

REPUBLIC OF KENYA



MINISTRY OF WATER & IRRIGATION

COAST WATER SERVICES BOARD (CWSB)



**ABBREVIATED RESETTLEMENT ACTION PLAN REPORT
FOR
IMPROVING THE EXISTING STORM WATER OUTLETS IN MOMBASA
ISLAND**

FEBRUARY 2017

RAP EXECUTIVE SUMMARY

Background

Autonomous) created under Water Act, 2002 and established through a Gazette Notice No. 1328 of 27 February 2004.

CWSB (or the Board) is the agency charged with the responsibility for the effective and efficient provision of water and sanitation services within the Coast Province. The Board undertakes this by contracting Water Service Providers.

As part of its mandate, CWSB intends to reduce the pollution of the Indian Ocean via the improvement of the existing storm water outlets in Mombasa Island under the Kenya Water and Sanitation Development Project. Twelve sites have been selected for improvement. The improvements will involve the construction of grit removal chambers and coarse and fine screens to reduce the amount of waste water making its way to the Indian Ocean, via illegal sewage connections made to the storm water system. The sites selected for improvement are:

1. Makupa
2. Mbaraki
3. Nyali
4. Railways
5. Tudor Minor
6. Buxton
7. Coast General
8. Kizingo
9. Pump Stations (4)

Zamconsult Consulting Engineers has been contracted to undertake the ESIA and RAP for the proposed improvements works as part of the KWSDP projects with funding from the World Bank. The RAP is presented in this report as an ARAP

Study Methods

The methodology for carrying out the RAP included data collection and analysis of data from various sources. These Included:

- ❖ Primary Data Sources including household questionnaires, key informant interviews, site visits, observations and mapping of affected persons and their assets.
- ❖ Secondary Data Sources including design report, World Bank Policies and Kenyan Policies on Resettlement.

The data collected in the field was analysed to obtain the socio-economic background of the PAPs, inventory of affected assets and cost the RAP implementation.

Legislative Framework for this Study

The main laws in the Country governing resettlement are the Land Act, No 6 of 2012 which identifies steps required for land acquisition, establishment of way leaves and land registration. The Constitution of Kenya also highlights matters of resettlement and land ownership.

In addition to the local legislation, the Consultant also reviewed the relevant World Bank Operational Policies on Resettlement, Indigenous people, and access to information, which would cover the gaps in the local laws concerning resettlement.

Expected impacts

The proposed improvements will displace 116 individuals, in particular the Tudor and Makupa sites, where individuals will lose assets. These assets include:

- ❖ Impacts on Structures (semi-permanent and temporary)
- ❖ Impacts on businesses/livelihood
- ❖ Impacts on loss of domicile

Eligibility Criteria and Entitlement Employed for the RAP

The main criteria employed for establishing the Eligibility of PAPs included:

- ❖ A PAP was defined as one whose assets may be lost and/or affected, including land, property, other assets, livelihoods, and/or access to natural and/or economic resources as a result of activities related to the project site.
- ❖ Setting of the Cutoff date: the PAPs identified during the data collection exercise were eligible for compensation for the aforementioned assets. The cutoff date was established as 19th December 2016. Any developments after this date are not eligible for compensation.

The Entitlement for the project is summarised in the table below:

Affected Asset	Eligibility Conditions	Entitlements
Structures on the way leave within the ocean reserve	If them and a witness can prove ownership of the structure.	Replacement Cost of Structure
Businesses on the way leave and within the ocean reserve	If them and a witness can prove ownership the affected business	Livelihood compensation comprising of 6 months business income
Loss of Domicile by Tenants	If them and a witness can prove habitation by cut-off date	Facilitation to move to new site and security payments for new residence

In addition to the entitlements mentioned in the table, each of the PAHs was entitled to a 15% disturbance allowance.

Valuation Methods and Cost of Entitlements

All affected assets were valued based on the full replacement cost method for all the affected assets. The following assets were valued:

- i. Structures
- ii. Domiciles
- iii. Businesses/Livelihoods

In addition, each PAH was allocated a 15% disturbance allowance.

The following tables present the various entitlements for assets for the proposed works.

Entitlement for loss of Structures

Outlet	PAHs with Structures	Total Entitlement (K.Shs.)
Tudor	14	7,540,000.00
Makupa	2	387,000.00
TOTAL ENTITLMENT		7,927,000.00

Entitlement for loss of Business

Outlet	PAHs with Businesses	Total Entitlement (K.Shs.)
Tudor	14	408,000.00
Makupa	1	60,000.00
TOTAL ENTITLMENT		468,000.00

Entitlement for Disturbance

Outlet	PAHs Entitled to Disturbance Allowance	Total Entitlement (K.Shs.)
Tudor	15	1,192,200.00
Makupa	2	67,050.00
TOTAL ENTITLMENT		1,259,250.00

Entitlement for Loss of Domicile

Outlet	PAHs Entitled to Movement Allowance	Total Entitlement (K.Shs.)
Tudor	25	150,000.00
Makupa	0	-
TOTAL ENTITLMENT		150,000.00

Thus the total entitlement for the project is as indicated in the table below:

Total Entitlement

No.	Asset Type	Total Entitlement (K.Shs.)
1	Structures	7,927,000.00
2	Businesses/Livelihood	468,000.00
3	Movement Allowance	150,000.00
4	Disturbance Allowance	1,259,250.00
TOTALS		9,804,250.00

RAP Implementation Cost

The RAP implementation cost was also computed taking into account administration costs and an allowance for inflation and contingencies. Bringing the total cost of the RAP to **K.Shs.**

11,863,142.50 (eleven million eight hundred and sixty three thousand, one hundred and forty two, and fifty cents only) broken down in the table below.

No.	RAP Item	Cost (K.Shs.)
1	Total Entitlement Costs (including 15% Disturbance)	9,804,250.00
2	RAP Administration Cost (10)% of Entitlement Cost)	980,425.00
3	Allowance for Inflation and Contingencies	1,078,467.50
TOTAL RAP IMPLEMENTATION COST		11,863,142.50

Conclusion

The proposed project will affect approximately 47 Households made up of 116 PAPs who will lose their assets or domiciles. In order to mitigate the negative impacts of resettlement, the following recommendations are made:

- ❖ Any planned displacement of the project affected persons be undertaken after compensation payments have been made before any construction activities are done and in accordance with the prevailing law.
- ❖ Compensation should not only follow the replacement cost, but should also be associated with comprehensive consultations and negotiations with PAPs so as to minimize grievances
- ❖ Alternative housing for affected tenants to ensure seamless transition to the new housing.
- ❖ The project affected persons to be given adequate notice to relocate their assets.

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ACRONYMS AND ABBREVIATIONS

AIDS	Acquired Immunodeficiency Syndrome
CBO	Community Based Organization
EMCA	Environment Management Coordination Act
RAP	Resettlement Action Plan
PAP	Project Affected Person
PAH	Project Affected Household
EIA	Environmental Impact Assessment
ESIA	Environmental and Social Impact Assessment
GoK	Government of Kenya
HIV	Human Immunodeficiency Virus
ID No.	Identity Card Number
K.Shs.	Kenya Shillings
KWSDP	Kenya Water and Sanitation Development Project
LRCC	Locational Resettlement and Compensation Committees
MDG	Millennium Development Goals
CWSB	Coast Water Services Board
MWI	Ministry of Water and Irrigation
NEMA	National Environment Management Authority
NLC	National Land Commission
NGO	Non-Governmental Organization
NMK	National Museums of Kenya
NPEP	National Poverty Eradication Plan
NWSB	Northern Water Services Board
O&M	Operation and Maintenance
PEC	Poverty Eradication Commission
SCRCC	Sub-County Resettlement and Compensation Committee
WaSSIP	Water Supply and Sanitation Improvement Program
WSB	Water Services Board
WSP	Water Services Provider
WSS	Water Supply and Sanitation Services
m ³	cubic metres

1 INTRODUCTION

1.1 COAST WATER SERVICES BOARD

Coast Water Services Board (CWSB) is an independent parastatal (Government Owned and Autonomous) created under the Water Act, 2002 but established through separate Gazette Notices. It operates under the Parent Ministry of Water and Irrigation and in accordance with:

- i. The provisions and regulations of the Water Act, 2002;
- ii. The State Corporation Act Cap 446;
- iii. Other Relevant Provisions of the Laws of Kenya and
- iv. Rules and Regulations given in form of circulars by the Parent Ministry and Ministry of Finance.

The CWSB area of jurisdiction covers a total of 83,040 km² out of which 28,450 km² is occupied by rivers, Sea, lakes and national parks, while the rest is used for agriculture, settlement and other human activities. CWSB's jurisdiction covers the counties of Mombasa, Kwale, Kilifi, Taita-Taveta, Lamu and Tana River. Within the six counties, CWSB has contracted seven (7) Water Services Providers (WSPs) as listed in Table below:

Figure 1-1: List of WSPs under Coast Water Services Board and their Jurisdiction

S/No	County	Main Areas Served/WSPs
1	Mombasa County	Mombasa (Island, West Mainland, South Mainland, North Mainland) served by Mombasa Water & Sewerage Co.
2	Kilifi County	Malindi Town, Watamu and environs served by Malindi Water & Sewerage Co Kilifi, Mariakani, Mtwapa and environs served by Kilifi-Mariakani Water & Sewerage
3	Kwale County	Kwale, Ukunda, Diani, Kinango and environs served by Kwale Water and Sewerage Company
4	Taita Taveta County	Voi, Taveta, Wundanyi and environs served by TAVEVO Water and Sewerage Company
5	Lamu County	Lamu Island, mainland and environs served by Lamu Water and Sewerage Company
6	Tana River County	Hola, Bura, Garsen and environs served by tana River Water and Sewerage Company

In addition, there is the Coast Bulk Water Supply Unit (CBWSU) which supplies water in bulk to Mombasa, Malindi, Kilifi/Mariakani, Kwale and TAVEVO WSPs. CBWSU is still not legally operational but it is operating under CWSB on an interim basis.

Within the Coast region, the Coast Water Services Board (CWSB) is mandated with the responsibility of ensuring efficient and economical provision of water and sanitation services.

1.2 KENYA WATER AND SANITATION DEVELOPMENT PROJECT (KWSDP)

Based on the progress made in the implementation of WaSSIP 1 and the need for additional investments the Government has requested the World Bank for financing for KWSDP. The KWSDP is targeted at investments on rehabilitation and expansion of existing water supply schemes, design and development of bulk water supply systems, drought mitigation measures, planning and development of sanitation infrastructure and institutional strengthening.

Further support would consolidate the gains in sector institutional arrangements and help these institutions to improve and expand actual WSS delivery to Kenyans through sustainable infrastructure investments.

The proposed KWSDP will complement and build on the gains and achievements already made through the implementation of WaSSIP 1. The development objectives of the project are therefore to:

- i. Increase access to reliable, affordable and sustainable water supply and sanitation services; and
- ii. To improve the water and wastewater services in the areas served by NWSB and CWSB.
- iii. Mitigate the effects of drought through response measures

This will be achieved by:

- Rehabilitating selected existing water production, transmission, storage and distribution facilities and wastewater collection, treatment and disposal facilities,
- expanding piped water supply services to under-served areas through a balanced program including the involvement of communities in decision making and extension of primary and secondary distribution pipes where required, and
- Refining and strengthening the institutional structure, emphasizing on increasing accountability and transparency of the institutional and governance and management framework for CWSB, NWSB.

1.2.1 The Improving of Existing Storm Water Outlets in Mombasa Island under KWSDP

One of the projects under KWSDP will be the improvement of the twelve (12) existing storm water outlets within Mombasa Island under the jurisdiction of CWSB. This project's main aim is to reduce the pollution of the Indian Ocean via the existing storm water outlets located at several locations within the island. The project is further described in chapter 2 of this report.

1.3 JUSTIFICATION FOR THE ARAP

An environmental and social impact assessment (ESIA) has been undertaken for the proposed project and has identified some of the social impacts associated with the project as being involuntary resettlement within some of the project sites. Based on the findings of the ESIA and a RAP screening exercises, only 2 out of the twelve storm outlets would have resettlement, as such a full RAP will not be necessary, but an Abbreviated RAP (ARAP).

The Abbreviated Resettlement Action Plan helps to define the resettlement and compensation necessary as a result of implementing the improvements to the existing storm water outlets. This will be in accordance with the Laws of Kenya and World Bank Policies.

1.4 OBJECTIVES OF THE ARAP

The overall objective of the ARAP is to ensure that affected individuals, households and, affected and/or displaced communities are meaningfully consulted, have actively participated in the planning process and, are adequately compensated to the extent that at least their pre-displacement incomes or livelihoods have been restored or improved and, that the process is considered fair and transparent. The objective of the ARAP is achieved through collections of key indicative information on the Project Affected Persons (PAPs) pre-impact status so as to enable develop an entitlement matrix geared at restoring the livelihoods to the pre-impact status or making their livelihoods better.

The Specific Objectives and activities of the ARAP include:

- ❖ Conduct public consultation with PAPs, county governments, and other stakeholders not only to ensure that their concerns and suggestions are taken in to account, but also to promote the participation of the stakeholders in the planning, implementation and evaluation of the ARAP;
- ❖ Conducting census and socio-economic surveys of project affected areas and populations as a basis for identifying and measuring the types and magnitude of impact of the project, and the associated displacement and loss of household and community assets, in order to determine the required amounts of compensation and other resettlement measures and assistances for the restoration of income and livelihoods;
- ❖ Design mechanisms and procedures for the resolution of conflict and redress of grievances arising from the implementation of the ARAP and the project;
- ❖ Design the organizational and institutional arrangements necessary for the implementation of the ARAP, including detailed allocation of responsibilities and coordination issues;
- ❖ Formulate a system for the monitoring, review and evaluation of the process and outcome of the implementation of the ARAP;
- ❖ Formulate criteria for eligibility and entitlement as well as methods and mechanisms for the valuation of various categories of household and community assets for compensation, design appropriate strategies for restoration of the income and livelihood of PAPs, special support measures for vulnerable groups, and social and community development projects;
- ❖ Identify and assess the impacts of the project on PAPs and communities in the project area, identify different options and alternatives to avoid or reduce displacement, of population and dislocation of livelihoods;
- ❖ Prepare a timetable for the implementation of the ARAP with detailed time-bound schedules for its various components and activities.
- ❖ Prepare cost estimates and budget for the implementation of the ARAP and its various components and activities;
- ❖ Undertaking a review of the relevant national and international policy, legal, and institutional frameworks and guidelines pertaining to involuntary resettlement, eminent domain and land tenure, expropriation and compensation, restoration and improvement of the income and livelihood of PAPs, etc.

1.5 METHODOLOGY FOR CARRYING OUT THE ARAP

The methodology for carrying out the ARAP included data collection and analysis and is presented in the chapters of this report. The key steps are outlined below.

1.5.1 Primary Data Collection

1) Household Survey and Enumeration

This was used to identify the affected households and to take an inventory of their assets and livelihood as well as their socio-economic characteristics. A structured questionnaire was administered to the identified households by trained enumerators recruited from the local community. A copy of the questionnaire is provided in the appendices.

2) Site Visits and Observations

A number of site visits were conducted to locate existing storm water outlets and proposed improvements sites. These visits were also used to identify the people affected by the design to who were enumerated for the survey. In addition the Consultant carried out a physical mapping of all PAHs within the project areas, with all affected developments. Seven out of the twelve sites will need 20 metres by 30 metres for the improvements to be made, the other five sites will be located within existing infrastructure for which modifications will be made.

1.5.2 Secondary Data Collection

This involved conducting a review of existing documents, reports, laws and policies relating to resettlement and other issues of the project and the project area. Key documents reviewed include but were not limited to:

- Kenyan Policies and Laws on Land and resettlement
- World Bank Policies Land and Resettlement
- The Design Report

1.5.3 Public Consultation

This was done at two levels:

- Interviews with individual affected persons
- Key informant interviews with selected community leaders
- A public consultation meeting with affected persons and communities

1.5.4 Data Analysis and Processing

The collected information was analyzed thematically to reflect the components included in this ARAP report.

2 PROPOSED PROJECT DESCRIPTION

2.1 LOCATION

The project is located within Mombasa Island of Mombasa County, as shown in the map below:

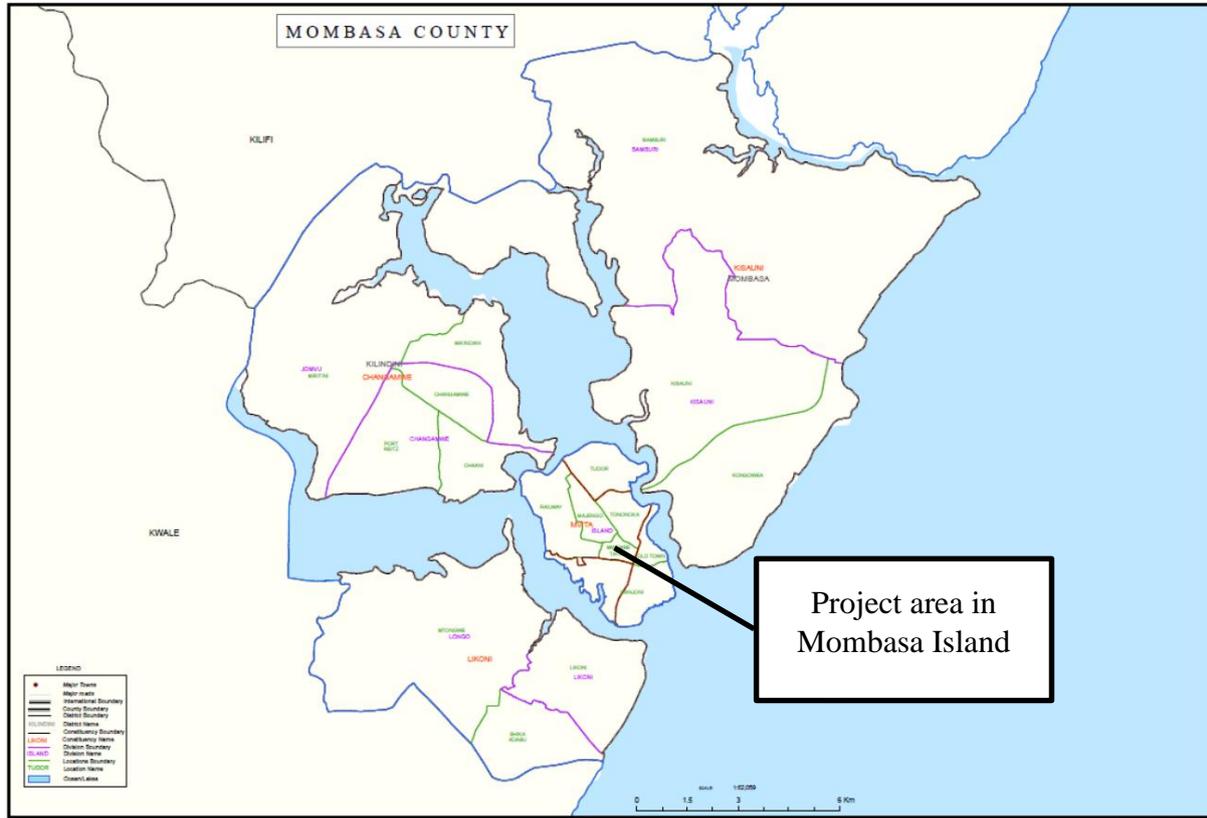


Figure 2-1: Map Showing the Location of the Project Area

The project intends to improve the following outlets:

1. Makupa
2. Mbaraki
3. Nyali
4. Railways
5. Tudor Minor
6. Buxton
7. Coast General
8. Kizingo
9. Pump Stations (4)

All the outlets will be located within Mombasa Island, with the table below showing the co-ordinates of each of the sites

Table 2-1: Table showing GPS Co-ordinates for each of the outfalls

No.	Outfall Name	Easting	Northing
1	Makupa	575427.96	9550131.58
2	Mbaraki	572206.75	9551314.49

3	Nyali	574334.32	9553596.40
4	Railways	572339.19	9554114.70
5	Tudor Minor	573058.24	9554700.59
6	Buxton	574671.61	9552941.82
7	Coast General	574518.25	9553121.17
8	Kizingo	575427.96	9550131.58
9	Pump Station 1	575197.76	9551720.70
10	Pump Station 2		
11	Pump Station 3		
12	Pump Station 4		

2.2 THE BACKGROUND OF PROPOSED PROJECT

Mombasa Island is currently served by storm water drainage which drains into the Indian Ocean via storm water outfalls placed all over the island as shown in the map below:

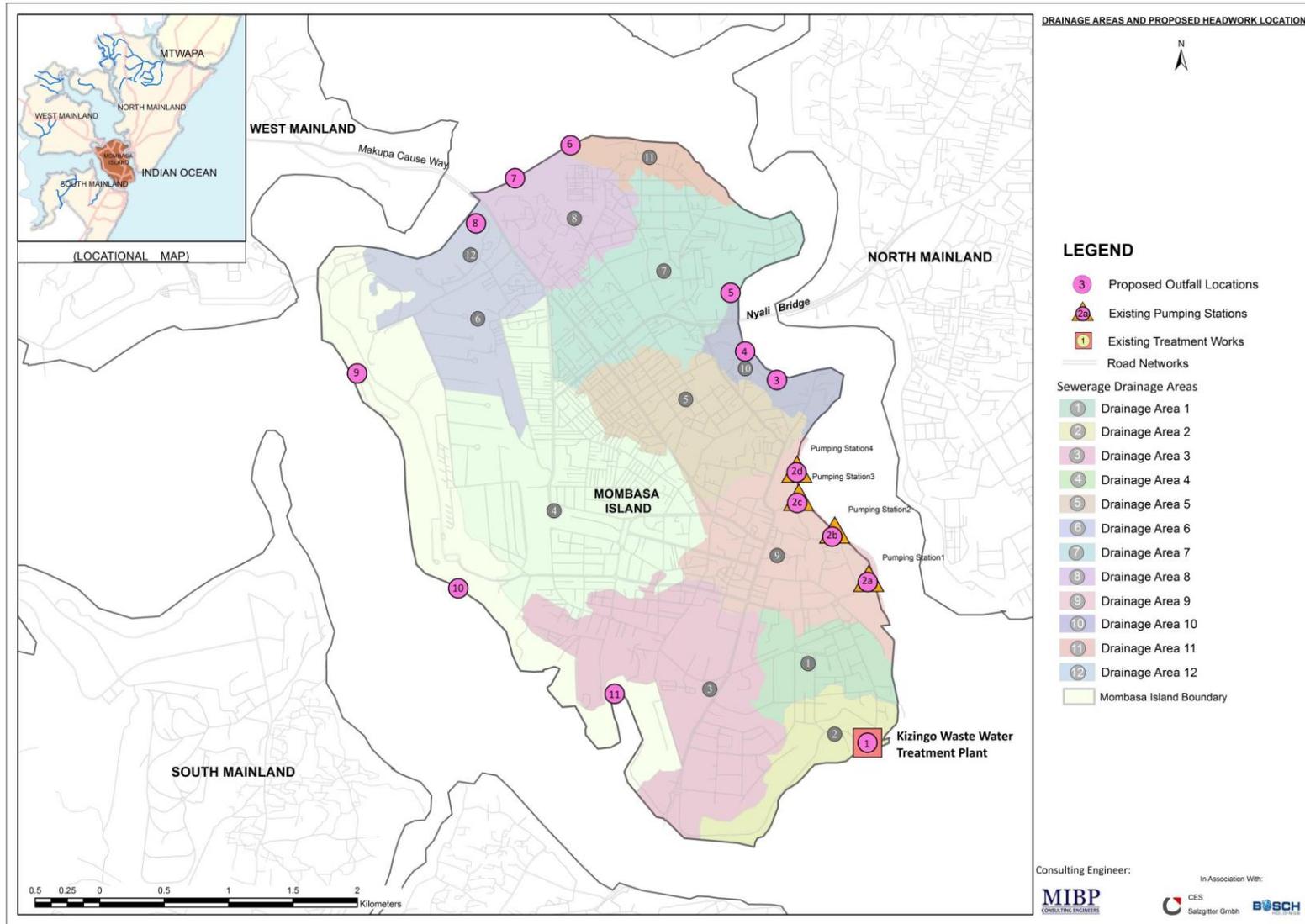


Table 2-2: Existing Storm Water Outlets and the areas they serve

**Abbreviated Resettlement Action Plan for
Improving the Existing Storm Water Outlets in Mombasa Island**

Over time, some properties within the island have connected to the storm water system which is purely a conveyance system for storm water that drains directly into the Indian Ocean. The use of the storm water system by properties without any form of treatment has led to the pollution of the Indian Ocean, affecting the biodiversity within the ocean.

2.2.1 Proposed Plans for Mombasa Island With Regards to Sanitation

Mombasa Island is currently supplied by a storm water network which discharges storm water from drainage regions into the Indian Ocean via the storm water outlets. In addition to the storm water network, there is an existing sewerage network that serves the Old Town of Mombasa from which Waste Water is treated at the Kizingo Treatment works located within the Island. In addition there are a few areas within Mombasa served (Tudor Estate, Buxton Estate, and Makande Estate) by onsite sewage treatment in form of septic tanks and soak pits.

However due to several factors such as, breakdown of the Kizingo Waste Water Treatment Plant, breakage of major sewage connection pipelines leading from the pump stations to the treatment plant, poor enforcement of building standards that require all multistory dwellings within Mombasa Island to have on site treatment, has led to illegal connections to the storm water system, which has led to the pollution of the Indian Ocean and interference with marine biodiversity.

Mangat I. B. Patel, an engineering consulting firm, was contracted by CWSB to carry out a waste water master plan for Mombasa County. The engineering consulting firm came up with short term and long term measures for the improvement of sanitation for Mombasa Island:

1) Proposed Short Term Measures

The design consultant has prepared the following immediate measures to be undertaken to improve the sanitation within Mombasa Island:

- i. Improving the existing storm water outlets in Mombasa Island (for which this RAP report is presented)
- ii. Rehabilitation of the Kipevu Waste Water Treatment Plant and Immediate Works in West Mainland
- iii. Construction of ablution blocks
- iv. Construction of sludge management facilities

These measures will be the first step in a series of events that will meet the ultimate goal of improving the sanitation in Mombasa.

2) Proposed Medium Term and Long Term Measures

The main medium term and long term measures will involve the establishment of a working waste water treatment plant as well as the rehabilitation and expansion of the sewerage network in Mombasa Island.

This rehabilitation will ensure that there will be a separate sewerage and storm water network for transmission of waste water and storm water respectively. After the establishment, there will be an exercise to disconnect all illegal connections on the storm water network to allow for proper functioning of the storm water outlets. The storm water outlet sites identified during the design for which this RAP was carried out for will also house a pumping station for the future sewerage network.

The proposed future treatment plant for Mombasa Island will be in Nguu Tatu located within reclaimed land within Mombasa North Mainland. Waste Water will be conveyed to the treatment works via pumping stations including the ones proposed at the outlet sites.

2.3 OBJECTIVES OF THE PROJECT

The proposed project is the first step in a series of actions to improve the sanitation of Mombasa Island.

2.3.1 Immediate objectives of improving the Storm Water Outlets in Mombasa Island

This improvement of the storm water in the short term will remove sediments and debris from storm water flowing into the Indian Ocean. As an immediate measure the improved outlets will reduce the pollution of the Indian Ocean by reducing the screenings and grit from the waste water that makes its way into the storm water system.

2.3.2 Medium and Long Term objectives of improving the Storm Water Outlets in Mombasa Island

The long term objectives will be to remove screenings and grit from the purely storm water conveyance system before discharge into the Indian Ocean.

2.4 DESIGN COMPONENTS

This chapter identifies the baseline used to design the improvements as well as the specific improvements that will be made on the storm water system:

2.4.1 Storm Water Flows

During wet weather, the storm water sewers convey combination of the wastewater and storm water.

The storm water component of the wet weather flow for individual drainage areas has been determined based on the rational formulae given by the expression: -

$$Q = C \times A \times i \text{ (Rational Formula)}$$

Where: -

Q = Storm water run-off in m³/s

C = Run-off coefficient (Ranging from 0.70 – 0.95 for concrete pavements)

i = Rainfall intensity in mm/hr (Read from Rainfall Atlas for nearest Station)

A = Gross contributing area (Ha) i.e. area of drainage area

For economic considerations with adequate provisions for conveyance of storm water flows, a 5-year storm was adopted and values presented in the table below.

Table 2-3: Estimated Storm Water Peak Flows for the Drainage Areas

Contributing Drainage Area	Area (Ha)	Storm Duration (min)	5 Year Design Storm Flow (m ³ /day)
1 & 2	125.5	120	7.47
9	171.87	120	8.23

Contributing Drainage Area	Area (Ha)	Storm Duration (min)	5 Year Design Storm Flow (m³/day)
10	83.07	120	3.98
5	220.04	120	10.53
7	39.79	120	1.9
11	132.25	120	6.33
8	37.37	120	1.79
12	34.7	120	1.66
6	115.21	120	5.51
4	148.6	120	7.11
3	53.07	120	2.54

2.4.2 Project Components

A standard design concept was adopted for the headworks structures at each of the storm water discharge Points. The headworks structure has been designed to provide diversion of storm water flows into a storm water drainage system that discharges directly into the sea, while providing preliminary treatment to the wastewater through screening and grit removal.

The headworks will comprise of the following units: -

1. **Inlet structure;** - for diversion of storm water flows to the ocean,
2. **Coarse and fine screens;** - for preliminary treatment of wastewater, and
3. **Grit removal chamber;** - for preliminary treatment of wastewater.

From the headworks structure. Wastewater will be conveyed to a surge chamber to be located within the headworks site for discharge into the ocean at the low-low tide level through an outfall pipe. Each of the units is explained in the sections below:

1) Inlet Structure

This unit comprises of an inlet channel and an overflow weir. The inlet channel has been designed to convey peak wastewater flows and approximately 10% of storm water flows into the subsequent units of the Headworks. Once the flow builds beyond the design level, the overflow weir enhances diversion of storm water into an overflow chamber to a storm water drainage system discharging at a headwall to be located at the ocean shore.

2) Fine and Coarse Screens

From the Inlet Structure, the wastewater will enter the screening channels fitted with coarse and fine screens for removal of floating debris and other objects. The coarse and fine screens shall be of respective standard bar sizes and placed adjacent to each other, with the fine screens downstream of the coarse screens. The screens shall be manually cleaned type to minimize electro-mechanical equipment and associated costs.

The installation of bar screens shall be carried out in such a manner that manual cleaning can be carried out with ease, with an operating platform across the channel width.

A screening tray shall be provided next to the inlet structure for holding and consolidating the debris prior to transporting to designated collection skip.

3) Grit Removal

Due to the widely range of the combined storm-water and wastewater flow varying flow regimes at the different headworks, two typical Headwork arrangements based on the Grit Removal techniques have been adopted: -

Type 'A' Headworks - Constant Flow Grit Removal Chamber

For headworks handling less than 700 m³/day of peak design influent flow, a constant flow grit removal chambers design has been adopted.

The constant flow grit removal chamber comprises of a rectangular grit chamber designed to provide 5-minute retention time. Grit and heavy particles settle by sedimentation as the supernatant wastewater flow over the outlet wall. An opening at the bottom of the outlet wall connected to drainage pipe fitted with control valve and filled with filter media allows for cleaning of the chamber. The chamber is manually cleaned from retained grits by stopping the inflow and allowing the grit collected to dry.

2 Nr Grit Removal Chambers (Type 'A') will be provided for headworks with design flows less than 400 m³/day. For those with design flows ranging between 400 – 700 m³/day, a total of 3 Nr. Grit Removal Chambers (Type 'A1') will be provided. Both grit chambers are shown in the figures below:

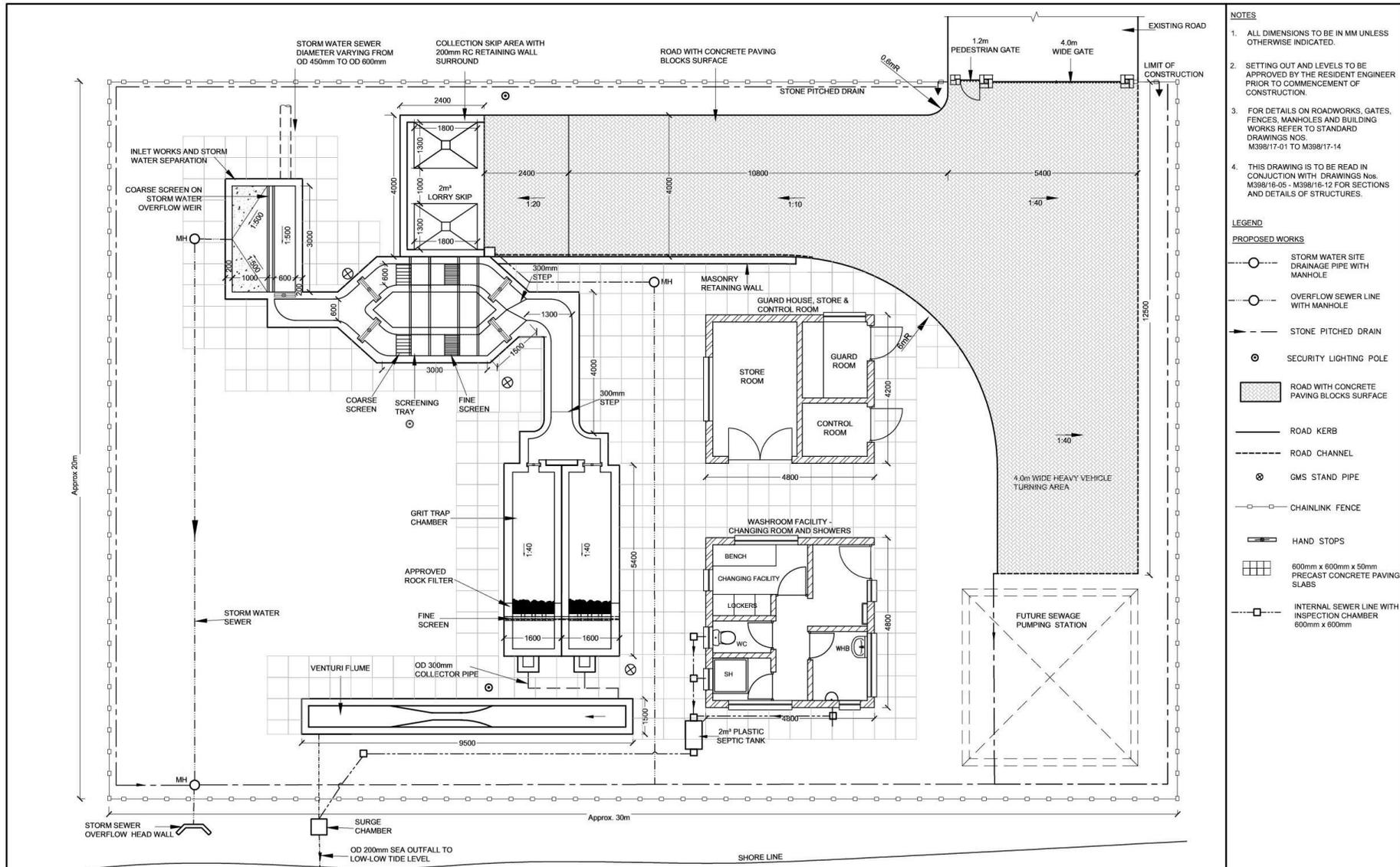


Figure 2-2: Type 'A' Grit Removal Chamber

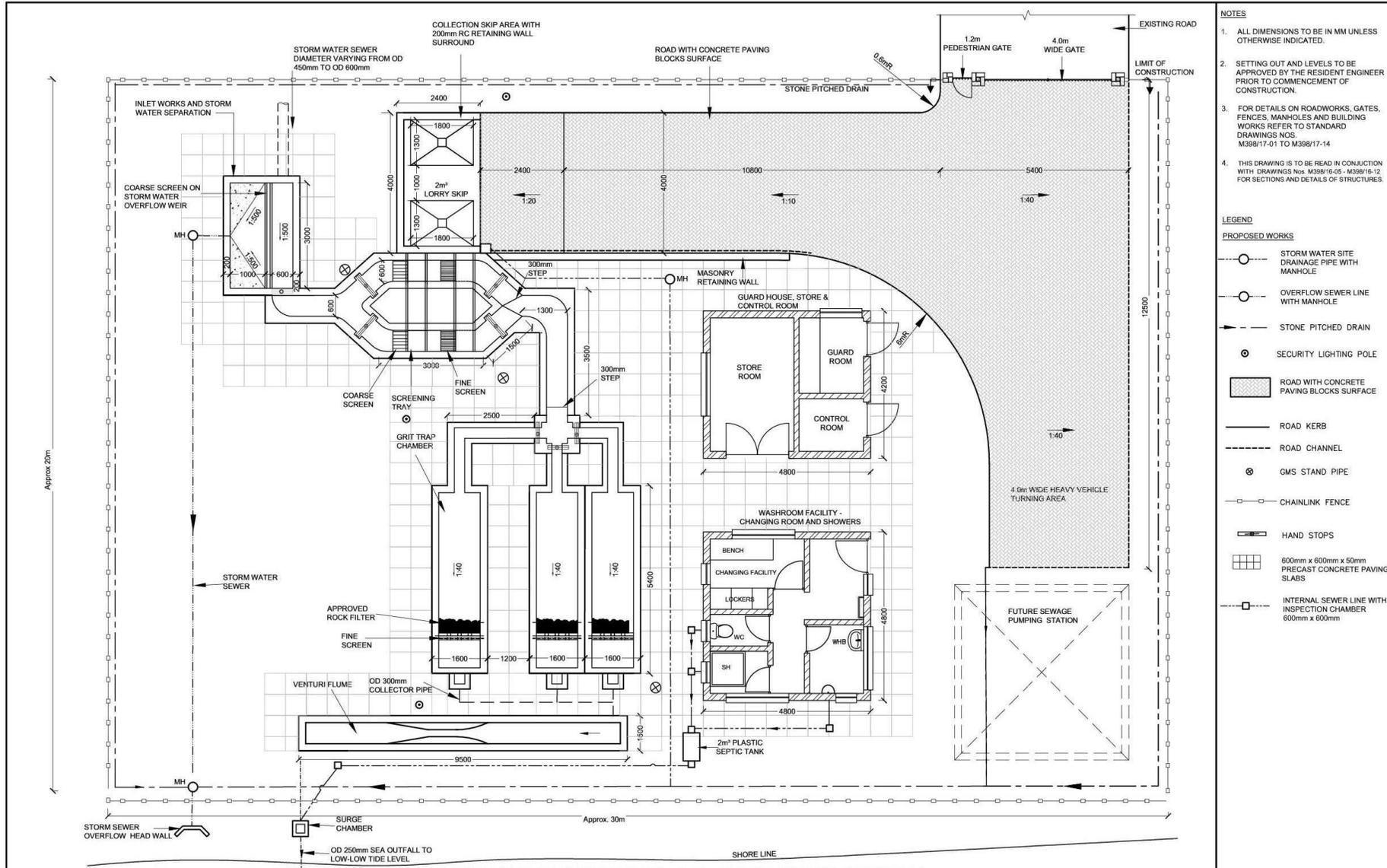


Figure 2-3: Type 'A1' Grit Removal Chamber

Type 'B' Headworks - Constant Velocity Grit Removal Channel

A constant velocity grit removal channel has been adopted for Headworks with peak design influent flow ranging between 700 m³/day to 5,000 m³/day.

The venturi flume within the channel structure controls the velocity of flow in the grit removal channel. The parabolic shape of the channel keeps the velocity constant at 0.3m/s and ensures grit settling devoid of volatile suspended solids.

The constant velocity grit removal channel is cleaned manually after closure at the channel inlet and providing adequate time for grit to dry.

A standard design has been adopted, with varying dimensions to suit two general categories of flow regimes. For discharge points with design peak flows less than 3,000m³/day, Type 'B' Headworks Grit Removal Channel will be adopted while those with peak flows ranging from 3,000m³/day to 5,000m³/day will be provided with Type 'B1' Headworks. The figures below show the two grit removal chambers.

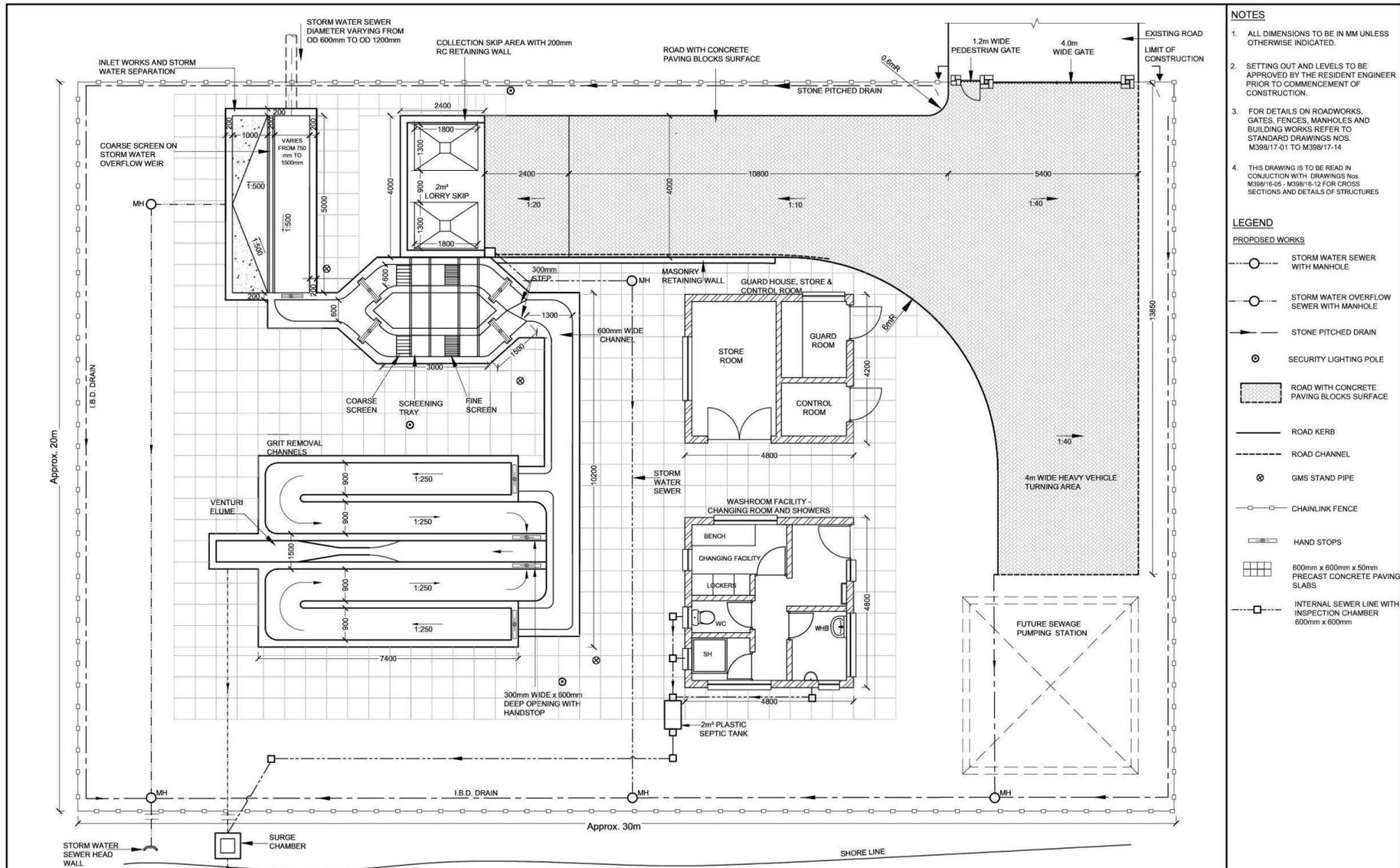


Figure 2-4: Type 'B' Grit Removal Chamber

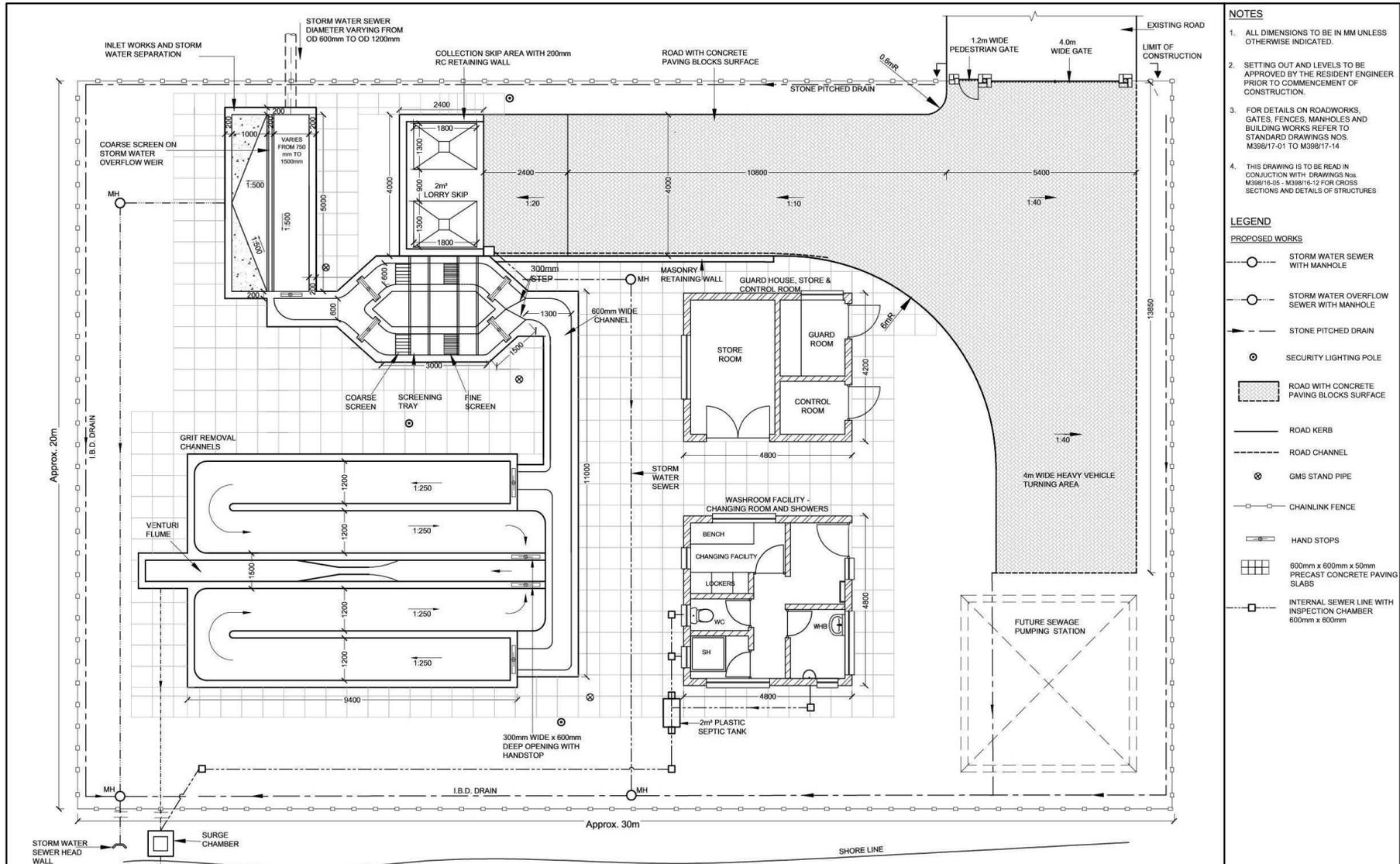


Figure 2-5: Type 'BI' Grit Removal Chamber

Type 'C' Headworks - Modification Works at Existing Pumping Stations

This will occur on the 4 existing pump stations within Mombasa Island as well as within the Kizingo Treatment Works.

The works at these points will include:

- Installation of coarse and fine screens,
- Modifications of the existing grit removal chamber (for ease of grit handling),
- Provision for screens removal and compaction facilities,
- Rehabilitation of existing emergency overflow, and
- Construction of surge chamber and outfall pipe

The type 'C' grit chamber is shown in the figure below:

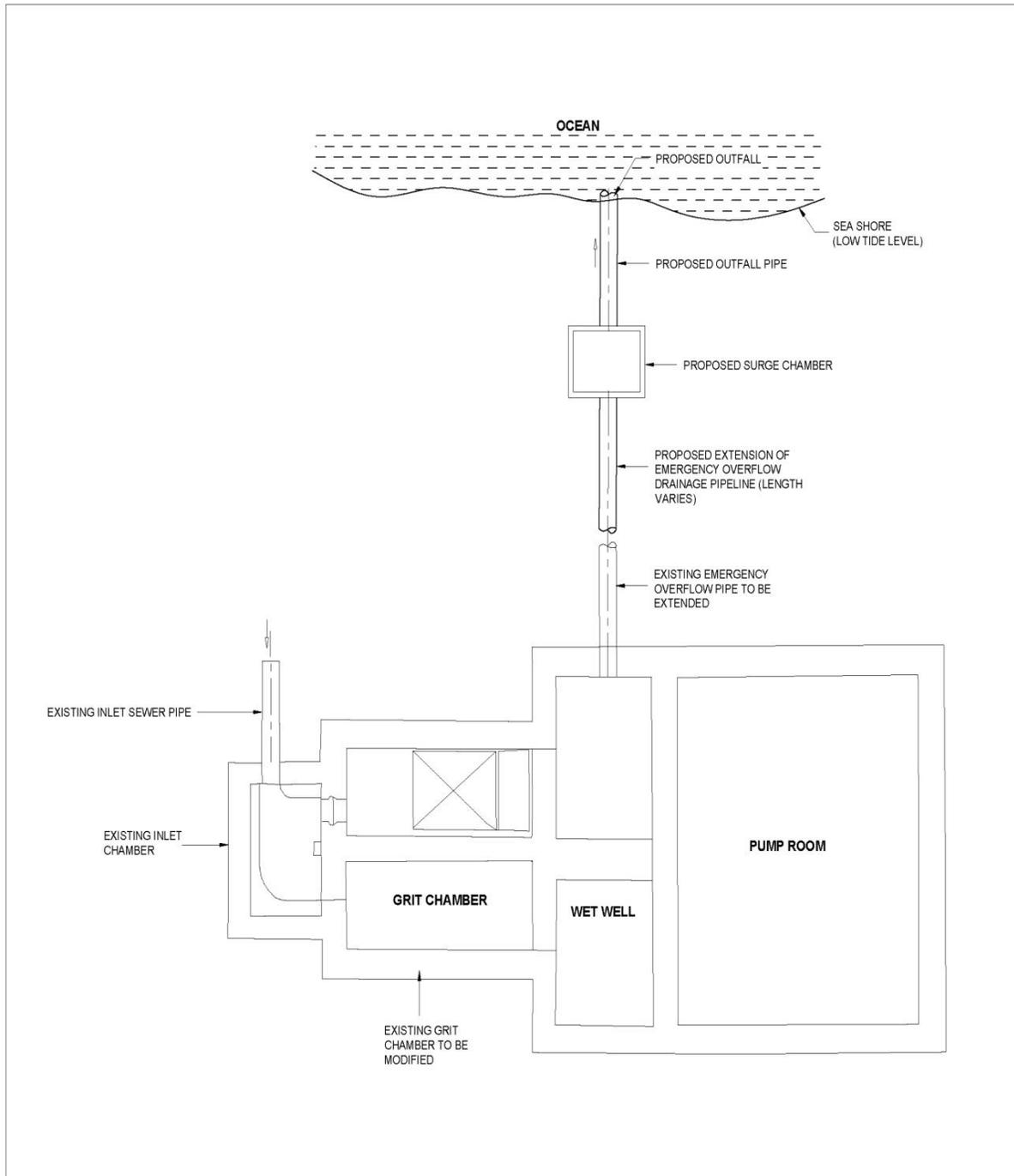


Figure 2-6: Type 'C' Grit Chamber Modification

4) Outlet works for Storm Water outlets

After treatment, the storm water will be discharged into the Indian ocean via the outfall pipes ranging from 200mm diameter to 450mm diameter pipelines to the low water mark of the Indian Ocean.

2.4.3 Mode of Operation of the Outlets

In the short term the storm water outlets will provide some form of treatment for the storm water contaminated by waste water before discharge into the Indian Ocean. Screenings and Grit will be removed from the storm water before discharge into the Indian Ocean.

In the long term the proposed sites will house the pump houses for the sewerage network in addition to the separate network for the storm water outfalls. The core function of the outlets will operate in the following way:

- i. During the dry weather, the dry weather storm water flows will be directed into the adjacent pumping stations for transmission to the proposed treatment works
- ii. During wet weather, the storm water will be go through the headworks discussed above for discharge into the Indian Ocean.

2.5 ALTERNATIVES TO THE PROJECT

2.5.1 Maintain the combined sewerage and storm water flows for treatment at Kizingo Waste Water Treatment Site

This alternative would be to maintain the illegal sewerage connections on the storm water network and divert all these flows into the existing pump stations, which will be rehabilitated along with the Kizingo Waste Water Treatment Plant, which will also be rehabilitated. From here both the storm water and waste water from the Island will be treated before discharge into the Indian Ocean.

The Kizingo Treatment Plant was designed to only provide preliminary waste water treatment which includes screening and sedimentation, this treatment works does not reduce the COD and BOD of the waste water. For this reason, this alternative was not considered for the design due to the fact that there is the development of new methods of waste water treatment that ensure waste water is treated to the WHO standards, before discharge into a receiving body of water.

2.5.2 Maintain the combined sewerage and storm water flows for treatment at five small treatment works within Mombasa Island

This alternative involves maintaining the illegal sewage connections on the storm water network and the establishment of 5 treatment works located within the Island. This alternative would greatly reduce the amount of pumping within the Island, however this option would have a major negative impact a social level through high resettlement of PAPs, which contravenes World Bank OP 4.12.

2.5.3 No Action Alternative

The No Action Alternative is the future without the planned Project. This alternative involves not constructing the improvement on the storm water outlets which will have negative impacts both in the short term and long term of the project implementation. In the short term, untreated waste water mixed with storm water will continue to make its way into the Indian Ocean, without any form of pre-treatment, causing further detriment to the Indian Ocean.

In the long term, storm water will make its way into the Indian ocean will all the screenings which are usually plastic products and grit collected by storm water will be discharged into the Indian ocean which will negatively impact the marine biodiversity.

2.6 PROJECT COSTS

The proposed project is expected to cost K.Shs. 263,700,000.00 (Two Hundred and Sixty Three Million and Seven Hundred Thousand Only) for the installation of the improvements to the existing storm water outlets.

2.7 METHODS OF MINIMISING RESETTLEMENT

The sites located at the four pump stations and Kizingo, will be modifications made on existing infrastructure, hence no resettlement. The remaining seven outfalls will be located within the Ocean's riparian, as such there will be no need for land acquisition, however a comprehensive ESIA provided and licensing given to make use of the riparian. Although there will be no need for land acquisition, there are some informal settlements at two out of the seven sites where there will be permanent displacement of structure owners and low income tenants.

3 RELEVANT LEGISLATIVE/ REGULATORY FRAMEWORK

This Chapter highlights the various laws, both national and international, that handle the issue of land, development of water systems and valuation of assets for the purpose of compensation. They are as follows:

3.1 KENYA POLICIES AND REGULATIONS

3.1.1 The Constitution of Kenya

The Constitution, the supreme law, in Kenya enshrines the right for every Kenyan, either individually or in association with others, to acquire and own property of any description in any part of Kenya, and outlaws enactment of any law that would permit the State or any person to arbitrarily deprive a person of any form of property.

- The Constitution, however, conditionally allows deprivation of a person's property or of any interest therein, where:
- Deprivation is for a public purpose or where land is needed for a public interest;
- The acquisition is carried out in accordance with the provisions under the Constitution and any Act of Parliament; and provided;
- The persons affected receive " prompt payment in full, of just compensation" for deprivation of their interests in the property acquired; and
- The persons affected by the loss of their property have unhindered right of access to a court of law [Article 40 Clause (3)]

The Constitution extends a discretionary right to "prompt payment in full, of just compensation" to "occupants in good faith of land compulsorily acquired under clause (3) of Article 40" who hold no title to the land. Clause (6) of Article 40, however, expressly curtails payment of compensation for any property that has been found to have been unlawfully acquired.

3.1.2 The Water Act 2016

This Act is an update of the Water Act of 2002. It makes provision for the provision of clean and safe water in adequate quantities and to reasonable standards of sanitation for all citizens.

The Act gives power to Water Works Development Agencies which are charged with:

- a) Undertaking the development, maintenance and management of the national public water works within its area of jurisdiction.
- b) Operating the waterworks and providing water services as a water service provider, until such time as responsibility for the operation and management of the waterworks are handed over to a county government, joint committee, authority of county governments or water services provider within whose area of jurisdiction or supply the waterworks is located.
- c) Providing a reserve capacity for purposes of providing water services where pursuant to section 103, the Regulatory Board orders the transfer of water services functions from a defaulting water services provider to another licensee.

- d) Providing technical services and capacity building to such county governments and water services providers within its area as may be requested; and
- e) Providing to the cabinet secretary technical support in the discharge of his/her functions under the constitution of this Act.

In accordance to Article 152 of the Act, CWSB under whose jurisdiction the project falls, will transition into a Water Works Development Agency. However this transition has not yet occurred, as such the Consultant will still report to the CWSB and one of its service providers MOWASCO under whose jurisdiction the project falls.

3.1.3 The Land Act (2012)

This Act applies to all land declared as public land in Article 62 of the Constitution and all private land as declared by Article 64 of the Constitution.

The Act identifies all public land, of importance to this project will be riparian land where the improvements to the storm water outlets and their access roads in some sites will be located. The Survey Act (CAP 299) identifies this reserve as 60m from the high water mark.

The portion of the Act touching on Involuntary Resettlement is Part (viii) that spells out the process required to involuntarily acquire private land. As of now no rules have been promulgated to spell-out the safeguards to the affected persons' interests that are injured where involuntary resettlement cannot be avoided. To fill this vacuum, transitory provisions under the Schedule to the deleted Land Acquisition Act (Cap295) apply.

The Act permits involuntary land purchases to be resorted to where “the possession of the land is necessary in the interests of defense, public safety, public order, public morality, public health, urban and planning, or the development or utilization of any property in such manner as to promote the public benefit” and where “the necessity therefore is such as to afford reasonable justification for the causing of any hardship that may result to any person having an interest in or right over the property”

Kenya's definition of purposes for which involuntary settlement can be resorted to is open ended, providing much greater space for the exercise of discretion and interpretation. The involuntary purchase' powers do not, however, extend to settlement of squatters, the poor and landless, persons displaced by infrastructure developments and the internally displaced persons. Section 134 (4) of the Land Act specifically provide that land purchases for such purposes be subject to the Public Procurement and Disposal Act, 2005 (No. 3 of 2005).

The enactment of the Land Act, Sec 157(2), criminalized encroachments on public land as follows:

- i. Unlawful occupation of public land is an offence which attracts fines of up to KES 500,000 and if a continuous offence, a sum not exceeding KES 10,000 for every day the offence is continued;
- ii. Wrongful obstruction of a public right of way is an offence and attracts a fine of up to KES 10,000,000 and if a continuous offence, a sum of up to KES 100,000 for every day the offence is continued; and
- iii. In addition to these criminal sanctions, any rights over land that were obtained by virtue or on account of an offence may be cancelled or revoked.

3.1.4 Land acquisition act cap 295

This Act highlights the procedures necessary for land acquisition. Whenever the Cabinet Secretary deems it necessary to acquire land, access is granted to surveyors and all other valuers to access the land and begin the acquisition process.

Any parcel of land acquired compulsorily will have to be compensated fully.

The land acquisition procedure is summarized as follows:

- i. Notice given to land owner expressing interest in the parcel of land
- ii. Power of entry granted to a surveyor
- iii. Compensation for land parcel
- iv. Taking possession of land and vesting

3.1.5 National Land Commission (NLC) Act (2012)

The National Land Commission was created in pursuance of Article 67 of the Constitution and is mandated to, among others, to manage public land for the national and county governments, in this case the ocean reserve. The commission can also recommend a national land policy to the national government, advise the national government on a comprehensive programme for the registration of title in land throughout Kenya and assess tax on land and premiums on immovable property;

Under Article 67 (3) of the Constitution the National Land Commission may perform any other functions prescribed by national legislation. Among those other functions prescribed by a national legislation is the compulsory land purchase and its consequential Involuntary resettlement. [Section 107 (1) of the Land Act]

The Commission is responsible for assessment and payment of the compensation to the affected persons. The Commission handles the publication of the intention to compulsorily acquire land, inspections of affected properties, consulting the affected persons on intended resettlement, issuing of awards, payment of the awards to the affected persons and taking possession of the land acquired and handing over the land to the project's implementer.

3.1.6 Environment and Land Court Act (2011)

The Act gives effect to Article 162(2) (b) of the Constitution by establishing the Environment and Land Court that has original and appellate jurisdiction. According to Section 4 (2) and (3), it is a court with the status of the High Court. It exercises jurisdiction throughout Kenya and pursuant to section 26, is expected to ensure reasonable and equitable access to its services in every county.

The principal objective of this Act is to enable the Court to facilitate a just, expeditious, proportionate and accessible resolution of disputes governed by the Act. The Court exercises its jurisdiction under Section 162 (2) (b) of the Constitution and has power to hear and determine disputes relating to —

- (a) Environmental planning and protection, climate issues, land use planning, title, tenure, boundaries, rates, rents, valuations, mining, minerals and other natural resources;
- (b) Compulsory acquisition of land;

- (c) Land administration and management;
- (d) Public, private and community land and contracts, choses in action or other instruments granting any enforceable interests in land; and
- (e) Any other dispute relating to environment and land.

Nothing in the Act precludes the Court from hearing and determining applications for redress of a denial, violation or infringement of, or threat to, rights or fundamental freedom relating to land and to a clean and healthy environment under Sections 42, 69 and 70 of the Constitution.

3.1.7 The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012

The provisions of this Act are guided by the Bill of Rights under the Constitution of Kenya. (2010).

Section 5 of the Act lists development projects among the displacing factors and outlines involvement of the affected persons through awareness, sensitization, training and education on causes, impact, consequences and prevention measures.

Section 6 of the Act provides that displacements and relocation from land required for a development project will only be justified by a compelling and overriding public interest.

The procedures to follow are listed under section 22 and include:-

- Justification as to why the displacement is unavoidable and that there is no other feasible alternative;
- Seeking free and informed consent from the affected persons;
- Holding public hearing on project planning;
- Giving reasonable notice to allow the affected persons review and react to the displacement conditions; and that
- Displacement process should reflect respect to human rights.

Relocation of the affected persons should, according to section 22 of the Act, be guided by the following factors:-

- i. Full information on the affected persons and ensuring their participation;
- ii. Identification of safe, adequate and habitable alternatives;
- iii. Availability of safety, nutrition, health, and hygiene as well as protection at the new location; and
- iv. Acceptability by the host communities in the new location where re-location is implemented.

3.1.8 Cities and Urban Areas Act 2011

This act identifies Mombasa as a city due to its integrated urban area. The city is under the jurisdiction of boards which carry out the duties of the County Government. The various boards within the city are charged with:

- a) exercise executive authority as delegated by the county executive;
- b) ensure provision of services to its residents;

- c) impose such fees, levies and charges as may be authorised by the county government for delivery of services by the municipality or the city;
- d) promote constitutional values and principles;
- e) ensure the implementation and compliance with policies formulated by both the national and county government;
- f) make bye-laws or make recommendations for issues to be included in bye-laws;
- g) ensure participation of the residents in decision making, its activities and programmes in accordance with the Schedule to the Act; and
- h) exercise such other powers as may be delegated by the county executive committee.

This Act identifies the importance of consulting with the county council and its departments for the proposed project in order to get opinions and recommendations for the successful implementation of the project. In addition, the County Council will be part of the operation of the proposed project, as well as being a key stakeholder in the resettlement of PAPs.

3.1.9 The County Governments Act, 2012

This is an act of Parliament to give effect to Chapter Eleven of the Constitution; to provide for county governments powers, functions and responsibilities to deliver services and for connected purposes

According to section 103 the objectives of county planning shall be to;

- (g) Protect the historical and cultural heritage, artefacts and sites within the county; and
- (h) Make reservations for public security and other critical national infrastructure and other utilities and services;
- (i) work towards the achievement and maintenance of a tree cover of at least ten per cent of the land area of Kenya as provided in Article 69 of the Constitution; and
- (j) Develop the human resource capacity of the county.

Under section 104, (1) A county government shall plan for the county and no public funds shall be appropriated outside a planning framework developed by the county executive committee and approved by the county assembly.

(2) The county planning framework shall integrate economic, physical, social, environmental and spatial planning.

(3) The county government shall designate county departments, cities and urban areas, sub-counties and Wards as planning authorities of the county.

(4) To promote public participation, non-state actors shall be incorporated in the planning processes by all authorities.

Under section 111, (1) For each city and municipality there shall be; the

- (a) City or municipal land use plans;
- (b) City or municipal building and zoning plans;
- (c) City or urban area building and zoning plans;
- (d) Location of recreational areas and public facilities.

(2) A city or municipal plans shall be the instrument for development facilitation and development control within the respective city or municipality.

(3) A city or municipal plan shall, within a particular city or municipality, provide for;

(a) Functions and principles of land use and building plans;

(b) Location of various types of infrastructure within the city or municipality;

(c) Development control in the city or municipality within the national housing and building code framework.

(4) City or municipal land use and building plans shall be binding on all public entities and private citizens operating within the particular city or municipality.

(5) City or municipal land use and building plans shall be the regulatory instruments for guiding and facilitating development within the particular city or municipality.

(6) Each city or municipal land use and building plan shall be reviewed every five years and the revisions approved by the respective county assemblies.

Under section 115, (1) Public participation in the county planning processes shall be mandatory and be facilitated through;

(b) Provision to the public of clear and unambiguous information on any matter under consideration in the planning process, including;

(i) clear strategic environmental assessments;

(ii) Clear environmental impact assessment reports;

(iii) Expected development outcomes; and

(iv) Development options and their cost implications.

(2) Each county assembly shall develop laws and regulations giving effect to the requirement for effective citizen participation in development planning and performance management within the county and such laws and guidelines shall adhere to minimum national requirements.

3.1.10 The Physical Planning Act (CAP 286) 2010

Under the Physical Planning Act, physical development activities are supposed to be carried out according to the physical plans. The Act provides for the preparation and implementation of physical development plans and for related purposes. It gives provisions for the development of local physical development plan for guiding and coordinating development of infrastructure facilities and services within the area of authority of County, municipal and town council and for specific control of the use and development of land.

Accordingly the processes of physical planning involve two stages; the plan making stage and the development control stage. The former involves drawing up the actual plan to indicate the various activities and zones whereas the latter involves the process of determining applications by developers to carry out specific development activities. Section 36 states “if in connection with a development application a local authority is of the opinion that proposals for industrial location, dumping site, sewerage treatment, quarries or any other development activity will have injurious

impact on the environment, the applicant shall be required to submit together with the application an environment impact assessment report”.

The site layout plans appended to this report show the project area locations. The proponent shall secure all mandatory approvals and permits as required by the law.

3.1.11 Valuers Act Cap 532

The valuation practice in Kenya is governed by the Valuers Act Cap 532, which provides for a Valuers Registration Board that regulates the activities and conduct of registered valuers. Valuers in Kenya are registered upon application to the Board and are required to be full members of the Institution of Surveyors of Kenya (ISK). The Act governs the formation and composition of valuation practices including the qualification of partners and directors in charge of valuation. The Board also deals with discipline and complaints in respect to valuation practice.

Other statutes that govern valuation are the Government Lands Act Cap 280 that regulates the valuation for land rent while valuation for rating is governed by the Rating Act Cap 267. Land Acquisition Act Cap 295 governs valuations for compulsory acquisition purposes.

3.2 WORLD BANK SAFEGUARD POLICIES

3.2.1 The Bank's Operational Policy 4.12: Involuntary Resettlement

This is triggered in situations involving involuntary taking of land and involuntary restrictions of access to legally designated parks and protected areas. The policy aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts.

It promotes participation of displaced people in resettlement planning and implementation, and its key economic objective is to assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement.

The policy prescribes compensation and other resettlement measures to achieve its objectives and requires that borrowers prepare adequate resettlement planning instruments prior to Bank appraisal of proposed projects.

3.2.2 Operational Policy (OP) 4.10 - Indigenous Peoples

This policy contributes to the Bank's mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. For all projects that are proposed for Bank financing and affect Indigenous peoples the Bank requires the borrower to engage in a process of free, prior, and informed consultation. The provide financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous Peoples. Such Bank-financed projects include measures to (a) avoid potentially adverse effects on the Indigenous Peoples' communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects. Bank-financed projects are also designed to ensure that the Indigenous Peoples

receive social and economic benefits that are culturally appropriate and gender and inter-generationally inclusive.

3.2.3 World Bank Policy on Access to Information, 2010

The World Bank policy on access to information sets out the policy of the World Bank on public access to information in its possession. This Policy supersedes the World Bank Policy on Disclosure of Information, and took effect on July 1, 2010.

This Policy is based on five principles:

- ❖ Maximizing access to information.
- ❖ Setting out a clear list of exceptions.
- ❖ Safeguarding the deliberative process.
- ❖ Providing clear procedures for making information available.
- ❖ Recognizing requesters' right to an appeals process.

In disclosing information related to member countries/borrower in the case of documents prepared or commissioned by a member country/borrower (in this instance, safeguards assessments and plans related to environment, resettlement, and indigenous peoples, OP/BP 4.01, Environmental Assessments, OP/BP 4.10, Indigenous Peoples, and OP/BP 4.12 Involuntary Resettlement); the bank takes the approach that the country/borrower provides such documents to the Bank with the understanding that the Bank will make them available to the public.

3.3 GAPS BETWEEN KENYAN POLICIES AND WORLD BANK POLICIES ON RESETTLEMENT AND RECOMMENDATIONS

Both the Kenyan and World Bank Policies on land acquisition related impacts allow for land acquisition. However, operational differences exist between both documents as follows: -

- While the GoK Policy legally allows for land acquisition and thus causes displacement, the World Bank Safeguards favour a policy of avoidance or minimization of involuntary resettlement and design appropriate mitigation provision in case avoidance or minimization is not possible.
- While the Kenyan system has no provision for resettlement and actually allows for compensation for land at market rates, the World Bank's Operational Policy- OP 4.12 emphasizes that affected people be provided with compensation at replacement cost and supported during the transitional period to improve or at least restore their living standards to pre-displacement levels.
- The Kenya system recognizes only title holders as bonafide property owners while under OP 4.12, lack of legal title is no bar in extending assistance and support to those affected by the investments.

This is summarised in the table below, with recommendations given for bridging the gaps

Table 3-1: Summary of Gaps between Kenyan and World Bank Policies giving recommendations on how to bridge the Gaps

General Requirements			
World Bank OP 4.12	Kenyan Policy	Comparison	Recommendation
Involuntary resettlement should be avoided wherever possible, or minimized, exploring all alternatives.	Involuntary resettlement may occur as a result of projects implemented in public interest.	The Kenyan Policy does not stipulate that resettlement should be avoided wherever possible; on the contrary, as long as a project is for public interest, involuntary resettlement is considered to be inevitable.	Resettlement issues considered at the design stage of the project in order to avoid/ minimize resettlement.
Resettlement programs should be sustainable, include meaningful consultation with affected parties, and provide benefits to the affected parties.	The Land Act, 2012 Act outlines procedures for sensitizing the affected population to the project and for consultation on implications and grievance procedures.	Both policies are similar	
Displaced persons should be assisted in improving livelihoods etc., or at least restoring them to previous levels.	The Land Act 2012 guarantees the right to fair and just compensation in case of relocation.	Just and fair compensation as outlined in the Land Act 2012 is not clear and can only be determined by the National Land Commission which can be subjective. It does not talk about improving livelihood or restoring them to pre-project status.	Implement World Bank OP 4.12 policy - displaced should be assisted in improving their livelihood to pre-project status.
Consultation			
World Bank OP 4.12	Kenyan Policies	Comparison	Comparison and Recommendation
Displaced persons should be meaningfully consulted and should have opportunities to	The Land Act outlines procedures for consultation with affected population by the National Land	Both Policies are similar	

participate in planning and implementing resettlement programs	Commission and grievance management procedures.		
Grievance			
World Bank OP 4.12	Kenyan Policies	Comparison	Comparison and Recommendation
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 OP4.12 requirements.	
Eligibility Criteria			
World Bank OP 4.12	Kenyan Policies	Comparison	Comparison and Recommendation
the policy determine eligibility as: a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country); b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become	The Land Act 2012 provides that written and unwritten official or customary land right are recognized as valid land right. The Law provides that people eligible for compensation are those holding land tenure rights Land Act also recognizes those who have interest or some claim in the land such pastoralist or who use the land for their livelihood. The constitution recognizes ‘occupants of land even if they do not have titles’ and payment made	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. 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 good faith when compulsory acquisition is made.	Ensure ALL users (including illegal squatters, labourers, rights of access) of affected lands are included in the census survey and are paid

<p>recognized through a process identified in the resettlement plan (see Annex 10 A, para. 7(f)); and 19</p> <p>c) those who have no recognizable legal right or claim to the land they are occupying</p>	<p>in good faith to those occupants of land. However, this does not include those who illegally acquired land</p>		
<p>The procedure for determining eligibility</p>	<p>Land Act 2012 provides for census through NLC inspection and valuation process</p>	<p>Both policies are similar</p>	
<p>Measures</p>			
<p>World Bank OP 4.12</p>	<p>Kenyan Policies</p>	<p>Comparison</p>	<p>Comparison and Recommendation</p>
<p>Preference should be given to land based resettlement strategies for displaced persons whose livelihoods are land-based.</p>	<p>Legislation provides for land for land compensation but the Land Act 2012 does not state whether preference should be granted to land to land compensation.</p>	<p>Land for Land provided for in the Land Act but act not specific on when it should be applied except when the affected person chooses to receive land to land award.</p>	<p>Ensure that all alternative options are considered in preference to providing cash compensation.</p>
<p>Cash based compensation should only be made where (a) land taken for the project is a small fraction of the affected asset and the residual is economically viable; (b) active markets for lost assets exist and there is sufficient supply of land and housing; or (c) livelihoods are not land-based.</p>	<p>Land Act 2012 appears to prefer mode of compensation by the Government to the affected population.</p>	<p>Cash based compensation seems to be the preferred mode of awarding compensation to the affected population by Government of Kenya</p>	<p>Use World Bank OP4.12 procedures in determining form of compensation</p>

<p>World Bank OP4.12 Article 6(a) requires that displaced persons are provided with prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project. If physical relocation is an impact, displaced persons must be provided with assistance during relocation and residential housing, housing sites and/or agricultural sites to at least equivalent standards as the previous site. Replacement cost does not take depreciation into account. In terms of valuing assets, if the residual of the asset being taken is not economically viable, compensation and assistance must be provided as if the entire asset had been taken.</p>	<p>The Land Act talks of prompt, just and full compensation before the acquisition of land. However, interpretation of just compensation is yet to be clearly outlined through a specific schedule defining just and fair compensation have not been put in place.</p> <p>Attorney’s fees, cost of obtaining advice or cost incurred in preparing and making written claim not included in just compensation</p>	<p>Just compensation as stipulated in the Land Act not yet specifically defined.</p> <p>Land Act very clear on attorney fees that it is not included. OP 4.12 includes those cost as part of full replacement</p>	<p>Implement prompt and effective compensation at full replacement cost for the losses of the assets.</p> <p>Implement World Bank policy on Attorney’s fees.</p>
<p>Compensation and other assistance required for relocation should be determined prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required</p>	<p>The Act is does not out rightly stipulate assistance for relocation but can be interpreted that relocation cost will be included in the compensation.</p>	<p>OP4.12 requires that displacement must not occur before all necessary measures for resettlement are in place, i.e., measures over and above simple compensation</p>	<p>Ensure that ALL resettlement options are agreed on with PAPs and put in place BEFORE displacement of affected persons.</p>

Valuation			
World Bank OP 4.12	Kenyan Policies	Comparison	Comparison and Recommendation
With regard to land and structures, “replacement cost” is defined as follows:	Valuation is covered by the Land Act 2012 and stipulates, as already mentioned, that the affected person receive fair and just compensation from NLC, as determined by National Land Commission. Valuers Act stipulates that a residual amount of 0.5% of the total valuation of an asset is expected to pay the valuer.	Though one could argue that there is some form of consistency between the Kenyan Law and World Bank OP.4.12, interpretation of ‘just and fair compensation has not be defined.	Apply the World Bank OP4.12 valuation measures, as outlined in Section 6, in order to fully value all affected assets in a consistent manner.
For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.	Land Act 2012 talks of fair and just compensation for the lost assets but it is not specific of the exact amount or procedures on the same.	Interpretation of just and fair compensation not clear	Apply World Bank OP4.12 on valuation and compensation measures.
For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected	The Land Act 2012 stipulates just and fair compensation.	Interpretation of just and fair compensation not clear.	Apply World Bank OP4.12 on valuation and compensation procedures.

structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.			
Monitoring			
World Bank OP 4.12	Kenyan Policies	Comparison	Comparison and Recommendation
Adequate monitoring and evaluation of activities to be undertaken.	According to Land Act can be undertaken County Land Boards.	Both Kenyan Law and World Bank policy advocates for Monitoring and Evaluation	Implement as prescribed in the World Bank OP4.12 and Kenyan Law.

4 CENSUS AND SOCIO-ECONOMIC SURVEYS

A socio-economic survey and census was conducted in the project area. The primary objectives of the surveys are, among others, to understand the scale and nature of project impacts on local communities, identify Project Affected Persons (PAPs) and map out their social and economic characteristics, obtain information necessary for the preparation of this Abbreviated Resettlement Action Plan (ARAP), establish indicators for the implementation of the ARAP, and provide baseline data for monitoring and evaluation of livelihoods and income restoration and other sustainable development components of the ARAP. Besides, in order to obtain information needed for entitlement and compensation payments for lost assets, a detailed inventory of all assets affected by the project was undertaken. In this Chapter, findings of the census and socioeconomic sample surveys are presented.

4.1 POPULATION DYNAMICS AND HOUSEHOLD CHARACTERISTICS OF PAPs

4.1.1 Sex of Household Heads

The PAP population is made up of predominantly male headed households accounting for 57% of the total population. The distribution is shown in the figure below:

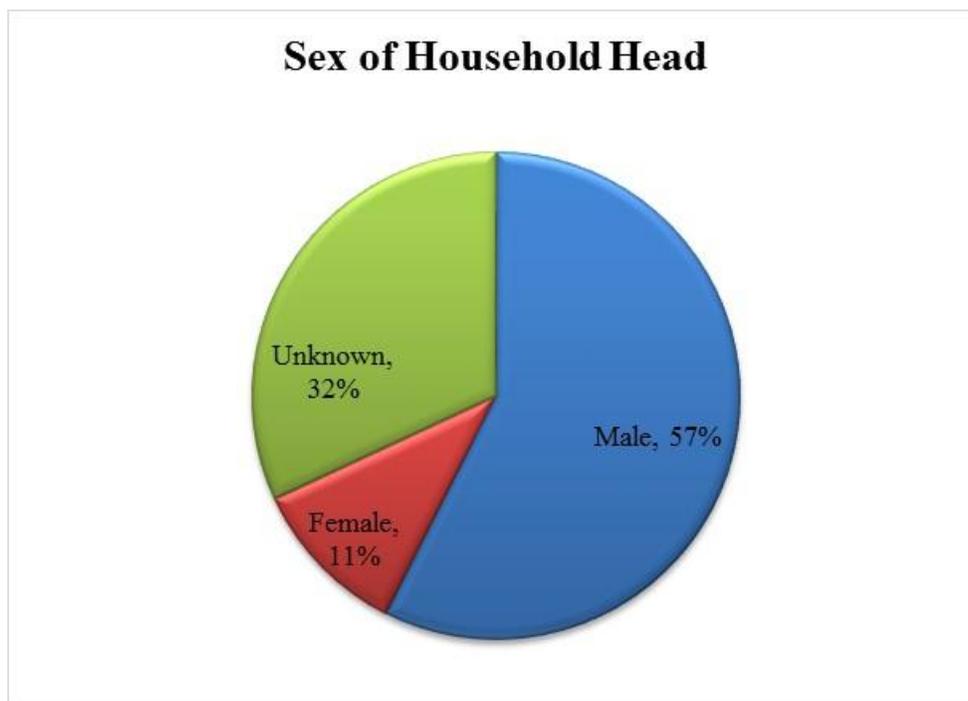


Figure 4-1: Sex of PAH Household Heads

4.1.2 Marital Status of the Household Head

58% of the PAH population is married with the rest of the population being single (divorced and widowed) and remarried. 32% of the population's marital status is unknown.

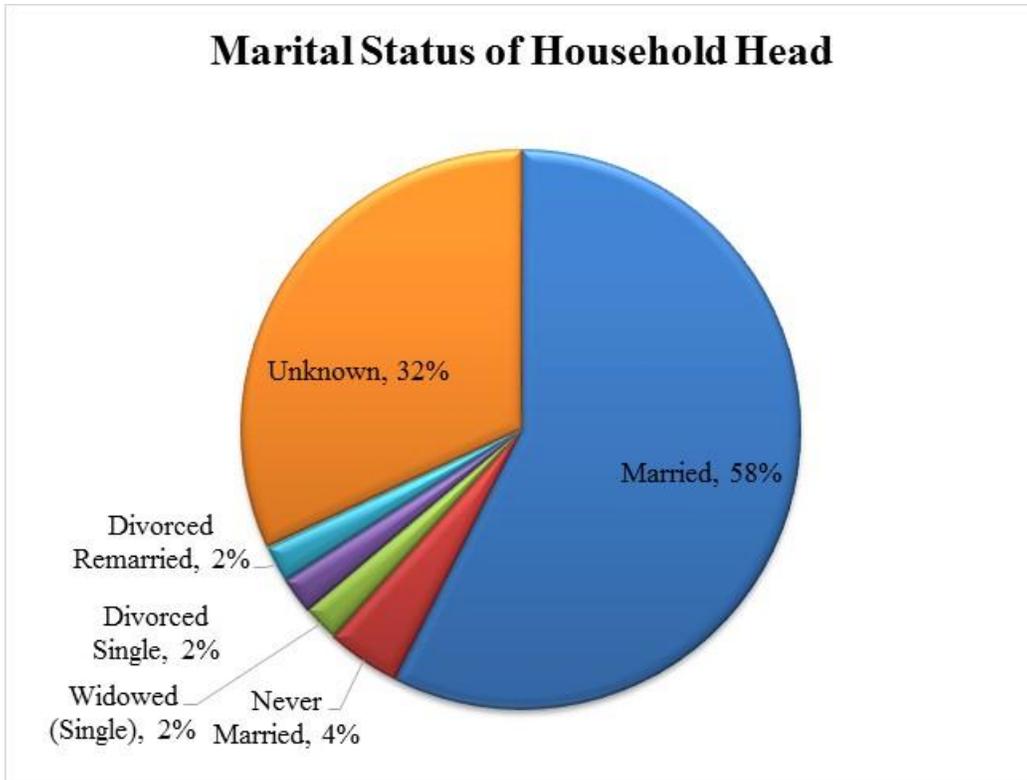


Figure 4-2: PAHs Marital Status

4.1.3 PAP Gender Ratio

The PAPs in the project area are generally evenly split between males and females. These results are shown in the chart below:

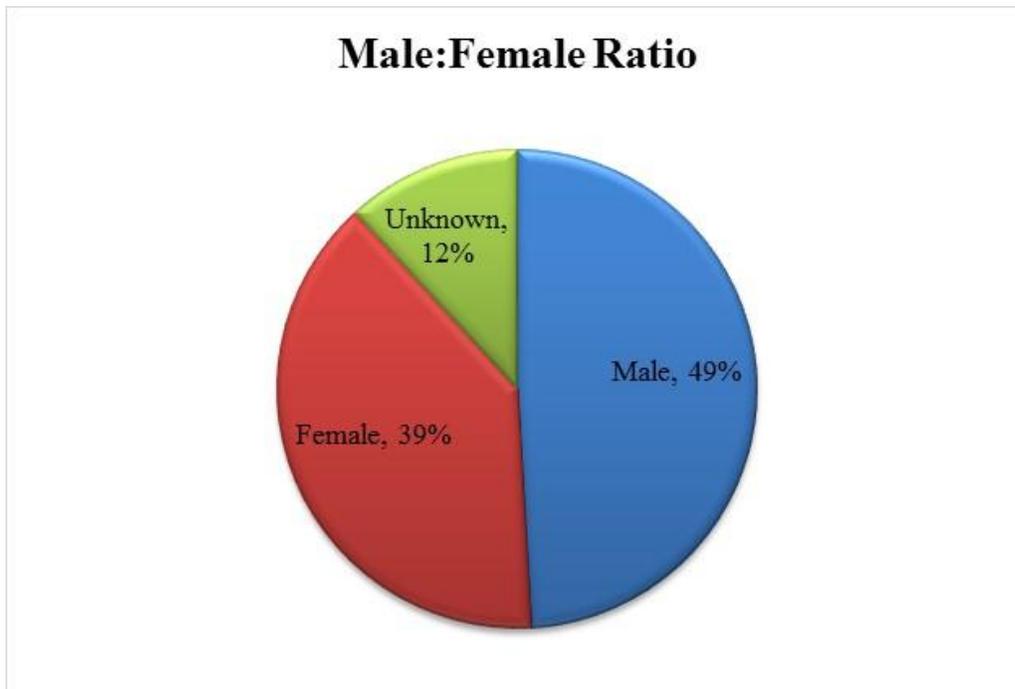


Figure 4-3: Male: Female ratio of PAPs in the project area

4.1.4 PAP Literacy Levels

Majority of the PAP has had basic literacy levels with 48% of the population having attended primary school, 23% having attended secondary school. The literacy levels for 13% of the PAP population being unknown, and the other 16% not having any education at all:

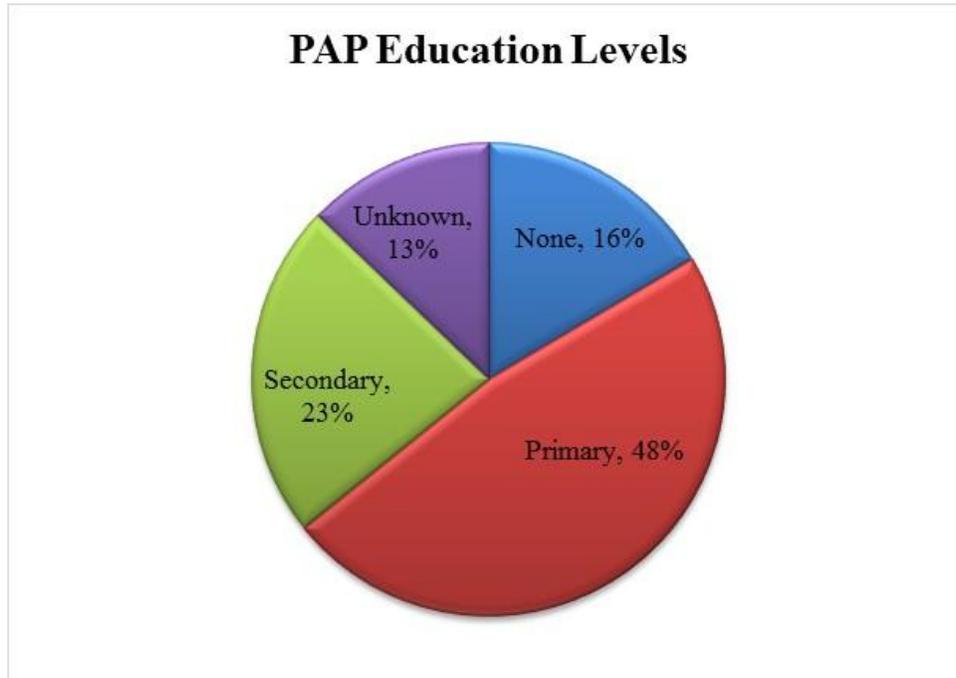


Figure 4-4: PAP literacy levels

4.1.5 Economic Activity of the Household Head

Majority of the PAPs within the project area work in the juakali sector either owning businesses or work as construction crew, based on the findings, it was observed that the people residing in the project area are generally low income earners as shown in the charts below:

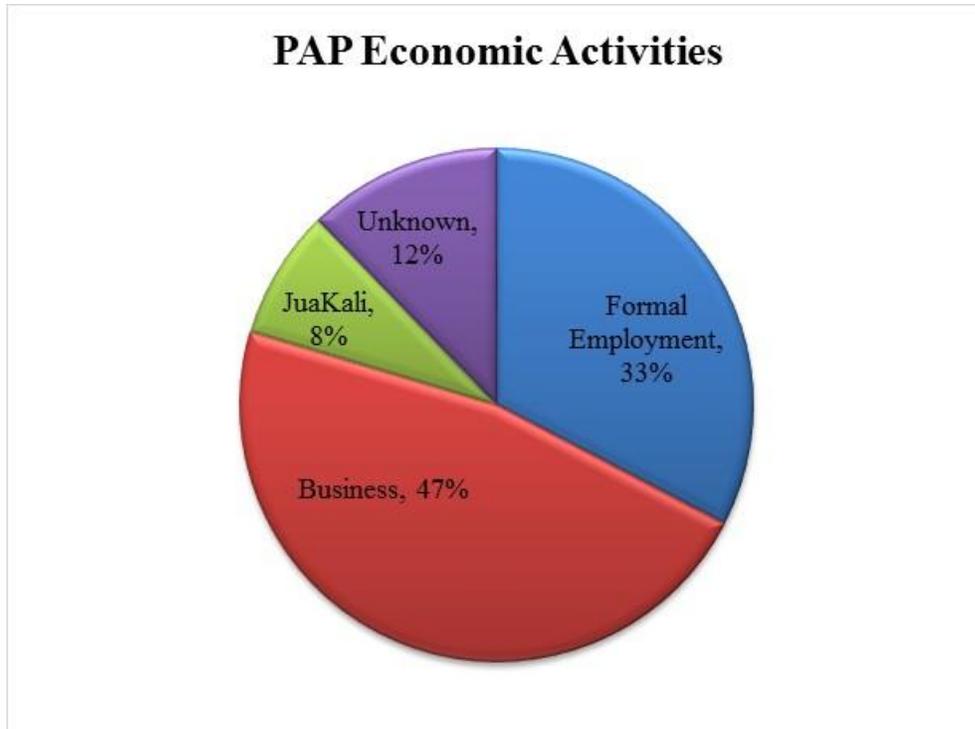


Figure 4-5: Economic Activity of the Household Head

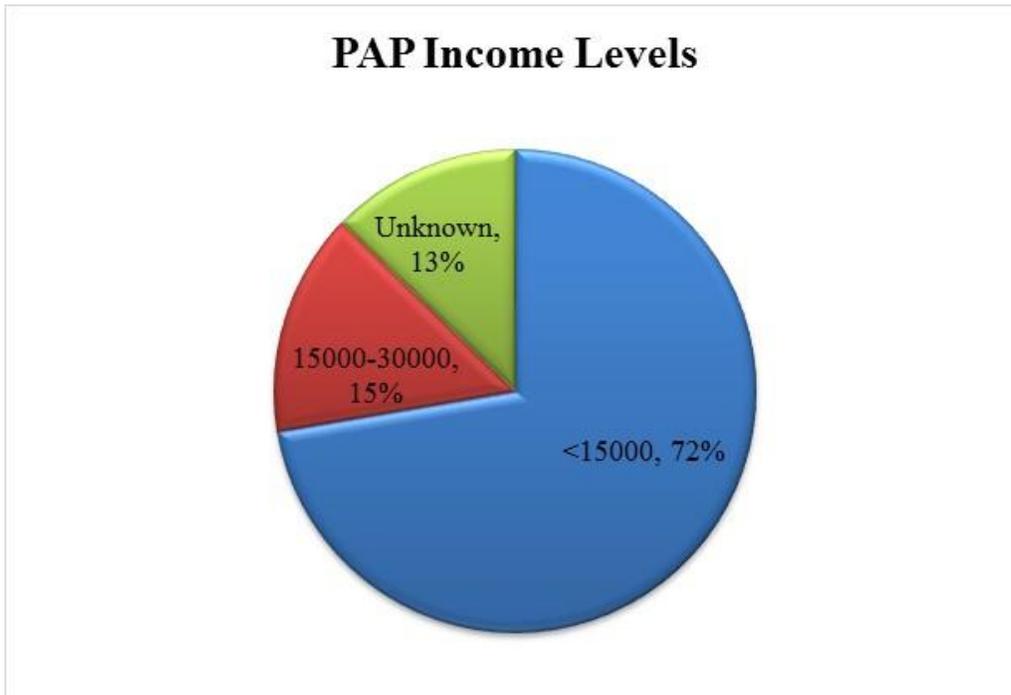


Figure 4-6: PAP Income Levels

The economic activities shown in figure 4.6 above are mainly dominated by males, with females only being formally employed as shown in the figure below:

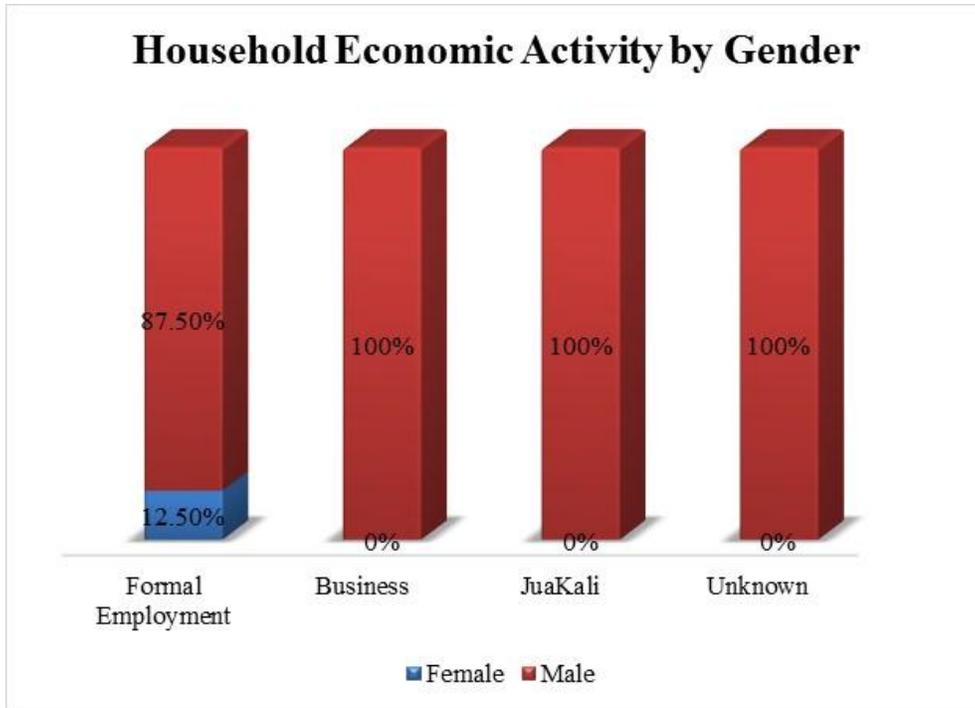


Figure 4-7: Household Economic Activity by Gender

In addition, the female headed households a mid-income earners with the identified female headed households earn between K.Shs. 15,000 – 30,000, as shown in the figure below:

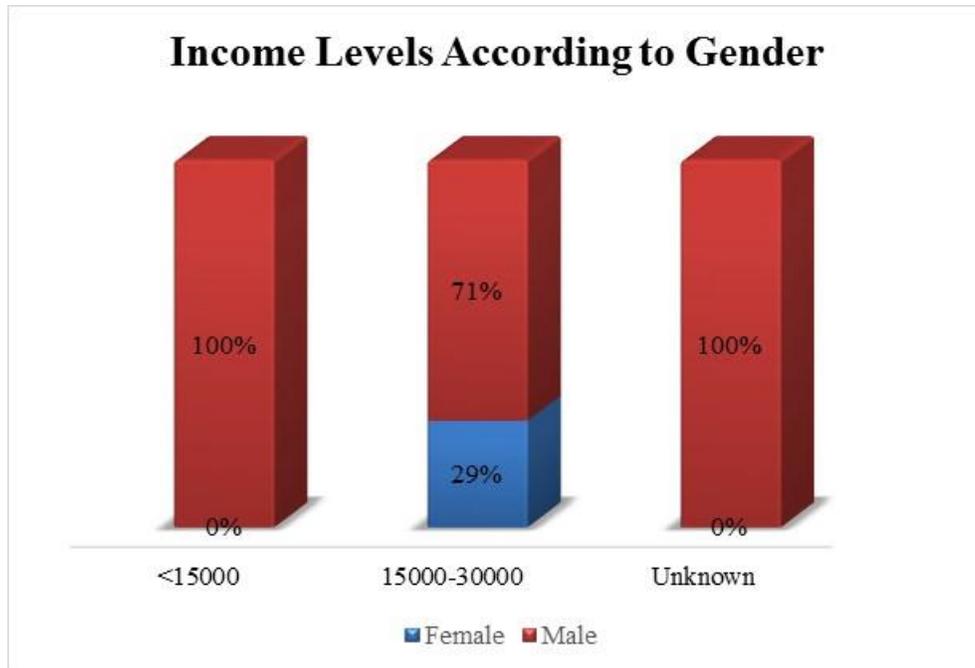


Figure 4-8: Income Levels According to Gender

4.1.6 Religion

Christianity and Islam are the predominant religions in the project area:

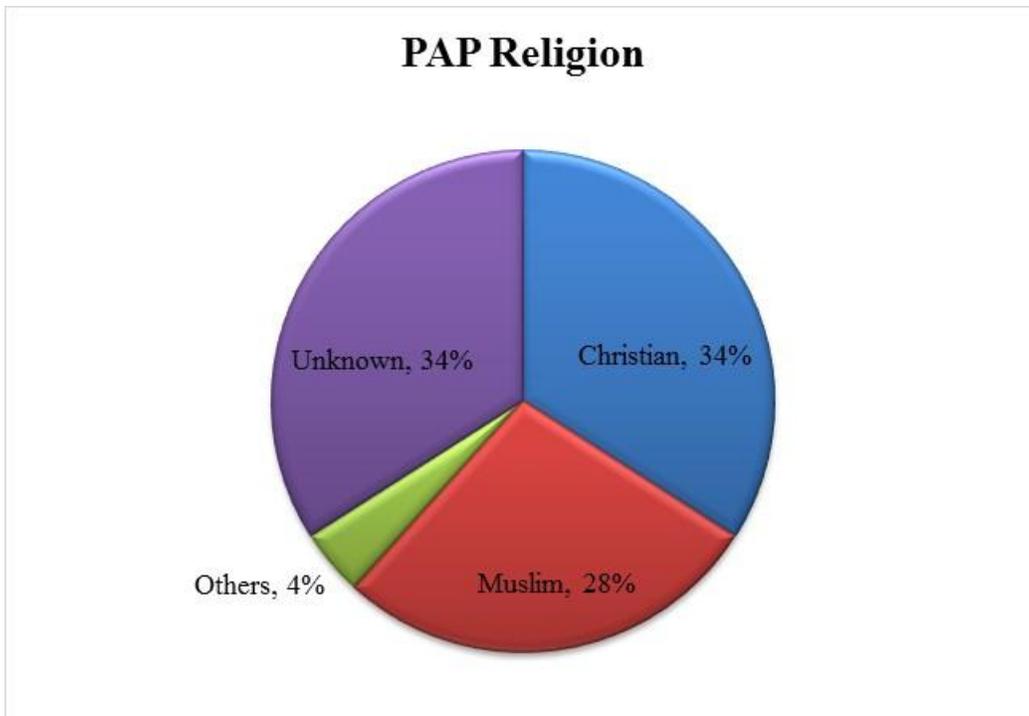


Figure 4-9: PAP Religion

5 IMPACTS ON PROJECT AFFECTED PERSONS

The impacts of the project particularly on the PAPs/PAHs of the project are highlighted in this chapter. Apart from showing the nature, magnitude and types of impact, the description and analysis presented in this chapter serve other purposes: first it serves as the basis on which the valuation and compensation of assets lost by the PAHs is undertaken. Second, various income restoration and improvement strategies formulated in this ARAP are partly based on the assessment of the severity of the impact and loss of assets by different categories of PAPs.

Only two out of the seven sites were located within informal settlements and had PAPs, the two sites identified with PAPs were the Tudor and Makupa Outlet sites. Whereby mostly informal houses and their tenants were identified and categorized as PAPs.

Table 5-1: Summary of Affected PAPs and PAHs

No	Outfall	Identified Household PAHs	Unknown PAHs	Total PAHs	Total PAPs
1	Tudor	31	14	45	112
2	Makupa	1	1	2	4
Total				47	116

The number of households and the types and amount of household assets affected: include trees and loss of housing. The Consultant attempted to establish names of the unknown affected, by “triangulation” i.e., asking other affected persons; community leaders and representatives; and independent agents. The Consultant was able to identify some of the affected persons using the above method, however the 15 owners could not be identified, due to the reluctance of PAPs to provide names for landlords that did not want their names found. The assets of the 15 were identified and recorded in the RAP, and word left for the owners to attend the public consultation meetings held in December. In addition, the affected households will be identified and verified during the RAP verification exercise with the assistance of the LRCC and SCRCC established in accordance to chapter 10 of this report

5.1 IMPACT ON LAND

The outfalls will be located within the ocean riparian as such there will be no land acquisition. Although there a few squatters within the proposed land, there will be no land acquisition.

5.2 IMPACT ON STRUCTURES

The two sites with PAPs (Tudor and Makupa) are located within informal settlements populated by low income houses owned by land lords who pay visits to the settlements monthly to obtain rent. The major structures identified include mud houses with stone floors (semi-permanent) and temporary structures closely packed together common to low income informal settlements:

A summary of the PAHs with structures is shown below:

Table 5-2: Affected Households with Structures

No	Outfall	PAHs with Semi-permanent Structures	PAHs with Temporary Structures
1	Tudor	13	1
2	Makupa	0	2
Total		13	3

5.3 IMPACT ON BUSINESS AND LIVELIHOOD

As mentioned above, most of the structures within the two sites are home to business owners in form of land lords. These land lords however difficult to locate with the tenants interviewed being reluctant to divulge information on them. The Consultant identified the following PAHs with businesses:

Table 5-3: Summary of PAHs with Businesses

No	Outfall	PAHs with Businesses
1	Tudor	14
2	Makupa	1
Total		15

5.4 IMPACTS ON TENANTS

The project sites are located within an informal settlement housing low income earners who will be displaced by the project. The project will have to resettle these tenants in an area with affordable housing, as such the tenants had to be identified as PAHs and are summarized in the table below:

Table 5-4: Summary of PAHs (Tenants)

No	Outfall	Tenants
1	Tudor	25
2	Makupa	0
Total		25

6 CONSULTATIONS – PERSONS, AGENCIES & PUBLIC

6.1 LEGAL REQUIREMENTS

6.1.1 Government Policy on Public Consultation

Both Kenyan and World Bank Policies emphasize the importance of public consultation, both within the PAPs and stakeholders. The Consultant conducted both key informant interviews and public consultation to sensitize all stakeholders and get feedback on the proposed project.

6.2 PERSONS OR AGENCIES CONSULTED

The key issues associated with the establishment of a of the improvement works on the outlets will often relate to, interference with biodiversity, pollution, disruption of livelihoods, community safety, traffic management, communicable diseases and employment and trade opportunities.

Effort was not spared to contact all with information on the following issues:

- Assessment of the baseline conditions
- Consideration of feasible alternatives
- Requirements under Kenya country laws and regulations, applicable international treaties and agreements
- Protection of human rights and community health, safety and security (including risks, impacts and management of project's use of security personnel)
- Land Ownership issues within the project site
- Settlement patterns within the project area
- Sustainable development options with regard to resettlement
- Land acquisition and involuntary resettlement
- Impacts on affected communities, and disadvantaged or vulnerable groups
- Cumulative impacts of existing projects, the proposed project, and anticipated future projects
- Consultation and participation of affected parties in the design, review and implementation of the project
- Efficient production, delivery and use of energy
- Pollution prevention and waste minimization, pollution controls (liquid effluents and air emissions) and solid and chemical waste management.

As such a cross-section of persons were consulted in Mombasa and Kwale Counties as indicated by the following consultation registers in tables 5-1.

Table 6-1: Persons met during the RAP study in planning the Proposed Water Supply Project

No.	Name	Office	Designation	Contacts
1	Mr. Francis Kombe	Mombasa County Water, Environment, and Natural Resources Office	Officer	+254721820335

2	Abdi Ibrahim Abdi	Mombasa County Lands, Planning and Housing Department	County Executive Member	+2547250190
3	Mr William Opiyo	Mombasa County NEMA offices	EIA officer	+254726537061
4	Mr. Juma Sudi	MOWASCO	Sanitation Officer	+254712287666

6.2.1 Overview from the Officer – Mombasa County Government Water, Environment and Natural resources Office.

The Consultant briefed the Environmental officer on the project to bring the county government up to speed on the project. The Environmental officer made recommendations for consultations with key stakeholders within the County, to ensure that all stakeholders were aware and had accepted the project. He added that projects that would displace people would have to be treated following the correct procedures to ensure seamless transitions and resettlement. The Consultant noted their recommendations and would include them in the ESIA report.

6.2.2 Overview from the County Executive Member Mombasa County Lands, Planning and Housing Department.

The County Executive Member welcomed the team to Mombasa, stating that Mombasa is one of the few counties to have prepared a financial plan for all development projects within the County. He presented copies of these to the Consultant, stating that all the development projects were summarized in the plan, including improvements to the sanitation within the County.

6.2.3 Overview from the EIA Officer NEMA.

The EIA officer welcomed the Consultant to Mombasa, appreciating the need for the project, stating that Mombasa was having a sanitation problem. Concerning the ESIA licensing and requirements, the officer explained that the consultant could prepare a comprehensive ESIA report for all 12 sites, which could be submitted at the County level for approval and licensing.

6.2.4 Overview from the Sanitation Officer MOWASCO.

The officer expressed the need for the project stating that the Indian Ocean was getting extremely polluted due to illegal connections to the storm water system. He pointed out that the Kizingo Treatment works had broken down, as such raw sewage was making its way into the Indian Ocean. He took the Consultants on a tour of the existing storm water facilities showing the areas where raw sewage was making its way to the Indian Ocean. He added that the residents near the outlet locations, were suffering due to the pollution of the Indian Ocean. He concluded, stating that the project was extremely important, and expressed hope that the project would be implemented as soon as possible to improve the current conditions.

6.3 PUBLIC CONSULTATION

The Consultant carried out public consultation in the form of a consultative meeting where, the Consultant presented the project to the local community, comprised of stakeholders, including representatives of the current residents of the project areas among others. The Consultant held a meeting on 16th December 2016 at the chief's office in Railways Location, minutes, photos and an attendance sheet of the meeting are presented in appendix 17.2. Consultant highlighted the project, its features, its impacts on PAPs, the eligibility criteria, the valuation methods used for affected assets, grievance redress procedures and monitoring and evaluation procedures and a verbal notification of the cut-off date given. In addition, feedback from the attendees and input for inclusion in the report and RAP process.

6.3.1 Findings of the meetings

The meetings included a presentation by the Consultant on the proposed works, the various environmental and social impacts that may arise from the project including resettlement at some of the sites. The consultant however pointed out that the Designers had tried their very best to minimize resettlement and that the proposed improvements would be located within the Ocean's riparian. She highlighted the mitigation measures for all the impacts in accordance to the RAP. She also disclosed the features of the RAP including cut off dates.

Being a public consultation meeting, feedback from the stakeholders was obtained with majority of the stakeholders approving of the project however the needs of the residents in the projects area be looked after due to the fact that most of them were low income earners and would have nowhere to move to. The meeting was successful, with the public accepting the project.

6.4 COMMUNICATION AND DISCLOSURE

The proponent will publicly disclose this RAP, in English and in Kiswahili which is the local language, where need be and make copies available and distribute with a letter accompanied to local government authorities concerned. This could be done by:

- a) publishing it on proponent's website;
- b) depositing/posting it in a range of publicly accessible places such as, village elders' offices and community squares where they could be protected and not abused. In addition, the proponent will ensure that the affected public is adequately sensitized through public meetings, notices, and handbills/information booklets.

Once this RAP is disclosed, the public have to be notified both through administrative structures and informal structures about the availability of the RAP documents and also be requested to make their suggestions and comments. The final approved RAP will be made available in easily accessible locations in or near the affected project areas. Once disclosed in country, the proponent will authorize the World Bank to disclose at its Info-shop in Washington DC.

7 ELIGIBILITY CRITERIA AND ENTITLEMENT MATRIX

This section of the report identifies the categories of the PAPs eligible for compensation for losses that will be incurred during the project construction and implementation.

7.1 CONDITIONS OF ELIGIBILITY FOR COMPENSATION

7.1.1 Cutoff Date

The practical Cut-off Date for implementation of the RAP which is the date the census or the socioeconomic survey was initiated, that is 19th of December 2016. No structure established, fence, trees and businesses established in the Project-Affected Area after 19th of December 2016 shall be eligible for compensation.

7.1.2 Eligibility

Assets, including, structures which were surveyed in the Project-Affected Area by the Cut-Off Date are eligible for compensation. People residing in the Project-Affected Area by the Cut-Off Date are eligible for compensation even if they have no legal tenure (encroachers).

7.1.3 Entitlements Matrix

The table below highlights the different entitlements of the PAPs

Figure 7-1: Eligibility Criteria

Affected Asset	Eligibility Conditions	Entitlements
Structures on the way leave within the ocean reserve	If them and a witness can prove ownership of the structure.	Replacement Cost of Structure
Businesses on the way leave and within the ocean reserve	If them and a witness can prove ownership the affected business	Livelihood compensation comprising of 6 months business income
Loss of Domicile by Tenants	If them and a witness can prove habitation by cut-off date	Facilitation to move to new site and security payments for new residence, including refund of rent if already paid

The witness that can be used include the area Chief, Area Assistant Chief, Village Elders and land lords for the tenants

7.2 VALUATION OF AND COMPENSATION FOR LOSSES

The valuation technique used was the replacement cost in order to ensure that various businesses, structures and buildings, trees fences were appropriately valued where necessary. This was done to help establish the compensation packages for PAHs. Valuation can simply be defined as the art or science of establishing the value (worth) of a particular interest in property for a specific purpose and at a particular moment in time; taking into considerations all the features of the property and also considering all the underlying factors of the market.

The following is therefore the valuation methods used on the different affected items.

7.2.1 Valuation for loss of Structures

The main structures identified include semi-permanent and temporary structures. All of these were valued at the full replacement cost. The areas of the various structures, number of floors and materials used were all employed in obtaining the values of structures. The total number of PAPs with structures are 15 with valued assets worth K.Shs. 7,927,000.00

7.2.2 Valuation for Loss of Business/Livelihood

The PAPs that would lose their businesses are the land lords who own the structures within the project sites. The Consultant could not get into contact with any of the land lords, due to the reluctance of the tenants to divulge information on the land lords. Regardless, the Consultant computed the value for the loss of the business based on rent paid by tenants, multiplied by the number houses which were multiplied by 6 months to facilitate compensation. The business owners identified were 15 with a compensation value of K.Shs. 468,000.00.

7.2.3 Valuation for Disturbance

The entitlement for disturbance was valued as percentage of the total entitlement for the different aspects of the project. The percentage employed in this RAP is 15% of the entitlement costs.

7.2.4 Valuation for Loss of Domiciles

The project will affect tenants who will lose out on domiciles. In order to ensure that the project does not lead to poverty creation with its implementation, which will counteract the World Bank Operational Policy 4.12. The cost of moving the tenant, payment of rent security for the new household which is usually two months' rent up front, payment of monthly for two months. All this was equivalent to six months' rent of the current rent paid. The number of tenants identified were 25 with each PAP being entitled to K.Shs 6000 each totaling a value of K.Shs. 150,000 for the loss of the domiciles.

7.3 MODE OF PAYMENT OF PAPs

After the ownership and valuation of affected assets are determined, compensation of the PAPs will occur. The compensation should be done so as to ensure important members of the households (wives) are also aware of the compensation. This will be done so as to ensure that all PAPs benefit from the compensation. Local administration i.e. chiefs and village elders will be used to ensure

that all PAPs benefit from the compensation. The administration knows each of the affected PAPs and will be able to ensure that all decision making household members are aware and present during any payments.

Concerning the payment of tenants the County government in conjunction with CWSB will identify an alternative site with affordable housing where the tenants can move to, the tenants will then be facilitated to move to the new residences, however it will be the prerogative of the tenants to take the provided housing. There will have to be continuous monitoring of the move, to ensure that the tenants are situated in reasonable housing to ensure the compensation given will not be misused.

8 SELECTION OF RESETTLEMENT SITES AND INTEGRATION WITH HOST COMMUNITIES

The proposed project will displace tenants particularly within the Tudor site. These tenants are low income earners who will lose out on their domiciles. In ensuring that the World Bank Operational Policy 4.12 conditions are met, these tenants will have to be resettled in a way that ensures their lives are either improved or current lifestyles maintained.

8.1 SELECTION OF RESETTLEMENT SITES

The County Government will be consulted in the selection of an alternative site for relocation of the tenants. There are several estates within Mombasa where the tenants could be moved to. Majority of the tenants interviewed stated that they would prefer to be compensated in monetary terms to seek housing elsewhere, however this must be monitored and alternatives provided to them, in order to ensure the compensation is not misused by the PAPs.

8.2 INTEGRATION WITH HOST COMMUNITIES

Being an urban setting there are several county owned estates that experience dynamic movement of tenants, as such there will be no need for an integration plan with host communities.

9 INCOME RESTORATION AND SOCIAL DEVELOPMENT MEASURES

This chapter highlights the various measures in place in order to ensure livelihoods are restored for all affected parties.

The project will displace 25 tenants who will have to be resettled into alternative housing, for which finances have been provided to relocate them and secure the housing with rent for two months.

Structures within the project site will be compensated at the full replacement cost. There will be no land compensation since all the structures are located within the ocean riparian. The business owners will also have their livelihoods compensated due to the loss of potential businesses.

In addition each PAH will be given a 15% disturbance cost on their entitlements, which will ensure that the structure owners are able to invest in a more stable business venture whereas the tenants can find new housing.

9.1 VULNERABLE GROUPS

These are made up of distinct groups of socially distressed people who might suffer disproportionately from the effects of resettlement. These are women headed households, the most poor (based on the poverty line), the disabled and elderly. The Consultant encountered only 2 households with vulnerable members, who will have their assets affected by the project. These vulnerable group was identified as female headed households headed by elderly widows and houses where some of the members have some form of disabilities.

This group of people will be eligible for special assistance for example assistance by the Contractor in removing the structure or fence in a manner that salvages the material and possible rebuild of the assets. This will be facilitated by the Client in finding alternative housing and moving to the houses with payment of house rent and services for the two months valued for. The selected housing will be close to social amenities and jobs in order to ensure that their ways of life are not disrupted. The LRCC will assist in providing the labour to assist in moving.

10 RAP IMPLEMENTATION SCHEDULE

The proposed time frame for the resettlement process is estimated to begin immediately after the completion of the design and be completed before the construction begins. This takes into account important variables such as creation of awareness on of the potential impacts and resolution of conflicts/grievance and cash flow from the financier. Time schedule and summary of activities is presented in the Table 10.1.

10.1 RAP IMPLEMENTATION DURATION

The Consultant has proposed that the RAP be implemented before the Construction process begins. However proposes that grievance redress and monitoring of the resettlement activities be continuous throughout the construction process.

No.	ACTIVITY							
		MONTH 1 (December 2016)	MONTH 2	MONTH 3	MONTH 4	MONTH 5	MONTH 6	MONTH 7
D-1	Preparation of Draft and Final RAP Report							
1	Field Data Collection and Analysis							
2	Disclosure of RAP Report							
3	Audit of the RAP report to verify PAP and compensation details							
4	Seeking of Alternative Housing Sites							
5	Signing of compensation and relocation assistance agreements							
6	Resolution of conflicts and Grievances							
7	Payment of compensation to PAPs and facilitation of relocation							
8	Issuance of notices for relocation							
9	Monitoring of the resettlement activities							
10	Site Confirmation Survey							

- Consultant's Report
- Client's Approval and comments of preceeding report
- Duration for Review or Production of the Report

Figure 10-1: Proposed Activity for RAP Implementation for the Project

11 GRIEVANCE REDRESS MECHANISMS

11.1 INTRODUCTION

The proposed project will slightly infringe on peoples' right to property and/or livelihood and readjustment to new life conditions as such the resettlement process is bound to elicit grievances from the PAPs or from other interested parties. It is therefore imperative to have a workable grievance redress mechanism to take care of any such disputes arising from the resettlement so that they do not have an adverse effect on the project This chapter briefly outlines a mechanism for settling the anticipated disputes.

11.2 POSSIBLE SOURCES OF GRIEVANCES

Some of the issues that may elicit disputes in the resettlement process include:

- Failure to understand the essence of the project and the need for the proposed resettlement
- Clerical errors in data entry that leads to delays in processing of compensation for the PAP
- Emerging issues such as change in estate administration of affected properties causing delays to payment of compensation
- Disputed ownership of an affected asset particularly where documentation is not reliable
- Unavailable PAPs during the census, who have been identified wanting to have a say in the compensation
- Rejection of a compensation award considered not adequate and representative of market value
- Alternative housing provided not meeting the PAP requirements

11.3 COMMITTEES INVOLVED IN THE GRIEVANCE REDRESS PROCESS AND THE MANAGEMENT PROCESS

11.3.1 Sub-County Resettlement and Compensation Committee (SCRCC)

The SCRCC will be in charge of administration of the grievance procedure at the project level.

The SCRCC will be established at the Sub-County level, which involves land acquisition and impact on assets. The SCRCC will be made up of:

- Representative of NLC, as the chair of SCRCC to grant legitimacy to the acquisition and resettlement process and ensure that legal procedures as outlined in Land Act 2012 and World Bank policies are adhered to.
- Representatives of CWSB and MOWASCO as the acquiring institution interested in the 'settled' land and benefiting from the acquisition and resettlement process.

- The County administration representative, which will provide the much needed community mobilization, and political support to the project and to the process of resettlement
- Sub-County Land Survey Officer to help with survey works and demarcation of way leave to be acquired.
- The Sub-County Gender and Social Development Officer which will be responsible for livelihood restoration programs.
- The Sub-County Lands Registrar Office will help with validation and verification of the documentation provided by the affected persons.
- Two PAP representative from Location Resettlement Committee – act as voice for the PAPs
- NGOs and CBOs locally active in relevant fields to ensure effectiveness, fairness, just compensation, and transparent process in the whole acquisition process.

11.3.2 Locational Resettlement and Compensation Committees (LRCCs)

These committees will be based in each administrative location. It will be established by SCRCC through PAPs consultative meetings chaired by a representative of implementing agency (CWSB). S/he will be assisted by the locational chief, who is the government local representative at the location. The LRCC will act as the voice of the PAPs and will work under guidance and coordination of SCRCC in handling PAPs' grievances. The LRCC will be meeting in the local chief's office and will be made up of:

- The locational Chief, who is the Government administrative representative at the locational unit and who deals with community disputes will represent the Government in LRCC
- Assistant Chiefs, who support the locational Chief and Government in managing local community disputes in village units will form membership of the team.
- Female PAP, elected by women PAPs, will represent women and children related issues as regards resettlement and compensations
- Youth representative, elected by youths, will represent youth related concerns in the LRCCs
- Vulnerable persons representative, will deal and represent vulnerable persons issues in the LRCC.
- Business representative, will represent business people concerns in LRCC
- CBO representatives

11.3.3 The Grievance Management Process

The overall process of grievance management will be as follows:-

- i. During the initial stages of the valuation process, the affected persons will be given copies of grievance procedures as a guide on how to handle the grievances. This will include who to contact (a phone number, address and location, time) as well as type of grievances they can refer to this committee. These procedures will be made available at the Chief's office where they can be distributed to the PAPs.
- ii. The process of grievance redress will start with registration of the grievances to be addressed for reference at the locational level through LRCC. In all instances, records will be kept to enable progress updates of the cases.

- iii. Traditional local mechanisms will be used and will include local leaders and the affected persons trying to find a solution with the concerned parties.
- iv. In cases where a solution cannot be found at the locational or LRCC level reference will be made to the SCRCC.
- v. These will ensure transparency, fairness, consensus building across cases, eliminate nuisance claims and satisfy legitimate claimants at low cost.
- vi. The response time will depend on the issue to be addressed but all measures will be put in place to ensure efficiency,
- vii. Once the grievance is addressed and agreement reached, the compensation will be paid to the PAPs.

11.4 GRIEVANCE REDRESS PROCEDURE

The Grievance redress will be the functions of the LRCC and SCRCC committees. All the grievances will be channeled to the Locational Resettlement and Compensation Committee. A grievance log will be established by SCRCC and copies of the records kept by both LRCC and SCRCC to be used for monitoring of complaints.

The grievance redress mechanisms are designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the law courts for resolution which would otherwise take a considerably longer time. If LRCC cannot adequately address the grievance, then reference will be made to SCRCC who shall strive to address the grievances raised.

If a complaint pattern emerges, the implementing agencies which are CWSB and MOWASCO, SCRCC, and LRCC will discuss possible remedial measures. The above institutions will be required to give advice concerning the need for revisions of procedures. Once they agree on necessary and appropriate changes, then a written description of the changed process will be made. CWSB, MOWASCO, SCRCCs, LRCCs and the local leaders will be responsible for communicating any changes to future potential PAPs when the consultation process with them begins.

The procedure for managing grievances under will be as follows:

- 1) The affected person will file his/ her grievance, relating to any issue associated with the resettlement process or compensation, in writing to the LRCC, through a complaints box placed at the local chief's office or physically to a member of the LRCC. The grievance note should be signed and dated by the aggrieved person. A selected member of the Committee will act as the Project Liaison Officer (PLO) who will be the direct liaison with PAPs.
- 2) The PLO will be working in collaboration with the other LRCCs and SCRCC, and will be a member an independent NGO in the locality to ensure transparency and fairness in the process grievance address. Where the affected person is unable to write, the PLO will write the note on the aggrieved person's behalf. Any informal grievances will also be documented by the Project Liaison officer. The note should be embossed with aggrieved person's signature or thumbprint. A sample grievance form is provided in table 11-1

below. A copy of this completed form should be submitted by the Project Liaison Officer to SCRCC.

Table 11-1: Table Showing a Sample Grievance Form

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

Signature: Date:

Please return this form to: RAP COMMITTEE

- 3) The Project Liaison Officer and the LRCC will consult to determine the validity of claims. If valid, the Committee will notify the complainant that s/he will be assisted and a response will be given in the due time.
- 4) The LRCC will meet and respond within 14 days during which time any meetings and discussions to be held with the aggrieved person will be conducted. If the grievance relates to valuation of assets, a second or even a third valuation will be undertaken, at the approval of SCRCC until it is accepted by both parties. These should be undertaken by separate independent valuers than the person who carried out the initial valuation. The more valuations that are required to achieve an agreement by both parties, the longer the process will take. In this case, the aggrieved person must be notified by the Project Liaison Officer that his/her complaint is being considered.
- 5) If the complainant's claim is rejected by the Committees, the Project Liaison Officer will assist the aggrieved person to take the matter to the SCRCC. The SCRCC will look at the complaint raised by the PAPs and provide direction, explanation and a response. Sometimes, it will necessitate the aggrieved person to present him or herself to SCRCC to explain him/herself. All efforts will be made to try and reach some consensus with the complainant.
- 6) If the aggrieved person does not receive a response or is not satisfied with the outcome by SCRCC within the agreed time, s/he may lodge his/her grievance to the Sub-County Land Office, also mandated to help resolve such matters). If requested, or deemed necessary by the project Committee, the Project Liaison Officer will assist the aggrieved person in this matter.
- 7) Where the matters cannot be resolved through local routes, the grievance will be referred to courts. The SCRCC will provide assistance at all stages to the aggrieved person to facilitate resolution of their complaint and ensure that the matter is addressed in the optimal way possible.

After the process, a grievance resolution form will be filled in order to document the resolution made. A sample of the form is provided below:

Table 11-2: Sample of a Grievance Resolution Form

Sample Grievance and Resolution Form

Name (Filer of Complaint): _____

ID Number: _____ (PAPs ID number)

Contact Information: _____ (Village; mobile phone)

Nature of Grievance or Complaint:

<u>Date</u>	<u>Individuals Contacted</u>	<u>Summary of Discussion</u>
_____	_____	_____

Signature _____ Date: _____

Signed (Filer of Complaint): _____
Name of Person Filing Complaint : _____ (if different from Filer)
Position or Relationship to Filer: _____

Review/Resolution

Date of Conciliation Session: _____

Was Filer Present? : Yes No

Was field verification of complaint conducted? Yes No

Findings of field investigation:

Summary of Conciliation Session

Discussion: _____

Issues _____ -

Was agreement reached on the issues? Yes No

If agreement was reached, detail the agreement below:

If agreement was not reached, specify the points of disagreement below:

Signed (Conciliator): _____ Signed (Filer): _____

Signed: _____ Date: _____

The Project Liaison officer will ensure that each complaint has an individual reference number, and is appropriately tracked and recorded actions are completed. This will be done via a grievance log which will also contain a record of the person responsible for an individual complaint, and records dates for the following events:

- ⊕ Date the complaint was reported;
- ⊕ Date the grievance log was uploaded onto the project database;
- ⊕ Date information on proposed corrective action sent to complainant (if appropriate);
- ⊕ The date the complaint was closed out; and
- ⊕ Date response was sent to complainant.
- ⊕ Nature and type of grievances being raised

The entire grievance redress procedure can be summarised in the figure below

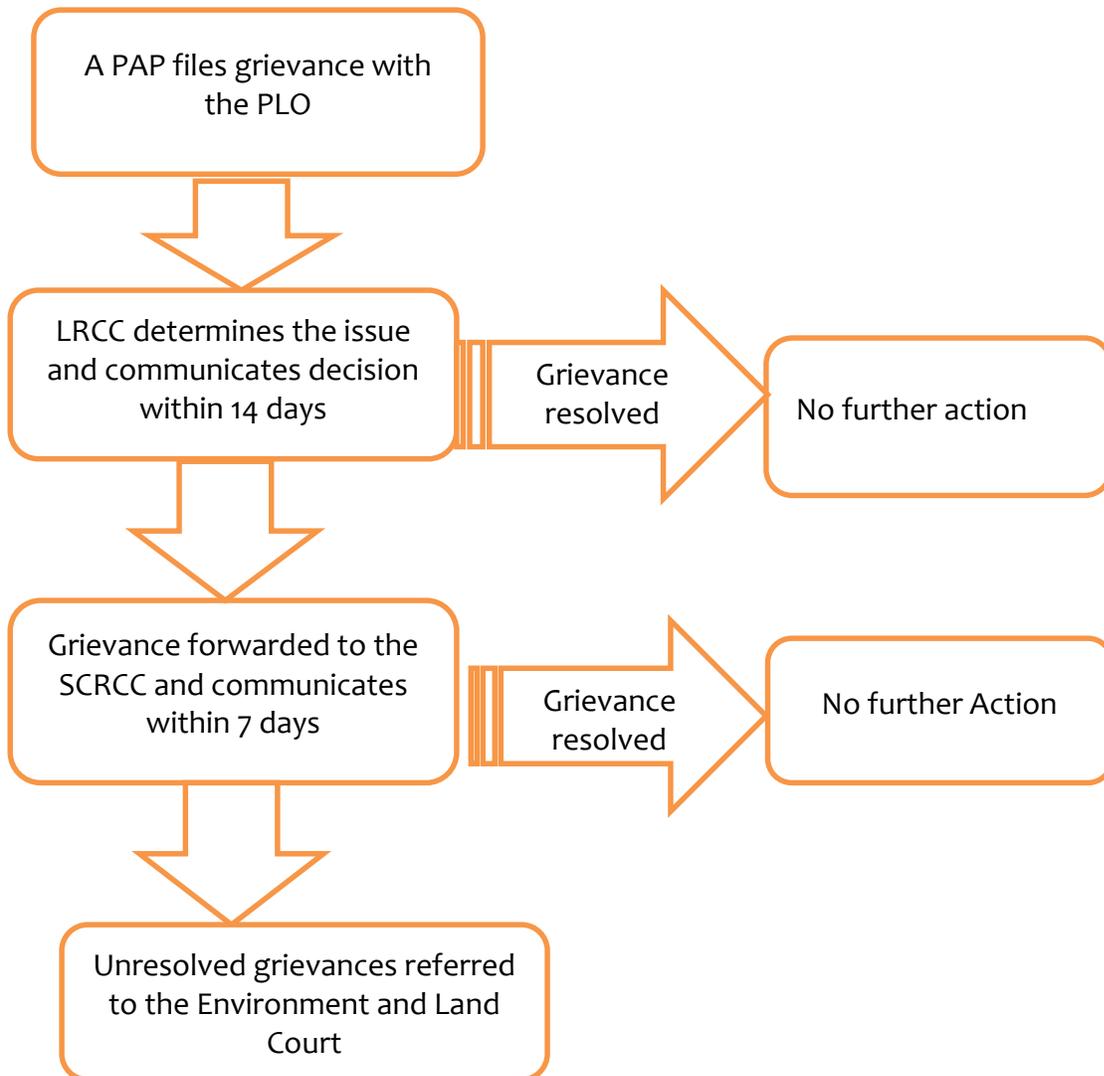


Figure 11-1: Figure Showing Dispute Resolution Procedure

12 ORGANISATIONAL RESPONSIBILITIES

The organizational structure elaborates on the role of various stakeholders in administering the RAP. It further clarifies the role of PAPs and their responsibility in the exercise in relation to the stakeholders. Table 12.1 shows the various institutions and their role in the implementation of the RAP.

Table 12-1: Institutional Roles in RAP Implementation

Name of Institution	Role of Institution
Ministry of Water and Irrigation (MOWI)	<p>Will be an overall implementing agency.</p> <p>Central agency responsible for holding all information on the RAP.</p> <p>Mobilization of financial resources from Government/ County Governments for resettlement and compensation purposes of the approved RAP.</p>
CWSB & MOWASCO	<p>Responsible for day to day coordination and implementation of the RAP</p> <p>Oversee the RAP consultant's work</p> <p>Seek approval from NLC for the acquisition of land.</p> <p>Work with the NLC to establish the SCRCC and LRCCs.</p> <p>Provide budget to NLC for compensation</p> <p>Establish the SCRCC and LRCCs operations.</p> <p>Make funding request from MOWI for RAP implementation and compensation through NLC.</p> <p>Ensure the grievance committees are established and working.</p> <p>Collect all the needed documentation for compensation as well as grievances and compiling them</p> <p>Monitor the RAP implementation.</p>
National Land Commission	<p>Provide approval to request made by CWSB and MOWASCO to acquire land.</p> <p>Notify landholders in writing of the intention to acquire land.</p> <p>Assist in resolving disputes related to compensation</p> <p>Undertake public consultation on intended acquisition with the help of SCRCC.</p>

	<p>Receive money from MOWI for actual payment of entitlement awards to PAPs.</p>
<p>Sub-County Resettlement and Compensation Committees (SCRCC)</p>	<p>Ensure effective flow of information between NLC and PAPs</p> <p>Coordinate Locational Resettlement and Compensation Committees (LRCCs), validate inventories of PAPs and affected assets; monitor the disbursement of compensation funds; guide and monitor the implementation of relocation</p> <p>Coordinate activities between the various organizations involved in relocation; facilitate grievance and conflict resolution; and provide support and assistance to vulnerable groups.</p> <p>Conducting extensive public awareness and consultations with the affected people so that they can air their concerns, interests and grievances.</p> <p>Resolve disputes that may arise relating to resettlement process. If it is unable to resolve any such problems, will channel them through the appropriate formal grievance procedures laid out in this RAP.</p> <p>Assist with the livelihood restoration</p>
<p>Locational Resettlement and Compensation Committee (LRCC)</p>	<p>Conduct extensive public awareness and consultations with the affected people.</p> <p>Help ensure that local concerns raised by PAPs as regards resettlement and compensation among others are promptly addressed by relevant authorities.</p> <p>Assist the effective working of RAP consultants in preparation and validation of the RAP</p> <p>Resolve manageable disputes that may arise relating to resettlement and compensation process. If it is unable to resolve, help refer such grievances to the SCRCC.</p> <p>Ensure that the concerns of vulnerable persons such as the disabled, widowed women, orphaned children affected by the project are addressed and included in the RAP.</p>
<p>County Government of Mombasa</p>	<p>Provision of alternative housing for displaced PAHs</p>

13 MONITORING AND EVALUATION

A monitoring and evaluation (M&E) program is required to be developed to provide feedback to project management which will help keep the programs on schedule and successful. Monitoring provides both a working system for effective implementation of the RAP by the project managers, and an information channel for the PAPs to assess how their needs are being met.

In reference to the monitoring of this particular RAP, the SCRCC will assist in compiling basic information related to compensation and send them to the CWSB as part of the monthly monitoring. Some of the information which will be collected at the SCRCC level will include: time to gauge the performance of the:-

- Length of time from project identification to payment of compensation to PAPs;
- Timing of compensation in relation to commencement of physical works;
- Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- Number of people raising grievances in relation to each project investment;
- Number of unresolved grievances.
- Number of vulnerable people assisted.
- Number of livelihoods restored and types of the livelihood restoration

CWSB will make this information available all stakeholders including the World Bank. The implementing agencies will directly monitor compensation as undertaken by NLC.

In addition there will be external monitoring and evaluation, which will be carried out for all other RAPs carried out under KWSDP. This will be done by an independent consultancy/agency. Information will be collected via survey, interviews and focus group discussions with the affected communities. The data for these indicators will be collected every six months during the RAP implementation by the implementing agency which is CWSB, SCRCC and an independent NGO working in the area to ensure triangulation of data. LRCCs will also assist with collection of monitoring data of the RAPs implementation.

Financial records will be maintained by NLC and CWSB to permit calculation of the final cost of resettlement and compensation per individual or household and they will be included in the monitoring report. The statistics will also be provided to the external independent consultant/agency that will be contracted on an annual basis to monitor the implementation of the RAPs.

14 RAP COSTS AND BUDGETS

This chapter highlights the various costs of entitlements for the two outlets as well as the costs for monitoring and evaluation.

14.1 COST OF ENTITLEMENTS

14.1.1 Entitlement for Structures

The Total Entitlement for structures for the two outlets is K.Shs. 7,927,000.00 and is distributed as follows.

Table 14-1: Summary of Structure Owners' Entitlement

Outlet	PAHs with Structures	Total Entitlement (K.Shs.)
Tudor	14	7,540,000.00
Makupa	2	387,000.00
TOTAL ENTITLMENT		7,927,000.00

14.1.2 Entitlements for Businesses (Loss of Livelihood)

The total entitlement for business owners is K.Shs. 468,000.00 which is distributed in the as follows:

Table 14-2: Summary of Business Owners' Entitlement

Outlet	PAHs with Businesses	Total Entitlement (K.Shs.)
Tudor	14	408,000.00
Makupa	1	60,000.00
TOTAL ENTITLMENT		468,000.00

14.1.3 Entitlement for Disturbance

15% of the entitlement for each PAH is provided for the disturbance that will be as a result of the improvements to the storm water outlets. The total cost for disturbance is K.Shs. 1,259,250.00 and is distributed in the outfalls as follows.

Table 14-3: Summary of Disturbance Entitlement

Outlet	PAHs Entitled to Disturbance Allowance	Total Entitlement (K.Shs.)
Tudor	15	1,192,200.00
Makupa	2	67,050.00
TOTAL ENTITLMENT		1,259,250.00

14.1.4 Entitlement for Loss of Domicile

Each of the tenants will receive K.Shs. 6000 to facilitate the move to the new housing. The total cost for facilitating the move and settling into the new domicile is K.Shs. 150,000.00

Table 14-4: Summary of Entitlement for loss of Domicile

Outlet	PAHs Entitled to Movement Allowance	Total Entitlement (K.Shs.)
Tudor	25	150,000.00
Makupa	0	-
TOTAL ENTITLMENT		150,000.00

14.1.5 Total Entitlements

The total entitlement for the project is K.Shs. 9,804,250.00, which is illustrated in the table below for each asset category:

Table 14-5: Summary of Entitlements per Asset Category

No.	Asset Type	Total Entitlement (K.Shs.)
1	Structures	7,927,000.00
2	Businesses/Livelihood	468,000.00
3	Movement Allowance	150,000.00
4	Disturbance Allowance	1,259,250.00
TOTALS		9,804,250.00

14.2 RAP IMPLEMENTATION BUDGET

The RAP implementation budget is a function of the total entitlement cost and requisite administrative costs required to implement the plan. These were estimated at 10% of the entitlement cost. A further 10% of the resulting amount was considered for contingencies in the budget and other factors such as inflation. This brings the total budget of this RAP to K.Shs. 11,863,142.50 as shown in Table 14.7 below:

Table 14-6: Summary of RAP Implementation Budget

No.	RAP Item	Cost (K.Shs.)
1	Total Entitlement Costs (including 15% Disturbance)	9,804,250.00
2	RAP Administration Cost (10% of Entitlement Cost)	980,425.00
3	Allowance for Inflation and Contingencies	1,078,467.50
TOTAL RAP IMPLEMENTATION COST		11,863,142.50

15 CONCLUSIONS AND RECOMMENDATIONS

The proposed project will affect approximately 47 households made up of 116 PAPs who will lose their assets or domiciles. In order to mitigate the negative impacts of resettlement, the following recommendations are made:

- ❖ Any planned displacement of the project affected persons be undertaken after compensation payments have been made before any construction activities are done and in accordance with the prevailing law.
- ❖ Compensation should not only follow the replacement cost, but should also be associated with comprehensive consultations and negotiations with PAPs so as to minimize grievances
- ❖ Alternative housing for affected tenants to ensure seamless transition to the new housing.
- ❖ The project affected persons to be given adequate notice to relocate their assets.

16 REFERENCES

Republic of Kenya, Water Act (2016), Government Printer, Nairobi

The Constitution of Kenya 2010

The Land Act, No. 6 of 2012

Background of Selection of Measures for Immediate Measures by Mangat I.B. Patel

Detailed Design Report for Immediate Measures under the Waste Water Design Masterplan by Mangat I.B. Patel

World Bank Operational Policies

17 APPENDICES

17.1 RAP HOUSEHOLD QUESTIONNAIRE

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RAP FOR PROPOSED WORKS CONTRACTS UNDER COAST WATER SERVICES BOARD

RESETTLEMENT ACTION PLAN (RAP) HOUSEHOLD QUESTIONNAIRE

A Resettlement Action Plan triggered by the proposed improving the Existing Storm Water Outlets in Mombasa Island under Coast Water Services Board is being carried out by Zamconsult Consulting Engineers. The aim of this exercise is to identify the Project Affected Persons (PAPs) by type of loss. We need your honest and accurate information during this discussion. Your inputs will assist in the understanding of your needs for improvement. The answers you provide will be kept confidential.

1 SECTION 1 DETAILS

- 1.1 Name of the Enumerator: Sign
- 1.2 Name of the respondent ID NO. Tel No.
- 1.3 Relationship of respondent to head of house (a) The Head (b)Spouse
- (c) Offspring..... (d) Others Specify.....
- 1.4 Date of Interview: Time of Interview:
- 1.5 Respondents place of residence (a) Village..... (b) Location
- (c) Sub-County (d) County

2 SECTION 2 BASIC HOUSEHOLD CHARECTERISTICS

- 2.1 Name of the household head?
- 2.2 I.D number of household head Telephone Number of Household head
- 2.3 Sex of Household head 1) Male.....2) Female.....
- 2.4 Marital Status of the Household Head? 1) Married.....2) Never Married.....
- 3) Widowed (Single) 4) Widowed Remarried 5) Divorced (Single).....
- 6) Divorced Remarried
- What is the number of people in this household in these categories 1) All2) Spouse.....
- 3) Own offspring under 18..... 4) own offspring above 18..... 5) orphaned children.....
- 6) Kinsmen above 55 years..... 7) others, specify.....
- 2.5 How many members does this household have? 1) All..... 2) Males..... 3) Females.....
- 2.6 How many of your household members have attained each of the following education levels?
(1) None (2) Primary (3) Secondary (4) College/university
- 2.7 What is the occupation /economic activities of the household head (tick)
(1) Crop farming (2) Livestock farming (3) Formal employment
- (4) Business (5) Others (specify)
- 2.8 Is this business affected by the proposed project? (Tick as appropriate)
(1) Yes..... (2) No.....
- 2.9 If yes, what is the business type? (1) Shop (2)Bodaboda (bicycle/motorbike).....
- (3) M-pesa..... (4) Jua kali (5) Others specify
- 2.10 What is the average income from this business per month? (Exact Value)
- 2.11 What is the average combined household income per month? (Tick)
(1) Less than 15,000..... (2) 15,000-30,000..... (3) 30,000-45,000..... (4) Above 45,000

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- 2.12 What's the religion of the Household Head? (Tick)
 (1) Christian..... (2) Muslim..... (3) Hindu..... (4) Traditionalist (5) Others Specify
- 2.13 Do any of the household members live with any disabilities?
 (1) Yes..... (2) No.....

3 SECTION 3 LAND OWNERSHIP DETAILS

- 3.1 Do you own the land you currently reside on? (Tick)
 1) Yes.....2) No.....
- 3.2 Who owns the land? Name of Registered Owner.....
- 3.3 Does the registered owner have any land ownership documents? (Tick) 1) Yes.....2) No.....
- 3.4 If yes, what documents do you have for the land? (Tick)
 (1) Title deed..... (2) Allocation letter..... (3) None..... (4) Other, specify.....
- 3.5 What is the L.R/plot/parcel. No. of the Land.....
- 3.6 What is the total size of the land?Acres/Ha/ Plot size (specify)
- 3.7 What is the total size of the land affected by the proposed Project?
 Length..... (m)... Width..... (m)
- 3.8 What is the ownership nature of this land? (Tick)
 (1) Owned by extended family..... (2) Owned by individual..... (3) Owned by nuclear family.....
 (4) Communal land (5) Trust land..... (6) Others Specify

4 SECTION 4 ASSETS, BUILDING STRUCTURES & OTHER PROPERTY DETAILS

a) STRUCTURES measurements (In Meters)

1) Permanent buildings

Length	Width	Storeys	Sketch

2) Semi-permanent buildings

Length	Width	Storeys	Sketch

3) Temporary Buildings

Length	Width	Storeys	Sketch

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b) Other Structures Sizes In Meters

TYPE	SIZE IN METRES
Well	
Bore Hole	
Animal Sheds	
Water Tanks	
Others	

c) Fences in meters

TYPE	Length (m)	Height (m)	Strands
Live Fence			
Permanent (Masonry)			
Barbed Wire			
Corrugated Iron			
Chain-link			
Gate (iron, mabati, wooden, barbed wire)			

d) No of Trees

Type	No
Indigenous Trees	
Commercial	Indian Ashoka
	Blue gum
	Casuarina
	Sisal
Fruit trees	Coconut
	Cashew nut
	Pawpaw
	Mango
	Oranges
	Guavas
	Avocado
	Lemons
	Others
Medicinal	Muarubaine
	Aloe Vera
	others

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e) CROPS

TYPE	Length	Width
Maize		
Beans		
Vegetables		
Sugarcane		
Pineapples		
Cassava		
Sweet Potatoes		
Others		

5 SECTION 5 EXPECTED MODE OF COMPENSATION

5.1 What is your preferred mode of compensation? (Tick)

(1) In Kind..... (2) Monetary terms..... (3) Others Specify

17.2 PUBLIC CONSULTATION SUMMARY

17.2.1 Minutes of the Public Consultation meeting Held at Chief's Office Railway Location on 16th Dec 2016 at 2.45 pm

1) Present

- Marion Orina - Zamconsult Consulting Engineers (Consultant)
- Francis Moturi - Zamconsult Consulting Engineers (Consultant)
- Joyce Mutinda - CWSB representative
- Shaban N. Noor - Chief of Ganjoni Location
- Stephen K. Nyamu - Assistant Chief Tudor Location
- General Public

2) Introductions

The meeting started at 2.45pm and was chaired by the area chief, who introduced the Consultant to the attendees. He then invited the Consultant to give her presentation.

3) Presentation on Project by the Consultant

The Consultant gave a presentation of the proposed project, its scope, and the laws governing the Environmental and Social Process as well as the need to conduct public consultation meetings.

The consultant stated that the presentation would cover two projects being carried out, these were. The Mombasa Lot 2B pipelines and the improvements to the existing storm water outlets. She stated that CWSB intended to put up new pipelines as well as to replace some of the old lines within the Island as a way to rehabilitate and improve the existing water supply system. She further outlined the 12 outlets that are within the scope of the storm water outlets project to be at Mbaraki; Railways; Makupa; Tudor; Buxton; Nyali, Coast General, at the four existing pump stations and at the Kizingo treatment works.

The Consultant explained the various impacts associated with the project, throughout the project duration (planning, construction, operation and decommissioning, including possible resettlement of Project Affected Persons (PAPs). The Consultant explained that a Resettlement Action Plan had been carried out in order to identify all the PAPs. For the outlets project, the consultant stated the two critical storm water outlets would be have resettlement of households. These were Makupa and Tudor. It is within these regions that are made up of informal settlements that several households had been identified as PAPs. Fortunately, the pipelines project intended to stick within the road reserve hence very few people had been identified as PAPs since there was minimal encroachment within the road reserve area. She outlined that the cut-off date for the RAP exercise was 19th of December 2016. As such, any further developments within the project sites would not be considered for compensation.

The Consultant also explained that an ESIA activity had been carried out in the area to sensitize the public about the two proposed projects and now the meeting was being conducted so as to disseminate information on the findings of the RAP field work. She further explained all the mitigation measures put in place in view of the anticipated disturbances and assured the public that in case the contractor failed to adhere with the regulations put in place, they could address their complaints to the resident engineer on the ground for relevant action to be taken.

4) Questions, Answers and Feedback

The Consultant then invited the attendees to raise whatever issues they had, in order to have full knowledge on the project.

Q1. Douglas Kitema from Ganjoni pointed out that there were several open manholes along the roads of the main line. He inquired what could be done to correct the situation.

The consultant reiterated that she would relay the concerns to the relevant authorities and added that the storm water outlets aimed at improving the overall water and sanitation situation within Mombasa.

Q2. Antomatte Ambuga from Tudor pointed out that the storm water outlets were located within informal settlements and the residents there were low income earners, she recommended that the project should look into their wellbeing, including finding alternative housing for them.

The consultant agreed with the recommendation adding that the reason for carrying out the RAP was to ensure that the wellbeing of the residents was ensured, via compensation and resettlement. In addition she pointed out the measures of resettling the vulnerable in the community.

Q3. Ahmed Athman from Tononoka asked when the project was scheduled to begin.

The consultant stated that the project was still in the planning phase and that the World Bank was awaiting a successful completion of the Resettlement Action Plan before releasing the funds for the construction phase of the project.

Q4. Johnstone Omedi from Tudor inquired if those affected in the on-going water projects within the area were compensated accordingly. He further pointed out some water and sanitation issues of concern within the area such as the open trenches within the MOWASCO projects and some storm water holes within Burukenge at Buxtan posed great health danger to the public, asking how they could be dealt with. Also, he pointed out that the road in Tudor was flooded with storm water. He asked what could be done to correct the situation.

The CWSB representative responded by stating that the on-going projects were under a different entity, MOWASCO, and were being implemented by a contractor called Toddy. She stated that MOWASCO and CWSB operated differently since CWSB is a government parastatal while MOWASCO is under the county government.

The consultant added that any complaints regarding the on-going construction project can be addressed through the Chief, the resident engineer, the contractor's offices or MOWASCO in case the other channels do not bear fruit. In addition, she stated that she would include the grievances in the report and recommend that the issues be addressed by MOWASCO. Regarding the storm water issues in the area, the consultant stated that she would forward the recommendations to the relevant authorities.

Q5. Martin Mabinda inquired if the water sector was devolved. He further asked if the water from the ocean could be purified to meet domestic standards.

The consultant responded by outlining that the water act from the national government has all the guidelines of CWSB, the Ministry of Water and Irrigation and MOWASCO with various mandates. For instance, CWSB is for bulk water supply; MOWASCO is for distribution of water. MOWASCO further operates in conjunction with the county in implementing its duties.

With regards to the purification of ocean water, the consultant stated that there are various methods that can be used to desalinize ocean water such as reverse osmosis. However, they are capital intensive and were not within the scope of the project. She however acknowledged the recommendation and stated that she would include it in the final report.

5) Conclusion

The Consultant asked if the people were in support of the project. The locals, by a show of hands approved of the project, stating that their recommendations given in the meeting should be taken into account. The meeting ended at 4.20 pm with a word of prayer.

17.2.2 List of Attendance

Public participation Attendance list			
Mombasa County ;Railways Location on 16 december 2016			
Name	Designation	Contact	Vilage
Ahamed Athman	Youth Leader	72649600	Tononoka
James Oduor	Youth Leader	72544559	Tononoka
Antomatte Ambuga	Village Elder	728372904	Manyimbo Tudor
Eddah Charles	youth	720935378	Shimanzi
Munupi Japeth	Nyumba Kumi	737499115	Shimanzi
Thomas Weke	G.H.V	716328467	Shimanzi
Kifi Chisenga	Village Elder	723719470	Tononoka
Maunwa Garbell	Village Elder	725132302	Shimanzi
Otieno Walter	Youth	791007515	Shimanzi
Yvonne Otieno	Youth	791213748	Shimanzi
Benjamin Muringe	Village Elder	725897434	Shimanzi
Jonathan	Village Elder	728473410	Kiziwi
Douglas M Kitomoi	Village Elder	716265333	Tudor
Stephen Mwangi Manwa	Village Elder	721760996	Shimanzi
Simeon Magwaro	Village Elder	717226673	Shimanzi
Rodgers Mwatate	Village Elder	781215195	Shimanzi
Simon K Bett	Village Elder	723222156	Shimanzi

Scholastica Kadenge	youth	720935378	Shimanzi
Johnstone Omedi	Village Elder	71563535	Tudor
Martin Mwabinda	Village Elder	723267471	Tudor
Robert N Mwathi	Village Elder	703640265	Shimanzi
Brenda A Awiti	Youth	703962766	Shimanzi
Rashid Suleiman Bakari	Village Elder	727103416	Ganjoni
Shaban N Ndoro	Chief	721527702	Ganjoni
James Henry Omino	Chief	722318729	Ganjoni
Christoper Wagila	Chief	721320168	Ganjoni
Silas Wamalwa	Chief	712069813	Ganjoni
Joseph Musyoki	Chief		Ganjoni
Matilda Akinyi	Village Elder	723215318	Shimanzi
Stephen K Nyamu	Assistant Chief	725403375	Tudor

CHIEF'S OFFICE
 MOMBASA COUNTY
SUB-COUNTY
 MVITA CONSTITUENCY
 ISLAND WARD
 RAILWAY LOCATION

MEETING ATTENDANCE LIST

NO.	NAME	VILLAGE	DESIGNATION	CONTACT	SIGNATURE
1	AMNEO ATHMAN	TENONOKA	YOUTH LEADER	0726496020	<i>[Signature]</i>
2	JAMES OJUGA	TENONOKA	YOUTH LEADER	0725 441 559	<i>[Signature]</i>
3	Antemette Ambugg	Mariamba Tude	VICIDER	0728372904	<i>[Signature]</i>
4	SCHOLASTIKA Kadenge	SHIMANZI	YOUTH	0720935878	<i>[Signature]</i>
5	EDDIN CHARLES	SHIMANZI	YOUTH	0704436769	<i>[Signature]</i>
6	MUNUPI JAPHCOT	SHIMANZI	MOMBASA COMM	0737499115	<i>[Signature]</i>
7	THOMAS WEKE	SHIMANZI	G.H.V	0716378467	<i>[Signature]</i>
8	KIPI CHISHENSA	TENONOKA	ELDER	0725719470	<i>[Signature]</i>
9	MILUWA GABRIEL	ZHIMITHIZI	VICIDER	0725-132203	<i>[Signature]</i>
10	MUENO WALTER	SHIMANZI	YOUTH	0991009515	<i>[Signature]</i>
11	YVONNE ATLEDO	SHIMANZI	YOUTH	0701213748	<i>[Signature]</i>
12	MARTIN MABINDA	TUDOR (KIRIWI)	BALOZI	0723267471	<i>[Signature]</i>
13	JOHNSONE OMEDI	TUDOR	VICIDER	0715563535	<i>[Signature]</i>
14	BENJAMIN MURDGE	SHIMANZI	BALOZI	0725897434	<i>[Signature]</i>
15	JOHN RITE	TUDOR	BACSI	0726473410	<i>[Signature]</i>
16	Bugler M. Kitema	CRANGON	ELDER	076265333	<i>[Signature]</i>
17	Stephen Mwangi Madio	SHIMANZI KIRIWI	BALOZI	0721760996	<i>[Signature]</i>
18	SIMON MUGWISO	V. ELDER	V. ELDER	0717226673	<i>[Signature]</i>
19	RODRIGES MWATA	SHIMANZI	BALOZI	078125195	<i>[Signature]</i>
20	IMON R. BOTT	SHIMANZI	BALOZI	0722-222150	<i>[Signature]</i>

BE PUNCTUAL ALWAYS.

CHIEF'S OFFICE
 MOMBASA COUNTY
SUB COUNTY
 MVITA CONSTITUENCY
 ISLAND WARD
 RAILWAY LOCATION

MEETING ATTENDANCE LIST

NO.	NAME	VILLAGE	DESIGNATION	CONTACT	SIGNATURE
1	ROBERT M. MURITHI	SHIMANZI	LIMAO BALLE SHE	0703640 265	
2	BRENDA A. DWITI	SHIMANZI	YOUTH	070396 2766	
3	Rashid Sulaiman Baraki	PANJANI	V/ELDER	0727103416	
4	SHARAH N. NDOBE	GANISON	CHIEF	0721527702	
5	JAMES HEATH OMIINDI	"	"	0722318729	
6	Christopher Wangila	"	"	0721320182	
7	GLAS. WAMALIDA	"	"	0714069812	
8	JOSCPH MUSHOKI	"	"	"	
9	MATILDA AKINYI	SHIMANZI K.P.A	V/ELDER	0723215518	
10	STEPHEN K. NYAMU	TUDOR LOC	ASS CHIEF	0725403375	
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

BE PUNCTUAL ALWAYS.

Figure 17-1: Public Consultation Meeting List of Attendance

17.2.3 Public Consultation Meeting Photos



Figure 17-2: Consultant giving a presentation on the various projects



Figure 17-3: Feedback from one of the participants



Figure 17-4: Feedback from one of the Participants

17.3 PAP PHOTOS



Unknown PAP Structure



Unknown PAP Structure



Unknown PAP Structure



Unknown PAP Structure



Unknown PAP Structure



Unknown PAP Structure



Unknown PAP Structure



Unknown PAP Structure



Unknown PAP Structure



Unknown PAP Structure



Unknown PAP Structure



Unknown PAP Structure

17.4 PAP ENTITLEMENT MATRICES

PAP No.	Village	Location	Sub - County	County	Name of HH	ID No. of HH Head	Telephone No. of HH Head	Description of Affected Business	Description of Affected Structures	Entitlement for Business	Entitlement for Structures	Sub-Total	Disturbance Allowance 15%	Moving Allowance for Tenants	Total Compensation	
1	Moroto	Tudor	Mombasa Island	Mombasa	Unknown Owner			Rental House	15x10 semipermanent structure	30,000.00	750,000.00	780,000.00	117,000.00		897,000.00	
2	Moroto	Tudor	Mombasa Island	Mombasa	Unknown Owner			Rental House	20x8 semipermanent structure	30,000.00	800,000.00	830,000.00	124,500.00		830,000.00	
3	Moroto	Tudor	Mombasa Island	Mombasa	Unknown Owner			Rental House	8x9 semipermanent structure	24,000.00	360,000.00	384,000.00	57,600.00		384,000.00	
4	Moroto	Tudor	Mombasa Island	Mombasa	Unknown Owner			Rental House	7x10 semipermanent structure	24,000.00	350,000.00	374,000.00	56,100.00		374,000.00	
5	Moroto	Tudor	Mombasa Island	Mombasa	Unknown Owner			Rental House	10x15 semipermanent structure	24,000.00	750,000.00	774,000.00	116,100.00		774,000.00	
6	Moroto	Tudor	Mombasa Island	Mombasa	Unknown Owner			Rental House	8x12 semipermanent structure	30,000.00	480,000.00	510,000.00	76,500.00		510,000.00	
7	Moroto	Tudor	Mombasa Island	Mombasa	Unknown Owner			Rental House	15x10 semipermanent structure	30,000.00	750,000.00	780,000.00	117,000.00		780,000.00	
8	Moroto	Tudor	Mombasa Island	Mombasa	Unknown Owner			Rental House	15x10 semipermanent structure	30,000.00	750,000.00	780,000.00	117,000.00		780,000.00	
9	Moroto	Tudor	Mombasa Island	Mombasa	Unknown Owner			Rental House	15x10 semipermanent structure	30,000.00	750,000.00	780,000.00	117,000.00		780,000.00	
10	Moroto	Tudor	Mombasa Island	Mombasa	Unknown Owner			Rental House	6x8 semipermanent structure	30,000.00	240,000.00	270,000.00	40,500.00		270,000.00	
11	Moroto	Tudor	Mombasa Island	Mombasa	Unknown Owner			Rental House	6x7 semipermanent structure	24,000.00	210,000.00	234,000.00	35,100.00		234,000.00	
12	Moroto	Tudor	Mombasa Island	Mombasa	Unknown Owner			Rental House	10x9 semipermanent structure	24,000.00	450,000.00	474,000.00	71,100.00		474,000.00	
13	Moroto	Tudor	Mombasa Island	Mombasa	Unknown Owner			Rental House	6x10 semipermanent structure	30,000.00	300,000.00	330,000.00	49,500.00		330,000.00	
14	Moroto	Tudor	Mombasa Island	Mombasa	Francis Shikuku	0	0			0	-	-	-	-	-	
15	Moroto	Tudor	Mombasa Island	Mombasa	Isac Karisa	26343176	0724169833			0	-	-	-	-	-	
16	Moroto	Tudor	Mombasa Island	Mombasa	Alex Kimeru	0	0716636264			0	-	-	-	-	-	
17	Moroto	Tudor	Mombasa Island	Mombasa	Monica Marete	0	0			0	-	-	-	-	-	
18	Moroto	Tudor	Mombasa Island	Mombasa	Elizabeth Muiya	22352859	0714869980			0	-	-	-	-	-	
19	Moroto	Tudor	Mombasa Island	Mombasa	Hussein Chondo	0	0723216059			0	-	-	-	-	-	
20	Moroto	Tudor	Mombasa Island	Mombasa	William Kivesi	0	0726442243			0	-	-	-	-	6,000.00	
21	Moroto	Tudor	Mombasa Island	Mombasa	Omar Mwaringa	0	0713513346			2	-	-	-	-	6,000.00	
22	Moroto	Tudor	Mombasa Island	Mombasa	Edwin Kinuthia	0	0715678109			2	-	-	-	-	6,000.00	
23	Moroto	Tudor	Mombasa Island	Mombasa	Ali Kazungu	0	0720691314			2	-	-	-	-	6,000.00	
24	Moroto	Tudor	Mombasa Island	Mombasa	Kisao Kondo	0	0			2	-	-	-	-	6,000.00	
25	Moroto	Tudor	Mombasa Island	Mombasa	Ali Salim	0	0	Shop		0	48,000.00	-	48,000.00	7,200.00	6,000.00	48,000.00
26	Moroto	Tudor	Mombasa Island	Mombasa	Alex Irungu	0	0731597761			2	-	-	-	-	6,000.00	
27	Moroto	Tudor	Mombasa Island	Mombasa	Michael Muendo	28669952	0788450134		20x10 Temporary Buildings	2	-	600,000.00	600,000.00	90,000.00		600,000.00
28	Moroto	Tudor	Mombasa Island	Mombasa	James Ndoko	0	0			0	-	-	-	-	6,000.00	
29	Moroto	Tudor	Mombasa Island	Mombasa	Robert Musyoki Kyeti	7954604	0771800831			0	-	-	-	-	6,000.00	
30	Moroto	Tudor	Mombasa Island	Mombasa	Rama Nyawa	0	0702219841			0	-	-	-	-	6,000.00	
31	Moroto	Tudor	Mombasa Island	Mombasa	Emmanuel Samaki Tungwa	0	0706363815			0	-	-	-	-	6,000.00	
32	Moroto	Tudor	Mombasa Island	Mombasa	Daniel Ndunda	24973127	0706785418			2	-	-	-	-	6,000.00	
33	Moroto	Tudor	Mombasa Island	Mombasa	Kondo Charo	0	0700848829			0	-	-	-	-	6,000.00	
34	Moroto	Tudor	Mombasa Island	Mombasa	Brayson Tsangari	24476447	0726902008			0	-	-	-	-	6,000.00	
35	Moroto	Tudor	Mombasa Island	Mombasa	Mkotse Hamadi Athumani	28786520	0			0	-	-	-	-	6,000.00	
36	Moroto	Tudor	Mombasa Island	Mombasa	Hassan Mangale	27334301	0750104760			0	-	-	-	-	6,000.00	
37	Moroto	Tudor	Mombasa Island	Mombasa	Ali Karisa Kanite	0	0786277308			0	-	-	-	-	6,000.00	
38	Moroto	Tudor	Mombasa Island	Mombasa	Eric Okongo	32751808	0712755198			0	-	-	-	-	6,000.00	

PAP No.	Village	Location	Sub - County	County	Name of HH	ID No. of HH Head	Telephone No. of HH Head	Description of Affected Business	Description of Affected Structures	Entitlement for Business	Entitlement for Structures	Sub-Total	Disturbance Allowance 15%	Moving Allowance for Tenants	Total Compensation
39	Moroto	Tudor	Mombasa Island	Mombasa	Kiaro Muthuthi	30824644	0716049460		0	0	-	-	-	6,000.00	-
40	Moroto	Tudor	Mombasa Island	Mombasa		0	0		0	0	-	-	-	6,000.00	-
41	Moroto	Tudor	Mombasa Island	Mombasa	Joyce Zawadi	32210627	0704569849		0	0	-	-	-	6,000.00	-
42	Moroto	Tudor	Mombasa Island	Mombasa	Riziki Ndegwa	31122010	0705892309		0	0	-	-	-	6,000.00	-
43	Moroto	Tudor	Mombasa Island	Mombasa	Amina Hamadi	33843507	0723080270		0	0	-	-	-	6,000.00	-
44	Moroto	Tudor	Mombasa Island	Mombasa	Fanisi Nanjala	0	0719861145		0	0	-	-	-	6,000.00	-
45	Moroto	Tudor	Mombasa Island	Mombasa	Ndegwa Mgandi	21224863	0707562168		0	0	-	-	-	6,000.00	-

PAP No.	Village	Location	Sub - County	County	Name of HH	ID No. of HH Head	Telephone No. of HH Head	Description of Affected Business	Description of Affected Structures	Entitlement for Business	Entitlement for Structures	Sub-Total	Disturbance Allowance 15%	Moving Allowance for Tenants	Total Compensation
1	Moroto	Tudor	Mombasa Island	Mombasa	Mbaruk Omar	0	0704433413	Shop	6x4m Temporary Structure	60,000.00	72,000.00	132,000.00	19,800.00	-	151,800.00
2	Moroto	Tudor	Mombasa Island	Mombasa	0	0	0		15x7m Temporary Buildings	-	315,000.00	315,000.00	47,250.00	-	362,250.00