

SFG1841



REPUBLIC OF KENYA

MINISTRY OF DEVOLUTION AND PLANNING

**NATIONAL AGRICULTURAL AND RURAL INCLUSIVE GROWTH PROJECT
(NARIGP)**

ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

February 11, 2016

ACRONYMS AND ABBREVIATIONS

AfDB	African Development Bank
CBO	Community Based Organisation
CDDC	Community- Driven Development Committees
ECCL	Emitty Construction and Consulting Ltd
CEOs	Chief Executive Officers
CICA	Canadian Institute of Cultural Affairs
CIG	Community Income Generating
CRPs	Collaborative Community Projects
EIA	Environmental Impact Assessment
EA	Environmental Audit
EMCA	Environment Management Coordination Act
ESIA	Environmental and Social Impact Assessment
EMMP	Environmental Monitoring and Management Plan
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
EWS	Early Warning Systems
FGDs	Focused Group Discussions
GIS	Geographic Information System
GOK	Government of Kenya
GPS	Geographic Positioning System
IDS	Institute of Development Studies
IPM	Integrated Pest Management
IPMF	Integrated Pest Management Framework
KAPAP	Kenya Agricultural Productivity and Agribusiness Project
KARLO	Kenya Agricultural Research and Livestock Organization
KEPHIS	Kenya Plant Health Inspectorate Service
KFS	Kenya Forest Service
KWS	Kenya Wildlife Service
MMP	Mitigation Management Plan
MoDP	Ministry of Devolution and Planning
M&E	Monitoring and Evaluation

MIS	Management Information System
MOALF	Ministry of Agriculture, Livestock and Fisheries
NARIG	National Agricultural and Rural Inclusive Growth Project
NEMA	National Environment Management Authority
NGO	Non-Governmental Organization
NIB	National Irrigation Board
NRM	Natural Resources Management
PDO	Project Development Objective
PIC	Public Information Centre
PICD	Participatory` Integrated Community Development
POs	Purchaser Organisations
PPPs	Policies, Plans & Programs
SPs	Service Providers
TOR	Terms of reference
VC	Value Chain
VMGs	Vulnerable and marginalized groups (VMGs)
WKCCD&FMP	Western Kenya Community Driven Development and Flood Mitigation Project
WB	World Bank
WRMA	Water Resources Management Authority

EXECUTIVE SUMMARY

- 1.0 **Introduction** - The development of an Environmental and Social Management Framework (ESMF) is a way to comply with the World Bank safeguard policy on Environmental Assessment (EA) (OP/BP 4.01). EA takes into account the natural environment (air, water and land); human health and safety; social aspects (involuntary resettlement, indigenous peoples; and physical cultural resources) and Trans-boundary and global environmental aspects. EA integrates environmental and social aspects in project implementation with project and in country considerations and conditions to the extent that the World Bank will not fund any project or activity that is not in line with in country overall policy framework; national legislation, international treaties and agreements or even institutional capabilities in environment and social issues. Using the ESMF which is derived from the EA (OP/BP 4.01), therefore, the EA process intensity depends on the nature, scale, and potential environmental impact of the proposed project. (WB, 2008). A range of instruments are available that satisfy the OP/BP 4.01 including: environmental impact assessment (EIA); strategic environmental and social assessment (SESA), environmental audit (EA); hazard or risk assessment; environmental and social management plan (ESMP) and the environmental and social management framework (ESMF). Environmental screening is thus undertaken to determine the extent of potential impact and the type of instrument to use.
- 2.0 **Brief Description of Project** - The Government of Kenya has requested for a credit facility from the International Development Agency (IDA – World Bank Group) to finance the implementation of the **National** Agricultural Rural Inclusive Growth Project (NARIGP). The project implementation is under the overall responsibility of Ministry of Devolution and Planning (MoDP).
- 3.0 The project 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. Specifically the project aims at **transforming** smallholder subsistence agriculture by: (i) increasing the productivity, commercialization, and competitiveness of selected agricultural commodities; and (ii) developing and managing key factors of production, particularly land, water and rural finance.
- 4.0 **Description of Project Areas** - The selection of targeted counties was guided by a number of variables including: (i) regional balance, to ensure equitable sharing of project benefits across the country; (ii) clustering, to reduce the operations and maintenance (O&M) costs of project implementation; (iii) security, to guarantee an enabling operating environment, supervision and monitoring of project activities; amongst others. Consequently, twenty-one counties were proposed by GoK to be targeted by the project as shown below:

Table 1: Proposed Project Counties by Region

Region	County
Eastern	Makueni, Meru, Kitui, Embu,
Coast	Kilifi, Kwale
Central	Kirinyaga, Kiambu, Muran'ga
Rift Valley	Nakuru, Narok, Baringo, Samburu
Western	Bungoma, Trans Nzoia, Nandi, Vihiga
South Nyanza	Kisii, Migori, Nyamira, Homa Bay

Source: (WB, 2015)

5. **The Project Development Objective** the Project Development Objective (PDO) of NARIGP is specifically “to increase agricultural productivity and profitability leading to improved livelihoods and reduced vulnerabilities of targeted rural communities in selected counties”.
6. To achieve the PDO it will be necessary to adopt climate smart agriculture (CSA) production practices, which maximizes the triple wins – increased productivity (e.g., using more inputs, innovations and improved practices), resilience (e.g., through efficient use and better management of soil and water resources), and reduced greenhouse gases (e.g., better management of manure, crop residues and promotion of agro-forestry).
7. **Project Components – The project has 4 components.** **Component 1** entails (i) mobilizing smallholder farmers into CIGs and VMGs; (ii) building their capacities to plan, implement, manage and monitor community-level sub-projects along their priority VCs; and (iii) providing primary production TIMPs. **Component 2** focuses on federating CIGs and VMGs, capacitated under Component 1, to form POs (or join existing POs). **Component 3** provides (i) technical advisory services (e.g., public extension services) facilitated by the counties; (ii) an enabling environment for the private sector and public-private partnership (PPP) to operate; and (iii) implements inter-community (e.g., catchment or landscape-wide and larger rural infrastructure) investments based on priorities identified under Components 1 and 2. **Component 4** supports the national and county level project coordination activities (WB, 2015).
8. **Project Beneficiaries** - The primary beneficiaries of the project will be targeted rural small and marginal farmers, including women and youth and Vulnerable and Marginalized Groups (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. It is envisaged that NARIGP will be implemented in 21 selected counties with a total of 140 sub-counties.
9. **Principles, Objectives and** While the project counties are earmarked, past experience under the CDD approach within the agriculture sector as shown by the previous projects as mentioned in item 1 highlights that there is potential for minor and reversible negative impacts within the envisaged sub projects. National Agricultural and Rural Inclusive Growth Project (NARIGP) has prepared an Environmental and Social Management Framework (ESMF) to ensure that all investments are

adequately screened for their potential environmental and social impacts, and that correct procedures will be followed, for all the types of the investment to be made by (NARIGP) as stated in the ESMF.

10. The ESMF is therefore, prepared to guide the selection and implementation of sub projects that will require precautionary measures related to EA (BP/OP 4.01). The World Bank's safeguard policy on environmental assessment, OP 4.01 is to be complied with where potential risks and impacts are anticipated. In this case, therefore, project alternatives would be the way to go by preventing, minimizing, mitigating or compensating for adverse environmental impacts and enhancing positive impacts where project selection, siting, planning, design, and mitigating and managing through project implementation. Preventive measures over mitigatory or compensatory measures should be the priority.
11. This framework will target certain activities that may negatively impact on the livelihoods of the target beneficiaries thus reducing the average household yields. Examples of such activities include sustainable land and water management, and infrastructural development.
12. The Bank O.P.4.01 requires that ESMF report including the integrated pest management framework (IPMF) be disclosed as a separate and stand-alone report by the Government of Kenya and the World Bank. The disclosure of the document should be in both project visible locations where it can be accessed easily by general public and at Info shop of the World Bank.
13. **Potential Project Impacts** - The potential impacts include but not limited to the ones related to the following: pollution as a result of agro chemical use; Sustainable land management (SLM) issues; soil fertility management issues; air quality; solid waste generation; food safety issues; deforestation as a result of expanded land fields; decrease in faunal species and inequality issues.
14. In line with the World Bank safeguard policy OP 4.01, NARIGP will therefore, prevent and minimize environmental and social impacts through a number and structured steps which are detailed in the main text of the framework.
15. **Environmental and social impacts** - This ESMF considers that due mitigation process starting with sub project screening will be adopted for each sub project and formulate an environmental and social management plan (ESMP) for each sub project.
16. An integrated pest management plan (IPMP) will be formulated and used where agrochemical usage will be required in all sub projects.
17. **Mitigation Measures** – the right EA tools will be applied as and where necessary based on the anticipated impacts and risks.
18. **Institutional/Departments Responsibilities:** The main institutions involved with the implementation of the resettlement activities are: Ministry of Devolution and Planning (MoDP); National Land Commission; National Coordination Office, NARIGP; The National Environmental Management

Authority (NEMA); CIGs / CDDCs / POs; and Consultant. The implementation of activities will be under the overall guidance of the Office of the Coordinator of the National Agricultural Rural Inclusive Growth Project (NARIGP).

19. **Training and Awareness Creation Budget for ESMF Implementation** - Positive impacts from the safeguard trainings will be expected to be realized by the target communities. Key among these include: (i) increased conformity to safeguards through various capacity building levels, (ii) increased income especially from sale of quality agri-products as a result of mainstreaming safeguards in both individual smallholder farmer and community-based investments, (iii) inclusion of all segments of the community and gender mainstreaming in micro-project activities and community level decision-making structures; (iv) special targeting of the vulnerable and marginalized, and (v) increased participation of youth in the project's activities through funding of specific youth actions plans (YAPs) where applicable. These positive impacts contribute immensely to an enhanced ability of VMGs and the other participating CIGs members to take care of their basic needs such as payment of schools fees, health care and nutritional requirements of their families.
20. **Participatory Monitoring and Evaluation Plan** - All project results indicators will be disaggregated by gender to monitor women's participation in the project interventions. The project will also enhance capturing this environmental and social in a disaggregated manner data gender where applicable.
21. **Stakeholder Consultation, participation and Disclosure of ESMF.** As provided for under WB policy OP 4.01, information and consultation on the NARIGP environmental and social management framework was consulted on as follows: Circulation of the draft ESMF for comments to all relevant institutions (e.g. MoDP, MoALF, State Department of Water and Irrigation, National Environment Management Authority (NEMA), Kenya National Agricultural Federation of Farmers (KENAFF), State Department of Cooperatives and Enterprise Development, etc.) as well as the WB (WB, 2008).
22. **Public Consultations-** Comments by stakeholders' public workshops were incorporated in the final ESMF; all comments including the ones by the WB team were also communicated to the Consultant for incorporation into the final ESMF. The Consultants have carried out appropriate consultations with stakeholders during the preparation of this ESMF. Stakeholders consulted include relevant Government agencies, county government officials, non-governmental organizations, non-state actors and civil society groups identified during the consultative period. Further a consultation between consultants and the government implementing agencies was held from 8th to 11th December 2015 as a way of sharing the draft ESMF and soliciting for inputs.
23. The final consultation and disclosure workshop was held at the Kenya School of Monetary Studies, Nairobi 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 Siaya). These included representatives from Central Government and County Government, several project implementing agencies and Representatives of VMGs/IPOs. A series of consultations were also held in the Counties on January 6th and 7th in Embu and Nakuru and in Kisumu and Narok and Kilifi and Kwale counties on Jan 13th and 14th. 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 sub-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 sub-project investments avoided physical resettlement of anyone and minimized economic displacement.

24. Feedback from the consultations was overall supportive of the project and the participants endorsed the draft EMSF, RPF and 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 channeling 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. 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 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 13 as well as the format for the list of attendees in Annex 14.

25. The final ESMF was reviewed and cleared by both GoK & World Bank in-country (in the project/e-government sites and official media) and disclosed at the WB InfoShop prior to appraisal.

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National Agricultural and Rural Inclusive Growth Project (NARIGP)

Environmental & Social Management Framework

INTRODUCTION

1. The Government of Kenya through the Ministry of Devolution and Planning with support from the World Bank is preparing the National Agriculture and Rural Inclusive Growth Project (NARIGP). NARIGP builds upon the country's rich experience in promoting Community Driven Development (CDD) approaches to rural development as introduced through programs such as Western Kenya Community Driven Development and Flood Mitigation Project (WKCDD/FMP), Kenya Agricultural Productivity and Agribusiness Project (KAPAP), Kenya Agricultural Productivity and Sustainable Land Management Project (KAPSLMP) and the Kenya component of the East Africa Agricultural Productivity Project (EAAPP); all of which each had success stories.

1. Strategic Context

2. Agriculture is a major driver of the Kenyan economy and the dominant source of employment for roughly half of the Kenyan people. In 2013, the sector contributed almost 27 percent to the national GDP¹. About 83 percent of land area is in the Arid and Semi-Arid Lands (ASALs), which are mainly pastoral areas; and only 17 percent (where also 80 percent of population lives) is classified as medium to high agricultural potential zone. Kenya's farms are small, and for the most part getting smaller, which is a major concern. Climate change is increasing agricultural risk, with serious implications for agriculture, the natural resource base, food security, livelihoods, and the stability of the wider economy. Kenya is highly vulnerable to the impacts of climate change (Vermeulen et al., 2012).
3. To transform the agricultural sector and build resilience to climate change risks, Kenya needs to focus on increasing productivity and commercialization. To achieve this Kenya also needs to address the main constraints to increasing agricultural production, productivity and value addition, which are: (a) low use of agricultural inputs; (b) frequent droughts and climate variability; (c) natural resources degradation (particularly soil and water), as a result of nutrients mining and soil erosion; (d) low levels of private investment in the primary production (subsistence commercial-oriented agriculture) and in value addition; and (e) poor rural infrastructure, such as small scale irrigation, roads, marketing and storage.
4. The ESMF therefore, details environmental and social management policies, guidelines, technologies practices and procedures to be integrated into the implementation of the NARIGP sub projects in order to effectively address the above sector constraints using the CDD approach. It is envisaged that implementation of the ESMF document will ensure compliance with applicable legislation, policies and regulations under the Kenyan

¹ The contribution of agriculture to GDP showed an upward trend from 27.8 percent to 29.3 percent in 2013, but with a decline (27.3 percent) in 2014 (World Bank, 2014; Trade Economics, 2014). The decline noted in 2014 was as a result of depressed performance of the long and short rains.

Constitution, the National Environment Management Authority (NEMA) as well as relevant World Bank policies on Environment and Social Management issues.

2. *Project Development Objective*

5. The NARIG project will contribute to the Government's high level objective, which aims at transforming smallholder subsistence agriculture into an innovative, commercially oriented, and modern sector by: (i) increasing the productivity, commercialization, and competitiveness of selected agricultural commodities; and (ii) developing and managing key factors of production, particularly land, water and rural finance. The PDO of NARIGP is *"to increase agricultural productivity and profitability leading to reduced vulnerabilities of targeted rural communities in selected counties"*.

3. *Project Beneficiaries*

6. The primary beneficiaries of the project will be targeted rural small and marginal farmers, including women and youth and Vulnerable and Marginalized Groups (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. It is envisaged that NARIGP will be implemented in 21 selected counties with a total of 140 sub-counties.

4. *Description of Project Components*

Component 1: Supporting Community-Driven Development (US\$75 million IDA).

7. The overall objective of this component is to strengthen community level institutions' ability to identify and implement investments that improve their agricultural productivity, food security and nutritional status; and linkages to selected VCs and POs.

Subcomponent 1.1: Strengthening Community Level Institutions (US\$12 million IDA)

8. The project will finance activities aimed at building the capacity of community-level institutions, such as community-driven development committees (CDDCs), CIGs, and VMGs, to plan, implement, manage and monitor agricultural and rural livelihoods development interventions. Specifically, activities to be financed under this subcomponent will include: (i) facilitation of community institutions, including community mobilization, awareness creation of the PICD process through which priority interventions will be identified; (ii) development of, and training on, standardized training modules for PICD, VC development, fiduciary management (i.e., community financial and procurement management, and social audits) and environmental and social safeguards monitoring (i.e., use of checklists in micro-project identification and implementation); (iii) payments to competitively selected advisory service provider (SP) consortia (i.e., to provide technical and extension advisory services, micro-projects planning and implementation support, local value addition, and link CIGs/VMGs to POs; and (iv) facilitation of County Technical Departments (CTDs) to provide oversight and

quality assurance at the sectoral level (e.g. agriculture, livestock, fisheries, environment and natural resources, cooperatives, youth and women affairs, among others).

Subcomponent 1.2: Supporting Community Investments (US\$63 million IDA)

9. This subcomponent will finance physical investments in the form of community micro-projects identified in the PICD process that increase agricultural productivity, include a strong nutrition focus, improve livelihoods and reduce vulnerability. Micro-project investments will fall under four windows: (i) sustainable land and water management (SLM) and VCs development; (ii) market-oriented livelihood interventions; (iii) targeted support to VMGs; and (iv) nutrition mainstreaming through three pathways: consumption (e.g. nutrient-dense crops and livestock products), income (e.g. home-based value addition, storage and preservation), and women empowerment (e.g. on-and off-farm activities, labor-saving technologies, and savings and credit schemes). Priority will be placed on micro-projects that have the potential to increase agricultural productivity and incomes, value addition, and links to markets via POs; and sustain natural resources base and returns to targeted communities rather than simply providing inputs.
10. The County Project Steering Committee (CPSC) will be responsible for approving the investment proposals submitted by CIGs and VMGs through a competitive process, based on the recommendations of the County Coordination Unit (CCU). The mechanism for implementing micro-projects, including matching grants will be detailed in the Project Implementation Manual (PIM).

Component 2: Strengthening Producer Organizations and Value-Chain Development (US\$45 million IDA)

11. The objective of this component is to strengthen POs and improve market access for smallholder producers in targeted rural communities. Through a VC approach, CIGs and VMGs formed under Component 1 will be supported to federate into strong business-oriented POs; and integrated into input/output and service markets to improve production; and to take advantage of market opportunities available along the selected VCs. Targeted POs will include cooperatives, farmer associations and companies constituted by CIGs and VMGs.

Subcomponent 2.1: Capacity-Building of Producer Organizations (US\$7 million IDA)

12. The objective of this subcomponent is to federate targeted CIGs and VMGs into profitable business-oriented POs through which they can have a stronger say in the VCs they participate in; negotiate for improved access to farming inputs, technologies and agricultural services (including extension and finance); and markets for their produce. The project support to POs will finance activities organized around two pillars: (a) organization and capacity building; and (b) financing for enterprise development tailored to the needs of the PO and its members. At the start of the project, each selected PO will be supported to prepare a 5 year Business Plan, which will become the main instrument for guiding project investments to the PO.

Subcomponent 2.2: Value Chain Development (US\$38 million IDA)

13. The objective of this subcomponent is to identify and up-grade competitive VCs for integration and economic empowerment of targeted POs. Project support will be used to finance activities related to the: (i) selection, mapping and organization of competitive nutrition-sensitive VCs for smallholder development; and (ii) VC upgrading through a matching grants mechanism targeted at addressing key investment gaps, including: strengthening of inputs supply system (e.g. foundation seed by research institutions, commercial seed production by private sector, and community-based seed multiplication); development of farm mechanization technologies for climate smart-agricultural practices; value addition and processing; and post-harvest management technologies and facilities (e.g. drying, storage and warehousing receipt system).
14. Similar to subcomponent 1.2, the CPSC will be responsible for approving the investment proposals submitted by POs through a competitive process, based on the recommendations of the CCU. Details on implementing VC activities, including how the matching grants process, will be detailed in the PIM.

Component 3: Supporting County Community-Led Development (US\$65 million IDA)

15. The objective of this component is to strengthen the capacity of county governments to support community-led development initiatives identified under Components 1 and 2. This includes the provision of technical advisory services (e.g. public extension services); enabling environment for the private sector and public-private partnership (PPP) to operate; and inter-community (e.g. catchment or landscape-wide and larger rural infrastructure) investments based on priorities identified under Components 1 and 2. This component will enable the county governments to have effective citizen engagement through consultations, sensitizations, capacity building and partnerships.

Subcomponent 3.1: Capacity Building of Counties (US\$10 million IDA)

16. This subcomponent will finance the capacity building of participating counties in the area of community-led development of agricultural and related livelihoods. The objective is to enable them to support activities under Components 1 and 2. The project will ensure that capacity building under this subcomponent is coordinated and harmonized with ongoing county capacity building under the NCBF and other donors' ongoing initiatives. The subcomponent will finance activities related to: (a) stakeholder engagement through sensitization and awareness creation to become familiar with project objectives and "philosophy"; (b) the preparation of a Capacity Needs Assessment (CNA) and Capacity-Building Plan (CBP) for each participating county; (c) capacity-building through: (i) different forms of training (including the development of relevant standard training manuals, and Information, Education and Communication (IEC) materials) and technical assistance; and (ii) limited but necessary facilitation of relevant county staff (e.g. logistics, tools and basic equipment).

Subcomponent 3.2: County Investment and Employment Programs (US\$55 million IDA)

17. This subcomponent will finance investments in key agricultural and rural development infrastructure, as well as natural resource management investments that span across multiple targeted communities. It will also finance short-term employment during off-season, particularly for VMGs and unemployed/out-of-school youth. Employment opportunities will largely be created under public works using cash-for-work approach and facilitated by concerned county governments. The employment programs will also provide life and technical skills development training in order to have long-lasting impacts beyond temporary works. Typical investments would include the construction of rural road construction, small multipurpose dams, earth pans, small scale irrigation systems, market and storage facilities (under PPP arrangement); restoration of degraded catchments and water courses; and rehabilitation of similar existing infrastructure. Co-financing and the availability of an operation and maintenance (O&M) plan, including cost recovery or sharing mechanisms and other sources of funding will be key criteria for the counties to access project funds.
18. The county investment proposals will be approved by the National Technical Advisory Committee (NTAC) through a competitive process, based on the recommendations of the National Project Coordination Unit (NPCU).

Component 4: Project Coordination, Monitoring and Evaluation (US\$15 million IDA)

19. This component will finance activities related to the national and county-level project coordination, including planning, fiduciary, human resource management, safeguards compliance and monitoring, MIS and Information, Communication and Technology (ICT) development, M&E, impact evaluation, communication and citizen engagement. In addition, in the event of a national disaster affecting the agriculture sector, the project through this component would respond through a contingency emergency response provision.

Subcomponent 4.1: Project Management (US\$10 million IDA)

20. This subcomponent will finance the costs of the national and county level project coordination units (PCU and CCUs), including salaries of the contract staff, and O&M costs, such as office space rental, fuel and spare parts of vehicles, office equipment, furniture and tools, among others. It will also finance the costs of project supervision and oversight provided by the NPSC and CPSC; and any other project administration.

Subcomponent 4.2: Monitoring & Evaluation and Impact Evaluation (US\$5 million IDA)

21. This subcomponent will finance activities related to routine M&E functions (e.g., data collection, analysis and reporting); development of ICT-based Agricultural Information Platform for sharing information (e.g., technical or extension advisory services, business and market-oriented, agro-weather information and others); and facilitate networking across all components. It will also finance the baseline, mid-point and end of project impact evaluation of the project. The Agricultural Information Platform is intended to

provide the project and other stakeholders the ability to: (i) capture data from ongoing programs and projects using electronic devices connected to mobile networks; and (ii) upload information from manually collected data and geospatially aggregate the data from community, county, and national levels including agricultural statistics.

Subcomponent 4.3: Contingency Emergency Response (US\$0 million IDA)

22. This zero budget subcomponent will support a disaster recovery contingency fund that could be triggered in the event of a natural disaster affecting the agricultural sector through: (a) a formal declaration of a national emergency by the authorized agency of GoK; and (b) upon a formal request from the National Treasury (NT). In such cases, funds from the unallocated expenditure category or from other project components would be re-allocated to finance emergency response expenditures to meet agricultural crises and emergency needs.

5. Environmental and Social Issues Relevant to the Project

23. While the project counties are earmarked, past experience under the CDD approach within the agriculture sector as shown by the previous projects as mentioned in item 1 highlights that there is potential for minor and reversible negative impacts within the envisaged sub projects. National Agricultural and Rural Inclusive Growth Project (NARIGP) has prepared an Environmental and Social Management Framework (ESMF) to ensure that all investments are adequately screened for their potential environmental and social impacts, and that correct procedures will be followed, for all the types of the investment to be made by (NARIGP) as stated in the ESMF

6. Objectives of the ESMF

24. The Objectives of the ESMF are:

- (i) Establish the legal framework, procedures, and methods for environmental and social screening, planning, and review, approval and implementation investments to be financed;
- (ii) Identify roles and responsibilities, including reporting procedures and monitoring and evaluation;
- (iii) Identify capacity/or training needs for different stakeholders to ensure better implementation of the provisions in the ESMF and also in the sub-project Environment and Social Management Plans (ESMPs) and;
- (iv) Identify funding requirements and resources to ensure effective mainstreaming and implementation of the framework.

7. Environmental and Social Impacts

25. NARIGP has been categorized as Environmental Category B in accordance with World Bank OP 4.01 (Environmental Assessment) and therefore, OP/PB 4.01 is triggered. The overall environmental impacts of the project are expected to be positive. Significant

positive impacts to the natural and socioeconomic environments will be achieved by increasing agricultural productivity and profitability leading to improved livelihoods and reduced vulnerabilities of targeted rural communities. The activities envisaged under sub projects cumulatively may have far reaching impacts if not well mitigated and therefore the use of this framework will be very important at all implementation levels.

Table 2: Examples of NARIG Project Impacts

Component	Environmental Impacts	Social Impacts	Mitigation measures
Component 1: Supporting Community-Driven Development			
Subcomponent 1.1: Strengthening Community Level Institutions	Soil fertility issues; SLM issues; pollution issues; soil and land degradation	Inequality issues on resource accessibility and use; ownership; gender disparities; leadership issues; presence of VMGs and inclusion processes; etc.;	Apply NARIGP ESMF; NARIGP RPF; NARIGP IPMF; NARIGP VMGF
Sub Component 1.2: Supporting County Investments	Air quality impacts; waste generation; decline of faunal species; additional garbage; water pollution; OHS;	Inequality issues on resource accessibility and use; ownership; gender disparities; leadership issues; presence of VMGs and inclusion processes; etc.;	Apply NARIGP ESMF; NARIGP RPF; NARIGP IPMF; NARIGP VMGF
Component 2: Strengthening Producer Organizations and Value-Chain Development			
Subcomponent 2.1: Capacity-Building of Producer Organizations	Food safety issues; food quality; activities out of tune with the environment i.e. construction of cottages or small-scale processing infrastructure; installation of processing equipment and machinery; construction of small scale earth pans; laying of small scale irrigation	Land acquisition; In equality issues on resource accessibility and use; economic dislocation of beneficiaries; ownership; gender disparities; leadership issues, etc.; Inequality issues on resource accessibility and use; ownership; gender disparities; leadership issues; conflicts, etc.;	Apply NARIGP ESMF; NARIGP RPF; NARIGP IPMF; NARIGP VMGF

	equipment, etc.		
Subcomponent 2.2: Value Chain Development	Air, water and land pollution through use of chemicals; deforestation; soil fertility issues; SLM issues; adaptation to technologies/practices to climate change; etc.;	Inequality issues on resource accessibility and use; ownership; gender disparities; leadership issues; etc.;	Apply NARIGP ESMF; NARIGP RPF; NARIGP IPMF; NARIGP VMGF
Component 3: Supporting County Community-Led Development			
Subcomponent 3.1: Capacity Building of Counties		Disruption of utility services; restriction of access to livelihood and other assets; minor land/asset acquisition impacts; delays in compensation (if any); and provision of alternative means of livelihood; community disputes; etc.;	Apply NARIGP ESMF; NARIGP RPF; NARIGP IPMF; NARIGP VMGF
Subcomponent 3.2: County Investment and Employment Programs	Loss of biodiversity; soil erosion;	Inequality issues on resource accessibility and use; ownership; Occupational Health Safety (OHS); gender disparities; leadership issues; etc.;	Apply NARIGP ESMF; NARIGP RPF; NARIGP IPMF; NARIGP VMGF
Component 4: Project Coordination, Monitoring and Evaluation			
Subcomponent 4.1: Project Management		Conflicts	NARIGP RPF; VMGF
Subcomponent 4.2: Monitoring & Evaluation and Impact Evaluation		Inter-intra Community conflicts	NARIGP RPF; VMGF
Subcomponent 4.3: Contingency Emergency Response			All NARIGP Frameworks

Source: Author (2015)

2. NATIONAL ENVIRONMENTAL AND SOCIAL POLICES, REGULATIONS AND GUIDELINES

1. Introduction

26. This section reviews the relevant institutional, legal and policy framework in the country which has a direct bearing on the NARIGP. The section also outlines the World Bank Safeguard Operational Policies applicable to the project including a comparative analysis and gaps existing between the Bank's policies and host country regulations and suggestions on bridging the gaps. Finally, sections on international laws and conventions that bear relevance to the implementation of this project have also been highlighted.
27. Implementation of the NARIG Project will require that appropriate and effective institutional structures and management mechanisms are put in place at national, county and local levels. It is assumed that, wherever possible, existing structures and mechanisms will be harnessed, and strengthened where necessary. But some new ones may also be necessary. There may also be a need to amend, harmonize, or even introduce new legislation, policies, rules and regulations to enable effective implementation of the strategy. The Kenya Government environmental and social management requirements for NARIGP funded subprojects are discussed below:

2. The Kenya Constitution, 2010

28. Kenya now has a new Supreme law in form of the New Constitution which was promulgated on the 27th of August 2010 and which takes supremacy over all aspects of life and activity in the New Republic. With regard to environment, Section 42 of the Constitution states as follows:-

‘Every person has the right to a clean and healthy environment which includes the right:

- a) To have the environment protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Article 69; and
- b) To have obligations relating to the environment fulfilled under Article 70’

29. In Sections 69 and 70, the Constitution has inter alia identified National Obligations in respect of the environment and Enforcement of Environmental Rights respectively as follows:-

Section 69 (1): The State shall—

- a) Ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits;
- b) Work to achieve and maintain a tree cover of at least ten per cent of the land area of Kenya;
- c) Protect and enhance intellectual property in, and indigenous knowledge of, biodiversity and the genetic resources of the communities;

- d) Encourage public participation in the management, protection and conservation of the environment;
- e) Protect genetic resources and biological diversity;
- f) Establish systems of environmental impact assessment, environmental audit and monitoring of the environment;
- g) Eliminate processes and activities that are likely to endanger the environment; and
- h) Utilize the environment and natural resources for the benefit of the people of Kenya.

30. Section 69 (2) States that; every person has a duty to cooperate with State organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources.

31. Section 70 provides for enforcement of environmental rights thus:

(1) If a person alleges that a right to a clean and healthy environment recognized and protected under Article 42 has been, is being or is likely to be, denied, violated, infringed or threatened, the person may apply to a court for redress in addition to any other legal remedies that are available in respect to the same matter.

(2) On application under clause (1), the court may make any order, or give any directions, it considers appropriate:

- a) To prevent, stop or discontinue any act or omission that is harmful to the environment;
- b) To compel any public officer to take measures to prevent or discontinue any act or omission that is harmful to the environment; or
- c) To provide compensation for any victim of a violation of the right to a clean and healthy environment.

(3) For the purposes of this Article, an applicant does not have to demonstrate that any person has incurred loss or suffered injury.

3. Kenya Vision 2030

32. The economic, social and political pillars of Kenya Vision 2030 are anchored on macroeconomic stability; continuity in governance reforms; enhanced equity and wealth creation opportunities for the poor; infrastructure; energy; science, technology and innovation (STI); land reform; human resources development; security as well as public sector reforms. The 2030 Vision aspires for a country firmly interconnected through a network of roads, railways, ports, airports, water and sanitation facilities, and telecommunications (Constantin Severini, 2009).

4. Environment Management and Coordination Act (No. 8 of 1999), EMCA

33. This is an Act of Parliament providing for the establishment of an appropriate legal and institutional framework for the management of the environment and for matters connected therewith and incidental thereto. This Act is divided into 13 Parts, covering main areas of environmental concern as follows: Preliminary (I); General principles (II); Administration (III); Environmental planning (IV); Protection and Conservation of the Environment (V), Environmental impact assessments (EIA), audits and monitoring (VI); Environmental audit and monitoring (VII); Environmental quality standards (VIII); Environmental Restoration orders, Environmental Easements (IX); Inspection, analysis and records (IX); Inspection Analysis and Records (X); International Treaties, Conventions and Agreements (XI) National Environment Tribunal (XII); Environmental Offences (XIII). The Act provides for the setting up of the various ESIA Regulations and Guidelines which are examined in the sections that follow below:

a. Environmental (Impact Assessment and Audit) Regulations 2003

34. The Environmental (Impact Assessment and Audit) Regulations 2003 state in Regulation 3 that “the Regulations should apply to all policies, plans, programmes, projects and activities specified in Part III and V of the Regulations” basically lists the guidelines of undertaking, submission and approval of the ESIA Reports a key requirement outlined in this ESMF.

b. Environmental Management and Co-ordination (Waste Management) Regulations 2006

35. These are described in Legal Notice No. 121 of the Kenya Gazette Supplement No. 69 of September 2006. These Regulations apply to all categories of waste as provided in the Regulations. These include among others industrial wastes, hazardous and toxic wastes and pesticides and toxic substances.
36. The proposed Project will have to abide by these regulations in dealing with waste management especially the provisions of wastes which may be generated during their construction and operation phases of the sub project investments. Pesticides are expected to be used in the agricultural activities envisaged in the NARIGP and as such the regulations on the disposal of pesticide wastes must be adhered to.

c. Environmental Management and Coordination, (Water Quality) Regulations 2006

37. These are described in Legal Notice No. 120 of the Kenya Gazette Supplement No. 68 of September 2006. These Regulations apply to drinking water, water used for agricultural purposes, water used for recreational purposes, water used for fisheries and wildlife and water used for any other purposes. This includes the following: Protection of sources of water for domestic use; Water for industrial use and effluent discharge; Water for agricultural use:

38. These Regulations outline:

- a) Quality standards for sources of domestic water;
- b) Quality monitoring for sources of domestic water;
- c) Standards for effluent discharge into the environment;
- d) Monitoring guide for discharge into the environment;
- e) Standards for effluent discharge into public sewers;
- f) Monitoring for discharge of treated effluent into the environment.

39. In fulfilling the requirements of the regulations the NARIG project proponent will have to undertake monitoring of both domestic water and wastewater and ensure compliance with the acceptable discharge standards.

d. Environmental Management and Coordination, Conservation of Biological Diversity (BD) Regulations 2006

40. These regulations are described in Legal Notice No. 160 of the Kenya Gazette Supplement No. 84 of December 2006. These Regulations apply to conservation of biodiversity which includes Conservation of threatened species, Inventory and monitoring of BD and protection of environmentally significant areas, access to genetic resources, benefit sharing and offences and penalties.

e. Environmental Management and Coordination (Fossil Fuel Emission Control) Regulations 2006

41. These regulations are described Legal Notice No. 131 of the Kenya Gazette Supplement no. 74, October 2006 and will apply to all internal combustion engine emission standards, emission inspections, the power of emission inspectors, fuel catalysts, licensing to treat fuel, cost of clearing pollution and partnerships to control fossil fuel emissions used by the Contractor. The fossil fuels considered are petrol, diesel, fuel oils and kerosene.

f. Environmental Management and Coordination (Wetlands, Riverbanks, Lake Shores and Sea Shore Management) Regulations 2009

42. These regulations provide for the protection and management of wetlands, riverbanks, lakeshores and sea shore management and detail guidelines on the same.

g. Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2009

43. These regulations prohibit making or causing any loud, unreasonable, unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose, health or safety of others and the environment. It also prohibits the Contractor from excessive vibrations which annoy, disturb, injure or endanger the comfort, repose, health or safety of others and the environment or excessive vibrations which exceed 0.5 centimetres per

second beyond any source property boundary or 30 metres from any moving source. Under the regulation the Contractor will be required to undertake daily monitoring of the noise levels within the Project area during construction period to maintain compliance.

h. Occupational Health and Safety Act, 2007

44. This is an Act of Parliament to provide for the safety, health and welfare of workers and all persons lawfully present at workplaces, to provide for the establishment of the National Council for Occupational Safety and Health and for connected purposes. The Act has the following functions among others:
- i. Secures safety and health for people legally in all workplaces by minimization of exposure of workers to hazards (gases, fumes & vapors, energies, dangerous machinery/equipment, temperatures, and biological agents) at their workplaces.
 - ii. Prevents employment of children in workplaces where their safety and health is at risk.
 - iii. Encourages entrepreneurs to set achievable safety targets for their enterprises.
 - iv. Promotes reporting of work-place accidents, dangerous occurrences and ill health with a view to finding out their causes and preventing of similar occurrences in future.
45. Promotes creation of a safety culture at workplaces through education and training in occupational safety and health.

i. The Water Act 2002

46. Water resources in Kenya are owned by the Government, subject to any right of the user, legally acquired. The control and right to use water is exercised by the Minister administering the Act, and such use can only be acquired under the provisions of the Act. The Minister is also vested with the duty to promote investigations, conserve and properly use water throughout the country. Water permits may be acquired for a range of purposes, including the provision and employment of water for the development of power, agricultural and other uses. The following are the regulations developed under Water Act 2002 relevant to the NARIG Project. These regulations will relate to abstraction and use of water from rivers.

j. The Water Resources Management Rules (2007)

47. These Rules are described in Legal Notice Number 171 of the Kenya Gazette Supplementary Number 52 of 2007. They apply to all water resources and water bodies in Kenya, including all lakes, water courses, streams and rivers, whether perennial or seasonal, aquifers, and shall include coastal channels leading to territorial waters. The Water Resources Management Rules empower Water Resources Management Authority (WRMA) to impose management controls on land use falling under riparian land.

k. The Wildlife Conservation and Management Act, Cap 376

48. The Wildlife (Conservation and Management) Act, Cap 376 of 1976, as amended in 1989, covers matters relating to wildlife in Kenya including protected areas, activities within protected areas, control of hunting, import and export of wildlife, enforcement and administrative functions of wildlife authorities. The 1989 amendment specifically established the Kenya Wildlife Service (KWS) as the parastatal charged with implementation of the provisions of the Act.
49. The Act specifically provides for the protection and regulation of protected animals, game animals and game birds as defined in three schedules. The first schedule includes game animals mostly mammals, although the list also includes crocodile and ostrich. The second schedule lists game birds, and the third schedule lists protected animals, which comprise primarily mammals, although it also includes two species of marine turtles, while in 1981 it was amended to include several species of reptiles, amphibians and butterflies. Apart from the protection provided to plants within National Parks and National Reserves, plants receive no further protection under this Act outside the protected areas.
50. Specific provisions of the Act allow for the establishment of National Parks (Section 6), National Reserves (Section 18), and local sanctuaries (Section 19). The National Parks are managed by KWS. Strict regulations prohibit various activities within National Parks, unless they are subject to the written consent of the Minister or, in other cases, the Director of KWS. No such prohibitions are specified for National Reserves or for local sanctuaries. Areas that were formerly game reserves but are declared as National Reserves continue to be administered by the local authorities, unless otherwise directed by the Minister by notice in the Kenya Gazette.

l. Public Health Act Cap 242

51. The Public Health Act provides for the protection of human health through prevention and guarding against introduction of infectious diseases into Kenya from outside, to promote public health and the prevention, limitation or suppression of infectious, communicable or preventable diseases within Kenya, to advice and direct local authorities in regard to matters affecting the public health to promote or carry out researches and investigations in connection with the prevention or treatment of human diseases. This Act provides the impetus for a healthy environment and gives regulations to waste management, pollution and human health.
52. The Public Health Act regulates activities detrimental to human health. The owner(s) of the premises responsible for environmental nuisances such as noise and emissions, at levels that can affect human health, are liable to prosecution under this act. An environmental nuisance is defined in the act as one that causes danger, discomfort or annoyance to the local inhabitants or which is hazardous to human health. This Act

controls the activities of the project with regard to human health and ensures that the health of the surrounding community is not jeopardized by the activities of the project such as water development.

m. Physical Planning Act

53. This Act provides for the preparation and implementation of physical development plans for connected purposes. It establishes the responsibility for the physical planning at various levels of Government in order to remove uncertainty regarding the responsibility for regional planning. A key provision of the Act is the requirement for Environmental Impact Assessment (ESIA). This legislation is relevant to the implementation and siting of sewerage plants in pilot urban centres as identified in the project document.
54. It provides for a hierarchy of plans in which guidelines are laid down for the future physical development of areas referred to in a specific plan. The intention is that the three-tier order plans, the national development plan, regional development plan, and the local physical development plan should concentrate on broad policy issues.
55. The Act calls for public participation in the preparation of plans and requires that in preparation of plans proper consideration be given to the potential for socio-economic development needs of the population, the existing planning and future transport needs, the physical factors which may influence orderly development in general and urbanization in particular, and the possible influence of future development upon natural environment.

n. The Forest Act No 7, 2005

56. The Forest Act (Cap 385) addresses the reservation, protection, management, enforcement and utilization of forests and forest resources on Government land. The Forest Act is applicable to gazetted forest areas (Forest Reserves) and specifically covers:
- Gazettement, alteration of boundaries and de-gazettement of Forest Reserves (Section 4);
 - Declaration of Nature Reserves within Forest Reserves and regulation of activities within Nature Reserves (Section 5);
 - Issuance of licenses for activities within Forest Reserves (Section 7);
 - Prohibition of activities in Forest Reserves (removal of forest produce, grazing, cultivation, hunting, etc.) and on un-alienated Government land (removal of trees, collection of honey, lighting of fires) except under license from the Director of Forest Services (Section 8);
 - Enforcement of the provisions of the Act, penalties and powers afforded to enforcing officers (Sections 9-14);
 - Power of the Minister to make rules with respect to sale and disposal of forest products, use and occupation of land, licensing and entry into forests (Section

15). This prerogative has been taken with the Forests (General) Rules, which sets forth rules for sale of forest produce and specifies royalty rates for these products.

o. The Land Act, 2012

57. It is very explicit in the Land Act, 2012, Section 107, that whenever the national or county government is satisfied that it may be necessary to acquire some particular land under section 110 of Land Act 2012, the possession of the land must be necessary for public purpose or public interest, such as, in the interests of public defense, public safety, public order, public morality, public health, urban and planning, or the development or utilization of any property in such manner as to promote the public benefit; and the necessity therefore is such as to afford reasonable justification for the causing of any hardship that may result to any person having right over the property, and so certifies in writing, possession of such land may be taken.

p. The Lakes and Rivers Act Chapter 409 Laws of Kenya

58. This Act provides for protection of river, lakes and associated flora and fauna. The provisions of this Act may be applied in the management of the project.

q. Relevant Sector Policies

i. National Policy on Environment and Development

59. Currently, a far-reaching initiative towards an elaborate national environmental policy is contained in the Sessional Paper No. 6 of 1999 on Environment and Development. This policy advocates for the integration of environmental concerns into the national planning and management processes and provides guidelines for environmental sustainable development. The challenge of the document and guidelines is to critically link the implementation framework with statutory bodies such as the National Environmental Management Authority (NEMA), Kenya Wildlife Service (KWS), and Kenya Forestry Service (KFS).

ii. The National Environmental Sanitation and Hygiene Policy-July 2007

60. The National Environmental Sanitation and Hygiene Policy is devoted to environmental sanitation and hygiene in Kenya as a major contribution to the dignity, health, welfare, social well-being and prosperity of all Kenyan residents. The policy recognizes that healthy and hygienic behavior and practices begin with the individual. The implementation of the policy will greatly increase the demand for sanitation, hygiene, food safety, improved housing, use of safe drinking water, waste management, and vector control at the household level, and encourage communities to take responsibility for improving the sanitary conditions of their immediate environment.

iii. Forest Policy 2005

61. The goal of this Policy is to: enhance the contribution of the forest sector in the provision of economic, social and environmental goods and services. The specific objectives of this policy are to:

- Contribute to poverty reduction, employment creation and improvement of livelihoods through sustainable use, conservation and management of forests and trees.
- Contribute to sustainable land use through soil, water and biodiversity conservation, and tree planting through the sustainable management of forests and trees.
- Promote the participation of the private sector, communities and other stakeholders in forest management to conserve water catchment areas, create employment, reduce poverty and ensure the sustainability of the forest sector.
- Promote farm forestry to produce timber, wood fuel and other forest products.
- Promote dry land forestry to produce wood fuel and to supply wood and non-wood forest products.
- Promote forest extension to enable farmers and other forest stakeholders to benefit from forest management approaches and technologies.
- Promote forest research, training and education to ensure a vibrant forest sector.

iv. Fisheries Policy

62. The overall objective of this policy is to: “Create an enabling environment for a vibrant fishing industry based on sustainable resource exploitation providing optimal and sustainable benefits, alleviating poverty, and creating wealth, taking into consideration gender equity.” The specific objectives of this policy are to:

- Promote responsible and sustainable utilization of fishery resources taking into account environmental concerns;
- Promote development of responsible and sustainable aquaculture, recreational and ornamental fisheries;
- Ensure that Kenya has a fair access to, and benefit from, the country’s shared fishery resources;
- Promote responsible fish handling and preservation measures and technologies to minimize post-harvest losses;
- Encourage value addition, marketing and fair trade in Kenya’s fishery products worldwide;
- Encourage efficient and sustainable investment in the Kenya fishery sector;
- Promote active involvement of fisher communities in fisheries management;
- Integrate gender issues in fisheries development; Promote fish consumption in the country

v. Wildlife Policy 2007

63. The goal of this Policy is to provide a framework for conserving, in perpetuity, Kenya's rich diversity of species, habitats and ecosystems for the wellbeing of its people and the global community. The objectives and priorities are to:

- Conserve Kenya's wildlife resources as a national heritage.
- Provide legal and institutional framework for wildlife conservation and management throughout the country.
- Conserve and maintain viable and representative wildlife populations in Kenya.
- Develop protocols methodologies and tools for effective assessment and monitoring of wildlife conservation and management throughout the country.
- Promote partnerships, incentives and benefit sharing to enhance wildlife conservation and management.
- Promote positive attitudes towards wildlife and wildlife conservation and management.

vi. Wetland Policy 2008 Draft

64. The development of this Policy is in cognizance of the importance of wetlands nationally and Kenya's obligation under the Ramsar Convention. The policy takes into consideration the broader national environmental frameworks, particularly the Environment Management and Coordination Act (EMCA) 1999, the country's premier framework environmental law, the Water Act 2002, the Water Policy and the Forest Policy 2007.

a. 2.22 Multilateral Environmental Agreements

65. Kenya has ratified various international conventions that deal with the protection of the environment that may be directly or indirectly applicable to activities under the proposed subprojects operations and processes in the selected countries. These are as follows: -

vii. The United Nations Framework Convention on Climate Change (UNFCCC or FCCC)

66. This is an international environmental treaty produced at the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992, informally known as the Earth Summit. The objective of the treaty is to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. The treaty itself sets no mandatory limits on greenhouse gas emissions for individual countries and contains no enforcement mechanisms. In that sense, the treaty is considered legally non-binding. Instead, the treaty provides for updates (called "protocols") that would set mandatory emission limits. The principal update is the Kyoto Protocol, which has become much better known than the UNFCCC itself.

viii. The United Nations Convention to Combat Desertification (UNCDD)

67. Kenya is a signatory to this treaty which aims to combat desertification and mitigate the effects of drought through national action programs that incorporate long-term strategies supported by international cooperation and partnership arrangements. The Convention, the only convention stemming from a direct recommendation of the Rio Conference's Agenda 21, was adopted in Paris on 17 June 1994 and entered into force in December 1996. It is the first and only internationally legally binding framework set up to address the problem of desertification.

ix. International Convention on Biological Diversity (CBD) of 1992

68. This treaty promotes the protection of ecosystems and natural habitats, respects the traditional lifestyles of indigenous communities, and promotes the sustainable use of resources.

x. National Biodiversity Strategy and Action Plan (NBSAP)

69. The country is already reviewing this action plan so as to meet the Aichi Target which aims to halt loss by biodiversity by year 2020.

xi. World Heritage Convention (1972)

70. Kenya is a party to this convention which is concerned with cultural and natural heritage. The convention deals with monuments and areas that are deemed to be of 'outstanding universal value' in terms of beauty, science and/or conservation. Kenya has several sites that have been declared World Heritage Sites, such as Mt. Kenya's natural forests. Any deterioration or disappearance of such heritage is a loss to all the nations of the world. The importance of wetlands and water birds are also covered under the Ramsar Convention of 1971, which governs wetlands of international importance. The convention entered into force in Kenya in 1990 and Kenya is therefore committed to avoid degradation of wetlands under its jurisdiction.

xii. Agreement of the Conservation of Eurasian Migratory Water Birds (2001) and the African Convention on the Conservation of Nature and Natural Resources (1968)

71. Kenya ratified this convention which seeks to protect migratory water birds and also conservation of nature and natural resources. It therefore important to ensure that the Project, value chain development recognizes and safeguards nature and natural resources.

xiii. The Convention on International Trade in Endangered Species of Wildlife Fauna and Flora (CITES) 1973

72. This international treaty prohibits trade in endangered and their trophies. Such species include elephant ivory, rhino horns and Dugongs among others.

3. WORLD BANK SAFEGUARD POLICIES

1. *Safeguards (including Social and Environmental Safeguards)*

73. The project has primarily triggered six Bank's environmental and social safeguard policies: Environmental Assessment (OP/BP 4.01); Natural Habitats (OP/BP 4.04); Pest Management (OP 4.09); Indigenous Peoples (OP/BP 4.10); and Involuntary Resettlement (OP/BP 4.12). The policy on Physical Cultural Resources (OP/BP 4.11) is triggered as a precaution for now subject to the outcome of the safeguards work currently underway.

2. *Operational Safeguards Triggered by the Project*

Environmental and Social Safeguards Triggered	YES	NO
OP/BP 4.01: Environmental Assessment	X	
OP/BP 4.04 Natural Habitats	X	
OP/BP 4.36 Forests		X
OP 4.09 Pest Management	X	
OP/BP 4.11 Physical Cultural Resources	X	
OP/BP 4.10 Indigenous Peoples	X	
OP/BP 4.12 Involuntary Resettlement	X	
OP/BP 4.37 Safety of Dams		X
OP 7.50 Projects in International Waters		X
OP 7.60 Projects in Disputed Areas		X

74. *Environmental Assessment (OP 4.01)*. Proposed project investments in rural infrastructure (e.g. local markets, water conservation structures, etc.) and agriculture value chains (e.g. storage facilities, local level value addition, limited use of agro-chemicals, etc.), are likely to have negative environmental and social impacts, which however are expected to be small-scale, site specific and largely reversible.. The area of project investments and the design of subprojects will not be known during project preparation, since the project has adopted a Community Driven Development approach. The project adopted a framework approach to managing safeguards, comprising: (a) Environmental and Social Management Framework (ESMF) for environmental assessment; (b) Vulnerable and Marginalized Group Framework (VGMF) for indigenous peoples; and (c) Resettlement Policy Framework (RPF) for involuntary resettlement. These frameworks will provide a mechanism for: (i) identifying and assessing potential adverse environmental and social impacts, based on the types of activities envisioned; and (ii) proposing screening methods and processes of assessing and designing appropriate mitigation measures for the identified investments. The preparation of the safeguards frameworks is informed by the lessons-learned from implementing WKCD/FMP (with a focus on alternative livelihoods) and KAPAP (aimed at VC development) projects. The localized impacts of the various micro-projects will be determined by the screening process for environmental and social impacts. The screening will utilize: (a) Environmental and Social Screening Form, which will help identify potential adverse environmental and social impacts; and Environmental and Social Checklist, which will

outline simple environmental mitigation measures (a simplified EMP) for micro-projects not requiring a full ESIA report.

75. **Natural Habitat (OP/BP 4.04).** While the locations of the majority of the micro-projects will be rural, their impact on the natural habitats is expected to be minimal and reversible. Although there will be a need for replacement of trees that could be removed from farms, or along the right of way for last mile rural infrastructure, no natural forest will be affected.
76. **Pest Management (OP 4.09).** NARIGP will support interventions geared towards increasing crops and livestock production and productivity, which ideally would promote the application of pesticides. Thus, NARIGP will sensitize and/or train its beneficiaries on safe handling and application of pesticides. As such, the project developed an Integrated Pest Management Framework (IPMF) – Annex 12 of this ESMF.
77. **Physical Cultural Resources (OP/BP 4.11).** This is triggered as a precaution, because the micro-projects are not expected to traverse areas of cultural or historical importance. Chance found procedures will be included in all infrastructure contracts and in the environmental and social safeguard framework documents – Annex 11 of this ESMF.
78. **Indigenous People (OP/BP 4.10).** The project triggers OP 4.10 on Indigenous People and the applicable laws and regulations of the GoK. The policy is triggered when it is likely that groups that meet criteria of OP 4.10 “are present in, or have collective attachment to, the project area.” The project is a national project. However, the location of the micro-projects will be determined through the of the PICD approach and therefore their locations are not yet known, but some could fall in vicinities where there are groups that meet the criteria of OP 4.10. For these reasons it is triggering OP 4.10 to ensure that groups that meet the criteria of OP 4.10 are included and benefit from the project activities.
79. **Involuntary Resettlement (OP/BP 4.12).** Although no resettlement is envisaged, OP4.12 is triggered as a precautionary measure. The purpose of the RPF will be to establish the resettlement and compensation principles, organizational arrangement, and design criteria to be applied to meet the needs of affected people who may be affected by the various sub-projects to be implemented under NARIGP. The RPF therefore is prepared to guide and govern NARIGP as micro-projects are selected for financing and sets out the elements that will be common to all sub-projects that will entail involuntary resettlement. The World Bank’s safeguard policy on involuntary resettlement, OP4.12 is to be complied with where involuntary resettlement, impacts on livelihoods, acquisition of land or restrictions to access to natural resources. The Bank O.P.4.12 requires that RPF report must be disclosed as separate and stand-alone report by the Government of Kenya and the World Bank. The disclosure of the document should be in both in locations where it can be accessed by general public and at Info shop of the World Bank.

80. Whenever applicable, the Environmental Assessments/Environmental Management Plans (EAs/EMPs), Resettlement Action Plan (RAPs) and Vulnerable and Marginalized Group Plans (VMGPs) would be developed for individual micro-projects during project implementation.

4. ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF)

1. Objectives of the ESMF Preparation Study

81. This ESMF is the result of a preparation study with the following objectives:

- To examine potential environmental and social impacts for each sub-project to be financed under NARIGP.
- To describe the potential negative and positive environmental and social impacts resulting from such investments.
- To propose streamlined procedures for the environmental and social assessment process and subsequent supervision of sub-projects.
- To define a typology of projects which might require an environmental assessment (ESIA, ESMP) by location, size of project and other site-specific criteria.
- To develop guidelines for preparation of the operation and maintenance plans by communities and local government for new investments taking into account environmental and social considerations and mitigation measures identified during micro-project evaluation.
- To consider potential policy and institutional issues regarding the environment and discuss means of resolution that could be undertaken during project implementation.
- To develop a monitoring and evaluation system for environmental and social impacts and significant environmental values to be included in the overall project monitoring and evaluation system.
- To suggest improvements to the program for sensitization and capacity building of community leaders and county and national officials involved in the implementation of NARIG project.

2. Methodology for ESMF Preparation

i. Detailed and In-depth Literature Review

82. The process of preparing this ESMF entailed mainly in-depth desk review coupled with broad strategic consultation and engagement of appropriate stakeholders and field visits to selected counties. Review on the existing baseline information and literature material was undertaken and helped in gaining deeper understanding of the proposed NARIG project. A desk review of the Kenyan legal framework and policies was also conducted in order to bring out the relevant legislations and policy documents that should be considered during project implementation.

ii. Stakeholder Consultation

83. Stakeholder consultation formed part of the methodology in preparing this ESMF where the project interested and affected stakeholders who could be identified at this early stage were consulted. The stakeholder consultation was significant to the preparation of this ESMF and formed the basis for the determination of potential project impacts and design of viable mitigation measures. Various discussions have been held with NARIG project preparation team on the objectives, content and logic of the ESMF. Key stakeholders in

the application and implementation of the ESMF for the NARIG Project have also been consulted including National Environmental Management Authority (NEMA) officials.

84. During the implementation of NARIGP activities, potential environmental and social impacts must be considered and managed using the guidelines as spelt out above in Table 1. The impacts must be mitigated, minimized or preferably avoided particularly to meet the Government of Kenya National Environmental requirements as set out in the National Environment Management Authority (NEMA) and the World Bank safeguards policies requirements. The initial screening of the areas to be financed through Project Preparation Grant (PPG) confirmed that there would be no land acquisition or resettlement, as all project physical activities including civil works under Components 2 & 3 are envisaged to be carried out within the existing NEMA standards. Consequently OP4.12 is triggered as a precautionary measure and the ESMF along with a RPF; VMGF and IPMF are prepared to guide preparation of site-specific abbreviated RAP; and other plans including: Integrated pest management Plan (IPMP) and Vulnerable and marginalized groups plan. There will be no sub-project supported that require involuntary land acquisition or the acquisition of land requiring the resettlement or compensation of more than 200 people. If, in an exceptional cases, a subproject require land acquisition and resettlement of more than 200 PAPs, the RPF prepared by MoDP for NARIGP, will be applicable.
85. The project will be implemented in 21 counties across all communities based on the CDD approach. The project is not expected to involve relocation and resettlement because the project is basically agriculture oriented with no known physical displacements of individuals.
86. For each subproject, ESMPs will be prepared & disclosed prior to the award of funding by the National Project Coordinating Unit (NPCU). In case of any sub-project involving the vulnerable and marginalized groups (VMGs) NARIGP Team through a consultant will conduct an Environmental Impact Assessment and Social Impact Assessment (EIA/SIA), including development of a VMGP.
87. The ESMF include the following list of Annexes to be used as tools for screening, assessing and monitoring subprojects during selection and implementation phases.

Annex 1: Environmental and Social screening Check list

Annex 2: Framework for Abbreviated Resettlement Action Plan

Annex 3: Format for Documentation of Asset contribution

Annex 4: Format of Quarterly Monitoring Report

Annex 5: Draft Terms of Reference for Sub-Project Requiring an ESIA

Annex 6: Complaints Registration Form

Annex 7: Training Matrix Budget for the Environmental and Social Safeguards

Annex 8: Grievance Handling Mechanism (GRM)

Annex 9: General Environmental and Social Mitigation Plan

Annex 10: Project Impacts by Component Explained

88. The objective of the ESMF is to outline the institutional arrangements relating to: (i) identification of environmental and social impacts arising from activities under the NARIGP sub- projects, (ii) the implementation of proposed mitigation measures, (iii) Capacity Building and (iv) Monitoring and Evaluation.
89. The ESMF will be included in NARIGP Project Implementation Manual (PIM) and the Operations Manual (POM) that has been reviewed by IDA. The ESMF outlines mechanisms for: (i) Screening of proposed sub-projects, identifying potential environmental and social impacts and management of safeguard policies implications; (ii) Institutional arrangements for implementation and capacity building; (iii) Monitoring Environmental and Social Management Plan (ESMP); (iv) Public consultation and Grievance Redresses including communication channels; and (v) The estimated costs related to the ESMP.

5. ESMF IMPLEMENTATION ARRANGEMENTS

1. Institutional Arrangement

90. **Implementation of NARIGP ESMF will involve a 3 tier institutional arrangement (national, county and community).** The 1st tier which is at national level will represent the MoDP (the main implementing agency) and other national GoK stakeholders (Agriculture, livestock, Fisheries, Industrialization, etc.) need to be sensitized on the environmental and social safeguards. In the MoDP, the project will be anchored in the Department of Planning. The 2nd and 3rd tiers are the county and community levels respectively. The county governments are the executing agencies of the project while at the community level are the target beneficiaries who will directly implement community-led-interventions. The last two levels need to be trained and capacity build on safeguards and implementation of the frameworks in order to ensure the relevant safeguard policies are integrated in a sustainable manner into all project activities. The three tier institutional arrangement aims at achieving efficient decision-making process and implementation as well as using the constitutionally mandated governance procedures at all levels for a sustained application and adoption.
91. **The overall implementation oversight is guided by the National Project Steering Committee (NPSC) chaired by the Permanent Secretary, State Department of Planning, MoDP.** It will be prudent to establish other coordinating and governance structures at all levels to feed the NPSC (See below proposed NARIGP implementation diagram).

2. CDD Process for Environmental and Social Safeguards

92. **The CDD approach envisaged by NARIGP will entail total inclusivity and participatory by all targeted beneficiaries.** For this reason therefore, specific

community needs and issues along the environmental and social safeguards must be identified at that level based on what the communities feel is a priority to their development but within the NARIGP principles. Community resource assessment/Social Assessment (CRA/SA) along the PICD is the methodology that will help map out gaps in a participative way and suggest possible environmental and social interventions within the proposed community investments including the ones proposed by the VMGs.

90. **The key outcome of the PICD process is the participatory development of CAP**, which is a statement of the communities aspirations with regard to the micro-projects that they wish to implement in order to overcome financial and other development challenges that they identified during the situation analysis. The Community Action Plans (CAPs)/Vulnerable and Marginalized Groups Plans (VMGPs) will be prepared for the target Communities and must have broad community support.

3. *Community Action Plans, Approvals and Funding*

93. **Community plans and budgets will be prepared by the communities assisted by their specific value chain service providers**; the specific proposed interventions and budgets will be technically reviewed and approved by the County technical teams. This activity will be coordinated at the county level by the project coordinating unit. Once this is completed, the County Project Coordinating units will share the prioritized and approved proposals with the national technical team through the National NARIGP Coordinating team. The national team will appraise the proposals and allocate the funds.
94. **The Communities assisted by their Service Providers will administer the environmental and social screening checklist to the best of their capacity on the proposed community projects.** The filled up checklists are then shared with the County Environment Committee chaired by the County Director of Environment. The County Director of Environment then shares the inputs with the Project Coordinating Unit at the county level; and the next course of action as recommended is also shared with the target community. The benefitting community is thus aware of what is expected of them in order to conform to the relevant safeguards. Then funding is released to the target communities.
95. The NARIGP Team includes an Environmental and Social Safeguards Officer (ESSO). The Safeguards Officer's main task is to ensure that the sub-projects comply with the relevant National requirements and the World Bank's environmental and social safeguard policy requirements, including reviewing, screening, approving, monitoring and reporting of the sub projects implementation progress. The NARIGP technical person will also be responsible for the dissemination of the ESMF/ESMPs in the project.

4. *Sub projects screening*

96. **The screening procedure strengthens accountability to the communities targeted for support, stakeholders in the development processes, and the broader development**

portfolio. Environmental and social screening and assessment processes for projects have now become standard practice in development cooperation and are usually required by national regulatory frameworks and multilateral and bilateral donors. Therefore, application of the environmental and social screening and review processes demonstrates the appropriateness of safeguard measures. Additionally, safeguard approaches have proven to be ideal vehicles for consultation and disclosure of information. When associated with well-designed grievance mechanisms, they provide an effective process for conflict resolution and mediation as spelt out in the NARIGP Frameworks.

97. **Screening thus constitutes an environmental and social safeguard approach which is a key component of overall quality assurance process (Annex 1).** The outcome of the environmental and social screening process is to determine if and what environmental and social review and management is required. The screening process aims to quickly identify those projects where no potential environmental and social issues exist, so that only those with potential environmental and social implications will undergo a more detailed screening process. Therefore, the two main objectives of environmental and social screening are to: firstly, enhance the environmental and social sustainability of a proposed project. This aspect of screening focuses on the environmental and social benefits of a project. And secondly, to identify and manage environmental and social risks that could be associated with a proposed project. This aspect of screening focuses on the possible environmental and social costs of an intervention and may point to the need for environmental and social review and management.
98. **Community meetings will be convened by the county project technical coordinating teams** together with the county technical teams and service providers, CIGs and local administration for validation and adoption of approved community plans and budgets, signing of grant MoUs/agreements after being taken through what has been approved, for how much and for how long. The MoUs/agreements detail name(s) of the CIGs & projects, amounts proposed and finally disbursed and expected community contribution.

5. ***Institutional Roles in implementation of the environmental and social safeguards***

99. Proposed layout of the NARIGP Frameworks Implementation arrangement

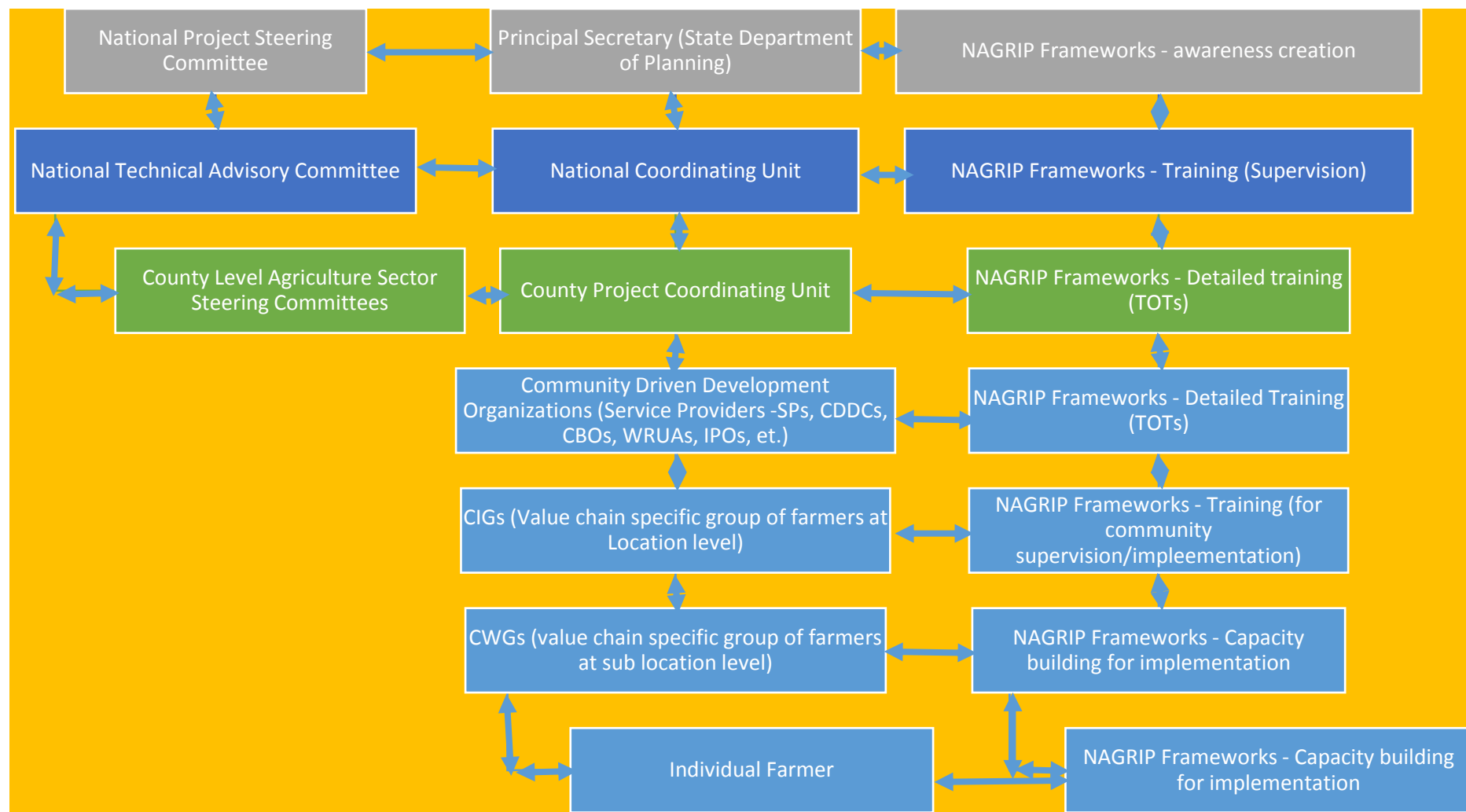


Figure 1: NARIGP Frameworks Implementation Chart

100. **The County Technical Group will comprise of:** County Directors of: Crop Resources and Marketing; Livestock production and Veterinary Services; Aquaculture, and Marketing; Environment, land and water Resources; Public Works; Industrialization and Cooperative Development; Primary Education; Gender and Youth; ASAL, Special Programs and Devolution; County Technical Teams; Any other relevant Department; Indigenous Peoples Leadership (Chairpersons of Council of Elders); The value chain specific service providers. All these institutions will be sensitized on the environmental and social safeguards in order to play a catalytic role in backstopping, and monitoring towards safeguards conformity. The service providers and county technical teams will receive detailed trainings in order to serve as ToTs.
101. **At the Common Interest Group (CIG)/VMG level there will be:** Value chain Officials and individual farmers while at the **at the Common Working Group (CWG) Level is the** Value chain specific officials at sub location level and individual farmers. These are the focal groups that will constitute farmer leadership. Membership of these structures includes men, women, youth, Vulnerable and marginalized communities including people with disabilities and therefore complies with the NARIGP VMGF requirement for inclusiveness in ‘gender and intergenerational terms’. Hence the need for a heightened and practical capacity building in safeguards in order to achieve projects outcome indicators.

91. A Box on PICD Schematic Process



92. Schematic Representation of the ESIA Process

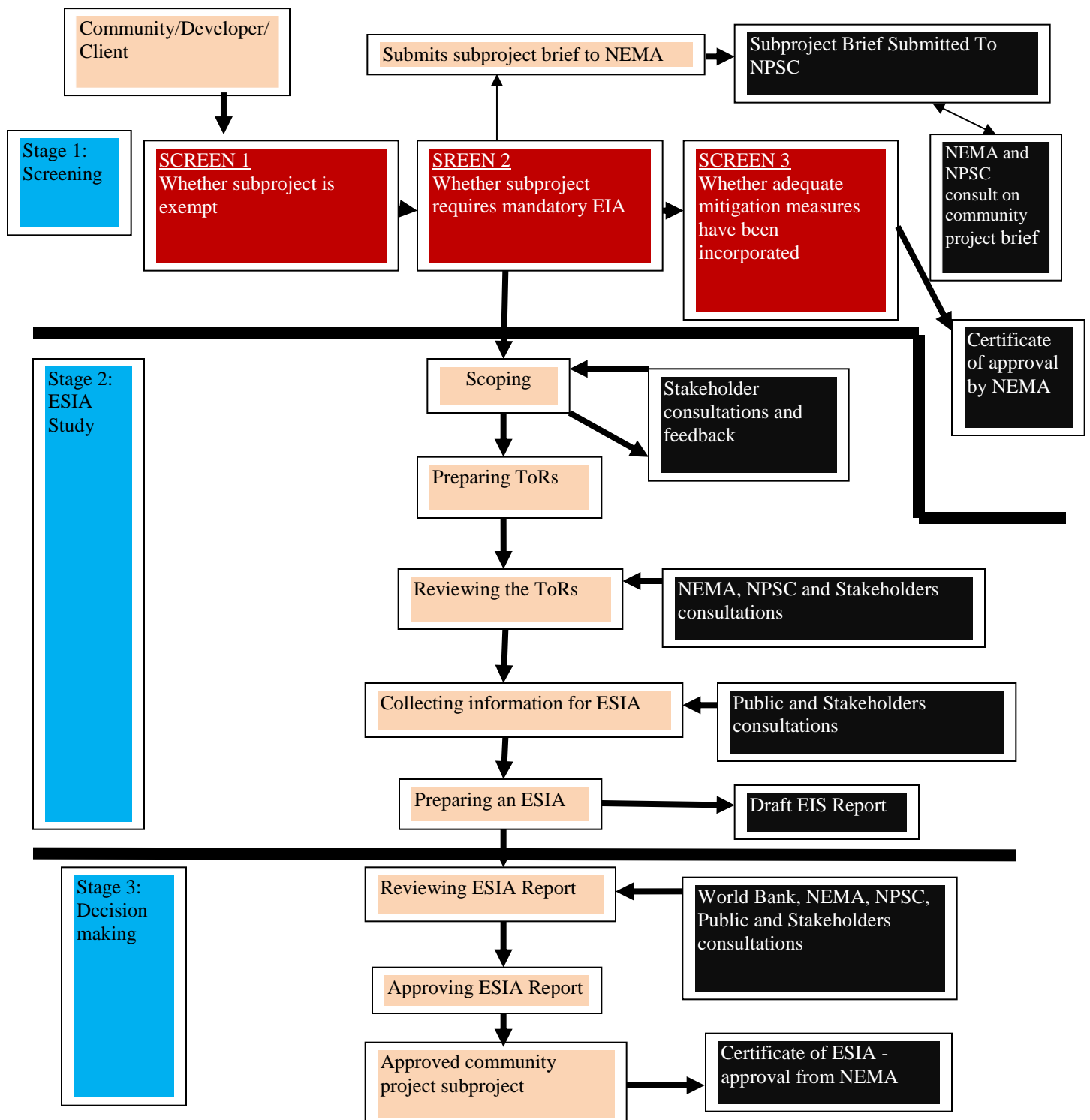


Figure 2: Schematic Representation of the Screening process

6. ENVIRONMENTAL AND SOCIAL SAFEGUARDS TRAINING AND CAPACITY BUILDING

6.1 Capacity Strengthening for ESMF Implementation

102. In order to effectively carry out the environmental and social management responsibilities for subproject implementation, institutional strengthening will be required. Capacity building will encompass all NARIGP staff and sub-project executing institutions – Implementing Agencies (IA) and service providers.
103. NARIGP has prepared a training plan that includes training modules for the project staff, service providers, VMGs, IAs and CIGs etc.; as part of the ESMF. The proposed capacity building training needs are as follows amongst others.

6.2 Environmental and Social Management Process.

- Use of Screening form and Checklist
 - Design of appropriate sub-project mitigation measures.
 - Public consultations in the ESMF process.
 - Design of appropriate monitoring indicators for the sub-project's mitigation measures
 - Integration of sub-project ESMPs into the NARIGP's cycles during their project implementation stages.
 - Grievance Redress mechanism
 - Community mobilization/participation and social inclusion
 - Training sessions on mitigation of environmental and social impacts and ESMP
 - Training on how to generate baseline data
104. Effective implementation of the VMGF, ESMF, and the RPF will 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 for the PIU and the project implementing structures including at the National, County and Community levels.

Level	Key target groups	Type of Training
National level	PIU National Steering Committee National Technical Advisory Committee	Sensitization on the PICD Social and Env safeguard framework
County level	County Project Steering Committee, County Project Technical Team with line department and	PICD Social and Env safeguard framework Application of the screening checklists, manuals and tools

	ministries at the county level)	Conflict Resolution and the grievance mechanism Social Audits Report Writing Citizen and Stakeholder Engagement
Community level	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 GRHC Participatory M& E and reporting Gender Screening Training on the CIDP Lobby and Advocacy Building Farmer organizations

6.3 Examples of Impact Mitigation Plans

105. **Environmental and Social Management Plan (ESMP):** The ESMP is a key output of the ESIA and will be the backbone for the implementation of safeguards during project implementation, operation and decommissioning and its implementation costs have to be well defined and included in the overall project implementation cost. It shall include the following components: (i) mitigation plans, (ii) monitoring plans, (iii) institutional arrangements, (iv) capacity building, and (v) associated costs. The ESMP will also cover a set of social issues, as applicable: (i) Listing the potential social and gender impacts; (ii) Identifying adequate mitigation or enhancement measures for each impact (direct or indirect; permanent or temporary; physical or economic, residual and cumulative); (iii) Assigning responsibility for the implementation of mitigation and enhancement measures; (iv) Assigning time and cost estimates for implementation of mitigation and enhancement measures (v) Defining indicators with gender disaggregated data for Monitoring and Evaluation of implementation of mitigation and enhancement measures.
106. **Resettlement Action Plan (RAP):** A RAP will be prepared consistent with the country specific Resettlement Policy Frameworks for those NARIG sub-projects which require the acquisition of land leading to the physical or economic displacement of people. The RAP is designed to ensure that impacts arising from land acquisition, displacement and relocation are avoided, minimized or mitigated at least to restore the standards of living of affected people to pre-project levels. In addition, the pre-feasibility studies may identify areas where there may be restriction of access to natural resources and livelihoods. In this case, a consistent with the World Bank's OP/BP 4.12, a Process Framework (PF) will be developed. The RAP focuses on people affected by land acquisition, relocation and

restriction of access, and defines a strategy for formalizing arrangements and responsibilities for mitigating negative impacts caused by land acquisition.

107. **Vulnerable and Marginalized Group Plan (VMGP):** This ESMF recommends the development of an IPP. This should be prepared consistent with a relevant VMGF for those NARIG sub-project areas where Indigenous Peoples are present. In Kenya, indigenous groups are referred to as vulnerable and marginalized groups. Accordingly consistent with the terminology in the country, a Vulnerable and Marginalized Group Plan (VGMP) in accordance to the Vulnerable and Marginalized Group Framework (VMGF) will be prepared where necessary by the proponents.

6.4 Stakeholder capacity building

108. The implementing stakeholders will require trainings on the environmental and social safeguards but at various intensities. This is because each level of stakeholders and type will have a different role in as far as environmental and social safeguards implementation and monitoring are concerned. Some levels such as the service providers, project coordinating unit, county technical teams will require detailed trainings and some of them will be ToTs while the national level may require just the sensitization/awareness approach; the benefitting farmers will have capacity building which is not detailed but enough to allow them perform and deliver the expected outcomes.
109. The trainings for Community Level structures will be done in a number of areas. For example, leaders of the community level implementation structures will be trained on governance, procurement, financial management, record/bookkeeping, group dynamics as well as cross-cutting issues such as HIV/AIDs, gender mainstreaming, equity issues, climate change, sustainable land management practices and technologies and environment as recommended in the NARIGP Frameworks.
110. Positive impacts from the safeguard trainings will be expected to be realized by the target communities. Key among these include: (i) increased conformity to safeguards through various capacity building levels, (ii) increased income especially from sale of quality agri-products as a result of mainstreaming safeguards in both individual smallholder farmer and community-based investments, (iii) inclusion of all segments of the community and gender mainstreaming in micro-project activities and community level decision-making structures; (iv) special targeting of the vulnerable and marginalized, and (v) increased participation of youth in the project's activities through funding of specific youth actions plans (YAPs) where applicable. These positive impacts contribute immensely to an enhanced ability of VMGs and the other participating CIGs members to take care of their basic needs such as payment of schools fees, health care and nutritional requirements of their families.

7 COMMUNICATION, CONFLICTS AND GRIEVANCES HANDLING MECHANISMS

7.1 Introduction

111. All communities are faced somewhat with various conflicts including displacement through political influence, cattle rustling, internal civil strifes, and community strifes instigated through external forces. In each of these instabilities there exists local solutions/remedies that can be enhanced to contain the identified conflicts. Project interventions will attract social accountability and hence facilitate sustainable impacts. The conducted groups/communities so far during the NARIGP Framework studies (ESMF; VMGF; RPF) indicated that the local communities were more than receptive of the project.
112. NARIGP is building on lessons learnt under WKCDD/FMP and KAPAP. It is riding on the same communities and their proposed interventions. The project will thus identify governance structures in each project area through social assessment and enhance their efficiency. Where Council of Elders exist it must be included for participation in charting a leadership and governance structure appropriate for each target community.
113. A conflicts and Grievances Handling Strategy was thus formulated in a participatory way and well explained in the NARIGP VMGF. In addition, a communication strategy has been developed that guides the formal communication for the project together with all stakeholders as explained by the VMGF. In a nutshell, the NARIGP Frameworks recommends: institutional strengthening; role of private-public partnerships; targeting of the vulnerable and marginalized groups; need for ideal project environment to boost implementation; project implementation structures and need to capacity build them; and need to delineate roles and responsibilities for peace and efficiency.
114. Social Audit and Integrity Committees will be put in place to resolve any conflicts that would arise during project implementation. The SAIC membership is proposed to consist of 5 people per Regional Value chain who are known for their integrity (and at least 1/3 must be women and/or vulnerable and marginalized groups) elected by communities. Their functions include and not limited to auditing CDD projects, procurement and financial management processes, handling complaints and grievances, and advisory services to the target communities on pertinent issues of interest. These committees are expected to submit regular reports to the county technical teams.

8 PROJECT ENVIRONMENTAL AND SOCIAL RISKS

8.1 Project Environmental Risks

115. The overall risk rating for the environmental safeguards as explained in the identified risks is substantial. The project environmental risks so far identified in the project implementation include: (i) the technical capacity to handle implementation and monitoring of the Environmental and Social Management framework (ESMF) is very limited with the NARIGP and implementing agencies. It is will therefore be necessary for NARIGP to hire the right staff/consultants to handle the entire implementation process including monitoring. (ii) A factor that may affect ecosystem processes, functions or attributes, which is related to human actions is the use of agri-chemicals and fertilizers. NARIGP is supporting about 80% agriculture related activities that thrive on use of agri-chemicals to enhance productivity. Individually, the expected negative impacts are negligible however over a long period impacts from past/present pressures may result in a variety of cumulative effects on land, water bodies and other ecosystems.
116. SLM technologies and practices for sustainability – natural resources should not be used beyond their capacity to be naturally replenished, both in quality and quantity, for the well-being of future generations. Failure to invest in SLM leads to farming, agro-pastoral and fisher folk populations producing less and less thus facing food and nutritional insecurity. The populations become more vulnerable to future economic and climatic shocks as 70 percent live and exclusively depend on the smallholding setups of the agriculturally productive regions. This aggravated situation may further lead to resource use conflicts, starvation and destitution. Remedial measures planned for in the design of the project and detailed in the ESMF for targeted communities include: Sustainable productive land management technologies and practices in healing erosion hotspots; establishment of a community early warning system; adoption of early maturing crops; and production of appropriate fodder and forage including preservation and conservation technologies and practices.

8.2 Project Social Risks

117. The overall risk rating for the environmental safeguards as explained in the identified risks is moderate. There are several social risks envisioned in the implementation process of NARIGP including: (i) NARIGP and even the line ministries do not have the capacity to implement, monitor and supervise both the RPF and VMGF; it is thus critical and prudent that NARIGP bring on board staff/consultants with the experience, knowledge and skills to effectively guide the implementation of the NARIGP Frameworks. In addition, a capacity needs assessment will be undertaken on the safeguards implementation knowledge and

where possible capacity building will be done on the aspects/gaps so identified. (ii) There are still general accountability and transparency concerns in Kenya which have been taken into consideration in the NARIGP design. The project design includes elements to ensure transparency, accountability and good governance of the project implementation process. A strong emphasis is laid on social accountability and independent verification mechanisms is also included. (iii) socio-cultural issues in some target communities hinder resource allocation/share, resource access and use, and equity issues in project implementation. These challenges affect project implementation and ownership. Therefore, in the project design gender, and inclusion of youth and VMGs will be mainstreamed at all levels of implementation as well as capacity building stakeholders in the weak areas. (iv) During the implementation of NARIGP component 1 and 2, specific investments in bulk water supply including infrastructure for small irrigation, roads infrastructure, climate change adaptation technologies, and ground water development among others will more likely lead to acquisition of a sizeable portion of hectares of land in project sites. This is likely to lead to land acquisition on a permanent or temporary basis for community investments' specific infrastructures (Holden & Shiferaw, 2004).

118. These investments will likely affect negatively the livelihoods though the envisaged impacts are mainly positive. For the negative impacts the magnitude will vary in degree depending on the nature of investment under the NARIGP. At this point, the exact impact of the future investments under the NARIGP is not yet known and it will only be known when investments under NARIGP are identified. Nonetheless, all the future investments are considered in the project design and addressed in detail in the NARIGP RPF.
119. The NARIGP safeguards instruments were consulted upon, finalized, shared and disclosed.

8. 3 Community Mobilization And Participation

120. NARIGP builds upon the achievements and experiences of the now closed KAPAP and the almost closing CDD projects as a way of reducing the project risks because the implementation approach is familiar to the target beneficiaries : KAPSLMP and the WKCDD&FMP on such areas as the community mobilization approach, and will fine-tune the CDD Manual developed under WKCDD&FMP. The NARIGP Team will conduct broad consultation with project beneficiaries and stakeholders and will involve them in development of Community integrated Action Plans (CAPs) and project implementation arrangements. Participation of beneficiaries, particularly in planning, budgeting and monitoring is required to ensure community voices are heard and addressed.
121. NARIGP will facilitate community participation to ensure that the target communities in all selected counties establish elected community officials and that the respective CIGs/VMGs include women, and youth.

9. PROJECT MONITORING AND EVALUATION

9.1 Introduction

122. All project results indicators will be disaggregated by gender to monitor women's participation in the project interventions. The project will also enhance capturing this environmental and social in a disaggregated manner data gender where applicable.
123. The implementation of ESMF will be monitored. The NPCU at the MoDP will establish a monitoring system involving the PIU staff at national and county level, as well as community groups of CIGs/CDDCs to ensure effective implementation of ESMP. A set of monitoring indicators will be determined during ESMP implementation and will be guided by the indicators contained in the ESMF/PAD document. The PIU support consultants will carry out monitoring as will the World Bank social staff. Appropriate monitoring formats will be prepared for monitoring and reporting requirements.
124. The Environmental Management and Coordination Act (EMCA) require that all projects be subjected to a review and screening process in order to determine whether a full scale ESIA is necessary or not. This is done through preparation of a project report which will be prepared by the NARIGP. Each investment will need to be reviewed independently for potential environmental and social impacts. In cases where a full scale ESIA is required, it will be mandatory that the feasibility study is undertaken concurrent with the ESIA study in order to ensure that the findings of the ESIA are incorporated in the feasibility study at the design stage. This will ensure that environmentally sound design including proposed mitigation measures as well as alternatives are incorporated in the feasibility reports at the design stage hence avoiding design change at an advanced stage.
125. As already discussed, the NARIGP has been rated as category **B** and does not require a full scale ESIA. The Environmental Management and Coordination Act (EMCA) require that all projects be subjected to a review and screening process in order to determine whether a full scale ESIA is necessary or not. Project investments will each need to be reviewed independently for potential environmental and social impacts (R., 1998).
126. A completed appraisal package comprises all of the results of the ESIA procedures if undertaken in order to permit a full environmental review. If the World Bank determines that the appraisal package is not complete because the environmental procedures have not been completed, or because after further review it is discovered that the information provided earlier for the screening procedures was incorrect or misleading and that further information is required, the appraisal package will be deemed incomplete and the Review team will promptly notify the applicant of the deficiencies noted.

127. No NARIGP support will be provided until (i) the applicant has presented the certified copy of the positive conclusion of the relevant national authority or - as the case may be - the Review Committee determines that no further environmental review is required, and (ii) the World Bank has reviewed and cleared the environmental documentation and issued its formal no objection.

10. PUBLIC COMPLAINTS AND GRIEVANCE REDRESS

128. NARIGP Team has developed a grievance handling mechanism, which is to be applied by all sub projects. NARIGP will conduct separate sessions at each sub project to inform the affected communities about the mechanism. During the implementation of NARIGP all sub projects will maintain a complaint record database to enable complaint tracking and review and establish a complaint handling committee and involve county grievance handling committees in grievance handling processes. The grievance handling procedures are included in the ESMF (see Annex 8)

11. PUBLIC CONSULTATION AND DISCLOSURE

129. The NARIGP has already held a series of public consultations with target communities, particularly in connection with the site specific ESMPs for the value chains and envisioned civil works. The final consultation and disclosure workshop on the draft ESMF, RPF and VMGF was held at the Kenya School of Monetary Studies on January 12, 2016. It was attended by about 51 participants from 10 counties (Baringo, Bungoma, Nairobi, Nakuru, Kilifi, Kakamega, Kwale, Vihiga, Samburu, and Siaya). These included representatives from Central Government (Ministry of Devolution and Planning 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, Maasai, Samburu, Watta) 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.
130. *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 subprojects 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 dairy 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.

131. *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 channeling 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.

- a. *Challenges of channeling funds.* Participants were concerned about leakages if funds were channeled 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 channeling 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.
- b. *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 its 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
- c. *Clear, Appropriate communication channels.* Importance of proper information and dissemination to avoid rumours 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.

Detailed comments on all three instruments are captured in Annex 13.

Feedback on the draft Environmental and Social Management Framework (ESMF)

132. *The MoDP explained the reasons for the public consultation and disclosure were to show how the NARIGP intended to address safeguards issues through the ESMF based on the Kenya national environmental and social policies and regulatory guidelines and World Bank OP 4.01 Environmental Assessment. The MoDP informed the participants that a series of public consultations had already been held with target communities, particularly in connection with the site specific Frameworks. Even though the Frameworks were prepared in English they had been consulted on in local languages and during implementation key elements would be translated into the local languages and made available prior to the release of funds as requested in the community action plans proposals. The NARIGP consulted project-affected people, Producer organizations (POs) and Common interest Groups (CIGs) about the project's safeguards aspects, and will take their views into account. Furthermore, the NARIGP will initiate such consultations as early as possible (wherever applicable using the Free, Prior and Informed Consultation approach). Following this consultation, the NARIGP, through the MoDP would make the all the frameworks publicly available to the relevant stakeholders through the MoPD and World Bank websites. The participants provided feedback on the potential negative effects and the proposed mitigation measures, the proposed arrangements for the ESMF mainstreaming, and the communication, conflicts and grievance handling mechanism.*
133. *The participants overall endorsed the approach and the elements of the ESMF and found it to be comprehensive. They however believed it could be strengthened in a number of ways, including in the treatment of physical cultural resources (as OP 4.11 Physical Cultural Resources was not triggered); management of presence of maximum residual levels (MRLs) of chemicals; clearer guidance of activities to be undertaken in the forests (such as water catchment protection activities as OP4.36 Forests was not triggered) ensuring a representative grievance complaints mechanisms; having clear communication channels from the project to communities and other implementing organs; additional guidance on air and noise pollution; and ensuring adequate notice and information dissemination for stakeholders to be well informed ahead of project implementation.*

Feedback on the draft Resettlement Action Plan (RPF)

134. *Key messages from the Ministry on the Resettlement Action Plan. The MoDP emphasized that the OP 4.12 is triggered as a precautionary measure. NARIGP envisages no and/or*

minimal physical relocation of project affected persons (PAPs) in its implementation across the 21 counties. The bulk of sub-projects will be small DD², micro-projects to be carried out on farm, with minimal and reversible impacts. The majority of impacts would be minimal and mostly economic displacement as a result of small pieces of land take or loss of physical assets to make way for community and/or county investments. Every effort would be made to ensure that the siting of sub-project investments avoided physical resettlement of anyone and minimized economic displacement. The main objective of the RPF is to guide the preparation of the Resettlement Action Plans for the anticipated sub-projects during Project implementation including to: (a) Establish the NARIGP resettlement and compensation principles and implementation arrangements; (b) Explain the legal and institutional framework underlying Kenyan approaches for resettlement, compensation and rehabilitation; (c) Define the eligibility criteria for identification of project affected persons (PAPs) and entitlements; (d) Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and (e) provide procedures for filing grievances and resolving disputes. The consultations were to receive advice on how to sharpen the framework and anticipate issues to ensure the smooth implementation at community and county levels.

135. *Comments from the Participants on the Resettlement Policy framework.* The participants believed that the framework was adequate. The issues discussed included that:

- a) *Key Stakeholders* should include the following: Water and irrigation, security and internal affairs, NEMA; Enterprise Development/Cooperative
- b) *Grievance mechanism channels* should include the following: Council of Elders, Chief, Village Administrator and Ward administrator, County Independent Management Committees, and Faith-based Organizations. There should be clear communication and timely feedback mechanisms.
- c) *Channels to reach populations.* It would be important to explore various communication channels, including social media to reach Youth, IPOs, CIGs, Producer Organizations;
- d) *The M&E Framework be demystified,* and all key actors sensitized, including community led social audits. Group biodata should be captured to ensure monitoring; and
- e) *Explore the use of semi-autonomous agencies with good track records in CBD as implementing arms of the project.* Participants shared the experience of the Community Development Trust Fund (CDTF) originally in the Ministry of Planning and now a semi-autonomous agency outside of the Government tasked with implementing micro finance projects on behalf of Government.

Comments on the draft Vulnerable and Marginalized Group Framework (VMGF)

² Demand Driven

136. *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 pro-active 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 NAGRIP 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 VMG 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 VMG appropriate forms; and addressing leadership, elite capture and project ownership;

- a) *World Bank and NARIGP response to FPI-Consultation in a national and international dispensation of increased application of FPI-Consent concept:* The participants noted that FPI-Consultations 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 process in the implementation of NARIG project since FPI-Consent might require a different process of consultation and evidence of the broad VMG 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 NARIG project 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, the PICD process along with the frameworks to guide implementation. 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.
- b) *Concerns about NARIGP Funds Flow:* The participant sought for clarification on funds flow modalities for the subproject intended to benefit the VMG. The participants were apprehensive about a financial flow mechanism that would channel VMG intended funding support through the county government. They cited several instances where they have not been 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 VMG 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. The MoDP, in clarifying on NARIGP funds flow, indicated that the exact mechanism is still at the design process and the VMG's views and concerns would be considered in the design alongside other relevant stakeholder's views and recommendations.

- c) *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.
- d) *Identification of traditional practices that might limit the success of the project.* The participants indicated that NARIGP should endeavor to address traditional barriers that might limit certain vulnerable groups among the marginalized communities from accessing benefits accruing from NARIG project. 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.
- e) *Recognition of diversity of cultural process:* The participant noted that different VMG's 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 diversity..
- f) *Step-by-step engagement with VMG.* The participants indicated that NARIGP should avoid information overload to the VMG 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 VMG forums. MoDP welcomed the comment and noted that the OP 4.10 and participatory approach took this into account.
- g) *Simple tools for Subproject proposal development.* The participants indicated that NARIGP should utilize a simplified template for developing sub-projects, noting the low literacy levels among the VMG. 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.

- h) *The Grievance Redress Mechanism should adhere to NARIGP guiding principles of Inclusion and Transparency* and that the NARIGP should uphold and ensure the VMG 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 VMG traditional complaint handling mechanism. Participants observed that every VMG 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. The independent grievance redress committee should draw membership from neutral institutions such as civil society organization among others.
137. **Monitoring Indicators.** The VMG representatives agreed that the suggested indicators for monitoring VMGPs were appropriate and that the criteria for screening VMGs was adequate.
138. The detailed comments and MoDP responses are summarized in Annex 13.
139. The 21 counties are committed to apply the same procedures to all sub-projects to be covered under NARIGP prior to commencement of works in each of the project sites. For each subproject, Environmental and Social Management Plan (ESMP) will be prepared in English and local languages prior to the release of funds as requested in the community action plan proposal (see Annex 2) for abbreviated RAP, comprises specific requirements for public consultations in case of land issues. NARIGP will consult project-affected people and CIGs about the project's safeguards aspects, and will take their views into account. NARIGP will initiate such consultations as early as possible, and for meaningful consultations, will provide relevant material in a timely manner prior to consultation, in a form and language that are understandable and accessible to the groups being consulted.
140. Prior to appraisal of the NARIGP, the ESMF is disclosed by the NARIGP. The Government of Kenya intends to make all project documentation publicly available to the relevant stakeholders.

ANNEXES

Annex 1: Environmental and Social screening Check list

ESM Sub-projects Screening Checklist (Prototype)

(Sub-projects screening process by benefitting communities/Agencies)

Section A: Background information

Name of district.....	
Name of RSU/Monitoring Officer/Researcher	
Sub-project location..... Name of CBO/Institution..... Postal Address:..... Contact Person.....Cellphone:..... Sub-project name.....	
Estimated cost (KShs.).....	
Approximate size of land area available for the sub-project..... Objectives of the sub project.....	
Activities/enterprises undertaken.....	
How was the sub-project chosen?..... Expected sub project duration:.....	

Section B: Environmental Issues

Will the sub-project:	Yes	No
Create a risk of increased soil erosion?	<input type="checkbox"/>	<input type="checkbox"/>
Create a risk of increased deforestation?	<input type="checkbox"/>	<input type="checkbox"/>
Create a risk of increasing any other soil degradation soil degradation?	<input type="checkbox"/>	<input type="checkbox"/>
Affect soil salinity and alkalinity?	<input type="checkbox"/>	<input type="checkbox"/>
Divert the water resource from its natural course/location?	<input type="checkbox"/>	<input type="checkbox"/>
Cause pollution of aquatic ecosystems by sedimentation and agro-chemicals, oil spillage, effluents, etc.?	<input type="checkbox"/>	<input type="checkbox"/>
Introduce exotic plants or animals?	<input type="checkbox"/>	<input type="checkbox"/>
Involve drainage of wetlands or other permanently flooded areas?	<input type="checkbox"/>	<input type="checkbox"/>
Cause poor water drainage and increase the risk of water-related diseases such as malaria?	<input type="checkbox"/>	<input type="checkbox"/>
Reduce the quantity of water for the downstream users?	<input type="checkbox"/>	<input type="checkbox"/>
Result in the lowering of groundwater level or depletion of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>
Create waste that could adversely affect local soils, vegetation, rivers and streams or groundwater?	<input type="checkbox"/>	<input type="checkbox"/>
Reduce various types of livestock production?	<input type="checkbox"/>	<input type="checkbox"/>
Affect any watershed?	<input type="checkbox"/>	<input type="checkbox"/>
Focus on Biomass/Bio-fuel energy generation?	<input type="checkbox"/>	<input type="checkbox"/>

If the answers to any of the above is 'yes', please include an EMP with sub-project application.

Section C: Socio-economic Issues

Will the sub-project:	Yes	No
Displace people from their current settlement?	<input type="checkbox"/>	<input type="checkbox"/>
Interfere with the normal health and safety of the worker/employee?	<input type="checkbox"/>	<input type="checkbox"/>
Reduce the employment opportunities for the surrounding communities?	<input type="checkbox"/>	<input type="checkbox"/>
Reduce settlement (no further area allocated to settlements)?	<input type="checkbox"/>	<input type="checkbox"/>
Reduce income for the local communities?	<input type="checkbox"/>	<input type="checkbox"/>

Increase insecurity due to introduction of the project?	<input type="checkbox"/>	<input type="checkbox"/>
Increase exposure of the community to HIV/AIDS?	<input type="checkbox"/>	<input type="checkbox"/>
Induce conflict?	<input type="checkbox"/>	<input type="checkbox"/>
Have machinery and/or equipment installed for value addition?	<input type="checkbox"/>	<input type="checkbox"/>
Introduce new practices and habits?	<input type="checkbox"/>	<input type="checkbox"/>
Lead to child delinquency (school drop-outs, child abuse, child labour, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>
Lead to gender disparity?	<input type="checkbox"/>	<input type="checkbox"/>
Lead to poor diets?	<input type="checkbox"/>	<input type="checkbox"/>
Lead to social evils (drug abuse, excessive alcohol consumption, crime, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>

Section D: Natural Habitats

Will the sub-project:		
Be located within or near environmentally sensitive areas (e.g. intact natural forests, mangroves, wetlands) or threatened species?	<input type="checkbox"/>	<input type="checkbox"/>
Adversely affect environmentally sensitive areas or critical habitats – wetlands, woodlots, natural forests, rivers, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>
Affect the indigenous biodiversity (Flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
Cause any loss or degradation of any natural habitats, either directly (through project works) or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>
Affect the aesthetic quality of the landscape?	<input type="checkbox"/>	<input type="checkbox"/>
Reduce people's access to the pasture, water, public services or other resources that they depend on?	<input type="checkbox"/>	<input type="checkbox"/>
Increase human-wildlife conflicts?	<input type="checkbox"/>	<input type="checkbox"/>
Use irrigation system in its implementation?	<input type="checkbox"/>	<input type="checkbox"/>

If the answers to any of the above is 'yes', please include an EMP with sub-project application.

Section E: Pesticides and Agricultural Chemicals

Will the sub-project:		
Involve the use of pesticides or other agricultural chemicals, or increase existing use?	<input type="checkbox"/>	<input type="checkbox"/>
Cause contamination of watercourses by chemicals and pesticides?	<input type="checkbox"/>	<input type="checkbox"/>
Cause contamination of soil by agrochemicals and pesticides?	<input type="checkbox"/>	<input type="checkbox"/>
Experience effluent and/or emissions discharge?	<input type="checkbox"/>	<input type="checkbox"/>

Export produce? Involve annual inspections of the producers and unannounced inspections?	<input type="checkbox"/>	<input type="checkbox"/>
Require scheduled chemical applications?	<input type="checkbox"/>	<input type="checkbox"/>
Require chemical application even to areas distant away from the focus?	<input type="checkbox"/>	<input type="checkbox"/>
Require chemical application to be done by vulnerable group (pregnant mothers, chemically allergic persons, elderly, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>

If the answer to the above is 'yes', please consult the IPM that has been prepared for the project.

Section F: Indigenous Peoples

Are there:		
Indigenous peoples living within the boundaries of, or near the project?	<input type="checkbox"/>	<input type="checkbox"/>
Members of these indigenous peoples in the area who could benefit from the project?	<input type="checkbox"/>	<input type="checkbox"/>
Indigenous peoples livelihoods to be affected by the sub project?	<input type="checkbox"/>	<input type="checkbox"/>

If the answer to any of the above is 'yes', please consult the VMGF that has been prepared for the project.

Section G: Land Acquisition and Access to Resources

Will the sub-project:	Yes	No
Require that land (public or private) be acquired (temporarily or permanently) for its development?	<input type="checkbox"/>	<input type="checkbox"/>
Use land that is currently occupied or regularly used for productive purposes (e.g. gardening, farming, pasture, fishing locations, forests)	<input type="checkbox"/>	<input type="checkbox"/>
Displace individuals, families or businesses?	<input type="checkbox"/>	<input type="checkbox"/>
Result in temporary or permanent loss of crops, fruit trees and pasture land?	<input type="checkbox"/>	<input type="checkbox"/>
Adversely affect small communal cultural property such as funeral and burial sites, or sacred groves?	<input type="checkbox"/>	<input type="checkbox"/>
Result in involuntary restriction of access by people to legally designated parks and protected areas?	<input type="checkbox"/>	<input type="checkbox"/>
Be on monoculture cropping?	<input type="checkbox"/>	<input type="checkbox"/>

If the answer to any of the above is 'yes', please consult the mitigation measures in the ESMF, and if needed prepare a (Resettlement Action Plan) RAP.

Section H: Proposed action

(i) Summarize the above:	(ii) Guidance
<input type="checkbox"/> All the above answers are 'No' <input type="checkbox"/> There is at least one 'Yes'	<ul style="list-style-type: none"> • If all the above answers are 'No', there is no need for further action; • If there is at least one 'Yes', please describe your recommended course of action (see below).

(iii) Recommended Course of Action

If there is at least one 'Yes', which course of action do you recommend?

- ☐ CCU³s and CDE will provide detailed guidance on mitigation measures as outlined in the ESMF; and
☐ Specific advice is required from CDE⁴, Lead Scientist and RSUs regarding sub-project specific EA(s) and also in the following area(s)

[type here]

- ☐ All sub-project applications/proposals MUST include a completed ESMF checklist. The KAPAP-RSU and DEC will review the sub-project applications/proposals and the CDEs will sign off;
- ☐ The proposals will then be submitted to NARIG PIU for clearance for implementation by communities in the proposed subprojects.

Expert Advice

- ☐ The Government of Kenya through the Department of Monuments and Sites of the National Museums of Kenya can assist in identifying and, mapping of monuments and archaeological sites; and
- ☐ Sub-project specific EAs, if recommended, must be carried out by experts registered with NEMA and be followed by monitoring and review. During the process of conducting an EA the proponent shall seek views of persons who may be affected by the sub-project. The WB policy set out in OP 4.01 requires consultation of sub-project affected groups and disclosure of EA's conclusions. In seeking views of the public after the approval of the sub-project, the proponent shall avail the draft EA report at a public place accessible to project-affected groups and local NGOs/CSOs.

Completed by: [type here]

Name: [type here]

Position / Community: [type here]

Date: [type here]

Field Appraisal Officer (CDE): [type here]

³ Project County Coordinating Unit

⁴ County Director of Environment and the County Technical Team

Annex 2: Framework for Abbreviated Resettlement Action Plan

In compliance of the Bank's Operational Policy 4.12, in case of less than 200 Project Affected People (PAPs), the following abbreviated Resettlement Framework shall be followed in order to restore housing and issue economic compensation for loss of land and livelihood through a consultative and mutually agreeable process.

Principles

1. All land should be surveyed and mapped and agreement reached with government on explicit eligibility cut-off date.
2. Where land is disputed or land ownership is not clear, the land will be surveyed and a map hereof issued to the affected families. In case of land disputes, attempts should be made to settle disputes prior to project start.
3. Customary and collective rights, e.g. to grazing land and commons, should be verified and documented through community-level consultations and local authorities. Customary and collective rights are also subject to compensation.
4. Compensation for land, housing and assets are based on principles of replacement cost and mutually agreeable solutions based on consultative approach with PAPs.
5. where affected land provide income, the equivalent to the value of the crop lost will be given in compensation, based on the value of the harvests lost until the replacement crop (e.g. fruit tress) come into full production.
6. if land forms basis for other income, the value of the income hereof will be subject to third party assessment
7. If PAPs are squatters/informal settlers on the land, they will receive economic/material compensation to re-establish themselves elsewhere (e.g. on government land) without suffering damage to their livelihood or living standard.

Process

1. Survey of land and assets & census of Project Affected Peoples, including squatters and informal settlers:
 - a. The surveyed land and assets should be identified, marked and photographed, and by the defined eligibility cut-off date the areas should be secured against encroachers.
 - b. the Project Affected People should be identified and registered with full data and photographs
 - c. a compensation package should be developed (categories of impacts and appropriate entitlements to formal and informal settlers landholders and squatters), and
 - d. Initial consultations should be conducted to identify any salient issues or concerns impacting on affected people. Gender separate consultations should be conducted in order to properly ascertain the views of the women.
2. Calculation of individual entitlements. There should be continued consultations with the affected people regarding the project, land acquisition and compensation package in order to reach mutually agreeable solution to land/asset acquisition and/or shifting of house. In case any PAP refuses to shift, an abbreviated Resettlement Plan, compliant to OP 4.12, should be developed.

Outline of an Abbreviated Resettlement Plan

An abbreviated plan covers the following minimum elements:

- a. A census survey of displaced persons and valuation of assets;
- b. Description of compensation and other resettlement assistance to provided;
- c. Consultations with displaced people about acceptable alternatives;
- d. Institutional responsibility for implementation and procedures for grievance redress;
- e. Arrangements for monitoring and implementation; and f. A timetable and budget.

3. The compensation package and abbreviated Resettlement Plan should be submitted to the Bank for approval, using the formats included in the Safeguards Framework
4. The acquisition process is only completed with the actual payment of compensation to Project Affected People and settlement of any grievances they may hold.
5. Describe grievance mechanisms available:

Annex 3: Format for Documentation of Asset contribution

The following agreement has been made on..... day of.....
between.....resident of(the Owner)
and(the Recipient).

1. That the Owner holds the transferable right ofha. of land/structure/asset in.....
2. That the Owner testifies that the land/structure is free of squatters or encroachers and not subject to other claims.
3. That the Owner hereby grants to the Recipient this asset for the construction and development offor the benefit of the villagers and the public at large.

(Either, in case of donation :)

4. That the Owner will not claim any compensation against the grant of this asset.

(Or, in case of compensation :)

4. That the Owner will receive compensation against the grant of this asset as per the attached Schedule.
5. That the Recipient agrees to accept this grant of asset for the purposes mentioned.
6. That the Recipient shall construct and develop the.....and take all possible precautions to avoid damage to adjacent land/structure/other assets.
7. That both the parties agree that the.....so constructed/developed shall be public premises.
8. That the provisions of this agreement will come into force from the date of signing of this deed.

Signature of the Owner: _____Signature of the
Recipient/MRRD/MPW:_____

Witnesses:_____

- 1.
2. (Signature, name and address)

(Attestation by District/Province Judge, Date)

Confirmation of County Resettlement Committee:
Signature/Stamp

Confirmation of County Coordinating Unit:

Signature /Stamp

Annex 4: Format of Quarterly Monitoring Report

Relevant environmental authority:							
Reporting dates:							
NARIGP County:							
Subprojects approved:							
Subproject title	Activities	Project phase ¹⁵	Environmental l. Risks	EIA / EMP Completed?	Environmental Permit granted?	Effectiveness of EMP	Issues ¹⁶
name, location, title or reference	New construction, rehabilitation, maintenance	See note below	(Severe, Moderate or Mild)	Yes, No or N/A	Yes, No or N/A	Good, poor, or needs improvement	See note below
1							
2							
3							
etc							
Subprojects rejected:							
Subproject title	Activities	Reasons for rejection			Remarks ¹⁷		

- 15 Subproject phase will be one of the following: (a) under project preparation or appraisal, (b) appraised, or (c) implementation
- 16 Issues: accidents, litigation, complaints or fines are to be listed
- 17 e.g. if an environmental permit was not granted, explain why?

Annex 5: Draft Terms of Reference for Sub-Project Requiring an ESIA

Based on the screening and scoping results. ESIA terms of reference will be prepared. A Consultant Firm (or individual) will conduct the ESIA and the report should have the following format:

Introduction and Context

This part will be completed at a time and will include necessary information related to the context and methodology to carry out the study.

Objectives of the Study

This section will indicate (i) the objectives and the project activities; (ii) the activities that may cause environmental and social negative impacts and needing adequate mitigation measures.

Mission/Tasks

The Consultant should realize the following:

- ☐ Describe the biophysical characteristics of the environment where the project activities will be realized; and underline the main constraints that need to be taken into account at the field preparation, during the implementation of the project.
- ☐
- ☐ Assess the potential environmental and social impacts related to project activities and recommend adequate mitigation measures, including costs estimates;
- ☐ Assess the need of solid and liquid waste management and suggest recommendation for their safe disposal;
- ☐ Review political, legal and institutional framework, at national and international level, related to environmental and social, identity constraints and suggest recommendations for reinforcement;
- ☐ Identify responsibilities and actors for the implementation of proposed mitigation measures;
- ☐ Assess the capacity available to implement the proposed mitigation measures, and suggest recommendation in terms of training and capacity building, and estimate their costs;
- ☐ Develop an Environmental and Social Management Plan (ESMP) for the project.

The ESMP should underline (i) the potential environmental and social impacts resulting from project activities; (ii) The proposed mitigation measures; (iii) the institutional responsibilities for implementation; (iv) the monitoring indicators; (v) the institutional responsibilities for monitoring and implementation of mitigation measures; (vi) the costs of activities; and (vii) the schedule of implementation.

Public consultations

The ESIA results and the proposed mitigation measures will be discussed with local communities, NGOs, local administration and other organizations mainly involved by the project activities. Recommendations from this public consultation will be included in the final ESIA report.

Plan of the ESIA Report

- ☐ Cover page
- ☐ Table of Contents
- ☐ List of Acronyms
- ☐ Executive Summary
- ☐ Introduction
- ☐ Description of project activities
- ☐ Description of Environment in the project area
- ☐ Description of policy, legal and Institutional Framework
- ☐ Description of the methodology and techniques used in assessment and analysis of the project impacts
- ☐ Description of environmental and social impacts for project activities
- ☐ Environmental and Social Management Plan (ESMP) for the project including the proposed mitigation measures;
- ☐ Institutional responsibilities for monitoring and implementation; Summarized table for ESMP.
- ☐ Recommendations
- ☐ References
- ☐ List of Persons/Institutions met

Qualification of the Consultant

The Consultant firm to conduct the ESIA studies will be based on their past performances and quality of the deliverables.

Duration of Study

The Duration of study will be determined according to the type of activity

Production of final Report

The Consultant firm will produce the final report one (1) week after receiving comments from NARIGP and WB. The final report will include comments from these institutions.

Annex 6: Complaints Registration Form

Complaints Registration Form:

NARIGP Complaints Registration Form

LOCATION : County: _ Sub County:		
CIG/PAP/VMG Name:		
NAME OF COMPLAINANT:	PHONE number:	ADDRESS:
Community position:		
resident <input type="checkbox"/> member <input type="checkbox"/> Official <input type="checkbox"/> Other <input type="checkbox"/>		
Classification of the grievance (Check box)		
<input type="checkbox"/> CIG/formation	<input type="checkbox"/> Inter-community dispute	
<input type="checkbox"/> Procurement	<input type="checkbox"/> Technical/operational coordination	
<input type="checkbox"/> Financial	<input type="checkbox"/> Process delays	
<input type="checkbox"/> Other (specify)		
Does he/she inform the CRC of his/her neighborhood regarding to this grievance? Yes <input type="checkbox"/>		
No <input type="checkbox"/>		
If No, ask him/her to inform the NSC, for solving this grievance.		
Brief description of the grievance:		
What is the perceived cause?		
Suggested action (by complainant) to address grievance:		
Signature of complainant: _____		Date: / /
Received on behalf of NARIGP by:		Registration no:
Name: _____	Designation:	Signature:
Date: / / _____		

Annex 7: Training Matrix Budget for the Environmental and Social Safeguards

Activity	Year					Total Budget (US\$)	Remarks
	1	2	3	4	5		
Recruitment of a Desk Officer – Safeguards	X						
Awareness creation at national level	X					145,000	One-off 2 day workshop
Awareness creation at county level (21 counties)	X					190,000	One off 2 day workshop for all relevant county implementing agencies
Awareness creation at CIG, CWG and individual farmer level	X	X	X	X		160,000	One day sensitization meeting
ToT training for service providers, county technical teams	X					150,000	Three-day training workshop
Undertake social assessment (8 counties targeted)	X					300,000	Target
NARIGP Frameworks training to county technical teams	X		X			140,000	Two day training
NARIGP Frameworks training/reviews to communities	X	X	X	X	X	280,000	One day capacity building
Undertake NARIGP Project Environmental and Social Audit (start and end period)	X			X		250,000	Consultancies
Certification for community micro-projects (30 per year starting year 2)		X	X	X	X	240,000	Approvals by the national Institution-NEMA
Training on quality standards, certification and food safety (for the CIGs)			X	X	X	300,000	10 Groups targeted per year

Activity	Year					Total Budget (US\$)	Remarks
Environmental and Social Safeguards monitoring by the technical teams						120,000	Twice per year
Training on OP/BP 4.10 for relevant groups/NARIGP VMGF	X	X	X	X	X	400,000	All target groups
Train on Involuntary Resettlement OP/BP 4.12 and NARIGP RPF	X	X	X	X	X	400,000	All target groups
Train on Environmental Assessment OP/BP 4.01/NARIGP ESMF	X	X	X	X	X	400,000	All target groups
Train on Pest Management Policy OP/P 4.09/NARIGP IPMF (Annex to ESMF)	X	X	X	X	X	400,000	All target groups
Undertake soil testing, analysis for value chains	X	X	X	X	X	10,000	10 farmer groups Targeted per year
Train on specific communities projects' adaptation and mitigation to climate change strategies		X	X	X		300,000	Detailed training to SPs and county technical teams
Community monitoring on environmental and social safeguards		X	X	X	X	100,000	200 groups per year starting year 2
Annual environmental and social safeguards review meetings	X	X	X	X	X	400,000	All actors

Annex: 8 Grievance Handling Mechanism (GRM)

• A. Grievances Redress Mechanisms

Grievances may arise from members of communities who are dissatisfied with: (a) the eligibility criteria, (b) community planning measures, (c) approval of CAPs and allocation of funds or (d) actual implementation.

This section sets out the measures to be used to manage grievances. The overall process of grievance handling is as follows⁵:

- ❖ Compensation committees including representatives of PAPs will establish the compensation rates.
- ❖ During the initial stages of the valuation process, the affected persons are given copies of grievance procedures as a guide on how to handle the grievances/sensitization of PAPs.
- ❖ The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases..
- ❖ The project will use a local mechanism, which includes peers and local leaders of the affected people. These will ensure equity across cases; they eliminate nuisance claims and satisfy legitimate claimants at low cost.
- ❖ The response time will depend on the issue to be addressed. Compensation will be paid to individual PAPs only after a written consent of the PAPs is received
- ❖ Should a PAP decline the compensation suggested, he/she could appeal to the County Steering Group and local Land Control Board.
- ❖ A Compensation Committee (CC) and local Land Control Board at the local level will first revise his/her case.
- ❖ Then the CC will draft its inclusions and submit them to the implementing agencies (IAs) for deliberation in the aim of settling the differences.

And when these have failed the individual PAP has the right to take his case to the civil courts for litigation.

In order to deal with the grievance that may rise during the implementation of the RAP, there is need to incorporate a grievance redress process with IAs and with PAPs representatives committee to hear the complaints and provide solutions, and reduce unnecessary litigation by resolving disputes through mediations.

• B. Grievance Redress Process

At the time the individual resettlement plans are approved and individual compensation contracts are signed, affected individuals and homesteads would have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple, administered as far as possible at the local levels to facilitate access, flexibility and open to various scrutiny.

The Resettlement Committee⁶ being a party to the contract would not be the best office to receive, handle and rule on disputes. Therefore, taking these concerns into account, all grievances concerning non-fulfilment of contracts, levels of compensation, or seizure of

⁵ Details of the GRM are to be put in the project operational manual

⁶ The role of this committee, establishment and composition will be detailed in the project operational manual

assets without compensation should be addressed to the County Lands Officer, assisted by the local Land Control Board.

If the verdict rendered by the chief is not acceptable to either the individual affected or the management committee, then the parties in their compensation contract would have agreed that the matter would be appealed to a Court of Law as provided for by law. Notwithstanding that the grievance redress mechanism accepts that the compensation and resettlement plans will be (contracts) binding under the laws of Kenya.

The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the Courts which would otherwise take a considerably longer time.

Grievance procedures may be invoked at any time, depending on the complaint. No person or community from whom land or other productive assets are to be taken will be required to surrender those assets until any complaints s/he has about the method or value of the assets or proposed measures are satisfactorily resolved.

All attempts would be made to settle grievances. Those seeking redress and wishing to state grievances would do so by notifying their area chief. The chief will inform and consult with the Resettlement Committee, the IA, the local Land Control Board and PAP and other records to determine a claim's validity. If valid, the chief will notify the complainant and s/he will be settled. If the complainants claim is rejected, then the matter will be brought before the County Land Registrar and local Land Control Board. If the PAP is dissatisfied with their decision, then s/he will be free to seek the determination by a Court of Law as provided in the Constitution. The decision of the High Court would be final and all such decisions must be reached within a full growing season after the complaint is lodged.

If a complaint pattern emerges, the IAs, the local Land Control Board and the local Chief will discuss possible remediation. The local leaders will be required to give advice concerning the need for revisions to procedures. Once they agree on necessary and appropriate changes, then a written description of the changed process will be made. The IA and the local Land Control Board will be responsible for communicating any changes to future potential PAPs when the consultation process with them begins.

Annex 9: General Environmental and Social Mitigation Plan

Impacts	Mitigation Measures	Responsibility	Time Frame		
			ST	MT	LT
Physical Environment					
Waste Disposal	<ul style="list-style-type: none">Provision of waste receptacles and facilitiesTraining and awareness on Safe Waste Disposal in construction camps for all workersNEMA approvals on final waste disposalCollection and temporal storage of Waste oil /fuel from vehicles and equipment.Waste oil disposal by approved oil marketing companies or agents.	Beneficiary Community Members, County Governments, NGO'S , CBO'S, Community Members, NEMA, Ministry of Environment and Natural Resources, Research Institutions, NARIGP.	✓		
Air pollution	<ul style="list-style-type: none">Operation of well-maintained machineries by the contractors.Routine maintenance program for all equipment and machineries on site.Use of good quality fuel and lubricants only.Wetting of operational sites to reduce dust raising	Beneficiary community Members, NEMA, County Government, Government of Kenya, NGO's, CBO'S, Contractors, Research Institutions, Community Members NARIGP		✓	
Noise and Vibration	<ul style="list-style-type: none">Use well-conditioned and maintained equipment and vehicles with some noise suppression equipment (e.g. mufflers, noise baffles) intact and in working order.Ensure contractual agreements with the construction contractors on noise and vibration mitigation.Implementation of best driving practices when approaching and leaving the site (speed limit of ≤30 km/hr) to minimize noise generation.Switching off Engines of vehicles/trucks and earth-moving equipment and other machineries when not in use.	Beneficiary community Members, Ministry of Environment & Natural Resources, NEMA, Ministry of Public Works, Department of Physical Planning, Ministry of Roads & Transportation, NARIGP.	✓		
Interference with the visual landscape	<ul style="list-style-type: none">Landscape installation after construction and	Beneficiary community Members, County Government,			✓

Impacts	Mitigation Measures	Responsibility	Time Frame		
			ST	MT	LT
Physical Environment					
	restoration of disturbed areas e.g. borrow pits for visual aesthetics	Government of Kenya, Ministry of Environment and Natural Resources, NEMA, Department of Physical Planning, NARIGP, CBO’s, NGO’s.			
Un controlled Water use	<ul style="list-style-type: none">• Issuance of water abstraction permits from the relevant authorities.	Beneficiary community Members, Water Resources Management Authority (WRMA), Ministry of Water and Irrigation, NEMA, Ministry of Environment & Natural Resources			✓
Water pollution	<ul style="list-style-type: none">• Banning of garbage/refuse, oily wastes, fuels/waste oils into drains or onto site grounds• Proper securing of Fuel storage tanks/sites to contain any spillage• Maintenance and cleaning of vehicles, trucks and equipment far from project sites or close to water bodies.• Adequate provision of Toilet facilities at the construction sites avoids indiscriminate defecation.• Application of Integrated Pest Management Plan (IPMP) where necessary.	Beneficiary community Members, County Government, Ministry of Environment & Natural Resources, WARMA, Research Institutions, Ministry of Roads & Transport, NEMA, Ministry of Public Health & Medical Services, NARIGP.		✓	
Soil and Land Degradation	<ul style="list-style-type: none">• Minimal land clearing• Rehabilitation of degraded areas• Minimal construction work during rainy season	Beneficiary community Members, County Government, Ministry of Devolution and Planning, Ministry of Agriculture, KFS, Ministry of Public Works, NEMA, Ministry of Environment and Natural Resources, NARIGP.			✓

Impacts	Mitigation Measures	Responsibility	Time Frame		
			ST	MT	LT
Physical Environment					
Interference and destruction of Faunal habitats	<ul style="list-style-type: none">Minimal disturbance on sensitive habitat areas.Regular inspection and monitoring on identified or suspected sensitive habitats (swamps/ wetlands), prior to start and during work.	Government of Kenya, KWS, KFS, NEMA, Mistry of Environment and Natural Resources, WARMA, relevant NGO’S & CBO’s, NARIGP.			
Contamination of inland water bodies and destruction of aquatic lives and habitats.	<ul style="list-style-type: none">Implementation of a hazardous materials management plan by the contractor for the proposed investments.Identification of sensitive aquatic mammals during pre-installation and installation of project facilities.Execution mitigation measures upon discovery of these species in the vicinity of the work area to avoid destruction or disturbance.Provision for water flow reserves and appropriate reservoir filling schedulesImmediate reporting of any injured or dead aquatic life during project operations including the date and location and the description of the animal/strike.Availing the above report to the NEMA or KWS.Educating the Project workforce and local communities on the project to ensure environmental protection and conservation.	NEMA, County Government, National Government, Ministry of Devolution & Planning, WARMA, Ministry of Environment & Natural Resources, KWS, KFS, KEFRI, Ministry of Information, Communication and Technology, Ministry of Lands, NARIGP.			✓
Loss of employment and livelihoods	<ul style="list-style-type: none">Assisting the affected through livelihood assistance and provision of new jobs to avoid interrupted income flow.Recommendation of necessary measures in accordance with the Resettlement Policy Framework (RPF) upon social assessments, socio-economic surveys and resettlement action plans, undertaken in preparation of individual	Beneficiary community Members, Ministry of Devolution and Planning, County Government, Government of Kenya, Ministry of Lands, Physical Planning Department, NARIGP.	✓		

Impacts	Mitigation Measures	Responsibility	Time Frame		
			ST	MT	LT
Physical Environment					
	<div>investments/subprojects.</div> <ul style="list-style-type: none">• Use of local labor as much as possible and where available.				
Land and property loss	<ul style="list-style-type: none">• Due process should be followed to establish the true owner of any land, be it family or communal land.• Proper valuation of properties to be lost.• Appropriate compensation of acquired land in accordance with the resettlement policy framework (RPF).	Beneficiary community Members, Gok, Ministry of Devolution and Planning, County Government, Ministry of Public works, Department of Physical Planning, Ministry of Lands, NARIGP.	✓		
Impacts on human health/ traffic safety and sanitation	<ul style="list-style-type: none">• Proper covering of Trucks carrying construction materials with polythene material from or to project site.• Use of road worthy vehicles/trucks should be used on sites with qualified and experienced drivers.• Marking of active construction areas with high-visibility tape to reduce the risks and accidents involving pedestrians and vehicles.• Immediate backfilling of open trenches and excavated areas as soon as possible after a construction.• Securing of open trenches and excavated areas to prevent pedestrians or vehicles from falling in.• Availing adequate sanitary facilities for workers and open range defecation will not be countenanced.• Provision of protective equipment to the Construction workers and necessary education on suitable Personal Protective Equipment.• Enforce use of PPEs for all workers to minimise	Beneficiary community Members, Ministry of Health, Ministry of Roads and Transport, County Government, Contractors, Physical Planning Department, NEMA, Ministry of Public Health, NARIGP.	✓		

Impacts	Mitigation Measures	Responsibility	Time Frame		
			ST	MT	LT
Physical Environment					
	<ul style="list-style-type: none">accidentsStrict adherence to basic rules with regard to protection of public health such as proper hygiene and disease (HIV/AIDS) prevention.				
Erosion and interference of cultural heritage / archaeological interest / existing ecologically sensitive areas	<ul style="list-style-type: none">Carrying out re-construction surveys to identify and document cultural heritage resources and existing ecologically sensitive.Implementation of a chance find procedure and reporting system by contractors upon encountering a cultural heritage feature or ecologically sensitive item/issue.	Beneficiary community Members, Ministry of Gender and Social Service, Ministry of Environment & Natural Services, NEMA, Ministry of Devolution and Planning, Ministry of Public works, Relevant CBO's & NGO'S NARIGP.			✓
Impacts on human health and public safety	<ul style="list-style-type: none">Implementation of an Environmental, Health and Safety (EHS) plan being that of contractual agreement by the contractors in order to outline procedures for avoiding health and safety incidents and for emergency medical treatment.Wearing of suitable Personal Protective Equipment (PPE) by contractors in accordance with the EHS plan.Enforcement of use of PPEs by all to minimise accidents.Sufficient training to all contractors and workers on safe methods pertaining to their area of work to avoid injuries.	Beneficiary community Members, Ministry of Public health and medical services, Ministry of public works, Department of Physical planning, Ministry of Devolution and Planning, County Government, NARIGP, NGO's, CBO's, Financial institutions.		✓	
Labour related issues	<ul style="list-style-type: none">Preparation of redundancy plans and packages for the affected workers which will include re-training and re- tooling of the affected and avoidance of labor strife.	GoK, Ministry of Gender and Social Services, Ministry of Devolution and Planning, Ministry of Labour, NGO's, CBO's, NARIGP.	✓		

Impacts	Mitigation Measures	Responsibility	Time Frame		
			ST	MT	LT
Physical Environment					
Waste pollution from construction camps	<ul style="list-style-type: none">Preparation of site specific Waste Disposal Plan.Strategic installation of waste disposal receptacles and signs within the construction camps.Provision of training and awareness on clean environment.Provision of adequate toilets and efficient sewer system within construction camps	County Governments, Ministry of Devolution and Planning, Ministry of Environment and Natural Resources, WARMA, NEMA, Ministry of Public health and Medical services, NARIGP.		✓	
Impact on gender access to water for household use and household plots as well as impact on pastoralists and fisheries.	<ul style="list-style-type: none">Consideration of diverse needs for water and accessibility modes to be effected for each groups.Recommendation of appropriate mitigation measures for the affected.Recommendation of group specific appropriate measures to specific impacts as per the project's specific social assessment.	Beneficiary community Members, Ministry of Gender and Social Services, Ministry of Labour, Ministry of Water & Irrigation, WARMA, NGO's, CBO's, Ministry of Agriculture, Livestock and Fisheries.			✓
Impacts on vulnerable and marginalized groups	<ul style="list-style-type: none">Identification and profiling of vulnerable and marginalised groups through Vulnerable and Marginalised Groups Framework (VMGF).Designing of investment specific plans.	Beneficiary community Members, Ministry of Devolution and Planning, County Government, Ministry of Labour, Relevant NGO's & CBO's, Private financial institutions, NARIGP.		✓	
HIV/AIDS prevalence Spread and other related public health diseases –Water borne	<ul style="list-style-type: none">Designing and conducting of HIV/AIDS awareness, sensitisation and prevention program for each project with the entire community coverage.	Beneficiary community Members, Ministry of Devolution and Planning, County Government, Ministry			✓

Impacts	Mitigation Measures	Responsibility	Time Frame		
			ST	MT	LT
Physical Environment					
diseases etc.	<ul style="list-style-type: none">Designing of programs targeting reduction of the spread of water borne diseases in collaboration with Ministry of Health	of Public Health and Medical Services, NEMA, Ministry of Water and Irrigation, WARMA, Ministry of Public Works, Relevant CBO’s & NGO’s, Research Institutions, NARIGP.			
Downstream Impacts of dams, dykes and weirs and other water infrastructure e.g. irrigation investments, bulk water supply,	<ul style="list-style-type: none">Maintenance of environmental flow reserves for the river to retain water in reservoir during drought, ensure that water retention in dam is controlled to ensure that adequate reserve is left to flow downstream for users Proper designing of dams by qualified personnel;Instituting dam safety panel and development of a dam safety plan.	Ministry of Environment & Natural Resources, Ministry of Water and Irrigation, WARMA, Ministry of Devolution and Planning, County Government, Ministry of Public Works, Research Institutions, Financial institutions, NGO’s, CBO’s, NARIGP.			✓
Impacts on community employment, skills and knowledge	<ul style="list-style-type: none">Prioritization of local communities in matters of employment and training (skilled) to for sustainable work force in the project e.g. operation and maintenance	Beneficiary community Members, Ministry of Labour, Ministry of Devolution & Planning, County Government, CBO’s, NGO’s, NARIGP.			✓

Source: Author (2015)

Annex 10: Project Impacts by Component Explained

World Bank Policy	Project Component	Environmental Impacts triggered	Social Impacts
OP 4.01: Environmental Assessment	1 & 2	<p>Positive – Improved Environmental conservation measures and practices, Protection of natural resources, Improved climatic conditions. Improved and safe agricultural practices, clean and safe environment.</p> <p>Negative – Possible Pollution of water resources and air pollution land degradation, production of green house gases.</p>	<p>Positive _ Capacity building, improved livelihoods, accessibility to markets through improved infrastructure and reduced food insecurity and improved nutrition status</p> <p>Negative- Impacts on human health and sanitation</p>
OP 4.04: Natural Habitats	1 & 2	<p>Positive- Conservation of natural habitats, Integrated farming- cross pollination, Increased vegetation cover, improved climatic conditions.</p> <p>Negative- Biodiversity loss, minimal interference of faunal habitats,</p>	<p>Positive- Capacity building and awareness, protection of natural resources, Improved climatic conditions.</p>
OP 4.09: Pest Management	1 & 2	<p>Negative _ Air pollution, possible loss of fauna through poisoning during sprays, human poisoning through inhalation of spray chemicals, Residual effect on foods products.</p>	<p>Positive – Capacity building and awareness on safe use of agro-chemical, improved human health use of organic foods.</p> <p>Negatives – Impacts on human health</p>
OP 4.10: Indigenous Peoples	1 & 2	<p>Positive- Improved conservation and protection of natural resources through integrated farming.</p> <p>Negative -Conflicts over natural resource , misuse of natural resources in support of the project</p>	<p>Positive- Capacity building, increased incomes, proper nutrition and health.</p> <p>Negative- Physical displacement of IP like the Ogieks from forest areas, Loss of livelihood</p>
OP 4.11: Physical Cultural Resources	1& 2	<p>Positive – Improved Vegetation cover through increased production of indigenous crops</p>	<p>Positive - Capacity building, social inclusion in the project, use of indigenous skills and resources in the project</p>
OP 4.12: Involuntary Settlement	1 & 2	<p>Positive- Proper use of land, Improved vegetation cover, improved climatic conditions.</p> <p>Negative - Economic loss of land, Land degradation</p>	<p>Positive – Capacity building</p> <p>Negative - Physical displacement</p>
OP 4.20 - Gender and Development	1 & 2	<p>Positive – Involvement in positive environmental conservation practices, rehabilitation of natural resources</p>	<p>Positive - Capacity building, increased, inclusiveness in the</p>

			projects, Improved nutrition, Human health and sanitation.
OP 4.36 - Forests	1 & 2	Positive - Increased vegetation cover through Deliberate planting of trees by the community, Integrated farming practices Negative - Cutting down of trees to support relevant value chains such as bee keeping.	Positive - Capacity building and increased awareness on protection of forestry resources

Source: Author (2015)

Annex 11 – Chance Find Procedures

Chance finds procedures are an integral part of the project ESMP and civil works contracts. The following wording is proposed:

If the Contractor discovers archeological sites, historical sites, remains and objects, including graveyards and/or individual graves during excavation or construction, the Contractor shall:

- Stop the construction activities in the area of the chance find;
- Delineate the discovered site or area;
- Secure the site to prevent any damage or loss of removable objects. In cases of removable antiquities or sensitive remains, a night guard shall be arranged until the responsible local authorities or the Ministry in charge of managing cultural heritage and related resources in the country (responsible ministry) take over;
- Notify the supervisory Project Environmental Officer and Project Engineer who in turn will notify the responsible local authorities and the responsible ministry immediately (within 24 hours or less);

Responsible local authorities and the responsible ministry would then be in charge of protecting and preserving the site before deciding on subsequent appropriate procedures. This would require a preliminary evaluation of the findings to be performed by the archaeologists assigned by the government. The significance and importance of the findings should be assessed according to the various criteria relevant to cultural heritage, namely the aesthetic, historic, scientific or research, social and economic values.

Decisions on how to handle the finding shall be taken by the responsible authorities and the responsible ministry. This could include changes in the layout (such as when finding irremovable remains of cultural or archeological importance) conservation, preservation, restoration and salvage.

Implementation for the authority decision concerning the management of the finding shall be communicated in writing by relevant local authorities.

Construction work may resume only after permission is given from the responsible local authorities or the responsible ministry concerning safeguard of the heritage.

Annex 12 – Integrated Pest Management Framework

Separately attached document

Annex 13: 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. 	MoDP noted that had experienced change in its senior management which had resulted in the delays.
<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? 	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.
<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? 	MoDP affirmed that no on-going project was to be stopped because of NARIGP, but instead the NAGRIP built on previous and ongoing Government and donor funded projects best practice and lessons
<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. 	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
<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 sub-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 	The MoDP noted that changes in its senior management leadership had

Comments raised by Participants	MoDP response
<p>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>	<p>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 Government met with the Council of Governors. • Government has prioritized marginalized counties through other projects and instruments focusing on peace and security •
Comments on the draft ESMF	
<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>

Comments raised by Participants	MoDP response
<ul style="list-style-type: none"> • <i>Communication.</i> Structure proposed to start at grassroots. The composition must be all inclusive. 	Noted
<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.</i> How do we avoid it? 	<ul style="list-style-type: none"> • This is a problem in marketing of this value chain. The NEMA will liaise with the service providers 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.</i> 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. 	<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.
Comments on the draft Resettlement Policy Framework	
<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 sue 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 suing 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 too placed in the decision making structures of the project at each sub-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

Comments raised by Participants	MoDP response
	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 VMG. 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 VMG 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 NAGRIP project or is it a policy framework for VMGs for NAGRP?</i> Where are VMGs in the process to developing this framework? 	<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

Comments raised by Participants	MoDP response
	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 	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 VMG 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 VMG 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 VMG across the various decision making levels of NARIGP should be monitored • <u>Proportion of funds</u> reaching the VMG 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 VMG's, 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 NARIG project. 	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, 	Noted

Comments raised by Participants	MoDP response
form and manner to access information should be the practice so beneficiaries can participate in an informed and timely manner.	
<ul style="list-style-type: none"> <u>Timely, accessible and accurate information dissemination in VMG appropriate forms and forums.</u> The participants noted that the different VMG's 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 VMG appropriate forums using formats. 	
<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 VMG members, failure to honour 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 VMG mobilization, appropriate awareness creation, capacity building, and honoring commitments with the VGM's. 	
<ul style="list-style-type: none"> <u>Leadership in VMG's Sub-project supported through NARGIP:</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. This would ensure that elected leaders are accountable to the VMG and NARGIP. This would require a criteria that has jointly been agreed upon by VMG and NARIGP. 	
<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 <i>Mpesa</i>⁷ 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.

⁷Is a mobile phone-based money transfer

Comments raised by Participants	MoDP response
<ul style="list-style-type: none"> • <u>Support to VMGs</u>. How do you ensure there is participatory integrated development in VMG community given possibility of elite capture? There should be identification of VMGs and capacity building to bring them to point where they can participate. 	<p>Noted. The project has a window for targeting VMS and a package to assist them develop plans.</p>
<ul style="list-style-type: none"> • <u>Gender</u>. There needs to be some specific guidelines on how to address the gender dimensions. 	<p>This will be done. The project is taking lessons from GROOTS and other projects to ensure that women will benefit.</p> <p>There is a window specific for VMGs and women and youth.</p>
<ul style="list-style-type: none"> • How do you overcome the bias that is included in the VMGs? • How can this be balanced with not “rubbing the community the wrong way”? 	<p>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</p>
<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 	<p>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.</p>
<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. 	<p><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.</p>

Annex 14: List of participants during the Disclosure Consultation

(January 12, 2016) was captured as follows:

No.	Name	Position	Institution	Email	Phone	Signature