Resettlement Action Plan for Infrastructure Improvement Projects in Mkomani, Ziwa la Ng’ombe, Jomvu Kuu and Jomvu Mikanjuni Informal Settlements, Mombasa County

Ref. No. KE-103877
2013-10-05

Kenya Informal Settlements Improvement Project (KISIP)

Component 3: Infrastructure and Service Delivery

Consultancy services for socio-economic surveys, infrastructure upgrading plans and detailed engineering designs in informal settlements
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This report has been prepared by Pöyry Energy AG ("Pöyry") for the Ministry of Lands Housing and Urban Development of the Government of Kenya (the "Recipient") under Consultancy Services for socio-economic surveys, infrastructure upgrading plans and detailed engineering designs in informal settlements.

*Front cover photos: by pamoja trust-September2013*
Panorama for consultations conducted in Mkomani, Ziwa la Ng’ombe, Jomvu Kuu and Jomvu Mikanjuni settlements during RAP preparation.
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<th>Kenya Informal Settlements Improvement Project (KISIP)</th>
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<tr>
<td><strong>Assignment Name</strong></td>
<td>Consultancy for socio-economic surveys, infrastructure upgrading plans and detailed engineering designs in informal settlements</td>
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<td><strong>Lead Implementing Agency</strong></td>
<td>Ministry of Lands Housing and Urban Development</td>
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<td><strong>Funding Agencies</strong></td>
<td>Government of Kenya, World Bank, AFD, SIDA</td>
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<td><strong>Consultants</strong></td>
<td>POYRY, GA Consultants, Pamoja Trust</td>
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<tr>
<td><strong>Start Date</strong></td>
<td>February 20, 2012</td>
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<td><strong>Completion Date</strong></td>
<td>October 20, 2013</td>
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<td><strong>Deputy Team Leader</strong></td>
<td>Steve Ouma, Pamoja Trust</td>
</tr>
<tr>
<td><strong>Target settlements</strong></td>
<td>Mombasa –Mkomani, Ziwa la Ng’ombe, Jomvu Kuu and Jomvu Mikanjuni</td>
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**Prepared by:**

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<thead>
<tr>
<th><strong>Consultants</strong></th>
<th>Pamoja Trust, GA Engineering and Pöyry Energy AG (“Pöyry”)</th>
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**Approved by:**

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<th><strong>Client:</strong></th>
<th>Ministry of Housing, Government of Kenya (the “Recipient”).</th>
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EXECUTIVE SUMMARY

The Ministry of Lands Housing and Urban is implementing the Kenya Informal settlements Improvement Project (KISIP) in 15 municipalities. Mombasa is one of the municipalities chosen to participate in the project based on defined criteria. The project is jointly financed by the World Bank, the Swedish International Development Agency (SIDA), the French Agency for Development (AFD) and the Government of Kenya (GoK). The project’s development objective is to improve the living condition of people living in the informal settlements through securing land tenure and provision of infrastructure and services.

KISIP is implementing infrastructure improvement projects in four informal settlements in Mombasa. The settlements are Mkomani, Ziwa La Ng’ombe, Jomvu Kuu, and Jomvu Mikanjuni. The type of infrastructure that will be implemented in the settlements include: roads and foot paths, security lightning, storm water drainage, ablution blocks, and slope stabilization (gabions). These projects will be responding to the current challenges within the settlements as identified and prioritized through community consultation. When implemented, the projects will benefit an estimated 11,125 households in the settlements in improved accessibility, drainage, security, and better sanitation.

The nature of implementation of the proposed projects will trigger some minor displacement of assets and livelihoods. However, no private land will be expropriated as all the affected assets are encroachments on designated public way leaves. This Resettlement Action Plan (RAP) has been prepared in conformity with the World Bank’s Operational Policy on Involuntary Resettlement (OP 4.12), the Resettlement Policy Framework (RPF) that was approved prior to the project approval, and Government of Kenya legal framework governing resettlement issues.

An Environmental and Social Impact Assessment (ESIA) for the project has been conducted and identified displacement as a potential project impact. To mitigate, the likely displacement impacts, the ESIA proposed the development of this RAP. A total of 1,543 Project-Affected Persons (PAPs) have been identified through community consultations and surveying of the road corridors. The
distribution of PAPs is as follows: Ziwa la Ng’ombe has 413 PAPs, Mkomani has 23 PAPs, Jomvu Kuu has 54PAPs and Jomvu Mikanjuni 53 PAPs. The kinds of losses identified are temporary structures, house extension erected on way leaves, and temporary market stalls and kiosks. In addition, livelihood losses have been identified for traders who sell their wares on the road corridors and will have to move to alternative sites. The floodlights and ablution blocks will be placed on public land that is available and drainage runs parallel to the roads being upgraded, so there will be no addition displacement impacts.

Consultations with the PAPs have been undertaken to discuss and agree on the mitigation options. 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. The estimated compensation sum has excluded the value of land, due which to its being designated a road reserve, and thus to which no individual has a legal ownership claim on any part.

A census and socio-economic survey of the Project-Affected People (PAPs) was undertaken and a PAP Register prepared. A valuation of the affected assets and livelihoods has been undertaken and an entitlement matrix and compensation package proposed in this RAP. The RAP proposes the settlement of compensation and resettlement assistance before the commencement of the project. This RAP will be publicly disclosed.

The construction of the proposed infrastructure (roads, footpaths, drainage, ablution blocks, security lightning and gabions) will greatly improve the living conditions of the inhabitants in all the four settlements. With the implementation of mitigation measures, including those proposed in this RAP, the overall social impacts of the project will be minimal. The project will also offer significant socio-economic opportunities for communities and the population of the area.
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<th>Full Form</th>
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<tbody>
<tr>
<td>AFD</td>
<td>Agence Francaise de Developpement</td>
</tr>
<tr>
<td>RIM</td>
<td>Register Index Map</td>
</tr>
<tr>
<td>CBO</td>
<td>Community-based Organization</td>
</tr>
<tr>
<td>CDF</td>
<td>Constituencies Development Fund</td>
</tr>
<tr>
<td>CEMP</td>
<td>Community Environmental Management Plan</td>
</tr>
<tr>
<td>EA</td>
<td>Enumeration Areas</td>
</tr>
<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
</tr>
<tr>
<td>EMP</td>
<td>Environmental Management Plan</td>
</tr>
<tr>
<td>ESIA</td>
<td>Environmental and Social Impact Assessment</td>
</tr>
<tr>
<td>FBO</td>
<td>Faith-based Organization</td>
</tr>
<tr>
<td>FGD</td>
<td>Focus Group Discussion</td>
</tr>
<tr>
<td>GoK</td>
<td>Government of Kenya</td>
</tr>
<tr>
<td>KISIP</td>
<td>Kenya Informal Settlements Improvement Project</td>
</tr>
<tr>
<td>KMP</td>
<td>Kenya Municipal Program</td>
</tr>
<tr>
<td>SEC</td>
<td>Settlement Executive Committee</td>
</tr>
<tr>
<td>KNBS</td>
<td>Kenya National Bureau of Statistics</td>
</tr>
<tr>
<td>KURA</td>
<td>Kenya Urban Roads Authority</td>
</tr>
<tr>
<td>KWFT</td>
<td>Kenya Women’s Finance Trust</td>
</tr>
<tr>
<td>LA</td>
<td>Local Authority</td>
</tr>
<tr>
<td>LASDAP</td>
<td>Local Authority Service Delivery Action Plan</td>
</tr>
<tr>
<td>LATF</td>
<td>Local Authority Transfer Fund</td>
</tr>
<tr>
<td>MCM</td>
<td>Municipal Council of Mombasa</td>
</tr>
<tr>
<td>MM</td>
<td>Man Month</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
</tr>
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<td>-----------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>MoH</td>
<td>Ministry of Housing</td>
</tr>
<tr>
<td>MoL</td>
<td>Ministry of Lands</td>
</tr>
<tr>
<td>MoLH&amp;UD</td>
<td>Ministry of Lands Housing and Urban Development</td>
</tr>
<tr>
<td>NACHU</td>
<td>National Cooperative Housing Union</td>
</tr>
<tr>
<td>NEMA</td>
<td>National Environment Management Authority</td>
</tr>
<tr>
<td>PAD</td>
<td>Project Appraisal Document</td>
</tr>
<tr>
<td>PAP</td>
<td>Project-Affected Person</td>
</tr>
<tr>
<td>PDP</td>
<td>Part Development Plan</td>
</tr>
<tr>
<td>RAP</td>
<td>Resettlement Action Plan</td>
</tr>
<tr>
<td>SIDA</td>
<td>Swedish International Development Agency</td>
</tr>
<tr>
<td>SPA</td>
<td>Special Planning Area</td>
</tr>
<tr>
<td>SRS</td>
<td>Simple random sampling</td>
</tr>
<tr>
<td>SUP</td>
<td>Settlement Upgrading Plan</td>
</tr>
<tr>
<td>ToR</td>
<td>Terms of Reference</td>
</tr>
<tr>
<td>WaSSIP</td>
<td>Water and Sanitation Services Improvement Project</td>
</tr>
<tr>
<td>WSB</td>
<td>Water Services Board</td>
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<tr>
<td>WSTF</td>
<td>Water Services Trust Fund</td>
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1 INTRODUCTION

1.1 Background

The Kenya Informal Settlements Project (KISIP) is a five year-project of the Government of Kenya (GoK), with support from the World Bank, through The International Development Association (IDA), the Swedish International Development Cooperation Agency (SIDA) and the Agence Française de Development (AFD). The overall project development objective is to improve living conditions in informal settlements in fifteen (15) selected municipalities in Kenya, by improving security of land tenure and investing in infrastructure based on plans developed in consultation with communities.

KISIP is housed by Ministry of Lands Housing and Urban Development and implemented in close partnership with the 15 participating municipalities of Eldoret, Embu, Garisa, Kakamega, Kericho, Kisumu, Kitui, Machakos, Malindi, Mombasa, Nairobi, Naivasha, Nakuru, Nyeri and Thika; selected on the basis of agreed criteria.

The KISIP is desirous to ensure that environmental and social issues are adequately identified and addressed in all its components and, in particular, for infrastructure investments. To achieve this, an Environment and Social Management Framework (ESMF) and Resettlement Policy Framework (RPF) have been prepared and approved. The key objective of the ESMF and RPF is to provide a framework for the systematic and effective identification and management of environmental and social issues for KISIP. The ESMF provides guidance on the integrating of environmental issues into project design and implementation, while the RPF provides guidance on mitigating the likely impacts associated with land acquisition and displacement. The ESMF/RPF forms part of the financing agreement between the World Bank and the Government of Kenya.

Component three of KISIP supports investment in settlement infrastructure, such as roads, bicycle paths, pedestrian walkways, street and security lighting, vending platforms, solid waste management, storm water drainage, water and sanitation systems, public parks and green spaces. Poyry Consultants, in association with GA Consultants and Pamoja Trust, have been contracted under the Consultancy services for socio-economic surveys, infrastructure upgrading plans and detailed engineering designs in
informal settlements, in Mombasa, Nakuru and Eldoret. The development of this RAP is part of the assignment under this consultancy.

Prior to the undertaking of this RAP, the proposed projects were screened for both environmental and social impacts. The screening identified limited displacement of structures built on the way leaves and likely temporal livelihood disturbance as likely impacts. This RAP has been prepared in conformity with the World Bank's Operational Policy on Involuntary Resettlement (OP 4.12), the Resettlement Policy Framework (RPF), the 1999 Environmental Management and Coordination Act, and other Government of Kenya policies and laws dealing with resettlement issues.

1.2 Project Description

1.2.1 General Project Description
The project has the following four components:

Component 1: Institutional Strengthening and Program Management: This component supports institutional strengthening and capacity building of the MoLH&UD and the participating municipalities, as well as development of policies, frameworks, systems, and guidelines for slum upgrading.

Component 2: Enhancing Tenure Security: This component directly supports implementation of the new national land policy in urban informal settlements through refinement, systematization and scaling-up of ongoing efforts to strengthen tenure security in urban informal settlements.

Component 3: Investing in Settlement Infrastructure and Service Delivery: This component supports the implementation of settlement upgrading plans that have been developed at the community level. Infrastructure investment that is eligible under KISIP includes the following: roads, bicycle paths, pedestrian walkways, street and security lighting, vending platforms, solid waste management, storm water drainage, water and sanitation systems, public parks and green spaces.

Component 4: Planning for Growth: Supporting Delivery of Serviced Land and Affordable Housing: This component supports planning and development of options that facilitate delivery of
infrastructure services, land, and housing for future population growth. The objective is to provide an alternative to the current chaotic practice of informally establishing settlements on any open land.

1.2.2 Selected Settlements in Mombasa

Mombasa is one of the KISIP participating municipalities. Four (4) settlements have been selected for infrastructure upgrading projects. These are: Ziwa La Ng’ombe, Mkomani, Jomvu Mikanjuni and Jomvu Kuu. The approximate area and number of households for the three settlements is given in Table 1.1, while Figure 1.1 shows the location of the settlements.

Table 2.1: Selected Settlements in Mombasa

<table>
<thead>
<tr>
<th>Settlement</th>
<th>Size (ha)</th>
<th>No. of HH (est.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jomvu Kuu</td>
<td>2.2 ha</td>
<td>500</td>
</tr>
<tr>
<td>Jomvu Mikanjuni</td>
<td>14.5</td>
<td>1,125</td>
</tr>
<tr>
<td>Mkomani</td>
<td>1.9</td>
<td>125</td>
</tr>
<tr>
<td>Ziwa la Ng’ombe</td>
<td>57.8</td>
<td>9375</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>76.4Ha</strong></td>
<td><strong>11,125 Households</strong></td>
</tr>
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</table>

*Source: Pamoja Trust*

1.2.3 Proposed Projects

According to the Project Appraisal Document (PAD), the menu of eligible projects that can be financed under KISIP are: roads, bicycle paths, pedestrian walkways, street and security lighting, vending platforms, solid waste management, storm water drainage, water and sanitation systems, public parks and green spaces.

The communities in the four settlements were involved in the identification and prioritization projects from the menu of the projects provided in the PAD. Moreover, communities were
consulted and participated during the socio-economic surveys, conceptual designs, and the development of settlement upgrading plans. During these consultations, the likely impacts of the proposed projects were discussed and informed the prioritization process. Such impacts included both positive and negative environmental and social impacts.

Table 1.2 shows the prioritized and proposed projects for each of the settlements in Mombasa. The projects address the prioritized challenges within the settlements as identified during the socio-economic surveys.

Table 1.2: Proposed Projects per Settlement

<table>
<thead>
<tr>
<th>Settlement</th>
<th>Scope of works</th>
</tr>
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<tbody>
<tr>
<td><strong>1. Jomvu Kuu</strong></td>
<td></td>
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<tr>
<td>1.1</td>
<td>Construction of 150 m of Slope Stabilization and relevant landscape works</td>
</tr>
<tr>
<td>1.2</td>
<td>Construction of Footpath length total 1360 m</td>
</tr>
<tr>
<td>1.3</td>
<td>Construction of ablution blocks / Water Kiosk / Rainwater harvesting system linked to the communal hall equipped with storage 3 x. 24m³ – 1 unit block adjacent the Communal Hall</td>
</tr>
<tr>
<td>1.4</td>
<td>Construction of ablution blocks / Water Kiosk – 1 unit. block near the madras school which is not yet built</td>
</tr>
<tr>
<td>1.5</td>
<td>Provision of new sewer line (200mm UPCV) of length 400m along the eastern and northern settlement boundary to collect existing following sewerage water and connection to a septic tank treatment system</td>
</tr>
<tr>
<td>1.6</td>
<td>Provision of 1360 m of new water lines based upon the existing water supply network and following the footpath network</td>
</tr>
<tr>
<td>1.7</td>
<td>Water supply connections to 202 settlement plots</td>
</tr>
<tr>
<td>1.8</td>
<td>Construction of 1 No. high mast lighting structures</td>
</tr>
<tr>
<td><strong>2. Jomvu Mikanjuni</strong></td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>Construction of 615 m of roads with 9m reserve width</td>
</tr>
<tr>
<td>2.2</td>
<td>Construction of Footpath length total 2500 m</td>
</tr>
<tr>
<td>2.3</td>
<td>Construction of 2050 m of major drainage works corresponding to the breakdown – 1100m slope</td>
</tr>
</tbody>
</table>
1.2.4 **Project Impacts**

These proposed projects will have the following positive impacts:

- Improve accessibility within the four (4) settlements by upgrading the poor road and footpath network in the settlements
- Improve drainage and solve flooding related impacts within the settlements
- Improve sanitation and solve sanitation related health risks
• Improve security through security lightning

However, the projects may have limited negative impacts, which should be mitigated:

• Displacement of people, structures and businesses located on the way leaves
• Noise and dust from construction activities
• Occupational health risks during construction

1.3 Statement of the Problem and Need for RAP
Displacement impacts are anticipated to be quite small in scale occasioned by:

- Partial demolition of structures to expand / realign road reserves
- Reclamation of encroached way-leaves
- Displacement of open and mobile shops (kiosks) to expand / realign road reserves, provide drainage canals, etc.
- Displacement of settlements to reclaim public utility land
- Land reservation for receptacles and waste collection centres, posts for security lighting
- Removal of structures to create room for trunk infrastructure, such as drainage

Both the World Bank’s Policy on Involuntary Resettlement (OP 4.12) and the Resettlement Policy Framework (RPF) require the development and implementation of a Resettlement Action Plan (RAP) to address any anticipated displacement impacts of a Bank-financed project. Moreover, the Environmental Management and Coordination Act, 1999, provides for a RAP whenever displacement is identified as an impact during Environmental Impact Assessment (EIA).

1.4 Objectives
The objective of this RAP is to clarify the principles and procedures that will govern the mitigation of adverse social impacts induced by the proposed projects. Specifically, the RAP is designed to ensure that:
• All types of losses are identified, clearly defined and properly categorized to reflect the nature and scope of the loss.

• A standard or measure for defining eligibility and entitlement in order to have a fair basis for assessing compensation for the loss or impact suffered.

• Compliance with provisions of Kenyan Laws and World Bank Operational Policies (OP 4.12, paragraph 2(b)): that resettlement activities shall be conceived and executed as development programs, providing sufficient investment resources to enable the PAPs to share in project benefits.

• Displaced persons will be compensated for their losses at full replacement cost and provided assistance for disturbance prior to the beginning of civil works.

• A comprehensive database, based on which values will be assessed, validated in the event of disputes and, more importantly, serve as the database for monitoring and evaluation of the resettlement instrument.

• The PAPs will be consulted and given the opportunity of participating in the design, implementation and monitoring of the resettlement.

• A Grievance & Redress mechanism will be established, to acknowledge and resolve conflicts arising from Resettlement and Compensation.
2 POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

Resettlement of Project-Affected Persons (PAPs) in the project will therefore be carried out in accordance with laws, regulations and guidelines for Resettlement/Land Acquisition Policy Framework of the Government of Kenya and World Bank’s Operational Policy (O.P 4.12), which has resulted in the preparation of this RAP.

2.1 Applicable GoK Policy and Legal Framework

This RAP has been prepared in accordance with laws, regulations and guidelines for Resettlement/Land Acquisition Policy Framework of the Government of Kenya (GoK). The relevant national and local laws, regulations and guidelines are presented in Table 2.1. Since no land acquisition will undertake by the project, laws, policies and regulations relating to land acquisition will not be discussed.

Table 2.1: Relevant Laws Related To Resettlement

<table>
<thead>
<tr>
<th>Name of Act</th>
<th>Application</th>
<th>Remarks</th>
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<tbody>
<tr>
<td>The Land Act No.6 of 2012</td>
<td>An act of Parliament to make provision on land regulation and for the compulsory acquisition of land for public benefit. An inquiry held, objections heard, compensation payable. Applies to allocation of and dealings with Public land and private land. All encroachment on the public right of way under the section 143 of the Act will not be compensated or permitted</td>
<td>The project will not compulsorily acquire private land. Will apply if the project elects to ask the government to allocate public land for any the relocation PAPs within the way leaves will be required to voluntarily remove their structures without expectation of any compensation</td>
</tr>
<tr>
<td>The Constitution of Kenya 2010, Section 40 (3)(ii)</td>
<td>Anyone dissatisfied with the award of compensation for compulsory acquisition of private land by the Commissioner has the right to seek judicial recourse. A further appeal to the High Court can be made. Further, multiple structure owners dissatisfied with the RAP implementation can bring a constitutional reference against deprivation of property without compensation.</td>
<td>The procedure of compulsorily acquiring private land for the purpose of the project can be considered where any extra space is needed for setting up the infrastructures proposed in this project.</td>
</tr>
<tr>
<td>The Physical Planning Act, Cap 286 (Act No 6 of 1996)</td>
<td>Requires preparation of development plans for every intended development and invitation to the public to comment /object to the development</td>
<td>To be considered when planning residential sites and other relocation sites.</td>
</tr>
<tr>
<td>Code 95, the City Building code (came into effect in 1995)</td>
<td>The municipal Council of Mombasa Department of Planning may require the observation of the code.</td>
<td>As above</td>
</tr>
<tr>
<td>The Local Government Act, Cap 265</td>
<td>Empowers the Mombasa Municipal Council to buy, lease or sell land: to ask the government to compulsorily acquire land for it, to appropriate any land not in use for its intended purpose to be used with the approval of the Minister for another purpose.</td>
<td>The municipal council of Mombasa would need to consider this if faced by any need of relocation and resettlement.</td>
</tr>
<tr>
<td>Land Registration Act</td>
<td>A maximum of 5 persons can be registered as owners of one piece of</td>
<td>Would be applicable if land identified for relocation of the</td>
</tr>
<tr>
<td>Act/Regulation</td>
<td>Description</td>
<td>Relevance</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------</td>
<td>-----------</td>
</tr>
<tr>
<td>No. 3 of 2012</td>
<td>land.</td>
<td>Mombasa PAPs is registered under this Act.</td>
</tr>
<tr>
<td>Public Procurement and Disposal Act No 3 of 2005 and the Public Procurement And Disposal (Public Private Partnerships) Regulations, 2009</td>
<td>Applies to all procurements by government and public entities</td>
<td>Would apply to the acquisition of any land that will be required for relocation. It would also apply to contracts for the construction work to be undertaken.</td>
</tr>
<tr>
<td>Kenya Roads Act Cap.2</td>
<td>Applies specifically to the function of Kenya Urban Roads Authority in implementation of the KISIP road upgrading project.</td>
<td>KURA shall have the responsibility for supervising construction, rehabilitation and maintenance of all public roads in the municipalities in Kenya under KISIP project.</td>
</tr>
<tr>
<td>Environmental Management and Coordination Act, 1999 and subsidiary legislation on EIA/EA (Legal Notice 101).</td>
<td>Provision for resettlement action plans to address displacement/relocation impacts</td>
<td>Regulations require RAP whenever relocation is identified as a project impact.</td>
</tr>
</tbody>
</table>

2.2 World Bank Safeguard Policies

According to OP 4.12, any World Bank assisted project/program must comply with the provisions of OP 4.12 for impacts associated with land acquisition and displacement. OP 4.12 applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. This policy covers direct economic and social impacts that both result from World Bank-assisted projects, and are caused by:
a) The involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets and services; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location.

Towards addressing said impacts, OP 4.12 requires that a Resettlement Action Plan (RAP) or Resettlement Policy Framework (RPF) be prepared, with the following objectives:

a) To outline measures to ensure that the displaced persons are: (i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.

b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are: (i) provided assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.

Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also include measures to ensure that displaced persons are: (i) offered support after displacement for a transition period based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and (ii) provided with development assistance in addition to compensation measures demanded by the policy; (iii) such as land preparation, credit facilities, training, or job opportunities.

2.3 Gaps between OP 4.12 and GoK Policies

The RPF was prepared in conformity with the policy and legal provisions of the GoK and the World Bank. However, in preparing the RPF, operational gaps between the policy/legal frameworks of both have emerged as follows:
a) While the GoK, through diverse legal tools including the new Constitution, allows for acquisition and thus displacement, OP 4.12 favors a policy of avoidance or minimization of involuntary resettlement and design of appropriate mitigation measures in cases where avoidance or minimization is not possible.

b) While Cap 288 provides for compensation with respect to acquired land at market rates, OP 4.12 emphasizes the need for compensation at replacement cost coupled with provision of support during the transitional period to improve or at least restore living standards of affected people to pre-displacement levels.

c) The Kenyan law has no provision for compensation with respect to economic displacement, unlike OP 4.12, which recognizes both physical and economic displacement.

d) The Kenyan system originally recognized only title holders as *bonafide* property owners but currently, the new Constitution has opened an ‘in-good-faith’ window through which compensation can be extended to non-title holders, which is more in harmony with the OP 4.12 premise that ‘lack of legal title should be no bar in extending assistance and support to those displaced by projects’.

The KISIP complies with the requirements of OP 4.12 in the following ways:

- The ESIA study assesses project alternatives to avoid, where feasible, or minimize involuntary resettlement.
- The potential economic and social impacts of the project have been assessed in the ESIA study and summarized in this report as well.
- Project-affected persons, host communities and local nongovernmental organizations, as appropriate, have been consulted.
- PAPs have been informed of their rights, including prompt compensation at full replacement cost for loss of assets attributable to the project, assistance during relocation, and transitional support and development assistance.
- A RAP has been prepared to address social impacts associated with likely displacement.
2.4 **Institutional Responsibilities for RAP Implementation**

During the RAP preparation process, a number of key institutions were identified as critical to both preparation and implementation of the RAP. This is summarized in **Table 2.2** below. Consultations with and involvement of the Project-Affected Peoples has been sought during the process.

**Table 2.2: Statutory Institutions with Roles in the RAP process**

<table>
<thead>
<tr>
<th>No</th>
<th>Institution</th>
<th>Role</th>
<th>Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ministry of Land Housing and Urban Development</td>
<td>Houses the KISIP project</td>
<td>The Ministry has experts in key areas: land management and administration, physical planning, resettlement</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Provides policy direction</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Handle land tenure issues</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>County Government of Mombasa</td>
<td>Has the responsibility of implementing the RAP as spelled out in the RPF.</td>
<td>Financial capacity is lacking. In the transition, KISIP providing assistance</td>
</tr>
<tr>
<td>3</td>
<td>Kenya Urban Roads Authority</td>
<td>In charge of the management of urban roads. It approves road designs and maintains roads.</td>
<td>Capacity exists</td>
</tr>
<tr>
<td>4</td>
<td>KPLC</td>
<td>Responsible for relocating electricity transmission lines from the road reserves</td>
<td>Capacity exists. Costs provided in the BQ.</td>
</tr>
<tr>
<td>5</td>
<td>Coast Water and Sewerage Company (CWSC)</td>
<td>Responsible relocating affected water infrastructure e.g. pipes, water kiosks to maintain service levels</td>
<td>Capacity exists. Costs provided in the BQ.</td>
</tr>
<tr>
<td>6</td>
<td>National Environment Management Authority (NEMA)</td>
<td>Approving and issuing EIA licenses for projects which have addressed environmental and social impacts</td>
<td>Capacity exists. Costs of license provided for in the budget.</td>
</tr>
<tr>
<td>7</td>
<td>Ministry of Finance</td>
<td>Financial management on behalf of the Borrower (GoK)</td>
<td>Capacity exists and funds will be made available.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Provision of counterpart funding</td>
<td></td>
</tr>
</tbody>
</table>
In addition to the above governmental institutions, several structures were established at the community level in each of the settlements:

a) A Community Resettlement Advisory Committee: Formed during the preparation of the RAP to mobilize the community and provide a link between the community, the consultant, the County Government of Mombasa, and KISIP. The Committee has been involved in all stages of RAP development and is expected to continue playing an active role in monitoring its implementation.

b) The Grievance Committee: Formed to address all grievances related to the development and implementation of this RAP.

c) The Valuation Committee: Formed during RAP preparation to lead valuation of affected assets and negotiations with the PAPs.

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

a) Coordinate the effective implementation of the ESMF/RPF and ensure compliance with agreed implementation procedures and guidelines.

b) Prepare Progress Reports on the implementation of the environmental and social safeguards.

c) Procure and supervise consultants for Social and Environment Assessments.

d) Build the capacity at all levels to implement the ESMF/RPF.

e) Supervise ESMF/RPF implementation during and after project implementation.

a) Ensure integration of EMPs and RAPs into Contract and Bid Documents.

b) Ensure adequate community participation.
3 RAP PROCESS

3.1 Census of PAPs

A census of PAPs and assets that will be affected was conducted in all four settlements. The enumeration exercise was to identify project-affected persons (PAPs) who will require resettlement, compensation and other forms of assistance as a consequence of the impacts of the proposed project on their livelihoods. In accordance with OP 4.12, persons affected by the project would be assisted to resettle in new locations and to continue their normal lives in their new locations with minimal or no difficulties. Against this backdrop, it was considered necessary to undertake a survey of the respective project areas (Ziwa la Ngombe, Mkomani, Jomvu Mikanjuni and Jomvu Kuu) to determine the number of the PAPs in each area and ascertain their socio-economic characteristics, types of structures and businesses where applicable that would be affected by the envisaged project.

3.2 Inventory of Project-Affected Persons (PAPs) and Assets

3.2.1 Inventory of Affected Assets

The affected assets in each of the four settlements were enumerated and are presented in Table 3.1. The properties to be affected include residential structures, business kiosks, perimeter walls, veranda extensions, and toilets. Most of these are temporal and all of them have encroached on the road corridors. These affected structures or part of structure will be affected to make way for project implementation.

Table 3.1: Categories of Affected Assets

<table>
<thead>
<tr>
<th>Affected Assets</th>
<th>Ziwa la Ng’ombe</th>
<th>Mkomani</th>
<th>Jomvu Kuu</th>
<th>Jomvu Mikanjuni</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (partly affected)</td>
<td>15</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Businesses kiosks (temporary structure)</td>
<td>145</td>
<td>20</td>
<td>None</td>
<td>2</td>
</tr>
</tbody>
</table>


3.2.2 Inventory of PAPs

The project-affected persons (PAPs) are those people that will be physically displaced from their business or residential locations as a result of the proposed projects in the four settlements. This means that these people’s structures, or parts of those structures, will be affected by the road, drainage canals, and sewer line and foot path and shall be entitled to assistance or compensation. These categories of project-affected persons are presented in Table 3.2. All the identified PAPs are categorized as encroachers to existing way leaves; hence no loss of land is envisaged.

Table 3.2: Number and Categories of Affected Persons Identified

<table>
<thead>
<tr>
<th>Type of PAPs</th>
<th>Ziwa la Ng’ombe</th>
<th>Mkomani</th>
<th>Jomvu Kuu</th>
<th>Jomvu Mikanjuni</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (partly affected)</td>
<td>223</td>
<td>25</td>
<td>32</td>
<td>45</td>
</tr>
<tr>
<td>Businesses kiosks (temporary structure)</td>
<td>145</td>
<td>2</td>
<td>None</td>
<td>2</td>
</tr>
<tr>
<td>Perimeter wall /Fence/</td>
<td>7</td>
<td>3</td>
<td>None</td>
<td>none</td>
</tr>
<tr>
<td>Baraza (Veranda extension)</td>
<td>38</td>
<td>0</td>
<td>17</td>
<td>2</td>
</tr>
<tr>
<td>Toilet /Septic tank /man</td>
<td>4</td>
<td>none</td>
<td>5</td>
<td>None</td>
</tr>
</tbody>
</table>
### Public facilities

<table>
<thead>
<tr>
<th></th>
<th>None</th>
<th>None</th>
<th>None</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>417</td>
<td>30</td>
<td>54</td>
<td>49</td>
</tr>
</tbody>
</table>

---

#### 3.3 Socio-Economic Survey of PAPs

The Socio-economic survey was conducted for the purpose of identifying:

- Current occupants within the right-of-way
- Standard characteristics of project-affected persons (baseline information on livelihood, economic and social information)
- The magnitude of the expected loss (total or partial)
- Information on vulnerable groups or persons (for whom special provision may have to be made)

#### 3.3.1 Ziwa La Ngombe

A total of 413 potential project-affected persons (PAPs) were identified and interviewed within the settlement.

**Socio-Demographic Characteristics of Respondents**

Nearly all of the affected structures are part of the main house initially built within the plot. Tenants are also affected, as the wall or part of the house has to be demolished. There are some house extensions used for businesses and temporary vegetable stalls. 65.9% of the PAPs are men while 34.1% are women.

The average household size of the PAPs stands at six (6). The majority of affected structures are residential barazas (veranda), at 82.3%, while business cum residential barazas at 3.4% and the others, such as sewers, manholes and septic tanks represent 13.8%.

The average age of most of the affected PAPs is 50 years, with no youth among them.
Economic profile

Analysis of the net daily income of the PAPs showed a variation from as low as below Ksh.200 to as high as over Ksh.5,000. However, half (50.4%) of the PAPs had net daily incomes below Ksh.500, while 40.6% had daily net incomes from Ksh.500 - Ksh.2,000, and 6.1% had a net daily income of Ksh.2,000 to Ksh.5,000. Only 2% of the PAPs reported daily net incomes above Ksh.5,000. This again gives an idea of the possible burden of compensation for loss of income due to temporary dislocation that the PAPs may suffer.

3.3.2 Mkomani

The identified and verified PAPs in Mkomani are 23. Nearly 80% of the affected structures are residential, with the remaining 20% business stalls and others.

The PAPs in the settlement are mostly male at 78.9%, while 21.9% are female.

The majority of the affected structures are residential, at 50%, business are 18.8%, and businesses cum residences 6.2%, while others, such as churches, fences and toilets, represent 25%.

The average household size is six (6). The average age of the PAPs is 46.9, with the minimum at 27 and the maximum is 67.

3.3.2 Jomvu Mikanjuni

The number of PAPs identified and verified in Jomvu Mikanjuni is 53. About 95% of the affected structures are temporary residences, while 5% are business structures. The following is the characterization of PAPs identified:

The PAPs are mainly male, at 80.6%, while female represent 19.4%. The average household size is eight (8).

The affected structure use stands at 26.1% for businesses, residences 43.6%, residential cum business 8.7%, while others, such as toilets and other uses comprise 21.6%.

The mean age of the PAPs is 49, with the youngest being 30 while the oldest 71.
3.3.4 Jomvu Kuu

The PAPs identified and verified in Jomvu Kuu are 54. About 95% of the affected structures are extensions or verandas commonly known as barazas, 5% are walls of residential structures and others, such as manholes and septic tanks.

The following is the characterization of PAPs identified:

Gender distribution of PAPs in the settlement is almost balanced, with males constituting 65.9% while females are 34.1%-45.5%.

The average household size of the PAPs stands at six (6). The majority of affected structures are residential barazas (veranda), at 82.3%, with business cum residential barazas at 3.4% and the others, such as sewers, manholes and septic tanks are 13.8%.

The average age of most of the affected PAPs is 50, with no youth among them.

3.4 Cut-Off Date

The entitlement cut-off date refers to the time when the assessment of persons and their property, in particular within the project areas, is carried out, which is the time when the census or economic survey is initiated. The consultant completed the census process for the project areas in Mombasa on March 18th, 2013. This date is therefore the cut-off date. It is the opinion of the consultant that the completion of the census of the PAPs represents a provisional cut-off date. People moving to the project area after the cut-off date will not be considered as PAPs. It is recommended that the client and/or in collaboration with the relevant Government Agencies or County Government of Mombasa should issue formal notice prohibiting any further construction, capital improvements or approval of any construction on the project areas.

3.5 Valuation of Assets

Valuation of assets in Ziwa la Ngombe, Mkomani, Jomvu Mikanjuni and Jomvu Kuu along the targeted project area roads was conducted by a qualified county surveyor and a registered valuer between the 17th and 25th September 2013 to ascertain individuals whose properties or livelihoods would be directly or indirectly affected by the project activities. Valuation was conducted on site.
A general principle adopted in the valuation is that lost income and assets will be valued at replacement cost such that the project-affected populations should experience no net loss. This is in accordance with the KISIP Resettlement Policy Framework and World Bank operational policy on involuntary resettlement, OP 4.12. In line with the above principle, an all-encompassing survey and valuation of the assets and loss of income by the project-affected persons (PAPs) was conducted.

In all the four settlements, no person will lose land, as they have all extended or constructed on the project way leave and since allocation has been done they will need to trim the structure to fit in the allocated lots. However, the tenants will need to move and seek accommodation elsewhere while the small traders will lose livelihood. There will be monetary compensation to take care of rent, demolitions and reconstruction and livelihood.

With the support of government valuer, all the PAPs’ assets were valued and a compensation cost listed for every settlements. The rates that were confirmed by the Valuation Committee and assessed by a certified valuer will apply and these are:

1. Demolition and reconstruction cost for walls and rooms
   - Permanent walls and veranda made of bricks or coral stone, or made and wattle with blaster (dismantled wall and roof materials) Ksh.150,000/
2. Cost of labour for dismantling and reconstruction of the affected structure Kshs 20,000/-
3. Allowance for income losses: at an average of Ksh.750 for 4 days.

3.6 Community Consultation and Participation

Consultations with stakeholders was initiated very early, with preliminary meetings with County Government leadership and other stakeholders within Mombasa County. To date, KISIP have conducted a series of consultations. A broad range of stakeholders, including state and county authorities, settlements leaders, non-Governmental organizations, Community Based Organizations, youth organizations and market associations in the project areas have been contacted. The consultations were aimed at identifying the best ways to mitigate the impacts the project is likely to have on the affected persons.
In each area, KISIP alongside the RAP consultant and the valuation experts conducted open forums with the PAPs to inform them about the proposed improvement projects and the need for some of them to either shift or get relocated away from the right of way in each of the four areas.

The consultations carried out prior to the RAP study were a follow-up to the continuous consultations that KISIP has been carrying out since the conceptualization stage of this project. The KISIP implementation team has been very consistent in this approach to ensure that all stakeholders are adequately briefed about the project and their suggestions and inputs are included in total project design, particularly their preferences regarding compensation (cash or materials). This approach further strengthened the sustainability of the project.

During consultation meetings, it was confirmed that almost all households in these settlements had been provided formal titles in 1998 and markers were placed to define property boundaries. The PAPs from all four settlements recognized that they have encroached on the public way leaves and are willing to remove their structures to make way for the project. They recognize the benefits that the infrastructure improvement projects will have on their communities. However they regret that they will be losing parts of their structures which they spent money constructing and some of their structures are business premises, so a loss of livelihood.

However, when asked about the forms of assistance that they would need if they were to be supported to remove their structures, many (50%) of the PAPs preferred to be given financial assistance/loan; and 40% to be provided with materials. Only 10% sited other forms of assistance such as cost of transportation between their homes and the new location, and provision of alternative means of livelihood.
3 COMPENSATION AND RESETTLEMENT ASSISTANCE

3.2 Eligibility Criteria

The World Bank Resettlement Policy/Guidelines require compensation for lost assets at replacement cost to both titled and non-titled landholders and resettlement assistance for lost income and livelihoods. In this project, the absence of formal titles will not constitute a barrier to resettlement assistance and rehabilitation.

Further, the principles adopted herein contain special measures and assistance for vulnerable affected persons, such as female-headed households, disabled persons, and the poor. Persons affected by land acquisition, and relocation and/or rehabilitation of structures/assets, Small Business Enterprises (SBE) houses, etc., are entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the affected persons. In general terms, affected persons in the project area will be entitled to various types of compensation and resettlement assistance to help in the restoration of their livelihoods, at a minimum, to pre-project standards.

The qualified PAPs who are eligible for compensation and other project assistance include:

1. Those PAPs who are on the way leaves for drainage and roads.
2. PAPs who will have to demolish part or all of their dwellings.
3. PAPs who require transport of their assets to another location.
4. PAPs who need to carry out re-construction works due to either relocation or shifting backwards.
5. PAPs whose income will be impaired.

3.2 Entitlement Matrix

In line with World Bank Involuntary Resettlement Policy OP 4.12, supplementary assistance is support provided to people who are physically displaced by a project, which may include transportation, food, shelter, and social services that are provided to affected people during their relocation (Table 5). Assistance may also include cash allowances that compensate affected people
for the inconvenience associated with resettlement and defray the expenses of a transition to a new locale, such as moving expenses and lost market days. The affected vendors who will be entitled for supplementary assistance include:

- Affected business stalls (shop extensions) that will not be relocated but will be required to move backwards; and
- Tenants who are small traders and will lose their market and livelihood for a few days.

The supplementary assistance will vary from: cost of transportation, cost of labor, and allowance for income losses. In doing so, priority will be given to the vulnerable groups, such as aged persons, widows, single mothers, etc. Such priorities will include: where transportation and labor are required, KISIP shall specifically assist to get vehicles/drivers and labor respectively. In addition, for loss of income, they shall be given prompt compensation before any other PAP.

**Table 4.1: Entitlement Matrix**

<table>
<thead>
<tr>
<th>Type of Losses</th>
<th>Categories of Affected Persons</th>
<th>Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of part of residential structure for rental or family use</td>
<td>All types of affected persons</td>
<td>Cash compensation to demolish and reconstruct back to the allocated plot. No land compensation</td>
</tr>
</tbody>
</table>
| Loss of business premise                           | Relocation of open stalls, wooden stalls, Kiosks etc.: a) Business owners who own the structure, b) Business owners who are tenants | • Alternative space provided by the County Government for all affected PAPs within their respective settlement  
• Movement allowance to cover the cost of moving structures (transport plus loading/unloading) shall be provided by KISIP  
• Cost of labour for dismantling and reconstruction will also be provided by KISIP |
<table>
<thead>
<tr>
<th>Owners of affected structures will be allowed to take/reuse all the salvageable materials for rebuilding/rehabilitation of the structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relocation of tenants within the residential premises</td>
</tr>
<tr>
<td>Shifting of vendors’ stalls and shops</td>
</tr>
<tr>
<td><strong>Temporary Loss of Income from business premises</strong></td>
</tr>
<tr>
<td>KISIP will provide allowances in lieu of lost daily profit for 4 days</td>
</tr>
<tr>
<td>Transport allowances provided to allow PAPs to transport their salvaged structures</td>
</tr>
<tr>
<td>Vulnerable group</td>
</tr>
</tbody>
</table>

### 3.3 Notification

The PAPs will be served with adequate notice of 30 days to relocate upon compensation and before the commencement of works. All the stakeholders in the project (e.g. KURA, NEMA, KPLC) will also be notified of the relocation exercise.

### 3.4 Payment of Compensation

In line with the World Bank operational policy on involuntary resettlement (OP 4.12), KISIP will ensure that the conditions of PAPs are restored to the status that is at the minimum commensurate to their pre-project status. A list of all PAPs has been documented in the PAP register. In addition,
every person affected by the project registered with their national identification card for easy identification for possible compensation. The register has, among other parameters, indicated the name of the person, business type, and identification number. The identity cards will serve as the major identification for restitution.

RAP implementation will verify the correctness of each PAP as stated in the register and ascertain that every identity card holder is correctly documented in the register. On completion of the PAP Audit List, the Project Coordinator will set up a team that will carry out payment and compensation. This team will consist of KISIP’s accountant, legal and a social safeguards expert, including representatives of the County Government and SEC. Payments will be made according to locations and adequate information will be made available to all affected persons prior to payment. Such information will include:

1. Dates and locations of payment
2. List of eligible people and amount
3. Mode of payment, etc.

An appropriate framework for delivering the compensation payments to the PAPs will be decided by KISIP in line with government financial management regulations and as much as possible keeping in mind that most PAPs have no bank accounts. In the event that an individual is absent during payment, the Compensation Committee will immediately communicate a new date of payment to such individual(s).
4 GRIEVANCE REDRESS MECHANISM

Given the enormity of the challenges associated with grievance redress, the consultant recommended a dispute resolution mechanism in which, as far as possible, all disputes are resolved at the community level. A community grievance committee was formed at the settlement level which should mediate conflicts that arise at the settlement level. An appeal from the settlement grievance committee to a joint grievance committee made up of SEC representatives, at least X representatives from a Non-Governmental Organization (NGO), three officers representing the client from the KISIP Municipal Team-heads of component 3, which should include legal expertise and accountant, and representation from KURA. It is recommended that the team be chaired by the Municipal KISIP Coordinator. The legal expert from the joint grievance committee shall be the secretary of the committee and they shall meet once every week to address pertinent issues raised.

The functions of the Grievance Redress Committee are to:

- Provide support to affected persons on problems arising from loss of business area and/or eviction from the setbacks;
- Record the grievances of the affected persons, categorize and prioritize those grievances that need to be resolved by the Committee; and
- Report to the aggrieved parties about the developments regarding their grievances and the decision of the Project authorities.

The main objective of the grievance redress procedure is to provide a mechanism to mediate conflict and cut down on lengthy litigation, which often delays such infrastructure projects. It will also provide people who might have objections or concerns about their eligibility and assistance, a public forum to raise their objections and through conflict resolution, address these issues adequately. The Committee will undertake a highly consultative process for the project. The Committee will provide ample opportunity to redress complaints informally, in addition to the existing formal administrative and legal procedures. However, the major grievances that might require mitigation include:

a) Affected persons not enlisted;
b) Losses not correctly identified;
c) Inadequate assistance or not in line with entitlement matrix;
d) Dispute about ownership;
e) Delay in disbursement of assistance; and
f) Improper distribution of assistance.

It is the responsibility of the Grievance Redress Committee to satisfactorily address all complaints brought by the project-affected persons. On the condition that an affected person is not satisfied with the decisions of the Committee to the appeal level, such person has an opportunity to seek the intervention of the formal judicial mechanisms, such as the courts.

**Fig 1: Grievance Redress Mechanism**

- **First Instance:** Local mediation with ruling under the auspices of settlement grievance Committee, and area chief.

- **Second Instance:** Joint Committee
  - SEC representative, at least representatives from two Non Governmental Organizations (NGOs), three officers representing the client from the KISIP municipal Team- heads of component 3 and representation from KURA, in the presence of legal counsel.

- **Third Instance:** Court of Law according to Kenyan laws with legal representation of PAP.
5 IMPLEMENTATION SCHEDULE

The implementation schedule for this RAP covers the period from the preparation of the RAP to the conclusion of the envisaged projects in the four Mombasa counties of Ziwa la Ngombe, Mkomani, Jomvu Mikanjuni and Jomvu Kuu to the completion and the time that the infrastructure is fully available for use.

It should be noted that the procedure in the schedule starting from notification of the PAPs before their displacement through compensation and resettlement will be done in phases to synchronize with the various phases of the project. The RAP Implementation Schedule defines the duration and timing of the key milestones and tasks. The major component tasks for the schedule include:

- Disclosure of RAP
- Audit of PAP register and compensation package due to each PAP
- Resolution of emerging grievances
- Notification of PAPs prior to the commencement of the activities that will affect them
- Compensation and/or Supplementary Assistance
- Commencement of project operations
- Monitoring and evaluation, including baseline update

Table 6.1 shows the implementation schedule specifically for relocation of PAPs within the Project beneficiary areas. This however will be developed in further detail and timeline after the World Bank Review and Final Investment Decision made.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Weeks from Approval of RAP Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval of RAP</td>
<td>1  2  3  4  5  6  7  8  9  10  11 12</td>
</tr>
<tr>
<td>Disclosure of the RAP Report</td>
<td>1  2  3  4  5  6  7  8  9  10  11 12</td>
</tr>
</tbody>
</table>
## Audit of the RAP report to verify PAP and compensation details

<table>
<thead>
<tr>
<th>Audit of the RAP report to verify PAP and compensation details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signing of compensation and relocation assistance agreements</td>
</tr>
<tr>
<td>Resolution of conflicts and Grievances</td>
</tr>
<tr>
<td>Payment of compensation to PAPs and facilitation of relocation</td>
</tr>
<tr>
<td>Issuance of notices for relocation</td>
</tr>
<tr>
<td>Actual relocation</td>
</tr>
<tr>
<td>Commencement of works</td>
</tr>
<tr>
<td>Monitoring of the resettlement activities</td>
</tr>
<tr>
<td>Post – Relocation activities</td>
</tr>
</tbody>
</table>
5. MONITORING AND EVALUATION

5.1 Objectives of Monitoring and Evaluation

Monitoring and Evaluation (M&E) procedures establish the effectiveness of all land and asset acquisition and resettlement activities, in addition to the measures designed to mitigate adverse social impacts. The procedures include internal track-keeping efforts as well as independent external monitoring.

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

- Actions and commitments described in the RAP are implemented;
- Eligible project-affected persons receive their full compensation prior to the start of the rehabilitation activities on the project area;
- RAP actions and compensation measures have helped the people who sought cash compensation in restoring their lost incomes and in sustaining/improving pre-project living standards;
- Complaints and grievances lodged by project-affected persons are followed up and, where necessary, appropriate corrective actions taken;
- Changes in RAP procedure are made, if necessary, to improve delivery of entitlements to project-affected persons.

The World Bank operational policy (OP 4.12) states that the project sponsor (i.e., KISIP) is responsible for adequate M&E of the activities set forth in the resettlement instrument. Monitoring will provide both a warning system for the project sponsor (KISIP) and a channel for the affected persons to make known their needs and their reactions to resettlement execution. KISIP monitoring and evaluation activities and programs will be adequately funded and staffed. In-house monitoring may need to be supplemented by independent monitors to ensure complete and objective information. Accordingly, the primary responsibility for monitoring rests with KISIP. Fortunately, KISIP already has an Environmental and Social safeguard team and an implementation-monitoring unit. These groups, in cooperation with each other and with guidance from the External actors, will monitor the project.
5.2 Monitoring and Evaluation Framework

The RAP Monitoring Plan and Framework is adopted from IFC (Handbook for Preparing a Resettlement Action Plan). It involves:

- Internal monitoring by KISIP;
- Impact monitoring commissioned to specialized firms; and
- A RAP Completion Audit

Table 7.1: RAP Monitoring Plan

<table>
<thead>
<tr>
<th>Component Activity</th>
<th>Type of Information/ Data Collected</th>
<th>Source of Information/ Data collection Methods</th>
<th>Responsibility for Data Collection, Analysis and Reporting</th>
<th>Frequency/ Audience of Reporting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Performance monitoring</td>
<td>Measurement of input indicators against proposed time-table and budget including procurement and physical delivery of goods, structures and services.</td>
<td>Monthly or quarterly narrative status and financial reports</td>
<td>KISIP PCT KISIP County Team, SEC</td>
<td>Semi-annual/annual as required by KISIP and World Bank</td>
</tr>
<tr>
<td>Impact monitoring</td>
<td>Tracking effectiveness of inputs against baseline indicators</td>
<td>Quarterly or semi-annual quantitative and qualitative surveys, Regular public</td>
<td>Project resettlement unit or contracted external monitoring</td>
<td>Annual or more frequently as required by KISIP and WB</td>
</tr>
<tr>
<td>Framework</td>
<td>Description</td>
<td>Agency</td>
<td>Note</td>
<td></td>
</tr>
<tr>
<td>----------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Assessment of PAP satisfaction with inputs</strong></td>
<td>meetings and other consultation with people affected by the project; review of grievance mechanism outputs</td>
<td>agency</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Completion audit</strong></td>
<td>Measurement of output indicators such as productivity gains, livelihood restoration, and developmental impact against baseline</td>
<td>Contracted external auditing and evaluation agency</td>
<td>On completion of the RAP time table as agreed between KISIP and WB</td>
<td></td>
</tr>
</tbody>
</table>

**Table 7.2: RAP Monitoring Framework**

1. Verify internal RAP implementation reports by a field check of the following:

- Payment of compensation including its levels and timing
- Settlement of land/resource access claims
- Preparation and adequacy of resettlement sites
- Housing construction
- Provision of employment, its adequacy and income levels
• Adequacy of training and other developmental inputs

• Rehabilitation of vulnerable groups

• Infrastructure repair, relocation or replacement

• Enterprise relocation, compensation and its adequacy

• Transition allowances

2. Interview a random sample of affected people in open-ended discussion to assess their knowledge and concerns regarding the resettlement process, their entitlements and rehabilitation measures.

3. Observe public consultations with affected people at the village or town level.

4. Observe the function of the resettlement operation at all levels to assess its effectiveness and compliance with the RAP.

5. Check the type of grievance issues and the functioning of grievance redress mechanisms by reviewing the processing of appeals at all levels and interviewing aggrieved affected people.

6. Survey the standards of living of the affected people (and of an unaffected control group where feasible) before and after implementation of resettlement to assess whether the standards of living of the affected people have improved or been maintained.

7. Advise project management regarding necessary improvements in the implementation of the RAP, if any.
6. COST AND BUDGET

The Government through the project has made the necessary budget provisions to ensure that the mitigation commitments, including the compensation and monitoring programs, can be fully implemented. The population affected by this project includes people occupying land on the road reserve in violation of Kenyan laws. These people were provided titles to their land in 1998 with clear markers to identify the boundaries of their property and 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 a place where they may be permitted to live if they occupied the project area before an established cutoff date.

The estimated compensation sum has excluded the value of land, due to its being designated a road reserve and that therefore no individual has a legal ownership claim to any part thereof.

The overall budget for implementation of this Resettlement Action Plan is presented in Table 8.1.

Table 8.1: Proposed Budget for RAP in Ziwa La Ngombe, Mkomani, Jomvu Mikanjuni and Jomvu Kuu Informal Settlements

<table>
<thead>
<tr>
<th>No</th>
<th>Budget Item</th>
<th>Proposed Budget (KSh.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Payment for resettlement assistance in the form of:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>i.  Loss of income for four days</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii. Transport allowance to allow them transports their salvaged structures.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>iii. Labour cost for dismantling the affected structures.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>iv. Rent for three months</td>
<td>8.5M</td>
</tr>
<tr>
<td>2</td>
<td>Resettlement Activities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>i.  Auditing and verification of PAP register and compensation</td>
<td>1M</td>
</tr>
<tr>
<td>Packages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii. Grievance Redress mechanism</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii. Issuance of notices</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iv. Supervision and monitoring of resettlement activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>v. Community consultations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>vi. Meetings of Resettlement Committees</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Implementation of post-project community support activities, including monitoring and evaluation of resettlement impacts</th>
<th>0.5M</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-Total</td>
<td>10M</td>
<td></td>
</tr>
<tr>
<td>Add 10% contingencies</td>
<td>1M</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>11M KSh.</td>
<td></td>
</tr>
</tbody>
</table>
7. DISCLOSURE

This RAP will be publicly disclosed by KISIP, which will make copies available at its offices, County Government Offices in Mombasa, as well as on the Ministry of Lands Housing and Urban Development website.

KISIP will organize the presentation of this report to the various stakeholders (SEC, traditional leaders, County Government and other Governmental Agencies).

The following process will be used to disclose the RAP:

- The RAP will be placed at designated locations at least through the construction phase. These will be: the MoLH&UD offices in Nairobi, Mombasa County Offices, NEMA office in Mombasa, and Community Library in Mombasa.
- The RAP will be placed on the MoLH&UD website throughout the period of the project.
- A public disclosure meeting will be held in all the settlements where PAPs and stakeholders are present.

The main objectives of disclosure are to:

1. Inform and explain the entitlement policy and various options to the affected people prior to financial assistance;
2. Socially prepare the affected persons for relocation;
3. Help counter rumors and prevent unnecessary distress;
4. Bring clarity on issues that might be raised by the affected persons about their entitlements and benefits through question-and-answer sessions;
5. Attempt to ensure that vulnerable groups understand the process and their needs are specifically taken into consideration.
8. CONCLUSION
The construction of the proposed infrastructure (roads, footpaths, drainage, ablution blocks, security lightning and gabions) will greatly improve the living conditions of the inhabitants in all the four settlements. With the implementation of mitigation measures such as this RAP, the overall social impacts of the project will be minimal. The project will also offer significant socio-economic opportunities for communities and the population of the area. Key risks include the successful compensation and livelihood restoration of the PAPs, which will be monitored carefully during project implementation.
ANNEXES

ANNEX 1: MAPS OF THE SETTLEMENTS
ANNEX 2: MINUTES OF CONSULTATIVE MEETINGS

ANNEX 2.1 MINUTES OF PAPS MEETING IN MKOMANI ON 15TH MARCH 2013

Present were:

Consultant- Pamoja trust-
   1. Salma Sheba
   2. Malachi Odongo
   3. Sam Odhambo
   4. Malon Konchella
   5. Saumu Adullatif

Municipal Workers
   1. Rehab Mokolwe
   2. Helen Anallo
   3. Yusuf Fakii
   4. Falid Shafi

Settlement executive committee Members

N.B List of PAPs present attached.

Min.1 /RAP/ march, 2013/ Prayers and Opening remarks
The meeting started at 10:00 am with a word of prayer, Mzee Mshamba as the facilitator he welcome the member to the meeting. He emphasize to his community should take action and well come the project, he went ahead and tell the community that they should not let the project go because it will benefit others and them left be hide.

The chairman of the community further asked all the members of Mkomani who are affected by the project that they should not lock the project out just because of their own selfish interest.

Min. 2 /March, 2013/ Discussion on Identification of PAPS
Malachi asked the members if the community who had come for the meeting were all PAPs. Majority of members who had attended the meeting where not PAPs, so the members requested we do a transect walk on the project area with the help of Malachi to know the number of affected Person.

During the walk, we learned that some community members had interest to sell their land. The number of affected was 7 identified without confirming with the survey plans.

**Min.3/ RAP/March 2013/ Details of the PAPS and Consent Signing**

After the walk we held the meeting with the 7 and sec team only, Salma explained to the PAPs that they should make a decision to vacate their structure before the start of the project. The PAPs should give up space. Some wanted to know if there was to be any compensation since they will incur cost of demolition and some materials.

**Min 4/RAP/March 2013/ Closure of the Meeting**

As the meeting was ending PAPs requested for Mombasa municipal surveyor to come and verify in their presence because some where not sure of their plots boundaries.

Malachi handed questioners to PAPs and they were to be collected the next day. A consent agreement was signed by 3 PAPs who voluntarily agreed to move from the project area and the 4 who PAPS disagreed with the project also indicated their discernment. The meeting ended at 6am.

**ANNEX 2.2: MINUTES OF A CONSULTATIVE MEETING WITH PAPs IN JOMVU KUU ON 17TH MARCH 2013**

**Present:**

**Consultant- Pamoja trust-**

1. Salma Sheba
2. Malachi Odongo
3. Sam Odhiambo
4. Malon Konchella
5. Saumu Adullatif

**Municipal Workers**

1. Rehab Mokolwe
2. Helen Anallo
3. Yusuf fakii
4. Falid Shafi
List of SEC present

Min. 1/RAP/March, 2013 Prayers and Opening Remarks
The meeting begun with a word of prayer at around 11 am. Helen from Mombasa council being the facilitator welcomed Pamoja team, area SEC members and the PAPs

Min. 2 /March, 2013/ discussion on identification of PAPS
Salma inquired from the participants of the meeting whether they were all PAPs, as the number seemed too big. She further explained the benefit of the projects and wanted to know if the community where ready to welcome the project.
The chairman of SEC added that the community should cooperate with Pamoja Trust so that the project does not drag.
Malachi inquired from the members present in the meeting whether the project has affected any of them, as many might have come with the fear that their houses where coming to be demolish.
Sam added and said to the community that they are the ones who see the problem themselves and requested for help, he further said that the stated is yet to come so the community should cooperate and work together.
Marlon inquired from the community whether they are sure of their beacons, if yes, they should not worry because the project is not affecting any private property but only the wayleaves.
The area chief noted that the community members who are affected are not many, he requested his community to cooperate and welcome the projects because that will be the start of development for the village.

Min.3/ RAP/March 2013/ Details of the PAPS and consent signing.
The meeting decided to walk identifying who are PAPs and what extent they have been affected.
After the walk we held the meeting with the 22 PAPs and sec team only, Salma explained to the PAPs that they should make a decision to vacate their structure before the start of the project .The PAPs should give up space. Some wanted to know if there was to be any compensaion since they will incur cost of demolition and some materials.
Malachi then divided the community in schemes: mtaa wa juu,mtaa wa pwani, and bondeni, to study their maps and each know how they were affected .All PAPs who voluntarily agreed to remove the affected structures from the project area signed a consent agreement in the present of a lawyer.

Min 4/RAP/March 2013/ Closure of the meeting
The meeting ended at 12am.

Annex 2.3: CONSULTATION MEETING WITH PAPS AT ZIWA LA NGOMBE ON 16TH MARCH 2013
Present:

Consultant- Pamoja trust-
1. Salma Sheba
2. Malachi Odongo
3. Sam Odhiambo
4. Malon Konchella
5. Saumu Adullatif

Municipal Workers
1. Rehab Mokolwe
2. Helen Anallo
3. Yusuf fakii
4. Falid Shafi

List of SEC present

Min. 1/RAP/March, 2013 Prayers and opening remarks
The meeting begun at 10:00am, Mr. Juma as the chairman SEC welcomed representative of Mombasa municipal council and Pamoja Trust team. He went ahead and welcomed the community, with a short history he explained the area of Ziwa la ngombe which is divided as follows: Kisimani, Vok, Bombolulu, Mkunguni and Ziwa la ngombe.

Min. 2 /March, 2013/ discussion on identification of PAPS
Salma asked the community how they understood the project and if they were ready for it. She further enquired on how many present and are affected because the attendance was quit high and that it seemed many of them were not affected.

Sam asked the community to cooperate so that they can make the project start soon because they are the one to benefit out of it.

Malachi inquired from the community and asked if the ones around know whether they were affected. There were so many who were not sure so they opt to subdivide the clusters so they can see their various maps and whether they are affected or not.

It was noted that some community members thought that we had come to demolish their houses. This was due lack of the right information.

Mr. Kålu the elected ward representative instilled on the community to welcome the project as a way of development in their area.
There were a number of challenges identified in the settlement one main one being that the PAPs did not know their beacons and some didn’t know the size of their plots since they didn’t have title deeds but only had letters of allotment.

**Min 3/RAP/March 2013/ Closure of the meeting**

It was noted that Ziwa la ngombe was a big settlement, so we had to finish it the next day after walking and identifying the PAPs. The PAPs who voluntarily agreed to remove their affected structures from the project area signed a consent agreement to that effect.

The meeting ended at 5:00pm
ANNEX 2.4: MINUTES OF A RECAP MEETING ON VALUATION EXERCISE

Members Present

1. Mr. B.C Mwanyungu (Chairing)
2. Ms Rose Munupe
3. John W. Wafula
4. Jacinta Juma
5. Salma Sheba
6. Sam Odhiambo
7. Malachi Odongo
8. Gilbert Nderitu
9. Ben Omore
10. James Okero
11. Maurice
12. Rahab Mukolwe (Taking Minutes)

The meeting started by a word of Prayer by Rose Munupe at 9.30am

County of Mombasa KISIP coordinator Mr. Mwanyungu wanted to know how much had been done on the part of valuation. It was noted that valuation had been done in all the four sites, Mkomani, Jomvu Kuu, Jomvu, Mikanjuni and Ziwa la Ng’ombe. What was remaining was compilation of the valuation report by Salma of Pamoja Trust (P.T) and the Mombasa County valuer Mr. Odhiambo. Some information was still missing due to unavailability of the structure owners.

It was agreed that the verification exercise be done by Salma of P.T and Community Development officers of the County Government, together with grievance and valuation committees of the four sites named above.

The exercise to start on Monday, 30th September 2013, but before that a schedule of activity to be prepared by Salma Sheba of P.T and Rose Munupe (County of Mombasa) and posted to KISIP Secretariat (Nairobi) for funding.

The issue of KISIP Secretariat (Nairobi) slashing budget and number of days allocated for the activity which make it difficult to achieve the expected goals was raised for KISIP Secretariat (Nairobi) representative to note and act.

It was agreed that PAPS will be issued with a 30days demolition notice once they agree to the amount of compensation by signing against the amount. The notice will be subject to payment of the compensation

Matters arising:

It was noted during the exercise that the engineering design layout done by Powry does not agree with the cadastral plans in some parts especially in Ziwa la Ng’ombe and Jomvu Mikanjuni.
This calls for the review of the engineering design layout to avoid the construction interfering with parcels already issued with title deeds

Engineer Omore of G.A. responded that the engineering design cannot be changed at the moment. However there is a provision for a resident engineer in their report that should handle the revision with the supervision consultant at the onset of construction.

It was recommended that the resident engineer be from county government to guide the process.

Also noted is that change of layout will change the cost of construction up or downwards and that is to be considered then.

Mombasa county coordinator Mr. Mwanyungu raised a concern that if the issue of engineering was not well communicated, the cadastral line might become a challenge to the project implementation. Therefore this should be well explained to the KISIP Secretariat in Nairobi. He added that contingency should be put in place for compensation in case of change of construction route.

The meeting ended at 10.45 by a word of prayer by Hellen Anayo.

ANNEX 3: VALUATION COMMITTEE MEMBERS

ANNEX 3.1: ZIWA LA NGO’MBE

<table>
<thead>
<tr>
<th>NAME</th>
<th>AGE</th>
<th>ID NO.</th>
<th>CONTACTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>SHUEBI R. SIMENZI</td>
<td></td>
<td>29713139</td>
<td>0750135748</td>
</tr>
<tr>
<td>ALI J. SULEIMAN</td>
<td>38YRS</td>
<td>13839924</td>
<td>0720853348</td>
</tr>
<tr>
<td>RAYMOND M. MWANG</td>
<td>46YRS</td>
<td>5011485</td>
<td>0727177935</td>
</tr>
<tr>
<td>PRISCILLA K. NYAMAWI</td>
<td>21YRS</td>
<td>29915047</td>
<td>0701596077</td>
</tr>
<tr>
<td>DANIEL KIMWELE</td>
<td>50YRS</td>
<td>4636166</td>
<td>072266844</td>
</tr>
</tbody>
</table>