CONSULTANT, KISIP**

Signed  ..... Date *19/08/2020* .....

**PERIS MANG'IRA**  
**KISIP – COORDINATOR**

**STATE DEPARTMENT FOR HOUSING AND URBAN DEVELOPMENT**  
**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN**  
**DEVELOPMENT AND PUBLIC WORKS**

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

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

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

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

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

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

**Improvement of the settlement:** This refers to implementing the 2007 approved LPDP with a focus on upgrading or enhancing a settlement e.g. through expansion of some road wayleaves where necessary, as opposed to total renewal/re-planning or total redevelopment of the settlement.

**Localized displacement** means displacement of a structure owner or institution PAP etc. from one parcel of land to a different parcel of land (within the settlement) due to the implementation of 2007 approved LPDP through survey activities including demarcation of roads.

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

**Resettlement Action Plan (RAP)** or Resettlement Plan is a resettlement instrument (document) to be prepared when program locations are identified. In such cases, planning and survey activities including demarcation of roads leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legal binding requirements to resettle and compensate/facilitate the affected party before implementation of the project activities. According to provisions by the World Bank OP 4.12, RAP is prepared where project affected persons are more than 200 while an Abbreviated RAP is prepared where project affected persons are less than 200.

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

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

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

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

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

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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<sup>1</sup> to address challenges associated with urban growth. KISIP aims to improve living conditions in informal settlements in selected municipalities in Kenya, by improving security of tenure and investing in infrastructure based on plans developed in consultation with the community.

Nyeri County, and specifically Ithenguri Informal settlement is one of the beneficiary settlements. KISIP's activities in Ithenguri Informal settlement - in Nyeri County, Nyeri town constituency, Municipality Division, Mukaro location, Ruring'u sub location and measuring 5.78 Hectares - specifically sought to provide a framework for the regularization and provision of secure land tenure in the former colonial village. The Settlement, had a plan approved in 2007 but not implemented.

In 2012, KISIP started a settlement mapping and surveying process in the settlement. The settlement has 31 plots i.e. 12 individually owned plots, 3 plots owned by churches, 2 owned by self-help groups, 6 plots hosting public utilities and 9 jointly<sup>2</sup> owned plots. This results in 51 beneficiaries (i.e. 33 male, 7 female, 3 churches, 2 self-help groups, 4 titles vested in the county government (i.e. a public cemetery, health centre, social hall, government administration offices, cattle crush), and 2 titles to be vested in the relevant national actor i.e. police post and a school. The LPDP defined 9m roads within the settlement.

In 2016, 6 of the settlement beneficiaries received title deeds for their Plots (individually owned) from the Ministry of Lands and Physical Planning through the Ministry's rapid response initiative program. Following a World Bank Social Audit in 2017, it was agreed on that an ARAP should be undertaken in retrospect.

However, in a 2018 attempt to undertake the RAP, it was discovered that these certificates of lease had errors (e.g. wrongly spelt names) and in some cases did not tally with the allocated plots as per the approved 2007 PDP and the resultant KISIP prepared survey plan. This therefore triggered KISIP in September 2019 to resolve the issues raised by the community, and the list of beneficiaries for all individual plots was updated, and certificates of lease for all 31 settlement plots will be issued.<sup>3</sup>

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

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<sup>1</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.

<sup>2</sup> All family

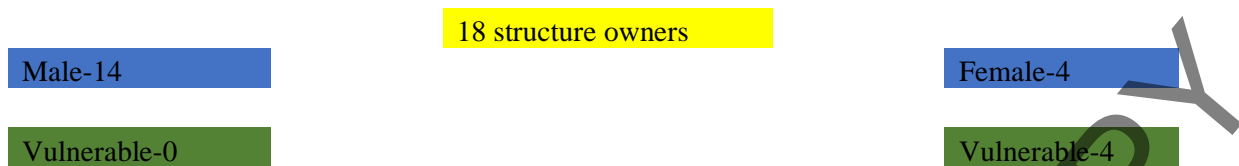
<sup>3</sup> New leases will be issued to the owners of the 6 individual plots (concurrent to the issuance of the leases of the 25 plots who had not yet received leases) and the current 6 have already be recalled by the land registrar to correct the errors.

- 23<sup>rd</sup> September 2019 with the County Government of Nyeri
- 23<sup>rd</sup> September 2019 – Ithenguri project beneficiaries
- 25<sup>th</sup> September 2019 – Ithenguri project beneficiaries
- 9<sup>th</sup> November 2019– Ithenguri project beneficiaries
- 9<sup>th</sup> November 2019- Ithenguri Project Affected Persons

### Impacts on Project Affected Persons

Despite its positive impacts, the surveying and partial issuance of title documents affected a total of 18 Project Affected Persons, due to boundary realignment (8PAPs), road wayleave alignment (2 PAPs) and localized displacement (8PAPs), as shown in the tables below. There were no tenants affected.

Table 0-1 PAPs breakdown



8 PAPs were locally displaced but accommodated within the settlement. During, the initial plot allocation by the county (that resulted in the approved PDP), zoning was established which resulted to public utilities and churches occupying one part of the settlement and residential plots in the lower part of the settlement.

Majority of the PAPs are male (78%), compared to female at 22%. The average age is 48.

4 PAPs are considered vulnerable as 3 female PAPs are elderly (above 65 years) female household heads and 1 is a female household head

### Impact on Structures

35 structures were fully affected, and 3 were partially affected. The main structures affected were main houses, accounting for 39%, largely involving full impact on 15 houses. Kitchens also stand out at 26%, where 8 were fully affected.

All of the affected structures are made of timber (some off cuts) walls, earth or wooden floors and Galvanised Corrugated Iron (GCI) roof.

### Mitigation

Mitigation measures are provided for all impacts. All assets, including main houses, latrines, kitchens etc. which were surveyed (including those valued in retrospect) in the Project-Affected Area by the Cut-Off Date i.e. 9<sup>th</sup> of November 2019 are eligible for compensation, at full replacement value as at time of valuation.

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

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

The total costs of implementing this ARAP is Two Million, Three Hundred and Seventy Five Thousand, One Hundred and Thirty (KSh 2, 375,130) Shillings.

**Commitments**

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

- KISIP will facilitate all the Project Affected Persons according to provisions of this ARAP including the budget for compensation and timelines as per the implementation schedule.
- KISIP will ensure all grievances are addressed and resolved in a timely manner as indicated during implementation of this ARAP.
- KISIP will ensure titles are issued concurrent to the implementation of this RAP.
- KISIP will undertake community sensitization on land succession processes, and in collaboration with the area chief undertake community sensitization to caution the community against any form of Gender Based Violence (GBV) related the use of compensation funds by spouses.
- KISIP will work with the County Government of Nyeri in ensuring the sustainability of the project. The County will be part of the RIC in implementing this ARAP, part of the grievance resolution mechanism, 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 through the RIC and the SEC provide additional assistance where necessary to vulnerable PAPs in rebuilding their structures
- KISIP will issue a 3 months self-demolition notice after compensation is issued to PAPs to enable them salvage their assets.
- KISIP will undertake Monitoring and Evaluation of this ARAP during and after implementation as outlined in this ARAP.

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## **ABBREVIATIONS AND ACRONYMS**

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

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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 appropriate urban planning, which explains the proliferation of informal settlements. The mushrooming of informal settlements in major towns, poses various fundamental challenges, including inadequate infrastructural services (i.e. roads, water, drainage, sanitation), health risks, congestion, encroachment of ecologically sensitized (and protected) areas etc. In addition, these are areas often characterized by insecure tenure, the occupants often encroaching into private or public land.

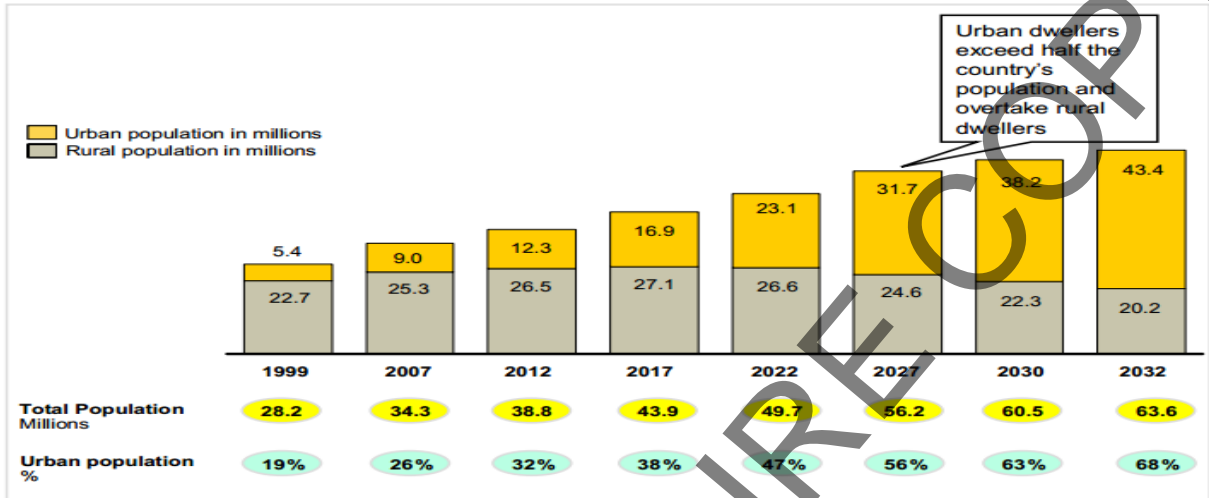


Figure 1-1 Urban-Rural Population growth  
Source: GoK 2007

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

Particularly, Housing and Urbanization under the Social Pillar is perceived as an area of concern. The government sees the planning and management of urban development as critical to the overall vision of the housing and urbanisation requirements for the realisation of Vision 2030 are most relevant. The document thus poses a challenge of developing ‘realistic strategies

that promote sustainable urbanisation by creating functional, vibrant and efficient urban centres that support the unlocking of Kenya's development potential.'

In response, and towards the contribution of The 2030 goal for urban areas - a well-housed population living in an environmentally-secure urban environment, Government of Kenya (GOK) with support from the World Bank, through The International Development Association (IDA), the Swedish International Development Cooperation Agency (Sida) and the Agence Française de Développement (AFD) developed the Kenya Informal Settlements Project (KISIP) as part of a national strategy<sup>4</sup> to address challenges associated with urban growth.

## 1.2 KISIP AND THE 4 COMPONENTS

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

The Project has the following four components

- ***Strengthening Institutions and Project Management*** - Carries out activities to strengthen the capacity of MTIHUD as well as the institutional capacity of the selected counties to develop and implement e.g. city-specific urban upgrading strategies and plans. The component also carries out a range of activities for the implementation of the Project including) mobilizing communities to participate in the designing and overseeing implementation of Settlement Upgrading Plans, establishing a monitoring and evaluation system, and carrying out socio-economic surveys of slum settlements at the beginning to establish a baseline and at the end of the Project to determine the impact of the Project's interventions, all through provision of goods, technical advisory services and training required for that purpose.
- ***Enhancing tenure security*** - Supports the enhancement of tenure security in urban informal settlements (including provision of technical advisory service, goods and training required for that purpose), such activities to include conducting detailed mapping of existing slum settlements, (organizing and mobilizing communities to participate in the informal settlements upgrading activities, identifying and demarcating settlement boundaries, preparing local physical development plans, establishing a database on the land tenure status of slums, upgrading of the Geographical Information Systems labs at the MTIHUD and in selected Counties, surveying individual plots and preparing registry index maps, and preparing, registering, and issuing titles to individual persons or to groups

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<sup>4</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.

- **Infrastructure and Service delivery** - Supports implementation of settlement upgrading plans developed at the community level, investment in settlement level infrastructure, and, where necessary, extension of trunk infrastructure to settlements. Areas of investments include roads, bicycle paths, pedestrian walkways, street and security lighting, vending platforms, solid waste management, storm water drainage, water and sanitation systems, electrification, public parks, and green spaces, whose selection and prioritization is based on a set of agreed criteria
- **Planning for Urban Growth** – Assists Counties to plan for future urban growth, through activities such as carrying out a systematic study of the main impediments to delivery of housing and serviced land that is affordable to persons in the lower two income quantiles of the urban population, conducting analysis of the available financing for low-income housing, and developing the appropriate strategies to improve access to financing, and developing systems, standards, or policies that facilitate delivery of serviced land and housing for low-income households.

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

### **1.3 KISIP INTERVENTIONS IN NYERI**

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

The activities in Ithenguri informal settlement, a settlement in Nyeri County, Nyeri town constituency, Municipality Division, Mukaro location, Ruring'u sub location and measuring 5.78 Hectares, specifically sought to achieve the following objectives – all aimed at providing a framework for the regularization and provision of secure land tenure and perhaps later infrastructure development in the former colonial village:

- Socio-economic and physical mapping of the settlement and respective community
- Surveying of plots and preparation of survey plans and submitting to the director of Surveys for approval.

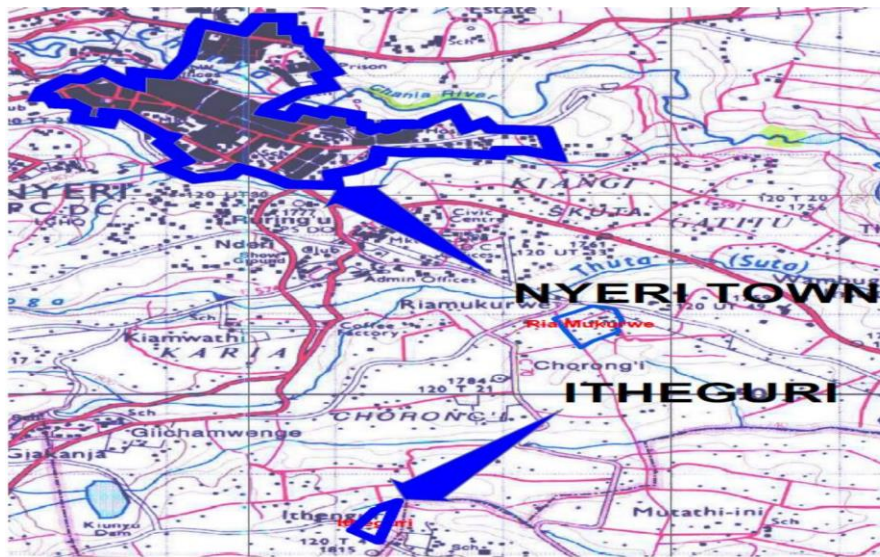


Figure 1-2 Ithenguri Location Plan

The in-situ planning approach and process undertaken in the settlement took cognizance of the existing conditions, and KISIP's interventions were limited by the special conditions of the informal settlement i.e. Ithenguri had an approved Local Physical Development Plan (LPDP) prepared in 2002 (approved in 2007) but not implemented. Further, to minimize displacement and resettlement impacts, the nature of the KISIP intervention took an improvement<sup>5</sup> angle as opposed to total renewal and redevelopment of the settlement.

In addition, the placement of beacons in August 2014, and the issuance of 6 certificate of leases to the settlement members by the Ministry of Lands and Physical Planning in 2016 led to impact on 18 Project affected persons, in advance of the preparation, clearance and disclosure of an ARAP.

In January 2018, KISIP attempted to undertake the RAP preparation exercise in Ithenguri but was not successful because the beneficiaries indicated that due to the time lapse, clearance of some roads by the county thus removal of some beacons etc., many could no longer tell their property boundaries. This required that a re-disclosure of plot boundaries, prior to the development of the RAP.

#### 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. However, as indicated previously, certificates of lease were issued in 2016 to 6 of the settlement beneficiaries. In the absence of undertaking a RAP to address the impacts of the surveying activities undertaken by KISIP. The purpose of preparing this Abbreviated Resettlement Action Plan (ARAP) in retrospect was therefore to:

<sup>5</sup> As defined in the definition of terms section.

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

In both instances, this was to enable valuation of the assets and provide a strategy for compensation to ensure that the PAPs' affected assets and livelihoods are restored or improved to pre-project level.

Specifically, the objective was to:

- To identify PAPs and their properties and determine the extent of involuntary displacement, and put in place measures to minimise and/or mitigate such impacts;
- To value PAPs' property and assets, and provide a clear pathway to restoration of livelihood activities post displacement and relocation.
- 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.
- To set out provision for redress of complaints and grievances made aware to, and accessible to all the PAPs.
- To establish a framework for monitoring, evaluation, and reporting of project impacts.

## **1.5 ARAP APPROACH AND METHODOLOGY**

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

### **1.5.1 Document Review:**

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

### **1.5.2 Re-Disclosure of Plot Boundaries**

Between 23<sup>rd</sup> and 25<sup>th</sup> September 2019, KISIP Component 2, County Government of Nyeri and Survey of Kenya undertook a plot boundaries re-disclosure. This involved a plot by plot exercise of identifying all beacons using the authenticated Survey Plan/RIM, re-establishing the missing ones and ensuring each beneficiary was aware of their boundaries.

### **1.5.3 Stakeholder Meetings and Consultations**

#### *1. Re-establishing Beacons exercise*

3 meetings were held:

- One held on 23<sup>rd</sup> September 2019 and involving the KISIP National team, county government, Survey of Kenya and National Land Commission (NLC) representatives, and which sought to come to an agreement on the activities to be undertaken in Ithenguri. This also involved a quick briefing of the County Executive Committee

Member (CECM) and chief officer in charge of Lands, Physical Planning, Housing and Urbanization who also supported the exercise.

- A community meeting on 23<sup>rd</sup> which recapped KISIP's work in the settlement and need for plot boundaries re-disclosure
- A community meeting held on 25<sup>th</sup> September which recapped the plot boundary disclosure exercise and verified the list of beneficiaries.

## 2. *RAP exercise*

2 meetings were held on 9<sup>th</sup> November 2019:

- One involved the project beneficiaries and focussed on the RAP process and identification of PAPs.
- A second meeting held with the PAPs after the PAPs census and socio-economic survey focussed on the findings of the census and the next steps to be followed towards implementation of the RAP. This meeting established 9<sup>th</sup> November 2019 as the cut-off date.

Due to the nature of the participants including the elderly, the meeting was held in a mix of the local languages i.e. Kikuyu and Swahili. 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. The list of PAPs and affected structure was read out for verification purposes.

### 1.5.4 **PAPs census and Socio-economic Survey**

The identification of PAPs was a sequential and systematic process to ensure all affected parties were identified:

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

Before carrying out field visits, a desk analysis that sought to identify the number of Project Affected Persons (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 allocated parcels.

#### 2. *Transect Walks*

In collaboration with the SEC, (and with other community members joining), a systematic parcel by parcel transect walk was used to identify persons and structures affected, on 9<sup>th</sup> November 2019. In each case, the nature of impact was noted and a list of structure owners developed. As part of this exercise, photographs of the structures were taken.

Concurrent to the census, a social economic questionnaire administered. 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 Assessment (valuation)

A parallel valuation exercise/assessment was undertaken by a registered valuer on 9th November 2019. 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 Ithenguri informal settlement.

This exercise involved: -

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

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

Kenyan laws do not prescribe the valuation techniques that must be used in resettlement and compensation cases but 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. This is summarized in the table below;

*Table 1-1 International Valuation Standards (IVS) Guidance Provided by the IVSC*

Value Approach	Application guidance provided by IVSC
<b>Market approach</b> <b>Valuation technique</b> uses prices and other relevant information generated by market transactions involving identical or comparable assets	<ul style="list-style-type: none"> <li>• Under the <i>market approach</i>, the value is determined based on comparable transactions. Although property interests are not homogeneous, the IVSC considers the market approach most commonly applied.</li> <li>• “In order to compare the subject of the valuation with the price of other real property interests that have been recently exchanged or that may be currently available in the market, it is usual to adopt a suitable unit of comparison.</li> </ul>

	<ul style="list-style-type: none"> <li>• A unit of comparison is only useful when it is consistently selected and applied to the subject property and the comparable property interests in each analysis.”</li> </ul>
<b>Income approach Valuation</b> <b>techniques</b> converts expected future net cash flows to a single current (discounted) amount	Various valuation methods can be captured under this valuation technique. They all have in common that the valuation is based on estimated future income and profits or cash flows.  Most commonly recognized are the: <b>Income capitalization method</b> , also known as the yield method under which a constant income stream is capitalized; and, <b>The discounted cash flow method.</b> “The yield method” is quick and simple but cannot be reliably used where the income is expected to change in future periods to an extent greater than that generally expected in the market or where a more sophisticated analysis of risk is required. In such cases, various forms of discounted cash flow models can be used.”
<b>Cost approach Valuation technique</b> that reflects the amount that would be required currently to replace the service capacity of an asset (often referred to as current replacement cost)	IVSC considers that this method should be applied by exception only: “It is normally used when there is either no evidence of transaction prices for similar property or no identifiable actual or notional income stream that would accrue to the owner of the relevant interest. It is principally used for the valuation of specialized property, which is property that is rarely if ever sold in the market, except by way of sale of the business or entity of which it is part.”

#### 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. The cost was however discounted to reflect the reimbursables since the structures had already been rebuilt and hence market value in this case will be the value of reimbursable to effect similar constructions.

#### **Other entitlements related to Assets/Vulnerability**

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

## **2. SETTLEMENT MAPPING, SURVEY AND TITLING OF ITHENGURI INFORMAL SETTLEMENT<sup>6</sup>**

### **2.1 INTRODUCTION**

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

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

### **2.2 CONTEXT FOR SETTLEMENT MAPPING AND SURVEY ACTIVITIES BY KISIP**

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

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

Geographically, Ithenguri is located approximately 1,770 meters above the sea level. It also has an almost steep slope of 22.2 % around its northern sections to a gentle slope of 6.7% around its southern sections all of which drains north towards a tributary of the Kaguno River. The settlement is composed of sparsely distributed wooden semi-permanent buildings with the highest concentration in the commercial area along the main road. The settlement enjoys the existence of a number of public services within its boundaries such as a newly built public

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<sup>6</sup> This chapter is based on the Settlement Mapping and Socio economic surveys undertaken by the then settlement mapping and surveying Consultant – Centre for Urban and Regional Planning.

health centre, Government Administration offices and a number of churches (Catholic Church, full gospel church, ACK church).

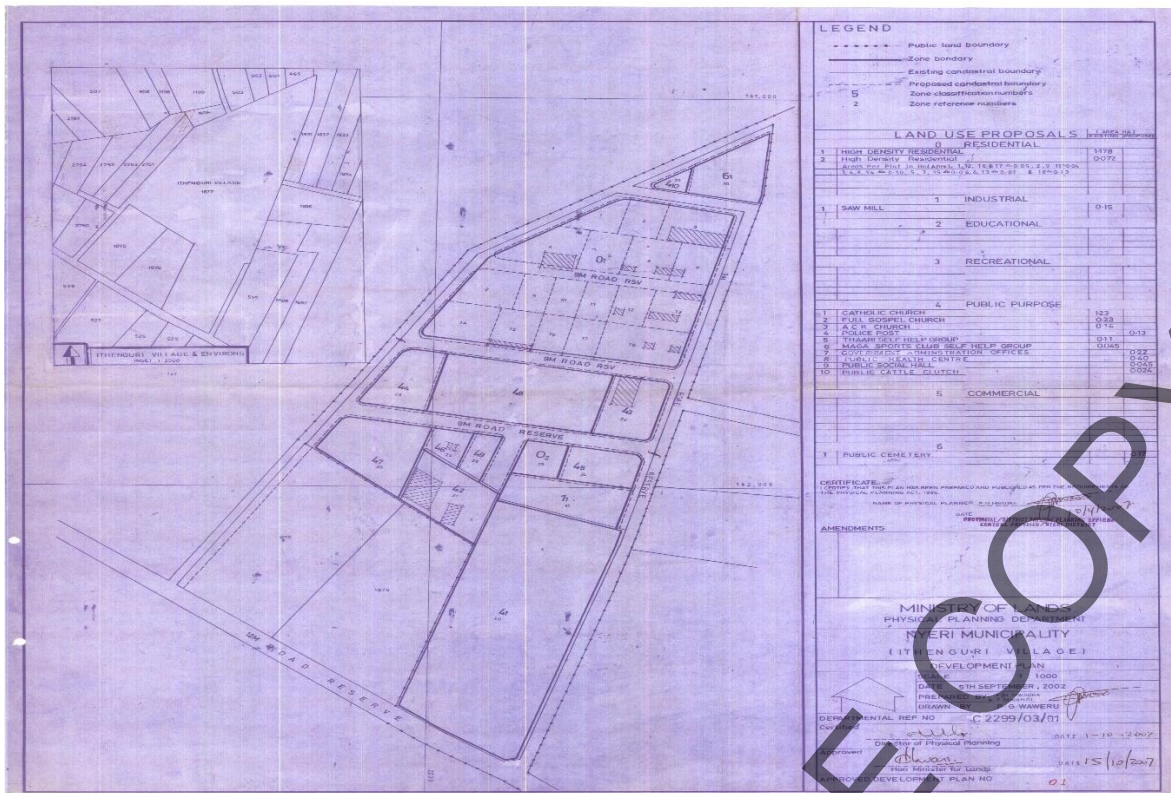


Figure 2-1 Ithenguri PDP

### 2.3 SETTLEMENT MAPPING AND SURVEY DESIGN AND APPROACH

The highly consultative and participatory settlement mapping and surveying 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:

- The initial stage was the Intensive Reconnaissance survey conducted to determine the suitability for implementation of approved LPDP and to determine the best methods of operation once the actual project work starts.
- Stage 2 but complementary to the process above was aerial photographs, topographical planning maps, and photo mosaics of the study area. This also involved collection and analysis of all identifiable secondary data relating to slums and informal settlements in the study area. These included reports compiled by various government departments and non-governmental organizations and other data such as census reports. Inventory of reference material on relevant planning policies and legal documents was a continuous process in which the consultants collected and perused through relevant documents. These acted as a guide to the planning process and a check to ensure that the final outputs would follow legal stipulations.
- The third stage was the collection and analysis of primary data on the housing, household, environmental sanitation and socio-economic characteristics of slums and

informal settlements. This included a field survey of the settlement which involved visiting the site, interviewing respondents, collecting physical and socio-economic data, updating maps among several other activities.

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

#### **2.4 DEVELOPMENT OF LAND INFORMATION SYSTEM (LIS)**

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

- a. Informed decision making for Planners & Policy makers
- b. Identification of the livelihood needs like primary education, training, employment etc. in each informal settlement area. Decision can be taken on the needs or area of focus for development of individuals as well as the settlements.
- c. Prioritization of the needs based on the analysis leading to realistic planning and effective implementation.
- d. Impact assessment of projects implemented in the areas

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

The system supports reporting (user built) from maps to table data and vice-versa. All data is exportable as XML to support offline integration with other cooperate systems in use.

The system is based on four modules: Data, User interface, GIS and business. Each module features industry-based security services to support, confidentiality, integrity and availability.

#### **2.5 SOCIO-ECONOMIC AND PHYSICAL MAPPING, ENUMERATION AND STRUCTURE NUMBERING**

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

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 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 compile a list of beneficiaries for purposes of issuance of titles. The household data on the other hand would provide information towards the preparation of the socioeconomic reports and later inform the plan formulation process.

The structured questionnaire covered key areas including Socio-demographic characteristics, Disability, chronic illness and health status of all household members, Public facilities frequented and sufficiency of infrastructure, education levels, household income and

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

## 2.6 SETTLEMENT MAPPING:

The preparation for site mapping included survey work where identification and picking of the settlement boundary was done by surveyors. The surveyors were guided by the LPDP. Prior to the field work, the consultants prepared a base map from aerial maps provided by the client, KISIP. This was done by merging the boundary map and the aerial map of the informal and then digitizing all the physical features including structures and infrastructure like roads and water points among other highlights like churches etc. This map was used as the basis and guide during the study especially in the physical mapping phase where some of the sites needed to be zoned to accommodate the various teams involved.

### 2.6.1 Structure Numbering

The definition used to identify a structure was that of a building standing independently of the other buildings and used mainly for living and sleeping purposes. For this reason, free standing toilets and kitchens were not counted as structures.

## 2.7 SURVEY WORK

The initial stages of the survey work involved identification, establishment and verification of the perimeter boundaries for the informal settlement.

The team managed to integrate all data from diverse sources after all products had undergone and passed quality control standards. The data integrations occurred through superimposition of layers, points, lines, areas, polygons. These were accurate and there were practically no shifts or errors in the final product.

The consultants were able to generate all plot boundaries accurately after establishing a multi-faceted and user-friendly GIS.

The eventual work involved picking the individual plot boundaries as well the settlements' boundaries as illustrated in the LPDP and placing of beacons to that effect. These picked boundaries were then plotted on survey plans which were presented to the Director of Surveys for approval.



Figure 2-2 Tenure Led Settlement Improvement Process

## 2.8 PROCESS OUTCOMES

The settlement has 31 plots i.e. 12 individually owned plots, 3 plots owned by churches, 2 owned by self-help groups, 6 plots hosting public utilities and 9 jointly<sup>7</sup> owned plots. This results in 51 beneficiaries (i.e. 33 male, 7 female, 3 churches, 2 self-help groups, 4 titles vested in the county government (i.e. a public cemetery, health centre, social hall, government administration offices, cattle crush), and 2 titles to be vested in the relevant national actor i.e. police post. The LPDP defined 9m roads within the settlement.

In 2016, 6 of the settlement beneficiaries received certificates of lease for Individually Owned Plots from the Ministry of *Lands* and Physical Planning through the Ministry's rapid response initiative program. Following a World Bank Social Audit in 2017, it was agreed on that an ARAP should be undertaken in retrospect. However, in a 2018 attempt to undertake the RAP, it was discovered that some of these certificates of lease had some errors (e.g. wrongly spelt names) and in some cases did not tally with the allocated plots as per the 2007 PDP. This therefore triggered KISIP in September 2019 to resolve the issues raised by the community, and the list of beneficiaries for all individual plots was updated, and certificates of lease for all 31 settlement plots will be issued.<sup>8</sup>

## 2.9 ALTERNATIVE MEASURES CONSIDERED TOWARDS MINIMIZING THE POTENTIAL IMPACTS

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

- The nature of the assignment took an improvement<sup>9</sup> angle as opposed to renewal or total redevelopment of the settlement. This means where possible, the 2007 LPDP was largely implemented as is, rather than major modifications.
- The plan design was structured with precision to ensure that the proposed carriage way affected as few structures as possible. This was done to minimize the number of structures affected.

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<sup>7</sup> All family

<sup>8</sup> New leases will be issued to the owners of the 6 individual plots (concurrent to the issuance of the leases of the 25 plots who had not yet received leases) and the current 6 have been recalled by the land Registrar to correct the errors.

<sup>9</sup> Refer to definition of terms section.

### 3. POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

#### 3.1 INTRODUCTION

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

#### 3.2 NATIONAL POLICY AND LEGAL FRAMEWORK

The most relevant are summarised in table below.

<b>The National Housing Policy</b>	It recognizes the 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. Recognizing that security of land tenure is a central requirement for clearing the backlog of housing demand for the urban poor, it advocates for upgrading of informal settlements and slums through ensuring security of land tenure, provision of basic infrastructural facilities/services etc. Advocates that such efforts need to be undertaken with minimal displacement to the host populations.
<b>National Land policy</b>	Provides overall framework for land administration and management guided by among others, the principles of gender equity and secure land rights. In section 3.6 on land issues requiring special intervention, land rights of women; and land rights in informal settlements and for informal activities are included, noting that particularly for the former, the problem is the absence of security of tenure and planning thus advocating for regularization of existing squatter settlements found on public and community land for purposes of upgrading or development. On gender and equity principles, the government purposes to protect the rights of women in issues of inheritance to land and land-based resources and 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.
<b>Constitution of Kenya (2010)</b>	It defines public land to include land which at the effective date was unalienated government land, and vests such land to the county government in trust for the people resident in the county, and shall be administered on their behalf by the National Land Commission. Article 27 of the Constitution promotes gender equality and freedom from discrimination. It 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 property, noting that every person has the right, to acquire and own property (a) of any description; and (b) in any part of Kenya. Article 10(2) (b) upholds human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized. 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. 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 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.
The Land Act, 2012		This Act applies to all land declared as public land, and vests is to the county government in trust for the people resident in the county, and shall be administered on their behalf by the National Land Commission.
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.
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 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. 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. <ul style="list-style-type: none"> <li>• Sections 21-22 provide the guiding principles in cases of displacement due to development projects: <ul style="list-style-type: none"> <li>○ Demonstrate that the displacement is unavoidable and no feasible alternatives exist;</li> <li>○ Seek the free and informed consent of the affected persons;</li> <li>○ Hold public hearings on the project planning;</li> <li>○ Provision of safe, adequate and habitable sites and to the greatest practicable extent, of proper accommodation;</li> <li>○ Creation of satisfactory conditions of safety, nutrition, health and hygiene and the protection of the family unity; and</li> <li>○ Full participation of the affected persons in the planning, management of the displacement, and in defining suitable durable solutions;</li> </ul> </li> <li>• Requires displacement is carried out in a manner that is respectful of the human rights of those affected, and 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.</li> </ul>
Valuers Act Cap 532		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.
The Land and Environment Court, 2011		Establishes the Environment and Land Court, given the status of the High Court and has the jurisdiction to hear and determine disputes, actions and proceedings concerning compulsory acquisition of land. However, 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.

### 3.3 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.

### **3.4 WORLD BANK SAFEGUARDS POLICIES**

The most relevant include:

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

The World Bank Resettlement Policy Framework i.e. Operational Policy (OP) 4.12 on involuntary resettlement is 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;
- 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.

#### **3.4.2 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

### 3.5 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. Encroaching onto public land prosecutable as criminal offense. Actually, the traffic Act makes it an offense to encroach on a road reserve.	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. 2 beneficiaries resettled within settlement. Rest receive the land occupied rather than resettlement.
<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 the quality and	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
	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 Kenyan policies/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 Resettlement Action Plan preparation and implementation process. It is also a constitutional right and a requirement of the World Bank Policy that contributes to the successful design, implementation, operation and management of any project. The main objective of an engagement process is to ensure inclusivity of all the parties (stakeholders, PAPs, interested parties), but also ensuring the proposals within the ARAP have the input of the concerned parties. Therefore, this exercise disseminates information to interested and affected parties (stakeholders), solicits their views and consults on sensitive issues, in order to add value to the ARAP design considerations, and to give those affected an opportunity to influence decisions which will impact on their lives.

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

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

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

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

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

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

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.

A total of 5 meetings were held concerning Ithenguri ARAP, including 2 meetings during the disclosure of plot boundaries: one with the County Government, and second with the community. During RAP, a meeting was held with the beneficiaries and a second with the PAPs. 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

Date	Category of Stakeholder	No. Of Participants		Issues Discussed
		Male	Female	
23 <sup>rd</sup> September 2019	<ul style="list-style-type: none"> <li>• KISIP National</li> <li>• Survey if Kenya</li> <li>• KISIP County</li> <li>• County Government of Nyeri, Ministry of Lands, Housing, Physical Planning and Urbanization</li> <li>• National Land Commission</li> </ul>	10	4	<ul style="list-style-type: none"> <li>• Recap of settlement Mapping and survey in Ithenguri</li> <li>• Challenges of undertaking RAP in January/February 2018</li> <li>• Re-disclosure of plot boundaries</li> </ul>
23 <sup>rd</sup> September 2019	<ul style="list-style-type: none"> <li>• KISIP National</li> <li>• Ministry of Lands (National)Land Administrator</li> <li>• Survey of Kenya</li> <li>• KISIP County</li> <li>• County Government of Nyeri, Ministry of Lands, Housing, Physical Planning and Urbanization</li> <li>• Ithenguri Community/Beneficiaries including SEC</li> <li>• Local administration e.g. chief</li> <li>• National Land Commission</li> </ul>	18	14	<ul style="list-style-type: none"> <li>• Recap of Settlement Mapping and survey in Ithenguri</li> <li>• Challenges of undertaking RAP in January/February 2018</li> <li>• Re-disclosure of plot boundaries</li> <li>• Community Resolution on observing the 2007 PDP</li> </ul>
25 <sup>th</sup> September 2019	<ul style="list-style-type: none"> <li>• KISIP National</li> <li>• Ministry of Lands (National)Land Administrator</li> <li>• Survey of Kenya</li> <li>• KISIP County</li> <li>• County Government of Nyeri, Ministry of Lands, Housing, Physical Planning and Urbanization</li> <li>• Ithenguri Community/Beneficiaries including SEC</li> <li>• Local administration e.g. chief</li> <li>• National Land Commission</li> </ul>	28	15	<ul style="list-style-type: none"> <li>• Re-disclosure of plot boundaries</li> <li>• Community Resolution on observing the 2007 PDP</li> <li>• Verification of List of Beneficiaries</li> </ul>
9 <sup>th</sup> November 2019	<ul style="list-style-type: none"> <li>• KISIP National</li> <li>• KISIP County</li> <li>• Ithenguri Community/Beneficiaries including SEC</li> <li>• Local administration e.g. chief</li> </ul>	18	12	<ul style="list-style-type: none"> <li>• Review of activities on Re-disclosure of plot boundaries</li> <li>• RAP objective and Methodology</li> <li>• Eligibility\</li> <li>• Cut-off date set as 9<sup>th</sup></li> </ul>

				November 2019
9 <sup>th</sup> November 2019	<ul style="list-style-type: none"> <li>• KISIP National</li> <li>• KISIP County</li> <li>• Ithenguri PAPs</li> <li>• SEC</li> <li>• Local administration e.g. chief</li> </ul>	18	12	<ul style="list-style-type: none"> <li>• GRM</li> <li>• Update on the PAPs identification and valuation exercise</li> <li>• Procedures for movement including notice period</li> <li>• Cut- off date re-affirmed</li> </ul>

### 4.3 PUBLIC CONSULTATION FINDINGS AND CONCERNS

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

Table 4-2 Concerns during Plot boundaries disclosure

Issue	Response
Will everyone relocate?	KISIP will visit the plots and if found that you have built where you are, then we shall retain you there. We shall consider minimum disturbance but for example the family that stays at the Full gospel church compound has to relocate as per the 2007 PDP because KISIP was not allocating new plots but just implementing an existing PDP. However, all affected will be facilitated to relocate to their plot.
If we are shown our rightful plots, what time will we be given to relocate?	Minimum 3 months but don't relocate now relocate until you are facilitated. After we are through with this exercise on allocation, a team will come to assess your developments and administer questionnaires to obtain information that makes possible to determine the facilitation to be provided. Once facilitation is provided, then you are given a notice to relocate.
What happens for those who have encroached by boundary and road as well as those who are to relocate their entire structures to a new plot	KISIP will assess the impact, value as per market rate and facilitate the owners of the structures. After facilitation, the Persons affected by project will be given a notice of not more than three months to relocate to their rightful plots. Therefore, no one should relocate until they are facilitated. Those who have no structures can construct structures but need to observe the building regulations and built within the plot. Need to leave space in front and back of the plot.

Table 4-3 Concerns during RAP

Issue	Response
If I am not affected, am I needed for this exercise?	It is good for all beneficiaries to be on their plots for verification of impact to avoid future grievances if one is left out.
In our compound, each owns some structures, who will be paid?	It is important for each to indicate their own property and this will be captured as so.

## 5. IMPACTS

Given that the ultimate goal of an ARAP is to enable those displaced and affected by a project to improve their standard of living - a goal that requires an examination of social, environmental, and economic conditions, the first task in planning resettlement is to therefore to identify a project's adverse impacts, as well as all the populations that will be affected.

In Ithenguri, the Settlement mapping and survey activities carries both benefits and negative ramifications for the population.

### 5.1 SETTLEMENT MAPPING AND SURVEY BENEFITS

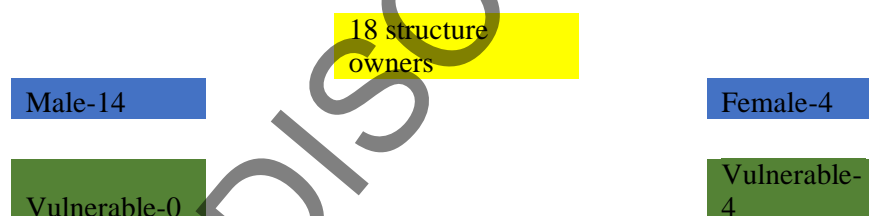
- Improved tenure security: The beneficiaries will now fully own the land on which they live.
- Improved land value: Tenure security coupled with the close proximity to Nyeri Town has already increased the value of land in the settlement.
- Improvement in infrastructure: the planning and survey exercise has provided space for roads, drainage infrastructure some which have been undertaken by the county government.
- Improved Housing and Development: This project is designed on the premise that people will be more inclined to build durable structures and take better care of their environments if they have sufficient ownership rights to the land they are settled on. During the socio economic survey and public meetings, residents noted that tenure security as symbolised by the issuance of titles improves their prospects of accessing financing for improvement and investment in various activities including their businesses.
- 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. 7 women are land beneficiaries of the project.

### 5.2 NEGATIVE IMPACTS

The Settlement mapping and implementation of Approved LPDP through survey in Ithenguri, with road expansion and boundary re-alignment being the main cause of impacts, affected 18 structure owner PAPs as table below shows. In addition, 8 of the PAPs<sup>10</sup> were locally displaced within the settlement but resettled on unoccupied land within the same settlement. There was no tenant affected.

Majority of the affected persons are male (14), compared to women (4).

Figure 5-1 PAPs Breakdown



<sup>10</sup> 1 female PAP is a Vulnerable who will be entitled to 3 months rental allowance during the transition period

Table 5-1 Cause of Impact

Cause of Impact	Number of PAPs
Boundary realignment	8
Road wayleave alignment	2
Localised Physical displacement	8

The impacts include:

### 5.2.1 Localised physical Displacement

8 PAPs were locally displaced but accommodated within the settlement. During, the initial plot allocation by the county (that resulted in the approved PDP), zoning was established which resulted to public utilities and churches occupying one part of the settlement and residential plots in the lower part of the settlement. This thus resulted in the relocation within the settlement of 8 individual beneficiaries.

### 5.2.2 Loss of structures

#### Structures as per Type of Impact

35 structures were fully affected, and 3 were partially affected. The main structures affected were main houses, accounting for 39%, largely involving full impact on 15 houses. Kitchens also stand out at 26%, where 8 were fully affected.

Table 5-2 Structures affected

Structure Type	Full Loss	Partial Loss	Total	Percentages
Main house	15		15	39%
Kitchen	8	2	10	26%
Latrine	4		4	11%
Animal sheds <sup>11</sup>	3	1	4	11%
Gate	1		1	3%
Bathroom	2		2	5%
Fence	1		1	3%
Store	1		1	3%
<b>Total</b>	<b>35</b>	<b>3</b>	<b>38</b>	<b>100%</b>

All of the affected structures are made of timber (some off cuts) walls, earth or wooden floors and Galvanised Corrugated Iron (GCI) roof.

#### Structures as per Cause of Impact

The impact on structures was due to boundary realignment (45%), road wayleaves alignment (16%) and localised displacement of PAPs (37%) as Table 5.3 shows.

Table 5-3 Cause of Impact on structures

Structure Type	Roads	Boundary	Localized Displacement	Total	Percentages
Main House	2	5	8	15	39%
Kitchen	2	5	3	10	26%
Latrine	1	2	1	4	11%
Animal sheds	1	3		4	11%

<sup>11</sup> Includes Chicken houses and goat pens.

Bathroom		1	1	2	5%
Gate		1		1	3%
Fence			1	1	3%
Srore	1			1	3%
<b>Total</b>	<b>6</b>	<b>17</b>	<b>14</b>	<b>38</b>	<b>100%</b>

### 5.2.3 Impact on Livelihoods

There was/will be no direct impact on livelihoods as a result of Settlement mapping and survey activities in the settlement. Despite some animal sheds e.g. goat pens been affected, the concerned persons did not indicate any sale of the products for the two main types of animals.

### 5.2.4 Increased vulnerability

The loss of structures 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 4 PAPs are vulnerable as 3 female PAPs are elderly (above 65 years) female household heads and 1 is a female household head

### 5.2.5 Summary of losses

Table 5-4 Summary of losses

Type of PAP	Loss of assets/structures	Localized Displacement	Vulnerability
Structure/asset owner PAP	18	8	4

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

## 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 100% affected persons' socioeconomic survey was undertaken on 1<sup>st</sup> February 2018 in Ithenguri Informal settlement. This was by the KISIP social safeguards and planning and survey team, County Government of Nyeri, in collaboration with the Settlement Executive Committee. The survey covered social economic attributes of structure owners and their families 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, being the main income earner. 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 settlement Mapping and survey exercise affected a total of 18 Project Affected Persons (structure owner PAPs).

### 6.2 STRUCTURE OWNER PAPs DEMOGRAPHIC CHARACTERISTICS

#### 6.2.1 Age, Gender and Marital Status

Majority of the PAPs are male (78%), compared to women at 22%.

As Figure 6.1 below shows, approximately half of the PAPs are between ages 31 and 45. 18% are elderly and thus vulnerable due to their age i.e. over 65 years. The average age is 48.

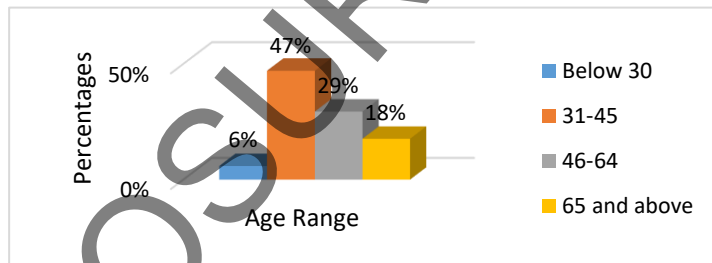


Figure 6-1 Age ranges for structure owner PAPs

56% of the PAPs are married, while the rest (i.e. 46%) constitute a mix of single, widowed and separation cases.

#### 6.2.2 Education

All PAPs have only attained primary level of education, showing low education levels in the settlement.

#### 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 Ithenguri, 5 PAPs are vulnerable.

Table 6-1 Vulnerability categories and numbers

Category of Vulnerability	Female	Male
Elderly household heads	3	
Household head	1	
Mentally Challenged		1
<b>Total</b>	<b>4</b>	<b>1</b>

### 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

66% of the other members are children to the structure owner PAP. 22% are spouses/partners, while a smaller percentage (11%) are grandchildren to structure owner PAP.

#### 6.3.2 Age and Gender

47 of the other members are male, with the remaining been female, with an average age of 18.

At least 85% of the rest of the members were not economically active as at time of the survey. This indicates a high dependency ratio.

#### 6.3.3 Highest Level of Education

60% of the other members have attained or are in primary school, while 26% are in or have completed secondary. The rest are too young to go to school.

### 6.4 EMPLOYMENT, INCOME AND LIVELIHOODS

The employment and occupation status data shows that at 47% of the structure owner PAPs are casual labourers. 18% respectively are farmers and businessmen/traders. Only 1 PAP reported been economically inactive thus relying on remittances.

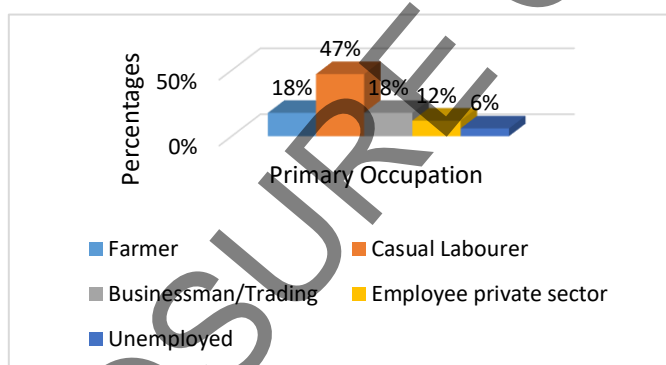


Figure 6-2 Employment status

41% of the PAPs work outside the settlement within the same county, 18% respectively undertake their income activities outside the county and outside the settlement but within the same subcounty. Only 24% are within the settlement.

None of the PAPs indicated a secondary source of livelihood and income.

### 6.5 HOUSING

All affected persons live in a house made of wooden walls, earth floor and an iron sheets roofing. The floor is earthen, except for one case with cement screed as the floor material. Again while this can be interpreted as using most available materials i.e. given this is Nyeri County where trees are in abundance, it's also to some extent an indicator of the poverty levels in the settlement.

### 6.6 WELFARE INDICATORS

76% of the PAPs use paraffin/kerosene for lighting, with only 24% using electricity (from Kenya Power and Lighting Company).

94% use firewood for cooking with the remaining 4% using charcoal.

Over half of the PAPs rely on water sourced from neighbours – referring to the few who are connected to piped water through Nyeri Water and Sewerage Company (NYEWASCO). A 20 litre jerrican on average costs 20 KES per 20litre jerrican.

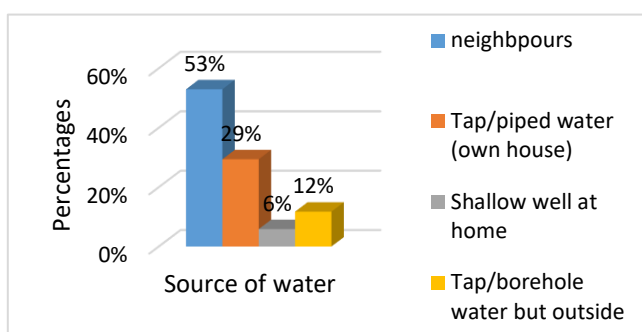


Figure 6-3 Main source of water

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

In terms of medical attention, all project affected persons visit a hospital run by the County government and located within the settlement, with common cold/flu been reported by 78% as the main cause of the visit. At 33% Malaria was the second main cause of visits to the health centre.

72% of the project affected persons go to a religious institution within the village or settlement, while the nearest public primary school is outside the settlement but within same sub county.

### 6.8 WASTE DISPOSAL

Proper waste disposal is essential for household and public health. The majority at 89% indicated they directly burn the waste – in outright contravention of solid waste management regulations.

89% indicated using a pit latrine (without septic tank) to dispose human waste, while the rest own a flush toilet or have no facility at all. 83% own the latrine while the rest share the neighbour's facility, 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 18 of the PAPs members of welfare groups. 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), financial assistance in funerals and weddings, buying household items etc.

## 7. MITIGATION, ELIGIBILITY AND ENTITLEMENTS

The World Bank Operational Policy 4.12 on involuntary resettlement specifically offers a more comprehensive eligibility criterion for compensation, and for determining assets value i.e.

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

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

In this case, all PAPs in Ithenguri fall under category b and c. Despite some having titles as at the time of this ARAP, KISIP has prepared this ARAP in retrospect before issuance of titles i.e. as at the time of KISIP's entry, none of the settlement occupants had titles. The current titles are actually an outcome of the KISIP process.

OP 4.12, and the Resettlement Policy Framework (which is OP 4.12 compliant) have therefore been applied in defining the mitigation and compensation measures as they offer a comparatively applicable 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, for instance an additional month in rental allowance where the main house is affected, and the residual is not viable, as well as an additional cash allowance for three months for each vulnerable PAP.

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 due to boundary alignments, road wayleave alignment or localised displacement
- b. Vulnerable PAPs within the settlement (i.e. elderly, female heads)

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

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

## 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 9th November 2019. 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 PAPs have been sensitised of the cut-off date and its implications during the meetings held on 9th November 2019.

### 7.2.2 Eligibility

All assets, including main houses, latrines, kitchens etc., which were surveyed in the Project-Affected Area by the Cut-Off date are eligible for compensation. All PAPs residing in the Project-Affected Area by the Cut-Off Date are 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:

- Provision of cash support for the first three months as rental expenses where main dwelling unit is affected.
- Additional cash support month for the first three months for all vulnerable in line with RFP.
- Forwarding the names of the elderly (through the County government of Nyeri Ministry of Gender, Social Services and Sports) to programmes such as the unconditional cash transfer programmes that include *Inua Jami* 70 years and above, and the Older Persons Cash transfers (OPCT) programmes run by the government of Kenya Ministry of Gender, Social Services and Sports.
- Engagement of the SEC in assisting the vulnerable persons (on a case by case basis) relocate or organise for rebuilding of structures, and movement. Co supervision, verification and quality control in such cases to be done in collaboration with County government including County KISIP team. 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>12</sup></b>			
1.	Partial loss but residual viable	Squatter	<ul style="list-style-type: none"><li>• Cash compensation at replacement cost without depreciation</li><li>• Repair costs equivalent to 25% of the compensation</li></ul>

<sup>12</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 (including for the 6 beneficiaries that will be reissued) will be 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>• Right to salvage material</li> </ul>
2.	Fully affected/part affected and remaining structure is non-viable	Squatter	<ul style="list-style-type: none"> <li>• Cash compensation at replacement cost without depreciation</li> <li>• One time shifting allowance of Kshs 2500 where main dwelling unit is affected.</li> <li>• Housing allowance for 2 months, where main dwelling unit is affected.</li> <li>• For Vulnerable PAPs, Housing rental allowance equivalent to 3 months where the Main dwelling unit is affected</li> <li>• Right to salvage materials.</li> </ul>
<b>B. Support to vulnerable groups (Elderly, widowed, female heads etc.)</b>			
			<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 self demolition, salvaging of Materials and rebuilding of fully affected structures.</li> <li>• Forwarding of names of Elderly PAPs through county government for consideration for 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>

## 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. Since the RAP preparation process was highly consultative, expected grievances will be resolved 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.

Institution	Membership	Functions	Turnaround Time
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Settlement Grievance Redress Committee	5-member team – 4 existing SEC members <sup>13</sup> . This are enjoyed by the area chief.	<ul style="list-style-type: none"> <li>• To address PAPs grievances as 1<sup>st</sup> point of contact,.</li> <li>• Providing inputs into the monitoring and evaluation process i.e. monthly reports on grievances to RIC</li> </ul>	• 14 days
RAP Implementation Committee	<p>Joint Membership for implementation derived from County KISIP + National KISIP Project Coordinating Team i.e.</p> <p><b>From KISIP National PCT</b></p> <ul style="list-style-type: none"> <li>i. Head of Component 1</li> <li>ii. Head of component 2</li> <li>iii. Environmental and social safeguard specialists</li> <li>iv. Community Development specialist</li> <li>v. 3 members from Component 2 - Surveyor, land administrator and valuer</li> <li>vi. Engineer</li> <li>vii. KISIP Finance Officer</li> </ul> <p><b>From the County</b></p> <ul style="list-style-type: none"> <li>i. County KISIP Coordinator who will be the chairman</li> <li>ii. Community Development Officer</li> <li>iii. Head of Component 3 - Engineer</li> <li>iv. County Surveyor</li> <li>v. County Physical Planner</li> <li>vi. County Environmental Officer</li> <li>vii. Representative from enforcement department</li> <li>viii. Town Administrator</li> </ul> <p>The members of parliament and members of the County Assembly (MCAs) may be co-opted as ex-officio members. Kilifi County will provide the secretariat for the committee.</p>	<ul style="list-style-type: none"> <li>• Escalation Mechanism: Determine PAPs Grievances unresolved by GRC</li> <li>• Providing inputs into the monitoring and evaluation process i.e. monthly reports on grievances to RIC</li> </ul>	• 14 days
Court of Law	Court of Law	<ul style="list-style-type: none"> <li>• PAPs not happy with the project</li> </ul>	• NA

<sup>13</sup> Community chose to retain SEC as the GRC

process free to seek legal redress and at their own cost. The Land and Environment court deals specifically with land and environment related disputes of which displacement and valuation are part.

- The legal option will only act as avenue of last resort and will be sought after all other redress mediums have been exploited and exhausted.

### 8.3 GRIEVANCE PROCEDURES

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

1. **Uptake or Lodging a Complain:** The secretary of the Settlement Grievance Redress Committee (SGRC) will be responsible for receiving, referencing, registering, and filing all grievances. This is crucial for continuity as he does so currently. He will listen to the complainant and where necessary (e.g. if complainant does not speak or write English) assist in filling the grievance form. Both the complainant and secretary will sign the form, after the complainant verifies the accuracy. Ideally, a grievance should be lodged orally or in written form and in the language they are comfortable in. The secretary then translates this into an English form.

The secretary then logs the grievance into the grievance log or register, detailing date complaint was lodged, complainant, nature of complaint, and in later stages action taken, or not taken, with reasons for the latter.

The complainant can also lodge a complaint at the County Government office, where the KISIP coordinator assists in the above process.

2. **Sorting and Processing:** Since various types of grievances or complains will be lodged, and not all will be handled by the SGRC, the secretary will categorize e.g. as (a) comments, suggestions, or queries; (b) complaints related to already issued titles and titling; (c) complaints referring to compensation and valuation etc., assign priority, and route appropriate grievances to the SGRC.

Some e.g. (a) above may only require a clarification or a simple explanation, while (b) are noted and forwarded to KISIP county coordinator for onward forwarding to KISIP national office for action, and (c) will be forwarded to the SGRC for action.

In each the action required is written down in the grievance registry.

3. **Acknowledgment and Follow-up:** The GRM through the chairman acknowledges the receipt of the complaint through communication with the complainant and informs them of the next course of action which depends on the categorization of the complaint (as indicated in previous section). For (c) cases, the time duration (15 days) for resolution of the grievance will also be

communicated to the complainant, as well as being informed that he will receive periodic updates on the status of their grievances.

4. **Verification, investigation, and Action:** The SGRC will then hold a meeting on the grievance and work in consultation with the aggrieved person. In this step, they will also gather information on the grievance and decide on the corrective action within 14 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 14 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 (quarterly) grievance resolution reports to RIC.

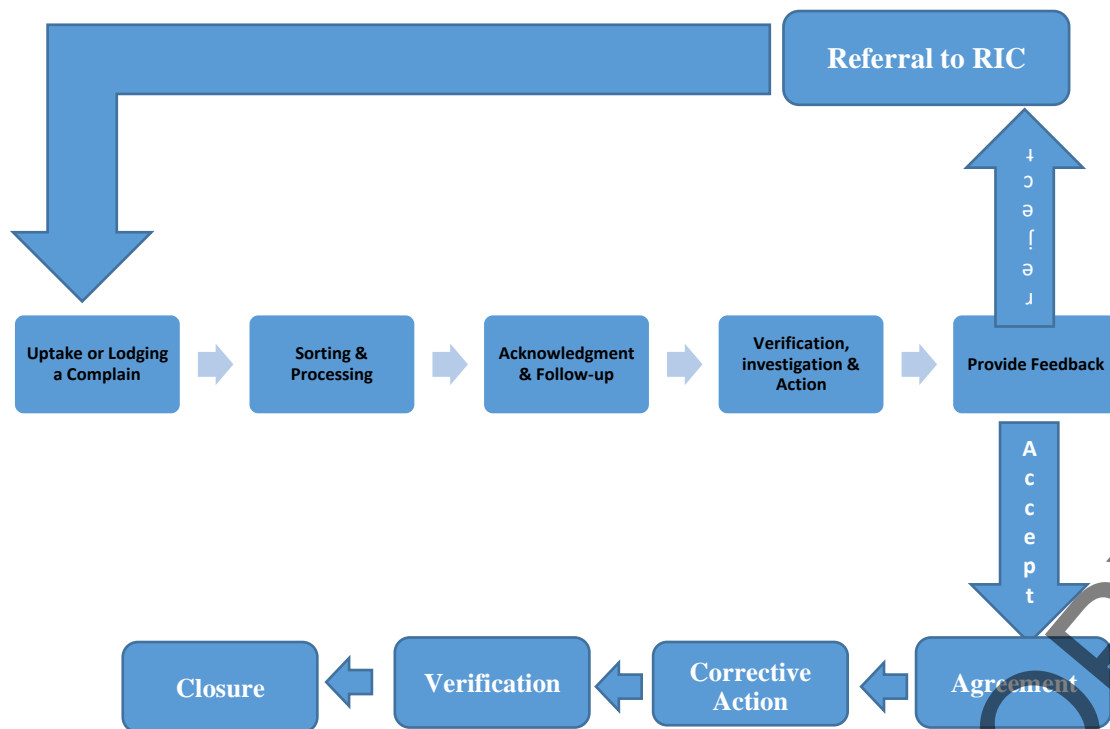


Figure 8-1 Grievance Redress Processual Flow

### 8.5 CAPACITY BUILDING OF THE VARIOUS COMMITTEES

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

The committees have been provided sufficient budgets to cover their operation and implementation of functions..

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

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

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

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

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

#### **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 Nyeri County. Its composition is a replica of the national team. It serves as the liaison between the National Office and the Nyeri County Government. It will:
- Serve as an additional point for registering grievances by the community,
  - Undertake sensitization activities for the project e.g. on joint accounts for facilitation purposes, and use of compensation funds.
  - Validation of assets and PAPs before compensation
  - Oversight over the formation of the grievance redress committee
  - Capacity building of ARAPs committee
  - Monitoring of ARAP activities
  - Play a crucial role in the verification exercise to identify titles issued and which need to be rectified.
3. Settlement Level I.e. Settlement Executive Committee: This is an 18-member committee set up at Ithenguri informal settlement. It provides and entry into the settlement, and leads the participation of the community in the project. This settlement executive committee with representation from women and vulnerable and marginalized groups (for example, youth, elderly), played a key role in the development of the vision for the settlement and preparation of settlement upgrading plans to realize it. It has been crucial in the ARAP study assisting in identification of PAPs, and in identifying grievances related to titles already issued. The settlement executive committee role is crucial in the ARAP process, and will assist in the formulation of the community grievance redress committee.

#### *County Government of Nyeri*

The county government of Nyeri's role includes:

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

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

*National Land Commission, Nyeri Office*

These are tasked with the management of Government land on behalf of the county government, transfer and issuance of title deeds to respective beneficiaries. They will play a critical role in the verification of titles exercise so that these can be corrected.

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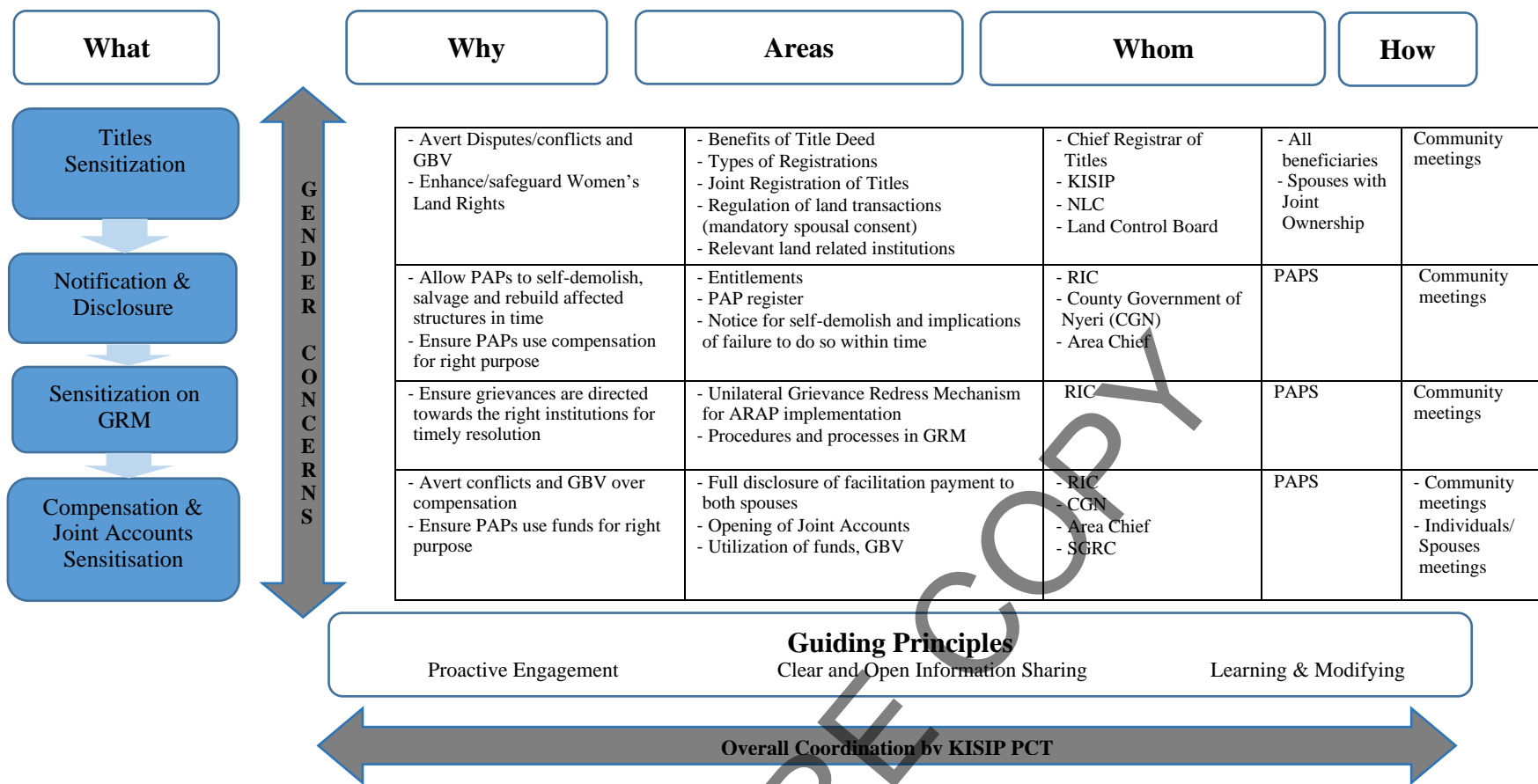


Figure 9-1 ARAP Sensitization, Information Sharing Process and Stakeholder Engagement Strategy

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

The ARAP implementation process

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

KISIP and The World Bank will approve the ARAP.

### **9.2.2 Verification**

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

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

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

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

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

### **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. In addition, and in line with past practice (during settlement mapping 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 effect. 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 Two Million, Three Hundred and Seventy Five Thousand, One Hundred and Thirty (KSh 2, 375,130) Shillings.

Table 9-1 ARAP Implementation Budget

	Item/Activity		Amount
1.	<b>Structure costs<sup>14</sup></b>		
	Boundary realignment	844,930	
	Road Expansion	144,800	
	Localised Physical displacement	665,400	
	<i>Total structure costs</i>		1,655,130
2.	Vulnerability Support and Assistance		20,000
3.	Verification of List of beneficiaries and Titles		100,000
4.	Awareness raising and sensitization of Beneficiaries and PAPs <sup>15</sup>		100,000
5.	Training and Capacity Building of GRM		100,000
6.	Operational & Administrative Costs of ARAP Committees		150,000
7.	Monitoring and Evaluation		250,000
	<b>Total Costs of ARAP Implementation</b>		<b>2,375,130</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

<sup>14</sup> Replacement Costs Include transitional Rental Allowance during self-demolition and reconstruction of fully affected Structures

<sup>15</sup> Sensitization of on Land Succession, Joint 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.	Sensitization of Community on Grievance Redress Mechanism/ Capacity building of Grievance management committee, 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	KISIP, Beneficiaries, Chief, SGRC						
6.	Grievance Redress	County KISIP, RIC, PAPs, GRC						
7.								
8.	Payment of compensation	KISIP, RIC						
9.	Issuance of notice for self-demolition of community members who are yet to move	RIC, Nyeri County						
10.	Issuance of titles <sup>16</sup>	Ministry of Lands, NLC						
11.	Self-Demolition	PAPs, SEC						
12.	Demolition of any structures that have not been demolished at the expiry of the notice period	Nyeri County						
13.	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 Ithenguri.

### **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 asset type</li> <li>• Number of PAPs without restored assets</li> </ul>
Assistance to Vulnerable	<ul style="list-style-type: none"> <li>• Number of vulnerable PAPs assisted</li> <li>• Type of assistance provided to vulnerable PAPs</li> <li>• Number of vulnerable PAPs not assisted and reasons</li> <li>• Number of vulnerable PAPs resettled</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 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 Level 3 (Courts of Law)</li> <li>• Number of complaints referred to World Bank Safeguards team.</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>

- 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

## **11. CONCLUSION AND COMMITMENTS**

Nyeri County, and specifically Ithenguri Informal settlement is one of the beneficiary settlements of KISIP. The activities in Ithenguri Informal settlement specifically sought to provide a

framework for the regularization and provision of secure land tenure and perhaps later infrastructure development in the former colonial village. The Settlement, however had a plan approved in 2007 but not implemented.

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

The ARAP has identified a number of impacts related to the implementation of the proposed 2007 LPDP including loss of structures. 8 PAPs were locally displaced and accommodated in the settlement. The rest have enough land to rebuild the affected structure.

### **11.1 COMMITMENTS**

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

- KISIP will facilitate all the Project Affected Persons according to provisions of this ARAP including the budget for compensation and timelines as per the implementation schedule.
- KISIP will ensure all grievances are addressed and resolved in a timely manner as indicated during implementation of this ARAP.
- KISIP will ensure all titles are issued concurrent to the implementation of this RAP.
- KISIP will undertake community sensitization on land succession processes, and in collaboration with the area chief undertake community sensitization to caution the community against any form of Gender Based Violence (GBV) related the use of compensation funds by spouses.
- KISIP will work with the County Government of Nyeri in ensuring the sustainability of the project. The County will be part of the RIC in implementing this ARAP, part of the grievance resolution mechanism, , 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 through the RIC and the SEC provide additional assistance where necessary to vulnerable PAPs in rebuilding their structures
- KISIP will issue a 3 months self demolition notice after compensation is issued to PAPs to enable them salvage their assets.
- KISIP will undertake Monitoring and Evaluation of this ARAP during and after implementation as outlined in this ARAP.

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## ANNEXES

### A. MINUTES OF VARIOUS MEETINGS

#### i. Property Boundaries Re-Disclosure

##### a) County Government of Nyeri Planning Team Meeting

### MINUTES OF TECHNICAL MEETING ON DISCLOSURE OF PROPERTY BOUNDARIES IN ITHENGURI SETTLEMENT HELD AT COUNTY GOVERNMENT OF NYERI OFFICE ON 23<sup>RD</sup> SEPTEMBER 2019 AT 10:55AM

Present – per attached list

#### Agenda

1. Introduction and opening remarks
2. Recap of Ithenguri activities
3. Challenges
4. Way forward

#### Minute 1/23/9/2019 – Introduction and opening remarks

The technical meeting held at County office boardroom (Yard Offices) started with a word of prayer by Janet Kilea at 10.55am. The Nyeri County KISIP, Mr. Muturi welcomed the participants. He notified the participants that the Chief Officer and the CEC member are engaged and have advised that the meeting to continue and be briefed of the outcome. He then welcomed National KISIP representative to chair the meeting.

The chairperson welcomed the participants and self-introduction was done. The chair notified the participants of the objective of the visit. He noted that KISIP had intervened in Ithenguri settlement together with other six settlements in settlement mapping and surveying for the issuance of titles. KISIP contracted Centre for Urban and Regional Planning limited (CURP) to undertake the activities between 2012 and 2014. The settlement had an approved plan during the Municipal council existence. Survey was undertaken by CURP and the RIM amended. There are beneficiaries who were issued title deeds during the rapid response initiative program.

He further noted that the contract did not include development of resettlement action plan (RAP). This lead to KISIP undertaking the activity internally. KISIP social safeguard team visited Ithenguri last in January/February 2018 to undertake establishment of project affected persons (PAPs) for development of RAP. The exercise did not succeed due beneficiaries not knowing their plots. Beneficiaries claimed that they were not disclosed their property boundaries during survey.

#### Minute 2/23/9/2019 – Recap of planning and survey in Ithenguri

The consultant noted that KISIP provided the approved plan for Ithenguri to be implemented in the contract. The activities to be undertaken were:

- Structure numbering
- Enumeration
- Socio-economic survey
- Beaconing of individual plots
- Compile the survey work and submit the survey plan to survey of Kenya for authentication and RIM amendment.

The above activities were undertaken in a participatory manner. Some beneficiaries had allotment letters from the commissioner of lands but not settled in their plots in accordance with the plan. The consultant noted that they did not amend the plan but the community had agreed to have equal size of plots. The participants studied the approved Local Physical Development Plan, the list of beneficiaries and amended RIM. The team found that survey was carried out according to approved 2017 plan.

### Minute 3/23/9/2019 – Challenges

The team noted that;

- Beneficiaries were not occupying as per the approved plan as well as survey plan
- No sensitization was undertaken to disclose how they are settled and how they can identify their plots

### Minute 4/23/9/2019 – Way forward

The participants agreed that they need to:

- Visit the settlement to understand how people have settled and hold community meeting.
- Merge the allotment letters and the survey plan to identify plots marching the beneficiaries

Having no other item to discuss, the meeting ended with a word of prayer at 12:10pm. Immediately ended, the participants were notified that the Chief officer was ready for briefing of the discussions of the meeting.

The team met the Chief Officer Madam Hannah Wamagata and the CEC member Dr. Kiai in the office of the Chief officer. The team noted that KISIP had contracted CURP to undertake the planning and survey but the approved plan was in existence, hence the consultant did socio-economic survey and beaconed the plots as per the approved plan. The approved plan was meant to relocate beneficiaries for public utilities. It was noted that the community is aware they are supposed to relocate but to which plot since time had lapsed?

Both the Chief Officer and CEC member were notified of the way forward and gave support to the team.

**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT**  
**State Department of Housing and Urban Development**  
**Kenya Informal Settlements Improvement Project (KISIP)**

**DISCLOSURE OF PROPERTY BOUNDARIES AND RAP DEVELOPMENT IN ITHENGURI, NYERI COUNTY**

Attendance registration – Community meeting

Date.....

NO.	NAME	POSITION	ID/NO.	PHONE NO.	SIGNATURE
1	Janeet Kuloa	KISIP	20183172	0714267165	<i>[Signature]</i>
2	Peter Njama	CIS	23950878	0727433091	<i>[Signature]</i>
3	MURIT ELOMWA	CIS	2239430	0728436618	<i>[Signature]</i>
4	Moses Kemboi	CURP	13666450	0720186692	<i>[Signature]</i>
5	SALESIO KABUJA	KISIP	7010980	0722853903	<i>[Signature]</i>
6	Faith Birir	KISIP	11662361	0722462988	<i>[Signature]</i>
7	Kimani LEDELE	CDK	2402862	0725483300	<i>[Signature]</i>
8	ESTHER KARU	ASST-CHIEF	11652888	0726693877	<i>[Signature]</i>
9	JOSEPH KIMIRO	CHAIRMAN	0348183	0722884556	<i>[Signature]</i>
10	EVAN MURIGI	MEMBER	2350657	0705984102	<i>[Signature]</i>
11	JOHN MUTHIE	MEMBER	0696617	0724217710	<i>[Signature]</i>
12	DIANA W. KATO	NLC	27492543	0710-238858	<i>[Signature]</i>
13	MOSES MUTURI	CGN	21748620	0726286980	<i>[Signature]</i>
14	ANNA KIAMA	SNR CHIEF	5551610	0721248949	<i>[Signature]</i>

*b) Ithenguri Community Meeting on Property boundary Disclosure*

**MINUTES OF COMMUNITY MEETING ON DISCLOSURE OF PROPERTY BOUNDARIES AND DEVELOPMENT OF RAP FOR ITHENGURI INFORMAL SETTLEMENT HELD AT FULL GOSPEL CHURCH ON 23<sup>RD</sup> SEPTEMBER 2019 AT 14:35PM**

**Present** – list attached

**Agenda**

1. Introduction and remarks
2. Recap of activities by consultant
3. Challenges
4. Community solution
5. Way forward

**Minute 01/23/9/2019 – Introduction and opening remarks**

Meeting was called to order by the assist. Chief madam Esther Kairo at 14:35pm. The prayer was offered by full gospel church senior pastor. The Assist. Chief welcomed the participants and invited the SEC Chairman to introduce his members. The County KISIP coordinator was invited to introduce his team and invited the KISIP National team to introduce themselves. The KISIP National team was composed of Surveyors from survey of Kenya, KISIP PCT and consultant members. The consultant undertook socio-economic survey and survey of individual plots. The KISIP National representative noted that KISIP does not undertake the settlement mapping and Surveying activities but contracts out to professional consultants. Ithenguri was undertaken by the CURP.

**Minute 02/23/9/2019 – Recap of activities undertaken by KISIP**

The Consultant representative Mr. Moses Kemboi noted that CURP undertook socio-economic survey by administering questionnaires, undertaking structure numbering and enumeration; and beaconing of individual plots as per the existing approved plan. He noted that the first activity was election of Settlement Executive Committee (SEC). This was spearheaded by KISIP and County, who introduced the consultant team to the community. The consultant engaged the community through holding various stakeholder meetings before undertaking the above activities. The community was in agreement with activities undertaken by the consultant. The community noted that about five (5No.) persons have allotment letters issued by the commissioner of lands after paying Ksh. 8000, Six (6No.) persons have certificate of lease issued. The total residential plots are Nineteen (19No.)

**Minute 03/23/9/2019 – Challenges**

The community noted that where they are occupying currently, is not where they were allocated as per the certificate of lease or allotment letters. They were not shown/disclosed of their property boundaries but were told to remain as they are until county shows them their plots. In the plots people are currently occupying, some people know the location of the beacons and some don't know.

**Minute 04/23/9/2019 – Community resolution**

The community suggested to be allocated plots and given three (3No.) months to relocate to allocated plot. Out of six of those having the certificate of lease, one is occupying his rightful plot and the rest are occupying plots which don't belong to them but are in line with the 2007 PDP. It was established that since the titles issued were hurriedly given due to matters beyond KISIP.

KISIP National team representation, Mr. Kaburu noted that before the decision is arrived at, there is need to see the certificate of lease issued and the allotment letters that the community have. One of the community member availed the allotment letter he possessed and another one availed the certificate of lease. The team consulted on the availed documents and with the guidance of land registrar and NLC Nyeri representative, decided that people to be allocated their rightful plots as per the PDP of 2007 and the survey plan prepared following the 2007 PDP regardless of the documentations they have. This will result in updating the list of beneficiaries against the 2007 PDP (since an existing list of beneficiary existed following the 2007 PDP). Those with titles (as some were erroneous and even had wrong names printed) will be issued new title and surrender the one he/she has.

Community wanted to know the following:

- a) What will public utilities like churches and self-help group provide for registration of titles  
**Response:** Will provide copy of certificate of registration and three (3No.) people as trustees of the group through minutes and for churches will provide the certificate of registration
- b) How will Schools, health facility, administration, police and social be registered?  
**Response:** It depends if function is devolved or not. for example the cemetery and social hall will be registered under county and administration plot will under Permanent Secretary Treasury
- c) Will everyone relocate?  
**Response:** The group will visit the plots and if found that you have built where you are, then we shall retain you there. We shall consider minimum disturbance but for example the family that stays at the Full gospel church compound has to relocate as per the 2007 PDP because KISIP was not allocating new plots but just implementing an existing PDP. However, all affected will be facilitated to relocate to their plot.
- d) If we are shown our rightful plots, what time will we be given to relocate?  
**Response:** Minimum 3 months but don't relocate now relocate until you are facilitated. After we are through with this exercise on allocation, a team will come to assess your developments and administer questionnaires to obtain information that makes possible to determine the facilitation to be provided. Once facilitation is provided, then you are given a notice to relocate.

#### **Minute 05/23/9/2019 – Way forward**

The meeting sought to pass some resolutions. That all beneficiaries be shown their rightful plots as per the 2007 PDP, and any documents that are contrary to such be cancelled and new ones issued. By a raise of hands, the community passed the resolution. However, this was indicated as a tentative resolution and would only be re-affirmed after the field exercise. The meeting concluded that the way to allocate was as following:

- People with documentations to avail them
- Every person to be available so as to show where he/she currently occupy and be shown the allocated plot.
- Every person to show where the beacons are if you know them. Where not possible, the Survey of Kenya team will assist re-establish them.

The team asked the community avail themselves the following day for the exercise. Having no other agenda, the meeting was closed with a word of prayer by the presiding bishop of full gospel church at 16:05pm.

**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT**  
**State Department of Housing and Urban Development**  
**Kenya Informal Settlements Improvement Project (KISIP)**

**DISCLOSURE OF PROPERTY BOUNDARIES AND RAP DEVELOPMENT IN ITHENGURI, NYERI COUNTY**

Attendance registration – Community meeting

Date.....

NO.	NAME	POSITION	ID/NO.	PHONE NO.	SIGNATURE
1	Janet Kuloa	KISIP	20183172	0714267165	<i>[Signature]</i>
2	Peter Otamai	CIS	23950878	0727433091	<i>[Signature]</i>
3	MULTA ELOMWA	LS	22339430	0728426618	<i>[Signature]</i>
4	Moses Kemboi	CURP	12666480	0720186692	<i>[Signature]</i>
5	SALESIO KABUJI	KISIP	700980	0722853907	<i>[Signature]</i>
6	Faith Birir	KISIP	11662361	0722462989	<i>[Signature]</i>
7	Kimani LEDIE	CDK	2402562	0725423300	<i>[Signature]</i>
8	ESTHER KAIRU	ASST-CHIEF	11652888	0726693877	<i>[Signature]</i>
9	JOSEPH KIRIRO	CHAIRMAN	0348183	0722884557	<i>[Signature]</i>
10	EVAN MWANGI	MEMBER	22580657	070590102	<i>[Signature]</i>
11	JOHN MUTHIE	MEMBER	0690617	0724217740	<i>[Signature]</i>
12	DEBA W. TATO	NLC	27493543	0710-238657	<i>[Signature]</i>
13	MOSES MUTURI	CGN	21748620	0726250580	<i>[Signature]</i>
14	ANON KIAMA	SNR CHIEF	SS51610	0721248949	<i>[Signature]</i>

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**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT**  
**State Department of Housing and Urban Development**  
**Kenya Informal Settlements Improvement Project (KISIP)**

**DISCLOSURE OF PROPERTY BOUNDARIES AND RAP DEVELOPMENT IN ITHENGURI, NYERI COUNTY**

Attendance registration – Community meeting

Date.....

NO.	NAME	POSITION	ID/NO.	PHONE NO.	SIGNATURE
1	Margaret Muthenge	1/c KARIAHIC	5100728	0720557839	Margaret
2	KINYUA WAMUGU	CGM	6828292	0722470025	Kinyua
3	HELLEN WANGIRU	KARIA	25683548	0728082797	Hellen
4	Emmanuel Wanjiru	KARIA	31512881	0799006983	Emmanuel
5	Berhino Muthoni	KARIA	29112007	0719229250	Berhino
6	ESTHER WANGIRU	KARIA	30458355	0711683955	Esther
7	ELIZABETH WANGUI	KARIA	24874697	0708735966	Elizabeth
8	CONSTANCE MATHENGE	- n -	0812957	0720439211	Constance
9	Joyce Wangiri Ituku		10134678	0711950997	Joyce
10	STEPHEN WATHONGI	"	6619167	0726051261	Stephen

**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT**  
**State Department of Housing and Urban Development**  
**Kenya Informal Settlements Improvement Project (KISIP)**

**DISCLOSURE OF PROPERTY BOUNDARIES AND RAP DEVELOPMENT IN ITHENGURI, NYERI COUNTY**

Attendance registration – Community meeting

Date.....

NO.	NAME	POSITION	ID/NO.	PHONE NO.	SIGNATURE
	Joseph Karuki Mwangi	Group Chair	0349436	0707771201	Joseph
	Stephen MATHENGE WANGIRU	Group Chair	31029342	0701927110	Stephen
	THARIS H GROUP	TREASURER	0237070	0720560849	Tharis
	John Mwangi Mugi	Member	5545219	0726963132	John
	John Wanjiku Wachera	L. Wachera	1207462	0725509385	John
	Paul Wanjiku Muechen	THARIS H. GROUP SECRETARY	0348272	0701358273	Paul

*c) Community meeting After Plot Re-Disclosure*

**MINUTES OF COMMUNITY MEETING ON DISCLOSURE OF PROPERTY BOUNDARIES AND DEVELOPMENT OF RAP FOR ITHENGURI INFORMAL SETTLEMENT HELD AT FULL GOSPEL CHURCH ON 25<sup>TH</sup> SEPTEMBER 2019 AT 13:40PM**

**Present** – list attached

**Agenda**

1. Review of activities so far undertaken
2. Allocation of plots
3. Verification of list of beneficiaries
4. Way forward

**Minute 01/25/9/2019 – Review of activities so far undertaken**

Meeting was called to order by the assistant Chief madam Esther Kairo at 13:40pm. The prayer was offered by full gospel church senior pastor. The Assistant Chief welcomed the participants and invited KISIP representative to chair the meeting.

KISIP representative Mr. Kaburu explained activities undertaken so far are as follows;

- The team, the community and local administration (Chief and Assistant Chief) have walked through the entire settlement
- Have identified all beacons defining the present and re-established the missing
- Compared the ground beacons and authenticated Survey Plan/RIM
- Understand how people are settled and have need for relocation considering minimal impacts on social and developments
- Updated preliminary list of beneficiaries that needs to be verified in the meeting

He thanked the beneficiaries for identifying the beacons of the plots they are occupying and helping uncovering beacons covered by soil. Everyone has participated well and have understood what we have done.

He noted that there are two plots which have encroached to the road as per titles issued. The plots are 4610 which is residential and 4608 which is designated cattle crush. Correction has been done to fit within the plot and not overlapping to the road. The road remains 9meters. The owners were notified and accepted the changes. Beacons have been fixed to define the revised plot size. Beacons have also been fixed where they were missing.

The community was requested to confirm show concurrence on the said information by raising of hands. There was a hundred percent hands raised.

**Minute 02/25/9/2019 – PLOTS**

Mr. Kaburu noted that everyone has been shown the plot they are supposed to own. Everyone knows the beacons defining their plots and there is no plot which is excess. The community was requested to confirm show concurrence on the said information by raising of hands. There was a hundred percent hands raised.

He noted that those with certificate of lease will remain with them until they are issued with new certificate of lease and surrenders the earlier one.

**Plenary**

1. Mary Nyambura Macharia asked on verification of list of beneficiaries if one is not present what happens

**Response:** People should avoid being absent by all means but if it is a must, then have a representative with the National Identification card of the owner. Also one can obtain power of attorney to transact business on behalf of the owner

2. Hellen Wanjiru asked what happens for those who have encroached by boundary and road as well as those who are to relocate their entire structures to a new plot?

**Response:** KISIP will assess the impact, value as per market rate and facilitate the owners of the structures. After facilitation, the Persons affected by project will be given a notice of not more than three months to relocate to their rightful plots. Therefore, no one should relocate until they are facilitated. Those who have no structures can construct structures but need to observe the building regulations and built within the plot. Need to leave space in front and back of the plot.

3. Joseph Kerero asked who signs on behalf of public utilities

**Response:** It depends on the facility, for example Self-help groups will be signed by the trustees elected through minutes. For Facilities, County government are responsible the County government will sign.

4. Joseph Munene asked those who are co-owning a plot, who will sign the list of beneficiaries

**Response:** all members that are co-owning will sign against their names in the list of beneficiaries

#### **Minute 03/25/9/2019 – Verification of revised list of beneficiaries**

The community were lead to confirm their names, ID No. and plot they now own by the team. Names were called out in public with her/his plot number and the community confirms that they know the person. The person proceeds to confirm the plot as per the survey plan, then proceed to produce the national identification card for the team to confirm the names and the number in the revised list together with the beneficiary. When the beneficiary is satisfied, he/she signs in the revised list against his name.

For the deceased beneficiaries, the family agreed on who to be beneficiary with the help of the chief, assistant chief and SEC. Some deceased beneficiaries were replaced by their children and some with their spouses. All beneficiaries (new and existing) signed against their names in the revised list of beneficiaries. The exercise was undertaken for all beneficiaries including the public utilities.

#### **Minute 04/25/9/2019 – Way forward**

The team requested the beneficiaries to stay in their plots for validation exercise the following day. Validation exercise will confirm the final list of beneficiaries and also act as the basis for survey amendments.

The community were notified that there will be another exercise to identify the persons affected by the project PAPs and develop a resettlement action plan (RAP). RAP report will be reviewed by various stakeholders and once approved, its implementation is effected immediately.

In addition, the community was asked to re-affirm their position that the 2007 PDP should be observed irrespective of the documents issued through the hurried exercise of title issuance in 2016 as this was the cause of the confusion. This was done by a raise of hands.

Having no other agenda, the meeting was closed with a word of prayer by the presiding bishop of full gospel church at 15:45pm.

4

MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT  
 State Department of Housing and Urban Development  
 Kenya Informal Settlements Improvement Project (KISIP)

DISCLOSURE OF PROPERTY BOUNDARIES AND RAP DEVELOPMENT IN ITHENGURI, NYERI COUNTY

Attendance registration – Community meeting

Date.....

NO.	NAME	POSITION	ID/NO.	PHONE NO.	SIGNATURE
	MR. BAMPUM JACOB	PASTOR	1217770	0722270984	[Signature]
	GABRIEL G. NGARI	PASTOR	0887037	0720747318	[Signature]
	V. M A GONDU	FARMER	032052085	07559664	[Signature]
	JOSEPH MUIRI	MASON	26504256	0706883025	[Signature]
	SOLTA MAINA	Farmer	10188449	0729374294	[Signature]
	SAMUEL Waigwa	Farmer	11410153	0740902247	S.W.K.
	JOHN NDIRITU KAMENJU	Farmer	0811590	0726567244	[Signature]
	JOSEPH MATHENGE NDIANGU	Driver	25194157	0720 071 782	[Signature]
	PETER KI HORA KARIKI	FARMER	20203160	0708721122	[Signature]
	LUCY NYAMBURA NDIANGU	FARMER	3203504	0724 451 665	[Signature]
	VIRGINIA WAKIMU WANJIAI	FARMER	3205512	0713834779	[Signature]
	MARY WANJUGU MUNENE	FARMER	5545277	0705122055	[Signature]
	MARY NYAMBURA MACHUA	FARMER	1216853	0720805058	[Signature]
	PATRICK MUCHIRI WANJIRI	Farmer	21973321	0720362692	[Signature]
	PETER GACHUHI NJERU	FUNDI	6832951 0722-260047	0722-260047	[Signature]
	JOSEPH GICHUKI GICHUKI	FARMER	03203557		[Signature]

MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT  
 State Department of Housing and Urban Development  
 Kenya Informal Settlements Improvement Project (KISIP)

DISCLOSURE OF PROPERTY BOUNDARIES AND RAP DEVELOPMENT IN ITHENGURI, NYERI COUNTY

Attendance registration – Community meeting

Date.....

NO.	NAME	POSITION	ID/NO.	PHONE NO.	SIGNATURE
1	Margaret Muthenge	h/c KARIAHI	5100728	0720557839	[Signature]
2	KINYUA WAKIMU	CGN	6828292	0722474005	[Signature]
3	HELLEN WANJIRU	KARIA	25683548	0728087797	[Signature]
4	Emmanuel Wanjiru	KARIA	31812881	0799006983	[Signature]
5	Perline Mutheni	KARIA	29113007	0719229250	[Signature]
6	ESTHER WANJIRU	KARIA	30458355	0727168395	[Signature]
7	ELIZABETH WANGUI	KARIA	24874697	0708135966	[Signature]
8	CONSTANCE MATHENGE	h/c	0812957	0720439211	[Signature]
9	Joyce Wanjiru Thuru	h/c	10134678	0711950977	Joyce
10	STEPHEN WATONGA	h/c	6619167	0726051261	[Signature]

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**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT**  
**State Department of Housing and Urban Development**  
**Kenya Informal Settlements Improvement Project (KISIP)**

DISCLOSURE OF PROPERTY BOUNDARIES AND RAP DEVELOPMENT IN ITHENGURI, NYERI COUNTY

Attendance registration – Community meeting

Date.....

NO.	NAME	POSITION	ID/NO.	PHONE NO.	SIGNATURE
	Joseph Karuki Mwangi	JuaKari	0349436	0707771701	Joh
	Stephen MATHENCE WAMURI	JuaKari	31029342	0701927110	Step
	THARLS. H. GADU P	TREASURER	0237070	0720560849	Tharls
	John Mureithi Mugi	member	5545219	0726963132	John Mugi
	John Wanjohi Kachere	J. W. Kachere	1207462	072550930	John Wanjohi
	Paul Wanjau Mueben	THARLS. H. GADU P SECRETARY	0848272	0721358278	Paul Wanjau

**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT**  
**State Department of Housing and Urban Development**  
**Kenya Informal Settlements Improvement Project (KISIP)**

DISCLOSURE OF PROPERTY BOUNDARIES AND RAP DEVELOPMENT IN ITHENGURI, NYERI COUNTY

Attendance registration – Community meeting

Date.....

NO.	NAME	POSITION	ID/NO.	PHONE NO.	SIGNATURE
1	Janez Kiloo	KISIP	20183172	0714267165	Janez
2	Peter Otamai	CIS	23950878	0727433091	Peter Otamai
3	MULTA EKOMWA	IS	2239430	0728426618	Multa
4	Moses Kemboi	CURP	13666480	0720186692	Moses Kemboi
5	SALESIO KABUJU	KISIP	7060480	0722853907	Salesio
6	Felix Birir	KISIP	11662361	0722462985	Felix Birir
7	Kimani KEDRIL	CDR	20012562	0725423300	Kimani
8	ESTHER KIRU	ASST-CHIEF	11652888	0726693877	Esther Kiru
9	JOSEPH KIRIRO	CHAIRMAN	0348183	0722884556	Joseph Kiriro
10	Evans Mwangi	MEMBER	2285657	0705904102	Evans Mwangi
11	JOHN MUTHIE	MEMBER	0690617	0724217740	John Muthie
12	DIBA W. TATO	NAC	27493743	0710-238857	Diba W. Tato
13	Moses MUTURI	CDR	21748620	0726256980	Moses Muturi
14	Ann Kiama	SRV CHIEF	SS51610	0721248949	Ann Kiama

**ii. RAP Meetings**

a) RAP Meeting with the Project Beneficiaries

**MINUTES OF THE RAP HELD AT ITHENGURI WITH PROJECT BENEFICIARIES ON 9<sup>TH</sup> NOVEMBER 2019**

**ATTENDANCE:** See attached list of attendants

**AGENDA**

1. Introduction
2. Purpose of meeting/ Identification of PAPs
3. Discussions/reactions
4. Transect Walks
5. Way forward

### **1. Introduction**

The meeting was called to order by ass. Chief.

The meeting started, with introductions from the SEC members and other members of the community.

Faith Birir introduced the KISIP Nairobi team. And then recapped the exercise of re-disclosure of plot boundaries undertaken in September.

### **2. Purpose of meeting/ Identification of PAPs**

Dr Winnie first started by explaining that a RAP is a document to document impacts due to the surveying process undertaken by KSIIP and will enable KISIP facilitate the affected to rebuild their structures.

The aim was therefore to identify persons and the structures that needed to be relocated, or were affected. These she indicated included main houses, secondary houses, latrines, cowsheds, kitchens, animal sheds etc. After identifying these affected persons, there would a meeting for discussion on issues related to them. She however noted in a nutshell, the aim was to ensure these families were facilitated to move to ensure that once the titling process was complete, incidences of conflicts between neighbours e.g. over boundaries would be minimised, as well as protecting roads 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.

All PAPs affected are eligible for facilitation and for all types of impacts including loss of livelihoods. However, the 9<sup>th</sup> of November 2019 will be the cut off date. This also means that only people and structures that would be affected by the surveying (placing of beacons) as they were on that date were considered for compensation. Any new developments on the land will not be considered.

KISIP Social Safeguards expert, Dr. Winnie Wairimu informed the PAPs and other beneficiaries of the project's grievance redress mechanism in the event of complaints resulting from the planning and survey (land titling process), impact on persons (assets and livelihoods) and the overall project. In this regard, the grievance redress is applicable to both the tenure regularisation process as well as grievances related to the displacement/resettlement process such as compensation. Here she took the community through examples of possible grievances, with some suggestions coming from the community. She emphasised that its best if all referred to these raised issues as 'grievances' and not 'disputes', and gave some examples to show that not all grievances are disputes but some can be clarifications etc.

She noted that the grievance redress mechanism is designed with the objective of solving any grievances at the earliest possible time which will be in the interest of all parties concerned. She highlighted that the grievance procedure is simple, administered as far as possible at the local levels to facilitate access. On Grievances Procedures she highlighted as something the SEC have been undertaking. Thus aim was to sensitize them on how to do it properly, effectively and efficiently, and to provide them with the necessary documentation to facilitate the process.

KISIP's Social Safeguards expert said that the grievances would be handled at three levels: these are at the settlement grievance redress committee that is based at the settlement. The second level would be at the RAP Implementation Committee/county level while the third is the legal redress (Court) way.

In addition, she indicated there was need to form GRC for settling any grievances. However the community indicated that they preferred the SEC to continue handling grievances.

She then commended the community and the Settlement Executive Committee for the good job done in handling grievances so far. She told the community that it is desirable that all grievances be settled at the community level through the settlement grievance redress committee. This is because, members of the SGRC are familiar with the project and its beneficiaries and therefore settlement within this committee will foster unity among the settlement members. The SGRC, she noted composes of four community members (with 2 coming from the SEC) and the area chief. Here the first step was the Stakeholder/ community member registering complaints, where the GRC was asked to treat all grievances as important whether registered through Call, Text, In Person, Letter or Email. They should then (incase of phone calls, smses) encourage the complaint to come and have the grievance form filled for records. It's important to treat all these avenues as crucial in the process. She highlighted that it was important to have a specific person who registers and where a community member approaches the SEC etc., they should assist them reach the person who records for documentation purposes.

She informed the members that the SGRC have 14 days to address the grievance or forward (after registering) to the next level, and discouraged long delays. In this process, she emphasised on the need for feedback to the complainant to reduce anxiety and ensure that people know that their grievances are treated as important. This would also avoid the temptation amongst the complainant to bypass the systems and procedures set up. Even when issues are escalated to the next level, they should be informed.

She advised that once some issues have been received, it's important for this level to sit and deliberate as a group but not individuals. A quorum is key for the integrity of the process so that decisions made are treated as GRC decisions and not individuals making decisions. This would even protect individuals from backlash and targeting too.

She informed the community that incase the grievance is not solved at the SGRC stage, or the verdict reached is not accepted by the complainant, the second level of grievance redress at the RAP implementation committee level may be triggered. Again she highlighted that this was not a new process as she was aware there have been engagements between the SEC and the KISIP county coordinator's office. The grievance redress committee at the county level has as its secretariat as the KISIP county coordinator's office and through which the escalation of grievances is done. She also said that this level has maximum 14 days to give a verdict to the complainant. As part of this process, she noted that the county was regularly in close contact and engagement with KISIP National office on the progress of these issues and in most cases, these issues are resolved jointly.

If the complainant is not satisfied with the verdict of the RAP implementation committee/county level committee, he/she has the right to seek legal redress which is a right protected by the Constitution of Kenya. However, she said, the settlement level and county level processes are free to the complainant but legal redress through the court requires the complainant to meet all their costs, if they choose to go that way. She however, encouraged the beneficiaries to first try the KISIP set up process as explained before running to the court as that process can be lengthy and costly yet in her opinion most issues can be solved at the local level.

She noted that the GRC process can be invoked anytime. KISIP's Social Safeguards expert further demonstrated how to fill the grievance redress form (of which copies had been bound in a book to be retained by the community) and the grievance redress register (in form of a black book also to be retained by the community). She noted that the grievance redress register is a summary of the grievance redress form thus it was desirable to start by filling the grievance form. In addition, where grievances had been closed, these would not be transferred to the register but open ones (with care been taken not to lose any supporting documents) could be indicated in the register for easier reference.

### 3. Discussions/reactions

If I am not affected, am I needed for this exercise? It is good for all beneficiaries to be on their plots for verification of impact to avoid future grievances if one is left out.

In our compound, each owns some structures, who will be paid? Its important for each to indicate their own property and this will be captured as so.

### 4. Way forward

There been no other business, the meeting closed and the SEC and KISIP staff members did transect walks across all plots guided by the survey plan, and corresponding list of beneficiaries. The exercise involved walking from plot to plot in a systematic manner and verifying impact on the basis of the beacons. Parallel to this, each of the affected persons was captured in the socio-economic baseline and a valuation exercise was undertaken.

**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT**  
**State Department of Housing and Urban Development**  
**Kenya Informal Settlements Improvement Project (KISIP)**

COMMUNITY MEETING ON DEVELOPMENT OF RAP FOR ITHENGURI, NYERI COUNTY

Attendance registration - Settlement.....ITHENGURI..... Date.....

NO.	NAME	POSITION	ID/NO.	PHONE NO.	SIGNATURE
	JOSEPH KIRIRO REBO	CHAIRMAN	0348188	0722284456	<i>[Signature]</i>
	PAUL IBUKA MUKHII	THARI S.H GROUP	0237070	0720560849	<i>[Signature]</i>
	JOYCE WARDIA THUKU	THARI S.H GROUP	10134672	0711952977	Joyce
	MARY WAGUGU MUNEKE		240664911	0705122055	
	LUCY NAMBURA NDIANGU		3203504	0724451665	<i>[Signature]</i>
	PAUL WANJAU MUCHEMI	THARI S.H GROUP SECRETARY	0348232	0721358273	<i>[Signature]</i>
	SAMUEL WAIGWA		11410153		SIGWIK
	JOSEPH KARIUKI	MEMBER	1549436	0704771201	<i>[Signature]</i>
	JOSEPH MURIGI	MEMBER	11206395	0726390719	<i>[Signature]</i>
	TOMIL NDIRITU K	MAGA SELF GRUP	0811590	0726567244	<i>[Signature]</i>
	STEPHEN KARURI KARIUKI	MEMBER	24874494	0712204147	<i>[Signature]</i>
	PETER WACHIRA WANJARI	MEMBER	10119510		<i>[Signature]</i>
	PETER KINOYO KARIUKI	MEMBER	20702160	0700721522	<i>[Signature]</i>
	SILVIA NDIRITU WANJARI	MEMBER			SA
	ESTHER WANJIKU	MEMBER	304158355	0711623955	<i>[Signature]</i>
	JOSEPH M. MUCHEMI	MEMBER	3202059	0721556871	<i>[Signature]</i>

**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT**  
**State Department of Housing and Urban Development**  
**Kenya Informal Settlements Improvement Project (KISIP)**

**COMMUNITY MEETING ON DEVELOPMENT OF RAP FOR ITHENGURI, NYERI COUNTY**

Attendance registration - Settlement.....ITHENGURI....., Date.....

NO.	NAME	POSITION	ID/NO.	PHONE NO.	SIGNATURE
	JOHN MUTHEE KARIUKI	MEMBER	0690617	0724217740	<i>J. Muthee</i>
	JOHN MURATHI MUCI	MEMBER	5545219	0726963132	<i>J. Muthi</i>
	MARY NYAMBURA MACHARIA	COMETTEE M.	1216853	0720805058	<i>M. Nyambura</i>
	BERGINIA WAIRIMU WANJIRI	MEMBER	3205512	0713934779	<i>B. Wanjiri</i>
	JAMES KARANTA WANJIRI	MEMBER	9075652	0700365352	<i>J. Karanta</i>
	PATRICK MUEHIDI WANJIRI	Member	21973321	0720347692	<i>P. Muehidi</i>
	Esther W. Karu	Asst-Chief	11652888	0726693877	<i>E. Karu</i>
	Roseline Mutheni Wanjari	members	29113007	0714229250	<i>R. Mutheni</i>
	Emmanuel Wanjiru Muthoni	members	31512381	0799006981	<i>E. Wanjiru</i>
	STEPHEN MATHENGE WANJIRI	member	30293442	0701924110	<i>S. Mathenge</i>
	STEPHEN WAIHONGE	Member	6619167	0726057261	<i>S. Waihonge</i>
	CONSTANCE MATHENGE KIRORO	SECRETARY	0812957	0720439211	<i>C. Mathenge</i>

**b) PAPs Meeting**

**MINUTES OF THE PROJECT AFFECTED PERSONS (RESETTLEMENT ACTION PLAN) ITHENGURI INFORMAL SETTLEMENT HELD AT ITHENGURI WITH PROJECT BENEFICIARIES ON 9<sup>TH</sup> NOVEMBER 2019**

**ATTENDANCE: See attached list of attendants**

**AGENDA**

1. Introduction
2. Purpose of meeting/ Identification of PAPs
3. Way forward

**1. Introduction**

The meeting was called to order by Dr Winnie W. Wairimu. She recollected the whole day's activities with the SEC and other community members, which involved a plot by plot transect walk of the whole settlement, identifying affected persons, due to road expansion or boundary alignment or even relocation cases.

**2. Purpose of meeting/ Identification of PAPs**

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. 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 incidences of conflicts between neighbours e.g. over boundaries would be minimized, as well as protecting roads 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. She called out the names of the identified PAPs.

Name	Category of PAP	Type of Structure
------	-----------------	-------------------

XXXXXX	Owner	Main House
		Kitchen
XXXXXX	Owner	Main House
XXXXXX	Owner	Main House
XXXXXX	Owner	Main House
XXXXXX	Owner	Main House
		Kitchen
XXXXXX	Owner	Main House
XXXXXX	Owner	Main House
XXXXXX	Owner	Main House
		Pit Latrine
		Chicken House
		Kitchen
		Gate
XXXXXX	Owner	Kitchen
		Goat pen
XXXXXX	Owner	House
XXXXXX	Owner	Kitchen
XXXXXX	Owner	Main House
		Kitchen
XXXXXX	Owner	House

		Kitchen
		Bathroom
		Pit Latrine
XXXXXX	Owner	Main House
		Chicken House
		Store
		Kitchen
		Pit Latrine
XXXXXX	Owner	Main House
		Kitchen
		Bathroom
		Pit Latrine
		Chicken House
XXXXXX	Owner	Main House
XXXXXX	Owner	Main House
		Kitchen

### 3. Valuation and Compensation Details

Carole Mundia –the valuer indicated that the exercise of identifying structures went on well. This identified main houses, latrines, kitchens etc. among others and in each case the house owner or a representative was available to verify this. anyone claiming impact was required to first show the, ID card and the valuer then assessed the impact this would have e.g. affecting a structure, tree etc. This had proved to be fairly an easy process.

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 completion of the titling process. All those who lost a main house were eligible to a rental allowance for 2 months (3 months for vulnerable) to enable them

find shelter as they rebuilt as well as a shifting allowance. Vulnerable PAPs would also get an additional allowance.

She indicated this cannot be considered compensation per se.

After the completion of the RAP report, KISIP would bring the list of those affected and give a copy to the SEC and county. They will then ask the affected to give out their bank account numbers for the facilitation to be deposited.

#### **4. Notice and Relocation**

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

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

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

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

#### **5. Cut-off date and Way Forward**

Winnie noted that after today i.e. the 9<sup>th</sup> of November 2019, no other person would be considered for facilitation to move, given sufficient word had gone around and the SEC had enabled the identification of these cases.

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

The meeting/exercise ended 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 and on other peoples land.

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**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT**  
**State Department of Housing and Urban Development**  
**Kenya Informal Settlements Improvement Project (KISIP)**

PAP MEETING, ITHENGURI, NYERI COUNTY

Attendance registration - Settlement.....ITHENGURI....., Date.....

NO.	NAME	POSITION	ID/NO.	PHONE NO.	SIGNATURE
1	ESTHER W. KARU	ASST-CHIEF	11652888	0726693877	<i>[Signature]</i>
2	ESTHER WANJIKU NGANYA	ithenguri	20458355	0711682955	<i>[Signature]</i>
3	SIMON NDIRITU WANJIA	member	20639654		<i>[Signature]</i>
4	PETER KINZO KAPOKA	member	20203160	070072122	<i>[Signature]</i>
5	STEPHEN KARIUKI KARIUKI	member	24874497	0712204147	<i>[Signature]</i>
6	JOSEPH MURANGI MURANGI	member	3202059	0721556871	<i>[Signature]</i>
7	JOHN MURETHI MURI	member	5545219	0726963132	<i>[Signature]</i>
8	JOHN MUTHEE KARIUKI	member	0690617	0724217140	<i>[Signature]</i>
9	STEPHEN WAHOMBE G.	MEMBER	6619167	0726051261	<i>[Signature]</i>
10	PAUL WANDIA MURCHEM	THAI S. H. Group SECRETARY	0348222	0721358273	<i>[Signature]</i>
11	PAUL IBUKA WANDIA	THAI S. H. Group TRENDSURER	0237070	0700560849	<i>[Signature]</i>
12	JOYCE WANJIKU THICI	THAI S. H. Group CHAIRPERSON	10134678	0711930977	<i>[Signature]</i>
13	MARY NAMBURA MACHARIA	C/MEMBER	12168532	0720805058	<i>[Signature]</i>
14	Joseph Mũligo	member	1206393	0726390718	<i>[Signature]</i>
15	JOHN NDIRITU	MEMBER	0611590	0726587240	<i>[Signature]</i>
	STEPHEN MURONGI WANJIKU	member	3029362	0409971008	<i>[Signature]</i>

**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT**  
**State Department of Housing and Urban Development**  
**Kenya Informal Settlements Improvement Project (KISIP)**

PAP MEETING, ITHENGURI, NYERI COUNTY

Attendance registration - Settlement.....ITHENGURI....., Date.....

NO.	NAME	POSITION	ID/NO.	PHONE NO.	SIGNATURE
	SAMUEL Waigwa	Member	11410153		<i>[Signature]</i>
	PATRICK MURHIZI WANJIKU	Member	21973321	0720347692	<i>[Signature]</i>
	JOSEPH KIRIRO KIRO	CHAIRMAN	0748188	0722884556	<i>[Signature]</i>
	Virginia Wairimu Wanjiku	Member	295572	0713836779	<i>[Signature]</i>
	Emmah Wanjiku Muthoni	member	3151221	0799006921	<i>[Signature]</i>
	Roshine Muthoni Wanjiku	member	029113007	071929250	<i>[Signature]</i>
	Joseph Karuki	member	0349456	0707771801	<i>[Signature]</i>
	Lucy Nyambura	Member	3203504	0724451665	<i>[Signature]</i>
	MARY WANJIKU MUNENE	Member	5545277	0705122055	<i>[Signature]</i>
	PETER WACHIRA WANJIKU	MEMBER	10119510	0720342692	<i>[Signature]</i>
	CONSTANCE MATHENGE KIRO	SECRETARY	0812957	0720439211	<i>[Signature]</i>

**B. ASSET REGISTER FOR ITHENGURI**

See separate file

**C. SOCIOECONOMIC TOOLS**

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

**1. Background information and Identifier**

- A Questionnaire/household Serial No.
- C Enumerator Name
- E Settlement
- G Village

- B Date
- D County
- F Sub county
- H Respondents Name

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

- A Name of HH head:
- B HH Head ID No:
- C HH Head Tel. Number:
- D Gender of HH head: 01-Male  
02-Female
- E Age of HH
- F Marital Status
- G Highest Education Level
- H HH Head Vulnerability Characteristics
  - 1. Aged/Elderly (above 65)
  - 2. Chronic Illness
  - 3. Widow/Widower
  - 4. Single parent/Separated/Divorced
  - 5. Orphan
  - 6. Permanent Disability
  - 7. HIV/AIDS afflicted persons
  - 8. Other (specify).....
- H Primary Occupation/employment status
  - 1. Civil Servant (specify).....
  - 2. Employee in private sector
  - 3. Casual Labourer
  - 4. Self-employed craftsman/Builder
  - 5. Trader/Business man/woman
  - 6. Unemployed/not economically active
  - 7. Too young to work/Student
  - 8. Farmer/Livestock keeper
  - 9. Retired
  - 10. Shop assistant
  - 11. Other (specify).....
- I Place of work
  - 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> <ol style="list-style-type: none"> <li>1. Stone</li> </ol>	<p><b>H. For main house, describe main material for roof</b></p> <ol style="list-style-type: none"> <li>1. Tiles</li> </ol>		<p><b>I. For main house, describe main material for floor</b></p>	

2. Bricks/Blocks 3. Iron sheets 4. Wooden 5. Cemented earth wall 6. Earth/mud 7. Polythene/ Carton 8. Grass 9. Other (specify).....	2. Iron sheets 3. Wooden 4. Concrete 5. Asbestos 6. Makuti 7. Tin 8. Mud/dung 9. Other (specify).....	1. Cement screed 2. Earth 3. Tiles 4. Wood 5. Other (specify) .....
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## 7. WELFARE INDICATORS

1. <u>What does the family use for lighting?</u>  1. Fuelwood 2. Solar 3. Charcoal 4. Battery (e.g. car battery) 5. Biogas 6. Gas lamp 7. Pressure lamp 8. Paraffin/Kerosene 9. Electricity (KPLC) 10. Electricity (generator) 11. Candle 12. Other: .....	2. <u>What does the family use for cooking?</u>  1. Firewood 2. Solar 3. Charcoal 4. Biogas 5. Paraffin/Kerosene 6. Gas (LPG) 7. Electricity 8. Other: .....	3. <u>Where do you get water for domestic use?</u>  1. Borehole at home 2. Tap/piped water (own house) 3. Shallow well at home 4. Tap/borehole water but outside home/public 5. Rain Water 6. River/stream 7. Water kiosk 8. Other (specify) .....	4. <u>Average distance to water source (Return journey)</u>  1. 0-10min 2. 10-30min 3. 31min-1hr 4. More than 1 hr	5. <u>Average cost of water per day (Kshs) i.e. how many 20 litre jerrican and at how much is each jerrican?</u>
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## 8. HEALTH, RELIGION AND EDUCATION

<b>A. <u>Where is the nearest health centre in use by household?</u></b>  1. Inside this settlement 2. Outside settlement but within same sub county 3. Outside settlement but within same county 4. Outside this county	<b>B. <u>Who operates the medical center?</u></b>  1. County Government/ Municipality 2. Mission/church 3. Non-Governmental Organization 4. Community based organization 5. Private entity 6. Other (specify) .....	<b>C. <u>What are common ailments in the household?</u></b>  1. Malaria 2. Flu/cough 3. Headache 4. TB 5. Diarrhea 6. Pneumonia 7. Eye infections 8. Amoeba / Typhoid 9. Hypertension/high blood pressure 10. Diabetes 11. Soft Tissue Injuries 12. Other (specify).....	<b>D. <u>How far is your religious institution?</u></b>  1. Inside this settlement 2. Outside settlement but within same sub county 3. Outside settlement but within same county 4. Outside this county	<b>E. <u>Where is the nearest public (primary) school?</u></b>  1. Inside this settlement 2. Outside settlement but within same sub county 3. Outside settlement but within same county 4. Outside this county
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## 9. WASTE DISPOSAL

<b>A. <u>How do you dispose of garbage/solid waste that cannot be re-used?</u></b>  1. Composite pit 2. Bin 3. Burn	<b>B. <u>Which type of toilet facilities do you have access to?</u></b>  1. Pit latrine with septic tank 2. Pit latrine without septic tank 3. Flush toilet 4. Bush/flying toilet	<b>C. <u>How is the facility owned?</u></b>  1. <u>Public/Communal</u> 2. <u>Privately owned</u> 3. <u>Other (specify)</u> .....	<b>D. <u>If Public/communal, do you have to pay?</u></b>  1. <u>Yes</u> 2. <u>No</u>
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4. Burry in ground 5. Throw along the road / field 6. Designated garbage dumpsite 7. Private service provider collects 8. Other specify .....	5. No facility 6. Other specify.....		
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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</u> <u>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.....

Signature.....

ID Number.....

ID Number.....

**D. SAMPLE GRIEVANCE FORM**

Grievance Number		<b>Copies to forward to:</b>	
Name of the Recorder		(Original)-Receiver Party	
County/Settlement Name		(Copy)-Responsible Party	
Date			
<b>INFORMATION ABOUT THE COMPLAINANT</b>			
Name-Surname		<b>Forms of Receive</b>	
Telephone Number		<input type="checkbox"/> Oral (Face to face)	
Village/ Settlement		<input type="checkbox"/> Written	
Signature of Complainant		<input type="checkbox"/> Phone call	
		<input type="checkbox"/> Other	
<b>INFORMATION AND DETAILS ABOUT GRIEVANCE</b>			
Define The Grievance:			
<b>NATURE OF GRIEVANCE</b>			
<b>1. Comments, suggestions, or queries;</b>	<b>2. Complaints related to already issued titles and titling</b> a. Name missing from KISIP list b. Title bears wrong Names c. Names on Title don't match ID d. Wrong ID number indicated	<b>3. Complaints referring to compensation and valuation</b> a)	<b>4. Other</b>
<b>ACTION TO BE TAKEN</b>			
1. A clarification or a simple explanation Given. Indicate what was told to the PAP here.	2. Title issues noted and forwarded to KISIP county coordinator for onward forwarding to KISIP national office for action,	3. Forwarded to the SGRC for action	4. Other (Specify)

**E. GRIEVANCE REGISTRY**

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

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