

APPENDIX 12 JBIC Environmental Checklist

Environmental Checklist: 15. Roads and Railways

Category	Environmental Item	Main Check Items	Confirmation of Environmental Considerations
1 Permits and Explanation	(1) EIA and Environmental Permits	1) Have EIA reports been officially completed? 2) Have EIA reports been approved by authorities of the host country's government? 3) Have EIA reports been unconditionally approved? If conditions are imposed on the approval of EIA reports, are the conditions satisfied? 4) In addition to the above approvals, have other required environmental permits been obtained from the appropriate regulatory authorities of the host country's government?	1) KeNHA has submitted the EIA report to NEMA in March 2011. NEMA noticed to the public to submit comments on the EIA report for thirty days at the end of May 2011. After obtaining the comments from the public and relevant agencies, NEMA has been reviewing the EIA report. Responding to the request from NEMA, KeNHA submitted the supplementary RAP in 2 nd of November 2011, in which the resettlement issues were addressed based on the new road alignments. 2) The EIA report approved by NEMA on 9 th of November 2012. 3) NEMA has approved the Project subject to the mandatory conditions ensuring that the mitigation measures proposed in the EIA should be implemented. 4) The approval of the EIA is a fundamental Environmental license step for the Project. In addition, the mangrove cutting area due to the road and bridge installation and reforestation plan shall be submitted to the local office of Kenya Forest Service to obtain the permission of clear fells in accordance with the Forests Act, 2005. To take water from wells/boreholes and discharge effluent to riparian areas during the construction, a water permit must be obtained from Water Resources Management Authority.
	(2) Explanation to the Public	1) Are contents of the project and the potential impacts adequately explained to the public based on appropriate procedures, including information disclosure? Is understanding obtained from the public? 2) Are proper responses made to comments from the public and regulatory authorities?	1) Yes. Several public consultation meetings were held. Tools used in information disclosure and opinion identifying included: stakeholder analysis, focus group discussions through interactive forums, key informant interviews, face to face meetings with organizations, and structured questionnaire surveys. In addition, two stakeholder meetings were held by KeNHA to inform stakeholders about the revised road alignments and obtain

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			<p>the opinions issues of the social and environmental considerations. Several village level small meetings were also held to ask for potential PAPs cooperation for the socio-economic survey and collect detail opinions and their views toward the Project.</p> <p>2) Yes. Comments raised by local communities in the public consultation meetings had been recorded and carefully considered during the preparation of supplementary RAP and EIA report.</p>
2 Mitigation Measures	(1) Air Quality	<p>1) Is there a possibility that air pollutants emitted from various sources, such as vehicle traffic will affect ambient air quality? Does ambient air quality comply with the country's ambient air quality standards?</p> <p>2) Where industrial areas already exist near the route, is there a possibility that the project will make air pollution worse?</p>	<p>1) The future pollutant levels (NO_x, PM₁₀, CO and SO₂) in ambient air based on the projected traffic volume were predicted. Because the present background pollutant levels are well below the tolerance limits for a residential area stipulated in the draft Kenya air quality regulations, the predicted pollutant concentrations at the edge of ROW will not exceed the tolerance limits in 2025.</p> <p>2) No. Regular monitoring of ambient air quality along the road should be conducted during the construction and operation phases.</p>

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	(2) Water Quality	<p>1) Is there a possibility that soil runoff from the bare lands resulting from earthmoving activities, such as cutting and filling will cause water quality degradation in downstream water areas?</p> <p>2) Is there a possibility that surface runoff from roads will contaminate water sources, such as groundwater?</p> <p>3) Do effluents from various facilities, such as stations and parking areas/service areas comply with the country's effluent standards and ambient water quality standards? Is there a possibility that the effluents will cause areas that do not comply with the country's ambient water quality standards?</p>	<p>1) Yes. However, proper mitigation measures prevent water quality degradation. Mitigation measures: The proper design of road drainage system; Stabilization of the soil along the roadside and in the road reserve through extensive revegetation measures; Use of diversion channels and silt traps to minimize erosion of soil materials into waterway; and etc.</p> <p>2) Yes. However, proper mitigation measures will prevent water quality degradation. Mitigation measures: The alignment to avoid community borehole locations; Oil separators are installed in the runoff drainage facilities, and etc.</p> <p>3) No parking areas/service areas are planned in the Project.</p>
	(3) Noise and Vibration	<p>1) Do noise and vibrations from vehicle and train traffic comply with the country's standards?</p>	<p>1) The future noise levels based on the projected traffic volume were predicted by the mathematical model. The predicted noise levels at the edge of ROW in 2015 may exceed the maximum permissible noise levels for a residential zone (outdoor) and even for a commercial zone, set in the Kenyan noise regulations both during the day and the night. If compared with the IFC noise guidelines, the predicted noise levels may also exceed the IFC noise guideline levels.</p> <p>Therefore, the proper abatement measures should be implemented along the roads close to the residential areas, especially schools, hospitals and religious facilities:</p> <ul style="list-style-type: none"> • Install noise barriers and low noise pavement • Attach noise absorbing panels under elevated road sections • Set environmental facility zones such as green belt

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Category	Environmental Item	Main Check Items	Confirmation of Environmental Considerations
			<ul style="list-style-type: none"> • Warning signs for horn ban, speed control and lane restriction • Regular road maintenance to keep road surface good condition • Record and respond to monitoring results and complaints
3 Natural Environment	(1) Protected Areas	1) Is the project site located in protected areas designated by the country's laws or international treaties and conventions? Is there a possibility that the project will affect the protected areas?	1) No. There are no protected areas in the vicinity of the Project area. Therefore there will be no possibility that the project will affect the protected areas.
	(2) Ecosystem	<p>1) Does the project site encompass primeval forests, tropical rain forests, ecologically valuable habitats (e.g., coral reefs, mangroves, or tidal flats)?</p> <p>2) Does the project site encompass the protected habitats of endangered species designated by the country's laws or international treaties and conventions?</p> <p>3) If significant ecological impacts are anticipated, are adequate protection measures taken to reduce the impacts on the ecosystem?</p> <p>4) Are adequate protection measures taken to prevent impacts, such as disruption of migration routes, habitat fragmentation, and traffic accident of wildlife and livestock?</p> <p>5) Is there a possibility that installation of roads will cause impacts, such as destruction of forest, poaching, desertification, reduction in wetland areas, and disturbance of ecosystems due to introduction of exotic (non-native invasive) species and pests? Are adequate measures for preventing such impacts considered?</p> <p>6) In cases where the project site is located at undeveloped areas, is there a possibility that the new development will result in extensive loss of natural environments?</p>	<p>1) Yes. Mitigation measures:</p> <ul style="list-style-type: none"> • To avoid and minimize the direct destruction of mangrove and tidal flats, alternative alignments are proposed. • On the tidal flat area, instead of embankment, jetty structure (the pile-slab type viaduct) is proposed so as not to block the tide exchange. • Clearance under the bridge is made higher so as not to block the growth of mangroves <p>If cutting of mangroves could not be avoided by any means,</p> <ul style="list-style-type: none"> • To restore mangroves, replanting should be implemented. • To enhance and support the activities of mangrove conservation groups. <p>Furthermore,</p> <ul style="list-style-type: none"> • To minimize the degradation of mangroves and marine species due to the direct discharge of the contaminated storm water from the road, oil separator tank (grit chamber) should be installed in the drainage facilities. • To secure migration path for small animals, underpass culvert should be installed, where necessary. <p>2) No. There are no habitats of the protected species.</p> <p>3) Yes. Refer to 1).</p>

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			<p>4) Yes. Refer to 1). 5) Yes. Refer to 1). In addition, indigenous grasses should be planted as widely as possible by the roadside and slopes. 6) Yes. Refer to 1).</p>
	(3) Hydrology	<p>1) Is there a possibility that alteration of topographic features and installation of structures, such as tunnels will adversely affect surface water and groundwater flows?</p>	<p>1) No. Impacts on surface water and groundwater flows caused by the Project are anticipated not significant. The pier and abutment of the long bridges will not block the tide and flow of the creeks. On the tidal flat area, instead of embankment, jetty structure (the pile-slab type viaduct) is proposed so as not to block the water flow.</p>
	(4) Topography and Geology	<p>1) Is there a soft ground on the route that may cause slope failures or landslides? Are adequate measures considered to prevent slope failures or landslides, where needed? 2) Is there a possibility that civil works, such as cutting and filling will cause slope failures or landslides? Are adequate measures considered to prevent slope failures or landslides? 3) Is there a possibility that soil runoff will result from cut and fill areas, waste soil disposal sites, and borrow sites? Are adequate measures taken to prevent soil runoff?</p>	<p>1) No. There is the soft ground only on the tidal flats at Tsunza Peninsular on the proposed route. However, any slope failures or landslides are not anticipated. 2) Yes. However, to prevent slope failures or landslides, slope protections such as stone masonry, stone pitching and riprap are proposed. 3) Yes. However, proper mitigation measures will prevent soil runoff. Mitigation measures: The proper design of road drainage system; Stabilization of the soil along the roadside and in the road reserve through extensive re-vegetation measures; Use of diversion channels and silt traps to minimize erosion of soil materials into waterway; and etc. Furthermore, All excavations and earth</p>

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			movements should be done in the dry seasons, as far as possible.
4 Social Environment	(1) Resettlement	<p>1) Is involuntary resettlement caused by project implementation? If involuntary resettlement is caused, are efforts made to minimize the impacts caused by the resettlement?</p> <p>2) Is adequate explanation on relocation and compensation given to affected persons prior to resettlement?</p> <p>3) Is the resettlement plan, including proper compensation, restoration of livelihoods and living standards developed based on socioeconomic studies on resettlement?</p> <p>4) Does the resettlement plan pay particular attention to vulnerable groups or persons, including women, children, the elderly, people below the poverty line, ethnic minorities, and indigenous peoples?</p> <p>5) Are agreements with the affected persons obtained prior to resettlement?</p> <p>6) Is the organizational framework established to properly implement resettlement? Are the capacity and budget secured to implement the plan?</p> <p>7) Is a plan developed to monitor the impacts of resettlement?</p>	<p>1) Yes. New road alignment was proposed and RAP was prepared based on the alignment.</p> <p>2) Yes. A total of 15 stakeholder consultation meetings were taken place by KeNHA to explain relocation and compensation.</p> <p>3) Yes. Qualified and experienced consultant as for RAP in Kenya was employed and RAP was prepared in line with JBIC and World Bank Guidelines.</p> <p>4) Yes. Vulnerable groups and persons were identified based on the socioeconomic studies and countermeasures for them are prepared respectively.</p> <p>5) Yes. When the socioeconomic studies were carried out, the local consultant obtained consensus from PAPs.</p> <p>6) Yes. KeNHA plays a key role to implement the resettlement and has experience in handling resettlements work properly assisted by World Bank etc. Also KeNHA has a lot of sociologists who are familiar with resettlement.</p> <p>7) Yes. Proper internal and external monitoring plan are prepared.</p>

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	(2) Living and Livelihood	<p>1) Where roads or railways are newly installed, is there a possibility that the project will affect the existing means of transportation and the associated workers? Is there a possibility that the project will cause significant impacts, such as extensive alteration of existing land uses, changes in sources of livelihood, or unemployment? Are adequate measures considered for preventing these impacts?</p> <p>2) Is there a possibility that the project will adversely affect the living conditions of inhabitants other than the affected inhabitants? Are adequate measures considered to reduce the impacts, if necessary?</p> <p>3) Is there a possibility that diseases, including communicable diseases, such as HIV will be introduced due to immigration of workers associated with the project? Are adequate considerations given to public health, if necessary?</p> <p>4) Is there a possibility that the project will adversely affect road traffic in the surrounding areas (e.g., by causing increases in traffic congestion and traffic accidents)?</p> <p>5) Is there a possibility that roads and railways will cause impede the movement of inhabitants?</p> <p>6) Is there a possibility that structures associated with roads (such as bridges) will cause a sun shading and radio interference?</p>	<p>1) Yes. The Project will affect public transportation such as boat & canoe operators and their workers. However adequate countermeasures and compensation are proposed in the RAP. No significant impacts of land uses are expected.</p> <p>2) Yes. Land acquisition will affect farmers, fishers, fish farmers, small scale trader and conservation groups to some extent. However adequate compensation is proposed in the RAP.</p> <p>3) Yes. Measures for preventing communicable diseases and reducing vector-borne disease are proposed to handle the community health and safe issue in the original EIA.</p> <p>4) Yes. Road safety measures during the construction and operation phases to control road accidents are proposed in the original EIA. Traffic safety facilities such as guide sign boards, road marking, reflector, concrete barriers are proposed in the supplementary EIA report.</p> <p>5) No.</p> <p>6) No.</p>
	(3) Heritage	<p>1) Is there a possibility that the project will damage the local archeological, historical, cultural, and religious heritage sites? Are adequate measures considered to protect these sites in accordance with the country's laws?</p>	<p>1) Yes. There are Kayas (sacred forests), shrines, churches, mosques and grave yards.</p> <p>Mitigation measures:</p> <ul style="list-style-type: none"> • To avoid the destruction of Kayas, shrines and mosques, alternative alignments are proposed. • To avoid the destruction of communal grave yards as much as

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			possible. If the destruction is unavoidable, permission from the elder, community leader as well as District Commissioner will be obtained and all cost necessary for relocation will be provided.
	(4) Landscape	1) Is there a possibility that the project will adversely affect the local landscape? Are necessary measures taken?	1) No. However, to enhance the aesthetic views, planting of trees and grass in road rights of way and adjacent areas is recommended.
	(5) Ethnic Minorities and Indigenous Peoples	1) Where ethnic minorities and indigenous peoples are living in the rights-of-way, are considerations given to reduce the impacts on culture and lifestyle of ethnic minorities and indigenous peoples? 2) Does the project comply with the country's laws for rights of ethnic minorities and indigenous peoples?	1) There are no ethnic minorities and indigenous peoples in the Project area. 2) N/A
5 Others	(1) Impacts during Construction	1) Are adequate measures considered to reduce impacts during construction (e.g., noise, vibrations, turbid water, dust, exhaust gases, and wastes)? 2) If construction activities adversely affect the natural environment (ecosystem), are adequate measures considered to reduce impacts? 3) If construction activities adversely affect the social environment, are adequate measures considered to reduce impacts? 4) If necessary, is health and safety education (e.g., traffic safety, public health) provided for project personnel, including workers?	1) Yes. The mitigation measures against the impacts during construction (e.g., noise, turbid water, dust, exhaust gases, wastes and oil spills) are proposed. Regarding the waste management and control procedures, prior to construction, a Project Waste Management Plan shall be prepared including proposal for the minimization/collection/storage/treatment/re-use/disposal routes for all waste streams as per the Environmental Management and Coordination (Waste Management) Regulations 2006. 2) Yes. The mitigation measures for the negative impacts on natural environment during construction (e.g., noise, turbid water, siltation, soil erosion, dust, exhaust gases, wastes and oil/chemical spills) are proposed. 3) Yes. The mitigation measures for the impacts on social environment during construction (e.g., disruption of public utilities such as water pipes, power lines, telephone cables, railway, and

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			<p>petroleum pipelines, road safety, disease transmission) are proposed.</p> <p>4) Yes. The training on occupational health and safety (OHS) will be provided to all employees; management, supervisors, workers and visitors.</p>
	(2) Monitoring	<p>1) Does the proponent develop and implement monitoring program for the environmental items that are considered to have potential impacts?</p> <p>2) Are the items, methods and frequencies included in the monitoring program judged to be appropriate?</p> <p>3) Does the proponent establish an adequate monitoring framework (organization, personnel, equipment, and adequate budget to sustain the monitoring framework)?</p> <p>4) Are any regulatory requirements pertaining to the monitoring report system identified, such as the format and frequency of reports from the proponent to the regulatory authorities?</p>	<p>1) Yes. The proponent developed the Environmental Management and Monitoring Plan in the original EIA report and supplementary EIA report, as well as the RAP report.</p> <p>2) Yes. The detailed Environmental Management and Monitoring Plan should be prepared in the Detail Design Stage. The methods and frequencies should be reevaluated to meet the actual conditions when the Project is implemented.</p> <p>3) Yes. Refer to 1) and 2).</p> <p>4) Yes. In accordance with the Environmental (Impact assessment and Audit) Regulations 2003, an initial environmental audit and thereafter annual self-audits for the lifetime of the Project shall be undertaken and submitted to NEMA. The format of the audit report should be prepared in the Detail Design Stage.</p>
6 Note	Reference to Checklist of Other Sectors	<p>1) Where necessary, pertinent items described in the Forestry Projects checklist should also be checked (e.g., projects including large areas of deforestation).</p> <p>2) Where necessary, pertinent items described in the Power Transmission and Distribution Lines checklist should also be checked (e.g., projects including installation of power transmission lines and/or electric distribution facilities).</p>	<p>1) There will be no large areas of deforestation. If cutting of mangroves could not be avoided by any means, to restore mangroves, replanting should be implemented.</p> <p>2) The Project does not include installation of power transmission lines and/or electric distribution facilities.</p>

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	Note on Using Environmental Checklist	1) If necessary, the impacts to transboundary or global issues should be confirmed, if necessary (e.g., the project includes factors that may cause problems, such as transboundary waste treatment, acid rain, destruction of the ozone layer, or global warming).	1) The Project will not raise any transboundary or global issues.

- 1) Regarding the term “Country’s Standards” mentioned in the above table, in the event that environmental standards in the country where the project is located diverge significantly from international standards, appropriate environmental considerations are made, if necessary. In cases where local environmental regulations are yet to be established in some areas, considerations should be made based on comparisons with appropriate standards of other countries (including Japan' experience).
- 2) Environmental checklist provides general environmental items to be checked. It may be necessary to add or delete an item taking into account the characteristics of the project and the particular circumstances of the country and locality in which it is located.

APPENDIX 13 Supplementary Resettlement Action Plan (RAP)

SUPPLEMENATARY
RESETTLEMENT ACTION PLAN (RAP)
ON
MOMBASA CITY ROAD DEVELOPMENT PROJECT
IN
THE REPUBLIC OF KENYA

DRAFT FINAL REPORT

OCTOBER 2011

KENYA NATIONAL HIGHWAYS AUTHORITY (KeNHA)

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Abbreviations

AWP	Annual Working Plan
Cap	Chapter of the Laws of Kenya
CRO	Coast Regional Office / KeNHA
CSR	Corporate Social Responsibility
DEC	District Environmental Committee
EHS	Environment Health and Safety
EMCA 1999	Environment Management and Coordination Act 1999
EMP	Environmental Management Plan
EIRR	Economic Internal Rate of Return
ESIA	Environmental and Social Impact Assessment
GoK	Government of Kenya
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
HIV/AIDS	Human Immune Deficiency Virus/Acquired Immunity Deficiency Syndrome
IEC	Information Education and Communication
JBIC	Japan Bank for International Cooperation
JICA	Japan International Cooperation Agency
JST	JICA Study Team
KAA	Kenya Airport Authority
KPA	Kenya Port Authority
KeNHA	Kenya National Highways Authority
LEC	Location Elders Committee
LN	Legal Notice
LPC	Location PAPs Committee
M&E	Monitoring & Evaluation
MoF	Ministry of Finance
MoR	Ministry of Roads
NEMA	National Environment Management Authority
NPV	Net Present Value
O&M	Operation and Maintenance
OP	Operational Policy
PAPs	Project Affected Persons
PMU	Project Management Unit
PIM	Project Implementation Manual
RAP	Resettlement Action Plan
RCA	Resettlement Cost Approval
PPE	Personal Protective Equipment
ROW/ROT	Right of Way/Route of Traverse
SGPs	Safe Guard Policies
TOR	Terms of Reference
US\$	United States Dollar
VEC	Village Elder Council
WB	World Bank

CHAPTER 1: DESCRIPTION OF THE PROJECT

1.1: The Project background

1.1.1: Overview

This report outlines the supplementary Resettlement Action Plan prepared for the Mombasa City Roads Improvement project. This is a project of the Government of Kenya (GoK) through its implementing agency, the Kenya National Highways Authority (KeNHA) with support from the Government of Japan (GoJ). The Project is currently undergoing Feasibility Study in which case, only the tentative alignment has been identified.

1.1.2: Objectives of the Project

The project aims to construct a Mombasa City-Southern Bypass to ease pressure on the Kenya Ferry Services Ltd and make movement of people and cargo between Nairobi- Mombasa and Tanzania easier and stress-free. Further, the project will entail construction of a link road connecting the Bypass at Mkupe to the new container Terminal currently being constructed near the Kenya Oil Terminal.

1.1.3: Project Justification

The port of Mombasa is the only international commercial port in Kenya and most essential port of East Africa, handling cargo for its hinterland that extends to all East African countries and their neighbours namely;-Burundi, Rwanda, Southern Sudan and the Democratic Republic of the Congo. Mombasa Port faces huge challenges posed by ever increasing volume of cargo which is not cleared fast enough causing persistent congestion. Demand for cargo handling services is expected to increase owing to growth of domestic and transit cargo- a factor that has largely influenced the decision to construct a new container terminal backed up by expansion of road networks in the Port Reitz, Changamwe and Kipevu areas. The south coast area suffers a similar problem but associated with congestion of the Likoni Ferry Services which causes bulk cargo to be held for long distances in favour of human traffic. Passengers including tourists with urgent business in the town including catchment flights at Moi International Airport also suffer delays on account of traffic snarl-up due to congestion and occasional interruption of the Ferry Services.

Proposals to address the Likoni Ferry question through construction of an overhead bridge across the Kilindini Channel did not materialize owing to attendant high opportunity costs to the land among other challenges leaving development of a bypass road as the most viable option.

1.2: Outline of the Project

1.2.1: Project Location

The project roads traverse four districts namely Changamwe, Kinango, Likoni and Kwale within the Mombasa and Kwale counties of coastal Kenya. The proposed bypass road is designed to connect the Mombasa –Lungalunga-A14 Road to the Mombasa-Nairobi-A109 Roads and thus divert traffic from the city of Mombasa and in particular the Likoni Ferry which acts as a major bottleneck to smooth flow of cargo and passenger traffic. The road will comprise of a 19.8 kilometre long artery starting at Miritini on the A109 Road passing through Tsunza, Mwangala and Kiteje locations to join the A14 road at the Shikadabu boundary of Mombasa and Kwale Districts. This artery will entail construction of two long bridges at the crossing of Mwache and Mteza creeks and will also have a major junction at Mkupe where the road to the new container terminal will start. The latter branch will proceed eastwards to skirt the end of the main runway at JKIA and to end at the site of the new container terminal at Port Reitz.

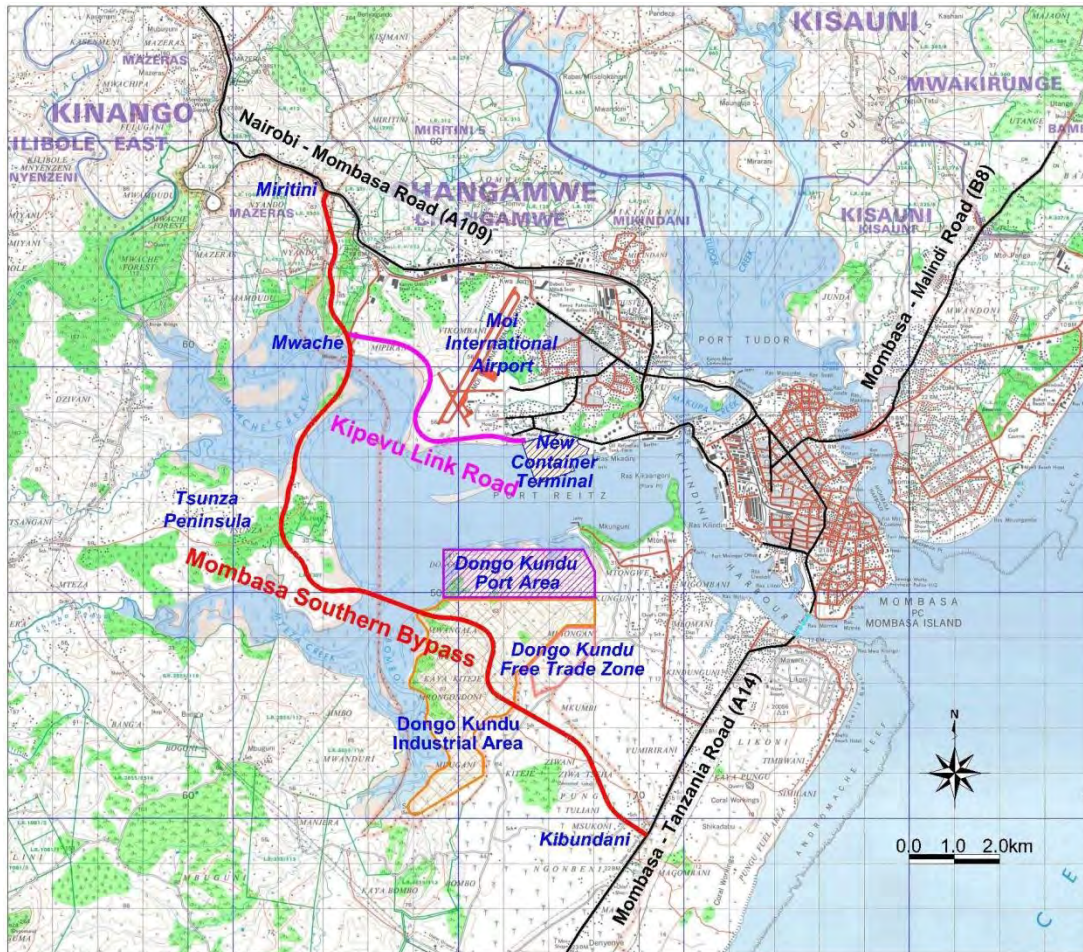


Figure 1.1: Project Road

1.2.2 Project Design Concept and Objectives

The area traversed by the Project roads is the principal seaport town of Kenya. Due to the operations at the port of Mombasa, a lot of traffic is generated from the island to and from the rest of the country and beyond. To facilitate the flow of traffic, the island is connected to the hinterland by the Makupa causeway, to the northern mainland by the Nyali and Mtwapa bridges and the southern mainland by the Likoni ferry crossing. Therefore, the proposed Project roads, which forms a section of the Northern Corridor Transport Improvement Project, is to facilitate the movement of traffic between Mombasa and the south coast region without resulting to the Likoni Ferry Services.

1.2.3: Project Components

The Project has two separate components. Firstly there is the proposed Mombasa Southern Bypass which forms a section of the Northern Corridor Transport Improvement Project, commencing near Miritini Township (west of Moi International Airport) on the central mainland, passing near the proposed Dongo Kundu port on the south mainland, and ending at Shikadabu area on the Mombasa - Tanzania Road (A14) road south of Likoni. The Bypass is 19.6km long. The second component of the Project is the Link Road from the proposed new KPA container terminal to join the Bypass near the abandoned Mkupe Jetty. In summary, the whole project would entail but not limited to the development of the following components at the Project site:

- Construction of the Bypass road from Miritini Township to Shikadabu with overall road width of 23m,
- Construction of two viaduct bridges over the ocean at Mkupe (Mwachu Bridge) and Dongo Kundu (Mteza Bridge). Mwachu Bridge is 495m, entirely across water while Mteza

Bridge is 1,360m of which 760m is across mangrove and mud flats, and 600m across water.

- Construction of interchanges at Miritini, Mkupe and Shikadabu
- Construction of a Link Road from the Bypass to the proposed new container terminal complete with all necessary facilities.

The road corridor will be 110m wide.

1.2.4: Project Phasing and Activities

As currently designed, the Bypass roads will largely pass Kilifi, Changamwe, Likoni, Kinango and Kwale Districts of coastal Kenya and in the process traverse a total of 7 sub-locations.

Pre-Construction Phase activities

The pre-construction phase involved and will involve the following activities;

- Development Identification of affected of appropriate designs for the proposed roads parcels of land in preparation for land acquisition and compensation.
- Land acquisition and compensation for loss of structures.
- Relevant approvals from the various local authorities and relevant institutions.
- Commissioning of the project feasibility study and an ESIA study
- Commissioning of a RAP Study to identify persons and structures existing in the project area for appropriate compensation and relocation.

The Construction and Operational Phase

The construction and operational phases will involve the following;

- Compensation and relocation of PAPs
- The key activities in constructing the bypass will include construction of road deviations to accommodate traffic when the road is under construction
- Identification of subsurface and above ground key service infrastructures like water pipes, drainage and sewer lines, power lines etc. and isolation to allow for construction.
- Demolition of existing structures and ground excavation
- Construction of the roads. The contractor will require providing appropriate deviations signs and also put in place proper signage to guide traffic in order to avoid accidents.
- Machinery and vehicles to be used will include excavators, compressors, rollers, pickups and trucks etc. These machinery and vehicles will require proper maintenance through licensed garages within or close to the project area. There will be no on-site maintenance of vehicles.
- All staff operating machinery and vehicles should be qualified and licensed to ensure safety of personnel and other road users and local population
- There shall be monitoring of the resettlement of PAPs

1.3: Justification for a Resettlement Action Plan

As currently designed, both the Southern Bypass and Kipevu link roads will total 25.6 kilometres and at the recommended width of 110metres, this is likely to cause acquisition of over 250 hectares of land implying that human settlements and property will be displaced. As well, given the prevalence of livelihoods that subsist through exploitation of resources and provision of services along the traverse, development of this project is likely to cause further displacement which, if not checked can occasion human suffering. Thus, given the magnitude of such anticipated resettlement impacts, there was need to prepare a Resettlement Action Plan so that the programme is implemented in an orderly manner mutually acceptable to both the proponent and the Project Affected People. The Resettlement Action Plan was guided by the following practices:

- Involuntary resettlement should be avoided, or minimized where unavoidable;
- Where resettlement is unavoidable resettlement plans and activities should be seen and executed as development programmes;

- Resettled persons should be provided with sufficient investment resources in order to restore their livelihoods;
- Project Affected People should be meaningfully consulted and participate in planning and implementation of resettlement programmes;
- Displaced persons should be compensated for their losses at full replacement cost prior to the move;
- Resettled persons should be assisted with the relocation and be provided with support during the transition period;
- Resettled persons should be assisted in their efforts to improve or at least restore their former living standards or income earning capacity.

1.4: Scope of the RAP

The RAP outlines the guiding principles to be followed when there is involuntary land acquisition in order to reduce to a minimum any adverse impacts to PAPs and enhance positive impacts. RAP applies to all displaced persons regardless of the total number of persons affected, the severity of the impact and whether or not they have legal title to the land. The RAP also sets out the framework for institutional arrangements, schedules, and other indicative budgets to facilitate any resettlement processes that will be necessitated as a result of this project. The RAP study identified those persons within the project area who may be displaced as a result of the project, and those persons who may have to relinquish their land to the project.

It also provides a socio-economic profile on the Project Affected People (PAP), and gives the cost of resettlement. The RAP outlines the guiding principles to be followed when involuntary land acquisition is undertaken, in order to minimise the adverse impacts to PAPs and enhance positive impacts. It applies to all displaced persons regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land.

The RAP study considered the framework for institutional arrangements, legal framework covering the identification of agencies responsible for resettlement activities schedules, and other indicative budgets to facilitate any resettlement process that will be necessitated as a result of this project. Grievance redress mechanisms for the dissatisfied parties have been considered and documented in the RAP Report. This included affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance redress mechanisms should take into account the availability of judicial recourse and community and traditional settlement mechanisms.

CHAPTER 2: POTENTIAL IMPACTS OF THE BYPASS ROAD PROJECT

2.1: Project Components with Triggers to Resettlement

Component of the bypass road with potential to trigger resettlement include the following:

- i) The Bypass section from Miritini Township to Shikadabu with overall reserve of 110m,
- ii) The two viaduct bridges over the ocean at Mkupe (Mwache Bridge) and Mwangala (Mteza Bridge).
- iii) Construction of interchanges at Miritini, Mkupe and Shikadabu
- iv) Construction of a Link Road from the Bypass to the proposed new container terminal complete with all necessary facilities.

2.2: Zone of Impact by Component

In sections below, an outline of the physical dimensions of proposed land affected and attendant displacement is provided. We provide data on nature of land-use along the ROT, an inventory of potentially affected people, potentially affected property etc. and this chapter therefore provides a basis for computation of the compensation packages outlined in Chapter Four below. A summary of the potential zones of impact for each section is tabulated below (Table 2.1) followed by brief summaries of the diversity of impacts in sections below.

Table 2.1: Zone of Impacts Project Section

Project Section	Nature of resettlement Impacts
Miritini - Shikadabu Road Section	<ul style="list-style-type: none"> • Agricultural land and homesteads • Public Road and railway • Public access roads and power transmission lines • Marere water Pipeline owned by MAWASCO • Communal shrines at Kitenje, Tsunza and Miritini • 3 ancestral graveyards
495m long viaduct bridge over Mwache river at Mkupe	<ul style="list-style-type: none"> • Boat transport based livelihoods • Corporate land belonging to KPA • Some graveyards • Mangrove swamps and mangrove related livelihoods
1,360m long viaduct bridge over Mteza creek	<ul style="list-style-type: none"> • Mangrove dependent livelihoods • Fishing dependent livelihoods
The Interchange at Miritini	<ul style="list-style-type: none"> • Private agricultural land and settlements • An industrial Go-down and plot
The Interchange at Shikadabu on Road A14	<ul style="list-style-type: none"> • Public Road A14 • Private land and commercial properties
Link Road to new container Terminal	<ul style="list-style-type: none"> • Private land owned by Kenya airports Authority • Property of 2 companies namely;- the EA Gases Ltd (has gas tanks) and the East African Spectre whose road and pipelines will be affected partially • Section of mangroves • Informal settlements at Hodi B

2.3: Alternatives Considered to Avoid or Minimize Resettlement

Bypass Route Alternatives

There are 3 alternative Bypass route as shown in Figure 2.1. The alternative routes have been compared and the Bypass Route-B was selected in the Feasibility Study with its preliminary design. Based on this, the view of the study and design in the Survey were reported in the previous chapters. The justification of the selection of the Bypass Route-B is reviewed in the Survey.

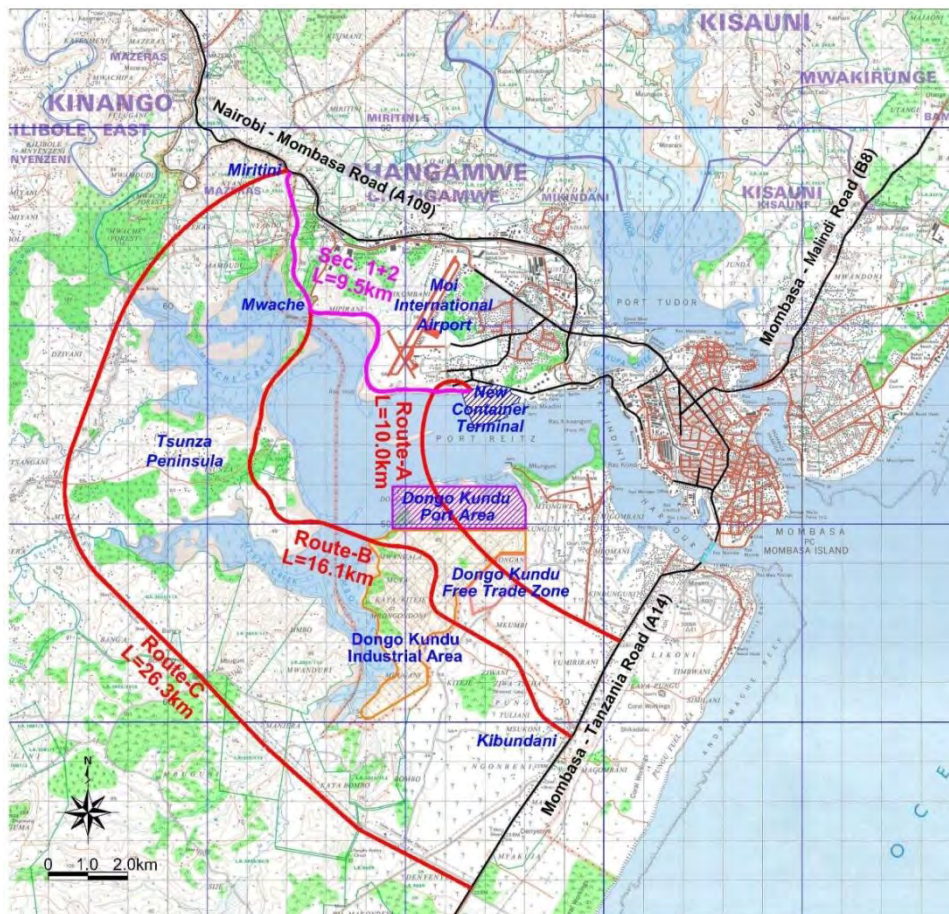


Figure 2.1: Bypass Route Alternatives

Route-A

The Bypass Route-A requires a high and long span bridge to cross the navigation area. This is most costly. According to the F/S report, KPA strongly objected to this route as it precludes port development to the west. Therefore, the Bypass Route-A is no longer considered.

Route-C

The Bypass Route-C is the longest route. However it does not require long bridges except one bridge which is approximately 500m in length at the upstream of Mwache Creek. The topography along the Bypass Route-C is generally hilly. Small hills and creeks cross the route one after another. Reserved forests, Kaya (holly forests) and Mwaluganje Elephant Sanctuary exist along the roadside.

Comparison of Route-B and C

A comparison between the Bypass Route-B and C is shown in Table 2.2. As a result, the selection of the Bypass Route-B is justified.

Table 2.2 Comparison of the Bypass Route-B and Route-C

View Point	Bypass Route-B		Bypass Route-C	
Impact on Natural Environment	It is feasible if appropriate mitigation measures are implemented despite the Bypass Route-B passes through mangroves and tidal flats.	○	It is feasible if appropriate mitigation measures are implemented despite the Bypass Route-C passes near Kaya Forests and Mwaluganje Elephant Sanctuary.	○
Impact on Social Environment	Number of PAPs is not many since the Bypass Route-B avoids highly populated area.	○	Number of PAPs is many since the Bypass Route-C is long and passes near existing roads.	△
Construction Cost	Approx. 33 Billion	△	Approx. 24 Billion	◎
Constructability	Construction of 2 long bridges (900m and 1500m) over the sea is required.	△	Construction of one long bridge (500m) over river is required.	◎
Economic Evaluation	EIRR=20.2%, B/C=3.32, NPV=US\$493B.	◎	EIRR=13.9%, B/C=1.38, NPV=US\$91B.	△
Traffic Benefit	US\$131M./year (2025)	◎	US\$72M./year (2025)	△
Contribution to Southern Coast Area Development	Construction the Bypass Route-B will trigger the development of Dongo Kundu industrial area including Mombasa South Port and Free Trade Zone.	◎	Contribution to the development of Dongo Kundu area is not significant because the Bypass Route-C does not pass through the	△
Others	Contribution to mitigate traffic congestion at Likoni Ferry and Mombasa City roads is significant.	◎	It will contribute to develop the roadside areas of the Bypass Route-C.	○
Overall Evaluation	The Bypass Route-B is superior to the Bypass Route-C since the economic and traffic benefit and the contributions to the area development of the Bypass Route-B is more than the Bypass Route-C despite construction cost of the Bypass Route-B is higher than the Bypass Route-C.			

Note ; ◎ : Good, ○ : Fair, △ : Poor

2.4: The Mechanisms Established to Minimize Resettlement

2.4.1: Review of the Original Design and Alignment

In feasibility design state, the first Bypass route alignment (Original Alignment) was proposed but the JICA Survey Team (JST) has reviewed the Original Alignment and proposed a new alignment in order to avoid as much as possible any settlements or commercial buildings thereby reducing displacement and resettlement. Impacts of this measure have been outlined in Table 2.3.

Figure 2.2: Original Alignment and Proposed Alignment

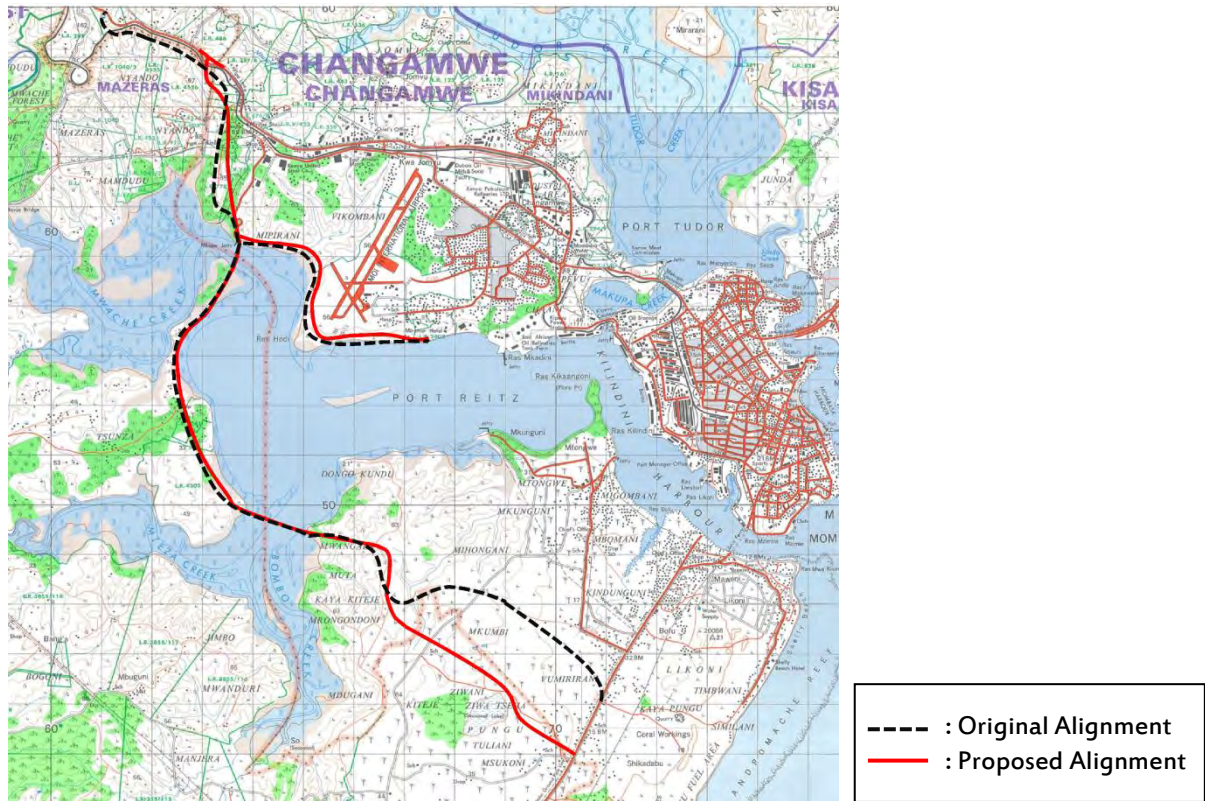


Table 2.3: Number of PAPs and Project Affected Structures of the Original Alignment and Proposed Alignment

Category	Unit	Original Alignment	Proposed Alignment	Difference
Land Owner	Person	597	459	-138 (23%)
Project Affected Population	Person	3,340	3,067	-273 (-8%)
House, Shed	No.	370	226	-144 (-39%)
School	No.	2	0	-2 (-100%)
Mosque	No.	2	0	-2 (-100%)
Church	No.	1	0	-1 (-100%)
Fisherman	Person	220	250	+30 (+14%)
Fish Farmer	Person	No Data	21	N/A
Famer	Person	No Data	407	N/A
Boat Operator	Person	No Data	6	N/A
Canoe Operator	Person	No Data	11	N/A
Boba-boda Operator	Person	No Data	38	N/A
Conservation Group	No.	No Data	30	N/A
Economic Tree	No.	21,949	14,413	-7,536 (-34%)

2.4.2: Identification of Design Stage Mitigation

Where it is difficult to avoid interfering settlements, appropriate mitigation measures have been put in place to eliminate or reduce to a minimum any impacts. These included;

- Verifying land tenure and ownership for compensation purposes;

- Creating awareness on land alternatives and resettlement options and identify alternative land for relocation;
- Ensuring that displaced persons are informed about options and rights pertaining to resettlement, offered choices and alternatives;
- Providing prompt compensation at full replacement cost for losses of assets attributable directly to the project; offer support after displacement for a transition period based on a reasonable estimate of the time likely be needed to restore their livelihood and standards of living;
- Provide development assistance in addition to compensation measures
- Compute the actual number of persons to be resettled
- Conduct resettlement process and monitor progress of resettled persons
- Prepare and keep reports on resettled persons
- Develop a resettlement plan that responds to community issues adequately
- Create awareness on the project facts amongst the community and provide advice against unrealistic land sales to speculators as expected.
- Hold a public participation meeting at each of the roads
- Conduct Information Education and Communication (IEC) amongst the community and the project staff

2.4.3: Impact Mitigation Measures at Construction Stage

The ESIA prepared for the road project has outlined measures to be put in place towards mitigating impacts at construction stage. They include;-

- i) Surveying, excavation and preparation of road deviations to accommodate traffic during road construction;
- ii) Continuous and spirited monitoring of PAPs to keep track of their resettlement and resolve emerging and new concerns,
- iii) As much as possible, procuring construction material from local community to enhance economic impact to community.
- iv) Put in place an education program including back-up support towards control of transmission of STDs including HIV and AIDs;
- v) Local sourcing of labour to enhance incomes with priority being given to PAP households where possible;
- vi) Mitigation measures during these activities to ensure safety of the workers and local area residents and motorists shall include:
- vii) Ensure relocation and resettlement of all displaced persons before demolition of structures located at the construction site;
- viii) Provision of dust masks for use while working - in dusty conditions and hearing protection devices when working with noisy equipment.
- ix) Provision of appropriate personal protective equipment (PPE) for all personnel working in sensitive areas if the construction. Use of helmets and other protective devices will mitigate against scratches, bruises; lacerations and head injuries due to dropping objects;
- x) Adopting ergonomic work flow designs that fit physical tasks to employees and not vice versa while maintaining a balance with productivity;
- xi) Provide first aid facilities at the site Use construction site barrier tapes to isolate the site (working) area to bar intruders from accessing the area in case of a dropping object
- xii) Promote a culture of integration between the construction crew and local communities in traverse.

CHAPTER 3: THE SOCIO-ECONOMIC, CENSUS AND ASSET SURVEYS

3.1: Overview of the Socio-economic Survey

This socio-economic survey was undertaken to supplementary the RAP originally prepared for the Mombasa City Roads Improvement project. It has been prepared to bridge gaps in information regarding the dynamics of the community potentially affected by the proposed Mombasa Southern Bypass road project and to provide a basis for informed decision making in project development. The socio-economic survey has three broad but interrelated components namely;- the Census Survey, the Social-Characterization/ Baseline Survey and the Impact Survey. Findings from each component are briefly outlined in sections below.

3.2: The Census Survey

3.2.1: Introduction

The aim of the census survey was to basically account for all people, livelihoods and resources likely to be affected by the proposed Mombasa Southern Bypass Project. This survey therefore, is the one that provided data on the potential magnitude of social impacts of the Project and was based on a comprehensive inventory of all potentially affected persons, their assets, communal assets and other livelihood and social support system likely to be potentially impacted by the road project. Detailed methodology adopted in the inventory of PAPs and assets is outlined in the Valuation Chapter (Chapter Seven) below.

3.2.2: Results of the Census Surveys

The tally of potentially affected people is unveiled below by category.

(i) Total Potential Displacement in the Bypass Road

A comprehensive inventory of PAPs and their assets is provided in Appendix 3.1; a summary of which is provided in table 3.1 below. From inventories undertaken, it has been determined that, the bypass road project inclusive of 2 terminal interchanges will affect a total of 1087 PAPs comprising of Parastatal, Corporate, individual landowners and non-landed individuals (livelihood affected persons). Over half (57.8) of the PAPs comprise of non-landowners whose livelihoods are likely to be affected while individual landowners follow at 40.9%. Both parastatal and corporate PAPs account for only 1.3% of the entire displacement but as will appear in sections below, they account for a sizeable fraction of the resettlement budget.

Table 3.1: Tally of PAPs by Categories

Category of PAP	Number	Percentage
Parastatals	9	0.8
Corporate Players	5	0.5
Landed Individuals	445	40.9
Livelihood Affected Persons	628	57.8
Total PAPs	1,087*	100

*Note: Some of the livelihood affected persons also happen to own land and property within the traverse and will therefore be compensated for lost property in which case, the actually tally of PAPs may be lower than this.

(ii) Stratification of Corporate and Parastatal PAPs

Table 3.2 below provides an inventory of the parastatal and corporate PAPs alongside their major stakes. By virtue of their legal mandates, all parastatals cater for certain strategic sectoral interests on behalf of the people of Kenya and as such, all their stakes are public goods that require to be safeguarded. The bulk of these categories are found in the Port Reitz/ Miritini area which makes it the most costly part of the project. Out of the parastatal PAPs, the Kenya Airports Authority is leading with an estimated 33 ha of land targeted for acquisition.

Table 3.2: Diversity of Parastatal and Corporate PAPs in the Mombasa Southern Bypass Project

PAP Categories	Identity*	Number	Stake
Parastatals	KeNHA	2	Section of A109 and A14 roas
	Kenya Railways	1	Section of rail-line and reserve
	MAWASCO	2	Section of Sewage Mains at Port Reitz and Section of the Marere pipeline
	KLPC	3	Power supply lines
	KPA	1	Land at Mkupe Crossing
	WRMA	1	Riparian land in Mwangala, Tzunza and Miritini
	KAA	1	33ha of Land, Perimeter fencing, storm water drainage and access roads within the Moi International Airport
	KURA	2	Diverse Rural roads
	Kwale County Council	1	Cess Control Point
Corporate Players	China Road and Bridges	1	Land and Go-down at Miritini
	Corrugated Iron Ltd	1	Part of fenced plot at Miritini
	EA Gases Ltd	1	Land, Gas tanks and other assets at Port Reitz
	EA Spectre	1	Gas Pipeline and road to near gas terminal
	Ferry Gardens Estate	1	Block of flats and 24 commercial plots
Total		19	

*The full names of Parastatals are available in the list of abbreviations

(iii) Nature and Diversity of Individual PAPs

A total of 445 individual households are likely to be affected by the project (Table 3.3) within the entire traverse in 5 districts. Kinango district has a slightly higher share of PAPs at 29.9% followed by Kinango at 26.7%. Tsunza location alone accounts for 21.6% of the PAPs with Miritini following at 20.2%. Dynamics of property ownership are summarised in table 3.3 below.

Table 3.3: Allocation of PAPs by Administrative Units

District	Location	Total PAPs	Percentage by location	Percentage by District
Kilifi	Mabanda	17	3.8	3.8
Kinango	Mwamdudu	23	5.2	26.7
	Tsunza	96	21.6	
Changamwe	Miritini	90	20.2	29.9
	Port Reitz	43	9.7	
Likoni	Mtongwe	44	9.9	20.2
	Shika Adabu	46	10.3	
Kwale	Kiteje	40	9.0	19.3
	Pungu	46	10.3	
Totals		445	100.0	100.0

(iv) Vulnerability Patterns among PAPs

As part of the inventory of PAPs, this study undertook an inventory of vulnerable individuals within households and recorded details that may be indicative of proneness to economic and

social vulnerability. Dimensions and causes of vulnerability among PAPs was documented as follows;

Vulnerability due to poverty: majority of PAPs are vulnerable to poverty! Analysis of income levels undertaken as part of the socio-economic survey revealed that , with the exception of Pungu and Shikadabu, all other locations largely subsist below the poverty line with per capita poverty gaps of over Ksh 40 being reported (see table 3.11 elsewhere below). Economic vulnerability was found to be associated with other trends as follows;-

Vulnerability on age grounds: A couple of elderly people were encountered in the project area especially in Tsunza and Port Reitz whose capacity to manage personal affairs was found to be extremely challenged. Thus, such a category would be ill equipped to manage challenges associated with relocation and may end up being totally marginalised. As such, this is a category that requires assistance to cope with challenges of relocation over and above the standard compensation package extended.

Vulnerability due to HIV/AIDS: This study did not encounter an HIV infected people. However, from statistics, it is known that relatively high percentages of the poor and total population are living with HIV or are terminally ill with AIDS. This RAP has put in place mechanisms to cushion such people who, on their own cannot even manage movement. A segment of such was encountered in the Hodi B area and settlements along the KAA boundary in Port Reitz.

Vulnerability to being orphaned: This RAP came across only one case of an orphan at Shikadabu whose parents are long dead and her house was inherited by an uncle who takes care of her. Such a child is vulnerable since she could be "voiceless" on account of being deprived of parents to defend or stand up for her rights. In the inventory of assets, and upon consultation with the elders, the girl was registered as a co-owner of her parents' house together with her uncle as insurance against being disinherited.



Figure 3.1: Binti Mwalimu Mwakuto outside her Parents' House

3.3: The Socio-economic Survey

3.3.1: Overview of the Survey

The purpose of the socio-economic survey was to facilitate documentation of the baseline characteristics of the individual landed and non-landed PAP community. Such analysis is essential to facilitate social stratification of the PAPs and to documentation of social features including well-being and levels of vulnerability. The study was based on a questionnaire survey administered in the route of alignment of the proposed bypass road.

The survey covered a total of 259 respondent's equivalent to 56.7% of the households likely to be displaced by the Project. Out of the total sample of 259 respondents, majority (71%) were

men while another 23% were either women or female headed households implying that 94% of respondents were heads of households (table 3.5 below).

Table 3.5: Composition of Respondents

Village of Traverse	Total	Composition of Respondents (%)						Total
		MHH	FHH	Wife	Son	Daughter	Other	
Kiteje	15	73	20	7				100
Mwangala	40	70	8	15	5	0	2	100
Miritini	48	68	13	13	3	2	1	100
Port Reitz	29	66	24	7	0	3	0	100
Pungu	22	50	18	18	5	9	0	100
Tsunza	81	90	4	0	6	0	0	100
Shikadabu	24	62	13	13	8	4	0	100
Averages	(259)	71	14	10	5	3	1	100

Note: MHH-Male Headed Household, FHH- Female Headed Household

3.3.2: Timeline of the Potential PAPs

In line with national policy and thinking towards cohesion and integration, this study deliberately avoided the question of ethnicity among respondents. However, from triangulation, this study deduced that the section Shikadabu to Mwangala is dominated by the Digo community while Durumas dominate in Tsunza and Miritini. Miritini is slowly turning cosmopolitan with Ngiriamas, Digos and Kambas showing some major presence. Port Reitz was originally a Duruma ancestral land but is now largely cosmopolitan.

Statistics of the residential history of potentially affected people is provided in table 3.6 below. Of the people sampled, 73.7% are residents of the project area since birth with the other 26.3% having immigrated into the area. With the exception of Mwangala and Shikadabu, all the sub-locations had over 79% of respondents who were born in the area while Mwangala recorded a high immigrant rate of 68%. As such, the target population comprises of people born in the area and therefore enjoy inherent rights to property.

Table 3.6 Residential history of Respondents

Residential History	Total Respondents	Resident since Birth (%)	Immigrants (%)
Kiteje	15	80	20
Mwangala	40	38	62
Miritini	48	79	21
Port Reitz	29	79	21
Pungu	22	91	9
Tsunza	81	95	5
Shikadabu	24	54	46
Average	(259)	73.7	26.3

3.3.3: Social Characteristics of the Potential PAPs

Age: 56.6% of respondents were aged 31 to 50 years while 33.1% were aged over 50 years. Tsunza recorded the highest number (89%) of respondents within the 31-50years category while Shikadabu had the lowest. In all (Table 3.7), most (89.7%)of the respondents were aged over 30 years showing that the data obtained here is reliable as it was obtained from reliable respondents.

Table 3.7: Age Categories for Respondents

Village of Traverse	Age Category of Respondents (%)				Total Sample
	<30	31-50	51-70	>70	
Kiteje	20	33	47	0	15
Mwangala	10	50	38	3	40
Miritini	6	75	19	0	48
Port Reitz	10	66	21	3	29
Pungu	5	55	23	18	22
Tsunza	0	89	11	0	81
Shikadabu	21	28	49	0	24
Average	10.3	56.6	29.7	3.4	(100.0)

Religion: At 92% (Table 3.8), the Islamic faith dominates the route of traverse compared with only an 8% showing of the Christian faith among respondents. Tsunza had the highest number of Christian respondents at 26% while Pungu, Shika Adabu and Kiteje did not have Christian respondents at all. It will be thus important to ensure that solutions to emergent concerns factor in requirements of Islamic belief and practices.

Table 3.8: Religion of Respondents

Village of Traverse	Prevalence of Faith (%)		Total Sample
	Christian	Muslim	
Kiteje	0	100	15
Mwangala	22	78	40
Miritini	10	92	48
Port Reitz	3	97	29
Pungu	0	100	22
Tsunza	26	74	81
Shikadabu	0	100	24
Average	8	92	100% (259)

Education levels: 35% of the respondents reported not having been to school and (Table 3.9) 76% of all respondents are of primary school education and below. The situation is worse for Miritini where 77.5% of respondents fall under this category while Mwangala has a high literacy levels with 48% of respondents having been to high school and above. This can also indicate high unemployment rate in Mwangala as such cadre of human resource is expected to be resident and working outside the village. It was however noted that Mwangala has a high immigrant rate comprising people who own the land but live elsewhere in urban centers.

Table 3.9: Education Levels among Respondents

Village of Traverse	Total Sample	Education Level (%)			
		None	Primary	Secondary	Tertiary
Kiteje	15	40	40	20	0
Mwangala	40	20	33	38	10
Miritini	48	38	49.5	8	4
Port Reitz	29	66	28	3	3
Tsunza	81	21	56	7	16
Pungu	22	36	45	14	5
Shikadabu	24	21	33	29	17
Percentage	(259)	35	41	17	8

Family size and dynamics: On average, households in the route of traverse have 7 children. Further, 86% of respondent households have unemployed children 68% of whom are resident on the farms. Essentially, unemployment within the project area is quite high (Table 3.10) with Tsunza leading with 98 and 89% of respondents reporting unemployed children resident on the farms respectively. Priority for employment opportunity in road construction should go to the local people.

Table 3.10: Family Dynamics within Route of Traverse

Village of Traverse	Number of Children per HH	Employment		Residency	
		Status (%) for Children		Status (%) for Children	
		Employed	Unemployed	Resident	Non-resident
Kiteje	6	5	95	67	33
Mwangala	5	9	91	37	63
Miritini	7	4	96	68	32
Port Reitz	6	14	86	77	23
Pungu	4	7	93	77	23
Tsunza	7	2	98	89	11
Shikadabu	5	59	41	62	38
Averages	7	14	86	68	32

Income levels and patterns: An assessment of income levels for households within the route of traverse was attempted based accounts of incomes. It emerged that farming and fishing were the core basis of household income and employment was an insignificant contributor. From Table 3.11, it is apparent that household incomes are quite low averaging Ksh 14,487 per month. When the average daily per capita income is compared to the national poverty line of a dollar (Ksh 91) per day, it emerges that, with the exception of Pungu and Shikadabu, all other villages within route of traverse are subsisting below the poverty line. The worst affected is Port Reitz where per capita poverty gap is a high of Ksh 42 daily.

Table 3.11: Analysis of Income Patterns within the Route of Traverse

Area	Average Monthly Income (Ksh)	Average Family Size	Pa capita Monthly Income (Ksh)	Pa capita Daily Income (Ksh)	Pa capita Poverty Line (Ksh per day)	Poverty Gap
Kiteje	12,274	8	1,534	51	91	-40
Mwangala	13,925	7	1,989	66		-25
Miritini	17,179	7	2,454	82		-9
Port Reitz	8,773	6	1,462	49		-42
Pungu	14,794	4	3,699	123		32
Tsunza	19,467	9	2,163	72		-19
Shikadabu	15,000	5	3,000	100		9
Averages	14,487	7	2,329	78		-13

The implication here is twofold: (i) Both Pungu and Shikadabu which occur on the A14 Trunk road recorded per capita incomes above the national poverty line possibly indicating positive economic impact of reliable access to market centres and (ii), the proposed road project should in-build measures to adequately cushion potential PAPs from sliding further into poverty. Another observation from the socio-economic survey is that the local people own very little in terms of productive resources. The latter largely comprises of their labour and land with the few trees and vegetation there in. As a way of cushioning the people against poverty, this RASP has valued all the productive assets including natural vegetation under their control and the same has been allocated for under entitlements.

3.3.4: Social Infrastructure and Services

Access to Schools: Table 3.12 provides responses on access to schooling for children. According to respondents, public schools account for 77% of education access in the project area with an average 13% of the children attending private schools. The recorded high non-attendance to schools of 20% for Kiteje is an issue of concern. As well, the high number of children reported to be attending private schools in Mwangala should be understood in the context of children who belong to immigrant parents who only own land but do not reside in the area.

Table 3.12: Attendance to Schools in the Project Area

Village of Traverse	Access to Schools		
	None (%)	Public (%)	Private (%)
Kiteje	20	73	7
Mwangala	10	63	25
Miritini	10	77	13
Port Reitz	10	79	10
Pungu	0	86	14
Tsunza	4	96	0
Shikadabu	13	62	25
Average	10	77	13

Distance to Schools: Majority (65%) of children in the study area were reported to travel less than 1 km to go to school (Table 3.13) while the reminder 35% travel over 1 kilometre with 7% actually travelling beyond 2 kilometres to reach school. Road construction must ensure

remedying to this problem and must not compound this imbalance especially in Mwangala and Miritini.

Table 3.13: Distance Travelled by Children to School

Village of Traverse	Distance to school (%)				Total Sample
	0.4km	0.4 - 1km	1-2km	>2km	
Kiteje	0	2	13	0	15
Mwangala	14	5	14	7	40
Miritini	33	10	50	6	48
Port Reitz	21	45	21	14	29
Pungu	6	12	4	0	22
Tsunza	16	51	11	3	81
Shikadabu	33	67	0	0	24
Average (%)	25	40	28	7	100 (259)

Access to Medical Services: 81% of Medicare is sourced from public hospitals and dispensaries. As well 62% of the potentially affected population travel over 1km to obtain medical services. Tsunza is the worst affected as 100% of the population travels upwards of 1 kilometre to reach the nearest sources of Medicare Center (Table 3.14) with 36% travelling beyond 2 kilometres for the same purpose.

Table 3.14: Distance to Medicare Centers

Village of Traverse	Distance to Medical Centre				Total Respondents
	0.1-0.4km	0.4-1km	1-2km	>2km	
Kiteje	0	0	1	14	15
Mwangala	2	6	15	17	40
Miritini	17	25		6	48
Port Reitz	7	17	4	1	29
Pungu	1	5	12	4	22
Tsunza	0	0	35	46	81
Shikadabu	5	14	1	4	24
Total	32	67	68	92	259
Percentage	12	26	26	36	100%

Access to Potable Water: Springs and wells account for 61% of water supply in the project area (Table 3.15) with community taps and water kiosks accounting for 33% of supply. Reliance on natural sources is highest in Kiteje and Mwangala while Miritini and Tsunza are best supplied by community projects. These are some of the public infrastructure that the project should aim at preserving and better still upgrading.

Table 3.15: Access to Water Supply by Source

Village of Traverse	Access to Water (%)							Total
	Well	Kiosk	Spring	Own-tap	Comm. Tap	Borehole	Borehole+ Tap	
Kiteje	7	0	93	0	0	0	0	15
Mwangala	10	0	83	0	7	0	0	40
Miritini	15	2	0	23	56	0	4	48
Port Reitz	41	0	0	3	41	14	0	29
Pungu	91	0	0	5	5	0	0	22
Tsunza	3	91	0	6	0	0	0	81
Shikadabu	58	13	0	29	0	0	0	24
Average	32	15	29	10	18	2	1	259

Access to Means of Transport: Mode of transport within the project area is quite varied depending on accessibility by road (Table 3.16). Thus whereas travel by matatu is the transport mode of choice for 96% of Shikadabu residents (all are on highway), nil is reported of the same in Tsunza where the access road is just being cut and where not a single matatu is to be encountered. The most common means to transport in Tsunza is the combination of boat (from Mkupe) and then on by motorcycle to destination which accounts for over 95% of the transport service. Indeed, the combination of boat, motorcycle and foot accounts for 100% of transport in Tsunza and this is the single most important consideration in attempting to link Tsunza to the rest of the world.

Table 3.16: Means of Transport within the Route of Traverse

Village of Traverse	Common mode transport (%)									Total
	Motor cycle+ Matatu	Motor cycle	Matatu	Foot	Boat	Motor-Cycle + Boat	Motor cycle + others	Matatu + Foot	Motor-Cycle + Matatu + Boat	
Kiteje	53	27	13	7	0	0	0	0	0	100
Mwangala	40	35	18	8	0	0	8	0	0	100
Miritini	58	0	33	0	0	4	1	1	3	100
Port Reitz	79		10	3		7		1		100
Pungu	77	0	14	0	5	0	0	0	4	100
Tsunza	0	0	0	2	2	95	0	0	1	100
Shikadabu	0	0	96	0	0	0	4	0	0	100
Percentage	44	10	26	3	1	15	2	0	1	100

Access to Places for Worship Mosque/Churches

Potential PAPs were polled on current accessibility to places of worship with results as tabulated in table 3.17 (b) below. 86% of the potential PAPs currently walk less than 1 km to access places of worship. Indeed, only 4% of those polled currently walk beyond 2km to access places of worship and since no church or mosque will be pulled down to give way to the bypass road, it is anticipated that the status quo will be preserved. This is one of the main positives results of realignment of the bypass. It is further anticipated that, in Pungu where 100% of the sample live within 0.4km of the mosque, that the same status will be preserved even after displacement by the Bypass.

Table 3.17(b): Access to Places for Worship within the Route of Traverse

Distance to church/mosque	100-400m	400-1km	1-2km	>2km	Total
Kiteje	5	10			15
Mwangala	17	12	8	3	40
Miritini	33	9	4	2	48
Port reitz	7	16	5	1	29
Pungu	22				22
Tsunza	18	50	10	3	81
Shikadabu	11	13			24
Total	113	110	27	9	259
Percentage	43.6%	42.5%	10.4%	3.5%	100%

3.3.5: Attitude to the Project

Support for Project: All the 259 PAPs who participated in the socio-economic survey were polled for attitude to the project. Asked whether they supported the Project, all responded in the affirmative (Table 3.16). Indeed, even the 22 PAPs who were polled in Pungu were in support of the project implying that the project has an overwhelming support within the route of traverse. With adequate consultation, it is the impression of this RAP that Pungu will also come to support the project.

Table 3.16: Support for the Project

Village of Traverse	Support for Project (%)		Respondents % Yes
	Yes	No	
Kiteje	15	0	100
Mwangala	40	0	100
Miritini	48	0	100
Port Reitz	29	0	100
Pungu	22	0	100
Tsunza	81	0	100
Shikadabu	24	0	100
Total	259	0	100

Apprehension / Concerns on the Project: Though the project has a 100% support among PAPs, fears were expressed on the same though by a minority. 77% of respondents (Table 3.17) expressed no fears on the project but a substantial 23 %of the respondents had fears. Mwangala had a significant 48% of respondents expressing fear/ concerns on the project. It will be recalled that Mwangala also recorded the highest rate of immigrant PAPs at 62% which implies that this category of PAPs are possibly concerned about security of their assets. The dominant concern expressed was that people may not be compensated for their assets and that people without legal title may lose their lands and this RAP has adopted a policy of recognising all PAPs in spite of tenure status.

Table 3.17: PAPs with Fears about the Project

Village of Traverse	Concerned about Project				Total
	Yes	%	No	%	
Kiteje	6	40	9	60	15
Mwangala	21	52	19	48	40
Miritini	11	23	37	77	48
Port Reitz	0	0	29	100	29
Pungu	4	18	18	82	22
Tsunza	0	0	81	100	81
Shikadabu	7	29	17	71	24
Total/Ratio	49	(23%)	210	(77%)	259

Preferred Mode for Compensation: Only 4 out of the 235 respondents (2%) opted for the provision of alternative land as an option in compensation with majority (75%) preferring the cash payment option (Table 3.18). This is in recognition that land acquisition for the bypass will not entirely deprive PAPs of land and they can resettle on residue portions. The implication of this finding is that, over 75% of the PAPs will be selling land to the project and there is absolutely no compulsory acquisition among majority of PAPs.

In realization that the Bypass project has created a market for land, the strategy among some PAPs is to liquidate their land to generate capital for investment. This RAP has adopted valuation methods that will facilitate achievement of this aspiration.

Table 3.18: Preferred Mode of Compensation

Village of Traverse	Preference for Compensation (%)			Total
	Cash	Alternative Land	Land and Cash	
Kiteje	6	0	9	15
Mwangala	29	1	10	40
Miritini	28	3	17	48
Port Reitz	17	0	12	29
Pungu	18	0	4	22
Tsunza	79	0	2	81
Shikadabu	17	0	7	24
Total	194	4	61	259
Percentage	75	2	23	100

3.4: The Impact Survey

3.4.1: Introduction

The Social Impact Assessment aims to record impacts on the community and settlement, in order to prepare the resettlement and rehabilitation framework and provide the basic information to the Project Team. The thrust of this integration is to minimize the adverse impacts, if any, with the best possible socio-economic mitigation measures and engineering solutions at the most appropriate cost.

3.4.2: Impact of the Proposed Project

The proposed project can be viewed as boosting economic growth and poverty reduction which will bring substantial social and economic development in the region. The social benefits arising due to the project will be triggered off due to improved accessibility to various services such as easy access to markets, health facilities, schools, workplace etc which in turn increases the

income of the locals, and ultimately elevating their standard of living. The possible direct and indirect positive impacts of the project are listed below.

- The immediate benefits of road construction and improvement will come in the form of direct employment opportunities for the roadside communities and specially those who are engaged as wage laborers, petty contractors and suppliers of raw materials.
- Improved road network will provide for improved linkages between the village communities and urban centre, which provides wider marketing facilities.
- Road network will not only link the village communities to better markets, but also open up wider work opportunities in distant places. People can easily shuttle to distant work sites and towns and engage in construction, factories, business as well as domestic works.
- Improved road network will encourage urban entrepreneurs to invest in far and remote areas in commercial farming and industrial activities. This in turn will increase the employment opportunity and overall development of the area.
- Improved road will also help people building strong institutional network with outside agencies. Essential and emergency services like schools, health centre, public distribution system etc can be availed faster.
- Increased frequency of interaction with outsiders will increase the awareness level of the people in the village with regard to their health and nutrition, living style, value of education and proper utilization of available resources.
- The proposed project will help to develop tourism potential of the affected districts. The improved connectivity will attract more tourists, both domestic and international, to various tourist destinations especially in the south coast.
- Interaction with the government, non-government and other development agents will help people gain new knowledge on improved farming, land development, development and maintenance of natural resources through the formation of various economic and social development groups.

Although various positive project impacts and benefits are expected from the proposed project as mentioned above, there will be some negative impacts on the people living in the immediate project area. The summary details of project profile including affected villages, households, and land acquisition are presented the following paragraph.

3.4.3: Scope of Land Acquisition

The scope of land acquisition is quite significant in the project because as 269.3 Hectares of land will be acquired. The area is excluding the area that already occupied by existing roads falling in the alignment. An asset inventory (Appendix 8.1) was carried out to identify the persons who would be affected by the project and to make an inventory of their assets that would be lost to the project, which would be the basis of calculation of compensation. The major findings and magnitude of impacts are discussed in the following sections.

3.4.4: Distribution of Land Acquisition in Administrative Units

Table 3.19 is a summary of the distribution of the 269.63 hectares of land likely to be affected by the Bypass on the basis of district and location. Changamwe alone accounts for 42.3% of all acquisition followed by Kinango at 24.83%. Amongst locations affected, Miritini accounts for 22.85% of all acquisition while Shika Adabu has the lowest acquisition at 1.94%.

Table 3.19 only accounts for land that is occupied by PAPs-either individual or corporate but does not include riparian land under mangroves, existing road reserves and of course the area under open waters in which case, the area to be occupied by the road reserve is much larger than reflected in table 3.19.

Table 3.19: Details of Land Being Acquired for the Project

District	Location	Total acquisition per Location		Percentage Acquisition per District
		Ha	%	
Kilifi	Mabanda ya Ngombe	12.98	4.81	4.80
Kinango	Mwamdudu	14.62	5.42	24.83
	Tsunza	52.34	19.41	
Changamwe	Miritini	61.6	22.85	42.29
	Port Reitz	52.43	19.45	
Likoni	Mtongwe	35.37	13.12	15.06
	Shika Adabu	5.23	1.94	
Kwale	Kiteje	20.46	7.59	13.00
	Pungu	14.6	5.41	
Totals acquisition		269.63	100	100

3.4.5: Nature of Land to Be Acquired for the Project

Land targeted for acquisition for the Bypass falls under four broad categories;- commercial, commercial cum residential, agricultural cum residential and purely residential (Table 3.20). A total of 46.23 hectares of land to be acquired is purely commercial land, the bulk of which (41.62ha) is found in Port Reitz and is thus accounted for by the Kipevu Link Road. Commercial cum residential land was encountered along the Highways (A109 and A14) while purely residential land was only encountered in the Hodi B informal settlement of Port Reitz and in a small section of Pungu Village. Essentially, the bulk of land (78.99%) to be acquired for the bypass comprises of agricultural settlements (though most is not built up) followed by commercial land at 17.15%.

Table 3.20: Breakdown of Acquisition by Land-use Types

District	Location	Total Acquisition (Ha)	Land-use Categories			
			Pure Commercial (Ha)	Commercial /Residential (ha)	Agricultural/ Residential (ha)	Pure Residential (ha)
Kilifi	Mabanda ya Ngombe	12.98	0.42	2.57	10	0
Kinango	Mwamdudu	14.62	0.26	0	14.36	0
	Tsunza	52.34	0	0	52.34	0
Changamwe	Miritini	61.6	3.94	3.3	54.36	0
	Port Reitz	52.43	41.62	0	9.58	1.23
Likoni	Mtongwe	35.37	0	0	35.37	0
	Shika Adabu	5.23	0	4.23	1	0
Kwale	Kiteje	20.46	0	0	20.46	0
Kwale	Pungu	14.6	0	0	11.4	3.2
Totals Acquisition (Ha)		269.63	46.23	10.1	208.87	4.43
Distribution by Landuse (%)		100.00	17.15	3.75	77.47	1.64

3.4.6: Nature of Land Tenure in the Bypass Area

Land in the project area (Kilifi, Changamwe, Kinango, Likoni and Kwale Districts) just like in the whole of coast province, is a thorny issue; most people are landless and impoverished. It is therefore a common thing to find indigenous families who do not know of any other homes elsewhere yet they are squatters in areas they presently occupy. Such areas include Miritini, Tsunza, Mwangala, etc on the bypass and Hodi and Ngare area on the proposed Kipevu Link. These areas are least developed in terms of infrastructure such as road network, electricity water supply and sanitation. In these areas, virtually most of the residents do not have title deeds yet they inherited land from ancestors. Most residents therefore lack security of land ownership and therefore cannot fully develop their land, increase efficiency and productivity leading to severe poverty levels.

Going by analysis undertaken as part of this RAP (Table 3.21), 65.28% of the lands targeted for acquisition are not registered and are owned through inheritance from ancestors. This is most prevalent in Kilifi, Kinango, Changamwe and Mtongwe in Likoni area where majority of the land remains non-registered. In Mtongwe, the fact that most of the land has also been earmarked for development of the proposed Dongo Kundu Industrial District by the KPA only serves to complicate the matter.

Table 3.21: Analysis of Land Tenure in the Traverse Area

District	Location	Total Acquisition (Ha)	Tenure Category		
			Registered Land (ha)	Customary Ownership / No Title (ha)	Encroached Land (ha)
Kilifi	Mabanda ya Ngombe	12.98	2.98	10	0
Kinango	Mwamdudu	14.62	0.26	14.36	0
	Tsunza	52.34	0	52.34	0
Changamwe	Miritini	61.6	7.24	54.36	0
	Port Reitz	52.43	41.62	9.58	1.23
Likoni	Mtongwe	35.37	0	35.37	0
	Shikadabu	5.23	5.23	0	0
Kwale	Kiteje	20.46	20.46	0	0
Kwale	Pungu	14.6	14.6	0	
Totals Acquisition (Ha)		269.63	92.39	176.01	1.23
Distribution by Tenure (%)		100.00	34.27	65.28	0.46

3.4.7: Analysis of Development Status of Land Owned by Individual PAP Households

Table 3.22 below provides an analysis of development status of the individually owned land targeted for acquisition in Bypass development. Out of the 445 pieces of land owned by individual PAPs, 67.6% are bare and devoid of any physical developments (houses and sheds) with only 32.4% being developed. As such, the bulk of land to be traversed by the proposed road is bare of developments implying that most of the individual PAPs only own land devoid of developments. Miritini leads the locations with highest proportion of bare land at 92.2% followed by Mabanda ya Ngombe at 88.2% while Shikadabu has lowest proportion of bare land at 34.8%. The implication here is that most PAPs do not live on the land targeted for bypass construction.

Table 3.22: Analysis of Asset Ownership among Landed Individuals

Location	Total PAPs	House Owners	Shed Owners	Bare Land	Developed Land (%)	Bare Land (%)
Mabanda	17	2	0	15	11.8	88.2
Mwandudu	23	9	1	13	43.5	56.5
Miritini	90	0	7	83	7.8	92.2
Port reitz	43	7	4	32	25.6	74.4
Tsunza	96	21	9	66	31.3	68.8
Mtongwe	44	9	2	33	25	75
Kiteje	40	18	0	22	45	55
Pungu	46	25	0	21	54.3	45.7
Shikadabu	46	30	0	16	65.2	34.8
Totals	445	121	23	301		
Distribution (%)	100.0	27.2	5.2	67.6		

3.4.8: Analysis of Likely Extent of Damage to Assets

A pictorial summary of the nature of assets likely to be consumed by the Bypass is provided in appendix 2.1 while the detailed Inventory of the Assets is provided in Appendix 8.1 below. Table 3.23 provides a brief summary of the same. The main assets prevalent within the bypass include structures (buildings, sheds, enclosures, etc) trees, permanent and semi-permanent crops, land modifications, wells, etc whose inventory and valuation is outlined in Appendix 8.1. In this section, we only feature physical developments namely structures and trees .

Structures: According to table 3.23 below, a total of 121 PAPs (27.2%) own buildings and sheds within the traverse. The asset inventory recorded a total of 226 structures majority of which are family dwellings with 86 being farm-sheds. Of critical importance are the 10 commercial complexes inclusive of the E. African Gases Company tanks that are clipped by the road design.

Table 3.23: Assets Likely to Be Displaced by the Bypass Road

No	Nature of Asset	Description
1	Total Buildings : 226	Commercial: 10 Dwelling: 130 Farm shed: 86
2	Total Trees : 14,413	Coconuts: 3,147 Cashew: 1,158 Fruits: 2,291 Bananas: 2,093 Indigenous : 5,724

Trees: A total of 14,413 economic trees were counted within the traverse of which, the most important was coconut at 3,147.

3.4.9: Analysis of Potential Displacement of Livelihoods

In line with requirements of OP 4.12, an inventory of people whose livelihoods are likely to be affected by the project was undertaken as reported in table 3.24 below. The project will affect an estimated 628 livelihoods which, though not dependent on the land, actually rely on resources along the proposed bypass (table 3.24). Out of these, fishing based livelihoods comprised of both fishermen and fish traders from Mwangala, Mkupe and Kitanga Juu beaches form the majority at 79.3%. Terminal loss in business will be suffered by canoe and boat transporters between Mkupe and Tsunza since once the Mwache Bridge is functional, there will be no further need of

boat transport across the Mwache creek. As well, there is a feeling among boda-boda (motorcycle taxi) operators that once the Mwache Bridge is functional, they will lose the lucrative market of ferrying people from Mkupe to Miritini and beyond.

Table 3.24: Tally of Livelihoods Likely to Be Affected

PAP Category	Number	Percentage	Type of Loss Anticipated
Boats Owners at Tsunza	3	0.5	Loss of income and employment in transport trade between Mkupe and Tsunza
Boat Operators at Tsunza	6	1.0	
Canoe Owners at Tsunza	4	0.6	
Canoe Operators at Tsunza	11	1.8	
Fishermen at Mwangala, Mkupe, Kitanga Juu and Tsunza Beaches	250	39.8	Short-term interference with fishing trade; long-term loss of fisheries due to bridge
Bodaboda Owners	6	1.0	Loss of income from trade
Bodaboda Operators in Mkupe and Tsunza	38	6.1	Short-term interference with transport trade during road construction followed by loss of the Mkupe transport pool
Fish Traders in Mkupe, Tsunza and Mwangala Beaches	248	39.5	Short-term loss of income from fish trading at Mwangala
Conservation Groups in Mwangala and Tsunza	30	4.8	Loss of income anticipated from a mangrove seedlings planted
Fish Farmers in Mwangala	21	3.3	Livelihood from fish-farming
Small Scale Traders in ROW	5	0.8	Loss of trade income
Landlords in Shikadabu	2	0.3	Loss of rental income
Business Tenants at Shikadabu	2	0.3	Short-term loss of business
Estate Developer in Shikadabu	1	0.2	Loss of profits in sale of 5 apartments and 22 commercial plots
Alaska Football Club	1	0.2	Loss of access to football pitch
Total	628	100.0	

3.4.10: Analysis of Potential Displacement of Communal Assets

Road construction is also likely to impact on community assets as outlined in table 3.25 below. The road project is likely to touch on 3 Kayas which are important religious shrines but modalities for appeasement were proposed by elders. However, the current road alignment targets 3 communal/ ancestral graves (all in Miritini) and modalities and options in relocation will require to be explored.

Table 3.25: Special Interest Assets

Nature of Asset	Description/ location	Tally
Communal Assets	One Borehole and 2 elevated masonry tanks for the community water Project in Mwangala and Kiteje	2
	Water pan	1
	Community borehole at the Mlongodani Mosque	1
	Kayas and shrines	3
	Mosque (privately owned)	1
	Public crossing point	4
	Communal grounds for Alaska Club	1
Other Assets	Individual graves (movable)	253
	Communal grave yards	3

CHAPTER 4: LEGAL FRAMEWORK

4.1: Applicable Legal and Administrative Procedures

The chapter sets out the legal operating environment for acquisition of land as anticipated in the development of the Mombasa Bypass road by KeNHA. It is motivated by the realization that, unmitigated involuntary resettlement in development has potential to trigger severe economic, social and environmental risks including;- displaced and dismantled production systems, loss of income sources, weakened community institutions and social networks, dispersed kin groups and diminished or lost cultural identity and traditional authority. The RAP is developed based on the GoK policy and legal provisions as read together with Safeguard Policies of the World Bank.

4.2: Laws and Regulations relating to the Implementing Agencies

4.2.1: Constitutional Rights to Land Ownership

Constitutional provisions for land ownership are outlined in section 2.1 of this RAP above.

4.2.2: Requirements of Kenyan Laws

The Kenyan Law recognises three categories of land ownership in which basic or radical title vests namely:-

- i) Government-owned land controlled by the Government Land Act Cap 280;
- ii) Trust lands currently controlled under the Trust Lands Act Cap 280; and,
- iii) Private land. The latter is controlled through a plethora of statutes namely, the Registration of Titles (RTA) Act Cap 281, the Land Titles Act (LTA) Cap 282, Registered Land Act (RLA) Cap 300, the Indian Transfer of Property Act (ITPA) and the Sectional Properties Act (Act No 21 of 1987).

Sessional Paper No.3 of 2009 on the National Land Policy has proposed to harmonize land ownership under a proposed Land Act which is yet to be gazetted. As such, this RPF has set out the modalities for acquisition of land falling in each of the three categories in line with legal provisions applicable to each system.

4.2.3: Statutory Mechanism for Land Acquisition

The National Land Policy recognises the need for compulsory land acquisition where the overriding motivation is the service of public interests. Diverse laws provided for land acquisition as follows:-

(i) Provisions under the National Constitution

In Kenya, expropriation is provided for in the Constitution under Section 40 whose clauses 3-4 inter alia, state as follows:-

- (3) The State shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation—
 - (a) results from an acquisition of land or an interest in land or a conversion of an interest in land, or title to land, in accordance with Chapter Five; or
 - (b) is for a public purpose or in the public interest and is carried out in accordance with this Constitution and any Act of Parliament that—
 - (i) requires prompt payment in full, of just compensation to the person; and
 - (ii) allows any person who has an interest in, or right over, that property a right of access to a court of law.
- (4) Provision may be made for compensation to be paid to occupants in good faith of land acquired under clause (3) who may not hold title to the land.

Clause 40 (3) of the New Constitution has opened a window of opportunities for non-title holders to fully participate in and benefit from compensation occasioned by projects such as the proposed Mombasa Bypass road project.

(ii) Acquisition of Private Land

Acquisition of private land is provided for under Chapter 295 of the laws of Kenya whereby the competent Authority is the Commissioner of Lands under direction by the Minister for Lands. However, the impression of this RPF is that KISIP targets municipalities where land is controlled by Cap 288 in which case therefore, acquisition of private land is not anticipated. Cap 295 which principally deals with private land is considered the most applicable statute in the acquisition of lands within the Mombasa Bypass road. However, in the event that all people are in support of the project, compulsory acquisition may not be invoked.

(iii) Acquisition of Trustlands

Cap 288 allows for the expropriation of Trustlands on condition that:-

- The development and utilization of the property will promote public benefit among other things.
- The necessity for expropriation is great enough to justify any hardship caused to any persons
- There is prompt payment of full compensation.

Procedures under Cap 288 start with a proposal to a Full Council Meeting where proposed acquisition is deliberated and consent given vide a Council Minute. The "District Commissioner" in charge of the affected area will then proceed to ascertain interests, determine areas and assess compensation for the land after which he is to issue an award. Section 8.(1) of Cap 288 allows for compensation as follows:- Where land is set apart under section 7 of this Act, full compensation shall be promptly paid by the Government to any resident of the area of land set apart who:-

- a) under African customary law for the time being in force and applicable to the land has any right to occupy any part thereof; or
- b) is otherwise than in common with all other residents of the land, in some other way prejudicially affected by the setting apart.
- c) A notice of setting apart published under section 7 of this Act shall also be published by displaying a copy at the District Commissioner's office and at some other public or conspicuous place in the area concerned.

Under section 9(1) of Cap 288, a person who claims to be entitled to compensation under section 8 of Cap 288 shall apply therefore to the District Commissioner who, once satisfied after consultation, shall award the applicant a sum of compensation in accordance with subsection (3) of this section; and if he is not so satisfied the District Commissioner shall reject the application. The compensation to be awarded shall be assessed by the District Commissioner after consultation with the Divisional Board, and shall be assessed in respect of the loss of the right of occupation referred to in paragraph (a), or in respect of the applicant having been otherwise prejudicially affected as referred to in paragraph (b), of section 8 (1) of this Act. The District Commissioner shall give notice in writing to the applicant of the award or of the rejection of the application as the case may be.

(iv) Acquisition of State-owned Land

State owned land may be allocated free or sold on a commercial basis to individuals or communities by the Minister responsible for land administration. For cases where the state-owned land is being used by the public (for instance as settlements, for farming, for grazing or any other productive activity,) the individual or the community would be expected to receive compensation. Privately owned property, would have to be compensated for at the market value. The general guiding principle is that whoever was using the land to be acquired would be

provided alternative land of equal size and quality. An option for cash compensation *in lieu* of land may also be provided in case alternative land is not possible or not available.

(v) Legal Provision for Re-settlement Assistance

While compulsory acquisition upon prompt compensation is largely allowed under Kenya law, the legal basis for resettlement is rather limited. Legal provision for resettlement in Kenya is only offered in Cap 295 whose Section 12 allows for in-kind compensation whereby a person whose land has been acquired has the option of *receiving a grant of land not exceeding in value the amount of compensation which the Commissioner considers would have been awarded*. However, as already clarified elsewhere, Cap 295 does not apply to Municipalities where the principal statute in land control is Cap 288. The implication therefore is that, with regard to the KISIP, there is no policy provision for resettlement and rehabilitation beyond cash award. Therefore, in mitigation of this operational oversight, this RPF has drawn heavily from the principles of OP 4.12 where the favoured option is land for land compensation. Core elements of OP4.12 are briefly outlined below.

4.3: JBIC Guidelines and World Bank's Operating policies

4.3.1: Environmental and Social Considerations of JBIC

JBIC requires that, in principle, appropriate environmental and social considerations be undertaken, according to the nature of the project, based on the following:

(i) Underlying Principles

- Environmental impacts that may be caused by projects must be assessed and examined in the earliest possible planning stage. Alternatives or mitigation measures to avoid or minimize adverse impacts must be examined and incorporated into the project plan.
- Such examinations must be endeavoured to include an analysis of environmental and social costs and benefits in the most quantitative terms possible, as well as a qualitative analysis; these must be conducted in close harmony with the economic, financial, institutional, social, and technical analyses of projects.
- The findings of the examination of environmental and social considerations must include alternatives and mitigation measures, and must be recorded as separate documents or as a part of other documents. EIA reports must be produced for projects in which there is a reasonable expectation of particularly large adverse environmental impacts.
- For projects that have a particularly high potential for adverse impacts or that are highly contentious, a committee of experts may be formed so that JICA may seek their opinions, in order to increase accountability.

(ii) Analysis of Measures to Mitigate Impacts

- Multiple alternatives must be examined in order to avoid or minimize adverse impacts and to choose better project options in terms of environmental and social considerations. In the examination of measures, priority is to be given to avoidance of environmental impacts; when this is not possible, minimization and reduction of impacts must be considered next. Compensation measures must be examined only when impacts cannot be avoided by any of the aforementioned measures.
- Appropriate follow-up plans and systems, such as monitoring plans and environmental management plans, must be prepared; the costs of implementing such plans and systems, and the financial methods to fund such costs, must be determined. Plans for projects with particularly large potential adverse impacts must be accompanied by detailed environmental management plans.

(iii) Scope of Impacts to be Assessed

- The impacts to be assessed with regard to environmental and social considerations include impacts on human health and safety, as well as on the natural environment, that are transmitted through air, water, soil, waste, accidents, water usage, climate change, ecosystems, fauna and flora, including trans-boundary or global scale impacts. These also include social impacts, including migration of population and involuntary resettlement, local economy such as employment and livelihood, utilization of land and local resources, social institutions such as social capital and local decision-making institutions, existing social infrastructures and services, vulnerable social groups such as poor and indigenous peoples, equality of benefits and losses and equality in the development process, gender, children's rights, cultural heritage, local conflicts of interest, infectious diseases such as HIV/AIDS, and working conditions including occupational safety.
- In addition to the direct and immediate impacts of projects, their derivative, secondary, and cumulative impacts as well as the impacts of projects that are indivisible from the project are also to be examined and assessed to a reasonable extent. It is also desirable that the impacts that can occur at any time throughout the project cycle should be considered throughout the life cycle of the project.

(iv) Compliance with Laws, Standards, and Plans

- Projects must comply with the laws, ordinances, and standards related to environmental and social considerations established by the governments that have jurisdiction over project sites (including both national and local governments). They must also conform to the environmental and social consideration policies and plans of the governments that have such jurisdiction.
- Projects must, in principle, be undertaken outside of protected areas that are specifically designated by laws or ordinances for the conservation of nature or cultural heritage (excluding projects whose primary objectives are to promote the protection or restoration of such areas). Projects are also not to impose significant adverse impacts on designated conservation areas.

(v) Social Acceptability

- Projects must be adequately coordinated so that they are accepted in a manner that is socially appropriate to the country and locality in which they are planned. For projects with a potentially large environmental impact, sufficient consultations with local stakeholders, such as local residents, must be conducted via disclosure of information at an early stage, at which time alternatives for project plans may be examined. The outcome of such consultations must be incorporated into the contents of project plans.
- Appropriate consideration must be given to vulnerable social groups, such as women, children, the elderly, the poor, and ethnic minorities, all members of which are susceptible to environmental and social impacts and may have little access to decision-making processes within society.

(vi) Ecosystem and Biota

- Projects must not involve significant conversion or significant degradation of critical natural habitats and critical forests.
- Illegal logging of forests must be avoided. Project proponents etc. are encouraged to obtain certification by forest certification systems as a way to ensure the prevention of illegal logging.

(vii) Involuntary Resettlement

- Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives. When, after such an examination, avoidance is proved unfeasible, effective measures to minimize impact and to compensate for losses must be agreed upon with the people who will be affected.
- People who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported by project proponents etc. in a timely manner. Prior compensation, at full replacement cost, must be provided as much as possible. Host countries must make efforts to enable people affected by projects and to improve their standard of living, income opportunities, and production levels, or at least to restore these to pre-project levels. Measures to achieve this may include: providing land and monetary compensation for losses (to cover land and property losses), supporting means for an alternative sustainable livelihood, and providing the expenses necessary for the relocation and re-establishment of communities at resettlement sites.
- Appropriate participation by affected people and their communities must be promoted in the planning, implementation, and monitoring of resettlement action plans and measures to prevent the loss of their means of livelihood. In addition, appropriate and accessible grievance mechanisms must be established for the affected people and their communities.
- For projects that will result in large-scale involuntary resettlement, resettlement action plans must be prepared and made available to the public. In preparing a resettlement action plan, consultations must be held with the affected people and their communities based on sufficient information made available to them in advance. When consultations are held, explanations must be given in a form, manner, and language that are understandable to the affected people. It is desirable that the resettlement action plan include elements laid out in the World Bank Safeguard Policy, OP 4.12, Annex A.

(viii) Indigenous Peoples

- Any adverse impacts that a project may have on indigenous peoples are to be avoided when feasible by exploring all viable alternatives. When, after such an examination, avoidance is proved unfeasible, effective measures must be taken to minimize impacts and to compensate indigenous peoples for their losses.
- When projects may have adverse impacts on indigenous peoples, all of their rights in relation to land and resources must be respected in accordance with the spirit of relevant international declarations and treaties, including the United Nations Declaration on the Rights of Indigenous Peoples. Efforts must be made to obtain the consent of indigenous peoples in a process of free, prior, and informed consultation.
- Measures for the affected indigenous peoples must be prepared as an indigenous peoples plan (which may constitute a part of other documents for environmental and social consideration) and must be made public in compliance with the relevant laws and ordinances of the host country. In preparing the indigenous peoples plan, consultations must be made with the affected indigenous peoples based on sufficient information made available to them in advance. When consultations are held, it is desirable that explanations be given in a form, manner, and language that are understandable to the people concerned. It is desirable that the indigenous peoples plan include the elements laid out in the World Bank Safeguard Policy, OP4.10, Annex B.

(ix) Monitoring

- After projects begin, project proponents etc. monitor whether any unforeseeable situations occur and whether the performance and effectiveness of mitigation measures are consistent with the assessment's prediction. They then take appropriate measures based on the results of such monitoring.
- In cases where sufficient monitoring is deemed essential for appropriate environmental and social considerations, such as projects for which mitigation measures should be implemented while monitoring their effectiveness, project proponents etc. must ensure that project plans include feasible monitoring plans.

- Project proponents etc. should make efforts to make the results of the monitoring process available to local project stakeholders.
- When third parties point out, in concrete terms, that environmental and social considerations are not being fully undertaken, forums for discussion and examination of countermeasures are established based on sufficient information disclosure, including stakeholders' participation in relevant projects. Project proponents etc. should make efforts to reach an agreement on procedures to be adopted with a view to resolving problems.

4.3.2: World Bank Safeguard Policies

According to OP 4.12, any World Bank assisted project/program must comply with the provisions of OP 4.12 for impacts associated with land acquisition and displacement. OP 4.12 applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. This policy covers direct economic and social impacts that both result from Bank-assisted projects, and are caused by:-

(a) the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or

(b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

Towards addressing the said impacts, OP 4.12 requires that a resettlement plan or a resettlement policy framework be prepared with the following objectives:-

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

(b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are:-

(i) provided assistance (such as moving allowances) during relocation; and

(ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.

(c) Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also includes measures to ensure that displaced persons are:

- i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and
- ii) provided with development assistance in addition to compensation measures demanded by the policy;
- iii) such as land preparation, credit facilities, training, or job opportunities.

4.3.3: Commonalities between GoK, WB and JBIC Guidelines

From analysis undertaken above, the GoK, WB and JBIC requirements are found to converge on the following points:-

- Avoidance of involuntary resettlement wherever feasible, and minimizing of resettlement where population displacement is unavoidable by exploring all viable project options
- Compensation at replacement cost (Replacement cost of an affected asset is equivalent to the amount required to replace the asset in its existing condition)
- Assistance to the affected people for relocation
- Assistance to the affected people to improve their living standards, capacity for income generation, and production levels, or at least to restore to their former levels
- Participation of all stakeholders
- Consultations with project affected persons at every stage
- Grievance redress mechanisms for project affected persons

Where gaps are identified between GoK, WB and JBIC Guidelines, more provisions will be explored. Indeed, Table 4.1 below explores provisions available for resolution of observed gaps.

4.3.4: Basis for Effecting payment Outside of Kenyan Legal System

As part of the review process, JICA has required that institutional and legal guarantee that payments not allowed for under Kenya system will be made to be furnished. It should be noted that draft recommendations of this RAP were shared with KeNHA who also moderated the Stakeholder meetings where findings of the RAP were disclosed to diverse stakeholders in which case, this authority fully owns the output from this process. Further, through diverse policy documents, the GoK has made the fight against poverty to be the number one national priority. Relevant policy tools include the NPEP- National Poverty Eradication Plan, The Poverty Reduction Strategy Paper (PRSP), The Kenya Vision 2030 among others. Indeed, section 40 of the national constitution demands just payment for all land acquired in the public interest and allows room for legal redress for distressed PAPs. This, alongside the established GoK practice of adhering to donor policies and conditions pertinent to strategic partnerships creates an overwhelming environment towards effecting of competitive compensation for acquired assets.

Table 4.1: Resolution of Gaps/ Discrepancies in Available Legal Provisions

Types of Affected Persons/Lost Assets	Kenyan Law	World Bank OP4.12/JBIC Guidelines	Comparison/Gaps	Countermeasure and/or Recommendations to bridge the comparison/Gaps
Section I : Property and Land Rights				
Land Owners	<p>There are two systems of substantive land law, three systems of conveyances, and five systems of registration. The two systems of substantive law are under: (i) the Indian Transfer of Property Act 1882 as amended by 1959 Amendment Act; and (ii) the Registered Land Act. The three systems of conveyances are those applicable to land registered under: (i) Government Land Act Chapter 280, part X Laws of Kenya and Land Titles Act Chapter 282, Part III Laws of Kenya; and (iii) Registered Land Act. The five registration systems are those under the: (i) Government Land Act; (ii) Registration of Titles Act; (iii) Land Titles Act; (iv) Registration of Documents Act</p>	<p>Through census and socio-economic surveys of the affected population, identify, assess, and address the potential economic and social impacts of the project that are caused by involuntary taking of land (e.g., relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas. Land-for-land exchange is the preferred option; compensation is to be based on replacement cost.</p>	<p>Kenya has no specific legislation that explicitly addresses the issues of involuntary resettlement or forced evictions. There are laws and legislations that have provisions referring to resettlement but they vary in substance and process.</p>	<p>From the socio-economic survey, it proved that the project has been supported and hence there is no compulsory acquisition to be invoked. The replacement costs approach will apply in compensation packaging in line with World Bank OP4.12/JBIC guidelines.</p>

Types of Affected Persons/Lost Assets	Kenyan Law	World Bank OP4.12/JBIC Guidelines	Comparison/Gaps	Countermeasure and/or Recommendations to bridge the comparison/Gaps
	Chapter 285 Law of Kenya; and (v) Registered Land Act.			
Land Tenants/Informal Setters	Rentals and leases are valued separately. Landlord and tenant (shops, hotels catering, small businesses) Cap 301 Section 4 of the Act provides that: (i) notwithstanding the provisions of any other written law or anything contained in the term and conditions of a controlled tenancy, no such tenancy shall terminate or be terminated, and no term or condition in, or right or service enjoyed by the tenant of, any such tenancy shall be altered, otherwise than in accordance with the following provisions of this Act; (ii) a landlord who wished to terminate a controlled tenancy, or to alter, to the detriment of the tenant under, such a tenancy, shall give notice in that behalf to the tenant in the prescribe form.	For those without formal legal rights to lands or claims to such land that could be recognized under the laws of the country, the government should provide resettlement assistance in lieu of compensation for land, to help improve or at least restore those affected persons' livelihood.	Those without formal legal rights or claims to such lands are not entitled to be resettled or compensated.	From the socio-economic survey, most tenants were observed to have only 2 month-worth of rent as deposit held by the landlord. Therefore they will be given adequate notice to vacate to ensure that such deposits are exhausted. However, in case of commercial leases, the remaining equivalent of the lease will be paid to tenants as compensation.

Types of Affected Persons/Lost Assets	Kenyan Law	World Bank OP4.12/JBIC Guidelines	Comparison/Gaps	Countermeasure and/or Recommendations to bridge the comparison/Gaps
Land Users	Sections 117 and 118 cover expropriation of unregistered trust lands. Parliament may empower a county council to set apart trust land for: (i) the use and occupation of any public body or authority for public purposes; (ii) prospecting or mining purposes; or (iii) the use and occupation of any person or persons for a purpose which is likely to benefit the residents of the area. Trust lands refer to that land that is still under African customary tenure. The title of this land is said to vest in the Country Council in trust for its inhabitants, hence the term "Trusts"(Land Acquisition Act Chapter 288).	Identify and address impacts also if they result from other activities that area: (a) directly and significantly related to the proposed project, (b) necessary to achieve its objectives, and (c) carried out or planned to be carried out contemporaneously with the project.	No equivalence between World Bank/JBIC and Kenyan system for identifying and addressing impacts resulting from project related activities.	The Supplementary RAP came across households that were allocated county council land in the Shika- Adabu area. However, since they are all willing to surrender the land for road construction, Compulsory acquisition will not apply. Instead, compensation will be paid as per the replacement cost approach.
Owners of Non-permanent Buildings	There are no specific provisions in Kenya law and regulation dealing separately with non-permanent building.	For those without formal legal rights to lands or claims to such land or assets that could be recognized under law of the country, World Bank/JBIC	World Bank OP 4.12 states that if the impacts include physical relocation, the resettlement plan or resettlement policy framework	Majority of the houses affected by the Project are temporary dwellings. However the Supplementary RAP should not discriminate in

Types of Affected Persons/Lost Assets	Kenyan Law	World Bank OP4.12/JBIC Guidelines	Comparison/Gaps	Countermeasure and/or Recommendations to bridge the comparison/Gaps
		policy provides for resettlement assistance in lieu of compensation for land, to help improve or at least restore their livelihoods.	includes measures to ensure that the displaced persons are- (i) provided assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site. The Kenyan system does not allow for provision of residential housing for project affected people and is only in favour of compensation.	compensation between permanent and non-permanent buildings.
Owners of Permanent Buildings	There are no specific provisions in Kenya law and regulation dealing separately with permanent buildings.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.	As above	As above
Section II : Resettlement and Compensation Process				
Calculation of	According to the Land	Bank policy requires: (a)	There are no equivalent	World Bank O.P 4.12/JBIC

Types of Affected Persons/Lost Assets	Kenyan Law	World Bank OP4.12/JBIC Guidelines	Comparison/Gaps	Countermeasure and/or Recommendations to bridge the comparison/Gaps
Compensation and Valuation	Acquisition Act Chapter 295 Section 10, the Collector of Compensation inspects the affected land and values it for compensation. After the inquiry, the Collector will issue an award depending on his own assessment. The award is issued in a prescribed form, together with a statement form. The prescribed form indicates the amount of compensation awarded, while the statement gives the landowners the option of acceptance or rejection of the award. If the land owner accepts the award, the collector will issue a cheque in settlement together with a formal "Notice of Taking Possession and Vesting" (Section 19). Compensation is based on the market value for private land (Section 19).	prompt compensation at full replacement cost for loss of assets attributable to the project; (b) of there is relocation, assistance during relocation, and residential housing, or housing sites, or agricultural sites of equivalent productive potential, as required; (c) transitional support and development assistance, such as land preparation, credit facilities, training or job opportunities as required, in addition to compensation measures; (d) cash compensation for land when the impact of land acquisition on livelihoods is minor; and (e) provision of civil infrastructure and community services as required.	provisions on relocation assistance, transitional support, or the provision of civic infrastructure.	Guidelines should be applied.
Relocation and Resettlement	The Registration Land Act Chapter 300 provides for the	To avoid or minimize involuntary resettlement and,	Kenyan laws do not appear to make provisions for avoidance	The Supplementary RAP came across very few cases

Types of Affected Persons/Lost Assets	Kenyan Law	World Bank OP4.12/JBIC Guidelines	Comparison/Gaps	Countermeasure and/or Recommendations to bridge the comparison/Gaps
	<p>absolute proprietorship over (exclusive rights) by the state, and such land can be acquired by the land under the Land Acquisition Act in the project area. Furthermore, the Land Acquisition Act Chapter 95 provides for ascertainment of interests prior to land registrations under Registered Lands Act.</p>	<p>where this is not feasible, to assist displaced persons in improving or at least restore their livelihoods and standard of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.</p>	<p>of minimizing of involuntary resettlement.</p>	<p>where absolute relocation will be required. In most cases, households will be relocated to their properties to another part of the same land away from the designated road reserve hence eliminating the need for resettlement.</p>
<p>Completion of Resettlement and Compensation</p>	<p>According to the new constitution, “every person having an interest or right in or over property which is compulsory taken possession of or whose interest in or right over any property is compulsorily acquired shall have a right of direct access to the High Court for the determination of his interest or right, the legality of the taking of possession or acquisition of the amount of any compensation to which he is entitled;</p>	<p>Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.</p>	<p>There is no equivalence between Kenyan law and World Bank policies on implementing relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.</p>	<p>Compensation will be paid before ground breaking in line with the new constitution.</p>

Types of Affected Persons/Lost Assets	Kenyan Law	World Bank OP4.12/JBIC Guidelines	Comparison/Gaps	Countermeasure and/or Recommendations to bridge the comparison/Gaps
Livelihood Restoration and Assistance	There are no specific provisions for livelihood restoration, but references are made to some for assistance.	Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better.	Kenyan policy and legislation would need to be aligned with Bank policy to effectively guarantee rights of all affected persons of involuntary resettlement.	World Bank OP 4.12/JBIC Guidelines should be applied. Thus, all livelihood affected persons, fishermen and fish traders, boat owners operators, small scale traders, boda-boda operators etc. have been allocated for in the Entitlement Matrix in the RAP.
Consultation and Disclosure	Land Acquisition Act Cap 295, Section 3 also provides that: "Where the Minister is satisfied that the need is likely to arise for the acquisition of some particular land under section 6, the Commissioner may cause notice thereof to be published in the Gazette, and deliver a copy of the notice to every person who appears to him to be interested in the land.	Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedure for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanism.	Even though notices are made in the Gazette, the practice has been that where a mitigation plan affects local communities, proceedings are conducted in the local language. This is significant considering the compensation of those most likely to be affected(e.g. squatters).	The entire project was disclosed in local media in line with EMCA 1999. Further, a total of 15 meetings were held to disclose the Project inclusive of the Supplementary RAP in line with World bank OP4.12/JBIC Guidelines.

Types of Affected Persons/Lost Assets	Kenyan Law	World Bank OP4.12/JBIC Guidelines	Comparison/Gaps	Countermeasure and/or Recommendations to bridge the comparison/Gaps
Section III : Dispute Resolution				
Grievance Mechanism and Dispute Resolution	Grievance procedures may be invoked at any time, depending on the complaint. No person or community from whom land or other productive assets are to be taken will be required to surrender those assets until any complaints she/he has about the method or value of the assets or proposed measures are satisfactorily resolved.	Establish appropriate and accessible grievance mechanisms.		A practical grievance redress procedure has been proposed for in this RAP in line with World Bank OP 4.12/JBIC Guidelines.

CHAPTER 5: THE INSTITUTIONAL FRAMEWORK

5.1: Identification of Agencies Responsible for Resettlement Activities

5.1.1: Overview of the Institutional Framework

This RAP will be implemented as part of the Mombasa City Roads Development Project which is a project of the Government of the Republic of Kenya with the financial support of the Government of Japan through JICA. Project Implementation will therefore take place within the management structures, policy and coordination mechanisms set by the Government of Kenya and the policies and conditions agreed upon with participating strategic partners. Under this arrangement, implementation of the Mombasa City Roads Improvement Project inclusive of the RAP will be spearheaded by the Ministry of Roads (Sector Ministry) through the Kenya National Highways Authority-KeNHA as the designated Implementing Agency of the GoK.

As a project within KeNHA, the development of the Mombasa Southern Bypass and Kipevu Link Roads will be mainstreamed into the administrative and management infrastructure of this Authority with the Coast Regional Office assuming the project management role. In sections below, roles and responsibilities within this framework including requisite capacity building are analysed.

5.1.2: Levels of Project Implementation

The Institutional framework recommended for implementation of this RAP is provided in Fig. 5.1 below. Implementation will take place in three tiers namely;

- National Level
- KeNHA Project Department Level
- RAP Implementation Committee Level
- Field Level

Activities at each level will draw participation of diverse players all basically coordinated by the roads sector-namely the Ministry of Roads and KeNHA. As will appear, it will become necessary to create new structures to address emerging needs especially at project implementation level and below. In sections below, the roles and responsibilities of institutions at each level are analysed.

5.2: Roles and Responsibilities within the Institutional Framework

5.2.1: National Level Institutions

At national Level, relevant institutions are identified as follows:-

The Ministry of Roads

The Mombasa Bypass project is a project of the Kenya government through the Ministry of Roads (MoR). In this capacity, the MoR will provide oversight supervision and technical direction to the Implementing Agency. The MoR will also interface with other ministries such as Ministry of Finance on issues pertaining to project funding to ensure smooth flow of both internal and external funding. MoR will communicate directly with JICA on technical issues related to project implementation including financial, procurement and physical progress and all such communication will take place under the signature of the Permanent Secretary (or his designated representative) as the overall accounting officer for the Ministry.

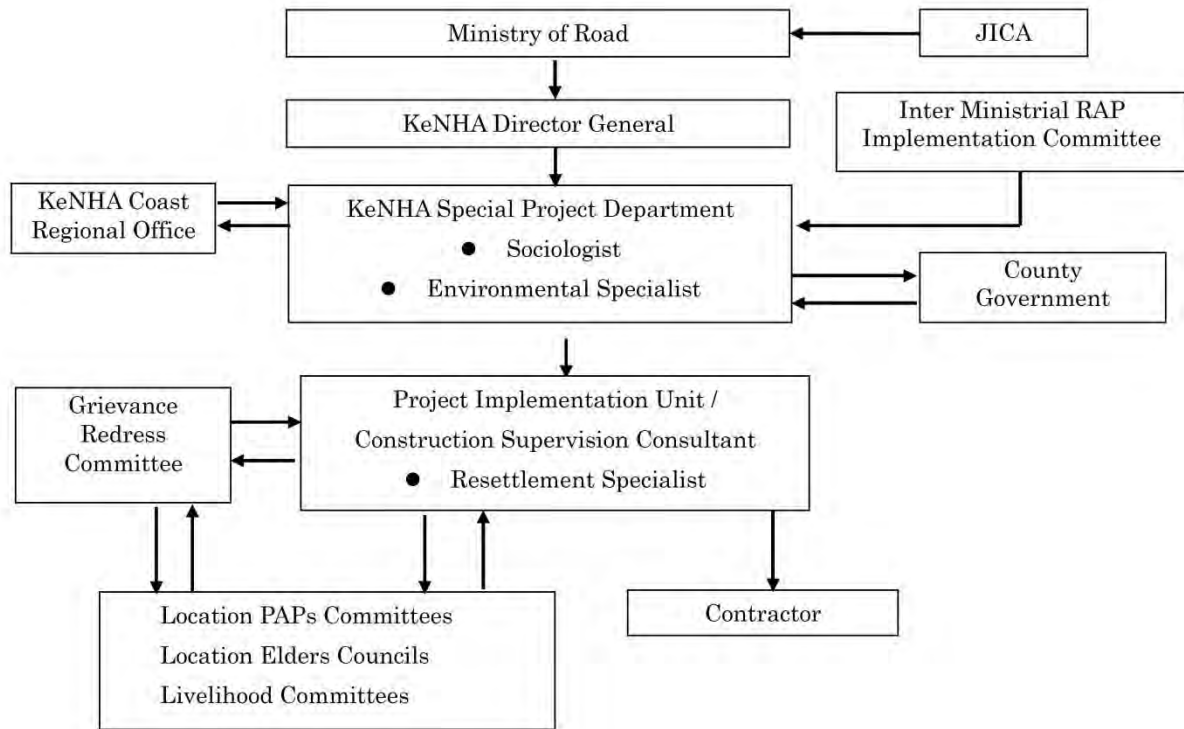


Figure 5.1: Proposed Organization Structure for RAP Implementation

Ministry of Road will establish Inter-Ministerial RAP Implementation Committee for smooth coordination among the relevant government agencies. KeNHA will chair the committee for the project in the planning/implementation stage with these authorities and Project Affects Persons (“PAP”) representatives.

- 1) KeNHA
- 2) National Environment Management Authority (“NEMA”)
- 3) Ministry of Lands
- 4) Ministry of Gender, Children and Social Development
- 5) Ministry of Internal Security and Provincial Administration
- 6) Ministry of Agriculture
- 7) PAP representatives (male and female)

* The Committee will have meetings twice a month initially, and then later on once a month or on need basis.

The Japan International Cooperation Agency-JICA

JICA is the strategic partner who is collaborating with Ministry of Roads in the development of the Mombasa city Roads Improvement Project. In this capacity, JICA has two roles that are pivotal to the project namely:

- i) Provision of part funding for project development,
- ii) Provision of technical capacity for project development whereby JICA has appointed a JICA Survey Team (JST) undertakes feasibility and detailed design of the project. In this capacity, the JST has supported KeNHA in the implementation of supplementary studies on EIA and Resettlement Action Plan. This RAP has accrued out of that process.

The National Environment Management Authority (NEMA)

In the capacity of Environmental Regulator, NEMA will review the ESIA reports in respect of the Bypass to ascertain efficacy and adequacy of proposed Environmental management Plan and the RAP prepared towards guiding the compensation process. This RAP therefore will require to be reviewed and cleared by NEMA before implementation and grant of Environmental Licenses.

5.2.2: Regional Level Institutions

The Kenya National Highways Authority (KeNHA)

KeNHA is the State Corporation established under the Roads Act 2007 and charged with the responsibility for the management, development, rehabilitation and maintenance of the national trunk road system in Kenya. In the capacity of Executing Agency, KeNHA will be tasked with managing the development and implementation of all aspects of the Mombasa City Roads Improvement Project including environmental and social mitigation.

KeNHA Special Project Department

In order to implement the Project, KeNHA Special Project Department will be set up under KeNHA Director General. It will consist of Project Manager, Financial Specialist, Procurement Specialist, Construction Specialist, Material / Pavement Specialist, Environmental Specialist, Social Safeguard Specialist, Engineers and Support staff.

KeNHA Coast Regional Office

This office already exists and is headed by a Regional Manager (RM) overseeing diverse interest pertaining to development and maintenance of the rural trunk road network in coast province. The Coast Regional Office of KeNHA will provide the physical and Institutional housing for the Mombasa City Roads Improvement Project and will thus constitute the PMU. The CRO will particularly provide administrative leverage to the project through liaison with GoK Agencies relevant to project implementation.

RAP Implementation Committee / Project Management Unit

The RAP Implementation Committee / Project Management Unit will serve the following roles and responsibilities:

- i) Oversee and coordinate the land acquisition process and this will require the PMU to fill recruit a Resettlement Officer at inception.
- ii) Facilitate site handover to the Contractor and introduce the latter to the local administrative set-up.
- iii) Provide liaison between the Project and other arms of government including the local political leadership through the county governments, provincial administration, etc.
- iv) Facilitate compensation for all displacement occasioned by the Project,
- v) Facilitate resolution of all disputes arising from project implementation-particularly land acquisition. Towards this, the PMU will require to create a semi-autonomous Grievance

Redress Committee (GRC) and oversee creation of grass-roots groups to protect PAP interests as outlined in section 5.2.3 below.

- vi) To supervise project development including activities of the Project Contractor. This will require the PMU to employ a Highway Engineer to serve the role of Supervisor of Works (SoW).
- vii) Supervise implementation of the Environmental Management Plan of the Project,
- viii) Facilitate activities of all consultants and other Technical Service Providers (TSP) on the project.
- ix) Report on matters of Project development to KeNHA HQ

Grievance Redress Committee (GRC)

The PMU will set up a Grievance Redress Committee to be coordinated by the Resettlement Officer for purposes of resolving all grievances arising from acquisitions and compensation. The Constitution of the GRC is outlined in Chapter 8.1 below. This is the organ that will undertake capacity building for all parties involved in implementation of the RAP to secure harmony and common approach to issues.

5.2.3: Field Level Institutions

A host of institutions such as the provincial administration at District and Divisional level, Local Authorities, respective parliamentary and civic leaders, financial institutions, NGOs, CBOs, FBOs etc. will probably play a role in project implementation at local level and this RAP recognises their potential contributions in securing a smooth resettlement process. However, operationalization of the RAP including liaison with all relevant institutions will require that new institutions namely;- Location PAPs Committees (LPCs), Location Elders Committees and Special Interest Committees be mobilised to serve roles as outlined below.

The Location PAPs Committees

It is expected that PAPs in each location will form their own committee which will henceforth liaise with the PMU/GRC on all aspects of resettlement. This is the committee that will also play a role in resolving basic conflicts between members. A total of 8 LPCs will be formed.

Location Elders Committees

Inventory of Assets undertaken for this RAP came across many silent land disputes relating to inheritance, boundaries, etc. which are likely to intensify once the compensation process gets underway. As such, the Location Elders Forums which already exist within the traverse area will require be re-mobilising and energising to resolve all non-RAP land disputes whose escalation has potential to delay or derail project implementation. The LECs will also spearhead compensation for communally owned assets such as Kayas, water projects, communal graveyards, etc.

Special Interest Committees

The committees will be livelihood based and will liaise with the PMU on compensation relating to displaced livelihoods namely;- fishermen and fish traders (4 Beaches), Boat and canoe owners and operators (Mkupe-Tsunza), Boda boda operators (Mkupe and Tsunza), small scale traders, Conservation groups (2), Fish farmers (1), all tenants, etc. It is anticipated that 10 such special interest groups will be formed.

5.3: Assessment of the Institutional Capacity of such Agencies

In sections below, we identify capacity gaps whose resolution could greatly favour execution of the resettlement process.

5.3.1: Capacity Building Needs for National Level GoK Agencies

Oversight supervision and planning for the Mombasa Southern Bypass project at MoR level will take place alongside other activities for which there is adequate capacity.

(i) Capacity Building for KeNHA:

Analysis of the KeNHA capacity building needs focussed on three parameters namely; legal, financial and personnel capacity. Findings are outlined below.

Legal Mandate:

The Kenya National Highways Authority is a State Corporation established under the Kenya Roads Act, 2007 with the responsibility for:

- Constructing, upgrading, rehabilitating and maintaining roads Class A, B, C roads
- Implementing road policies in relation to national roads
- Ensuring adherence to the rules and guidelines on axle load control prescribed under the traffic act and any regulations under this act
- Ensuring that the quality of roads works is in accordance with such standards as may be defined by the minister
- Collecting and collating all such data related to the use of national roads as may be necessary for efficient forward planning under this Act

Such a legal mandate provides KeNHA with jurisdiction over the national trunk roads sub-sector and accords a very stable foundation for launching of requisite activities.

Financial Capacity:

As a state corporation, KeNHA enjoys all the leverage inherent to state corporations including access to state funding, state guarantee for loans, revenue generation, and other activities contingent to the mobilisation of funds towards serving of this official mandate. This facility has served KeNHA well since analysis of available past records (Table 5.1) shows that, for the last month period upto 30th June, 2010, since inception of the Institution, it was able to sustain operations from funds obtained from both the exchequer and fuel levy / transit tolls to successfully meet all obligations and retain a net surplus of Ksh 0.737 billion. This scenario notwithstanding, it is unlikely that this surplus could have supported development of new road projects beyond mere maintenance which means that the budget would have been inadequate in the execution of the entire KeNHA mandate. All new roads will probably entail massive land acquisition and requisite compensation which apparently could not have been supported under the budget under review. Development of new roads is one mandate whose serving will require intensified fundraising on the part of KeNHA including the option of security external support.

Table 5.1: KeNHA's Statement of Income for the 15 Months Period Ended 30th June 2010

Income	Amount (Ksh)
Exchequer funds	285,754,413
Fuel levy & transit tolls	2,910,307,683
Other income	49,556,174
Total revenue	3,245,618,270
Expenditure	
Board expenses	26,028,630
Staff expenses	173,699,710
Administration expenses	180,783,719
Road maintenance expenses	2,127,834,641
Total expenditure	2,508,346,700
<i>Surplus for the period</i>	<i>737,271,570*</i>

*Note: The expenditure is exclusive of investment in new roads which is deemed to be more costly

Personnel Capacity:

In the view of this study, KeNHA will require to constitute and staff a Project Management Unit under the CRO. All PMU staff inclusive of the Resettlement officer, Environment Officer, and others will require capacity building through training on Monitoring and Evaluation, Best practices in resettlement, grievance management, and community involvement approaches, among others. It is recommended that exchange visits to South East Asian countries that have pioneered the concept of fostering PAP participation in resettlement planning and implementation be facilitated under the project.

5.3.2: Capacity Building for Project Implementation

Creation of Project Management Unit

Successful implementation of the Mombasa Southern Bypass Project will require that a fully-fledged Project Implementation Unit –PMU be appointed and staffed with competent professional staff. The PMU will require to be facilitated with adequate operating budgets and other resources required in implementation of a project of this magnitude. As well, and, as part of capacity building, it may be prudent for the PMU to outsource certain services such as;- drafting of the Project Implementation Manual-PIM, confirmation of the Asset Register and List of PAPs, capacity building, etc. All outsourcing will be handled by the Procurement Section of KeNHA HQ upon request from the PMU. Procurement of Technical Service Providers (TSPs) will be integrated in the overall Resettlement Schedule to ensure optimum benefit to the process and a schedule is proposed in Table 5.2.

Table 5.2: Phasing of Recruitment and Deployment of TSPs

Requisite Service	Timing of Procurement/ Deployment	Procuring Authority	Counterpart Authority
Preparation of Project Implementation Manual-PIM	Planning phase- 2 nd Quarter 2012	Procurement Section of KeNHA HQ	Planning Officer of PMU
Confirmation of Assets Register	Quarters 2&3 of 2012	As above	Resettlement Officer
Mobilization of PAP Structures including Pre-resettlement Counselling	Quarters 3&4 of 2012	As above	Resettlement Officer

Capacity Building for the Contractor Staff

This RAP recognises the Contractor for Civil Works as playing a crucial role in the replacement of communal assets which is critical to sustain public support to the project. Given that Contractors are also notorious for *'bulldozing their way through'*, it is recommended that a sensitisation session be mounted to induct the contractor staff on the requirements of this RAP and the Environmental Management Plan. Thereafter, the Resettlement Officer will be party to all Monthly Site Meetings where he will continue safeguarding the Resettlement Agenda and community Interest.

Capacity Building for the GRC

The GRC will be appointed from people outside the project and with little exposure to conflict resolution. Initially therefore, the GRC will be taken through an induction training to expose them to the project including the scope of resettlement anticipated. Other training will focus on analysis of provisions of this RAP relative to requirements of fundamental legal authorities based on which, compensation has been packaged. An in-depth understanding of this RAP will save time and resources in approaching and resolving any would be grievances.

Capacity Building for the LPCs

LPCs will be appointed from ordinary villagers whose skills mix may be inadequate to deliver on responsibilities conferred to them. Given that this is the group that will filter, synthesis and solve the bulk of grievances, there is need to equip this group with requisite skills. Training will therefore be organised to orientate LPCs with the Entitlement Matrix, grievance processing procedures, leadership, counselling etc. which would come in handy in the resolution of grievances at this level.

Capacity Building for PAPs

PAPs will firstly require being orientated with the Entitlement Matrix so as to cut down on bloated expectations borne of misinformation-some PAPs are expecting land for land compensation in addition to cash. From this awareness, PAPs will provide useful checks on the expectations of others and hence cut down on nuisance claims. Prior to payment of compensation, all PAPs will undergo intensive training and counselling to in build positive/ productive attitudes towards the cash payments anticipated.

CHAPTER 6: ELIGIBILITY

This chapter sets out eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits, and to discourage inflow of ineligible people.

6.1: Principle Authorities

The involuntary taking of land has potential to occasion relocation or loss of shelter, loss of assets and loss of means to livelihood through displacement or curtailed access to productive/live supporting resources. It is important therefore, to establish criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. The core distinguishing aspect of this Resettlement Action Plan is that, it will allocate for compensation of all people irrespective of physical displacement and status of tenure to land and assets. This working philosophy is based on policies of diverse authorities as follows:-

World Bank

OP 4.12 of the World Bank (which is accepted as the Universal Pace Setter in resettlement) suggests the following three criteria for eligibility;

- (a) those who have formal rights to land (including customary/communal land, traditional and religious rights);
- (b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the national and local laws;
- (c) those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood but are acknowledged as having lived on the same land before declaration of the Cut-off Date.

JBIC Guidelines

The JBIC guidelines require that Involuntary resettlement and loss of means of livelihood are to be avoided where feasible, exploring all viable alternatives. When, after such examination, it is proved unfeasible:

- Effective measures to minimize impact and to compensate for losses must be agreed upon with the people who will be affected;
- People to be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported by the project proponents, etc. in timely manner.
- The project proponents, etc. must make efforts to enable the people affected by the project, to improve their standard of living, income opportunities and production levels, or at least to restore them to pre-project levels. Measures to achieve this may include: providing land and monetary compensation for losses (to cover land and property losses), supporting the means for an alternative sustainable livelihood, and providing the expenses necessary for relocation and there-establishment of a community at relocation sites; and
- Appropriate participation by the people affected and their communities must be promoted in planning, implementation and monitoring of involuntary resettlement plans and measures against the loss of their means of livelihood.

6.2: Eligibility for Compensation

In the view of this RAP, OP 4.12 offers the most comprehensive eligibility criteria and the same has been applied in the determination of who to extend compensation. The same criteria have been amplified in the JBIC guidelines and subsequent to this, three broad categories have been recognised in the Mombasa Southern By-pass project as follows:-

i) Landed Persons

These are defined as persons with claim to land irrespective of tenure situation and include those who may not own the land but have claim to assets such as structures and trees. Under this category, this RAP also recognises several sub-categories depending on registration status namely, parastatals, corporate players (companies) and individuals. Further, this RAP has determined that, with the exception of Corporate and Parastatal land owners, none of the other PAPs hold title deeds to land. The best that most have are allotment letters otherwise land is owned principally through inheritance from ancestors. Thus this RAP recognises all as bona-fide PAPs with or without legal title to land and a compensation package and other resettlement measures has been computed for each eligible PAP towards achieving the objectives of the diverse policies governing this RAP. Additionally, the Replacement Cost Approach method preferred for determining compensation packages in this RAP is only achievable where the land base is factored into the compensation.

ii) Non-landed Stakeholders

This category includes individuals whose livelihoods are likely to be affected either through denied access to productive resources, trade opportunities etc.

iii) Community Assets and Property

Communities (on communal lands) that permanently lose land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation. Under this category, this RAP has identified shrines, beaches, graveyards, playfields, water projects, etc. as some of the communal assets common within the traverse. The rationale for compensation here is to ensure that the pre-project socio-economic status of communities where adversely impacted, is also restored.

iv) Leaseholders and Tenants

This RAP came across many families holding customary lease to land on account of arrangements made by ancestors and this often occasioned dispute with the original owners with intent to reclaim. Such disputes were recorded in the Asset Register pending resolution by the LECs. In most cases, resolution involved the lease holder being acknowledged as bonafide land owner on account of occupation while in other cases, the land reverted to original family with the lessor only retaining right to physical development including trees which were recorded as such. This explains the inclusion in the Asset Register of PAPs who do not own land but have claim to physical property for which, entitlements to compensation were made.

The RAP process identified 2 business and 11 residential tenants in the Shikadabu section of the bypass and these were observed to have deposited cash in equivalent rent periods (mostly one to two months) with respective landlords. Appropriate entitlements have been allowed for.

6.3: Declaration

In view of these criteria, lack of legal title as observed for majority of PAPs in the Mombasa Bypass, shall NOT bar affected persons from entitlement to the compensation and rehabilitation objectives and measures outlined in the RAP. Additionally;-

(1) All PAPs will be entitled to be compensated at replacement cost for affected assets, incomes and businesses. The only condition is that they must have occupied the land before the entitlement cut-off date.

(2) The socio-economic survey observed 100% supports for the project. The PAPs in this case will willingly sell their land to the project in the absence of compulsory acquisition. A suitable package has been computed to ensure maximal benefits to the PAPs.

(2) As observed in the socio-economic survey, majority of PAPs subsist far below the poverty line- a fact clearly manifested by the poor state of their dwellings. Thus, many of the houses to be affected by the Bypass are in very miserable states and replacing them to the current status cannot be a goal for any objective RAP. Subsequent to this observation, valuation of houses has aimed at providing better housing to all affected PAPs as a major strategy to uplifting the standards of living. That way, PAPs become voluntary collaborators to the project. This position has been taken in line with aspirations of OP4.12 and that of the GoK as far as poverty alleviation is concerned.

(3) This RAP has determined that, with the exception of a few households within the Hodi B village of Port Reitz, the Mombasa Bypass project as currently aligned will occasion little displacement of people out of their farm holdings. However, in the event of any relocation, such PAPs will be accorded a moving allowance in addition to other entitlements.

(4) All efforts have been put in place to secure all community resources. When need for relocation is inevitable, dialogue has to prevail.

(5) The Cut-off Date for eligibility for compensation for physical assets affected by Project activities road will be the date of commencement of the detailed measurement survey and census and this coincided with July 15th 2011. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

(6) Some PAPs especially in the informal settlements in Port Reitz were found to be living in extreme poverty and these together with orphaned children and the very aged constitute the main vulnerable category in this project. Over and above the standard entitlement, this category must be assisted to resettle outside the bypass reserve.

CHAPTER 7: VALUATION AND COMPENSATION FOR LOSSES

7.1: Overview

As a working principle, compensation for assets in this RAP has been guided by the Resettlement Cost Approach (RCA) where restoration of either properties or livelihoods impacted by the project is the main working goal. The working of the RCA as adopted in this RAP is detailed in Appendix 7.1 below. In sections below, we highlight the methodology adopted towards establishing the asset base and worth of each PAP.

7.2: Safeguards for Transparency

Valuation of Assets started with their identification and measurement in the field. Given the sensitivity of land matters especially in coastal Kenya, land inventory was approached with full caution. Firstly, a public baraza would be organised during which villagers would be advised on the impending surveys. The meetings would always be called and facilitated by the local provincial administration. After the meetings, dates for inventories were agreed with villagers and a committee of elders to accompany the inventory team was selected and agreed on. These are the teams (Table 7.1) that assisted in identifying *bona fide* occupiers of land parcels targeted for acquisition for the bypass. The inventory team owes the success of their work to the tireless efforts of the elders.

Table 7.1: Elders' Teams that Participated in the Inventory of Assets

District	Location	Elders Board
Changamwe	Miritini	Kazungu chanzera, Zubenda Saidi, Mgandi Kea, Binti Saidi (Asst chief)
	Port Reitz	Lucrecia Mbachu-Chief (delegated), Mohammed Abdallah Nyando(Asst chief), Kasichana Menza Mwavita-Chairlady wa Mtaaa, Sammy Arendo -Community Policing
Kinago	Tsunza	Chief Harrison Munga, Umazi Mwangolo-Asst Chief, Stephen Tayari, Joyce Umazi, Samwuel Gwadaru Munga
Likoni	Mwangala	Shaban Omari Fungiza, Mwinyi Haji Katsomo, Athmani Abdallah, Hamadi Juma, Mwinyi Omari Mzida, Nyamwawi Johnson, Salim Hamisi,
	Shikadabu	Chief, Binti Said Said, Mwinyifaki Baruku, Mwinyi Mwabibo, Shakombo Salim
Kwale	Kiteje	Sub chief Athman Jiti, Mwenye Hamisi Kimengi, Alfa Rama, Juma Hasan
	Pungu	Chief Omar Hussein, Saidi Abdalla Ngare, Ali Kisinyo

7.3: Data Synthesis

Data Entry

Inventory of asset always started with identification of the external outline of the by-pass following which, the extent of land acquisition was determined. This was shown to the owner and the elders and all assets there-in would be identified and counted. The final figure for each was agreed with the land owner following which any questions would be answered. The limit of the land acquisition was then sketched on the map and coordinates taken.

Data Cleaning and Analysis

Daily returns of questionnaires were always scrutinised for errors in data entry and capture, validity of data generated, etc. following which, the sheets were filed for data entry in Nairobi. Once in Nairobi, questionnaire data was entered to create *Excel-based* data files to create an asset register for all project affected people based on administrative units. A data entry format was adopted as follows:-

SN	District	Location	Village	Name of farm owner	Details of assets						
					Land Area (ha)	Structures	Coconuts	Cashew	Fruit Trees	Others	Concerns
1											
2											

The data was then further screened for consistency and corrected for typological and entry errors before further application in computation work. Simultaneously the coordinates for parcel boundaries were plotted to establish shape and area of affected parcels.

Computation of the Assets Register

Following entry and cleaning of all data, an Assets Register based on which, compensation was computed was assembled. The details are provided in Appendix 7.1.

7.4: Approach to Valuation

7.4.1: Parameters to Valuation

Asset valuation recognised three main parameters namely:-land area to be acquired for the ROW, structures falling within the ROW, trees and crops falling under the ROW. Following the collection of the baseline data, market surveys for structures, land and crops, a compensation policy framework was developed setting the framework for valuation. As a principle, valuation in this RAP adopted the Replacement Cost Method with the twin goals of restoration and rehabilitation to standards higher than original.

7.4.2: Valuation Methods Adopted

This RAP adopted diverse valuation methodologies as follows:-

(i) Value of land under ROW

Length of land taken by ROW was multiplied by the 110m width to yield area in square meters from which total hectares and acres to be acquired was computed. The latter figure (acres) was multiplied by the market prices for land within the target locality to yield an estimate of total cost of the land to be acquired for Way Leaves. Determination of the land value factored many parameters including the current market prices as obtained from diverse sources land and property agents, local administration, land control boards, property owners, recent research papers and reports, etc.) The final compensation value factored in likely escalation in land prices owing to influx of speculators and the purpose was to ensure that, at all times, PAPs can afford to buy land in the same villages. All entitlements also factored in a statutory 15% mark-up required for all compulsory acquisition.

(ii) Valuation of Buildings and Other Structures

Valuation of buildings and other structures used an estimate of the total effort invested in terms of building materials (floor, wall, roof type, finish and labour input) which was valued at market rates without factoring in depreciation. The outcome was used to adjust the value of target property as previously estimated by the owner during questionnaire surveys so as to arrive at objective costing of the total damage due to the target structure.

Implementation of the *Replacement Cost* to arrive at the total cost implication of replacing assets to be relocated faced challenges in that, on account of extreme poverty, some of the PAPs live in sub-standard dwellings (Plate 7.1 below) which were considered unfit for human habitation, and which do not merit replacement. As such, other than the replacement cost, this RAP aspired to provide the next best standard of house for affected households. For such PAPs, a flat rate compensation package has been proposed.



Figure 7.1: Some of the Dwellings Encountered in Port Reitz Area

(iii) Valuation of Trees within the ROW

The projected income at economic life was applied in valuation of trees falling within the ROW. Valuation of economic trees factored 2 parameters namely;

- i) Standing value of the resources either through computation of the total investment so far or, computation of gross income from liquidating the tree (sale of timber, firewood, etc).
- ii) Computation of the net discounted income at the end of economic life of the tree

In the case of non-productive trees, valuation ended at the first level while for commercial trees such as coconut, cashew nut etc., gross value was obtained from summation of outcome of computations from (i) and (ii) above.

CHAPTER 8: RESETTLEMENT MEASURES AND ENTITLEMENT MATRIX

8.1: Principles of this RAP

Computation of the entitlement matrix presented below is based on core principles as follows:-

8.1.1: Minimization of Displacement

In line with the OP 4.12 and JBIC Guidelines, displacement under the project will be minimised through the following design procedures:

- Wherever inhabited dwellings may potentially be affected by the proposed bypass, the latter was re-routed to avoid any impact on such dwellings and to avoid displacement/relocation accordingly;
- The same applies to structures used for commercial activities. Wherever the impact on the land holding of one particular household is such that this households may not be sustainable in the long term, even if there is no need to physically displace this household, the sub-project shall be redesigned (facility relocation, rerouting) to avoid any such impact;
- To the extent possible, Project facilities will utilize public easements- pipelines, public taps, other linear infrastructures etc. will be routed inside existing right-of-ways (roads, streets,) wherever possible.

8.1.2: Livelihood Restoration

One of the objectives of this RAP is to ensure that livelihoods are improved or restored to pre-displacement levels. Compensation for affected property will therefore seek to facilitate full and smooth recovery without exposing the PAPs to vulnerability and this applies to people who are not necessarily physically displaced but who are affected by a land loss that affects their sustainability.

The following principles will be followed in effecting payment of compensation for lost assets

- Compensation shall be paid prior to acquisition or displacement;
- Compensation will be at replacement cost.
- Compensation for structures shall include: the full cost of materials and labour required for reconstructing a building of similar and preferably better quality and standing. In other words, the affected person must be able to have their structure rebuilt in a different location using the compensation paid for the old building. Depreciation will not be taken into account while calculating the cost of affected structures. The Compensation package will also include cost of moving, such as transport costs as well as any associated land titling or transfer fees.
- To Consult Stakeholders, including Communities and Ensure their Participation in the Compensation Policy for Loss of Land

8.1.3: The Need to Cushion Vulnerable Groups

This RAP recognises the need for providing additional support to the vulnerable groups to facilitate faster adjustment in terms of relocating property and re-establishing any business lost. Vulnerable households therefore may have different needs from most households, or needs unrelated to the amount of land available to them. Additional measures are recommended as follows:-

- i) **Creating of Special Programmes:** While ordinary PAPs will undergo training on modalities of coping either the displacement, elderly and sick PAPs will not be available for such. It will thus require the Resettlement Officer to tailor make special programmes to reach out to such people and help them understand and cope with the shock of displacement. If not properly cushioned, such PAPs may find the shock to be too much to handle.

- ii) **Monitoring Management of Proceeds from Compensation:** If left alone, some PAPs have no capacity to manage monies accruing from compensation and would end up losing the money without replacing lost assets. The Resettlement officer will require to network with PAPs to establish modalities of how such PAPs can be assisted to re-place lost assets without being exploited.
- iii) **Provision of Household Necessities:** Some PAPs are in actual need of livelihood upfront of resettlement assistance and KeNHA will establish a system through which, such households can be rehabilitated as an entry point to discussing resettlement assistance.
- iv) **Provision with Relocation Assistance:** Old and sickly PAPs will require assistance to acquire and move to new sites.

8.1.4: A Fair and Equitable Set of Compensation must be Negotiated

As was argued elsewhere above, the Kenyan law only recognizes title holders as bonafide claimants to land. However, in line with requirements of OP 4.12, the entitlement matrix has provision to ensure fair compensation to squatters and encroaches. As well, the social-economic survey conducted as part of this RAP identified Orphans, some female headed households, elderly people and some economically marginalised households as being vulnerable and in need of cushioning.

8.1.5: Assistance in Relocation must be Made Available

Compensation alone is insufficient to meet the objectives of the RAP, which is to restore, or preferably improve, pre-project living standards and productive incomes of farmers who are to lose a significant amount or all of their agricultural land, or of businesses who must re-establish themselves.. Income restoration measures have been designed to assist all severely affected farmers and others losing productive/income generating assets, including those losing their place of residence and for vulnerable households. The objective is to restore their pre-project standards of living and productive incomes and to improve those of the poor and vulnerable. These measures may include the following:

- i) **Provision of Agricultural Extension Services:** Severely affected farmers and vulnerable affected people will be assisted to improve productivity on remaining agricultural land, by linking them with pre-existing government –run programmes such as ‘Agriculture Encouragement’. Links will be facilitated by KeNHA and the other implementing agencies to the Ministry of Agriculture, once a demand assessment had been carried out.
- ii) **Skills Training:** Severely affected PAPs and those from vulnerable groups will be given the option to select any training they wish, which would help them to maintain and/or improve their income generation potential. The skills training program will be designed during project implementation, Trainees will be entitled to a subsistence allowance during the training period, which may last from between three to six months on average;
- iii) **Project related Job Opportunities:** Severely affected persons will be prioritized in gaining employment in the works linked to the Project. KeNHA will ensure that this is included in the contractors’ specifications wherever possible.
- iv) **Assistance through Corporate Social Responsibility (CSR) Programme:** The CSR programme should aim at addressing community felt needs as documented during in the socio-economic survey conducted for this RAP, among which is poverty alleviation. With this in focus, KeNHA will explore means of remaining engaged in communities adversely affected by the Bypass and Kipevu link Roads with possible entry points as follows:-

- Upgrading all project damaged public property as opposed to mere repair of affected portions. This could include for example, provision of additional classrooms for a school whose property will be affected, or providing additional storage during repair of a public water supply project etc.
- Provision of adequate entry and exit points connecting the bypass to local access roads some of which could also be upgraded to murrum or bitumen standard.
- Provision of Viewpoints and stops on the bypass especially on the two bridges which could be exploited for tourism development.
- KeNHA could also arrange for the Engineers or Contractors Camp to be set up in a place like Tsunza where it will ultimately revert to the community for use as an institution such as hospital or tertiary college.

8.1.6: Resettlement must be Seen as an Inevitable Upfront Cost

All compensation will have to be paid and concluded before ground breaking-before recruitment of contractors. The entitlement matrix outlined in Table 8.1 below defines the type of compensation and assistance to be provided to the different categories of project affected households.

8.2: The Cut-off Date

The Cut of date effective to this RAP from which eligibility for compensation will be terminated will be proclaimed and new inhabitants coming to the project affected areas will not be considered for compensation. The same coincided with conclusion of the 1st Stakeholders Workshop series on 15th July 2011 which is also marked commencement of the Asset Inventory Exercise. Thus, in estimating the compensation to be given for any land or any estate therein or the potential profits thereof, the value of such lands, estates or interests or profits at the time of the emission of the notice to acquire, and shall not take into account any improvements or works made or constructed thereafter on the lands.

8.3: The Entitlement Matrix

An entitlement matrix detailing out (i) eligibility and (ii), entitlement in compensation is provided in Table 8.1 below.

Table 8.1: The Entitlement Matrix

#	Type of Loss	Unit of Entitlement	Entitlements
A. Loss of Agricultural Land			
1	Part of land lost and residual is viable ¹ .	(a) Title Holder	<ul style="list-style-type: none"> • 100% cash compensation at replacement cost for the portion surrendered. • 15% cash top-up in compulsory acquisition
		(b) Tenants	<ul style="list-style-type: none"> • Cash compensation for standing tree crops • Advance notice to vacate.
		(c) Informal Settler	<ul style="list-style-type: none"> • Cash compensation for standing tree crops • Advance Notice to vacate.
2	All land lost or residual land is economically non-viable	(a) Title Holder	<ul style="list-style-type: none"> • 100% cash compensation at replacement cost for the lost portion. • 15% cash top-up in compulsory acquisition.
		(b) Tenants	<ul style="list-style-type: none"> • Cash compensation for standing tree crops • Advance notice to vacate
		(c) Informal Settler	<ul style="list-style-type: none"> • Cash compensation for standing tree crops • Advance Notice to vacate.
B. Loss of Residential / Commercial / Industrial Land			
1	Partial loss of land but residual is	(a) Title Holder	<ul style="list-style-type: none"> • 100% Cash compensation for loss at replacement cost.

¹ Non arable land either because of rockiness, slope exceeding 55%, water logging, or cannot afford space adequate for housing and economic utilization.

#	Type of Loss	Unit of Entitlement	Entitlements
	viable ²		<ul style="list-style-type: none"> 15% cash top up in compulsory acquisition
		(b) Tenant/Lease Holder	<ul style="list-style-type: none"> Cash compensation for standing tree crops Advance notice to vacate.
		(c) Informal Settler	<ul style="list-style-type: none"> Cash compensation for standing tree crops Advance notice to vacate.
2	Entire loss of land or partial loss where residual is not viable	(a) Owners	<ul style="list-style-type: none"> 100% Cash compensation for entire land holding at replacement cost 15% cash top-up in compulsory acquisition Residual land reverts to community
		(b) Tenants / Lease Holders	<ul style="list-style-type: none"> Replacement cost for standing assets Advance notice to vacate
		(c) Informal Settler	<ul style="list-style-type: none"> Replacement cost for standing assets, Possibility of land grant where possible³ Advance notice to vacate
C. Loss of Structures			
1	Partial loss but residual viable in Owner-built Structures	(a) All Categories of Occupiers	<ul style="list-style-type: none"> Cash compensation at replacement cost for affected portion calculated on market value without depreciation; Repair costs for un-affected structure equivalent to 25% of the compensation Moving assistance such as house replacement, assistance of rent for some period and moving cost Right to salvage material Advance notice to vacate
2	Fully affected / part affected and remaining structure is non-viable (Owner Built)	(a) All Categories of Occupiers	<ul style="list-style-type: none"> Cash compensation at replacement cost of the based on market value without depreciation House building allowance at 25% of compensation Moving assistance such as house replacement, assistance of rent for some period and moving cost Right to salvage materials Advance notice to vacate
3	Loss of occupied portion	(a) Lease Holder	<ul style="list-style-type: none"> Re-imbusement of remaining worth of lease or tenancy deposit Moving assistance such as house replacement, assistance of rent for some period and moving cost Advance notice to vacate
		(b) Informal Settler	<ul style="list-style-type: none"> Value and entitlement for structure will be claimed by legal owner 3months rent equivalent on compassionate grounds Moving assistance such as house replacement, assistance of rent for some period and moving cost Advance notice to vacate
D. Loss of Standing Tree Crops			
		All Cultivators	<ul style="list-style-type: none"> Compensation for any non-agricultural trees, shrubs / permanent grass cover based on economic value for tree and vegetation. Cash compensation based on income for entire life-cycle in case of permanent agricultural crops. Cash compensation at gross yield value for temporary crops eg. cassava

² Land can still be exploited economically for residential, commercial or industrial uses as per local zoning class.

³ Some of the informal settlers do not know of any land and are too frail to fend for themselves. Unless resettled, displacement would spell doom for them.

#	Type of Loss	Unit of Entitlement	Entitlements
E. Loss of Community Proprietary Resources			
			<ul style="list-style-type: none"> In kind replacement for affected resources
F. Assistance to Vulnerable Groups			
			<ul style="list-style-type: none"> Socio-department of KeNHA to consider other assistance over and above compensation package to cushion them against impact of such disability. To be treated on merit basis.
G: Loss of Livelihood			
		3 Boat Owners at Tsunza	<ul style="list-style-type: none"> 3 months cash hand out for income replacement
		Boat Operators at Tsunza	<ul style="list-style-type: none"> 3 months cash hand-out worth of wages paid
		Canoe owners at Tsunza	<ul style="list-style-type: none"> 3 months cash hand-out worth of income paid
		Canoe operators at Tsunza	<ul style="list-style-type: none"> 3 months cash hand-out worth of wages paid
		Fishermen at Mwangala, Mkupe, Kitanga Juu and Tsunza Beaches	<ul style="list-style-type: none"> Provision with alternative and new fish land beach Capacity building and equipment for deep sea fishing Income replacement for any day of work lost due to construction activity
		Small scale traders	<ul style="list-style-type: none"> 3 months cash handout for income replacement computed at the gross average daily income
		Fish traders	<ul style="list-style-type: none"> Benefit from modern fish market in the new beach area
		Fish farmers in Mwangala	<ul style="list-style-type: none"> In kind replacement of lost assets plus 3 months cash hand-out for loss of income
		Boda boda operators	<ul style="list-style-type: none"> One month worth of income replaced before identification of other routes.
		Conservation groups in Tsunza and Mwangala	<ul style="list-style-type: none"> Capacity building for fish farming. Income replacement for lost assets and anticipated income.
		Landlords in Shikadabu	<ul style="list-style-type: none"> 3 months cash hand-out worth of gross rent
		Bussinessmen in Shikadabu	<ul style="list-style-type: none"> 3 months cash hand-out calculated at gross daily income
		Business Tenants at Shikadabu	<ul style="list-style-type: none"> 3 months cash hand-out net monthly profit
		Estate Developer in Shikadabu	<ul style="list-style-type: none"> Reimbursement of lost income for entire premises replacement cost rate Right to salvage materials
		Alaska Football Club	<ul style="list-style-type: none"> Funds to purchase and equip a football pitch
H. Graves			
		Individual graves	<ul style="list-style-type: none"> Negotiated re-imburement for translocation costs including option for physical translocation
		Communal graveyards	<ul style="list-style-type: none"> Negotiation of available options

CHAPTER 9: COMMUNITY PARTICIPATION

9.1: Description of the Strategy for Consultation with and Participation of Resettlers

Guiding Principle

The guiding principle in this preparing this RAP is the need to ensure fairness and fair play developing the proposed by pass road including the need to safeguard the rights of all potentially affected people in light with the Spirit and letter of National Constitution. Section 40 (clauses 3-6) of the National Constitution inter alia, state that the state shall not deprive a person of property of any description unless in the public interest but provided that prompt compensation is available and affected dissatisfied persons have recourse to legal procedure. In light of aspirations of this supreme law and other relevant Policy Tools, an all-encompassing study methodology that involved the full and informed participation of all affected and interested people was designed. An overview of what transpired in course of the study is provided here below.

Approach to Public Sensitisation Meetings

The Consultant organised and facilitated public in the centres of all affected sub-locations – Miritini, Port Reitz, Tsunza, Mwangala, Kitenje, Pungu and Shikadabu during which the RAP study was discussed and modalities for on the ground inventory of assets arranged. A total of 15 meetings (Table 9.1) were held during which, potentially PAPs were advised on the mode of asset inventory. All meetings were conducted by the Team leader and facilitated by the local provincial administration. Presentation Sheets used in stakeholder consultation meeting are in Appendix 9.1.

Table 9.1: Record of Stakeholder Consultative Meetings

Date	Area	Venue	Type of Meeting	Number of Attendees
12/07/2011	Changamwe	Kenya Oil Refinery Social Hall	Stakeholder meeting to disclosure the supplementary Studies	550* ¹
14/07/2011	Likoni	YWCA hall-Likoni	Stakeholder meeting to disclose the supplementary studies	471* ¹
23/7/2011	Pungu, Kwale	Pungu Primary School	Public consultative meeting (Baraza)	45
	Kiteje, Kwale	Mkumbi Primary School	Public consultative meeting (Baraza)	28
24/7/2011	Miritini	Explosives Jetty-Mkupe	Focused group discussion with fishermen	37
26/7/2011	Tsunza	Tsunza Primary School	Public consultative meeting (Baraza)	36
26/7/2011	Mtongwe	Mwangala Primary School	Public consultative meeting (Baraza)	68
27/7/2011	Port Reitz	Hodi B	Public consultative meeting (Baraza)	39
29/7/2011	Miritini	Catholic Hall	Public meeting with Miritini residents	45
25/08/2011	Mwangala	Mwangala P. Sch	Meeting with fishing stakeholders	186* ²
10/09/2011	Pungu	Pungu Primary Sch	Public consultative meting	132* ²
15/09/2011	Changamwe	St Mary's Church Hall	Stakeholder meeting to disclose findings of the supplementary studies	226
16/09/2011	Likoni	YWCA hall	Stakeholder meeting to disclose findings of the supplementary studies	238
21/09/2011	Shikadabu	Chief's Office	Public consultation meeting	129
27/09/2011	Pungu	Tuliani Village	Public Consultation Meeting	125

*¹: Presentation Sheets of the meeting is in Appendix 9.1.

*²: Presentation Sheets of the meeting is in Appendix 9.2.

9.2: Summary of the Views Expressed Views

Comments from Land / Asset Owners:

- i) Potential PAPs require adequate and prompt compensation where land and property will be affected.
- ii) Some persons prefer not to receive cash but instead have a home built for them in a good area within the coastal region. They fear they may squander the money and fail to put up a descent home.
- iii) PAPs need adequate notice to vacate their current residence. Once compensated, people should be given ample time to vacate since they will need to look for alternative accommodation before they build or buy new houses.
- iv) Some PAPs need transport to enable them move their goods to the new residences that they will obtain.
- v) PAPs who operate businesses fear that it will take them time before they will be able to pick up again. Some of them will move away from where their employees live and some trained employees may remain behind. If this happens, such PAPs will be forced to incur more expenditure on training of new staff that they will recruit.
- vi) Some PAPs especially squatters fear that they will not benefit from the project since they will be forced to look for alternative residences far away from the project site.
- vii) There was general concern that employment has previously not been given to the affected population. There is unemployment among the youth. Most of the affected respondents expressed optimism that their youths will be given first priority if more jobs are created by the project.
- viii) All PAPs generally feared that they will not get adequate compensation for trees and have practical cases to cite.

Comments from Fishermen

- i) Fishermen from Mkupe feared that they may be denied access to their fish land and fishing sites when the bridge site is fenced out. They demanded that they be allocated an alternative access to the sea for fishing.
- ii) Fishermen in Tsunza and Mwangala feared losing business since blasting will scare away fish while the bridge construction will destroy fish breeding grounds in mangroves. During operation, there was fear that discharges of runoff from the bridge will pollute the creeks thus slowly kill the fishing industry. Overtime, they fear, the fishing industry will die out.

Comments from Fish Traders

- i) They fear that they will be unable to get fish and thus lose the income from fish trading.
- ii) They also fear that they will be unable to travel to other markets to obtain fish for sale.

Comments from Boat Operators

Boat operators in Tsunza numbered 3 who own a total of 4 boats and employ a total of 6 people who operate from the Maguzoni bay. As well, there are a total of 11 people who own and operate canoe boats. Both groups operate a transport business ferrying people and cargo from Mkupe to Tsunza. Their main fear is that this their transport trade will die off once the bridge is constructed and operational.

Comments from Conservation Groups

The Mwangala young conservators operate at Mwangala beach where they undertake enrichment planting of mangroves, fish farming and bee keeping. Their main fear is that, once their area of operation is fenced off for the bridge, they will lose their current income from fish farming and that in the long-term they will lose income anticipated from mangrove seedlings at maturity.

Comments from Palm Wine Dealers

These operate a trade selling Mnzii from Tsunza to Mombasa through Mkupe and feared that they will lose this trade once construction starts and when eventually the road is commissioned. This was however not entertained.

9.3: General Perceptions of the Community and PAPs

- i) During the series of consultation meetings with different categories of people of the community and in particular those affected by the project, it emerged that; - There was general understanding of the impacts of the project which are both negative and positive but positive impacts outweigh negative ones making the project highly acceptable both socially and economically.
- ii) During implementation, there will be cultural diffusion as people from outside the project area in form of experts will work and live in the area and share goods and services at different levels with the locals.
- iii) Business and employment opportunities will be available but incidences of increase in such conditions as HIV/AIDS and drug use and abuse may also be evident. Road accidents may also increase if proper road signage/furniture and training on road use and safety is not effectively put in place by the project proponents.
- iv) The fishing folk will require fishing gear for venturing into deep sea in form of motorized boats and nets to catch such fish as tuna, king fish, among others as prawns will have been displaced by construction activities.
- v) Communities want communal and ancestral graveyards respected. As well shrines within the cultural benefits of the Giriama, Duruma and Digo should be respected with support to ceremonies that appease the death and the spirits in the shrines to accept move along with their kin to the new sites rest/ operations.
- vi) The road project will equally consider working in harmony with elders specifically on matters concerning culture and customs of the Miji Kenda people along the corridor. These include Mizimu, Vifudu, and airport for evil spirits.
- vii) No eligible PAP will be discriminated against in matters of compensation as even those who own structures on land that is not their own will be compensated the equivalent of 2024m² land in agricultural areas.
- viii) The road project will recognize that the physically challenged people also use the road and the friendly road furniture be considered during construction and operation phases.

9.4: Assimilation of Stakeholder Comments into the Resettlement Plan

As part of the RAP process, negotiations were held with communities so as to build consensus on the mode for compensation so as to come up with realistic approaches to compensation. Thus, where Fishing stakeholders in Mwangala had initially opted for cash compensation, this was negotiated to settle for a community fish landing bay complete with new fishing gear, cold storage, fish market and capacity building. The same case applied at Pungu where some section of the community were opposed to the road passing through their area and were not ready to negotiate compensation. The Consultant applied sustained dialogue which ultimately paved the way for realignment of the road to cater for concerns raised by residents of Pungu.

All other concerns have been taken into consideration during formulation of this RAP with the Entitlement Matrix being crafted to cater for all concerns raised which have also been allocated for in the project budget.

9.5: Modalities for Disclosure

Responsibility of disclosing the RAP vests with KeNHA. Thus, once approved by NEMA and contingent upon the project being declared effective, KeNHA will advertise the RAP in the local media as required by Legal Notice 101 of EMCA for EIA Reports. The PMU will then mount meetings to discuss the RAP with all potentially affected people within the Route of Traverse. The PMU through the CRM will also hold forum to disclose the RAP to all secondary stakeholders within County Governments and others.

9.6: Public consultations with Project Affected Persons during detailed design and construction stage

KeNHA confirmed to conduct the public consultations with Project Affected Persons (“PAP”) at least twice a year to apprise them on the status and the progress of the project and the following items during detailed design and construction stage.

- 1) Negative impacts on environment and mitigation measures
- 2) Status of mangrove reforestation
- 3) Land acquisition and resettlement
- 4) Income restoration measures
- 5) Special assistance for Vulnerable affected person

CHAPTER 10: GRIEVANCE PROCEDURES

10.1: Overview

Regardless of its scale, involuntary resettlement inevitably gives rise to grievances among the affected population over issues ranging from rates of compensation and eligibility criteria to the location of resettlement sites and the quality of services at those sites. Timely redress of such grievances is vital to the satisfactory implementation of resettlement and to completion of the project on schedule.

Grievance procedures may be invoked at any time, depending on the complaint and no person or community from whom land or other productive assets are to be taken will be required to surrender those assets until any complaints he/she has about the method or value of the assets or proposed measures are satisfactorily resolved. In order to deal with the grievance that may rise during the implementation, this RAP has identified procedures to allow affected people to lodge a complaint or a claim (including claims that derive from customary law and usage) without cost and with the assurance of a timely and satisfactory resolution of that complaint or claim in which case, dialogue is a vital element. The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the Courts which would otherwise take a considerably longer time. The grievance procedure will be simple, administered as far as possible at the local levels to facilitate access, flexible and open to various proofs. Fig. 10.1 is a schematic presentation of the overall grievance procures recommended. Grievance redress is anticipated at 5 levels namely:-

- PAP to PAP Counselling
- Location Elders Council
- Location PAP Committee
- Grievance Redress Council
- High Court

Expectations for each level are highlighted in sections below.

10.2: PAP to PAP Counseling:

Experience has it that farmers learn best from fellow progressive farmers and this premise permeates all spheres of rural life. Indeed, it is expected that any aggrieved PAP will first try to seek guidance from a fellow PAP or a respected neighbour in which case, and this presents an excellent forum that could be tapped to resolve and nip disputes at the budding stage. The proposal is for the GRC to invest resources in extending intensive training and sensitisation to all PAPs so that, armed with better understanding of the resettlement process, procedures and institutions, PAPs will be available to guide fellow PAPs to better understand their rights, jurisdiction of available conflict resolution organs and thus only approach the right organ for cases with merit, thereby cutting down on nuisance or otherwise unfounded claims and time wasted in cross referrals. Thus, one of the roles of the PMU through the Resettlement Officer will be to build capacity for PAPs and their organs.

10.3: The Location Elders Council-LEC

All attempts would be made to settle grievances. The project will use a local mechanism, which includes peers and local leaders of the affected people to ensure equity across cases, eliminate nuisance claims and satisfy legitimate claimants at low cost. The response time will depend on the issue to be addressed but it should be addressed with efficiency. 8 LECs will be established in Kilifi, Changamwe, Kinango, and Likoni District and covered each area.

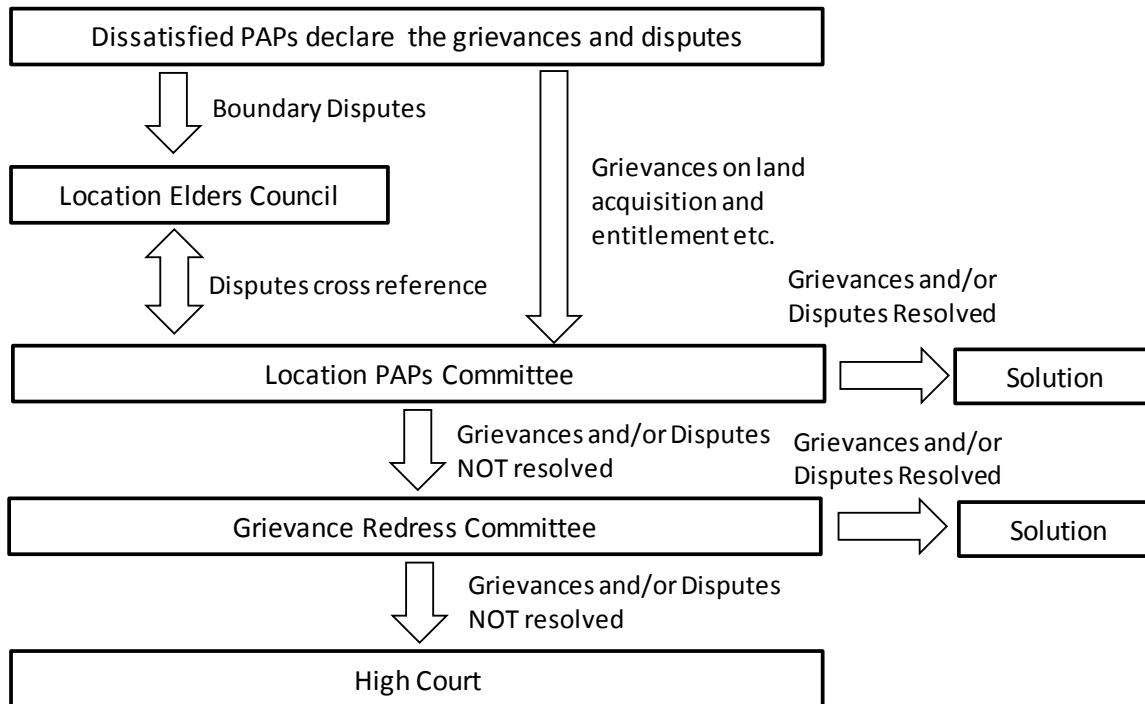


Figure 10.1: Grievance Redress Procedure in the Mombasa City Roads Upgrading Project

This RAP observed existence of a very strong social control system where elders' verdict is greatly respected and as such, this RAP recommends that Elders' Councils comprised of respected elders be set up at every sub location affected by the traverse. The Village Elders Councils (VEC) will comprise of three members who are not associated/ stakeholders to the resettlement process and will filter all complaints emerging from the process and decide on those to be arbitrated at village level hence referring the rest to the next level. This RAP has noted existence of diverse disputes on boundary, inheritance and ownership which pre-existed the project but whose resolution has now become inevitable prior to the compensation process. It is recommended that such disputes be handled at the location level by the Location Elders Committees under the Chairmanship of the Chief.

At location level, those seeking redress and wishing to state grievances would do so by notifying their chief who will inform and consult with the LEC to determine a claim's validity. If valid, the chief will notify the complainants and s/he will be heard and the verdict communicated in writing to the PAPs Committee. If the verdict rendered by the LEC is acceptable, the matter will rest at this level otherwise; if the verdict is not acceptable to either the individual affected or the management committee, then the matter will be referred to the PAPs committee.

10.4: Location PAPs Committee-LPC

PAPs in every location will appoint a Location PAPs Committee of their own to cater for interests. This committee will work in liaison with the LECs to cross refer and resolve disputes without duplicating or usurping roles. Thus, where disputes relating to boundaries or inheritance are referred to the LPC, the latter will refer the same to the LEC such that, the LPC will only deal with cases relating the Entitlement Matrix. Should a PAP be dissatisfied with the compensation offered, he/she will appeal to the LPC who will act as follows:-

- i) Maintain a register and files for all grievances raised,
- ii) Hear the grievances of the PAPs, and provide an early solution to those they able to,
- iii) Refer boundary matters to the LEC,
- iv) Immediately bring any serious matters to the attention of the GRC,

- v) Provide liaison and feedback mechanism between the PAPs and the GRC.

One of the vital roles of the LPC is to provide liaison between respective PAPs and the GRC so as to cut down on traffic of cases being submitted directly to the latter. 8 LECs will be established in Kilifi, Changamwe, Kinango, and Likoni District and covered each area.

10.5: Grievance Redress Committee-GRC

A Grievance Redress Committee will be constituted as an Organ of the PMU to provide leadership on the grievance process and hence resolution. The GRC will register all grievances forwarded by the PAPs representative committee endeavouring to build compromise on all matters either through series of conciliations, mediations and negotiations conducted with the PAPs. If PAPs accept the recommendations made by the committee, the committee along with PAPs who are willing to take part in these proceedings may hold mediations at the appointed places.

This GRC will provide anchorage and support to all conflict resolution in the RAP implementation and is thus quite pivotal to the successful implementation of the entire project. This is also the organ that will link the grievance resolution mechanism directly to other organs of government to secure requisite synergy while safeguarding sectorial interests in project implementation. It is the organ that will procure and administer funding to facilitate the resettlement process including:-

- Providing secretariat services,
- Capacity building for lower organs,
- Expeditiously arbitrating on all grievances
- Providing feedback on grievances resolved, and
- Liaising with and advising GoK organs through KeNHA on status of resettlement implementation.

The GRC will comprise of 3 personalities who are not direct stakeholders to the resettlement process and this should include one District Commissioner serving in the area, an Imam and former Chairman to either the Kwale or Mombasa County and one who is well versed with land matters in the area. The Resettlement Officer of the PMU will provide secretariat services and serve as the Secretary to the GRC.

The GRC will meet for 3 consecutive days every month on a pre-fixed schedule and will deliver their decisions within a month from the registration of the case. In the event of the grievance not being resolved by the GRC, the aggrieved party is free to seek legal redress.

10.6: The High Court

In situations where PAPs are not satisfied with the decision of Grievance Redress committee, the PAPs can approach the High Court in line with provisions of Cap 295 and other relevant laws. Alternative dispute resolution mechanisms such as arbitration and mediation are also available; however the cost factor may be a limitation to the poor PAPs.

10.7: Costs in the GRM

For purposes of fair play, aggrieved PAPs should be assisted to pursue justice contingent to which therefore, the PMU will identify and commit resources to support activities of the LEC, LPC, and the GRC. All PAPs pursuing grievances up to the GRC level will put up the costs such as transportation and accommodation if necessary but the costs will be reimbursed at specified rates not to be burden for all PAPs. Basically the grievance procedure of LEC, LPC and GRC is free of charge. However, and towards fostering conflict resolution, PAPs opting for the High Court Option will do so at own cost, unless the High Court rules otherwise. In order to avoid influx of speculative lawyers taking advantage of the resettlement to exploit ignorant PAPs, any PAP wanting to go to the High Court will meet all expenses.

CHAPTER 11: ORGANISATIONAL RESPONSIBILITIES

11.1: Overview

The Institutional Framework within which the Mombasa Bypass Road project will be implemented was outlined in Chapter Five above whereby, the diversity of players at different levels was identified. As well, roles and organisational responsibilities for institutions relevant to the Grievance Redress Mechanism were explored and detailed in Chapter Ten above while Chapter Eleven below documents the stepwise procedure in approaching all aspects of the project relevant to resettlement. Subsequent to the analysis in all three chapters therefore, this RAP identifies organisational responsibility to vest at two levels as highlighted in sections below.

11.2: Levels of Accountability in the Project

The KeNHA Level

KeNHA will provide administrative, supervisory and financial oversight to the Project Implementation Unit for the Mombasa Southern Bypass Project. In this capacity, KeNHA will ensure that project implantation is aligned to GoK Policies, operating procedures and the laws of the land while remaining fully responsive to donor conditions. Smooth implementation of the project will require an early posting of qualified staff to the PMU who will soon embark on preparatory activities including drafting of the Project Implementation Manual. Delays in posting staff to Mombasa could be costly to project implementation in which case, KeNHA in the capacity of Executing Agency has to move expeditiously at all times of project development.

The Project Management Unit-PMU

For routine management of project affairs, KeNHA will rely on a Project Implementation Unit to be constituted under auspices of the CRO. Activities of the PMU will be guided and conditioned by both the Project Implementation Manual and annual Work Plans which will set the pace and style of operations.

11.3: Tools in Project Organisation and Management:

This RAP has identified two core tools that will be applied in project implementation namely:-

(i) The Project Implementation Manual: This manual will detail the systematic procedure and approach to project activities. The manual will capture the legal and policy requirements of the Kenya Government in and will detail comprehensive guidelines on all aspects of the project including financial management, accounting, procurement, staff recruitment, duties and responsibilities, reporting etc which is critical to activity coordination and hence efficiency of project implementation. In this capacity, the PIM is a very vital tool in the focussing of PMU activity and will require to be prepared as soon as loon effectiveness is achieved. Among others, the basic content of the PIM is recommended as follows:-

- **Introduction:** provide a background description to the project and outline the purpose and objectives of the PIM.
- **Project Description:** provide an overview of the project design, objectives, scope and budget
- **Legal Framework and Principles:** provide and overview of the legal anchorage to the PIM
- **Institutional Arrangements:** review the institutional framework captured in the RAP and adjusts as accordingly. Identify all core institutional players, roles and responsibilities of organizations at diverse levels, etc.
- **Implementation Procedures:** details procedures to be followed in implementing all aspects of the project. This should cover, budgeting, financial management, accounting, procurement, reporting, rap implementation, environmental mitigation, community mobilisation and linkage, auditing, etc.

- **Monitoring and Evaluation:** detail modalities for monitoring and evaluation, including responsibilities.

(ii) The Annual Work Plan: This Work Plan being a rationalised exposition of the Project Implementation Schedule should be clear on chronological order of activities, duration and expected deliverables. The AWP should detail activities by components, their phasing, responsible cost heads and required budgets and once approved, this will form the basis for routine monitoring of project implementation.

11.4: Organisation Responsibility in this Project

While the PMU will play the role of project implementation, the responsibility for monitoring and supervising progress will vest with KeNHA. As a starting point, KeNHA will review and approve both the PIM and the AWP as drafted by the PMU and thereafter follow-up in implementation.

CHAPTER 12: IMPLEMENTATION SCHEDULE

This chapter outlines the stepwise procedure in implementing this Resettlement Plan. The implementation schedule also identifies essential safeguards that require to be put in place to ensure a smooth resettlement process that is mutually beneficial to both the project and affected households.

12.1: Loan Effectiveness and Implementation Planning

The official effectiveness of the project will be marked by signing of the loan agreement between GoK and JICA following which, KeNHA will move to fulfil conditions for loan effectiveness. During this preparatory phase, KeNHA will undertake activities as follows:-

Constitution of a PMU at the CRO

KeNHA will appoint a Project Coordinator and core staff of the PMU who will then move to establish a secretariat either within the CRO offices or elsewhere. Before release of technical assistance under the loan, the PMU will rely on the CRO for basic operating facilitation until funding is procured.

Planning for Implementation

Once appointed, the PMU will report to Mombasa within acceptable time and will immediately embark on planning for implementation. Presumably, a contractor will have been recruited at this stage and will also participate in some of the planning meetings. Core elements of the Work Plan to be developed include a procurement plan, staff recruitment and deployment, review of the RAP Implementation Schedule, Environmental and Social Mitigation Plan, etc.

Orientation to the Project Affected Area

The PMU will take advantage of this Phase to familiarize with the route of traverse and essentially, the people likely to be displaced.

Formulation of a Project Implementation Manual-PIM

Project implementation will be guided by a project Implementation manual to be developed by the PMU and approved by the KeNHA Board. Thus, part of planning, the PMU will develop a Project Implementation Manual detailing the roles and responsibilities of PMU officers, operating procedures and rules, etc. In case of the RAP, the PIM will include guidelines on constitution of core institutions namely the LECs, LPCs, GRC, respective training modules, etc.

Constitution of LPCs and the GRC

As part of orientation, the RO will make contact with PAPs and guide them to constitute LPCs based on criteria put forth in the PIM. Alongside this, local chiefs will also be contacted to mobilize LECs to collaborate with LECs in projects implementation.

The PMU in consultation with RM will identify and recommend suitable candidates for the GRC who will then be appointed by the Permanent Secretary for Roads.

12.2: Implementation Phase Activities

Implementation Phase activities will entail the following:-

Mobilization of LPCs institutions

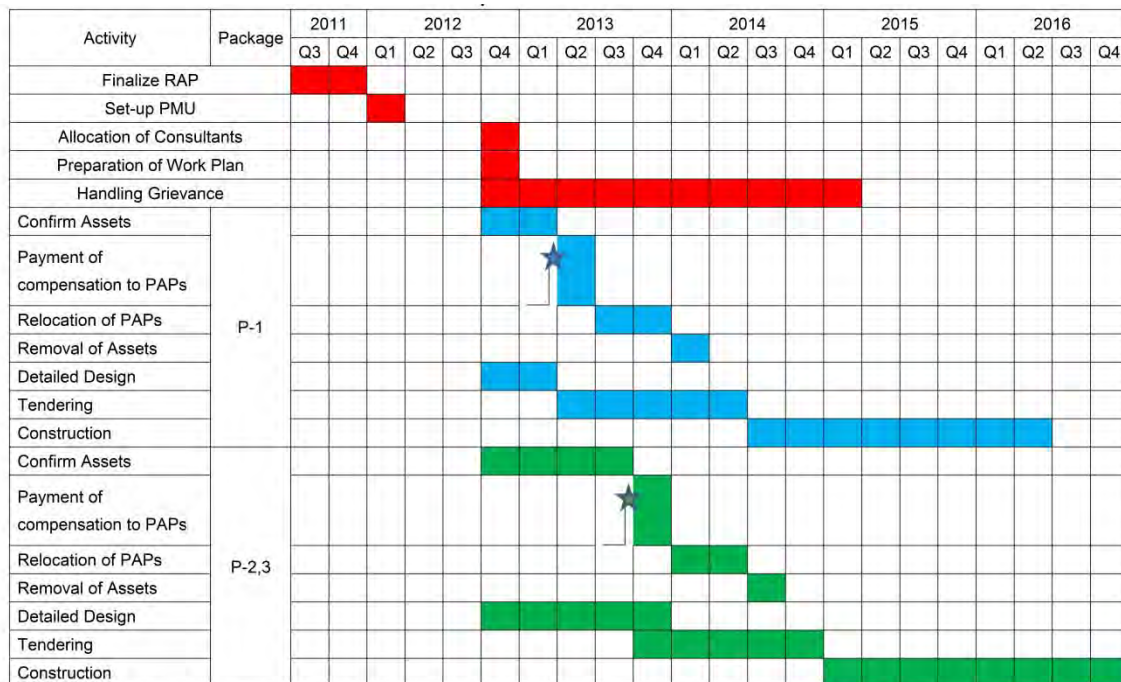
One funding has been procured, the RO will move to mobilize the LPCs by ascertaining that there is one for each location, they have been appropriately constituted, and are adequate. Following this, the RO will arrange training schedules with a view to focusing activities of the PAPs and such training will cover aspects such as leadership qualities, roles, responsibilities and

limits of the LPC, grievance registration procedures, approach to conflict resolution, need for impartiality, etc.

Upon successful training, LPCs will be equipped with standard stationary including grievance registers, foolscaps, filing material etc.

Mobilization of the GRC

The PMU will finalize constitution of the GRC and follow-up approval with the PS. This will be followed by induction meetings during which the GRC will be guided to establish procedures for grievance redress. A secretariat for the GRC will be established within the PMU with the RO as Secretary.



Remarks: JICA's review and concurrence for both detailed income restoration measure plan and detailed special assistance program for vulnerable affected person will be the condition for the commencement of compensation payment to PAPs.

Figure 12.1: Proposed Implementation Schedule

12.3: Compensation Process

Confirmation of the Assets Register

At the beginning of the implementation phase, the final alignment of the road will be made following which, the Assets register will be crosschecked on the ground to ascertain the final list of PAPs and the status of their assets. The final Assets Register will then be assembled and contracts issued to all PAPs.

Sensitization / Counseling for PAPs

Kenya is replete with people who squandered entire proceeds from compensation/ terminal benefits or even credit and ended up destitute and miserable. This normally is associated with ignorance and shock reaction to exposure to apparently huge amounts of money instantly. To forestall such incidence in the case of the Mombasa Southern Bypass Road Project, the PMU will mount counseling sessions for all PAPs to empower them cope with the expected proceeds. Indeed, this RAP recommends that as part of the training, each PAP will be assisted to develop a budget for the expected payment! The reality of how little the anticipated payment is likely to cut down on adventures.

Consensus Building among Families

It is also expected that prior to payment, all those entitled to payment under a PAPs account will have been brought together to agree on monies due to them and on the mode of disbursement. This caution is issued as many households were observed to request that assets be recorded under one brother and this is likely to bring family conflicts once compensation is released. The LPCs will come in handy in fostering consensus among composite PAPs.

Final Award and Signing of Contracts

Upon finalization of the assets register, the final compensation sum will be computed and adjusted for inflation and other processes. Based on this sum, contracts will be issued to PAPs who will sign their approval witnessed by their respective chairmen of LPCs and the area chief. Within this contract, each PAP will undertake to remove affected assets within one month of accepting payment. The PAPs will then be required to open bank accounts through which, checks will be processed.

Release of Cheques

The PMU will then arrange a schedule for release of cheques on a location basis. Account Payee cheques will be released publicly to each respective PAPs in the presence of respective LPCs. The process will be repeated until all PAPs have received their monies to usher in the next phase.

12.4: Removal of Assets

Removal of Economic Assets

From encounters with potential PAPs during entry point discussions and subsequent inventory of individual assets, this RAP can confirm a 100% support to the resettlement process. All households expressed willingness to remove the assets and pave way for road construction in which case no resistance is anticipated. Thus in line with the Contract for compensation, each PAP will be expected to shift their assets within one month of receiving payment.

Removal of Non-economic Assets

Some assets such as shrines and graves may prove difficult to remove by individuals and where such cases occur, the individuals will be assisted by the contractor to upon successful completion of requisite cultural rites.

Replacement of Community Assets

Replacement of community Assets such as infrastructure and water projects will take place under the contract for civil works. Subsequent to this, therefore, the budget for replacement will be compute at the pre-bidding stage and allowed for in the Bills of Quantities for Civil Works. The Contract for Civil Works will bear clauses bidding the Contractor for such works to replace all such assets though provision of similar if not better facilities. The contractor will endeavor to minimize disruption of assets that communities rely on for livelihood or social life through ensuring that alternative passage is provided where access roads and foot paths are blocked, alternative landings are provided where public crossing points are blocked, among others. All these will be sealed in the contract and will be monitored through the Monthly site meetings.

12.5: Costs to the Implementation Schedule

Facilitation of the Resettlement Process will require funding channeled to the PMU. IN the estimate of this RAP, a sum equivalent to 10% of the Resettlement Budget has been allocated for this purpose. Details are in Chapter 13 below.

CHAPTER 13: COSTS AND BUDGET

13.1: Costs in the Resettlement Process

This RAP recognises two costs regimes as follows:-

Costs towards Compensation

Compensation costs have been computed based on the entitlement as applied to the Assets Register (Appendix 8.1) which is summarised in Table 13.1 below. A total of Ksh 1,211,015,088 (US\$11,872,697) has been identified under this vote.

Table 13.1: Summary of Entitlements in the Mombasa Bypass Project

PAP Categories	Identity	Number	Stake	Costs (Ksh)	Cost (USD)
<i>Landed PAPs</i>	Gross compensation for assets	463	Land and property	1,154,537,920	11,318,999
<i>Non-landed PAPs</i>	4 Boat Owners at Tsunza	3	Loss of income and employment in transport trade between Mkupe and Tsunza	672,000	6,588
	Boat Operators at Tsunza	6		216,000	2,118
	Canoe owners at Tsunza	4		216,000	2,118
	Canoe operators at Tsunza	11		216,000	2,118
	Fishermen at Mwangala, Mkupe, Kitanga Juu and Tsunza Beaches	250	Short-term interference with fishing trade; long-term loss of fisheries due to bridge	5,600,000	54,902
	Bodaboda owners	6	Loss of income from trade	165,168	1,619
	Bodaboda Operators in Mkupe and Tsunza	38	Short-term interference with transport trade during road construction followed by loss of the Mkupe transport pool	1,710,000	16,765
	Fish traders in Mkupe, Tsunza and Mwangala beaches	248	Short-term loss of income from fish trading at Mwangala	3,720,000	36,471
	Conservation groups in Mwangala and Tsunza	30	Loss of income anticipated from a mangrove seedlings planted	1,000,000	9,804
	Fish farmers in Mwangala	21	Loss of income from fish farming	1,500,000	14,706
	Small scale traders in ROW	5	Loss of income	2,340,000	22,941
	Landlords in Shika Adabu	2	Loss of rental income	132,000	1,294
	Business Tenants at Shika Adabu	2	Short-term loss of business	10,000	98
Estate Developer in Shaika Adabu	1	Loss of profits in sale of 5 apartments and 22 commercial plots	6,100,000	59,804	

PAP Categories	Identity	Number	Stake	Costs (Ksh)	Cost (USD)
	Alaska Football Club	1	Loss of access to football pitch	3,000,000	29,412
	Business men in Shika Adabu	2	Loss of business	1,080,000	10,588
<i>Communal assets</i>	Community water Project in Mwangala	1	Borehole, 2 elevated masonry tanks	10,000,000	98,039
	Mlongodani Mosque	1	Community borehole	2,000,000	19,608
	Kiteje	1	Community water pan	4,000,000	39,216
	Kayas and shrines	4	Kayas and shrines	800,000	7,843
	Communal playfields	2	Communal playfields	6,000,000	58,824
<i>Other assets</i>	Individual graves (movable)	253	Graves	Catered under landed PAPs above	
	Communal grave yards	3	Communal graves	6,000,000	58,824
Total cost of the RAP				1,211,015,088	1,187,697

Note: US\$1.00=Ksh102 (as of October 2011)

RAP Implementation Costs

This item has been identified to facilitate KeNHA to implement the RAP inclusive of capacity building for RAP structures as identified. A total of Ksh 121,101,509 (US\$ 1,187,270), which is equivalent to 10% of the compensation cost, of has been earmarked for this. This is the budget that will cater for among others, capacity building operating expenses, assistance to vulnerable groups, outsourcing for external services, monitoring and evaluation, etc.

13.2: Total Budget for the RAP

The total budget for resettlement in the Mombasa Bypass Road project is estimated at Ksh One Billion, Three Hundred and Thirty Two Million, One Hundred and Sixteen Thousands, Five Hundred and Ninety Seven (Read Ksh 1,332,116,597 equivalent to US \$ 13,056,966).

CHAPTER 14: MONITORING AND EVALUATION

14.1: The Concepts

Monitoring involves the collection and analysis of data on project activities with the applying accruing information to correct and redirect project implementation and management towards target project objectives. Monitoring allows project participants to keep track of project activities, to determine whether project objectives are being achieved, and to make whatever changes are necessary to improve project performance.

Project Evaluation is an assessment of project performance and results in light of stated project objectives. Evaluation for purposes of this RAP is proposed to include a participatory component allowing the project participants to comment on their experience of the project. To be successful, monitoring and evaluation begins with clear project design followed by identification and elaboration of appropriate criteria and indicators. This document provides guidance about incorporating monitoring and evaluation elements in each stage of the project cycle.

14.2: Indicators and Means for Verification

Indicators form the key elements of any monitoring and evaluation system. The advantage of identifying indicators is that it provides management and staff with a clear set of targets at each level of performance and ensures that progress can be measured against the targets. Indicators also make possible the comparison of inputs with the completion of outputs and achievement of objectives and goals, thus providing the basis for performance evaluation. For purposes of this RAP four categories of indicators have been formulated to facilitate monitoring of Progress, Outputs, Effects, Impacts and Compliance in implementing the project.

Progress / Output Monitoring

For purposes of this RAP, deliverables (outputs) have been clearly outlined in the Entitlement Matrix and the Assets Register which will form the basis for payment of compensation. Progress will be monitored on the basis of periodic outputs as per the Implementation Schedule, Annual Work Plan and Project Implementation Manual while outputs will be monitored on the basis of actual number of PAPs compensated.

Output monitoring will be reported through periodic reports produced by the PMU and backed up by signed consent certificates by PAPs. These reports will form the basis for routine external monitoring by both GOK agencies and JICA.

Effect Monitoring

This will be used to measure the extent to which the immediate objectives have been achieved and give an idea of the results emanating from implementing the RAP e.g., percentage of PAPs now accessing better housing or improved livelihoods on account of being successfully resettled. Effect monitoring especially through end of term Project Evaluation is also useful in documenting lessons learned from project implementation which can also be replicated elsewhere. Effect monitoring will best be achieved through routine and end term Project Evaluation conducted by the KeNHA.

Impact monitoring

This is the process through which, assessment of the overall achievement of the project goal will be made. Specifically, this is the system that will generate data to gauge success towards implementation of this RAP in terms of impact of the resettlement on the PAPs. The basis for impact monitoring is the baseline social-economic survey data against which the wellbeing of PAPs will be compared. Internal monitoring will employ criteria as outlined in table 14.1 below. Monitoring will take place based on four broad themes against which, 26 criteria have been formulated.

Table 14.1: Criteria and indicators for internal monitoring

Criteria for Internal Monitoring	Indicators for Monitoring
Budget and Time Frame	1. Has the PMU been constituted?
	2. Have all land acquisition and resettlement staff been appointed and mobilized for the field and office work on schedule?
	3. Have capacity building and training activities been completed on schedule?
	4. Are resettlement implementation activities being achieved against agreed implementation plan?
	5. Are funds for resettlement being allocated to resettlement agencies on time?
	6. Have resettlement offices received the scheduled funds?
	7. Have funds been disbursed according to RAP?
	8. Has the social preparation phase taken place as scheduled?
	9. Has all land been acquired and occupied in time for project implementation?
Delivery of PAP Entitlements	10. Have all PAPs received entitlements according to numbers and categories of loss set out in the Entitlement Matrix?
	11. Are assistance measures being implemented as planned for host communities?
	12. Is restoration proceeding for social infrastructure and services?
	13. Are PAPs able to access schools, health services, public transport, cultural sites and activities?
	14. Are income and livelihood restoration activities being implemented as set out in the income restoration plan, for example utilizing replacement land, commencement of production, numbers of PAPs trained and provided with jobs, micro-credit disbursed, number of income generating activities assisted?
	15. Have affected businesses received entitlements including transfer and payments for net losses resulting from lost business and stoppage of production?
Consultation, Grievance and Special Issues	16. Have consultations taken place as scheduled including meetings, groups, community activities? Have disclosure meetings taken place?
	17. How many PAPs know their entitlements? How many know if they have been received?
	18. How many LPC and LECs been constituted?
	19. Has a GRC been set up within the PMU?
	20. Have any PAPs used the grievance redress procedures? What were the outcomes?
	21. Have conflicts been resolved?
	22. Was the social preparation phase implemented?
Benefit Monitoring	23. What changes have occurred in patterns of occupation, production and resource use compared to the pre-project situation?
	24. What changes have occurred in income and expenditure patterns compared to pre-project situation? What have been the changes in cost of living compared to pre-project situation? Have PAP incomes kept pace with these changes?
	25. What changes have taken place in key social and cultural parameters relating to living standards?
	26. What changes have occurred for vulnerable groups?

14.3: Procedure for Internal Monitoring

Development of Criteria and Indicators for Monitoring: Criteria and indicators for the three categories of monitoring will be detailed and elaborated in the Project Implementation Manual. As well, the monitoring frequency and content of monitoring reports will all be detailed in the PIM. It is however expected that monitoring will be reported in quarterly and annual reports of the PMU.

Responsibility for Internal Monitoring: Routine monitoring and reporting will be the responsibility of the PMU reporting to KeNHA: Indeed, for project monitoring will fit in the overall monitoring plan of the entire project under auspices of the KENHA. Figure 14.1 outlines the schematic procedure for internal monitoring proposed for the Mombasa Southern Bypass Project.

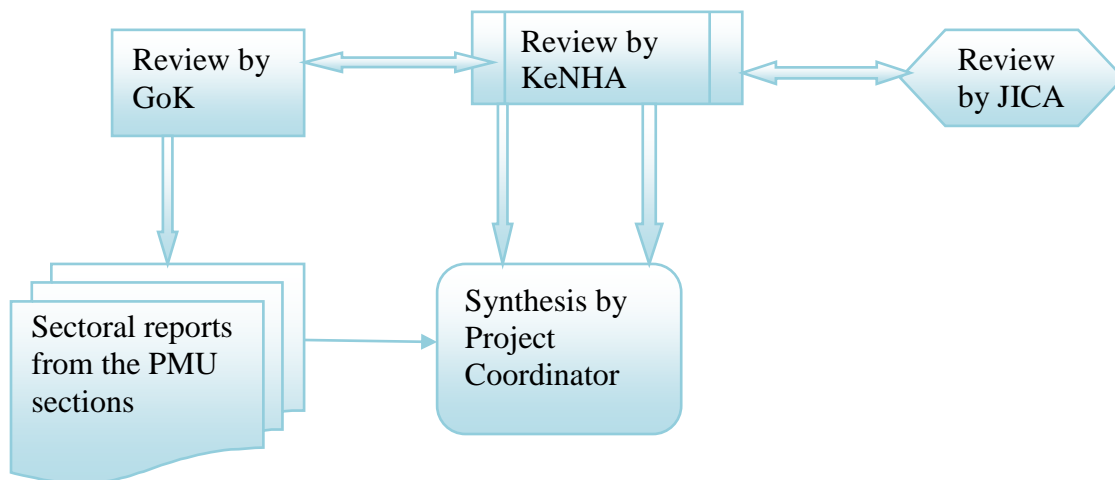


Figure 14.1: Procedure for Internal Monitoring

Within the internal monitoring framework, subject matter specialists (including the Resettlement Officer) of the PMU will file monitoring reports to the Project Coordinator who will review, collaborate and submit to the KeNHA Head office. The latter will review and synthesize monitoring reports to:-

- Provide timely information about all resettlement arising as a result of development of the bypass road project;
- Identify any grievances that have not been resolved at local level and require resolution through the involvement of the PMU;
- Document the timely completion of project resettlement obligations for all permanent and temporary losses;
- Evaluate whether all PAPs have been compensated in accordance with the requirements of this RAP and that PAPs have higher living standards in comparison to their living standards before physical or economic displacement.
- Evaluate whether all PAPs have been compensated in accordance with the requirements of this RAP and that PAPs have higher living standards in comparison to their living standards before physical or economic displacement.

Upon internal verification of all reports, KeNHA will submit the same to both GoK and JICA for review and advice through a feedback mechanism Appendix 14.1 provides a format through which, monitoring output will be conveyed to JICA.

14.4: External Monitoring

Right from the onset, this RAP acknowledges that, given the scope, magnitude and strategic importance of the Mombasa Southern Bypass, it will attract huge attention from many

stakeholders who will keenly monitor progress. It is thus important for the project to develop their own database that will be readily availed to interested parties.

External monitoring of the RAP will be undertaken alongside that of other project components. It is expected that KeNHA will mount routine monitoring in response to PMU reports while other agencies both within and outside government (Efficiency Monitoring Unit, Parliamentary Committees, NEMA, etc.) will routinely monitor progress including implementation of both social and environmental mitigation. Other External Monitoring will take place as follows:-

- **Monitoring by JICA:** In the capacity of Strategic Partner to the Mombasa City Roads Improvement project, JICA will routinely field monitoring teams who will screen the project for overall adherence to conditions for Effectiveness.
- **Midterm Monitoring:** The project will undergo monitoring after two years to determine status of resettlement process alongside other components. Midterm monitoring will be useful in determining whether the Resettlement Process is both on track and on schedule and could occasion necessity to review project goals, objectives and even strategies towards enhancing delivery of resettlement assistance to PAPs. Midterm monitoring will also screen the project for emerging concerns/ impacts not anticipating in the design stage and hence allow for early resolution. Conditions and modalities for midterm monitoring are mirrored in the Post Project Monitoring briefly discussed below.

14.5: Post Project Impact Assessment

In order to determine final impacts of the resettlement activity, a final evaluation cum an impact assessment will be undertaken 6 -12 months after conclusion of resettlement to evaluate whether the intended objectives were realised. For this, suitable baseline indicators related to income, assets, land ownership, expenditure pattern of key activities, housing conditions, access to basic amenities, demographic characteristics, indebtedness, etc will be applied. Table 14.2 outlines the criteria that will be applied towards gauging and documenting project impacts.

14.6: Support for External Monitoring

It is expected that KeNHA in the capacity of Implementing Agency will identify and procure the services of a competent agency to undertake both the Midterm and Post Project Monitoring. Independent external evaluation will preferably be undertaken by an outside research or consulting agency, university department or development NGO. The tasks of the independent evaluation agency are to:

- Verify results of internal monitoring;
- Assess whether resettlement objectives have been met; specifically, whether
- Livelihoods and living standards have been restored or enhanced;
- Assess resettlement efficiency, effectiveness, impact and sustainability, drawing
- Lessons as a guide to future resettlement policy making and planning; and
- Ascertain whether the resettlement entitlements were appropriate to meeting the objectives, and whether the objectives were suited to PAP conditions.
- Undertake any other assessment relevant to the resettlement process.

Comprehensive TORs to guide recruitment and conduct of the External Monitoring are provided in Appendix 14.1 below. Essentially, the TORs outline the core pillars of the evaluation studies namely;-

- Aims and objectives of external M&E in relation to objectives of RP, DMC policy
- Objectives and the Bank's policy
- Information needed to meet these objectives, with reference to the RP
- Method and approach to provide the information

- Detailed methodology, use of the existing baseline census and survey, periodic updates, sampling frame, arrangements for data collection, collation and analysis, quality control, and development of a recording and reporting system
- Participation of key stakeholders, especially PAPs, in monitoring and evaluation
- Resources required, including expertise in sociology, social anthropology and resettlement
- Time frame for M&E
- Reporting requirements

Table 14.2: Criteria for external monitoring

Criteria for monitoring	Indicators for Monitoring
Basic Information on PAP Households	1. Location
	2. Composition and structure, ages, educational and skill levels and gender of household head
	3. Ethnic group
	4. Access to health, education, utilities and other social
	5. services
	6. Housing type
	7. Land and other resource owning and using patterns
	8. Occupations and employment patterns , income sources and levels
	9. Agricultural production data (for rural households)
	10. Participation in neighbourhood or community groups and access to cultural sites and events
	11. Value of all assets forming entitlements and resettlement entitlements
Livelihood Restoration Programme	12. Were house compensation payments made free of depreciation, fees or transfer costs to the PAP?
	13. Have perceptions of “community” been restored?
	14. Have PAPs achieved replacement of key social and cultural elements?
	15. Were compensation payments free of deductions for depreciation, fees or transfer costs to the AP?
	16. Were compensation payments sufficient to replace lost assets?
	17. Did income substitution allow for re-establishment of enterprises and production?
	18. Have enterprises affected received sufficient assistance to re-establish themselves?
	19. Have vulnerable groups been provided income earning opportunities? Are these effective and sustainable?
	20. Do jobs provided restore pre-project income levels and living standards?
	21. How much do PAPs know about resettlement procedures and entitlements? Do PAPs know their entitlements?
Levels of Satisfaction	22. Do they know if these have been met?
	23. How do APs assess the extent to which their own living standards and livelihoods have been restored?
	24. How much do PAPs know about grievance procedures and conflict resolution procedures?
	25. Were the PAPs and their assets correctly enumerated?
Effectiveness of Resettlement Planning	26. Was the time frame and budget sufficient to meet objectives?
	27. How did resettlement implementers deal with unforeseen problems?

Criteria for monitoring	Indicators for Monitoring
	28. Were there unintended environmental impacts?
Other Impacts	29. Were there unintended impacts on employment or incomes?

ANNEX

Annex 1: Definition of Terms used in the Report

Unless the context dictates otherwise, the following terms shall have the following meanings:

“Census” means a field survey carried out to identify and determine the number of Project Affected Families/households/Persons (PAF/PAH/PAP) or Displaced Families (DFs). The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures emanating from consultations with affected communities.

Project Affected Person(s) (PAPs) are persons affected by land use or acquisition needs of the Program. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they must move to another location.

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

“Cut-off Date” is 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 person whose land is occupied for project use, will not be eligible for compensation.

“Displaced Persons” mean persons 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 Persons are physically relocated. These people will have their: 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” means 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 Persons has moved to another location; or not.

“Involuntary Land Acquisition” is the repossession of land by government or other government agencies for compensation, for the purposes 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.

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

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

Lease Holder: A land user who has obtained temporary usage of the land on account of having entered into a lease agreement with the owner.

Legal and Localizable Users of Agricultural Land: The right for Project Affected Persons (PAPs) to use land permanently comes in the form of a Land Use Right Certificate (LURC) issued by the district authority which as the power to grant such rights. These PAPs have full title to the land and will be compensated as such. This category of PAPs shall also include those who are in the process of obtaining permanent land use rights and who have documents to prove this. Pending issuance, these

families will have been issued with a temporary certificate by the People's Committee, as it usually takes several years before a LURC can be issued. In the meantime, the land users are considered to be legal occupants with the same rights as permanent legal occupants and they will be compensated as such.

Legal and Localizable Users of Residential and Commercial Land: PAPs who have the right to use land permanently, in the form of a LURC, issued by the district authority which has the power to grant such rights. These PAPs have full title to the land. This category also includes PAPs who are in the process of obtaining permanent LURCs and have been issued temporary LURCs pending completion of the permanent certificates.

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

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

Resettlement and Compensation Plan, also known as a **“Resettlement Action Plan (RAP)”** or **“Resettlement Plan”** - is a resettlement instrument (document) to be prepared when program locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPS contain specific and legal binding requirements to resettle and compensate the affected party before implementation of the project activities.

Replacement Cost means replacement of assets with same quality and quantity with an amount sufficient to cover full cost of lost assets and related transaction costs and taxes. The cost is to be based on **Market Rate (Commercial Rate)** according to Kenyan law for sale of land or property. In terms of land, this may be categorized as follows; (a) “Replacement cost for agricultural land” means the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes;

Replacement Cost for Houses and other Structures means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures. Such costs shall include: (a) transporting building materials to the construction site; (b) any labor and contractors' fees; and (c) any registration costs.

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

[APPENDIX]

- 3.1 Inventory of PAPs
- 5.1 Terms of Reference for the Resettlement Consultant
- 7.1 Replacement Cost Study
- 8.1 Cost Assets Register
- 9.1 Presentation Sheet of First Stakeholder Consultation Meetings
- 9.2 Presentation Sheet of Second Stakeholder Consultation Meetings
- 14.1 Internal Monitoring Format
- 14.2 Terms of Reference for External Monitoring

3.1 Inventory of PAPs

Administrative details			PAP details			Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets	
1	Kilifi	Mabanda ya Ngombe	Tsuma Kimbugwa		17,200	Hort	0	20	0	10	150			
2			Keya Kimbugwa		5,700	hort	0	0	0	0	0	0	0	
3			Bembeyu Kuri Tsuma		30,158	bare grassland	0	0	0	0	0	0	0	
4			China Road and Bridges	Commercial	2,093	Commercial	Godown	0	0	0	0	0	0	
5			Coragated enterprises ltd	Commercial	2,016	Corrougate	comm	0	0	0	0	0	0	
6			Benja Mwambogo Benja	O505085	9,122	Hort	0	60	0	6	50	0	0	
7			Amani Mzuri	22700874	4,440	Hort	0	22	0	6	10	0	10 sugarcane	
8			Mambo Mzuri	11459054	4,206	Homestead	5	6	4	4	21	31		
9			Mgandi Kea	11789730	33,947	Hort	0	80	0	25	100			
10			Bekweke Kea	11789730	2,093	Hort	0	60	0	0	0	0	0	
11			Juma Kea	22814036/52	2,093	Hort	0	50		22	130	0	0	
12			Suleiman Karume Keya	21114579	2,093	Hort	0	15	0	27	20	0	0	
13			Matano Kea Chovu	12770217	2,093	Hort	0	75	0	41	30	0	0	
14			Hamisi Katembe Kea	20395888	2,093	Hort	0	15	0	4	20	0	0	
15			Kea Chovu Chongo	2193924	2,093	Hort	0	50	0	22	130	0	0	
16			Alice Dzame Nyiera	24172701	2,093	Hort	0	30	0	31	10	0	0	
17			Jamaa Chai Jamaa	2192275	2,093	Hort	0	0	0	1	2	1	0	
18			Said Malembi	20736702	2,093	Hort	0	12	0	7	3	0	0	
19			Mwadzaya Bekweke Kachongo	9987524	2,093	Hort	0	33	0	6	40	0	0	
1	Kinango	Mwamdudu	KPLC	0	0	0	0	0	0	0	0	0	Power TL	
2			KenHa	0	7,165	0	0	0	0	0	0	0	A3 dual carriage road	
3			Kenya Railways Corp	0	2,562	0	0	0	0	0	0	0	railway line and	
4			Rehema Said Ali	1609544	6,589	Homestead	3	0	0	0	0	130	0	
5			Jumaa Chai Jumaa	2192275	11,055	grassland	0	0	0	0	0	0	2 graves	
6			Mbovu Mgandi		9,502	grassland	0	0	0	0	0	3	86 sisal, 2 graves	
7			Hassan Mgandi Kachongo	7814773	9,501	partly grassland	0	6	0	3	0	13	9 graves	
8			Mwadzaya Mgandi Kachongo	3152641	14,651		0	0	0	co owns	0	0	0	
9			Suleiman Mohammed Kinyawe	28536912	5,039		0	0	1	4	0	11	70 sisal	
10			Fatuma Bahati Mgandi		5,826	grassland	0	0	0	0	0	1	0	

Administrative details			PAP details			Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets	
11			Said Malembi Bekwekwe Kachongo	20736702	8,831	agric and settlement	1	2	2	2	0	8		
12			Mechombo Kimbugu		0		1	0	0	0	0	0		
13			Kachongo Bekwekwe		0		1	0	0	0	0	0		
14			Mwadzaya Bekwekwe	9987524	0		1	0	0	0	0	0		
15			Anzazi Kaniki Mgandi	2254442	0		1	0	0	0	0	0		
16			Ouari Bekwekwe		0		1	0	0	0	0	0		
17			Mgandi Kachongo	26265511	0		1	0	0	0	0	0		
18			Mambo Kachongo		0		1	0	0	0	0	0		
19			Saumu Kachongo		2,949	grassland	0	0	0	2	0	5		
20			Chiringa karume	14620140	16,107	hort	0	5	7	13	6	6	107 sisal	
21			Kea Chovu Kachongo	2193924	1,802	Hort	0	11	0	3	0	0		
22			Siri Mwaka Athumani	838941	1,855	Hort	0	0	0	3	0	0		
23			Hamisi Salim Tembe	505818	1,397	grassland	0	0	0	1	0	0		
24			Juma mazera Nyamawi	8413197	4,976	grassland	0	0	0	2	0	10		
25			Kiringa Majamaa		5,830	farmland	0	19	0	2	0	0		
26			Mwero Mtoi Mlija	50580	11,128	Farrow	shed	9	0	0	0	0		
1	Changamwe	Miritini	Abdallah Juma	2254989	4,810	farrow	shed	0	0	0	0	0		
2			Uchi Mtoi Mbawa	4644462	4,893	Bana grassland	0	0	0	0	0	0		
3			Mwero Mito Mbwana	8413579	10,831	hort	0	29	0	0	0	2		
4			Juma Mbawa Mbenja	13282016	5,407	Hort	0	14	2	4	0	0		
5			Mohammed Diyo Mbawa	6729826	5,758	Grassland and maize	0	0	0	0	0	0		
6			Abdallah Juma	2254989	13,794	grassland	0	0	0	2	0	7		
7			Ndosho Katana Godana	9394980	9,170	maize & bush	0	12	0	0	0	3		
8			Said Kudzi Kanza		3,088	maize	0	0	0	0	0	0		
9			Kalandi Ndosho Mbawa	9395403	7,453	bushland	0	1	0	0	0	3		
10			Nachiro Noshu Mbawa	2193168	5,248	Bushland	0	2	0	0	0	9		
11			Stephen mboga /Katana Disiti	Dispute	5,667	farrow	0	0	0	0	0	7		
12			Stephen mboga /Katana Disiti	Dispute	2,996		0	0	0	0	6	7		
13			Anazazi Chaka Mfune	13629288	450		0	0	0	0	0	0		

Administrative details			PAP details			Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets	
14			MAWASCO		9,214	Water pipeline		0	0	0	0	0	0	Marere pipeline
15			Stephen mboga Katana	5424908	9,198	Bare grassland		0	0	0	0	15		
16			Stephen Mboga	5424908	1,699	bare grassland		0	0	0	0	0		
17			Kudzikanza Jumaa Tandiko	2186334	10,556	substence		0	0	0	0	5		
18			Said Menza Tuva		19,103	bare grassland		0	0	0	0	0		
19			Fatuma Bakari Ali	4609204	7,567			0	0	0	0	10	30 sisal	
20			Said Menza Tuva	0505275	15,000	Farrow		0	2	1	0	8	50m sisal for Omari Ngandu	
21			Ayub Pendo		0			0	0	0	0	8		
22			Said Menza Tuva	505275	25,623	Farrow		0	2	1	0	10		
23			Ali Bakari Ali		8,857	Quarry spoils		0	0	0	0	0		
24			Mohammed Bakari		6,784	Farrow		0	0	0	0	4		
25			Masudi Mohammed	22593672	7,327	Bushland		0	0	0	0	26		
26			Abdallah Mohammed Bakari	14493213	1,185	bare steep land		0	0	0	0	10		
27			Waziri Mwadiso Mohammed	8471486	15,358	Hort		82	0	5	2	1		
28			Hamisi Mohammed Bakari	052555	6,663	Hort	shed	130	0	179	4	21	Fishpond income of 40kg quarterly, 60m of terraces	
29			Juma Kimambo Bakari	4594912	4,392	Hort	shed	119	0	27	0	1	10m of lavender	
30			Munga Bakari Ali	2259118	6,885	Hort	shed	15	0	0	0	0		
31			Badi Bakari	3153414	8,297	Hort	shed	0	0	0	0	20		
32			Mwinyi Haji Bakari		9,566	Farrow		0	0	0	0	6		
33			Omar Mataka	8452553	24,444			0	0	0	0	0		
34			Abdallah Sombo Bakari	2257629	1,509	Bushland	shed	0	0	0	0	6		
35			Rukia Bati Hare		3,238	thatch grass	0	0	0	0	0	0		
36			Mwaka Mwachoro Hani	20688096	6,381	maize	0	0	0	0	0	0		
37			Saidi Mwinyifaki Mwanjala	20418236	15,200	cassava	0	0	0	0	0	0		
38			William Mwangima	4990696	0		0	0	0	0	0	0	150m terraces	

Administrative details			PAP details			Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets	
39			CharlesWanjohi	4608306	0			0	0	0	0	0	0 same claim	
40			Katana Charo Ngoa	5321814	7,260	thatch grass		0	0	0	0	0	0	
41			KPA		30,200	landing area	abandoned structure	0	0	0	0	0	0	
42			Riziki Fondo Kiwe	21019333	0	bussines	tea shed	0	0	0	0	0	profit of ksh 600	
43			Ali Jaka Ali	11789882	0/0			0	0	0	0	5		
44			Abdallah Mwinjaka Mwinifaki	0506890	0/0			0	0	0	0	0	3 graves	
45			Kigumo Giphoro		0/0			0	0	0	0	0	3 graveas	
46			Chizi Rai Ngoro	2193527	0/0			0	0	0	0	0	1 grave	
47			Maiwe Mbora Chiruku	27488827	1,218	farrow		0	0	0	0	0		
48			Rukia Bati Hare	0661495	1,220			0	0	0	0	0		
49			Ngana Bekanyimbo Mwamboze	26054504	4,845	grassland		0	0	0	0	0		
50			Abdallah Mwijaka Mwinifaki	0506890	2,478	farrow		0	0	0	0	3		
51			Mohammed Nyamwari Mboga	6738674	7,520	grassland		0	0	0	0	0		
52			Mohammed Nyamwari Mboga	6738674	7,751	grassland		0	0	0	0	0		
53			Mwaka Karenje	2153336/68	2,321	grassland		0	0	0	0	0		
54			Matano Hassan Ali	23962622	2,991	grassland		0	0	0	0	0		
55			Omar Bakari Tero	27409133	3,819	grassland		0	0	0	0	0		
56			Said Ali Pareto	4645039	4,620	farrow		0	0	0	1	1		
57			Mwaka Karenje	2153336/68	77,502	farrow		0	0	0	2	10		
58			Hamisi Ali Mboga	0466782	1,674	farrow		0	0	0	0	0		
59			Rajab Ali Mboga	8535171	4,738	0		0	0	0	1	0		
60			Mwijaka Matano Mwinifaki	2256123	4,388	Hort		0	30	0	125	60		
61			Daktari Ali Nyamawi	10577366	2,230	farrow		0	0	0	0	0		
62			Memasapu Ali	21225465	0			0	0	0	0	0		
63			Rizi Ali	21397860	2,230			0	0	0	0	0		
64			Ali Nyamani	2256172	3,123	bushland		0	10	0	3	1	5	
65			Askari Nyae Mashe	538833	1,218	bushland		0	0	0	0	0		
66			Ali Nyamani	2256172	3,707			0	0	0	0	0		
67			Juma Bakari	22975353	3,471	bushland		0	0	0	0	0		

Code	Administrative details		PAP details		Lans assets		Development to land						
	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets
68			Ali Juma Mohammed	24222184	4,594	bushland	0	0	0	0	0	0	
69			Nyamawi Baji Nyiro	2219249	10,221	eroded bushland	0	0	0	0	0	0	
70			Nyamawi Chambogo	4595255	15,158	eroded bushland	0	0	0	0	0	0	
71			Mwero Gopholo	13838875	2,041	bushland	0	0	0	0	0	0	
72			Rumba Nyamawi		2,095	bushland	0	0	0	0	0	0	
73			Mariam Mwinifaki	20750054	1,213	bushland	0	0	0	0	0	0	
74			Rukia Mwinifaki	28422049	1,318		0	0	0	0	0	0	
75			Wilson Rumba		2,986	bushland	0	0	0	0	0	0	
76			Nasib Mwinifaki	9775711	3,810	bushland	0	0	0	0	0	0	4 graves
77			Kigumo Gophoro	53293553	3,756	bushland	0	0	0	0	0	0	
78			Majaliwa Mwinifaki	11460800	35,600	bushland	0	0	0	0	0	0	
79			Amina Kuonyesha Salim	2270194	3,812	bushland	0	0	0	0	0	0	
80			Jumaa Mohammed Mohammed	0507094	1,979	bushland	0	0	0	0	0	0	24 graves, 1 shrine
81			Salim Juma Mohammed	20370561	5,704	Hort	0	2	0	4	0	10	
82			Rashid Abdallah	0661821	4,241	bushland	0	0	0	0	0	0	
83			Abdallah Mwandia	066182	1,945	hort	0	12	0	0	0	0	
84			Kitondo Muche Ali	5433117	4,027	bushland	0	0	0	0	0	0	
85			Asha Mwaduli Kobe	5433125	3,458	bushland	0	0	0	0	0	0	
86			Mejumaa Dzuma Ngome	8379826	5,921	bushland	0	0	0	0	0	0	
87			Mejumaa Kassim	11789849	2,562	bushland	0	0	0	0	0	0	
88			Chari Nyawa Mzirwa	2257771	3,430	bushland	0	0	0	0	0	0	
89			Mbodza Gopholo	2259386	6,223	swamp	0	2	0	0	0	0	
90			Ramadhan Mwandia		3,892	mangrove swamp	0	9	0	0	0	9	
91			Abdallah Ali Kitondo	9775466	1,903	swamp	0	20	0	0	0	1	
1	Changamwe	Port Reitz	Rama Ali Kitondo	2744447	4,054	swamp	0	20	0	0	0	1	
2			EA Spectre	Commercial	0	commercial	0	0	0	0	0	0	Pipeline and murrum road
3			Rashid Abdallah		7,851	hort	0	21	0	0	0	0	
4			Chamboga Chandukani Chamboga	11601142	2,566	hort	0	90	0	0	2	15	
5			Matembo Bora	2256049	8,000	Hort	1	97	0	5	0	0	

Administrative details			PAP details			Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets	
7			Abdallah Bidu		2,566			0	0	0	0	0		
8			Anderson Charo Baiya	8438160	3,323	Hort		78	0	47	0	1	300 sisal	
10			Kikeye Juma Dsizwa	3880854	5,030	Hort		21	0	9	25	0	150 sisal	
11			Mishi Kodi		5,976	farrow		3	0	2	0	0	200 sisal	
12			Taraji Baya	8463842	2,544	Hort		10	0	0	21	0		
			Kenya Airports	Corporate	320,860	Woodland							Perimeter fencing	
13			Kea Kombo Dzuha	o308773	4,208	Hort		7	0	16	420	36	Fish pond +income of 40kg quarterly, 130 sugarcane	
14			East African Gases Ltd		95,393	commercial			0	0	0	520	Gas tanks+ steel gate+ concrete perimeter wall	
15			Mohammed Juma Bennyvazi	2164913	1,051	0		0	0	0	0	0		
16			Mwanaiasha Jumaa Bennyvasi	4609030	1,682	0		0	0	0	0	0		
17			Binti Hamisi Suleiman	3881193	693	0		0	0	0	0	0		
18			Mwamumba Zuma Mingaro	3880909	423	Farrow		0	0	0	0	0		
19			Chitsangi Gugu Abeid	10954309	224	Grassland		0	0	0	0	0		
20			Mungumi Mwero	1139190	395	Grassland		0	0	0	0	3		
21			James Ndegwa Munga	8524160	412	slum	incomplete		0	0	0	0		
22			Ali Jabili Saibu	8454256	420	slum	incomplete	0	0	0	0	2		
23			Mutuku Mwaka Mutuku	8792826	1,603	slum		0	0	13	0	72	30m of bench terraces, 1 shallow	
24			Kassim Sifa Msafiri	3315535	398	slum	Thatch	0	0	0	0	0		
25			Peter Ndongye Mbiti	5760829	143	bare slum plot		0	0	0	0	0		
26			Hamisi		143	slump plot	mabati	0	0	0	0	0		
27			Nyawa		143	Slum plot	mabati	0	0	0	0	0		
28			Richard Kyalo Mutua	21318276	1,252	slum plot	stone house	0	0	30	0	5	1 shallow well, chainlink fence with 50 treated poles, 500m of bench terraces, 10m2 of napier	
29			Bundi Chuvu Ngalaa	5388433	1,545	Cultivated		0	0	16	100	0	10 sugarcane	

Administrative details			PAP details			Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets	
30			Ali Bakari Omar	1165649	8,777	pasture grass	0	9	0	8	20	28		
31			Halima Zuma Ravino	266637662	2,610	farrow	0	0	0	4	9	13		
32			Mwinyi Hamisi Muhunzi	4601285	1,737	Farrow	0	0	0	8	0	0		
33			Said zuberi Shamakame	5321004	1,723	pasture grass	0	0	0	3	0	0		
34			Amina Suleiman		1,310	Hort	0	2	0	5	6	2		
35			Wakati Mbombole	1337068	0		shed	0	0	0	0	0		
36			Shee Bin Ali Shee	5332749	1,337	Hort	shed	0	0	5	6	14		
37			Mutua Mutisya	27726876	1,127	Hort	0	0	0	7	0	0		
38			Mwinyi Hamisi Muhunzi	4601285	5,540	Hort	shed	2	0	2	12	2	10m hedge, 1/4 acre of cassava	
39			Kamtu Juma Kithusi	13851956	3,424	Hort	0	19	0	22	20	6	1/2 acre of pasture	
40			Chuvi Ngala	27444798	6,408	Hort in sewage	slab structure	289	0	62	269	0	Tree nursery	
41			Mwanaisha Mhunu		16,222	Hort	0	40	0	5	0	20		
42			Dominic Kandenge		200	Hort	0	0	0	0	0	0		
43			Njiru Mbui Njiru		200	Hort	0	0	0	0	0	0		
44			Mbui Katere Mbui		200	Hort	0	0	0	0	0	0		
45			Ndinya Wambua		200	Hort	0	0	0	0	0	0		
46			Samwuel Tsuma		200	Hort	0	0	0	0	0	0		
47			Kasichana menza		200	Hort	0	0	0	0	0	0		
1	Kinango	Tsunza	Mwanamvua Saidi	3152928	16,630	Farrow	1.663	0	0	0	0	0		
2			Bari ya Kinaru		0	Farrow	0	0	0	0	0	0	Graveyard	
3			Juma Ganadza		0	Farrow	0	0	0	0	0	0	Graveyard	
5			Omari Ali Rajimbo	5467955	44,530	Mixed	shed	0	0	1	0	0	Has a Shrine and graveyard for 3 ancestors	
6			Beuchi Choga Rajimbo	2210332	18,595	Farrow	0	0	0	0	0	0		
7			Amani Rajimbo Mgalla	20527359	6,595	Farrow	0	0	0	0	0	0		
8			Ndolo Swalehe Mgalla	20530668	8,321	Farrow	0	0	0	0	0	0		
9			Mashaka Ndolo Rajimbo	5428858	0	Farrow	3 thatched houses	0	0	0	0	0		
10			Mwadeje Mgalla	11600250	3,406	Farrow	0	0	0	0	0	0		
11			Mwero Mwenda Mgalla	20527907	2,508	Farrow	0	0	0	0	0	0		

Administrative details			PAP details			Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets	
12			Mwijuma Mwenda	28627897	2,581	farrow	shed	0	0	0	0	0		
13			Mwero Salehe Mgalla	14437506	2,550	Farrow	0	30	1	0	0	6		
14			Mwaka Munyika Chamweni	2210919	2,777	farrow	0	16	20	4	0	10		
15			Bakari Mwenda Mgalla	11600243	3,176	Farrow	0	0	0	0	0	6		
16			Mekalima Bakari Madzingo	4604467	5,996	Farrow	0	0	9	0	0	0		
17			Swalle Mgalla		5,996		0	21	0	0	0	0	11 graves	
18			Ndolo Mwenda Mgalla		4,088	Farrow	0	0	0	0	0	42		
19			Swalle Mgalla		5,720	farrow	0	0	0	0	0	0		
20			Mishi Mwenda Mgalla		1,417	Farrow	0	0	0	0	0	2		
21			Swalle Mgalla		11,785	Settlement	1	0	0	0	0	0		
22			Mohammed Mwinyi		0		3	0	0	0	0	0		
23			Mesaïd Chirima Nimunyonje		0		1	0	0	0	0	0		
24			Rama Nyawa Jefa		0		4	0	0	0	0	0		
25			Mishi Mwenda Mgalla		0		2	0	0	0	0	0		
26			Ndolo Mwenda Mgalla		0		3	0	0	0	0	0		
27			Ngola Mwadenje Mgalla		9,933		hut	0	0	0	0	0		
28			Dispute		3,636	Farrow	0	0	0	0	0	0		
29			Stephen Tayari		1,490	Farrow	0	0	0	0	0	0		
30			Swalle Mgalla		0		0	0	0	0	0	0		
31			Mkusi Mngonda		0		0	0	0	0	0	0	Grave	
32			Ngola Mwadenje Mgalla		1,500	cropped	House	4	2	5	0	0		
33			Ali Mwadeje Mgalla		3,229	cropped	0	0	0	0	0	1		
34			Joseph Mrema Nduria		0		0	0	0	0	0	0		
35			James Mambo Keya		3,839	cropped	0	0	0	0	0	0		
36			Raphael Dakitari Mbat		2,211	cropped	0	0	0	0	0	0		
37			Saumu Rashi		2,643	cropped	0	0	0	0	0	0		
38			Nyale Swalle Mgalla		0	cropped	0	0	0	0	0	0		
39			Naomi Kauchi Charles	snr citizen	3,607	farrow	0	0	0	0	0	0		
40			Kaya Forest	Shrine	4,140	0	0	0	0	0	0	0	Communal Shrine	
41			Pastor Wilson Dalu		5,145	Bare	0	0	0	0	0	0		
42			Bombole Mwavita		3,113	cropped	0	0	0	0	0	0		

Administrative details			PAP details			Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets	
43			Swalehe Bakari Mohammed		1,073	commercial		0	0	0	0	0		
44			Rashid Benja	commercial	0	Commercial	Thatch structure	0	0	0	0	0		
45			Swalehe Bakari Mohammed	cropped	29,616	cropped	0	0	0	0	0	0		
46			Swalleh Mgalla		0		0	0	4	0	0	0		
47			Joyce Umazi		0		0	1	0	3	0	0	35 pineapples and 25 sisal	
48			Keya Kombo Dzuha	O308773	0	homestead	0	0	0	0	0	0		
49			Dzuha Kombo Kea		7,308		2	0	0	0	0	0		
50			Dzuha Dzombo		0		2	0	0	0	0	0		
51			Samuel Munga		4,130	farrow	0	0	0	0	0	0		
52			Salleh Mgalla Rajimbo	2216292	4,206	farrow	2	0	0	0	0	0		
53			Ali Mwadeje Mgalla	8395590	5,000	Farrow	0	0	0	0	0	0		
54			Kazingo Bakari Kodi		4,833	Farrow	0	0	0	0	0	0		
55			Dumbo Bakari Kodi	11772067	2,966	homestead	1	12	43	16	0	0		
56			Amina Bakari Kodi		0		1	0	0	0	0	0		
57			Mlongo Bakari Kodi		0		1	0	0	0	0	0		
58			Mwanaisha Chilembi		4,170	farrow	0	0	22	0	0	0		
59			Pola Hassan Hamisi	20575933	1,849	farrow	0	10	26	2	0	50	Sisal 300	
60			Rana Bombole Dsizwa		2,262	farrow	0	0	0	0	0	0		
61			Shoma Kodi Choma		430	Farrow	0	0	0	0	0	0		
62			Jumaa Mwinyi Rajimbo	2210252	4,892		hse	6	50	10	0	12		
63			Mejumaa Dsizwa		3,480	Farrow	0	0	0	0	0	0		
64			Athumani Rajimbo		5,038	grassland	0	0	0	0	0	0		
65			Dumbo Bakari Kodi		7,366	cropped	0	8	12	0	42	0	22 sisal	
66			Chizi Kodi Choma		6,868	cropped	0	15	0	0	5	0		
67			Salim Bakari Kodi	9875648	12,299	cropped	0	44	2	2	0	6	200	
68			Ali Salim Kodi		3,334	farrow	0	0	0	0	0	0		
69			Kazingo Bakari Kodi		16,096	grassland	0	0	0	0	0	0		
70			Ndegwa Hamadi	5423252	5,568	grassland	0	0	0	0	0	0		
71			Shoma Kodi Choma	lost	0			0	0	0	0	0		
72			Salim Bakari Kodi	9875648	275	grassland		0	0	0	0	0	300 sisal	

Administrative details			PAP details			Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets	
73			William Madavu	0464314	1,412	grassland	0	0	0	0	0	5		
74			John Chaka		4,205	farrow	0	0	0	0	0	0		
75			Gwadu Samuel Munga		50,893	cropped	0	0	0	10	0	0	12 blue gum, 1/2 acre cassava	
76			Rajab suleiman		4,049	cropped	0	0	0	0	0	16		
77			Mishame Mwatela		15,509	partly cropped	0	0	0	3	0	3	Has communal shrine	
78			Ali Juma Bidu		4,642	bushland	0	0	0	0	0	8	30 sisal	
79			Hamisi Abdallah	8409049	3,049	Bushland	0	0	0	0	0	0		
80			Omari suleiman		3,406	grassland	0	0	0	0	0	60 raffia		
81			Rajab Mwakanga		3,005	Bushland	0	0	0	0	0	0	thatching grass	
82			Rashid Benja	13280995	5,620	bushland	0	0	0	0	0	50 raffia		
83			Dzuha chupi	1169455	18,846	grassland	shed	9	0	0	0	7	huge baobab	
84			Nyae Joto Nyae		4,556	grassland	0	4	3	4	0	13	30 sisal	
85			Nyae Joto Nyae jnr		9,662	grassland	0	0	0	0	0	0		
86			Juma Salim Kodi		9,970	cropped	shed	2	1	3	0	0	sisal 30	
87			Salim Joto		3,054	grassland	0	0	0	0	0	0		
88			Nyae Joto Nyae	2217467	3,384	cropped	3	105	17	121	11	0		
89			John Salim Joto		14,252	cropped	0	0	0	0	0	6		
90			Wilfred Moganga		1,668	cropped	0	75	30	0	0	0		
91			Elvis Juma Kombo		2,321	cropped	0	37	0	0	0	2	10 sisal	
92			Wilfred Moganga	4961626	1,664	cropped	2sheds	21	12	0	0	0		
93			Elvis Juma Kombo		1,917	cropped	0	14	8	0	0	0		
94			Bechaka Joto Nyae		7,765	cropped	thatch house	28	0	0	0	0		
95			Ndegwa Hamadi	5428252	9,032	grassland	shed	0	0	0	0	0		
96			Mwaka Sulimani	2771199926	2,512	farrow	0	22	0	0	0	0		
97			Binti Chizi Nyae		12,827	farrow	0	32	0	0	0	0		
1	Likoni	Mtongwe	Shabari Omari Fungiza		4,388	bushland	0	0	0	3	0	0		
3			Johnson Nyamawi	13417169	9,691	bushland	0	0	0	0	0	271		
4			Chakaya Makaya		5,885	bushland	0	0	0	0	0	0		
5			Hamadi Juma		6,360	bushland	0	7	0	8	0	0		
6			Joseph Maisha		10,774	bushland	0	0	0	0	0	0		
7			Mbeu Nyamwawi	20692948	6,811	bushland	0	0	0	0	0	8		
8			Hellen Oloo	9628224	94,708	bushland	0	0	0	0	0	0		

Administrative details			PAP details			Lans assets			Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets		
9			James Paul Kariuki	10796231	6,707	maize	0	0	0	0	0	0			
10			Tsuma mdzomba Kabi	316787028	4,826	farrow	0	0	0	7	0	13			
11			Ali Juma Kadzelle	4614371/67	7,719	farrow	0	0	0	0	0	0			
12			John Waikwa Kahuthu	8649700	2,490	farrow	0	0	5	0	0	4			
13			Matano Saidi Gube	20857080	3,709	settled	house _ shed	0	0	0	0	20			
14			Mwangala P Sch	Institution	1,750	community	0	0	0	0	0	0			
15			Charles Kihuria Mundia	16101225	3,614	settled	House + store	0	0	0	0	20	Graveyard for Rose Loko Maweu		
16			Macdonald Malewa		12,406	pasture	0	0	0	6	0	2			
17			Stanslus Alex Gulamu		0		stone house	0	0	4	0	8			
18			Hussein Rashid	2176891	0	settled	House plus enclosure	0	0	0	0	30			
19			Fedinald Juma Shegu	9078755	0	settled	House	0	0	0	0	0			
20			Alice Atieno Ouma	0693791	9,698	farrow	0	0	0	5	0	25			
21			Rajab Abdallah Tsutsu	11243247	2,463	farrow	0	0	0	3	0	0			
22			Baya Bui Mwayama	21781249	6,346	bushaland	0	0	0	16	0	0			
23			Athmani Jiti		2,345	cropped	shed	0	4	0	0	4			
24			William Nzuga	27627467	2,342	cropped	0	0	1	0	0	0	fencing poles		
25			Wafula		2,444	cropped	0	0	0	0	0	0			
26			Hassan Juma Mwakinalo		4,791	cropped	0	4	0	75	0	1			
27			Dekhe Jelle Hassan	21500864	1,746	cropped	0	0	0	2	0	0			
28			Lawrence Bishop Dena	686454	874	cropped	0	0	0	0	0	0	birbed wire / hedge		
29			Juma Swaleh Mwinyi Wanga	absent	10,449	pastureland	shed	16	0	34	147	2			
30			Mohammed Idrisi		501	pastureland	0	0	0	0	0	0			
31			Mohammed Mwarwali	2243071	13,864	pastureland	2 hses 1 shed	8	0	40	0	3			
32			Ali Salim Mlactso		25,911	pastureland	0	0	0	0	0	0			
33			David Kitonga Manyara	8858440	37,318	cropped	0	0	0	0	0	0			
34			Jiti Abdallah		2,511	cropped	0	0	0	0	0	0			
35			Mwana Sada Mwangao		9,290	pastureland	0	6	0	0	0	9			
36			Mwanjuma Abdallah		4550		0	5	0	6	0	3			
37			Mohammed Abdrahman Kifagio	5466015	1,443	cropland	0	4	0	1	0	1			
38			Mohammed Rashid		4,973	cropland	0	0	0	11	0	2			

Administrative details			PAP details			Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets	
39			Athmani Ali Kabanga	1016658	4,547	farrow	0	8	10	9	0	13		
40			Omar Ramadhani Nyamawi		3,441	cropland	0	25	0	30	0	0	1/2 acre cassava	
41			Abdulahi hassan	24196754	3,575	pastureland	0	4	0	4	0	0		
42			Athamni Shakombo Mwironda	6743952	3,860	pastureland	0	0	0	3	0	0		
43			Ali Mkambana		1,976	cropland	main hse	5	0	12	0	0	abandoned borehole	
44			Athmani Omar	309886	4,082	cropland	stone hse	21	11	11	0	12		
45			Salim sudi		4,276			11	0	3	0	3		
46			Mohammed Abdallah Mingoshi		2,892	cassava		2	0	9	0	3		
47			Hamadi Mohammed		3,494		House	0	0	0	0	0		
1	Kwale	Kiteje	Playfied		3,390			0	0	0	0	0		
2			Issa Juma		2,962		main hse + enclosure	100	0	14	0	0		
3			Group farm		1,928			0	0	0	0	0		
4			Mwakindonga		6,687		main hse	0	0	0	0	0		
5			Omari Zaolo		6,529		Main Hse	0	0	0	0	0	Borehole +2 no tanks	
6			Mamla Maryam		1,928			0	0	0	0	0		
7			Dunga Ali Omari	3171973	9,438			13	4	18	14	0	Terraces	
8			Mwinyi Sudi		3,025	cropland	thatch house	1	11	1	0	4		
9			Swaleh Mwalimu Mwaselemani		5,980	cropland	Thatch hse + shed	4	38	65	14	50		
10			Fatuma Katembo	2223871	320	furrow	Main Hse	0	0	0	0	0		
11			Mwinyi mufachimoto		320	bush	Main Hse	0	0	0	0	0		
12			Muhamadi Ali shomo		320	bush	Main Hse	0	0	0	0	0		
13			Hamisi Omari Tuwa		6,050	bush	Main Hse	0	0	0	0	0		
14			Bakari Mohammed mwanzori	5418152	7,700	cropland	12100	0	9	4	0	3		
15			Abdallah Mohhamed Mwazim		3,850	cropland		26	17	38	0	30		
16			Binti Mohammed Swalehe		3,850	cropland		10	0	18	0	1		
17			Jumaa Swalehe Hamisi + 3 others		5,500	cropland		0	0	0	0	0		

Administrative details			PAP details			Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets	
18			Said Swalehe Kombaiko		6,600		Thatch hse plus shed	38	4	4	15	10		
19			Hamisi Rashid Mwakuloza		11,000		Main Hse+ shed	0	0	0	0	0		
21			Mwajuma Swaleh Mwanalindi		1,000	cropland		0	2	1	0	5		
22			Ali Iddi Madizi	13282152	1,000		Stone hse +thatch mosque	0	6	15	2	11	mosque	
23			Mwanaisha Hamisi maandano	9633099	3,850	bush		0	6	13	0	27		
25			Mwasigo Ayula mvumbo		1,000	furrow		0	0	0	0	0		
26			Mwanaisha Hamisi		770			0	0	0	0	0		
27			Masudi Ali, Bibi bakari, Hamisi Mohamed	5329890	3,850	cropland	Main Hse	0	12	7	0	30		
28			Ali omar Shakombo	8421808	3,850	cropland	Main Hse	35	21	87	0	37	40m Ornamental	
29			Juma Mohammed Chinyanga	3135602	2,200	cropland		45	44	15	4	105		
30			Rashid Mwachima MWARADANI	272551671	3,060	cropland		0	0	4	0	10		
31			Mohammed Hassan Mwachui		9,350	bush		0	2	0	0	4		
			Nyota Zaunga	1012982	19,250			0	0	0	0			
27			Salim Ali Salia	1014165	320		Shop bld+ Mud Thatch house+ enclosure	0	0	0	0	0		
28			Chambaza Mwasapyai		4,900	bush	thatch house	0	0	1	0	67		
29			Sarai		600	cropped		8	0	3	0	0		
30			Ali Mwenzangu		6,600	bush		0	8	3	0	0		
31			Juma Hassan Mwachuvi		6,150	bush	thatch house	1	9	6	0	35	16 graves	
32			Mwalimu Ramadhani		1,650	bush		0	0	0	0	1		
33			Hamisi Mwaende		5,500	bush		0	0	0	0	0		
34			Mwinyi Hamisi Kimenga		5,500	bush		0	0	0	0	0		
35			Kisila-deceased		8,250	bush		0	0	2	2	3		
36			Binti Kamrangare		6,000	bush		0	0	0	0	314		
37			Jimmy-Indian Descent		22,550	Farrow		0	0	0	0	120	Water pan	

Administrative details			PAP details			Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets	
1	Kwale	Pungu	Hamisi Abdalla Mwamundo	16500	12,000	cropland		0	0	2	0	22		
2			Juma Mohammed Salim	5468486	2,500	bush		0	0	0	0	12		
			Hamisi Abdalla Ndaragi	1376978	2,000	bushland								
3			Mwanangeni Mohammed Marotsi	1016903	5,500	cropland		0	6	3	0	21		
4			Kibwana Athmani mwendithi	6733582	8,250	cropland		1	8	0	0	25		
5			Sham Bakari Mwanditi		6,600	cropland		8	42	3	0	28		
7			Khamisi Omar	24196998	6,600	bush		2	11	0	0	26		
8			Shee Hamadi	2197917	2,000	cropland		0	0	2	0	33		
9			Kibwana Athmani mwendithi	6733582	3,200	cropland		1	2	0	0	2		
10			Shee Abdalla		7,500			4	1	1	0	40		
11			Bakari Alifani	2184496	2,400			0	0	0	0			
12			Ahman Macheso		2,500	pasture		0	4	0	0	5		
13			Juma Ali Mwakaribu		2,500	pasture		0	31	0	0	46		
14			Bakari Mgumi	13357417	9,250	pasture	Incomplete	56	30	4	0	77		
15			Mohammed Ali Mganvuma		8,250	bush		0	8	0	0	12		
16			Juma Omari Mwakaribu	2222081	9,625	Farrow		0	31	2	0	44		
17			Julo Mwakidonga		4,125	bush		0	5	0	0	106		
18			Bakaya Muhusni	0465340	9,900	bush		18	16	0	0	7		
19			Bwana Juma Bakari	1016368	8,800	cropland	Main House + Thach kitchen+ masonry toilet +	25	20	98	0	360	200m terraces	
20			Athman Juma Mwakidyogore	13419173	320		Main hse_ Kitchen+ Toilet+ Enclosure	0	0	0	0	0	Well	
21			Mohamed Ali Sibabu	0308496	5,595		Main hse_ Kitchen+ Toilet+ Enclosure	4	1	6	0	15		

Administrative details			PAP details			Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets	
22			Mwana Hamisi Mohammed Ali	1017652	320		Main hse_ Kitchen+ Toilet+ Enclosure	7	2	6	0	39		
23			Simoe Mwinyi Mwinyusi	16121971	320		Main hse_ Kitchen+ Toilet+ Enclosure	0	0	0	0	0		
24			Mwana Mgeni Salim	8435371	320		Main hse_ Kitchen+ Toilet+ Enclosure	0	0	0	0	0		
25			Bakari Mwalimu	8427814	320			0	0	0	0	0		
26			Mwinyi Hamisi Mwandungo	8379938	2,440		Main House	0	0	1	0	2		
27			Saidi Bugao Ganyuma		320		Main House	0	0	0	0	0		
28			Animu Hamisi Mwalele	26331628	320		Main House	0	0	0	0	0		
29			Babu Juma Matembo	11648843	320		Main House	0	0	0	0	0		
30			Omari Mwalimu Ganyuma	5466542	320		Main House	3	0	4	0	48		
31			Salim Mohammed Ganyuma	25124188	320		Main House	0	0	0	0	6		
32			Juma Mohammed Ganyuma	22142528	320		Main House	0	0	0	0			
33			Ali Mwalimu Ganyuma	2209729	320		Main House	0	0	0	0	0		
34			Jumaa Mohammed Muhendato		320		Main House	3	1	13		9		
35			Alhamani Omari Bakari and Swalehe Dzilala	22222431	1,250		Bare	0	0	0	0	0	4 graves	
					375		Main Hse+kitchen_ toilet +enclosure	0	0	22	0	50		
36			Mugumi Mohamed Hamisi Mwachamadi Mwandungo	310086 2196146	1,250 320		Main house	0	0	0	0	0		
37			Mugumi Mugumi Mwandungo	24322747	320		Thatch hse+ enclosure	0	0	5	0	20	Well	

Administrative details			PAP details			Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets	
38			Mohammed Bakari Mwajabuni	2245881	2,000		Main Hse	0	1	13	0	13	Giant Kaya	
39			Shee Abdalla Mwanawilla		5,500		main hse +kitchen	0	0	0	0	0		
40			Zena Rajab Maguru	7853733	0		Incomplete	0	0	0	0	0		
41			Mwanhamisi Rashid Sibarua	20037679	1,875	Grassland		1	1	0	0	0		
42			Mohammed Juma	3912380	5,000	Pastureland		2	17	0	0	19		
43			Hamisi Juma	5328039	3,000			4	20	18	0	57		
44			Juma Ali Kishombo		0		Incomplete house	141	267	214	0	1171		
1	Likoni	Shikadabu	Mohammed Juma	3912380	900		bare plot	0	20	0	0	20		
2			Hamisi Mwalimu Mwachera	221549	9,075			9	13	27	0	11		
3			Daudi Masha Rajab	24316076	320		stone house	0						
4			Meali Ali Swalehe	20421528	320		Thatch hse	0	0	0	0	0		
5			Rose Khaba afande	683707	320		stone house+ kitchen, thatch store	0	0	0	0	0		
6			Swaleh Rashid Mwamtundo	6878835	320		Incomplete masonry	0	0	0	0	0		
7			Fatuma Hamisi Kahir		320		Thatch house	0	0	0	0	0		
8			Ali Bakari Mwangurugu	1017510	2,750			15	4	11	0	7		
9			Zibani Mohammed mwadzizha		320		Thatch hse	0	0	0	0	0		
10			Swaleh Swaleh Kahir		320		masonry hse	0	0	0	0	0		
			Mohamed Swaleh Kahir	4590057	4,190		0	35	18	20	0	30	Kaya	
11			Fatuma Omar Challa	12258458	320		foundation	0	0	0	0	0		
12			Salim Said Mwachiana	28311584	625		Rental	1		2	6	13		
13			Mwinyi Suleiman Misingwe	10769316	320		Incomplete stone house	0	0	0	0	0		
14			Matano Swaleh Mwanymbwe	20346508	320		incomplete	1	4	9	0	8		
15			Athman Abdallah Mwavua	13628487	320		Thatch hse- makuki enclosure	0	12	3	1	40		
16			Juma Swalehe Mwakuto		320		Mainhse , stone wall	0	0	10	0		septic tank	

Administrative details			PAP details		Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets
17			Mwinyi Bakari, Mohamed Said Mwakiboko, Ali Rashid	3913429	4,800			1	4	0	0	20	shrine,Playfield
18			Asha Abdalla Mwangadi	5419108	320	Cassava Plot	Main House, thatch house+ toilet+ enclosure	4	0	7	2	1	
19			Fatuma Said Kibwana	3953159	320		Foundation	0	0	0	0	0	Extra plot
20			Zena Rajabu Maguru	7853733	320			0	0	0	0	0	
21			Babu Ali Vyakweli	1014249	320		Main Hse+ kitchen+ toilet + enclosure	1	2	6	0	12	canopy tree for meetings
22			Unknown		320		Incomplete strcutre	0	0	0	0	0	
23			Batuli Mwansema Mgomvi	22965774	320		Stone hase+ kitchen+ toilet + enclosure		1	12	0	9	
24			Omari bakari Kingabwi		320			2	1	1	2	15	
25			Issa Said Ndaru	8387925	320					5		4	
26			Swaleh Abdalla Makusanya	8410912	320								Hedge
27			Salim Mwalimu Mwakuto	8382353	320		Main Hse+ kitchen+ toilet + enclosure	44	13	14	4	19	155 graves
28			Ali Suleiman		320		Stone wall	0	0	0	0	0	
29			Mohammed Mwalimu Chiguyaso	5819970	320			0	0	1	0	7	Hedge
30			Mohammed Salim Mwagadimu and Binti Mwalimu Mwakuto	10227846	320		Thatch hse+ makuti bath + concrete slab toilet+ incomplete masonry strc	0	1	2	2	0	
31			Feisal Abdalla Salim	1165397	320		Commercial bld (Hardware)	15	12	3	0	0	Woodworks workshop

Administrative details			PAP details			Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets	
32			Mwinyifaki Baruku	5420777	10,375		Stone hse (Forget) + Kitchen+ incomplete strc+ store	1	0	41	1	40	SPP supply, 50m Hedge,	
33			Swalehe Mwalimu Mwamkuto	1015523	320	settled	Stone hse+ Kitchen+ incomplete strc+ store + toilet	15	13	14	4	19	3PP supply + 50 hedge	
34			Ali Juma Amani		320		Foundation	0	0	0	0	0		
35			Mohammed Juma Bwago	9774506	320		6 courses incomplete structure	0	0	0	0	0		
36			Abdilahi Muigai Muiruri		5,400	commercial	5 storrey block of flats, stone hse, masonry perimeter wall	13	0	0	0	216	1284 m2 pasture grass+ 40 hedge+ SPP, Metered water, septic tank s	
37			Khamisi Said Khamisi	5385998	320		Commercial bld+ toilet + enclosure	0	0	0	0	10	SPP+ Mains water connection	
38			Ali Mwinyihaji Gakwele		320	Bare	commercial plot	0	0	0	0	0		
39			Unknown		320	Bare	Commercial plot	0	0	0	0	0		
40			Mboga Omari		320		Commercial bld	0	0	0	0	0		
41			Unknown		320	Bare	Commercial plot	0	0	0	0	0		
42			Unknown		320	Bare	Commercial plot	0	0	0	0	0		
43			Patrick Mwayani		320	Commercial	commercial building + toilets, enclosure + 3 tenants	2	0	1	0	1	40m hedge	
44			Said Mwalimu Mwakuto		320	Bare		0	0	0	0	0		
45			Bi Selemani Hamisi Mwamad		320	Bare		0	0	0	0	0		

Administrative details			PAP details		Lans assets		Development to land						
Code	District	Sub-/location	Name	ID card	Land size (m2)	Land-use	Bldngs	Coconuts	Cashew	Fruit trees	Banana	Ind Trees	Other assets
46			Meali Abdalla Mwadzichiya (Hamisi Burunga)	23120886	320	Commercial	Main stone hse+ toilet+ Enclosure + Kibanda	0	0	0	0	0	0 SPP + Mains water connection
47			Unknown		320	Commercial		0	0	0	0	0	
48			Mohammed Ali Mwagongolo	14624600	320	Commercial	Comercial bld+shop	0	0	0	0	0	0 shop bussiness
49			Juma Hamisi Mlingu	1168747	320	Commercial	Commercial building + toilets, enclosure + 3 tenants	0	0	0	0	10	Elevated PVC tank + mains water supply (2) , SPP supply
50			Kwale county council cess office		320	Commercial	Office block+ toilet + ancillaries	0	0	0	0	2	Water pipe from Marere+ Tiwi borehole, SPP,
51			Hamisi Bunonga Abdalla	21942896	320	Commercial		0	0	0	0	0	

5.1 Terms of Reference for the Resettlement Consultant

Appendix 5.1: Terms of Reference for the Resettlement Consultant

Brief Description

These terms of reference (ToR) describes the consultancy services required to manage the implementation of the RAP in respect of the Mombasa City Roads Improvement Project which is an initiative of the Government of Kenya with support from JICA. Specifically, the RAP has been prepared in respect of the proposed Mombasa Southern Bypass and the Kipevu Link Roads both of which are aimed at easing pressure on the Kenya Ferry Services Ltd and make movement of people and cargo between Nairobi- Mombasa and Tanzania easier and stress-free. The Project will entail 4 integral components thus:-

- i) Construction of the Bypass: The Bypass road will start in the Miritini area and cross the Mwache creek at Mkupe, proceed through the entire Tsunza Peninsula, cross the Mteza Creek to enter Mtongwe location at Mwangala and then proceed to join the A14 Road at Shika Adabu at the boundary of Mombasa and Kwale Districts.
- ii) Construction of the Kipevu Link Road to connect the Bypass at Mkupe to the new container Terminal currently being constructed near the Kenya Oil Terminal.
- iii) Construction of two viaduct bridges over the ocean at Mkupe (Mwache Bridge) and Dongo Kundu (Mteza Bridge).
- iv) Construction of interchanges at Miritini, Mkupe and Shikadabu

The Project will be implemented by the Kenya National Highways Authority-KeNHA- the GoK utility with legal mandate over the management of national trunk (class and above) roads. Administratively, the road will traverse the five coastal districts of Kilifi, Changamwe, Kwale and Likoni.

The Resettlement Action Plan

As currently designed, both the Southern Bypass and Kipevu link roads will total 25.6 kilometres and at the recommended width of 110metres, this is likely to displace human settlement s, property and livelihoods which, if not checked can occasion human suffering. A Resettlement Action Plan (RAP) to guide resolution of all displacement impacts occasioned by the project. The Resettlement Action Plan allows for the following:-:

- i) Description of the Project including scoping of potential displacement impacts;
- ii) Identification of appropriate legal framework for land acquisition and compensation;
- iii) Documentation of the socio-economic characteristics of the affected population with key base line values;

- iv) A valuation methodology for all affected property;
- v) Computation of comprehensive assets registers with attendant compensation packages due to PAPs inclusive of the Entitlement Matrix;
- vi) Description of resettlement assistance and restoration of-livelihood activities;
- vii) Identification of Organisational Responsibilities;
- viii) Detailed implementation schedule;
- ix) Recommendations for an appropriate Grievance Redress Mechanism;
- x) Modalities for monitoring RAP implementation;

Role of the Resettlement Consultant:

The consultant will support the PMU to be established under the Coast Regional Office of the Kenya National Highway Roads Authority-KeNHA and other development actors to manage the implementation of the RAP. Specifically, the Resettlement Consultant will play counterpart to the Resettlement Officer of the PMU to achieve the following.

- i) The Consultant reviews the RAP for relevance and update as a necessary. This will include the following activities:
 - 1) Preparation of the detailed income restoration measure plan
 - 2) Preparation of the detailed special assistance program for Vulnerable affected person
 - 3) Preparation of the detailed TOR for Inter Ministerial RAP Implementation Committee
 - 4) Review of the grievance redress mechanism
 - 5) Review of the contents of the internal monitoring plan including monitoring format
 - 6) Review of the contents of the TOR for Independent Evaluation Agency
 - 7) Extensive review of the Implementation Schedule.
- ii) The Consultant will work with the PMU to facilitate preparation of a Project Implementation Manual (PIM).
- iii) The RC will revalidate and confirm the Inventory of PAPs and the attendant assets register and update as necessary. This does not include recruitment of new PAPs unless where occasioned by realignment of project components;
- iv) Liaise with the Provincial Administration of facilitate establishment of Location PAP Committees and Location Elders Councils (in every location);
- v) Operationalize the Grievance redress committee through working with the PMU to identify suitable candidates, preparing guidelines for GRC functioning, etc;
- vi) Design a curriculum for capacity building for all organs of the RAP namely, the GRC, LPC and LECs among others;
- vii) Assist initial activities of the GRC to ensure smooth take off;

- viii) Identify and recommend appropriate success stories in RAP implementation where key officers of PMU can be attached to enhance exposure. South East Asian Countries are recommended;
- ix) Work with the PMU to mount counselling and training sessions for all PAPs
- x) Work with the PMU to establish modalities for payment of compensation to PAPs;
- xi) The Consultant will identify and put in place additional mechanisms for supporting vulnerable groups;
- xii) Review the guidelines for internal monitoring and mainstream the same;
- xiii) Review TORs for external and prepare guidelines for procurement of the M&E Consultant;
- xiv) Operationalize the RAP reporting Regime. The Consultant Team will establish an effective management information system that will ensure that information from the field is readily accessible in the centre. Progress will be monitored against the plan. The system will be used to update cost and time estimates. It will include disaggregated data on the social inclusion indicators relevant to the programme. The PMU will be responsible for presenting this information to JICA in a timely and informative way that highlights issues for management attention and action.
- xv) The Consultants will actively monitor risks to project implementation and the achievement of outputs and purpose as set out in a project risk matrix. KeNHA and JICA must be notified of any significant changes in the risk situation. A regular dialogue on risks should be maintained between the Consultants and KeNHA and reported as appropriate.

Timing of the Assignment

The assignment will be for an entire 6 manmonths starting the Second Quarter of 2012 immediately after Constitution of the PMU.

Work plan

The Consultant will provide proposal with an elaborated work plan citing critical milestones towards achievement of the consultancy. The client will consider any proposal made on possibility of improving on the TORs.

Competency/Expertise

The consultant must able to demonstrate;

- i) Post graduate specialization in the field of Resettlement Management
- ii) Experience of similar work, including evidence of satisfactory delivery of at least two similar projects in the past 10 years. This should include at least twenty years experience of resettlement planning for rural road works in developing countries, part

of which should be in the management of large and complex projects and projects addressing socio-economic and livelihood issues.

- iii) Experience of working with donor, government and NGO partners, including familiarity with JICA and World Bank procedures.
- iv) Experience of strategic policy, institutional strengthening and capacity building programmes.
- v) Adherence to the ToR and quality of the proposed methodology, to deliver the project outputs.

Cost proposal

The consultant should prepare comprehensive cost quotations as indicated in the Bills of quantities below. However, quality and costs will influence selection of the winner with the best technical proposal and lowest financial proposal being declared responsive.

Sample of Bills of Quantities

No.	Description	Unit	Q'ty	Amount (USD)
1. Professional Fee				
1-1	Resettlement Consultant	manmonth		
2. Subsistence Allowance				
2.1	Resettlement Consultant	day		
3. Travel (Where official transport id not available)				
3.1	Taxi			
3.2	Local Transport			
4. Miscellaneous Expenses				
4.1	Documents and drawings	LS	1	
4.2	Communication	LS	1	
TOTAL		-	-	

7.1 Replacement Cost Study

Appendix 7.1: The Replacement Cost Study

Chapter1: The Project

1.1: Scope:

The Mombasa City Roads Improvement project is an initiative of the Government of Kenya (GOK) which aims to construct a Bypass Road to ease pressure on the Kenya Ferry Services Ltd and make movement of people and cargo between Nairobi- Mombasa and Tanzania easier and stress-free. Further, the project will entail construction of a link road connecting the Bypass at Mkupe to the new container Terminal currently being constructed near the Kenya Oil Terminal.

The project road will traverse four districts namely Changamwe, Kinango, Likoni and Kwale within the Mombasa and Kwale counties of coastal Kenya and is designed to connect the Mombasa –Lungalunga-A14 Road to the Mombasa-Nairobi-A109 Roads and thus divert traffic from the city of Mombasa and in particular the Likoni Ferry.

1.2: Nature of Impacts /Losses anticipated

The proposed bypass road traverses rural areas where people rely on extraction of primary resources –land and water to earn a living and everybody is therefore involved in either farming or fishing. As such, the Census Survey identified a total of 463 PAPs were likely to lose land and property and another 628 mainly comprised of fishermen were likely to have their livelihoods affected by the proposed development of a Bypass Road. There is need to come up with a sufficiently rationalised strategy to cushion the over 1000PAPs from being impoverished by the proposed project.

1.3: The Need for an acceptable compensation strategy

Resettlement Planning is a recognised as an invaluable intervention in mitigating impacts of development projects that involve displacement of people or livelihood. The Resettlement Plan or Policy sets out the principles and practice in approaching compensation to ensure that victims of displacement do not end up marginalised in which case, criteria for determination of rates for compensation become an essential underpin. Indeed, in recognition that the rate of valuation for lost property that can condemn or redeem project affected people, many development agencies including both JBIC and World Bank are in favour of adoption of the Replacement Cost Approach to property valuation and compensation and this is the system recommended In approaching asset valuation and replacement in the Mombasa City Roads Improvement project. In sections below, an account of the application if this strategy is provided.

Replacement Cost is defined as: “The estimated cost to construct, at current prices as of the effective appraisal date, an asset to its pre-project status.

1.4: Inventory of Assets and Losses

From the Census survey, 4 categories of losses potentially associated with displacement were identified as follows:-

- Loss of land and development thereon: This would affect a total of 463 people
- Loss (temporary or long-term) loss of livelihoods
- Loss of communal assets
- Loss of special interest assets.

Table one below provides a summary of all potential losses and in sections below, application of the Replacement Cost Approach towards reparation of anticipated damages is explained.

Table 1: Summary of Losses Anticipated from the Bypass Road Project

PAP Categories	Identity	Number	Stake
Landed PAPs	Gross compensation for assets	459	Land and property
Non-landed PAPs	4 Boat Owners at Tsunza	3	Loss of income and employment in transport trade between Mkupe and Tsunza
	Boat Operators at Tsunza	6	
	Canoe owners at Tsunza	4	
	Canoe operators at Tsunza	11	
	Fishermen at Mwangala, Mkupe, Kitanga Juu and Tsunza Beaches	250	Short-term interference with fishing trade; long-term loss of fisheries due to bridge
	Bodaboda owners	6	Loss of income from trade
	Bodaboda Operators in Mkupe and Tsunza	38	Short-term interference with transport trade during road construction followed by loss of the Mkupe transport pool
	Fish traders in Mkupe, Tsunza and Mwangala beaches	248	Short-term loss of income from fish trading at Mwangala
	Conservation groups in Mwangala and Tsunza	30	Loss of income anticipated from a mangrove seedlings planted
	Fish farmers in Mwangala	21	Loss of income from fish farming
	Small scale traders in ROW	5	Loss of income
	Landlords in Shika Adabu	2	Loss of rental income
	Business Tenants at Shikadabu	2	Short-term loss of business
	Estate Developer in Shaikadabu	1	Loss of profits in sale of 5 apartments and 22 commercial plots
Alaska Football Club	1	Loss of access to football pitch	
Business men in Shikadabu	2	Loss of business	

PAP Categories	Identity	Number	Stake
Communal assets	Community water Project in Mwangala	1	Borehole, 2 elevated masonry tanks
	Mlongodani Mosque	1	Community borehole
	Kiteje	1	Community water pan
	Mkupe, Kitanga Juu, Tsunza, Mwangala	4	Fish landing/ public transport beaches
	Kayas and shrines	4	Kayas and shrines
	Communal playfields	2	Communal playfields
Other assets	Individual graves (movable)	253	Graves
	Communal grave yards	3	Communal graves

Chapter 2: Application of the Replacement Cost Strategy:

2.1: Compensation for loss of land

Alongside labour, land is the only other productive asset at the command of communities within the route to be traversed by the Bypass road. Land is important as the base for economic production, shelter, recreation and security and deprivation from this asset is a sure way of consigning people to poverty. Within the traverse, 3 categories of land owners (table two) were identified and this called for diverse approaches replacement of their land bas as follows:

Table 2: Categories of Land Owners in the Bypass Area

PAP Categories	Identity	Number	Stake
Parastatals	KeNHA	1	Section of A109 Rd
	Kenya Railways	1	Section of rail-line and reserve
	MAWASCO	1	Section of Sewage pains at Port Reitz and Section of the Marere pipeline
	KLPC	1	Power supply lines
	KPA	1	Land at Mkupe Crossing
	WRMA	1	Riparian land in Mwangala, Tzunza and Miritini
	KAA	1	33ha of Land, Perimeter fencing, security rd around Moi International Airport
	Kwale County Council	1	Cess control point at Pungu
	KURA	1	Diverse Rural roads
Corporate Players	China Road and Bridges	1	Land and Go-down at Miritini
	Corrugated Iron Ltd	1	Part of fenced plot at Miritini
	EA Gases Ltd	1	Land, Gas tanks and other assets at Port Reitz
	Ferry Garden Estate	1	Block of Flats and commercial plots in Shika Adabu
	EA Spectre	1	Gas Pipeline and road to near gas terminal
Landed Individuals	Small scale land and property owners	350	Value to land
			Value to buildings
			Value to trees
			Value to other assets

Parastatals: A total of 9 parastatals were encountered in the route of traverse. Each of them enjoys a legal mandate to secure specific interests on behalf of the republic and are mandated to own and control land for that purpose. Access to this land is strictly controlled by the legal mandate of specific parastatal which requires that each be approached individually to specify their stakes

and concerns. As such, towards accessing lands under jurisdiction, each parastatal was contacted individually to clarify their requirements.

Corporate Players: A total of five corporate sector players who own and control land in the bypass were identified in the census Survey. All corporate players own land as a productive resource towards furthering their commercial and strategic interests and access to this land depends on the strategic interests of the target entity. None were found to own land for agricultural production in which case the economic motivation to own the land was entirely different from that of farmers. Access to this land therefore, was largely dependent on the consent of the registered owner although, being privately owned it was open to provisions of cap 295 of the Laws of Kenya. In spite of this, this RAP preferred dialogue in approaching land acquisition in which case all corporate actors were approached and engaged in dialogue. The principle of willing buyer, willing seller eventually prevailed in the deliberations.

Landed individuals: A total of 443 small scale land owners were identified in the route of traverse with holdings ranging from a few dozen square metres to a maximum of 6 hectares. Though the route of traverse was deliberately selected to avoid settlements, housing and crop production emerged as the dominant use of land by small scale operators. Unlike the large-scale operators, the small holders largely lack legal title and own land either through inheritance, purchase or encroachment. Replacement of land here was mainly guided by requirements of OP 4.12 of the World Bank and aimed at securing the land without leaving the current occupant vulnerable. A strategy was adapted to all occupants similarly irrespective of tenure status and an allocation was made to pay compensation to all landed PAPs. Compensation for value of land took into account not only the current market price but also factored in the price escalation expected once speculators move in between the Cut off date and the time of payment of compensation. Rates allowed for in the RAP are thus higher than current market rates.

2.2: Compensation for Buildings

A total of 226 structures are likely to be demolished to give way to the new road and this calls for compensation. Compensation here originally aimed at replacing the target structures in line with the replacement Cost approach. However, during the Census survey, it emerged that most of the PAPs subsisted below the poverty line in which case most of their dwellings were unsuitable for human habitation. Replacing such dwellings to their original state would be to acknowledge poverty and thus defeat the purposes and very motivation of the Replacement Cost Approach. A decision was therefore made to adopt a valuation method which would facilitate provision of the most basic accommodation- three roomed house with toilet, roof catchment and basic enclosure for the owners. A blanket sum of Ksh 0.5m was adopted for this category of PAPs.

Compensation for other buildings factored standard principles where by the type of wall, roof, floor, finishing, fittings and services all act in tandem to determine the value. Most building in this category were valued in the range of Ksh 1.2 to 1.5 million.

2.3: Valuation for Trees

Determination of the value of trees was informed by three factors namely:-

- Economic value of trees
- Shrines, and
- Canopy trees for social gatherings.

Economically important trees: All trees are important. Further, Digos and Durumas who traditionally inhabit the project area have a strong association with trees and have actually preserved intact many wood formations for religious purposes. The requirement of removing trees from the route of traverse is one of the causes of direct loss of income for individual PAPs.

Main economically important trees in the project area are coconut, cashew, tamarid, Mango, among others all of which bear fruit for sale amongst other uses. In attempting the valuation of economic trees, the capital worth of the standing tree was determined on which was then compounded the expected yield to the end of economic lifecycle of target trees, this was discounted to yield an estimate entitlement per specific tree. The coconut is highest esteemed and attracted a valuation of ksh 10000 per tree.

Valuation of non fruit trees was based on the market value adjusted for non tangible services.

Shrines: Some tree-largely the giant baobab groves serve as religious shrines (mzimu) for individuals, and these are respected as such. From discussions with owners of such trees, it emerged that, through invocation of certain cultural rites, it is possible to decommission such individual shrines. Some costs however would be incurred.

Canopy Trees : Some ancient overgrown mango trees with overhanging canopies serve as meeting points for the community more so during dry hot weather. The value of such trees thus extends beyond fruit production and the same was factored into their valuation.

2.4: Support for Livelihoods

Certain categories of livelihoods were observed as likely to suffer temporarily during construction of the bypass road. For all short-term losses income, a package to serve as income replacer during the period of inconvenience was proposed. A maximum period of three months was recommended.

For livelihoods that are likely to suffer long-term loss due to the road, alternatives have been proposed. A case in point is the proposed capacity building to enable fishermen venture into deep waters for fishing given the rapidly dwindling fortunes for artisanal fishermen.

2.5: Replacement of Communal Assets

Public infrastructure: As part of civil works, all displaced public infrastructure- water pans, water pipes, etc will be replaced. All access paths will be replaced with functional junctions and overhead bridges to ensure that social life is not impaired.

Cemeteries: Ancestors are held closely in coastal culture in which case graves are left intact. However, it is apparent that provisions do exist for graves to be relocated. The Replacement Cost Approach will be superimposed to resonate with requirements of such cultural practices.

Chapter 3: Comparative material schedules

3.1: Overview

This chapter provides a highlight of the costs of building used in the housing construction in the Project area. The rates are different depending on the nature of structures

3.2: Standard costs in building construction in Kenya

Scope of published construction costs in Kenya:

Standard construction costs in Kenya are published by the Institute of Quantity Surveyors of Kenya, the latest issue being for year 2010 (see annex one below). According to this schedule, construction costs for category D-Residential Houses in the Cost ranges from Ksh 19,000 to Ksh 43,000. However, published rates apparently cover only rural properties implying only the category of site and service schemes and above. Majority of the dwellings encountered in the project area are therefore not included in this schedule in which case standard prices are not available.

Comparison between published and observed construction costs for Mombasa:

All prices applied in the computation of replacement costs in this Report are those obtained from market surveys conducted as part of the RAP study. From the survey, six categories of family dwellings were encountered namely:- wooden frame all thatch, wooden frame clay plastered wall and thatch roof, wooden frame, clay plastered wall, iron sheet roof, masonry wall, thatch roof and masonry wall iron sheet roof. Construction costs for each category are presented below (Table 3.1) based on a model 3 roomed family dwelling measuring 48square metres.

Table 3.1: Summary Construction Cost for Diverse Make Family Dwellings in the Project Area

Type of Unit	Total Cost	Unit Cost	Published Cost	Disparity	Remarks
Wooden frame, all thatch	41,900	873	Not published	-	
Wooden frame, clay plastered wall, thatch roof	97,800	2,038	Not published	-	
Wooden frame, clay plastered wall, iron sheet roof	104,200	2,171	Not published	-	
Concrete floor, white washed wall,	210,200	4379	Not published	-	
Masonry wall, thatch roof	568,840	11,851	Not published	-	

Masonry wall, iron sheet roof	594,240	12,380	19,000	6,620	The unit cost for S&S Schemes involves provision of services;- water, sewer, drainage etc
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Based on these prices the cost of replacing a 48square metre masonry structure which is quite modest was found to be Ksh 594, 240 which translates to Ksh 12,380 against the published rate of Ksh 19,000 for Site and Service Scheme. It must be remembered that, site and service Schemes also include provision of services such as water, sewer line electricity and drainage which would account for the disparity of Ksh 6,620 found in this study.

Overall, prices generated in this study are thus in close agreement with those published officially.

3.2.1: Costs in Family Dwellings

Family dwellings in the project area manly comprise of wooden frame or masonry frames roofed with either thatch or iron sheets. All models are described below.

(i) **Wooden structures:** There are three categories whose material schedules are tabulated below.

Scenario 1: Wood and All Thatch House

Part of Building	Material Used	Source	Costs Elements	Inputs	Rate (Ksh)	Costs
Floor	Bare earth which is flattened and firmed	On site	Labour	2 man days per 2 roomed structure	300 per man day	600
Wall	Wooden poles	Bought from timber yards	Purchase and transport costs, labour when sourced locally	40 poles per family dwelling	60 per piece	2400
	Withies	As above	As above	200 pieces for family dwelling	Ksh 60 per piece	12,000
Roof	Wooden poles/ withies	As above	As above	200 pieces per family dwelling	As above	12,000
	Thatch	Mainly corrected locally	Labour	50 stacks per family dwelling	Ksh 50 per stack or use of own labour	2,500

Fittings	Doors & Windows	Purchased	Purchase and transport cost	1 door/	Ksh 2000 per door& frames	5,000
	Nails	30kg			30kg@ 80	2,400
Labour charges					A lump sum of Ksh 5000 for all construction	5,000
Total cost						41,900
Units cost						873



Figure 3.1: An All Hatch Structure



Figure 3.2: Wooden Frame, Clay Plastered Wall, Thatch Roof

Scenario 2: Wooden Frame / Plastered Wall and Thatch Roof

Part of Building	Material Used	Source	Costs Elements	Inputs	Rate (Ksh)	Costs
Floor	Bare earth which is flattened and firmed	On site	Labour	2 man days per 2 roomed structure	300 per man day	600
Wall	Wooden poles	Bought from timber yards	Purchase and transport costs,	40 poles per family dwelling	60 per piece	2,400
	Withies	As above	As above	100 pieces for family dwelling	Ksh 40 per piece	4,000
Clay plastering	Clay	Corrected form antihills	Lour to extract and transport	30 mandays for extraction and transport	Ksh 300 per manday	900
	Curing and plastering	On site	Labour to source water and plaster	200mandays	300 per manday	60,000
Roof	Wooden poles/ withies	As above	As above	200 pieces per family dwelling	As above	12,000

	Thatch	Mainly corrected locally	Labour	50 stacks per family dwelling	Ksh 50 per stack or use of own labour	2,500
Fittings	Doors& Windows	Purchased	Purchase and transport cost	1 door/	Ksh 2000 per door& frames	3,000
	Nails	30kg			30kg@ 80	2,400
Labour charges						10,000
Total cost						97,800
Unit cost						2,038

Scenario 3: Wooden Frame, Clay Plastered Wall and Iron Sheet Roof

Task	Material Used	Source	Costs Elements	Inputs	Rate (Ksh)	Cost (Ksh)
Floor	Bare earth	On site	Labour	6 man days per 3 roomed structure	300 per man day	24,000
Wall	Wooden poles	Bought from timber yards	Purchase and transport	40 poles per family dwelling	600 per piece	24,000
	Withies	As above	As above	200 pieces for family dwelling	Ksh 200 per piece	4,000
Clay plastering	Clay	Corrected form antihills	Lour to extract and transport	30 mandays for extraction and transport	Ksh 300 per manday	12,000
	Curing and plastering	On site	Labour to source water and plaster	100mandays	300 per manday	30,000
Roof	Wooden poles/ withies	As above	As above	200 pieces per family dwelling	As above	40,000
	Iron sheets Thatch	Bought from hardware shops	Purchase and transport costs	26 pcs 3m long iron sheets per family dwelling	Ksh 700 per Pc Plus Ksh 3000 f	18,200
Fittings	Doors& Windows	Purchased	Purchase and transport cost	1 door/ 2 windows	Ksh 2,000 per door& frames +2 windows @ 500	3,000
	Nails	30kg			30kg x 80	2,400
	Roofing nails	5kg			5kg @120	600
Labour charges					A lump sum of Ksh10,000 for all construction	10,000
Total cost						104,200
Unit cost						2,171



Figure Fig 3.3: Wooden frame, clay plastered wall, iron sheet roof structure in Hodi B

Scenario Four: Scenario three plus Concrete floor and white washed walls

Task	Material used	Source	Costs elements	Inputs	Rate (Ksh)	Cost (Ksh)
Wall	Wooden poles	Bought from timber yards (Miritini, Changamwe, or collected locally).	Purchase and transport costs, labour when sourced locally	40 poles per family dwelling	400 per piece	16,000
				20 mandays when sourced locally	Ksh 2000 for transport 300per man day for labour	2,000 4,000
	Withies	As above	As above	200 pieces for family dwelling	Ksh 200 per piece	40,000
Clay plastering	Clay	Corrected form anthills	Lour to extract and transport	30 mandays for extraction and transport	Ksh 300 per manday	
	Curing and plastering	On site	Labour to source water and plaster	100mandays	300 per manday	30,000
Roof	Wooden poles/ withies	As above	As above	200 pieces per family dwelling	As above	30,000
	Iron sheets Thatch	Bought from hardware shops	Purchase and transport costs	26 pcs 3m long iron sheets per family dwelling	Ksh 700 per Pc Plus Ksh 3000 for transport	21,200
Fittings	Doors& Windows	Purchased	Purchase and transport cost	1 door/2 windows	Ksh 2000 per door & frames 2 windows @ 500	3,000
	Nails	30kg			30kg@ 80	2,400
	Roofing nails	5kg			5kg @120	600
Concrete floor	Ballast	Material suppliers	Purchase and delivery transport	14 tonnes per family dwelling	Ksh 15000 inclusive	15,000
	River	As above	As above	18 tonnes per	Ksh 12000	12,000

	sand			family dwelling		
	Cement	Hardware shops	Purchase	50 bags(@50kg)	Ksh 800 per bag	40,000
	Water	Locally	Labour	50mandays	Ksh 300 per manday	15,000
Plastered wall	River sand	As above	As above	18 tonnes per family dwelling	Ksh 12000	12,000
	Cement	Hardware shops	Purchase	30 bags(@50kg)	Ksh 800 per bag inclusive of delivery	4,000
	Water	Locally	Labour	20mandays	Ksh 300 per manday	6,000
	Chalk	Hardware shops	Purchase	10 bags@50kg	Ksh 400 per bag	4,000
Labour charges					A lump sum of Ksh 15000 for all construction	15,000
Total cost						21,0200
Unit cost						4,379



Figure 3.3: A White Washed House

3.2.2: Construction of Masonry Structures

Two dominant types prevail namely; - (i) Masonry wall, thatch roof or (ii) Masonry wall, iron sheet roof. Both types of houses occur in almost equal proportion within the traverse of the Mombasa Southern Bypass road. Characteristically, they such dwellings always include a concrete floor and come with an adjoining kitchen. Construction costs associated with this category as enumerated below. All masonry structures in the Project area comprise of coral building stone which is readily available from the Tiwi Quarries. All masonry construction requires as a minimum, 2 wheelbarrows, 4 spades, 2 fork jembes and a hose pipe all valued at Ksh 12,000. Construction materials are enumerated below. The cost of materials was mainly derived from

interviews with construction groups and materials suppliers supplemented by the teams experience.

Scenario 5: Masonry Wall, Iron Sheet/ Thatch Roof (see page 17 below).



Figure 3.4: Babu Juma Outside his Masonry House

3.3: Prices in Construction of Kitchens:

Most kitchens in the project area are mud-walled and thatch roofed and would therefore fall under scenario two above.

3.4: Prices in construction of Toilets:

Quite unfortunately, most homesteads in the Project area lack toilets. Where they occur, the standard design is a pit usually 10ft deep, a slab structure either comprising of logs or concrete works and a super structure either comprised of makuti (palm tree leaves) or masonry works. Price schedules for both options are provided below.

Scenario 6: Construction Costs for Toilets

Type of Toilet	Under-Structure	Slab Structure	Super Structure	Roof	Costs	Remarks
Makuti toilet	10 ft deep pit 9(3x2ft dimensions)	Logs or concrete slab	Poles and makuti enclosure	Usually no roof	Main cost is in excavation at Ksh 120per ft	Cost investment is in the order of Ksh 5000
Masonry toilet	As above or deeper	Concrete slab	Masonry wall	Iron sheet roof	Cost items are in excavation, slab structure, super structure and roofing.	Cost investment in the order of 5% of Scenario Five above.

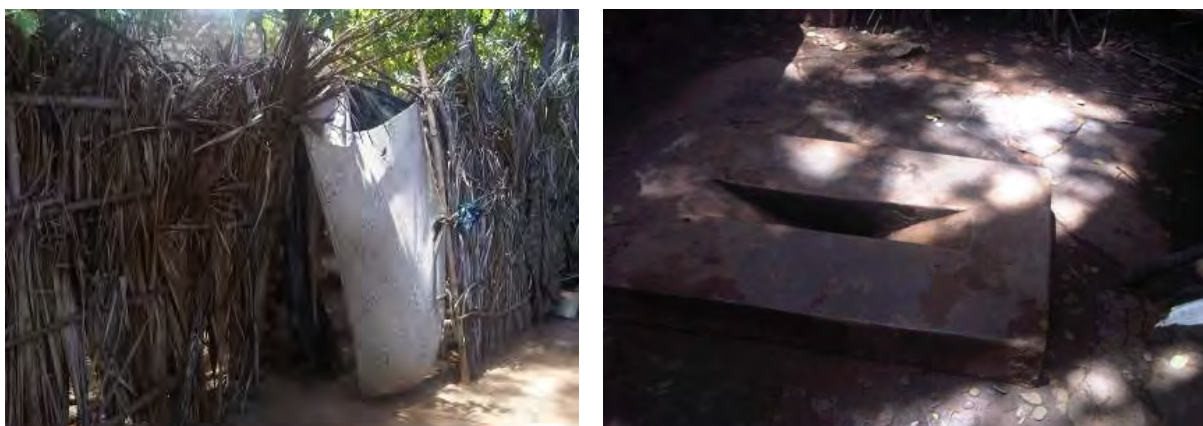


Figure 3.5: (i) Typical Makuti Toilet (ii) Concrete Slab. Both serve as Bathrooms

3.5: Prices in Construction of Wells

This study came across several wells in the Project area. They fall in 3 categories namely:

3.5.1: Boreholes:

Drilling of boreholes is strongly restricted under water Act 2002. Costs schedules are readily available from drilling companies. Drilling must be preceded by :- A WRMA Authorization, A Hydro geological (Citing) Report and an EIA Report duly approved by NEMA. Drilling is then contracted to an authorised drilling company. Price schedules as follows:-

Scenario 7: Prices in Construction of Boreholes

Item	Requirement	Cost	Remarks
Hydrogeological report	Licensed hydrogeologist	Ksh 20000	This takes 2 weeks
WRMA *Authorisation	Fill application forms	Ksh 5000 fee	This may take 6 months and involves travel to the WRMA Regional office- Kwale
EIA report	Licensed EIA Expert	Ksh 80,000 fee payable to expert and EIA fee equivalent of 0.05% of total drilling costs payable to NEMA.	This may take upwards of 6 months
Drilling, test pumping and casing	Licensed drilling company	Drilling costs average Ksh 1200 per metre	This takes a week. Total cost of drilling and equipping a borehole in Mombasa is in the range of Ksh 1.8million.

*WRMA- Water resources Management Authority

3.5.2: Open wells: These are normally cited locally and drilled using local labour to a depth of about 40ft maximum. Costs are only incurred in the labour to the tune of 200 per ft. Its more costly to excavate a well compared to pit latrine.

3.5.3: Lined wells: One lined well was encountered in the Pungu area near Ziwani. Based on discussions with the owner, details were provided as follows:-

Scenario 8: Prices in Construction of Wells

Cost item	Price	Remarks
Excavation	Ksh 200per ft	Well is 20ft deep
Lining materials	500ft of dressed stone, 10 bags of cement, 1/2 lorry of sand, 10 mandays labour for water supply, 10 mason days and 10 mandays of casual labour.	Well construction quite slow due to low oxygen supply.

3.6: Prices in Construction of Graves:

Graves are of 2 types: open pit and plastered graves. The open pit grave comprises of a pit 8ft by 4ft by 6ft deep dimensions which is excavated and then refilled upon burial. Excavation is usually undertaken by the community and hence attracts no charges. The exception however is with the plastered graves whereby the walls are plastered in concrete mortar after excavation. As well, to super structure in graves can be finished to taste depending on the motivation of the bereaved family or wishes of the deceased. There is therefore no standard cost to graves. This study puts the estimate to standard plastered grave construction at Ksh 35,000.

Compensation for graves is an entirely different matter. According to local accounts, compensation is more toward appeasing the spirit of the deceased rather than physical construction. Costs go into performing the appeasement rite after which some soil from the grave is removed and buried in the relocation site. It is not anticipated that graves will be reconstructed (Replacement cost not directly applicable) in the project area.



Figure 3.6: The Mwinyifaki Graveyard at Shikadabu

Scenario 5: Costs in Construction of Masonry Dwellings

Task	Material used	Source	Costs elements	Inputs	Rate (Ksh)	Cost
General supplies					12000	12,000
Professional services					50,000	50,000
Site layout	Labour				lumpsum	2,000
Foundation excavation	Labour	Locally	Labour	6mandays	400 per manday	2400
					600 per masonday	600
Foundation works	Ballast	Miritini, Likoni Changamwe,	Purchase and delivery transport	7 tonnes for foundation	Ksh 8,500 inclusive	8,500
	River sand	As above	As above	12 tonnes	Ksh 7500	7,500
	Cement	Hardware shops	Purchase	10 bags @50	Ksh 800 per bag	10,000
	Water	Locally	Labour	50mandays	Ksh 300 per manday	15,000
	Foundation courses	9 by 6 rough stone	Purchase and delivery	250 running ft	Ksh 35per ft plus delivery	10,750
Slab works	Labour	Locally	Labour	Labourers @ 2mandays	400 per manday	800
				mason@1manday	600 per masonday	600
Slab works	Ballast	Material suppliers	Purchase and delivery transport	7 tonnes for foundation	Ksh8500 inclusive	8,500
	Harcove	As above	As above	14tonnes	Ksh 9000	9,000
	River sand	As above	As above	24 tonnes	Ksh 7500	15,000
	Cement	Hardware shops	Purchase	20 bags	Ksh 800 per bag	18,000
	Water	Locally	Labour	50mandays	Ksh 300 per manday	15,000
	Labour	Locally	Labour	Labourers @ 1mandays	450 per manday	4,500
				mason@1manday	650 per masonday	650

Task	Material used	Source	Costs elements	Inputs	Rate (Ksh)	Cost	
Super structure	Ant termite treatment	Hardware shop	Purchase	1 litre	1 litre @ Ksh660	660	
	6 by 6 rough stone	Local	Purchase and delivery	1300 running ft	Ksh 35per ft plus delivery	45,500	
	Labour fro stone dressing	Local	Labour	1300rf +corners	Ksh 8 per ft	10,400	
	River sand	As above	As above	12 tonnes	Ksh 7500	90,000	
	Cement	Hardware shops	Purchase	10 bags@50kg	Ksh 800 per bag inclusive of delivery	8,000	
	Water	Locally	Labour	20mandays	Ksh 300 per manday	6,000	
	Labour	Locally	Labour	Labourers @20mandays	400 per manday	8,000	
				10 mason days		6,000	
		6X1 timber	Timber yards or sawn locally	Purchase and transport cost	120 rf	Ksh 36 per ft of grevillea timber	4,320
		Nails	10kg	Purchase		10kg@ 80	800
Ring beam works (optional)	Y12 & R8 steel bars	Hardware shops	Purchase and transport	21 pcs Y12 bars 10pcs R8 bars	Y12 @Ksh 1200 R8 @Ksh 850	25,200 8,500	
	Binding wire	Hardware shops	Purchase	10kg	Transport costs Binding wire @120per kg	2,000 1,200	
	Water	Locally	Labour	20mandays	Ksh 300 per manday	6,000	
	Labour	Locally	Labour	Labourers @10mandays	450 per manday	4,500	
				mason@1mandays	650 per masonday	650	

Task	Material used	Source	Costs elements	Inputs	Rate (Ksh)	Cost	
Roofing works *	3X2 timber	Timber yards	Purchase and delivery transport	720ft	Ksh 32 per ft Plus ksh 3000 for transport	25,040	
	2X2 timber	As above	As above	500ft	Ksh 22per rft- combined transport	11,000	
	Nails			20kg assorted	Ksh 80per kg	1,600	
	Iron sheets	Bought from hardware shops	Purchase and transport costs	26 pcs 3m long iron sheets per family dwelling	Ksh 700 per Pc Plus Ksh 3000 for transport (higher transport cost in Tsunza)	21,200	
	Thatch Option	mainly corrected locally	Labour	50 stacks per family dwelling	Ksh 50 per stack or use of own labour	0	
	Roofing nails	5kg			5kg @120	600	
	Labour	Local		2 mason days 4 labourer days	400 per manday	1,600	
					600 per carpenter	1,200	
	Doors and frames	Timber	Local	3 doors 3 windows	Purchase and transport	Ksh 2500 per door and frames	7,500
						3 windows @ 500	1,500
					Ksh 1200 for transport	1,200	
Labour		Local		2 mason days 4 labourer days	400 per manday	1,600	
Plaster works	River sand	As above	As above	12 tonnes	600 per mason day	1,200	
	Cement	Hardware shops	Purchase	20 bags@50kg	Ksh 7500	7,500	
	Water	Locally	Labour	20mandays	Ksh 800 per bag inclusive of delivery	8,000	
	Red oxide paste	Local hardware shops	Purchase	20litres	Ksh 300 per manday	6,000	
					20litres @ 2500	50,000	

Task	Material used	Source	Costs elements	Inputs	Rate (Ksh)	Cost
	Labour	Locally	Labour	Labourers @10mandays	400 per manday	4,000
				mason@10 mandays	600 per masonday	6,000
Fiscal board	Locally	timber suppliers		110rft	60per ft	8,600
Ceiling works	timber framework	hardware shops		400rft	Ksh 20 per ft	8,000
	Ceiling boards	Hardware shops		20pcs	3800 per pc	6,820
	Nails	Hardware shops		10 kgs+5 kgs	Ksh 250 per Kg of ceiling nails	2,050
	Labour	Locally		20 manday casuals + 10 carpenter days		14,000
Paint works	Emulsion Paint	Local hardware shops	Purchase and transport	20 litres	20 litres @ 5000	5,000
	Gross paint	As above	As above	10 litres	Ksh 2500 per 4 litre gallon	22,500
	Thinners etc.				Ksh 2000	2,000
	Labour	Locally		Labourers @20mandays	400 per manday	8,000
				painter@10 mandays	600 per manday	6,000
Supervision	Own labour				60 mandays	3,6000
Total construction costs (Ksh)						594,240
Cost per square metre						12,380
Printed cost for site and service schemes (coast)						19,000
Disparity (accounted for by cost of services;- sewer, roads, drainage and power lines)						6,620

Annexe 1: Published Construction Costs in Kenya (Dec 2010)

CURRENT CONSTRUCTION COSTS IN KENYA

Current Building Cost per M² in Central, Coast and Western Region DECEMBER 2010

The rates shown below are general rates for building works excluding site works and care should be exercised in comparing costs of various buildings without considering other factors like location; specification of building materials; wall to floor ratio, floor to ceiling heights; site topography; Type of joinery fitting and quality of Electrical and Mechanical installations

Rates in coastal towns like Mombasa are generally higher.

The Institute of Quantity Surveyors of Kenya, it's Council and the publisher shall not be responsible for any errors in the rates published herein or for any damage or loss whatsoever resulting therefrom or for any reliance thereon in the m2 rates.

ITEM	BUILDING TYPE	COST PER M2 (EXCLUDING VAT)		
		CENTRAL REGION (NAIROBI) (Kshs.)	COASTAL REGION (MOMBASA) (Kshs.)	WESTERN REGION (KISUMU) (Kshs.)
A	Office Blocks			
	1) Low rise (Four Storey)	36,000.00	37,000.00	34,000.00
	2) High rise (With lifts)	45,000.00	46,000.00	43,000.00
B	Industrial Complex			
	3) Factories (Two storey)	29,500.00	28,000.00	31,000.00
	4) Warehouses (Ditto)	28,000.00	26,000.00	30,000.00
C	Retail Outlets			
	5) Small scale shopping centres	33,000.00	37,000.00	35,000.00
	6) Shopping mall	45,000.00	46,000.00	49,000.00
D	Residential			
	7) High class single units (Maisonettes)	40,000.00	43,000.00	43,000.00
	8) High class high rise flats	45,000.00	43,000.00	43,000.00
	9) Low cost, low rise flats	31,000.00	28,000.00	28,000.00
	10) Low cost, high rise flats	35,000.00	34,000.00	34,000.00
	11) Site & services schemes	17,000.00	19,000.00	19,000.00
E	Social Centres			
	12) Social clubs	30,000.00	32,000.00	31,000.00
	13) Churches (Double Volume Height)	41,000.00	40,000.00	40,000.00
	14) Community Centres	35,000.00	40,000.00	39,000.00
F	Hotels			
	15) Urban low rise	35,000.00	46,000.00	43,000.00
	16) Urban high rise (With lifts)	45,000.00	53,000.00	52,000.00
	17) Game lodges (Remote areas)	47,000.00	65,000.00	62,000.00
	18) Tented camps	23,000.00	37,000.00	36,000.00
G	Health facilities			
	19) Simple clinics	23,000.00	33,000.00	29,000.00
	20) Urban areas clinics	31,000.00	41,000.00	36,000.00
	21) Dispensaries (Rural areas)	21,000.00	25,000.00	24,000.00
	22) Large referral hospitals	36,000.00	41,000.00	40,000.00
H	Sports Facilities			
	23) Stadiums	41,000.00	47,000.00	46,000.00
	24) Simple arenas	33,000.00	38,000.00	37,000.00
	25) Theatres (Double volume height)	46,000.00	53,000.00	52,000.00
	26) Health clubs	50,000.00	58,000.00	56,000.00
	27) Playing fields	11,000.00	17,000.00	13,000.00

8.1 Cost Assets Register

Administrative Details			PAP Details		Value to Land		Value to Developments on Land								Entitlement		
Code	District	Sub-location	Name	ID card	Land Size (m2)	Value (ksh)	Value to Buildings (Ksh)	Value to Coconuts	Value to Cahew	Value to Fruit Trees	Value to Bananas	Value to Indigenous Trees	Value to other Assets	At Cost Entitlement (Ksh)	Compensation Plus 15% Top-up (Ksh)	Gross Entitlement US\$	
1	Kilifi	Mabanda ya Ngombe	Tsuma Kimbugwa		17,200	3,440,060	0	200,000	0	50,000	300,000	0	0	3,990,060	4,588,569	44,986	
2			Keya Kimbugwa		5,700	1,139,940	0	0	0	0	0	0	0	1,139,940	1,310,931	12,852	
3			Bembeyu Kuri Tsuma		30,158	6,031,680	0	0	0	0	0	0	0	6,031,680	6,936,432	68,004	
4			China Road and Bridges	Commercial	2,093	418,640	20,000,000	0	0	0	0	0	0	20,418,640	23,481,436	230,210	
5			Coragated enterprises ltd	Commercial	2,016	403,280	5,000,000	0	0	0	0	0	0	5,403,280	6,213,772	60,919	
6			Benja Mwambogo Benja	O505085	9,122	1,824,440	0	600,000	0	30,000	100,000	0	0	2,554,440	2,937,606	28,800	
7			Amani Mzuri	22700874	4,440	888,000	0	220,000	0	30,000	20,000	0	20,000	1,178,000	1,354,700	13,281	
8			Mambo Mzuri	11459054	4,206	841,120	2,500,000	60,000	S	0	42,000	124,000	0	3,567,120	4,102,188	40,218	
9			Mgandi Kea	11789730	33,947	6,789,340	0	800,000	0	125,000	200,000	0	0	7,914,340	9,101,491	89,250	
10			Bekwekwe Kea	11789730	2,093	418,640	0	600,000	0	0	0	0	0	1,018,640	1,171,436	11,485	
11			Juma Kea	22814036/5	2,093	418,640	0	500,000	0	110,000	260,000	0	0	1,288,640	1,481,936	14,529	
12			Sulleiman Karume Keya	21114579	2,093	418,640	0	150,000	0	135,000	40,000	0	0	743,640	855,186	8,384	
13			Matano Kea Chovu	12770217	2,093	418,640	0	750,000	0	205,000	60,000	0	0	1,433,640	1,648,686	16,164	
14			Hamsi Katembe Kea	20395888	2,093	418,640	0	150,000	0	20,000	40,000	0	0	628,640	722,936	7,088	
15			Kea Chovu Chongo	2193924	2,093	418,640	0	500,000	0	110,000	260,000	0	0	1,288,640	1,481,936	14,529	
16			Alice Dzame Nyiera	24172701	2,093	418,640	0	300,000	0	155,000	20,000	0	0	893,640	1,027,686	10,075	
17			Jamaa Chai Jamaa	2192275	2,093	418,640	0	0	0	5,000	4,000	4,000	0	431,640	496,386	4,867	
18			Said Malembi	20736702	2,093	418,640	0	120,000	0	35,000	6,000	0	0	579,640	666,586	6,535	
19			Mwadzaya Bekwekwe Kachongo	9987524	2,093	418,640	0	330,000	0	30,000	80,000	0	0	858,640	987,436	9,681	

Administrative Details			PAP Details				Value to Land		Value to Developments on Land							Entitlement		
Code	District	Sub-location	Name	ID card	Land Size (m2)	Value (ksh)	Value to Buildings (Ksh)	Value to Coconuts	Value to Cahew	Value to Fruit Trees	Value to Bananas	Value to Indigenous Trees	Value to other Assets	At Cost Entitlement (Ksh)	Compensation Plus 15% Top-up (Ksh)	Gross Entitlement US\$		
1	Kinango	Mwamdudu	KPLC	0	0	0	0	0	0	0	0	0	18,000,000	18,000,000	20,700,000	202,941		
2			KentHa	0	7,165	1,432,980	0	0	0	0	0	0	0	1,432,980	1,647,927	16,156		
3			Kenya Railways Corp	0	2,562	512,380	0	0	0	0	0	0	0	512,380	589,237	5,777		
4			Rehema Said Ali	1609544	6,589	1,317,780	1,500,000	0	0	0	0	520,000	0	3,337,780	3,838,447	37,632		
5			Jumaa Chai Jumaa	2192275	11,055	2,210,920	0	0	0	0	0	0	40,000	2,250,920	2,588,558	25,378		
6			Mbovu Mgandi Kachongo		9,502	1,900,300	0	0	0	0	0	12,000	83,000	1,995,300	2,294,595	22,496		
7			Hassan Mgandi Kachongo	7814773	9,501	1,900,200	0	60,000	0	15,000	0	52,000	180,000	2,207,200	2,538,280	24,885		
8			Mwadzaya Mgandi Kachongo	3152641	14,651	2,930,280	0	0	0	0	0	0	0	2,930,280	3,369,822	33,037		
9			Suleiman Mohammed Kinyawe	28536912	5,039	1,007,840	0	0	3,000	20,000	0	44,000	35,000	1,109,840	1,276,316	12,513		
10			Fatuma Bahati Mgandi		5,826	1,165,200	0	0	0	0	0	4,000	0	1,169,200	1,344,580	13,182		
11			Said Malembi Bekwekwe Kachongo	20736702	8,831	1,766,200	500,000	20,000	6,000	10,000	0	32,000	0	2,334,200	2,684,330	26,317		
12			Mechombo Kimbugu		0	0	500,000	0	0	0	0	0	0	500,000	575,000	5,637		
13			Kachongo Bekwekwe		0	0	500,000	0	0	0	0	0	0	500,000	575,000	5,637		
14			Mwadzaya Bekwekwe	9987524	0	0	500,000	0	0	0	0	0	0	500,000	575,000	5,637		
15			Anzazi Kamiki Mgandi	2254442	0	0	500,000	0	0	0	0	0	0	500,000	575,000	5,637		
16			Omari Bekwekwe		0	0	500,000	0	0	0	0	0	0	500,000	575,000	5,637		
17			Mgandi Kachongo	2626511	0	0	500,000	0	0	0	0	0	0	500,000	575,000	5,637		
18			Mambo Kachongo		0	0	500,000	0	0	0	0	0	0	500,000	575,000	5,637		

Administrative Details			PAP Details		Value to Land		Value to Developments on Land								Entitlement		
Code	District	Sub- /location	Name	ID card	Land Size (m2)	Value (ksh)	Value to Buildings (Ksh)	Value to Coconuts	Value to Cahew	Value to Fruit Trees	Value to Bananas	Value to Indigenous Trees	Value to other Assets	At Cost Entitlement (Ksh)	Compensation Plus 15% Top-up (Ksh)	Gross Entitlement US\$	
19			Saumu Kachongo		2,949	589,760	0	0	0	10,000	0	20,000	0	619,760	712,724	6,987	
20			Chiringa karume Kachongo	14620140	16,107	3,221,400	0	50,000	21,000	65,000	12,000	24,000	53,500	3,446,900	3,963,935	38,862	
21			Kea Chovu Kachongo	2193924	1,802	360,400	0	110,000	0	15,000	0	0	4,500	489,900	563,385	5,523	
22			Sri Mwaka Athumani	838941	1,855	370,960	0	0	0	15,000	0	0	0	385,960	443,854	4,352	
23			Hamisi Salim Tembe	505818	1,397	279,420	0	0	0	5,000	0	0	0	284,420	327,083	3,207	
24			Juma mazera Nyamawi	8413197	4,976	995,140	0	0	0	10,000	0	40,000	0	1,045,140	1,201,911	11,783	
25			Kiringa Majamaa		5,830	1,166,060	0	190,000	0	10,000	0	0	0	1,366,060	1,570,969	15,402	
26			Mwero Mtoi Mijja	50580	11,128	2,225,620	50,000	90,000	0	0	0	0	0	2,365,620	2,720,463	26,671	
1	Changa mwe		Abdallah Juma	2254989	4,810	962,080	50,000	0	0	0	0	0	0	1,012,080	1,163,892	11,411	
2			Uchi Mtoi Mbawa	4644462	4,893	978,600	0	0	0	0	0	0	0	978,600	1,125,390	11,033	
3			Mwero Mtio Mbwana	8413579	10,831	2,166,180	0	290,000	0	0	0	8,000	0	2,464,180	2,833,807	27,782	
4			Juma Mbawa Mbenja	13282016	5,407	1,081,380	0	140,000	6,000	20,000	0	0	0	1,247,380	1,434,487	14,064	
5			Mohammed Diyo Mbawa	6729826	5,758	1,151,640	0	0	0	0	0	0	0	1,151,640	1,324,386	12,984	
6			Abdallah Juma	2254989	13,794	2,758,720	0	0	0	10,000	0	28,000	0	2,796,720	3,216,228	31,532	
7			Ndosho Katana Godana	9394980	9,170	1,833,900	0	120,000	0	0	0	12,000	0	1,965,900	2,260,785	22,165	
8			Said Kudzi Kanza		3,088	617,680	0	0	0	0	0	0	0	617,680	710,332	6,964	
9			Kalandi Ndosho Mbawa	9395403	7,453	1,490,500	0	10,000	0	0	0	12,000	0	1,512,500	1,739,375	17,053	
10			Nachiro Noshu Mbawa	2193168	5,248	1,049,560	0	20,000	0	0	0	36,000	0	1,105,560	1,271,394	12,465	
11			Stephen mboga /Katana Disii	Dispute	5,667	1,133,380	0	0	0	0	0	28,000	0	1,161,380	1,335,587	13,094	
12			Stephen mboga /Katana Disii	Dispute	2,996	599,120	0	0	0	0	12,000	28,000	0	639,120	734,988	7,206	

Administrative Details			PAP Details		Value to Land		Value to Developments on Land								Entitlement		
Code	District	Sub-Location	Name	ID card	Land Size (m2)	Value (ksh)	Value to Buildings (Ksh)	Value to Coconuts	Value to Cahew	Value to Fruit Trees	Value to Bananas	Value to Indigenous Trees	Value to other Assets	At Cost Entitlement (Ksh)	Compensation Plus 15% Top-up (Ksh)	Gross Entitlement US\$	
13			Anazazi Chaka Mfune	13629288	450	90,000	0	0	0	0	0	0	0	90,000	103,500	1,015	
14			MAWASCO	5424908	9,214	1,842,820	0	0	0	0	0	0	15,000,000	16,842,820	19,369,243	189,895	
15			Stephen mboga Katana	5424908	9,198	1,839,680	0	0	0	0	0	60,000	0	1,899,680	2,184,652	21,418	
16			Stephen Mboga	5424908	1,699	339,800	0	0	0	0	0	0	0	339,800	390,770	3,831	
17			Kudzikanza	2186334	10,556	2,111,160	0	0	0	0	0	20,000	0	2,131,160	2,450,834	24,028	
18			Jumaa Tandiko				0	0	0	0	0	0	0	3,820,640	4,393,736	43,076	
19			Said Menza Tuva		19,103	3,820,640	0	0	0	0	0	0	0	1,861,800	2,141,070	20,991	
20			Fatuma Bakari Ali	4609204	7,567	1,513,300	0	0	0	0	0	40,000	308,500	1,861,800	3,528,200	34,590	
21			Said Menza Tuva	0505275	15,000	3,000,000	0	0	6,000	5,000	0	32,000	25,000	3,068,000	3,528,200	34,590	
22			Ayub Pendo		0	0	0	0	0	0	0	32,000	0	32,000	36,800	361	
23			Said Menza Tuva	505275	25,623	5,124,640	0	0	6,000	5,000	0	40,000	0	5,175,640	5,951,986	58,353	
24			Ali Bakari Ali		8,857	1,771,320	0	0	0	0	0	0	0	1,771,320	2,037,018	19,971	
25			Mohammed Bakari		6,784	1,356,720	0	0	0	0	0	16,000	0	1,372,720	1,578,628	15,477	
26			Masudi Mohammed Bakari	22593672	7,327	1,465,340	0	0	0	0	0	104,000	0	1,569,340	1,804,741	17,694	
27			Abdallah Mohammed Bakari	14493213	1,185	236,940	0	0	0	0	0	40,000	0	276,940	318,481	3,122	
28			Waziri Mwadsoi	8471486	15,358	3,071,640	0	820,000	0	25,000	4,000	4,000	0	3,924,640	4,513,336	44,248	
29			Hamisi Mohammed Bakari	652555	6,663	1,332,540	50,000	1,300,000	0	895,000	8,000	84,000	228,000	3,897,540	4,482,171	43,943	
30			Juma Kimambo Bakari	4594912	4,392	878,360	50,000	1,190,000	0	135,000	0	4,000	10,000	2,267,360	2,607,464	25,563	
31			Munga Bakari Ali	2259118	6,885	1,377,040	50,000	150,000	0	0	0	0	0	1,577,040	1,813,596	17,780	
32			Badi Bakari	3153414	8,297	1,659,380	50,000	0	0	0	0	80,000	0	1,789,380	2,057,787	20,174	
33			Mwinyi Haji Bakari		9,566	1,913,200	0	0	0	0	0	24,000	0	1,937,200	2,227,780	21,841	

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33			Omar Mataka	8452553	24,444	4,888,840	0	0	0	0	0	0	0	4,888,840	5,622,166	55,119	
34			Abdallah Sombo Bakari	2257629	1,509	301,820	50,000	0	0	0	0	24,000	0	375,820	432,193	4,237	
35			Rukia Bati Hare		3,238	647,660	0	0	0	0	0	0	0	647,660	744,809	7,302	
36			Mwaka Mwachoro	20688096	6,381	1,276,260	0	0	0	0	0	0	0	1,276,260	1,467,699	14,389	
37			Saidi Mwinifaki	20418236	15,200	3,040,000	0	0	0	0	0	0	0	3,040,000	3,496,000	34,275	
38			William Mwangina	4990696	0	0	0	0	0	0	0	0	1,508,300	1,508,300	1,734,545	17,005	
39			Charles Wanjohi	4608306	0	0	0	0	0	0	0	0	0	0	0	0	
40			Katana Charo Ngoa	5321814	7,260	1,451,960	0	0	0	0	0	0	0	1,451,960	1,669,754	16,370	
41			KPA		30,200	6,040,000	800,000	0	0	0	0	0	0	6,840,000	7,866,000	77,118	
42			Riziki Fondo Kiwe	21019333	0	0	50,000	0	0	0	0	0	0	50,000	57,500	564	
43			Ali Jaka Ali	11789882	0	0	0	0	0	0	0	20,000	0	20,000	23,000	225	
44			Abdallah Mwinjaka Mwinifaki	6506890	0	0	0	0	0	0	0	0	60,000	60,000	69,000	676	
45			Kigumo Giphoro		0	0	0	0	0	0	0	0	60,000	60,000	69,000	676	
46			Chizi Rai Ndoro	2193527	0	0	0	0	0	0	0	0	20,000	20,000	23,000	225	
47			Maiwe Mbora Chiruku	27488827	1,218	243,680	0	0	0	0	0	0	0	243,680	280,232	2,747	
48			Rukia Bati Hare	6661495	1,220	244,000	0	0	0	0	0	0	0	244,000	280,600	2,751	
49			Ngana Bekanyimbo Mwamboze	26054504	4,845	968,960	0	0	0	0	0	0	0	968,960	1,114,304	10,925	
50			Abdallah Mwijaka Mwinifaki	6506890	2,478	495,620	0	0	0	0	0	12,000	0	507,620	583,763	5,723	

Administrative Details			PAP Details		Value to Land		Value to Developments on Land								Entitlement		
Code	District	Sub- /location	Name	ID card	Land Size (m2)	Value (ksh)	Value to Buildings (Ksh)	Value to Coconuts	Value to Cahew	Value to Fruit Trees	Value to Bananas	Value to Indigenous Trees	Value to other Assets	At Cost Entitlement (Ksh)	Compensation Plus 15% Top-up (Ksh)	Gross Entitlement US\$	
51			Mohammed Nyamwari Mboga	6738674	7,520	1,504,000	0	0	0	0	0	0	0	1,504,000	1,729,600	16,957	
52			Mohammed Nyamwari Mboga	6738674	7,751	1,550,140	0	0	0	0	0	0	0	1,550,140	1,782,661	17,477	
53			Mwaka Karenje	2153336/68	2,321	464,160	0	0	0	0	0	0	0	464,160	533,784	5,233	
54			Matano Hassan Ali	23962622	2,991	598,220	0	0	0	0	0	0	0	598,220	687,953	6,745	
55			Omar Bakari Tero	27409133	3,819	763,700	0	0	0	0	0	0	0	763,700	878,255	8,610	
56			Said Ali Pareto	4645039	4,620	923,920	0	0	0	5,000	0	4,000	0	932,920	1,072,858	10,518	
57			Mwaka Karenje	2153336/68	77,502	15,500,400	0	0	0	10,000	0	40,000	0	15,550,400	17,882,960	175,323	
58			Hamisi Ali Mboga	0466782	1,674	334,840	0	0	0	0	0	0	0	334,840	385,066	3,775	
59			Rajab Ali Mboga	8535171	4,738	947,640	0	0	0	5,000	0	0	0	952,640	1,095,536	10,741	
60			Mwijaka Matano Mwinyifaki	2256123	4,388	877,600	0	300,000	0	625,000	300,000	240,000	0	2,342,600	2,693,990	26,412	
61			Daktari Ali Nyamawi	10577366	2,230	446,000	0	0	0	0	0	0	0	446,000	512,900	5,028	
62			Memasapu Ali	21225465	0	0	0	0	0	0	0	0	0	0	0	0	
63			Rizi Ali	21397860	2,230	446,000	0	0	0	0	0	0	0	446,000	512,900	5,028	
64			Ali Nyamani	2256172	3,123	624,500	0	100,000	0	15,000	2,000	20,000	0	761,500	875,725	8,586	
65			Askari Nyae Mashe	538833	1,218	243,600	0	0	0	0	0	0	0	243,600	280,140	2,746	
66			Ali Nyamani	2256172	3,707	741,300	0	0	0	0	0	0	0	741,300	852,495	8,358	
67			Juma Bakari	22975353	3,471	694,140	0	0	0	0	0	0	0	694,140	798,261	7,826	
68			Ali Juma Mohammed	24222184	4,594	918,800	0	0	0	0	0	0	0	918,800	1,056,620	10,359	

Administrative Details			PAP Details		Value to Land		Value to Developments on Land								Entitlement		
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69			Nyamawi Baji Nyiro	2219249	10,221	2,044,100	0	0	0	0	0	0	0	2,044,100	2,350,715	23,046	
70			Nyamawi Chambogo	4595255	15,158	3,031,640	0	0	0	0	0	0	0	3,031,640	3,486,386	34,180	
71			Mwero Gopholo	13838875	2,041	408,180	0	0	0	0	0	0	0	408,180	469,407	4,602	
72			Rumba Nyamawi		2,095	418,920	0	0	0	0	0	0	0	418,920	481,758	4,723	
73			Mariam Mwinifaki	20750054	1,213	242,600	0	0	0	0	0	0	0	242,600	278,990	2,735	
74			Rukia Mmwinifaki	284222049	1,318	263,560	0	0	0	0	0	0	0	263,560	303,094	2,972	
75			Wilson Rumba		2,986	597,160	0	0	0	0	0	0	0	597,160	686,734	6,733	
76			Nasib Mwinifaki	9775711	3,810	761,900	0	0	0	0	0	0	80,000	841,900	968,185	9,492	
77			Kigumo Gophoro	53293553	3,756	751,180	0	0	0	0	0	0	0	751,180	863,857	8,469	
78			Majaliwa Mwinifaki	11460800	35,600	7,120,000	0	0	0	0	0	0	0	7,120,000	8,188,000	80,275	
79			Amina Kuonyesha Salim	2270194	3,812	762,320	0	0	0	0	0	0	0	762,320	876,668	8,595	
80			Jumaa Mohammed Mohammed	0507094	1,979	395,740	0	0	0	0	0	0	520,000	915,740	1,053,101	10,325	
81			Salim Juma Mohammed	20370561	5,704	1,140,860	0	20,000	0	20,000	0	40,000	0	1,220,860	1,403,989	13,765	
82			Rashid Abdallah Mwandia	0661821	4,241	848,200	0	0	0	0	0	0	0	848,200	975,430	9,563	
83			Abdallah Mwandia	066182	1,945	388,960	0	120,000	0	0	0	0	0	508,960	585,304	5,738	
84			Kitondo Muche Ali	5433117	4,027	805,360	0	0	0	0	0	0	0	805,360	926,164	9,080	
85			Asha Mwaduli Kobe	5433125	3,458	691,680	0	0	0	0	0	0	0	691,680	795,432	7,798	
86			Mejuma Dzuma Ngome	8379826	5,921	1,184,160	0	0	0	0	0	0	0	1,184,160	1,361,784	13,351	

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87			Mejuma Kassim	11789849	2,562	512,300	0	0	0	0	0	0	0	512,300	589,145	5,776	
88			Chari Nyawa Mirwa	2257771	3,430	686,080	0	0	0	0	0	0	0	686,080	788,992	7,735	
89			Mbodza Gopholo Mwero	2259386	6,223	1,244,540	0	20,000	0	0	0	0	0	1,264,540	1,454,221	14,257	
90			Ramadhan Mwandia		3,892	778,380	0	90,000	0	0	0	36,000	0	904,380	1,040,037	10,196	
91			Abdallah Ali Kitondo	9775466	1,903	380,600	0	200,000	0	0	0	4,000	0	584,600	672,290	6,591	
1	Changa mwe	Port Reitz	Rama Ali Kitondo	2744447	4,054	810,800	0	200,000	0	0	0	4,000	0	1,014,800	1,167,020	11,441	
2			EA Spectre	Commercial	0	0	0	0	0	0	0	0	3,750,000	3,750,000	4,312,500	42,279	
3			Rashid Abdallah Mwandia		7,851	1,570,240	0	210,000	0	0	0	0	0	1,780,240	2,047,276	20,071	
4			Chamboga Chandukani Chamboga	11601142	2,566	513,260	0	900,000	0	10,000	30,000	0	0	1,453,260	1,671,249	16,385	
5			Matambo Bora	2256049	8,000	1,600,000	500,000	970,000	0	25,000	0	0	0	3,095,000	3,559,250	34,895	
7			Abdallah Bidu Anderson		2,566	513,200	0	30,000	0	0	0	0	0	543,200	624,680	6,124	
8			Charo Baiya	8438160	3,323	664,580	0	780,000	0	235,000	0	4,000	150,000	1,833,580	2,108,617	20,673	
10			Kikeye Juma Dsizwa	3880854	5,030	1,005,980	0	210,000	0	45,000	50,000	0	75,000	1,385,980	1,593,877	15,626	
11			Mishi Kodi		5,976	1,195,280	0	30,000	0	10,000	0	0	0	1,235,280	1,420,572	13,927	
12			Taraji Baya Kenya Airports Authority	8463842 Corporate	2,544 320,860	508,700 64,172,000	0 0	100,000 0	0 0	0 0	42,000 0	0 0	20,000,000	84,172,000	96,797,800	948,998	
13			Kea Kombo Dzaha	o308773	4,208	841,540	0	70,000	0	80,000	840,000	144,000	265,000	2,240,540	2,576,621	25,261	
14			East African Gases Ltd		95,393	19,078,620	0	0	0	0	0	2,080,000	100,000,000	121,158,620	139,332,413	1,366,004	
15			Mohammed Juma	2164913	1,051	210,260	0	0	0	0	0	0	0	210,260	241,799	2,371	

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16			Mwanaisha Jumaa Bennyasi	4609030	1,682	336,320	0	0	0	0	0	0	0	336,320	386,768	3,792	
17			Binti Hamisi Suleiman	3881193	693	138,520	0	0	0	0	0	0	0	138,520	159,298	1,562	
18			Mwarumba Zuma Mngaro	3880909	423	84,660	0	0	0	0	0	0	0	84,660	97,359	955	
19			Chitsangi Gugu Abeid	10954309	224	44,820	0	0	0	0	0	0	0	44,820	51,543	505	
20			Mungumi Mwero Karume	1139190	395	79,000	0	0	0	0	0	12,000	0	91,000	104,650	1,026	
21			James Ndegwa Munga	8524160	412	82,440	500,000	0	0	0	0	0	0	582,440	669,806	6,567	
22			Ali Jabili Saibu	8454256	420	84,000	500,000	0	0	0	0	8,000	0	592,000	680,800	6,675	
23			Mutuku Mwaka	8792826	1,603	320,580	0	0	0	65,000	0	288,000	16,000	689,580	793,017	7,775	
24			Kassim Sifa Misafiri	3315535	398	79,620	500,000	0	0	0	0	0	0	579,620	666,563	6,535	
25			Peter Ndonye Mbiti	5760829	143	28,560	0	0	0	0	0	0	0	28,560	32,844	322	
26			Hamisi		143	28,600	500,000	0	0	0	0	0	0	528,600	607,890	5,960	
27			Nyawa		143	28,600	500,000	0	0	0	0	0	0	528,600	607,890	5,960	
28			Richard Kyalo Mutua	21318276	1,252	250,320	2,000,000	0	0	150,000	0	20,000	300,000	2,720,320	3,128,368	30,670	
29			Bundi Chuvu Ngalaa	5388433	1,545	308,900	0	30,000	0	80,000	200,000	0	20,000	638,900	734,735	7,203	
30			Ali Bakari Omar	1165649	8,777	1,755,400	0	90,000	0	40,000	40,000	112,000	0	2,037,400	2,343,010	22,971	
31			Halima Zuma Ravino	266637662	2,610	522,020	0	0	0	20,000	18,000	52,000	0	612,020	703,823	6,900	
32			Mwinyi Hamisi Muhunzi	4601285	1,737	347,460	0	0	0	40,000	0	0	0	387,460	445,579	4,368	
33			Said zuberi Shamakame	5321004	1,723	344,660	0	0	0	15,000	0	0	0	359,660	413,609	4,055	
34			Amina Suleiman		1,310	262,000	0	20,000	0	25,000	12,000	8,000	0	327,000	376,050	3,687	
35			Wakati Mbombole	1337068	0	0	50,000	0	0	0	0	0	0	50,000	57,500	564	

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36			Shee Bin Ali Shee	5332749	1,337	267,440	50,000	0	0	25,000	12,000	56,000	0	410,440	472,006	4,628	
37			Mutua Mutisya	27726876	1,127	225,420	0	0	0	35,000	0	0	0	260,420	299,483	2,936	
38			Mwinyi Hamisi Muhunzi	4601285	5,540	1,108,000	50,000	20,000	0	10,000	24,000	8,000	120,000	1,340,000	1,541,000	15,108	
39			Kamtu Juma Kithusi	13851956	3,424	684,880	0	190,000	0	110,000	40,000	24,000	500,000	1,548,880	1,781,212	17,463	
40			Chuvi Ng'ala	27444798	6,408	1,281,560	0	2,890,000	0	310,000	537,778	0	10,000	5,029,338	5,783,738	56,703	
41			Mwanaisha Mhuntu		16,222	3,244,340	0	400,000	0	25,000	0	80,000	0	3,749,340	4,311,741	42,272	
42			Dominic Kandenge		200	40,000	0	0	0	0	0	0	0	40,000	46,000	451	
43			Njiru Mbui Njiru		200	40,000	0	0	0	0	0	0	0	40,000	46,000	451	
44			Mbui Katere Mbui		200	40,000	0	0	0	0	0	0	0	40,000	46,000	451	
45			Ndinya Wambua		200	40,000	0	0	0	0	0	0	0	40,000	46,000	451	
46			Samwuel Tsuma		200	40,000	0	0	0	0	0	0	0	40,000	46,000	451	
47			Kasthana menza Mwavita		200	40,000	0	0	0	0	0	0	0	40,000	46,000	451	
1	Kinango	Tsunza	Mwanamvua Saidi Bakari	3152928	16,630	3,326,000	0	0	0	0	0	0	0	3,326,000	3,824,900	37,499	
2			Bari ya Kinaru		0	0	0	0	0	0	0	0	300,000	300,000	345,000	3,382	
3			Juma Ganadza		0	0	0	0	0	0	0	0	300,000	300,000	345,000	3,382	
5			Omari Ali Rajimbo	5467955	44,530	8,905,900	0	0	0	5,000	0	0	100,000	9,010,900	10,362,535	101,593	
6			Beuchi Choga Rajimbo	2210332	18,595	3,719,080	0	0	0	0	0	0	0	3,719,080	4,276,942	41,931	
7			Amari Rajimbo Mgalla	20527359	6,595	1,319,080	0	0	0	0	0	0	0	1,319,080	1,516,942	14,872	
8			Ndolo Swalehe Mgalla	20530668	8,321	1,664,120	0	0	0	0	0	0	0	1,664,120	1,913,738	18,762	
9			Mashaka Ndolo Rajimbo	5428858	0	0	1,500,000	0	0	0	0	0	0	1,500,000	1,725,000	16,912	
10			Mwadeje Mgalla Mwadeje	11600250	3,406	681,120	0	0	0	0	0	0	0	681,120	783,288	7,679	

Administrative Details			PAP Details		Value to Land		Value to Developments on Land								Entitlement		
Code	District	Sub- /location	Name	ID card	Land Size (m2)	Value (ksh)	Value to Buildings (Ksh)	Value to Coconuts	Value to Cahew	Value to Fruit Trees	Value to Bananas	Value to Indigenous Trees	Value to other Assets	At Cost Entitlement (Ksh)	Compensation Plus 15% Top-up (Ksh)	Gross Entitlement US\$	
11			Mwero Mwenda	20527907	2,508	501,580	0	0	0	0	0	0	0	501,580	576,817	5,655	
12			Mwijuma Mwenda	28627897	2,581	516,100	50,000	0	0	0	0	0	0	566,100	651,015	6,383	
13			Mwero Salehe Mgalla	14437506	2,550	510,000	0	300,000	3,000	0	0	24,000	0	837,000	962,550	9,437	
14			Mwaka Munyika Chamweni	2210919	2,777	555,400	0	160,000	60,000	20,000	0	40,000	0	835,400	960,710	9,419	
15			Bakari Mwenda	11600243	3,176	635,280	0	0	0	0	0	24,000	0	659,280	758,172	7,433	
16			Mekalima Bakari Madzingo	4604467	5,996	1,199,100	0	0	27,000	0	0	0	0	1,226,100	1,410,015	13,824	
17			Swalle Mgalla		5,996	1,199,200	0	210,000	0	0	0	0	220,000	1,629,200	1,873,580	18,368	
18			Ndolo Mwenda Mgalla		4,088	817,560	0	0	0	0	0	168,000	0	985,560	1,133,394	11,112	
19			Swalle Mgalla		5,720	1,143,920	0	0	0	0	0	0	0	1,143,920	1,315,508	12,897	
20			Mishi Mwenda Mgalla		1,417	283,340	0	0	0	0	0	8,000	0	291,340	335,041	3,285	
21			Swalle Mgalla		11,785	2,356,980	500,000	0	0	0	0	0	0	2,856,980	3,285,527	32,211	
22			Mohammed Mwinyi		0	0	1,500,000	0	0	0	0	0	0	1,500,000	1,725,000	16,912	
23			Mesaid Chirima		0	0	500,000	0	0	0	0	0	0	500,000	575,000	5,637	
24			Rama Nyawa Jefa		0	0	2,000,000	0	0	0	0	0	0	2,000,000	2,300,000	22,549	
25			Mishi Mwenda Mgalla		0	0	1,000,000	0	0	0	0	0	0	1,000,000	1,150,000	11,275	
26			Ndolo Mwenda Mgalla		0	0	1,500,000	0	0	0	0	0	0	1,500,000	1,725,000	16,912	
27			Ngola Mwadenje Mgalla		9,933	1,986,600	50,000	0	0	0	0	0	0	2,036,600	2,342,090	22,962	
28			Dispute		3,636	727,140	0	0	0	0	0	0	0	727,140	836,211	8,198	
29			Stephen Tayari		1,490	297,940	0	0	0	0	0	0	0	297,940	342,631	3,359	
30			Swalle Mgalla		0	0	0	0	0	0	0	0	0	0	0	0	
31			Mkusi Mingonda		0	0	0	0	0	0	0	0	20,000	20,000	23,000	225	

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32			Ngola Mwandeje Mgalla		1,500	300,000	500,000	40,000	6,000	25,000	0	0	0	871,000	1,001,650	9,820	
33			Ali Mwadeje Mgalla		3,229	645,800	0	0	0	0	0	4,000	0	649,800	747,270	7,326	
34			Joseph Mirema Nduria		0	0	0	0	0	0	0	0	0	0	0	0	
35			James Mambo Keya		3,839	767,880	0	0	0	0	0	0	0	767,880	883,062	8,657	
36			Raphael Daktari Mbati		2,211	442,140	0	0	0	0	0	0	0	442,140	508,461	4,985	
37			Saumu Rashi Mgalla		2,643	528,620	0	0	0	0	0	0	0	528,620	607,913	5,960	
38			Nyale Swalle Mgalla		0	0	0	0	0	0	0	0	0	0	0	0	
39			Naomi Kauchi Charles	snr citizen	3,607	721,420	0	0	0	0	0	0	0	721,420	829,633	8,134	
40			Kaya Forest	Shrine	4,140	828,020	0	0	0	0	0	0	200,000	1,028,020	1,182,223	11,590	
41			Pastor Wilson Dalu		5,145	1,028,980	0	0	0	0	0	0	0	1,028,980	1,183,327	11,601	
42			Bombole Mwavita		3,113	622,540	0	0	0	0	0	0	0	622,540	715,921	7,019	
43			Swalehe Bakari Mohammed		1,073	214,640	0	0	0	0	0	0	0	214,640	246,836	2,420	
44			Rashid Benja	commercial	0	0	700,000	0	0	0	0	0	0	700,000	805,000	7,892	
45			Swalehe Bakari Mohammed	cropped	29,616	5,923,160	0	0	0	0	0	0	0	5,923,160	6,811,634	66,781	
46			Swalleh Mgalla		0	0	0	0	12,000	0	0	0	0	12,000	13,800	135	
47			Joyce Umazi		0	0	10,000	0	0	15,000	0	0	30,000	55,000	63,250	620	
48			Keya Kombo Dzuha	O308773	0	0	0	0	0	0	0	0	0	0	0	0	
49			Dzuha Kombo Kea		7,308	1,461,600	0	0	0	0	0	0	0	1,461,600	1,680,840	16,479	
50			Dzuha Dzombo		0	0	0	0	0	0	0	0	0	0	0	0	
51			Samuel Munga		4,130	826,000	0	0	0	0	0	0	0	826,000	949,900	9,313	
52			Salleh Mgalla Rajimbo	2216292	4,206	841,260	1,000,000	0	0	0	0	0	0	1,841,260	2,117,449	20,759	
53			Ali Mwadeje Mgalla	8395590	5,000	1,000,000	0	0	0	0	0	0	0	1,000,000	1,150,000	11,275	
54			Kazingo Bakari Kodi		4,833	966,660	0	0	0	0	0	0	0	966,660	1,111,659	10,899	

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55			Dumbo Bakari Kodi	11772067	2,966	593,120	500,000	120,000	129,000	80,000	0	0	0	1,422,120	1,635,438	16,034		
56			Amina Bakari Kodi		0	0	500,000	0	0	0	0	0	0	500,000	575,000	5,637		
67			Mlongo Bakari Kodi		0	0	500,000	0	0	0	0	0	0	500,000	575,000	5,637		
58			Mwanatisha Chilembi		4,170	833,940	0	0	66,000	0	0	0	0	899,940	1,034,931	10,146		
59			Pola Hassan Hamisi	20575933	1,849	369,700	0	100,000	78,000	10,000	0	200,000	150,000	907,700	1,043,855	10,234		
60			Rama Bombole Dsizwa		2,262	452,400	0	0	0	0	0	0	0	452,400	520,260	5,101		
61			Shoma Kodi Choma		430	86,000	0	0	0	0	0	0	0	86,000	98,900	970		
62			Jumaa Mwinyi Rajimbo	2210252	4,892	978,320	1,000,000	60,000	150,000	50,000	0	48,000	0	2,286,320	2,629,268	25,777		
63			Mejumaa Dsizwa Bombole		3,480	695,960	0	0	0	0	0	0	0	695,960	800,354	7,847		
64			Athumani Rajimbo		5,038	1,007,640	0	0	0	0	0	0	0	1,007,640	1,158,786	11,361		
65			Dumbo Bakari Kodi		7,366	1,473,100	0	80,000	36,000	0	84,000	0	11,000	1,684,100	1,936,715	18,987		
66			Chizi Kodi Choma		6,868	1,373,660	0	150,000	0	0	10,000	0	0	1,533,660	1,763,709	17,291		
67			Salim Bakari Kodi	9875648	12,299	2,459,780	0	440,000	6,000	10,000	0	24,000	0	2,939,780	3,380,747	33,145		
68			Ali Salim Kodi		3,334	666,720	0	0	0	0	0	0	0	666,720	766,728	7,517		
69			Kazingo Bakari Kodi		16,096	3,219,260	0	0	0	0	0	0	0	3,219,260	3,702,149	36,296		
70			Ndegwa Hamadi Mabwele	5423252	5,568	1,113,640	0	0	0	0	0	0	0	1,113,640	1,280,686	12,556		
71			Shoma Kodi Choma	lost	0	0	0	0	0	0	0	0	0	0	0	0		
72			Salim Bakari Kodi	9875648	275	54,980	0	0	0	0	0	0	150,000	204,980	235,727	2,311		
73			William Madavu	0464314	1,412	282,300	0	0	0	0	0	20,000	0	302,300	347,645	3,408		
74			John Chaka		4,205	840,940	0	0	0	0	0	0	0	840,940	967,081	9,481		

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75			Gwadu Samuel Munga		50.893	10,178,500	0	0	0	50,000	0	0	136,000	10,364,500	11,919,175	116,855	
76			Rajab suleiman		4.049	809,700	0	0	0	0	0	64,000	0	873,700	1,004,755	9,851	
77			Mshahame Mwatela		15.509	3,101,860	0	0	0	15,000	0	12,000	200,000	3,328,860	3,828,189	37,531	
78			Ali Juma Bidu		4.642	928,300	0	0	0	0	0	32,000	15,000	975,300	1,121,595	10,996	
79			Hamsi Abdallah Chilembi	8409049	3.049	609,820	0	0	0	0	0	0	0	609,820	701,293	6,875	
80			Omari		3.406	681,140	0	0	0	0	0	240,000	0	921,140	1,059,311	10,385	
81			Rajab Mwakanga		3.005	600,920	0	0	0	0	0	0	500,000	1,100,920	1,266,058	12,412	
82			Rashid Benja	13280995	5.620	1,124,080	0	0	0	0	0	200,000	0	1,324,080	1,522,692	14,928	
83			Dzaha chupi	1169455	18.846	3,769,160	50,000	90,000	0	0	16,000	28,000	12,000	3,965,160	4,559,934	44,705	
84			Nyae Joto Nyae		4.556	911,240	0	40,000	9,000	20,000	0	52,000	15,000	1,047,240	1,204,326	11,807	
85			Nyae Joto Nyae jnr		9.662	1,932,300	0	0	0	0	0	0	0	1,932,300	2,222,145	21,786	
86			Juma Salim Kodi		9.970	1,994,000	50,000	20,000	3,000	15,000	0	0	15,000	2,097,000	2,411,550	23,643	
87			Salim Joto		3.054	610,860	0	0	0	0	0	0	0	610,860	702,489	6,887	
88			Nyae Joto Nyae	2217467	3.384	676,780	1,500,000	1,050,000	51,000	605,000	22,000	0	0	3,904,780	4,490,497	44,024	
89			John Salim Joto		14.252	2,850,460	0	0	0	0	0	24,000	0	2,874,460	3,305,629	32,408	
90			Wilfred Moganga		1.668	333,600	0	750,000	90,000	0	0	0	0	1,173,600	1,349,640	13,232	
91			Elvis Juma Kombo		2.321	464,160	0	370,000	0	0	0	8,000	5,000	847,160	974,234	9,551	
92			Wilfred Moganga Kombo	4961626	1.664	332,780	100,000	210,000	36,000	0	0	0	0	678,780	780,597	7,653	
93			Elvis Juma Kombo		1.917	383,340	0	140,000	24,000	0	0	0	0	547,340	629,441	6,171	
94			Bechaka Joto Nyae		7.765	1,553,000	500,000	280,000	0	0	0	0	0	2,333,000	2,682,930	26,303	
95			N degwa Hamadi Mabwele	5428252	9.032	1,806,400	50,000	0	0	0	0	0	0	1,856,400	2,134,860	20,930	

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96			Mwaka Sulimani	2771199926	2,512	502,460	0	220,000	0	0	0	0	0	722,460	830,829	8,145			
97			Binti Chizi Nyae		12,827	2,565,380	0	320,000	0	0	0	0	0	2,885,380	3,318,187	32,531			
1	Likoni	Mtongwe	Shabari Omari Fungiza		4,388	877,660	0	0	15,000	0	0	0	0	892,660	1,026,559	10,064			
3			Johnson Nyamawi	13417169	9,691	1,938,240	0	0	0	0	0	1,084,000	0	3,022,240	3,475,576	34,074			
4			Chakaya Makaya		5,885	1,177,060	0	0	0	0	0	0	0	1,177,060	1,353,619	13,271			
5			Hamadi Juma		6,360	1,271,960	0	70,000	0	40,000	0	8,000	0	1,389,960	1,598,454	15,671			
6			Joseph Maisha		10,774	2,154,860	0	0	0	0	0	0	0	2,154,860	2,478,089	24,295			
7			Mbeu Nyanwawi Nyondo	20692948	6,811	1,362,140	0	0	0	0	0	32,000	0	1,394,140	1,603,261	15,718			
8			Hellen Oloo	9628224	94,708	18,941,600	0	0	0	0	0	0	0	18,941,600	21,782,840	213,557			
9			James Paul Karuki	10796231	6,707	1,341,360	0	0	0	0	0	0	0	1,341,360	1,542,564	15,123			
10			Tsuma mdzomba Kabi	316787028	4,826	965,200	0	0	0	35,000	0	52,000	0	1,052,200	1,210,030	11,863			
11			Ali Juma Kadzelle	4614371/67	7,719	1,543,760	0	0	0	0	0	0	0	1,543,760	1,775,324	17,405			
12			John Waikwa Kahuu	8649700	2,490	497,900	0	0	15,000	0	0	16,000	0	528,900	608,235	5,963			
13			Matano Saidi Gube	20857080	3,709	741,880	550,000	0	0	0	0	80,000	0	1,371,880	1,577,662	15,467			
14			Mwangala P Sch	Institution	1,750	350,080	0	0	0	0	0	0	0	350,080	402,592	3,947			
15			Charles Kihuria Mundia	16101225	3,614	722,760	700,000	0	0	0	0	80,000	20,000	1,522,760	1,751,174	17,168			
16			Macconald Malewa		12,406	2,481,160	0	0	0	30,000	0	8,000	0	2,519,160	2,897,034	28,402			
17			Stanslus Alex Gulamu		0	0	1,500,000	0	0	20,000	0	32,000	0	1,552,000	1,784,800	17,498			
18			Hussein Rashid	2176891	0	0	520,000	0	0	0	0	120,000	0	640,000	736,000	7,216			
19			Fedinald Juma Shegu	9078755	0	0	1,500,000	0	0	0	0	0	0	1,500,000	1,725,000	16,912			
20			Alice Arieno Ouma	6693791	9,698	1,939,620	0	0	0	25,000	0	100,000	0	2,064,620	2,374,313	23,278			

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21			Rajab Abdallah Tsutsu	11243247	2,463	492,660	0	0	0	15,000	0	0	0	507,660	583,809	5,724	
22			Bayu Bui Mwayama	21781249	6,346	1,269,240	0	0	0	80,000	0	0	0	1,349,240	1,551,626	15,212	
23			Athmani Jiti		2,345	469,060	25,000	0	12,000	0	0	16,000	0	522,060	600,369	5,886	
24			William Nzuga	27627467	2,342	468,480	0	0	3,000	0	0	0	0	471,480	542,202	5,316	
25			Wafula		2,444	488,800	0	0	0	0	0	0	0	488,800	562,120	5,511	
26			Hassan Juma Mwakimalo		4,791	958,280	0	40,000	0	375,000	0	4,000	0	1,377,280	1,583,872	15,528	
27			Dekhe Jelle Hassan	21500864	1,746	349,180	0	0	0	10,000	0	0	0	359,180	413,057	4,050	
28			Lawrence Bishop Dena	686454	874	174,780	0	0	0	0	0	0	20,000	194,780	223,997	2,196	
29			Juma Swaleh Mwinyi Wanga	absent	10,449	2,089,800	25,000	160,000	0	170,000	294,000	8,000	0	2,746,800	3,158,820	30,969	
30			Mohammed Idrisi		501	100,120	0	0	0	0	0	0	0	100,120	115,138	1,129	
31			Mohammed Mwawali	2243071	13,864	2,772,760	1,025,000	80,000	0	200,000	0	12,000	0	4,089,760	4,703,224	46,110	
32			Ali Salim Mlactso		25,911	5,182,160	0	0	0	0	0	0	0	5,182,160	5,959,484	58,426	
33			David Kitonga Manyara	8858440	37,318	7,463,680	0	0	0	0	0	0	0	7,463,680	8,583,232	84,149	
34			Jiti Abdallah		2,511	502,260	0	0	0	0	0	0	0	502,260	577,599	5,663	
35			Mwana Sada Mwangao		9,290	1,858,060	0	60,000	0	0	0	36,000	0	1,954,060	2,247,169	22,031	
36			Mwanjuma Abdallah		455	90,960	0	50,000	0	30,000	0	12,000	0	182,960	210,404	2,063	
37			Mohammed Abraham Kifagio	5466015	1,443	288,540	0	40,000	0	5,000	0	4,000	0	337,540	388,171	3,806	
38			Mohammed Rashid		4,973	994,600	0	0	0	55,000	0	8,000	0	1,057,600	1,216,240	11,924	
39			Athmani Ali Kabanga	1016658	4,547	909,360	0	80,000	30,000	45,000	0	52,000	0	1,116,360	1,283,814	12,586	
40			Omar Ramadhani Nyamawi		3,441	688,260	0	250,000	0	150,000	0	0	100,000	1,188,260	1,366,499	13,397	
41			Abdullahi hassan	24196754	3,575	714,960	0	40,000	0	20,000	0	0	0	774,960	891,204	8,737	

Administrative Details			PAP Details			Value to Land		Value to Developments on Land								Entitlement		
Code	District	Sub- /location	Name	ID card	Land Size (m2)	Value (ksh)	Value to Buildings (Ksh)	Value to Coconuts	Value to Cahew	Value to Fruit Trees	Value to Bananas	Value to Indigenous Trees	Value to other Assets	At Cost Entitlement (Ksh)	Compensation Plus 15% Top-up (Ksh)	Gross Entitlement US\$		
42			Athamni Shakombo Mwironda	6743952	3.860	771,900	0	0	0	15,000	0	0	0	786,900	904,935	8,872		
43			Ali Mkambana		1.976	395,220	550,000	50,000	0	60,000	0	0	2,500,000	3,555,220	4,088,503	40,083		
44			Athmani Omar Mwakuoza	309886	4.082	816,440	1,500,000	210,000	33,000	55,000	0	48,000	0	2,662,440	3,061,806	30,018		
45			Salim sudi		4.276	855,180	0	110,000	0	15,000	0	12,000	0	992,180	1,141,007	11,186		
46			Mohammed Abdallah Mngoshi		2.892	578,320	0	20,000	0	45,000	0	12,000	0	655,320	753,618	7,388		
47			Hamadi Mohammed		3.494	698,740	500,000	0	0	0	0	0	0	1,198,740	1,378,551	13,515		
1	Kwale	Kiteje	Playfied		3.390	678,000	0	0	0	0	0	0	0	678,000	779,700	7,644		
2			Issa Juma		2.962	592,400	1,525,000	1,000,000	0	70,000	0	0	0	3,187,400	3,665,510	35,936		
3			Group farm		1.928	385,580	0	0	0	0	0	0	0	385,580	443,417	4,347		
4			Mwakindonga		6.687	1,337,380	1,500,000	0	0	0	0	0	0	2,837,380	3,262,987	31,990		
5			Omari Zaolo		6.529	1,305,880	1,500,000	0	0	0	0	0	5,000,000	7,805,880	8,976,762	88,007		
6			Mamlia Maryam		1.928	385,580	0	0	0	0	0	0	0	385,580	443,417	4,347		
7			Dunga Ali Omari	3171973	9.438	1,887,600	0	130,000	12,000	90,000	28,000	0	20,000	2,167,600	2,492,740	24,439		
8			Mwinyi Sudi		3.025	605,000	500,000	10,000	33,000	5,000	0	16,000	0	1,169,000	1,344,350	13,180		
9			Swaleh Mwalimu Mwaselemani		5.980	1,196,000	525,000	40,000	114,000	325,000	28,000	200,000	0	2,428,000	2,792,200	27,375		
10			Fatuma Katambo	2223871	320	64,000	500,000	0	0	0	0	0	0	564,000	648,600	6,359		
11			Mwinyi mufachimoto		320	64,000	500,000	0	0	0	0	0	0	564,000	648,600	6,359		
12			Muhamadi Ali shorno		320	64,000	500,000	0	0	0	0	0	0	564,000	648,600	6,359		
13			Hamisi Omari Tuwa		6.050	1,210,000	500,000	0	0	0	0	0	0	1,710,000	1,966,500	19,279		
14			Bakari Mohammed mwanzori	5418152	7.700	1,540,000	0	0	27,000	20,000	0	12,000	0	1,599,000	1,838,850	18,028		
15			Abdallah Mohammed Mwazim		3.850	770,000	0	260,000	51,000	190,000	0	120,000	0	1,391,000	1,599,650	15,683		

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16			Binti Mohammed Swalehe		3.850	770,000	0	100,000	0	90,000	0	4,000	0	964,000	1,108,600	10,869	
17			Jumaa Swalehe Hamisi + 3 others		5.500	1,100,000	0	0	0	0	0	0	0	1,100,000	1,265,000	12,402	
18			Said Swalehe Kombaiko		6.600	1,320,000	525,000	380,000	12,000	20,000	30,000	40,000	0	2,327,000	2,676,050	26,236	
19			Hamisi Rashid Mwakuloza		11.000	2,200,000	1,225,000	0	0	0	0	0	0	3,425,000	3,938,750	38,615	
21			Mwajuma Swaleh		1.000	200,000	0	0	6,000	5,000	0	20,000	0	231,000	265,650	2,604	
22			Mwanalindi Ali Iddi Madizi	13282152	1.000	200,000	2,000,000	0	18,000	75,000	4,000	44,000	0	2,341,000	2,692,150	26,394	
23			Mwanaiasha Hamisi maandano	9633099	3.850	770,000	0	0	18,000	65,000	0	108,000	0	961,000	1,105,150	10,855	
25			Mwasigo Ayula mvumbo		1.000	200,000	0	0	0	0	0	0	0	200,000	230,000	2,255	
26			Mwanaiasha Hamisi		770	154,000	0	0	0	0	0	0	0	154,000	177,100	1,736	
27			Masudi Ali, Bibi bakari, Hamisi Mohamed	5329890	3.850	770,000	500,000	0	36,000	35,000	0	120,000	0	1,461,000	1,680,150	16,472	
28			Ali omar Shakombo	8421808	3.850	770,000	500,000	350,000	63,000	435,000	0	148,000	40,000	2,306,000	2,651,900	25,999	
29			Juma Mohammed Chinyanga	3135602	2.200	440,000	0	450,000	132,000	75,000	8,000	420,000	0	1,525,000	1,753,750	17,194	
30			Rashid Mwamu	272551671	3.060	612,000	0	0	0	20,000	0	40,000	0	672,000	772,800	7,576	
			Shabari Omari Fungiza		0	0	0	0	0	0	0	0	420,000	420,000	483,000	4,735	
31			Mohammed Hassan Mwachui		9.350	1,870,000	0	0	6,000	0	0	16,000	0	1,892,000	2,175,800	21,331	
			Nyota Zaunga	1012982	19.250	3,850,000	0	0	0	0	0	0	0	3,850,000	4,427,500	43,407	

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27			Salim Ali Salia	1014165	320	64,000	1,700,000	0	0	0	0	0	0	1,764,000	2,028,600	19,888	
28			Chambaza Mwasapvyai		4,900	980,000	500,000	0	0	5,000	0	268,000	0	1,753,000	2,015,950	19,764	
29			Sarai		600	120,000	0	80,000	0	15,000	0	0	0	215,000	247,250	2,424	
30			Ali		6,600	1,320,000	0	0	24,000	15,000	0	0	0	1,359,000	1,562,850	15,322	
31			Juma Hassan Mwachuvi		6,150	1,230,000	500,000	10,000	27,000	30,000	0	140,000	320,000	2,257,000	2,595,550	25,447	
32			Mwalimu Ramadhani		1,650	330,000	0	0	0	0	0	4,000	0	334,000	384,100	3,766	
33			Hamisi Mwawende		5,500	1,100,000	0	0	0	0	0	0	0	1,100,000	1,265,000	12,402	
34			Mwinyi Hamisi Kimenga		5,500	1,100,000	0	0	0	0	0	0	0	1,100,000	1,265,000	12,402	
35			Kisila-deceased		8,250	1,650,000	0	0	0	10,000	4,000	12,000	0	1,676,000	1,927,400	18,896	
36			Binti Kamrangare		6,000	1,200,000	0	0	0	0	0	1,256,000	0	2,456,000	2,824,400	27,690	
37			Jimmy-Indian Descent		22,550	4,510,000	0	0	0	0	0	480,000	4,000,000	8,990,000	10,338,500	101,358	
1	Kwale	Pungu	Hamisi Abdalla Mwamundo	16500	12,000	2,400,000	0	0	0	10,000	0	88,000	0	2,498,000	2,872,700	28,164	
2			Juma Mohammed Salim	5468486	2,500	500,000	0	0	0	0	0	48,000	0	548,000	630,200	6,178	
			Hamisi Abdalla Ndaragi	1376978	2,000	400,000	0	0	0	0	0	0	0	400,000	460,000	4,510	
3			Mwanamgeni Mohammed Marotsi	1016903	5,500	1,100,000	0	0	18,000	15,000	0	84,000	0	1,217,000	1,399,550	13,721	
4			Kibwana Athmani mwardithi	6733582	8,250	1,650,000	0	10,000	24,000	0	0	100,000	0	1,784,000	2,051,600	20,114	
5			Sham Bakari Mwanditi		6,600	1,320,000	0	80,000	126,000	15,000	0	112,000	0	1,653,000	1,900,950	18,637	
7			Khamisi Omar Shakombo	24196998	6,600	1,320,000	0	20,000	33,000	0	0	104,000	0	1,477,000	1,698,550	16,652	
8			Shee Hamadi Mwalaphila	2197917	2,000	400,000	0	0	0	10,000	0	132,000	0	542,000	623,300	6,111	

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9			Kibwana Athmani	6733582	3,200	640,000	0	10,000	6,000	0	0	8,000	0	664,000	763,600	7,486	
10			Shee Abdalla Mawawila		7,500	1,500,000	0	40,000	3,000	5,000	0	160,000	0	1,708,000	1,964,200	19,257	
11			Bakari Alifani Mwanguzi	2184496	2,400	480,000	0	0	0	0	0	0	0	480,000	552,000	5,412	
12			Ahnan Macheso		2,500	500,000	0	0	12,000	0	0	20,000	0	532,000	611,800	5,998	
13			Juma Ali Mwakaribu		2,500	500,000	0	0	93,000	0	0	184,000	0	777,000	893,550	8,760	
14			Bakari Migumi	13357417	9,250	1,850,000	800,000	560,000	90,000	20,000	0	308,000	0	3,628,000	4,172,200	40,904	
15			Mohammed Ali Mganyuma		8,250	1,650,000	0	0	24,000	0	0	48,000	0	1,722,000	1,980,300	19,415	
16			Juma Omari Mwakaribu	2222081	9,625	1,925,000	0	0	93,000	10,000	0	176,000	0	2,204,000	2,534,600	24,849	
17			Julo Mwakidonga		4,125	825,000	0	0	15,000	0	0	424,000	0	1,264,000	1,453,600	14,251	
18			Bakaya Muhusni	0465340	9,900	1,980,000	0	180,000	48,000	0	0	28,000	0	2,236,000	2,571,400	25,210	
19			Bwana Juma Bakari	1016368	8,800	1,760,000	1,820,000	250,000	60,000	490,000	0	1,440,000	40,000	5,860,000	6,739,000	66,069	
20			Ahman Juma Mwakidyogore	13419173	320	64,000	1,820,000	0	0	0	0	0	10,000	1,894,000	2,178,100	21,354	
21			Mohamed Ali Sibabu	0308496	5,595	1,119,000	1,820,000	40,000	3,000	30,000	0	60,000	0	3,072,000	3,532,800	34,635	
22			Mwana Hamisi Mohammed Ali	1017652	320	64,000	1,820,000	70,000	6,000	30,000	0	156,000	0	2,146,000	2,467,900	24,195	
23			Simoe Mwinnyi Mwinyusi	16121971	320	64,000	1,820,000	0	0	0	0	0	0	1,884,000	2,166,600	21,241	
24			Mwana Mgeni Salim	8435371	320	64,000	1,820,000	0	0	0	0	0	0	1,884,000	2,166,600	21,241	
25			Bakari Mwalimu	8427814	320	64,000	0	0	0	0	0	0	0	64,000	73,600	722	
26			Mwinnyi Hamisi Mwandungo	8379938	2,440	488,000	1,820,000	0	0	5,000	0	8,000	0	2,321,000	2,669,150	26,168	
27			Saidi Bugao Ganyuna		320	64,000	1,820,000	0	0	0	0	0	0	1,884,000	2,166,600	21,241	
28			Animu Hamisi Mwalele	26331628	320	64,000	1,820,000	0	0	0	0	0	0	1,884,000	2,166,600	21,241	

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29			Babu Juma Matembo	11648843	320	64,000	1,820,000	0	0	0	0	0	0	1,884,000	2,166,600	21,241	
30			Omari Mwalimu	5466542	320	64,000	1,820,000	30,000	0	20,000	0	192,000	0	2,126,000	2,444,900	23,970	
31			Salim Mohammed	25124188	320	64,000	1,820,000	0	0	0	0	24,000	0	1,908,000	2,194,200	21,512	
32			Juma Mohammed	22142528	320	64,000	1,820,000	0	0	0	0	0	0	1,884,000	2,166,600	21,241	
33			Ali Mwalimu Ganyuma	2209729	320	64,000	1,820,000	0	0	0	0	0	0	1,884,000	2,166,600	21,241	
34			Jumaa Mohammed		320	64,000	1,820,000	30,000	3,000	65,000	0	36,000	0	2,018,000	2,320,700	22,752	
35			Alhamani Omari Bakari	22222431	1,250	250,000	0	0	0	0	0	0	80,000	330,000	379,500	3,721	
			Swalehe		375	75,000	1,820,000	0	0	110,000	0	200,000	0	2,205,000	2,535,750	24,860	
			Mugumi Mohamed	310086	1,250	250,000	1,820,000	0	0	0	0	0	0	2,070,000	2,380,500	23,338	
36			Hamisi Mwahamadi Mwandungo	2196146	320	64,000	0	20,000	27,000	55,000	0	108,000	0	274,000	315,100	3,089	
37			Mugumi Mugumi Mwandungo	24322747	320	64,000	525,000	0	0	25,000	0	80,000	10,000	704,000	809,600	7,937	
38			Mohammed Bakari Mwajabuni	2245881	2,000	400,000	1,820,000	0	3,000	65,000	0	52,000	25,000	2,365,000	2,719,750	26,664	
39			Shee Abdalla Mwanawilla		5,500	1,100,000	1,820,000	0	0	0	0	0	0	2,920,000	3,358,000	32,922	
40			Zena Rajab Maguru	7853733	0	0	400,000	0	0	0	0	0	0	400,000	460,000	4,510	
41			Mwanhamisi Rashid Sibarua	20037679	1,875	375,000	500,000	10,000	3,000	0	0	0	0	888,000	1,021,200	10,012	
42			Mohammed Juma Dzawara	3912380	5,000	1,000,000	0	20,000	51,000	0	0	76,000	0	1,147,000	1,319,050	12,932	
43			Hamisi Juma Mwanaphila	5328039	3,000	600,000	0	40,000	60,000	90,000	0	228,000	0	1,018,000	1,170,700	11,477	
44			Juma Ali Kishombo		0	0	1,820,000	0	0	0	0	0	0	1,820,000	2,093,000	20,520	
1	Likoni	Shikadabu	Mohammed Juma Dzawara	3912380	900	360,000	0	0	60,000	0	0	80,000	0	500,000	575,000	5,637	

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2			Hamisi Mwalimu Mwachera	221549	9,075	3,630,000	0	90,000	39,000	135,000	0	44,000	0	3,938,000	4,528,700	44,399	
3			Daudi Masha Rajab	24316076	320	128,000	1,200,000	0	0	0	0	0	0	1,328,000	1,527,200	14,973	
4			Meali Ali Swalehe	20421528	320	128,000	500,000	0	0	0	0	0	0	628,000	722,200	7,080	
5			Rose Khaba afande	683707	320	128,000	1,820,000	0	0	0	0	0	0	1,948,000	2,240,200	21,963	
6			Swaleh Rashid Mwamtundo	6878835	320	128,000	600,000	0	0	0	0	0	0	728,000	837,200	8,208	
7			Fatuma Hamisi Kahir		320	128,000	500,000	0	0	0	0	0	0	628,000	722,200	7,080	
8			Ali Bakari Mwanguurugu	1017510	2,750	1,100,000	500,000	150,000	12,000	55,000	0	28,000	0	1,845,000	2,121,750	20,801	
9			Zibani Mohammed mwadzipha		320	128,000	500,000	0	0	0	0	0	0	628,000	722,200	7,080	
10			Swaleh Swaleh Kahir		320	128,000	1,200,000	0	0	0	0	0	0	1,328,000	1,527,200	14,973	
			Mohamed Swaleh Kahir	4590057	4,190	1,676,000	0	350,000	54,000	100,000	0	120,000	25,000	2,325,000	2,673,750	26,213	
11			Fatuma Omar Challa	12258458	320	128,000	300,000	0	0	0	0	0	0	428,000	492,200	4,825	
12			Salim Said Mwachiana	28311584	625	250,000	1,820,000	10,000	0	10,000	12,000	52,000	10,000	2,164,000	2,488,600	24,398	
13			Mwinyi Suleiman Misingwe	10769316	320	128,000	400,000	0	0	0	0	0	0	528,000	607,200	5,953	
14			Matano Swaleh Mwanyumbwe	20346508	320	128,000	400,000	10,000	12,000	45,000	0	32,000	0	627,000	721,050	7,069	
15			Athman Abdallah Mwavua	13628487	320	128,000	525,000	0	36,000	15,000	2,000	160,000	40,000	906,000	1,041,900	10,215	
16			Juma Swalehe Mwakuto		320	128,000	1,200,000	0	0	50,000	0	0	0	1,378,000	1,584,700	15,536	
17			Mwinyi Bakari, Mohamed Said Mwakiboko, Ali Rashid	3913429	4,800	1,920,000	0	10,000	12,000	0	0	80,000	0	2,022,000	2,325,300	22,797	

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18			Asha Abdalla Mwagadi	5419108	320	128,000	1,820,000	40,000	0	35,000	4,000	4,000	0	2,031,000	2,335,650	22,899	
19			Fatuma Said Kibwana	3953159	320	128,000	400,000	0	0	0	0	0	0	528,000	607,200	5,953	
20			Zena Rajabu Maguru	7853733	320	128,000	0	0	0	0	0	0	0	128,000	147,200	1,443	
21			Babu Ali Vyakweli	1014249	320	128,000	1,820,000	10,000	6,000	30,000	0	48,000	40,000	2,082,000	2,394,300	23,474	
22			Unknown		320	128,000	1,820,000	0	0	0	0	0	0	1,948,000	2,240,200	21,963	
23			Batuli Mwansema Mgomvi	22965774	320	128,000	1,820,000	0	3,000	60,000	0	36,000	0	2,047,000	2,354,050	23,079	
24			Omari bakari Kingabwi		320	128,000	0	20,000	3,000	5,000	4,000	60,000	0	220,000	253,000	2,480	
25			Issa Said Ndaru	8387925	320	128,000	0	0	0	25,000	0	16,000	0	169,000	194,350	1,905	
26			Swaleh Abdalla Makusanya	8410912	320	128,000	0	0	0	0	0	0	40,000	168,000	193,200	1,894	
27			Salim Mwalimu	8382553	320	128,000	1,820,000	440,000	39,000	70,000	8,000	76,000	0	2,581,000	2,968,150	29,100	
28			Ali Suleiman Mwashabwi		320	128,000	1,820,000	0	0	0	0	0	0	1,948,000	2,240,200	21,963	
29			Mohammed Mwalimu	5819970	320	128,000	1,820,000	0	0	5,000	0	28,000	40,000	2,021,000	2,324,150	22,786	
30			Mohammed Salim	10227846	320	128,000	1,820,000	0	3,000	10,000	4,000	0	0	1,965,000	2,259,750	22,154	
31			Feisal Abdalla Salim	1165397	320	128,000	1,820,000	150,000	36,000	15,000	0	0	864,000	3,013,000	3,464,950	33,970	
32			Mwinyifiaki Baruku	5420777	10,375	4,150,000	1,820,000	10,000	0	205,000	2,000	160,000	100,000	6,447,000	7,414,050	72,687	
33			Swalehe Mwalimu Mwamkuto	1015523	320	128,000	1,820,000	150,000	39,000	70,000	8,000	76,000	100,000	2,391,000	2,749,650	26,957	
34			Ali Juma Amani		320	128,000	400,000	0	0	0	0	0	0	528,000	607,200	5,953	
35			Mohammed Juma Bwago	9774506	320	128,000	600,000	0	0	0	0	0	0	728,000	837,200	8,208	
36			Abdilaahi Mutigai Muiruri		5,400	2,160,000	50,000,000	0	0	0	0	0	4,485,360	56,645,360	65,142,164	638,649	

Administrative Details			PAP Details		Value to Land		Value to Developments on Land								Entitlement		
Code	District	Sub- /location	Name	ID card	Land Size (m2)	Value (ksh)	Value to Buildings (Ksh)	Value to Coconuts	Value to Cahew	Value to Fruit Trees	Value to Bananas	Value to Indigenous Trees	Value to other Assets	At Cost Entitlement (Ksh)	Compensation Plus 15% Top-up (Ksh)	Gross Entitlement US\$	
37			Khamisi Said Khamisi	5385998	320	128,000	1,820,000	0	0	0	0	40,000	103,000	2,091,000	2,404,650	23,575	
38			Ali Mwinyihaji Gakwele		320	128,000	0	0	0	0	0	0	0	128,000	147,200	1,443	
39			Unknown		320	128,000	0	0	0	0	0	0	0	128,000	147,200	1,443	
40			Mboga Omari		320	128,000	0	0	0	0	0	0	0	128,000	147,200	1,443	
41			Unknown		320	128,000	0	0	0	0	0	0	0	128,000	147,200	1,443	
42			Unknown		320	128,000	0	0	0	0	0	0	0	128,000	147,200	1,443	
43			Patrick Mwayani		320	128,000	1,820,000	20,000	0	5,000	0	4,000	40,000	2,017,000	2,319,550	22,741	
44			Said Mwalimu Mwakuto		320	128,000	0	0	0	0	0	0	0	128,000	147,200	1,443	
45			Bi Selemani Hamisi Mwamad		320	128,000	0	0	0	0	0	0	0	128,000	147,200	1,443	
46			Meali Abdalla Mwadzichiya (Hamisi Burunga)	23120886	320	128,000	1,820,000	0	0	0	0	0	103,000	2,051,000	2,358,650	23,124	
47			Unknown		320	128,000	0	0	0	0	0	0	0	128,000	147,200	1,443	
48			Mohammed Ali Mwagongo	14624600	320	128,000	1,820,000	0	0	0	0	0	0	1,948,000	2,240,200	21,963	
49			Juma Hamisi Mlingu	1168747	320	128,000	1,820,000	0	0	0	0	0	503,000	2,451,000	2,818,650	27,634	
50			Kwale county council cess office		320	128,000	1,500,000	0	0	0	0	8,000	223,000	1,859,000	2,137,850	20,959	
51			Hamisi Bunonga Abdalla	21942896	320	128,000	0	0	0	0	0	0	0	128,000	147,200	1,443	
Total					2,677,440	545,927,080	290,405,000	29,930,000	2,673,000	9,330,000	4,187,778	17,308,000	183,142,160	1,003,946,018	1,154,537,920	11,318,999	

9.1 Presentation Sheet of First Stakeholder Consultation Meetings

**Preparatory Survey on
Mombasa City Road Development Project in
the Republic of Kenya**

Stakeholder Consultation Meeting

12 July 2011
Kenya Petroleum Refinery Estate Hall
14 July 2011
YWCA Social Hall, Shelly Beach Road, Likoni



Kenya National Highways Authority
JICA Survey Team
(Katahira & Engineers International)



Preparatory Survey on Mombasa City Road Development Project / JICA Survey Team

Agenda


1. Opening of the Meeting
2. JICA Preparatory Survey on Mombasa City Road Development Project
 - 2.1 Outline of Preparatory Survey
 - 2.2 Social considerations
 - 2.3 Environmental considerations
3. Discussion
Comments and suggestions by stakeholders
4. Closing of the Meeting

1

Preparatory Survey on Mombasa City Road Development Project / JICA Survey Team

Objective of This Meeting

- To explain an outline of the Preparatory Survey conducted by the JICA Survey Team.
- To explain the proposed road alignments.
- To comply with JBIC Guidelines because Government of Japan intends to provide the ODA Loan.
- To obtain comments/suggestion of stakeholders on the Project and Environmental and Social considerations.



Comments/suggestion of stakeholders will be taken into account in the Project and the ESIA study.

2

Preparatory Survey on Mombasa City Road Development Project / JICA Survey Team


JICA Preparatory Survey on Mombasa City Road Development Project

Outline of Preparatory Survey

Preparatory Survey on Mombasa City Road Development Project / JICA Survey Team

Project Road

Mombasa Southern Bypass & Kipevu Link Road



4

Preparatory Survey on Mombasa City Road Development Project / JICA Survey Team

Outline of JICA Preparatory Survey

- To review previous F/S data on environmental & social consideration, engineering appropriateness and financial and economic feasibility.
- To conduct supplemental survey.
- To update and revise the design, if necessary.
- To facilitate formation of the project to be implemented with Japanese ODA Loan.

5

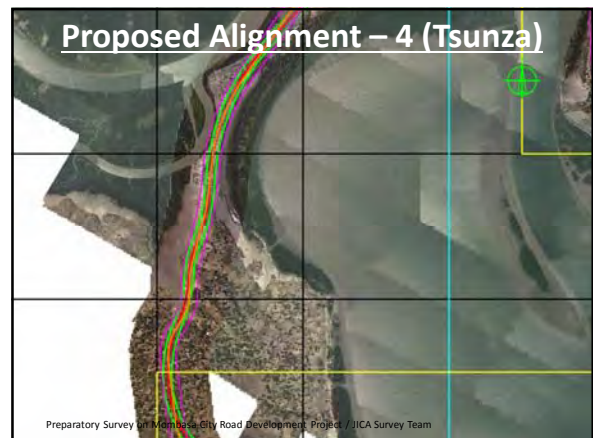
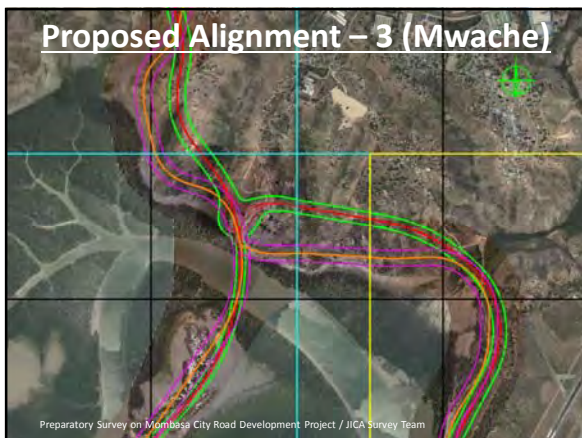
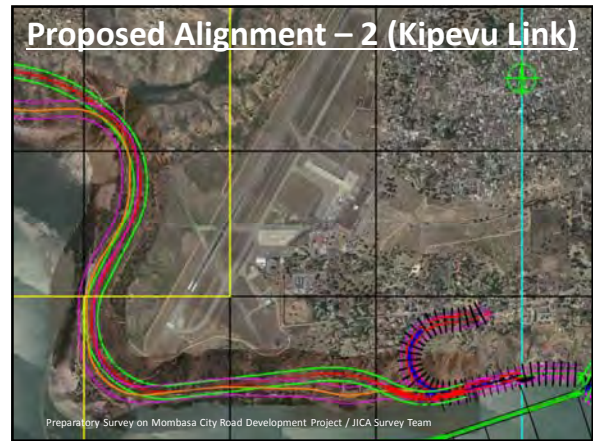
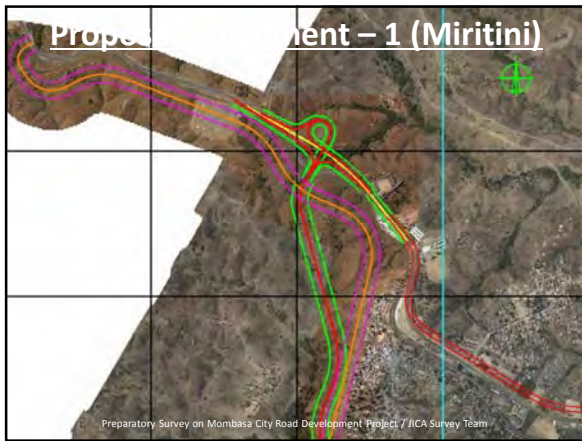
Preparatory Survey on Mombasa City Road Development Project / JICA Survey Team

Schedule of Project Implementation

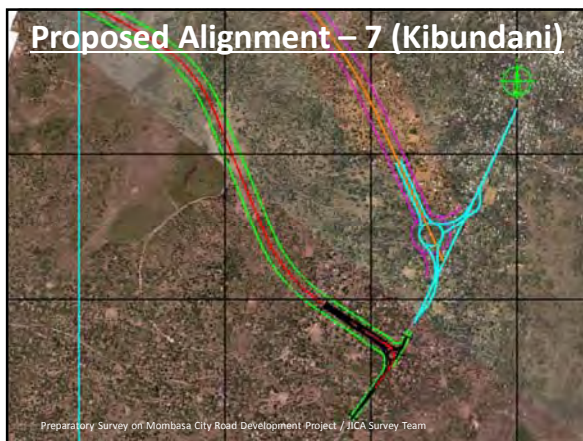
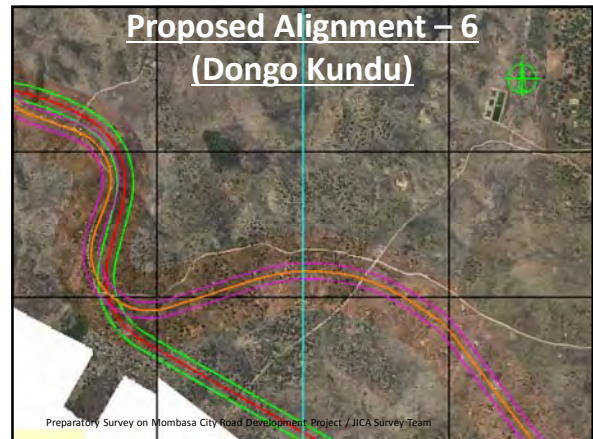
- Preparatory survey: June 2011 to Nov. 2011
- Project evaluation by GOJ in Dec. 2011
- In case project will be implemented; the following is expected:*
- Procurement of consultant start: Middle of 2012
- Detailed design start: End of 2012
- Construction start: Middle of 2014

Why Revised Alignments is Required?

- 1) To Avoid Too Much Relocations (Reduce Relocation Cost and Numbers of Project Affected Peoples)
- 2) To Consider Natural Conditions (Mangrove, Coast Line, Kaya, etc.)
- 3) To Provide Better Horizontal Alignments (Not Too Sharp Bend Applied)
- 4) To Provide Better Vertical Alignment (Not Too Steep Slope Applied)
- 5) To Secure Road Reserve to Accommodate Proper Number of Lanes, Verges, Utility Spaces as well as Space for Future Developments (including NMT & Service Road Installations)



1st Stakeholder Meeting Handout



JICA Preparatory Survey on Mombasa City Road Development Project

Social Considerations

Preparatory Survey on Mombasa City Road Development Project / JICA Survey Team

Number of Project Affected Persons (PAPs)

Category	Unit	Original Alignment	Proposed Alignment (Tentative)	Difference
Land Owners	Persons	597	Detailed survey required	—
Household (Structure)	HH	336	83	↓ -253
Schools	No.	2	0	↓ -2
Mosques	No.	2	0	↓ -2
Churches	No.	1	0	↓ -1
Fishermen	Persons	220	Detailed survey required	—
Famer	Persons	95	Detailed survey required	—

※ Exact number will be clarified by the detailed survey.

Preparatory Survey on Mombasa City Road Development Project / JICA Survey Team

Number of Project Affected Household (PAH)

District	Village	Original Alignment	Proposed Alignment (Tentative)	Difference
Changamwe	Mwandudu, Maganda, Mpirani, Ngare, Skembo	35	20	↓ -15
Kinango	Tsunza	31	18	↓ -13
Likoni	Mwangala, Mbudu, Bububu, Kibundani, Shikadadu	270	45	↓ -225
Total		336	83	↓ -253

※ Exact number will be clarified by the detailed survey.

Preparatory Survey on Mombasa City Road Development Project / JICA Survey Team

JBIC Guideline* for Involuntary Resettlement

- Involuntary resettlement and loss of means of livelihood are to be avoided where feasible, exploring all viable alternatives.
- When, after such examination it is found to be unfeasible, effective measures to minimize impact and to compensate for losses must be agreed upon with people who will be affected.

*Japan Bank for International Cooperation (JBIC) Guidelines for Confirmation of Environmental and Social Considerations (2002 April)

JBIC Guideline for Compensation of Involuntary Resettlement

- People to be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported by the project proponents in a timely manner.
- The project proponents must make efforts to enable the people affected by the project, to improve their standard of living, income opportunities and production levels, or at least to restore them to pre-project level.

Supplemental Socio-economic Survey

Type of Survey	Contents
Census Survey	All occupants in project area shall be counted in order to confirm the number of PAPs.
Assets & Land Survey	Item and magnitude of PAPs asset affected by the project physically and economically shall be evaluated.
Livelihood & Living Survey	Standard characteristics of the household including description of production system, labor, household, baseline information on livelihoods and standard of living shall be surveyed.

Socio-economic Survey Schedule

Field Work (Data Collection)

- Supplemental Socio-economic Survey will start from the middle of July 2011.
- Your cooperation to the surveys will be much appreciated.

Results

- Draft result of the survey will be reported in the 2nd Stakeholder meeting scheduled to be held in September 2011.

JICA Preparatory Survey on Mombasa City Road Development Project

Environmental Considerations

Environmental Impact Assessment (EIA)

- In accordance with Kenya's law (EMCA, 1999), KeNHA submitted the EIA Report to NEMA in March 2011.
- Under its reviewing process, NEMA noticed to the public to submit comments on an EIA report for proposed Mombasa Bypass Road Study in Mombasa District. (from May 30th for 30 days)
- In addition, because of requirement of Japanese ODA Loan, JICA requests the ODA recipients to comply with "JBIC Guidelines (2002)".

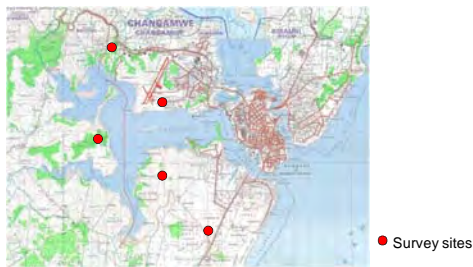
Review of EIA Report

- “JBIC Guidelines (2002)”
 - 1) Baseline conditions of natural and social environment
 - 2) Compliance with Kenya’s laws, ordinances and standards
 - 3) Analysis of alternatives
 - 4) Scope of impact to be examined
 - 5) Predicted environmental and social impacts
 - 6) Mitigation measures
 - 7) Stakeholder Consultation
 - 8) Environmental Monitoring Plan (EMP)
 - 9) Cost and Budget

Supplemental EIA Surveys

- In order to understand the current environment, predict and assess the impacts, and consider the mitigation measures, the supplemental surveys are necessary:
 - 1) Ambient air quality
 - 2) Noise level
 - 3) Sediment quality
 - 4) Flora and fauna

Ambient Air Quality Survey



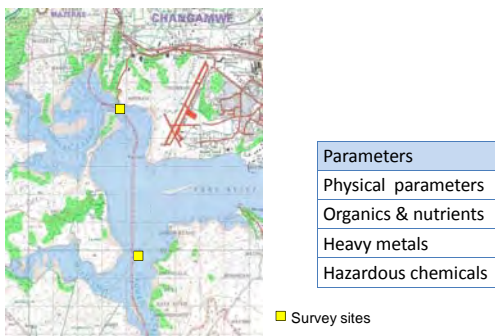
Parameters	PM10, NOx, SOx, CO, O ₃ , Pb
	Wind speed and direction

Noise Survey



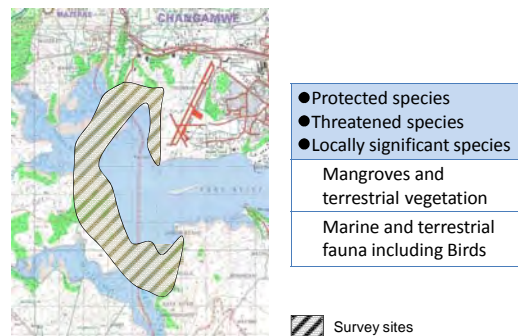
Sound levels	Day (6:00am - 8:00pm)
	Night (8:00pm – 6:00am)

Sediment Quality Survey



Parameters
Physical parameters
Organics & nutrients
Heavy metals
Hazardous chemicals

Flora and Fauna Survey



● Protected species
● Threatened species
● Locally significant species
Mangroves and terrestrial vegetation
Marine and terrestrial fauna including Birds

Supplemental EIA Survey Schedule

Field Work

- Supplemental EIA survey will be carried out by local consultants from this week till the end of July.
- Your cooperation to the surveys will be much appreciated.

Results

- Main results of the survey will be reported with assessment in the 2nd Stakeholder meeting.

The Second Stakeholder Consultation Meeting

Objectives

To explain:

- 1) Main results of the supplemental EIA survey
- 2) Main results of the supplemental socio-economic survey

Date

September 2011

Asante sana!

Discussion

Comments / suggestions will be much appreciated

9.2 Presentation Sheet of Second Stakeholder Consultation Meetings

Mombasa City Road Development Project

Stakeholder Consultation Meeting

15 September 2011
YWCA Social Hall, Shelly Beach Road, Likoni
16 September 2011
St. Mary's Catholic Church Hall



Kenya National Highways Authority

Agenda

1. Opening of the Meeting
2. Results of the Preparatory Survey on Mombasa City Road Development Project
 - 2.1 Outline of Preparatory Survey
 - 2.2 Social considerations
 - 2.3 Environmental considerations
3. Discussion
Comments and suggestions by stakeholders
4. Closing of the Meeting

Mombasa City Road Development Project

1

Objective of This Meeting

- To explain an outline of the Preparatory Survey on Mombasa City Road Development Project.
- To explain the proposed road alignments.
- To comply with the Guidelines of International Donors.
- To obtain comments/suggestion of stakeholders on the Project and Environmental and Social considerations.



Comments/suggestion of stakeholders will be taken into account in the Project and the ESIA study.

Mombasa City Road Development Project

2

Preparatory Survey on Mombasa City Road Development Project

Outline of Preparatory Survey

Mombasa City Road Development Project

3

Project Road Mombasa Southern Bypass & Kipevu Link Road



Mombasa City Road Development Project

4

Outline of Preparatory Survey

- To review previous F/S data on environmental & social consideration, engineering appropriateness and financial and economic feasibility.
- To conduct supplemental survey.
- To update and revise the design.
- To facilitate formation of the project.

Mombasa City Road Development Project

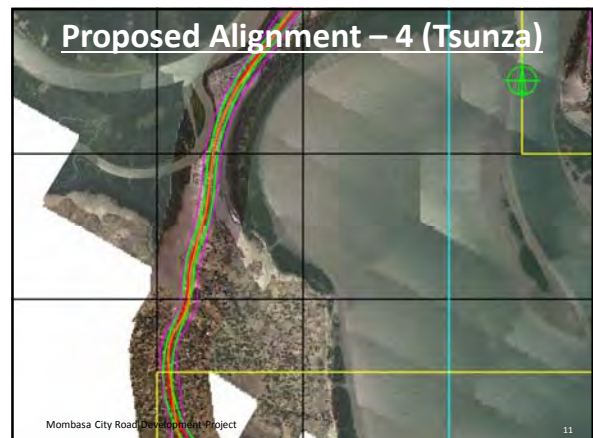
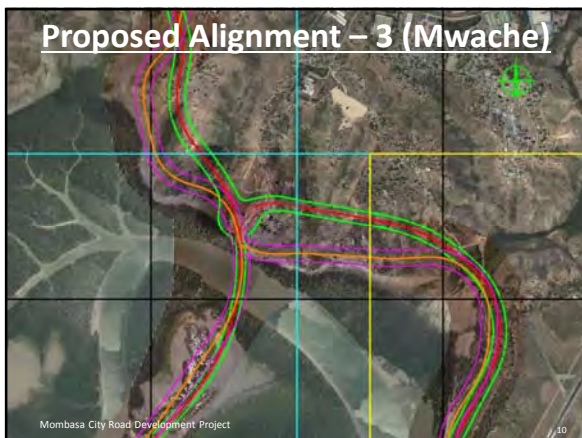
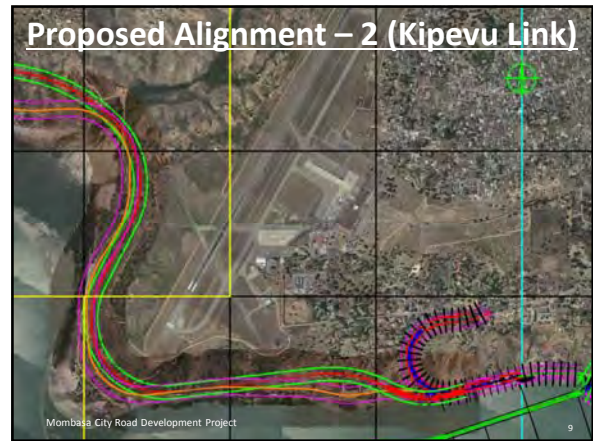
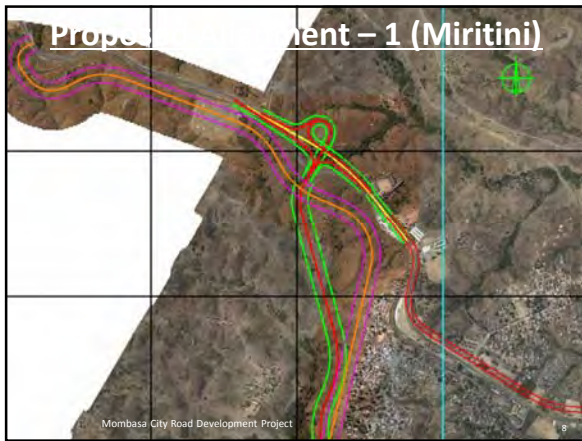
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Schedule of Project Implementation

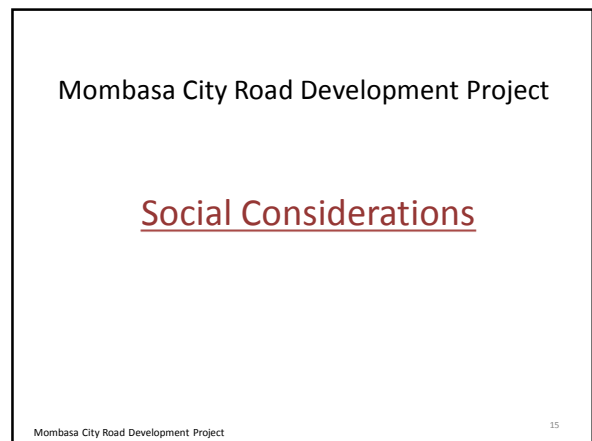
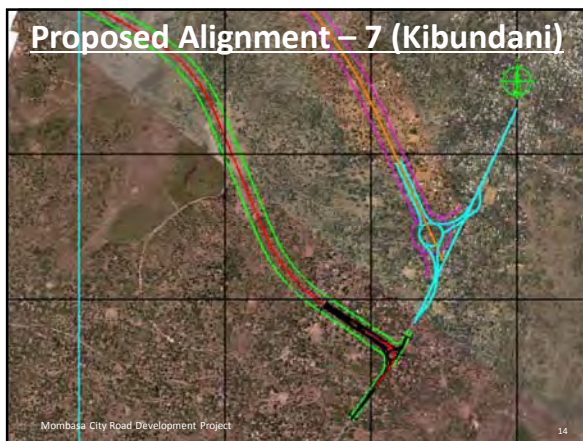
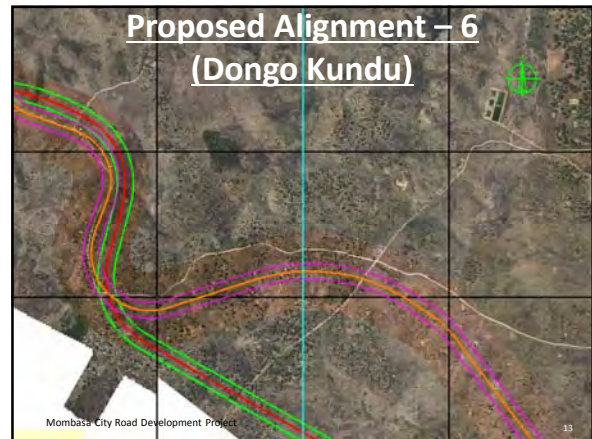
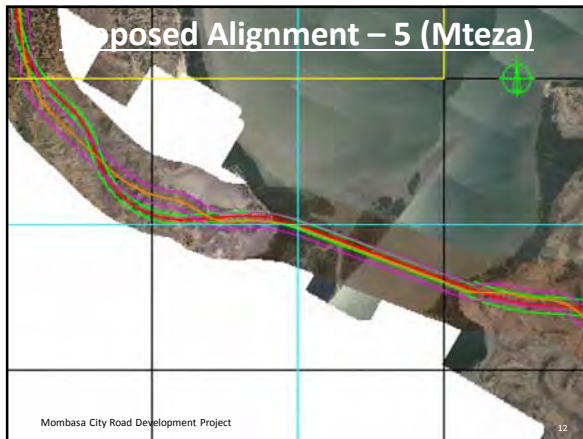
- Preparatory survey: June 2011 to Nov. 2011
The following implementation schedule is proposed by the Survey Team (Earlier implementation is requested by GOK and being studied).
- Procurement of consultant start: Middle of 2012
- Detailed design start: End of 2012
- Tendering and contract: End of 2013 - End of 2014
- Construction start: End of 2014

Why Revised Alignments is Required?

- 1) To Avoid Too Much Relocations (Reduce Relocation Cost and Numbers of Project Affected Peoples)
- 2) To Consider Natural Conditions (Mangrove, Coast Line, Kaya, etc.)
- 3) To Provide Better Horizontal Alignments (Not Too Sharp Bend Applied)
- 4) To Provide Better Vertical Alignment (Not Too Steep Slope Applied)
- 5) To Secure Road Reserve to Accommodate Proper Number of Lanes, Verges, Utility Spaces as well as Space for Future Developments (including NMT & Service Road Installations)



2nd Stakeholder Meeting Handout



Resettlement Impacts of the Project (1/2)

Category	Unit	Original Alignment	Proposed Alignment (Draft)	Difference
Land Owner	Persons	597	350 + α ※	↓ - 247 + α (- 41% + α)
House, Hut & Shed	No.	336	157	↓ - 179 (- 53%)
School	No.	2	0	↓ - 2 (- 100%)
Mosque	No.	2	0	↓ - 2 (- 100%)
Church	No.	1	0	↓ - 1 (- 100%)
Economic Tree	No.	21,949	8,011	↓ - 13,938 (- 64%)

※ The Inventory of Land Parcel for Pungu is yet to be completed as of 15th Sep. 2011.

Mombasa City Road Development Project 16

Resettlement Impacts of the Project (2/2)

District	Village	Unit	Land Owner	House, Hut & Shed
Changamwe	Mabanda ya Ngombe	No.	19	7
	Miritini	No.	94	7
	Port Reitz	No.	44	11
Kinango	Tsunza	No.	99	37
	Mwandudu	No.	19	11
Likoni	Mtongwe	No.	49	10
Kwale	Kiteje	No.	26	9
	Pungu	No.	Not known yet	65
Total		No.	350 + α	157

Mombasa City Road Development Project 17

2nd Stakeholder Meeting Handout

Number of Livelihood Affected Persons (1/2)

Category	No.	Type of Loss Anticipated
Boat Owners	3	Temporary loss of income and employment
Boat Operators	6	
Canoe Owners	4	
Canoe Operators	11	
Fishermen	250	Short-term interference during road and bridge construction
Fish Traders	248	Short-term loss of income from fish trading during road and bridge construction
Fish Farmers	21	Short-term loss of income from fish farming

Mombasa City Road Development Project

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Number of Livelihood Affected Persons (2/2)

Category	No.	Type of Loss Anticipated
Farmers	323	Loss of income and food from farming
Conservation Groups	30	Short-term loss of income from mangrove seeding plant
Bodaboda Owners	6	Short-term interference with transport business during road construction
Bodaboda Operators	38	
Small Scale Traders	5	Short-term loss of income from business

Mombasa City Road Development Project

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Entitlement Matrix (Draft) (1/4)

Type of Loss	Unit of Entitlement	Compensatory Measures (Draft)
Loss of Agricultural Land	Title Holders	<ul style="list-style-type: none"> 100% cash compensation at replacement cost for affected portion 15% cash top-up in compulsory acquisition
	Tenants	<ul style="list-style-type: none"> Compensation for remaining value of lease
Loss of Residential/ Commercial/ Industrial Land	Title Holders	<ul style="list-style-type: none"> 100% cash compensation at replacement cost for affected portion Compensation for standing assets such as well 15% cash top-up in compulsory acquisition
	Tenant/Lease Holder	<ul style="list-style-type: none"> Compensation for standing assets such as well Compensation for remaining value of lease
	Informal Settler	<ul style="list-style-type: none"> Possibility of land grant

Note: The Cut-off Date for eligibility for compensation was set on 15th July 2011.

Mombasa City Road Development Project

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Entitlement Matrix (Draft) (2/4)

Type of Loss	Unit of Entitlement	Compensatory Measures (Draft)
Loss of Structure		
1	Partial loss but residual viable	Legal User with Valid Titles
		Owner without titles
		Informal Settler
2	Fully affected/ partly affected and remaining structure is non-viable	Land Owners with Valid Title, Tenant/Lease Holders, Informal Settler

Mombasa City Road Development Project

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Entitlement Matrix (Draft) (3/4)

Type of Loss	Unit of Entitlement	Compensatory Measures (Draft)
Loss of Economic Tree & Crop	All PAPs including Famers	<ul style="list-style-type: none"> Cash compensation based on income for entire life-cycle in case of economic trees Cash compensation as gross yield value for crops such as cassava for 3 years Right to salvage for wood products
Assistance to Vulnerable Group	All Vulnerable Groups	<ul style="list-style-type: none"> KeNHA to consider assistance over and above compensation package to cushion them against impact.
Loss of Livelihood	Boat Owners	<ul style="list-style-type: none"> 3 months cash handout calculated at gross income
	Boat Operators	<ul style="list-style-type: none"> 3 months cash handout worth of wages earned
	Canoe Owners	<ul style="list-style-type: none"> 3 months cash handout calculated at gross income
	Canoe Operators	<ul style="list-style-type: none"> 3 months cash handout worth of wages earned
	Small Scale Trader	<ul style="list-style-type: none"> 3 months cash handout worth of gross daily profit

Mombasa City Road Development Project

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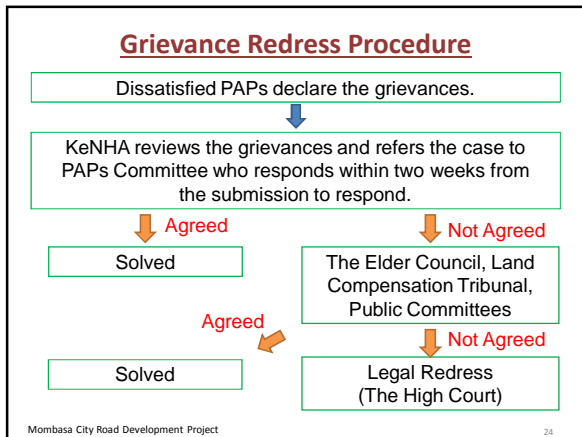
Entitlement Matrix (Draft) (4/4)

Type of Loss	Unit of Entitlement	Compensatory Measures (Draft)	
Loss of Livelihood	Fishermen	<ul style="list-style-type: none"> Provision of alternative and new fisheries with full access from the new road Capacity building including equipment and skills-up for deep sea fishing Income compensation for any day of work lost due to road and bridge construction 	
		Fish Traders	<ul style="list-style-type: none"> Provision of new fish market Income compensation for any day of work lost due to road and bridge construction
		Fish Farmers	<ul style="list-style-type: none"> Income compensation for any day of work lost due to road and bridge construction
	Bodaboda Operator, Operators	<ul style="list-style-type: none"> One month worth of income replaced before identification of other routes 	
	Conservation Groups	<ul style="list-style-type: none"> Capacity building for fish farming Income compensation for lost assets and anticipated income 	

Mombasa City Road Development Project

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2nd Stakeholder Meeting Handout



Implementation Schedule (Draft)

Activity	2011				2012				2013				2014				
	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th
Approval of RAP by GoK and other agencies	■																
Set-up RAP Implementation Team			■														
Confirmation of RAPs and Notification of PAP Unit Entitlement				■													
Distribution of Info-cards				■													
Design and Preparation of Resettlement Site, if applicable					■	■	■	■									
Handling of Grievance					■	■	■	■	■	■	■	■	■	■	■	■	■
Payment of Compensation to PAPs							■	■									
Relocation to PAPs										■	■	■	■	■	■	■	■

Mombasa City Road Development Project 25

Monitoring and Evaluation

Type	Purpose	Responsibility
Internal Monitoring and Evaluation	Mainly assess adherence of resettlement implementation schedule to approved plans and time-frame.	<ul style="list-style-type: none"> KeNHA Steering Committee RAP Implementation Committee
External Monitoring and Evaluation	Mainly assess the overall effectiveness and compliance of PAPs resettlement to JBIC/WB/GoK Policy.	<ul style="list-style-type: none"> Resettlement Specialist of Management Consultant Team (MCT) JICA
Propose remedial measures where necessary		<ul style="list-style-type: none"> All of above

Note; As the resettlement is KeNHA's undertaking, compensation will be paid by KeNHA. JICA will monitor the resettlement process.

Mombasa City Road Development Project 26

Mombasa City Road Development Project

Environmental Considerations

Mombasa City Road Development Project 27

- ### Environmental Impact Assessment (EIA)
- In accordance with Kenya's law (EMCA, 1999), KeNHA submitted the EIA Report to NEMA in March 2011.
 - Under its reviewing process, NEMA noticed to the public to submit comments on the EIA report in May 2011.
 - NEMA is now reviewing the EIA report according to the comments from the public and relevant agencies.
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- ### Supplemental EIA Surveys
- In order to predict and assess the impacts, and consider the mitigation measures, the following supplemental EIA surveys were conducted.
 - 1) Ambient air quality
 - 2) Noise level
 - 3) Flora and fauna
 - 4) Sediment quality (under analysis)
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Impact on Ambient Air Quality

- The ambient air quality around the proposed road might deteriorate with the expected traffic increase.
- The future air quality along the proposed road was predicted based on:
 - ❑ Present levels of pollutants (PM₁₀, SO₂, NO₂, CO)
 - ❑ Estimated emission from the projected traffic volume in 2025.
 - ✓ Kipev Link Road: 4-lane
 - ✓ Mombasa Southern Bypass: 2-lane

Ambient Air Quality Survey



(µg/m ³)	Present levels	Tolerance limits *1
PM ₁₀	11-17	100 (day) 50 (annual)
NOx (NO ₂)	*2ND-26	80 (day) 60 (annual)
SOx (SO ₂)	ND-18	80 (day) 60 (annual)
CO	379-510	2,000 (8 hours)

*1: (Draft) The Environmental Management and Coordination (Air Quality) Regulations, 2009. First Schedule: Table 1 Ambient Air Quality Tolerance Limits.
*2: ND = Not Detected

● Survey sites

Impact on Ambient Air Quality

Estimated increase of pollutant levels in 2025

- The estimated increases of pollutants (PM₁₀, NO₂, SO₂, CO) are about 10-20 µg/m³.
(@ the 55m point from the road center: 4-lane & 2-lane)

Assessment

- The present air quality in the project area is in good condition. The future air quality may not significantly deteriorated with the future traffic increase. Under the tolerance limits.

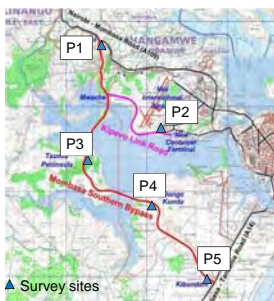
Monitoring Plan

- Regular monitoring of ambient air quality is indispensable.

Impact on Noise Level

- The noise levels around the proposed road might increase with the expected traffic increase.
- In order to understand the present noise level, the survey was carried out.
- The future noise level is predicted based on the projected traffic volume in 2025.
 - ✓ Kipevu Link Road: 4-lane
 - ✓ Mombasa Southern Bypass: 2-lane

Noise Survey



dB(A)	Average (min – max)	
	Day (6am - 8pm)	Night (8pm - 6am)
P1	61 (49 – 75)	47 (44 – 51)
P2	49 (45 – 60)	47 (45 – 60)
P3	45 (43 – 58)	43 (40 – 51)
P4	57 (49 – 64)	45 (42 – 51)
P5	56 (49 – 75)	46 (44 – 54)
Kenya *1	50 residence 60 commercial	35 residence 35 commercial
IFC *2	55 residence 70 industrial	45 residence 70 industrial

*1: The Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2009
*2: IFC. General EHS Guidelines: Environmental Noise Management, 2007. Day (7am-10pm) & Night (10pm-7am).

Noise Impact

Estimated noise levels in 2025

- (@the 55m point from the road center: 4-lane & 2-lane: peak time)
 - Day: 60 - 70 dB(A)
 - Night: 50 - 60 dB(A)

Assessment

- The future noise levels may increase with the future traffic volume compared with the present levels.


Mitigation measures

- Installation of noise barrier and noise absorber (plants), where required, especially schools, hospitals and religious facilities.

Monitoring Plan

- Regular monitoring of noise levels is indispensable.

Impact on Flora and Fauna



Flora and Fauna Survey

- Mangroves and terrestrial vegetation
- Marine and terrestrial fauna
- Mammals, Birds, Reptiles, Amphibians, Insect;
- Fish, Crustaceans and Mollusks

Survey sites

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Impact on Flora and Fauna

Present status: main result

- There are no protected and threatened species in the project area.
- Locally significant biota, mangroves and Kaya, are now threatened by human activities.

Impacts due to construction and operation

- Habitat destruction & separation, barrier of migration, loss of breeding ground ➔ Loss of biodiversity
- Loss of local resources: fishery, timber and medicines

Mitigation measures

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Impact on Flora and Fauna

Mitigation measures

- To avoid and minimize the direct destruction of mangroves and Kaya: ➔ **Alternative alignment, Jetty**
- To restore mangroves: ➔ **Mangrove replanting**
- To minimize the degradation of mangroves and marine species: ➔ **Oil separator (grit chamber)**
- To secure migration path for small animals: ➔ **Underpass culvert**

↓

Monitoring Plan

- The progress shall be regularly monitored, such as growth of mangroves, as well as fish catch.

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Asante sana!

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Discussion

Comments / suggestions will be much appreciated

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14.1 Internal Monitoring Format

Appendix 14.1: Format towards Monitoring Implementation of the RAP

Monitoring Themes	Monitoring Criteria	Achievement by Quarters													
		Unit	Year 1				Year 2				Year 3				
			1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	
Recruitment, Training and Deployment	1	Deployment of Managerial Staff Consultants	Man-month												
	2	Deployment of Resettlement Workers	Man-month												
	3	Training and Mobilization	No. trained												
Adopting the Resettlement Action Plan	1	Review of RAP	%												
	2	Devise Corrections to the RAP	%												
	3	Submission of Comments to PMU/ KeNHA	%												
	4	Approval of RAP with Corrections	%												
Socio-economic Survey	1	Designing the Surveys	%												
	2	Field Survey and Collection of Data	%												
	3	Computerization of Field Data	%												
	4	Data analysis and Report generation	%												
Valuation of Affected Property	1	Formation of Valuation Teams	%												
	2	Planning for valuation	%												
	3	Communication and Collection of Data	%												
	4	Recommendations	%												
Information Campaign	1	Distribute Information Brochure	PAP												
	2	Personal Contacts PAP	PAP												
	3	Public Consultation Meetings/ FGD	No.												
Relocation of Project Affected Persons	1	Motivate PAPs	PAP												
	2	Payment of Transfer Grant	PAP												
Identification of PAPs	1	Collection of Award Data	PAP												
	2	Assigning ID Numbers	PAP												
	3	Photographing of PAPs	PAP												

Monitoring Themes	Monitoring Criteria	Achievement by Quarters															
		Unit	Year 1				Year 2				Year 3						
			1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr			
	4	Issuance of ID Cards	PAP														
	5	Distribution of ID cards	PAP														
	1	Members given in GRCs Nos.	Nos.														
	2	Receiving complaints / Claims from PAPs	PAP														
	3	Disposing off Complaints PAP	PAP														
Grievance Redress	4	Assist PAPs in Replacement Land Purchase and Relocation	HHS														
	1	Finalization of Resettlement Budget	%														
	2	Preparation of Information Brochure	%														
	3	Preparation of Operation Manual	%														
Information Management and Technical Services	4	Designing ID card, PAP file, EC	%														
	5	Develop ID Numbering System	%														
	6	Computerization of Award Data	PAP														
	7	Develop Software for PAP File	%														
	8	Develop Software for Computerized MIS	%														
	1	Assist PAPs to Collect CCL	PAP														
	2	Preparation of PAP Files	Sets														
	3	Opening Bank Account by the PAPs	Nos.														
Resettlement of Project Affected Persons	4	Organize Payment of Grants CDA	PAP														
	5	Assist Vulnerable PAPs in Resettlement	Nos.														
	1	Supply of Manpower and Logistics	mms														
	2	Liaison with CDA and other Agencies	Times														
	3	Monitoring through CMIS Month	Month														
Supervision and Management	4	Administrative Management	Month														

14.2 TOR for External Monitoring

SUPPLEMENTARY RESETTLEMENT ACTION PLAN (RAP) ON MOMBASA CITY ROAD DEVELOPMENT PROJECT IN THE REPUBLIC OF KENYA

Terms of Reference for Independent Evaluation Agency (IEA)

A. Project Background

This is a project of the Government of Kenya (GoK) through its implementing agency, the Kenya National Highways Authority (KeNHA) with support from the Government of Japan (GoJ).

The project aims to construct a Mombasa City-Southern Bypass to ease pressure on the Kenya Ferry Services Ltd and make movement of people and cargo between Nairobi- Mombasa and Tanzania easier and stress-free. Further, the project will entail construction of a link road connecting the Bypass at Mkupe to the new container Terminal currently being constructed near the Kenya Oil Terminal.

The road will comprise of a 19.8 kilometre long artery starting at Miritini on the A109 Road passing through Tsunza, Mwangala and Kiteje locations to join the A14 road at the Shikadabu boundary of Mombasa and Kwale Districts. This artery will entail construction of two long bridges at the crossing of Mwache and Mteza creeks and will also have a major junction at Mkupe where the road to the new container terminal will start. The latter branch will proceed eastwards to skirt the end of the main runway at MIA and to end at the site of the new container terminal at Port Reitz

B. Key Objective of External Monitoring

Monitoring involves the collection and analysis of data on project activities with the applying accruing information to correct and redirect project implementation and management towards target project objectives. Monitoring allows project participants to keep track of project activities, to determine whether project objectives are being achieved, and to make whatever changes are necessary to improve project performance.

Project Evaluation is an assessment of project performance and results in light of stated project objectives. Evaluation for purposes of this RAP is proposed to include a participatory component allowing the project participants to comment on their experience of the project. To be successful, monitoring and evaluation begins with clear project design followed by identification and elaboration of appropriate criteria and indicators.

Indicators and Means for Verification

Indicators form the key elements of any monitoring and evaluation system. The advantage of identifying indicators is that it provides management and staff with a clear set of targets at each level of performance and ensures that progress can be measured against the targets. Indicators also make possible the comparison of inputs with the completion of outputs and achievement of objectives and goals, thus providing the basis for performance evaluation. Four categories of indicators have been formulated to facilitate monitoring of Progress, Outputs, Effects, Impacts and Compliance in implementing the project.

Progress/Output Monitoring

Deliverables (outputs) have been clearly outlined in the Entitlement Matrix and the Assets Register which will form the basis for payment of compensation. Progress will be monitored on the basis of periodic outputs as per the Implementation Schedule, Annual Work Plan and Project Implementation Manual while outputs will be monitored on the basis of actual number of PAPs compensated.

Output monitoring will be reported through periodic reports produced by the PMU and backed up by signed consent certificates by PAPs. These reports will form the basis for routine external monitoring by both GoK agencies and JICA.

Effect Monitoring

This will be used to measure the extent to which the immediate objectives have been achieved and give an idea of the results emanating from implementing the RAP e.g., percentage of PAPs now accessing better housing or improved livelihoods on account of being successfully resettled. Effect monitoring especially through end of term Project Evaluation is also useful in documenting lessons learned from project implementation which can also be replicated elsewhere. Effect monitoring will best be achieved through routine and end term Project Evaluation conducted by the KeNHA.

Impact monitoring

This is the process through which, assessment of the overall achievement of the project goal will be made. Specifically, this is the system that will generate data to gauge success towards implementation of this RAP in terms of impact of the resettlement on the PAPs. The basis for impact monitoring is the baseline social-economic survey data against which the wellbeing of PAPs will be compared.

The Independent Evaluation Agency (IEA) will review implementation process as per set policies in the RAPs and assess the achievement of resettlement objectives, the changes in living standards and livelihoods, restoration of the economic and social base of the affected people, the effectiveness, impact and sustainability of entitlements, the need for further mitigation measures if any, and to learn strategic lessons for future policy formulation and planning.

C. Scope of Work

The scope of work of the Independent Evaluation Agency (IEA) will include the following tasks:

1. To provide a socio-economic profile on the Project Affected People (PAP), and give the cost of resettlement.
2. To review and verify the progress in land acquisition/resettlement implementation of the Project and whether they have been followed as provided in the RAP.
3. Provide a summary of whether involuntary resettlement was implemented (a) in accordance with the RAPs, and (b) in accordance with the stated policy.
4. Verify expenditure & adequacy of budget for resettlement activities.
5. Describe any outstanding actions that are required to bring the resettlement activities in line with the policy and the RP. Describe further mitigation measures needed to meet the needs of any affected person or families judged and/or perceiving themselves to be worse off as a result of the Project. Provide a timetable and define budget requirements for these supplementary mitigation measures.
6. Describe any lessons learned that might be useful in developing the new national resettlement policy and legal/institutional framework for involuntary resettlement.
7. To Identify, quantify, and qualify the types of conflicts and grievances reported and resolved and assess whether the consultation and participation procedures followed in accordance with the RAP.
8. To identify the strengths and weaknesses of the land acquisition/resettlement objectives and approaches, implementation strategies.
9. Identification of the categories of impacts and evaluation of the quality and timeliness of delivering entitlements (compensation and rehabilitation measures) for each category and how the entitlements were used and their impact and adequacy to meet the specified objectives of the Plans. The quality and timeliness of delivering entitlements, and the sufficiency of entitlements as per approved policy.

10. To review the quality and suitability of the relocation sites from the perspective of the both affected and host communities.
11. Review results of internal monitoring and verify claims through sampling check at the field level to assess whether land acquisition/resettlement objectives have been generally met. Involve the affected people and community groups in assessing the impact of land acquisition for monitoring and evaluation purposes.
12. To monitor and assess the adequacy and effectiveness of the consultative process with affected PAPs, particularly those vulnerable, including the adequacy and effectiveness of grievance procedures and legal redress available to the affected parties, and dissemination of information about these.

D. Methodology and Approach

The general approach to be used is to monitor activities and evaluate impacts ensuring participation of all stakeholders especially women and vulnerable groups. Monitoring tools should include both quantitative and qualitative methods. The external monitor should reach out to cover:

- 100% PAPs who had property, assets, incomes and activities severely affected by Project works and had to relocate either to resettlement sites or who chose to self-relocate, or whose source of income was severely affected.
- 10% of persons who had property, assets, incomes and activities marginally affected by Project works and did not have to relocate;
- 10% of those affected by off-site project activities by contractors and sub-contractors, including employment, use of land for contractor's camps, pollution, public health etc.;

Supplemented by Focused Group Discussions (FGD) which would allow the monitors to consult a range of stakeholders (local government, resettlement field staff, NGOs, community leaders and, most importantly, PAPs), community public meetings: Open public meetings at resettlement sites to elicit information about performance of various resettlement activities.

E. Other Stakeholders and their Responsibility

1. Kenya National Highways Authority (KeNHA):

KeNHA is the State Corporation established under the Roads Act 2007 and charged with the responsibility for the management, development, rehabilitation and maintenance of the national trunk road system in Kenya. In the capacity of Executing Agency, KeNHA will be tasked with managing the development and implementation of all aspects of the Mombasa City Roads Improvement Project including environmental and social mitigation.

2. Implementing NGO:

It is expected that KeNHA in the capacity of Implementing Agency will identify and procure the services of a competent agency to undertake both the Midterm and Post Project Monitoring. Independent external evaluation will preferably be undertaken by an outside research or consulting agency, university department or development NGO. The tasks of the external agency are to:

- Verify results of internal monitoring;
- Assess whether resettlement objectives have been met; specifically, whether
- Livelihoods and living standards have been restored or enhanced;
- Assess resettlement efficiency, effectiveness, impact and sustainability, drawing
- Lessons as a guide to future resettlement policy making and planning; and
- Ascertain whether the resettlement entitlements were appropriate to meeting the objectives, and whether the objectives were suited to PAP conditions.
- Undertake any other assessment relevant to the resettlement process.

3. Monitoring by JICA:

In the capacity of Strategic Partner to the Mombasa City Roads Improvement project, JICA will routinely field monitoring teams who will screen the project for overall adherence to conditions for Effectiveness.

F. Team Composition of the Independent Evaluation Agency

Position/expertise	Qualification and experience
1. Team Leader/ Resettlement Expert	Masters in social science with 10 years working background in planning, implementation and monitoring of involuntary resettlement for infrastructure projects. Experience in institutional capacity analysis and implementation arrangement for preparation and implementation of resettlement plans, and

	knowledge in latest social safeguard policies of the international development financing institutions in Kenya
2. Social Impact Specialist/Anthropology	Masters in social science with 5 years working experience in social impact assessment including census and socioeconomic surveys, stakeholders' consultation, and analyzing social impacts to identify mitigation measures in compliance with social safeguard policies of the international development financing institutions and national legislations. Experience of preparing resettlement framework and action plans and implementation of plans for externally financed projects is essential.
3. Data Analyst	Graduate with working experience and knowledge of software, preferably relational, those are most commonly used in Kenya; demonstrated ability to design and implement automated MIS(s) for monitoring progress, comparing targets with achieved progress and the procedural steps

G. Time Frame and Reporting

External monitoring of the RAP will be undertaken alongside that of other project components. It is expected that KeNHA will mount routine monitoring in response to PMU reports while other agencies both within and outside government (Efficiency Monitoring Unit, Parliamentary Committees, NEMA, etc.) will routinely monitor progress including implementation of both social and environmental mitigation. Other External Monitoring will take place as follows:

- **Midterm Monitoring:** The project will undergo monitoring after two years to determine status of resettlement process alongside other components. Midterm monitoring will be useful in determining whether the Resettlement Process is both on track and on schedule and could occasion necessity to review project goals, objectives and even strategies towards enhancing delivery of resettlement assistance to PAPs. Midterm monitoring will also screen the project for emerging concerns/ impacts not anticipating in the design stage and hence allow for early resolution. Conditions and modalities for midterm monitoring are mirrored in the Post Project Monitoring briefly discussed below.
- **Post Project Monitoring:** In order to determine final impacts of the resettlement activity, a final evaluation cum an impact assessment will be undertaken 6 -12 months after conclusion of resettlement to evaluate whether the intended objectives were realised. For this, suitable baseline indicators related to income, assets, land ownership, expenditure pattern of key

activities, housing conditions, access to basic amenities, demographic characteristics, indebtedness, etc will be applied.

.The monitoring reports should be submitted to the Kenya National Highways Authority (KeNHA) with copies to JICA. An evaluation report at the end of the project should be submitted to the KeNHA and concerned parties with critical analysis of the achievement of the program and performance of KeNHA and NGO.

The external monitors will provide monitoring and evaluation report covering the following aspects:

- Whether the resettlement activities have been completed as planned and budgeted;
- The extent to which the specific objectives and the expected outcomes/results have been achieved and the factors affecting their achievement or non achievement;
- The extent to which the overall objective of the Resettlement Plan, pre project or improved social and economic status, livelihood status, have been achieved and the reasons for achievement / non achievement;
- Major areas of improvement and key risk factors;
- Major lessons learnt; and
- Recommendations.

Formats for collection and presentation of monitoring data will be designed in consultation with KeNHA, consultants' expert.

H. Qualification of the Independent Evaluation Agency

The EMA will have at least 5 years of experience in resettlement policy analysis and implementation of resettlement plans. Further, work experience and familiarity with all aspects of resettlement operations would be desirable. NGOs, Consulting Firms or University Departments (consultant organization) having requisite capacity and experience as follows can qualify for services of and external monitor for the project.

- a. NGOs, Consulting firms duly registered with GoK agencies or a department of any recognized university is eligible.

- b. The applicant should have prior experience in social surveys in land based infrastructure projects and preparation of resettlement plans (RP, RAP, LARP) as per guidelines on involuntary resettlement of any of the JICA, ADB, World Bank and DAC-OECD.
- c. The applicant should have extensive experience in implementation and monitoring of resettlement plans, including the preparation of implementation tools.
- d. The applicant should be able to produce evidences of monitoring using tools such as computerized Management Information System with set criteria for measuring achievement.
- e. The applicant should have adequate manpower with capacity and expertise in the field of planning, implementation and monitoring of involuntary resettlement projects as per donor's guidelines.
- f. The applicant should not have involved in resettlement planning, as they have a vested interest in reporting smooth implementation. However, having the same agency conduct the work with a brief statement of the approach, methodology, and relevant information concerning previous experience on monitoring of resettlement implementation and preparation of reports. The profile of consultant agency, along with full signed CVs of the team to be engaged, must be submitted along with the proposal.

I. Budget and Logistics

Consultants should quote for respective time inputs and other deliverables within in the framework of a Quality Cost based selection criteria.

Criteria for External Monitoring

Criteria for monitoring	Indicators for monitoring
Basic Information on PAP Households	1. Location
	2. Composition and structure, ages, educational and skill levels and gender of household head
	3. Ethnic group
	4. Access to health, education, utilities and other social services
	5. Housing type
	6. Land and other resource owning and using patterns
	7. Occupations and employment patterns , income sources and levels
	8. Agricultural production data (for rural households)
	9. Participation in neighborhood or community groups and access to cultural sites and events
	10. Value of all assets forming entitlements and resettlement entitlements
	11. Value of all assets forming entitlements and resettlement entitlements
Livelihood Restoration Programme	12. Were house compensation payments made free of depreciation, fees or transfer costs to the PAP?
	13. Have perceptions of “community” been restored?
	14. Have PAPs achieved replacement of key social and cultural elements?
	15. Were compensation payments free of deductions for depreciation, fees or transfer costs to the AP?
	16. Were compensation payment sufficient to replace lost assets?
	17. Did income substitution allow for re-establishment of enterprises and production?
	18. Have enterprises affected received sufficient assistance to re-establish themselves?
	19. Have vulnerable groups been provided income earning opportunities? Are these effective and sustainable?
	20. Do jobs provided restore pre-project income levels and living standards?
Levels of Satisfaction	21. How much do PAPs know about resettlement procedures and entitlements? Do PAPs know their entitlements?
	22. Do they know if these have been met?
	23. How do APs assess the extent to which their own living standards and livelihoods have been restored?
	24. How much do PAPs know about grievance procedures and conflict resolution procedures?
Effectiveness of Resettlement Planning	25. Were the PAPs and their assets correctly enumerated?
	26. Was the time frame and budget sufficient to meet objectives?
	27. How did resettlement implementers deal with unforeseen problems?
	28. Were there unintended environmental impacts?
Other Impacts	29. Were there unintended impacts on employment or incomes?