RESettleMENT ACTION PLAN
FOR
THE IMPROVEMENT OF KARANDINI MARKET, LOCATED IN DAGORETTI CORNER, NAIROBI CITY COUNTY

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

CONSULTANTS

DATE: 2nd March, 2016
ACKNOWLEDGEMENT

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

Our gratitude is also unto the Nairobi City County Government, the Karandini Market traders, all stakeholders and respondents who participated in the whole process for their cooperation throughout the exercise.

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

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

The ministry through NaMSIP has identified Karandini Market as one of the markets to be improved and this action will require the temporary displacement of traders so as to pave way for the putting up of new structures. There are close to 204 traders and informal settlers in the informal market that are expected to be relocated to pave way for the construction of a new market. Out of these, only 20 are stall owners while 40 are both stall and business owners. There are about 6 informal settlers who are not trading in the market but residing there. This means that there are approximately 66 structure owners in Karandini market. The summary table below presents the proportions of types of PAPs that were identified during the RAP process. According to World Bank’s Operational Policy 4.12 and the NaMSIP Resettlement Policy Framework (RPF), it is required that a Resettlement Action Plan be prepared for such a project in accordance to the local legislation (including the NAMSIP Resettlement Policy Framework) and the World Bank guidelines on Involuntary Resettlement.

<table>
<thead>
<tr>
<th>S/N</th>
<th>Type of PAP</th>
<th>Number in Karandini Market</th>
<th>Proportion of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Owners of stalls only</td>
<td>20</td>
<td>9.80%</td>
</tr>
<tr>
<td>2.</td>
<td>Owners of businesses only</td>
<td>130</td>
<td>63.73%</td>
</tr>
<tr>
<td>3.</td>
<td>Owners of both stalls and businesses</td>
<td>40</td>
<td>19.61%</td>
</tr>
<tr>
<td>4.</td>
<td>Employees of traders</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>5.</td>
<td>Informal settlers</td>
<td>14</td>
<td>6.86%</td>
</tr>
<tr>
<td>6.</td>
<td>Traders outside the boundary</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>204</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

*Source: Impulso-AWEMAC- Ecoplan, 2016*

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

The objectives of the study were met using systematic, integrated, participatory and collaborative approaches. Information was collected through field investigations, structured questionnaires, census, assets inventory, document reviews and photography. Some of the people consulted included traders and stall owners. The cut-
The off date for Karandini Market was set as 5th September, 2016. The summary of findings was as shown in the table below:

### Summary of Findings

<table>
<thead>
<tr>
<th>Type of Asset</th>
<th>Number/Quantity</th>
<th>Estimated cost (KSHS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary structures and permanent structures</td>
<td>64</td>
<td>5,758,405</td>
</tr>
<tr>
<td>Project-Affected Persons</td>
<td>204</td>
<td>8,180,000</td>
</tr>
<tr>
<td>Infrastructure including water tanks and power installations</td>
<td>3 water tanks 1 high mast lighting</td>
<td>2,820,000</td>
</tr>
<tr>
<td>Civil works at new site</td>
<td>Clearing, leveling, compacting</td>
<td>11,180,000</td>
</tr>
<tr>
<td>Construction of ablution block</td>
<td>1 toilet</td>
<td>1,200,000</td>
</tr>
<tr>
<td>Rehabilitation</td>
<td>-</td>
<td>2,210,000</td>
</tr>
<tr>
<td><strong>Total (exclusive of planning costs)</strong></td>
<td></td>
<td><strong>31,348,405</strong></td>
</tr>
</tbody>
</table>

Source: Impulso-AWEMAC- Ecoplan, 2016

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

Following extensive consultative activities, the consultant proposes 4 types of resettlement support for affected persons:

1. **Space for space compensation**: The Nairobi City County Government has identified an alternative relocation area for traders to continue their businesses. After a land assessment done by the consultant, it was established that the proposed alternative location was viable. Traders will also be accorded the right to salvage their assets.

2. **Relocation assistance**: Traders may also be given free transportation in moving and setting up their structures in the identified location.

3. **Stall for Stall Allocation after Construction**: All traders (stall owners and tenants) will be allocated stalls or trading space after construction.

4. **Cash Compensation for Loss of Livelihood during the moving Period**: It will take about 7 days for the traders to relocate to the new site and during this transition period a cash compensation based on the daily earnings will be provided.

There are many pieces of Policies and legislation that relate to displacement of people and this report has reviewed the most relevant Policies reviewed are: The National Land Policy, the National Poverty Eradication Plan, the NaMSIP RPF and the Nairobi Metro Plan. The pieces of legislation reviewed include: The Constitution of Kenya of 2010, the National Land Commission Act of 2012, the Land Act of 2012, the Land Adjudication
Act Chapter 95 of the Laws of Kenya, the Land Registration Act of 2012, The Urban Areas and Cities Act of 2011, the National Gender and Equality Commission Act of 2011, HIV/AIDS Prevention and Control Act of 2006, the Roads Act of 2007, the Valuers Act, Cap 532, the Physical Planning Act, Cap 295, the Prevention, Protection and Assistance to Integrally Displaced Persons and Affected Communities Act of 2012, the Matrimonial Property Act of 2013, the Public Health Act, Cap 242 and the Environmental Management and Coordination Act, Cap 387 as well as other respective policies.

The Resettlement Cost for the Improvement of Karandini Market is estimated at KES. 40,752,926 inclusive of planning and administrative costs.

This report also provides for a Grievance Redress System which PAPs will use to get their resettlement issues resolved. It proposes the creation of a committee to oversee this process and discourages litigation except as a last resort. Emphasis is laid on full Resettlement of PAPs and addressing their grievances before actual project commencement. The report also proposes a schedule for implementation of activities and estimates a time period of 1 year for completion of the entire process. Prompt and fair compensation/resettlement assistance and clear sources of funding are recommended as ways to ensure timely implementation of the proposed project.
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<th>ACRONYMS</th>
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<td>AWEMAC:</td>
<td>Africa Waste and Environment Management Centre</td>
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<td>CBOs:</td>
<td>Community-Based Organizations</td>
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<tr>
<td>CCTV:</td>
<td>Close-Circuit Television</td>
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<tr>
<td>DPs:</td>
<td>Displaced Persons</td>
</tr>
<tr>
<td>DVR:</td>
<td>Digital Video Recorder</td>
</tr>
<tr>
<td>EMCA:</td>
<td>Environmental Management and Coordination Act</td>
</tr>
<tr>
<td>IMU:</td>
<td>Independent Monitoring and Evaluation Unit</td>
</tr>
<tr>
<td>GDP:</td>
<td>Gross Domestic Product</td>
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<tr>
<td>GIS:</td>
<td>Geographical Information System</td>
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<tr>
<td>GM:</td>
<td>Grievance Mechanism</td>
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<tr>
<td>GRC:</td>
<td>Grievance Redress Committee</td>
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<tr>
<td>GRM:</td>
<td>Grievance Redress Mechanism</td>
</tr>
<tr>
<td>HIV/AIDS:</td>
<td>Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome</td>
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<td>ICT:</td>
<td>Information Communication Technology</td>
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<tr>
<td>IRP:</td>
<td>Involuntary Resettlement Policy</td>
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<td>MoTIH &amp; UD:</td>
<td>The Ministry of Transport, Infrastructure, Housing and Urban Development</td>
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<td>NaMSIP:</td>
<td>Nairobi Metropolitan Services Improvement Project</td>
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<td>NEAP:</td>
<td>National Environmental Action Plan</td>
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<td>NEC:</td>
<td>National Environmental Council</td>
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<td>NEMA:</td>
<td>National Environment Management Authority</td>
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<td>NGOs:</td>
<td>Non-Governmental Organizations</td>
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<td>NLC:</td>
<td>National Land Commission</td>
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<td>NLP:</td>
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<td>NMR:</td>
<td>Nairobi Metropolitan Region</td>
</tr>
<tr>
<td>NPEP:</td>
<td>National Poverty Eradication Action Plan</td>
</tr>
<tr>
<td>NPGD:</td>
<td>National Policy on Gender and Development</td>
</tr>
<tr>
<td>NWSC:</td>
<td>Nairobi Water and Sewerage Company</td>
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<tr>
<td>OP:</td>
<td>Operational Policy</td>
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<td>PAPs:</td>
<td>Project-Affected Persons</td>
</tr>
<tr>
<td>PDO:</td>
<td>Project Development Objective</td>
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<tr>
<td>PEC:</td>
<td>Poverty Eradication Commission</td>
</tr>
<tr>
<td>PRSP:</td>
<td>Poverty Reduction Strategy Paper</td>
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<tr>
<td>RAP:</td>
<td>Resettlement Action Plan</td>
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RU: Resettlement Unit
SDO: Social Development Officer
SMEs: Small and Medium Enterprises
SMS: Short Message Service
SOP: Standard Operating Procedures
WB: World Bank
WSSD: World Summit for Sustainable Development
GLOSSARY OF TERMS

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

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

**Census:** is a data collection technique of completing enumeration of all PAPs and their assets through household questionnaire. Census’s objectives are;
   (i) To prepare a complete inventory of PAPs and their assets as a basis for compensation,
   (ii) To identify non-entitled persons, and
   (ii) To minimize impact of later influx of “outsiders” to project area.

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

**Displaced persons:** Persons who are affected by the involuntary taking or clearing of land or resulting in:
   i. Relocation or loss of shelter
   ii. Loss of assets or access to assets; or
   iii. Loss of income sources or means of livelihood whether or not the affected persons must move to another location.

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

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

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

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

**Involuntary resettlement:** Resettlement is involuntary when it occurs without the informed consent of the displaced persons or if they give their consent without having the power to refuse resettlement.
**Land expropriation:** Process whereby a public authority, usually in return for compensation, requires a person, household, or community to relinquish rights to land that it occupies or otherwise uses.

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

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

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

(i) For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.

(ii) For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.

(iii) For houses and other structures, it is the market cost of the materials to build a Replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

**Resettlement assistance:** Support provided to people who are physically displaced by a project. Assistance may include transportation, food, shelter, and social services that are provided to affected people during their relocation. Assistance may also include cash allowances that compensate affected people for the inconvenience associated with resettlement and defray the expenses of a transition to a new locale, such as moving expenses and lost work days.

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

The survey results are used:—

i. To assess incomes, identify productive activities, and plan for income restoration,

ii. To develop relocation options, and

iii. To develop social preparation phase for vulnerable groups.
**Stakeholders:** Any and all individuals groups organizations and institutions interested in and potentially affected by a project or having the ability to influence a project.

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

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

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

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

**Vulnerable groups:** People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.
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CHAPTER 1: INTRODUCTION

1.1. Background to Nairobi Metropolitan Services Improvement Project

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

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

The Project has the following four major components;

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

Among the select components earmarked for improvement, are fifteen (15) existing and new markets within NMR. Although population density in the markets has created opportunities due to concentrated demand for goods and services, employment and land and other natural resources, it has also created concentrated problems such pollution, congestion, encroachment to road reserves and general unsanitary problems within the NMR markets. Karandini market is among the 15 markets and one of the 4 markets located in Nairobi County.

A consortium of three local firms (Impulso Kenya Limited, Ecoplan Management Limited and Africa Waste and Environment Management Centre- AWEMAC) was contracted through competitive bidding to undertake Resettlement Action Plans for each of the market. This independent RAP report will focus on Karandini Market, located with the Nairobi City County.
Figure 1: The Nairobi Metropolitan Region

*Source: Namsip RPF*

### 1.2. Rationale for Improvement Karandini Market

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

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

Therefore, rationale for improvement of the Karandini markets is due to:

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

1.3. **Terms of Reference for the RAPs and Key Milestones**

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

- **Identification of Project Impacts and Affected Population**- This covered: mapping of project area; census of affected populations to identify eligible persons; inventory of affected assets; socioeconomic studies; analysis of surveys and studies and consultation with affected persons concerning assistance benefits and development opportunities
- **Legal and Regulatory Framework** – The consultant reviewed, Pertinent international, national and local laws, regulations, relevant World Bank safeguard policies governing resettlement and rehabilitation of project affected persons shall be identified and described and how they relate to the market subprojects.
- **Compensation Framework**: The framework provides valuations, compensation details, eligibility for assistance, entitlement matrix and responsibility and schedule for compensation payments
- **Resettlement Assistance and Livelihood** - The consultant covered the following aspects: selection and preparation of the resettlement site; influx management;
relocation schedule and assistance; replacement of services and enterprises; livelihood restoration; treatment of cultural property and special assistance for women and vulnerable groups.

- **Organizational Responsibilities:** The RAP reports comprehensively indicates the roles of the Ministry of Transport, Infrastructure, Housing and Urban Development; World Bank, County Governments and the Project Affected Persons (PAPs) (mainly Traders).
- **Consultation and Participation:** In the development of Resettlement Action Plan the Consultant fostered information exchange and highly promoted PAPs and stakeholders’ participation as shown in the report.
- **Grievance Redress Mechanism:** The Consultant has provided the procedures of receipt and processing of complaints from PAPs and actions to be taken on any issue raised by them to avail services more effectively.
- **Monitoring and Evaluation:** The report has provided a framework on, performance monitoring, impact monitoring and completion audit.

1.4. **Project Description**

1.4.1. **History of Karandini Market**

Karadini market started as an open retail market. The oldest surviving trader started operating in this market in 1967. This market has largely been operating as an informal market for many years. Though the accounts of the pioneer traders indicate that the market area was bigger than it is currently, it has since been encroached on by the adjacent commercial developments. This was mainly due to absence of official land ownership documents which have now been processed (See Survey Plan attached as Annex II).

1.4.2. **Location of the Market**

The Market is located in Dagoretti Corner (off Ngong Road, near Nakumatt Junction Shopping Mall) in Nairobi City County on **GPS location (-1.40049, 36.77259)** on approximately a 1-acre piece of land. The market is accessed through Karandini road which is on the immediate west off Naivasha Road. The major landmarks near the market are the Kenya Metrological Department about 200 m to the South, Total Petrol Station about 50m to the West and the Junction Shopping Mall about 300 m to the West as shown in the figure below. Generally, the immediate neighborhood is a high density mixture of low and middle income population comprising of relatively modern and well-designed commercial and residential developments.
Figure 2: Karandini Market Location

Source: Google Earth, 2016

The market has 204 mixed traders ranging from:-
- Green grocers
- Food hotels dealing with beef, soup and fish
- Sellers of Second hand clothes, shoes, bags, mosquito nets
- Money Transfer Services (MPESA) agents
- Live chicken dealers
- Charcoal dealers
- Butcheries
- Selling of movie and music Compact/Video Discs
- Electronics Shops
- Building Hardware
- Motor vehicle Spares Parts shop
- Salons
- Carpentry
- Barber shop.

The active stalls are located on the front parts of triangular market while the centrally placed stalls are either partially or totally inactive. Some of these stalls are currently being used as informal residential places and stores for foods and assorted Jua Kali merchandise.
Currently, the City County of Nairobi collects cess (monthly payment by traders to the market) from the traders who are housed in makeshift structures. The Nairobi City County has not rendered much service to this market and the drainage around the market is in pathetic condition. This is the reason for the redevelopment of the market under the NaMSIP program and improve the sanitation and security services. This will enhance trading activities within this market and improve the working and environmental conditions of the area, thus increase the fortunes of the local populace economically.

1.4.3. Current Market Profile

- **Clients:** Majority of the population forming the customers of this market are from the neighbouring residential and commercial buildings. Some of the customers however are from other neighbouring upmarket suburbs such as Karen and Lavington.
- **Design and market facilities:** The stalls in Karandini Market are self-fabricated temporary structures made of iron sheets and timber. There are no existing formal market facilities such as display stands. The plates below show the current profile of the market.
- **Water:** The market is not provided with piped water hence, there are no water points. Traders have to source water by their own means.
- **Loading/ Offloading and parking zone:** There is no designated Loading and offloading zones in Karandini market, therefore, the commercial vehicles have to load/offload from the streets. This contributes to the overall congestion problem. The figure below illustrates the situation at the market.
Figure 3: An Overview of the Current Situation in Karandini Market

Source: Impulso-AWEMAC-EcoPlan, 2016
The market has no designated parking spaces, the users park on the roads. This leads to a lot of congestion and user conflict as the roads are very narrow and not originally designed for on-street parking.

- **Security:** There is no perimeter wall demarcating the market and largely lacks a working security system.
- **Sewerage/ Sanitation:** There are no toilets to serve the market. The market also has no sewerage system but rather is served by open shallow trenches.
- **Solid waste management:** The market has neither a dumping site nor a solid waste management system. This has led to poor waste disposal around the market.
- **Storm water drainage:** The City County of Nairobi has provided storm water drainage systems within the market area but it is quite inefficient since it is highly clogged up with solid waste.

Plate 2: The front (Northern) Area of the Market

*Source: Impulso- AWEMAC-EcoPlan, 2016*
Plate 3: Nature of Karandini Market’s Walkways

Source: Impulso- AWEMAC-EcoPlan, 2016

Plate 4: Top View of the Market from Karandini Road

Source: Impulso- AWEMAC-EcoPlan, 2016
1.4.4. Proposed Profile for the New Karandini Market

According to the project’s feasibility study, most practicable intervention at Karandini according to the feasibility studies done will be to erect a new market building to house both the existing and future vendors. A critical analysis was done in the design of the stalls, the layout of the building as well as the consideration for horizontal and vertical accommodation of the vendors. In consideration of the market population, a typical arrangement accommodating all of vendors is as follows as proposed by the market Design Team:-

Table 1: Proposed Arrangement of Stalls in Karandini Market

<table>
<thead>
<tr>
<th>Level</th>
<th>Activity</th>
</tr>
</thead>
</table>
| Ground Level   | Green grocers  
                  Food hotels dealing with beef, soup and fish  
                  Hardware  
                  Motor vehicle Spares shop  
                  Charcoal  
                  Live chicken  
                  Butchery  
                  Carpentry |
| First Level    | Sellers of Second hand clothes, shoes, bags, mosquito nets  
                  Selling movie and music CD’s  
                  MPESA agents  
                  Electronics  
                  Salon  
                  Barber shop |
| Second Level   | Parking |

Source: integrated YMR partnership, 2016

The design team also came up with a problem and solution map for the market as shown in the table below:

Table 2: Problem and Solution Map for Karandini Market

<table>
<thead>
<tr>
<th>Problem</th>
<th>Effect</th>
<th>Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poor solid and liquid waste disposal</td>
<td>Poor waste handling collection, transportation and dumping resulting in negative impact</td>
<td>Proper waste collection and treatment infrastructure</td>
</tr>
<tr>
<td>management in Karandini market.</td>
<td>on human health and environment. The solid waste encourage breeding of diseases-causing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>organisms</td>
<td></td>
</tr>
<tr>
<td>Sanitation facilities at Karandini market are</td>
<td>The absence of adequate sanitation has a serious impact on health and social aspects.</td>
<td>Renovation of the existing sanitation facilities, building of new sanitation facilities</td>
</tr>
<tr>
<td>non-existent.</td>
<td></td>
<td>including washing area for proper hygiene. The sanitation</td>
</tr>
<tr>
<td>Facilities</td>
<td>Description</td>
<td>Recommendations</td>
</tr>
<tr>
<td>------------</td>
<td>-------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Water supply</td>
<td>The water supply is too low to meet the demand in the market. Poor water supply is a threat to human health. Water is a basic need and must therefore be adequate especially in a public facility.</td>
<td>Consider rain water harvesting and storage too as an alternative water source. This water will be used for cleaning the market and flushing the toilets. There should also be a water recycler for the same use. Borehole drilling will be considered.</td>
</tr>
<tr>
<td>Drainage</td>
<td>Drainage is poor causing pollution. Unsanitary conditions, polluted water flowing from waste dumps and disposal sites can cause serious pollution for the surface water and surrounding environment.</td>
<td>During planning, an elaborate drainage system in the market will be provided.</td>
</tr>
<tr>
<td>Emergency response</td>
<td>Poor emergency response in the market, poor knowledge on simple first aid and firefighting skills. In case of disaster, the loss is unmanageable.</td>
<td>Consider a traders public awareness day for such matters as well as environment conservation and other key topics. Invest in fire alarm and detection system.</td>
</tr>
<tr>
<td>Power connection</td>
<td>Power connection. At Karandini market, the connection is poor. It poses danger to humanity and reduces productivity. Poor or no energy causes low productivity, cost of production and other variables.</td>
<td>Consider getting adequate power supply transformers and investing in alternative energy supply like solar energy that is cheaper and readily available.</td>
</tr>
<tr>
<td>Security</td>
<td>Security in the market is deprived. This limits productivity since there are less working hours. With poor security, the market can be invaded anytime causing losses. There is a higher rate of crime with deprived security.</td>
<td>There is a need to invest in proper security inside and around the market environment. This includes but not limited to; secure gates, security lights, CCTV installation, community policing etc.</td>
</tr>
</tbody>
</table>

Source: integrated YMR partnership, 2016

Below are artistic impressions of the proposed improvement for the market. Detailed designs are attached to this report as Annex III.
Figure 4: Front Perspective of the Proposed New Karandini Market

*Source: integrated YMR partnership, 2016*

Figure 5: Side Perspective of the Proposed Market Improvement

*Source: integrated YMR partnership, 2016*
1.4.4.1. **Modern Stalls and Facilities**

Consider permanent commercial units of 2 to 3 floors at the perimeter leaving an open courtyard where vendors can display their wares using improved ‘open-air’ make-shift stalls (see illustrative figure below). Stalls on the ground floor at the perimeter shall be secured with metal shutters.

Consider using a steel or timber-framed, open-sided shed (often referred to as a "hangar"), with either fixed stalls or pitches for sellers laid out within it. This model encourages maximum air-flow hence creating a conducive environment.

*Figure 6: Aerial View of the Proposed Market Improvement*

*Source: integrated YMR partnership, 2016*

*Figure 7: Proposed Permanent Units at the Perimeter*

*Source: integrated YMR partnership, 2016*
1.4.4.2. **Accessibility**
Proper accessibility plan should be developed with distinct accesses for both pedestrians and vehicular. This calls for elimination of on-street parking; it is also necessary to explore unidirectional flow of traffic using one-way streets.

1.4.4.3. **Water Supply and Reticulation**
There is need for supply of piped water to the stalls especially those dealing with food for proper hygiene. Common water points are also a basic requirement. Water supply will be mainly from a Nairobi Water and Sewerage Company and can be supplemented by borehole, where the water will be pumped to an overhead tank and reticulated via gravity. Check meters will be in place to monitor the water usage. Borehole tests will determine if the water will be treated before use.

1.4.4.4. **Sanitary Facilities**
The market should be provided with proper sanitation facilities to include a modern toilet block as well as a branch sewer line to connect to the trunk line. Use of Asian type toilets combined with a flush valve system in the washrooms connected to an overhead storage tank will adequately cater to this need. With a proper facilities maintenance system, the washrooms will serve the users efficiently. Use of push taps for the wash basins will be an efficient way of reducing water usage in the washrooms. Use of a high level cistern for the urinals with distributed flush mechanisms will be sufficient in cleaning the urinals.

1.4.4.5. **Drainage**

**Waste water Drainage**: There is no waste water drainage system within the market however a main line belonging to NCC exist in a short distance from the market. Waste water from the designed washrooms will be drained into the main sewer line through a network of manholes. The existing sewer line adjacent to the market is currently being refurbished.

**Rain water drainage**: The existing open storm water drain is inefficient. There is need for well-lined drains for storm water. This is to prevent the current flooding during rainy seasons which is a health risk. Storm water drainage channels should be provided on the perimeter of the market to link with the neighbourhood system. A larger channel is under construction by the Roads Authority. PVC gutter system coupled with PVC rain water down pipes for rain water drainage can be incorporated depending on the Architectural design.

1.4.4.6. **Parking**
On-street parking has proved not viable due to the high congestion levels it causes in and around the market. An alternative parking space should be sought which may call for land acquisition elsewhere or explore the possibility of off-street parking along Naivasha Road and Ngong Road corridors.

1.4.4.7. **Loading/Offloading/Service Yard**
There is need for a strategically located service yard that will serve all the market users with minimal disruption to the mainstream market functions. The back lane to the market can be used to service the market.
1.4.4.8. **Fire Fighting**
Fire hose reels and fire extinguishers will be located in prime locations to ensure that quick response and corrective action in case of a fire outbreak. This will be based on Architectural design. They will be encased in cabinets with break glass to discourage theft. Smoke detectors in the stalls and heat detectors in the hotels will be installed to ensure fires are detected early before spreading.

1.4.4.9. **Garbage Disposal**
Garbage collection bins will be located in various parts of the market for recyclable and non-recyclable materials. The market should be furnished with strategically located waste receptacles for easy access by truck with a proper waste collection plan. The back lane to the market could be such a location. The management team will be responsible for collecting the garbage and depositing them in the main receptacles where the county council will be collecting the non-recyclable material and the materials to be recycled sold off to recycling companies.

1.4.4.10. **Ventilation**
Extract ventilation for the kitchen in the existing food restaurant was not available resulting in smoke and heat accumulation. The standard air changes required per hour for the kitchens will be used to determine extract fan and duct sizes. UPVC pipe ducts can be used in place of aluminum ducts to cut costs. This forced ventilation will provide a much more habitable work environment. Natural ventilation will be the predominant way of ventilating the market. This is efficient and does not come with inhibitive running costs. The mixed typology combining permanent 2 to 3 storey building with small movable stalls can guarantee richness as well as a well-scaled and climatic friendly environment since the courtyard will ensure ventilation of the market space through stack effect.

1.4.4.11. **Power**
Metered electricity should be provided for each stall. A central location (Switch room) for distribution of power is necessary to enable safe transmission and metering of the power to different stalls. Power requirement to the stalls will be calculated based on area and designated use. This will allow the Consultants to confirm whether the existing transformer will be sufficient to cater for the improved market Power points will be installed in the market stalls to enable traders to connect their equipment and devices. There will be check meters for every stall for management purposes. Provisions for future expansion of the stalls operation will also be taken into consideration. Cabling to and from the switch room will be done by use of cable trays for efficient and neat cable management.

1.4.4.12. **Lighting**

**External lighting:** For security reasons, movement of security guards and to explore the possibilities of 24 hour market operation, wall mounted lights and flood lights will be used to effectively light up the market at night.

**Internal lighting:** The lighting levels in the stalls need to be of a high standard of luminance. LED lights will be used to provide sufficient lighting. LED lights have a
longer lifespan and reduce electricity bills as compared to other lighting methods. The number of light fittings will be dependent on the Architectural design proposal.

1.4.4.13. Telecommunication Systems
Access to internet is essential component in a modern market. ICT infrastructure will be provided for in the market to support the service provider. This will enhance communication between the buyers and sellers where orders can be placed online and increase the trader's coverage.

1.4.4.14. Security
Owing to its small size, a perimeter wall around the market may not be viable. Perimeter shops should instead be permanently secured with metallic shutters leaving only two secured entry/exit points as shown in figure above. The entry/exits should be properly manned. Modern methods of surveillance should also be explored such as the use of CCTV cameras located at strategic locations. With the inclusion of ICT infrastructure, the security system can be linked to an emergency backup service provider to ensure quick response. The DVR and CCTV monitors will be located in security room.
CHAPTER 2: IDENTIFICATION OF PROJECT IMPACTS AND AFFECTED POPULATION

2.1 Introduction

Identification of impacts of traders’ displacement was the first step in undertaking of the Resettlement Action Plan. This was done in rigorous consultation between, the Karandini Market Committee, the market vendors and Nairobi City County Government Officials. This exercise was guided by the market maps, Survey Plan and the preliminary designs given to the consultant by the Client.

2.2 Mapping

The Consultant made use of earlier survey and mapping outputs (Survey Plan- Annex II) that has been acquired from the Client. These documents were used in determining the project boundary and the area size of the market. The area within the boundaries thus made the physical scope of the consultant as shown in the table 3 below.

Mapping out of individual traders and their structures was done and a layout map produced. The layout is attached to this report as Annex IV. The serial numbers relate to those PAPs who own shades/structures in the markets and the list of PAP is annexed. The structures without serial numbers are those whose owners were not available at the time of mapping and could not be traced.

<table>
<thead>
<tr>
<th>Table 3: Karandini Market Plot Coordinates</th>
</tr>
</thead>
<tbody>
<tr>
<td>LATITUDE</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>Karandini Market Centre</td>
</tr>
<tr>
<td>Corner 1</td>
</tr>
<tr>
<td>Corner 2</td>
</tr>
<tr>
<td>Corner 3</td>
</tr>
<tr>
<td>Corner 4</td>
</tr>
</tbody>
</table>


2.3 Census and Assets Inventory

The consultant undertook a comprehensive census in collaboration with the market committee officials and relevant County officials. The cut-off date for census was set as 5th September, 2016. The objectives of the traders’ census followed those provided by World Bank as outlined: -

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

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

- Twenty (20) Field assistants were recruited in June, 2016 and training undertaken on 21st June, 2016 at Capital Club, Westlands. The training was undertaken jointly by the RAP Team Leader, the Assistant RAP team leader, the project valuer assisted with all other project consultants. The content of the training included an introduction to the NaMSIP project, guidelines on how to interview potential PAPs and how to capture asset information.

- The census and asset inventory tool was then subjected to field testing with a few of the field assistants in pairs with the guidance of the project valuer and project technical assistants. Assistants were then paired to ensure efficiency of the exercise and for security purposes.

- Several key stakeholder meetings for the market were held with the market officials, city county officials, security agencies and local representatives to gain awareness and public acceptance and ownership of the intended project (see minutes in Annex VI and attendance sheets in Annex VII).

- During the census, field supervisors with the help of market committee members identified Project Affected Persons (PAPs) and registered them with forms that bore traders’ personal details, stall and business ownership details and unique serial numbers. The forms were left with traders as proof that they had been enumerated and not a guarantee of stalls in the new market. Traders were also required to provide copies of their IDs for record purposes.

- The GIS expert then used the given stall numbers to map out stalls in the market. Shared stalls were clearly indicated on the map and where no stalls existed the ground numbers were used. In the absence of stalls and ground numbers the map was not populated with data since it was impossible to determine which space belonged to which trader. A major challenge on establishing the GIS information of each PAP was that the stalls were so close to each other and GPS gadgets have error margins of about 4 to 6M, thus it was impossible to capture GIS information of each PAP. In such instances significant features were mapped and their coordinates taken. Stalls were mapped based on their proximity to such features e.g permanent building, floodlight mast and a layout map was prepared as shown in Annex IV.

- Census Survey: PAP registration and mapping was followed by a socio-economic survey and inventory of assets done by well-trained field assistants who were graduates. Survey questions were both qualitative and quantitative and included details of type of business, business and household income, business ownership and views on the proposed project.
After registration and interviews traders then took passport size photos within the market. Photography experts were enlisted to take photos and reconcile them with the given serial numbers. Photographs of traders were taken at their respective stalls.

The filled questionnaires were then forwarded to a statistician for analysis of the data.

Table 4: Elements of the Census Conducted

<table>
<thead>
<tr>
<th>Census and asset inventory</th>
<th>Information sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determining eligibility for entitlements</td>
<td>Registration records with onsite verification</td>
</tr>
<tr>
<td>Determining categories of entitlements</td>
<td>Account of fellow traders and market leaders</td>
</tr>
<tr>
<td>Providing basis for valuation and compensation</td>
<td>Information from survey regarding type and extent of impact</td>
</tr>
<tr>
<td></td>
<td>Onsite assessment of quality and quantity of assets</td>
</tr>
</tbody>
</table>

Source: Impulso-AWEMAC-EcoPlan, 2016

A total of 204 PAPs were enumerated, compared to the expected 175 that had been listed in a list provided to the consultant through the Ministry. All of the traders were informal but trading on fixed premises, which were temporary in nature. Some PAPs were not traders but rather informal settlers who were using their structures as residential areas. A summary of PAPs information is attached to this report as Annex VIII. PAPs were categorized into 6 main types as shown in the table below:

Table 5: Categories of PAPs in Karandini Market

<table>
<thead>
<tr>
<th>S/N</th>
<th>Type of PAP</th>
<th>Number in Karandini Market</th>
<th>Proportion of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Owners of stalls only</td>
<td>21</td>
<td>9.80%</td>
</tr>
<tr>
<td>2</td>
<td>Owners of businesses only</td>
<td>132</td>
<td>63.73%</td>
</tr>
<tr>
<td>3</td>
<td>Owners of both stalls and businesses</td>
<td>36</td>
<td>19.61%</td>
</tr>
<tr>
<td>4</td>
<td>(Use shades for residential purposes) Informal settlers</td>
<td>14</td>
<td>6.86%</td>
</tr>
<tr>
<td>5</td>
<td>Traders outside the boundary</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>204</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Impulso-AWEMAC-EcoPlan, 2016

Inventory of Affected Assets- The consultant undertook a detailed survey of all losses that would be incurred by the traders. The survey accounted for loss of temporary physical assets as well as temporary loss of income. Assets were delineated accordingly whether privately owned or public (i.e. Nairobi City County). This was done in close consultation with affected traders and a reasonable consensus on the methods and formulas for assigning value to lost assets and income forgone during resettlement was reached.

The structures on site are a mix of few permanent and many temporary structures easy to decommission. The permanent ones are made of concrete blocks, timber, sheets and
concrete floorings while the temporary structures are exclusively made of timber and iron sheets (see plate below).

Plate 5: Nature of temporary market structures on site
Source: Impulso-AWEMAC-EcoPlan, 2016

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

**Table 6: Assets Inventory at Karandini Market**

<table>
<thead>
<tr>
<th>ASSETS INVENTORY</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Asset</td>
<td>Number</td>
</tr>
<tr>
<td>Temporary structures and permanent structures</td>
<td>64</td>
</tr>
<tr>
<td>Infrastructure including water storage tanks, power</td>
<td>3 water tanks</td>
</tr>
<tr>
<td>installations</td>
<td>1 high mast light</td>
</tr>
</tbody>
</table>

Source: Impulso-AWEMAC-EcoPlan, 2016

### 2.4 Socioeconomic Studies

A 100% socio-economic survey was conducted for the market. Initial public consultative meetings were held where the public was given an overview description of the project and the process and they also participated in providing feedback and ask questions regarding the project. The socio-economic survey was undertaken on 2nd and 5th September, 2016 and whereby 204 PAPs were interviewed to establish the baseline parameters for the traders within the project boundaries and who are likely to be affected by the proposed market improvement. The survey results in this chapter give a fair picture of the socio-economic aspects of the people likely to be affected in terms of demographic, social and economic profiles. These results are important for planning, resettlement and compensation alternatives. They will also facilitate the development of appropriate options for the affected people because the exercise involves resettlement hence caution should be taken to formulate plans to restore and improve the quality of life of the affected persons.
A substantial amount of household-level socioeconomic data was collected during the census and inventories of assets in close collaboration with identified market key stakeholders, who were the market committee officials (Chairlady and her assistant, secretary and her assistant). In the market the livelihood strategy of the affected persons is fairly uniform. It was however, seen prudent to survey all other possible income sources in order to calculate income loss resulting from market improvement as a proportion of total income.

Therefore, the consultant endeavored to undertake the socioeconomic studies and to collect additional quantitative (supported by qualitative) information in two important areas:

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

Analysis of these data helped identify those traders most at risk from the temporary physical or economic displacement.

2.5  Analysis of Surveys and Studies

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

The section with tables and charts provides the analyses done and the findings thereof.

2.5.1. Gender Analysis

Majority (53.5%) of the traders are male while female traders are 46.5% of the population enumerated in this market with a frequency of 108 males and 94 females. Of this, majority 78 males own business only, 19 owning both the business and stall while the 9 males owns stalls only and do not trade in them. In regard to the female traders, 60 females own business only, 21 females owning both business and stall while 11 females own the stall only. A paltry 4% of the enumerated population is neither an owner of stall nor an owner of business forming 6 people of the traders in this market.

Table 7: Gender of Respondent * Type of PAP Cross tabulation

<table>
<thead>
<tr>
<th>Gender of Respondent</th>
<th>Type of PAP</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Owner of business only</td>
<td>Both owner of stall and business</td>
</tr>
<tr>
<td>Male</td>
<td>78</td>
<td>19</td>
</tr>
<tr>
<td>Female</td>
<td>60</td>
<td>21</td>
</tr>
</tbody>
</table>
2.5.2. Marital Status Analysis

In the context of marital status, Majority (72.3%) of the traders are married, while the single people are 20.8%. The widowed are 5% while those who have separated are 2%. This implies that there is a possibility of these families increasing in number and the market having a population bulge because 93.1% of the respondents are in relationships that have a high probability of population increase. To further strengthen this, majority 49% of the traders are between the ages of 36-60 yrs old, this is followed closely at 35% comprising of those ranging between the ages 18-35 yrs old. This basically implies that the population is very youth full and is in its productive years.

![Figure 8: Age of the respondents](Source: Impulso-AWEMAC- Ecoplans: 2016)

2.5.3. Education

Majority of the respondents 96% of the respondents have at least primary education, with those having no education at all being at 4%. Of these, majority 74.8% of the traders are able to speak both English and Swahili languages with those who are unable to speak are a paltry both English and Swahili are at 0.5% and 24.8% respectively. Its therefore a population that can make informed choices.

2.5.4. Household Size

In the context of the household sizes, majority (70.8%) of the households represented in this market have 1-5 people. This is followed closely by 28.2% of families comprising of families having 6-10 people while respondents having more than 10 people in a household are paltry 1% of the enumerated traders in this market. However, the average household side in this market is 4 people per household. In the households having males, the average number of males in a household is 2 males per household. Further to this, the average number of women in the household is 2 women per household. Finally, the average number of adults in the household is 3 people per household.
2.5.5. Vulnerable Groups

In regard to the vulnerable groups like children, 26.7% of the families do not have children, however, for the families having children, the average number of children per household of the traders is 2 children. In regard to the elderly, those above 65 years old, majority 91.6% of the households do not have the elderly with those who have the elderly comprising of only 17 households translating to 8.4% of the traders households within the market. In the context of the physically challenged people, majority of the households 97.5% do not have any physically challenged person while the affected households are 5 people translating 2.5%. report. The interest of these vulnerable groups must be thus taken into interest and special considerations made to the families affected.

2.5.6. Number of Employees in the Market

Majority (51%) of businesses in this market do not have employees with those having employees having an average of 2 employees. However, this is spread across the different cases with those having between 1-2 people being 37.1% while those at 7.4% are 3-4 employees in a single business. Businesses having between 5-6 people are 2% of the enumerated population while businesses having between 7-8 people and 9-10 people are at 0.5%. There are only 3 traders who have employed more than 11 people in their businesses in this market.

Table 8: Number of Employees in a Business

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-2people</td>
<td>75</td>
</tr>
<tr>
<td>3-4people</td>
<td>15</td>
</tr>
<tr>
<td>5-6 people</td>
<td>4</td>
</tr>
<tr>
<td>7-8 people</td>
<td>1</td>
</tr>
<tr>
<td>9-10 people</td>
<td>1</td>
</tr>
<tr>
<td>11 and above</td>
<td>3</td>
</tr>
<tr>
<td>None</td>
<td>103</td>
</tr>
<tr>
<td>Total</td>
<td>202</td>
</tr>
</tbody>
</table>


2.5.7. Type of Businesses

Majority (98%) of the respondents are business owners, with the casual labourers only forming 2% of the respondents during this enumeration exercise. Of these, 86.1% own businesses. Those who have other stalls only form 13.9% of the respondents. Majority 80.7% of the respondents are engaged in retail business within this market while those
who do whole sale business are a paltry 1% while those who are doing both retail and wholesale business are 5.9%. Significantly, 19.3% of the respondents in this market are not involved in any kind of business.

The trading commodity in this market ranges. Majority 36.1% of the traders are engaged in groceries and food stuff vending while those who are involved in other business like salon, barber shops and M-pesa shops (mobile money) are significant 25.7%. Motor Vehicle spare parts are at 8.4% followed by those who are in electronics business at 5.4% while those involved in clothes and shoes business are at 4.5%. However, 19.8% of the respondents within this market are not trading at all.

2.5.8. Per Capita Gross Monthly Income Generation

It was found that, on a monthly basis, 25.7% of the respondents earn between Kshs 1-10000 followed by 18.3% earning between Kshs 11,000-20,000. However, the average income for a trader in this market is Kshs 33,889. This implies the businesses averagely generate Kshs 1,130 in a day if by any chance the traders operate 7 days a week for 30 days. However, 10.9% of the respondents do not have any income from the businesses in this market reducing the revenue that this market is capable of generating.

![Figure 9: Income from business](impulso-awemac-ecoplan:-2016)

2.5.9. Estimated Per Capita Monthly Expenditure

The estimated average gross business expenditure per month in this market is Kshs 23,889 per month. 62.8 % of the traders in this market spend between Kshs 1,000-30,000 per month in their businesses. This explains why the business turn over in a monthly basis is paltry and in the context of planning, much emphasis should be placed on more investments in the business to lead to more returns. However, the 19.8% of the respondents who do not spend in the business should be brought on board to encourage income generation within the market. Their interests should also be taken care of during the preparation of the resettlement action plans.
2.5.10. Average Monthly Business Profits

The average estimated business profit per month is Kshs 19,414 with 65.3% of the traders in this market making a profit of between Kshs 1,000-30,000. Each trader makes an average profit of Kshs 647 per 30-day month. This is with the assumption of doing business daily; this implies that the profits might be lower on a day to day basis having an impact on the livelihood of the businesses within this process. However, majority 19.8% of the respondents do not make any profit within this market. Probably this is because they are not involved in any business.

2.5.11. Estimated Monthly Income

The estimated household income for traders in this market is Kshs 30,215 per 30-day month translating to an average household income of Kshs 1,007 per day. However, this analysis in the context of the business income implies that the households represented in this market do not solely rely on the businesses with the Karandini Market to meet the household needs. However, the variance shows that the proceeds from the market to a greater extent support the daily running of the household expenses compared to the other sources of income.

2.5.12. Distance Covered to the Market

43.6% of the respondents travel between 1-5 km to reach the market, while 23.3% travel less than 1 km. Those who cover 6-10km are at 12.9% while those with covering more than 10km are at 18.3%. Only 2% do not travel any distance to get to the market. It should then be taken into consideration in the resettlement action plan that most of the traders stay within the vicinity of the market and this should not be changed.

2.5.13. Occupancy Period in Market

It was found that 66.3% of the traders have stayed in the market for over 10 years. Those who have stayed in the market between 6-10years are at 17.3% while those having traded in the market between 1-5 years are 11.9%. Those who have been in the market
for less than one year is 4.5%. This implies that the traders in this market have developed social capital and the connectedness within the market is exemplified in the context of table-banking (present merry-go-rounds) that they engage in.

### 2.5.14. Registration of Business

Majority (92.6%) of the businesses are unregistered but with fixed premises with the registered being at 7.4%. This implies that the county government does not have a clear database of the traders which has thus led to informal systems leading to revenue collection lost.

### 2.5.15. Rent/ Cess Payment

32.7% of the traders from this market pay Kshs 5,000. Those who are not paying any rent are 57.4%. The estimated average amount of rent paid by the traders in this market is Kshs 2,054. 54.4% of the respondents pay cess of below Kshs 2,000. The estimated average cess paid per month by traders is Kshs 1,167

#### Table 9: Amount of Rent Paid by the Traders

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kshs &lt;5000</td>
<td>32.7</td>
</tr>
<tr>
<td>Kshs 5001-10000</td>
<td>7.4</td>
</tr>
<tr>
<td>Kshs 10,001-15,000</td>
<td>.5</td>
</tr>
<tr>
<td>Kshs 15,001-20,000</td>
<td>.5</td>
</tr>
<tr>
<td>Kshs 30,001-35,000</td>
<td>.5</td>
</tr>
<tr>
<td>&gt;35,000</td>
<td>1.0</td>
</tr>
<tr>
<td>N/A</td>
<td>57.4</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Impulso-AWEMAC- Ecoplan: - 2016

### 2.5.16 Ownership of Premises

In terms of the ownership of the business premises, majority (60.8%) are privately owned while 34.2% are rented. This implies that the government has not invested on constructing business premises in this market hence the privatized initiative. It is thus important to take note on the amount of resources that have been used by the traders to put up the premises when developing the resettlement action plans.

#### Table 10: Ownership of Business Premise

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>123</td>
</tr>
<tr>
<td>Private</td>
<td>60.8</td>
</tr>
</tbody>
</table>
### 2.5.17 Nature of Structures

It was found that 69% of the premises are temporary structures with cement floors in 60.4% of these, while 31.2% are made of earth or polythene with 8.5% of the structures are on bare ground. The walls of these structures vary a lot, with 59.4% being made of iron sheet while wooden cardboards are at 35.1% of the structures in this market. Those made of polythene are at 1% while those walls having nothing at all are at 4.5%. The roofs of these structures are composed of iron sheets at 92.1% while those that are made of polythene and wooden posts are at 1%. Those having no roof at all are at 6.9%. This paints a picture of traders who are operating in adverse structures that need proper improving to standards that are humane to those trading in these structures.

### 2.6 Categories of Impacts

This section provides a detail of categories of impacts and census of PAPs and assets that will lead to economic loss and/or physical displacement and resettlement. The section also provides a conclusion with a summary of the total magnitude of loss identified through the PAP census and the valuation exercise.

This section identifies the impacts of the project on the traders on their livelihoods. It is anticipated that 100% of the traders in Karandini market will be temporarily displaced to pave way for construction of the market but each of them will receive an allocation for business operations in a temporary market premise.

Projected impacts include:

- Loss of business shades/structures
- Loss of business income during transition
- Hampered access to sanitation facilities and water
- Reduced income resulting from these losses
- Impact on the environmental health

#### 2.6.1 Loss of business shades

The temporary structures will have to be moved to the relocation area/site, to allow traders to continue using them as they await construction and completion of the new
market. There are a few permanent structures for the vendors and therefore this report does not anticipate any significant loss in terms of assets during the relocation.

There will be significant impact of loss of shades/structures that will be caused by the proposed project mainly in the construction of the market, which is likely to have a major impact to the livelihood of the PAPs, if not well compensated.

PAPs loosing stalls (shades/structures) are entitled to the following compensation:

- All types of compensation and assistance to which each category is entitled
- All categories of affected traders to be compensated with types of loss associated with each category, including loss of physical assets; loss of access to physical assets; loss of wages, rent, or sales earnings;
- Special considerations as the situation dictates shall be given to vulnerable groups
- Upon completion of the market, each business owner will be allocated a stall in the new market;

2.6.2 Loss of business income during the transition

There is a possible loss of income during the transition period to the new relocation site. This is because it may take a while for the traders to set up their businesses in the new site and in addition to informing and attracting clients to the new site. There may also be individuals who may be completely displaced and may choose to opt out of business due to the conditions of the new site. It is also anticipated that confusion and conflict may arise during this transition period due to disagreement on allocation of space.

2.6.3 Hampered Access to Sanitation and Water Facilities

Karandini market has no running water currently and traders rely on their own sources of water. Water in Karandini market is provided by a private enterprise through a water kiosk. The traders say that they rarely buy water from the vendor because it is too expensive. Most of the traders therefore have their own sources of water provision, which is supplied to them by private vendors delivering them by animal carts. The traders’ ability to access clean water may be hampered during the duration of the project since the water in the market may not be a feasible option while construction continues at the site, although the expected impact is minimal. The resettlement plan should consider providing an array of options for water access to the traders while in the new location.

Sanitation at the new current structure may not be able to cater for the traders. The relocation plan will provide eco-toilets that can cater for the sanitation needs within the market. Modalities of management and access of the facilities will be determined by the market committee who will ensure that they are clean and self-sustaining.

2.6.4 Impact on the Environmental Health
An additional foreseen impact on the project is escalation of respiratory diseases due to increased dust at the new relocation site. Lack of any infrastructure at the new site may also present problems for the traders during the rainy season, as the relocation site may be muddy, making it difficult for operation. In order to mitigate these impacts, the earth should be stabilized with murram and dust should be controlled during the dry season.

The current state of waste management in the market is inadequate as each trader cleans and clears their waste, which is not collected at all by the County Government of Nairobi. The resettlement plan needs to adequately cater for waste management at the relocation site. The waste management plans by the county government shall be documented in a policy document in order to avoid undue accumulation of waste, which may ultimately lead to proliferation of pests and diseases within the relocation site and ensure hygienic working conditions.

There is no running clean water and no toilet facilities at the Karandini market, which currently presents sanitation challenges in the market. Traders use adjacent facilities, for a fee. These are however issues that are being considered in the improvement of the market under the NaMSIP program.

Waste management in the market is inadequate most of the waste from the market was observed decomposing along one of the streets. Waste collection services are provided by private waste collectors who are paid regularly to do so. There is an elaborate array of solid and effluent waste from the market including food waste, plastic, oil, metals and tires among others, which are produced from the diverse businesses in the market. For compensation, it would be expected that the traders would be able to find premises where that will cater for their waste and therefore this may not be a key consideration in the compensation plan.

2.6.5 Social Impacts

Within the market triangle, there are some other structures that are being used for storage and for housing. The conditions here present many complications especially during the rainy season with the poor drainage.

Security is an issue within the market and security of goods and personal security is the responsibility of each individual trader. These may be issues that need to be addressed when relocation is implemented.

2.6.7 Other structures (fences, toilets etc.)

Demolition of outer structures and services such as fences, toilets and common areas will result in loss of PAPs basic services that individuals, family or enterprises depend upon for sanitation, security and general well-being, however, this will not necessitate physical relocation of PAPs or loss of business. Annexed structures in this RAP are counted separately from the PAPs structures.

Compensation-Entitlement for Social and Public Structures

- Common services facilities will be constructed in the new market such as fence, ablation blocks for men and women and ramps for the disabled.
• Proponent to restore the public infrastructure to the satisfaction of the general public

2.6.7 Measures to minimize resettlement impact

During Project construction, consideration has been given to minimizing the scope of physical and economic displacement associated with the Karandini Market Project through:

• Efficient Design of Project Infrastructure

• Effectively management of disruption of relocation to relocation site and assistance to PAPs on allocation of stalls in the new market

• Provide support and assistance on transportation of market wares to relocation site and return to the market.

• Adhering to the ESMP

In terms of design of project infrastructure, careful attention has been given to minimize the physical displacement of existing infrastructures.
CHAPTER 3: POLICY AND LEGAL FRAMEWORKS

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

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

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

3.2.1 Kenya Vision 2030
Kenya Vision 2030 is a comprehensive national development plan for the period 2008 to 2030. The plan was developed following successful implementation of the Economic Recovery Strategy for Wealth and Employment Creation which ensured the country’s economy was back on the path for realization of rapid economic growth since 2002. The county’s GDP growth rose from 0.6% to 7% in 2007, but declined to 1.7% and 1.8% in 2008 and 2009, respectively. The objective of the Vision 2030 is to transform Kenya into a middle income country with a consistent annual economic growth of 10% by the year 2030. The 2030 goal for urban areas is to achieve “a well-housed population living in an environmentally-secure urban environment.” The document has a well laid plan for the retail and wholesale market industry by:

- Having wholesale and retail markets of high efficiency by lowering transaction costs through institutional reforms through investment in infrastructure, training and linking the markets to wider local and global markets
- Enumerate the informal sector operators, provide the, with permanent and serviced facilities, training and access to credit facilities.
- ‘Tier 1’ retail facilities will provide primary producers with better value than at present where they are heavily fragmented.

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

The Karandini Market redevelopment project should be in line with this plan by ensuring that environmental services are enhanced.
3.2.3 The National Poverty Eradication Plan (NPEP) of 1999
The National Poverty Eradication Plan (NPEP) was formulated with an objective of reducing the high levels of poverty in Kenya by 50 percent by the year 2015, as well as to strengthen the capabilities of the poor and vulnerable groups to earn income. The plan also aimed at reducing gender and geographical disparities in order to create a healthy, better-educated and more productive population. The formulation of the plan was guided by the goals and commitments agreed during the World Summit for Sustainable Development (WSSD) of 1995. The plan therefore focuses on the delivery of four WSSD themes of poverty eradication; reduction of unemployment; social integration of the disadvantaged people and creation of an enabling economic, political, and cultural environment through development of transport and communication sector. The plan is implemented by the Poverty Eradication Commission (PEC) that was established in collaboration with various Government Ministries, bilateral and multilateral donors, the private sector, Community Based Organizations (CBOs) and Non-Governmental Organizations (NGOs). The NPEP is relevant since the proposed market redevelopment since it will create an enabling environment that will contribute immensely in the enhancement of economic growth to the traders.

3.2.4 The Poverty Reduction Strategy Paper (PRSP) of 2000
The Poverty Reduction Strategy Paper (PRSP) for Kenya has the broad objective of reducing poverty and promoting economic growth. This Strategy Paper articulates Kenya’s commitment and approach to tackling endemic poverty through involvement of the poor communities in both rural and urban areas in various socio-economic development activities. The proposed redevelopment, during and after implementation will offer various employment opportunities to Kenyans and will therefore contribute directly towards the realization of the broad national goal of reducing poverty in the country. In addition, the project would stimulate economic development by creating an enabling environment for other key sectors of the economy to thrive by acting a central activating nod.

3.2.5 Environment and Development (Sessional Paper No. 6 of 1999)
Kenya’s policy paper on Environment and Development was formulated in 1999. The policy paper defined approaches that will be pursued by the Government in mainstreaming environmental issues into development. The policy harmonized environmental and developmental objectives with the broad goal of achieving sustainable development. The policy paper also provided guidelines and strategies for government action regarding environment and development. This policy is relevant to the proposed development project in view of the potential impacts on the environment and involvement of the public in project planning.

3.2.6 Nairobi Metro 2030
The Government of Kenya formulated the Nairobi Metro 2030 in 2008 to guide the development of the Nairobi Metropolitan Region (NMR). The goal is to ensure that NMR plays its role in the realization of strategies defined under the Kenya’s Vision 2030. Nairobi Metro 2030 brings into focus challenges faced by rapid urban growth and development. The Metro 2030 is integrated into Kenya’s Vision 2030 and other development plans and it also aims at strengthening the county governments as part of the process for the devolution of power to the grassroots. Nairobi Metro 2030 aims at making Nairobi Metropolitan Region a World Class African Metropolis that supports the overall national agenda as defined under Kenya Vision 2030. The aim of the strategy is to
enhance economic growth, employment creation, improvement of lifestyles and infrastructure services. The proposed project will thus contribute in the realization of the goals of Nairobi Metro 2030 in so far as development of world class infrastructure and utilities is concerned. Therefore, the redevelopment of Karandini Market is in line with this plan with an objective of giving the market a crucial facelift while and major economic growth for its traders.

### 3.2.7 The National Land Policy (2007)

Land Policy in Kenya is guided by the environmental management principles which are aimed at restoring environmental integrity through introduction of incentives and encouragement of use of technology and scientific methods for soil conservation, among others.

The policy also recognizes that sustainable management of land based natural resources depends largely on the governance system that defines the relationships between people, and between people and resources. To achieve an integrated approach to the management of land-based natural resources, all policies, regulations and laws dealing with these resources need to be harmonized with the framework established by the Environmental Management and Coordination Act (EMCA) 1999.

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

### 3.2.8 Public Health Policy of 2014

The public health policy calls upon the project proponents to ensure that buildings are adequately provided with utilities so that they are fit for human habitation and use. The market ought therefore to be provided with all amenities/utilities that are essential for safeguarding public health for all people using the facilities and those that may be living in the neighborhood such as sufficient ablution blocks, solid waste management and a connection to the existing sewerage system.

### 3.2.9 HIV/AIDS Policy of 2009

The policy identifies HIV/AIDS as a global crisis that constitutes one of the most formidable challenges to economic development and social progress. The pandemic heavily affects the Kenyan economy through loss of human resource due to deaths, loss of man hours due to prolonged illnesses, absenteeism, reduced performance, increased stress, stigma, discrimination and loss of institutional memories, among others. Due to the large of number of traders, business activities and the social stature of Karandini market HIV/AIDS has to be considered as one of the possible impacts and adequate mitigation measures be proposed to that effect.


### 3.2.10 The National Gender Policy of 2001

The purpose of the Gender Policy is to institutionalize the Kenya National Policy on Gender and Development (NPGD), within Gender, Children and Social Development. It articulates the policy approach of gender mainstreaming and empowerment of women at the grassroots level. The policy seeks to have a society where women, men, children and persons with disabilities enjoy equal rights, opportunities and a high quality of life. This plan has in depth addressed matters gender and development touching on women, children and the disabled for consideration in rolling out its recommendations.

### 3.2.11 Resettlement Policy Framework (RPF) for NaMSIP, 2011

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

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

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

### 3.3 Relevant Local Laws and Customs for Resettlement

#### 3.3.1 The Constitution of Kenya of 2010

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

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

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

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

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

3.3.2 The Environment and Land Court Act, 2012

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

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

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

3.3.3 The Land Act 2012

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

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

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

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

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

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

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

3.3.5 National Gender and Equality Commission Act, 2011
The Commission was established through an Act of parliament and is mandated but not limited to perform the following functions:
(a) promote gender equality and freedom from discrimination in accordance with Article 27 of the Constitution; (b) monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions; (c) co-ordinate and facilitate mainstreaming of issues of gender, persons with disability into the overall national development framework.

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

3.3.6 The Matrimonial Property Act, 2013
The Act identifies the joint ownership of Matrimonial property. Section 4 gives instances when a woman has the same right as a man with regard to property. Despite any other law, a married woman has the same rights as a married man— No. 49 Equal status of spouses. (a) to acquire, administer, hold, control, use and dispose of property whether movable or immovable; (b) to enter into a contract; and (c) to sue and be sued in her own name.

Part III gives meaning of matrimonial property. This Act is applicable in the development of this RAP report because of the nature of businesses at karandini Market.
3.3.7 HIV/AIDS Prevention and control Act (Act No. 14 of 2006)
Part 11, Section 7 of the Act requires that HIV and AIDs education be carried out at the work-place. The government is expected to ensure the provision of basic information and instruction on HIV and Aids prevention and control to:-
(i) Employees of all government ministries, departments, Authorities, and other agencies and employees of private and informal sectors.
(ii) The information on HIV/AIDS is expected to be treated with confidentiality at the work place and positive attitude towards infected employees.

In allocating contractors to the Karandini Market, the Ministry should ensure that the contractor offers such training to the workers as provided by law.

3.3.8 Kenya Road Act, 2007
On enactment, the Act vested the powers and functions of all urban roads under the Public Roads and Roads of Access Act, Cap 399 on the Kenyan Urban Roads Authority. It empowered the Authority to develop and manage roads on all designated urban road reserves for the benefit of the residents. It has powers to liaise and co-ordinate with other agencies involved with provision of space for road construction.

In the interest of the roads around Karandini Market, the Act shall be invoked.

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

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

3.3.10 The Physical Planning Act, Cap 286
Section 29 of the said Act empowers the County Governments to reserve and maintain all land planned for open spaces, parks, markets, urban forests and green belts. The same section allows for prohibition or control of the use and development of an area without proper cause.
Section 30 states that any person who carries out development without development permission will be required to restore the land to its original condition. It also states that no other licensing authority shall grant license for commercial or industrial use or occupation of any building without a development permission granted by the respective County Authority.
There is a proposed bill to make amendments to this Act but it is yet to be accented by the president. The Act’s provisions will therefore be invoked by the proposed project.

3.3.11 The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012
The provisions of this Act apply to all internally displaced persons that arise either through calamities, social conflict or development projects and is guided by the Bills of
Right under the Constitution of Kenya. Section 5 of the Act lists development projects among the displacement factors and outlines involvement of the affected persons through awareness, sensitization, training and education on causes, impacts, consequences and prevention measures. Section 6 of the Act provides that displacements and relocation as a result of development project sites will only be justified by compelling and overriding public interest. The procedures to follow are listed under section 22 and include:

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

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

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

The Act therefore provided enacted guidelines in the event of relocation of the Karandini traders.

**3.3.12 The Sexual Offences Act (NO 3 of 2006)**

Relevant Sections in this Act include:

24- Sexual offences relating to position of authority and persons in position of trust.
25- Sexual relationship which pre-date position of authority or trust.
26- Deliberate transmission of HIV or any other life threatening sexually transmitted disease.

In the life cycle of the Karandini Project and the associated resettlement, the Act will be applied in ensuring that no sexually offences are committed.

**3.3.13 Urban Areas and Cities Act, 2011**

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

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

In line to this Act all development plans under NCC such as the NIUPLAN, Nairobi City Integrated County Development Plan, Eastlands Urban Renewal Project, etc., have been assessed and detailed within this report.
3.3.14 **The Public Health Act (Cap. 242)**

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

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

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

3.3.15 **Environment Management and Coordination Act, Cap 387**

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

This is a key legislation in the undertaking of the RAP.

3.4 **County of Nairobi Legislations**

The following Bills under Nairobi City County will be key in the undertaking of the resettlement Action Plan.

3.4.1 **The Nairobi City County Environmental Management Authority Bill, 2014**

To create a legislative framework that most effectively brings to effect the provisions of Schedule Four to the Constitution. The framework’s object is to prevent, stop or discontinue any act or omission deleterious to the environment. It is proposed that an Authority to oversee environmental management be established. The establishment of the Authority creates an institution singularly mandated to take measures to ensure conservation and protection of the environment within Nairobi City County.

3.4.2 **Nairobi City County Solid Waste Management Act, 2014**

This Act was enacted in 2014. Part II of the Act on General Provisions acknowledges that Solid Waste Management needs an integrated approach at the county between the County Government, generators, owners, residents of premises and contracted private service providers. The Act further acknowledges the constitution right of every citizen towards a clean and healthy environment and bestows duty upon every citizen to enhance the environment. Part III and IV give
3.4.3 The Nairobi City Disaster and Emergency Management Act, 2015

The Act is meant to operationalize the County Disaster and Emergency Management. Section 2 of the Act indicated the objectives and purpose of the Act all geared towards the main subject of the Act. Section 3 indicated the Disaster and Emergency Management structure, indicating its mandate which include but not limited to overseeing the implementation risk reduction, preparedness, response and recovery activities; review all disasters in the county and make recommendations; identify vulnerable areas within the county and ensure correct mitigation measures are put in place. Such risky areas include the market areas under NCC. Section 6 of the Act indicates that, NCC shall come up with a County Disaster Management Plan to be reviewed and updated annually. Section 7 of the Act indicates the role of NCCG in disaster management which shall include but not limited to training of employees, maintenance of disaster management resources, ensure all construction developments within NCC are compliant, etc.

Therefore this shall be a vital legislation in the development and running of Karandani Market due to the expected activities in the market such as hotels and cafeterias which present a fire risk.

3.4.4 The Nairobi City County Housing Corporation Bill, 2014

Develop a facilitating legislative and institutional framework in the housing sector within Nairobi City. The Bill must provide for loans and grants of public moneys for the construction of dwellings; to establish a housing fund and a housing board for these purposes; and for connected purposes. The legislative framework must effectively bring to effect the provisions of Schedule Four to the Constitution.

3.4.5 The Nairobi City Carry Bags Control Act, 2014

The Act gives provisions on the manufacture, recycle and use of plastic carry bags within NCC. Section 12 indicates that no person is meant to dispose plastic bag into any drainage or in any public view any plastic.

This Act shall be applicable in the operationalization of Karandani Market in a view to protect the market drains and surrounding environment from the effect of the plastic carry bags.

3.4.6 The Nairobi City County Markets Policy

The policy outlines the conditions of tenancy in rental markets in the county. These conditions pertain to the applicable charges, the goods permitted to be sold in the market, the proprietorship of the market stalls, waste management within the market and other conditions such as responsible use of water and electricity. According to the policy, a tenant shall pay rent per month in advance and a non-refundable cash deposit equivalent to one month’s rent. According to the conditions, a tenant shall not sublet, assign, transfer or otherwise parts with or change the proprietorship of his/her stall without consent in writing of the county. The policy is however silent on the multiple ownership of stalls. This policy has been reviewed because of its importance in the allocation of stalls in the proposed new market.
3.5 International Framework

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

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

Policy Objectives

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

- To avoid involuntary resettlement where feasible, or minimize resettlement impacts where population displacement is unavoidable, exploring all viable project designs. Particular attention must be given to socio-cultural considerations, such as cultural or religious significance of land, the vulnerability of the affected population, or the availability of in-kind replacement for assets, especially when they have important intangible implications. When a large number of people or a significant portion of the affected population would be subject to relocation or would suffer from impacts that are difficult to quantify and to compensate, the alternative of not going ahead with the project should be given a serious consideration;

- To ensure that displaced people receive resettlement assistance, preferably under the project, so that their standards of living, income earning capacity, and production levels are improved;

- To provide explicit guidance to Bank staff and to the borrowers on the conditions that need to be met regarding involuntary resettlement issues in Bank operations in order to mitigate the negative impacts of displacement and resettlement and establish sustainable economy and society; and

- To set up a mechanism for monitoring the performance of involuntary resettlement programs in Bank operations and remedying problems as they arise so as to safeguard against ill-prepared and poorly implemented resettlement plans.

According to World Bank’s Involuntary Resettlement Policy (OP4.12), the resettlement plan should include measures to ensure that displaced persons are:

- Informed about their options and rights pertaining to resettlement;

- Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives

- Provided prompt and effective compensation at full replacement cost for losses

- Provided assistance (such as moving allowances) during relocation

- Provided with residential housing, or housing sites, (in the context of this case, market sites) for which a combination of productive potential, location advantages and other factors is at least equivalent to the advantages of old sites.

Where it is necessary to achieve the objectives of the resettlement plan, it should also ensure that displaced persons are:
- Offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard of living; and
- Provided with development assistance in addition to compensation measures, such as relocation market site preparation, training, or job opportunities.

3.5.2 Similarities Between the Government of Kenya (GoK), and World Bank Guidelines
From analysis undertaken above, the GoK, and World Bank requirements are found to converge on the following points:-
- Avoidance of involuntary resettlement wherever feasible, and minimization of resettlement where population displacement is unavoidable by exploring all viable project options
- Compensation at replacement cost (replacement cost of an affected asset is equivalent to the amount required to replace the asset in its existing condition)
- Assistance to the affected people for relocation
- Assistance to the affected people to improve their living standards, capacity for income generation, and production levels, or at least to restore to their former levels
- Participation of all stakeholders
- Consultations with project affected persons at every stage
- Grievance redress mechanisms for project affected persons

The table below provides a summative comparative analysis of the World Bank guidelines and the Kenyan Law context.
Table 11: Comparative Analysis Between World Bank O.P 4.12 and Kenyan Legal Context with Regard to Resettlement Process

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<tr>
<th>World Bank OP4.12</th>
<th>Kenyan Context</th>
<th>Comparison</th>
<th>Recommendations</th>
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<tr>
<td><strong>General RAP Requirements</strong></td>
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<tr>
<td>Involuntary resettlement should be avoided wherever</td>
<td>Involuntary resettlement possible in contexts of</td>
<td>The Land Act does not stipulate that resettlement should be avoided</td>
<td>Ensure that resettlement issues are considered at the design stage of the</td>
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<td>possible, or minimized, exploring all alternatives.</td>
<td>projects of national importance</td>
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<td>project in order to avoid/minimize resettlement and associated issues.</td>
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<td>involuntary resettlement is considered to be unavoidable.</td>
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<td>Resettlement programs to be sustainable, with</td>
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<td>meaningful consultation with affected parties.</td>
<td>sensitizing the affected population. Gives provisions</td>
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<td>and guidance on consultation on implications and</td>
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<td>Displaced persons should be assisted in improving</td>
<td>The Land Act 2012 guarantees the right to fair and</td>
<td>Just and fair compensation as outlined in the Land Act 2012 is not clear</td>
<td>Implement World Bank OP 4.12 policy</td>
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<td>just compensation in case of relocation</td>
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<td><strong>RAP Process Requirements</strong></td>
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<tr>
<td>should be meaningfully consulted and should be given equal opportunities to participate in planning and implementing resettlement programs</td>
<td>procedures for consultation with affected population by the NLC and grievance management procedures.</td>
<td>Kenyan legislation meets OP4.12 requirements.</td>
<td>Adopt both Kenyan legislation and World Bank.</td>
</tr>
<tr>
<td><strong>Grievance Redress Mechanism:</strong> For physical resettlement, appropriate and accessible grievance mechanism will be established.</td>
<td>Land Act 2012 clearly outlines the steps and process for grievance redress that includes alternative dispute resolution, renegotiation with NLC and is backed by the judicial system through Environmental and Land Court Act</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Eligibility Criteria</strong>&lt;br&gt;<em>Determined by::</em>&lt;br&gt; (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);</td>
<td>The Land Act 2012 provides that written and unwritten official or customary land rights are recognized as valid land right. The Law provides that people eligible for compensation are those holding land tenure rights.</td>
<td>The O.P 4.12’s recognizes Eligibility as both formal (legal) and informal (customary) owners of expropriated land. However, it does not specifically recognize all users of the land to be compensated.</td>
<td>Ensure ALL users (including illegal squatters, laborers, rights of access) of affected lands are included in the census survey and fairly compensated/assisted</td>
</tr>
<tr>
<td>(b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan</td>
<td>Land Act also recognizes those who have interest or some claim in the land such pastoralist or who use the land for their livelihood. The constitution recognizes ‘occupants of land’ who do not have title and who the state has an obligation to pay in good faith when compulsory acquisition is made.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The constitution recognizes ‘occupants of land even if they</td>
<td></td>
<td></td>
</tr>
<tr>
<td>World Bank OP4.12</td>
<td>Kenyan Context</td>
<td>Comparison</td>
<td>Recommendations</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------</td>
<td>------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>(c) those who have no recognizable legal right or claim to the land they are occupying</td>
<td>do not have titles’ and payment made in good faith to those Occupants of land. However, this does not include those who illegally acquired land</td>
<td>Land Act 2012 provides for census through NLC inspection and valuation process</td>
<td>Same as World Bank</td>
</tr>
<tr>
<td><strong>Measures:</strong> Cash based compensation should only be made where (a) land taken for the project is a small fraction of the affected asset and the residual is economically viable; (b) active markets for lost assets exist and there is sufficient supply of land and housing; or (c) livelihoods are not land-based.</td>
<td></td>
<td>Implement cut-off procedures as outlined in the World Bank guidelines and Kenyan Law</td>
<td></td>
</tr>
<tr>
<td>World Bank OP4.12 Article 6(a) requires that displaced persons are provided with prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project. If physical relocation is an impact, displaced persons must be provided with assistance during relocation and residential housing, housing</td>
<td>Land Act talks of prompt, just compensation before the acquisition of land. However, interpretation of just compensation is yet to be clearly outlined through a specific schedule defining just compensation have not been</td>
<td>Cash based compensation seems to be the preferred mode of awarding compensation to the affected population by Government of Kenya ‘Just compensation’ as stipulated in the Land Act not yet specifically defined. OP 4.12 provides related land transaction fees. Land Act not clear on this.</td>
<td>Ensure that all alternative options are considered before providing cash compensation.</td>
</tr>
<tr>
<td></td>
<td>and residential housing, housing in full agreement with the requirements of full</td>
<td></td>
<td>Use World Bank OP4.12 procedures in determining form of compensation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Implement prompt and effective compensation at full</td>
</tr>
<tr>
<td><strong>World Bank OP4.12</strong></td>
<td><strong>Kenyan Context</strong></td>
<td><strong>Comparison</strong></td>
<td><strong>Recommendations</strong></td>
</tr>
<tr>
<td>----------------------</td>
<td>-------------------</td>
<td>---------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>sites and/or agricultural sites to at least equivalent standards as the previous site. Replacement cost does not take depreciation into account. In terms of valuing assets, if the residual of the asset being taken is not economically viable, compensation and assistance must be provided as if the entire asset had been taken. Compensation and other assistance required for relocation should be determined prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required</td>
<td>Attorney’s fees, cost of obtaining advice or cost incurred in preparing and making written claim not in the Land Act other than ‘just compensation’ The Act does not out rightly stipulate assistance for relocation but we can interpret that relocation cost</td>
<td>simple compensation</td>
<td>replacement cost for the losses of the assets. Implement World Bank policy. Ensure that ALL resettlement options are agreed on with PAPs and put in place prior to displacement of affected PAPs</td>
</tr>
</tbody>
</table>

**Valuation:** With regard to land and structures, “replacement cost” is defined as follows:

For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors’ fees, plus the cost of any registration and transfer taxes.

Land Act 2012 talks of just compensation for the lost assets but it is not specific of the exact amount or procedures on the same. The Land Act 2012 stipulates just compensation.

Though one could argue that there is some form of consistency between the Kenyan Law and World Bank OP.4.12, interpretation of ‘just compensation’ has not been defined. Interpretation of just compensation not clear

Apply the World Bank OP4.12 valuation measures, as outlined in Section 6, in order to fully value all affected assets in a consistent manner.
<table>
<thead>
<tr>
<th>World Bank OP4.12</th>
<th>Kenyan Context</th>
<th>Comparison</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Monitor</strong></td>
<td>Adequate monitoring and evaluation of activities to be undertaken.</td>
<td>According to Land Act can be undertaken County Land Boards.</td>
<td>Both Kenyan Law and World Bank policy advocates for Monitoring and Evaluation</td>
</tr>
</tbody>
</table>

*Source: Impulso- AWEMAC-EcoPlan, 2016*
CHAPTER 4: COMPENSATION FRAMEWORK

4.1 Introduction

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

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

4.2 Eligibility for Karandini Market Traders

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

Market registration and testimony of fellow market traders formed key alternative forms of methods used to determine duration of residency. Payment of taxes (cess) to Nairobi City County and testimony of fellow traders were instrumental in establishing eligibility.

In principle, market users who pay cess are recognized as legitimate traders and receive assistance to locate new venues and to move. Itinerant and mobile vendors (hawkers) with established work histories were also considered legible to receive assistance. A good practice is to seek the market community’s endorsements of census results. To offset some of the costs of displacement, the consultant encouraged traders’ support in discouraging future unplanned encroachment. The market planners will use the Resettlement Plan as a vehicle for improving traders’ security of tenure. It is also expected to provide secure tenure at any resettlement sites it establishes, for a short period as well provide improved management and protection of the market sites from encroachment and grabbing.
4.3 Physical Assets

Physical assets in the context of Karandini Market are the structures owned by the traders. Other than structures some PAPs were found to own movable assets such as water storage tanks.

As provided by World Bank guidelines, those entitled to assistance or compensation for loss of assets include those who have formal legal rights to land or other affected assets and those who do not have such formal legal rights but who have claim to such legal rights by virtue of occupation or use of those assets. The policy requires the sponsor to also consider women who may be more disadvantaged because their incomes tend to be lower and less stable than those of men who are less disadvantaged in the process of compensation.

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

4.4 Revenue and Income

The laws of Kenya do not specifically provide for loss of income. World Bank however provides for the participation of affected persons in planning and implementing resettlement activities as well as to restore and improve their livelihoods. The policy further requires that affected persons be provided with transitional financial support, site preparation, and training and employment opportunities.

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

4.5 Entitlement Matrix

The consultant undertook to explore the legal provisions for entitlements for types of losses (Table 12) and the categories of PAPs and Assets to be affected (Table 13). The project proponent under the law is required to prepare an Entitlement Matrix (See Table 14 below), with respect to the temporary displacement that is expected to occur. Based on the set principles, an Entitlement Matrix was developed for the potentially affected traders and other PAPs of Karandini Market showing:

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

The market has some PAPs who are not traders and there are facilities such as the church and a few residential areas. It is therefore recommended that the this category of persons be allowed to hire the hall for church activities and NCC to allocate the PAPs with a house in one of the NCC owned housing properties. Detailed entitlements for each of the enumerated PAPs have been given and are attached to this report as Annex VIII.
It is recommended that the allocation of stalls follows the standard Trade and Markets Policy (Annex IV) as provided for by the Nairobi City County Markets Department. The county may if possible adjust policies in cases where traders have multiple entitlements to accommodate them. In addition, the following selection criteria should be adopted to ensure traders get fair and equitable allocation of stalls: (i) The vulnerable groups should be duly considered and appropriately allocated stalls that are easily accessible, say on ground floor; (ii) current structure owners to be given priority in the allocation of new stalls, while business owners to be considered for allocation of a stall too. Stalls may then be given to current tenants on the basis of duration of tenancy in the market and then other traders on the periphery of the market depending on their duration of tenancy and types of trade.

For the church, it is recommended that they hire the hall when they require to use it, but will not be allocated a stall.

Table 12: Legal Provisions for Types of Loss and Corresponding Entitlements

<table>
<thead>
<tr>
<th>SN</th>
<th>Type of loss</th>
<th>Entitled person</th>
<th>Legal entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Loss of any structure;</td>
<td>Any person who owns any structure whether he/she have or does not have legal proof of land ownership</td>
<td>Free transportation to relocation site for moveable structures affected</td>
</tr>
<tr>
<td>2.</td>
<td>Loss of livelihood</td>
<td>All persons affected by project- in this case traders</td>
<td>Livelihood restoration strategies to be implemented</td>
</tr>
<tr>
<td>3.</td>
<td>Facilities with certain cultural or spiritual value attached to them by the society living near them (e.g. a shrine or a grave)</td>
<td>The responsible society/persons</td>
<td>Compensate the responsible persons/society to their satisfaction including costs of relocating the facility to a new site</td>
</tr>
<tr>
<td>4.</td>
<td>Public infrastructure affected by the project e.g. Telephone lines, water supply line, etc.</td>
<td>Members of the public whose connections have been interfered with</td>
<td>Proponent to restore the public infrastructure to the satisfaction of the general public</td>
</tr>
<tr>
<td>5.</td>
<td>Vulnerable groups</td>
<td>People with special needs Elderly PLWHIV</td>
<td>Special considerations as the situation dictates</td>
</tr>
</tbody>
</table>

Source: Impulso-AWEMAC- Ecoplan, 2016
Table 13: Categories of PAPs and Assets and relevant Legal Provisions

<table>
<thead>
<tr>
<th>Category of PAPs and Type of Lost Assets</th>
<th>OP 4.12</th>
<th>Kenyan law</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Shades/Structures leased by Tenants</strong></td>
<td>PAPs are entitled to some form of compensation whatever the legal/illegal recognition of their occupancy.</td>
<td>Constitution says that ‘occupants of land’ entitled to some level of pay in good faith. Land Act stipulates that they are entitled to some compensation based on the amount of rights they hold upon land under relevant laws. However, those who acquired land illegally not entitled to any.</td>
</tr>
<tr>
<td><strong>Land Users</strong></td>
<td>Entitled for investments made on the land; livelihood must be restored to at least pre-project levels.</td>
<td>Land Act not clear on Land Users although in some cases they can receive some form of compensation depending on the determination by NLC</td>
</tr>
<tr>
<td><strong>Owners of buildings</strong></td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.</td>
<td>The constitution of Kenyan respects the right to private property and in case and proposes for just compensation to the owner for the loss temporary buildings.</td>
</tr>
</tbody>
</table>

*Source: Impulso-AWEMAC-Ecoplan, 2016*
### Table 14: Entitlement Matrix for Karandini Market PAPs

<table>
<thead>
<tr>
<th>Category of PAP</th>
<th>Type of loss</th>
<th>Entitlements</th>
<th>Moving allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stall owners</td>
<td>Loss of structure</td>
<td>- Right to salvage&lt;br&gt;- Replacement of all structures owned in the new building&lt;br&gt;- One month notice before temporary relocation.</td>
<td>Cash payment (15% disturbance allowance)&lt;br&gt;- Free transportation to relocation site for moveable structures affected.</td>
</tr>
<tr>
<td>Tenants (business owners)</td>
<td>Loss of rental accommodation&lt;br&gt;Loss of business income</td>
<td>- No loss of structure&lt;br&gt;- Stall allocation in the new building&lt;br&gt;- One month notice before temporary relocation.</td>
<td>Cash compensation for loss of business income during transition to alternative premises&lt;br&gt;No charge of cess during the construction period.</td>
</tr>
<tr>
<td>Owners of both stall and business</td>
<td>Loss of structure&lt;br&gt;Loss of business income</td>
<td>Replacement of structure&lt;br&gt;Replacement of lost assets e.g toilets, water points</td>
<td>Cash payment (15% disturbance allowance)</td>
</tr>
<tr>
<td>Informal Settlers (Squatters)</td>
<td>Loss of structure/shade used as a residence</td>
<td>Compensation for structure&lt;br&gt;Compensation for lost assets e.g crops</td>
<td>Cash payment (15% disturbance allowance)</td>
</tr>
<tr>
<td>Employees</td>
<td>Loss of income</td>
<td>No loss of structure&lt;br&gt;No loss of assets&lt;br&gt;Compensation for lost working days&lt;br&gt;Retain their jobs</td>
<td>N/A</td>
</tr>
<tr>
<td>Vulnerable groups- People with special needs</td>
<td>All types of losses</td>
<td>Relocation assistance Allocation of stall on ground floor.</td>
<td>Transition assistance – removing and dismantling of assets.</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>---------------------</td>
<td>-----------------------------------------------------------</td>
<td>-----------------------------------------------------------</td>
</tr>
<tr>
<td>Elderly PLWHIV</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Impulso-AWEMAC- Ecoplan, 2016
CHAPTER 5: RESETTLEMENT ASSISTANCE AND LIVELIHOOD RESTORATION

5.1 Introduction

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

5.2 Selection and Preparation of the Resettlement Site

Most of all the surrounding land has been occupied by private buildings which are a mix of residential and commercial. To ensure that project-affected people are properly compensated, their views were sought on the most suitable places for relocation. Consultations also included local authorities and the Nairobi County government since the market is within their jurisdiction. After assessment of all possible options it was agreed that traders be moved to a nearby area. According to the Director of Markets and county officials, the parcel was best suited. It measures over 2 acres and is situated about 200 meters from the Dagoretti Market. It lies along Ngong Road. It has a relatively level gradient and its physical characteristics makes is suitable for an alternative market development.

![Figure 11: Map Showing Alternative Site Location](Image)

Source:Impulso-EcoPlan-AWEMAC
Plate 6: Proposed Relocation Site, 2017
5.3 Influx Management
Due to the small-scale nature of the project, not much influx is expected to occur. However, there may be traders who will move into the proposed project area in the hope of getting some compensation benefits. Ways of dealing with this situation will be by:

a. Use of the official cut-off date whereby only those found within the area on or before the date will be eligible for resettlement. The number of traders as at the establishment of the cut-off date shall also be considered first in reallocation of market slots. The cut-off date in this context was set as 5th September, 2016.

b. Interviews with the traders also determined the long-term traders and the newcomers thus excluding the latter from any undue benefits they might hope for.

c. Approval of claimants by the Nairobi City County official in charge of the market

5.4 Relocation Schedule and Assistance
The dates and time that the affected traders will be expected to move out of the market, should be communicated by the Project Management, through the Resettlement Unit. Sufficient time allowance will be given between notification and actual movement to enable traders coordinate their movement plans and enlist the help of handymen if required. It is recommended that traders requiring special assistance such as physically challenged traders be given priority in moving or be allocated a different date to move so as to make the transition safer and easier for them. From the census conducted, Karandini has 5 households with physically challenged people which makes 2.4% of the total PAPs consulted.

5.5 Replacement of Services and Enterprises
Since there was no viable relocation area for the traders of Karandini, replacement of services and enterprises at an alternative location may not apply. However, this report has recommended that compensation be given to traders to move out during the period of reconstruction. The compensation package should ensure that traders can rent alternative premises that are of the same quality in terms of utility and availability of amenities and other facilities or even better for the period of market construction.

5.6 Livelihood Restoration
In the case of Karandini market, compensation should ensure that the traders’ standard of living is improved or in the least maintained by ensuring that their income streams continue to flow. For each category of impact, there should be adequate measures in place to cushion PAPs against impoverishment. According to World Bank Guidelines O.P 4.12, sufficient investment resources should be provided to enable displaced persons improve their standards of living or restored to previous standards. Below are strategies recommended to ensure livelihood restoration of PAPs on site:

a. Loss of trading area
Alternative relocation areas should have the facilities and amenities that will enable traders continue with their normal operations. Where necessary, grounds may be prepared through excavation, leveling and compaction to meet the required standards.

b. Loss of business and wages
- Training of the traders on entrepreneurship
- Supporting traders to organize in merry go round and provide the seed capital.
- Waiver of charges on cess during the construction/transition period, irrespective of any construction delays.
- PAPs should be moved to locations where they will not lose their clients, possibly near the project site. The project construction crew can also promote traders by acquiring some of their goods and services from them.
- For traders who may not wish to continue their enterprise-based livelihoods, a cash resettlement subsidy may be considered contingent upon satisfactory observation and documentation by the resettlement team that the individuals will be able to use the cash to restore their standard of living.

c. Damage to assets

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

d. Capacity Building

Training of the market committees on management of the traders. The proposed market designs are such that traders will be classified into different categories according to their tools of trade and will no longer trade openly and anyhow as is the current case. The market will also have different floors trading in different commodities. In addition, regular and intermittent traders as well as retail and wholesalers will be accommodated differently. Training of the market committees on management of the traders is necessary to reduce conflicts and restore normalcy in operations.

5.7 Treatment of Cultural Property

There is no cultural property presently in the market hence this does not apply.

5.8 Special Assistance for Women and Vulnerable Groups

There are 95 female and 110 male traders, translating to 46.5% and 53.5% in Karandini Market respectively. In principle, women suffer less physical mobility as compared to men, therefore poor resettlement execution may result in women traders becoming impoverished. Greater assistance will be required for women especially during movement in activities like dismantling their structures and transporting them. Their entitlements also have to be clearly stated to avoid conflicts. Separate days may be set for movement of women and children from those for men.
CHAPTER 6: BUDGET AND IMPLEMENTATION SCHEDULE

6.1 Budget
Resettlement costs will cover compensation and movement assistance, restoration of livelihood sources, grievance redress, monitoring and any other additional costs that may be encountered in the relocation process. This report proposes a detailed budget (see table 15) to cater for all relocation-related activities in Karandini market including monitoring.

Proper implementation hinges on a detailed RAP budget that carefully estimates all costs associated with the RAP exercise, including social costs, as resettlement cannot be exclusively measured in economic terms. This report proposes a RAP budget that also accounts for the potentially affected assets currently onsite. The estimated budget includes costs associated with setting up and maintaining a grievance redress mechanism and carrying out monitoring and evaluation.
Table 15: Proposed RAP Budget for Karandini Market

<table>
<thead>
<tr>
<th>COST OF RELOCATION SITE</th>
<th>DETAILS</th>
<th>Units (M3)</th>
<th>Unit Cost (Kshs)</th>
<th>Total (Kshs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td>County Government land available (Next to the bus park)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CIVIL WORKS AT THE NEW SITE</td>
<td>DETAILS</td>
<td>Units (M3)</td>
<td>Unit Cost (Kshs)</td>
<td>Total (Kshs)</td>
</tr>
<tr>
<td>Clearing of the alternative site</td>
<td>Removal of sub-soil - Total Ground Area=6,000 sq.mt, Volume down to 1/2m (6,000 sq.mt*0.5M) =3,000 m3 @ Kshs. 900 per cubic meter,</td>
<td>3,000</td>
<td>900</td>
<td>2,700,000</td>
</tr>
<tr>
<td>Laying of Hardcore , leveling and compacting</td>
<td>Total volume is 3,000 M3 @ Kshs. 1,800 per cubic meter</td>
<td>3,000</td>
<td>1,800</td>
<td>5,400,000</td>
</tr>
<tr>
<td>Laying of quarry dust, leveling and compacting</td>
<td>Total Area is 600M3 @ Kshs. 1,800 per cubic meter</td>
<td>600</td>
<td>1,800</td>
<td>1,080,000</td>
</tr>
<tr>
<td>Other site works</td>
<td>Other excavations and backfilling, access roads, paving of parking areas etc.</td>
<td></td>
<td></td>
<td>2,000,000</td>
</tr>
<tr>
<td>Sub-Total</td>
<td></td>
<td></td>
<td></td>
<td><strong>11,180,000</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REHABILITATION</th>
<th>DETAILS</th>
<th>Units (M3)</th>
<th>Unit Cost (Kshs)</th>
<th>Total (Kshs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filling with red soil</td>
<td>Filling with red soils 100mm, Volume =6,000*0.1</td>
<td>600</td>
<td>950</td>
<td>570,000</td>
</tr>
<tr>
<td>Filling with manure</td>
<td>Filling with manure 100mm, volume =6,000*0.1</td>
<td>600</td>
<td>1,400</td>
<td>840,000</td>
</tr>
<tr>
<td>Planting of grass</td>
<td>Total Area =6,000 sq.mt spread</td>
<td>4,000</td>
<td>200</td>
<td>800,000</td>
</tr>
</tbody>
</table>
# Karandani Market Draft RAP Report

## BUILDINGS

<table>
<thead>
<tr>
<th>Details</th>
<th>Cost (Kshs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction of ablution block</td>
<td>1,200,000</td>
</tr>
</tbody>
</table>

**Sub-Total (Kshs)**: 1,200,000

## SERVICES

<table>
<thead>
<tr>
<th>Details</th>
<th>Cost (Kshs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood lights - Relocation of existing</td>
<td>150,000</td>
</tr>
<tr>
<td>Flood lights - Construction of a new one</td>
<td>400,000</td>
</tr>
<tr>
<td>Paving of Garbage Collection Point</td>
<td>80,000</td>
</tr>
<tr>
<td>Water point</td>
<td>30,000</td>
</tr>
<tr>
<td>Perimeter fence: Concrete posts and chain link or GCI sheets on cedar posts and timber runners</td>
<td>960,000</td>
</tr>
<tr>
<td>Security</td>
<td>1,200,000</td>
</tr>
</tbody>
</table>

**Sub-Total (Kshs)**: 2,820,000

## MARKET SHEDS REPLACEMENT & LOSS OF BUSINESS

<table>
<thead>
<tr>
<th>Details</th>
<th>Estimated loss of Income for one month (1 Month) (Kshs)</th>
<th>Total (Kshs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOSS OF INCOME</td>
<td>Nature of Business (Described in terms of ownership)</td>
<td>No of Units/PAPS</td>
</tr>
<tr>
<td>1</td>
<td>Landlords - PAPs who get income from Rent</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Traders who own stalls - PAPs who trade in their stalls</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Landlords - PAPs who get income from Rent
   - No of Units/PAPS: 21
   - Estimated loss of Income for one month (1 Month) (Kshs): 10,000
   - Total (Kshs): 210,000
| Tenants-PAPs who pay rent for their premises | 36 | Different Rates | 1,420,000 | 4480 |
| Loss of income due to reorganization | 132 | Different Rates | 4,120,000 | 4,120 |
| **Sub-total (Kshs)** | | | **5,750,000** | |

| **ALTERNATIVE RESIDENCE RENT ALLOWANCE, 6 MONTHS** | Estimated Rent for 6 Months | Total (Kshs) |
| Residential Settlers/Informal Settlers - Landlords (who have leased out their house to a tenant) | | |
| Rent allowance for six months to seek alternative housing No. 205 | 2 | 90,000 | 180,000 |
| Residential Settlers/Informal Settlers - Landlords who live in houses they own | | |
| Rent allowance for six months to seek alternative housing | 8 | | 750,000 |
| **Owner of church building** | | |
| PAP No. 192 A owns the church | 1 | | 180,000 |
| Residential Settlers/Informal Settlers - Tenants (Tenants who are leasing Space from Landlords) | | |
| Rent allowance for six months to seek alternative housing | 4 | | 360,000 |
| **Sub-total (Kshs)** | | | **1,470,000** |

<p>| <strong>DEVELOPMENTS - REPLACEMENT COST</strong> | Nature of Development | No of Stalls | Estimated replacement cost (Kshs) |
| | | | |</p>
<table>
<thead>
<tr>
<th>No. of traders</th>
<th>Unit Cost (Kshs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>189</td>
<td>5,000</td>
</tr>
</tbody>
</table>

**Total Budget**

30,436,500

**Administrative and Planning Costs**

Add 30% design, planning and miscellaneous- This includes marking, allocation process, supervision, labour, security, professional fees etc

30% 9,130,950

**Total Budget**

39,567,450
<table>
<thead>
<tr>
<th>BUDGET</th>
<th>AMOUNT (KSHS)</th>
<th>ADMIN &amp; PLANNING COSTS (30%)</th>
<th>Total Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAIN CONSTRUCTION BUDGET</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RAP BUDGET</td>
<td>30,436,500</td>
<td>9,130,950</td>
<td>39,567,450</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td><strong>39,567,450</strong></td>
</tr>
</tbody>
</table>

*Source: Impulso-AWEMAC-EcoPlan*
6.2 Implementation Schedule

Karandini Market RAP implementation calls for coordination from all concerned parties so as to make it a success. This will require the formation of a resettlement coordinating committee with representatives from all relevant stakeholders including the Market committee executives, Ministry of Transport, Infrastructure, Housing and Urban Development, National government county commissioner’s office, Nairobi City County Government, National Government, county social development department, and other relevant departments such as finance and environment. Within the committee, sub-committees may be formed to focus on various aspects of resettlement such as resettlement sites and space allocation, capacity building, income restoration, grievance redress and monitoring. Emphasis is laid on full compensation of PAPs before onset of project construction and shortened construction period to reduce impacts on PAPs.

6.3 Implementation Timelines

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

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

Table 16: Schedule for RAP Implementation

<table>
<thead>
<tr>
<th>Type of activity</th>
<th>Responsible body</th>
<th>Supporting institutions</th>
<th>Duration of execution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project inception including establishment of relevant committees</td>
<td>The consultant consortium MoTIH &amp;UD</td>
<td>County government Market committees</td>
<td>1 month</td>
</tr>
<tr>
<td>Preparation of temporary resettlement area</td>
<td>MoTIH&amp;UD County government</td>
<td>World Bank</td>
<td>1 month</td>
</tr>
<tr>
<td>Notification of entitlements and execution of resettlement</td>
<td>MoTIH &amp; UD payment team</td>
<td>World Bank Market committee</td>
<td>1 month</td>
</tr>
</tbody>
</table>
### 6.4 Risks to Implementation and Mitigation Measures

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

**6.4.1 Inadequate Provision for Entitlements**

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

**6.4.2 Inadequate Budgeting for Currency Fluctuations**

If the project implementation will be undertaken at a much later date from the planning phase, budgeting should account for any disparities between current and future currency values so as to cushion the displaced persons from impoverishment. Otherwise budgets will need to be revised during implementation, delaying the process all together. Assumptions made in cost estimation must also be justified so as to come up with realistic estimates that will ensure smooth implementation of the project.

---

<table>
<thead>
<tr>
<th>Event Description</th>
<th>Responsible Parties</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payment of compensation before the moving of the PAPs.</td>
<td>MoTIH&amp;UD County government</td>
<td>1 month</td>
</tr>
<tr>
<td>Grievance redress and assistance to vulnerable groups</td>
<td>Grievance redress committee</td>
<td>1 month</td>
</tr>
<tr>
<td>All PAPs move out and construction commences</td>
<td>MoTIH&amp;UD</td>
<td>1 month</td>
</tr>
<tr>
<td>Construction ends and eligible PAPs move into allocated stalls</td>
<td>Minister transport and infrastructure</td>
<td></td>
</tr>
<tr>
<td>Monitoring and Evaluation</td>
<td>IMU MoTIH&amp;UD</td>
<td>6 months</td>
</tr>
</tbody>
</table>

*Source: Impulso- AWEMAC-EcoPlan, 2016*
6.4.3 Unclear Sources of Funding
All key activities and milestones must be clearly linked to the budget and the responsible sponsor, failure to which causes delays in disbursement of funds.

6.4.4 Lack of Prior Compensation of PAPs before Moving of the Traders
World Bank guidelines are clear that PAPs should be fully compensated before being moved out or in the least immediately after moving to enable them regain their pre-project status and maintain their livelihood. If traders are not adequately compensated there is a risk that they may re-occupy the project area or there may be numerous grievances that might stall the project.
CHAPTER 7: INSTITUTIONAL ARRANGEMENTS

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

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

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

7.3 City County of Nairobi
This project is under the jurisdiction of the City County of Nairobi and as the host, the county will provide guidelines on specific project requirements. The county will facilitate and offer administrative services needed by the project. The county will also supply required documents, reports and support resources to the project team. NCC will also be involved in talks with the lead ministry regarding its infrastructure that will be affected.

7.4 County Commissioner’s Office
The role of the commissioner’s office will especially be important in the Grievance Redress Mechanism where a representative from the Sub-county commissioner’s office will be a member of the Grievance Redress Committee.
7.5 National Environment Management Authority (NEMA)
NEMA is a corporate body charged with; exercising supervision and coordinating overall matters relating to environment as well as being the principal instrument of the Government in the implementation of all policies relating to the environment. NEMA will play a role in supervisory and monitoring of environmental conditions in the resettlement site.

7.6 Market Committees
The market committees are elected by the traders in order to link them with the county and national market representatives. A typical committee is made up of a chairperson, a treasurer, a secretary and other members. Committees are effective in communicating information, decisions and concerns and also in updating traders of changes, developments, regulations, risks and opportunities. The market committee at Karandini may need to be strengthened in order to be useful in communicating progress and decisions to the affected traders as well as taking part in grievance redress. This is because there is currently only one strong voice in the name of the committee chair, which overrules other opinions.

7.7 The Resettlement Coordinating Committee
The proposed Resettlement Coordinating Committee will be comprised of 2 representatives from the Ministry of Transport, Infrastructure, Housing and Urban Development, 2 representatives from the market committee, one representative from Nairobi City County, the proposed market master and either a legal or gender rights expert. The role of this committee will be to ensure smooth implementation of resettlement in the temporary relocation site that is timely and fair. The committee will also oversee the Grievance Redress Mechanism.
CHAPTER 8: CONSULTATION AND PARTICIPATION

8.1. Introduction

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

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

8.2. Stakeholders Consulted

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

8.2.1 Directly Affected People

The directly affected people are those who derive their living from the Karandini Market and those who reside within the market. These people will be destabilized in their business while some losing their assets being both temporary and permanent structures. In this project there are approximately 204 traders and informal settlers to be affected by the project.

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

8.2.2 Indirectly Affected Persons

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

8.2.3 Government Agencies and Other Organizations

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

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

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

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

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

8.4. Methods and Approach

8.4.1 Consultative Meetings

The Consultations team consisted of the RAP team leader, a valuer, a communication expert, an environment and social expert and technical assistants. RAP consultants were accompanied by representatives from MoTIHUD and representatives from NCC’s markets department. Market committee officials were instrumental in informing traders of the proposed project and work of the consultant as well as mobilizing for the consultative meetings.

Consultations were done at two levels, that is:

a. Key Stakeholder Engagement Forum Level that involved the following parties:

- Nairobi City County officials
- Representatives from the Ministry of Transport, Infrastructure, Housing and Urban Development
- The project Design Consultants
- RAP consultants
- Market committee officials

A record of attendance to this meeting is attached to this report as Annex VII.

b. Public/ Market Engagement Level which involved all traders in Karandini Market.

The plate below shows ongoing public meeting at Karandini Market. An attendance sheet to the public meeting is attached to this report as Annex VII.

Plate 7: Trader Speaking during the Public Meeting held in Karandini Market

Source: Impulso-AWEMAC- Ecoplan:- 2016

### 8.4.2 Socio-economic Survey

During the consultation process, a socio-economic survey was conducted by the team of consultant and with the help of well-trained field assistants throughout the project area. Interviews were held with individual PAPs in order to establish a socio economic status baseline for the PAPs that could facilitate future monitoring after resettlement. The survey also included questions about opinions/suggestions on livelihood restoration, and type of compensation/ assistance. Information was gathered by use of semi-structured questionnaires which were administered by the team of field assistants. The assistants had undergone training at Capital Club in Westlands on 21st June, 2016.
Individual trader’s consultations were held at the market to give information about the project and gather people’s perceptions, opinions, suggestions and fears about the project. A sufficient notice for the meeting was given to the traders to make themselves available for the exercise (Annex IX). The trader consultations created platform for discussion between the RAP team and the traders. The information gathered was used as input into the Resettlement Action Plan.

Interviews with the stakeholders were carried out on 2\textsuperscript{nd} and 5\textsuperscript{th} September, 2016 through administering well-structured questionnaires (see sample questionnaire in Annex V).

### 8.4.3 Individual Traders Consultations

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

<table>
<thead>
<tr>
<th>Issues raised</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed stall sizes and designs did</td>
<td>The concerns were forwarded to the design</td>
</tr>
</tbody>
</table>

**Plate 8: Training of field assistants at Capital Club, Westlands**

*Source: Impulso-AWEMAC- Ecoplan: - 2016*
not match the needs of the traders and required to be reviewed

The juacali traders on the periphery of the market requested to be considered in the new market

The RAP team informed them they are not qualify as the project affected persons

Traders were curious about relocation area during market construction since there was no alternative location in close proximity

The traders were informed after consultations with the Ministry and NCC that there is an alternative site about 500m from the project site

Traders requested to be given ample notice and time to move once the project was approved for implementation

Traders were informed that ample notice of 3 months to relocate would be given to them

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8.6. Consultation during RAP Implementation and Monitoring

MoTIHUD personnel will continue to conduct a series of meetings and hearings with the project affected people (PAPs), informing them of the results of any survey conducted and the plans for the area. In these meetings there will also be negotiations to determine when the actual resettlement will take place.

The RAP will be implemented by MoTIHUD. A Resettlement Unit (RU) for the project will be constituted and charged with the responsibility of monitoring and supervision of the RAP implementation.

8.7. Dissemination of RAP Information

The resettlement process PAPs will require communication or dialogue with the stakeholders, until the implementation of the RAP is over. Extensive consultations with the potentially affected persons will continue through ongoing meetings with project affected people. The issues that would be discussed include:

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

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

- PAPs making their issues, claims and concerns known.
PAPs having right of access to the formally established grievance process and will be entitled to make their complaints known.

The Monitoring team having the right to visit and interview PAPs.

PAPs through the grievance procedure process will be able to contact the monitoring and evaluation team to ensure that their concerns are heard.

The PAP RAP Committee and the Resettlement Unit members will attend all PAPs consultative meetings and inform them of the procedures and schedule for compensation payment, reorganization and resettlement arrangements among others.
CHAPTER 9: GRIEVANCE REDRESS

9.1 Introduction

Grievance Mechanism – a management system through which grievances will be resolved following a Standard Operating Procedure (SOP) aligned to other management systems (communication, resourcing, reporting). International Finance Corporation definition: concern or complaint raised by an individual or a group of stakeholders affected by real or perceived impacts of a company's operations.

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

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

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

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

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

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

According to the NaMSIP Karandini Market project, a grievance or complaint includes any communication that expresses dissatisfaction, in respect of the conduct or any act of omission or commission or deficiency of service and in the nature of seeking a remedial action but do not include the following:
• Complaints that are incomplete or not specific in nature;
• Communications in the nature of offering suggestions;
• Communications seeking guidance or explanation.

Grievances in Karandini Market are especially in relation to:

• Dominance of the current Chair in decision making.
• Opposition to the proposed designs for not meeting their current needs.
• Controversial issues on the process of RAP census because of personal interests.

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

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

9.1.1 Receiving Grievances

The channels of receiving grievances will include:

• At NaMSIP Level
  - Project Coordinating Team Level
  - Project Implementation Team Level
• County Government
• Through social media – emails, Facebook, twitter
9.1.2 Steps in Dealing with Grievances

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

9.2 Mediation Organizations

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

- Ministry of Transport, Infrastructure, Housing and Urban Development (MoTIHUD)
- Nairobi City County Government
- National Government County Commissioner Office
- National Government County Social Development Department (Social Development Officer in charge of Registration and Regulation of self-help groups)
- Karandini Market Traders Committee
- PAPs

9.3 Grievance Redress Committee and its Procedures

A Grievance Redress Committee (GRC) will be established with representatives from each of the stakeholders from the above list consisting of a full-time Project Social Expert, the Local Social Development Officer (SDO), Ministry representative such as the Project Manager or Supervisor, Nairobi County officials from the Department in-charge of Markets, Local National Government Administrator and representative persons for traders such as Executive Market Committee officials and PAPs Representatives if not represented by among the executive market committee officials. The proposed leadership of the Grievance Redress Committee of eighteen (18) members (with an official quorum of 80% to transact business) will be as follows;
• Representative from the Ministry of Transport, Infrastructure, Housing and Urban Development – **Chairman**
• Social expert - **Secretary** (provide secretarial and advisory services to the GRC)
• Nairobi County Representatives (Market In-Charge and Sub-county Administrator) - **Members**
• Representative of Sub-County Commissioner’s Office – **Member**
• Sub-County Social Development Officer (in charge of Registration and Regulation of a self-help groups) – **Member**
• Three (3) existing Committee members– **Members**
• PAPs (to include both traders and stall owners) - **3 (three) Members**

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

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

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

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

• Both the Ministry of Transport, Infrastructure, Housing and Urban Development (project office) and the Nairobi County Government shall facilitate the operations of the above committee by providing venue for meetings, secretarial services and any expenses or allowances directly related to the proposed project.

• The Grievances shall be presented in person orally, over the phone, online via email, Short Message Service (SMS) using mobile communication systems or in writing, or other means of communications which provide a record of the complaint whichever the aggrieved party finds appropriate. All complaints must be recorded in a Complaints Form (see Annex X).
• The PAP shall be allowed to use local or national languages throughout the redress process and mechanisms for interpretation provided where necessary.

• An Acknowledgement Form (see Annex XI) shall be sent to the complainant within two (2) working days of the receipt of the grievance. The form shall contain date of receipt of grievance, details given by the complainant unique grievance number, expected date for resolution of grievance, name, designation and contact details of Officer, Grievance Escalation Matrix (see figure below) with contact details and address (includes organizational levels) and manner and mode of tracking resolution of grievance with the unique grievance number. A simple digital database will also be created to store the cases so as to make work easier and reduce paper work.

• All grievances shall be addressed to the Chair of the Committee and handed over to the proposed full-time social expert to be stationed at the Nairobi County Government sub-county market premises or any other nearby premises. All grievances shall be entered into a log book/register and assigned file numbers for easier handling and tracking of the progress of each case.

• A deadline should be set after notification of entitlements (including preparation of relocation site and/or moving of traders to the new location) beyond which no more complaints will be accepted so as to expedite the process of resettlement. During and after receipt of complaints, the committee will have monthly or regular meetings to deliberate upon the complaints lodged in consultation with the complainants, and to offer alternatives where feasible to the issues raised.

• If after negotiations with the committee the PAP is not satisfied with the settlement, the PAPs Committee will also be asked to provide recommendations as to how it is to be addressed. The Committee may decide that the case be re-investigated and, depending on the nature of the grievance in may be referred to the Ministry of Transport, Infrastructure, Housing and Urban Development (MoTIHUD) for technical and legal advisory purposes to the GRC.

• Complainants will be issued with a Grievance Resolution form (Annex XII) where they are in agreement with the resolutions. The redress process should take at most 4 weeks per case and cases can be resolved concurrently.
Recording of grievance in standard form and register of complaints
Grievance received by the Chairmen and representative of the County Government market in charge

Receipt of letter of complaint from affected person
Resolved within 5 days

Within 5 days

Chairman of subcommittee convenes meeting of the committee (within 24 hours) to review, investigate and resolve the complaint

Within 2 weeks

Main Grievance Committee
Receives and reviews complaint

No Resolution

No Resolution

Record of grievance submitted to Project supervisor & Feedback provided to the complainant

Court of Law

Project Implementation Committee
receives escalated complaint and reviews

Grievance Resolved

Notification to Project Implementation Team

Figure 12: Grievance Escalation Matrix
9.4 Mechanism for Appeal

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

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

9.5 Redress Monitoring Mechanism

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

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

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

9.6 Closure of Grievance

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

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

- When the intermediary or entity regulated by MoTIHUD or Nairobi County Government has acceded to the request of the complainant fully.
- Where the complainant has indicated in writing, its acceptance of the response of the intermediary or entity regulated by the MoTIHUD or Nairobi County Government.
• Where the complainant has not responded within forty-five (45) days of the receipt of the written response of the intermediary or entity regulated by the MoTIHUD or Nairobi County Government.
• Where the grievance redress committee has certified under indication to the subscriber that the intermediary or entity regulated by the MoTIHUD or Nairobi County Government has discharged its contractual, statutory and regulatory obligations and therefore closes the complaint.
• Where the complainant has not preferred any appeal within fourteen (14) days from the date of receipt of resolution or rejection of the grievance communicated by the intermediary or entity regulated by the MoTIHUD or Nairobi County Government.

Where the decision of the MoTIHUD or Nairobi City County Government in appeal has been communicated to such complainant.
CHAPTER 10: MONITORING AND EVALUATION

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

10.2 Monitoring and Evaluation

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

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

The main internal indicators that will be monitored regularly:
   i) That the entitlements are in accordance with the approved policy and that the assessment of compensation is carried out in accordance with agreed procedures.
   ii) Payment of compensation to the PAPs (where possible) in the various categories is made in accordance with the level of compensation described in the RAP.
   iii) Public information and public consultation and grievance procedures are followed as described in the RAP.
   iv) Relocation is done in a timely manner.
   v) Restoration of affected public facilities and infrastructure are completed prior to construction.

10.2.2 External Monitoring and Evaluation
The Consultant recommends that an Independent Monitoring and Evaluation Unit (IMU) be established to evaluate implementation of compensation and resettlement. The IMU shall be appointed to monitor the resettlement and compensation process and implementation of requirements to verify that compensation, resettlement and rehabilitation have been implemented in accordance with the agreed RAP provisions.
The IMU will also be involved in the complaints and grievance procedures to ensure concerns raised by PAPs are addressed. The IMU should be formed immediately upon announcement of entitlements to PAPs since this is the most likely time that PAPs will begin to forward their grievances.

More specifically, the IMU will carry out the following:

i) Review the results of the internal monitoring and review overall compliance with the RAP

ii) Assess whether relocation objectives are being met

iii) Assess general efficiency of relocation and formulate lessons for future guidance

iv) Determine overall adequacy of entitlements to meet the set objectives.

The Consultant recommends that MoTIHUD establishes an IMU that draws on personnel with resettlement and social development experience. The Consultant further recommends that relevant representatives from the Resettlement Unit, the project affected persons should be represented through County Administration.

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

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

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

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

2. **Entitlement Listing**: In the event of relocation to alternative sites for the PAPs, such site should have comparable services and amenities to the previous site. The basis of comparison could be qualitative, although a quantitative measure could also be developed based on per capita maintenance costs. The consultant has however recommended financial compensations rather than relocation. Thus, the choice of the relocation site would depend on the PAPs.
10.3 Methodology for Monitoring
The approaches and methods used would require regular dialogue and surveys of the affected persons. The dialogue will provide a forum for affected parties to air any grievances or complaints that may arise. The survey will provide a more objective form of progress measurement to complement the more subjective consultations/dialogue.

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

10.5 Data Analysis and Interpretation
The data should be able to measure changes in net welfare based on pre-resettlement profile and post resettlement conditions. Where negative welfare is noted, MoTIHUD should immediately address the same.

10.6 Reporting
Post-resettlement monitoring results should be subject to review by representatives of the affected people through the PAP Committee and representatives of MoTIHUD. The monitoring team must write its reports before the end of each visit and submit them to the MoTIHUD Project Manager and the PAP Committee. The Monitoring team should structure its reporting in conjunction with accepted variables, a format to this effect is attached to this report as Annex XIII.
CHAPTER 11. CRITERIA FOR RAP DISCLOSURE

On the market site all the names of PAPs and Photos will be displayed on a central notice board. Market officials will be enlisted to spread word to members to confirm their details.

All the names of PAPs and Photos will be disclosed in the Ministry of Transport, Infrastructure, Housing and Urban Development’s website.

All the names of PAPs and Photos will be disclosed in the World Bank info shop.

Details will be disclosed in a language that is well understood by the PAPs i.e Kiswahili.

CHAPTER 12. ANTICIPATED CHALLENGES IN RAP IMPLEMENTATION

Likely challenges in Karandini Market

1. Failure of new stalls to meet the standards of old stalls in terms of size.
2. Challenges in allocation of stalls in cases where multiple ownership of stalls exist.

Proposed Mitigation Measures

The consultant proposed a review of proposed designs to fit traders’ needs. The design consultant has already adjusted market designs to allow for flexibility and expansion of stalls to accommodate traders who may need larger space than is provided for.

This report proposes that the NCC markets policy be used as the guiding line for determining who gets a stall/s. the policy is attached to this report as Annex XIV.
REFERENCES


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ANNEXES

Annex i: Terms of Reference
Annex ii: Survey Plan
Annex iii: Proposed Market Design
Annex iv: Karandini Layout Map
Annex v: Census and Asset Inventory Tool
Annex vi: Minutes of Meetings Held
Annex vii: Attendance Sheets of Meetings Held
Annex viii: Karandini PAPs Summary Information
Annex ix: Public Meeting Notice
Annex x: Grievance Complaints Form
Annex xi: Grievance Acknowledgement Form
Annex xii: Grievance Resolution Form
Annex xiii: Monitoring and Evaluation Format
Annex xiv: NCC Markets Policy