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SFG1842

**MINISTRY OF DEVOLUTION AND
PLANNING**

**RESETTLEMENT POLICY
FRAMEWORK**

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

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ABBREVIATIONS AND ACRONYMS

AIDS	Acquired immune deficiency syndrome
ARP	Abbreviated Resettlement Plan
ASAL	Arid and Semi-Arid Lands
BP	Bank Policy
CAP	Community Action Plan
CBO	Community Based Organization
CC	Compensation Committee
CCU	County Coordinating Unit
CDDC	Community Driven Development Committees
CDP	County Development Plan
CIDP	County Integrated Development Plans
CIG	Common Interest Group
CoGs	Council of Governors
CPSC	County Project Steering Committee
CS	County Secretary
CSA	Climate Smart Agriculture
EMPs	Environmental Management Plans
EPS	Economic Planning Secretary
ESMF	Environmental and Social Management Framework
GCRC	Gross Current Replacement Cost
GoK	Government of Kenya
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
HIV	Human immune deficiency virus
IA	Implementing Agency
IDA	International Development Agency
IP	Indigenous Peoples
IPPF	Indigenous Peoples Planning Framework
IWUA	Irrigation Water User Association
KENAFF	Kenya Agricultural Federation of Farmers
KWS	Kenya Wildlife Service
LH	Lower Highland
LSK	Law Society of Kenya
M&E	Monitoring and Evaluation
MCA	Member of County Assembly
MEP	Monitoring Evaluation Plan
MET	Monitoring Evaluation Team
MoALF	Ministry of Agriculture Livestock and Fisheries
MoDP	Ministry of Planning
MoU	Memorandum of Understanding
NARIGP	National Agricultural and Rural Inclusive Growth Project
NEMA	National Environment Management Authority
NGO	Non-Governmental Organization
NPC	National Project Coordinator
NPCU	National Project Coordinating Unit
NPSC	National Project Steering Committee
NRM	Natural Resource Management
NTAC	National Technical Advisory Committee

O&M	Operations & Maintenance
OP	Operational Policy
PAP	Project Affected Persons
PCU	Project Coordinating Unit
PDO	Project Development Objective
PF	Resettlement Process Framework
PICD	Participatory Integrated Community Development
PO	Producer Organizations
PS	Principal Secretary
RAP	Resettlement Action Plan
RCA	Replacement Cost Approach
RPF	Resettlement Policy Framework
SDP	State Department of Planning
TIMPS	Technologies, Innovations and Practices
ToR	Terms of Reference
ToTs	Training of Trainers
UM	Upper Midland
VC	Value Chain
VMG	Vulnerable and Marginalized Groups
WB	World Bank
WRUA	Water Resource User Association

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EXECUTIVE SUMMARY

Introduction

- 1) The development of a Resettlement Policy Framework (RPF) is a way to comply with the World Bank safeguard policy on Involuntary Resettlement (OP/BP 4.12) triggered by projects that entail physical displacement through acquisition of land for project activities; economic displacement or restricted access to natural resources and assets that leads to loss of income sources or means of livelihood under the involuntary resettlement. The RPF will provide project stakeholders with procedures to address the risks that may arise is a sub project requires for the economic or physical resettlement of populations. It is expected to provide guidelines on how the projects will avoid, manage or mitigate all project related displacement risks.

Brief Description of Project

- 2) 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) 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.

Description of Project Areas

- 4) 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: List of Selected Counties for NARIGP

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

- 5) **The Project Development Objective** of NARIGP is to increase agricultural productivity and profitability leading to improved livelihoods and reduced vulnerabilities of targeted rural communities in selected counties. 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).

- 6) **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).
- 7) **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.
- 8) **Principles, Objectives and Processes** - NARIGP does not envisage a resettlement but OP 4.12 is triggered as a precautionary measure. The purpose of the RPF for NARIGP will be to: (i) avoid or minimize involuntary resettlement where feasible, exploring all viable alternative micro project designs, (ii) assist displaced persons (if any) in restoring their former living standards, income and profit capacities, and production levels to near normal, (iii) encourage community participation in planning and implementing resettlement (where applicable), providing procedures to assisting the affected persons regardless of the legality of land tenure as a result of implementing the various micro projects.
- 9) The RPF is therefore, prepared to guide the selection and implementation of sub projects that will require precautionary measures related to 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 and proceeds.
- 10) 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, infrastructure development and land acquisition.
- 11) The Bank O.P.4.12 requires that RPF report 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.

- 12) **Potential Project Impacts** - The potential impacts include but not limited to the ones related to the following: land use and utilization; inequalities in incomes and other benefits; and community livelihoods, household farm production, and profits. In line with the World Bank safeguard policy OP 4.12, the NARIGP will therefore, minimize displacement through a number and structured steps which are detailed in the main text of the framework.
- 13) **Resettlement Impacts** - This RPF considers project affected people as those who stand to lose, as a consequence of the project implementation,
- 14) A Resettlement Action Plan (RAP) will be used where more than 200² individuals are displaced. An Abbreviated Resettlement Plan (ARP) will be used where less than 200 individuals are displaced. In some instances ARAPs are required where sub projects affect more than 200 people, but with minor land acquisition (20% or less of all holdings is taken) and no physical relocation is involved.
- 15) **Mitigation Measures** - Detailed social assessment studies will be carried out within the communities as and when required. The framework for the compensation/resettlement will then be applied incorporating specific elements of interest. Vulnerable persons among the micro project affected persons (PAP) will be identified and special assistance offered during the compensation implementation process with a well-defined criteria.
- 16) **Eligibility Criteria, Entitlements and Valuation of Affected Assets** - The purpose of the valuation exercise is to assess the loss to the affected persons as part of the Assessment of Resettlement Issues under the project. The basis of this valuation is derived from the World Bank's Involuntary Resettlement Policy, OP 4.12; the Resettlement Policy Framework developed for NARIGP; and The Constitution of Kenya 2010.
- 17) **Land Acquisition and Valuation of land and other assets** - Land acquisition in Kenya, is broadly defined in the Constitution of Kenya, while the detailed procedures are explained elsewhere. Section 75 for example outlines expropriation on private land, stating it is allowed if the development and utilization of the property will promote public benefit among other things. The necessity for expropriation is justified by hardship caused to any persons, and the law that stipulates prompt payment of full compensation makes the provision justifiable.
- 18) **Structures** - The Replacement Cost Approach (RCA) will be adopted for the valuation of the structures. The RCA is based on the assumption that cost and value are related.
- 19) **Livelihood** - Losses of income and profits for businesses will be estimated from net daily/monthly profit of the business verified by an assessment of visible stocks and activities. In addition to the compensation, disturbance allowances of 10% of total compensation will be considered (where applicable).

² The actual parameters will be determined as per case specific

- 20) **Economic Plants/Livestock/Aquaculture** - The enumeration approach will be adopted for the crops and livestock affected by the micro project. The Enumeration Approach involves taking census of the affected crops and livestock including fish and applying flat realistic rate approved by the Land Valuation Team.
- 21) **Grievance Redress Mechanism (GRM)** - The objectives of the grievance process are to: Provide affected people with avenues for making a complaint or resolving any dispute that may arise during the course of the implementation and determination of entitlements of compensation and implementation of the project; ensure that appropriate and mutually acceptable redress actions are identified and implemented to the satisfaction of complainants; and avoid the need to resort to forceful actions and/or judicial proceedings. The general steps of the grievance process comprise: receipt of complaints; determining and implementing the redress action; verifying the redress action; amicable mediation and settlement; dissatisfaction and alternative actions; and documentation and communication.
- 22) **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; County Land Valuation Officers; 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).
- 23) **Training and Awareness Creation Budget for RPF Implementation** - The estimated budget for sensitization and training of key Technical team members and ToTs responsible for implementing the RPF and logistical support is estimated at US\$ 198,000. The budget for the preparation of RAPs/ARAPs will be developed from the specific social assessment studies and mitigation/livelihood restoration measures to be developed. It will cover resettlement activities including compensation cost for affected assets. The cost will be derived from expenditures relating to:
- The preparation of the resettlement/compensation plan,
 - Relocation and transfer,
 - Income, profits and means of livelihood restoration plan, and
 - Administrative costs. This cost will be borne by the Government of Kenya.
- 24) **Participatory Monitoring and Evaluation Plan** - To ensure that the implementation of the resettlement is carried out in accordance with the relevant requirements of this resettlement policy framework, the actions will be monitored and evaluated internally by a Monitoring and Evaluation team (MET) to be constituted by the NARIGP Coordination Office of the Ministry of Devolution and Planning (MoDP). The Monitoring and Evaluation team (MET) will be expected to develop and implement a Monitoring and Evaluation Plan (MEP). The main indicators that the MEP will measure include:
- Number of impacts on affected individuals, households, and communities;
 - Percent improvement of communities affected by the micro project; and
 - Number of disputes or conflicts received, settled and referred elsewhere.

The monitoring unit will submit periodic (quarterly) reports to the NARIGP, and copied to the MoDP. The report will at least cover status of compensation disbursement, nature of complaints, redress actions and follow-ups.

- 25) **Stakeholder Consultation, participation and Disclosure of RPF** - The Consultants have carried out appropriate consultations with stakeholders during the preparation of this RPF. 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. Useful comments were made which have since been included in this draft (See Annex 11). Public and stakeholder consultations/disclosure was to be undertaken on 16th December 2015 in Nairobi but postponed to 21st December 2015.
- 26) As provided under WB policy OP 4.12, information and consultation on the NARIGP Resettlement Policy Framework was organized as follows: Circulation of the draft RPF 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).
- 27) **Public Disclosure** - Comments by stakeholders' public workshops were incorporated in the final RPF; all comments including the ones by the WB team were also communicated to the Consultant for incorporation into the final RPF. Public Disclosure of the final RPF was reviewed and cleared by both GoK & World Bank) both in-country (in the project/e-government sites and official media) and at the WB InfoShop prior to appraisal.
- 28) The final consultation and disclosure workshop was held at the Kenya School of Management on January 12, 2016. The workshop was attended by about 51 participants from 10 counties (Baringo, Bungoma, Nairobi, Nakuru, Kilifi, Kakamega, Kwale, Vihiga, Samburu, and 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 6 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.
- 29) 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 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 12 as well as a format on the list of attendees in Annex 13.

30) **Definition of terms used in the report.** Unless the context dictates otherwise, the following terms shall have the following meanings:

- **Micro projects** means any activity which is directly being implemented by project beneficiaries as a result of undergoing inclusion through the PICD process and funded by the World Bank under NARIGP.
- **Census** means a field survey carried out to identify and determine the number of Project Affected Persons (PAP), their assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the Local Leaders.
- **Compensation** means the payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, income/profits including fixed assets thereon, in part or whole.
- **Cut-off date** is the date of commencement of the census of PAPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.
- **Project Affected Persons (PAPs)** means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons physically relocates. These people may have their: (i) standard of living adversely affected, whether or not the Project Affected Person must move to another location; (ii) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected; (iii) access to productive assets adversely affected, temporarily or permanently; or (iv) business, occupation, work or place of residence or habitat adversely affected.
- **Involuntary Displacement** means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:
 - i. Loss of benefits from use of such land;
 - ii. Relocation or loss of shelter;
 - iii. Loss of assets or access to assets; or

iv. Loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.

- **Involuntary Land Acquisition** is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.
- **Land** refers to agricultural and/or non-agricultural land, natural resources embedded in and any structures thereon whether temporary or permanent and which may be required for the Sub-project.
- **Land acquisition** means the taking of or alienation of land, buildings or other assets thereon for purposes of the Sub-project.
- **Rehabilitation Assistance** means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.
- **Replacement cost** means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs.
- **Replacement cost for agricultural land** means the pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (a) preparing the land to levels similar to those of the affected land; (b) any registration, transfer taxes and other associated fees;
- **Replacement cost for houses and other structures** means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures, in an area; and such costs shall include:
 - a) Building materials;
 - b) Transporting building materials to the construction site;
 - c) Any labour and contractors' fees; and
 - d) Any registration costs.
- **Resettlement Assistance** means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation.
- **Resettlement Action Plan (RAP)** is a resettlement instrument (document) to be prepared when development locations requiring resettlement are identified, *i.e.* where land acquisition leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. A RAP is prepared by the party impacting on the people and their livelihoods. A RAP contains specific requirements for resettling and compensating the

affected parties before implementation of the project activities causing adverse impacts.

- **Resettlement Policy Framework (RPF)** this is a framework prepared to guide resettlement action and in particular the preparation of resettlement Action Plans during Project implementation. The RPF will be publicly disclosed in impacted areas to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project implementation. Resettlement Action Plans will be prepared consistent with the provisions of this RPF.
- **Vulnerable Groups** includes: widows, the elderly, the disabled, the sick, marginalized groups, low income households and youth; incapacitated households – those with no one fit to work and; child-headed households and street children and other people or households, characterised by low nutrition levels, low or no education, lack of employment or incomes; ethnic minority and/or gender bias (GoK, 2011).

1. INTRODUCTION

1.1 Background

- 1) 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 GDP³. The sector generates most of the country's food requirements. It also generates nearly two-thirds (65 percent) of merchandise exports and roughly 60 percent of foreign exchange earnings. About 91 percent of these exports in raw or semi-processed form, the country foregoes significant income by not adding value to its produce.

1.2 Brief Description of Project

- 2) The Government of Kenya will receive a credit from the International Development Agency (IDA – World Bank Group) to finance the preparation of the National Agricultural Rural Inclusive Growth Project (NARIGP). The project preparation is under the overall responsibility of Ministry of Devolution and Planning (MoDP). The 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.

1.3 Description of Project Areas

- 3) The selection of targeted counties was guided by the following underlying principles and criteria: (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; and (iv) data and facts, to ensure that selection is based on available socio-economic data (e.g., production potential, population density, poverty rates, malnutrition levels, and vulnerabilities). Based on these guiding principles, criteria was developed to identify the list of targeted counties to be supported by NARIGP: (a) agricultural, livestock and fisheries potential; (b) poverty indices, including poverty incidence and poverty rates, as well as the number of VMGs; (c) vulnerability to climate change risks/fragile ecosystems; (d) human development indicators, such as malnutrition and food insecurity; (e) willingness of county governments and communities to commit to the program's objectives/principles and provide cash/labor or in-kind support. Consequently, twenty-one counties were proposed by GoK to be targeted by the project.

1.4 The Project Development Objective (PDO)

- 4) The PDO of NARIGP is to increase agricultural productivity and profitability leading to improved livelihoods and reduced vulnerabilities of targeted rural communities in selected counties. 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). Improved livelihoods will be measured in terms of increased rural household incomes, accumulated assets, improved nutrition status, and increased access to services (e.g., technical, business and financial advisory). Similarly, reduced vulnerability will be assessed through the ability of the targeted rural households, including the vulnerable and marginalized members of the rural communities to sustain their livelihoods (e.g., afford meals and generate incomes) and cope with production (e.g., climate variability and droughts) and market shocks (e.g., high food prices or volatility).

1.5 Project Components

- 5) A key premise of the NARIGP is the importance of linking farmer/CIGs and VMGs organized along priority VCs to markets. Thus the three technical components of NARIGP are interlinked. 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 (e.g., inputs, animal husbandry and agronomic practices) and advisory services to improve productivity. Component 2 focuses on federating CIGs and VMGs, capacitated under Component 1, to form POs (or join existing POs) along selected VCs; providing technical (value addition), business (planning and management) and financial (access to credit/finance) advisory services; and linking them to markets and value addition opportunities. 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, including establishment of a monitoring and evaluation (M&E) and management information system (MIS), fiduciary, human resources, communication and citizen engagement, and environmental and social safeguards compliance (WB, 2015).

1.6 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. VMG groups will include youth, Indigenous People (IP), elderly women and men, widows / orphans, disabled, recovering substance abusers, and people living with HIV/AIDS. It is envisaged that NARIGP will be implemented in 21 selected counties with a total of 140 sub-counties.

1.7 Purpose of the Resettlement Policy Framework (RPF)

- 42 The RPF will provide project stakeholders with procedures to address compensation issues as related to affected properties (including land and assets) and livelihoods including land and income generated activities during project implementation. The objectives of the Resettlement Policy Framework (RPF) are to:

- i. Establish the NARIGP resettlement and compensation principles and implementation arrangements;
- ii. Describe the legal and institutional framework underlying Kenyan approaches for resettlement, compensation and rehabilitation;
- iii. Define the eligibility criteria for identification of project affected persons (PAPs) and entitlements;
- iv. Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and
- v. Provide procedures for filing grievances and resolving disputes.

43 The RPF will apply to all sub-projects/ activities to be identified in a participative manner with target communities within the project target areas. The procedures will be carried out through-out preparation and implementation, and impacts of any potential resettlement will be included in monitoring and evaluation (M&E). When a Resettlement Action Plan (RAP) is required, it will be prepared in accordance with guidance provided for in this RPF, including detailed measurement surveys, identification (census) of PAPs/displaced persons, and public consultation and disclosure procedures (PCDP) (REA, 2015). This RPF follows the guidance provided for in the WB OP 4.12 on Involuntary Resettlement (see Annex 1). This RPF ensures that any possible adverse impacts of proposed Sub-project activities are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. These risks will thus be minimized by:

- avoiding displacement of persons without a well-designed compensation and relocation process;
- minimizing the number of PAPs to the extent possible;
- compensating for losses incurred and displaced incomes and livelihoods; and
- ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and their wellbeing.

2. PROJECT DESCRIPTION AND RATIONALE FOR RPF

2.1 Justification for the Project Areas

44 The government of Kenya initially put up a proposal for 21 counties to be supported under this finance agreement. The selection of targeted counties was guided by the following underlying principles and criteria: (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; and (iv) data and facts, to ensure that selection is based on available socio-economic data (e.g., production potential, population density, poverty rates, malnutrition levels, and vulnerabilities). Based on these guiding principles, criteria was developed to identify the list of targeted counties to be supported by NARIGP: (a) agricultural, livestock and fisheries potential; (b) poverty indices, including poverty incidence and poverty rates, as well as the number of VMGs; (c) vulnerability to climate change risks/fragile ecosystems; (d) human development indicators, such as malnutrition and food insecurity; and (e) willingness of county governments and communities to commit to the program's objectives/principles and provide cash/labour or in-kind support (ibid).

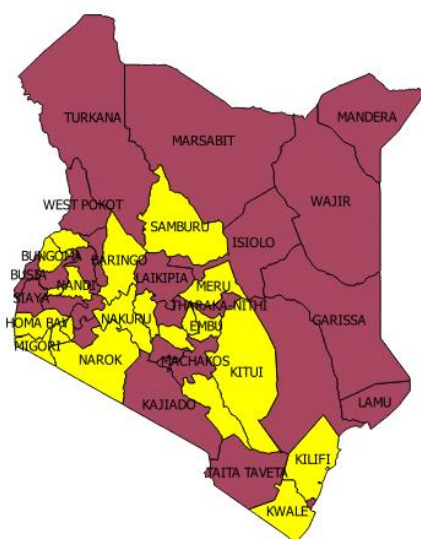


Figure 1: NARIGP Counties in yellow color

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

2.2 Physical Environment

- 45 The selected Project counties; have patterns of livelihoods clearly varying from one area to another. Local factors such as climate, soil (see Annex 8), access to markets and exchange all influence livelihood patterns. For example people living in fertile highland areas, generally pursue an agricultural pattern of livelihood, whereas in the lowlands they grow few crops and are either pastoralists or agro-pastoralists. Those living in a coastal or lakeside zones may follow a livelihood based upon fishing or combining fishing with other activities, and so on. Aspects that determine patterns of livelihood include: Agro-ecology and market access. Market access affects the ability of people to sell their produce (crops; aquaculture, trees, fruits and vegetables or livestock) (Joy R.A Otolu, 2013).
- 46 Since patterns of livelihood depend so much upon geography, it makes sense to divide Kenya into a number of livelihood zones. Kenya is classified broadly into ecological zones (Kenya soil survey, 2010). Agro-ecological Zoning (AEZ) refers to the division of an area of land into smaller units, which have similar characteristics related to land suitability, potential production and environmental impact (Joy R.A Otolu, 2013).
- 47 The ecological zones have a mix of altitude, rainfall and soil. Zoning in Kenya is divided into agro-ecological zones and this refers to the division of an area land into smaller units, which have similar characteristics related to land suitability, potential production and environmental impact. An agro-ecological zone is a land resource mapping unit defined in terms of climate, landform and soils, and/or land cover, and having a specific range of potentials and constraints for land use (FAO, 1996).
- 48 FAO's ecological zones in Kenya can be classified into Tropical Alpine, Upper Highlands - UH, Lower Highlands – LH, Midlands which include Upper Midland – UM, Lower midland – LM. There is also the Lowlands that is the low altitude – L and Coastal lowlands – CL. These zones are controlled by a mix of altitudes, rainfall and soil. The zone groups are temperate belts defined according to the maximum temperature limits within which the main crops can flourish. In introducing the various value chains the above should be taken into cognizance.

2.3 Socio-cultural Environment

- 49 In recent years, the poverty paradox in Kenya has met renewed attention among researchers, policy-makers and the common public. Yet, very little attention has been focused on the relationship between socio-economic factors and popular participation in management of constituency development funds geared towards rural poverty alleviation. According to World Bank (1995), Kenya is a low-income country, with an average per capita income of about US\$360 per annum. Smoke (1993) asserts that over the past 30 years, poverty has been on the rise in Kenya.
- 50 Vulnerable persons among the sub projects affected persons (PAP) will be identified and special assistance offered during the compensation implementation process with a well-defined criteria would include among others: age above 70 years, physical/mental disability, women, displaced farmers, youth, widows, orphaned children and bedridden or seriously sick persons.

2.4 Land, Tenure and Land use and Related Issues

	PRIVATE LAND	PUBLIC LAND	COMMUNITY LAND
KEY LAWS APPLICABLE TO EACH CATEGORY OF LAND	Land Act (Act No.6 of 2012) Land Registration Act (Act No.3 of 2012) Land Control Act 1967 National Land Commission Act (Act No. 5 of 2012) 2012 Environmental Management and Coordination Act (Act No.8 of 1999)/Revised 2012 Forests Act (Act No. 7 of 2005)/Revised 2012: Section 2 of the Act provides that the Act shall apply to all forests and woodlands on private land.	Land Act (Act No.6 of 2012) Land Registration Act (Act No.3 of 2012) Land Control Act 1967/Revised 2010 National Land Commission Act (Act No. 5 of 2012) Environmental Management and Coordination Act (Act No.8 of 1999)/Revised 2012 Forests Act (No. 7 of 2005)/Revised 2012: Section 2 provides that this Act shall apply to all forests and woodlands on State and local authority land. Wildlife (Conservation and Management) Act 2013	New Community Land Act (TBC). In lieu of this new Act, existing law applies: <ul style="list-style-type: none">• Land Act 2012• Land Registration Act 2012• Land Control Act 1967• National Land Commission Act 2012• Trust Lands Act, Chapter 288/Revised 2009• Land (Group Representatives) Act, Chapter 287/Revised 2012.• Land Adjudication Act, Chapter 284/Revised 2010• Land Consolidation Act, Chapter 283/Revised 2012• Environmental Management and Coordination Act (Act No.8 of 1999)/Revised 2012.
	FOREST LAND Forests Act (No. 7 of 2005)/Revised 2012 Environmental Management and Coordination Act (No.8 of 1999)/Revised 2012 Wildlife (Conservation and Management) Act 2013		

Figure 2: Snapshot of the land classification in Kenya and Respective Acts⁴

2.5 Land Acquisition

51 Procedure for Acquisition of Private Land in Kenya can be in two ways: purchase or issued out by a willing donor.

a) Purchase Land

52 In practice, the procedure for acquiring an interest in private land is to enter into a contract for the sale and purchase of the land with a defined completion period. The process is subject to freedom of contract but there are also guidelines from the Law Society of Kenya (LSK), set out in the *Law Society of Kenya Conditions of Sale*, to guide the legal practitioners facilitating land transactions.

53 The key stages are as follows: (i) Payment of the deposit and signing of the sale agreement; (ii) Preparation to *complete*; (iii) Completion; and (iv) Registration.

b) Deposit

54 A deposit is usually ten per cent (10%) of the purchase price, and is paid by the purchaser as a commitment to the transaction. Before paying the deposit, it is imperative to carry out a search of the Register and obtain a Certificate of Official Search, to ascertain the true owner of the land, Section 29 of the Land Registration Act provides that every proprietor at the time of acquiring a land, lease, or charge shall be deemed to have had notice of every entry in the register relating to the land, lease, or charge. The deposit will often be held by the vendor's lawyer prior to completion of the transaction. Although the vendor may want the money released to them, this is not considered good practice: in the event that the transaction fails, the purchaser would be left only with the option of suing for the return of the deposit. However, if the deposit is held by a lawyer, it will be

4

available for return to the purchaser. Once the deposit is paid, both parties sign the sale agreement. A period of time is also allowed for the transaction to complete (Yvonne, 2014).

c) Preparation to Complete

- 55 The sale *agreement* will provide for a completion period, usually of 90 days. The agreement should specify how completion will take place - whether by: exchange of title, the instrument of transfer and completion documents with the funds in respect of the balance of purchase price; or by exchange of the documents with an undertaking.

In the period between signing of the agreement and the completion date, the vendor pays the outgoings on the property, such as land rent for leaseholds and rates for properties in the county governments. The vendor also procures the clearances and consents necessary to register the title in favour of the purchaser.

d) Completion

- 56 On or before the date set for completion, the vendor's lawyer procures the transfer executed by the vendor in favour of the purchaser, and sends a copy of this to the purchaser's lawyer as an indication of the vendor's readiness to complete. The purchaser will then pay the balance of purchase price to the vendor's lawyers. *In* exchange, the vendor's lawyer sends to the purchaser's lawyers all the documents that are necessary for the purchaser to register the title in the purchaser's name. In the event that completion is by undertaking, the documents will be sent in exchange of the undertaking. Ideally, the vendor's lawyer should hold the balance of the purchase price and the balance until the Title is in the name of the Purchaser and then thereafter release it to the vendor.

e) Registration

- 57 Upon receipt of the documents from the vendor's lawyers. The purchaser's lawyer then proceeds to pay stamp duty on the transaction. This is usually assessed at 4% of the purchase price for land in municipalities and towns, and 2% for land in rural areas. Before the transfer is registered, a government valuer will assess the property to confirm that sufficient stamp duty was paid against the value of the property. After valuation, the purchaser's lawyer goes ahead to present all the documents to the Registrar of Lands, then the transfer is registered and the title issued, reflecting the changed ownership of the land.

- 58 The Certificate of Title issued by the Registrar upon registration or issued to a purchaser of land upon a transfer or transmission by the proprietor is *prima facie* evidence that the proprietor is the absolute indefeasible owner of the land subject to any encumbrances noted on the register. Under Section 81 of the *Land Registration Act*, any person suffering damage by reason of an error in a copy of or extract from the register is entitled to indemnity from the Government.

f) Individual donates land for community Sub-project

- 59 Where community Sub-projects fall under private land and the owner of this land is willing to surrender/donate it for the said community project; then the following should

take precedence in acquiring such land: (i) the offer must occur in a community meeting where beneficiaries are present; (ii) the *community* Sub-project leaders together with the private land owner invite the area Chief or Ward Administrator; (iii) then an MoU is drawn and signed where copies are kept by all parties involved (community, Area Chief and the private land owner).

This process would ensure that the private land owner would not in future claim the community project.

2.6 Activities that may require land acquisition under NARIGP

Component 2 and 3 may have activities that may require land acquisition.

Component	Activities likely to require land acquisition
2: focuses on federating CIGs and VMGs, capacitated under Component 1, to form POs (or join existing POs) along selected VCs	Value addition structures & equipment/machinery; stores/warehousing; cold rooms; milk coolers; Group farm; shallow wells, irrigation systems, earth pans, electricity installation way leaves, etc.
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	Small Scale Irrigation systems; access roads (last mile); Source (Weir) and water canals & piping, water storage tanks; Earth pans;

2.7 Resettlement Impacts

60 This RPF considers project affected people as those who stand to lose, as a consequence of the project, all or part of their physical and non-physical assets, including homes, communities, productive lands, resources such as forests, range lands, fishing areas, or important cultural sites, commercial properties, tenancy, income-earning opportunities, and social and cultural networks and activities. Such impacts may be permanent or temporary. This might occur through land expropriation, using eminent domain or other regulatory measures, and include restricted or reduced access to legally designated parks and protected areas such as gazetted forests.

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

- Overall size – small to medium
- Often aimed at rural development

- Numerous, scattered sub-projects
- Nature and scope of sub-projects not known at the time of appraisal
- Sub-projects selected by a community-driven mechanism
- Implementation governed by an Operational Manual (OM) or equivalent
- Monitoring and evaluation (M&E) mechanisms fairly elaborate to capture the quantity and quality of project outcomes.”

62 Identified Project Social Risks: It should be noted that minimal resettlement is anticipated under this project and is only likely to occur for sub-projects linked to building local community infrastructure and assets. The kinds of sub-project activities to be undertaken are anticipated to have minimal adverse social risks and can be sited in such a way as to avoid the physical relocation of people. As a result minimal, if any, physical resettlement is expected under any component of this project.

63 Most if not all CDD projects are categorized as B projects.⁵ Given the challenges involved in managing environmental and social issues related to Category A projects, it is recommended that CDD projects avoid any type of activities that could lead to a Category A rating. A Category A project is expected to have significant, large-scale irreversible or unpredictable impacts. However, if Category A subprojects are explicitly excluded from a CDD project, a clear technical justification should be provided to put such subprojects in the Negative List, such as the lack of capacity by communities to manage significant environment and social risks, high transaction costs to properly manage impacts, etc.

64 The exact sub-project sites for the project are not yet definitively identified. Therefore at this stage it is neither possible to determine the exact location, demography and impact on assets and/or livelihood of neither the PAPs nor the resettlement related impoverishment risks they might face, if any. However, as noted no resettlement is envisaged and the siting of sub-project investments will, as much as possible, take this into consideration. Moreover, the majority of adverse impacts are minimal given the nature of the investments related to CDD projects.

65 Types of micro-projects will be further elaborated during preparation, however the project components that will most likely trigger OP 4.12 are:

- a) ***Subcomponent 2.2: Value Chain Development:*** To identify and develop competitive value chains for integration and economic empowerment of targeted smallholder farmers. Support will be provided for: (i) identification, selection and mapping of competitive nutrition-sensitive value chains for smallholder development; (ii) promotion of productivity enhancing climate-smart agricultural technologies and practices; (iii) strengthening of input supply and extension services delivery systems; (iv) adoption of improved post-harvest handling and management practices; (v) market linkages; (vi) value addition and processing; (vii) infrastructure development (e.g. small-scale irrigation, last mile and spot improvements of rural access roads); and (viii) accelerated access to information. Infrastructure development could include small-scale irrigation, last mile and spot improvements of rural access roads). Value

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

chain infrastructure envisaged under this subcomponent will include small-scale irrigation, value chain facilities and access spot road improvements. All rural infrastructure will be small scale and developed on a demand-driven basis at the community level. There may be land acquisition and need to compensate.

- b) ***Subcomponent 3.4.: County Investments and Safety-Nets.*** Supports investments in key agricultural and rural development infrastructure, and natural resource management investments that span across multiple targeted communities to provide safety-nets in the form of short-term employment during off-season, particularly to VMGs and unemployed/out-of-school youth. Safety-net investments will largely be for public works and cash-for-work opportunities facilitated by concerned county governments and could comprise “last-mile” rural road construction, dams, irrigation systems, and rehabilitation for farmers groups, land conservation and NRM-related activities that require a concerted labor force, etc. The safety-net programs will also provide life and technical skills development training in order to have long-lasting impacts beyond temporary works.

66 In conclusion no physical resettlement is envisaged under this Component 1 and in Component 2 and 3 every effort will be made to site infrastructure to enhance value addition (cattle holding sheds, water pans, small irrigation systems) in areas that avoid and/or minimize physical and economic displacement. Once the sites are established and it becomes clear that there will be economic or physical impacts that require compensation mitigation actions, sub-project RAPs will be prepared as required by NEMA and World Bank guidelines. The RPF will identify the typical sub-project impacts anticipated for the proto-types of investments that are envisaged under component and develop a checklist to guide triggering the policy and guidance on actions and forms of compensation that should be provided.

67 The guidelines of the resettlement policy framework apply to all components under the project, whether or not they are directly funded in whole or in part by the World Bank. The policy framework applies to all economically and/or physically displaced persons regardless of the total number affected by the severity of impact and whether or not they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those economically and/or physically displaced especially those below the poverty line, the landless, youth, the elderly, women and children, indigenous groups, ethnic minorities and other historically disadvantaged groups or other economically and/or physically displaced persons who may not be protected through Kenya’s land compensation legislation.

68 **Potential Project Impacts** - The potential impacts may include but not limited to the following as shown in the table below:

Table 1: Potential Social Impacts Associated with the Project

No.	Type of impact	Description of potential impact / issue	Social significance
1	Land use and utilization	Condition and size of existing land is likely to be changed due to adoption of more cropping than livestock systems. It is estimated that Pastoralists likely to lose grazing grounds for their livestock and this may lead to resource use Conflicts between pastoralists and smallholder farmers due to changes in land use.	Highly rated
2	Inequality on incomes, and other benefits	Disruption of socio-cultural fabric may lead to inequality aspects like gender and inter-generational (youth) disparities in community micro project memberships or as a result of non-inclusivity to community sub-projects	Highly rated
3	Community livelihoods and household farm production, profits, incomes, etc.	At project full implementation land will be cleared during land preparation. Both pastoral and agro-pastoral systems will lose relatively more grazing land to cropping systems. The ASAL counties depend predominantly on livestock as a source of household income and a livelihood activity.	Highly rated

2.8 NARIGP Categories of PAPs

2.8.1 Introduction

69 Land acquisition for Sub-projects may result in negative impacts to different categories of PAPs. Until the exact Sub-project locations are determined it is not possible to estimate the likely number of people who may be affected, because the technical details of the Sub-projects have not yet been developed. However, the likely displaced (economically or physically) persons can be categorized into these 3 groups:

- a) **Affected Individual:** Individual who risk losing assets, investments, land, property and/or access to natural and/or economical resources as a result of a NARIGP Sub-project. This could be a person, who farms on steep slopes or who gather fire wood in gazetted forests.
- b) **Affected Household:** A household is affected if one or more of its members are affected by any NARIGP Sub-project. This includes: (a) any members in the households, men, women, youth, children, dependent relatives and friends, tenants;

(b) Vulnerable individuals who may be too old or ill to farm along with the others; (c) Members of households who cannot reside together because of **cultural** rules, but who depend on one another for their daily existence; (d) members of households who may not eat together but provide housekeeping or other activities critical to the family's maintenance; and (e) Other vulnerable people who cannot participate, due to being physically challenged or for cultural reasons, in production, consumption, or co-residence (GoK, 2011).

Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labour contributions are critical to the functioning of the "household". For example, in polygamous settings, there are situations where each wife has her own home.

- c) **Vulnerable Households:** Vulnerable households may have different land needs from most households, or needs unrelated to the amount of land available to them. Vulnerable households include:
 - d) Vulnerable and Marginalized Groups - are often closely tied to their traditional or customary lands and natural resources on these lands, but these lands may not be under legal ownership pursuant to national law. Due to this any form of resettlement embodies for vulnerable and marginalized groups more serious risks than for any other **populations and should** consequently **be avoided at all costs**. If this is not feasible, the vulnerable and marginalized groups' land use will be documented by experts in collaboration with the affected households without prejudicing any land claim, the affected vulnerable and marginalized groups will be informed of their rights with respect to these lands under national laws, including any national law recognizing customary rights or use, the project will offer affected vulnerable and marginalized groups at least compensation and due process available to those with full legal title to land in the case of commercial development of their land under national laws, together with culturally appropriate development opportunities; land-based compensation or compensation-in-kind will be offered in lieu of cash compensation where feasible and the project will enter in good faith into a negotiation with the affected vulnerable and marginalized groups, and document their informed participation and the successful outcome of the negotiation.
 - e) Single women – who may be dependent on sons, brothers, or others for support. Since an affected individual is able to name the person with whom s/he is linked in dependency as part of the household, resettlement will not sever this link.
 - f) Elderly – elderly people farm or work as long as they are able. Their economic viability may depend on how much land they farm or how much they produce because, by producing even small amounts of food to "exchange" with others, they can subsist on cooked food and generous return gifts of cereal from people such as their kith and kin and neighbours. Losing land will affect their economic viability. What would damage their economic viability even more than losing land is resettlement that separates them from the person or household on whom they depend for their support. The definition of household by including dependents avoids this.

HIV/AIDS afflicted persons – relatively high percentages of the poor and total population are living with HIV or are terminally ill with AIDS. Many are

beneficiaries of numerous health programs from government (central and local), international organizations and the NGO community.

- g) **Orphans and street children** – due to the impacts of the AIDS crisis that plagues Kenya today, there are a considerable number of orphaned children, whose parents have died from AIDS. These children are more vulnerable since they are often “voiceless” because they have no parents to defend or stand up for them and also because they are considered too young to be heard. Orphaned children engage in any form of economic activity to provide for themselves and their siblings, by engaging in activities such as manual work at open air markets, transporting of loads for short distances in centres, scavenging for waste paper, metals and other exploitative employment, etc.
- h) **Woman-headed households** – may depend on husbands, sons, brothers, or others for support. However, in other cases too, women are the main breadwinners in their household even where the men have remained with the family. Women therefore need relatively easy access to health service facilities, as mothers and wives. For example, where the land being acquired is used by a woman with no formal rights to it or a woman who is dependent on a man other than her husband for her primary income. These women should not be resettled in a way that separates them from their households as the very survival of their households may depend on them. Their compensation must take into account all these factors.
- i) **Small-scale female farmers** - are also vulnerable because they may not have men available within the household to carry out male specific land preparation tasks such as bush clearing, digging, harrowing, ridging, holing for bananas or ploughing land.
- j) **Non-farming females** – these earn income from other sources and/or depend on relatives for “exchanges” of staple foods. Since they do not farm they will not be affected by the Sub-projects need for agricultural land. If a building of theirs lies on land needed by a Sub-project, they will receive replacement cost compensation. If someone on whom they depend is resettled, they are protected because the resettler can name them as part of the household.

70 These groups could be identified as being particularly vulnerable to land acquisition activities, and as such the following considerations will be made when project sites are identified and PAPs listed:

- a) Special consideration should be paid to these groups by identifying their needs from the socio-economic and baseline studies undertaken as part of the RAP and RPF process;
- b) The groups should be individually consulted and given opportunities to participate in the resettlement decision-making process, as well as project activities;
- c) Consultation with these groups should ensure that resulting resettlement and compensation improves their pre-project livelihood;

- d) The RAPs and RPFs should be designed to ensure special attention is paid to the monitoring of the resettlement process in order to ensure that pre-project livelihoods are indeed improved upon;
- e) PAPs and RPFs should be given sufficient technical and financial assistance to make use of the grievance mechanisms of the project where required;
- f) Decisions concerning them should be made in the shortest possible time.

The RPF envisaged in the NARIGP offers numerous inherent opportunities and benefits for the intended target groups – especially women and youth who would be involved in the small-holder activities.

2.8.2 Eligibility Criteria for Various Categories of Affected People

71 This section outlines eligibility criteria, which is necessary to determine who will be eligible for resettlement and benefits, and to discourage inflow of ineligible people.

a) Principles

72 In line with the World Bank safeguard policy OP 4.12, the NARIGP will therefore, minimize displacement through the following design procedures:

- i. Wherever inhabited dwellings may potentially be affected by a component of a sub-project, the sub-project shall be redesigned (facility relocated or rerouted) to avoid any impact on such dwellings and to avoid displacement/relocation accordingly;
- ii. Wherever the impact on the land holding of one particular household is such that the household may not be sustainable in the long term, even if physical displacement of such a household is not feasible, the sub-project shall be redesigned (facility relocated or rerouted) to avoid any such impact;
- iii. Minimization of land impact will be factored into site, practice and technology selection and design criteria;
- iv. Costs associated with displacement and resettlement (if any) will be internalized into sub-project costs to allow for fair comparison of processes and sites;
- v. To the extent possible, sub project facilities will be located on public spaces; a more participatory approach will be put in place for the communities to confirm where to site these facilities with express authority of the local administration.
- vi. Infrastructures required by the sub project will be routed inside existing right-of-ways, easements or reservations (roads, streets, power lines, drainage canals) wherever possible.

73 The involuntary taking of land results in: relocation or loss of shelter; and loss of assets or access to assets or loss of income sources or means of livelihood, whether or not the PAPs must move to another location or not. Therefore, meaningful consultations with the affected persons (directly and through representatives), local authorities and communal

leadership allows for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. OP4.12 suggests the following three criteria for eligibility;

- a) those who have formal rights to land (including customary/communal land , traditional and religious rights, recognized under Kenyan Law);
- b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the national and local laws of Kenya or become recognized through a process identified in the resettlement plan;
- c) those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from, but are recognized under the World Bank's OP 4.12.

74 Those covered under (a) and (b) above are to be provided compensation for the land they lose, and other assistance in accordance with this RPF. Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this RPF, if they occupy the project area prior to a cut-off date established by the management committees in close consultation with the potential PAPs, local community leaders and the respective local Land Control Boards and the OP-SP and acceptable to the World Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b) or (c) above are to be provided with compensation for loss of assets other than land. Therefore, it is clear that all project affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. Persons who encroach the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance (GoT, 2003).

b) Eligibility Process

75 PAPs may be classified in one of the three groups listed in Section 3.8. The process will involve review of tenure documents owned by occupants, interviews with households and groups in the affected area. County governments and national government's Ministry of Land concerned with land ownership and management will also hold the consultant. PAPs covered in a) and b) are provided compensation for the land they lose, and other assistance ensuring that they are: Informed about their options and rights pertaining to resettlement; Consulted on, or offered choices among, and provided with technically and economically feasible resettlement; Provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project (GoK, 2014).

76 Land for land compensation will be applied to PAPs who might lose their land. All PAPs irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some assistance if they occupied the land before the entitlement cut-off date. Persons who encroach on the area after the socio- economic study (census and valuation) are not eligible for compensation

or any form of resettlement assistance. There will therefore be a package of compensation and other resettlement measures to assist each category of eligible PAPs to achieve the objectives of the policy.

Eligibility criteria will also be determined by: i. Loss of property ii. Loss of wages iii. Cutoff date.

c) Eligibility for Community Compensation

77 It is also important to note that the eligibility may be claimed collectively e.g. as a community or religious group and does not necessarily have to be individuals or families. Communities (on communal lands) that permanently lose land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation. Example of community compensation could be for public toilets, market places, taxi parks, schools and health posts. The rationale for this is to ensure that the pre-project socio-economic status of communities where adversely impacted, is also restored (WB, 2008).

78 Eligibility criteria will also be determined by the status of development up to when the study starts and will further be determined by other development approval as issued by both central and local government offices. The key local authorities to be interviewed by the consultants will include County, Divisional and location government officials such as the County / divisional agricultural officer, the County officers, chiefs and sub-chiefs. Other PAPs include: identified large and small-scale farmers, businessmen and businesswomen, women leaders and other leaders of social groups.

2.9 NARIGP RPF Opportunity to PAPs

79 The NAGRIP RPF will provide the PAPs the: Opportunity to: participate equally in decision making in well-organized governance and management systems in matters that impact on their well-being; acquire access to land of economic size that would make them more productive; enhance their operational capacity through skill and innovative transfer acquisition of knowledge farming practices; access to improved agriculture inputs i.e. Seeds, fertilizers, implements, extension services; access to adequate and improved economic and social infrastructural facilities namely farm to market roads, electricity, irrigation, potable water, storage; access to credit facilities; access to enlarged and ready markets; form stronger and mutually beneficial social groups; generation of employment; and creation of more income, wealth and savings through diversified activities.

80 **Adverse Effects:** If gender is not mainstreamed in all the different aspects of the Project, the target groups, especially women, are most likely to suffer the under listed adverse effects: insecurity in land acquisition and tenure; inability to expand their farms; continued operation at subsistence level using old and unproductive tools and farming practices; loss of farms without adequate compensation; loss of livelihood for entire families; resettlement without due regard to the welfare of the target groups; restricted access to improved economic and social infrastructural facilities; limited ability and capacity to diversify their operations; depressed employment opportunities especially for the youth; non motivation to form associations to improve their wellbeing; Increase gender disparities among men and women; and exposure to greater economic disparities resulting in worsening of poverty among the target groups.

2.10 Approximate Numbers of PAPS

- 81 No involuntary resettlement is anticipated under Component 1 focusing on CDD. These investments will largely be on farm, small and with limited adverse impact and footprint. There may be resettlement impacts related to investments at the county level to support agricultural value chains (Landscape SLM investments, upgrading rural roads, value chain processing plants etc.). It is also important to underscore that at this stage it is not possible to determine the number of PAPS for several reasons: The individual Sub-projects of the community driven development components (2&3) will be identified during project implementation by the local communities in a participatory process. Due to this, the locations, nature and magnitude of these Sub-projects cannot be determined before implementation. For each Sub-project, which might require physical and/or economic resettlement (this will be assessed through screening processes), the number of PAPS will be established through a RAP, which will be elaborated before project implementation.
- 82 At appraisal stage it was assessed that some of the water management related Sub-projects (NARIGP Comp. 2&3) might require the physical and/or economic resettlement of populations to provide space for the rehabilitation and extension of water storage facilities and/or irrigation schemes. However, project descriptions do not exist for any of these Sub-projects that would allow an estimate of the number of PAPS to be made. For each Sub-project that is considered during screening to require physical and/or economic resettlement, the number of PAPS will be established through a RAP, which will be elaborated before the Sub-project is approved for inclusion in the work program of the project.

2.11 Potential Relocation Areas

- 83 The location for resettlement will be identified during the development of individual Sub-project RAPs, which will involve consultation with relevant authorities and the PAPS involved (if applicable). If people must move to another location due to the implementation of a Sub-project, the project will:
- a) Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation where appropriate (if applicable); and
 - b) Provide relocation assistance suited to the needs of each group of displaced persons, with particular attention paid to the needs of the poor and the vulnerable. Alternative housing and / or cash compensation will be made available prior to relocation (if applicable).
 - c) In the case of physically displaced persons with recognized or recognizable rights, the project will offer the choice of replacement of property of equal or higher value, equivalent or better characteristics and advantages of location, or cash compensation at full replacement value.
 - d) In the case of physically displaced persons without recognizable rights, the projects will compensate them for loss of assets and structure's at current market replacement costs plus compensation for loss of stream of income and costs of relocation. It should

be noted again that the project anticipates none or minimal physical resettlement and bulk of impacts will be economic displacement at a small scale.

- e) Where these displaced persons own and occupy structures, the project will compensate them for the loss of assets other than land, such as dwellings and other improvements to the land, at full replacement cost, provided that these people have occupied the project area prior to a disclosed and agreed cut-off date. Compensation in kind will be offered in lieu of cash compensation where feasible. Based on consultation with such displaced persons, the client will provide relocation assistance sufficient for them to restore their standards of living at an adequate alternative site.

84 Economic Displacement: If land acquisition for a Sub-project causes loss of income or livelihood, regardless of whether or not the affected people are physically displaced, the projects will meet the following requirements: i) promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost; ii) In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of re-establishing commercial activities elsewhere, for lost net income during the period of transition, and for the costs of the transfer and reinstallation of the plant, machinery or other equipment; iii) Provide replacement property (e.g., agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognized or recognizable; iv) Compensate economically displaced persons who are without legally recognizable claims to land for lost assets (such as crops, livestock, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost; v) Provide additional targeted assistance (e.g., credit facilities, training, or job opportunities) and opportunities to improve or at least restore their income-earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected; vi) Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.

3.0 RELEVANT LEGAL, REGULATORY AND INSTITUTIONAL FRAMEWORK

3.1 Relevant National Legislative Framework

- 85 The section sets out the legal framework, the fit between the laws and regulations of Kenya and World Bank policy requirements, and proposed measures to bridge the gaps between them. In Kenya expropriation is provided for in the Constitution under section 75 for private land and sections 117 and 118 for unregistered Trust Land. But the constitution only gives general guidelines. The detailed procedures for land acquisition are elaborated under the “Land acquisition Act” in chapter 295 for private land and chapter 288 for unregistered Trust Lands. “Trust Land” refers to that land that is still held under African customary tenure. The title to this land is said to vest in the County Council in trust for its inhabitants, hence the term “Trust”.
- 86 Expropriation in this context refers to the taking away of private land and landed property for public purpose by the government with or without the owner’s consent subject to laws of eminent domain, which stipulates prompt and adequate compensation among other things. In Kenya “setting apart” for unregistered Trust Land and “Compulsory acquisition” for all registered private lands are the terms commonly in use.
- 87 Expropriation of land is an important aspect of land management in Kenya since it is a key instrument by which land is made available for various development needs that are deemed to promote public benefit, e.g. infrastructure, housing, dams and irrigation, or certain industrial purposes.

3.2 Procedures under Chapter 295 of the “Land Acquisition Act”

- 88 In short, a formal request for expropriation should be submitted to the “Commissioner of Lands” by the benefiting authority, e.g. a municipal council in the case of urban areas. Any other public body or Government may request land acquisition in this way. The Commissioner will then forward the application to the Minister in charge of lands. If the minister is convinced that the land is required for public purpose, he writes to the commissioner to that effect, and directs him to acquire the land (Section 6(1)). The Commissioner Will then give “Notice of Intention” to acquire the land (Section 6(2)) in the “Kenya Gazette” side by side with the “Notice of Inquiry”.
- 89 The “Notice of Intention” must mention the public body or the public purpose for which the land is to be acquired. The “Notice of Inquiry” mentions places and fixed dates when persons interested in the subject land are to submit their claims to the Commissioner of Lands or his appointee (a “Valuation Officer” also known as “Collector of compensation”) according to Section 9.
- 90 Meanwhile the Collector of Compensation is supposed to inspect the said land and value it for compensation. After the inquiry the Collector will issue and award depending on his own assessment and the representations of interested parties as submitted at the inquiry (Section 10 and 11). The award is issued in a prescribed form, together with a statement form. The former indicates the amount of compensation awarded, while the latter gives the landowners option of acceptance or rejection of the award. If the landowner accepts the award, the collector will issue a cheque in settlement together with a formal “Notice of Taking Possession and Vesting” (section 19). The notice instructs the landowner to

take his title for amendment or cancellation. It is copied to the Government surveyor and the land registrar to make the necessary changes to the affected deed. If the owner rejects the award, the collector deposits the money in court pending the former's appeal. Compensation is based on the open market value.

3.3 Procedures under Chapter 288 of the “Trust Lands Act”

91 “Setting apart” carried out at the instance of the state involves a procedure whereby the President will write to the local authority in charge of the said Trust Land informing the Council that the land is required for public purpose by a public body. The Council is supposed to deliberate the matter at a full council meeting and give consent. The “County Commissioner” in charge of the affected area will then proceed to ascertain interests, determine areas and assess compensation for the land after which he is to issue an award. In case of acquisition at the instance of the County government itself, the whole process is repeated except that this time the President is not involved in giving directions. It starts with a full council meeting.

Other legislation concerning resettlement is described in Figure 2, 3 and 4.

Legal Framework	Functional Relationship to Resettlement
The Land Acquisition Act Chapter 295 Laws of Kenya	Provides for the acquisition of land for public benefit. The government has the powers under this Act to acquire land for projects, which are intended to benefit the general public. The sub-projects requiring resettlement are under the provision of this Act.
The Registered Land Act Chapter 300 Laws of Kenya	Provides for the absolute proprietorship over land (exclusive rights). Such land can be acquired by the state under the Land Acquisition Act in the project area.
The Land Adjudication Act Chapter 95 Laws of Kenya	Provides for ascertainment of interests prior to land registrations under the Registered Land Act.
Physical Planning Act No. 6 of 1996	Section 2 of the Act requires that all land intended for any development requires a planning and development permission.

Figure 3: Kenya Legislation on Resettlement

Legal Framework	Functional Relationship to Resettlement
	Section 36 of the Act also requires that development projects, which have substantial alteration of the state of land, must be subjected to an EIA.
The Environmental Management and Co-ordination Act 1999,	The legislation that governs Environmental Impact Assessment (EIA) studies. This resettlement exercise falls under the Second Schedule, which lists the projects required to undergo EIA studies in accordance with section 58 (1-4) of the Act. Resettlement components of the sub-projects may pose potentially negative environmental impacts. Part 3 of this Schedule applies to settlement planning. Therefore according to the above Act, the proposed sub-projects may require EIA studies.
The Local Government Act Chapter 265 Laws of Kenya	Provides for making by- laws and institutions by Councils. By-laws can be made on the governance of a project under the provisions of this Act.
The Traffic Act Chapter 403 Laws of Kenya	The Act also prohibits encroachment on and damage to roads including land reserved for roads by any project or any human settlement or by an exercise of resettlement. The project is under the provision of the Act.
The Wayleaves Act Chapter 292 Laws of Kenya	Provides for certain undertakings to be constructed e.g. pipelines, canals, pathways etc., through or under any lands or settlements. The project is under the provision of the Act.
The Water Act Chapter 372 Laws of Kenya	The Act vests the water in the State and gives the provisions for the water management, including irrigation water, pollution, drainage, flood control and abstraction. It is the main legislation governing the use of water especially through water permit system where special provision for water may be made for settlements or resettlement areas.
The Lakes and River Act Chapter 409 Laws of Kenya	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 resettlement zones in this project.
The Wildlife Conservation and Management Act, Cap 376	This Act provides for the protection, conservation and management of wildlife in Kenya. The provisions of this Act should be applied in the management of the project.
The Public Health Act Laws of Kenya	Provides for the securing of public health and recognises the importance of water. It provides for prevention of water pollution by any development activity including resettlement by stakeholders.

Figure 4: Kenya Resettlement Legislation continued

3.4 Comparison between WB OP4.12 and Kenya Legal Requirements

92 The laws of Kenya only provide compensation for land that is legally owned by PAPs and no compensation to encroachers for the same. The World Bank OP4.12 provides for compensation for land to both legal owners and encroachers. OP4.12 states that where

there is a conflict between the Bank and government frameworks, those of the Bank shall take precedence. A further comparison between the Laws of Kenya and the World Bank OP 4.12 are contained in Figure 5 below.

Category of PAPS/ Type of Lost Assets	Kenyan Law	World Bank OP4.12
Land Owners	Cash compensation based upon market value. Under statute. Land for Land under Customary Law	Recommends land-for-land compensation. Other compensation is at replacement cost.
Land Tenants	Entitled to compensation based upon the amount of rights they hold upon land under relevant laws.	Are entitled to some form of compensation whatever the legal recognition of their occupancy.
Land Users	In some cases land users have some form of secured tenure extended to them under law regarding easement rights where if a person uses land for 7 consecutive years without a dispute entitles him to a right equivalent to ownership. In other cases land users not entitled to compensation for land, entitled to compensation for crops and any other economic assets.	Entitled to compensation for crops, may be entitled to replacement land and income must be restored to pre-project levels at least.
Owners of "Non permanent" Buildings	Cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.
Owners of "Permanent" buildings	Cash Compensation is based on market value.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.
Perennial Crops	Cash compensation based upon market rates calculated as an average net agricultural income.	As per section G of this RPF once approved by the Bank and disclosed in Kenya and at the Bank infoshop.

Figure 5: A Comparison between Kenyan Law and World Bank OP 4.12 – regarding Compensation

93 From the point of view of the process of land acquisition and compensation, it is clear that the procedures described in Sections 4.2 and 4.3 above are likely to be significantly more time consuming and onerous than would be practicable in the event that resettlement issues arise in a significant number of Sub-projects. It will therefore be necessary to streamline the compensation review process under Kenyan law to ensure that approval timelines are consistent with those required by the Bank for timely Sub-project approval and implementation. It is therefore a priority that the PCU develops and agrees (with the Office of the President) a valuation and compensation procedure that allows the

delegation of authority and decision making to the local (or county) level in the case of Sub-projects that have minimal resettlement impact.

4.0 COMPENSATION FOR LAND AND OTHER ASSETS

4.1 Methods of Valuing Affected Assets

94 This section sets out the detailed requirements for determining the value of affected assets. Due to the large number and the localized nature of the majority of Sub-project interventions, it is anticipated that a relatively large number of small-scale asset valuations will need to be carried out during the course of the project. It would therefore be unwise and inefficient to deploy an individual valuation expert in each and every case.

95 It is, therefore, proposed that a valuation expert is contracted by NARIGP at the project outset to develop a standardized procedure for asset valuation, which can then be applied by a project representative at the local and / or county level. This standardized procedure would include a series of ‘look-up’ tables for estimating asset value by type according to the approximate size and condition of the existing asset. The tables would necessarily be developed using legally acceptable valuation procedures accepted by both the Government of Kenya and World Bank for purposes of fairness and consistency. The approach will consider replacement costs and types and levels of compensation under the Kenya law, and valuation of lost assets will be made at their replacement cost. The calculation methods to be adopted for the different types of assets are discussed below.

4.2 Preparation of Asset Inventory

96 In order to prepare an inventory of assets for a Sub-project, a field team would visit the affected area to carry out an asset valuation survey. The team would be led by an appropriate project representative, and would include the Local Chief, a representative of the PAPs, a representative of the Local Land Control Board County/Town Council, and a village representative (collectively referred to as the Compensation Committee).

97 During the survey, each asset will be enumerated and inscribed on an inventory and a valuation of the asset carried out using the approach described above. The values of each asset will then be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person. Personal data will be taken such as names, national ID number, a photograph of the person and of the asset affected as well as its GIS location. The document indicates when the affected person will be notified, and that the inventory will not be official until a second signed copy is verified by project supervisory staff and returned to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism. An example of a land asset and physical inventory census survey form is provided in Annex 4.

4.3 Methods of Compensation

98 Individual and household compensation will be made in cash, in kind, and/or through assistance. The type of compensation will be determined by the compensation committee. The below table describes the forms of compensation.

Forms of Compensation

Cash Payments	Compensation will be calculated in Kenya Shillings. Rates will be adjusted for inflation ⁶ .
In-kind Compensation	Compensation may include items such as land, houses, other buildings, building materials, seedlings,
Assistance	Assistance may include moving allowance, agricultural inputs and financial credits for equipment, transportation and labour

99 For the majority of small-scale Sub-projects the asset valuation would be led by the local (or county) project representative e.g. using the standardized approach described in the previous section. For larger projects that are judged (under the ESMF process) to have significant impacts the process may require an IA-appointed Resettlement Expert.

100 Making compensation payments raises some issues regarding inflation, security and timing that must be considered. One purpose of providing in-kind compensation is to reduce inflationary pressures on the costs of goods and services. Local inflation may still occur, thus market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values. The question of security, especially for people who will be receiving cash compensation payments needs to be addressed by the local administration. Local banks and micro finance institutions should work closely with the local administration at this level to encourage the use of their facilities, which will positively impact the growth of the local economies. The time and place for in-kind compensation payments will be decided upon by each recipient in consultation with the Compensation Committee. Monetary payments should be paid at a time in relation to the seasonal calendar.

4.4 Valuation Methods to Be Adopted⁷

4.4.1 Replacement Cost Approach

101 The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations. These costs are taken as a minimum estimate of the value of measures that will reduce the damage or improve on on-site management practices and thereby prevent damage. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

4.4.2 Gross Current Replacement Cost

102 Gross Current Replacement Cost (GCRC) is defined as the estimated cost of erecting a new building having the same gross external a as that of the existing one, with the same site works and services and on a similar piece of land.

⁶ This will be guided by the RAP

⁷ Valuation methods are not limited to the explained ones in this document.

4.4.3 Other methods

- 103 **Rates from Contractors** - When rate schedules do not exist or are out of date, recent quotations by contractors for similar types of construction in the vicinity of the project can be used for calculating replacement costs. In projects offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable.
- 104 **Schedule of rates from Ministry of Roads and Public Services and Ministry of Lands** - The State Department of Materials has a schedule of rates for preparing estimates for construction of projects, which the consultant can use to assess costs for construction materials and labour. When applied to calculation of replacement cost (see above), the current rates from contractors for the period of actual replacement must be used.
- 105 **Calculation of Compensation by Asset** - The following methods of calculation should be adopted for the preparation of the aforementioned standardized asset valuation tables and/or the application of specific case-by-case valuations in the case of projects that have significant impacts:

4.5 Compensation for Land

- 106 Compensation for land is aimed at providing a farmer whose land is acquired and used for project purposes with compensation for land, labour, livestock and crop loss. For this reason and for transparency, "Land" is defined as an area or homestead:
- a) In cultivation
 - b) Being prepared for cultivation, or
 - c) Cultivated during the last agricultural season.
- 107 This definition recognizes that the biggest investment a farmer makes in producing a crop or keep livestock is his or her labour. A farmer works on his/her land most of the months of the year. The major input for producing a crop is not seed or fertilizer, but the significant labour put into the land each year by the farmer. As a result, compensation relating to land will cover the market price of labour invested as well as the market price of the crop lost.

4.6 Land Measurement

- 108 For the purposes of measuring land, the unit of measurement would be that which is used and understood by the affected farmers. Therefore, in rural areas if a traditional unit of measurement exists, that unit should be used. If a traditional unit of measurement does not exist in a particular area then it is recommended that land should be measured in meters or any other internationally accepted unit of measurement. However, in such an event, the unit that is being used must be explained to the affected farmers / users and must somehow be related to easily recognizable land features that the communities are familiar with, such as using location of trees, stumps, etc. as immovable pegs. The most important concern of this exercise is to ensure that the affected person is able to verify using his/her own standards/units of measurement for him/herself, the size of land that is being lost. Ensuring that this occurs maintains transparency in the system and will thus

avoid subsequent accusations of wrong measurements or miscalculation of areas. For example, a farmer losing a certain piece of land should know exactly how much land he/she is losing, in terms of size and the replacement land must be at least of that same size and comparable value as land lost, determinable by the farmer, and confirmed by an agricultural expert or expert in other land uses being replaced.

4.7 Calculation of Crops Compensation Rate

109 The current prices for cash crops will be determined. All crops will be valued using a single rate regardless of the crop grown. This rate incorporates the value of crops and the value of the labour invested in preparing a new land. Determining compensation using a single rate creates transparency because anyone can measure the area of land for which compensation is due and multiply that by a single rate known to all. This approach also allows assignment of values to previous year's land (land in which a farmer has already invested labour) and land that have been planted but have not yet sprouted. Further, it avoids contention over crop density and quality of mixed cropping. The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation is to be updated to reflect values at the time compensation is paid.

4.8 Compensation for Livestock

110 Compensation will be ideal from two point of views: the market value of the category of animal by age and region; and two the valuation guidelines normally advised by the Ministry of Agriculture Livestock and Fisheries; or in case of game by the Kenya Wildlife Services (KWS).

4.9 Compensation for Buildings and Structures

111 Compensation will be paid by replacing structures such as huts, houses, farm outbuildings, latrines and fences at current market replacement costs. . Any homes lost will be rebuilt on acquired replacement land. However, cash compensation would be available as a preferred option for structures (i.e. extra buildings) lost, that are not the main house or house in which someone is living. The going market prices for construction materials will be determined. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The project will survey these prices for administrative purposes on an ongoing basis.

112 Compensation will be made for structures that are: abandoned because of relocation or resettlement of an individual or household, or directly damaged by Sub-project activities.

113 Replacement values will be based on: drawings of individual's house and all its related structures and support services; average replacement costs of different types of household buildings and structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. bricks, rafters, bundles of straw, doors etc.); prices of these items collected in different local markets; costs for transportation and delivery of these items to acquired/replacement land or building site; and estimates of construction of new buildings including labour required.

4.10 Compensation for Community Assets

114 Compensation will be provided for community assets identified through the socio-economic survey. In all cases, these will be provided in-kind and new facilities will be provided for even if there are existing facilities at the new location.

4.10.1 Compensation for Sacred Sites

115 This policy does not permit the use of land that is defined to be cultural property by the Bank's Safeguards OP 4.11. Sacred sites include but not restricted only to; altars, initiation centres, ritual sites, tombs and cemeteries. It includes other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities/homesteads/county governments' the use of sacred sites for any project activity is not permitted under this project.

4.10.2 Compensation for Vegetable Gardens and Beehives

116 These are planted with vegetable and ingredients for daily use. Until a replacement garden starts to bear, the family displaced (economically or physically) as a result of the project land needs will have to purchase these items in the market. The replacement costs therefore, will be calculated based on the average amount that an average town dweller spends on buying these items for one year per adult from the local market.

117 Beehives are placed in various locations in the bush by some individuals that specialize in honey gathering. If such hives would be disturbed by the project activities, or access to hives is denied, beekeepers can move them, and the bees will adapt to the new location. Beekeepers would be compensated by the value of one season's production costs of honey for each hive that is moved and any reasonable costs associated with moving the hive.

4.10.3 Compensation for Horticultural, Floricultural and Fruit trees

118 Kenya has variable weather patterns, but suitable for growing of fruits especially in the Western and Central parts of Kenya where the NARIGP micro-projects will be implemented. Where fruits exist on affected land e.g. Mangos, which is one of the common fruit trees in the project areas; the agriculture valuation method must be adopted. This goes for all other tree based crops including other trees of nutritional, medicinal and other significant economic value. Given their significance to the local subsistence economy, which this project intends to positively impact, fruit trees will be compensated on a combined replacement/market value. Fruit trees used for commercial purposes will be compensated at market value based on historical production records. If households chose to resettle, they will be compensated for the labour invested in the trees they leave behind, because they will continue to own the trees left behind under customary rights. It is not uncommon for individuals to own trees in other villages in which they formally lived and, in some cases, to continue to harvest fruit from those trees for subsistence purposes and / or sale to traders. If a household/individual chooses to transfer ownership of the trees, transfer costs will be paid in addition to labour costs. The compensation rate will be based on information obtained from the socio-economic information.

5.0 INSTITUTIONAL FRAMEWORK, & IMPLEMENTATION SCHEDULE AND COSTS

5.1 Introduction

119 Before any project activity is implemented, PAPs will need to be compensated in accordance with the resettlement policy framework. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual RAPs.

120 The measures to ensure compliance with this RPF would be included in the RAPs that would be prepared for each land involving resettlement or compensation. The schedule for the implementation of activities must be agreed upon between the Resettlement Committee and the PAPs, such as target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, dates of possession of land that PAPs are using (this date must be after transfer date for completed civil works to PAPs and payments of all compensation), and how these activities are linked to the implementation of the overall Sub-project.

121 The screening process must ensure that RAPs contain acceptable measures that link resettlement activity to civil works in compliance with this policy. The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the RAP is approved by the local and national authorities, the RAP should be sent to the World Bank for final review and approval.

5.2 Project Launching

122 At each Sub-project launching, an assessment of the social impacts of each Sub-project will be conducted. Emphasis will be given to avoid or reject any Sub-projects presumed to induce extensive adverse social impacts. The assessment will help to: (a) determine which sub-project should be rejected; (b) any mitigation measures to be taken for those with small to medium adverse effects which are reversible; (b) establish whether or not detailed RAPs with timetables and budgets should be prepared. **There will be no physically relocation carried out under the Component 1 CDD interventions.**

123 Terms of reference (TOR⁸) for the assessments will be drafted by the implementing agencies in consultation with the World Bank. Issues to be addressed by the screening process will include: demography, land tenure and socio-economic structures (for larger Sub-projects involving more than 100 households, as needed); and consultations with

⁸ Annexed Sample ToR for both SA and RAP

county governments and with the PAPs (for all Sub-projects). A key task to be conducted under this process is a household survey describing the extent of the social impacts. At this stage, all PAPs will be listed in order to avoid an influx of people trying to take advantage of the compensation and rehabilitation. A cut-off date is proclaimed. That means, a date from which eligibility for compensation will be terminated. New inhabitants coming to the project affected areas will not be considered for compensation. The principles of compensation/rehabilitation will be triggered wherever there will be land acquisition and adverse social impacts.

5.3 Implementation Schedule

- 124 The timing of the resettlement will be coordinated with the implementation of the main investment component of the project requiring resettlement. All RAPs will include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, and post relocation of economic and social activities. The plan should include a target date when the expected benefits for resettlers and hosts would be achieved. Arrangements for monitoring implementation of resettlement and evaluating its impact will be developed during project preparation and used during supervision. Monitoring provides both a warning system for project managers and a channel for the resettlers to make known their needs and their reactions to resettlement execution.
- 125 Environmental and social impact assessments, (if deemed necessary) through the application of the ESMF, will be conducted parallel with the design of the Sub-projects, and will determine the number of PAPs and to assess demand of needs of the displaced persons. The needs are such as, housing, water, health facilities and sanitation. Target dates for achievement of expected benefits to resettled persons and hosts are to be set.
- 126 Disseminating various forms of assistance to them will be done. Planning and coordination of the tasks of the various actors is key to successful implementation. To achieve this goal, workshops will be organized with the stakeholders and other relevant government agencies, at project launching and at the commencement of every Sub-project identified to have adverse social impacts.
- 127 The stakeholders will be requested to participate in the decision making process and provide inputs in the area of their expertise in order to establish a coherent work plan or schedule. PAPs will also be consulted with the aim of obtaining their positions on issues at stake. The requirements of their work/programs/business activities will be incorporated in the expropriation/ compensatory plans.
- 128 The workshops will focus on: taking stock of the legal framework for compensation; settling institutional arrangements and mechanisms for payment of compensation; defining tasks and responsibilities of each stakeholder; and establishing a work plan.
- 129 A monthly implementation schedule of activities is to be undertaken and will be a topic of discussion at the next workshop. This way, they will be able to feed back on the implementation process, any curative measures or improvements. The project staff /county governments / consultants will conduct this under the leadership of a resettlement expert.

5.4 PAPs Representative Committee⁹

PAPs Representative Committee shall carry out the following as regard to redressing grievances:

- 130 Hear the grievances of the PAPs, and provide an early solution/recommendation;
 - a) Immediately bring any serious matters to the attention of the GSG;
 - b) Inform the aggrieved parties about the progress of their grievances and the decisions of the IAs and Resettlement Committee.

- 131 A Grievance Redress Committee¹⁰ will be constituted to register the grievance raised by the PAPs and address the grievance forwarded by the PAPs representative committee. The Grievance Redress Committee will try as much as possible to arrive at a compromise for the complaints raised. This may be obtained through a series of conciliations, mediations and negotiations exercises conducted with the PAPs. If PAPs accept the recommendations made by the committee, the committee along with PAPs who are willing to take part in these proceedings may hold mediations at the appointed places. In situations where PAPs are not satisfied with the decision of Grievance Redress committee, the PAPs can approach the court of law. The response time for cases handled in both committees will depend on the issues addressed but it should be as short as it is possible.

5.5 RPF Implementation Budget

- 132 Resettlement activities in Kenya can be financed through a number of arrangements, namely: government budget; loans borrowed from the domestic market by governments; loans borrowed from development partners; and grants. In the case of the NARIGP project, the resettlement budget will be financed through a credit finance advanced to the Government of Kenya by the World Bank under the NARIGP project. The overall cost of the NARIGP Project is an estimated US\$200 million, covering all project activities including resettlement.

- 133 At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs/details have not yet been developed and land needs have not yet been identified. When these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, thus facilitating the preparation of a detailed and accurate budgets for each RAP. Each RAP will include a detailed budget, using the following template.

⁹ The establishment, role and responsibilities will be detailed in the project operational manual

¹⁰ Similarly this will be expanded in the project operational manual

	Amount or number	Total estimated cost	Agency responsible
Asset acquisition			
Land			
Structures			
Crops and economic trees			
Infrastructure			
Land Acquisition and preparation			
Land			
Structures			
Crops and other			
Community Infrastructure			
Relocation			
Transfer of possessions			
Installation costs			
Economic rehabilitation			
Training			
Capital Investment			
Technical Assistance			
Monitoring			
Contingency			
TOTAL			

Figure 6: Illustrative Budget for a RAP

134 The project will manage and monitor the resettlement budget and will finance this budget through the administrative and financial management rules and manuals as for any other activity eligible for payment under the NARIGP. This budget will be subject to the approval by the national coordinating office. At this stage, all that can be reasonably and meaningfully prepared is an indicative budget, highlighting key features that the budget must contain. This is shown in the Table 2 below.

Table 2: Illustrative Budget for RAP

Item	Estimated Cost US\$	Comments
Preparation for full RAP for new Sub-projects	205,000	Full RAP US\$ 5,000 plus RAP for 200 new micro projects @ US \$ 1,000 each
Preparation of process frameworks for gazetted / protected areas	40,000	Assume external assistance is required 4 each @ US \$ 10,000
Resettlement compensation for micro projects ¹¹	5,000	Assume approximately 500 Sub-projects with 10% (50) involving resettlement @ US\$ 100/Sub-project
Compensation for crop farmers	25,000	Assume approximately 500 Sub-projects with 5% (25) involving resettlement @ US\$ 1,000/each

¹¹E.g. a water pan and/or community irrigation scheme will be located in such a way as to avoid physically relocating people, however land take may be required.

Compensation for livestock farmers	12,500	Assume 500 Sub-projects 5% (25) involving resettlement @ US\$ 500/Sub-project
Compensation for horticultural crops: vegetables, fruits and flowers	25,000	Assume 500 Sub-projects 10% (50) involving resettlement @US\$ 500/Sub-project
Compensation for tree crops	100,000	Assume 500 Sub-projects 20% (100) involving resettlement @ US\$ 1,000/Sub-project
Compensation for housing and other infrastructure	25,000	Assume 500 Sub-projects 5% (25) involving resettlement @US\$ 1,000/Sub-project
M&E Costs	50,000	Assume external expert costs/year over 5 year-period

5.6 IMPLEMENTATION ARRANGEMENTS

5.6.1 Introduction

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

136 **National level.** Overall project oversight and policy guidance will be provided by the NPSC, which will be chaired by the Principal Secretary (PS), SDP, MoDP and comprise PSs from the relevant state departments of line ministries, the Chair of the CoGs, and representatives of the private sector and civil society. The National Project Coordination Unit (NPCU) to be headed by the National Project Coordinator (NPC) will be established under the SDP; and will be responsible for managing day-to-day project implementation. The NTAC, comprising among others, directors of relevant line ministry departments, director generals of the relevant government agencies, chief executive officer of the CoGs, and representatives of the private sector, will be chaired by the Economic Planning Secretary (EPS). NTAC will be responsible for providing

technical support to the project and approving county level investment proposals (under Component 3), based on the recommendation of the NPCU. The number of members of NTAC attending each meeting will depend on the agenda or technical advice sought by the NPCU. The NPC will serve as the secretary to both the NPSC and NTAC.

137 **County level.** Depending on each county’s governance structure, the CPSC, chaired by the County Secretary (CS) or co-Chaired by the County Commissioner will be responsible for providing implementation oversight in the respective counties, including approving county annual work plans and budgets, community-led Sub-project proposals; investment proposals submitted by POs; and ensuring that they are incorporated in the CIDP. The CPSC will comprise chief officers of the relevant county ministries (e.g., Agriculture, Livestock and Fisheries; Water; Trade and Cooperatives; Environment and Natural Resources; Works, to name a few); county director of environment (NEMA); and representatives from the private sector (e.g. County Chamber of Commerce), county representative of farmers/POs, civil society and VMGs. The CCU, which will be embedded into the respective county government structures will comprise of the CPC, County Component Technical Leaders (three), and County M&E, Finance and Procurement Assistants. Similarly, the actual number of members of CPSC attending each meeting will depend on the agenda or technical advice sought by the CCU. The CPC will serve as the secretary to the CPSC.

138 **Community level.** The CDDCs with elected leaders (chair, secretary, treasurer and board members) will represent beneficiaries in the targeted communities. CDDCs will be responsible for mobilizing communities into CIGs and VMGs, through the PICD process. They will also be responsible for identifying the vulnerable and marginalized members of the community through participatory targeting approaches. CDDCs will facilitate the preparation of prioritized CDP and the resulting community Sub-projects, as well as their implementation, community participatory monitoring and reporting.

Table 3: Institutional Roles in RPF Process

Institution	Role
County Government	Screening of Sub-projects and in cases where resettlement is unavoidable, formation of Resettlement committees
Resettlement committees at Sub-project level (village elders plus selected community value chain/CIG Reps. Local administration, women and youth reps., MCA, Sub-County Administrator	Vet PAPs to be resettled. Completed RAPs are forwarded to the MoDP and the WB
County Steering Groups	Screening of Sub-projects and in cases where resettlement is unavoidable, formation of Resettlement committees Coordinates grievance mechanisms Approval of RAPs
County and Sub County land committees	Approval of subdivision and transfer of titles to PAPs at Sub County and County levels
	Approval of County proposals for relocation of sites
MoDP	Establishment of project implementation/ coordination structures

5.6.2 Local Level Planning and Implementation

139 At the local level, a work plan will be developed for the local development component, through a transparent decision making process. The work plan and budget at county level, and progress reports on all aspects of project implementation in each county will be displayed on a prominent information board at county headquarters. County Development Officers (representing the Ministry of Devolution and Planning) will be responsible for coordinating development initiatives alongside the County Directors of the implementing agencies. The County governments shall take responsibility for implementation of the RPF, with assistance from other line local offices of the above mentioned government ministries.

5.6.3 Specific Roles in the Compensation Procedure

140 **Public Participation** with the PAPs would initiate the compensation process as part of an ongoing process that would have started at the planning stages when the technical designs are being developed and at the land selection/screening stage. This process, therefore, seeks their involvement and wishes to involve PAPs in a participatory approach with the project, from the beginning.

141 **Notification of land resource holders** – in cases where there is clearly no identified owner / user, the respective local land control boards and the resettlement committee having been involved in identifying the land that the Resettlement Committee's require will notify the community leaders and representatives who will help to identify and locate the land users. These leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance. The user(s) will be informed through both a formal notification in writing and, for as many people as are illiterate, by verbal notification delivered in the presence of the area Chief and representatives of the local Land Control Board, MCA and PAPs and a Community Elder.

142 **Documentation of Holdings and Assets** – the Representatives of the Local County Land Board, the area Chief, a Local Elder and other members of the Resettlement Committee will arrange meetings with affected individuals to discuss the compensation process. For each individual or household affected, officials of the Resettlement Committee completes a compensation database containing necessary personal information on, the affected party and those that s/he claims as household members, total land holdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by local land control board Chairman, Local Chief, Area MCA, a local elder. Databases will be kept current and will include documentation of lands surrendered. This is necessary because it is one way in which an individual can be monitored over time. All claims and assets will be documented in writing (GoK, 2014).

143 **Agreement on Compensation and Preparation of Contracts** – All types of compensation are to be clearly explained to the individual and households involved. The respective Resettlement Committees draws up a contract listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form which is signed and witnessed.

The compensation contract and the grievance redress mechanisms are read aloud in the presence of the affected party and the representative of the Local Land Control Board, The Local Chief, Local MCA, a Representative of PAPs and local Community Elder prior to signing.

144 **Compensation Payments** – All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party, the Chairman or representative of local Land Control Board, Local MCA, Local Elder, Representative of the PAPs and Local Chief.

5.6.4 Community Compensation Payments

145 It is very unlikely that micro--projects will take land occupied by physical structures, including community facilities. However, if this situation arises, community compensation will be in-kind only for a community as a whole in the form of reconstruction of the facility to at least the same standard or equivalent better standard required by local planning regulation. Examples of community compensation include:

- i) School Building (public or religious);
- ii) Public Toilets;
- iii) Well or Pump;
- iv) Market Place;
- v) Road;
- vi) Storage/ warehouse.

6.0 PUBLIC CONSULTATION AND DISCLOSURE

146 The consultation and disclosure workshop was held at the Kenya School of Management on January 12, 2016. It was attended by about 40 participants from 10 counties (Baringo, Bungoma, Nairobi, Nakuru, Kilifi, Kakamega, Kwale, Vihiga, Samburu, and 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.

147 *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.

148 *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 govt met with the Council of Governors. The GoK was reorienting it's ongoing projects to increase development impacts. E.g. road corridors now seen as development corridor springing in roads, access to markets, transmission lines, internet connectivity, and market trading facilities, social infrastructure
- c. *Clear, Appropriate communication channels.* Importance of proper information and dissemination to avoid rumors and misinformation that can cause conflict. This should be along with proper accountability and transparency of account to the communities. A: these suggestions were endorsed.

Detailed comments on all three instruments are captured in Annex 12. And Annex 13... which includes a format used to capture list of participants.

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

149 *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 frameworks, were made publicly available to the relevant stakeholders through the MoDP, NEMA 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.

150 *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)

151 *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 DD, 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.

152 *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)

153 *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;

- f. *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.

- g. *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 the manner in which the county government has managed public funds from the national government intended to address certain development or contingency needs, such as El Niño 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. Mr Kimani from 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.
- h. *Consideration for traditional value chains.* The participants observed that in most government design and implemented projects, 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 chains such as pastoralism, honey production, and food crops.
- i. *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 the 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 culturally appropriate manner.
- j. *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 this cultural diversity..

- k. *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.
- l. *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.
- m. *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 VMG, VMG and politicians or among VMG members or VMG institutions. The independent grievance redress committee should draw membership from neutral institutions such as civil society organization among others.

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

155 *The project coordinator thanked the participants for their valuable contributions which would be used to further strengthen the project frameworks. The detailed comments and MoDP responses are summarized in Annex 12.*

7.0 PROCESS FOR SCREENING, PREPARING AND APPROVING RAPs

7.1 Introduction

156 This section sets out the step by step process that NARIG project will take to determine whether the Sub-project will result in physical or economic displacements, and therefore whether a RAP is required and if so, how to prepare and implement one. Section 7.1 describes the screening process, while sections thereafter describe the detailed actions required to prepare RAPs. The screening process presented below will ensure that Sub-projects presented to the NARIG project for funding comply with the requirements of OP 4.12 and the Kenyan law under Sections 75, 117 and 118 of the Constitution, and specifically Chapter 295 under the General Land Act relating to land acquisition/use and resettlement.

7.2 Screening for Involuntary Resettlement

157 Sub-project screening is used to identify the types and nature of potential impacts related to the activities proposed under the Project and to provide adequate measures to address the impacts. Screening for resettlement issues shall be part of the environmental and social screening, as is detailed in the ESMF. Measures to address resettlement shall ensure that PAPs are:

- (a) Informed about their options and rights pertaining to resettlement;
- (b) Included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives;
- (c) Provided prompt and effective compensation at full replacement cost for; and
- (d) Losses of assets and access attributable to the Sub-project(s)

158 Sub-project screening will be incorporated into the Sub-project application form which the County must submit as part of their local development plan. The goal is to identify and consider resettlement issues as early as possible.

159 On the basis of the screening, the County Development Director¹² will propose which of the following options should be put in place: (a) an option assessment of alternative project designs with a view to avoid and/or reduce displacement risks; (b) the elaboration of an open minded option assessment as vulnerable and marginalized groups might be affected and if avoidance is not feasible an vulnerable and marginalized groups plan (this decision will need to be co-signed by the vulnerable and marginalized groups screening structure); (c) The elaboration of a resettlement process framework (PF) where Sub-projects may lead to a restriction of the access of populations to gazetted and/or protected forests (see draft TORs in Annex A); and (d) the elaboration of a resettlement action plan to address all other resettlement risks (see draft TORs in Annex 2).

¹² Respective County Directors

160 For projects not anticipated to result in displacement, and where loss of assets are anticipated to be *negligible*, then this information shall also be indicated in the Sub-project application form along with a request to waive the requirement for a RAP.

7.1.1 Screening Checklist

161 The screening checklist form is shown in Annex 3, and will be incorporated into the Project’s Implementation Manual/project operational manual. The screening checklist will be completed by a County Development Director and submitted to the Resettlement Committee for a decision. In case that vulnerable and marginalized groups might be affected, the IPPF provides an additional recommendation whether the justification for a physical and/or economic resettlement and/or whether the proposed option is shared by the affected vulnerable and marginalized groups.

7.1.2 Screening Review Form

162 The screening form will then need to be reviewed by the County Steering Group and cleared by the Resettlement Committee. The Resettlement Committee will advise whether an additional option assessment should be carried out with a view to avoid or reduce the physical or economic displacement or whether the argument of the Sub-project proposal is providing sufficient evidence for the decision proposed. The checklist review form, presented in Annex 3, prompts the reviewer to verify the information provided, and confirm the best course of action.

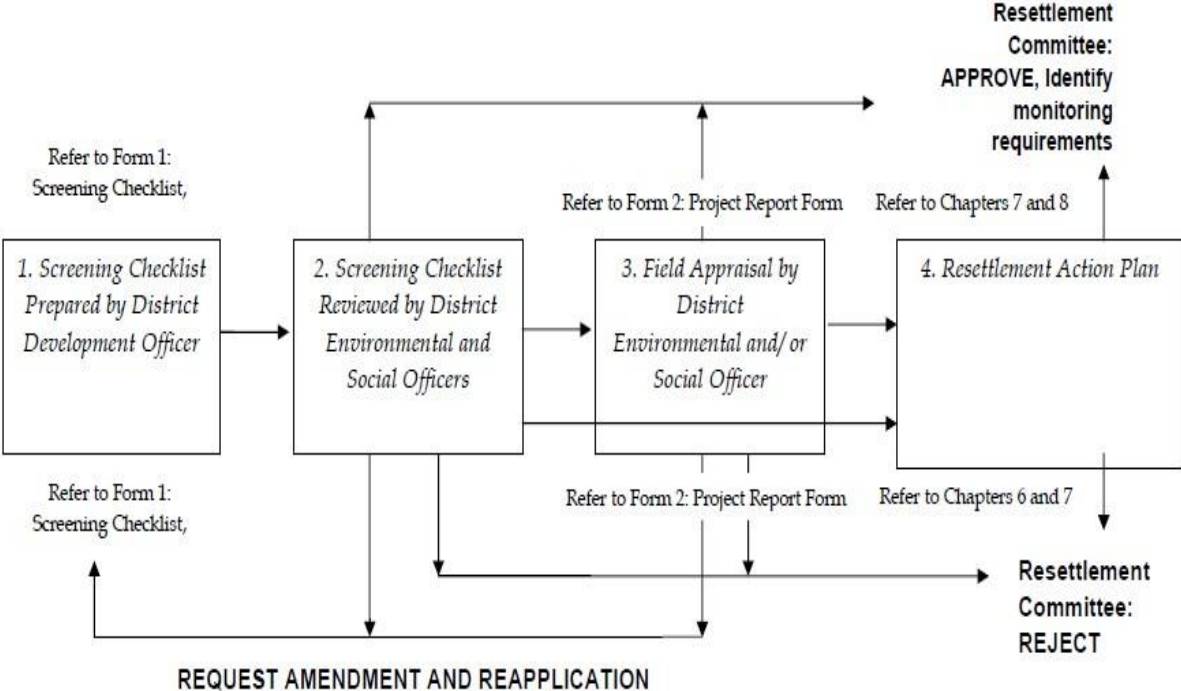


Figure 7: Decision Tree for Sub-project Preparation and Approval

Source: Adopted from NRM Project

7.3 Sub-project design

163 If the screening indicates that an individual Sub-project requires in its present layout the physical or economic resettlement, the project, which might want to finance this Sub-project, will advise on the relevant structures (communities, CIGs, CDCs, WRUAs, IWUAs, Community Forest Associations, etc.) to consider feasible alternative Sub-project designs to avoid or at least minimize physical or economic displacement, while balancing environmental, social, and financial costs and benefits.

7.4 Baseline and Socio-Economic Data

164 An important aspect of preparing a RAP is to establish appropriate socio- economic baseline data to identify the persons who will be displaced by the individual Sub-project, to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits. The PAPs may be classified into three groups:

- a. Those who have formal legal rights to the land they occupy;
- b. Those who do not have formal legal rights to land, but have a claim to land that is recognized or recognizable under the national laws including those measures put in place by the draft land policy; or
- c. Those who have no recognizable legal right or claim to the land they occupy.

165 In summary, the census consolidates information that 1) provides initial information on the scale of resettlement to be undertaken; 2) gives an indication of further socioeconomic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and 3) establishes indicators that can/be measured at a later date during monitoring and evaluation. An illustrative example of a census survey form is provided in Annex 6. Baseline data for Sub-project RAPs will include: number of persons; number, type, and area of the houses to be affected; number, category and area of residential plots and agricultural land to be affected; and productive assets to be affected as a percentage of total productive assets.

7.5 Preparation of a Sub-project RAP

166 A RAP shall be prepared by the Project County coordination unit, preferably with the support of technical service providers or mobile extension teams, for Sub-projects that have been determined to result in potential involuntary resettlement and/or land acquisition. When a RAP is required, the PCCU shall submit completed studies along with their RAP's Sub-project application to the Resettlement Committee for appraisal, and subsequently to the PCU and World Bank. Detailed guidelines for preparing a RAP and an abbreviated RAP are available on the World Bank's website (www.worldbank.org) and in the World Bank's Resettlement and Rehabilitation Guidebook. The basic elements of a RAP (in the case where an RPF is in place) are provided in Box 1.

Box1 Contents of a RAP (OP 4.12)

- Identification of project impacts and affected populations;
 - Particular aspects of the legal framework for land acquisition and compensation, as applied to the sub-project;
 - Particular aspects of the compensation framework, as applied to the sub-project;
 - Description of resettlement assistance and restoration of-livelihood activities;
 - Detailed budget;
 - Implementation schedule;
 - Particular aspects of the description of organizational responsibilities, as applied to the sub-project;
 - Details of public consultation, participation, and planning for the sub-project;
 - Particular aspects of the description of provisions for redress of grievances, as applied to the sub-project; and
 - Particular aspects of Framework for monitoring, evaluation, and reporting, as applied to the sub-project.
-

7.6 Review of Sub-project RAPs

167 Sub-projects proposed by the County will be reviewed and recommended by the Resettlement Committee. In this process, RC will review eligibility for Sub-projects based on field appraisals, which includes results of the environmental and social screening used and consequently, approval by the County Steering Group (CSG).

168 The RAP will be submitted once complete to the decentralized decision committees for screening and approval in compliance with the project institutional administrative arrangements. It is anticipated that Counties will not have the institutional capacity to prepare RAPs or studies during the start of the program and thus will be assisted and supported by local service providers/NGOs. The Ministry of Lands, National land Commission and the County Land Boards will be provided training on the environmental and social safeguards policies and good practice as well be supported to strengthen and/or set up systems for monitoring and implementation of the same. Capacity building for the safeguards systems will also be supported under the Kenya devolution Trust Fund managed by the World Bank. This will ensure there is a trained cadre of staff at the County level with knowledge about environmental and social safeguards and systems in place.

7.6.1 Strategy to handle Conflicts

169 As the screening process is carried out by the beneficiaries, they will establish an independent grievance mechanism, guided by the County Steering Groups, to inform all PAPs about the project and receive and address specific concerns about compensation and relocation that are raised by displaced persons or members of host communities, including a recourse mechanism designed to resolve disputes in an impartial manner.

7.6.2 Compensation and Benefits for Displaced Persons

170 The Implementation Agencies will oversee the implementation of resettlement activities and ensure that that displacement or restriction of access does not occur before necessary measures for resettlement are in place. When displacement cannot be avoided, the project, which wants to finance the individual Sub-project, will offer displaced persons and communities' compensation for loss of assets at full replacement cost and other assistance to help them improve or at least restore their standards of living or livelihoods. Where livelihoods of displaced persons are land-based, or where land is collectively owned, the projects will offer land-based compensation. The project will further provide opportunities to displaced persons and communities to derive appropriate development benefits from the project.

7.6.3 Loss of Property

171 This includes loss of: houses, crops and trees, structures, fixed improvements, businesses which should be compensated at market valuation, negotiated settlements, productivity valuation, material and labor valuation. In cases where the loss is partial then disposition of salvage material will be exercised. Cash payments may also be made if a small fraction of property is lost instead of replacing the whole property, but if the partial loss results in the PAPs not being economically viable then the property is replaced. Those who lose houses will also be assisted with temporary residence (if necessary).

7.6.4 Loss of Wages and Income

These are persons who will lose their income due to the project. Workers losing employment in the process of relocation should be entitled to transitional income support. Compensation equivalent to lost income required for the duration of impact should be paid to the latter. In addition, PAPs will be entitled to transitional assistance, which include moving expenses, temporary residence (if necessary), and employment in the project while waiting employment. In difficult cases, local authorities such as chiefs may be used to judge eligibility as well as village committees.

7.6.5 Cut-Off Date

172 Cut-off dates are essential in the process of drawing up lists to ensure that ineligible persons do not take the opportunity to claim eligibility. The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land thereby posing a major risk to the sub-project. The cut-off date for this project shall be determined by the Resettlement Committee, as appropriate, making anyone who makes a claim for loss of land or any assets after such a date ineligible for expropriation/ compensation.

173 The entitlement cut-off date refers to the time when the assessment of persons and their property in the identified project areas are carried out, i.e. the time when the sub-project owners/implementers have identified the land sites they would need and when the socio-economic study is taking place. Thereafter, no new cases of affected people will be

considered. Unfinished structures would be identified and secured, and unused materials for individuals' constructions will be gathered at the site so that the cut-off survey can estimate PAPs' investment which should be compensated for in lieu of expenses (including labor) incurred until the cut-off date. Because the time period between the cut-off date and the time that actual productive investments (civil works, etc.) would start, (e.g. likely to be anytime period from six months on), special attention needs to be taken to secure the sites from rush and opportunistic invasion.

174 These measures could include close consultation with the recognized PAPs, signs that inform general public of intended use of site, security patrols to identify opportunistic invaders etc. Further patrols and monitoring of any violation of the cut-off date could be carried out by local administrations such as the office of the Chief and be reported to the local resettlement committee. This could also be done both by the local PAPs representatives or the local community. The cut-off date is to be chosen in close consultation with the Provincial/Local governments responsible for land administration, and local leaders and the sub project owners/implementers. This should occur as soon as possible after the affected land is identified.

175 This process must be in full compliance with the conflict resolution mechanisms in this RPF and this date must be communicated effectively to the potential PAPs and surrounding local communities. The local community and traditional leaders will play a crucial role in identifying users of land.

7.6.6 Consultation

176 Following disclosure of all relevant information through the project's communication channels and the independent grievance mechanisms; the project will provide for, RAPs, consult and facilitate the informed participation of affected persons and communities, including host communities, in decision making processes related to the resettlement. The MCAs will ensure that consultation will continue during the implementation, monitoring, and evaluation of compensation payment and resettlement to ensure that the living conditions of the PAPs are enhanced or at least restored.

7.7 Approval of Resettlement Action Plans¹³

177 After clearance from the Resettlement Committee, the compensation, resettlement and rehabilitation activities of the RAP will be satisfactorily completed and verified by the communities before funds can be disbursed for civil works under the Sub-project. The EMPs and RAPs developed for Sub-projects will also be reviewed by the Implementation Agencies and the World Bank. For quality assurance, it is required that RAPs prepared for Sub-projects be submitted to the World Bank for review to ensure that they are produced in line with the OP 4.12. Gaps in quality shall be addressed through training at the county level for relevant service providers and reviewers, funded by the project as part of the budget for capacity building. Subsequent RAPs prepared throughout the rest of the project can then be

¹³ Read together with the project operational manual

reviewed by the Land Commissioners, with an annual independent review process led by the PCU.

7.8 Mechanism for Consultations and Participation of Displaced Persons in Planning, Implementation and Monitoring

7.8.1 Introduction

- 178 The involvement of involuntary resettlers and hosts in planning prior to the implementation is critical. Initial resistance to the idea of involuntary resettlement is to be expected. To obtain cooperation, participation, and feedback, the affected hosts and resettlers will be systematically informed and consulted during preparation of the resettlement plan about their options and rights. They will also be able to choose from a number of acceptable resettlement alternatives. Particular attention must be given to vulnerable groups such as vulnerable and marginalized groups, ethnic minorities, the landless, and women to ensure that they are represented adequately in such arrangements. A comprehensive process of free, prior, and informed consultations should be completed for indigenous communities and VMGs.
- 179 The plan should address and mitigate the resettlement's impact on host populations. Host communities and local governments should be informed and consulted. Any payments due to the hosts for land or other assets provided to resettlers should be promptly rendered. Conflicts between hosts and resettlers may develop as increased demands are placed on land, water, grass, forests, services etc., or if the resettlers are provided services and housing superior to that of the hosts. Conditions and services in host communities should improve, or at least not deteriorate. Providing improved education, water, health and production services to both groups fosters a better social climate for their integration. In the long run, the extra investment will help prevent conflicts and secure the project's aim.
- 180 Successful resettlement requires a timely transfer of responsibility from settlement agencies to the resettlers themselves. Otherwise, a dependency relationship may arise, and agency resources may become tied up in a limited number of continually supervised schemes. Local leadership must be encouraged to assume responsibility for environmental management and infrastructure maintenance. Relocating or compensating people implies communication or dialogue with the stakeholders. The consultation and participation process will include:
- a. Data collection, analysis and interpretation
 - b. Preparation and planning
 - c. Implementation
 - d. Monitoring and evaluation
 - e. communication

The project will coordinate all the four operations.

7.8.2 Data Collection, analysis and interpretation

181 After familiarizing with the project through literature review and consultations with the Ministry of Devolution and Planning and the PCU officials, the consultants will design appropriate questionnaires intended for data collection at project sites. The sites will vary from households to community groups, based on the TOR for the socio-economic surveys and study.

Preparation and planning

182 - The consulting team will ensure inclusivity of all targeted PAPs at all levels the study. The PAPs will be consulted through meetings at county governments’ halls and other county facilities to provide preliminary accurate data. Information about the project, will be shared in a local language that they understand. PAPs will be given a platform to ask questions about the project, identify social impacts of project operations, and suggest mitigation measures and alternatives to be considered in the design. The contribution of the PAPs will be integrated into the Sub-projects implementation process, from planning to evaluation. Furthermore, data about socio-impacts of the Sub-projects and the mitigation measures suggested will be provided to local newspapers and local radio stations and other media. The data collected will serve as instruments for the monitoring of the social mitigation measures.

7.8.3 Implementation Phase

183 During implementation, the PAPs will need to be informed about their rights and options, at which point they will have their say and discuss matters that need clarification. Cash compensation amount and size of land offered for compensation will be presented to each eligible PAP for consideration and endorsement before cash payment or land compensation can be effected. The CSG will be set up grievance redress mechanisms.

a) Monitoring and Evaluation Phase

184 The PAPs representatives will participate in the project completion workshops (annual, mid-term and end term), to give their evaluation of the impacts of the project. They are also to suggest corrective measures, which may be used to improve implementation of other Sub-projects. After completion of all expropriation/compensation operations, the PAPs will be consulted in a household survey to be undertaken as a monitoring and evaluation exercise.

b) Grievances Redress Mechanisms

185 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.

186 This section sets out the measures to be used to manage grievances. The overall process of grievance handling is as follows¹⁴:

¹⁴ Details of the GRM are to be put in the project operational manual

- a) Compensation committees including representatives of PAPs will establish the compensation rates.
- b) 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.
- c) 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. An example of a grievance redress form is provided in Annex 6.
- d) 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.
- e) 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, including both husband and wife and children.
- f) Should a PAP decline the compensation suggested, he/she could appeal to the County

187 Steering Group and local Land Control Board.

- a) A Compensation Committee (CC) and local Land Control Board at the local level will first revise his/her case.
- b) Then the CC will draft its inclusions and submit them to the implementing agencies (IAs) for deliberation in the aim of settling the differences.
- c) 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.

c) Grievance Redress Process

188 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.

189 The Resettlement Committee¹⁵ 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

¹⁵ 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.

- 190 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.
- 191 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.
- 192 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.
- 193 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.
- 194 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.

8.0 MONITORING AND EVALUATION

8.1 Arrangements for Monitoring and Evaluation

195 This section sets out requirements for the monitoring of the implementation of the RPF. In addition, monitoring of social indicators will be mainstreamed into the overall monitoring and evaluation system for both levels of project implementation (sub-projects and project). The arrangements for monitoring will anchor on the overall monitoring plan of the entire NARIGP, which will be through the PCU of the Project, housed at the Ministry of Devolution and Planning. All RAPs will set the following major socio-economic goals by which to evaluate their success:

- a. Affected individuals, households, and communities able to maintain their pre-project standard of living, and even improve on it; and
- b. Local communities remaining supportive to the project.
- c. Absence or prevalence of conflicts.

In order to assess whether these goals are met, RAPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities.

196 The PCU and IAs will institute an administrative reporting system that:

- a. Provides timely information about all resettlement grievances arising as a result of NARIGP project activities for action;
- b. Identifies any grievances in relation to resettlement that have not been resolved at a local level and require resolution through the involvement of the PCU;
- c. Documents the timely completion of project resettlement obligations (i.e. payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary losses;
- d. Evaluates whether all PAPs have been compensated in accordance with the requirements of this RPF, and that PAPs have higher living standards in comparison to their living standards before physical or economic displacement.
- e. Feedback system to the PAP process and other stakeholders.

Consistent with the Environmental and Social Management Framework, the Sub-project Committees and county coordinating teams would be responsible for periodically transferring the information compiled “on the ground” to the PCU, so that it is alerted in a timely manner to any difficulties arising at the local level.

8.2 Monitoring Of RPF Implementation

197 Project County Coordinating Unit will compile basic information on all physical or economic displacement arising from the NARIG project, and convey this information to the PCU, on a quarterly basis. They will compile the following statistics:

- a. No. of Sub-projects requiring preparation of a RAP;

- b. No. of households, and number of individuals (women, men and children) physically or economically displaced by each macro-project;
- c. Length of time from sub-project identification to payment of compensation to PAPs;
- d. Timing of compensation in relation to commencement of physical works;
- e. Amounts of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- f. No. of people raising grievances in relation to each macro-project;
- g. No. of unresolved grievances.

198 The Project Social Mitigation Officer will scrutinize these statistics in order to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. They will alert the NARIG project coordinators, and the Ministry of Planning, if there appears to be any discrepancies. The financial unit under the PCU will directly monitor compensation. The PCU will allow for calculation of the final cost of resettlement and compensation per PAP; financial records will be maintained by the sub-projects.

199 The resettlement statistics will also be provided to an independent consultant who will be contracted on an annual basis, in collaboration with the Environmental Audit (as described in the ESMF). The following indicators will be used to monitor implementation of the RPF.

Monitoring	Evaluation
Outstanding compensation or resettlement contracts not completed before next agricultural season.	Outstanding individual compensation or resettlement contracts.
Subprojects unable to settle compensation after two years.	Outstanding compensation contracts.
Grievances recognized as legitimate out of all complaints lodged.	All legitimate grievances rectified
Pre- project production and income (year before land used) versus present production and income of resettlers, off-farm-income trainees, and users of improved agricultural techniques.	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation.
Pre- project production versus present production (crop for crop, land for land).	Equal or improved production per affected household/homestead.
Pre-project income of vulnerable individuals identified versus present income of vulnerable groups	Higher post- project income of vulnerable individuals.

Figure 8: NARIGP RPF Verifiable Indicators

8.3 Database Management for PAPs

200 Each PAP will be provided with among others: signed documents recording initial situation, all subsequent sub project use of assets/improvements, and compensation agreed upon and

received. The Resettlement Committee and PCU will maintain a complete database on every PAP impacted by the project land use requirements including relocation / resettlement and compensation, land impacts or damages. Each PAP receiving compensation will have a database containing:

- a. PAP biological information
- b. Number of dependent/PAP claim.
- c. Amount of land available to the PAP when the database is opened.
- d. Additional information will be acquired for PAP's eligibility for resettlement and/or compensation:
- e. Level of income and of production
- f. Inventory of material assets and improvements in land, and
- g. Debts.

201 Each time land is used /acquired by a Sub-project, the database will be updated to determine if the PAP is being affected to the point of economic non-viability and eligibility for compensation/resettlement or its alternatives. These databases will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for.

8.4 RPF Audit

8.4.1 Annual Audit

202 The annual audit of RPF implementation will include: a summary of the performance of each Sub-project vis-à-vis its RAP; a summary of compliance and progress in implementation of the process frameworks for NARIGP resources; a presentation of compliance and progress in the implementation of the RPF. The audit will: Verify results of internal monitoring; Assess whether resettlement objectives have been met; specifically, whether livelihood and living standards have been restored or enhanced; Assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation; Ascertain whether the resettlement entitlements were appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions. Annual audit reports will be submitted to the PCU and shared with the World Bank for information for information to the World Bank.

8.5 Socio-Economic Monitoring

203 The purpose of socio-economic monitoring is to ensure that PAPs are compensated and recovery is on time. It will go on as part of the implementation of each Sub-project RAP, to assess whether compensation has been paid, income has been restored and resettlement objectives were appropriate and delivered. Monitoring of living standards will continue following resettlement. The objective is that the standard of living of the PAPs has been improved, restored and has not declined.

- 204 A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, how many children in school compared to before, health standards, etc.). Proposals are set out in Figure 11. The following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance.
- 205 For each Sub-project with adverse social impacts, a monitoring and evaluation plan of the mitigation measures will be established. As part of the preparation of each RAP, a household survey will be conducted of all PAPs, prior to physical or economic displacement, and this will provide baseline data against which to monitor the performance of the RAP. Following the completion of all expropriation/compensation operations, a household survey will be conducted. The aim of the survey is to assess the impacts of the social mitigation and measures implemented. In addition, the relevant county technical teams and PAPs will be consulted to provide their assessments of the impacts of social mitigation measures applied.

ANNEXES

Annex 1: Draft TORs for Elaboration of a Resettlement Process Framework (PF)

A process framework is prepared when Bank-supported projects may cause restrictions in access to natural resources in legally designated protected areas such as gazetted forests. The purpose of the process framework is to establish a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve resettlement policy objectives, and implementation and monitoring of relevant project activities. Specifically, the process framework describes participatory processes by which the following activities will be accomplished.

- (a) Project components will be prepared and implemented. The document should briefly describe the project and components or activities that may involve new or more stringent restrictions on natural resource use. It should also describe the process by which potentially displaced persons participate in project design.
- (b) Criteria for eligibility of affected persons will be determined. The document should establish that potentially affected communities will be involved in identifying any adverse impacts, assessing of the significance of impacts, and establishing of the criteria for eligibility for any mitigating or compensating measures necessary.
- (c) Measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms, to pre-displacement levels, while maintaining the sustainability of the park or protected area will be identified. The document should describe methods and procedures by which communities will identify and choose potential mitigating or compensating measures to be provided to those adversely affected, and procedures by which adversely affected community members will decide among the options available to them.
- (d) Potential conflicts or grievances within or between affected communities will be resolved. The document should describe the process for resolving disputes relating to resource use restrictions that may arise between or among affected communities, and grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.

Additionally, the process framework should describe arrangements relating to the following:

- (e) Administrative and legal procedures. The document should review agreements reached regarding the process approach with relevant administrative jurisdictions and line ministries (including clear delineation for administrative and financial responsibilities under the project).
- (f) Monitoring arrangements. The document should review arrangements for participatory monitoring of project activities as they relate to (beneficial and adverse) impacts on persons within the project impact area, and for monitoring the effectiveness of measures taken to improve (or at minimum restore) incomes and living standards.

Annex 2: Draft TORs for Elaboration of Resettlement Action Plan (RAP)

This template is extracted from OP 4.12 Annex 1 which can also be found on the Bank's website at www.worldbank.org.

The scope and level of detail of the resettlement plan vary with magnitude and complexity of resettlement. The plan is based on up-to—date and reliable information about (a) the proposed resettlement and its impacts on displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers elements, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

Description of the Sub-project: General description of the sub project and identification of sub project area.

Potential Impacts: Identification of (a) the sub project component or activities that give rise to resettlement, (b) the zone of impact of such component or activities, (c) the alternatives considered to avoid or minimize resettlement; and (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

Objectives: The main objectives of the resettlement program.

Socio-economic studies: The findings of socio-economic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including;

(a) **The results of a census survey covering;**

Current occupants of the affected area to establish a basis for design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance; standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population; the magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic; information on vulnerable groups or persons, for whom special provisions may have to be made; and provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.

(b) **Other studies describing the following;**

land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area.

The patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the Sub-project

Public infrastructure and social services that will be affected; and Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g. community organizations, ritual groups, non- governmental organizations (NGO's) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Legal Framework: The findings of an analysis of the legal framework, covering:

- (a) The scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment,
- (b) The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the sub project,
- (c) Relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law related to displacement, and environmental laws and social welfare legislation
- (d) Laws and regulations relating to the agencies responsible for implementing resettlement activities
- (e) Gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps, and,
- (f) Any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage .

Institutional Framework: The findings of any analysis of the institutional framework covering:

- (a) The identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
- (b) An assessment of the institutional capacity of such agencies and NGOs; and
- (c) Any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

Eligibility: Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

Valuation of and compensation for losses: The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of

compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

Resettlement Measures: A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of OP 4.12. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

Site selection, site preparation, and relocation: Alternative relocation sites considered and explanation of those selected, covering,

- (a) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, local advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources,
- (b) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites,
- (c) Procedure for physical relocation under the project, including timetables for site preparation and transfer; and
- (d) Legal arrangements for regularizing tenure and transferring titles to resettlers.

Housing, infrastructure, and social services: Plans to provide (or to finance resettler's provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

Environmental protection and management. A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

Community Participation: a description of the strategy for consultation with and participation of resettlers and host communities, including:

- (a) A description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of resettlement activities,
- (b) A summary of the views expressed on how these views were taken into account in preparing the resettlement plan,
- (c) A review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of

compensation and resettlement assistance, to relocating as individual families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and

- (d) Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as vulnerable and marginalized groups, ethnic minorities, landless, and women are adequately represented.

Integration with host populations: Measures to mitigate the impact of resettlement on any host communities, including:

- (a) Consultations with host communities and local governments,
- (b) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers,
- (c) Arrangements for addressing any conflict that may arise between resettlers and host communities, and
- (d) Any measures necessary to augment services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

Grievance procedures: Affordable and accessible procedures for third-party settlement of disputes arising from resettlement, such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

Organizational responsibilities: The organizational framework for implementing resettlement, including identification of agencies responsible for delivery or resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

Implementation Schedule: An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

Costs and budget: Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetable for

expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

Monitoring and evaluation: Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

Annex 3: Screening Checklist Category A Project

Sub-project name	[type here]
Location	[type here]
Estimated cost (KSh)	[type here]

TYPE OF PROJECT OR ACTIVITY

CATEGORY A	<input type="checkbox"/>	Policy, legal or strategy document
	<input type="checkbox"/>	Dam project greater than 15m in height
	<input type="checkbox"/>	Medium-scale irrigation scheme
	<input type="checkbox"/>	Medium-scale water storage structure
	<input type="checkbox"/>	Rehabilitation of medium-scale water storage structure
	<input type="checkbox"/>	Forestry concession with the private sector
	<input type="checkbox"/>	Construction of roads, bridges

CATEGORY B	<input type="checkbox"/>	Farm forestry or agroforestry, small-scale woodlots and tree nurseries
	<input type="checkbox"/>	Small-scale irrigation scheme
	<input type="checkbox"/>	Small-scale water storage facility
	<input type="checkbox"/>	Spring capping or rural water supply scheme
	<input type="checkbox"/>	Small-scale dam (less than 15 m in height)
	<input type="checkbox"/>	Check-dam
	<input type="checkbox"/>	Forest infrastructure
	<input type="checkbox"/>	Participatory forest management or reforestation
	<input type="checkbox"/>	Dykes
	<input type="checkbox"/>	Riverbank stabilisation
	<input type="checkbox"/>	Terracing of farmland
	<input type="checkbox"/>	Agricultural interventions Please give more details: [type here]
	<input type="checkbox"/>	Support to income generating initiatives Please give more details: [type here]
	<input type="checkbox"/>	Other Please give more details: [type here]

CATEGORY A PROJECTS

For all Category A projects, an Environmental and Social Management Plan (ESMP) will be required.

In addition, the following studies may be required:

	Yes	No
Will this Category A project affect Indigenous People? If yes, an Indigenous People's Plan will be required.	<input type="checkbox"/>	<input type="checkbox"/>
Will this Category A project require land for its development, and therefore displace individuals, families or businesses from land that is currently occupied, or restrict people's access to crops, pasture, fisheries or forests, even, whether on a permanent or temporary basis. If yes, a Resettlement Action Plan will be required.	<input type="checkbox"/>	<input type="checkbox"/>
Will this Category A project involve the use of pesticides? If yes, a pest management plan will be required.	<input type="checkbox"/>	<input type="checkbox"/>

Screening Checklist Category B Projects

CATEGORY B PROJECTS

Please describe how the project complies [type here]
with the most relevant planning
document, for example the District
Development Plan or the Microcatchment
Plan:

Will the project:	Yes	No
Adversely affect natural habitats nearby, including forests, rivers or wetlands?	<input type="checkbox"/>	<input type="checkbox"/>
Require large volumes of construction materials (eg gravel, stones, water, timber, firewood)?	<input type="checkbox"/>	<input type="checkbox"/>
Use water during or after construction, which will reduce the local availability of groundwater and surface water?	<input type="checkbox"/>	<input type="checkbox"/>
Lead to soil degradation, soil erosion or soil salinity in the area?	<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"/>
Create pools of water that provide breeding grounds for disease vectors (for example malaria or bilharzia)?	<input type="checkbox"/>	<input type="checkbox"/>
Involve significant excavations, demolition, movement of earth, flooding, or other environmental changes?	<input type="checkbox"/>	<input type="checkbox"/>
Affect historically-important or culturally-important sites nearby?	<input type="checkbox"/>	<input type="checkbox"/>
Require land for its development, and therefore displace individuals, families or businesses from land that is currently occupied, or restrict people's access to crops, pasture, fisheries, forests or cultural resources, whether on a permanent or temporary basis?	<input type="checkbox"/>	<input type="checkbox"/>
Result in human health or safety risks during construction or later?	<input type="checkbox"/>	<input type="checkbox"/>
Involve inward migration of people from outside the area for employment or other purposes?	<input type="checkbox"/>	<input type="checkbox"/>
Result in conflict or disputes among communities?	<input type="checkbox"/>	<input type="checkbox"/>
Affect indigenous people, or be located in an area occupied by indigenous people?	<input type="checkbox"/>	<input type="checkbox"/>
Involve the construction of a dam or weir, or depend on water supplied from an existing dam?	<input type="checkbox"/>	<input type="checkbox"/>
Result in a significant change/ loss in livelihood of individuals?	<input type="checkbox"/>	<input type="checkbox"/>
Adversely affect the livelihoods and/or the rights of women?	<input type="checkbox"/>	<input type="checkbox"/>

If you have answered Yes to any of the [type here]
above, please describe the measures that
the project will take to avoid or mitigate
environmental and social impacts (note
that appropriate measures may include
the preparation of a RAP).

What measures will the project take to [type here]
ensure that it is technically and financially
sustainable?

CONCLUSION

Category B:

- There are no environmental or social risks
- Community to be given full responsibility to mitigate environmental risks
- MCAs to provide detailed guidance on mitigation of risks to the community
- Specific advice is required from District Officers in the following area(s):

[type here]

- People will be physically or economically displaced, and therefore a RAP is required

Completed by: [type here]

Name: [type here]

Position / Community: [type here]

Date: [type here]

SCREENING CHECKLIST REVIEW FORM

	Yes	No
Has the project proponent selected the correct type and category for this project?	<input type="checkbox"/>	<input type="checkbox"/>

If 'No', please select the correct type of project or activity below:

CATEGORY A		<input type="checkbox"/> Policy, legal or strategy document <input type="checkbox"/> Dam project greater than 15m in height <input type="checkbox"/> Medium-scale irrigation scheme <input type="checkbox"/> Medium-scale water storage structure <input type="checkbox"/> Rehabilitation of water storage structure <input type="checkbox"/> Forestry concession with the private sector <input type="checkbox"/> Construction of roads, bridges
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CATEGORY B		<input type="checkbox"/> Farm forestry or agroforestry, small-scale woodlots and tree nurseries <input type="checkbox"/> Small-scale irrigation scheme <input type="checkbox"/> Small-scale water storage facility <input type="checkbox"/> Spring capping or rural water supply scheme <input type="checkbox"/> Small-scale dam (less than 15 m in height) <input type="checkbox"/> Check-dam <input type="checkbox"/> Forest infrastructure <input type="checkbox"/> Participatory forest management or reforestation <input type="checkbox"/> Dykes <input type="checkbox"/> Riverbank stabilisation <input type="checkbox"/> Terracing of farmland <input type="checkbox"/> Agricultural interventions <input type="checkbox"/> Please give more details: [type here] <input type="checkbox"/> Support to Income generating initiatives <input type="checkbox"/> Please give more details: [type here] <input type="checkbox"/> Other <input type="checkbox"/> Please give more details: [type here]
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CATEGORY B PROJECTS

Based on the location and the type of project, please explain whether the Proponent's responses are satisfactory:

	Yes	No
Their description of the compliance of the project with relevant planning documents	<input type="checkbox"/>	<input type="checkbox"/>
If 'No', please explain: [type here]		
Their responses to the questions on environmental and social impacts	<input type="checkbox"/>	<input type="checkbox"/>
If 'No', please explain: [type here]		
Their proposed mitigation measures	<input type="checkbox"/>	<input type="checkbox"/>
If 'No', please explain: [type here]		
Their proposed measures to ensure sustainability	<input type="checkbox"/>	<input type="checkbox"/>
If 'No', please explain: [type here]		

REVIEWER'S COMMENTS

Which course of action do you recommend?

Category A:

ESMP; IPP; RAP; PMP

Category B:

- There are no environmental or social risks
- Community to be given full responsibility to mitigate environmental and social risks, as set out in the screening checklist
- MCAs to provide detailed guidance on mitigation of risks to the community
- Specific advice is required from District Officers in the following area(s):

[type here]

People will be physically or economically displaced, and therefore a RAP is required

If this differs from the Proponent's recommended course of action, please explain:

[type here]

Preparation of a Project Report, based on field appraisal by District Officer, is required to investigate further, specifically to investigate:

[type here]

Reject

Review form completed by: [type here]

Name: [type here]

Position / Community: [type here]

Date: [type here]

Annex 4: Sample Census Survey

SOCIO-ECONOMIC HOUSEHOLD DATASHEET OF PAPs

Interviewer		Signature
Supervisor		(After verification)
Name		
Position of concession in village coordinates		

Day / Month / Year		
1) Head of Extended Family		
2) No. of nuclei families in extended family residential group		
3) Head of household extended family		

Household Interview

Relationship to Head of family	Sex		Place of Birth	Age	M	Marital status	Residence tenure	Ethnic group	Religion	Educ level	Income earner		Economic rating			
	M	F									Yes	No	Primary	Secondary	Tertiary	

Head of Family/Household (HOH): 1. Head of household; 2. Spouse of HOH; 3. Child of HOH; 4. Grand child of HOH; Parent of HOH; No answer

Marital status: 1. Married; 2. Widowed; 3. Divorced; 4. Single; 5. No answer

Residence tenure: 1. Permanent residence; 2. Resident absent; 3. Member of non-resident; 4. Visitor; 5. other (specify); 6. No answer

Educational level: 1. No formal education; 2. Primary; 3. Secondary; 4. Youth polytechnic; 5. Religious school; 6. College; 7. university

Annex 5: Sample Asset Valuation Survey Form

Household ID of Asset Inventory for Project Affected People _____

Date _____

HH ID	No. of persons in the HH	Total landholding of HH (m ²)	Land to be acquired (m ²)	Land ¹⁶ use type	Loss of % total	Loss of assets			Loss of crops			Loss of other assets	Other losses			
						Permanent structures (m ²)	Temporary structures (m ²)	Area of residence land lost (m ²)	Fruit trees lost (type and number)	Agric. Land lost (m ²)	Other (specify)		e.g. graveyard; wells, etc. (type and number)	Rented residence	Bush lost	Etc. (specify)

Entitlements of PAPs

HH ID	Compensation for land			Compensation for structures		Compensation for crops and trees			Compensation for other assets and losses (eg. Graveyards, wells, businesses, etc.)		
	Quantity (m ²)	Unit price per	Entitlement (Kshs)	Unit price (Kshs per m ²)	Entitlement (Kshs)	Quantity unit	Unit price (Kshs)	Entitlement (Kshs)	Quantity unit	Unit price (Kshs)	Entitlement (Kshs)

¹⁶ Please fill in the type of land: 1. Communal; 2. Privately titled; 3. Public land; 4. Gazetted land; 5. Ranching/Group land; 6. Other (specify)

		m²									

Annex 6: Sample Grievance Procedure Form

Grievance Form				
Grievance Number		Copies to forward to:		
Name of the Recorder		White (Original)-Receiver Party		
Province/District/Settlement		Blue (Copy)-Responsible Party		
Date		Green (Copy)- DSI for Database		
		Pink (Copy)-Complainant		
INFORMATION ABOUT GRIEVANCE				
Define The Grievance:				
INFORMATION ABOUT THE COMPLAINANT			Forms of Receive	
Name-Surname			<input type="checkbox"/> Phone Line <input type="checkbox"/> Community/ Information Meetings <input type="checkbox"/> Mail <input type="checkbox"/> Informal <input type="checkbox"/> Other	
Telephone Number				
Address				
Village/ Settlement				
District/ Province				
Signature of Complainant				
DETAILS OF GRIEVANCE				
1. Access to Land and Resources a) Fishing grounds b) Lands c) Pasturelands d) House e) Commercial site f) Other	2. Damage to a) House b) Land c) Livestock d) Means of livelihood e) Other	3. Damage to Infrastructure or Community Assets a) Road/Railway b) Bridge/Passageways c) Power/Telephone Lines d) Water sources, canals and water infrastructure for irrigation and animals e) Drinking water f) Sewerage System g) Other	4. Decrease or Loss of Livelihood a) Agriculture b) Animal husbandry c) Beekeeping d) Small scale trade e) Other	5. Traffic Accident a) Injury b) Damage to property c) Damage to livestock d) Other
6. Incidents Regarding Expropriation and Compensation (Specify)	7. Resettlement Process (Specify)	8. Employment and Recruitment (Specify)	9. Construction Camp and Community Relations a) Nuisance from dust b) Nuisance from noise c) Vibrations due to explosions d) Misconduct of the project personal/worker e) Complaint follow up f) Other	10. Other (Specify)

Grievance Closeout Form		
Grievance closeout number:		
Define immediate action required:		
Define long term action required (if necessary):		
Compensation Required <input type="checkbox"/> YES <input type="checkbox"/> NO		
Verification of Corrective Action and Sign Off		
Corrective Action Steps to Carry Out Corrective Action		Due Date
1		
2		
3		
4		
5		
6		
7		
Responsible Party		
COMPENATION ACTION AND SIGN OFF		
<p>This part will be filled in and signed by the complainant when he/she receives the compensation or file is closed-out</p>		
Notes:		
Date: .../.../.....		
Complainant	Representative of Responsible Party	
Name-Surname and Signature	Title-Name-Surname and Signature	

Annex 7: Matrices on Asset Acquired and Compensation Entitlement

ASSET ACQUIRED	TYPE OF IMPACT	ENTITLED PERSON	COMPENSATION ENTITLEMENT
AGRICULTURAL LAND	<p>No displacement: Cash compensation for affected land equivalent to market value</p> <p>Less than 50% of land holding affected, The remaining land remains economically viable</p>	Farmer/ title holder	Cash compensation for affected land equivalent to market value
		Tenant/lease holder	Cash compensation for the harvest of the affected land equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/lease agreement, whichever is greater.
	<p>Displacement:</p> <p>More than 50% of land holding lost</p> <p>OR</p> <p>Less than 50% of land holding lost but remaining land not economically viable</p>	Farmer/ title holder	<p>Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice. Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration & other costs.</p> <p>Relocation assistance (costs of shifting + assistance in reestablishing economic trees + allowance up to a maximum of 12 months while short-term crops mature)</p> <p>Relocation assistance (costs of shifting + assistance in reestablishing economic trees + allowance up to a maximum of 12 months while short-term crops mature)</p>
Tenant/lease holder		<p>Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/lease agreement, whichever is greater.</p> <p>Relocation assistance (costs of shifting + allowance).</p>	

Figure 9: Entitlement and Compensation Matrix

ASSET ACQUIRED	TYPE OF IMPACT	ENTITLED PERSON	COMPENSATION ENTITLEMENT
		Agricultural worker	Cash compensation equivalent to local average of 6 months salary Relocation assistance (costs of shifting + allowance) Assistance in getting alternative employment.
COMMERCIAL LAND	No displacement: Land used for business partially affected, limited loss	Title holder/business owner	Cash compensation for affected land Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).
		Business owner is lease holder	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)
	Displacement: Premise used for business severely affected, remaining area insufficient for continued use	Title holder/business owner	Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration & other costs. Relocation assistance (costs of shifting + allowance) Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates).
		Business person is lease holder	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance in rental/lease of alternative land/property (for a maximum of 6 months) to re-establish the business.

ASSET ACQUIRED	TYPE OF IMPACT	ENTITLED PERSON	COMPENSATION ENTITLEMENT
RESIDENTIAL LAND	No displacement: Land used for residence partially affected, limited loss, and the remaining land remains viable for present use	Title holder	Cash compensation for affected land
		Rental/lease holder	Cash compensation equivalent to 10% of lease/rental fee for the remaining period of rental/lease agreement (written or verbal)
		Title holder	Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement shall be of minimum plot of acceptable size under the zoning law/s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status. When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value. Transfer of the land to the PAP shall be free of taxes, registration & other costs. Relocation assistance (costs of shifting + allowance)
	Displacement: Premise used for residence severely affected, remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning law/s	Rental/lease holder	Refund of any lease/rental fees paid for time/use after date of removal Cash compensation equivalent to 3 months of lease/rental fee Assistance in rental/lease of alternative land/property Relocation assistance (costs of shifting + allowance)
BUILDING AND STRUCTURES	No displacement: Structure partially affected but the remaining structure remains viable for continued use	Owner	Cash compensation for affected building and other fixed assets Cash assistance to cover costs of restoration of the remaining structure
		Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant - e.g. a fence) Disturbance compensation equivalent to two months rental costs

ASSET ACQUIRED	TYPE OF IMPACT	ENTITLED PERSON	COMPENSATION ENTITLEMENT
	Displacement: Entire structure affected OR structure partially affected but the remaining structure is not suitable for continued use	Owner	Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. Right to salvage materials without deduction from compensation Relocation assistance (costs of shifting + allowance) Rehabilitation assistance if required (assistance with job placement, skills training)
Rental/lease holder		Cash compensation for affected assets (verifiable improvements to the property by the tenant - e.g. a fence) Relocation assistance (costs of shifting + allowance equivalent to four months rental costs) Assistance to help find alternative rental arrangements Rehabilitation assistance if required (assistance with job placement, skills training)	
Squatter/ Informal dwellers		Cash compensation for affected structure without depreciation Right to salvage materials without deduction from compensation Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project CBO. Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available) Rehabilitation assistance if required (assistance with job placement, skills training)	

ASSET ACQUIRED	TYPE OF IMPACT	ENTITLED PERSON	COMPENSATION ENTITLEMENT
		Street vendor (informal without title or lease to the stall or shop)	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance to obtain alternative site to re-establish the business
STANDING CROPS	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop
TREES	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees PLUS 10% premium
TEMPORARY ACQUISITION	Temporary acquisition	PAP (whether owner, tenant, or squatter)	Cash compensation for any assets affected (e.g. boundary wall demolished, trees removed)

Annex 8: Physical environmental and socio-economic characteristics

Table 4.1: Physical environmental characteristics

County	Topography/Altitude	Soils	Climate	Hydrology	AEZ
Nakuru	Lowlands	There are a variety of soils in the catchment area ranging from volcanic soils, lacustrine deposits, loams, sandy and clay soils, all supporting different types of vegetation	Hot/wet, rainfall amount 700-1200mm, temperature 9°C-26°C. Climate ranges from cold, hot and humid to arid and semi-arid. The mean annual rainfall averages 750 mm, falling within the periods of November to December and April to May. The total annual rainfall increases and becomes more certain and dependable with increasing altitude	Lakes Nakuru, Naivasha, Elmentaita, Njoro River, seasonal rivers and streams	LH2,LH4,LH5,UM4, UH5, LM5, UM6
Meru	Highlands	Major soils are nitrisols which are poorly consolidated hence susceptible to erosion.	Rainfall amount 500-2600mm, Temperature 16°C-23°C . bimodal rainfall falling between March-June and October through December	The county has two perennial rivers, Kathita river and Riiji river	UH,LM,UM
Makueni	Lowlands	Deep sandy alluvium and red sandy soils in addition to patches of black cotton soils and murrum. Typical soils are sandy (eroded from the base sedimentary rock) and contain little organic matter and hence have low fertility.	Arid/semi-arid, rainfall amount 200-1200mm, temperature 24°C-33°C	The main river in the County is Athi River, which is perennial and fed by tributaries such as Kambu, Kiboko, Kaiti, Thwake and Mtito Andei,. A few other streams flow from the Mbooni and Kilungu Hills but their flow becomes irregular as they move to the low-lying areas.	LM2,LM3,UM4,LM5,LM6,UM5,UM6

Embu	Highlands	Clay acidic soils	Receives rainfall amount of 700-2000mm, temperature ranges from 12°c-27°c	Embu County is served by six major rivers; Thuci, Tana, Kii and Rupingazi which form part of the Embu County's boundaries. The other two rivers are Thiba and Ena. All these rivers are perennial.	TA,UH,LM,UM
Trans-Nzoia	Midlands	Predominantly ferrasols rich in organic matter, well drained, reddish brown and adequate for farming. In some areas, the soils are nitisols, friable and susceptible to erosion	Warm and Temperate climate, bi-modal rainfall pattern, temperature 10°c-27°c The average rainfall received in Trans Nzoia County ranges between 1,200mm and 1,500mm per annum	River Nzoia Hydrological system draining into Lake Victoria. Among key rivers in the upper Lake Basin include Yala river, Kipkaren river, Sio river, Malaba river and Malakisi River	LH3, LH4, LM4, UM1
Nigori					
Kwale	Lowlands, 20-200 m	Soils range from sandy, dark clay and loam to alluvial deposits	Tropical climate, bi-modal rainfall; long rains occur in April and May while short rains occur in October and November.	seasonal rivers and streams	L3,L4,L5
Tana River	Lowlands, 20-200 m	Soils range from sandy, dark clay and loam to alluvial deposits	Tropical climate, bi-modal rainfall; long rains occur in April and May while short rains occur in October and November.	River Tana and seasonal streams	L3,L4,L5
Kisii					
Homa Bay	Midlands	Clay-luvisols, nitosols	Tropical climate, bi-modal rainfall	Lakes Victoria,	LM1,LM2,LM3,LM4

	1500 m	ferralsols	pattern, rainfall amount 800-1800mm, temperature 15°C-30°C	Kanyaboli, Rivers Yala, Nzoia, seasonal rivers and streams	LM5
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Source: Nandwa et al 2000, De Jager et al 2005. Jaetzold and Schmidt, 1983 a&b, CBS, 2001, FURP, 1987, Gachimbi et al, 2005 and adapted from KAPAP SESA document February, 2009.

Table 4.2: Socio-economic Environment Characteristics

County	Population (Numbers)	Population density (Persons per km ²)	Poverty index (%)	Good Roads (%)	Energy- Fuel wood as % of total energy	Improved sanitation (% households 2009)
Makueni						
Trans-Nzoia						
Homa- Bay	958,791	371	44.1	42.9	96.7	61.4
Migori						
Kisii	1,511,422	595	60.7	48.6	92.2	99.2
Kwale	649,931	79	74.9	38.5	89.4	48.6
Nakuru	1,603,325	214	40.1	31.1	66.0	97.0
Meru	1,356,301	196	28.3	26.9	86.9	97.6
Tana River	240075	6	76.9	42.1	97.5	29.3

Source: County Integrated Development Plan

Annex 9: Prototype ToR to Undertake A Social Survey

TERMS OF REFERENCE

Research Consultant – Social Economic Analyses, Azerbaijan

1. POSITION: RESEARCH CONSULTANT – SOCIAL ECONOMIC ANALYSES,...Kenya

Program title: “National Agriculture and Rural Inclusive Growth Project (NARIGP)

2. REPORTING RESPONSIBILITIES:

Direct Reporting Line/Reporting Area

NPC/NARIGP, MoDP, Kenyan Issues pertaining to the NARIGP program and implementation in Kenya with respect to conducting assessment of the economic and social impact of unsustainable forest practices and illegal logging on rural population of Kenya

All administrative issues pertaining to these Terms of Reference.

3. LOCATION – 21 Counties

4. DURATION – 2 months with likelihood of extension

5. STARTING – ASAP

6. BACKGROUND

Direct reporting lines indicate those staff members providing direct supervision. Additional reporting lines indicate accountability for particular functions or areas of work. Consultation, information sharing and other relationship lines are not indicated, as they are likely to be numerous.

National, regional and global levels. The program will also support the other regional Forest Law Enforcement and Governance official processes being organized by the World Bank and will contribute to the NARIGP Action Plan.

The program’s purpose is to contribute to ensuring that improved forest governance arrangements are in place in the forest sector and closely linked sectors through effective implementation of the NARIGP Ministerial Declaration (St. Petersburg Declaration 2005), involving governments, civil society and the private sector.

The program's specific objective is to contribute to legal and sustainable forest management and utilization practices and improved local livelihoods in the 21 countries.

The Key Performance Indicators:

Result 1:

Result 2:

Result3:

Result 4:

Result 5:

Result 6:

Result 7:

7. TASKS

7.1 General tasks

Under the direct supervision of the NARIGP Program Consultant – South Caucasus the Research Consultant will be responsible for studying and assessing the economic and social impact of inefficient and unsustainable forest practices and illegal logging on rural population of Kenya Preparation practical recommendations; Identifying suitable pilot areas for implementing small scale projects that aim to strengthen local capacity for improving possibilities for livelihood development; and for creating strategies to expand the scope for those projects. The study will include assessment of the current socio-economic situation in rural, forest dependent communities as well as assessing the volume of wood lost to poor utilization and illegal logging. The study will also include field work with interviews with local governments, local units of forestry administration, community organizations and forest - dependent communities, population and other stakeholder groups. In the process of preparing the inception and final reports stakeholder consultations will be required.

7.2 Specific tasks

Defining scope of work and methodology for the study

At the initial stage of the preparation for the study the following should be resolved: The scope of study to be conducted;

The availability and reliability of the data on current utilization and illegal logging by local populations;

The availability and reliability of data on current economic and social state of the forest dependent populations of Azerbaijan;

Legal basis, regulating the legal access to forest resources by local population; Geographical coverage of the proposed study;

Methodology of conducting research

Review of the regulatory basis and existing practices

Research Consultant will be responsible for conducting a study of current regulatory basis of the legal access to forest resources by local population for their personal consumption (heating, cooking) as well as for small business;

Review existing practices of legal use of forest resources and identify gaps that enable corruption at the local level.

Analyze existing data

Collate and review existing data on the current socio-economic situation in rural, forest dependent communities. (Official data from the governmental institutions as well as reports from different international and donor funded projects and from NGOs).

Collate and review existing data on current illegal logging by local population. (Official data from the governmental institutions as well as reports from different international and donor funded projects.

Conduct an assessment of the economic and social impact of unsustainable forest practices and illegal logging on rural population of Kenya and provide recommendations for improvement of existing practices.

Defining pilot areas (districts) for implementation of the follow-up small scale projects and recommending possible activities/topics for the projects.

As the result of the study, small scale projects will be implemented in the selected communities. The projects will strengthen local capacity for improving rural livelihood development through sustainable consumption of forest products (timber/non timber) which will reduce pressure on natural resources. Under the direct supervision of the NARIGP Program Consultant–Kenya the Research Consultant will be responsible for the development of criteria for selecting the pilot districts, relevant district should be identified and possible activities will be recommended for the pilot projects.

Prepare inception, draft final and final reports on the study and present summary findings in a meeting of NARIGP staff.

Prepare inception report which will include research methodology, identification of pilot areas for field studies and planning of activities;

Prepare final report with executive summary on the completed study;

Prepare Terms of Reference for the small-scale pilot projects to be implemented as follow-up to the study;

Present summary findings of the study during the FLEG conference in Azerbaijan and possibly during the regional conference.

Prepare presentation materials and briefs summarizing methodology, findings and recommendations for stakeholders' round table(s), workshops, press/media events, and publication on a web-site.

Project planning, assessment and reporting

Provide accurate information and advice to the Program Consultant in a timely fashion so that all required technical and financial reports can be submitted;

In concert with the Program Consultant, facilitate monitoring and evaluation of project progress, impacts and lessons.

Program Communications

Work with the Program Consultant and the other IUCN Consultants to clearly communicate results, success stories and key messages from project;

During external communications use requirements of Guidelines for External Communications prepared by the Joint Communications Team, also upon approval from the Program Coordinator, participate in implementation of the country-specific

Monitoring & Evaluation plan and communications strategy for the Program;

Cooperate actively with other co-implementing organizations (WB and WWF) for clear, consistent and efficient communications.

Other

As instructed by the Project Consultant, carry out any other appropriate associated work that may be requested to effectively perform the Program activities.

For the implementation of all tasks, the SLM Expert will be working in close consultation with Research Consultant – Social Economic Analyses.

8. QUALIFICATIONS

The position requires an individual or team with proven analytical survey experience and knowledge of forest and natural resource management issues. Consultant should have at least 10 years of relevant professional experience. The following specific qualifications must be met:

A Masters or higher degree in a discipline that is relevant to economic, forest or natural resource management or governance issues;

Knowledge, understanding, and practical implementation of survey methodology that demonstrates clear cognizance of technical, social, and economic focal points associated with forest resources management;

Knowledge and understanding of the current forest management and governance issues in Azerbaijan;

Proven project work at international, national and local levels, including some supervisory experience;

Experience in providing quality technical reports;

Ability to analyze and clearly articulate complex issues in an understandable fashion to decision-makers;

Highly developed communication skills, including the preparation of high quality reports and the delivery of presentations;

Ability to work under pressure, sometimes with extended hours, and to meet tight deadlines without compromising the quality of outputs;

Ability to maintain confidentiality and use discretion when dealing with sensitive political issues;

Knowledge of IUCN's work globally and regionally is an asset; Computer literacy; Fluency in oral and particularly written English; Cultural awareness and sensitivity to gender issues; Availability and willingness to travel.

Annex 10: Some Socio-Economic Indicators to be considered for NARIGP Impact

Indicator	Target
HEALTH	
Incidence of poor health	Good health rate
Rate of contracted diseases especially malaria	Disease prevention especially malaria and HIV/ AIDS
Infant mortality rate	Prevention of infant deaths
Water borne diseases	Non incidence of water borne diseases
SAFETY	
Accident rate	Non increase in accidents due to project interventions
EDUCATION LEVELS	
Literacy rates	Increase in basic literacy rates of population targeted by intervention
Enrolment at schools (primary, secondary, tertiary)	Increased rates of enrolment of both girls and boys at all schooling levels, to average international rates for those targeted by intervention
Basic qualification levels	Increased basic qualification levels of population targeted by intervention to average international levels
Numbers of school leavers	Reducing the number of school leavers to average international levels
INCOME LEVELS/ WEALTH	
Levels of poverty	Elimination of poverty
Total HH income	Increases in HH income to levels that exceed expenditure and ensure livelihood security.
Total HH expenditure	No change or decreases in average expenditure
POPULATION DYNAMICS	
Levels of inward migration	Manageable levels of inward migration according to carrying capacity (in terms of population, employment opportunities and land availability) of affected area
Levels of outward migration	Reduce the need for forced outward migration
Levels of outward migration of young people (age 16-25)	Reduce the need for forced outward migration of young people (age 16-25)

Figure 10: Examples of Social indicators

Annex 11: NARIGP Frameworks: Consultation Meetings with Government Implementing Agencies

GOVERNMENT DISCUSSIONS ON SAFEGUARD FRAMEWORKS FOR NARIGP –

VENUE: BAZAAH PLAZA, NAIROBI

DATE: 8-11TH DECEMBER, 2015

TEAM PARTICIPANTS

- | | | |
|--------------------------|---|--|
| 1 Daniel Maina | : | NPC, WKCDD&FMP |
| 2 Kithome Kilaka | : | World Bank Consultant/RPF |
| 3 Florence Fwamba | : | Natural Resources & Environment Management Officer,
WKCDD&FMP/Taking Discussion notes |
| 4 Stella Mbiti | : | Consultant, ESMF - ECCL |
| 5 Dr. Shadrack M. Kithia | : | Consultant, ESMF - ECCL |
| 6 Prof. E.M. Irandu | : | Consultant, ESMF - ECCL |
| 7 Julius Muchemi | : | WB Consultant, VMG |
| 8 Esther Mugure | : | Principal Director, NEMA |
| 9 Jeremiah Wahome | : | Compliance Officer, NEMA |

MAIN AGENDA FOR DISCUSSIONS

1. Environmental and Social Management Framework
2. Resettlement Policy Framework
3. Vulnerable and Marginalized Groups Framework

INTRODUCTION

The Government held discussions with consultants on the said dates on the three safeguards frameworks mentioned above. The following is a snapshot of what transpired during the discussions:

1. ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK-ESMF

The consultants for ESMF made a power point presentation to the government team for the purpose of updating it on the progress made so far in the development of the framework. The team agreed in general that the progress made was satisfactory and the consultants can be allowed to go ahead and improve on the draft document including the comments from the team. The final draft expected tomorrow (9/12/2015) afternoon will be shared with the World Bank by NPC for WKCDD/FMP.

Specific Comments on ESMF by the Team to the Consultants

Issue	Comments
Flow of the document	A complete re-organization of the chapters in the document similar but not limited to the outline given in the TORs. Headings and sub headings should also be reorganized.
Impacts	Realigning the identified impacts especially those related to the physical environment with the project components and sub components
Other Frameworks	<ul style="list-style-type: none"> • A brief description of the other frameworks (VMG, RFP) referred to in the document. • Any cultural issues to be triggered to be addressed within the VMGF rather than including them in the environmental and social management plan.
Use of Sensitive Terms	The use of the terms 'dams' and 'irrigation schemes' need to be very specific to what the NARIGP intends to support: i.e. small scale irrigation schemes and earth pans.
Capacity Building	Training topics: An inclusion of target groups for each of the topic, frequency of the trainings and estimated costs is necessary.
Water Abstraction	Water abstraction: An inclusion of the responsible party to meet the costs of Environmental Impact Assessment (EIAs) and water abstraction permits. A statement on number of EIAs/EAs envisaged within the NARIGP may be necessary.
Pest Management	Inclusion of capacity building for farmers on pest management including spraying of chemicals and how to go about registering allowable toxicity and residual levels.
The legal framework	<ul style="list-style-type: none"> • Inclusion of a brief statement on the laws of land versus acquisition of land; • Proposal on mitigation measures for economic losses.
Environmental and Social Management Plan (ESMP)	For purposes of sustaining environmental and social management within the sub projects implemented, beneficiaries (farmers) should take more responsibility in the mitigation measures (ESMP) suggested especially after the completion of the projects.
Sustainable Land Management	This is one of the key approaches of NARIGP in enhancing the livelihoods of the rural farmers/community. Any impacts associated with SLM activities and climate change should be clearly addressed in the framework including how to mitigate them.
Vulnerable and Marginalized Groups (VMGs)	Expound the meaning of VMGs as per the Kenya Constitution to include the youth.
Grievance Redress Mechanism	Suggest a realistic Grievance Redress Mechanism for the project and possibly a communication strategy that spans from top to bottom.
Conclusion of the report	Include a process approach on how the ESMF is going to be implemented.

2. RESETTLEMENT POLICY FRAMEWORK (RPF)

The team held whole day (from 9am to 5 pm) discussions on the RPF, going through it paragraph by paragraph up to the end. The following issues were raised during the discussions for the attention of the consultant. In general the team was satisfied that the consultant had endeavored to include all the necessary elements of the RPF as outlined in the TORs. Other specific comments given for the attention of the consultant included the following:

Issue	Comments
Executive Summary	This section is too long and should be minimized.
Project Description	A standard project description (PDO, Components) in line with what is in the PAD to be adopted. This also goes for the other frameworks.
Document Flow	The content needs to be reorganized for the document to flow e.g. the section on ‘Project Areas’ to follow immediately after the ‘Project Description’ section.
Use of official name of Ministry	The Ministry of Devolution and Planning and not the other way round.
Valuing Affected Assets	The project will most likely require to contract the services of a valuation expert on the outset to develop a standardized procedure for asset evaluation
Annexes	A complete set of necessary ‘Annexes’ as outlined in the ToRs is required including but not limited to a prototype of TORs for Social Analysis.

3. VULNERABLE AND MARGINALIZED GROUPS FRAMEWORK

The document was still under preparations and the consultant promised to share it online with the government team. However, the following areas were generally highlighted for detailing:

Vulnerable and Marginalized Groups: This is quite well covered.

However on capacity building for VMGs this section to be detailed who needs this? Who is to train? Do we require to undertake a needs assessments?

MIN 4/12/2015: INFORMATION SHARED

- There will be a National Forum for disclosure of the three safeguard documents (ESMF, RPF and VMGF) on Tuesday 15, 2015. Consultants shall be expected to present the technical aspects of the frameworks to the forum hence the need to prepare.
- After the forum, the consultants are expected to include the feedback from the forum and to then finalize the documents indication that 'the frameworks were disclosed on ___ day and the comments have been integrated'.
- The forum shall include participants from all levels: National, County and Community members. Representatives from relevant institutions and projects shall also be invited.

MIN 4/12/2015: WAY FORWARD

- Programme for the disclosure forum will be discussed after the logistics have been worked out, shared and agreed upon later in the day.
- Soft copies of all the final drafts of the frameworks to be forwarded to NPC to share with the Bank
- The daily programme for the team will be starting by 9 am

Annex 12: Summary of Comments/issues Raised by the Participants and MoDP Responses

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

Comments raised by Participants	MoDP response
<p>beneficiaries.</p> <ul style="list-style-type: none"> Importance of proper information and dissemination to avoid rumors and misinformation that can cause conflict. <i>This</i> should be along with proper accountability and transparency of account to the communities. <i>A</i>: these suggestions were endorsed. 	<p>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 NARIGP proposal or its draft <i>VMGF</i> prior to attending the disclosure workshop. This would allow them enough time to read, comprehend, and provide <i>constructive</i> comments during the disclosure workshop. 	<p>The MoDP noted that changes in its senior management leadership had resulted in delays but point was well taken.</p>
<ul style="list-style-type: none"> <i>Challenge of securing community endorsement in some places.</i> There is a project that has stalled around Lake Baringo because communities and people around who own land have blocked the project aimed at drilling water of food production irrigation. What could GoK and Bank do about this? 	<p>The VMGF and the PICD process will provide for a continuous consultations process throughout the project lifetime. The PICD will allow the communities to assess problems and see opportunities to work with government and project staff to empower them to design and manage their own projects and reach agreement on development priorities.</p>
<ul style="list-style-type: none"> <i>How to handle tension between traditional societies and development priorities?</i> How to handle clash between communities who may not wish to give up ancestral claims to land and wish to retain cultural practices and traditional ways of life that are at odds with the Government development priorities? 	<p>The bulk of the micro projects will be on individual farm land and no physical displacements will be taken at this level. County level investments will as much as possible be cited on county owned land. This is a CDD project that is demand responsive so it will be the community to make the decision on land and other assets to be make them available.</p>
<ul style="list-style-type: none"> <i>Growth and inclusivity versus a singular focus on an enabling environment.</i> 	<ul style="list-style-type: none"> The MoDP noted that two counties were being considered

Comments raised by Participants	MoDP response
<p>Participants cautioned that leaving out counties facing insecurity would further marginalize them.</p>	<p>in the arid North including Garissa and that this would be concluded when national Gvt met with the Council of Governors.</p> <ul style="list-style-type: none"> • 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>
<ul style="list-style-type: none"> • <i>Communication.</i> Structure proposed to start at grassroots. The composition must be all inclusive. 	<p>Noted</p>
<ul style="list-style-type: none"> • Meeting schedules – must be organized and planned for i.e. quarterly or monthly this will enhance efficiency 	<p>Noted</p>
<ul style="list-style-type: none"> • <i>Honey value chain and the presence of maximum residual levels (MRLs) challenges. How do we avoid it?</i> 	<ul style="list-style-type: none"> • This is a problem in marketing of this value chain. The NEMA will liaise with the service providers to build

Comments raised by Participants	MoDP response
	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 use of mobile phones, social media, and radio.
<ul style="list-style-type: none"> <i>The M&E Framework be demystified,</i> and all key actors sensitized, including community led social audits. Group biodata should be captured to ensure monitoring; 	The PICD tool is aimed at rural communities using tools and indicators they can understand.
<ul style="list-style-type: none"> <i>Appropriateness of indicators.</i> The participants affirmed that the indicators proposed to monitor the VMGs were appropriate but wished to know how the VMGs were to be placed in the decision making structures of the project at each 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</i> 	This begins by developing structures and capacity development at the design stage on governance, value addition,

Comments raised by Participants	MoDP response
<i>closes?</i>	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"> Request to view the full framework documents. 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 	<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

Comments raised by Participants	MoDP response
this?	and project staff to empower them to design and manage their own projects and reach agreement on development priorities
<ul style="list-style-type: none"> • <i>How to handle tension between traditional societies and development priorities?</i> • How to handle clash between communities who may not wish to give up ancestral claims to land and wish to retain cultural practices and traditional ways of life that are at odds with the Government development priorities? 	<ul style="list-style-type: none"> • This bulk of the micro projects will be on individual farm land and no physical displacements will be taken at this level. County level investments will as much as possible be cited on county owned land. This is a CDD project that is demand responsive so it will be the community to make the decision on land and other assets to be make them available.
<ul style="list-style-type: none"> • <i>Endorsement of CDD approach at community level.</i> Representatives of the CIG beneficiaries of the Kakamega - Western Kenya CDD project thanked the previous project. They stated that that they had benefited from previous and on-going projects that had CDD activities and believed that this project would build on the success of the Western Kenya CDD approach. 	<ul style="list-style-type: none"> • Noted
<ul style="list-style-type: none"> • <i>Fear that consultations with VMGs would not be continuous.</i> A representative from the Watta noted that that the VMGs are consulted at start of the projects on the instruments and then are not consulted when implementation of the project starts 	<ul style="list-style-type: none"> • The project responded that the Consultation process for the project would be continuous through the use of the PICD instrument. • With the regard to the Kenya Coastal Development Project there was delay between the consultations and the development and funding of the VMGPs but that these were underway, had been discussed and disclosed last year and that funding had been made
<ul style="list-style-type: none"> • <i>Government has not come out with a clear position and roadmap to reach IPs.</i> Others noted that there was the 2010 GoK that recognized VMGs 	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 	Noted.

Comments raised by Participants	MoDP response
<p>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.</p>	
<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 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, form and manner to access information should be the practice so beneficiaries can participate in an informed and timely manner. 	Noted
<ul style="list-style-type: none"> • <u>Timely, accessible and accurate information dissemination in 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. 	

Comments raised by Participants	MoDP response
<p>NARIGP should develop an effective communication strategy to ensure timely access to accurate information and is disseminated through VMG appropriate forums using formats.</p>	
<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 honor project commitments, and loss of project implementation momentum. The participants indicated that NARIGP should ensure that project ownership is cultivated throughout the project life cycle through the use of effective 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 NARGIP. 	
<ul style="list-style-type: none"> • <u>Use simple application and guidance tools</u>. One thing that alienates communities from the project is the application tools that are used that are complicated and allow only elite and gate keepers and miss the target audience. <i>Use of Ecommerce Tools</i>. Encouraged the project to explore the use of tools such as Mpesa to direct funds to the communities directly. • 	Noted
<ul style="list-style-type: none"> • <u>WB should have conditionality that protects the VMGs</u>. 	There are policies including Op 4.10 but also policies on Gender and Consultation requirements to ensure VMGs benefit.

Comments raised by Participants	MoDP response
<ul style="list-style-type: none"> Support to VMGs. 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"> Gender. 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"> Funds management. 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"> Appropriate skills. 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>Response: 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 13: Format for capturing the list of participants during the Public consultations on NARIGP Frameworks

No.	Name	Position	Institution	Phone	Email	Signature

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