



REPUBLIC OF KENYA

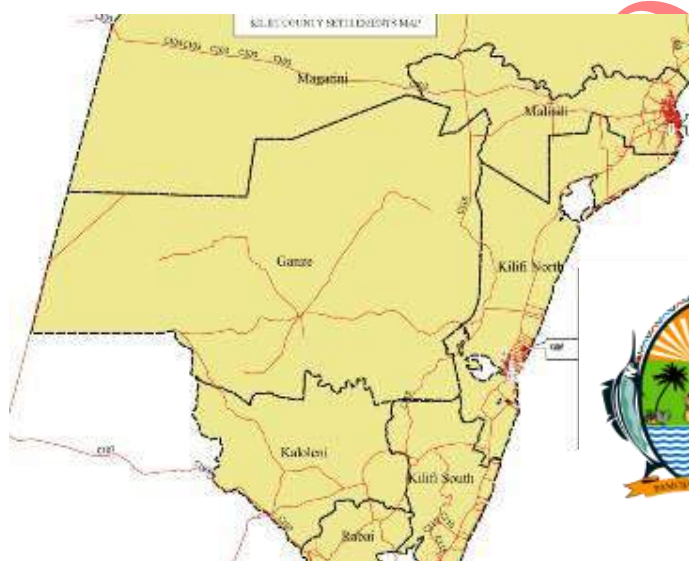
Ministry of Lands, Public Works, Housing and Urban
Development.



State Department for Housing and Urban Development.

**SECOND KENYA INFORMAL SETTLEMENTS
IMPROVEMENT PROJECT (KISIP 2)**

CONSULTANCY SERVICES FOR ENGINEERING DESIGN REVIEW, REPACKAGING OF DETAILED ENGINEERING DESIGNS, AND PREPARATION OF PROCUREMENT DOCUMENTS; UPDATING OF RAP AND ESIA REPORTS; AND SUPERVISION OF THE PROPOSED INFRASTRUCTURES IMPROVEMENT WORKS IN SELECTED INFORMAL SETTLEMENTS IN THE COUNTY OF KILIFI (6NO SETTLEMENTS). CONTRACT NO.: KE-MOTI-214831-CS-QCBS



**Kilifi County
Government**

UPDATED RESETTLEMENT ACTION PLAN REPORT

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EXECUTIVE SUMMARY

Project Information

The Government of Kenya with support from International Development Association (IDA) and Agence Française de Développement (AFD) has initiated the Second Kenya Informal Settlement Improvement Project (KISIP 2) whose objective is to improve access to basic services and tenure security of residents in participating urban informal settlements and strengthen institutional capacity for slum upgrading in Kenya; based on plans developed in consultation with the community.

This Project, while concentrating on informal settlements, will complement existing and past urban operations in Kenya to address the Urban infrastructure deficit and Urban institutional challenges. It supports the Governments' affordable housing agenda as it seeks to complement the demand-side and supply-side operations to improve housing affordability.

KISIP 2 has the following four components:

Component 1: Integrated Settlement Upgrading. This component supports settlement upgrading through two main interventions classified under two sub-components:

Sub-component 1.1: Tenure regularization - Coordinates regularization of tenure for people living on uncontested public lands whose process includes;

- i. Development of a local physical plan for the settlement which lays out land parcels and infrastructure (roads, drainage, walkways, etc.);
- ii. Surveying with physical placement of beacons to demarcate the parcels as per the plan;
- iii. Preparation and issuance of letters of allotment based on the survey plan; and finally
- iv. Issuance of titles.

Sub-component 1.2: Infrastructure Upgrading - Coordinates infrastructure investment portfolio whose menu includes: roads, bicycle paths, pedestrian walkways, street and security lighting, vending platforms, solid waste collection and settlement sorting, storm water drainage, water and sanitation systems, public parks, and green spaces. It further includes investments related to prevention of crime and violence, including but not limited to community centers.

Component 2: Socioeconomic Inclusion Planning. This component supports community development plans to enhance social and economic inclusion, identifies beneficiaries who fit the eligibility criteria of government programs but are excluded and connects them appropriately, supports participatory crime and violence mapping, monitors the employment of local labour, carries out community capacity building and awareness raising for various project interventions including community-based solid waste management.

Component 3: Institutional Capacity Development for Slum Upgrading. This component supports institutional and policy development at national and county levels; develops a capacity building plan for national and county levels to implement the Strategy and to develop understanding of slum upgrading processes; also supports technical assistance, training,

workshops and learning events, experience sharing and peer-learning activities with other counties, and other capacity building activities.

Component 4: Program Management and Coordination. This component supports activities of the NPCT and the CPCT related to national and county-level project management and coordination, including planning, surveying, engineering, fiduciary (financial management and procurement), safeguards compliance and monitoring, monitoring and evaluation (M&E), communication and community development.

Kilifi County having achieved the set principles of selection is among those considered for support under the project. The infrastructure to be covered in the selected Informal settlements in the County includes but not limited to the following;

- i. Roads and footpaths
- ii. Street and security lightning
- iii. Storm water drainage infrastructure
- iv. Solid waste management and collection
- v. Water supply and sanitation infrastructure

Description of the Project

The proposed infrastructure improvement works as per the original designs are as shown in Tables A below.

Table A: Original Proposed Works in Settlements of Kilifi Town

Settlement	Scope of works
Kibaoni, Kalolo and Baya Magonzi Settlements	
Roads/Footpaths:	R1 - Construction of 7,996 m of roads with 9 to 12m reserve width R2 - Construction of 7,092 m of Internal Settlement roads with 6 m reserve width
Drainage System:	D1 - Construction of 15,088 m of Drainage Network
Water Supply:	WN- Provision of 2736 m of Water Supply Reticulation Network
Mtaani and Kisumu Ndogo Settlements	
Roads/Footpaths:	R1 - Construction of 1637 m of roads with 9 to 12 m reserve width
Drainage System:	D1 - Construction of 1637 m of Drainage Network
Sanitation:	S1 - Construction of 2 Septic Tank, Ablution Blocks
Public Lighting:	L - Provision of 86 No. Street Lights

Malindi Town

The proposed infrastructure improvement works as per the original designs are as shown in Tables B below.

Table B: Original Proposed Works in Settlements of Malindi Town

Settlement	Scope of works
Muyeye Settlement	
Roads/Footpaths:	R1- Construction of 2667 m Access Roads with 9 to 12m reserve width

	R2 - Construction of 847 m of Internal Settlement roads with 6 m reserve width
	R4 – Construction of 1037 m of Internal Settlement Footpaths
Drainage System:	D1 - Construction of 1037 m of Drainage Network
Sanitation:	S1 - Construction of 4 No. Septic Tanks, Ablution Blocks

Rationale for RAP Update

The initial RAP for Kilifi settlements was prepared in 2017 covering the following six settlements; Mtaani, Kisumu Ndogo, Kibaoni, Kalolo, Bayamagonzi and Muyeye. The RAP was implemented in Muyeye settlement while the implementation in the remaining five settlements was never done hence the need to update the RAP to guide the implementation in the remaining five settlements.

Overall objectives of the RAP are:

- i. Avoid or minimize adverse resettlement impacts including physical and economic displacement. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.
- ii. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs in accordance with the principles outlined in the World Bank Operational Policy (OP 4.12).
- iii. Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- iv. Mitigate adverse social and economic impacts from land acquisition by: a) providing compensation for loss of assets at full cost; b) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected; and c) improve or at least restore the livelihoods and standards of living of affected people.
- v. Provide additional assistance and opportunities (e.g., credit facilities, training, or job opportunities) and improve or at least restore the income-earning capacity, production levels and standards of living of economically displaced persons whose livelihoods or income levels are adversely affected.
- vi. Provide transitional support to affected people, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.

Key Principles

The key principles of this RAP are based on the requirements of OP 4.12 and constitute the following: -

- i. Compensation and resettlement of project-affected people will be carried out in compliance with Kenyan legislation and World Bank OP 4.12. Where Kenyan legislation is less favorable to Project Affected Households (PAHs) than the requirements of OP 4.12 the latter shall apply;

- ii. All physically and economically displaced people will be offered an option between either a full resettlement package, including the provision of replacement structures or cash compensation;
- iii. The Project will provide for measures to support sustainable use of compensation cash (money management training) and for mechanisms within the overall monitoring framework to follow up the use of compensation n cash;
- iv. The Project will assist PAHs in restoring their livelihoods to at least their previous levels through the development and implementation of tailored livelihoods restoration packages for each household
- v. The Project aims to ensure PAHs are Project beneficiaries; targeted livelihood restoration programs will have this as a core strategy to achieve this goal.
- vi. The RAP implementation and outcomes will be monitored and evaluated as part of a transparent process.

Options for Minimizing Disruptions

- i. The target informal Settlements are densely populated; therefore, efforts have been made to minimize involuntary disruptions to Project Affected Persons (PAPs).
- ii. The project design team made deliberate measures to avoid and minimize the impacts of the project activities on people's assets and sources of livelihood; this was done at the conceptual stage during the project development. In order to minimize impacts on the project to people's assets and livelihood, the design team ensured that all the civil works have been designed within the existing road reserve, this was achieved by using the Part Development Plans (PDPs) developed by the county government, office of County Physical Planner under KISIP Component 2.
- iii. Reducing the road width to reduce impacts within the built-up areas
- iv. All Sites for setting up the proposed flood lights are on government land within the settlements where no one claims ownership, this also was achieved through the use of Part Development Plans (PDPs) developed by the county government.
- v. Realignment of the Project Routes in areas where the impact of resettlement is likely to be more

Institutional, Legal and Policy Provisions

This Resettlement Action Plan (RAP) has been designed in accordance with all the relevant legislation pertaining to the Constitution of Kenya, Land Act, National Land Commission Act, Land Registration Act, Community Land Act, Traffic Act, Roads Act as well as the World Bank Involuntary Resettlement as stipulated in OP 4.12. The Kenyan land laws and the Constitution of Kenya (CoK) 2010 requires that there should be just compensation to those affected but it is not clear on specifics of what constitutes just compensation. World Bank OP 4.12 requires full replacement costs. This RAP requires that full replacement cost be paid as compensation for structures to be affected by the project for all the PAHs as per the World Bank OP 4.12. The Bank's OP 4.12: Involuntary Resettlement is triggered by the project since the road improvement Project will affect structures and trees.

The project impacts

The Kenya informal settlement improvement project for Kilifi County will affect 149 structures belonging to 149 project Affected Households (PAHs) spread across the five settlements covered by the project.

Construction impacts

Table C: Summary of Impacts

Settlement	Number of roads	Number of structures	Number of households	Number of PAPs
Kibaoni	5	67	67	67
Bayamagonzi	5	40	40	40
Kalolo	5	21	21	21
Kisumu Ndogo	2	12	12	12
Mtaani	3	9	9	9
Total	20	149	149	149

Table D: Kibaoni

Road	Number of structures	Number of households	Number of PAPs
R1-003	5	5	5
R1-001	54	54	54
R1-002	5	5	5
R1-006	0	0	0
R1-004	3	3	3
Total	67	67	67

Table E: Bayamagonzi

Road	Number of structures	Number of households	Number of PAPs
R1-014	27	27	27
R1-017	6	6	6
R1-015	0	0	0
R1-021	6	6	6
R2-018	1	1	1
Total	40	40	40

Table F: Kalolo

Road	Number of structures	Number of households	Number of PAPs
R1-009-1	10	10	10
R1-005	1	1	1
R2-006	0	0	0
R2-005	0	0	0
R1-010-1	10	10	10
Total	21	21	21

Table G: Kisumu Ndogo

Road	Number of structures	Number of households	Number of PAPs
R1-001	5	5	5
R1-002	7	7	7

Total	12	12	12
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Table H: Mtaani

Road	Number of structures	Number of households	Number of PAPs
R1-003	5	5	5
R1-004	2	2	2
R1-005	2	2	2
Total	9	9	9

RAP methodology

The preparation of Resettlement Action Plan entailed verification of PAPs, the affected assets, the socio-economic baseline data of the PAPs, the scope and the magnitude of the social impacts to be borne by the PAPs and design of an appropriate RAP that will provide social safeguard and compensation measures to effectively remedy the impacts of involuntary resettlement on the livelihoods of the PAPs. The RAP report is based on final road designs provided by Ministry of Lands, Public Works, Housing and Urban Development (MLPWHUD). As such, the preparation of this RAP has followed the principles outlined in World Bank OP 4.12.

Literature Review

The first stage included literature review of relevant project design and safeguard reports and maps. The project documents that were reviewed included:

- i. Feasibility Study and Detailed Design Reports for Kilifi settlement projects
- ii. Resettlement Action Plan 2018
- iii. Relevant Kenyan legal documents including; Constitution of Kenya, Land Registration Act (2012) National Land Commission Act (2012) among others.
- iv. Environment and Social Management Framework (ESMF) for KISIP II
- v. Resettlement Plan Framework (RPF) for KISIP II

Table J: Eligibility criteria

Description	Who	How	When
Physically displaced PAP:	Individuals, households or groups who will lose their place of residence due to road improvement activities	Determined by the RAP Census, the Cadastral and Asset Survey.	At the time of signing the cut-off date form during the rolling out of census and socio-economic survey.
Economically displaced PAP:	Individuals, households who will lose business structures and business income	Determined by the RAP Census,	The cut-off dates for this RAP are KKB (Kibaoni, Kalolo and BayaMagonzi) 15th October 2017
Physically and Economically displaced PAP:	Individuals, households or groups who fit into both categories above.	Determined by the RAP Census, the Cadastral and Asset Survey.	Mtaani & Kisumu Ndogo 18th October 2017

Cut-Off Date

According to OP 4.12, cut-off date is the date the RAP census begins. Cut-off date is important because it guards against influx of people to the project area. Influx can increase the cost of compensation and need to be avoided. Persons who encroach on the area after the cut-off date are not entitled to any resettlement package. Improvements made to homes or additional structures added by existing residents after the cut-off date are also not eligible for compensation. The cut-off date 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 to prevent further population influx and opportunistic investments/claims.

The cut-off dates for this RAP are KKB (Kibaoni, Kalolo and Bayamagonzi) **15th October 2017**, Mtaani & Kisumu Ndogo **18th October 2017**. The cut-off date was publicly disclosed in the project areas and to all the PAHs. The disclosure was undertaken by the RAP Consultant teams and local administration officials from the Ministry of Interior and Co-ordination of Citizens Affairs. The principle of the cut-off date was disclosed to the community prior to the detailed RAP field surveys. It was communicated to the affected communities during public meetings (barazas) and to individual PAHs during the fieldwork. They were clearly informed that persons moving to the project areas and those who may do further developments on their affected land after the cut-off date would not be entitled for compensation and that persons settling in the project area after the cut-off date may be subject to removal.

Entitlement Matrix

The entitlement matrix establishes the specific rights and entitlements to replacement affected assets or provision of compensation and assistance. These rights are granted to any PAHs who will lose proven assets, as determined during the Cadastral and census survey.

Stakeholder Consultations

Effective resettlement action planning requires regular and thorough consultation with PAPs and a wide range of project stakeholders drawn from the affected area. This wide consultation is intended to include individuals and groups who will be affected by the project. The PAPs and stakeholders' consultations are extremely important for successful preparation and implementation of the RAP. The stakeholder and PAPs consultations were conducted between 18th January and 20th February, 2023. The consultations with PAPs were conducted in public barazas while consultation with other key stakeholders were conducted in their offices through Key Informant Interviews. The goal of stakeholder consultations was to provide a forum for information sharing and opinion gathering regarding the proposed Project and current priorities without changing the scope of previous designs. Public meetings were used to consult with stakeholders. The minutes are provided in annex: i and attendance register annex ii.

Table K: Schedule of Stakeholder engagement meetings

Date	Time	Site/Settlement	Male	Female
Wed 18-Jan-2023	11:00AM to 1:00PM	Baya Magonzi	23	20
	2:00PM to 4:00PM	Mtaani	21	24

Date	Time	Site/Settlement	Male	Female
Thur 19-Jan-2023	11:00AM to 1:00PM	Kalolo	21	15
	2:00PM to 4:00PM	Kisumu Ndogo	22	10

Grievance Procedure and Rationale

This section describes the procedure and mechanism through which community members and PAPs will be able to report, make, place/lodge or express a grievance against the project and its staff or contractors as part of the RAP implementation. It also describes the roles and responsibilities of different structures in resolving grievances. A grievance is any dissatisfaction or sense of injustice or unfairness felt by a person – in this respect a PAP or his/her representative in connection with his/her compensation entitlements, the RAP implementation process, the project developer, the contractor and other scenarios related to project implementation. The grievance is usually brought to the attention of the person(s) in charge, referred to in this RAP as the Grievance Officer (GO). This grievance procedure is intended to put in place and facilitate accessible, prompt and cost-effective handling of grievances at the nearest points of service to community members and the PAPs.

The aim and purpose of this system are to make the grievance handling procedures accessible, prompt and affordable to the PAPs given the generally low values of some of the properties to be affected, and also provide an alternative to the costly and time-consuming formal court procedures for handling grievances and disputes. The objective of the grievance handling systems and procedure is to establish for the PAPs mechanism for raising complaints related to compensation for loss of structures and other livelihood properties and assets and having such complaints resolved as amicably as possible through acceptable and binding corrective actions. This grievance management system will be in place for through the Project construction period, including the exit period.

Grievance mechanism for this RAP is proposed for four tier arrangement.

Tier 1: Settlement Grievance Redress Committee (SGRC)

The first level in addressing grievances will be at the settlement. The settlement will form a Settlement Grievance Redress Committee comprising of two members from SEC, and three other respected community members who are not PAPs. The committee should be elected by the community in a transparent manner and after sensitization by KISIP PCT.

Tier 2: County Resettlement Implementation Committee (CRICs)

The second level of grievance mechanism will involve the County Resettlement Implementation Committee (CRICs). The CRICs will consider grievance reports forwarded to it from the community grievance committee and make a determination. The CRIC will comprise of the County Coordinator, Environment Officer, Social/Community Officer, Component Heads for Infrastructure, and Land tenure, Assistant Deputy County Commissioners, and Ward Administrator.

Tier 3: National PCT, (NRIC)

The third level of grievance mechanism will involve the National PCT, (NRIC) which will comprise of the National Project Coordinator, Heads of Components, Environment and Social Safeguard heads, and a designated Grievance Redress Officer who will be the Secretary. It will handle grievances referred to it by the CGRCs and monitor the performance of the whole GRM for the project.

Tier 4: Court of Law/ Alternative Dispute Resolution (ADR).

If complainants are not satisfied by the decisions of the grievance's committees, they can seek redress from a court of law or resort to Alternative Dispute Resolution (ADR).

Resettlement Implementation Arrangements

This Chapter provided a list of all agencies and institutions that are involved in the implementation of the RAP. These organizations are crucial in the RAP implementation process and are mandated to perform their respective roles and have the capacity to undertake their specific responsibilities even though KISIP RAP implementation unit will be charged with the overall responsibilities of implementation of the RAP.

Project Management at Ministry level

MLPWHUD will interface with other sector ministries, agencies and Counties on matters and policies relating to the project and more specifically RAP issues. The MLPWHUD will interface with the County on issues pertaining to RAP budget financing. The ministry will also communicate directly with the Bank on technical issues including RAP preparation, approvals, disclosure and even implementation being among them.

The Project Coordinator (PC)

PC is the overall technical coordinator in the implementation of KISIP and assisted by a Social Development Officer in case of land acquisition and resettlement and other social issues related to this program. The Project coordinator will supervise the project team and ensure that project implementation activities and reports are on schedule and in compliance with the financing agreement. The coordinator will report to the principal secretary and will from time to time draw the attention of the principal Secretary to all emerging policies issues for decision at that level or a higher level.

National KISIP Project Coordination Team

The overall coordination of the whole process, from development to implementation and monitoring, is provided by the KISIP PCT. The KISIP Coordinating Unit has the following roles:

- i. Coordinate the effective implementation of the Environmental and Social Management (ESMP) and Resettlement Action Plans and ensure compliance with agreed implementation procedures and guidelines.
- ii. Prepare Progress Reports on the implementation of the environmental and social safeguards.
- iii. Supervise ESMP/RAP implementation during and after project implementation.
- iv. Ensure integration of EMPs and RAPs into Contract and Bid Documents.
- v. Ensure adequate community participation.

The project team is responsible for routine implementation and technical austerity of the KISIP project. The team has put together a Safeguards team which has an environmental and social safeguard specialist responsible of ensuring that the environmental and social safeguards are implemented to and compliant to under the project. The officer will be responsible under this RAP to do quality checks and review the RAP reports before forwarding to the World Bank safeguards specialist. The officer is in charge of actual implementation of the RAP with the help of Resettlement Implementation Committee constituted for the project.

County KISIP teams

For effective implementation of the Project, Counties have established County KISIP Teams whose composition is a replica of the national team. The county teams were crucial in development of this study and they will also be important during implementation the RAP prior to commencement of civil works.

Disclosure of RAP

The RAP will be disclosed in English while the executive summary (non-technical) will be translated into Kiswahili languages. A Project brochure will be prepared at implementation stage with (a) a broad description of the project; (b) entitlement matrix and eligibility; (c) implementation schedule; (d) grievance redress mechanisms and how it will work; and (e) RAP monitoring methods and timeline.

Disclosure will be in electronic form on the website of the following institutions namely:

- i. KISIP National Office
- ii. MLPWHUD
- iii. County Government of Kilifi
- iv. World Bank external affairs

Hard copies will be made available in the same offices with additional copies availed at the following sites:

- i. KISP Nairobi Office
- ii. Kilifi County Headquarters
- iii. All Locational offices affected by the project
- iv. All Ward offices affected by the project

RAP budget

The total budget for resettlement compensation is **Kshs. 3,282,195** inclusive of other costs such as disturbance allowance, livelihood restoration and grievance redress and administration. All costs associated with this RAP as highlighted in Table L below will be met by the County Government of Kilifi.

Table L: Compensation Costs

Description of costs	Cost in KES
Losses/damages due to corridor clearance	1,655,725
Loss of business income	248,358
Stakeholder engagement and grievance management (including SEC/GRC facilitation)	250,000
RAP implementation monitoring and completion audit	500,000
Administrative costs	200,000
Sub-Total	2,854,083
Disturbance allowance (15%)	428,112
Total	3,282,195

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ACRONYMS AND ABBREVIATIONS

AfD	Agence Française de Développement
AoI	Area of Influence
CSOs	Civil Society organizations
CDP	Community Development Plan
CSDO	County Social Development Officers
CLO	Community Liaison Officer
CoK	Constitution of Kenya
CPCT	County Project Co-ordination Team
ESS	Environmental and Social Standards (ESS)
FGDs	Focus Group Discussions
GO	Grievance Officer
IDA	International Development Association
KII	Key Informant Interviews
KIMAWASCO	Kilifi and Malindi Water and Sanitation Company
KISIP	Kenya Informal Settlement Improvement Project
M&E	Monitoring and evaluation
MLPWHUD	Ministry of Lands, Public Works Housing and Urban Development
NGOs	Non-Governmental organizations
NPCT	National Project Co-ordination Team
LRS	Livelihood Restoration Systems
PC	Project Coordinator
PAPs	Project Affected Persons
PDPs	Part Development Plans
RIC	Resettlement Implementation Committee
RAP	Resettlement Action Plan
SEC	Settlement Executive Committee
SGRC	Settlement Grievance Redress Committee
WB	World Bank
RPF	Resettlement Policy Framework
ESMF	Environmental and Social Management Framework

1. INTRODUCTION

1.1 Project Background

The Government of Kenya with support from International Development Association (IDA) and Agence Française de Développement (AFD) has initiated the Second Kenya Informal Settlement Improvement Project (KISIP 2) whose objective is to improve access to basic services and tenure security of residents in participating urban informal settlements and strengthen institutional capacity for slum upgrading in Kenya; based on plans developed in consultation with the community.

This Project, while concentrating on informal settlements, will complement existing and past urban operations in Kenya to address the Urban infrastructure deficit and Urban institutional challenges. It supports the Governments' affordable housing agenda as it seeks to complement the demand-side and supply-side operations to improve housing affordability.

KISIP 2 has the following four components:

Component 1: Integrated Settlement Upgrading. This component supports settlement upgrading through two main interventions classified under two sub-components:

Sub-component 1.1: Tenure regularization - Coordinates regularization of tenure for people living on uncontested public lands whose process includes;

- i. Development of a local physical plan for the settlement which lays out land parcels and infrastructure (roads, drainage, walkways, etc.);
- ii. Surveying with physical placement of beacons to demarcate the parcels as per the plan;
- iii. Preparation and issuance of letters of allotment based on the survey plan; and finally
- iv. Issuance of titles.

Sub-component 1.2: Infrastructure Upgrading - Coordinates infrastructure investment portfolio whose menu includes: roads, bicycle paths, pedestrian walkways, street and security lighting, vending platforms, solid waste collection and settlement sorting, storm water drainage, water and sanitation systems, public parks, and green spaces. It further includes investments related to prevention of crime and violence, including but not limited to community centers.

Component 2: Socioeconomic Inclusion Planning. This component supports community development plans to enhance social and economic inclusion, identifies beneficiaries who fit the eligibility criteria of government programs but are excluded and connects them appropriately, supports participatory crime and violence mapping, monitors the employment of local labour, carries out community capacity building and awareness raising for various project interventions including community-based solid waste management.

Component 3: Institutional Capacity Development for Slum Upgrading. This component supports institutional and policy development at national and county levels; develops a capacity building plan for national and county levels to implement the Strategy and to develop understanding of slum upgrading processes; also supports technical assistance, training, workshops and learning events, experience sharing and peer-learning activities with other counties, and other capacity building activities.

Component 4: Program Management and Coordination. This component supports activities of the NPCT and the CPCT related to national and county-level project management and coordination, including planning, surveying, engineering, fiduciary (financial management and procurement), safeguards compliance and monitoring, monitoring and evaluation (M&E), communication and community development.

Kilifi County having achieved the set principles of selection is among those considered for support under the project. The infrastructure to be covered in the selected Informal settlements in the County includes but not limited to the following;

- i. Roads and footpaths
- ii. Street and security lightning
- iii. Storm water drainage infrastructure
- iv. Solid waste management and collection
- v. Water supply and sanitation infrastructure

1.2 Rationale for RAP update

The initial RAP for Kilifi settlements was prepared in 2017 covering the following six settlements; Mtaani, Kisumu Ndogo, Kibaoni, Kalolo, Bayamagonzi and Muyeye. The RAP was implemented in Muyeye settlement while the implementation in the remaining five settlements was never done hence the need to update the RAP to guide the implementation in the remaining five settlements. The updated RAP does not include Muyeye settlement.

1.3 Overall Objectives of the RAP update

- i. Avoid or minimize adverse resettlement impacts including physical and economic displacement. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.
- ii. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs in accordance with the principles outlined in the World Bank OP 4.12.
- iii. Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- iv. Mitigate adverse social and economic impacts from land acquisition by: a) providing compensation for loss of assets at full cost; b) ensuring that resettlement activities are

implemented with appropriate disclosure of information, consultation, and the informed participation of those affected; and c) improve or at least restore the livelihoods and standards of living of affected people.

- v. Provide additional assistance and opportunities (e.g., credit facilities, training, or job opportunities) and improve or at least restore the income-earning capacity, production levels and standards of living of economically displaced persons whose livelihoods or income levels are adversely affected;
- vi. Provide transitional support to affected people, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.

1.4 Key Principles

The key principles of this RAP are based on the requirements of OP 4.12 and constitute the following: -

- i. Compensation and resettlement of project-affected people will be carried out in compliance with Kenyan legislation and World Bank OP 4.12. Where Kenyan legislation is less favorable to Project Affected Households (PAHs) than the requirements of OP 4.12 the latter shall apply;
- ii. All physically and economically displaced people will be offered an option between either a full resettlement package, including the provision of replacement structures or cash compensation;
- iii. The Project will provide for measures to support sustainable use of compensation cash (money management training) and for mechanisms within the overall monitoring framework to follow up the use of compensation cash;
- iv. The Project will assist PAHs in restoring their livelihoods to at least their previous levels through the development and implementation of tailored livelihoods restoration packages for each household
- v. The Project aims to ensure PAHs are Project beneficiaries; targeted livelihood restoration programs will have this as a core strategy to achieve this goal.
- vi. The RAP implementation and outcomes will be monitored and evaluated as part of a transparent process.
- vii. Key methods of consultations with the communities included Focus Group Discussions (FGDs), Key Informant Interviews (KII) at venues identified and agreed upon via consensus.

1.5 Options of Minimizing Disruptions

- i. The target informal Settlements are densely populated; therefore, efforts have been made to minimize involuntary disruptions to Project Affected Persons (PAPs).
- ii. The project design team made deliberate measure to avoid and minimize impacts of the project activities to people's assets and sources of livelihoods; this was done at the conceptual stage during the project development. In order to minimize impacts on the project to peoples assets and livelihood, the design team ensured that all the civil works have been designed within the existing road reserve, this was achieved by

using the Part Development Plans (PDPs) developed by the county government office of County Physical Planner under KISIP Component 2.

- iii. Reducing the road width to reduce impacts within the built-up areas
- iv. All Sites for setting up the proposed flood lights are on government land within the settlements where no one claims ownership, this also was achieved through the use of Part Development Plans (PDPs) developed by the county government.
- v. Realignment of the Project Routes in areas where the impact of resettlement is likely to be more

1.6 RAP Components

The scope of work that was subjected to the RAP study is highlighted in table 1 and 2 below.

Table 1: Original Proposed Works in Settlements of Kilifi Town

Settlement	Scope of works
Kibaoni, Kalolo and Baya Magonzi Settlements	
Roads/Footpaths:	R1 - Construction of 7,996 m of roads with 9 to 12m reserve width R2 - Construction of 7,092 m of Internal Settlement roads with 6 m reserve width
Drainage System:	D1 - Construction of 15,088 m of Drainage Network
Water Supply:	WN- Provision of 2736 m of Water Supply Reticulation Network
Mtaani and Kisumu Ndogo Settlements	
Roads/Footpaths:	R1 - Construction of 1637 m of roads with 9 to 12 m reserve width
Drainage System:	D1 - Construction of 1637 m of Drainage Network
Sanitation:	S1 - Construction of 2 Septic Tank, Ablution Blocks
Public Lighting:	L - Provision of 86 No. Street Lights

Malindi Town

The proposed infrastructure improvement works as per the original designs are as shown in Tables 2 below.

Table 2: Original Proposed Works in Settlements of Malindi Town

Settlement	Scope of works
3. Muyeye Settlement	

Roads/Footpaths:	R1- Construction of 2667 m Access Roads with 9 to 12m reserve width R2 - Construction of 847 m of Internal Settlement roads with 6 m reserve width R4 – Construction of 1037 m of Internal Settlement Footpaths
Drainage System:	D1 - Construction of 1037 m of Drainage Network
Sanitation:	S1 - Construction of 200 Ablution Blocks

DISCLOSURE COPY

2. DESCRIPTION OF PROPOSED PROJECT

2.1 Location of the Project

The construction works will be undertaken concurrently in the following towns in Kilifi County:

- i. Kilifi town
Works will be carried out in the Informal Settlements of Mtaani, Kisumu Ndogo, Kalolo, Kibaoni and Baya Magonzi.
- ii. Malindi town
Works will be carried out in the Informal Settlement of Muyeye Phase I.

2.2 Project Area

2.2.1 Location of Kilifi County In Kenya

Kilifi County covers an area of 12,245.90 Km² and is located in the coastal region of Kenya. It borders Kilifi County to the south west, Taita Taveta County to the west, Tana River County to the North, Mombasa County to the South and Indian Ocean to the East. Its geographical coordinates are 3° 38' 0" South, 39° 51' 0" East. It has a population of 1,453,787 as per the 2019 national population census. The map of Kilifi County is provided in figure 1 below.

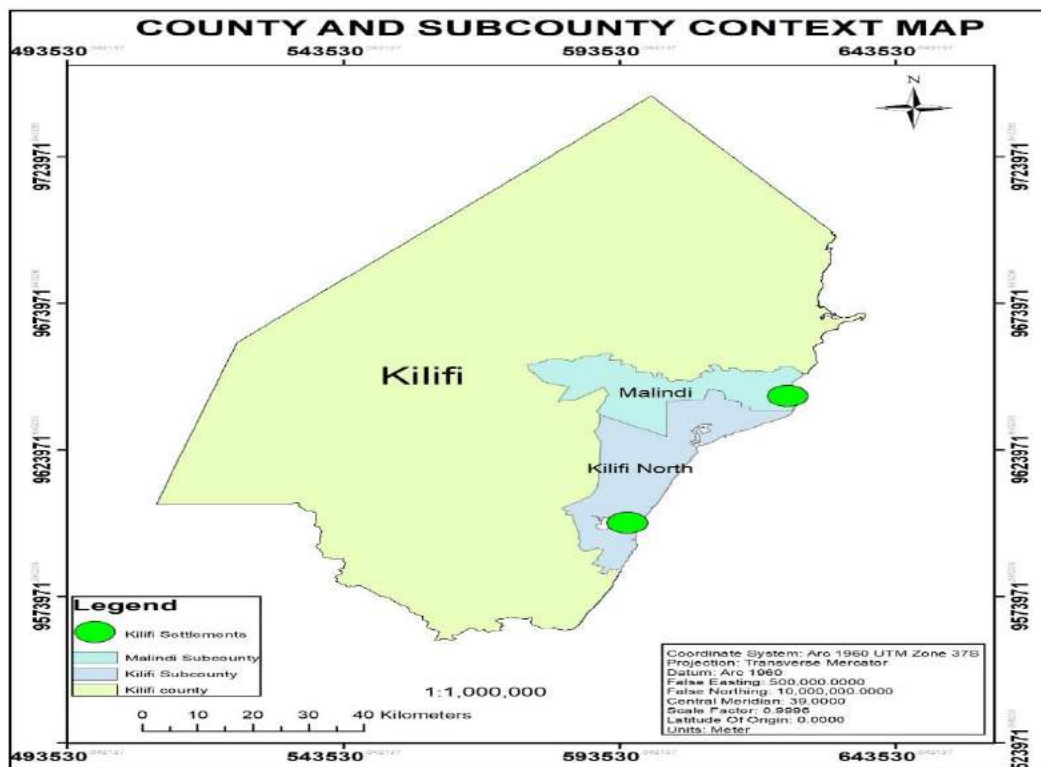


Figure 1: Kilifi County Map, Source: KNBS 2019

2.2.2 Location Of Project Area In Kilifi Town, Kilifi County

The projects are located in Mtaani, Kisumu Ndogo, Kibaoni, Kalolo and Baya Magonzi settlements as shown in the figures below.



Figure 2: Mtaani Informal Settlement; Source Google Earth

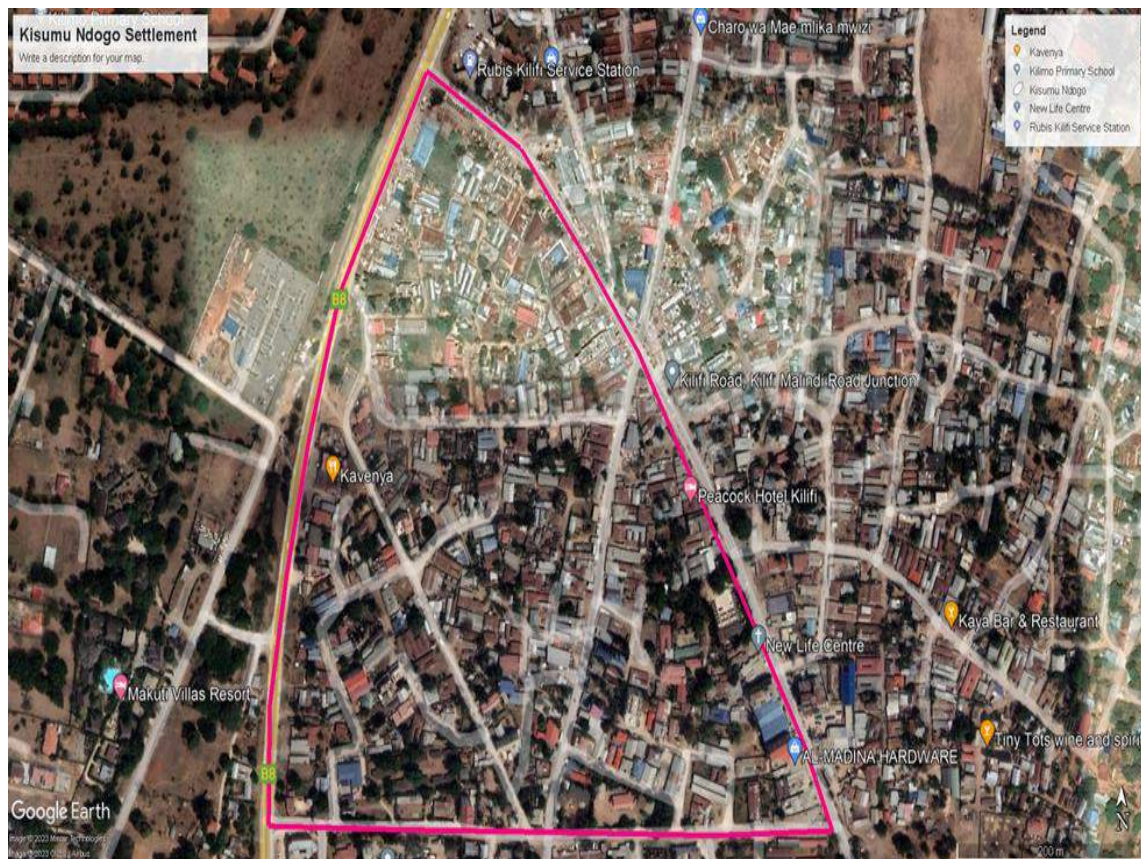


Figure 3: Kisumu Ndogo Informal Settlement; Source: Google Earth



Figure 4: Kibaoni Informal Settlement; Source: Google Earth



2019

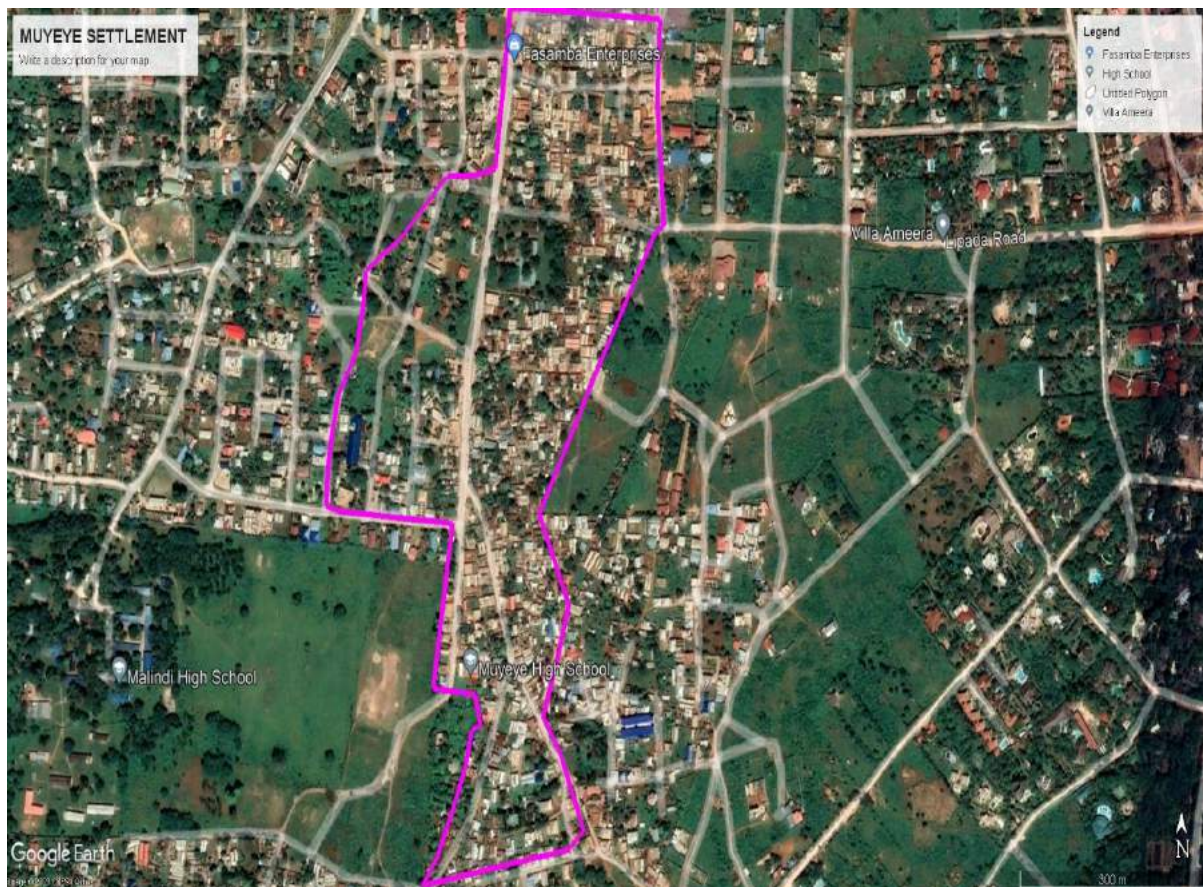


Figure 6: Muyeye Informal Settlement; Source: Google Earth

3. RAP METHODOLOGY

The preparation of Resettlement Action Plan entailed verification of PAPs, the affected assets, the socio-economic baseline data of the PAPs, the scope and the magnitude of the social impacts to be borne by the PAPs and design of an appropriate RAP that will provide social safeguard and compensation measures to effectively remedy the impacts of involuntary resettlement on the livelihoods of the PAPs. The RAP report is based on final road designs provided by the MLPWHUD. As such, the preparation of this RAP has followed the principles outlined in World Bank OP 4.12.

3.1 Stages of RAP Preparation

The RAP was therefore prepared in four stages:

Literature Review

The first stage included literature review of relevant project design and safeguard reports and maps. The project documents that were reviewed included:

- a) Feasibility Study and Detailed Design Reports for Kilifi settlement projects
- b) Resettlement Action Plan 2018
- c) ESMF
- d) RPF
- e) Relevant Kenyan legal documents including
 - Constitution of Kenya,
 - Land Act 2012
 - Land Registration Act (2012)
 - National Land Commission Act, 2012
 - Land Registration Act 2012
 - Community Land Act, 2016
- f) World Bank OP 4.12.

Establishing Land Registration Status

Some roads fall within areas where land has been registered and title deeds issued to the owners while others fall within sections where land adjudication process is ongoing or has not commenced. The cadastral drawings of the roads are provided in Annex: iii.

3.2 Asset Inventory, Census, Socio-Economic Surveys

PAHs were consulted individually at their household level during the census. The questionnaires which collected personal and livelihood information including their perceptions, hopes, fears and concerns about the proposed project were administered. The census survey was conducted between January and February 2023 alongside the census.

3.2.1 Asset Inventory and Valuation

Asset inventory and valuation was conducted in February 2022

The data was captured as follows:

- (i) Full asset inventory of all affected land, structures
- (ii) Full census of all 149 PAHs
- (iii) A Socio-Economic Survey to obtain a socio-economic profile of the PAHs in the project area and to further evaluate potential project impacts.

The data was collected using asset inventory forms which captured information on structures, land, crops and trees. The asset inventory also included GPS and photos of affected property.

3.2.2 Census and Socio-Economic Survey

The census and socio-economic surveys were conducted by a multidisciplinary team comprising sociologists, surveyor and enumerators under the direction of the Team Leader. The survey team employed the following methods as part of the census and socio-economic survey:

- i. Semi structured questionnaires
- ii. Focus Group Discussions
- iii. Key Informant Interviews
- iv. Field observation

The following topics were covered by the census:

- i. Ownership of land, trees and structures
- ii. Economic activities
- iii. Household income;
- iv. Gender,
- v. Age,
- vi. Education,
- vii. Employment status
- viii. Religion

The census and socio-economic survey tools are provided in annex: iv.

3.2.3 Training of enumerators

During the various community barazas the consultant picked the youths in the meeting through the assistance of the village elders. They were then trained by the RAP expert and were then used as enumerators who would work with the whole team. The training covered the following aspects:

- i. Ethical standards (confidentiality and informed consent)
- ii. Familiarity with the tools.

3.2.4 Identification of PAHs

The surveyors used the design co-ordinates provided by the MLPWHUD to identify the affected land parcels whose owners were included in the PAHs register. Using the design coordinates, GIS Specialist/ surveyors prescribed the Project Area of Impact using GPS instruments and identified structures that would be affected within those boundaries.

The structure owners for each affected structure were identified then interviewed, firstly for the purposes of asset inventory followed by the enumerators with a Census form and a Socio-Economic questionnaire; and if a structure owner had more than one structure affected, each of this was surveyed, assessed and inventoried separately. However, only one Census/ Socio-Economic survey was completed for such PAH.

3.2.5 Cadastral land survey

The cadastral land surveys included the following activities:

- i. Acquiring of maps (PIDs and RIMs) from Survey of Kenya
- ii. Geo-referencing of the acquired maps to UTM Arc 1960
- iii. Overlaying of the roads design on the geo-referenced maps
- iv. Extracting data (areas + co-ordinates) of affected structures
- v. Ground verification using GPS
- vi. Final calculation of areas of affected structures

3.2.6 Asset assessment Surveys

Asset assessment Surveys included the following activities:

- i. Conducting market research of land transactions, market prices, construction materials, and labor costs within the project locality.
- ii. Identification of all affected land parcels and ground boundaries
- iii. Measuring the affected portion of land for acquisition
- iv. Local rates from the State Department of Agriculture and markets were adopted for crop assessment taking into account acreage of each particular crop. The emphasis was to ensure full replacement cost. Assessment of trees adopted the local KFS (Kenya Forestry Services) rates, considering the age factor for trees.
- v. Recording the location of all assets with a GPS machine and taking photographs of affected assets.

3.2.7 Data Collection, Entry and Analysis and RAP report preparation

The information obtained from the above surveys were analyzed qualitatively and quantitatively to prepare the RAP report. A database of all the PAHs has been generated and shall be used by the client to implement this RAP. The client will keep on updating the database on a need basis. The data base is provided in annex: v.

3.2.8 Valuation

The valuation methodology is summarized in this section.

Valuation for Assets

The impacts that will arise from the construction of the roads includes:

- Loss of trees;
- Loss of residential structures and business structures

Valuation of structures using current replacement approach

The structures have been valued at full replacement cost. Most of the structure owners especially those within the trading centers do not have the legal ownership to the lands where they have built the structures as the market centres are public land owned by the county

governments. However, the full census has been conducted on the PAPs and they shall be compensated for structures and loss of business. The cost is calculated based on the prevailing market rates considering the current cost of construction materials, transportation, labor costs, expert fees, taxes and disturbance allowances.

Valuation for loss of business income

Valuation for loss of business income is based on the income records presented by the individual PAP. The valuation for loss of business income has been calculated for three months and included in the compensation matrix.

Replacement Cost Valuation of Trees

The emphasis was to ensure full replacement cost. For trees affected, the valuation adopted the local KFS (Kenya Forestry Services) rates, considering the age factor for trees and adjusted to current market rates.

3.2.9 RAP Team

The RAP preparation team of experts consisted of the following:

- i. Land Surveyor
- ii. GIS Specialist
- iii. Sociologist
- iv. Research Assistants/ enumerators

3.2.10 Scope of the Rap

This RAP Report contains

- a) A summary description of the Project,
- b) A summary description of the baseline socio-economic conditions in the Project area,
- c) An assessment of the International and Kenyan Legal Instruments applicable to displacement and resettlement in the Project,
- d) An assessment of likely Project Disruption impacts,
- e) A description of the proposed strategy to deal with disruption impacts,
- f) Description of Entitlement matrix of PAPs and their assets
- g) Estimated Budget for compensation of Affected Assets
- h) Implementation details, which presents the organizational and other arrangements to implement the mitigations related with physical and economic displacement
- i) Grievance management mechanism
- j) Monitoring and Evaluation of RAP during Implementation

4. LEGAL AND POLICY FRAMEWORK

This RAP has been designed in accordance with all the relevant legislation pertaining to Constitution of Kenya, Land Act, National Land Commission Act, Land Registration Act, Community Land Act, Traffic Act, Roads Act as well as the World Bank Involuntary Resettlement OP 4.12. The Kenyan land laws and the Constitution of Kenya (CoK) 2010, requires that there should be just compensation to those affected but it is not clear on specifics of what constitutes just compensation. World Bank OP 4.12 requires full replacement costs. This RAP requires that full replacement cost be paid as compensation for structures to be affected by the project for all the PAHs as per the World Bank OP 4.12. The OP. 4.12: Involuntary Resettlement is triggered by the project since the road improvement project will affect structures and trees.

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Table 3: Legal and Policy Framework

Legal frameworks		
Legal framework	Provision	Relevance to KISIP 2 RAP
Constitution of Kenya 2010	Constitution of Kenya 2010 recognizes individuals' right to acquire and own property provided they are citizens of the country in article 40. However, Article 66 of the same Constitution provides for the State to regulate the manner in which these rights may be curtailed for the benefit of the general public. Article 47 of the Constitution provides for administrative action to override the individual rights but the victim has to be given written reason for the action taken that undermines the right.	All the PAPs are entitled to compensation as per the constitution
Environment and Land Court Act, 2011	Article 162 of the constitution provides for the creation of specialized courts to handle all matters on land and the environment. Such a court will have the status and powers of a High Court in every respect. Article 159 on the principles of judicial authority, indicates that courts will endeavour to encourage application of alternative dispute resolution mechanisms, including traditional ones, so long as they are consistent with the constitution. Section 20, of the Environment and Land Court Act, 2011 empowers the Environment and Land Court, on its own motion, or on application of the parties to a dispute, to direct the application of alternative dispute resolution (ADR), including traditional dispute resolution mechanisms.	PAPs with Grievances are free to use the judicial process if the Project GRM and Alternative dispute resolutions fails to resolve their grievances in a satisfactory manner.

The Land Act 2012 amended 2019	It is the substantive law governing land in Kenya and provides legal regime over administration of public and private lands. It also provides for the acquisition of land for public benefit. The government has the powers under this Act to acquire land for projects, which are intended to benefit the general public. The projects requiring resettlement are under the provision of this Act.	This RAP does not envisage the acquisition of any land. The project will be implemented on public land owned by the County Government of Kilifi and other government agencies such as Kenya Urban Roads Authority among others. The law governing public land applies to this RAP
National Land Commission Act 2012	The act establishes the National Land Commission with the purpose of managing public land and carrying out compulsory acquisition of land for specified public purposes.	The project will be implemented on public land in which NLC is the custodian. No compulsory land acquisition is envisaged in this RAP
The Valuers Act 532	The act establishes valuers' registration board, which has the responsibility of regulating the activities and conduct of registered valuers in accordance with the provision of the act.	The valuation roll has been prepared by a registered valuer as provided for in this Act.
The Matrimonial Property Act 2013	This Act of Parliament outlines the law and procedures for the creation and division of a marital estate, as well as how and by whom matrimonial property should be managed and divided at the end of a marriage. Section 3(2) of the Act asserts that the parties of marriage have equal rights and obligations at the time of marriage and its dissolution. Matrimonial property is vested in the spouses in equal share, regardless of the contribution of either spouse towards its	Some of the structures affected by the project are matrimonial property and both spouses shall be engaged during compensation process.

	acquisition. Similarly, no estate or interest in the matrimonial property may be alienated without the prior consent of both spouses.	
County Government Act 2012	An Act of Parliament to give effect to Chapter Eleven of the Constitution; to provide for county governments' powers, functions and responsibilities to deliver their mandates under the constitution	This RAP will be implemented by the County government of Kilifi as per the act
The Kenya Roads Act, 2007 (Revised 2012)	Section 49 gives provision for the responsible authority to give written permission to erect, construct, lay, make structural alteration or additions to a structure on the surface of a road or road reserve or land in a building restriction area. It also gives the authority permission to give or refuse to give such permissions.	Roads to be constructed under KISIP 2 must conform to this act and the implementers will work closely with various agencies in charge of road development in Kenya.
The Traffic Act, Cap 403	The Traffic Act consolidates the law relating to traffic on all public roads. The Act prohibits encroachment on and damage to roads including land reserved for roads. Any vegetation grown to protect the road edges should not cause problems during maintenance. The Act also spells out conditions for use of roads by motorists, among others.	The Act protects the roads constructed under KISIP from encroachment once the roads are done
The Physical And Land Use Planning Act, 2019	An Act of Parliament that provides for the preparation and implementation of physical development plans and for connected purposes	The roads will be built on land set aside as per the physical planning in Kilifi County.
The land value (amendment) act, 2019 no. 15 of 2019	Provides for the assessment of land value index in respect of compulsory acquisition of land; and for connected purposes	Purchasing land is not envisaged in this RAP
National Policies and guidelines		

Vision 2030	The Kenya Vision 2030 aims to transform Kenya into a newly industrializing, middle-income country providing a high quality of life to all its citizens by 2030 in a clean and secure environment	Development of the roads under KISIP 2 contributes to the attainment of vision 2030.
Evictions Guidelines April 2010	<p>According to the Eviction Guidelines section 4.9.1 drafted by Ministry of Lands (2010), the Government shall ensure that evictions only occur in exceptional circumstances. Evictions require full justification given their potential extremely negative impact on a wide range of international recognised human rights. Any eviction must be warranted by law, reasonable in the circumstances, proportionate and can only be carried out in accordance with the Guidelines and international human rights and humanitarian law.</p> <p>The Government shall ensure that exceptions to the prohibition on forced evictions such as the 'interest of society' or 'public interest' should be read restrictively, so as to again ensure that evictions only occur in exceptional circumstances.</p>	The guidelines applies to the PAPs who fails to relocate after being compensated and upon expiry of notice to locate as issued by the project implementing agencies
KISIP and world bank policies		
KISIP 2 Resettlement Policy framework,	The purpose of this policy framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to KISIP investment projects.	The RAP is prepared according to KISIP 2 Resettlement policy framework
World Bank's OP 4.12 on Involuntary Settlement.	Compensation and resettlement of project-affected people will be carried out in compliance with Kenyan legislation and World Bank OP 4.12. Where Kenyan legislation is less favorable to Project Affected Households (PAHs) than the requirements of OP.4.12 the latter shall apply;	This RAP complies with the provision of the World Bank's OP 4.12 on Involuntary Settlement.

4.1 Comparison of Gok Legal Framework and World Bank OP 4.12

The table 4 below provides a comparison of Gok Legal framework and World bank OP 4.12

Table 4: Comparison of Gok Legal Framework

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OP 4.12	Kenyan Legislation	Comparison	Gap Filling Measures Adopted
Involuntary resettlement should be avoided and where avoidance is not feasible, there should be deliberate efforts to minimize the impacts of involuntary resettlement	Not applicable		O.P 4.12 applies
Provide for just and timely compensation	Does not explain what just compensation		O.P 4.12 applies
Project-Affected Persons should be identified early in the project cycle and be engaged	Not applicable		O.P 4.12 applies
The project implementers should provide additional assistance to Vulnerable groups;	Not applicable		O.P 4.12 applies
Baseline Survey, census, and Inventory should accurately capture the details of all PAPs	Requires enumeration of all PAPs before compensation	Same as World Bank	O.P 4.12 applies

Consultation: Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.	The Land Act outlines procedures for consultation with affected population by the NLC and grievance management procedures.	Same as World Bank	Implement consultation procedures as outlined in both Kenyan legislation and World Bank.
Disclosure The world bank OP 4.12 comprehensively covers the RAP disclosure on the Bank's, Ministry and County website	Land Act 2012	Land Act 2012 lacks the clause.	comprehensively covers the RAP disclosure on the Bank's, Ministry and County website and also at the project grass root level
Grievance: For physical resettlement, appropriate and accessible grievance mechanism will be established.	Land Act 2012 clearly outline the steps and process for grievance redress that includes alternative dispute resolution, re-negotiation with NLC and is backed by the judicial system through Environmental and Land Court	Kenyan legislation meets OP 4.12 requirements.	Project to establish appropriate grievances redress mechanisms
Eligibility Criteria Defined as: (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);	The Land Act 2012 provides that written and unwritten official or customary land rights are recognized as valid land right. The Law provides that people eligible for compensation are those holding land tenure rights	Kenya's Land Law defines eligibility as both formal (legal) and informal (customary) owners of expropriated land. However, it does not specifically recognize all users of the land to be compensated.	Ensure ALL users (including illegal squatters, laborers, rights of access) of affected lands are included in the census survey or are paid

OP 4.12	Kenyan Legislation	Comparison	Gap Filling Measures Adopted
Involuntary resettlement should be avoided and where avoidance is not feasible, there should be deliberate efforts to minimize the impacts of involuntary resettlement	Not applicable		O.P 4.12 applies
Provide for just and timely compensation	Does not explain what just compensation		O.P 4.12 applies
Project-Affected Persons should be identified early in the project cycle and be engaged	Not applicable		O.P 4.12 applies
The project implementers should provide additional assistance to Vulnerable groups;	Not applicable		O.P 4.12 applies
Baseline Survey, census, and Inventory should accurately capture the details of all PAPs	Requires enumeration of all PAPs before compensation	Same as World Bank	O.P 4.12 applies
(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	Land Act also recognizes those who have interest or some claim in the land such pastoralist or who use	The Constitution of Kenya on the other hand recognizes ‘occupants of land’ who do not have title and who the state has an obligation to pay in	Implement cut-off procedures as outlined in the The KISIP RPF and Kenyan Law

OP 4.12	Kenyan Legislation	Comparison	Gap Filling Measures Adopted
Involuntary resettlement should be avoided and where avoidance is not feasible, there should be deliberate efforts to minimize the impacts of involuntary resettlement	Not applicable		O.P 4.12 applies
Provide for just and timely compensation	Does not explain what just compensation		O.P 4.12 applies
Project-Affected Persons should be identified early in the project cycle and be engaged	Not applicable		O.P 4.12 applies
The project implementers should provide additional assistance to Vulnerable groups;	Not applicable		O.P 4.12 applies
Baseline Survey, census, and Inventory should accurately capture the details of all PAPs	Requires enumeration of all PAPs before compensation	Same as World Bank	O.P 4.12 applies
recognized under the laws of the country or become recognized through a process identified in the resettlement plan	the land for their livelihood. The Constitution recognizes 'occupants of land even if they do not have titles' and	good faith when compulsory acquisition is made. Same as World Bank	

OP 4.12	Kenyan Legislation	Comparison	Gap Filling Measures Adopted
Involuntary resettlement should be avoided and where avoidance is not feasible, there should be deliberate efforts to minimize the impacts of involuntary resettlement	Not applicable		O.P 4.12 applies
Provide for just and timely compensation	Does not explain what just compensation		O.P 4.12 applies
Project-Affected Persons should be identified early in the project cycle and be engaged	Not applicable		O.P 4.12 applies
The project implementers should provide additional assistance to Vulnerable groups;	Not applicable		O.P 4.12 applies
Baseline Survey, census, and Inventory should accurately capture the details of all PAPs	Requires enumeration of all PAPs before compensation	Same as World Bank	O.P 4.12 applies
(c) those who have no recognizable legal right or claim to the land they are occupying To determine eligibility:	payment made in good faith to those occupants of land. However, this does not include those who illegally acquired land		

OP 4.12	Kenyan Legislation	Comparison	Gap Filling Measures Adopted
Involuntary resettlement should be avoided and where avoidance is not feasible, there should be deliberate efforts to minimize the impacts of involuntary resettlement	Not applicable		O.P 4.12 applies
Provide for just and timely compensation	Does not explain what just compensation		O.P 4.12 applies
Project-Affected Persons should be identified early in the project cycle and be engaged	Not applicable		O.P 4.12 applies
The project implementers should provide additional assistance to Vulnerable groups;	Not applicable		O.P 4.12 applies
Baseline Survey, census, and Inventory should accurately capture the details of all PAPs	Requires enumeration of all PAPs before compensation	Same as World Bank	O.P 4.12 applies
Carry out resettlement census. Cutoff date for eligibility is the day when	Land Act 2012 provides for census through NLC inspection and valuation process		

5. PUBLIC CONSULTATION AND PARTICIPATION

5.1 Consultations held in 2017

The preparation of the Original RAP involved consultations with the PAPs with an aim on appropriate compensation and mitigation options of Project disruption impacts. The PAPs recognize that they illegally occupy land reserved for infrastructure development particularly roads and are willing to remove their structures and temporal businesses to pave way for the project. The population affected by this project includes people occupying land on the road reserve in violation of Kenyan laws. These groups of people; who are often referred to as encroachers, are not entitled to compensation for loss of land under both the OP 4.12 and the government of Kenya laws. However, they are entitled to compensation for any improvement made to the land as well as to resettlement assistance to an area where they can live legally if they occupied the project area before an established cutoff date. Schedule of public participation was undertaken during preparation of Socio-Economic Survey as summarized as summarized in table 5 below

Table 5: Schedule of Public Consultation (At Socio Economic Survey)

Date	Settlement	Stakeholder Consulted	Female	Male	Total
10 th July 2017	Mtaani Kisumu Ndogo and KKB	Settlement Executive Committee members (SEC) for Mtaani Kisumu Ndogo and KKB. I. A team, Civil engineer, Surveyor, Urban developer, Planner, Sociologist Kilifi County government officer, Area chief and members of the community	17	20	37
11 th July 2017	Prison Kiwandani	Settlement Executive Committee members (SEC) for Prison Kiwandani, E.I.A team, Civil engineer, Surveyor, Urban developer, Planner, Sociologist Kilifi county government officer, Area chief and members of the community	10	13	23

At PAPs census inventory Survey more consultations were undertaken with the PAPs as summarized in table 5 below

Table 6: Schedule of Public Consultation (Census Survey)

Settlement	Start	End	Field Days
KKB (Kibaoni, Kalolo and BayaMagonzi)	9 th October 2017	15 th October 2017	6
Mtaani Kisumu Ndogo	16 th October 2017	18 th October 2017	2

Prison Kiwandani	19 th October 2017	22 nd October 2017	3
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5.2 PAPs and Stakeholders Meetings Held

Effective resettlement action planning requires regular and thorough consultation with PAPs and a wide range of project stakeholders drawn from the affected area. This wide consultation is intended to include individuals and groups who will be affected by the project. The PAPs and stakeholders' consultations are extremely important for successful preparation and implementation of the RAP. The stakeholder and PAPs consultations were conducted between 18th January and 20th February, 2023. The consultations with PAPs were conducted in public barazas while consultation with other key stakeholders were conducted in their offices through Key Informant Interviews. The goal of stakeholder consultations was to provide a forum for information sharing and opinion gathering regarding the proposed Project and current priorities without changing the scope of previous designs. Public meetings were used to consult with stakeholders. The minutes are provided in annex: i and attendance register annex ii.

Table 7: Consultation meeting in the project area

Date	Time	Site/Settlement	Type of stakeholders	Male	Female
Wed 18-Jan- 2023	11:00AM to 1:00PM	Baya Magonzi	Settlement residents	23	20
	2:00PM to 4:00PM	Mtaani	Settlement residents	11	24
Thur 19-Jan- 2023	11:00AM to 1:00PM	Kalolo	Settlement residents	21	15
	2:00PM to 4:00PM	Kisumu Ndogo	Settlement residents	22	10
Fri 20-Jan- 2023	11:00AM to 1:00PM	Kibaoni	Settlement residents	23	13

Table 8: Summary of Concerns raised by PAPs and Stakeholder during the various consultation meetings.

No.	Questions	Answers
Bayamagonzi		
1	Will there be streetlights on the roads being done as per their proposals during the social economic meeting?	The consultant Geomastro is to submit a report to the national KISIP team which will forward to their consultant so as to know if their option is viable. But the concerns have been noted.
2	Will the other village members participate in the opinion process when works commence?	The village members will be called and informed on the scope of the project according to the designated budget.
3	What is the project time frame?	The project time frame was explained as follows as at January 2023 3months design review 3months tendering Works may begin in August this 2023. They were assured this is a time-based project it will be implemented as planned.
Kalolo		
1	Why is prioritization being done on the proposed infrastructure improvement works?	Prioritization is being done because the available budget cannot cater for all the proposed development works.
	How much has been allocated for Kalolo?	KISIP national team determines the allocation of the budget, budgets will be availed after tendering.
2	Where will the project savings go to?	The Resident Engineer will write to the county about the savings, the county will then notify the community to give proposals on their new desires, if they are feasible the county will then instruct the resident engineer to ensure the new proposals are done. All the money allocated to Kalolo settlement will fully be used to develop the area. It won't be spilled over to a different region.
3	Will the local youth be employed during the project implementation?	The contractor will be unveiled to the people before commencement of works and the youth have been assured of employment especially the unskilled labor. (Employment will depend on the availability of the human resource in the area)
4	Are the local residents allowed to take up positions of sub-contractors	Tender advertisements will be public, in case one meets the qualifications he / she can apply for the contract.
5	When will the construction work commence?	Tentatively August this 2023.
6	Which Road class is being constructed in the area?	The type of the road class depends on the function and the road serves.

7	Urged for total cooperation among the inhabitants	This will be ensured through continuous engagement with the locals
8	If possible KISIP funds should do the major access roads and leave the minor roads within the area for county government.	The priority has been agreed upon
9	Security should be a priority during construction.	Security shall be enhanced
Kibaoni		
1	The roads on the map, that were picked recently by Geomastro are not in the map?	This was a map from the 2018 proposals. The recent selection was done during socio-economic survey with Geomastro. The consultant Geomastro is to submit a report to the national KISIP team which will forward to their consultant so as to know if their option is viable. But the concerns have been noted.
2	What of the street lights and where will the pipe water pass? As a concern because recently a pipe was done in the middle of the road reserve which will mean destruction of waterline during construction	The consultant will involve other county and national government agencies to ensure proper distribution of services and to avoid duplication of works. On issue of water line laid on the road has been noted and further discussions will be held with Kilifi and Malindi Water and Sanitation Company KIMAWASCO.
3	A survey for water has been done without community participation and thus to be looked into for the said line.	The Consultant will consult KIMAWASCO
4	What is the timeframe and what happens to the remaining budget allocated?	The project time frame was explained as follows as at January 2023 3months design review 3months tendering Works may begin in August this 23. They were assured this is a time-based project it will be implemented as planned. The remaining budget the community shall be called for a meeting with the consultants and agree on what project to undertake then a letter is done to KISIP for approval of the project.
5	The contractor to prioritize allocation of jobs to the youth in the settlement	Youths will be given priority on the available jobs based on the skills set
Kisumu Ndogo		
1	Will the streetlights be placed on all roads in the settlement or	Infrastructure improvement works depend entirely on the budget allocation. Energy department in the county

	be placed on the proposed roads during KISIP 1?	plus KISIP will harmonize their developments plans in the area to avoid any duplication.
2	Will the Project Affected Persons on road reserves be facilitated?	The County government of Kilifi will provide compensation for PAPs to relocate their structures
3	Upon harmonization of the projects with all entities, will the entity that started a project finish to the end or not?	There is no need to worry all the projects will be done to completion unless the consultants face any disruption from the community.
4	Will the project employ the local youth?	Employment depends on the availability of the human resource. Yes, they will be employed if they are available with the relevant skills and manpower required
5	What are the plans with the savings?	In case of any savings, it will be channeled to other development plans in the area.
Mtaani		
1	Who will repair the nonfunctional streetlights in the area?	The County Governor is aware of the issue and has promised to send a team to work on the repairs.
2	Is the bill of quantities ready?	Tender documents to be availed after the design review process has been completed.
3	Will all the proposed developments be done by KISIP?	KISIP will do their part in the infrastructure improvements works within the allocated budget and at least compare their plans with other government bodies in order to avoid duplication.
4	Will the local youth be employed during the project implementation?	The contractor will be availed to the people before commencement of works and the youth have been assured of employment especially the unskilled labor.
5	In case of any savings in the project can it be used to rehabilitate the existing roads even though they were not part of the proposed infrastructure?	The Resident Engineer will write to the county about the savings, the county will then notify the community to give proposals on their new desires, if they are feasible the county will then instruct the resident engineer to ensure the new proposals are done.
5	Will the new roads have signage?	The signage will be implemented.

5.3 Recommendation on Employment

Communities brought up the issue of youth employment in all settlements. It is recommended that the contractors will need to prepare a local recruitment plan to ensure the prioritization of locals, particularly for unskilled labour. This measure will be captured in the ESMP under local employment.

5.4 Disclosure of the Stakeholder Engagement Plan (SEP).

The stakeholder engagement plan was disclosed to enable Communities to understand how the project intends to engage them throughout the RAP implementation phase and beyond.

5.5 Techniques to be utilized in disseminating the RAP summary to affected persons

The RAP summary to affected persons will be disseminated in public barazas.

Below are the images from Consultative meetings and settlement field visit



Walkthrough in Bayamagonzi with a section of SEC members led by the chairman, County officials and the consultant team



Reprioritization meeting with Bayamagonzi SEC members, County officials and the consultant team.



Reprioritization meeting with Kalolo SEC members, County officials and the consultant team.



Walkthrough in Kalolo with a section of SEC members led by the chairman, County officials and the consultant team



Walkthrough in Kibaoni with a section of SEC members led by the chairman, County officials and the consultant team



Reprioritization meeting with Kibaoni SEC members, County officials and the consultant team.



Walkthrough in Kisumu Ndogo with a section of SEC members led by the chairman, County officials and the consultant team



Reprioritization meeting with Kisumu Ndogo SEC members, County officials and the consultant team.

DIS



Walkthrough in Mtaani with a section of SEC members led by the chairman, County officials and the consultant team



Reprioritization meeting with Mtaani SEC members, County officials and the consultant team.

DISCLOSURE

6. BASELINE AND SOCIO-ECONOMIC PROFILE OF PAPS

The information provided in this section was collected during the second census conducted in 2023. The first Census was conducted in 2017.

A socio-economic survey was carried out to collect quantitative and qualitative socio-economic data on affected households including household demographics, education and skills, livelihoods, health and nutrition, basic services and community facilities. The data forms the basis of a better understanding of the structure and make-up of affected households, their livelihoods practices adopted to secure household food needs and income; as well as providing a baseline for evaluating the success of livelihood restoration support. The socio-economic survey was conducted using a sample size of 40 Households drawn from 149 project affected PAPS. There was only one respondent per affected household.

Data privacy protocols

Data privacy protocols were explained to households before undertaking the surveys. The PAPS were informed that the information obtained from them would be treated with utmost confidentiality and that the names of the PAPS shall not be availed publicly without express consent from the concerned PAP. The identity of the PAPS are not included in this RAP report.

The criteria for selecting the 40 Households

The Consultant used random sampling to select the 40 PAPS households from the 149 project affected PAPS households. Equal consideration was given to each settlement and the breakdown per settlement is given in the table below:

Table 9: Sampling criteria

Site/Settlement	Male
Baya Magonzi	5
Mtaani	5
Kalolo	10
Kisumu Ndogo	10
Kibaoni	10
Total	40

6.1 Position and Size of Kilifi County

Kilifi County was formed in 2010 as a result of a merger of Kilifi District and Malindi District, Kenya. Its capital is Kilifi and its largest town is Malindi. Kilifi county is one of the five counties^[1] that make up the Kenyan Coast. The latitude of Kilifi is -3.510651, and the longitude is 39.909327 and the GPS coordinates of 3° 30' 38.3436" S and 39° 54' 33.5772" E. The elevation of Kilifi is 5.089.

6.2 Administrative and Political Units

The county has 7 Constituencies and 35 wards as shown in the table

Table 10: Administrative and Political Units

Constituency	Area (km ²)	Number of wards	Wards
Ganze	2,942	4	Ganze, Bamba, Jaribuni, Sokoke
Kaloleni	651	4	Mariakani, Kayafungo, Kaloleni, Mwana Mwinga
Kilifi North	405	7	Tezo, Sokoni, Kibarani, Dabaso, Matsangoni, Watamu, Mnarani
Kilifi South	401	5	Junju, Mwarakaya, Shimo la Tewa, Chasimba, Mtepeni
Magarini	6,979	6	Maarafa, Magarini, Gongoni, Adu, Garashi, Sabaki
Malindi	627	5	Jilore, Kakuyuni, Ganda, Malindi Town, Shella
Rabai	241	4	Mwawesa, Ruruma, Kambe-Ribe, Rabai/Kisurutuni
Total	12,245.90	35	

6.3 Demographics in Project Affected Households

As was established during the 100% RAP census and socio-economic study, the total number of project affected persons is 149 translating to 149 Households which participated in the survey. The average number of household size is 5 persons.

6.3.1 Age Distribution

The majority of the respondents (44%) were aged 65 years and above. This is because most of the respondents were household heads. It is culturally and socially appropriate to obtain household information from the head of the households when they are present during the interviews unless they volunteer either of the family members to take the interviews on their behalf.

6.3.2 Gender Distribution of the Respondents

The survey data from the respondents indicates that 57% of household heads were males while 43 % were female. The data suggests that most of the surveyed households are headed by males. Nuclear family is the most preferred family type by most of the respondents interviewed within the project area. The changing cultural and social norms and the high cost of living are driving most people to coalesce around nuclear family setup. The gender distribution is presented in figure 8 below. Information on gender will also enhance gender mainstreaming into the project activities as per the legal, policy and guiding world best practices i.e. vision 2030 policy.

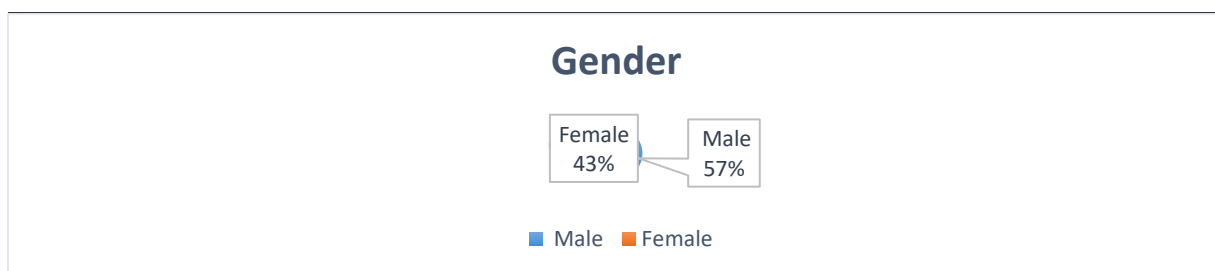


Figure 7: Gender Distribution of Household Heads

6.4 Educational Level

Majority of the respondents have attained middle level and secondary education. Out of the households surveyed, 35 male members and 38 female members of those households have received secondary level education. However, there are a few illiterate respondents who may require assistance during the implementation of the road project as shown in figure 9 below. The analysis and the findings of the socio-economic survey should inform the involvement of the PAPs in the project execution/ works i.e. the skilled PAPs can be involved/ prioritised during construction workers' recruitment while unskilled PAPs can also be involved in construction works that conforms with their abilities.

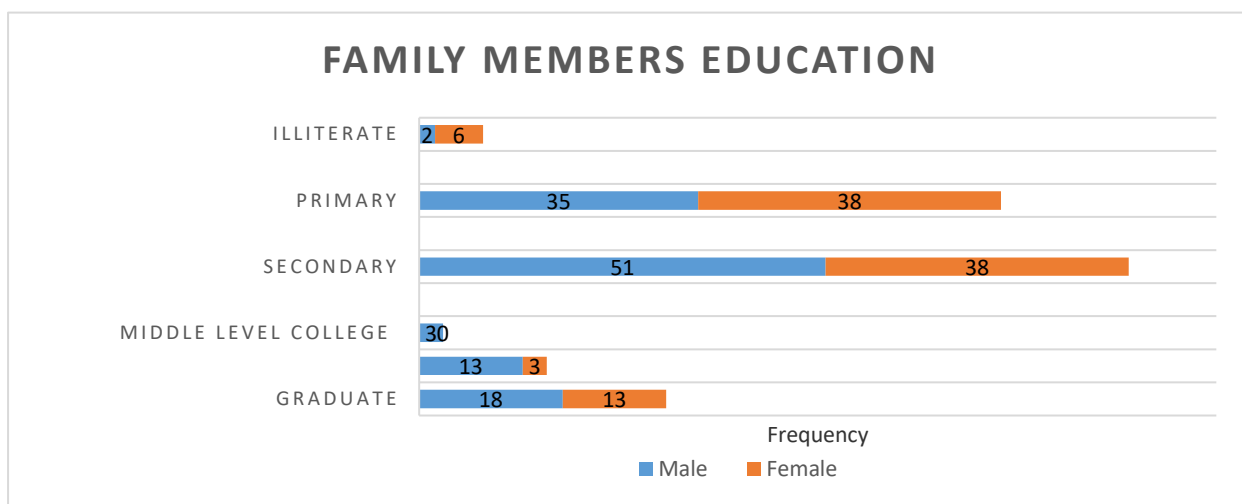


Figure 8: Education Status

6.5 Occupation/employment status

Majority of the PAPs who were interviewed are self-employed and involved in small trades in the make –shift structures which shall be affected by the proposed various roads within the project. Such families will require assistance to relocate their businesses and an appropriate livelihood restoration program as part of the intervention as shown in figure 9.

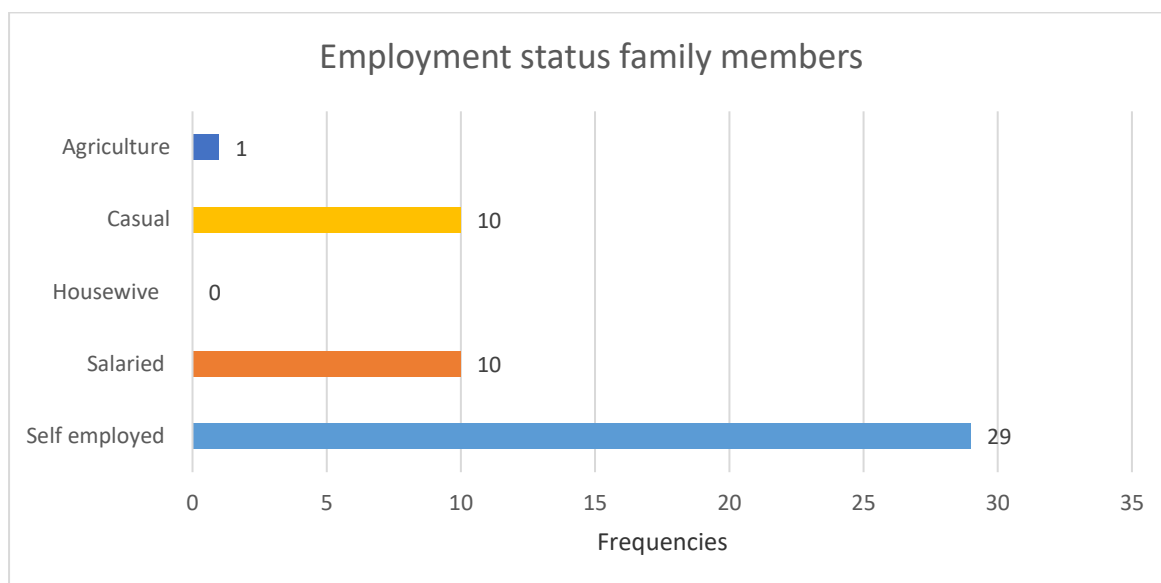


Figure 9: Occupation

6.6 Household Incomes and Expenditures

Majority (17) of the respondents earn a monthly income of KES. 20,000 from the businesses they operate as shown in figure 11. This shows that income levels of the respondents are low. Much of the income is spent on food and education respectively as shown in figure 11

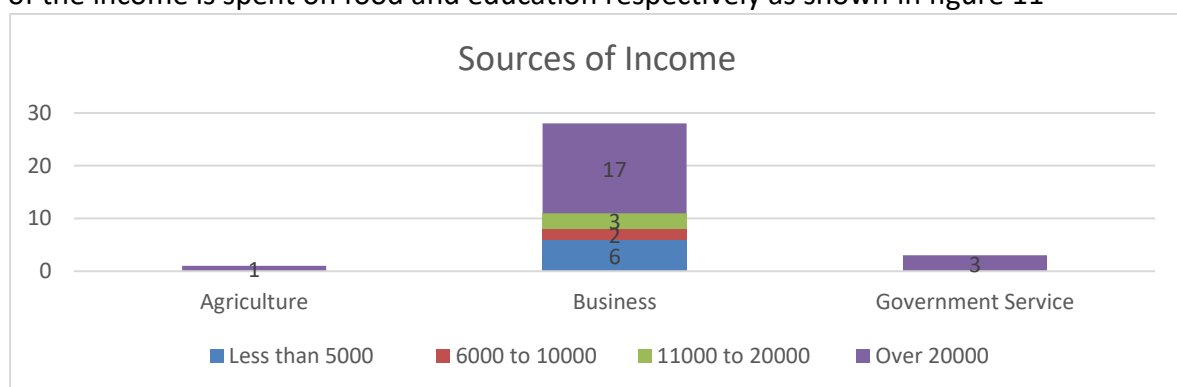


Figure 10: Household Incomes

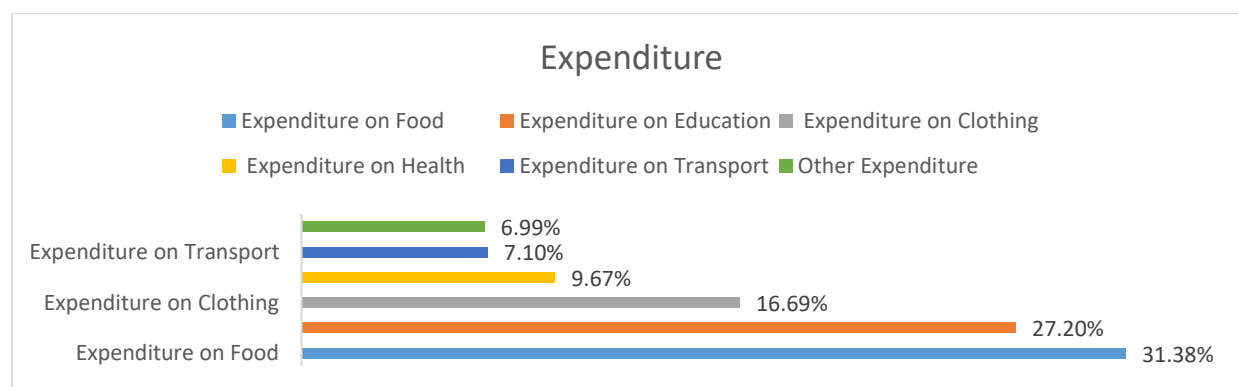


Figure 11: Expenditures

6.7 Energy

Access to Electricity

Majority (28) respondents have access to electric connectivity as shown in figure 12 below.

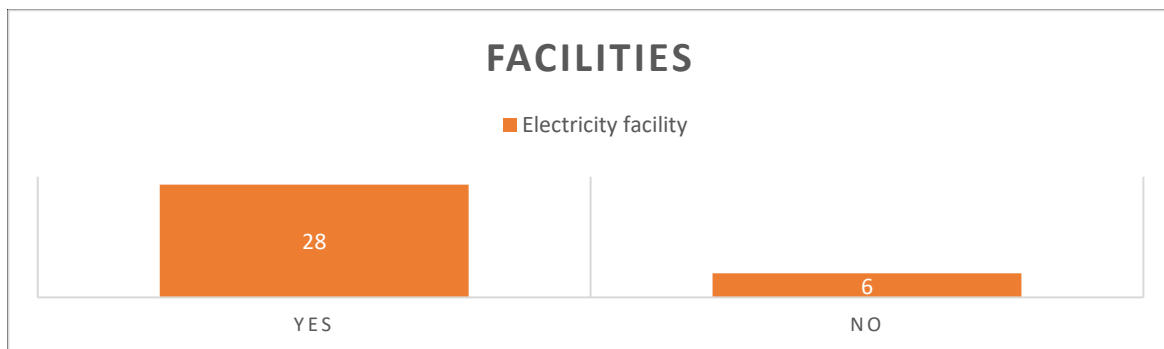


Figure 12: Access to Electricity and Connectivity

Access to Cooking Energy

Majority (52%) of the respondents use gas for cooking in their households. This being an urban setting, using gas is friendly compared to firewood which is in short supply and out of access by many urban households as shown in figure 13 below.

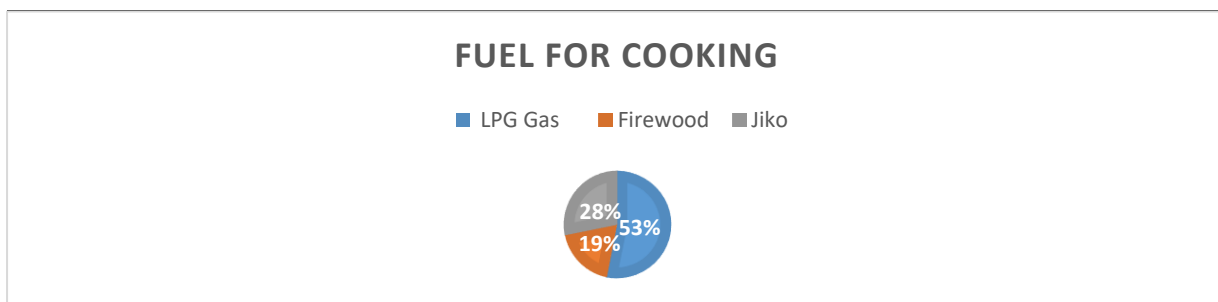


Figure 13: Cooking Energy

6.8 Sanitation

Almost all (30) of the respondents have access to toilet facilities. This is why most the respondents have prioritized road construction ahead of water supply and construction of sanitary facilities as shown in figure 14.

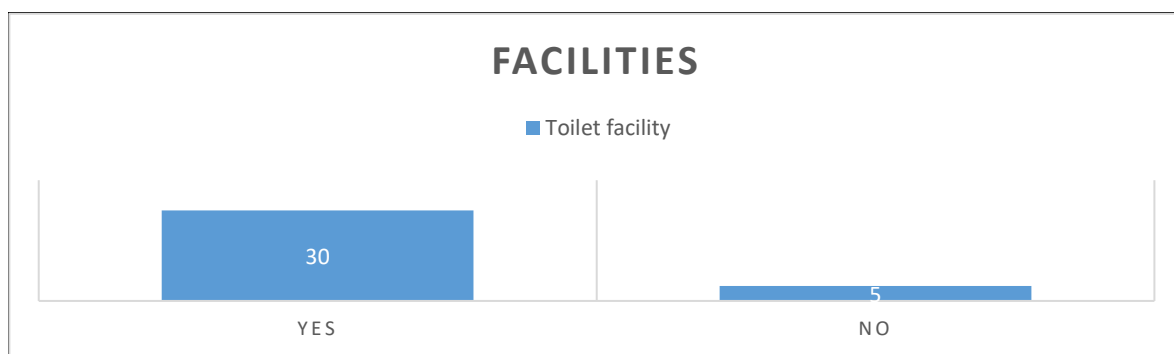


Figure 14: Toilet Facilities

6.9 Water

Most of the respondents (88%) have access to tapped water for drinking. The water is either connected to the households by the County water company KIMAWASCO. Those without direct connections to their households buy tapped water from the nearby water kiosks as shown in figure 15.

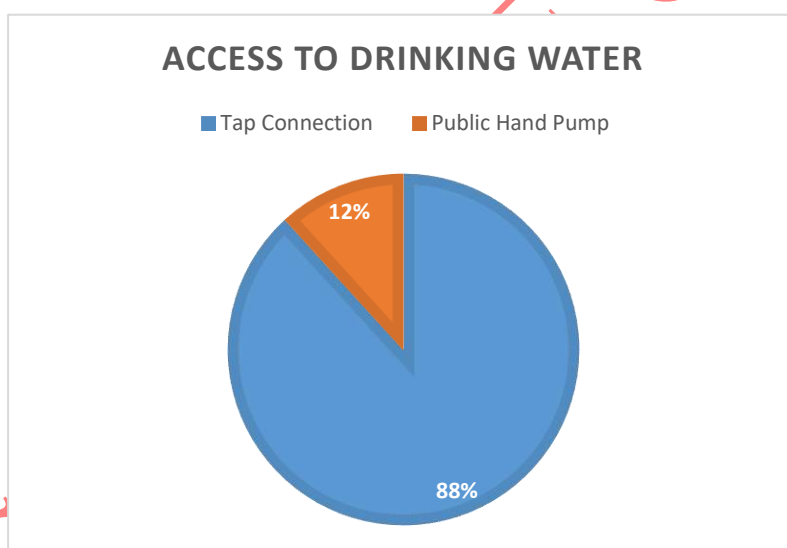


Figure 15: Water

6.10 Housing Types and Ownership

Housing is one of the basic requirements for growth and development of the economy. Majority (74%) of the respondents own their houses. KISIP-1 facilitated land owners to regularize land tenure systems and many of the respondents have built their own homes within the settlement areas. In Kenya housing is classified in terms of roofing, walling and flooring materials. In the settlements the main materials used for roofing are corrugated iron sheets. Corrugated iron sheet is the leading roofing material as indicated by 25 respondents. The preferred wall type is bricks used by 80 % of the respondents as shown in figures 16,17

and 18 respectively. The Land tenure in the settlement is freehold while the land parcel affected by the project is public land owned by the County government of Kilifi.

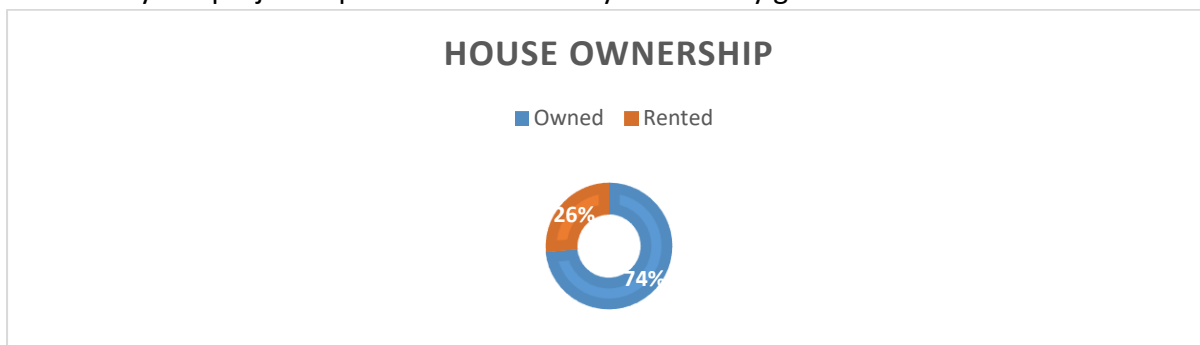


Figure 16: House Ownership

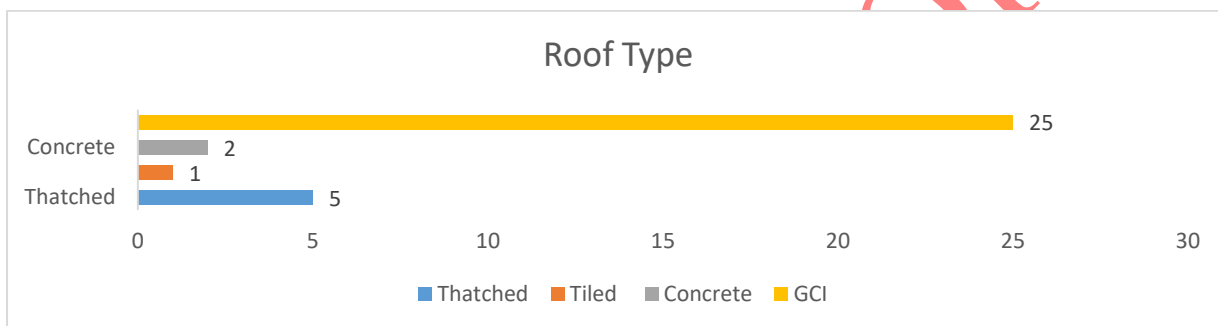


Figure 17: Wall Type

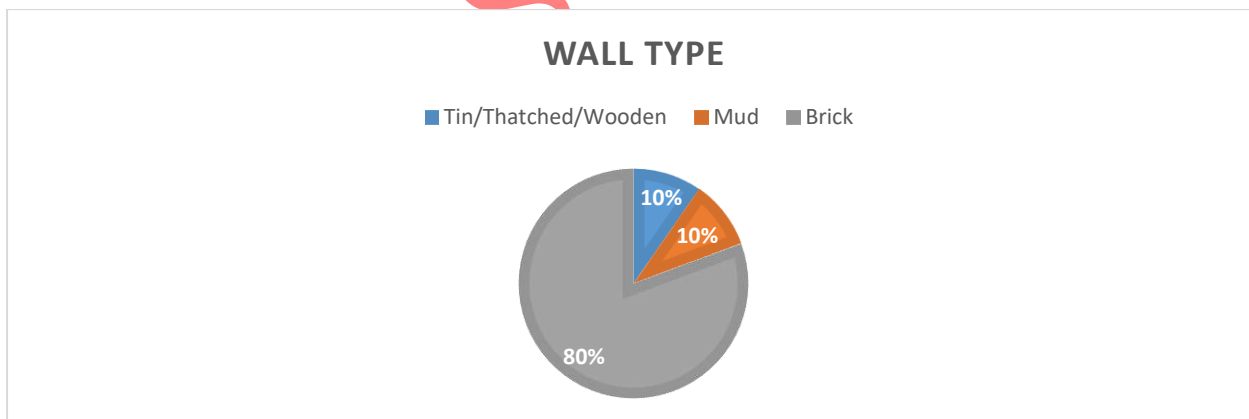


Figure 18: Roof Type

6.11 Morbidity

Very few respondents reported having suffered serious illness in the last one year and the morbidity is reported as very low as indicated below. Majority (8) out of those who reported disease prevalence indicated that they obtained treatment from the hospital as shown in figure 19 and 20.

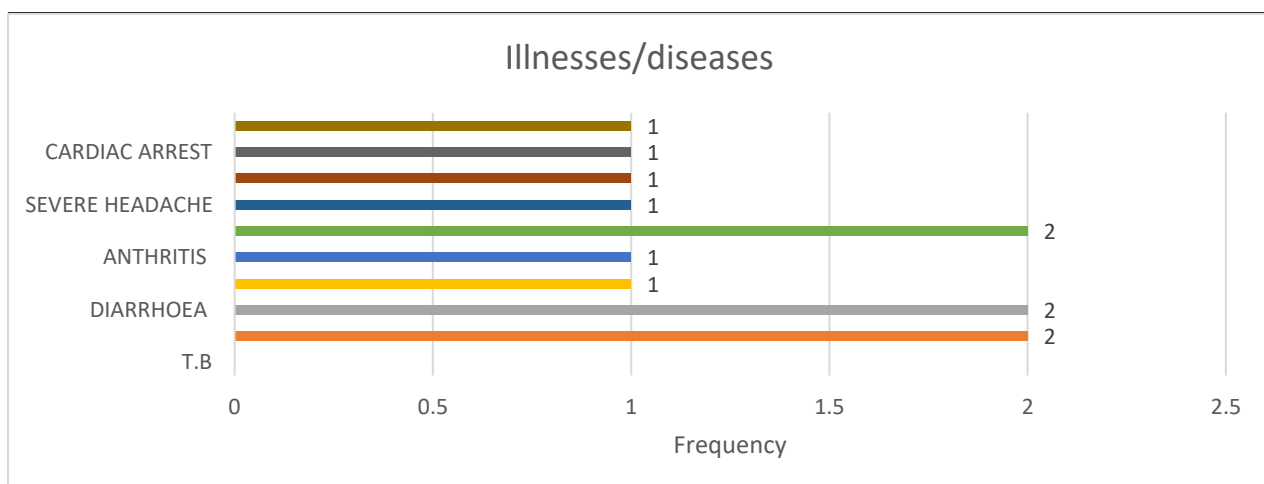


Figure 19: Morbidity

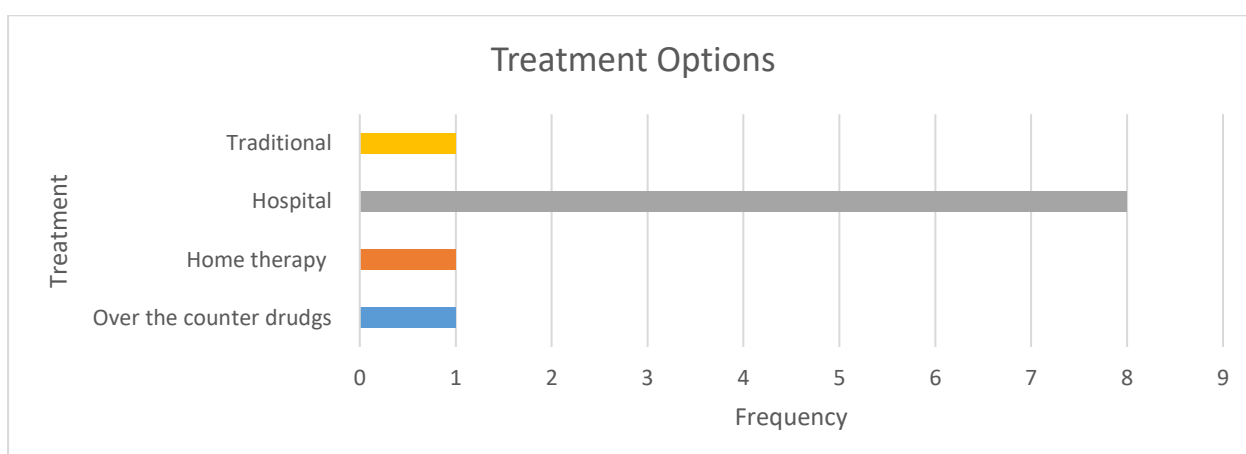


Figure 20: Treatment Options

6.12 HIV Awareness

Most of the respondents (30) reported that they have knowledge about the spread of HIV, and (94 %) of the respondents also said that they know how it spreads. They also reported a number of prevention strategies with use of condoms ranked highest by 33 respondents. The main source of information about HIV awareness and prevention is Radio as reported by 18 respondents. KISIP-2 will have to continue creating awareness to ensure that more and more settlements residence are made aware as shown in figures 21,22, 23 and 24 respectively.

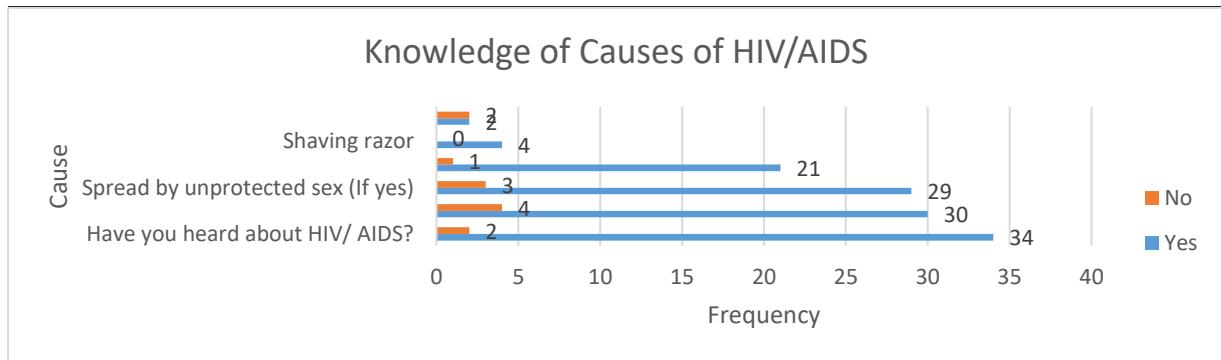


Figure 21: Knowledge of causes of HIV/AIDS

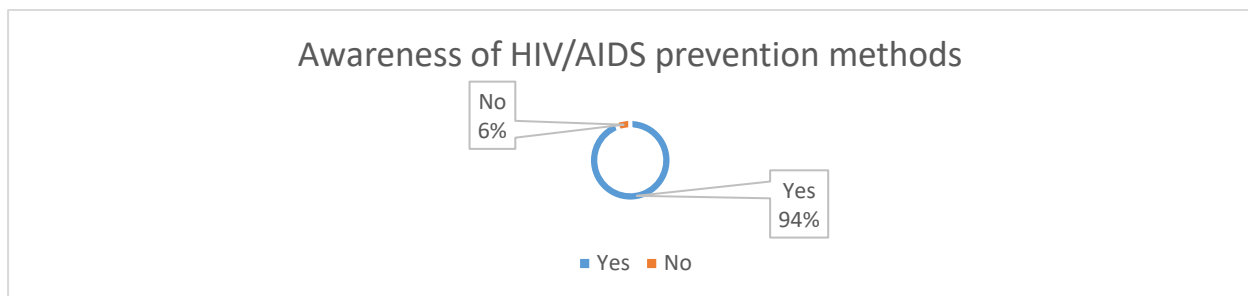


Figure 22: Awareness of HIV/AIDS Prevention methods

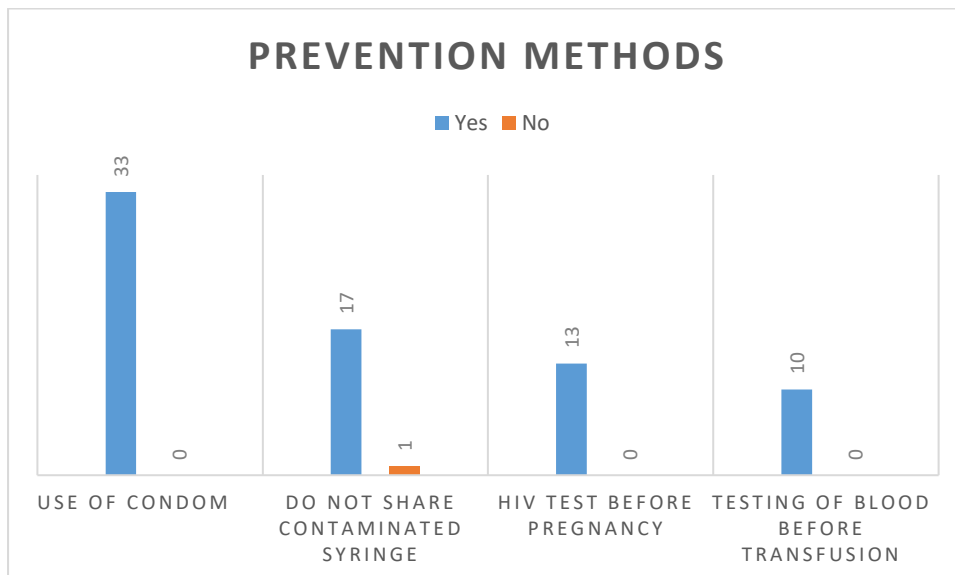


Figure 23: HIV / AIDS Prevention methods

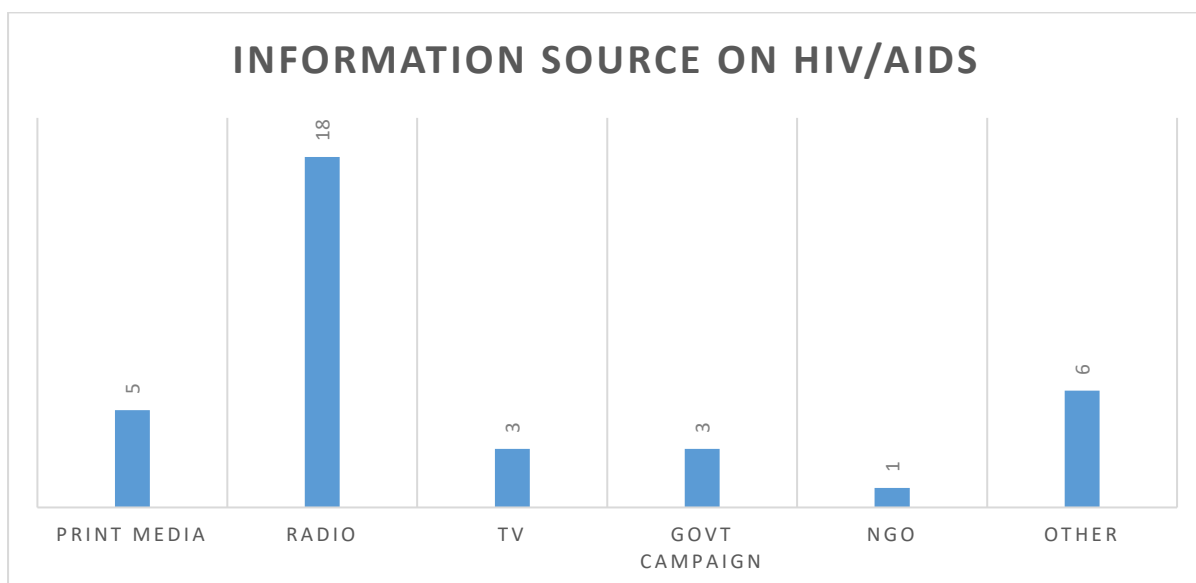


Figure 24: Source of HIV/AIDS Information

6.13 Gender Issues

The main gender issues are contained under the customary practices where the male vests ownership and control of productive assets. Women in the settlements are faced with a number of challenges including inadequate access to credit, lack of technical skills, multiplicity of roles for women and inadequate access to education and training. The traditional delineation of labour persists with women assuming the entire responsibility for childcare, provision of food, water and firewood collection and the general maintenance of the homestead among others. Majority (28) respondents said that household chores is predominantly performed by women. An equal number (18) respondents said that women own land and houses within the settlements. The majority of respondents also said that women are involved in decisions concerning household matters but were also quick to point out that final decision is made by men and this was confirmed by 74% of the respondents. KISIP-2 should ensure that women also benefit from the opportunities presented by the projects to be implemented. This will include the recruitment of casual labors and also compensation of lost household assets and livelihood restoration interventions as shown in figures 25,26, 27 and 28.

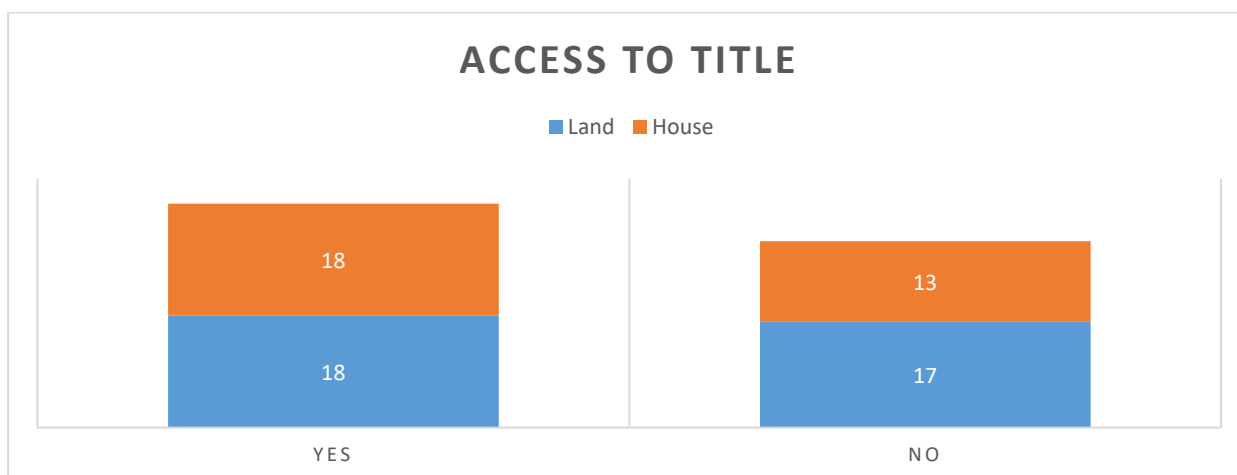


Figure 25: Land and house ownership

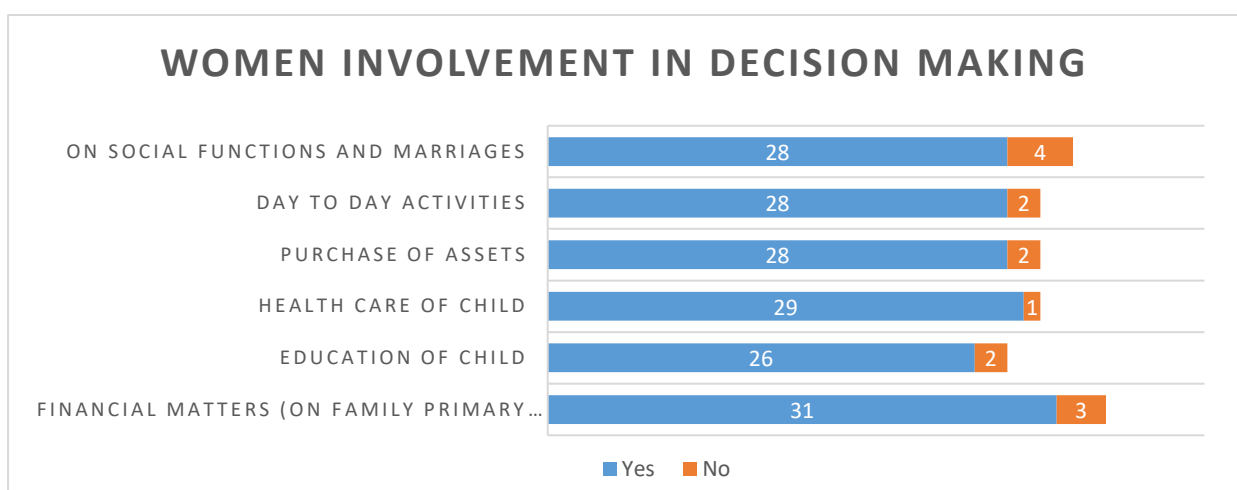


Figure 26: Involvement in decision making

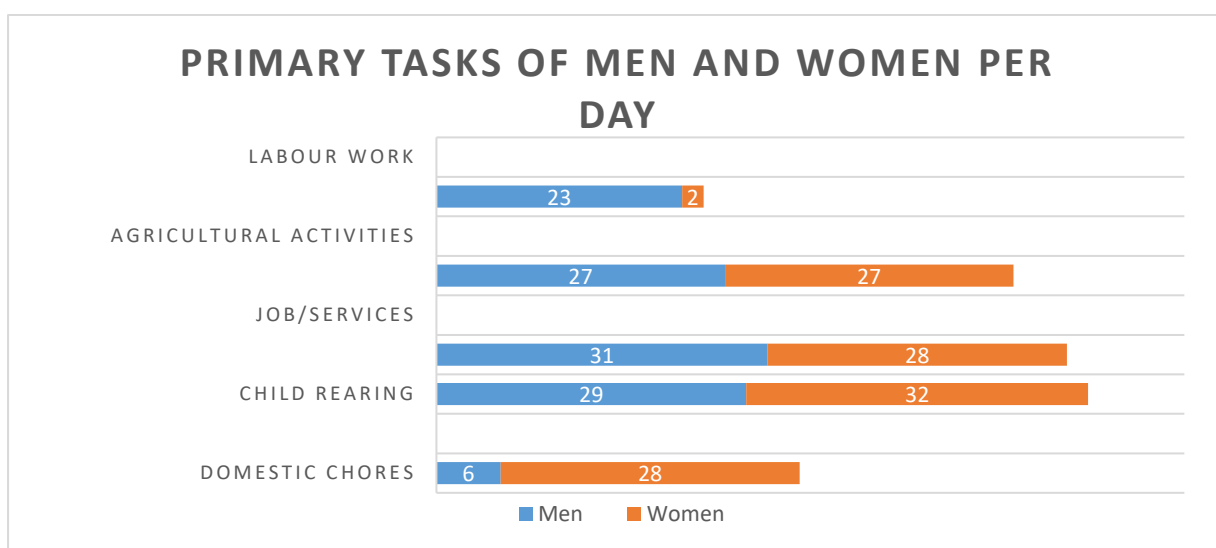


Figure 27: Primary tasks

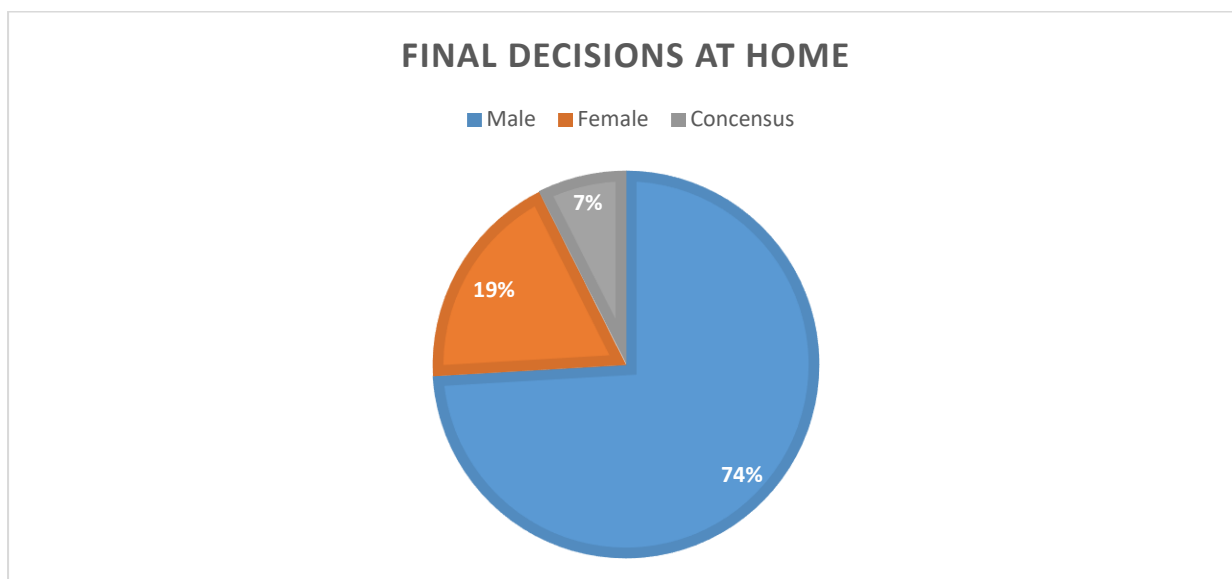


Figure 28: Final Decision

6.14 Vulnerable Groups

The information from the respondents indicates that the elderly (76%) constitutes majority of the vulnerable group in the project area. Other vulnerable groups include orphans (5%), widows (5%). KISIP-2 will ensure that the vulnerable population are accorded special considerations in all the program work. This will include relocation assistance and livelihood restoration and compensation as shown in figure 29.

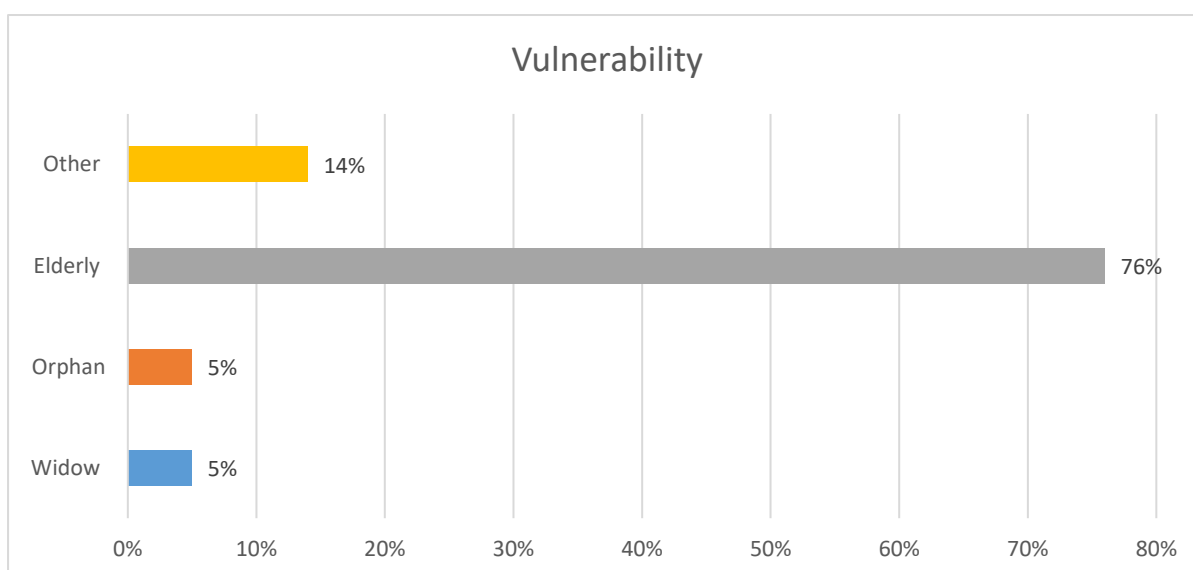


Figure 29: Vulnerability

7. RESETTLEMENT IMPACTS AND ELIGIBILITY

7.1 Resettlement Impacts

The Kenya informal settlement improvement project for Kilifi County will affect 149 structures belonging to 149 project Affected Households (PAHs) spread across the five settlements covered by the project.

Table 11: Kibaoni PAPs

Road	Number of structures	Number of households	Number of PAPs
R1-003	5	5	5
R1-001	54	54	54
R1-002	5	5	5
R1-006	0	0	0
R1-004	3	3	3
Total	67	67	67

Table 12: Bayamagonzi PAPs

Road	Number of structures	Number of households	Number of PAPs
R1-014	27	27	27
R1-017	6	6	6
R1-015	0	0	0
R1-021	6	6	6
R2-018	1	1	1
Total	40	40	40

Table 13: Kalolo PAPs

Road	Number of structures	Number of households	Number of PAPs
R1-009-1	10	10	10
R1-005	1	1	1
R2-006	0	0	0
R2-005	0	0	0
R1-010-1	10	10	10
Total	21	21	21

Table 14: Kisumu Ndogo PAPs

Road	Number of structures	Number of households	Number of PAPs
R1-001	5	5	5
R1-002	7	7	7
Total	12	12	12

Table 15: Mtaani PAPs

Road	Number of structures	Number of households	Number of PAPs
R1-003	5	5	5
R1-004	2	2	2
R1-005	2	2	2
Total	9	9	9

Positive impacts of the project

Expected Project Benefits

The project's expected benefits will arise from investments in infrastructure and from tenure regularization. Although a cost-benefit analysis for KISIP I investments has not yet been done, analysis done for similar investments in urban areas in Kenya and in other countries showed significant benefits for the types of investments KISIP I and II are supporting. Examples are as below.

1. Benefits of investments in urban roads. The benefits associated with improved roads are
 - a) Travel time savings
 - b) Travel cost savings
 - c) Reductions in vehicle operating costs)
 - d) Enhanced access to jobs, markets, health facilities schools, and other services at lower cost than otherwise available (reflected in enhanced land values
 - e) Promotion of economic growth in the region through enhanced trade, increased efficiency, and higher productivity.

The economic rate of return for urban roads under various World Bank-supported projects in Africa ranged from 18 to 33 percent.

2. Benefits of drainage systems. Benefits include
 - a) Reduced number of days of work lost due to flooding
 - b) Reduced property damage (buildings, roads, furniture, appliances, household goods)
 - c) Increased property values

- d) Reduced loss of income from businesses whose hours are curtailed and access reduced
- e) Improved travel times on streets that used to flood
- f) Lower maintenance costs for vehicles
- g) Reduced costs of illness associated with exposure to polluted and stagnant water.

Analysis done for the Kenya Municipal Program showed that investments in a drainage system that considered only reduced number of days lost from work generated an internal rate of return of 32 percent.

2. Benefits of investments in street lighting. Benefits of street lighting include:

- a) Increased perception of safety
- b) Reduced accidents
- c) Increased ability to do business after dark.

People interviewed for the beneficiary analysis of KISIP I noted that they felt a greater sense of security at night and were now walking along streets with lights, rather than taking motorized transport to their destinations. Some participants pointed out that accidents between vehicles and between vehicles and pedestrians had declined. Some mentioned that business hours had expanded and that the appearance and liveability of the urban centre had improved

The project will contribute to improved road network within the six settlements. Some of the inhabitants of the settlements will get employment opportunities during the road construction. Traders within the settlement would witness improved business opportunities related to the construction works which will be undertaken in the area.

Negative impacts of the project

One key negative impact will be the displacement of informal business traders who will lose their business structures as a result of the improvement of the road network. They may lose income and employment if these impacts are not properly mitigated. A limited number of PAPs shall lose residential houses. The influx of people into the settlement during construction may also present major challenges including insecurity and spread of STIs and GBV. The environmental impacts of the project including noise and dust during construction will also inconvenience settlement inhabitants if not properly mitigated.

Table 16: Impact analysis for various categories of PAPs

	Number of structures	Total no of PAPs	Fully affected	Partially affected	Female PAPs	Male PAPs	Dwelling Structure	Business structure and income	Vulnerable PAPs	Tenants
Road										
Kibaoni	67	67	50	17	40	27	0	67	2	48
Bayamagonzi	40	40	35	5	28	12	5	35	1	10

Kalolo	21	21	18	3	5	16	4	17	3	6
Kisumu Ndogo	12	12	10	2	7	5	2	10	0	2
Mtaani	9	9	8	1	2	7	0	9	1	0

7.2 Eligibility

There are four variables to consider regarding eligibility:

- Who is eligible? – This is established through the definition of PAP and their relationship to the project-affected-area determined through the RAP census
- How are they deemed eligible? - This is established in the eligibility criteria
- When are they eligible? - This is defined by the Cut-off Date
- What are they eligible for (entitlement)? – This is defined in the Entitlement Matrix

7.2.1 Defining Project Affected People (Who is eligible)

For this resettlement, PAHs are defined as any individual or group of persons (constitutes e.g. a family or clan with shared interest in an asset) whom have legal or customary rights to assets that will be affected or lost because of the project activities, as determined by the Cadastral Survey. The framework is shown in table 16 below.

Table 17: Eligibility criteria

Description	Who	How	When
Physically displaced PAP:	Individuals, households or groups who will lose their place of residence due to Land Acquisition required for the roads' Project	Determined by the RAP Census, the Cadastral and Asset Survey.	At the time of signing the cut-off date form during the rolling out of census and socio-economic survey.
Economically displaced PAP:	Individuals, households who will lose land, assets or access to assets or natural resource that leads to loss of income sources or livelihoods, but does NOT necessarily result in the direct loss of a place of residence.	Determined by the RAP Census,	Cut-off Date KKB (Kibaoni, Kalolo and BayaMagonzi) 15th October 2017 Mtaani Kisumu Ndogo 18th October 2017 22nd October 2017
Physically and Economically displaced PAP:	Individuals, households or groups who fit into both categories above.	Determined by the RAP Census, the Cadastral and Asset Survey.	

7.2.2 Eligibility Criteria

Affected PAPs eligible for compensation /replacement include:

- i. Those who have formal legal rights (Certificate of Title) to land.
- ii. Those who do not have formal legally certified rights to occupy or use the land or other assets but have a claim to the land under the Land Act, 2012.
- iii. Those who have a claim to assets (e.g., structures, trees, graves or crops) on the land to be acquired. This includes land owners/claimants with assets on their own land and also those who claim assets on land they do not own/claim.
- iv. Those who have no recognizable legal right or claim to the land they are occupying (i.e., informal occupants). These were recorded as part of the Cadastral & Asset survey.

7.3 Cut-Off Date

According to OP. 4.12, Cut-off date is the date the RAP census begins. Cut-off date is important because it guards against influx of people to the project area. Influx can increase the cost of compensation and need to be avoided. Persons who encroach on the area after the cut-off date are not entitled to any resettlement package. Improvements made to homes or additional structures added by existing residents after the cut-off date are also not eligible for compensation. The cut-off date 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 to prevent further population influx and opportunistic investments/claims.

Table 18: Cut-off Date

Settlement	Cut-off Date
KKB (Kibaoni, Kalolo and Baya Magonzi)	15 th October 2017
Mtaani Kisumu Ndogo	18 th October 2017

The cut-off date was publicly disclosed in the project areas and to all the PAHs. The disclosure was undertaken by the RAP Consultant teams and local administration officials from the Ministry of Interior and Co-ordination of citizens Affairs. The principle of the cut-off date was disclosed to the community prior to the detailed RAP field surveys. It was communicated to the affected communities during public meetings (barazas) and to individual PAHs during the fieldwork. They were clearly informed that persons moving to the project areas and those who may do further developments on their affected land after the cut-off date would not be entitled for compensation and that persons settling in the project area after the cut-off date may be subject to removal.

7.4 Category of PAH

The project identified the following categories of Project Affected People differentiated by the types of impacts:

PAH Categorization

- i. Structure Owners
- ii. Loss of business income
- iii. Dwelling structures

7.5 Entitlement Matrix

The Entitlement matrix establishes the specific rights and entitlements to replacement affected assets or provision of compensation and assistance. These rights are granted to any PAHs who will lose proven assets. The Entitlement Matrix establishes the specific rights per the type of loss, as well as differentiating the potential compensation entitlement granted to physically and/or economically displaced PAPs.

The Entitlement Matrix

The RAP has an entitlement matrix to provide for compensation measures for different losses for different categories of Project Affected Persons. The following principles will guide payment of compensation for lost assets –

- i. Compensation shall be paid prior to acquisition or displacement
- ii. Compensation shall be extended to all PAPs irrespective of tenure status, with exceptions of PAPs with no formal rights to land who cannot be compensated for land;
- iii. 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.
- iv. Compensation for structures shall include the full cost of materials and labour required for reconstructing a building of similar surface and standing.
- v. In case of physical displacement and depending on tenure category, PAPs will be provided transition assistance such as moving allowances, subsistence allowances and alternative plot or house where possible.
- vi. PAPs will be provided with development assistance in addition to compensation measures such as land preparation, credit facilities, training, or job opportunities, where available.
- vii. In cases where in-kind replacement is not the preferred option of the PAPs, then the cash compensation will be based on the replacement cost. For the purposes of this RAP, the use of replacement value, or market value, will mean the higher value of two options.
- viii. Vulnerable groups will need to identified and provided with extra support according to their vulnerability.

The entitlement matrix is shown in table18 below.

Table 19: Entitlement Matrix

Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
Dwelling structure used as primary residence	Rightful owners of the affected house and structures	<p>Cash compensation for all structures at replacement cost</p> <p>Statutory Disturbance Allowance of 15% of compensation amount.</p> <p>Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate as defined by the project schedule and prior to demolition.</p> <p>Assistance with transport for their property and salvaged properties during resettlement for all PAHs who will be physically displaced</p>	Cash compensation to owners of affected structures that are either complete or incomplete. All structures must have been present within the project area at the cut-off date and identified and verified through census	Financial training for the sustainable and prudent use of cash compensation
Structures used for secondary purposes e.g., commercial/business structures	Rightful owners of the affected structures	<p>Cash compensation for all structures at replacement cost.</p> <p>Statutory Disturbance Allowance of 15% of compensation amount.</p>	<p>Ownership established through final asset census.</p> <p>Household level livelihood restoration plan as a condition of Compensation payment.</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Business skills training and enlightenment on</p>

Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
		<p>Materials from the affected structure may be salvaged at the owner's expense within the notice period to vacate defined by the project schedule and prior to demolition.</p> <p>Compensation for loss of income for three months or the period of the time actually required to re-establish the business elsewhere if greater 3 months' written notice to vacate the project area.</p> <p>Assistance with transport for their property and salvaged properties during resettlement for all PAHs who will be physically displaced.</p> <p>Taxes and fees, and registration costs for Registration of property to be added and paid for directly.</p> <p>Any other transitional costs such as extended storage, lost wages by other HH members, etc.</p>	<p>Cash compensation to owners of affected structures that are either complete or incomplete</p> <p>All structures must have been present within the project area by the cut-off date and identified and verified through final asset inventory and.</p> <p>PAP must provide proof of business income generation at the affected structure and by the related business carried out at the structure through business records.</p> <p>In the absence of business records to proof business income, the value of the affected business will be determined through observations and interviews</p>	<p>alternative income generating activities.</p> <p>Monitoring mechanism at main stages of resettlement</p> <p>Psycho-social support will be provided in conjunction with the County Social Development Officers (CSDO) at County level. This will be through counselling and liaison to the existing welfare support programs under the CSDO's office;</p>

Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			among other methodologies	
	Renter/Tenants	<p>Reimbursement for unexpired tenancy / lease period or the amount of deposit or advance paid by the tenant to the landlord or the remaining amount at the time of expropriation, or three months' rent, whichever is greater.</p> <p>Compensation for loss of income for the period of the time required to re-establish the business elsewhere: 3 - 6 months' income (or longer if justified)</p> <p>3 months' written notice to vacate the project area.</p> <p>Assistance with transport for their property and salvaged properties during resettlement for all PAHs who will be physically displaced</p> <p>Any other transitional costs such as extended storage, lost wages, deposits and transaction fees, etc.</p>	<p>Proof of a formal tenancy agreement for the occupancy of the affected houses has to be provided.</p> <p>In the absence of a formal agreement, a month rent receipt has to be provided.</p> <p>PAP must provide proof of business income generation at the affected structure and by the related business carried out at the structure through business records</p> <p>In the absence of business records to proof business income, the value of the affected business will be determined through observations and interviews among other methodologies</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Business skills training and enlightenment on alternative income generating activities.</p> <p>Monitoring mechanism at main stages of resettlement</p> <p>Assistance in locating and negotiating replacement rental premises</p>
	Workers	Compensation for loss of income for three months or the	Proof of income or minimum	Assistance to

**Updated
Report**
March 2023

RAP

Consultancy Services for Engineering Design Review, Repackaging of Detailed Engineering Designs, and Preparation of Procurement Documents; Updating of RAP and ESIA Reports; and Supervision of the Proposed Infrastructures Improvement Works in Selected Informal Settlements in the County of Kilifi (6No Settlements).

Contract No.: KE-MOTI-214831-CS-QCBS

Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
		period of the time actually required to find new employment opportunity elsewhere if greater.	wage	facilitate relocation with business owner or obtaining alternate

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7.6 Assessment Methods

The impacts that will arise from the construction of access roads includes:

- (i) Loss of residential structures and business structures
- (ii) Loss of business income

7.6.1 Assessment of Structures Using Current Replacement Approach

The assessment team together with a quantity surveyor conducted research on the different types of structures in the project area. The exercise was conducted from February 2022.

Objectives: The main objective of the research was to obtain reliable information about the construction cost for the different structures to enable the development of Bills of Quantities (BoQs) for the respective structures.

Geographic scope: The market research was conducted within the Project area in Kilifi County. The team extended the research outside the project area so as to obtain the market prices of the different construction materials. The information collected from the market research on the different categories of structures has informed the development of their respective Bills of Quantities (BoQ) which also includes the detailed build-up of the BoQs which have been used in the establishment of the replacement cost of the structures by the assessment team.

To establish the replacement cost, the coordinates, type of structure, construction details, built up areas, accommodation details, and occupancy status of the different structures were recorded during the data collection phase. This was aimed at establishing the replacement cost of the different structures for compensation purposes. Due to limited reliable market information within and near the Project Area, a Sales Comparison approach could not be applied in the assessment of the affected structures. As a result, the structures have been valued based on the 'reproduction cost' i.e. the cost of reconstructing an identical structure by using the same materials and design at the time of appraisal without depreciation.

7.6.2 Assessment for Business Income

Assessment for Loss of Business Incomes equivalent to three months' incomes / wages in case of permanent closure. (Loss of trade / livelihood / occupation or business incomes) and until livelihood restoration plan is implemented and livelihoods/income are fully restored.

The assessment roll is provided in annex: v.

7.7 Vulnerable PAPs

This RAP has identified 10 vulnerable PAPs who will require transitional hardship assistance during relocation. The project will support these PAPs to secure their compensation packages including disturbance allowances and transition costs.

8. GRIEVANCE REDRESS MECHANISM

8.1 Subject Matter of Grievances / Expected Grievances

The PAPs may have grievances on the value of compensation for structures. Other grievances may arise from the loss of livelihood, disconnection of streams of income and reduction of earning capacity due to the relocation. Considering the nature of resettlement and as informed by the findings of the field studies, the type of grievances that may arise include:

- (i) Grievances on the value of compensation for structures
- (ii) Grievances between two PAPs from the same family (nuclear and extended). During the FGDs under this RAP study, the youth noted that there are some families where issues of succession have not been clearly resolved. Such situations among the PAPs may result in family feuds over who should receive compensation on behalf of the affected family;
- (iii) Grievance between two PAPs from different families;
- (iv) Grievance between PAPs and the RAP implementers. Grievances between PAPs and RAP implementers may arise if PAPs feel they are not adequately involved in the implementation process.
- (v) Grievances may arise from the loss of livelihood, disconnection of streams of income and reduction of earning capacity due to the relocation;
- (vi) Lack of appropriate timeframe for relocation;
- (vii) Livelihood restoration program packages.

8.2 Need for Grievance Redress Mechanism

The Grievance Redress Mechanism involves formation or operationalizing of Grievance Redress and Resettlement Committees. The main objective is to provide a step-by-step process of registering and addressing the grievances. It is expected that this mechanism will ensure redress of disputes through participative process. An effective mechanism to redress grievances requires:

- that grievances do not linger on and become contentious issues between project authorities and the affected community and result in opposition to the project;
- PAHs and the overall community appreciate efforts by the project authorities to reach out to hear concerns, proactively address and resolve issues; and
- PAHs particularly demonstrate willingness to support and benefit from the implementation of proposed mitigation measures.

8.3 Essentials in Grievance Redress

- Acknowledge dissatisfaction: Accept that the displacement due to a development shall generate grievances, rather than ignore or turn away
- Effective listening: Careful listening to elicit information regarding the grievance shall help to accurately define the problem
- Separate facts from fiction: Ask for facts and record it (preferably by the PAH himself). If illiterate, provide support as necessary;
- Quick turn-around: Take optimum time to analyze ascertain and decide and finally

communicate the decision to the PAP. Keep communicating with PAHs in case of delays

- Follow-up: If decision requires a follow up action, take it soonest to instill confidence in the PAP regarding the grievance mechanisms and process
- Grievances will be recorded by using a Grievance Form (in local language, also available in Kiswahili and English). Grievance forms will be available for recording complaints and will contain details regarding the grievance as well as the name and address of the applicant, application date, type of application and the name of the persons receiving the grievance. The forms will be logged in a register where they will be tracked through to a suitable resolution. Grievances can be submitted orally (and will be recorded) or in written form;

8.4 Grievance Redress Mechanism Players

The key players in the grievance redressal process are among others:

- PAHs themselves
- Influential persons in the project affected village (could be non-PAHs)
- Kilifi County Government
- National Government
- Ministry of lands housing and urban development

8.5 Principles of Grievance Redress Mechanism

Principles in formulation of effective grievance mechanism are that the mechanism is:

- Devised keeping in mind the socio-cultural setting such as making use of village elders too in resolution of disputes;
- Take cognizance of impacts on female PAHs and ensures their adequate representation;
- Is independent of the implementing agencies to allow affected individuals to voice concerns and seek redressal;
- Is accessible and is well-supported by an effective information dissemination mechanism to prevent occurrence of a grievance in the first place due to lack of information;
- Is timely and responsive i.e., its recommendation and decisions are implemented by the project authorities; and
- Is transparent

The Grievance Mechanism provides affected parties with a mechanism to express any issues and problems that they may have with the compensation and resettlement process for the Project in a way, which is free of cost and without retribution. Affected parties will also have ultimate recourse to the courts in accordance with the provisions of Kenyan law. To ensure that the basic rights and interests of project affected people are protected, that their concerns are adequately addressed and that entitlements are delivered, a grievance procedure is outlined below.

Grievance Redress Mechanism

The project will develop a robust grievance redress system from the community to national level building on the lessons learnt in KISIP I. The channels of uptake at all levels will include walk-ins, face-to-face communication, toll-free calls, letters, e-mails, text messages, WhatsApp, etc. The mediation process shall be confidential, transparent and objective, as well as accountable, easy, fast, accurate and participative. The general steps of the grievance process have been summarized below and comprise:

1. Registration/receipt/Acknowledgment of Complaints
2. Investigate and determine solution to the complaint
3. Implementing the Redress Action;
4. Verifying the Redress Action;
5. Monitoring and Evaluation; and
6. Recourse or Alternatives

Table 20: Step Process Description Timeframe Responsibility

Step	Process	Description	Timeframe	Responsibility
1	Grievance receipt and registration/ logging	Face to face; phone; letter, recorded during public/community meetings; WhatsApp etc. • Significance assessed and grievance recorded or logged using the model complaint form and filed.	1-2 Days	GRCs
2	Development and implementation of response	GRC meets or takes a decision on the grievance • Grievance assigned to appropriate party for resolution if necessary Response development with input from relevant stakeholders • Redress response/action approved by GRC and logged • Redress response/update of progress on resolution communicated to the	5- 10 Days	GRC

		complainant • Start implementing redress action		
3	Verifying the implementation of redress action	Redress action implemented and verified by GRC. • GRC satisfied with implementation of redress action • Complainant duly signed the grievance resolution form	10-15 Days	Environmental (Social) Officer/Safeguard Specialist at County
4	Close grievance or refer grievance to 2nd tier resolution	Completion of redress action recorded or logged • Confirm with complainant that grievance can be closed or determine what follow up is necessary • Record final sign off of grievance • If grievance cannot be closed, return to step 2 or recommend to the next tier- County, National	15-25 Days	Environmental (Social) Officer/Safeguard Specialist at County/ Grievance Officer
5	Court of law	If 2nd and third level settlement does not address dispute, complainant can resort to court of law	Unknown	Safeguard Specialist at KISIP
6	Monitoring and evaluation, and reporting	Grievance Redress Mechanism Process is documented and monitored		Safeguard Specialist at KISIP

The Grievance Officer

The Grievance Officers at County and National level will establish a register of resettlement/compensation related grievances and disputes. The receipt of complaints will include its logging and registration as this will help with monitoring the status of the grievances and ease reporting on them. The existence and conditions of access to this register

(where, when, how) will be widely disseminated within the project community/town as part of the consultation undertaken for the project in general. The person designated to receive complaints shall receive all complaints and shall officially register these complaints using the first section of the proposed complaint registration and resolution.

Grievance tiers

RPF recommends a four-tier grievance mechanism- at the community, County, national and resolution through courts of law. It is desirable to resolve all the grievances at the community level to the greatest extent possible. To achieve 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. Grievance procedures may be invoked at any time, depending on the complaint. No person or community from whom land or other productive assets are to be taken will be required to surrender those assets until any complaints he/she has about the method or value of the assets or proposed measures are satisfactorily resolved.

Tier 1: Settlement Grievance Redress Committee (SGRC)

The first level in addressing grievances will be at the settlement. The settlement will form a Settlement Grievance Redress Committee comprising of two members from SEC, and three other respected community members who are not PAPs. The committee should be elected by the community in a transparent manner and after sensitization by KISIP PCT.

Tier 2: County Resettlement Implementation Committee (CRICs)

The second level of grievance mechanism will involve the County Resettlement Implementation Committee (CRICs). The CRICs will consider grievance reports forwarded to it from the community grievance committee and make a determination. The CRIC will comprise of the County Coordinator, Environment Officer, Social/Community Officer, Component Heads for Infrastructure, and Land tenure, Assistant Deputy County Commissioners, and Ward Administrator.

Tier 3: National PCT, (NRIC)

The third level of grievance mechanism will involve the National PCT, (NRIC) which will comprise of the National Project Coordinator, Heads of Components, Environment and Social Safeguard heads, and a designated Grievance Redress Officer who will be the Secretary. It will handle grievances referred to it by the CGRCs and monitor the performance of the whole GRM for the project.

Tier 4: Court of Law/ Alternative Dispute Resolution (ADR).

If complainants are not satisfied by the decisions of the grievance's committees, they can seek redress from a court of law or resort to Alternative Dispute Resolution (ADR).

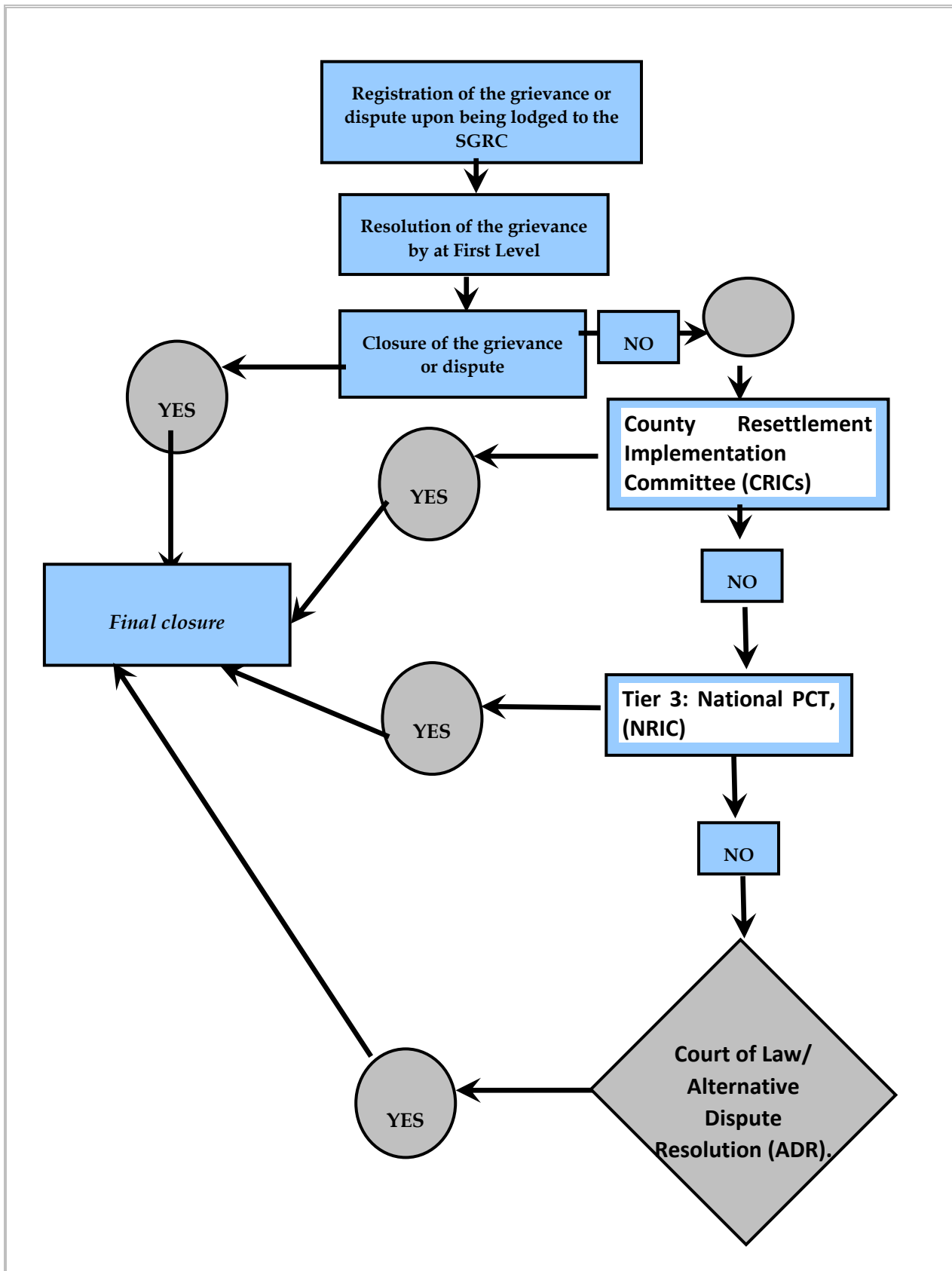


Figure 30:Grievance Redress flow Chart

9. INSTITUTIONAL FRAMEWORK FOR RAP IMPLEMENTATION

This Chapter provided a list of all agencies and institutions that are involved in the implementation of the RAP. These organizations are crucial in the RAP implementation process and are mandated to perform their respective roles and have capacity to undertake their specific responsibilities even though KISIP RAP implementation unit will be charged with the overall responsibilities of implementation of the RAP.

9.1 Project Management at Ministry Level

MLPWHUD will interface with other sector ministries, agencies and Counties on matters and policies relating to the project and more specifically RAP issues. The MLPWHUD will interface with the County on issues pertaining to RAP budget financing. The ministry will also communicate directly with the Bank on technical issues including RAP preparation, approvals, disclosure and even implementation being among them.

Table 21: Institutional Framework for Rap Implementation

Institution	Roles
Project Management at Ministry Level	MLPWHUD will interface with other sector ministries, agencies and Counties on matters and policies relating to the project and more specifically RAP issues. The MLPWHUD will interface with the County on issues pertaining to RAP budget financing. The ministry will also communicate directly with the Bank on technical issues including RAP preparation, approvals, disclosure and even implementation being among them.
The Project Coordinator (PC)	PC is the overall technical coordinator in the implementation of KISIP and assisted by a Social Development Officer in case of land acquisition and resettlement and other social issues related to this program. The Project coordinator will supervise the project team and ensure that project implementation activities and reports are on schedule and in compliance with the financing agreement. The coordinator will report to the principal secretary and will from time to time draw the attention of the principal Secretary to all emerging policies issues for decision at that level or a higher level.

National KISIP Project Coordination Team	<p>The overall coordination of the whole process, from development to implementation and monitoring, is provided by the KISIP PCT. The KISIP Coordinating Unit has the following roles:</p> <ul style="list-style-type: none"> (i) Coordinate the effective implementation of the Environmental and Social Management (ESMP) and Resettlement Action Plans and ensure compliance with agreed implementation procedures and guidelines. (ii) Prepare Progress Reports on the implementation of the environmental and social safeguards. (iii) Supervise ESMP/RAP implementation during and after project implementation. (iv) Ensure integration of EMPs and RAPs into Contract and Bid Documents. (v) Ensure adequate community participation.
County KISIP Teams	For effective implementation of the Project, Counties have established County KISIP Teams whose composition is a replica of the national team. The county teams were crucial in
County Government of Kilifi	The county is responsible overall implementation of this RAP and they shall provide financial resources for compensation of the PAPs as per the RAP budget.
The SEC and the GRC	The SEC and GRC will support the national and county KISIP teams in the implementation of the project components including this RAP. They will also play a key role in grievance redress
Resettlement Implementation Committee (RIC).	The committee will comprise of one representative each from Project Management at Ministry Level,

	<p>National KISIP Project Coordination Team, County KISIP Teams, County Government of Kilifi, SEC and the GRC.</p> <p>RIC will coordinate resettlement activities and oversight the RAP implementation.</p>
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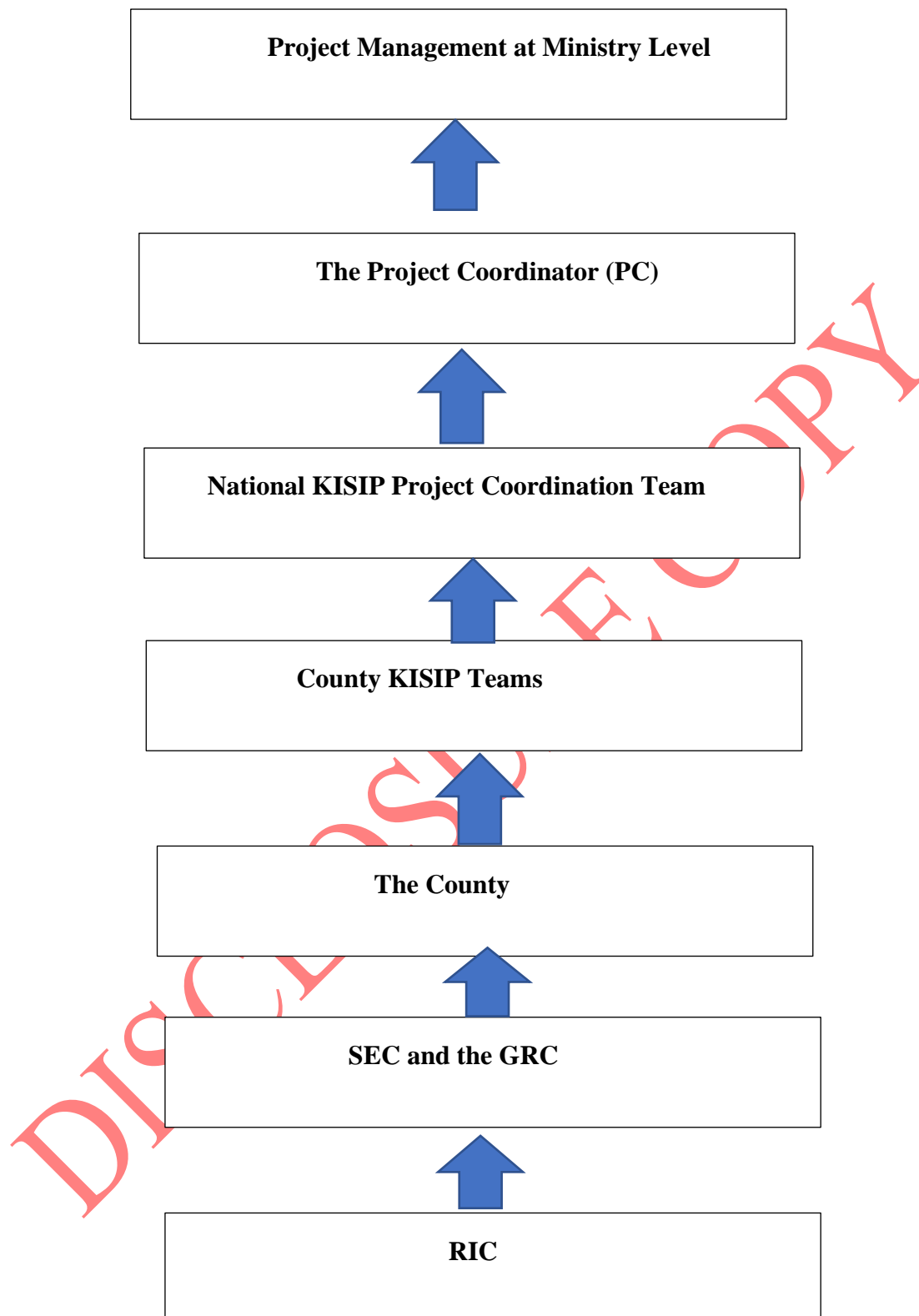


Figure 31: Institutional arrangement diagram

Sensitization of the PAPs

Sensitization of the PAPs such as joint account for spouses, how to use the compensation funds, avoidance of gender-based violence will be conducted by the RAP implementation team.

Capacity building for RAP implementation team

Capacity building shall be conducted for the RAP implementation teams to equip them with the necessary skills to enable them implement this RAP effectively.

9.2 Disclosure of RAP

The RAP will be disclosed in English while the executive summary (non-technical) will be translated into Kiswahili languages. A Project brochure will be prepared at implementation stage with (a) a broad description of the project; (b) entitlement matrix and eligibility; (c) implementation schedule; (d) grievance redress mechanisms and how it will work; and (e) RAP monitoring methods and timeline.

Disclosure will be in electronic form on the website of the following institutions namely:

- (i) KISIP
- (ii) MLPWHUD
- (iii) County Government of Kilifi
- (iv) World Bank external affairs

Hard copies will be made available in the same offices with additional copies availed at the following sites:

- (i) KISP Nairobi Office
- (ii) Kilifi County Headquarters
- (iii) All Locational offices affected by the project
- (iv) All Ward offices affected by the project

10. RAP IMPLEMENTATION SCHEDULE

The estimated construction duration is 24 months. However, the RAP implementation period and timelines will be approximately 1 year while some Stakeholder Engagement, Livelihood Restoration and Monitoring and Evaluation may last beyond the actual resettlement activities of 1 year. The schedule will be updated as required and additional tasks added where necessary. All activities in RAP implementation are listed below but these activities and schedules are estimated in terms of timelines and chronology. The implementation schedule is provided in table 21 below.

Table 22: RAP implementation Schedule

Sl. No.	TASK NAME	Period in Months															
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1.	RAP Review and Update																
2.	Approve of RAP Updated Report																
3.	Formation of the GRC-																
4.	Disclosure of Updated RAP																
5.	Validation of asset values																
6.	Validation of ownership																
7.	Issuance of Awards																
8.	Payment of compensation																
9.	Issuing of notice to relocate within the notice period																
10.	Capacity building of PAPs committee																
11.	addressing grievances continuously																
12.	Livelihood Restoration activities																

Sl. No.	TASK NAME	Period in Months															
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
13.	Monitoring activities																

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11. MONITORING AND EVALUATION OF RAP IMPLEMENTATION

The audit team will have to access whether the lay out framework for RAP was adhered to and if not, what measures can be put in place to ensure all the project affected persons livelihood standards are maintained/ improved. The audit process can be one month after the completion of the resettlement process.

Monitoring arrangement for the RAP implementation will continuously be updated in consultation with various parties involved; the affected peoples by the project, contractor, GoK, and the World Bank. The monitoring process will follow culturally sensitive approaches that take into account differences in social locations, culture and livelihood systems. A key aspect of monitoring processes is to conduct meaningful consultations with affected people, during internal monitoring and independent monitoring by external monitoring groups. Monitoring of grievance resolution from all affected peoples is reflected through the grievance committee at different levels. Records of complaints and grievances will be kept and semi-annual monitoring reports will provide information on key issues raised by affected people. The RAP monitoring indicators are shown in table 21 below.

11.1 Internal Monitoring and Reporting

The RAP requires RIC to engage in continuous-active and comprehensive self-monitoring of the activities related thereto all adverse impacts, and compliance. The monitoring staff will report regularly to the KISIP safeguards unit at the County and the national Level. Self-monitoring and reporting is intended to be the chief (but not exclusive) means of ensuring compliance.

11.2 Monitoring of Resettlement Activities and Measures

To closely follow actual social impacts by the resettlement activities, including compensation of affected households, appropriate monitoring and feedback of monitoring outputs will be conducted. The project aims to have all resettlement and livelihood restoration activities well in place before impacts occur during project operation phase providing affected households with opportunities for cropping. The KISIP safeguards team will monitor not only its own progress in resettlement and compensation activities for affected households against an agreed schedule, but also the changes in household income (cash and imputed) from affected business structures, as well as from livelihood restoration and development activities.

Table 23: RAP Monitoring Indicators

Item	Indicator	Variable	Impact Aspect
Compensation for structures	Structures to be compensated	<ul style="list-style-type: none"> Number of structures compensated 	Displacement of PAHs Displacement of sources of income
Consultations	Consultation programme operation	<ul style="list-style-type: none"> Number of public consultations related to resettlement held and their minutes Type of issues raised at public consultation meetings Number of participants attending public consultation meetings related to resettlement 	
	Information	<ul style="list-style-type: none"> Level of access to information by PAHs Number of communication documents provided to PAHs and their subject matter (Health, Education, Security etc.) 	
	dissemination	<ul style="list-style-type: none"> The extent of information flows between grievance committees and PIU RAP/Entitlement information access by PAHs Number of people seeking information on resettlement and compensation 	
	Grievances resolved	<ul style="list-style-type: none"> Number of grievances registered by type Number of grievances resolved How quickly the grievances were resolved Number of cases referred to court 	
Training	Operation of training	<ul style="list-style-type: none"> Number of youth, women PAHs trained 	

Item	Indicator	Variable	Impact Aspect
	programme	<ul style="list-style-type: none"> Number of training grievance committees has undertaken Number of affected populations trained on livelihood restoration 	
Livelihood Restoration	Livelihood improvement	<ul style="list-style-type: none"> Employment status of economically active members of PAHs Level of skills of PAHs members Earnings/income by source, separating compensation payments of PAHs Pre- and post-disturbance changes to agriculture and off-farm income-earning activities Amount and balance of income and expenditure Access to income-generating natural resource base (wood, grass, sand, stones) Number of vulnerable persons benefiting from livelihood restoration programs. Status of vulnerable people as compared to their initial situation. Number of people or groups assisted to improve their livelihood 	
Management	Staffing	<ul style="list-style-type: none"> Number of KWSCRП officials available by function for resettlement Number of local organizations by function Number of office and field equipment by type 	

Item	Indicator	Variable	Impact Aspect
	Procedures in operation	<ul style="list-style-type: none"> Census and asset verification/quantification procedures in place Number of land transfers effected 	

11.3 External Monitoring and Reporting

The project will recruit a RAP Audit Consultant (firm of experts) who will conduct external monitoring as part of its core function. The RAP Audit consultant will undertake Compliance and Completion Audit. The purpose of the compliance/completion audit is to determine whether the Project has met its RAP commitments and can be released from further responsibility. Hence, the independent compliance and completion audit will focus on the assessment of compliance with the commitments of this RAP, the relevant Kenyan legislation and the WB Policies.

The purpose of the compliance/completion audit is to determine whether the Project has met its commitments and can be released from further responsibility. Hence, the independent compliance and completion audit will focus on the assessment of compliance with the commitments of this RAP, the relevant Kenyan legislation and the WB Policies. The compliance and completion audit will be performed about one year after completion of RAP implementation, including the completion of the livelihood restoration programs. The compliance reviews will concentrate on: -

- Overall compliance with applicable legislation, international requirements and commitments of this RAP
- Compliance with the eligibility criteria described in this RAP
- Actual delivery of entitlements as described in this RAP
- Compliance with implementation mechanisms described in this RAP
- The completion audit will assess all activities needed to achieve compliance were implemented and whether compensation (and resettlement) can be deemed complete.

12. RAP BUDGET

The total budget for resettlement compensation is **Kshs. 3,282,195** inclusive of other costs such as disturbance allowance, livelihood restoration and grievance redress and administration. All costs associated with this RAP as highlighted in Table 23 below will be met by the County Government of Kilifi.

Table 24: Table 24: Compensation Costs

Description of costs	Cost in KES
Losses/damages due to corridor clearance	1,655,725
Loss of business income	248,358
Stakeholder engagement and grievance management (including SEC/GRC facilitation)	250,000
RAP implementation monitoring and completion audit	500,000
Administrative costs	200,000
Sub-Total	2,854,083
Disturbance allowance (15%)	428,112
Total	3,282,195

REFERENCES

1. 2019 Kenya Population and Housing Census Volume 1 A Population Distribution by Administrative Units; August 2020; by KNBS
2. Kilifi County Integrated Development Plan (2018 – 2022)
3. Constitution of Kenya, 2010
4. KISIP RAP Report 2018
5. Republic of Kenya, Ministry of Lands, Sessional Paper No.3 of 2009 on National Land Policy, August 2009.
6. Republic of Kenya, The Land ACT, 2012
7. Republic of Kenya, The Land and Environmental Court Act 2011.
8. Republic of Kenya, The Land Registration Act 2012
9. ESMF – KISIP II
10. RPF- KISIP II
11. World Bank OP. 4.12

ANNEXES

Annex I: Minutes of Consultative meetings

MINUTES OF THE MTAANI SETTLEMENT COMMUNITY CONSULTATIVE MEETING FOR DESIGN REVIEW, INFRASTRUCTURE PRIORITIZATION AND RAP UPDATE HELD ON 18TH JANUARY, 2023 AT KILIFI PRIMARY SCHOOL KILIFI COUNTY.

Present

***Attendance list in annex**

Agenda

1. Introductions
2. Prioritization of the proposed developments.
3. Comments on the process by sec.
4. A.O.B

MIN 1-18/1/2023: PRELIMINARY

The meeting was called to order by the county coordinator representative Mr. Zero at 14.23pm. He invited Mr. Mwinyi Baya to lead in the opening prayer. He then welcomed all members present. He invited Kilifi County Officials, SOBOCON Associates Limited and the SEC to introduce themselves. Thereafter the county coordinator representative explained the purpose of the meeting, to prioritize their desired infrastructure improvements works due to limited budget.

MIN 2-18/1/23: PRIORITIZATION OF THE PROPOSED DEVRELOPMENTS.

The sociologist further explained the purpose of the meeting and welcomed Eng. Oduor together with the settlement chairman to showcase the proposed infrastructure improvement works as per KISIP 1 report for a collective prioritization by the members. The chairman assisted the community members in understanding the exact location of the proposed developments so as to enable them to agree collectively on the prioritization of the developments. The members unanimously agreed on the levels of prioritization of the developments.

Prioritization list

Mtaani	Priority	Description	Priority	Description	Justification
	1	Roads	1	R1-005 and R1-004	
			2	R1-003	
	2	Public Lighting	3	Follow order of priority of roads	

	3	Sanitation	4	Construction of 2 septic tanks and ablution blocks	
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MIN 3-18/1/23: COMMENTS ON THE PROCESS BY SEC

The following concerns were raised by the SEC members:

	Mtaani	
No.	Questions	Answers
1	Who will repair the nonfunctional streetlights in the area?	The County Governor is aware of the issue and he promised to send his team to work on the repairs.
2	Is the bill of quantities ready?	Tender documents to be availed after the design review process has been completed.
3	Will all the proposed developments be done by Kisip?	Kisip will do their part in the infrastructure improvements works within the allocated budget and at least compare their plans with other government bodies in order to avoid duplication.
4	Will the local youth be employed during the project implementation?	The contractor will be availed to the people before commencement of works and the youth have been assured of employment especially the unskilled labor.
5	In case of any savings in the project can it be used to rehabilitate the existing roads even though they were not part of the proposed infrastructure?	The Resident Engineer will write to the county about the savings, the county will then notify the community to give proposals on their new desires, if they are feasible the county will then instruct the resident engineer to ensure the new proposals are done.
6	Will the new roads have signages?	In case the budget allows for signages it will be implemented.

The meeting ended with prayer from Mr. Mohamed at 3:30pm.

MINUTES OF THE KISUMU NDOGO COMMUNITY CONSULTATIVE MEETING FOR DESIGN REVIEW, INFRASTRUCTURE PRIORITIZATION AND RAP UPDATE MEETING HELD ON 19TH JANUARY, 2023 KILIFI PRIMARY SCHOOL KILIFI COUNTY.

Present

***Attendance list in annex**

Agenda

1. Introductions
2. Prioritization of the proposed developments.
3. Comments on the process by sec.
4. A.O.B

MIN 1-18/1/2023: PRELIMINARY

The meeting was called to order by the ward administrator Mr. Marimba at 2. 37p.m. He invited Mrs. Monica Mwenda to lead in the opening prayer. He then welcomed all members present. He invited Kilifi County Officials, SOBOCON Associates Limited and the SEC to introduce themselves. Thereafter the ward administrator explained the purpose of the meeting, to prioritize their desired infrastructure improvements works due to limited budget and also to harmonize their priorities with other development agencies in the government to avoid duplication projects. Eng. Yego explained the role of SOBOCON consultancy in the project to the inhabitants. The county coordinator representative Mr. Zero further explained the purpose of the meeting.

MIN 2-18/1/23: PRIORITIZATION OF THE PROPOSED DEVELOPMENTS.

The sociologist Mr. Adino further explained the purpose of the meeting and welcomed Eng. Okello together with the settlement chairman to showcase the proposed infrastructure improvement works as per kisip 1 report for a collective prioritization by the members. The chairman assisted the community members in understanding the exact location of the proposed developments so as to enable them to agree collectively on the prioritization of the developments. The members unanimously agreed on the levels of prioritization of the developments.

List of prioritizations

Kisumu Ndogo	1	Roads	1	R1-001	
			2	R1-002	
	2	Public Lighting	3	Follow order of priority of roads	
	3	Sanitation	4	Construction of 2 septic tanks and ablution blocks	

MIN 3-18/1/23: COMMENTS ON THE PROCESS BY COMMUNITY MEMBERS

The following concerns were raised by the community members:

Kisumu ndogo		
No.	Questions	Answers
1	Will the streetlights be placed on all roads in the settlement or be placed on the proposed roads during KISIP 1?	Infrastructure improvement works depend entirely on the budget allocation. Energy department in the county plus KISIP will harmonize their developments plans in the area to avoid any duplication.
2	Will the Project Affected Persons on road reserves be compensated?	The County government of Kilifi will provide Compensation for PAPs to relocate their structures
3	Upon harmonization of the projects with all entities will the entity that started a project finish to the end or not?	There is no need to worry all the projects will be done to completion unless the consultants face any disruption from the community.
4	Will the project employ the local youth?	Employment depends on the availability of the human resource. Yes, they will be employed if they are available with the relevant skills and manpower required
5	What are the plans with the savings?	In case of any savings, it will be channeled to other development plans in the area.

The meeting ended with prayer from Mr. Tom Amani at 3.45pm.

MINUTES OF THE KIBAONI COMMUNITY CONSULTATIVE MEETING ON DESIGN REVIEW, INFRASTRUCTURE PRIORITIZATION AND RAP UPDATE HELD ON 20TH JANUARY, 2023 AT KIBAONI KILIFI COUNTY.

***Attendance list in annex**

Agenda

1. Introductions
2. Prioritization of the proposed developments.
3. Comments on the process by sec.
4. A.O.B

MIN 1-18/1/2023: PRELIMINARY

The meeting was called to order by the county coordinator representative Mr. Ziro at 10:20am. He invited Mr. Nicklin Kambo to lead in the opening prayer. He then welcomed all members present. He invited Kilifi County Officials, SOBOCON Associates Limited and the SEC to introduce themselves. Thereafter the county coordinator representative explained the purpose of the meeting. Ward administrator explained the role of the consultant in the project.

MIN 2-18/1/23: PRIORITIZATION OF THE PROPOSED DEVELOPMENTS.

Mr. Ziro explained the purpose of the meeting and welcomed Eng. Okello together with the settlement chairman to showcase the proposed infrastructure improvement works as per KISIP 1 report for a collective prioritization by the members. The chairlady assisted the community members in understanding the exact location of the proposed developments so as to enable them to agree collectively on the prioritization of the developments. The members unanimously agreed on the levels of prioritization of the developments.

Prioritization list

Kibaoni	1	Roads	1	R1-006	
			2	R1-002 and R1-002	
			3	R1-004	
			4	R2-001, R1-003 and R2-002	
	2	Water Supply	5	2736m water reticulation for the cluster KKB	

MIN 3-18/1/23: COMMENTS ON THE PROCESS BY COMMUNITY MEMBERS

The following concerns were raised by the community members:

Kibaoni		
No.	Questions	Answers
1	The roads on the map, that were picked recently by Geomastro are not in the map?	This was a map from the 2018 proposals. The recent selection was done during socio-economic survey with Geomastro. The consultant Geomastro is to submit a report to the national kisip team which will forward to their consultant so as to know if their option is viable. But the concerns have been noted.
2	What of the street lights and where will the pipe water pass? As a concern because recently a pipe was done in the middle of the road reserve which will mean destruction of waterline during construction	The consultant will involve other county and national government agencies to ensure proper distribution of services and to avoid duplication of works. On issue of water line laid on the road has been noted and further discussions will be held with KIMAWASCO.
3	A survey for water has been done without community participation and thus to be looked into for the said line.	The Consultant will consult KIMAWASCO
4	What is the timeframe and what happens to the remaining budget allocated?	The project time frame was explained as follows as at January 2023 <ul style="list-style-type: none"> 1. 3months design review 2. 3months tendering 3. Works may begin in August this year. They were assured this is a time-based project it will be implemented as planned. The remaining budget the community shall be called for a meeting with the consultants and agree on what project to undertake then a letter is done to KISIP for approval of the project.
5	The contractor to prioritize allocation of jobs to the youth in the settlement	Youths will be given priority on the available jobs based on the skills set

The meeting ended with prayer from Mr. Nicklin Kambo at 11:30am.

MINUTES OF THE KALOLO SETTLEMENT COMMUNITY CONSULTATIVE MEETING FOR DESIGN REVIEW, INFRASTRUCTURE PRIORITIZATION AND RAP UPDATE MEETING HELD ON 19TH JANUARY, 2023 AT SURVEY GROUNDS KILIFI COUNTY.

Present

***Attendance list in annex**

Agenda

1. Introductions
2. Prioritization of the proposed developments.
3. Comments on the process by sec.
4. A.O.B

MIN 1-18/1/2023: PRELIMINARY

The meeting was called to order by the county coordinator representative Mr. Zero at 11.30 am He invited Mr. Ali Bare to lead in the opening prayer. He then welcomed all members present. He invited Kilifi County Officials, SOBOCON Associates Limited and the SEC to introduce themselves. Thereafter the county coordinator representative explained the purpose of the meeting, to prioritize their desired infrastructure improvements works due to limited budget and also to harmonize their priorities with other development agencies in the government to avoid duplication projects. Eng. Yego explained the workplan of the project as follows: 3months for design review and prioritization, the next 3 months for tendering and works to commence tentatively in August this year.

MIN 2-18/1/23: PRIORITIZATION OF THE PROPOSED DEVRELOPMENTS.

The sociologist further explained the purpose of the meeting and welcomed Eng.Okello together with the settlement chairman to showcase the proposed infrastructure improvement works as per kisip 1 report for a collective prioritization by the members. The chairman assisted the community members in understanding the exact location of the proposed developments so as to enable them to agree collectively on the prioritization of the developments. The members unanimously agreed on the levels of prioritization of the developments.

Prioritization list

Kalolo	1	Roads	1	R1-005	
			2	R1-009-1 and R1-009-2	
			3	R1-10-1	
			4	R2-005 and R2-006	
			5	R2-011	
			6	R2-012	
			7	R2-007	

			8	R1-012	
			9	R1-009 and R1-008	
			10	R1-007 and R2-003	
			11	R2-008	
			12	R2-010	
	2	Water Supply	2	2736m water reticulation for the cluster KKB	
				R1-015 and R1-014	

MIN 3-18/1/23: COMMENTS ON THE PROCESS BY COMMUNITY MEMBERS

The following concerns were raised by the community members:

No.	Questions	Answers
	Kalolo	
1	Why is prioritization being done on the proposed infrastructure improvement works?	Prioritization is being done because the available budget cannot cater for all the proposed development works.
	How much has been allocated for Kalolo?	Kisip national team determines the allocation of the budget, budgets will be availed after tendering.
2	Where will the project savings go to?	The Resident Engineer will write to the county about the savings, the county will then notify the community to give proposals on their new desires, if they are feasible the county will then instruct the resident engineer to ensure the new proposals are done. All the money allocated to Kalolo settlement will be used be fully used to develop the area it won't be spilled over to a different region.
3	Will the local youth be employed during the project implementation?	The contractor will be unveiled to the people before commencement of works and the youth have been assured of employment especially the unskilled labor. (Employment will depend on the availability of the human resource in the area)
4	Are the local residents allowed to take up positions of subcontractors	Tender advertisements will be public, in case one meets the qualifications he / she can apply for the contract.

5	When will the construction work commence?	Tentatively August this year.
6	Which Road class is being constructed in the area?	The type of the road class depends on the function the road serves.
7	Urged for total cooperation among the inhabitants	This will be ensured through continuous engagement with the locals
8	If possible kisip funds should do the major access roads and leave the minor roads within the area for county government.	The priority has been agreed upon
9	Security should be a priority during construction.	Security shall be enhanced

The meeting ended with a word of prayer from Mr. Henry Jofa at 1.08pm

MINUTES OF THE BAYAMAGOZI SETTLEMENT COMMUNITY CONSULTATIVE MEETING FOR DESIGN REVIEW, INFRASTRUCTURE PRIORITIZATION AND RAP UPDATE HELD ON 18TH JANUARY, 2023 AT BETHANY RESTORATION CHURCH KILIFI COUNTY.

Present

*** Attendance list in annex**

Agenda

1. Introductions
2. Prioritization of the proposed developments.
3. Comments on the process by sec.
4. A.O.B

MIN 1-18/1/2023: PRELIMINARY

The meeting was called to order by the county coordinator representative Mr. Zero at 11:50am. He invited Pastor Moses to lead in the opening prayer. He then welcomed all members present. He invited Kilifi County Officials, SOBOCON Associates Limited and the SEC to introduce themselves. Thereafter the county coordinator representative explained the purpose of the meeting. Ward administrator explained the role of the consultant in the project.

MIN 2-18/1/23: PRIORITIZATION OF THE PROPOSED DEVELOPMENTS.

The ward administrator explained the need for prioritization was due to budget constraint. The sociologist further explained the purpose of the meeting and welcomed Eng. Oduor together with the settlement chairman to showcase the proposed infrastructure improvement works as per kisip 1 report for a collective prioritization by the members. The chairman assisted the community members in understanding the exact location of the proposed developments so as to enable them to agree collectively on the prioritization of the developments. The members unanimously agreed on the levels of prioritization of the developments.

Prioritization

Bayamagonzi	1	Roads	1	R1-015 and R1-014	
			2	R1-021, R1-017 to the junction of R1-018 and R2-018	
			3	R1-017 to the junction of R2-011	
			4	R1-016	
			5	R2-014	
			6	R2-016	

			7	R2-017 and R1-023	
			8	R2-015	
			9	R2-013	
			10	R1-022	
			11	R1-020	
			12	R1-019	
			13	R1-018	
			14	R1-021	
	2	Water Supply	2	2736m water reticulation for the cluster KKB	
				R1-015 and R1-014	

The following concerns were raised by the community members:

Bayamagonzi		
No.	Questions	Answers
1	Will there be streetlights on the roads being done as per their proposals during the social economic meeting?	The consultant Geomastro is to submit a report to the national kisip team which will forward to their consultant so as to know if their option is viable. But the concerns have been noted.
2	Will the other village members participate in the opinion process when works commence?	The village members will be called and informed on the scope of the project according to the designated budget.
3	What is the project time frame?	The project time frame was explained as follows as at January 2023 <ul style="list-style-type: none"> 1. 3months design review 2. 3months tendering 3. Works may begin in August this year. They were assured this is a time-based project it will be implemented as planned.

The meeting ended with prayer from Mr. Alfani SWAleh.11:30am.

ANNEX II: - ATTENDANCE REGISTER FOR MEETINGS

DISCLOSURE COPY

ANNEX III: CADASTRAL MAPS

DISCLOSURE COPY

ANNEX IV: CENSUS AND SOCIO-ECONOMIC SURVEY TOOL

DISCLOSURE COPY

ANNEX V: COMPENSATION MATRIX

DISCLOSURE COPY