






**RESETTLEMENT ACTION PLAN
FOR THE IMPROVEMENT OF
JUJA MARKET, LOCATED IN JUJA, KIAMBU COUNTY**



PROPONENT
REPUBLIC OF KENYA
MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN
DEVELOPMENT

CONSULTANTS

		
---	--	---

Impulso Kenya Limited (Lead Consultant's Address): P.O. Box: 34385-00100, Nairobi, Kenya
E-mail: peter.wafula@impulsokenya.com, jose.ramon.pineiro@impulso.es
J.V-Members' e-mail address: awemac_ken@yahoo.com, ecoplanmanagement@gmail.com

DATE: 7th February 2018

ACKNOWLEDGEMENT

We, Impulso-Eco Plan-AWEMAC through this Resettlement Action Plan (RAP) report for the Juja Market, Nairobi Metropolitan Services Improvement Project (NaMSIP) sub-project, would like to acknowledge with great appreciation all the consultants that took their time and showed relentless effort towards achieving the desired deliverable of this assignment.

Our gratefulness is also unto Kiambu County Government, the Juja Market traders, all stakeholders and respondents who participated in the whole process for their cooperation throughout the exercise.

Finally, we thank the Ministry of Transport, Infrastructure, Housing and Urban Development for believing in us and entrusting us with the work and for the support they provided every step of the way in ensuring that this RAP is successfully achieved; and World Bank for crediting the ministry with funding for this project.

EXECUTIVE SUMMARY

The Ministry of Transport, Infrastructure, Housing and Urban Development through the Nairobi Metropolitan Services Improvement Project (NAMSIP) intends to upgrade 15 markets in the Nairobi Metropolitan Region (NMR). This initiative is financed by the World Bank with the objectives of providing an enabling physical space for organized markets, creating market linkages for products, fostering access to services so as to promote efficiency and quality of products and promoting linkages with financial institutions. The goal is to enhance livelihoods especially for the urban poor who are operating as vendors.

The Ministry through NaMSIP has identified Juja Market as one of the markets to be improved and this action will require the temporary displacement and relocation of traders so as to pave way for the putting up of new market structures. There are 416 traders in the market that are expected to be relocated to pave way for the construction of a new market building. The breakdown of all categories of Project Affected Persons (PAPs) is clearly shown in the PAPs summary table below. The census cut-off date was set as **11th November, 2016**. According to World Bank's Operational Policy 4.12 and the NaMSIP Resettlement Policy Framework (RPF), it is required that a Resettlement Action Plan be prepared for such a project in accordance to the local legislation (including the NAMSIP Resettlement Policy Framework) and the World Bank guidelines on Involuntary Resettlement.

Summary of PAPs to be affected

S/N	Type of PAP	Number in Juja Market	Proportion of total
1.	Owners of stalls only	19	4.57%
2.	Owners of businesses only	122	29.33%
3.	Owners of both stalls and businesses	269	64.66%
4.	Employees of traders	6	1.44%
Total		416	100%

Source: Impulso-AWEMAC- Ecoplan, 2016

Note: 1, "Owners of stalls only" do not trade in their stalls but have rented them out to their tenants.

Based on this requirement, Impulso-EcoPlan-AWEMAC Consortium was contracted as a consultant to assist the Ministry of Transport, Infrastructure, Housing and Urban Development to develop a Resettlement Action Plan (RAP) report to ensure that PAPs are adequately consulted and a comprehensive RAP report drawn to safeguard them from the relocation impacts. This RAP report builds upon public consultations, negotiations and agreements with the Government of Kiambu County, Area Administrators, Traders and Juja Market Committee.

The objectives of the study were met using systematic, integrated, participatory and collaborative approaches. Information was collected through field investigations, structured questionnaires, census, assets inventory, document reviews and photography. Some of the people consulted included traders and stall owners. The summary of findings on assets was as shown:

Summary of Assets in Juja market

Type of Asset	Number/Quantity	Estimated cost (KSHS)
Structures	288	4,320,000
Ablution block	2	920,000
Infrastructure including water and power installations	1 water point 1 high mast lighting	430,000

Source: Impulso-AWEMAC- Ecoplan, 2016

The RAP follows a standard outline as provided by the World Bank OP 4.12 and adopted in the NAMSIP Resettlement Policy Framework (RPF) that forms the scope of this RAP's Terms of Reference (ToR). The level of detail includes results of a socio-economic study that formed the social baseline, a description of compensation and income restoration options, a description of procedures for redress, institutional responsibilities for implementation, an entitlement matrix and budget outlining the source of funds.

Following extensive consultative activities with traders and stakeholders and to ensure smooth transition of the traders from the current market to the temporary relocation site and back to the upgraded/ modern market when completed, the Ministry of Transport, Infrastructure, Housing and Urban Development will provide the following resettlement assistance to the traders during the transition/ resettlement period;

Space for space compensation: each trader to be given alternative space to continue with their business during construction period

Cash compensation: Traders will also be compensated for temporary loss of business income during the transition period.

Resettlement Support: cash compensation for temporary loss of livelihoods during transition period. It will take about 7 days for the traders to relocate to the new temporary market site and during this transition period a cash compensation based on the daily earnings will be provided.

Stall allocation after Construction: All traders (stall owners and tenants) will be allocated a stall each at the new market.

Right to salvage: Each trader will have a right to retain his/her construction materials.

Livelihood restoration: all traders will receive business training. The design has provided for social rooms in the market that will enable the traders to hold meetings, training and other social events. The rooms will also be used as meeting space for the traders' committees.

There are many pieces of Policies and Legislation that relate to displacement of people and this report has reviewed the most relevant. Policies reviewed are: The National Land Policy, the National Poverty Eradication Plan, the NaMSIP RPF and the Nairobi Metro Plan. The pieces of legislation reviewed include: The Constitution of Kenya of 2010, the National Land Commission Act of 2012, the Land Act of 2012, the Land Adjudication Act Chapter 95 of the Laws of Kenya, the Land Registration Act of 2012,

The Urban Areas and Cities Act of 2011, the National Gender and Equality Commission Act of 2011, the Roads Act of 2007, the Valuers Act, Cap 532, the Physical Planning Act, Cap 295, the Prevention, Protection and Assistance to Integrally Displaced Persons and Affected Communities Act of 2012, the Matrimonial Property Act of 2013, the Public Health Act, Cap 242 and the Environmental Management and Coordination Act, Cap 387 as well as other respective policies.

The Resettlement Cost for the Improvement of Juja Market is estimated at budget is **Kes 39,553,800** inclusive of RAP compensation costs.

This report also provides for a Grievance Redress System which PAPs will use to get their resettlement related issues resolved. The RU will establish a committee to oversee the RAP Implementation process. Emphasis is laid on full Resettlement of PAPs and addressing their grievances before actual project commencement. The report includes a schedule for implementation of activities and estimates a time period of 1 year for completion of the entire process. Prompt and fair compensation/ resettlement assistance and clear sources of funding will be in place to ensure timely implementation of the proposed project.

ACRONYMS

AWEMAC:	Africa Waste and Environment Management Centre
CBOs:	Community-Based Organizations
CCTV:	Close-Circuit Television
DPs:	Displaced Persons
DVR:	Digital Video Recorder
EMCA:	Environmental Management and Coordination Act
GDP:	Gross Domestic Product
GIS:	Geographical Information System
GM:	Grievance Mechanism
GRC:	Grievance Redress Committee
GRM:	Grievance Redress Mechanism
HIV/AIDS:	Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome
ICT:	Information Communication Technology
IMU:	Independent Monitoring and Evaluation Unit
IRP:	Involuntary Resettlement Policy
JKUAT:	Jomo Kenyatta University of Agriculture and Technology
MoTIH&UD:	The Ministry of Transport, Infrastructure, Housing and Urban Development
NaMSIP:	Nairobi Metropolitan Services Improvement Project
NEAP:	National Environmental Action Plan
NEC:	National Environmental Council
NEMA:	National Environment Management Authority
NGOs:	Non-Governmental Organizations
NLC:	National Land Commission
NLP:	National Land Policy
NMR:	Nairobi Metropolitan Region
NPEP:	National Poverty Eradication Action Plan
NPGD:	National Policy on Gender and Development
OP:	Operational Policy
PLWHA	People Living with HIV/AIDS
PAPs:	Project-Affected Persons
PDO:	Project Development Objective
PDP	Part Development Plan
PEC:	Poverty Eradication Commission

PRSP:	Poverty Reduction Strategy Paper
RAP:	Resettlement Action Plan
RU:	Resettlement Unit
RUJWASCO:	Ruiru-Juja Water and Sewerage Company
SDO:	Social Development Officer
SMEs:	Small and Medium Enterprises
SMS:	Short Message Service
SOP:	Standard Operating Procedures
WB:	World Bank
WSSD:	World Summit for Sustainable Development

GLOSSARY OF TERMS

Compensation: Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced.

Compulsory acquisition: means the power of the State to deprive or acquire any title or other interest in land for a public purpose subject to prompt payment of compensation;

Census: is a data collection technique of completing enumeration of all PAPs and their assets through household questionnaire. Census's objectives are;

- To prepare a complete inventory of PAPs and their assets as a basis for compensation,
- To identify non-entitled persons, and
- To minimize impact of later influx of “outsiders” to project area.

Cut – off date: The date the enumeration begins. Persons occupying the project area after the cut- off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops and trees) established after the date of completion of the assets inventory or an alternative mutually agreed date will not be compensated.

Displaced persons: Persons who are affected by the involuntary taking or clearing of land or resulting in:

- 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 affected persons must move to another location.

Entitlement: defines a right to receive mitigation measures such as compensation, income restoration, relocation assistance, and other support.

Freehold: means the unlimited right to use and dispose of land in perpetuity subject to the rights of others and the regulatory powers of the national government, county government and other relevant state organs;

Grievance Redress procedures: set out the time frame and mechanisms for resolutions of complaints about resettlement from PAPs. Grievance redress can be provided through informally-constituted local committees with representation from key stakeholder groups. Grievances can also be addressed through formal channels, with unresolved grievances being dealt with at progressively higher levels.

Income restoration/Livelihood restoration/Rehabilitation: means the process to restore income earning capacity, production levels and living standards in a longer term.

Involuntary resettlement: Resettlement is involuntary when it occurs without the informed consent of the displaced persons or if they give their consent without having the power to refuse resettlement.

Land expropriation: Process whereby a public authority, usually in return for compensation, requires a person, household, or community to relinquish rights to land that it occupies or otherwise uses.

Project-affected person: Any person who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily, business, occupation, work, place of residence or habitat adversely affected; or standard of living adversely affected.

Relocation Site (Temporary Site): This is the relocation site which the PAPs will be moved temporarily during the construction phase.

Transition Period: This is the period during which the PAPs will be moved from the market site to the relocation site (temporary site) to pave way for the construction of the market. It also includes the transition from the relocation site back to newly constructed market.

Resettlement Action Plan (RAP): The document in which a project sponsor or other responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project.

Replacement cost: is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs.

- For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.
- For land in urban areas, it is the pre-displacement market value of land of equal Size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.
- For houses and other structures, it is the market cost of the materials to build a Replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

Resettlement assistance: Support provided to people who are physically displaced by a project. Assistance will include transportation, food, shelter, and social services that are provided to affected people during their relocation.

Assistance will also include cash allowances that compensate affected people for the inconvenience associated with resettlement and defray the expenses of a transition to a new locale, such as moving expenses and lost work days.

Socio-economic survey: is carried out in order to prepare profile of PAPs and to prepare for Basic Resettlement Plan. About 20 percent sample of PAPs population is surveyed through household questionnaires.

The survey results are used:-

- To assess incomes, identify productive activities, and plan for income restoration,
- To develop relocation options, and
- To develop social preparation phase for vulnerable groups.

Stakeholders: Any and all individuals groups organizations and institutions interested in and potentially affected by a project or having the ability to influence a project.

Structure owner PAPs: Project Affected Persons who own structures within the project area.

Squatter: means a person who occupies land that legally belongs to another person without that person's consent

Tenant PAPs: Project Affected persons who lease either residential or business premises within the project area.

Valuer: means a valuer registered and licensed to practice as a valuer in accordance with the Valuers Act (Cap. 532);

Vulnerable groups: People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status will be more adversely affected by resettlement than others and who will be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

TABLE OF CONTENTS

ACKNOWLEDGEMENT.....	i
EXECUTIVE SUMMARY.....	ii
ACRONYMS.....	v
GLOSSARY OF TERMS.....	vii
LIST OF FIGURES.....	xiv
LIST OF TABLES.....	xiv
LIST OF PLATES.....	xv
CHAPTER 1: INTRODUCTION.....	1
1.1. Background to Nairobi Metropolitan Services Improvement Project.....	1
1.2. Rationale for Improvement Juja Market.....	2
1.3. Terms of Reference for the RAPs and Key Milestones.....	3
1.4. Anticipated Challenges and Mitigation Measures in RAP implementation.....	4
1.4.1. Anticipated Challenges.....	4
1.4.2. Proposed Mitigation Measures.....	4
1.5. Project Description.....	5
1.5.1. History of Juja Market.....	5
1.5.2. Location of the Market.....	6
1.5.3. Current Market Profile.....	7
1.5.4. Proposed Profile for the New Juja Market.....	8
CHAPTER 2: IDENTIFICATION OF PROJECT IMPACTS AND AFFECTED POPULATION.....	12
2.1 Introduction.....	12
2.2 Mapping.....	12
2.3 Census and Assets Inventory.....	13
2.4 Socio-economic Studies.....	15
2.5 Analysis of Surveys and Studies.....	16
2.5.1 Education and Literacy Levels.....	16
2.5.2 Business Ownership.....	16
2.5.3 Household Size Levels.....	17
2.5.4 Vulnerability Levels.....	17
2.5.5 Number of Employees in the Market.....	18
2.5.6 Types of Trade and Trading Commodities.....	18
2.5.7 Estimated Average Income.....	19
2.5.8 Average Gross Expenditure.....	19
2.5.9 Average Net Profit.....	20

2.5.10	General Household Income.....	20
2.5.11	Distance covered by Traders to the Market.....	21
2.5.12	Tenancy Agreements and Duration	21
2.5.13	Registered Businesses	22
2.5.14	Statistics on Business Ownership.....	22
2.5.15	Statistics on Structures	22
2.6	Project Impacts	22
2.6.1	Categories of Impacts.....	22
2.6.2	Measures to minimize impacts	23
CHAPTER 3: POLICY AND LEGAL FRAMEWORKS.....		25
3.1	Introduction.....	25
3.2	National Policy Framework.....	25
3.2.1	National Environmental Action Plan (NEAP) of 1994.....	25
3.2.2	The National Poverty Eradication Plan (NPEP) of 1999.....	25
3.2.3	The Poverty Reduction Strategy Paper (PRSP) of 2000.....	25
3.2.4	Environment and Development (Sessional Paper No. 6 of 1999).....	26
3.2.5	The National Land Policy (2007).....	26
3.2.6	Public Health Policy of 2014	26
3.2.7	The National Gender Policy of 2001	27
3.2.8	Resettlement Policy Framework (RPF) for NaMSIP, 2011	27
3.3	Relevant Local Laws and Customs for Resettlement.....	27
3.3.1	The Constitution of Kenya of 2010	27
3.3.2	The Environment and Land Court Act, 2012.....	28
3.3.3	The Land Act 2012	28
3.3.4	The Land Registration Act of 2012	29
3.3.5	National Gender and Equality Commission Act, 2011.....	29
3.3.6	The Matrimonial Property Act, 2013.....	29
3.3.7	Kenya Road Act, 2007	30
3.3.8	The Valuers Act Cap 532	30
3.3.9	The Physical Planning Act, Cap 286.....	30
3.3.10	The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012	30
3.3.11	The Sexual Offences Act (NO 3 of 2006).....	31
3.3.12	Urban Areas and Cities Act, 2011	31
3.3.13	The Public Health Act (Cap. 242)	31
3.3.14	Environment Management and Coordination Act, Cap 387.....	31

3.4	Kiambu County Trade and Markets Bill, 2015	32
3.5	International Framework	32
3.5.1	The World Bank’s Involuntary Resettlement Policy (OP 4.12)	32
3.5.2	Similarities Between the Government of Kenya (GoK), and World Bank Guidelines	33
CHAPTER 4: COMPENSATION FRAMEWORK		39
4.1	Introduction	39
4.2	Eligibility for Juja Market Traders.....	39
4.3	Physical Assets	39
4.4	Revenue and Income.....	40
4.5	Entitlement Matrix.....	40
CHAPTER 5: RESETTLEMENT ASSISTANCE AND LIVELIHOOD RESTORATION ..		45
5.1	Introduction	45
5.2	Selection and Preparation of the Relocation site	45
5.3	Juja Market Relocation Site	45
5.4	Influx Management	51
5.5	Relocation Schedule and Assistance.....	52
5.6	Replacement of Services and Enterprises	52
5.7	Livelihood Restoration	53
5.8	Special Assistance for Women and Vulnerable Groups	53
CHAPTER 6: BUDGET AND IMPLEMENTATION SCHEDULE		54
6.1	Budget.....	54
6.2	Implementation Schedule.....	58
6.3	Implementation Timelines.....	58
6.4	Risks to Implementation and Mitigation Measures.....	60
6.4.1	Inadequate Provision for Entitlements	60
6.4.2	Lack of Prior Compensation of PAPs before Moving of the Traders	60
6.4.3	Inadequate Budgeting	60
6.4.4	Sources of Funding	60
CHAPTER 7: INSTITUTIONAL ARRANGEMENTS		61
7.1	Introduction	61
7.2	The Ministry of Transport, Infrastructure, Housing and Urban Development (MoTIH& UD).....	61
7.3	Kiambu County	61
7.4	County Commissioner’s Office and County Administration’s Office	61
7.5	National Environment Management Authority (NEMA)	62

7.6	Market Committees	62
7.7	The Resettlement Unit.....	62
CHAPTER 8: CONSULTATION AND PARTICIPATION.....		63
8.1.	Introduction.....	63
8.2.	Stakeholders Consulted	63
8.2.1	Directly Affected People.....	63
8.2.2	Indirectly Affected Persons.....	63
8.2.3	Government Agencies and Other Organizations	63
8.3.	Resettlement Preparation and Planning.....	64
8.4.	Consultations	64
8.4.1	Consultative Meetings	64
8.4.2	Socio-economic Survey	65
8.4.3	Individual Traders Consultations	66
8.5.	Issues Raised through Consultations.....	67
8.6.	Consultation during RAP Implementation and Monitoring.....	69
8.7.	Dissemination of RAP Information.....	69
CHAPTER 9: GRIEVANCE REDRESS.....		71
9.1	Introduction.....	71
9.1.1	Receiving Grievances	72
9.2	Steps in Dealing with Grievances	73
9.3	Mediation Organizations	73
9.4	Grievance Redress Committee and its Procedures	73
9.5	Mechanism for Appeal.....	77
9.6	Redress Monitoring Mechanism	77
9.7	Closure of Grievance	77
CHAPTER 10: MONITORING AND EVALUATION		79
10.1	Introduction.....	79
10.2	Monitoring and Evaluation.....	79
10.2.1	Internal Monitoring	79
10.2.2	External Monitoring and Evaluation	79
10.3	Methodology for Monitoring	80
10.4	Data Collection	81
10.5	Data Analysis and Interpretation.....	81
10.6	Reporting.....	81
CHAPTER 11. CRITERIA FOR DISCLOSURE		82
REFERENCES		84

ANNEXES	86
Annex I: Terms of Reference.....	86
Annex II: Proposed Detailed Designs and Drawings.....	86
Annex III: Juja Survey Plan/PDP	86
Annex IV: Juja Market Layout Map	86
Annex V: Census and Asset Inventory Tool	86
Annex VI: Minutes of Key Stakeholders’ Meeting 2016	86
Annex VII: Attendance Sheets of Key Stakeholders’ Meeting, 2016	86
Annex VIII: Minutes of Public Consultation Meeting, 2018	86
Annex IX: Attendance Register of Public Consultation Meeting, 2018	86
Annex X: Photographs Taken at the Public Consultation Meeting, 2018	86
Annex XI: PAP Summary Information	86
Annex XII: Grievance Complaints Form.....	86
Annex XIII: Grievance Acknowledgement Form	86
Annex XIV: Grievance Resolution Form.....	86
Annex XV: Sample Monitoring and Evaluation Format.....	86
Annex XVI: Cut of Date.....	86
Annex XVII: Site Relocation Report for Juja Market	86

LIST OF FIGURES

Figure 1: The Nairobi Metropolitan Region	2
Figure 2: Juja Market Location.....	6
Figure 3: Front Perspective of the proposed new Juja Market	9
Figure 4: Roof Elevation.....	10
Figure 5: Layout of the proposed market site and relocation site	12
Figure 6: Type of trading commodity.....	18
Figure 7: Gross Income from the Business per Month in Kshs.....	19
Figure 8: Estimated Gross business Expenditure per Month.....	20
Figure 9: Net Business Profit per Month.....	20
Figure 10: Estimated Total Monthly Household Income.....	21
Figure 11: Location of Current Market	46
Figure 12: View of Proposed Relocation Site	46
Figure 13: Location of Current Market and Proposed Relocation Area	47
Figure 14: Location layout and market site	48
Figure 15: Grievance Escalation Matrix	76

LIST OF TABLES

Table 1: Proposed Arrangement of Stalls in Juja Market.....	8
Table 2: Juja Market Plot Coordinates	13
Table 3: Elements of the census and asset inventory conducted	14

Table 4: Categories of PAPs in Juja Market	15
Table 5: Assets Inventory at Juja Market	15
Table 6: Gender of Respondent * Type of PAP Cross tabulation	18
Table 7: Comparative Analysis between World Bank O.P 4.12 and Kenyan Legal Context with Regard to Resettlement Process.....	34
Table 8: Type of Loss and Entitlements.....	41
Table 9: Entitlement Matrix for Juja Market PAPs.....	42
Table 10: Consultations conducted for selecting the site relocation and responses of interventions to be made by consultants/client	50
Table 11: Proposed RAP Budget for Juja Market	55
Table 12: Schedule for RAP Implementation.....	58
Table 13: Issues and responses	67

LIST OF PLATES

Plate 1: Unused areas in Juja Market.....	5
Plate 2: Juja Traders vending in Open Spaces in the Middle of the Market	6
Plate 3: Poor Waste Management Plan in Juja Market	7
Plate 4: Dilapidated Toilets in Juja Market.....	8
Plate 5: Stakeholder Consultation held at Senate Hotel in Juja	65
Plate 6: Training of Field Assistants at Capital Club, Westlands	66
Plate 7: Census and Socio-economic Survey at Juja Market	67

CHAPTER 1: INTRODUCTION

1.1. Background to Nairobi Metropolitan Services Improvement Project

The Government of Kenya is purposing to improve its economy and decentralize development to County Governments by receiving funds from international organizations like World Bank and other foreign institutions to undertake major development projects at the County Levels through development of Small-holder Enterprises and investment in County Infrastructure. Nairobi Metro 2030 is part of the overall national development agenda for Kenya which is encapsulated in Kenya Vision 2030. Following this effort, the Nairobi Metropolitan Region (NMR), shown in figure 1, through the National Government and respective County Governments intends to upgrade its dilapidated infrastructure, inclusive of markets, in order to achieve an economically, socially and environmentally sustainable modern capital. The Ministry of Transport, Infrastructure, Housing and Urban Development has identified initiatives to address and realize the vision of a World Class City by initiating the Nairobi Metropolitan Services Improvement Project (NaMSIP) whose aim is to strengthen transport, water supply and solid waste management services in the Nairobi Metropolitan Area and to support the institutional development associated with these services.

Nairobi Metropolitan Services Improvement Project (NaMSIP) is a World Bank Funded Project under the State Department of Housing and Urban Development in the Ministry of Transport, Infrastructure, Housing and Urban Development. NaMSIP's mandate is to strengthen service delivery in the Nairobi Metropolitan Region (NMR) on various selected projects by investing in local infrastructure (markets, roads, street lighting, bicycle and pedestrian pathways, drainage, among others) and in providing large-scale metropolitan infrastructure in the areas of trade, solid waste management, transport, sewerage services, among others.

The Project has the following four major components;

- Institutional Reform and Planning
- Local Government Infrastructure and Services
- Metropolitan Infrastructure and Services
- Project Management, Monitoring and Evaluation

Among the select components earmarked for improvement, are fifteen (15) existing and constructed markets within NMR. Although population density in the markets has created opportunities due to concentrated demand for goods and services, employment and land and other natural resources, it has also created concentrated problems such pollution, congestion, encroachment to road reserves and general unsanitary problems within the NMR markets. Juja market is among the 15 markets and one of the 7 markets located in Kiambu County.

A consortium of three local firms (Impulso Kenya Limited, Ecoplan Management Limited and Africa Waste and Environment Management Centre- AWEMAC) was contracted through competitive bidding to undertake Resettlement Action Plans for each of the market. This independent RAP report will focus on Juja Market, located within Kiambu County.

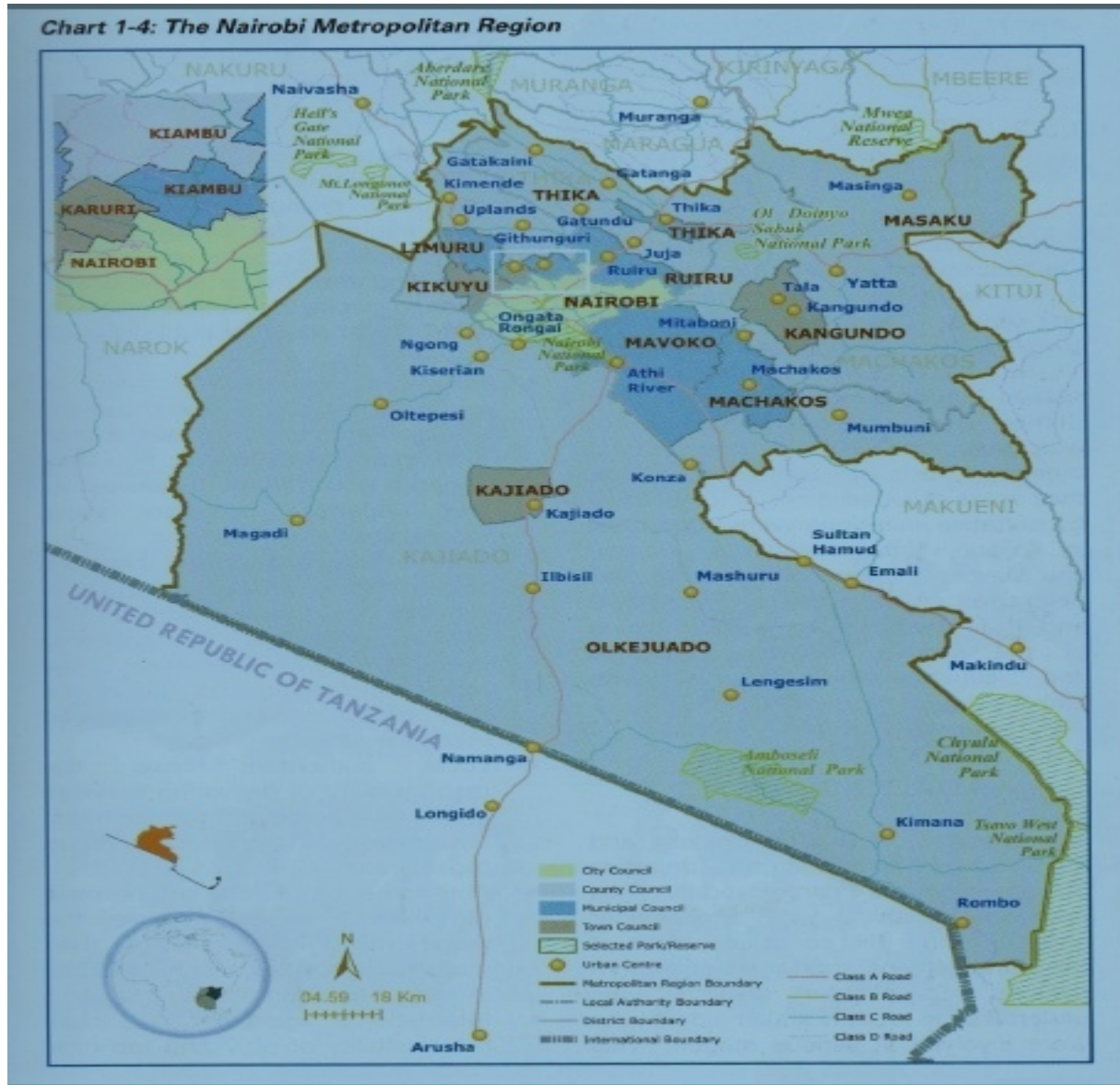


Figure 1: The Nairobi Metropolitan Region

Source: NaMSIP RPF

1.2. Rationale for Improvement Juja Market

The Kenya Markets' 2015 Economic Survey shows the informal sector employed 82.7% of the total employed person in Kenya by the year 2014 (KNBS, 2015 pg. 2). This thus underpins the significance of this sector in the local economy as a developing country. The report further indicates that the private sector is left to take up the biggest share of this role. The organized private sector has been unable to absorb the growing numbers of jobseekers, and the informal sector has stepped in to fill in the gap. Mostly the informal sector works in small and often unregulated businesses.

Traders operating in the markets herein proposed for redevelopment comprise a visible party of this informal sector. The planned infrastructure improvement in their areas of operations will go a long way in encouraging entrepreneurship within a hospitable and dignified environment.

Therefore, rationale for improvement of Juja market is due to:

- Pressures for change, both within and outside the marketing system;
- Changing operational practices within markets – e.g. Changes in user space requirements
- Demographic factors – e.g. Overall increase in population of the city and population shifts within the city and the surrounding areas
- Changes precipitated by new legislation and greater public awareness – e.g. New town planning controls and zoning regulations; new environmental impact and energy conservation controls; increasing Consumer-protection laws, including new public health, food quality and safety regulations
- To obtain an increased value for an asset, allowing higher rents and charges to be introduced;
- To achieve reductions in overall costs (of maintenance, wages, services and other costs);
- To allow the adoption of new operating procedures and equipment; and
- To comply with statutory requirements (such as public health, safety and environmental standards)

1.3. Terms of Reference for the RAPs and Key Milestones

The main objective of the Juja Market Resettlement Action Plan (RAP) is to provide a framework for resettlement and rehabilitation of Project Affected Persons so that their losses owing principally to the markets' improvement and requirement for them to temporarily relocate during the improvement are compensated or mitigated and their standard of living improved or at least restored to the pre-project levels. In this regard, the income earnings potential of affected individuals is restored and their livelihoods sustained. The consultant undertook the assignment by preparing independent RAP report the market as provided in the Terms of Reference as provided in the contract. (*See copy of ToR in Annex I*):

- *Identification of Project Impacts and Affected Population*- This covered: mapping of project area; census of affected populations to identify eligible persons; inventory of affected assets; socioeconomic studies; analysis of surveys and studies and consultation with affected persons concerning assistance benefits and development opportunities
- *Legal and Regulatory Framework*–The consultant reviewed, Pertinent international, national and local laws, regulations, relevant World Bank safeguard policies governing resettlement and rehabilitation of project affected persons will be identified and described and how they relate to the market subprojects.
- *Compensation Framework*: The framework provides valuations, compensation details, eligibility for assistance, entitlement matrix and responsibility and schedule for compensation payments

- *Resettlement Assistance and Livelihood* - The consultant covered the following aspects: selection and preparation of the Relocation site; influx management; relocation schedule and assistance; replacement of services and enterprises; livelihood restoration; treatment of cultural property and special assistance for women and vulnerable groups.
- *Organizational Responsibilities*: The RAP report comprehensively indicates the roles of the Ministry of Transport, Infrastructure, Housing and Urban Development; World Bank, County Governments and the Project Affected Persons (PAPs) (mainly Traders).
- *Consultation and Participation*: In the development of Resettlement Action Plan the Consultant fostered information exchange and highly promoted PAPs and stakeholders' participation as shown in the report.
- *Grievance Redress Mechanism*: The Consultant has provided the procedures of receipt and processing of complaints from PAPs and actions to be taken on any issue raised by them to avail services more effectively.
- *Monitoring and Evaluation*: The report has provided a framework on, performance monitoring, impact monitoring and completion audit.

1.4. Anticipated Challenges and Mitigation Measures in RAP implementation

1.4.1. Anticipated Challenges

- The movement of PAP traders from the current market site to the temporary relocation site and back to the new market may pose a challenge in managing a large number of traders during the transition period.
- There may be misunderstanding among the traders, market committee and the RU in the allocation of stalls at the temporary relocation market and at the new market
- Vulnerable groups (women, youth, aged, disabled) may have challenges transporting their wares and goods from the current market to relocation site and back to the new market.

1.4.2. Proposed Mitigation Measures

- The Kiambu County Government under supervision of NaMSIP and the World Bank has the mandate to oversee and ensure that all the PAPs will each be allocated a stall at the temporary relocation market and at the new market when completed
- The GRM desk will be established at the onset of the RAP implementation process, in order to resolve any resettlement related issues that can quickly be addressed.
- Vulnerable groups (People with special needs, Elderly, People living with HIV/AIDS (PLWHIV), Women and Youth) will be assisted in transporting their wares and goods from the current market to the relocation site and back to the new market

In addition, Kiambu County Government is following up on processing the land ownership documentation of the market site. They have presented the PDP of the area to the Ministry of Transport, Infrastructure, Housing and Urban Development who are currently in the process of getting the Letter of Allotment and Title Deed for the site from the National Land Commission.

1.5. Project Description

1.5.1. History of Juja Market

The market was initially located along the Gachorororo and later relocated to a 5.25 acre piece of land. However, the market currently uses 0.5 acres of the land as the other part is a wetland and prone to flooding. Unused areas are shown in Plate 1 Overleaf. The market is a wholesale and retail center for farm produce and actively operates between 3.00 a.m. to 9.30 p.m. The market hosts approximately 416 traders with some being wholesale suppliers who only report for short durations during the day.

Structures within the market are numbered. Traders without structures are allocated spaces in the middle of the market as shown in the plate below. There is vehicular access to the market but with limited parking space.



Plate 1: Unused areas in Juja Market
Source: *Impulso-AWEMAC- EcoPlan, 2016*



Plate 2: Juja Traders vending in Open Spaces in the Middle of the Market
Source: *Impulso-AWEMAC- Ecoplan, 2016*

1.5.2. Location of the Market

Juja market is located within Juja town, Juja Sub County, Kiambu County (on GPS Point: -1.100896, 37.015718) bordering Kenya Commercial Bank and Jomo Kenyatta University of Agriculture and Technology to the North as shown in the figure 2 below. The market lies on parcel L.R No. 11942.



Figure 2: Juja Market Location
Source: *Google Earth, 2016*

The market has 416 mixed traders ranging from: - vegetables, fruits, clothes and shoes, grains and cereals and ready-to-eat food.

Currently, Kiambu County collects 'cess' from the traders. The County has not rendered much service to this market and the drainage around the market is in a poor condition, water is disconnected and toilets are inadequate. There is a waste management plan as evidenced in the plate below that has a window for improvement. The efficient management of the waste management plan will improve the environmental and working condition of the traders.



Plate 3: Poor Waste Management Plan in Juja Market

Source: *Impulso-AWEMAC- Ecoplan, 2016*

1.5.3. Current Market Profile

- **Clients:** Majority of the population forming the customers of this market are from the neighbouring residential and commercial buildings. The market also borders a university with some of the customers being the student population.
- **Design and market facilities:** The stalls in Juja Market are self-fabricated temporary structures made of iron sheets, polythene and timber.
- **Water:** Water was previously provided by Ruiru-Juja Water and Sewerage Company (RUJWASCO) but was disconnected due to outstanding bills.
- **Loading/ Offloading and parking zone:** There is no designated loading and offloading zone in Juja market. There is no designated parking zone available for customers and traders.

- **Security:** There is no perimeter wall demarcating the market that largely lacks a working security system. Security guards have been hired by the market committee to guard traders’ goods on a 24 hour basis.
- **Sewerage/ Sanitation:** the pit latrines are inadequate. The traders therefore use the available private sanitary facilities near the market. . The plate below shows their dilapidated condition.



Plate 4: Dilapidated Toilets in Juja Market

Source: *Impulso-AWEMAC- Ecoplan, 2016*

- **Solid waste management:** the market has a waste collection point that is emptied on a daily basis by the Kiambu County officials although this model is not efficient as already presented above.
- **Storm water drainage:** There is no storm water drainage system at the market site.

1.5.4. Proposed Profile for the New Juja Market

According to the project’s feasibility study, the most practicable intervention at Juja will be to erect a new and permanent market which will be a multi-level building housing both the existing and future vendors. The designs have made provision for construction of stalls, sanitation and water points as well as waste collection points. In consideration of the market population, a typical arrangement to accommodate all PAPs has been planned as proposed by the market Design Team:-

Table 1: Proposed Arrangement of Stalls in Juja Market

Level	Capacity and Activity
Ground Level	276 retail stalls and entrance C to a loading bay for wholesale stalls, WC/toilets for females/males and disabled, 2 shops, 2 meeting rooms and a janitor’s office Stalls to be used for agricultural produce Perimeter fencing around the plot Solid waste to be provided near the wholesale loading bay.

Level	Capacity and Activity
	Walkways within the market which are large enough to accommodate transporting of good from trucks to the stalls Completed 50 parking bays for customers 4 entrances- A, B, C & D
First Level	208 stalls WC for females/males and disabled, Stalls for hardware goods, household items, salon/barber shop, minimart, washrooms and janitor office
Roof plan	Water tanks and solar panels
Total Stalls	484

Source: Scope Design Systems, 2016

Below are artistic impressions of the proposed improvement for the market. Detailed designs are attached to this report as Annex II.



Figure 3: Front Perspective of the proposed new Juja Market

Source: Scope Design Systems, 2016

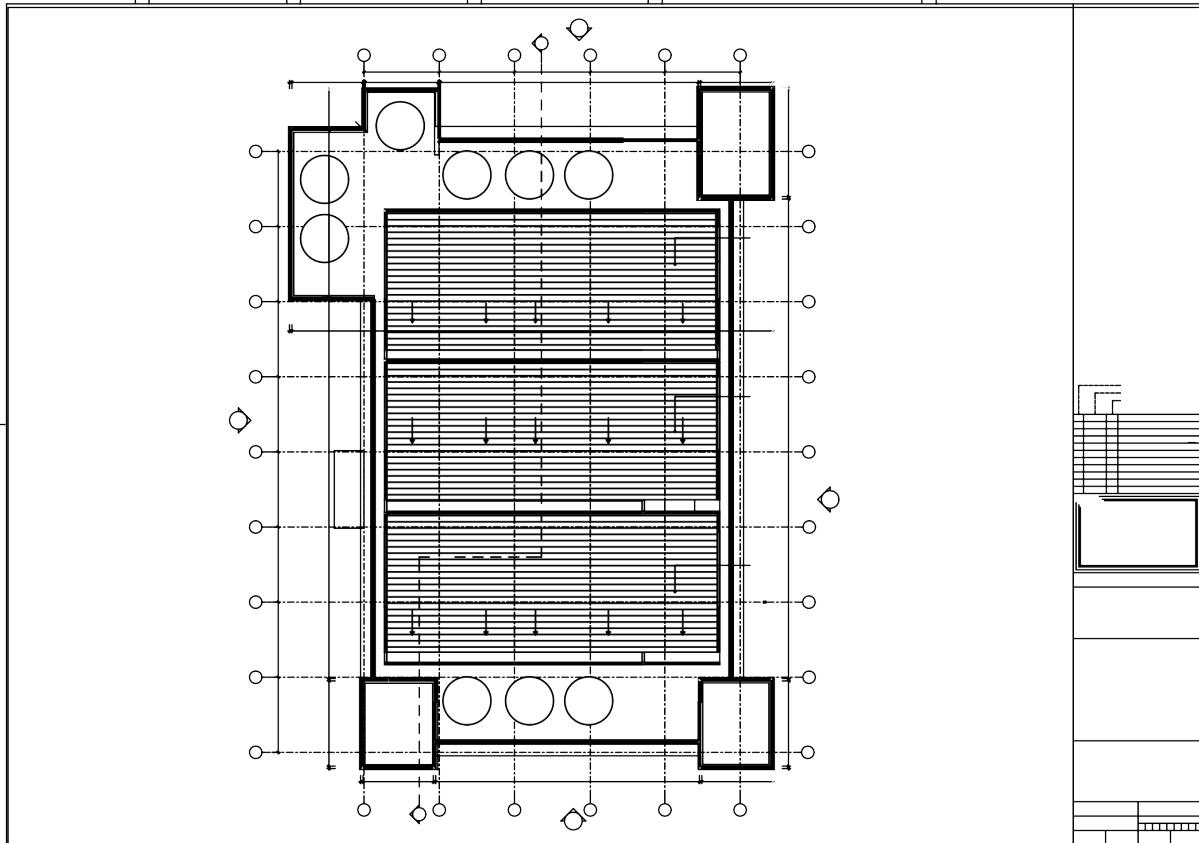


Figure 4: Roof Elevation

Source: Scope Design Systems, 2016

1.5.4.1. Modern Stalls and Facilities

A modern 2-storey building will be put up with the ground floor planned to have 276 stalls and 1st floor planned to have 208 stalls giving a total of 484 stalls. Stalls will be spacious and varied in size according to their use. There will be support facilities such as meeting rooms, banking areas and a food court. For more details on the stall sizes, the designs are attached to this report as Annex II.

1.5.4.2. Accessibility

The road leading to the market has been designed for tarmacking and the neighbouring road that leads to the Thika superhighway is also proposed for improvement.

1.5.4.3. Water Supply and Reticulation

Water supply mainly from RUJWASCO will be piped. It will be supplemented by storage tanks which will be placed on the roof of the new market building. Meters will be installed to monitor water usage.

1.5.4.4. Sanitary Facilities

Toilets will be provided on all floors which will include toilets for disabled persons.

1.5.4.5. Drainage

Rain water drainage: The designs have made provisions for PVC gutter system.

1.5.4.6. Parking

The designs have included a parking lot at the market's entrance area which will also include parking areas for motorcycles. .

1.5.4.7. Loading/Offloading/Service Yard

The loading/offloading area will be situated behind the market and adjacent to the wholesale platform.

1.5.4.8. Fire Fighting

Fire hose reels and fire extinguishers will be located in prime locations to ensure that quick response and corrective action in case of a fire outbreak. Smoke detectors in the stalls and heat detectors in the hotels will be installed to ensure fires are detected early before spreading.

1.5.4.9. Garbage Disposal

Garbage collection points will be located close to the wholesale area since this is where most of the garbage originates. The management team will be responsible for ensuring the garbage is collected neatly in the main receptacles where the county government will collect the waste for disposal to the designated dumping areas.

1.5.4.10. Ventilation

Natural ventilation will be the predominant way of ventilating the market. This is efficient and does not come with high running costs.

1.5.4.11. Power

Electricity will be provided for the market. A central location (Switch room) for distribution of power has been designed to enable safe transmission and metering of the power to different stalls. Power requirement to the stalls will be the responsibility of each individual trader, but the county will pay for the bill accrued to common areas. A high mast flood light will also be provided. Solar panels will be placed on the roof to supplement power from KPLC

1.5.4.12. Security

CCTV cameras located at strategic locations on each floor and the DVR and CCTV monitors located in security rooms.

CHAPTER 2: IDENTIFICATION OF PROJECT IMPACTS AND AFFECTED POPULATION

2.1 Introduction

Identification of impacts of traders’ displacement was the first step in undertaking of the Resettlement Action Plan. This was done in rigorous consultation between, the Juja Market Committee, the market vendors and Kiambu County Government Officials as guided by the available survey documents (Refer to Annex III) and proposed market designs (Refer to Annex II) given to the consultant by the Client

2.2 Mapping

The PDP was used in determining the project boundary and the area size of the market. Mapping out of individual traders and their structures was done and a layout map produced. The layout is attached to this report as Annex IV.

The layout of the proposed market site and relocation site is shown in Figure 5 below.

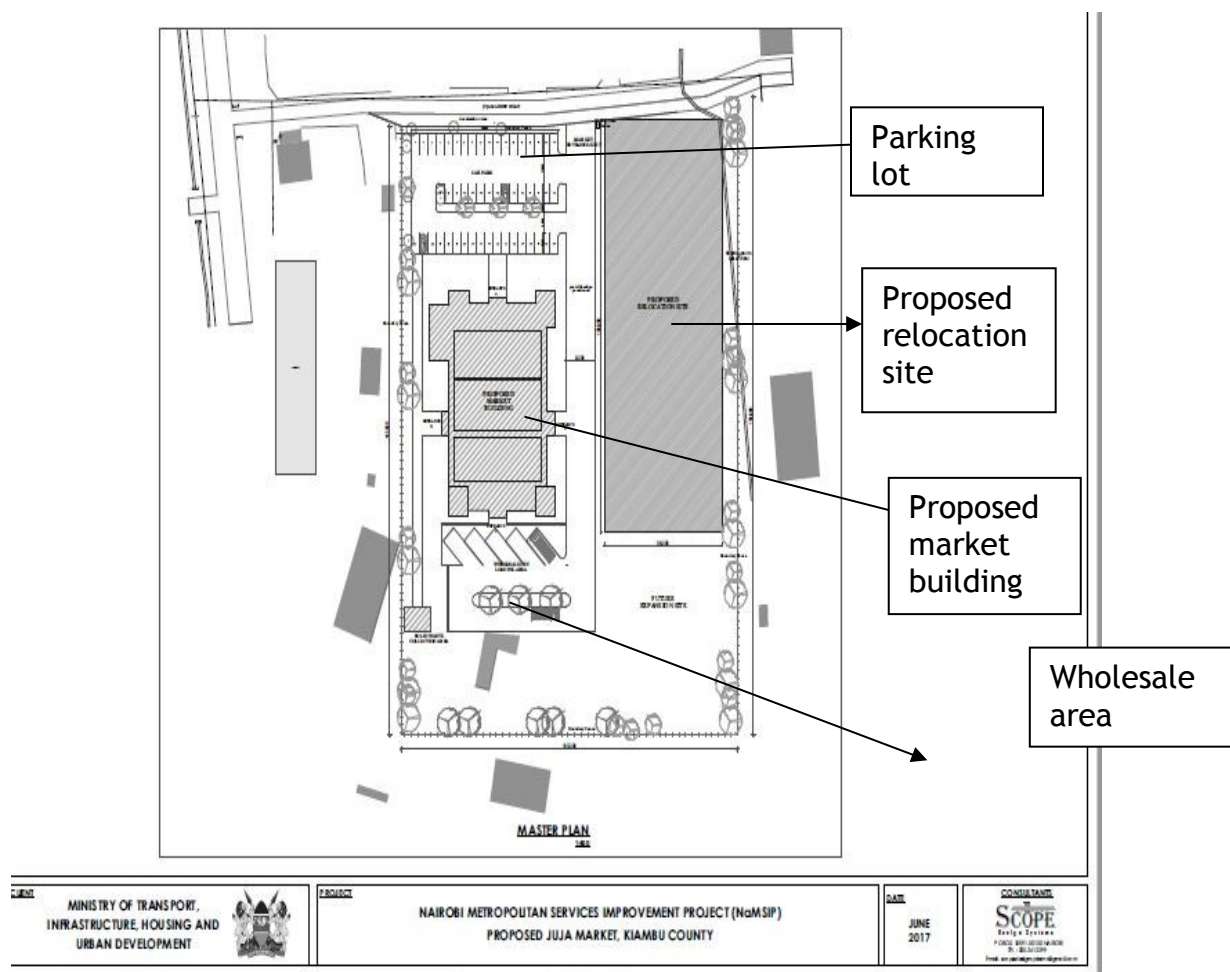


Figure 5: Layout of the proposed market site and relocation site

The area within the boundaries shown on table 2 below comprised the physical scope of the consultant's work.

Table 2: Juja Market Plot Coordinates

	LATITUDE	LONGITUDE
Juja Market Centre	1° 6'3.96"S	37° 0'56.37"E
Corner 1	1° 6'5.00"S	37° 0'56.51"E
Corner 2	1° 6'4.42"S	37° 0'54.31"E
Corner 3	1° 6'7.08"S	37° 0'56.65"E
Corner 4	1° 6'3.77"S	37° 0'59.21"E
Toilets	1° 6'5.02"S	37° 0'57.95"E

Source: Impulso-AWEMAC- Ecoplan, 2016

2.3 Census and Assets Inventory

The consultant undertook a comprehensive census in collaboration with the market committee officials and relevant County officials. The objectives of the traders' census were as outlined: -

- To determine whether or not an Involuntary Resettlement OP 4.12 was triggered
- To enumerate and collect basic information on the affected population; and develop a clear definition of the "Project Affected Persons". This provided an estimate of displacement and asset losses. Such documentation was important in ensuring that all potentially affected persons were included.
- To conduct an assessment of the impacts of the displacement to the identified PAPs and host community
- To register the affected population by business or locality or zone/ section;
- To establish a list of legitimate beneficiaries before the project's onset that counters spurious claims from those moving into the project site solely in anticipation of benefits;
- To lay a framework for subsequent socioeconomic research needed to establish and to design, monitor, and evaluate sustainable income restoration or development
- To provide suggestions for alternative land for temporary relocation of the Displaced Persons to avoid or minimize displacement interventions; and
- To provide a baseline for monitoring and evaluation.

A census and asset inventory tool is attached to this report as Annex V. The census was structured thus:

- Twenty (20) Field assistants were recruited in June, 2016 and training undertaken on 21st June, 2016 at Capital Club, Westlands. The training was undertaken jointly by the RAP Team Leader, the Assistant RAP team leader, the project valuer assisted by all other project consultants. The content of the training included an introduction to the NaMSIP project, guidelines on how to interview potential PAPs and how to capture asset information.
- The census and asset inventory tool was then subjected to field testing with a few of the field assistants in pairs with the guidance of the project valuer and project technical experts. The field assistants were then paired before being dispatched for data collection to ensure efficiency of the exercise and for security purposes.

- Stakeholder meetings were held with key stakeholders who included the market officials, Kiambu County officials and local representatives so as to create awareness and gain public acceptance and ownership of the intended project (see minutes in Annex VI and attendance sheets in Annex VII).
- A public consultation and participation meeting that involved the PAP traders and their market and local leaders was held on Monday 5th February 2018 at the Juja Market (Refer to Minutes of the meeting in Annex VIII, Signed Attendance Register in Annex IX and associated Photos in Annex X).
- During the census, field supervisors with the help of market committee members identified Project Affected Persons (PAPs) and registered them with forms that bore traders’ personal details, stall and business ownership details and unique serial numbers. The forms were left with traders as proof that they had been enumerated and not a guarantee of stalls in the new market. Traders were also required to provide copies of their IDs for record purposes.
- The GIS expert then used the given stall numbers to map out stalls in the market. Shared stalls were clearly indicated on the map and where no stalls existed the ground numbers were used. In the absence of stalls and ground numbers the map was not populated with data since it was impossible to determine which space belonged to which trader. A major challenge on establishing the GIS information of each PAP was that the stalls were so close to each other and GPS gadgets have error margins of about 4 to 6M, thus it was impossible to capture GIS information of each PAP.
- Census and assets inventory surveys: PAP registration and mapping was followed by a census and assets inventory surveys done by well-trained field assistants. Survey questions were both qualitative and quantitative and included details of type of business, business and household income, business ownership and views on the proposed project.
- After registration and interviewing, passport size photographs of all the identified traders were then taken right at the market where the traders did their businesses. Photography experts were enlisted to take photos and reconcile them with the given serial numbers. Photographs of traders were taken at their respective stalls/ trading areas.
- The filled questionnaires were then processed by a statistician.

Table 3: Elements of the census and asset inventory conducted

Census and asset inventory	Information sources
Determining eligibility for entitlements	<ul style="list-style-type: none"> • Registration records with onsite verification • Accounts of fellow traders and market leaders
Determining categories of entitlements	Information from field surveys regarding type and extent of impact
Providing basis for valuation and compensation	Onsite assessment of quality and quantity of affected assets and possible income losses

Source: *Impulso-AWEMAC-EcoPlan, 2016*

A total of 416 PAPs were enumerated. All of the traders were trading in informal structures, which were temporary in nature. A summary of PAPs information is attached

to this report as Annex XI. PAPs were categorized into 4 main types as shown in the table below:

Table 4: Categories of PAPs in Juja Market

S/N	Type of PAP	Number in Juja Market	Proportion of total
1.	Owners of stalls only	19	4.57%
2.	Owners of businesses only	122	29.33%
3.	Owners of both stalls and businesses	269	64.66%
4.	Employees of traders	6	1.44%
Total		416	100%

Source: Impulso-AWEMAC-EcoPlan, 2016

Note: 1, "Owners of stalls only" do not trade in their stalls but have rented them out to their tenants.

Inventory of Affected Assets- The consultant undertook a detailed survey of all losses that would be incurred by the traders. The survey accounted for loss of temporary physical assets as well as temporary loss of income. Assets were delineated according to whether they are privately owned by individual PAP traders or publicly owned by Kiambu County Government. This was done in close consultation with affected traders and a reasonable consensus on the methods and formulas for assigning value to lost assets and income forgone during resettlement was reached.

The tables below show an inventory of all assets on site and their estimated value.

Table 5: Assets Inventory at Juja Market

Type of Asset	Number/Quantity	Estimated cost (KSHS)
Structures	288	4,320,000
Ablution block	2	920,000
Infrastructure including water and power installations	1 water point 1 high mast lighting	430,000

Source: Impulso-AWEMAC-EcoPlan, 2016

2.4 Socio-economic Studies

Initial public consultative meetings were held where the public was given an overview description of the market project and the processes involved in realizing the project. They also participated by providing feedback and asked questions regarding the project social and environmental impacts. The socio-economic survey was undertaken from 9th to 11th November, 2016 and whereby 416 PAPs were interviewed to establish the baseline socioeconomic characteristics of the traders within the project boundaries and who are likely to be affected by the proposed market improvement. The survey results in this chapter give a fair picture of the socio-economic aspects of the people likely to be affected in terms of demographic, social and economic profiles. These results are important for resettlement planning and providing appropriate compensation for the losses suffered. They have also facilitated the development of appropriate options for the affected people because the exercise involves resettlement hence caution has been taken to formulate plans to restore and improve the quality of life of the affected persons.

A substantial amount of household-level socioeconomic data was collected during the census and inventories of assets in close collaboration with identified market key stakeholders. These were the market committee officials (Chairlady and her assistant, secretary and her assistant). The livelihood strategies of the affected persons in the market is fairly uniform. It was however, seen prudent to survey all other possible income sources in order to calculate income loss resulting from market improvement as a proportion of total household income.

Therefore, the consultant undertook the socioeconomic studies and collected additional quantitative (supported by qualitative) information in two important areas:

- 1) Household-level income streams and livelihood strategies that could not be identified in the census and assets inventory surveys; and
- 2) The structure, organization, and economic inter-dependencies within the market communities that is likely to be affected by the project.

Analysis of these data helped identify those traders who will likely be affected most by the temporary physical or economic displacement.

2.5 Analysis of Surveys and Studies

Analysis of the data collected in the census, assets inventory and socioeconomic studies were analyzed by the use of qualitative and quantitative statistical methods and the results thereof served to: Provide information needed to establish an entitlement matrix; Yield basic economic and social information needed to design appropriate livelihood restoration and redevelopment interventions; and provide quantifiable demographic, economic, educational, occupational, and health indicators for future monitoring and evaluation of RAP implementation.

This section has statistical tables and charts showing the analyses done and the findings thereof.

2.5.1 Education and Literacy Levels

In the context of the level of education, majority 53.4% of the traders have at least basic primary level education with those having secondary education being at 36.8%. Those with tertiary education are at 7% of the traders. Those who are not having any form of formal education at all are at a paltry 2.9%. Further to this, in the context of languages spoken, majority 60.1% of the traders are able to communicate in both English and Swahili languages while those who are able to communicate in Swahili only form the second majority at 36.8%. Those speaking English and local dialect are at 0.7% and 2.4% respectively. This implies that the population of the traders is fairly literate and can relate with the information they are provided with competently.

2.5.2 Business Ownership

In the context of business ownership, majority (275 of businesses) in this market are owned by women while men only own 124 of business in this market. Further the number of employees is 7 women and 6 men in the business within this market. In the context of type of project affected persons, majority (195) are women who own both the stall and business compared to men who own only a paltry 73 of the businesses and stalls in this market.

2.5.3 Household Size Levels

The average household size of the traders in this market is 4 people per household. Further majority 70.9% of the households have between 1-5 people, followed by those households that have between 6-10 people (26.7%) and those with >10 people are a paltry 2.4%. In these households, the average number of males (for those households with males) is 3 forming 92.6% of the households while those with females are having an estimated average number of 3 women. Further to this, majority (365) households have got between 1-5 adults while 42 households have got between 6-10 adults and those with more than 10 people are only 2. Those families with no adults at all are 7.

2.5.4 Vulnerability Levels

In the context of this RAP, vulnerable PAPs include the disabled, elderly, women headed households and persons living with HIV/AIDS. Majority 54.6% of the households have got between 1-2 children. Those with 3-4 children are 20.9% of the families while those with between 5-6 children are 2.4% and those with between 7-8 children are 0.5%. Those families with no children at all are 21.6%. The estimated average number of children in these households is 2. Households with members who are more than 65 years old are only 21 households forming 5% of the traders. The physically challenged people within the traders' households are only 8 translating to 1.9%. Further only 1 trader is physically challenged. The physically challenged traders, elderly traders, households headed by women traders will be provided with transportation to move their products from the market to the temporary market and back to the permanent market. They shall be allowed to move first before other PAPs. Plans will also ensure that they are allocated stalls in the new market near ramps or near the door of the market or on ground floor.

2.5.4.1. Gender and age analysis

Majority (284) translating to 68.3% of the traders are females while males form 132 traders translating to 31.7% of the traders. Of these, majority 65.4% (272) of the traders are married, 19.2% (80) of the traders are single while those who are widowed, separated and divorced are at 8.4% (35), 6.7% (28) and 0.2% (1) respectively. This implies that a large number of families depend on the proceeds of the traders from the markets and majority are female headed households. In the context of age, majority of the traders are fairly youthful with majority 94.4% being between the ages 18-60 yrs old. Those who are above 60 years old for 5.3% of the traders while those who are below 18 years old is a paltry 0.2%.

However, there are some female PAPs who bring their children to the market as they trade. During consultations with the PAPs, they were asked if the designs could include a baby crèche for the children, a place to leave their children as they traded. They confirmed they needed such a space. The designs have since been revised to provide for this baby crèche.

Table 6: Gender of Respondent * Type of PAP Cross tabulation

Count		Type of PAP		Total			
		Owner of stall only	Owner of business only (trader only)	Owner of both stall and business	Employee in the market		
Gender of Respondent	Male	7	47	73	4	132	
	Female	12	75	195	2	284	
Total		19	122	268	6	416	

Source: *Impulso-AWEMAC- Ecoplan, 2016*

2.5.5 Number of Employees in the Market

Majority traders (357) translating to 85.6% of the businesses do not have employees while those having employees are 60 business averagely having 2 employees. Further to this, only 1.9% of the businesses or 8 business/traders own more than one stall. Those who have got 1 stall/sublet owned are 6, those with 2 other sublet/stall owned are 3 while those with other 7 stall/sublet owned are 2.

2.5.6 Types of Trade and Trading Commodities

In the context of the type of business the traders are involved in, majority 41% of the traders are in retail business while those who are doing wholesale business are 37% of the traders. Further, those who are doing both retail and wholesale business are 22%.

The trading commodity in this market varies a great deal with majority 89.4% doing groceries and food stuff vending. Those doing clothes and shoes are 6.7% followed by those doing shop/M-Pesa shops being at 3.6%, with those doing manufacturing and motor spare parts being a paltry 0.2%.

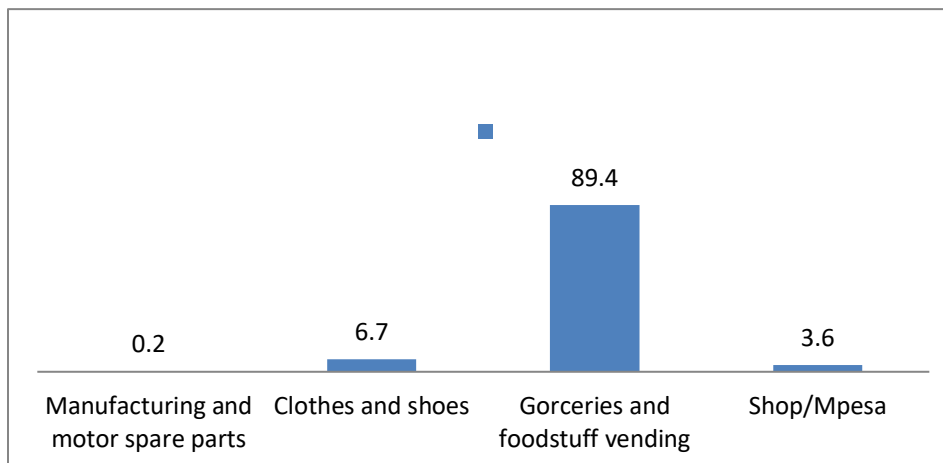


Figure 6: Type of trading commodity

Source: *Impulso-AWEMAC- Ecoplan, 2016*

2.5.7 Estimated Average Income

The estimated average income from the businesses in this market is Kshs 37,990. Of this majority 22.4% of the traders earn between Kshs 1,000-10,000 while those getting between Kshs 11,000-20,000 are at 17.3%. Further, significant 13.2% of the traders earn between Kshs 21,000-30,000. It is imperative to note that significant 10.8% of the traders have got a gross income of more Kshs 100,000. Further, with those who earn Kshs 51,000-60,000 at 7.9%, 61,000-70,000 at 2.2%, 71,000-80,000 at 1.4% while 81,000-90,000 at 1.2% with those on Kshs 91,000-100,000 at 4.6%. It can thus be argued that 28% are generating of more than Kshs 51,000 per month with those not having income being a paltry 1.9%. Conclusively, majority 70% of the traders earn below Kshs, 50,000 in terms of business income from the businesses per month.

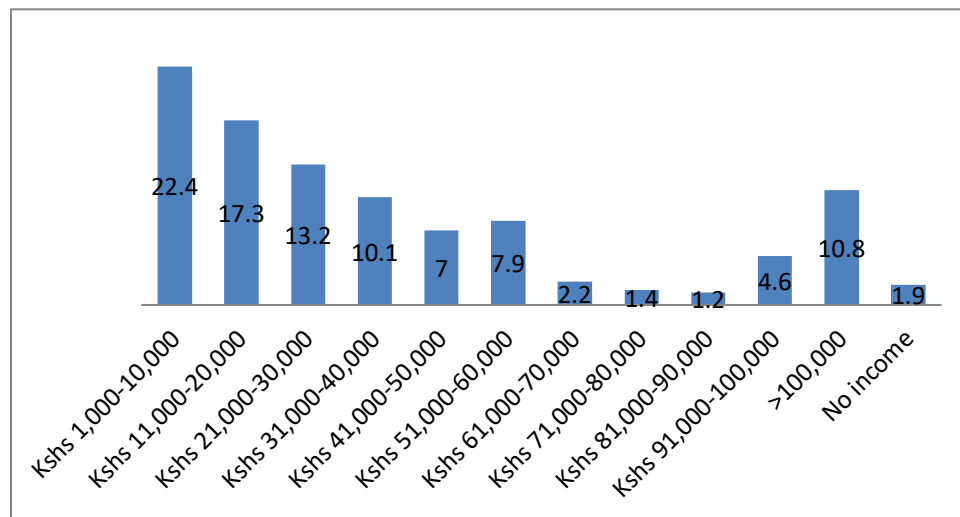


Figure 7: Gross Income from the Business per Month in Kshs

Source: *Impulso-AWEMAC- Ecoplan, 2016*

2.5.8 Average Gross Expenditure

The estimated average gross business expenditure per month is Kshs 27,108. Of these, majority of the traders spend between Kshs 1,000-10,000 at 41% followed by those who spend between Kshs 11,000-20,000 at 17.5%. Further, those who spend between Kshs 21,000-30,000 and Kshs 31,000-40,000 are at 9.6% and 5.8% respectively. This implies that the traders inject little in their business thus having a direct impact on what they stock and finally receive in terms of their monthly income from the businesses.

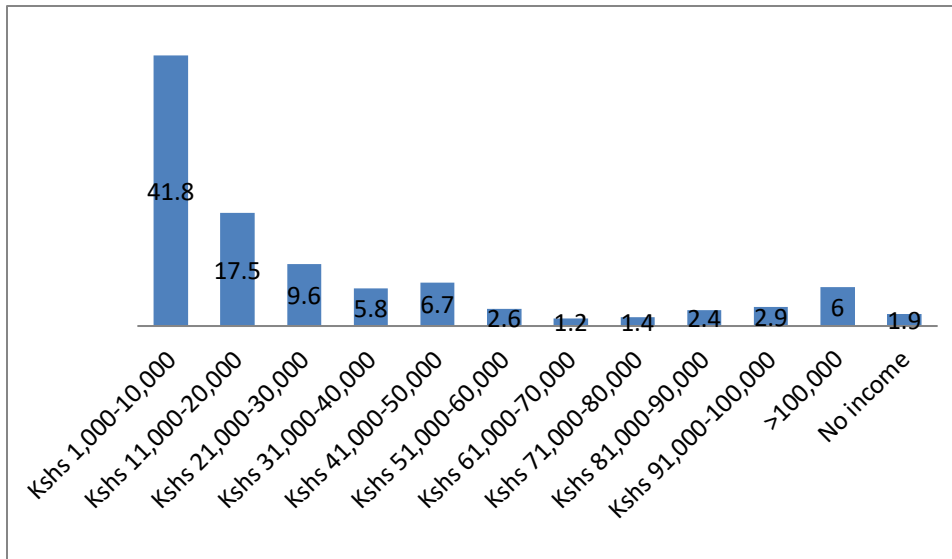


Figure 8: Estimated Gross business Expenditure per Month

Source: Impulso-AWEMAC- Ecoplan, 2016

2.5.9 Average Net Profit

The estimated average net business profit per month is Kshs 14,485. Of these, majority 54.3% of the respondents make a profit of between Kshs 1,000-10,000. This is followed closely by those who earn a profit of between Kshs 11,000-20,000 at 23.8%. It dwindles as the amount of profit earned goes up. This implies that the traders do not make much money from their businesses and possible improvement of trading areas can result into more profit for the businesses.

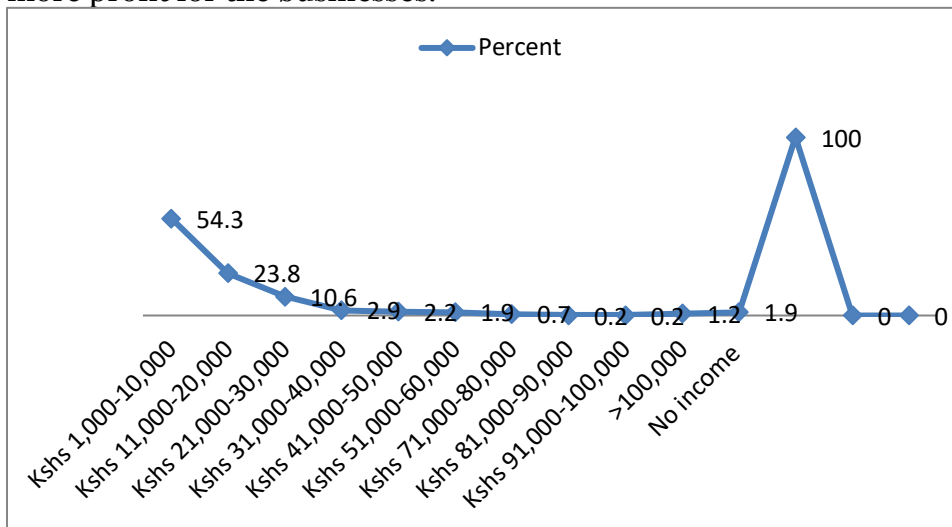


Figure 9: Net Business Profit per Month

Source: Impulso-AWEMAC- Ecoplan, 2016

2.5.10 General Household Income

Majority 45.2% of the traders’ households have got a household income of between Kshs 1,000-10,000. This is further followed closely by those who earn between Kshs 11,000-

20,000 at 28.1%. Those who have got income of between kshs 21,000-30,000 are at 10.8% while those who have got a family income of between Kshs 31,000-40,000 are at 5%. This implies that majority of the traders in this market make household income of Kshs 40,000 and below. The estimated average household income of traders in this market is Kshs 15,690 per month. When this is compared with the net profit made by the traders per month, it implies that the traders only depends on the market businesses/trading activities as their main source of income as the variance is not very big. This implies that incase of any disturbance/displacement; the traders’ families would be greatly affected. This therefore necessitates for the compensation for loss of business income during the transition period.

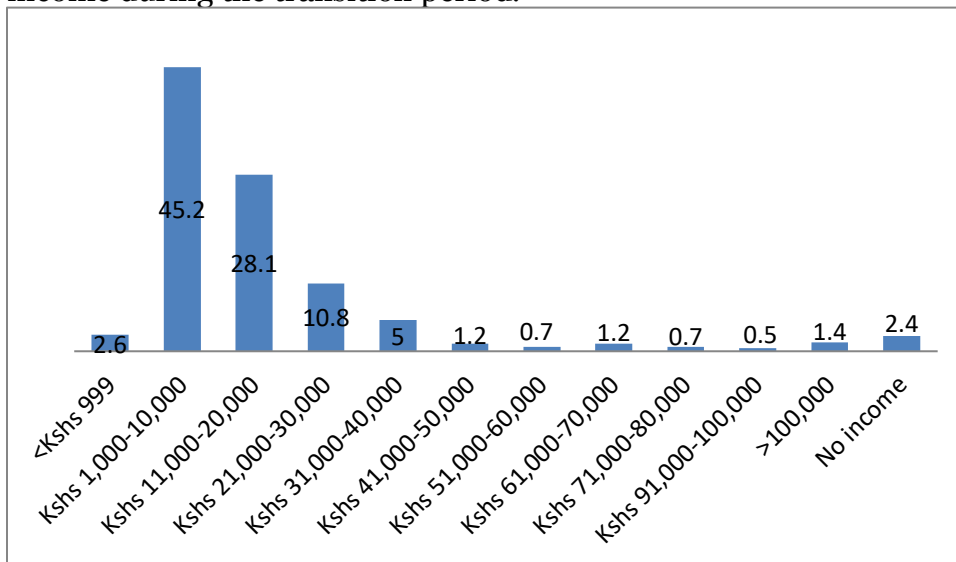


Figure 10: Estimated Total Monthly Household Income

Source: *Impulso-AWEMAC- Ecoplan, 2016*

2.5.11 Distance covered by Traders to the Market

In the context of the distance covered by the traders from the market to their homes, majority (45%) of the traders cover 1-5 km while those who cover less than 1 kilometer are 32.4%. Further, those who cover 6-10 km are 9.6% while those covering more than 10 km are 8.9%. Those who are not covering any kilometers to the market are 4.1%. This implies that majority 77.4% of the respondents cover less than 5 kilometers to the market and their proximity to the market have got a correlation to what they spend in their business hence a cost cutting mechanism.

2.5.12 Tenancy Agreements and Duration

In the context of duration of tenancy, majority 47.4% of the respondents have traded in the market for a period of between 1-5 years. This is followed by those who have stayed in the markets as traders for a period of 6-10 years being 23.8%. Cumulatively, those who have stayed in the market for a period of 1-10 years form 71.2% of the traders. This implies that there is social capital and spirit of connectedness that has been built among the traders over time that can be harnessed.

2.5.13 Registered Businesses

In terms of registered businesses in this market, majority (401) of the businesses are not registered while those that are registered only being 15. Further, of the unregistered, majority (325) have fixed premises while 76 are mobile vendors. Registration of business forms an important aspect of income generation for the county government further promoting market management.

2.5.14 Statistics on Business Ownership

In terms of ownership of the business premises, majority (309) of the businesses are privately owned while 52 are owned by the county. Further 4 business premises are rented while the ownership of 51 businesses premises is not clear. For those who pay rent, 1 trader pays less than Kshs 5,000 while the other pay Kshs25, 000-30000 making those who pay rent to be only 2. This implies that majority of the traders do not pay rent. Majority 255 of the traders pay cess of Kshs 501-1000 per month while 137 traders pay <500. Those who pay Kshs 1001-1500 are 3 while those who pay Kshs 1501-2000 are 5 and those paying over 2000 are 5. Those who are not paying any cess are 11.

2.5.15 Statistics on Structures

Majority (256) of the traders in this market do not have structures, while those who have temporary structures are 159 with only one (1) trader having a permanent structure. Majority (264) of the floors where trade is done has got nothing while those that are earthen are 148. Three (3) traders have iron sheets on the floors while only one (1) trader has got cement. The walls vary with majority (281) not having anything on the walls, 63 of the traders enumerated have got polythene while 69 have got wooden/cardboards while only 3 has got iron sheets. Majority (355) of the traders business places do not have trading base counters while 53 traders have trading counters made of wooden bases, 7 sacks and 1 iron sheet. 288 traders do not have any roof over their trading areas, those having roofs made of polythene sheets and wooden posts are a meager 113 while those with roofs made of iron sheets are 15. The traders have devised other methods such as the use of rags and wire.

2.6 Project Impacts

2.6.1 Categories of Impacts.

The project plan for Juja market is to have traders displaced from construction sites during the construction period of the project. The market will therefore not be accessible to the traders during this project period. However, provisions have been made to move PAPs to a nearby relocation site where they will continue trading without interruptions.

PAPs will move their structures to the relocation site during the transition period. The PAPs business operations will be interrupted for a few days as they move to the relocation site and move back to the new market. The RU has planned that disruptions will be minimal as notices to the PAPs will be given out promptly. PAPs will be consulted at each stage to minimize confusion and tension during the movement days.

There will be instances where PAPs goods may not be secured during the movement of PAPs from the current market to relocation site and back to the new market. The designs

have provided for a high mast security floodlights at both the relocation site and the new market to enable PAPS continue selling their wares even at later hours of the evenings.

The market's water supply is currently not adequate and the PAPS moving to the relocation site and the new market may also face the same challenges. The designs have made provisions for adequate sanitation and water facilities at both the relocation site and the new market. A borehole will be drilled and water pumped into overhead tanks erected at the new market building.

Solid waste management at the market is poorly done as the county government hardly collect waste at the market on a daily basis. The heaps of waste which are not collected will pose environmental and health hazards. The designs have made provision for solid waste disposal and collection points made at the relocation site and at the new market. The proposed market management model has come up with proposals on how county governments should manage markets under NaMSIP program, as well as other public markets in Kenya.

Currently, the market is prone to flooding during the rainy seasons, leading to stagnation of water at the trading areas which is neither conducive for the traders, their clients/customers nor suppliers. This flood prone environment is therefore good breeding grounds for mosquitoes which is an unhealthy working environment for the traders. It compromises on the hygiene status of the goods sold at the market as well. The relocation site, which is adjacent to the market, has similar characteristics and furthermore resulting into blockage of sewer and storm water drainage systems. The engineering designs for the proposed new market and associated relocation site have provided for engineering solutions to solve this problem. The contractor will prepare the relocation site and provide it with adequate sanitation and water facilities before the PAPS move to it.

During the new market and relocation site construction period, the neighboring communities and construction workers will be exposed to dust and noise impacts. The ESMP clearly states that the contractor will manage these impacts during the construction period.

2.6.2 Measures to minimize impacts

During Project construction, consideration will be given to minimizing the scope of physical and economic displacement associated with the Juja Market Project through:

- The RAP Implementation Plan has been prepared and included in this report but will be implemented by a Consultant to be procured and contracted by the client.
- The RAP validation process will involve disclosure of entitlements to the PAPS. The process will include a validation of the PAPS to ensure only eligible PAPS are resettled.
- During the transition and resettlement process, a clear communication plan prepared by the communication experts will guide the PAPS and stakeholder engagement, giving notices to PAPS to move from the current market to the relocation site and back to the new market as well as disseminate relevant information to the PAPS in a timely and organised manner.
- The design team have prepared a relocation site layout map to assist the resettlement unit manage movement of PAPS from the current market to the relocation site and back to the new market.

- Prior compensation of all the traders for loss of business income before commencement of any civil works at the proposed site.
- Efficient Design of Project Infrastructure
- Management of influx of people from other markets and business areas
- Adhering to the ESMP to minimise social and environmental impacts
- Efficient internal and external Monitoring of RAP implementation process by RAP experts and the proponent

In terms of design of project infrastructure, careful attention has been taken to avoid and minimize interference of existing infrastructure around the market. The Juja Circuit road and associated drainage system which has recently been upgraded under NaMSIP project is and will remain the main access road to the current and proposed market respectively. Care will be taken to maintain it during the construction period of the proposed market.

CHAPTER 3: POLICY AND LEGAL FRAMEWORKS

3.1 Introduction

This chapter describes the relevant local and international policy and legislation that will apply to the resettlement of Project Affected Persons in the Juja Market improvement project.

3.2 National Policy Framework

The Republic of Kenya has a policy, legal and administrative framework relevant to the project in matters resettlement of Project Affected Persons.

Below are details on the relevant laws and policies applicable in the country.

3.2.1 National Environmental Action Plan (NEAP) of 1994

The National Environment Action Plan (NEAP) for Kenya was formulated in 1994 through a consultative process involving various stakeholders. The action plan was aimed at integrating environmental considerations into the country's socio-economic development. The integration process was to be realized through development of a comprehensive framework that ensures linkage of environmental management of natural resources to decision-making processes. The NEAP also established the process of identifying environmental problems and issues, awareness raising, building national consensus, defining policies, legislation and institutional needs, and planning environmental projects.

The Juja Market redevelopment project will be in line with this plan by ensuring that environmental services are enhanced. It is relevant to the extent that environmental concerns will arise in the relocation area.

3.2.2 The National Poverty Eradication Plan (NPEP) of 1999

The National Poverty Eradication Plan (NPEP) was formulated with an objective of reducing the high levels of poverty in Kenya by 50 percent by the year 2015, as well as to strengthen the capabilities of the poor and vulnerable groups to earn income. The plan also aimed at reducing gender and geographical disparities in order to create a healthy, better-educated and more productive population. The formulation of the plan was guided by the goals and commitments agreed during the World Summit for Sustainable Development (WSSD) of 1995. The plan therefore focuses on the delivery of four WSSD themes of poverty eradication; reduction of unemployment; social integration of the disadvantaged people and creation of an enabling economic, political, and cultural environment through development of transport and communication sector. The plan is implemented by the Poverty Eradication Commission (PEC) that was established in collaboration with various Government Ministries, bilateral and multilateral donors, the private sector, Community Based Organizations (CBOs) and Non-Governmental Organizations (NGOs). The NPEP is relevant since the proposed market redevelopment since it will create an enabling environment that will contribute immensely in the enhancement of economic growth to the traders

3.2.3 The Poverty Reduction Strategy Paper (PRSP) of 2000

The Poverty Reduction Strategy Paper (PRSP) for Kenya has the broad objective of reducing poverty and promoting economic growth. This Strategy Paper articulates Kenya's

commitment and approach to tackling endemic poverty through involvement of the poor communities in both rural and urban areas in various socio-economic development activities. The proposed redevelopment, during and after implementation will offer various employment opportunities to Kenyans and will therefore contribute directly towards the realization of the broad national goal of reducing poverty in the country. In addition, the project would stimulate economic development by creating an enabling environment for other key sectors of the economy to thrive by acting a central activating nod.

3.2.4 Environment and Development (Sessional Paper No. 6 of 1999)

Kenya's policy paper on Environment and Development was formulated in 1999. The policy paper defined approaches that will be pursued by the Government in mainstreaming environmental issues into development. The policy harmonized environmental and developmental objectives with the broad goal of achieving sustainable development. The policy paper also provided guidelines and strategies for government action regarding environment and development. This policy is relevant to the proposed development project in view of the potential impacts on the environment and involvement of the public in project planning.

3.2.5 The National Land Policy (2007)

Land Policy in Kenya is guided by the environmental management principles which are aimed at restoring environmental integrity through introduction of incentives and encouragement of use of technology and scientific methods for soil conservation, among others. The policy also recognizes that sustainable management of land based natural resources depends largely on the governance system that defines the relationships between people, and between people and resources. To achieve an integrated approach to the management of land-based natural resources, all policies, regulations and laws dealing with these resources need to be harmonized with the framework established by the Environmental Management and Coordination Act (EMCA) 1999.

The National Land Policy (NLP) presents policy recommendations on issues of land rights and provides for strategies on dealing with land rights of vulnerable groups, minority groups, refugees and internally displaced persons, informal settlements, children and people living with HIV/ AIDS. The same section provides guidelines on gender and equity principles relating to land rights on matters to do with land and resettlement. The NLP is relevant to the proposed project in that it will give guidance, together with other land laws, on dealing with land issues during development of the project, any land acquisition if necessary and resettlement.

3.2.6 Public Health Policy of 2014

The public health policy calls upon the project proponents to ensure that buildings are adequately provided with utilities so that they are fit for human habitation and use. The market ought therefore to be provided with all amenities/utilities that are essential for safeguarding public health for all people using the facilities and those that will be living in the neighborhood such as sufficient ablution blocks, solid waste management and a connection to the existing sewerage system. The traders' living conditions and welfare in the relocation area will be not deteriorate during the construction period.

3.2.7 The National Gender Policy of 2001

The purpose of the Gender Policy is to institutionalize the Kenya National Policy on Gender and Development (NPGD), within Gender, Children and Social Development. It articulates the policy approach of gender mainstreaming and empowerment of women at the grassroots level. The policy seeks to have a society where women, men, children and persons with disabilities enjoy equal rights, opportunities and a high quality of life. This plan has in depth addressed gender and development matters touching on women, children and the persons living with disability which will be implemented during the implementation phase of the RAP.

3.2.8 Resettlement Policy Framework (RPF) for NaMSIP, 2011

The RPF will guide implementation of NaMSIP civil works packages to provide safeguards against adverse impacts of displacement and consequent disruption of livelihoods of the affected persons. The RPF has been prepared in conformity with the World Bank Safeguard Operational Policy, OP 4.12 – Involuntary Resettlement - and anchored in the legal provisions of the Kenya Government. Where the two are diverge, OP 4.12 prevails

The RPF examines the process of displacement and resettlement and gives a framework on the following measures of avoiding, and where unavoidable, minimizing the impact:

- Involving the communities and Project Affected Persons (PAPs) as early as possible in the project and engaging the community in the design and implementation of the of the projects;
- Keep the PAPs fully informed of any eventualities including possibility of being compensated and/or resettled.
- Preparing, updating and adhering to Regional and Development plans to ensure that developments are located appropriately. The Ministry will establish a Forward Planning Unit which will consider long-term projections and requisite provision of land and space;
- In the event that displacement cannot be avoided, the process of assessing who is affected, determining the appropriate mitigation measures – compensation and/or resettlement - will be carried out with involvement and consultations of the persons affected, in a transparent manner and with a grievance redress mechanism in place

3.3 Relevant Local Laws and Customs for Resettlement

3.3.1 The Constitution of Kenya of 2010

Section 60 of Chapter 5 lays down the principles of land ownership and use as follows:

- (a) Equitable access to land;
- (b) Security of land rights;
- (c) Sustainable and productive management of land resources;
- (d) Transparent and cost effective administration of land;
- (e) Sound conservation and protection of ecologically sensitive areas;
- (f) Elimination of gender discrimination in law, customs and practices related to land and property in Kenya; and
- (g) Encouragement of communities to settle land disputes through recognized local community initiative.

The Constitution entrenches the protection of legally acquired land and property rights, and any acquisition of rights in land and property, be it voluntary or involuntary, must comply with the law. The recognition of alternative dispute resolution mechanisms is aimed at expediting issues of land rights, transfer and supporting economic development.

The Constitution grants powers to the State to regulate the use of land. Section 66 (1) provides circumstances in which the State can exercise its powers of eminent domain (the legal right of a government to take private property for public use without the owner's prior consent upon payment of just compensation) to include: in the interest of defense, public safety, public order, public morality, public health, or land use planning.

The provisions of the Constitution place a higher threshold in the process to be adopted for involuntary acquisition of land. It is invariable that a RAP will have to be prepared for projects and compensation packages in line with prevailing legislative framework will have to be negotiated with the PAPs.

3.3.2 The Environment and Land Court Act, 2012

The Act enacts Article 162(2) (b) of the Constitution; to establish a superior court to hear and determine disputes relating to the environment and the use and occupation of, and title to land, and to make provisions for its jurisdiction, functions and powers, and for connected purposes.

The Court has power to hear and determine disputes relating to; (a) environmental planning and protection, climate issues, land use planning, title, tenure, boundaries, rates, rents, valuations, mining, minerals and other natural resources; (b) compulsory acquisition of land; (c) land administration and management; (d) public, private and community land and contracts, choices in action or other instruments granting any enforceable interests in land; and (e) land administration and management; (d) and any other dispute relating to environment and land.

This will be an important institution in case of grievances with regard to resettlement that cannot be solved through the proposed RAP grievance redress system

3.3.3 The Land Act 2012

The Act specifies the manner for determination and the award for compulsory acquisition to be served on the persons determined to have interest in the affected land.

According to Section 128 of the Act, any dispute arising out of any matter under the Act, which involves compulsory acquisition process, will be referred to the Land and Environmental Court for determination. Sections 107-133 of the Land Act specify the procedure to be followed in the process of compulsory land acquisition. Section 134 of the Act creates a Settlement Fund for land acquisition to provide shelter and livelihoods to people who are involuntarily displaced.

Part II section 8 provides guidelines on management of public land by the National Land Commission on behalf of both national and county government. This law, in section 8(b) stipulates that the Commission will evaluate all parcels of public land based on land capability, classification, land resources mapping consideration, overall potential for the land use, and resource evaluation for land use planning. Section 8(d) stipulates that the Commission will require the land to be used for a specified purpose subject to such conditions, covenants, encumbrances or reservations as are specified in the relevant order.

In managing public land the Commission is further required in section 10(1) to prescribe guidelines for the management of public land by all public agencies, statutory bodies and state corporations in actual occupation or use. In these guidelines management priorities and operational principles for management of public land resources for identified uses will be stated.

This in essence means that the Commission will take appropriate action to maintain public land that has endangered or endemic species of flora and fauna, critical habitats or protected areas. As well the commission will identify ecologically sensitive areas that are within public land and demarcate or take any other justified action on those areas and act to prevent environmental degradation and climate change.

The market land under which Juja falls is classified as Public land hence invoking some sections of this Act.

3.3.4 The Land Registration Act of 2012

The Act provides for the registration of absolute proprietorship interests over land (exclusive rights) that has been adjudicated or any other leasehold ownership interest on the land. Such land can be acquired by the state under the Land Act 2012 in the project area.

3.3.5 National Gender and Equality Commission Act, 2011

The Commission was established through an Act of parliament and is mandated but not limited to perform the following functions:

(a) promote gender equality and freedom from discrimination in accordance with Article 27 of the Constitution; (b) monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions; (c) co-ordinate and facilitate mainstreaming of issues of gender, persons with disability into the overall national development framework.

Some sections of this Act will be invoked in the implementation of the Resettlement Action Plan.

3.3.6 The Matrimonial Property Act, 2013

The Act identifies the joint ownership of Matrimonial property. Section 4 gives instances when a woman has the same right as a man with regard to property. Despite any other law, a married woman has the same rights as a married man— No. 49 Equal status of spouses. (a) to acquire, administer, hold, control, use and dispose of property whether movable or immovable; (b) to enter into a contract; and (c) to sue and be sued in her own name.

Part III gives meaning of matrimonial property. This Act is applicable in the development of this RAP report because of the nature of businesses at Juja Market and will be applicable during implementation. Some of the businesses surveyed were jointly owned by spouses and some were being managed by one spouse but operated by the other. In the event of loss of one spouse, the remaining spouse is entitled to get compensation on behalf of the household.

3.3.7 Kenya Road Act, 2007

On enactment, the Act vested the powers and functions of all urban roads under the Public Roads and Roads of Access Act, Cap 399 on the Kenyan Urban Roads Authority. It empowered the Authority to develop and manage roads on all designated urban road reserves for the benefit of the residents. It has powers to liaise and co-ordinate with other agencies involved with provision of space for road construction.

In the interest of the roads around Juja Market, the Act will be invoked.

3.3.8 The Valuers Act Cap 532

The Valuers Act is an Act of Parliament to provide for the registration of Valuers and the regulation of the valuation profession and practice in Kenya. Clause 21 of Cap 532 prohibits any person who is not a Registered Valuer and whose name does not appear in the register to prepare and submit a valuation report. The importance of these provisions is that a valuation report prepared by a person or firm not registered under the provisions of Clause 21 is invalid and cannot be used for the basis of compensation.

The provisions of this Act are relevant to the proposed project as a Registered Valuer is required for the purposes of determining types and amount of compensation, whether the acquisition is going to be under Cap 295 or Cap 288 or World Bank OP 4.12.

3.3.9 The Physical Planning Act, Cap 286

Section 29 of the said Act empowers the County Governments to reserve and maintain all land planned for open spaces, parks, markets, urban forests and green belts. The same section allows for prohibition or control of the use and development of an area without proper cause.

Section 30 states that any person who carries out development without development permission will be required to restore the land to its original condition. It also states that no other licensing authority will grant license for commercial or industrial use or occupation of any building without a development permission granted by the respective County Authority.

There is a proposed bill to make amendments to this Act but it is yet to be accented by the president. The Act's provisions will therefore be invoked by the proposed project.

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

The provisions of this Act apply to all internally displaced persons that arise either through calamities, social conflict or development projects and is guided by the Bills of Right under the Constitution of Kenya. Section 5 of the Act lists development projects among the displacement factors and outlines involvement of the affected persons through awareness, sensitization, training and education on causes, impacts, consequences and prevention measures. Section 6 of the Act provides that displacements and relocation as a result of development project sites will only be justified by compelling and overriding public interest. The procedures to follow are listed under section 22 and include:-

- (i) Justification as to why the displacement is unavoidable and that there is no other feasible alternative.
- (ii) Seeking free and informed consent from the affected person
- (iii) Holding public hearing on project planning
- (iv) Provision of reasonable notice time to allow the affected persons review and react to the displacement conditions; and

(v) Displacement process will be reflect respect to human rights.

Relocation of the affected persons will be guided by the following factors:-

- (vi) Full information on the affected persons and ensuring their participation;
- (vii) Identification of safe, adequate and habitable alternatives;
- (viii) Availability of safety, nutrition, health, and hygiene as well as protection at the new location; and
- (ix) Acceptability by the host communities in the new location (if re-location is implemented).

Since the proposed development project will cause displacement, the Act provides enacted guidelines in the event of relocation, in this case of the Juja Market traders.

3.3.11 The Sexual Offences Act (NO 3 of 2006)

Relevant Sections in this Act include:-

24- Sexual offences relating to position of authority and persons in position of trust.

25- Sexual relationship which pre-date position of authority or trust.

26- Deliberate transmission of HIV or any other life threatening sexually transmitted disease.

In the life cycle of the project and the associated resettlement, the Act will be applied in ensuring that no sexual offences are committed during cash compensation of traders, during actual movement and during allocation of space in both the temporary and new market

3.3.12 Urban Areas and Cities Act, 2011

This Act was assented into law on 27th August, 2011. Section 5 of the report gives a definition and qualification of a City and Urban Areas. As per the criteria outlined, Nairobi falls under a city classification due to its population, development plan, revenue collection among others.

Part V as from Section 36 to 40 the Act provides the essence of cities and urban areas' to have integrated development plans to indicate the vision, assessment of existing development, community inclusion in development, alignment of city/ urban area plans to the national and county integrated plan, disaster management plan ad assessment of key performance indicators of an individual town or urban area.

3.3.13 The Public Health Act (Cap. 242)

Part IX Section 8 & 9 of the Act states that no person/institution will cause nuisance or condition liable to be injurious or dangerous to human health. Any noxious matter or waste water flowing or discharged into a water course is deemed as a nuisance.

Part XII Section 136 states that all collections of water, sewage, rubbish, refuse and other fluids which permits or facilitates the breeding or multiplication of pests will be deemed nuisances The Act addresses matters of sanitation, hygiene and general environmental health and safety.

Hygiene and sanitation are key for Juja markets' operation and will need to be well factored well in its planning whether on site or on the relocation site.

3.3.14 Environment Management and Coordination Act, Cap 387

The EMCA was developed as a framework law. It is the only legislation that contains the most comprehensive system of environmental management in Kenya. The Act is based on

the recognition that improved legal and administrative co-ordination of the diverse sectoral initiatives is necessary in order to improve national capacity for environmental management. It has the main purpose of coordination and supervision of a wide range of environmental issues, which are contained in the regulations and guidelines. Section 3 of the Act highlights the General Principles 23 that guide its implementation. Every person in Kenya is entitled to a clean and healthy environment and has the duty to safeguard and enhance it. The Act is implemented through an institutional set up that includes the National Environment Council (NEC), National Environmental Management Authority (NEMA), Public Complaints Committee, National Environment Tribunal and the Board of Trustees for the Environment Trust Fund among others. This is a key legislation in the undertaking of the RAP.

3.4 Kiambu County Trade and Markets Bill, 2015

The Bill Establishes a Directorate of Trade and Markets whose functions will be solely on all trading and markets within the County.

The Bill, in section 9, indicates that: the Directorate will establish, maintain, manage and regulate public markets for the sale of marketable commodities while establishing conditions to be attained for any trader wishing to sell within the county's markets.

3.5 International Framework

3.5.1 The World Bank's Involuntary Resettlement Policy (OP 4.12)

The World Bank's IRP outlines the conditions under which the World Bank will fund a project if it displaces persons or affects their social and economic wellbeing.

Policy Objectives

The objective of the Bank's Resettlement Policy is to ensure that population displaced by a project receives benefits from it. The policy has the following key objectives:

- To avoid involuntary resettlement where feasible, or minimize resettlement impacts where population displacement is unavoidable, exploring all viable project designs. Particular attention must be given to socio-cultural
- Considerations, such as cultural or religious significance of land, the vulnerability of the affected population, or the availability of in-kind replacement for assets, especially when they have important intangible implications. When a large number of people or a significant portion of the affected population would be subject to relocation or would suffer from impacts that are difficult to quantify and to compensate, the alternative of not going ahead with the project will be given a serious consideration;
- To ensure that displaced people receive resettlement assistance, preferably under the project, so that their standards of living, income earning capacity, and production levels are improved;
- To provide explicit guidance to Bank staff and to the borrowers on the conditions that need to be met regarding involuntary resettlement issues in Bank operations in order to mitigate the negative impacts of displacement and resettlement and establish sustainable economy and society; and
- To set up a mechanism for monitoring the performance of involuntary resettlement programs in Bank operations and remedying problems as they arise so as to safeguards against ill-prepared and poorly implemented resettlement plans.

According to World Bank's Involuntary Resettlement Policy (IRP), the resettlement plan will include measures to ensure that displaced persons are:

- Informed about their options and rights pertaining to resettlement;
- Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives
- Provided prompt and effective compensation at full replacement cost for losses
- Provided assistance (such as moving allowances) during relocation
- Provided with residential housing, or housing sites, (in the context of this case, market sites) for which a combination of productive potential, location advantages and other factors is at least equivalent to the advantages of old sites.

Where it is necessary to achieve the objectives of the resettlement plan, it will also ensure that displaced persons are:

- 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 standard of living; and
- Provided with development assistance in addition to compensation measures, such as relocation market site preparation, training, or job opportunities.
-

3.5.2 Similarities Between the Government of Kenya (GoK), and World Bank Guidelines

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

- Avoidance of involuntary resettlement wherever feasible, and minimization 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

The table below provides a summative comparative analysis of the World Bank guidelines and the Kenyan Law context.

Table 7: Comparative Analysis between World Bank O.P 4.12 and Kenyan Legal Context with Regard to Resettlement Process

World Bank OP4.12	Kenyan Context	Comparison	Recommendations
General RAP Requirements			
Involuntary resettlement will be avoided wherever possible, or minimized, exploring all alternatives.	Involuntary resettlement possible in contexts of projects of national importance	The Land Act does not stipulate that resettlement will be avoided wherever possible; on the contrary, as long as a project is for public interest, involuntary resettlement is considered to be unavoidable.	Ensure that resettlement issues are considered at the design stage of the project in order to avoid/minimize resettlement and associated issues.
Resettlement programs to be sustainable, with meaningful consultation with affected parties.	The Land Act, 2012 Act provides steps for sensitizing the affected population. Gives provisions and guidance on consultation on implications and grievance procedures.	Same as the World Bank	N/A
Displaced persons will be assisted in improving livelihoods etc. or at least restoring them to previous levels.	The Land Act 2012 guarantees the right to fair and just compensation in case of relocation	Just and fair compensation as outlined in the Land Act 2012 is not clear and can only be determined by NLC. It is give provisions about improving livelihood or restoring them to pre-project status.	Implement World Bank OP 4.12 policy

World Bank OP4.12	Kenyan Context	Comparison	Recommendations
RAP Process Requirements			
<p>PAP Consultation: Displaced persons will be meaningfully consulted and will be given equal opportunities to participate in planning and implementing resettlement programs</p>	<p>The Land Act outlines procedures for consultation with affected population by the NLC</p>	<p>Same as World Bank</p>	<p>Adopt both Kenyan legislation and World Bank.</p>
<p>Grievance Redress Mechanism: For physical resettlement, appropriate and accessible grievance mechanism will be established.</p>	<p>Land Act 2012 clearly outlines the steps and process for grievance redress that includes alternative dispute resolution, renegotiation with NLC and is backed by the judicial system through Environmental and Land Court Act</p>	<p>Kenyan legislation meets OP4.12 requirements.</p>	<p>Adopt both Kenyan legislation and World Bank.</p>
<p>Eligibility Criteria <i>Determined by::</i></p> <p>(a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);</p> <p>(b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through</p>	<p>The Land Act 2012 provides that written and unwritten official or customary land rights are recognized as valid land right.</p> <p>The Law provides that people eligible for compensation are those holding land tenure rights</p> <p>Land Act also recognizes those who have interest or some claim in the land such pastoralist or who use the land for their livelihood.</p>	<p>The O.P 4.12's recognizes Eligibility as both formal (legal) and informal (customary) owners of expropriated land. However, it does not specifically recognize all users of the land to be compensated.</p> <p>The constitution of Kenya on the other hand recognizes 'occupants of land' who do not have title and who the state has an obligation to pay in good faith when compulsory acquisition is made.</p>	<p>Ensure ALL users (including illegal squatters, laborers, rights of access) of affected lands are included in the census survey and compensation of structures at replacement cost and the provision of special assistance</p>

World Bank OP4.12	Kenyan Context	Comparison	Recommendations
<p>a process identified in the resettlement plan</p>	<p>The constitution recognizes ‘occupants of land even if they do not have titles’ and payment made in good faith to those Occupants of land. However, this does not include those who illegally acquired land</p>		
<p>(c) those who have no recognizable legal right or claim to the land they are occupying</p> <p><i>To determine eligibility:</i> Carry out resettlement census. Cutoff date for eligibility is</p>	<p>Land Act 2012 provides for census through NLC inspection and valuation process</p>	<p>Same as World Bank</p>	<p>Implement cut-off procedures as outlined in the World Bank guidelines and Kenyan Law</p>
<p>Measures: Cash based compensation will be only be made where (a) land taken for the project is a small fraction of the affected asset and the residual is economically viable; (b) active markets for lost assets exist and there is sufficient supply of land and housing; or (c) livelihoods are not land-based.</p> <p>World Bank OP4.12 Article 6(a) requires that displaced persons are provided with prompt and effective compensation at full replacement cost for losses of assets attributable directly</p>	<p>Land Act 2012 appears to prefer mode of cash compensation by the Government to the affected population.</p> <p>Land Act talks of prompt, just compensation before the acquisition of land. However, interpretation of just compensation is yet to be clearly outlined through a</p>	<p>Cash based compensation seems to be the preferred mode of awarding compensation to the affected population by Government of Kenya ‘Just compensation’ as stipulated in the Land Act not yet specifically defined. OP 4.12 provides related land transaction fees. Land Act not clear on this.</p> <p>OP4.12 requires that displacement must not occur before all necessary measures for resettlement are in</p>	<p>Ensure that all alternative options are considered before providing cash compensation.</p> <p>Use World Bank OP4.12 procedures in determining form of compensation</p>

World Bank OP4.12	Kenyan Context	Comparison	Recommendations
<p>to the project. If physical relocation is an impact, displaced persons must be provided with assistance during relocation and residential housing, housing sites and/or agricultural sites to at least equivalent standards as the previous site. Replacement cost does not take depreciation into account. In terms of valuing assets, if the residual of the asset being taken is not economically viable, compensation and assistance must be provided as if the entire asset had been taken.</p> <p>Compensation and other assistance required for relocation will be determined prior to displacement, and preparation and provision of Relocation sites with adequate facilities, where required</p>	<p>specific schedule defining just compensation have not been put in place.</p> <p>Attorney’s fees, cost of obtaining advice or cost incurred in preparing and making written claim not in the Land Act other than ‘just compensation’</p> <p>The Act does not out rightly stipulate assistance for relocation but we can interpret that relocation cost</p>	<p>place, i.e., measures over and above simple compensation</p>	<p>Implement prompt and effective compensation at full replacement cost for the losses of the assets. Implement World Bank policy.</p> <p>Ensure that ALL resettlement options are agreed on with PAPs and put in place prior to displacement of affected PAPs</p>
<p>Valuation: With regard to land and structures, “replacement cost” is defined as follows:</p> <p>For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus</p>	<p>Land Act 2012 talks of just compensation for the lost assets but it is not specific of the exact amount or procedures on the same.</p>	<p>Though one could argue that there is some form of consistency between the Kenyan Law and World Bank OP.4.12, interpretation of ‘just compensation’ has not been</p>	<p>Apply the World Bank OP4.12 valuation measures, as outlined in Section 6, in order to fully value all affected assets in a consistent manner.</p>

World Bank OP4.12	Kenyan Context	Comparison	Recommendations
the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.	The Land Act 2012 stipulates just compensation.	defined. Interpretation of just compensation not clear	
Monitor Adequate monitoring and evaluation of activities to be undertaken.	According to Land Act can be undertaken County Land Boards.	Both Kenyan Law and World Bank policy advocates for Monitoring and Evaluation	Implement as prescribed in the World Bank OP4.12 and Kenyan Law.

Source: Impulso- AWEMAC-EcoPlan, 2016

CHAPTER 4: COMPENSATION FRAMEWORK

4.1 Introduction

World Bank Policy 4.12 requires that a project sponsor will initiate and execute resettlement related to a project before that project is implemented. All forms of compensation that are related to physical, social or economic displacement caused by a project will be paid to the project affected persons. The compensation framework specifies all forms of asset ownership or use rights among the population affected by the project. The categories of impacts include loss of physical assets, revenue and income resulting from economic displacement or physical relocation.

Urban resettlement often affects the urban poor disproportionately. Poverty alleviation being a fundamental goal of the World Bank, the Bank considers resettlement as a development framework. The World Bank Involuntary Resettlement Handbook states that displacement of low-income urban squatters or slum communities often provides opportunities for moving beyond narrow mitigation of adverse impacts to promoting community development, security of tenure, and rational land use. These are also the objectives of many urban improvement programs where NaMSIP also falls.

4.2 Eligibility for Juja Market Traders

For purposes of formulating a compensation policy for Resettlement of Juja Traders, the census identified the commercial tenure arrangements for traders within the market. The Resettlement Plan was drawn in accordance to World Bank's Policy provisions to include measures to assist the PAPs improve their incomes and market operating standards. Market committee officials were engaged to determine duration of residency of the traders as the key eligibility criteria.

The census team requested PAPs to provide documents to show proof that they traded at the market site. Documents requested from PAPs included among others receipts for cess payment, market identification card, minutes of previous market meetings, county government market register. Resettlement assistance will be available to all project affected persons who occupied the market trading area before the cut-off date of **11th November, 2016**.

Vendors who pay license fees are recognized as legitimate renters and will receive assistance to relocate to the relocation site and to move back to the new market.

A resettlement plan will be implemented so that all PAPs affected will have their livelihood restored.

4.3 Physical Assets

Physical assets in the context of Juja Market are the structures owned by the traders. As provided by the World Bank OP 4.12, those entitled to resettlement assistance or compensation for loss of assets and business income include those who have formal legal rights to land or other affected assets and those who do not have such formal legal rights

but who have claim to such legal rights by virtue of occupation or use of those assets. The WB Policy requires the consideration of women who will be more disadvantaged because their incomes tend to be lower and less stable than those of men who are less disadvantaged in the process of compensation and resettlement. Juja market was found to have more female (284) than male (132) traders hence caution will be taken during relocation by providing assistance to the women traders who maybe heads of their households as they are considered as a vulnerable group.

The Policy further provides that whether physical relocation is required or not, affected people will be given prompt and effective assistance and/or compensation at full replacement value for loss of assets due to project activities.

4.4 Revenue and Income

The Law of Kenya does not specifically provide for loss of income. However, the Word Bank provides for the participation of affected persons in planning and implementing resettlement activities as well as in restoring and improving their livelihoods. The Policy further requires that affected persons be provided with transitional financial support, resettlement/relocation site preparation, and training and employment opportunities.

Where income generating capacity is affected, World Bank encourages resettlement to be undertaken as a sustainable development initiative that leads to improved standards of living for the project affected people.

4.5 Entitlement Matrix

The project proponent is required to prepare an **Entitlement Matrix**, with respect to the temporary displacement and relocation that is expected to occur. Based on the set principles, an Entitlement Matrix was developed for the potentially affected traders and other PAPs of Juja Market showing: -

- All categories of affected people
- All types of loss associated with each category, including loss of physical assets; loss of access to physical assets; loss of wages, rent, or sales earnings;
- All types of compensation and assistance to which each category is entitled.

Table 9 shows the entitlement matrix for the market.

The following selection criteria will be adopted to ensure traders get fair and equitable allocation of stalls;

- Vulnerable groups will be prioritized and duly considered and appropriately allocated stalls that are easily accessible on ground floor.
- The current structure owners, business owners and owners of both structures and businesses will be allocated stalls at the new market.
- Tenants will receive cash compensation for three months of rent and 15% disturbance allowance during the transition period

The County Government of Kiambu is currently preparing a market policy that will assist in effectively and efficiently manage the markets within its jurisdiction

Detailed entitlements for each of the enumerated PAPs have been given and are attached to this report as Annex XI.

Table 8: Type of Loss and Entitlements

SN	Type of loss	Entitled person	Entitlement
1.	Loss of any structure;	Any person who owns any structure whether he/she have or does not have legal proof of land ownership	Compensation for loss of rental income and trading areas during transition period
2.	Loss of livelihood	All persons affected by project- in this case traders	Livelihood restoration strategies to be implemented
3.	Public infrastructure affected by the project e.g. Telephone lines, water supply line, roads etc.	Members of the public whose connections and accesses have been interfered with	Proponent to restore the public infrastructure to the satisfaction of the general public
4.	Vulnerable groups	<ul style="list-style-type: none"> • People with special needs • Elderly • People living with HIV/AIDs (PLWHIV) • Women • Youth 	Special considerations as the situation dictates Elderly/disabled and aged women to be assisted in transporting their wares to transition site and back to constructed market

Source: Impulso-AWEMAC- Ecoplan, 2016

Table 9: Entitlement Matrix for Juja Market PAPs

Category of PAP	Type of loss	Entitlements			Moving allowance
		Compensation for loss of structures	Compensation for loss of communal assets	Compensation for loss of income	
Owners of Stalls Only	<ul style="list-style-type: none"> • Loss of rental structures • Loss of rental income 	<ul style="list-style-type: none"> • Right to salvage materials • Cash Compensation for loss of structures • Provision of trading area during the construction phase. • Stall allocation in the new market building • One (1) month notice before temporary relocation. 	Replacement of lost assets e.g. toilets, water points	<ul style="list-style-type: none"> • Cash Compensation for loss of rental income during transition period • Training of the traders on entrepreneurship skills • No charge of cess during the transition period. 	
Tenants (owners of businesses only)	<ul style="list-style-type: none"> • Loss of business space/ trading areas • Loss of business income 	<ul style="list-style-type: none"> • Provision of business space/trading area during the construction phase • Stall allocation in the new market building • One (1) month notice before temporary relocation. 		<ul style="list-style-type: none"> • Cash Compensation for loss of business income during transition period • Training of the traders on entrepreneurship skills • No charge of cess during the transition period. 	
Owners of both stall and business	<ul style="list-style-type: none"> • Loss of business structures 	<ul style="list-style-type: none"> • Cash Compensation for loss of structures • Provision of business space/trading area during the construction phase. 	Replacement of lost assets e.g. toilets, water points	<ul style="list-style-type: none"> • Cash Compensation for loss of rental income during the transition period 	PAPs will be moved to relocation site where they will not lose their clients, possibly near the project site.

Category of PAP	Type of loss	Entitlements			Moving allowance
		Compensation for loss of structures	Compensation for loss of communal assets	Compensation for loss of income	
	<ul style="list-style-type: none"> Loss of business income 	<ul style="list-style-type: none"> Stall allocation in the new market building 		<ul style="list-style-type: none"> Training of the traders on entrepreneurship skills No charge of cess during the transition period. 	Waiver of charges on cess during the transition period.
Employees	Loss of employment income		Compensation for lost working days Retain their jobs	<ul style="list-style-type: none"> Training of the on entrepreneurship skills 	Loss of income
Vulnerable groups- Women Youth People with special needs Elderly People living with HIV/AIDS (PLWHIV)	All types of losses suffered and additional Resettlement Assistance	<ul style="list-style-type: none"> Cash Compensation for any loss of structures Relocation assistance to remove salvage materials and move to the relocation site and back to the new market Provision of business space/trading area during the construction phase. Allocation of stalls on ground floor of the new market building Market designs have included a ramp 	Transition assistance – removing and dismantling of assets.	<ul style="list-style-type: none"> Cash Compensation for loss of business income during transition period Cash Compensation for loss of rental income during transition period Training of the traders on entrepreneurship skills No charge of cess during the transition period. 	<ul style="list-style-type: none"> 1st priority to move. Free transportation to relocation site for moveable structures affected during transition phase Assistance during the transition period.

Category of PAP	Type of loss	Entitlements			
		Compensation for loss of structures	Compensation for loss of communal assets	Compensation for loss of income	Moving allowance
		<ul style="list-style-type: none"> One (1) month notice before temporary relocation 			

Source: Impulso-AWEMAC- Ecoplan, 2016

CHAPTER 5: RESETTLEMENT ASSISTANCE AND LIVELIHOOD RESTORATION

5.1 Introduction

Resettlement assistance is vital in cases where displacement of persons is inevitable. The proponent plans and executes resettlement as a development initiative that provides PAPs with opportunities to participate in planning and implementing resettlement activities as well as to restore and improve their livelihoods. This chapter therefore discusses the following: resettlement alternatives and recommends mechanisms for influx management and income restoration in the context Juja market's Improvement Project.

5.2 Selection and Preparation of the Relocation site

Most of all the surrounding land has been occupied by private buildings which are a mix of residential and commercial. To ensure that PAPs are properly compensated, their views were sought on the most suitable places for relocation. Consultations also included local authorities and Kiambu County government since the market is within their jurisdiction. The construction of the new market will displace 416 PAP traders from their current business areas during construction phase. These traders will need to be relocated to a suitable site as close as possible to the project area, with at least similar amenities if not better than those at the current market. Reducing the distance of the relocation site from the current market will help in ensuring that the PAPs will relocate and resettle conveniently and with ease. This will hence enable them to settle faster and not to adversely affect their means to livelihood and other support systems.

The identification of several possible relocation sites and the demarcation of selected sites is a critical step for resettlement. For land based resettlement, the new site's productive potential and locational advantages will be at least equivalent to those of the old site. This alternative was deemed suitable since the market has a large piece of land. The traders upon consultations welcomed the idea, since they would not be moved far from their customers. The site is easily accessible via existing roads and foot paths. The Market is accessed through Gachororo road off the main road (under construction) leading to Jomo Kenyatta University. The site is on a flat terrain with black cotton soil and is susceptible to floods and water logging though inexpensive reclamation work can be done to make it suitable for trading. It has a smooth and even topography. To ensure that Project-Affected People are properly compensated, their views were sought on the best options for relocation taking into consideration advantages and disadvantages of each proposed option. Consultations also included local administration and the Kiambu County government since the market is within their jurisdiction.

5.3 Juja Market Relocation Site

The proposed relocation site is part of the market that is currently unoccupied as traders trade on one side of the market. The relocation site belongs to the county government of Kiambu. The site is susceptible to floods and water logging though inexpensive reclamation work can be done to make it suitable for trading activities.



Figure 11: Location of Current Market



Figure 12: View of Proposed Relocation Site

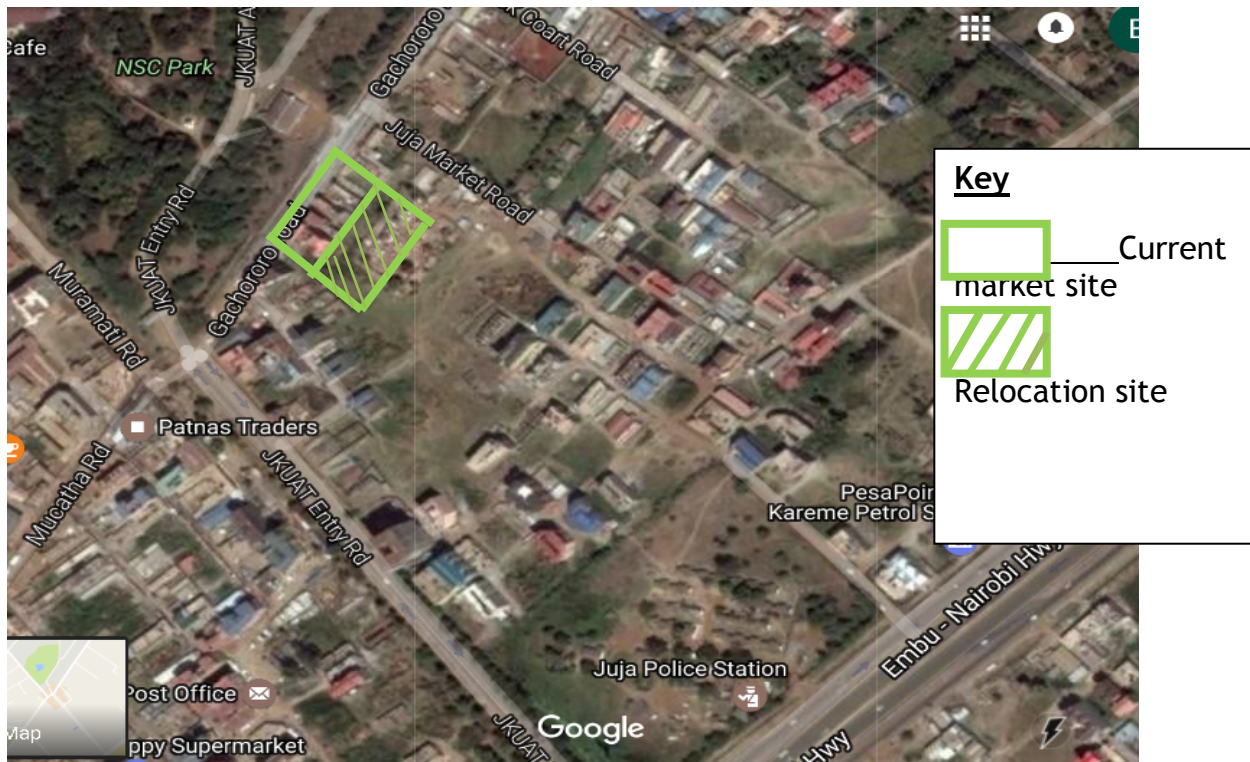


Figure 13: Location of Current Market and Proposed Relocation Area

To ensure that Project-Affected People are properly compensated, their views were sought on the most suitable places for relocation taking into consideration advantages and disadvantages of each proposed location. Consultations also included local administration and the Kajiado County government since the market is within their jurisdiction. The proposed relocation site was found adequate for all the traders eligible for relocation.

The relocation layout plan has provision for 484 stalls compared to 416 PAPs. The RAP consultant will use the layout to plan for stall allocation for each PAP. Each PAP will be given a Stall Allocation Form after RAP Validation exercise. Only verified PAPs will be allocated a stall. See Figure 14 on relocation layout adjacent the market site. Detailed layout plan and market designs are attached in the Annex II.

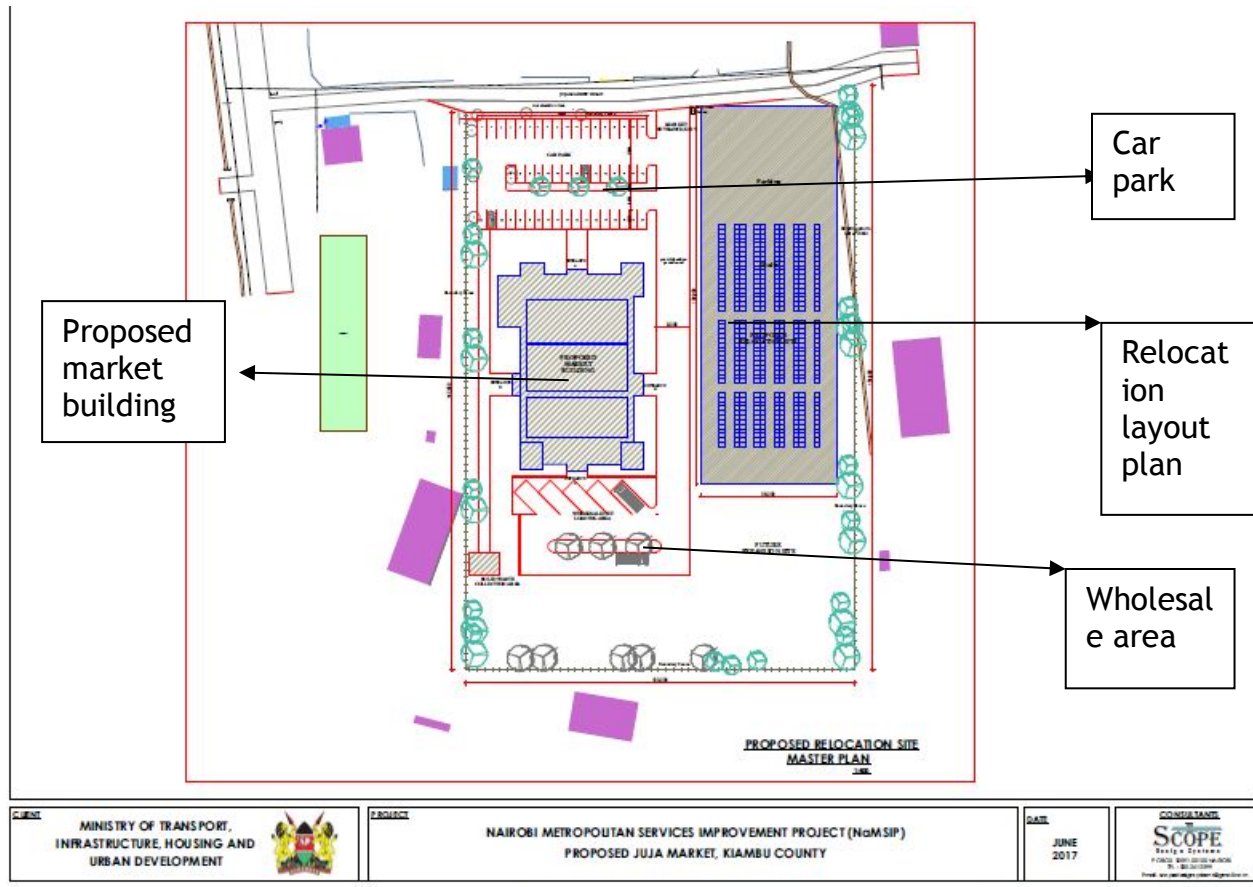


Figure 14: Location layout and market site

The following are the proposed infrastructural and services to be provided on the relocation:

1. fencing of the site
2. Clearing and levelling of the site
3. Backfilling with murrum to create a suitable surface for the market use
4. Provision for a high mast security light
5. Provide for a designated area for dumping waste to facilitate collection by the county government
6. Provide for toilets for use by the traders and the customers
7. Provide for parking and appropriate loading and offloading zones
8. Proper storm water drainage to the existing drainage channels
9. Provide adequate water points

Table 10: Consultations conducted for selecting the site relocation and responses of interventions to be made by consultants/client

Criteria for selection of relocation site	The following interventions will be done to the proposed relocation section of the market before the traders can be relocated:
The site is on a flat terrain with black cotton soil. It has smooth and even topography	Backfilling and compacting with murrum to provide a good surface for trading
One trader raised the issue of some areas within the market that were allocated to individuals. Would the market cover these areas too?	Planner Mwaura responded that allotment letters were temporary and an agreement could always be reached by those individuals and the county government. He cited that the same case had applied in another market and traders had agreed to be considered and allocated new stalls in the constructed market.
Where will PAPs move to during construction period?	<p>The site selected is within the market thus relocation is close to the affected area. The selected site thus does not contravene zoning regulation of the area</p> <p>The county officials said there was alternative land although not well serviced. The work of recommending improvements for the site would be undertaken by the RAP consultant. They also acknowledged that the market had sufficient land area to allow for phasing of the project. But this possibility would be explored by the RAP valuer.</p>
<p>The site is easily accessible via existing roads and foot paths. The Market is accessed through Gachororo road off the main road leading to Jomo Kenyatta University.</p> <p>One trader requested that the road connecting to the market will be tarmacked and directly connect to the main road (Thika Super Highway). She also requested a “simpler” market like Muthurwa raising concerns that the county might increase cess,</p>	<p>Improvement of storm water drainage to prevent stagnation of water on the site.</p> <p>Eng. Mugo assured traders that the county government was handling the issue of ownership and that a PDP had been prepared and gazetted. The PDP clearly showed the size of market land. What was remaining was a title which had been applied for. He affirmed that the land belonged to Kiambu County. He also</p>

Criteria for selection of relocation site	The following interventions will be done to the proposed relocation section of the market before the traders can be relocated:
making traders to run away since they would not afford. The trader also questioned on market ownership; was there proof? What was the extent of beacons?	said that all access roads to the market would be upgraded. He also said that traders would not be charged license fees for stalls but only cess according to type of commodity. The county was being guided by a policy on public utilities. He also reminded that World Bank would not allow traders to be overcharged as this would negatively affect their livelihoods which was contrary to the objectives of the project. The Design Team Representative also reminded that these were open platforms and not walled stalls that would attract higher charges.
One trader wanted to know if there was provision for parking for motorcycles	The design had already taken care of that and the traders were clearly shown that it would be next to the parking area for vehicles
A site that holds the livelihood of trade e.g economic viable	Provision of security lighting. This will be done by relocating the existing high mast light from where the proposed constructed market will be done.
	There is an existing sanitation block which was done by the CDF. This will be retained as it does not interfere with the proposed market location.
	Chain link fencing around the site and a gate.

5.4 Influx Management

Due to the small-scale nature of the project, not much influx is expected to occur. However, there will be traders who will move into the proposed project area in the hope of getting some compensation benefits. Ways of dealing with this situation will be by:

- a. Use of the official cut-off date whereby only those found within the area on or before the date will be eligible for resettlement. The number of traders as at the establishment of the cut-off date will also be considered first in reallocation of market slots. The cut-off date in this context was set at **11th November, 2016**.

- b. Interviews with the traders will also reveal the long-term ones and the newcomers thus excluding the latter from any undue benefits they might hope for.
- c. Approval of claimants by the Kiambu County official in charge of the market. Any traders who were not found on site by the cut-off date but claim to be traders in the market would have to be witnessed by the county official before being included in the list for compensation.

5.5 Relocation Schedule and Assistance

A relocation schedule will be prepared by the resettlement Unit. The RU will establish committees to supervisor the resettlement activities and relevant institutions will be collaborated to support the process. At least 1 month relocation support allowance will be given to the traders. The dates and times that the affected traders will be expected to move, will be communicated to them by the communication expert who has already been contracted for the project, through the Resettlement Unit. Sufficient time allowance will be given between notification and actual movement to enable traders coordinate their movement plans and enlist the help of handymen if required. Specific dates for movement of PAPs from the market to the relocation site and back to the constructed market will be detailed during the RAP validation forum Traders requiring special assistance such as physically challenged traders will be given priority in moving or be allocated a different date to move so as to make the transition safer and easier for them, they will further be provided assistance when moving.

From the census conducted, Juja has 8 households with physically challenged people and 1 physically challenged trader. Once the RAP is disclosed to the PAPs and a contractor has been sourced, a notice will be given to the PAPs to move to the relocation portion of the market site. Before the PAPs are moved to the relocation portion of the market site, the contractor will upgrade the relocation site with murram and provide the necessary facilities (sanitation, water points, flood lights, security wall and garbage collection points). Priority will be given to the vulnerable groups and assistance provided to them by the RAP implementation team and RAP consultant. The contractor will move in to construct the section of the market at the shortest time possible and as per the approved designs. Once the constructed of the relocation portion is completed, part of the PAPs will be moved back into the constructed market. PAPs in the remaining section will be moved to the completed market, temporarily until that 2nd section is constructed. The contractor upon completion of the market will hand back to the county government through MOTIH&UD and the RAP implementation team. A notice for the PAPs to move back into the constructed market in a systematic and organised manner that has been planned and ensure that all PAPs get a stall allocated to them. The RAP implementation consultant will submit the Final report on completion of the RAP implementation process once all PAPs have been moved back to the newly constructed market.

5.6 Replacement of Services and Enterprises

All market utility facilities and services currently available at the market will be constructed at the relocation site so that the traders continue with their normal operations without being impoverished. Such facilities will include: sanitation facilities, flood lights, security temporary wall, garbage collection points and water points.. The design team

have made provisions for sanitation and water facilities at the constructed market which will be adequate for the total PAP population before relocation of the 416 traders.

5.7 Livelihood Restoration

The resettlement process and planning will ensure that PAPs' livelihoods are restored. Compensation will ensure that the traders' standard of living is improved or in the least maintained by ensuring that their income streams continue to flow with minimal disruptions. . For each category of impact, there will be adequate measures in place to cushion PAPs against impoverishment. According to World Bank Guidelines O.P 4.12, sufficient investment resources will be provided to enable displaced persons improve their standards of living or are restored to previous standards. A resettlement support allowance will be given to the traders to facilitate them to move out to the temporary relocation site where they will be trading from during the construction of the new market. Below are strategies will ensure livelihood restoration of PAPs on site: -

a. Loss of trading area

Relocation site will have adequate facilities and amenities that will enable traders continue with their normal operations. Where necessary, grounds will be prepared through excavation, leveling and compaction to meet the minimum required standards for trading. .

b. Loss of business and wages

- Training of the traders on entrepreneurship
- Supporting traders to organize welfare groups to support each other financially.
- Waiver of charges on cess during the construction/transition period.
- PAPs will be moved to locations where they will not lose their clients, possibly near the project site.
- For traders who will not wish to continue their enterprise-based livelihoods, a cash resettlement subsidy will be considered contingent upon satisfactory observation by the resettlement team that the individuals will be able to use the cash to restore their standard of living.

c. Loss/Damage to assets

Traders will be allowed to salvage their assets. Care will be taken so as to avoid any damage to movable fragile assets and merchandise. PAPs will be compensated for loss of immovable assets.

d. Capacity Building

Training of the market committees on management of the traders is necessary to empower them efficiently operate their businesses. The budget for training and capacity building is provided by the consultant implementing the Resettlement Plan

Training of the county government and Ministry officials will also be provided by the consultant implementing the Resettlement Action Plan.

5.8 Special Assistance for Women and Vulnerable Groups

There are 284 female and 132 male traders, translating to 68.3 % and 31.7% in Juja Market respectively. In principle, women, youth, elderly, people living with HIV/AIDS

suffer more physical mobility as compared to men; therefore poor resettlement execution will result in women traders becoming impoverished. Greater assistance will be required for women especially during movement in activities like dismantling their structures and transporting them. Their entitlements also have to be clearly stated to avoid conflicts. Separate days will be set for movement of women and children from those for men.

CHAPTER 6: BUDGET AND IMPLEMENTATION SCHEDULE

6.1 Budget

Resettlement costs will cover compensation and movement assistance, restoration of livelihood sources, grievance redress, monitoring and any other additional costs that will be encountered in the relocation process. This report proposes a detailed budget to cater for all relocation-related activities in Juja market including monitoring. The table below presents the proposed RAP budget.

Proper implementation hinges on a detailed RAP budget that carefully estimates all costs associated with the RAP exercise, including social costs, as resettlement cannot be exclusively measured in economic terms. This report proposes a RAP budget that also accounts for the potentially affected assets currently onsite. The estimated budget includes costs associated with setting up and maintaining a grievance redress mechanism and carrying out monitoring and evaluation. The total RAP budget is estimated at **KES 39,553,800.**

Table 11: Proposed RAP Budget for Juja Market

JUJA RAP BUDGET				
				0
Component	Details	Area (Sq.mt)/Cubic Meters	Estimated Cost (P.sqmt/P.cubic Mt)	Total (Kshs).
LAND				
land	To use a part of the existing land			0
CIVIL WORKS AT THE NEW SITE				
Clearing and Removal of sub-soil and Excavation up to 1 meters.	Removal of sub-soil - Total Ground Area=4,500 sq.mt, Volume down to 1m (4,500 sq.mt*1M) =4,500 m3 @ Kshs. 900 per cubic meter,	4,500	1,200	5,400,000
Laying of Hardcore , leveling and compacting	Total volume is 4,500M3 @ Kshs. 1,800 per cubic meter	4,500	1,800	8,100,000
Laying of quarry dust, leveling and compacting	Total Area is 900 M3 @ Kshs. 1,000 per cubic meter	900	1,000	900,000
	Sub-Total			14,400,000
REHABILITATION		Units (M2/M3)	Unit Cost (Kshs)	Total
Filling with red soil				0
Filling with manure				0
Planting of grass				0
				0
BUILDINGS				
Construction of ablution block	Gents with three WC's urinal and 3 WC's ladies			800,000
Demolition of the existing ablution block & Filling it up				120,000

Sub-Total				920,000
SERVICES				
Flood lights - Construction of a new one	10 Meters High			400,000
Paving of Garbage Collection Point				80,000
Connection of Water point				30,000
Perimeter fence: Concrete posts and chain link or GCI sheets on cedar posts and timber runners	280 meters perimeter wall Cost Kshs. 3,000 per Meter run & 2 gates	280	3,000	840,000
Security	12 months, 2 guards day and 2 guards night	4	25,000	1,200,000
	Sub-Total (Kshs)			2,550,000
MARKET SHEDS REPLACEMENT & LOSS OF BUSINESS				
	Details			
LOSS OF INCOME	Nature of Business (Described in terms of ownership)	No of Units	Estimated loss of Income for seven days (1 week) (Kshs)	Total (Kshs)
1	Stall Owners only -PAPs who get rental income only			
	Owner of stalls only	19	10,000	190,000
2	Traders who own stalls - PAPs who trade in their stalls			
	Owner of both stall and business	269	10,000	2,690,000
3	Tenants-PAPs who pay rent for their premises (Tenant)			
	Owner of business only (trader only)	122	10,000	1,220,000
4	Casual Employees			
	No numbers	6	3,000	18,000

	Sub-total (Kshs)			4,118,000
DEVELOPMENTS - REPLACEMENT COST	Nature of Development	No of Stalls	Estimated replacement cost	
	Semi permanent Structures/Selling Spots	288	15,000	4,320,000
	Sub-total (Kshs)			8,438,000
	Total (RAP BUDGET)			30,426,000
ADMINISTRATIVE, PLANNING & CONTIGENCY COSTS (30% of Total RAP Budget)		9,127,800		
Administrative and planning costs	Design, planning and miscellaneous- This includes marking, allocation process, supervision, labour, security, professional fees etc		60%	5,476,680
Contingency Costs			40%	3,651,120
		Total Budget		39,553,800
BUDGET	AMOUNT (KSHS)	ADMIN & PLANNING COSTS (30%)	Total Budget	
MAIN CONSTRUCTION BUDGET	0	0	0	
RAP BUDGET	30,426,000	9,127,800	39,553,800	
		Total	39,553,800	

Source: Impulso-AWEMAC Ecoplan, 2016

6.2 Implementation Schedule

Juja Market RAP implementation calls for coordination from the Traders, the County Government and the Ministry for its success. The RAP has presented the following the establishment of committees namely: RAP Resettlement Unit or committee and GRM Committee which will conduct a number of tasks such as RAP Validation, RAP disclosure, stakeholder engagement of the PAPs, training and capacity building, receiving and solving grievances in the shortest time possible and ensuring all PAPs receive their compensation. The client (MITH&UD) will lead the RAP implementation process in consultation with the RAP Implementation consultant and collaborate with the relevant stakeholders (county government’s official, county government commissioner, county administration, National Environmental Management Authority, market committee memberships, PAPs representatives among others.

Market committee leadership will also be consulted and participate in resettlement implementation. Within the resettlement unit, sub-committees will be formed to focus on various aspects of resettlement such as preparation of relocation sites, plan for stall/space allocation, capacity building, and grievance redress. This report has prepared a RAP budget which takes note of all livelihood restorations.

6.3 Implementation Timelines

The construction period and resettlement will run over a period of 1 year. Implementation timelines will follow major milestones as outlined below;

- A Resettlement Coordinating Committee and sub-committees and a Grievance Redress Commission are constituted
- Approval and announcement of compensation (notification of entitlements)
- Preparation of Relocation site (replacement of services and enterprises) including putting up sanitation facilities (toilets, waste management and water)
- Timing of payment execution
- Grievance mechanism
- Vulnerable assistance measures
- Training program
- Monitoring and evaluation (to occur throughout the process)
- Stakeholder engagement

Table 12: Schedule for RAP Implementation

Task Name	Duration	Start	Finish	Responsibility	Supporting Institutions
Project Duration	426 days	Oct 2 '17	May 20 '19		
Resource Mobilization and Planning	5 days	Oct 2 '17	Oct 6 '17	RU & MoTIH&UD	CG & MC
Establishment of Resettlement Unit	5 days	Oct 9 '17	Oct 13 '17	RU & MoTIH&UD	CG & MC
RAP Disclosure	5 days	Oct 16 '17	Oct 20 '17	RU & MoTIH&UD	CG & MC

Task Name	Duration	Start	Finish	Responsibility	Supporting Institutions
Validation of RAP	10 days	Oct 23 '17	Nov 3 '17	RU & MoTIH&UD	CG & MC
Notification of entitlements	10 days	Nov 7 '17	Nov 20 '17	RU & MoTIH&UD	CG & MC
Grievance Resolution	380 days	Nov 21 '17	May 6 '19	RU & MoTIH&UD	CG & MC
Payment to PAPs and Confirmation of Payments	10 days	Nov 21 '17	Dec 4 '17	RU & MoTIH&UD	CG & MC
Notice to PAPs to Move to relocation site	10 days	Dec 5 '17	Dec 18 '17	RU & MoTIH&UD	CG & MC
Preparation of relocation site and provision of sanitation and water facilities	42 days	Oct 23 '17	Dec 19 '17	RU & MoTIH&UD	CG & MC
Movement of PAPs to relocation site	40 days	Dec 20 '17	Feb 13 '18	RU & MoTIH&UD	CG & MC
Construction Period	260 days	Feb 14 '18	Feb 12 '19	RU & MoTIH&UD	CG & MC
Capacity Building	130 days	Feb 14 '18	Aug 14 '18	RU & MoTIH&UD	CG & MC
Capacity building and Empowerment of PAPS	130 days	Feb 14 '18	Aug 14 '18	RU & MoTIH&UD	CG & MC
Training of Project Staff	20 days	Feb 14 '18	Mar 13 '18	RU & MoTIH&UD	CG & MC
Allocation of Stalls to PAPs	30 days	Jan 2 '19	Feb 12 '19	RU & MoTIH&UD	CG & MC
Notice to PAPs to Move to Constructed Market	10 days	Feb 13 '19	Feb 26 '19	RU & MoTIH&UD	CG & MC
PAPs move into allocated stalls	10 days	Feb 27 '19	Mar 12 '19	RU & MoTIH&UD	CG & MC
Survey on Livelihood Restoration	30 days	Mar 13 '19	Apr 23 '19	RU & MoTIH&UD	CG & MC
Monitoring and Evaluation	406 days	Oct 16 '17	May 6 '19	RU & MoTIH&UD	CG & MC
Development of Final Report	20 days	Apr 23 '19	May 20 '19	RU	
Deliverables	416 days	Oct 16 '17	May 20 '19		
Inception Report	0 days	Oct 16 '17	Oct 16 '17	RU	
Public Consultation and Disclosure Report	0 days	Oct 30 '17	Oct 30 '17	RU	
1st Progress Report	0 days	Dec 22 '17	Dec 22 '17	RU	
2nd Progress Report	0 days	Mar 30 '18	Mar 30 '18	RU	
3rd Progress Report	0 days	Jun 28 '18	Jun 28 '18	RU	

Task Name	Duration	Start	Finish	Responsibility	Supporting Institutions
4th Progress Report	0 days	Sep 27 '18	Sep 27 '18	RU	
5th Progress Report	0 days	Dec 27 '18	Dec 27 '18	RU	
6th Progress Report	0 days	Mar 28 '19	Mar 28 '19	RU	
Grievance Resolution Report	0 days	May 6 '19	May 6 '19	RU	
Report on Livelihood Restoration	0 days	May 6 '19	May 6 '19	RU	
Completion Report	0 days	May 20 '19	May 20 '19	RU	

Source: Impulso- AWEMAC-EcoPlan, 2016

6.4 Risks to Implementation and Mitigation Measures

Certain factors could hinder the smooth implementation of resettlement actions if not countered early in the planning process. Some of these factors are discussed below.

6.4.1 Inadequate Provision for Entitlements

All categories of traders were identified and matched with their particular entitlements. Failure of the Resettlement Unit to recognize every PAP's rights and to deliver these entitlements will give rise to complaints thus delay implementation of the project or affect its acceptability. Consultation and public participation aided in categorizing traders and ensured that the traders were informed of their rights and presented options of compensation preference and valuation of assets. Review of the legal and regulatory frameworks and World Bank standards will ensure that those entitlements are awarded correctly and satisfactorily.

6.4.2 Lack of Prior Compensation of PAPs before Moving of the Traders

World Bank guidelines clearly specify that PAPs need to be fully compensated before being moved out or in the least immediately after moving to enable them regain their pre-project status and maintain their livelihood. If traders are not adequately compensated there is a risk that they will re-occupy the project area or there will be numerous grievances that will result.

6.4.3 Inadequate Budgeting

The project budget needs to be made available before the RAP implementation phase commences. Proper planning before the RAP implementation phase is necessary.

6.4.4 Sources of Funding

All key activities and milestones will be clearly linked to the county budget of the government of Kiambu in availing the RAP implementation funds. The county government will make the necessary planning and acquisition of funds to compensate the PAPs' entitlements. RAP Implementation is an important and key milestone on the critical path to the realization of a new Juja Market

CHAPTER 7: INSTITUTIONAL ARRANGEMENTS

7.1 Introduction

The implementation of RAP will be undertaken by people with experience in resettlement and social development. The roles and tasks of individuals are enshrined in the different institutions and organizations responsible for coordinating the exercise. A clear delineation of responsibilities will have to be sought to reduce incidents of conflicting roles and to identify areas that need strengthening. This is to ensure that there are no delays in the implementation of the RAP. An assessment of individual capacities of the agencies must also be carried out to ensure that any gaps are filled. If there's need for capacity building, then it has to be undertaken early so that implementation will be smooth. Budgeting will be included any training costs for institutions.

7.2 The Ministry of Transport, Infrastructure, Housing and Urban Development (MoTIH& UD)

To address the needs of the large metropolitan area, the government of Kenya in 2008 created the Ministry of Nairobi Metropolitan Development; currently a department under the directorate of Urban Development within the Ministry of Transport, Infrastructure, Housing and Urban Development (MoTIH&UD). The Project Development Objective (PDO) is to strengthen urban services and infrastructure in the Nairobi metropolitan area.

In 2008 the then Ministry of Nairobi Metropolitan Development published the Nairobi Metro 2030, which presented the medium and long term vision and development program. NaMSIP supports the implementation of selected activities included in Nairobi Metro 2030, aimed at promoting orderly urbanization. This is achieved by investing in key government institutions, in land use planning, and in infrastructure, such as solid and liquid waste collection and safe disposal, strategic roads, green spaces, markets, and other urban infrastructure. This ministry will be responsible supervision of all resettlement related activity as well as coordinating implementation of the RAP until a successful RAP process is executed as well as supervision of any resources from the donor partners.

7.3 Kiambu County

This project is under the jurisdiction of the Kiambu County Government and as the host. The county will provide guidelines on management of markets. The county will facilitate and offer administrative services needed by the project. The county will also supply required documents, reports and the consultancy and supervision teams. The County Government will also be involved in consultations with the lead ministry of Transport regarding infrastructural requirements and provide information of the market and relocation sites. The PAP compensation budget will be raised by the county government. Kiambu County Government will also be involved in talks with the lead ministry regarding its infrastructure that will be affected. The County is also responsible for

7.4 County Commissioner's Office and County Administration's Office

The role of the commissioner's office will be important whilst holding public stakeholder engagements, RAP Validation and disclosure and Grievance Redress forums to provide security. This office will also mobilize relevant stakeholders to attend PAPs meetings.

The county administration will provide security during meetings held for the PAPs and ensure they are not disorganized and meeting conducted properly.

7.5 National Environment Management Authority (NEMA)

NEMA is a corporate body charged with; exercising supervision and coordinating overall matters relating to environment as well as being the principal instrument of the Government in the implementation of all policies relating to the environment. NEMA will play a role in supervisory and monitoring of environmental conditions at both relocation and construction of market as per the ESMP in the ESIA.

7.6 Market Committees

The market committees are elected by the traders in order to link them with the county and national market representatives. A typical committee is made up of a chairperson, a treasurer, a secretary and other members. Committees are effective in communicating information, decisions and concerns and also in updating traders of changes, developments, regulations, risks and opportunities. The resettlement Unit in collaboration with the market committee at Juja market will be useful in communicating progress and decisions to the affected traders as well as taking part in grievance redress, entitlement, RAP validation and Disclosure among others. The market committee will work hard in hard with the RAP resettlement Unit to ensure a smooth transition of PAPs from market to relocation site and move back to the constructed market.

7.7 The Resettlement Unit

The proposed Resettlement Unit will comprise representatives from the Ministry of Transport, Infrastructure, Housing and Urban Development, representatives from Kiambu County government, the RAP Implementation Consultant, representatives of PAPs, representative of the market committee and a representative of the county commissioner to ensure mobilization of stakeholder and security respectively. This RU will oversee compensation entitlements are received on time, grievances are addressed, RAP is disclosed and validated among others. The representatives of the RU will be part of the committee that will also oversee the Grievance Redress Mechanism.

CHAPTER 8: CONSULTATION AND PARTICIPATION

8.1. Introduction

World Bank standards stipulate that any displaced persons and their communities and any host communities receiving them will be provided with timely and relevant information, consulted on resettlement options and offered opportunities to participate in planning, implementing and monitoring the resettlement process.

Stakeholder engagement meetings were conducted within the footprint of the project with the PAPs and with local administration and county administration.

8.2. Stakeholders Consulted

During the public consultations multiple groups of stakeholders were consulted. The stakeholders were those affected or with an interest in the project development, and who will be involved in the further consultative process. The main groups of stakeholders are:

8.2.1 Directly Affected People

The directly affected people are those who derive their living from the Juja Market and those who reside within the market. These people will be destabilized in their business while some losing their assets being both temporary and permanent structures. In this project there are approximately 416 traders to be affected by the project.

All the directly affected people were informed and consulted on major issues concerning relocation, livelihood rehabilitation and income restoration. They all adequately participated in the socio economic survey.

8.2.2 Indirectly Affected Persons

This group of stakeholders includes all those who reside in areas neighbouring the project area or are reliant on operations in the project area who will be have to adjust their livelihoods e.g. customers or resident residing in around the market, people working in and around JomoKenyatta University of Agriculture and Technology, who derive their daily nutritional function from the market.

8.2.3 Government Agencies and Other Organizations

To ensure the interests of the affected persons are fully entrenched in the RAP process and income restoration, the consultant adopted a thorough consultation with the affected persons, representatives of any affected group, any interested group and the various administrative and government departments all through the project area. The consultation was all encompassing. Such consulted parties included: Kiambu County and The Ministry of Transport, Infrastructures, Housing and Urban Development.

8.3. Resettlement Preparation and Planning

The consultation team consisted of Valuers, Surveyors, and Communication expert, Environment and Social Impact Assessment Specialist and a Socio-Economist. In all cases, the team was accompanied by the market committee and Kiambu County Government representative. The market committee was instrumental in informing the PAPs about the proposed project and the work of the consultant.

Compensation and rightful assistance to PAPs will be made before the project commences. After compensation/ assistance, a minimum of one-month notice will be given to the Project Affected Persons before the project commences, so as to allow salvaging of necessary assets by PAPs.

The objectives of these consultations were aimed at securing the participation of all PAPs during the resettlement planning and implementation, particularly in the following areas:

- Alternative project design;
- Assessment of project impacts;
- Resettlement strategy;
- Compensation rates and eligibility for entitlements;
- Choice of Relocation site and timing of relocation;
- Assessment of development opportunities and initiatives; procedures for redressing grievances and resolving disputes; and
- Mechanisms for monitoring and evaluation and for implementing corrective actions.

8.4. Consultations

8.4.1 Consultative Meetings

The stakeholders were engaged by consulting the market committee and county government on an appropriate date and time to meet with the PAPs. A notice was issued indicating the venue, time and agenda. The meetings were attended by the design, RAP & environment teams, county government, MITH&UD officials. Minutes, attendance sheets and photos were captured.

The market committee informed the RAP team on the number of vulnerable groups and they were assisted to get to the venue. All meetings held were done within the market site. Repeat meetings were done following the same procedure to consult on relocation site, design inputs and challenges the PAPs experienced at the market.

For vulnerable groups the market committees updated the RAP team on the number of vulnerable groups and were assisted to attend meetings.

The Consultations team consisted of the RAP team leader, a valuer, a communication expert, an environment and social expert and technical assistants. RAP consultants were accompanied by representatives from MoTIH&UD and representatives from Kiambu County Government's markets department. Market committee officials were instrumental in informing traders of the proposed project and work of the consultant as well as mobilizing for the consultative meetings. A key Stakeholder Engagement Forum was held that involved the following parties: -

- Kiambu County officials
- Representatives from the Ministry of Transport, Infrastructure, Housing and Urban Development
- The project Design Consultants
- RAP Consultant
- Design team
- Market committee officials

The plate below shows the meeting that was held at Senate Hotel in Juja on Friday, 4th November, 2016. A record of attendance to this meeting is attached to this report as Annex VII.



Plate 5: Stakeholder Consultation held at Senate Hotel in Juja

Source: Impulso-AWEMAC- Ecoplan:- 2016

8.4.2 Socio-economic Survey

During the consultation process, a socio-economic survey was conducted by the team of consultant and with the help of well-trained field assistants throughout the project area. Interviews were held with individual PAPs in order to establish a socio economic status baseline for the PAPs that could facilitate future monitoring after resettlement. The survey also included questions about opinions/suggestions on livelihood restoration, and type of compensation/ assistance. Information was gathered by use of semi-structured questionnaires which were administered by the team of field assistants. The assistants had undergone training at Capital Club in Westlands on 21st June, 2016.



Plate 6: Training of Field Assistants at Capital Club, Westlands

Source: Impulso-AWEMAC- Ecoplan, 2016

8.4.3 Individual Traders Consultations

Individual trader's consultations were held at the market to give information about the project and gather people's perceptions, opinions, suggestions and fears about the project. The trader consultations created platform for discussion between the RAP team and the traders. The information gathered was used as input into the Resettlement Action Plan. Interviews with the stakeholders were carried out from 9th through 11th November, 2016 through administering well-structured questionnaires (Refer to Annex V for sample questionnaire). Plates below show ongoing data collection.



Plate 7: Census and Socio-economic Survey at Juja Market

Source: Impulso-AWEMAC- Ecoplan, 2016

8.5. Issues Raised through Consultations

The following is a summary of the views of the stakeholders’ consultations: -

Table 13: Issues and responses

Issues	Responses
<p>The road leading to the highway should be prioritized for improvement</p> <p>One trader requested that the road connecting to the market should be tarmacked and directly connect to the main road (Thika Super Highway). She also requested a “simpler” market like</p>	<p>The RAP team informed the PAPs that this concern of road improvement will be incorporated in the report for further attention by the client</p> <p>Eng. Mugo assured traders that the county government was handling the issue of ownership and that a PDP had</p>

Issues	Responses
<p>Muthurwa raising concerns that the county might increase cess, making traders to run away since they would not afford. The trader also questioned on market ownership; was there proof? What was the extent of beacons?</p>	<p>been prepared and gazetted. The PDP clearly showed the size of market land. What was remaining was a title which had been applied for. He affirmed that the land belonged to Kiambu County. He also said that all access roads to the market would be upgraded. He also said that traders would not be charged any additional license fees for stalls but only cess according to type of commodity. The county was being guided by a policy on public utilities. He also reminded that World Bank would not allow traders to be overcharged as this would negatively affect their livelihoods which were contrary to the objectives of the project. The Design Team Representative also reminded that these were open platforms and not walled stalls that would attract higher charges.</p>
<p>Need for ownership proof of the market and extent of coverage</p>	<p>The Pap were informed that the relevant department from the County government were following up on processing of the ownership documents and will be not worry about it</p>
<p>The constructed market should be not lead to high levy fees on the traders</p>	<p>The PAPs were informed that the cess fees would not be increased because it is constructed market, but they would continue to pay monthly to the market.</p>
<p>Traders inquired on the relocation site</p>	<p>Traders would like to be informed of relocation area in advance. Later consultations from NCC and Ministry resolved that construction phasing will be done and PAPs would be moved to one section of the market as construction goes on.</p> <p>The county officials said there was alternative land although not well serviced. The work of recommending improvements for the site would be undertaken by the RAP consultant. They also acknowledged that the market had sufficient land area to allow for phasing of the project. But this possibility would be explored by the RAP valuer.</p>

Issues	Responses
One trader wanted to know if there was provision for parking for motorcycles	The design had already taken care of that and the traders were clearly shown that it would be next to the parking area for vehicles.
Some areas that were allocated as stalls and given allotment letters should be considered	The PAPs were informed that eligible PAPs are those that operate within the market site. The RAP will conduct censuses and prepare a PAPs register including all affected persons

8.6. Consultation during RAP Implementation and Monitoring

MoTIH&UD personnel will continue to conduct a series of meetings and hearings with the project affected people (PAPs), informing them of the results of any survey conducted and the plans for the area. In these meetings there will also be negotiations to determine when the actual resettlement will take place. The RAP will be implemented by MoTIH&UD, RAP implementation team and RAP consultant. A Resettlement Unit (RU) for the project will be constituted and charged with the responsibility of monitoring and supervision of the RAP implementation.

8.7. Dissemination of RAP Information

During the resettlement process, PAPs and other stakeholders will be consulted. The RAP will be disclosed 1-2 months before construction of the market commence and continually engage the PAPs until the implementation of the RAP is over. Extensive consultations with the potentially affected persons will continue through ongoing meetings with project affected people. The issues that would be discussed include:

- Environmental and Social Impacts of the project
- Mechanisms through which asset valuation will take place.
- Mode of compensation/ assistance
- Extent of compensation, that is, who are entitled for compensation and why.
- Where the PAPs will collect their compensation from
- The proposed date when the project will begin
- Cut – off date

In addition to these issues for dissemination to the affected individuals, the project proponent will also emphasize on:-.

- PAPs making their issues, claims and concerns known.
- PAPs having right of access to the formally established grievance process and will be entitled to make their complaints known.
- The Monitoring team having the right to visit and interview PAPs.
- PAPs through the grievance procedure process will be able to contact the monitoring and evaluation team to ensure that their concerns are heard.

CHAPTER 9: GRIEVANCE REDRESS

9.1 Introduction

Grievance Management Mechanism (GMM)– a management system through which grievances will be resolved following a standard operating procedure (SOP) aligned to other management systems (communication, resourcing, reporting).

A grievance mechanism provides a way to reduce risk for NaMSIP projects, offers communities an effective avenue for expressing concerns and achieving remedies, and promotes a mutually constructive relationship. A well-functioning grievance mechanism:

- Provides a predictable, transparent, and credible process to all parties, resulting in outcomes that are seen as fair, effective, and lasting;
- Builds trust as an integral component of broader community relations activities; and
- Enables more systematic identification of emerging issues and trends, facilitating corrective action and preemptive engagement.

Within the NaMSIP project the following principles need to be established to ensure the effectiveness of the GM:

- Commitment to fairness in both process and outcomes.
- Dedication to building broad internal support across project lines.
- Mainstreaming responsibility for addressing grievances throughout the project, rather than isolating it within a single department.
- Willingness by NaMSIP Leadership to visibly and sincerely champion the grievance system.

The design of this Grievance Mechanism is aligned to international best practice and guidelines and has taken the following factors into consideration:

- **Proportionality:** Scaled to risk and adverse impacts on affected communities
- **Cultural appropriateness:** Taking into account culturally appropriate ways of handling community concerns.
- **Accessibility:** Clear and understandable mechanism that is accessible to all segments of the affected communities at no cost.
- **Transparency and accountability:** To project affected stakeholders at field level.
- **Appropriate protection:** Prevents retribution and does not impede access to other remedies.

According to the NaMSIP Juja Market project, a grievance or complaint includes any communication that expresses dissatisfaction, in respect of the conduct or any act of omission or commission or deficiency of service and in the nature of seeking a remedial action but do not include the following:

- Complaints that are incomplete or not specific in nature;
- Communications in the nature of offering suggestions;
- Communications seeking guidance or explanation.
- Anticipated grievances in Juja Market are especially in relation to:
- Disagreements on the relocation assistance values.

Timely redress of grievances is important in ensuring satisfactory implementation of resettlement and completion of the project on schedule. The means of grievance redress have to be accessible and credible to reduce project resistance. This chapter proposes a Grievance Management Mechanism (GMM) to ensure that all complaints are addressed fairly and respectfully. A checklist of issues considered in the design of grievance procedures for JujaMarket included the following:

- An inventory of any reliable conflict mediation organizations or procedures in the project area and an assessment to determine if any can be used instead of having to create new ones.
- Inclusion in the list of affected person. Dispute of the disclosed list of affected persons.
- Reviews of grievance redress mechanisms for simplicity, accessibility, affordability, and accountability. Mechanisms such as use of oral means and in the local and national languages were prioritized and proposals on ways to impose explicit time limits for addressing grievances. Appeal procedures were specified, and suggestions made on how information needs were to be made available to the Project Affected Persons (PAPs).
- Any new committee to be created to address grievances would need to be given the authority to resolve complaints. It was proposed that such a committee include representatives of PAPs, as well as project officials and staff from other agencies with a substantial role in the market resettlement activities.
- A Grievance Complaints Form (Annex XII), a Grievance Acknowledgement Form (Annex XIII) and Grievance Resolution Form (Annex XIV) will be introduced and dully filled by the involved parties.

9.1.1 Receiving Grievances

The channels of receiving grievances will include:

- At NaMSIP Level
 - Project Coordinating Team Level
 - Project Implementation Team Level
- County Government
- Through social media – emails, facebook, twitter

9.2 Steps in Dealing with Grievances

- a. Formal complaint received in writing (letter/email) or at the grievance desk within the market.
- b. Recording of complaint in standard form and grievance register and log.
- c. Project supervisor receives the complaint and assigns to respective grievance committee at community level (e.g. markets committee).
- d. Grievance committee reviews the complaint, verifies, investigates and takes action (if complaint is valid, resolves or passes it on to the Project Implementation Committee).
- e. Project Implementation Committee resolves and closes the complaint.
Feedback to complainant within the stipulated timeframe.
- f.

9.3 Mediation Organizations

An inventory of existing conflict mediation organizations or procedures in the project area was done. An assessment to determine if any can be used instead of having to create new ones showed that the existing mechanisms have never handled resettlement issues before and hence, there is need to create a new structure and procedure of handling grievances. The RAP study found out that relevant stakeholders in this project that will be involved in the mediation process include the following:

- Ministry of Transport, Infrastructure, Housing and Urban Development (MoTIH&UD)
- Kiambu County Government
- National Government County Commissioner Office
- National Government County Social Development Department (Social Development Officer in charge of Registration and Regulation of a self-help groups)
- PAPs

9.4 Grievance Redress Committee and its Procedures

A Grievance Redress Committee (GRC) will be established with representatives from each of the stakeholders from the above list consisting of a full-time Project Social Expert, the Local Social Development Officer (SDO), Ministry representative such as the Project Manager or Supervisor, Kiambu County officials from the Department in-charge of Markets, Local National Government Administrator and representative persons for traders such as Executive former Market Committee officials and PAPs Representatives if not represented by among the executive market committee officials. The proposed leadership of the Grievance Redress Committee of eighteen (18) members (with an official quorum of 80% to transact business) will be as follows;

- Representative from the Ministry of Transport, Infrastructure, Housing and Urban Development – **Chairman**
- Social expert- **Secretary** (provide secretarial and advisory services to the GRC)
- Kiambu County Representatives (Market In-Charge Administrator) - **Members**
- Representative of the Sub-County Commissioner’s Office – **Member**
- The Sub-County Social Development Officer (in charge of Registration and Regulation of a self-help groups) – **Member**

- Three (3) existing Committee members of former traders– **Members**
- PAPs - **3 (three) Members**

After approval of this GRM, the above GRC members will receive letters of appointment from the Project Manager (Ministry of Transport, Infrastructure, Housing and Urban Development) to serve in the committee for a given period of time and their terms of references.

The main role of the committee will be arbitration through mediation and negotiation when complaints arise to ensure that cases are resolved quickly and fairly. The above committee will normally meet once per month and will form special sub-committees or an *ad-hoc* committee that will meet on a weekly basis or more frequently as the nature of some grievances will demand. Such sub-committees or the special ad-hoc committee will report their findings and recommendations to the main committee for ratification or approval.

The social expert will be a member of all such sub-committees to provide technical advisory and secretarial services.

Through consultations between the Chair and Secretary, complaints received will be transferred to the concerned sub-committee within three (3) working days. In case the complaint pertains to an activity of more than one sub-committee or it is a complex issue, then the complaint will be communicated to the main committee members in advance and resolution time will not exceed thirty (30) days from the date of the receipt of the complaint from the complainant. A Grievance Escalation Matrix is shown on figure 15.

- Both the Ministry of Transport, Infrastructure, Housing and Urban Development (project office) and the Kiambu County Government will facilitate the operations of the above committee by providing venue for meetings, secretarial services and any expenses or allowances directly related to the proposed project.
- The Grievances will be presented in person orally, over the phone, online via email, Short Message Service (SMS) using mobile communication systems or in writing, or other means of communications which provide a record of the complaint whichever the aggrieved party finds appropriate. All complaints must be recorded in a Complaints Form (see Annex XII).
- The PAP will be allowed to use local or national languages throughout the redress process and mechanisms for interpretation provided where necessary.
- A Grievance Acknowledgement Form (see Annex XII) will be sent to the complainant within two (2) working days of the receipt of the grievance. The form will contain date of receipt of grievance, details given by the complainant unique grievance number, expected date for resolution of grievance, name, designation and contact details of Officer, grievance escalation matrix with contact details and address (includes organizational levels) and manner and mode of tracking resolution of grievance with the unique grievance number. A simple digital database will also be created to store the cases so as to make work easier and reduce paper work.
- All grievances will be addressed to the Chair of the Committee and handed over to the proposed full-time social expert to be stationed at the Juja sub-county market premises or any other nearby premises. All grievances will be entered into a log book/

register and assigned file numbers for easier handling and tracking of the progress of each case.

- A deadline will be set after notification of entitlements beyond which no more complaints will be accepted so as to expedite the process of relocation assistance. During and after receipt of complaints, the committee will have regular meetings to deliberate upon the complaints lodged in consultation with the complainants, and to offer alternatives where feasible to the issues raised.
- If after negotiations with the committee the PAP is not satisfied with the settlement, the PAPs Committee will also be asked to provide recommendations as to how it is to be addressed. The Committee will decide that the case be re-investigated and, depending on the nature of the grievance in will be referred to the Ministry of Transport, Infrastructure, Housing and Urban Development (MoTIH&UD) for technical and legal advisory purposes to the GRC.
- Complainants will be issued with a Grievance Resolution form (Annex XIV) where they are in agreement with the resolutions. The redress process will take at most 4 weeks per case and cases can be resolved concurrently. The figure 15 shows the flow of cases and recommended timeline
- The names, contact information for the PAPs to access will be determined after consultation with county government and market committee officials during the resource mobilization stage. This is proposed to be 1 month before the resettlement activities starts.
- During the consultations PAPs were informed on the GRM, how to register a compliant, the timelines that the RU will take to respond to a compliant and when a compliant will be resolved. During the resource mobilization, the GRM booklets will be printed ready for the GRM desk at the market. During the RAP disclosure all information on resettlement activities will be disseminated o the PAPs again. The RU will set up a GRM committee to oversee the entire process. Vulnerable groups will be assisted to be reached as the GRM desk will be within the market. The RU will have a weekly report on GRM as well as all other resettlement activities, this information will be disseminated to PAPs in regard how complaints have been resolved. A communication plan will be drafted by the communication expert and this will guide how information, how often information will be disseminated to PAPs, the channels to use etc.
- This information will be provided during the RAP disclosure which the MITH&UD are planning for the approved markets.
- A brochure will be prepared in English/ Swahili to provide exact location, date and contact information at the county government and resettlement unit site office.

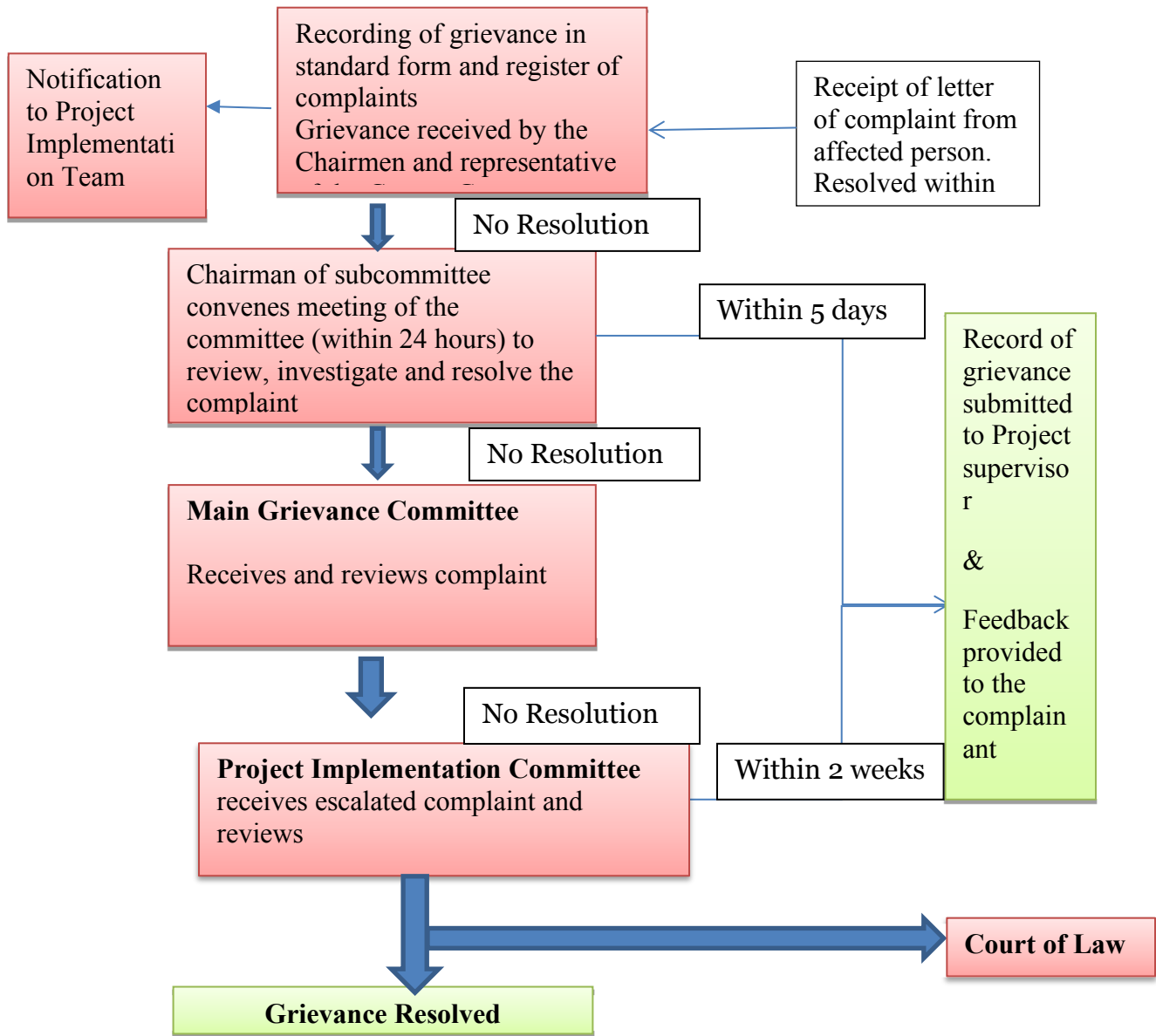


Figure 15: Grievance Escalation Matrix

Source: Impulso-AWEMAC- EcoPlan:- 2016

9.5 Mechanism for Appeal

Disputes not resolved by the GRC will be referred by Ministry of Transport, Infrastructure, Housing and Urban Development (MoTIH&UD) to a registered and licenced Arbitrator practising in Kenya and the arbitration will be governed by the Kenya Constitution 2010, the Arbitration Act (Chapter 49 of the Laws of Kenya). Arbitration agreements will be enforced by the courts, which have the power to refer a dispute to arbitration.

If the PAP is still not satisfied with the settlement after formal arbitration, other legal redress mechanisms will be sort such as appealing in court through litigation. This will be however be a last resort mechanism to avoid dragging the project, since project implementation will not commence until all major public grievances are addressed satisfactorily.

9.6 Redress Monitoring Mechanism

This is meant to check on responsiveness to complaints lodged. Performance indicators will be formulated based on the process, outputs and impacts. Details such as response times, communication methods employed, costs involved, treatment of women and other vulnerable groups and PAPs satisfaction will be used as indicators. Ideally, grievance redress will be undertaken at zero cost to the complainant and as speedily as possible so as not to hurt the complainant and not to delay the onset of project implementation.

The complainant will be intimated on resolution of grievance through a resolution form. The resolution form will contain the date of receipt of grievance, unique grievance number, name, designation and contact details of officer signing the communication, procedure of representing the matter and further right to approach other legal levels in case of non-satisfactory resolution of grievance, within the time specified in the regulation.

Record keeping: To enable efficient monitoring, all records of reported complaints, their nature and number of complainants, number of follow-ups by complainants either in person or via phone and other approved means and concluded resolutions or actions taken if unresolved and the average time taken to resolve grievances will be kept and made available to the project monitoring team.

9.7 Closure of Grievance

Every grievance will be disposed off within a period of thirty (30) days of its receipt and a final reply will be sent to the complainant, containing details of resolution or rejection of the complaint, with reasons thereof recorded in writing.

A grievance will be considered as disposed off and closed in any of the following instances, namely:

- When the intermediary or entity regulated by MoTIH&UD or Kiambu County Government has acceded to the request of the complainant fully.
- Where the complainant has indicated in writing, its acceptance of the response of the intermediary or entity regulated by the MoTIH&UD or Kiambu County Government.
- Where the complainant has not responded within forty-five (45) days of the receipt of the written response of the intermediary or entity regulated by the MoTIH&UD or Kiambu County Government.

- Where the grievance redress committee has certified under indication to the subscriber that the intermediary or entity regulated by the MoTIH&UD or Kiambu County Government has discharged its contractual, statutory and regulatory obligations and therefore closes the complaint.
- Where the complainant has not preferred any appeal within fourteen (14) days from the date of receipt of resolution or rejection of the grievance communicated by the intermediary or entity regulated by the MoTIH&UD or Kiambu County Government.
- Where the decision of the MoTIH&UD or Kiambu County Government in appeal has been communicated to such complainant.

CHAPTER 10: MONITORING AND EVALUATION

10.1 Introduction

In order to guarantee that the resettlement plan is smoothly performed and the benefit of the affected persons be well treated, the implementation of the resettlement plan will be under monitoring throughout the whole process. Monitoring will be divided into two parts, i.e. internal and external monitoring.

10.2 Monitoring and Evaluation

10.2.1 Internal Monitoring

It is the responsibility of the proponent to conduct regular internal monitoring of the resettlement performance of the operation through the Resettlement Unit, which will be responsible for implementing resettlement and compensation activities. The monitoring will be a systematic evaluation of the activities of the operation in relation to the specified criteria of the condition of approval.

The objective of internal monitoring and supervision will be:

- To verify that the valuation of assets lost or damaged, and the provision of compensation, resettlement and other rehabilitation entitlements, has been carried out in accordance with the resettlement policies provided by the Government of Kenya (GoK) and World Bank OP 4.12
- To oversee that the RAP is implemented as designed and approved;
- To verify that funds for implementation of the RAP are provided by the Project authorities in a timely manner and in amounts sufficient for their purposes, and that such funds are used in accordance with the provisions of the RAP.

The main internal indicators that will be monitored regularly:

- That the entitlements are in accordance with the approved policy and that the assessment of compensation is carried out in accordance with agreed procedures.
- Payment of compensation to the PAPs (where possible) in the various categories is made in accordance with the level of compensation described in the RAP.
- Public information and public consultation and grievance procedures are followed as described in the RAP.
- Relocation is done in a timely manner.
- Restoration of affected public facilities and infrastructure are completed prior to construction.

10.2.2 External Monitoring and Evaluation

An Independent Monitoring and Evaluation Unit (IMU) be established to evaluate implementation of compensation and resettlement.

The IMU will be appointed to monitor the resettlement and compensation process and implementation of requirements to verify that compensation, resettlement and rehabilitation have been implemented in accordance with the agreed RAP provisions. The IMU will also be involved in the complaints and grievance procedures to ensure concerns raised by PAPs are addressed. The IMU will be formed immediately upon announcement of entitlements to PAPs since this is the most likely time that PAPs will begin to forward

their grievances. . External monitoring will be conducted by a team from the World bank in consultations with MOTIH&UD and RAP Consultant on a quarterly basis.

More specifically, the IMU will carry out the following:

- Review the results of the internal monitoring and review overall compliance with the RAP
- Assess whether relocation objectives are being met
- Assess general efficiency of relocation and formulate lessons for future guidance
- Determine overall adequacy of entitlements to meet the set objectives.

MoTIH&UD will establish an IMU that draws on personnel with resettlement and social development experience. Relevant representatives from the Resettlement Unit, the project affected persons and the County Administration will be represented at the IMU

The objective of this unit will also be to provide a forum for skills sharing and to develop institutional capacity. It is important that the Unit is able to maintain a strong independent position and provide constructive feedback to the project to ensure that the objectives are met.

The RAP will be implemented by MoTIH&UD and RAP consultant. The Resettlement Unit and PAP Committee will carry out the M&E. The Resettlement Unit will be responsible for the overall M&E while the PAP Committee will monitor and evaluate respective relocation sites where they will have been formed.

Progress and performance of the RAP would be before, during, and after implementation. Using the baseline information that is being compiled by the consultant through this RAP report, the M&E advisors would be in a position to note changes that will have occurred before and after resettlement. Some of the baseline indicators that are relevant to this study are: -

Income statistics: Average biannual family income within the market will not fall below an agreed upon factor in the first 6 months after the move. Data will indicate that the socio-economic situation of the affected people is stable after one year. If, after a year, the situation of PAPs is found to be deteriorating further interventions will be considered.

Entitlement Listing. In the event of relocation to alternative sites for the PAPs, such site will have comparable services and amenities as the previous site. The consultant will recommend financial compensations per PAP. Thus, the choice of the relocation site would depend on the PAPs' concerns and county government availability of land near the market site.

10.3 Methodology for Monitoring

The approaches and methods used will require regular dialogue and surveys of the affected persons. The dialogue will provide a forum for affected parties to air any grievances or complaints that will arise. The survey will provide a more objective form of progress measurement to complement the more subjective consultations/dialogue.

10.4 Data Collection

Qualified census personnel will collect data from a respectable research firm or government agency. The surveys will be conducted with the full consent and permission of affected parties.

10.5 Data Analysis and Interpretation

The data will be able to measure changes in net welfare based on pre-resettlement profile and post resettlement conditions. Where negative welfare is noted, MoTIH&UD will immediately address the same.

10.6 Reporting

Post-resettlement monitoring results will be subject to review by representatives of the affected people through the PAP Committee and representatives of MoTIH&UD. The monitoring team must write its reports before the end of each visit and submit them to the MoTIH&UD Project Manager and the PAP Committee. The Monitoring team will structure its reporting in conjunction with accepted variables, a format to this effect is attached to this report as Annex XV.

CHAPTER 11. CRITERIA FOR DISCLOSURE

Upon approval of the RAP by World Bank and MITH& UD the RAP implementation process will commence as detailed below.

The RU will oversee all resettlement activities. Project mobilization and planning stage will assist the consultant prepare for the RAP implementation process, and choose staff capable to work during the process. The establishment of the Resettlement unit (RU) will be the first task to be addressed. The RU will comprise members from county government, market committee, MITH &UD, county commissioner and a representative of the PAPs. All public consultations will be in English and Swahili.

The RU will disclose the RAP implementation process from the beginning to the end, PAPs move dates, PAPs entitlements, Notifications, public consultations dates, capacity building of PAPs, grievance redress and project staff as well construction timelines. For confidentiality reasons, the actual names and contact details of PAPs will not be included in the disclosed RAP. The RAP Disclosure will take place 1-2 months before construction of the market commence and then RU will continually engage the PAPs until the implementation of the RAP is over.

RAP validation will involve the process of confirming the eligible PAPs by confirming their serial numbers, Identify cards, questionnaires, attendance sheets and PAP stall allocation firm among others.

The Notification of entitlements will involve sharing with PAPs their entitlements and making it a public disclosure meeting.

Grievance redress will involve PAPs registering a complaint and the RU acknowledging the same and timelines in resolving the grievances.

The compensation is made directly to PAPs bank accounts. The PAP bank details will have been collected during the RAP validation process. MITH& UD will provide confirmation of payments for all PAPs.

Improvement of relocation site will involve the contractor to improve the relocation site with the provision of sanitation and water facilities as well as garbage points and water points.

Notification to move PAPs to relocation site after it has been improved.

Notification will be given to the PAPs to move to the relocation site and continue their trading business; vulnerable groups will be given assistance and allowed to move first.

Construction period is estimated to take six months to one year

Capacity building will involve training and building capacity and empowerment to the PAPs as well as training for the project staff to enhance capacity to assist in smooth implementation of the RAP. This will be done during construction period.

The RU will also allocate the PAPs stalls in the constructed market during the construction phase.

Once the market has been constructed, a return allowance will be paid to the PAPs. Once MITH & UD confirms payments to PAPs, a notice will be given to PAPs to move back to the allocated stall. Assistance will be given to the vulnerable groups.

PAPS move back to constructed market after receiving return allowance.

The RU will conduct a census survey to establish restoration livelihood of the PAPs has been successful.

The RU will conduct monitoring and evaluation, status reports quarterly and final report for completion of the resettlement plan.

REFERENCES

Brusberg, F. E, & International Finance Corporation.(2002). *Handbook for preparing a resettlement action plan*. Washington, DC.

Government of Kenya (1921).*The Public Health Act, Cap 242*. Nairobi: Government Printers.

Government of Kenya (1985 revised in 2012).*The Valuers Act, 1985*.Nairobi: Government Printer.

Government of Kenya (1998, revised in 2012). *Physical Planning Act, 1998*. Nairobi: Government Printers.

Government of Kenya (1999). *The National Poverty Eradication Action Plan (NPEP) of 1999*. Nairobi: Government Printer.

Government of Kenya (2000).*The Poverty Reduction Strategy Paper (PRSP) of 2000*. Nairobi: Government Printer.

Government of Kenya (2001).*Gender Policy of, 2001*. Nairobi: Government Printers.

Government of Kenya (2007).*The National Land Policy, 2007*.Nairobi: Government Printer.

Government of Kenya (2007).*The Roads Act, 2007*.Nairobi: Government Printer.

Government of Kenya (2010).*The constitution of Kenya, 2010*. (2010). Nairobi: Government Printer.

Government of Kenya (2011).*National Gender and Equality Commission Act, 2011*. Nairobi: Government Printers.

Government of Kenya (2012).*The Land Adjudication Act, 2012*.Nairobi: Government Printer.

Government of Kenya (2012).*The Land Act, 2012*. Nairobi: Government Printer.

Government of Kenya (2012).*The Land Registration Act, 2012*.Nairobi: Government Printer.

Government of Kenya (2012).*The National Land Commission Act, 2012*.Nairobi: Government Printer.

Government of Kenya (2012).*The Prevention, Protection and Assistance to Integrally Displaced Persons and Affected Communities Act, 2012*. Nairobi: Government Printer.

Government of Kenya (2012).*The Urban Areas and Cities, 2012*. Nairobi: Government Printers.

Government of Kenya (2014). *Public Health Policy, 2014*. Nairobi: Government Printers.

<http://aciizer.com/projects/nairobi-2030-metropolitan-spatial-plan-kenya/>

<http://www.standardmedia.co.ke/business/article/2000098092/naiobi-s-eastlands-set-for-facelift-withplan-to-build-80-000-houses>

Involuntary resettlement: *Planning and implementation in development projects*. (2004). Washington, DC. (Pages 280-293).

JICA (2014). *Integrated Urban Development Master Plan for the City of Nairobi*. Nairobi City County

Kenya Institute for Public Policy Research and Analysis.& Ministry of Nairobi Metropolitan Development. (2008). *Nairobi metro 2030: A vision for a world class metropolis, first and foremost in Africa and the world*. Nairobi, Kenya: Ministry of Nairobi Metropolitan Development.

Kenya National Environment Action Plan. (1994). *The Kenya National Environment Action Plan (NEAP)*. Nairobi, Kenya: NEAP, Ministry of Environment and Natural Resources.

Kenya. (2007). *Kenya: Vision 2030*. Nairobi: Government of the Republic of Kenya, Ministry of Planning and National Development and the National Economic and Social Council (NESC), Office of the President.

Nairobi City County (2014). *Nairobi County Integrated Development Plan*. Nairobi City County

NaMSIP, 2011. Resettlement Policy Framework for Nairobi Metropolitan Services Improvement Project

NaMSIP, 2016. Nairobi Metropolitan Services Improvement Project draft Feasibility study report for Juja Road Market

NaMSIP, 2016. Nairobi Metropolitan Services Improvement Project Inception Report Resettlement policy framework for NaMSIP, 2011

Sessional paper no. 6 of 1999 on environment and development. (1999). Nairobi: Ministry of Environmental Conservation. Government of Kenya (1999), Environmental Management and Coordination Act, 2014. Nairobi: Government Printers.

World Bank Operational Policy 4.12

World Bank, 1990. World Bank Operational Directive 4.30 on Involuntary Resettlement

World Bank, 2001. World Bank Operational Policy 4.12 on Involuntary Resettlement, Revised 2013

ANNEXES

Annex I: Terms of Reference

Annex II: Proposed Detailed Designs and Drawings

Annex III: Juja Survey Plan/PDP

Annex IV: Juja Market Layout Map

Annex V: Census and Asset Inventory Tool

Annex VI: Minutes of Key Stakeholders' Meeting 2016

Annex VII: Attendance Sheets of Key Stakeholders' Meeting, 2016

Annex VIII: Minutes of Public Consultation Meeting, 2018

Annex IX: Attendance Register of Public Consultation Meeting, 2018

Annex X: Photographs Taken at the Public Consultation Meeting, 2018

Annex XI: PAP Summary Information

Annex XII: Grievance Complaints Form

Annex XIII: Grievance Acknowledgement Form

Annex XIV: Grievance Resolution Form

Annex XV: Sample Monitoring and Evaluation Format

Annex XVI: Cut of Date

Annex XVII: Site Relocation Report for Juja Market