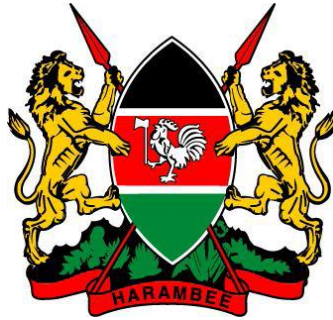


THE REPUBLIC OF KENYA



KENYA INFORMAL SETTLEMENTS IMPROVEMENT PROJECT: CREDIT
No: 4873-KE

MINISTRY OF LANDS, HOUSING, AND URBAN DEVELOPMENT: MH/KISIP/CS/004/2011-2012: Consultancy Services For Socio Economic Surveys, Infrastructure Upgrading Plans, and Detailed Engineering Designs in Informal Settlements

And

WATER SUPPLY AND SANITATION SERVICE IMPROVEMENT PROJECT IN KENYA - NAIROBI INFORMAL SETTLEMENTS:
CONTRACT No: AWSB/WaSSIP/COMP 1/CS-10/10

ATHI WATER SERVICES BOARD: AWSB/WaSSIP/COMP 1/CS-10/10: Feasibility Studies, Detailed Designs, Tender Documents Preparation and Works Supervision for Extension of Water and Sanitation Services to Informal Settlements in Nairobi

CONSOLIDATED RESETTLEMENT ACTION PLAN REPORT

For

Kayole Informal Settlement in Nairobi County

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Kenya Informal Settlements Improvement Project, and Water Supply and Sanitation Service Improvement Project in Kenya: Nairobi Region

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LIST OF ABBREVIATIONS

Abbreviation	Full Name
AWSB	Athi Water Services Board
CBOs	Community Based Organisations
CDF	Constituency Development Fund
CWSB	Coast Water Services Board
DPs	Displaced Persons
ESMF	Environmental and Social Management Framework
GoK	Government of Kenya
KENSUP	Kenya Slum Upgrading Programme
KIHBS	Kenya Integrated Household Budget Survey
KISIP	Kenya Informal Settlements Improvement Project
KNBS	Kenya National Bureau of Statistics
LVNWSB	Lake Victoria North Water Service Board
M&E	Monitoring and Evaluation
NCC	Nairobi City Council
NCWSC	Nairobi City Water and Sewerage Company
NGOs	Non-Governmental Organisations
PAPs	Project Affect Persons
PDP	Physical Development Plan
RAP	Resettlement Action Plan
RIC	Resettlement Implementation Committee
RPF	Resettlement Policy Framework
WAB	Water Appeal Board
WaSSIP	Water and Sanitation Service Improvement Project
WSB	Water Services Board
WSRB	Water Sector Regulatory Board
WSS	Water and Sanitation Sector

DEFINITION OF TERMS USED IN THIS REPORT

The following terms shall have the following meanings, unless the context dictates otherwise¹:

Census: A field survey carried out to identify and determine the number of Project Affected Persons (PAP) or Displaced Persons (DPs) within the project area boundaries. The meaning of the word also embraces the criteria for eligibility for compensation, resettlement and other measures emanating from consultations with affected communities.

Project Affected Person: This is a person affected by land use or acquisition needs of the Kenya Informal Settlements Improvement Project (KISIP). The person is affected because s/he may lose “title to land or right to its use”, and/or “title rights or other rights to structures constructed on the land” (thus s/he may lose, be denied, or be restricted access to economic assets, shelter, income sources, or means of livelihood). The person is affected whether or not s/he must move to another location.

Compensation: The payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets thereon.

Cut-off date: The date of commencement of the census of PAPs or DPs within the project area boundaries. This is the date on and beyond which any other person who occupies the land delineated for project use, will not be eligible for compensation.

Effective cut-off date: The date of the meeting held at the conclusion of the census survey but before disclosure of the Resettlement Action Plan, when the list of Project Affected Persons identified from the census survey will be finalised, and all Project Affected Persons will be officially notified of intention for land acquisition.

Displaced Person: A person who, for reasons due to involuntary acquisition or voluntary contribution of their land and other assets under the project, will suffer direct economic and or social adverse impacts, regardless of whether or not the said Displaced Person is physically relocated. The person will have his or her: standard of living adversely affected, whether or not the Displaced Person must move to another location; lose right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.

Involuntary Displacement: The involuntary acquisition of land resulting in direct or indirect economic and social impacts caused by: loss of benefits from use of such land; relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether or not the Displaced Person has moved to another location or not.

Involuntary Land Acquisition: This is the repossession of land by government or other government agencies for compensation, for the purpose of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

¹ Water Supply and Sanitation Service Improvement Project (WaSSIP). 2007. Resettlement Policy Framework, RP 583. Government of the Republic of Kenya

Repon Associates. 2011. The Kenya Informal Settlements Improvement Programme: Resettlement Policy Framework. Ministry of Land, Housing and Urban Development - Government of the Republic of Kenya

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Land: This refers to agricultural and/or non-agriculture land and any structures thereon whether temporary or permanent and which may be required for the Project.

Land Acquisition: This means the repossession of or alienation of land, buildings or other assets thereon for purposes of the Project.

Rehabilitation Assistance: This means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable a Displaced Person to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-Project levels.

Energy: Any source of electrical, mechanical, hydraulic, pneumatic, chemical, nuclear, or thermal power for any use; and includes electricity, petroleum and other fossil fuels, geothermal steam, biomass and all its derivatives, municipal waste, solar, wind and tidal wave power²

Enterprise: An undertaking or a business concern whether formal or informal engaged in production of goods or provision of services³.

Informal Enterprises: Enterprises that do not regularise their operations beyond the licensing requirements by Local Authorities (Kenya Economic Report 2009)⁴. When these enterprises operate outside the existing legislation, regulations and policies, they risk not receiving the public incentives, benefits and protection thereof⁵.

Micro Enterprises: A firm, trade, service, industry or a business activity which employs less than ten people, has an annual turnover that does not exceed five hundred thousand shillings, and may be formal or informal⁶.

Street Trader: A person carrying out trade in a public place that is not a shop premise approved by the local authority. The public place includes any road, street, foot pavement, footpath, park, open space, or lane.

Public Road: All roads and thoroughfares reserved for public use⁷.

Street: A highway, bridge, road lane, footway, courtyard, alley, square or passage or any lands reserved therefor, within the area of a local authority, used or intended to be used as a means of access to two or more premises or areas of land in different occupation, whether the public have a right of way over it or not, and includes all channels, ditches, drains, sidewalks, bridges, culverts and other works appurtenant thereto⁸.

² Government of the Republic of Kenya. 2012. Energy Act, Cap 314. National Council for Law Reporting, Nairobi

³ Government of the Republic of Kenya. 2012. The Micro and Small Enterprise Act, No. 55 of 2012. National Council for Law Reporting, Nairobi.

⁴ Kenya Economic Report 2009. Kenya Institute for Public Policy Research and Analysis (KIPPRA), Nairobi

⁵ Kenya Economic Report 2010. Kenya Institute for Public Policy Research and Analysis (KIPPRA), Nairobi

⁶ *Ibid*;

Kenya Economic Report 2009. Kenya Institute for Public Policy Research and Analysis (KIPPRA), Nairobi; Sessional Paper No. 2 of 2005 on Development of Micro and Small Enterprises for Wealth and Employment Creation for Poverty Reduction. Government of the Republic of Kenya

⁷ Public Roads and Roads of Access Act Chapter 399 of the Laws of Kenya. Government Printer, Nairobi

⁸ Streets Adoption Act Chapter 406 of the Laws of Kenya. Government Printer, Nairobi

SUMMARY

1) INTRODUCTION

a. Background

Kenya Vision 2030 is Kenya's long-term development blueprint. It documents by sector, challenges that need addressing to transform Kenya into a middle income country by the year 2030. On housing and urbanisation, it documents six challenges that need addressing toward "providing the country's population with adequate and decent housing in a suitable environment" by 2030. One challenge of particular interest to this report is "insufficient serviced land". Against this challenge, a specific goal of the country by *Kenya Vision 2030* is to improve livelihoods of slum dwellers through a Flagship Project, "Install physical and social infrastructure in slums in 20 urban areas to formalise slums, permit construction of permanent houses, and attract private investment".

Regarding water and sanitation, the country's development blue print aims at ensuring water and sanitation availability and access for all its citizens by the year 2030. For this to be a reality, it documents eight challenges in the sector that need addressing through an integrated approach that involves: a) more efficient land management; b) investment in infrastructure in terms of both rehabilitation and expansion of existing facilities; and c) institutional strengthening in terms of adequacy with respect to equipment, and number and technical ability of staff. Key actors to the delivery of Kenya's goals are the country's eight water services boards (WSBs) that are established under the Water Act 2002.on

Vis-à-vis, the Government of the Republic of Kenya is implementing a number of projects towards improving the livelihoods of households in informal settlements of Kenya. Two of these projects, and which are related to this report, are the:

Project 1: Kenya Informal Settlements Improvement Project (KISIP) - which is funded by the Government of Kenya (GoK), together with the World Bank (WB), the Swedish International Development Cooperation Agency (SIDA), and the French Development Agency (AFD)]. KISIP has an overall objective of "improving living conditions in informal settlements in selected Kenyan municipalities. It is designed with four components. The component related to this report is, "*Investing in infrastructure and service delivery*", which is designed to support investment in settlement infrastructure and, where necessary, extension of trunk infrastructure to settlements. A core design feature of KISIP is that proposed interventions are community targeted, and at a scale that allows for local operation and maintenance.

Project 2: Water Supply and Sanitation Service Improvement Project (WaSSIP) in Kenya (WaSSIP) - which is funded by the GoK, together with the WB. WaSSIP's overall objective is to increase access to reliable, affordable and sustainable water supply and sanitation services in Kenya. This it will achieve by supporting a defined part of the overall investment plans on water and sanitation improvement of areas of operation of three of the eight Water and Services Boards (WSBs) of Kenya, namely: Athi Water and Services Board (AWSB), Coast Water Services Board (CWSB), and Lake Victoria North Water Services Board (LVNWSB). The support to these WSBs covers: i) water and sewerage infrastructure rehabilitation and expansion, which is focused on increasing access to safe water and improved sanitation services; and, ii) institutional strengthening, which is focused on the quality, reliability, affordability, and sustainability of service provision to beneficiaries as well as long term viability and sustainability of the service provision institutions. Some of the areas of

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operation of the three WSBs that are targeted to benefit from WaSSIP, and which are an area of focus of this report, are informal settlements.

The WSB of specific interest to this report is AWSB, whose area of coverage embraces Nairobi, Thika, and Kiambu. In Nairobi region, through WaSSIP, AWSB aims to benefit a total of 31 villages in informal settlements.

b. Consultancy Services for Detailed Designs for Infrastructure Improvement in Informal Settlements in Nairobi

KISIP (through Ministry of Land, Housing and Urban Development), and WaSSIP (through AWSB), have individually contracted a consultant to develop detailed designs for specific infrastructure improvement in selected informal settlements in Nairobi. The Terms of Reference for the consultants are different. However, at one point, the two consultancies converge. This is with respect to Project Affected Persons (PAPs) as regards infrastructure improvement in Kayole Soweto Informal Settlement, one of the select informal settlements in Nairobi region that is identified to benefit from both KISIP and WaSSIP.

The consultant contracted by KISIP is CAS Consultants Ltd., and that contracted by WaSSIP is Runji & Partners Consulting Engineers and Planners Ltd.

As part of the consultancy, a Resettlement Action Plan (RAP) Report for Kariobangi Informal Settlement that is acceptable to KISIP, WaSSIP, the WB, and NEMA is required. This report is in fulfilment of this output. The overall objective of the RAP Report is to present an entitlement resettlement assistance package that is aimed at adequately re-installing persons from the Informal Settlement that would be affected on implementation of the Projects in the Settlement - an action which is reasoned necessary toward effective implementation of the Projects. This is undertaken with the overall intent of minimising and reversing negative effects of the losses and disruptions brought upon these people.

Toward development of this RAP report, results of two census surveys of the Project Affected Persons were utilised - one per Project. Reference was as well made on The Resettlement Policy Framework (RPF) of the respective Projects, as well as other reports on the settlement the consultants have completed and handed over to KISIP and WaSSIP as per ToR: Inception Report; Conceptual Design Report; Detailed Design Report; Draft ESIA Report; and, Draft Socio-Economic Report. Also considered were the requirements of: a) The laws of Kenya with regard to land tenure, development, usage, and compulsory acquisition; and, b) World Bank Operational Policy (OP) 4.12 on compensation.

2) NATURE OF DISRUPTIONS AND LOSSES EXPECTED FROM INFRASTRUCTURE IMPROVEMENT IN KAYOLE SOWETO INFORMAL SETTLEMENT AND THE PROPOSED MITIGATION MEASURES

Two census surveys have been carried out in Kayole Soweto Informal Settlement. One was under WaSSIP, conducted from 22nd March 2013 to 6th April 2013; and, the other was under KISIP, conducted from 17th September 2013 to 27th October 2013. From the census surveys, the combined number of PAPs was estimated at 4799. Majority of these PAPs ($\approx 99.9\%$) were observed as encroachers. The non-encroachers were identified as mainly service providers, a main example being the Kenya Power and Lighting Company. Respecting assets, in decreasing order of incidence, as the table below illustrates, the top four that would be significantly affected are: business premises, veranda, sanitation facilities (i.e. combined: septic tanks, manholes, sewer pipelines, toilets, and toilet and bathroom), and electricity structures (transformers, street/flood lights, and poles with their electric wires). An estimated 59.19% of the affected structures were described as not of permanent status.

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Table: Type of Project Affected Asset by Name of Project Data is Collected Under

Type of affected asset ^a	Name of Project Data is Collected Under			Total	
	KISIP	WaSSIP	KISIP & WaSSIP	Count	Percent of Cases (%)
Business premise	2270	423	56	2749	57.3
Veranda	1034	960	29	2023	42.2
Septic tank	164	199	10	373	7.8
Manhole	27	23	2	52	1.1
Fence/Wall	4	15	0	19	.4
Sewer line/Sewer Pipe	2	14	1	17	.4
Water Tank	2	15	0	17	.4
Shade	15	0	0	15	.3
Toilet	1	9	1	11	.2
House	2	9	0	11	.2
Stair Case	5	1	2	8	.2
Water pipeline/ water distribution line	2	2	2	6	.1
**Electricity Pole	6	0	0	6	.1
Chicken(s)	5	1	0	6	.1
Drainage	0	3	0	3	.1
Tree(s)	0	3	0	3	.1
Bathroom and Toilet	0	2	0	2	.0
Pig(s)	1	0	1	2	.0
Culvert/Cross Culvert	1	0	0	1	.0
Concrete stone "jiko"	1	0	0	1	.0
Goats House	0	0	1	1	.0
Street Light/or Flood Light	1	0	0	1	.0
Class	0	1	0	1	.0
Sunday School Class	0	1	0	1	.0
Pigs House	0	1	0	1	.0
Parking	0	1	0	1	.0
Goat(s)	0	0	1	1	.0
Cattle	0	0	1	1	.0
Duck(s)	0	0	1	1	.0
Flowers	0	1	0	1	.0
Total (Count)	3371	1349	79	4799	

Notes: a. Group; Percentages and totals are based on respondents; and, ** PAPs is a service provider, and its facilities are on six (6) of the roads identified for upgrading

Findings of the surveys also indicate there is potential impact of adverse disruption of movement of pedestrians and vehicles to and from households, businesses, and neighbouring areas within and outside the settlement. This was of particular concern to: a) business owners, whose worry was loss of or reduced revenues as well as loss of clientele; and, b) persons confined to wheel chairs and those using clutches, whose worry was movement through the construction zone.

Other disruptions observed, which are likely on implementation of the Projects, were interruption to electricity supply and, water and sanitation services. In connection to water and sanitation services, the disruption would be as a result of damage to verandas, manholes, water distribution lines, drainages, water tanks, septic tanks, sewer pipelines, toilets, and bathrooms. Damage to these water and sanitation structures, without provision

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of adequate mitigation measures, was further observed may result to impacts with adverse potential effects on the health and safety of PAPs, as well as residents from the beneficiary community.

Toward effective implementation of the Projects, also as observed from the surveys, was likely: a) disruptions to family and community values due persons from outside migrating into the beneficiary community in response to income opportunity; and, b) damage to property located adjacent to construction sites as a result of construction activities.

Against each of the observations made from the census survey, this RAP Report proposes most feasible mitigation measure, which is guided by recommendations from PAPs, the respective Projects RPF, and other stakeholders. Compliance with the laws of Kenya, as well as World Bank Policy on involuntary resettlement was also taken into consideration. The table below *“This RAP Report’s Proposal of How Project Affected Person Is to be Compensated/Mitigated”* gives a summary of the proposed mitigation measure against an observed disruption.

3) OTHER

This RAP Report, in addition, proposes the activities to be undertaken toward adequately re-installing PAPs. Proposed as well are: a) the grievance redress mechanism; b) organisational responsibilities; c) implementation schedule, giving the timelines against the activities; d) monitoring and evaluation framework of the activities proposed be undertaken toward adequately re-installing PAPs; e) valuation and compensation process; and, d) the RAP budget which is estimated at Ksh. 86,978,553.

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Table: This RAP Report's Proposal of How Project Affected Person Is to be Compensated/Mitigated

Type of affected asset	Proposed Mitigation Measure For Project Affected Asset															Total	
	Cash compensation at replacement cost (calculated without depreciation - for structure owners)	Alternative accommodation where possible	PAP allowed to salvage all material	Two months advance notice (as is appropriate, to either vacate or of interruption of service)	Where partial loss of structure but residual is viable: repair unaffected section (cost at 25% of compensation)	Ex-gratia at 50% of compensation amount towards house building allowance (for property owner)	One time shifting allowance of Ksh. 2500 (for encroachers/squatters)	Subsistence allowance equivalent to six (6) months rental income (for landlords)	Relocation to other site (for informal enterprises)	Individual connection to improved (formal) sanitation services	To be replaced with improved pavement - one of KISIP's deliverables for the Settlement	Shift pole/pillar/service	Taken care of in the proposed Project design for the Settlement	Housing allowance for three (3) months equivalent rental income value (for tenant or owner occupier)	Count	Percent of PAP	
Business premise	239	0	2742	2742	360	0	0	0	*2365	140	**360	0	0	0	2742	57.14	
Veranda	516	0	2023	2023	1063	0	0	0	0	448	1063	0	0	0	2023	42.15	
Septic tank	0	0	372	372	0	0	0	0	0	372	0	0	0	0	372	7.75	
Manhole	0	0	28	28	0	0	0	0	0	28	0	0	0	0	28	0.58	
Manhole	0	0	24	24	0	0	0	0	0	24	0	0	0	0	24	0.50	
Fence/Wall	18	0	19	19	4	0	0	0	0	1	0	0	0	0	19	0.40	
Water Tank	16	0	16	16	0	0	0	0	0	1	0	0	0	0	16	0.33	
Shade	15	0	15	15	0	0	0	0	0	0	0	0	0	0	15	0.31	
***House	8	8	11	11	8	8	8	8	0	3	0	0	0	8	11	0.23	
Toilet	0	0	11	11	0	0	0	0	0	11	0	0	0	0	11	0.23	
Sewer line/Sewer Pipe	0	0	10	10	0	0	0	0	0	10	0	0	0	0	10	0.21	
Stair Case	1	0	8	8	6	0	0	0	0	1	6	0	0	0	8	0.17	
Chicken(s)	0	0	6	6	0	0	0	0	6	0	0	0	0	0	6	0.13	
***Electricity Pole	0	0	0	6	0	0	0	0	0	0	0	6	0	0	6	0.13	
Water pipeline/ water distribution line	0	0	0	6	0	0	0	0	0	0	0	6	0	0	6	0.13	
Sewer line/Sewer Pipe	0	0	4	4	0	0	0	0	0	4	0	0	0	0	4	0.08	
Drainage	3	0	3	3	0	0	0	0	0	0	0	0	0	0	3	0.06	
Tree(s)	1	0	3	3	0	0	0	0	0	2	0	0	0	0	3	0.06	
Bathroom and Toilet	0	0	2	2	0	0	0	0	0	2	0	0	0	0	2	0.04	
Pig(s)	0	0	2	2	0	0	0	0	2	0	0	0	0	0	2	0.04	
Cattle	0	0	1	1	0	0	0	0	1	0	0	0	0	0	1	0.02	
Class	0	0	1	1	0	0	0	0	0	1	0	0	0	0	1	0.02	
Concrete stone "jiko"	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0.02	
Culvert/Cross Culvert	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0.02	
Flowers	1	0	1	1	0	0	0	0	0	0	0	0	0	0	1	0.02	
Goat(s)	0	0	1	1	0	0	0	0	1	0	0	0	0	0	1	0.02	
Goats House	1	0	1	1	1	0	0	0	0	0	1	0	0	0	1	0.02	
Parking	1		1	1	0	0	0	0	0	0	0	0	0	0	1	0.02	
Pigs House	0	0	1	1	0	0	0	0	0	1	0	0	0	0	1	0.02	
Street Light/or Flood Light	0	0	0	1	0	0	0	0	0	0	0	1	0	0	1	0.02	
Sunday School Class	1	1	1	1	1	1	1	1	0	0	0	0	0	1	1	0.02	
Total (Count)	Count	821	9	5313	5320	1443	9	9	9	2375	1049	1430	13	2	9	4799	100.00
	% of Responses	15.43	0.17	99.83	99.96	27.11	0.17	0.17	0.17	44.63	19.71	26.87	0.24	0.04	0.17		

Source: Field Survey

Notes: a. Group; Percentages and totals are based on respondents; N = 4799; and,

✚ *Some of the PAPs have been counted more than once, to reflect the number of business premises owned and affected. Should construction of a market place be a preferred mitigation measure, this report proposes that these PAPs should only be allocated one space/stall within the constructed market place.

✚ **Business Premise is a veranda – thus the proposed mitigation measure. This measure is proposed for KISIP

✚ *** PAPs is a service provider, and its facilities are on six (6) of the roads identified for upgrading

✚ ****Refer to 7.2.1 (f) on how to interpret the proposals under affected item

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1.0 INTRODUCTION

This is a Consolidated Resettlement Action Plan (RAP) report for Kayole Soweto Settlement, which is located in Savannah Location of Embakasi East Constituency, in Nairobi County. The RAP report is in part fulfilment of two consultancy services under, namely:

- a. Kenya Informal Settlements Improvement Project (KISIP), to undertake socio-economic surveys, infrastructure upgrading plans, and detailed engineering designs in Kayole Soweto Informal Settlement, in connection to upgrading infrastructure on solid waste management, roads, storm water drainage, and street and security (flood) lighting. The client is the Ministry of Land, Housing, and Urban Development. KISIP is funded by the Government of Kenya (GoK), together with the World Bank (WB), the Swedish International Development Cooperation Agency (SIDA), and the French Development Agency (AFD).
- b. Water Supply and Sanitation Service Improvement Project (WaSSIP) in Kenya, to undertake feasibility studies, detailed designs, tender document preparation and works supervision for extension of water and sanitation services to Kayole Soweto Settlement; and, the client is Athi Water Service Board (AWSB). WaSSIP is funded by the GoK, together with the WB.

The detailed designs developed toward infrastructure upgrading of Kayole Informal Settlement largely make use of land use planning done on the Settlement, which provides for roads and way leaves. These public spaces have been encroached on - there are structures constructed on them, and in some instances, structures are absent, but there are persons utilising sections of the spaces to generate income. Anticipated on implementation of the infrastructure upgrading plans proposed for the Informal Settlement is losses and disruption in connection to displacement from the public land identified for use by the Project. Also anticipated, but limited, are losses and disruption in connection to displacement from part parcels of land that persons claim to have legal rights to occupy and use.

In line with the WB Policy on Resettlement concerning projects funded by the Bank, and as stated by KISIP and WaSSIP's Resettlement Policy Frameworks (RPF), persons with i) no recognisable legal rights or claim to the land they are occupying, using or getting their livelihood from, and ii) they occupied this land earmarked for project activities prior to the cut-off date, are determined under the Project as eligible for resettlement assistance in lieu of compensation. Persons under this class include encroachers and illegal or bona fide occupants. Additionally, persons with i) formal or no formal legal rights to the land they are occupying, using or getting their livelihood from, and ii) they occupied this land earmarked for project activities prior to the cut-off date, are determined under the Project as eligible for compensation, resettlement and rehabilitation assistance.

Vis-à-vis, this RAP Report documents the encroachers and non-encroachers from Kayole Soweto Informal Settlement that would be affected towards effective implementation of KISIP and WaSSIP, as well as the losses and disruptions these persons would suffer. The Report additionally proposes mitigation measures to minimise on the impact of the losses and disruptions that would be experienced. The proposed mitigation measures are informed by consultations held with the affected persons, as well as the guidelines provided by the Projects RPF.

Development of this consolidated RAP Report is undertaken with the overall intent of minimising and reversing negative effects of the losses and disruptions brought upon these people; as well as ensuring GoK resources are used efficiently.

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2.0 BACKGROUND

2.1 Kenya Vision 2030

Kenya Vision 2030 is Kenya's long-term development blueprint. It documents by sector, challenges that need addressing to transform Kenya into a middle income country by the year 2030. On housing and urbanisation, it documents six challenges that need addressing toward "providing the country's population with adequate and decent housing in a suitable environment" by 2030. One of the six challenges that is of particular interest to this report is "insufficient serviced land"⁹.

Regarding the water and sanitation sector, the country's development blue print documents eight challenges that need addressing toward ensuring "water and sanitation availability and access for all" by 2030. Two challenges particularly related to this report are: increased demand as a result of population growth and economic development; and, a wanting water and sewerage infrastructure in terms of both coverage and condition¹⁰.

2.1.1 Urbanisation in Kenya

Kenya has urbanised rapidly. For example, as Table 1 illustrates, in 1962 it had an estimated urban population of 747,651 individuals, comprising about 8.66% of the total population of Kenya. By August 1999 national census results, this population had grown to an estimated 5,360,917 individuals, covering about 18.70% of the total population of Kenya. Between August 1999 and August 2009 national census results, it grew by approximately 255.96%, to an estimated 13,722,069 (males: 6,882,620; and, females: 6,839,449) individuals, to constitute about 35.54% of the total population of Kenya.

Table 1: Urban Population Trend in Kenya by 1962 to 2009 Census Results¹¹

Year	Population: Census Results		% Urban to Total Kenya Population	Inter-Census Urban Population Growth (%)
	Total Urban	Total Kenya		
1962	747,651	8,636,263	8.66	
				144.44
1969	1,079,908	10,956,501	9.86	
				214.43
1979	2,315,696	15,327,061	15.11	
				167.50
1989	3,878,697	21,448,774	18.08	
				138.21
1999	5,360,917	28,660,534	18.70	
				255.96
2009	13,722,069	38,610,097	35.54	

⁹ Government of the Republic of Kenya. 2007. Vision 2030: A Globally Competitive and Prosperous Kenya. Ministry of Planning and National Development and, National Economic and Social Council (NESC), Nairobi, Kenya

¹⁰ Government of the Republic of Kenya. 2007. Vision 2030: A Globally Competitive and Prosperous Kenya. Ministry of Planning and National Development and, National Economic and Social Council (NESC), Nairobi, Kenya

¹¹ Kenya National Bureau of Statistics, Government of Kenya. 2002. Kenya 1999 Population and Housing Census: The Population Dynamics of Kenya Analytical Report Vol. III. Kenya National Bureau of Statistics, Nairobi. Kenya National Bureau of Statistics, Government of the Republic of Kenya. 2009 Kenya Population and Housing Census: Volume I C - Population Distribution by Age, Sex and Administrative Units

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The largest share of urban population, as subsequent sections illustrate, is in Nairobi County. Additionally, as the region where located is the capital city of Kenya, the County's functions have over the years developed and expanded to make the County the largest urban centre in Kenya.

A-1) Nairobi – The Largest Urban Centre in Kenya

Nairobi is the capital city of Kenya. It is located at an altitude of between 1600 and 1850 metres above sea level, 1.19° of the Equator and 36.59° East of the Prime Meridian. Its area is approximately 686 Km².

Nairobi City owes its birth and growth to the Kenya Uganda Railway (KUR) which reached Nairobi in May 1899 from Mombasa enroute Kisumu (part of what is now Uganda). In June 1899, it was made the railway headquarter of KUR. In 1907, Nairobi was designated the capital of Kenya; but it was not until 1950 that the British Colonial Administration, through a Royal Charter, granted it city status¹².

In terms of functions and population, Nairobi is the largest urban centre in Kenya; and this primacy position is expected to be sustained and strengthened in the coming years. The primacy position of Nairobi is due to its market attractiveness as a centre of economic activity. From a KUR headquarter in 1899, the functions of Nairobi have developed and expanded such that today it has achieved an overwhelming dominance in the political, social, cultural and economic life of the people of Kenya, as well as the whole of the Eastern African Region. It additionally performs a significant role in the global economy¹³. For instance, it is the headquarters for the United Nations in Africa, as well as the headquarters for two United Nations agencies: United Nations Environment Programme (UNEP) and United Nations Centre for Human Settlement (UN-Habitat).

On population, as Table 2 shows, Nairobi has had the highest share of urban population in Kenya. This population, as Table 3 illustrates, has grown from slightly over 10,000 persons when Nairobi was a KUR headquarter to, as per the 2009 national census, over 3 million persons.

¹² Mitullah, Winnie. 2003. The Case of Nairobi, Kenya in UN-Habitat Global Report on Human Settlements 2003.

Aligula, Eric M; Zachary Abiero-Gariy; John Mutua; Fredrick Owegi; Charles Osengo; and, Reuben Olela. 2005. Urban Public Transport Patterns in Kenya: A Case Study of Nairobi City. Special Report No. 5. Kenya Institute for Public Policy Research and Analysis. Nairobi, Kenya; and, Ministry of Nairobi Metropolitan Development. 2008. Nairobi Metro 2030 (NMetro 2030): A Vision for a World Class Metropolis, First and Foremost in Africa. Draft Executive Summary. Nairobi, Kenya <http://www.unu.edu/unupress/unupbooks/uu26ue/uu26ue0o.htm> - (Obudho, R.A. undated. 9 Nairobi: National Capital and Regional Hub)

City Council of Nairobi. 2006. Strategic Plan: 2006-2010. Nairobi, Kenya

¹³Aligula, Eric M; Zachary Abiero-Gariy; John Mutua; Fredrick Owegi; Charles Osengo; and, Reuben Olela. 2005. Urban Public Transport Patterns in Kenya: A Case Study of Nairobi City. Special Report No. 5. Kenya Institute for Public Policy Research and Analysis. Nairobi, Kenya; and, Ministry of Nairobi Metropolitan Development. 2008. Nairobi Metro 2030 (NMetro 2030): A Vision for a World Class Metropolis, First and Foremost in Africa. Draft Executive Summary. Nairobi, Kenya

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Table 2: Pattern of Urbanisation in Kenya by Province, 1962 to 1999¹⁴

Province	Urban Population					Share as % of National Urban Population		Intercensal Growth Rate (%)	
	1962	1969	1979	1989	1999	1989	1999	1979-89	1989-99
Nairobi	343,500	506,286	827,775	1,324,570	2,087,668	34	39	5	5
Central	35,407	45,955	128,932	309,821	354,017	8	7	9	1
Coast	195,834	283,652	406,991	588,470	894,311	15	17	4	4
Eastern	28,746	37,965	233,316	354,359	265,280	9	5	4	3
Nyanza	28,068	43,829	207,757	352,527	423,183	9	8	5	2
Rift Valley	112,517	148,576	341,696	672,177	940,311	17	18	7	3
Western	3,939	10,645	105,743	186,049	270,503	5	5	6	4
North Eastern		63,486		90,724	125,644	2	2	4	3
Total	747,651	1,079,908	2,315,696	3,878,697	5,360,917	100	100	5	3

Table 3: Estimated Population of Nairobi, 1906 to 2009¹⁵

Year	1906	1928	1931	1936	1944	1948	1962
Population	11,512	29,864	47,919	49,600	108,900	118,976	343,500
Year	1963	1969	1979	1989	1999	2009	
Population	342,764	509,286	827,775	1,324,570	2,143,254	3,138,369	

As Table 4 shows, the 2009 national census results estimated 68% of the City's population was between the ages of 15 and 64 years old. This age bracket is described by many of Kenya's development plans as the productive age. The Government of the Republic of Kenya recognises persons ages 15 and above to be within the working age population of Kenya.

Significant of Nairobi's population, as is characteristic of major towns and cities globally, is that it has both a daytime and night-time population. Its daytime population embraces persons coming from outside the City, particularly from adjacent regions. These persons come into Nairobi City during normal business hours, more often than not to transact varied businesses; and, after business hours or transacting their respective business, leave the city. The City's night-time population is that which is present within Nairobi after close of business hours - i.e. during evening or night-time hours. This latter group of persons is often described as Nairobi's permanent or resident population. During the day-time, on business days, Nairobi's population is estimated to be between 20-25% higher. This has implications on the City's planned services and infrastructure¹⁶.

¹⁴ Mitullah, Winnie. 2003. The Case of Nairobi, Kenya in UN-Habitat Global Report on Human Settlements 2003.

¹⁵ Mitullah, Winnie. 2003. The Case of Nairobi, Kenya in UN-Habitat Global Report on Human Settlements 2003.

Kenya National Bureau of Statistics, Government of the Republic of Kenya. 2009 Kenya Population and Housing Census: Volume I C - Population Distribution by Age, Sex and Administrative Units

¹⁶ Okpala, Don C. I. undated. Spatial Information: The Basic Tool for Sustainable Human Settlements Development Planning and Management. United Nations Centre for Human Settlements (Habitat);

<http://www.census.gov/population/www/socdemo/daytime/daytimepop.html>

City Council of Nairobi. 2006. Strategic Plan: 2006-2010. Nairobi, Kenya

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Table 4: Population by Sex and Age Cohorts for Nairobi

Age Cohort	Male	Female	Total
0-14	471,232	479,771	951,003
15-34	744,080	790,262	1,534,342
35-64	370,516	243,747	614,263
65-80+	17,592	17,598	35,190
Age NS	1,810	1761	3,571
Total - Nairobi	1,605,230	1,533,139	3,138,369
15-64 Age Bracket			
Total: 15-64 age cohort	1,114,596	1,034,009	2,148,605
Share of Nairobi's total population (%)	36	33	68

Source: Director of KNBS, 2010

A-2) Well-Being in Nairobi

The “National Report Exploring Kenya’s Inequality: Pulling Apart or Pooling Together, (2013)” estimates that 21.8% of the population of Nairobi County lives below the poverty line.

Table 5: Poverty Index by Constituency in Nairobi County¹⁷

Constituency	Headcount index: Percent of individual living below poverty line	Poverty gap as Percent of poverty line	Severity of poverty as Percent of poverty line	Area (Km ²)	Total population
1. Mathare	36.5	8.9	3.2	3.00	191,901
2. Ruaraka	33.1	6.9	2.1	7.2	193,089
3. Kibra	32.2	7.2	2.3	12.10	201,293
4. Westlands	25.5	5.0	1.4	72.40	172,913
5. Embakasi South	25.3	4.0	1.0	12.00	200,641
6. Roysambu	25.2	4.2	1.1	48.80	178,409
7. Dagoreti North	24.5	4.7	1.3	29.00	177,588
8. Embakasi North	23.3	3.7	1.0	5.50	180,773
9. Kasarani	21.8	3.6	1.0	152.60	169,019
10. Dagoreti South	21.2	3.5	0.9	25.30	179,066
11. Lang’ata	17.0	3.6	1.1	196.80	176,323
12. Starehe	16.4	2.8	0.8	20.00	159,214
13. Embakasi East	15.9	2.7	0.7	64.70	159,751
14. Kamukunji	15.1	2.6	0.7	8.80	199,039
15. Makadara	11.3	1.8	0.5	13.00	182,295
16. Embakasi Central	10.9	1.6	0.4	14.30	190,289
17. Embakasi West	10.3	1.6	0.4	9.35	157,232
NAIROBI COUNTY	21.8	4.1	1.2		3,068,835

The Report estimates the poverty incidence is highest in Mathare Constituency, and least in Embakasi West Constituency. It also estimates that, amongst the 47 Counties of Kenya, Nairobi County experiences the least poverty incidence. This is hardly surprising as Nairobi alone accounts for between 40 to 50 per cent of Kenya’s Gross Domestic Product¹⁸.

¹⁷ Kenya National Bureau of Statistics (KNBS); and, Society for International Development – East Africa (SID). 2013. National Report Exploring Kenya’s Inequality: Pulling Apart or Pooling Together?. Nairobi, Kenya

¹⁸ Government of the Republic of Kenya. 2007. Vision 2030: A Globally Competitive and Prosperous Kenya. Ministry of Planning and National Development and, National Economic and Social Council (NESC), Nairobi, Kenya

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Poverty in this report is measured using estimated consumption expenditures. The poverty line threshold measurement it uses, i.e. the poverty line below which people are deemed poor, is based on the monetary poverty line used by the Integrated Household Budget Survey 2005/06. This poverty line is determined and based on the expenditure required to purchase a food basket that allows minimum nutritional requirements to be met (set at 2,250 calories per adult equivalent per day) in addition to the costs of meeting basic non-food needs such as education, health, transportation and rent (KNBS, 2008). The 2008 Constituency Report on Well-Being in Kenya estimated this poverty line to be about Ksh. 2,331 for rural areas and Ksh. 6,673 for urban areas¹⁹.

The *National Report Exploring Kenya's Inequality: Pulling Apart or Pooling Together (2013)* basis its analysis on the 2009 Kenya housing and population census.

A-3) Informal Settlements of Nairobi

Nairobi has urbanised rapidly, but this has been against poor urban planning, which has resulted in the proliferation of informal settlements. These informal settlements are generally of two types: squatter settlement, and illegal sub-division of either government or private land. Characteristic of these settlements is: (a) they are located in proximity to areas with employment opportunities; (b) they are located on insufficiently serviced land – land wanting on infrastructure such as roads, water, electricity, and sanitation; (c) they are overcrowded; (d) poor housing; (e) they have insecure land tenure status; (f) a number are located on land that is inappropriate for habitation; and, (g) residents are within the bracket of low income earners, with limited resources. They are mainly occupied in low skilled occupations either as employed or self-employed. The employed are either in casual or permanent labour in occupations such as security guards, domestic servants, construction workers, factory production and office support workers. The self-employed are of two types: those engaging in non-farm activities and those in farming. Their level of operation is largely micro in scale, oriented to serving the resident community. The non-farm activities are more on retailing of goods and services. The farming activities are undertaken by few residents, and include activities such as pig, cow, chicken, rabbit and some vegetable farming²⁰.

Figure 1: One of the Informal Settlements in Nairobi



Mathare 4B Informal Settlement: It is on public (Government of Kenya) land

¹⁹ Government of Kenya. 2008. Constituency Report on Well-Being in Kenya (Based on the Integrated Household Budget Survey 2005/06). Kenya National Bureau of Statistics. Nairobi, Kenya

²⁰ Government of the Republic of Kenya. 2007. Vision 2030: A Globally Competitive and Prosperous Kenya. Ministry of Planning and National Development and, National Economic and Social Council (NESC), Nairobi, Kenya

http://www.ucl.ac.uk/dpu-projects/Global_Report/cities/nairobi.htm

Runji & Partners Consulting Engineers & Planners Ltd. 2013. Resettlement Action Plan for Sanitation Component for Kayole Soweto Informal Settlement, under the Water and Sanitation Service Improvement Project of Kenya: Nairobi Informal Settlements. Athi Water Services Board, Nairobi

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Also characteristic of the informal settlements in Nairobi is discrimination, particularly along ethnic lines. The result is that most ethnic groups in these settlements live in (sub) communities of their own ethnic background²¹.

The 2009 census results estimated Nairobi had over 200 informal settlements, scattered across it. Collectively these settlements were resident to approximately 44% of the City's population; and, they occupy about 2% of the City's land. By the census results, the region in Nairobi with the largest share of individuals living in informal settlements is Lang'ata; while Westlands region has the least number of informal settlements inhabitants.

Tables 6 and 7 give more information on the settlements. Table 6 is derived from Table 7 which gives deeper information by settlement as per the 2009 national census results.

Table 6: Summary Data on Informal Settlements in Nairobi – Summary Derived from Table 7

Region (described using old constituency boundary and name)	Total number of Informal Settlements Counted in region	Total land size occupied (ha)	Distribution of informal settlement population (%)
Westlands	13	14	3.09
Lang'ata	31	329.5	42.34
Embakasi	30	117	13.76
Starehe	21	55	5.96
Kamukunji	20	46	7.48
Dagoretti	37	36	4.56
Kasarani	30	525	9.61
Makadara	24	61	13.20
TOTAL	206	1183.5	100

²¹ http://www.ucl.ac.uk/dpu-projects/Global_Report/cities/nairobi.htm

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Table 7: List of Informal Settlements in Nairobi by Region and, Land Tenure Status

	Name of settlement	Land tenure status	Size (ha)	Population	Density (people/ha)	Trunk proximity	PDP
KAMUKUNJI							
1.	Biafra City Cotton	CNN	0.2	800	4,000	Piped water, no access to electricity	None
2.	Blue Estate - B.A.T. House	Private land	0.8	500	625	Near trunk infrastructure	N/A
3.	Buru Buru City Cotton	CCN (alleged allocations)	12	6,000	500	Piped water, sewer, electricity mains near but no individual connection	Done
4.	Eastleigh Muungani	Private land	1	700	700	Electricity, piped water, electricity	
5.	Galole	Government	1.2	3,000	2,500	Sewer, piped water, electricity	None
6.	Gatanga Base - Pumwani	Private land	0.2	300	1,500	Near trunk infrastructure	N/A
7.	Giciriri Slum 3rd street	Private land	0.2	300	1,500	Near trunk infrastructure	N/A
8.	Kiambiu	CCN and AIRFORCE	6	17,000	2,833	Near trunk sewer, no electricity, piped water	None
9.	Kinyago Kanuku	CCN	1.7	20,000	11,765	Near water, electricity, road, sewer	Done
10.	Kitui	CCN	6	12,000	2,000	Near water, electricity, road, sewer	None
11.	Majengo	Private land	10	25,000	2,500	Electricity, piped water, fairly good access	None
12.	Motherland	Private land	0.8	5,000	6,250	Near trunk infrastructure	None
13.	Muganda					Near trunk infrastructure	
14.	New Akamba Dancers	Private land	0.2	400	2,000	Electricity, piped water, fairly good access	N/A
15.	Nyambura Slum - 12th street	0	0.4	1,000	2,500	Near trunk infrastructure	N/A
16.	PLOT 30	Private land	0.8	500	625	Near trunk infrastructure	N/A
17.	Sewer slum	Private land	0.4	400	1,000	Near trunk infrastructure	N/A
18.	Sophia - Pumwani	Private land	0.1	700	7,000	Near trunk infrastructure	N/A
19.	Upendo Slum - Eastleigh Airbase	Private land	0.4	800	2,000	Near trunk infrastructure	N/A
20.	Zawadi	Alleged as a private?	4	9,000	2,250	Piped water, sewer, electricity mains near but no individual connection	N/A
Total - Kamukunji			46	103,350			
MAKADARA							
1.	Barclays Village	Road reserve, power	1.2	2,000	1,667	Piped water, electricity, sewer	None

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Table 7: List of Informal Settlements in Nairobi by Region and, Land Tenure Status

	Name of settlement	Land tenure status	Size (ha)	Population	Density (people/ha)	Trunk proximity	PDP
		way leave					
2.	Commercial	Private	0.5	6,000	12,000		N/A
3.	Donholm	Government	0.4			Latrines, proximity of sewer TBC, piped water with private water points access fairly good	None
4.	Fuata Nyayo	Alleged private ownership (TBC)/CCN	1.2	9,000	7,500	Near trunk infrastructure	None
5.	Hazina Sokoni	Kenya Railways	2.4	13,000	5,417	Piped water, toilets, earth road runs across the settlement, electricity	None
6.	Jamaica	Government	4				None
7.	Kabiria	Government	0.8	3,500	4,375	Piped water with private water points, private exhaust toilets, electricity, poor access	?
8.	Kaloleni - Agare Village	Railways/CCN?	1.6	10,000	6,250	Sewer, piped water, no individual connection for electricity, Agare Village self-help group	None
9.	Kanaro	Government	1.2	10,000	8,333	No toilets, no electricity, very poor access, piped water with private water points	?
10.	Kenya Wine	Kenya Railways, power way leave and riparian way leave	2.8	10,000	3,571	Piped water, exhaust latrines, proximity of trunk sewer, TBC, electricity	N/A
11.	Kingston	Power way leave, private(TBC)	0.8	4,500	5,625	Piped water, no electricity, all weather road serve the area, access fairly good	N/A
12.	Kisii Village	Government	1.6	10,000	6,250	Piped water points, sewer, electricity	None
13.	Lunga Lunga	Power way leave	3.6	15,000	4,167	Latrines, proximity of sewer TBC, piped water with private water points, access fairly good	N/A
14.	Mariguini	NHC-Government	2.7	3,500	1,296		None
15.	Maasai Village	Power way leave	0.8	3,000	3,750	Piped water, with few private exhaust latrine	N/A
16.	Maziwa	Road reserve/alleged private ownership	1.2	15,000	12,500	Residents get water from Kaloleni and Makongeni, no toilets- residents go to Makongeni and Kaloleni, no electricity, few CBO's exist	N/A
17.	Mbotela	Government					
18.	Mukuru Kayaba	Kenya Railways, power way leave	8	20,000	2,500	Piped water, electricity, access fairly good	N/A

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Table 7: List of Informal Settlements in Nairobi by Region and, Land Tenure Status

	Name of settlement	Land tenure status	Size (ha)	Population	Density (people/ha)	Trunk proximity	PDP
19.	Paradise	Private	4			Piped water, toilets, earth road runs across the settlement, electricity	?
20.	Paradise	TBC-Government	6			Piped water with private water points, pit latrines, electricity, poor internal access	None
21.	Shimo La Tewa	Road reserve, power way leave	1.2	3,000	2,500	Piped water with private water points, pit latrines, electricity, poor internal access	None
22.	Sinai	Kenya Railways ,Kenya pipeline, Power way leave	6	30,000	5,000	Piped water with private water points, few private latrines, electricity, poor internal access	N/A
23.	Site Village (off Aoko Rd South B)	Government	2.8	15,000	5,357	Near trunk sewer, electricity, piped water with water points	?
24.	South B	Government	6				
	Total - Makadara		61	182,500			
	EMBAKASI						
1.	48 Zone - Imara Daima	Private	1.2	1,000	833	No sewer	N/A
2.	Bins - Imara Daima	Private	1	600	600	No sewer	N/A
3.	Canan - Dandora	CCN/private	8	15,000	1,875	Near trunk infrastructure	None
4.	Embakasi Village	CCN	1.2	3,000	2,500	Near water, electricity, road, sewer	Done
5.	Gatope Zone - Imara Daima	Kenya railways / private	2	1,000	500	No sewer	N/A
6.	Gitari Marigo	Riparian/CCN	4		0	No sewer, there is electricity, piped water	None
7.	Kamulu	Private	1	200	200	no sewer	N/A
8.	Kangurue-Komarock	Power way leave	1	1,000	1,000	Near trunk infrastructure	N/A
9.	Kayole Soweto	CCN	8	10,000	1,250	Trunk sewer connection, there is electricity but few individual connection, access is good but requires opening up, there are CBO, NGO and CDF projects	None
10.	KCC	CCN - alleged allocations	3.6	10,000	2,778	Trunk sewer, electricity & water	None
11.	Kwa Gitau	Private	1.2	1,000	833	No sewer, there is electricity, piped water	N/A
12.	Kware Village	Government	4	10,000	2,500	Near trunk infrastructure	None

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Table 7: List of Informal Settlements in Nairobi by Region and, Land Tenure Status

	Name of settlement	Land tenure status	Size (ha)	Population	Density (people/ha)	Trunk proximity	PDP
13.	Kyangombe	Private	2	10,000	5,000	Piped water, electricity, poor sanitation proximity to sewer to be confirmed	N/A
14.	Maili Saba	Government	12	27,000	2,250	No sewer, there is electricity, piped water	None
15.	Mihango	Private	0.8	500	625	No Sewer	N/A
16.	Milimani - Imara	Private	1	2,000	2,000	No sewer	N/A
17.	Mohlaa Moidada	Disputed (private)	2	1,000	500	No piped water, no sewer, no electricity, poor access, no organised community	N/A
18.	Mowlem Village	Private	25	20,000	800	Near trunk infrastructure	N/A
19.	Muigi Inn - Njiru	Private	0.8	3,000	3,750	No sewer	N/A
20.	Mukuru kwa Reuben	Private	8		o	Piped water, no electricity connection, poor accessibility	
21.	Mukuru Sinai	CCN & Private	2	10,000	5,000	Piped water, no electricity connection, poor accessibility	None
22.	Mwengenyee	Private	2.5	700	280	No sewer	N/A
23.	Mworoto - Dandora	Private	4	10,000	2,500	Near trunk infrastructure	N/A
24.	Pipeline	Private	5	20,000	4,000	Piped water, electricity, no CBO or NGO ,proximity to sewer to be confirmed	N/A
25.	Railway Zone - Imara Daima	Kenya railways	2.8	5,000	1,786	No sewer	N/A
26.	Riruta - Imara Daima	Private	0.8	700	875	No sewer	N/A
27.	Rurii - Imara Daima	Private	2	5,000	2,500	No sewer	N/A
28.	Tasia Village	Private	6	10,000	1,667	No sewer	N/A
29.	Waisige - Imara Daima	Private	1.2	2,500	2,083	No sewer	N/A
30.	Vietnam	Private	3	10,000	3,333	Near trunk infrastructure	None
	Total - Embakasi		117	190,200			
	LANG'ATA						
1.	Bangladesh - Mugumoini	Private	2	1,000	500	Near trunk infrastructure	N/A
2.	City cotton - Wilson	Government	1	1,600	1,600	Piped water, electricity, near trunk sewer	None
3.	DC slum	Government				Piped water, electricity, near trunk sewer	None
4.	Gatwikira	Government	40	70,000	1,750	Piped water, electricity, near trunk sewer	None
5.	Kambi Kisii	Government				Piped water, electricity, near trunk sewer	None

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Table 7: List of Informal Settlements in Nairobi by Region and, Land Tenure Status

	Name of settlement	Land tenure status	Size (ha)	Population	Density (people/ha)	Trunk proximity	PDP
6.	Kambi Lamu	Government				Piped water, electricity, near trunk sewer	None
7.	Kambi Muru	Government	8	7,000	875	Piped water, electricity, near trunk sewer	None
8.	Karanja Village	Government				Piped water, electricity, near trunk sewer	None
9.	Kianda	Government	4	15,000	3,750	Piped water, electricity, near trunk sewer	None
10.	Kiangombe	Government				Piped water, electricity, near trunk sewer	None
11.	Kichinjo	Government	20	50,000	2,500	Piped water, electricity, near trunk sewer	None
12.	Kisumu Ndogo	Government	30	35,000	1,167	Piped water, electricity, near trunk sewer	None
13.	Kariobangi-Karen	Private				Piped water, electricity, near trunk sewer	N/A
14.	Kuwinda	Government	5	7,000	1,400	Piped water, electricity, near trunk sewer	None
15.	Kwa Gathoni slums	Government				Piped water, electricity, near trunk sewer	None
16.	Laini Saba	Government	50	60,000	1,200	Piped water, electricity, near trunk sewer	None
17.	Lindi	Government	20	50,000	2,500	Piped water, electricity, near trunk sewer	None
18.	Makina	Government	20	50,000	2,500	Piped water, electricity, near trunk sewer	None
19.	Makina slums	Government	20	50,000	2,500	Piped water, electricity, near trunk sewer	None
20.	Mashimoni	Government	7	25,000	3,571	Piped water, electricity, proximity to sewer to be confirmed	None
21.	Mitumba	Government	14	6,000	429	Piped water, electricity, proximity to sewer to be confirmed	None
22.	PLOT 30	Government	1.5	650	433	Near trunk infrastructure - water, sewer, electricity	None
23.	Quarry/Raila Estate	Government	8	9,000	1,125	Piped water, electricity, near trunk sewer	None
24.	Riverside Mbagathi	Government	13	18,000	1,385	Piped water, electricity, near trunk sewer	None
25.	Sara Ng'ombe	Government				Piped water, electricity, near trunk sewer	None
26.	Silanga	Government	6	35,000	5,833	Piped water, electricity, near trunk sewer	None
27.	Songa Mbele slums	Government				Piped water, electricity, near trunk sewer	None
28.	Southlands - Mugumoini	Government/ private	5	5,000	1,000	Near trunk infrastructure	None
29.	Soweto East	Government	15	50,000	3,333	Near trunk infrastructure - water, sewer, electricity	None
30.	Soweto West Kianda	Government	40	40,000	1,000	Piped water, electricity, near trunk sewer	None
31.	Wangombe- Nairobi West					Piped water, electricity, near trunk sewer	None

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Table 7: List of Informal Settlements in Nairobi by Region and, Land Tenure Status

	Name of settlement	Land tenure status	Size (ha)	Population	Density (people/ha)	Trunk proximity	PDP
	Total -Lang'ata		329.5	585,250			
	STAREHE						
1.	Ghetto	CCN	1.4	1,000	714	Near trunk infrastructure: water, sewer, electricity	None
2.	Gitathuru	CCN	0.8	1,000	1,250	Near water, electricity, road, sewer	None
3.	Gorofani/Pipeline	Private	1.2	3,000	2,500	Near trunk infrastructure	N/A
4.	Kahonoki	Private	8	6,000	750	Near trunk infrastructure	
5.	Kambi Moto	CCN	0.4	1,241	3,103	Near trunk infrastructure: water, sewer, electricity	None
6.	Kiamutisya	Government/ Alleged allocations	5	1,700	340		
7.	Kosovo	CCN				Near trunk infrastructure: water, sewer, electricity	None
8.	Kwa Kariuki	Private	1.6	1,000	625	Near trunk infrastructure	N/A
9.	Mabatini	CCN	1.4	1,200	857	Near water, electricity, road, sewer. Have previous intervention. Have organised community groups	None
10.	Madoya village	Private	1.6	3,000	1,875	Near trunk infrastructure	N/A
11.	Mahira	CCN	1.2	1,174	978	Near trunk infrastructure: water, sewer, electricity	None
12.	Mathare 3C	Private	6	3,000	500	Near trunk infrastructure	N/A
13.	Mathare 4B	Government	4	12,000	3,000	Near water, electricity, road, sewer. Have no previous intervention. Have organised community groups	None
14.	Mathare Mashimoni	Government	2	4,000	2,000	Near water, electricity, road, sewer. Have previous intervention. Have organised community groups	None
15.	Mathare no. 10	Private	2.8	4,000	1,429	Near trunk infrastructure	N/A
16.	Mathare 3B	Private	2	3,000	1,500	Near trunk infrastructure	N/A
17.	Mathare 4A	Private	4	10,000	2,500	Near trunk infrastructure	N/A
18.	Redeemed	CCN	0.8	1,000	1,250	Near trunk infrastructure: water, sewer, electricity	None
19.	Thayo	Private	1.2	3,000	2,500	Near trunk infrastructure	N/A
20.	Tsunami	Private	1.2	2,000	1,667	Near trunk infrastructure	N/A
21.	Village two	Private	8	20,000	2,500	Near trunk infrastructure	N/A
	Total - Starehe		55	82,315			
	DAGORETTI						
1.	Catholic area -	Private	0.8	2,000	2,500	No sewer	N/A

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Table 7: List of Informal Settlements in Nairobi by Region and, Land Tenure Status

	Name of settlement	Land tenure status	Size (ha)	Population	Density (people/ha)	Trunk proximity	PDP
	Ngando						
2.	Dagoretti Centre	Private	0.4	300	750	No sewer	N/A
3.	Gachui	Private	0.2	400	2,000		
4.	Gatina	Private	8	20,000	2,500	Near trunk infrastructure	N/A
5.	Githarani	Private	0.2	400	2,000		N/A
6.	Kabiria	Private	0.8	1,000	1,250	No sewer	
7.	Kabiro	Private	4	5,000	1,250	No sewer	N/A
8.	Kaburi	Government	0.3	300	1,000	No sewer	N/A
9.	Kamwaya	Government		1,500		Near water mains, electricity, road, sewer	None
10.	Kandutu	Private	0.4	1,000	2,500	No sewer	
11.	Kanguku	CCN/Private	0.4	500	1,250	No sewer	None
12.	Kanunganga	Private	2	3,000	1,500	Near trunk infrastructure, no sewer	
13.	Kareru	CCN	0.2	300	1,500	No sewer	None
14.	Kareru	CCN	0.2	200	1,000	No sewer	N/A
15.	Kawangware - coast	CCN	0.1	100	1,000	No sewer	
16.	Kawangware - Kiambooni	CCN-road reserve	0.8	50	63	No trunk infrastructure	
17.	Kawangware - Sokoni	Private	0.05	100	2,000	No sewer	N/A
18.	Kimbo	Private	0.4	800	2,000	No sewer	N/A
19.	Kinyanjui	Private	4.9	3,000	612	No sewer	N/A
20.	Kirigu	Private	0.1	200	2,000	No sewer	N/A
21.	Ki-West Ngando	Private	0.2	800	4,000	No sewer	N/A
22.	Kongo	Private	2.8	8,000	2,857	Near trunk infrastructure	N/A
23.	Kwa Nganga	Private	2	3,000	1,500	No sewer	N/A
24.	Lenana	Private	1	2,000	2,000	No sewer	N/A
25.	Magithondia	Private	0.4	500	1,250	No sewer	
26.	Muria Mbogo	CCN	0.2	200	1,000	No sewer	
27.	Musamba	Private	0.4	1,000	2,500	No sewer	N/A
28.	Muslim	Private	0.8	3,000	3,750	No sewer	
29.	Mutego	Kenya Railways	0.2	200	1,000	No sewer	

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Table 7: List of Informal Settlements in Nairobi by Region and, Land Tenure Status

	Name of settlement	Land tenure status	Size (ha)	Population	Density (people/ha)	Trunk proximity	PDP
30.	Njiku	Government	1	1,300	1,300	Far from water, electricity, road, sewer	None
31.	Pipeline	CCN	0.3	200	667	Near trunk infrastructure	
32.	Riruta East	Private	0.8	500	625	No sewer	
33.	Riruta Githembe	Private	0.4	300	750	No sewer	N/A
34.	Soko Mujinga	Government/CCN	0.8	1,000	1,250	No sewer	
35.	Stage Waria	CCN	0.2	400	2,000	No sewer	
36.	Stage 2	CCN	0.2	500	2,500	No sewer	
37.	Wanyee	Private (pockets in Githembe)				No sewer	
	Total - Dagoretti		36	63,050			
KASARANI							
1.	Beth Village	Government	2	15,000	7,500	No sewer, there is electricity, piped water	None
2.	Clay Village						
3.	Dam Side	CCN/Private	12	10,000	833	Near trunk infrastructure	None
4.	Dampsite	Government	1.2	700	583	Near trunk infrastructure	None
5.	Gatheca	Private	5.7	15,000	2,632	Near trunk infrastructure	None
6.	Githurai	Private	5	3,000	600	No sewer	N/A
7.	Githurai-Majengo	Private	0.02	170	8,500	No sewer	N/A
8.	Gituamba-Mwiki	Private	5	3,000	600	No sewer	N/A
9.	Gituamba	Private	10	4,000	400	No sewer, there is electricity, piped water	N/A
10.	Jangwani	Government/ Church claim ownership	4	5,000	1,250	Near trunk infrastructure	N/A
11.	Kahawa Soweto	CCN	1.2	3,000	2,500	Near water, electricity, road, sewer	Done
12.	Kamae	Private-KU	421	6,000	14	No sewer	None
13.	Kariadudu-Baba Dogo	Private	3	3,000	1,000	Near trunk infrastructure	N/A
14.	Kariobangi Light Industry	CCN/ Alleged private ownership (GRABBED)	1.2	800	667	Near trunk infrastructure	None
15.	Korogocho Grogon A	Government	8	7,000	875	Near trunk infrastructure	None
16.	Korogocho Grogon B	Government	2.8	9,000	3,214	Near trunk infrastructure	None
17.	Korogocho A	Government	7.5	5,000	667	Near trunk infrastructure	None

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Table 7: List of Informal Settlements in Nairobi by Region and, Land Tenure Status

	Name of settlement	Land tenure status	Size (ha)	Population	Density (people/ha)	Trunk proximity	PDP
18.	Korogocho B	Government	5	5,000	1,000	Near trunk infrastructure	None
19.	Kwa Njoroge	Private	2	1,000	500	No sewer	N/A
20.	Kware Village	CCN/GSU - no clear ownership	1.2	3,000	2,500	No sewer	None
21.	Marurui	Private	0.8	3,500	4,375	No sewer, there is electricity, piped water	N/A
22.	Mugure - Baba Dogo	Private	1	300	300	No sewer	N/A
23.	Muthokinjo	Govt, Road reserve	1	600	600	No sewer	N/A
24.	Ngomongo	Private	3.2	6,000	1,875	Near trunk infrastructure - water, electricity - no sewer	N/A
25.	Ngunyumu	Government	4	10,000	2,500	Near trunk infrastructure	None
26.	Quarry Squatters	Private	12	10,000	833	No sewer	
27.	Ruaraka Akamba Dancers	CCN	0.4	400	1,000	Near trunk infrastructure	
28.	Sharp Corner	Government	4	2,500	625	No sewer	None
29.	Tusker	Road reserve					N/A
30.	Zimmerman B	KPLC	1.2	800	667	No sewer	N/A
	Total - Kasarani		525	132,770			
WESTLANDS							
a)	Dam	Vet lab & Kenya Railways		5,000			N/A
b)	Deep Sea	Govt-bypass road reserve, Private		7,500			
c)	Githogoro	Road reserve	6.9	17,000	2,464	Piped water & communal water points, electricity, no sewer	N/A
d)	Kaptagat	Road reserve		1,600			
e)	Kariua	Private	1.2	1,000	833		
f)	Kibarage	CCK, Nairobi School	1.6	2,000	1,250	Piped water, no sewer-private and communal latrines, no electricity, access through an all-weather road but internal circulation through an earth road	N/A
g)	Kwa Njoroge	Private		500			N/A
h)	Matopeni	Alleged private		750			N/A

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Table 7: List of Informal Settlements in Nairobi by Region and, Land Tenure Status

	Name of settlement	Land tenure status	Size (ha)	Population	Density (people/ha)	Trunk proximity	PDP
i)	Mji wa Huruma	Government	2	2,500	1,250	Piped water, only 1 tap, no electricity, no sewer-use latrines	
j)	Ndumbuini	Road reserve, alleged private ownership	1.2	800	667	Water is inadequate, no sewer, no electricity, access fairly good	N/A
k)	NITD	Government	1	1,800	1,800	Piped water but inadequate water points, electricity, poor sanitation due to use of pit latrines	N/A
l)	Suswa	CCN(TBC)-road reserve	0.25	1,820	7,280	Piped water & a communal water point, no electricity, no sewer	No
m)	Waruku	CCN	0.2	500	2,500	No sewer, no electricity, water point	N/A
	Total - Westlands		14	42,770			
	GRAND TOTAL		1184	1,382,205			

Source: KNBS Director, 2011 (based on the 2009 national population census results)

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2.1.2 Development of Water and Sanitation Infrastructure in Nairobi

The population growth and economic development witnessed over the years in Nairobi, and generally in Kenya, as the foregoing discussion informs, has been registered against low level of water and sanitation infrastructure development.

B-1) Development of Water Infrastructure

As indicated by findings from the Kenya Integrated Household Budget Survey (KIHBS) 2005/06, at the time of the survey, an estimated 32.5% of households in Kenya had piped water (piped into dwelling, piped into plot/yard and, public tap) as their main source of drinking water²². This estimate is close to that of the 2009 national census results which, as Table 8 shows, estimated 30% of households in Kenya had piped water (piped into dwelling and piped) as their main source of water.

Table 8: Households by Main Source of Water and District

Main source of water by region	Kenya			Nairobi Province		Distribution of households by district			
	Total	% of Kenya HHs	Of which % in Urban Area	Total	% of HHs	Nairobi West	Nairobi East	Nairobi North	Westlands
Pond/Dam	352,821	4.02	10.92	2,761	0.28	0.27	0.26	0.32	0.24
Lake	97,925	1.12	16.12	99	0.01	0.01	0.00	0.02	0.01
Stream	1,893,004	21.59	13.76	1,345	0.14	0.23	0.05	0.14	0.25
Spring/ Well/ Borehole	3,106,622	35.43	26.56	70,729	7.18	22.05	4.35	1.21	5.16
Piped into dwelling	602,884	6.88	80.09	230,704	23.42	15.08	23.26	26.45	34.54
Piped	2,023,745	23.08	64.56	514,943	52.28	42.27	49.61	62.29	50.07
Jabia/Rain /Harvested	95,279	1.09	24.99	1,691	0.17	0.23	0.17	0.12	0.20
Water Vendor	573,088	6.54	78.63	162,057	16.45	19.82	22.20	9.38	9.44
Other	22,586	0.26	13.06	687	0.07	0.04	0.09	0.06	0.09
Total	8,767,954	100.0	38.85	985,016	100.0	100.00	100.00	100.00	100.00
Distribution of Households in Nairobi (%)					100.0	21.6	37.5	33.2	7.7

Source: KNBS, 2010²³

Both estimates of KIHBS and 2009 census, which are supported by estimates given by the 2004 State of Environment Report on Kenya, inform that of these households in Kenya, the highest proportion is located in the urban areas of Kenya. From the 2009 census, of the approximately 30% of households in Kenya using piped water as their main source of water:

a) About 68% were located in the urban areas of Kenya; and,

²² Ministry of Planning and National Development, Government of the Republic of Kenya. Kenya Integrated Household Budget Survey (KIHBS) 2005/06: Basic Report

²³ Kenya National Bureau of Statistics. 2010. 2009 Kenya Population and Housing Census: Volume II. Ministry of Planning, National Development and Vision 2030, Government of the Republic of Kenya, Nairobi

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- b) Of these households located in the urban areas of Kenya, an estimated 42% were located in Nairobi.

Notable of this urban trend, as indicated by the 2004 State of Environment Report on Kenya, access to piped water services is markedly lower in the informal settlements than in the formal settlements²⁴.

B-2) Development of Sanitation Infrastructure

With respect to sanitation coverage, as Table 9 shows, the 2009 national census results estimated 85.93% of households in Kenya had access to some type of sanitary facility. Out of these, about 19.04% were grouped among those with improved main mode of human waste disposal facility that include main sewer, septic tanks, cess pool and VIP latrines. Of these estimated 19.04% households:

- a) About 47.03% had main sewer as their main mode of human waste disposal; while an estimated 20.85% had the septic tank, 2.08% the cess pool and, 30.04% the VIP latrine; and,
- b) An estimated 81% were located in the urban areas of Kenya; and, of these households located in the urban areas of Kenya, an estimated 52% were in Nairobi.

Similar to improved water services, access to improved sanitation services in the urban areas of Kenya is markedly lower in the informal settlements over the formal settlements.

Table 9: Households by Main Source of Human Waste Disposal

Main source of water by region	Kenya			Nairobi County		Distribution of households by district			
	Total	% of Kenya HHs	Of which % in Urban Area	Total	% of HHs	Nairobi West	Nairobi East	Nairobi North	Westlands
Main sewer	674,541	7.69	98.54	469,963	47.70	19.51	57.97	55.74	41.70
Septic tank	299,030	3.41	91.46	95,437	9.69	5.98	6.53	14.55	14.50
Cess pool	29,881	0.34	83.75	10,492	1.06	0.47	1.03	1.59	0.58
VIP latrine	430,827	4.91	46.84	26,486	2.69	3.73	2.05	2.97	1.65
Pit latrine (covered & uncovered)	6,100,234	69.57	34.90	370,587	37.61	68.55	31.35	23.88	40.83
Bucket	22,828	0.26	82.65	5,207	0.53	0.64	0.46	0.63	0.15
Bush	1,196,509	13.65	7.28	3,963	0.40	0.68	0.32	0.30	0.51
Other	14,104	0.16	45.79	3,181	0.32	0.44	0.29	0.34	0.08
Total	8,767,954	100.00	38.85	985,016	100.0	100.00	100.00	100.00	100.00
Distribution of Households in Nairobi (%)					100.0	21.6	37.5	33.2	7.7

Source: KNBS, 2010²⁵

²⁴ Chapter 8: State of Environment Report 2004, Kenya

(http://www.nema.go.ke/index2.php?option=com_docman&task=doc_view&gid=153&Itemid=35)

²⁵ Kenya National Bureau of Statistics. 2010. 2009 Kenya Population and Housing Census: Volume II. Ministry of Planning, National Development and Vision 2030, Government of the Republic of Kenya, Nairobi

2.1.3 Addressing Physical and Social Infrastructure Challenges of Informal Settlements in Kenya

C-1) Securing of Adequate and Decent Housing in a Suitable Environment

Kenya Vision 2013 documents six challenges in connection to housing and urbanisation which need addressing toward “providing the country’s population with adequate and decent housing in a suitable environment” by 2013. The challenges it identifies are: 1) inadequate capacity for urban and regional planning; 2) insufficient serviced land; 3) concentration of property development in the high income category; 4) legal and administrative reforms; 5) supply of affordable finance for mortgages and property development; and, 6) lack of adequate construction capacity.

With respect, of particular interest to this report is the challenge “insufficient serviced land”. Against this challenge, a specific goal of the country by *Kenya Vision 2030* is to “improve livelihoods of 200,000 slum dwellers under Kenya Slum Upgrading Programme (KENSUP); and, service 10,000 plots through Public Private Partnerships (PPPs)”. This is to be achieved through a principle vehicle, i.e. the Flagship Project, “Install physical and social infrastructure in slums in 20 urban areas to formalise slums, permit construction of permanent houses, and attract private investment”²⁶.

C-2) Addressing Water and Sanitation Challenges

With respect to water and sanitation, *Kenya Vision 2013* documents eight challenges that need addressing toward ensuring “water and sanitation availability and access for all” by 2030. Two challenges it documents which are particularly related to this report are: increased demand as a result of population growth and economic development; and, a wanting water and sewerage infrastructure in terms of both coverage and condition. Addressing these two specific water and sanitation sector challenges, according to *Kenya Vision 2030*, will involve increasing development of water resources to meet the demand of an increasing population and a growing economy. It will also involve investment in infrastructure in terms of both rehabilitation and expansion of existing facilities.

Kenya Vision 2030 guides on the delivery of the goals for water and sanitation through four strategies. Of specific interest here are the following two strategies²⁷:

- a) “Upgrading Water Supply and Sanitation Systems”, and its related Flagship Project *National Water Supply and Sanitation*, whose goal is improvement of water and sanitation services; and,
- b) “Water Sector Reforms” which has one of its initiatives as: *Increased national coverage of water supply and sanitation*. Covered under this particular initiative and is applicable to this report are: rehabilitation and expansion of urban water supply and sanitation; and, promotion of use of VIP latrines and septic tanks. These interventions would be undertaken with an overall aim of improving infrastructure and achieving improved access to safe water and sanitation.

²⁶ Government of the Republic of Kenya. 2007. *Vision 2030: A Globally Competitive and Prosperous Kenya*. Ministry of Planning and National Development and, National Economic and Social Council (NESC), Nairobi, Kenya

²⁷ Government of the Republic of Kenya. 2007. *Vision 2030: A Globally Competitive and Prosperous Kenya*. Ministry of Planning and National Development and, National Economic and Social Council (NESC), Nairobi, Kenya

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Key actors to the delivery of the water and sanitation goals identified by *Kenya Vision 2030* are the eight Water Services Boards (WSBs) of the Republic of Kenya²⁸. These are: Coast Water Services Board (CWSB); Athi Water Services Board (AWSB); Lake Victoria North Water Services Board (LVNWSB); Rift Valley Water Services Board (RVWB); Lake Victoria South Water Services Board (LVSWSB); Tana Athi Water Services Board; Tana Water Services Board (TWSB); and, Northern Water Services Board (NWSB). The WSBs are established under the Water Act 2002. Each is allocated a defined region to provide it with water and sanitation services. Each is in addition mandated to establish Water Service Providers (WSP) to whom it delegates the day-to-day responsibilities. The mandate of WSBs is to offer water and sewerage services to institutions under their area of control.

Of the eight WSBs, one that is related to this report is the AWSB, whose area of coverage embraces Nairobi, Thika, and Kiambu. In Nairobi, AWSB in turn has established Nairobi City Water and Sewerage Company (NCWSC) to provide water and sewerage services to residents of Nairobi City.

2.2 Kenya Informal Settlements Improvement Project, and Water Supply and Sanitation Service Improvement Project in Kenya

Towards improving the livelihoods of households in informal settlements of Kenya, the Government of Kenya is implementing a number of projects. Two of these projects, and which are related to this report, are: a) Kenya Informal Settlements Improvement Project (KISIP); and, b) Water Supply and Sanitation Service Improvement Project (WaSSIP) in Kenya.

2.2.1 Kenya Informal Settlements Improvement Project

The Kenya Informal Settlements Improvement Project (KISIP) is under the Kenya Slum Upgrading Programme (KENSUP). KISIP's overall objective is to "improve living conditions in informal settlements in selected Kenyan municipalities". The selected Kenyan municipalities, which are 15, are: Embu, Eldoret, Garissa, Kakamega, Kisumu, Kitui, Kericho, Machakos, Malindi, Mombasa, Nairobi, Naivasha, Nakuru, Nyeri, and Thika²⁹.

The overall objective of KISIP is to be achieved through priority interventions in the following areas³⁰:

- a) Institutional strengthening;
- b) Improving security of land tenure and investing in infrastructure in informal settlements based on plans developed in consultation with communities; and,

²⁸ Government of the Republic of Kenya. 2007. Kenya Vision 2030: A Globally Competitive and Prosperous Kenya. Ministry of Planning and National Development and, National Economic and Social Council (NESC), Nairobi, Kenya

Government of the Republic of Kenya. 2008. Kenya Vision 2030: First Medium Term Plan, 2008-2012. Ministry of State for Planning, National Development and Vision 2030, Nairobi, Kenya

²⁹ Kenya Informal Settlements Improvement Project. 2012. Consultancy Services for Socio-Economic Surveys, Infrastructure Upgrading Plans, and Detailed Engineering Designs in Informal Settlements (Nairobi, Naivasha, and Machakos): Credit No. 4873-KE; Contract No. MH/KISIP/CS/004/2010 - 2011. Ministry of Land, Housing and Urban Development: Government of the Republic of Kenya. Nairobi

Repcon Associates. 2011. The Kenya Informal Settlements Improvement Programme: Resettlement Policy Framework. Ministry of Land, Housing and Urban Development - Government of the Republic of Kenya

³⁰ *ibid*

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- c) Support to proactive planning to better anticipate population growth and help develop options to dampen formation of new slums.

Vis-à-vis, KISIP is designed with four components:

Component 1: Strengthening Institutions and Project Management - which is designed to support institutional strengthening and capacity building of the Ministry of Land, Housing and Urban Development, and the participating municipalities. It is also designed to finance the management activities associated with Project implementation and establishment of a monitoring and evaluation system.

Component 2: Enhancing Tenure Security - which is designed to support systematisation and scaling-up of on-going efforts to strengthen settlement planning and tenure security in urban informal settlements.

Component 3: Investing in Infrastructure and Service Delivery - which is designed to support investment in settlement infrastructure and, where necessary, extension of trunk infrastructure to settlements.

Component 4: Planning for Urban Growth - which is designed to support planning and development of options that facilitate the delivery of infrastructure services, land, and housing for future population growth.

A core design feature of KISIP is that proposed interventions are community targeted, and at a scale that allows for local operation and maintenance.

Of the four components of KISIP, that which is related to this report is Component 3.

KISIP is funded by the Government of Kenya (GoK), together with the World Bank (WB), the Swedish International Development Cooperation Agency (SIDA), and the French Development Agency (AFD).

A-2.2.1 Informal Settlements in Nairobi Identified to Benefit from KISIP

As discussed above, KISIP is targeting specific municipalities. In these municipalities, it is also targeting specific informal settlements. Nairobi is one of fifteen (15) municipalities to benefit from KISIP. Two of the specific informal settlements in Nairobi that are beneficiaries of KISIP are KCC (Embakasi) Informal Settlement and Kayole Soweto Informal Settlement.

B-2.2.1 Consultancy Services for Detailed Design, Bid Documentation and Works Supervision

CAS Consultants Ltd. has signed a contract with KISIP to undertake consultancy services for socio-economic surveys, infrastructure upgrading plans, and detailed engineering designs in selected informal settlements in Nairobi, Machakos, and Naivasha. The selected informal settlements are: a) in Nairobi Municipality: Kayole Soweto, and KCC (Embakasi); b) Machakos Municipality: Kariobangi, and Swahili; and, c) Naivasha Municipality: Kihoto, Karagita, Kamere, and Tarabete/Kasarani.

The tasks of the consultancy, which are to cover each assigned settlement, are grouped into two Phases and are as follows:

Phase 1: a) Undertaking socio-economic study (i.e. a sample survey of resident households); b) preparing a preliminary settlement upgrading plan, including proposed infrastructure; c) conducting community level consultations to determine infrastructure investment priorities of residents; d) preparing estimated cost based on the preliminary design and proposal for

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packaging of works contracts in consultation with Ministry of Lands, Housing and Urban Development; e) preparing a baseline for the set of indicators in the Results Framework in the Project Appraising Document, including an environmental and socio-economic profile of the settlement (using data from the socio-economic survey and the preliminary settlement upgrading plan); and, f) preparing a draft Settlement Upgrading Plan (SUP) in close consultation with the community.

Phase 2: a) Developing a detailed engineering design of prioritised infrastructure; b) preparing a phasing plan for implementation in each municipality; c) preparing an Environmental Impact Assessment (EIA) report for approval by NEMA; d) developing an Environmental Management Plan (EMP), and guidelines, where applicable, to manage identified impacts; e) preparing a Resettlement Action Plan in accordance with the Environment and Social Management Framework (ESMF) and the Resettlement Policy Framework (RPF); f) preparing an operations and maintenance manual of the facilities, including a Community Environment Management Plan; g) preparing engineers estimate/confidential cost estimate; h) preparing bidding documents; and, i) support KISIP in evaluation and preparation of evaluation report(s) for selection of contractors.

Vis-à-vis, outputs expected of the consultancy, and by Phase are:

Phase 1: Draft Settlement Upgrading Plan for each settlement, which includes: a) results of the socio-economic survey; b) indicators; baseline and estimated post-intervention values; c) report on priorities identified by the community and design decisions taken as a result of the community consultations; d) preliminary design and cost estimates for prioritised infrastructure; e) design criteria and packaging of works contract report; and, f) Environment and Social Screening Report; and,

Phase 2: Final Settlement Upgrading Plan for each settlement, which includes a final version of the socio-economic report and detailed design of prioritised infrastructure in the main report. To be contained as Annexes to the main report are: a) Operations and Maintenance manual of the facilities; b) Environmental Impact Assessment (EIA) report for approval by NEMA; c) Environmental Management Plan (EMP) (inclusive of contract clauses to be included in the bidding documents); d) Resettlement Action Plan (RAP); e) bidding document based on WB guidelines dated May 24th revised October 2006 and May 2010 for procurements of works and goods; f) Engineer's estimate/confidential cost estimates; and, g) Bid Evaluation Report for selection of contractors.

This report is in fulfilment of the consultancy task under Phase 2 and its related output: preparing a RAP in accordance with the Environment and Social Management Framework (ESMF) and the Resettlement Policy Framework (RPF) of the Project. It is a RAP report for KCC (Embakasi) Informal Settlement. Other documents this RAP has made reference to, which are outputs of the consultancy for the selected informal settlement and had been completed and handed over to KISIP by July 2013, are: Inception Report; Conceptual Design Report; Detailed Design Report; Draft ESIA Report; and, Draft Socio-Economic Report. The sections that follow are focused on the Resettlement Action Plan for KCC (Embakasi) Informal Settlement.

2.2.2 Water Supply and Sanitation Service Improvement Project

Against the foregoing discussion, AWSB has received funds from The World Bank (WB) to support a defined part of its overall investment plans on water and sanitation services

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improvement in Nairobi. The WB assistance is through the Water Supply and Sanitation Service Improvement Project (WaSSIP) in Kenya.

In specific, WaSSIP's support involves:

- a) On water supply:
 - i. Rehabilitation of selected existing water supply systems including transmission, treatment, storage and distribution facilities, and boreholes; and,
 - ii. Expansion of piped water supply services to under-served areas of Nairobi through extension of primary and secondary distribution pipes where required.
- b) On sewerage:
 - i. Rehabilitation of wastewater collection, treatment and disposal facilities in Nairobi; and,
 - ii. Expansion of existing networks.
- c) On institutional strengthening of AWSB and NCWSC:
 - i. Supporting selected equipment and activities toward building the technical ability of AWSB and NCWSC, with emphasis on accountability and transparency of the institutional, governance and management framework.

WaSSIP, in addition, has a component supporting the operationalisation and strengthening of the Water Sector Regulatory Board (WSRB) and the Water Appeals Board (WAB).

Noteworthy of WaSSIP, portions of its budget have been set aside to rehabilitate existing water and sanitation infrastructure in, as well as expand water and sanitation infrastructure to informal settlements in Nairobi. This is through a balanced programme including the active involvement of beneficiary communities in decision making.

On the whole, the overall objective of WaSSIP is to increase access to reliable, affordable and sustainable water supply and sanitation services in Nairobi.

This Project: a) also supports CWSB and LVNWSB; and, b) has a life span of five years.

A-2.2.2 Informal Settlements in Nairobi Identified to Benefit from WaSSIP

As discussed above, one of WaSSIP's activities is targeted at benefiting selected informal settlements located within the areas of control of beneficiary WSBs. In connection to AWSB, the informal settlements from Nairobi that are identified to benefit read as follows:

These settlements are grouped into phases as intervention is planned to be carried out in two stages, commencing with settlements grouped under Phase I. A classification criterion, developed by AWSB, enabled the identification and placement of settlements by phase. Phase I settlements were those, at project inception, had processes underway that would facilitate infrastructure improvements and the likelihood that investments would be sustainable. These processes were: a) mobilisation and organisation of communities (with support of local NGOs and CBOs); b) physical planning processes which were complete or underway; and/or, c) land tenure issues had been resolved (in coordination with the Nairobi City Council).

Phase II settlements were those, at project inception, data collection, physical planning and mapping was in the early stages, but were expected to be completed by the third quarter of the year 2010.

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Table 10: The Informal Settlements of Nairobi Selected to Benefit from WaSSIP

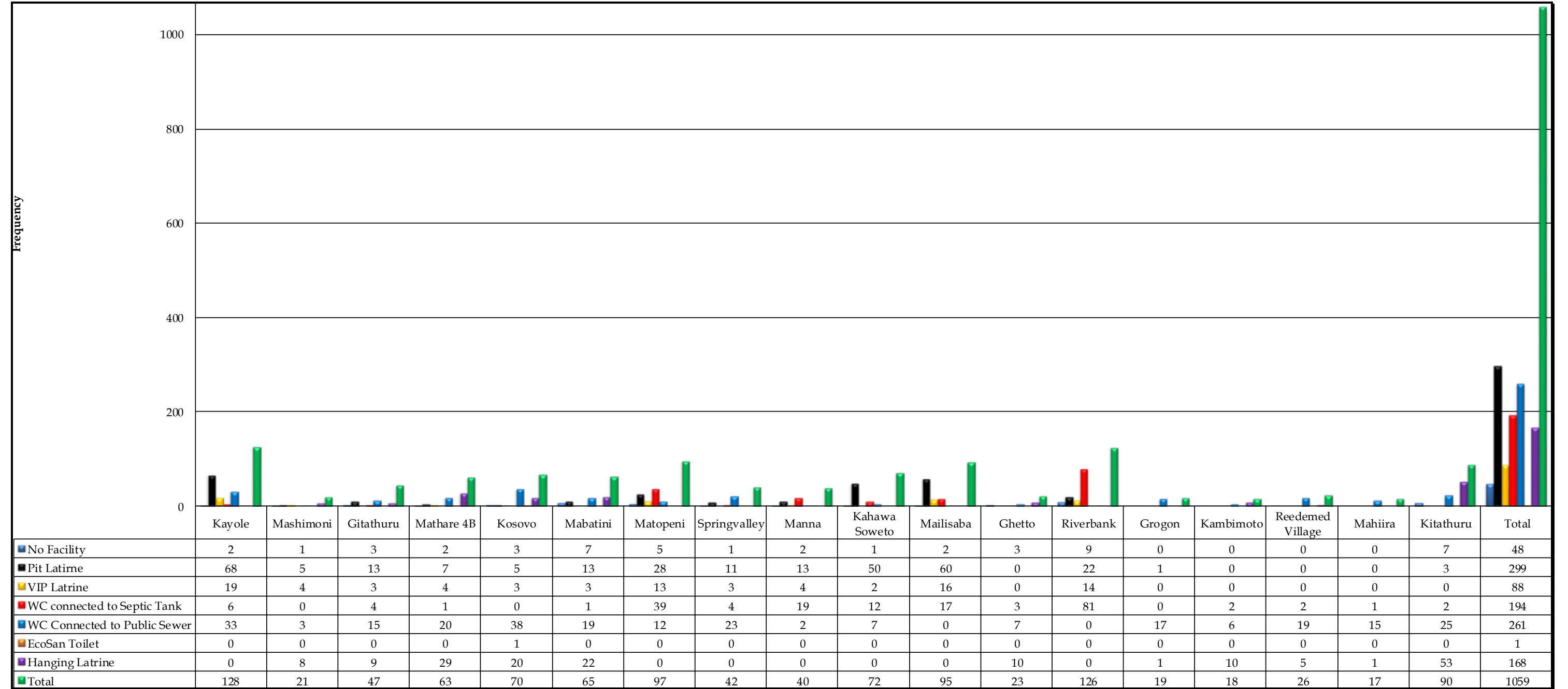
Phase I			Phase II			
Settlement		Village	Settlement		Village	
Njiru	1.	Mali Saba	Dagoretti	1.	Njiku	
	2.	Matopeni & Spring Valley	Githogoro	2.	Githogoro	
Embakasi	3.	River Bank	Kayole	3.	Soweto	
	4.	Kayole Soweto	Kiambiu/City Cotton	4.	Kiambiu/City Cotton	
Kahawa West	5.	Kahawa Soweto	Kiangombe	5.	Kiangombe	
Mathare	6.	4B	Kinyago	6.	Kinyago	
	7.	Gitathuru	Kitui	7.	Kitui	
	8.	Mashimoni	Maasai	8.	Maasai	
	9.	Mabatini	Mathare	9.	3A	
	10.	Kosovo		10.	3B	
	11.	Kiamutisya		11.	No. 10	
	12.	Bondeni	Mitumba	12.	Mitumba	
	13.	3C				
	Huruma	14.	Gitathuru			
		15.	Ghetto			
16.		Kambi Moto				
17.		Redeemed				
18.		Grogon				
19.		Mahira				

B-2.2.2 Consultancy Services for Detailed Design, Bid Documentation and Works Supervision

On 12th October 2010, Runji & Partners Consulting Engineers and Planners Ltd (Runji & Partners) signed a contract with AWSB to undertake a detailed design, bid documentation and works supervision for WaSSIP – informal settlements works. The contract became effective on 27th October 2010. The scope of the consultancy included: a) site visits; b) carrying out a feasibility study for different water and sanitation options in each site; c) carrying out detailed designs of the water and sanitation infrastructure in targeted informal settlements and preparing bidding documents for the procurement of contractors; d) carrying out an Environmental Impact Assessment (EIA) of the recommended options and issue an EIA Report in accordance with the Environmental Management and Coordination Act (EMCA) 1999 and WB environmental safeguards requirements; e) carrying out a financial impact analysis of the intended investment indicating project revenues over a five year period, expected break-even point, the internal rate of return for each village, and for the sub-project; and, f) preparing contract packages for the construction works.

Outputs expected of the consultancy were: a) Feasibility Study; b) Conceptual Design for Sewerage and Water Supply; c) Proposals for Design Criteria, and Packaging of Works Contract; d) Environmental Impact Assessment Report; e) Social, Environmental Management Plan, and Resettlement Action Plan Reports; f) Financial Analysis Report; g) Detailed Design Sewerage and Water Supply Improvements Report; h) Technical Report; i) Bidding Documents in three volumes; and, j) Support to AWSB in preparing evaluation reports for selection of contractors.

Figure 2: Households Mode of Human Waste Disposal By WaSSIP Beneficiary Settlement



Source: Socio-economic study carried out as one of the deliverables under the Consultancy: Detailed Design, Bid Documentation and Works Supervision for WaSSIP Informal Settlements Works

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By August 2011, the following reports for Kayole Soweto Settlement were complete and handed over to AWSB: Inception Report; Conceptual Design Report; Detailed Design Reports - Water and Sanitation Components; Draft EIA Report; and, Draft Socio-Economic Report.

As part of the consultancy, another report required is a Resettlement Action Plan (RAP) Report for Kayole Soweto that is acceptable to AWSB, the WB, and NEMA. This report is in fulfilment of this output. Toward development of this RAP report, reference was made on The Resettlement Policy Framework (RPF) for WaSSIP, as well as the abovementioned reports the consultant has completed and handed over to AWSB. The sections that follow are focused on the Resettlement Action Plan for Kayole Soweto Settlement.

3.0 OBJECTIVE OF THE RESETTLEMENT ACTION PLAN

KISIP and WaSSIP are development projects. They involve improvement in infrastructure as described in Section 2.2. above. As development projects, anticipated on their implementation, is disruption of previous production systems and ways of life of affected persons. In connection, KISIP and WaSSIP have an obligation to the affected persons (henceforth referred to as Project Affected Persons, abbreviated PAPs), to observe fair practice in awarding compensation. This is the backbone of this RAP report.

Thus, the overall objective of this RAP report is to present a consolidated entitlement compensation package, put together and, consisting of a set of provisions to be jointly funded by KISIP and WaSSIP, with an aim at adequately re-installing PAPs in Kayole Soweto Informal Settlement. This is undertaken with the overall intent of minimising and reversing negative effects of compulsory acquisition of assets as well as displacement. Additionally, as the funding for compensation is from one source, the Government of the Republic of Kenya, the consolidated compensation package is developed to safeguard against high project costs, where a PAP is compensated twice.

The specific objectives of this RAP Report are:

- 1) To present the different types of assets and their count, which are observed would be affected toward effective implementation of KISIP and WaSSIP in the beneficiary settlement;
- 2) To present the different categories of PAPs and their count, that are observed would require re-installation which is as a direct result of implementing KISIP and WaSSIP in the beneficiary settlement;
- 3) To present the potential disruptions to PAPs, which are observed would be necessary toward effective implementation of the Projects;
- 4) To present the feasible mitigation measures that are observed would adequately re-install the identified PAPs, taking into consideration compliance to the WB policy and the legal framework of Kenya on involuntary resettlement as a result of development Projects;
- 5) To present an entitlement compensation package, and other provisions, to be funded by KISIP and WaSSIP, with an overall aim of cost effectively and adequately re-installing the identified PAPs.

In the preparation of this RAP report, considered were the requirements of:

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- a) The laws of Kenya with regard to land tenure, development, usage, and compulsory acquisition;
- b) World Bank Operational Policy (OP) 4.12 on compensation; and,
- c) KISIP and WaSSIP's RPF.

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4.0 LEGAL FRAMEWORK THAT GUIDED THE DEVELOPMENT OF THIS RESETTLEMENT ACTION PLAN

4.1 Background

This section gives a short description of the legal framework of Kenya governing the developments proposed under KISIP. Discussed in brief also is the WB OP 4.12. The section thereafter concludes with a comparison between the regarded legal framework of Kenya and WB OP 4.12, to identify the gaps and state how the gaps shall be resolved during implementation of the RAP.

The significance of reviewing the different frameworks during preparation of this RAP Report was in ensuring the Report is compliant with the requirements of both the GoK and the development partner in connection to displacement and relocation due to development project.

4.2 Interests on Land in Kenya: An Overview

Interests on land in Kenya broadly fall into two groups, namely:

Rights that are held through traditional African System	Rights that are maintained through laws enacted by the national parliament
a) Generally known as customary tenure	a) Generally known as statutory tenure.
<p>b) Refers to:</p> <p>✚ Land ownership practices by certain communities. Kenya is a diverse country in terms of its ethnic composition. Thus, it has multiple customary tenure systems, which vary mainly due to different agricultural practices, climatic conditions, and cultural practices.</p> <p>However, most customary tenure systems exhibit a number of similar characteristics as follows:</p> <p>i.) Individuals or groups by virtue of their membership in some social unit of production or political community have guaranteed rights of access to land and other natural resources; and,</p> <p>ii.) Individuals or families thus can claim property rights by virtue of their affiliation to the group</p>	<p>b) Refers to:</p> <p>✚ Freehold tenure, which confers the greatest interest in land called absolute right of ownership or possession of land for an indefinite period of time, or perpetuity. A freehold title generally has no restriction as to the use and occupation but in practice there are conditional freeholds, which restrict the use for say agriculture or ranching only</p> <p>✚ Leasehold tenure, which is an interest in land for a definite term of years, and may be granted by a freeholder usually subject to the payment of a fee or rent, and is subject also to certain conditions which must be observed, e.g. relating to development and usage</p> <p>Leaseholds in Kenya are granted by the government for government land, community for community land, and by individuals or organisations owning freehold land</p> <p>✚ Public tenure, which is where land is owned by the government for her own purpose. It includes unutilised government land reserved for future use by the government itself or may be available to the general public for various uses.</p>
c) Secured and expressed through the national law, namely: The Constitution of Kenya (2010), and soon to be enacted law relating to community land pursuant to Article 63 of the Constitution of Kenya (2010)	c) Secured and expressed through national law, namely: The Constitution of Kenya (2010); The Land Act, 2012 (Act No. 6 of 2012); and, The Land Registration Act, 2012 (Act No. 3 of 2012)

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These interests on land in Kenya are subject to certain conditions relating to usage, development, and compulsory acquisition. The conditions are expressed through national law; and, they broadly fall into three groups, namely:

- a) **Public Trust Doctrine:** Where common property resources such as rivers, forests and parks are held by the state in trust for the general public. Consequently, the state cannot alienate these resources or use them in a way detrimental to public interest. This is the doctrine that would ensure that public land cannot be alienated or committed to waste to the detriment of public interest.
- b) **Police Powers:** The statutory framework for land ownership in Kenya is heavily influenced by common law jurisprudence on land ownership – the owner’s rights include the rights of use and abuse. In Kenya, however, the development of physical planning legislation has vested in the state the cumulative rights over other land owners. This regulatory power is referred to as police power.
- c) **Eminent Domain:** Where the government is the ultimate owner of all property. The government can acquire property for the public good. Compulsory acquisition has been used for eminent domain.

4.3 The Laws of Kenya Reviewed toward Ensuring this RAP Report is Compliant with the Legal Framework of Kenya

KISIP is a development project, and its implementation will cause direct losses and disruptions to persons referred to as PAPs. In connection, KISIP has an obligation to these affected persons to observe fair practice in awarding compensation; and, this should be within the legal framework of Kenya on connected purposes. The laws of Kenya that were observed applicable are, and their provisions have been considered in this resettlement instrument were:

Reviewed Law	Why
The Constitution of Kenya (2010): The supreme law of Kenya. Specific focus was on the following Chapters: Chapter 4 – The Bill of Rights; Chapter 5 – Land and Environment; and, Chapter 6 – Leadership and Integrity.	Implementation of KISIP touches on human rights, land and environment, and leadership and integrity. How should the Project address potential concerns related to rights, land and environment, and leadership and integrity while ensuring compliance with the constitution of Kenya (2010)?
The Land Act 2012 (Act. No. 6 of 2012): An ACT of Parliament to give effect to Article 68 of the Constitution, to revise, consolidate and rationalise land laws; to provide for the sustainable administration and management of land and land based resources, and for connected purposes	The project targets to use specific land within the informal settlement. What land tenure system does the land fall under? Will the Project compulsorily acquire land? How should the project comply on related concern observed of the land it targets to use?
The Land Registration Act 2012 (Act. No. 3 of 2012): An ACT of Parliament to revise, consolidate and rationalise the registration of titles to land, to give effect to the principles and objects of devolved government in land registration, and for connected purposes	There are persons utilising or occupying part or whole parcels of land targeted for use by the Project. These persons will be displaced. What legitimate record do these persons have to claim rights to use or occupy this land? Vis-à-vis, how should

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Reviewed Law

Why

The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act (No. 56 of) 2012: This Act makes further provision for the prevention, protection and provision of assistance to internally displaced persons and affected communities, and gives effect to the Great Lakes Protocol on the Protection and Assistance of Internally Displaced Persons, and the United Nations Guiding Principles on Internal Displacement and for connected purposes.

According to the Act, displacement and relocation due to development projects or interests shall only be lawful if justified by compelling and overriding public interest; and, where the displacement and relocation cannot be averted, the Act guides on provision of mitigation measures that are durable and sustainable, and derived through active participation of the affected.

Urban Areas and Cities Act 2011, which is a legislative framework providing for: a) classification of areas as urban areas or cities; b) governance and management of urban areas and cities; c) participation by residents in the governance of urban areas and cities; and, d) other matters for the attainment of the objects provided for in "a" and "c".

Trust Land Act Cap. 288: Under this Act, all land that is not registered under any Act of Parliament is vested in local authorities as Trust Land. In these Trust Lands, a person may acquire leasehold interest for a specific number of years. The local authorities retain the powers to repossess such land for their own use should the need arise. By invoking the provisions of this Act, it will ensure proper use of such land within the provisions of the Act.

The Public Health Act Cap 242, which regulates activities detrimental to human health. It safeguards against environmental nuisances that affect human health, their introduction as well as their levels. An environmental nuisance is defined in the Act as one that causes danger, discomfort or annoyance to the local inhabitants or that is hazardous to human health.

Physical Planning Act Cap 286, which stipulates development control measures. It deals with all matters relating to preparation of all kinds of physical development plans and sub-divisions. Through the Act: physical planners are empowered to carry out all planning issues on all categories of land; planning problems between boundaries of two local authorities are dealt with; and, encouraged is involvement of

the Project respond to ensure compliance?

Implementation of the Project will result to displacement and disruptions to affected persons. In connection, how should the Project behave? What are the compliance concerns that should be adhered to?

The Project will be implemented in an urban area. How should the Project behave to avert potential conflict between it and the managers and affected persons of the urban area?

The beneficiary of the Project is an informal settlement. In Kenya, informal settlements are generally of two types: squatter settlement, and illegal subdivision of either government or private land. Is the informal settlement formalised? If not, is it on trust land? If yes, how should the Project legally handle displacement concerns vis-à-vis trust land?

Increase of morbidity is a potential undesirable effect on implementation of the Project. With respect to displacement, how can the Project safeguard against this? What does the related law say?

Has the beneficiary informal settlement a physical development plan? Is the plan approved? What is the relationship between the displaced persons and the settlement's physical development plan? Will relocation of PAPs be compliant with this Act? What are the other related concerns the Project should watch out for,

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Reviewed Law

Why

varied expertise in planning.

and how should it handle them?

Environmental Management and Coordination Act, No. 8 of 1999, which provides for the establishment of an appropriate legal and institutional framework for the management of the environment and for matters connected therewith and incidental thereto. By this Act, regulated is how projects or activities should behave prior to, during and, on their implementation. It subjects these projects or activities to environmental audits through which, potential impacts and their mitigation measures are enumerated for compliance. An environmental audit and compliance is vital for a licence from NEMA.

A Resettlement Action Plan that meets the approval of NEMA is a must for Projects such as KISIP. What are the compliance issues that the Project should observe to ensure development of this RAP, and its approval for implementation?

The Micro and Small Enterprise Act, No. 55 of 2012, which provides for the establishment of a legal and institutional framework for the: a) promotion, development, and regulation of micro and small enterprises in Kenya; b) the establishment of the Micro and Small Enterprises Authority; and, c) connected purposes.

On the land targeted for use by the Project are micro-enterprises. These will be displaced toward effective implementation of the Project. This law regulates on micro-enterprises. How should the Project respond to displacing micro-enterprises?

The Water Act, 2002, which provides for the establishment of a legal and institutional framework for: a) the management, conservation, and control of water resources, and for the acquisition and regulation of rights to use water; b) the regulation and management of water supply and sewerage services; and c) related purposes

Toward effective implementation of the Project, some existing water and sanitation structures will be displaced. What does the related legal framework say? How can the Project ensure compliance with the law?

Other laws reviewed, particularly in connection to loss of access to protected area or natural resources, include:

1. **The Forests Act 2005**, which provides for the establishment of a legal and institutional framework for the management of forest land and connected matters.
2. **The Wildlife (Conservation and Management) Act, Cap 376**, which establishes the legal and institutional framework for the protection, conservation and management of wildlife in Kenya, and related purposes.
3. **The National Museums of Kenya Act:** National Museums of Kenya is a state corporation charged with research, management and documentation of historical sites, archaeological sites and site of natural and national heritage and monuments.
4. **The Mining Act:** All un-extracted minerals (other than common minerals) under or upon any land are vested in the government, subject to any rights in respect thereof which, by or under this Act or any other written law, have been or are granted, or recognised as being vested, in any other person.

4.4 World Bank Operational Policy 4.12

The WB's Safeguard Policy OP 4.12 applies to some components of WaSSIP and KISIP, and to all economically and/or physically project displaced persons, regardless of the number of people affected, the severity of impacts, and the legality of land holding. According to the

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Policy, particular attention should be given to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities, and other disadvantage persons.

The Bank's Policy requires that the provision of compensation and other assistance to PAPs is carried out prior to the displacement of people. In particular, repossession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the Bank's Policy.

4.4.1 Kenyan Law Vis-à-Vis World Bank Operational Policy 4.12

Table 7 summarises the comparison between Kenyan law and the WB OP 4.12 as regards compensation. The main difference between the two is that the Kenyan system recognises only title holders as bona fide property owners; while under the WB OP 4.12, lack of a legal title does not bar in extending assistance and support to those affected by development projects. With respect, the measure this Project will take to resolve this gap, and is reflected in the relevant sections, is the WB OP 4.12 shall prevail.

Table 11: Comparison of Kenyan Law and World Bank OP 4.12 Regarding Compensation

Category of PAP & Type of Assets	Kenyan Law	WB OP 4.12
Land owners	Just cash compensation based upon market value as prescribed under statute. On agreement with PAP, land compensation not exceeding in value the amount of cash compensation considered would have been awarded.	Recommends land for land compensation. Other compensation is at replacement cost
Land tenants	Entitled to just compensation based on the amount of rights they hold upon land under relevant laws. Illegal tenants not entitled to compensation	Project Affected Persons are entitled to some form of compensation whatever the legal or illegal recognition of their occupancy.
Land users	Entitled to just compensation for crops and any other economic assets. Illegal land users not entitled to compensation	Whatever the legal recognition, entitled to compensation for crops, may be entitled to replacement land and income must be restored to at least pre-project levels.
Owners of temporary buildings	Entitled to just cash compensation based on market value (as prescribed under statute) or entitled to new housing on authorised land under government (state or local) housing programmes.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacements.
Owners of permanent buildings	Entitled to just cash compensation based on market value as prescribed under statute. On agreement with PAP, land compensation not exceeding in value the amount of cash compensation considered would have been awarded.	Entitled to in-kind compensation or cash compensation at full replacement cost, including labour and relocation expenses, prior to displacement
Perennial crops	Cash compensation based upon rates calculated as an average net agricultural income.	As per specifications of the RPF.

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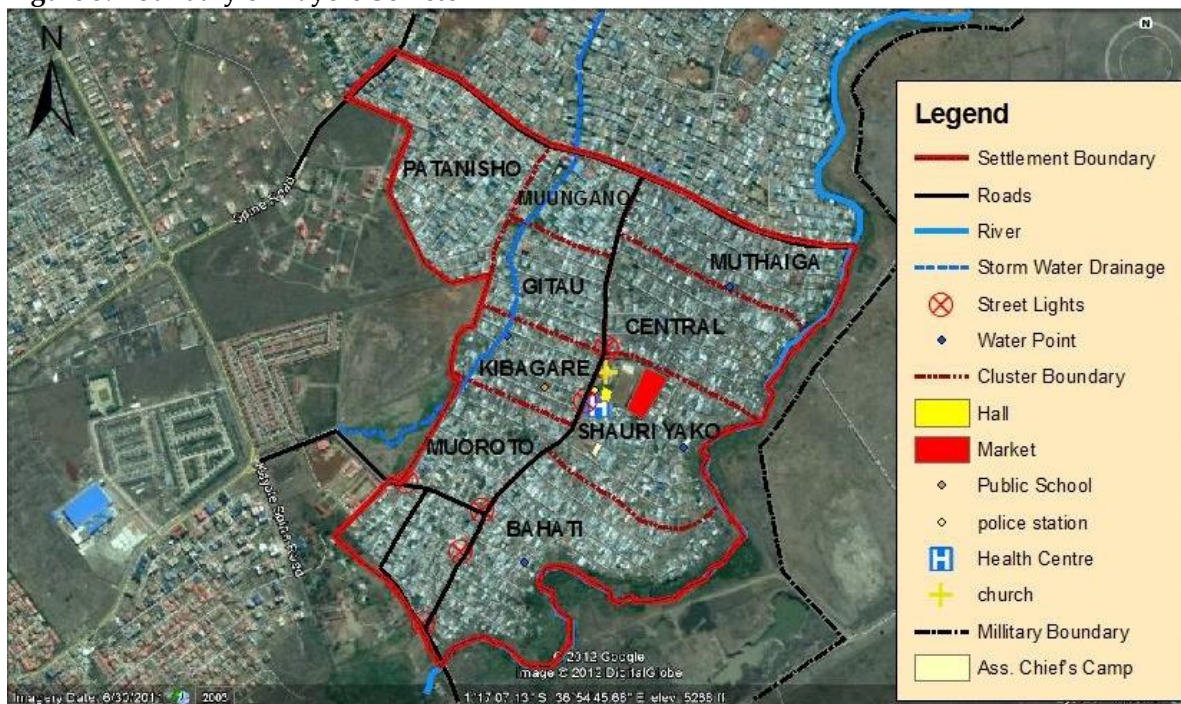
5.0 KAYOLE SOWETO INFORMAL SETTLEMENT

5.1 Introduction

Kayole Soweto Informal Settlement is situated in the Eastland region of Nairobi County, in specific Savannah Location in Embakasi East Constituency. The settlement was, on a government direction, formed by the transfer of poor people from the city centre to the outskirts. The land on which the settlement is built on belongs to the Nairobi City Council; and land tenure is in the form of allotment letters. Land use planning and sub-division has been done, which provides for social service places as well as way leaves for sewage lines and water distribution lines³¹.

Most plots in Kayole Soweto Settlement measure 25ft x 60ft. Respecting structures on the plots, slightly over three-quarters have walls constructed either from bricks, blocks or plaster. The rest have walls whose construction material is iron sheets. All these structures have iron sheets as their roofing material. Depending on type of house, and services provided, rent charges for the structures on the plots range from Ksh. 800 to Ksh. 3000. The average monthly income of residents is estimated at Ksh. 12,000.

Figure 3: Boundary of Kayole Soweto³²



Kayole Soweto Settlement is divided into nine zones: Muoroto, Bahati, Shauri Yako, Kibagare, Muthaiga, Central, Musesa, Muungano, and Patanisho. These zones, which can be

³¹ Runji & Partners Consulting Engineers; and, Athi Water Services Board. 2011. Consultancy Services for Detailed Design, Bid Documentation for WASSIP Informal Settlements, Nairobi City: Socio-Economic Report. Athi Water Services Board, Nairobi

<http://www.epa.gov/international/public-participation-guide/workshopPDFs/kayole.pdf>

³² Kenya Informal Settlements Improvement Project. 2012. Consultancy Services for Socio-Economic Surveys, Infrastructure Upgrading Plans, and Detailed Engineering Designs in Informal Settlements (Nairobi, Naivasha, and Machakos): Credit No. 4873-KE; Contract No. MH/KISIP/CS/004/2010 – 2011. Ministry of Land, Housing and Urban Development: Government of the Republic of Kenya. Nairobi

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equated to villages, have each a village elder. The Settlement is estimated to have a population of 90,000 individuals distributed in an estimated number of 22,400 households³³.

5.2 Existing Water and Sanitation Facilities

Improved water and sewerage services to Kayole Soweto Settlement are amongst the top priority development items for residents of the Settlement.

5.2.1 Water Facilities

Formal water supply to Kayole Soweto Settlement is wanting. Primary water sources in the Settlement include boreholes, water kiosks, and a sparse piped water connection (from which few individual piped water connections are observed). It is estimated the Settlement has about seven boreholes, though only one, developed by NCWSC and is reported to sometimes fail especially when there is a power shortage, is considered to provide safe water. The cumulative challenges experienced with regard to safe water supply in the Settlement has contributed to high cost of obtaining safe water amongst the residents of the Settlement. In connection, a coping mechanism the Settlement's residents have adopted is reducing on the amount of safe water a person uses per day. The socio-economic study carried out under WaSSIP Consultancy estimated an average 12 litres per person per day, which is far much lower than the recommended minimum of 22 litres the World Health Organisation considers only just adequate³⁴.

At end of October 2012, the NCWSC launched a social connections programme to improve water supply and sewerage services to the residents of Kayole Soweto Settlement. It has so far installed within the Settlement about 18 Km of piped water network, through an initiative dubbed *MajiMashinani* – “water at the grass roots”. Through this initiative, it targeted to connect water meters in 2,200 plots by February 2013. Partners in this initiative include: NCWSC, WaSSIP, AWSB, K-Rep Bank, and the community (which is providing the labour and security, and for ownership)³⁵.

K-Rep Bank's involvement is from the reason that most residents of the

K-Rep was established in 1984 as a project that supported the development of Small and Micro Enterprises through NGO managed programs. In 1987, the project was incorporated as local NGO. It changed its original strategy of supporting NGOs with grants and technical assistance, to that of advancing loans to the NGOs, in 1989.

In the same year it established a micro-credit lending program and established this as the core business and growth area. It also expanded its activities to include research & product development, as well as changing its Technical Assistance (TA) activities to a for-a-fee capacity building service.

In 1999 it established K-Rep Bank and two other entities: K-Rep Development Agency – to carry on its research and development work and K-Rep Advisory Services to serve as its consulting wing.

The products offered by K-Rep Bank's are broadly grouped under: Micro-Finance Based Loans; Personal Banking; and, Business Banking. <http://www.k-repbank.com/about-us/history.html>

³³ *ibid*

³⁴ Runji & Partners Consulting Engineers; and, Athi Water Services Board. 2011. Consultancy Services for Detailed Design, Bid Documentation for WASSIP Informal Settlements, Nairobi City: Socio-Economic Report. Athi Water Services Board, Nairobi

³⁵

<http://www.wsp.org/sites/wsp.org/files/publications/wsp-Press-Release-Nairobi-Water-Company-launches-innovative-social-connections-program.pdf>; and,

<http://www.epa.gov/international/public-participation-guide/workshopPDFs/kayole.pdf>

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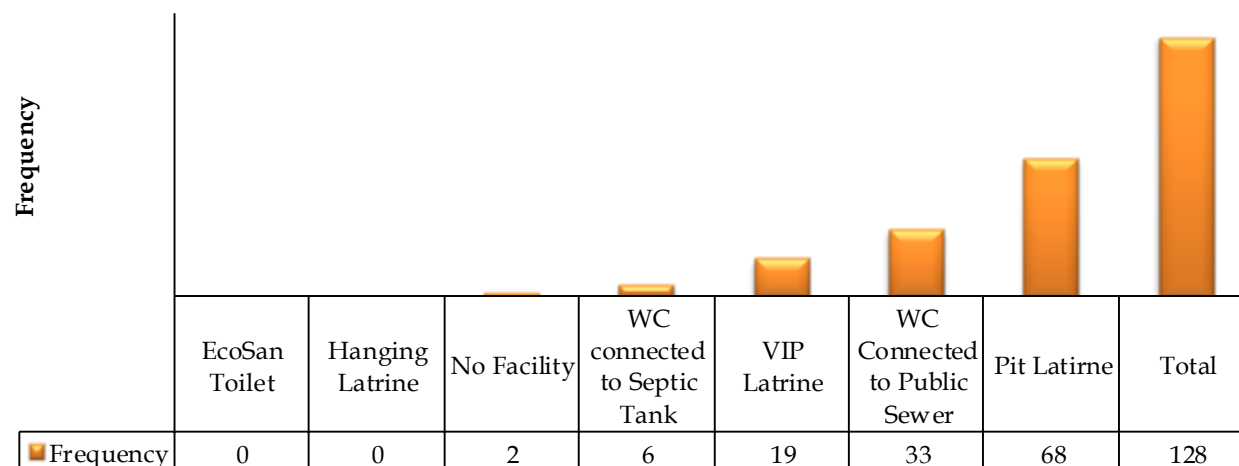
Settlement are unable to afford the lump sum connection fee charged by NCWSC to install metered water connection to their households. In connection, K-Rep Bank's presence allows households access micro-credit for the metered water connection, to be repaid in instalments together with the monthly water bill³⁶.

The average cost of getting piped water connection from the NCWSC is Ksh. 8,215.00 (about US\$100), which includes a non-refundable fee, deposit for meter installation, piping and fittings. Although residents are willing to pay for improved service, this connection cost is unaffordable to most households³⁷.

5.2.2 Sanitation Facilities

Kayole Soweto Informal Settlement lacks a sewer and wastewater collection system. Subsequently, as Figure 3 illustrates, (which is derived from the socio-economic survey that is one of the deliverables under WaSSIP Consultancy for water supply and sanitation service improvement in Kayole Soweto Informal Settlement), observed of households in the Settlement is a heavy reliance on on-site mode of human waste disposal. Majority (slightly over three-quarters) of these on-site human waste facilities are manually emptied on filling up. This action is mainly undertaken by a youth group known as Soweto Waste Disposal Self Help Group. The group uses a bucket tied to a rope to empty the human waste into a 200 litre container. The manual exhauster services offered are preferred because they are cheaper than mechanised exhauster services: costing from Ksh. 250 to Ksh. 500 per a 200 litre container, while the mechanised charges range from Ksh. 2,500 to Ksh. 3000 per trip.

Figure 4: Main Mode of Human Waste Disposal in Kayole Soweto Settlement



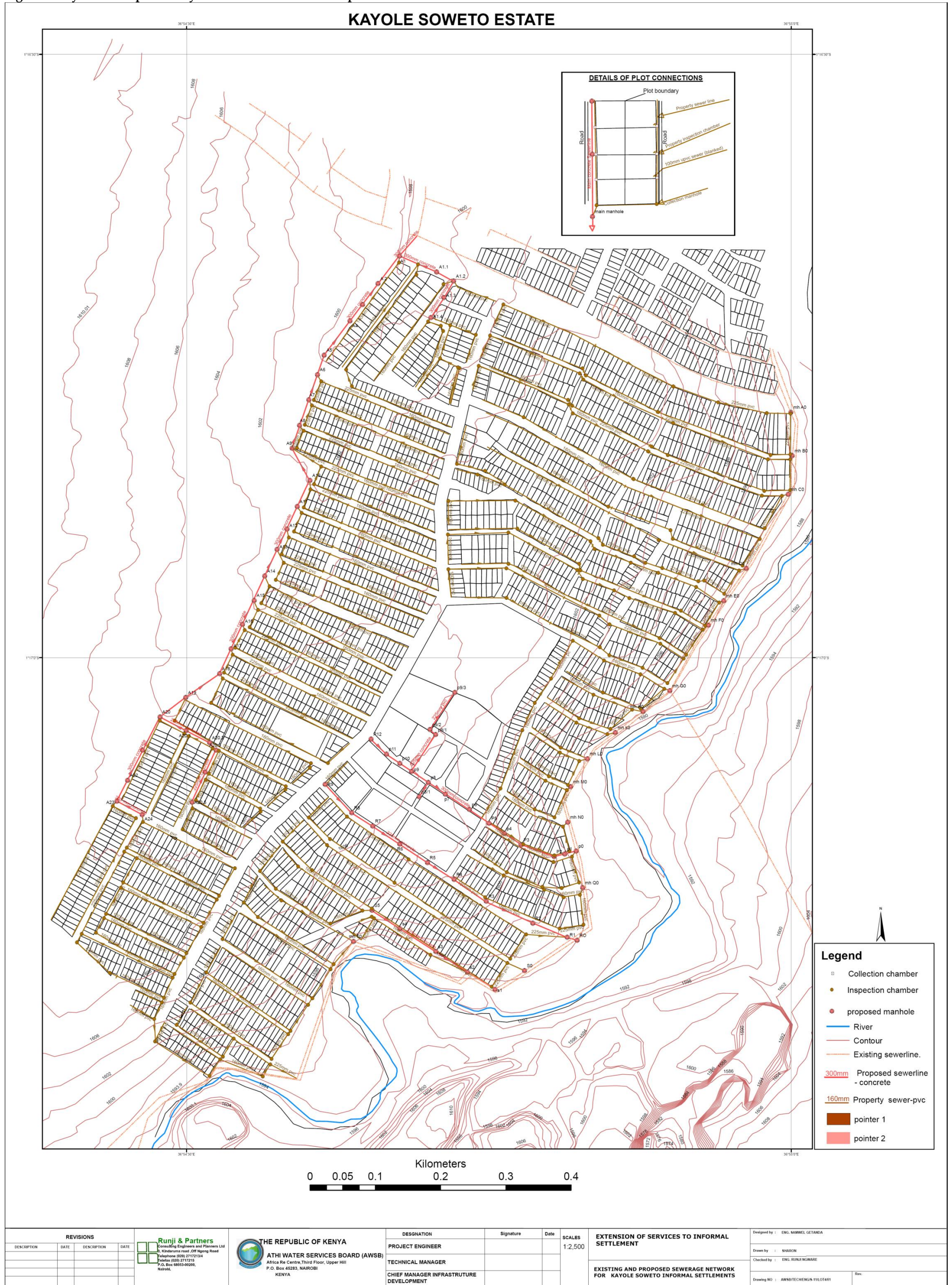
Source: Socio-Economic Study – under the consultancy

The heavy presence of on-site human waste disposal facilities has been linked to high incidence of waterborne illnesses in the Settlement.

³⁶ <http://www.worldbank.org/en/news/feature/2012/11/09/social-connections-increase-access-to-water-for-kenya-s-urban-poor>

³⁷ <http://www.wsp.org/sites/wsp.org/files/publications/wsp-Press-Release-Nairobi-Water-Company-launches-innovative-social-connections-program.pdf>

Figure 5: Layout of Proposed Kayole Soweto Sewer Main Pipeline



5.3 Existing Access Road Facilities

Improved access road facilities in Kayole Soweto Informal Settlement are amongst a priority development item for residents of the Settlement. According to the socio-economic study conducted under KISIP, as Figure 6 illustrates, a very small number of households ($\approx 6.49\%$) reported that their main access roads were either paved (brick or stone) or tarmacked; and, as Figure 7 illustrates, only about 18.93% of the households mentioned that their main access roads are usable most or all the times during the rainy season.

Figure 6: The Main Road of Kayole Soweto Informal Settlement



Figure 7: Material of the Main Access Road for Residents of Kayole Soweto Informal Settlement

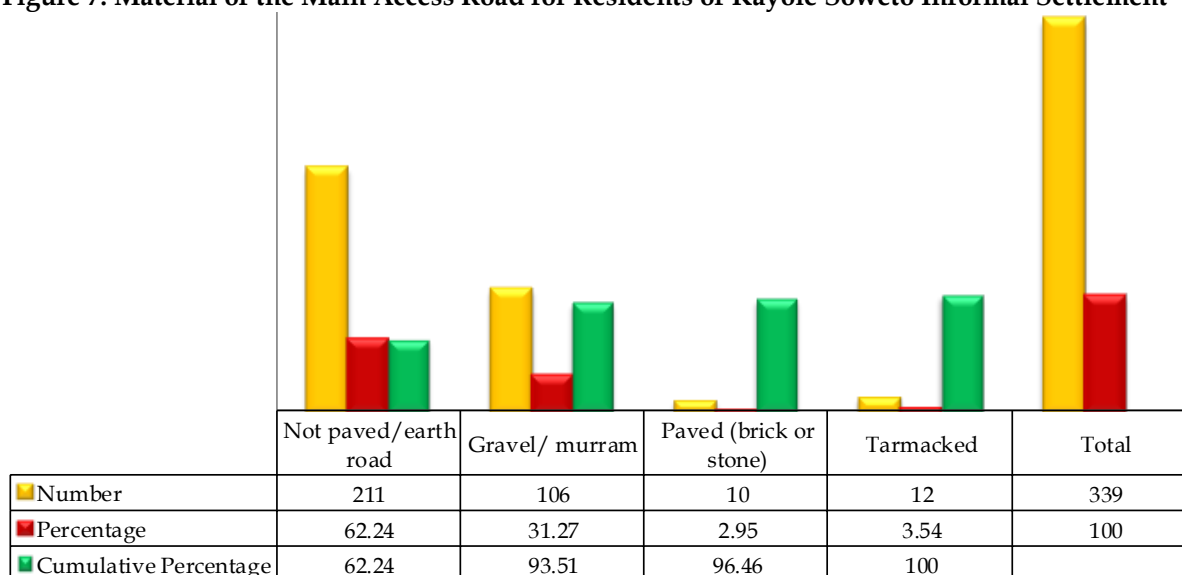
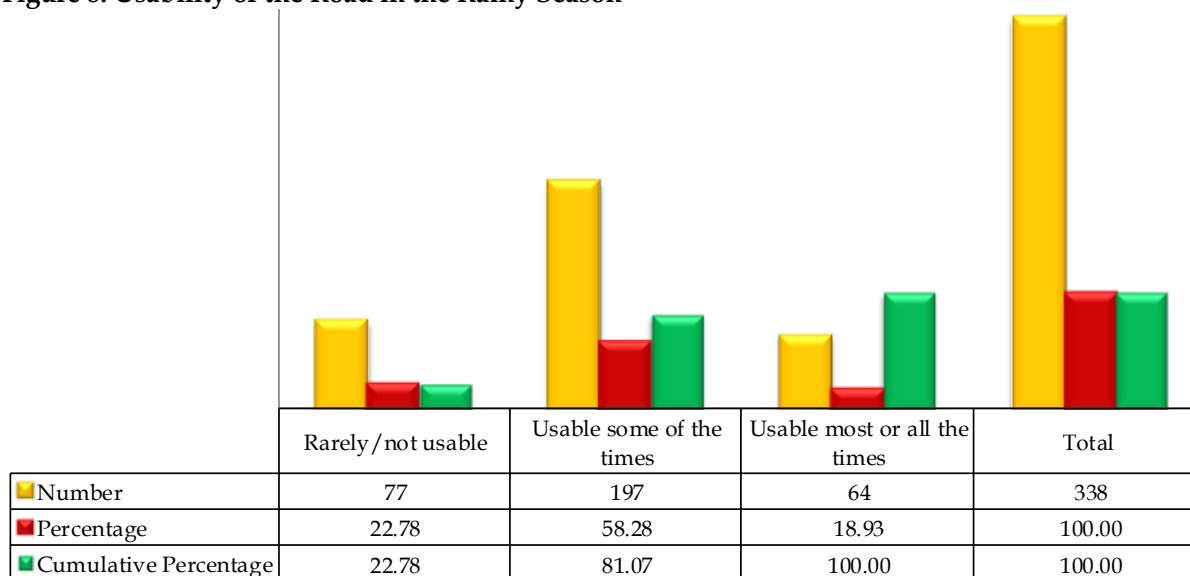


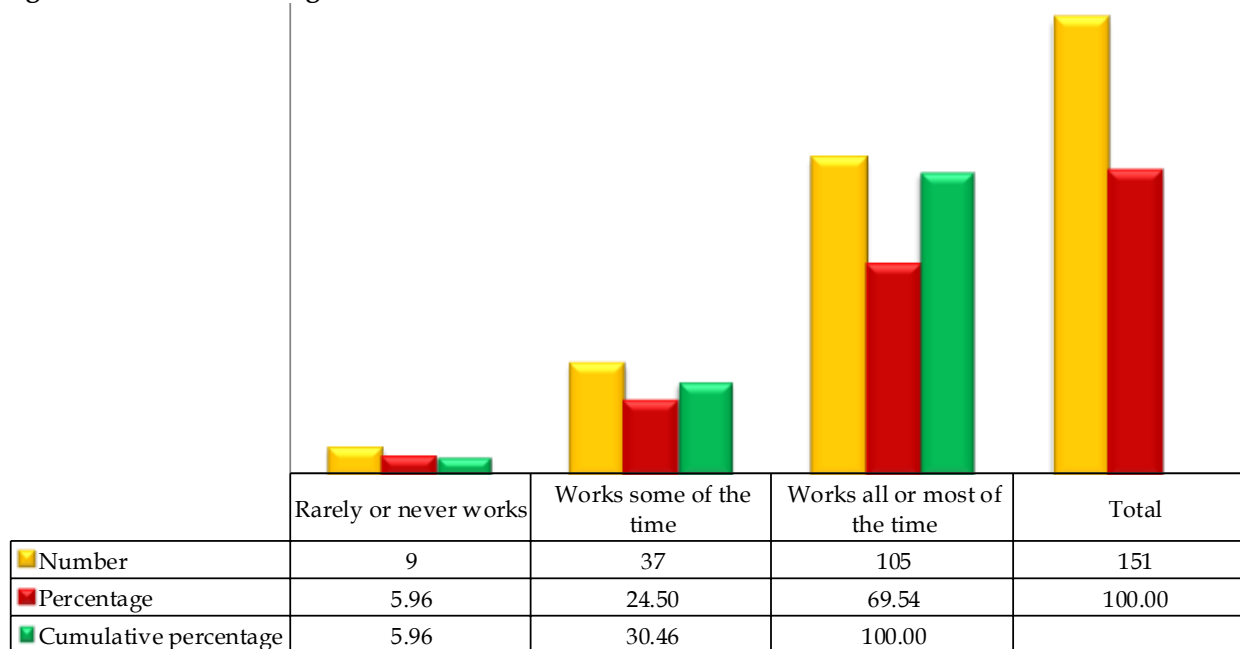
Figure 8: Usability of the Road in the Rainy Season



5.4 Existing Street Lighting Facilities

Street lighting in Kayole Soweto Informal Settlement is an infrastructure concern. Slightly less than half (i.e. count 151 or $\approx 44.67\%$) of the 338 households randomly sampled to participate in the socio-economic study under the KISIP consultancy acknowledged availability of street lights. Of these households, as Figure 8 illustrates, only about two-thirds reported that the street lights works all or most of the time.

Figure 9: Do the Street Lights Work?



6.0 KISIP AND WASSIP SUPPORT TO KAYOLE SOWETO INFORMAL SETTLEMENT

6.1 Improved Roads, Storm Water Drainage, and Street and Security Lighting to Kayole Soweto Informal Settlement

Through KISIP support, The Ministry of Land, Housing and Urban Development's plan for Kayole Soweto Informal Settlement involves improving on the Settlement's roads, storm water drainage, and street and security lighting to Kayole Soweto Informal Settlement.

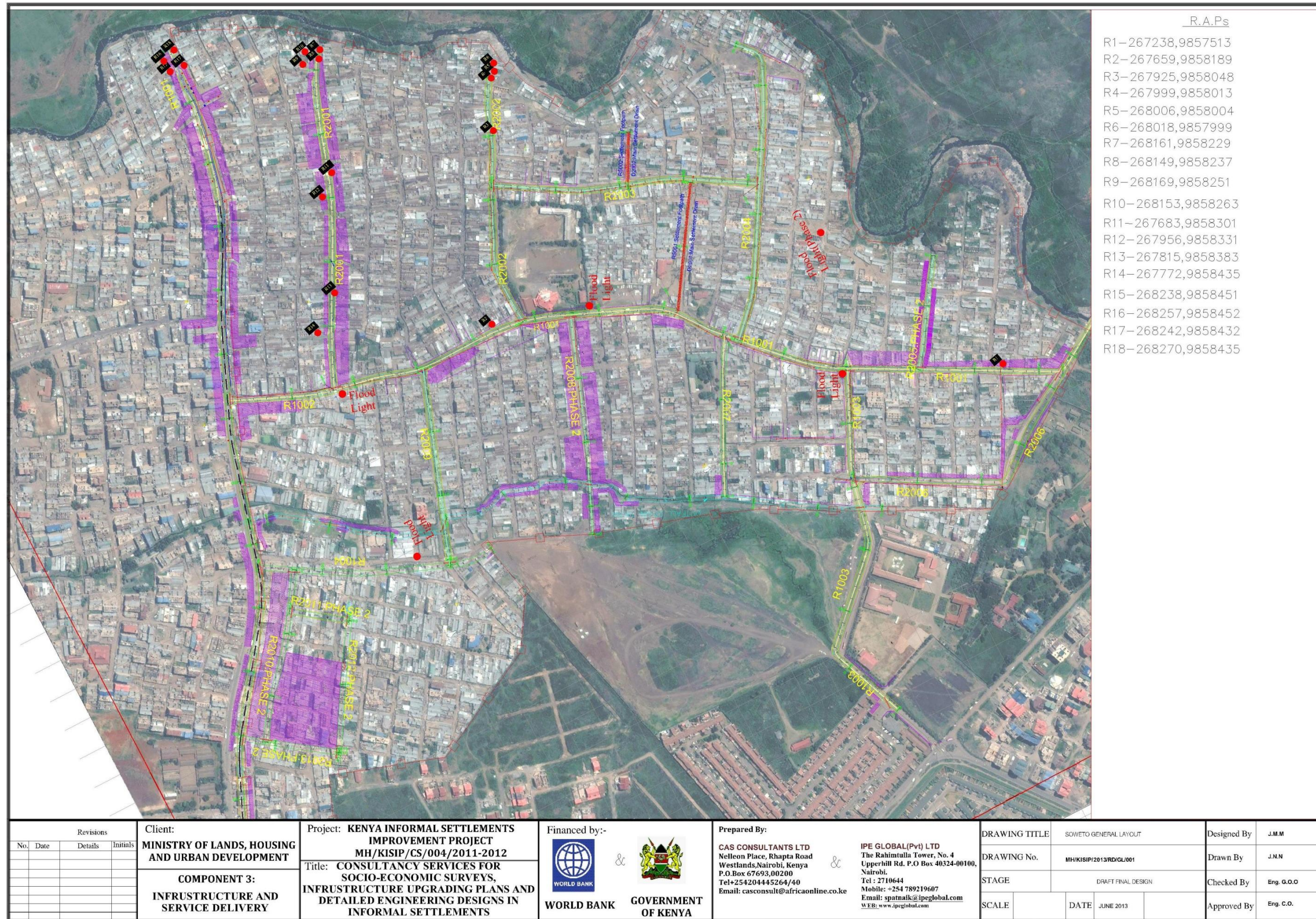
6.2 Improved Water Supply and Sanitation Services to Kayole Soweto Settlement

Through WaSSIP support, AWSB plan of improving water supply and sanitation services to Kayole Soweto Settlement involves construction of water and sewer main pipelines on the basis of individual connections. An individual connection would be made on payment of the connection fee charged by NCWSC to install metered connection to the household.

6.3 Improved Solid Waste Management to Kayole Soweto Informal Settlement

Through KISIP support, The Ministry of Land, Housing and Urban Development's plan for Kayole Soweto Informal Settlement involves improving solid waste management to Kayole Soweto Informal Settlement.

Figure 10: Layout of Proposed Kayole Soweto Informal Settlement Roads, Storm Water Drainage, and Street and Security



7.0 ACTION PLAN

7.1 Study Assessing the Sites Selected to Construct the Proposed Infrastructure

From 22nd March 2013 to 6th April 2013, a census study assessing the way reserves selected for placement of the proposed sewer pipelines under WaSSIP was conducted; and, from 17th September 2013 to 27th October 2013, a census study assessing the roads and road reserves selected for improvement under KISIP was conducted. The overall objective of the census surveys was to identify and assess the potential adverse economic and social impacts that would be as a result of involuntary taking of land and assets thereon, and involuntary restriction of access to protected areas, which is toward effective implementation of the Projects; as well as, facilitate identification of most feasible mitigation measures of the adverse impacts observed. Findings of the surveys were to be used to prepare an acceptable consolidated RAP Report of the Projects.

The specific objectives of the census studies were:

1. To raise awareness of the Projects and their consequences, particularly to persons directly affected;
2. To identify, quantify and document the different types of assets that will be affected toward effective implementation of the Projects;
3. To identify, quantify and document the different categories of PAPs that will require re-installation;
4. To document the potential disruptions on production systems and ways of life of each identified PAP, and which will be as a result of implementing the Projects;
5. To establish and document the potential disruptions that will be due to restriction of access to protected areas, and which will be as a result of implementing the Projects;
6. To engage the different categories of PAPs on mitigation matters, (to obtain their opinion, suggestions and consent), an action that is considered necessary toward effective implementation of the Projects; and,
7. To develop a consolidated RAP Report of the Projects that: a) presents an entitlement compensation package, with an overall aim of cost effectively and adequately re-installing the identified PAPs; and, b) is compliant with GoK legal framework governing the industry and involuntary resettlement due to development Projects, as well as the WB OP on involuntary resettlement as a result of implementing a development project.

An interview guide was prepared for this purpose. Annex 8.1 gives the interview guide used.

Prior to proceeding with the report from this point, three details need mention:

- a) For WaSSIP, April 6th 2013 represents the cut-off date.
- b) For KISIP, October 27th 2013 represents the cut-off date; and, on 1st March 2014, a final community meeting was held in which the draft RAP report was extensively discussed to ensure ownership.
- c) Should a large amount of time lapse between the cut-off date and implementation of engineering works of the Project, it is likely, at the time to implement the engineering works of the Project:

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- i. New development may have taken place on the way leaves identified to locate the sewer lines. Knowledge of the public nature of the land selected to lay the sewer pipelines has in the past not deterred residents from utilising the land, and this behaviour is not expected to change immediately, even with threats that utilising the land is at one's own peril.
- ii. A PAP identified under the KISIP and WaSSIP studies may have relocated outside the Project area, and his/her place taken over by another PAP.
- iii. A PAP identified under the studies may have been evicted from the encroached land s/he occupied and utilised, and has moved to an area outside the Project Area.

Respecting concern given under paragraph b (ii) and (iii), this report recommends verification of PAPs be a continuous process, be made a part of implementation of the engineering works of the Project. Overall, this report, in its subsequent sections, proposes mitigation measures that could be adopted.

Notwithstanding, the facts obtained under the studies provide adequate guide to development of this report. It is believed they will enhance knowledge, which is critical in facilitating decision making toward effective implementation of the Projects.

Figure 11: Two Separate Community Consultative Meetings Held at the Settlement



Above: Meeting with Settlement Executive Committee which is established under KISIP. This meeting was held prior to the exercise to verify the PAP register

Below: Last meeting with the community to discuss the draft RAP Report. The meeting was held on 1st March 2013.

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7.2 Potential Impacts of the Project

7.2.1 Evaluation of the Impacts of the Project

To make possible evaluation of the impacts of KISIP and WaSSIP support on Kayole Soweto Informal Settlement, the guidelines provided by the Resettlement Policy Frameworks (RPF) for KISIP and WaSSIP were made use of. Generally, the design for infrastructure improvement in Kayole Soweto Informal Settlement envisages the following disruptions and losses. Proposed against each anticipated disruption and loss is its mitigation measure(s).

a) Number of Project Affected Persons

Table 12: Type of Project Affected Asset by Name of Project Data is Collected Under

Type of affected asset ^a	Name of Project Data is Collected Under			Total	
	KISIP	WaSSIP	KISIP & WaSSIP	Count	Percent of Cases (%)
Business premise	2270	423	56	2749	57.3
Veranda	1034	960	29	2023	42.2
Septic tank	164	199	10	373	7.8
Manhole	27	23	2	52	1.1
Fence/Wall	4	15	0	19	.4
Sewer line/Sewer Pipe	2	14	1	17	.4
Water Tank	2	15	0	17	.4
Shade	15	0	0	15	.3
Toilet	1	9	1	11	.2
House	2	9	0	11	.2
Stair Case	5	1	2	8	.2
Water pipeline/ water distribution line	2	2	2	6	.1
**Electricity Pole	6	0	0	6	.1
Chicken(s)	5	1	0	6	.1
Drainage	0	3	0	3	.1
Tree(s)	0	3	0	3	.1
Bathroom and Toilet	0	2	0	2	.0
Pig(s)	1	0	1	2	.0
Culvert/Cross Culvert	1	0	0	1	.0
Concrete stone "jiko"	1	0	0	1	.0
Goats House	0	0	1	1	.0
Street Light/or Flood Light	1	0	0	1	.0
Class	0	1	0	1	.0
Sunday School Class	0	1	0	1	.0
Pigs House	0	1	0	1	.0
Parking	0	1	0	1	.0
Goat(s)	0	0	1	1	.0
Cattle	0	0	1	1	.0
Duck(s)	0	0	1	1	.0
Flowers	0	1	0	1	.0
Total (Count)	3371	1349	79	4799	

Notes: a. Group; Percentages and totals are based on respondents; and, ** PAPs is a service provider, and its facilities are on six (6) of the roads identified for upgrading

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The combined number of PAPs that would be affected on implementation of both KISIP and WaSSIP, as Table 12 illustrates, is estimated at 4799. About 99.9% of these PAPs are encroachers. The non-encroachers were identified as mainly service providers, a main example being the Kenya Power and Lighting Company.

b) Loss of Land and Proposed Mitigation Measures

The project design is deliberately conceptualised to avoid compulsory acquisition of privately owned land. Towards effective implementation of the Project, the project design proposes utilisation of public land (to improve on the roads, storm water drainage, street and security lighting, solid waste management, and sewerage). In specific it proposes utilisation of existing roads, access road reserves and public passageways.

c) Loss of Structures and Proposed Mitigation Measures

However, there are assets on the existing roads, access road reserves and public passageways identified to implement the proposed infrastructure facilities in Kayole Soweto Informal Settlement. The description of these assets is as presented in Tables 12 to 15.

Respecting, of the assets that are structures, an estimated 59.19% were described as not of permanent status. And, the top four types of assets that would be significantly affected toward effective implementation of the Project are, in decreasing order of incidence: business premises, veranda, sanitation facilities (i.e. combined: septic tanks, manholes, sewer lines/pipelines, toilet, and toilet and bathroom), and electricity structures (poles, transformers, and street/flood lights).

Regarding mitigation measures the Project could take against each affected asset, please refer to Table 19 (*Table 19: This RAP Report's Proposal of How Project Affected Person Is to be Compensated/Mitigated*). The proposals are shaped by the guidelines provided by the respective Projects RPFs, nature of works of a Project on a given geographical location of the Informal Settlement, and responses given by PAPs on their preferred mitigation measures.

d) Loss of Revenue and Proposed Mitigation Measures

As illustrated under "c" above, the field survey conducted in the beneficiary Settlement established structures for commercial use will be affected toward effective implementation of the Projects. These are significant in number. Table 16 presents the types of businesses practiced within these Project affected structures for commercial use. Observable, the bulk of business type is in selling of vegetables and/or fruits, followed by garments.

Documented from the field survey, as Tables 17 and 18 illustrate, the affected businesses are generally micro enterprises and informal. About 99.3% reported they have not regularised their operations beyond the licensing requirements by Nairobi City Council; an estimated 97.25% operate from temporary structures; majority operate from an area averaging not more than 3.35m² in size; majority (≈ 99.05) employ not more than five (5) employees, of which approximately 82.66% have only one employee; and, an estimated 60.6% of the businesses, according to the owners, earn a profit of not more than Ksh. 600 per day.

With respect to the mitigation measures the Projects could, please refer to Table 19 (*Table 19: This RAP Report's Proposal of How Project Affected Person Is to be Compensated/Mitigated*). The proposals are shaped by the guidelines provided by the respective Projects RPFs, nature of works of a Project on a given geographical location of the Settlement, and responses given by PAPs on their preferred mitigation measures.

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Noteworthy on the proposed mitigation measure “*relocation to other site*”, it was proposed by PAPs counted under KISIP. These PAPs would like to continue with their businesses, and preferably from a stable address: a formal market. The Settlement has no formal market. A site within the Settlement was allocated, but it has over the years slowly diminished in size due to encroachment. Strongly advocated by this report, even if not in the short-term, KISIP could explore construction of a market place in the Settlement in the medium to long-term.

Noteworthy as well on the proposed mitigation measure “*relocation to other site*”, of some the PAPs that proposed this, their businesses are easily relocated as the following observations illustrate (also refer to Figure 11 for examples):

Some of the Observations Made of PAP with Reference to Business Premises		Frequency
1.	The affected business premise is open air - an open air kibanda	318
2.	The affected structure for commercial use (i.e. Kibanda) is made of papers	1
3.	The affected structure for commercial use and which is located in open air is a plastic bag from which PAP displays goods for sale	1
4.	The affected structure for commercial use and which is located in open air is a polythene bag from which PAP displays goods for sale	1
5.	The affected structure for commercial use and which is located in open air is a sack	1
6.	The affected structure for commercial use and which is located in open air is a sack from which PAP displays goods for sale	3
7.	The affected structure for commercial use and which is located in open air is a sack from which PAP displays her goods	1
8.	The affected structure for commercial use and which is located in open air is a sack from which PAP displays his goods	1
9.	The affected structure for commercial use and which is located in open air is a table	38
10.	The affected structure for commercial use and which is located in open air is a table and a stool	1
11.	The affected structure for commercial use and which is located in open air is a table bench	1
12.	The affected structure for commercial use and which is located in open air is a table made of wood	1
13.	The affected structure for commercial use and which is located in open air is a table/bench made of wood	2
14.	The affected structure for commercial use and which is located in open air is a wheel barrow	50
15.	The affected structure for commercial use is a container	6
16.	The affected structure for commercial use is mobile - it can be moved easily to another site, hence will be easily moved once the project begins	23
Total		449

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Table 13: Types of Assets Affected by Combination and Specific

Specific Type of Project Affected Asset ^a	Classification of Affected Structures																													Total Count			
	Structures for Housing	Structures for Commercial Use	Structures for Both Housing and Commercial use	Structures for Religious Use	Veranda	Septic Tank (or Manhole or Sewer line or Toilet)	Wall or Fence	Water Tank or Distribution Line	Veranda, and Septic Tank (or Manhole or Sewer Line or Toilet)	Structure for Commercial Use, and Septic Tank (or Manhole or Sewer Line or Toilet)	Veranda, and Water Tank or Distribution Line	Veranda, Septic Tank (or Manhole or Sewer Line or Toilet), and Water Tank or Distribution Line	Structure for Commercial Use, Veranda, and Water Tank or Distribution Line	Structure for Commercial Use, Veranda, and Septic Tank (or Manhole or Sewer Line or Toilet)	Septic Tank (or Manhole or Sewer Line or Toilet), and Parking	Structure for Commercial Use, Septic Tank (Manhole or Sewer Line or Toilet), and Water Tank or Distribution Line	Structure for Commercial Use, Veranda, Septic Tank (or Manhole, Sewer Line or Toilet), & Water Tank or Distribution Line	Structure for Commercial Use, Water Tank or Distribution Line	Structure for Commercial Use, and Cross Culvert	Septic Tank (or Manhole or Sewer Line or Toilet), and Water Tank or Distribution Line	Veranda and Shade	Electricity pole(s), transformer (s), and/or flood light	Stair case	Veranda and Stair Case	Stair Case, and Septic Tank (or Manhole or Sewer Line or Toilet)	Veranda, Stair Case, and Septic Tank (or Manhole or Sewer Line or Toilet)	Structure for Commercial Use, Veranda, and Stair Case	Veranda and Drainage	Structure for Commercial Use, and Wall or Fence		Septic Tank (or Manhole or Sewer line or Toilet), and Wall or Fence		
Business premise	0	256	5	0	0	0	0	0	6	44	104	0	0	2	16	0	1	1	4	1	0	0	0	0	0	0	0	0	1	0	2	0	2749
Veranda	0	3	0	0	166	0	0	0	213	1	100	7	2	2	15	0	0	1	0	0	0	3	0	0	3	0	2	1	3	0	0	2023	
Septic tank	1	0	1	0	0	132	0	0	189	30	0	0	1	0	12	1	1	1	0	0	0	0	0	0	0	1	2	0	0	0	1	373	
Manhole	0	0	0	0	0	22	0	0	23	4	0	0	1	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	52	
Fence/Wall	0	0	0	0	0	0	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	19		
Sewer line/ Sewer Pipe	0	0	0	0	0	3	0	0	8	1	0	0	1	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17	
Water Tank	0	0	0	0	0	0	0	4	0	0	0	7	1	2	0	0	1	1	0	0	1	0	0	0	0	0	0	0	0	0	0	17	
Shade	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	0	0	0	0	0	0	0	0	0	15	
Toilet	0	0	0	0	0	6	0	0	0	3	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	11	
House	6	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11	
Stair Case	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	3	1	2	1	0	0	0	8		
Water pipeline/ water distribution line	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	4	0	1	0	0	0	0	0	0	0	0	0	6		
**Electricity Pole	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	0	0	0	0	0	0	0	0	6	
Chicken(s)	0	5	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	
Drainage	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	3		
Tree(s)	0	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
Bathroom and Toilet	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
Pig(s)	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
Culvert/Cross Culvert	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
Concrete stone "jiko"	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Goats House	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Street Light/or Flood Light	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	
Class	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Sunday School Class	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	

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Specific Type of Project Affected Asset ^a	Classification of Affected Structures																														Total Count		
	Structures for Housing	Structures for Commercial Use	Structures for Both Housing and Commercial use	Structures for Religious Use	Veranda	Septic Tank (or Manhole or Sewer line or Toilet)	Wall or Fence	Water Tank or Distribution Line	Veranda, and Septic Tank (or Manhole or Sewer Line or Toilet)	Structure for Commercial Use, and Septic Tank (or Manhole or Sewer Line or Toilet)	Structure for Commercial Use, and Veranda	Veranda, and Water Tank or Distribution Line	Veranda, Septic Tank (or Manhole or Sewer Line or Toilet), and Water Tank or Distribution Line	Structure for Commercial Use, Veranda, and Water Tank or Distribution Line	Structure for Commercial Use, Veranda, and Septic Tank (or Manhole or Sewer Line or Toilet)	Structure for Commercial Use, Water Tank or Distribution Line	Structure for Commercial Use, and Cross Culvert	Septic Tank (or Manhole or Sewer Line or Toilet), and Water Tank or Distribution Line	Veranda and Shade	Electricity pole(s), transformer (s), and/or flood light	Stair case	Veranda and Stair Case	Stair Case, and Septic Tank (or Manhole or Sewer Line or Toilet)	Veranda, Stair Case, and Septic Tank (or Manhole or Sewer Line or Toilet)	Structure for Commercial Use, Veranda, and Stair Case	Veranda and Drainage	Structure for Commercial Use, and Wall or Fence	Septic Tank (or Manhole or Sewer line or Toilet), and Wall or Fence					
Pigs House	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Parking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Goat(s)	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Cattle	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Duck(s)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1		
Total (Count)	6	2518	5	1	1667	165	15	4	214	37	100	7	2	2	15	1	1	1	4	1	2	9	6	1	3	1	2	1	3	2	2	4798	

Source: Field Survey

Notes: a. Group; Percentages and totals are based on respondents; ** PAPs is a service provider, and its facilities are on six (6) of the roads identified for upgrading
N = 4798

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Table 14: Description of Project Affected Structure

Type of Affected structure ^a	Classification of the structure			Total	
	Temporary	Semi-Permanent	Permanent	Count	% of PAPs
Business premise	2655	12	63	2730	57.63
Veranda	59	11	1938	2008	42.39
Septic tank	14	1	347	362	7.64
Manhole	1	1	47	49	1.03
Fence/Wall	12	0	6	18	0.38
Water Tank	1	1	13	15	0.32
Shade	15	0	0	15	0.32
Toilet	4	0	7	11	0.23
Sewer line/Sewer Pipe	2	0	8	10	0.21
House	5	0	5	10	0.21
Stair Case	1	2	4	7	0.15
**Electricity Pole	0	0	6	6	0.13
Water pipeline/water distribution line	1	0	4	5	0.11
Bathroom and Toilet	1	0	1	2	0.04
Drainage	0	0	2	2	0.04
Culvert/Cross Culvert	0	0	1	1	0.02
Goats House	1	0	0	1	0.02
Concrete stone "jiko"	0	0	1	1	0.02
Class	1	0	0	1	0.02
Street Light/or Flood Light	0	0	1	1	0.02
Parking	1	0	0	1	0.02
Sunday School Class	1	0	0	1	0.02
Pigs House	1	0	0	1	0.02
Total	Count	2776	28	2454	4737
	% of Responses	52.80	0.53	46.67	100.00

Source: Field Survey

Notes:

- ✚ Percentages and totals are based on respondents.
- ✚ a. Group
- ✚ ** PAPs is a service provider, and its facilities are on six (6) of the roads identified for upgrading
- ✚ Case Summary

Type Of Affected Structure by Classification Of The Structure	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
	4737	99.3%	16	.3%	4799	100.0%

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Figure 12: Examples of Premises Affected Toward Effective Implementation of KISIP and WaSSIP



Examples of temporary structures, which are of micro-enterprises, that will be affected toward effective implementation of KISIP and WaSSIP. All except the “High Way Kinyozi”, (bottom far left picture), are located on the main road of Kayole Soweto Informal Settlement

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Table 15: Number of Electricity Poles, Transformers and Street/ Flood Lights by Road to be Improved

Road Label	Road Name	Number of Affected Structures	Type Of Structure1	Construction Material of Structure	Type Of Affected Structure2	Construction Material of Structure
	Social Hall Road	1	Electricity Pole	Wood		
	Kisumu Ndogo Road	1	Electricity Pole	Wood		
R1001		25	Electricity Pole	Wood		
R1001	Masimba Road	1	Electricity Transformer			
R1002	Main Road	25	Electricity Pole	Wood		
R1002	Main Road	6	Electricity Transformer	Wood		
R1003	Jacaranda Road	5	Electricity Pole	Wood		
R2003	Galilee Road	1	Electricity Pole		Street Light/or Flood Light	
R2004**		26	Electricity Pole		Street Light/or Flood Light	
R2008	Catholic Road	10	Electricity Pole			
R2009	Daharani Road	7	Electricity Pole	Wood		
Total		108				

Source: Field Survey

Notes: Percentages and totals are based on respondents; a. Group; and, **25 electricity poles, two (2) of which are made of metal

Figure 13: Examples of Structures on the Land Targeted to Implement Proposed Infrastructure in Kayole Soweto Informal Settlement



Left: Example of Project affected metal stair case

Middle: Example of Project affected concrete/cement veranda and electricity poles

Right: Example of Project affected fence/wall and micro-enterprise

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Table 16: Business Types Practiced Within the Affected Structures for Commercial Use

Rank	Business type ^a	Category of Project Affected Person of this parcel of land				Total	
		Property owner	Residential tenant	Business tenant	*Missing	Count	%
1.	None - business premise was not being utilised at the time of the study	30	0	1	7	38	1.48
2.	Selling vegetables and/or fruits	440	4	486	59	989	38.53
3.	Selling garments (clothes - outer and/or inner wear)	156	0	146	6	308	12.00
4.	General retail shop	29	1	33	221	284	11.06
5.	Selling cooked food (or processed food products)	105	0	68	27	200	7.79
6.	Selling shoes	54	0	99	0	153	5.96
7.	Salon (hairdressing)	21	1	22	21	65	2.53
8.	Selling fish	32	1	28	0	61	2.38
9.	Barber (Kinyozi)	17	0	30	8	55	2.14
10.	Tailoring and dressmaking	23	0	21	7	51	1.99
11.	Butchery	19	1	16	8	44	1.71
12.	Mali mali	30	1	12	0	43	1.68
13.	Selling of electronics, and/or repair (and/or maintenance) of electronics	19	1	15	2	37	1.44
14.	Selling charcoal and/or firewood Seller	9	0	17	4	30	1.17
15.	Selling mobile phone accessories	13	0	7	2	22	0.86
16.	Selling utensils	9	0	13	0	22	0.86
17.	Selling chicken	14	0	5	1	20	0.78
18.	Carpentry/Furniture Workshop	12	0	4	2	18	0.70
19.	M-Pesa services	6	1	5	5	17	0.66
20.	Repairing shoes	7	0	9	1	17	0.66
21.	Selling furniture (auctioning furniture)	14	0	1	0	15	0.58

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Rank	Business type ^a	Category of Project Affected Person of this parcel of land				Total	
		Property owner	Residential tenant	Business tenant	*Missing	Count	%
22.	Repairing phones	8	0	5	2	15	0.58
23.	Other goods sold for immediate household consumption include: eggs (13); milk (12); handbags (8); cosmetics (8); sweets (7); tissue paper (7); herbs (6); hardware (6); second hand goods (6); phones (5); music CDs (5); soap (5); water (4); kerosene (4); scrap metal (4); mattresses (4); nets (4); curtains (4); cooking gas (3); Selling bed sheets (3); old books and/or text books (3); stationery (3); tea leaves (2); ice/ice cream (2); miraa (2); wines and spirits (2); wood (2); blankets (2); materials/fabric (2); plastic paper bags (2); pesticides (2); cigarettes (2); biscuits (2); plastic containers/basins (2); school items (2); dishwashing ' wire' (2); animal feeds (1); chang'aa (1); water storage containers (1); empty boxes (1); cement papers (1); stones (1); curio (1); beddings (1); earrings (1); school bags (1); jikos (1); weaves/hair extensions (1); carpentry machines/equipment (1); sewing accessories (1); radios (1); diapers (1); toothpaste (1); body petroleum jelly, lotions and/or cream (1)						
24.	Other services sold for immediate household consumption include: pub (10); repairing and/or selling spares of bicycles and/or motor bikes (5); milling (posho mill) (4); cyber café and computer services (3); cleaning, polishing and shining shoes (3); transportation (of goods using the hand care, "mkokoteni" in Swahili) (3); photo studio (3); photocopy services (2); charging mobile phones (2); facilitating deposits and withdraws from commercial bank – working as an agent for a commercial bank (1); transportation (<i>boda boda</i> services) (1); video library (1); repairing punctures (1); repairing watches (1); school class (1)						
25.	Other manufacturing engagements practised include: knitting (3); embroidery (3); welding (2); making "jikos" (1); and, jua kali/metal works (11)						
26.	Keeping goats, and selling their products (1)						
Category of Project Affected Person		Property owner	Residential tenant	Business tenant	Missing		
Total		Count	1115	13	1073	366	2567
		Percent	43.44	0.51	41.80	14.26	

Source: Field Survey

Notes:

- ✚ Percentages and totals are based on respondents
- ✚ a. Group
- ✚ N = 2567
- ✚ Some PAPs have been counted more than once, i.e. they operate from more than one business premise located geographically apart

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Table 17: Total Number of Employees in the Business

Total Number of Employees per Business	Frequency: Number of Businesses with Total Number of Employees	Percent	Valid Percent	Cumulative Percent
1	1649	34.23	82.66	82.66
2	240	4.98	12.03	94.69
3	59	1.22	2.96	97.64
4	22	0.46	1.10	98.75
5	6	0.12	0.30	99.05
6	7	0.15	0.35	99.40
7	3	0.06	0.15	99.55
8	2	0.04	0.10	99.65
9	4	0.08	0.20	99.85
10	2	0.04	0.10	99.95
13	1	0.02	0.05	100.00
Total	1995	41.42	100.00	
Missing	N/A	2172	45.09	
	System	650	13.49	
	Total	2815	58.58	
Total	4817	100.00		

Source: Field Survey

Table 18: Average Net Business Income (Profit) Per Day

Average net business income (profit) per day (Ksh)	Frequency	Percent	Valid Percent	Cumulative Percent
upto 250	411	8.53	19.47	19.47
From 251 to 500	745	15.47	35.29	54.76
From 501 to 1000	654	13.58	30.98	85.74
From 1001 to 1500	89	1.85	4.22	89.96
From 1501 to 2000	88	1.83	4.17	94.13
Over 2000	124	2.57	5.87	100.00
Total	2111	43.82	100.00	
Missing	N/A	1209	25.10	
	System	1497	31.08	
	Total	2706	56.18	
Total	4817	100.00		

Source: Field Survey

Figure 14: Project Affected Services and Other Structures in Kayole Soweto Informal Settlement



From left to right:

- ✚ Affected water pipeline, and veranda with stair
- ✚ Affected transformer and micro enterprises

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Table 19: This RAP Report's Proposal of How Project Affected Person Is to be Compensated/Mitigated

Type of affected asset	Proposed Mitigation Measure For Project Affected Asset															Total	
	Cash compensation at replacement cost (calculated without depreciation - for structure owners)	Alternative accommodation where possible	PAP allowed to salvage all material	Two months advance notice (as is appropriate, to either vacate or of interruption of service)	Where partial loss of structure but residual is viable: repair unaffected section (cost at 25% of compensation)	Ex-gratia at 50% of compensation amount towards house building allowance (for property owner)	One time shifting allowance of Ksh. 2500 (for encroachers/squatters)	Subsistence allowance equivalent to six (6) months rental income (for landlords)	Relocation to other site (for informal enterprises)	Individual connection to improved (formal) sanitation services	To be replaced with improved pavement - one of KISIP's deliverables for the Settlement	Shift pole/pillar/service	Taken care of in the proposed Project design for the Settlement	Housing allowance for three (3) months equivalent rental income value (for tenant or owner occupier)	Count	Percent of PAP	
Business premise	239	0	2742	2742	360	0	0	0	*2365	140	**360	0	0	0	2742	57.14	
Veranda	516	0	2023	2023	1063	0	0	0	0	448	1063	0	0	0	2023	42.15	
Septic tank	0	0	372	372	0	0	0	0	0	372	0	0	0	0	372	7.75	
Manhole	0	0	28	28	0	0	0	0	0	28	0	0	0	0	28	0.58	
Manhole	0	0	24	24	0	0	0	0	0	24	0	0	0	0	24	0.50	
Fence/Wall	18	0	19	19	4	0	0	0	0	1	0	0	0	0	19	0.40	
Water Tank	16	0	16	16	0	0	0	0	0	1	0	0	0	0	16	0.33	
Shade	15	0	15	15	0	0	0	0	0	0	0	0	0	0	15	0.31	
***House	8	8	11	11	8	8	8	8	0	3	0	0	0	8	11	0.23	
Toilet	0	0	11	11	0	0	0	0	0	11	0	0	0	0	11	0.23	
Sewer line/Sewer Pipe	0	0	10	10	0	0	0	0	0	10	0	0	0	0	10	0.21	
Stair Case	1	0	8	8	6	0	0	0	0	1	6	0	0	0	8	0.17	
Chicken(s)	0	0	6	6	0	0	0	0	6	0	0	0	0	0	6	0.13	
***Electricity Pole	0	0	0	6	0	0	0	0	0	0	0	6	0	0	6	0.13	
Water pipeline/ water distribution line	0	0	0	6	0	0	0	0	0	0	0	6	0	0	6	0.13	
Sewer line/Sewer Pipe	0	0	4	4	0	0	0	0	0	4	0	0	0	0	4	0.08	
Drainage	3	0	3	3	0	0	0	0	0	0	0	0	0	0	3	0.06	
Tree(s)	1	0	3	3	0	0	0	0	0	2	0	0	0	0	3	0.06	
Bathroom and Toilet	0	0	2	2	0	0	0	0	0	2	0	0	0	0	2	0.04	
Pig(s)	0	0	2	2	0	0	0	0	2	0	0	0	0	0	2	0.04	
Cattle	0	0	1	1	0	0	0	0	1	0	0	0	0	0	1	0.02	
Class	0	0	1	1	0	0	0	0	0	1	0	0	0	0	1	0.02	
Concrete stone "jiko"	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0.02	
Culvert/Cross Culvert	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0.02	
Flowers	1	0	1	1	0	0	0	0	0	0	0	0	0	0	1	0.02	
Goat(s)	0	0	1	1	0	0	0	0	1	0	0	0	0	0	1	0.02	
Goats House	1	0	1	1	1	0	0	0	0	0	1	0	0	0	1	0.02	
Parking	1		1	1	0	0	0	0	0	0	0	0	0	0	1	0.02	
Pigs House	0	0	1	1	0	0	0	0	0	1	0	0	0	0	1	0.02	
Street Light/or Flood Light	0	0	0	1	0	0	0	0	0	0	0	1	0	0	1	0.02	
Sunday School Class	1	1	1	1	1	1	1	1	0	0	0	0	0	1	1	0.02	
Total (Count)	Count	821	9	5313	5320	1443	9	9	9	2375	1049	1430	13	2	9	4799	100.00
	% of Responses	15.43	0.17	99.83	99.96	27.11	0.17	0.17	0.17	44.63	19.71	26.87	0.24	0.04	0.17		

Source: Field Survey

Notes: a. Group; Percentages and totals are based on respondents; N = 4799; and,

*Some of the PAPs have been counted more than once, to reflect the number of business premises owned and affected. Should construction of a market place be a preferred mitigation measure, this report proposes that these PAPs should only be allocated one space/stall within the constructed market place.

**Business Premise is a veranda – thus the proposed mitigation measure. This measure is proposed for KISIP

*** PAPs is a service provider, and its facilities are on six (6) of the roads identified for upgrading

****Refer to 7.2.1 (f) on how to interpret the proposals under affected item

Figure 15: Examples of Other Types of Project Affected Services



Top left: Affected manholes located on one of the roads targeted for improvement under KISIP

Top right: A cross culvert affected on one of the road targeted for improvement under KISIP

Bottom left: An access culvert affected on one of the roads targeted for improvement under KISIP

Bottom right: The selected local research assistants and supervisors taking a break during a training session. The veranda used as a seat will be affected toward effected implementation of the Projects

e) Re-Installation of Population, and Proposed Mitigation Measures.

Established from the field surveys conducted on the beneficiary Settlement, as Tables 12 and 13 illustrates, about eleven (11) structures for housing will be affected toward effective implementation of the Projects. Two (2) of these structures will be affected toward effective implementation of works under KISIP only, and nine (9) under WaSSIP only. Established by the surveys, anticipated is partial loss of the identified structures, with the residual being viable. Under these circumstances, by the Projects RPFs, the proposed mitigation measures include:

- 1) Alternative accommodation where possible;
- 2) PAP allowed to salvage all material;
- 3) Two months advance notice (as is appropriate, to either vacate or of interruption); and,
- 4) Repair of unaffected section (cost at 25% of compensation)

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Of significant note under WaSSIP, three (3) of the nine (9) identified PAPs indicated they prefer as a mitigation measure: “*individual connection to improved (formal) sanitation services*”. These PAPs proposed that this measure could be combined with cash compensation as is appropriate. Respecting, the cash compensation value would be calculated as the difference in value between cost of connecting to the main sewer and the cost of replacing the affected structure (calculated without depreciation).

As a caution, should it be established during engineering works of the Projects that residuals of affected structures are unviable, this report’s proposal is that the Projects should consider to the extent possible, not relocating PAPs (that are utilising the structures) to new sites outside the Settlement. With respect:

- 1) The Projects could redesign to avoid relocation, where it is considered feasible; and,
- 2) In extremely unavoidable circumstances, the proposed mitigation measures the Projects could take are:
 - a. Provide the affected household with alternative accommodation, preferably within the Informal Settlement;
 - b. Award the affected structure owner cash compensation at replacement cost of the structure (calculated without depreciation)
 - c. Award the structure owner ex-gratia at 50% of compensation amount towards house building allowance
 - d. Award the affected tenant or owner occupier one-time shifting allowance;
 - e. Award the affected tenant or owner occupier housing allowance of three (3) months equivalent of rental income; and,
 - f. Award affected landlord subsistence allowance equivalent to six (6) months rental income.

Overall, re-installation of an affected household should be as per the guidelines provided in the Projects RPFs.

f) Disruptions to Vehicle Movement and Pedestrian Access through the Settlement When Work Is Underway, and Proposed Mitigation Measures.

Observed from the field surveys, resettlement to new areas outside the beneficiary Settlement is unlikely. Subsequently, the potential impact of disruption of movement (i.e. access) of vehicles and pedestrians to and from premises and adjoining areas of land, both within and outside the beneficiary Settlement, is examined under this RAP Report within the boundaries of the beneficiary Settlement. The disruption is expected during construction period, and it is anticipated to be upsetting as well as potentially dangerous. It is potentially dangerous particularly in the event of an emergency, and emergency vehicles (e.g. ambulances, fire trucks and police cars) are unable to access the site of emergency. It is potentially upsetting, a particular concern raised during KISIP study with respect to impact to:

- i.) Businesses, where business owners’ worries were observed as: a) loss of or reduced revenue; and, b) loss of clientele; and,
- ii.) Physically disabled persons, in particular those using wheel chairs and clutches, whose worries were movement through the construction site.

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Respecting, the mitigation measures this RAP report proposes is for the contractors commissioned to draw an engineering works schedule that provides for all works proposed for the Settlement to be staggered by short distances along a road, as well as be accomplished by specific geographical groups. That is, all upgrading plans proposed for the Settlement should be grouped, first by road, next by smaller distances along the road. Thereafter, engineering works along the length of the road should be sequenced by the smaller geographical grouping, and coordinated in such a way that: a) provided is movement of vehicles through the Settlement when work is underway, and maintained is pedestrian access through the construction zone; and, b) disruption to vehicle and pedestrian access through the Settlement is minimised to the extent possible. These mitigation measures proposed should be implemented alongside the environment and social management plans developed under the ESIA Reports of the Projects.

g) Loss of Access to Natural Resources and Health Facilities , Water and Sanitation, and Energy, and Proposed Mitigation Measures

From the infrastructure improvement design proposed for the beneficiary Settlement and to be implemented by the Projects, the field surveys conducted established that few household are affected, and may not be moved; and proposed as a mitigation measure, should it be found otherwise during engineering works phase of the Project, highly recommended is re-installation within the Informal Settlement, which is synonymous to the Project beneficiary area. In the Project beneficiary area, established from the field surveys carried out, toward effective implementation of the Projects:

1) Loss of access to natural resources, and health facilities are not anticipated.

The land on which the proposed infrastructure improvements will be carried out is largely public land. On this land: no health facility was observed to be constructed on it; no part of the land was observed to be a protected area that takes the complete ban on the exercise of private rights; and, no part of the land was observed to have a predominant land use comparable to a park. The predominant land use of the informal settlement is residential; and, along the main road, it is commercial.

2) Temporary disruption to electricity supply to the Settlement is anticipated.

On the roads the Projects are targeting to improve and/or up-grade infrastructure in the Informal Settlement, as Table 15 illustrates, are transformers, street lights, and electricity poles with electricity lines supplying electricity to households in the Informal Settlement. Towards effective implementation of the Projects, these may have to be shifted. This will necessitate disconnection of power supply to the Settlement, thus interrupting electricity supply to the Settlement. The situation is expected to be temporary. In connection, this RAP report finds it necessary to propose a mitigation measure, which is:

a) The Projects should work in close collaboration with the network service provider responsible for electrical energy transmission, distribution and retailing throughout the Settlement. They should in addition ensure that:

Figure 16: Electricity Poles on One Part of the Main Road, Which is Targeted for Improvement in Kayole Soweto Informal Settlement



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a) The Project should ensure that sufficient notice of power disruption to the Settlement is given, as per the laws and regulation of Kenya governing the industry;

b) The Projects should ensure that disconnection of power supply to the Settlement, and which is as a result of Project activities, should take place during the day only, and preferably a day that will have the lowest impact on businesses, such as a Sunday. By nightfall, power supply should be restored.

c) The Projects should ensure that the total number of hours of interruption should be as small as possible. This is critical, in particular not to deteriorate security in the Settlement.

3) Temporary interruption with respect to water and sewerage services in the Informal Settlement is expected.

On the road reserves targeted for use by the Projects, as Tables 12 and 13, and Figures 13 and 14 illustrate, are: septic tanks, manholes, sewer pipelines, toilets, water distribution lines, and water tanks, some of which provide services to tall buildings with tenants. These will be affected during construction. To minimise on the magnitude of disruptions, the mitigation measures proposed by this Report are:

a) Undertaking of group jobs as described under “f” (*Disruptions to Traffic Movement and Pedestrian Access through the Settlement When Work is Underway, and Proposed Mitigation Measures*).

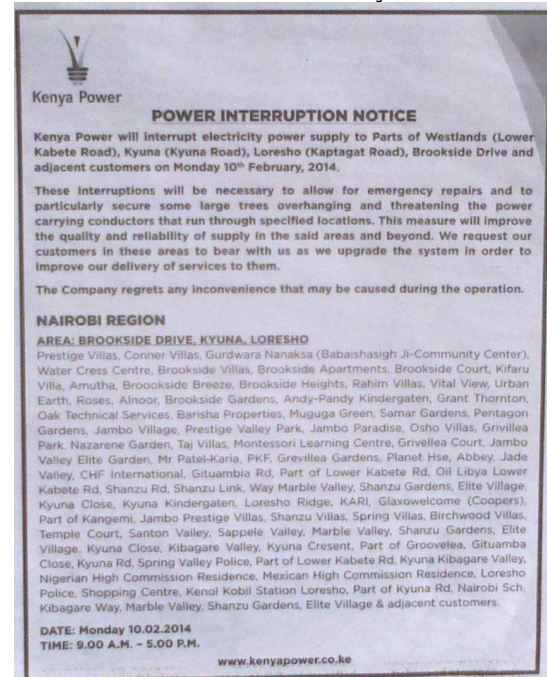
b) Regarding disruption on water supply: During construction, affected formal water distribution lines will be shifted towards effective implementation of the Projects. Vis-à-vis, the Projects shall ensure households whose individual or yard tap water connection is affected shall be supplied with water. Three probable ways of ensuring water supply to these affected households are through use of: a) water tanker(s) services; or, b) temporary service pipes called “high-lines”; or c) both as is appropriate.

High-lines are temporary service pipes installed above ground and attached by a rubber hose to the affected households or plots water meter. Should the option of high-lines be taken, their installation shall be undertaken in close collaboration with the water and sewerage company responsible for water and sewerage services within the local authority.

As the high-lines are placed above ground, the Projects shall create awareness to the community to exercise caution around them. For added safety, the Projects shall reinforce protection of the high-lines where they pass driveways and high traffic areas. When the high-lines break or leak, the Projects shall immediately repair them to prevent contamination.

Removal of the high-lines shall only be on completion of shifting the affected sections of formal water pipeline infrastructure, and after this infrastructure has been tested and approved, and individual connections to affected households has been effected. The strategy

Figure 17: Example of Power Interruption Notice Circulated in a Daily Newspaper with Wide Circulation in Kenya



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of using and removing of high-lines can be staggered by group jobs so as to minimise on adverse potential impacts.

Regarding the mitigation measure to take in connection to affected water tanks, the proposal is cash compensation at replacement cost (calculated without depreciation).

c) Regarding interruptions to sewerage services through damage of septic tanks, manholes, sewer pipelines and toilets, the options the Projects could apply are:

i. If possible, not damage the existing system.

ii. If it is not possible to undertake work without damage, during construction, a temporary pit will be constructed and connected to a building with a septic tank (manhole, sewer pipeline or toilet), into which the building will temporarily discharge its waste. Waste from the septic tank that is located along the route to lay the sewer pipeline will then be exhausted to pave way for construction of the sewer pipeline.

iii. Alternatively, the Projects will provide temporary sanitation facilities; and,

iv. On completion of construction of the formal sewer infrastructure in the Settlement, and after this infrastructure has been tested and approved, the proposal is for the building that was connected to the damaged septic tank (or manhole, sewer pipeline or toilet) to be connected to the improved sewer infrastructure in lieu of compensation.

4) Temporary interruption with respect to drainage in the Informal Settlement is also anticipated.

This is a concern brought to attention by a number of PAPs consulted, and who wanted to know how the Projects would address the issue. According to these PAPs, the drainage system in the Settlement is poor. Adjacent to buildings are roads. Each time these roads are re-carpeted, their level is elevated. Consequently, rain water drains into the buildings that are at a lower level than the re-carpeted road. To act against this, affected building owners have constructed perimeter walls. Toward effective implementation of the Project, these perimeter walls may be brought down, and if it rains, the flood water will drain into the building.

The mitigation measures proposed toward alleviating this condition include: a) encouraging construction to take place during dry weather conditions to reduce flooding; and, b) provision of appropriate alternative wastewater disposal method during construction process.

h) Increase of Morbidity, and Proposed Mitigation Measures

Observed from the field surveys, resettlement to new areas outside the beneficiary Settlement is unlikely; and, should it be likely for re-installation of population, highly recommended under this RAP Report is re-installation of PAPs within the Informal Settlement which is synonymous to the beneficiary Settlement. Subsequently, the potential impact of increase in morbidity as a result of implementation of the Project is expected to be within the boundaries of the beneficiary Settlement.

In the Project beneficiary Settlement, during the engineering works phase, expected are negative impacts with potential undesirable effects on the health and safety of residents from the beneficiary community. As noted from the foregoing discussion, there are structures that will be damaged toward effective implementation of the Projects. Of particular interest to this section are verandas, manholes, water distribution lines, drainages, water tanks, septic tanks, sewer pipelines, toilets, and bathrooms. Damage to these

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structures without providing adequate mitigation measures will result to impacts with adverse potential effects on the health and safety of PAPs as well as residents from the beneficiary community. In connection, for the mitigation measures to follow to alleviate the adverse potential impact of increase of morbidity, refer to the relevant sections above, which discuss them in-depth.

Additional effects of Project activities on the health and safety of PAPs as well as beneficiary community, and the proposed mitigation measures, are addressed by the Environmental and Social Management Plans (ESMP) developed for the Settlement through the ESIA Studies of the respective Projects. These plans cover these in details.

Thus, implementation of the mitigation measures proposed in this RAP report toward alleviating the adverse potential impacts of increase in morbidity as a result of the Projects activities, should be undertaken alongside those proposed under the ESMPs developed for the Settlement through the ESIA Studies. This is critical in ensuring the investments that will be undertaken are socially, environmentally and economically acceptable.

i) Disruption of Family and Community Values, and Proposed Mitigation Measures

A probable outcome of the Project is temporary increase in the population of the Settlement as a result of persons from outside the beneficiary community migrating into the Project area in response to income opportunities. The population from outside may disrupt established community values with possible undesirable effects. A most viable mitigation measure is for the project to get its manual labour, to the extent possible, from the beneficiary community.

j) Damage To Property Located Adjacent to the Land Identified for Infrastructure Improvement During Construction, and Proposed Mitigation Measures

During construction, should activities of the Projects result to damage of property located outside the land identified for infrastructure improvement, the Property Owner shall contact the responsible Project through the Informal Settlement's grievance redress mechanism (*which is discussed further the under section on "Grievance Procedure"*) to provide information and initiate the claims process. The responsible Project's contractor shall be obliged to make the repairs needed prior to exiting from the job. Timing of the repairs may be determined by the Project Engineer, on behalf of the responsible Project.

7.2.2 Potential Impacts of New Re-Installation Site

As discussed above, the Project's design is deliberately conceived toward use of existing roads, road reserves and public passageways, (and not compulsorily acquiring land). Also noted from the foregoing discussion, there are structures on the identified roads, and road reserves and passageways. Majority of the structures are verandas and structures for commercial use. Few are structures for housing, and it is expected these will be partially affected with the residual being viable. And, as the mitigation measures recommended illustrate, highly discouraged is new re-installation particularly of households, and in particularly to sites outside the Settlement.

For these reasons, potential impacts of new re-installation site are expected to be none, or if present, may be low. Where re-installation is eminent, highly recommended under this RAP Report is re-installation of affected populations within their pre-project settlements. This strategy is bound to significantly minimise on the potential impacts associated with new re-installation sites as discussed under Tables 20 and 21.

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Table 20: Summary of the Evaluation of the Impacts of KISIP and WaSSIP on Kayole Soweto Informal Settlement

Element	Yes	No	Result	Mitigation and Attenuation
Does the Project entail:				
1) The loss of land?		No	a) The combined number of PAPs enumerated under KISIP and WaSSIP in Kayole Soweto Informal Settlement is estimated at 4799. About 99.9% of these PAPs are encroachers - i.e., they had no legal rights to the land occupying, which was established to be of public tenure. The non-encroachers were identified as mainly service providers, a main example being the Kenya Power and Lighting Company.	N/A
2) The loss of structures for:				
🏠 Housing?	Yes		The field surveys conducted established that 11 houses will be affected – two (2) by works under KISIP, and nine (9) by works under WaSSIP. Established is that partial damage will be experienced with the residual remaining viable.	<p>The proposed mitigation measures include: i) Alternative accommodation where possible; ii) PAP allowed to salvage all material; iii) Two months advance notice (as is appropriate, to either vacate or of interruption); iv) Repair of unaffected section (cost at 25% of compensation); and, v) under WaSSIP, for 3 of 9, combination of “<i>individual connection to improved (formal) sanitation services</i>” and, cash compensation – where the cash compensation value would be calculated as the difference in value between cost of connecting to the main sewer and the cost of replacing the affected structure (calculated without depreciation).</p> <p>As a caution, should it be established during engineering works that residuals of affected housing structures are unviable, this report’s proposal is that to the extent possible, relocation of PAPs to new sites outside the Settlement should be avoided. With respect:</p> <p>a. Where it is considered feasible, redesign could be undertaken; and,</p> <p>b. In extremely unavoidable circumstances, the proposed mitigation measures include: i) Providing alternative accommodation, preferably within the Informal Settlement; ii) Awarding cash compensation at replacement cost of the structure (calculated without depreciation); iii) Awarding ex-gratia at 50% of compensation amount towards house building allowance; iv) Awarding affected tenant or owner occupier one-time shifting allowance; v) Awarding affected tenant or owner occupier</p>

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Element	Yes	No	Result	Mitigation and Attenuation
				housing allowance of 3 months equivalent of rental income; and, vi) Awarding affected landlord subsistence allowance equivalent to 6 months rental income. Overall, re-installation of affected household should be as per the guidelines provided in the Projects RPFs.
Commercial use?	Yes		<p>a) Affected structures for commercial use were estimated to be 57.3% of the PAPs (count: 2749); and were generally micro-enterprises.</p> <p>b) About 99.3% of the micro-enterprises were established to be informal.</p> <p>c) The bulk of the micro-enterprises were in selling of vegetables and/or fruits, followed by garments.</p> <p>d) Affected categories of PAPs were a mix of property owners and business tenants, in almost equal measure.</p>	<p>a) For all: i) PAP allowed to salvage all material; and, ii) Two months advance notice to vacate;</p> <p>b) Preferred by most (≈86.25%) is relocation to other site, preferably a permanent address – i.e. a formal market. This was brought out strongly under KISIP. Reason is that PAPs want to continue with their businesses in a sustainable manner. The informal settlement has no formal market. Strongly advocated by this report is construction of a formal market, even if not in the short-term, but medium- to long- term. Should this happen, proposed is allocation of one stall per one PAP. Some PAPs have been counted more than once, to reflect the number of business premises owned and affected.</p> <p>c) Some PAPS are exclusively affected under WaSSIP. A significant number of these propose a combination of “cash compensation and individual connection to improved (formal) sanitation services”. Respecting, the cash compensation value would be calculated as the difference in value between cost of connecting to the main sewer and the cost of replacing the affected structure (calculated without depreciation)</p>
3) Disruption to vehicle movement and pedestrian access through the settlement	Yes		<p>It is potentially upsetting in the absence of a good traffic plan. A particular concern raised under KISIP, which is relevant to the RAP Report, is with respect on impact to businesses, where business owners’ worries were observed as:</p> <p>a. Loss of or reduced revenue; and,</p> <p>b. Loss of clientele.</p>	<p>Respecting, the mitigation measures this RAP report proposes is for the contractor to draw an engineering works schedule that provides for all works proposed for the Settlement to be staggered by short distances along a road, as well as be accomplished by specific geographical groups. This should be in such as way that:</p> <p>a) Provided is movement of vehicles through the Settlement when work is underway, and maintained is pedestrian access through the construction zone; &</p> <p>b) Disruption to vehicle and pedestrian access through the Settlement is minimised to the extent possible.</p> <p>These mitigation measures proposed should be implemented alongside the environment management plan developed under the ESIA Report of the</p>

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Element	Yes	No	Result	Mitigation and Attenuation
				Project.
4) The loss of access to:				
🚧 Natural resources?		No	N/A. On the land on which the proposed infrastructure improvements will be carried out, no part was observed to: a) Be a protected area that takes the complete ban on the exercise of private rights; and, b) Have a predominant land use comparable to a park. The predominant land use of the informal settlement is residential.	N/A
🚧 Health facilities?		No	N/A. On the land on which the proposed infrastructure improvements will be carried out, no health facility was observed to be constructed on it; and, when improvements on the Settlement's road network commences, it will be undertaken in phases, which will allow movement in, out and within the Settlement.	N/A
🚧 Water and Sanitation?	Yes		On the way leaves proposed to lay the pipelines are septic tanks, manholes, sewer lines, toilets, water tanks and water distribution lines. These provide service to households and businesses in the Settlement. They will be affected during engineering works phase of the Project.	a) Undertaking of group jobs as described under "3" above. b) On interruptions of water supply services: the Project shall ensure affected households are supplied with water by use of either water tanker(s), temporary pipes called "high-lines", or both as is appropriate. In connection to the high-lines, the Project shall install them in close collaboration with the water and sewerage company responsible for these services in the Settlement; and, they shall only be removed after the affected households and plots have been connected to the formal system. c) Regarding interruptions to sewerage services: if possible, not damage the existing system; and, if this is not possible, consider having temporary pits or sanitation facilities. On completion of construction of the formal sewer infrastructure, the Project shall effect individual connections in lieu of compensation.
🚧 Energy?	Yes		1. Implementation of the engineering works	The Project shall: a) work in close collaboration with the network service

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Element	Yes	No	Result	Mitigation and Attenuation
			<p>phase of the Project will affect:</p> <ul style="list-style-type: none"> ✚ Electricity poles, with electricity lines supplying electricity to households in the informal settlement; and, ✚ Transformers. <p>2. These structures will be shifted toward effective implementation of the Project. Thus disconnection of power supply will be necessary, interrupting electricity supply to the Settlement. The situation is expected to be temporary.</p>	<p>provider responsible for electrical energy transmission, distribution, and retailing throughout the Settlement; b) ensure sufficient notice of power disruption is given, as per the laws and regulations of Kenya governing the industry; c) ensure that disconnection of power supply to the Settlement, and which is as a result of Project activities, should take place during the day only, and preferably on a day that will have the lowest impact on businesses, such as a Sunday; and, by nightfall, power supply is restored; d) the total number of hours of interruption shall be small as possible. This is critical, in particular not to deteriorate security in the Settlement.</p>
✚ Other			<p>Flooding during rains, thus affecting both community members and existing infrastructure such as residential homes and roads.</p>	<p>a) Encouraging construction to take place during dry weather conditions to reduce flooding; and, b) Providing appropriate alternative wastewater disposal method during construction process.</p>
5) The loss of revenue?	Yes		<p>Refer to 2 (The loss of structures for commercial use), and 3 (Disruption to vehicle movement and pedestrian access through the settlement)</p>	<p>Refer to 2 (The loss of structures for commercial use); and 3, (Disruption to vehicle movement and pedestrian access through the settlement)</p>
6) The re-installation of populations?			<p>Refer to 2 (The loss of structures for housing)</p>	<p>Refer to 2 (The loss of structures for housing)</p>
7) Increased morbidity?	Yes		<p>Damage to the following structures without providing adequate mitigation measures is anticipated to result to impacts with adverse potential effects on the health and safety of PAPs as well as residents from the beneficiary community: verandas, manholes, water distribution lines, drainages, water tanks, septic tanks, sewer pipelines, toilets, and bathrooms.</p>	<p>a) Refer to 4 bullet 3 (Loss of access to water and sanitation). b) Additional effects of Projects activities on the health and safety of PAPs as well as beneficiary community, and the proposed mitigation measures, are covered by the environmental and social management plans developed for the Settlement through the ESIA Studies of the respective Projects. These plans cover these in details, and it is the proposal of this RAP report that the mitigation measures it proposes under this subject be implemented alongside the environmental and social management plans towards ensuring that the investments under KISIP and WaSSIP are socially, environmentally and economically acceptable.</p>
8) Disruption of family and community values?	Yes		<p>Likely temporary increase in the population of the beneficiary settlement due to in-migration in</p>	<p>The Project, to the extent possible, to get manual labour from the beneficiary community.</p>

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Element	Yes	No	Result	Mitigation and Attenuation
			response to income opportunities.	
9) Disruption of socio-cultural or cultural values?	Yes		Similar to '6' above	Similar to '6' above
10) Damage to other property during construction.			Likely is damage to property located outside the land identified for infrastructure improvement during construction	The Property Owner shall contact the responsible Project through the Informal Settlement's grievance redress mechanism to provide information and initiate the claims process. The responsible contractor shall be obliged to make the repairs needed prior to exiting from the job. Timing of the repairs may be determined by the Project Engineer, on behalf of the responsible Project.

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Table 21: Potential Impacts at New Re-Installation Site

Item	Yes	No	Result	Mitigation and Attenuation
1) Is re-housing necessary?		No	The field surveys conducted established that 11 houses will be affected – two (2) by works under KISIP, and nine (9) by works under WaSSIP. Established is that partial damage will be experienced with the residual remaining viable.	<p>The proposed mitigation measures include: i) Alternative accommodation where possible; ii) PAP allowed to salvage all material; iii) Two months advance notice (as is appropriate, to either vacate or of interruption); iv) Repair of unaffected section (cost at 25% of compensation); and, v) under WaSSIP, for 3 of 9, combination of “<i>individual connection to improved (formal) sanitation services</i>” and, cash compensation – where the cash compensation value would be calculated as the difference in value between cost of connecting to the main sewer and the cost of replacing the affected structure (calculated without depreciation).</p> <p>As a caution, should it be established during engineering works that residuals of affected housing structures are unviable, this report’s proposal is that to the extent possible, relocation of PAPs to new sites outside the Settlement should be avoided. With respect:</p> <p>a. Where it is considered feasible, redesign could be undertaken; and,</p> <p>b. In extremely unavoidable circumstances, the proposed mitigation measures include: i) Providing alternative accommodation, preferably within the Informal Settlement; ii) Awarding cash compensation at replacement cost of the structure (calculated without depreciation); iii) Awarding ex-gratia at 50% of compensation amount towards house building allowance; iv) Awarding affected tenant or owner occupier one-time shifting allowance; v) Awarding affected tenant or owner occupier housing allowance of 3 months equivalent of rental income; and, vi) Awarding affected landlord subsistence allowance equivalent to 6 months rental income.</p> <p>Overall, re-installation of affected household should be as per the guidelines provided in the Projects RPFs.</p>
2) What persons are affected?		N/A	N/A	N/A
3) Is there any loss of:				
i. Agricultural land?		N/A	However, should it be necessary to re-install populations, highly recommended is to re-install within the Project’s beneficiary settlement. And, the predominant land use, both	N/A

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Item	Yes	No	Result	Mitigation and Attenuation
			regulated and unregulated, of the informal settlement is residential	
ii. Parks?		N/A	However, should it be necessary to re-install populations, highly recommended is to re-install within the Project's beneficiary settlement. And, the informal settlement is not a protected area that takes the complete ban on the exercise of private rights; and, no part of it has a predominant land use comparable to a park	N/A
iii. Trees?		N/A	N/A	N/A
4) Is the new site difficult to access or subject to inundation?		N/A	Highly recommended under this RAP Report, should it be found necessary, is re-installation of PAPs within their pre-the Project's beneficiary settlements. This is attainable, and ensures maintenance of similar lifestyle	N/A
5) Does the new site improve mobility of the populations?		N/A	Similar to '4' above	N/A
6) Is:				
i. Solid waste generated?		N/A	However, should it be necessary to re-install populations, highly recommended is to re-install within the Project's beneficiary settlement. Solid waste is generated in the beneficiary informal settlement.	Improvement of solid waste management in the Settlement is one of the interventions of one of the Projects – i.e. KISIP
ii. There an appropriate disposal site?		N/A	However, should it be necessary to re-install populations, highly recommended is to re-install within the Project's beneficiary settlement. Poor solid waste management is an	Improvement of solid waste management in the Settlement is one of the interventions of one of the Projects – i.e. KISIP

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Item	Yes	No	Result	Mitigation and Attenuation
			observable problem within the beneficiary community.	
7) Is:				
i. Liquid waste generated?		N/A	However, should it be necessary to re-install populations, highly recommended is to re-install within the Project's beneficiary settlement. Liquid waste is generated within the beneficiary settlements.	Improvement of solid waste management in the Settlement is one of the interventions of one of the Projects – i.e. WaSSIP
ii. There an appropriate disposal system.		N/A	However, should it be necessary to re-install populations, highly recommended is to re-install within the Project's beneficiary settlement. Evident within the beneficiary community is poor liquid waste management.	Improvement of solid waste management in the Settlement is one of the interventions of one of the Projects – i.e. WaSSIP
8) Is there an adequate sanitation system in place?		N/A	However, should it be necessary to re-install populations, highly recommended is to re-install within the beneficiary settlement. The Project's beneficiary area has an inadequate sanitation system	Improvement of sanitation services in the Settlement is one of the interventions of the Projects
9) Is any soil erosion likely to occur?		N/A	N/A	N/A
10) Are the drainage systems adequate?		N/A	However, should it be necessary to re-install populations, highly recommended is to re-install within the Project's beneficiary settlement. The Project's beneficiary area suffers inadequate drainage.	Improvement of solid waste management in the Settlement is one of the interventions of one of the Projects – i.e. KISIP
11) Are groundwater resources likely to be polluted?		N/A	The re-installation site highly recommended for an affected person is the settlement s/he is resident to prior to displacement by the Project and	Part the proposed interventions for the Settlement by the Projects is to minimise this threat by implementing improved systems of human waste disposal, wastewater disposal, drainage, and solid waste management.

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Item	Yes	No	Result	Mitigation and Attenuation
			which, is one of the Project's beneficiary area. Threat to groundwater sources is real within the beneficiary settlement at present due to the Settlement's inadequate sanitation situation.	
12) Is there likelihood of negative impacts on the health of the displaced persons?		N/A	The re-installation site highly recommended for an affected person is the settlement s/he is resident to prior to displacement by the Project and which, is one of the Project's beneficiary area. This predisposes these persons to the potential impacts of the Project as discussed under Section 7.2	As discussed under Section 7.2
13) Is there a plan for the maintenance of the site?		N/A	The re-installation site highly recommended for an affected person is the settlement s/he is resident to prior to displacement by the Project and which, is one of the Project's beneficiary area. In this Project beneficiary area, as cautioned in KISIP's RPF, the gains made by implementing KISIP can easily be eroded through lack of maintenance and participatory management.	Vis-à-vis, the KISIP's RPF recommends, as part of Project development, the beneficiary community be mobilised into Local Action Committee to take charge of local management and security of assets financed under KISIP.

7.3 Eligibility

Eligibility in this report is used in the context of the person that is entitled to or qualifies for any of the following provisions: compensation, resettlement, and rehabilitation assistance. Under this report, a person is determined amongst those that have qualified for any of the identified provisions when s/he meets in full the following conditions:

- a) Part or whole parcels of his or her land is tagged for compulsorily acquisition for the effective implementation of the Project;
- b) S/he occupied this land earmarked for project activities, prior to the cut-off date.
- c) His or her rights or claim to the tagged land falls into any of the following categories:
 - i. Formal legal rights to land as recognised by the national and customary Laws of Kenya. Persons considered here are those that hold leasehold land, freehold land and, land held within the family or passed on through generations.
 - ii. No formal legal rights to the land or assets at the time the census begins, but has recognised claim of use of such land or ownership of assets through the national and customary Laws of Kenya. Persons taken into account here are those that come from outside the country and have been given land by the local dignitaries to settle, and or to occupy.
 - iii. No recognisable legal rights or claim to the land s/he is occupying, using or getting his or her livelihood from. Persons allowed under this class include encroachers and illegal or bona fide occupants.

An affected person who satisfies paragraph (a) and (b), and his or her land tenure complies with either sub-paragraph (i) or (ii), is determined under the Projects as eligible for compensation, resettlement and rehabilitation assistance for the land, building or fixed assets on the land and building taken by KISIP and/or WaSSIP. The compensation is in accordance to the conditions of respectively KISIP's and WaSSIP's RPF.

An affected person who satisfies paragraph (a) and (b), and his or her land tenure complies with sub-paragraph (iii), is determined under the Projects as eligible for resettlement assistance in lieu of compensation. In addition, s/he is allowed relocation assistance in accordance to the conditions of the respective Projects RPF.

All PAPs in Kayole Soweto Informal Settlement satisfy paragraph (a) and (b); and, about 99.9% of these PAPs have land tenure complying with sub-paragraph (iii). Vis-à-vis, these estimated 99.9% of PAPs are determined under the Projects as eligible for resettlement assistance in lieu of compensation. In addition, they are allowed relocation assistance in accordance to the conditions of KISIP's and WaSSIP's RPF.

The rest of the PAP's were identified mainly as service providers (e.g. Kenya Power and Lighting Company).

Annex 8.2 gives the list of PAPs by eligibility.

7.4 Valuation and Compensation for Losses

The foregoing discussion informs that assets will be compulsorily acquired toward effective implementation of the Projects. The nature of losses anticipated due to the action of the Projects include: a) "title rights or other rights to structures constructed on the existing roads, road reserves and public passageways"; and, b) "non-corporal elements of commercial funds".

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The duty of the Projects is to promptly make just compensation to the affected persons for the losses incurred. Respecting:

4) For losses falling under “title rights or other rights to structures constructed”: The just compensation value is an amount not less than the market value of the asset as at the time of the cut-off date. If payment of this compensation value is not made at the time the just compensation value is fixed, the Projects will open a special account into which it shall pay interest on the amount awarded at the prevailing bank rates from the time the just compensation value was fixed until the time of payment. Thus the total amount paid at the time of payment will include the additional amount due to interest, which accounts for inflation over the period.

Assets in Kenya are valued on the principal of ‘market value’. Under the Action described in this report, market value will be understood to mean an amount equal to or greater than the replacement value (calculated without depreciation) of the affected asset as at the time of the Project compulsorily acquiring the asset.

5) For non-corporal commercial loss: The compensation value is not less than the value of real benefits declared to fiscal authorities over the last year prior to cut-off date.

Following, on the just compensation value, the Projects could budget on a figure as presented in Table 24, and disaggregated by PAP as presented in Annex 8.2 and the valuation report presented together with this report. The compensation value presented in this report is fixed through a combination of consultations with the affected persons as well as beneficiary community and the Projects appointed licensed valuation experts.

7.5 Resettlement Measures

The respective Projects will ensure total compensation of PAPs takes place prior to commencement of their engineering works phase. In connection, the Projects will each constitute a Resettlement Implementation Committee (RIC) prior to compensation, and as part of the resettlement implementation process of the Project. The respective RICs will be directly charged with managing the resettlement process of their Projects, with an overall objective of easing the process of resettlement and efficiently utilising GoK resources. Regarding KISIP, the RIC will be based within the appropriate department of City County Government, and the County Government will facilitate it to establish and maintain a Secretariat. This is in accordance to the guidance provided by the RPF of KISIP, that each beneficiary Municipality takes responsibility for local implementation of resettlement activities under KISIP.

Specifically, the functions of the RICs may include, but not limited to:

- ✚ Ensuring all PAPs are duly registered;
- ✚ Protecting PAPs until adequately re-installed;
- ✚ Overseeing the efficient and effective management and use of the compensation fund provided under the Projects;
- ✚ Incorporating an implementation schedule with popular backing, and which takes care of prejudices;
- ✚ Ensuring dissemination of accurate information on the Projects to the public, and in particular on compensation matters;
- ✚ Monitoring, supervising and harmonising resettlement activities under the Projects; and,

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✚ Preparing, as appropriate, reports relating to the fulfilment of their functions. This is significant for accounting purposes on the situation;

The proposed composition of a Resettlement Implementation Committee is, but not limited to, as follows:

Committee Member	Role/Justification
a) The Project represented by personnel attached to the Projects, from:	KISIP team of Nairobi County: an implementer of this resettlement instrument.
i.) KISIP: KISIP Team of Nairobi County; and, KISIP team of the Ministry of Lands, Housing and Urban Development	AWSB: An implementer of this resettlement instrument KISIP team of Ministry: provide overall supervision
ii.) WaSSIP: the lead implementing agency, AWSB	
b) Representative(s) from the National Lands Commission, and/or government department responsible for matters relating to land;	Significant in providing advice, as well as recommending appropriate remedies on land matters, as provided under Article 67 (2) of the Constitution of Kenya (2010)
c) Representative(s) from the Attorney General's office, and/or government department responsible for matters relating to justice and constitutional matters;	Significant in providing advice, as well as recommending appropriate remedies on legal matters. Displacement and relocation raise legal issues which need to be handled well.
d) The Area Chief's Office, which is taken to represent the National Government Service;	Significant with respect to facilitating security, mobilisation, and conflict resolution
e) Representative from the Kenya National Commission on Human Rights;	This is a state organ that promotes respect, protection and observance of: a) human rights; b) equality; and c) equity. It's significant is providing advice, as well as recommending appropriate remedies on rights of PAPs as constitutionally provided, thus enhanced functioning of the Project.
f) Representative from the government department responsible for matters relating to internal displacement;	Significant in providing advice, as well as recommending appropriate remedies on matters that are raised with respect to internal displacement
g) Representative from the local water and sewerage network service provider	Significant with respect to handling the matters on water and sewerage services highlighted in this report
h) Representative from the local network service provider responsible for electrical energy transmission, distribution & retailing in the settlement	Significant with respect to handling the matters on electrical energy distribution highlighted in this report
i) Two persons of the opposite gender nominated by PAPs from amongst their number. The nomination of these persons should take into consideration representation of vulnerable persons;	Significant in ensuring PAPs issues are well articulated
j) One (or two) persons from the non-state actors, appointed by the local implementing	Significant in providing advice and recommendations that assist in deciding matters on PAP in the effective

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Committee Member	Role/Justification
agency in collaboration with: a. KISIP teams; and, b. AWSB & NCWSC;	manner.
k) Village Elder(s) (or Chairman or Chairlady) of the beneficiary informal settlement;	Significant with respect to representing PAPs, and the community at large. These are persons elected by the community to represent them.
l) The Chairman of the informal settlement's Settlement Executive Committee (SEC), and two other persons from the SEC, nominated from amongst the committee members; and,	Significant with respect to representing PAPs, and the community at large. The SEC is an institution established under KISIP at the community level to facilitate various matters as may arise between the Project and the community.
m) Representatives from other relevant stakeholders as appropriate	

Members of a RIC shall hold office for the period until all PAPs are adequately re-installed. No person shall be eligible to be a member of a Committee who does not fulfil the requirement of the integrity set out in Chapter Six of the Constitution of Kenya 2010; and, a member of a Committee may resign from office by notice in writing to the Chief Executive Officer of the lead implementing agency, as the head of the Project. A member of a RIC may be removed from office, on recommendation of the respective RIC, if s/he is determined unable or unfit to discharge their functions.

A RIC shall meet as often as is appropriate for the transaction of the business of the Committee. The quorum for the conduct of business of a Committee shall not be less than half the total number of members; and, a decision reached on any matter before a Committee shall be by a majority of votes of the members present and voting. On its constitution, a RIC may determine its own procedure and the procedure for any member of its Committee and for the attendance of other persons at its meeting.

7.6 Community Participation

As discussed above, the respective Projects designs propose utilisation of existing roads, road reserves, and public passageways so as to avoid displacement of populations. This was greatly achieved. However, should it be found during the engineering works phase of the Projects the need to re-install households, the mitigation measures highly recommended by this RAP report are those oriented toward discouraging relocation of PAPs to new land areas outside the Projects beneficiary areas. Community contributions that take place will therefore be limited to within the beneficiary settlement. In connection, the Projects will encourage community contributions on:

- a) Determination of genuine PAPs;
- b) Determination of an adequate compensation as per the Laws of Kenya and WB OP 4.12;
- c) Drafting, reading and signing of resettlement and compensation agreements;
- d) Payment of compensation;
- e) Resettlement activities; and,
- f) Implementation of post-project community support activities, if any.

7.7 Other: Site Selection, Preparation and Relocation; Housing Infrastructure and Services; Environmental Protection and Management; and, Integration with Host Population

Observed from the field survey, resettlement to new areas outside the beneficiary Settlement is unlikely. The Project's design largely proposes utilisation of existing roads, road reserves, and public passageways so as to avoid displacement of populations. This was greatly achieved. And if it is found that during engineering works phase of the project that it is necessary to re-install households, highly recommended, activities should be oriented on the strategy of re-installing PAPs within the Informal Settlement, thus avoiding disruptions associated with relocation to new land areas outside the beneficiary Settlement. Observed from the survey, this is possible as the numbers that would come up would be small.

Subsequently, the aspect of new site selection, preparation and relocation are unlikely under the proposed works of the Project. Other aspects that may not concern the Project, and which are associated with relocation to new land areas outside the beneficiary Settlement are: a) housing infrastructure and social services; b) environmental protection and management; and, c) integration with host population.

7.8 Grievance Procedures

The Projects recognise grievances are inevitable and can be of different levels. They therefore will encourage fearless expression of grievances; and, will not restrict redressing of the grievances. In redressing of the grievances, they will encourage the use of the existing community structures, i.e.:

- a) Under WaSSIP: first elders then Chief's Office, as the first forum.
- b) Under KISIP: The Settlement Executive Committee (SEC), as the first forum

7.8.1 Proposed Structure

The Project recognises grievances are inevitable and can be of different levels. It therefore will encourage fearless expression of grievances; and, will not restrict redressing of the grievances. In redressing of the grievances, as was recommended from consultations with the community and KISIP county team, the Project will encourage use of the existing community structure established under KISIP, i.e. the SEC, as the first forum. This it will do so in an attempt to resolve the grievances in an amicable manner. If this fails, the SEC may refer it to the RIC as the second forum. If this fails, the Project, on the recommendation of the RIC, may refer the matter for arbitration. And, where all these avenues are exhausted without arrival of an amicable solution or consensual decision, the Project will not restrict recourse being had with the judicial institutions in place, namely the law courts, whose decision will be final and binding. In this regard, the County Government is obliged to provide, in particular to vulnerable and disadvantaged groups, the requisite assistance enabling them to present their case to such decision-making organs of government.

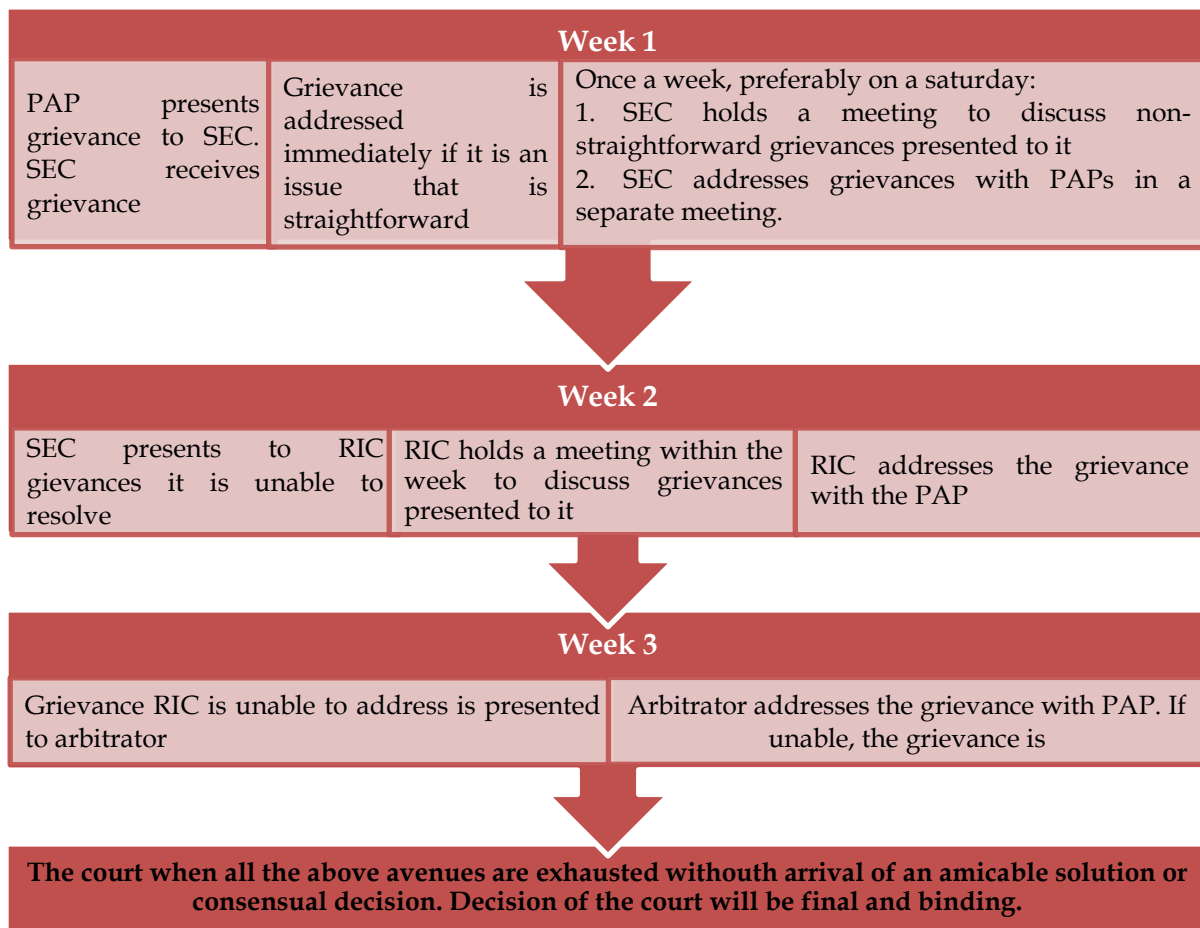
7.8.2 Proposed Average Timeline to Address Grievances

During consultations with PAPs and the community, it was recommended that the period from the time a grievance is lodged with the SEC to when it is resolved by RIC should be two (2) weeks. This recommendation was largely influenced by the experience of SEC in handling KISIP related community concerns.

7.8.3 Reporting of Grievances

- a) A grievance can be made in writing (either through a letter or e-mail), by phone or in person.
- b) The grievance can be made on plain paper.
- c) The grievance shall contain the name, complete contact information of the PAP, and the facts on which the PAP intends to be addressed.
- d) The grievance shall be registered in a register of grievances to be kept by both SEC and RIC.
- e) The grievance shall be acknowledged with a unique reference number. Vis-à-vis, a grievance shall be numbered consecutively in each month according to the order of its institution: i.e. the day of the month it was received, and the grievance number (e.g. 12th March 2014, Grievance No. 1).
- f) The aggrieved PAP shall be issued with the acknowledgement of his/her grievance.
- g) A final decision reached on a grievance at a respective level shall be written, dated and signed by each member that was involved. Reasons for the decision shall be contained in the signed record.

Figure 18: Grievance Redress Procedure



7.9 Organisational Responsibilities

In connection to the Action Plan described here, a Project, through its respective local implementing agency, bears the primary duty of:

- 1) Administrator.
- 2) Notifying structure owners and the general public through the mass media (radio, television, and daily newspapers) and local administration of its intention to displace persons for the effective implementation of the Project. Added, a copy of this notice shall be served to each PAP – owners, occupiers and agents. This notice shall state:
 - a) The Project’s proposal to displace persons;
 - b) The public purpose for which the displacement is compelling;
 - c) That the proposal or plan may be inspected at the implementing agency’s Headquarters or other appropriate office as the local implementing agency may determine; and,
 - d) That any person affected may, by written notice, object to the transaction giving reasons for doing so, to the implementing agency within a period to be specified at the time of publication of the notice.
- 3) Taking and keeping thorough documentation, including of all holdings and assets affected by the Project.
- 4) Observing to the greatest practical extent, fair resettlement and compensation practices, guarding against infringement of PAPs interests. Toward achieving this, among others, the Project through the local implementing agency:
 - a) Shall bear the ultimate burden of resettlement and compensation;
 - b) As appropriate, shall totally resettle and compensate PAPs prior to commencement of its works phase;
 - c) Shall take into account the rights and freedoms of PAPs as set out in the Bill of Rights, and Articles 46 and 47 of the Constitution of Kenya (2010);
 - d) Shall provide full information to PAPs on the procedures it applies and decisions it makes, including on valuation of their assets;
 - e) Shall make all compensation payments in the presence of PAPs and a witness; and,
 - f) May involve independent institutions to monitor related activities and report back on deviations. The independent institutions may either or not use their own funding, depending on the agreement entered with the Project.
- 5) Drawing resettlement and compensation agreements that will be signed by PAPs.
- 6) Monitoring and evaluating resettlement and compensation activities brought about by its implementation; and appropriately acting on the adverse effects observed.

7.10 Implementation Schedule

As per the foregoing discussion, the implementation schedule of compensating PAPs will therefore be limited to re-installing PAPs within the beneficiary settlement. Its proposed broad components, respective timelines, and activities are as given under Table 22. A Project’s implementation team could improve on this, to make it as exhaustive and effective as possible.

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Table 22: Proposed Implementation Schedule

	Component	Proposed Timeline	Proposed Activities
1.	Public Notice: Notification to PAPs	<p>1. Base date: The date of publishing the notice.</p> <p>2. Timeline for component: Not less than 30 working days</p>	<p>1. Publish a public notice as per GoK regulations governing the industry, and deliver a copy of the notice to every person with interest on the Project affected asset. The person with interest on the Project affected asset should, in addition to the written notice, be orally notified.</p> <p>2. Publish the notice at the Area Chief’s Office as well as in at least two mass media publications with national circulation.</p> <p>Note: This component will be implemented as per the laws of Kenya (<i>refer to Part VIII of the Land Act, 2012</i>)</p>
2.	<p>Public inquiry to:</p> <p>1. Determine who are the genuine PAPs – i.e. audit, verify, and update the PAP register.</p> <p>2. Receive representations/objections on compensation from those with interest on the project affected assets</p>	<p>1. Date from which a public inquiry can be scheduled: Not before 30 working days from the base date (the date of publishing the public notice under Component No. 1)</p> <p>2. Timeline: 30 working Days</p>	<p>1. Determine the public inquiry date – which can be scheduled from the 31st working day of the base date. Proposed is the 46th to 50th working day of the base date.</p> <p>2. Publish a public notice as per GoK regulations governing the industry, giving the date of the public inquiry. The notice:</p> <ul style="list-style-type: none"> ❖ Should be at least 15 days before the date of inquiry; ❖ Should call upon all with interest on the identified asset affected by the Project to present written representations/objections on compensation before or on the date of the inquiry, and not later. <p>3. Serve a copy of the notice (of the inquiry) to all persons with interest on the property</p> <p>4. Receive not later than the inquiry date written representations/objections on compensation</p> <p>5. Public hearing of representations/objections on compensation by persons with interest on the property.</p> <p>6. Preparation of a written award report, in which made is a separate award of compensation to each person determined with a genuine interest on the asset affected by the Project. An award shall at the minimum contain:</p> <ul style="list-style-type: none"> ❖ The size of the asset to be affected; ❖ The value of the asset as agreed from the Public Inquiry; ❖ The amount of the compensation payable; and, ❖ Where more than one person has an interest on the property, the shares payable to the persons. <p>7. Serve each person determined with an interest on the asset identified to be Project affected, with a notice of the award and offer of compensation (established to be due to them).</p> <p>Note: The public inquiry shall be conducted as per WB requirements and the applicable laws of Kenya (<i>refer to the Land Act 2012</i>)</p>
3.	Establishment of a Resettlement Implementation Committee	<p>1. Date of commencement: After the public inquire (stated under Component 2)</p>	<p>1. Two days: Preparation</p> <p>2. One day: The Project calls for a half to one day workshop attended by representatives of all stakeholders. One of the agendas of the workshop would be refinement on the composition of RIC, and selection of</p>

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	Component	Proposed Timeline	Proposed Activities
		2. Timeline: Three (3) working days	community representatives that would be part of the RIC. 3. Note: Establishment of the RIC will be as per applicable Laws of Kenya - refer to Part IX [Settlement Programmes] of Land Act 2012 for guidance
4.	Drafting, reading and signing of resettlement and compensation agreements	1. Date of commencement: After establishment of the RIC (stated under Component 3) 2. Timeline: Five (5) working days	1. One day: Drafting of the agreement by the Project. 2. One day: Presentation of the draft to RIC for their comments. 3. Two days: Reading of the draft resettlement and compensation agreements to or by persons with interest on the land; and, obtaining their comments 4. One day: Preparation of the final resettlement and compensation agreements Note: Annex 8.10 gives a sample of a draft agreement. It's objective is to guide RIC to come up with one it agrees with
5.	Payment of compensation	1. Date to commence: After preparation of final resettlement and compensation agreements (stated under Component 4) 2. Timeline: Two (2) working days	1. Signing of an agreement by a person with interest on the property in the presence of witnesses. 2. Payment of compensation in accordance to individual awards established from the public inquiry process. The awards will only be made to persons eligible to receive them (e.g. asset owner). 3. Record of all payments of compensations Note: The activities are spread over a period of five working days, or as determined by RIC is best applicable; and, payment of compensation will be in accordance to the applicable Laws of Kenya and WB requirements.
6.	Resettlement activities	1. Date of commencement: After payment of full compensation (stated under Component 5) 2. Timeline: Thirty (30) working days	1. Serving all persons with interest on the property with a notice specifying date possession of the property will vest in the Government, and by when PAP should vacate 2. Field visits by a team constituted by the Project, preferably from the RIC, to monitor re-installation of PAPs. The Project will develop a checklist against which this activity apply to be useful 3. Quarterly meetings, quarterly and annual reports 4. Other resettlement activities as may be determined by the Project Note: The activities will be implemented as per WB requirements and the applicable laws of Kenya
7.	Implementation of post-project community support activities, if any	1. Date of commencement: Not before completion of works phase of the Project 2. Timeline: Seven (7) working days	1. Evaluation - 2 working days: After completion of works phase, and probably after a year or a period the Project may determine as appropriate, evaluation of how PAPs are settling in may be conducted. The results are not however envisaged to inform of massive disruptions of the PAPs lifestyle for reasons discussed elsewhere in this report. Nonetheless, the Project has a duty to ensure that this does not occur, and should it and it is ascertained it is a result of the Project, it has a duty to step in as appropriate and rectify the situation. The Project has a responsibility of ensuring PAPs enjoy the same or higher standards of living than before. 2. Implementation of the evaluation results - 5 working days
8.	Grievances recording, reporting, and related	Throughout the Project	The Project will encourage PAPs to express their grievances at all times. The timeline for this component is therefore throughout the Project, from when PAPs are engaged to finish of the Project. Based on the

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	Component	Proposed Timeline	Proposed Activities
	mitigation action		grievances reported, the Project can design mitigation measures

7.11 Monitoring and Evaluation

I. Brief on What is Monitoring and Evaluation

Monitoring focuses on what is happening. It is a routine process of collecting and managing project data that provides feedback as pertains to the progress of a project. The process involves measuring, assessing, recording, and analysing the project information on a continuous basis, and communicating the same to those concerned³⁸.

On the other hand, evaluation focuses on what has happened. It is an episodic process that determines the impact of an intervention. The process involves reviewing both actions and assumptions behind an intervention, to determine as systematically and objectively as possible, the relevance, effectiveness, and impact in light of their objectives³⁹.

And, the relationship between monitoring and evaluation can be summarised as follows⁴⁰:

ITEM	MONITORING	EVALUATION
a) Frequency	Periodic, regular	*Episodic (usually performed at the beginning, mid and end of an intervention cycle)
b) Main action	Keeping track or overview	Assessment
c) Basic purpose	Improve efficiency, adjust work plans	Improve effectiveness, impact, informed future programming
d) Focus	Inputs, outputs, process outcomes, work plans	Effectiveness, relevance, impact, cost-effectiveness
e) Information sources	Routine systems, field observations, progress reports, rapid assessments	Same, plus surveys, studies
f) Undertaken by	**Project manager, and ***beneficiary community	**Project manager, ****supervisor, ****funders, external evaluators, ***beneficiary community
g) Reporting to	**Project manager, ***beneficiary community, ****supervisors, ****funders	**Project manager, ****supervisor, ****funders, ***beneficiary community

Notes:

- *The evaluation done at the beginning, which is referred to as a baseline survey, has been done and is presented in this resettlement instrument
- In the case of this resettlement instrument:
 - ✚ ** **Project manager** is RIC
 - ✚ *****Beneficiary community** is SEC, PAPs, and the beneficiary community
 - ✚ *****Supervisor and funders** is the WB

II. Objectives of Monitoring and Evaluation of this Resettlement Instrument

From the foregoing discussion, it has been shown that on implementation of the engineering works phase of KISIP, PAPs will result. Toward effective implementation of the Project, these PAPs have to be adequately re-installed. This report, as per its preceding sections, presents the

³⁸ Mulwa, Francis W; and, Simon N Nguluu. 2003. Participatory Monitoring and Evaluation: A Strategy for Organisation Strengthening (Second Revised Edition). PREMESE-Olivex Publishers, Nairobi, Kenya

³⁹ *ibid*

⁴⁰ *ibid*

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baseline conditions of the PAPs, (which were taken prior to engineering works of the Project), and proposes activities that are to be undertaken to ensure adequate re-installation of the PAPs. Implementation of the proposed activities is spread: some activities are applicable prior to engineering works phase of the Project, while others during the engineering works phase of the Project. It is significant to monitor and evaluate implementation of these activities as part “I” of this section (7.11) briefly justifies. The overall objective of monitoring and evaluating implementation of these activities is to ensure just re-installation of PAPs is achieved. Vis-à-vis, the specific objectives are:

- a) To assess whether the objectives of this resettlement instrument are realised;
- b) Where the assessment reveals that these objectives are not realised, follow-up measures are proposed and implemented; and,
- c) To ensure compliance with the instrument.

As proposed under Section 7.5 above, the RIC will be responsible for the adequate monitoring and evaluation of the activities set forth in this resettlement instrument. Worth mentioning at this point, during preparation of this resettlement instrument, it was noted that KISIP has both a monitoring and evaluation unit, and an environmental and social safeguard team. These contributed in their different capacities in the preparation of this instrument. Thus, the capacity to undertake adequate monitoring and evaluation of this resettlement instrument exists within the borrower.

In all this, the WB’s role will be to regularly supervise resettlement implementation to determine compliance with this resettlement instrument.

III. Monitoring Plan of this Resettlement Instrument

A monitoring plan indicates parameters to be monitored, institutes monitoring guidelines and provides resources including responsible persons or institutions, necessary to carry out the monitoring activities. Table 23 is a proposed monitoring framework that the Project could use. The “Key Activities” to be monitored under each “Specific Objective”, and their “Timeline”, are synonymous to the “Proposed Activities” and their “Proposed Timeline” under each “Component” as put in Table 22 (Table 22: Proposed Implementation Schedule). Successful completion of each proposed “Key Activity” marks as the indicator that clearly shows output of the activity has been achieved.

To be noted, this monitoring plan takes into account the baseline conditions of PAPs prior to implementation of the engineering works phase of KISIP. Annex 8.2 gives the detailed baseline conditions for each of the PAPs. This is summarised in Tables 19 (*This RAP Report’s Proposal of How Project Affected Person is to be Compensated/Mitigated*), and 20 (*Summary of the Evaluation of the Impacts of KISIP and WaSSIP on Kayole Soweto Informal Settlement*).

This proposed monitoring framework could be improved on by the Project team/RIC as may be required, for a more comprehensive framework. Noteworthy, routine systems, field observations, progress reports and rapid assessments constitute the sources of information of action progress and indicator realisation of this monitoring framework. The frequency of reporting will be determined by RIC as is appropriate.

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Table 23: Proposed Monitoring Framework

Specific Objective:										
Expected output: Public notice – notification to PAPs										
Key Activities <i>(to carry out to attain expected output)</i>	Implementer <i>(persons/institutions responsible for implementing activity)</i>	Baseline indicators <i>(that clearly show the baseline conditions, including the count where applicable)</i>	Output <i>(what has been achieved)</i>	Performance indicators <i>(numbers achieved & by type where applicable)</i>	Time line <i>(to achieve output)</i>	Sources of information/ Means of verification <i>(Of action progress, and indicators)</i>	Assumptions <i>(pre-conditions that have to be met to obtain the expected results on schedule)</i>	Difficulties or obstacles observed <i>(in the way of delivering the expected output)</i>	Addressing the difficulties or obstacles <i>(How difficulty or obstacle has been addressed to deliver on output)</i>	Comments
Specific Objective:										
Expected output: Public inquiry to determine who are the genuine PAPs, and to receive representations/objections on compensation from those with interest on the affected assets										
Key Activities <i>(to carry out to attain expected output)</i>	Implementer <i>(persons/institutions responsible for implementing activity)</i>	Baseline indicators <i>(that clearly show the baseline conditions, including the count where applicable)</i>	Output <i>(what has been achieved)</i>	Performance indicators <i>(numbers achieved & disaggregated by type where applicable)</i>	Time line <i>(to achieve output)</i>	Sources of information/ Means of verification <i>(Of action progress, and indicators)</i>	Assumptions <i>(pre-conditions that have to be met to obtain the expected results on schedule)</i>	Difficulties or obstacles observed <i>(in the way of delivering the expected output)</i>	Addressing the difficulties or obstacles <i>(How difficulty or obstacle has been addressed to deliver on output)</i>	Comments
Specific Objective:										
Expected output: Establishment of a Resettlement Implementation Committee										
Key Activities <i>(to carry out to attain expected output)</i>	Implementer <i>(persons/institutions responsible for implementing activity)</i>	Baseline indicators <i>(that clearly show the baseline conditions, including the count where applicable)</i>	Output <i>(what has been achieved)</i>	Performance indicators <i>(numbers achieved & disaggregated by type where applicable)</i>	Time line <i>(to achieve output)</i>	Sources of information/ Means of verification <i>(Of action progress, and indicators)</i>	Assumptions <i>(pre-conditions that have to be met to obtain the expected results on schedule)</i>	Difficulties or obstacles observed <i>(in the way of delivering the expected output)</i>	Addressing the difficulties or obstacles <i>(How difficulty or obstacle has been addressed to deliver on output)</i>	Comments

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Specific Objective:										
Expected output: Drafting, reading and signing of resettlement and compensation agreements										
Key Activities <i>(to carry out to attain expected output)</i>	Implementer <i>(persons/institutions responsible for implementing activity)</i>	Baseline indicators <i>(that clearly show the baseline conditions, including the count where applicable)</i>	Output <i>(what has been achieved)</i>	Performance indicators <i>(numbers achieved & disaggregated by type where applicable)</i>	Time line <i>(to achieve output)</i>	Sources of information/ Means of verification <i>(Of action progress, and indicators)</i>	Assumptions <i>(pre-conditions that have to be met to obtain the expected results on schedule)</i>	Difficulties or obstacles observed <i>(in the way of delivering the expected output)</i>	Addressing the difficulties or obstacles <i>(How difficulty or obstacle has been addressed to deliver on output)</i>	Comments
Specific Objective:										
Expected output: Payment of compensation										
Key Activities <i>(to carry out to attain expected output)</i>	Implementer <i>(persons/institutions responsible for implementing activity)</i>	Baseline indicators <i>(that clearly show the baseline conditions, including the count where applicable)</i>	Output <i>(what has been achieved)</i>	Performance indicators <i>(numbers achieved & disaggregated by type where applicable)</i>	Time line <i>(to achieve output)</i>	Sources of information/ Means of verification <i>(Of action progress, and indicators)</i>	Assumptions <i>(pre-conditions that have to be met to obtain the expected results on schedule)</i>	Difficulties or obstacles observed <i>(in the way of delivering the expected output)</i>	Addressing the difficulties or obstacles <i>(How difficulty or obstacle has been addressed to deliver on output)</i>	Comments
Specific Objective:										
Expected output: Resettlement activities										
Key Activities <i>(to carry out to attain expected output)</i>	Implementer <i>(persons/institutions responsible for implementing activity)</i>	Baseline indicators <i>(that clearly show the baseline conditions, including the count where applicable)</i>	Output <i>(what has been achieved)</i>	Performance indicators <i>(numbers achieved & disaggregated by type where applicable)</i>	Time line <i>(to achieve output)</i>	Sources of information/ Means of verification <i>(Of action progress, and indicators)</i>	Assumptions <i>(pre-conditions that have to be met to obtain the expected results on schedule)</i>	Difficulties or obstacles observed <i>(in the way of delivering the expected output)</i>	Addressing the difficulties or obstacles <i>(How difficulty or obstacle has been addressed to deliver on output)</i>	Comments

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Specific Objective:										
Expected output: Grievances reporting										
Key Activities <i>(to carry out to attain expected output)</i>	Implementer <i>(persons/ institutions responsible for implementing activity)</i>	Baseline indicators <i>(that clearly show the baseline conditions, including the count where applicable)</i>	Output <i>(what has been achieved)</i>	Performance indicators <i>(numbers achieved & disaggregated by type where applicable)</i>	Time line <i>(to achieve output)</i>	Sources of information/ Means of verification <i>(Of action progress, and indicators)</i>	Assumptions <i>(pre-conditions that have to be met to obtain the expected results on schedule)</i>	Difficulties or obstacles observed <i>(in the way of delivering the expected output)</i>	Addressing the difficulties or obstacles <i>(How difficulty or obstacle has been addressed to deliver on output)</i>	Comments

Specific Objective:										
Expected output: Post-project community support activities, if any										
Key Activities <i>(to carry out to attain expected output)</i>	Implementer <i>(persons/ institutions responsible for implementing activity)</i>	Baseline indicators <i>(that clearly show the baseline conditions, including the count where applicable)</i>	Output <i>(what has been achieved)</i>	Performance indicators <i>(numbers achieved & disaggregated by type where applicable)</i>	Time line <i>(to achieve output)</i>	Sources of information/ Means of verification <i>(Of action progress, and indicators)</i>	Assumptions <i>(pre-conditions that have to be met to obtain the expected results on schedule)</i>	Difficulties or obstacles observed <i>(in the way of delivering the expected output)</i>	Addressing the difficulties or obstacles <i>(How difficulty or obstacle has been addressed to deliver on output)</i>	Comments

- Notes:
- ✚ Comments can be on: a) emerging issues; b) recommendations to improve performance, results,/ outputs, outcome, and impact of the implementation; and, c) any other issues noted
 - ✚ On how to fill this framework, refer to **Annex 8.9 Proposed Draft Monitoring Framework**

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IV. Evaluation of the Resettlement Implementation

The Project has a responsibility of ensuring PAPs enjoy the same or higher standards of living than before the Project. The risk of massive disruption of lifestyles of PAPs due to the Project is predicted to be low. However, evaluation of the impact of resettlement implementation is recommended to minimise and/or reverse the observed adverse impacts of the Project.

In the middle of the resettlement implementation cycle, and upon completion of the Project, RIC will undertake respectively a mid-term evaluation and an end of project evaluation to determine whether the objectives of this resettlement instrument have been realised. The evaluations will take into account the baseline conditions presented here, and the results of resettlement monitoring. If the evaluations reveal that these objectives may not have been realised, RIC will propose follow-up measures. In this, the WB, as deems appropriate, will continue its supervision role. Table 24 provides an overall guide on the components to be evaluated under this resettlement instrument.

Table 24: Guide to Evaluation of the Resettlement Implementation Proposed under this Resettlement Instrument

Component	Assessment	Sources of information	Responsibility	Frequency
Performance - assessing efficiency and accountability of the resettlement implementation	Measurement of input indicators against proposed schedule and budget	Field observations, progress reports	RIC, external evaluator, SEC, PAP, beneficiary community	Mid and end of the resettlement implementation cycle
Impact - assessing successful re-installation of each PAP	Measurement of adequate re-installation of PAPs taking into account the baseline conditions	Field observations, progress reports, rapid assessments conducted during monitoring	RIC, external evaluator, SEC, PAP, beneficiary community	Mid and end of the resettlement implementation cycle

7.12 Cost and Budget

The estimated value for the Action Plan is Ksh.86,978,553 disaggregated as described under Table 24.

Table 25: Proposed Budget for RAP in Kayole Soweto Informal Settlement

	BUDGET ITEM	PROPOSED COST (KSH)
1.	Notification to title holders and general public of intention to displace	*2,800,000
2.	Public inquiry	3,300,000
3.	Payable compensation	63,962,397
4.	Resettlement activities	3,500,000
5.	Implementation of post-project community support activities, if any	1,500,000
6.	Total Costs 1	75,062,397
7.	Resettlement Implementation Committee Activities (at 3% of the Total Costs 1) a) Establishment of a Resettlement Implementation Committee b) Drafting, reading and signing of resettlement and compensation agreements c) Grievances redressing	2,251,872
8.	Total Costs 2	77,314,269
9.	Contingency (at 12.5% of the Total Costs 2)	9,664,284
10.	GRAND TOTAL	86,978,553

Note: *Estimated for print, audio and television services

8.0 ANNEX

8.1 Interview Guide Used to Collect Data on Project Affected Persons



Microsoft Word 97 -
2003 Document

8.2 Details of Project Affected Persons



Kayole Soweto -
Entitlement

8.3 List of PAPs that Participated in the Last Community Consultative Meeting Held at the Settlement



Kayole Soweto -
Signed List of Particip

8.4 Notes on the Last Community Consultative Meeting Held in the Settlement



Notes on the last
community meeting

8.5 Layout Map of the Planned Improvements in Kayole Soweto Informal Settlement

8.6 List of Research Assistants That Participated in the Respective Studies

8.6.1 KISIP Study

	Name	Phone Number
1.	Alan Njenga	0700283874
2.	Dennis Kiarie	0700283874
3.	Jacinta Awino	0708296029/ 0719405608
4.	Lucia Mutio	0719531666
5.	Daniel Njenga	0775556848
6.	Francis Mbici	0712773971

8.6.2 WaSSIP Study

	Name	Phone Number
1.	Alan Njenga	0700283874
2.	Ann Mwangi	0728962856
3.	Benjamin Wanjohi	0712069290

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	Name	Phone Number
4.	Bernard Nyerere	0723160937
5.	Christine Ndanu	0788832018
6.	Daisy Nyamboke	0714700604
7.	Dennis Kiarie	0700283874
8.	Faith Wanjiku	0720636502
9.	Jacinta Awino	0708296029
10.	James Njoki	0714876631
11.	Jennifer Waitherero	0716119553
12.	John Kariuki	0723967657
13.	Joyce Waithera	0728645660
14.	Judy Wangui	0712398667
15.	Julia Wanjiru	0710439841
16.	Lucia Mutio	0719531666
17.	Lucy Kabura	0722152412
18.	Magline Waweru	0721496971
19.	Naomi Murigi	0724075472
20.	Nicholas Musyoki	0715347900
21.	Pauline Wangare	0717722349
22.	Percy Rugoro	0725089250
23.	Samuel Ngaga	0722685495
24.	Sheila Mwendu	0701935223
25.	Susan Waithera	0726428730

8.7 List of SEC Members That Were Actively Engaged at Supervisory Role in KISIP Study

	Name	SEC Official Title	Phone Number
1.	Alice Isenti		0700080824
2.	Nancy Njeri		0723498292
3.	Nehemiah Odhiambo		0718456836

8.8 List of Village Elders That Were Actively Engaged at Supervisory Role in WaSSIP Study

	Name	Zone	Phone Number
1.	Joseph Okumu Akello	Bahati	0720588975
2.	Robert Kihara Mwiruri	Mworoto	0727824348
3.	Ruth Mwangi (assisted Robert Kihara)		0712083180
4.	Joseph Gacheru	Shauri Yako	0725082973

8.9 Proposed Draft Monitoring Framework

Note: This framework can be improved on by the Project Team/RIC as may be required, for a more comprehensive framework

Specific Objective:

Expected output: Public notice - notification to PAPs

Key Activities (to carry out to attain expected output)	Implementer (persons/ institutions responsible for implementing activity)	Baseline indicators (that clearly show the baseline conditions)	Output (what has been achieved)	Performance indicators (numbers achieved & by type where applicable)	Time line (to achieve output)	Sources of information/ Means of verification (Of action progress, and indicators)	Assumptions (pre-conditions that have to be met to obtain the expected results on schedule)	Difficulties or obstacles observed (in the way of delivering the expected output)	Addressing the difficulties or obstacles (How difficulty or obstacle has been addressed to deliver on output)	Comments
1. Submit a request to the National Land Commission (NLC) to acquire the land on the Project's behalf.	KISIP – City County	No request has been submitted	Request submitted	No. of requests submitted	Prior to the base date - the date of publishing the gazette notice.	The request sent to the NLC				
2. Publish a gazette notice on the land targeted for compulsory acquisition	KISIP – City County in collaboration with NLC	No gazette notice has been published	Gazette notice published	No. of gazette notices published	Base date: The date of publishing the gazette notice	The gazette publication with the gazette notice				
3. Deliver a copy of the notice to the Registrar	KISIP – City County in collaboration with NLC	No copy of notice has been delivered to registrar	Copy of notice delivered to Registrar	No. of copied delivered to Registrar	Within 30 days of publishing the gazette notice	Copy of delivery receipt				
4. Deliver a copy of the notice to every person with interest on the land	KISIP – City County in collaboration with NLC	No copy of notice has been delivered to any person with interest on the land	Copy of notice delivered to all persons with interest on the land	No. of copies of notice delivered	Within 30 days of publishing the gazette notice	Each affected person signs on a delivery book acknowledging receiving the notice				
5. The person with interest on the land should in addition to the written notice, be orally notified.	KISIP – City County in collaboration with NLC	None of the persons with interest has been orally notified	All persons with interest orally notified as well	No. of persons with interest orally notified	Within 30 days of publishing the gazette notice	Chief baraza, and any other that may be used to achieve the objective				
Publish the notice in at least two mass media publications with national circulation.	KISIP – City County in collaboration with NLC	No copy of notice has been published in at least two mass media publications with national circulation	Copy of notice published in at least two mas media publications with national circulation	No. of copies of notice published and by media	Within 30 days of publishing the gazette notice	Copy of the mass media publications in which the notice was published				
6. Submit a request to the National Land Commission to acquire the land on the Project's behalf.	KISIP – City County in collaboration with NLC	No request has been submitted to NLC to acquire the land on behalf of the Project	Request submitted to NLC to acquire the land on behalf of the Project	No. of requests submitted to NLC	Within 30 days of publishing the gazette notice	Copy of the written request				

Notes:

🚩 Comments can be on: a) emerging issues; b) recommendations to improve performance, results,/outputs, outcome, and impact of the implementation; and, c) any other issues noted

Specific Objective:										
Expected output: Public inquiry to determine who are the genuine PAPs, and to receive representations/objections on compensation from those with interest on the project affected assets										
Key Activities (to carry out to attain expected output)	Implementer (persons/ institutions responsible for implementing activity)	Baseline indicators (that clearly show the baseline conditions)	Output (what has been achieved)	Performance indicators (numbers achieved & by type of where applicable)	Time line (to achieve output)	Sources of information/ Means of verification (Of action progress, and indicators)	Assumptions (pre-conditions that have to be met to obtain the expected results on schedule)	Difficulties or obstacles (in the way of delivering the expected output)	Addressing the difficulties or obstacles (How difficulty or obstacle has been addressed to deliver on output)	Comments
1. Determine the public inquiry date	KISIP - City County in collaboration with NLC	Public inquiry date has not determined	Public inquiry date is determined	Date of public inquiry (inquiries). No. of public inquiries	Schedule from the 31 st working day of the base date: Proposed 46 th to 50 th working day of the base date	Minutes of meeting determining the date				
2. Publish a public notice as per GoK regulations governing the industry, giving the date of the public inquiry.	KISIP - City County in collaboration with NLC	Public notice giving the date of the determined public inquire is not published	Public notice giving the date of the public inquiry is published	No. of public notices issued	The public notice should be at least 15 days before the date determined for the public inquiry	Copy of the gazette notice, and the mass media used to widely circulate it				
3. Serve a copy of the notice (of the inquiry) to all persons with interest on the property	KISIP - City County in collaboration with NLC	A copy of the notice (of inquiry) is not served to all with interest on the property	A copy of the notice (of inquiry) is served to all with interest on the property	No. of copies of the public notices served	At least 15 days before the date determined for the public inquiry	Each person with interest on the property signs on a delivery book acknowledging receiving the notice				
4. Receive written representations/ objections on compensation	KISIP - City County in collaboration with NLC	No written representations/ objections on compensation	Written representations/ objections on compensation are received	No. of presentations/ objections received & by nature	Received not later than the inquiry date	Copies of the written representations/ objections				
5. Public hearing of representations/objections on compensation by persons with interest on the property.	KISIP - City County in collaboration with NLC	No public hearing of representations/ objections	Public hearing of representations/ objections	No. of public hearings to representations/ objections	On the date determined	Minutes of the public hearing				
6. Prepare a written award report, in which made is a separate award of compensation to each person determined with a genuine interest on the asset affected by the Project.	KISIP - City County in collaboration with NLC	No written award report is prepared after the public inquiry	A prepared written award report, which is informed by the public inquiry.	No. of reports written	By the 5 th working day after the date of the public inquiry	Written award report containing at the minimum: size of affected asset, value of the asset as agreed from the inquiry, amount of compensation payable, & where more than one person has an interest on the asset, the shares payable per person				
7. Serve each determined PAP with a notice of the award and offer of compensation (established to be due to them).	KISIP - City County in collaboration with NLC	No PAP is served with a notice of award and offer of compensation	Each PAP is served with a notice of award and offer of compensation (established to be	No. of notices of award served, & by category of PAP	By the 60 th day, starting to count from the base date	Each PAP that is served signs on a delivery book acknowledging receiving their copy of				

Specific Objective:

Expected output: Public inquiry to determine who are the genuine PAPs, and to receive representations/objections on compensation from those with interest on the project affected assets

		(established to be due to them)	due to them)			notice of award and offer of compensation (established to be due to them)				
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Notes:
 🚩 Comments can be on: a) emerging issues; b) recommendations to improve performance, results,/outputs, outcome, and impact of the implementation; and, c) any other issues noted

Specific Objective:

Expected output: Establishment of a Resettlement Implementation Committee

Key Activities (to carry out to attain expected output)	Implementer (persons/institutions responsible for implementing activity)	Baseline indicators (that clearly show the baseline conditions)	Output (what has been achieved)	Performance indicators (numbers achieved & by type where applicable)	Time line (to achieve output)	Sources of information/ Means of verification (Of action progress, and indicators)	Assumptions (pre-conditions that have to be met to obtain the expected results on schedule)	Difficulties or obstacles (in the way of delivering the expected output)	Addressing the difficulties or obstacles (How difficulty or obstacle has been addressed to deliver on output)	Comments
1. Preparation	KISIP – City County	No representatives of stakeholder is invited toward establishment of a Resettlement Implementation Committee (RIC)	Representatives of stakeholders are invited toward establishment of a RIC	No. of representatives of stakeholders invited & by type of stakeholder	By the 62 nd working day of the base date	Invitations send				
2. The Project calls for a half to one day workshop attended by representatives of all stakeholders. One of the agendas of the workshop would be refinement on the composition of RIC, and selection of community representatives that would be part of the RIC.	KISIP – City County	🚩 Representatives of stakeholders attend a one day workshop 🚩 Presented to the representatives is a draft proposal of the composition of RIC, as one of the agendas 🚩 Representatives of RIC have not been elected	A RIC is established – it is constituted of elected representatives	🚩 No. of representatives of stakeholders that attend workshop & by type 🚩 Composition of RIC agreed upon 🚩 No. of persons elected to RIC & by type of stakeholder and position	By the 63 rd working day of the base date	Minutes of the workshop/ or the workshop report				

Notes:
 🚩 Comments can be on: a) emerging issues; b) recommendations to improve performance, results,/outputs, outcome, and impact of the implementation; and, c) any other issues noted

Specific Objective:										
Expected output: Drafting, reading and signing of resettlement and compensation agreements										
Key Activities (to carry out to attain expected output)	Implementer (persons/ institutions responsible for implementing activity)	Baseline indicators (that clearly show the baseline conditions)	Output (what has been achieved)	Performance indicators (numbers achieved & by type where applicable)	Time line (to achieve output)	Sources of information/ Means of verification (Of action progress, and indicators)	Assumptions (pre-conditions that have to be met to obtain the expected results on schedule)	Difficulties or obstacles (in the way of delivering the expected output)	Addressing the difficulties or obstacles (How difficulty or obstacle has been addressed to deliver on output)	Comments
5. Drafting of the resettlement and compensation agreement	RIC	No agreement has been drafted	Agreement is drafted	No. of agreements	By the 68 th working day of the base date. Note: Drafting of the agreement can be done within a day	Drafted agreement(s)				
6. Presentation of the draft to RIC for their comments.	Drafters selected from RIC	Draft agreement has not been circulated to other RIC members for their comments	Draft agreement has been circulated to the rest of RIC for their comments	<ul style="list-style-type: none"> ✚ No. of committee members draft agreement is circulated to, & by type of member ✚ No. of comments received from committee member & by nature 	By the 70 th working day of the base date.	Reviewed agreement(s)				
7. Reading of the draft resettlement and compensation agreements to or by persons with interest on the land; and, obtaining their comments	RIC	No PAP has reviewed the agreement(s)	PAPs have reviewed the agreement, and given their written comments to the RIC	<ul style="list-style-type: none"> ✚ No. of PAPs that have reviewed the draft agreement & by category ✚ No. of comments received from PAPs, & by nature of comment 	By the 72 nd working day of the base date	PAPs written comments				
8. Preparation of the final resettlement and compensation agreements	RIC	Final agreement(s) not prepared	Final agreement(s) prepared	No. of agreements prepared	By the 73 rd working day of the base date	Prepared final agreements				

Notes:

- ✚ Comments can be on: a) emerging issues; b) recommendations to improve performance, results,/outputs, outcome, and impact of the implementation; and, c) any other issues noted

Specific Objective:										
Expected output: Payment of compensation										
Key Activities (to carry out to attain expected output)	Implementer (persons/ institutions responsible for implementing activity)	Baseline indicators (that clearly show the baseline conditions)	Output (what has been achieved)	Performance indicators (numbers achieved & by type where applicable)	Time line (to achieve output)	Sources of information/ Means of verification (Of action progress, and indicators)	Assumptions (pre-conditions that have to be met to obtain the expected results on schedule)	Difficulties or obstacles (in the way of delivering the expected output)	Addressing the difficulties or obstacles (How difficulty or obstacle has been addressed to deliver on output)	Comments
4. Signing of an agreement by a person with interest on the property in the presence of witnesses.	RIC	No agreement has been signed by any person with interest on the property	Signed agreements by persons with interest on the property. The signed agreements are witnessed	<ul style="list-style-type: none"> ⬆ No. of signed agreements ⬆ No. of the signed agreements that are witnessed 	By the 75 th working day of the base date.	Signed agreements				
5. Payment of compensation in accordance to individual awards established from the public inquiry process. The awards will only be made to persons eligible to receive them (e.g. asset owner).	RIC	No compensations has been made	<ul style="list-style-type: none"> ⬆ Compensations have been paid in accordance to individual awards established from the public inquiry process. ⬆ The compensations have been made to persons eligible to receive them (e.g. asset owner) 	No. of PAPs compensated & by category and type of award	By the 75 th working day of the base date	<ul style="list-style-type: none"> ⬆ Signed records proving compensation has been paid to persons eligible to receive the compensation; and, ⬆ The records show that the compensation paid is in accordance to individual awards established from the public inquiry process 				
6. Record of all payments of compensations	RIC	No records of payments of compensations	Records of payments of compensation exist		By the 75 th working day of the base date	Record of all payments of compensation				

Notes:

- ⬆ Comments can be on: a) emerging issues; b) recommendations to improve performance, results,/outputs, outcome, and impact of the implementation; and, c) any other issues noted

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Specific Objective:										
Expected output: Resettlement activities										
Key Activities (to carry out to attain expected output)	Implementer (persons/ institutions responsible for implementing activity)	Baseline indicators (that clearly show the baseline conditions)	Output (what has been achieved)	Performance indicators (numbers achieved & by type where applicable)	Time line (to achieve output)	Sources of information/ Means of verification (Of action progress, and indicators)	Assumptions (pre-conditions that have to be met to obtain the expected results on schedule)	Difficulties or obstacles (in the way of delivering the expected output)	Addressing the difficulties or obstacles (How difficulty or obstacle has been addressed to deliver on output)	Comments
5. As appropriate, serving all persons with interest on the property with a notice specifying by when to vacate	RIC, SEC	No PAP has been served with a notice by when to vacate	All PAPs have been served with a notice by when to vacate	No. of notices served, & by category of PAPs	Notice by when to vacate can be issued immediately after the 75 th working day of the base date	The notices, minutes of the chief's barazas if they were used to disseminate the information				
6. Field visits by a team constituted by the Project, preferably from the RIC, to monitor re-installation of PAPs. The Project will develop a checklist against which this activity apply to be useful	RIC, SEC	No field visits have been made to objectively monitor re-installation of PAPs	Periodic field visits have been made to objectively monitor re-installation of PAPs	No. of periodic fields made	Within 30 working days of payment of compensation. The number of visits could be two, at the mid and end of the 30 day period	Progress reports, PAPs				
7. Meetings and other resettlement activities as my be determined by the Project	RIC		Meetings held	No. of meetings & of any other resettlement activity undertaken		Minutes of the meetings, and other documentations as may be available, PAPs				

Notes:
 🚩 Comments can be on: a) emerging issues; b) recommendations to improve performance, results,/outputs, outcome, and impact of the implementation; and, c) any other issues noted

Specific Objective:										
Expected output: Grievances reporting										
Key Activities (to carry out to attain expected output)	Implementer (persons/ institutions responsible for implementing activity)	Baseline indicators (that clearly show the baseline conditions)	Output (what has been achieved)	Performance indicators (numbers achieved & by type where applicable)	Time line (to achieve output)	Sources of information/ Means of verification (Of action progress, and indicators)	Assumptions (pre-conditions that have to be met to obtain the expected results on schedule)	Difficulties or obstacles (in the way of delivering the expected output)	Addressing the difficulties or obstacles (How difficulty or obstacle has been addressed to deliver on output)	Comments
Grievances recording, reporting, and related mitigation action	RIC, SEC, Chief, PAPs	No grievance has been reported, recorded, and redressed	Grievances have been reported, recorded, and redressed	<ul style="list-style-type: none"> ⚡ No. of grievances received & by nature ⚡ No. of grievances resolved & by nature ⚡ No. of the grievances addressed at SEC level, at RIC level, at arbitration level, & at Court level ⚡ Time taken to redress the grievances at the various levels 	<ul style="list-style-type: none"> ⚡ Reporting and recording: Throughout the resettlement implementation cycle ⚡ Addressing a grievance: Within two weeks of being reported 	Records of grievances and how they have been addressed, minutes of the grievance redress meetings held, PAPs				

Notes:
 ⚡ Comments can be on: a) emerging issues; b) recommendations to improve performance, results,/outputs, outcome, and impact of the implementation; and, c) any other issues noted

Specific Objective:										
Expected output: Post-project community support activities, if any										
Key Activities (to carry out to attain expected output)	Implementer (persons/ institutions responsible for implementing activity)	Baseline indicators (that clearly show the baseline conditions)	Output (what has been achieved)	Performance indicators (numbers achieved & by type where applicable)	Time line (to achieve output)	Sources of information/ Means of verification (Of action progress, and/or indicators)	Assumptions (pre-conditions that have to be met to obtain the expected results on schedule)	Difficulties or obstacles (in the way of delivering the expected output)	Addressing the difficulties or obstacles (How difficulty or obstacle has been addressed to deliver on output)	Comments
1. Midterm evaluation (optional)	RIC, External evaluator	A midterm evaluation has not been done	A midterm evaluation has been done	No. of reports	Middle of the resettlement implementation cycle	Survey report, RIC, PAPs				
2. End of resettlement implementation evaluation	RIC, External evaluator	No end of resettlement implementation evaluation has been done	End of resettlement implementation evaluation has been done	No. of reports	At the end of the resettlement implementation cycle	Survey report, RIC, PAPs				
3. Implementation of the evaluation results	RIC, SEC	Results of the evaluations have not been implemented	Results of the evaluations have been successfully implemented	🚩 Numbers achieved & by type	🚩 For the midterm evaluation, within the remaining days of the resettlement implementation cycle 🚩 For the end evaluation, within 5 working days of approval of the report	PAPs, progress reports, RIC				

Notes:

- 🚩 Comments can be on: a) emerging issues; b) recommendations to improve performance, results,/outputs, outcome, and impact of the implementation; and, c) any other issues noted
- 🚩 As appropriate, the reports will contain information on achievements, challenges, limitations, emerging issues, and recommendations (for intervention in order to improve performance, results/outputs and impact of the implementation).

8.10 Sample Compensation Agreement Form

Note: This is a sample form to guide the Project Team/RIC on how to develop one and which is specific to the Project.



COMPENSATION AGREEMENT FORMS

WATER AND SANITATION SERVICES IMPROVEMENT PROJECT ADDITIONAL FINANCING (WASSIP AF) GEOTECHNICAL INVESTIGATION FOR RUIRU II DAM

NAME		
ID NUMBER		
CONTACT NUMBER		
TYPE & AREA OF CROPS/ TREES / STRUCTURE / LIVELIHOOD COMPENSATIONS AND AMOUNT		
DATE (PAP)		
SIGN		Date
FIELD OFFICER NAME		
SIGN		Date

Source: Athi Water Services Board