

REPUBLIC OF KENYA



MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES AND IRRIGATION

NATIONAL AGRICULTURE AND RURAL
INCLUSIVE GROWTH PROJECT

VULNERABLE AND MARGINALIZED GROUPS
FRAMEWORK

Revised October 2018

Abbreviations and Acronyms

ACHPR	African Commission on the Human and Peoples Rights (ACHPR)
BP	Bank Policy
CDD	Community Driven Development
CIGs	Community Interest Groups
COE	Council of Elders
CoK	Constitution of Kenya
CPS	Country Partnership Strategy
CSO	Civil society organizations
CRA	Commission on Revenue Allocation
EAs	Environmental Assessments
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FPIC	Free, Prior and Informed Consultation
FS	Feasibility Study
GDP	Gross Domestic Product
GOK	Government of Kenya
GRM	Grievance Redress Mechanism
ICT	Information and Communication Technologies
IDA	International Development Association
IPOs	Indigenous Peoples Organizations
KAPAP	Kenya Agricultural and Agribusiness Project
KAPSLMP	Kenya Agricultural Productivity and Sustainable Land Management Project
KNCHR	Kenya National Commission on Human Rights
Kshs.	Kenyan Shilling
KFS	Kenya Forest Service
LA	Land Act 2012
LAC	Land Administration Committees
LACT	Land Acquisition Compensation Tribunal
LRA	Land Registration Act 2012
M&E	Monitoring and Evaluation
MDGs	Millennium Development Goals
MEWNR	Ministry of Environment, and Forestry
MSME	Micro, Small and Medium-scale Enterprises
MOALFI	Ministry of Agriculture, Livestock, Fisheries and Irrigation
MODP	Ministry of Devolution and Planning
MoE	Ministry of Education,
MoH	Ministry of Health
MOPE	Market-Oriented Producer Enterprise
MoU	Memorandum of Understanding
NARIGP	National Agricultural and Rural Inclusive Growth Project
NCBF	National Capacity Building Framework

NCCAP	National Climate Change Action Plan
NEMA	National Environment Management Authority
NGO	Non-Governmental Organisation
NLC	National Land Commission
NLP	National Land Policy
OP	Operational Policy
PAD	Project Appraisal Document
PAP	Project Affected Persons
PDO	Project Development Objective
PIC	Public Information Centre
PICD	Participatory Integrated Community Development
PIM	Participatory Impact Monitoring
PIM	Project Implementation Manual
PO	Producer Organizations
PRA	Participatory Rural Appraisal
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RRA	Rapid Rural Appraisal
SA	Social Assessment
SIA	Social Impact Assessment
SLM	Sustainable Land Management
SP	Service Provider
SSE	Small Scale Enterprises
UN	United Nations
UNDRP	Declaration on the Rights of Indigenous Peoples
US\$	United States Dollars
VMGs	Vulnerable and Marginalized Groups
VMGF	Vulnerable and Marginalized Groups Framework
VMGP	Vulnerable and Marginalized Groups Plan
WB	World Bank

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Executive Summary

Project Development Objective

1. The proposed development objective is to increase agricultural productivity and profitability leading to improved livelihoods and reduced vulnerabilities of targeted rural communities in selected counties. The proposed program supports Kenya's Vision 2030 whose key element is the development of "an innovative, commercially oriented and modern agriculture, livestock and fisheries sector" in an inclusive way. This is a long-term vision, and would require a series of operations during the next 5 to 15 years.

Project Description

2. A key premise of the National Agricultural and Rural Inclusive Growth Project (NARIGP) is the importance of linking farmer/Common Interest Groups (CIGs) and Vulnerable and Marginalized Groups (VMGs) organized along priority Value Chains (VC) to markets. Thus the three technical components of NARIGP are interlinked.

Project Components

3. The project will comprise 4 components:

Component 1: Support to Farmer/Community Institutions and Agricultural/Rural Livelihoods US\$100 million of IDA Credit: Component 1 (C1) will provide support and resources to communities for building and strengthening their institutions (farmer/producer groups, cooperatives, etc), improving agriculture and rural livelihoods (extension, technology, irrigation, natural resource management, finance, etc), reducing vulnerabilities such as unemployment (especially youth, vulnerable women), disability, food insecurity and malnutrition, and improving quality of life (small access roads/bridges, water, etc). This component will provide support through two windows aimed at: (a) providing financing for public goods, and; (b) promoting agricultural and rural livelihoods as private goods. The modalities of how the funds will be released to Counties and the communities will be agreed on at appraisal based on their performance and instituting of adequate accounting systems. Investments would need to be made in land rehabilitation and land conservation measures also to arrest erosion-induced declining land productivity, and connecting the farmers as well as community to roads and markets.

Component 2: Strengthening Inter-community/Producer Cooperatives and Investments for Agricultural Value Chains (US\$60 million of IDA Credit): Component 2 (C2) will support the strengthening of higher-level farmer institutions (cooperatives, producer federations, natural resource users associations, etc) that help farmers and communities work together to improve productivity and value-addition, and to achieve efficiency and economies of scale of local activities. The component will also support activities that require cooperation within and across multiple communities. Key activities proposed under this component include: (i) strengthening producer federations and cooperatives; (ii) developing value-chains and commercial agriculture; (iii) improving catchment management practices; (iv) promoting

innovative technology, farming methods, and good agricultural practices that help target beneficiaries to improve efficiency and quality of their production; and (v) complementing existing subsistence strategies that promote climate resilience with new measures such as efficient irrigation, new crop varieties (e.g., drought and disease tolerant, quicker-growing), and erosion controls. These climate smart techniques and dissemination of climate information (e.g., seasonal forecasts and long-term trends) can address more intense rainfall events and water conservation measures. Component 2 will build synergies with other initiatives at the national level and in the project area such as feeder roads development, rural electrification and devolution, etc., in order to have a multiplier effect on achieving sustainable results.

Component 3: Building Capacity of County Governments and Other Partners to Support Community-Led Development (US\$30 million of IDA Credit): This component will support County governments and other partners to strengthen their roles and capacity as enablers of community-led initiatives for farmers and vulnerable populations. Proposed activities to be supported will include: (i) integrating community-led initiatives in County Integrated Development Planning (CIDP) and Budgeting processes; (ii) building County capacity including policies, staff, processes/systems, and monitoring; (iii) identifying and monitoring progress and needs of poor and marginalized communities, and; (iv) developing platforms to share information on ongoing initiatives, identifying and disseminating good practices, and enhancing coordination among different actors.

Component 4: Coordination, Facilitation and Monitoring (US\$10 million of IDA Credit): This component will support overall national level coordination, facilitation, management, technical support, and monitoring, learning and evaluation.

Primary Beneficiaries

4. The primary beneficiaries of the project will be targeted rural small and marginal farmers, including women and VMGs and other stakeholders, organized in Common Interest Groups (CIGs) and federated into Producer Organizations (POs) along the Value Chains (VC), and selected county governments. VMGs groups will include youth, Indigenous People (IP), elderly women and men, widows/orphans, disabled, recovering substance abusers, and people living with HIV/AIDS. It is envisaged that NARIGP will be implemented in 21 selected counties with a total of 140 sub-counties. Each sub-county will have at least 3 (maximum of 5) participating wards. Within these sub-counties, the project will cover about 420 out of the existing 696 wards, which is equivalent to 60 percent coverage. A key principle of the project is inclusion and therefore the VMGF will focus on how to ensure that VMGs are aware of the project and can participate.

Project areas

5. NARIG will be implemented in 10 counties that include: Kiambu, Nakuru, Narok, Nandi, Trans-zoia, Bungoma, Kwale, Kilifi, Samburu, and Baringo.

Rationale for the use of a Vulnerable and Marginalized Groups Framework

6. This Vulnerable and Marginalized Groups Framework (VMGF) for the National Agricultural and Rural Inclusive Growth Project (NARIGP) has been prepared by the Government of Kenya based on the OP 4.10 of the World Bank (“Bank”) and the applicable laws and regulations of the Government of Kenya. The OP 4.10 is triggered when it is likely that groups that meet criteria of WB OP 4.10 “are present in, or have collective attachment to, the project area¹.” The VMGF will guide the preparation of NARIGP micro-projects that may affect Vulnerable and Marginalised Groups (VMGs) in the proposed project areas.
7. WB OP 4.10 ‘contributes to the Bank's mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples (IPs). For all projects that are proposed for World Bank financing and that affect Vulnerable and Marginalised Groups (VMGs), the Bank requires the borrower to engage in a process of Free Prior and Informed Consultation (FPIC) leading to broad community support. The Bank provides project financing only where FPIC results in broad community support to the project by the affected vulnerable and marginalised groups. Such Bank-financed projects include measures to:
 - a) Avoid potentially adverse effects on the Indigenous Peoples’ communities; or
 - b) When avoidance is not feasible, minimize, mitigate, or compensate for such effects;
 - c) Ensure that the vulnerable and marginalised people receive social and economic benefits that are culturally appropriate and gender as well as inter-generationally inclusive; and that the VMGF is based on FPIC with indigenous peoples leading to broad community support.
8. The objectives of the policy are to avoid adverse impacts on vulnerable and marginalised groups, secure broad community support for the project and to provide Vulnerable and Marginalized Groups (VMGs)² with culturally appropriate benefits.

Implementation Arrangements

9. **Implementation of NARIGP will involve a three-tier institutional arrangement (national, county and community).** Under the **first-tier** at national level, the National Treasury (NT) will represent the GoK and the MOALFI will be the main implementing agency. Within the MOALFI, the project will be anchored in the State Department for Crop Development (SDCD). The **second tier** will be the county level, with the county governments as the executing agencies of the project. The **third tier** will be the community level, where beneficiaries will implement their community-led interventions. The three-tier institutional arrangement aims to: (a) lessen the

¹World Bank, Operational Policy (OP) 4.10 Indigenous Peoples, July 2005.

² Given particularities with respect to the term *Indigenous Peoples* in Kenya, the 2010 Constitution of Kenya uses the term “vulnerable groups” and “marginalized communities” Since adoption of the Constitution in 2010, the GoK has requested that project instruments related to the implementation of OP 4.10 use the constitutionally-sanctioned terminology. OP 4.10 contemplates that different terminology may be applied in different countries without affecting the application or substance of the policy. It states: “*Indigenous Peoples* may be referred to in different countries by such terms as *indigenous ethnic minorities; aboriginals, hill tribes, minority nationalities, scheduled tribes, or tribal groups.*”

approval layers for faster decision-making and efficient project implementation; and (b) utilize the constitutionally mandated governance structures at the national and county levels, to the extent possible. To enhance linkages and ownership of the project, the County governments will be fully involved in the decision-making process at the national level as they will be represented in the National Project Steering Committee (NPSC) and NTAC by the Chair of Council of Governors and the Chief Executive Officer of Council of Governors, respectively. In addition, County governments will be fully responsible for the decision-making and project oversight at county and community levels. The detailed roles and responsibilities of the national, county and community institutions will be provided in the Project Implementation Manual (PIM). The project institutional arrangements are summarized in the organogram below.

World Bank Policies triggered by NARIGP

10. Based on the initial screening of the potential project, investments in rural infrastructure and agriculture value chains are likely to trigger the following WB safeguards policies:

Table 1: Operational Safeguards triggered for NARIGP

OPERATIONAL SAFEGUARDS TRIGGERED FOR NARIGP	
OP/BP 4.01: Environmental Assessment	✓
OP/BP 4.04 Natural Habitats	✓
OP/BP 4.36 Forests	TBD
OP 4.09 Pesticide Management	✓
OP/BP 4.11 Physical Cultural Resources	X
OP/BP 4.10 Indigenous Peoples	✓
OP/BP 4.12 Involuntary Resettlement	✓
OP/BP 4.37 Safety of Dams	X
OP 7.50 Projects in International Waters	X
OP 7.60 Projects in Disputed Areas	X

11. Given the nature of the proposed interventions with specific micro-project designs and locations not known at the time of project preparation, the project will take a framework approach to managing safeguards. There are four framework reports that will need to be developed by GoK.

- a. Environmental and Social Management Framework (ESMF);
- b. Integrated Pest Management Framework (IPMF).
- c. Resettlement Policy Framework (RPF); and
- d. Vulnerable and Marginalized Group Framework (VMGF).

12. This VMGF is to be used by the MOALFI and the implementing agencies and officers at County and community levels in order to ensure that the VMGs that meet the criteria established by World Bank Operational Policy OP 4.10 are adequately addressed. The purpose of this VMGF is to ensure that management of issues related to vulnerable and marginalised people are integrated

into the development and operation of proposed investments to be financed under the NARIGP to ensure effective mitigation of potentially adverse impacts while enhancing accruing benefits.

13. The VMGF, ESMF and RPF will need to cover the types of activities envisioned, identify potential impacts of these activities and propose a screening mechanism and a process of assessment and design of the mitigation measures for investments once they are identified. The prepared instruments cover the scope and coverage, when they should be applied, implementation arrangements, responsibilities and costs. The VMGF, ESMF and RPF were subjected to public consultations and disclosed prior to project appraisal. During project implementation, based on the screening, EA/EMPs, RAPs and Vulnerable and marginalised Group Plans (VMGPs) will be developed for individual micro-projects.

Vulnerable and Marginalized Groups in the NARIGP

14. *Indigenous Peoples (OP 4.10) will be triggered³ by proposed investment projects to be implemented under the NARIGP.* Since NARIGP is countrywide in nature an initial screening indicates the presence of groups that meet the World Bank criteria for indigenous peoples who are likely to be present in or have collective attachment to the micro-project areas where component 1 and 3 might be implemented. While the exact sites of the micro-projects remain unknown at this point, a preliminary assessment indicates that the project is likely to be implemented in areas where the following VMGs are present (Table 2).

Table 2: Indicative counties with VMGs who may influence the design of micro-projects

Region	County	VMGs that may be present in the County and could meet OP 4.10
Eastern	Makueni, Meru, Kitui, Embu,	Waatha (Kitui)
Coast	Kilifi, Kwale	Waatha (Kilifi), Waswaka (Kilifi), Wakifundi (Kilifi), Makonde (Kilifi)
Central	Kirinyaga, Kiambu, Muran'ga	Dorobo (Kiambu)
Rift-Valley	Nakuru, Narok, Baringo, Samburu	Ogiek (Nakuru, Narok), and Endorois/Il-Chamus (Baringo), Il-kunono (Narok)
Western	Bungoma, Trans Nzoia, Nandi, Vihiga	Sengwer (Trans-nzoia), Ogiek (Bungoma, Trans-nzoi, Nandi), Tarik (Vihiga, Nandi)
South Nyanza	Kisii, Migori, Nyamira, Homa Bay	Noney

15. It should be noted that some communities of the *Ogiek, Sengwer, Ilchamus, Boni and Waatha, and some specific pastoral communities of the Maasai, Turkana and Samburu* have met the criteria set out in World Bank OP 4.10. However, as the policy is not triggered by name, field verification is required.

³ See Annex 1 for World Bank Operational Policy (O.P.) 4.10 Indigenous Peoples.

16. In addition to OP 4.10, screening and profiling of marginalized communities and marginal groups will be done in line with the interpretation of Constitution of Kenya, 2010, section 260, which provides criteria that can be used as a basis for profiling of communities and groups that could possibly be identified as “Marginalized Communities” and “Marginalized Groups”.⁴ See *annex 1* for a profile of indicative groups that could meet the criteria of VMGs based on the criteria derived from Constitution of Kenya (CoK), 2010 section 260. See *Table 1* (see section 4.32). The VMGF presents the World Bank's OP 4.10 policy criteria for determining if the identified groups based on an initial screening meet the characteristics of Indigenous Peoples as per OP 4.10. Where the MOALFI confirms the existence of VMGs within micro-project operational area, NARIGP will carry out a social analysis and the process of FPIC, for purpose of ascertaining whether the respective VMGs broadly support the project. Where such broad VMGs support for the micro-project exist, as confirmed by the World Bank, NARIGP will proceed to prepare VMGs for each micro-project site. However, site-specific verification is required given the fast pace of urbanization and social economic change in Kenya. Hence for that reason, the list provided here is indicative. A two-step - process will be applied including (a) screening and (b) field verification.

Possible Types of Micro-project Interventions

17. *While there are different levels and types of CDD projects, community driven development projects can be defined as “projects for which the majority of investment funding is for a large number of small and scattered micro-projects. Such-micro-projects may be multi-sectoral or may be limited to a single sector, such as agriculture, tend to homogenous within the sector, with the following characteristics relevant to safeguard issues:*

- Overall size – small to medium
- Often aimed at rural development
- Numerous, scattered micro-projects
- Nature and scope of micro-projects not known at the time of appraisal
- Micro-projects selected by a community-driven mechanism
- Implementation governed by an Operational Manual (OM) or equivalent
- Monitoring and Evaluation (M&E) mechanisms fairly elaborate to capture the quantity and quality of project outcomes.

18. *Identified Project Social Risks:* It should be noted that minimal resettlement is anticipated under this project and is only likely to occur for micro-projects linked to building local *community* infrastructure and assets. The kinds of micro-project activities to be undertaken

⁴ The Constitution states that a marginalized community/groups is one that meet the following criteria: (a) **A community** that are unable to participate in the integrated social economic life of Kenya as a whole due to (i) relatively small population or (ii) any other reasons; (b) **Traditional Community** that has remained outside the integrated social and economic life of Kenya as a whole; (c) **Indigenous community** that has retained a traditional lifestyle and livelihood based on a hunter-gatherer economy; and (d) **Pastoral persons or communities**, whether: (i) **nomadic or** (ii) **a settled community** that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya .

are anticipated to have minimal adverse social risks and can be sited in such a way as to avoid the physical relocation of people. As a result, minimal, if any, physical resettlement is expected under any component of this project.

19. Most, if not all, CDD projects fall under category B projects⁵, with site specific, predictable and readily manageable impacts. Given the challenges involved in *managing* environmental and social issues related to Category A projects, it is recommended that CDD projects avoid any type of activities that could lead to a Category A rating. A Category project is expected to have significant, large-scale irreversible or unpredictable impacts. However, if Category A micro-projects are explicitly excluded from a CDD project, a clear technical justification should be provided to put such micro-projects in the Negative List, such as the lack of capacity by communities to manage significant environment and social risks, high transaction costs to properly manage impacts, etc.

20. The exact micro-project sites for the NARIGP are not yet definitively identified. Therefore, at this stage it is neither possible to determine the exact location, demography and impact on assets and/or livelihood of neither the PAPs nor the resettlement related impoverishment risks they might *face*, if any. However, as noted no resettlement is envisaged and the siting of micro-project investments will, as much as possible, take this into consideration. Moreover, the majority of adverse impacts are minimal given the nature of the investments related to CDD projects. Types of micro-projects will be further elaborated during preparation, however the project components that will most likely trigger OP 4.12 are: Components 1, 2 and 3.

21. Table 3 below is indicative of the types of projects that may be supported by the project. The table below shows counties that were beneficiaries of the KAPAP (now closed). It shows the value chains that were selected and ranked by the various CIGs and how they are similar or different from those selected by the VMGs and CIGS. All these counties are target counties under the NARIGP. In most cases, the value chains selected by the VMGs differed from those of the main value chains for the county.

Table 3: Priority Value chains in targeted counties

County	VMGs	1 st ranked VC	2 nd ranked VC	3 rd ranked VC
1. Kiambu	CIG	Dairy	Poultry	Bananas
	Dorobo	Dairy	Poultry	Bananas
2. Nakuru	CIG	Dairy	Pyrethrum	Fish – aquaculture
	Ogiek	Apiculture	Poultry	Vegetable
3. Narok	CIG	Beef	Maize	Dairy
	Ilkunono	Beef	Poultry	
4. Nandi	CIG	Dairy	Maize	Poultry
	Ogiek Tarik	Dairy	Maize	Poultry

⁵ A Category B project is expected to have site-specific, predictable, and readily manageable impacts; a Category C project is expected to have no adverse material impacts; and a Category FI project involves many components financed through Financial Intermediaries and that can be screened as A, B, or C depending on the nature of the FI portfolio.

5. Trans-nzoia	CIG	Dairy	Maize	Poultry
	Sengwer Ogiek	Maize	Tomatoes	Dairy
6. Bungoma	CIG	Dairy	Poultry	Tomatoes
	Ogiek	Tea Beef	Dairy	Onions
7. Kwale	CIG	Poultry	Tomatoes	Mangos
	Waatha Wakifundi Waswaka	Maize production & milling		
8. Kilifi	CIG	Cassava	Chilies	Local Vegetables
	Waatha	Apiculture	Local poultry	Africa Bird Eye Chilli (ABEC)
9. Samburu	CIG	Beef	Maize	Honey
	Dorobo	Apiculture	Poultry	
	Ilkonono	Traditional artisanal Blacksmith		
10. Baringo	CIG	Meat goat	Honey	Dairy
	Endorois	Meat goat	Honey	Vegetable
	Ilchamus	Maize	Horticulture (Melon	Livestock (Goats, beef)

Source: MOALFI, ASDSP 2014

Vulnerable & Marginalized Groups Requirements

22. The World Bank's Operational and Procedural Policies, specifically OP 4.10 requires that the Government of Kenya prepare a VMGF which establishes a mechanism to determine and assess future potential social impacts of NARIGP planned micro-projects under the proposed NARIGP on vulnerable and marginalized groups. Other requirements of the policy are:

23. **Free and Prior Informed Consultation.** Projects affecting the vulnerable and marginalized groups, whether adversely or positively, therefore, need to be prepared with care and with the participation of targeted communities. The requirements include social analysis to improve the understanding of the local context and affected communities; a process of FPIC with the affected vulnerable and marginalized communities to expressed their views on preferred project design considerations that would lead to broad community support to the project; and development of project-specific measures to avoid adverse impacts and enhance culturally appropriate benefits.

Public Consultation, Communication and Grievance Redress Mechanism

24. This framework seeks to ensure that VMGs are informed of the impacts, consulted, and mobilized to participate in the relevant micro-projects. The NPCU to be established by MOALFI for the oversight and implementation of the project will engage in a wide array of stakeholders at community and county levels, including Non-Governmental Organizations (NGOs) and cultural institutions active in the project area to undertake consultations from the very beginning and will continue till end of the project. The project team will undertake prior consultations with any likely impacted VMGs and those who work with and/or are knowledgeable in VMGs development issues and concerns. To facilitate effective participation, the VMGF will follow a timetable to consult VMGs at different stages of the

project program cycle, especially during preparation of any civil works program. Also, the NPCU will undertake a social impact analysis (SIA) to gather relevant information on (i) demographic data; (ii) social, cultural, and economic situation; and (iii) social, cultural, and economic impacts, both positive and negative, on the vulnerable and marginalized group in the relevant micro-project area.

25. A grievance redress mechanism will be developed for addressing the grievances from the affected VMGs related to micro-project implementation. The procedure for grievance redress will be incorporated in the project information pamphlet to be distributed prior to implementation. Participatory consultation with affected households will be undertaken during project planning and implementation stages.
26. The MOALFI will establish a mechanism to receive and facilitate resolution of affected VMGs concerns, complaints, and grievances about the project's safeguards performance at each micro-project having VMGs impacts, with assistance from Non-Governmental Organisations (NGO). Under the Grievance Redress Mechanism (GRM), a Grievance Redress Committee (GRC) will be formed for each micro-project with involvement of VMGs representative & local stakeholders. The GRCs are to be formed and activated during the VMGFs implementation process. Assistance to VMGs will be given to document and record the complaints. The grievance redress mechanisms are designed with the objective of solving disputes at the earliest possible time and at the lowest levels where the PAPs reside for quick resolution.
27. The traditional dispute resolution structures existing for each of the VMGs will be used as the first step in resolving grievances. The GRM may draw on and be part of that proposed in the Resettlement Policy Framework for the NARIGP project. The grievance mechanisms will include: (a) County Grievance Redress Committees (CGRC), including representatives from the MOALFI, county administration representative, sub-country leadership, and two VMGs PAPs; and (b) sub-county Grievance Redress Committees (SCGRC) based in each administrative location where micro-projects are located and shall be the voice of the PAPs to include location chief, assistant chiefs, men and women PAPs, youth and vulnerable groups representatives. The participation of local leaders and PAPs in disseminating information and resolving disputes will be important once VMGP implementation starts. VMG PAP representatives will participate in the micro-project workshops at mid-term and at the end of VMGP implementation. To the extent possible, the VMGP should include social accountability tools to assess the quality of VMGP implementation, and in some cases, assist the VMGP team in tracking expenditures.
28. All the grievances will be channelled to the existing structures of the project and then to those at a national level, with last recourse being the Kenyan Courts of Law. The VMGF will make the public aware of the GRM through public awareness campaigns.
29. Marginalized and vulnerable communities will be provided with a variety of options for communicating issues and concerns, including in writing, orally, by telephone, over the Internet or through more informal methods as part of the grievance redress mechanism. In the case of marginalized groups (such as women and youth), a more proactive approach may

be needed to ensure that their concerns have been identified and articulated. This will be done, for example, by providing for an independent person to meet periodically with such groups and to act as an intermediary. Where a third party mechanism is part of the procedural approach to handling complaints, one option will be to include women or youth as representatives on the body that deals with grievances. It should be made clear that access to the mechanism is without prejudice to the complainant's right to legal recourse. Prior to the approval of individual VMGPs, the affected VMGs will have been informed of the process for expressing dissatisfaction and seeking redress. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency.

Project Information and Disclosure

30. This VMGF and micro-project VMGPs will be made available to the affected VMGs in an appropriate form, manner, and language. Before project appraisal, the NPCU will send the social assessment and draft VMGP to the Bank for review. Once the Bank accepts the documents as providing an adequate basis for project appraisal, the Bank will make them available to the public in accordance with Bank Policy on disclosure of information, and the GOK will also make the documents available to the affected communities in the same manner as the earlier draft documents.
31. Each micro-project VMGP will be disclosed to the affected VMGs with detailed information of the micro-project. This will be done through public consultation and made available as brochures, leaflets, or booklets, using local languages. Summary of the VMGP will be made available in hard copies and in language at: (i) Offices of the MOALFI; (ii) Sub County or County Office; and (iv) any other local level public offices. Electronic versions of the framework as well as the VMGPs will be placed on the official website of MOALFI and the official website of Bank after approval and endorsement of the VMGF and each VMGP by the Bank.
32. The final consultation and disclosure workshop for the ESMF, RPF, and VMGF was held at the Kenya School of Management on January 12, 2016. The workshop was attended by about 51 participants from 10 counties (Baringo, Bungoma, Nairobi, Nakuru, Kilifi, Kakamega, Kwale, Vihiga, Samburu, and Siyaya). These included representatives from Central Government and County Government, several project implementing agencies and Representatives of VMGs/Indigenous Peoples Organizations (IPOs). A series of consultations were also held in the counties on January 6 & 7th 2017, in Embu and Nakuru and on Jan 13 and 14th, 2016 in Kisumu, Narok, Kilifi and Kwale counties. The MODP underlined the importance it attached to the safeguards and emphasized that the **NARIGP envisages no and/or minimal physical relocation of project affected persons (PAPs) in its implementation across the 21 counties**. The bulk of micro-projects will be small CDD, micro-projects to be carried out on farm, with minimal and reversible impacts. Every effort would be made to ensure that the siting of micro-project investments avoided physical resettlement of anyone and minimized economic displacement. The ESMF, RPF and VMGF for the NARIGP will be made at the national, county and sub-county levels project implementing

structures and will be posted on MOALFI's website and disclosed through the Bank's External website.

33. *Feedback from the consultations was overall supportive of the project and the participants endorsed the draft VMGF but areas for enhancing the frameworks were highlighted.* Participants welcomed bringing participants from around Kenya and representatives from the VMGs as a good step. With regard to the design, the Participants (a) especially welcomed the channelling of technical assistance and resources directly to communities and underlined the importance of ring fencing such resources against leakages; (b) requested to know more about the criteria for county selection and urged that counties with insecurity not to be further marginalized; and (c) emphasized the importance of timely dissemination; and the need for clear and appropriate communication channels. The participants endorsed the CDD approach and representatives of the CIGs stated that that they had benefited from previous and on-going WKCDD/FM projects that had CDD activities and believed that the NARIGP would build on the successes and good practices. *The participants welcomed that the NARIGP and Government was reaching out to VMGs and groups that met the criteria of OP 4.10 indigenous peoples and affirmed that the proposed pro-active steps in the framework were adequate in ensuring the VMGs benefit from NARIGP.* The detailed comments and MODP responses are summarized in Annex J as well as the list of attendees.

Capacity Building and Training

34. Effective implementation of the VMGF may require that adequate capacity enhancement within institutions and other stakeholders are undertaken, especially in regard to monitoring and evaluation. There is need for capacity building through training to be conducted across the national, county and local project implementation levels with inclusion of the private sector.
35. NARIGP will utilize the revised PICD manual which will be upgraded to integrate VMGF, RPF, and ESMF and strengthen social inclusion by including relevant tools creating awareness and targeting vulnerable members of the society including minority ethnic communities and groups (women, youth, person with disabilities and aged citizens within the target community).
36. PICD training will then be tailored for the various levels to fit within the availability of officers at each level. The NTAC will undergo a 1 day training clinic –using a reduced version of PICD module; the NPCU will undergo a 2 day training clinic with an slightly elaborated PICD version; CPSC will undergo 1 day training clinic utilizing the version used for the NTAC; the CPCU and Service Providers (SPs) and any other relevant actor will less involvement will undergo a 3 days training; and finally the SC (SAIC's, PMC's and IAC's) and CDDO will undergo a 21 day training spread across the project life cycle to coincide with project implementation schedule.

Monitoring and Evaluation

37. The implementation of VMGPs will be monitored. The NPCU in the MOALFI, the executing agency implementing specific micro-project investments will establish a monitoring system

involving NPCU staff, the private sector (support organizations), local governments, and VMGs to ensure effective implementation of VMGP. A set of monitoring indicators will be determined during VMGP implementation and will be guided by the indicators contained in the document (*see table 11*). The bulk of the monitoring at the community will be done by CDDC while the overall monitoring will be done by NPCU with support from consultants. Appropriate monitoring formats will be prepared for monitoring and reporting requirements.

38. For any micro-project with significant adverse impacts on VMGPs, external experts or NGOs will be engaged by the MOALFI/NPCU to verify monitoring information of the VMGP for such micro-projects. The NGOs will collect baseline data including qualitative information and analyse the same to assess the impacts of the project on indigenous people. The external experts will advise on compliance issues and if any significant issues are found, MOALFI will prepare a corrective action plan or an update to the approved VMGP. MOALFI will follow up on implementing the corrective actions to ensure their effectiveness.
39. Several key indicators and topics for monitoring and evaluation of VMGP are (i) process of consultation activities; (ii) appropriateness of affected assets valuation and compensation; (iii) economic status of VMGPs in comparison with pre project condition (iv) status of VMGs as identified in the SA; (v) any disadvantaged conditions to VMGs that was not anticipated during the preparation of VMGPs, that required corrective actions; and (vi) grievance redress issues. The VMGP will collect required data/information and regularly analyse project outputs and impacts considering impact on VMGs, and semi-annually report the results to the Bank.
40. **Annual Reporting and Performance Review Requirements:** Annual progress reports will be prepared by the NPCU and the preparation of the progress reports will be supported by the environmental and social safeguards specialists in the MOALFI/NPCU. These reports will be submitted to the Bank.
41. **Budget:** All costs for implementation of VMGP will be financed by NARIGP. The costs will be estimated during feasibility based on interviews with VMG members and relevant government officials. This will be updated after the detailed survey and investigation as well as further consultations with VMGs.
42. The budget for the implementation of the VMGP will mainly include costs for capacity building for NPCU, CPCU, county staff tasked with monitoring environmental and social safeguards, VMG members involved in the approval process of micro-projects to screen for VMGs and prepare VMGPs; consultation/meetings, information dissemination, NGO/Agency hiring for VMGP implementation & monitoring, GRM etc. Once the micro-project has been appraised and finalized in the context of the VMGF, the required budget is to be allocated by the County Project Steering Committee for proper implementation of the VMGP. The VMGPs budget will also include costs for implementation of VMGPs, such as salaries and travel costs of the relevant MOALFI staff. In summary there should be adequate budgetary provisions to implement any VMGP where necessary for the micro-project development.

43. **Lessons Learned.** The project builds on lessons-learned and strengths of various existing and on-going operations of the GoK and development partners, including the Bank, especially, the WKCDD/FMP and KAPAP that were both completed by March 2016. Good practices will also be drawn from the Accelerating Rural Women’s Access to Agricultural Markets (GROOTS-Kenya) project being implemented in Nakuru and Kitui Counties. Overall, project coordination and monitoring would be conducted at the national level at the MOALFI. However, micro-project level implementation is envisioned to be handled at the county and community level given the CDD focus of the project. While at the national level there is sufficient experience and expertise of handling safeguards related aspects, county, sub-county and local levels entities are not likely to have such capacity. The county level coordination and implementation agencies will be strengthened to provide quality services to the VMGs institutions. As the counties were formed relatively recently, there is still a considerable variation in capacity and resources among the counties (including capacity to manage safeguards), which will take a concerted effort to address. The project has made provision for capacity building and training in the safeguards for county and project staff.
44. This Vulnerable and Marginalized Groups Framework (VMGF) sets out:
- *The types of micro-projects likely to be proposed for financing under the project.*
 - *The potential positive and adverse effects of such micro-projects investments on VMGs.*
 - *A plan for carrying out the social assessment for such micro-projects.*
 - *A framework for ensuring FPIC with the affected VMGs at each stage of project preparation and implementation.*
 - *Institutional arrangements (including capacity building where necessary) for screening project-supported activities, evaluating their effects on VMGs, preparing VMGPs, and addressing any grievances.*
 - *Monitoring and reporting arrangements, including mechanisms and benchmarks appropriate to the project.*
 - *Disclosure arrangements for VMGPs to be prepared under the VMGF.*
45. *This VMGF establishes an appropriate gender and inter-generationally inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation and other local Civil Society Organizations (CSOs) identified by the affected VMGs. FPIC of the vulnerable and marginalized communities leading to broad community support will be conducted at each stage of the project, and particularly during project preparation, to fully document their views and ascertain broad community support for the project.*

1. Background Information

1.1 Introduction

46. This Vulnerable and Marginalized Groups Framework (VMGF) for the National Agriculture Rural Inclusive Growth Project (NARIGP) has been prepared by the Government of Kenya based on the OP 4.10 of the World Bank (“Bank”) and the applicable laws and regulations of the Government of Kenya. The OP 4.10 is triggered when it is likely that groups that meet criteria of WB OP 4.10 “are present in, or have collective attachment to, the project area⁶.” The VMGF will guide the preparation of NARIGP micro-projects that may affect Vulnerable and Marginalised Groups (VMGs) in the proposed project areas.
47. WB OP 4.10 ‘contributes to the Bank's mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. For all projects that are proposed for World Bank financing and that affect Vulnerable and Marginalised Groups (VMGs), the Bank requires the borrower to engage in a process of FPIC leading to broad community support.
48. The Bank provides project financing only where FPIC results in broad community support to the project by the affected vulnerable and marginalised groups’. Such Bank-financed projects include measures to;-
- a) Avoid potentially adverse effects on the Indigenous Peoples’ communities; or
 - b) When avoidance is not feasible, minimize, mitigate, or compensate for such effects;
 - c) Ensure that the vulnerable and marginalised people receive social and economic benefits that are culturally appropriate and gender as well as inter-generationally inclusive; and that the VMGF is based on FPIC with indigenous peoples leading to broad community support.
49. The objectives of the policy are to avoid adverse impacts on vulnerable and marginalised groups, secure broad community support for the project and to provide Vulnerable and Marginalized Groups (VMGs)⁷ with culturally appropriate benefits.
50. *During project preparation, it has become clear that the micro-project investments under NARIGP might be undertaken in areas where groups that meet the criteria of WB OP 4.10*

⁶World Bank, Operational Policy (OP) 4.10 Indigenous Peoples, July 2005.

⁷ Given particularities with respect to the term *Indigenous Peoples* in Kenya, the 2010 Constitution of Kenya uses the term “vulnerable groups” and “marginalized communities” Since adoption of the Constitution in 2010, the GoK has requested that project instruments related to the implementation of OP 4.10 use the constitutionally-sanctioned terminology. OP 4.10 contemplates that different terminology may be applied in different countries without affecting the application or substance of the policy. It states: “*Indigenous Peoples* may be referred to in different countries by such terms as *indigenous ethnic minorities; aboriginals, hill tribes, minority nationalities, scheduled tribes, or tribal groups.*”

Indigenous Peoples are present in or have collective attachment to the project area. To qualify for funding from the Bank and following best practices documented in the World Bank's policy on Indigenous Peoples (OP 4.10), the Government of Kenya has commissioned the preparation of a Vulnerable and Marginalised Groups Framework (VMGF) to ensure that the development process fully respects the dignity, human rights, economies, and culture of vulnerable and marginalised people and that the NARIGP micro-projects have broad community support from the affected vulnerable and marginalised people.

51. *In such cases, and when the Bank's screening indicates that VMGs are likely to be present in, or have collective attachment to, the project area, but their presence or collective attachment cannot be determined until the programs or investments are identified, the borrower (in this case GOK) prepares a Vulnerable and Marginalized Groups Framework (VMGF).* The VMGF provides for the screening and review of the proposed micro-projects in a manner consistent with this policy. The NARIGP will integrate the VMGF recommendations into the project design of each micro- project.
52. *A Vulnerable and Marginalised Groups Framework (VMGF) is developed when a proposed project design is not yet finalised so that it is impossible to identify all of the impacts, as is required to prepare a Vulnerable and Marginalised Groups Plan (VMGP).* This situation applies to all the related proposed micro-projects under NARIGP. At the time of preparation of this VMGF the following issues were outstanding: (a) host sites for micro-projects had not yet been identified; and (b) those vulnerable and marginalised groups whose rights and livelihoods may be affected by the micro-projects had not yet been defined, as the location or alignment of the micro-projects were yet to be decided.
53. *It should be noted that minimal, if any, negative impacts are anticipated as a result of the project.* Most of the impacts anticipated will be positive for all communities, including for VMGs. As a result, a key focus of the VMGF and the VMGPs will be to propose pro-active steps for such groups to benefit from the project. It is generally envisaged that the vulnerable and marginalized populations do not have access to these services in a similar way to other communities in Kenya.
54. The VMGF recognizes the distinct circumstances that expose VMGs to different types of risks and impacts from development projects as social groups with identities that are often distinct from dominant groups in their national societies. VMGs are frequently among the most marginalized and vulnerable segments of the population. At the same time, this policy, together with the Resettlement Policy Framework (RPF) and Environmental and Social Management Framework (ESMF) already prepared for this project, recognizes that VMGs should benefit from the value addition, technical assistance and infrastructure investments at the farm, community and county levels which will ensure long-term sustainable management of agricultural and natural resource management
55. This VMGF describes the policy requirements and planning procedures that NARIGP will follow during the preparation and implementation of micro-projects, especially those identified as occurring in areas where VMGs are present. The VMGF outlines the processes

and principles of screening to determine if a proposed investment has impacts on vulnerable communities and the preparation of a VMGP, including the social assessment process, consultation and stakeholder engagement, disclosure procedures, communication and grievances redress mechanism. A detailed VMGP will be prepared for each micro-project once a project location is identified and screening is conducted to determine if VMGs are present in the project investment area.

2. Policy and legislative framework on vulnerable and marginalized groups

2.1 National policy and legal framework

2.1.1 Constitution of Kenya, 2010

56. The CoK, 2010, does not specifically use the term IP, it is nevertheless robust in articles that define vulnerability and marginalization, including issues that VMGs cite as the reasons for their self-identification. It also addresses social exclusion in general. *Article 260 of the Constitution defines a “marginalized community” as:* (a) a community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole;(b) a traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;(c) an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or (d) pastoral persons and communities, whether they are (i) nomadic; or (ii) a settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole⁸.
57. *Similarly, the COK, 2010, defines ‘marginalized group’ as:* a group of people who, because of laws or practices, on, or after the effective date, were or are disadvantaged by discrimination on one or more of the grounds in Article 27 (4) which prohibits discrimination on the basis of ethnic or social origin, religion, conscience, belief, culture, dress or language. In addition, article 27(6) calls on the state to undertake, ‘legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination’. This article prohibits both direct and indirect discrimination.
58. *Articles 56 and 260 of the Constitution are a clear demonstration of the intentions of the country to deal with the concerns of minority and marginalized groups:* The definition of marginalized communities and groups by the COK, 2010, and the provisions for affirmative action programmes for minority and marginalized groups are efforts to provide a legal framework for the inclusion of minority and marginalized groups into mainstream development of the country. These articles present the minority and marginalized groups including groups that fit the OP 4.10 criteria as a unique category of certain segments of the Kenyan population that deserve special attention in order to bring them to par with the rest of the country.
59. *The Constitution of Kenya requires the State to address the needs of vulnerable groups, including “minority or marginalized” and “particular ethnic, religious or cultural communities” (Article 21.3):* The Specific provisions of the Constitution include: affirmative

⁸Ditto

action programs and policies for minorities and marginalized groups (Articles 27.6 and 56); rights of “cultural or linguistic” communities to maintain their culture and language (Articles 7, 44.2 and 56); protection of community land, including land that is “lawfully held, managed or used by specific communities as community forests, grazing areas or shrines,” and “ancestral lands and lands traditionally occupied by hunter-gatherer communities” (Article 63); promotion of representation in Parliament of “...(d) ethnic and other minorities; and (e) marginalized communities” (Article 100); and an equalization fund to provide basic services to marginalized areas (Article 204).

60. Kenya’s 2010 Constitution provides a rich and complex array of civil and political rights, socio-economic rights and collective rights that are of relevance to indigenous communities. While important, constitutional provisions alone are not enough. They require a body of enabling laws, regulations and policies to guide and facilitate their effective implementation. In 2011, Kenya’s parliament enacted 22 laws. In the main, these laws are of general application and will have a bearing on the way in which the state exercises power in various sectors, some of them of fundamental importance to indigenous communities.

2.1.2 Other national policy and legal provisions

1) *Kenya’s legal and regulatory framework has inclusion of several provisions, policies and instruments that if well developed and implemented hold promise for addressing marginalization and inclusion of VMGs. These include:*

a) *The National Land Policy (NLP):* The NLP was endorsed in 2009⁹ while the Land Act, Land Registration Act and National Land Commission Act were adopted in May 2012.¹⁰ According to the policy, a Community Land Act is scheduled to be adopted within five years of the enactment of the new Constitution, along with a number of other land related laws and regulations. The NLP includes a key policy principle for restitution of land rights of minority communities as a way of restoration and protection of land rights which were violated by colonial and post-colonial governments (articles 3.6.1.2 and 3.6.6 on restitution and land rights of minority communities respectively). The policy calls on the GoK to secure community land and to “document and map existing forms of communal tenure, whether customary or non-customary, in consultation with the affected groups, and incorporate them into broad principles that will facilitate the orderly evolution of community land law” (article 3.3.1.2, paragraph 66).

b) *The Forest Act of 2005 and Forest Policy of 2007 both provide some provisions for the customary rights of forest communities and community forestry:* The Forest Act states, that “nothing in this Act shall be deemed to prevent any member of a forest community from using, subject to such conditions as may be prescribed, such forest produce as it has been the custom of that community to take from such forest otherwise than for the purpose of sale” (Article 22), and “...may include activities such as ‘collection of forest

⁹ Sessional Paper No. 3 of 2009, Ministry of Lands

¹⁰ The Land Act No. 6 of 2012, the Land Registration Act No. 3 of 2012, and the National land Commission Act No. 5 of 2012

produce for community based industries” (Article 47.2.e) under a license or management agreement. The Act defines a "forest community" as “a group of persons who: (a) have a traditional association with a forest for purposes of livelihood, culture or religion [...] (Article 3). The Forest Policy recognizes the “traditional interests of local communities customarily resident within or around a forest” (paragraph 4.3).

- c) *The National Policy on Culture and Heritage (2009) aims to promote and protect the cultures and cultural diversity among Kenya’s ethnic communities.* This includes the protection of indigenous languages, the expression of cultural traditions, knowledge, and practices, traditional medicines, and community rights.
- d) *Ministry of Education’s Sessional Paper No. 1 of 2005: A Policy Framework for Education, Training and Research - Meeting the Challenges of Education, Training and Research in Kenya in the 21st Century.* This sessional paper establishes that the language of instruction shall be the mother tongue in lower primary school (classes 1-3) in the rural areas, and that a culturally sensitive approach must be used to address the learning needs of different communities – including the VMGs.
- e) *Policy Framework for Nomadic Education in Kenya (COK, 2010):* Free and mandatory education was introduced in Kenya in 2003. However, the pastoralist areas have continuously recorded a much lower enrolment and completion rates as compared to the rest of the country. The Government of Kenya formally adopted the Nomadic Education Policy in 2010 to boost *education* access to nomadic communities. The policy contemplates education terms based on seasons rather than calendar terms. The policy considers use of an academic calendar that would be flexible and factor in climatic conditions and patterns of nomadic livelihood. The policy provides for the development of curriculum that would be useful to pastoral lifestyle. The policy further proposes creation of a National Council for Nomadic Education.
- f) *National Policy for the Sustainable Development of Northern Kenya and other Arid Lands.* The policy states that the Government will put in place an institutional and legal framework for the development of Northern Kenya and other arid lands. The policy thus calls on the government to establish a range of institutions that will provide long-term continuity in Arid and Semi-Arid Land (ASAL) development, including a National Drought Management Authority and National Drought and Disaster Contingency Fund to increase responsiveness to drought, National Council on Nomadic Education, a Northern Kenya Education Trust, a Livestock Marketing Board, and a Northern Kenya Investment Fund.
- g) *Commission on Revenue Allocation,* mandated by Article 204 of the Constitution to earmark 0.5% of annual state revenue to the development of marginalized areas, in addition to 15% of national revenue for direct transfer to county governments. In implementing Article 59 of the Constitution, the government has created a) the Human Rights Commission b) the Commission on Administrative Justice and c) the Gender Commission.

- h) *Environment and Land Act, No. 19 of 2011* “hears and determines disputes relating to environment and land, including disputes: (a) relating to environmental planning and protection, trade, climate issues, land use planning, title, tenure, boundaries, rates, rents, valuations, mining, minerals and other natural resources; (b) relating to compulsory acquisition of land; (c) relating to land administration and management; (d) relating to public, private and community land and contracts, chooses in action or other instruments granting any enforceable interests in land; and (e) any other dispute relating to environment and land.

2.2 International /UN Declarations/Treaties/Agreements

African Commission on Human and Peoples Rights (ACHPR) - *The Africa region has also taken important steps to recognize and apply the concept of Indigenous Peoples*: The ACHPR, a sub-body of the African Union, adopted in 2005 the “Report of the African Commission’s Working Group of Experts on Indigenous Populations/Communities¹¹.” The report recognizes the existence of populations who self-define as Indigenous Peoples, who are distinctly different from other groups within a state, have a special attachment to and use of their traditional land, and who experience subjugation, marginalization, dispossession, exclusion or discrimination because of their cultures, ways of life or modes of production different from those of the dominant society. The ACHPR report concludes that these types of discrimination and marginalization threaten the continuation of Indigenous Peoples’ cultures and ways of life and prevents them from being able to genuinely participate in decisions regarding their own future and forms of development. The report is the ACHPR’s official conceptualization of, and framework for, addressing issues pertaining to VMGs, and as such it is an important instrument for recognizing Indigenous Peoples in Africa, improving their social, cultural, economic and political situation, and for protecting their human rights. The report outlines the following key characteristics, which identify certain social groups as VMGs/IPOs in Africa:

- Their cultures and ways of life differ considerably from the dominant society
 - Their cultures are under threat, in some cases to the point of extinction
 - The survival of their particular way of life depends on access and rights to their lands and the natural resources thereon
 - They suffer from discrimination as they are regarded as less developed and less advanced than other more dominant sectors of society
 - They often live in inaccessible regions, often geographically isolated
 - They suffer from various forms of marginalization, both politically and socially.
- 2) *The ACHPR report concludes that these types of discrimination and marginalization threaten the continuation of Indigenous Peoples’ cultures and ways of life and prevents them from being able to genuinely participate in decisions regarding their own future and forms of development.* The report is the ACHPR’s official conceptualization of, and framework for, addressing issues pertaining to Indigenous Peoples, and as such it is an important instrument for recognizing Indigenous Peoples in Africa, improving their social, cultural, economic and

¹¹See ACHPR, *Report of the African Commission’s Working Group of Experts on Indigenous Populations*

political situation, and for protecting their human rights. In line with the approach of the United Nations¹², the ACHPR emphasizes the principle of self-identification, and stresses that the criteria for identifying Indigenous Peoples in Africa is not mainly a question of aboriginality but of the above factors of structural discrimination and marginalization. The concept should be understood as an avenue for the most marginalized to advocate their cause and not as an attempt to deny any African his/her rights to their African identity.¹³ The report emphasizes that the African peoples who are applying the concept include mainly hunter-gatherers and pastoralists.

2.3 World Bank's Policy

61. *The World has a set of “Do No Harm” safeguard policies that are meant to protect Project Affected Persons (PAPs) from impacts and actions of Bank financed projects:* Some of the World Bank's development activities have significant impacts on the rights and livelihoods of VMGs, who worldwide constitute the “poorest of the poor and continue to suffer from higher rates of poverty, lower levels of education and a greater incidence of disease and discrimination than other groups” (World Bank 2010). Since the early 1980s the World Bank Group (WBG) has adopted a number of policies, designed to mitigate harm to indigenous peoples in WBG-financed projects (Mackay, 2005). These have been referred to as safeguard policies.
62. *The World Bank Operational Policy/Bank Procedures Indigenous Peoples (OP/BP 4.10).* The operational policy requirement that Bank-financed projects are designed not only to avoid adverse impacts but equally important to recognize that “the distinct identities and cultures of VMGs remain inextricably linked to the lands they inhabit and the natural resources they depend upon to survive”. The policy provides processing requirements for VMGs that include: (i) screening, (ii) social assessment, in consultations with communities involved, (iii) preparation of Indigenous Peoples Plan (IPP) or Indigenous Peoples Policy Framework (IPPF) and, (iv) disclosure. It also requires the borrower to seek broad community support of VMGs through a process of FPIC before deciding to develop any project that targets or affects VMGs.
63. *The World Bank, like the UN, has no definition of IP: because of the varied and changing contexts, in which VMGs live, and because there is no universally accepted definition of IP (paragraph 3), OP 4.10 presents a set of characteristics for identifying VMGs.* For purposes of this policy, the term “Indigenous Peoples” is used in a generic sense to refer to a distinct, vulnerable, social and cultural group¹ possessing the following characteristics in varying degrees:
- Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;

¹²E.g. the ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples

¹³See ACHPR, Report of the African Commission's Working Group of Experts on Indigenous Populations/Communities, Banjul & Copenhagen: ACHPR & IWGIA, 2005; and ACHPR, Indigenous Peoples in Africa: the Forgotten Peoples? The African Commission's work on Indigenous Peoples in Africa, Banjul & Copenhagen: ACHPR & IWGIA, 2006.

- Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territoriesⁱⁱ
- Customary, cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- An indigenous language, often different from the official language of the country or region.

64. NARIGP's **Inclusive Approach**: To promote inclusive and sustainable agricultural and livelihood development, the proposed project interventions are based on the following key guiding principles of: **participation, inclusion, poverty targeting, transparency, accountability, value-for-money, and self-help.**

- a) *First*, to address key aspects of rural development that cut across cultural, ecological, and socioeconomic areas¹⁴, the project design will use a holistic, *integrated* landscape approach that looks at all resources: natural capital (land, water, and other natural resources), physical capital (infrastructure etc) and social capital (communities, institutions, etc.) to develop strong horizontal and vertical collaboration with stakeholders to managing competing demands.
- b) *Second*, to effectively identify and address distinct local needs, the project will use a community-led approach that has been successfully providing services to rural populations in Kenya. Participation of the beneficiary *population* and County governments in all stages of the process would be essential for ensuring ownership and sustainability of the investments.
- c) *Third*, the project will adopt a market-driven approach to ensure that *agricultural* development and livelihood promotion are linked to markets/private sector thereby contributing to increased economic transformation and improved livelihoods of the target population. **With focused support, a sizeable group of small farmers and other vulnerable groups can be a source of much needed employment and growth in the rural areas.** The project will also place a strong emphasis on sustainability – how to build and sustain community-led institutions and farmer-led market associations that can raise adequate revenues to sustain and expand operations, and are incentivized to deliver tangible benefits for poor and vulnerable populations.

¹⁴Such as gender, jobs, nutrition, food security, on-farm natural resources management, climate change, and key small-scale infrastructure (roads and markets).

3. Types of project and micro-projects proposed for NARIGP

3.1 Project Components

The project will comprise 4 components:

65. Component 1: Support to Farmer/Community Institutions and Agricultural/Rural Livelihoods (US\$100 million of IDA Credit): Component 1 (C1) will provide support and resources to communities for building and strengthening their institutions (farmer/producer groups, cooperatives, etc), improving agriculture and rural livelihoods (extension, technology, irrigation, natural resource management, finance, etc), reducing vulnerabilities such as unemployment (especially youth, vulnerable women), disability, food insecurity and malnutrition, and improving quality of life (small access roads/bridges, water, etc). This component will provide support through two windows aimed at: (a) providing financing for public goods, and; (b) promoting agricultural and rural livelihoods as private goods. The modalities of how the funds will be released to counties and the communities will be agreed on at appraisal based on their performance and instituting of adequate accounting systems. Investments would need to be made in land rehabilitation and land conservation measures also to arrest erosion-induced declining land productivity, and connecting the farmers as well as community to roads and markets.

66. Component 2: Strengthening Inter-community/Producer Cooperatives and Investments for Agricultural Value Chains (US\$60 million of IDA Credit): Component 2 (C2) will support the strengthening of higher-level farmer institutions (cooperatives, producer federations, natural resource users associations, etc) that help farmers and communities work together to improve productivity and value-addition, and to achieve efficiency and economies of scale of local activities. The component will also support activities that require cooperation within and across multiple communities. Key activities proposed under this component include: (i) strengthening producer federations and cooperatives; (ii) developing value-chains and commercial agriculture; (iii) improving catchment management practices; (iv) promoting innovative technology, farming methods, and good agricultural practices that help target beneficiaries to improve efficiency and quality of their production; and (v) complementing existing subsistence strategies that promote climate resilience with new measures such as efficient irrigation, new crop varieties (e.g., drought and disease tolerant, quicker-growing), and erosion controls. These climate smart techniques and dissemination of climate information (e.g., seasonal forecasts and long-term trends) can address more intense rainfall events and water conservation measures. Component 2 will build synergies with other initiatives at the national level and in the project area such as feeder roads development, rural electrification and devolution, etc., in order to have a multiplier effect on achieving sustainable results.

67. Component 3: Building Capacity of County Governments and Other Partners to Support Community-Led Development (US\$30 million of IDA Credit): This component will support county governments and other partners to strengthen their roles and capacity as enablers of community-led initiatives for farmers and vulnerable populations. Proposed activities to be supported will include: (i) integrating community-led initiatives in County Integrated Development Planning (CIDP) and Budgeting processes; (ii) building county capacity including policies, staff, processes/systems, and monitoring; (iii) identifying and monitoring

progress and needs of poor and marginalized communities, and; (iv) developing platforms to share information on ongoing initiatives, identifying and disseminating good practices, and enhancing coordination among different actors.

68. Component 4: Coordination, Facilitation and Monitoring (*US\$10 million of IDA Credit*): This component will support overall national level coordination, facilitation, management, technical support, and monitoring, learning and evaluation.

3.2 Primary Beneficiaries

69. The primary beneficiaries of the project will be targeted rural small and marginal farmers, including women and VMGs and other stakeholders, organized in Common Interest Groups (CIGs) and federated into Producer Organizations (POs) along the Value Chains (VC), and selected county governments. VMGs groups will include youth, Indigenous People (IP), elderly women and men, widows/orphans, disabled, recovering substance abusers, and people living with HIV/AIDS. It is envisaged that NARIGP will be implemented in 21 selected counties with a total of 140 sub-counties. Each sub-county will have at least 3 (maximum of 5) participating wards. Within these sub-counties, the project will cover about 420 out of the existing 696 wards, which is equivalent to 60 percent coverage. A key principle of the project is inclusion and therefore the VMGF will focus on how to ensure that VMGs are aware of the project and can participate.
70. The NARIGP presents a wide range of micro-projects that could target and benefit the VMGs within the project operational area. The micro-projects include: (i) Sustainable land management with a focus on on-farm and off-farm development spaces; (ii) Market oriented livelihood interventions; and (iii) Nutrition mainstreaming (Table 1). For VMGs to benefit from this rack of potential projects and micro-projects, they will need development and strengthening of VMG level institutions through mobilization, awareness creation of the Participatory Integrated Community Development (PICD) process through which priority interventions will be identified; support to identify and develop value chain; fiduciary (i.e., community financial and procurement management); contracting of SPs to offer technical and extension advisory services, micro-projects planning and implementation support, local value addition, and strategies for linking the VMGs with Producer Organizations.
71. The identification of VMG members will be guided by the following criteria: as spelled out in the OP 4.10 as well as land ownership, asset ownership/perceived value, meals per day, number of dependents, female/child headed households, and advanced age. The specific selection of micro-projects for each VMG will be determined by numerous factors some of which will include: available local resources, state of infrastructure, literacy level, agro-ecological settings, and priority county value chain among others.

Table 5: Potential Projects and Micro-projects and respective Stakeholders

Micro-projects	Stakeholders
Component 1: Supporting Community-Driven Development	
Subcomponent 1.1: Strengthening Community Level Institutions	
<ul style="list-style-type: none"> i. Community mobilisation ii. Awareness creation iii. Development of and training on standardized training modules iv. Payment to the competitively selected services providers v. Facilitation of county technical departments to provide oversight and quality assurance for SPs 	<ul style="list-style-type: none"> • CIG • VMGs • PO • Advisory Service Providers (SP) • CDDC¹⁵ • County Technical Departments (CTDs)¹⁶
Subcomponent 1.2: Supporting Community Investments	
<ul style="list-style-type: none"> i. Sustainable land management and value chains – at micro-catchment level <ul style="list-style-type: none"> - Upper Catchment: (tree planting; agro-processing; and terracing and soil contamination) - Mid catchment: (Crop production based on micro-nutrient soil analysis, soil profile across catchment) - Lower Catchment: <ul style="list-style-type: none"> o Water conservation practices (mulching, cover crops, organic manure, drip irrigation, greenhouse farming) o Crop production: (early maturing crop, drought resistant crops/varieties; deep rooting crops; planting fodder crops; planting fruit trees) 	<ul style="list-style-type: none"> • County Project Coordination Unit (CPCU) • County Project Steering Committee (CPSC) • CTD • SP • CIG • VMGs
<ul style="list-style-type: none"> ii. Market-oriented livelihood interventions Marketing and agribusiness <ul style="list-style-type: none"> - Value addition to crop product - Value addition to livestock products - Other products (packaging honey; fish processing; canning fruits) <ul style="list-style-type: none"> o Handicraft o Aquaculture o Beekeeping o Animal feed formulation 	<ul style="list-style-type: none"> • CIG • VMGs • SP
<ul style="list-style-type: none"> iii. Targeted support to Vulnerable and Marginalized Groups <ul style="list-style-type: none"> - Criteria for identification: <ul style="list-style-type: none"> o Land ownership o Asset ownership/perceived value o Meals per day o Number per day o Number of dependants o Female or child headed households o Advanced age 	<ul style="list-style-type: none"> • VMGs • PO
<ul style="list-style-type: none"> iv. Nutrition mainstreaming <ul style="list-style-type: none"> - Consumption pathways: home and school-based gardening (Healthy Gardens) – <ul style="list-style-type: none"> o Traditional nutrient dense crops (fruits and vegetables) o Livestock (poultry and small ruminants) - Income pathways: promote value addition through home-based food processing, storage, preservation - Women empowerment pathways – both on farm and off farm 	<ul style="list-style-type: none"> • Women groups • Primary Schools • Secondary schools

¹⁵ Community Driven Development Committee

¹⁶ Includes County Departments responsible for Agriculture, Livestock, Fisheries, Environmental and Natural Resources, Cooperative, Youth, and Women Affairs

Micro-projects	Stakeholders
<ul style="list-style-type: none"> ○ Labor saving initiatives ○ Rural credit scheme - Nutrition education – (i) <i>nutritional assessment tools and manual</i>, (ii) <i>regional dietary guidelines</i> <ul style="list-style-type: none"> ○ Create awareness and build nutritional capacity, knowledge-base of smallholder farmers ○ Build capacity of the government agencies to implement the nutrition agencies 	
Component 2: Strengthening Producer Organizations and Value-Chain Development	
Subcomponent 2.1: Capacity-Building of Producer Organizations	
<ul style="list-style-type: none"> i. Organization and capacity building of POs <ul style="list-style-type: none"> - CIGs and VMGs constituted under Component 1 will federate into POs (<i>Inter-community cooperatives, farmer associations or other forms of market-oriented farmer organizations (including companies)</i>) ii. Financing for PO enterprise development 	<ul style="list-style-type: none"> • Producer Organization¹⁷ • <i>Indirectly CIG and VMGs</i>
Subcomponent 2.2: Value Chain Development	
<ul style="list-style-type: none"> i. Identification and selection of value chains (at county and community levels) ii. Value chain mapping and strategy development iii. Support to value chain stakeholder platforms iv. Value chain upgrading matching grants v. Value addition and processing 	<ul style="list-style-type: none"> • Producer Organization • <i>Indirectly CIG and VMGs including women and youth</i> • KARLO • KEPHIS • KEBS
Component 3: Supporting County Community-Led Development	
Subcomponent 3.1: County Capacity-Building	
<ul style="list-style-type: none"> i. Sensitization and awareness creation ii. Capacity-building 	<ul style="list-style-type: none"> • County staff, political leadership and the wider county population • Capacity-building Providers (CTD, KARLO, KEPHIS, KEBS, CSOs, CBOs, NGOs, FBOs, SPs, Academic and research institutions¹⁸) • <i>Indirectly CIG and VMGs including women and</i>
Subcomponent 3.2: County Investments and Employment Programs	
<ul style="list-style-type: none"> i. Multi-community investments <ul style="list-style-type: none"> - Land-scape wide SLM investments, <i>such as water harvesting and storage facilities and rehabilitation of degraded areas (e.g. water catchments, river banks, gullies, areas affected by landslides, and deforested/degraded lands);</i> - VC-related infrastructure investments – at Subcomponent 3.2: County Investments and Employment Programs landscape/catchment levels, <i>such as spot improvements on access and feeder roads, foot bridges across rivers and small-scale irrigation and drainage schemes.</i> - Interventions under the flood control infrastructure <i>will include (i) flood protection works, such as dykes to protect key flood prone areas;</i> 	<ul style="list-style-type: none"> • VMGs and unemployed/out-of-school youth • National Technical Advisory Committee (NTAC) • National Project Coordination Unit (NPCU) • NTAC • County governments

¹⁷ Those formed by CIG and VMGs under Component 1 or existing ones

¹⁸ like the Kenya School of Government (KSG), the Kenya Institute of Management (KIM) universities and KALRO, as well as and specialized agencies such as NEMA

Micro-projects	Stakeholders
(ii) drainage to remove water from regularly flooded land; and storm water sewerage systems; and (iii) watershed/watercourse rehabilitation strategies intended to prevent rapid run-off.	
<p>ii. Employment Programs: - off-season opportunities for VMGs and unemployed/out-of-school youth</p> <p>- Cash-for-work opportunities for unemployed/out-of-school youth such as:</p> <ul style="list-style-type: none"> o Construction (e.g. irrigation schemes, water pans, cattle dips and small dams) o Rehabilitation (e.g. of small-scale county-level infrastructure, rural roads, bridges, market places, office buildings and irrigation schemes). o Participation in extension services (e.g. training on Integrated Pest Management, thresholds for using pesticides, AI and tick control); o Participatory theater groups to disseminate knowledge on malnutrition, malaria and general hygiene; o Collection and analysis of community feedback on the performance of TIMPs for agricultural livelihoods. Provision of startup kits for extension services (e.g. liquid nitrogen containers and semen straws, and knapsack sprayers and acaricides). 	<ul style="list-style-type: none"> •NPCU •VMGs and •Unemployed/out-of-school youth
Component 4: Project Coordination, Monitoring and Evaluation	
Subcomponent 4.1: Project Management	•(NPCU and CPCUs)
Subcomponent 4.2: Monitoring & Evaluation and Impact Evaluation	
Subcomponent 4.3: Contingency Emergency Response	
<p>i. Support a disaster recovery contingency fund</p> <p>- Response on mitigation, recovery and reconstruction following natural disasters, such as severe droughts, floods, disease outbreak, and landslides, among others.</p>	<ul style="list-style-type: none"> •CIG •VMGs

4. Potential positive and adverse effects from project on VMGs

4.1 Potential positive and adverse effects

72. The NARIGP and micro-project has a likelihood of precipitating a range of political and governance, institutional, environmental, social, economic, technological, technical skills, fiduciary related positive and negative impacts. The NARIGP is assigned EA category B, based on the screening during project preparation. There are no significant and/or irreversible adverse environmental and social issues anticipated from the investments to be financed under the Project. Civil works (small irrigation infrastructure, community level value addition processing plants) may lead to relatively minor air and water pollution during the construction phases and, once the works are completed, limited loss of non-critical animal and plant habitats.
73. Environmental Risks. The envisaged environmental risks at project implementation include: (i) new production technologies which may involve intensified use of fertilizers and pesticide may increase soil acidity and water pollution; (ii) skills on safe use of agri-chemicals and fertilizers is also limited among smallholder farmers (iii) technical capacity to handle implementation and monitoring of the projects' safeguards instruments is limited and especially at county level.
74. The project impacts were assessed through a screening process and appropriate mitigation measures were proposed in the ESMF prepared by MOALFI. The ESMF also contains an environmental and social screening process, including impacts related to natural habitats, pest management and physical cultural resources, as well as mitigation guidelines at the micro-project level.
75. **Social Risks.** The main social risk is that of exclusion of the VMGs. Social risks envisioned in the implementation process include: (i) possibility of elite capture at the community and county levels thus excluding target groups; (ii) political capture; (iii) leakages of inputs and resources as funds are to be channelled to community groups. These risks will be mitigated through the following: sequencing of project so that in first year focuses on building capacity of farmer organizations at community levels, lobbying and advocacy skills to understand and influence the country integrated development plans use of PICD approach, application of social accountability tools at community and county levels for transparency.
76. A key principle of the project is inclusion and therefore the VMGF will focus on how to ensure that VMGs are aware of the project and can participate. The project is therefore triggering the OP 4.10 Indigenous Peoples, which will require the preparation of a Vulnerable and Marginalized Group Framework (VMGF). The VMGF will include: (i) screening to determine presence of Vulnerable and Marginalized Groups (Indigenous Peoples per OP 4.10 criteria) in the project areas and, if present, (ii) measures to ensure they benefit from the project activities through the preparation of a Vulnerable and Marginalized Group Plan (VMGP).

77. **Other risks at the county level include weak capacity to implement and monitor safeguards at the county level as this is a recently devolved function.** A training component is included into the project design targeting counties to address this as well training for communities and provision for the ESMF, RPF and VMGF to guide development of plans and legal requirements for national gender policy. Socio-cultural issues in some target communities hinder resource allocation/sharing, resource access and use, and equity issues in project implementation, particularly the inclusion of women and youth in decision making structures and access to project benefits. For example in some communities a woman cannot own a cow. The project will require gender analysis as part of the PICD process and development of the action plan. The functions of managing land acquisition have been devolved to the county land boards resulting in delays in some counties related to land transactions. In addition, compensation for community land and/or donations of community land for investments may also be challenging. The project has prepared an RPF, which lays out the principles for compensation. As noted, the bulk of the investments are CDD, small in size and their impacts are not likely to result in physical resettlement or land acquisition. The investments for value chain addition will also be sited in a way as to avoid resettlement. The key challenges associated with the NARIGP that might impact the VMGs are summarized in the table below.
78. *It should be noted that minimal, if any, negative impacts are anticipated as a result of the project.* Most of the impacts anticipated will be positive for all communities, including for VMGs. As a result, a key focus of the VMGF and the VMGPs will be to propose pro-active steps for such groups to benefit from the project. It is generally envisaged that the vulnerable and marginalized populations do not have access to these services in a similar way to other ethnic communities in Kenya.

Table 6: Summary of Strength, Opportunities, Risks and threats (SORT) analysis

Component	Positive Impacts (Strengths & Opportunities)	Negative Impacts (Risks and Threats)
Component 1: Supporting Community-Driven Development		
Subcomponent 1.1: Strengthening Community Level Institutions		
<ul style="list-style-type: none"> i. Community mobilisation ii. Awareness creation iii. Development of and training on standardized training modules iv. Payment to the competitively selected services providers v. Facilitation of county technical departments to provide oversight and quality assurance for SPs 	<ul style="list-style-type: none"> • VMGs would get an opportunity to: <ul style="list-style-type: none"> ○ Reflecting of the locally and county-wise available resources ○ Discover external capacities that they require for self-determination ○ Learn and integrate development model within their traditional economies towards livelihood improvement ○ Partnership required with SPs and other stakeholders e.g. national and county government that they required to optimize their development opportunities 	<p>Exclusion of VMGs from the project due to:</p> <ul style="list-style-type: none"> • Limited understanding of VMGs by national and county government officers, SPs, FBO, NGO, etc • Language barriers due to low literacy and competence in national language • Cultural barriers that exclude women and youth from certain economic activities and assets • Livelihood style like pastoralism, hunting and gathering, fishing • Women on-farm and household chores • Logistical issues like remoteness, distance, and transport cost from and to VMG sites • Lack of institutional frameworks (saving and credit)
Subcomponent 1.2: Supporting Community Investments		
<ul style="list-style-type: none"> ○ <i>Sustainable land management and value chains</i> 	<ul style="list-style-type: none"> • Increases SLM knowledge, skills and appropriate practices • Improved VMGs production bases through: <ul style="list-style-type: none"> ○ Improved micro-climate of farms (reduced soil erosion, improved soil moisture retention, soil nutrients, ○ Increased farm produce (crop and livestock) due to increase food base (livestock, cereal, pulse, tubers and roots crops, fruits) and reduce crop failure (early maturing, drought resistant and deep rooting crops, fodder crops and planting fruit trees) • Improved nutrition through variety of crops (cereals, pulses, vegetables, and fruits) 	<ul style="list-style-type: none"> • Lack of incentive to undertake SLM initiatives: <ul style="list-style-type: none"> ○ Lack of land titles among hunter-gatherers, fishing communities ○ Group ownership of land e.g. Group ranches which suffer tragedy for the commons, community driver for sub-division ○ Land conflict between different land users (pastoralist and farmers) ○ VMGs have low incomes might require exemption from 10% contribution or do so in kind
<ul style="list-style-type: none"> ○ <i>Market-oriented livelihood interventions</i> 	<ul style="list-style-type: none"> • Increased income base by creating off-season job opportunities such as: <ul style="list-style-type: none"> ○ Handcraft, aquaculture, and animal feed formulation 	<ul style="list-style-type: none"> • The remoteness of VMGs site might limit the market-oriented opportunities • VMGs cultural believes and perceptions might limit the market-oriented opportunities, these include:

	<ul style="list-style-type: none"> • Increase income base by extending production base to processing and marketing through value addition: <ul style="list-style-type: none"> ○ Packaging honey, fish processing, and canning fruits 	<ul style="list-style-type: none"> ○ Fish farming is considered an exclusive activity for fishing communities ○ Beekeeping is considered a hunter-gatherer livelihood by pastoral communities
○ <i>Targeted support to Vulnerable and Marginalized Groups</i>	<ul style="list-style-type: none"> • Targeted support on VMGs that is based on baseline survey will inform inclusive socio-economic benefits that are culturally relevant. 	<ol style="list-style-type: none"> 1. Lack of targeting due to the following limitation <ul style="list-style-type: none"> ○ Stringent criteria for identification of VMGs that might not target ○ Lack capacity among project actors (national and county government officers, SPs) due to limited understanding of the application context of OP.10 and Constitution of Kenya, 2010 Article 260 2. Raising expectation too high <ul style="list-style-type: none"> ○ Transference of unsettled historical land injustices to NARIGP context ○ Overreliance on NARIGP to address historical marginalized and exclusion from the integrated social and economic life of Kenya as a whole
○ <i>Nutrition mainstreaming</i>	<ul style="list-style-type: none"> • Women groups among the VMGs will be able to access: <ul style="list-style-type: none"> ○ Labor saving initiatives ○ Credit schemes ○ Household food home-based gardening (“<i>Healthy Garden Program</i>”); • Schools (primary and secondary) have access to food through school- based gardening (“<i>Healthy Garden Program</i>”); 	<ul style="list-style-type: none"> • Exclusion of VMGs in nutritional benefits <ul style="list-style-type: none"> ○ Unregistered schools to participate in health gardens ○ Limited rural credit scheme among the VMGs ○ Language barriers in utilizing nutritional education – need for translation of manuals in Kiswahili and local dialect
Component 2: Strengthening Producer Organizations and Value-Chain Development		
<i>Subcomponent 2.1: Capacity-Building of Producer Organizations</i>		
○ <i>Organization and capacity building of POs</i>	<ul style="list-style-type: none"> • PO provides VMGs with a stronger say in the following: <ul style="list-style-type: none"> ○ Determining the VCs that they participate in ○ Negotiate for improved access to farming inputs and technologies, agricultural services (including finance and extension); ○ Markets for their produce 	<ul style="list-style-type: none"> • Limited VMGs to federate into PO’s <ul style="list-style-type: none"> ○ Limited VMGs with similar value chains for effective federation into PO’s ○ Incompatibility of VMGs value chain with those from dominant societies for inter-community federation <ul style="list-style-type: none"> ○ Resistance by VMGs to federate within the CIG from dominant societies ○ Slow pace for VMGs to develop their value chain at the pace of NARIGP cycle

		<ul style="list-style-type: none"> ○ Slow transition of VMGs based PO across the MOEP1, MOEP 2 and MOEP 3
<ul style="list-style-type: none"> ○ <i>Financing for PO enterprise development</i> 	<ul style="list-style-type: none"> • VMGs will, through the PO's be in a position to sustain their progress to profitable enterprise operations with reliable trading relations (MOPE 3). 	<ul style="list-style-type: none"> • Exclusion of very vulnerable VMGs members <ul style="list-style-type: none"> ○ Most VMG PO remain at MOPE 0 and 1 groups which do not have the organizational capacity to viably operate a business and therefore key required support will be capacity building to first improve organizational structures and capacity.
<i>Subcomponent 2.2: Value Chain Development</i>		
<ul style="list-style-type: none"> ○ <i>Identification and selection of value chains (at county and community levels)</i> ○ <i>Value chain mapping and strategy development</i> ○ <i>Support to value chain stakeholder platforms</i> ○ <i>Value chain upgrading matching grants</i> ○ <i>Value addition and processing</i> 	<ul style="list-style-type: none"> • VMGs through the PO's will be able to identify and upgrade competitive VCs for integration and economic empowerment by; <ul style="list-style-type: none"> ○ Focusing on competitive nutrition-sensitive VCs ○ Targeted investments in VC upgrading through a matching grant mechanism aimed at addressing key constraints, including: (a) strengthening of inputs supply system (e.g. foundation seed by research institutions, commercial seed production by private sector, and community-based seed multiplication); (b) developing farm mechanization technologies for climate smart-agricultural practices; (c) adding value through processing; and (d) post-harvest management technologies and facilities (drying, storage and warehousing receipt system). 	<ol style="list-style-type: none"> 1. SPs have low social development and safeguards expertise and as such can lead to exclusion of VMGs in value chain development. 2. County government and other development partners have limited capacity on VMGs and thus might opt to concentrate on CIGs 3. The pace for establishing value chain stakeholder platforms might be slow than for CIG as the market forces that accelerate this pace are not fully operational, thus more time might be required than the 2 years 4. VMGs lifestyle is characterized by socialism where competitiveness is attributed with dominant societies, this might limit their participation competitive grant 5. The VMGs might not be able to provide matching grants due to their low capital base
Component 3: Supporting County Community-Led Development		
Subcomponent 3.1: County Capacity-Building	<ul style="list-style-type: none"> • Understanding of VMGs by the county government and other development will: <ul style="list-style-type: none"> ○ Draw attention to the marginal status of the VMGs and ○ Attract development resources from alternative sources like the county development funds and other donor or development partners 	<ul style="list-style-type: none"> • Support for community-led development is based on the understanding of the socio-economic and cultural context of the respective community and their geographies. County government and their development partners often overlook remotely located areas, communities with small population especially those with traditional economies. Capacity development should include principles of inclusive development, bill of rights and fundamental freedoms, and VMGs context.
Subcomponent 3.2: County Investments and Employment Programs		
<ul style="list-style-type: none"> ○ <i>Multi-community investments</i> 	<ul style="list-style-type: none"> • Landscape SLM investments improve production system 	<ul style="list-style-type: none"> • Often infrastructure development project is highly politicized

	<p>for many farmers /producers such provision of water for irrigating farms, controlling floods, utilizing run-off</p> <ul style="list-style-type: none"> •Improved infrastructure leads to good and accessible feeder roads and foot bridges that link VC production site with market sites 	
○ <i>Employment Programs</i>	<ul style="list-style-type: none"> •Cash for work will offer VMGs off-season opportunities for earning incomes and consequently livelihood improvement for unemployed and out-of-school 	<ul style="list-style-type: none"> •VMGs often associate intensive labour to members of dominant societies and as such they might be reluctant in undertaking activities in this component. There would be need to mobilize and sensitize then youths on the purpose and benefits on this component
Component 4: Project Coordination, Monitoring and Evaluation		
<i>Subcomponent 4.3: Contingency Emergency Response</i>	<ul style="list-style-type: none"> •Localized disaster with likelihood of disrupting VC production base would be addressed to ensure and that would 	<ul style="list-style-type: none"> •Most VMGs live in localities that experience localized disasters such as drought incidences, floods, fires, human-wildlife conflicts, disease outbreak, and landslide, which could disrupt their local economies. NARIG should prompt ensure contingency emergency response provision is availed.

79. In addition to these above impacts the following risks have been envisaged as being likely to influence the outcome of project.

Table 7: Potential risks for NARIGP

Risk Category	Rating (High, Substantial, Moderate, Low)
1. Political and Governance	S
2. Macroeconomic	M
3. Sector Strategies and Policies	M
4. Technical Design of Project	M
5. Institutional Capacity for Implementation and Sustainability	S
6. Fiduciary	S
7. Social Safeguards	M
8. Environmental Safeguards	M
9. Stakeholders	M
10. Other	
OVERALL	S

- **Political and Governance** – SUBSTANTIAL. The risk rating is based on current devolved structure of government. County governments now play the primary role of delivering agriculture services, with national government retaining a policy making and research roles. The capacity of county governments to deliver these services is currently inadequate.
- **Macroeconomic** – SUBSTANTIAL. Kenya remains vulnerable to production and price shocks in its most important sectors. Climate shocks remain a serious threat to agriculture production. NARIGP will increase agricultural productivity and rural incomes, improve livelihoods, hence contributing to inclusive growth and shared prosperity.
- **Sector Strategies and Policies** – MODERATE. There is moderate risk of adverse impact on the project implementation stemming from sector strategies and policies. NARIGP is consistent with the country’s main agricultural policies and strategies, but their coordination needs to be strengthened.
- **Technical Design of Project**– MODERATE. The project design aims to address the low agricultural productivity, rural employment and the climate change risks facing the agriculture sector. This risk relates to the capacity of county governments to deliver advisory service. NARIGP will deploy the contracted extension service delivery model, which was pioneered by KAPAP and Kenya Agricultural Productivity and Sustainable Land Management Project (KAPSLMP).
- **Institutional Capacity for Implementation and Sustainability** – SUBSTANTIAL. This risk is related to the uncertainty regarding the county governments’ capacity to sustain the outcomes of NARIGP beyond the project period. However, investing in SLM interventions and VC development is among the top priorities at the national and county levels.

- **Fiduciary** – SUBSTANTIAL. The overall fiduciary environment has inherent weaknesses associated with inadequate financial management and procurement control systems primarily at county level. Detailed assessment of the financial and procurement system will be finalized during project appraisal.
- **Social Safeguards** - MODERATE. Communities are highly influenced by the political and social conditions; thus decisions could be driven by political agenda. To minimize the possibility of certain groups being excluded from the micro-projects, a participatory targeting approach to identify and support VMGs, including IPs, will be adopted.
- **Environmental Safeguards** - MODERATE. The project has triggered the OP 4.01 and OP 4.09 Pest Management Policy as chemical fertilizers will be used at the community level where technical capacity for use and safe disposal of such chemicals (and chemical containers) is limited. This risk will be mitigated using the Integrated Pest Management Framework (IPMF) and the screenings under the Environmental and Social Management Framework (ESMF), which will guide the preparation of micro-project specific Environmental Management Plans (EMPs).
- **Stakeholders** – MODERATE. Counties selected to participate in the project may include those with IPs. Opposition from IP representatives is not uncommon in Kenya. Community members will be actively engaged in local level planning and implementation of project activities.

4.2 Proposed Mitigation Measures

80. To avoid or minimize adverse impacts and, at the same time, ensure enhancement of benefits and full participation of the vulnerable groups, several measure shall the instituted including:

4.3 Disclosure Mechanism

81. NARIGP will ensure that all project design frameworks and consecutive processes and activities disclosed in culturally appropriate and accessible manner using FPIC guidelines stipulated in this document.

4.4 Capacity Development of VMGs and Stakeholders

82. NARIGP will finance and support the development of and training on standardized training modules on the following subjects:

- a) **PICD Module:** The VMGs, national and county government, services providers and other development actor's whole will interface with the VMGs will be capacity built on the PICD process and VMGF principles and elements
- b) **VC analysis and development Module:** The VMGs, PO's, SPs and national and county government will be trained on the **VC analysis and development** with examples drawn from success stories from VMGs supported through WKCDD/FM KAPAP and KAPSLMP
- c) **Fiduciary Module.** VMGs will be trained on community procurement and financial management to improve their relevant capacity on project implementation and management.

- d) ***Environmental and social safeguards Module.*** Relevant county government staff, servicer providers and VMGs will be trained on how to use checklists and development of environmental management plans where applicable),
- e) ***Agri-business and financial services Module:*** Relevant county government staff, servicer providers, PO's, VMGs and other relevant development actors will be trained on agri-business and financial service principles and skills to ensure that the NARIGP integrated business model is incorporated in the design of value chain development and implementation.
- a) **Special consideration for VMGs on community contribution and matching grants:** NARIGP will develop criteria for assessing and appraising VMGs that require exemption or lower contribution or matching grant level to ensure all the VMGs participate and positively benefit from the NARIGP.
- b) **Contingency plans and pegging for funds for mitigating local disasters.** Most VMGs live in localities that experience localized disasters such as drought incidences, floods, fires, human-wildlife conflicts, disease outbreak, and landslide, which could disrupt their local economies. NARIGP should promptly ensure contingency emergency response provision is availed.

Table 8: Potential negative and challenges and mitigation measures for NARIGP

Component	Negative Impacts	Possible Actions	Responsibilities and Issues
Component 1: Supporting Community-Driven Development			
Subcomponent 1.1: Strengthening Community Level Institutions			
<ul style="list-style-type: none"> i. Community mobilisation ii. Awareness creation iii. Development of and training on standardized training modules iv. Payment to the competitively selected SPs v. Facilitation of county technical departments to provide oversight and quality assurance for SPs 	<p>Exclusion of VMGs from the project due to:</p> <ul style="list-style-type: none"> • Limited understanding of VMGs by national and country government officers, SPs FBO, NGO, etc • Language barriers due to low literacy and competence in national language • Cultural barriers that exclude women and youth from certain economic activities and assets • Livelihood style like pastoralism, hunting and gathering, fishing • Women on-farm and household chores • Logistical issues like remoteness, distance, and transport cost from and to VMGs sites • Lack of institutional frameworks (saving and credit) 	<p>Capacity Development of VMGs and Stakeholders NARIGP will finance and support the development of and training on standardized training modules on the following subjects:</p> <ol style="list-style-type: none"> 1. <i>PICD Module:</i> 2. <i>VC analysis and development module:</i> 3. <i>Fiduciary module.</i> 4. <i>Environmental and social safeguards module.</i> 5. <i>Agri-business and financial services module:</i> 	<p>PCU SP CTD</p>
Subcomponent 1.2: Supporting Community Investments			
<ul style="list-style-type: none"> ○ <i>Sustainable land management and value chains</i> 	<ul style="list-style-type: none"> • Lack of incentives to undertake SLM initiatives: <ul style="list-style-type: none"> ○ Lack of land titles among hunter-gatherers, fishing communities ○ Group ownership of land e.g. Group ranches which suffer tragedy for the commons, community driver for subdivision ○ Land conflict between different land users (pastoralist and farmers) ○ VMGs have low incomes might require exemption from 10% contribution or do so in kind 	<ul style="list-style-type: none"> • Targeted support on VMGs that is based on baseline survey that integrates such information as: <ul style="list-style-type: none"> ○ Traditional and merging social, economic, political and cultural institution ○ Land tenure ○ Conflicts and peace building ○ Socio-economic status ○ Land used planning 	<ul style="list-style-type: none"> • PCU • SP • CTD
<ul style="list-style-type: none"> ○ <i>Market-oriented livelihood interventions</i> 	<ul style="list-style-type: none"> • The remoteness of VMGs site might limit the market-oriented opportunities • VMGs cultural beliefs and perceptions might limit the market-oriented opportunities, these include: 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • PCU • SP • CTD

	<ul style="list-style-type: none"> ○ Fish farming is considered an exclusive activity for fishing communities ○ Beekeeping is considered a hunter-gatherer livelihood by pastoral communities 		
○ <i>Targeted support to Vulnerable and Marginalized Groups</i>	<p>1. Lack of targeting due to the following limitation</p> <ul style="list-style-type: none"> ○ Stringent criteria for identification of VMGs that might not target ○ Lack capacity among project actors (national and county government officers, SPs) due to limited understanding of the application context of OP.10 and Constitution of Kenya, 2010 Article 260 <p>2. Raising expectation too high</p> <ul style="list-style-type: none"> ○ Transference of unsettled historical land injustices to NARIGP context ○ Overreliance on NARIGP to address historical marginalized and exclusion from the integrated social and economic life of Kenya as a whole 	<ul style="list-style-type: none"> ● Targeted support on VMGs that is based on baseline survey will inform inclusive socio-economic benefits that are culturally relevant. ● Managing expectation 	<ul style="list-style-type: none"> ● PCU ● SP ● CTD
○ <i>Nutrition mainstreaming</i>	<ul style="list-style-type: none"> ● Exclusion of VMGs in nutritional benefits <ul style="list-style-type: none"> ○ Unregistered schools to participate in health gardens ○ Limited rural credit scheme among the VMGs ○ Language barriers in utilizing nutritional education – need for translation of manuals in Kiswahili and local dialects 	<ul style="list-style-type: none"> ● Purposeful targeting based on social assessment that identifies schools, women groups, and existing rural credit scheme ● Translation of some of the relevant manuals into Swahili (a popular version of the English version) 	<ul style="list-style-type: none"> ● PCU ● SP ● CTD
Component 2: Strengthening Producer Organizations and Value-Chain Development			
<i>Subcomponent 2.1: Capacity-Building of Producer Organizations</i>			
○ <i>Organization and capacity building of POs</i>	<ul style="list-style-type: none"> ● Limited VMGs to federate into PO's <ul style="list-style-type: none"> ○ Limited VMGs with similar value chains for effective federation into PO's ○ Incompatibility of VMGs value chain with those from dominant societies for inter-community federation 	<ul style="list-style-type: none"> ● Baseline survey related to: <ul style="list-style-type: none"> ○ Value chain mapping and analysis within the VMGs areas ○ Inter-community value chain linkages to determine federation dynamics across the VMGs and dominant society 	<ul style="list-style-type: none"> ● PCU ● SP ● CTD

	<ul style="list-style-type: none"> ○ Resistance by VMGs to federate within the CIG from dominant societies ○ Slow pace for VMGs to develop their value chains at the pace of NARIGP cycle ○ Slow transition of VMGs based PO across the MOEP1, MOEP 2 and MOEP 3 	<ul style="list-style-type: none"> ● Positive citizen engagement to cross perception gaps between VMGs and member of the dominant society with project operational areas 	
<ul style="list-style-type: none"> ○ Financing for PO enterprise development 	<ul style="list-style-type: none"> ● Exclusion of very vulnerable VMG members <ul style="list-style-type: none"> ○ Most VMGs PO remain at MOPE 0 and 1 groups which do not have the organizational capacity to viably operate a business and therefore key required support will be capacity building to first improve organizational structures and capacity. 	<ul style="list-style-type: none"> ● Affirmative support for VMGs CIG formation and transition from MOPE 0 and 1 to MOPE 2 and 3 based on social economic and value chain survey 	<ul style="list-style-type: none"> ● PCU ● SP ● CTD
Subcomponent 2.2: Value Chain Development			
<ul style="list-style-type: none"> ○ Identification and selection of value chains (at county and community levels) ○ Value chain mapping and strategy development ○ Support to value chain stakeholder platforms ○ Value chain upgrading matching grants ○ Value addition and processing 	<ol style="list-style-type: none"> 1. SP has low social development and safeguards expertise and as such can lead to exclusion of VMGs in value chain development: 2. County government and other development partners have limited capacity on VMGs and thus might opt to concentrate on CIG's 3. The pace for establishing value chain stakeholder platforms might be slow than for CIG as the market forces that accelerate this pace are not fully operational, thus more time might be required than the 2 years 4. VMGs lifestyle is characterized by socialism where competitiveness is attributed with dominant societies, this might limit their participation competitive grant 5. The VMGs might not be able to provide matching grants due to their low capital base 	<p>Capacity Development of VMGs and Stakeholders NARIGP will finance and support the development and training on standardized training modules on the following subjects:</p> <ul style="list-style-type: none"> ● <i>PICD Module:</i> ● <i>VC analysis and development module:</i> ● <i>Fiduciary Module.</i> ● <i>Environmental and social safeguards module.</i> ● <i>Agri-business and financial services module:</i> <p>Affirmative support for VMGs/CIGs formation and transition from MOPE 0 and 1 to MOPE 3 and 4 based on social economic and value chain survey</p>	<ul style="list-style-type: none"> ● PCU ● SP ● CTD
Component 3: Supporting County Community-Led Development			
Subcomponent 3.1: County Capacity-Building	<ul style="list-style-type: none"> ● Support for community-led development is based on the understanding of the socio-economic and cultural context of the respective community and their geographies. County government and their development partners often overlook remotely located areas, communities with small population 	<p>Capacity Development of VMGs and Stakeholders NARIGP will finance and support the development and training on standardized training modules on the following subjects:</p> <ul style="list-style-type: none"> ● <i>PICD module:</i> ● <i>VC analysis and development module:</i> 	<ul style="list-style-type: none"> ● PCU ● SP ● CTD

	especially those with traditional economies. Capacity development should include principles of inclusive development, bill of rights and fundamental freedoms, and VMGs context.	<ul style="list-style-type: none"> • <i>Fiduciary module.</i> • <i>Environmental and social safeguards module.</i> • <i>Agri-business and financial services module:</i> 	
Subcomponent 3.2: County Investments and Employment Programs			
○ <i>Multi-community investments</i>	• Often infrastructure development project is highly politicized	• Advisory support will target all areas equally based on Constitution of Kenya, 2010 and CRA Act	<ul style="list-style-type: none"> • PCU • SP • CTD
○ <i>Employment Programs</i>	• VMGs often associate intensive labor to members of dominant societies and as such they might be reluctant in undertaking activities in this component. There would be need to mobilize and sensitize then youths on the purpose and benefits on this component	• Positive citizen engagements with VMGs and attribute changing using PICD process	<ul style="list-style-type: none"> • PCU • SP • CTD
Component 4: Project Coordination, Monitoring and Evaluation			
Subcomponent 4.3: Contingency Emergency Response	• Most VMGs live in localities that experience localized disasters such as drought incidences, floods, fires, human-wildlife conflicts, disease outbreak, and landslide, which could disrupt their local economies. NARIGP should prompt ensure contingency emergency response provision is availed.	• Training of VMGs on monitoring and reporting of disaster risk detection and reduction strategies	<ul style="list-style-type: none"> • PCU • SP • CTD • NDMA¹⁹

¹⁹ National Disaster Management Authority

5. A plan for social assessment

5.1 VMGs Screening Tools

83. The social analysis to identify the VMGs in the project areas draws mostly from data collected from a desk review of recent existing documents in the public domain about VMGs that meet the criteria of OP 4.10. The social analysis gathered information on the views of various categories of VMGs on the potential impacts that the implementation of the various components of NARIGP might have on them. Key informant interviews and focused group discussions with a sample of IPOS drawn from around the country. It was also informed by a national workshop held on December 16, 2015 drawing on representatives of key stakeholders and beneficiary's groups, including farmer organizations, IPOs, country officials, CBOS, women farmer groups, pastoralist organizations. The social analysis collected socio-economic and socio-demographic characteristics of VMGs from the 21 target counties. Finally, the SA suggested mitigation measures and alternative support to the VMGs livelihood bases. Below is a summary of the findings of the SA.
84. The NARIGP targets poverty reduction in all the 21 counties. During project appraisal, it became apparent that minority, vulnerable and marginalized groups might be found in the project area, necessitating OP 4.10 to be triggered for the project.
- 2) VMGs screening form (Template 6) was applied across the proposed project operational area. The screening relied on existing documentation review –including VMGF/P, field reports, publications), and key informant interviews.
85. Some of the key factors that continue to affect and maintain the marginalization of VMGs communities in Kenya include:
- *Dispossession of ancestral lands including lack of access and/or no control or legal recognition of such land and other natural resources.*
 - *A focus on modern agriculture versus preservation of livelihoods of hunter and gatherers and pastoralist groups.*
 - *Limited access to education, resulting in inability to compete for employment opportunities.*
 - *Unequal development of health care and other social infrastructure and;*
 - *Limited access to justice and increased conflict and a deteriorating security situation and recurrent inter-ethnic conflicts.*
86. *The preliminary screening has identified 12 marginalized communities whom are present in 8 of the targeted 21 counties. Their livelihoods cover forest adjacent communities/hunter gatherers currently transitioning to agro-pastoralism, Fishing/Farming communities, pastoralists, and artisanal blacksmith. These include: Sengwer (Trans-Nzoia); Ogiek of Mt Elgon (Bungoma and Trans-nzoia Counties) and Mau Forest Complex (Nakuru, Narok, and Nandi Counties); Endorois (Baringo County); Dorobo of Kinale Forest (Kiambu County) and of Mathew ranges (Samburu County); and Watha around Arabuko forest (Kilifi County) (Figure 1) (ERMIS Africa, 2015). These groups, their livelihoods and locations are presented in the Table below and their locations are illustrated also Map 1 below.*

Table 4: VMGs Present in NARIGP Operational Area that could meet the criteria of OP 4.10

Name	Other Names (Derogatory)	Estimated Population ²⁰	Livelihood ²¹	Counties ²²
1. Dorobo	Dorobo		HG /Farmers	Kiambu (Lari – Kambaa area)
2. Sengwer	Charangany	50,000	HG/Farmers	Trans-Nzoia;
3. Ogiek	Dorobo	40,000	HG/Farmers	Nakuru; Baringo; Narok; Nandi
4. Waatha	Wasanye	13,000	HG/Farmers	Kilifi
5. Il-Chamus		33,000	Fishing/Farmers/ Livestock Keeper	Baringo
6. Endorois	Dorobo	60,000	Fishing/Farmers/ Livestock Keeper	Baringo
7. Rendille		62,000	Pastoralists	Samburu
8. Samburu			Pastoralists	Samburu
9. Ilkonono			Blacksmith	Samburu
10. Maasai		666,000	Pastoralists	Narok
11. Tarik			Farmers	Vihiga

Source: ERMIS Africa Ethnographic Survey of Marginalized Groups, 2005-2012

87. Kenya is home to a number of groups who self-identify as Indigenous Peoples. Some of these are hunter-gatherers with some transitioning to agro-pastoralism, others nomadic or semi-nomadic pastoralists and other artisanal blacksmiths and fishing communities.²³ In the absence of updated and reliable statistics, it is difficult to give precise demographic data of the various groups. Estimations vary greatly and depend on personal or institutional judgments of which group is considered as Indigenous Peoples in Kenya. Some experts have put the total population of groups that self-identify as Indigenous Peoples at around 1.5 million.²⁴

88. The hunter-gatherer groups are generally found in the forested areas of the central Rift Valley province, in the western part of the country: Moving from south to north, these groups include: the Ogiek (approx. 20,000), who live in the Mau Forests; the Sengwer (30,000) of the Cherangany Hills and Kapolet Forest in Trans Nzoia, Marakwet and West Pokot counties²⁵ and the Yaaku (less than 1,000) who live in the Mukogodo forest -west of Mount Kenya, in the Laikipia county. Two more groups are the Watta (a few thousands) who live dispersed in the southern coastal areas of the Coast region, and the Elmolo (a few hundreds) who are a small fishing community living on the shores of the Lake Turkana.

²⁰ Internet based – several sites

²¹ Source: ERMIS Africa Ethnographic Survey of Marginalized Groups, 2005-2012

²² Ibid.

²³ See the Report of the UN Special Rapporteur on Indigenous Peoples in Kenya, UN Doc. A/HRC/4/32/Add.3, 26 February 2007; the Report of the African Commission’s Working Group of Experts on Indigenous Populations/Communities; Banjul & Copenhagen: ACHPR & IWGIA, 2005; and the website of the International Working Group on Indigenous Affairs (IWGIA) at <http://www.iwgia.org/regions/africa/kenya>.

²⁴ Kipuri, Naomi. “Kenya and its Indigenous Peoples” (unpublished paper). This number does not include all pastoral groups in Kenya; all pastoral groups make up about 25% of the Kenyan population.

²⁵ Rodolfo Stavenhagen, 2006, Mission to Kenya UN Doc. A/HRC/4/32/Add.3, 26 February 2007, para. 39

89. These hunter-gatherers are often derogatorily addressed as Torobbo, Dorobo, Ndorobo, or Wandorobo, which are all Swahili terms deriving from "Il Torobbo," the Maa-term for people without cattle, i.e., in the Maasai understanding "poor people:" In the coastal areas, hunter-gatherers are mostly addressed by the Somali term "Boni", which refers to someone without any possessions, and/or "Sanye", which means in Somali "to gather together to use for a general purpose". The people themselves, however, usually refer to themselves by their own names.
90. Communities who are found in the proposed counties and who may meet the criteria OP 4.10 on indigenous peoples and the criteria set in the CoK 2010 of "marginalized communities" are:
- Hunter-gatherers include the Dorobos, Sengwer, Ogiek, Waatha, Wasanye, and El Molo.
 - **Agro pastoralists communities** include the Wasanye, IlChamus Endorois community living adjacent to Lake Baringo and near Lake Baringo, the El Molo,
 - **Pastoralists.** Most of Kenya's pastoralists live in the arid Northern Kenya: They include, moving from east to west, the Somali (500,000) along the border to Somalia; the Borana (150,000) the Rendile (20,000), the Gabra (20,000) and the Turkana (250,000 – 350,000). The Samburu (100,000) live in the southern part of Northern Kenya. Other pastoralists are found in the southern part of the country, along the Rift Valley: the Maasai (155,000), in the southern part in the Narok and Kajiado counties bordering with Tanzania; the Endorois (60,000), near Lake Bogoria; and the Pokot (100,000) in West Pokot County in the central-western part of the country. A small group of Maasai live in Laikipia, in the center of the county, near Dol Dol. In the counties selected for the NARIGP the following pastoralist groups could meet the Op 4.10 criteria: (Rendile, Samburu, Inkumono and Maasai.
91. The screening identified a number of pastoralists groups found in the proposed counties who could meet the criteria for Op 4.10 and the CoK 2010 as "marginalised." These are the Endorois, Rendille, Samburu, and Maasai.
92. NARIGP will continue to screen for other VMGs who may still be existing within the focal counties but not earlier identified. This will be aimed at determining the VMGs who are present in, or have collective attachment to, the project area. This screening will be conducted by the environmental and social specialists within CPCU. Ideally the screening for VMGs should consider the GOK's framework identification of VMGs according to the Constitution of Kenya (CoK) 2010 however, the Bank criteria for identification of VMGs as per OP. 4.10 will be used to make a final determination.

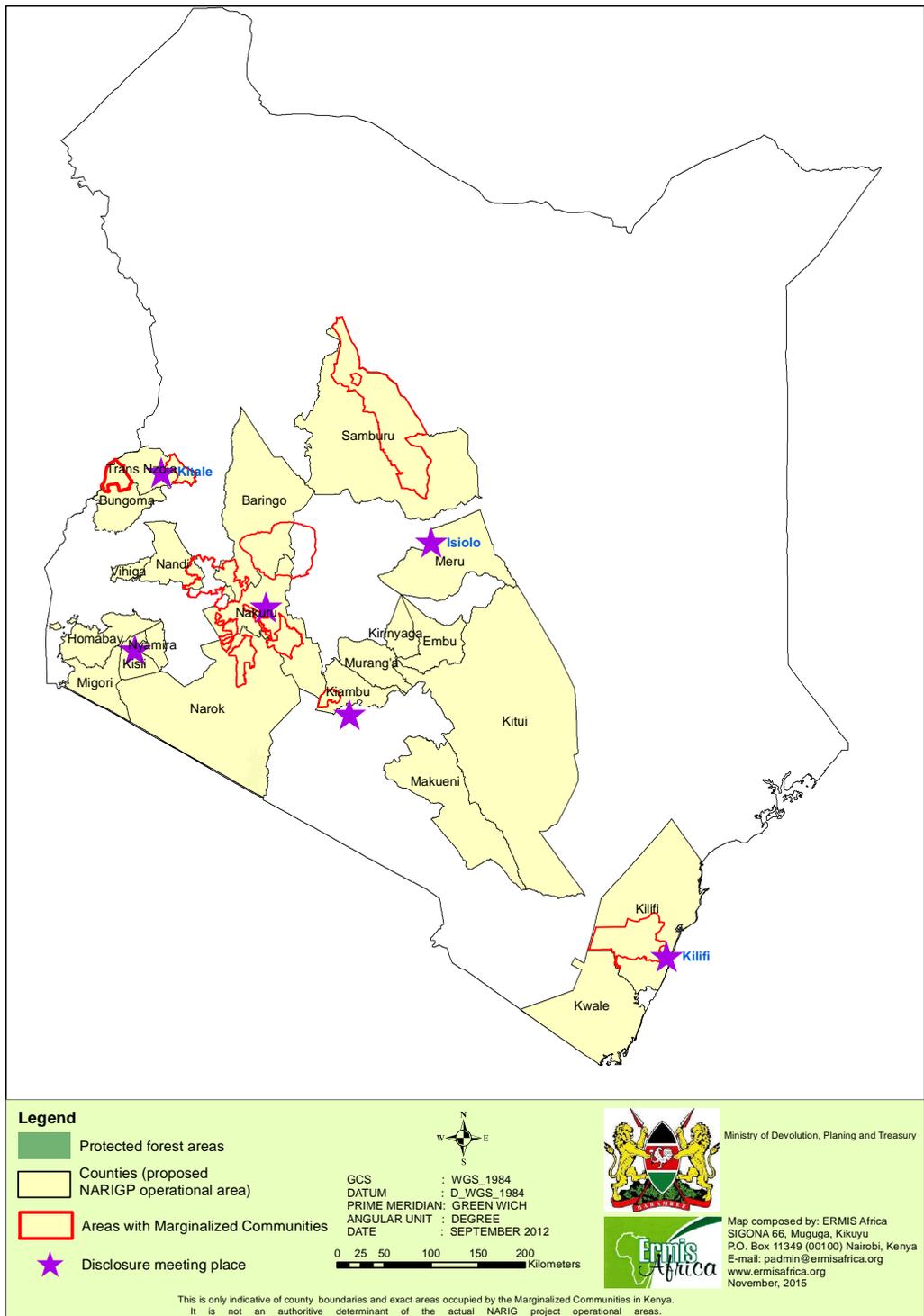


Figure 1: NARIGP operational areas (ERMIS Africa, 2015: GIS Units)

5.2 Social Assessment:

93. Having ascertained that VMGs are present in, or have collective attachment to, the project area, a social assessment/analysis will be undertaken by NARIGP, to evaluate: the scale appropriate for the micro-projects', gathering of baseline information on demographic, social, cultural and political characteristics of affected VMGs, the land and territories that the traditionally owned or customarily used or occupied, and naturally resources they depend on; identification of key project stakeholders and elaboration of a culturally appropriate process for consulting with the VMGs at each stage of the micro-project preparation and implementation; assessment of FPIC with VMGs of potential adverse impacts and risks as well as lack of access to opportunities relative to other social groups; and measure to address the adverse impacts and ensure the VMGs receive culturally appropriate benefits under NARIGP. The breadth, depth, and type of analysis in the social assessment will be proportional to the nature and scale of the proposed micro-project under each NARIGP component.

6. A framework for free, prior, informed consultation

6.1 Overview of application of FPIA-Consultation

94. The WP 4.10 requires that a process of free, prior, informed and accessible consultation leading to broad community support, with the affected vulnerable and marginalized communities throughout the NARIGP design and implementation process. The framework will be infused into the PICD process in all the steps, which utilizes high-level consultation and participatory tools at every stage of project design, implementation and monitoring and evaluation. The (FPIA-Consultation will be used in conjunction with the ESMF/P and RAF/P to ensure that any potential negative impacts are avoided, minimized and/compensated, and further that they share benefits accruing from NARIGP and micro-project.

95. Free, prior, informed and accessible consultation (FPIA-Consultation, refers to a process whereby affected vulnerable and marginalized communities, freely have the choice, based on sufficient information concerning the benefits and disadvantages of the project and how these activities occur.

3) The PICD process will ensure that any negative impact on the youth and differently abled in the VMG area is addressed and they as well share benefits accruing from the NARIGP and its micro-projects. FPIC of the vulnerable and marginalized communities will be conducted at each stage of the project, and particularly during project preparation, to fully identify their views and ascertain their broad community support for the project.

Box 1. The Elements of FPIC

- Free – people are able to freely make decisions without coercion, intimidation or manipulation
- Prior – sufficient time is allocated for people to be involved in the decision-making process before key project decisions are made and impacts occur
- Informed – people are fully informed about the project and its potential impacts and benefits, and the various perspectives regarding the project (both positive and negative)
- Consultation – there are effective uses of consultation methods appropriate to the social and cultural values of the affected Indigenous Peoples' communities and their local conditions and, in designing these methods, gives special attention to the concerns of Indigenous women, youth, and children and their access to development opportunities and benefits.

Adapted from UN Permanent Forum on Indigenous Interests (UNPFII), the Tebtebba Foundation, the International Indian Treaty Council and others.

6.2 FPI-Consultation Tools

96. NARIGP will utilize an evidenced approach and tools to ensure FPIC is observed throughout the life of project. The proposed FPIC tools will include stakeholders attendance list using Template 1 and VMG members list using Template 2(both attached in Appendix I), photographic evidences and minutes and/or back-to-office report.

7. Vulnerable and Marginalized Groups Plans (VMGPs)

97. This VMGF contains specific measures to ensure that the VMGs receive social and economic benefits that are culturally appropriate, including measures to enhance the capacity of the project implementing agencies and other stakeholders. This VMGF calls for the preparation of a VMGP for each micro-project screened and found to be implemented in areas where VMGs are present or have a collective attachment. The VMGP will be prepared through a Participatory Integrated Community Development (PICD) process, which is a highly participatory, flexible and pragmatic manner, and its step-wise details will provide in a PICD Manual as part of the PIM or a stand-alone standardized manual.

7.1 Elements of a Vulnerable and Marginalized Groups Plan

98. All the VMGPs that will be prepared will include the following elements, as needed:
- a) A summary of a scale appropriate to the project, of the legal and institutional framework applicable to Indigenous Peoples. Relevant baseline information on the demographic, social, cultural characteristics of the affected Indigenous Peoples' communities, and the natural resources on which they depend within project affected area.
 - b) A summary of the social assessment findings
 - c) A summary of the framework and results of the FPIC with the affected VMGs that was carried out during project preparation and that led to broad community support for the project.
 - d) An action plan of measures to ensure that the VMGs receive social and economic benefits that are culturally appropriate, including, if necessary, measures to enhance the capacity of the project implementing agencies.
 - e) When potential adverse effects on VMGs are identified, appropriate action plans of measures to avoid, minimize, mitigate, or compensate for these adverse effects.
 - f) The cost estimates and financing plan for the VMGP. Accessible procedures appropriate to the project to address grievances by the affected VMGs arising from project implementation. When designing the grievance procedures, the borrower takes into account resolution of grievances at lowest levels possible; the availability of judicial recourse and customary dispute settlement mechanisms among the VMGs.
 - g) Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the VMGP. The monitoring and evaluation mechanisms should include arrangements for the FPIC with the affected VMGs.

7.2 The Participatory and integrated Community Development Process (PICD)

99. PICD is a combination of different participatory methodologies for starting and sustaining 'community conversations' that enable community groups to reflect on their development needs, prioritize those needs, draw up community development plans (CDPs), design, implement and monitor their own projects. The background of PICD is based on the Project Cycle Management (PCM) as illustrated in Figure 2. PICD integrates participatory tools in the various stages of a PCM approach. During the training of VMGs an introductory session

will be devoted in providing an overview of PCM upon which the attitude changing, skills impacting and output delivering PICD will be built on. The PCM/PICD infusion will include the following steps and tools:

- i) Awareness creation and attitude stage will be delivered through 6 attitudes change tools;
- ii) The situation analysis of the VMGs context such as the extent of the locality, socio-economic, cultural and governance status that need to be addressed and/or that can support communities development, available resources that can be utilized in developing value chains for poverty alleviation and livelihood improvement include land, human resource, financial sources and among other contextual issues, and visioning where households and entire community would be after successful utilizing the available development resources to address the existing underdevelopment issues;
- iii) Planning stage process which will lead to the generation VGMPs – this will entail selection of a community planning committee from the participating community members who are selected based a publicly established criteria such as gender, intergenerational (youth), elders, persons with disabilities, professionals within the community, development of long term and short term goals, depicting how the community locality would be after implementation of the goals, and developing VMGs action plans to achieve these goals and bring about the desired future map, identifying resources and institutions that would be required to implement the goals based on such consideration as wealth ranking and stakeholder mapping, and finally development of the proposals.
- iv) Implementation of proposed plans based on establishment of various implementation committees such as procurement, financial, monitoring and conflict resolution and grievance redress structures and actual implementation of activities and finally
- v) Monitoring and evaluating several participatory performance scorecards for tracking inputs, performance, services providers and interface meetings.

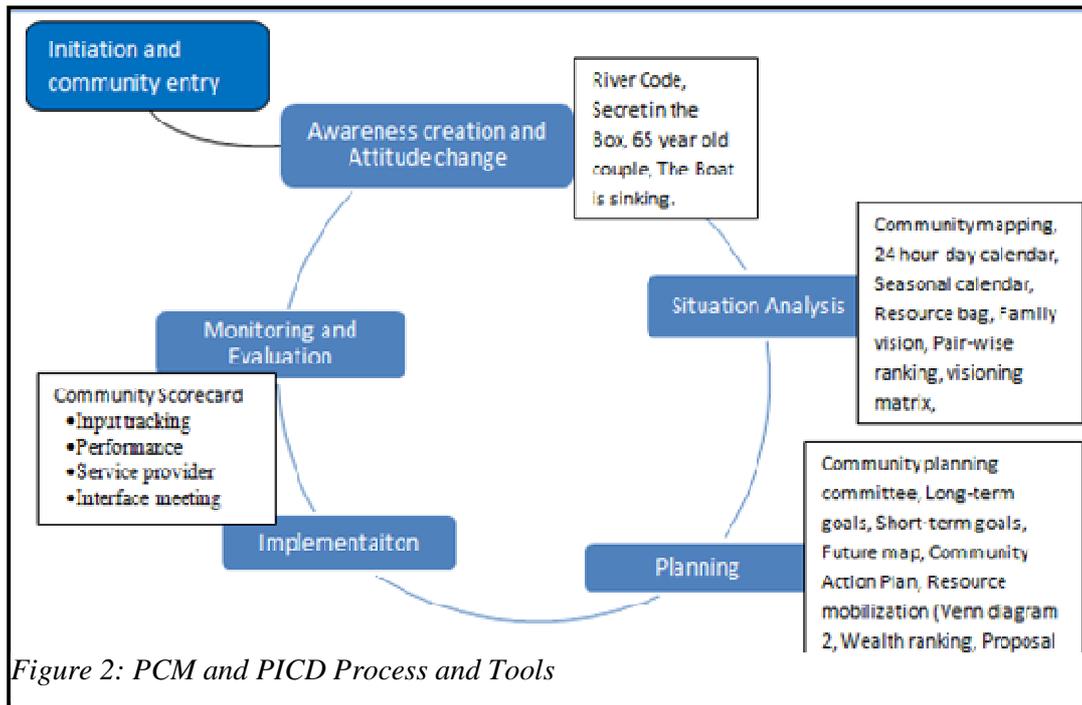


Figure 2: PCM and PICD Process and Tools

100. Thus, VMGs framework elements will be infused into the PICD process for ease for implementation of the framework, which will ensure FPIC that lead to board community support of the NARIGP. The infusion of the VMGF and PICD is summarized and demonstrated in Table 9.

Table 3: Elements of a PCM and PICD and their meaning

	PICD Process Details	VMGF/P
Project Assistance Document		<ul style="list-style-type: none"> • VMGs Framework [Elements: - policy context; outline process primary and secondary screening; Impact (positive & negative); Framework for Free, Prior, Informed and Accessible Consultation; Stakeholder Mapping and Analysis; Capacity Development Plan for government and IPOs’; Grievance Redress Mechanism; Monitoring and Evaluation that is affirmative to VMGs; Disclosure Arrangements for VMGs Plans]
		<ul style="list-style-type: none"> • Disclosure Arrangements for VMGF <ul style="list-style-type: none"> ○ National meeting with government and known IPO’s in the proposed project operational area
Project Implementation	1. Initiation and Community Entry <ul style="list-style-type: none"> ▪ Making contact with the community leadership and members to familiarize oneself, cultivate trust and introduce the development processes 	<ul style="list-style-type: none"> • Identify, consult with legitimate IPO’s are identified consulted, cultivate trust and introduce the development process • Conduct a Primary Screening using the proposed VMGs Screening Form and VMGs Mapping Template
	2. Awareness creation and attitude Change <ul style="list-style-type: none"> ▪ A process of making the community aware of their development status and influencing the changing of precarious conditions that causes the status. 	<ul style="list-style-type: none"> • Free Prior, Informed, Accessible Consultation with screened VMGs
	3. Situation Analysis <ul style="list-style-type: none"> ▪ Determine the existing conditions regarding the target beneficiary and project area 	<ul style="list-style-type: none"> • Social Analysis/ Social Assessment scope depending on impacts <ul style="list-style-type: none"> ○ Review appropriate Legal and institutional framework for VMGs ○ Baseline information on demographic, social, cultural and political characteristics of VMGs, land they traditionally or customary owned and accessed and natural resources they depend on ○ Identifying key stakeholder ○ Elaboration of cultural appropriate and gender sensitive process for meaningful consultation with VMGs at each stage for implementation ○ Gender sensitive assessment of perception about the project ○ Plan for avoiding, mitigating, mitigating adverse effects ○ Plans for ensuring VMGs receive culturally appropriate benefits under the project
	4. Planning <ul style="list-style-type: none"> ▪ A process of making decision based on the information derived from the situation analysis 	<ul style="list-style-type: none"> • Development of VMGs Plans <ul style="list-style-type: none"> ○ Identifying types programmes and micro-projects appropriate for VMGs
	5. Implementation <ul style="list-style-type: none"> ▪ A process through which 	<ul style="list-style-type: none"> • Developing VMGs Plans • Capacity Development for government and IPOs’;

	beneficiaries and their partners undertake to work on the project activities as planned.	<ul style="list-style-type: none"> • Utilizing of Free, Prior, Informed and Accessible Consultation framework • Screening Impacts (positive & negative); <ul style="list-style-type: none"> ○ Utilizing <i>ESMP</i> • Grievance Redress Mechanism;
Monitoring and Evaluation	6. Monitoring and Evaluation <ul style="list-style-type: none"> ▪ It's a systematic collection and analysis of information as the project progresses towards improving the efficiency and effectiveness of a project or organization. 	<ul style="list-style-type: none"> • Monitoring and Evaluation that is affirmative to VMGs; <ul style="list-style-type: none"> ○ Social impact assessments (capturing and documenting VMGs impacts and concerns)

101. The VGMP framework was prepared and disclosed as a part of the NARIGP PAD preparation process. However, its elements will be developed and/or elaborated during the project implementation time. The implementation of the VGMP will utilize 7 tools for data collection, analysis, planning, monitoring (Table 10).

Table 4: Data collection and presentation tools

Tools	Approach of their application
1. Project Appraisal Form	This will provide an approach for identifying potential types of programmes and micro-projects that could be considered for financing under the project. This will be based on Participatory Integrated Community Development approach
2. VMGs Screening Form	This will provide criteria for identifying VMGs based on World Bank, Kenya Government and other adopted policy and legislative framework
3. Mapping Template	This will be used to demonstrate locations: <ul style="list-style-type: none"> i. Area where VMGs, specifically (marginalized communities) are likely to be present ii. Areas with high poverty index²⁶
4. Social Assessment Questionnaire	Provide a pilot application of social assessment tool for already identified VMGs
5. Impact Assessment Matrix	Provide an impact screening forms and pilot results of potential benefits and negative that might result from programmes and micro-projects on the VMGs
6. Stakeholders Analysis Matrix	This will be used to provide logical basis for identifying proposed programmes and micro-projects as well as beneficiaries related issues and needs and relevant existing and potential actors in addressing these issues and needs including their interests, capacities and the roles they can play in the implementation of the programmes and micro-projects
7. Participatory Action Plan	This will be used during the consultative meetings to develop the six tools enumerated below: <ul style="list-style-type: none"> i. Free Prior, Informed and Accessible Consultation Action Plan ii. Stakeholder Capacity Development Plan iii. Grievance Redress Mechanism iv. VMGP Disclosure Arrangement v. Consultation and Participation Process vi. Complaints /Concerns Handling Process

²⁶ The factors to be considered in calculating this index will be determined through consultation with the relevant government ministries, departments, and agencies

7.3 Possible Types of Interventions

102. The table below shows counties that were beneficiaries of the KAPAP project (now closed). It shows the value chains that were selected and ranked by the various CIGs and how they are similar or different from those selected by the VMGs/CIGs. All these counties are target counties under the NARIGP. In most cases, the value chains selected by the VMGs differed from those of the main value chains for the county.

Table 5: Priority Value chains in targeted counties

County	VMGs	1 st ranked VC	2 nd ranked VC	3 rd ranked VC
1. Kiambu	CIG	Dairy	Poultry	Bananas
	VMGs (Dorobo)			
2. Nakuru	CIG	Dairy	Pyrethrum	Fish – aquaculture
	Ogiek	Apiculture	Poultry	Vegetable
3. Narok	Maasai	Maize	Beef	Dairy
4. Nandi	Ogiek	Dairy	Maize	Poultry
5. Trans Nzoia	CIG	Dairy	Maize	Poultry
	Sengwer	Apiculture	Agro-forestry	Vegetable
6. Bungoma	CIG	Dairy	Poultry	Tomatoes
	Ogiek			
7. Kwale	CIG	Poultry	Tomatoes	Mangos
	Waatha Wakifundi Wachwaka	Maize production & milling		
8. Kilifi	CIG	Cassava	Chilies	Local Vegetables
	Waatha	Apiculture	Local poultry	Africa Bird Eye Chilli (ABEC)
9. Samburu	CIG	Beef	Maize	Honey
	Dorobo	Apiculture	Poultry	
	Ilkonono	Traditional artisanal Blacksmith		
10. Baringo	CIG	Meat goat	Honey	Dairy
	Endorois	Meat goat	Honey	Vegetable
	Ilchamus			

Source: MoALF, ASDSP 2014

7.4 Phases of implementing the VMGF

103. The VMGF will be implemented in three phases:

- i. **County and VMG sites disclosure of the VMGF:** This will entail sharing the VMGF details through county forums and specific VMG sites. During this disclosure forums and meetings additional comments and views will be gathered and included in the VMGF design process as well as ensuring broad support of the NARIGP by the county government and VMGs. Continued disclosure will be required as the VMGF has been disclosed at the national level and there remains many stakeholders from counties and community levels who are not been able to attend this disclosure forum.

- ii. **Development of standardized Capacity Development Manuals.** The manuals will be developed to include PICD process; Participatory Impact Monitoring (PIM), conflict redress process and grievance redress mechanism; and value chain analysis, mapping and development. The development of the
- iii. **Capacity Development and Coaching of Relevant Stakeholders:** Capacity development and coaching activities will entail training session for various stakeholders such as NPCU, CPSC, CPCU, CTD, CDDC, Sub-committee: SAIC, PMC's, SPs, VMGs CIGs' and VMGs PO, CSO, NGO, FBO's among others. In addition, during the VMGF implementation coaching session will be mounted on the project activities to ensure any negative impact on the VMGs are mitigated and/or avoided and that they share benefits that accrue from the NARIGP.

7.5 VMG plans

104. Preparation of a specific micro-project VMGPs will be done in accordance with the requirements of OP 4.10: utilizing; (i) summary information from the social assessment; (ii) results of FPIC; including (iii) FPIC framework to be used, (iv) action plan of measures to ensure VMGs receive social and economic benefit that are culturally appropriate and measures for enhancing the capacity of MOALFI, (v) action plan to address adverse impacts, (vi) a grievance redress mechanism; and (vii) monitoring and evaluation and reporting mechanisms and benchmarks. The VMGP preparation process will be guided by the PICD process for purposes of ensuring FPIC. Each VMGP will be submitted to the Bank for review before the respective investment is considered eligible for Bank financing under the broader project framework. *Annex 6* section of this report outlines the contents of a VMGP.
105. The need for VMGPs will depend on (a) the presence of VMGs and (b) the nature and scale of the micro-project impact groups that meet the OP 4.10 criteria. The VMGPs will capture the nature and scale of the micro-project impact and vulnerability of VMGs, including; (i) adverse impacts on customary rights of use and access to land and natural resources; (ii) negative effects on the socioeconomic and cultural integrity; (iii) effects on health, education, livelihood, access to the project benefits, and social security status; and (iv) other impacts that may alter or undermine indigenous knowledge and customary institutions. It will also identify ways in which to bring benefits of the project to VMGs communities if technically feasible. The social assessment will identify requirements for preparing a VMGP and/or incorporation of VMGP elements in other project design documents such as resettlement plan.
106. The VMGPs will set out the measures whereby the CPCU will consult with VMGs and ensure that (i) affected VMGs receives culturally appropriate social and economic benefits; and (ii) when potential adverse impacts on VMGs are identified, these will be avoided to the maximum extent possible. Where this avoidance is proven to be impossible, VMGP will outline measures to minimize, mitigate, and compensate for the adverse impacts.
107. The level of detail and comprehensiveness of VMGP will vary depending on the specific micro-project and the nature of impacts to be addressed. If the impacts are limited to acquisition of customary land, the elements of VMGP will be combined into the RAP. If

VMGs are the sole or overwhelming majority of the micro-project beneficiaries, the elements of the VMGP could be integrated into the micro-project design or documents such as community development program to ensure that all VMGs participate in and receive culturally appropriate benefits from the micro-project.

108. The social assessment will be conducted after the national and county launching of the NARIGP and disclosure at VMG sites based on primary screening. The social assessment will utilize PICD process and tools for project initiation and community entry, which entail consultations with VMG elders and other opinion leaders and **VMGOs**.
109. **Social analysis:** If, based on the screening, the NPCU concludes that VMGs are present in, or have collective attachment to, the project area; the executing agency of that micro-project will undertake a social assessment to evaluate the project's potential positive and adverse effects on the VMGs, and to examine project alternatives where adverse effects may be less significant. The breadth, depth, and type of analysis required for the social assessment will be proportional to the nature and scale of the proposed micro-project's potential and effects on the VMGs present, whether such effects are positive or adverse. The NPCU will prepare detailed Terms of Reference (ToR) for the social assessment study once it is determined that VMGs are present in the project area. *Annex 8 contains draft sample ToRs for the development of a VMGPs.*
110. **Consultation and participation:** Where the project affects VMGs, the NPCU will engage in FPIC with them. To ensure such consultation, the NPCU:
- a) Establishes an appropriate gender and intergenerationally inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation among the implementing structures, the VMGs, the VMGOs if any, and other local Civil Society Organizations (CSOs) identified by the affected VMGs
 - b) Uses consultation methods²⁷ appropriate to the social and cultural values of the affected VMGs and their local conditions and, in designing these methods, gives special attention to the concerns of VMGs women, youth, and children and their access to development opportunities and benefits; and
 - c) Provides the affected VMGs with all relevant information about the project (including an assessment of potential adverse effects of the project on the affected VMG communities) in a culturally appropriate manner at each stage of project preparation and implementation.
111. In deciding whether to proceed with respective micro-project, initially under component 3, NPCU will ascertain, on the basis of social analysis, FPIC, whether the affected VMGs communities provide their broad support to the project. Where such support will be provided, the NPCU will prepare a detailed report that will document:

²⁷ Such consultation methods (including using indigenous languages, allowing time for consensus building, and selecting appropriate venues) facilitate the articulation by VMGs of their views and preferences.

- a) The findings of the social assessment;
- b) The process of FPIC with the affected VMG communities;
- c) Additional measures, including project design modification, that may be required to address adverse effects on the VMGs and to provide them with culturally appropriate project benefits;
- d) Recommendations for FPIC with and participation by VMGs during project implementation, monitoring, and evaluation; and
- e) Any formal agreements reached with VMGs and/or the VMGOs.

112. The NPCU will then submit the social assessment report for inspection by the World Bank and advice based on the outcome of the FPIC with the VMGs as a basis for determining whether there is such report.

113. The social assessment will be conducted using documentation review, interviews with key informants and focused group discussion with the VMGs the VMGOs if any, and other local CSOs identified by the affected VMGs. The process will utilize PICD tools and will generate the data and information based on the indicators summarized table 12.

Table 6: Methodology for addressing the various tasks pertaining to the TOR

Tasks	Indicative Data and Information
• Identification of Potential projects and micro-projects for proposed financing	- Identify Types of programmes and micro-projects: <ul style="list-style-type: none"> - Agriculture - Livestock - SLM - Others
• Initial Screening	- Documentation review to identify already documented IP's/Vulnerable groups and marginalized communities <ul style="list-style-type: none"> - Review reports of past IPP/F and VMG/F fro world Bank financed project in Kenya <ul style="list-style-type: none"> - NRM & WKCDD/FM; Kenya Electricity expansion project; KAPAP/KAPSLMP/KACAL; KCDP; NARIGP; TOA and KYEP
• Potential positive and adverse effects of proposed multi-community projects and micro-projects	- Subject the prototype multi-community and micro-project to environmental, social and Health impact assessment <ul style="list-style-type: none"> - Screening, - Preliminary Assessment - Recommendations <ul style="list-style-type: none"> - Develop a screening and initial assessment process - Institutional framework for impact assessment
• Social Assessment [Secondary Screening]	- Review of applicable legal and institutional framework - Baseline information for characterizing VMGs <ul style="list-style-type: none"> - Demography <ul style="list-style-type: none"> - (Population size: gender disaggregated population, composition by age; population growth and distribution; sex ration) - Social economic indicators <ul style="list-style-type: none"> - Health (life expectancy by and age; Maternal, infant & under 5 mortality rate, child bearing-adolescent and total fertility) - Housing - Education - Work

	<ul style="list-style-type: none"> -Representation in decision making platform <ul style="list-style-type: none"> - <i>(Governance system and structures and linkage with government – county and national levels)</i> -Relative geographic location -Traditional lifestyle (traditional dressing, rituals, belief system, language) governance -Livelihood <ul style="list-style-type: none"> - <i>(Food and income generating activities)</i>
<ul style="list-style-type: none"> • Framework for Free, Prior, Informed and Accessible consultations Framework 	<ul style="list-style-type: none"> - Governance structures - Local consultation process and protocol - Communication channels /spaces - Language - Gaps analysis - Recommendation for strengthening the process by government and target VMGs
<ul style="list-style-type: none"> • Identify the main actors/stakeholders (formal and informal) for screening project supported activities 	<ul style="list-style-type: none"> - Actors/Stakeholders mapping (<i>identification</i>) within the project operational area - <i>Identify the actors and their roles</i> - <i>Capacity assessment to support the screening of activities</i> <ul style="list-style-type: none"> o <i>Technical support</i> o <i>Capacity development</i> - <i>Evaluating their effect on the VMGs (+ve & -ve)</i>
<ul style="list-style-type: none"> • Capacity development plan for government institutions and VMGs organizations for project effectiveness 	<ul style="list-style-type: none"> - Training needs assessment for project implementation and impact monitoring - Social and Technical <ul style="list-style-type: none"> o <i>Project planning and management;</i> o <i>Community mobilization; group dynamics, participatory integrated community development;</i> o <i>Complaints handling and grievance redress mechanism; participatory impact assessment, procurement;</i> o <i>Financial and accounting, value chain analysis and value addition, business development skills, etc)</i> - Legal (<i>constitutional referencing, policy analysis, legislative interpretation. Registration of CIG's</i>)
<ul style="list-style-type: none"> • Grievance Redress Mechanism & Complain Handling Process 	<ul style="list-style-type: none"> - Governance process and structures - Local grievance redress mechanism - Communication channels /spaces - Complaint uptake - Complaints sorting - Complaints handling organs - Feedback mechanism - Redress process for grievances including
<ul style="list-style-type: none"> • Monitoring and reporting arrangements 	<ul style="list-style-type: none"> - Participatory Impact monitoring process - Definition of impact boundaries - Definition of types of impacts - Identification of impacts indicators - Composition of PIM Teams - Data collection and analysis - Triangulating results - Feedbacks mechanism to project beneficiaries - Utilization of PIM results
<ul style="list-style-type: none"> • Disclosure arrangements 	<ul style="list-style-type: none"> - Documentation disclosure process of the resultant draft and final VMGPF - Process for participation, information disclosure and consultation with affected VGMP - Consultation and participation mechanisms to be used during project implementation - Process of capturing and documenting VMGs concerns with respect to social impact assessment results - Actual disclosure for draft and final VMGPF

8. Institutional arrangements

8.1 *National, County and Local Institutional*

114. **Implementation of NARIGP will involve a three-tier institutional arrangement (national, county and community).** Under the **first-tier** at national level, the National Treasury (NT) will represent the GoK and the MOALFI will be the main implementing agency. Within the MOALFI, the project will be anchored in the State Department for Crop Development (SDCD). The **second tier** will be the county level, with the county governments as the executing agencies of the project. The **third tier** will be the community level, where beneficiaries will implement their community-led interventions. The three-tier institutional arrangement aims to: (a) lessen the approval layers for faster decision-making and efficient project implementation; and (b) utilize the constitutionally mandated governance structures at the national and county levels, to the extent possible. To enhance linkages and ownership of the project, the county governments will be fully involved in the decision-making process at the national level as they will be represented in the National Project Steering Committee (NPSC) and NTAC by the Chair of Council of Governors and the Chief Executive Officer of Council of Governors, respectively. In addition, county governments will be fully responsible for the decision-making and project oversight at county and community levels. The detailed roles and responsibilities of the national, county and community institutions will be provided in the Project Implementation Plan (PIP). The project institutional arrangements are summarized in the organogram below.

National level. Overall project oversight and policy guidance will be provided by the NPSC, which will be chaired by the Cabinet Secretary (CS), MOALFI and co-chaired by the Chair, Agriculture Committee of the CoG. It will comprise PSs from the relevant state departments of line ministries (i.e. National Treasury, Water, Environment and Forestry, Industrialization and Enterprise, and Directors of State Departments of Crop Resources and Marketing, Livestock Production, Veterinary Services, Aquaculture Technology Development, Fisheries Marketing & Development, Land Reclamation and Storage, Water Resources, Gender and Youth, ASALs, Devolution, Public Works, and Primary Education.

115. NTAC will be responsible for providing technical support to project and approving county level investment proposals (under Component 3), based on the recommendation of the NPCU. The number of members of NTAC attending each meeting will depend on the agenda or technical advice sought by the NPCU. The NPCU to be headed by the NPC will be established under the SDCD; and will be responsible for managing day-to-day project implementation. NPCU will comprise the NPC, Component Coordinators (Component 1 - 3), M & E Coordinator, Finance Officer, Procurement Officer, and Education and Communication officer (Public Relations Officer), Development, Agriculture, Livestock, and Fisheries), and representatives of the private sector and civil society (Kenya Private Sector Alliance (KEPSA) and Kenya National Farmers Federation (KENAFF), the World Bank (as an *Ex Officio*), and agricultural and rural development donor-group.

b) The National Technical Advisory Committee (NTAC) will be chaired by the Agriculture Secretary, and co-chaired by the Chair, Caucus for the County Executive Members in charge of agriculture, and will comprise of :

- Water Resources Authority;
- CEOs of Gender and Equity Commission,
- CEOs of CoGs and KENAFF;
- Director Generals, NEMA and KALRO;
- Directors of; Public Health, Kenya Forest Service, Kenya Meteorological Services,
- Kenya Marine Fisheries Research Institute;
- General Manager of National Irrigation Board;
- Commissioner of Cooperatives;
- Private Sector
- Reps from Seed Traders Association of Kenya,
- Kenya Association of Manufacturers,
- Women in Agribusiness,
- Kenya Bankers Association,
- Association of Micro Finance Institutions.

The NPCU to be headed by the NPC will be established under the SDCD; and will be responsible for managing day-to-day project implementation. NPCU will comprise the NPC, Component Coordinators (Component 1 - 3), M & E Coordinator, Finance Officer, Procurement Officer, and Education and Communication officer (Public Relations Officer), ICT Officer, and Environmental and Social Safeguards Compliance. The NPC will serve as the secretary to both the NPSC and NTAC.

c) County level. CPSC to be chaired by the CEC member in charge of Agriculture and Livestock will be responsible for providing implementation oversight in the respective counties, including approving county annual work plans and budgets and community-led micro-project proposals; and ensuring that they are incorporated in the CIDP.

CPSC will comprise Chief Officers of relevant county ministries (e.g. Agriculture, Livestock and Fisheries, Water, Trade and Cooperatives, Environment and Natural Resources, and

Works); County Directors of Environment (NEMA); County Chambers of Commerce/Private Sector Representatives; County Rep. of Farmers/Producer Organizations;

Civil Society Organizations VMGs Representatives (with specific emphasis on Youths, Women, and differently-abled).

116. CPSC members attending each meeting will depend on the agenda or technical advice sought by the CPCU. The CPC will serve as the secretary to the CPSC. The CPCU will serve as the secretariat of the CPSC. The CPCU, which will be embedded into the respective county government structures, will comprise the CPC, County Component Coordinators (1-3), County M&E Assistant, County Project Accountant, County Project Auditor, County

Project Procurement Assistant, and the County Environmental and Social Safeguards Compliance Officer.

117. **Community level.** The CDDCs with elected leaders (chair, secretary, treasurer and board members) will represent beneficiaries in the targeted communities. CDDCs will be responsible for mobilizing communities into CIGs and VMGs, through the PICD process. While the VMGs will be identified through primary screening through countywide multi-stakeholder consultations, the members to the VMGs will be identified through PICD process that utilizes participatory targeting approaches and tools. CDDCs will facilitate the preparation of prioritized VMGP and the resulting micro-projects, as well as their implementation, VMGs participatory monitoring and reporting.

8.2 Screening for Micro-projects

118. The screening for micro-projects starts with identifying community needs through the PICD process which enables the VMGs to assess their local needs and challenges, prioritize these needs, suggest possible solutions, and come up with/develop action plans in order to address the prioritized needs.
119. The outputs of the PICD process are the institutions including VMGs Driven Development Committee (VMG DDC), that coordinates the implementation of the VMGs action plan (VMGAP), and identification of VMG Common Interest Groups (VMGCIGs), and self-help groups to implement prioritized VMGs projects, selection of the VMGs Procurement Sub-committee (VMGs-PSC) to procure goods and services, VMGs Project Management Committee (VMG-PMC) to oversee the implementation of the micro-projects implemented by the VMGs /SHGs and the VMG Action Plan (VMGAP) which details the prioritized needs of the implementing communities. The VMGAPs are the source of the developed micro-projects proposals.

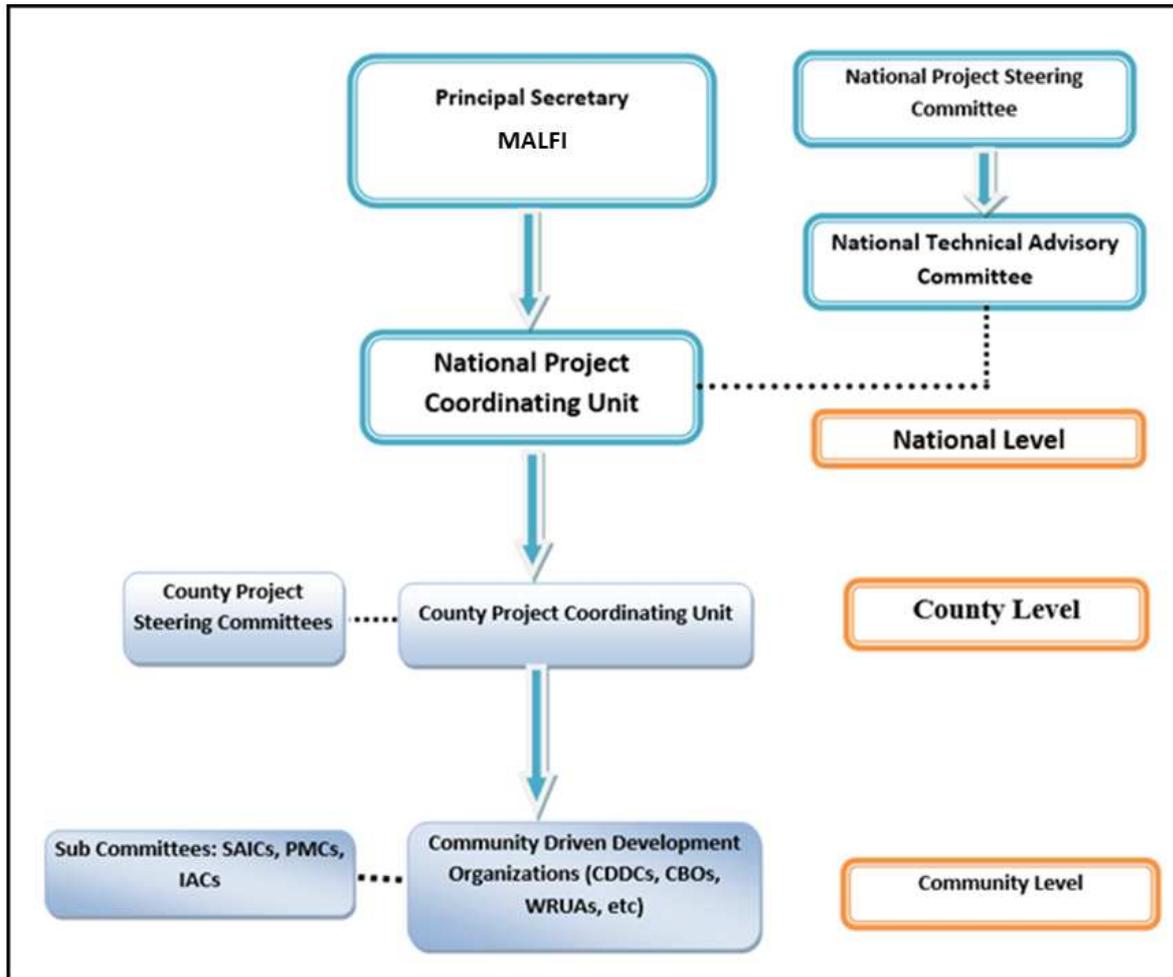


Figure 3 Institutional Arrangements

8.3 Capacity Building

120. Social inclusion starts from good communication and social awareness actions using various media, combined with capacity building and training. A module on social inclusion will be included in the capacity building for relevant stakeholders and VMGs.
121. **County capacity building:** County governments will be supported to use census and other databases to identify and target VMGs (for example, ward administrators tend to have the ward profile with the data on people with disabilities, widows, etc.). County governments are encouraged to create (if it does not exist yet) a database that includes youth and VMGs in the counties.
122. **County-level capacity building:** The project will further support safety net programs (e.g. cash or food for work) to generate jobs or create employment during off-season, targeting VMGs but mainly youth. Counties will be supported to review existing targeting mechanisms and programs for VMGs (see sub-component 3.1) to move towards targeting

mechanisms that combine data available to the national and county governments with the participatory identification of VMGs under Component 1 through the PICD process.

123. **Supporting Community-Driven Development:** For community-level institutions, general capacity building on an inclusive PICD process and participatory identification of VMGs will be essential. In addition to having modules on cross-cutting themes like inclusion, it is also important to have conflict resolution as part of the training and awareness creation for communities.
124. ***Social inclusion-informed selection of investments.*** Menu of goods and services available within CDD projects must include those that are of relevance and interest to women and VMGs. E.g., if the plan only has activities that need a large piece of land, it would not be helpful for landless members and physically challenged people.

Specific capacity-building for VMGs:

125. As the target groups become clearer and awareness of the social and economic inclusion principle of the project is widely shared, the VMGs members will be invited to participate in training and capacity building sessions. The VMGs may have specific capacity building needs, and dedicated skills training funded through potentially dedicated funding. Youth from the VMGs like in other communities may need separate training programs, tailored to their needs and lifestyle.
- ***Social inclusion:*** The stakeholders will be trained on strategies for enhancing social inclusion such as: (i) good communication, (ii) social awareness actions, (ii) creation and utilization of databases on vulnerable communities and groups such as: marginalized communities, women, youth, person with disabilities, aged members of the community. The skills gained will be used to mobilize and create awareness among the VMGs, develop Community Development Plans, build capacity on VMGs and support the VMGs to implement, monitor and evaluate their action plans
 - ***PICD Module:*** The VMGs, national and county government, services providers and other development actors whole will interface with the VMGs will be capacity build on the PICD process and VMGF principles and elements
 - ***VC analysis and development Module:*** The VMGs, PO's, SPs and national and county government will be trained on the ***VC analysis and development*** with examples drawn from success stories from VMGs supported through WKCDD/FM KAPAP and KAPSLMP.
 - ***Fiduciary Module.*** VMGs will be trained on community procurement and financial management to improve their relevant capacity on project implementation and management.
 - ***Environmental and social safeguards Module.*** Relevant County government staff, Servicer Providers and VMGs will be trained on how to use checklists and development of environmental management plans where applicable),

- **Agri-business and financial services Module:** Relevant County government staff, Servicer Providers, PO's, VMGs and other relevant development actors will be trained on agri-business and financial service principles and skills to ensure that the NARIGP integrated business model in the design of value change development and implementation

126. **Target trainee:** NARIG will develop a training program targeting relevant project actors at the national, county, sub-county and community levels with each target with relevant training module and **knowledge**, skills and practice areas (see table 13).

- Nation and County Institutions: The institutions to be trained will include:** NTAC, PCU, CPSC, CPCU, CTD, and CDDC.
- Sub-committee:** SAIC, PMC's, SPs, VMGs CIGs' and VMG PO, CSO, NGO, FBO's among others.
- VMGs:** The training will focus on whole community with awareness creation session and the VMGs CIGs with the respective training modules (see table 13).

127. **Facilitators/trainers and modes of training.** Terms of Reference and the selection process for facilitators and trainers will ensure that candidates who can deliver training modules in an inclusive way to be hired. Also, language and tools to be used in documents and training should factor in potential barriers these media can pose to the participation of certain excluded groups in capacity building measures. The county government should explore the possibility and ensure the language and modality of training provision would not exclude certain groups of members.

Table 13: Areas of focus for Training for Environmental and Social frameworks under the NARIGP

Level	Key target groups	Type of Training
National level	<ul style="list-style-type: none"> •NPCU •National Steering Committee •National Technical Advisory Committee 	Sensitization on the PICD ESMF
County level	<ul style="list-style-type: none"> •County Project Steering Committee, •County Project Technical Team with line department and ministries at the county level) 	PICD ESMF Application of the screening checklists, manuals and tools. Conflict resolution and the grievance mechanism Social audits Report writing Citizen and stakeholder engagement
Community level	<ul style="list-style-type: none"> •Community level structures Value chain producer organizations, •Community interest groups, Vulnerable and Marginalized Groups, and the •Community Development Committees). 	PICD Social Skills on screening and use of the environment & social check list Checklist for the RFP and RAP implementation VMGF and plan training Conflict resolution and GHC Participatory M& E and reporting Gender screening Training on the CIDP Lobby and advocacy Building farmer organizations

8.4 Grievance Redress Mechanisms

128. A grievance redress mechanism will be developed for addressing the grievances from the affected VMGs related to micro-project implementation. The procedure of grievance redress will be incorporated in the project information pamphlet to be distributed prior to implementation. Participatory consultation with affected households will be undertaken during project planning and implementation stages.

129. NARIGP will establish a mechanism to receive and facilitate resolution of affected VMGs concerns, complaints, and grievances about the project's safeguards performance at each micro-project having VMGs impacts, with assistance from Non-Governmental Organizations (NGO). Under the Grievance Redress Mechanism (GRM), a Grievance Redress Committee (GRC) will be formed for each micro-project with involvement of VMGs representative & local stakeholders. The GRCs are to be formed and activated during the VMGPs implementation process. Assistance to VMGs will be given to document and record the complaint. The grievance redress mechanisms are designed with the objective of solving disputes at the earliest possible time and at the lowest levels where the PAPs reside for quick resolution. The traditional dispute resolution structures existing for each of the s will be used as the first step in resolving grievances.

130. The VMGs will be provided with a variety of options for communicating issues and concerns, including in writing, orally, by telephone, over the internet or through more informal methods as part of the grievance redress mechanism. In the case of marginalized groups (such as women and young people), a more proactive approach may be needed to ensure that their concerns have been identified and articulated. This will be done, for example, by providing for an independent person to meet periodically with such groups and to act as an intermediary. Where a third-party mechanism is part of the procedural approach to handling complaints, one option will be to include women or youth as representatives on the body that deals with grievances. It should be made clear that access to the mechanism is without prejudice to the complainant's right to legal recourse. Prior to the approval of individual VMGPs, the affected VMGs will have been informed of the process for expressing dissatisfaction and seeking redress. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency.

9. Monitoring and Evaluation

9.1 *Mechanisms for monitoring, evaluation and reporting*

131. All project results indicators will be disaggregated by gender to monitor women's participation in the project interventions. The project will also enhance inclusion of vulnerable hard-to-serve female-headed households, child-headed households those living in the targeted counties or those from marginalized communities of Kenya.
132. The implementation of VMGPs will be monitored. The NPCU at the MOALFI will establish a monitoring system involving the project staff at national and county level, as well as community groups of VMGs to ensure effective implementation of VMGP. A set of monitoring indicators will be determined during VMGP implementation and will be guided by the indicators contained in the VMGF document. The project support consultants will carry out monitoring, as will the World Bank social staff. Appropriate monitoring formats will be prepared for monitoring and reporting requirements.
133. The NPCU and NGOs will collect baseline data including qualitative information and analyze the same to assess the impacts of the project on groups that meet the OP 4.10. The experts will advise on compliance issues and if any significant issues are found, the NPCU will prepare a corrective action plan or an update to the approved VMGP. The NPCU will follow up on implementing the corrective actions to ensure their effectiveness.
134. For any micro-project found to have significant adverse impacts on VMGPs, external experts or NGOs will be engaged by the NPCU to verify monitoring information of the VMGP for those micro-projects.

9.2 *Monitoring and Evaluation Benchmarks*

135. **Monitoring Indicators:** several key indicators and topics for monitoring and evaluation of VMGP are (i) process of consultation activities; (ii) appropriateness of affected assets valuation and compensation; (iii) economic status of VMGPs in comparison with pre-project condition (iv) status of VMGs as identified in the SA; (v) any disadvantaged condition to VMGs that was not anticipated during the preparation of VMGPs, that required corrective actions; and (vi) grievance redress issues. The VMGP will collect required data/information and regularly analyze project outputs and impacts considering impact on VMGs, and semi-annually report the results to the Bank.

9.3 *Reporting*

136. **Annual Reporting and Performance Review Requirements.** Annual progress reports will be prepared by the PCU and the preparation of the progress reports will be supported by the environmental and social safeguards specialists in the project at the county and community levels. These reports will be submitted to the Bank.

137. **Budget.** All costs for implementation of the safeguard instruments (RPF, ESMF, VMGF and IPMF) will be financed by NARIGP. The costs of the VMGF, RPF and ESMF will be estimated during appraisal based on interviews with community members and relevant government officials. This will be updated after the detailed survey and investigation as well as further consultations with VMGs.
138. **Assessment of capacity and preparedness for appraisal.** MOALFI has the requisite capacity to undertake the preparation of the safeguard instruments. The staff from the Western Kenya CDD project have been brought in to assist with the process. The county staff will be trained on the required polices and use of the social and environmental screening tools.
139. All the frameworks will include a consultation and stakeholder engagement strategy to ensure that PAPS are informed, consulted, and mobilized to participate in the relevant micro-projects, and Grievance **Redress Mechanisms** related to micro-project implementation, and a process for Bank and Government **Disclosure** to the public in accordance with Bank Policy on disclosure of information. Consultations with local stakeholders (e.g. from the relevant national and county line ministries and representatives of VMGs will be undertaken during the preparation of the social and environmental documents.

Table 14: Monitoring and Evaluation Indicators for NARIGP VMGF

Component	Indicator	Responsibility	Data Sources
Component 1: Supporting Community-Driven Development			
Subcomponent 1.1: Strengthening Community Level Institutions			
<ul style="list-style-type: none"> i. Community mobilisation ii. Awareness creation iii. Development of and training on standardized training modules iv. Payment to the competitively selected services providers v. Facilitation of county technical departments to provide oversight and quality assurance for SPs 	<ul style="list-style-type: none"> •No of VMGs screened •No of VMGs mobilized and sensitized •List of VMG members participating in the mobilization and sensitization meetings •No of training modules developed •No of CTA and SP and other stakeholder trained on PICD and other module with respect to targeting VMGs 	NPCU CPCU CTD SP VMGs/CIG's	Field meetings and workshops PIM report M&E reports
Subcomponent 1.2: Supporting Community Investments			
○ <i>Sustainable land management and value chains</i>	<ul style="list-style-type: none"> •No of VMG sites targeted •No for VMG members benefiting 	NPCU CPCU CTD SP VMGs/CIG's	Field meetings and workshops PIM report M&E reports Baseline survey
○ <i>Market-oriented livelihood interventions</i>	<ul style="list-style-type: none"> •No of VMGs members (youths) benefiting from off-season jobs •No of VMG CIG participating in off-farm values chain 	NPCU CPCU CTD SP VMGs/CIG's	Field meetings and workshops PIM report M&E reports
○ <i>Targeted support to Vulnerable and Marginalized Groups</i>			
○ <i>Nutrition mainstreaming</i>	<ul style="list-style-type: none"> •No of VMGs women groups targeted by labor saving initiatives 	NPCU CPCU	Field meetings and workshops

	<ul style="list-style-type: none"> •No of VMGs women groups targeted by credit schemes •No of VMG-based schools (primary and secondary) with health garden programmes 	CTD SP VMGs/CIG's	PIM report M&E reports
Component 2: Strengthening Producer Organizations and Value-Chain Development			
<i>Subcomponent 2.1: Capacity-Building of Producer Organizations</i>			
○ <i>Organization and capacity building of POs</i>	<ul style="list-style-type: none"> •No of VMG/ CIG's linked to PO's •Comparative income levels accruing to VMG due to federating to PO's 	NPCU CPCU CTD SP VMGs/CIG's PO's	Field meetings and workshops PIM report M&E reports
○ <i>Financing for PO enterprise development</i>			
<i>Subcomponent 2.2: Value Chain Development</i>			
<ul style="list-style-type: none"> ○ Identification and selection of value chains (at county and community levels) ○ Value chain mapping and strategy development ○ Support to value chain stakeholder platforms ○ Value chain upgrading matching grants ○ Value addition and processing 	<ul style="list-style-type: none"> •No of VMGs/CIG's with clearly identified and selected value chains •No of VMGs/CIG's with a developed value chain strategy •No of VMGs/CIG's financed to undertake value addition upgrading including processing 	NPCU CPCU CTD SP VMGs/CIG's PO's	Field meetings and workshops PIM report M&E reports
Component 3: Supporting County Community-Led Development			
Subcomponent 3.1: County Capacity-Building			
	<ul style="list-style-type: none"> •No of stakeholder sensitized and/trained on VMGs status, value chain development and financing issues •No of VMGs support by County government and other development actors on upgrading and operating their 	NPCU CTD SP VMGs/CIG's PO's CPCU	Field meetings and workshops PIM report M&E reports Training reports

	value chains		
Subcomponent 3.2: County Investments and Employment Programs			
○ <i>Multi-community investments</i>	<ul style="list-style-type: none"> •No of VMG sites covered by landscape SLM investments •Level (no, length, area) of enabling infrastructure improved for purposes of value chain development 	NPCU CTD SP VMGs/ CIG's PO's CPCU	Field meetings and workshops PIM report M&E reports Baseline survey
○ <i>Employment Programs</i>	<ul style="list-style-type: none"> •No of VMG members (unemployed and out-off school) benefiting from cash for work programmes 	NPCU CTD SP VMGs/CIG's PO's CPCU	Cash for work report PIM report M&E reports
Component 4: Project Coordination, Monitoring and Evaluation			
<i>Subcomponent 4.3: Contingency Emergency Response</i>	<ul style="list-style-type: none"> •No of potential local disasters addressed within VMGs localities 	NPCU CTD SP VMGs/CIG's PO's CPCU	Cash for work report PIM report M&E reports

10. Disclosure arrangements

10.1 *Disclosure modalities*

140. This VMGF and micro-project VMGPs will be made available to the affected VMGs in an appropriate form, manner, and language. Various project design, launching, implementation, monitoring and evaluation, and implementation completion sessions will be disclosed and/or communicated throughout the project phase. Once the Bank accepts the documents as providing an adequate basis for project appraisal, the Bank will make them available to the public in accordance with Bank Policy on disclosure of information, and the GOK will also make the documents available to the affected communities in the same manner as the earlier draft documents.
141. Each micro-project VMGP will be disclosed to the affected VMGs with detailed information of the micro-project. This will be done through public consultation and made available as brochures, leaflets, or booklets, using local languages. Summary of the VMGP will be made available in hard copies and in language at: Offices of the MOALFI; Sub County or County Office; and any other local level public offices.
142. Electronic versions of the framework as well as the VMGPs will be placed on the official website of MOALFI and the official website of Bank after approval and endorsement of the VMGF and each VMGP by the Bank.

10.2 *Disclosure of the VMGF*

143. The disclosure of the Vulnerable and Marginalized Groups Frameworks, (VMGF) was held at the Kenya School of Management on January 12, 2016. It was attended by about 40 participants from 10 counties (Baringo, Bungoma, Nairobi, Nakuru, Kilifi, Kakamega, Kwale, Vihiga, Samburu, and Siyaya). These included representatives from Central Government (Ministry of Agriculture, Livestock, Fisheries and Irrigation and Ministry of Public Service, Youth and Gender Affairs), several project implementing agencies (*KAPAP, Western Kenya CDD, Accelerating Rural Women's Access to Markets and Trade*); Rural Water Users Associations; members of value chain common interest groups (dairy, horticulture, fishing, animal husbandry; Representatives of VMGs/IPOs (Ogiek, Sengwer, Ilkunono, Ilchamus, Waatta, Tarik, Dorobo,) and NGOs undertaking community-based value chain activities (ICT and gender and youth initiatives). The participants were encouraged to share their views bearing in mind that they were selected and invited to represent the views of all Kenya.
144. *The Ministry of Devolution and Planning (MODP) underlined that the project is based on the priorities of the Vision 2030 long-term vision and of the 5-year Mid-Term Development Plan (MTDP) goals of the Government. The key messages from the Government were that:*
- a. *The MODP recognized the critical role that the counties had to play in the roll out and implementation success of the project. In this regard, the MODP was consulting extensively with the Council of Governments to ensure the project responded to county needs and to reach agreement on the final county participation and the project has been informed by the county integrated plan priorities.*
 - b. *Do no harm.* The safeguards were important to ensure that the Government and the project did not harm the environment and that investments did not impact negatively on communities so

that the environmental and natural resources were safeguarded for future generations. The GoK has laws on land acquisition and these will apply in parallel with the WB policies.

c. *The Government takes safeguards issues seriously as captured in the laws of the Constitution of Kenya (CoK) and in the Vision 2030.* While GoK has prepared the requisite documents, including the Environmental and Social Management Framework (ESMF), the Resettlement Policy Framework (RPF), and a Vulnerable and Marginalized Group Framework (VMGF) – the GoK had the requisite laws to address the same.

d. *Bottom up Community Driven Development (CDD) approach.* The Government was adopting a bottom up approach in this project to ensure the project responds to the needs and priorities of the beneficiary communities. Since the project is community driven it was not possible to know the specific micro-projects under each component but the majority of the projects would be micro projects and that the projects at the county level would build from these micro projects (For example, if the value chain in one sub county was diary the possible county-level investments could include collection points and cooling plants).

e. *The bulk of the anticipated negative impacts would be for economical displacement.* Emphasized that the project did not anticipate the physical relocation of any one and if the unlikely cases should this occur – this would be handled at the national level.

145. *Feedback from the consultations was overall supportive of the project but areas for enhancing the project were highlighted.* Participants welcomed bringing participants from around Kenya and representatives from the VMGs as a good step. With regard to the design, the Participants (a) especially welcomed the channelling of technical assistance and resources directly to communities and underlined the importance of ring fencing such resources against leakages; (b) requested to know more about the criteria for county selection and urged that counties with insecurity not be further marginalized; and (c) emphasized the importance of timely dissemination; and the need for clear and appropriate communication channels. The participants endorsed the CDD approach and representatives of the CIG groups stated that that they had benefited from previous and on-going projects that had CDD activities and believed that this project would build on the successes and good practices.

146. *Challenges of channelling funds.* Participants were concerned about leakages if funds were channelled through the county level and wished to access funds directly from a national entity. They shared that there were alternative institutions, other than counties to channel the funds to communities. For example, the Community Development Trust Fund, a semi-autonomous agency which had been managing channelling project funds from the EU to communities on behalf of Government for many years. MODP responded that enhanced financial management measures had been built into the project to track funds. As well social accountability measures would also allow the community and their committees to be more involved in tracking funds at the county and community levels.

147. *Growth and inclusivity versus a singular focus on an enabling environment.* Participants cautioned that leaving out counties facing insecurity would further marginalize them. The MODP noted that two counties were being considered in the arid North, including Garissa and that this would be concluded when national Government met with the Council of Governors. The GoK was reorienting it's ongoing projects to increase development impacts. E.g. road corridors now seen as development corridor springing in roads, access to markets, transmission lines, internet connectivity, and market trading facilities, social infrastructure

148. *Clear, Appropriate communication channels.* Importance of proper information and dissemination to avoid rumors and misinformation that can cause conflict. This should be along with proper accountability and transparency of account to the communities. A: these suggestions were endorsed.

149. Detailed comments on all three instruments are captured in Annexes.

10.3 *Comments to the VMGF*

150. *The participants welcomed that the project and Government was reaching out to VMGs and groups that met the criteria of OP 4.10 indigenous peoples and affirmed that the proposed proactive steps in the framework were adequate in ensuring the VMGs benefit from NARIGP.* Substantive comments were proposed to make the framework more robust. These included: (a) World Bank and NARIGP response to FPI-Consultation in a national and international dispensation of increased application of FPI-Consent concept: (b) concerns about NARIGP flow of funds; and (c) Consideration for traditional value chains; (d) Identification of traditional practices that might limit the success of the project; and (e) Step-by-step engagement with VMGs and the use of appropriate tools. Other challenges in the process of informing, inclusion and participation of VMGs in NARIGP included recognition of the diversity of cultural practices, timely accessible information in VMGs appropriate forms; and addressing leadership, elite capture and project ownership;

- *World Bank and NARIGP response to Free Prior and Informed Consultation in a national and international dispensation of increased application of Free Prior and Informed Consent (FPI-Consent) concept:* The participants noted that the concept of *Free Prior and Informed Consultation* utilized by the World Bank is legally different and has different implications from the FPI-Consent used by the UN. The latter are now being discussed at the national policy level. The participants believed that although the FPI-Consultation is aimed at helping to generate broad community support for the project, in their views it has been inadequate. They also noted that the ongoing revision of the World Bank safeguard policies was considering using FPI-Consent in place of FPI-Consultation. They wished to know how the World Bank and the Government would respond to the FPI-consent in the implementation of NARIGP process should the World Bank approve it since FPI-Consent might require a different process of consultation and evidence of the broad VMGs for the support. They indicated that they would be interested to know how the World Bank and Kenya government intended to respond to these changes, especially in ensuring that NARIGP is responsive to the existing international legislative framework and ongoing revision of policies and laws in Kenya. The MODP noted that there were adequate provisions in the CoK 2010 and that the PICD process along with the frameworks to guide implementation and the demand driven nature of the project were aimed at securing consent of the communities. The Bank responded that the discussion on updating the environmental and social safeguards was still underway but had yet to be approved by the Board of the World Bank. This did not stop the project taking good practice and applying it. Projects prepared once new policies were approved would apply the new requirements.
- *Concerns about NARIGP Funds Flow:* The participant sought for clarification on funds low modalities for the micro-project intended to benefit the VMGs. The participants were apprehensive about a financial flow mechanism that would channel VMGs intended funding support through the county government. They cited several instances where they have not be satisfied with manner in which the county government have managed public funds from the

national government intended to address certain development or contingency needs, such as El nino contingency funds. The participants recommended that funds should flow from the World Bank to treasury and then to the national government and either directly to the VMGs or through reputable intermediary funds management institutions such as “Community Development Trust Fund (CDTF) – which is a semi-autonomous joint GoK/EC/Danida Poverty Alleviation Programme or other intermediary funding agencies. Mr Kimani from the MODP, in clarifying on NARIGP funds flow, indicated that the exact mechanism is still at the design process and the VMGs views and concerns would be considered in the design alongside other relevant stakeholder’s views and recommendations.

- *Consideration for traditional value chains.* The participants observed that in most government design and implemented project, there has been a focus on value chain in the context of modern agriculture practices. Thus, the participants expressed the need for NARIGP to, in addition to modern agriculture practices, focus on promoting traditional agricultural and livestock value chain such as pastoralism, honey production, and food crops.
- *Identification of traditional practices that might limit the success of the project.* The participants indicated that NARIGP should endeavour to address traditional barriers that might limit certain vulnerable groups among the marginalized communities from accessing benefits accruing from NARIGP. Thus, the social assessment should ensure such issues are addressed early in the project design and implementation phase. Such issues could include gender differentiated access to project information in a timely and cultural appropriate manner.
- *Recognition of diversity of cultural process:* The participant noted that different VMGs have distinct and diverse cultures and consultation processes. Thus, they recommended that NARIGP should ensure that consultation processes recognize and appropriately respond to these cultural diversities.
- *Step-by-step engagement with VMGs.* The participants indicated that NARIGP should avoid information overload to the VMGs which could compromise the understanding of critical project issues and consequently lead to confusion and conflicts. The participants indicated that they prefer a step-by-step approach to information dissemination and addressing of issues while allowing them time to deliberate and arrive at a consensus on each piece of information and issue. The information should be in form that is culturally appropriate and in relevant VMGs forums. MODP welcomed the comment and noted that the OP 4.10 and participatory approach took this into account.
- *Simple tools for Micro-project proposal development.* The participants indicated that NARIGP should utilize a simplified template for developing micro-projects, noting the low literacy levels among the VMGs. They cited the simplified project proposal template utilized by CDTF in its community environmental facility projects that has been successfully utilized in developing the ongoing community projects around the county. The MODP explained the PICD process and how it was designed to be use in rural communities.
- *The Grievance Redress Mechanism should adhere to NARIGP guiding principles of inclusion and transparency* and that the NARIGP should uphold and ensure the VMGs as well uphold the principles. The GCHM should:

- Have an Early response to early conflict warnings: Participants indicated that NARIGP should ensure timely and appropriate response to early conflicts or warnings of potential conflicts without waiting for grievances to escalate to grievances.
- Utilize VMGs traditional complaint handling mechanism. Participants observed that every VMGs has its own complaints handling and grievance redress mechanism which NARIGP should study these during the social assessment and ensure the mechanisms are utilized in establishing complaints handling committees and grievance redress mechanism as well when addressing complaints and grievances; and
- Include a Neutral grievance redress committee: The participants NARIG should ensure that any established grievance redress committee is neutral to avoid biasness in resolving conflicting issues among the parties, whether its government and VMGs, VMGs and politicians or among VMGs members or VMGs institutions. The independent grievance redress committee should draw membership from neutral institutions such as civil society organization among others.

151. **Monitoring Indicators.** The VMGs representatives agreed that the suggested indicators for monitoring VMGPs were appropriate and that the criteria for screening VMGs was adequate with minor suggestions.

152. The project coordinator thanked the participants for their valuable contributions which would be used to further strengthen the project. The detailed comments and MODP responses are summarized in Annex 10 as well as the list of attendees.

BIBLIOGRAPHY

World Bank. 2010. Draft Screening of Vulnerable Indigenous Peoples in Kenya. Draft report prepared by Julius Muchemi (consultant) for the proposed Kenya Electricity Expansion Project.

Uquillas, Jorge. 2009. Kenya NRM Project and Western Kenya CDD and Flood Mitigation Project: Report on the Measures to Improve Implementation of the World Bank Operational Policy on Indigenous Peoples. World Bank.

Ministry of Lands. 2007. *Land Policy*, May 2007. Nairobi: Ministry of Lands, Republic of Kenya.

GoK, 2009. Indigenous Peoples Planning Framework for the Kenya Adaptation to Climate change in Arid and Semi Arid Lands (KACCAL) project. Financed by GoK and World Bank

ALRMP, 2004. Final Report of the Social Analysis Study. Study and report by Tacitus Ltd: The participatory Development Consultants.

Muchemi J., Crawhall N., Pedone G. Koinante J. Kiptum Y. Kuria K. 2009. [Kenya case study: Participatory 3-Dimensional Modelling](#); published in [African Indigenous Peoples' Workshop on effective use of Information Communication Technology \(ICTs\) in environmental advocacy](#), IPACC/CTA, Cape Town, South Africa.

Julius Muchemi and Albrecht Ehrensperger (2010). Ogiek People Ancestral Territories Atlas: Safeguarding territories, Cultures and Natural Resources of Ogiek Indigenous People in the Eastern Mau Forest, Kenya; Published by ERMIS Africa and CDE, 2009: ISBN 978-9966-7321-0-1

PLA 54: 2006. Participatory Learning and Action: Mapping for Change: practice, technology and communication: CTA, IIED: Editors Jon Corbett, Giacomo Rambaldi, Peter Kyem, Dan Weiner, Rachel Olson, Julius Muchemi, Mike McCall and Robert Chambers.

http://www.iapad.org/review_pla54.htm, for multilingual CD http://pgis2005.cta.int/pla_cd.html: ISSN: 1357-938X and ISBN: 1 84369 605 3

Through the Eyes of Hunter-Gatherers: participatory 3D modelling among Ogiek indigenous peoples in Kenya: Editors Giacomo Rambaldi, Julius Muchemi, Nigel Crawhall, Laura Monaci: <http://idv.sagepub.com/cgi/content/abstract/23/2-3/113>: Information Development, Vol. 23, No. 2-3, 113-128 (2007) DOI: 10.1177/0266666907078592

Julius Muchemi, David Kiptum, Onesmus Murkomen and Solomon Cherongos (2010). Mapping Sengwer (Cherangany) Ancestral entitlements in Cherangany Hills. The Past, Present and Future of Sengwer (Cherangany) Indigenous People.

Annex 1: Summary Profiles of VMGS Identified in the Proposed Counties through Screening for the NARIGP

135. The Social Analysis draws mostly from data collected from a desk review of recent existing documents in the public domain about VMGs that meet the criteria of OP 4.10. Obtained information on the views of various categories of VMGs on the potential impacts that the implementation of the various components of NARIGP might have on them. Key informant interviews and focused group discussions with a sample of IPOS drawn from around the country. It was also informed by a national workshop held on December 16, 2015 drawing on representatives of key stakeholders and beneficiaries groups, including farmer organizations, IPOs, country officials, CBOS, women farmer groups, pastoralist organizations. The social analysis collected socio-economic and socio-demographic characteristics of VMGs from the 21 target Counties. Finally, the SA suggested mitigation measures and alternative support to the VMGs livelihood bases. Below is a summary of the findings of the SA.

153. Kenya is home to a number of groups who self-identify as Indigenous Peoples. Some of these are hunter-gatherers, others nomadic or semi-nomadic pastoralists and other blacksmiths and fishing foraging communities.²⁸In the absence of updated and reliable statistics, it is difficult to give precise demographic data of the various groups. Estimations vary greatly and depend on who one considers as Indigenous Peoples in Kenya. Some experts have put the total population of groups that self-identify as Indigenous Peoples at around 1.5 million.²⁹

VMGs whose livelihoods are linked to Forest/Natural Resources/Forest Adjacent Communities

154. The hunter-gatherer groups are generally found in the forested areas of the central Rift Valley province, in the western part of the country: Moving from south to north, these groups include: the Ogiek (approx. 20,000), who live in the Mau Forests; the Sengwer (30,000) of the Cherangany Hills and Kapolet Forest in Trans Nzoia, Marakwet and West Pokot counties;³⁰ and the Yaaku (less than 1,000) who live in the Mukogodo forest west of Mount Kenya, in the Laikipia County. Two more groups are the Watta (a few thousands) who live dispersed in the southern coastal areas of the coast region, and the Elmolo (a few hundreds) who are a small fishing community living on the shores of the Lake Turkana, in the north western part of the country.

²⁸See the Report of the UN Special Rapporteur on Indigenous Peoples in Kenya, UN Doc. A/HRC/4/32/Add.3, 26 February 2007; the Report of the African Commission's Working Group of Experts on Indigenous Populations/Communities; Banjul & Copenhagen: ACHPR & IWGIA, 2005; and the website of the International Working Group on Indigenous Affairs (IWGIA) at <http://www.iwgia.org/regions/africa/kenya>.

²⁹Kipuri, Naomi. "Kenya and its Indigenous Peoples" (unpublished paper). This number does not include all pastoral groups in Kenya; all pastoral groups make up about 25% of the Kenyan population.

³⁰Rodolfo Stavenhagen, 2006, Mission to Kenya UN Doc. A/HRC/4/32/Add.3, 26 February 2007, para. 39

155. These hunter-gatherers are often derogatorily addressed as Torobbo, Dorobo, Ndorobo, or Wandorobo, which are all Swahili terms deriving from "Il Torobbo," the Maa-term for people without cattle, i.e., in the Maasai understanding "poor people:" In the coastal areas, hunter-gatherers are mostly addressed by the Somali term "Boni", which refers to someone without any possessions, and/or "Sanye", which means in Somali "to gather together to use for a general purpose". The people themselves, however, usually refer to themselves by their own names. Communities who are found in the proposed counties whom may meet the criteria OP 4.10 and the Constitution of Kenya 2010 as marginalized and vulnerable groups are the Dorobos, Sengwer, Ogiek, Waatha, Wa Sanye, El Molo.

Sengwer

156. Sengwer (though referred differently by different sections of the community as Cherangany or Dorobo) is an ancient hunter-gatherer marginalized group, who live in the Trans-Nzoia, Marakwet and West Pokot counties in and around the Cherangany Hills. The community is characterized by non-recognition, marginalization, oppression, mal-representation, illiteracy, poverty, torture, powerlessness and discrimination. The Cherangany is a nickname given to us by the Maasai. Sengwer acquired cattle from the Maasai through blackmail."³¹ We were robbed of our cattle by the Karamojong and then the Maasai laughed at us because we had no cattle, and called us Cherangany (ni)."³² Besides, there's belief that Sengwer who survived after the fall of Kipteeperr are called in contempt the Cherangany³³. We are also referred to as Dorobo³⁴. "The Dorobo problem has risen because these people, living in small scattered groups, spread over large areas without any property...lived from hand to mouth by hunting and bee keeping..."³⁵

157. Sengwer Indigenous Peoples traditional governance is made of sub-tribes³⁶, clans³⁷, totems³⁸, and *orkoi*³⁹. Each sub-tribe had their own portion of the ancestral territory whose boundaries were marked either by rivers, hills, trees, etc. The sub-tribe territories covered the plains of Kapchepkoilel and highlands of Cherangany Hills i.e. each of them had a portion of *soi* the plains and *mosop* the forests which forms the Cherangany Hills. Hunting, gathering and bee-keeping was well coordinated. It was illegal for a member of one sub-tribe to either hunt or gather or harvest honey or fetch herbs in another sub-tribes territory

158. Significant parts of the ancestral lands have been demarcated as forests: Kapkanyar 70,000 acres; Kipteber 57,000 acres; Kapolet 10,800 acres; Chemurgoi 9,800 acres; Sogotio 8,800 acres; Kerer 5,340 acres; Kaisingor 2,680 acres and Embobot 8,000 acres. Access to land and forest resources has been an issues highlighted by the Sengwer.

³¹ Kenya Land Commission report 1932

³² Kenya Land Commission report as stated by Sengwer chief Arap Kamussein at A.C.Hoey's farm on 2nd October 1932.

³³ County Commissioner Elgeiyo/Marakwet, Tambach, Report dated 11th October 1927

³⁴ Kenya Land Commission of 1932 and colonial District Commissioners monthly and yearly reports

³⁵ Evidence given by Mr. C.H. Adams acting Provincial Commissioner Rift Valley Province before the Kenya Land Commission in 1932

³⁶ Kaplema, Kamengetiony, Kipsirat, Kapteeteekke, Kapsormei, Kimarich, Kaamosus, Kaasango, Kaptoo, Kaptapkitiny, Kapkutung, Kaptongon, Kapumpo, Kaptoyoo, Kapchepar, Kapchepororwo, Kitony, Maron, Kimala, Kaptokol

³⁷ Toyoi, Kapon, Tul, Talai, Moi, Kopil, Songom, Sot, Saniak, Teriki,

³⁸ Ilat, Moroorch nyipo pei, moroorch nyipo sang, soo kaapumpai, soo kaptieny, cheprak nyi lel kat, asis, sese, cheptipi, cheptuke, chepsireree, tora, etc

³⁹ Overseers

159. Adjacent to the Embobut forest in the Marakwet County live, according to local sources, approximately 5,000 Sengwer, which claim to have arrived in the area in the 1930s when they were displaced from the plains of Trans-Nzoia. The settlements are located right on top of the highest lines of the Cherangany hills, with a view into the Rift Valley and the plains of Trans-Nzoia on either side, but without roads, schools, health infrastructure as it is officially considered as forest. . Many of the Sengwer who lived in the forest, along with Marakwet (victims of land slides) and internally displaced people were relocated out of the forest under a Government program targeted at IDPs in 2012/2013. They continue to advocate for access the forests and participate in co-management of the forest.

Ogiek

160. The Ogiek (Ogiot - sing.) ethnic group consists of 20-30 groups of former hunters and honey-gatherers, mostly living in forested highlands in west and central Kenya. Local groups have more specific names, e.g., Kaplelach, Kipsang'any, Kapchepkendi etc. Ogiek, a Kalenjin language of the Southern Nilotic group, is the mother tongue of most Ogiek people, but several groups now speak Maasai as their first language. Five groups in the extreme west of the Yala river catchments near the villages Serengoni, Senghalo and in the Kipkurere forest south-west of Burnt Forest (the last one has been visited) and one group in the Enoosupukia forest southwest of Maiella in the Kinale- Kikuyu catchments (this one has also been consulted) (see areas circled in red in the maps. Traditionally the Ogiek had occupied the forests of the upper Yala catchments and the higher areas of the eastern rift valley escarpment. Precise demographic figures are not available, as the Ogiek are not captured as an independent group within the last national census. The African Commission on Human and Peoples' Rights estimated their total population to be between 15,000 and 20,000 individuals (ACHPR 2005:15) while the Ogiek themselves estimate their total number to be between 20,000 (Kobei 2002:60) and 60,000 (Ogiek.org).

Dorobos /Ltorobo Community of Samburu

161. In the Forest of Mathews ranges, in Northeastern parts of Wamba area of the larger Samburu County, there are a group of Dorobo community who were ancestrally hunter-gatherers. The community is composed of 5 clans or family lineages namely: Lngwenya, Soei, Lmaron, Warges, and Lgoyo. However, the Dorobo community were evicted by the Kenya Government from the Mathew ranges forest. The clans now live in several villages around the Mathew ranges which included (Muchemi, 2015).

The Waatha

Watha

The Watha people are mostly found in the rural arid and semi-arid lands of the country. A minority of them live in thick forests scattered all over the country. This people are traditionally hunters and gatherers. In Malindi Sub-County a Watha community is found in four divisions (i.e. Malindi, Langobaya, Marafa and Magarini). In Tana River Sub-County the Watha are found in Sombo and Laza divisions while in Mandera the Watha are found in Central division. The population of Watha community in the Sub-Counties is estimated at approximately 30,000 persons. This is only 2.7% of the entire Malindi, Mandera and Tana River Sub-County population.

The Watha people are traditionally hunters and gatherers. However since the government abolished unlicensed hunting of game and wild animals, the Watha people now live in permanent settlements, some of them along the river and where there are forests, mainly in the mixed farming and livestock farming zones. The forests afford them an opportunity to practice bee keeping while those along the river practice crop production.

The land tenure system in the Sub-County is communal ownership. Most of the land in the three Sub-Counties of Malindi, Mandera and Tana River are currently under trust land by the county councils. Few influential people in the Sub-County have however managed to acquire title deeds from the land offices in Nairobi. However, most of this trust lands are controlled by the majority tribes and becomes a point of conflict if the smaller tribes and outsiders get involved. This is what has pushed the small and marginalized tribes like Watha deep into the forests.

Agro Pastoralists/Fishing

Wasanye

162. Originally, Mpeketoni and its surroundings were inhabited by Swahilis called Wabajuni and a small hunting and gathering tribe by the name of Wasanye or the Sanye who are almost extinct. In the early 1970s Mpeketoni was transformed into a settlement area for landless Kenyans. Most of those who settled there were Kenyans from up country who had been living in Tanzania but decided to return home due to changing political climate. It emerged during these consultative meetings that the Saanye currently occupy the areas of Mapenya, Mkunumbi, Ndambwe, Witu and Kipini in Mpeketoni.

163. They are currently doing subsistence farming, fishing at Kizuke beach as well as harvesting honey in the forest in the Witu forest. There has been a debate on whether the Sanye are part of the Watha community that occupies parts of Kwale, Kilifi, Tana River and Taita Taveta within the Kenyan coast. Currently, the community has three young men who have completed form four and a young girl who is now in form two. This community claims to have been dominated by the neighbouring Bajuni and the landless settlers from up country who settled in Mpeketoni area in the 1970s.

El molo

164. The **El Molo**, also known as **Elmolo, Dehes, Fura-Pawa** and **Ldes**, are an ethnic group mainly inhabiting the northern Eastern Province of Kenya. They historically spoke the El Molo language as a mother tongue, an Afro-Asiatic language of the Cushitic branch. The El Molo today primarily inhabit the northern Eastern Province of Kenya. They are concentrated in Marsabit County on the southeast shore of Lake Turkana, between El Molobay and Mount Kulal. In the past, they also dwelled in parts of the Northern Frontier County.

165. El molo is a community or a tribe that lives along the shores of Lake Turkana on the southeastern side of the lake. They are the smallest community in Kenya because they have a population of about 300 people. The name of this tribe (El molo) originated from a phrase of Maasai community meaning “those who make a living from other sources other than cattle”. The original homeland of El molo is not known because some people are saying that they came from Somalia while others are saying that they came from Ethiopia. With increase in the intermarriages between the El molo and Samburu and Turkana people, there is increase chance of extinction of the El molo community. In fact there are few people from El molo community who speak the language purely. The language is only spoken well by the elders.

166. The life of the El Molo is generally based on fishing, using spears or harpoons, fishing rods (made from the roots of an acacia with doumpalm fiber and a forged iron point or hook) and nets (made from doumpalm fiber).

167. Currently the El Molo are affected by increased pollution of the Lake, lack of sanitary facilities and lack of access to fresh drinking water.

IL-chamus of Baringo

168. Il Chamus are ma-speaking plain Nilotes closely related to the Samburu. Originally, the community practiced pastoralism but due to cattle rustling by the Pokot community, they have started farming through irrigation with water drawn from Lake Baringo and fishing within the same lake. They are originally a pastoralist people who used to live on the mainland but due to clashes they have been forced to migrate to an island in Lake Baringo. It is a very traditional and culturally bound society, hierarchical and male-dominated. They live from fishing in small boats made of balsam tree that dates back maybe a thousand years. They also make some souvenirs and have some livestock. Many are uneducated and with little or no formal education. They communicate mainly in their local language. Their

population is estimated at 34,000. They are located in the Country: Southeast and south shore of Lake Baringo, and southwest shore as far north as Kampi ya Samaki.

169. Livelihood: The majority of the Ilchamus practice both livestock rearing and agriculture, but on the islands in Lake Baringo there are about 800 Ilchamus who live nearly entirely from fishing. The mainland Ilchamus are semi-pastoralists with a long history of small scale agriculture. The main types of livestock owned by the Ilchamus are cattle (zebus), sheep (red maasai and dopper cross) and goats (small east African), but their herds are significantly smaller than those of their neighbours. The key problems here are the insufficient security against aggressions from their neighbours, access to water and pressure of other people on their land due to the non-existence of land titles. The nearest markets are at Marigat and Kiserian.
170. The Ilchamus fishing communities, on four of the seven islands of Lake Baringo, has a total population of around 800 people. Due to the absence of significant rains and irrigation systems, they don't cultivate anything and the grazing areas on the island sustain only very limited numbers of livestock. The only source of income is fishing (Ol Kokwai), jobs in the Baringo island camp. Income from fishing (Tilapia, Catfish and Mudfish) has reduced significantly over the last years as industrial fishing carried out in 70s and 80s from the mainland and by migrants from other areas have significantly reduced the stocks. As they are unable to stop fishing to allow the stock to recover, even their very limited fishing reduces the stocks further. The ever reducing stocks are associated by the villagers to environmental degrading (sedimentation from erosion along the contributors) and overexploitation in the 70s and early 80s, and on the other hand to the increasing population of crocodiles, which are totally protected and are said to affect not only the fish stocks, but also cause significant losses of livestock and even human lives.
171. Agriculture is carried out at very small scale and nearly entirely for subsistence due to limited rainfalls in the area and due to the fact that the Ilchamus have been displaced from their former land in which they had established small scale irrigation schemes. Two modern irrigation schemes (with small dams) at the Perkerra and Molo Rivers have enhanced the situation and enable the families involved to produce enough to even commerce parts of it. The main products cultivated are maize, beans and millet.
172. Cultural Profile: Traditionally the Ilchamus don't seem to have any central authority, but are ruled by the elders of the patrilineages. The Ilchamus claim that structures above the level of the clan were first introduced in the 60s in preparation of independence. The first sub-chief was elected around 1970. Presently, Ilchamus chiefs and councillors have been elected in all six locations where they constitute the majority, but in none where they are in the minority. Because of their being considered as a Maasai subgroup and due to that as nomadic herders, their relation to and dependence on land for their small scale agriculture have not been considered when "developing" the area. The Ilchamus have been moved around by all kinds of people and for all kinds of activities and interests. The last major displacement took place in the 40s and 50s, when significant Ilchamus populations were moved away for the Perkerra Irrigation scheme near Marigat.

Endorois

173. Endorois community is a minority community that was living adjacent to Lake Baringo. However, the Government of Kenya forcibly removed the Endorois from their ancestral lands around the Lake Bogoria area of the Baringo and Koibatek Administrative Countys, as well as in the Nakuru and Laikipia Administrative Countys within the Rift Valley Province in Kenya, without proper prior consultations, adequate and effective compensation. Endorois are a community of approximately 20,000 people who, for centuries, have lived in the Lake Bogoria area. They claim that prior to the dispossession of Endorois land through the creation of the Lake Hannington Game Reserve in 1973, and a subsequent re-gazetting of the Lake Bogoria Game Reserve in 1978 by the Government of Kenya, the Endorois had established, and, for centuries, practiced a sustainable way of life which was inextricably linked to their ancestral land.
174. At independence in 1963, the British Crown's claim to Endorois land was passed on to the respective County Councils. However, under Section 115 of the Kenyan Constitution, the Country Councils held this land in trust, on behalf of the Endorois community, who remained on the land and continued to hold, use and enjoy it. The Endorois' customary rights over the Lake Bogoria region were not challenged until the 1973 gazetting of the land by the Government of Kenya. The act of gazetting and, therefore, dispossession of the land is central to the present to their current predicament.
175. The area surrounding Lake Bogoria is fertile land, providing green pasture and medicinal salt licks, which help raise healthy cattle. Lake Bogoria is central to the Endorois religious and traditional practices. The community's historical prayer sites, places for circumcision rituals, and other cultural ceremonies are around Lake Bogoria. Although the High Court recognized that Lake Bogoria had been Trust Land for the Endorois, it stated that the Endorois had effectively lost any legal claim as a result of the designation of the land as a Game Reserve in 1973 and in 1974. It concluded that the money given in 1986 to 170 families for the cost of relocating represented the fulfillment of any duty owed by the authorities towards the Endorois for the loss of their ancestral land. Since then, Endorois have not owned until recently, when African Human Rights courts passed judgment to force Government to compensate them. To date, however, the Endorois community are yet to receive compensation for this eviction. They are no longer able to freely access the lake or land. This has impacted on site they can access to sustain their former cattle rearing and bee-keeping livelihood. The eviction of the Endorois people by the Kenyan government and the 'gazetting' (or public declaration of state ownership) of their land began in 1973 and continued until 1986.
- 176.** Livelihood: Dependant on land and fishing from Lake Bogoria. Critically, land for the Endorois is held in very high esteem, since tribal land, in addition to securing subsistence and livelihood, is seen as sacred, being inextricably linked to the cultural integrity of the community and its traditional way of life. Land, they claim, belongs to the community and not the individual and is essential to the preservation and survival as a traditional people. Endorois health, livelihood, religion and culture are all intimately connected with their traditional land, as grazing lands, sacred religious sites and plants used for traditional

medicine are all situated around the shores of Lake Bogoria. At present the Endorois live in a number of locations on the periphery of the Reserve.

Pastoralists

177. Most of Kenya's pastoralists live in the arid Northern Kenya: They include, moving from east to west, the Somali (500,000) along the border to Somalia; the Borana (150,000) the Rendile (20,000), the Gabra (20,000) and the Turkana (250,000 – 350,000). The Samburu (100,000) live in the southern part of Northern Kenya. Other pastoralists are found in the southern part of the country, along the Rift Valley: the Maasai (155,000), in the southern part in the Narok and Kajiado counties bordering with Tanzania; the Endorois (60,000), near Lake Bogoria; and the Pokot (100,000) in West Pokot county in the central-western part of the country. A small group of Maasai live in Laikipia, in the center of the county, near Dol Dol. In the counties selected for the NARIGP the following pastoralist groups could meet the Op 4.10 criteria: (Rendile, Samburu, Inkumono and Maasai).

Rendille

178. The Rendille are a Cushitic tribe that inhabits the climatically harsh region between Marsabit hills and Lake Turkana in Northern Kenya where they neighbor the Borana, Gabbra, Samburu and Turkana tribes. They (Rendile) consist of nine clans and seven sub clans. They are culturally similar to the Gabbra, having adopted some Borana customs and being related to the Somali people to the east. Rendille are semi-nomadic pastoralists whose most important animal is the camel. The original home of the Rendille people was in Ethiopia. They were forced to migrate southwards into Kenya due to frequent conflicts with the Oromo tribe over pasture and water for their animals. Being pastoralists, the lifestyle of the Rendille revolves around their livestock. In the northerly areas, camels are their main source of livelihood. This is because camels are best adapted to the desert conditions that prevail in the northern Kenya. The camels are an important source of milk and meat for the Rendille people. When migrating to new pastures, the camels are also used to carry all the family possessions in a specially designed saddle. The Rendille people living in the southern and less dry part of their region have had a good relationship with their Samburu neighbors where intermarriage with the Samburu has led to the emergence of a hybrid culture. Their ceremonies are similar to the Old Testament Jewish traditions, providing a basis for discussion of Christ's sacrifice and an opportune introduction to personal salvation.

179. Traditionally the Rendille are a very religious people, believing in one God, an omnipresent creator and provider who answers prayer and cares for the poor. They practice many magical rituals, involving their camels or sheep. For example, the way a certain bull camel approaches a proposed new settlement area is taken as a good or bad omen. A propitious camel may be placed outside the camp facing the direction of an expected enemy attack in order to prevent the attack. Age-sets are the main component of Rendille society.

180. The oral history of this Cushitic tribe indicates they are of Jewish descent. They traveled through the Suez Canal through Ethiopia to their present homeland. They descended through the Cushitic family lines with the Somali people. When the Somali people were traveling from the Suez Canal through Ethiopia the Somali people chose to go toward Somalia for good pastures. The Rendille people refused to go with them and separated to their present homeland around Marsabit.

181. They had rejected the land of the Somali's and were thereafter called Rertit. The Somalis consider them rejected people. Their name "Rendille" is a colonial misinterpretation of the word "rertit", which means separated, refused or rejected in the Somali and Rendille languages. The Rendille occupy an area in Northeastern Province of Kenya from the Merille River and Serolivi in the South to Loyangalani in the North from Marsabit and Merti in the East to Lontolio in the West. The climate of their homeland is semi arid. The Rendille people speak Rendille, which is very close to Somali but is spoken more slowly. Many Rendille also speak Samburu (the tribe neighboring them to the South). Those of the Rendille language are called Rendille and those who speak Samburu are called Arielle Rendille.
182. There are about eight or nine sub clans including the Urowen, Dispahai, Rongumo, Lukumai (Nahgan), Tupsha, Garteilan, Matarbah, Otolu, and Saale with an estimated population of 63,000. They are located in the country in: Eastern Province, Marsabit County, between Lake Turkana and Marsabit Mt. The primary towns include Marsabet, Laisamis, Merille, Logologo, Loyangalani, Korr, Kamboi, Ngrunit, and Kargi.
183. **Livelihood:** The Rendille people are traditionally pastoralists keeping goats, sheep, cattle, donkeys, and camels. Their nomadic lifestyle is become more prominent in the areas exposed to little urbanization and modernization. In the recent past though, their livelihood has experienced constant competing interests from the Samburus and Gabras leading them to constant conflict over land and water resources particularly at the borderline of the boundary counties. In the most cases, the raids and conflicts have had the objective to replenish their herds depleted by severe droughts, diseases, raiding or other calamities. Elders often sanction the raids blessing raiders before they set off. During draught some take little lambs to the raga or laga (dry river bed) and sacrifice them to god asking for rain. Others go to Mount Moile where the women sing and pour milk and men offer sacrifices of goats to the gods and ask for rain
184. **Cultural Profile:** In terms of creed, many Rendille practice a traditional religion centered on the worship of Waaq/Wakh. In the related Oromo culture, Waaq denotes the single god of the early pre-Abrahamic, montheistic faith believed to have been adhered to by Cushitic groups. Some Rendille have also adopted Islam or Christianity. Initiation rituals take place precisely every seven or fourteen years, creating a series of generational age-sets, each with its own role in society. In the common Kenyan practice, the first initiation is circumcision. Men have many stages of warrior-hood, but women are simply married or unmarried.
185. Traditional dress includes beautiful beads worn by the women around the neck, wrists, and **ankles**. Children can often be seen without clothing. The moran wears colorful shukas (clothe wrapped around their bodies) and colors their hair with a mud/mineral mixture. Men often wear a wrapped cloth rather than trousers. Western clothing is becoming more popular, but more among the men than the women.
186. Ancestral spirits of deceased men must be appeased. Among some of the Rendille, after a man dies, the manyatta will be burned, a sheep slaughtered, and the family must move to

another place. Rites of passage include the young men (moran) living in the bush, learning traditional skills, and undergoing traditional circumcision. Men marry after circumcision and the time of becoming a moran is as young as about eighteen to twenty years.

187. The Rendille are organized into an age grade system of patrilineal lineage groups (keiya), which are subsumed under fifteen clans (goup). Of those, only nine are considered authentic Rendille. These Northern Rendille or Rendille proper are consequently the only ones that are included in the traditional Rendille moiety (belesi). The remaining six clans that are excluded from the moiety consist of mixed individuals. Five of those clans are of Rendille (Cushitic) and Samburu (Nilotic) descent. Collectively, the latter hybrid groups are referred to as the Ariaal or Southern Rendille.

Samburu

188. The Samburu people live in northern Kenya, where the foothills of Mount Kenya merge into the northern desert. As cattle-herding Nilotes, they reached Kenya some five hundred years ago, moving southwards along the plains of the Rift Valley in a rapid, all-conquering advance. The Samburu are related to the Masai although they live just above the equator where the foothills of Mount Kenya merge into the northern desert and slightly south of Lake Turkana in the Rift Valley Province of Kenya. They are semi-nomadic pastoralists whose lives revolve around their cows, sheep, goats, and camels. Milk is their main stay; sometimes it is mixed with blood. Meat is only eaten on special occasions. Generally they make soups from roots and barks and eat vegetables if living in an area where they can be grown. Most dress in very traditional clothing of bright red material used like a skirt and multi-beaded necklaces, bracelets and earrings, especially when living away from the big cities.
189. The Samburu developed from one of the later Nilotic migrations from the Sudan, as part of the Plains Nilotic movement. The broader grouping of the Maa-speaking people continued moving south, possibly under the pressure of the Borana expansion into their plains. Maa-speaking peoples have lived and fought from Mt. Elgon to Malindi and down the Rift Valley into Tanzania. The Samburu are in an early settlement area of the Maa group. Those who moved on south, however (called Maasai), have retained a more purely nomadic lifestyle until recently when they have also begun farming. The expanding Turkana ran into the Samburu around 1700 when they began expanding north and east.
190. The language of the Samburu people is also called Samburu. It is a Maa language very close to the Maasai dialects. Linguists have debated the distinction between the Samburu and Maasai languages for decades. Generally between five and ten families set up encampments for five weeks and then move on to new pastures. Adult men care for the grazing cattle which are the major source of livelihood. Women are in charge of maintaining the portable huts, milking cows, obtaining water and gathering firewood. Their houses are of plastered mud or hides and grass mats stretched over a frame of poles. A fence of thorns surrounds each family's cattle yard and huts.
191. Their society has for long been so organized around cattle and warfare (for defense and for raiding others) that they find it hard to change to a more limited lifestyle. The purported benefits of modern life are often undesirable to the Samburu. They remain much more

traditional in life and attitude than their Maasai cousins. Duties of boys and girls are clearly delineated. Boys herd cattle and goats and learn to hunt, defending the flocks. Girls fetch water and wood and cook.

192. **Social Organization.** The Samburu are a gerontocracy. The power of elders is linked to the belief in their curse, underpinning their monopoly over arranging marriages and taking on further wives. This is at the expense of unmarried younger men, whose development up to the age of thirty is in a state of social suspension, prolonging their adolescent status. The paradox of Samburu gerontocracy is that popular attention focuses on the glamour and deviant activities of these footloose bachelors, which extend to a form of gang feuding between clans, widespread suspicions of covert adultery with the wives of older men, and theft of their stock.
193. **Economy.** Traditionally the Samburu economy was purely pastoral, striving to survive off the products of their herds of cows, goats, and for some, camels. However, the combination of a significant growth in population over the past 60 years and a decline in their cattle holdings has forced them to seek other supplemental forms of livelihood. Some have attempted to grow crops, while many young men have migrated for at least short periods to cities to seek wage work. Many work in Kenya's capital, Nairobi, as watchmen, while it is also popular to go to Kenya's coastal resorts where some work; others sell spears and beaded ornaments.
194. **Food and society.** Traditionally Samburu relied almost solely on their herds, although trade with their neighbors and use of wild foods were also important. Before the colonial period, cow, goat, and sheep milk was the daily staple. Oral and documentary evidence suggests that small stock were significant to the diet and economy at least from the eighteenth century forward. In the twenty-first century, cattle and small stock continue to be essential to the Samburu economy and social system. Milk is still a valued part of Samburu contemporary diet when available, and may be drunk either fresh, or fermented; "ripened" milk is often considered superior. Meat from cattle is eaten mainly on ceremonial occasions, or when a cow happens to die. Meat from small stock is eaten more commonly, though still not on a regular basis. Today Samburu rely increasingly on purchased agricultural products—with money acquired mainly from livestock sales—and most commonly maize meal is made into a porridge.[8] Tea is also very common, taken with large quantities of sugar and (when possible) much milk, and is actually a staple of contemporary Samburu diet. Blood is both taken from living animals, and collected from slaughtered ones. There are at least 13 ways that blood can be prepared, and may form a whole meal. Some Samburu these days have turned to agriculture, with varying results.

Maasai

195. Kenya's most well known ethnic tribe, the Maasai is semi-nomadic people located primarily in Kenya and northern Tanzania. They are considered to be part of the Nilotic family of African tribal groups. The Maasai probably migrated from the Nile valley in Ethiopia and Sudan to Masailand (central and south-western Kenya and northern Tanzania) sometime around 1600 AD, along the route of lakes Chew Bahir and Turkana bringing their

domesticated cattle with them. The Maasai speak the Maasai language, an Eastern Nilotic language closely related to Samburu (or Sampur), the language of the Samburu people of central Kenya, and Camus spoken south and southeast of Lake Baringo. Maasai's population is about 684,000 and is located in the Rift Valley Province, Kajiado and Narok counties.

196. **Livelihood:** The Maasai are cattle and goat herders, their economy almost exclusively based on their animal stock, from which they take most of their food: meat, milk, and even blood, as certain sacred rituals involve the drinking of cow blood. Moreover, the huts of the Maasai are built from dried cattle dung.
197. **Cultural Profile:** In spite of their reputation as fierce warriors, Maasai culture revolves around their cattle. One of their spiritual beliefs is that their rain god Ngai gave all cattle to the Maasai people, and therefore anyone else who possesses cattle must have stolen them from the Maasai. This has led to some fatal altercations with other tribes of the regions over the centuries when they attempt to reclaim their "property". Despite the growth of modern civilization, the Maasai have largely managed to maintain their traditional ways, although this becomes more challenging each year. Circumcision is performed on both sexes, with the elder men circumcising the teenage boys (who are not permitted to make a noise during the ceremony), and the elder women circumcising the teenage girls (for whom crying is permitted). Attempts by the Kenyan government to stamp out female circumcision have failed, primarily due to the fact that it is the Maasai women who defend the practice, not the men.
198. **Natural Environment:** The ability to graze their cattle over large territories, for example, has diminished considerably in recent years, due to increased urbanization and the increased privatization of land.

Traditional Artisanal Blacksmith

Inkunono Community of Samburu County

199. The Inkunono are a small population living among the Samburu and Rendille within Samburu and Marsabit countys. The views from the Samburu and Nkunono community indicated that the Nkunonos who are currently scattered around the villages within Samburu and Marsabit County are the remnants of the first peoples within the areas from whom the Samburu community ancestrally evolved.
200. The Nkunono culturally relied solely on blacksmith as a source of livelihood. The main tools produced from the artisanal occupation include: (i) cutting instruments: (Axes, household knives, circumcision knives, swords); (ii) security objects: Spear (Short for Morans and long one for Elders) and arrows. In addition, the Nkunono make ornaments which include: hand and foot bangles, necklaces, headgears. These objects are mostly destined for use by the dominant Samburu community for rituals and economic purposes. Currently, the Nkunono have started diversifying their sources of livelihood by embracing some economic activities practiced by their neighbours (Muchemi, 2015).

ANNEX 2: VMGs SCREENING SHEET FOR ASCERTAINING PRESENCE OF VMGs

201. The PCU will utilize the screening sheet (Template 1) to ascertain whether the screened VMGs meet the criteria stipulated by World Bank OP 4.10 and Constitution of Kenya, 2010. The documented characterization of the groups will be scrutinized against indicators in this screening sheet.

Template 1: VMGs Sheet using (Muchemi J. et al., 2015⁴⁰)

	Criteria	Details
World Bank OP 4.10	1.0 Identity	
	Self-identification	
	Recognition of this identity by others	
	2.0 Collective attachments	
	Distinct habitats	
	Ancestral territories	
	Natural resources	
	3.0 Distinct Customary institutions	
	Cultural Institutions	
	Economic Institutions	
	Social Institutions	
	Political Institutions	
	4.0 Indigenous Language (provide example)	
	Indigenous language	
	Neighboring languages	
	National Language	
Constitution of Kenya, 2010	5.0 Social assessment	
	Population (small)	
	Unique culture	
	Traditional lifestyle	
	Traditional Livelihood	
	Geographic location	
	Distinct Language	

⁴⁰ Muchemi Julius, Joyeeta Gupta, Karin Pfeffer; and Mike McCall.2016, Devolved Governance in Kenya: Participation of Vulnerable and Marginalized Communities in County Planning and Development Agenda (*forthcoming*)

ANNEX 3: PICD PROCESS AND TOOLS

202. The main role play will include river code, secrete in the box, the diamond farm, take a step, the boat is sinking, and the 65-year old couple.

Awareness Creation and Attitude Change phase

203. The VMGs will be taken through this phase with the aim of changing the community members' attitude towards their own development by assisting them to identify enabling and disabling development approaches. This will be achieved by guiding the community to play relevant role plan as a part of the learning, investigating the learning points from the role play through structured questions and diverse answers and drawing lessons learned on enabling and disabling development approaches.

Facilitator /Trainer Notes:

Purpose: Getting acquainted with the community, building trust and relationship, Collection of basic data and Introduction/initiation phase.

Consult Local Leaders: The local leaders including the local civic leaders, administration offices (chief), village elders and traditional leaders should be consulted.

The leaders should support the development initiative including:

- Relating the new development initiative with overall development initiative in the area
- Identifying local institutions and their leadership
- Linking the facilitator with the leadership of these institution
- Mobilizing local communities

The leadership should be consulted at two levels with consultative meeting at each level

a. Civic Leaders level

b. Local Institution leadership level

Situation Analysis and Visioning Phase

204. The participants are asked to draw a map of their village on the ground using locally available materials.

- Step1: Draw an outline of the boundary of your village
- Step 2: Draw the linear features including: main roads, pathway, rivers and valleys etc.
- Step 3: Draw the main area features such as forests, swamps, flood plains, farmland etc
- Step 4: Populate the map with point features such as schools, health facilities, market or trading centers, water points, cultural sites, police/security post etc

Facilitators /Trainers Notes:

Venue: This role play is done outside by all community members ensuring locally available materials

Purpose: The mapping tool is used to get a physical picture of the community, the surrounding landscape and its boundaries.

The tool shows the resources in a community, which include infrastructure, houses, water sources, schools, churches, crops, hills and other important aspects that can be mapped.

Learning points

Development Context

- Village boundaries,
- Resources available
- Project satisfactorily completed and functioning
- Resources or project that are a source of conflict among community members

Lessons Learned

- Create ownership of the development project
- Help communities to learn from successful and failed projects
- Enable the community to analyze development gaps

- Step 5: Emphasize resources or facilities that are a source of conflict
- Step 6: Emphasize available resources that the community could use for their own development

Possible Types of Interventions

205. The table below shows counties that were beneficiaries of the KAPAP (now closed). It shows the value chains that were selected and ranked by the various CIGs and how they are similar or different from those selected by the VMGs/CIGs. All these counties are target counties under the NARIGP. In most cases, the value chains selected by the VMGs differed from those of the main valuer chains for the county.

Election of the CDDC

206. Supervision of the Community driven development committee (CDDC) elections should be done by the relevant implementing team and the local leadership or any person within the government administration.

Step 1: Supervision of the CDDC elections should be done by the Lead and/or Pool MAT and the local chief or any person within the government administration.

- i. Ensuring all the community members in the village are invited and specifically the ones who attended the PICD process.
- ii. Explain the role of the CDDC
- iii. Provide eligibility criteria for people to be elected to the CDDC.

- **Step 2:** Share the criteria could include:

- Must have participated in the entire PICD process and understands the CAP/YAPs of the community.
- Trusted and respected in the community.
- Identified with successful activities, projects or campaigns in their community in past
- Willing and available to volunteer and commit their time to community work without expecting to be paid any money/allowances
- Willing and available to be trained to build his/her capacity to implement CDD activities.
- Able to communicate in Kiswahili or English
- Have community mobilization skills.

- **Step 3:** Provide guidance that the community should not elect community members with the following characteristics

- Current and aspiring politicians
- Chiefs, MCAs and government extension staff who can only serve as ex-official members.
- People involved in past fraud in any community project or venture

- **Step 4:** Indicate that constitution requires the following to be observed:

- Gender proportionality (no more than 2/3 should be of the same gender)
- Inclusion of vulnerable groups (marginalized communities, person with disabilities, youth, minority groups)

- **Step 5:** Indicate the number of elected offices for a CDDC

- A minimum of 13 members of which not more than 2/3 are of the same gender
- Executive committee of 5 people selected from the 13 members
 1. Chair person

2. Secretary
 3. Treasurer
 4. 2 members
- **Step 6:** MAT announce results on both the CDDC and its executive committee
 - **Step 7:** The elected CDDC assumes office and immediately start co-coordinating the process of micro-project proposal development.

Action Plan for the VMGPF for NARIGP

207. The action planning goes through 4 steps as explained below.

- Step 1: Construct a matrix and organize the 5 elements what (to be done), who (to do it), when (to do it), where (to do it) and what (resources are required) on the first row. The number of columns is equal to the number of activities to be implemented
- Step 2: Determine the main activities
 - i. Training
 - ii. Construction
 - iii. Establishment of village committees
 - iv. Launching micro-project
- Step 3: Based on these main activities
 - i. Determine sub-activities that will enable the accomplishing of the main activities
 - ii. Determine who will be involved
 - iii. Estimate when the main and sub-activities will be done
 - iv. Indicate where the activity will take place
 - v. Determine what resources will be required
 - vi. Estimate the budget for accomplishing the sub-activity
- Step 4: Invite the large community to discussion, comments and make any necessary adjustments.

Facilitators /Trainers Notes:

Although a single CAP can be developed for each short-term goal, it is advised to develop a CAP for each short term goal.

Purpose: The aim of a CAP is to organize the project elements in a logical manner for easy planning, implementation and monitoring.

The CAP is organized around 5 elements that include what (to be done), who (to do it), when (to do it), where (to do it) and what (resources are required) and organized in matrix format to allow logical flow during planning, implementation and monitoring.

The Community action plan is a tool for project planning, implementation, and monitoring.

The CAP helps the community to confirm whether the plans are within their means and thus if they are achievable or are way beyond their means. The CAP is not primarily as tool for seeking donor assistance but a tool for guiding the community in mobilizing and utilizing own resources. The role of the facilitating organization is to ensure that the community has the capacity to develop their own plans.

The facilitating organization could contribute resources towards the community's, efforts if they, or to could assist the community in linking them to other organizations and people who could support them.

Learning points

Development Context

- CAP elements (to be done), who (to do it), when (to do it), where (to do it) and what (resources are required)

Intended Lessons Learned

- Development of a CAP
- Presenting the CAP to a larger community

NB.

- i. Ensure each short term goal has a CAP

Election of VMGs Development Committee:

208. This will entail development of a criteria through a consultative processes with the VMGs community assembly in each project pilot area.

Template 2: List of people consulted during the development of the VMGF

Date:				
Project Title:				
Responsible Ministry /Department/Directorate/agency:				
Address:				
Name	Organization	Designation	Contact	Signature
1.				
2.				
3.				
Prepared by:				
Administered by:				
Approved by:				

Template 3: List VMGs people involved and participants consulted in the VMGF preparation process

Date: Project Title: Implementing Ministry /Department/Directorate/agency: Address: Venue:				
Name	Marginalized Community Identity	Designation	Contact	Signature
4.				
5.				
6.				
Prepared by: Administered by: Approved by:				

Template 4: Visioning Matrix

<i>Period</i> <i>Issue (aspect)</i>	<i>Past (40 years)</i>	<i>Present</i>	<i>Preferred future (5 years with action)</i>
1. Education			
2. Water			
3. Crop Production			
4. etc			

Template 5: Framing of long term goals from visioning matrix

Issue	Long-Term goal statement (examples)
Water	By the end of 10 years the community shall ensure every household has access to clean and safe drinking water
Education	By the end of 10 years, we should have one primary per village, one secondary school per two villages and one youth polytechnic
Crop Product	By the end of 10 year the community shall have adequate food per household

Template 6: Framing of long term goals from visioning matrix

<i>What?</i>		<i>Who?</i>	<i>When?</i>	<i>Where?</i>	<i>Resources required</i>	
<i>Main activity</i>	<i>Sub-activities</i>				<i>Description</i>	<i>Cost (KES)</i>
1	a.					
	b.					
	c.					
2.	a.					
	b.					
	c.					
n	a.					

ANNEX 4: VMGs FRAMEWORK AND SOCIAL ASSESSMENT

Terms of Reference

209. The TOR should also describe the overall methodology for carrying out each component of the ToR, including desk and field studies, and data collection and analysis methods; and provide an initial detailed plan of work, outputs, and staff assignments with levels of effort by task.
- a) Identify the types of programs and micro-projects likely to be proposed for financing under the project.
 - b) Outline the procedure for conducting the primary screening of the VMGs within the project areas likely to be affected by project interventions.
 - c) Identify potential positive and adverse effects of proposed programs or micro-projects on VMGs.
 - d) Develop a plan for carrying out the secondary screening (detailed social assessment) for each of the identified VMGs in the projects' operational area including but not limited to the following:
 - A review of the legal and institutional framework applicable to VMGs in the project context;
 - Provision for baseline information on the demographic, social, cultural and political characteristics of the affected VMGs, the land they traditionally or customarily owned and accessed and the natural resources they depend on.
 - Process of identifying key stakeholders and elaboration of a culturally appropriate and gender – sensitive process for meaningful consultation with VMGs at each stage of project preparation and implementation, taking the review and baseline information into account
 - Process of assessing potential adverse and positive effects of the project based on meaningful consultations with the affected VMGs.
 - Inclusion of a gender sensitive assessment of the affected VMGs perceptions about the project and its impact on their social, economic and cultural status
210. Recommendations on the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that the indigenous peoples receive culturally appropriate benefits under the project
- e) Develop a framework for ensuring free, prior, informed and accessible consultation with the affected VMGs communities at each stage of project preparation and implementation.
 - f) Identify the main actors/stakeholders (formal and informal) for screening project supported activities, evaluating their effects on VMGs and recommendation for strengthening their capacity.
 - g) Describe measures to strengthen the social, legal and technical capabilities of (a) government institutions to address VMGs issues in the project area and (b) VMGs organizations in the project area to enable them to represent the VMGs more effectively.

- h) Describe the procedures to redress grievances by affected VMGs communities and how these procedures are accessible to VMGs, their cultural appropriateness and gender sensitivity.
- i) Clearly outline the monitoring and reporting arrangements, that ensure the participation of the affected VMGs and confirm that VMGs benefit equally compared to other dominant groups
- j) Describe the disclosure arrangements for VMGs to be prepared under the VMGP including but not limited to:
 - The process of participation, information disclosure and consultation with the affected VMGs;
 - Consultation and participation mechanisms to be used during project implementation ensuring participation of the VMGs
 - The process of capturing and documentation of VMGs concerns with regards to the social impact assessment results and how these will be addressed in the project design.
 - The disclosure of this VMGPF – both draft and final.

Qualification and experience of the Consultant

- a) Type: individual Consultant
- b) Qualifications: The Team Leader must be a Social Specialist or Anthropologist, accompanied by Stakeholder Engagement Specialist and a Community Development Expert.
- c) Experience: The expert is required to:
 - have demonstrated experience in undertaking similar engagement either locally or internationally, knowledge and/or familiarity with the social dynamics in Kenya and/or of VMGs communities such as those where the works may be located;
 - ability to work well with National and County Government officials and community personnel; and
 - Possession of an understanding of the World Banks' operational policies on VMGS is considered an added advantage.

Reporting

211. The consultant will be reporting to the National Project Coordinator (or equivalent appointed by the relevant Ministry) during the course of this assignment, who will also be coordinating the process of the consultancy.

Services, Facilities and Materials to be provided by the Client

212. The Client will make available relevant project documents background documentation and studies; sample VMGPs that that have been developed for similar projects in Kenya such as those for NRM, WKCDD&FM, KWCR projects. The client will also make all necessary arrangements for facilitating the work of the Consultant and to provide access to government authorities, other Project stakeholders, and Project sites.

Proposed Payment Schedule

213. This consultancy is expected to cost not less than KShs. xxxxx and not more than KShs. xxxxx

214. The consultant will be paid as per the following schedule:

- 10% on submission of the technical proposal⁴¹;
- 50% on submission of the draft VMGPF report and validation of the information collected;
- 40% on submission of the final (hard copy and electronic versions) VMGPF report including the training plan.

Social Screening Forms

215. To be filled by NARIGP /PCU Team

Template 7: Social Screening Form for NARIGP Activities

A. BACKGROUND INFORMATION	
A 1. Type/description/justification of proposed activity	
A 2. Location of activity	
A3. Duration of activity	
A 4. Focal point and person for activity	
B. EXPECTED BENEFITS	
B1. Benefits for local people	
B2. Benefits to Vulnerable and Marginalized Groups (VMGs)	
B3. Total Number of expected beneficiaries	
B4. Total Number of expected Vulnerable and Marginalized Peoples beneficiaries	
B5. Ratio of B4 and B5; Are benefits distributed equitably?	<input type="checkbox"/> YES <input type="checkbox"/> NO If NO state remedial measures
C. POTENTIAL ADVERSE SOCIAL IMPACTS	
C1. Will activity entail restriction of access of VMGP to lands and related natural resources	<input type="checkbox"/> YES <input type="checkbox"/> NO If yes exclude from project
C2. Will activity entail commercial development of natural and cultural resources critical to VMGs	<input type="checkbox"/> YES <input type="checkbox"/> NO If yes exclude from project
C3. Will activity entail physical relocation of Vulnerable and Marginalized Peoples <input type="checkbox"/> YES <input type="checkbox"/> NO If yes exclude from project	<input type="checkbox"/> YES <input type="checkbox"/> NO If yes exclude from project
D. CONSULTATION WITH IP	
D1. Has VMGP orientation to project been done for this group?	<input type="checkbox"/> YES <input type="checkbox"/> NO
D2. Has PRA/RRA been done in this area?	<input type="checkbox"/> YES <input type="checkbox"/> NO
D3. Did the VMGP give broad support for project	<input type="checkbox"/> YES <input type="checkbox"/> NO

⁴¹ The Technical Proposal should demonstrate that: the Consultant understands the overall scope and nature of the VMGP preparation work, and what will be required to respond satisfactorily to each component of the ToR; and that his proposed team have relevant and appropriate experience to carry out all components of the ToR. Inclusion of detailed curriculum vitae for each team members is a must. The TP should also describe the overall methodology for carrying out each component of the ToR, including desk and field studies, and data collection and analysis methods; and provide an initial detailed plan of work, outputs, and staff assignments with levels of effort by task.

Prepared by: _____ Verified by: _____

Date: _____ Date: _____

Note: Attach sketch maps, PRA/RRA results and other relevant documents.

ANNEX 5: CONTENTS VULNERABLE AND MARGINALIZED GROUPS FRAMEWORK

Template 8: Indigenous Peoples Planning Framework

OP 4.10, Indigenous Peoples Planning Framework	These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.
<p>1. The Indigenous Peoples Planning Framework (IPPF) sets out:</p> <ul style="list-style-type: none">(a) The types of programs and micro-projects likely to be proposed for financing under the project.(b) The potential positive and adverse effects of such programs or micro-projects on Indigenous Peoples.(c) A plan for carrying out the social assessment for such programs or micro-projects.(d) A framework for ensuring FPIC with the affected Indigenous Peoples' communities at each stage of project preparation and implementation (see paragraph 10 of this policy).(e) Institutional arrangements (including capacity building where necessary) for screening project-supported activities, evaluating their effects on Indigenous Peoples, preparing IPPs, and addressing any grievances.(f) Monitoring and reporting arrangements, including mechanisms and benchmarks appropriate to the project.(g) Disclosure arrangements for IPPs to be prepared under the IPPF	

ANNEX 6: CONTENTS OF VULNERABLE AND MARGINALIZED GROUPS PLAN

Prerequisites

216. Prerequisites of a successful development plan for indigenous peoples are as follows:
- a) The key step in project design is the preparation of a culturally appropriate development plan based on full consideration of the options preferred by the indigenous people affected by the project.
 - b) Studies should make all efforts to *anticipate adverse trends* likely to be induced by the project and develop the means to avoid or mitigate harm.
 - c) The institutions responsible for government interaction with indigenous peoples should possess the social, technical, and legal skills needed for carrying out the proposed development activities. Implementation arrangements should be kept simple. They should normally involve appropriate existing institutions, local organizations, and nongovernmental organizations (NGOs) with expertise in matters relating to indigenous peoples.
 - d) Local patterns of social organization, religious beliefs, and resource use should be taken into account in the plan's design.
 - e) Development activities should support production systems that are well adapted to the needs and environment of indigenous peoples, and should help production systems under stress to attain sustainable levels.
 - f) The plan should avoid creating or aggravating the dependency of indigenous people on project entities. Planning should encourage early handover of project management to local people. As needed, the plan should include general education and training in management skills for indigenous people from the onset of the project.
 - g) Successful planning for indigenous peoples frequently requires long lead times, as well as arrangements for extended follow-up. Remote or neglected areas where little previous experience is available often require additional research and pilot programs to fine-tune development proposals.
 - h) Where effective programs are already functioning, Bank support can take the form of incremental funding to strengthen them rather than the development of entirely new programs.

Contents of VMGP

217. The development plan should be prepared in tandem with the preparation of the main investment. In many cases, proper protection of the rights of indigenous people will require the implementation of special project components that may lie outside the primary project's objectives. These components can include activities related to health and nutrition, productive infrastructure, linguistic and cultural preservation, entitlement to natural resources, and

education. The project component for indigenous people's development should include the following elements, as needed:

- a) *Legal Framework.* The plan should contain an assessment of (i) the legal status of the groups covered by this OD, as reflected in the country's constitution, legislation, and subsidiary legislation (regulations, administrative orders, etc.); and (ii) the ability of such groups to obtain access to and effectively use the legal system to defend their rights. Particular attention should be given to the rights of indigenous peoples to use and develop the lands that they occupy, to be protected against illegal intruders, and to have access to natural resources (such as forests, wildlife, and) vital to their subsistence and reproduction.
- b) *Baseline Data.* Baseline data should include (i) accurate, up-to-date maps and aerial photographs of the area of project influence and the areas inhabited by indigenous peoples; (ii) analysis of the social structure and income sources of the population; (iii) inventories of the resources that indigenous people use and technical data on their production systems; and (iv) the relationship of indigenous peoples to other local and national groups. It is particularly important that baseline studies capture the full range of production and marketing activities in which indigenous people are engaged. Site visits by qualified social and technical experts should verify and update secondary sources.
- c) *Land Tenure.* When local legislation needs strengthening, the Bank should offer to advise and assist the borrower in establishing legal recognition of the customary or traditional land tenure systems of indigenous peoples. Where the traditional lands of indigenous peoples have been brought by law into the domain of the state and where it is inappropriate to convert traditional rights into those of legal ownership, alternative arrangements should be implemented to grant long-term, renewable rights of custodianship and use to indigenous peoples. These steps should be taken before the initiation of other planning steps that may be contingent on recognized land titles.
- d) *Strategy for Local Participation.* Mechanisms should be devised and maintained for participation by indigenous people in decision making throughout project planning, implementation, and evaluation. Many of the larger groups of indigenous people have their own representative organizations that provide effective channels for communicating local preferences. Traditional leaders occupy pivotal positions for mobilizing people and should be brought into the planning process, with due concern for ensuring genuine representation of the indigenous population. No foolproof methods exist, however, to guarantee full local-level participation. Sociological and technical advice provided through the regional environment divisions (REDs) is often needed to develop mechanisms appropriate for the project area.
- e) *Technical Identification of Development or Mitigation Activities.* Technical proposals should proceed from on-site research by qualified professionals acceptable to the Bank. Detailed descriptions should be prepared and appraised for such proposed services as education, training, health, credit, and legal assistance. Technical descriptions should be included for the planned investments in productive

infrastructure. Plans that draw upon indigenous knowledge are often more successful than those introducing entirely new principles and institutions. For example, the potential contribution of traditional health providers should be considered in planning delivery systems for health care.

- f) *Institutional Capacity.* The government institutions assigned responsibility for indigenous peoples are often weak. Assessing the track record, capabilities, and needs of those institutions is a fundamental requirement. Organizational issues that need to be addressed through Bank assistance are the (i) availability of funds for investments and field operations; (ii) adequacy of experienced professional staff; (iii) ability of Indigenous Peoples' own organizations, local administration authorities, and local NGOs to interact with specialized government institutions; (iv) ability of the executing agency to mobilize other agencies involved in the plan's implementation; and (v) adequacy of field presence.
- g) *Implementation Schedule.* Components should include an implementation schedule with benchmarks by which progress can be measured at appropriate intervals. Pilot programs are often needed to provide planning information for phasing the project component for indigenous peoples with the main investment. The plan should pursue the long-term sustainability of project activities subsequent to completion of disbursement.
- h) *Monitoring and Evaluation.* Independent monitoring capacities are usually needed when the institutions responsible for indigenous populations have weak management histories. Monitoring by representatives of Indigenous Peoples' own organizations can be an efficient way for the project management to absorb the perspectives of indigenous beneficiaries and is encouraged by the Bank. Monitoring units should be staffed by experienced social science professionals, and reporting formats and schedules appropriate to the project's needs should be established. Monitoring and evaluation reports should be reviewed jointly by the senior management of the implementing agency and by the Bank. The evaluation reports should be made available to the public.
- i) *Cost Estimates and Financing Plan.* The plan should include detailed cost estimates for planned activities and investments. The estimates should be broken down into unit costs by project year and linked to a financing plan. Such programs as revolving credit funds that provide indigenous people with investment pools should indicate their accounting procedures and mechanisms for financial transfer and replenishment. It is usually helpful to have as high a share as possible of direct financial participation by the Bank in project components dealing with indigenous peoples.

ANNEX 7: SAMPLE TERMS OF REFERENCE FOR DEVELOPING A VMGP

218. Note: the VMGP will be developed in detail commensurate to the impacts. Minimal adverse impacts are anticipated and VMGPs will focus on how to broaden reach of benefits to VMGs.

Executive Summary of the Vulnerable and Marginalized Groups Plan

219. This section should concisely describe the critical facts, significant findings, and recommended actions.

Description of the Project/Background Information

220. This section provides a general description of the project; discusses project components and activities that may bring impacts on indigenous people; and identify project area.

221. The ToR should provide pertinent background for preparing the VMGP. This would include a brief description of:

- Statement of the project objectives,
- Implementing agency/sponsor and their requirements for conducting a VMGP,
- Project components, especially those that will finance micro-projects;
- Anticipated types of micro-projects/components, and what types will not be financed by the project;
- Areas of influence to be assessed (description plus good map)
- Summary of environmental/social setting
- Applicable Bank safeguards policies, and consequent Project preparation requirements.

222. The ToR should also include a brief history of the project, including alternatives considered, its current status and timetable, and the identities of any associated projects. Also include a description of other project preparation activities underway (e.g., legal analysis, institutional analysis, social assessment, baseline study).

Social Impact Assessment

223. This section should among others entail: Review of the legal and institutional framework applicable to indigenous people in the project context where relevant.

- i. Provide baseline information on the demographic, social, cultural, and political characteristics of the affected Vulnerable and Marginalized Groups (VMGs); the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.
- ii. Identify key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with VMGs at each stage of project preparation and implementation, taking the review and baseline information into account.

- iii. Assess, based on meaningful consultation with the affected indigenous people's communities, the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected indigenous people's communities given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live.
- iv. Include a gender-sensitive assessment of the affected VMGs perceptions about the project and its impact on their social, economic, and cultural status.
- v. identify and recommend, based on meaningful consultation with the affected indigenous peoples communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that the indigenous peoples receive culturally appropriate benefits under the project.

Information Disclosure, Consultation and Participation

224. This section of the ToR should:

- i. Describe the information disclosure, consultation and participation process with the affected VMGs that was carried out during project preparation;
- ii. Summarize their comments on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design;
- iii. in the case of project activities requiring broad community support, document the process and outcome of consultations with affected indigenous people's communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
- iv. Describe consultation and participation mechanisms to be used during implementation to ensure indigenous people's participation during implementation; and
- v. Confirm disclosure of the draft and final VMGP to the affected VMGs.

Beneficial Measures

225. This section should describe and specify the measures to ensure that the VMGs receive social and economic benefits that are culturally appropriate, and gender responsive.

Mitigation Measures

226. This section should specify the measures to avoid adverse impacts on indigenous people; and where the avoidance is impossible, specifies the measures to minimize mitigate and compensate for identified unavoidable adverse impacts for each affected indigenous people groups.

Capacity Building

227. This section should provide measures to strengthen the social, legal, and technical capabilities of (a) government institutions to address indigenous people's issues in the project area; and (b) indigenous people's organizations in the project area to enable them to represent the affected indigenous peoples more effectively.

Grievance Redress Mechanism

228. This section should describe the procedures to redress grievances by affected indigenous people's communities. It also explains how the procedures are accessible to VMGs and culturally appropriate and gender sensitive.

Monitoring, Reporting and Evaluation

229. This section should describe the mechanisms and benchmarks appropriate to the project for monitoring, and evaluating the implementation of the VMGP. It also specifies arrangements for participation of affected indigenous people in the preparation and validation of monitoring, and evaluation reports.

Consulting Team

230. The general skills required of VMGP team are: Social Specialist or Anthropologist, Stakeholder engagement specialist, Community Development expert.

Services, Facilities and Materials to be provided by the Client

231. The ToR should specify what services, facilities and materials will be provided to the Consultant by the World Bank and the Borrower, for example:
- a) The Project ISDS and draft PAD;
 - b) Relevant background documentation and studies;
 - c) Example VMGPs that demonstrate best practice, especially from the region or country;
 - d) Making all necessary arrangements for facilitating the work of the Consultant and to provide access to government authorities, other Project stakeholders, and Project sites.

Schedule and Deliverables

232. Specify dates for the consultancy deliverables (e.g. detailed work plan within 2 weeks, interim report within 7 weeks, and final draft report within 10 weeks of contract signature), and the overall duration of the consultancy (e.g. 15 weeks from contract signature).

Technical Proposal Contents

233. The ToR should require a technical proposal that at least:
- a) Demonstrates that the Consultant understands the overall scope and nature of the VMGP preparation work, and what will be required to respond satisfactorily to each component of the ToR;
 - b) Demonstrates that the Consultant and his proposed team have relevant and appropriate experience to carry out all components of the ToR. Detailed curriculum vitae for each team member must be included;
 - c) Describes the overall methodology for carrying out each component of the ToR, including desk and field studies, and data collection and analysis methods; and
 - d) Provides an initial plan of work, outputs, and staff assignments with levels of effort by task.

Budget and Payments

234. The ToR should indicate if there is a budget ceiling for the consultancy. The ToR should specify the payment schedule (e.g. 10% on contract signature, 10% on delivery of detailed work plan, 40% on delivery of interim report, 30% on delivery of final draft VMGP, and 10% on delivery of final VMGP).

Other Information

235. Include here lists of data sources, project background reports and studies, relevant publications, and other items to which the consultant's attention should be directed.

ANNEX 8: SAMPLE FACT SHEET FOR VMGPS; VMGSP REVIEW

ANNX 8 and (seem to serve the same purpose

To be filled by REA/PCU Team and World Bank as part of review and monitoring

[Country] – [Project ID #] – [Project Name]

Last Update: [11/20/ 2008] A.	PROJECT DATA AND RECOMMENDED ACTIONS
Reviewer:	Date of Mission:
Country:	Project Loan Amount:
Project title:	Total Project Cost:
Project ID:	Appraisal Date:
IPP #:	Effectiveness Date:
Task Manager:	Closing Date:
Environment Spec.	Last PSR/ISR
Social Spec.	
MTR	Last Aide Memoire
REVIEW SUMMARY (Based on Desk and Field Review)	
Issues / Observations	
Proposed Actions (short term / long term, for TTL, SD, etc.)	
B. SAFEGUARD IDENTIFICATION AND COMPLIANCE AT PREPARATION	
1 Environmental Safeguard Classification:	
2 Safeguard Policies Triggered at Preparation According to the ISDS, EDS, ESDS, PAD:	
What safeguards have been triggered?	
Source	
Environmental Assessment (OP/BP 4.01)	
Natural Habitats (OP/GP 4.04)	
Forestry (OP 4.36)	
Pest Management (OP 4.09)	
Cultural Property (OP 4.11) – OPN 11.03	
Indigenous Peoples (OP 4.10)	
Safety of Dams (OP/BP 4.37)	
Projects in Disputed Areas (OP/BP 7.60)	
Involuntary Resettlement (OP 4.12) – OD 4.30	
Projects on International Waterways (OP/BP 7.50)	
3 Project Objective and Components	
Project Objectives	
Project Description	
4 Social Safeguard Triggers: Are there any social safeguard policies which should have been triggered but were not?	
C. SOCIAL MANAGEMENT PLANS AT PREPARATION	
This review is based on IPP PAD SA RAP ISDS (check all that applies)	
SCREENING	
Have all IP groups in project area been identified (is screening by the Bank adequate)?	
SOCIAL ASSESSMENT	
Has a social assessment taken place (is baseline data given)? Provide summary of social assessment.	
Has the legal framework regarding VMGs been described?	
Have benefits/ adverse impacts to VMGs groups been identified?	
CONSULTATION, PARTICIPATION, COMMUNITY SUPPORT	
Have IPs been involved in FPIC (at the project's preparation stage)? Are there any records of	

consultations? Is there a description of steps for increasing IPs participation during the project implementation?
Does the project have verifiable broad community support (and how has it dealt with the issue of community representation)?
Is there a framework for consultation with VMGs during the project implementation?
INDIGENOUS PEOPLES PLAN
Is there a specific action plan (implementation schedule)?
Does the VMGP include activities that benefit VMGs
Are activities culturally appropriate?
Have institutional arrangements for VMGs been described?
Is there a separate budget earmarked for VMGs ?
Are there specific monitoring indicators? If yes, are these monitoring indicators disaggregated by ethnicity?
Has a complaint/conflict resolution mechanism been outlined?
Disclosure: Were VMGs/VMGF disclosed at the <i>External website</i> ? Y / N Was IPP/IPPF disclosed in Country and in a form and language accessible to VMGs? Y / N What's missing: _____
SPECIAL CONSIDERATIONS
If applicable, what considerations have been given to the recognition of the rights to lands and natural resources of IPs
If applicable, what considerations have been given to the VMGs sharing of benefits in the commercial development of natural and cultural resources?
Does the project involve the physical relocation of IPs (and have they formally agreed to it)? If yes, has the project prepared a resettlement instrument (resettlement policy framework, process framework, resettlement action plan)?
D. IMPLEMENTATION AND SUPERVISION (Based on initial desk review and verified by field assessment)
1 Social Safeguards
a. Have issues (anticipated and unexpected) been monitored and reported systematically in Aide Memoires and ISRs? Have appropriate actions been taken?
b. Were social specialists included in supervision missions and how often?
c. What are the project impacts on IPs culture, livelihoods and social organization?
d. In terms of consultation process, are there ongoing consultations with the IP communities? Are there records of carried out consultations?
e. Have any social risks been identified? Have appropriate risk management strategies/actions been recommended to the Borrower?
f. Are VMGs organizations (beyond the community level) actively engaged throughout the life of the project?
g. Does the project contribute to the respect of IP rights as recognized by the country's legal and policy systems?
2. Effectiveness
a. Are VMGF and/or VMGP implemented satisfactorily? Are they effective? Is funding adequate?
b. In relation to the implementation of IPPF/ IPP, were problems identified, if any? If yes, how were they resolved by the Borrower?
Effectiveness of Monitoring Program
3.1 Has the monitoring program been adequately supervised? Are performance indicators effective?
3. Effectiveness of Institutional Responsibilities/Training as outlined in the project documents
4. Effectiveness of relevant Legal Covenants: Is compliance with legal covenants being adequately supervised?
E. SITE VISIT(s) - Date - Location
1.1 Activity
1.2 Observations
F. OVERALL ASSESSMENT (including desk and field reviews)

1 Overall Assessment and Risk Rating
1.1 To what extent is the OP4.10 relevant in delivering effective development to IP?
1.2 To what extent has OP4.10 (and previously OD4.20) been applied and how?
1.3 To what extent has OP4.10 been efficacious (cost effective) in achieving its objectives?
2 Recommendations
3.1 Project specific
3.2 Country / Program specific
3 List of Attachments <ul style="list-style-type: none"> - Key People Met - photos -etc.
G. FEEDBACK FROM TTL / SD <ul style="list-style-type: none"> - Date of feedback received

ANNEX 9: Checklist for Tracking VMGP Implementation

236. To be filled by NARIGP PCU at community and county level projects and World Bank as part of review and monitoring

Criterion		Y/ N	Explanation
Screening			
1. Have all VMGs in project area been identified (is screening adequate)?			Not stated
			The names of some groups have been mentioned; baseline survey has been proposed; Aggregates all groups together
			Detailed description of all indigenous groups is given
Social Assessment			
2. Has a social assessment been done (Is baseline data given)?			Not stated. Follow up and verify. Must be commensurate to impacts.
			Proposed to collect all relevant data - no specifics; data briefly stated; or not updated, data not disaggregated
			Disaggregated population data of IP; relevant socio-economic indicators have been stated; data that needs to be collected are listed;
3. Has legal framework been described?			Not stated. Verify and include.
			Brief mention of framework given. Expand on relevant sections.
			Constitutional provisions, legal statutes and government programs in relevant sectors related to indigenous peoples stated
Have benefits/ adverse impacts to VMGs groups been identified?			Not Discussed
			Potential impacts have been briefly discussed
			Potential positive and negative impacts identified and discussed
Consultation, Participation, Community Support			
Have VMGs been involved in FPIC at the project implementation stage? Are there any records of consultation?			Not determinable. Follow up.
			Brief mention that consultations have taken place; no details provided. Verify and secure documentation and follow up.
			Detailed description of process given; appropriate methods used, interlocutors are representative
Does project have verifiable broad community support (and how has it dealt with the issue of community representation)?			Not stated
			States that IP groups will be involved in preparing village/community action plans; participation process briefly discussed
			Detailed description of participation strategy and action steps given
7. Is there a framework for consultation with VMGs during the project implementation?			No
			Passing mention
			Detailed arrangements
Indigenous People Plan			
8. Is there a specific plan (implementation schedule)?			Not stated. Develop one.
			Flexible time frame (activities need to be proposed); given activity wise; year-wise distribution; mentioned but integrated into another project document (RAP, etc.); no separate treatment; combined with RAP;
			Detailed description given
9. Does the VMGP include activities that benefit VMGs?			Not stated
			Activities stated but not detailed
			Activities clearly specify
10. Are activities culturally appropriate?			Not stated
			Cultural concerns noted but not explicit
			Activities support cultural norms
11. Have institutional arrangements for the VMGP been described?			Not stated
			Mentioned but integrated into another project document RAP, etc.); no separate treatment
			Detailed description of agencies involved in implementation of

			plan, including applicable IPO's or tribal organizations.
12. Is a separate budget earmarked for the VMGP?			Not stated
			Mentioned but integrated into another project document (RAP, etc.); not broken down activity-wise
			Detailed description given
Are there specific monitoring indicators?			Not mentioned
			Proposed that monitoring indicators shall be designed later; Project outcomes that need to be monitored are stated
			Monitoring indicators disaggregated by ethnicity
Has a complaint/conflict resolution mechanism been outlined?			Not mentioned. Needs to be effected.
			Passing mention of mechanism in document
			Detailed description and few concrete steps of mechanism given
Were the VMGP/VMGF disclosed in External website and in Country in an appropriate language?			No, then need to consult and disclose.
			Disclosed in External website make it available at county and community level
			Detailed Summary in appropriate form, manner and language
Special Considerations			
17. What other consideration can be taken to be pro-active to assure that VMGs are aware of the project, participate and benefit from of benefits in the commercial development of natural and cultural resources?			None
			Passing mention
			Detailed considerations
18. Does the micro-project require the physical relocation of IPs?.		N	The project will NOT physically relocate families and/or individuals under the CDD component. Should a proposed micro-project require physical relocation other options should be considered as there will be no relocation undertaken for the CDD projects at community level.

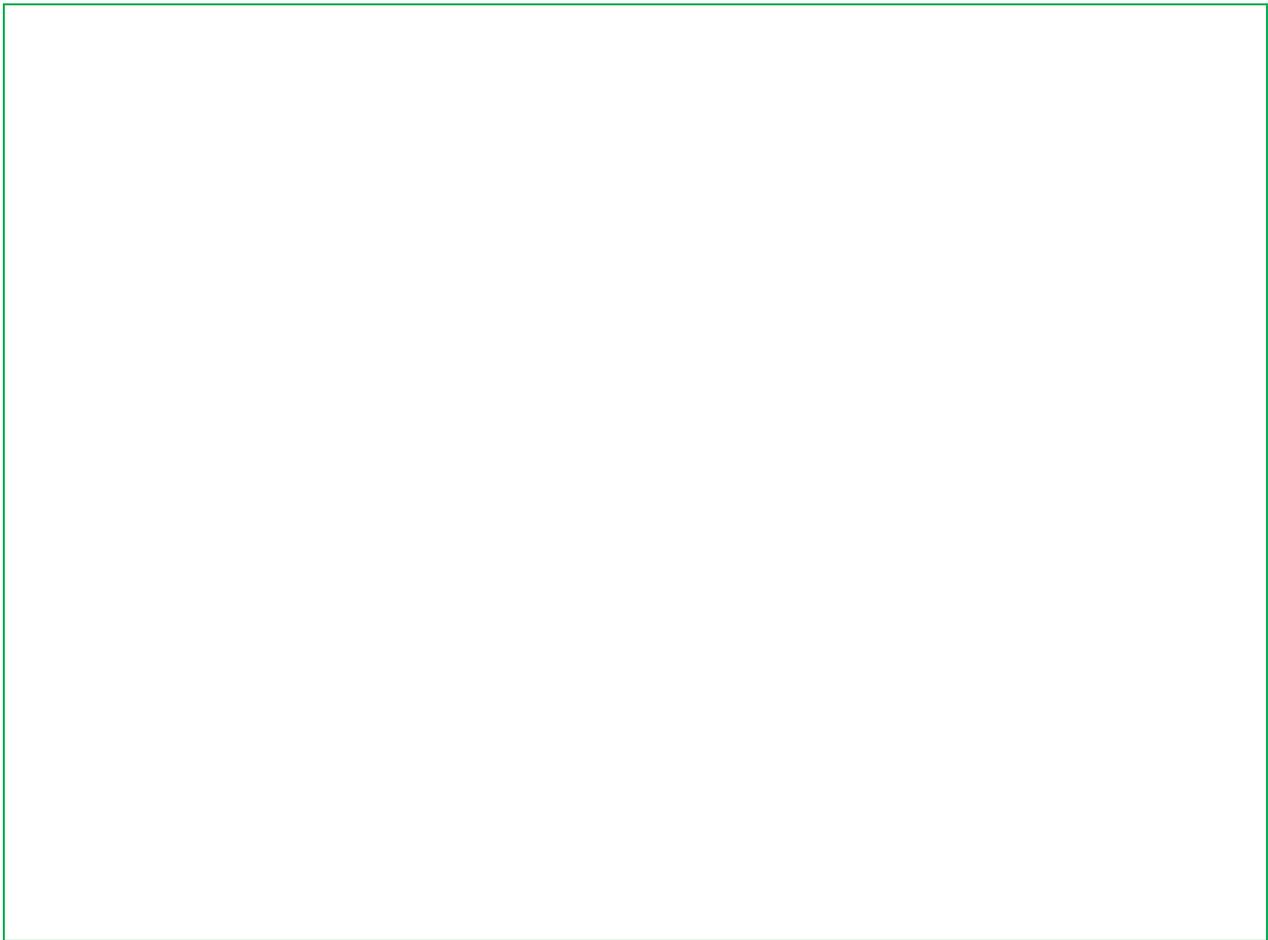


Figure 4: p showing locations of and Marginalized Groups /IPs in Kenya (ERMIS Africa, 2012)

ANNEX 10: Summary of Comments/issues raised by the Participants and MODP Responses

Comments raised by Participants	MODP response
General Comments	
<ul style="list-style-type: none"> • <i>Timely receipt of information.</i> Participants noted that the disclosure was a good step however the groups wished they had received the information earlier in order to be able to reflect more on it. They noted that timely dissemination of information in an appropriate forum, form and manner to access information should be the practice so beneficiaries can participate in an informed and timely manner. 	<p>MODP noted that had experienced change in its senior management, which had resulted in the delays.</p>
<ul style="list-style-type: none"> • <i>Selection of Counties.</i> Participants wished to know how the counties were selected and if the list could be made available? 	<p>The project team noted that the criteria were informed by national priorities in value chains, county priorities as well as poverty data. It noted that the selection of the counties was still being discussed and agreed to between the National Government and the Council of Governors to reach an agreement that balanced national priorities with the County priorities. Once agreement had been reached between the two the list of selected counties would be made available.</p>
<ul style="list-style-type: none"> • <i>How will the NARIGP approach be harmonized with on-going projects in same sector?</i> It was noted that there are on-going projects under different arrangements. Some of them have not achieved their maturity. How will these approaches to be harmonized? Will they be stopped? Will they be put aside? 	<p>MODP affirmed that no on-going project was to be stopped because of NARIGP, but instead the NARIGP built on previous and ongoing Government and donor funded projects best practice and lessons</p>
<ul style="list-style-type: none"> • <i>Challenges of channelling funds.</i> They shared that there were <i>alternative</i> institutions <i>other</i> than counties to channel the funds to communities. 	<p>For example, the Community Development Trust Fund, a semi-autonomous agency has been managing channelling project funds from the EU to communities on behalf of Government for many years</p>
<ul style="list-style-type: none"> • <i>Appropriate Grievance Redress Mechanism.</i> In each project there should be independent stakeholders on the <i>GCHM</i> who are not project implementers or beneficiaries. • Importance of proper information and dissemination to avoid rumours and misinformation that can cause conflict. <i>This</i> should be along with proper accountability and transparency of account to the communities. A: these suggestions were endorsed. 	<p>The GCHM should be at the local level at community level and each CIG grouping should have its own resolution mechanism. Train and reinforce the principle on the GCHM and awareness of VMGs at all levels. Need to have a transparency and accountability element for people to see.</p> <p><i>Appropriateness of indicators.</i> The participants affirmed that the indicators proposed to monitor the VMGs were appropriate but wished to know how the VMGs were too placed in the decision making structures of the project at each micro-project, county and national level.</p>

<ul style="list-style-type: none"> • <i>Disclosure Forums:</i> The participant indicated that they should have received the draft NARIGP proposal or its draft <i>VMGF</i> prior to attending the disclosure workshop. This would allow them enough time to read, comprehend, and provide <i>constructive</i> comments during the disclosure workshop. 	<p>The MODP noted that changes in its senior management leadership had resulted in delays but point was well taken.</p>
<ul style="list-style-type: none"> • <i>Challenge of securing community endorsement in some places.</i> There is a project that has stalled around Lake Baringo because communities and people around who own land have blocked the project aimed at drilling water of food production irrigation. What could GoK and Bank do about this? 	<p>The VMGF and the PICD process will provide for a continuous consultations process throughout the project lifetime. The PICD will allow the communities to assess problems and see opportunities to work with government and project staff to empower them to design and manage their own projects and reach agreement on development priorities.</p>
<ul style="list-style-type: none"> • <i>How to handle tension between traditional societies and development priorities?</i> How to handle clash between communities who may not wish to give up ancestral claims to land and wish to retain cultural practices and traditional ways of life that are at odds with the Government development priorities? 	<p>The bulk of the micro projects will be on individual farm land and no physical displacements will be taken at this level. County level investments will as much as possible be cited on county owned land. This is a CDD project that is demand responsive so it will be the community to make the decision on land and other assets to be make them available.</p>
<ul style="list-style-type: none"> • <i>Growth and inclusivity versus a singular focus on an enabling environment.</i> Participants cautioned that leaving out counties facing insecurity would further marginalize them. 	<ul style="list-style-type: none"> • The MODP noted that two counties were being considered in the arid North including Garissa and that this would be concluded when national Govt met with the Council of Governors. • Government has prioritized marginalized counties through other projects and instruments focusing on peace and security •
<p>Comments on the draft ESMF</p>	
<ul style="list-style-type: none"> • If the projects should suggest activities in the forest the EIA should be use for mitigation measures. Forest areas – must be conserved using the right tree species 	<p>. The project did not anticipate any micro-project in the forest, as many would be on -farm. Should there be micro-catchment protection activities they would be informed by the ESMF.</p>
<ul style="list-style-type: none"> • <i>Physical and cultural resources – policy not triggered by project.</i> 	<p>The GoK responded that the OP4.11 was not triggered as chances were low that any significant cultural sites would be affected given that project was CDD and on farm. Chances finds would be addressed in the ESMF.</p>
<ul style="list-style-type: none"> • <i>Grievance mechanisms.</i> The committees must include all actors and minimal composition of the political elites. 	<p>Noted</p>
<ul style="list-style-type: none"> • <i>Communication.</i> Structure proposed to start at grassroots. The composition must be all inclusive. 	<p>Noted</p>

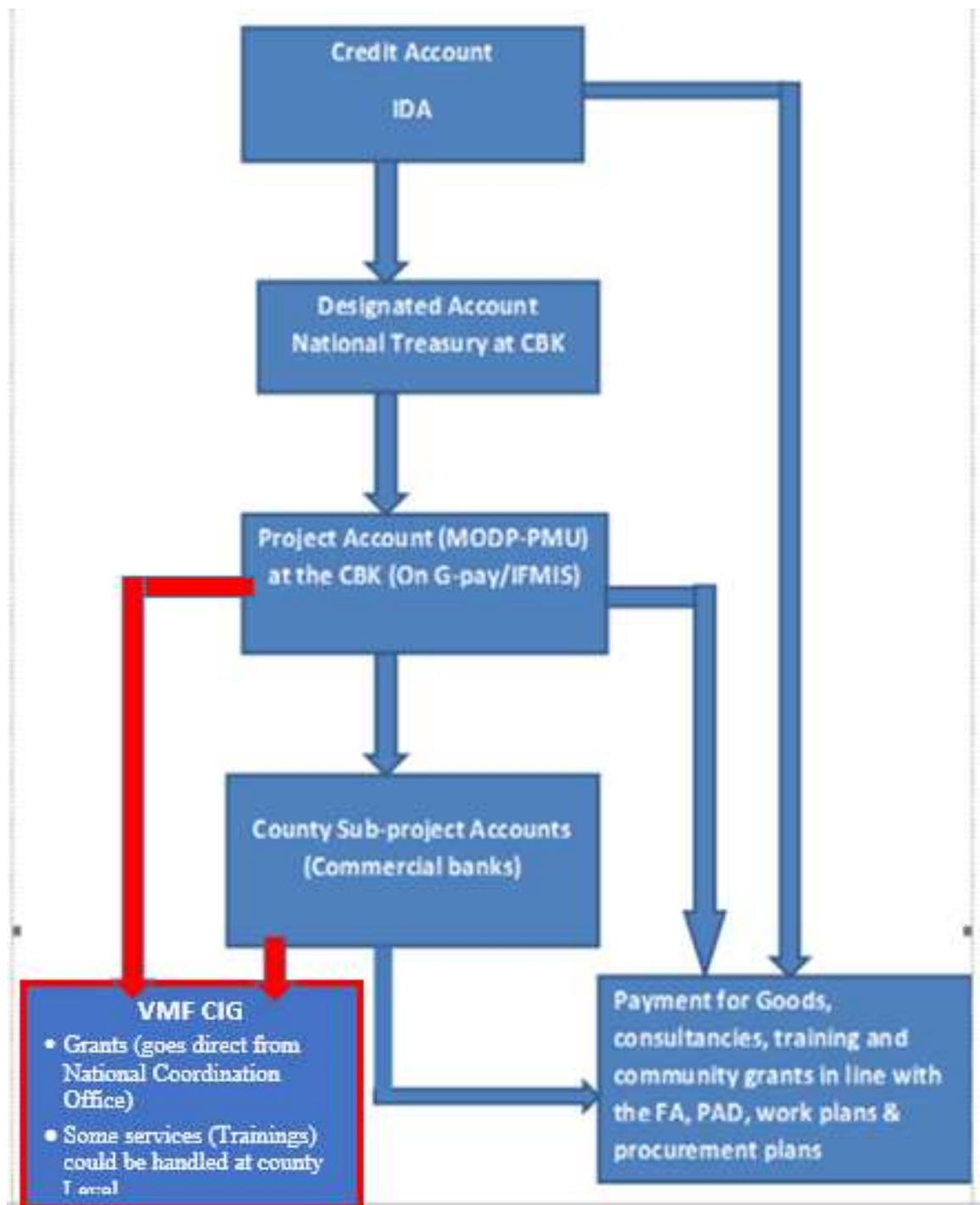
<ul style="list-style-type: none"> • Meeting schedules – must be organized and planned for i.e. quarterly or monthly this will enhance efficiency 	Noted
<ul style="list-style-type: none"> • <i>Honey value chain and the presence of maximum residual levels (MRLs) challenges. How do we avoid it?</i> 	<ul style="list-style-type: none"> • This is a problem in marketing of this value chain. The NEMA will liaise with the SPs to build capacity of the producer groups and CIGs to give the right technological package
<ul style="list-style-type: none"> • <i>The choice of value chains at county level. A tentative list exists in the project document but further consultation at implementation level is needed Adequate Time for consultation. The time allocated was not enough.</i> 	<ul style="list-style-type: none"> • MODP noted that it had challenges due to the changes in the Ministry that did not allow for the workshop to be held in December.
<h3>Comments on the draft Resettlement Policy Framework</h3>	
<ul style="list-style-type: none"> • <i>Key Stakeholder</i> should include the following: Water and irrigation, security and internal affairs, NEMA; Enterprise Development/Cooperative, Bureau of Statistics 	Noted.
<ul style="list-style-type: none"> • <i>Areas of community capacity building should focus on:</i> Safeguards, Financial management, leadership, Advocacy, Tree planting, and Soil Fertility Management; 	Training Manuals, Toolkits with screening checklists and other guidance are being prepared to guide community and county implementing staff.
<ul style="list-style-type: none"> • <i>Grievance mechanism channels.</i> This should include the following: Council of elders, chief, village administrator and ward administrator, County independent management committee, Faith based organizations. 	Noted. These will be taken up in developing sub-county GCHMs.
<ul style="list-style-type: none"> • <i>Channels to reach populations.</i> It would be important to explore various communication channels, including social media to reach Youth, IPOs, CIGs, POs. 	These suggestions will be taken in including use of mobile phones, social media, and radio.
<ul style="list-style-type: none"> • <i>The M&E Framework be demystified,</i> and all key actors sensitized, including community led social audits. Group biodata should be captured to ensure monitoring; 	The PICD tool is aimed at rural communities using tools and indicators they can understand.
<ul style="list-style-type: none"> • <i>Appropriateness of indicators.</i> The participants affirmed that the indicators proposed to monitor the VMGs were appropriate but wished to know how the VMGs were to be placed in the decision making structures of the project at each micro-project, county and national level. 	
<ul style="list-style-type: none"> • <i>How will the project assure the Sustainability of the project when project closes?</i> 	This begins by developing structures and capacity development at the design stage on governance, value addition, what structures to form the businesses, linking the businesses to the private sector, and ensuring the business are financially and organizationally viable to make sure project is creating a dependency syndrome
<ul style="list-style-type: none"> • <i>Request to view the full framework documents.</i> VMGF. Can they view them again before they are disclosed? 	The frameworks are living documents and can be changed and so even if and when they are disclosed there are opportunities to revisit them. What is key is that there is agreement on the principles and the elements of the

	frameworks.
Comments on draft Vulnerable and Marginalized Group Framework	
<ul style="list-style-type: none"> • <i>Identification of disclosure invitees:</i> The participants expressed the need for a self-selection mechanism that would ensure the invitees to the disclosure forums have broadly selected by the VMGs. The government should communicate adequately on the contents of the disclosure meeting so that they can select representatives who would provide relevant comments to the needs of the project. The VMGs would then use their own self-determination process as their own traditional /culturally appropriate self-selection criteria. This would ensure the information from the disclosure workshop is well understood and correctly communicated while avoiding the risk of breeding grounds for elite capture of the project. 	<ul style="list-style-type: none"> • The MODP noted that it had worked through IPOs representative of the VMGs but also had to balance representation of youth and women who are often left out of traditional selection processes.
<ul style="list-style-type: none"> • <i>Is it framework specific to NARIGP project or is it a policy framework for VMGs for NARIGP? Where are VMGs in the process to developing this framework?</i> 	<ul style="list-style-type: none"> • MODP responded that the VMGF was specific to the project and was not a discussion to inform a policy discussions on IPs at national level. • MODP explained that the participants were there to represent views of the communities in counties that might be targeted so as to sharpen the tools.
<ul style="list-style-type: none"> • <i>Challenge of securing community endorsement in some places.</i> There is a project that has stalled around Lake Baringo because communities and people around who own land have blocked the project aimed at drilling water of food production irrigation. What could GoK and Bank do about this? 	<ul style="list-style-type: none"> • The VMGF and the PICD process will provide for a continuous consultations process throughout the project lifetime. The PICD will allow the communities to assess problems and see opportunities to work with government and project staff to empower them to design and manage their own projects and reach agreement on development priorities
<ul style="list-style-type: none"> • <i>How to handle tension between traditional societies and development priorities?</i> • How to handle clash between communities who may not wish to give up ancestral claims to land and wish to retain cultural practices and traditional ways of life that are at odds with the Government development priorities? 	<ul style="list-style-type: none"> • This bulk of the micro projects will be on individual farm land and no physical displacements will be taken at this level. County level investments will as much as possible be cited on county owned land. This is a CDD project that is demand responsive so it will be the community to make the decision on land and other assets to be make them available.
<ul style="list-style-type: none"> • <i>Endorsement of CDD approach at community level.</i> Representatives of the CIG beneficiaries of the Kakamega - Western Kenya CDD project thanked the previous project. They stated that that they had benefited from previous and on-going projects that had CDD activities and believed that this project would build on the success of the Western Kenya CDD approach. 	<ul style="list-style-type: none"> • Noted
<ul style="list-style-type: none"> • <i>Fear that consultations with VMGs would not be continuous.</i> A representative from the Watta noted that that the VMGs are consulted at start of the projects on the instruments and then are not consulted when implementation of the project starts 	<ul style="list-style-type: none"> • The project responded that the Consultation process for the project would be continuous through the use of the PICD instrument. • With the regard to the Kenya Coastal Development Project there was delay between the consultations and the development and funding of the VMGPs but that these were underway, had been discussed and disclosed last year and that funding had been made
<ul style="list-style-type: none"> • <i>Government has not come out with a clear position and roadmap to reach IPs.</i> Others noted that there was the 2010 GoK that recognized VMGs 	<ul style="list-style-type: none"> • GoK has 2010 has the provision to recognize and work with marginalized groups and those provisions were in spirit and in line with criteria for OP

	4.10.
<ul style="list-style-type: none"> • <i>Appropriate Grievance Redress Mechanism.</i> The Grievance Redress Mechanism should adhere to NARIGP guiding principles of inclusion. The indicted that NARIGP should uphold and ensure the VMGs as well uphold the principles. In each project there should be independent stakeholders on the GCHM who are not project implementers or beneficiaries. The GCHM should be at the local level at community level and each CIG grouping should have its own resolution mechanism. Train and reinforce the principle on the GCHM and awareness of VMGs at all levels. Need to have a transparency and accountability element for people to see. 	Noted.
<ul style="list-style-type: none"> • <u>Monitoring Indicators.</u> The VMGs representatives agreed that the suggested indicators for monitoring VMGPs were appropriate and that the criteria for screening VMGs was adequate but. t could also include: (a) Representation of the respective VMGs across the various decision making levels of NARIGP should be monitored • <u>Proportion of funds</u> reaching the VMGs areas relative total funds disbursed from treasury should be monitored • Criteria for Primary Screening for VMGs was adequate. Participants indicated that the criteria for conducting primary screening of VMGs, which has been derived from the World Bank OP 4.10 and Constitution of Kenya, 2010 article 260 is adequate and should be applied accordingly to inform NARIGP. 	Noted.
<ul style="list-style-type: none"> • <i>Timely dissemination of info.</i> Participants noted that the disclosure was a good step however the groups wished they had received the information earlier in order to be able to reflect more on it. They noted that timely dissemination of information in an appropriate forum, form and manner to access information should be the practice so beneficiaries can participate in an informed and timely manner. 	Noted
<ul style="list-style-type: none"> • <u>Timely, accessible and accurate information dissemination in VMGs appropriate forms and forums.</u> The participants noted that the different VMGs live in different geographic contexts which are faced with variable communication challenges. These challenges include: long distances and difficult terrain <u>which</u> would challenge physical accessibility from county headquarters, limited mobile connectivity, low literacy levels, among other. NARIGP should develop an effective communication strategy to ensure timely access to accurate information and is disseminated through VMGs appropriate forums using formats. 	Noted
<ul style="list-style-type: none"> • <u>Project ownership:</u> Participants, while citing several experiences, indicated that project ownership has often been undermined by attitudinal issues. They observed that that wrong attitude stems from an unshared understanding on project details (design, community role in the project, etc) and diversity of interests <u>among</u> the VMGs members, failure to honor project commitments, and loss of project implementation momentum. 	The participants indicated that NARIGP should ensure that project ownership is cultivated throughout the project life cycle through the use of effective VMGs mobilization, appropriate awareness creation, capacity building, and honoring commitments with the VGMs.
<ul style="list-style-type: none"> • <u>Leadership in VMGs Micro-project supported through NARIGP:</u> The participants indicated that NARIGP should provide stringent guidelines for electing <u>project</u> management teams by matching roles and skills including leadership, management, technical and other relevant skills. 	

<p>This would ensure that elected leaders are accountable to the VMGs and NARIGP. This would require a criteria that has jointly been agreed upon by VMGs and NARIGP.</p>	
<ul style="list-style-type: none"> • <u>Use simple application and guidance tools.</u> One thing that alienates communities from the project is the application tools that are used that are complicated and allow only elite and gate keepers and miss the target audience. <i>Use of Ecommerce Tools.</i> Encouraged the project to explore the use of tools such as Mpesa to direct funds to the communities directly. 	Noted
<ul style="list-style-type: none"> • <u>WB should have conditionality that protects the VMGs.</u> 	There are policies including Op 4.10 but also policies on Gender and Consultation requirements to ensure VMGs benefit.
<ul style="list-style-type: none"> • <u>Support to VMGs.</u> How do you ensure there is participatory integrated development in VMGs community given possibility of elite capture? There should be identification of VMGs and capacity building to bring them to point where they can participate. 	Noted. The project has a window for targeting VMS and a package to assist them develop plans.
<ul style="list-style-type: none"> • <u>Gender.</u> There needs to be some specific guidelines on how to address the gender dimensions. 	This will be done. The project is taking lessons from GROOTS and other projects to ensure that women will benefit. There is a window specific for VMGs and women and youth.
<ul style="list-style-type: none"> • How do you overcome the bias that is included in the VMGs? • How can this balance with not “rubbing the community the wrong way”? 	Noted. Need for deliberate strategies to address gender roles and age differentials is key. Participants suggested that there be strong capacity building at community change focusing on attitude change at community level
<ul style="list-style-type: none"> • <i>Funds management.</i> Participants’ preference were for funds to be channelled directly to the community to bypass the County.. They noted the previous experience of Counties with misuse of El Nino funds and believed that the risk of leakages will increase with the election season. 	There is no instrument that allows project funds to flow directly from the Treasury to communities nor would this be practical. The project would put in place financial measures to stem leakages, including social accountability measures for communities to be able to track and hold duty bearers to account.
<ul style="list-style-type: none"> • <i>Appropriate skills.</i> It was noted that in many marginalized areas – the community may look at people who are credentialed over those who have genuine leadership skills and interest for the community and that communities should be supported to have the leaders with right leader skills in decision making bodies. 	<i>Response:</i> GoK explained that there would be country steering committees that would be overseeing the special account for the projects. The CIGs would submit proposal to the county steering committees and the review the technical committees will review the proposals from the groups.

VMGs proposed Fund Flow Mechanism



ANNEX 11:

237. List of Institution Consulted [CSO/NGO/IPO, Government, Funding Agencies, UN]

ACRONYM	FULL NAME OF ORGANISATION	TYPE OF INSTITUTION
Government		
MODP	Ministry of Devolution and Planning	Government
NEMA	National Environmental Management Authority	Government
UNEP	United Nations Environmental Programme	
SSC	Shimoni Slave Caves	
CIPDP	Chepkitale Indigenous People Development Programmes	IPO
EWC	Endorois Welfare Council	IPO
WRUA	Water resources Users Association	CSO
CDTF	Community Development Trust Fund	Funding Intermediary
ILEPA	Indigenous Livelihoods Enhancement Partners	
ITUMBU CDDC	Itumbu Community Driven Development Committee	CSO (WKCDD/FM)
FAHAMU	FAHAMU	
WARMA	Water Resources Management Authority	
W/GATE	Samburu West Gate Conservancy	
ENH	Elburgon Natural Heritage	
OPATLIS	Ogiek People Ancestral Territories Livelihood Initiatives	
MARINDA CDDC	Marinda Community Driven Development Committee	
RVHGA	Rift Valley Hay Growers Association	Farmers Association
UON	University of Nairobi	
MAHANGA CDDC	Mahanga Community Driven Development Committee	
CHEBOMBAI WRUA	Chebombai Water Resources Users Association	
CEMIRIDE Kenya	Center for minority Development	
ERMIS AFRICA	Environmental Research Mapping and Information System in Africa	
BWG	Balacha Waatha Group	
NGBA	NGBA Nursery	

ⁱⁱ OP 4.10 Footnote 7: ‘Collective attachment’ means that for generations there has been a physical presence in and economic ties to lands and territories traditionally owned, or customarily used or occupied, by the group concerned, including areas that hold special significance for it, such as sacred sites. ‘Collective attachment’ also refers to the attachment of transhumant/nomadic groups to the territory they use on a seasonal or cyclical basis.

