

REPUBLIC OF KENYA



Vulnerable and Marginalised Group Framework

Kenya Social and Economic Inclusion Project (KSEIP)

July, 2018

1. EXECUTIVE SUMMARY

1.1 Background

1. This Vulnerable and Marginalised Group Framework (VMGF) has been prepared with respect to the proposed Kenya Social and Economic Inclusion Project (KSEIP) to be supported by the World Bank. It is based on the findings and recommendations of the Social Assessment that was also conducted for this project. Since the proposed project interventions will be implemented in areas where Indigenous Peoples (IPs) are present referred to in Kenya as Vulnerable and Marginalized Groups (VMGs the World Bank (WB) safeguard policy OP/BP 4.10 has been triggered and a VMGF prepared to guide the implementation of the project.

2. The KSEIP aims to enhance access of poor and vulnerable households and strengthen delivery systems for provision of social and economic inclusion services and shock responsive safety nets. It builds on the National Safety Net Program (NSNP) by continuing to strengthen systems already established under the NSNP, but also contains new interventions, including expanding nutrition sensitive safety net services for pregnant and lactating mothers and children under two years, and testing economic inclusion activities to inform design decisions for possible future scale up contextualized to the Kenyan experience.

1.1.1 Objective of the Vulnerable Marginalised Group Framework

3. The objective of the VMGF is to guide the preparation of KSEIP interventions that may affect VMGs in the proposed project areas. The VMGF is based on the OP 4.10 of the World Bank and the applicable laws and regulations of the Government of Kenya. The OP 4.10 is triggered when it is likely that groups that meet criteria of World Bank OP 4.10 “*are present in, or have collective attachment to, the project area.*” The VMGF includes: proposed types of interventions and activities; potential positive and negative effects on VMGs; a framework for ensuring free, prior, and informed consultation; institutional arrangements for assessing project-supported activities and reviewing and identifying presence of VMGs in project sites; monitoring and reporting arrangements; and disclosure arrangements for VMGs.

4. This VMGF has been prepared based on the final project design. Given that the project design follows a participatory implementation approach for some of the proposed activities, specific aspects of these activities (i.e. types of income generating activities to be undertaken by each beneficiary) cannot be determined prior to implementation as it depends on priorities and preferences identified by the beneficiary. As such, it was not possible to predict all the potential negative impacts, as is required in a Vulnerable and Marginalised Group Plan (VMGP). Therefore, this VMGF will be used by the SDSP and the NDMA in ensuring that the provisions of the World Bank’s Operational Policy (OP) 4.10 are integrated in the implementation and management of the project. This will ensure that negative impacts are adequately identified and mitigated against, whilst potential positive impacts on the VMGs are enhanced.

1.1.2 The Project Components

5. The KSEIP project has three components as follows:

6. *Component 1 – Strengthening Social Protection Delivery Systems*, aims to support the enhancement of SP delivery systems put in place under the ongoing NSNP and focuses on three areas: (i) Enhancing the Single Registry by expanding its scope beyond the NSNP, to make it possible to target additional beneficiaries for SP services beyond the cash transfers and contribute to a shock responsive social protection (SP) system; (ii)

Improved Payments as well as Grievance & Case Management (G&CM) Systems; and (iii) Institutional and Capacity Strengthening - to enable effective project implementation, monitoring and evaluation.

7. *Component 2 - Increasing Access to Social and Economic Inclusion Interventions*, that include: (i) Supporting the Government to systematically enroll and register NSNP beneficiaries in the NHIF through an established referral mechanism; (ii) expand nutrition-sensitive safety net through top-up cash transfers to eligible NSNP households with pregnant and lactating women and children under two, coupled with nutrition counseling, for investments in early years of life; and (c) testing various economic inclusion interventions to assess approaches appropriate for the Kenyan context in an effort to inform design decisions by the Government for possible future scale up. This would involve adopting customized cash-based BRAC model to a few different scenarios at a small scale to test various approaches and “learn by doing.”

8. *Component 3 – Improving the Shock-responsiveness of the Social Protection System*, aims to support the Government to expand the coverage of the HSNP and improve the shock-responsiveness of the safety net system, aligned with the Government’s priority related to food and nutrition security. It would specifically focus on two key areas: (i) increased government financing and coverage of the HSNP; and (ii) enhanced scalability mechanism and predictable financing of emergency payments to poor and vulnerable households as a response to drought.

1.1.3 Project Location

9. Activities aimed at strengthening the SP delivery system under component 1 of KSEIP will be implemented in all 47 counties of Kenya. Activities under the other two components will be implemented in 11 counties, as follows: (i) Economic inclusion activities in Kisumu, Makueni and Kisii; (ii) Nutrition sensitive safety net services in Kitui, West Pokot, Turkana, Marsabit, and Garissa; and (iii) the Hunger Safety Net Programme (HSNP) shall be expanded to Garissa, Isiolo, Samburu and Tana River. The majority of counties in Kenya have VMGs, including some of the counties where new activities will be piloted.

10. According to the World Bank’s OP4.10, VMGs include: nomadic pastoralists, hunter-gatherers, and other nomadic communities for example, traditional fishing communities. As this project is national and it was not possible to consult with all VMG groups, three counties were purposively sampled for the SA consultations: Kwale, Makueni and West Pokot. These were selected as they had different types of VMGs including hunter-gatherers, fisherfolk and pastoralists and covered counties where each of the new activities will be implemented i.e. nutrition-sensitive safety net and economic inclusion activities. The study also built on the findings of the Social Assessment for the Cash Transfer for Orphans and Vulnerable Children (CT-OVC) program and Economic and Social Safeguards Assessment (ESSA) for the NSNP, as well as various other relevant reviews of OP4.10 and social assessments with similar activities and in similar areas.

1.1.4 Implementing Agencies

11. Components 1 and 2 shall be implemented by the SDSP in the MLSP. Partnerships are envisaged for delivery of component 2, particularly with Ministry of Health for delivery of nutrition-sensitive social protection, with technical assistance from UNICEF, and with relevant service providers for the testing of economic inclusion approaches. The NDMA will be implementing Component 3. DfID is also in the process of finalizing potential co-financing to the project.

1.1.5 Methodology

12. Data was collected simultaneously to inform the SA and the VMGF using primary and secondary sources. Secondary data was obtained through a literature review, while primary information was collected through consultation with stakeholders, key informant interviews (KII), focus group discussions (FGDs) and field observations.

1.2 Institutional, Policy and Legal Frameworks

13. The Constitution of Kenya (CoK) 2010 recognizes the socio-economic and cultural rights of all citizens as stipulated in Article 43. It identifies VMGs as being minority communities who have been marginalized through historical processes. It prohibits alienation of marginalized groups by virtue of their relatively small population or any other reason, has been unable to fully participate in the socio-economic life of Kenya as a whole. Further, it recognizes communities that have preserved their unique culture and identity thereby preventing them from participating in the economic development process in the country including hunter-gatherers, or pastoralists among others. The recognition of these VMGs should contribute to the preservation of their identities and enable them to engage at par in development with other groups, including participation in political life.

1.2.1 Socio-Economic Situation of the KSEIP Counties

14. The VMGs identified experience food insecurity, limited access to basic social services, and poor economic and livelihood opportunities. This is due to historical marginalization, small populations and remoteness from the county headquarters. They have different livelihood occupations, including pastoralism, hunter gathering, traditional fishing, combined with subsistence crop farming, daily labour and petty trade. These VMGs are in areas where the project will be implemented and therefore should be appropriately consulted and engaged so that they can meaningfully benefit from the project in appropriate ways. The three sampled counties of Kwale, West Pokot and Makueni have VMGs located in areas that are remote and have poor infrastructure, similar to other counties where VMGs are found. Due to their culture and geographical location in remote areas they have not been fully integrated into the development programs of the country and are not well understood or reached.

15. Consultations were held in Kwale with the Wakifundi, Watswaka, Makonde and Watha; in Makueni the Angulia; while in West Pokot consultations were held with the Sengwer and Arkom. The Wakifundi and Watswaka are traditional fisherfolk, the Watha, Angulia and Sengwer are hunter-gathers, and the Arkom are nomadic pastoralists. To get perceptions of IPs/VMGs by the dominant groups in these counties; the Digo and Duruma in Kwale were also interviewed as well as the Kamba in Makueni and Pokot in West Pokot. Besides the IPs, the participants identified poor older persons, women, youth, orphans and vulnerable children, people with severe disabilities (PWSDs) and child-headed households as in particular need of attention due to their vulnerability.

16. VMGs generally include minority groups following traditional livelihoods e.g. pastoralists, hunter-gatherers and traditional fisher folk. They are often marginalised as they are small in number or are discriminated by the larger society due to their traditional livelihoods e.g. hunter-gathering or artisanal livelihoods such as blacksmiths. They are also sometimes shunned as they may engage in low status occupations, or live in remote isolated areas, and/or are associated with witchcraft or other traditional beliefs.

17. The SA found that many VMGs are dwindling in numbers or are abandoning their cultures in favour of the dominant culture; for example, the Arkom language is extinct and the Watha have abandoned their traditional names in favour of Duruma names. However, some were found to be also reasserting their identity as a result of devolution. Most of the VMGs have community structures comprising of councils of elders, community associations and faith-based organisations which are generally utilized for mobilizing people around development initiatives. The Social Development Officers (SDOs) under the SDSP, as well as chiefs and their assistants, were singled out as good allies in mobilisation. Awareness levels by national and county staff about the IPs presence and their location were found to be generally low.

18. Regarding other vulnerable groups both within marginalized communities and beyond, the following were the most cited.

19. *Older persons:* This group of people was said to be increasingly left to fend for themselves in rural, and sometimes in very remote, areas often without traditional family support and financial resources. Although the NSNP is supporting older persons, the participants observed that a lot more needs to be done to reach more of them in remote areas.

20. *Persons with disability:* People living with disabilities are often discriminated against and excluded from development activities (i.e. people living with albinism), often due to cultural and traditional beliefs. In the sampled counties of the SA, PWSDs are often hidden away and therefore are not included in the Cash Transfer for Persons with Severe Disabilities (CT-PWSD) program. Being certified as a PWSD is also challenging as it can only be done in County headquarters. Given that many PWSDs can benefit from the KSEIP activities, special attention is needed to ensure their participation.

21. *Women:* Women face a number of barriers to inclusion in the current NSNP program. For example, generally men are selected to receive cash transfers under the Older Persons Cash Transfer (OPCT), as only one person per household can be included. Moreover, polygamous households with multiple wives living together are treated as one household even though they may have up to 40 children. This requires further examination as a household is defined as all those who eat from the “same pot.” In addition, gender inclusion in the IP/VMG communities is lacking, as men act as the decision makers in the families and communities. Poor access to information, lack of exposure and low literacy levels further contributes to the marginalisation of women. Thus, special efforts are needed to reach women for consultations and awareness raising.

22. *Child-headed households:* Child headed households are generally deemed to be marginalised (i.e. among the Sengwer and Pokot where parents have been killed due to cattle rustling and other hostilities). These households face severe challenges of malnutrition as well as education, and can be restricted from accessing CT-OVC benefits, as well as other services that require IDs, as some do not have a caregiver and maybe unable to appoint someone. The 2018 NSNP Operational Monitoring Report Cycle 4 found that child-headed families are systematically excluded because of lack of identification papers and caregiver to take the responsibility.

23. *Youth:* Youth were mentioned as vulnerable as they are often not involved in community decision-making. Youth from these communities suffer from low levels of education and inadequate skills. Most of the VMG communities do not prioritize girl-child education and most boys do not go beyond class 8. Early marriages in the far-to-reach communities are also widespread. Cultural practices such as female genital mutilation (FGM) and polygamy further prioritize marriage over education. Thus, youth engagement in KSEIP activities will require additional effort.

24. *Mentally ill persons:* People with severe mental illness were reported to not to be included in the CT-PLWSD, because of the challenges of gaining certification. PWSD are defined as those requiring 24-hour care which could include people living with mental disabilities. This should be further examined and monitored by KSEIP.

25. *Vulnerable children:* Very poor children who are at threat of exploitation and abuse, may not necessarily be orphans and thus are not include in the program, even though they may be more vulnerable. This should be further investigated and links to other support considered.

26. *Other VMGs:* This SA consultations revealed that there are other VMGs besides the ones covered above, as highlighted by the Operational Review Report for NSNP of 2018. These categories of VMGs include: prostitutes, those classified as witches by the communities they reside in, single mothers whose children are vulnerable, people living with HIV-AIDs and jiggers-infested persons.

1.4 Potential Impacts by Component

Component 1 – Strengthening Social Protection Delivery System

27. This component was viewed very favourably by all the participants during the SA process. The positive benefits for each element of this component include:

(i) *Enhanced Single Registry:* both the key informants and individual VMGs concurred that this intervention would streamline registration of beneficiaries by enabling potential beneficiaries to be included in the system, in addition to only existing beneficiaries which is currently the case of the single registry. The participants were optimistic that the system would enhance data collection processes for VMGs and capture data of beneficiaries as well as potential beneficiaries. Further, that in situations where there are severe climatic conditions, it will be easier to respond to those households requiring the most assistance.

(ii) *Improved Payments as well as Grievance and Case Management (G&CM) Mechanisms:* participants observed that this intervention would enable them a choice of modes of payment to better suit their circumstances. It would also streamline payments by making them more regular. On support to strengthen the G&CM mechanism, it was noted that it will shorten the time it takes to address complaints and make case updates whilst enhancing communication.

(iii) *Institutional and Capacity Strengthening:* this intervention was received well and would build the capacity of County level officers to deliver services better and faster. No negative impact was noted.

Component 2 – Increasing Access to Social and Economic Inclusion Interventions

28. This component was welcomed by participants in all the counties visited, and identified to have the following potential positive and negative impacts:

(i) *Ensure systemic enrolment and registration of NSNP beneficiaries in NHIF through an established referral mechanism:* This will help existing NSNP beneficiaries who are near enough to health facilities to benefit from medical services, and reduce their medical bills, which would help save on the cash transfers for other needs. However, since it targets only cash transfer beneficiaries those excluded shall continue being excluded. Thus,

the recertification of the NSNP program and any expansion should consider including groups that may have been excluded in the initial registration. Although, the Government has made a commitment to universal health care coverage under its “Big Four” agenda, it is expected that those excluded under KSEIP may be included in the NHIF through other means, if there is sufficient awareness and outreach to these VMGs.

(ii) *Testing of economic inclusion approaches:* the testing of economic inclusion approaches for potential future scale up by the Government was welcomed as it would enable beneficiaries to undertake income generating activities. There was however a fear among the poor and vulnerable that they might be left out of the intervention, as they may lack sufficient entrepreneurial skills to productively engage.

(iii) *Nutrition sensitive safety net:* The aspect of expanding this intervention to new counties was deemed as positive. It has the potential to reduce malnutrition amongst children within VMGs households by equipping them with necessary information and counseling, as well as accelerating investments from the top-up cash transfers. The challenges of ascertaining whether a woman is truly pregnant was raised. Concerns were also raised that the top up cash transfer may influence a woman to get pregnant in order to receive the benefits.

Component 3 – Improving the shock-responsiveness of the Safety Net System

29. This component is supporting National Drought Management Authority (NDMA) to implement and expand the Hunger Safety Net Programme (HSNP), while also strengthening systems to respond more effectively in times of emergencies. The positive aspect of this is that new needy households shall be covered, including those requiring emergency support during drought. The VMGs expressed concern that cash transfers and not focusing on developing alternative livelihood systems, which are consistent with climate change, might fail to nurture climate-resilience through adaptation.

30. Some key informants raised the need to better sensitize beneficiaries on proper use of CTs to will bring about improved individual and community socio-economic status, and also to view CTs and KSEIP as development-oriented programs and not a humanitarian assistance program.

Cross-cutting potential positive impacts

31. *Strengthened technical capacity among project beneficiaries:* the IPs/VMGs made a number of suggestions on how their capacity can be strengthened so that they can meaningfully engage in, and benefit from KSEIP including: (i) increased access to self-employment opportunities through investments, (ii) development of entrepreneurial skills for setting up businesses but also to access devolved funds (UWEZO, Youth and Women Funds), (iii) skills development in leadership, managing groups and civic education, and (iv) training on personal and community development. While recognizing that some of this may be outside the scope of KSEIP, specific effort should be given to enhancing the capacity of the IPs/VMGs to the greatest extent possible to ensure their meaningful participation in and benefit from the project.

32. *Civic education:* In all the County consultations with IPs/VMGs, it was apparent that many of them are losing their identity as they struggle to fit within the majority groups linguistically and otherwise. Thus, as they participate more and more in the project, awareness on their rights and what they are entitled to constitutionally, is expected to increase through enhanced beneficiary outreach and communication delivery. These include: right to development, representation, to be heard at different levels of governance, protect their cultural heritage including language and participation in leadership.

33. *Increased knowledge of IPs/VMGs:* The proposed KSEIP project shall continue to improve knowledge amongst the County staff and other stakeholders on VMGs presence, characteristics, locations and mechanisms to reach and consult with them. Already the SA has been described as an ‘eye-opener’ in the counties consulted, as some county staff were unaware of the groups or the extent of some groups marginalization under their area of operation. More needs to be done to document and make available accurate information on VMGs at county and community level for better engagement.

1.5 Cross Cutting Potential Risks/Challenges and Positive and Negative Impacts

34. There is a fear that due to their marginalization and lack of representation, the VMGs might be overlooked in planned KSEIP interventions, requiring adequate efforts aimed at awareness-raising and inclusion into the project. Specific negative impacts of KSEIP activities are related to the likelihood of exacerbating inter-household, inter-family and inter-clan conflicts between the beneficiaries and non-beneficiaries; lack of VMG representation in community level management and oversight structures; lack of women and youth participation, and potential of some project activities (i.e. those considered under economic inclusion) might interfere with their cultural heritage (i.e. in the sacred caves in Kilibasi Hill among the Watha) if activities take place there.

35. In addition, there are a number of social risks that will be inherent in the implementation of KSEIP. However, with sufficient awareness of the project by staff and proper implementation of risk mitigation mechanisms, these can be managed.

36. Key potential risks/challenges and positive and negative impacts and mitigation measures of KSEIP interventions are below.

Table 1: Potential Positive and Negative Impact and Risks/Challenges per Component and Proposed Mitigation Measures

Key area	Risks/Challenges	Negative	Positive	Mitigation
<i>Component 1 – Strengthening Social Protection Delivery Systems</i>				
i. Enhancing the Single Registry	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Streamlining registration of beneficiaries • Easy to respond to those households requiring the most assistance • Increased access to other services 	
ii. Improved Payments as well as G&CM Mechanisms	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Ability to vary modes of payment and more accessible payment points • Streamline payments • Shortening time to address C&G • Enhancing communication 	

iii. Institutional and Capacity Strengthening	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Will build capacity of SDOs, SCOs, CSACs at county and sub-county level 	
<i>Component 2 – Access to Social and Economic Inclusion Interventions</i>				
i. Enhance systemic enrolment and registration of NSNP beneficiaries in NHIF through an established referral mechanism	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Exclusion of needy non-NSNP VMGs • Increased tension between beneficiaries and non-beneficiaries 	<ul style="list-style-type: none"> • New beneficiaries • Reduction of medical bills 	<ul style="list-style-type: none"> • Government has committed to universal NHIF coverage, but KSEIP would only target existing NSNP beneficiaries
ii. Expansion of nutrition sensitive safety net and testing of economic inclusion approaches	<ul style="list-style-type: none"> • Polygamous homes with large families may exacerbate malnutrition • Misusage of the cash transfer which precludes nutritional foods 	<ul style="list-style-type: none"> • Exclusion of needy non-NSNP VMGs • Increased tension between beneficiaries and non-beneficiaries 	<ul style="list-style-type: none"> • Reduction of malnutrition • Information & counseling • Accelerating investments from top-ups 	<ul style="list-style-type: none"> • Ensure proper targeting so that multiple HHs are not considered as one. • Economic inclusion interventions would also include some non-NSNP beneficiaries • Include VMGs in community level committees • Nutrition counseling to include guidance on nutritional food and importance of parents providing their children with nutritional food
iii. Testing of Economic Inclusion approaches	<ul style="list-style-type: none"> • Cultural practices e.g. FGM may affect inclusion and leadership role within project; as uncircumcised woman cannot lead a project 	<ul style="list-style-type: none"> • Exclusion of non-NSNP VMGs • Increased tension between beneficiaries and non-beneficiaries 	<ul style="list-style-type: none"> • Increased income generating opportunities 	<ul style="list-style-type: none"> • Economic inclusion interventions would also include some non-NSNP beneficiaries • Beneficiary outreach strategy, enhancing the understanding of communities on the need for inclusion of all VMGs
<i>Component 3 – Improving the shock-responsiveness of the Safety Net System</i>				
i. Support to NDMA for implementation and expansion HSNP	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Over-reliance on cash transfers and failure to engage in livelihood activities that build resilience to climate change • Increased tension between beneficiaries 	<ul style="list-style-type: none"> • More needy households served in new counties 	<ul style="list-style-type: none"> • Create better awareness among beneficiaries that the CT programs are resilience building and should not be seen as humanitarian assistance

		and non-beneficiaries		
Cross Cutting	<ul style="list-style-type: none"> Interaction between the majority groups and the minorities. 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Involve both majority and minority groups in project design, planning and implementation

1.5 Framework for free, prior and Informed Consultations

1.5.1 Developing a Vulnerable and Marginalized Groups Plan for KSEIP Interventions

37. Assessing all the KSEIP project interventions will be a mandatory requirement prior to implementation to determine if vulnerable and marginalized people are present in the implementation area. If, on the basis of the assessment, the Government officer on the ground responsible for KSEIP implementation concludes that VMGs are present in, or have collective attachment to, the proposed project site; the implementing agency of that intervention will develop a VMGP on the basis of this VMGF to assess the proposed activities' potential positive and adverse effects on the VMGs, and identify possible mitigation measures to be implemented, as well as institutional and monitoring arrangements. The breadth, depth, and type of analysis required for the VMGP will be proportional to the nature and scale of the proposed activities' potential and effects on the VMGs present.

38. Free, prior and informed consultations with VMGs refers to a process whereby affected vulnerable and marginalized communities freely have the choice, based on sufficient information concerning the benefits and disadvantages of the project, of whether and how these activities occur, according to their systems of customary decision making. Projects affecting VMGs that meet the OP4.10 criteria, whether negatively or positively, need to be prepared with care and with the participation of affected communities. It is the requirement of this policy that the implementing agencies engage in a process of consultations with the affected VMGs at every stage of the project in order to fully identify their views concerning the potential impacts of the project on them and how negative impacts can be avoided or inclusion promotes, as well as to obtain their broad community support for the project.

1.5.2 Consultations with VMGs for the preparation of this VMGF

39. The input of VMGs into the preparation of this VMGF, was done through the consultation process that informed the KSEIP social assessment. VMGs, men, women, youth, opinion leaders and PWSDs from the three counties of Kwale, Makueni and West Pokot were consulted through focus group discussions, key informant interviews and observations. In these counties, there are VMGs who are further marginalised within some of the already marginalised locations and groups. A total of 12 key informant interviews (KIIs), 8 focused group discussions (FGDs), and several telephone interviews.

40. The VMGs gave their unequivocal support for the KSEIP project, noting that it was likely to have positive benefits overall. However, they also raised a number of concerns and recommendations such as: (i) ensuring that they are not excluded from targeting, and enrollment in cash transfers; (ii) determination of appropriate economic inclusion approaches; (iii) need for capacity building before starting economic inclusion projects; (iv) ensuring that the project will reach the those further "marginalized" within various VMGs, and (v) ensuring that the "marginalized" VMGs would be represented in the community level decision-making

structures of the project at sub-county and county level. In order for the VMGs to participate and benefit effectively from KSEIP, the following was proposed:

- They should be provided with information and consulted through a variety of means, as not all mechanism reached them and there was not universal trust in the chiefs;
- They should be consulted in the selection of economic inclusion approaches that are appropriate to their environment and culture;
- Beneficiaries in economic inclusion should be made known through displays at the local chief's office;
- Women should be targeted in economic inclusion projects and preferably through women's groups;
- Communities should be sensitized in relevant aspects of economic inclusion before testing of the economic inclusion approaches begin. .

1.5.3 Free, Prior and Informed Consultations During Implementation

41. Preparation and implementation of KSEIP project shall be informed by this VMGF, which provides an appropriate gender and inter-generationally inclusive framework for consultation with VMGs and stakeholders. Towards this end, free, prior and informed consultation of the VMGs will be conducted at each stage of the project, and especially during design and implementation. The VMGs have been consulted at this stage of project preparation, to collect their views and perceptions about the KSEIP project, culturally appropriate ways of engaging them, the potential positive and negative effects of the project on them and to determine broad community support for the project. The stages in which VMGs will be consulted through the free prior and informed consultations principle are discussed below:

1.5.3.1 Review and Identification of VMGs, Preparation and Implementation of VMGPs

42. Several steps shall be undertaken in the preparation of VMGPs for each sub-project intervention including:

(i) *Review and identification of VMGs*: a review and identification process to determine whether VMGs are present in, or have collective attachment to the project area will be undertaken using the database of VMGs nationally developed by the NSNP. The review and identification of VMGs in a given project location will be conducted by the Government official on the ground responsible for the implementation of KSEIP, in collaboration with relevant key informants, particularly VMG representatives and county governments. The review and identification for VMGs should be in line with the World Bank's criteria for identification of VMGs as per OP.4.10, and should take into consideration, the Government of Kenya's Constitutional framework for identification of VMGs.

(ii) *Preparation of VMGPs*: The preparation of VMGPs for specific activities in a given county will be done in accordance with the requirements of OP4.10. This will be developed by county based staff supported by the social safeguards focal points in the implementing agencies. A consultant may be hired to prepare a VMGP, as necessary. Each VMGP will be submitted to the World Bank for review before the respective intervention is considered eligible for World Bank financing under the broader project framework. The contents of a VMGP are contained in **Annex 3**.

43. The VMGPs will capture the nature and scale of the KSEIP activities in terms of potential impact and vulnerability of VMGs, including: (i) potential negative effects on the socio-economic and cultural integrity;

(ii) likely effects on health, education, livelihood, and access to the project benefits; and (iii) possible adverse effects on customary rights of use and access to land and natural resources; (iv) other impacts that may alter or undermine indigenous knowledge and customary institutions; and (v) identifying ways in which to bring benefits of the project to VMG communities if technically feasible.

44. Although it is possible that cash transfers and expansion of the nutrition sensitive safety nets could have negative impacts on VMGs, this are expected to be minimal. As such, VMGPs will be specifically prepared for the testing of the economic inclusion approaches, both in terms of VMGs inclusion and also to ensure that all income generating activities selected are adequate and appropriate to address VMG needs and concerns, and minimize negative impacts. The VMGF will identify requirements for preparing a VMGPs for the other two activities, if necessary based on the presence of VMGs in the relevant locations, as well as for incorporation of VMGP elements in other project design documents such as the Operations Manual of an intervention, as required.

1.5.3.2 Consultations and Stakeholder Engagement

45. This framework for consultations is geared to ensure that VMGs are informed, consulted, and mobilized to participate in the relevant subprojects. The consultations for the VMGF were undertaken between 23rd April to 6th May 2018, and the participants expressed overwhelming support for the project. They also highlighted the need to undertake more consultations at project sites where the KSEIP will be implemented, which should be done from the very beginning of implementation until the end of the project, particularly with those impacted VMGs and those who work with or have knowledge of VMGs development issues and concerns. To facilitate effective participation, the VMGP will need to define a timetable to be followed to consult VMGs at different stages of the program cycle. Also, the implementing agencies should gather relevant information on demographic data; (i) social, cultural and economic situation; and (ii) social, cultural and economic positive and negative impacts on the VMGs in the relevant project area.

1.6 Institutional Arrangements for Project Implementation

46. The KSEIP will have two implementing agencies – the MLSP and NDMA – with potential co-financing from DfID. The Social Protection Secretariat (SPS) under SDSP in MSLP would have the overall responsibility of the KSEIP implementation and coordination. SPS would also take the lead on the oversight of M&E activities as well as the enhancement of the SR under Component 1, while SAU, currently leading the NSNP implementation, would lead the rollout of the payment mechanism, G&CM and communication and outreach activities, also under Component 1.

47. For Component 2, SPS would lead on the systematic enrollment and registration of NSNP beneficiaries into the NHIF, in collaboration with NHIF. In the case of expanding nutrition sensitive safety net services, the Department of Children Services (DCS) under the SDSP would take the lead on beneficiary management on the ground through County and Sub-County Children Officers, in collaboration with the County and Sub-County health management teams for the delivery of the nutrition counseling, with SPS coordinating the involved departments, line Ministries, and partners. Since some counties targeted for the nutrition sensitive safety net also overlap with HSNP counties led by NDMA, NDMA officers on the ground would play a similar role for HSNP beneficiaries. UNICEF would provide technical assistance to the national and county governments, as well as on the ground implementation support. The Ministry of Health would lead on the quality and standards of infant and young child feeding practices. Payment of the top-up would be handled by SAU for its three cash transfer programs (CT-OVC, PWSD-CT, OPCT), and by NDMA for

HSNP beneficiaries. The DSD would take the lead on the testing of the economic inclusion approaches, although it is envisioned that certain activities, such as the provision of livelihoods and basic financial literacy trainings, among others, would need to be delivered through NGOs and other third party arrangements.

48. For Component 3, NDMA would be the lead implementing agency and have the overall responsibility of the expansion of the HSNP as well as the improvement of the scalability mechanism.

49. Responsibility of developing and implementing safeguards measures would lie exclusively with the two implementing agencies. DfID, as a co-financer, would not be involved in implementation. UNICEF would provide technical assistance and implementation support, including on ensuring inclusion of VMGs in the nutrition sensitive safety net support, but would ultimately not be responsible for ensuring implementation and monitoring of safeguards implementation. Capacity building of the MLSP and NDMA staff at the national, county and sub-county levels will therefore be a key element of the project, to ensure that the involved staff are aware of VMGs in their counties, and understand how to reach and consult them. These will require trainings on World Bank safeguards policies and procedures, rationale and need for VMG inclusion, and various approaches and tools used by other projects in country and regionally that have successfully addressed VMG issues, as well as on approaches for identifying VMGs, undertaking consultations, and providing feedback through the G&CM system. Dedicated individuals will be identified within the two implementing agencies to advance and monitor implementation of VMGPs. Where needed and appropriate, external support would also be brought on-board to support the development and implementation of the VMGPs. Project resources will therefore be made available to support capacity building efforts, in addition to implementation and monitoring of safeguards measures. Through these efforts, officers will be enabled to adequately prepare VMGPs, address any grievances that may arise in the course of project implementation and undertake effective monitoring and evaluation of implementation progress.

1.7 Monitoring and Reporting

50. The implementation of VMGPs will be monitored by all implementing agencies. The KSEIP implementing agencies will establish a monitoring system involving own staff, partner implementing agencies, county governments, and VMGs to ensure effective implementation of VMGP. A set of monitoring indicators will be determined during VMGP development and will be guided by the indicators contained below. Appropriate monitoring formats will be prepared for monitoring and reporting of both VMG inclusion as well as other social impacts of the project

51. Consultants and NGOs may be engaged by the implementing agencies to verify monitoring information of the VMGP, as necessary. The external agencies will collect baseline data, including qualitative information and analyze the same to assess the impacts of the project on VMGs. External experts will advise on compliance issues, and if any significant issues are found, MLSP and NDMA will prepare a corrective action plan or an update to the approved VMGP, which they will be required to implement and to follow up on to ensure their effectiveness.

52. Monitoring and evaluation of the VMGP shall be done using the following indicators and topics: (i) process of consultation on the activities; (ii) inclusion of VMGs where they fit the criteria; (iii) any potential negative impacts of the project; and (iv) accessibility and use of grievance redress issues and timely feedback and resolution. The MSLP and NDMA will collect required data/information and regularly analyze project

outputs and impacts considering impact on VMGs, and periodically report the results to the World Bank, as deemed appropriate.

1.7.1 Annual Reporting and Performance Review Requirements

53. Annual progress reports will be prepared by the two implementing agencies, as part of the overall M&E reporting requirements including on VMGP preparation and implementation and the grievances received and resolved. These reports will be submitted to the World Bank through SPS.

1.8 Grievance Redress Mechanisms

54. To address the complaints and grievances from the affected VMGs related to KSEIP implementation, the NSNP Grievance and Case Management (G&CM) mechanism will be utilized. The KSEIP support envisages strengthening of this mechanism with focus given to strengthen citizen engagement, outreach, and communication in a consistent manner across the four NSNP CTs, and to ensure that new activities proposed under KSEIP are effectively catered for within the existing G&CM structure, thereby avoiding fragmentation and establishment of parallel structures and systems on the ground. Among others, this would involve the continued roll-out of the NSNP G&CM mechanism by strengthening the functions of existing NSNP community level structures dealing with complaints and grievances, and/or developing new community level G&CM structures for the social and economic inclusion activities, as relevant. Outreach and communication under KSEIP would give special attention to key messages around social and economic inclusion and reaching VMGs.

55. It is important to note that during the consultations, it was evident that the VMGs would prefer resolution of grievances and conflicts at the lowest level, i.e. at the community level, using both traditional and village level administrative systems of Village Headman, Assistant Chief and Chief, to the extent possible. In the event that grievances cannot be resolved through community level structures, a resolution would be sought higher up through the chain established by the G&CM structure, namely sub-county, county and SAU levels successively. A complaint or grievance could also be submitted to the World Bank's Grievance Redress Service (GRS) and the World Bank Inspection Panel.¹

56. The SAU and NDMA shall work with the participating VMG communities to ensure that the NSNP G&CM mechanism which would be strengthened under KSEIP would adequately take into account the VMG needs and concerns in its design, as identified during the SA and VMGP preparation process and other assessments, i.e. NSNP Operational Monitoring Cycle Report 4. Efforts should be given to ensure that VMGs are included in the Beneficiary Welfare Committees (BWCs), which is the community level G&CM structure under the NSNP, and that their complaints are well documented and addressed.

¹ The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the World Bank's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of World Bank non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and World Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

57. As part of the grievance redress mechanism, the VMGs will be provided with a variety of options for communicating issues, grievances and concerns, including in writing, orally, by telephone, over the internet or through more informal methods, as are now the current options under the NSNP G&CM. In the case of marginalized groups (such as women and youth), a more proactive approach may be needed to ensure that their concerns have been identified and articulated. Where a third-party mechanism is part of the procedural approach to handling complaints (i.e. complaints submitted through the BWC), one option is to include VMG representatives on the body that deals with grievances. It should be kept in mind that access to the mechanism is without prejudice to the complainant's right to legal recourse. Prior to the approval of individual VMGPs, the affected VMGs will need to be properly sensitized of the process for expressing dissatisfaction and seeking redress. Simplicity will be the tenet of the grievance procedure, and its administration at the local levels should facilitate access, flexibility and ensure transparency.

1.9 Disclosure

58. For purposes of disclosure, this VMGF and future VMGPs will be availed to the affected VMGs in an appropriate form, manner, and language. During the consultations, the VMGs suggested that disclosure should consist of public meetings with them, followed by placement a one-page summary and relevant documents at central places, such as a chief's office. Before project appraisal, the implementing agencies will send the Social Assessment and VMGF to the World Bank for review. Once the World Bank accepts the documents as providing an adequate basis for project appraisal, it will make them available to the public in accordance with World Bank Policy on Disclosure of Information, after the implementing agencies have made the documents available to the affected communities and the general public in an accessible manner. However, it was agreed that a national level consultation with key stakeholders, particularly representatives of VMGs, will not be held due to limited funding and challenges of VMGs and VMG representatives to travel to the capital. Instead, key findings and recommendations of the VMGF, particularly in terms of the need for inclusion of VMGF in project benefits, will be included in the on-going outreach activities of the NSNP at the local levels, and will be further scaled up during the implementation phase, prior to the start of implementation of related activities in affected target locations, in an effort to share and seek feedback on the Social Assessment and VMGF and its measures to enhance benefits to VMGs.

59. Each VMGP will be disseminated and communicated to the affected VMGs with detailed information of the KSEIP intervention, as applicable for them. This will be done through public consultation at the local levels. Electronic versions of the final and approved VMGF and a sample of VMGPs will be placed on the official website of MLSP and NDMA, as well as the official website of the World Bank.

1.10 Summary of Recommendations and Roles and Responsibilities for KSEIP

1.10.1 Recommendations

60. For greater engagement and inclusion of the VMGs, there is need to involve the community at all stages of the project. During implementation, inclusion of VMGs and their relationships with other communities, as well as the impact of the project on their welfare should be adequately monitored.

- a. Appropriate communication and outreach activities should be mainstreamed throughout the various communication activities undertaken as part of the operational cycles (i.e. targeting, payments, G&CM etc.). It is expected that these will be on-going throughout the NSNP operational cycles, and further reinforced during KSEIP. Communication tools and approaches

- will include broad based community *barazas*, radio, SMS, brochures/leaflets, megaphone announcements etc. Specifically, the Beneficiary Outreach Strategy with nuanced VMG messages would be used to ensure inclusion of VMGs, and would provide the appropriate mechanisms to ascertain that VMGs are reached and that information is provided in ways that are easily understood. This may need to be tailored to different VMG groups, depending on their remoteness, language, literacy level, integration into the broader communities and civic education.
- b. Track the number and type of complaints that are lodged with the program and the actions taken and ensure that appropriate mitigation measures are planned and implemented.
 - c. Carry out periodic reviews of beneficiary and grievance data to ensure targeted locations where minorities are present are reached and recurring complaints are investigated to ensure mitigation measures.
 - d. Ensure that barriers to inclusion (e.g. difficulty securing IDs) are addressed for eligible population, including VMGs.
61. There is a need to further sensitize and build capacity of all relevant stakeholders on proper identification and inclusion of different categories of VMGs. As such, the KSEIP implementing agencies should review the existing VMG databases under NSNP for each KSEIP county. Furthermore, program officers should be sensitized on the stigmatized conditions, and how to include such groups in KESIP. This will enhance understanding of the characteristics and locations of VMGs, and create awareness about the VMGs among the officers for better engagement and targeting. To increase the engagement with VMGs, collaboration between SDSP and NDMA and other government and civil society organisations who work with VMGs should be encouraged.
62. Training and civic education of communities should be undertaken to enhance understanding of rights and entitlements of all, including VMGs. Training of rights can be done as part of beneficiary outreach for all NSNP beneficiaries and communities.
63. In communicating with VMGs, ensure that appropriate mechanisms and means of communication are used and identified in conjunction with the VMGs themselves. FM radio stations may not have universal reach or be understood by all. Thus, phone calls, text messages to representatives and leaders and in-person meetings in barazas can also be used
64. When targeting minorities, involve the majority groups in the planning to get their support and promote cohesion. Ensure also that women and youth groups are appropriately consulted how best to involve them and their recommendations for the program to achieve its objectives.
65. The implementing agencies would need to prepare a VMGPs for each KSEIP activity if VMGs are identified to be present in the activity area and deemed to be impacted by the activity, and would be guided by the World Bank's OP4.10, Annex B. Specifically, VMGPs will be prepared for the testing of economic approaches, as the impact on VMGs is expected to be the greatest under this activity. However, VMGPs will also be prepared for the other two activities (cash transfer and expansion of the safety nets), if deemed necessary following the identification of VMGs in project locations. Approval by the World Bank on the VMGPs would need to be sought before implementation.

1.10.2 Roles and Responsibilities

KSEIP Implementing Agencies

66. The County KSEIP implementing agencies will be responsible for:
- Identifying VMGs in their counties, including where they are and how to reach them;
 - Developing VMGPs to identify adverse impacts, develop mitigation measures, and provide guidance on how implementation of mitigation measures will be financed and monitored.
 - Assessing project impacts and efficacy of the proposed measures to address issues pertaining to affected VMGs. When implementing project activities, impacts and social risks, circumstances of the affected VMGs, and the capacity of SDSP and NDMA county and sub-county offices to implement the measures should be assessed.
 - Assessing the adequacy of the consultation process and the affected VMGs' broad support to the project. This would include monitoring VMGP implementation, addressing constraints to implementation, and documenting lessons learned concerning VMGs and the application of this VMGF/VMGP.

World Bank

1. Approve the VMGF for the KSEIP.
2. Receive all the VMGPs prepared, review them and provide a No Objection or otherwise prior to KSEIP activity implementation.
3. During implementation, conduct field monitoring and evaluation, as necessary.
4. Support capacity building as required.

ABBREVIATIONS AND ACRONYMS

BWCs	Beneficiary Welfare Committees
BP	Bank Policy
CoK	Constitution of Kenya
CBO	Community Based Organisation
CGRM	Complaint and Grievance Redress Mechanism
C&G	Complaints and Grievances
CIDP	County Integrated Development Plan
CT-OVC	Cash transfer-orphaned and vulnerable children
CT-PWSD	Cash transfer-people living with severe disabilities
DfID	Department for International Development
DSD	Department of Social Protection
FGD	Focused group discussion
FGM	Female genital mutilation
FIDA	Federation of Women Lawyers
KCDP	Kenya Coastal Development Project
GBV	Gender based violence
HSNP	Hunger Safety Net Program
IOM	International Organisation for Immigration
KHRC	Kenya Human Rights Commission
KSEIP	Kenya Social and Economic Inclusion Project
Ksh	Kenyan Shilling
LOCs	Location Committees
M&E	Monitoring and Evaluation
NDMA	National Drought Management Authority
NGO	Non-Governmental Organisation
NSNP	National Safety Net Program
NSSF	National Social Security Fund
OP	Operational Policy
OPCT	Older persons cash transfer
SDO	Social Development Officer
SDSP	State Department of Social Protection
SPS	Social protection Secretariat
VMG	Vulnerable and Marginalized Groups
VMGF	Vulnerable and Marginalized Groups Framework
VMGF	Vulnerable and Marginalized Groups Plan
WB	World Bank

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1 INTRODUCTION

1.1 Project Background

67. This document presents the VMGF for the KSEIP. It is based on the Social Assessment that was done for this project in May 2018. As an ESSA and VMGF was already done for the NSNP and Cash Transfer for Orphans and Vulnerable Children in 2013, information has been drawn from these documents and other relevant documents such as the 2018 NSNP operational monitoring reports to inform this VMGF. Thus, the field work focused on VMG areas where new KSIEP activities are planned to be implemented.

68. The VMGF was guided by the World Bank's OP 4.10 and the provisions of the Constitution of Kenya (CoK) 2010 on Vulnerable and Marginalized Groups.

69. The KSEIP triggered the OP4.10 of the World Bank, which contributes to poverty reduction and sustainable development. This policy is activated when it is likely that groups that meet criteria of OP 4.10 *"are present in, or have collective attachment to, the project area."* The OP4.10² *"ensures project interventions fully respect the dignity, human rights, economies, and cultures of Indigenous Peoples by including measures to: (i) avoid potentially adverse effects on the Indigenous Peoples' communities; or (ii) when avoidance is not feasible, minimize, and mitigate, such effects; (iii) ensure that the vulnerable and marginalized people receive social and economic benefits that are culturally appropriate and gender as well as inter-generationally inclusive."*

70. The proposed project aims to enhance access of poor and vulnerable households and strengthen delivery systems for provision of social and economic inclusion services and shock responsive safety nets. The KSEIP proposes to (i) further strengthen social protection delivery systems, building on the existing systems based on the achievements and lessons learned under the NSNP; (ii) increase access to social and economic inclusion services by ensuring systemic enrolment and registration of NSNP beneficiaries in the National Hospital Insurance Fund (NHIF); expand nutrition sensitive safety net services; and test economic inclusion approaches; and (iii) improve the shock responsiveness of the safety net system. Principally, this project builds on existing NSNP achievements of putting in place and strengthening systems for delivery of social protection services in Kenya, and adopts a "learning by doing" approach to enable new interventions to be tested and evaluated before expansion.

71. The KSEIP will include VMGs in the target KSEIP counties in Kenya. Results from the SA for KSEIP indicate that targeting VMG communities for participation can be challenging. Similarly, findings from the VMGF for CT-OVC Program, various evaluations and reviews of the NSNP, and SA conducted for other relevant World Bank projects confirm the same. These reports recommend that an affirmative review and identification, mobilization, selection and support of VMGs is undertaken to ensure that VMGs participate and benefit from development projects such as KSEIP.

72. Consultations were held with a sample of VMGs in three counties of Kwale, Makueni, and West Pokot during design of the project to ensure that their views were taken into consideration at an early stage and that support for the project is secured. Engaging with VMGs early on also ensures that potential adverse impacts by the project are identified in a timely manner and that mitigation measures prior to implementation.

² World Bank, Operational Policy (OP) 4.10 Indigenous Peoples, July 2005.

2.2 Project Components

73. The KSEIP project is structured around three components including: (i) Strengthening Social Protection Delivery Systems, (ii) Increasing Access to Social and Economic Inclusion Interventions (iii) Improving the shock-responsiveness of the Social Protection System.

74. **Component 1 – Strengthening Social Protection Delivery Systems:** This component shall continue to support advancement of systems put in place under the ongoing National Safety Net Program (NSNP). It shall focus on three key areas: (i) Enhancing the Single Registry by expanding its coverage of potential beneficiaries and enable provision of other social protection (SP) services beyond the NSNP. This will also contribute to a shock responsive SP system which assists in objective and timely identification of the households in the most needs; (ii) Improved Payments as well as Grievance and Case Management (G&CM) Mechanisms. This will support the roll-out of the new innovative demand-driven payment solution based on beneficiary choice of service providers and enhance the scope of the G&CM to enable the mechanism to support other social and economic inclusion services; and (iii) Institutional and Capacity Strengthening - to enable effective project implementation, monitoring and evaluation.

75. **Component 2 - Increasing Access to Social and Economic Inclusion Interventions:** The component shall have a number of interventions that include: (i) Supporting the Government to enhance the existing referral mechanism for enrollment of NSNP beneficiaries in the National Hospital Insurance Fund (NHIF); (ii) Investing in the design and delivery of new customized services for the poor and vulnerable, including through expansion of existing successful pilots in Kenya for: (a) economic inclusion through investments in income generating activities, by adjusting and expanding the existing models used in Kenya; (b) nutrition-sensitive safety net, by adjusting and expanding an existing model which provides top-up cash transfers to NSNP beneficiaries for incentivizing investments in the early years combined with counseling for nutrition and child development; and (c) providing support to promote financial literacy for existing NSNP cash transfer beneficiaries, through customized tools and instruments such as behavioral nudges and, (iii) reinforcing community based social development services, by supporting existing community centers being managed by the Department of Social Development (DSD).

76. **Component 3 – Improving the Shock-responsiveness of the Social Protection System:** This component shall provide continued support to the National Drought Management Authority (NDMA) for implementation and expansion of the Hunger Safety Net Program (HSNP). The support is envisaged to include: (i) enhancing the existing scalability mechanism enabling the SP system to be more responsive to shocks, including those triggered by climate change, (ii) enhancing financing and institutional arrangements, especially at the local level, for timely delivery of shock-responsive safety nets in affected areas and lastly, (iii) supporting the NDMA as the implementation agency for this component, with resources for strengthening of institutional capacity for overall project implementation, monitoring and evaluation.

2.3 Project Location

77. Component 1 shall support system strengthening nationally, whilst components 2 and 3 have specific geographic focus that potentially includes areas with VMGs. Economic inclusion activities shall be implemented in three counties, namely: Kisumu, Makueni and Kisii. Nutrition sensitive safety net shall be implemented in Kitui, West Pokot, Turkana, Marsabit, and Garissa. Lastly, the HSNP shall be expanded to

Garissa, Isiolo, Samburu and Tana River. Several of these counties have groups of communities known in Kenya as Vulnerable and Marginalized Groups (VMGs) (CoK, 2010) and in the World Bank Policy OP 4.10, Indigenous Peoples (IP). According to the Bank's OP 4.10, IPs include; nomadic pastoralists, hunter-gatherers, and other nomadic groups e.g. traditional fishing communities.

Table 2: County Allocation of KSEIP Interventions

	Counties	Economic Inclusion	Nutrition	HSNP (Expansion)
1	Kisumu	X		
2	Makueni	X		
3	Kisii	X		
4	Kitui		X	
5	West Pokot		X	
6	Turkana		X	
7	Marsabit		X	
8	Garissa		X	X
9	Isiolo			X
10	Samburu			X
11	Tana River			X

78. Since KSEIP is being implemented in some of the counties with indigenous people (referred to as VMGs in Kenya), the Bank Policy OP 4.10 on Indigenous Peoples has been triggered. The core principle of this is to:

'Give due consideration to the cultural appropriateness of, and equitable access to, program benefits, giving special attention to the rights and interests of indigenous peoples and to the needs and concerns of vulnerable groups'. (OP4.10)

79. In line with the above requirement, Social Assessment study has been undertaken and a VMGF has been developed to ensure effective engagement and benefit-sharing by the VMGs.

2.4 Implementation Arrangements

80. Components 1 and 2 shall be implemented by the SDSP in the MLSP. Partnerships are envisaged for delivery of component 2, particularly with Ministry of Health for delivery of nutrition-sensitive social protection, with potential technical assistance from UNICEF, and with relevant service provider for testing of economic inclusion approaches. The NDMA under the MDA will be implementing Component 3, and necessary technical assistance (TA) shall be brought on board to support NDMA. Internal Monitoring and Evaluation will be done by both implementing Ministries. External monitoring and evaluation would potentially be done through collaboration with DfID and UNICEF. Strategic technical assistance may be provided through a proposed Bank-Executed Trust Fund (financed by DfID) for system strengthening and capacity building. However, implementation of safeguards measures would continue to rest with the two implementing agencies. DfID would serve as a co-financer of KSEIP and would not be involved in implementation of activities. UNICEF would provide technical assistance and implementation support, including support to ensure that VMGs are included in the nutrition sensitive safety net. However, ultimate responsibility of ensuring implementation and monitoring of safeguards measures would rest with the two implementing agencies.

2.5 Objectives of the Vulnerable and Marginalised Group Framework

81. The objective of the VMGF is to guide the preparation of KSEIP interventions that may affect VMGs in the proposed project areas. The VMGF is based on the OP4.10 of the World Bank and the applicable laws and regulations of the Government of Kenya. The OP4.10 is triggered when it is likely that groups that meet criteria of World Bank OP 4.10 “are present in, or have collective attachment to, the project area”. The VMGF includes: proposed types of projects and activities; potential positive and negative effects on VMGs; a framework for ensuring free, prior, and informed consultation; institutional arrangements for assessing project-supported activities, informed by the findings of the Social Assessment.

2.6 Approach and Methodology

2.6.1 The Need for a VMGF

82. This VMGF has been prepared based on the final project design. As the project design follows a participatory implementation approach for some of the proposed activities, specific aspects of these activities (i.e. types of income generating activities to be undertaken by each beneficiary) cannot be determined prior to implementation as it depends on priorities and preferences identified by the beneficiary. As such, it was not possible to predict all the potential negative impacts, as is required in a VMGP. Therefore, this VMGF will be used by the SDSP and the NDMA in ensuring that the provisions of the World Bank’s Operational Policy (OP) 4.10 are integrated in the implementation and management of the project. This will ensure that negative impacts are adequately identified and mitigated against, whilst potential positive impacts on the VMGs are enhanced.

83. It is apparent that VMGs are present in most of the 11 counties where KSEIP activities will be operational. Consequently, the Government of Kenya has commissioned the preparation of this VMGF to ensure that potential negative impacts of project activities and mitigation measures are identified early on to ensure that the development process fully respects the dignity, human rights, economies, and culture of vulnerable and marginalised people and that the KSEIP interventions have broad community support from the affected VMGs. The VMGF provides for the review and assessment of the proposed KSEIP activities on VMGs in a manner consistent with OP4.10. The KSEIP will incorporate the VMGF recommendations into the project design of each sub project and require the preparation of a VMGP.

84. The Social Assessment findings revealed that although there was broad community support for the project and, most of the impacts are expected to be positive for all communities, including VMGs, there were some concerns particularly that VMGs who are not in the NSNP program will not benefit from KSEIP> this is because KSEIP prioritizes NSNP beneficiaries for most of its activities (although economic inclusion interventions would include some non-NSNP beneficiaries). Also, there may be some increased tension between beneficiaries and non-beneficiaries as a result of the additional activities. Thus, a VMGP will need to be developed and cleared prior to implementation for all new activities in a given project location where VMGs are present.

85. The VMGF outlines the processes and principles of reviewing and identifying activities to determine if a proposed investment has impacts – positive or negative - on vulnerable communities. This VMGF sets out the procedures and processes for the preparation of a VMGP, including free, prior and informed consultations and stakeholder engagement, disclosure procedures, communication, and accessible grievances redress mechanism. Although it is possible that cash transfers and expansion of the nutrition sensitive safety nets could have negative impacts on VMGs, this are expected to be minimal. As such, VMGPs will be

specifically prepared for the testing of the economic inclusion approaches, both in terms of VMGs inclusion and also to ensure that all income generating activities selected are adequate and appropriate to address VMG needs and concerns, and minimize negative impacts. The VMGF will identify requirements for preparing a VMGPs for the other two activities, if necessary based on the presence of VMGs in the relevant locations, as well as for incorporation of VMGP elements in other project design documents such as the Operations Manual of an intervention, as required.

86. The VMGF recognizes the unique circumstances that expose VMGs, as social groups with identities that are often distinct from majority groups in their counties, to different types of risks and impacts from development projects.

87. This VMGF describes the policy requirements and planning procedures that KSEIP would need to follow during the preparation and implementation of the KSEIP components, especially those identified as being implemented in areas where VMGs are present.

2.6.2 Methodology for the preparation of the VMGF

88. The preparation of this VMGF followed the process below:

- Consolidating baseline data on the VMGs in KSEIP counties including lifestyle, livelihood, and history.
- Identifying potential positive and negative effects of the proposed KSEIP activities on the VMGs;
- Assessing institutional capacities and arrangements;
- Preparing monitoring and evaluation plan.

89. Preparation of this VMGF, which was undertaken during the Social Assessment, entailed: (i) literature review and (ii) consultations with the VMGs. The sections below provide further details on the methodology.

Literature review

90. Several documents were reviewed including: the Constitution of Kenya, 2010; Kenya Vision 2030; National Social Protection Policy (2011); Gender Policy (2011); Kenya National Youth Policy (2016); National Land Policy (2009); National Policy for Older Persons and Ageing (2009); the draft Disability Policy and the relevant County Integrated Development Plans and the Economic Survey (2018). Other documents include: World Bank and Kenya evaluations and reviews of the NSNP; and other recent social assessments that have been carried out for relevant World Bank projects such as the Kenya Development Response to Displacement Impacts Project (KDRDIP), NSNP Environmental and Social Safeguards Assessment (ESSA); VMGF for Cash Transfer for Orphans and Vulnerable Children (CT-OVC) Program; World Bank's North Eastern Development Initiative (NEDI) social assessment (2018); the review of social safeguards for the NSNP and the CT-OVC (2016); and the Operational Monitoring for NSNP, particularly reports 4 and 3 which looked at VMGs and grievance redress mechanism respectively.

Free, Prior and Informed Consultations with VMGs from the Three Counties

91. Public consultation with key stakeholders to deliberate on the draft VMGF was done from 23rd April to 6th May 2018. The objectives of the consultation were to share information on KSEIP and solicit initial

observations from relevant representatives of VMGs from the three counties visited – Kwale, Makueni and West Pokot – as well as to provide an opportunity for the VMGs to voice their opinions and concerns on different aspects of the KSEIP project. A total of 12 key informant interviews (KIIs), 8 focus group discussions (FGDs), and several observations were undertaken (Table 2). The unstructured guides used for KIIs and FGDs are in Annex 1 and 2, while the list of the participants consulted is in Annex 3. These were drawn mainly from the VMG communities consulted, but also some from the majority communities in the areas visited.

92. The broad response from the VMGs was that they support the KSEIP project, and feel that it will improve their socio-economic status. They were also broadly satisfied with the proposed safeguard instrument and the mitigation measures provided for. Their main concern was the likelihood of exclusion either because they are not current NSNP beneficiaries or as they might be missed out during targeting of new activities due to their VMG status or remote locations. They recommended that before commencement of the project, it would be important to undertake consultations and awareness and sensitization exercises with them in places near to their villages.

93. The concerns, views and suggestions brought forth by the VMGs will assist in informing decisions aimed at ensuring effective engagement of the VMGs where appropriate. The consultations were aimed at fostering an atmosphere of understanding about the project among individuals, groups and organizations, who could affect or be affected by KSEIP activities. While this VMGF was prepared in consultation with VMGs from three of the 11 counties where KSEIP will be implemented and where VMGs are not the overwhelming majority, its provisions will be applicable to the entire project, in particular, regarding the preparation of VMGPs, resolution of complaints and grievances, and the monitoring of the implementation process. As a part of project implementation, individual VMGPs will be prepared as appropriate and required by World Bank guidelines and further public consultations and stakeholder engagements will be conducted at this stage. During this period, an effective public consultation and access to information plan will also be developed.

3.0 A SUMMARY OF THE SOCIAL ASSESSMENT OF THE VMGs IN OPERATIONAL COUNTIES

3.1 Introduction

94. The key issue for the KSEIP project is to ensure that VMGs are not intentionally excluded from the project where they fit the criteria, and that the project design and implementation approaches are appropriate for them. To ensure that there is broad community support for the KSEIP project and that specific recommendations for different VMG contexts are integrated in the project design a Social Assessment was undertaken. Since KSEIP is a national project and it was not possible to consult with all VMG groups, focus was on different types of VMGs in counties where new KSEIP activities will be carried out and representatives based on cultures and livelihoods including: (i) pastoralists, (i) hunters and gatherers; and (iii) fishing/farming communities. The Social Assessment was prepared in the period April-May 2018.

3.2 Objectives of the Social Assessment

95. The Social Assessment provided an understanding of the socio-economic and cultural characteristics of the VMGs in the KSEIP counties to inform the design of the project in line with the principles of the World Bank's OP4.10, so as to make it responsive to social and development needs of VMGs. Broadly it entailed: evaluating the legal and institutional frameworks applicable to VMGs; baseline information on socio-economic, cultural, political aspects of VMGs; and assessing the KSEIP activities for potential risks/challenges and negative and positive impacts and how to manage them in a manner that is culturally appropriate and gender and inter-generationally inclusive. The SA also examined ways to raise the VMGs awareness levels, ensure inclusion in the KSEIP, and address training and monitoring needs. This is expected to lead to enhanced inclusion, capacity and ownership of VMGs in the project, while mitigating potential adverse impacts. The findings of the Social Assessment are presented in the "Social Assessment Report for the Kenya Social and Economic Inclusion Project, June 2018".

96. The findings of the KSEIP Social Assessment are comparable to those from previous studies including: various evaluations and reviews of the NSNP, Social Assessment for the Kenya Development Response to Displacement Impacts Project (KDRDIP), NSNP Environmental and Social Safeguards Assessment, VMGF for the CT-OVC Program, and World Bank's draft overview report on managing social risk in North Eastern Development Initiative (NEDI) counties. The development of the VMGF for KSEIP builds on, and is guided by, the findings of the KSEIP Social Assessment and these other previous studies.

3.3 Institutional, Policy and Legal Framework for IPs/VMGs in Kenya

97. The Social Assessment study established that there is sufficient policy, legal and institutional framework to support the implementation of the KSEIP project in the country.

3.3.1 Institutional Framework

98. There are four key institutions upon which the rights of the VMGs in Kenya are anchored. They include: (i) MLSP; (ii) the Ministry of Public Service Youth and Gender Affairs that coordinates empowerment programmes for the youth, women and PLWDs in the country. It is also the docket charged with promoting gender equity in the country; (iii) National Gender and Equality Commission that is involved

in the mainstreaming of issues of minorities and marginalized communities and groups in development; and (iv) Kenya National Commission on Human Rights that monitors government institutions and conducts investigations on alleged human rights violations.

3.3.2 Policy Framework

99. *The Kenya Vision 2030*: The social pillar of Kenya vision 2030 seeks to put in place efforts to promote protection from discrimination, dealing respectively with gender, youth and vulnerable groups and equity and poverty reduction. This mirrors the ideals of social and economic justice as espoused in the World Bank OP 4.10 on indigenous peoples.

100. *Gender Policy, 2011*: This Policy guarantees equality of men and women before the law in accessing economic and employment opportunities. It facilitates the review of laws that hinder women's access to and control over economic resources and improve vocational and technical skills of disadvantaged groups, notably unemployed youth, disabled women, poor urban and rural women, and street dwellers, for improved access to employment opportunities.

101. *Kenya National Youth Policy, 2006*: The Policy envisions a society where youth have equal opportunity to productively participate in economic, social, political, cultural and religious life. The young people are a component that makes up the VMG in communities. Any initiatives aimed at addressing the sources of disadvantage within societies must take cognizance of young peoples' special views and needs.

102. *National Land Policy, 2009*: The policy takes cognizance of the fact that women, children, minority groups and PWDs have been denied access to land rights as a result of discriminatory laws, customs and practices. Additionally, by recognising that the land and resources that the IPs/VMGs live in and depend on are inextricably linked to their identities, cultures, livelihoods, physical, and spiritual well-being, the policy seeks to ameliorate their continued marginalization.

103. *National Policy on Older Persons and Ageing, 2009*: The older people are often discriminated and neglected. They are also prone to risks as are children, women, youth and the PLWDs. The policy is facilitating the integration and mainstreaming of the needs and concerns of older persons in national development.

104. *National Policy for the Sustainable Development of Arid and Semi-Arid Lands (2007)*: This policy developed upon the realization that marginalization of certain parts of the country is key driver of poverty. The policy aims at redressing historical and current injustices and inequalities that can correct this imbalance. The policy recognizes that the arid and semi-arid areas are endowed with a wealth of physical, natural, human, and social capital resources yet face the highest levels of poverty in the country. Therefore, specific interventions are required to bring these areas up to the same development level as the rest of the country.

3.3.3 The Legal Framework

105. *The Constitution of Kenya (CoK), 2010*: The supreme law of the land provides for the Bill of Rights that sets out the economic, social, and cultural rights of all Kenyans. It stipulates that these rights must be enjoyed by certain vulnerable groups, identified as older people, people with disabilities, children, women, minorities and marginalized groups and communities.

106. *National Cohesion and Integration Act, 2008*: The Act encourages national cohesion and integration by outlawing discrimination on ethnic grounds. It introduces important provisions for “ethnically equitable” distribution of public resources and stipulates that distribution of public resources should take into account Kenya’s diverse population and poverty index.

107. *The Community Land Act, 2016*: The Act prohibits disposal of unregistered community land. Even though it does not limit compulsory acquisition for public purposes, it commits counties to hold compensation for the affected community until a formal title is secured. The Act recognizes the validity of existing customary rights of occupancy in community land by VMGs. Similarly, it spells out the rights of the community as the proprietor of the land.

108. *County Governments Act, 2012*: Act confers powers of self-governance to the people and enhancing their participation in decision making. It also seeks to protect and promote the interests and rights of minorities and marginalized communities.

3.4 Indigenous Peoples and VMGs in the Operational Counties

3.4.1 Recognition of IPs/VMGs

The Constitution of Kenya (CoK) 2010

The Constitution of Kenya (CoK) 2010 recognizes the socio-economic and cultural rights of all her citizens as stipulated in Article 43. Article 27 (4) states that ‘*The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language or birth.*’

109. It prohibits alienation of marginalized groups by virtue of their relatively small population or for other reasons, have been unable to fully participate in the integrated social and economic life of Kenya. Further, it recognizes communities that have preserved their unique culture and identity thereby preventing them from participating in the economic development process in the country including hunter-gatherers, pastoralists, among others. The recognition of these VMGs should contribute to the preservation of their identities and enable them to engage at par in development with other dominant groups, including participation in political life.

110. The Constitution of Kenya 2010 (Article 260) which recognizes that special attention needs to be paid to “*marginalized communities*,” defined in a similar way as the World Bank’s IPs. According to Article 260, marginalized communities are defined as:

- *A community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole;*
- *A traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;*
- *An indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or*

- *Pastoral persons and communities, whether they are: (i) Nomadic; or (ii) A settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole.*

111. The World Bank has agreed to use the term ‘*Vulnerable and Marginalised Groups*’ (VMGs) rather than “*Indigenous Peoples*”, thus a Vulnerable and Marginalised Group Framework/Plan (VMGF/P) is prepared instead of an Indigenous People Plan Framework/Plan (IPPF/P). A recent Kenya social assessment carried out by the Bank further clarified that in Kenya, the trigger for OP4.10 should not be based on the “mere” name of the group, but based on context, analysed on a case-by-case situation, and that review and identification of VMGs should be verified by Social Assessment and VMGF/Ps to identify their status and how these groups and others may be affected by or excluded from the project and mitigation measures. This will be based on the database of VMGs nationally already developed under the NSNP.

World Bank Operational Policy/Bank Policy (OP/BP) 4.10

112. These principals align well with those enshrined in Kenya’s policy instruments regarding the VMGs. It contributes to the World Bank’s mission of poverty reduction and sustainable development by ensuring that development processes fully respect the dignity, human rights, economies, and cultures of indigenous people. Before lending, the World Bank requires that the borrower engages the VMGs in free prior and informed consultations so as to secure broad community support to the project by the affected VMGs. This ensures that financing is inclusive of measures to avoid potentially adverse impacts on the indigenous communities and that benefits accruing from the projects are gender sensitive, inter-generationally inclusive and culturally appropriate.

113. The OP/BP 4.10 is triggered by the proposed project because the activities in KSEIP to be implemented in some of the counties include areas where VMGs are present. Moreover, the economic and social inclusion interventions are intended to pilot new customized services and expand existing ones, which would impact upon VMGs.

114. The World Bank in OP4.10 defines indigenous people (similar to VMGs) as a “*distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to natural resources in these habitats and territories; (iii) customary cultural, economic, social or political institutions that are separate from those of the dominant society and culture; and (iv) an indigenous language, often different from the official language of the country or region.*”

115. The findings of KSEIP Social Assessment reveal that the NSNP cash transfer programs have no specific strategy for including the marginalized groups. The ESSA for the NSNP, review of social safeguards in the NSNP and CT-OVC programs arrived at similar conclusions; in the NSNP, no particular emphasis is placed on the identification and inclusion of marginalized groups other than OVCs, older persons and PWSD.

3.4.2. Vulnerable and Marginalised Groups in the KSEIP Operational Counties

116. The KSEIP project will cover all counties in Kenya through the systems building component, and will expand an existing cash transfer (HSNP) in 4 counties as well as carry out new activities in 8 counties

(one of which overlaps with the HSNP). Through these activities, it is expected that the project will enhance the access of the poor and vulnerable groups to social and economic inclusion services to reduce vulnerability, improve nutrition and enhance livelihoods opportunities. The communities described as vulnerable and marginalized in the 11 counties are likely to be affected by this project (Table 5). The sections that follow provide a profile of some of the VMG communities in the KSEIP operational counties in line with the CoK, 2010.

117. It is important to note here that initially when the Social Assessment was conducted, Kwale was being considered as one of the county where the project would implement one of the new activities under KSEIP. While that is no longer the case, findings from the consultations in Kwale are still highly relevant as activities under the systems strengthening component, including enhanced grievance and case management system and beneficiary outreach strategy will be nation-wide. As such, Kwale is included in the table below.

Table 5: Indicative VMGs in some KSEIP Operational Counties

	County	VMG
1	Marsabit	Watha
2	Garissa	Munyoyaya
3	Isiolo	Watha, Sakuye, Turkana, Borana
4	Samburu	Ilkunona, Dorobo
5	Tana River	Watha, Munyoyaya, Malakote/Ilwana
6	West Pokot	Pokot, Sengwer, Arkom
7	Makueni	Angulia
	Kwale	Digo, Duruma, Wakifundi, Watswaka, Watha, Makonde
8	Kisii	Nubia
9	Turkana	Ngikebootok
10	Kisumu	
11	Kitui	

3.4.3 Categorisation of the VMGs in the Project Operational Counties

In the categorization of VMGs and Indigenous People, the World Bank Policy OP4.10 and the CoK have been used, similar to section 2.2. Other vulnerable groups have also been identified.

118. Many factors contribute to vulnerability. These factors act to diminish capacity for self-protection or hinder access to social protection or expose some groups to more frequent hazards than other groups. They include rapid population growth; poverty and hunger; poor health; low levels of education; gender inequality; fragile and hazardous location; lack of access to resources and services, including knowledge and technological means; disintegration of social patterns (social vulnerability); disinheritance of land and other livelihood related resources; exclusion from the political and socio-economic activities of the country; and small population size. Other causes include: lack of access to information and knowledge; lack of public awareness; limited access to political power and representation (political vulnerability) etc.

119. CoK 2010 has classified the following as vulnerable: the children, persons living with disability, and the elderly. *Article 51 (3) All State organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalised communities, and members of particular ethnic, religious or cultural communities.*

120. From the findings of the social assessment study, certain vulnerable groups may be hindered from equitably accessing benefits of the proposed project. This is as a result of the prevailing physical, socio-economic, socio-political, livelihood strategies, environmental, historical injustices, and cultural conditions in the localities. Therefore, the Social Assessment has in addition to ethnicity, considered gender, age, physical, mental disability, socioeconomic status as important parameters for determining adverse impacts on the VMGs by the KSEIP activities. These vulnerable groups may also be limited in their ability to claim or take advantage of the KSEIP project benefits.

121. The community level Social Assessment consultations identified those that are considered vulnerable and marginalized. The participants brought out two criteria for classification: vulnerability and marginalization, both of which have been influenced by distance from the County headquarters. VMGs include: (i) indigenous people living far from urban centres, (ii) older persons (iii) persons with disabilities; (iii) women; and (iv) youth. The Makonde are considered marginalized in development and decision-making and have limited access to resources. They do not fully participate in the political affairs because of lack of IDs as they have only recently been recognized as citizens by the Kenyan Government.

3.4.3.1 Indigenous People

122. Based on consultations undertaken for the KSEIP SA and other similar consultations,³ the SA identified a few specific socially vulnerable and underserved groups in the three sample counties of Kwale, Makueni and West Pokot, although VMGs can be found in over half the counties in Kenya. From other documents and studies reviewed for the KSEIP SA, the issues raised in the three sample counties are deemed indicative of those of VMGs in the other counties. However, it should be noted that the NSNP County and Sub-county officers had limited knowledge of the presence and characteristics of some of the VMGs, such as the Watha in Kwale, Angulia in Makueni and the Arkom in West Pokot. As explained in section 1.6.2, this posed a challenge during mobilization. The profiles of the other VMGs in the operational counties is provided in sections 3.1 and 3.2.

123. Following from this description of VMGs, the Wakifundi, Watswaka, Watha, and Sengwer fit the OP4.10 criteria. However, the Makonde and Arkom do not fit the criteria perfectly. The Makonde have been stateless in Kenya since 1932 until February 2017 when they officially became the 43rd tribe of Kenya. They therefore do not have attachment to any natural resources and are not inextricably linked to the land they depend on as they are squatters. Currently, any project at the coast targets them as minorities, and therefore, the NSNP staff recommended that they participate in this SA. The Arkom on the other hand have virtually lost their language. In fact among the participants with the key informants and focused group discussions, no one could speak their language, which was a mix of Karamojong' and the Diding'a of South Sudan. During

³ World Bank, 2017. Kenya Off-Grid Solar Access Project (KOSAP) For 14 Underserved Counties; World Bank projects such as Kenya Development Response to Displacement Impacts Project (DRDIP), NSNP Environmental and Social Safeguards Assessment (ESSA), World Bank's North Eastern Development Initiative (NEDI) social assessment, Review of Social Safeguards for the NSNP.

the consultations, they indicated that perhaps, there could be some of Arkom in the Kalapata and Lorusuk hills who can speak the language, but it was not certain.

124. Although considered a VMG at the national level, with devolved county governments, the Digo and Duruma in Kwale have become the majority groups within the county both in terms of population numbers, and as they are the ones in leadership position at the county level. Urbanization has further blurred the identities and cultures of both majority and minority VMGs as they are no longer ‘inextricably linked to the lands in which they live and the natural resources on which they depend’. Consequently, VMGs living far from the urban centres are the ones leading a truly traditional lifestyle and would fit the OP4.10 criteria. Such areas include: Alale in North Pokot where nomadic pastoralism predominates with the Arkom being the minority group while Pokot is the dominant group; Samburu-Kwale where the Watha reside; and Kibwezi West where the Angulia reside. Other studies World Bank Social Assessment studies and project reviews mentioned in section 3.3.1 have confirmed the same)⁴.

125. In Kwale, the Digo and Duruma ethnic groups were not considered as VMGs by the participants; they are regarded to be wealthier than their minority counterparts of the Wakifundi, Watswaka, Watha and Makonde. Also the Governor and Deputy Governor come from these two majority tribes and they have many people in positions of influence at the county and national level. Even the Giriama were considered better off. Wakifundi and Watswaka are not well known according to the majority groups. *“According to us (Digo), these groups started being recognized in 2016 at the advent of devolution, with programs targeting them as the marginalized groups. This is also when they started self-determination and the World Bank started recognising them. For instance, the Kenya Coastal Development Project (KCDP) has a special component targeting them. There is no recognition given to them at employment level. We all fight it out”*

126. As mentioned in the SA report, the Makonde do not fit the World Bank criteria in OP 4.10 but are VMGs as they are landless and therefore do not have collective attachment to geographical distinct habitats. Because they lacked until very recently the right to national ID cards, the Makonde have not traditionally been involved in political or economic activities. Amongst the minority, the Watswaka and Wakifundi are considered a little better-off than the Watha who up to today, still live in the forest and are predominantly hunters and gatherers. Some of the Watha keep livestock and they have stuck more to their traditions and mingle with the Maasai of Kilibasi Hills in Samburu-Kwale location.

127. For the Makonde, until February 2017, when they were officially declared the 43rd Kenyan tribe and allowed to get Kenyan identity cards, they have been stateless. As a result, the key informants described a typical Makonde family to be very fragile and with high divorce rates. Children suffer the most, with child delinquency being rampant and literacy levels low. This is because children drop out of school in class 8 or form 4 when some form of identification was required in order to register for exams. Their sources of livelihood include: small businesses, casual labour, and wood carving (but this has gradually decreased). Some of the community members who have been given land by their former masters in the sisal plantations do some farming. However, because of poverty, many youth resort to prostitution as a survival mechanism, and therefore child sex trade is high. Even husbands encourage their wives to engage in prostitution with tourists.

⁴ World Bank, 2017. Kenya Off-Grid Solar Access Project (Kosap) For 14 Underserved Counties; World Bank projects such as Kenya Development Response to Displacement Impacts Project (DRDIP), NSNP Environmental and Social Safeguards Assessment (ESSA), World Bank's North Eastern Development Initiative (NEDI) social assessment, Review of Social Safeguards for the NSNP.

128. The Makonde men are known for wood carving. They used to be assisted by a Catholic Priest to access markets for the carvings. When he left, access to the market disappeared. They cannot access credits/loans, jobs, training, higher education, cash transfers and cannot open accounts for lack of IDs. Since the formal recognition of their tribe in 2017, they have now started getting national ID cards. They have their opinion leader who is their Chairman of the Makonde Association with the Vice-Chairman being a woman. At Village level they have Village leaders, usually men, who are respected, and on account of age, have been given leadership positions.

129. The Angulia on the other hand, is a little-known sub-tribe of the Akamba found mainly in Kikumbulyu in Kibwezi West constituency of Makueni County. They are not a distinct ethnic group but speak a dialect of Kikamba. Kibwezi is a cosmopolitan area that is half-way between Nairobi and Mombasa. According to the FGD session of the dominant Kamba group, the Angulia are regarded as part of the Akamba. The Angulia are proud of their achievements and recognition in traditional sciences and the art of hunting. According to the KIIs from the dominant Kamba group and corroborated by the SDO, Angulia are also perceived to excel in black magic or witchcraft.⁵ Many of the Angulia are still very poor, serving mainly as manual labourers in sisal plantations in Kibwezi. High levels of poverty are perpetuated by the low education among the Angulia. Many children lack motivation to proceed beyond primary school, and end up in the same subsistence livelihoods as their parents.

130. The Sengwer of West Pokot, live amongst the majority Pokot with whom they have cultural difference on facial make-up and traditional regalia, and as they still practice FGM. The KIIs indicated that the Sengwer do not easily embrace foreigners, even those who have lived among them for a long time. During the FGD, it became difficult to distinguish between the Sengwer and Cherangany. Many participants were referring themselves as “*Sengwer-Cherangany*” or “*Cherangany*”. It is after several probes on what their real tribal identity was that many started acknowledging that they are Sengwer. It is at that point when a key informant explained that the name Sengwer (“*Meeiwon*”) in their language meant: “*those with nothing*,” which many disliked being referred to as such.

131. An elderly KII who is the Chairman of Sengwer Supreme Council of Elders, gave a detailed historical account of decline of the Sengwer culture that he has documented. Similar to many other ethnic minorities, the Sengwer were considered by the British to be served best if they were forced to assimilate with their dominant neighbors, the Pokot. Due to that, their traditional structure was not recognized and integrated as independent ethnic groups, but as sub-structure of the Pokot. As their land in the plains of Trans Nzoia turned out to be the best area for agricultural production in Kenya, they were displaced entirely to make way for colonial farmers. A small group of Sengwer stayed behind as farm workers, but the majority went up into the forests of the Cherangany hills, hence the nickname “Cherangany”. As the Sengwer were not considered as an independent group, they were also not included in the settlement schemes through which independent Kenya redistributed the colonial farms to the farm workers and the dominant ethnic groups of the area. While most Sengwer are officially landless, some few Sengwer especially in the northern parts of the Cherangany hills, have received some land, but even this land is contested.

132. The SA participants admitted to being increasingly restricted to areas with home ‘bases’ involving agriculture and livestock rearing and outlying areas where some honey gathering is still practiced. They

⁵ For example, Angulia are seen to be adroit in a stupor inducing witchcraft known as ngeevu; a type of black magic used to tame wild animals making them easy hunting prey. The use of magic in hunting is instrumental to the Ngulia reputation for tracking as they are said to have a good understanding of animal habits and an acute sense of sight and smell.

continue to experience expropriation of their land and restrictions on access to natural resources- especially forests and water- which have further increased their marginalization, social discrimination, and impoverishment. Even though they are considered, from the formal legal point of view, as citizens equal to all other Kenyans, they do not have the same access to land and other resources, protection against cattle rustlers, social and political influence, organizational, technical or economic capacities as the dominant Pokot.

3.4.3.2 Older persons

133. The challenge of older persons in Kenya is growing by the day. This group of people is increasingly being left on their own in the rural areas, which are sometimes very remote, often without traditional family support and financial resources. On average, older women are more vulnerable as they do not have control over economic resources. Although the NSNP is supporting older persons through the OPCT program, the participants observed that a lot more needs to be done to support other needy people. The adequacy of the cash transfer amount was also questioned – participants inquired: “*why the amount can’t be increased from Kenya Shillings 2000 given the rate of increase of standard of living?*” Upon further discussion, particularly with polygamous participants, it was noted that once each of the wives reaches the age of 70, she will start benefitting from the OPCT.

3.4.3.3 Persons with disability

134. People living with disabilities are often discriminated against, a situation that is fueled by cultural and traditional beliefs. In most of the counties, people with disabilities are hidden away as shameful and as are seen as a “curse” in the community. The situation for the already marginalized groups such as women and girls, who also live with disabilities, is dire. One key informant noted that it is not uncommon to find a woman/girl with disabilities who have several children due to repeated rape.

3.4.3.4 Women

135. Gender relations in the VMG communities are closely linked to cultural practices. Within Kikumbulyu Location of Kibwezi West Constituency, where majority of the Nguli reside, women are largely disempowered. The same holds true for the Watha, Sengwer, Arkom, and generally, Pokot. Thus, community decisions are made by men without input from women. Consequently, in Kilibasi village of Samburu-Kwale location where the Watha reside, women were conspicuously absent in the FGDs and KIIs. The reason that was given for their absence was that there were no clear instructions from the county office to mobilize them, indicating that special effort needs to be given to ensure inclusion of women and girls in the project processes. For the Angulia and Arkom, separate meetings had to be held for men and women, as women seemed very uneasy and reluctant to provide input in the presence of men.

136. The role of women in community development was varied across the counties and regions. In all the three counties, the women are the family nurturers; tilling the land and producing food. In more remote areas like in North Pokot, the women are the ones that build the huts and are less involved in decision-making. Poor access to information, lack of exposure and low literacy levels have contributed to the disempowerment of women. This is different amongst the Makonde who as a result of the long period spent on advocating for citizenship with the assistance of organisations such as KHRC, has resulted in active and engaged women who are willing to speak out. The Makonde Community Association has a man as the Chairman with the Vice-Chairman a woman. The same is generally reflected in the composition of Makonde village committees.

137. During the SA consultations, a correlation was observed between women's engagement in income generating activities and the ability to articulate social issues which impact on women. This ability was found to diminish as one got into the remote areas. The women from Sengwer, Watswaka, Wakifundi, and to some less degree Angulia, could express themselves quite well in English or Kiswahili. The Sengwer women from Talau and Kaibosi locations of Siyoi Ward with active women's groups where the meetings were held, appeared knowledgeable and were assertive, compared to the ones in Alale in North Pokot where the Arkom have virtually been assimilated into the Pokot.

138. In West Pokot, FGM was said to be rampant. According to both the men and women, an uncircumcised woman cannot ascend into leadership position as she lacks the necessary "qualifications"; she can neither head a women group nor be a manager of a project. This is likely to impact economic inclusion approaches under KSEIP and sustainability of projects if the leadership of women groups is not acceptable to the community. As such, strong communication and beneficiary outreach to sensitize the community members on the benefit and need of women's inclusion in KSEIP activities.

3.4.3.5 Child-headed households

139. Child headed households were mentioned to be particularly vulnerable among the Sengwer and Pokot where parents have been killed due to cattle rustling and other hostilities. They face severe challenges of malnutrition as well as education. The issue of homes headed by underage children without lack of national ID cards who cannot access CT-OVC was raised.

3.4.3.6 Youth

140. The FGD with youth brought out the salient fact that they are not considered when decisions are being made in the community. They indicated that consultations with them by the County Government and other groups were merely an administrative process to fulfill constitutional requirements. The community, particularly in Kibwezi West for Angulia, Kwale-Samburu for Watha and West Pokot for Arkom and Pokot tribes, child marriage is of particular concern. Amongst the Arkom and Pokot, this happens soon after the girl has undergone FGM at the age of 12-13 years. As a result, it is difficult to find a girl who has gone beyond class 8 of primary school. In the women FGD of the Angulia in Kibwezi West, the participants remarked that no matter how learned a girl is, her education ends at marriage.

141. Youth from these communities also suffer from low level of education and inadequate skills. This makes it difficult for them to secure jobs. At the coast for instance, youth are vulnerable to radicalization into violent extremism. According to the key informant from the International Organisation for Immigration (IOM), difficulties to secure genuine national ID cards make it easy for them to acquire fake identities and join terrorist groups.

142. Further, negative attitude towards education by the VMG communities has led to student truancy and drop-out from school. The consultations revealed that this is prevalent among all the VMG groups consulted. This is exacerbated by child marriages, lack of job opportunities and the failure of parents to provide for their children. The mixed FGDs (majority groups and minorities) made it clear that broken marriages, prevalent in most parts of Kwale County including among the Digo and Duruma, make school

children to miss or drop out of school as they are forced to move with one of their parents, in most cases the mother.

3.5 Gender Relations

143. The consultations brought to light how the socialization process among the VMGs has reinforced gender inequalities and discrimination. Education of the female children is not a priority in all the communities where the SA consultations were done. In West Pokot, FGM and early child marriages were also cited as big challenges to female empowerment.

144. Large families among the consulted VMGs are frequent; for example the Pokot and Arkom women acknowledged that they hardly use contraceptives. This is likely to affect KSEIP project in as far as ability to adopt good nutrition practices both in terms of family income, but also the ability of women to breast feed, when they become pregnant again. In West Pokot and Makueni, they indicated that a woman's money is also a man's money and it is common for a man to demand it, which often triggers gender based violence (GBV). They indicated that the scenario would be different if the money belonged to a group because then the community and administrative leadership come in to condemn such behavior. Such scenarios therefore could be well-managed if men are involved early on in the project design, and would have the potential of impacting project sustainability in economic inclusion interventions.

4 POTENTIAL POSITIVE AND ADVERSE EFFECTS OF THE PROGRAM ON VMGS

145. The potential positive and negative impacts of the project on VMG have been drawn from the SA. The section goes further to elaborate the measures the project can take to prevent and mitigate the negative impacts whilst enhancing those that are positive.

4.1 Potential Positive and Negative Impacts by Component

146. The project attracted overwhelming support during the consultations. The VMGs welcome efforts to enhance their socio-economic situation. There is also benefit of developing new revenue streams for individuals and households benefiting from top-up cash transfer and economic inclusion activities. The nutritional status and health of the participants is expected to improve from the nutrition safety net. Overall welfare is also expected to improve by rapidly addressing complaints and grievances through the support provided to strengthen the G&CM mechanism.

147. Among the concerns, is that all the interventions e.g. NHIF enrollment and nutrition-safety-net is targeting NSNP beneficiaries only. The economic inclusion activities will give priority to NSNP beneficiaries, but will also include some eligible poor non-NSNP beneficiaries.⁶ There is therefore a concern that deserving VMGs not in the NSNP program shall continue to be excluded and therefore further marginalised. These findings are summarized in the sections that follow.

Component 1 – Strengthening Social Protection Delivery Systems

148. This component was viewed very favourably by all the participants during the SA process. The positive benefits for each element of this component include:

149. *Enhanced Single Registry*: both the key informants and individual VMGs concurred that this intervention would streamline registration of beneficiaries by enabling potential beneficiaries to be included in the system, in addition to only existing beneficiaries which is currently the case of the single registry. The participants were optimistic that the system would enhance data collection process of VMGs and capture data of beneficiaries as well as potential beneficiaries. Further, that in situations where there are severe climatic conditions, it will be easy to respond to those households requiring the most assistance.

(i) *Improved Payments as well as Grievance and Case Management (G&CM) Mechanisms*: participants observed that this intervention would enable them a choice in modes of payment to better suit their circumstances. It would also streamline payments by making them more regular. On support to strengthen the G&CM mechanism, it was noted that it will definitely shorten the time it takes to address them whilst enhancing communication.

(ii) *Institutional and Capacity Strengthening*: this intervention was received well and will build the capacity of the Government staff to serve them better. No negative impact was noted.

⁶ World Bank, 2018. KSEIP_QER Project Appraisal Document

Component 2 – Increasing Access to Social and Economic Inclusion Interventions

150. This component was welcomed by participants in all the counties and identified to have the following potential positive and negative impacts:

(i) *Ensure systematic enrolment and registration of NSNP beneficiaries in the NHIF through an established referral mechanism:* this will quickly bring on board those not yet enrolled in the NHIF, thereby reducing their medical bills and helping to save the cash transfers for other needs. Participants raised concerns that since it only targets NSNP beneficiaries, needy people may still be left out, and that even those who register might not be able to access hospital facilities where they can use the NHIF card due to long distances.

(ii) *Testing of economic inclusion approaches:* the economic inclusion intervention was welcomed as it would enable beneficiaries to undertake income generating activities. The negative aspect to it was that they feared they might be left out of the intervention given that they may lack sufficient entrepreneurial skills.

(iii) *Expansion of nutrition sensitive safety net:* The aspect of expanding the existing nutrition sensitive safety net service to new counties and providing top-up cash transfers coupled with nutrition counseling to NSNP beneficiaries was considered as highly positive. Participants expected that this will reduce malnutrition amongst children by empowering the VMGs with information and counseling, as well as top- up cash transfers. The challenges of ascertaining whether a woman is pregnant or not was however raised. Concerns were also raised that the cash top up may influence a woman to become pregnant in order to receive the benefit.

Component 3 – Improving the shock-responsiveness of the Safety Net System

151. This component is supporting NDMA to implement and expand the Hunger Safety Net Program as well as establish a scalable safety net system which can adequately respond to natural disasters, namely drought. The VMGs expressed concern that providing cash transfers and not focusing on developing alternative livelihood systems, which are consistent with climate change, might fail to nurture climate-resilience through adaptation.

152. The above notwithstanding, some key informants raised the need to better sensitize some of the beneficiaries into viewing KSEIP as a development-oriented program and not a humanitarian assistance program.

Cross-cutting potential positive impacts

153. *Strengthened technical capacity among project beneficiaries:* the VMGs made a number of suggestions on how their capacity can be strengthened so that they can meaningfully engage in and benefit from KSEIP, including: (i) increased access to self-employment opportunities through investments, (ii) development of entrepreneurial skills for setting up businesses but also to access devolved funds (UWEZO, Youth and Women Funds), (iii) skills development in leadership, managing groups and civic education, and (iv) training on personal and community development.

154. *Civic education:* In all the County consultations with IPs/VMGs, it was apparent that most of them are losing their identity as they struggle to fit within the dominant groups linguistically and otherwise. Thus, as they participate more and more in the project, awareness on their rights and what they are entitled to

constitutionally, will increase. These include: right to development, representation, to be heard at different levels of governance, protect their cultural heritage including language and participation in leadership.

155. *Increased knowledge of VMGs:* The proposed KSEIP project would continue to improve knowledge amongst the county staff and other stakeholders on VMG presence, characteristics and locations for better targeting. Already the SA has been described as an ‘eye-opener’ in the counties consulted, as some county staff have been unaware of the groups or the extent of their marginalisation. More therefore needs to be done under KSEIP to document and make available information on VMGs at county and community level for better engagement.

4.2 Cross Cutting Risks/Challenges and Potential Positive and Negative Impacts

156. The section below provides potential risks/challenges and positive and negative impacts by KSEIP components and activities. It also identifies a number of possible mitigation measures to address the risks and adverse impacts. It is believed that with sufficient awareness of the project by staff and proper implementation of risk mitigation mechanisms, these can be managed. These should also inform the development of the Operational Manuals and be considered in the VMGPs.

Table 4: Potential Risks/Challenges and Positive and Negative Impacts and Proposed Mitigation Measures

Key area	Risks/Challenges	Negative	Positive	Mitigation
<i>Component 1 – Strengthening Social Protection Delivery Systems</i>				
i. Enhancing the Single Registry	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Streamlining registration of beneficiaries • Easy to respond to those households requiring the most assistance • Increased access to other services 	
ii. Improved Payments as well as G&CM Mechanisms	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Ability to vary modes of payment and more accessible payment points • Streamline payments • Shortening time to address C&G • Enhancing communication 	
iii. Institutional and Capacity Strengthening	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Will build capacity of SDOs, SCOs, CSACs at county and sub-county level 	
<i>Component 2 – Access to Social and Economic Inclusion Interventions</i>				
i. Enhance systemic enrolment and registration of NSNP beneficiaries in NHIF through an established referral mechanism	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Exclusion of needy non-NSNP VMGs • Increased tension between beneficiaries and non-beneficiaries 	<ul style="list-style-type: none"> • New beneficiaries • Reduction of medical bills 	<ul style="list-style-type: none"> • Government has committed to universal NHIF coverage, but KSEIP would only target existing NSNP beneficiaries

ii. Expansion of nutrition sensitive safety net and testing of economic inclusion approaches	<ul style="list-style-type: none"> • Polygamous homes with large families may exacerbate malnutrition • Misusage of the cash transfer which precludes nutritional foods 	<ul style="list-style-type: none"> • Exclusion of needy non-NSNP VMGs • Increased tension between beneficiaries and non beneficiaries 	<ul style="list-style-type: none"> • Reduction of malnutrition • Information & counseling • Accelerating investments from top- ups 	<ul style="list-style-type: none"> • Ensure proper targeting so that multiple HHs are not considered as one. • Economic inclusion interventions would also include some non-NSNP beneficiaries • Include VMGs in community level committees • Nutrition counseling to include guidance on nutritional food and importance of parents providing their children with nutritional food
iii. Testing of Economic Inclusion approaches	<ul style="list-style-type: none"> • Cultural practices e.g. FGM may affect inclusion and leadership role within project; as uncircumcised woman cannot lead a project 	<ul style="list-style-type: none"> • Exclusion of non-NSNP VMGs • Increased tension between beneficiaries and non beneficiaries 	<ul style="list-style-type: none"> • Increased income generating opportunities 	<ul style="list-style-type: none"> • Economic inclusion interventions would also include some non-NSNP beneficiaries • Beneficiary outreach strategy, enhancing the understanding of communities on the need for inclusion of all VMGs
<i>Component 3 – Improving the shock-responsiveness of the Safety Net System</i>				
i. Support to NDMA for implementation and expansion HSNP	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Over-reliance on cash transfers and failure to engage in livelihood activities that build resilience to climate change 	<ul style="list-style-type: none"> • More needy households served in new counties 	<ul style="list-style-type: none"> • Create better awareness among beneficiaries that the CT programs are resilience building and should not be seen as

		<ul style="list-style-type: none"> • Increased tension between beneficiaries and non beneficiaries 		humanitarian assistance
Cross Cutting	<ul style="list-style-type: none"> • Interaction between the majority groups and the minorities. 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Involve both majority and minority groups in project design, planning and implementation

5. FRAMEWORK FOR FREE, PRIOR AND INFORMED CONSULTATIONS

5.1 Introduction

157. The principle of free, prior and informed consultation as mandated by the World Bank OP4.10 refers to a process whereby VMGs in the project area are freely able to make decisions on the basis of sufficient information, concerning broad community consent to the project and recommendations on ensure culturally appropriate benefits and minimize the negative effects of the project. It is not likely that the proposed interventions will result in significant adverse impacts for VMGs. However, the O.P 4.10 and good practice requires that the VMGs be informed of the project and consulted prior to and during project implementation.

158. This VMGF builds on the social assessment for KSEIP, and has been developed to provide a culturally appropriate and gender and inter-generationally inclusive framework for consultation at each stage of project preparation and implementation. *Free, prior and informed consultation of the VMGs will be undertaken at each stage of the project, and particularly during project preparation, to ensure that their interests are captured and buy-in obtained before up-scaling.*

5.2 Consultations during Sub-Projects Intervention Screening

159. Prior to KSEIP activity preparation and implementation, review and identification exercise will be undertaken to determine which VMGs are present in the project area by the NSNP officer responsible for KSEIP implementation in a given project area through consultations with the VMGs concerned. However, some KSEIP activities in a given project county may not impact the entire VMG living in that area, or may also impact non-VMGs living around them, as during the consultations, it was established that several VMGs appear to be dispersed within majority ethnic groups. In view of this, it is necessary to carefully identify which VMGs groups are in each project area and how they will be reached by KSEIP activities during the review and identification phase of the project implementation.

5.2.1 Identification of VMGs in Project Area

160. The NSNP officer responsible for the implementation of a KSEIP activity in a given county will first identify the VMGs in their respective counties by reviewing the county database prepared under the NSNP implementation (see Annex 1), together with key informants who have particular knowledge on VMGs for the specific area of implementation. A sample screening form is shown in Annex 1.

4.3 Consultations with VMGs

161. Once VMGs have been identified, a VMGP will be developed in consultation with the VMGs as per OP4.10 annex B. This will provide a basic plan on how to reach VMGs in a particular county and how to consult and include them in the program. The VMGP will include:

- a) What is the demographic, social, cultural, and political characteristics of these groups, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend?
- b) Provide a summary of results of the free, prior, and informed consultation with these groups that was carried out during the activity preparation and that led to broad community support for the project. (please also include details in table 4)

- c) How will free, prior, and informed consultation be carried out with these groups during project implementation?
- d) How will these groups receive social and economic benefits that are culturally appropriate, including, if necessary, measures to enhance the capacity of the project implementing agencies?
- e) Are there any potential adverse effects on these groups from the project (explain)? If so, how will these adverse effects be avoided, minimized, mitigated, or compensated for?
- f) What are the cost estimates and financing plan for these mitigating measures? Given that the project locations vary widely in terms of access and infrastructure, it is not possible to have an estimate cost for the implementation of the VMGPs. Rather, each VMGP will need develop a costing based on specific characteristics and needs of the locations. Project resources would be made available to implement and monitor the VMGPs.
- g) What are the culturally appropriate procedures to address grievances by these groups arising from project implementation?
- h) What are the mechanisms and benchmarks appropriate for monitoring, evaluating, and reporting on the implementation of the above measures, including arrangements for consultations.

162. This information will be collected by the implementing officers, assisted by key informants including county staff and social safeguards focal points at national level. Although it is possible that cash transfers and expansion of the nutrition sensitive safety nets could have negative impacts on VMGs, this are expected to be minimal. As such, VMGPs will be specifically prepared for the testing of the economic inclusion approaches, both in terms of VMGs inclusion and also to ensure that all income generating activities selected are adequate and appropriate to address VMG needs and concerns, and minimize negative impacts. The VMGF will identify requirements for preparing a VMGPs for the other two activities, if necessary based on the presence of VMGs in the relevant locations, as well as for incorporation of VMGP elements in other project design documents such as the Operations Manual of an intervention, as required. Each VMGP will be submitted to the World Bank for approval, and a sample will be selected for disclosure.

6 STRATEGY FOR PARTICIPATION AND CONSULTATION WITH VMGs

6.1 Introduction

163. The achievement of the VMGP objectives will, to a great extent, depend on the effective participation of VMGs in the design and implementation of the KSEIP activity. Free, prior and informed consultations with the likely affected VMGs and those who work with and/or are knowledgeable of their development issues and concerns will be necessary to ensure that benefits have as wide a reach as possible, and where adverse impacts are likely, that appropriate measures are undertaken for successful mitigation. To facilitate effective participation, the VMGP will follow a timetable to consult VMGs at different stages of the project cycle, especially during preparation and implementation of the VMGPs. The objective would be:

- To seek the VMGs inputs into how to maximize access to benefits and how to avoid or minimize the potential adverse effects associated with the intervention; and
- Identify culturally appropriate impact mitigation measures.

164. With respect to testing of economic inclusion, and expansion of HSNP and nutrition sensitive safety net services, broad consultations will be held at two levels (i) before final selection of any activity located in an area inhabited by VMGs, the KSEIP will consult the VMGs about the need for, and the probable positive and negative impacts associated with them; and (ii) before any impact and/or operational assessment, as appropriate, to ascertain how the VMGs in general perceive the effectiveness of these interventions. This shall generate nuanced inputs/feedback for improved project implementation and outcomes, and inform possible scale up and design of other relevant future interventional.

6.2 Communication Strategy

165. Currently, there exists a Beneficiary Outreach Strategy (BOS) which aims to strengthen citizen engagement through a robust communication and engagement process for improved beneficiary awareness of their rights and entitlements as well as complaints mechanisms, and effective community feedback on NSNP implementation and benefits. As part of the KSEIP support, the existing NSNP BOS will be enhanced to ensure that it also adequately caters for KSEIP interventions. It will also include messages on the need for inclusion of VMGs and other vulnerable groups, as well as on their rights.

166. Appropriate communication and outreach activities should be mainstreamed throughout the various communication activities undertaken as part of the operational cycles (i.e. targeting, payments, G&CM etc.). It is expected that these will be on-going throughout the NSNP operational cycles, and further reinforced during KSEIP. Communication tools and approaches will include broad based community *barazas*, radio, SMS, brochures/leaflets, megaphone announcements etc. Specifically, the Beneficiary Outreach Strategy with nuanced VMG messages would be used to ensure inclusion of VMGs, and would provide the appropriate mechanisms to ascertain that VMGs are reached and that information is provided in ways that are easily understood. This may need to be tailored to different VMG groups, depending on their remoteness, language, literacy level, integration into the broader communities and civic education.

167. Through the consultants undertaken for the SA, the VMGF emphasizes that the implementation of KSEIP BOS should:

- Facilitate participation of VMGs with adequate gender and inter-generational representation, customary/traditional VMG organizations, community elders/leaders, and civil society organizations on VMGs development issues and concerns;
- Provide them with relevant information about relevant KSEIP activities, including on potential adverse impacts, through consultations which encourage free expression of their views and preferences; and
- Document details of all consultation meetings, with VMGs perceptions of the proposed activities and the associated impacts, especially the adverse ones, and any inputs/feedbacks offered by VMGs, including a confirmation of the broad community support by VMGs, as appropriate.

168. To ensure ongoing informed participation and more focused discussions, the KSEIP BOS should provide affected VMGs with the potential impact of the proposed interventions. Consultations will cover topics/areas concerning cultural and socioeconomic characteristics and other issues that VMGs consider important. Consultations will continue throughout the preparation and implementation period, with focus on the households directly affected and the beneficiaries. Consultation stages, probable participants, methods, and expected outcomes are suggested in the VMGs consultation matrix below (Table 6).

Table 6: Indicative VMGs Consultation Matrix

Consultation Stages	Consultation Participants		Consultation Method	Expected Outcome
	Implementing Agencies	VMGs Community		
Study on VMG profiles and locations	NSNP county staff	VMGs, including organizations, community leaders/elders, other informed stakeholders	Open meetings & discussions, survey	Better knowledge of VMGs and their geographical location, needs etc.
Preparation of VMGPs	NSNP county staff	VMGs, organizations, Community leaders/elders, adversely affected VMGs, other informed stakeholders	Group consultations, in-depth KII etc.	Preparation of VMGP to avoid or minimize adverse impacts, and VMGs
Implementation of VMGPs	NSNP county staff	Individual VMGs, CBOs, leaders/elders & other informed stakeholders		Timely resolution of issues, effective implementation of VMGP
Monitoring & Evaluation of VMGPs	NSNP county staff	VMGs organizations/ groups and individuals	Participation of VMGs in review and monitoring	Identification & resolution of implementation issues, effectiveness of VMGP, lessons learned for future scale up/design of similar interventions

6.3 Strategies for enhanced participation of VMGs

169. The following strategies should be included in the project to support the participation of the VMGs:

- Provide documented VMG profiles and their locations to national, county and sub-county NSNP officials to ensure that minority groups are included in mobilization, community level governance and oversight structures (i.e. NSNP Beneficiary Welfare Committees) etc.
- Ensure the inclusion of VMGs in culturally suitable ways through recognized and operational community structures e.g. community associations, council of elders, faith-based organisations
- Appropriate communication and outreach activities during the targeting process and around the complaints and grievance mechanisms should be undertaken
- Monitor inclusion of VMGs and project impact on their livelihoods and relationships with other communities
- Track the number and type of complaints that are lodged with the program and the actions taken and where there are recurring complaints mitigation measures are taken to address them.
- Carry out periodic reviews of beneficiary and grievance data to ensure that VMGs are reached where present in project target areas minorities;
- Ensure that barriers to inclusion (e.g. national IDs and medical certificates) are addressed for eligible population, including minority groups.

6.4 Strategies for involvement of VMG in KSEIP implementation

170. The following strategies should be included in the project to ensure involvement of the VMGs during implementation:

- The targeting process should be understood and inclusion of difficult to reach VMGs emphasized;
- Awareness and sensitization of VMGs should be undertaken to enhance understanding of their rights and entitlements.
- Consider the use of groups (not individuals) to test economic inclusion approaches, and ensure the support of the men within the communities to ensure participation and sustainability;
- When targeting VMGs, involve majority groups in planning to get their support and facilitate improved relations between VMGs and majority groups;
- In communicating with VMGs, use appropriate mechanisms and appropriate language so that information is accessible and understood by all. This will require multiple communication methods such as :phone calls, text messages to representatives and leaders and in-person meeting were recommended during consultations.

171. Once the VMGs are reviewed and identified in a project area, the VMGPs will ensure mitigation of any adverse impacts of the project activity. The activity being implemented should ensure benefits to the VMGs by providing, in consultation with the VMGs themselves, opportunity for their effective inclusion and active involvement.

172. The following issues need to be addressed during the implementation stage of the project:

- Provision of an effective mechanisms for monitoring implementation of the VMGF and any VMGPs

- Development of accountability mechanisms to ensure the planned benefits of the project include VMGs
- Ensuring appropriate budgetary allocation of resources for the inclusion of VMGPs, including undertaking outreach, mobilization and targeting in remote areas
- Provision of technical assistance for raising awareness and sharing experience of inclusion of VMGs in development projects such as KSEIP

7 INSTITUTIONAL ARRANGEMENTS

7.1 Introduction

173. The KSEIP, which will potentially be co-financed by DfID, be implemented by the SDSP (Components 1 and 2) in the MLSP and the NDMA (Component 3) in the MDA. The SPS in the SDSP will provide overall oversight and coordination for KSEIP. The SPS will further lead on activities related to the Single Registry and the referral mechanism for NSNP beneficiary enrolment and registration in NHIF. SAU will lead on activities related to further strengthening payment and G&CM mechanism. DCS will lead on the expansion of the nutrition sensitive safety net service, with support from UNICEF, while DSD will lead on the testing of economic inclusion approaches. NDMA will lead on the expansion of the HSNP and strengthening of the shock responsiveness of the safety net system. Responsibility of developing and implementing safeguards measures would lie exclusively with the two implementing agencies. DfID, as a co-financer, would not be involved in implementation. UNICEF would provide technical assistance and implementation support, including on ensuring inclusion of VMGs in the nutrition sensitive safety net support, but would ultimately not be responsible for ensuring implementation and monitoring of safeguards implementation. Given the level of collaboration and coordination required in the overall implementation of KSEIP, the proposed implementation arrangements are expected to further improve coordination between the departments under the MLSP as well as between MLSP and NDMA.

7.2 Structures

174. A number of structures already exist within NSNP can be used promote further VMGs inclusion in KSEIP. These include:

- i. *National level:* the M&E section of SAU has been responsible for VMGs, although this has been largely limited to monitoring. This section will continue to be responsible for monitoring of VMGs inclusion under KSEIP as majority of the KSEIP beneficiaries will continue to be primarily NSNP beneficiaries. Efforts should be given under KSEIP to also ensure that VMG issues are better understood and mainstreamed through other sections, including targeting, MIS and G&CM, to further improve the inclusion and involvement of VMGs in project implementation.
- ii. *County level coordination:* the county level Social Development Officers (SDOs), Department of Children Officers (DCOs) and NDMA HSNP officers coordinate around mobilization, targeting, payments, and G&CM, although this can be further strengthened, an outcome expected under KSEIP. Effort should be given under KSEIP to ensure that these officers also coordinate specifically on sharing and understanding of VMGs and their inclusion in project benefits.
- iii. *Sub-County NSNP Sub-Committees:* community level oversight and governance structures such as BWCs and Location Committees, as well as Chiefs, Assistant Chiefs, elders etc. serve as a liaison between the community and beneficiaries and social protection projects such as the NSNP, including ensuring effective engagement by communities and beneficiaries in project benefits, raising awareness on rights, entitlements and responsibilities, and resolving and escalating grievances, complaints and case updates. These structures should continue to be utilized under KSEIP for similar purposes as above, with specific attention given to increasing their understanding and capacity to further engage with VMGs to ensure inclusion, determination of their needs and concerns, and resolution and escalation of their grievances and complaints. As necessary.

- a. *Location Committees (LOCs)*: raise awareness of the program among community members and support program targeting. Members to the LOC are elected from each sub-location by community members attending the initial awareness raising barazas. VMGs would need to be a part of this to ensure that they are not excluded from project activities.
- b. *Beneficiary Welfare Committees (BWCs)*: members comprise of elected beneficiaries. Their role is to disseminate information to beneficiaries (such as payment dates), liaising with NSNP officers on complaints, grievance and case updates, generating lists of beneficiaries who did not receive a payment during a payment cycle to facilitate follow-up etc. They also play a similar role to LOCs in locations where the program is operational but a scale-up of the program is planned. Similar to LOCs, KSEIP would need to ensure that VMGs are part of the BWCs so that their specific needs and concerns are identified and addressed.

175. These committees should be established in areas where there are none and capacity built to enhance their ability to ensure that the KSEIP project is responsive to the needs of the minorities and VMGs.

7.3 Implementation Capacity

176. Inclusion of VMGs should be explicitly mentioned in all guiding documents for the project components. Capacity building of national, County and Sub-county level staff will be necessary to ensure that VMGs are properly targeted and engaged in project implementation. This would include improved awareness and understanding of potential VMGs by all staff, as well as about their roles and responsibilities in identifying and including where possible in the KSEIP activities. County and Sub-county staff will be required to discuss with key informants and VMG communities, where they are present, on how best to reach them and ensure that the project is appropriate, and that potential adverse impacts on them or their communities are mitigated as much as possible. It is important that all KSEIP implementing partners share this information and discuss learning on how better reach VMGs and avoid and mitigate any negative impacts.

177. Capacity building of the MLSP and NDMA staff at the national, county and sub-county levels will be a key element of the project, to ensure that the involved staff are aware of VMGs in their counties, and understand how to reach and consult them. These will require trainings on World Bank safeguards policies and procedures, rationale and need for VMG inclusion, and various approaches and tools used by other projects in country and regionally that have successfully addressed VMG issues, as well as on approaches for identifying VMGs, undertaking consultations, and providing feedback through the G&CM system. Dedicated individuals will be identified within the two implementing agencies to advance and monitor implementation of VMGPs. Where needed and appropriate, external support would also be brought on-board to support the development and implementation of the VMGPs. Project resources will therefore be made available to support capacity building efforts, in addition to implementation and monitoring of safeguards measures. Through these efforts, officers will be enabled to adequately prepare VMGPs, address any grievances that may arise in the course of project implementation and undertake effective monitoring and evaluation of implementation progress.

8 MONITORING AND REPORTING ARRANGEMENTS FOR VMGs

8.1 Introduction

178. This section presents the proposed monitoring and evaluation framework to monitor the inclusion and adverse impacts of the project on VMGs. It also focuses on the implementation of mitigation measures to address potential adverse impacts. In the monitoring process, it will be necessary to disaggregate project indicators based on gender and the County where the interventions are occurring to facilitate effective monitoring.

179. The NSNP Monitoring and Evaluation mechanism already includes some internal monitoring questions on inclusion of VMGs and social impacts, although up to now no report or feedback has been received on the findings. It has also included similar questions in one round of NSNP Program Implementation and Beneficiary Satisfaction (PIBS) survey, which highlighted the exclusion of a range of VMGs. This needs to be strengthened in the future and further instruments would need to be developed to identify other potential social impacts of project activities, i.e. inter and intra-household conflict, which would need to be collected with the sensitivity of the issue in mind. The tools need to be expanded for the other components of KSEIP also. Specifically, the monitoring and evaluation mechanism established for KSEIP would need to further explore the challenges identified through the social assessment and the NSNP Operational Monitoring Report Cycle 4.

8.2 Components of the Monitoring and Evaluation Framework for VMGs

8.2.1 Objective

180. The overall objective of the monitoring and evaluation (M&E) framework is to guide all data collection activities to help determine if project targets, impacts, mitigation measures and expected benefits to the VMGs have been attained. Towards this end, the M&E will ensure that: (i) Effective communication and consultation with VMGs took place; (ii) All complaints or grievances were documented and addressed; (iii) the VMGF and the VMGPs were implemented; and (iv) Negative impacts were identified and addressed.

8.2.2 Monitoring Indicators

181. The VMGPs will indicate parameters to be monitored, establish monitoring milestones and provide necessary resources to carry out the monitoring activities (Table 5). The M&E indicators should be determined during the development of the VMGPs, and should include both process and outputs in relation to VMGs, including the implementation of the VMGP particularly:

- Consultation processes (how many participants by category, issues deliberated and how resolved);
- Whether VMGs who are eligible for the project have been included, barriers to inclusion and how they should be addressed;
- Any negative impacts and how they should be mitigated;
- Whether enhanced NSNP G&CM and BoS is reaching VMGs under KSEIP, and whether it is capturing their concerns and addressing them, including a record of the complaints and grievances;
- Monitoring the perception of the VMGs towards the project during the implementation phase;

- Determination of the impact of KSEIP on the welfare of the VMGs in the proposed interventions compared to pre-project baseline;

8.2.3 The Monitoring and Evaluation Approach

182. The M&E approach should be as participatory as possible to give the VMGs a chance to engage effectively throughout the project phases. The staff at national, county and sub-county level should continually analyze project processes and undertake documentation of activities, outputs, outcomes and impacts on the VMGs. These reports should be submitted to the World Bank, as required.

183. The monitoring and evaluation of the implementation of the KSEIP activities and related VMGPs, as necessary, in the operational areas inhabited by VMGs is an important management tool, which should include arrangements for the free, prior, and informed consultations with the affected VMGs. It will assist the various structures to fine-tune their intervention in line with culturally appropriate benefits and provide space for the VMGs to voice their concerns, based on the data gathered by the review and identification and VMGP implementation processes, the organizations of the VMGs, the relevant governmental structures (planning and social) at county or sub county level etc.

8.2.4 Potential Adverse Impacts and Mitigation Measures

If during the monitoring, some of the KSEIP project interventions are found to have significant adverse impacts on VMGs, independent experts (i.e. CBOs or NGOs) should be involved to verify monitoring information of the VMGPs in that particular intervention. These experts should analyse baseline information to determine the impacts of the project on groups that meet the OP 4.10. The experts will advise on compliance issues and if any significant issues are found, the responsible NSNP officer should prepare a corrective action plan or an update to the approved VMGP. The officer should also closely assess the progress of the corrective measures to ensure their effectiveness. It is proposed that regular internal monitoring by MLSP and NDMA staff is undertaken to ensure that locations with VMGs are not being excluded despite the fact that they are present in the KSEIP counties.

8.2.5 Monitoring & Evaluation Plan

184. It is important that the M&E plan is developed with the active involvement of the VMGs at the project design stage in order to come up with mitigation measures that are culturally appropriate to their context. The implementation of the VMGF and the VMGPs should be closely monitored and documented.

8.2.6 Compliance and Completion Assessments and Outcome Evaluation

185. SDSP and NDMA may consider engaging an independent expert to determine compliance of the project with relevant frameworks including the SA and VMGF, in a participatory process involving VMGs. The M&E reports for each KSEIP intervention will be prepared on an annual basis, including information on VMGs, and will inform measures to be taken to fine-tune the VMGPs. Specific information highlighted through the M&E process and corrective measures to be taken should be discussed with the VMGs to keep them informed and to ensure the appropriateness of the corrective measures. The M&E report will be submitted to the World Bank, as required.

186. Information on the VMGs, including their perception of the project and impact of the project activities will be further collected through various other project external M&E processes, including the PIBS and operational reviews. All decisions which affect any of VMGs should be based on:

- Free, prior, and informed consultation with the VMGs
- Reception by VMGs of project benefits that are culturally appropriate and gender and inter-generationally inclusive
- Adverse effects on the VMGs are, as much as possible, avoided, and if not feasible, then minimized, mitigated, or compensated in a culturally appropriate manner, based on broad support by the VMGs, to the extent possible

Table 5. Monitoring and Evaluation Indicators for KSEIP/VMGF

Issues	Indicator	Responsibility	Data Sources
Capacity Building for implementation of VMGPs	Number of individuals & institutions trained	MLSP & NDMA	Training workshops reports
VMG orientation, mobilization & consultations	Number of VMGs meetings; Number of VMGs sensitized	MLSP & NDMA	Community meeting reports
Mapping of community resources critical to VMGs	Number of participating VMGs	MLSP & NDMA	Reports from baseline survey and community transects
Development of strategies for participation of VMGs and mitigation measures	Number of review and identifications of areas to identify VMGs completed Number of VMGs in KSEIP activities implemented	MLSP & NDMA	M&E reports
Capacity Building of NSNP officers on VMGs	Number of trainings	MLSP & NDMA	Training reports
Equitable representation of VMG in decision making organs	Number of meetings attended by VMGs Number/types of VMGs issues articulated Number of VMGs in BWCs/LOCs	MLSP & NDMA	M&E reports

9 GRIEVANCE REDRESS MECHANISMS

9.1 Introduction

187. Grievance redress mechanisms are aimed at ensuring that anyone who has a concern about the project can raise a complaint and get response on how this complaint is resolved. Complainants can be project beneficiaries, community members and others who may be affected or interested. Even with the best-designed social impact assessments, agreements, engagement programs and risk mitigation strategies, conflicts and disagreements can still occur, in some cases with the potential for rapid escalation. Grievance handling procedures are required to ensure that VMGs are able to lodge complaints or concerns, without cost or fear of retaliation, and with the assurance of a timely and satisfactory resolution of the issue.

188. Under the KSEIP investment, the existing NSNP G&CM structure will be strengthened to address any grievances or complaints that may arise from the implementation of KSEIP activities, thereby avoiding fragmentation and establishment of parallel structures and systems on the ground. Among others, this would involve the continued roll-out of the NSNP G&CM mechanism by strengthening the functions of existing NSNP community level structures dealing with complaints and grievances (i.e. BWCs), and/or developing new community level G&CM structures for the social and economic inclusion activities, as necessary.

189. Vulnerable and marginalized local communities and stakeholders may raise a grievance at all times to the KSEIP and the executing agencies about any issues covered in this framework and the application of the framework. The VMGs should be informed about this possibility, and be provided with all the necessary information, including contact information of the respective organizations at relevant levels, so that they are empowered to make complaints or lodge grievances, as appropriate. The strengthened G&CM arrangements should be described in the activity-specific operations manuals and VMGPs.

190. It is important to note that many of the factors that may give rise to conflict between VMGs and proposed project investments, can also be a source of conflict with non-VMGs as well. These include, for example:

- Absence of broad community support
- Inadequate engagement in decision-making processes
- Poor targeting of beneficiaries and exclusion
- Broken promises and unmet expectations of benefits
- Disruption to amenities and lifestyle
- Loss of livelihood
- Violation of human rights
- Social dislocation

191. In addition, however, there are some contextual factors that have particular salience for vulnerable and marginalized people and their relations with KSEIP interventions. For example, perception of a lack of respect (perceived or actual for indigenous customary rights or culture, history and spirituality) in project implementation is likely to trigger a strong reaction.

9.2 Strengthening the NSNP G&CM Mechanism for VMGs

192. A key element during the development of VMGPs will be the way in which it interacts with the existing G&CM mechanism, to be strengthened under KSEIP. Grievances will need to be actively managed and tracked to ensure that appropriate resolution and actions are taken. The time schedule defined under the existing G&CM for resolving grievances would need to be maintained, ensuring that they are addressed in an appropriate and timely manner, with appropriate corrective actions being implemented and the complainant being informed of the outcome. The G&CM mechanism shall need to have both a proactive and reactive approach. The proactive approach should follow Free Prior and Informed Consultations to promote consensus using multiple processes and dialogue to engender broad community support for a project.

193. Strengthening of the existing G&CM structure under KSEIP (either in terms of reforming the composition and building capacity of existing BWCs or establishing new structures) should be done in consultation with the respective impacted VMG communities in order to ensure that the enhanced G&CM structure is in line with the suggestions made by the VMGs representatives. This will ensure that the resultant G&CM structures are culturally appropriate and robust, inclusive, accessible and time-bound.

194. At a minimum, the enhanced KSEIP G&CM should provide for:

- Provision of information on the G&CM and accessible focal points and mechanisms for registering of grievances;
- and deliberations on the way forward with respect to those C&Gs that are known
- Explanations on the eligibility criteria for getting involved in project activities in terms of registration into NHIF, economic inclusion, HSNP, and nutrition sensitive safety net services;
- Clarification on the roles and responsibilities of key stakeholders; and
- Community participation in conflict resolution and public awareness.

195. The reactive approach envisages that conflicts arising in the course of project implementation will be managed through the G&CM mechanism in place or in line with the law.

9.3 Grievance Redress Process

196. All sections of the community where KSEIP is being implemented, including those with low levels of literacy, should be able to access the existing G&CM mechanism easily. The KSEIP implementing agencies and partners should be fully cognizant of G&CM mechanisms, and should facilitate access by maintaining and publicizing multiple access points to complaint mechanisms, such as at the project sites and in key locations within communities, including remote communities.

197. Simplicity will be a factor in making any G&CM mechanism effective so that it is understood and applied by community members with low literacy levels. However, VMGs will need assistance in documenting complaints and reporting. The principle should be that complaints and grievances are resolved at the earliest opportunity and at the lowest possible level – the community.

198. The grievance procedure does not replace existing legal processes. Based on consensus, the procedures will seek to resolve issues quickly in order to expedite the receipt of entitlements, without

resorting to expensive and time-consuming legal actions. If the grievance procedure fails to provide a result, complainants can still seek legal redress.

199. The procedure of grievance redress would need to be incorporated in the enhanced BOS and communication strategies and key relevant messages should be disseminated widely prior to implementation. Participatory consultation with affected households would need to be undertaken during project planning and implementation stages.

200. The VMGPs will establish a mechanism to receive and facilitate resolution of affected VMGs concerns, complaints, and grievances for each KSEIP activity, aligned with the existing G&CM mechanism and with assistance from the relevant NSNP officer responsible for KSEIP implementation at a given project area. Assistance to VMGs will be given to document and record the complaint. The strengthening of the G&CM mechanism under KSEIP will be undertaken with the objective of solving disputes with the shortest time possible.

201. Marginalized and vulnerable communities will be provided with a variety of options for communicating issues and concerns, including in writing, orally, by telephone, over the internet or through more informal methods as part of the grievance redress mechanism. In the case of marginalized groups (such as women and young people), a more proactive approach may be needed to ensure that their concerns have been identified and articulated.

202. Where a third-party mechanism (i.e. complaints made through a Chief or BWC) is part of the procedural approach to handling complaints, one option will be to include women or youth as representatives on the body that deals with grievances. It should be made clear that access to the mechanism is without prejudice to the complainant's right to legal recourse. Prior to the approval of individual VMGPs, all the affected VMGs will have been informed of the process for expressing dissatisfaction and seeking redress. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency.

9.5 Additional Redress – World Bank GRS and Inspection Panel

203. A complaint or grievance could also be submitted to the World Bank's Grievance Redress Service (GRS) and the World Bank Inspection Panel. The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the World Bank's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of World Bank non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and World Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

9.6 Forms of Complaints

204. There are certain circumstances when a complaint pattern emerges. In such cases, the implementing agencies through their local level staff will discuss possible remediation, in collaboration with traditional leaders and other relevant key stakeholders, as appropriate. The local leaders should be consulted for advice on revisions to procedures, if necessary. KSEIP implementing agencies, local administration, traditional leaders and VMG representatives will be responsible for communicating any changes to future potential project affected persons when the consultation process with them begins.

205. The grievance redress process should take into account their customary dispute settlement mechanisms, the availability of judicial recourse and the fact that it should be a process considered by all stakeholders as independent and capable of resolving issues. Effort should be made to integrate both indigenous and corporate ways of resolving problems into the complaints mechanism, to the extent possible. Systems and procedures should adequately reflect VMGs preferences for direct or indirect interaction, negotiation, debate, dialogue, and application of indigenous traditional management and/or ceremony, with external agents to ensure mutually acceptable processes and outcomes.

206. Where a KSEIP activity involves more than one VMG, there may well be multiple accepted culturally appropriate methods for dealing with problems. Given the often-marked differences between a development project and indigenous cultures, it is highly desirable to utilize processes that focus on dialogue, building cross-cultural understanding, and through this, finding mutually agreeable solutions. Such approaches are more equitable and, on a practical level, are more likely to facilitate viable, long-term resolution of community issues and concerns.

9.7 Grievance Log

Documentation and Recording

207. The importance of documenting complaints and grievances, whether communicated informally or orally cannot be exaggerated. Records provide a way of understanding patterns and trends in complaints, disputes and grievances over time. Complaints and grievances should be logged, assessed, assigned to an individual for management, tracked and closed out or “signed off” when resolved. Under ideal circumstance, the complainant(s) should be consulted, where appropriate, and informed of the resolution. While transparency should be maintained – for example, through regular reports on issues raised and rates of resolution – provision should also be made for confidentiality of information or anonymity of the complainant(s) whenever necessary.

208. A grievance log should be maintained by the KSEIP implementing agencies (SDSP and NDMA), and copies of the records should be kept with all the relevant authorities at the County, Sub-county and Village level and will be used in monitoring of complaints and grievances. Through the existing G&CM module (to be strengthened under KSEIP), records of the complainant (with individual reference number) and dates for the following events will be kept: (i) a complaint was reported; (ii) grievance log was uploaded onto the project database; (iii) information on proposed corrective action was sent to complainant (if applicable); (iv) Complaint was closed out; and (v) Response was sent to complainant.

Responding to complaints

209. At the point at which the parties agree on a path forward, such as an apology, compensation or an adjustment to an activity, an action plan should be formalized and implemented. The nature of the issues will determine whether the response is a single task or a series of tasks. Effective responses will also include engagement with parties involved to ensure that the response continue to be appropriate and understood. Communities should also be advised of the closeout of the issue and what has been done to achieve it. This feedback provides an opportunity for the KSEIP to demonstrate that it has addressed the issue as well as confirm that the community considers the response satisfactory and the matter closed.

Root cause analysis

210. Section 7.1 enumerated that many factors that can potentially lead to conflict or disagreement between project activities and communities, both vulnerable and marginalized or otherwise. Though it is not always possible to identify root causes, some issues will warrant deeper analysis in order to better understand its dynamics and avoid its further escalation. In the absence of a tailored methodology for analyzing community-related disputes and grievances, Root Cause Analysis method may be adapted to guide this understanding.

Monitoring Complaints

211. Collection of data on community interactions, from low-level concerns and complaints to ongoing disputes and higher-order grievances is important. The significance of this is that patterns can be identified and project management alerted to high-risk issues. Effective monitoring may also help to prevent the escalation of lower-level disputes into more serious conflicts.

212. Several channels could be used in gathering information related to monitoring of the VMGPs, including: formal review, evaluation and analysis or through day-to-day interaction with VMGs. Monitoring will help determine the effectiveness of processes for responding to community concerns, such as tracking complaint resolution rates over time. This information can then be used to refine the system and improve the outcomes being achieved. The outcomes of monitoring should be reported formally to the community on a regular basis, in addition to being used for internal management purposes. The VMGs & relevant NSNP Officer for a specific KSEIP activity in a given area will be responsible for:

- Providing reports detailing the number and status of complaints;
- Any outstanding issues to be addressed; and
- Monthly reports, including analysis of the type of complaints, levels of complaints, and actions to reduce complaints, generated through the decentralized G&CM module currently under development.

10 DISCLOSURE ARRANGEMENTS

10.1 Introduction

213. In line with Kenya's CoK, 2010 and the World Bank's Public Disclosure Policy, 2011, transparency and accountability are critical in development process towards poverty alleviation. Thus, public disclosure of the VMGF will take the form of: (i) the activities that the project is funding; (ii) how resources have been allocated and spent; (iii) the progress in implementing the project; and finally, (iv) experiences and lessons learnt to be shared amongst project participants and stakeholders.

214. Appropriate medium of disclosing this information shall be determined from time to time, although consultations revealed that public barazas (open community meetings), MLSP county and sub-county and chief's offices would be preferred for VMGs, but in appropriate language understood by VMGs. A summary would be preferred in this case. The full report should be disclosed at the County and Sub-county headquarters. Finally, is posting it on the implementing partners websites, particularly those of NDMA and the Social Protection Secretariat, as well as the World Bank's InfoShop to allow the public and interested stakeholders to be informed and provide feedback.

10.2 Disclosure arrangements for VMGPs

10.2.1 Communication Framework

215. SDSP and NDMA will manage and implement KSEIP, with operational details of specific activities to be finalized during project preparation and implementation phases. This shall include strengthening the existing Beneficiary Outreach Strategy to elaborate the principles, strategies and structures on how the KSEIP and beneficiaries, including the affected VMGs, should interact at each stage of project preparation and implementation to satisfy the criteria of free, prior and informed consultations.

216. For the most part, the already established BWC, together with the responsible NSNP officer, would be responsible for liaising between KSEIP and beneficiaries, including VMGs, if they are present and impacted by a KSEIP activity. As such, these BWCs should also include VMG representatives. The BWCs should be informed about the planned KSEIP activity in their area so that they can effectively communicate relevant information to the community and beneficiaries, again including VMGs. They should also gather information and feedback from the vulnerable and marginalized communities to channel them to the relevant governmental structures and the KSEIP. Thus, the BWCs should communicate and raise awareness of the rights and entitlements of the beneficiaries, as well as to complement program officers and serve as an additional conduit for engaging with the beneficiaries and stakeholders.

9.2.2. Disclosure

217. This VMGF and VMGPs will be made available to the affected VMGs in an appropriate and accessible form, manner, and language. Before project appraisal, the Government of Kenya has sent this social assessment and draft VMGF to the Bank for review. The World Bank accepted the documents as providing an adequate basis for project appraisal, and the social assessment and VMGF were publicly disclosed on 9 July, 2018 and 10 July, 2018, respectively. The World Bank has also made these available to the public in its external website in accordance with World Bank Policy on Disclosure of Information. Following the

appraisal, the GOK is committed to making the documents available to the affected communities and reiterate the findings and recommendations throughout the project operation. It was agreed that a national level consultation with key stakeholders, particularly representatives of VMGs, will not be held due to limited funding and challenges of VMGs and VMG representatives to travel to the capital. Instead, key findings and recommendations of the VMGF, particularly in terms of the need for inclusion of VMGF in project benefits, will be included in the on-going outreach activities of the NSNP at the local levels, and will be further scaled up during the implementation phase, prior to the start of implementation of related activities in affected target locations, in an effort to share and seek feedback on the Social Assessment and VMGF and its measures to enhance benefits to VMGs.

218. Each VMGP will be disseminated and communicated to the affected VMG with detailed information of the activity to be implemented in their area. This will be done through public consultation. Electronic versions of the VMGF, and a sample of the VMGPs will be placed on the official website of SPS and NDMA, and the official website of the World Bank after approval and endorsement of the VMGF and VMGPs by the World Bank.

11 CONCLUSIONS AND RECOMMENDATIONS

Conclusions

1. The proposed KSEIP provides an avenue for social and economic inclusion for some of the VMGs in selected counties in Kenya. However, inclusion, greater engagement and participation of VMGs still remains a challenge. This social assessment was considered to be a good starting point for the engagement of VMGs, which the implementing agencies can build on. The consultation process brought to the fore the need to involve the VMGs at the very earliest stage of design and throughout implementation and monitoring.
2. Relevant stakeholders, from the Beneficiary Welfare Committees at the village level up to the MLSP staff at the national level, do not have sufficient understanding and knowledge of the VMGs, their geographical location and how to reach them. Effort is required to ensure that all stakeholders involved in the implementation of KSEIP are aware of the presence of the VMGs and of the need to ensure that they are not excluded.
3. In some counties where SA consultations took place, it was noted that ineligible individuals were included in the NSNP, or that some beneficiaries were receiving benefits from multiple programs. This points to the need for a recertification of NSNP beneficiaries, including a need to ascertain the VMG status of beneficiaries and re-register them in the NSNP, as appropriate.

1.10 Recommendations

1. For greater engagement and inclusion of the VMGs, there is a need to involve the community at the very earliest stage of KSEIP project design and throughout implementation and monitoring phases. During implementation, inclusion of VMGs and their relationships with other communities, as well as the impact of the project on their welfare should be adequately monitored.
 - a. Appropriate communication and outreach activities during the targeting process and around the G&CM should be undertaken. The Beneficiary Outreach Strategy should specifically ensure that appropriate mechanisms to reach VMGs and provide information are considered. This may need to be tailored to different VMG groups, depending on their remoteness, language, literacy level, integration into the broader communities and civic education.
 - b. Track the number and type of complaints that are lodged with the program and the actions taken and ensure that appropriate mitigation measures are planned and implemented.
 - c. Carry out periodic reviews of beneficiary and grievance data to ensure targeted locations where minorities are present are reached.
 - d. Ensure that barriers to inclusion (e.g. difficulty securing IDs) are addressed for eligible population, including VMGs.
2. There is a need to further sensitize and build capacity of all relevant stakeholders on proper identification and inclusion of different categories of VMGs. As such, the KSEIP implementing agencies should review and elaborate the existing VMG databases under NSNP for each KSEIP county and add information on how to reach the VMGs. Furthermore, program officers should be sensitized on the stigmatized conditions, and how to include such groups in KSEIP. This will enhance understanding of the characteristics and locations of VMGs, and create awareness about the VMGs among the officers for better engagement and targeting. Consultation with key informants, collaboration between MLSP and NDMA and other government and civil society organizations who work with special groups should be encouraged.

3. Training and civic education of the communities should be undertaken to enhance understanding of their rights and entitlements including of VMGs. Training of rights can be done as part of beneficiary outreach for all NSNP beneficiaries and communities.
4. In communicating with VMGs, ensure that the mechanism and messages are accessible and can be easily understood by all. Consultations with VMGs on the most appropriate way to reach them and multiple mechanisms are necessary.
5. When targeting minorities, involve the majority groups in the planning to get their support and promote cohesion. Ensure also that women and youth groups are appropriately consulted how best to involve them and their recommendations for the program to achieve its objectives.
6. The implementing agencies need to prepare a VMGPs for each county or KSEIP activity if VMGs are identified to be present in the county. Specifically, VMGPs will be prepared for the testing of economic approaches, as the impact on VMGs is expected to be the greatest under this activity. However, VMGPs will also be prepared for the other two activities (cash transfer and expansion of the safety nets), if deemed necessary following the identification of VMGs in project locations. Approval by the World Bank on the VMGPs would need to be sought before implementation.

10.2.3 Roles and Responsibilities

KSEIP Implementing Agencies

The County KSEIP implementing agencies will be responsible for:

- Identifying VMGs in their counties including where they are and how to reach them;
- Developing VMGPs to identify adverse impacts, develop mitigation measures, and provide guidance on how implementation of mitigation measures will be financed and monitored.
- Assessing project impacts and efficacy of the proposed measures to address issues pertaining to affected VMGs. When implementing project activities, impacts and social risks, circumstances of the affected VMGs, and the capacity of MLSP and NDMA county and sub-county offices to implement the measures should be assessed.
- Assessing the adequacy of the consultation process and the affected VMGs' broad support to the project. This would include monitoring VMGP implementation, addressing constraints to implementation, and documenting lessons learned concerning VMGs and the application of this VMGF/VMGP.

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5. Approve the VMGF for the KSEIP.
6. Receive all the VMGPs prepared, review them and provide a No Objection or otherwise prior to KSEIP activity implementation.
7. Capacity building support to the social safeguards focal points as necessary.
8. During implementation, conduct field monitoring and evaluation, as necessary.

ANNEX 1: ONE PAGER FOR VULNERABLE AND MARGINALISED GROUPS IN THE NATIONAL SAFETY NET PROGRAM

1. The Kenya Constitution and World Bank lending requires that Vulnerable and Marginalized Groups (VMGs) are not excluded and that they are consulted in programs in their areas. For the National Safety Net Program (NSNP) this means that program officers on the ground need to make sure that they understand the VMGs in their county and how they can be reached and included, and ensure they are informed about the program and the Complaints & Grievance mechanism and that they are not excluded from the program if they fit the targeting criteria.

As per Article 21 of the Constitution, all State organs and all public officers have the duty to address the needs of **vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalised communities, and members of particular ethnic, religious or cultural communities.**

Marginalized communities are defined in Article 260 (in line with the World Bank's policy OP4.10⁷) as:

- (a) A community that, because of its relatively small population or for any other reason, has been *unable to fully participate in the integrated social and economic life* of Kenya as a whole;
- (b) A traditional community that, *out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life* of Kenya as a whole;
- (c) *An indigenous community that has retained and maintained a traditional lifestyle and livelihood* based on a hunter or gatherer economy; or
- (d) *Pastoral persons* and communities, whether they are—(i) Nomadic; or (ii) *A settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life* of Kenya as a whole;

Concrete actions for NSNP county officers to ensure that VMGs are not systematically excluded from the program are:

- 1. Consult with *key informants* to identify in which locations VMGs are found and the best mechanisms for reaching them (and record this in the VMG analysis by county sharing and agreeing with other county NSNP officers)).
- 2. Ensure that local *VMG leaders* are provided with information about the program and registration procedures. If there is no mobile coverage in the area, identify people in the community who may be able to receive texts and will pass on the information to the rest of the community.
- 3. Ensure *adequate participation by VMGs in awareness creation activities by the NSNP*. This should include holding separate barazaas if VMGs do not attend general barazaas (also for women if they will not attend or speak in a meeting with both men and women).

⁷distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

- (a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- (b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to natural resources in these habitats and territories;
- (c) customary cultural, economic, social or political institutions that are separate from those of the dominant society and culture; and
- (d) an indigenous language, often different from the official language of the country or region.

4. Record in the *VMG table (to be distributed to county officers) measures taken to reach these groups, document any lessons learned* and share with other county staff and the with HQ team who can share with other counties.
5. Monitor the *expansion of programs or replacement of beneficiaries and explore if/why uptake amongst VMGs is low in particular areas* where they reside.
6. Encourage *diversity in staff and representation from VMGs in e.g. Beneficiary Welfare Committees (BWCs) and Rights Committees (RCs)*.
7. Constantly *monitor and be alert to the possibility of exclusion of VMGs* in the NSNP and other negative social impacts

ANNEX 2: COUNTY ANALYSIS OF VMGS FOR KSEIP COUNTIES

Verify and add to the VMG database for KSEIP Counties. Consult with key informants county government, chiefs and CBOs on VMGs and how to reach them.

Counties	Groups	Subcounty: Location	Characteristics/livelihoods/other info	Suggestions on how to reach/communicate with or work with these groups/lessons learnt
Garissa	VMG among Somalis	The vulnerable groups include the remote nomadic pastoralists, including the Bahgari, Ogaden subclan. Ogaden are the overwhelming majority in Garissa and Wajir South. Abdalla: Garissa South and Ijara, Abdwak: central parts of Garissa in Mbalambala and Dujis, Fafi, Danyere, Sankuri, Jara-Jilaa, Bura Aulihan: North in Modogashe (Lagdera) and Dujis. Wajir south (Habaswein) you have the Mawabul, the Mohamed zubeir, the bah geri and the geri.	Remote nomadic pastoralists and the Bahgari subclan of Ogaden clan considered more marginalised due to remote, nomadic lifestyle (DRDIP SA)	Pastoralists: Reach through markets, water points and representatives, consider implications of investments on grazing access and settlement/degradation
	Munyoyaya / ilwani/ Waliuana	Along the Tana river e.g. Balich village, Sankuri location, Fafi subcounty, Madogo.	36 households in Balich. Most moved to Tana River. They are Bantu and looked down upon, with low education levels and representation	
	Boni/(Awer /Gaboye/Sanye)	Bodhai ward (Boni forest), Ijara sub county	hunter gatherers, Gaboye is the Somali term for all 'outcaste' clans	
Isiolo	Majority Boran and Gabra			
	Waata	Garbatulla/Kinna, between 2,000 - 3,000 people, most coming from Isiolo South constituency	Hunter gathers, farming, pastoralists, casual labourers historically looked down upon, recognised in the last census as an independent group	
	Sakuye	Garba Tulla, Malka Daka and Gafarsa	Boran speaking camel keeping people who originally derive from ancient Somali	

Counties	Groups	Subcounty: Location	Characteristics/livelihoods/other info	Suggestions on how to reach/communicate with or work with these groups/lessons learnt
			ancestry through the Garre and Rendille, who over the centuries adopted the Boran culture and language, and were identified until recently as Boran. The Sakuye have a significant population in Isiolo, and have about twenty customary leaders there called 'Hayyu.' Many lost their camels during the shifta war (Hogg)	
	Gabra	Merti, Garbatulla, Isiolo Central: Garba, Malka Daka and Gafrsa,	Boran speaking camel keeping people who derive from ancient Somali ancestry through the Garre and Rendille. Adopted the Boran culture and language, and were identified until recently as Boran. Gabra are found in two groups the Gabra Malbe in North Horr, who practise traditional customs or are christianised, and divide into 5 'moieties' see (father Tablino); and the Gabra Migo in Moyale who mainly very Muslim. Have own villages in places like Ola Goda in Bulesa. Gabra have participated in Isiolo politics and have produced leaders at the County level, but they have until recently aligned to the larger Boran around them, and successfully downplayed separatism. The Isiolo Gabra may be affected by spill-over of the increasing political hostility between the Gabra and the Boran major groups contesting bitterly over the coveted Marsabit Governor position, where the ethnically based conflict, fighting, killing and massacres escalates in Turbi, Saku and Marsabit Mountain.	

Counties	Groups	Subcounty: Location	Characteristics/livelihoods/other info	Suggestions on how to reach/communicate with or work with these groups/lessons learnt
	Enuru/Samburu	Merti, Kalawash/Kipsing location/Oldonyiro Ward	Pastoralists and blacksmiths, 2 different and conflicting Samburu subclans, one is represented by Deputy Speaker, other no representation. Women particularly marginalised in decision making	
	Meru	Mainly in towns	Small group of traders, do not fit criteria	
	Mining people	Garbatulla	Various tribes who lost livestock and make a living from scavenging mining chips, however do not have a unique language (not ethnic grouping)	
	Turkana	Ngare Mare ward in Isiolo Central and Burat ward	Most of the Isiolo Turkana come from Baragoi and Maralal in Samburu County, and settled around Isiolo town where they found employment with the growing enterprises. With the decline of the Somali enterprise and livestock keeping with the Shifta wars, the Turkana came into their own, taking over large parts of Isiolo Central. Some chiefs are Meru	
	Boran	Garbatulla subcounty	Majority group, many pastoralists	
	Somali	Isaq and Herti clans: Bulla Pesa, Isiolo Central Garre and Ajuran: Burat With some Ashraf, Gerri and Ogaden clans Wabera ward	Settlers of the Isiolo Central as retired British Army soldiers from present day Somaliland; the Garre and Ajuran of Burat ward; the Ashraf; Gherri and Absame clans from Wajir, North Eastern Province and several other minor clans.	
	Nubi/'Arera'	Bulla Pesa ward	Originating in South Sudan, the Nubi fought for the British in the colonial wars, and their descendants in Kenya have found themselves marginalised in several places, including Kibra slums of Nairobi, Eldama Ravine, and Isiolo. The linkage between the different Nubi clusters dwindled with time,	

Counties	Groups	Subcounty: Location	Characteristics/livelihoods/other info	Suggestions on how to reach/communicate with or work with these groups/lessons learnt
			and in Isiolo a mixture of people from several different tribes and clans intermarried with the Nubi to form an essentially tribeless group called the 'Arera'. Without political patronage, lacking the numbers to be significant in politics, the Arera's find themselves trapped in joblessness, poverty and seclusion.	
Marsabit	Majority Gabra, Rendille and Boran.			
	Gabra	The Gabra live in two clusters, the larger group, the Gabra Malbe live in the Chalbi, Maikona and North Horr, while the Gabra Migo live in the Moyale area. Chalbi Desert, North Horr, Kalacha, Maikona, Hurri Hills, Bubisa, Turbi and Chur	Pastrolaists, Gabra Migo are Muslim, while the more populous Gabra Malbe observe Gabra traditional beliefs, and many have adopted Christianity while others are Muslim. Gabra Malbe are nomadic pastoralists who move in a large arc from the shores of Lake Turkana to the Marsabit Mountains, the Hurri hills and the borders with Ethiopia. Gabra Migo have become traders and business people in Moyale and Marsabit towns, and work well with related Gabra groups, the Sakuye and the Garre.	PISP and PACIDA are local NGOs working in the larger Marsabit County especially within the Gabra
	Boran	Amabalo location (Bathan-Rero, Amballo and Boshodha sub locations)	Live in Marsabit Mountain within 20 km only of Marsabit town, in Sololo and Moyale where there is now tarmac road.	
	Rendille	Ntil, Mbagas, Larafas, Foroken, Losidean (around Lortacho), Korr, Kargi, Kurkum, Laisamis, Loglogo, Hulahula, Songa, Olturot, Loiyangalani	Pastoralists (mostly camel keepers), dwindling populations	Chris Ogom/Jeremiah Ogom (Kargi) African Inland Church Korr CARITAS Marsabit
	Daasanach (Eth)/Shangilla (Ken)	Ileret	They are pastoralists and also fishermen. They are Cushitic people who have adopted the Nilotic culture of the Nilotic people around them. Most live in southern Ethiopia , but those in Marsabit are but mainly in the	PACIDA and CARITAS Marsabit work with the Dasanach. HSNP found that could only enter the

Counties	Groups	Subcounty: Location	Characteristics/livelihoods/other info	Suggestions on how to reach/communicate with or work with these groups/lessons learnt
			far west isolated area of Ileret, North Horr, more than 400 kms from Marsabit town. The Dasanatch maintain much of their traditional cultures, and within Marsabit, they have a reputation as fierce people who are skilled in gun battles mainly defending access to the shared dry season grazing areas of Dukana and Bulesa (check???). Dasanatch areas have not had the advantage of modern education and services, and they resist outside influence. The HSNP program found that they had low enrolment and ownership of ID cards and had to employ local people to access the community.	communities by employing people from community.
	Waata/Waayu (derogatory term: Waata)	North-Horr, Dukana (71.9), Marsabit (Dirib-Gombo), Hurri Hills, Maikona, Kalacha, Balessa, el-hadi Garwale	Hunter gathers, farming, fishing, pastoralists, casual labour	
	Konso (originally from populous Konso group of Ethiopia, an Omotic people like the Burgi, as opposed to Cushitic Somali,	Dub Gobba, Qachacha, Dakabaricha, Dalachas	Petty business, blacksmiths, originally pastoralists, around 2,000. Dwindling population. The Konso are part of the Omotic group of Western Cushites, and originate in Ethiopian. They migrated to Moyale and Marsabit in small numbers, adopted the Boran language in addition to their own language, and take the livelihoods of their hosts, although most are farmers in the Mountain areas.	

Counties	Groups	Subcounty: Location	Characteristics/livelihoods/other info	Suggestions on how to reach/communicate with or work with these groups/lessons learnt
	Gabra and Borana).			
	Deis	Telesgei	Purely fishing	
	El-molo	Loyangalani and Moite	Fishing. 2944 according to 2009 census but previously thought to be only 100 persons. Until recently spoke a Cushitic proto-Rendille Somali language which has been overtaken by use of the Samburu language. El Molo have also adopted the material culture and clothing, and ochre body paint of the Samburu. As fewer people speak the El Molo language, they are in danger of extinction.	
	Turkana	Loyangalani and Moite	Fishing and pastoralism,	
	Burji	Two groups one around Marsabit Mountain especially in the Manyata and Badasa area, and the other in Moyale Central areas	Crop farmers. The Burji have their own distinct language which is closely related to the Sidama languages of Southern Ethiopia, although it is listed as one of the ten Kenyan languages that is in danger of becoming extinct. Most of the Burji today also speak the Boran language, and most of them have adopted the Muslim faith, with others becoming Christian. Burji came to Kenya during the British colonial period, and were the first farmers on the Marsabit mountain, and they now number about 25,000. The Burji have supplied food crops in both areas, and have been a hard-working group that supplied labour to the growing towns. They are heavily involved transport and livestock trade.	
	Samburu/Ariaal	Karare, Ilaut, Ngurunit, Farakoren and South Horr, Arapal (west side of Mt Kulal)	Pastoralists. Have Rendille origin but have been assimilated into Samburu culture and cattle keeping. Remote areas	

Counties	Groups	Subcounty: Location	Characteristics/livelihoods/other info	Suggestions on how to reach/communicate with or work with these groups/lessons learnt
	Somalis	Urban dwelling group, small pockets in Moyale		
	Sakuye	Dabel location (Dhirdima, Missa, Dabel, Gola and Guyo Tima sublocations) Moyale sub county The Sakuye stronghold in Marsabit County is in the Golbo area of Moyale, in the Dabel plains between Wajir and Moyale; they are also found in Sololo, Turbi and in the Marsabit central areas of Sagante, Nagayo, Quilta.	Semi-nomadic, hunters, around 27,000, low ID ownership. Linguistically they are closer to Borana, but they are camel keepers unlike Boran. Most Sakuye reside Dabel in Moyale and Garba Tula in Isiolo. They have politically and culturally been associated more with Borana. In the last election in Marsabit they were one of the 'corner tribes' that constituted REGABU. Sakuye are mainly Muslims, Primarily camel keepers, but lost most of their stock in the Shifta wars, and many were reduced to poverty that they have not recovered from.	Gedhia Mamo, an employee of the County Government (PO) is a Sakuye who might be useful in getting through to local elders and groups. She's been in charge of culture and tourism and has worked extensively with womens' groups of all communities in Marsabit
	Arabs	Marsabit town		
Samburu	Samburu	8 clans	Pastoralists majority	
	Il Kunono (means blacksmith-part of each Samburu clans that are blacksmiths)	Maralal: (Lkurumlelowua, Tamiyoyo, Baawa, Lolengai, Suguta marmar Laisimis: (Lodungokwe, Wamba, Serolip Ndikir Nanyokwe, latakwe -Barsaloi)	Blacksmiths, livestock	
	Dorobo (derogatory term meaning hunter)	Wamba (Mathews range)	Beekeeping, farming, brick making, sand harvesting, speak Samburu, but culturally more like those from Lakipia	Taken out by Bank, recognised by the AU

Counties	Groups	Subcounty: Location	Characteristics/livelihoods/other info	Suggestions on how to reach/communicate with or work with these groups/lessons learnt
	gatherer /Il torobo			
	Turkana	Samburu North, especially Nachola and Baragio, but they are also found around Archers Post among the Samburu.	Livestock, charcoal	
	Arial Rendille	Ndoto Mountains		
	Somali	towns	Traders, not IPs as do not have cultural attachment to land	
	Meru	Samburu North	Traders, not IPs	
	Kikuyu	Maralal	Traders, buying land, not IPs	
	Sweii –	Wamba, Igialyi River Ngenye, Ngolgotium, Samburu East, Lodonqui, ndonyo wasin, ndyo Nasipa	Pastoralists, could be extinct???	
Tana River	CIDP: Pokomo, Orma, Wardei, Somalis, Malakote, Munyoyaya and Wata. Pokomos, Munyoyaya and Malakote engage in farming activities while the Orma, Wardei and Somalis are mainly livestock keepers			
	Orma majority	Bura, Hola, Garsen	Semi-nomadic herders, small-scale trading	<ul style="list-style-type: none"> - Generate and disseminate IEC Materials in local languages and Arabic apart from English and Kiswahili. - Use of the focal person /positive role models/opinion leaders
	Pokomo	Bura, Hola, Garsen Pokomo live within one or two kilometers of the River Tana on a narrow strip that runs for a 150km from the delta to beyond the County capital Hola; with the Malachini living in the Delta area, in towns	Farming (green grams,bananas,maize,rice), fishing, traditional weaving. In the widest use, the term ‘Pokomo’ covers all the riverine Bantu people of Tana River, who make up just under half of the population of Tana River County . The Tana River Bantu	<ul style="list-style-type: none"> - Generate and disseminate IEC Materials in local languages and Arabic apart from

Counties	Groups	Subcounty: Location	Characteristics/livelihoods/other info	Suggestions on how to reach/communicate with or work with these groups/lessons learnt
		like Ngao and Tarasa, while the Malalulu are found around and north of Garsen up to Hola	include the four 'tribes,' namely: (1) Lower Pokomo, (2) Upper Pokomo, (3) Ilwana (or Malakote), and the (4) Korokoro (or Munyo or Munyo Yaya). Strictly speaking, the name Pokomo refers to 'the Lower Pokomo', (called the Malachini) and 'Upper Pokomo' (Malajuu). Pokomo sub-tribes called vyeti, are composed of clans or 'sindo'; with each sindo containing two or three lineages (houses), usually named after prominent living members. Members of a house meet occasionally for marriage negotiations and land disputes, but the important unit is the 'the sub-lineage - a group of men living on one contiguous segment of clan land' who work together to resolve everyday livelihood issues.	English and Kiswahili. - Use of the focal person /positive role models/opinion leaders
	Wardei		Speak Somali, but were Orma in recent past. The original Wadei are of Orma or Oromo origin (of the Wara Daya moiety, Barentu as opposed to Boran Oromo). They were absorbed into Somali clans in the 1800 wars of Jubaland, (see Turton, history of Jubaland), took up Islam, but felt discriminated against by the Darood Ogaden. They Orma and Wardei in Garissa were transferred across the Tana river into Tana River County to join their cousins the Orma by the British Colonial power, which created the Somali-Galla line from Wajir, Isiolo to Tana River in order to stop the 'invading' Somali from overwhelming the Borana and Orma, and to stop the	

Counties	Groups	Subcounty: Location	Characteristics/livelihoods/other info	Suggestions on how to reach/communicate with or work with these groups/lessons learnt
			resistance of the armies of the Sayid Abdulle Hasan (Mad Mullah). Today the Wardei are composed of original Orma who are Somali speaking, and somali immigrants from minority clans like the Dir, Galjeel, who were persecuted in Coast and north East Province (see Human Rights reports from MUHURI, Kenya Human Rights, and Kenyan Court files). Politically, Wardei have the Speaker Tana River County Assembly Dr Nuh who is a former MP Bura, Deputy Governor Tana River County, and Hon Sanei, Senator Tana River. Governor Tana County Hon, Husein Dado is an Orma, as well as MP Bura and MP Galole.	
	Waata	Sombo, Hola, Garsen, Tsavo, Sombo, Arabuke Sokoke	Farming, small livestock	
	Munyoyaya	Balambala, in Sala, Mororo, and Saka	Casual work, farming, fishing, now numbering about 2,000) and speak the Orma language.	
	Dahalo	near Kipini at the mouth of the River Tana		-
	Somalis	In the Madogo-Bangal area, Marehan traders. In the Bisan Hargeisa area of Bangal, near the boundary with Kitui county are groups of Digodia and Dir Somali, who live with the Orma pastoralists. Other Somali are found in the far south, around Garsen, where the Gadzan and other Dir clans, as well as the Galje'el pastoralists. Within the urban centers are other Somali of various clan origins who are traders, including the Hawiye.	Various Somali groups have allied themselves with the Wardey, including the Garre, and the Marehan	-
	Waki fundi fundi/Washayu	Hola, Garsen, Tsavo, Arabuko Sokoke	Fishing, mangroves, going extinct	-

Counties	Groups	Subcounty: Location	Characteristics/livelihoods/other info	Suggestions on how to reach/communicate with or work with these groups/lessons learnt
	Malakote /Ilwana	Bura,around Garsen township and Minjila, Madogo	<p>A former hunter gatherer community, County along Tana River where they rely on subsistence farming, fishing, bee keeping and charcoal burning for livelihood. (KCDP VMGP)</p> <p>The name Malakote (meaning slave) was given to Wallwana community by their Somali neighbors who introduced them to Islam and made them slaves. The people today prefer to be called Ilwana (meaning free men) closely related to the Kiswahili word muunguana translated by Krapf and Cust (1882) to be "a free man".</p>	<ul style="list-style-type: none"> - Generate and disseminate IEC Materials in local languages and Arabic apart from English and Kiswahili. - Use of the focal person /positive role models/opinion leaders – the Ilwana,for instance,have a King.
Turkana	Turkana	Most remote and marginalised: Turkana west, Mogila, Nanam, Lorao, Kerii, those far from urban centres (DRDIP)	Turkana ethnic group have 26 sub-tribes including: Yapakuno, Nalukumong, Ngiduya, Ngiponga, Ngipucho, Ngimeturuana, Sonyoka, Ngiduya, Ngijie, Ngidocha and Ngimecharimukata and Kwatela. Among these the dominant is Kwatela. There is a traditional hierarchy of leadership in all the locations where the senior most is the prophet called Emurwan who is followed by the kraal elders then the community members follow. The Emurwan is in charge of directing the community and prophesizing what may befall the community.	
	Ngikebootok	Banks of River Turkwel around Kaputir (92.5), Nakwamoru, Kapelibok, Juluk, Namakat and Nabeye.	Crop and livestock. Ngikebootok, is a general term for poor people, literally means "those without animals". Many of these sites, particularly Nakwamoru and Katilu, have long been the focus of a great	Maybe extinct???

Counties	Groups	Subcounty: Location	Characteristics/livelihoods/other info	Suggestions on how to reach/communicate with or work with these groups/lessons learnt
			deal of aid from Catholic missionaries and NORAD. Not considered marginalised as fertile rangeland	
	El Molo	Kalokol (96.9) (originally from Loiyangalani), They live in Loiyangalani on Marsabit side, Central Islands and Longech past Kalokol in Turkana, Kakuma???	They depend entirely on fishing. They have weak teeth, bones and poorly developed hair. They lack access to education. Only 10 people in Longetch are El Molo the rest are fisherfolk from other communities.	Maybe extinct
Wajir	Somali	Main clans are Degodia (Wajir West), Ajuran (Wajir North), Mohammed Zubir, Ogandeni (Wajir South), some minority clans e.g. Bagri, Gilri and Mahabal in Wajir West)	Ajuran are a minority in Eldas Marehan are a minority in Griftu	
	Gagabey /Bon	Bulla Kibilay (Habaswein sub-district)	Not accepted by other clans, poorest of the poor???	
	Rer-Bahars	Wajir Town	Blacksmiths, from Mohamed Zubir, Ogadan subclan, not necessarily poor, Senator from this clan	
	Boran	Border with Isiolo	Regarded as 'intruders' and not deserving of NSNP	
West Pokot	Sengwer (derog means 'those with nothing')/N dorobo/Cherangani	West Pokot: Chepareria (Kasengwer), Siyoi, Kapolet forest, Talau (38.9), Kamologon (Embobut Forest) Kaisagat, Kaibos, Kaplamai	Forests dwellers/Hunter-gatherers	
	Arkom	Alale, Kalapata, Lorusuk, North Pokot	The Arkom are a minority group that have largely been absorbed within the Pokot and Karamoja. They are so marginalized that majority of them have little or no education.	

Counties	Groups	Subcounty: Location	Characteristics/livelihoods/other info	Suggestions on how to reach/communicate with or work with these groups/lessons learnt
			If not circumcised, women can't hold leadership positions, have upto 6 wives	
	Pokot	Particularly marginalised in: Pokot North: Chemorongit location (Alale division), Korokou sub-location, Kaptolomwo location (Kasei division) Pokot Central: Seker and Lomut West Pokot: Serewo, Chepareria, Sook and Cheptuyia	Agro-pastoralist	
Kisii	Nubians	Slum in Kisii town		
Kitui	<i>Kavonokya sect members – don't fit OP4.10, but but isolated</i>	<i>Mwingi North, spread in all locations</i>	Don't take IDs ,don't go to hospital and don't agree on registration – not IPs	
Makueni	<i>Ngulia derog, means 'ask me again' or pardon me</i>	<i>Kibwezi East, Kibwezi West, along Kyulu hills Kisayani location</i> found mainly in Kikumbulyu in Kibwezi District (cosmopolitan area that is half-way between Nairobi and Mombasa).	Migrated from Kitui and settled in Kyulu Hills initially. They were Hunters and Gatherers. It is a Sub group of Kamba. Often don't assert themselves. However they are renowned as the best dancers and footballers in the area. A little-known community that I would refer to as a sub-tribe of the Akamba known as the Angulia are Due to its rich soils, people from different parts of Kenya settled there to farm using irrigation. Research into the community was done in 2011 for my first book "The End of a Nation: History and Culture of the Dorobo of Southern Kiambu". This book is available in the Chania Bookshop and the University of Nairobi Bookshop. Here is a short synopsis of the section on the interesting people found in the southern parts of Ukambani.	Segment the subculture especially when targeting to ensure that there is equity Very polygamous and protective of their wives, need to have women only meetings for them to speak

Counties	Groups	Subcounty: Location	Characteristics/livelihoods/other info	Suggestions on how to reach/communicate with or work with these groups/lessons learnt
			<p>Though the Angulia are now regarded as part the Akamba, they retain distinct dialects and physical characteristics that set them apart from their neighbours. While it is possible to identify a Ngulia from their pronunciation of Kamba words, many are loath to be called by that name. The reason for this is that the name Ngulia is taken to be derogatory implying low intelligence and backwardness.</p> <p>They can however be regarded as being advanced in traditional sciences and the art of hunting. One of the darker aspects of the Angulia way of life is expertise in magic. Apart from the better known black magic referred to as wooi by the Akamba, the Angulia are adept in a trance inducing variety known as ngeevu. This type is reputedly used to tame wild animals making</p>	
	<i>Persons with Albinism</i>	<i>County wide</i>	Locally commonly called wazungu and most people interact with them very sparingly	<p>Awareness meetings to ensure that there is acceptance Cohesion and co-existence within the community</p> <p>Encourage them to work in groups of other able bodied for social inclusion</p>

ANNEX 3: SUMMARY VMGP FOR KSEIP (AS PER ANNEX b OF OP4.10)

Activities planned in the county under KSEIP and where:_____

VMGP REQUIREMENT	SUMMARY REPONSE
(a) What is the legal and institutional framework applicable to these groups?	
(b) What is the demographic, social, cultural, and political characteristics of these groups, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend?	
(c) Provide a summary of results of the free, prior, and informed consultation with these groups that was carried out during the sub-project preparation and that led to broad community support for the project.	
(d) How will free, prior, and informed consultation be carried out with these groups during project implementation?	
(e) How will these groups receive social and economic benefits that are culturally appropriate, including, if necessary, measures to enhance the capacity of the project implementing agencies?	
(f) Are there any potential adverse effects on these groups from the project (explain)? If so, how will these adverse effects be avoided, minimized, mitigated, or compensated for?	
(g) What are the cost estimates and financing plan for these mitigating measures?	
(h) What are the culturally appropriate procedures to address grievances by these groups arising from project implementation?	
(i) What are the mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the above measures, including arrangements for the free, prior, and informed consultation with the groups?	

ANNEX 4: MONITORING OF INCLUSION OF VMGS UNDER NSNP (TO BE ELABORATED UNDER kseip)

Example questions for external periodic monitoring (to key informants):

1. Are there any vulnerable and marginalised groups that you are aware of that may have been systematically missed out of the program, as per the roll out plan and program criteria, due to their marginalization. If so, what should be done to ensure that they are not systematically excluded, but are considered similar to everyone else during the targeting process?
2. Are you aware of any negative social impacts as a result of the program e.g. conflicts due to the distribution of cash transfers, negative attitudes or violence against beneficiaries, tension within families, disincentive to productive work, traditional support systems etc.? If so, how should they be mitigated? Are there any other social impacts as a result of the program that you are aware of?

Questions to be considered for regular internal NSNP monitoring (to county staff):

1. Have you received the one pager and the matrix per county on VMG analysis and do you understand the purpose of these two documents?
2. What have you done as a result of these documents?
3. What challenges have you faced implementing the activities proposed in the one-pager on VMGs?
4. Do you agreed on proposed measures to address challenges related to VMGs highlighted in the matrix?
5. Are there any VMGs that you are aware of that may have been systematically missed out of the program, as per the roll out plan and program criteria, due to their marginalization. If so, what should be done to ensure that they are not systematically excluded, but are considered similar to everyone else during the targeting process?
6. Are you aware of any negative social impacts as a result if the program e.g. conflict due to the distribution of cash transfers, negative attitudes or violence against beneficiaries, tension within families, disincentive to productive work, traditional support systems etc.? If so, how should they be mitigated?

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