



Going Beyond Safeguards: Leveraging Community
Participation for Sustainable and Inclusive Informal
Settlements Upgrading

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Situating Safeguards in Tenure Regularization: The debate

The extent to which OP4.12 is applicable to land tenure regularization given the following:

Land

Land to be regularized is government land

Costs of regularization

Government meets all costs (planning, surveying, registration, titling) – approx. 1000USD/person

Benefits

The benefits of land tenure are more "individualized", positive, long-term

Efficiency and Effectiveness

Project cuts bureaucracy- consolidating planning, surveying, registration, and titling

Timing of compensation

Should impacts be mitigated at planning stage or during infrastructure upgrading?

Cost of compensation

High cost to meet OP4.12 – disincentive to government, limit the number of settlements for upgrading

Linking Safeguards and Tenure Regularization

Conventional tenure regularization

Could lead to unsustainable outcomes from:

- a) Displacement of people and livelihoods
- b) High resettlement costs
- c) Scarcity of alternative land for resettlement

Innovative Planning Approaches

Driven by the need to:

- a) meet safeguard compliance requirements
- b) Address gaps between OP4.12 and Kenyan frameworks
- c) Find acceptable, inclusive and sustainable solutions

Mitigation for unsustainable outcomes: In-situ Adoptive Planning:

☐ Reduces displacement by almost 85% e.g. Kwa Ndomo (reduced 211 PAPs to 14PAPs), Muyeye (reduction of PAPs from 699 to 103)

☐ Considerable reduction of compensation budget e.g. Kwa Ndomo (reduced costs from 1M USD to 0.02M USD)

☐ Maintains community social fabric

Beyond Safeguards: Pathways for Community Participation

1. Community Institutions

Community leadership, organization and mobilization is required:

- 1. SEC- Link between community and project, mobilization
- 2. GRC- 1st line of grievance redress for uniquely local solutions

4. Safeguard implementation

- Grievance redress: reduced escalation, unique and local solutions that are effective
- Helping vulnerable persons e.g. in Nyeri where the communities helped the elderly to move
- Removal of structures



2. Planning and survey process

- Visioning, plan development, approval
- Safeguard mitigation measures are integrated into Planning

3. Preparation of instruments RAPs

Demystifying safeguards: Impact identification, enumeration, mitigation options:

- Adoptive planning
- Willingness to forgo aspects of compensation to meet their vision
- Acceptance of reduced plot sizes
- Removal of structures

Conclusion

4. Empowerment and inclusion:

- ✓ A more informed community information shared, processes, disclosure of information
- ✓ Gender inclusion in titling
- ✓ Inclusion Youth, women, disability, religion

1. Impact:

- ✓ Less harm realized- minimal displacements
- ✓ Less conflicts community participation in resolving grievances
- ✓ Community cohesion- planning together- an opportunity that brings the whole community together

Outcome: Community sustainability achieved

3. Decision Making:

Community participation in making decisions about their own development-sustainable solutions/mitigation measures, grievances resolution

2. Community capacity to engage enhanced:

- ✓ Community institutions (SEC and GRC)
- ✓ Community Leadership developed
- √ Capacity to participate in development discourse is enhanced
- ✓ Institutional memory left in the community of how the process was conducted