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:

<table>
<thead>
<tr>
<th>Category</th>
<th>Details</th>
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<tbody>
<tr>
<td><strong>Land</strong></td>
<td>Land to be regularized is government land</td>
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<tr>
<td><strong>Costs of regularization</strong></td>
<td>Government meets all costs (planning, surveying, registration, titling) – approx. 1000USD/person</td>
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<td><strong>Benefits</strong></td>
<td>The benefits of land tenure are more “individualized”, positive, long-term</td>
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<td><strong>Efficiency and Effectiveness</strong></td>
<td>Project cuts bureaucracy - consolidating planning, surveying, registration, and titling</td>
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<td><strong>Timing of compensation</strong></td>
<td>Should impacts be mitigated at planning stage or during infrastructure upgrading?</td>
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<tr>
<td><strong>Cost of compensation</strong></td>
<td>High cost to meet OP4.12 – disincentive to government, limit the number of settlements for upgrading</td>
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### Linking Safeguards and Tenure Regularization

<table>
<thead>
<tr>
<th>Conventional tenure regularization</th>
<th>Innovative Planning Approaches</th>
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<tbody>
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<td>Could lead to unsustainable outcomes from:</td>
<td>Driven by the need to:</td>
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<tr>
<td>a) Displacement of people and livelihoods</td>
<td>a) meet safeguard compliance requirements</td>
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<td>b) High resettlement costs</td>
<td>b) Address gaps between OP4.12 and Kenyan frameworks</td>
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<td>c) Scarcity of alternative land for resettlement</td>
<td>c) Find acceptable, inclusive and sustainable solutions</td>
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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

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

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
Conclusion

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

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

3. Decision Making:
Community participation in making decisions about their own development - sustainable solutions/ mitigation measures, grievances resolution

4. Empowerment and inclusion:
- A more informed community - information shared, processes, disclosure of information
- Gender inclusion in titling
- Inclusion – Youth, women, disability, religion

Outcome: Community sustainability achieved