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**Ministry of Agriculture and Livestock
Development**

**State Department for Crop Development and
Agricultural Research**

**Resettlement Policy Framework
for the Food Systems Resilience
Project (FSRP)**

September 2023

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ACRONYMS AND ABBREVIATIONS

ACHPR	African Commission on the Human and Peoples Rights
CHH	Child Headed Households
CoC	Code of Conduct
CSA	Climate-Smart Agriculture
CBO	Community Based Organization
CDDC	Community Driven Development Committees
CIGs	Community Interest Groups
CERC	Contingent Emergency Response Component
CoE	Council of Elders
CoK	Constitution of Kenya
CSO	Civil Society Organizations
CRA	Commission on Revenue Allocation
CLA	Community Land Act
CA	County Assembly
CLMC	Community Land Management Committees
DAT	Disruptive adaptive technologies
EAs	Environmental Assessments
EIA	Environmental Impact Assessment
ELRP	Emergency Locust Response Project.
EMP	Environmental Management Plan
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standards
FHH	Female Headed Households
FPIC	Free Prior Informed Consent
POs	Farmer Producer Organizations
FS	Feasibility Study
FMS,	Farm Management System
GDP	Gross Domestic Product
GoK	Government of Kenya
GM	Grievance Mechanism
ICT	Information and Communication Technologies
IDA	International Development Association
IPM	Integrated Pest Management
IPOs	Indigenous Peoples Organizations
IPV	Intimate Partner Violence
IRP	Income restoration Plan
KAPAP	Kenya Agricultural and Agribusiness Project
KAPSLMP	Kenya Agricultural Productivity and Sustainable crop/asset/livelihood land Management Project
KNCHR	Kenya National Commission on Human Rights

Kshs	Kenyan Shilling
KFS	Kenya Forest Service
KALRO	Kenya Agricultural and Livestock Research Organization
LRA	land Registration Act 2012
LRP	Livelihood restoration plan
M&E	Monitoring and Evaluation
MDAs	Ministries, Departments and Agencies
MDGs	Millennium Development Goals
MEWNR	Ministry of Environment, and Forestry
MSME	Micro, Small and Medium-scale Enterprises
MoALD	Ministry of Agriculture, Livestock, Fisheries and Cooperatives
MoDP	Ministry of Devolution and Planning
MoE	Ministry of Education,
ARAP	Abbreviated Resettlement Action Plan
RAP	Resettlement Action Plan
MoU	Memorandum of Understanding
NARIGP	National Agricultural and Rural Inclusive Growth Project
KSCAP	Kenya Climate Smart Agriculture Project
NCBF	National Capacity Building Framework
NCCAP	National Climate Change Action Plan
NEMA	National Environment Management Authority
NGO	Non-Governmental Organization
NLC	National Land Commission
NLP	National Land Policy.
ESS	Environmental and Social Standard.
ESF	Environmental and Social Framework.
PAD	Project Appraisal Document
PAP	Project Affected Persons
NPCU	Project Coordinating Unit
PDO	Project Development Objective
PIC	Public Information Centre
PIM	Project Implementation Manual
PCU	Project Coordinating Unit
PDO	Project Development Objective
PICD	Participatory Integrated Community Development
PIM	Participatory Impact Monitoring
PRA	Participatory Rural Appraisal
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RRA	Rapid Rural Appraisal
SA	Social Assessment
SAIC	Social Accountability and Integrity Committee
SEAH	Sexual Exploitation, Abuse, and Harassment

SIA	Social Impact Assessment
SLM	Sustainable crop/asset/livelihood land Management
SP	Service Provider
SSE	Small Scale Enterprises
TIMPS	Technological Innovations Management Practices
UN	United Nations
UNDRIP	Declaration on the Rights of Indigenous Peoples
VDC	Village Development Committee
VMGs	Vulnerable and Marginalized Groups
VGs	Vulnerable Groups
WB	World Bank

DEFINITION OF TERMS IN RELATION TO FSRP PROJECT

Terminology	Definition
Census	A complete and accurate count of the population that will be affected by physical footprint of the project. When properly conducted, the population census provides the basic information necessary for determining eligibility for compensation and for preparing and implementing Resettlement Action Plan (RAP).
Compensation	Where FSRP physical foot print of subprojects causes restrictions on land use (whether permanent or temporary) cannot be avoided, the FSRP will offer affected persons compensation at replacement cost, and other assistances may be necessary to help them improve or at least restore their standards of living or livelihoods.
Cut-off date	The date the census and assets inventory of persons affected by the I3 FSRP project begins in a particular area. Persons encroaching on the project area after the cut- off date are not eligible for compensation and/or any other type of resettlement assistance. This date needs to be recorded and verifiable in case of any grievances Persons encroaching on the project area after the cut- off date are not eligible for compensation and/or any other type of resettlement assistance. This date needs to be recorded and verifiable in case of any grievances
Displaced Persons	The people or entities directly affected by a FSRP project through the physical foot print of the project activities and, other structures, beehives, trees or other assets. Activities resulting in permanent displacement will not be eligible for financing under the FSRP project
Eligibility	The criteria for qualification to receive benefits under this FSRP RPF program.
Forced eviction	Though this is excluded from the activities to be funded by the project. Forced eviction is defined as the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including all applicable procedures and principles in ESS5.
Grievance Mechanism	Complaint mechanism is a locally based formalized way through which project affected people and communities may raise their concerns directly with the project when they believe the project has caused or may cause them harm. The Grievance Mechanism ensures that complaints are being promptly received, assessed, and resolved by FSRP project Grievance Mechanism.

Terminology	Definition
Income Restoration Plans	Description Income restoration is an essential component of involuntary resettlement activities where affected families lose their productive base, businesses, jobs, or other income sources
Host Community	FSRP may be implemented in areas where we have historical claim of a host community in another community of people living in or around areas claiming ownership.
Household	The term household refers to a group of people who reside together and share in the functions of production and consumption. It is also the smallest unit of consumption, and sometimes production.
Household Head	For purposes of a census, the household head is that person among the household members who is acknowledged by other members of the household as the head and who is often the one who makes most decisions concerning the welfare of the members of the household's will target Female-Headed Households (FHH) and Child-Headed Households (CHH), in its activities
Involuntary Resettlement	<p>Project-related Land use or restrictions which the project is not anticipating is land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets, or access to assets, including those that lead to loss of income sources or other means of livelihood), or both. The term “<i>involuntary resettlement</i>” refers to these impacts.</p> <p>Resettlement is considered involuntary when affected persons or communities do not have the right to refuse Land use or restrictions on land use that result in displacement.</p>
Land Acquisition	<p>This will be highly avoided in the project and refers all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way.</p> <p>Land use may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible.</p> <p>“Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.</p>
Livelihood	Refers to the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income,

Terminology	Definition
	agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.
Livelihood Restoration	Livelihood Restoration means the measures required to ensure that Project Affected Persons (PAPs) have the resources to at least restore, if not improve, their livelihoods. It requires that people are given the means and assistance necessary for them to improve, or at least restore, their livelihood and living conditions to pre-project levels. Inventory of losses means the pre-appraisal inventory of assets as a preliminary record of affected or lost assets.
Livelihood Restoration Plan	Livelihood Restoration Plan means the plan for the restoration of livelihoods of persons adversely affected by the Project, prepared in connection with the proposed Project, as approved by the Bank.
Project Affected Person (PAP)	PAPs are persons on whom the project has a direct economic and social impact. The impact may be caused by the involuntary taking of land resulting in: <ul style="list-style-type: none"> a) relocation or loss of shelter. b) loss of assets or access to assets. c) loss of income sources or means of livelihood whether the person should move to another location; or d) By the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.
Resettlement	Resettlement covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures. FSRP will not fund projects that cause physical displacement
Resettlement Action Plan	It is the planning document that describes what will be done to address the direct environmental, social and economic impacts associated with involuntary taking of land.
Resettlement Entitlements	Resettlement entitlements, with respect to a particular eligibility category, are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category.
Restrictions on land use	<i>Restrictions on land use</i> refers to limitations or prohibitions on the use of agricultural, residential, commercial, or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, restrictions on land use within utility easements or safety zones.
Stakeholder	<i>Stakeholder</i> refers to individuals or groups who: <ul style="list-style-type: none"> (a) are affected or likely to be affected by the project (<i>project-affected parties</i>); and

Terminology	Definition
	(b) may have an interest in the project (<i>other interested parties</i>).
Vulnerable and Marginalized groups (VMG)	In the World Bank Environmental and Social Framework/Standards, ESS7 constitutes, the term “Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities” referred to as Vulnerable and marginalized Groups (VMGs) in Kenya in World bank operations) is used in a generic sense to refer exclusively to a distinct social and cultural group possessing the following characteristics in varying degrees: (a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; (b) Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; (c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and (d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.
Vulnerable persons	Includes people who are vulnerable. Mainly orphans, widows, physically and/or mentally impaired, child headed households , very elderly persons

EXECUTIVE SUMMARY

1. The Government of Kenya has proposed the development of Kenya Food Systems Resilience Project (FSRP) to be implemented in 13 Counties; namely **Baringo, Marsabit, Wajir, Mandera, Garissa, Tana River, Lamu, West Pokot, Laikipia, Isiolo, Turkana, Samburu, and Elgeyo Marakwet**. These counties constitute the country’s pastoral nomadic economic block, making up approximately 60% of Kenyan crop/asset/livelihood land size. These are also counties that have been the worst impacted by the recurrent episodes of droughts. Over the recent years the frequency and severity of drought has been increasing. This, coupled with overstocking, poor grazing management, degraded environment and the limited coping strategies has had a devastating effect on the lives and livelihood of pastoral communities.
2. The social and environmental risk rating is assessed as **Substantial**. This is mainly due to the vastness of the target area across all the wards in the 13 counties, low capacity of project implementation teams, agro-pastoral activities being vulnerable to child labor and forced labor, existing tensions between communities regarding resources (water,

community lands); presence of VMGs; evidence that some sub-projects will require agreement and consent from the communities to use community lands (and if VMGs are present on those lands, free prior and informed consent -FPIC- will be required); some sub project investments may lead to income loss/economic displacement

3. FSRP will support investments in building resilient food systems in Kenya, through six components. They are:
 - i. (Re-) Building Resilient Agricultural Production Capacity to strengthen the resilience of Kenya's domestic food supply to climate change and other shocks and stressors;
 - ii. Supporting the Sustainable Development of Natural Resources for Resilient Agricultural Landscapes, which aims to enhance the sustainable management of natural resources by investing in water conservation and rangeland management interventions;
 - iii. Getting to the Market which aims to improve physical and economic access to sufficient, safe, and nutritious food by improving crop and livestock farmers' access to domestic and international markets;
 - iv. Promoting a greater focus on Food Systems Resilience in National and Regional Policymaking;
 - v. Contingent Emergency Response Component will finance eligible expenditures in the event of an emergency precipitated by a disaster.
4. Key investments in the FSRP will include agriculture infrastructure, small-scale irrigation, small dams, water points and market infrastructure are expected to deliver better economic opportunities for local communities. There are defined measures for addressing adverse environmental and social impacts of the project especially on community property, assets, or livelihoods of affected persons. All site-specific investments under the project will be screened to identify their potential adverse impacts on land and livelihood resources. The screening exercise will inform further assessments, consultations, valuation, and compensation economic displacement losses. The procedures for assessing and managing the impacts of involuntary resettlement in this project as described in this RPF.
5. Involuntary resettlement in this project include economic displacement, loss of productive base, businesses, jobs, or other income sources like the loss of crop/asset/ at either the individual or community levels. Some affected people, especially vulnerable groups, are also exposed to the risk of exclusion, inadequate consultation and engagement, and constrained access to grievance redress mechanisms. The FSRP project will however not support any subproject that will require land acquisition leading to physical displacement of project affected Person (PAPs).
6. The RPF has been prepared in conformity with the World Bank ESS5 to guide implementation of the FSRP by providing safeguards against adverse impacts economic displacement of PAPs and community assets. The selection and implementation of the subprojects under FSRP will be guided by the principle of avoiding, minimising and

mitigation of adverse impacts. There will be E&S pre-screening of FSRP subprojects to exclude those whose implementation would lead to involuntary resettlement and/or physical displacement of PAPs. The screening will depend on the specific sub-project under consideration.

7. Some of the land used for subprojects in participating counties maybe under community tenure. Should the utilization of these community lands for FSRP subprojects cause relocation/economic loss to VMGs that meet the criteria in ESS7, the RPF has guidelines to exclude any physical relocation and ensure that these voluntary land donations are made willingly in accordance to ESS5 criteria and that principles underlying free prior and informed consent (FPIC) are respected.
8. The land used for FSRP subprojects will be small and may affect less than 10% of the farmland (fencing, crops and trees) leading to economic loss for the PAPs and community shared assets. Similarly, there is possible disruption of income of beneficiaries for land allocated for Farmer/pastoralist activities neutral infrastructural investments such as markets, boreholes, fodder/hay stores in the interim construction period before commissioning. The loss owing to utilization of this land in most situations would be temporary. This economic loss to PAPs, community assets and VMGs would be mitigated/restored through livestock restoration plan or income restoration plan in ESMPs to be prepared for the specific activity. In case of community land, the plan shall be based on community level agreement on the potential scale of impact and mitigation measure agreed specific to the sub project. Any sub project proposal that can potentially lead to economic loss to more than 200 PAPs would be excluded from funding. The PAPs will be beneficiaries of the FSRP sub-projects/activities and will be expected to recover from the temporary economic loss within one season.
9. The RPF is being prepared in conformity with the World Bank ESS5 to guide implementation of the FSRP by providing mitigation measures to manage adverse impacts of land acquisition. The RPF provide: (i) screening process and exclusion criteria; (ii) ensure that farmers and entities participating in the project have tenure of the land to be used and are not displacing other users; (iii) if land is to be donated or voluntary sold, the process and transaction fulfill the requirements of ESS5 VLD and are well documented.

Category of project affected persons and community assets.

10. Affected communities under subproject investments in this RPF will include:
 - a) Affected households: A household is affected if one or more of its members are affected by subprojects, either by loss of property, access, or otherwise his or her livelihood could be affected in any way by project activities;
 - b) Affected individual: An individual who suffers loss of assets, or agricultural activities made on land, livelihood, and/or access to natural and/or economic resources because of the subproject investments; and
 - c) Disadvantaged and vulnerable individuals and groups: these may be individuals or part of a household that may have different land needs from most households or needs

unrelated to the amount of land available to them, for example: poor female/child-headed households; extremely poor; persons with disability (PWD); minority clans/sub-clans.

- d) On the impacts on community or group assets and structures or common property resources, the Kenyan CLA states while allowing a community “to reserve a portion of land for communal purposes”, it adds that “Any land which has been used communally, for public purpose, before the commencement of this Act shall ... be deemed to be public land vested in the national or county government” (CLA s. 13 (1) & (2)). Associated risks derive from empowering county governments and the national government to set aside parts of the community’s lands for “the promotion or upgrading of public interest” (s. 13 & 29). All these areas will be gazette as public lands (CLA s. 26 (2)).

11. The RPF also outline potential situations of economic loss, eligibility criteria, compensation for economic loss/disturbance allowance, procedures of compensation linked to construction schedule, funding arrangement, implementation arrangement and monitoring arrangement.

Capacity Building for RPF Implementation

12. The project has deployed a dedicated county social expert, environment expert, a Communication expert and a SEAH expert who shall work closely with the social safeguard’s specialist. The community institutions such as Community based facilitator, CDDCs, SAIC will also have a critical role in ensuring adoption and implementation of RPF. However, intensive sensitisation and training would be required of community institutions in project counties on RPF procedures. There are other institutions who might be affected by the project and whose input/services might be required to ensure smooth implementation of this RPF and the project at large. Key among them include Kenya Forest Service (KFS); Kenya Wildlife Service (KWS); National Environment Management Authority (NEMA); Ministry of Agriculture; Ministry of Lands; and County commissioners representing national government at the county level. **NOTE:** This list is however not exhaustive and may be expanded after the specific subproject area of impacts and community’s involved is sought during consultations.

Grievance Mechanism (GM)

13. Under FSRP, a GM will be put in place as a critical component of RPF in accordance with ESS10 within six months after project effectiveness. The GM will build on the lessons learnt from NARIGP, KSCAP and ELRP. The objectives of the GM are to: (i) provide affected people with avenues for making a complaint or resolving any dispute that may arise during preparation and implementation of the sub projects; (ii) ensure that appropriate and mutually acceptable redress actions are identified and implemented to the satisfaction of complainants; and (iii) avoid the need to resort to forceful actions and/or judicial proceedings. ELRP/NARIGP/KCSAP have an existing GM as described in the Environmental and Social Management Framework that will be improved consultatively to address any emerging issues on economic displacement for PAPs and supplemented on

need basis with project specific arrangements according to the Environmental and Social Commitment Plan.

Monitoring and Evaluation

14. The overall aim of the monitoring and evaluation system is to track progress and outputs in the implementation of the RPF. It also provides feedback on RPF implementation and to identify problems and successes as early as possible to allow timely adjustment of implementation arrangements. The M&E system of the project shall track the number of sub projects that completed land documentation, caused loss of income/economic restoration (PAPs), income/asset loss compensated, Income restoration plan prepared and completed.

Stakeholder Consultations, Participation and Disclosure of the RPF

15. The consultation and disclosure workshop held at Lysak hotel Machakos on 23rd February 2023 was attended by nine Indigenous Peoples' Representatives, thirty (30) County Environmental and Social Safeguard Compliance Officers (CESSCOs Annex I contains a list of and their views. The overall conclusion in relation to the RPF was that any sub project activity that may: (i) lead to adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation; (ii) cause relocation of VMG from land and natural resources subject to traditional ownership or under customary use or occupation; or (iii) have significant impacts cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects will not be approved for funding under the project. The screening checklists in the ESMF, VMGF and RPF exclude subprojects that would lead to the above-mentioned situations.

Disclosure

16. The Bank ESF requires that the RPF report be disclosed as a separate and stand-alone report by the Government of Kenya and the World Bank. The document will therefore be disclosed at the, Kilimo website and at the World bank External website. It will also be disclosed at the community level through sensitization as one of the Project's start up activities.

I INTRODUCTION AND CONTEXT

I.1 Background

1. The proposed project is fully aligned with Kenya's Vision 2030 which covers the period between 2008 and 2030. The ambitions for the agricultural sector, the Agricultural Sector Transformation and Growth Strategy (ASTGS), and the Vision 2030 objective for agriculture by focusing on revitalizing agriculture and transforming it from subsistence into a more competitive and commercially oriented sector. The proposed project directly aligns with the first pillar of agriculture transformation growth strategy, focusing on enhancing productivity and food security while also responding to the ASTGS goals of "raising small scale farmer incomes through farmer-facing enterprises that provide inputs, equipment, processing, and post-harvest aggregation and boost household food resilience through community-driven interventions in pastoralism in arid and semi-arid lands. The sector is also expected to drive the government's inclusive growth agenda over the medium term for the blue print agenda vision 2030. The project will support outcomes complementing the GoK's vision to ensure food security and build resilience. This project will also complement and build on other interventions by the World Bank that support the government's current Bottom up transformation agenda (BETA) agenda: Kenya Climate smart Agriculture Project (KSCAP); NARIGP; Emergency locust response project (ELRP) Kenya Marine Fisheries and Socio-economic Development Project (KEMSFED) (PI63980); and the Program to Strengthen Governance for Enabling Service Delivery and Public Investment in Kenya (PI61387).
2. While in principle the project is not expected to generate involuntary resettlement, some economic displacement or restriction of access to resources may be an impact of the project. There is therefore the need for a Resettlement Policy Framework (RPF) in accordance with World Bank Environmental and Social frameworks ESS 5(see ESS5, para. 25) to clarify resettlement principles, organizational arrangements, and design criteria to be applied to specific investments to be prepared during project implementation.
3. An appropriate RPF requires that projects should avoid or minimize displacement of the populations, whether physically or economically. However, where this is not feasible, the displaced persons should be assisted in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-levels or to levels prevailing prior to beginning of the project implementation, whichever is higher. This therefore underscores the need to understand and appreciate the asset base (physical, economic, sociocultural networks, etc.) of the communities, and the likely negative impact of the project on the people and their assets.

I.2 Purpose of Resettlement Policy Framework

4. The subprojects envisaged in FSRP as outlined in ESMF Twill be implemented on land which is either private, public or community. The approval of proposed subprojects for funding will be preceded by Environmental and Social (E&S) screening and confirmation

of availability of land devoid of any encumbrances. The project will not support any subproject that will require land acquisition leading to physical displacement of PAPs. On the other hand, there PAPs may experience economic displacement that will lead to either temporary or permanent economic losses. However, activities that may involve economic displacement of more than 200 PAPs will not be selected under the project. To offer a mitigation measure on the economic displacement, an IRP containing income restoration measures shall be prepared as part of ESMP. The checklist on annex 2 will be used to collect information for development of the IRP¹ where necessary.

1.2.1 Exclusion List

5. FSRP investments will be ineligible if and where: (a) Failure to complete land documentation to ascertain Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, b) if failure to reach settlement with individual farmer or farmers/pastoralists on community land would have resulted in expropriation or other compulsory procedures; (b) Physical Relocation of people with or without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project-specific cut-off date; (c) Permanent economic displacement of people as a result of project impacts that render more than 10 percent of their land unusable or inaccessible; d) Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation; and (e) Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project. In any of these circumstances.
6. The 13 counties in FSRP are under a community tenure. It is possible that community lands maybe voluntarily donated for establishment of sub-project infrastructure. Should the donation of community land for subprojects cause relocation/economic loss of VMG, the project shall exclude physical relocation and ensure that these voluntary land donations are made willingly in accordance to ESS5 criteria and that principles underlying FPIC are respected.
7. The RPF is prepared in conformity with the World Bank ESS5 and anchored in the legal provisions of the Kenya Government with the following specific objectives:
 - i. Develop a screening and assessment methodology for potential subprojects that will require for land documentation and preparation of IRP in ESMP;
 - ii. Outline potential situations of economic loss, eligibility criteria, compensation for economic loss/disturbance allowance, procedures of compensation linked to construction schedule;
 - iii. Specify appropriate roles and responsibilities of involved actors and parties;

¹ Once the exact sites for the subprojects have been established and it becomes clear that there will be minor negative impacts whereby less than 200 PAPs are likely to suffer temporary displacement lasting not more than 30 days leading to loss of less than 10% of their productive assets.an IRPs will be prepared as part of ESMP that aligns with ESS5.

- iv. Outline the required procedures for managing and monitoring land acquisition and economic displacement impacts related to the subprojects;
- v.) Ensure that farmers and pastoralists participating in the project have tenure of the land to be used and are not displacing other users of the land;
- vi. if land is to be donated or voluntarily sold, the process and transaction fulfill the requirements of ESS5 VLD and are well documented;
- vii. Determine the training, capacity building and technical assistance needed to develop and implement the RPF instrument for all investments planned successfully and effectively;
- viii. Establish the funding required to implement the RPF requirements; and
- ix. Provide practical information, and resources for implementing the framework.

2 PROJECT OVERVIEW

2.1 Project Development Objective

8. The project development objective (PDO) of the Kenya FSRP is to increase preparedness for food insecurity and improve the resilience of food systems in project areas. Below are the 6 components of the Project. Details for each sub component are in ESMF prepared for the project.

Component 1: (Re-) Building Resilient Agricultural Production Capacity

- Subcomponent 1.1: Data and Digital Agriculture Systems at the National and County Levels
- Subcomponent 1.2: Climate-Smart Agriculture Technologies and Services
- Subcomponent 1.3: Community Engagement and Technology Transfer Including through Digitization

Component 2: Supporting the Sustainable Development of Natural Resources for Resilient Agricultural Landscapes

- Subcomponent 2.1: Water Availability for Crops and Livestock
- Subcomponent 2.2: Rangeland Management for Crops and Livestock

Component 3: Getting to Market

- Subcomponent 3.1: Strengthening of Farmer Producer Organizations
- Subcomponent 3.2: Market Infrastructure and Enterprise Development
- Subcomponent 3.3: Creditworthiness of Crop and Livestock Farmers

Component 4: Promoting a Greater Focus on Food Systems Resilience in National and Regional Policymaking

- Subcomponent 4.1: Prioritization of Food System Resilience in Public Policy and Spending
- Subcomponent 4.2: Institutional Capacity for the Implementation of Resilience-Enhancing Policies

Component 5: Contingent Emergency Response Component (CERC)

Component 6: Project Management

- Subcomponent 6.1: Project Coordination (US\$10 million)
- Subcomponent 6.2: Project Monitoring, Learning, Knowledge management, and Cross-Cutting Issue.

2.2 Project Geography

9. The project will make investments at the national, county, and at farm levels. National investments will include capacity building, technical assistance, policy analysis, policy coordination, and targeted market infrastructure upgrades. County- and farmer- level

investments will be undertaken in 13 counties: **Baringo, Marsabit, Wajir, Mandera, Garissa, Tana River, Lamu, West Pokot, Laikipia, Isiolo, Turkana, Samburu, and Elgeyo-Marakwet.**

KENYA - FOOD SYSTEMS RESILIENCE PROJECT (K-FSRP) SELECTED COUNTIES

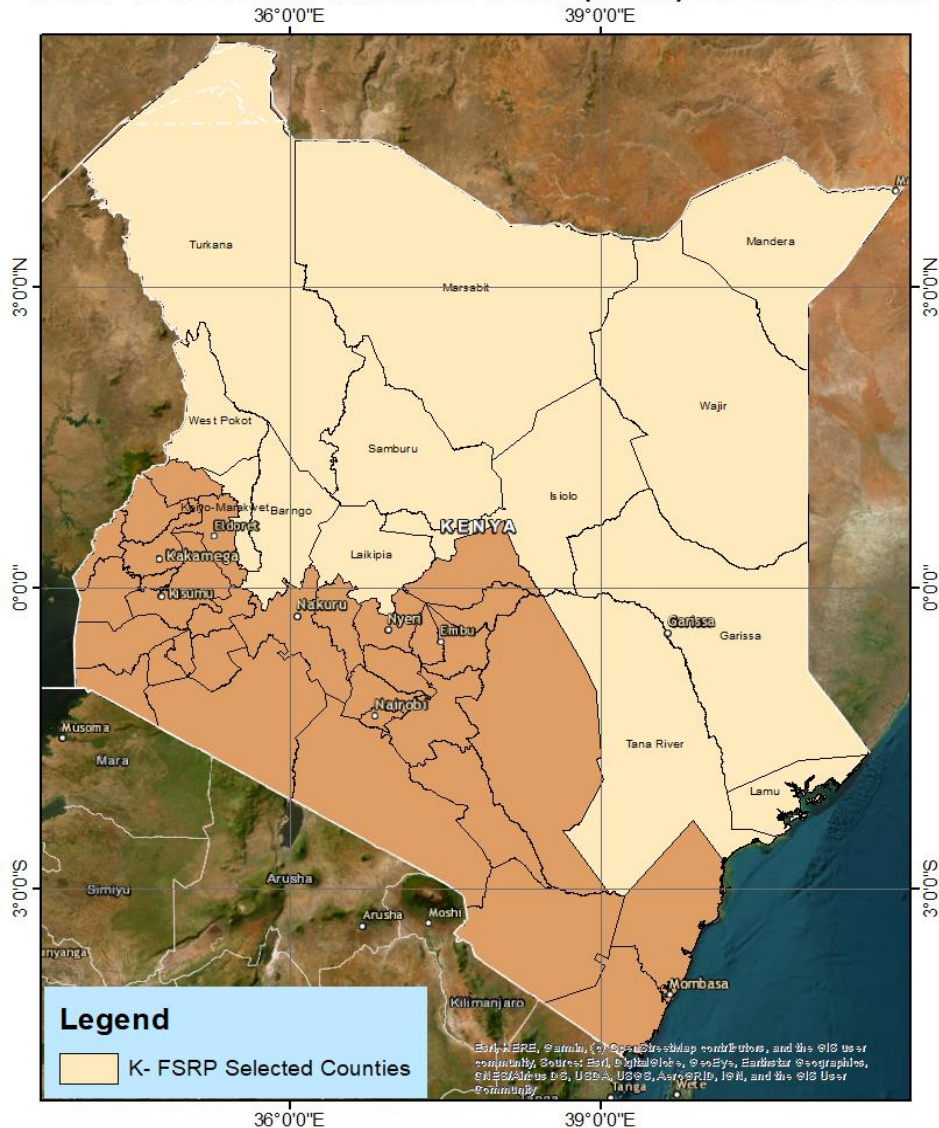


Figure 1: Map of FSRP implementation Counties

2.3 Project Beneficiaries

10. The primary beneficiaries of the project will be 300,000 crop and livestock farmers and other vulnerable/marginalized persons engaged in agricultural activities. The project will also benefit contractors and extension workers, aggregators, logistics support providers, and services related to SACCO and DAT. Nearly 5,000 jobs are expected to be created by the creation of SACCOs, expansion of FPO, agricultural infrastructure operations, and the development of markets and spot repairs.

3 PREPARATION LIVELIHOOD RESTORATION PLANS/INCOME RESTORATION PLANS

11. The exact sites for the proposed FSRP subprojects are not yet definitively identified and it is not possible at this stage to determine the exact location, demography and impact on assets and/or livelihood risks the PAPs might face. However, as noted, subprojects considered for FSRP funding should not involve land acquisition leading to physical displacement of persons.
12. Most adverse impacts for the proposed FSRP subprojects will be expected to be minor in magnitude and limited in number given the nature of the investments. Once the exact sites for the subprojects have been established and it becomes clear that there will be minor negative impacts affecting less than 200 PAPs that will suffer temporary displacement lasting not more than 30 days leading to loss of less than 10% of their productive assets, Income Restoration Plans (IRPs) will be prepared as part of ESMP that align with ESS5.
13. The purpose of preparing an IRP for FSRP subprojects will be to: (i) anticipate, avoid as much as possible land acquisition that leads to economic displacement of PAPs; (ii) assist economically displaced PAPs to restore their former living standards, income and production levels to near normal; and (iii) encourage community participation in planning and implementing livelihood restoration plans to mitigate adverse effects associated with temporary economic displacement of PAPs.

3.1 Categories of Economically Project Affected Persons (PAPs)

14. The situations in which economic displacement would occur in FSRP may include but not limited to land required for the establishment of: (i) farmer group micro-level investments to demonstrate climate smart TIMPs; (ii) farm ponds and water pans for FLID; (iii) small-scale infrastructure for aggregation and value addition of farm produce; and (iv) physical markets, spot repairs, aggregation centres and cold chain infrastructure.
15. The sub projects will require LRP/ IRPs based on the following transactions: (i) land rights for a sub- project acquired through negotiation with property owners or those with legal rights to land, including customary or traditional rights recognised or recognisable under the laws of the country; and (ii) imposition of restrictions that result in people experiencing loss of access to physical assets, services, opportunities, markets or natural resources. Implementation of the actions necessary to meet the LRP/IRP will be managed as part of ESMP.
16. **Project Affected Households** are members of a household whether related or not, operating as a single economic unit who are affected by direct economic and social impacts caused by the involuntary taking of land resulting in: (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location. This category includes one or more of the following:

- i. Men, women, children, dependent relatives, friends, and tenants in the households;
- ii. Vulnerable persons of the household who cannot participate due to being physically challenged or otherwise marginalized;
- iii. Household members who contribute to the critical housekeeping and upkeep of the household unit such as domestic workers and house-helps; and
- iv. Members of co-resident groups whose contributions are critical to functions of households.

3.2 Response mechanism to the needs of economically displaced PAPs

17. For FSRP subprojects² without physical displacement but have minor negative impacts on PAPs, measures will be taken to mitigate the adverse impacts to the PAPs that meet the objectives of this RPF in the form of an IRPs. The IRP will establish the entitlements of economically displaced persons or communities and will ensure that these are provided in a transparent, consistent, and equitable manner.
18. FSRP will document the procedures for IRP that: (i) State the specific objectives for livelihood restoration, (ii) Describe project impacts, identify all people to be economically displaced and provide an inventory of affected assets/resources, (iii) Demonstrate that economic displacement is anticipated, avoided and ultimately minimized, (iv) Describe the process for consultation with affected people regarding alternatives, and their level of participation in the decision making process including the entitlements for all categories of economically displaced people, (v) Describe the methods applied for valuing affected assets or resources, or the access thereto, (vi) Describe other measures for improving or, at a minimum, restoring the income of economically displaced persons, (vii) Outline a schedule for land take (or application of restrictions), (viii) Describe the process whereby economically affected people can appeal against valuations they deem to be inadequate, (ix) Outline the institutional/organizational responsibility for the implementation of the plan and procedures for grievance redress, (x) Provide details of arrangements for monitoring, evaluation and reporting on the progress towards restoration of loss of income and (xi) Provide a schedule and budget for the implementation of the proposed income restoration measures.
19. FSRP will make deliberate efforts to provide opportunities to displaced persons and communities to derive appropriate development benefits from the subprojects approved for funding. If utilization of land for the implementation of FSRP subprojects causes economic displacement leading to loss of income or disruption of livelihood through for example interruption or elimination of a person's access to his/her employment or productive assets, the project will help PAPs to off-set any loss of livelihood resources in the form of initiatives that enhance the productivity of the remaining resources. Further, additional targeted assistance will be provided (for example, credit facilities, training, or

² Once the exact sites for the subprojects have been established and it becomes clear that there will be minor negative impacts whereby less than 200 PAPs are likely to suffer temporary displacement lasting not more than 30 days leading to loss of less than 10% of their productive assets, an IRPs will be prepared as part of ESMP that aligns with ESS5.

job opportunities) including opportunities to improve or at least restore their income-earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected.

20. As per ESS7, free prior and informed consent is required should any of the subprojects components: (i) lead to adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation; (ii) or cause relocation of VMG from land and natural resources subject to traditional ownership or under customary use or occupation; or (iii) have significant impacts cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects. The screening checklist in the ESMF, VMGF and RPF will screen out any subprojects that could lead to these situations. FSRP subprojects with adverse impacts on the livelihoods, cultural/social activities or natural resources of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities (IP/SSAHUTLC) who meet the requirements of ESS7 will not be approved for funding.

3.3 Economic Displacement Related to Land Access for FSRP Investments

21. Temporary economic displacement of PAPs related to utilization of land for the establishment of FSRP subprojects will occur when access to land as a means of livelihood by PAPs is disrupted for a short period of time (not more than 30 days) and affecting less than 10% of the productive assets. However, most of the PAPs will be direct beneficiaries of FSRP subprojects and the disruption of livelihoods/production assets will be more than compensated by the improved access to market and enhanced value addition within one season. For non-participating PAPs, who will be few due to intensive mobilization efforts by the project, the minor negative economic impacts will be addressed through targeted livelihood restoration initiatives in IRPs prepared as part of ESMP.
22. To minimize economic displacement impacts related to land use for FSRP subprojects, a land access procedure will be developed to guide allocation of private, public or community land for establishment of subprojects through donations, reservations, change of use, leases and way leaves. These categories of land are as identified and described in the Constitution of Kenya, in Articles 61, 62, 63 and 64. Land for the micro projects will be private land either voluntarily donated or leased to the CIGs/VMGs by one of the community members. In both cases, access to the land will be fully documented and witnessed by a local administrator and a commissioner of oaths. FPOs are however expected to have their own land with legitimate land ownership documents dependent on the nature of investment. For construction of markets on public land, the requisite documents should confirm that the land has been reserved for the respective use. Where FPOs intend to establish pack houses, aggregation centres or processing centres on public land, they are expected to follow the formal land allocation guidelines approved by the National Land Commission (NLC). In regard to Farmer/pastoralist activities ecosystem investments at county, regional or national level prioritized in the CIDPs and also identified during the PICD process, the land is reserved for water pans and intake works for

irrigation schemes with full documentation. For the excavation of canals and /laying of pipes through private lands during irrigation scheme construction, the land owners voluntarily sign way leaves to enable the water conveyance to the command area. The beneficiaries also sign way leaves to allow the establishment of infrastructure required to supply water to all the members in the irrigation command area.

3.3.1 Donation of private land to CIGs/VMGs

23. Land required for group farm-based demonstrative and small-scale aggregation and value addition investments will be discussed during group meetings. The members will identify potential donors willing to provide land for suitable land parcels for proposed investments amongst the group members. Through the screening checklist provided in paragraph 10 of ESS5, the process of voluntary land donation will be validated. Once a specific donor from the pre-selected list has been settled upon, the (Social Accountability and Integrity Committee (SAIC) will be tasked to explain the pros and cons of the donation. The donor will thereafter in a full group meeting declare his/her willingness to donate the land for the group investment. He/she will also confirm that the land is free from any litigations or any other encumbrances.
24. To ascertain the status of the donated land parcel, the group officials will carry out an official search for private land. For non-titled private land, a letter from the local sub chief will be sufficient evidence of ownership. A MoU will then be developed and signed by the donor and the group leaders, witnessed by the local chief and endorsed by a commissioner of oaths. The MoU will give the duration for which the land is given and the fate of the group assets on the land after the expiry of the period. A template to facilitate land donation and guidelines for implementation of sub- projects under FSRP is given in Annex 3, annex 4, and annex 5.

3.3.2 Use of Private Land for CDDC/VMGs and FPO subprojects

25. **Lease of private land for CIG/VMG investments.** Land can be leased from members or non-members of CDDC/VMGs who are willing to provide land for investments but at a fee. After identification of suitable land, lease fee is negotiated in a group meeting and agreed upon by the two parties. The lease agreement will indicate the fees, terms of lease duration, and the fate of the group assets after expiry of the lease. The lease agreement will be signed by the landowner, the group official(s), then witnessed by a local administrator, and endorsed by a commissioner of oaths. Annex 11 provides a template for land lease for investments under FSRP
26. **Private land owned by the FPOs.** The FPOs will be expected to avail privately owned land for proposed investments. Due diligence will be undertaken to ascertain the legitimacy of the title deed.

3.3.3 Access to Community Land by CDDC/VMGs and FPOs

27. **Investment on community land by CDDC/VMGs and FPO.** For FSRP investments on community land, either for CIG/VMGs, FPO or community subprojects, the proponents will hold a public meeting in which the request for community land will be recorded in minutes of meeting. The proponents will be guided by the project team to fill the community land resolution and consent for (annex 6). Once all the parties have signed, the various stakeholders will retain copies of the form and the parcels of land will be reserved for the same purpose once land adjudication is done.
28. Small parcels of land (max 1ha) will be needed for the implementation of FSRP community level subprojects such as markets, small dams, water points including boreholes. The required land would be identified by the beneficiary groups through a community-based participatory decision-making process. This will be done through documented Community agreement process and land ownership shall be established prior to initiation of the subprojects. The FSRP project is expected to follow the procedure under Land Act 2012/Community land Act 2016 and CoK 2010 for getting the land allocated for the intended purpose that requires amongst others the consent of landowners (private/community), official search to establish land ownership and specifying the duration and conditions of land use.
29. As most lands in the counties of the sub-project are under a community lands regime, it is possible that community lands be given by the communities in order to benefit from the sub-project infrastructures. Should the granting of these community lands cause relocation/economic loss of VMG, the project shall exclude physical relocation and ensure that these voluntary land donations are made willingly in accordance to ESS5 criteria and that principles underlying FPIC are respected.

3.3.4 Use of Public Land for subprojects

30. **FSRP investments on public land.** FPO/CDDCs can use public land for Farmer/pastoralist activities investments by following the guidelines provided by the National Land Commission (NLC) (Annex 10). Markets, Small size farm ponds, water pans, sand/subsurface dams, boreholes, feed storage facilities
31. Livestock holding grounds being public goods, will be developed on public land. These lands are reserved for general public use and therefore the process of land acquisition starts with a change of user. For reserved land, the respective County Government shall liaise with NLC to process the reservation in favour of the FPO. The reservation will also be tabled in the County Assembly for approval. The County Government will then develop a Memorandum of Understanding (MOU) with the FPO to govern the operations of the market. Annex 12 is a sample MOU for customization and use in FSRP investments.
32. In instances where existing occupiers of the public land such as mobile traders, temporary hawkers or stall owners will be economically displaced, consideration will be made and income restoration issues captured appropriately. Considering the magnitude of some of

potential sub projects in this category, social screening will be carried out in order to capture the land and all economic displacement issues. The economically displaced persons will be given priority in the reallocation of constructed or rehabilitated investment facilities in form of markets and other associated facilities. The county will be required to develop the list of PAPs and share with NPCU to facilitate the development of IRPs to avoid/minimize economic displacement.

33. **Community subprojects on public land** - Investments such as water pans, will be constructed on public land reserved for that purpose. The project will undertake an official search to confirm the land status and then inform the community about the intended investment through public participation as guided in the ESIA process.
34. The implementation of the IRP will be considered complete when the adverse impacts of economic displacement have been addressed in a manner that is consistent with the objectives stated in the IRP as well as the objectives of the RPF.

3.3.5 Additional assistance to vulnerable persons

35. In addition to the income restoration provisions, FSRP will identify and screen for vulnerable groups and as good practice, will include additional assistance to those qualifying as vulnerable persons. The additional assistance will include such as selection to participate in payable community labor and contracted labor in FSRP activities

Table I: Summary Entitlements

Categories of Affected Persons	Categories of Assets Lost/Affected												Basis for Compensation		
	Land	Buildings	Structures					Business		Fixed Improvements	Crops	Trees	Loss of assets	Loss of Business	Disturbance
			Fences		Wells		Livestock shelters	Rental	Other						
			Wall	Wood/Wire	Drilled	Hand dug									
Property Owner	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
Business Tenants								√	√	√	√	√	√	√	
Residential Tenants									√	√	√	√		√	
Encroachers		√	√	√	√	√		√		√	√	√	√		
Squatters		√						√	√	√	√	√	√	√	
Loss of Community assets like livestock market					√	√	√								
Formula for Compensation	Size * unit rate at market value	Materials + Construction including labour	Materials + Construction including labour	\$3 per meter ³	Materials + Construction including labour	\$200 per well ⁴	Materials + Construction including labour	6 months' rent per tenant	½ of 6 months turnover	Materials + Construction including labour	Expected Yield+ Labour cost	Yield+ Labour cost		\$ 100 per PAP ⁵	

³ Value established by locally acceptable cost estimate of fencing which include the cost of fence per meter, poles, nails and labour.

⁴This is an equivalent of Kshs 20,000 which is the acceptable cost of establishing a shallow well of up to 20 feet @ 1,000 Kshs per foot.

⁵ This translates to 10,000 Kshs as a minimum for all the PAPs to improve their lives for those who will not qualify for more than \$100 upon evaluation.

4 POLICY, LEGAL, AND INSTITUTIONAL FRAMEWORKS

4.1 Overview

36. This section seeks to highlight major issues related to Kenya's land legislation. It provides a brief overview of Kenya's Land Policy, the CoK, 2010 and related provisions connected with land use, planning, acquisition, management, and tenure, and more specifically the legislation related with land expropriation or acquisition, land valuation and land replacement as illustrated in a tabular form and further compares the Kenyan legislation with the World Bank provisions on resettlement, with gaps highlighted and recommendations drawn to fill gaps.

4.2 Legislative framework

37. Legal framework is a set of laws formulated to guide certain actions, procedures, and transactions. The focus of the analysis presented in Table 2 is on how the acts enable or affect access to land.

Table 2: Relevant legislative framework

Laws	Provisions	Relevance
Land Act, 2012 (Revised Edition 2019)	Provides for the sustainable administration and management of land and land-based resources, and for connected purposes.	Guides the Land use and documentation of the various land categories.
Land Registration Act, 2012	Gives effect to the principles and objects of devolved government in land registration, and for connected purposes.	Applicable in project acquisition of public, private and community land.
National Land Commission Act 2012 (Revised 2016)	Gives effect to the objects and principles of devolved government in land management and administration, and for connected purposes.	Guides its operations in relations to land management and administration.
Community Land Act 2016	Provides for the recognition, protection, and registration of community land rights; management and administration of community land.	FSRP project will reference this Act in the acquisition of community land
EMCA Act, 1999 (Amended 2015)	Provides for the establishment of an appropriate legal and institutional framework for the management of the environment and social impacts and for the matters connected therewith and incidental thereto.	Applicable to all aspects of project intervention.
Water Act (2002)	An Act of Parliament to provide for the management, conservation, use and control of	This is critical to project implementation since it

	water resources and for the acquisition and regulation of rights to use water.	guides access of water resources.
Registration of Documents Act CAP 285 (revised in 2020)	Provides for the registration of all documents conferring, or purporting to confer, declare, limit, or extinguish any right, title, or interest, whether vested or contingent to, in or over immovable.	Useful acquiring for the project registered and non-registered land.
Physical and Land Use Planning Act, 2019	Provides for the planning, use, regulation, and development of land and for connected purposes.	Guides development of buildings and other infrastructure on land under the various jurisdictions.
County Governments Act, 2012 (Amended 2020)	Provides for county governments' powers, functions, and responsibilities to deliver services and to protect and develop natural resources in a manner that aligns to national policies.	Guides the process for the initiation of development Projects at the county, including public participation.
The Law of Contract 2012 CAP 23	Provides for formal transfer of short-term land rights.	Applicable in the signing of agreements and MOUs in relation to land documentation.
National Museums and Heritage Act Cap 216 Revised Edition 2012 (2006)	Provides that a monument or objects of archaeological, paleontological, or cultural interest discovered in a part of Kenya shall be the property of the Government.	The Act will guide handling of any chance finds of artefacts or other archeological items in the project footprint.

4.3 Regulatory Framework

38. Regulatory frameworks are the rules and procedures to operationalize the laws. The key frameworks, of relevance to this project, are summarized in Table 3

Table 3: Relevant regulatory framework

Laws	Provisions	Relevance
Land regulation (2017)	These Regulations implement provisions of the Land Act, 2012, with respect to a variety of matters including administration of public land and private land, conversion of freehold or leasehold tenure, compulsory acquisition, settlement programs, easements and analogous rights, and evictions from unlawfully occupied public land	Ensures clarity in administration, conversion of land that are likely to affect FSRP

Laws	Provisions	Relevance
Land Registration General regulation (2017)	These Regulations of the Cabinet Secretary implement provisions of the Land Registration Act in respect of the organization and administration of land registries, the procedures for the registration of land, and related matters. The land register referred to under section 7 of the Act shall contain (a) the property section; (b) the proprietorship section; and (c) the encumbrance section. The Regulations set out the content of each section and of the proprietorship section of a register that pertains community land.	Provides procedures for registration of land acquired by the project as per the Land Act (2012).
The physical and Land Use planning (Local Physical and Land Use Development Plan), Regulations 2020(Draft)	These regulations apply to all local physical and land use development plans. It states that all sections, notices, or any other matter provided in the act shall be executed within the stipulated period, subject to any period of extension permissible under the act or any written law. It gives guidelines on the preparation of the local physical and land use development plan, the approval process and amendment of revision procedure.	Facilitates coordination of planning for land use for different projects
Community Land Regulation 2017	These Regulations of the Cabinet Secretary for Land and Physical Planning implement provisions of the Community Land Act, 2016 ("Act") with respect to, among other things, recognition, protection and registration of community land rights, community land management committees, registration of communities, conversion of community land, settlement of disputes relating to community land, conversion of group representatives, a national program for public education and awareness on provisions of the Act and the rights of communities over community land within twelve months of the commencement of these Regulations	Operationalizes recognition, protection, and registration of community land by setting procedures and standards
Water Service (Regulatory) Rule 2012	Enables operations regarding the provision of water services by water service boards and other operators or their agents. Each water service board shall apply to the Regulatory Board for the issuance of a license. The Board	Sets guideline and standards implementation of Water Act, 2012

Laws	Provisions	Relevance
	<p>may issue a provisional license or a full license. For a full license, the water service board must be in possession of water permits from identified sources from the Water Resources Management Authority and sewage discharge permits from the National Environment Management Authority</p>	
<p>Water Harvesting and Storage Regulation (2021)</p>	<p>These Regulations applies to (a) the policies, plans, programs and activities of the national government, county governments and entities of the national and county governments; and public and private waterworks for water harvesting and storage, reservoirs for impounding surface run-off and for regulating stream flows to synchronize them with water demand patterns and structures and devices for flood control and management. Part I gives the classification of storage dams and other waterworks, Part 3 outlines the development of waterworks, Part IV outlines release of water from storage dams and other waterworks: Part V outlines maintenance and management of water works. Part VIII outlines water harvesting while Part X gives the general provisions.</p>	<p>Provides procedures and standards for implementation of provisions Water Harvesting and Storage Regulation Act (2021)</p>
<p>Water Resources Management Rules, 2007</p>	<p>The rules set the procedure for obtaining water use permits and the conditions placed on permit holders. Sections 54 to 69 of the Water Resources Management Rules 2007 impose certain statutory requirements on dam owners and users in regard. Section 16 of the Water Rules requires approval from the WRMA for a variety of activities that affect the water resources, including the storage of water in dams and pans. Approval by WRMA is conferred through a Water Permit. A permit is valid for five years and must be renewed.</p> <p>Section 104 of the Water Resource Management Rules requires certain water permit holders to pay water use charges. The</p>	<p>Sets the standards and procedures to be followed in the utilization of water resources including abstraction controls, modalities of resource use and responsibility in the protection of the resource including effluent discharge</p>

Laws	Provisions	Relevance
	intention of the water use charges was to raise revenue for water resource management, raise revenue for catchment conservation activities, improve efficiency of water resource abstraction and provide a system of data collection on water resource usage.	

4.4 Relevant Policies

39. A policy is a statement to guide decisions and actions for achievement of a defined objective. Several policies have been assessed to be relevant to the proposed project, as shown in Table 4.

Table 4: Relevant policy framework

Policies	Provision	Relevance
Constitution of Kenya (2010)	All land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals (Article 61). Land in Kenya shall be held, used, and managed in a manner that is equitable, efficient, productive, and sustainable (Article 60).	Provides guidelines on legal allocation and use of land.
National Land Policy of (2009)	Guides the country towards efficient, sustainable, and equitable use of land for prosperity and posterity.	Regulates to how private land is used to protect the public interest.
Vision 2030 and MTP II (The Big 4 Agenda)	To transform Kenya into a newly industrializing, middle-income country providing a high quality of life to all its citizens by 2030. Ensuring food security, affordable housing, manufacturing, and affordable Universal healthcare (Big 4 Agenda).	Land is an enabler to achieve the objective of vision 2030.
The National Land Use Policy (2017)	Provides legal, administrative, institutional, and technological framework for optimal utilization and productivity of land related resources in a sustainable and desirable manner.	Guides the process of registration of land rights.

Policies	Provision	Relevance
National Environment Policy (2014)	Provides the framework for an integrated approach to planning and sustainable management of natural resources in the country.	Provides for sustainable land management
National Livestock Policy (2020)	Improved management of livestock for increased production through improved management of livestock, feed and rangeland resources while promoting social inclusion and environmental resilience	The FSRP will address access to water for livestock and this Policy will come in handy
National Agriculture Investment Plan (2019-2024)	Promote commercial and modern agricultural sector that sustainably support economic development in the context of devolution	Coordinated implementation of agriculture investments such as KCSAP
Forest Policy (2014)	Provides a framework for improved forest governance, resource allocation, partnerships and collaboration with the state and non-state actors to enable the sector to contribute to meeting the country's growth and poverty alleviation goals within a sustainable environment.	Some of the project activities may use forest resources for laying water infrastructure (Weirs, reservoirs), thus requiring collaboration
Wildlife Policy (2020)	Provides a framework to perpetuity conserve Kenya's wildlife resources, as a national heritage; increase access, incentives, and sustainable use of wildlife resources, while ensuring equitable sharing of benefits.	Facilitates collaboration for effective management human-wildlife conflicts in project sites
Water Policy (1999)	Provides for comprehensive management of the problems of water and sanitation, adopts an integrated approach to water resources management.	This is a key reference document for the proposed project whose focus will be on ground water
Arid and Semi-Arid Land Policy 2012	Provides for delicate balance between the quest for rapid development and the need to maintain and support the unique livelihoods system that best utilizes the variable ecological conditions of the region.	This is a key document for the project since its focus is on the ASALs

4.5 Land Policy

40. Kenya land use is largely pastoral in the semi-humid and semi-arid zones, and agricultural in moist and humid zones. Because incidences of crop failure in the ASALs are high, the predominant land-use systems are ranching, wildlife conservation and pastoralism although some perennial crops are cultivated. Land productivity is determined by factors such as climate, hydrology, terrain, and the inhabitants' culture. Agro-ecological factors also determine the suitability of an area for a particular land use, and these ultimately inform the zoning processes.
41. The CoK provides that land in Kenya shall be held, used, and managed in a manner that is equitable, efficient, productive, and sustainable, and in accordance with land use principles.
42. Further, Article 60(1) states that land shall be held and managed in accordance with the following principles:
- i. Equitable access of land; security of land rights; sustainable and productive management of land resources;
 - ii. Transparent and cost-effective administration of land;
 - iii. Sound conservation and protection of ecologically sensitive areas;
 - iv. Elimination of gender discrimination in law, customs and practices related to land and properties in land; and
 - v. Encouragement of communities to settle land disputes through recognized local community initiatives consistent with the Constitution.

4.6 Categories of Land in Kenya

43. **Public land.** This is all land that is not private land or community land and any other land that has been declared by an act of parliament. It is land vested in the government (either national or County governments) for the benefit of the people of Kenya. For example, roads, all water bodies, forests, national parks, and land that has minerals, among others.
44. Section 62 (1) of the CoK further lists public land as:
- (a) land which at the effective date was un-alienated government land as defined by an Act of Parliament in force at the effective date;
 - (b) land lawfully held, used, or occupied by any State organ, except any such land that is occupied by the State organ as lessee under a private lease;
 - (c) land transferred to the State by way of sale, reversion, or surrender;
 - (d) land in respect of which no individual or community ownership can be established by any legal process;
 - (e) land in respect of which no heir can be identified by any legal process;
 - (f) all minerals and mineral oils as defined by law;
 - (g) government forests other than forests to which Article 63 (2) (d) (i) applies, government game reserves, water catchment areas, national parks, government animal sanctuaries, and specially protected areas;

- (h) all roads and thoroughfares provided for by an Act of Parliament;
- (i) all rivers, lakes and other water bodies as defined by an Act of Parliament;
- (j) the territorial sea, the exclusive economic zone and the seabed;
- (k) the continental shelf;
- (l) all land between the high and low water marks;
- (m) any land not classified as private or community land under this Constitution; and
- (n) any other land declared to be public land by an Act of Parliament.

45. **Community land:** This is all land used traditionally or historically for communal purposes and land used as Community settlement areas. It is identified based on ethnicity, culture, and similar community of interest. It also includes land lawfully held, managed, or used by specific communities as community forests, grazing areas, shrines, ancestral lands, and lands traditionally occupied by hunter gatherer communities or land lawfully held as trust land by the County governments.

46. Section 63 (2), of the CoK defines Community land as:

- (a) land lawfully registered in the name of group representatives under the provisions of any law.
- (b) land lawfully transferred to a specific community by any process of law.
- (c) any other land declared to be community land by an Act of Parliament; and
- (d) land that is:
 - (i) lawfully held, managed, or used by specific communities as community forests, grazing areas or shrines.
 - (ii) ancestral lands and lands traditionally occupied by hunter-gatherer communities; or
 - (iii) lawfully held as trust land by the county governments, but not including any public land held in trust by the county government under Article 62 (2).

47. Community land can be categorized as registered or/and unregistered.:

- i. Registered community land is land to which a particular community has a certificate of title and therefore private to that community and the process of Land use is similar to acquisition of private land; and
- ii. Unregistered community land is land that is not officially assigned to a particular community but ordinarily the claimant community is known.

48. The principal title under community land is vested in communities at registration (CON Art. 63 (1), CLA, s. 4). The title may be held as a customary, freehold, leasehold, or other legal entitlement. Certificate of Title issued by the Registrar will serve as prima facie evidence of the community as the absolute and indefeasible owner, except where the title has been obtained fraudulently (CLA s. 18).

49. The procedures for securing freehold, customary or leasehold title are the same: first, registration of the applicant community, and then application by it for formal survey and adjudication of its land, the results to be registered as a collective title in a Community Land Register set up for this purpose in each county.
50. The Community Land Act (CLA) makes provision for individuals, families, and other customary groups or new groups formed by community members, such as a cooperative or associations, to be acknowledged as the owners of rights to parts of the community's domain (CLA s. 14).
51. The law also places obligations to the registered Communities in the pastoral areas to ensure:
- i. they avail land to their members for the purpose of grazing;
 - ii. reserve special areas for farming areas, settlement areas, community conservation areas, access and rights of way, cultural and religious sites, urban development, or any other purpose as may be determined by the community, county government or national government for the promotion of public interest; and
 - iii. ensure every member of the community has the right to equal benefit from community land, full and equal enjoyment of right of use and access with no discrimination based on gender, minority, and disability or marginalized group
52. **Private Land.** This is land which is under absolute ownership. Article 64 of the Constitution defines private land in Kenya to consist of:
- i. Registered land held by any person under any freehold tenure;
 - ii. Land held by any person under leasehold tenure; and
 - iii. Any other land declared private land under an Act of Parliament.
53. Private owners ought to hold land ownership documentation as proof of ownership. Despite the absolute ownership, the regulations are key. A Land Use Plan should have been complied with first for any private owner to do development.

4.7 Land Tenure and Land use

54. Land tenure is the act, right or period of holding land. There are two types of land tenure system in Kenya – freehold and leasehold.
55. **Freehold:** It is the greatest interest a person can have on land as it gives the holder absolute ownership of the land for life. This means descendants can succeed the owner for as long as the family lineage exists. A freehold title deed generally has no restrictions as to the use or occupation. However, there are conditional freeholds, which restrict the use of the land, for instance, for agricultural purposes or ranching only. A freehold interest is also known as free sample or absolute proprietorship.
56. **Leasehold:** This is the interest in land for a specific period subject to payment of a fee or rent to the grantor. Payment of rates is made to the respective county governments for

services rendered. Leases are granted by the Government for public land, local authority for trust land and individuals with freeholds. The maximum term of government leases is 99 years.

57. A leaseholder can also apply for a renewal or extension of the lease more particularly if he or she wants to re-develop the property and the lease period is about to expire or the remaining period is not enough to recoup the investments.
58. Land use planning must be guided by the existing regulations and laws and when engaging the people should be able to identify their needs with an expert's opinion having carried ESIA.

4.8 Land Use Planning, Patterns and Practices in ASALs

59. Land Use Planning forms the basis for:

- Siting investments;
- Infrastructure and service provision;
- Securing food production areas;
- Regulation of land use (development control);
- Land administration;
- Valuation;
- Resolution of land disputes; and
- Environment and natural resource conservation/protection.

4.9 The World Bank Environmental and Social Framework and Standards

60. The World Bank Environmental and Social Policy for Investment Project Financing sets out the requirements that the Bank must follow regarding projects it supports through Investment Project Financing. The Bank's ESF has ten (10) ESS that set out the requirements for Borrowers relating to the identification and assessment of E&S risks and impacts associated with projects supported by the Bank through Investment Project Financing (IPF). The Bank believes that the application of these standards, will support Borrowers in their goal to reduce poverty and increase prosperity in a sustainable manner for the benefit of the environment and their citizens. Applicable ESS for the FSRP project are 9 out of 10. The ESS5 is applicable to matters of land acquisition, restriction on land use and involuntary resettlement.

61. The overall objectives of the World Bank's ESS5, as provided by the ESF are:

- i. To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement;
- ii. To avoid forced eviction;

- iii. To mitigate unavoidable adverse social and economic impacts from Land use or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher;
- iv. To improve living conditions of poor or vulnerable persons who are physically displaced through provision of adequate housing, access to services and facilities and security of tenure;
- v. To conceive and execute resettlement activities as sustainable development programs providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant; and
- vi. To ensure resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and informed participation of those affected.

4.10 Gaps between Kenyan laws and policies, and World Bank ESF/ESSs

62. This section compares the different laws and policies guiding land in Kenya, with the World Bank's ESS5: Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement. Specifically addressed are consultation requirements, eligibility for compensation, valuation method, grievance mechanisms, disclosure of information and the timing of compensation payments. For the FSRP project, the Bank's ESS5 will take precedence over any of these other laws.

Table 5: Comparison between Kenya Law and World Bank ESS5

Area of concern	Kenya Law	World Bank Requirements	Gaps	Gap filling measures
Land ownership	Kenya recognizes three forms of land ownership: public; private; and community land.	Identified three types of PAPs and this is compatible with the provisional constitution.	The same as World Bank requirements	The Kenyan law will be applied
Involuntary resettlement	<p>According to Kenyan Legislation, involuntary resettlement may occur because of projects implemented in public interest.</p> <p>The Land Act, 2012 Act outlines procedures for sensitizing the affected population to the project and for consultation on implications and grievance procedures.</p>	To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement	<p>The Law does not stipulate that resettlement should be avoided wherever possible; on the contrary, if a project is for public interest, involuntary resettlement is considered to be inevitable.</p> <p>Just and fair compensation as outlined in the Land Act 2012 is not clear and can only be determined by NLC, which can be subjective. It does not talk about improving livelihood or restoring them to pre-project status.</p>	For each of the subprojects, ensure that resettlement issues are considered at the design stage of the project to avoid/ minimize resettlement for the FSRP project. WB policy - the displaced should be assisted in improving their livelihood to pre-project status.
Compensation Eligibility	The Land Act 2012 guarantees the right to fair and just compensation in case of relocation.	<p>World Bank recognizes three classes of PAPs eligible for compensation:</p> <p>I. Those with formal legal rights to land (including</p>	The CoK on the other hand recognizes 'occupants of land' who do not have title and who the state has an obligation to pay in good faith when compulsory acquisition	Ensure ALL users (including squatters, laborers, rights of access) of affected lands are included in the census survey and are paid for

Area of concern	Kenya Law	World Bank Requirements	Gaps	Gap filling measures
	<p>The Land Act 2012 provides that written and unwritten official or customary land right are recognized as valid land right. The Law provides that people eligible for compensation are those holding land tenure rights</p> <p>Land Act also recognizes those who have interest or some claim in the land such pastoralist or who use the land for their livelihood.</p> <p>The constitution recognizes ‘occupants of land even if they do not have titles and payment made in good faith to those occupants of land. However, this does not include those who illegally acquired land</p>	<p>customary and traditional rights recognized under the laws of the country)</p> <p>2.Those who do not have formal legal rights to land at the time of census, but have a claim that is recognized under the laws of the country</p> <p>3. Those who have no recognizable legal right or claim to the land they are occupying (e.g. squatters, encroachers).</p> <p>Types of losses to be compensated include physical and economic displacement and cover land, residential or commercial structures, and lost income caused by temporary or permanent economic displacement</p>	<p>is made but this is sometimes not fully implemented</p>	<p>loss of assets other than land. Where resettlement will require new land, the impact will be handled during screening and preparation of RAP if need be</p>

Area of concern	Kenya Law	World Bank Requirements	Gaps	Gap filling measures
Valuation Method	<p>Valuation is covered by the Land Act 2012 and stipulates, as already mentioned, that the affected person receive fair and just compensation from NLC, as determined by National Land Commission. Valuers Act stipulates that a residual amount of 0.5% of the total valuation of an asset is expected to pay the valuer.</p> <p>The Land Act 2012 stipulates just and fair compensation.</p>	<p>Bank requires full replacement cost for all lost assets</p>	<p>Land Act 2012 provides for fair and just compensation for the lost assets, but it is not specific of the exact amount or procedures on the same.</p>	<p>Apply the World Bank measures on valuation and compensation</p>
Consultation	<p>The Land Act 2012 outlines procedures for consultation with affected population by the NLC and grievance management procedures.</p>	<p>Project affected persons (PAPs) facing physical or economic displacement persons must be meaningfully consulted to express their concerns and discuss ways to minimize impacts on affected communities.</p> <p>PAPs also should have opportunities to participate in planning and implementing resettlement programs.</p>	<p>The Land Act complies with the World Bank requirements</p>	<p>Implement consultation procedures as outlined in both Kenyan legislation and World Bank</p>

Area of concern	Kenya Law	World Bank Requirements	Gaps	Gap filling measures
Grievance Mechanism	Land Act 2012 clearly outlines the steps and process for grievance redress that include alternative dispute resolution, re-negotiation with NLC and is backed by the judicial system through Environmental and Land Court.	World Bank policy calls for project-level grievance redress mechanism to cover resettlement and related compensation matters, construction phase grievances and operations phase grievances.		World Bank ESS5 and RAP guidelines to be followed
Information Disclosure	County Government Act, 2012 spells out the principles of citizen participation at Section 87 of the Act, including timely access to information, data, documents, and other information relevant or related to policy formulation and implementation, and protection and promotion of the interest and rights of minorities, marginalized groups and communities and their access to relevant information.	World Bank requires disclosure by Bank at external website and simultaneous public disclosure in-country disclosure by clients' line ministries websites or other readily accessible public disclosure means available in their jurisdiction. Information disclosed in language(s) understood by the PAPs and other stakeholders.	Kenyan Law is not specific on language of disclosure.	World Bank ESS5 and RAP guidelines to be followed.

Area of concern	Kenya Law	World Bank Requirements	Gaps	Gap filling measures
Compensation Payment Schedule and Cut-off date	<p>Land Act 2012 provides for census through NLC inspection and valuation process</p> <p>Land Act talks of prompt, just and full compensation before the acquisition of land. However, interpretation of just compensation is yet to be clearly outlined through a specific schedule defining just and fair compensation has not been put in place.</p> <p>Attorney's fees, cost of obtaining advice or cost incurred in preparing and making written claim not included in just compensation</p>	<p>Cutoff date to be established at time of census and asset survey.</p> <p>Additional measures will be taken to ensure that vulnerable groups such as minority groups and nomadic pastoralist groups (e.g., through local leaders) to ensure adequate dissemination and inclusion.</p> <p>Compensation to be agreed upon with PAPs and provided prior to taking over of assets or relocation.</p>		Implement cut-off procedures as outlined in the RPF and Kenyan Law

As is noted throughout matrix above, in case of conflict between these two sets of laws/policy (Kenya and World Bank), World Bank ESF: ESS5 would prevail under this project.

5 INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS

63. The project will significantly benefit from the existing implementation capacity and strong community institutions developed under KCSAP, NARIGP, and ELRP both at the national and county levels. At the national level, a fully functional national project coordination unit (NPCU) has been established with subject matter, financial management, procurement, and environment and social safeguard specialists that are supporting county implementation units. Each of the 13 counties already has fully functional implementation and coordination units (CPCUs) with trained specialists. The strong technical and fiduciary systems already developed under NARIGP, KCSAP, and ELRP will facilitate the Kenya FSRP's efficient implementation. The project will also leverage the existing three-tiered community-level institutional arrangement developed under KCSAP, NARIGP, and ELRP for implementation purposes.

5.1.1 Implementation arrangements

64. Implementation of FSRP will involve a three-tier institutional arrangement (National, County and community) under the same implementation arrangements as are already established under NARIGP and KCSAP. Any required adjustments will be elaborated during preparation.

65. At the National level, overall project oversight and policy guidance on the RPF will be provided by the NPSC, which will be chaired by the Cabinet Secretary (CS), MoALD and co-chaired by the Chair agriculture committee in the CoGs. The National Project Coordination Unit (NPCU) to be headed by the National Project Coordinator (NPC) and will be responsible for managing day-to-day project implementation. NPCU will have a social safeguards specialist who will coordinate capacity building for the Counties on RPF issues including the ensuring the applicable livelihood restoration measures for PAPs.

66. **County level.** Depending on each county's governance structure, the CPSC, chaired by the County Executive Committee Member (CECM) in charge of agriculture and livestock will be responsible for providing RPF implementation oversight in the respective counties, including approving county RPF activity work plans and budgets for preparation of Income Restoration Plans and land documentation. The CPCU, which will be embedded into the respective county government structures will include an Environmental and a Social Safeguards Compliance Officer who will be the focal person for RPF. The IRP and land documentation will be coordinated by the County ESS team (County Environmental Safeguards Compliance Officer (CESCO and the County Social Safeguards Officer (County Social Safeguards Compliance Officer (CSSCO) and the Project Management Committees (PMCs)

67. **Community level.** The Community Driven Development Committees (CDDCs) with elected leaders (chair, secretary, treasurer, and board members) will represent beneficiaries in the targeted communities. CDDCs will be responsible for mobilizing

communities into CDDC and SACCOs, through the Participatory Integrated Community Development (PICD) process. They will also be responsible for identifying VMGs as per ESS7 in the community through participatory targeting approaches. CDDCs will facilitate the preparation of prioritized Community Development Plan (CDP) and the resulting community subprojects, as well as their implementation, community participatory monitoring and reporting.

68. In the CPCU are key officers (CESCO and CSSCO) who will administer the environmental and social Risks screening Checklist and exclusion criteria on the prioritised subproject after receiving the responses from the community members. Those investments that will be found to result in economic displacement will be isolated and the appropriate Income restoration measures suggested in the preparation of the IRP, then they will be forwarded to the CPCU for deliberation.

5.1.2 Coordination with other Relevant Departments

69. At the community level, a work plan will be developed for the community development sub - projects, through a transparent decision-making process. The work plan and budget at county level, and progress reports on all aspects of project implementation in each county will be displayed on a prominent information board at county headquarters. The same will also be displayed at the CDDC for wide community disclosure. County Directors of Agriculture and Livestock (representing the Ministry of Agriculture and Livestock Development) will be responsible for coordinating development initiatives alongside the CPCU. The RPF will also be implemented in consultation with land registrars, NLC regional coordinators, ministry of water and irrigation, Water Resources Authority, KeNHA, KURA, NEMA and other key regulation agents in the country.

5.2 Project Oversight, Policy Guidance, Governance and Coordination

70. At the national level, the GoK will be represented by the National Treasury (NT) and MoALD will be the main implementing agency. Within MoALD, the State Department for Crop Development will assume responsibility for the Kenya FSRP in coordination with the State Department for Livestock Department (SDLD). Overall project oversight and policy guidance will be led by KCSAP's existing steering committee (NPSC) at the national level, and by the three existing projects' CPSCs. To enhance their ownership of the project, participating county governments will be fully involved in the decision-making process at the national level. They will be represented in the NPSC by the Chair of the Agriculture Committee of the Council of County Governors (CoGs), and they will be represented in the National Technical Advisory Committee (NTAC) by county executive committee members (CECMs).

5.3 Environmental and Social Risks of the Project

71. The key environmental risks of the of the program include (i) unsafe use of agrochemicals including pesticides as well as agricultural research laboratory chemicals; (ii) health and safety risks and impacts during construction works (iii) the inappropriate use of water resources through overuse and agrochemical contamination, which can affect water quantity and quality in neighboring communities and downstream; (iv) the physical and chemical degradation of soils due to unsuitable land management techniques; (v) impacts on biodiversity and ecosystems of agricultural activities including agricultural water usage and pollution, and the introduction of invasive species ; and (vi) air, construction, waste, noise, water, and other environmental pollution linked to the construction of small-scale infrastructure such as storage facilities and small-scale irrigation schemes, although environmental pollution is expected to be site-specific and small in scale.
72. The main social risks and impacts of the project include: (i) economic displacement and or restrictions on land use (ii) insufficient community and other stakeholder engagement (including the potential exclusion of vulnerable individuals or groups); (iii) elite capture of project benefits; (iv) the exclusion of vulnerable groups or individuals from project benefits due to poorly designed, disseminated, or nontransparent beneficiary selection processes or eligibility criteria; (v) social tension and conflict induced by competition over agricultural resources including irrigation water, and by ongoing contextual security risks in conflict-affected areas; (vi) labor influx and associated risks including community health and safety, transmission of diseases; (vii) sexual exploitation and abuse and sexual harassment (SEA/SH), and other forms of GBV either as a result of labor influx or changes in power dynamics in homes among men and women; (viii) failure to comply with labor standards, including due to the use of child labor (a known risk in the agricultural sector); (ix) operational concerns due to remoteness and insecurity, namely in relation to the monitoring and supervision of social risks and grievance management; and (x) weak implementation capacity, especially at the grassroots level characterized by limited functional structures and trained manpower.
73. Table 6 below outlines the types of subprojects and activities that may pose social risks and impacts, causing economic displacement or restrictions on land use. Table 7 describes the risks and impacts, their magnitude and potential mitigation measures.

Table 6: Project activities that may require land, cause economic displacement or create restrictions on land use

Potential Sub-projects	Activities likely to require Land use or restrict access to land
Water availability for crops and livestock, Agricultural technology transfer, boreholes, small dams, water pans	For sub-projects like water pans and Rural small irrigation supply schemes, there will be need for land acquisition and/or restrictions on land use to protect the investment. The land may be fenced off for the security and safety. This will restrict access as the investments will only be opened for use as

	<p>agreed by the users.</p> <p>For subprojects like sand dam and shallow wells, there will be restricted access to protect the catchment and underground water quality.</p>
Markets, Digital technology transfer	<p>In helping crop and livestock farmers connect better to markets, there could be reticulation of water for urban supply which may cause partial or full displacement.</p> <p>The main market requires land depending on the size of the supply infrastructure, but for FSRP NO families will lose their homes and land.</p>
Rangeland Management	<p>Such sub-projects may include tree planting, erosion control, and improved management and sustainable use of existing forest and vegetation resources among others. These subprojects may be implemented in areas that are already earmarked for such activities and/or new sites could be identified. For existing sites, there may be additional restrictions of use as the new activities are implemented. For new sites, land will be acquired, and there will be restricted use. The new sites acquisition may affect livelihoods - it may have been a dry season grazing area or stock routes. Communities will have to be compensated and livelihood restored and/or new livelihood options introduced.</p>

Table 7: Potential social risks and impacts related to loss of land or restrictions on land use

S/N	Type of impact	Description of potential impact / issue and linkage to project component	Social Risk	Proposed Mitigation measure	Category of PAP affected
1	Loss of fallow and agricultural land	<p>Subprojects that include small civil works for rehabilitation and construction of water investments that include water pans, shallow wells, sand and sub-surface dams in dry riverbeds may cause loss of assets, as the back flow may lead to loss of farming land or reduction of flow to downstream water users. Given that land is a factor of production, it may lead to loss of livelihoods.</p> <p>Reduced flow to downstream users may cause community conflicts as communities may blame each other and the project for the loss.</p>	Moderate	<ul style="list-style-type: none"> • Community consultation to weigh the pros and cons of technological choices considering factors such as (a) equity of access to water resources and abstraction rights; (b) affordability constraints for different types faced by communities; and (c) upstream and downstream impacts on water use including environmental flows • Livelihood restoration and improvement programs will be implemented. • During environmental and social assessment such challenges will be assessed, and appropriate measures defined. 	<ul style="list-style-type: none"> • Farmers • Agro-pastoralists • Pastoralists
2	Restriction on land use and access	<p>Range management activities and catchment restoration, and tree planting may restrict use and access to allow for regeneration.</p> <p>Such investments may lead to a change in condition and size of existing land due to adoption of new land use systems hence</p>	Moderate	<ul style="list-style-type: none"> • Meaningful and inclusive community consultation to ensure they are involved in the subproject identifications, prioritization and mitigation measures. • Development of water and rangeland management systems including sharing agreements between communities. • Increase awareness of the resource constraints 	<ul style="list-style-type: none"> • Pastoralists • Farmers • Agro-pastoralists

S/N	Type of impact	Description of potential impact / issue and linkage to project component	Social Risk	Proposed Mitigation measure	Category of PAP affected
		potentially leading to pastoralists losing grazing land resulting in resource use conflicts between pastoralists. It may also lead to conflicts between the farmers and pastoralists.		<p>within the community and considerations of equitable resource management across different stakeholder groups.</p> <ul style="list-style-type: none"> • Productive livelihood development with priority investments in land management, cropping, and livestock to be supported by the project. • Provide pastoralists with access to an equivalent area of replacement grazing lands of equal or greater potential • productivity and locational advantages, and assistance in reestablishment. and / or Improvements in carrying capacity of remaining grazing lands. 	
3	Inequality in accessing and benefiting from involuntary resettlement compensations and livelihood support.	Due to traditional/customary biases, women, minorities and disadvantaged groups like nomadic pastoralists and youths may lose out on compensation as they do not own land or other assets. Furthermore, they may be excluded from decision-making process.	Moderate	<ul style="list-style-type: none"> • Undertake a Social Analysis and Social Assessment as part of RAP to guide implementation decisions. • Enhance the capacity of community level governance structures on among others the importance of inclusion and participation, and conflict resolution. • Ensuring the inclusion of all stakeholder groups e.g., pastoralists, irrigated farmers, rainfed farmers, landless laborers, women, and youth in project processes of economic displacement 	<ul style="list-style-type: none"> • Pastoralists, • Irrigated farmers, • Rainfed crop farmers, • Landless laborers, • Women, and youth

S/N	Type of impact	Description of potential impact / issue and linkage to project component	Social Risk	Proposed Mitigation measure	Category of PAP affected
				<p>planning.</p> <ul style="list-style-type: none"> • Implement the inclusion plan to ensure that all disadvantaged and vulnerable individuals and groups have access to information and project benefits. 	
4	Gender discrimination, Gender Based Violence and Sexual Exploitation (GBV/SEA)	Women and girls may be subjected to intimidation, sexual exploitation, abuse, and harassment and forced prostitution Income restoration plans due to community cultural perception among others.	Moderate	<ul style="list-style-type: none"> • The project will include identification and inclusion of key channels—outside traditional dispute resolution (use of trusted community elders or opinion leaders) or grievance redress mechanisms—to enable safe and confidential reporting of incidence of sexual exploitation and abuse and other forms of GBV. Identified GM focal persons will also be trained on effective response to cases of GBV should they occur using the county established pathway but will supervised by the GBV consultant at the national Project coordinating unit). County GBV actors will be mobilized along the SEAH pathway to strengthen the reporting pathway 	Women and youth
5	Discrimination and marginalization of disadvantaged and vulnerable groups	Resettlement may exacerbate discrimination of marginalized individuals and groups who may not have a say in the decisions made on	Moderate	<ul style="list-style-type: none"> • Ensure that resettlement does not cause any further discrimination, marginalization or displace IDPs. • Inclusive and meaningful engagement of all PAPs 	• Other vulnerable groups like FHH, CHH, PWDs

S/N	Type of impact	Description of potential impact / issue and linkage to project component	Social Risk	Proposed Mitigation measure	Category of PAP affected
	including IDPs, PWDs, women and child headed households, and minority clans/sub-clans	the project investments		<p>and their representatives in all involuntary resettlement and project processes.</p> <ul style="list-style-type: none"> • Implement the inclusion plan developed as part of this project. • Implement affirmative action where necessary. 	

6 ACCESSING LAND FOR USE IN FSRP ACTIVITIES

6.1.1 Accessing Community Land

74. The Community Land Act (2016) defines community as “consciously distinct and organized users of community land who are citizens attributed to; common ancestry, culture, or unique mode of livelihood, socio-economic or other common interests, geographical or ecological space and ethnicity.” Communities in dry lands can be grouped into nomadic, semi-nomadic, transhumant, and sedentary smallholder agricultural populations. Nomadic people are found in pastoral groups that depend on livestock for subsistence and, where possible, farming as a supplement. Following the irregular distribution of rainfall, they migrate in search of pasture and water for their animals. Semi-nomadic people are also found in pastoral groups that depend largely on livestock and practice agricultural cultivation at a base camp, where they return for varying periods. Transhumant populations combine farming and livestock production during favorable seasons, but seasonally they might migrate along regular routes using vegetation growth patterns of altitudinal changes when forage for grazing diminishes in the farming area.
75. The Community Land Regulation (2018) operationalizes the Community Land Act 2016. It provides for recognition and protection of community land rights, registration, administration, and management of community land through Community Land Management Committees (CLMC) and the Community Assembly. It guides on the registration of community members, and various processes which include conversion of community land and the settlement of disputes. The Regulations also provide for the special interest rights and entitlements in community land, and environment and natural resources management on community land. Mechanisms for dispute resolution are clearly spelt out as well. In summary, for effective use, the CLMC shall facilitate development of a benefit-sharing plan approved by two-thirds of the community assembly to ensure sustainable use and equitable distribution of benefits including the minority groups, women, and persons with disability.
76. It is notable that some of the counties involved in the proposed project have already registered and/or are in the process of registering community lands. The project team will be required, with the participation of the County Government and the Implementing Agencies (IAs), to utilize some of the strategies listed below to acquire the land for the proposed investments. For those investments to be made on public and private land, the laid down procedures as provided for the National Land Act (2012) will be followed.

6.1.1.1 Registered Community Land

77. Registered Community land is established under Section 12 of CLA 2016. There are clear guidelines on the definition of a community, and the operationalization of CLA. The Act establishes two important structures, namely the Community Assembly and CLMC. The Community register comprises of all living members of the community. The Committee comprises of 7-15 members serving for a term of 3 years with a third eligible for re-

election. They comprise the executive members who are the Chairman, Vice Chairman, the Treasurer and the Secretary and membership is drawn from different community interest groups and geographical considerations. They are mandated with governing the Community land and carrying out the day-to-day operations.

78. The Community Assembly comprises of all adult members of the Community registered as members and they decide on the major affairs as stipulated in the Act and regulation. The quorum for the assembly is 2/3 of the total members of the assembly.

6.1.1.1.1 Access to Registered Community Land

- a) Principal title under Community Land is vested in Communities at registration.
- b) Certificate of title issued by the Registrar will serve as prima facie evidence of the community as the absolute and indefeasible owner, except where the title has been obtained frequently (CLA s18).
- c) CLA makes provision for individuals, families, and other customary groups or new groups formed by community members, such as a cooperative or association, to be acknowledged as the owners of rights to particular parts of the community's domain (CLA s. 14).
- d) The law also places obligations to the registered Communities in the pastoral areas to ensure:
 - they allocate land to their members for the purpose of grazing;
 - Reserve special areas for farming areas, settlement areas, community conservation areas, access and rights of way, cultural and religious sites, urban development, or any other purpose as may be determined by the community, county government or national government for the promotion of public interest; and
 - Ensure every member of the community has the right to equal benefit from community land, full and equal enjoyment of right of use and access with no discrimination based on gender, minority, and disability or marginalized groups.
- e) CLA makes specific provision on land requirements for investment, including that each request is subject to consultation and agreement with the community. A community may also determine terms of any lease and establish requirements for the investor to conserve and rehabilitate lands (CLA s. 37). The FSRP project shall consult with all stakeholders extensively and partner with Communities benefiting from the project.
- f) The law gives provision for a negotiated settlement in community land. FSRP will negotiate with communities within registered and unregistered community land for access to land, especially for community development projects. Referto annex 2, to 13

6.1.1.1.2 Management of Registered Community Land

- a) The CLMC, headed by the chairman.

- b) Depending on the type of decisions to be made, access to the Community Assembly is done through the CLMC.
- c) The Community Land Registrar: keeps the records of the CLMC for any registered community, hence, information regarding community land can be gathered through the registrar who will give status on community members and community land.
- d) Background check on the targeted community, a scan, screening of the socio-economic status of the community through conducting social assessments, holding discussions with the community members using their structures, conducting focus group discussions to ensure that everyone is included in the consultation process.

6.1.1.1.3 Step by Step Process of Accessing Registered Community Land

- a. Background check (due diligence carried out on the ownership, access, and use) - the project will conduct a search at the county registry to determine its registration status and validity of the CL title.
- b. Structured consultations and sensitization with the CLMC and Community Assembly.
- c. Observe due diligence in terms of the approved survey, physical planning maps.
- d. Clear conditions for benefit sharing/community benefits when establishing partnerships for investment.
- e. The Community, through a resolution of the Community Assembly, approves and consents to the project to access land using a prescribed community Land resolution and agreement form developed by the project after negotiations. The Community will adopt the prescribed form and record in its Community Assembly meetings.
- f. Approval of investment agreements/Partnership/MoU by 2/3 of CA evidenced through minutes of the assembly.
- g. Approvals from other state agencies where applicable, e.g., NEMA, WRA, KFS, KWS; among others.
- h. Project Implementation.

6.1.1.2 Unregistered Community Land

79. The unregistered Community Land represents land which is held under customary tenure system. This land presents characteristics such as land with no public records about legal ownership, boundaries, or transaction. In addition, it is land customarily owned under certain cultural beliefs and it's held in trust by the County Government. Table 6 gives a synopsis of decision-making structures commonly used in decisions on community land.

6.1.1.2.1 Process for Land Access to Unregistered Community Land

- a. Background check (due diligence carried out on the ownership, access, and use).
- b. Structured consultations and sensitization with the National and County Governments and political leadership up to the local level.
- c. Structured consultations with the Community structures, e.g., community leaders, clan elders and other gatekeepers including CDDCs, CBOs and FPOs for buy-in.

- d. Clear conditions for benefit sharing/community benefits when establishing partnerships for investment.
- e. The Community will give consent a prescribed form for the investment (see annex 7 for a sample of this Template)
- f. Approval of investment agreements/Partnership/MoU must be done by most community members and recorded as minutes.
- g. The County Government will facilitate the partnership process and any required land use planning processes.
- h. Approvals from other state agencies where applicable, e.g., NEMA, WRA, KFS, KWS, among others.
- i. Project Implementation.

Table 8: Decision-making structures on community land

Land Category	Actor	Roles
Registered Community Land	National Land Commission	Land set apart for public purpose shall be gazette by NLC as public land. The NLC will identify and register this land.
	County governments (physical planners)-	<ul style="list-style-type: none"> • The county government to approve plans for development, management and use of community land. • Give consent where applicable
	Community Land Registrar	<ul style="list-style-type: none"> • To register interests in community land and maintain the register
	Community Assembly	<ul style="list-style-type: none"> • It is a gathering of registered adult members of a community responsible for approving key resolutions including conversions, partnerships, and investment agreements. Consists between 7-15 members including the youths who will serve for a term of three years and only a 1/3 are eligible for re-election. Must meet 2/3 of the registered members for decision making.
	Community Land Management Committee	<ul style="list-style-type: none"> • Manage and administer registered community land on behalf of the community and coordinate development of land use plans in coordination with relevant authorities.
Unregistered Community Land	County government structures	<ul style="list-style-type: none"> • The county government will hold unregistered community land in trust on behalf of the community • Guide in land use planning

Land Category	Actor	Roles
		<ul style="list-style-type: none"> • Assist in implementation of the project • Forward inventory of CL to the CS • Hold unregistered community land in trust
	The community elders (Council of elders), women groups, youth groups, religious leaders (faith-based organizations)	<ul style="list-style-type: none"> • They act as community gate keepers • Approve and identify project sites and beneficiaries • Members of Project Management Committees • Reserve land for public use
	Chief, National Government Administration Officers (NGAO)	<ul style="list-style-type: none"> • Provide security-maintenance of law and order • Coordinate mobilization of communities • Guide communities on existing government projects and relevant regulations
	Politicians	Political goodwill
	The local NGOs and FBOs Existing Management Committees (i.e., WRUAs, etc.)	<ul style="list-style-type: none"> • Community gatekeepers • Members of NPCU • Mobilization of all categories of communities • Identification of beneficiaries

6.1.1.3 Factors to consider when seeking access to community land for investment

- a. Any land previously used for public purpose shall on commencement of the Act be deemed to be public land vested in national or county governments based on the use it was put for Section 8 (6)
- b. The negotiations and consultations leading to investment agreements or MoUs should be conducted in full transparency and with full disclosure including participation of the local communities whose access to land and other productive resources may be affected.
- c. The project will be required to make any ex-ante or ex-post applications to other relevant authorities where necessary.
- d. Aside from the general requirements of impact assessment under EMCA, projects dealing with community land must take cognizance of the following:
 - The proposed project should not block access of critical resources such as salt licks, riparian areas, lakefronts, beach fronts, rivers, special landscapes;
 - The proposed project should not block access to refuge zones that are critical to local and other communities during natural disasters such as floods or drought;

- The proposed project should not interfere with cultural heritage sites and religious grounds or places of archaeological value;
 - The proposal must prove that land will be held and managed efficiently;
 - The proposed investment must not negate the principle of equitable access to land as stipulated in the CoK; and
 - The proposed investment must not interfere with the conservation and protection of ecologically sensitive areas for example wetlands lakes.
- e. It is also important to recognize other use rights on land such as grazing and gathering wood, which are often critical sources of livelihood especially for women.
 - f. Principle of Free, Prior and Informed Consent (FPIC): the principle of free, prior and informed consent (FPIC) provides that ‘government shall consult and cooperate in good faith with the indigenous communities.
 - g. Communities may consult County Government and any other authorities when drawing terms for investment.
 - h. Community shall develop clear by-laws for administration of land on registered community land and the CLMC may develop bylaws for the project interventions in the case of unregistered community land in consultations with the communities.
 - i. The State has power to regulate use of CL pursuant to Art. 66.
 - j. The Registrar shall determine validity of any instrument executed before the Act that is presented for registration in CL register – Sec. 46(3).
 - k. No separate title shall be issued in case of allocation and the entitlement shall not be superior to the community title.

6.1.1.4 Community Land Access and Partnership for Community Investment

80. Access to Community Land remains a complex issue that needs deeper interrogation and understanding especially when projects such as FSRP are to be implemented in it. There is need to have a guide for CL by the project to maximize the benefits and enhance sustainability by engaging communities. It is important to recognize that:

- i. Community lands are regulated by communities, using their own rules, defined as customary or community land. The CoK acknowledges customary laws only requiring these to be consistent with it;
- ii. Section 12 of the Community Land Act 2016, states that Community land maybe held as: communal land; family or clan land; reserve land; or in any other category of land recognized under the Act or other written law; and
- iii. The procedures for securing freehold, customary or leasehold title are the same. These include registration of the applicant community, and then the application by it for formal survey and adjudication of its land. The results are to be registered as a collective title in a community land register, set up for this purpose in each county.

6.1.2 Other forms of Land Access

81. One of the aims of this RPF is to secure access to land to enable the FSRP: related investment projects to be developed, implemented and operated. A proper strategy to ensure access to land and sources of development land should be devised. The strategy and source of land will depend on the magnitude of the project, the purpose and duration for which land is required, that is, either permanent or temporary occupation/use. Permanent occupation involves obtaining rights to access land for long term use, for example, in the construction of market facilities, expansion/upgrading watering points and rehabilitation/upgrading of post- harvest storage pasture facilities. Temporary occupation involves obtaining rights to access land for a limited period (the duration of the project activity) after which the land is returned to the landowner. Examples for which land may be temporary required is for storage of construction equipment and materials or where there is temporary restriction of access to the ensure pasture regeneration and PAPs are to be given alternative land to carry on with usual livelihood activities.
82. Whether land is required on a permanent or temporary basis, the following land access approaches may be employed:

6.1.2.1 Negotiated Land Leasing

83. This is where Land may be leased from willing landowners. Here FSRP project proponents or lead implementing agency will enter into tenancy agreements directly with the project affected persons for a tenancy period defined by the construction period of the project but not more than 21 years.

6.1.2.2 License

84. PAPs may give permission/license to the project proponents to occupy and use their lands for a certain period of time. This land access approach may work well where land is to be occupied for a very short period, say storing pastures or seed materials, or creating temporary access/route to the sites.

6.1.2.3 Easements/ Rights of Way

85. Easements and rights of way permit someone to use the land of another either to lay pipes or build infrastructure like roads. This land access approach may be used if land is required to create access routes to subproject sites like markets or to expand and improve the existing routes.

6.1.2.4 Negotiated land purchase

86. Where the FSRP project proponent or lead implementing agency will purchase land from PAPs on a willing buyer-willing seller basis. The land price offered will be at current market value as determined by a registered valuer. The physical possession of the land will be

taken only after the price offered is fully paid. The land to be purchased must be free of all encroachment and other encumbrances.

6.1.2.5 Voluntary Land Donation (VLD)

87. Land for development of FSRP projects may be voluntary donated by the lead implementing agency i.e. the State Department for crop production. Land may also be donated by the respective County Government; the community may also donate land or voluntary land donation by private landowners. The FSRP projects that can benefit from voluntary land donation may include improvements/ upgrading of existing agricultural infrastructures, construction of marketing facilities, construction of new and improvement of existing storage facilities.
88. Where land for FSRP is to be voluntary donated, the donor is supposed to benefit directly from the project, the voluntary land donation process must comply with the World Bank principles as follows:
- The infrastructure must not be site specific.
 - The impacts must be minor, that is, involve no more than 10 percent of the area of any holding and require no physical relocation of people.
 - The land required to meet technical project criteria must be identified by the affected community, not by the executing agency (nonetheless, technical authorities can help ensure that the land is appropriate for project purposes and that the project will produce no health or environmental safety hazards).
 - The land in question must be in the absolute ownership of the donor free of squatters, encroachers, or other claims or encumbrances.
 - Verification (for example, notarized or witnessed statements) of the voluntary nature of land donations must be obtained from each person donating land.
 - If any loss of income or physical displacement is envisaged, verification of voluntary acceptance of community-devised mitigatory measures must be obtained from those expected to be adversely affected.
 - If community services are to be provided under the project, land title must be vested in the community, or appropriate guarantees of public access to services must be given by the private titleholder.
 - Grievance redress mechanisms must be available.

6.1.2.5.1 Process of Voluntary Land Donation

89. The procedure of voluntary land donation should be as transparent as possible with all efforts being made to comply with the World Bank principles above. FSRP must identify genuine land users willing to donate land and verify their willingness and be sure that they have no hidden motives. The land is then investigated to ensure it is suitable for the intended project. This may involve carrying out geotechnical surveys and title searches at the respective land registry where the land is registered to ensure that it is free from all

legal and other forms of encumbrances. A formal subdivision is then carried out by a licensed surveyor to create two titles if the land is privately owned.

6.1.2.5.2 Voluntary Donation of Unregistered Community Land in Kenya.

90. Where the land to be donated for FSRP subproject is unregistered community land as defined in community Land Act in Kenya, the land donation process must comply with the guidelines for voluntary donation of land in Community Driven Development Projects (CDD) projects in Kenya. World Bank Approach to Voluntary Land Donation for Unregistered Community Land in Kenya and Community Land Resolution and Consent Form for VLD.

6.2 Criteria and Methodology for Calculation of PAPs affected Assets

91. Individuals, households or communities affected by FSRP related project activities may be eligible for compensation for land use or crops loss and for other livelihood assistance depending on land tenure status.
92. Project Affected Persons (PAPs) who experience impacts as a result of FSRP-related project activities are comprised of three groups: PAPs with Legal Rights, PAPs with no formal legal rights and PAPs with no recognizable legal rights mainly community land. Table 9 covers each of these three groups, the type of compensation to which each group is entitled under the RPF, and evidence required to substantiate a PAP's claim to compensator under each category

Table 9: Eligibility Criteria for Categories of Affected Persons

PAP category	Definition	Required Compensation	Required Evidence
Legal Rights	Persons who have formal documentation under national law to prove their rights, or are specifically recognized in national law as not requiring documentation. In the simplest case, an area is registered in the name of individuals or communities. In other cases, persons may have a lease on the land and therefore have legal rights	Compensation on assets lost, and other resettlement assistance, in accordance with the RPF Additional assistance for qualifying vulnerable persons	Proof of legal ownership, documented in written form such as land registers, deeds, mortgages, lease agreements, tenancy agreements or rent receipts
No formal rights but recognizable legal rights	Persons who do not have formal rights to land or assets, but who have a recognized or recognizable claim under national law can fall into a number of groups. They may have been using the land for generations without formal documentation under customary or traditional tenure arrangements that are accepted by the community and recognized by national law. In other cases, they may have never been provided with formal title or their documents may be	Compensation on assets lost, and other resettlement assistance, in accordance with the RPF Additional assistance for qualifying vulnerable persons	Criteria for establishing non-formal, undocumented or unrecognized claims to eligibility shall be established on a case by case basis. Proof of eligibility may take the form of an affidavit signed by the owner/occupant and witnessed by a

PAP category	Definition	Required Compensation	Required Evidence
	incomplete or lost. They may have a claim for adverse possession if they have occupied land for a certain period of time as defined by national law, without the formal owner contesting the occupation. In such cases, national law often has legal procedures by which such claims can become recognized.		reputable member of society
No recognizable legal rights	These persons can be seasonal resource users, such as vendors, herders, grazers, fishers, or hunters (although if the rights of such users are recognized by national law, they may fall into category (a) or (b)). They can also be persons occupying land in violation of applicable laws. Affected persons in these groups are not eligible for compensation for land, but are eligible for resettlement and livelihood assistance and compensation for assets.	This will NOT include compensation for land but assistance, for livelihood restoration. Additional assistance for qualifying vulnerable persons	Occupants identified during the baseline census, but lacking any evidence of ownership, or legal claim under national laws

Table 10: Impact and Compensation Entitlement

Asset	Type of Impact	Entitled Person or Group	Entitlement
Agricultural or pasture land	Full use	Persons whose agricultural or pasture land (or other productive land) is in part, or in total, affected (permanently or temporarily) by the Project	<ul style="list-style-type: none"> • pre-project equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes • The value of the labor invested in preparing agricultural land will be

Asset	Type of Impact	Entitled Person or Group	Entitlement
			compensated at the average wage in the community for the same period.
	Seasonal use	Persons whose agricultural or pasture land (or other productive land) is in part, or in total, affected (permanently or temporarily) by the Project	<ul style="list-style-type: none"> • Pre-project equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. • The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time.
Trees – timber	Cut/uprooted (loss of timber)	All PAPs	<ul style="list-style-type: none"> • Cash compensation for full replacement value of the tree including for the one-time sale of timber
Fruit trees	Cut/uprooted (loss of fruit)	All PAPs	<ul style="list-style-type: none"> • Cash compensation for full replacement market value of the produce of one tree for two years, assistance in establishing replacement trees. Present age and productive life the tree need to be factored in
Standing Crops	Crops affected by Land use or temporary acquisition or easement	All PAPs	<ul style="list-style-type: none"> • When possible, PAPs will be given enough time to harvest existing crops to avoid economic loss to them. Where not feasible, cash compensation for crops at full market current value in the locality
Business	Loss of access	All PAPs	<ul style="list-style-type: none"> • Cash compensation to 50% of net monthly income based on estimates from

Asset	Type of Impact	Entitled Person or Group	Entitlement
			<p>comparable businesses for length of time access is lost. Or up to three months income (if loss is permanent)</p> <ul style="list-style-type: none"> • Assistance to help find alternative temporary or permanent locations to establish business • Right to salvage material without deduction from compensation • Livelihood restoration assistance if required (assistance with job placement skills training)
Community Assets	Temporary loss of access	All PAPs	<ul style="list-style-type: none"> • Cash compensation to cover public transportation cost to the nearest same facility in the town/city for the period of loss
		Owner/ Community	<ul style="list-style-type: none"> • or cash compensation at full replacement costs for the • Right to salvage material without deduction from compensation • Relocation assistance to cover moving costs • Assistance with finding new location
	Displacement	Tenant	<ul style="list-style-type: none"> • Cash compensation at full replacement cost for any verifiable improvement of the property • Rent and deposit refund • Relocation assistance to cover moving costs • Assistance with finding new location

6.2.1 Calculation of Crops (cash/subsistence) Compensation Rate

93. The current prices for cash crops if any will be determined and all crops will be valued using a unitary rate. This rate incorporates the value of crops and the value of the labor invested in preparing new land.
94. The respective rates for affected crops by type and status on the farm will be adopted from County Agricultural Crop Price Schedules which are usually updated every year. In the absence of updated schedules updated ones from neighboring counties in similar agro-ecological conditions should be used.
95. Overall, crop values will be determined on:
- A combination of staple foods and cash crops. The 80/20 ratio of land that a farmer typically has in food crops and cash crops is used to determine the chances s/he would lose food crop rather than a cash crop income.
 - The value of staple crops to be taken as the highest market price (over 3 years) reached during the year, in recognition of the following factors:
 - Although most farmers grow staple crops mainly for home consumption, they always have the option of selling these crops to take advantage of the market;
 - Farmers most often purchase cereals when they have run out, during drought when prices are high. Compensating at a lower value might put the individual or household at risk; and
 - On average, the highest price of staple food yields a high per hectare value reimburses for the vegetables and other foods that are commonly inter-cropped with staples but are almost impossible to measure for compensation.
96. The labor cost for preparing replacement land is calculated on what it would cost a farmer to create a replacement land. This value is found by adding together the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop

6.2.2 Compensation for Community Assets

97. Compensation will be provided for community assets identified through the socio-economic survey. In all cases these will be provided in-kind and new facilities will be provided even if there are existing facilities at the new location that will be augmented to replace the loss.

6.2.3 Compensation for Sacred Sites

98. This policy does not permit the use of land that is defined to be cultural property by the Banks Safeguards as shown in ESS 8. It includes other such sites or places/features that are accepted by local laws (including customary), practice, tradition, and culture as sacred.
99. To avoid any possible conflicts between individuals and/or communities/homesteads/chiefdoms the use of sacred sites for any project activity, is not permitted under FSRP project. This is because the preservation or relocation processes will usually be lengthy and costly, often leading to renewed inter-or-intra-clan conflicts.

6.2.4 Compensation for Beehives

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

6.2.5 Compensation for Livestock

101. Compensation will be ideal from two points of view: the market value of the category of animal by age and region; and two the valuation guidelines normally advised by the Ministry of Agriculture and Livestock Development; or in case of game by the Kenya Wildlife Service (KWS).

6.2.6 Compensation for Horticultural, Floricultural, and Fruit Trees

102. Banana and Mango trees are featured below as two examples of the set of primary fruit trees that are likely to be found in project targeted area and are estimated to account for a significant amount of all fruit bearing trees. They are primarily important as a source of:
- Subsistence food for families;
 - Cash produce that contributes to the export economy;
 - Petty market income in some areas; and
 - Shade (in the case of mango trees).
103. Compensation will be made for the estimated value of the trees as established from the District Agricultural Office (DAO) and following rates established by Kenya Forest Services for trees but also considering the age and girth of the trees, annual productivity index as established by DAO will be considered.

6.2.7 Other Domestic Fruits and Shade Trees

104. As defined in this policy, individuals will be compensated for wild trees which are on their land. Wild productive trees belong to the community when they occur in the bush as opposed to fallow land. These trees will be compensated for under the umbrella of the community compensation.
105. No compensation will be paid for minor pruning of trees. Compensation for removal of limbs will be prorated based on the number of square metres of surface area removed. The total surface area of the tree will be calculated using the following formula: $(\frac{1}{2} \text{ diameter of canopy})^2 \times 3.14$.
106. Table 4 below shows a summary of entitlements to demonstrate the foregoing valuation and compensation methodology. The complete Entitlement Matrix Sample is in Annex 2.

7 GRIEVANCE MECHANISM

107. A key element of the RPF is adoption and implementation of a grievance mechanism. Grievance procedures are required to ensure that PAPs are able to lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution of the issues. Grievances may arise from any stakeholders including members of communities including PAPs who are dissatisfied with any project activities especially issues to do with land access, loss of income, loss of assets and resources sharing. FSRP will ensure that a Grievance Mechanism (GM) is in place in accordance with ESS10 within six months after project effectiveness.
108. NARIGP and KCSAP have a functional GM which will be adopted and tailored to manage grievances from diverse FSRP project interventions at community, county, regional and national levels. The GM will address concerns and complaints promptly and transparently at no cost or discrimination towards PAPs. The first contact for grievances management in FSRP will be the SAIC members at the community who will receive, document and resolve any grievances that arise. It is expected that most grievances will be resolved at this level but those that are not will be escalated to the CPCU (CSSCO and CESCO) for reception, documentation and resolution. Any grievances not resolved at CPCU will be referred to the County Grievances Management Committee (CGMC). Any grievances that will not be fully resolved at the County level will be referred to the NPCU (NSSCO and NESCO) for reception, documentation and resolution and any that are not finalized will be referred to the National Grievances Management Committee (NGMC). The contact details for the contact persons at the SAIC, CPCU and NPCU will be shared with the stakeholders at the start of the project activities. The project will disclose a toll-free number for use by all PAPs to express their feedback on the project activities. The telephone numbers for the contact persons at the SAIC level, CPCU and NPVU will also be shared with project stakeholders for use when they wish to share feedbacks.
109. Grievances may also be reported to the National institutions mandated to receive and resolve environmental and social complaints including National Environment Complaints Committee (NECC) and the Environment and Land Court. In line with ESS2, the project will also establish and implement a workers' GM to enable project workers to address project-related workplace concerns, including sexual harassment. Elaborate GM processes are outlined in the FSRP ESMF.

7.1 Grievance management overview

110. The FSRP project will use established grievance mechanism (GM) as set up in the ELRP (toll free line 23771) and KSCAP all in alignment with the requirements of ESS10-Stakeholder Engagement. The project Stakeholder Engagement Plan (SEP) details the grievance procedure that has been established for the project. While the RPF utilizes the same GM as the project's, any complaints filled by Project Affected Persons (PAPs) in relation to resettlement, shall be logged and filed differently to those received from other

project stakeholders. Existing complaint handling mechanism in KSCAP and NARIGP and ELRP have several channels for uptake of complaints. The uptake channels include toll free line email, walk in, letters and grievance redress committee established at national, county and community level.

111. The grievance mechanism shall not impede access to the country's judicial or administrative remedies. Affected persons can approach a court of law at any time and independent of the project level grievance redress process. Along with the WB requirements on development and approval of grievance redress mechanism by implementation of investment projects. The PAPs will have the right to file complaints and queries on any aspect of crop/asset/livelihood Land use compensation and resettlement. NPCU/CPCU in the 13 FSRP will be responsible for establishment of GRM throughout the project life time and act as the GRM secretary to make sure that the GRM is operational to effectively handle environmental and social concerns of project affected persons.
112. Under the proposed project level grievance mechanism, affected households may appeal any decision, practice or activity connected with the assessment or valuation of crop/asset/livelihood land or other assets, acquisition and compensation, as well as any other project related grievance. FSRP will maintain comprehensive project-level grievance redress log and report on the number and status of complaints in progress reports to the World Bank.

7.2 Restoration related Grievances

113. Grievances may arise at different stages of the resettlement process: from the consultation process that may not be inclusive, composition of local committees spearheading community mobilization, during identification of eligible beneficiaries, rates of compensation, location of resettlement sites, and the quality of services at new sites, to mention but a few. A grievance could be a simple query or inquiry, concern, issue, or formal complaint that affects the lives of aggrieved parties. The information on grievance mechanism processes and structures will be disclosed to stakeholders—including PAPs, recruited workers and vulnerable and disadvantaged groups—using appropriate medium such as vernacular radios, websites, government reports and speeches, community meetings, social media, toll-free telephone lines, documentation and dissemination of GM in project leaflets or brochures to mention but a few.
114. The GM to be proposed during the preparation of the subprojects' RAP shall seek to achieve the following objectives:
 - i. Encourage registration, acknowledgment, and recording of all concerns or issues raised by aggrieved persons;
 - ii. Identify the frequencies of issues raised: for instance, unpaid compensation, inadequate compensation, disregard for local ritual ceremonies, land acquisition, workplace concerns, etc.;

- iii. Ensure that complaints are properly registered, tracked and documented, with due regard for confidentiality;
- iv. Address the composition of a committee that would handle all grievances; Inform people of the public information center establishment and access;
- v. Establish procedures for the GM to enhance easy access, transparency and accountability, and escalation of grievances which have not been resolved at lower levels;
- vi. Manage the concerns raised by aggrieved parties to achieve a win-win situation within a reasonable time frame that would comply with national and international best practices; and
- vii. Record all resolutions agreed upon by all parties involved and ensure that aggrieved persons are satisfied with every outcome of remedial resolution to foster harmony in subprojects.

7.3 Grievance Mechanism Structures

115. The project will have a GM that applies to all project processes and activities within the project life cycles. The grievances will be dealt with at various levels by GM committees at MoALD /NPCU and FMS /CPCU levels, and at the community level by VDC (Village Development committee). The Social Specialists have the primary responsibility to ensure that the grievances are received and attended to. The project will review the capacity of these structures to attend to GM related resettlement issues and if found necessary, a temporary special resettlement redress committee will be set up and/or a short-term consultant with expertise on land and resettlement will be hired to support the social specialist at CCU and NPCU level. Given that County governments have a role in land administration and management, they will play a big role in the resettlement plan development and implementation and related grievances. The districts will be co-opted into the local level grievance committees. See Figure 2 below for the proposed structure of the project GM.

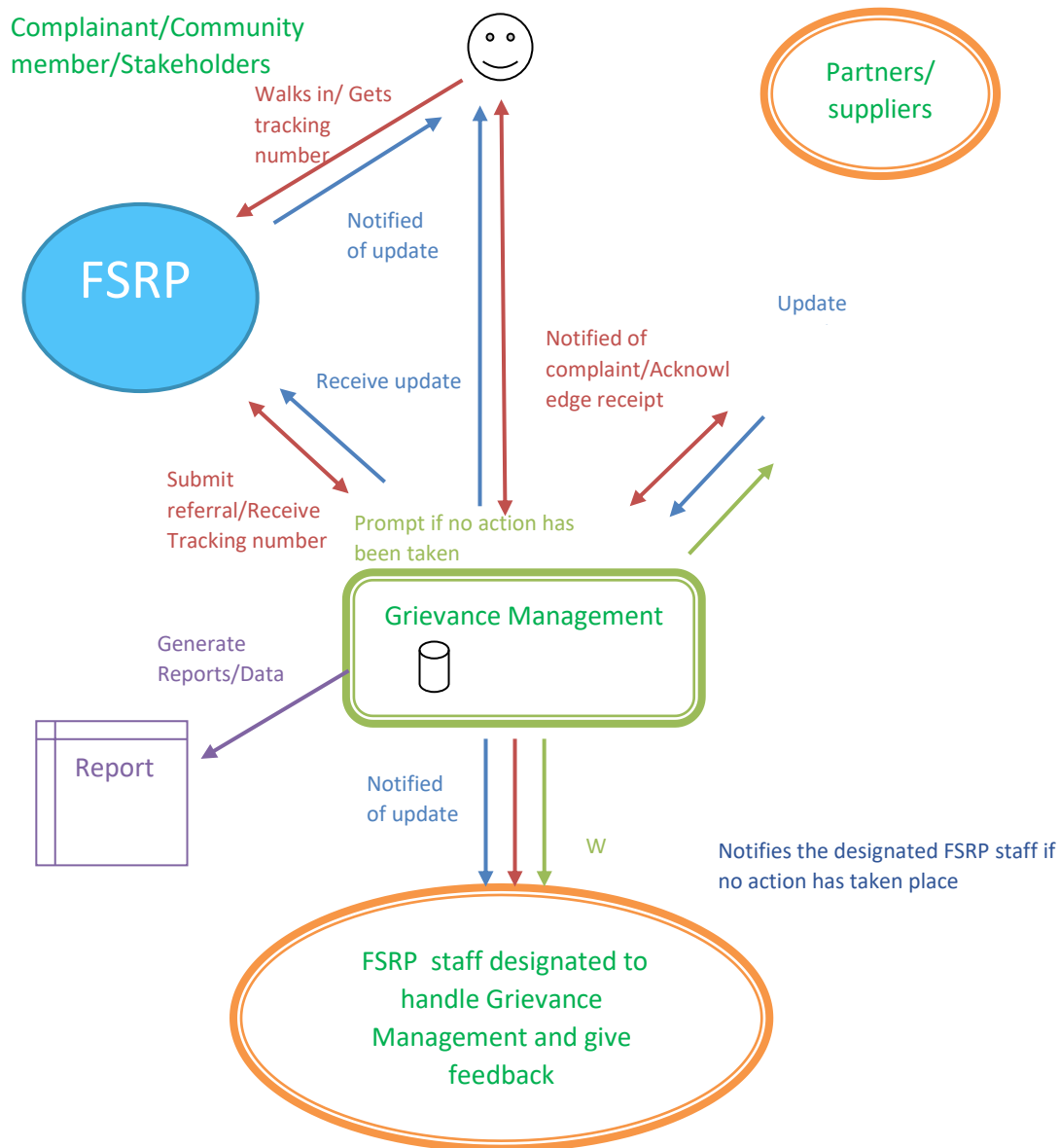


Figure 2: Flow of grievances

7.4 Grievance Mechanism Processes

116. The key GM processes are: receiving of grievances by phone, in-person, text or email to publicized toll free mobile phone lines like 23771 and email addresses of the focal persons in the Social Accountability and integrity committees (SAIC) and the community level. The complaints will then be logged into the GM register, acknowledged within specified timeframe, reviewed and response provided/remedial measures taken, monitored and reported. The complainant is then informed about the outcome. The above process will take place at level 1 (community and SAIC). When the complainant is not satisfied by the solutions provided, he/she shall escalate it to the level 2 (County grievance committee) and again if not satisfied move to the 3rd level and 4th (National Level) including the World Bank Grievance Redress Service (GRS). The complainant has the right to remain anonymous, and whistle-blower protection for complaints raised in good faith will

be ensured. The E&S specialist will carry out training of relevant Government staff involved with the project, and contractors. The project management will provide timelines upon which grievances will be addressed. The PAPs will be informed of the availability of judicial recourse and community and traditional dispute settlement mechanisms in addition to the project GM. See the figure 3 below for the summary of the GM processes.

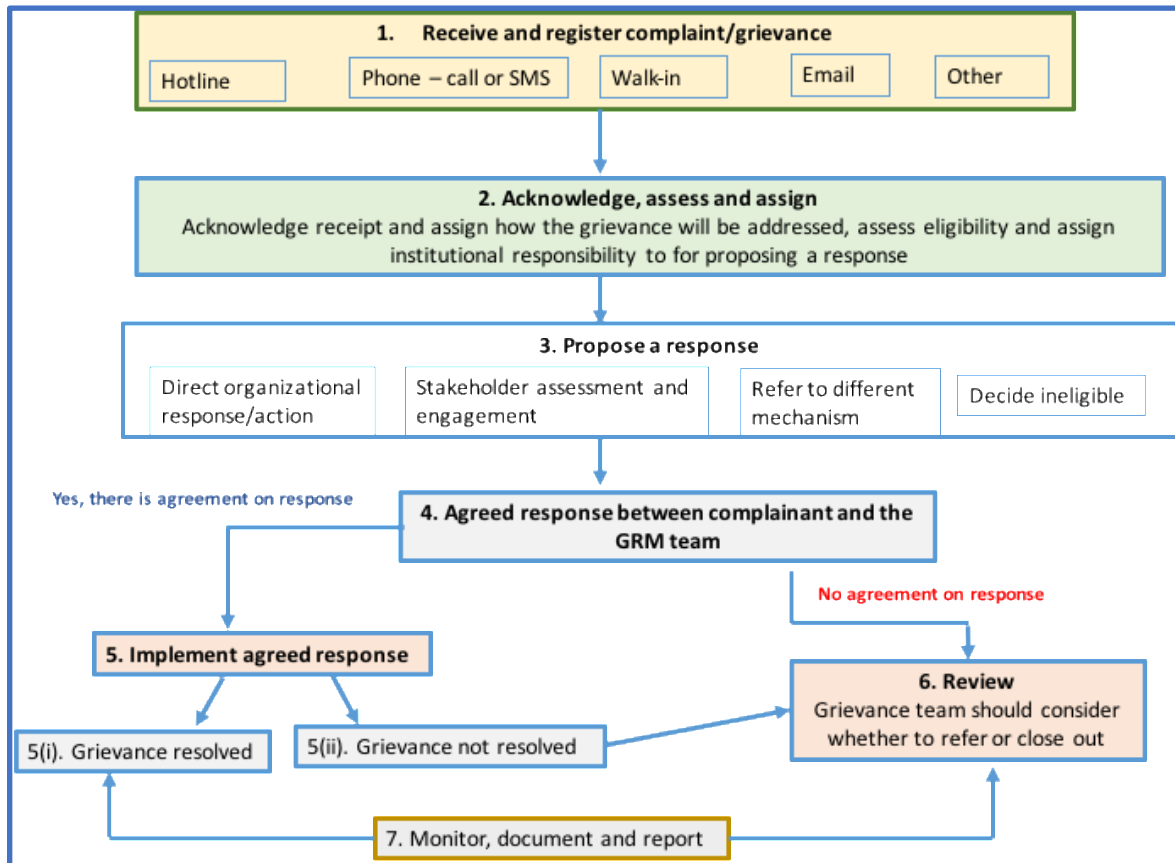


Figure 3: Project Grievance Mechanism Processes

117. The GM structure of the project will establish a register of resettlement/compensation-related grievances and disputes. The receipt of complaints will include logging and registration as this will help with monitoring the status of the grievances and ease reporting on them. The existence and conditions of access to this register (where, when, how) will be widely disseminated within the project community/town as part of the consultation undertaken for the project in general. The focal person designated and whose contacts are publicly disclosed to receive complaints in every community driven development committee shall receive all complaints and shall officially register these complaints using the first section of the proposed complaint registration and resolution form provided in the annex.

118. It is desirable to resolve all the grievances at the community level to the greatest extent possible. At the first level of grievance resolution managed by a community management committee (Social accountability and integrity committee (SAIC) but with a focal person to register all grievances received. To achieve the community or settlement level grievance mechanism must be credible and generally acceptable. The grievance

mechanisms will aim to solve disputes at the earliest possible time in the interest of all parties concerned.

7.5 Monitoring and Reporting of GM

119. Overall, MoALD NPCU will be responsible for general monitoring and reporting on GM. Moreover, GM is monitored at community level by Resettlement and Compensation Committee and at FMS level by NPCU. Specifically, the Social Specialist will be responsible for the monitoring the implementation of the GM by all implementing agencies. The Social Specialist will include the GM in his/her supervision and monitoring missions to the field and conduct spot checks with regard to its implementation, or, where access is difficult the project will recruit a **Quality Enhancement for Institutional Strengthening Partner** if needed. The NPCU Social Specialist will be overall responsible for:

- i. Providing the subproject NPC with regular reports detailing the number and status of complaints;
- ii. Any outstanding issues to be addressed; and
- iii. Monthly reports, including analysis of the type of complaints, levels of complaints, and actions to reduce complaints.

120. The project SEP provides detailed information on the management of GM. This includes details on how to deal with GBV/SEAH related grievances.

7.6 WB's Grievance Redress Service (GRS)

121. Communities and individuals who believe that they are adversely affected by a World Bank supported project, including resettlement issues, may submit complaints to existing project-level GM or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, because of WB 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 Bank Management has been given an opportunity to respond. Information on how to submit complaints to the World Bank's corporate GRS can be found at <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. Information on how to submit complaints to the World Bank Inspection Panel, can be found at www.inspectionpanel.org.

8 MONITORING AND EVALUATION

- I22. This section sets out requirements for the monitoring of the implementation of the RPF. In addition, monitoring of social indicators will be mainstreamed into the overall monitoring and evaluation system for both levels of project implementation (micro-projects and project). The arrangements for monitoring will anchor on the overall monitoring plan of the entire FSRP, which will be through the PCU of the project, housed at the Ministry of Agriculture Livestock Fisheries and Cooperatives.
- I23. Monitoring and evaluation for the RPF will be undertaken at the following three levels of the project implementation:
- I24. **CIG/VMG/FPO level:** The SAIC members will document all cases of land donation and leases and ensure that all parcels of land that will be available for subprojects do not have any encumbrances. They will also take note of expiry dates for all the leases to notify the community members when such leases are about to lapse to safeguards the members from incurring losses.
- I25. **CPCU level:** The CPCU will document all cases of land easement from the wards and undertake due diligence for land searches. They will also monitor the operations of the CICs/VMGs to ensure that the land documents are well maintained. CPCU will also compile all E&S screening checklist, land documentation completed, subprojects involving loss of income/loss of assets/economic displacement. Number of IRPs prepared and implemented as part of ESMP.
- I26. **NPCU:** The safeguards team at the NPCU will undertake capacity building of the CPCU for land issues and economic displacement and monitor the compliance of all the subprojects to mitigation measures outlined in the IRPs/ESMPs at the community and county levels. They will also train the county grievances management committees on grievance management and other relevant team members at the county and community level on E&S screening.
- I27. The NPCU and IAs will institute an administrative reporting system that will:
- i. Provide timely information about all grievances arising because of FSRP activities for action.
 - ii. Identify any grievances in relation to land that have not been resolved at a local level and require resolution through the involvement of the CPCU.
 - iii. Provide information on any grievances arising from leases and land

9 BUDGET FOR IMPLEMENTATION OF THE RPF

128. All costs for implementation of this RPF, including preparation and implementation of the Livelihood restoration plans/ income restoration plans will be funded FSRP except compensation for land. Table 11 gives an indicative budget for RFP implementation and more accurate costs will be determined during subproject selection, design and feasibility studies depending on the number of the PAPs and other community shared assets that will who will require income/livelihood restoration.

Table 11: Indicative Budget for RFP Implementation

S. No	Indicative Budget Item	Cost in USD
1	RPF implementation including stakeholder engagement plan actions such as validation, disclosure and awareness creation	30,000
	Cost of facilitating Land lease documentation/land allocation (registration charges, newspaper notification charges etc..)	20,000
2	Preparation of IRP (approximately 200 No.) @ USD 300 each	60,000
3	Training of CESSCOs, SAICs and CDDCs	50,000
3	IRP implementation M&E activities	10,000
4	Income restoration interventions for the PAPs	60,000
5	Stakeholder and Community Consultations during IRP preparation and implementation	50,000
Total		280,000

Annex I. Public Participation and Consultation Presentations

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STAKEHOLDER CONSULTATIONS FOR THE FSRP CONCEPT AND ESS FRAMEWORKS EXECUTIVE SUMMARY

The consultations had a total of seventy-four (74) participants including 23 Indigenous People Community Driven Development Committee Members; 40 (County Project Coordinators and County Environmental and Social Safeguards Officers County project officers) from the proposed 13 counties; and 11 (NPOEs, NNPCU (KCSAP, ELRP, and NARIGP) and MoALD).

The stakeholder consultative objective was to: i) sensitive the stakeholders on the proposed FSRP in relation to its development objective, target beneficiaries, and expected outputs and outcomes; ii) sensitize on World Bank guidelines and procedures on grievance mechanisms as well as environmental and social Frameworks in relation to project implementation; and iii) get feedback and inputs towards the improvement of guidelines and procedures that are proposed to guide project implementation.

The participants were taken through the FSRP concept presentation

These presentations formed the basis for the plenary; group discussions and therefore the consultations. The discussions were purposively and grouped into three: representation from the communities; the coordination team representing management; and the implementers to include the CESSCOs and M&E in the three (3) Agricultural WB-funded projects under implementation in the 13 counties.

Environmental and social aspects such as mobilization and election of community committees, inclusion, land, grievances, labour, GBV/SEAH, access and use of the various investments, and disclosures; information pathways were discussed extensively and the consultations documented.

INTRODUCTION

Workshop organization and Participants

The workshop was organized by KCSAP NNPCU and attended by representatives from the three World Bank-funded projects KCSAP, NARIGP, and ERLP in addition to representation from the Ministry of Agriculture and Livestock Development. The participants were from the thirteen Counties that are proposed to implement the Food Systems Resilience Project (FSRP) namely: **Baringo, Elgeyo Marakwet, Turkana, West Pokot, Garissa, Laikipia, Lamu, Mandera, Marsabit, Samburu, Wajir, Tana River, Isiolo**. The invite was also extended to Machakos county as the host of the meeting.

The consultations involved a total of seventy-four (74) participants including 23 Indigenous People Community Driven Development Committee Members; 40 (County Project Coordinators and County Environmental and Social Safeguards Officers County project officers) 11 (NPOEs, NNPCU (KCSAP, ELRP, and NARIGP) and MoALD).

Meeting Objectives

- To sensitive the stakeholders on the proposed FSRP in relation to its development objective, target beneficiaries and expected outputs and outcomes

- To sensitize on World Bank guidelines and procedures on grievance mechanisms as well as environment and social Frameworks in relation to project implementation
- To get feedback and inputs towards improvement of guidelines and procedures that are proposed to guide project implementation

Welcoming remarks

The meeting was called to order the participants were taken through the meeting objectives and thereafter the National Project Coordinators (NPCs) KCSAP and ERLP were welcomed to give their opening remarks.

Opening remarks

By The National Project Coordinator (NPC) KCSAP:

The Coordinator welcomed the participants to the meeting and thanked County Project Coordinator, KCSAP-Machakos, for hosting the team in Machakos County. He informed the team that the three projects funded by World Bank will be closing: KCSAP and NARIGP will be closing in June 2023 and ERLP in June 2024. He reminded the team that stakeholder consultation is one of the dictates of the Kenya Constitution 2010 hence the consultation meeting. He urged the community representatives to ensure proper documentation and recording. He reiterated that accountability is a continuous process and should be embraced by all at all levels.

On the closure of the projects, he urged all to ensure proper documentation of all interventions. He informed the team that funds for KCSAP interventions for the remaining period up to June 30th, 2023 had been disbursed to the Counties and there was, therefore, a need to fast-track implementation.

By The National Project Coordinator (NPC) ERLP:

The coordinator was grateful to be part of the meeting and thanked the participants for finding time to be in attendance more so the community members. She informed members that ERLP focus is on livelihood improvement and enhancement since desert locust invasion is at a minimum. She urged all to give their best to improve the documents and the project proposal. She informed members that the name of the program has changed from Emergency Response to Locust to Emergency Response and Livelihood since the Country no longer experiences desert locust invasion and the focus is now to strengthen monitoring and surveillance. Out of the thirteen FSRP counties, ERLP is in 10 Counties, she said. Stakeholder engagement she reiterated is important and should be continuous.

PRESENTATIONS

Food Systems Resilience Project

The coordinator, KCSAP, presented the project development objective. The proposed focus of the program is on the reduction of vulnerabilities through building resilience; reduction of food insecurity and cost of food; promotion of sustainable natural resource management; enhancing of community involvement and reduction of gender disparities; enhancing access to credit and financial services, market linkages; promotion of farmer-led irrigation and promotion of digital technologies.

The project will be implemented in all County administrative wards for a period of five years at a cost of KES 18 billion. Currently, the proposal is at the approval stage at the National Treasury before the commencement of the World Bank processes.

Environmental and Social Frameworks

An overview of the Environmental and Social Framework that guides all World Bank projects in the Country since the year 2018 was presented in detail. ESS10 is what guides stakeholder engagement and a borrower of World Bank funds must comply with ESS 1 to 10. The frameworks are developed collaboratively to guide several aspects of environmental and social issues within a project area. Some of the Cassessed during project implementation.

The presenter explained to the team aspects of the following key frameworks:

1. Environmental Social Management Framework (ESMF)
2. Vulnerable and Marginalized Group Framework (VMGF)
3. Labor Management Procedure (LMP)
4. Security Management Plan (SMP)
5. Sexual Exploitation Abuse and Harassment (SEAH) prevention and response plan.
6. Grievances Mechanism
7. Resettlement Policy Framework (RPF)
8. Integrated Pest Management Framework (IPMF)

Issues raised from the presentation

Counties are unique and handling of each framework will be for a specific locality. For example, the team agreed that Female Genital Mutilation (FGM) is still practiced in some Counties despite the lapse of the period in the year 2022 when it was declared to be a criminal offense and hence will be handled as such. In other instances, sexual harassment is rampant while in some cases the community has redress mechanisms that sometimes do not favor the oppressed victims.

The team also sought clarification on what is considered child labor given that children assist in household chores such as tending animals. The participants were informed that mentorship through involvement in household chores is encouraged but where a child under the age of 16 years is engaged for pay or schooling is compromised then the Labor management procedures, labor Act and Children Act would be applied in such cases. On child, headed households they were explained that World Bank procedures dictate that such cases be assisted by having an adult getting employed to assist in such cases.

Group work

Members were grouped into three groups comprising of CESCOs, CPCs, and Community members (CDDCs representatives including Indigenous People) to discuss the social and environmental frameworks in relation to what works for their situation and gaps in each. The feedback from the groups is outlined in the preceding section for each group.

WAY FORWARD AND CONCLUSION

The facilitators thanked the participants for their active participation. The insights, comments, observations, and clarifications were taken into consideration and will inform the design and processes for approval and implementation. The NNPCU committed to giving feedback on

the processes thereafter. The communities and the coordination units were urged to ensure the teams and the communities are well prepared for closure; planned consultations and engagement should be supported adequately concomitantly with sensitizations of community members on capacity building sustainability mechanisms at their level to include use fees and a revolving fund towards continuity; linkages to the relevant county technical departments to ensure continued support; and ensuring the communities are engaging in income generating activities either at micro-projects and/or county investments levels.

The consultation meeting ended at 5:00 pm.

ANNEX I: Focus Group Discussions - Questions and Observations

Focus Group I: Issues of great concern from community members including IPs, VMGs and PWDS

Name/Person /county	Concern/ Question from Community members	Response/ Feedback	Remarks
Ekone Lorot- Turkana	At project Level: Election of community representatives	<ul style="list-style-type: none"> •Mobilization done by project person (Chiefs, elders), •Selection done through the elections 	Inclusion aspects are considered during mobilization but during elections there need to see inclusion actualized
Adan Ibrahim- Mandera		<ul style="list-style-type: none"> •At community level, it is done by the Chiefs and the elect representation based on sub-clan •Chief mobilizes •Register groups through groups elect official 	
Fatuma Wario- Saku Sagante/jaldesa, Marsabit		<ul style="list-style-type: none"> •Clusters are formed at location/ ward level and elect CDDC •Ward administrators/ chiefs supervise election and Community participation 	
Peter Lekaldero- Samburu		<ul style="list-style-type: none"> •Community mobilization by chiefs 	
Shugri Hamud- Wajir		<ul style="list-style-type: none"> •Vulnerable members to be considered through minority representatives •Labour are based on zones 	
Martha Wanjiku- Laikipia Olomoran		<ul style="list-style-type: none"> •Chiefs/ward administrators are ex-officials 	
Kassim Gufu- Isiolo Chari ward		<ul style="list-style-type: none"> •Representatives are vetted by community officials behind 	

Richard Lenaseyan- Samburu- Samburu East Wamba North	Labour: Community/ voluntary labour	<ul style="list-style-type: none"> • Announcement by the member representative • Community does 30 percent of the project through which is divided into days • Community contribution (30%) Sand, hardcore, Marram, lands) 	<p>Enhance capacities of all implementers on labour managements plans; child labour; sensitize the community on the same; involvement of stakeholders within and out of the community to strengthen labour aspects.</p> <p>Pre-engagement sanctioning agreed upon with clear escalation mechanisms.</p>
Benson Kenyatta- West Pokot		<ul style="list-style-type: none"> • Committee contribute a lot to the management of the projects and not quantified. There is need to engage and remunerate in order to boost their morale 	
Zeinab Barre- Garissa Balambala		<ul style="list-style-type: none"> • Community take care of the disable and vulnerable among by assigning others their duties 	
Celina emer- Turkana Kapitir		<ul style="list-style-type: none"> • Labour divided into location and equipment and machineries are purchased by the donor and distributed 	
Ekone Lorot- Turkana		<ul style="list-style-type: none"> • In kind contribution by communities (Lands, Sands, Hardcore) 	
Shugri Hamud- Wajir	Contractual Labour	<ul style="list-style-type: none"> • Awarded through competitive process • Community provide security of all his properties • Locals to be given contracts • Communities meetings done during entry and exit to reduce mitigation Minutes circulated for members to confirm as true copy 	

Kassim Gufu- Isiolo Chari ward		<ul style="list-style-type: none"> • Employs communities that are qualified individuals 	
Benson Kenyatta West Pokot		<ul style="list-style-type: none"> • Employee to sign contracts between them and contractor 	
Ekone Lorot- Turkana		<ul style="list-style-type: none"> • Communities to be involved in monitoring contractors 	
Boiwo Issaih Baringo, Daniel Cheruiyot Laikipia	Child Labour	<ul style="list-style-type: none"> • Communities to vet labour using ID, Forms to monitor daily labour activities • Vetting of all to minimize school going children • Vetting by elders, chiefs and communities representatives 	
Ekone Lorot- Turkana		<ul style="list-style-type: none"> • Pastoral areas use elders to vet before engagement 	
Zuhura Babito Kololu- LAMU Boni representative		<ul style="list-style-type: none"> • Community vetting by elders, chief, headmen for Boni forest 	
Abdikarim Yussuf- Mandera East- Lebehia ward	Forced Labour	<ul style="list-style-type: none"> • Girl child is involved • Chiefs and elders are involved in awareness on early child education 	Need to enhance capacities on labour management plan to both the community and the contractors.
Celina Emere- Turkana Kafir		<ul style="list-style-type: none"> • Early marriage which introduce/ leads the women and children into forced/ child labour 	
Zeinab Barre- Garissa Mbalambala			

			Institutionalize sanctioning at community level with involvement of the local administrators, local elders, religious leaders; provide mechanisms for escalation
Jackline Tarus- Sengewer ward Elgeyo Marakwet		<ul style="list-style-type: none"> • Poor families mostly drunkards abused by family, friends (GBV) 	
Mwanadie Maunda- Tana River		<ul style="list-style-type: none"> • pastoral communities those needy family hire out children to rich families 	
Martha Wanjiku- Laikipia			
Boiwo Isaiah- Baringo		<ul style="list-style-type: none"> • Brought about by illiteracy as don't know it • Polygamous families fall prey/ are culprits and involved in prostitution to cater for basic needs 	
Daniel Cheruiyot- Laikipia		<ul style="list-style-type: none"> • Girl-child due to poverty sent to work to supplement family income 	
Fatuma Wario- Marsabit		<ul style="list-style-type: none"> • Poverty is driving families to hire out children 	
Richard Lewaseiyan		<ul style="list-style-type: none"> • Refugees commonly forced to labour as a survive mechanism and support families 	
Mohamed Abdullahi Garissa		<ul style="list-style-type: none"> • Polygamous families are common in the communities and children are forced to support the families 	
Wilson Oletangule- Baringo		<ul style="list-style-type: none"> • Awareness creation should be continuous and inculcated in the capacity building forums and stakeholder engagements at community level. 	
Kassim Gufu Isiolo Chari	Security at the community and contractual labour levels:	<ul style="list-style-type: none"> • Community provides the security in collaboration with the chiefs, elders and headmen 	

Fatuma Wario- Marsabit	Gender based issues	<ul style="list-style-type: none"> • Communities will engage each other and create awareness on the happenings and informing the contractor on indecent behavior 	Enhance capacities at all levels to ensure understanding of what is GBV (the presentation/type of GBV). Ensuring the channels of reporting and redress are confidential and the closeout of the same is clear
Peter Lekadero- Samburu		<ul style="list-style-type: none"> • Culturally using dissemination and communication pathways to create awareness. Women are sent to pass information to women and vice versa 	
Zuhura B Kololu- Boni Lamu		<ul style="list-style-type: none"> • Religion protect against the same largely but the girl child age is determined by elders. There is need to increase awareness on the legal definition of a child. 	
Wilson Oletangule- Baringo		<ul style="list-style-type: none"> • Institutionalizing communities fines and legal action taken 	
Mohamed Abdullahi Garissa	Environmental issues in regards to conflict arising from the interventions: Water	<ul style="list-style-type: none"> • Formal and informal by laws but mainly used by the direct users of the water. Need to address indirect users of the water structures; ensuring the local administration is involved in any enforcement and/or sanctions 	Internalization of grievance mechanism is necessary. However, the institutionalization must be interfaced with the existing community redress mechanism ensuring inclusion and representation of the community members (within the target and non-targeted populations).
Ekone Lorot- Turkana		<ul style="list-style-type: none"> • Water is being charged as per his use and agreement is done • Chiefs and elders (water investments) the contractor will use and fuel and pays human capital 	
Mwanadie Maundu- Tana River		<ul style="list-style-type: none"> • water investments have rules for maintenance and contractors pay. River water is free 	
Benson Kenyatta-West Pokot			
Fatuma Wario Marsabit	Lands	<ul style="list-style-type: none"> • Land, in these counties, is largely communal land. • Land space is given by communities for public use. There is a process for transferring land use for community/ communal land. 	However, there is need for projects to outline the processes and required documentation to access and utilize various land types for
Zuhura Kololu- Lamu			
Abdikarim Yussuf Mandera			

Peter Lekaldero- Samburu		<ul style="list-style-type: none"> • In some cases, the communities buy land for putting up an investment. 	project investments; especially on communal land
Jackline Tarus- Elgeyo Marakwet			
Krop- West Pokot; Jackline Tarus Elgeyo Marakwet; Zuhura Kololu- Lamu Boni; Shukri Hamud-Wajir; and Adan Ibrahim Issak- Mandera			
Ekone Lorot Turkana			
Zeinab Barre			

5.0 ANNEXES

ANNEX I: Focus Group 2: County Project Coordinators (CPCs)

Issues raised by the County coordinators			
I.	Stephen N Mbuvi -CPC - Lamu County	Stephenmbuvi59@gmail.com 0727982866	<ul style="list-style-type: none"> • Untimely implementation of project due to inaccessible wards. • Security engagement in project implementation. • Provision for a reliable marine transport and DSA for some ward officers.

			<ul style="list-style-type: none"> • Insecurity issues, marine/road (high costs) transportation, Geographical vastness. DSA for officers in same wards. • Access to island-east island-marine transport. • More Proposals from elite wards. 	<ul style="list-style-type: none"> • Intensive community mobilization in all the wards and focus targeting of more disadvantaged VMGs to participate in project activities and benefits
2.	Peter K. Munyoki CPC- Tana River	petkats@yahoo.com 0722762674	<ul style="list-style-type: none"> • Geographical vastness of wards –CDDC members travelling long distances to attend meetings. • Insecurity issues. • Appropriateness of Farmer/pastorailist activities across all the wards. • Inadequate personnel across the wards 	<ul style="list-style-type: none"> • Budget adequately for vast wards and Security. • Involve and engage of County leadership in activity planning. •
3.	Patrick Losharana- CPC Samburu	plesharana@gmail.com 0790565711	<ul style="list-style-type: none"> • Insecurity issues. • CDDC responsibility that is overwhelming and need technical capacity. • Duplications in Farmer/pastorailist activities implementation with sister projects and other development partners. However, collaboration between the projects, builds volumes for the FPOs. • Culture influence on project implementation-i.e. FGM, Women inclusion in leadership Political good will buy in to increase project coverage. 	<ul style="list-style-type: none"> • The FSRP security management plans anticipates such scenarios and provides guidelines • Build public relations through community meetings/engagements. • Build Capacity of CDDCs. • Important to understand what nodes of the Farmer/pastorailist activities are being supported by the other partners, build synergy, utilize resources efficiently for increased volumes • Lobby for political goodwill their engagement in implementation. •
4.	Mohammed Dokata Livelihood- Isiolo	mohdiba@yahoo.com 0723746515	<ul style="list-style-type: none"> • Insecurity issues affecting implementation and backstopping. • ESS requirements delays implementation process of projects. • Funds flow affecting implementation & Delays in transfer of funds. • Rangeland management & restoration affected by drought and not sustainable. • Funding to CDDC biasness 	<ul style="list-style-type: none"> • Mapping on the security status within a county to inform on the response measures to be undertaken • Engage security committees in the County • Review ESS timelines & empanelling ESS unit at CNPCU to build synergy, hiring services of the right lead experts to undertake Assessments and CPCU accepting only well done reports • Fodder production as alternative. Protect plots as model farms with water supplementation

			<ul style="list-style-type: none"> • by CDDC. 	<ul style="list-style-type: none"> • Ensure equity in CDDC funding
5.	Basir A. Muhumed – CPC-Garissa	Bmuhumed1963@gmail.com 0723334746	<ul style="list-style-type: none"> • ESS process is long. • .GM in Open tender investment and some community have inadequate capacity to supply hence grievances. • County vastness and poor road network affecting the implementation. • Insecurity issues on investment-vandalism. • Range management challenges especially on communal land. 	<ul style="list-style-type: none"> • Build Capacity of community on the requirement in ESS. • Robust GM will be put in place • Need for coordinated efforts on security issues • Hybrid extension system with farmer led per every group to increase coverage • Engagement and consultations with elders and communities during site development, use of Community land access resolution consent tool among other measures will be adopted by FSRP
6.	Lawrence Makau –CPC Baringo	makausammy@gmail.com 0724774825	<ul style="list-style-type: none"> • Security management Plan- to look into unforeseen security issues. • Coverage of sister projects in wards especially on implementation of different Farmer/pastoralist activities and funding levels. • Harmonization of SP & technical staff • Funding of MC, SP different for sister project. • Child labour while employing coping mechanisms to survive especially children burning charcoal. • IPMF 	<ul style="list-style-type: none"> • Proposals to be considered when developing project manuals and EFS instruments
7.	Ben Kibor-CPC Elgeyo Marakwet	bkamelly@gmail.com 0725622898	<ul style="list-style-type: none"> • Need for social experts • Farmer led development • Delays in development of BoQs for irrigation infrastructure. • Insecurity issues along the borders affecting implementation. • Labour management Plan. • Need for clarity in ESMP implementation & funding • • 	<ul style="list-style-type: none"> • Propose CESSCO position be split into two: environment and, social and gender inclusion. • Engineer in charge of irrigation and infrastructure/ BoQ development. • Contingency budget to take care of security issues by re-organizing the budget. • Involve labour and social services departments in implementation. • Budget for EMP within the CPCU or Contractor should be clear on it.

8.	Peter Syengo-M&E-Mandera	p.syengo@yahoo.com 0725514816	<ul style="list-style-type: none"> • Advocacy on ESS lacking. • CDDC lack capacity on ESS./ESMP • Gender issues. • Digitization of ESS platforms unavailable • Contractors capacity on ESS inadequate • Inadequate SP representation by Grassroot Partners • Disruptive agricultural technologies (DAT) not in the county 	<ul style="list-style-type: none"> • Enhance advocacy and be packaged in local language. • Involve opinion leaders on ESS implementation. • Contractor require sensitization on ESS • ESS/Gender champion especially a lady to allow female beneficiaries raise their issues. • Consider use of technical officers/public extension to support ESS • Create ESS Platform like WhatsApp groups. • Introduce DAT services in the Count
9.	Philip Ting'aa, CPC West Pokot	werianka@yahoo.com 0729425244	<ul style="list-style-type: none"> • Some of farmers along the water pipelines not irrigating farms because of engineer advice and sometimes they interfere with water conveyance. • Land issues-individual ownership hence passage of pipeline through peoples' farms. 	<ul style="list-style-type: none"> • ESS issues on contractor be enforced through supervision. • Engage community on enforcing the ESS on contractors
10.	Gabriel Okata M&E Turkana	go.kata@yahoo.com 0720647264	<ul style="list-style-type: none"> • Inflation affecting supplies of input packets to CDDC in-terms of quality and quantity. Affected by earlier approval of proposals before funds disbursement hence a grievance issue. • CDDC linkages to FPO limited to 4 FPO when more than 4 Farmer/pastorailist activities are being promoted. 	<ul style="list-style-type: none"> • Engagement of CDDC/CDDCs on variation of prices. •
11.	James Singi-Component I lead, NNPCU	KCSAP	<ul style="list-style-type: none"> • Limited extension provision 	<ul style="list-style-type: none"> • Ensure conformity with the environmental issues. • We are borrowing a lot from ending projects and the gaps that were identified. Defined officers for different Farmer/pastorailist activities e.g ESS & SS& Genders. • Hybrid extension system with elite farmers on board. • CPC to be mandatory signatories to avoid delays in project implementation. • Give preference to new wards coming on board in terms of funding levels. • Consent on land utilization.

				<ul style="list-style-type: none">• Reach out on Counties individually on new project not to raise expectations
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ANNEX 2: Focus Group 3: Summary of Concerns/Issues from the County Environmental and Social Safeguards Compliance Officers (CESSCOS)

Name, contact, County	Concerns / question / observation	Answers provided
Siyad Mohamed – Mandera , ELRP, 0715381986	Security on areas that are on high alert such as sub-counties bordering Somalia in Mandera, Garisa, Wajir, Lamu and Tana River – especially for service providers in project activities.	While procuring services priority is given to the locals. Mapping the areas with security issues.
Ruto Christopher – Elgeyo Marakwet – ELRP, 0727489471	Equip the project teams with knowledge on how to resolve conflicts that are likely to escalate into security threats	Training and capacity building on conflict resolution
Mramba Hamisi – KCSAP, LAMU , 0727366624	Some Wards are risky to accessed by road due to security issues such as landmines, cattle rustling hence service delivery and implementation and monitoring of project activities is affected	Avail alternative means of transport such as security vehicles choppers. Have a multisectoral stakeholders forum to support in securing project activities / locations, providing intelligence and warnings
Mramba Hamisi – KCSAP, LAMU , 0727366624	How do we deal with safety related issues for islands within Lamu due to oceanic tides	Use of live jackets and other safety equipment. Use information from institution such as KMD, KMA and local community to plan travel and ensure travelling during low tide times.
Ramadhan Goricha – Isiolo ELRP, 0700254927	How do we deal with conflict related to access of limited resources such water and pastures during dry season	Map the areas of common resources, Establish and support community peace committees, Establish security to mapped areas, Establish the common causes of conflict that can be mitigated, Capacity building and training of local community on need for peace, Establish more common community resource areas

Name, contact, County	Concerns / question / observation	Answers provided
	Livestock theft and or rustling	Collaboration with the established security mechanisms
Justine Naiku – Samburu – ELRP, 014873008	How do we deal with issues of land ownership that affect support of projects within counties where land ownership is communal especially in Samburu, Baringo, and Marsabit	Establish what documents are required to qualify a project for support. Involve the county government, NLC and other stakeholders such as the community, Capacity building on land adjudication
Justine Naiku – Samburu – ELRP, 014873008	How do we deal with categorizing which groups within a community are IPs	Establish a framework of defining which specific groups are IPs in counties that are generally referred to as IP
Ramadhan Goricha – Isiolo ELRP, 0700254927	How do we deal with issues of human wildlife conflict	Fencing the proposed project location, Engage KWS to resolve the issue Creating buffer zones, Avoid wildlife corridors, Adopt projects that can be integrated with wildlife
Lincoln Njiru – Laikipia – KCSAP, 0722745138	How do we deal with misuse of resources within the CDDCs, quality assurance issues etc	Have the CDDC accounts include a government officer as a mandatory signatory to ensure quality assurance and pricing, Capacity building for CDDCs such as trainings, office space and furniture in their meeting area, Establish a CDDC secretariat Incorporate local leadership in procurement of materials,
Lincoln Njiru – Laikipia – KCSAP, 0722745138	How do we expedite flow of funds from the treasury, CRF, SPA to the project account	Establish timelines within which money moves from one account to another,
Lincoln Njiru – Laikipia – KCSAP, 0722745138	Officers in CPCU are exposed to political interference	Officer under CPCU need to be protected from county political interference
Jacob Mutua – Turkana – NARIGP, 0729451681	How to ensure Supervision of projects or monitoring implementation of contractual projects	Engaging the NNPCU and CPCU in monitoring of such projects

Name, contact, County	Concerns / question / observation	Answers provided
Ruto Christopher – Elgeyo Marakwet – ELRP, 0727489471	The SAIC committees are not able to handle grievances and are not adequately facilitated	Establish autonomy from the CDDCs, Establish a budget to facilitate their operations, The budget for SAIC to be domiciled in the CPCU
Ramadhan Goricha – Isiolo ELRP, 0700254927	How do we deal with vastness of the areas being covered by the SAIC and CDDCs	Establish a system of Facilitating the movement of SAIC and CDDCs within the wards
Ruto Christopher – Elgeyo Marakwet – ELRP, 0727489471	How do fund the ESS implementation in the projects such as ESMP	Develop the ESS tools and factor them in the budget before implementing the projects, ESS budgets should be harmonized and prioritized. This will require sensitization on the same across board. Capacity building about ESMP implementation to the groups
Lincoln Njiru – Laikipia – KCSAP, 0722745138	How do we ensure farmers benefit from carbon credit	Create awareness and capacity building on carbon credit trading and issues related to GHG sequestration, Track project contribution to GHGs sequestration
Jacob Mutua – Turkana – NARIG, 0729451681	How do we enforce workers safety for employees working under the contractors	Ensure all the employees used by contractors sign a contractual agreement and a copy is shared with CPCU, Training and capacity building for the employees and contractors before onset of activities,
Mramba Hamisi – KCSAP, LAMU, 0727366624	In case of accidents and incidents how is compensation done	The contract documents for the employees to have a clause of what to be done in case of incidence
Jacob Mutua – Turkana – NARIG, 0729451681	Standardizing payment rates workers working under contractors	Share the payment agreements between the contractors and their employees for enforcement

Name, contact, County	Concerns / question / observation	Answers provided
Jacob Mutua – Turkana – NARIG, 0729451681	How do we ensure the communities are aware of labor requirements for the funded projects	Sensitization of the involved communities on what labour requirements are supposed to be met
John Kiprop – Baringo - ELRP	Ensuring that the CDDCs procure registered crop protection products for farmers	Training the CDDCs on how to establish registration status of products, Engaging regulatory bodies such as PCPB, KEPHIS, Share the list of registered crop protection products with the CPCUs, farmers, CDDCs
William Mbotela – CESCO Turkana 0727848942	How do we deal with cases where the political or social-cultural pressure force the victims not to report sexual harassment	Awareness creation and training, Institutionalizing the information and reporting desks
William Mbotela – CESCO Turkana 0727848942	How do you deal with areas where GBV reporting system is led by one gender	Ensure both genders are represented in the reporting systems, Awareness creation and training, Institutionalizing the information and reporting desks, Mainstreaming the reporting system to as low as the ward or chief camps

ANNEX 3: List of participants

S/NO	NAME	ORGANIZATION	DESIGNATION	TELEPHONE	EMAIL ADDRESS
1.	Mohamed Adan	ELRP	CPC	0722313212	mamsalatsy@gmail.com
2.	Kinuthia Moses	KCSAP	NPOE	0726785601	Kinuthiamk2009@gmail.com
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10.	Fatuma Wario	KCSAP	CDDC Marsabit	0717314525	
11.	Mwanadie Guyato Maunda	KCSAP	CDDC	0715687524	
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20.	Ahmed Salat	ELRP Garissa	CESSCO	0721117100	Ahmed.salat01@gmail.com
21.	Mohamed Abdullahi	Garissa	CDDC Secretary Sankuri Ward	0722742979	
22.	Susan Moywaywa	MOALD-SDCD	Agric officer	0726066025	moywaywas@gmail.com

23.	Catherine Kinyajui	ELRP	Socio Econ	0722249669	ckwairimu@gmail.com
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26.	Benson K. Krop	KCSAP West Pokot	CDDC Chair Proc.	0722704262	
27.	Philip Ting'aa	KCSAP West Pokot	CPC	0729425244	werianka@yahoo.com
28.	Mohamed Dokata	ELRP Isiolo	Livelihoods for CPC	0723746515	mohdiba@yahoo.com
29.	Peter Lekaldero	NARIGP	CDDC Chair	0715739369	
30.	Kassim Gofu	ELRP	CDDC Chairman	0724283346	
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32.	Muhumed Hassan	KCSAP Wajir	CESSCO	0729733056	moxumedali@gmail.com
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39.	Martha Wanjiku T	ELRP	CDDC- Secretary Procurement	0729702528	Marthawathuta2@gmail.com
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55.	Mohamed Aden	ELRP	CPC	0722313212	
56.	Kinuthia Moses	KCSAP	NPOE	0726785601	Kinuthiamk2009@gmail.com
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58.	Muriuki Kiboi	KCSAP	CPC	0721327038	muriukikiboim@yahoo.com
59.	Abdinoor Musa	KCSAP	CPC	0720325010	Aimusa2006@gmail.com
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COMMUNITY REPRESENTATIVE PARTICIPANTS

S/No	Name	Cell Phone	Position	County	Community represented / IP
I	Fatuma Wario	0717314525	CDDC Treasurer	Marsabit	Boran/ IP

2	Mohamed Abdullahi	0722742979	CDDC Secretary	Garissa	Somali Ogaden/ IP
3	Adan Ibrahim Issack	0720336967	CDDC chair	Mandera	Somali – Garre/ IP
4	Shukri Hamud Abdille	0715070472	CDDC Secretary	Wajir	Somali – degodia/ IP
5	Martha Wanjiku	0729702528	CDDC Secretary	Laikipia	Kikuyu
6	Zuhura B Kololo	0714450405	CDDC Member	Lamu	Aweer (Boni)
7	Jackline Tarus	0728699569	CDDC Treasurer	Elgeyo Marakwet	Sengwer/ IP
8	Peter Lekaldero	0715739369	CDDC Chair	Samburu	Samburu/ IP
9	Ekone Lorot	0707984074	CDDC Chair	Turkana	Turkana
10	Selina A. Emeri	0729290779	CDDC Member	Turkana	Turkana
11	Wilson Oletanguie	0720763041	CDDC Member	Baringo	Ilchamus
12	Mwanadie Guyato Maunda	0715687524	CDDC Treasurer	Tana River	Waata/IP
13	Abdizack Mohamud	0724846681	CDDC Member	Tana River	Somali
14	Leila Gedi Mohamed	0726119290	CDDC Member	Tana River	Somali
15	Zamzam Mohamed	0721862947	CDDC Treasurer	Wajir	Somali – Degodia
16	Boiwo Isaiah	0708243601	CDDC Vice Chair	Baringo	Endorois/ IP
17	Abdukarim Yusuf Hussein	0720971808	CDDC Chair, ERLP	Mandera	Somali – murule
18	Benson Kenyatta Krop	0722704262	CDDC Chair	West Pokot	Cherangan
19	Richard Lewaseiyan	0723808337	CDDC Chair	Samburu	N/A
20	Zeinab Bare Ali		CDDC Treasurer	Garissa	Somali – ogaden
21	Kassim Gufu		CDDC Chair	Isiolo	Boran
22	Khalif A. Abey		Pastoral Representative	Isiolo	Boran
23	Daniel Cheruiyot	0722374350	member	Laikipia	Nandi

ANNEX 4. Program of the day

Time & Date	Activity	Facilitator	Chair	
Tuesday 14th	ARRIVAL/TRAVELING			
DAY I				
8.30- 9.00AM	Introduction & Climate setting	P Muta	P Muta	
9.00- 10.30AM	Opening Remarks and background information	NPC (KCSAP & ELRP)		
10.30- 11.00AM	Health Break			
11.00- 11.30PM	W/shop objectives & consultations Rationale	Muthee		
11.30- 12.00PM	A Synopsis of Requisite Documents	D Olang		
12- 1.00PM	Proposed Project components	C Kinyanjui/Susan		
1.00- 2.00PM	LUNCH			
2.00- 5.00PM	Highlight on Key Social Safeguard Issues	J Ndolo		
4.30- 5.00PM	Health Break			
Day 2				
8.30- 10.30AM	Plenary on Social Development Highlights	All	Susan M	
10.30- 11.00AM	Health Break			
11.00- 1.00PM	Highlight on Key Environmental Safeguard Issues (ESMF)	D Olang		
	IPMF	E Murithi		
1.00- 2.00PM	LUNCH			
2.00- 3.00PM	Plenary on Environment Highlights	All		
3.00- 4.00PM	Way Forward and Closing Remarks	Ndolo/Muta		
5.00- 5.30PM	Health Break			
Day 3	Departure			

Annex 2: Environmental and Social Screening Subprojects Check List by Beneficiary Communities (Micro projects, FPO investments and Multi community investments)FSRP

Section A: Background Information

Name of County.....	
Name of CPCU/Environmental and Social Safeguard Compliance Officer	
SLM LOCATION..... Name of CIG/VMG Postal Address:..... Contact Person.....Cell phone: Sub -project name.....	
Estimated cost (Kshs.).....	
Approximate size of land area available for the sub - project..... Objectives of the Sub - project	
Activities/enterprises undertaken	
How was the sub -project hosen? Expected sub - project duration:	

Section B: Environmental Issues

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

If the answers to any of the above is 'yes', please include an ESMP with Subproject application.

Section C: Socio-economic Issues

Will the subproject:	Ye s	No	Remar ks
Have challenges for women farmers to benefit			If yes, elaborate
target vulnerable community members such as physically challenged, LGBTQ, Child headed household etc..?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, elaborate
Interfere with the normal health and safety of the worker/employee?	<input type="checkbox"/>	<input type="checkbox"/>	

Reduce the employment opportunities for the surrounding communities?	<input type="checkbox"/>	<input type="checkbox"/>	
Reduce settlement (no further area allocated to settlements)?	<input type="checkbox"/>	<input type="checkbox"/>	
Reduce income for the local communities?	<input type="checkbox"/>	<input type="checkbox"/>	
Increase insecurity due to introduction of the project?	<input type="checkbox"/>	<input type="checkbox"/>	
Increase exposure of the community to HIV/AIDS?	<input type="checkbox"/>	<input type="checkbox"/>	
Induce conflict?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, elaborate
Have machinery and/or equipment installed for value addition?	<input type="checkbox"/>	<input type="checkbox"/>	
Introduce new practices and habits?	<input type="checkbox"/>	<input type="checkbox"/>	
Lead to child delinquency (school drop-outs, child abuse, child labour, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, how
Lead to gender disparity?	<input type="checkbox"/>	<input type="checkbox"/>	If yes elaborate how
Lead to poor diets?	<input type="checkbox"/>	<input type="checkbox"/>	
Lead to social evils (drug abuse, excessive alcohol consumption, crime, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	If yes elaborate
Will engage community labour	<input type="checkbox"/>	<input type="checkbox"/>	If yes, Community labor engagement agreement required

Section D: Natural Habitats

Will the Subproject:			Remarks
Be located within or near environmentally sensitive areas (e.g. intact natural forests, mangroves, wetlands) or threatened species?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, elaborate
Adversely affect environmentally sensitive areas or critical habitats – wetlands, woodlots, natural forests, rivers, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	
Affect the indigenous biodiversity (Flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>	

Cause any loss or degradation of any natural habitats, either directly (through project works) or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	
Affect the aesthetic quality of the landscape?	<input type="checkbox"/>	<input type="checkbox"/>	
Reduce people's access to the pasture, water, public services or other resources that they depend on?	<input type="checkbox"/>	<input type="checkbox"/>	
Increase human-wildlife conflicts?	<input type="checkbox"/>	<input type="checkbox"/>	
Use irrigation system in its implementation?	<input type="checkbox"/>	<input type="checkbox"/>	

If the answers to any of the above is 'yes', please include an ESMP with Subproject application.

Section E: Pesticides and Agricultural Chemicals

Will the subproject:			Remarks
Involve the use of pesticides or other agricultural chemicals, or increase existing use?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, elaborate
Cause contamination of watercourses by chemicals and pesticides?	<input type="checkbox"/>	<input type="checkbox"/>	
Cause contamination of soil by agrochemicals and pesticides?	<input type="checkbox"/>	<input type="checkbox"/>	
Experience effluent and/or emissions discharge?	<input type="checkbox"/>	<input type="checkbox"/>	
Involve annual inspections of the producers and unannounced inspections for Export produce?	<input type="checkbox"/>	<input type="checkbox"/>	
Require scheduled chemical applications?	<input type="checkbox"/>	<input type="checkbox"/>	
Require chemical application even to areas distant away from the focus?	<input type="checkbox"/>	<input type="checkbox"/>	
Require chemical application to be done by vulnerable group (pregnant mothers, chemically allergic persons, elderly, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	

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

Section F: Indigenous Peoples/VMGs as per ESS7

Are there:			Remarks
VMGs living within the boundaries of, or near the project?	<input type="checkbox"/>	<input type="checkbox"/>	Name of the VMG community
Members of VMGs in the area who could benefit from the project?	<input type="checkbox"/>	<input type="checkbox"/>	
VMGs livelihoods to be affected by the subproject?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, How
Unique/specific challenges for VMGs to benefit from the project	<input type="checkbox"/>	<input type="checkbox"/>	Explain
VMGs in minority in the community	<input type="checkbox"/>	<input type="checkbox"/>	If yes, Explain/name of minority VMG
Does VMG require to donate land to benefit from the project			If yes, follow Free, prior and informed consent procedure.

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

Section G: Land Acquisition and Access to Resources

Will the subproject:	Yes	No	Remarks
Require that land (public or private) be acquired (temporarily or permanently) for its development?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, elaborate the tenure type
Require that community land be acquired (temporarily or permanently) for its development?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, elaborate the registration status and community claims. Community land agreement required following principles of FPIC.
Require more than 10 percent of the affected private land parcel	<input type="checkbox"/>	<input type="checkbox"/>	If yes, exclude from the project proposal
Use land that is currently occupied or regularly used for productive purposes (e.g. gardening, farming, pasture, fishing locations, forests)	<input type="checkbox"/>	<input type="checkbox"/>	If yes, Elaborate the current use.
Complete land documents are not available for the sub- project investment?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, what process is needed?
Is the land proposed have encumbrances?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, elaborate the

			encumbrance
Physically displace individuals, families or businesses?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, exclude from the project proposal
Cause loss of income for more than 30 days	<input type="checkbox"/>	<input type="checkbox"/>	If yes, how many. Exclude from the project proposal
Result in temporary or permanent loss of crops, fruit trees/fencing and pasture land/ loss of income from business activity?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, elaborate and prepare IRP
Adversely affect small communal cultural property such as funeral and burial sites, or sacred groves?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, avoid or exclude from project proposal
Result in involuntary restriction of access by people to legally designated parks and protected areas?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, exclude
Be on monoculture cropping?	<input type="checkbox"/>	<input type="checkbox"/>	

If the answer to any of the above is 'yes', please consult the mitigation measures in the ESMF.

Section H: Proposed action

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

(iii) Recommended Course of Action

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

CPCU and CDE will provide detailed guidance on mitigation measures as outlined in the ESMF; and

Specific advice is required from CDE⁶, Lead Scientist and CPCUs regarding Sub -project specific EA(s) and also in the following area(s)

All Subproject applications/proposals MUST include a completed ESMF checklist. The FSRP-CPCU will review the subproject applications/proposals and the CDEs will sign off; The input from the NLC, Social Services office, Children’s office, labour office and the CSSCO will be required before the documents are presented to the CPSC.

The proposals will then be submitted to CPSC for clearance for implementation by communities in the proposed Subprojects. The projects that require full ESIA study will be forwarded to NPCU for further analysis, then forwarding to the World bank for approval and finally to NEMA for clearance certificate.

Expert Advice

The Government of Kenya through the Department of Monuments and Sites of the National Museums of Kenya can assist in identifying and, mapping of monuments and archaeological sites; and

Subproject specific EAs, if recommended, must be carried out by experts registered with NEMA and be followed by monitoring and review. During the process of conducting an EA the proponent shall seek views of persons who may be affected by the Subproject. The ESSIO requires consultation of Subproject affected groups and disclosure of EA’s conclusions. In seeking views of the public after the approval of the Subproject, the proponent shall avail the draft EA report at a public place accessible to project-affected groups and local NGOs/CSO/SAIC/CDDCs.

Completed by:

Name:

Position / Community:

Date:

Field Appraisal Officer (CDE):.....

Signature:

Date.....

⁶County Director of Environment and the County Technical Team

Note:

Project category	Characteristics
A	Full and extensive EIA needed- irreversible environmental impacts; impacts not easy to pick or isolate and mitigation cost expensive; EMP design not easily done; Must have the EIA done and future annual EAs instituted
B	Site specific environmental impacts envisaged; mitigation measures easy to pick, not costly and EMP design readily done; need an EIA and future EAs
C	Have minimal or occasionally NO adverse environmental impacts; exempted from further environmental processes save environmental audits
Land	Land tenure documentation needed and land resolution and consent Form needed with project affected person/community
Loss of income and assets	Income restoration plan needed
Presence of VMG/IP	Additional actions needed
Risk of Child labor/SEA H	Additional actions needed

Annex 3. Summary safeguards report for subprojects

(max 5 pages)

Please annex ESIA/ESMP, voluntary land donation/agreement documentation, screening form, community meeting minutes

Proposed sub-project: _____

Village/district/state: _____

Overview of the project location and key features within 200m of works (to understand impacts)

1. Population resident on or regularly using the land/sub-project or claimants of the land:

Village/ (facility users can be by people resident more than one location)	No of individuals resident or regularly using the project area for their livelihood	No. of direct users of the sub-project (individuals)	Number of people from that village/consulted on the sub-project (design, siting, social and environmental impacts)

2. Are there any minority groups (0.5 groups) or IDPs resident in this area or likely to use the water point? (If so please specify):

3. Has there been any conflict over this land or water resources in the past? If so please describe, what measures the project will take to ensure that it does not exacerbate conflict.

4. Consultations with the community on the sub-project (to ensure broad agreement, ownership and risk identification and mitigation)

Date	Village	Total number of people involved	No. of women	No. of youth	No. of minority group or IDP representatives (please specify group/s)	Main concerns raised and how they will be addressed	Challenges in consulting with people e.g. migration, conflicting event, insecurity

Initial discussions								
Safeguards screening meeting								
Other – meetings (specify)								

5. Environmental and social impacts and mitigation measures identified by the community (only put those not captured in the contractors ESMP)

Social and environmental impacts of sub-project	Mitigation measures	Costing	Time frame	Responsible agency

All users and occupants of the land have genuinely understood (in local language with sufficient time) and agreed that all conditions for voluntary land donations have been met (refer to consultations above and attach minutes)

6. Has a safeguards field visit been undertaken to the site? Y/N Date of visit: _____ Title of visiting officer: _____

7. Has the ESMP been incorporated into the contract for the works and is a safeguards compliance report required before payment?

8. Type of land required for sub-investment and documentation:

a. Government land	Title deed/confirmation document attached?	YES/NO/EXPLANATION
b. Community land	Community land agreement/Voluntary land donation form and community minutes attached?	YES/NO/EXPLANATION
c. Private land	Voluntary land donation form and conversion document attached?	YES/NO/EXPLANATION

Annex 4. Voluntary land donation:

Requirements for voluntary land donation	Explanation and evidence
1. The land required to meet technical project criteria must be identified in conjunction with the affected community?	
2. What are the likely impacts of proposed activities on donated land and how were these explained to the community?	
3. Area of land compared to area owned (no more than 10 % of the area of any holding can be donated). %	
4. How will the users and occupiers of the land benefit from this sub-project?	
5. What are the conditions of benefiting from this sub-project – connection fees, service charges etc.	
6. How was the community made aware that refusal was an option and confirmed in writing that they are willing to proceed with the donation? (e.g. at the consultation and in the voluntary land donation document)	
7. What evidence is there that the act of donation was undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities (e.g. photos/videos of community consultation etc.)?	
8. Do all the users and occupants of this land understand that by donating this land it may be gazetted as public land	
9. How was it explained that they have a right to compensation for land and the available compensation options (in-kind compensation, land for land compensation or cash compensation, and the implications of cash compensation?	
10. Were monetary or non-monetary benefits or incentives requested as a condition for the donation and were these provided?	
11. How do you know that the land being donated will not reduce the remaining land area to a level below that required to maintain the donor's livelihood at current levels and will not require the relocation of any household?	
12. Will the land take negatively impact on disadvantaged and vulnerable individuals and groups people (such as female headed households, extreme poor, PWDs, nomadic pastoralists, etc.)?	
13. Will any structures be moved or any access to land be limited as a result of the sub-project (describe structures and locations)?	
14. If so, how will they be compensated/facilitated and/or their livelihoods restored?	
15. How was consent provided by all individuals occupying or regularly using the land?	
16. Was there anyone who did not give agreement and why?	
17. How was it established that the land to be donated was free of encumbrances or encroachment and was it registered in an official land registry?	

- a) How many people either live on or regularly use the land where the project will be implemented (including those who might use it as a drought fall back area) by location and how many and who agreed to the voluntary donation of this land for this public facility? _____
- b) Explain how the requirements for voluntary land donation have been met (and attach minutes, VLD form and signed participants list):
9. GM: Has the GM process and contact information for focal points been disseminated to the community? If so, how and to whom (numbers and groups). If Not, when will this be done?
- _____
- _____
- _____
10. GBV/SEAH: Has awareness been carried out on GBV, service providers and confidential survivor centric GBV complaints mechanism? If so, how and to whom (numbers and groups). If not, when will this be done? _____
- _____
- _____
- _____
11. Sustainable management: Who will manage and maintain the sub-project, and how will repairs be funded? _____
- _____
- _____
12. Describe the involvement and inclusion of women and minority groups or nomadic pastoralist representative in management? _____

Annex 5. Community Land Agreement and Consent Form

ITEM	DESCRIPTION
Project name:	
Project location:	
Name of subproject:	
GPS coordinates of land area:	
Date:	

Please attach the community minutes and summary safeguards report explaining how the requirements for voluntary land donation for this subproject have been met.

TERMS OF THE AGREEMENT

1. As discussed in our community minute onto which all residents and regular users of the project site (specify)
2. were invited. We, the nominated representatives at that meeting, confirm that the following issues were discussed and the residents and regular users of this land are in unanimous agreement.
3. That shall be site of the proposed
4. and that:
5. We all are aware that the land set aside for the subproject is community land and no one is claiming individual ownership because it belongs to all of us, and no alternative claims will be made later on the land.
6. We have all agreed unanimously that the project implementation should continue.
7. We will all allow other neighboring and cross-border communities access to the project site as agreed between elders of represented communities.
8. We all shall strive to peacefully resolve any conflicts with other communities concerning the project.
9. We will all strive to peacefully co-exist and resolve any conflict arising out of the subproject facility following due process provided by local laws.
10. The land to be donated was identified in consultation with all residents and users of the land.
11. We all understand the likely impacts of proposed activities on donated land.
12. We all understand that the community could have refused this subproject.
13. We all agreed to this subproject and donation of the land without coercion, manipulation, or any form of pressure on the part of public or traditional authorities.
14. We all agreed that we do not require any monetary or nonmonetary benefits or incentives as a condition for the donation.
15. Donation of land will not adversely affect the livelihoods of occupiers and users of the land.
16. If any structure will be moved or any access to land be limited as a result of the subproject, support will be provided to the individual so their livelihoods are not adversely affected.

17. The land is free of encumbrances or encroachment and is not claimed by any individual and its ownership is not contested.
18. The donor has been appropriately informed and consulted about the project and the choices available to them.
19. The donor is expected to benefit directly from the project.
20. The amount of land to be donated will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels.

We have been designated by the community of and represent all groups using this land (include elders, women, youth, other users, minority groups):

Confirm the above information to be true and that we have resolved to abide by ALL terms of this agreement. (Please attach minutes of the community meeting including the signed attendance sheet and photos of the meeting).

No.	Name	Role	Phone number	Date	Signature

Agreed/Witnessed on this Day of in the Year..... by:

1. VDC leader

Name	Phone number	Date	Signature

2. District Administration

Name	position	Phone number	Date	Signature

3. Project representative

Name	Phone number	Date	Signature

4. FMS Ministry of Water (Minister/V. Minister/DG)

Name	Position	Phone number	Date	Signature and R/Stamp

Annex 7. Voluntary Land Donation Form

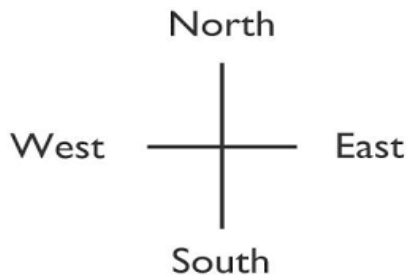
Land Agreement Form

Date: _____

Subject: Donating Land for Public Use

After consideration of the letter dated: _____ and titled _____ from _____ the _____ as the owners of the land located in GPS: _____ in the village of _____, we hereby testify that we are donating our land to the _____ **village of** _____ **County** for Public use only (that is, construction of _____).

The measurements of land that we are donating is as follows:



Hence, this notary serves as a legal document affirming that we have donated the above stated land for public use, which will be used for the _____ for the _____ **project** being implemented by _____ government and funded by the World Bank.

Undersigned are names of deed owners in sound mind.

Name _____

ID. NO......

Sign.: _____

Tel. No: _____

Name _____

ID NO.

Sign: _____

Tel. No;.....

Acknowledgment

I, _____, chairperson of the _____ **Village Development Committee** affirm in this legal document that we accept the land donated for public use from the above signed owner(s) of the land

located in _____ with the
measurements stated above.

Undersigned is the name of the chairperson of the village in sound mind.

Name _____

ID. NO.

sign: _____

Date: _____

Witnesses

Name _____

ID.NO.....

Sign: _____

Tel: _____

Date: _____

Name _____

ID.NO.....

Sign: _____

Tel: _____

Date: _____

The notary office _____ is testimony that
we have witnessed this agreement for which all parties were present and have the legal
enforcement that will take effect as of date _____.

Undersigned is the name of the notary officer in sound mind.

Name _____

ID.NO.....

Sign: _____

Tel: _____

Date: _____

Requirements for voluntary land donation:

1. The owner of the land to be donated should not be forced if they do not agree with the donation.
2. The impacts must be minor, that is, involve no more than 10 percent of the area of any holding and require no physical relocation.
3. The land should meet technical project criteria as identified by the project engineers
4. The land in question must be free of squatters, encroachers, or other claims or encumbrances.
5. Verification of the voluntary nature of land donations must be obtained from each person donating land.
6. Grievance mechanisms must be available.
7. If land donated is not used for the agreed purpose, it must be returned. Otherwise, the donor cannot reclaim land donated and sign an official letter regarding that matter.
8. Ensure the donor have been appropriately informed and consulted about the project and the choices available to them.
9. The donor is expected to benefit directly from the project.
10. The amount of land to be donated must not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels.
11. The Borrower must maintain a transparent record of all consultations and agreements reached all times.

Annex 8: Sample Voluntary Land/Asset Donation Template for Food systems Resilience Project

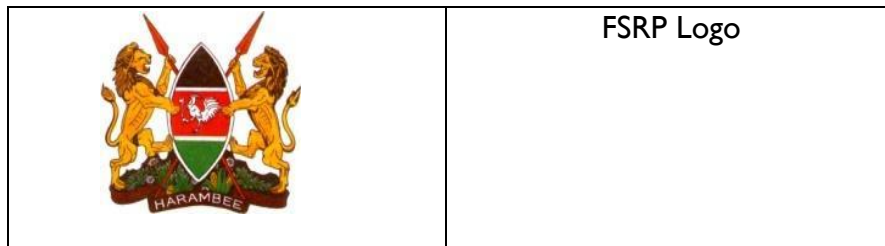
County	Sub-County	Ward	Settlement/village	
Name of land/Asset owner		ID Number:	Beneficiary of the project:	
			Y/N	
Gender (M/F)		Age	Occupation	
Address				
Description of land that will be taken for the subproject	Area affected	Total landholding area	Ratio of land affected to total land held:	Map/Title Deed, if available
Description of annual crops/ trees growing on the land now and project impact:		Description of assets affected and project impact:		

By signing or providing thumb-print on this form, the land/asset user or owner agrees to contribute assets to the project for the construction and development of the.....for the benefit of the community. The contribution is voluntary, and the Owner/user will not claim any compensation against the grant of this asset nor obstruct the construction process on the land in case of which he/she would be subject to sanctions according to law and regulations. The owner certifies that they hold the transferable rights of land/asset in question. The owner also commits that the parcel of land does not have encroachment and is free of any litigation or encumbrances

By signing or providing thumb-print on this form, the subproject proponent agrees to accept this grant of asset for the purposes mentioned.

Name of affected person	:	Name of CIG/VMG Representative
Signature	:	Signature
Id Number	:	ID. No
Date	:	Date
Name of Local Chief	:	Commissioner for Oaths
Signature	:	Signature
ID. No	:	Date
Date	:	

Annex 9: Individual Land Owner Resolution And Consent Form



INDIVIDUAL LAND OWNER RESOLUTION AND CONSENT FORM

ITEM	DESCRIPTION
Name of the CIG/VMG/FPO	
Name of Micro-Project	
Project Location	
GPS coordinates	
Estimated cost of the investment	

I/We..... at Location in
.....Ward

Being the owner/beneficiary of the plot/parcel of land No..... at
.....Sub-county do hereby declare and sign that I/We have agreed without alteration
to lease approximately.....acres/hectares of the aforesaid plot/land
to(tenant).....for.....months/years. The
total rent (cost of lease) of the plot/land is Kshs..... amount in
words..... per
acre/hectares totalling to Ksh.....amount in words
..... for the entire period
of..... months/years

Landlord(s)..... ID No..... Phone No.
Signature.....date.....

Tenant(s).....ID No..... Phone No. Signature.....
date.....

Tenant(s).....ID No..... Phone No. Signature.....
date.....

TERM AND CONDITIONS

1. The said parties of sound mind and of majority age mutually and without any undue influences entered into this agreement.
2. **THAT** upon signing of this **AGREEMENT** and payment of the **AGREED LEASE PRICE**; the landlord shall relinquish the possession/control/proprietorship and or other rights relating to the control of the said plot/land for the period of
3. **That** upon signing of this **agreement** any loss of tree, crops, fences or any other fixed asset **is compensated/replaced by the project** as per IRP.
4. **THAT** the vendor promised not to do anything that might hinder, and or bar the smooth control of the said parcel of land
5. **THAT** any party who breaches the terms and conditions of this agreement; shall be liable to pay the damages, some to be quantified by an arbitrator or a court of law
6. **THAT** this agreement is not subject to any circumstances unless it contravenes the existing laws of Kenya
7. **THAT** the land in question does not have encroachment and is free of any litigation or encumbrances.
8. Loss of Fixed assets on land and income

ITEM	DESCRIPTION
Tree	
Crops	
Fencing	
Any other temporary/permanent structure	
Estimated Loss of income	
Estimated cost of the loss	

○ LANDLORD'S WITNESSES

S/No	Name	ID/No.	Phone No.	Date	Signature
1					
2					
3					

○ TENANT'S WITNESSES

S/No	Name	ID/No.	Phone No.	Date	Signature
1					
2					
3					

Dated this day of20.....

AREA CHIEF

Name	ID/No.	Phone No & E-mail	Signature & Rubber Stamp

COMMISSIONER FOR OATHS

Name	Law firm	Phone number & email	Signature & Rubber Stamp

Annex 10. Grievance Record Form

Grievance Record	
Name of complainant:	Telephone:
Date complaint filed:	Nature of grievance:
Name of person taking complaint: Position:	Signature:
Review/Resolutions	
Date of conciliation session:	Was complainant present?
Nature of complaint:	
Was field verification of complaint conducted:	Finding of field investigations:
Was agreement on the issue reached? If agreement not reached provide points of disagreement:	If agreement reached provide details;
Mediator Name:	
	Signature: Date:

Complainant Name:	Signature: Date:
Subproject team member name:	Signature: Date:

Annex I I: Checklist for RPF Consultations

This checklist is being used by facilitators of FGDs and Consultation Meetings in the FSRP Selected Counties for purposes of updating the project RPF.

The aim of these consultations is to characterize the land tenure systems, livelihoods, culture and SEA/SH, and natural resource use, challenges in people's access to land, opinion about Land use for project facilities such as farm produce markets and warehouses, and to discuss how the project may affect them both negatively and positively. The facilitator will briefly describe/explain the FSRP/FSRP to the participants.

1. Name of Facilitator: _____ Name of Note Taker: _____
2. County: _____ Sub-county: _____ Date: _____
3. Name of CIG/VMG/FPO/MCI:

Profile and composition of community being represented

LIVELIHOODS

4. What are the dominant types of houses rural people in this community live in?
5. Which food production activities do rural people in this community engage in regularly?
6. What are the main income generating activities undertaken by rural people in this county?
7. Which Farmer Producer Groups (FPOs) serve farmers in this county? What have been the outcomes of the services offered?

LAND TENURE

8. What are the main forms of land ownership in this county? Probe to find out if there is public, private and community land in the county.
9. What land rights do women have in this county? Which challenges do women farmers face in accessing land?
10. If the government wants to acquire land for a project such as a farm produce market or warehouse how will that land be acquired? What is the preferred compensation modality?
11. What are the current challenges in acquiring land?
12. How are land and other natural resource disputes handled in this county?

FSRP OR OTHER GOVERNMENT PROJECT

13. Which national government agricultural projects are on-going in this county? How have they benefited farmers?

14. What are the likely impacts (both negative and positive) of the FSRP on people in this county? How can negative impacts, if any, be mitigated?
15. the FPO want to build farm produce market/warehouse, how is the land being accessed?
16. For multi community investments, small irrigation and land development projects, how is the land being accessed?
17. What are the negative economic impacts of providing land for the project?
18. How in your opinion can the project be adjusted to better serve your agricultural needs?

Gender and SEAH

19. What are the main traditional roles of women and girls in farming and land management?
20. What are the main traditional roles of men and boys in farming and land management?
21. What benefits are women likely to draw from FSRP and how can those be enhanced?
22. How can project support in enhancing access to land for female farmers

23. What forms of Gender-based Violence do people in this area normally experience related to land? How are these reported and handled?

Annex 12: Environmental and Social Screening Subprojects Check List by Beneficiary Communities (SACCOs, Sub- projects, FPO investments and Multi community investments)

Section A: Background Information

Name of County.....	
Name of CPCU/Environmental and Social E&S Compliance Officer	
SLM LOCATION..... Name of CIG/VMG Postal Address:..... Contact Person..... Cell phone: Sub -project name.....	
Estimated cost (Kshs.).....	
Approximate size of land area available for the sub -project..... Objectives of the Sub - project	
Activities/enterprises undertaken	
How was the sub -project hosen?	
Expected sub - project duration:	

Section B: Environmental Issues

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

If the answers to any of the above is 'yes', please include an ESMP with Subproject application.

Section C: Socio-economic Issues

Will the subproject:	Yes	No	Remarks
Have challenges for women farmers to benefit			If yes, elaborate
target vulnerable community members such as physically challenged, LGBTQ, Child headed household etc..?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, elaborate
Interfere with the normal health and safety of the worker/employee?	<input type="checkbox"/>	<input type="checkbox"/>	
Reduce the employment opportunities for the surrounding communities?	<input type="checkbox"/>	<input type="checkbox"/>	
Reduce settlement (no further area allocated to settlements)?	<input type="checkbox"/>	<input type="checkbox"/>	
Reduce income for the local communities?	<input type="checkbox"/>	<input type="checkbox"/>	
Increase insecurity due to introduction of the project?	<input type="checkbox"/>	<input type="checkbox"/>	
Increase exposure of the community to HIV/AIDS?	<input type="checkbox"/>	<input type="checkbox"/>	
Induce conflict?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, elaborate
Have machinery and/or equipment installed for value addition?	<input type="checkbox"/>	<input type="checkbox"/>	
Introduce new practices and habits?	<input type="checkbox"/>	<input type="checkbox"/>	
Lead to child delinquency (school drop-outs, child abuse, child labour, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, how
Lead to gender disparity?	<input type="checkbox"/>	<input type="checkbox"/>	If yes elaborate how
Lead to poor diets?	<input type="checkbox"/>	<input type="checkbox"/>	
Lead to social evils (drug abuse, excessive alcohol consumption, crime, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	If yes elaborate
Will engage community labour	<input type="checkbox"/>	<input type="checkbox"/>	If yes, Community labor engagement agreement required

Section D: Natural Habitats

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

Use irrigation system in its implementation?	<input type="checkbox"/>	<input type="checkbox"/>	
--	--------------------------	--------------------------	--

If the answers to any of the above is 'yes', please include an ESMP with Subproject application.

Annex 13: NLC Guidelines for Accessing of Public Land by FSRP Project

The FPO shall apply to the County Government through the FSRP avenue, requesting to access public land to conduct the VC-related project proposed. This shall be in conformity with the laid down requirements for the FSRP.

After vetting of the FPO and concurrency that the application merits consideration, the County Government shall identify the land to be availed to the FPO.

As the planning agent at the County, the County Government shall cause replanning of the reserved land if there is need for change of user from the original user to one appropriate for the FPO's venture. The County Government shall inform the Commission of the replanned areas and rationale for the planning.

The County Government holding land enters into a leasing arrangement with the FPO as the owner of public land in the County on behalf of the public. The land to be availed under this arrangement should be planned and zoned for the intended use by the FPOs. It should also be surveyed and serviced as provided for in law.

The County Government shall forward the application package to the Commission. This package shall in addition to the FPO's application include among other documents, the outcome of the FPO vetting, the evidence of land being available, having been planned, surveyed and serviced. It shall also include the commitment by the County Government to enter into a formal engagement with the PFO for the land identified for the conduct of the VC-related venture.

Upon receipt of requests by the Commission, each request will be processed on a case by case basis. The process of leasing will be administered by the Commission as provided for in law. In administering this process, the Commission with concurrence of the County Government shall follow either;

- i. Undertake the entire process right from receipt of the request to avail land from the County Government to the eventual lease and its handover to the FFPO.
 - In this scenario, the Commission will proceed with the procedure guided by the allocation process stipulated in Section 12-14 of the Land Act 2012.
 - In considering the request for the lease or sublease, the Commission shall confirm that:

- a. the legal nature of the FPOs and its capacity to undertake the stated project have had been verified by the County,
- ii. Process requests for consent from the County. In this case the County Government shall have the capacity to have the process managed by the County Executive.

The leasing period should not be shorter than 25 years or longer than 30 years and shall be negotiated and secured through registration of the entered agreements/license as provided for in the Land Registration Act 2102.

The County Government shall have requisite capacity to monitor the leases and subleases it grants. The Commission shall collaborate with the County Government in supporting its capacity to monitor these leases and subleases.

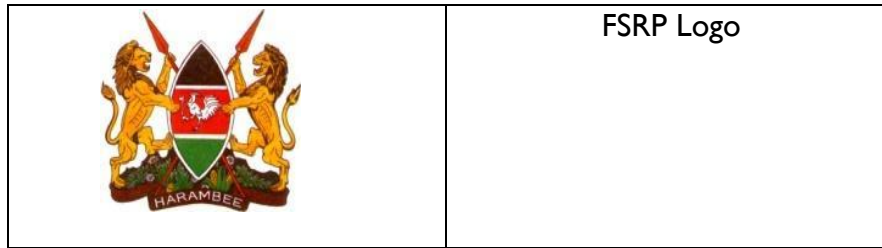
At the expiry of the lease or sublease, the land shall revert back to the County. Any request for renewal should be subjected to evaluation of performance on the earlier lease and pending applications for the land.

The instrument to be used for registration will be mutually agreed between the County Government, FPO and the Commission and should adhere to prescriptions in the Land Registration Act 2012.

In addition to the Terms and Conditions applicable for the lease, the following terms and conditions must be adhered to:

- a) any requests to transfer land shall only be to persons or entities adhering to the original lease conditions,
- b) the use of the land shall be restricted to the specified user for which it was granted.

Annex 14: Land Lease Template



INDIVIDUAL LAND OWNER RESOLUTION AND CONSENT FORM

ITEM	DESCRIPTION
Name of the CIG/VMG/FPO	
Name of Micro-Project	
Project Location	
GPS coordinates	
Estimated cost of the investment	

I/We..... at Location in
.....Ward

Being the owner/beneficiary of the plot/parcel of land No..... at
.....Sub-county do hereby declare and sign that I/We have agreed without alteration
to lease approximately.....acres/hectares of the aforesaid plot/land
to(tenant).....for.....months/years. The
total rent (cost of lease) of the plot/land is Kshs..... amount in
words..... per
acre/hectares totalling to Ksh.....amount in words
..... for the entire period
of..... months/years

Landlord(s)..... ID No..... Phone No.
Signature.....date.....

Tenant(s)..... ID No..... Phone No. Signature.....
date.....

Tenant(s)..... ID No..... Phone No. Signature.....
date.....

Annex 15. Livelihood And Income Restoration Plan Guidelines

The purpose of developing a Livelihood or Income Restoration Plan (LRP) is to outline the framework for mitigating and restoring livelihoods of project-affected communities as early as possible. This will allow effective disclosure to key stakeholders, and subsequent feedback.

The LRP includes livelihood enhancement initiatives, which will assist PAPs to re-establish their livelihoods or create new ones. This LRP is prepared in accordance with the Country national safeguards policies and laws and the World Bank Safeguards Standards (ESS5) on Land Acquisition and Involuntary Resettlement.

If land acquisition or restrictions on use of, or access to, land or natural resources may cause significant economic displacement, arrangements to provide displaced persons with sufficient opportunity to improve, or at least restore, their livelihoods are also incorporated into the Restoration plan, or into a separate livelihood's improvement plan. These include:

- a) Direct land replacement. For those with agricultural livelihoods, the Restoration plan provides for an option to receive replacement land of equivalent productive value, or demonstrates that sufficient land of equivalent value is unavailable. Where replacement land is available, the plan describes methods and timing for its allocation to displaced persons.
- b) Loss of access to land or resources. For those whose livelihood is affected by loss of land or resource use or access, including common property resources, the Restoration plan describes means to obtain substitutes or alternative resources, or otherwise provides support for alternative livelihoods.
- c) Support for alternative livelihoods. For all other categories of economically displaced persons, the Restoration plan describes feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit, licenses or permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women, minorities, or vulnerable groups who may be disadvantaged in securing alternative livelihoods.
- d) Consideration of economic development opportunities. The Restoration plan identifies and assesses any feasible opportunities to promote improved livelihoods as a result of Restoration processes. This may include, for example, preferential project employment arrangements, support for development of specialized products or markets, preferential commercial zoning and trading arrangements, or other measures. Where relevant, the plan should also assess the feasibility of prospects for financial distributions to communities, or directly to displaced persons, through establishment of project-based benefit-sharing arrangements.
- e) Transitional support. The Restoration plan provides transitional support to those whose livelihoods will be disrupted. This may include payment for lost crops and lost natural resources, payment of lost profits for businesses, or payment of lost wages for employees affected by business relocation. The plan provides that the transitional support continues for the duration of the transition period
- f) Steps include Needs Assessment and Programs Identification to identify IRP options, carried out a qualitative needs assessment which various data collection methods including, Observations, Focus Group Discussions (FGDs), Key Informant Interviews and literature reviews. According to the assessment results, project impacts on livelihood can be mitigated through:
 - Capacity building for more profitable and sustainable use of livelihood assets;

- Development of alternative livelihood resources and initiatives (security of Tenure);
- Provision of mitigation measures to minimise risks on gender and health to ensure that communities are benefiting from the project; and
- Financial literacy on judicious use of compensation money.

Details with regard to allocation of tasks to individual officers will be set immediately after approval, through cooperation from World Bank and NPCU (safeguards officers) and the county involved. The identified Skill Based Groups will be verified as the framework for delivering livelihood programs. These economies are based on numerous small businesses and markets for agricultural products from the wider area. Consequently, LRPs will focus on capacity building in the following areas:

- Small business development, including strengthening skill sets for the restoration of businesses that would be affected due to relocation;
- Skills diversification for developing alternative and supplementary livelihood opportunities. This will be particularly important to those PAP who lose all or the majority of their productive land holdings, especially land;
- Improved agricultural sustainability and productivity, particularly for those PAP who have or intend to purchase sufficient land to maintain a sustainable livelihood;
- Capacity building in financial handling for profitability;
- Rehabilitation of youth group who have being addicted in use of drugs and substance abuse; and
- Programs to safeguard children from being impacted morally (GBV, HIV/AIDS and family health).

Determinant factors for developing suitable IRP/LRPs are:

- i. Eligibility: Entitlements to livelihood restoration are presented in the Entitlement Matrix: - Loss of total land; - Loss of business that cannot be re-established; - Loss of small scale agricultural land or access to agricultural land; - Loss of employment that cannot be re-established; and - Vulnerable people due to physical, mental, health, economic and social challenges; and - Loss of social surfeit net.
- ii. Exit Survey for Livelihood Restoration carried out by county officials from county government. The aim of the exit survey is to confirm the results of the census surveys, validate expected losses and subsequently to determine the numbers of PAP losing specific livelihoods and income, such as PAPs losing land, farmers losing high productivity with no alternative land, fishers and fish mongers, people losing business and vulnerable groups. The survey will also assess the diversification needs for PAP who likely not be able to restore their livelihoods due to injudicious use of compensation money. Agreement of the respective affected PAP to the exit survey documentation and the resulting determination of compensation will be officially documented in the livelihood agreement form.
- iii. Provision of Financial Literacy to PAPs who are not used to handling large amount of money may squander away their compensation money. Hence judicious usage of compensation amount should be effectively planned and

carefully implemented through appropriate guidance and counseling on investment options.

- iv. It is expected that PAPs to take advantage of SACCOs to be developed under this project as saving or banking services for security of their money as well as earning interest. For example, if the PAPs were to maintain a
- v. It is therefore important that PAPs are considered for temporary or short-term project-related employment. Construction contractor shall be required to give preference to PAPs to perform unskilled or semi- skilled work such as guards at camp sites, daily labor, drivers, masonry works and other site clearance works. In order to avoid any dissent or conflict between PAPs and non-PAPs, the Contractor would give preference to persons from these areas than rather than any outsiders or specifically to PAPs. During Operations phase: although difficult to estimate the approximate number of persons required, the operations phase shall bring work opportunities relating to periodic maintenance and fault correction. It is therefore important that these PAP to be given preference for temporary or short-term project-related employment. The Construction contractor will be required to give preference to persons from the local area for unskilled or semi-skilled work such as guards at camp sites, daily labour, drivers, masonry works and another site clearance works. Those whose livelihoods have been affected by the project, and who have not chosen to restart farming or fishing operations on alternative land / new fish landing sites will be able to apply for skills training to help them try to gain employment either at the Project, its clients or in other industries / businesses.
- vi. Develop policies that encourage women to work at construction sites, because very often, are victims of Gender Based Violence (GBV) and Sexual Exploitation (SE). In this regard, contractors shall be required to provide a code of conduct that restrict any forms of GBV and sexual harassment at the work place as well as provision of adequate facilities for both men and women at the camp sites. Gender sensitization including deliberate efforts to enhance inclusion of the women in the Project will be undertaken.
- vii. During LRP/IRP implementation, the team will identify drivers and prevalence of GBV/SEA, SGBV, and subsequently will prepare and implement the plan. HIV and AIDS Awareness and Prevention Campaign: The young population in the communities are highly vulnerable to HIV infection due to immigrant workers to the area. There is also a possibility of further spreading other sexually transmitted diseases because of interactions between contractor's workers and local population.

Annex 16: Sample MOU between a County Government and FPO

COUNTY GOVERNMENT		NAME OF FPO.
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MEMORANDUM OF UNDERSTANDING

BETWEEN

COUNTY GOVERNMENT OF

AND

(Name of FPO)

PREAMBLE

This MEMORANDUM of UNDERSTANDING (hereinafter together with all appendices to be attached hereto and forming an integral part hereof called the 'Memorandum of Understanding' (MoU) is made this Day of Twenty twenty..... between the County Government of Post Office Boxin the Republic of Kenya on the first part.

AND

..... Co-Operative Society Limited registration No. CS with Co-operative Society Act (Cap 490, section 6(3)) **ALSO referred to as a Producer organization** of Post Office Box, within the said Republic of the second part.

WHEREAS

.....County Government and farmers' Co-Operative Society Limited in discharge of their respective public duties and desire to upgrade the Farmer/pastorailist activities **concurs that:**

The mission of the County Government of is to provide an enabling environment for development and expansion of production and marketing for greater incomes to farmers and stakeholders through construction of market as aggregation centre for;

- Sorting, grading, storage, weighing, packaging and collective marketing ofproduce.

It is envisaged that the construction of the market will lead to;

- Improved quality of the produce and increased shelf life
- Reduced post-harvest losses
- Increased marketing prices
- Increased producers' bargaining power.
- Improved marketing hygiene for
- Improved market access through improved infrastructure
- Enhancedproduction and marketing are critical for achieving Vision 2030.
- Improvedmarketing will stimulate more activities and hence service hitherto not existent.
- The two parties have complementary roles in development and marketing ofproducts and associated businesses if sustainability is to be assured.

- This collaboration will enhance the marketing environment, improve incomes, and enhance County Government interaction with the local marketing community.
- This partnership will enhance efficient use of the existing market infrastructure and trigger further development of sustainable market infrastructure.
- This partnership will improve incomes and livelihoods of farmers, create employment along the Farmer/pastorailist activities and increase government revenue along the chain.

NOW THEREFORECounty Government andfarmers' Co-Operative Society Limited inspired by their objectives to promote and accelerate progress of marketing and value addition of and their mandates, have decided to enter into an understanding and agree as herein contained.

Article I: GENERAL PROVISIONS

1.1 Scope of the MoU

This MoU governs the broad area of collaboration between the two parties i.e. TheCounty government and thefarmers’ Co-Operative Society Limited. Specific agreements may be developed for any other specific joint activities to be undertaken within the provisions of the MoU.

1.2 Relationship between the Parties

The parties to this MoU commit themselves to treat each other as partners throughout the duration of collaboration and each will have full control and responsibility for all the activities and operations carried out by and on its behalf.

1.3 Notices

Any notification, request or consent required or permitted to be given or made pursuant to this MoU shall be in writing and sent by registered mail, fax or E-mail (signed attachments) to such party at the following address:

For: Government
P.O. Box
Tel: (254)-
E-mail:

For: Co-operative Society Ltd.
P.O. Box
Tel:
E-mail :

PROVIDED THAT a party may change its address, E-mail and fax number for communication hereunder by notifying the other party of such change pursuant to this clause.

1.2 Authorized Representative

Any action required or permitted to be taken and any document required or permitted to be executed under this MoU may be taken or executed by an authorized person:

- a) On behalf of Governor or any other appointed Officer.
- b) On behalf of farmers' Co-Operative Society Limited Chairman or any other appointed Officer.

1.3 Third Party Participation

A third party, either an individual or institution may on recommendation of either of the two institutions be permitted to participate in carrying out a function of the collaboration. Any such participation shall be carried out through an arrangement mutually executed by the two institutions, provided that no such arrangement shall be executed in contravention of any of the provisions of this MoU.

Article 2: OPERATIONS AND MAINTENANCE

2.1 Players and their roles

This MoU recognizes four critical categories of players expected to play their respective roles for the function of the market:

- a) Parties to this MoU for management and further development of the market
- b) Business people, i.e. producers, transporters, wholesale and retail traders
- c) Consumers
- d) Service providers such as Department of Agriculture, Public Health, regulatory institutions, water and power utility companies, and security organs of government
- e) Market committees

2.2: Space Allocation

This market facility, in accordance with government plan, shall exclusively be used for selling

There shall be a Space Allocation Committee (SAC) appointed by the principal stakeholders and whose members shall serve for two, one-year terms.

The SAC shall without prejudice meet and allocate space to stakeholders in consultation with the principals to the MoU and prepare and file minutes of allocation

Space allocation shall be reviewed annually or as the need arises

2:2:1 Criteria for space allocation:

- I. Practicing farmer/CIG/VMG/Cooperative

2. produce trader/Group/Cooperative
3. farmer/trader or group/cooperative members who is/are VMGs (youths, women)
4. Application for the stall allocation
5. Payment of the set fees

NB: The space applied for or allocated should be defined either in square units or number of stalls.

2.3: Formation, Composition and Function of the Market Management Sub Committee of Producer Organization

There shall be a Market Management Subcommittee appointed by the principal stakeholders and whose members shall serve for two, one-year terms.

The Market Management Committee shall be constituted by thefarmers' Co-operative Society Limited made up of at least 15 members i.e. Chairman, Vice Chairman, Secretary, Vice secretary, Treasurer, and other Members elected in such a way as to ensure no gender is less than 30% and fair representation of stakeholders, from the coverage of the market ..

2.3:2 Duties/Functions of the Market Management Sub-Committee

- They are responsible for the day to day running of the market
- Allocation of stalls
- In charge of minor repairs at the market
- Settling any disputes that arise at the market
- Cleaners and guards will report to the market management sub committee
- They will be in charge of waste management at the market; wastes will be sorted into organic and non-organic wastes. All organic wastes will be converted into manure and briquettes
- They will be in charge of all market premises.
- They will be in charge of marketing of to wholesalers, traders, merchants and others

They will implement the Environmental and Social Management Plan (ESMP) in the ESIA report
They will carry out annual Environmental Audits (EA) and submit to NEMA

I. Chairperson's roles

- ✓ Co-ordinates the activities of the market
- ✓ Call and Chair all the market meetings
- ✓ Signatory to the committee's bank account and signs all documents for approval
- ✓ Networking with other groups and relevant stakeholders for smooth running

of market operations

2. Vice Chairperson's roles

- ✓ Assumes powers/duties of the chair in his/her absence.
- ✓ Monitors and evaluates all the committee' activities

3. Secretary

- ✓ Prepares all subcommittee' activity records/documents (minutes, inventories, files, etc.) and may present them when necessary.
- ✓ Signatory to the committee bank account.

4. Vice Secretary

- ✓ Assumes duties of the secretary when absent.

5. Treasurer's roles

- ✓ Signatory to the committee's bank account.
- ✓ Custodian of the committee valuable resources.
- ✓ Prepares, keeps and avails all financial records/documents when need be.
- ✓ Prepares the committee' budget together with the FPO executive.

6. Members

- ✓ Attend and participate actively in all committee activities.

In addition, the form sub committees in charge of specific tasks at the market

2.4 Market Charges

1. The Market Management Sub-Committee shall monitor payment of fees for various services offered at the market i.e. retail space, whole space, storage space, restrooms, canteen lease and any other services as stipulated by the County Government.
2. Payable fees shall be reviewed as deemed necessary by the County government

2.5 Water and Power Supply

The market shall have electricity and water accounts which shall be used for providing these services to the market. The bills accruing shall be paid by the market management committee

2.6 Financial Management

1. The principal parties hereby agree on the ratio of funds collected and retained by the County: funds to be disbursed to the Market Management Sub-Committee as

70%:30%. This is subject to review within a period of one year during which time the revenue collection trend and behaviour will have been established.

2. Funds shall be collected by the County Government using official market receipts and immediately deposited in a bank account with appropriate signatories appointed.
3. Funds allocated to the Market Management Sub-Committee shall be used for general operations of the market such as minor maintenance and repairs of the market, sanitation and general cleaning, electricity and water bills to a maximum of Ksh. 20,000/= (which may be reviewed on need basis by principal partners annually). However, major maintenance works, promotion, payment of salaries and utilities, maintenance of books of account and audit, and investing in expanding infrastructure or services shall be done by County Government.

2.7: Staff

For effective running of the market, a market clerk, security person, cleaner shall be hired on terms agreed between the parties. The committee shall be given priority to decide who is to be hired with emphasis being on locals.

Article 3: SAFETY AND HYGIENE

- 3.1 TheCounty Government shall ensure that general security of the market is provided in form of lighting and installation of firefighting equipment
- 3.2 The Market Management Sub-**Committee** of market shall ensure there is security by maintaining doors, gates, fences, lighting systems and firefighting equipment
- 3.3 The Ministry of Health shall ensure food safety, inspection, quality control and hygiene in the market

Article 4: ENVIRONMENTAL MANAGEMENT

- 4.1 Thefarmers' Co-Operative Society Limited shall maintain the toilets and sanitation facilities and manage solid and liquid waste from the market
- 4.2 TheCounty Government, in consultation with the Market Management Committee, shall organize for regular environmental audits
- 4.3 The Market Management Sub-Committee shall adhere to the Environmental and social Management Plan (ESMP)
- 4.4 All market users shall be required to separate solid waste into recyclable and non-recyclable waste before disposal
- 4.5 TheCounty Government will be responsible for provision of waste systems including bins/collection material.
- 4.6 TheCounty Government shall provide dump-site and garbage trucks to do collection.

4.7 Recycled manure will be transported by the Market management sub- committee to producers' farms at a negotiated fee. Alternatively, producers may collect the manure from the market at a fee to be set by the market management sub- committee.

Article 5: MONITORING AND PLANNING

- 5.1 The County government (department of trade) shall ensure collection of market information and avail it to Government for processing and dissemination. The County Government, in consultation with the Market Management Sub-Committee, and other relevant stakeholders shall enforce the set standards for produce quality and packaging.
- 5.2 The market shall be open to stakeholders to do business as long as they pay the necessary fees and abide by the laid down rules and regulations, and get trading space
- 5.3 The farmers' Co-Operative Society Limited shall establish a dispute resolution sub- committee. The County government through the department of County Attorney shall set up a committee to handle referrals for arbitration.
- 5.4 The Market Management Committee shall ensure compliance with weights and measures regulations in consultation with the Ministry of Trade.
- 5.5 Prices of commodities shall depend entirely on market forces
- 5.6 The information sharing will be permitted for the purpose of measuring of profitability as captured in PAD
- 5.7 Constant participatory M&E will be carried out byCounty Government & The Food systems Resilience Project

Article 6: EXCHANGE OF INFORMATION

The parties to this MoU shall:

- 6.1 Make available to each other all relevant information to the operations of the market truthfully and to the fullest possible extent.
- 6.2 Hold joint seminars and workshops provided such seminars and workshops are to their mutual benefits.

Article 7: FINANCIAL IMPLICATIONS OF THE MoU

- 7.1 It is understood that neither party assumes financial obligations as a result of this MoU. Financial arrangements shall be negotiated separately depending upon the availability of funds.

7.2 The parties here to undertake to provide funds for the purposes of realising any or all the objects of the collaboration.

7.3 The two parties further agree each to bear the cost of administering the MoU as shall be mutually agreed from time to time.

7.4 Any further development in the market shall be done by theCounty government.

7.5 The parties hereto shall be at liberty to employ the services of consultants, managers, auditors, clerks, secretaries and such other staff as may be required and, on such terms, as to remuneration, tenure, or otherwise for the purposes of carrying into effect any or all of them.

7.6 Thecounty government shall be responsible for employing:

- 1) . Revenue collection clerks.....2) Security workers.....3)
- ...Supervisor..... 4).... cleaners.....

While:

The Market Management Sub-Committee will be responsible for employing:

- 1) ...Casuals.....2) 3) 4).....

Article 8: ADMINISTRATION OF THE MOU

8.2 The functions of the steering committee will include

- co-ordinating use of facilities, joint project identification and proposal writing;
- Monitor implementation of any on-going projects by evaluating progress reports;
- Advice the respective institution's Chief Executives, through written reports, on the progress and need to review, renew or terminate the MoU.

Work out mechanisms of reviewing and/or amending the MoU as need arises.

Article 9: FAIRNESS AND GOOD FAITH

9.1: Good Faith

The parties undertake to act in good faith with respect to each other's rights under the objectives of this Memorandum of Understanding.

9.2: Operation

The parties recognize that it is impractical in this understanding to provide for every contingency which may arise during or after the life of the MoU, hereby agree that it is their intention that this MoU shall operate fairly as between them and without detriment to the interest of either of the parties.

9.3 Confidentiality

9.3.1 The two parties shall agree beforehand matters that are not for direct public consumption.

9.3.2 As much as possible, internal information shared with a partner shall be treated with the strictest confidentiality.

9.3.3 The parties and their representatives shall not, either during or after the term of this MoU, disclose any confidential information relating to the undertaking by either parties or each other's operations without the consent of the other party.

Article 10: EFFECTIVE DATE AND DURATION OF MOU

This MoU shall take effect upon signing of the same by the Governor or his/her assignee and the Producer Organization Chairman and will remain in effect until terminated by either of the parties.

Article 11 MODIFICATIONS

Modification of the terms and conditions of this MOU including the scope of responsibilities of the parties may only be made by written agreement between the parties and the same shall be incorporated in the annexes of this Memorandum of Understanding.

Article 12 SETTLEMENTS OF DISPUTES

12.1 Amicable Settlement

The parties shall use their best efforts to settle amicably all disputes arising out of or in connection with this MoU or interpretation thereof.

12.2 Right of Arbitration

Any dispute between the parties as to matters arising pursuant to this MoU which cannot be settled amicably within THIRTY (30) DAYS after receipt by one party of the other party's request for such amicable settlement may be submitted to the Arbitration Board or any three arbitrators mutually agreed upon by the parties for a decision in accordance with the provisions of the applicable Arbitration law of Kenya.

Article 13 TERMINATIONS

In case there is a problem that necessitates the MoU to be terminated, the following shall apply:

- 13.1 The MoU may be terminated if one party fails to discharge any of its responsibilities stated herein and persists in such breach for NINETY (90) DAYS, after written notices from the other party pointing the breach.
- 13.2 Either party that wants to terminate the MoU shall give a three months' written notice.
- 13.3 That in the event of such termination, joint collaborative activities shall be dealt with as shall be mutually agreed upon by the two parties to the MOU
- 13.4 That any gains or losses in the pursuance of the provisions of this MoU shall be shared on mutually agreed ratios, failing such agreement, the same shall be shared equally between the two institutions.

Summary of the MoU.

- The County Government through Department of Agriculture, livestock, fisheries and cooperatives reserves the right to terminate the reservation of the parcel if the conditions below are not met by Producer organization.
- The Cooperative society (FPO) to understand the parcel is reserved for use as a market and the reservation can be terminated by registered owner of the land if these conditions are not met.
- The management committee will be production and marketing society limited whose membership will have representation from farmers in the county.
- The Cooperative society (FPO) will be carrying out elections of the management committee every after three years and the facility will be at the service of all farmers to upgrade the Farmer/pastoralist activities in the county
- The Cooperative society (FPO) will be responsible of the day to day running of the market and will trade in only
- The Cooperative society (FPO) will be expected to pay taxes to county government
- The Cooperative society (FPO) shall not sub rent the facility
- The Cooperative society (FPO) will be in charge of repairs and bills at the market

Article 14: GOVERNING LAW

That this MoU shall be read and construed in accordance with the Laws of Kenya.

Article 15: SIGNATURES

IN WITNESS WHEREOF this Memorandum of Understanding has been executed by the parties under their respective hands on thisday of the year herein first written.

Signed:

.....County Government

P.O. Box

County Executive Committee Member - Agriculture, Livestock, Fisheries and Cooperative development

..... County

On behalf of H.E The Governor.....

.....

Witness.....

Signed: Farmers' Co-Operative Society Limited

P.O. Box

Chairman.....

Witness.....