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**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND  
URBAN DEVELOPMENT**

**KENYA INFORMAL SETTLEMENTS IMPROVEMENT PROJECT  
(KISIP)**

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**ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP)**

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**KIHUYO INFORMAL SETTLEMENT**



**JUNE 2019**

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This Resettlement Action Plan (RAP) for Planning and Surveying of Kihuyo Informal Settlement, Nyeri County has been prepared by Godwin Lidahuli Sakwa on behalf of the Kenya Informal Settlements Improvement Project (KISIP).

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## DEFINITION OF TERMS

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

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

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

**Cut-off date** is the date of beginning of the socio-economic survey/census and asset inventory of PAPs. 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.

**Grievance:** is any 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 RAP implementation process, the project and other scenarios related to project implementation.

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

**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.

**Public Participation** is a facilitative process of strengthening the organizational and management capacities of people in such a way that they become self-reliant in solving their own problems. It connotes the organized action of the people towards the resolution of issues or acquisition of what they desire and what may benefit them. This, then, requires that people, as a group, must have proper ownership of actions and highly organized course of action.

**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 RAP e.g. labor support.

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

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

**Resettlement Action Plan** Abbreviated Resettlement Action Plan (ARAP) or Resettlement Action Plan (RAP) 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. ARAPS or 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 ARAP 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 was 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 (“ARAPs”) 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).

**Specialized Assistance:** Involves assistance in reconstruction of affected structures through provision of transport and labour from the community or SEC during reconstruction of the affected structures.

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

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## LIST OF ABBREVIATIONS AND ACRONYMS

ARAP	Abbreviated Resettlement Action Plan
AFD	Agence-Française de Development
ESIA	Environmental and Social Impact Assessment
EMSF	Environmental and Social Management Framework
GO	Grievance Officer
HH	Household
GRM	Grievance Redress Mechanism
KISIP	Kenya Informal Settlements Improvement Project
MoTIH&UD	Ministry of Transport, Infrastructure Housing and Urban Development
LIS	Land Information System
LPDP	Local Physical Development Plan
IoL	Inventory of Losses
NLC	National Lands Commission
NLP	National Land Policy
NGO's	Non-Governmental Organizations
OP	Operations Policy
PAD	Project Appraisal Document
PAPs	Project Affected Persons
PDP	Part Development Plan
PC	Project Committee
PCT	Project Coordination Team
RAP	Resettlement Action Plan
RIC	Resettlement Implementing Committee
RIM	Registry Index Maps
ROW	Right of Way
RPF	Resettlement Policy Framework
SGRC	Settlement Grievance Redress Committee
SEC	Settlement Executive Committees
SIDA	Swedish International Development Cooperation Agency
WB	World Bank

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## EXECUTIVE SUMMARY

### **Project Information**

The Ministry of Transport, Infrastructure, Housing and Urban Development (MTIHUD) is implementing the Kenya Informal Settlements Improvement Project (KISIP) in 14 counties in Kenya. The overall objective of KISIP is to improve living conditions within informal settlements in the country through tenure regularization and infrastructure development. This Project is part of KISIP component 2 which aims to ensure security of tenure within target settlements. The component supports systematization and scaling-up of settlement planning and tenure security in urban informal settlements.

KISIP became effective in June, 2011 and is implemented in fourteen (14) Counties including Nyeri County where Kihuyo informal settlement is Located. The settlement is approximately 1.3 kilometers to the North east of Nyeri town off Nyeri Nyahururu road. This settlement forms one of the colonial villages which Africans were prohibited from general interaction with the white population. The area covered by the settlement is 12.8 Hectares (approximately) or 31.6 acres of land which host a total population approximately 500 people.

This report presents Abbreviated Resettlement Action Plan (ARAP) prepared for Project Affected Persons (PAPs) in the settlement who are affected by the planning surveying and tenure regularization process undertaken under KISIP component 2. The report also provides applicable entitlement, compensation measures to the Project Affected Persons (PAPs) identified as required by the World Bank Social Safeguard Policy OP 4.12 on Involuntary Resettlement and Kenya's Laws and regulations. .

### **Planning and Surveying Process in the Settlement**

The planning process was community driven where all beneficiaries and stakeholders were involved from the onset of the planning process. Initial activities involved reconnaissance survey followed by Settlement Executive Committee (SEC) and community sensitization forums which were aimed at ensuring that the community members in the settlement own the planning process. The process also involved mapping and delineation of settlement boundaries, physical mapping of structures, socio-economic survey, community visioning, preparation of the Local Physical Development Plan (LPDP) and verification of beneficiaries.

The process generated a list of beneficiaries which informed preparation of base map, LPDP and survey plan of the settlement. The resultant LPDP was presented to the community for verification through a validation process by the community. The total number of beneficiaries enumerated in the settlement are 55 who include; 30 male, 11 female and 14 public plots belonging to Kihuyo secondary school, A.I.P.C.A Church, Catholic church, Presbyterian Church of East Africa, coffee factory, two nursery schools, polytechnic, playing ground, two cemeteries, Water tank space, cattle Dip and a Dispensary. At the time of ARAP preparation in February 2018, 51 beneficiaries had been issued with title deed while 4 beneficiaries had not been issues with title deeds.

To ensure the beneficiaries are aware of available title registration and the corresponding benefits, KISIP and the Chief Lands Registrar will carry out more settlement oriented community sensitizations on titling and registration. The forums will emphasize the importance

of joint titling for spouses as a means to advancing women rights to owning land as well as allow for changes to the title beneficiary list before final printing of the titles. The Land Control Board (LCB) will also play an important role in regulating land transactions with an aim of safeguarding women rights to land ownership.

This regulation makes it harder for one spouse to sell land without the consent of the other even when only one spouse's name appear on the title. After Implementation of ARAP, the National Land Commission as the custodian of public Land will officially transfer the land from public to individual beneficiaries through issuance of titles as per Kenyan Land Laws.

### **Tenure Regularization Impacts**

The total number of PAPs in the settlement is 28 PAPs. Among the total number, 19 PAPs are male with 1 elderly vulnerable PAPs while 7 PAPs are female with 3 elderly and widowed vulnerable PAPs among them. The remaining 2 PAPs are institutional namely Kihuyo Secondary School and African Inland Church (Kihuyo). The PAPs will lose a total of (79) structures which include fences and residential structures encroaching into the roads reserves and Kihuyo Dispensary Land.

The resettlement impact is triggered because of expansion of land for Kihuyo dispensary where 18 PAPs are affected, the remaining 4 PAPs are affected because of expansion of roads within the settlement. ARAP field activities identified that at the time of enumeration of PAPs on 2<sup>nd</sup> and 3<sup>rd</sup> February 2018, 14 PAPs had already relocated encroaching structures at their own cost while 14 PAPs were yet to relocate their structures.

### **Approach and Methodology**

The methodology adopted during preparation of this report was guided by World Bank OP 4.12 on Involuntary Resettlement, KISIP Resettlement Policy Framework (RPF) 2014 and Land Act, 2012 and other relevant enabling legislations.

### **Public Consultations**

This phase involved consultations with stakeholder's including community members during planning and surveying also during ARAP preparation phases within the settlement. Three meetings were conducted in the settlement, the meetings were at (1) Introductory Meeting to the Nyeri County Government, (2) meeting with the Settlement Executive Committee and (3) Meeting with the Project Affected Persons (PAPs).

Detailed stakeholder consultation findings are presented in chapter 5 of this report while minutes and list of attendance to the meetings described below is provided as **Annex 3** to this report.

### **Mitigation of Adverse Impacts**

The Project Affected Person (PAPs) irrespective of their tenure status are eligible for assistance or compensation if their assets or livelihoods sources will be affected by planning and surveying activities before the cut-off date set as 2<sup>nd</sup> February 2018.

All structures affected will be compensated at replacement cost while livelihoods will be compensated with cash as per the provisions of the entitlement matrix presented as table 8-1 in chapter 8 of this report. For vulnerable PAPs and as provided by the KISIP

Resettlement Policy Framework (RPF), this RAP provides for additional Kshs 2,000 for the first 2 months, specialized<sup>1</sup> assistance during relocation and priority in disbursement of compensation funds. The elderly will also be enlisted to government social programme such as the "Inua Jamii cash transfer programme for aged persons.

### **Grievance Redress Mechanism**

This ARAP provides for a three tier Grievances Redress Mechanism (GRM) at no cost to the PAPs. The first tier is the Settlement Grievance Redress Committee (SGRC) which already exists within the settlement, this committee will be the first level of grievance redress. The second level will be the Resettlement Implementation Committee (RIC) which will comprise of KISIP Project Coordinating Team (PCT), Nyeri County KISIP representative and the local administration. The third tier will be the Courts of Law to be adopted as the last resort. A grievance log already issued to the SGRC will document all grievances and their status and will be used to monitor GRM progress.

### **Implementation of the ARAP**

The primary responsibility for the implementation of this ARAP is with KISIP Project Coordination Team (PCT) and the Nyeri County Government KISIP Unit. These units will ensure that all PAPs are adequately facilitated as provided in the implementation schedule provided as table 10.4 in chapter 10 of this ARAP.

### **ARAP Implementation Budget**

This ARAP provides a total implementation budget of Kshs 3,888,235.00 (Three Million Eight Hundred and Eighty Eight thousands, Two Hundred and Thirty Five Kenya Shillings). The cost includes valuation of the affected structures for 28 PAP including extra support to vulnerable PAPs, cost of implementing ARAP and cost of Monitoring and Evaluation. The PAPs will be paid compensation allocation prior to issuance of title deeds as presented in the ARAP implementation schedule provided in chapter 10 table 10.4.

### **Monitoring and Evaluation**

The monitoring and evaluation framework provided by this ARAP spells out a 2 level monitoring arrangement to be used to evaluate achievement of ARAP commitments. The levels include; internal monitoring to be undertaken by KISIP RIC and safeguards team and a final completion audit to be undertaken after implementation of the LPDP.

The parameters to be monitored will include among other; number of number of PAPs facilitated, number of beneficiaries issued with title deed and number of grievances triggered and successfully resolved. Detailed monitoring and evaluation plan is presented in chapter 11 of this ARAP.

### **ARAP Commitments**

The primary responsibility of implementation the ARAP is with KISIP Project Coordination Team (PCT). The team will ensure that all PAPs are adequately facilitated according to the

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<sup>1</sup> Specialized assistance will include assistance in reconstruction of affected structures through provision of transport and labour from the community and SEC during reconstruction of the affected structures.

entitlements and commitments of this ARAP prior to conclusion of tenure regularization process. This ARAP also provide specific commitments that will be undertaken by KISIP during ARAP implementation phase, these commitments are provided in chapter 12 section 12.2.

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## CHAPTER 1: BACKGROUND INFORMATION

### 1.1 KISIP General Information

The Kenya Informal Settlements Improvement Project (KISIP) is a five-year project with the objective improving living conditions of residents in Kenya's urban informal settlements. The Project Development Objective (PDO) is 'to improve living conditions of people living in informal settlements in selected Counties in Kenya.' This Project goal is consistent with Kenya's Vision 2030 goal of 'a well housed population living in an environmentally secure urban environment'. The Project is jointly financed by the World Bank, AFD and SIDA. The Ministry of Transport, Infrastructure, Housing and Urban Development, is the implementing arm of the Government. The Project's specific interventions include enhancing tenure security, settlement level planning, infrastructure services provision, and planning for future urban growth to prevent the growth of informal settlements. The KISIP Project became effective in June, 2011.

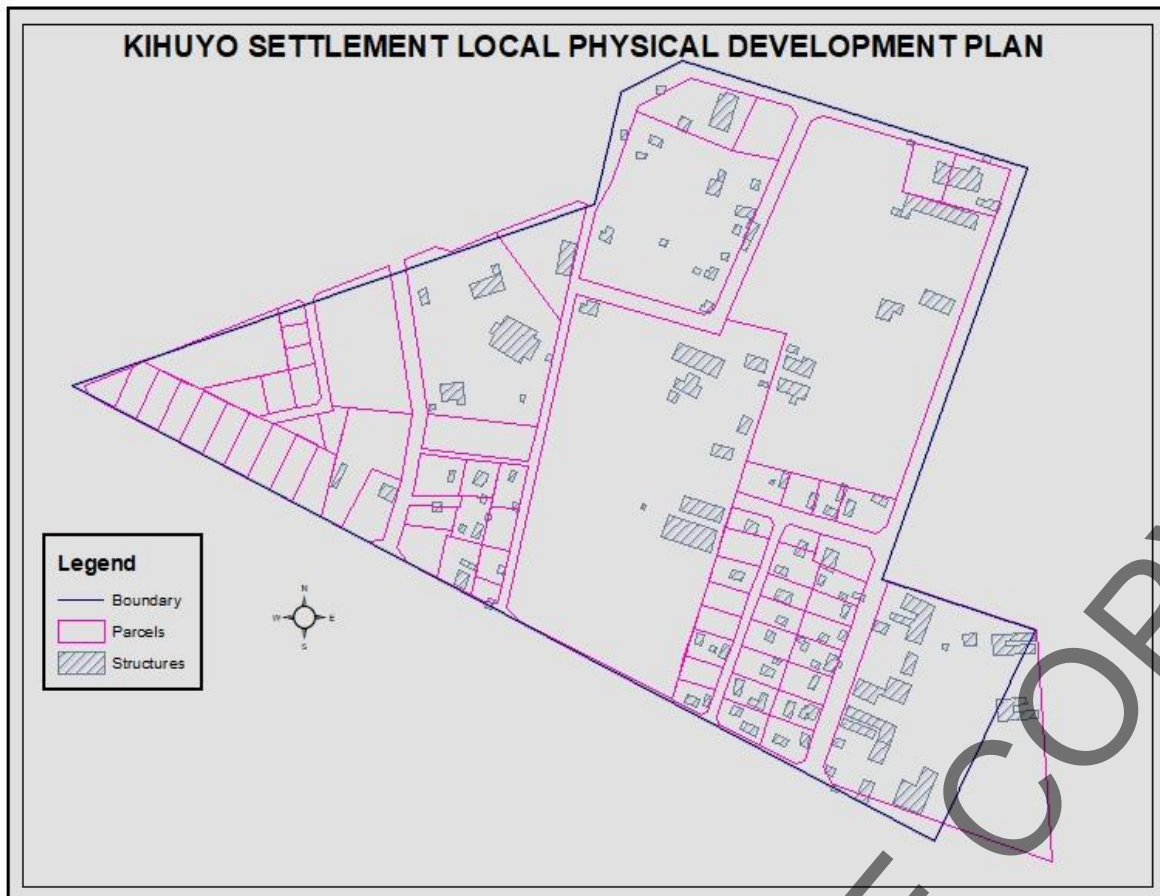
The Project covers the following fourteen (14) Counties: Nairobi City, Mombasa, Kisumu, Nakuru, Uasin Gishu, Nyeri, Kiambu, Embu, Garissa, Kakamega, Kericho, Kitui, Machakos and Kilifi. It has the following four components:

1. **Institutional strengthening/development and program management** - This component assists in strengthening the capacity of the Ministry of Housing, the Ministry of Lands and the participating counties, and also finances program management activities (including preparation of a baseline platform and systems for monitoring and evaluation).
2. **Enhancing tenure security** - this supports scale-up and process systematization of ongoing efforts to regularize tenure in urban slums and includes financing for the following types of activities: community organization and mobilization, identification and demarcation of settlement boundaries, preparation of Part Development Plans, and issuance of letters of offer/allotment to individuals/groups.
3. **Investing in settlement restructuring and infrastructure** - 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.
4. **Planning for growth: Supporting delivery of affordable housing and serviced land** - supports proactive planning to dampen the growth of new slums and mechanisms for delivery of land and housing that can enhance affordability for middle- and low-income households.

In line with the Project's Component 2 on enhancing tenure security, KISIP prepared a local Physical Development Plan (LPDP) for Kihuyo informal settlement located in Nyeri County.

### 1.2 Kihuyo Informal Settlement

Kihuyo Informal Settlement is located within Kihuyo location, in Nyeri town sub-county within the Nyeri County. The settlement is located approximately 1.3 kilometres North east of Nyeri town and off Nyeri-Nyahururu main road. The area covered by the settlement is 12.8 Hectares (approximately) or 31.6 acres of land. The settlement forms one of the colonial villages in Nyeri that was the centre of happy valley settlers who became famous for their infamous decadent lifestyle and exploits in the first half of the 20<sup>th</sup> century. **Figure 1.1** below presents a approved LPDP of Kihuyo Informal Settlement.



**Figure 1-1: Approved LPDP of Kihuyo Informal Settlement**

### **1.3 KISIP's interventions in the Settlement**

KISIP Component 2 intervention in the Settlement involved physical planning and surveying of the settlement to ensure the beneficiaries are issued with title deeds for the plots they occupy (Tenure Security). This involved the development of a Local Physical Development Plan and surveying of the settlement where 55 beneficiaries include; 30 male, 11 female and 14 public plots belonging to Kihuyo secondary school, A.I.P.C.A Church, Catholic church, Presbyterian Church of East Africa, coffee factory, two nursery schools, polytechnic, playing ground, two cemeteries, Water tank space, cattle Dip and a Dispensary

The planning and survey element which will culminate in the tenure regularization that will lead to impacts associated with demolition of fences and other residential such as toilets, house extensions and fences encroaching into the road reserves. The resettlement impact is particularly related to activities proposed in the approved LPDP which include opening of access through improving road network which will affected 4 PAPs while 18 PAPs are affected due to expansion of land belonging to Kihuyo Dispensary.

### **1.4 Objective of the ARAP**

The objective of this ARAP is to identify and provide mitigation measure for social impacts caused by the tenure regularization to people's assets in the settlement. Further, this ARAP provides Project Affected Persons with appropriate compensation for their affected assets at

full replacement cost. The RAP also provide appropriate support to the 7 PAPs identified as elderly PAPs therefore vulnerable PAPs within the settlement.

### **1.5 Scope of the RAP**

The planning and survey which will culminate to tenure regularization will trigger impacts associated with demolition of structures encroaching into the road reserves. The impact is particularly related to activities proposed in the approved LPDP which include opening of access through improving road network and expansion of land belonging to Kihuyo Dispensary.

Therefore, the scope of the assignment involved the following tasks:

- a. Develop ARAP for the settlement in line with national legislations, KISIP Resettlement Policy Framework and World Bank's OP 4.12
- b. Prepare a socio economic survey of the affected PAPs with focus on income streams and women.
- c. Develop innovative and implementable resettlement options for the PAPs based on existing situation and context of the settlement.
- d. Conduct extensive and in-depth stakeholder consultations with all project stakeholders.
- e. Propose an acceptable entitlement matrix to guide compensation and other mitigation actions to PAPs.
- f. Compile an accurate PAP and asset register that is acceptable to the PAPs.

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## CHAPTER 2: LAND TENURE REGULARISATION AND TITLING

### 2.1 Introduction to Land Titling

KISIP began operations in settlement in January 2017, the project focused on component 2 that will culminate to tenure regularization in the settlement. To actualize land tenure regularization, the following activities were undertaken in the settlement as summarized **table 2.1** below while approved LPDP for the settlement is illustrated by **figure 2-1** below:

**Table 2-1: Tenure Regularization and Land Titling Process**

Stage	Activities	Primary Actor	Secondary Actor	Indicators	Timelines
Mobilization Stage	Community mobilization introduction of KISIP activities in the settlement outlining the objective of planning and survey which will lead to issuance of title deeds.	SEC KISIP	County Government	Equal representation in SEC composition Community Welcomed the project as they have been waiting on title deed for a long time. Community committed to embrace and support the project until completion	Undertake n
<b>Planning Stage</b>					
Base Map and physical Preparation	Transect walks guided by SEC 55 beneficiaries identified. existing plot boundaries form basis for planning and surveying 100 % socioeconomic survey of beneficiaries	Community SEC Consultant	KISIP County Government	Base map for the settlement Every Beneficiary is enumerated Participation of SEC ensured that only members of the settlement are the Beneficiaries Beneficiary list representative of women beneficiaries.	Undertake n
Visioning and Plan preparation	A community led visioning process Community prioritizes accessibility Community involved in preparation of plan that best represents their interests.	Community SEC Consultant	KISIP County Government	Active Women participation in every planning stakeholder meeting. Community endorse road hierarchy for the settlement. Community aware of and endorse minimum reduction in plot sizes to provide	Undertake n

Stage	Activities	Primary Actor	Secondary Actor	Indicators	Timelines
				accessibility and facilitate titling	
Plan Validation and Approval	A community led validation of plan ensured community vision is represented Community endorsed and approved Plan Plan approved by county and Director of Physical planning	Community SEC Consultant	KISIP County Government	Community approval of plan County and Director of Physical Planning approval of Plan step towards tenure regularization and issuance of titles	Undertaken
<b>Surveying stage</b>					
Surveying and beaconing of plots	Physical Survey of Plots Women asked to be present during exercise and shown boundaries of new plot where beacons have been placed. Identification of impacts	Community SEC Consultant	KISIP County Government	Women aware of plot boundaries. Impacts and PAPs documented	Undertaken
Validation of Beneficiary List	Every beneficiary allowed to scrutinize the beneficiary list to ensure correct details have been input. Women encouraged to participate.	Community SEC Consultant KISIP	County Government	Women ensure correct details are in the beneficiary list and sign against the details	Undertaken
Approval of Survey Plan	Survey approval and adjustment of Registry Index Map(RIM) to include individual surveyed Plots numbers	Survey of Kenya	KISIP	New RIM forwarded to Ministry of Land for Titling process.	Approved
<b>ARAP Preparation</b>					
ARAP Preparation	Identified impacts are as a result of planning and survey are identified, documented and mitigated	Community SEC Consultant	KISIP County Government	Entitlements are given to mitigate impacts	Undertaken
ARAP Approval	Ensure client commitment to implementation of ARAP. All safeguards provisions are	KISIP World Bank	Consultant	Approved ARAP to guide implementation process and issuance of Titles	Ongoing

Stage	Activities	Primary Actor	Secondary Actor	Indicators	Timelines
	met and addressed				
RAP implementation	Implementing RAP activities as per implementation schedule	KISIP Community County	Consultant	Facilitation of PAPs GRM Issuance of Title Deeds(undertaken after facilitation)	Not yet undertaken
<b>Land Titling</b>					
Sensitization on Title ownership	Registrar of Titles Sensitizes Beneficiaries and their spouses on (i) Joint Ownership of titles (ii) Types of registrations (iii) Benefits of the Titles (iv) Conditions to be granted on leasehold Titles (v) Law requirements in Regulation of land transactions	Registrar of Titles Community SEC KISIP	County Government Consultant	More women aware on Joint Titling Men allow for joint titling with spouses. Beneficiaries aware of Benefits of the title being issued. Beneficiary grievances adequately addressed	Done
Change of beneficiary List	Beneficiary list open for final change of names to appear in the title	Community SEC Consultant KISIP	County Government	Increased number on Joint Title between spouses Beneficiaries on the final beneficiary list forwarded to the Ministry of Lands for Title printing.	Done
Titles Printing and Signing	The final beneficiary list is the basis of printing of Titles	Ministry of Lands- Chief Land Registrar		Signed Titles are handed over to National Land Commission for Approval.	Done
Gazettelement	The NLC approves transfer of Public land to individual beneficiaries in the Settlement	National Land Commission		The names of Beneficiaries is officially published in the Kenya Gazette as individual title holders securing their tenure	Done
Issuance of Title	Upon facilitation of All PAPs, Titles are issued to respective beneficiaries in a public event.	NLC KISIP	County	Beneficiaries finally have individual titles to their land. Tenure regularization is complete	Done

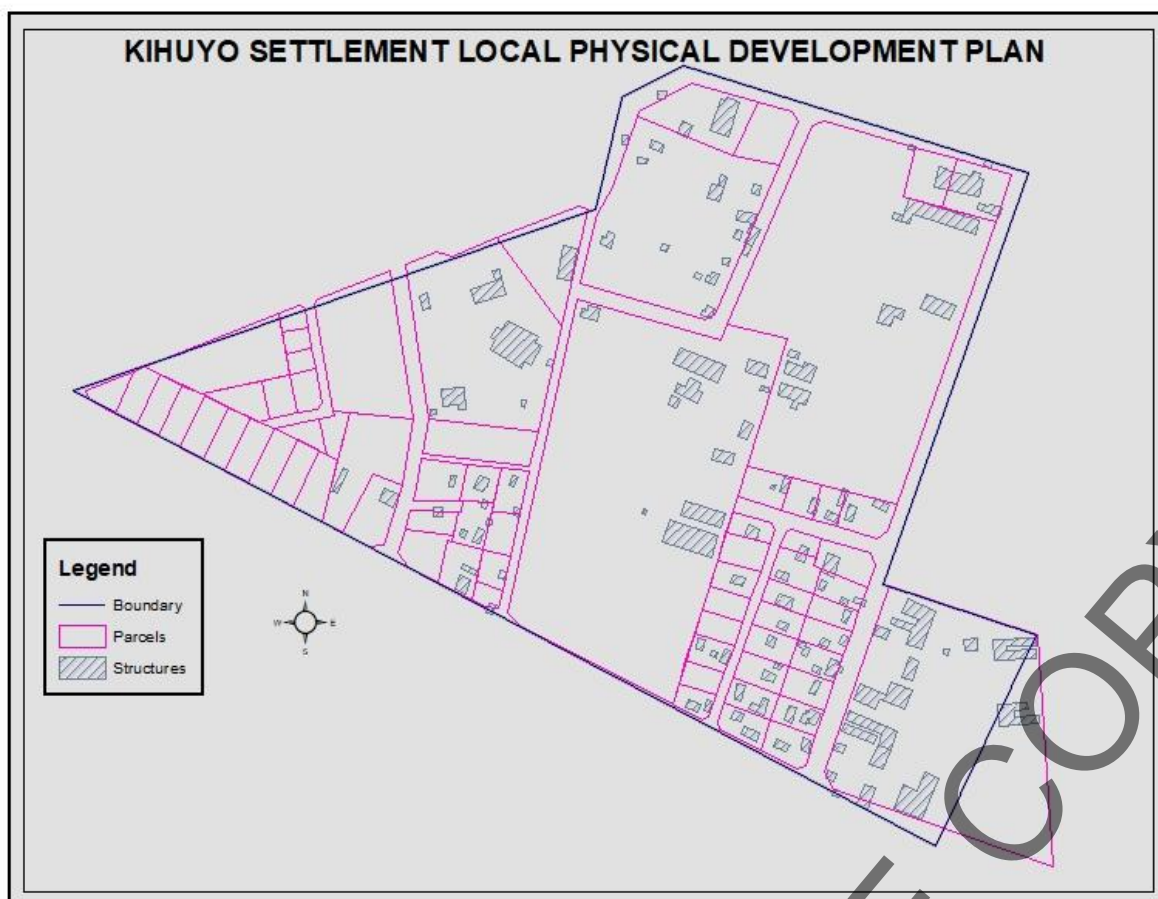


Figure 2-1: Approved LPDP for Kihuyo Informal Settlement

## 2.2 Issuance of Titles

The issuance of titles was the next process in the tenure regularization process. The title deeds were issued to the 55 beneficiaries. The community members were sensitized on types of available title registrations as summarized in **table 2-4** below.

Table 2-2: Types of Title Registration.

Type Of Title Registration	Details	Emerging issues under KISIP
<b>Single Ownership</b>	<ul style="list-style-type: none"> <li>• Single person completely owns the Land.</li> <li>• If Married, Consent of wife is required before any transaction on the land is undertaken</li> </ul>	<ul style="list-style-type: none"> <li>• In case of death, transfer of the land becomes lengthy and costly.</li> <li>• Discouraged under KISIP if husband and wife are involved. Husband and wife encouraged to go for joint ownership.</li> <li>• Consent has to be reached between husband and wife on who will be the single owner of the title.</li> </ul>
<b>Joint Ownership</b> Both Husband and wife are registered in the title.	<p><b>Absolute Proprietorship.</b></p> <ul style="list-style-type: none"> <li>• Both Husband and wife are absolute proprietors of land</li> </ul>	<ul style="list-style-type: none"> <li>• In case of Death, Land is automatically transferred to the spouse.</li> <li>• This type of ownership is encouraged under KISIP; Sensitization is ongoing</li> <li>• If consent is not reached between husband and wife on absolute ownership, Tenancy in</li> </ul>

		common shares joint ownership is to be explored as the alternative
	<p><b>Tenancy in common shares</b></p> <ul style="list-style-type: none"> <li>• Husband and wife own the land in shares.</li> <li>• Common in cases where there is more than one wife and/or children are involved.</li> </ul>	<ul style="list-style-type: none"> <li>• Each party decides what to do with his/her shares since they own only a stipulated share of land.</li> <li>• The title can only accommodate 5 entries of names</li> <li>• In case of more than 5 owners, additional parties to the land are required to nominate one to hold their shares in trust of the others</li> <li>• This is explored especially if children are involved</li> </ul>
<b>Sectional Title</b>	<ul style="list-style-type: none"> <li>• This applies to ownership of Assets like high-rise buildings/apartments</li> </ul>	<ul style="list-style-type: none"> <li>• In case a beneficiary builds an asset and decides to share among children/Wives, Each floor is entitled to a sectional title. This sectional title can be further subjected to Joint co-ownership among children</li> </ul>

### 2.3 Gender inclusivity

Gender inclusivity is one of the guiding principles of this RAP and the tenure regularization exercise. KISIP will undertake more gender empowerment sensitization exercises to build the capacity of women in the settlement to safeguard their Land rights. In implementing these exercises, key stakeholders include:

- Registrar of Titles.
- KISIP and Nyeri County Government.
- Gender Department.

In particular, the Land Control Board (LCB) will be a key avenue to safeguard women rights to owning land where every land transaction will be regulated by the board and spousal consent will be mandatory. The proposed gender sensitization exercises will include but not limited to the following:

- i. Enhancing women's legal rights to own and inherit land, which to an extent is ongoing as women heads are already recognized through the titling process, while joint spousal registration was discussed with all settlement beneficiaries during the planning process.
- ii. Enhancing women's decision-making capabilities on land they use, regardless of whether they are a named owner of the land or if their names appear on title deed. For example, women will be sensitised to know that a spouse cannot sell land without their consent and the role that the Land Control Board plays in enforcing the requirement of spousal consent thus acting as an avenue of safeguarding the rights of women on land ownership.
- iii. Addressing norms and customs for how women acquire land (e.g., purchase, inheritance), the quality of land they receive, and how land is transferred at marriage or a spouse's death through the sensitization process. Particularly, succession processes

when a male spouse dies will be highlighted to ensure women are not dispossessed of their right to ownership of the land previously held by their husbands.

- iv. Educating both women and men on the benefits of recognizing women's land rights.

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## CHAPTER 3: POLICY AND LEGAL PROVISIONS

### 3.1 General Information

Provisions of both GoK Laws and OP 4.12 of the World Bank will apply in the KISIP project and where gaps are encountered, gap filling measures have been provided. Additionally, project development has been firmly anchored on principles aimed at mitigating displacement impact as follows:

- (a) Involuntary Resettlement should be avoided where feasible
- (b) Minimization of displacement
- (c) Ensure all PAPs are adequately compensated for all losses they suffer as a result of the project intervention.
- (d) Enhancement of benefits and Livelihood Restoration.
- (e) Assistance to vulnerable groups.
- (f) Gender Empowerment and Inclusivity.

In order to mitigate the adverse social impacts to the affected persons, the Government of Kenya as and the World Bank have legal provision and safeguard policies (OP 4.12) as summarized in table 3.1 below:

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**Table 3-1: Legal and Policy Provision in relation to Resettlement**

Applicable legal and policy provisions	Applicable Provisions
The Constitution of Kenya, 2010	The Constitution of Kenya, 2010, <sup>2</sup> protects the sanctity of private property rights and states that no property can be compulsorily acquired by the Government except in accordance with law. <sup>3</sup> Article 40(3). The Constitution entrenches the protection of legally acquired land and property rights, and any acquisition of rights to land and property; whether it's voluntary or involuntary, must comply with the applicable law. However, in the settlement, planning and regularization is on public land therefore land acquisition is not applicable. The recognition of alternative dispute resolution mechanisms is aimed at expediting issues of land rights, transfer and supporting economic development.
Constitutional Provisions and Disability	The Constitution of Kenya 2010, (Chapter 4, part III), Application of Rights (Clause 54) recognizes people with any disability and provides for their: <ul style="list-style-type: none"> <li>a) treatment with dignity and respect and to be addressed and referred to in a manner that is not demeaning; for</li> <li>b) reasonable access to all places, public transport and information;</li> <li>c) And to access materials and devices to overcome constraints arising from the person's disability.</li> </ul> This RAP identified no disabled person among beneficiaries.
National Land Policy 2007	The <b>National Land Policy</b> ("NLP" or "Policy") <sup>4</sup> was adopted in August 2009 with the aim of providing an overall framework for new legislation and defining key measures required to address critical issues such as land administration, access to land, land use and restitution related to historical injustices and an outdated legal framework.  Section 3.6 of the Policy is exclusive on Informal Settlements and its provisions deal with the challenges presented by squatters in informal settlements; of importance to KISIP is the provision on regularization of existing squatter settlements found on public and community land for purposes of upgrading or development which is in line with what KISIP seeks to achieve in the settlement. The same section provides guidelines on gender and equity principles relating to land rights on matters to do with land and resettlement. Land rights for women will be upheld in granting titles in the settlement.
The Land Act (2012)	The Land Act 5("LA") was adopted on 2nd May 2012 and provides for sustainable administration and management of land and land-based resources. Part II section 8 of the Land Act, 2012 provides guidelines on management of public

<sup>2</sup> The Constitution of Kenya, 2010, was adopted by the Government of Kenya on 27 August 2010. The full text is available at [http://www.kenyalaw.org/klr/fileadmin/pdfdownloads/Constitution/Constitution\\_of\\_Kenya2010.pdf](http://www.kenyalaw.org/klr/fileadmin/pdfdownloads/Constitution/Constitution_of_Kenya2010.pdf), accessed May 25, 2011.

<sup>3</sup> Constitution of Kenya, art. 40

<sup>4</sup> *Sessional Paper No. 3 of 2009 on National Land Policy* (referred to as the "National Land Policy" in this report) was adopted in August 2009 by the Ministry of Lands. Available at [http://www.lands.go.ke/index.php?option=com\\_content&task=view&id=238&Itemid=48](http://www.lands.go.ke/index.php?option=com_content&task=view&id=238&Itemid=48), accessed May 25, 2011.

<sup>5</sup> Land Act, 2012.

	land by the National Land Commission on behalf of both national and county government. The land under which the settlement falls is classified as Public land hence invoking some sections of this Act. The Act was amended in 2016; relevant amendments related to involuntary resettlement are presented in the next row below.
The Land Laws (Amendment) Act 2016 to include Evictions Guidelines April 2017	<p>According to the Eviction Guidelines, Section 4.9.1 drafted by Ministry of Lands (2010), the Government shall ensure that evictions only occur in exceptional circumstances. Evictions require full justification given their potential negative impacts on a wide range of international recognized human rights.</p> <p>This policy will be adhered to during implementation of the Project, as indicated no one will be evicted. Rather the project seeks to regularise ownership of the land the informal settlers have settled in. Where assets and livelihoods are affected, the project provides for compensation. The beneficiaries will also be given sufficient notice to self-demolish affected assets (after compensation).</p>
The Environment and Land Court Act, 2012	The Act is in line with Article 162(2) (b) of the Constitution; to establish a superior court to hear and determine disputes relating to the environment and the use and occupation of, and title to land, and to make provisions for its jurisdiction, functions and powers, and for connected purposes. This shall be an important institution in case of grievances with regard to displacement that cannot be solved through the proposed RAP grievance redress system.
The Valuers Act (1985)	The Valuers Act <sup>6</sup> establishes the Valuers Registration Board, which regulates the activities and practice of registered valuers. As of March 2011, there were 285 registered valuers in Kenya. <sup>7</sup> The RAP team has made use of the services of registered valuers who are approved by Valuers Registration Board.
Matrimonial Property Act No 49 of 2013, Ownership of Matrimonial Property	Part III (Clause 7) states that subject to Section 6 (3), ownership of matrimonial property vests in the spouses according to contributions of either spouse towards its acquisition and shall be divided between the spouses if they divorce or their marriage is otherwise dissolved. This also includes assets like land. In complying to this Act, this RAP provides for equal right to information regarding compensation of affected structure and disbursement of compensation funds through a joint account opened by both spouses.
The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012	The provisions of this Act apply to all internally displaced persons that arise either through calamities, social conflict or development projects and are guided by the Bill of Rights under the Constitution of Kenya. Section 5 of the Act outlines involvement of the affected persons through awareness, sensitization, training and education on causes, impacts, consequences and prevention measures. The Act therefore provides enacted guidelines in the event of displacement in the settlement.
KISIP's Resettlement Policy Framework	The main purpose of the RPF is to guide resolution of any displacement anticipated from project activities. The World Bank OP 4.12 requires that an RPF be prepared for all projects that anticipate displacement of both settlements and livelihoods. There will be no displacement anticipated from KISIP activities. RAP has been prepared for the Project

<sup>6</sup>The Valuers Act, Chapter 532, [http://www.kenyalaw.org/kenyalaw/klr\\_app/frames.php](http://www.kenyalaw.org/kenyalaw/klr_app/frames.php), accessed May 25, 2011.

<sup>7</sup>Government of Kenya, Kenya Gazette notice no. 2892, March 18, 2011. Registered and Practicing Valuers.

	and 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 persons to improve or at least restore their pre-impact living standards.
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### 3.2 World Bank Safeguard Policy on Resettlement

The World Bank Operational Policy 4.12 is a common standard of approved principles and guidelines for compensation/resettlement for this type of project. World Bank principles should, however, be harmonized with the national laws of the subject country where the project is to be funded to the extent possible. In case of conflict between OP/BP 4.12 and national laws, OP/BP 4.12 will prevail.

The World Bank Group's O.P. 4.12 on Involuntary Resettlement is, therefore, applicable to the project; key features of this policy are as follows:

- (a) All viable alternative project designs should be explored to avoid or minimise the need for resettlement and when it cannot be avoided, to minimise the scale and impacts of resettlement.
- (b) Resettlement measures are to be conceived and executed as development activities.
- (c) Assistance should be given to the community in their efforts to improve former production levels, income-earning capacity and living standards, or at least restore them to the levels at which they would have been without the project.
- (d) Displaced persons should be:
  - Compensated at full replacement cost prior to the actual move;
  - Assisted with relocation; and
  - Supported during the transition period.
- (e) Attention will be given to socially disadvantaged and vulnerable groups as the very poor, the disabled, minorities, orphans and child-headed families, squatters and others without clear legal rights to land, those incapacitated by advanced age, among others. This has been complied with and vulnerable person have been identified and earmarked for special assistance.
- (f) Communities will be given opportunities to participate in planning, implementing and monitoring their resettlement/compensation. This has been complied with; and extensive community and stakeholder consultations were undertaken. Also, the views of the community members and other stakeholders have been considered and integrated into the RAP.

#### 3.2.1 Differences between Kenyan Laws and the World Bank Policy

There are some differences between the World Bank Policy and the Laws of Kenya on resettlement and compensation. In general, where there is a difference between Kenyan Laws and OP 4.12, the latter shall prevail.

**Table3-2: World Bank OP 4.12 and Government of Kenya requirements including measures to address gaps**

OP 4.12	Kenyan Legislation	Gap filling Measures
<b>GENERAL REQUIREMENTS</b>		
<p>World Bank OP 4.12 has overall policy objectives, requiring that:</p> <ol style="list-style-type: none"> <li>1. Involuntary resettlement should be avoided wherever possible, or minimized, exploring all alternatives.</li> <li>2. Resettlement programs should be sustainable, include meaningful consultation with affected parties, and provide benefits to the affected parties.</li> <li>3. Displaced persons should be assisted in improving livelihoods etc., or at least restoring them to previous levels.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Land Act, 2012 Act outlines procedures for sensitizing the affected population to the project and for consultation on implications and grievance procedures.</li> <li>2. The Land Act 2012 guarantees the right to fair and just compensation in case of relocation.</li> <li>3. The Land Act does not stipulate that resettlement should be avoided wherever possible; on the contrary, as long as a project is for public interest, involuntary resettlement is considered to be inevitable.</li> <li>4. Just and fair compensation as outlined in the Land Act 2012 is not clear and can only be determined by NLC, which can be subjective. It does not talk about improving livelihood or restoring them to pre-project status.</li> </ol>	<ol style="list-style-type: none"> <li>1. Ensure that resettlement issues are considered at the design stage of the project to avoid/minimize resettlement. this includes minimum planning standards adopted for KISIP</li> <li>2. Implement World Bank OP 4.12 policy –affected persons should be assisted in improving their livelihood to pre-project status.</li> </ol>
<b>PROCESS REQUIREMENTS</b>		
<p><b>Consultation:</b> Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs, the policy is particular on</p>	<p>The Land Act outlines procedures for consultation with affected population by the NLC and grievance management procedures.</p>	<p>Implement consultation procedures as outlined in both Kenyan legislation and World Bank. For involvement of vulnerable and women, the OP 4.12 will be applicable.</p>

OP 4.12	Kenyan Legislation	Gap filling Measures
involving vulnerable and marginalized as well as women in the process.		
<p><b>Grievance:</b> For physical resettlement, appropriate and accessible grievance mechanism will be established.</p>	<p>Land Act 2012 clearly outline the steps and process for grievance redress that includes alternative dispute resolution, re-negotiation with NLC and is backed by the judicial system through Environmental and Land Court</p> <p>Kenyan legislation meets OP4.12 requirements.</p>	<p>Adopt both by providing for alternative grievance mechanism that are project based. Affected persons also free to seek legal redress if not satisfied.</p>
<p><b>Eligibility Criteria</b></p> <p>Defined as:</p> <p>(a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);</p> <p>(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.</p>	<p>The Land Act 2012 provides that written and unwritten official or customary land rights are recognized as valid land right. The Law provides that people eligible for compensation are those holding land tenure rights.</p> <p>Land Act also recognizes those who have interest or some claim in the land such pastoralist or who use the land for their livelihood.</p> <p>The constitution recognizes ‘occupants of land even if they do not have titles’ and payment made in good faith to those occupants of land. However, this</p>	<p>Ensure ALL users (including squatters, laborers, rights of access) of affected lands are included in the census survey or are paid.</p> <p>Implement cut-off procedures as outlined in the RPF and Kenyan Law.</p>

OP 4.12	Kenyan Legislation	Gap filling Measures
<p>(c) Those who have no recognizable legal right or claim to the land they are occupying.</p> <p>To determine eligibility:</p> <p>Carry out resettlement census. Cut-off date for eligibility is the day when the census begins.</p>	<p>does not include those who illegally acquired land.</p> <p>Land Act 2012 provides for census through NLC inspection and valuation process but is not clear on cut-off date.</p>	
<p><b>Measures:</b> Preference should be given to land based resettlement strategies for displaced persons whose livelihoods are land-based.</p> <p>Cash based compensation should only be made where (a) land taken for the project is a small fraction of the affected asset and the residual is economically viable; (b) active markets for lost assets exist and there is sufficient supply of land and housing; or (c) livelihoods are not land-based.</p> <p>World Bank OP4.12 Article 6(a) requires that displaced persons are provided with prompt and effective compensation at full</p>	<p>Land Act 2012 appears to prefer cash for cash as the mode of compensation by the Government to the affected population.</p> <p>Land Act talks of prompt, just compensation before the acquisition of land. However, interpretation of just compensation is yet to be clearly outlined through a specific schedule. Attorney’s fees, cost of obtaining advice or cost incurred in preparing and making written claim not in the Land Act.</p>	<p>Ensure that all alternative options are considered before providing cash compensation.</p> <p>OP 4.12 Prevails.</p> <p>OP 4.12 Prevails. Implement prompt and effective compensation at full replacement cost for the losses of the assets. Ensure that ALL resettlement options are agreed on with PAPs and put in</p>

OP 4.12	Kenyan Legislation	Gap filling Measures
<p>replacement cost for losses of assets attributable directly to the project.</p> <p>If physical relocation is an impact, displaced persons must be provided with assistance during relocation and residential housing, housing sites and/or agricultural sites to at least equivalent standards as the previous site. Replacement cost does not take depreciation into account. In terms of valuing assets, if the residual of the asset being taken is not economically viable, compensation and assistance must be provided as if the entire asset had been taken.</p>	<p>The Act does not out rightly stipulate assistance for relocation but rather that is left subject to interpretation.</p>	<p>place BEFORE displacement of affected persons.</p>
<p><b>Valuation:</b> With regard to houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.</p>	<p>Valuation is covered by the Land Act 2012 and stipulates, as already mentioned, that the affected person receive just compensation but it is not specific of the exact amount or procedures on the same.</p>	<p>Apply the World Bank OP4.12 valuation and compensation measures.</p>

## CHAPTER 4: APPROACH AND METHODOLOGY

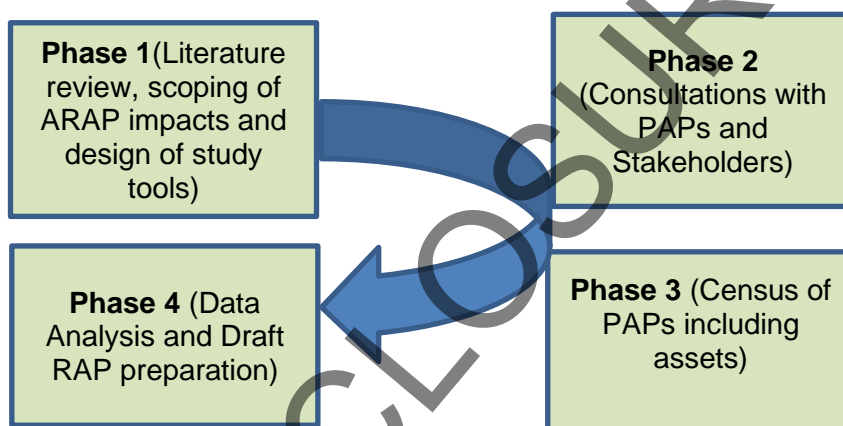
### 4.1 Introduction

The objective of this ARAP is to identify and provide mitigation measure for social impacts caused by the tenure regularization to people's assets in the settlement. The ARAP is designed to ensure that:

- (i) All types of losses are identified, clearly defined and properly categorized to reflect the nature and scope of the loss likely to be suffered by PAPs.
- (ii) The Project affected persons are compensated for their losses at full replacement cost and provided assistance for disturbance prior to the implementation of the Local Physical Development Plan (LPDP).
- (iii) A comprehensive asset register of the PAPs with their assets is developed, this register will be validated regularly at the time of RAP implementation. The register will also serve as database for monitoring and evaluation of the resettlement instrument.
- (iv) A Grievance and Redress mechanism is established, this mechanism will be used to resolve conflicts arising from Resettlement and proposed facilitation.

### 4.2 Approach and Methodology of ARAP Preparation

The methodology adopted during preparation of this report was guided by World Bank OP 4.12 on Involuntary Resettlement and KISIP RFP. **Figure 4.1** below present's participatory methodology applied in the preparation of this ARAP.



**Figure 4-1: ARAP Preparation Methodology**

#### 4.2.1 Literature Review

The desktop review assessed relevant information and documents including sector specific policies strategies, put in place by the Government of Kenya related to RAP.

Details of Documents/ information reviewed include the following:

- (i) Project Appraisal Document PAD for KISIP (2011)

- (ii) Resettlement Policy Framework (RPF) revised October 2014
- (iii) Local Physical Development Plan prepared for Kihuyo Informal Settlement
- (iv) Survey Plan Prepared for Kihuyo Informal Settlement

#### 4.2.2 Phase 2: Consultations with Potential Affected Persons (PAPs)

The task involved detailed stakeholder identification and mapping as part of the planning. The aim of this was to ensure that all the stakeholders likely to be affected or influence the project are identified and targeted as part of the planning process. Stakeholders who were engaged in the assignment included but not limited to;

- (i) Nyeri County Government including, town administration, County Executive Committee Member (CECM) and Chief Executive Officer (CEO) for Lands and Physical Planning, Sub County and Ward Administrators
- (ii) KISIP National Coordination unit from Ministry of Infrastructure, Housing and Urban Development.
- (iii) County Administration-County Commissioners, Deputy County Commissioners Assistant County Commissioners, Chiefs and Assistant Chiefs in the settlement.
- (iv) Settlement Executive Committee Members (SEC) of the settlement
- (v) General community members for benefiting of the settlement
- (vi) Project Affected Persons (PAPs)

Schedule of Stakeholder Consultation held in the settlement is presented in table 4-1 below while detailed outcome of stakeholder consultation findings is presented in chapter 5 of this report.

**Table 4-1: Schedule of Stakeholder Consultations in the Settlement**

S/N	Date	Key stakeholders	Type of Consultation	Group	Male	Female
1	31 <sup>st</sup> January 2018	County KISIP Representatives	Briefing meeting	County Team	3	4
2	31 <sup>st</sup> January 2018	Committee members for Managing settlement	Briefing and support in data collection	SEC team	5	4
3	1 <sup>st</sup> February 2018	Individuals and project affected persons	Clarification on ARAP study and other issues	PAPs/ Community team	10	7

#### 4.2.3 Phase 3: Census Field Activities

This task involves consultations with affected PAPs at household-level in order to come up with a census and inventory of losses (IOL). In general, the work involved the following:

- (i) Coordination with Nyeri County representatives who were available to participate in

- the fieldwork, as agreed in the initial consultations
- (ii) Household surveys with PAPs to collect information for the census and inventory of losses (IOL)
  - (iii) Replacement cost surveys carried out by the valuation team to establish market rates for affected assets as a basis for compensation

Details of the census field activities are given below:

### **Socio economic Survey**

A socio-economic survey was conducted to gather socioeconomic information on the PAPs. The consultant developed comprehensive questionnaires for detailed data collection. The questionnaire captured the following information: PAPs ages, Gender, Households size, Level of education of PAPs, religion, PAPs income streams, Household Size among other socio economic variables

### **Inventory of Losses**

A census was conducted of all PAPs and an inventory prepared of the impacts of the planning and survey of the settlement. The process involved collection of information from PAPs about their assets that are affected temporarily or permanently: information gathered included: Structures by construction type, use, area, ownership/use rights and location, as well as the extent of loss;

### **Procedures for conducting Inventory of Losses**

In conducting the census, the team followed the required procedures for notifying people, collecting, validating, approving and disclosing information on eligible PAPs and affected assets, stemming from national laws and regulations and OP 4.12.

### **Valuation of Assets**

In general, the compensation for affected structures was determined on the basis of the replacement cost based on prevailing market prices. During the fieldwork the valuation team conducted systematic surveys within the Project area to determine the prices of acquiring or reconstruction similar structures. The prices were used to determine full replacement value of the affected assets.

## **4.2.4 Phase 4: Data Processing & Analysis Methods**

### **Data Processing – Transcription and Translation**

The Team leader in collaboration with the other experts performed peer reviews of data transcriptions and translations for consistency, reliability and readability. Processing the data concurrently with data collection allowed for regular monitoring of team performance and data quality. Field check tables were generated during data processing to check various data quality parameters. As a result, feedback was given on a regular basis, encouraging teams to maintain high quality data collection and to correct areas in need of improvement.

The Team leader in collaboration with the other experts reviewed data to correct any errors prior to analysis. This ensured consistency, reliability and readability of the data and that data processed was of high quality. Processing the data concurrently with data collection allowed

for regular monitoring of team performance and data quality during field work. Excel tables were generated during data processing to check various data quality parameters. As a result, feedback was given on a regular basis, teams had to maintain high quality data collection. .

#### **Data analysis**

Quantitative data sets were analyzed using excel data sheets, upon completion of the data entry transcriptions, the study team leader carried out qualitative and quantitative data analysis, which included a search for patterns and for concepts that help explain the patterns.

#### **4.2.5 Phase 5: Preparation of RAP Report**

This phase involves detailed analysis of the census/ IoL data and synthesizing the results of community consultations and other consultations, previous socio-economic survey work and draft Local Physical Development Plan. This was in order to prepare proposals and strategies for compensation packages to be included in the RAP.

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## CHAPTER 5: PUBLIC CONSULTATION AND PARTICIPATION

### 5.1 Public Participation Overview

Public consultations were realized through individual meetings organized various planning stages which included socio-economic baseline survey stage, preparation of settlement base map, community visioning stage, preparation of settlement LPDP, verification of beneficiaries and during RAP preparation. The cutoff date of 2<sup>nd</sup> February 2018 was adopted in the PAPs meeting of 1<sup>st</sup> February 2018.

### 5.2 Objectives of Stakeholder Consultations

The aim of stakeholder consultations was to identify the interests of the different stakeholders and draw consensus. Public participation is also a constitutional requirement. The objectives of the stakeholder consultations were:

- To sensitize the community about the project and potential impacts on people and livelihoods.
- Provide a platform for the community to air views and concerns which are relevant to the RAP and which must be resolved.
- Involve them in key processes of census and the undertaking of the affected asset inventory,
- Provide an opportunity for the community to themselves propose the most appropriate mitigation measures for asset and livelihood losses.
- To seek support from the community and other all relevant stakeholders in the preparation and implementation of the RAP.
- To discuss the RAP report and its recommendations.

### 5.3 Stakeholder Inventory

During the public consultations, multiple groups of stakeholders were consulted. The stakeholders were those who have an interest in the project development, and who will be involved in the further consultative process. The main groups of stakeholders are as listed in table 5-1 below:

Table 5-1: Stakeholder Inventory

Category of Stakeholders	Name of Stakeholder
Government Agencies	<ul style="list-style-type: none"> <li>• KISIP</li> <li>• National Land Commission</li> <li>• Area chief's office</li> <li>• County government of Mombasa</li> <li>• Ministry of Lands and Physical Planning</li> </ul>
Directly Affected Persons	Project Affected Persons (PAPs)

## 5.4 Schedule of Stakeholder Consultations

The consultations were done through public meeting with the PAP's and government agencies as indicated above. The main issues discussed in the meetings were related to resettlement impacts focusing on the Project Affected Persons who had already relocated their encroaching structures at the time of enumeration.

**Table 5-2** gives a summary of meetings held within the target settlement. Detailed minutes and list of attendance to the meetings described below is provided as **Annex 3** to this report.

**Table 5-2: Consultative Meetings in Kihuyo Informal Settlement**

S/N	Date	Key stakeholders	Type of Consultation	Group	Male	Female
1	31 <sup>st</sup> January 2018	County KISIP Representatives	Briefing meeting	County Team	3	4
2	31 <sup>st</sup> January 2018	Committee members for Managing settlement	Briefing and support in data collection	SEC team	5	4
3	1 <sup>st</sup> February 2018	Individuals and project affected persons	Clarification on RAP study and other issues	PAPs/ Community team	10	7

Table 5-3 below presents a list of issues discussed during consultation meetings held in the settlement.

**Table 5-3: Summary of Issues Discussed During Consultative Meetings**

Stakeholder Views/ Concerns	How it was addressed
Compensation- Will the PAPS be compensated since most of them have moved to their new locations	PAPs were informed that they will be reimbursed the cost of movement after valuation or facilitated to move
Titles not issued- How will KISIP help those who did not receive title deeds (4 No. PAPs)	PAPs were informed that KISIP will engage the Registrar of Lands to FastTrack the process
PAPs whose titles have wrong names- How can they be helped by KISIP	SEC-was advised to engage registrar of lands in Nyeri to make amendments
Deceased beneficiaries- How will the beneficiaries of the estate of the deceased obtain title deed	PAPs were advised that since titles have been issued in the name of the deceased the Heirs will be required to do succession by engaging a lawyer to follow on their behalf or seek grant letters at the magistrates court in Nyeri
Timeframe for title- When will the titles for those who did not receive will be ready	PAPs were informed that KISIP will ensure they get their titles before the closure of the project on 31 <sup>st</sup> November 2019
Timeframe for infrastructure- When will the roads and other infrastructure facilities be availed in the settlement	PAPs were informed that since it may come under KISIP 2, the timeframe is yet unknown

PAPs who moved their structures and no evidence available- How will they be treated	The meeting agreed that those PAPs will record the structure details, sign and the same be confirmed by the SEC chairman through signing
PAPs whose land was less than size they were holding before intervention-How will they be treated	PAPs were informed that their complaint has come too late in the project and there can be no interventions from KISIP since titles have been issued



Figure 5-1: Photographs of PAPs Meetings in the Settlement

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## **CHAPTER 6: PROJECT IMPACTS**

### **6.1 Introduction**

There was no loss of land size in the Settlement although beacon positions changed as result of adoptive planning and the beneficiaries were sensitized and consulted on the need for prudent use of land space to limit wastage while providing adequate access for provision of title deeds to be possible leading to validation and endorsement of the Plan at the community level. The resettlement impact is particularly related to activities proposed in the LPDP which include opening of access through improving road network and expanding land for Kihuyo Dispensary.

### **6.2 Positive Impacts of the Project**

In future, once the proposed planning infrastructure in the Local Development Plan has been implemented; the following listed benefits will be realized:

#### **6.2.1 Secure Land Tenure**

The Project will result to enhanced tenure security through provision of title deeds to 55 beneficiaries identified during planning and survey process. The main objective of KISIP's Component 2 is to provide secure land tenure in this informal settlement. Therefore, with secure land tenure, those living there can make long term investments on their land.

#### **6.2.2 Improved Housing**

Traditional, persons living as in informal settlements with no legal ownership of land parcels they occupy do not invest in permanent housing units for fear of demolitions or evictions. Secured land tenure is associated with improvement in settlement infrastructure. This is evidenced by housing investments by owners, increases in housing values, increased access to credit, access to housing infrastructure, ownership and titling, increase in household density, among others. With the tenure of the land secured, it is expected that the beneficiaries in the settlement will invest in better housing for their families.

#### **6.2.3 Improved Infrastructure**

Lack of basic infrastructure such as roads, drainage, water, sewer network and security lighting is a major issue in the informal settlement. Accessibility in the informal settlement is a major challenge as roads are not developed due to lack of road way leaves. The existing roads are seasonal in nature. A settlement with good road network is attractive for investment and living. Proximity of the settlement to Nyeri town will also boost the settlement outlook.

#### **6.2.4 Advancement of Women Rights to Property Ownership.**

Through continuous sensitization on the rights to women to own property and also encouragement of joint ownership 11 females out of the total 55 beneficiaries will own land parcels. This is a positive initiative towards enhancing women right to land ownership in Kenya.

### 6.3 Negative Impacts

The planning and survey element which will culminate in the tenure regularization has potential of triggering impacts associated with demolition of structures encroaching into road reserves and land planned for expansion of Kihuyo dispensary as detailed in sub sections below.

#### 6.3.1 Total Number of PAPs

The total number of PAPs in the settlement is 28 PAPs. Among the total number, 19 PAPs are male with 1 elderly vulnerable PAPs while 7 PAPs are female with 2 elderly and widowed vulnerable PAPs among them. The remaining 2 PAPs are institutional namely Kihuyo Secondary School and African Inland Church (Kihuyo). The PAPs will lose (79) structures which include fences and residential encroaching into the roads reserves and land for Kihuyo dispensary.

The resettlement impact is triggered because of expansion of land for Kihuyo dispensary where 18 PAPs are affected, the remaining 4 PAPs are affected because of expansion of roads within the settlement. ARAP field activities identified that at the time of enumeration of PAPs on 2<sup>nd</sup> and 3<sup>rd</sup> February 2018, 14 PAPs had already relocated encroaching structures at their own cost while the other 14 PAPs were yet to relocate their structures.

This information is summarized in **figure 6.1** which is a PAPs flow diagram below:

		PAPs 28		
	Male-19		Female -7	Institutions - 2
Vulnerable 1			Vulnerable 3	

**Figure 6-1: PAP Diagram**

#### 6.3.2 PAPs Losing of Structures

The total number of PAPs losing structures are all the e 28 PAPs who lost a total of (79) structures which include fences and residential encroaching into the roads reserves and land for Kihuyo dispensary summarized in table 6-1 below while **figure 6-2** presents sample photographs of affected structures.

**Table 6-1: Nature and Type of Structures Affected**

Type of Structure	Number Affected
Main House	33
Gate	1
Kiosk	1

Type of Structure	Number Affected
Kitchen	15
Shade	1
Pit Latrine	25
Store House	3
<b>Total</b>	<b>79</b>



Figure 6-2: Sample photographs of affected structures in the settlement.

### 6.3.3 Vulnerable PAPs in the Settlement

The vulnerable PAPs enumerated in the settlement were 4 PAPs, these PAPs were vulnerable with regards to old age and widowed as summarized in **table 6.1** below.

Table 6-2: Vulnerable PAPs

Type of Vulnerability	Number of PAPs	
	Male	Female
Elderly	1	
Elderly and Widowed		3
<b>Total</b>	<b>1</b>	<b>3</b>

## CHAPTER 7: SOCIO ECONOMIC PROFILE OF AFFECTED PERSONS IN THE SETTLEMENT

### 7.1 Socio Economic Survey Context

A household socio economic survey was conducted at 100% census of the PAP's. The purpose of the census was to:

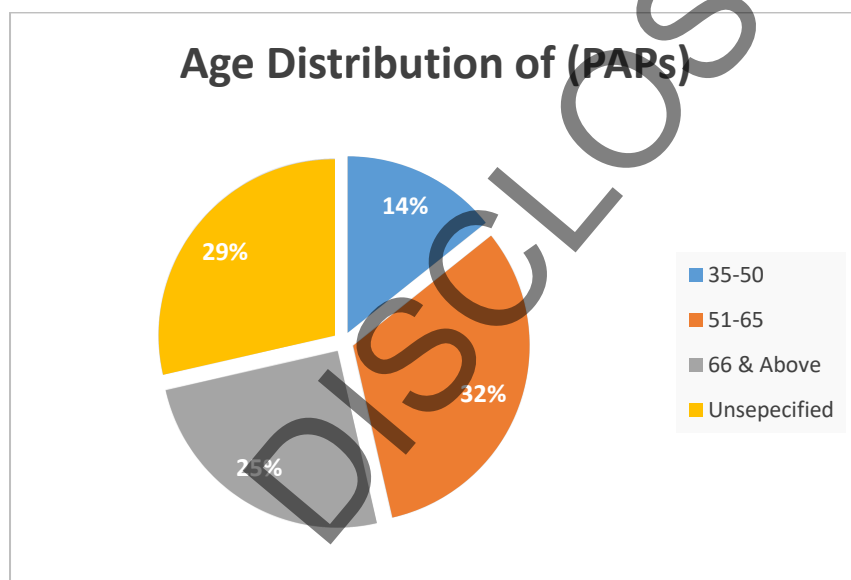
- i. Enumerate and collect information of the affected persons.
- ii. Identify affected assets and livelihoods for each PAP.
- iii. Register the affected persons.
- iv. Establish a list of beneficiaries before the project's onset that counters spurious claims from those moving into the project area solely in anticipation of benefits.
- v. Establish socioeconomic baseline information for the purpose of establishing fair compensation rates.
- vi. Provide a basis for monitoring and evaluation of the resettlement interventions.

### 7.2 Demography of Project Affected Persons (PAPs)

#### 7.2.1 Ages of PAPs

Age is an important aspect in RAP assessments especially during determination of vulnerability of PAPs. PAPs under the age of 18 years are normally considered as minors and PAPs above the age of 70 years and considered as old persons. These categories of PAPs require special assistance during RAP implementation as stipulated by the World Bank OP 4.12.

The findings were that majority of the PAPs were aged between 51-65 years at 32%. The aged PAPs of over 65 years were represented by 25% while the 14% of the PAPs were aged between 35-50 years. This is illustrated in **Figure 7-1** below.



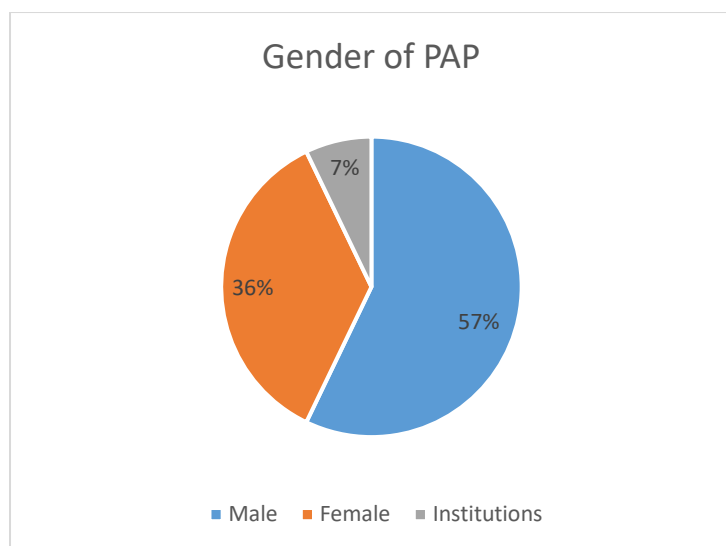
**Figure 7-1: Age of PAPs**

### 7.2.2 Gender of PAPs

As, gender inclusivity is one of the guiding principles of this RAP as stipulated by the National Gender and Equality Commission Act of 2011 and World Bank OP 4.12, the following initiatives will be undertaken to ensure female inclusivity:

- i. Proposed joint accounts between spouses for disbursement of compensation funds
- ii. Inclusion of women representatives in the RAP Grievances Committee

In Kihuyo informal Settlement, from the survey, 57% of the PAPs are male while 36% were females, the rest 7% were institutions as shown in **Figure 7-2** below.



**Figure 7-2: Gender of PAPs**

### 7.2.3 Marital Status of Persons

The survey team established that, 43% of the PAPs are married while 21% indicated as widows and 11% single women as shown in the figure below. This ARAP also provided that deliberate efforts will be put in place to ensure that spouses of the PAPS are included in the opening of bank accounts such that compensation monies are channelled to the joint accounts.

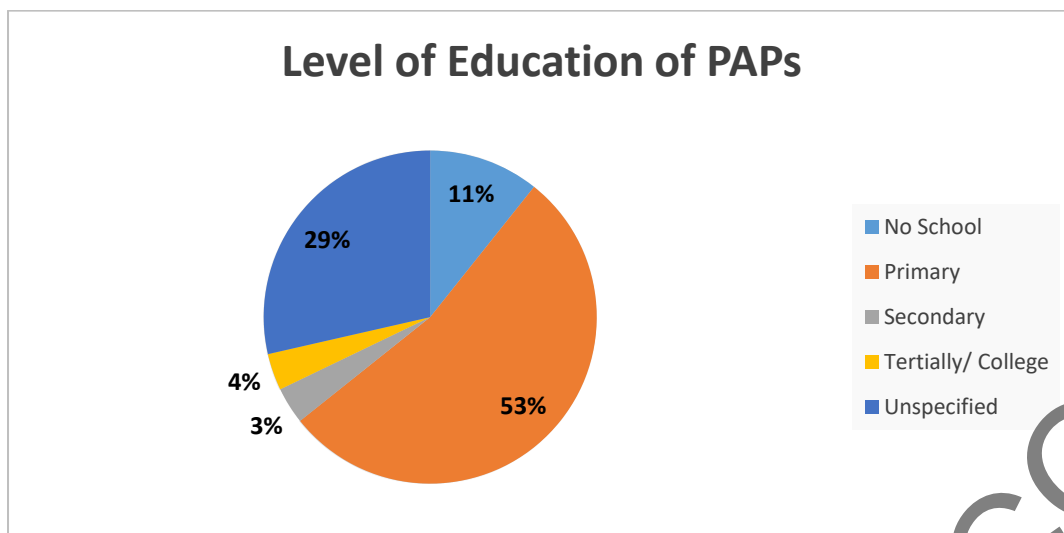
### 7.2.4 Household Size of PAPs

The household size is important during this RAP process especially where there is Project Displaced Persons (PDP). Household size is critical in deterring household risk of falling into vulnerability, larger household sizes mean higher risk of falling into vulnerability because high number of dependence. The survey team established that the average household size was 5 persons.

### 7.2.5 Education level of PAPs

Education level of PAPS is important variable in ARAP assessment, understanding the education status of PAPS guide the nature and level of interaction with the PAPs in terms of language and detail of ARAP tools such as questionnaire and asset inspection sheets to be presented to the PAPs.

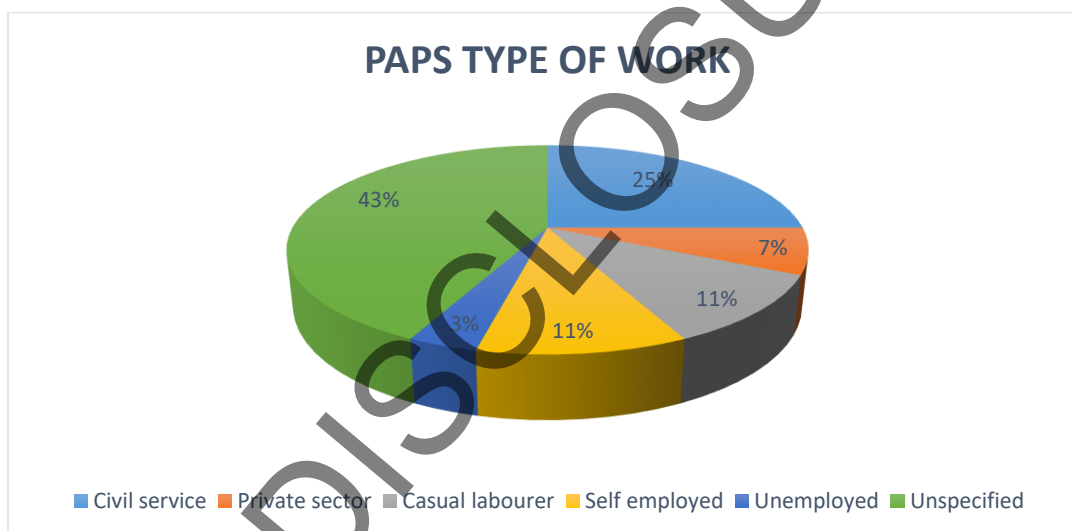
From the survey, 53% of the PAPs has attained primary education while 29% had not gone to school, only 4% and 3% respectively had attained tertiary and secondary education. Therefore, the survey concludes that the level of literacy amongst PAPS is low. However, with the many educational facilities within the settlement notably nursery school primary school, secondary school and a technical college the literacy levels are likely to improve in the near future. **Figure 7-3** illustrates the situation



**Figure 7-3: Education Level of PAPs**

### 7.3 Income Streams of PAPs

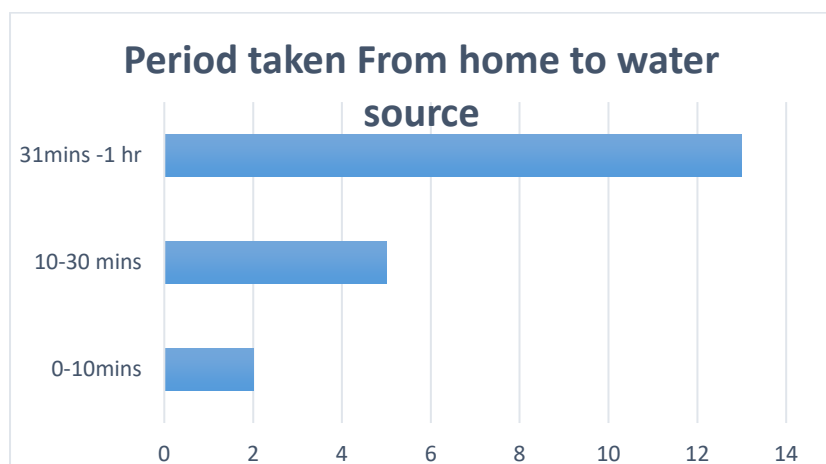
From the table below, 3% of the PAPs are unemployed, 11% are self-employed and 11% work as casual labourers. The table further indicates that those who are employed in the civil service comprise of 25% and 7% in the private sector as indicated in **figure 7-4** below.



**Figure 7-4: Employment Status of PAPs in the Settlement**

#### 7.4 Water Services for PAPs

The settlement has no piped water connectivity. Approximately, 90% of the PAPs relies on river/stream water for their domestic use. This could result to serious health hazards in case of river pollution / contamination as the residents have no mechanisms to purify the water before consumption. In addition to river water, some PAPs rely on harvesting rain water for domestic use although in very small portions since most of them have not tanks for storage. This information is presented in **figure 7-5** below.



**Figure 7-5: Time Taken by PAPs to access Water Point**

The graph above shows the period taken for the PAPs to fetch water from the river. The survey reveals that most PAPs take more than half an hour to fetch water for use.

#### 7.5 Sanitation Services

The settlement does not have a conventional sewerage system. Liquid waste disposal method includes; pit latrines. All the PAPs use pit latrines for their liquid waste disposal. The settlement does not have a designated site for solid waste management. Solid waste is haphazardly thrown in undesignated areas all over the settlement. Most of the waste is disposed in burns but some waste is disposed in compost pits, back yards and along the roads.

#### 7.6 Energy Sources

The common types of energy sources include firewood, gas for cooking while for lighting is paraffin/kerosene and electricity. Out of 28 PAPs enumerated 22 of them use firewood and only 1 uses gas. In the same breath the survey revealed that 22 use paraffin/ kerosene for lighting and only one is connected to electricity as illustrated in **figure 7.6** below.

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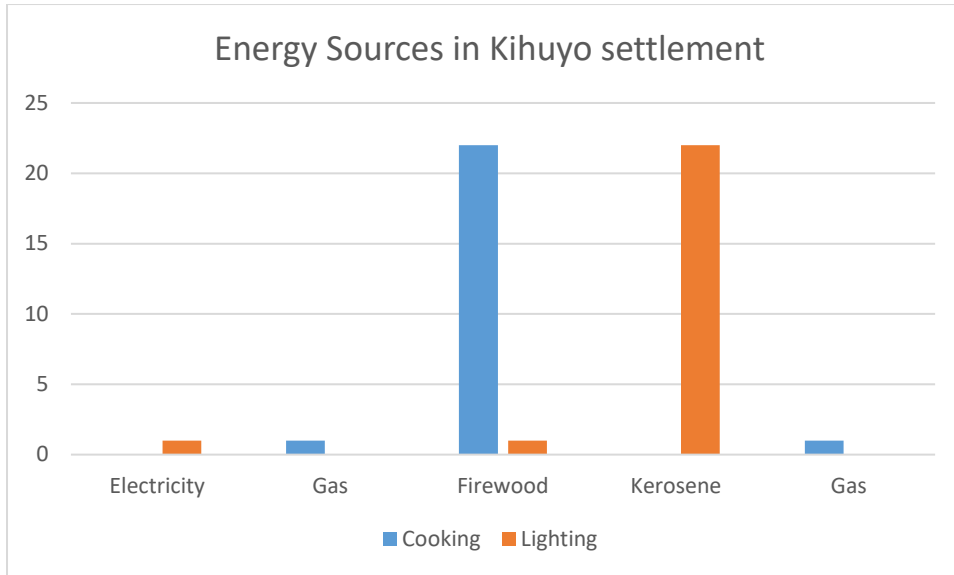


Figure 7-6: Energy Source for PAPs

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## CHAPTER 8: ELIGIBILITY AND COMPENSATION

### 8.1 Eligibility for Compensation

The PAPs, irrespective of their tenure status, are eligible for assistance if their assets or livelihood will be affected by the project before the entitlement cut-off date of 2<sup>nd</sup> February 2018. The entitlement 'cut-off' date refers to the time when the census and assessment of PAPs and their property in the settlement began.

### 8.2 Mitigation of Resettlement Impacts

All structures affected will be compensated at replacement cost as per the provisions of the entitlement matrix presented as table 8-1 in chapter 8 of this report. For vulnerable PAPs and as provided by the KISIP Resettlement Policy Framework (RPF), this RAP provides for additional Kshs 2,000 for the first 2 months, specialized<sup>8</sup> assistance during relocation and priority in disbursement of compensation funds. The elderly will also be assisted to get enlisted to government social programme such as the "Inua Jamii cash transfer programme for aged persons.

### 8.3 Entitlement Matrix

The entitlement matrix developed for this assessment is presented in **table 8-1** below:

**Table 8-1: Entitlement Matrix**

Loss	Category of PAP	Entitlement
Fully affected / part affected remaining structures not viable	Squatter	<ul style="list-style-type: none"> <li>• Cash compensation at replacement cost for the structure</li> <li>• One time shifting allowance of Ksh 5000</li> <li>• Right to salvage construction materials</li> </ul>
Part affected structures with remaining portion viable	Squatter	<ul style="list-style-type: none"> <li>• Cash compensation at replacement Cost without depreciation</li> <li>• Repair Cost at 25% of the total compensation</li> <li>• Right to salvage construction materials</li> </ul>
Others	vulnerable PAPs	<ul style="list-style-type: none"> <li>• Assistance in reconstruction of structures.</li> <li>• Priority consideration in processing compensation payments</li> <li>• Additional Ksh 2000 to the vulnerable persons for the first 2 months</li> <li>• Linkage to government social programme such as the "Inua Jamii 70 years and above cash transfer programme for aged PAPs.</li> </ul>

<sup>8</sup> Specialized assistance will include assistance in reconstruction of affected structures through provision of transport and labour from the community and SEC during reconstruction of the affected structures.

## CHAPTER 9: GRIEVANCE REDRESS MECHANISM

### 9.1 Grievance Procedure and Rationale

A grievance is any 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 RAP implementation process, the project and other scenarios related to project implementation. Grievance procedures may be invoked at any time, depending on the complaint and on the people involved. Grievances might be triggered due to the following reasons among others.

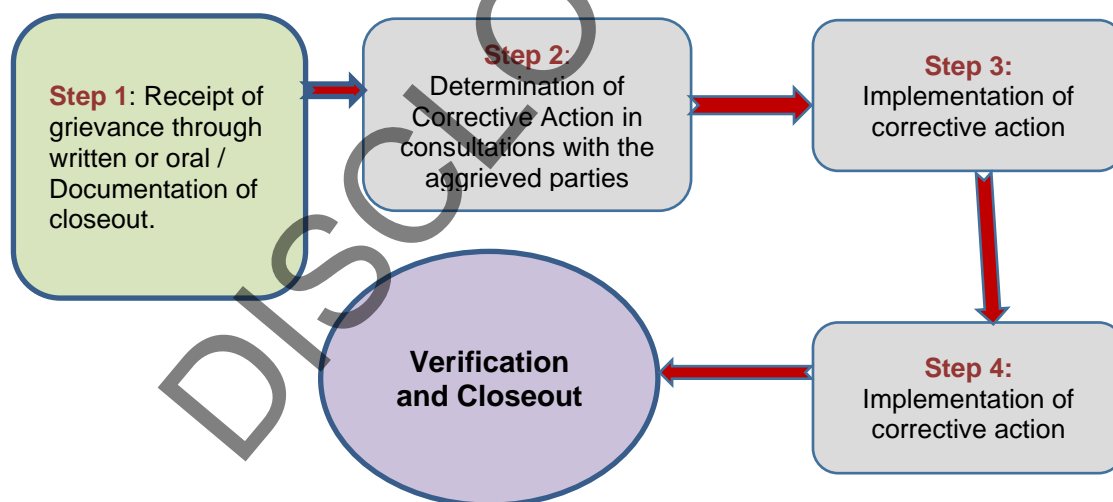
- i Misidentification of assets or mistakes in valuing them;
- ii Dispute over the ownership of a given asset (two individuals claim to be the owners of this asset);
- iii Disagreement over the valuation of the asset;
- iv Successions, divorces, and other family issues, resulting in disputes between heirs and other family members, over ownership or ownership shares for a given asset

Grievance mechanism for this ARAP is proposed as a 3 tier arrangement as indicated below

- i The first tier will allow for amicable review and settlement of the grievance at the settlement level
- ii The second tier will involve the RIC in case the grievance cannot be solved at the first level
- iii The third tier will be the option of allowing the grieved party to seek redress at the court of law.

Levels (i), and (ii) are costs free. The legal redress option however, may incur some costs for the parties involved.

The procedure of receiving and resolution of complaints is summarized in **figure 6.1** below.



**Figure 9-1: Procedure of receiving and resolving grievances**

## 9.2 Grievance Mechanism Structure

The settlement has an established Settlement Executive Committee (SEC) and Grievance Redress Committee (GRC), therefore this ARAP has enhanced the GRM through the below described three-tier Grievance Mechanism: **Figure 6-2** gives a presentation of the grievance redress mechanism.

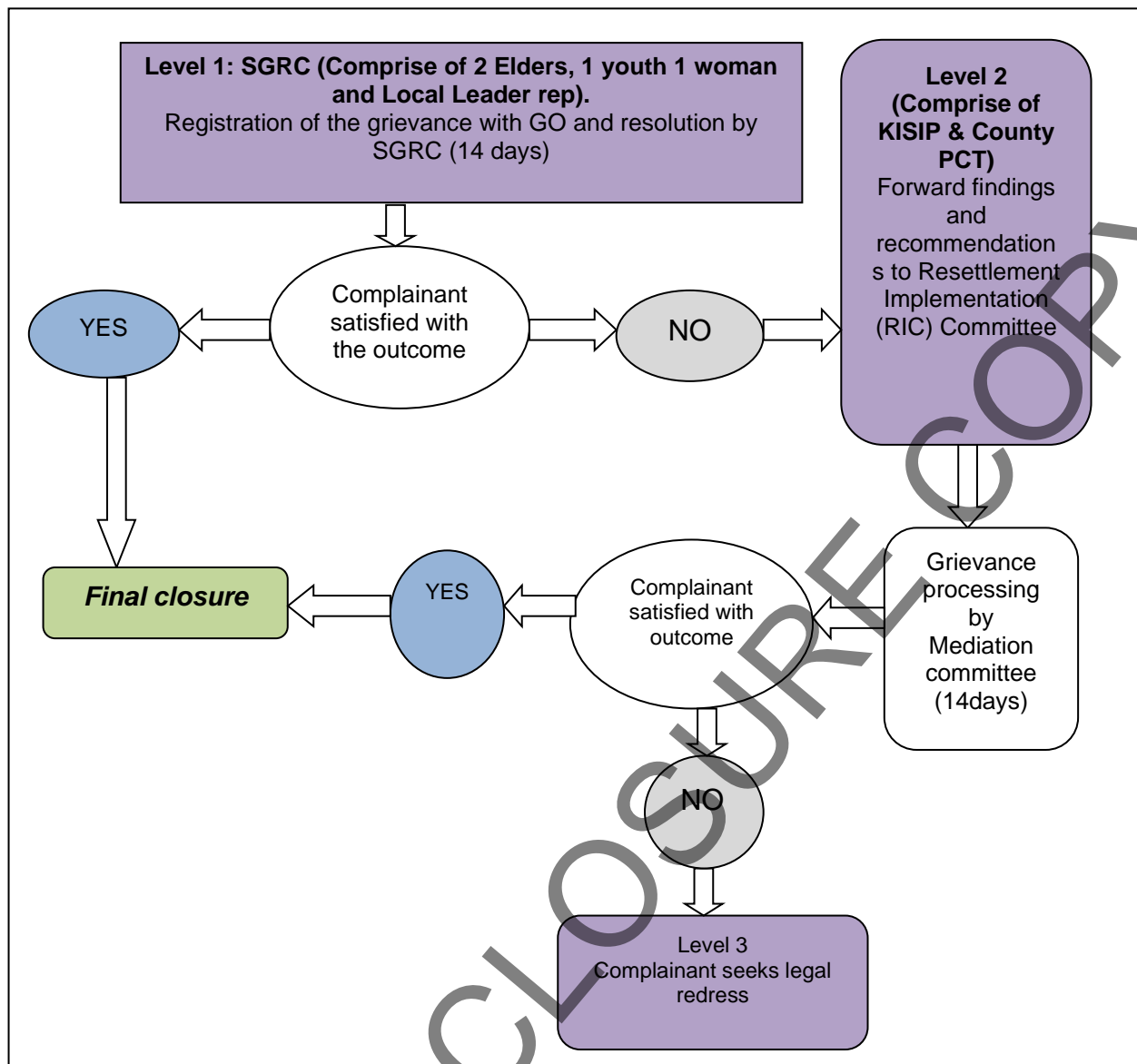


Figure 9-2: Grievance Address Procedure

## CHAPTER 10: INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS

### 10.1 Resettlement Implementation Institutions

This ARAP will be implemented within a period of not more than 3 months upon approval of the ARAP by the World Bank. At implementation phase, KISIP will ensure all PAPs are adequately facilitated according to the provisions of this ARAP before conclusion of tenure regularization activities in the settlement.

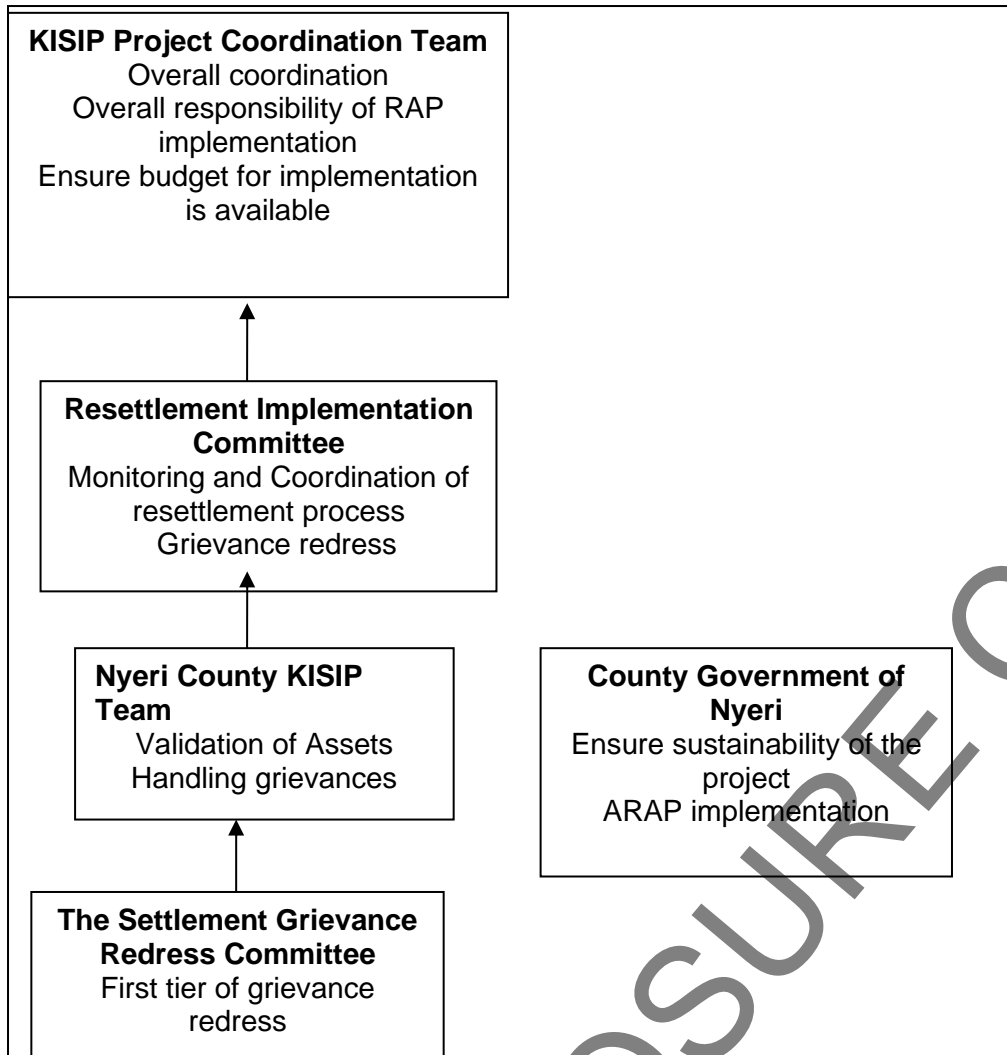
The implementation tasks will be carried out by KISIP RIC with the support of Nyeri County Government KISIP team whose composition is outlined in this ARAP. **Table 10-1** below indicates the County and National Government role in this ARAP implementation:

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**Table 10-1: National and County Government ARAP Implementing Institutions**

No.	Institution	Role	Capacity
1.	Ministry of Transport, Infrastructure, Housing and Urban Development.	<ul style="list-style-type: none"> <li>It houses the KISIP project and provides for policy direction.</li> </ul>	<ul style="list-style-type: none"> <li>The Ministry has the capacity for implementation of this ARAP</li> <li>The Ministry has the capacity for infrastructure improvement in the planned settlements</li> <li>The Ministry has experts in the necessary key areas: land management, land administration and physical planning.</li> </ul>
2.	Ministry of Finance	<ul style="list-style-type: none"> <li>Financial management on behalf of the Borrower (GoK).</li> <li>Provision of counterpart funding – part of which is used to settle compensation claims by PAPs.</li> </ul>	Capacity exists and funds will be made available.
3.	National Land Commission	<ul style="list-style-type: none"> <li>Custodian of all public land on behalf of the County Governments.</li> </ul>	The commission has the capacity to this mandate.
4.	County Government	<ul style="list-style-type: none"> <li>Ensures that all PAP's are authentic</li> <li>Ensures that there is no re encroachment or any new development after cutoff date and before compensation process is completed.</li> </ul>	<ul style="list-style-type: none"> <li>The county has capacity in the enforcement department.</li> <li>The county has a functional social development office that has been collaborating with KISIP national office.</li> <li>There is a functional KISIP County office existing.</li> </ul>

In addition to the above government institutions, several structures have been established to ensure effective implementation of this ARAP as summarized in **figure 10.1** below while **figure 10-2** presents information sharing and Stakeholder Engagement Strategy.



**Figure 10-1: ARAP Implementing Institutions**

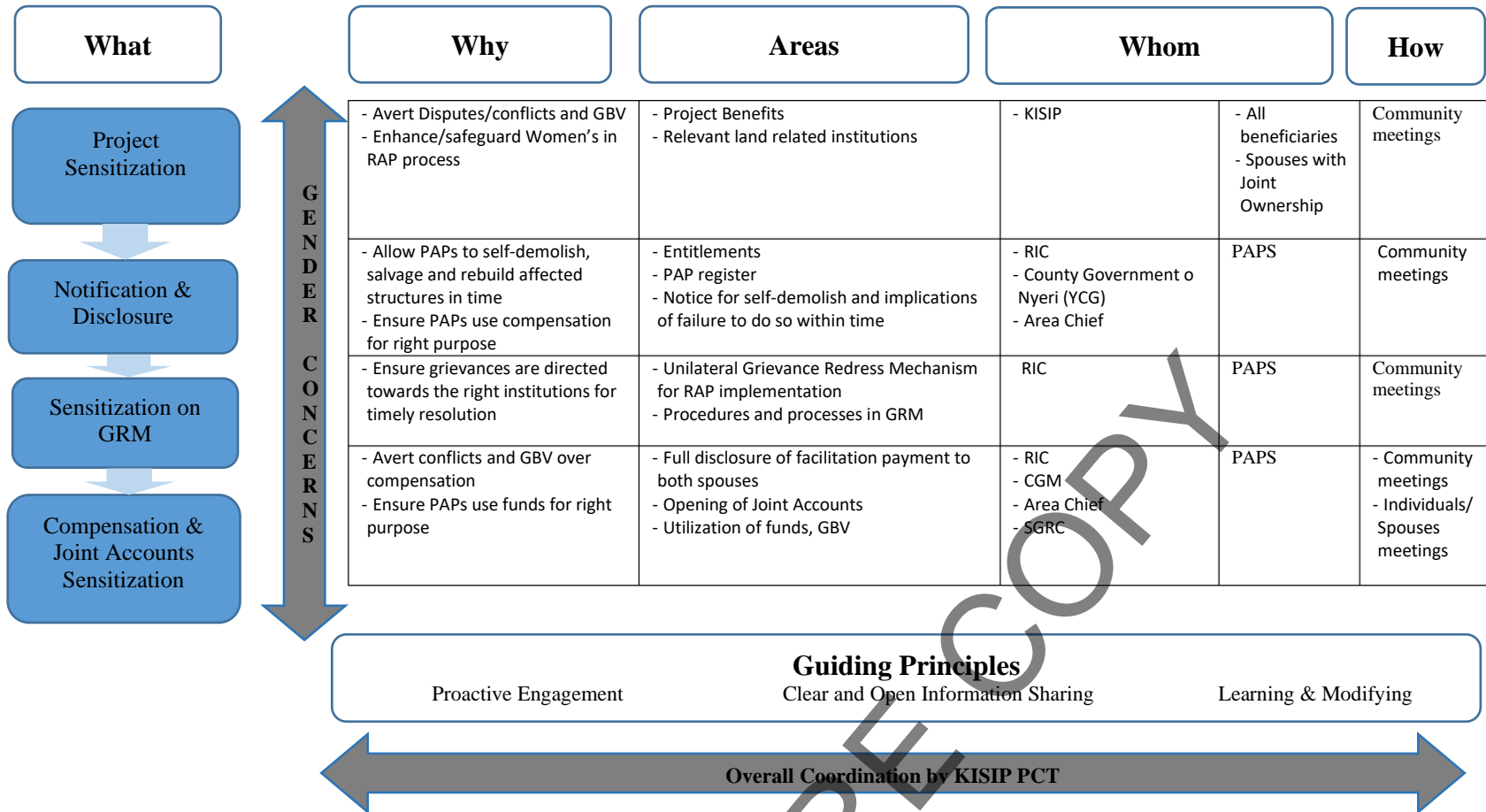


Figure 10-2: Stakeholder Engagement Strategy

## 10.2 Gender Empowerment Initiatives

To enhance gender equality and inclusivity, deliberate initiatives will be undertaken during ARAP implementation to sensitize the community members on the need to involve women in the ARAP implementations process. Also, sensitization on likely Gender Based Violence (GBV) with regards to use of compensation money will be undertaken as indicated in the ARAP implementation schedule. These sensitization will be rolled jointly by KISIP, County Government, Gender department and women based organizations operating within Nyeri County.

## 10.3 ARAP implementing Budget

PAPs will be paid their resettlement and compensation entitlements during prior to conclusion of tenure regularization in the settlement. This ARAP provides a total implementation budget of **Kshs 3,670,910.00** (Three Million, Six Hundred and Seventy Thousands, Nine Hundred and Ten Kenya Shilling)

**Tables 10.2 and 10.3** below provide ARAP budget that was determined during preparation of the ARAP report.

**Table 10-2: Structures and Livelihood Loss Compensation**

No.	PAPs	Category of Impact	Amount (Kshs)
Kihuyo	28	Loss of Structures	3,109,910.00
<b>Total 1</b>			<b>3,109,910.00</b>

**Table 10-3: Budget for other RAP Implementation Commitments**

RAP Commitment	Budget in Kshs.
Vulnerability Support	16,000.00
Shifting Allowance	45,000.00
Awareness raising and sensitization of PAPs <sup>9</sup>	100,000.00
Training and Capacity Building for GRM <sup>10</sup>	100,000.00
Operational & Administrative Costs of ARAP Committees	100,000.00
Monitoring and Evaluation	200,000.00
<b>Sub Total 2</b>	<b>561,000.000</b>
<b>GRAND TOTAL</b>	<b>3,670,910.00</b>

<sup>9</sup> Gender Sensitizations and Training, Bank accounts, use of compensation money etc.

<sup>10</sup>The GRM will require sufficient skills in data management, including data entry, data analysis and storage. The team will also require training conflict resolution procedures, such as mediation and reconciliation, and other management areas such as record-keeping, report-writing and ICT equipment management.

#### 10.4 ARAP Implementation Schedule

The ARAP Implementation Schedule defines the duration and timing of the key milestones and tasks and also indicates who is responsible for implementing the task provided. **Table 10.4** presents ARAP implementation schedule prepared for the Settlement.

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**Table 10-4: ARAP Implementation Schedule.**

S/ No.	TASK NAME	Actor	Period in Months					
			Implementation to begin immediately after approval of ARAP					
			1	2	3	4	5	6
1.	Approval of ARAP	World Bank						
2.	Sensitization on Title Registration(including Gender Empowerment on land ownership)	KISIP, Chief Registrar of Lands						
3.	Disclosure of RAP	KISIP						
4.	Formation and capacity building of Grievance Management Committees	KISIP, RIC, Beneficiaries						
5.	Validation of asset valuation/values	KISIP, County Government,						
6.	Grievance Redress	KISIP, RIC, PAPs, GRC						
7.	Sensitization of PAPs on bank accounts and use of compensation funds including joint spousal management of cash	KISIP, RIC, County Government, Women Based Organizations (if present), SEC						
8.	Payment of compensation	KISIP, RIC						
9.	Issuance of notice for self-demolition	KISIP, RIC						
10.	Issuance of titles to the remaining 4 beneficiaries <sup>11</sup>	MoTIH & UD and NLC						
11.	Self-Demolition	PAPs						
12.	Demolition of any structures that have not been demolished at the expiry of the self-demolition notice period	Mombasa County						
13.	Monitoring activities	KISIP MoTIH & UD						

<sup>11</sup>Indicated as a continuous process to allow for resolution of grievances on titling if any arises

## CHAPTER 11: MONITORING AND EVALUATION

### 11.1 Introduction

Monitoring and Evaluation (M&E) procedures establishes the effectiveness of all resettlement activities, in addition to the measures designed to mitigate negative social impacts. The procedures include internal track-keeping efforts, independent external monitoring and final completion audit.

The purpose of resettlement monitoring for the Project is to verify that:

- (i) Actions and commitments described in the RAP are implemented;
- (ii) Eligible PAPs receive their full compensation prior to issuance of title deeds.
- (iii) RAP actions and compensation measures have helped the people who sought cash compensation in restoring their lost incomes and in sustaining pre-project living standards;
- (iv) Complaints and grievances lodged by PAPs are resolved.
- (v) Changes in RAP procedure are made, if necessary, to improve delivery of entitlements to PAPs.

The World Bank operational policy (OP 4.12) states that the project proponent is responsible for adequate M&E of the activities. Monitoring will provide both a warning system for the project proponent and a channel for the PAPs to make known their needs and their reactions to resettlement execution.

Monitoring and evaluation activities and programs will be adequately funded and staffed. Accordingly, the primary responsibility for monitoring rests with KISIP PCT which already has social safeguards team who will work in collaboration with the RIC, and other external actors, where needed.

### 11.2 Monitoring and Evaluation Framework

#### 11.2.1 RAP Monitoring Plan

The RAP monitoring plan and framework involves:

- (i) Internal monitoring by KISIP PCT.
- (ii) External monitoring commissioned to specialized firms
- (iii) RAP Completion Audit

The following RAP monitoring plan will be adopted:

**Table 11-1: RAP Monitoring Plan**

<b>Component Activity</b>	<b>Type of Information/ Data Collected</b>	<b>Source of Information/ Data collection Methods</b>	<b>Responsibility for Data Collection, Analysis and Reporting</b>	<b>Frequency/ Audience of Reporting</b>
Internal Monitoring	Measurement of RAP monitoring indicators against the implementation schedule.	Monthly and quarterly RAP implementation reports	KISIP PCT/RIC	Quarterly Report
External Monitoring	Assessment of PAP satisfaction compensation of the affected assets and livelihood sources	Quarterly or semi-annual quantitative and qualitative surveys  Regular public meetings and other consultation with people affected by the project; review of grievance mechanism outputs	KISIP Social safeguards and RIC or contracted external monitoring agency	Quarterly Report
Completion Audit	Measurement of output indicators such as productivity gains, livelihood restoration, and developmental impact against baseline	External assessment of RAP implementation, independent surveys and consultation with affected persons	Contracted external auditing and evaluation agency	On completion of the RAP time table

### 11.2.2 RAP Monitoring Framework

RAP monitoring framework provides for the below listed provisions;

- (i) Random samples of affected people will be interviewed in open-ended discussions to assess their knowledge and concerns regarding the resettlement process, their entitlements and rehabilitation measures.
- (ii) Public Consultations with affected people at the community level will be observed.
- (iii) The resettlement operation at all levels will be observed to assess its effectiveness and compliance with the RAP.
- (iv) The type of grievance issues and the functioning of Grievance Redress Mechanisms will be checked by reviewing the processing of appeals at all levels and interviewing aggrieved PAP's.
- (v) The standards of living of the PAP's before and after implementation of resettlement will be surveyed to assess whether the standards of living of the PAP's have improved or been maintained.
- (vi) Project management will be advised regarding necessary improvements in the implementation of the RAP, if any.

The **Table 11-2** below shows internal monitoring indicators that will be checked during internal performance monitoring by KISIP:

**Table 11-2: Internal Monitoring Indicators**

Activity/Parameters	Indicators
<b>Compensation and Livelihood restoration</b>	<ul style="list-style-type: none"> <li>• Number of PAPs promptly paid disaggregated by gender</li> <li>• Number and amounts of payments made to PAPs</li> <li>• Number of PAPs with restored assets disaggregated by type of structure</li> <li>• Number of PAPS with restored livelihood enterprises</li> <li>• Number of restored structures disaggregated by type, building/construction material, asset use/purpose and standard</li> <li>• Average income level by source</li> <li>• Employment status of household head</li> <li>• Use of compensation cash</li> <li>• Number of people/groups with improved livelihoods</li> <li>• Development of settlement triggered by land tenure process</li> <li>• Changes in land values and plot ownership</li> </ul>
<b>Access to services</b>	<ul style="list-style-type: none"> <li>• Number of PAPs with access to water services disaggregated by type of water source</li> <li>• Number of PAPs with access to sanitation services disaggregated by type of water source</li> <li>• Number, type of educational establishments and proximity to PAPs</li> <li>• Number, type of health facilities establishments and proximity to PAPs</li> </ul>

Activity/Parameters	Indicators
	<ul style="list-style-type: none"> <li>• Length of roads that are newly constructed or expanded</li> </ul>
<b>Vulnerability</b>	<ul style="list-style-type: none"> <li>• Status of “vulnerable” homesteads</li> <li>• Structures constructed to PAPs through Additional Assistance</li> </ul>
<b>Community participation and public engagement</b>	<ul style="list-style-type: none"> <li>• Number of local 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>
<b>Training and Capacity Building</b>	<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> <li>• Perception of PAPs on usefulness and timing of these issues discussed</li> </ul>
<b>Gender Concerns</b>	<ul style="list-style-type: none"> <li>• Number of women with land titles disaggregated by type (e.g. sole owners, joint owners)</li> <li>• Participation of women and men in trainings</li> <li>• Number of Joint accounts opened for facilitation funds</li> </ul>
<b>Grievance management</b>	<ul style="list-style-type: none"> <li>• Number of grievances received</li> <li>• Number of grievances resolved promptly (within the duration allowed in the grievance redress mechanism)</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</li> <li>• Number of grievances referred to Level 3 (Courts of Law)</li> <li>• Number of complaints referred to World Bank</li> </ul>
<b>Awareness and Access to Information</b>	<ul style="list-style-type: none"> <li>• Type of information disclosed to PAPs during each meeting</li> <li>• Accessibility of the RAP document at the local level</li> <li>• Accessibility of the RAP document on the Ministry’s website and the Bank’s Info shop</li> <li>• Awareness on RAP/Entitlement information</li> <li>• Number of people seeking information on displacement and compensation</li> </ul>
<b>Process Management</b>	<ul style="list-style-type: none"> <li>• Formation of proposed institutions or better alternatives</li> <li>• Census and asset verification/quantification procedures in place</li> <li>• Effectiveness of compensation delivery system by KISIP</li> <li>• Efficiency of compensation delivery system by KISIP</li> <li>• Co-ordination between KISIP national, KISIP County, County Government and the community</li> <li>• Availability of adequate funds for the process</li> </ul>

The indicators presented above will be revised and appropriate Terms of Reference (ToR) established for the external monitoring party. Evaluation will be done against the existing baseline information identified in the RAP and indicators identified in table above.

Therefore, monitoring (and evaluation) will be undertaken regularly during implementation and post implementation for the purposes of compiling the Project Completion Report. The report will include an evaluation that ascertains whether resettlement compensation goals and objectives were realized.

### **11.3 Resettlement Completion Audit**

The purpose of the completion audit will be to verify and ascertain that the resettlement process at the end of ARAP implementation has complied with resettlement commitments as defined by the ARAP. These audit will be done at end of ARAP implementation by either internally by KISIP PCT or by an external audit firm to be hired by KISIP. Reference documents for the completion audit will be this RAP Report and the legal framework laid therein.

The Completion Audit will have following specific objectives:

- i. Assessment of compliance of implementation with laws, regulations and safeguard policies;
- ii. Assessment of the fairness, adequacy and promptness of the compensation and resettlement procedures as implemented;
- iii. 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
- iv. 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 the PAPs.

## CHAPTER 12: CONCLUSION AND COMMITMENTS

### 12.1 Conclusion

The subject of this ARAP Report is for mitigating impacts from the planning and surveying of Kihuyo informal settlement that will result to tenure regularization and issuance of Title Deeds to 55 beneficiaries. This RAP is prepared in line with applicable legal and policy provisions of Kenyan Government and the provisions of the World Bank's Safeguard Policy on Involuntary Resettlement (OP 4.12). The report provided an asset register of PAPs and the proposed compensation packages to the PAPs.

Therefore, this objective was achieved by ensuring that all affected persons have been provided with adequate compensation for their losses. Also, vulnerable PAPs receive additional assistance, women land rights are safeguarded, implementation committees are constituted and made aware of their roles, an implementation budget and schedule is provided and a monitoring and evaluation framework is in place.

### 12.1 Commitments

Therefore, in order to ensure smooth conclusion of tenure regularization process in the settlement, the below listed commitments will be undertaken by KISIP.

- (ii) KISIP will collaborate with the Registrar of Titles to organize and carry out Sensitization exercises aimed at enhancing women land rights and against any form of Gender Based Violence (GBV) in use of funds triggered by compensation as documented in this ARAP.
- (iii) 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.
- (iv) KISIP will ensure Grievances raised are addressed and resolved on a timely manner during implementation of the ARAP as provided by the GRM.
- (v) KISIP will promptly facilitate all the vulnerable persons enumerated in this RAP in accordance with the provisions of the entitlement matrix in this ARAP.
- (vi) Through the National Land Commission, KISIP will conclude issuance of title deeds to the remaining 4 beneficiaries within three months after approval of the ARAP through the Ministry of Transport Infrastructure Housing and Urban Development (MoTIH&UD), and NLC to beneficiaries and PAPs concurrently with compensation payment.
- (vii) KISIP will issue a minimum of three months self-demolition period to the PAPs to enable them salvage their assets. This notice will be communicated during a community Meeting organized in the settlement
- (viii) To undertake monitoring and evaluation to ensure compliance to national laws and regulations and safeguard policy.
- (ix) KISIP will work with the County Government of Nyeri in ensuring the ARAP is successfully implemented. The County Government will be part of the RIC and GRM committees. The County Government will also enforce development controls, clearance of structures on road reserves after the expiry of self-demolition period.

## ANNEXES

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**ANNEX 1: ASSET INSPECTION SHEET**

Household No / unique Identifier .....

General details of Affected Asset or Livelihood

Village / Cluster	Location	Sub County	County
Plot Number	PAP category <sup>12</sup>	Ownership / Rented	GPS coordinates / Photo Number

**Demographic Data of PAP**

Name of the owner (HH)	ID	Telephone	Gender	Age
Spouse Details	ID	Telephone	Gender	Age
Family Size				
Household size				
Education Level				
Livelihood				

**Vulnerability (Marginalized and Vulnerable Groups (VMG))**

No	Vulnerable Parameter	Answer
	Is the HH headed by child under 18yrs	
	Is the HH headed by a disabled Person	
	Is the HH headed a chronic ill person	
	Is the HH headed by elderly over 65yrs	
	Is the HH enrolled to government social program that supports the	
	Did the HH business / loss of income collapse in the recent month	
	HH lost livestock due to disease or drought	

Yes (1) or No (2)

Land Affected (Yes/no).....Size (acre/square meters).....

Structure .....(partial / total impact) tick appropriately

TYPE OF STRUCTURE affected	NATURE OF MATERIAL			Size in sqft	GPS coordinates	PHOTO NUMBER.
	Wall	Roof	Floor			
A1.Main house						
A2.Kitchen						
A3.Store						

<sup>12</sup> Structure owner could be PAPs or Institutions owning land, structures, livelihood or community assets

A4.Fixed Business shed					
A5.Mobile business shed					
A6.Goat shed					
A7. Poultry house					
A8. Latrine					
A9. Bathroom					
A10. House 1					
A11. Community water point					
A12. Community mosque					
A13. Others indicate					

**Codification of Asset structure below**

A2	A3	A4	A5	A6
Relationship to Household head	Type of wall	Type of roof	Floor	Size in meters
1.Head 2. Spouse 3.Son/Daughter 4.Brother/Sister 5. Parent. 6. other indicate	1.Stone not plastered. 2.stone and plastered 3.Bricksand plastered 4.Bricks not plastered 5. Iron sheets. 6.Wooden 7. Mud 8.Mud +plastered 9. Other	1.Iron Sheets 2. Grass thatched. 3.Plastic paper 4.Other	1.Plain concrete 2.Tiled 3.Mud 4.Other	Length Width Radius

**LOSS OF LIVELIHOOD**

S/ NO	Type of Business	Average Daily Income Ksh.	Affected Total / Partial	Type	Owner of the business Name (ID and address if not member of the household)
.					

**Codification Business type**

- 1- grocery / shop       2- Beauty shop/ salon / barber       3- retail shop kiosk  
 4- cereals kiosk .....       5- cloth stall       6- food kiosk / hotel       7- mpesa shed  
 8 shoe vendors stand       9- local chemist       10- hardware shop

11- domestic bakery .....12- Movie shop ..... 13- Other (s) (please specify) .....

**Type of ownership:**

1- Head of household     2- Spouse                     3- Other member of the household  
 4- Tenant    5- Other (please specify)

**CROPS GROWN**

TYPE OF CROP	AREA IN SQUARE FEET	Name (ID and address if not member of the household)

**See codes below**

1-Tea 2-Coffee 3-Maize 4 Sweet potato 5- Sugarcane 6- Beans 7- Nippier grass  
8- Peas 9- Cassava 10-arrowroots 11- kales 12- Bananas 13- Irish potatoes 14- Pumpkins 15-Passion fruits 16-Other (s) (please specify)

**TREES GROWN**

TYPE OF TREE	AGE OF TREES			Name (ID and address if not member of the household)
	YOUNG	MEDIUM	MATURE	

**See codes below**

Mango 2 Orange 3 Guava 4 Avocado 5 Eucalyptus 6 Cypruss 7 Bamboo 8 Pawpaw  
9Pine 10 Gravellia11 Other(s) (please specify)

**Tenants**

List the Names and Telephone Numbers of Residents Tenants in the Structure

**TENANT'S / EMPLOYEE INFORMATION USING STRUCTURE OR BUSINESS**

Name of Tenant	Gender	Rent Amount (Kshs)	Telephone	ID Number

**ANNEX 2 ASSET REGISTER**  
**(Presented as a separate Excel file)**

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**ANNEX 3 MINUTES AND LIST OF ATTENDANCE TO  
CONSULTATIVE MEETINGS**

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## **KIHUYO INFORMAL SETTLEMENT MEETING HELD AT THE KIHUYO POLYTECHNIC NYERI COUNTY ON 31<sup>ST</sup> JANUARY 2018**

### **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 the KISIP County Coordinator at 12:45pm. The prayer was offered by the community member and self-introduction followed. KISIP National team representative explained the KISIP structure and activities. He also explained that although KISIP is ending in November 2019, a new phase of KISIP would start in 2020 where Nyeri County will benefit from infrastructural development by KISIP. Given that Planning, Survey and registration process would be complete soon in Kihuyo, based on county's proposals, such settlement will be eligible for infrastructural developments.

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

The KISIP National team representative saluted the participants and apologized for being late noting that an important prior meeting in the County office and in Kihatha settlement had delayed them. She then did a recall of history of the settlement's planning. She indicated that Kihuyo settlement had been planned by the County government (then Municipal) in 2007. This plan caused relocation of 18 residents who were required to relocate to a vacant area within the settlement. This relocation was due to expansion of the existing dispensary that serves the community. The plan accommodated 55 beneficiaries who are residents and 14 public utilities. The SEC acknowledged that KISIP consultant implemented the existing plan, therefore there was no household missing the plot and each one knows his/her plot. 51 members of the community have received titles, while 4 are pending. Most of these issued titles have either one name of the owner, a foreign name has been added in the title or all names have been misspelled. Some of the beneficiaries have passed on (deceased) and have not received their titles.

Based on a World Bank audit undertaken in 2017, some houses had been demolished and moved as they were located on inter-boundary, roads or relocation due to public utilities expansion. The aim was therefore to identify households and the structures that were relocated, demolished or were affected but yet to be moved. These included main houses, secondary houses, latrines, fences, kitchens, etc. The community members identified the public utilities in the survey plan and also those affected by relocation due to dispensary expansion and roads. The KISIP team representative gave the KISIP's main objective as to ensure the affected families were facilitated to

move to ensure that once the titles have all been issued, there are no cases of conflicts between neighbours on inter-boundary overlap and roads are protected from occupation so as to maintain the purpose of the plan.

### **3. Discussions/reactions**

The team managed to identify 18 families who were relocated from the neighbourhood of the dispensary to a new vacant place within the settlement. The relocation was out of the plan done by the Nyeri municipal in 2007 to create room for dispensary expansion. The displacement was due to political pressure to have the ground for Dispensary availed for the proposed expansion. KISIP was not involved in the displacement. The SEC members also identified some PAPs who already moved their structures on the road reserve to inside their plots and others who have not moved their fences and structures. The identification was done on the survey plan. Not all who were to be relocated have reconstructed their homestead in the new plots and therefore they have rented houses in the neighbourhood. 4 persons of the affected persons are vulnerable due to advanced age widowed.

### **4. Transect Walks**

The SEC and both KISIP teams members walked across all 55 residential plots of the settlement, and the 14 public utilities including a secondary school, A.I.P.C.A Church, Catholic church, Presbyterian Church of East Africa, coffee factory, two nursery schools, polytechnic, playing ground, two cemeteries, Water tank, cattle Dip, Dispensary, This was guided by the survey plan of 04/09/2014 i.e. RIM SA 37/A.N.O.4(120/4) and the corresponding list of beneficiaries in the possession of the community based on the 2007 plan.

The exercise involved walking from plot to plot in a systematic manner starting from the PAPs who were relocated due to the expansion of the dispensary as guided by the community list of beneficiaries and reconciling with the survey plan. The team found out that some of the PAPs who were relocated have not constructed their new homestead and some who have constructed have used same old material with additions or better structures than the former. The team moved on to PAPs who have been affected by the proposed roads as identified the items affected through verifying impact on the basis of the beacons. Comparing the list of beneficiaries and the corresponding plots in the survey plan, the team found out the following:

- History of land transactions which has necessitated change of names of plot owners (one incidence),
- Where the original list had owners name indicated correctly, but the title added a new name unknown to the owner of the plot
- Where the title bears only one name of the owner
- Where wrong and misspelt names were introduced in the title
- Where the owners were deceased (several cases)

The number of identified PAPs was:

NO.	PAP NAME	CAUSE OF IMPACT	EFFECT	ID/SERIAL NO.	REMARKS
1.	Mary Wambuthu	Relocation (Dispensary)	Homestead	KIHUY001	Relocated Has title
2.	John Ndirangu	Relocation (Dispensary)	Homestead	KIHUY002	Rented house outside Settlement Has title
3.	Peter Githinji	Relocation (Dispensary)	Homestead	KIHUY003	Rented house outside settlement Has title
4.	Teresa Mumbi (Deceased)	Relocation (Dispensary)	Homestead	KIHUY004	Rented house outside settlement No title yet
5.	David Wanjohi	Relocation (Dispensary)	Homestead	KIHUY005	Relocated – Has Title
6.	Sarah Muthoni (Disabled)	Relocation (Dispensary)	Homestead	KIHUY006	Rented house outside settlement – Has Title
7.	John Maina Wanjohi	Relocation (Dispensary)	Homestead	KIHUY007	Rented house outside settlement – Has title
8.	Joseph Nderitu(Deceased)	Relocation (Dispensary)	Homestead	KIHUY008	Rented house outside settlement but now started construction in the new plot- Has title
9.	Mary Wambui (Deceased)	Relocation (Dispensary)	Homestead	KIHUY009	Rented house outside settlement- has title
10.	Joshua Kienyeri	Relocation (Dispensary)	Homestead	KIHUY010	Relocated – has title
11.	Francis Mutahi	Relocation (Dispensary)	Homestead	KIHUY011	Relocated – has title
12.	Elizabeth Muthoni	Relocation (Dispensary)	Homestead	KIHUY012	Relocated – has title

13.	Teresa Wangechi (Wangechi Kiago Mariyo)	Relocation (Dispensary)	Homestead	KIHUY013	Relocated – No title
14.	Zacharia Wandii	Relocation (Dispensary)	Homestead	KIHUY014	Relocated – has title
15.	Peter Gatimu	Relocation (Dispensary)	Homestead	KIHUY015	Relocated – has title
16.	Samuel Kinyua Ndirangu	Relocation (Dispensary)	Homestead	KIHUY016	Relocated – No title
17.	John Ndegwa	Relocation (Dispensary)	Homestead	KIHUY017	Relocated – has title
18.	Peter Nderitu Muthoni	Relocation (Dispensary)	Homestead	KIHUY018	Relocated – has title
19.	John Mwangi (Deceased)	Road	Structure	KIHUY019	Structure still standing
20.	John Mbogo Gichuki	Road	Toilet	KIHUY020	Still standing
21.	Eunice Wangari Gichuki	Road	Structure	KIHUY021	Structure moved
22.	Francis Ngatia	Road	Structure, 1 avacado, 1 banana tree	KIHUY022	All still standing
23.	Charles Maina Gichuhi/ James Kiboi Gichuhi	Road	Toilet	KIHUY023	Still standing. The two PAPs use the same toilet
24.	Festus Wanjohi Ndumia	Inter- boundary	Toilet	KIHUY024	Was an agreement between the neighbour not to remove the toilet. No title
25.	Joshua Nderitu Kingare	Road	Shop, 1 avocado tree	KIHUY025	Currently the shop is closed, owner rented a new building nearby
26.	Kihuyo Secondary School	Road	Gate, 2toilets	KIHUY026	Still standing
27.	A.I.P.C.A	Road	Gate, 2 Toilets,	KIHUY027	Still standing

			structure and chimney		
28.	Peter Kimotho Ndemi	Road	Gate, toilet	KIHUY028	Still standing


Each of the affected persons was informed of a socio economic baseline and valuation exercise to be undertaken the next day.

**5. Way forward**

The SEC was informed to remind the affected persons of the household visited to avail themselves the following day for socio-economic survey and evaluation of the affected item. They were also told to look for those who were not at home at time of identification of the impact to be also available the following day for the same and thereafter a meeting would be held with the PAPs.

The meeting/exercise ended at 5:55pm.

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**PLANNING AND SURVEY FOR LOT I INFORMAL SETTLEMENT IN NYERI COUNTY RESETTLEMENT ACTION PLAN (RAP) EXERCISE FROM 24<sup>TH</sup> JANUARY 2018 TO 3<sup>RD</sup> FEBRUARY, 2018**

**ATTENDANCE LIST**  
Briefing with RLC  
On the Resettlement

Date: 31/01/2018 Team: National Team

S/N	NAME	ORGANIZATION	EMAIL ADDRESS	PHONE NO.	SIGNATURE
1	Faith Bivir	KISIP	bivir.faiith@gmail.com	0722462989	<i>[Signature]</i>
2	Stanley Njau	KISIP	stanley.njau@kisip.or.ke	072204580	<i>[Signature]</i>
3	Daniel Muteji	KISIP	mutegi.daniel@gmail.com	0726295038	<i>[Signature]</i>
4	Robert G. Njau	NLC	robertnjau2013@gmail.com	0722-641314	<i>[Signature]</i>
5	Shamsa Abdi	KISIP	shamsa.abdi@kisip.or.ke	072483522	<i>[Signature]</i>
6	Wilson Njau	KISIP	wilson.njau@gmail.com	072373608	<i>[Signature]</i>
7	Joel Muteji	KISIP	joelmut@gmail.com	0780766779	<i>[Signature]</i>

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## **KIHUYO INFORMAL SETTLEMENT MEETING HELD AT THE KIHUYO POLYTECHNIC NYERI COUNTY ON 1<sup>ST</sup> FEBRUARY 2018**

### **PRESENT**

### **AGENDA**

1. Introduction
2. Discussions/reactions
3. Way forward

#### **6. Introduction**

The meeting was called to order by Joel Nyamweya who is the social safeguard expert at KISIP National. The meeting started at 3.45pm, with introductions from the SEC members, KISIP National and County teams and the PAPs. KISIP National team explained that they have walked through all the PAPs and have established notes that will help in making the report which will be forwarded to the decision makers. They have also verified the impacts through identifying the beacons on the ground corresponding survey plan. He thanked all the participants for great cooperation and assured them that KISIP will proceed to ensuring that everyone has his/her title and has been facilitated to move their structures to the right location and reconstruct homesteads in the new location as KISIP is endeavour trying to improve the livelihoods of the concern community.

#### **7. Discussions/reactions**

Issues arising after the RAP exercise

- The community wanted the Project to build houses, put power and water for them  
**Response:** KISIP project only facilitate them to move and not build for them new houses.
- Out of 55 people only 4 did not have Title deed  
**Response:** The 5 were told the project will assist them to obtain titles
- If one was affected by road or inter-boundary and has already moved the affected structure, what happens?  
**Response:** KISIP will consult the concern authorities on the issue and will inform them
- One of the person who was relocated complained that his mother was moved to a smaller plot and between public utility (Polytechnic and expressed fear of being relocated again in case the facility needs to expand  
**Response:** The KISIP team informed them that the County Government developed the plan that relocated them and that the project was not involved in the allocation exercise. Most of the time in planning people may not get equal sizes of land and therefore he should accept the allocation. He was also assured that with the Title, he has right of the land and bargaining power high.

#### **8. Way forward**

The KISIP National team representative informed the participants that:

- They are not supposed to reconstruct their structures,
- Or neither move them for those who have not moved.
- In case of inter-boundary, neighbours to stay calm until the facilitation is done and the toilet owner given time to move the structure.
- The Government will facilitate them to move and also reconstruct their structures.
- The facilitation can be in various forms depending on KISIP discussions with the County Government of Nyeri.
- In the meeting a cut-off date of 2<sup>nd</sup> February 2018 was discussed and adopted by the community and that no new structures were to be included in the asset register after this date.

The Chairman gave the closing remark and appreciated KISIP's visit on behalf the community and hope the outstanding issues would be resolved urgently to enable the affect PAP settle.

The setting was closed with KISIP National team member with word of gratitude to the community members and appreciated their support for the project.

The meeting/exercise ended at 4:48pm.

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PLANNING AND SURVEY FOR LOT I INFORMAL SETTLEMENT IN NYERI COUNTY RESETTLEMENT ACTION  
PLAN (RAP) EXERCISE FROM 24<sup>TH</sup> JANUARY 2018 TO 3<sup>RD</sup> FEBRUARY, 2018

Date: 1/2/2018

ATTENDANCE LIST  
Kihuyo Informal Settlement Team

S/N	NAME	ORGANIZATION	EMAIL ADDRESS	PHONE NO.	SIGNATURE
1	JOSHUA NDIRANGA MATHAI			0724072386	<i>[Signature]</i>
2	Simeon WAKITHAKA WABU THU			0724 762 793	<i>[Signature]</i>
3	JOSHUA NDIRANGA MATHAI			0722 271 448	<i>[Signature]</i>
4	ELIANCE WANGARI GICHUKI			0703 341 949	<i>[Signature]</i>
5	ESTHER NYAGUTHI NDIRANGA			0723 778 669	<i>[Signature]</i>
6	MARTHA NYANZIRA MATHAI			0724 046 684	<i>[Signature]</i>
7	SIMON KINUA NDIRANGA			0724 755 793	<i>[Signature]</i>
8	ELIZABETH MUTHINI GICHUKI			0714 565696	<i>[Signature]</i>
9	JOSHUA KEMERE WAKITHAKA			07107065	<i>[Signature]</i>
10	WANGELI KAGE MABEYO			0707711079	<i>[Signature]</i>
11	Shauha Absal	KISIP		072405502	<i>[Signature]</i>
12	Zacharia Wandie				<i>[Signature]</i>
13	Felix Bivir	KISIP		0722462989	<i>[Signature]</i>
14	Joseph M. H.			072452502	<i>[Signature]</i>

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## ANNEX 4 GRIEVANCE REGISTER FORM

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## ANNEX 4: SAMPLE GRIEVANCE REDRESS FORM

<b>Grievance Form</b>				
Grievance Number		Copies to forward to:		
Name of the Recorder		(Original)-Receiver Party		
Sub-County		(Copy)-Responsible Party		
Date				
<b>INFORMATION ABOUT GRIEVANCE</b>				
Define The Grievance:				
<b>INFORMATION ABOUT THE COMPLAINANT</b>				<b>Forms of Receive</b>
Name-Surname				<input type="checkbox"/> Phone Line
Telephone Number				<input type="checkbox"/> Community/ Information Meetings
Address				<input type="checkbox"/> Mail
Village				<input type="checkbox"/> Informal
Sub-County				<input type="checkbox"/> Other
Signature of Complainant				
<b>DETAILS OF GRIEVANCE</b>				
<b>1. Access to Land and Resources</b>  a) Fishing grounds b) Lands c) Pasturelands d) House e) Commercial site f) Other	<b>2. Damage to</b> a) House b) Land c) Livestock d) Means of livelihood e) Other	<b>3. Damage to Infrastructure or Community Assets</b>  a) Road/Railway b) Bridge/ Passageways c) Power/Telephone Lines d) Water sources, canals and water infrastructure for irrigation and animals e) Drinking water f) Sewerage System g) Other	<b>4. Decrease or Loss of Livelihood</b>  a) Agriculture b) Animal husbandry c) Beekeeping d) Small scale trade e) Other	<b>5. Traffic Accident</b>  a) Injury b) Damage to property c) Damage to livestock d) Other
<b>6. Incidents Regarding Expropriation and Compensation (Specify)</b>	<b>7. Resettlement Process (Specify)</b>	<b>8. Employment and Recruitment (Specify)</b>	<b>9. Construction Camp and Community Relations</b> a) Nuisance from dust b) Nuisance from noise c) Vibrations due to explosions d) Misconduct of the project personal/worker e) Complaint follow up f) Other	<b>10. Other (Specify)</b>
GRIEVANCE RESOLUTION	<b>Comment</b>			