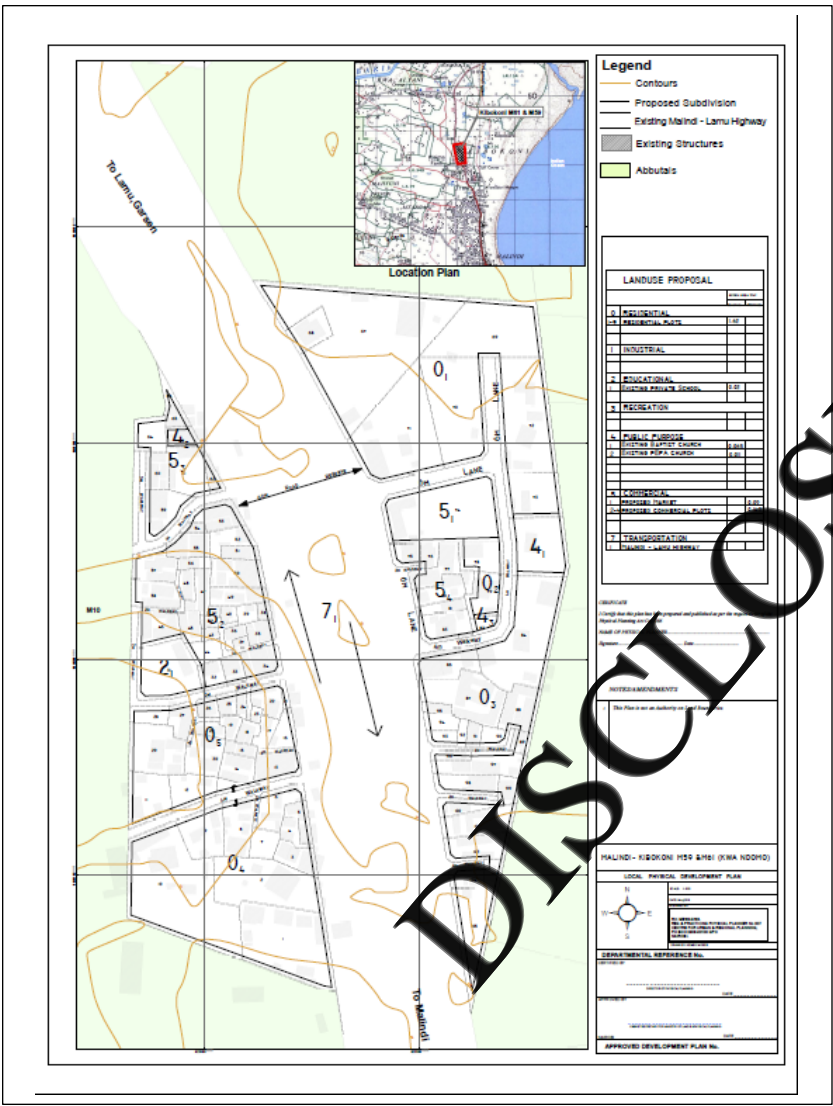




REPUBLIC OF KENYA
MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN
DEVELOPMENT
STATE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Kenya Informal Settlements Improvement Project (KISIP)
MLHUD/KISIP/CS/005B/2013-2014

TOWARDS REGULARIZATION OF TENURE SYSTEMS IN INFORMAL SETTLEMENTS
IN KILIFI COUNTY

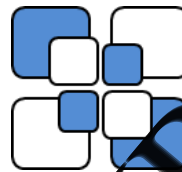


KWA NDOMO INFORMAL
SETTLEMENT ABBREVIATED
RESETTLEMENT ACTION PLAN

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CLIENT

Ministry of Transport, Infrastructure, Housing and Urban Development,
State Department of Housing and Urban Development,
Ardhi House, 1st Ngong Avenue, Off Ngong Road
P. O. Box 30119-00100, Nairobi, Kenya
Tel: +254-20-2718050
Fax: +254-20-2734886,
Email: kisipproject2@gmail.com

CONSULTANT

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



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This Abbreviated Resettlement Action Plan (ARAP) for Planning and Surveying of Kwa Ndomo Informal Settlement, Kilifi County has been prepared under **Consultancy for Replanning and Resurvey of Informal Settlements in Kilifi, Kakamega and Embu Counties Done Under Lot 1**, by Centre for Urban and Regional Planning Limited on behalf of the Kenya Informal Settlements Improvement Project (KISIP).

Report Prepared by:

Signed *Felix L. Swai*

Date *15.10.2019*

FELIX L. SWAI
RAP EXPERT

Checked by:

Full Name of Authorized Representative:

Signed *Renson K. Mb wagwa*

Date *15/10/2019*

RENSON K. MBWAGWA
PRINCIPAL CONSULTANT

CENTRE FOR URBAN AND REGIONAL PLANNING

Client

Signed *Peris Mang'ira*

Date *18/10/2019*

PERIS MANG'IRA
KISIP - COORDINATOR

STATE DEPARTMENT FOR HOUSING AND URBAN DEVELOPMENT

MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN DEVELOPMENT AND PUBLIC WORKS

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DEFINITION OF TERMS

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

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

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

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

Cut-off date normally, is the date the census begins. It could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx. Here, it is the latter. Persons entering and/or occupying land in the project area after this date and not included in the inventory of PAPs will not be considered eligible for facilitation. Similarly, fixed assets such as structures, established after the cut-off date will not be compensated/facilitated.

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

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

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

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

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

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 labor and contractor's fees; and (c) any registration costs. Therefore, for Replacement cost for houses and other structures means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures at market rates without depreciation.

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

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

Resettlement Policy Framework (RPF) is a framework document or instrument that was prepared to guide the RAP preparation process throughout the informal settlements improvement project implementation. The RPF sets out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project.

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

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

Vulnerable Groups include all those affected by the project that are below the poverty line, the elderly, women and children headed households, indigenous people, persons with severe disabilities, ethnic minorities protected by recognizable or formal land rights.

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Executive Summary

Planning, Survey and Land Titling in Kwa Ndomo Settlement

Kwa Ndomo Informal settlement occupies an area of 2.5 Ha and is located in Malindi town, Sabaki Ward, Malindi Sub-County of Kilifi County. It has a population of approximately 1500 persons; the settlement is characterized by informality ranging from tenure insecurity, lack of adequate infrastructure, poor sanitation, poor housing conditions, and poverty among others. Initially, Kwa Ndomo informal settlement underwent conventional planning and survey where proposed road way leaves led to adoption of a road hierarchy of 15m, 12m, 9m and 6m roads. The plan generated 91 plots with a total of 104 beneficiaries, comprising of 76 male beneficiaries, 27 female beneficiaries and 1 church.

However, the resultant impacts were significant, with 211 PAPs (44 Structure Owner PAPs and 167 Tenant PAPs) being affected. In line with OP 4.12 which advocates for exploration of all viable alternative project designs where feasible to minimize impacts, comprehensive consultations were undertaken with stakeholders including the community and County government. This necessitated plan amendment on approved plan for Kwa Ndomo through an adoptive planning approach¹ - with resultant new road hierarchy of 6m, 4m and 3m. This resulted in the reduction of PAPs to 14 where 10 are the structure owners and 4 tenants.

Planning and Surveying Impacts

The beneficiaries will be issued a title to their land which provides tenure security and as a result of the infrastructure way leaves provided in the approved amended LPDP; the settlement will be open to more development and increase in land values. The revised/amended plans however results in impacts on 14 Project Affected Persons. This ARAP therefore documents and mitigates the negative impacts caused by planning and survey in Kwa Ndomo settlement. It has been prepared through a participatory process involving field surveys, consultation meetings and discussions held with Project Affected Persons (PAPs), KISIP, County Government and subsequent Representatives and relevant stakeholders.

All beneficiaries were retained within parcels occupied with minimal reduction of parcel sizes to provide for accessibility. All impacts are due to road way leaves alignment in the LPDP. The number of affected structures, from re-planning is 16, where 9 are fully affected and 7 being partially affected.

Among the identified PAPs, 12 are Male and 2 Female. The vulnerable PAPs were 2 who are female household heads. There were no complete or localized displacements from the settlement as a result of adoptive planning approach. This information is summarized on the PAP diagram below:

			PAPs -14				
	Structure owners - 10					Tenants 4	
					Male -2		Female -2
Male -10							Vulnerable -2

¹ Refer to definition of terms Section

ARAP Preparation Approach and Methodology

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

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

Mitigation Measures

All persons affected by the project activities and meeting the cut-off date of 10th July 2016 will be entitled to facilitation to be given concurrent with the issuance of titles and before notice for self demolition is issued. Valuation of structures was based on full replacement cost with PAPs entitled to right to salvage materials. Other facilitations are in accordance with an entitlement matrix applicable within KISIP RPF. The budget has been redacted to preserve privacy and maintain confidentiality.

Implementation of the ARAP

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

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

In addressing grievances, this ARAP has proposed a two-tier Grievance Redress Mechanism at no cost to the PAPs. However, the third level of legal redress carries cost implications for the PAPs. The design of the GRM will enable timely resolution of grievances at settlement level as well as provide for escalation mechanisms to KISIP and Courts of Law². A grievance log will document all grievances and their status and will be used to monitor GRM progress.

An institutional framework, a conclusive implementation schedule and monitoring and evaluation mechanism will be applied in implementation of the ARAP, as documented in later sections of this ARAP. KISIP will adopt an internal Monitoring and Evaluation framework while external monitoring and ARAP completion audit will be conducted by a specialized firm. To ensure this ARAP is fully implemented, KISIP commits to:

- i. Facilitate all the affected persons according to provisions of this ARAP in a timely manner so that the time used in displacement is minimized. In addition, they will ensure all grievances raised by the PAPs are resolved timely and in a fair manner.
- ii. Issue title deeds to beneficiaries (through the Directorate of Lands (on advisory from NLC) upon compensation of PAPs.

² This is a community led process and escalation of grievances to the Courts of Law is not anticipated

- iii. Carry out required sensitization exercises aimed at enhancing women land rights, ensuring proper use of compensation funds, avoidance of gender-based violence etc. as documented in this ARAP.
- iv. Work with the relevant institutions towards timely implementation of this ARAP. Particularly, the County Government of Kilifi plays a key role in grievance redress, additional assistance to PAPs and undertaking development control to ensure all PAPs move after facilitation and thereafter maintaining the road reserves.
- v. Issue a three months' notice to PAPs to enable them salvage their assets.
- vi. Undertake Monitoring and Evaluation of this ARAP during and after implementation

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List of Abbreviations

AFD	Agency Française De Développement
ARAP	Abbreviated Resettlement Action plan
GBV	Gender Based Violence
IDA	International Development Association
KISIP	Kenya Informal Settlements Improvement Project
NLC	National Land Commission
OP	Operational Policy
PAPs	Project Affected Persons
RAP	Resettlement Action Plan
RIC	Resettlement Implementation Committee
RPF	Resettlement Policy Framework
Sida	Swedish International Development Cooperation Agency
SEC	Settlement Executive Committee
TOR	Terms of Reference
WB	World Bank

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Introduction

1.1. The Kenya Informal Settlement Improvement Project (KISIP)

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

1.2.1 Components of KISIP

KISIP is divided into four main components as illustrated below;

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

Figure 1: KISIP Components

1.2. KISIP Interventions in Kwa Ndomo Informal Settlement

Kwa Ndomo Informal Settlement has an approximate population of 1500 persons and a total area of 2.5Ha. The settlement is located on public land in Malindi town, Malindi Sub County of Kilifi County. The settlement starting off a sparsely populated area grew as a lot of subdivisions took place when the earlier inhabitants began selling off pieces of ‘their’ land.

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

Before KISIP’s intervention, no effort was put in place to plan and secure the land for the benefit of existing beneficiaries, further complicating the spatial formation (people put up developments without

a plan), provision of infrastructure and utilities including water was a challenge due to lack of adequate way leaves etc. As a result of population growth – with increased informal land sub divisions and sales, and lack of development control, Kwa Ndomo sprawled into an informal settlement.

KISIP’s intervention in the settlement under Component 2 therefore focuses on planning and surveying, as a prerequisite for tenure regularization, provision of adequate access and achieving a well-planned settlement. As a result, a total number 91 plots were surveyed and issuance of Title Deeds by the Ministry of Lands and Physical Planning will commence upon implementation of this ARAP. This (planning and surveying) process however occasioned impacts on 14 Project Affected Persons, due to road way leaves alignment.

1.3 Purpose and Objective of Abbreviated Resettlement Action Plan

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

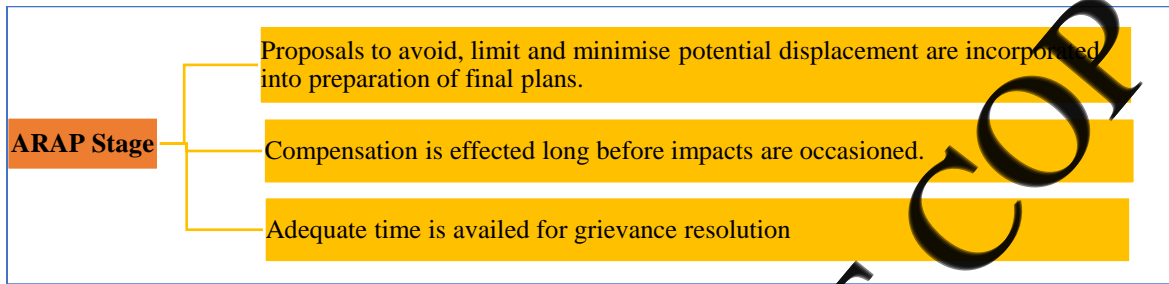


Figure 2: Rationale for Developing ARAP

In specific, the aim was to develop an ARAP for Kwa Ndomo including to:

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

The Scope of this ARAP is impacts as a result of roadway leaves alignment as per the amended plan for Kwa Ndomo Local Physical Development Plan (LPDP) and which impacts on 14 PAPs (10 structure owner PAPs and 4 Tenants). There is no complete or localized displacement from the settlement. Rather, as a result of in-situ planning and the application of adoptive planning standards, all beneficiaries were retained within the parcels they occupy, and with minimal reduction of parcel sizes to provide for accessibility.

Land Titling and Tenure Regularization in Kwa Ndomo Informal Settlement

2.1 Introduction to Land Titling

KISIP began its intervention in Kwa Ndomo informal settlement on 8th May 2017. The project focuses on planning and surveying, which will culminate in tenure regularization. This process of tenure regularization and land titling, undertaken in close collaboration with the local community and its established local leadership structure called the Settlement Executive Committee (SEC) is illustrated in the table below, and aimed at addressing:

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

Table 1: Tenure Regularization and Land Titling Process

Stage	Activities	Primary Actor	Secondary Actor	Indicators	Timelines
Mobilization Stage	<ul style="list-style-type: none"> • Community Mobilization • Introduction of KISIP activities in Kwa Ndomo Settlement • Outlining the objective of Planning and Survey which will lead to issuance of title deeds. • Establishment of the SEC, meeting the 2/3 gender rule. • Notice of Intention to Plan prepared and published in the leading local daily newspapers 	<ul style="list-style-type: none"> • SEC • KISIP • Consultant working under KISIP 	County Government	<ul style="list-style-type: none"> • Equal representation in SEC composition • Community welcomed the project as they have been waiting on title deed for a long time. • Community committed to embrace and support the project until completion 	Undertaken March – June 2013
Planning Stage					
Base Map and physical Plan Preparation	<ul style="list-style-type: none"> • Transect walks to identify settlement boundary and plots guided by SEC. 91 plots identified. • Existing Plot Boundaries form basis for planning and surveying • 100 % Socioeconomic survey of Beneficiaries 	<ul style="list-style-type: none"> • Community • SEC • Consultant working under KISIP 	<ul style="list-style-type: none"> • KISIP • County Government of Kilifi (CGK) 	<ul style="list-style-type: none"> • Base map of Kwa Ndomo • Every Beneficiary is enumerated and bio data available. Tentative list of beneficiaries available. • Participation of SEC ensured that only members of Kwa Ndomo are the Beneficiaries • Beneficiary list representative of women beneficiaries. 	Undertaken June 2013
Visioning and Plan preparation	<ul style="list-style-type: none"> • A community led visioning process • Community involved in preparation of plan that best represents their interests including a 	<ul style="list-style-type: none"> • Community • SEC • Consultant working under KISIP 	<ul style="list-style-type: none"> • KISIP • CGK 	<ul style="list-style-type: none"> • Active Women participation in every planning stakeholder meeting. • Community gave their vision and desired plan proposals 	Undertaken July 2013

	well-planned settlement with provision of wayleaves for utility services in a good environment.				
Plan Approval Validation of Beneficiary List	<ul style="list-style-type: none"> • A community led validation of plan process ensured community vision is represented • Community led validation of list of beneficiaries. • Community endorsed and approved Plan • Plan approved by county and Director of Physical planning • Every beneficiary allowed scrutinizing the beneficiary list to ensure correct details have been input. • Women encouraged to participate. 	<ul style="list-style-type: none"> • Community • SEC • Consultant working under KISIP 	<ul style="list-style-type: none"> • KISIP • CGK 	<ul style="list-style-type: none"> • Community approval of plan with a road way leave hierarchy of 15m, 12m, 9m and 6m. • County and Director of Physical Planning approval of Plan step towards tenure regularization and issuance of titles. • Approved Plan majorly uses conventional planning standards, with road wayleave widths of 15m, 12m, 9m, and 6m. • Women ensure correct details are in the beneficiary list and sign against the details. 	Undertaken July 2013
Surveying stage					
Surveying and beaconing of plots	<ul style="list-style-type: none"> • Physical Survey of Plots • Women asked to be present during exercise – for effective involvement and shown boundaries of new plot where beacons have been placed. • Identification of project impacts 	<ul style="list-style-type: none"> • Community • SEC • Consultant working under KISIP 	<ul style="list-style-type: none"> • KISIP • CGK 	<ul style="list-style-type: none"> • Women aware of plot boundaries. • Impacts on 211PAPs documented 	Undertaken October 2013
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.	Submitted but approval process halted The process was halted because the plans had generated high displacement impacts. This required for amendment of RIM after re-planning process.
Development of RAPs on Approved Plans					

Preparation of RAP	<ul style="list-style-type: none"> Impacts as a result of planning and survey are identified, documented and mitigated 	<ul style="list-style-type: none"> Community SEC Consultant working under KISIP 	<ul style="list-style-type: none"> KISIP CGK 	<ul style="list-style-type: none"> 211 PAPs identified. Entitlements are given to mitigate impacts 	Undertaken 8 th May 2017- 11 th July 2017
RAP Review	<ul style="list-style-type: none"> Commitment to implementation of RAP. All safeguards provisions are met and addressed 	KISIP	RAP Review	Plan found to have high displacement and high number of PAPs and consequent facilitation budget was high . Therefore, implementation halted and alternatives to reduce impacts and disruption sought.	Undertaken June 2018 – January 2019
Re-planning and Resurvey					
Introduction Phase	<ul style="list-style-type: none"> Introduction meeting with National KISIP 	<ul style="list-style-type: none"> National KISIP Consultant working under KISIP 	MoL&PP	Justification for Re-Planning and Re-Surveying presented	Undertaken 29 th March 2019
	<ul style="list-style-type: none"> Sensitization of the County Government, SEC and Community on Re-planning and Resurveying of Kwa Ndomo informal settlement 	<ul style="list-style-type: none"> County Government SEC Community Consultant working under KISIP 	<ul style="list-style-type: none"> National KISIP 	<ul style="list-style-type: none"> Support and concurrence to Re-plan the settlement sought from the County Government and the Community 	Undertaken 26 th -27 th April 2019
Plan Presentation & validation	Plan Presentation & Adoption	<ul style="list-style-type: none"> National KISIP County Government Consultant working under KISIP 		Plan adopted by the County Government	Undertaken 11 th June 2019
		<ul style="list-style-type: none"> County Government Consultant working under KISIP SEC Community 	<ul style="list-style-type: none"> National KISIP 	Plan adopted by the community	Undertaken 11 th June 2019
	PAPS Sensitization	<ul style="list-style-type: none"> PAPs County Government 	<ul style="list-style-type: none"> KISIP 	PAPs Identified & sensitized	Undertaken 12 th June 2019

2.2 Plan Amendment in Kwa Ndomo Informal Settlement

Kwa Ndomo Informal Settlement underwent planning and survey which largely adopted conventional/standard road way widths of 15m, 12m, 9m and 6m (i.e. process largely discussed in Table 1 above). However, the impacts of this planning approach within a densely populated settlement resulted into 211 PAPs and 44 affected structures. To minimize these impacts, and in line with OP 4.12, which advocates for exploration of all viable alternative project designs where feasible to reduce impact, comprehensive consultations were undertaken with stakeholders including the community and the County government (refer to minutes in Annex B). This resulted in plan amendment through in situ planning

and use of adoptive planning standards³- with resultant new roadway leaves hierarchy of 6m, 4m and 3m, a process summarized below:

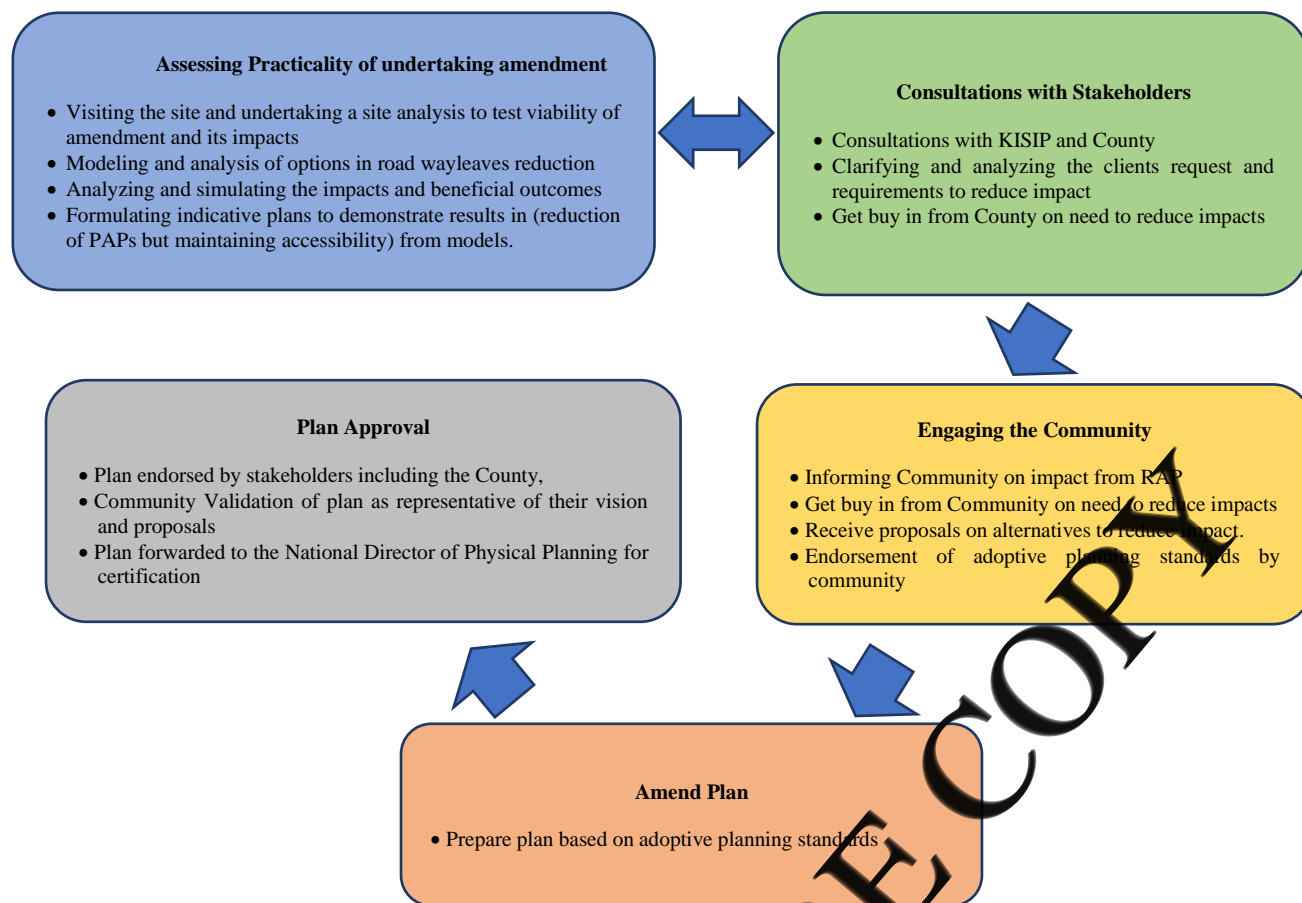


Figure 3: Plan Amendment Process

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

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

Description	Conventional Planning Standards	Adoptive planning standards
Total PAPs	211	14
Structure owners PAPs	44	10
Tenants	167	4
Total structures	44	16

³ Adoptive planning standards and in-situ planning utilizes the available space to the maximum extent possible with minimal isolation or altering of the original condition of the settlement/place. The aim is to improve accessibility and promote improvement of existing settlement over slum clearance and with minimal displacement impacts, thus considering/uses minimum planning standards.

2.3. Revised LPDP and its outcomes

The revised plan was adopted by the County Government and community on 11th June 2019, as an amendment to Approved plan No.164 for Kwa Ndomo and was forwarded to the National Director of Physical Planning, for certification. The summary on the table below shows the breakdown of the beneficiaries.

Table 3 – Plot and Beneficiary breakdown

	Number of Plots	Female	Male	Total beneficiaries
Institution–church	1			1
Individuals	90	27	76	103
Total Number of Plots	91		Total Number of Beneficiaries	104
TOTALS			Total Male	76
			Total Female	27

2.4. Next steps

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

Table 4: Ongoing and Pending steps towards Land Titling

Stage	Activities	Primary Actor	Secondary Actor	Indicators	Status
Surveying					
Surveying and beaconing of plots	<ul style="list-style-type: none"> Physical Survey of Plots in line with amended plan. Women asked to be present during exercise and shown boundaries of new plot where beacons have been placed. Identification of project impacts 	<ul style="list-style-type: none"> Community SEC Consultant working under KISIP 	<ul style="list-style-type: none"> KISIP CGK 	<ul style="list-style-type: none"> Revised survey plan prepared. Beneficiaries signed beacon certificates. Women aware of plot boundaries. Impacts documented. 14 PAPs identified. 	Undertaken
Approval of Amended Survey Plan	Amended Survey approval and adjustment of Registry Index Map(RIM) to include surveyed plots numbers	Survey of Kenya	KISIP	New RIM forwarded to Ministry of Land for Titling process.	Ongoing
ARAP Review and Updating					
ARAP Preparation and approval	<ul style="list-style-type: none"> Impacts as a result of planning and survey are identified, documented and mitigated. Commitment to implementation of ARAP. All safeguards provisions are met and addressed 	<ul style="list-style-type: none"> Community SEC Consultant working under KISIP 	<ul style="list-style-type: none"> KISIP CGK 	<ul style="list-style-type: none"> Entitlements are given to mitigate impacts Approved ARAP to guide implementation process. 	Ongoing
ARAP implementation	Implementing ARAP activities as per implementation schedule	<ul style="list-style-type: none"> KISIP Community County 	Consultant working under KISIP	<ul style="list-style-type: none"> Facilitation of PAPs Grievance redress Issuance of Title Deeds (undertaken concurrent with facilitation) 	Not yet undertaken

Land Titling					
Sensitization on Title ownership	Registrar of Titles Sensitizes Beneficiaries and their spouses on <ul style="list-style-type: none"> • Joint Ownership of titles • Types of registrations • Benefits of Titles • Conditions to be granted on leasehold Titles • Law requirements in Regulation of land transactions 	<ul style="list-style-type: none"> • Registrar of Titles • Community • SEC • KISIP 	<ul style="list-style-type: none"> • CGK • Consultant working under KISIP 	<ul style="list-style-type: none"> • More women aware on Joint Titling • Men allow for joint titling with spouses. • Beneficiaries aware of Benefits of the title being issued. • Beneficiary grievances adequately addressed. 	Ongoing
Change of beneficiary List	Beneficiary list open for final change of names to appear in the title	<ul style="list-style-type: none"> • Community • SEC • Consultant working under KISIP • KISIP 	CGK	<ul style="list-style-type: none"> • Increased number of Joint Title between spouses • Beneficiaries on the final beneficiary list forwarded to the Ministry of Lands for Title printing. 	On Going
Titles Printing and Signing	The final beneficiary list is the basis of printing of Titles	Ministry of Lands- Chief Land Registrar	NA	Signed Titles are handed over to National Land Commission for Approval.	Not yet undertaken
Gazettement	The NLC approves transfer of Public land to individual beneficiaries in Kwa Ndomo	National Land Commission	NA	The names of beneficiaries are officially published in the Kenya Gazette as individual title holders securing tenure	Not yet undertaken
Issuance of Title	Upon facilitation of all PAPs, Titles are issued to respective beneficiaries in a public event.	NLC KISIP	CGK	Beneficiaries finally have individual titles to their land. Tenure regularization is complete	Not yet undertaken

2.4.1. Continuous Community Sensitization on Title Registration

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

Table 5: Types of Title registration and gender sensitization

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

	<p>Tenancy in common shares</p> <ul style="list-style-type: none"> • Husband and wife own the land in shares. • Common in cases where there are more than one wife and/or children are involved. 	<ul style="list-style-type: none"> • Each party decides what to do with his/her shares since they own only a stipulated share of land. • The title can only accommodate 5 entries of names • In case of more than 5 owners, additional parties to the land are required to nominate one to hold their shares in trust of the others • This is explored especially if children are involved
Sectional Title	<p>This applies to ownership of Assets like high-rise buildings/apartments</p>	<ul style="list-style-type: none"> • In case a beneficiary builds an asset and decides to share among children/Wives, each floor is entitled to a sectional title. This sectional title can be further subjected to Joint co-ownership among children
<p>Conditions to be granted on Leasehold Titles: Majority of KISIP related informal settlements are located in towns/municipalities where lease hold titles as opposed to free hold titles are issued in line with the law.</p>		
<p>Law requirements in Regulation of land:</p> <ul style="list-style-type: none"> • Regulation of Land transactions: The Land Control Board and functions and roles it plays in safeguarding women land rights e.g. requirement for spousal consent in land sales. • Regulation of transfers/succession when a beneficiary dies, children transfer etc. • Change of beneficiary where applicable to include joint ownership by spouses. 		
<p>Gender inclusivity: Gender empowerment sensitization exercises to build the capacity of women in the settlement to safeguard their Land rights including:</p> <ul style="list-style-type: none"> • The role of the Land Control Board as a key avenue to safeguard women rights to owning land • Succession and land transfers in the case of spousal death. 		

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Policy and Legal Framework

3.1. Introduction

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

3.2. Relevant Policy and Legal Framework, and Standards⁴

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

⁴ Details of all national laws here can be found at kenyalaw.org

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

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

This ARAP has been prepared in conformity with the policy and legal provisions of the Government of Kenya and the World Bank. A comparison is highlighted in the table below. However, where they conflict, the World Bank Policy OP.4.12 prevails.

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

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

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

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Methodological Approach to Preparation of ARAP

4.1. Approach to Resettlement Action Plan Development.

4.1.1. Review of relevant documents

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

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

4.2. Census of PAPs

A 100% census and survey of affected persons was initially conducted in the month of May 2017 and the census updated after resurvey (following plan amendment) in May 2019⁵. Its main purpose was to enumerate and collect baseline socioeconomic information which will then help in assessing PAPs facilitation, and for monitoring and evaluation purposes. A questionnaire was used to collect information on demography, access to social services, economic activities etc.

⁵Socio economic survey was not repeated after plan amendment but database cleaned up to reflect current PAPs only.

4.2.1. Conceptual Framework on Methodological Approach

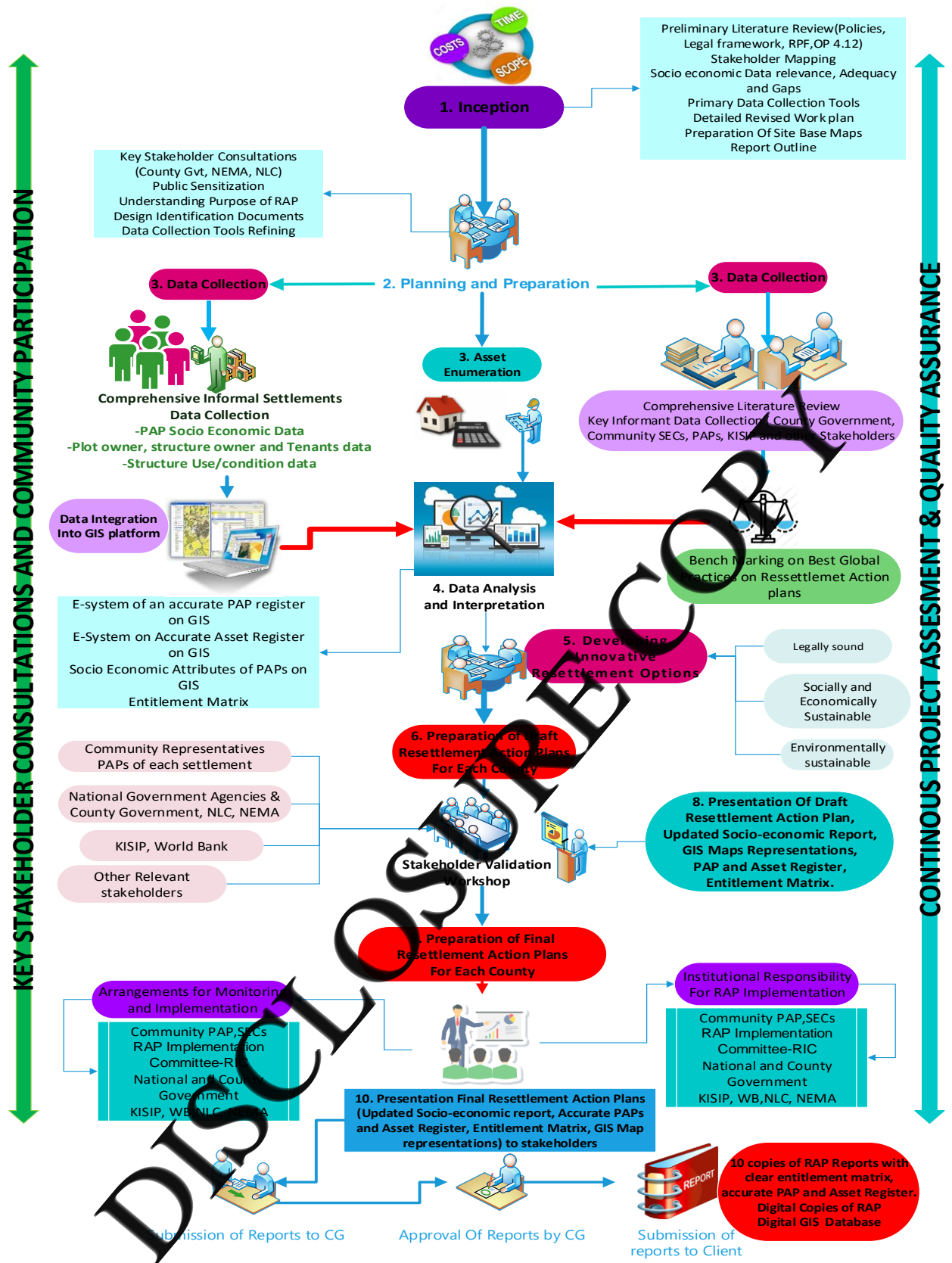


Figure 4: Conceptual Framework on Methodological

4.3. PAPs Socio Economic Survey and Valuation⁶

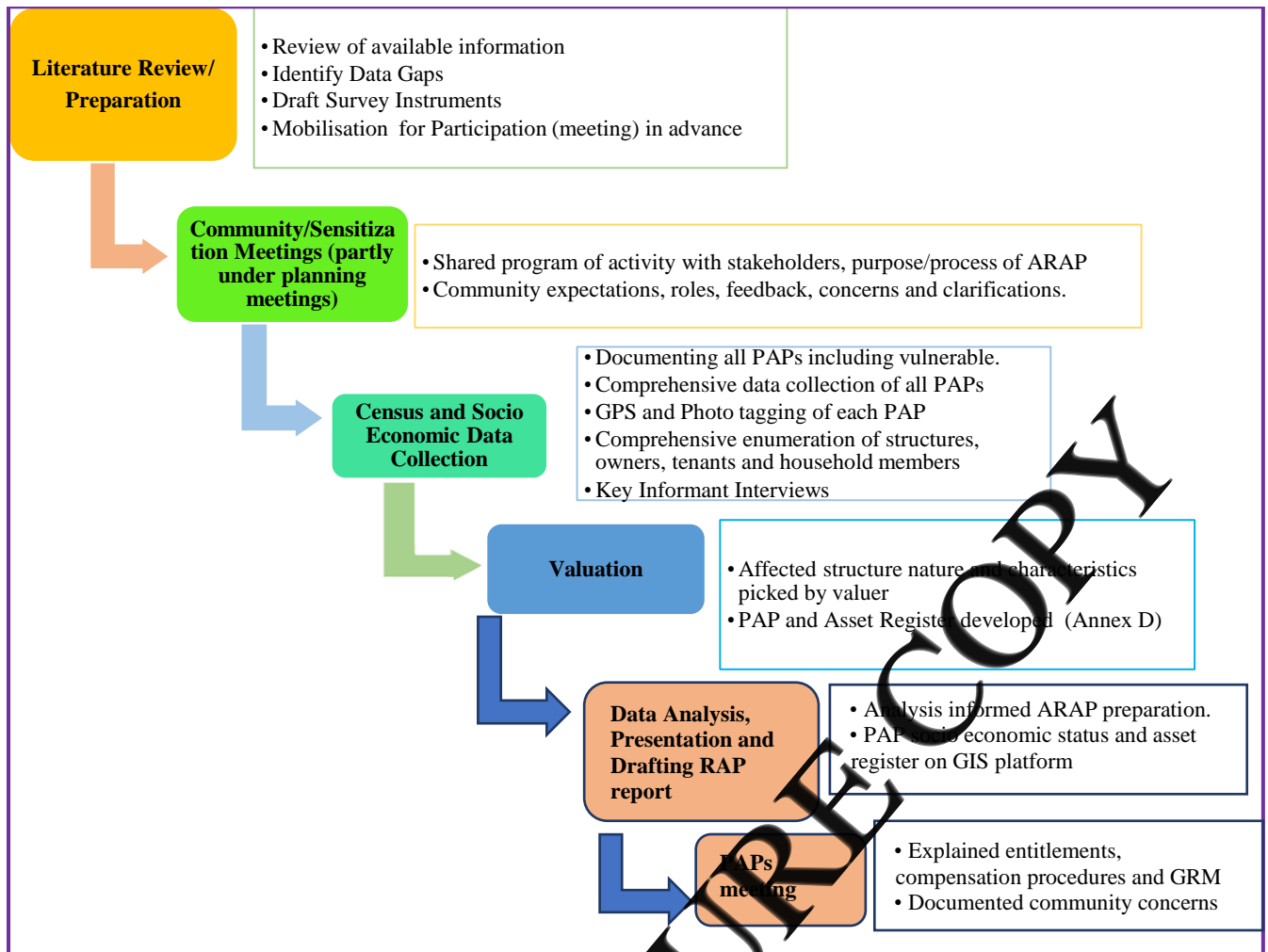


Figure 5: Socio-Economic Survey and Valuation Process

4.4. Cut-Off Date

According to OP 4.12, cut-off date is the date the census of PAPs begins. This could also be the date the project area is delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx. The cut-off date, here defined as the latter, was set as 10th July 2016 (date of validation of the initial plan) and communicated to the PAPs during a stakeholder consultation meeting on the same day, and constantly reminded during subsequent meetings. Any developments after the cut-off date are not eligible for facilitation.

⁶ Process has been iterative due to plan amendment

Public Consultation and Participation

5.1. Introduction

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

5.2. Objectives and Process of Public and Stakeholders Consultation

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

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

5.3. Stakeholders Consulted

Different stakeholders who have direct or indirect responsibility, and stake in the project were consulted. The primary stakeholders that have major role to play and consulted included the Project Affected Persons while secondary stakeholders included KISIP County officials. In regards to the settlement, consultations with stakeholders were held in four phases; during conventional planning, initial RAP (2 PAP meetings), plan amendment (3 meetings) and RAP update (1 PAP meeting).

Table 6: Summary of Stakeholder Meetings

Meeting	Date	Participants	Gender		Key Issues
			Male	Female	
Conventional Planning Consultations – on RAP					
Introductory meeting at the KISIP National	3 rd May 2017	<ul style="list-style-type: none"> • National KISIP representatives • Consultant working under KISIP 	7	9	<ul style="list-style-type: none"> • To introduce the Consultants to the project- development of RAPs for newly planned settlements • To identify and agree on respective roles of National KISIP Team in the project
Introductory meeting at the County Government	16 th May 2017	<ul style="list-style-type: none"> • National KISIP representatives • CGK • Consultant working under KISIP 	ND	ND	<ul style="list-style-type: none"> • To introduce the Consultants to the County Government • To identify and agree on respective roles of County KISIP Team in the project
Initial SEC sensitization meeting	16 th May 2017	<ul style="list-style-type: none"> • CGK • Consultant working under KISIP • SEC 	ND	ND	<ul style="list-style-type: none"> • Shared understanding on the scope of project works • Consensus on the total number of the settlement, realized from initial planning

Community and PAs Sensitization meeting	11 th July 2017	<ul style="list-style-type: none"> • KISIP National • CGK • Consultant working under KISIP • Community 			ND	To sensitize community on RAP process
Plan Amendment						
Replanning of the informal settlements in Kilifi County	26 th April 2019	<ul style="list-style-type: none"> • CGK/County KISIP representatives • KISIP National representatives • Consultant working under KISIP 	8	1		<ul style="list-style-type: none"> • Plan amendment so as to minimize displacements in Kilifi settlements. • County approval of need for Plan amendment
Plan Amendment meeting	27 th April 2019	<ul style="list-style-type: none"> • CGK/County KISIP representatives • KISIP National representatives • Consultant working under KISIP • SEC • Community and SEC Members 	36	15		<ul style="list-style-type: none"> • Logic and Justification for plan amendment. • Community suggestions on plan amendment. • Discussing plan amendment through adoptive planning by applying minimum planning standards. • Recap of cut-off date of 10th July 2016 • Discussed issues touching on PAs including verification of PAs mitigation measures, facilitation and Grievance redress.
Plan Adoption meeting	11 th June 2019	<ul style="list-style-type: none"> • CGK/County KISIP • KISIP National representatives • Consultant working under KISIP • SEC • Community Members 	37	18		<ul style="list-style-type: none"> • Plan adoption by the stakeholders • Re-cap of cut-off date as 10th July 2016
ARAP Update						
PAs meeting	12 th June 2019	<ul style="list-style-type: none"> • CGK/County KISIP • KISIP National representatives • Consultant working under KISIP • SEC, GRC • PAs 	26	9		Sensitizing the PAs on the ARAP and project impacts

5.4. Summary (ARAP) Issues from Consultations

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

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

Issue Raised	Response
That there are still inter-boundary cases experienced in the settlement	Such cases will be resolved once the RAP process is completed. KISIP will greatly be involved in the Inter-boundary and realignment of plots.
There are problems with the beaconing of the subplots in the settlement, how can that be resolved?	The surveyor is with the team so as to resolve.
The community should be involved in provision of labour for the exercise and Infrastructure upgrade	The Consultant working under KISIP will consider using the community labour where possible but for now it more technical and it require prior training.
Notice time, can we be given time to resettle	There will be enough time to enable resettlement after facilitation. (3 months)

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

Table 7: Concerns Raised and Responses Given

<u>Issues raised</u>	<u>Response</u>
Concerns of how structures earmarked by Kenya Urban Roads Authority (KURA) could be incorporated into the project	KISIP team through Head Component II reiterated that KURA have their own compensation approach – hence such will be facilitated during implementation of these roads, by implementing agency
Sensitization on beacons as many were misinterpreting them	The consultant working under KISIP team confirmed that they will bring back surveyor on ground to verify and continuous sensitization will be done
Whether affected structures will be valued	Consultant working under KISIP team, confirmed that a valuation report of the PAPs will be done by a registered Valuer of all affected assets and livelihoods
One of the PAPs sought to know how way leaves will be maintained	The KISIP team confirmed that these will run along road reserves, following zoning provided – incremental approach to repossess/acquire reserve

Project Impacts

6.1 Introduction

Planning and surveying of the Kwa Ndomo Informal settlement will lead to both positive and negative impacts.

6.2 Project Benefits (Positive impacts)

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

Table 8: Positive impacts

Tenure security	This is the main benefit derived from this project. Secure land tenure is key in improving the standard of living through long term investment in land within the settlement. Tenure security will transform the previous unrecognized land rights to formal and legal land rights
Improved investments on land and impact on Poverty	Ensuring security of tenure increases access to credit to improve/develop land, setting up of business activities, among others. Economic potential includes increased value on land thus attracting more investments in high density residential areas, possibly rental income, increased commerce due to population growth as well as employment opportunities during the property boom period within the settlement.
Impact on Gender and Inequality	The planning and survey processes are expected to enhance women's land rights and their empowerment. The total number of female beneficiaries being 27, this is expected to act as a vital pillar for socio economic improvement in the area contributing to growth and livelihood improvement for both women and men.
Impact on Infrastructure	The improvement of the road way leaves will enhance additional investments by various actors. This will be achieved through provision of space for laying drainage, water piping, expanded roads etc

6.3 Potential Negative Impacts

Though the improvement of the informal settlement will have far reaching positive impacts, it also causes negative impacts. 14 Project Affected Persons (PAPs) are affected, which includes 10 structure owners PAPs and 4 Tenant PAPs. The Vulnerable group comprises of 2 female headed households. Further breakdown is given in the PAP diagram below.

				PAPs -14			
	Structure owners 10					Tenants 4	
					Male -2		Female -2

Male -10		Female-0						Vulnerable -2
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Figure 6: Summary of PAP Diagram

6.3.1 Reduced Parcel Sizes

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

6.3.1 Impacts on Structures

The impact on structures is attributed to road way leaves alignment in the Amended Local Physical Development Plan. In total, 16 Structures will be affected:

- Fully Affected – These are 9, where the whole structure will need to be replaced after full facilitation.
- Partially affected - These are 7 in number as shown in the table below. It therefore means that the residual part of the structure will still be viable for use and would require repair for occupation to occur.

Table 9: Types of structures affected⁷

Type of Structure	Partially	Fully	Number
Main residential House	6	0	6
Latrine/ablution	0	4	4
Septic tank	0		3
Cooking structure	0	2	2
Foundation	1	0	1
Total	7	9	16

6.3.2 Loss of Shelter

Due to the impact a total of 4 residential tenants will lose shelter, and will be forced to find alternative space/accommodation temporarily (as owners repair the affected structures), or permanently due to total loss of the affected structures.

6.3.3 Impact on Livelihoods

Planning and surveying will lead to impact on livelihood sources for 2 Structure owner PAP's who derives rent revenue from tenants.

⁷ Refer to Asset Register

6.3.4 Increased Vulnerability

2 female headed households were identified as vulnerable. If proper mitigation measures both for structure owners and tenants are not undertaken, the impact occasioned by the project may exacerbate their vulnerability.

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6.4 Summary of Losses

The losses experienced are summarized in table below.

Table 10: Summary of losses experienced in Kwa Ndomo informal settlement

Type of PAP	Structure/Asset Loss	Livelihood	Vulnerable
Structure owner PAPs	10	2	0
Tenants	4	0	2
Total	14	2	2

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

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Socio-Economic Baseline

7.1. Introduction

Socio-economic survey for Project Affected Persons is an important component in the planning for facilitation of the affected persons. Its main objective is to know the social structure and distribution for purposes of planning the attendant facilitation and for monitoring and evaluation purposes. The data required for this purpose was generated through a 100% census and survey of all the 14 PAPs.

7.2. Demographics of the PAPs

7.2.1. Gender representation

The gender representation of PAPs in the settlement is 12 for male and 2 females, making up 86% and 14% respectively.

Table 11 Gender of PAPS

Type of PAPs	Male	Female	Total
Structure Owners PAPs	10	0	10
Tenants PAPs	2	2	4
Total Number of PAPs	12	2	14

7.2.2. Marital status

The number of married PAPs stands at 71%, while the remaining are single PAPs representing 29%, majority being tenants.

7.2.3. Education level

According to the field survey, 51% of the PAPs respondents attained primary education while 30% attained secondary education and only 8% to the university and college level. This indicates a low transition rate from secondary to tertiary level due to elevated poverty rates. Adult education lies at 11%.

7.2.4. Age distribution

Of the 14 PAPs, age group of 20 to 35 years accounted for 31% while 35-50 years 55% and the remaining 50-65 Years of age constituted 14% of the PAPs. The average household size is 3.

7.2.5. Vulnerability PAPS

The vulnerable PAPS consist of 2 females who are household heads.

7.3. PAPS income and place of work

According to the field survey, 31% of the PAPS are unemployed as opposed to 69% who are employed. All the PAPS work within the country. Those within the settlement are involved in businesses like saloons, carpentry, green groceries and kiosks. The average monthly income for the PAPS within the settlement is 3200 KES with majority falling between 1000-5000 KES per month.

7.4. Water Supply

The settlement is characterized by inadequate water supply. According to the field findings, 87% of the PAPS within the settlement face difficulties in accessing water as opposed to 13% who have access to piped water. Majority depends on rain water during rainy seasons or buys from water vendors.

7.5. Energy Supply

The main sources of energy for the PAPs include electricity, charcoal and kerosene. At least 63% of the PAPs have access to electricity supply while 37% of the PAPs are yet to be connected. The main use of electricity is lighting. The average monthly cost of electricity is KES 500.

7.6. Health and sanitation

Due to low-income levels in the settlement, PAPs hugely access health services from the public hospital i.e. Malindi Sub County Hospital (4 Km) not far from the settlement. However, there is a private clinic in the vicinity of the settlement, Kwa Ndomo medical clinic where a few of the PAPs go to.

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

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Mitigation of Impacts

8.1 Introduction

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

8.2 Eligibility for Compensation and Resettlement Assistance

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

Table 12: Eligibility Criteria for Facilitation

PAP Classification	Eligible for		
	Facilitation	No Facilitation	Rehabilitation/Resettlement Assistance
Those with no legally recognized right to land but settled before cut-off date.	Assets at replacement cost	For land	Assistance in line with provisions of this ARAP
Those who settle or undertake any business development after Cut-off-date	NA	NA	None

8.3 Compensation Assistance Guiding Principles

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

- Compensation shall be paid prior to any impact on affected assets;
- Compensation shall be extended to all PAPs irrespective of tenure status as explained above in section 8.2.;
- Compensation will be at replacement cost meaning that replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs.
- Compensation for structures shall include the full cost of materials and labor required for reconstructing a building of similar surface and standing. In other words, the affected person must be able to have their structure rebuilt in a different location using the compensation paid for the old building. Depreciation will not be taken into account while calculating the cost of affected structures. In case of physical displacement and depending on tenure category, PAPs will be provided transition assistance such as shifting allowances.
- Consultation with PAPs on facilitation, disclosure of resettlement information to PAPs, and participation of PAPs in planning and implementing the ARAP will be ensured;

8.4 Entitlement Matrix

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

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

8.4.1 Entitlements

Pursuant to the impacts anticipated as highlighted above, cash compensation has been calculated in Kenyan currency, and adjusted for inflation annually.

Table 13: Structure Characteristics and Valuation Considerations

Structure Characteristics	Consultant's Consideration	Valuation	Approximate percentage in the settlement
Less than 20 % of Structure affected where foundation remains intact after demolition and does not alter formation of the structure	Part valuation of the affected area for replacement Cost done at current Market rates*		44% of structures
More than 20% of structure affected, foundation will not remain intact after demolition, formation of structure to be altered upon demolition	Full Valuation for replacement Cost done at current Market rates for the whole structure		56% of the structures

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

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

Table 14: Entitlement Matrix

No.	Type of Loss	PAP Category	Entitlements
Loss of structures			
1.	Partial loss but residual viable	Squatter	<ul style="list-style-type: none"> • Cash compensation at replacement cost without depreciation. • For structures affected less than 20% with foundation intact, repair costs will apply as per the part valuation established. • Right to salvage material
2.	Fully affected/part affected and remaining structure is non-viable	(a) Tenant/ Lease Holder	<ul style="list-style-type: none"> • Housing allowance for two-month equivalent rental value • A onetime shifting allowance of ksh 5000 • Right to salvage materials • Alternative accommodation for a vulnerable household, where possible
		(b) Squatter	<ul style="list-style-type: none"> • Cash compensation at replacement cost of the affected unit based on Scheduled of Rates without depreciation • Right to salvage materials. • Vulnerable households will be offered 3 months housing rental allowance • Right to salvage materials
Loss of Income			
2.	Loss of rental income		Subsistence allowance equivalent to 2 months rental income
Support to vulnerable groups			
4.			<ul style="list-style-type: none"> ▪ Additional cash support of Ksh 2000/month for the first two months

		Vulnerable PAPs	▪ Support in alleviating the respective vulnerability including priority in disbursement of facilitation funds, assistance by the SEC to move assets.
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Grievance Redress Mechanism

9.1. Need for Grievances Redress

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

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

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

9.2. Grievance Redress Mechanism

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

Table 15 – GRM composition and Membership

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

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

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

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

9.3. GRC Process Procedures and Timelines for Lodging Complaints

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

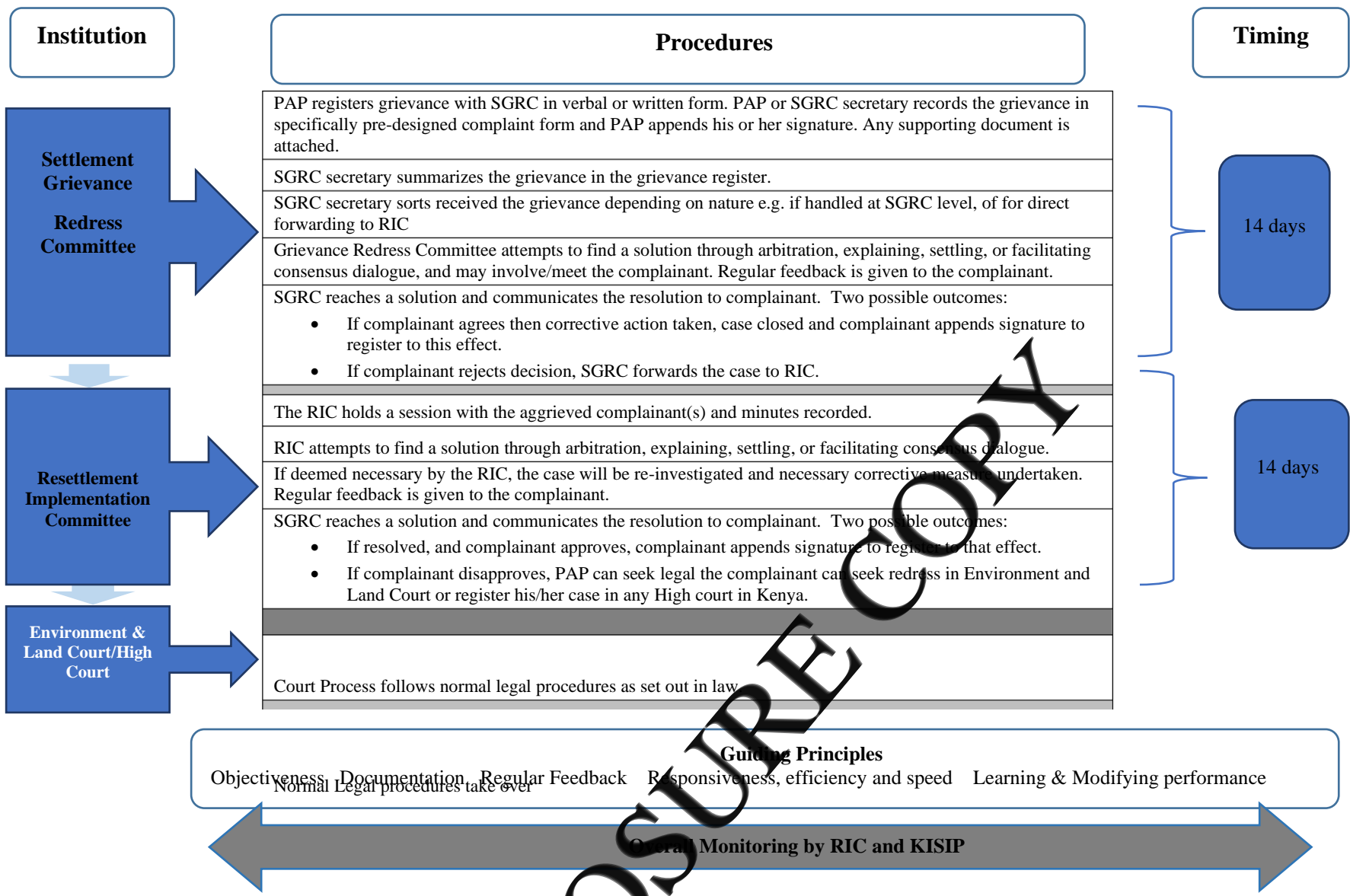


Figure 7: GRM process

Institutions, Implementation Arrangements and Disclosure of ARAP

10.1. ARAP Implementation Procedures and Process

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

1. Validation

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

2. Disclosure Process for the ARAP

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

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

3. Capacity Building

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

4. Sensitization

This will cover a number of issues including joint accounts for spouses, on titles registration, appropriate use of compensation funds and avoidance of gender-based violence related to compensation funds and titling etc. Figure 5 below summarizes the sensitization and information to be shared. Overall, KISIP through the PCT will ensure coordination with the various stakeholders in ensuring the right type of information is given, and in a timely basis.

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

5. Notice for Self-Demolition

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

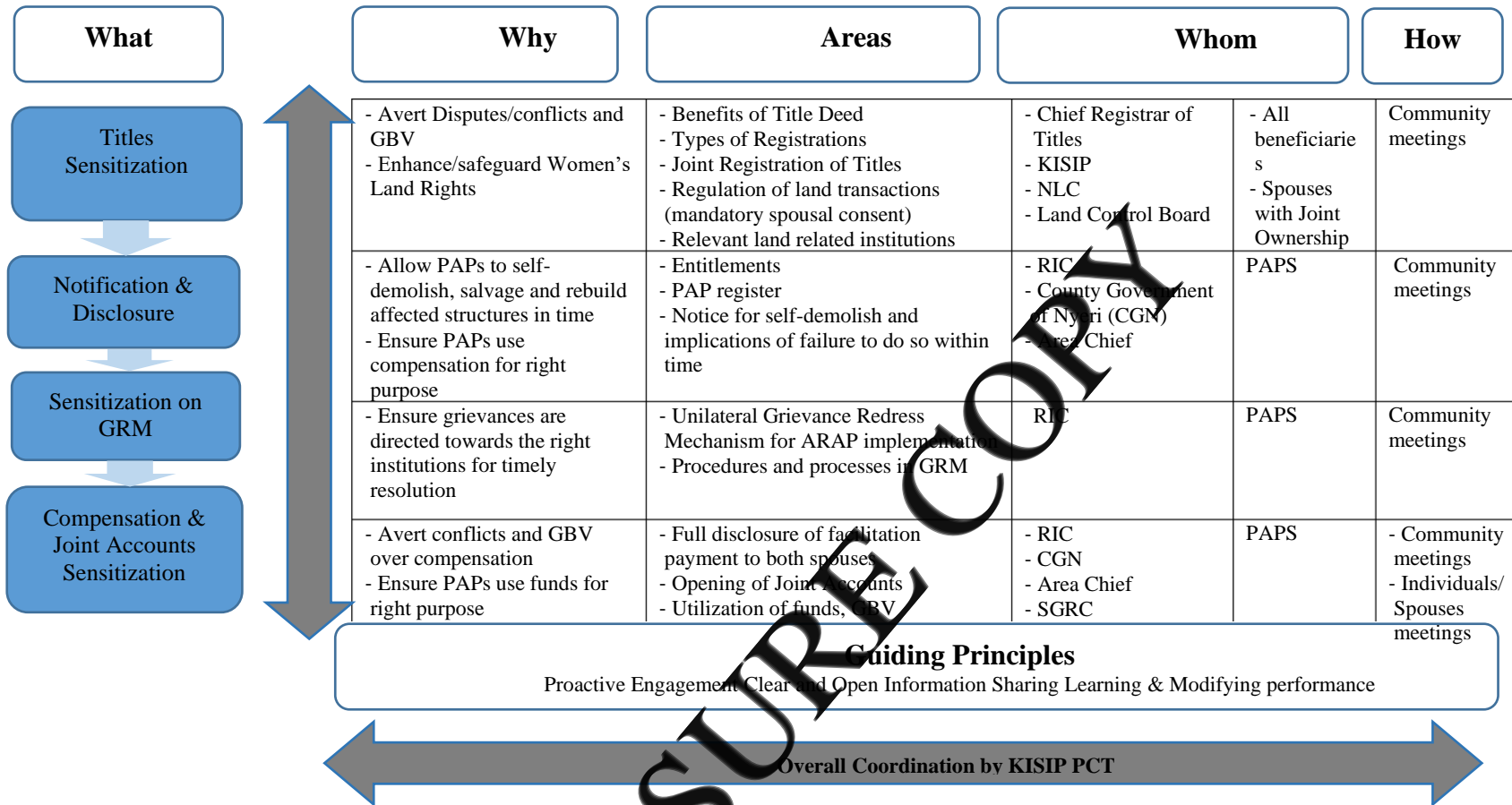


Figure 8: ARAP Information sharing and Sensitization Strategy

10.2. Implementing Institutions and Organizations framework

The Table below summarizes the main roles by various institutions mandated by law and under this ARAP for the successful implementation of the project. KISIP is the primary implementing actor for this ARAP and will ensure this ARAP is implemented within a period of not more than 90 days upon approval from the World Bank. During implementation, KISIP will ensure all PAPs are adequately facilitated according to the provisions of this ARAP concurrent with issuance of Title Deeds to all beneficiaries (including the PAPs). For implementation purposes, KISIP has a Project Coordinating Team (PCT) at the National Level and which consists of a Project Coordinator, Head of the 2 components outlined in Chapter 1 (and staff related to each component), Social Safeguards Team,⁸KISIP Finance and Procurement Office – a structure which are also replicated at the County Level.

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

Table 16: Implementing organizations and Roles

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

⁸ Comprising of a Community Development Officer (who also doubles as the main person in charge of GRM), a Social Safeguards Expert who also doubles as the coordinator for the team, an M&E officer, and a valuer. Where required the team is enjoined by other staff seconded from the relevant state department, for instance valuers, and from Component 2.

KISIP Project Coordination Team	<ul style="list-style-type: none"> • Overall project coordination • Overall responsibility of ARAP implementation • Ensure budget for implementation is available • Overall responsibility for monitoring and evaluation • Support and capacity building to other engaged institutions at local level.
Resettlement Implementation Committee (RIC)	<ul style="list-style-type: none"> • Provide overall leadership and day to day implementation of the ARAP • Study the final ARAP reports and draw update program/schedule for implementation • Organize the public disclosure of the final ARAP • Confirm/validate entitlement and the final PAP register • Oversee compensation and other assistance to the PAPs • Part of grievance redress mechanism • Sensitization about opening of joint accounts and appropriate use of compensation funds • Monitoring and Coordination of ARAP process
SEC	<ul style="list-style-type: none"> • Part of grievance redress mechanism • It provides an entry point and crucial link to the Kwa Ndomo community • Assist the vulnerable PAPs organize for rebuilding of structures, and movement, where such assistance is required
GRC	Formed to address all grievances related to the development and implementation of ARAP as previously outlined under Chapter 9.
PAPs	<ul style="list-style-type: none"> • Those affected by the project as described in this ARAP report. • Responsibility to utilize facilitation for the intended purpose • Responsibility to self-demolish

The following diagram shows RAP implementing institutions and organizational framework:

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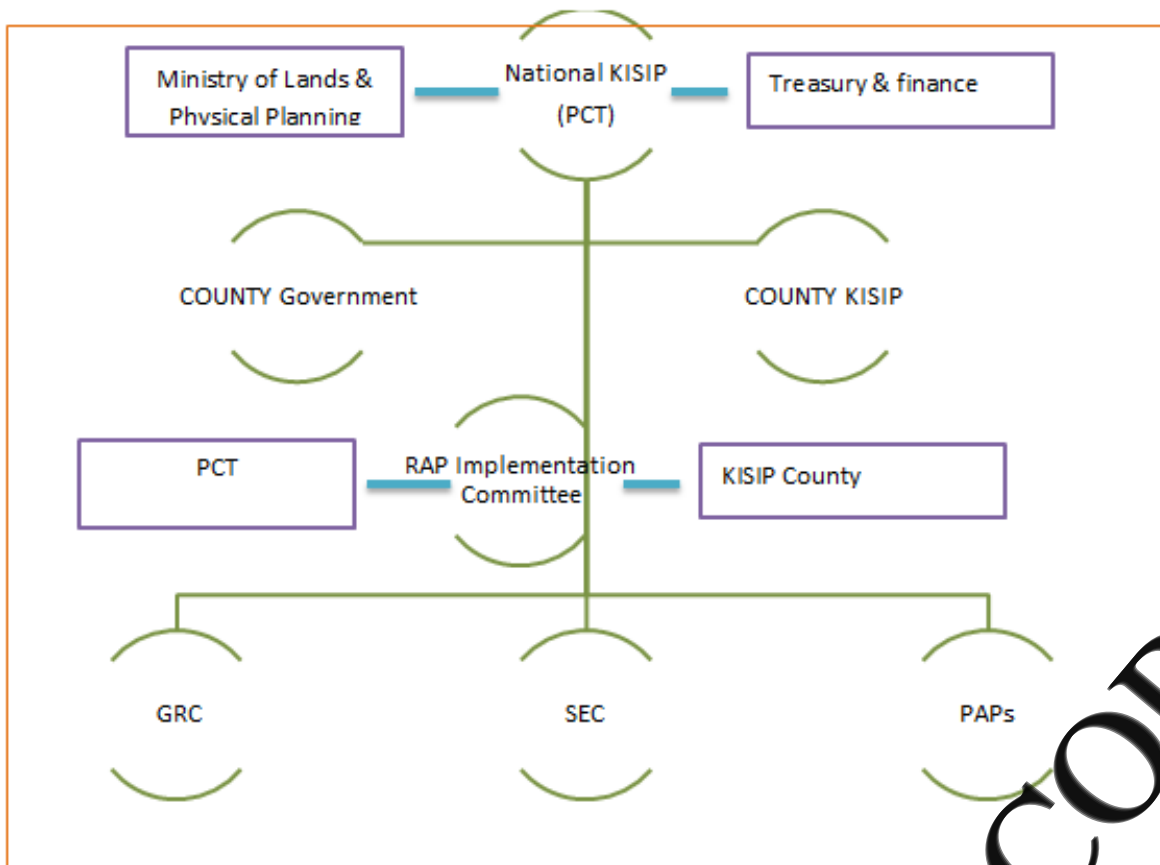


Figure 9: Implementing Institutions and Organization Framework

10.3. Implementation Schedule

The implementation schedule includes the following critical activities

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

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

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

Table 17: Implementation Schedule

	Task Name	Actor	Implementation to begin immediately after approval of ARAP						
			Period in Months						
			1	2	3	4	5	6	
1.	Approval of ARAP	World Bank							
2.	Sensitization of PAPs on the need to involve women in ARAP implementation and need to eliminate Gender Based Violence (GBV) triggered by compensation	KISIP,PAPs, SEC, RIC							
3.	Disclosure of ARAP	KISIP							
4.	Formation and capacity building of Grievance Redress Committee	KISIP, RIC, GRC, PAPs							
5.	Validation of asset valuation/values	KISIP, County Government,PAPs							
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 Organization (if present), SEC							
8.	Payment of compensation	KISIP, RIC							

	Task Name	Actor	Implementation to begin immediately after approval of ARAP					
			Period in Months					
			1	2	3	4	5	6
9.	Issuance of notice for self-demolition	KISIP, RIC						
10	Self-Demolition	PAPs						
11	Demolition of any structures that have not been demolished at the expiry of the notice period	Kilifi County						
12	Monitoring activities	KISIP MoTIH&UD						

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10.4. Financial Responsibility

The budget has been redacted to preserve privacy and maintain confidentiality

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ARAP Monitoring and Evaluation

10.5. Introduction

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

10.5.1. Objective of ARAP Monitoring

The objective of the monitoring component will be to determine;

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

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

10.5.2. Internal monitoring

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

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

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

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

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

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

10.1.1. External Monitoring

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

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

10.5.3. Monitoring Indicators

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

Table 20: Monitoring Indicators

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

		<ul style="list-style-type: none"> • Status of occupation of reconstructed rental units, and average income.
Social Services	Social service levels	<ul style="list-style-type: none"> • Access to health care services • Water supply access and Possession of latrines
Consultation	Consultation programme operation	<ul style="list-style-type: none"> • Number of public consultation meetings related to ARAP (with evidence i.e. list of attendance) • Number of participants attending public consultation meetings related to ARAP, by gender • Type of information provided in public meetings • Type and nature of issues raised at public consultation meetings, and nature of responses
	Information dissemination	<ul style="list-style-type: none"> • Disclosure of the ARAP at settlement level and various websites • Accessibility of the ARAP or its summary at settlement level. • ARAP/Entitlement information access by PAPs • The extent of information flows between PAPs, RIC and KISIP • Number of people seeking information on ARAP and facilitation
	Grievances resolved	<ul style="list-style-type: none"> • Formation and membership of GRC and RIC (including the timing) • Number of grievances registered by type and by whom (gender) • Number of grievances resolved promptly, not promptly • Outstanding grievances • Number and type of cases referred to court
Training	Operation of training programme	<ul style="list-style-type: none"> • Nature and type of training held (disaggregated by target group/institutions and issues) • Number and type of committees trained • Number and type of participants disaggregated by gender • Themes discussed in various trainings • Committee/PAPs perception of usefulness/timing of the training
Management	Procedures in operation	<ul style="list-style-type: none"> • Census and asset verification/quantification procedures in place • Effectiveness of compensation/delivery system by KISIP • Co-ordination between local community structures, County and KISIP Officials

10.5.4. Resettlement Completion Audit (RCA)

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

Table 22: ARAP completion Audit

RCAMaterials	RCA Objectives
(i) This ARAP Report (ii) Documents from Internal and External Monitoring (iii) Kenyan policies and legal statutes	(i) General assessment of the implementation of the ARAP against the objectives and methods set forth in the ARAP, (ii) Assessment of compliance of implementation with laws, regulations and safeguard policies; (iii) Assessment of the fairness, adequacy and promptness of the compensation and resettlement procedures as implemented;

	<p>(iv) Evaluation of the impact of the compensation and resettlement program on livelihood restoration, measured through incomes and standards of living, with an emphasis on the “no worse-off if not better-off” requirement; and</p> <p>(v) Identification of potential corrective actions necessary to mitigate the negative impacts of the program, if any, and to enhance its positive impacts.</p>
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Conclusion and Commitments

10.6. Conclusion

This ARAP has revealed that planning and survey in Kwa Ndomo Informal settlement will bring a number of positive as well as detrimental impacts. The positive impacts of the project are related to security of tenure and its multiplier effects including enhancing gender inclusivity and equality in land matters. On the contrary, execution of the tenure regularization project is expected to cause several adverse social impacts, the most important being impact on structures, as well as loss of income (through loss of affected rental units).

However, these will be mitigated through facilitation of the lost structures and lost income. Furthermore, a well-organized monitoring programme is recommended as an integral part of the ARAP implementation in order to follow up the proper implementation of the recommended mitigation measures and their effectiveness as well as to detect incidence of any unforeseen issues. A participatory approach to the ARAP implementation is also detailed in this ARAP, including key roles by the County Government of Kilifi, SEC, KISIP and PAPs, which will be very helpful in facilitating the planned activities as per the schedule.

10.7. Commitments

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

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

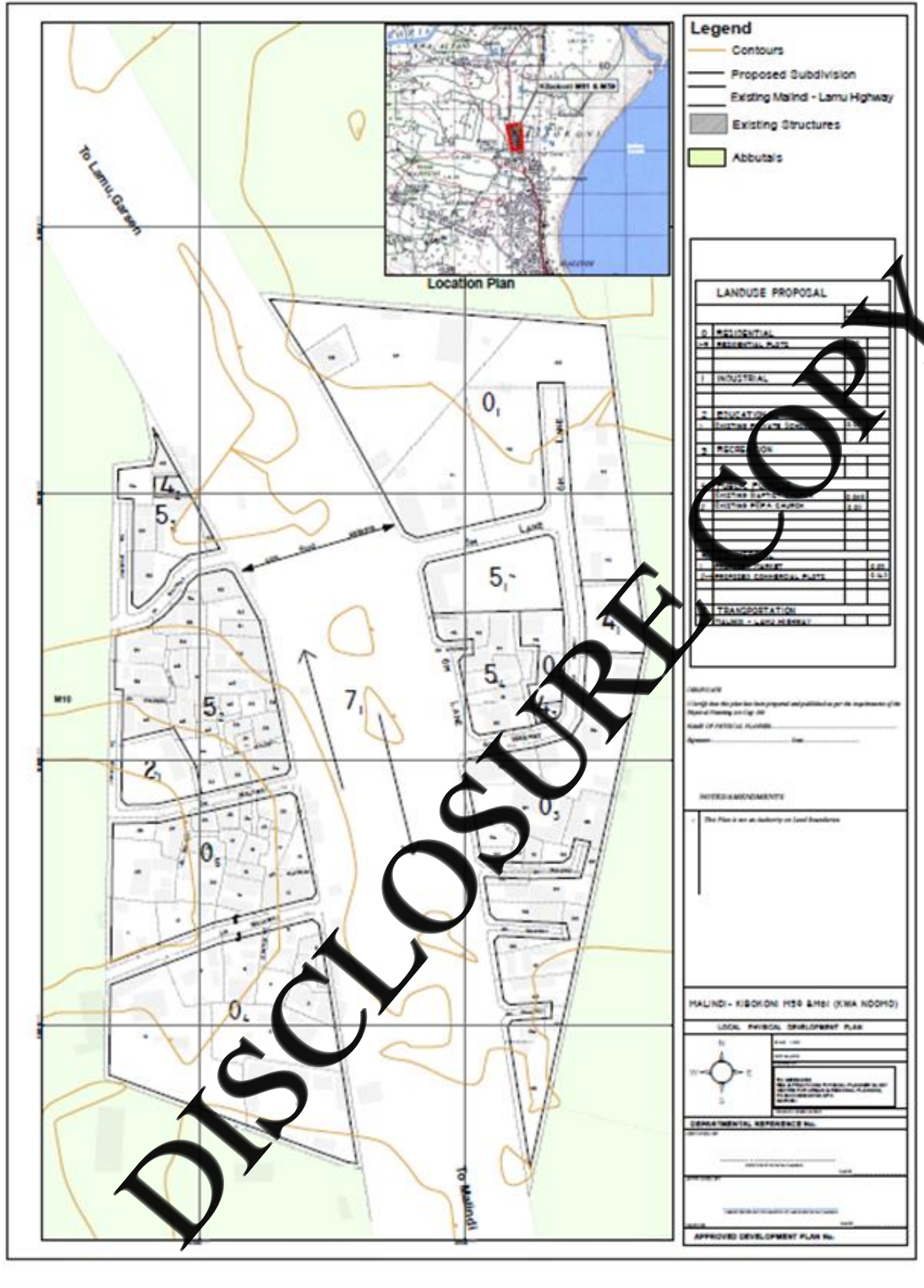
References

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

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ANNEXES

Annex A—Amended Local Physical Development Plan



Annex B – Plan Amendment Minutes and Lists of Attendance

i. Minutes of Plan Amendment Meeting with County A. Sensitization item

MINUTES ON ENGAGEMENT WITH KILIFI COUNTY GOVERNMENT ON REPLANNING OF LOT I SETTLEMENTS IN KILIFI COUNTY – MUYEYE PHASE I & KWA NDOMO INFORMAL SETTLEMENT, HELD ON 26TH APRIL 2019 AT 10:45 AM AT KILIFI COUNTY GOVERNMENT BOADROOM, KILIFI TOWN

Meeting/ project name	Consultancy for Re-planning & Resurveying of Informal Settlements in Kilifi, Kakamega and Embu Counties		
Date of meeting	26 th April 2019	Time	10:45 a.m. – 12:20 p.m.
Meeting facilitator	Chief Officer, Department of LEHPP, CGK	Location/venue	Department of Lands, Energy, Housing & Physical Planning, CGK, Boardroom
Meeting objective			
Engagement of Kilifi County Government Representatives on need & thereby seek concurrence for Replanning of Muyeye phase I & Kwa Ndomo settlements in Kilifi County			
Attendance			
Name	Institution		
CLIENT TEAM – KISIP NATIONAL REPRESENTATIVES			
Muthomi J Ngaruthi	KISIP NLC Representative		
ZenahKurui	KISIP Component II		
Akach R. Cornel	KISIP		
COUNTY GOVERNMENT OF KILIFI REPRESENTATIVES			
Moses GundaMunga	Chief Officer, Department of LEHPP, CGK		
Saidi M. Unda	Chief Administrative Officer, CGK		
David M. Ngombo	KISIP Coordinator – CGK		
CONSULTANT TEAM			
R.K. Mbwagwa	CURP, Principal Consultant		
Felix Swai	CURP Assistant Planner		
David Omido	CURP Assistant Planner		
ABSENT WITH APOLOGIES			
-	-		
Meeting Agenda			
<ol style="list-style-type: none"> i. Introduction and brief statement on the project ii. Background to Project iii. Engaging CGK on Replanning iv. Discussions v. Adjournment 			
Minutes			Owner
MIN 01/4/2019: Introductory and opening remarks			

<p>The meeting was called to order at 10.45AM by the Chief Officer, Department of Lands, Energy, Housing & Physical Planning, CGK and opened with a word of prayer from KISIP representative present;</p> <p>The KISIP County Coordinator led introduction of all present – KISIP Team, Consultant Team and CGK Representatives present;</p> <p>The KISIP County Coordinator highlighted it out to the Meeting Chair, and all present on the Agenda and welcomed the Principal Consultant to present case on Replanning;</p>	<p><i>KISIP County Coordinator</i></p>
<p>MIN 02/4/2019: Background to Project & Engaging CGK on Re-planning</p>	
<p>KISIP Remarks</p> <p>Began by bringing the meeting chair up to speed why Re-plan the settlements – this having come from high valuation budgets form RAPs;</p> <p>KISIP reiterated that besides high cost to facilitate the project affected persons as shown in the Resettlement Action Plan, implementing the Approved plan would cause massive displacement to the beneficiaries. KISIP & other key stakeholders staged consultations and saw the need to allow plan amendment for the in consideration of unique characteristics of the informal settlements in order to mitigate the negative impact of high displacement.</p> <p>They reported that World Bank’s policy and condition on involuntary relocation should be observed and that despite the progress that had already been made to processing allotment letters, they could not be issued.</p> <p>The team said the re-planning exercise was to be undertaken within 3 months ending 30th June 2019, to enable other processes to be completed within project phase 1</p> <p><i>KISIP, NLC Representative;</i> Stated categorically that processing of land ownership documents will be premised on approved Plans & an Accurate List of Project Beneficiaries;</p> <p>He further stated that NLC involvement at this stage is to ensure disputes that arise along the cause will be resolved exhaustively, which will fasten the process;</p> <p>He stated that there will be constant community education on land ownership and role of NLC in facilitating KISIP Objectives;</p> <p>Consultant team The Principal Consultant, began by appreciating Kilifi County Government for having facilitated the meeting and for their constant support on many occasions;</p>	<p><i>Principal Consultant, CUP</i></p>

He proceeded on by presenting the Background to Project detailing out the process of initial planning & survey – which incorporated all planning processes and relevant stakeholder engagements, and plan approvals at all levels, producing desirable plans, as was anticipated and prepared by the community;

However, these came with resultant project impacts – which saw a lot of the project beneficiaries being affected from proposed road infrastructure;

This necessitated preparation of Resettlement Action Plans (RAPs), which produced high number of PAPs, and consequent high valuation budgets; Implementing this plan would mean impoverishment of households farther than their present state weighing on the project impacts; Following this, the Consultant team forwarded this case for discussions with the National Directorate of Physical Planning, World Bank and Project Team to lower planning standards – which would mitigate on impacts;

He reiterated on the agenda of the meeting which was to seek concurrence with CGK to Re-plan Lot I settlements in Kilifi County, taking it that these settlements provide stock for housing, commercial activities etc. whereby with the correction of previous plan, the Amended plan will optimize improving living conditions;

He further requested the CGK to allow the Consultant team move in with the surveyor after Replanning – amendments will be incorporated to pave way for plan validation;

The Principal Consultant further stated that Replanning coming at this point, would save on loss of property, disruption of livelihoods and displacement of persons which would mitigate on impacts greatly while maintaining KSSIP objective as aforementioned;

He further alluded to the peculiarity of Coastal settlements, where very small plots arise as a result of “tenant at will” concept, and for a fact individual bearing these own the properties;

He reiterated on the Agenda of the day, that was to sensitize SEC members on Re-planning before proceeding to community workshops;

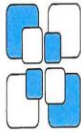
In addition, he stated that the Project team won't shy away from the fact there's expected to be resultant PAPs from these adjustments – who will be addressed before implementing the project as required by World Bank's OP, on project affected persons;

He finally requested Kilifi County Government, for Consultant team to be given go ahead to explain it to respective settlements Why re-plan & viability of the idea following consent by National Directorate of Physical Planning;

The Principal Consultant invited meeting chair, Chief Officer to present CGK standing and other general concerns from members present

MIN 03/4/2019: Discussions & Resolutions		
Office	Comment & Discussion	<i>Principal Consultant; Chief Officer, LEHPP</i>
<i>Chief Officer, LEHPP, Kilifi County Government</i>	CGK will provide continuity in support & avail officers as ascribed by Project Team; CGK will initiate some of the planning interventions that will come from the Project team; CGK to prepare Area Advisory Plans in line with implementing Amended plans; The Consultant to share Plans at all stages with CGK	
<i>KISIP County Coordinator</i>	Advisory Planning will be key in development control, so the CGK is ready and in support of the Project;	
<i>KISIP, NLC Representative</i>	Advisory Plans that will be put in place must be approved by Kilifi County Government & respective communities be sensitized on the same to identify with incremental planning approaches that will be applied	
MIN 04/4/2019: Adjournment		
<p>The meeting Chair, acknowledged project team for having presented the progress and way forward into undertaking project and assured to support project team wholly and facilitate sensitization</p> <p>The meeting was adjourned by Chief Officer, LEHPP, CGK at 12:20 p.m. and closed with a word of prayer from one of KISIP Representative present.</p>		<i>Meeting Facilitator</i>
Picture representations of the meeting		
<i>See attached attendance list</i>		

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KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT (KISIP)
 PLANNING AND SURVEYING INFORMAL SETTLEMENTS
 CONTRACT NO: MH/KISIP/CS/005B/2013-2014



Lot 1 Re-planning & RAP Meetings in Kathita – Embu County, Amalemba – Kakamega County & Kwa Ndomo & Muveve Phase I in Kilifi County –
Engagement with County Government

SETTLEMENT: COUNTY GOVERNMENT OF KILIFI

DATE: April 20th 2019

No.	Name	Organization/Designation	Telephone	Email address	Signature
1	Moses Gunda Munga	CO-PP US&H (CGK)	0721488236	mmunga@kilifi.go.ke	
2	David M. Ngambiro	AD (K-Em) (C/N)	0719880984	brungambiro@gmail.com	
3	Renson K. Mbugua	curp	0722363214		RK
4	Miriam J. Ngarathi	NHC-Rep. KISIP	0721208860	miriamj@kshrc.com	
5	SWAI FELIX	CURP	0729985455	swaifelix@gmail.com	
6	David Omido	CURP	0717469379	dmidkess@gmail.com	
7	Saudi M. Uuda	CGK - CAO	0712500017	uudasaudi@gmail.com	
8	Atack R. comel	KISIP-PP&I	0724352671	atackcomel@gmail.com	
9	Zerah Kurui	KISIP - National	0725989357	Zerahkurui@gmail.com	
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B. Plan Presentation item of Amended Plan for Kwa Ndomo Informal Settlement

MINUTES ON PLAN PRESENTATION TO KILIFI COUNTY GOVERNMENT – AMENDED PLANS FOR MUYEYE PHASE I & KWA NDOMO INFORMAL SETTLEMENT, HELD ON 11TH JUNE 2019 AT 10:05 AM AT MNARANI HOTEL, KILIFI TOWN

Meeting/ project name	Consultancy for Re-planning & Resurveying of Informal Settlements in Kilifi, Kakamega and Embu Counties		
Date of meeting	11 th June 2019	Time	10:05 a.m. – 12:30 p.m.
Meeting facilitator	Chief Officer, Department of LEHPP, County Government of Kilifi	Location/venue	Mnarani Hotel, Kilifi Town
Meeting objective			
Presentation and thereby adoption of the Amended Plans for Muyeye phase I & Kwa Ndomo settlements in Kilifi County			
Attendance			
Name	Institution		
NATIONAL DIRECTORATE OF PHYSICAL PLANNING			
Dr. Juliana Mutua	National Deputy Director, Physical Planning – Land & Administration		
CLIENT TEAM – KISIP NATIONAL REPRESENTATIVES			
Faith Birir	KISIP Component II		
Evans Omangwa	KISIP NLC Representative		
Victor Nzue	KISIP & MoLPP		
COUNTY GOVERNMENT OF KILIFI REPRESENTATIVES			
Moses GundaMunga	Chief Officer, Department of LEHPP, County Government of Kilifi		
Saidi M. Unda	Chief Administrative Officer, County Government of Kilifi		
David M. Ngombo	KISIP Coordinator – County Government of Kilifi		
Ngala Mkanga	Department of LEHPP – County Government of Kilifi		
CONSULTANT TEAM			
R.K. Mbwagwa	CURP, Principal Consultant		
Felix Swai	CURP, Planner & RAP Expert		
David Omido	CURP, Planner		
ABSENT WITH APOLOGIES			
-	-		
Meeting Agenda			
<ul style="list-style-type: none"> vi. Introduction and brief statement on the project vii. Presenting Amended Plans to County Government of Kilifi viii. Discussions ix. Adjournment & Way forward 			
Minutes			Owner

MIN 01/4/2019: Introductory and opening remarks

The meeting was called to order at 10.05AM by the Chief Officer, Department of Lands, Energy, Housing & Physical Planning, County Government of Kilifi

The KISIP County Coordinator led round introductions of those in attendance – KISIP National Team, National Directorate of Physical Planning, Consultant Team and County Government of Kilifi Representatives present;

The KISIP County Coordinator highlighted it out to the Meeting Chair, and all present on the Agenda – Adopt the Amended Plans and that the Department was to be briefed before proceeding to settlements;

He welcomed the Principal Consultant to present case on Replanning for Muyeye Phase I and Kwa Ndomo settlements;

KISIP County Coordinator

MIN 02/4/2019: Presenting the Amended Plans to CGK

Consultant team

The Principal Consultant, began by acknowledging the County Government of Kilifi Representatives for having facilitated the meeting and recognized the presence of the Directorate of Physical Planning;

Principal Consultant CURP

He proceeded on by presenting the genesis to Process detailing out background to the process of initial planning & survey – which incorporated all planning processes and relevant stakeholder engagements and plan approvals at all levels, producing desirable plans – with development opportunities, as was anticipated and prepared by the community;

However, these came with resultant project impacts – which saw a lot of the project beneficiaries being affected from proposed road infrastructure;

This necessitated preparation of Resettlement Action Plans (RAPs), which produced high number of PAPs, and consequent high valuation budgets; Implementing this plan would mean impoverishment of households farther than their present state weighing on the project impacts;

Settlement name	No. of PAPs		Amount before amended LPDP in KES
	Structures before amended LPDP	PAPs before amended LPDP	
Muyeye Phase II	985	692	310 M
Kwa Ndomo	148	111	99 M

The Principal Consultant presented to the National Directorate of Physical Planning and all present that concurrence was sought from County Government of Kilifi Community to re-plan Lot 1 settlements in Kilifi County, taking it that these settlements provide stock for housing, commercial

activities etc. whereby with the correction of previous plan, the Amended plan would optimize improving living conditions;

Replanning phase was given a go-ahead, which opened for planning – plan amendments, on approved plans for Muyeye phase 1 and Kwa Ndomo.

Settlement name			
	Structures After amended LPDP	PAPs After amended LPDP	Amount After amended LPDP in KES
Muyeye Phase I		126	
Kwa Ndomo	16	14	2.1 M

The Consultant confirmed that Survey re-adjustments on proposed roads had been concluded as well and thus reiterated that the agenda of the meeting was as to whether the County Government of Kilifi would adopt Amended Plans for Muyeye phase I and Kwa Ndomo settlements

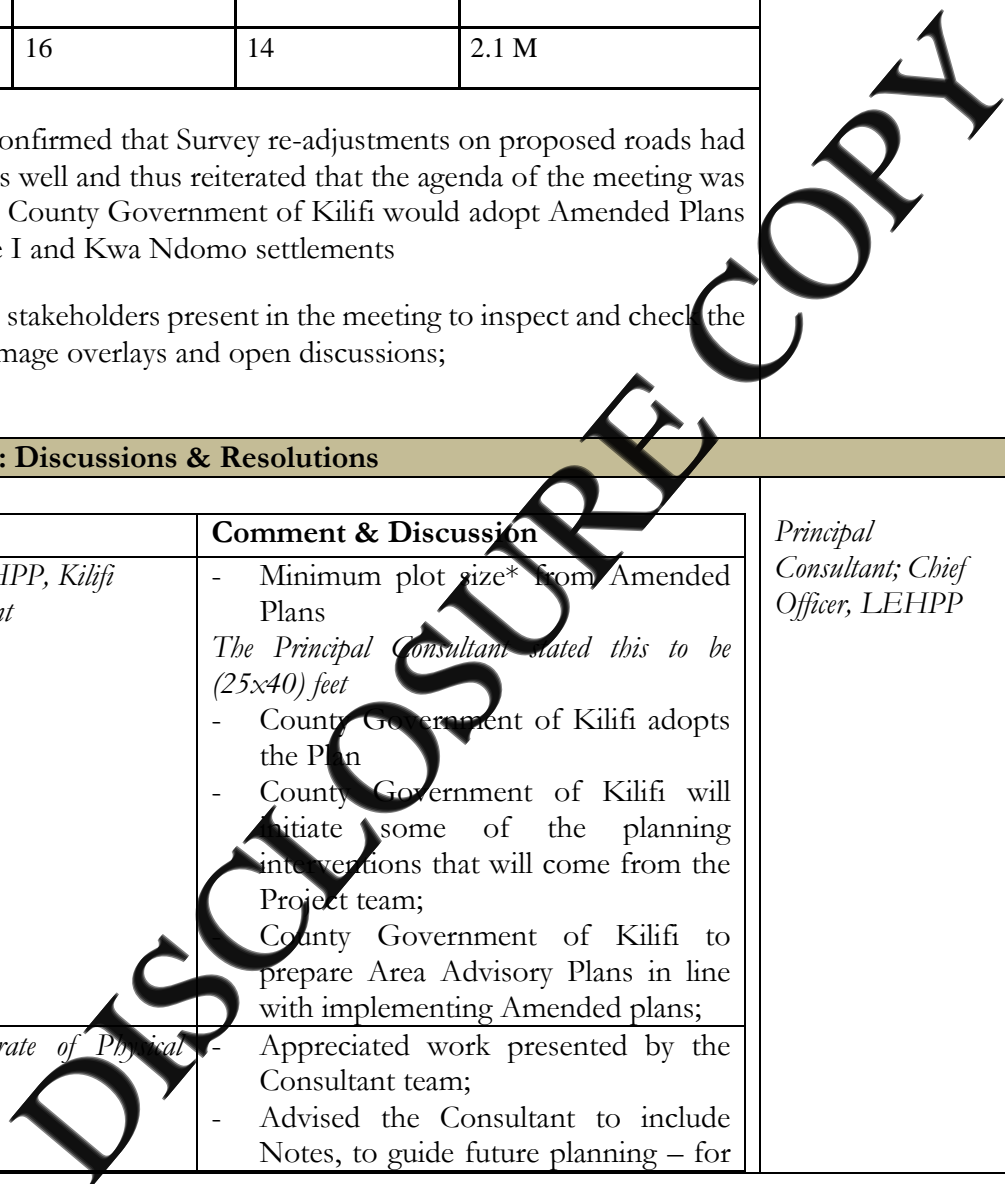
He welcomed the stakeholders present in the meeting to inspect and check the plans, alongside image overlays and open discussions;

Interlude

MIN 03/4/2019: Discussions & Resolutions

Office	Comment & Discussion
<i>Chief Officer, LEHPP, Kilifi County Government</i>	<ul style="list-style-type: none"> - Minimum plot size* from Amended Plans <i>The Principal Consultant stated this to be (25x40) feet</i> - County Government of Kilifi adopts the Plan - County Government of Kilifi will initiate some of the planning interventions that will come from the Project team; County Government of Kilifi to prepare Area Advisory Plans in line with implementing Amended plans;
<i>National Directorate of Physical Planning</i>	<ul style="list-style-type: none"> - Appreciated work presented by the Consultant team; - Advised the Consultant to include Notes, to guide future planning – for

Principal Consultant; Chief Officer, LEHPP



	<p>instance Survey or Zoning as subject to final approval</p> <ul style="list-style-type: none"> - Advised the Consultant to include attribute data – breakdown of acreages, for proposed land uses 	
<i>KISIP, Land Adjudication Representative</i>	<ul style="list-style-type: none"> - Stated categorically that processing of land ownership documents will be premised on approved Plans & an Accurate List of Project Beneficiaries; - Pointed out that it's important for the County Government of Kilifi to internalize the Plans, as they are the Implementing Authority - Advisory Plans that will be put in place must be approved by Kilifi County Government & respective communities be sensitized on the same to identify with incremental planning approaches that will be applied 	
MIN 04/4/2019: Adjournment & Way Forward		
<p>The meeting Chair, acknowledged project team for having presented the Amended Plans and way forward into adopting and validating the same by consequent settlements and assured to support project team wholly and facilitate these</p> <p>The meeting was adjourned by Chief Officer, LEHPP, CGK at 12:30 p.m.</p>		<i>Meeting Facilitator</i>
<i>Picture representations of the meeting</i>		

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See attached attendance list

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KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT (KISIP)
 PLANNING AND SURVEYING INFORMAL SETTLEMENTS



CONTRACT NO: MH/KISIP/CS/005B/2013-2014

Lot 1 Re-planning & RAP Meetings in 4 No. Informal Settlements in Embu, Kakamega & Kilifi Counties

Courtesy Call – Dept. of Lands, Housing, Physical Planning and Urban Development, County Government of Kilifi

SETTLEMENT: MUYETE 9 KUSA DDOMO

DATE: 11/06/2019

No.	Name	Organization/Designation	Telephone	Email address	Signature
1	Moses Gunda Munga	CO-PP,UB,H	0721458236	mmunga@kilifi.go.ke	
2	David M. Nyambo	V-CO	0717130784	dauidm@ppc.or.ke	
3	Faith Birir	CLIP	0722462989	birir_faith@gmail.com	
4	Jubilee Mutua, PhD	NS/KISIP	0722311638	kenata3@gmail.com	
5	Abbas njala Mbayen	KCS -Lands	0725620582	abbanmbayen@gmail.com	
6	Saidi M. Uunda	CAO - LAMBS	0712500017	uundasaidez@gmail.com	
7	Paul Orogwa	ADLA - RUP Mbitoni	0721599143	emungu@ppc.or.ke	
8	Victor Nzue	SPP - MotPP	0721730907	victorzue@gmail.com	
9	Reason K. Mbatia	Curp	072236349	info@curp.or.ke	
10	Felix Shai	CURP	0729925455	shaitelix@gmail.com	
11	David Omido	CURP	0717469379	domidoss@gmail.com	
12	Agnes Gidure	CURP	0702615494	agnegidure@gmail.com	
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ii. Minutes of Community Forum on Plan Amendment
A. Sensitization

MINUTES ON COMMUNITY SENSITIZATION WORKSHOP ON REPLANNING FOR KWA NDOMO INFORMAL SETTLEMENT, HELD ON 27TH APRIL 2019 AT 11:30 AM IN KWA NDOMO SETTLEMENT, ROADSIDE OPEN GROUNDS

Meeting/ project name	Consultancy for Re-planning & Resurveying of Informal Settlements in Kilifi, Kakamega and Embu Counties		
Date of meeting	27 th April 2019	Time	11:30 a.m. – 12:40 p.m.
Meeting facilitator	KISIP County Coordinator	Location/venue	Roadside Open Grounds
Meeting objective			
Sensitization of Settlements in Selected Counties on Replanning			
Attendance			
Name	Institution		
CLIENT TEAM – KISIP NATIONAL REPRESENTATIVES			
ZenahKurui	KISIP Component II		
Muthomi J Ngaruthi	KISIP National		
John Ileri	KISIP Social Safeguards		
Akach Cornel	KISIP National		
COUNTY GOVERNMENT OF KILIFI REPRESENTATIVES			
David M. Ngombo	KISIP Coordinator – CGK		
Jannet N. Tsuma	KISIP Team – CGK		
Florence Santah	Ward Administrator – Sabaki Ward		
Aly Harre Ruwa	Ward Administrator – Malindi Town		
FondoBiryakombi	MCA Office – PA		
CONSULTANT TEAM			
R.K. Mbwagwa	CURP, Principal Consultant		
Felix Swai	CURP Planner		
David Omido	CURP Planner		
ABSENT WITH APOLOGIES			
-	-		
Meeting Agenda			
<ul style="list-style-type: none"> x. Introduction and brief statement on the project xi. Background to Project xii. Sensitizing the settlement on Re-planning xiii. Plenary & Concerns xiv. AOB & Adjournment 			
Minutes			Owner
MIN 01/4/2019: Introductory and opening remarks			
The meeting was called to order at 11.30AM by Ward Administrator, Sabaki Ward, Kilifi County Government and opened with a word of prayer from one of the community member;			<i>Sabaki Ward Administrator; KISIP County Coordinator</i>

She welcomed all for the meeting and invited KISIP County Coordinator, to introduce CGK Representatives present;

The KISIP County team was introduced, through Janet Tsuma (*KISIP Representative CGK*); followed by Malindi Ward Administrator, SEC Committee, and finally KISIP National Team Representatives present;

The KISIP County Coordinator gave his remarks thanking the project team for the good work detailing the initial planning process and survey process than was done in the settlement which came with resultant projects impacts which presented case for preparation of Resettlement Action Plans; and asked the community to continually avail support to the project team;

He reminded the community as being privileged to be among the first settlements to be done under KISIP and alluded to the agenda of the day; He welcomed the Principal Consultant to take it up;

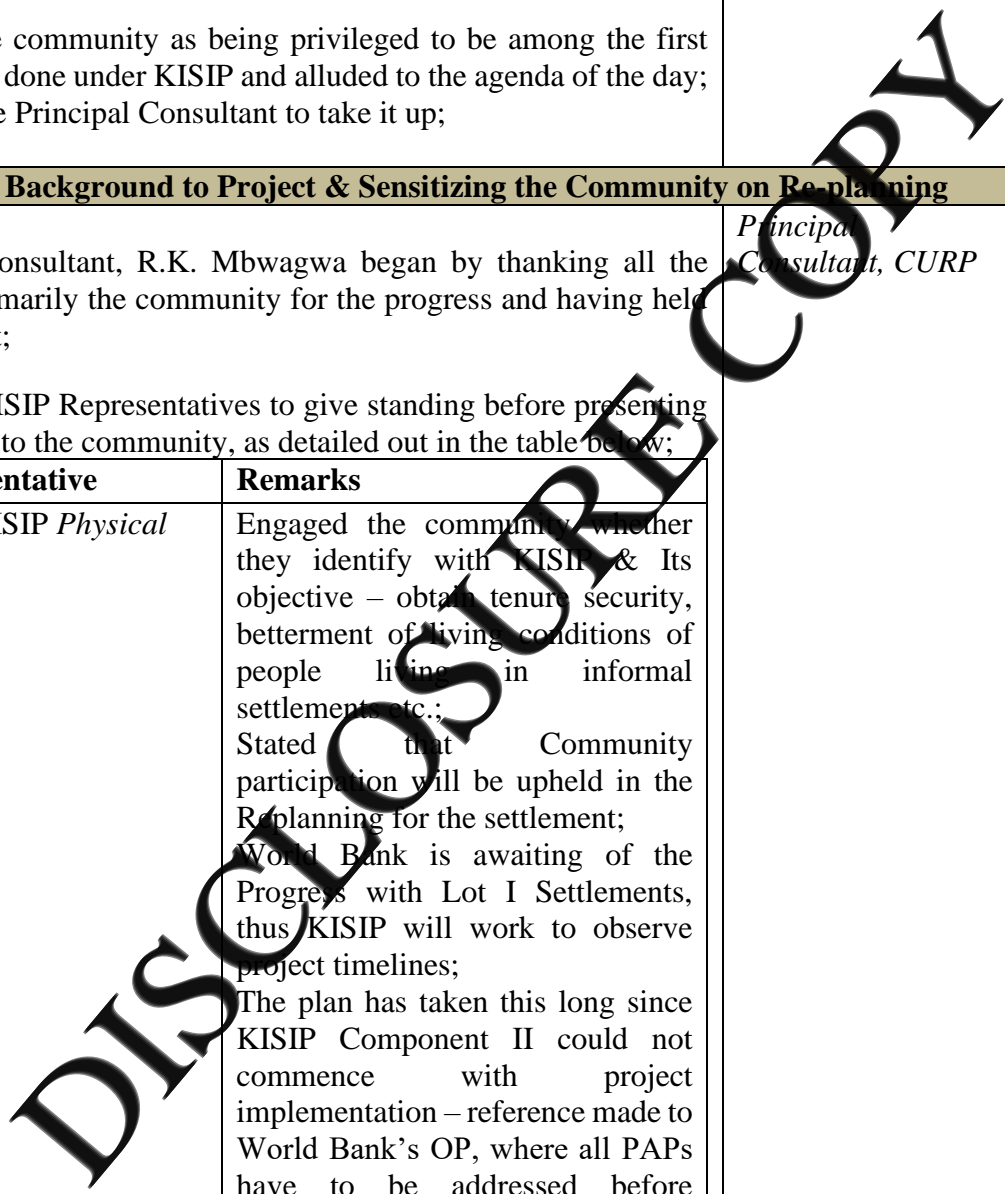
MIN 02/4/2019: Background to Project & Sensitizing the Community on Re-planning

The Principal Consultant, R.K. Mbwagwa began by thanking all the stakeholders, primarily the community for the progress and having held it up to this point;

He brought in KISIP Representatives to give standing before presenting Replanning case to the community, as detailed out in the table below;

KISIP Representative	Remarks
ZenahKurui, KISIP <i>Physical Planner</i>	<p>Engaged the community whether they identify with KISIP & Its objective – obtain tenure security, betterment of living conditions of people living in informal settlements, etc.;</p> <p>Stated that Community participation will be upheld in the Replanning for the settlement;</p> <p>World Bank is awaiting of the Progress with Lot I Settlements, thus KISIP will work to observe project timelines;</p> <p>The plan has taken this long since KISIP Component II could not commence with project implementation – reference made to World Bank’s OP, where all PAPs have to be addressed before implementation of infrastructure,</p>

Principal Consultant, CURP



	thus World Bank couldn't release funding, on this premise; The Closure of KISIP 1 in November should activate KISIP 2 which is planning
Muthomi, KISIP <i>NLC Representative</i>	-
Akatch, KISIP <i>Physical Planner</i>	-

Consultant team

The Principal Consultant, began by thanking all the stakeholders, primarily the community for the progress and having held it up to this point;

He stated background to project; discussing the initial planning & survey that was done – which incorporated all planning processes and stakeholder engagements, and plan approvals at all levels, that produced desirable plans, as anticipated and prepared by the community;

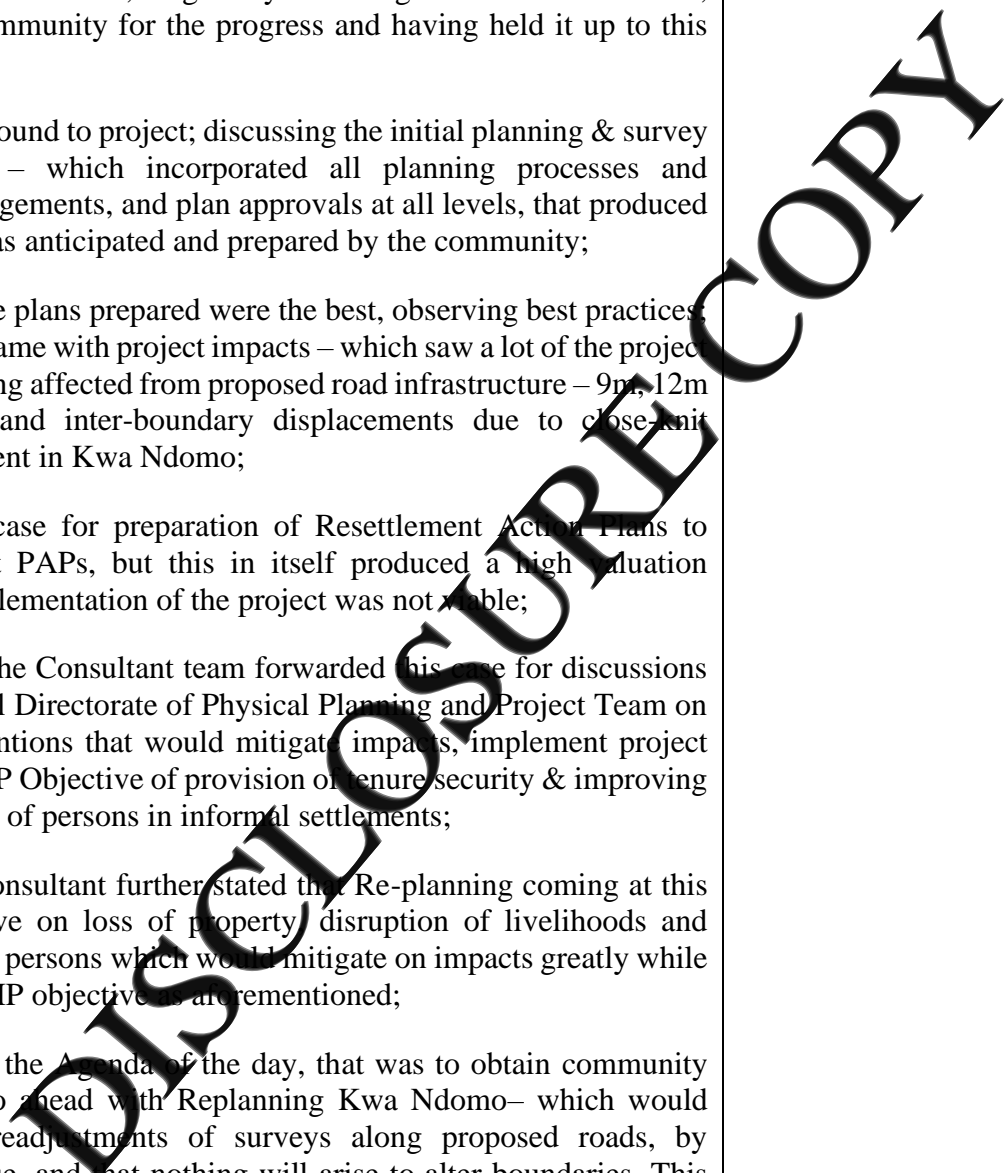
He added that the plans prepared were the best, observing best practices however, these came with project impacts – which saw a lot of the project beneficiaries being affected from proposed road infrastructure – 9m, 12m & 15m roads; and inter-boundary displacements due to close-knit structure alignment in Kwa Ndomo;

This presented case for preparation of Resettlement Action Plans to resolve resultant PAPs, but this in itself produced a high valuation budget, thus implementation of the project was not viable;

Following this, the Consultant team forwarded this case for discussions with the National Directorate of Physical Planning and Project Team on planning interventions that would mitigate impacts, implement project and uphold KISIP Objective of provision of tenure security & improving living conditions of persons in informal settlements;

The Principal Consultant further stated that Re-planning coming at this point, would save on loss of property, disruption of livelihoods and displacements of persons which would mitigate on impacts greatly while maintaining KISIP objectives as mentioned;

He reiterated on the Agenda of the day, that was to obtain community acceptance to go ahead with Replanning Kwa Ndomo– which would entirely entail readjustments of surveys along proposed roads, by reduction of these, and that nothing will arise to alter boundaries. This



will be undertaken in a participatory manner involving all the stakeholders

In addition, he stated that there will be resultant PAPs from these readjustments – who will be addressed before implementing the project as it is required by World Bank’s OP, on project affected persons; further, during valuation of resultant PAPs, businesses and income activities will be considered; vulnerable categories (aged persons, widowed and PLWD) and tenants on ground will be identified, and aided with a facilitation cost as will be discussed;

He reminded the community of the Grievance Redress Committee (GRC), that was instituted and is in place and will address concerns channeled to them by resultant PAPs;

He concluded by stating that the project timelines will be observed, as the project closes by the end of June;

Acclaim

The community agreed by hand gesture (unanimously by raising hands) to re-plan Kwa Ndomo and were happy to participate in the process to conclusion;

The Principal Consultant invited community to present their concerns

MIN 03/4/2019: Plenary & Concerns

Concern	Response
Whether owner bearing 2 or more Plots will bear more than one ownership document	Plot information will be harmonized, to process one ownership document of the bearer;
How different from KeNHA is KISIP structured; as KeNHA already demolished a number of structures along Malindi – Lamu Road reserve; Whether the PAPs will be facilitated under KISIP	KISIP has no jurisdiction to act on KeNHA roads, facilitation will be for resultant PAPs along proposed road infrastructure on the Amended plan
Whether parcels that were proposed for a Market and Primary School will be upheld in the Amended plan	These will be upheld while re-planning in the amended plan; Adjustments are on proposed roads

Principal Consultant; SEC Chair

MIN 04/4/2019: AOB & Adjournment

MCA, Representative; Re-planning should be embraced by the community & there’s assurance of addressing resultant PAPs;

SEC Chair; Meeting Facilitator

The SEC Chair; acknowledged project team for having presented it to the community on the progress and way forward into seeing completion of the project and asked project team to fasten process & observe timelines assuring project team of total support from the community.

The meeting was adjourned by JannetTsuma, at 12:40 p.m. and closed with a word of prayer from one of the community member.

Picture representations of the meeting

1. Principal Consultant presenting before the Community;
2. A community member addressing concern



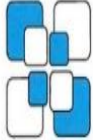
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See attached attendance list

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KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT (KISIP)
 PLANNING AND SURVEYING INFORMAL SETTLEMENTS



CONTRACT NO: MH/KISIP/CS/005B/2013-2014

Lot 1 Re-planning & RAP Meetings in Kathita – Embu County, Amalemba – Kakamega County & Kwa Ndomo & Muveve Phase 1 in Kilifi County –

Community Sensitization on Re-planning

SETTLEMENT: _____

DATE: _____

No.	Name	Tick Gender		Institution/Village/ Designation	Telephone	ID No.	Signature
		M	F				
1	ROMEO KAZUNGU	11		KWANDOMO	0742271180	3613825	
2	DUNCAN KANA NZAI	1		KWANDOMO	0713436511	1547101	
3	HAKINDI SIKU	1		KWANDOMO	070080740	5001991	
4	KAZUNGU MUKAU KITHI	1		KWANDOMO		5032492	MUKAU
5	PATRICK NUNAMANI	1		KWANDOMO	076776019	9964070	
6	KAMALE NGARI	1		KWANDOMO	07468823	2133763	KAMALE
7	KAGASSO CHARIS	1		KWANDOMO	0727761970	2132467	KAGASSO
8	FRANCIS K. BAYA	"		KWANDOMO	0724810259	5033131	
9	ALICE MARENZI	11	11	KWANDOMO	072307368	22733039	
10	HAWMA HASSAN AWADH		11	KWANDOMO	0791510959	29969637	
11	CES BEND MAIHA	"		KWANDOMO	0720905514	20199869	
12	BRIAN	11		KWANDOMO	0712582190	32960843	
13	Abraham Kahindi	11		KWANDOMO	0726690908	29920275	
14	PICER OBIOMBA	11		KWANDOMO	0748510220	24989539	Kumbi
15	Kainju charis	11		Kwan domo		2132044	Kainju
16	JOSHSON KALI TITHI	"		KWANDOMO	0707787363	6657521	
17	RUWA KIIGI KATHI	"		KWANDOMO	0733904135	29498523	
18	Safani MUKAU	11		KWANDOMO	0713125229	6703999	
19	JOSEPH KAMAU	11		KWANDOMO	0726805670	21902205	
20							

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KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT (KISIP)
 PLANNING AND SURVEYING INFORMAL SETTLEMENTS
 CONTRACT NO: MH/KISIP/CS/005B/2013-2014



Lot 1 Re-planning & RAP Meetings in Kathita - Embu County, Amalemba - Kakamega County & Kwa Ndomo & Muveve Phase 1 in Kilifi County -

Community Sensitization on Re-planning

SETTLEMENT: _____ DATE: _____

No.	Name	Tick Gender		Institution/Village/ Designation	Telephone	ID No.	Signature
		M	F				
1	CHRISTOPHER K. KENGA	✓		CHAIRMAN CEC	0722991087	2466873	[Signature]
2	SAFARI KAHINDI	✓		SEC. SECRETARY	0722572728	10578901	[Signature]
3	FRANCIS KENGA CHARO	✓		KWANZARA	0733533751	2129510	[Signature]
4	WESLEY SHARIF ABDIWAHID	✓		LEHAWALI	0711634624	9076238	[Signature]
5	ABDIKADIR MUKHOMMED	✓		MEMBER	0743348448	2131399	[Signature]
6	SHARIF MARIUKI	✓		MEMBER	0703261098	1176498	[Signature]
7	CHARLES MUYASYA	✓		MEMBER	071789102	6412046	[Signature]
8	SITA BAYA CHARO	✓		MEMBER			[Signature]
9	CHARO BAYA THIOSA	✓		MEMBER	0708019811	3896659	[Signature]
10	Emmanuel Mwak Kikoo	✓		MEMBER	0719268976	33480918	[Signature]
11	ELIZABETH P. TIMA	✓		Asst. Secretary	0727314547	20648022	[Signature]
12	JANE-B. CHARO		✓		070743169	11764916	[Signature]
13	DORCAS NEKEDA		✓	SEC MEMBER	0724775449	11076131	[Signature]
14	KACHE CHARO		✓	SEC MEMBER	0725091131	9391662	KACHE
15	RUDERA KARISA		✓	MEMBER	0721174931	10688275	[Signature]
16	FUMKO N. HANJARI		✓	MEMBER	0791796758	22789782	[Signature]
17	SHEWAN B. ALI	✓		SEC MEMBER	0733892747	4499164	[Signature]
18	ZOSI KOMBE		✓	MEMBER	0705166456	2131061	ZOSI
19	KAROMBE KALUMU		✓	MEMBER	0713226350	5028466	Karombe
20	DINA NGARU		✓	MEMBER	-	2130871	Dina



KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT (KISIP)
 PLANNING AND SURVEYING INFORMAL SETTLEMENTS
 CONTRACT NO: MH/KISIP/CS/005B/2013-2014



Lot 1 Re-planning & RAP Meetings in Kathita - Embu County, Amalemba - Kakamega County & Kwa Ndomo & Muveve Phase 1 in Kilifi County -

Community Sensitization on Re-planning

SETTLEMENT: _____ DATE: _____

No.	Name	Tick Gender		Institution/Village/ Designation	Telephone	ID No.	Signature
		M	F				
1	TERENCE W. SHITAN		✓	WARD - ADUNSTAN	072685071	07601817	[Signature]
2	Gannet N. TSUMA		✓	KISIP - K. C. A	071658562	18484565	[Signature]
3	MULTONI J. NGAMATI	✓		CHC. MP. 1	0721203860	2364122	[Signature]
4	ALY HAROLD RUWA	✓		WIRER - K...	0724919757	22228902	[Signature]
5	JOHN MARIKI	✓		KISIP - ...	0722613871	20772072	[Signature]
6	ZANZIB KUREL		✓	KISIP - ...	07235989357	24735312	[Signature]
7	Renson K. Mbumeta	✓		urp	0722363449	0328178	[Signature]
8	SWAI FELIX	✓		URP	0729985285	2570638	[Signature]
9	KKACH CORNEL	✓		URP	0724255201	24209585	[Signature]
10	David M. Ngombo	✓		URP - K...	0717080784	25192458	[Signature]
11	Felix B. BATA (Komes)	✓		P. A. (K. C. A)	0706-690-192	24432402	[Signature]
12	David Omido	✓		URP	0717409379	20357145	[Signature]
13							
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KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT (KISIP)
 PLANNING AND SURVEYING INFORMAL SETTLEMENTS
 CONTRACT NO: MH/KISIP/CS/005B/2013-2014



Lot 1 Re-planning & RAP Meetings in Kathita – Embu County, Amalemba – Kakamega County & Kwa Ndomo & Muveve Phase I in Kilifi County –

Community Sensitization on Re-planning

SETTLEMENT: _____

DATE: _____

No.	Name	Tick Gender		Institution/Village/ Designation	Telephone	ID No.	Signature
		M	F				
1	STEPHEN TAURA	✓		KWANDOMO	0722978874	8459073	
2	JACKSON JZOMBO	✓		KWANDOMO	070546374	2899539	
3							
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B. Plan Presentation & Adoption of Amended Plan for Kwa Ndomo Informal Settlement

PROJECT	CONSULTANCY FOR REPLANNING AND SURVEYING OF INFORMAL SETTLEMENTS IN KILIFI, KAKAMEGA AND EMBU, CONTRACT NO. MLHUD/KISIP/CS/005B/2013-2014
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SUBJECT	MINUTES OF MEETING ON PRESENTATION AND COMMUNITY PLAN ADOPTION WORKSHOP OF AMENDED PLAN FOR KWA NDOMO INFORMAL SETTLEMENT	
DATE	11/06/2019	
TIME	1420HRS- 1620HRS	
ATTENDANCE <i>(Attendance list attached)</i>		
MEETING AGENDA		
	<ol style="list-style-type: none"> 1. Introduction of members present 2. Brief overview and progress of the project 3. Questions/ concerns 4. Community views on the proposed re-planning 5. Validation of the amended plan 	
MINUTE	DELIBERATION	ACTION BY
MIN 01/06/2019	INTRODUCTION AND OPENING REMARKS The meeting officially kicked off at 2.20 p.m. through a word of prayer by one of the Kwa Ndomo beneficiaries. This was followed by self-introduction of members present who were the consultancy team, KISIP team, the County Government and The National Government.	
MIN 02/06/2019	BRIEF OVERVIEW AND PROGRESS OF THE PROJECT The different stakeholders present and their roles were clarified once again. KISIP team role is to ensure that the beacons have been put again for the second time and appropriately so that the Kwa Ndomo beneficiaries can get titles by November 2019. The national government ensures the contractor has worked as required abiding to the planning regulations. The Principal consultant affirmed to the Kwa Ndomo beneficiaries that the aim of re-planning was to reduce the cost of compensation fee since the settlement has permanent houses. A consultancy team planner took over the meeting and stated by apologizing for the delays and this was because there is a systematic order in the planning process. He explained that that in the previous survey and plan, many beneficiaries would have lost businesses and houses which will incur extremely high	KISIP Team National government representative Consultancy team

compensation fees. The figure was not logic hence they had to come up with another plan after having a consultation with the KISIP team, county government and the national government.

The new plan was presented to the Kwa Ndomo community and the roads narrowed were shown to them. He stated their previous sizes and the current sizes. The community was assured that no one will come demolish their houses but after they get their ownership documents one has to consult the county for approval of any development. The community was also advised not to totally build up their plots from beacon to beacon and also have setbacks from the roads. The county will however guide them on that as per the planning guidelines. This is to encourage vertical densification within Kwa Ndomo settlement. On other sensitive facilities are the garbage collection which is a county government initiative and they would be highlighted on that to discourage dumping. A sewer treatment, drainages and cabro roads will be provided.

He left the plan with the Kwa Ndomo SEC chair so that the beneficiaries can have access to it at their own free will.

MIN 03/06/2019

QUESTIONS AND CONCERNS

Name	Question/Concern	Response
Renson	<i>"We have been advised to have setbacks, what will happen if one has already built up the whole plot?"</i>	No one will come demolish your house but anytime you want put up any development your will liaise with the county government.
Ardana	<i>"The road at the back of my house has touched my</i>	If you're affected by the plan, we will have to

		<i>toilet yet I'm not on the PAP list</i>	compensate you and a valuer will come to have a look it. There will also be a sitting for you tomorrow.
	Dorcas Wekesa	<i>"Will I get a title for an irregular shape plot?"</i>	Yes, as long as the plot has beacons
	Evans	<i>"We were told not to make any development and my structure fell off, will I be compensated?"</i>	Crosschecking with existing asset register will be done during verification
	Francis	<i>"Beacons were put but the toilet was left out. How will I get ownership documents?"</i>	You will be compensated for the toilet if it has been touched by the road
	Not captured	<i>"My plot has two names, can that be corrected?"</i>	That is for joint owners
	Kahindi-SEC secretary	<i>"My beacon was put at the wall. I feel it's not okay."</i>	A surveyor will be coming next week to ensure the beacons are well put. It also depends with the size of the house that is if it occupies the whole plot.
	James Subai	<i>"The market is someone's plot."</i>	The county will give a way forward

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		<i>Will they be compensated?"</i>	about that since they had a plan and that was market land.	
	Samson	<i>"Some of us were not aware and hence not around when they were putting the beacons. Some of the beacons were put in the wrong place and my concern is if they can be corrected"</i>	The surveyor will be back to ensure everyone is happy and satisfied.	
MIN 04/06/2019	VIEWS ON THE PROPOSED REPLANNING			<i>County Engineer</i>
	<p>Assured the beneficiaries that the building code will be followed in the future development and they will be applying the 50% coverage. He also highlighted on the importance of reducing the road sizes and the setbacks too later s to cater for emergencies that might arise. The community was told not to rely too on the past e.g. compensation of the fallen structures and finally affirmed that the one on market land will be compensated.</p> <p>The name of the PAFs were read out and were requested to avail themselves the following day at the same venue and time for a meeting.</p>			<i>Consultancy team</i>
MIN 05/06/2014	VALIDATION OF THE AMENDED PLAN			100% tally of support for the new plan.
	<p>The community then endorsed the amended plan by a show of hands.</p> <p>The ward administrator called upon a member to close the meeting with a word of prayer at 4.20 p.m.</p>			
<i>Pictorial gallery</i>				



Attendance sheets

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KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT (KISIP)
 PLANNING AND SURVEYING INFORMAL SETTLEMENTS
 CONTRACT NO: MH/KISIP/CS/005B/2013-2014



Lot 1 Re-planning & RAP Meetings in 4 No. Informal Settlements in Embu, Kakamega & Kilifi Counties - Plan Presentation & Adoption

SETTLEMENT: KWA NDOMO

DATE: 11/6/2019

No.	Name	Tick Gender		Institution/Village/ Designation	Telephone	ID No.	Signature
		M	F				
1	CEBION MATIA	✓		KWA NDOMO	0720909514	20199869	[Signature]
2	JACKSON KAHINDI MUMBI	✓		" "	0713695829	20950475	[Signature]
3	DUNCAN KAKA NZAI	✓		KWA NDOMO	0713436511	13447191	[Signature]
4	KARON SHOT MAMARE	✓		" "	071144624	9878336	[Signature]
5	ABDUL KHAMIS MANGISI	✓		" "	0729665202	3890668	[Signature]
6	SAMSON MUKIANO MARIKETA	✓		KWANDEMO	0722992806	1025753	[Signature]
7	CHARO BAH THORA	✓		" "	" "	3896689	[Signature]
8	PASCAL NDORO	✓		" "	0725866396	14602829	[Signature]
9	FRANCIS KOI	✓		" "	0733333951	2129510	[Signature]
10	KATHO CHAI KOL	✓		" "	07 -	2132467	[Signature]
11	JANEI BONDOLA CHAES		✓	" "	0102031461	11764926	[Signature]
12	JUMWA CHARO WONGI		✓	" "	" "	2132617	[Signature]
13	EUNICE NIMWAGA HANJARI		✓	" "	0791796752	22749758	[Signature]
14	ELIZABETH REHEMA THORA		✓	" "	0727316412	20618022	[Signature]
15	PATRICIA WAI KOMBE		✓	" "	0725006701	20479750	[Signature]
16	SHEBAH BAKARA AL	✓		KWANDEMO	0733892891	114990614	[Signature]
17	FLORENCE MITHANI GEBARA	✓		" "	0701611230	12549131	[Signature]
18	LILIAN NINYA		✓	" "	071427224	27920535	[Signature]
19	KAROMBA KALUMBAH		✓	" "	0713344350	5028466	[Signature]
20	CHARLES MUYASA			" "	0722403791	6412046	[Signature]



KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT (KISIP)
 PLANNING AND SURVEYING INFORMAL SETTLEMENTS
 CONTRACT NO: MH/KISIP/CS/005B/2013-2014



Lot 1 Re-planning & RAP Meetings in 4 No. Informal Settlements in Embu, Kakamega & Kilifi Counties - Plan Presentation & Adoption

SETTLEMENT: KWA NDOMO

DATE: 11/6/2019

No.	Name	Tick Gender		Institution/Village/ Designation	Telephone	ID No.	Signature
		M	F				
1	FLORENCE W. SANTIHI		✓	WARD ADMINISTRATION	072365050	07601817	[Signature]
2	JANNET N. TSONA		✓	COMM. MOB. AREA	0725888242	15481605	[Signature]
3	Evans Omogwa	✓		ADLA-KISIP	072149198	11651030	[Signature]
4	JULIANA MUTHI PH		✓	NHAI	072311638	6847635	[Signature]
5	KALINGO CHARO KOI	✓		KWA NDOMO	0727125288	2132044	[Signature]
6	Faith Bwir		✓	KISIP	0722462959	11662361	[Signature]
7	Eyo Nucleemus Kerongo	✓		County Engineer	0723445506	12287224	[Signature]
8	JULIANA MUTHI PH		✓	" "	" "	" "	[Signature]
9	BONIFACE MADO WERA KAHINDI	✓		KWANDEMO	0723417839	8458188	[Signature]
10	Abena Kalama Mshomi	✓		KWANDEMO	0720826078	10293869	[Signature]
11	KENGA KIHONAU BAYA	✓		KWA NDOMO	0718204338	4581697	[Signature]
12	SHEHA SALIM SAID	✓		KWA NDOMO	0729341939	25936147	[Signature]
13	DICKSON MAINA WALTERA		✓	KWA NDOMO	0722647863	9811918	[Signature]
14	KAFEDHA SHARIF MAPIYU	✓		KWA NDOMO	0704339508	33053576	[Signature]
15	KALAMA WILLIAM FIKA	✓		KWA NDOMO	0727508924	10420455	[Signature]
16	David Onido	✓		CURP	0717469379	30357145	[Signature]
17	Agnis Gichure	✓		CURP	070265494	32440445	[Signature]
18							
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KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT (KISIP)
PLANNING AND SURVEYING INFORMAL SETTLEMENTS

CONTRACT NO: MH/KISIP/CS/005B/2013-2014



Lot 1 Re-planning & RAP Meetings in 4 No. Informal Settlements in Embu, Kakamega & Kilifi Counties - Plan Presentation & Adoption

SETTLEMENT: KWA NDOMO

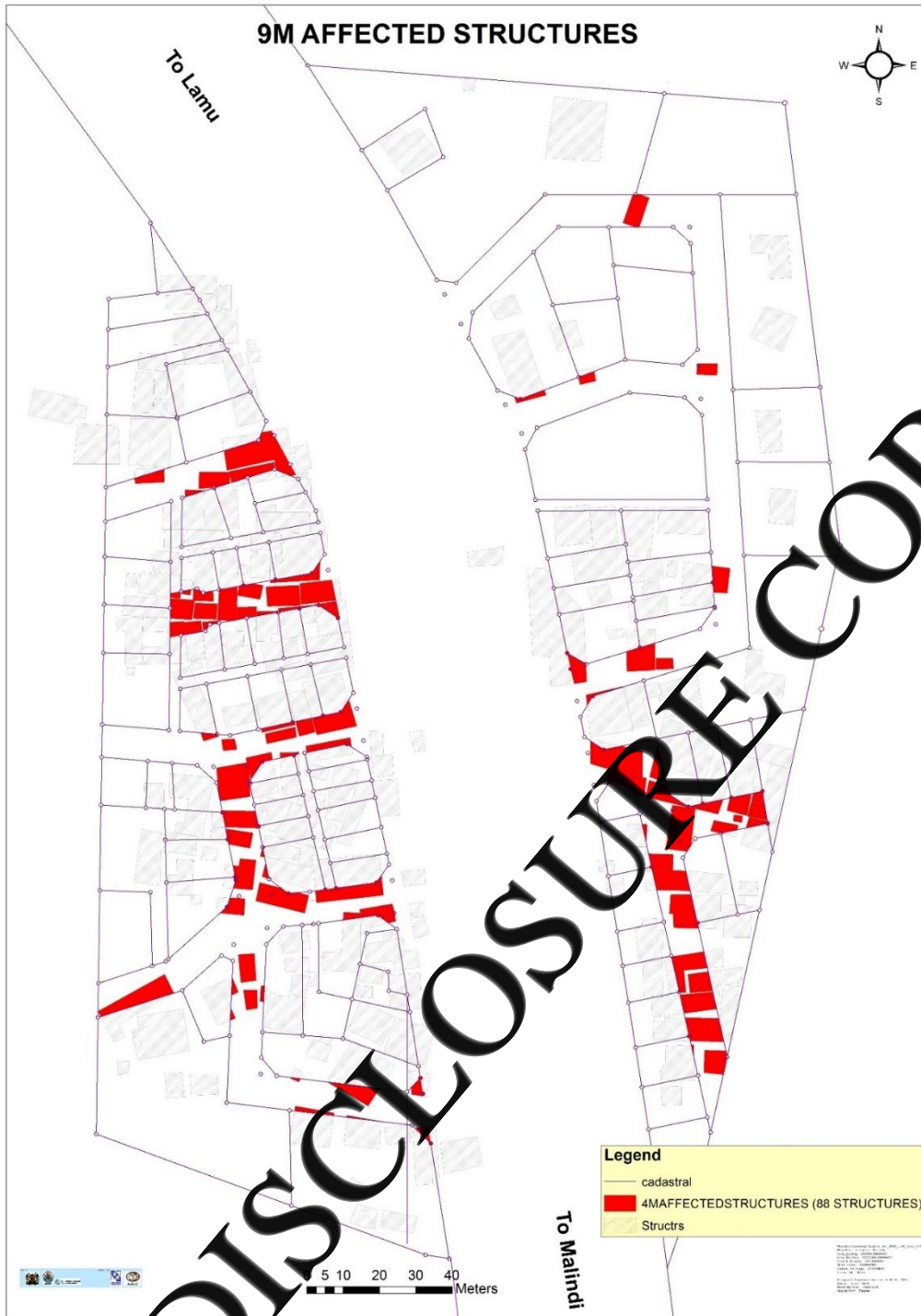
DATE: 11/04/2019

No.	Name	Tick Gender		Institution/Village/ Designation	Telephone	ID No.	Signature
		M	F				
1	NICKSON OMONDI OREHO	✓		KWANDOMO	071143530	26582943	<i>OW</i>
2	JOSEPH KAMUKU NIMRI	✓		KWANDOMO	0726805870	21702205	<i>JK</i>
3	EDWARD KENGA MUMBA	✓		KWANDOMO	077537703	4630783	<i>EM</i>
4	JAMES SIKUSALI KUKOHA	✓		KWANDOMO	0727394821	6709731	<i>JK</i>
5	SIFARI KAHINDI	✓		Sec. SECRETARY	0722572728	10575901	<i>SK</i>
6	CHRISTOPHER K. KENGA	✓		CHAIRMAN SEC.	0722991087	8466813	<i>CK</i>
7	KABIBI SARDI MOKWA		✓	AS CHAIRPERSON	079246002	5029097	<i>KS</i>
8	JACOBSON CHARO YAA	✓		KWANDOMO	073379489	9204715	<i>JK</i>
9	JOSEPH CHIMNENGA	✓		KWANDOMO	071085788	1344728	<i>JK</i>
10	FRANCIS ILIAGA BAYA	✓		KWANDOMO	0724810259	5033121	<i>FB</i>
11	PETER MURINDI MURINDI	✓		KWANDOMO	0727218846	532781	<i>PM</i>
12	EMMANUEL TOLEA KANGA	✓		KWANDOMO	0721242246	3515911	<i>ET</i>
13	KACHE CHARO KOMBE		✓	KWANDOMO	0725071131	937662	<i>KK</i>
14	DORCAS MERESA WAFULA		✓	KWANDOMO	0724775449	11096131	<i>DM</i>
15	EUNICE MERESA WANJUA		✓	KWANDOMO	072028067	21014353	<i>EW</i>
16	VICTOR NZUE	✓		MOLPP	0721730907	26789701	<i>VN</i>
17	MACE NZUW		✓	ERCG	0710561050	28030700	<i>MN</i>
18	Rensson K. Mbugua	✓		CRVP	0722363449	0328178	<i>RM</i>
19							
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Annex C – Amended Plan RAP Affected Structures Map: Conventional Versus Adoptive Planning

Map 1: Affected Structures using conventional Planning Approach⁹



⁹Some structures might not be legible due to scale of the map and the size of impact

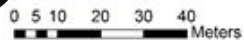
4M ROAD RESERVE AFFECTED STRUCTURES



ADC
FARM

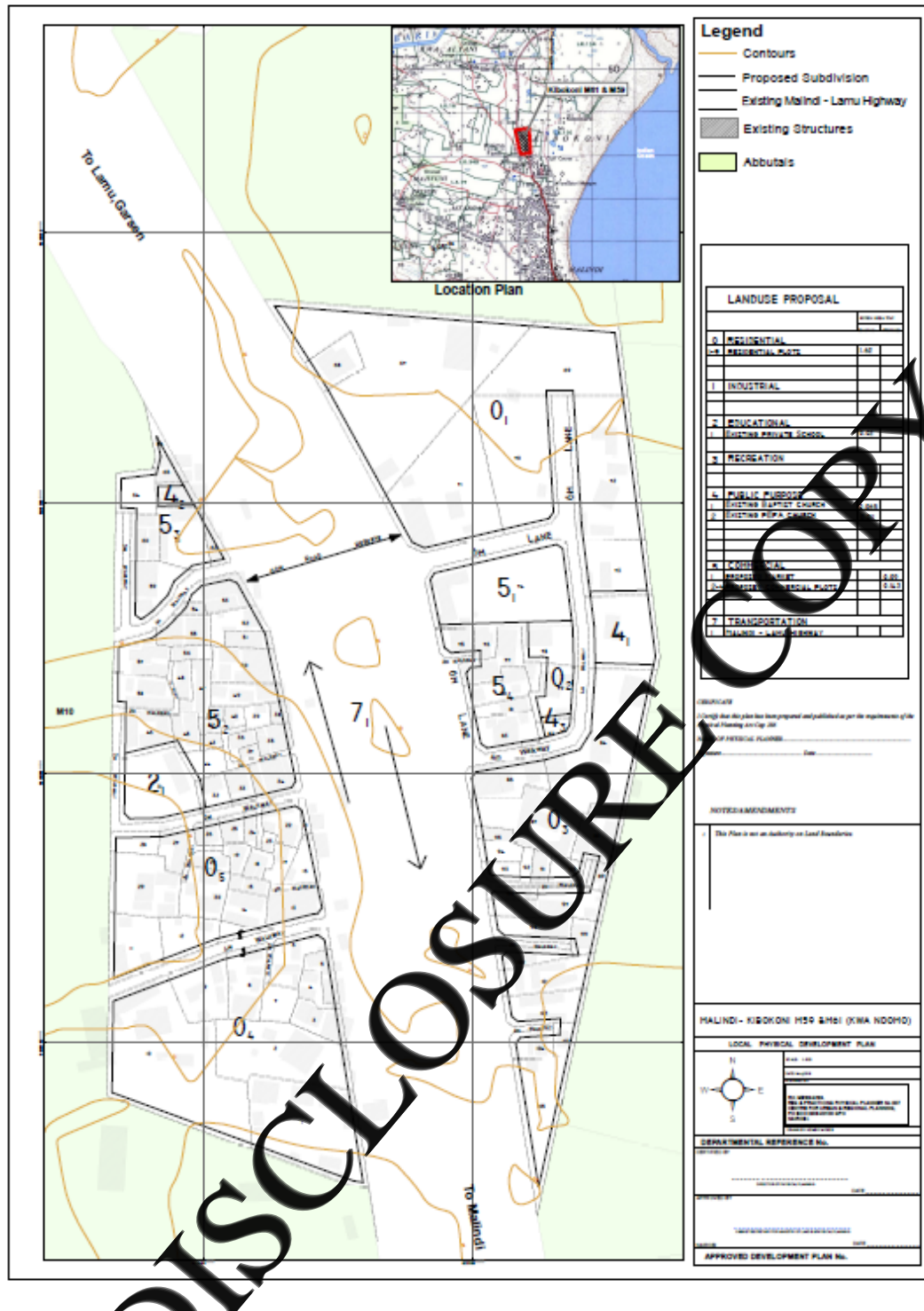
Legend

- cadastral
- 4MAFFECTEDSTRUCTURES (57 STRUCTURES)
- Structrs



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Map 2: Affected Structures after Re-planning (Adoptive Planning Approach)¹⁰



¹⁰ Some structures might not be legible due to scale of the map and the size of impact

Annex D – PAP and Asset register (See separate Excel document)

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Annex E – Minutes of PAP meetings

I. PAP meeting After Plan Amendment MINUTES ON PAPS SENSITIZATION FOR KWA NDOMO SETTLEMENT, ON 22ND JUNE 2019 AT 3:00 PM AT KWA NDOMO, SEC CHAIR'S OPEN GARDEN

Meeting/ project name	Consultancy for Re-planning & Resurveying of Informal Settlements in Kilifi, Kakamega and Embu Counties		
Date of meeting	22 nd June 2019	Time	2: 20 p.m. – 3:20 p.m.
Meeting facilitator	KISIP County Team	Location/venue	Community Grounds, Kwa Ndomo
Meeting objective			
Project Affected Persons Meeting (Kwa Ndomo Amended Plan)			
Attendance			
Name	Institution		
CLIENT TEAM –KISIP NATIONAL REPRESENTATIVES			
George Arwa	KISIP – Head of Component II		
Faith Birir	KISIP Component II		
Evans Omangwa	KISIP Representative		
NATIONAL DIRECTORATE OF PHYSICAL PLANNING			
Dr. Juliana Mutua	Deputy Director, Physical Planning – Land & Administration		
Victor Nzue	Ministry of Lands & Physical Planning		
COUNTY GOVERNMENT OF KILIFI REPRESENTATIVES			
Nicodemus Kerongo	CGK – County Engineer		
Florence N. Santah	Ward Administrator – Sabaki Ward		
CONSULTANT TEAM			
Felix Swai	CURP Planner & RAP Expert		
David Omido	CURP Planner		
ABSENT WITH APOLOGIES			
Renson K. Mbwagwa	Principal Consultant CURP		
Meeting Agenda			
<ol style="list-style-type: none"> i. Identification of PAPs ii. Sensitization session iii. Plenary session iv. Discussions v. Adjournment 			
MIN 01/4/2019: Introduction and Identification of PAPs			
<p>The meeting was called to order at 2:20 PM by the Consultant team and Identification of PAPs present was done – by roll call of their names & respective plot numbers to confirm quorum – where all PAPs were present.</p> <p>Present for the meeting were the PAPS, Settlement Executive Committee (SEC), Grievance Redress Committee (GRC), National Directorate of Physical Planning, KISIP National & Kilifi County Government Representatives;</p>			<p><i>Consultant team, CURP</i></p>
MIN 02/4/2019: Sensitization of PAPs			

Consultant Team

Consultant team,
CURP

The Representative from Consultant team began by detailing the objective of the RAP – as to document and address the impacts arising from plan amendment in Kwa Ndomo Informal Settlement in Kilifi County, in accordance with World Bank, KISIP and Kenya Government Policies. What renders the group as project affected persons – this being affected by proposed road wayleaves in the amended plan that affected their assets completely or partially was discussed. The details on the type of impacts occasioned to different PAPs was indicated to impact on residential structures and business

It was noted that impacts are also positive including enabling tenure regularization e.g. titles which can improve the value of land as well as been used as collateral for accessing finances for development of the plot.

The PAPs were informed of valuation that had been done after the resurvey, and a final verification to be completed in the next few days – as regard all assets, income-generating activities, tenants on ground, vulnerability categories, (Elderly persons – above 65 years, Widowed groups, PLWD among others) assets etc.

They were informed that KISIP will offer facilitation for the impact on assets to enable the PAPs to rebuild or re-establish the assets within their plot beneficiaries. However, it was reiterated that KISIP does not offer facilitation for public land and the aim of the project is to transfer the land to the individuals. KISIP also offers some facilitation for impact on livelihoods e.g. some allowance to cushion owner of business as he/she re-establishes the business or for lost tenants, as well as some allowance for the vulnerable PAPs. The PAPs were sensitized to channel grievances and concerns (if any arose) to the already instituted Grievance Redress Committee (GRC); or to KISIP Kilifi County Government Team and or National KISIP for complex issues unresolved at GRC level;

It was stated that the implementation of the RAP will be a joint KISIP and County endeavor.

Consultant team sensitized the PAPs to have their bank details up to date, or for the case of none, to set up through commercial banks, or SACCO accounts etc. In case these are not available, mpesa numbers registered in the name of the PAP will be considered.

It was stated to the PAPs, that after disclosure meeting to be held by KISIP once the report was approved, the County Government of Kilifi enforcement, mandated with implementation of the plan will serve reasonable notice – about 3 months from date of facilitation to allow for moving of the PAPs;

KISIP Team

It was reiterated to the PAPs to use the instituted Grievance Redress Committee effectively, noting that KISIP had undertaken the strengthening of the GRC

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<p>providing them with the necessary tools for the work i.e. grievances forms and register (black book);</p> <p>KISIP Team confirmed to the PAPs that after the review and approval of the RAP document, there will be a ground verification of the identified PAPs, where KISIP working with a government Valuer will do verification of valued assets, to ascertain considerations made by Valuer from the Consultant team;</p> <p>KISIP Team assured the PAPs, GRC & SEC of constant sensitization & confirmation of dates for verification process after the RAP is reviewed and approved by KISIP and the World Bank;</p>		
MIN 03/4/2019: Plenary Session		
Issues raised	Response	<i>All</i>
Concerns of plots earmarked by Kenya Urban Roads Authority (KURA)	KISIP team, through Head Component II reiterated that KURA have their own compensation approach – hence such will be facilitated during implementation of these roads, by implementing agency	
One of the PAPs inquired whether drainage will be incorporated in the implementing proposed infrastructure	The KISIP team reiterated that infrastructure utilities as such will be laid underground	
Sensitization on beacons as many were misinterpreting	The Consultant team confirmed to bring back surveyor on ground to verify and continuous sensitization	
Whether affected structures will be valued	Consultant team, confirmed that a valuation report of the PAPs will be done by a Valuer of all affected assets and livelihoods	
One of the PAPs sought to know power lines and water lines will run within individual plots, given the proposed cutting his plot is a 4m walkway	The KISIP team confirmed that these will run along these reserves, following zoning provided – incremental approach to reposses/acquire reserve	
MIN 04/4/2019: Discussions & Way forward		
The Project team assured the PAPs of speedy planning process to expedite a Project List Beneficiaries for processing of land ownership documents.		<i>All</i>
MIN 05/4/2019: Adjournment		
The meeting was adjourned at 3: 20 p.m., by the Consultant team, as there was no other business.		<i>Meeting Facilitator</i>
Picture representations of the meeting		
<i>PAPs Sensitization Meeting</i>		



See attached attendance list

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KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT (KISIP)
 PLANNING AND SURVEYING INFORMAL SETTLEMENTS
 CONTRACT NO: MH/KISIP/CS/005B/2013-2014



Lot 1 Re-planning & RAP Meetings in 4 No. Informal Settlements in Embu, Kakamega & Kilifi Counties - PAs Sensitization

SETTLEMENT: KWA Ndomo

DATE: 12/6/2019

No.	Name	Tick Gender		Institution/Village/ Designation	Telephone	ID No.	Signature
		M	F				
1	Ey. Nicobenus KERENGO	✓		CGU - Component 3 Head - Engineer	0723 44502	13287524	[Signature]
2	Ruth Birir		✓	KISIP	0722462989	11662361	[Signature]
3	Rene Amara	✓		ADDA - KISIP	0726465146	11651030	[Signature]
4	Juliana Mutua PhD		✓	MOLPP/KISIP	0720311638	6847615	[Signature]
5	FLORENCE SANTAH		✓	WARD AMUNSI	0726885061	27601817	[Signature]
6	George Arwa	✓		KISIP National	0722722891	3492283	[Signature]
7	Victor Nzue	✓		MOLPP	0721730907	26768701	[Signature]
8	JOSI Kambo undu		✓	07 05 16 4154		2131061	[Signature]
9	PENDO GIDEON MURZU		✓		0712404359	26126376	[Signature]
10	MARY MUNGU GIDEON		✓		0725969244	35474196	[Signature]
11	JAMES EKUMA KALOMU		✓			35554938	[Signature]
12	SAFARI KATHINDI	✓		SEC SECRETARY	0722572722	10578901	[Signature]
13	KAINCU CHARO KOI	✓		KWANDOMO	07227125288	2732044	[Signature]
14	TANNA NDAA TUNE	✓		KWANDOMO	0718010785	20950372	[Signature]
15	PATRICK NYAMAWI	✓		KWANDOMO	0722678601	9964070	[Signature]
16	ABDULLA HAMIS MWANGI	✓		KWANDOMO	0722991087	3896608	[Signature]
17	CHRISTOPHER K. KWENGA	✓		SEC CHAIRMAN	0722991087	8466813	[Signature]
18	SALMA SALIMSAID		✓	KWANDOMO	0722934932	2893612	[Signature]
19	TANNA NDAA TUNE	✓		KWANDOMO	0731852681	10688516	[Signature]
20	JOSEPH OKELLO	✓		KWANDOMO	0722732778	4824759	[Signature]



KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT (KISIP)
 PLANNING AND SURVEYING INFORMAL SETTLEMENTS
 CONTRACT NO: MH/KISIP/CS/005B/2013-2014



Lot 1 Re-planning & RAP Meetings in 4 No. Informal Settlements in Embu, Kakamega & Kilifi Counties - PAs Sensitization

SETTLEMENT: KWA Ndomo

DATE: 12/6/2019

No.	Name	Tick Gender		Institution/Village/ Designation	Telephone	ID No.	Signature
		M	F				
1	NICKSON OMONDI OKELLO	✓		KWANDOMO	0711013530	26582963	[Signature]
2	JUSTUS MURIEL KILONZO	✓		KWANDOMO	0722219902	21222503	[Signature]
3	DICKSON NATINA WAKIMUNGA	✓		KWANDOMO	072264463	9811928	[Signature]
4	NDAA TUNE NDAA	✓		KWANDOMO	0756634547	36166432	[Signature]
5	KABIRI SARO NGOWA		✓	KWANDOMO	0792440222	50291087	[Signature]
6	JOSEPH CHIMWENGA	✓		KWANDOMO	0710881880	13447287	[Signature]
7	SWAI FELIX	✓		CURP	0729965465	28101838	[Signature]
8	Agnes Gichure		✓	CURP	070205494	32440450	[Signature]
9	DAVID OMIDO	✓		CURP	071746379	30357145	[Signature]
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II. Initial PAP meeting

Community and PAP sensitization meeting on 11th July, 2017

MINUTES FOR RAP SENSITIZATION MEETING HELD ON 11TH JULY 2017 IN KWA NDOMO SETTLEMENT AT PEFA WORSHIP CENTRE

Project name:	Consultancy for Development of Resettlement Action Plans (RAPs) for Newly Planned and Surveyed Informal Settlements in Kilifi, Kakamega And Embu Counties Done Under Lot 1	
Date of meeting:	11/07/2017	
Meeting objective:	To sensitize the community on the RAP process	
Attendance		
Name	Institution	
COUNTY GOVERNMENT TEAM		
Madam Florence Santa	Ward Administrator	
CONSULTANT TEAM		
Mr. Renson K. Mbwagwa	Director/Lead consultant CURP	
Benson Kimeu	CURP-Surveyor	
Dr. Beneah Mutsotso	CURP- Sociologist	
Raymond Omondi	CURP-Valuer	
Logedi Lusala	CURP –Planner	
Moses Kemboi	CURP –Planner	
John Nduru	CURP–Landscape Architect	
Elizabeth Mutisya	CURP –Planner	
David Omido	CURP –Planner	
Felix Swai	CURP –Planner	
ABSENT WITH APOLOGIES		
Richard Ayore	County KISIP Coordinator	
Meeting Agenda		
<ol style="list-style-type: none"> 1. Introduction 2. Brief overview of the project 3. Purpose of the exercise 4. Deliverables of the exercise 5. Community Feedback 6. Community participation 7. AOB 		
Minutes		
MIN 01/7/2017: Introductory and opening remarks		
The meeting was called to order by the chairman at 11:00 am and opened with a word of from one of the members. This was then followed by introductions from the members present, SEC and the community, ward administrator and the consultant team.		
MIN 02/7/2017: Brief overview of the project.		
The consultant provided a brief overview of the KISIP project touching on Planning, Surveying and Infrastructure. He indicated some of the benefits of infrastructure upgrade in the		

settlement. He indicated that the target people as those who will be affected by the infrastructure upgrade, PAPs.

In addition, Mr. Mbwagwa also explained the resolution to undertake Priority 4 m road against the planned 9m road for immediate infrastructure upgrade as per the world bank request.

MIN 03/7/2017: Purpose of the exercise and its deliverables.

The consultant explained in details the need to have a RAP in Kwa Ndomo settlement. he pointed out the urgent need for the exercise so as to enable installation of infrastructure within the settlement. he also added that some project already started in the settlement like water installation and therefore the need to move with speed. He urged the community for collaboration and ready for engagements since there is need to come up with asset register for the affected properties.

On facilitation of PAPs, Mr. Mbwagwa indicated that the exercise is solely for the affected and asset valuation will be done. He pointed out some of the assets as all kind of structures trees like coconuts among others. He also Indicated that the replacement cost for these structures will be of the market value and additional 15% as contingencies.

Notice: the consultant indicated that there will be enough time after facilitation to allow residents of the settlement to realign their structures.

Grievance committee: He indicated that it should be established in the meeting so as to address any arising complains regarding the exercise.

Cutoff date: the cutoff date was set by the consultant as 11th July 2017 and therefore no one to do any construction on the road serves as it will not be valued.

On socio-economic aspects, Mr. Mutsotso indicated that there wills a comprehensive household enumeration on the affected persons. He also pointed out the importance of the survey during Monitoring and Evaluation of the impacts of the project at future impacts.

On the special groups, Mr. Mutsotso indicated that the consultant will collect information on vulnerable group among them disabled among others.

The sociologist also wanted to know the location of some community facilities which include;

- a. Nursery Schools
- b. Schools both private and Public
- c. Churches and mosques
- d. Waste disposal Site
- e. Water supply
- f. Cemeteries
- g. Traditional Sites

The consultant also indicated that socioeconomic survey to be undertaken as very important in livelihood restoration especially tenants. That the tenants will be considered as well as the structure owners of the affected structures.

Finally, there was indication by the consultant that facilitation payments will be done openly and disclosure of the values will be tabled once the process is over. The PAPs also were advised to consider the family members and not as an individual payment.

MIN 03/7/2017: Comments and remarks from the participants.

The comments from the county

Ward Administrator: She gave thanks to the consultant and urged the community to own the project and count them lucky. She also ordered that there should be no any developments on the road reserve since the cut-off date already set.

MIN 03/7/2017: Grievance Redress Committee.

There was formation of grievance redress committee where the community were asked to nominate some of the members to have representatives from SEC, elders, youth and disable. Ward administrator and the area chief will be among the GRC team to make it 9 members.

1. Chairlady- Madam Florence Santa WARD administrator
2. Vice Chair – Chief Francis Fondo
3. Secretary- Safari Kahindi
4. Elizabeth Thoya
5. Lawrence Mazera
6. Christopher Kenga
7. Edward Kenga Mumbo -Elderly
8. Ndorochengosamini- Disabled
9. Vincent Abenamushomi- Youth

MIN 03/7/2017: Arising issues from the community.

Concerns	Response
1 That there are still inter-boundary cases experienced in the settlement	1 Such cases will be resolved once the RAP process is completed. It is also important to prioritize the infrastructure upgrade. KISIP will greatly be involved in the Inter-boundary and realignment of plots.
2 There are problems with the beaconing of the subplots in the settlement, how can that be resolved?	2 The surveyor is with the team so as to resolve.
3 The community should be involved in provision of labour for the exercise and Infrastructure upgrade	3 The consultant will consider using the community where possible but for now it more technical and it require prior training.
4 Notice time, can we be given time to resettle?	4 There will be enough time to enable resettlement after facilitation.
5 What happens to individual graves?	5 The households should identify any graves within the plots, then the RAP will consider such cases and if possible, through the GRC.

MIN 03/7/2017: AOB

The valuer notified the community that in some cases he will need to check inside the houses and do some measurements if required.

The consultant indicated that the exercise will start immediately since they have no time.

Since there was no other business the meeting adjourned at 12:35PM

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Annex F – Initial RAP Preparation Engagement Minutes



The RAP kicks off meeting for the consultancy services on 3rd May 2017

MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT

Kenya Informal Settlement Improvement Project (KISIP)

MINUTES OF THE KICK OFF MEETING FOR THE CONSULTANCY SERVICES TO DEVELOP RESETTLEMENT ACTION PLANS (RAPs) FOR PLANNED AND SURVEYED INFORMAL SETTLEMENTS IN KILIFI, KAKAMEGA AND EMBU COUNTIES, HELD BETWEEN KISIP, WORLD BANK AND CENTRE FOR URBAN & REGIONAL PLANNING (CURP) ON 3RD MAY 2017 IN ARDHI HOUSE, 6TH FLOOR BOARDROOM.

ATTENDANCE:

	NAME	ORG	EMAIL	PHONE
1)	Peris Mangira	KISIP-coordinator (chairing)	chiriperis@yahoo.com	0723392807
2)	Ann Mugo	Head of KISIP Component 2	amutmugo@yahoo.com	0720561665
3)	Sheila Kamunyori	World Bank Urban Specialist	skamunyori@worldbank.org	0726177767
4)	Lilian Kahindo	World Bank Social Specialist	lkabindo@worldbank.org	0724903801
5)	Renson K. Mbwagwa	CURP - lead Consultant	info@curp.or.ke	0722363049
6)	Osengo K. Charles	CURP - Consultant	Osengo479@gmail.com	0721275274
7)	Dr. BeneahMutsotso	CURP - Consultant	bmutso@yaboo.com	0722833012
8)	BendonKimeu	CURP - Consultant	benkimeu@gmail.com	0725751427
9)	Casty Njoroge	CURP - Consultant	Njoroge33@yahoo.com	0722874891
10)	Daniel Mutegi	KISIP - Component 1	mutegigiti@gmail.com	0726295038
11)	Antony Kimosop	KISIP - Component 2	mastakoi@yahoo.com	0771884201
12)	Celestine Wanjala	KISIP - Component 2	wanjalacnina@gmail.com	0722677903

13)	Anne Kioko	KISIP - Component 1	annmbili@gmail.com	0712611525
14)	Gladys Juma	KISIP - Component 1	gimbosa@yahoo.com	0722385220
15)	Stella Gitimu	KISIP - Component 1	S1gitimu@yahoo.com	0726349610
16)	SalesioKaburu	KISIP - Component 2	sjkaburu@yahoo.com	0722853907

Apologies:

1. George Arwa
2. Evans Omagwa
3. Faith Birir
4. ZenahKurui

Agenda

1. Introductory and opening remarks by the chair.
2. Confirmation of the availability of Key personnel
3. Agreeing on contractual deliverables and timing
4. Commencement of work (Introduction of consultants to the counties)
5. AOB.

Min 01/3/5/2017: Introduction and opening remarks from the chair

The meeting was called to order at 9.30 am and opened with a word of prayer from one of the members; the chair welcomed all members and gave them opportunity to introduce themselves. The chair congratulated the consultancy team and gave a brief overview of the assignment at hand with key emphasis on the expectations as follows:

- Timelines; the contract period is five months and must be adhered to since there will be no extension.
- Consultant staff; we believe you have a sufficient and able team to execute the assignment and we request that you maintain the same team during the contract period.
- work very closely with the County and the communities in getting adoption of the reports by the Counties. Give priority to Kilifi settlements as community is not welcoming any infrastructure activities until RAP is implemented.
- The client is ready to assist in any capacity as required by the contract to have the consultant deliver on time.

Min 02/3/5/2017: Confirmation of the availability of Key personnel

The Key personnel of the consultants were called and they were all confirmed to be present except for the Land economist Mrs. Carolyne Nyororo who was attending a different meeting

but will participate in the assignment. The lead consultant assured the client that all the key personnel will be available for the assignment for the stipulated time.

Min 03/3/5/2017: Review of contract deliverables and timing.

Component 2 head took members through the specific tasks as outlined in the terms of reference (ToR) which shall be the basis of developing the listed deliverables/ outputs (as read in the ToR). The time frame shall be 5 Months.

Clarification of Issues:

The consultant agreed to the expectations by the client however, needed clarification on the following;

	<i>Concern</i>	<i>Response</i>
1.	Level of facilitation; - All affected persons have been stuck on how to move on after survey, many have so much expectations of facilitation and since in some of these settlements the material used for construction is recyclable, how far can we facilitate?	- Where demolitions cannot be avoided, facilitation shall be evaluated at market rate however, some cases will be based on replacement cost. This should be done in accordance with the WB OP4.
2.	Some of the beneficiaries claim ownership of the undeveloped plots and have sale agreements. Since the facilitation is not on land but assets, how do we handle such issues? If we carry out the asset evaluation, who shall be the legitimate receiver of the replacement cost?	- All affected persons should receive the same treatment as those claiming ownership of undeveloped plots to receive a share equivalent to the title. The consultant to investigate and establish who is legitimate to receive facilitation of the lost land. Seek views from relevant institutions as NLC.
3.	The contract period is five months and as we move into the political period our exercise is likely to be affected by this politics, how do we deal with this issue?	- This should not be a challenge as you only require 3 months for the field visits. this can be achieved before August 2017.
4.	We are likely to have two values in our evaluation; the technical value (by the valuer) and the people's value. Which of these should take the lead?	- The technical value by a professional valuer should take the lead. The consultant should clearly define the term "facilitation"

		to the community to avoid misunderstanding.
4.	We understand that our entry to the settlement is SEC, are we going to put in place a committee to assist in the RAP exercise?	<ul style="list-style-type: none"> - These settlements already have a committee in place (SEC) and are still awake. KISIP will however just inform them of the coming activity for them to take the lead. - Additionally, County staff who was already involved in the earlier assignment will be contacted to assist in RAP. KISIP Component 1 & 2 will also be directly involved to supervising the consultancy.
5.	Plots which do not meet the minimum size for a title, can they be combined to be issued one group title?	- Consultant to agree with the communities (Beneficiaries) on the best tenure options.

Min 04/3/5/2017 Commencement of work and Introduction of consultant to the Counties:

It was agreed that the commencement date would be the date of kick off meeting that is (3/5/2017) thus officially the contract is running.

Members agreed that the introductory visits be held between 8th to 15th May 2017 to enable the consultants start the work.

The scheduled is as follows;

Date	Settlement	County
8 th May 2017	Kwambomo	Kilifi
9 th May 2017	Muyeye Phase 1	
12 th May 2017	Kathita	Embu
15 th May 2017	Amalemba	Kakamega

Min 6/3/3/2017 A.D.B

- The consultants expressed their gratitude for the opportunity given and assured the client of delivering their best within the agreed time. They also proposed that the open spaces set aside be landscaped for the benefiting communities.
- The bank's social safeguard specialist urged the consultant to develop an entitlement matrix capturing attributes for all affected persons. Capture the vulnerable groups and provide special assistance to these groups of people. Consultant to give right responses to community during engagements and ensure that data captured is of high quality and standards.
- The consultant to represent the Kenyan Government and the Bank in the right and proper manner, avoid unnecessary noise from the affected persons and stick to the OP4 guidelines.

Agreed actions

- Kimosop to share a copy of the study report done by component 4 consultants.
- Lilian to share the Bank's presentation (on obligations and expectations) with the consultant.
- KISIP to facilitate introduction of consultant to respective counties.

There being no any other business, the meeting ended at 1300 pm.

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Annex G – Grievance Redress Form

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

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