



RESETTLEMENT ACTION PLAN (RAP)

FOR THE PROPOSED MALINDI AIRPORT RUNWAY EXPANSION PROJECT

TENDER NO. KAA/OT/MLD/1507/2018/2019

NOVEMBER, 2020

CERTIFICATION

This RAP report has been prepared by the following consultants on behalf of **Eco-solutions Limited**

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FACT SHEET	
Project Name	EXTENSION OF THE MALINDI RUNWAY

Assignment Name	PROVISION OF CONSULTANCY SERVICES FOR ENVIRONMENTAL SOCIO IMPACT ASSESSMENT (ESIA) FOR THE PROPOSED THE EXTENSION OF MALINDI AIRPORT RUNWAY AND PREPARATION OF A RESETTLEMENT ACTION PLAN (RAP)
Lead Implementing Agency	KENYA AIRPORTS AUTHORITY
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Consultants	ECO SOLUTIONS LTD, iPLAN CONSULT (INT'L) LTD
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Target Settlement	EXTENSION OF MALINDI AIRPORT RUNWAY

DEFINITION OF KEY TERMS

Compensation/Facilitation: means payments made in cash in recognition of loss of assets and Livelihoods resulting from impacts caused by planning and surveying.

Complete Displacement: means the displacement of a structure owner or institution PAP etc. from one parcel of land to a different parcel of land outside the settlement due to the planning and survey activities including demarcation of roads.

Cut-off date is the date the census begins. Persons entering and/or occupying land in the project area after this date and not included in the inventory of PAPs will not be considered eligible for facilitation. Similarly, fixed assets such as structures, established after the cut-off date will not be compensated/facilitated.

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

Project Affected Person(s) (PAPs) are persons, households, enterprises, and public or private institutions affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they must move to another location.

Rehabilitation Assistance is the additional support, over and above compensation accorded to the vulnerable or at-risk members of the affected community during implementation of the RAP e.g. labor support.

Relocation/Localized displacement means displacement of a structure owner or institution PAP etc. from one parcel of land to a different parcel of land (within the settlement) due to the planning and survey activities including demarcation of roads.

Replacement cost means replacement of assets with same quality and quantity with an amount sufficient to cover full cost of lost assets and related transaction costs and taxes. The cost is to be based on Market rate (commercial rate) according to Kenyan law for sale of land or property, without depreciation in addition to other considerations such as (a) transporting building materials to the construction site; (b) any labour and contractors' fees; and (c) any registration costs. Therefore, for Replacement cost for houses and other structures means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures at market rates without depreciation

Resettlement Action Plan (RAP) or Resettlement Plan is a resettlement instrument (document) to be prepared when program locations are identified. In such cases, planning and survey activities including demarcation of roads leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPS contain specific and legal binding requirements to resettle and compensate/facilitate the affected party before implementation of the project activities. According to provisions by the World Bank OP 4.12, RAP is prepared where project affected persons are more than 200.

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

Squatters are those who have extended their settlements into Government/public land and have no formal right or claim to the portion of the lands.

Vulnerable Groups include all those affected by the project who are below the poverty line, the elderly, women and children headed households, indigenous people, Persons Living with Disabilities, ethnic minorities or other Project Affected Person who may not be protected through national land compensation legislation.

EXECUTIVE SUMMARY

The Resettlement Action Plan (RAP) Study is an important exercise for any institution that wants to develop facilities where there are human activities. The RAP plays a vital role in almost all development projects where people are required to be displaced due to the implementation of project activities. The preparation of this RAP report was guided by the relevant legal policy framework in Kenya (Kenya Constitution 2010, the Land Act 2012) and the international good practices (World Bank OP.4.12) guidelines on involuntary resettlement.

The preparation of this RAP Report is one of the deliverables of the proposed expansion of Malindi Airport Runway project. The project is being implemented and funded by the Kenya Airports Authority (KAA). ECO-Solutions Limited, a consultancy firm is offering consulting services for the preparation and implementation of the RAP under Tender No. KAA/OT/MLD/1507/2018/2019. The Kenya Airports Authority is charged with the responsibility of providing and managing a coordinated system of airports in the country. It is mandated with the responsibility of constructing, operating and maintaining aerodromes among other functions. The proposed expansion of Malindi Airport Runway project is therefore within the Authority's mandate.

The proposed sites for the Malindi Airport runway and expansion are densely populated areas measuring approximately 2263m by 425m to the North and 204m by 894m to the West of the primary runway (Runway 17/35). The section to the North will extend the total length of the runway to 2.4 km from the current 1.4 km, whilst the expansion to the West will create an additional safety/security buffer zone to the airport. The area is an informal urban settlement and the affected villages include; Majivuni J.C.C, KalimaPoa, Ziwani, Bondeni, Furunzi A, Furunzi B, Majivuni B, Sala Gate, and Mtangani. Settlements at the proposed site comprise of permanent houses, semi-permanent and mud structures.

This RAP report covers three key sections namely; Geospatial and Survey Works, Socio-Economic Survey and Asset Valuation and finally Project Affected Persons (PAPs) Compensation Master Roll with all the details.

The Geospatial and Survey Works Report present and illustrate the Geospatial and Survey Works Process which includes:-

- Recovering and Establishment of Existing old and New Controls respectively
- Re-establishment and Demarcation/marketing of Proposed New Airport Boundary
- Survey/picking of all Project Affected Parcels
- Static Survey (Harmonization of three systems) – Local Clarke 1880 (UTM), Cadastral system (Clarke 1858) and WGS8

The area to be acquired has two types of ownership namely, those who have legal ownership and those who do not have registration documents at all. The latter category can be further classified as those who claim ownership through sale agreements and those who do not have any ownership documents (squatter settlement). Each parcel was surveyed (regardless of size) as shown by the owner or a trusted caretaker of that particular parcel. Details attached to each parcel (owner's identification, contact details, etc.) were recorded where the concerned documents were produced. Serial numbers were allocated to each surveyed parcel. The following is a summary of the acquisition statistics as picked on the ground.

TOTAL NO OF PARCELS AFFECTED	1685
PARCELS WITH OWNERSHIP IDENTIFICATION	1566
PARCELS WITHOUT OWNERSHIP IDENTIFICATION	119
PARCELS TO BE WHOLLY ACQUIRED	1496
PARCELS TO BE PARTIALLY ACQUIRED	189
TOTAL AFFECTED AREA	105.6536 Hectares
AFFECTED AREA UNDER PRIVATE OWNERSHIP	86.2223 Hectares

From the field work, it was established that the Malindi Airport Runway expansion project will lead to the physical displacement of 1,863 persons (PAPs) with a total of 1685 parcels of land; some of which will be acquired fully and others partially as can be seen from the table above. This will result to loss of income sources, livelihoods and disruption of social life within the community. (Find full report in Annex 5 of this report)

Socio-economic baseline conditions

Field data collection involved series of meaningful consultations with a broad range of stakeholders, including National and County authorities, local administration, non-Governmental organizations, Community Based Organizations (CBOs), youth organizations, and market associations in the project areas. Stakeholders' consultations and key informants interviews resulted in a more detailed assessment of the PAPs properties and assets inventory, displacement impacts and as well mitigation measures to be put in place against the impacts.

Field work was facilitated by the chiefs, local village elders and consultants team. Household data was collected using a questionnaire while data analysis was done with the Statistical package for social sciences (SPSS).

Outcomes of the baseline survey revealed that 58.7% of the PAPS were male while 41.3% were females. Majority of the household heads (66.5%) were of ages 36 – 60 years old, 30.7% were aged below 35 years with those aged over 60 years accounting for only 2.8% of the respondents. It was also evident that most of the PAPs (68.4%) have lived in the project area for more than 10

years. 77.7% of respondents are married while 7.8% were widowed and 5% were single. A combined total of 9.5% of the interviewed HH were either divorced or separated.

Majority of the PAPS rely on public tap as a source of drinking water (58.8%). Piped water inside the house is used by 35.6% of respondents. The 5.1% who use other sources largely rely on water purchased from water vendors. Majority (89.3%) of households spend less than 15 minutes to access water for drinking.

The most commonly used type of sanitation is Flush toilet (50.6%) followed by pit latrine with raised slab 18.6%, while VIP toilet account for 12.2%. Most solid wastes (48.6%) is dumped on dump site, 26.3% on dust bin while 21.1% is disposed through solid waste dust bins located outside the main house.

52% of household heads interviewed have primary education, 27.9% have secondary level and 11.1% have acquired university and college level of education.

The main economic activity for the population is Business oriented activities ranging from small scale businesses to Large-scale businesses depending on the socio economic background of the PAPS which was at 47.5%. 15.6% were engaged in casual labour with only 12.3% being employed in the private sector. 17.9% of the PAPS reported to be unemployed.

30.8% of households either have an income of KShs 10,000 or less or no regular income at all. Those earning between KShs 10,000 and KShs 20,000 form 28.4% of the population. 17.8% of the HH earn between KShs 20,000 and KShs 30,000 while 12.4% earn between KShs 30,000 and KShs 40,000. The remaining 5.3% earn between KShs 40,000 to KShs 50,000 and above KShs 50,000.

The main source of energy for cooking is charcoal (58.4%). Firewood the second source at 23.1%. LPG is used by 15% of respondents. The main source of energy for lighting is electricity (66.7%). 12.6% use kerosene while solar energy is used by 19.5% of respondents.

Land ownership systems in the area are in 4 categories; ownership of land through Freehold title (43%), ownership through leasehold (13.5%), squatter (41.3%) and ownership of the ancestral land through inheritance from clan members (2.2%). 69.7% of the land use is under buildings. Land use under trees comprise of 26.9% of the land use. There is very minimal use of land for pasture and arable farming as only 2.3% and 1.1% respectively reported land use under these categories. Most land use (68.2%) is under subsistence use while a combination of both subsistence and commercial use comprise of 26.1%. Only 5.7% of the land use is purely on commercial use.

The main material for roofing houses in the area are corrugated iron sheets (88.1%) while that for wall was stone/block (63.6%). Cemented and earthen floor are the most common floor types and accounted for 52.8% and 35.8% of the cases respectively.

The most common disease in the area is common cold (41.5%) followed by Malaria (17%) and skin diseases (11.3%). Other diseases were only minor and accounted for less than 10% of the reported cases.

The most common mode of travel in the area is motor cycle (79.3%) and the use of TukTuk (11.7%). The main use of the road in the area is mainly travelling to work (66.1%) and going to the market (28.5%).

97.8% of respondents were aware of the proposed project while only 2.2% were not aware. 56.9% received information about the project from village meetings (Baraza) and 26.4% got the information through KAA meetings.

Job creation (56.3%) and increase in the number of tourists (19.2%) are some of the positive impacts expected from the project. The negative impacts include relocation of the people from their land (38.3%), disruption of social life (19.1%), and increased level of crime when people are moved (14.2%) and noise pollution from the aircrafts using the airport (13.5%).

Majority (96.6%) preferred mode of compensation for the loss of their land is payment in cash while 84.4% of those likely to lose their livelihoods would prefer cash payment. 14 % would prefer a restoration of their livelihood activities. 35.2% would prefer payment of transport allowance for relocation, 26.7% would prefer to be paid a disturbance allowance as part of post compensation support while 26.7% would prefer to be considered for employment offer in the expanded airport. Education on Financial management is preferred by 11.4% of respondents as a post compensation support.

Asset Valuation

A compensation master roll/matrix has been prepared by the RAP team containing the names of all PAPs, contact details, results of valuation of land, structures, crops and loss of income. A copy of the compensation matrix has been attached to this report in **Annex 7**.

The entitlement cut-off date will be determined by the gazettelement of the properties for compulsory acquisition by the national land Commission on behalf of the Kenya Airports Authority.

Eligibility Criteria

The table below shows the eligibility criteria that were used during valuation.

Eligibility	Entitlement	Responsibility
Individuals with legal rights to land	<ul style="list-style-type: none"> • Right to compensation and loss of land and assets at replacement cost • Development assistance of over and above compensation measure 	KAA and NLC

	<ul style="list-style-type: none"> • Support after displacement until livelihoods are adequately restored • Provision of assistance and accommodation 	
Individuals with no formal legal rights but claim to such land or assets	<ul style="list-style-type: none"> • Right to compensation and loss of land and assets at replacement cost • Development assistance of over and above compensation measure • Support after displacement until livelihoods are adequately restored • Provision of assistance and accommodation 	KAA and NLC, and Ad Hoc committee
Individuals who have no recognizable or known to the land they occupy	-Assistance and allowances as appropriate	KAA and NLC, RC and Ad Hoc committee

Methods of Asset Valuation

Valuation of land was based on analysing and adjusting sales of similar parcels of land also known as comparables. Sales of comparable properties were obtained from various sources including the Ministry of Lands office in Kilifi, property agents operating within Malindi, and from sales adverts in the area.

For structures the method of valuation is the ‘replacement cost’ method. It is based on the theory that the replacement cost of an improved parcel can be estimated as the sum of the land value and the depreciated value of improvements.

Compensation of crops is decided according to the gross market value of the lost crops. Gross market value makes full provision for owners’ crops or users input already expended (labour, seeds, fertilizer, etc) in the event that there is a crop in – ground at the time of acquisition.

Resettlement Cost Estimates

ITEM	VALUATION COST (KSH)
1. Land	1,273,817,300
2. Crops	300,453,990
3. Structures	2,414,745,877
4. Loss of Income	308,170,000
GRAND TOTAL	4,895,539,742

Public consultation

The aim of public consultation is to disseminate information to the interested and affected parties, solicit their views and consult on resettlement and compensation issues. The stakeholders in this RAP were consulted through key informant interviews, questionnaire administration and community consultative meetings. Key informants consulted during this RAP include among others KAA officials, National and county government officials, Office of the County Commissioner, opinion leaders, village elders and the project affected persons in the project site. A public meeting was held within the project area to allow the affected and interested give their views and opinions.

During consultative meetings, the PAPs expressed their willingness to move and relocate although they regretted that they will lose the property and livelihoods. They wanted clarifications and assurances regarding the process of property evaluation, compensation payment, offering of resettlement assistance and job opportunities to the locals and mitigation measures during project implementation to reduce anticipated impacts.

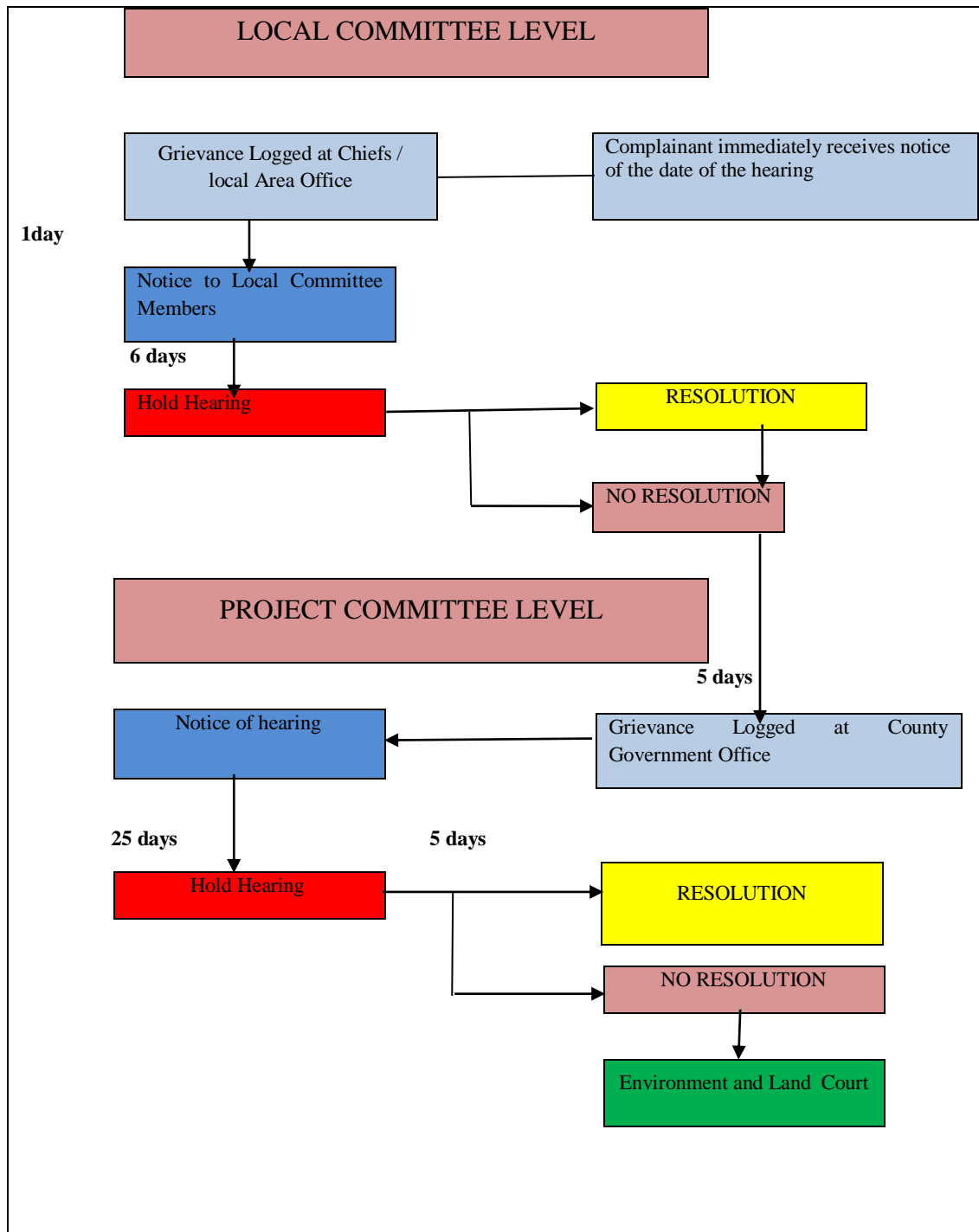
Grievance Redress Mechanism

During RAP implementation process, it is inevitable that complaints will arise among the affected people over contentious issues and dissatisfactions. A grievance redress mechanism has been put in place to address concerns and grievances that may arise.

Some of the grievances anticipated include among others inheritance issues / conflicts among heirs, clerical errors in data entry or mistakes in property valuation, disputes over asset ownership and successions, rejection of a compensation award considered not adequate and representative of market value.

The RAP team has proposed a two level grievance mechanism for the implementation of this RAP. It comprises of the community level grievance committee and the project level committee.

The figure below gives a summary of the grievance redress mechanism proposed for this RAP.



Grievance / Dispute Management Procedure

Monitoring, Evaluation and Reporting (MER)

Monitoring, Evaluation and Reporting mechanism proposed for this RAP constitutes of both internal and external monitoring capacity. Internal monitoring will mainly be carried out by the proponent, which is KAA while external monitoring shall be undertaken by external experts hired by KAA to ascertain quality and objectivity in the process, and a comprehensive evaluation of the implementation of compensation activities on a regular basis. The Monitoring, Evaluation and Reporting (MER) process is important in measuring project impacts, outputs and outcomes of resettlement activities and for evaluating resultant resettlement impacts. The monitoring and evaluation of the RAP will be done against various indicators as proposed in the report.

Implementation of the RAP

The implementation schedule for this RAP covers the periods from the preparation of the RAP to the conclusion of the airport runway expansion project up-to the completion and the time that the infrastructure will be fully available to full use.

Activities proposed during RAP implementation schedule include Preparation of RAP, Consultation and Disclosure of RAP, Audit of the PAP register and compensation package due to each PAP, Signing of agreements on compensation packages by PAPs, Resolving emerging grievances, Compensation and/or Supplementary assistance, Notification of PAPs to relocate, Commencement of airport expansion project operations and Monitoring and evaluation, including baseline update. This process is estimated to last for a period of fifteen (15) months.

Conclusion

The proposed expansion of Malindi Airport Runway project is a public interest project and is expected to spur growth in tourism and business industry in the area. The project will involve displacement and relocation of people to pave way for the expansion project. The consultant has followed all the procedures, processes and industry best practices in the preparation of this RAP Report. A comprehensive compensation master roll has been prepared to ensure that those affected will be duly compensated. It is therefore the duty of the proponent to carry out the RAP process in a timely, accountable and transparent manner as detailed in this report.

Recommendations

- 1) The community and project RAP committees on compensation issues should be formed prior to commencement on the compensation. Internal and external monitoring and evaluation committees should also be formed before the relocation exercise.

- 2) Grievance redress and monitoring register be set-up and the process be publicized in the affected areas.
- 3) Prior to compensation and resettlement, the PAPs and affected communities be given free counseling, training on financial management and offered legal assistance where required.
- 4) The vulnerable PAPs be identified and documented for special assistance as laid out in this RAP.
- 5) During construction of the proposed Airport runway expansion, local communities be given first in employment.

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ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
AHs	Affected Households
CBO	Community Based Organization
CIDP	County Integrated Development Plan
CSOs	Civil Society Organization
DCC	Deputy County Commissioner
EIA	Environmental Impact Assessment
ESIA	Environmental and Social Impact Assessment
ESMP	Environment and Social Management Plan
FGDs	Focus Group Discussions
ROK	Republic of Kenya
GRC	Grievance Redress Committee
HIV/AIDS	Human immunodeficiency virus and Acquired immune deficiency syndrome
HHDs	Households
CAA	Kenya Airports Authority
KNBS	Kenya National Bureau of Statistics
LA	Land Act
M&E	Monitoring and Evaluation
MER	Monitoring, Evaluation and Reporting
NEMA	National Environment Management Authority
NGOs	Non-Governmental Organization
NLC	National Land Commission
NPL	National Land Policy
OS	Operational Safeguards
PAFs	Project Affected Families
PAPs	Project Affected Persons
PPC	Public Participation and Consultation
PMU	Project Management Unit
PIU	Project Implementation Unit
RAP	Resettlement Action Plan
RAPIC	Resettlement Action Plan Implementation Committee
RC	Resettlement Committee
ROW	Right of Way
SPAFs	Significantly Project Affected Families
SPSS	Statistical Package for Social Sciences
WB	World Bank

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CHAPTER 1: INTRODUCTION

1.1: Background Information

The preparation of this Resettlement Action Plan (RAP) Report is one of the deliverables of the proposed expansion of Malindi Airport Runway project. The project is being implemented and funded by the Kenya Airports Authority (KAA). ECO-Solutions Limited, a consultancy firm is offering consulting services for the preparation and implementation of the RAP under Tender No. KAA/OT/MLD/1507/2018/2019.

The Kenya Airports Authority is charged with the responsibility of providing and managing a coordinated system of airports in the country. It is mandated with the responsibility of constructing, operating and maintaining aerodromes among other functions. The proposed expansion of Malindi Airport Runway project is therefore within its mandate.

It is significant to note that Kilifi County, the host of the proposed Malindi airport runway extension is one of the counties located along the coast of Kenya that is richly endowed with unique tourist resources. The county has world class tourist destinations that include the white beaches of Watamu, Watamu Marine National Park, the spectacular Marafa Depression/Hell's Kitchen, rare endemic birds and mammals of ArabukoSokoke Forest, the Kaya Forests and Gede Ruins among other attractions. Malindi Town hosts world class resorts and guest houses. The town is also a major commercial and economic hub of the region. Travel to the town is mainly by road. The airport mainly supports small local flights with a few chartered international flights.

As Malindi town and the surrounding destinations continue to grow, direct international flights and larger cargo planes have not been landing at the airport due to the limitations in the existing runway length and associated facilities. International tourists and local businessmen usually land at the Moi International Airport in Mombasa first before transiting to Malindi. Consequently a lot of time and resources are wasted by the travelers. It is worth noting that the increase in international passenger numbers into the airport has been low compared to domestic passenger numbers.

The proposed Extension of Malindi Airport runway is therefore expected to spur tourism, commercial and economic growth in the region. Neighbouring counties such as Lamu, Tana River and Kwale are also likely to benefit from the new planned expansion of facilities that will permit larger cargo airplanes to operate via the route. This will make it easy to travel and transport goods and services to and from the region with reduction in losses.

1.2 Project Description

1.2.1 Administrative setting and demographics

The proposed airport runway extension site falls under the Malindi sub county, Malindi Town Location and cuts across Barani and Malindi Central sub-locations. Land to be acquired for the expansion of airport runway will affect all the 9 villages in the proposed project area. They include; Majivuni J.C.C, Kalima Poa, Majivuni, Ziwani, Bondeni, Furunzi A, Furunzi B, Majivuni B and Mtangani.

The Malindi sub-county, the host of proposed project had a population of 333,226 during the 2019, Kenya Population and Housing Census. 163,351 were male and 169,866 female (KNBS, 2019)

	SEX			Total	Number of HHds	Average HHds size	Land Area (sq.km)	Population Density (No.per sq.km)
	Male	Female	Inters ex					
Kilifi County	704,089	749,673	25	1,453,787	298,472	4.8	12,539.7	116
Malindi sub-county	163,351	169,866	9	333,226	73,547	4.4	2,263.3	147

Source: KNBS, 2019 Kenya Population and Housing Census

1.2.2 Geographical location

Geographically the proposed project lies along Latitude -3.194645, -3.223703 and Longitude 40.093106, 40.100199. The site to be acquired measures approximately 2263m by 425m to the North and 204m by 894m to the West of the primary runway (Runway 17/35). The section to the North will extend the total length of the runway to 2.4 km from the current 1.4 km, whilst the expansion to the West will create an additional safety/security buffer zone to the airport (A site layout plan has been attached herewith in Annex 2).

1.2.3 Project Design

The scope of works for the proposed runway extension project includes:

- i) The construction of an approximately 1 kilometer runway extension to bitumen surface through;
 - Site clearing

- Runway earthworks to detail
- Gravel sub-base, base and wearing course construction
- Bituminous surface treatment and surface dressing
- Marking and signage
- Installation of wind sock

ii) Fencing (chain link and barbed wire fence) and associated crash gates

iii) Storm water drainage works

1.3 Overview of Resettlement Action Plan (RAP)

A Resettlement Action Plan (RAP) is an important document that must be prepared to guide the process of displacement of people and their activities to pave way for the establishment of development projects. To achieve the objectives of the RAP, a mix of professionals were employed to undertake the RAP study and they include Land Surveyor, Environmentalist, Sociologist and Land Economist (Valuer).

An important aspect of preparing a RAP is to establish appropriate socio-economic baseline data to identify persons who are likely to be affected by the implementation of the proposed development project. This has been undertaken by the sociologist and the results of the socio-economic survey have been discussed elsewhere in this report. The project also undertook the services of a Land Surveyor to carry out cadastral survey and determine acreage of individual parcels of land for each Project Affected Person (PAP), especially where the affected parcels have not been adjudicated/registered, and produce settlement plans. This data was key in estimating the compensations for each PAP.

The preparation of this RAP report has been guided by the National legal framework on entitlements for displaced populations as well as international policies on involuntary resettlements. Among the relevant legal policy framework in Kenya that have been considered include the Kenya Constitution 2010, the Land Act 2012, the Land Registration Act 2012, the Land Value (Amendment) Act 2019 and the international good practices by the World Bank OP.4.12 on involuntary resettlement.

Central to the RAP exercise is the public and stakeholder consultations. Project Affected Persons, National and County government officials, representatives of various institutions and other interested stakeholders were consulted.

1.4 Objectives and scope of the RAP

The objectives and scope of the Resettlement Action Plan covered the following issues and any such issues as may be required by the proponent, including but not limited to the following;

- i) To undertake mapping of the individual land parcels through cadastral survey of the project site and establish the affected land parcels. The consultants conducted a reconnaissance survey, datum & control beacon search (if any). Survey report and Topographical maps have been produced and will be submitted to KAA.
- ii) Census and Socioeconomic Surveys - undertake a census, assets inventories, natural resource assessments, and socioeconomic surveys for the Project Affected Persons (PAPs).
- iii) To analyze relevant Legal Framework - all relevant local laws and World Bank (WB) Group involuntary resettlement policies and valuation methods applicable to the RAP have been described
- iv) Description of Income Restoration strategies
- v) To prepare a draft compensation Master Roll. Once compensation rates are agreed upon, the consultants will prepare a PAPs Compensation Master Roll that includes: Names of all PAPs; Items for compensation for each PAP; and amount of compensation for each item and the total compensation due
- vi) Preparation of an Implementation Schedule of activities to be undertaken as part of resettlement implementation.
- vii) Grievance Redress - description the process for registering and addressing grievances response time, communication modes and mechanism for appeal.
- viii) To prepare a Monitoring and Evaluation protocol to support regular monitoring of the resettlement performance of the whole RAP exercise

1.5 Justification for Resettlement Action Plan

The Malindi Airport Runway expansion project will lead to the physical displacement of 1,863 persons from their land and property. This will result to loss of income sources, livelihoods and disruption of social life within the community. The Resettlement Action Plan is aimed at facilitating resettlement and compensation before project implementation, in accordance to applicable Laws of Kenya. In addition, World Bank Operational Procedure 4.12 - Involuntary Resettlement is triggered by this project and therefore requires the preparation of a Resettlement Action Plan.

The RAP as a tool for resettlement enumerates and provides guidelines that ensures that Project Affected Persons are compensated and resettled for their losses at current market value. It also ensures that PAPs are provided with rehabilitation measures where applicable, in order to assist them to improve or sustain their pre-project living standards and income generating capacity.

The RAP Study has identified all the persons affected, and established the land, houses (permanent, semi- permanent, and mud houses), pit latrines, walls/fences, crops and trees to be

compensated. The identification, survey and valuation of these assets would not have been possible without a RAP study.

1.6 Geospatial & Survey Works Report

A Geospatial and Survey Works Report has been prepared and is part of this RAP Report. The geospatial and survey work consisted of Recovering and Establishment of Existing old and New Control Points, Re-establishment and Demarcation/marketing of Proposed New Airport Boundary, Survey/picking of all Project Affected Parcels, and a Static Survey (Harmonization of three systems) – Local Clarke 1880 (*UTM*), Cadastral system (*Clarke 1858*) and WGS84. The entire geospatial and survey works report is attached herewith under Annex 5.

1.7 RAP Outputs

The key outputs of the Resettlement Action Plan (RAP) Study include the following:

1. Survey report on settlement patterns/land sizes, etc.
2. Socio-economic profile of the PAPs
3. Compensation master roll

CHAPTER 2: LEGAL AND REGULATORY FRAMEWORK

2.1 INTRODUCTION

This chapter discusses the legal and regulatory framework relating to compulsory land acquisition in Kenya in the light of the proposed Malindi Airport Runway expansion project. The chapter provides a brief overview of the key acts and regulations guiding involuntary resettlement in Kenya. A brief discussion of the World Bank OP 4.12 policy guideline is also given.

2.2 LAWS RELATING TO INVOLUNTARY RESETTLEMENT IN KENYA

2.2.1 The Constitution of Kenya, 2010

The Constitution of Kenya 2010 under Article 40 has provisions for protection of right to property. Section (1) states that “Subject to Article 65, every person has the right, either individually or in association with others, to acquire and own property of any description; and in any part of Kenya.

The State shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation results from an acquisition of land or an interest in land or a conversion of an interest in land, or title to land, in accordance with Chapter Five; or is for a public purpose or in the public interest and is carried out in accordance with this Constitution and any Act of Parliament that requires prompt payment in full, of just compensation to the person; and allows any person who has an interest in, or right over, that property a right of access to a court of law.

Provision may be made for compensation to be paid to occupants in good faith of land acquired under clause (3) who may not hold title to the land. The rights under this Article do not extend to any property that has been found to have been unlawfully acquired.

In chapter 5 on land and environment, the Constitution articulates the principles of land policy. In Article 60 (1) the Constitution stipulates that land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable, and in accordance with various principles including:

- a) Equitable access to land;
- b) Security of land rights;
- c) Elimination of gender discrimination in law, customs and practices related to land and property in land; and
- d) Encouragement of communities to settle land disputes through recognized local community initiatives consistent with the Constitution

In Article 61 (1) the Constitution stipulates that all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals. Land in Kenya is therefore classified as public, community or private. The Constitution further defines private land in Article 64. According to this Article, private land consists of “registered land held by any person under any freehold tenure; land held by any person under leasehold tenure; and any other land declared private land under an Act of Parliament”.

Relevance to the project

The constitution permits the state to deprive a person of property of any description only if it is in accordance with Chapter five or is for a public purpose or in the public interest. The proposed acquisition of land for the expansion of Malindi airport runway is for a public purpose and interest. This therefore qualifies the project to acquire land from private land owners guided by the provisions and principles of this constitution. Land and property valuation should be done and all the affected persons should be paid in full before the project is implemented. Under Article 40 of the constitution, illegally acquired property does not qualify for compensation. Only legitimate property owners should be compensated.

2.2.2 The National Land Commission Act 2012

The purpose of the National Land Commission (NLC) Act 2012 is to provide for the management and administration of land in accordance with the principles of land policy set out in Article 60 of the Constitution and the national land policy; provide for the operations, powers, responsibilities and additional functions of the Commission pursuant to Article 67(3) of the Constitution; and to provide for a linkage between the Commission, county governments and other institutions dealing with land and land related resources.

Among the functions of the NLC as outlined under Section 5 (1) of the Act include the management of public land on behalf of the national and county governments; making recommendations for a national land policy to the national government and advise the national government on a comprehensive program for the registration of title in land throughout Kenya.

In addition to the functions set out in subsection (1), the Commission shall, in accordance with Article 67(3) of the Constitution on behalf of, and with the consent of the national and county governments, alienate public land; monitor the registration of all rights and interests in land; ensure that public land under the management of the designated state agencies is sustainably managed for the intended purposes; and may develop and maintain an effective land information system for the management of public land.

The Commission has been accorded various powers under the Act. According to Section 6 of the Act, the Commission shall have all the powers necessary for the execution of its functions under the Constitution, this Act and any other written law.

The specific power of the Commission as stipulated in Section 6 (2) include powers to gather, by such means as it considers appropriate, any relevant information including requisition of reports, records, documents or any information from any source, including any State organ, and to compel the production of such information where it considers necessary; power to hold inquiries for the purposes of performing its functions under this Act; and power to take any measures it considers necessary to ensure compliance with the principles of land policy set out in Article 60 (1) of the Constitution. In the exercise of its powers and the discharge of its functions, the Commission may inform itself in such manner as it may consider necessary and may receive written or oral statements.

Relevance to the project

The National Land Commission plays a key role in the process of compulsory acquisition of land, conflict resolution and compensation. It administers public land on behalf of the national and county governments and makes them key stakeholders in public land issues. It is therefore important that the project proponent inform and engage the NLC regarding the planned acquisition as required by law.

2.2.3 The Land Act No. 6 of 2012

The land Act 2012 provides for the sustainable administration and management of land and land based resources including compulsory acquisition. The Act applies to all land declared as public land, private land and community land and any other written law relating to community land.

Section 7 of the Act stipulates methods of acquisition of title to land. It states that Title to land may be acquired through allocation; land adjudication process; compulsory acquisition; prescription; settlement programs; transmissions; transfers; long term leases exceeding twenty-one years created out of private land; or any other manner prescribed in an Act of parliament.

Part VIII of the Act deals with compulsory acquisition of interests in land. Section 107 provides for preliminary notice and states in Sub Section 1 that whenever the national or county government is satisfied that it may be necessary to acquire some particular land under section 110, the respective Cabinet Secretary or the County Executive Committee Member shall submit a request for acquisition of public land to the Commission to acquire the land on its behalf.

The Act stipulates in Subsection 2 that the Commission shall prescribe a criteria and guidelines to be adhered to by the acquiring authorities in the acquisition of land. The Commission may however reject a request of an acquiring authority, to undertake an acquisition if it establishes that the request does not meet the requirements prescribed under subsection (2) and Article 40(3) of the Constitution. In the event that the Commission has not undertaken the acquisition in accordance with subsection (1) of the Act, the acquiring authority may proceed and acquire the land. Upon approval of a request under subsection (1), the Commission shall publish a notice to

that effect in the Gazette and the county Gazette, and shall deliver a copy of the notice to the Registrar and every person who appears to the Commission to be interested in the land.

Upon service of the notice, the registrar shall make an entry in the register of the intended acquisition. For the purposes of sections 110 to 143, interested persons shall include any person whose interests appear in the land registry and the spouse or spouses of any such person, as well as any person actually occupying the land and the spouse or spouses of such person.

Section 107, Subsection (8) of the Act states that all land to be compulsorily acquired shall be geo- referenced and authenticated by the office or authority responsible for survey at both the national and county government. Section 110 of the Act talks about compulsory acquisition. In Sub Section 1, the Act states that Land may be acquired compulsorily under this Part if the Commission certifies, in writing, that the land is required for public purposes or in the public interest as related to and necessary for fulfillment of the stated public purpose.

If, after land has been compulsorily acquired the public purpose or interest justifying the compulsory acquisition fails or ceases, the Commission may offer the original owners or their successors in title pre-emptive rights to re-acquire the land, upon restitution to the acquiring authority the full amount paid as compensation. Section 111 of the Act talks about compensation to be paid and it states in Sub Section 1 that if land is acquired compulsorily under this Act, just compensation shall be paid promptly in full to all persons whose interests in the land have been determined.

The Act in Section 112 has provisions for inquiry as to compensation and states in Sub Section 1 that at least thirty days after publishing the notice of intention to acquire land, the Commission shall appoint a date for an inquiry to hear issues of propriety and claims for compensation by persons interested in the land, and shall among others cause notice of the inquiry to be published in the Gazette or county Gazette at least fifteen days before the inquiry; and serve a copy of the notice on every person who appears to the Commission to be interested or who claims to be interested in the land.

The notice of inquiry shall call upon persons interested in the land to deliver a written claim of compensation to the Commission, not later than the date of the inquiry. At the hearing, the Commission shall make full inquiry into and determine who are the persons interested in the land; and receive written claims of compensation from those interested in the land.

For the purposes of an inquiry, the Commission shall have all the powers of the Court to summon and examine witnesses, including the persons interested in the land, to administer oaths and affirmations and to compel the production and delivery to the Commission of documents of title to the land. The public body for whose purposes the land is being acquired, and every person interested in the land, is entitled to be heard, to produce evidence and to call and to question witnesses at an inquiry.

Section 113 of the Act provides for the award of compensation and states in Subsection 1 that upon the conclusion of the inquiry, the Commission shall prepare a written award, in which the Commission shall make a separate award of compensation for every person whom the Commission has determined to have an interest in the land.

Relevance to the project

The Act states that compulsory acquisition of land applies when a project is of public interest or public purpose. Malindi Airport Runway expansion project is a public interest project and therefore qualifies for compulsory acquisition of land for its expansion. The client which is Kenya Airports Authority (KAA) must undertake to comply with all the procedures and guidelines of the Act regarding compulsory acquisition of land. In compliance to the Act, the land under question has been surveyed and geo-referenced as required under Section 107, Subsection (8). Section 112 provides for the commission to appoint a date for an enquiry to hear issues of propriety and claims of compensation thus minimizing compensation conflicts.

The Act gives the commission power to return land to the original owner or their successors in title pre-emptive rights to re-acquire the land in situations where the public purpose or interest justifying the compulsory acquisition fails or ceases. This will however be done upon restitution to the acquiring authority full amount paid as compensation. This gives displaced persons opportunity to re-acquire their lands should there be changes in project implementation plans.

2.2.4 Land Registration Act, 2012

This is an Act of Parliament to revise, consolidate and rationalize the registration of titles to land, to give effect to the principles and objects of devolved government in land registration, and for connected purposes. Section 7 of the Act provides for establishment of land registry in which there shall be kept: a) a land register, in the form to be determined by the Commission; b) the cadastral map; c) parcel files containing the instruments and documents that support subsisting entries in the land register; d) any plans which shall, after a date appointed by the Commission, be geo-referenced; e) the presentation book, in which shall be kept a record of all applications numbered consecutively in the order in which they are presented to the registry; f) an index, in alphabetical order, of the names of the proprietors; and a register and a file of powers of attorney.

The Registrar shall, upon payment of the prescribed fee, make information in the land registry accessible to any person and in establishing the land registry, the Public Service Commission and Cabinet Secretary, shall be guided by the principles of devolution set out in Articles 174 and 175 of the Constitution.

The Act also provides for the maintenance for a community land register in each registration unit, in which shall be kept— (a) a cadastral map showing the extent of the community land and identified areas of common interest; (b) the name of the community identified in accordance with Article 63(1) of the Constitution and any other law relating to community land; (c) a register of

members of the community; (d) the user of the land; (e) the identity of those members registered as group representatives; (f) the names and identity of the members of the group; and (g) any other requirement as shall be required under the law relating to community land. (2) The Registrar shall issue a certificate of title or certificate of lease in the prescribed form.

Section 9 Subsection 2 provides for the particulars to be contained in the register and they include name, personal identification number, national identity card number, and address of the proprietor; in the case of a body corporate, name, postal and physical address, certified copy of certificate of incorporation, personal identification numbers and passport size photographs of persons authorized and where necessary attesting the affixing of the common seal; names and addresses of the previous proprietors; size, location, user and reference number of the parcel; and any other particulars as the Registrar may, from time to time, determine.

Under Section 16 the authority responsible for the survey of land may rectify the line or position of any boundary shown on the cadastral map based on an approved subdivision plan, approved combination plan or any other approved plan necessitating the alteration of the boundary, in the prescribed form, and in accordance with any law relating to subdivision of land that is for the time being in force.

Whenever the boundary of a parcel is altered on the cadastral map, the parcel number shall be cancelled and the parcel shall be given a new number. (3) The office or authority responsible for the survey of land may prepare new editions of the cadastral map or any part thereof, and may omit from the new map any matter that it considers obsolete. (4) Any rectification to the cadastral map in accordance with this section shall be notified to the Registrar by the submission of the rectified cadastral map and all the approvals that necessitated the amendments.

Relevance to the Project

The Act is relevant to the proposed project for purposes of ascertaining land ownership details during acquisition of land under this project. Details of the land owner contained in the national registration documents must match those in the land register to mitigate cases of fraud. Since the boundary line of some parcels shall change, the owners of such land will seek new parcel numbers upon the alteration of the cadastral map. KAA shall also be required to register and obtain a title deed to the newly acquired land.

2.2.5 Community Land Act, 2016

An ACT of Parliament to give effect to Article 63 (5) of the Constitution; to provide for the recognition, protection and registration of community land rights; management and administration of community land; to provide for the role of county governments in relation to unregistered community land and for connected purposes.

Part II section (3) of the Act states that Community land shall vest in the community and may be held under any of the following tenure systems (a) customary; (b) freehold; (c) leasehold; and (d) such other tenure system recognized under this Act or other written law.

Section 6 (1) provides for County governments to hold in trust all unregistered community land on behalf of the communities for which it is held. (2) The respective county government shall hold in trust for a community any monies payable as compensation for compulsory acquisition of any unregistered community land.

Part IV section 22 (1) states that Community land may be converted to public land by (a) compulsory acquisition; (b) transfer; or (c) surrender.

Relevance to the project

The provisions of the act shall apply if communal land ownership is established at the site planned for acquisition. Section 30 (1) stipulates that every member of the community has the right to equal benefit from community land.

2.2.6 The Land Value (Amendment) Act, 2019 No. 15 of 2019

An ACT of Parliament to amend the Land Act, the Land Registration Act and the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act; to provide for the assessment of land value index in respect of compulsory acquisition of land; and for connected purposes.

The Act amends the land Act 2012 by inserting Criteria for assessing value for compulsorily acquired freehold land. Section 107A is inserted into the Land Act 2012 and sub-section (1) states that Valuation of freehold land and community land for purposes of compensation under this Act shall be based on the provisions of this Part and the Land Value Index developed for that purpose by the Cabinet Secretary in consultation with county governments and approved by the National Assembly and the Senate.

(2) The land value index under subsection (1) shall be developed within six months of the commencement of this Act.

(3) For purposes of this Part, "land value index" means an analytical representation showing the spatial distribution of land values in a given geographical area at a specific time.

(4) In addition to any other principle that may be employed in calculating the land value index, the declared value of the land for purposes of payment of rates, rents or stamp duty shall be taken into account.

(5) In assessing the value of freehold land and determining the just compensation to be awarded for land acquired under this Act, an increase in the value shall be disregarded if; (a) the increase in the value of land is occasioned by the intended use or development of the land to be

acquired;(b) the increase in the value of the land as at the date of publication of the notice of intention to acquire it is likely to accrue from the use to which the land will be put when acquired; (c) the increase in the value of the land is occasioned by any development or improvement to the land

(6) In addition to the provisions of subsection (1), the following circumstances shall not be taken into account in determining the value of the land; the degree of urgency which has led to the acquisition; any inconvenience caused to a person interested in the land; or damage which is likely to be caused to the land after the date of publication in the Gazette of the notice of intention to acquire the land or in consequence of the intended land use;

Section 111 of the land act 2012 is amended by inserting (1B) that provides that Compensation for compulsorily acquired land may take any one or more of the following forms— (a) allocation of alternative parcel of land of equivalent value and comparable geographical location and land use to the land compulsorily acquired; (b) monetary payment either in lump sum or in installments spread over a period of not more than one year; (c) issuance of government bond; (d) grant or transfer of development rights as may be prescribed; (e) equity shares in a government owned entity; or (f) any other lawful compensation.

Relevance to the project

The provisions of this Act must be taken into consideration during land valuation and compensation process. Valuation of freehold land must be based on the Land Value Index that is stipulated to be developed under this Act. The NLC in consultation with the project affected persons may negotiate the best possible form of compensation for compulsory acquired land.

2.2.7 The Environment and Land Court Act No. 19 of 2011

This is an Act of Parliament to give effect to 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 provision for its jurisdiction functions and powers, and for connected purposes. Section 13 of the Act provides for the jurisdiction of the Court and states in Subsection 1 that the Court shall have original and appellate jurisdiction to hear and determine all disputes in accordance with Article 162(2) (b) of the Constitution and with the provisions of this Act or any other written law relating to environment and land.

In exercise of its jurisdiction under Article 162 (2) (b) of the Constitution, the Court shall have power to hear and determine disputes;

(a) Relating to environmental planning and protection, climate issues, land use planning, title, tenure, boundaries, rates, rents, valuations, mining, minerals and other natural resources;

(b) Relating to compulsory acquisition of land;

(c) Relating to land administration and management;

(d) Relating to public, private and community land and contracts, choses in action or other instruments granting any enforceable interests in land; and

(e) Any other dispute relating to environment and land.

Relevance to the project

Ownership disputes that may arise regarding to land under the acquisition process should be taken to the environment and land court for legal redress. The court also deals with issues related to compulsory acquisition and anybody who feels aggrieved with the manner in which the acquisition process is carried out can seek redress in this court.

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

This is an Act of Parliament to make provision for the prevention, protection and provision of assistance to internally displaced persons and affected communities and give effect to the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons, and the United Nations Guiding Principles on Internal Displacement and for connected purposes.

On protection from displacement, the Act stipulates in Section 6 (1-3) that the Government shall protect every human being against arbitrary displacement. Arbitrary displacement in the manner specified under principle 6(2) of the Guiding Principles is prohibited and shall constitute an offence punishable under this Act as specified in section 23.

Displacement and relocation due to development projects shall only be lawful if justified by compelling and overriding public interests and in accordance with the conditions and procedures in Article 5 of the Protocol, Principles 7-9 of the Guiding Principles and as specified in sections 21-22 of this Act.

The Act provides for the Procedures for displacement induced by development projects. Section 22 subsection (1) states that Subject to the Constitution and section 21 (2) of this Act and prior to the decision to give effect to the displacement of persons due to development projects or projects to preserve the environment, the Government shall—

(a) Seek the free and informed consent of the affected persons; and

(b) Hold public hearings on the project planning.

(2) The decision to give effect to the displacement of persons shall give the justification for the displacement and demonstrate that the displacement is unavoidable and no feasible alternatives exist. The decision shall contain detailed justification on the alternatives explored.

(3) The Government shall ensure that the displacement is not carried out unless—

(a) Reasonable time is given to the affected persons to review the decision and challenge it before an independent body on the grounds that the conditions in section 21 (2) are not adhered to;

(b) An effective remedy in accordance with articles 46 and 47 of the Constitution is available for those affected.

Relevance to the project

The Act only allows for displacement and relocation due to development projects if they are justified by compelling and overriding public interests. This is of relevance to the proposed project in that the expansion and upgrading of the airport is a matter of public interest and in higher demand from the region.

The proponent (KAA) has followed and shall follow all the procedures and processes for displacement as stipulated under the Act. Public hearings and engagements have been conducted to seek the consent of the affected community. The proponent and the government shall ensure full compensation to the affected and assistance to livelihood and access to employment.

2.2.9 Valuers (Professional Misconduct) (Procedure) Rules, 1987

These rules give guidelines for professional conduct of valuers. It prohibits certain professional misconducts and spells out the action to be undertaken in case of misconduct. The Board shall keep and maintain the names of registered valuers. A registered valuer will be held responsible for the acts of members of his staff so far as they relate to matters coming within the scope of his professional practice.

Relevance to the project

Valuation of land and property is a critical aspect of compulsory acquisition and compensation. The National Land Commission makes compensation based on the determination of valuation done by registered valuers. Therefore all valuers engaged in the process of valuation must be registered by the valuers' board in order to practice. The valuation exercise for this project has been undertaken by registered valuers who are approved by the Valuers Registration Board.

2.2.10 Matrimonial Property Act 2013

This is an Act of Parliament to provide for the rights and responsibilities of spouses in relation to matrimonial property and connected purposes. The Act gives equal status to spouses and stipulates that a married woman has the same rights as a married man to acquire, administer, hold, control, use and dispose of property whether movable or immovable, enter into a contract and sue and be sued in her own name. The Act gives meaning to what constitutes matrimonial property and indicates circumstances where the interest of any person in any immovable or movable property acquired or inherited before marriage becomes matrimonial property.

The Act vests ownership of matrimonial property to spouses according to contribution of either spouse towards acquisition of the property. The Act also stipulates property rights in polygamous marriages. Subject to section 6(3), ownership of matrimonial property vests in the spouses according to the contribution of either spouse towards its acquisition, and shall be divided between the spouses if they divorce or their marriage is otherwise dissolved.

Relevance to the project

This Act will form the basis for making decisions in compensation matters where properties are owned by one of the spouses, co-owned by both spouses or in polygamous marriages. It will be significant to understand the history of spousal property ownership before any compensation is made. The act gives the right to spouses to receive a share of a property after divorce according to their contributions to its acquisition. This will ensure that no affected person is discriminated in the planned relocation and compensation exercise.

2.3 World Bank OP 4.12 - Involuntary Resettlement

2.3.1 Introduction

The World Bank OP 4.12 policy is triggered in situations involving involuntary taking of land and involuntary restrictions of access to legally designated parks and protected areas. The policy aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts. It promotes participation of displaced people in resettlement planning and implementation, and its key economic objective is to assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement.

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

2.3.2 Objectives of the Bank's Policy

Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following:

- (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should

be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

(c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

Relevance to the project

The WB OP 4.12 policy objectives apply to the involuntary resettlement proposed under the Malindi Airport Runway expansion project. The policy prescribes compensation and other resettlement measures to achieve its objectives and requires that Resettlement Action Plan be carried out to guide resettlement of affected people. Displaced persons should be meaningfully consulted and allowed to participate in the whole process of the RAP. The proponent should ensure that the displaced persons are assisted to improve or regain their livelihoods and standards of living.

CHAPTER 3: SOCIO-ECONOMIC BASELINE CONDITIONS

3.1: Introduction

This chapter highlights in detail the data collection methods and results used to characterize socio-economic baseline conditions in the project area prior to the actual implementation of the airport runway expansion project.

The goal of the study was to profile the existing social and economic characteristics of Project Affected Persons (PAPs) as a basis of ensuring that as the project is implemented, they are compensated and their lives improved or at least their standard of living restored, income generating opportunities and production levels are restored to pre-project levels and where feasible ensure that the PAPs benefit from the project. It is anticipated that PAPs will be impacted through physical and economic displacement by loss of land, structures, crops, trees and loss of means of livelihoods.

The baseline data from this study also forms the basis for monitoring and evaluation of the whole resettlement process as it documents the situation before the interventions of the proposed project and which can then be compared with how the situation will be after the project implementation.

Socio-economic data that was gathered include: Household demographic data; Means of livelihood and economic activities; housing condition, Energy sources for various household use, water and sanitation services, health services and access, modes of transport used by PAPs and communication services, education services and access, PAPs attitude towards the proposed Airport runway extension, and the preferred mode of compensation for loss of structures, trees and crops.

3.2: Technical Approach and Methodology

Prior to the commencement of the field survey, the consultant held meetings and consultations with the client to among other things: clarify the purpose and scope of assignment, obtain relevant background information and documents, and seek for comments and approval of sampling plan and data collection tools and instruments.

3.2.1 Technical Approach

In order to achieve the objectives of the assignment, the Consultant adopted a four phased approach (see Table 3.1) that ensured the survey activities addressed the objectives of the assignment and were aligned to the needs of the client.

Table 3.1: Technical Approach for the assignment

S/No	Phase	Description
Phase 1:	Mobilization and Planning	<ul style="list-style-type: none"> • Literature review of documents including; impact studies literature, project documents, government policies on airports, KAA strategic plans and policies. • Reconnaissance visits using transect drives along the project area. • Inception report
Phase 2:	Development of study tools and instruments	<ul style="list-style-type: none"> • Design of tools and instruments • Review of tools and instruments by client • Refinement of research tools and instruments • Training of Research Assistants
Phase 3:	Execution	<ul style="list-style-type: none"> • Field work • Data entry and analysis
Phase 4:	Report writing and presentation	<ul style="list-style-type: none"> • Preparation of draft report • Review of draft report by client • Incorporation of comments from the client • Submission of final report

The first phase of the study involved a review of relevant literature including impact studies literature, project documents, and government policies on airport development, KAA strategic plans and policies. The review provided the context and framework under which the field study was conducted.

Preceding the literature review was reconnaissance visits that were conducted in November/December 2019. The visits sought to among other things; obtain key contacts for field work, identify potential enumeration sites, ascertain the Demographic characteristics and sampling criteria of interest. After these activities, the Consultant submitted an Inception report detailing the approach and methodology for the study.

Preceding mobilization and planning, was the phase for design of tools and instruments. In this section, the Consultant designed survey tools and presented them to the client for review. Upon feedback, corrections were made and subsequently training of research assistants was done. The phase also involved mapping of field work activities and logistics for data collection. In the third phase, actual field activities were undertaken including surveys, key informant interviews, field observations and collection of secondary data. Afterwards, the data was cleaned, coded and analyzed as appropriate. In the last phase, the report was presented to the client as per the prescribed format.

3.2.2 Methodology

The consultant developed a methodological approach for each thematic issue in the assignment. While developing the methodological approaches, the consultant ensured that it was suited for meeting the objectives of the assignment. The methodology included the data types, data sources and collection methods, tools and instruments and the sampling approach. A household questionnaire (attached in the annex) was used to solicit data and information from PAPs while a key informant guide facilitated the consultant to gather information from officials at both national level and from Kilifi county government offices.

Applying this suite of methods assures that several distinct perspectives are offered on the socio-economic conditions of PAPs and that a mix of both qualitative and quantitative results is produced. All the 9 villages in the proposed project area were included in the baseline survey. They include; Majivuni J.C.C, Kalima Poa, Majivuni, Ziwani, Bondeni, Furunzi A, Furunzi B, Majivuni B and Mtangani. In each of these villages most of the likely affected households and project beneficiaries were identified and randomly chosen for in depth interview.

3.2.3 Data Cleaning, Coding and Analysis

After the field interviews, the completed questionnaires and instruments were scrutinized to assure that the collected data was devoid of errors, omissions or inconsistencies. This was done in the field in order to allow corrections and verification with the respondents. After all the instruments were completed, coding of the qualitative responses was done in order to facilitate analysis. The collected information was then applied in analysis using Statistical Package for the Social Sciences (SPSS). The results of data analysis are used to present the findings of the survey which is detailed in the subsequent sections.

3.3 Outcomes of the Baseline Survey

3.3.1 Demography

The 2019 Kenya Population and Housing census reported that Malindi sub-county within Kilifi County where the proposed Malindi airport expansion project is located had a population of 333,226 persons. The sub-County had approximately 163,351 males, 169,866 females and a total number of 73,547 households with an average household size of 4.4 persons. From the baseline survey, 58.7% of the PAPS were male while 41.3% were females. The survey findings revealed that majority of the household heads (66.5%) were of ages 36 – 60 years old, 30.7% were aged below 35 years with those aged over 60 years accounting for only 2.8% of the respondents. It was also evident that most of the PAPs (68.4%) have lived in the project area for more than 10 years.

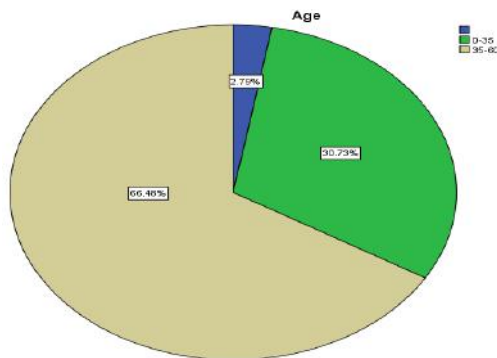


Figure 3.1: Age of household head

3.3.2 Determination of sample size

In view of the fact that the population size within sampled villages was unknown, estimation of proportions formula was used to determine the sample size of respondents for the baseline survey.

To determine a sample size where the population is unknown, the formula computes the minimum sample size required for accuracy in estimating proportions by considering the standard normal deviation set at 95% confidence level (1.96), percentage picking a choice or response (50% = 0.5) and the confidence interval (0.05 = ± 5). Using this formula for Malindi airport expansion area, it returned a sample of 179 respondents.

$$n = \frac{z^2 (p) (1-p)^1}{c^2}$$

Where:

z = standard normal deviation set at 95% confidence level; p = percentage picking a choice or response; c = confidence interval

3.3.3 People with special needs

As results of the analysis presented in table 3.2 below indicate, there were only 2 cases of disability out of the sample respondents of 179 PAPs. This is an important finding in that during the resettlement majority of the respondents (98.9%) will be able to relocate with ease. Vulnerable persons are often not able to make their voice heard effectively; they are often physically weaker, and may need special help in the relocation/disturbance phase of the project.

¹GD Israel, 1992. Determining Sample Size. The Institute of Food and Agricultural Sciences, University of Florida

Table 3.2: People with special needs

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes	2	1.1	1.1
	No	177	98.9	100.0
	Total	179	100.0	

3.3.4 Marital status

With regard to marital status, a total of 179 household heads were evaluated under five classes as listed below:

- Married = 139
- Divorced = 7
- Separated = 10
- Single = 9
- Widowed = 14

Table 3.3: Distribution of Household Heads according to Marital Status

		Frequency	Valid Percent	Cumulative Percent
Valid	Single	9	5.0	5.0
	Married	139	77.7	82.7
	Widowed	14	7.8	90.5
	Seperated	10	5.6	96.1
	Divorced	7	3.9	100.0
	Total	179	100.0	

Marital status distribution shows that 77.7% of respondents were married while 7.8% were widowed and 5% were single. A combined total of 9.5 % of the interviewed HH were either divorced or separated. The implication of the marital status outlook of Household Heads is that most of them are in family set-ups and hence compensation should take into consideration this fact and provide support in such a way as not to separate family members or jeopardize their rights such as denying children the right to education by relocating a family to a location where there is no suitable school. Equally, the destinations for resettlement should be screened for susceptibility to family disorganization or cultural pollution such as would come from resettling an urban family in a rural area.

3.3.5: Education

Education has been considered to be one of the greatest pillars /backbone of the society/ community development. It is in this regard that 52% of households heads interviewed have gone through the primary education, 27.9% had secondary level and 11.1% have acquired university and college level of education. It is an indication that majority of households in the project area can read and write with more males being more educated than their female counterparts.

Table 3.4: Distribution of Household Heads according to Level of Education

		Frequency	Valid Percent	Cumulative Percent
Valid	None	16	8.9	8.9
	Primary	93	52.0	60.9
	Secondary	50	27.9	88.8
	College	11	6.1	95.0
	University	9	5.0	100.0
	Total	179	100.0	

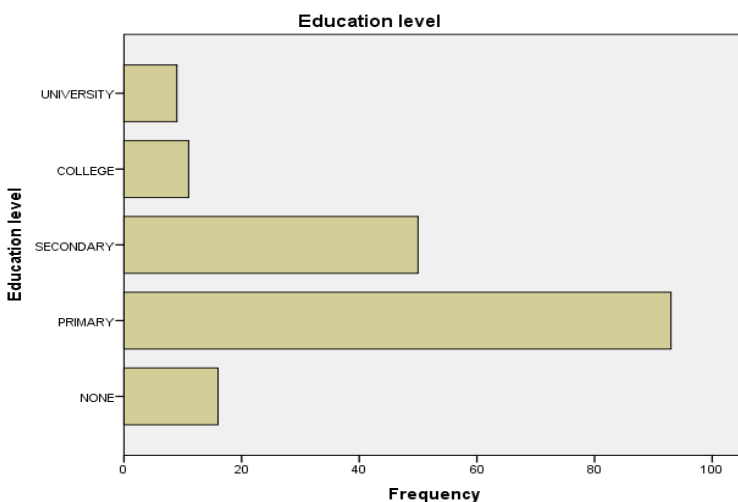
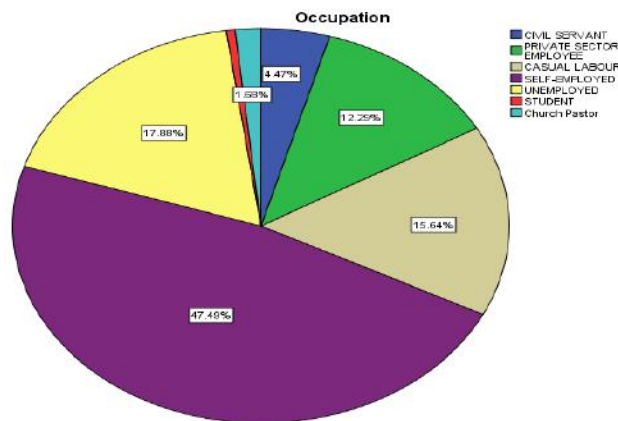


Figure 3.2: Education level of household head

3.3.6 Livelihoods and Income Sources

A person's livelihood refers to their "means of securing the basic necessities such as food, water, shelter and clothing of life". Livelihood is defined as a set of activities, involving securing water, food, fodder, medicine, shelter, clothing and the capacity to acquire above necessities working either individually or as a group by using endowments (both human and material) for meeting the requirements of the self and his/her household on a sustainable basis with dignity.



The main economic activity for the population is Business oriented activities ranging from small scale businesses to Large-scale businesses depending with the socio economic background of the PAPs which was at 47.5%. 15.6% were engaged in casual labour with only 12.3% being employed in the private sector. 17.9% of the PAPS reported to be unemployed

Figure 3.3: Main occupation of HH head

The income of the respondents varied from household to household due to the different socio-economic activities they were involved. 30.8% of households either have an income of KShs 10,000 or less or no regular income at all. This suggests that majority of the HH are poor. Those earning between KShs 10,000 and KShs 20,000 form 28.4% of the population. 17.8% of the HH earn between KShs 20,000 and KShs 30,000 while 12.4% earn between KShs 30,000 and KShs 40,000. The remaining 5.3% earn between KShs 40,000 to KShs 50,000 and above KShs 50,000.

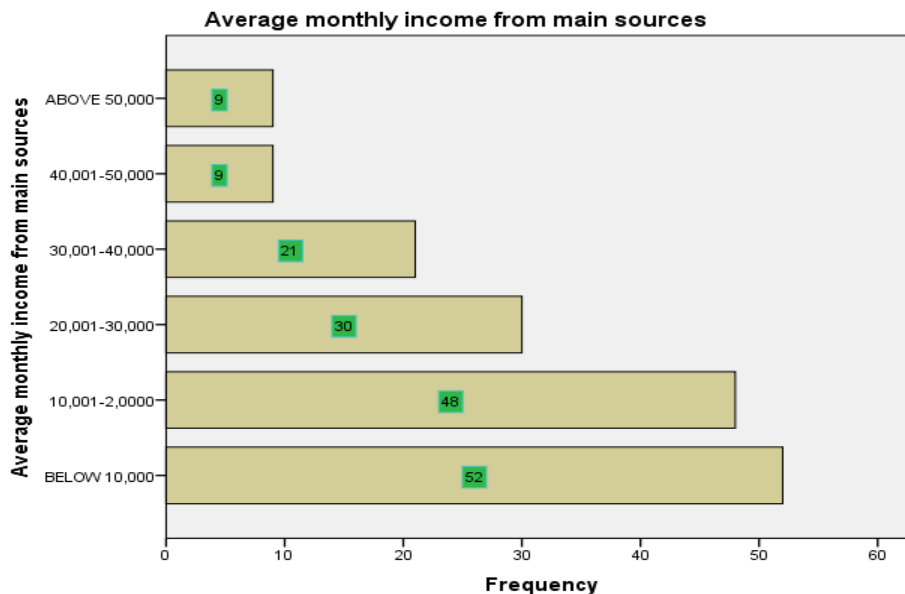


Figure 3.4: Monthly income

3.3.7 Access to Public Services

a) Water

Majority of the PAPS rely on public tap as a source of drinking water (58.8%). Piped water inside the house is used by 35.6% of respondents. The significant quantity of piped water use reflects the urban nature of the project area as it is easier to connect households which are clustered together which typical of most urban set ups compared to rural set ups that are mainly scattered. The 5.1% who use other sources largely rely on water purchased from water vendors. Majority (89.3%) of households spend less than 15 minutes to access water for drinking.

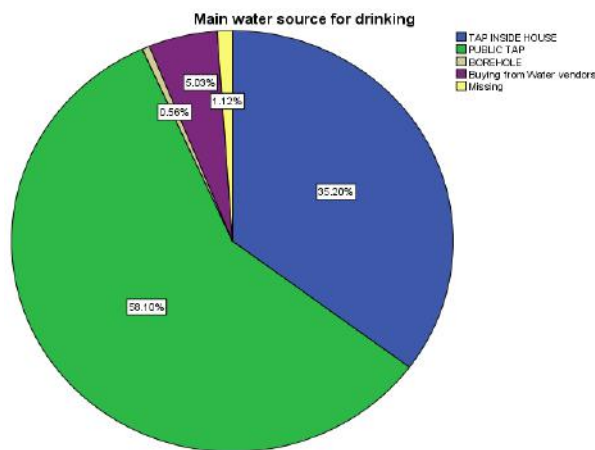


Figure 3.5: Main Water Source for drinking

b) Sanitation

The most commonly used type of sanitation is Flush toilet (50.6%) followed by pit latrine with raised slap 18.6%, while VIP account for 12.2% of respondents. These results indicates that most of PAPS use safe toilet facilities as flush, pit latrine with raised slap and VIP are considered safe facilities by World health Organization (WHO). 66% of residents also possess hand washing facilities.

A paltry 5.2% do not have any developed sanitary facility. Most solid wastes (48.6%) is dumped on dump site, 26.3% on dust bin while 21.1 % is disposed through solid waste dust bins located outside the main house. As noted earlier, on the section under land use, improper waste disposal lead to environmental pollution and attracts scavenging birds that may cause harm to the planes using the airport. Table 3.5 presents a summary of the sanitation type in the area.

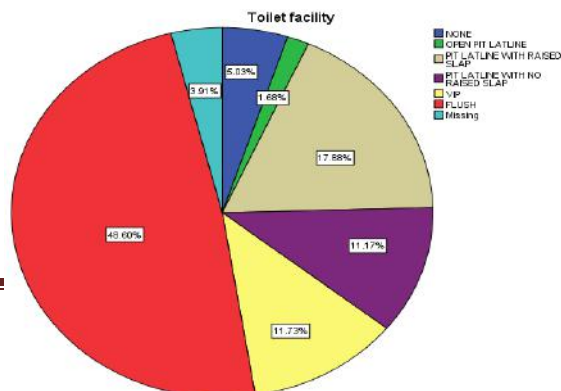
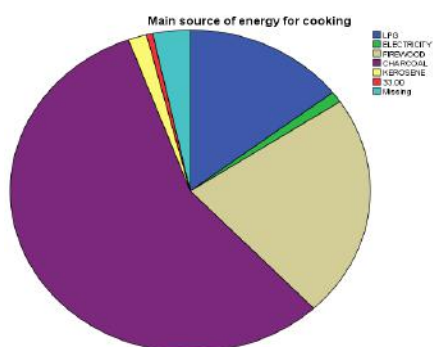


Figure 3.6: Type of toilet facility

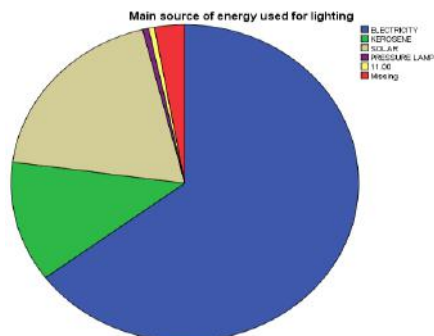
Table 3.5: Distribution of HH by Sanitation Type

		Frequency	Valid Percent	Cumulative Percent
	Type of Toilet facility			
Valid	None	9	5.2	5.2
	Open pit latline	3	1.7	7.0
	pit latline with raised slap	32	18.6	25.6
	pit latline with no raised slap	20	11.6	37.2
	VIP	21	12.2	49.4
	Flush	87	50.6	100.0
	Total	172	100.0	
Availability of Hand wash facilities				
Valid	YES	54	34.0	34.0
	NO	105	66.0	100.0
	Total	159	100.0	
Solid waste disposal				
Valid	Private service provider	5	2.9	2.9
	Dump site	85	48.6	51.4
	Bin	46	26.3	77.7
	Outside the house	37	21.1	98.9
	Open waste drainage	2	1.1	100.0
	total	175	100.0	

c) Energy Sources



The main cooking energy is from charcoal that represents 58.4% with firewood being the second main source at 23.1%. LPG is used by 15% of respondents. With regard to energy source for lighting, 66.7% of PAPs use electricity, 12.6% use kerosene while solar use is also reasonable and account for 19.5% of energy source for lighting. Table 3.6 gives a summary of various household sources of energy.

Figure 3.7: Energy for cooking**Figure 3.8:** Energy for lighting**Table 3.6: Household Energy sources**

		Frequency	Valid Percent	Cumulative Percent
Main source of energy used for Cooking				
Valid	LPG	26	15.0	15.0
	Electricity	2	1.2	16.2
	Firewood	40	23.1	39.3
	Charcoal	101	58.4	97.7
	Kerosene	4	2.3	100.0
	Total	173	100.0	
Main source of energy used for lighting				
Valid	Electricity	116	66.7	66.7
	Kerosene	22	12.6	79.3
	Solar	34	19.5	98.9
	Pressure lamp	2	1.2	100.0
	Total	174	100.0	
Main source of energy used for sound Equipments				
Valid	Electricity	116	76.8	76.8
	Solar	26	17.2	94.0
	Battery	2	1.3	95.4
	Dry cell	7	4.6	100.0
	Total	151	100.0	

3.3.8 Land ownership

Land ownership System in Kenya is classified as Public, Community or Private. A total of 179 HH were interviewed on their land ownership systems which were distributed into 4 categories.

These categories were; ownership of land through Freehold title (43%), ownership through leasehold (13.5%), squatter (41.3%) and ownership of the ancestral land through inheritance from clan members (2.2%). Majority of the land parcels in the project area fall in the category of freehold (43%) and squatter that comprise 41.3% of the sample survey.

Table 3.7 provides the different categories of land ownership recorded during the socio-economic survey in the Project Area.

Table 3.7: Land Ownership/Occupancy in project area

		Frequency	Valid Percent	Cumulative Percent
Valid	Freehold	77	43	43
	Leasehold	24	13.5	56.5
	Squatter	74	41.3	97.8
	Ancestral	4	2.2	100.0
	Total	179	100.0	

3.3.9 Land Use

Results of the data analysis presented in Table 3.8 shows that 69.7% of the land use in the proposed airport runway extension area is under buildings. This was followed by land use under trees that comprise of 26.9% of the land use. There is very minimal use of land for pasture and arable farming as only 2.3% and 1.1% respectively reported land use under these categories. These land use patterns are reflective of the urban settlement set up of the project area. Most land use (68.2%) is under subsistence use while a combination of both subsistence and commercial use comprise of 26.1%. Only 5.7% of the land use is purely on commercial use.

Table 3.8: Land use categories

		Frequency	Valid Percent	Cumulative Percent
Valid	Arable	2	1.1	1.1
	Pasture	4	2.3	3.4
	Trees	47	26.9	30.3
	Buildings	122	69.7	100.0
	Total	175	100.0	
Whether land use is on subsistence or commercial				
Valid	Subsistence	120	68.2	68.2
	Commercial	10	5.7	73.9
	Both	46	26.1	100.0
	Total	176	100.0	

3.3.10 Buildings and Utilities

Table 3.9 below presents the results of the data analysis based on the duration that the household members had occupied the dwelling unit on which they were living on and the housing status of the dwelling unit. Majority (68.4%) of respondents had lived for over 10 years. Those who had lived between 5 to 10 years accounted for 16.1% while those that had lived in their dwelling for between 1 to 5 years represented 12.6% of respondents. Most dwelling units are permanent (63.8%). Semi-permanent and temporary dwelling units represent 31.6% and 4.6% respectively.

Table 3.9: Duration of stay and status of dwelling unit

		Frequency	Valid Percent	Cumulative Percent
Valid	Less than 6 months	1	.6	.6
	6-12 months	4	2.3	2.9
	1-5 years	22	12.6	15.5
	5-10 years	28	16.1	31.6
	Over 10 years	119	68.4	100.0
	Total	174	100.0	
Housing status				
Valid	Permanent	111	63.8	63.8
	Semi-permanent	55	31.6	95.4
	Temporary	8	4.6	100.0
	Total	174	100.0	

3.3.11 Housing Type

A total of 176 household heads were interviewed regarding the type of the material used for the roofing, wall and floor of their main house. The results of the data analysis are presented in table 3.10 below. The main material for roofing was corrugated iron sheets (88.1%) while that for wall was stone/block (63.6%). Cemented and earthen floor are the most common floor types and accounted for 52.8% and 35.8% of the cases respectively.

Table 3.10: Respondents Housing type

Roofing Material		Frequency	Valid Percent	Cumulative Percent
Valid	Thatch/leaves/grass	19	10.8	10.8
	Corrugated iron sheet	155	88.1	98.9
	Tiles/asbestos	2	1.1	100.0
	Total	176	100.0	
Wall Material				
Valid	Earthen	41	23.3	23.3
	Stone/block	112	63.6	86.9
	Unburnt bricks	1	.6	87.5
	Fired bricks	1	.6	88.1
	Iron sheet	1	.6	88.7
	Cemented mud	20	11.4	100.0
	Total	176	100.0	
Floor Material				
Valid	Cemented	94	53.4	53.4
	Earthen	63	35.8	89.2
	Tiles	14	8.0	97.2
	Hardened dung	5	2.9	100.0
	Total	176	100.0	

3.3.12 Health services and access

Table 3.11 presents study results on the accident and illness incidences four weeks prior to the study and some of the most common diseases that were reported among the area residents. 29.9% of the respondents had experienced one form of illness or accident incidence one month prior to the study while 70.1% had not. The most common disease in the area is common cold (41.5%) followed by Malaria (17%) and skin diseases (11.3%). Other diseases were only minor and accounted for less than 10% of the reported cases.

Table 3.11: Accident and Illness incidences

Illnes and Accident incidences				
		Frequency	Valid %	Cumulative Percent
Valid	Yes	53	29.9	29.9
	No	124	70.1	100.0
	Total	177	100.0	
Some of the common diseases in the area				
	Malaria	9	17.0	17.0
	Diarrhea	1	1.9	18.9
	Amoeba/typhoid	5	9.4	28.3
	Skin disease	6	11.3	39.6
	Accident patient	3	5.7	45.3
	Common cold	22	41.5	86.8
	Kidney problem	1	1.9	88.7
	Tooth pain	1	1.9	90.6
	Ulcers	3	5.7	96.2
	Pregnancy problems	2	3.8	100.0
	Total	53	100.0	

With regard to type of medical facilities available in the area, location, and satisfaction levels offered in these facilities, results of the data analysis presented in Table 3.12 shows that government and private health facilities are the most preferred in the area almost on equal measure at 54.7% and 41.9% respectively. Probably because of the alternatives available both in public and private health facilities, and the fact that they are located within the village (27. %) or within Malindi town (72.9%), the satisfaction levels of the services offered were very impressive. Indeed, 81.1% of residents reported satisfaction with the services offered. Those not satisfied with the services were 18.9% and cited lack of drugs (48.1%), delays in being attended to (26.9%), unfriendly medical staff (13.5%) and expensive service charges as some of the reasons for their dissatisfaction with health services and access.

Only 35.2% of respondents have access to health insurance. This is rather discouraging given that one of the big four agenda of the current government is universal health access where every Kenyan have access to affordable health through compulsory health insurance cover.

Table 3.12: Medical facilities, location, satisfaction level and access to health

		Frequency	Valid Percent	Cumulative Percent
Insurance				
	Medical facility Attended when sick			
Valid	Government hospital	98	54.7	54.7
	Private hospital	75	41.9	96.6
	Chemist	2	1.1	97.8
	Ngos/church facility	4	2.2	100.0
	Total	179	100.0	
Location of the medical facility				
Valid	Within the village	47	27.1	27.2
	Within Malindi town	126	72.7	100.0
	Total	173	100.0	
Satisfaction with the services recived from the medical facility				
Valid	Yes	142	81.1	81.1
	No	33	18.9	100.0
	Total	175	100.0	
Resons for dissatisfaction				
Valid	very expensive charges	6	11.5%	11.5%
	Lack of drugs	25	48.1%	59.6%
	Unfriedly Doctors/Nurses	7	13.5%	73.1%
	Delay in being attended to	14	26.9%	100.0%
	Total	52	100.0%	
Access to health insurance				
Valid	Yes	63	35.2	35.2
	No	116	64.8	100.0
	Total	179	100.0	

3.3.13 Transport and communication

Development of transport infrastructure such as airports improves welfare through increased access to markets and other basic services. Transport and telecommunication systems are also important determinants of the physical costs of accessing markets. Poor infrastructure network restricts the development of inputs and product markets.

During the survey, respondents were asked to name the main means of transport they relied upon to meet their transport needs, their rating of the condition of rural access roads, use of the various

means of transport, respondent's access to communication facilities and the rating of mobile phone and internet connectivity.

- **Transport**

Table 3.13 presents study results on the Condition of access roads, Common mode of travel and main use of the roads in the study area. 65.7% of the respondents rated the condition of access roads as average the while 26.4% rated them as being in poor condition. The most common mode of travel in the area is motor cycle (79.3%) and the use of TukTuk (11.7%). The main use of the road in the area is mainly travelling to work (66.1%) and going to the market (28.5%).

Table 3.13: Condition of access roads, Common mode of travel and main use

		Frequency	Valid %	Cumulative%
Condition of access roads in the area				
Valid	GOOD-accessible year round	14	7.9	7.9
	AVERAGE-accessible in dry season	117	65.7	73.6
	POOR-inaccessible during rainseason	47	26.4	100.0
	Total	178	100.0	
Common mode of travel in the area				
Valid	Tuk Tuk	21	11.7	11.7
	Motor cycle	142	79.3	91.1
	Walking	16	8.9	100.0
	Total	179	100.0	
Main use of the roads in the area				
	Travelling to work	109	66.1	66.1
	To go to market and back	47	28.5	94.5
	Carry sick to hospital	4	2.4	97.0
	For income generating activity	5	3.0	100.0
	Total	165	100.0	

- **Communication**

The results of data analysis presented in Table 3.14 show that 99.1% of respondents own mobile phone while computer ownership is very rare. Mobile phone connectivity is also encouraging as most respondents rated it to be of good quality (62.4%), very good quality (14%) and of fair quality (21.3%).

Table 3.14: Ownership of communication gadget and quality of connectivity

		Frequency	Valid %	Cumulative%
Ownership of communication gadget				
Valid	Mobile phone	177	99.4	99.4
	Computer/internet	1	.6	100.0
	total	178	100.0	
Quality of mobile phone connectivity				
	Very good	25	14.0	14.0
	Good	111	62.4	76.4
	Fair	38	21.3	97.8
	Poor	4	2.2	100.0
	Total	178	100.0	

3.3.14: Attitude towards the project

To ascertain residents' attitude to change, the survey questionnaire asked deliberate questions on respondent's awareness of the proposed expansion of Malindi airport runway project and how they received the information about the project. Table 3.15 below shows summarized results of the survey findings. 97.8% of respondents were aware of the proposed project while only 2.2% were not aware. This is a very encouraging finding and may as well point to the fact that the local community is really excited and eager to have the project implemented in their area as soon as is possible.

Indeed, when asked about their source of information, 56.9% of the respondents stated that they received information from village meetings (Baraza) and 26.4% got the information through KAA meetings.



Plate 1: Project awareness-PAPs attending a public baraza

Table 3.15: Awareness and sources of information about the project

		Frequency	Valid %	Cumulative %
Project awareness				
Valid	Yes	174	97.8	97.8
	No	4	2.2	100.0
	Total	178	100.0	
Source of information about the project				
Valid	National government	2	1.1	1.1
	Mca	5	2.9	4.0
	Public baraza	99	56.9	60.9
	KAA meeting	46	26.4	87.4
	Media	6	3.4	90.8
	Neighbours/friends	16	9.2	100.0
	Total	174	100.0	

3.3.15 Awareness of the Project Impacts

With regard to potential positive impacts of the project residents are expecting to realize from the airport runway expansion project, job creation (56.3%) and increase in the number of tourists (19.2%) ranked high among those interviewed. Other benefits of the project are as summarized in Table 3.16 below.

Table 3.16: Positive impacts of the project

		Frequency	Valid %	Cumulative %
	Positive impacts of the project			
Valid	Increase in Number of tourists	29	19.2	19.2
	Job creation	85	56.3	75.5
	More development will be realised in Malindi town	12	7.9	83.4
	Improved beautification	2	1.3	84.8
	Expansion of Malindi economy	8	5.3	90.1
	Diversity of income sources	2	1.3	91.4
	No opinion	13	8.6	100.0
	Total	151	100.0	

The anticipated positive benefits notwithstanding, respondents are also aware that the proposed project is likely to pose some challenges. These problems include relocation of the people from their land (38.3%), disruption of social life (19.1%), and increased level of crime when people are moved (14.2%) and noise pollution from the aircrafts using the airport. Table 3.17 below highlights some of the potential negative impacts from the proposed expansion of Malindi airport.

Table 3.17: Negative impacts of the project

		Frequency	Valid %	Cumulative %
	Negative Impacts projects			
Valid	Relocation of people from their land	54	38.3	38.3
	Increased level of crime when people are moved	20	14.2	52.5
	Disruption of social lives	27	19.1	71.6
	Misinformation about the project	2	1.4	73.0
	Noise because of proximity to Malindi town	19	13.5	86.5
	Disruption of social order	1	.7	87.2
	Destruction of private properties	2	1.4	88.7
	Disruption of education and academic performance	2	1.4	90.1
	No opinion	13	9.2	99.3
	It will not provide any help to the community	1	.7	100.0
	Total	141	100.0	

3.3.16: Compensation for Land, Livelihood and Other Support

As results of the analysis presented in table 3.18 below indicate, majority of respondents preferred mode of compensation for the loss of their land is payment in cash(96.6%) while 84.4% of those likely to lose their livelihoods would prefer cash payment, another 14 % would prefer a restoration of their livelihood activities.

With regard to post compensation support, 35.2% would prefer payment of transport allowance for relocation, 26.7% would prefer to be paid a disturbance allowance as part of post compensation support compensation while 26.7% would like to be considered for employment offer in the expanded airport. Education on Financial management is preferred by 11.4% of respondents as post compensation support.

Table 3.18: Mode of compensation and post-compensation support

		Frequency	Valid %	Cumulative%
Preferred mode of compensation for loss of land				
Valid	Cash	173	96.6	96.6
	Land for land	6	3.4	100.0
	Total	179	100.0	
Preferred mode of compensation for loss of livelihood activities				
Valid	Cash	151	84.4	84.4
	Restortion of activities	25	14.0	98.3
	Provision of alternatives	3	1.7	100.0
	Total	179	100.0	
Other Assistance after compensation				
Valid	Transport for relocation be compensated	37	35.2	35.2
	Disturbance allowance should be factored in compensation	28	26.7	61.9
	Employment in the expanded airport	28	26.7	88.6
	Education on Financial management	12	11.4	100.0
	Total	105	100.0	

CHAPTER 4: COMPENSATION MATRIX

4.1: Introduction

This chapter presents the eligibility criteria, valuation methods and forms of compensation for awarding compensation to PAPs within the proposed airport expansion corridor. A compensation master roll/matrix has also been prepared by the RAP team containing the names of all PAPs, contact details, results of valuation of land, structures, crops and loss of income. A copy of the compensation matrix has been attached to this report in Annex 7.

4.1.1 Eligibility Criteria

According to various statutes regarding land and displacement of persons, i.e. Land Act, National Land Commission Act, Community Land Act, and other related legislations, the RAP should clearly define the project affected persons (PAPs). PAPs can be defined by socio-economic and gender category; household or family; the cut-off dates for eligibility for compensation; the assets to be compensated at replacement cost, and the development projects proposed. The definition of the unit for compensation (family or household) should anticipate and accommodate the land and housing needs for the elderly sons and daughters to establish their own households.

Further the benefits offered by the resettlement program should be clearly established. This may cover, for urban resettlement activities, financial compensation; housing and service provision; transport, temporary accommodation and other short-term provisions required for relocation such as, credit facilities, training or job opportunity. In rural areas however, this may cover land-for-land, participation in training and access to material equipment, inputs and credit. In cases, where land is not the preferred option for some of the displaced persons, non-land-based options should be considered. These options should be built around creating employment opportunity or self-employment.

All affected persons irrespective of their status or whether they have formal titles, legal rights or not, will be eligible for some kind of assistance if they occupied the land before the entitlement cut-off date.

The following groups are entitled to compensation and/or assistance under the proposed project:

1. Project Affected Persons (PAPs): These include land owners, households regardless of their ownership status as squatters etc., whose living will be adversely affected and/or will suffer loss to their right or title on land, house, habitat, water resource or any asset enjoyed due to the project implementation

2. Project Affected Families (PAFs): All members of a project affected household residing under one roof and operating as a single economic unit, who are adversely affected by the project or any of its components.
3. Significantly Project Affected Families (SPAFs): Include affected families who will lose all their land, income or a residential house because of the project implementation.
4. Displaced Family: Any interest holder and his family members, tenant, Government lessee or owner of property, who on account of acquisition of his/her land or other property for the project purpose, has been displaced from such land or property.
5. Squatters: People who have occupied land violating the laws are not entitled to compensation for lost land under this policy. However, if displaced, they are entitled to resettlement assistance and loss of their developments.
6. Vulnerable Groups: Distinct groups of socially distressed people who might suffer disproportionately from the effects of resettlement. These may be ethnic minority/indigenous, women headed households, the poorest (based on the poverty line), the disabled, elderly and landless/families.

4.1.2 Entitlements for the PAPs

The people who were residing, trading or carrying some activity within the air transport corridor during the census for the project affected persons and were living in, earning a living, or had a source of livelihood by being in the area are entitled to receive benefits for the displacement. The recommended guidelines and the Kenyan laws lay down the procedures to be followed to determine the beneficiaries. In this project, there are two (2) categories in consideration to receive benefits as an entitlement. These are:

- a) Those with residences or are residing in the affected area
- b) Those having businesses within the area.

4.1.3 Cut-off Date

The entitlement cut-off date will be determined by the gazettment of the properties for compulsory acquisition by the National Land Commission on behalf of the Kenya Airports Authority, when census started and the time when the assessment of persons and their property in the area was carried out for the preparation of this RAP.

In reality, however, the effective cut-off date is determined once the process of compulsory acquisition has been officially gazetted by the National Land Commission, which specifies when inspections by NLC officials will begin, and public inquiries to determine the various categories of interests will be held. This date is normally some 3-6 months before the actual inspections begin.

Table 4.1: Eligibility Criteria

Eligibility	Entitlement	Responsibility
Individuals with legal rights to land	<ul style="list-style-type: none"> • Right to compensation and loss of land and assets at replacement cost • Development assistance of over and above compensation measure • Support after displacement until livelihoods are adequately restored • Provision of assistance and accommodation 	KAA and NLC
Individuals with no formal legal rights but claim to such land or assets	<ul style="list-style-type: none"> • Right to compensation and loss of land and assets at replacement cost • Development assistance of over and above compensation measure • Support after displacement until livelihoods are adequately restored • Provision of assistance and accommodation 	KAA and NLC, and Ad Hoc committee
Individuals who have no recognizable or known to the land they occupy	-Assistance and allowances as appropriate	KAA and NLC, RC and Ad Hoc committee

4.2: Identification of Assets

Assets that fall into the compensation category include:

- The land itself,
- Permanent structures erected thereon including houses, fences, livestock sheds, billboards, etc
- Permanent crops planted thereon including trees, hedges, cash crops and perennial food crops
- Sources of livelihood including business premises
- Landscaping and other forms of land modifications

4.2.1: Valuation for Compensation

a) Valuation Methodology

Valuation for assets as outlined in this RAP involved field survey to collect data on the PAPs, land to be acquired/easement rights, structures, businesses, trees, community assets and crops affected.

b) Valuation Process

A detailed physical inspection, verification and valuation of assets within the project site have been undertaken for estimate purposes. For a final valuation to be undertaken, it will be necessary for the land acquisition formalities to be completed in accordance with the provisions of the law governing compulsory acquisitions. This will entail the Gazetting of the affected properties, holding public inquiries to receive claims from the owners and any other interest holder.

During the intervening period, an inspection will be carried out to ascertain the condition of the premises affected for assessment purposes. Official searches would also be conducted to verify ownership and any encumbrances attached to the title.

After the inquiries are held, an award is made to the registered owner after comparison of his claim and the official assessment by the government valuer. Option is provided to accept or reject the offer and recourse is provided to appeal on the quantum of the award for enhancement by the tribunal or the Environment and Land Court established by provisions of the Constitution of Kenya (2010).

4.2.2 Land Acquisition Process

The function of acquiring land compulsorily for public purposes is vested in the National Land Commission by the Constitution of Kenya (2010) and the Land Act. The Commission is responsible for arranging the Gazetting of land to give notice to the affected persons. It arranges for valuation inspections of the affected properties and issues the award after determining the claims submitted at the public inquiries. The National Land Commission acts on behalf of the project proponent in arranging for land acquisition and taking possession of the affected land after making the compensation payment to the land-owners.

The valuation process will provide compensation for loss of land and developments, loss of incomes to both lease-holder and the tenants. Payments will be made for restoration of loss of livelihoods. Other costs that will be considered for payment will include payment of relocation costs to the displaced persons. They will also be considered for assistance to be allocated on priority basis any facilities developed to support their continued livelihoods. A flat rate disturbance allowance (15%) will be payable to the property owners over and above the award for any inconvenience suffered as a result of the acquisition of land and developments.

Valuation relies on specific data that include local market conditions and details of property transactions such as location, physical and functional form and legal characteristics. In Kenya, compensation for land requires that the value paid to include all the other miscellaneous expenses, including loss of income, cost of seeking alternative accommodation as well as the injurious affection due to the disturbance aspect occasioned by the process of compulsory acquisition. Thus in such circumstances, the value paid is higher than normal market.

Valuation for compulsory acquisition has its basis on market value. Market value, by definition, is the estimated amount for which an asset should exchange on the date of valuation between a

willing buyer and a willing seller in an arm's length transaction after property marketing wherein the parties had acted knowledgeably, willingly and prudently. It is basically a representation of the value in exchange, or the amount a property would bring if offered for sale in the open market at the date of valuation.

4.2.3 Methods of Asset Valuation

Generally, there are five basic methods of valuation namely:

i) Comparable Method

It is the most commonly used method. The value of the property being appraised is assumed to relate closely to the selling prices of similar properties within the same market area. Since no two properties are identical, the valuer must adjust the selling price of each comparable to account for differences between the subject and the comparable. It is heavily dependent on the availability, accuracy, completeness and timeliness of sale transaction data. The limitation faced by this method is lack of data and sometimes misleading data.

ii) Investment/Income Capitalisation Method

This method of valuation is based on the expected future returns and its applicable where active investment market is available. The rental income is simply a cash flow, and therefore, value of the rented premises may be determined by the present value of the predicted cash flow capitalised using an appropriate multiplier.. Just like comparable method, investment method may be limited where there is lack of reliable data.

iii) Replacement Cost approach method:

This is where the property value is assessed based on the cost of buying the site and constructing the building. It is commonly used on properties that are so specialised and are rarely on the market and is based on the reproduction/replacement value.

iv) Profit method

This method is used in absence of sufficient rental or sales evidence and where the hypothetical purchaser would base his/her offer of profit from the business conducted from the property. The valuer determines the economic rent for the property from first principles

v) Residual method

This is applied to property with development potential either undeveloped or partially developed. The value of the property should be estimated as if the land was vacant and available for its highest and best use. Here, the valuer assesses the market value of the land in a redeveloped form (either by comparison or investment method) and deducts from this gross

development value all costs that will be incurred in putting the property in the form that will command that price.

The method that was found to be appropriate for this exercise is the comparable method coupled with the replacement cost approach. The comparable method for vacant land was found to be most appropriate, in that it incorporated actual sales date of vacant plots from Kilifi Land Office, and these were then adjusted to reflect the differences in dates of transaction, location of subject properties and other available conditions of sale. In addition, where there were improvements in terms of structures and buildings, appropriate rates of construction, as provided by IQSK Guidelines were adopted taking into account the materials used for construction and finishes, the age of the structure, the use to which it has been put, and the infrastructural services connected (i.e. plumbing, electricity and drainage connectivity). Compensation Rates used for by the valuer are attached in **Annex 6** of this report.

The aim of carrying out the estimates of values is to ensure that the affected persons PAPs would not be worse off in their economic and social status when the project is implemented.

4.2.4 Valuation of Land

Valuation of land is based on analysing and adjusting sales of similar parcels of land also known as comparables. Sales of comparable properties were obtained from various sources including the Ministry of Lands office in Kilifi, property agents operating within Malindi town, and from sales adverts in the area. These were then analyzed and compared to the properties under consideration. The purpose of this was to identify the ways in which the sales differ from the subject properties. Differences could include:

- Terms and conditions of sale
- Dates of sale
- Location of the property
- Size or acreage of the land
- Topography, shape and soil type of the parcel

The differences in the sale prices of the comparables were then compared to these differences in property features. Where the available sales are essentially identical to the subject property, the prices should be in a very narrow range.

4.2.5 Valuation of Structures

If structures are primarily for investments purposes, then the 'income approach' is sometimes used. However, the preferred method of valuation is the 'replacement cost' method. It is based on the theory that the replacement cost of an improved parcel can be estimated as the sum of the land value and the depreciated value of improvements. In other words - subtracting the land value from the overall value of the land and fixed structures gives the value of the structures.

Replacement value requires the estimate of land value, accrued depreciation and the current cost of constructing of improvements. Depreciation is deducted from the current cost of construction to get an estimate of improvement value.

In carrying out replacement cost value four steps are required:

- Data collection: descriptive data on the improvement being valued, including materials used for wall construction, roofing, floors, finishes, fixtures and fittings, and accommodation and plinth areas of the structures
- Determining an accurate cost of estimate: expenditure involved in completing a house based on replacement cost or reproduction cost. Reproduction cost is the cost of constructing an identical structure by using the same design and materials. These rates were utilized according to the Cost of Construction Guidelines provided by the Institution of Quantity Surveyors of Kenya (IQSK)
- Replacement cost is the cost of constructing a substitute structure of equal utility using current materials, design and standards.
- Estimation of accrued depreciation – which is the loss in value from replacement cost as new. This is especially relevant where the buildings are relatively old, or have been put into intensive use thereby resulting in extensive wear and tear.

4.2.6 Valuation of Crops

Compensation of crops is decided according to the gross market value of the lost crops. Gross market value makes full provision for owners' crops or users input already expended (labour, seeds, fertilizer, etc) in the event that there is a crop in – ground at the time of acquisition. There are two determinant of gross or full market value which are market value for crops and the average annual yield of the crop. The price used to calculate compensation is the highest market price of the crop during the year. The average annual yield of the crop involves some degree of data collection and analysis. The value of permanent crops, especially trees is also enhanced if they are capable of being harvested for timber upon reaching maturity, even where the said trees produce fruits on a semi-annual of annual basis, but eventually are harvested for timber once production of fruit declines

4.2.7 Forms of Compensation

- Land for land; a situation where instead of receiving monetary compensation, the PAPs especially those having ownership of land, are compensated with land of similar value and character, in an area preferably not too far away from the acquired land
- Monetary compensation: the most common and direct form that has been utilized in the country

- Government bonds and securities: the affected persons are compensated with government bonds and securities having values equivalent to the award of compensation. Especially useful in circumstances where there are cash flow constraints within Government treasury, and also where the compensation is paid out over a period of time.
- Employment or income generating opportunities: incorporated over and above the other methods of compensation to ensure that the PAPs livelihoods are improved as a results of the project

4.2.8 Income and livelihood Restoration

According to the International Finance Corporation (IFC), the term *livelihood* refers to “the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade and bartering.” Livelihood thus, encompasses subsistence production, natural resource utilization, both cash based and non-cash-based transactions, and wage income. The unit of production can be an individual, a household, an enterprise or a community

Livelihood restoration therefore refers to the reinstatement of the way of life of the affected persons prior to the commencement of the project. Restoration of income should be the minimum acceptable outcome; with improved incomes and living standards being the objective.

The envisaged project will affect over 1800 individuals majority of whom are responsible for households and their upkeep. Of this number, about 1700 have some form of ownership over the land they occupy, whether adversely or by purchase.

As a result of the proposed improvement on the airport runway and consequent displacement there will be diminishing income and disruptions in livelihoods of project affected persons therefore in addition to providing resettlement and compensation benefit further measures need to be undertaken for income and livelihood restoration some of these will include offering employment on the project affected persons or their proxies on construction work. The PAPs shall be considered also for any activity in the contract they are capable of performing and earn an income. Women and vulnerable groups will be given preference.

The resettlement committee will monitor and co-ordinate this arrangement with office of the Airport Manager/Resident Engineer a special fund will be established through existing channels to provide funds for income generating activities for a period in excess of the contract period with special buys to the vulnerable groups. Occupational skills and training will be offered to the project affected persons as part of the income and livelihood restoration. The resettlement action plan will provide assistance to restore and supplement the affected businesses with financial or credit support for loss of income in the transitional period.

CHAPTER 5: PUBLIC CONSULTATION AND PARTICIPATION

5.1 Introduction

The aim of the public consultation was to inform the community of the proposed project and how they will be affected, determination of the size of land to be acquired and evaluation of settlements and other resources that will be affected by the proposed airport expansion project. Public information and awareness creation enlightens the PAPs on the importance of the project and how to positively handle the project impacts in a sustainable way. This is important in order to ensure that correct and accurate information is shared and misconceptions and wrong information does not take root thus interfering with the smooth implementation of the project

5.2: Objectives of public consultation and participation

The specific objectives of the consultation process were;

- To create awareness and garner up support for the proposed airport expansion project;
- To engage the local community especially the Interested and Affected Parties about the project benefits, problems they anticipate with the project and how these can be overcome and mitigated against;
- To consult and gather recommendations from the local administration e.g. County Commissioners, Chiefs, Assistant Chiefs, Village Elders and communities that have a stake in the project;
- To provide an opportunity to all the individuals in the area where the proposed airport expansion will be constructed to raise issues and concerns pertaining to the project; and
- Provide correct and accurate information regarding the project.

5.3. Consultations with the PAPs, Community and Key stakeholders

The PAPs consultation process involved carrying out a census survey of all households affected by the proposed project. The census survey, field identification of PAPs and affected land, structures, crops and trees was carried between the months of July and August 2020. A major Community consultation meeting was held on March 2020 before carrying out field census survey and household interviews.

Key Stakeholders in the project area were identified and consulted with the objective of establishing their expert views and opinions on the various social - economic conditions and community needs within airport expansion area and the immediate surroundings. This was done through visits to various County and sub-county government offices and also during the community consultation meeting. Among the key stakeholders consulted include the Kilifi

County Commissioner, Malindi Sub-county Security Committee, County Executive Committee (CEC) Members in charge of Roads, Transport and Public Works, CEC in charge of Trade, Tourism and Cooperative Development, CEC in charge of Water, Environment, Forestry and Natural Resources, and CEC in charge of Health Services and Malindi Airport Senior Management Staff.



Plate 2: Malindi Airport Manager Talking to PAPs during the public consultation meeting at Furunzi

During consultation meetings, the PAPs recognized that they have encroached on the airport land and expressed the willingness to remove their structures and crops to pave way for the project. They recognize the benefits that the expansion of the airport will have on Malindi town generally and on the community in particular. However, they regret that they will be losing most of their structures which they spent money constructing. Some of the structures act as business premises where some PAPS derive their livelihoods. As such, by demolishing these structures to pave way for airport expansion will result in loss of their sources of livelihood.

During the consultation discussions, PAPs raised questions and provided comments concerning compensation option and types of compensation they expected.



Plate 3: A PAP expressing her views during public participation meeting at Furunzi



Plate 4: Consultants, KAA staff and Malindi Sub-County Security Committee meeting at Malindi Deputy County commissioners' office



Meeting with CEC Trade & Tourism



Meeting with CEC Environment & Natural Resources



Meeting with CEC Health Services



Meeting with CEC Transport and public works

Plate 5: Consultants meetings with Kilifi County Government CECMs

5.4: Consultation Outcomes

5.4.1: Comments, Key Issues Raised by Community, PAPs and Key Stakeholders

The community, PAPs and key stakeholders raised almost similar issues during the census survey and during the community consultation meeting. They wanted clarifications and assurances regarding the process of property evaluation, compensation payment, offering of resettlement assistance and job opportunities to the locals and mitigation measures during project implementation to reduce anticipated impacts. Table 5.1 gives a summary of comments from the Consultants, KAA and Community during the public consultation meeting. The issues that were

raised and discussed during the community consultation meeting have also been presented in Table 5.2.

Table 5.1: Summary of Comments from Public Consultation Meeting at Furunzi

PARTICIPANT	COMMENTS/VIEWS/OPINIONS
MALINDI AIRPORT MANAGER	<ul style="list-style-type: none"> • The airport manager started by asking support from the community towards the project, he gave a short story of how Malindi airport come into its existence, he roughly gave figures of tourist numbers which has been impressive since 2015,2016,2018and 2019,”we had 100,000 tourist,150,000,178,000,181,000 respectively while for 2017 there was a decrease due to nation elections.” • He emphasized the need for the expansion of airport so as to improve the economy and development of region and nationwide by creating job opportunities through increased tourism and support of fishing industry that has huge potential in the area. • He said that the existing runway is 1.4 km which is too small for big aircrafts landing and there is need to expand to 2.4kms.
Member of County Assembly (MCA)MAGARINI WARD	<ul style="list-style-type: none"> • She said she is one the people who are affected by the project and her urge for the team is to finalize the project. • She requested for resident committee to be involved with the consultant teams, in addition to that she said names of the landlords to be written instead of the tenants during compensation.
SOCIOLOGIST (Consultant)	<ul style="list-style-type: none"> • He highlighted the importance of indigenous knowledge about the area and how sensitive the project is. • He urged the public of full support and being open to any issue that might be related to the project.
ENVIRONMENTALIST (Consultant)	<ul style="list-style-type: none"> • He started by creating awareness to the public on the importance of the environment as he used the phrase “our environment is our lives”. He said that even though development helps to grow the economy sometimes the environment is greatly affected and that’s why the government brought in measures for the assessment of environment of every project before project commencement. He informed the community that ESIA is

	undertaken to protect and conserve the environment and resources that we depend on.
SURVEYOR (Consultant)	<ul style="list-style-type: none"> • He started by outlining his responsibilities such as determining the number of people affected and to demarcate the boundaries .He and his team will demarcate the land using a white mark to determine the affected parties. • He talked compensation on the affected residents; he gave out a time plan of 10 days where he highlighted that he will expand his team to meet the time plan. • He requested maximum co-operation from the public during the exercises, he urged them not to destroy the boundaries and beacons that would have been put in place by the team.
LAND ECONOMIST (VALUER) (Consultant)	<ul style="list-style-type: none"> • The community was informed that the role of the land valuer is to undertake valuation assessment and come up with cost estimates of the affected people's property for compensation. • He emphasized that he and his team will work on transparency towards getting good results. • Asked the public to be open and truthful on consultation issues that will be involved.

Table 5.2: Issues Raised by the community during the public consultation meeting

Community members	Issues of concern raised	Response from the consultant
Barack Jeremiah	<ul style="list-style-type: none"> • How long will the compensation take place? • How valuation will be done? • And how calculation will be done? 	<ul style="list-style-type: none"> • The Land Economist informed that Compensation will depend on the response from the National treasury since this is a government project. • Valuation Work will be done with transparency. Graves will be accounted for. Absentee landlords, rightful ways will be followed. • Those who will be away to inform their neighbors to help them. • Residents will be given enough time for relocation

Benard Tezi	<ul style="list-style-type: none"> • He asked on what will be done on absentee landlords, who will appear during compensation? 	<ul style="list-style-type: none"> • The surveyor assured them that he will use all materials such as maps and equipment for effectiveness of the project. • He assured the public that he has an experience of over 20 years of dealing with land issues which will be of great value towards any difficult that may arise during its implementation.
Fredrick Njuguna	<ul style="list-style-type: none"> • The PAPS to be given enough time for their re-location 	<ul style="list-style-type: none"> • Enough time will be allowed for PAPs to relocate
Harrison	<ul style="list-style-type: none"> • What is the length and width of the runway extension and timelines of the implementation of the project? 	<ul style="list-style-type: none"> •
Lina Nyanche	<ul style="list-style-type: none"> • Whether the surveyor will go back to demarcate the land if one is absent from their homes. 	<ul style="list-style-type: none"> • Yes the surveyor will do recall visits
Kapanga	<ul style="list-style-type: none"> • PAPS be compensated fully before relocating • Who will be compensated in situations where there are agreements with the land owner, and compensation of graves? 	<ul style="list-style-type: none"> • The PAPs will be compensated fully by the NLC before relocation • The one who will prove entitlement through possession of proper documents will be compensated • Graves will be compensated using laid down guidelines by NLC
Sulubu	<ul style="list-style-type: none"> • The surveyor to do zoning to easy the job. • Requested for an information desk to help the residents for deeper understanding where there is need 	<ul style="list-style-type: none"> • Yes will be done by the surveyor • The chief and assistant chief offices will organize for a proper mechanism of communication when need arises
Benard	<ul style="list-style-type: none"> • He asked to know what will be done on noise pollution with increased number of aircrafts to the airport. 	<ul style="list-style-type: none"> • The environmentalist answered by saying that measures shall be undertaken by KAA in line with the ICAO and the National Environment Management Authority (NEMA) noise

		management guidelines
VOTE OF THANKS		
<ul style="list-style-type: none"> • The airport Manager thanked the residents for coming and also assured them to form committees to represent them. • Shadrack (consultant team leader) thanked the community for their meeting attendance that showed the commitment they have towards the project, he asked them to feel free to ask on any issue where they may need further clarification or explanation. 		
CLOSING REMARKS		
<ul style="list-style-type: none"> • Senior Assistant chief Mwayele assured the residents of full confidentiality of the project and added the project is good for every person in the area. • He reminded the residents about the enrollment of student to schools otherwise those parents caught will be taken a step; • The meeting was closed by a word of prayer from Z.M Mwadime at 1:20p.m 		

5.5 Consultations during RAP Implementation

KAA will continuously hold meetings and consult with the PAPs during the Project Implementation Period as a means of evaluating and monitoring the progress of the resettlement process.

It will be important that the PAPs comfortably settle and continue with their lives. Some of the PAPs are likely to be offered employment opportunities as semi-skilled and unskilled labourers and hence there will be continued communication with a sample of the affected people during project implementation. This will ensure continued support to the project by all the stakeholders since they will directly realize the benefits that can accrue from the airport expansion project.

CHAPTER 6: INSTITUTIONAL FRAMEWORKS AND ARRANGEMENTS

6.1: Introduction

Whereas KAA is the project proponent and will be responsible for ensuring that the plan is implemented as agreed with the lenders, other Government agencies will be directly involved in the implementation of this RAP. Included in this category of agencies are also the County governments. Each of the agencies has its role to play in the process as mandated in its responsibilities vested by various laws and the Constitution of Kenya. These institutions include;

6.1.2 Ministry of Transport, Infrastructure, Housing and Urban Development

The mission of the ministry is to develop and sustain world class transport infrastructure, maritime economy, public works and housing for sustainable social economic development while the mandate of the state department of Transport and Infrastructure under which the proposed Malindi airport expansion project falls is to develop and maintain sustainable transport and infrastructure to facilitate efficient movement of goods and people; develop and enforce regulations and standards to ensure safe, secure and efficient transport and infrastructure systems; undertake research and implement the findings for an efficient transport and infrastructure system and mobilize resources and build capacity for technical and professional staff.

6.1.3: The National Land Commission

The Commission is responsible for compulsory land acquisition and payment of the compensation money to the affected persons. The Commission processes the request from the project promoter. The Commission handles the gazetting and inspections of affected properties. They prepare the awards and facilitate the taking of possession of the land upon payment of the awards to the affected persons. The National Land Commission has established County offices that will be directly involved in matters arising from the land acquisition if the affected persons are not satisfied with the awards.

6.1.4: County Government of Kilifi

The County is responsible for ensuring that the plan is acceptable to the local residents as it supplements the County's capital programs. The County government is also responsible for facilitation and assisting in the verification of the claims.

6.1.5 The local CBOs and other Civil Society

Member groups of the civil society working in the proposed project area in related fields. Their responsibility is to ensure that the resettlement plan is implemented as suggested and in the event of any departure or change in circumstances, the project affected persons are not adversely affected. The group will also have a role to sensitize the people and empower them to realize maximum benefits from the project. They will be involved in the training and counseling of the project affected persons.

6.1.6 The Office of the County Commissioner

The office particularly at the location and sub-location level is best suited to mobilize the people as it has grass-root networks. It has the clout to chair meetings and settle disputes as it commands the general public support. The Chief and assistant chief knows all the residents of their area and have the advantage of access to accurate and reliable information on various aspects of the plan for efficient implementation. The two administrators have vast experience in dealing with matters of dispute and conflict resolutions that need not be referred to the Courts of law.

6.2: Implementation Process

KAA as the project proponent will set-up the Resettlement Committee to oversee the implementation of the RAP. This will entail verifying the details of the PAPs and facilitating the payment of any compensation or assistance benefits. The Committee will mobilize the PAPs and keep them informed of the various stages of the project implementation. The Committee will also create awareness among the communities living in proposed airport expansion area. Among the responsibilities of the Committee are;

- i. To ensure that appropriate agencies that are mandated to plan and implement compensation, income restoration, and rehabilitation programs are identified as early as possible in Project preparation;
- ii. To ensure compliance with the Resettlement Plan and Environmental Management Plan; and
- iii. To acquire the required land and payment of compensation to the PAPs during the preconstruction and to ensure that the objectives of the resettlement plan have been achieved.

The following four components will form part of Implementation of the RAP:-

- i. Notification,
- ii. Verification of properties of affected persons and estimation of their type and level of losses,

- iii. Preparation of entitlements for affected persons by Land Acquisition and
- iv. Relocation and resettlement of the PAPs.

6.2.1: Notification

In this first stage, all the PAPs without legal titles and who have encroached on the airport land will be notified to leave the way land. For the PAPs who have legal titles the cut -off date will be the date of notification of acquisition.

6.2.2: Verification of properties of PAPs and losses

This is a second stage, which should be undertaken by the RC with assistance from the PAPs representatives and local administration (Chief and Assistant Chief). They should identify all PAPs and check records of addresses, type of property, estimation of type and level of losses. The procedure should also include consultations for explaining the entitlement framework to the PAPs, methods of payment of compensation, assistance entitlements, grievance procedures and participation in implementation.

6.2.3: Preparation for clearance of the Airport land

In this third stage the PAPs are prepared to surrender of their property. This may be achieved through ways that include giving information in written form and individual consultations. Consultation with the community will be done throughout the Project transactions, and efforts will be made to continue with all the development activities. No physical relocation should begin before alternate arrangements have been made and sufficient notice will be provided to PAPs before relocation.

6.2.4: Compensation and resettlement allowances

During this stage, compensation is made in accordance with standard Government procedures and the policies set out in this resettlement plan. The structures within the proposed airport expansion way leave area will be demolished by the owners who will be entitled to take with them the salvage material to their new site or resell them for economic gain. The same applies to the trees and crops the PAPs will be allowed to harvest the crops and use the materials from the cut trees for their own use (livelihoods).

6.3: Membership and Responsibility of Resettlement Committee

Implementation of resettlement plan and ascertaining compensation shall be undertaken by a Resettlement Committee. The membership of the RC shall be made up of appointees from the relevant government organizations' with a maximum of ten (10) persons who shall be involved

in the exercise for pre-construction and post-construction period. NGOs with experience in social development and poverty alleviation programs and with a verifiable track record should be included as partners in the resettlement plan implementation. Among the areas where the NGOs/CBOs will provide assistance are in:-

- i. Gathering and sharing information and avoiding potential problems;
- ii. Mobilization and motivation to PAPs to form community based organizations;
- iii. Planning and implementing income-generating schemes for the PAPs;
- iv. Developing information campaigns and community participation;
- v. Strengthening local institutions and community self-reliance; and
- vi. Delivering services to communities in a more efficient and cost effective manner.

Once the Resettlement Plan obtains approval from the Government/Funding body and the Implementation Budget is secured, implementation of the RAP may proceed. The duration for each of the above activities shall be guided by the RAP Implementation Schedule as shown in Table 9.1.

6.4: Organizational Structure for RAP Implementation

The overall responsibility of managing the implementation process of the project will vest under KAA who will constitute a Project Management Unit (PMU) comprising of senior management staff. The unit will coordinate the project with other government ministries. The Unit will oversee the operations of the Resettlement Committee set-up for this purpose. To facilitate the realization of the Resettlement Action Plan, KAA will setup the Resettlement Committee that will comprise of other pertinent government agencies and a consultant of sound standing to oversee the implementation of RAP.

The Resettlement Committee will operate within the guidelines given by the Project Management Unit in cognizance of the national and World Banks' policies on resettlement. The Committee will operate within the project area to ensure contact with the project affected persons and internalize the emerging issues on the plan implementation.

Due to the extent of the proposed interventions and the fact that airport expansion land traverses over 9 villages within Malindi town it is imperative that the sub-committees of the RC be constituted at village level where there is more homogeneity and cohesion for efficient dispute resolution. The RC at the project level will maintain the co-ordination role for consistency. The details of the Grievance Redress Committee are discussed in the next Chapter.

CHAPTER 7: GRIEVANCE REDRESS MECHANISM

7.1 Overview

During RAP implementation process, it is inevitable that complaints will arise among the affected people over contentious issues and dissatisfactions. Therefore timely and affordable redress is important in order to ensure satisfactory resettlement and completion of Malindi airport expansion project as scheduled. Procedures that allow people to lodge complaints or claims have been considered and they include usage of customary laws, and the locally established processes for timely and satisfactory settlement of claims or complaints.

Special arrangements have been made for women headed households and other vulnerable groups to ensure that they have equal access to redress procedures. This include deployment/ representation of women or other vulnerable groups in RAP committees to facilitate the redress process or ensure that groups that are representing interests of women and other vulnerable groups take part in the process.

7.2: Possible Sources of Grievances

During the public consultations, the communities were informed of the implications of the project and the impact it will have in their communities, the anticipated benefits from the project implementation. They were informed that the project was dependent on their acceptance and their active and effectively participation at every stage of the project development.

However, there are some occurring issues that can cause delays and calls for dispute resolution mechanisms. They include but not limited to the following:

- Inheritance issues / conflicts among families;
- Clerical errors in data entry that leads to delays in processing of compensation for the PAPs;
- Emerging issues such change in estate administration of affected properties causing delays to payment of compensation;
- Disputed ownership of an affected asset particularly where documentation is not reliable;
- Rejection of a compensation award considered not adequate and representative of market value;
- Change in mind of compensation mode by a PAP demanding for example land for-land where only cash payment is preferred, and
- Handling of cultural issues where there are no clearly agreed precedents such as relocation of graves or payment for compensation in a polygamous marriage.

7.3: Formations of the grievance redress committee (GRC)

In view of the aforementioned, if there is any unwarranted change in the implementation process of the proposed project, it will trigger complaints from the PAPs. This will require to be addressed lest the project fails its acceptance criteria by the general public. To deal with such emerging issues, a Grievance Redress Committee will be constituted with a membership inclusive of the following:

- Representative of the PAPs (at least 30% women representation)
- Community liaison officer in the Project office
- Local leaders (village elders)
- Local Administration (Chief or Assistant Chief)

Grievance Redress Committee shall address the issues in the following manner;

- Register the grievances raised by the PAPs;
- Address the grievances forwarded by the PAPs representatives.

Grievance Redress Committee shall try as much as possible to arrive at a compromise on complaints raised. This may be obtained through a series of mediation and negotiation /arbitration exercises conducted with the individual PAP. These kinds of disputes are best resolved at the local level to avoid time delays that may arise if people move to courts of law. It would also help to manage the risk of loss of social capital due to bad relationships among family members and neighbors.

Grievances between PAPs and RAP implementers may arise if PAPs feel they are not adequately involved in the implementation process. Lack of perceived transparency may lead to feelings of mistrust and misinformed judgments on both sides. Some PAPs may also feel that the proposed compensation is not equal to their initial investment or just based on their current situation.

Such grievances may require calls for witnesses, unbiased parties or technical evaluations prior to proposing a solution. Local mechanisms may not have the capacity to meet all these requirements and would therefore require some form of support.

Some grievances may also occur that are outside of the direct control of the Grievance Redress Committee (GRC) and would require intervention at county or national government level. These include disputes that require policy interpretation or investigations prior to a conclusive resolution. In such cases, the GRC may require legal interpretation on certain aspects.

7.4: Proposed Grievance Redress Procedures

The following grievance mechanism is proposed for the implementation of this RAP:

7.4.1: Level One: Local Committee

A Local Grievance Committee constituted of the following members will be formed at the local level / community level:

- Chairman: Area Chief / Assistant Chief
- Secretary: Village Elder
- Members: Three PAP representatives consisting of a man, a woman and a youth (18 to 30 years).

This committee will sit at the Chiefs office. The following procedure has been proposed:

- A PAP registers a grievance and within one working day, the committee members are alerted of the case,
- The affected person is immediately informed of the next date of the scheduled hearing. Depending on the case load, a maximum of 7 working days should be given between the date that a case is recorded and the date when the hearing is held,
- The committee meets once every seven calendar days to deal with emerging cases. At these meetings, hearings with the affected persons and related witnesses will be held,
- The committee will communicate its judgment to the affected persons within 3 working days,

If no resolution is met or the PAP is not satisfied with the judgment, the case is moved to the next level by the committee. This will be done within 5 working days of the hearing.

7.4.2: Level Two: Project Committee

A Project Level Committee constituted of the following members will be formed at the county level:

- Chairman: Chief Executive, Roads, Public works and Transport Kilifi County
- Secretary: Deputy County Commissioner (DCC)
- Representative from Project Consultant, and other Project Supervising agency and client
- Representative from KAA
- Members: Three PAP representatives consisting of a man, a woman and a youth.

This committee will sit once a month at the County Government Office. The following procedure is proposed;

- A grievance is logged at the County Government Office and within five working days, a notice is sent out to all the interested parties informing them of the date of the hearing,
- A hearing will then be held within thirty days of the grievance being raised,

- In the event that investigations and technical witnesses are required, a maximum of thirty (30) calendar days will be taken prior to a hearing being held,
- The committee's decision will be communicated in writing within 5 working days of the date of the hearing,
- If the committee does not resolve an issue, the affected persons are free to go to the relevant Courts of law.

Grievance / Dispute Management Procedure as described above are presented in a schematic way in Figure 7.1

7.5: The Functions of Grievance Redress Committee

The function of the Grievance Redress Committee is a forum for the PAPs through which they can air their dissatisfaction arising from the compensation or implementation process of the project. The Committee will receive complaints from the PAPs through the project office either verbally or in writing and thereafter endeavor to address the issues to the satisfaction of the complainant. If the matter cannot be addressed to the satisfaction of the complainant within the prescribed period, the complainant then may have recourse to the GRC. Failure to be satisfied, the complainant has the right to seek redress from the courts of law.

- i. Role of PAP's Representatives in Grievance Redress Committee
 - Collect views of the PAPs and present them to the Implementing agency or Grievance Redress Committee
 - Help in confirmation of the asset inventory
 - Debrief the PAPs on deliberations of the implementing agencies
 - Coordinate the payment of the compensation on related assets inventoried
- ii. The GRC headed by an elected chairperson will carry out the following responsibilities as regards redressing grievances;
 - Hear the grievances of the PAPs and provide an early solution to those they are able to,
 - Immediately bring any serious matters to the attention of the committee and
 - Inform the aggrieved parties about the progress of their grievances and the decisions made by the GRC.

7.5: Role of Local Civil Administration and Other Mediation Channels

As it will be agreed upon by all parties such as traditional and customary channels that deal with issues concerning property ownership or inheritance. The legal system in this case the relevant courts of law recourse can be used but will be the last resort considering the arbitration time involved.

7.6: Grievance Redress Procedures

The grievance redress procedures will be put in place; this will help in monitoring and ensuring that grievances are properly handled. The grievance framework to be used includes the following:

- Established redress institutional arrangements specifically for RAP
- Procedure for recording and processing grievances clearly spelt out
- Mechanisms for adjudicating grievances and appealing judgments
- A schedule with deadlines for steps in the grievance redress process so that matters are sorted out quickly as they arise

7.7: PAPs Participation & Agreement on Grievance Process

All household adults will have an opportunity to review the grievance processes for efficacy in addressing potential issues of contention. They will have an opportunity to amend this before the actual disclosure of packages offered possibly in public barazas.

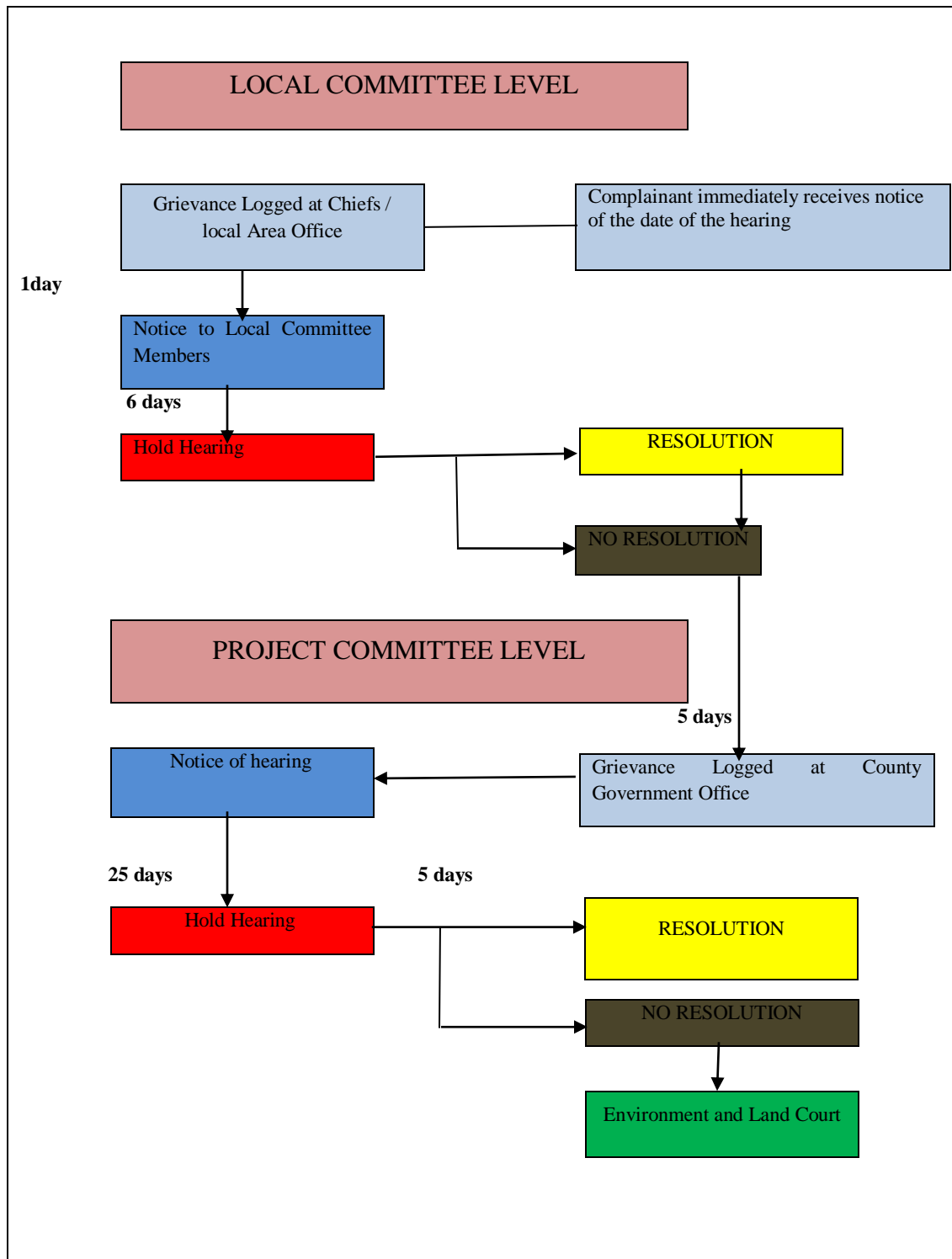


Figure 7.1: Grievance / Dispute Management Procedure

CHAPTER 8: MONITORING, EVALUATION AND REPORTING

8.1: Monitoring and evaluation

Monitoring and evaluation (M&E) involves the development of a system through which information regarding resettlement activities is analyzed by the implementing agency or other tasked independent monitors to ensure objectivity and success of the whole RAP process.

RAP monitoring helps to evaluate the success of resettlement through the study of specific performance indicators for a reasonable period of time after the resettlement activities have been completed. The process is also important in measuring project impacts, outputs and outcomes of resettlement activities and for evaluating resultant resettlement impacts.

8.1.1: Internal Monitoring

KAA has the overall responsibility of conducting regular internal monitoring of the process of project implementation. The monitoring should be a systematic evaluation of the implementation stage in relation to the recommendation of this RAP report. In undertaking the same, KAA will be the main driver of RAP implementation. As such, it will be their responsibility to undertake regular internal monitoring of the process. The objectives of internal monitoring will be:

- To ensure that compensation process is implemented with utmost transparency
- To verify that funds for implementation of the RAP are provided in timely manner and in amounts sufficient for their purpose

The internal monitoring process should entail the following regarding the process;

- Accomplishment to-date
- Objectives attained and not attained during the period
- Problems encountered, and
- Suggested options for corrective action

8.1.2: External Monitoring

To ascertain quality and objectivity in the process, we also recommend that KAA engage external experts to conduct a comprehensive evaluation of the implementation of compensation activities on a regular basis. The objectives of the monitoring are to:

- Review the results of the internal monitoring and review overall compliance with the stated recommendations
- Assess whether compensation objectives have been met, specifically with regard to signing of the agreement of right of grievances

- Evaluate post-compensation assistance of the PAPS
- Assess general efficiency of the process and formulate lessons for future guidance
- Determine adequacy of overall entitlements

Beyond commitments identified in this Resettlement Action Plan, this external review will also assess overall compliance with other mitigation measures to address non resettlement related social impacts described in the ESIA, the ESMP and the Contractor Plans.

The types of commitments that will be verified by the external monitoring expert include the following:

- Pollution prevention - dust and noise management in communities,
- Community safety - awareness raising programs in communities on communicable diseases;
- Infrastructure and services - reinstatement of damaged infrastructure and compensation process;
- Community liaison - community awareness of project activities; complaints procedures; pre warning of blasting, noisy activities and other planned disruptions; regular community meetings and access to community liaison officers,
- Grievance management – follow up of grievances reported; accessibility of Community Liaison Officers; community awareness of complaints procedures and complaints close out.

External monitoring reports will be prepared independently by the reviewer and released to the lenders and to the public after review by KAA PIU for factual accuracy.

8.1.3: Monitoring and Evaluation Indicators

The monitoring and evaluation of the RAP will be done against the indicators proposed in the Table below.

Table 8.1: Proposed Monitoring and Evaluation Indicators

NO	Indicator	Parameters	Indicator measurements
1	Process Indicators	Project input, public participation and monitoring	<ul style="list-style-type: none"> • Setting up of RAPIC • Start and progress disclosure and consultation events • Formation of grievance resolution committees • Monitoring reports
2	Output indicators	Delivery of entitlements, relocation and rehabilitation	<ul style="list-style-type: none"> • Number of PAPS units relocated • Number of PAPS units compensated and assisted • Amount of compensation disbursed
3	Impact indicators	Long term impacts	<ul style="list-style-type: none"> • Changes in housing • Changes in water and sanitation • Changes in land holding • Changes in occupation • Changes in income and expenditure • Re-establishment of income streams against changes in expenditure • Gender balance and income expenditure • Change in quality of life of the identified vulnerable groups

8.1.4: Methods of Monitoring

The M&E approach would be to identify and select a set of appropriate monitoring aspects and indicators and gathering information on them to assess the changes and variations. Participation of stakeholders, especially the affected persons, women and vulnerable groups will be ensured in the M & E process. Monitoring tools would include both quantitative and qualitative methods as follows:

- ⇒ **Sample household survey:** A baseline household survey of representative sample disaggregated by gender and vulnerability to obtain information on the key indicators of entitlement deliveries, efficiency, effectiveness, impact and sustainability.
- ⇒ **FGDS:** consult with a range of stakeholder groups(county government, compensation units, NGOs, community leaders and PAPS including women and vulnerable groups)
- ⇒ **Community public meetings:** open public meetings at the project site to solicit information about the performance of the various project activities
- ⇒ **Structured direct observations:** Field observation on the status of RAP report implementation plus individual and group interviews for cross checking purposes
- ⇒ **Informal surveys/interviews:** informal surveys of PAPS, host village, workers, project staff and KAA personnel using non-sampled methods.

From the M&E process, the experts will prepare status report to be forwarded to the RAPIC for further action.

8.2: Reporting

The quarterly reports shall be compiled by KAA internal monitoring and evaluation team. This report shall then be availed to the RAPIC and to the community through the PAP representatives. The same procedure shall be adopted by the external evaluation team.

For this RAP implementation, we propose that the monitoring and evaluation reporting schedule be as the following;

- Monthly reports on:
 - ✓ Assessment on the use of resources and the production of outputs, and to identify key issues requiring more intensive study
 - ✓ Panel studies to provide continuous feedback on implementation and to identify potential problems
 - ✓ Combined progress report to include all the above and to be circulated internally
 - ✓ Annual monitoring and evaluation reports

The end of monitoring and evaluation will be marked by completion of RAP implementation.

8.3: Resettlement Completion Audit

The purpose of the Completion Audit is to verify that the Proposed Project has complied with resettlement commitments defined by the RAP, and more generally if compliance with World Bank Safeguards on involuntary resettlement is always warranted.

Reference documents for the Completion Audit are the following:

- This Resettlement Action Plan,
- Kenyan laws as they are described in policy and legal framework section of this RAP,
- Reference policies contained in World Bank procedures related to involuntary resettlement.

The Completion Audit has the following specific objectives:

- General assessment of the implementation of the RAP against the objectives and methods set forth in the RAP,
- Assessment of compliance of implementation with laws, regulations and safeguard policies;
- Assessment of the fairness, adequacy and promptness of the compensation and resettlement procedures as implemented;
- Evaluation of the impact of the compensation and resettlement program on livelihood restoration, measured through incomes and standards of living, with an emphasis on the “no worse-off if not better-off” requirement; and
- Identification of potential corrective actions necessary to mitigate the negative impacts of the program, if any, and to enhance its positive impacts.

The Completion Audit will be based on documents and materials generated by internal and external monitoring. In addition, auditors will make their own assessments, surveys and interviews in the field and with Project-Affected- Persons.

CHAPTER 9: IMPLEMENTATION OF THE RAP

9.1: Introduction

The implementation schedule for this RAP covers the periods from the preparation of the RAP to the conclusion of the airport expansion project up-to the completion and the time that the infrastructure will be fully available to full use.

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

- Preparation of RAP
- Consultation and Disclosure of RAP
- Audit of the PAP register and compensation package due to each PAP
- Signing of agreements on compensation packages by PAPs
- Resolving emerging grievances
- Compensation and/or Supplementary assistance
- Notification of PAPs to relocate
- Commencement of airport expansion project operations
- Monitoring and evaluation, including baseline update

9.2: Implementation Schedule

Table 9.1: Implementation Schedule

Activity	Months														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Preparation of RAP															
Disclosure of the RAP Report															
Audit of the RAP report to verify PAPs and compensation details															
signing of compensation and relocation assistance agreements															
Resolution of conflicts and Grievances															
Payment of compensation to PAPs and facilitation of relocation															
Issuance of notices for relocation															
Commencement of airport expansion works															
Monitoring of the resettlement activities															

NB: This Implementation schedule is for planning purposes and is subject to change depending on resources availability and KAA decisions

CHAPTER 10: CONCLUSION AND RECCOMENDATIONS

10.1 Conclusion

The proposed expansion of Malindi Airport Runway project is a public interest project and is expected to spur the growth of tourism and business industry in the area. The project will involve displacement and relocation of people to pave way for the expansion project. The consultant has followed all the procedures, processes and industry best practices in the preparation of this RAP Report. A comprehensive compensation master roll has been prepared to ensure that those affected will be duly compensated. It is therefore the duty of the proponent to carry out the RAP process in a timely, accountable and transparent manner as detailed in this report.

10.2 Recommendations

- i. The community and project RAP committees on compensation issues should be formed prior to commencement on the compensation. Internal and external monitoring and evaluation committees should also be formed before the relocation exercise.
- ii. Grievance redress and monitoring register be set-up and the process be publicized in the affected areas.
- iii. Prior to compensation and resettlement, the PAPs and affected communities be given free counseling, training on financial management and offered legal assistance where required.
- iv. The vulnerable PAPs be identified and documented for special assistance as laid out in this RAP.
- v. During construction of the proposed Airport runway expansion, local communities are given first priority in employment.

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