

**Republic of Kenya**



**Ministry of Agriculture and Livestock Development**

**STATE DEPARTMENT FOR CROP DEVELOPMENT**

**RESETTLEMENT POLICY FRAMEWORK (RPF)**

**FOR**

**NATIONAL AGRICULTURAL VALUE CHAIN DEVELOPMENT PROJECT  
(NAVCDP)**

**March 03,2023**

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**Resettlement Policy Framework (RPF)**

## **I ABBREVIATIONS AND ACRONYMS**

ACHPR	African Commission on the Human and Peoples Rights
ALV	African Leafy Vegetables
ATO	Agricultural Transformation Office
CoC	Code of Conduct
DAT	Disruptive Agricultural Technology
CDD	Community Driven Development
CDDC	Community Driven Development Committee
CDP	Community Development Plan
CESSCO	County Environmental and Social Safeguards Compliance Officer
CGIAR	Consultative Group on International Agricultural Research
CIDU	County Irrigation Development Unit
CIGs	Community Interest Groups
CoE	Council of Elders
CoK	Constitution of Kenya
CPC	County Project Coordinator
CPSC	County Project Steering Committee
CSO	Civil society Organizations
CRA	Commission on Revenue Allocation
EAs	Environmental Assessments
EDPGs	Enterprise Development Plan Grants
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESCP	Environmental and Social Commitment Plan
ESS	Environmental and Social Standards
EU	European Union
FLID	Farmer - Led Irrigation Development
FPIC	Free, Prior and Informed Consultation
FPO	Farmer Producer Organization
FS	Feasibility Study
GDP	Gross Domestic Product
GoK	Government of Kenya
GM	Grievance Mechanism
ICT	Information and Communication Technologies
IDA	International Development Association
IFC	International Finance Corporation.
IRP	Income Restoration Plan
IRM-OM	Immediate Response Mechanism Operations Manual
IPM	Integrated Pest Management
IPMP	Integrated Pest Management Plan
IPOs	Indigenous Peoples Organizations
IP/SSAHUTLC	Indigenous Peoples/Sub Saharan African Historically Underserved Traditional Local Communities
KALRO	Kenya Agricultural and Livestock Research Organization

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KAMIS	Kenya Markets Information Systems
KAPAP	Kenya Agricultural and Agribusiness Project
KAPSLMP	Kenya Agricultural Productivity and Sustainable Land Management Project
KCSAP	Kenya Climate Smart Agriculture Project
KCEP	Kenya Cereal Enhancement Project
KEBS	Kenya Bureau of Standards.
KEPSA	Kenya Private Sector Alliance
KNCHR	Kenya National Commission on Human Rights
KSh	Kenyan Shilling
KFS	Kenya Forest Service
LA	Land Act, 2012
LAC	Land Administration Committees
LACT	Land Acquisition Compensation Tribunal
LMP	Labour Management Plan
LRA	Land Registration Act, 2012
MoU	Memorandum of Understanding
M&E	Monitoring and Evaluation
MIS	Management Information System
MoENR	Ministry of Environment and Natural Resources
MSME	Micro, Small and Medium-scale Enterprises
MoA&LD	Ministry of Agriculture, Livestock, Fisheries, and Cooperatives
MoDP	Ministry of Devolution and Planning
M&E	Monitoring and Evaluation
MoE	Ministry of Education,
MoH	Ministry of Health
MOPE	Market-Oriented Producer Enterprise
MoU	Memorandum of Understanding
NARIGP	National Agricultural and Rural Inclusive Growth Project
NAVCDP	National Agricultural Value Chain Development Project
NCBF	National Capacity Building Framework
NCCAP	National Climate Change Action Plan
NEMA	National Environment Management Authority
NESCP	National Environmental and Social Commitment Plan
NGO	Non-Governmental Organization
NLC	National Land Commission
NLP	National Land Policy
NPSC	National Project Steering Committee
NSSCO	National Social Safeguards Compliance Officer
NT	National Treasury
NVSP	National Value Chain Support Programme
OMFP	One Million Farmer Platform
O & M	Operation and Maintenance
OP	Operational Policy
PAD	Project Appraisal Document
PAP	Project Affected Persons
PCU	Project Coordinating Unit
PDO	Project Development Objective
PICD	Participatory Integrated Community Development
PIM	Participatory Impact Monitoring

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PIM	Project Implementation Manual
PoE	Panel of Experts
PPP	Public Private Partnerships
PRA	Participatory Rural Appraisal
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RRA	Rapid Rural Appraisal
SA	Social Assessment
SACCO	Savings and Credit Cooperative
SAIC	Social Accountability and Integrity Committee
SIA	Social Impact Assessment
SEA/SH	Sexual Exploitation and Abuse/Sexual Harassment
SEA/SH AP	Sexual Exploitation and Abuse/Sexual Harassment Action Plan
SDCP&AR	State Department for Crop Development and Agricultural Research
SEP	Stakeholders Engagement Plan
SLM	Sustainable Land Management
SMEs	Small and Medium Enterprises
SP	Service Provider
SSE	Small Scale Enterprises
TIMPS	Technology, Innovations and Management Practices
UN	United Nations
UNDPR	Declaration on the Rights of Indigenous Peoples
USD	United States Dollars
VMGs	Vulnerable and Marginalized Groups
VMGF	Vulnerable and Marginalized Groups Framework
VMGP	Vulnerable and Marginalized Groups Plan
VCUGs	Value Chain Upgrading Grants
WB	World Bank

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## **4 GLOSSARY OF TERMS**

**Census:** An enumeration exercise carried out to identify and determine the number of persons affected by or displaced because of the project activities. The census provides basic information needed to determine the appropriate resettlement option including compensation

**Compensation:** Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced.

**Cut-off date:** Date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.

**Economic Displacement:** Temporary or permanent loss of, or restrictions on, land, assets or access to assets, leading to loss of income sources or livelihood.

**Involuntary Displacement:** Involuntary taking of land resulting in direct or indirect economic and social impacts caused by: Loss of benefits from use of such land; Relocation or loss of shelter; Loss of assets or access to assets; or Loss of income sources or means of livelihood, whether the project affected person has moved to another location or not.

**Involuntary Resettlement:** Project-related land acquisition or restrictions on land use that 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. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

**Land:** Agricultural and/or non-agricultural land, natural resources embedded in and any structures thereon whether temporary or permanent and which may be required for the micro-project.

**Land Acquisition:** The repossession of or alienation of land, buildings, or other assets there on for making land available for project activities. It also refers to 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. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether 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. “Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and apparent water bodies. In the context of this RPF and NAVCDP, land acquisition applies to either private, public or community land as defined in the Kenyan Constitution.

**Livelihood:** The full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.

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**Project Affected Persons (PAPs):** Persons affected because they have lost their land, their properties, their incomes, and livelihoods due to land and space being required for use in carrying out works for the project. These people may have their: (i) standard of living adversely affected, whether or not the Project Affected Person must move to another location; (ii) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected; (iii) access to productive assets adversely affected, temporarily or permanently; or (iv) business, occupation, work or place of residence or habitat adversely affected

**Physical Displacement:** Loss of shelter and assets resulting from the acquisition of land associated with a project that requires the affected person(s) to move to another location.

**Rehabilitation Assistance:** The provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels

**Free, Prior and Informed Consent (FPIC):** This is a specific right that pertains to indigenous peoples and is recognised in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). It allows them to give or withhold consent to a project that may affect them or their territories. Once they have given their consent, they can withdraw it at any stage. Furthermore, FPIC enables them to negotiate the conditions under which the project will be designed, implemented, monitored and evaluated. This is also embedded within the universal right to self-determination

**Full replacement cost:** Replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs

**Replacement cost for agricultural land:** The pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (a) preparing the land to levels like those of the affected land; (b) any registration, transfer taxes and other associated fees. This is not envisaged in the NAVCDP because any Subproject triggering this kind of impact will not be implemented.

**Replacement cost for houses, trees and other structures:** The prevailing cost of replacing affected structures to the same quality as before or better in an area; and such costs shall include - Building materials; Transporting building materials to the construction site; any labour and contractors' fees; and any registration costs.

**Resettlement Action Plans (RAPs):** Resettlement instrument to be prepared when the location(s) of civil works are identified. RAPs contain specific and binding provisions to resettle and/or compensate the affected persons before implementation of the activities.

**Resettlement Assistance:** The measures to ensure that displaced persons who require to be physically relocated are assisted with resettlement plans, materials and means whichever is applicable for ease of relocating and restoration of livelihoods.

**Resettlement Policy Framework (RPF):** Instrument prepared to guide resolution of displacement arising from project activities. It sets out the compensation policy and

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resettlement arrangements to address the needs of the affected persons to ensure that their livelihoods are restored to pre-project levels or better. Resettlement Action Plans or Abbreviated Resettlement Action Plans will be prepared consistent with the provisions of this RPF.

**Restrictions on land use:** 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, and restrictions on land use within utility easements or safety zones

**Subprojects:** Any activity which is directly being implemented by project beneficiaries at farm, community, regional and National levels because of undergoing inclusion through a participatory process and funded by the World Bank under NAVCDP. These would be micro projects, Farmer Producer Organisations investments (Value Chain Upgrading Matching Grants - VCUMG) and Enterprise Development Plan Grants - EDPG) and Value chain ecosystem investments at County, Regional or National levels) proposed and approved under the project.

**Vulnerable Groups:** People who by gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. This includes widows, the elderly, the disabled, the sick, minority groups as described in the Constitution of Kenya and also communities who meet the requirements of the World Bank ESS7 low income households and youth; incapacitated households – those with no one fit to work and; child-headed households and street children and other people or households, characterized by low nutrition levels, low or no education, lack of employment or incomes; ethnic minority and/or gender bias (GoK, 2011).

## **5 EXECUTIVE SUMMARY**

### **a. Introduction**

1. The development of a Resettlement Policy Framework (RPF) seeks to comply with the World Bank Environmental and Social Framework on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (ESS5). ESS5 recognizes that project-related land acquisition, restrictions on land use and involuntary resettlement can have adverse impacts on communities and persons. Under NAVCDP, project-related land acquisition, restrictions on land use may cause, loss of income/economic displacement (loss of access to land, assets, or access to assets, leading to loss of income sources or other means of livelihood), or both.
2. It is expected that this framework will provide guidelines on how the National Agricultural Value Chain Development Project (NAVCDP) will avoid, manage, or mitigate all project adverse impacts related to physical displacement and economical displacement. Any sub project proposal that can potentially lead to economic loss to more than 200 PAPs would also be excluded from the project. This resettlement framework is developed as a precautionary measure because there will be no approval for funding of any proposed NAVCDP subproject that will require involuntary resettlement or physical displacement of Project Affected Persons (PAPs). Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement. Physical Displacement means relocation, loss of residential land or loss of shelter.
  - I) This RPF was prepared, reviewed, consulted, approved, cleared, and disclosed both in country (<https://kilimo.go.ke>) and the Word Bank External website in December 2021 for the National Agricultural Value Chain Development Project (NAVCDP) which is a World Bank financed project implemented by the State Department for Crop Development and Agricultural Research in the Ministry of Agriculture and Livestock Development (MoALD). Subsequently, the 1<sup>st</sup> ISM for NAVCDP was held on February 13-17, 2023, and it recommended changes that affect the project design in the following areas:
    - a) NAVCDP will work in 33 from 26 counties: Meru, Nyeri, Muranga, Kirinyaga, Kiambu, Embu, Machakos, Kitui, Makueni, Tharaka Nithi, Nandi, Uasin Gishu, Trans Nzoia, Nakuru, Narok, Kajiado, Nyandarua, Kericho, Bomet, Kakamega, Busia, Bungoma, Vihiga, Homa Bay, Migori, Kisii, Siaya, Nyamira, Kisumu, Taita Taveta, Kwale, Kilifi, and Tana River alongside peri-urban Agriculture in Nairobi County. The added counties in the above list include: Tharaka Nithi, Bungoma, Kajiado, Vihiga, Siaya, Nyamira and Kisumu.
    - b) Allow Saturation- in all wards of the project counties.
    - c) Each county selects up to 5 value chains, however 4 must be from the 12 VC menu and one more an open county choice.
    - d) FPOs are value chain sensitive and will be funded directly - (FPOs will benefit from three grants: inclusion; Enterprise Development; and Value Chain Upgrading Matching grants)

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- e) No micro-project grants except in special affirmative action for the VMGs at the Counties - instead CIGs will access funds as a revolving fund from ward based SACCOs.
- f) The CIGs will also be supported with inputs to demonstrate different technologies and innovations using the FFBS model. Within the wards, it was agreed that to start with, every farmer (including the georeferencing) will be registered and subsequently both the CDDCs (for wards) and CIGs mobilization will be undertaken based on the PICD process.
- g) Every ward will have a SACCO. A diagnostic will determine whether a new SACCO will be mobilized, or an existing SACCO will be leveraged upon.
- h) Farmer registration, SACCO membership, and accessing SACCO funds will be value chain neutral activities.
- i) No grants will be provided at the CIG level and all grants to be provided will be either at the CDDC level (for selective crop demonstrations) or at the SACCO level (for revolving fund).
- j) Counties to constitute new CDDCs in the new wards and restructure the old CDDCs in the existing wards.

2) Therefore, based on the above project changes, it became prudent to realign all NAVCDP ESS instruments to be in line with the project changes. This RPF has been realigned to address the project design changes. The other NAVCDP ESS instruments include ESMF, Integrated Pest Management Plan (IPMP) an annex of the ESMF, Vulnerable and Marginalized Framework (VMGF), Labour Management Procedures (LMP), Security Management Plan (SMP), Gender Based Violence/Sexual Exploitation Abuse and Harassment Prevention Plan (GBV/SEAHPP), Grievance Mechanism Manual (GM), Stakeholder Engagement Plan (SEP), and Environmental and Social Commitment Plan (ESCP). All these instruments have been realigned, just as for RPF reviewed, approved, consulted, cleared, and redisclosed, both in country and in the World Bank External website.

**b. Brief Description of Project**

3. NAVCDP builds on the foundation for increased productivity and profitability for smallholder farming systems laid by National agricultural and Rural Inclusive Growth Project/ Kenya Climate Smart Agriculture Project (NARIGP/KCSAP<sup>1</sup>) through Community Driven Development based farmer organizations for prioritized value chains.

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<sup>1</sup> NARIGP has mobilized 514,023 smallholder farmers into 19,856 Common Interest Groups (CIGs) engaged in 17 priority value chains across 21 participating counties. Some 10,960 micro-project investments have been funded for building the farmer's capacity for adopting productivity enhancing climate smart Technologies, Innovations and Management practices (TIMPs). A robust community driven extension system driven by 1,497 trained community-based facilitators (CBFs) is delivering training and extension services to farmers through the farmer field schools (FFS) methodology. At the mid-term stage, the project has achieved a 15 % yield increase in the selected priority agricultural value chains supported by the project. Nearly 60% of project supported farmers have been linked to 314 farmer producer organizations (FPOs), and an additional 40 coffee cooperatives have been competitively selected for support under the coffee revitalization initiative; 259 of these FPOs have received inclusion and capacity development grants while 177 FPOs have developed Enterprise Development Plans (EDPs) for leveraging formal finance. 85 public private partnerships have been established between supported FPOs and private sector firms to improve service delivery to participating farmers. 25 % of the FPOs supported by NARIGP have reported increased profitability. With

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1. The project will support over **500,000** small-scale farmers who will be transitioning from subsistence to commercial farming within 33 Counties spread across 6 geographical regions. Other beneficiaries will be value chain actors at various levels including extension workers, aggregators, logistics support providers, SMEs operating within selected value chains and Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities (IP/SSAHUTLC) who meet the conditions set out under ESS7 as described in the Vulnerable and Marginalized Groups Framework and who are in 14 out of the 33 project counties.. The project will place a strong focus on inclusion of youth and women farmers within the supported value chains.
4. The selection of value chains and participating counties for the project has been driven by a multi-dimensional criterion. The nine (9) value chains prioritized for support are: Dairy, Coffee, Chicken, Fruits (Avocado, Banana, Mango), Vegetables (Irish potatoes and Tomato), Apiculture, Pyrethrum, Cashew nut and Cotton. Further, the 33 counties that will participate in this project are:
5. Meru, Nyeri, Muranga, Kirinyaga, Kiambu, Embu, Machakos, Kitui, Makueni, Tharaka Nithi, Nandi, Uasin Gishu, Trans Nzoia, Nakuru, Narok, Kajiado, Nyandarua, Kericho, Bomet, Kakamega, Busia, Bungoma, Vihiga, Homa Bay, Migori, Kisii, Siaya, Nyamira, Kisumu, Taita Taveta, Kwale, Kilifi, and Tana River.
6. The added counties in the above list include: Tharaka Nithi, Bungoma, Kajiado, Vihiga, Siaya, Nyamira and Kisumu.

### 7. Project Development Objective

8. The Project Development Objective (PDO) for NAVCDP is **“To Increase Market Participation and Value Addition for farmers in select value chains in project areas.”**

### Project Components

9. The project has 5 components with various sub-components as outlined in Table 0-1 below.

**Table 0-1 NAVCDP Components and Subcomponents**

I	Component I: Building Producer Capacity for Climate Resilient Stronger Value Chains
I.1	Sub-component I.1 Farmer Capacity Building and e-Voucher Support
	<ul style="list-style-type: none"><li>● Participatory identification of capacity needs for CIGs/VMGs/SACCOS/CDDCs</li><li>● Community mobilization and strengthening of CIGs/VMGs through group micro-level investments to demonstrate climate smart TIMPs for prioritized value chains.</li><li>● Mobilize farmers to access GoK funded NVSP input climate smart e-subsidy support (seeds, fertilizer, and agro-chemicals</li><li>● Small scale infrastructure investments for primary aggregation and value addition</li></ul>

its extensive investment approach, NARIGP has thus created a strong foundation for enhanced commercialization of the agriculture sector, paving the way for the next generation of intensive investments into select high potential value chains. The Kenya Climate Smart Agriculture Project (KCSAP) that focuses on enhanced climate resilience has also supported value chain development in 24 counties. KCSAP mobilized 355,000 farmers into 17,700 CIGs. In addition, 151 Farmer Producer Organizations (FPOs) are being supported thus far, covering 155,000 farmers. In addition, 160,000 farmers are being supported under county investments related to soil & land management, water management, livestock vaccination and other related investments.

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	<ul style="list-style-type: none"> <li>• Technical Assistance at National and County levels to support implementation</li> </ul>
<b>1.2</b>	<b>Sub-component 1.2 FPO Level Climate Smart Value Chain Investment</b>
	<ul style="list-style-type: none"> <li>• Participatory identification of capacity needs for FPOs and provision of inclusion grants for the mobilization and strengthening of FPOs</li> <li>• Development of climate informed business plans to enable access high quality climate resilient inputs, balanced fertilizers, aggregation and value addition</li> <li>• Technical assistance to support access to formal financing; enable linkages with agribusiness SMEs, e-commerce companies and large ag-tech startups; and build technomanagerial capacity for agribusiness operations</li> </ul>
<b>1.3</b>	<b>Sub-component 1.3 Improve Creditworthiness of CIGs and FPOs(SACCOs)</b>
	<ul style="list-style-type: none"> <li>• Provide initial small grants to CIGs through Savings and Credit Cooperatives (SACCOs) that will be repaid to build a revolving fund</li> <li>• Enhance financial management of CIGs/SACCO/CDDCs</li> <li>• Technical assistance to FPOs to access finance and support development of FPO rating tool</li> <li>• Build county, regional and national level partnerships for FPOs to ensure credit linkages and long-term access to capital from commercial banks, SACCOs, micro-finance institutions and digital financial service providers</li> </ul>
<b>2</b>	<b>Component 2: Climate Smart Value Chain Ecosystem Investments</b>
<b>2.1</b>	<b>Sub-component 2.1 Farmer-led Irrigation Development</b>
	<ul style="list-style-type: none"> <li>• Leverage on CIGs/FPOs to motivate farmers access irrigation and use water efficiently</li> <li>• Leverage on CIGs/FPOs to develop irrigation-centred FLID forums linking farmers with irrigation suppliers, financial institutions and other key stakeholders</li> <li>• Deployment of technical resource persons to coordinate with County Irrigation Development Units (CIDU) for provision of technical support on water harvesting and accessing irrigation through aggregation and linkage of farmers to high-tech suppliers and financial institutions</li> </ul>
<b>2.2</b>	<b>Sub-component 2.2 Market Access and Infrastructural Development</b>
	<ul style="list-style-type: none"> <li>• Formulate value chain development plans and co-financing models to maximize finance and crowding of investments at County, regional and national levels</li> <li>• Development and upgrading of physical markets, aggregation centres and cold chain infrastructure</li> <li>• Develop linkages with anchor off-takers and create pipeline investable opportunities for development of market infrastructure with private sector players</li> <li>• Strengthen Kenya Markets Information Systems (KAMIS) to bridge market information asymmetry</li> <li>• Finance new and existing SMEs that provide essential services along the value chains</li> </ul>
<b>2.3</b>	<b>Sub-component 2.3 Data and Digital Investments</b>
	<ul style="list-style-type: none"> <li>• Scale up partnership with DAT service providers by mobilizing technical assistance, training/capacity building and digital equipment</li> <li>• Strengthen existing Big Data platform at KALRO to support wider farmer outreach</li> <li>• Develop women and youth agri-preneurs as last mile extension service providers and human touch point for bundling services in partnership with DAT providers</li> <li>• Training and capacity building for county staff and farmers</li> </ul>
<b>2.4</b>	<b>Sub-component 2.4 Research Linkages, Technical Assistance and Institutional Capacity</b>
	<ul style="list-style-type: none"> <li>• Develop an inventory of TIMPs for the three new value chains (cotton, pyrethrum, and cashew nuts)</li> <li>• Update inventories of TIMPs for other value chains developed under NARIGP/KCSAP and prioritize 3-5 TIMPs with highest potential for impact</li> <li>• Support on-boarding of Technical Support Agencies across several functional areas</li> <li>• Support deployment of full-time dedicated human resource and required equipment to support their functioning at County level</li> <li>• Establish dedicated cell at County level to anchor investment coordination and reference database of ongoing county level investments for prospective new investors</li> </ul>

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<b>3 Component 3: Piloting Climate Smart Safer Urban Food Systems</b>	
<b>3.1</b>	<b>Sub-component 3.1 Climate Smart Urban and Peri-urban Agriculture</b>
	<ul style="list-style-type: none"> <li>• Mobilizing and organizing urban and peri-urban farmers into CIGs/VMGs and FPOs and provide micro-project investment support to promote appropriate TIMPs</li> <li>• Linkage with DAT service providers for efficient input use</li> <li>• Link urban/peri-urban zones to mid-stream value chain stakeholders such as processors, logistic providers</li> <li>• Train and link SMEs in urban/peri-urban production and marketing to financial service providers</li> </ul>
<b>3.2</b>	<b>Sub-component 3.2 Urban Infrastructure</b>
	<ul style="list-style-type: none"> <li>• Develop climate proof market infrastructure to serve market hubs for direct farmer-consumer linkages</li> <li>• Facilitate between CIGs/VMGs and FPOs and e-commerce platforms and digital aggregators</li> <li>• Support intensive consumer awareness and information campaign to catalyze higher demand and value for safer food produce</li> </ul>
<b>3.3</b>	<b>Sub-component 3.3 Policy and Institutional Strengthening</b>
	<ul style="list-style-type: none"> <li>• Implementation of existing legal and regulatory frameworks such as the Nairobi City Council Food System Strategy</li> <li>• Strengthening the coordination and convergence of line ministries and departments and agencies involved in urban food systems at National and County levels</li> <li>• Training and capacity building for consumers, farmers and government line ministries and departments</li> <li>• Support policy analytics and technical assistance to line ministries and departments</li> </ul>
<b>4 Component 4: Project Coordination and Management</b>	
<b>4.1</b>	<b>Sub-component 4.1 Project Coordination</b>
	<ul style="list-style-type: none"> <li>• Finance costs of NPCU that include salaries, operation and maintenance costs, project supervision and oversight</li> <li>• Support oversight and inter-governmental coordination provided by the Joint Agriculture Sector Steering Mechanism (JASSCOM), Council of Governors (CoG and Caucus of County Executive Committee Members (CECMs)</li> <li>• Support the Agriculture Transformation Office</li> </ul>
<b>4.2</b>	<b>Sub-component 4.2 Communication, Monitoring and Evaluation (M&amp;E), and Information Communication Technology</b>
	<ul style="list-style-type: none"> <li>• Finance activities related to communication with all stakeholders that are part of project implementation</li> <li>• Support engagement with farming communities to ensure participation and ownership at planning, preparation and implementation of community driven development operations</li> <li>• Finance routine M&amp;E functions including baseline, mid-point and end of project evaluations</li> <li>• Facilitate networking across project components and support development of an ICT-based agricultural information platform for sharing information</li> </ul>
<b>5 Component 5 Contingency Emergency Response Component</b>	
	Finance immediate response activities following natural disasters impacting the agricultural sector triggered upon formal request from the National Treasury on behalf of GoK

10. The subprojects across the three thematic components (1,2 and 3) and the associated stakeholders are given in Table 0-2. All sub-projects proposed by beneficiaries for support under NAVCDP will be subjected to environmental and social screening to exclude from approval and eventual funding any that will: (i) be established on ecologically fragile and

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protected areas; (ii) utilize transboundary water sources; (iii) require involuntary land acquisition and physical displacement of persons and; (iv) involve construction of dams and large-scale irrigation schemes.

**Table 0-2: Possible NAVCDP Sub-projects and Relevant Stakeholders**

#	Sub-projects	Stakeholders
<b>I</b>	<b>Component I: Building Producer Capacity for Climate Resilient Stronger Value Chains</b>	
1.1	<i>Sub-component 1.1 Farmer Capacity Building and e-voucher Support</i>	
	<ul style="list-style-type: none"> <li>Community mobilization and strengthening of CIGs within selected value chains</li> <li>Identification of capacity needs</li> <li>Capacity building of small farmers on TIMPs</li> <li>Small scale infrastructure investments for primary aggregation and value addition</li> <li>Mobilize farmers to access GoK e-voucher fixed package of inputs (seeds, fertilizer, and agro-chemicals)</li> <li>Technical support</li> </ul>	<ul style="list-style-type: none"> <li>Common Interest Groups (CIGs)</li> <li>VMGs</li> <li>Individual farmers</li> <li>Relevant NGOs/CSOs</li> <li>County extension services departments</li> </ul>
1.2	<i>Sub-component 1.2 FPO Level Climate Smart Value Chain Investments</i>	
	<ul style="list-style-type: none"> <li>Mobilization and strengthening of FPOs</li> <li>Business performance diagnostic and grading of FPOs</li> <li>Development of business plans and linkage to finance</li> <li>Linkage support to digital agriculture service provider</li> <li>Linkage support to anchor off-takers</li> </ul>	<ul style="list-style-type: none"> <li>Common Interest Groups (CIGs)</li> <li>VMGs</li> <li>FPOs</li> <li>Relevant NGOs/CSOs</li> <li>County extension services departments</li> </ul>
1.3	<i>Sub-component 1.3 Improve Credit worthiness of CIGs and FPOs</i>	
	<ul style="list-style-type: none"> <li>Loans</li> <li>Support partnership with banks, SACCOs, and micro finance companies for loans to FPOs and CIGs</li> </ul>	<ul style="list-style-type: none"> <li>Common Interest Groups (CIGs)</li> <li>VMGs</li> <li>FPOs</li> <li>Individual farmers</li> <li>Relevant NGOs/CSOs</li> <li>County extension services departments</li> </ul>
<b>2</b>	<b>Component 2: Climate Smart Value Chain Ecosystem Investments</b>	
2.1	<i>Sub-component 2.1 Farmer-led Irrigation Development</i>	
	<ul style="list-style-type: none"> <li>Technical support to identify irrigation needs</li> <li>Development of irrigation-centered multi-stakeholder platforms</li> <li>Training and development of county resource persons</li> <li>Construction of small-size farm ponds</li> <li>Linkage to flexible irrigation finance</li> <li>Modernization of small irrigation schemes.</li> </ul>	<ul style="list-style-type: none"> <li>County Governments</li> <li>County Technical Departments</li> <li>NPCU</li> <li>Individual Technical Staff</li> <li>VMGs</li> </ul>
2.2	<i>Sub-component 2.2 Market access and Infrastructural Development</i>	
	<ul style="list-style-type: none"> <li>Development and modernization of physical markets and aggregation centers</li> <li>Small duration storage facilities at regional level</li> <li>Processing and value addition facilities at county / regional level</li> <li>Refrigerated transport facilities</li> <li>Catalytic finance to agri-business</li> <li>Linkage support for produce certification and export licensing</li> </ul>	<ul style="list-style-type: none"> <li>NPCU</li> <li>VMGs</li> <li>Social safeguards expert</li> <li>Environmental safeguards expert</li> <li>County Governments</li> <li>Relevant National Directorates</li> </ul>
2.3	<i>Sub-component 2.3 Data and Digital Investments</i>	
	<ul style="list-style-type: none"> <li>Mobilization of farmers to enable linkage to Agri-technology providers</li> <li>Training and capacity building for county staff and farmers</li> <li>Technical equipment</li> <li>Technical assistance and consultancy services</li> <li>Dashboard to monitor the digital initiative</li> <li>Development of youth (focus on women among the youth)</li> </ul>	<ul style="list-style-type: none"> <li>NPCU</li> <li>VMGs</li> <li>Safeguards experts</li> <li>County Governments</li> <li>Relevant National Directorates</li> <li>Relevant NGOs/CSOs</li> <li>CIGs</li> </ul>

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#	Sub-projects	Stakeholders
2.4	Sub-component 2.4 Research Linkages, Technical Assistance and Institutional Capacity	
	<ul style="list-style-type: none"> <li>● Develop an inventory of TIMPs for the three new value chains (cotton, pyrethrum, and cashew nuts)</li> <li>● Prioritize/select 3-5 TIMPs with highest potential for impact</li> <li>● Accelerate the dissemination of prioritized TIMPs for adoption by beneficiary farmers</li> <li>● Link agriculture to nutrition</li> <li>● Deployment of TAs at various levels</li> <li>● Deployment and capacity building at county level implementation teams</li> <li>● Value chain forums at various levels</li> <li>● Partnership management at various levels</li> </ul>	<ul style="list-style-type: none"> <li>● CIGs</li> <li>● VMGs</li> <li>● FPOs</li> <li>● Individual farmers</li> <li>● Relevant NGOs/CSOs</li> <li>● County extension services departments</li> </ul>
3	<b>Component 3: Piloting Climate Smart Safer Urban Food Systems</b>	
3.1	Sub-component 3.1 Climate Smart Urban and Peri-urban Agriculture	
	<ul style="list-style-type: none"> <li>i. Comprehensive market assessment</li> <li>ii. Develop partnership framework</li> <li>iii. Upgrade facilities and services</li> <li>iv. Select FPOs and farmers' groups and training on safe food practices</li> <li>v. Linking FPOs to e-commerce platforms and digital aggregators.</li> <li>vi. Establish modern rural - urban food refrigerated transport system</li> </ul>	<ul style="list-style-type: none"> <li>vii. NPCU</li> <li>viii. Safeguards experts</li> <li>ix. County Governments</li> <li>x. Relevant National Directorates</li> <li>xi. VMGs</li> <li>xii. CIGs</li> </ul>
3.2	Sub-component 3.2 Urban Market Infrastructure	
	<ul style="list-style-type: none"> <li>● Selection of production zones</li> <li>● Mobilizing and organizing urban and peri-urban farmers into grassroots institutions</li> <li>● Promote use of technology</li> <li>● Irrigation and water management</li> <li>● Use of IPM</li> <li>● Increase availability of elite germplasm of selected crops</li> <li>● Reduced post- harvest losses and increased processing</li> </ul>	<ul style="list-style-type: none"> <li>● NPCU</li> <li>● Safeguards experts</li> <li>● County Governments</li> <li>● Relevant National Directorates</li> <li>● CIGs/VMGs</li> </ul>
3.3	Sub-component 3.3 Policy and Institutional Strengthening	
	<ul style="list-style-type: none"> <li>● Strengthening the coordination of ministries and departments involved</li> <li>● Training and capacity building at government level, farmer, and consumer levels</li> <li>● Technical assistance</li> </ul>	<ul style="list-style-type: none"> <li>● Line Ministries, Departments and Agencies at National and County levels</li> <li>● Relevant NGOs/CSOs</li> <li>● CIGs/VMGs</li> <li>● FPOs</li> </ul>

**c. Potential Project Impacts**

11. The project is expected to increase market participation and value addition for smallholder farmers either in transition or have just transited from subsistence to commercial oriented market farming for the prioritised value chains, coupled with better environmental and social status due to secure livelihoods and sustainable management of the natural resource base. However, potential negative impacts include deterioration of soil fertility due to erosion and pesticide use, air pollution due to dust emissions, solid and liquid waste management, conflicts among community members and other stakeholders due to access to project resources and labour issues, incidences and accidents during civil works, cases of SEAH due to resources and labour opportunities allocation, land acquisition, access and utilization. The process of land acquisition may also cause negative impacts that will necessitate formulation

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of an exclusion criteria for their avoidance or minimization. The potential negative impacts due to land acquisition include:

- i. Loss of income/Economic displacement of persons who may be earning a livelihood on such lands;
- ii. Failure to effectively use public participation and engage the communities in all aspects of the project;
- iii. Exclusion of certain individuals/communities from decisions on land and access to project benefits;
- iv. Lack of transparency in identification of subprojects; and
- v. Public unrest due to lack of access to GM and attendant communication channels.

**d. Purpose of the Resettlement Policy Framework (RPF)**

12. The RPF has been prepared in conformity with the World Bank ESS5 to guide implementation of the NAVCDP by providing safeguards against adverse impacts of land acquisition leading to economic displacement of PAPs. The selection and implementation of the subprojects under NAVCDP will be guided by the principle of avoiding, minimising and mitigation of adverse impacts. There will be E&S pre-screening of NAVCDP 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. SAIC will be involved in screening of micro-projects with support from CPCU E/S experts; County-wide sub-projects will be screened by CPCU ES experts; while inter-county sub-projects (regional and national) will be screened by NPCU
13. Small parcels of land (<0.1 ha) will be needed for the implementation of NAVCDP community level subprojects by CIGs/FPOs such as markets, local produce aggregation/processing centers and farm demonstrations. 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 CIGs/FPOs are expected to follow the procedure under Land Act 2012 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.
14. Some of the land used for subprojects in participating counties maybe under community tenure. Should the utilization of these community lands for NAVCDP 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 FPIC are respected.
15. The land used for NAVCDP subprojects will be small and may affect less than 10% of the farm-land (fencing, crops and trees) leading to economic loss for the PAPs. Similarly, there

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is possible disruption of income of beneficiaries for land allocated for value chain infrastructural investments such as markets in the interim construction period before commissioning. The income loss owing to utilization of this land in both situations would be temporary. This economic loss to PAPs would be mitigated/restored through 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. Most of the PAHs will also be beneficiaries of the NAVCDP sub-projects/activities and will be expected to recover from the temporary economic loss within one season. Any sub project that may involve involuntary resettlement or physical displacement shall be excluded.

16. The RPF is prepared in conformity with the World Bank ESS5 to guide implementation of the NAVCDP 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 (Annex 8: Community Land Resolution and Consent Form).
17. 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.

**e. Capacity Building for RPF Implementation**

18. Initial assessment has revealed a capacity gap in social impacts and risk management both at national and county project coordinating units. A preliminary recommendation has been made to the project to deploy a dedicated social safeguards expert for further training and mentoring. In addition, an environment expert, a Communication expert, Human Resources, Security Expert (on retainer basis) and a SEAH expert shall work closely with the social safeguard's specialist. A dedicated social expert will also be engaged at the County level. The community institutions such as Community based facilitator, CIGs/FPOs, CDDDCs, SAIC will also have a critical role in ensuring adoption and implementation of RPF measures guided by the county social safeguard specialist. However, intensive sensitisation and training would be required of community institutions in project counties on RPF procedures.

**f. Grievance Mechanism (GM)**

19. Under NAVCDP, a GM is in place as a critical component of RPF in accordance with ESS10 within six months after project effectiveness. 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

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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. NARIGP/KCSAP have an existing GM as described in the Environmental and Social Management Framework that will be adopted and adapted 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.

**g. Monitoring and Evaluation**

20. 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 Micro projects and sub projects that completed land documentation, caused loss of income/economic restoration (PAPs), income/asset loss compensated, Income restoration plan prepared and completed etc.

**h. Stakeholder Consultations, Participation and Disclosure of the RPF**

21. The consultation and disclosure workshop was held at Lukenya Getaway Resort between 8th November 2021 and 10th November 2021 for three days. On the first day, it was attended by nine (9) Indigenous Peoples Organizations' Representatives, thirty (30) County Environmental and Social Safeguard Compliance Officers (CESSCOs and two (2) IP Community Representatives), five (5) Safeguards Consultants, two (2) PoEs, five (5) NPCU members. On the second day, it was attended by thirty-two (32) Farmers and Farmer Organizations Representatives, CESSCOs, CPCs and a KEPSA Representative. The third day was attended by twenty (20) policy makers and other Stakeholders representing various Ministries, Departments, Agencies and other relevant bodies. Full details of these participants is as indicated in the Annex I. The participants were encouraged to share their views bearing in mind that they were selected and invited to represent the views of all Kenya (Annex 3 and 4).

22. NPCU gave an overview of NAVCDP to all the participants on the different days explaining the context and rationale of NAVCDP, the project development objective and the project components and sub-components. The new approaches to be scaled up in NAVCDP include intensive approach instead of extensive approach; strong focus on linking FPOs with the commercial entities to enhance market access and value addition; focus on enhancing access to financial services both at the farmer and FPO levels; focus on the development of Agripreneurs to ensure the leveraging of data and digital technologies; urban food system pilots; and hiring technical support agencies and best practice institutions. The participants in all the three days had a presentation on the RPF that highlighted the purpose of the RPF, its elements and key areas, details on compensation and valuation methods of assets taken as covered in this RPF document. The participants across the three days were supportive of the RPF and the document on the RPF and its Executive Summary that had been sent to them prior to the workshop. It was noted that Free prior and informed consent principles would be applied should any of the subprojects involve community land. Any sub project activity that may: (i) lead to adverse impacts on land and natural resources subject to

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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.

23. 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 NAVCDP website, 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 start up activities.
24. The RPF will be subjected to an additional round of stakeholder consultations because:
  - 1) The consultations and disclosure activities took place when COVID – 19 restrictions were in force. Therefore, cascading the sessions to selected regions will present opportunity for participation of stakeholders at the grassroots.
  - 2) Substantial revisions have been made to the earlier version based on consultations during field visits to project sites under NARIGP and KSCAP in April and May 2022.
25. In addition, after this realignment ALL NAVCDP ESS tools were reviewed, approved, consulted, cleared and redisclosed .

## **6 INTRODUCTION**

### **6.1 Background**

2. To transform the agricultural sector and build resilience to climate change risks, Kenya needed to focus on increasing productivity and profitability. In pursuit of this, Kenya prioritized addressing the following main constraints towards increased agricultural production, productivity and value addition: (a) Low use of agricultural inputs; (b) Frequent droughts and climate variability; (c) Natural resources degradation (particularly soil and water), as a result of nutrients mining and soil erosion; (d) Low levels of private investment in the primary production (subsistence commercial-oriented agriculture) and in value addition; and (e) Poor rural infrastructure, such as small scale irrigation, roads, marketing and storage.
3. NARIGP, KCSAP and other development projects in the agriculture sector were designed to address the constraints in the Kenyan agricultural sector by increasing production and productivity using community participatory and value chain approaches. NAVCDP is designed to upscale the gains made by these projects by building on the foundations laid to transform smallholder farming systems from subsistence to market oriented commercial farming.
4. This RPF was prepared, reviewed, consulted, approved, cleared, and disclosed both in country (<https://kilimo.go.ke>) and the Word Bank External website in December 2021 for the National Agricultural Value Chain Development Project (NAVCDP) which is a World Bank financed project implemented by the State Department for Crop Development and Agricultural Research in the Ministry of Agriculture and Livestock Development (MoALD). Subsequently, the 1<sup>st</sup> ISM for NAVCDP was held on February 13-17, 2023, recommended changes that affect the project design in the following areas:
  - a) NAVCDP will work in 33 from 26 counties: Meru, Nyeri, Muranga, Kirinyaga, Kiambu, Embu, Machakos, Kitui, Makueni, Tharaka Nithi, Nandi, Uasin Gishu, Trans Nzoia, Nakuru, Narok, Kajiado, Nyandarua, Kericho, Bomet, Kakamega, Busia, Bungoma, Vihiga, Homa Bay, Migori, Kisii, Siaya, Nyamira, Kisumu, Taita Taveta, Kwale, Kilifi, and Tana River.  
The added counties in the above list include: Tharaka Nithi, Bungoma, Kajiado, Vihiga, Siaya, Nyamira and Kisumu.
  - b) Allow Saturation- in all wards of the project counties.
  - c) Each county selects up to 5 value chains, however 4 must be from the 12 VC menu and one more an open county choice.
  - d) FPOs are value chain sensitive and will be funded directly - (FPOs will benefit from three grants: inclusion; Enterprise Development; and Value Chain Upgrading Matching grants)
  - e) No micro-project grants- instead CIGs will access funds as a revolving fund from ward based SACCOs.

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- f) The CIGs will also be supported with inputs to demonstrate different technologies and innovations using the FFBS model. Within the wards, it was agreed that to start with, every farmer (including the georeferencing) will be registered and subsequently both the CDDCs (for wards) and CIGs mobilization will be undertaken based on the PICD process.
- g) Every ward will have a SACCO. A diagnostic will determine whether a new SACCO will be mobilized, or an existing SACCO will be leveraged upon.
- h) Farmer registration, SACCO membership, and accessing SACCO funds will be value chain neutral activities.
- i) No grants will be provided at the CIG level and all grants to be provided will be either at the CDDC level (for selective crop demonstrations) or at the SACCO level (for revolving fund).
- j) Counties to constitute new CDDCs in the new wards and restructure the old CDDCs in the existing wards.

5. Therefore, based on the above project changes, it became prudent to realign all NAVCDP ESS instruments to be in line with the project changes. This RPF has been realigned to address the project design changes. Consequently, this RPF will further be reviewed, approved, cleared, Consulted, and redisclosed in country and in the World Bank External Website. The other NAVCDP ESS instruments include ESMF, Integrated Pest Management Plan (IPMP) an annex of the ESMF, Vulnerable and Marginalized Framework (VMGF), Labour Management Procedures (LMP), Security Management Plan (SMP), Gender Based Violence/Sexual Exploitation Abuse and Harassment Prevention Plan (GBV/SEAHP), Grievance Mechanism Manual (GM), Stakeholder Engagement Plan (SEP), and Environmental and Social Commitment Plan (ESCP).

## **6.2 Brief Description of Project**

6. The focus of NAVCDP will be on smallholder farmers that are either transitioning or have transitioned from subsistence to market-oriented and modern farming systems. NAVCDP support for the agriculture sector will be organized around four key support areas: (i) Supporting farmer level investments to build producer capacity for stronger value chains towards sustainable productivity enhancement, safe food production, and increased market participation through farmer institutions (CIGs/VMGs and FPOs); (ii) Supporting County value chain development through value chain ecosystem investments identified at county, regional and national level for landscape-wide natural resource management, market and rural/agricultural infrastructure development for provision of bundled services to targeted smallholder farmers; (iii) Piloting safer urban food systems by direct linkage of rural producers to urban consumers, linking FPOs to commercial entities, and promoting commercial urban farming (iv) Project coordination and management.

7. Key to these investments is the need for land because this is a CDD project where technologies are imparted in a group but implemented individually. Where the former requires land or space, it is prudent to ensure due diligence in acquisition and documentation of land for assured land titling and ownership.

### **6.3 Description of Project Areas**

8. NAVCDP will be implemented in 33 Counties, namely; Meru, Murang'a, Kiambu, Kirinyaga, Embu and Nyeri (Mt. Kenya Region); Machakos, Makueni, Tharaka Nithi and Kitui (Lower Eastern); Nandi, Uasin Gishu and Trans Nzoia (North Rift); Bomet, Kericho, Narok, Kajiado, Nyandarua and Nakuru (Central/South Rift); Vihiga, Bungoma, Busia and Kakamega (Western); Kisii, Migori, Siaya, Kisumu, Nyamira and Homa Bay (Nyanza); and Tana River, Taita Taveta, Kilifi and Kwale (Coast).

### **6.4 Value Chain Development**

9. To identify and develop competitive value chains for integration and economic empowerment of targeted smallholder farmers by NAVCDP, the following 9 priority value chains have been identified:
  - (i) Dairy; (ii) Poultry (iii) Fruits (Banana, Mango, Avocado); (iv) Vegetables (Tomato, Potato); (v) Coffee; (vi) Cotton; (vii) Cashew-nut; (viii) Apiculture; and (ix) Pyrethrum . A menu of 5 value chains per county is recommended with 4 VCs drawn from this basket while the counties will have an open chance to pick on the 5th .VC.

### **6.5 The Project Development Objective (PDO)**

10. NAVCDP Project Development Objective is “To increase market participation and value addition for farmers in select value chains in project areas.”

### **6.6 Project Components**

11. NAVCDP will build on the strong foundation laid by NARIGP and KCSAP and will deepen investments in existing interventions around productivity enhancement, community-led farmer extension, water management investments and data driven value chain services. Further, the project will introduce intensified infrastructure into select value chains, scale up value addition and market linkages with agri-business off-takers and SMEs, support FLID, enhance access to credit and financial services and develop proof of concept around Urban Food Systems and Peri-Urban agriculture in select clusters. The project will have five components as described here below.

#### **Component I: Building Producer Capacity for Climate Resilient Stronger Value Chains**

12. This component will focus on sustainable productivity enhancement, climate resilient and nutrition sensitive production and increased market participation for project farmers through improved access to credit, inputs and digital extension services while linking them to high-capacity Farmer Producer Organizations (FPOs). Inclusion of women smallholders will be a key focus area with at least 50 percent of and individual farmers supported under the project estimated to be women farmers.

- 13. Sub-component I.1: Farmer Capacity Building and e-Voucher Support.** The sub-component will build small-holder farmer capacity for enhanced climate resilience, improved production and market participation through (i) training on climate smart TIMPs through on farm extension and public facilities to demonstrate CSA technologies for increased productivity, (ii) enhanced climate resilience and reduced GHG emissions, (iii) demonstrative micro-project investments to complement TIMPs training, (iv) farmer mobilization and technical assistance to support access to e-vouchers, and (v) small scale infrastructure investments for primary aggregation, small duration storage and value addition. Most activities under this sub-component will be scaled up from earlier investments made under NARIGP/KCSAP and the focus will be on strengthening commercial orientation, inclusion of women farmers and enhanced climate resilience and adaptation. New mobilization of small farmers into CIGs as required, will also be undertaken as part of this component. Capacity building, Institutional strengthening of the CIGs and CDDCs and community level coordination costs will also be covered. The project will partner with KALRO to further strengthen and expand the existing inventory of TIMPs with emphasis on climate resilience, nutrition, and safer food production practices.
- 14. Micro-project investments at the CIG/VMG level will support demonstration sites for the climate smart TIMPs.** The sub-component will also support farmers to access e-vouchers as part of the National Value Chain Support Program (NVSP), launched in 2020 by Ministry of Agriculture, Livestock, Fisheries and Cooperatives (MoA&LD). The project will support mobilization and registration of farmers, and provision of technical assistance at the national and county levels for the implementation of the program. Finally, the sub-component will also support provision of small-scale infrastructure investment (through micro project investments) needed for primary aggregation and value addition including weighing, grading, cleaning of produce, small duration storage and quality testing equipment.
- 15. Sub-component I.2: Farmer Producer Organization (FPO) Level Climate Smart Value Chain Investments.** This sub-component will focus on nurturing strong, market oriented FPOs that can enhance market participation and value realization for member small farmers and CIGs. The project will leverage the existing FPOs (mostly the best performing) mobilized under KCSAP/NARIGP and undertake new mobilization of FPOs if required. The sub-component will provide small inclusion grants to eligible FPOs towards inclusion /recruitment of more members into the FPOs. In addition, FPOs will be supported to develop climate informed Enterprise Development Plans (EDPs) that will be funded to enable the FPO and its member farmers access to high quality and climate resilient inputs (e.g., climate resilient seeds, breeds, and balanced fertilizers), aggregation and value addition. EDPs will prioritize investments which could help build resilience of farmers to climate vulnerability and will be screened for their emission potential. Further, there will be provision of technical assistance to support long term access to formal

financing, enable linkages with agribusiness SMEs, e-commerce companies and large ag-tech startups, and build techno-managerial capacity for agribusiness operations.

- 16. Sub-component 1.3: Improve Creditworthiness of CIGs, CDDCs, SACCOs, and FPOs.** This sub-component will focus on addressing both demand and supply side constraints to improve creditworthiness of CIGs and FPOs. On the demand side, initial small grants will be provided to the CIGs through the Savings and Credit Cooperative Organizations (SACCOs) (both existing and new) within the CDDCs. These grants will be repaid back by the CIG members to the SACCOs/CDDCs to build a revolving fund. The revolving fund will be primarily targeted towards increased adoption of climate smart TIMPs, access to climate resilient inputs, access to irrigation and improved soil & water management measures among others.
17. Additionally, the financial management capacity of CIG members farmers and SACCOs/CDDCs will be enhanced and technical assistance provided to FPOs to access finance. Working on the supply side, support will be given towards development of a FPO rating tool coupled with intensive engagement with commercial banks, SACCOs, micro-finance institutions and digital financial service providers to build county level, regional and national partnerships for sustainable credit linkages and long-term access to capital.

### **Component 2: Climate Smart Value Chain Ecosystem Investments**

18. This component will focus on supporting enabling ecosystem investments identified as part of county level, regional level (spanning several counties) and National value chain development plans for each of the nine identified value chains.
- 19. Sub-component 2.1: Farmer-Led Irrigation Development (FLID).** This sub-component will support FLID with a focus on developing water efficient irrigation systems, water harvesting and efficient water use, building drought adaptive capacity and climate resilience. The focus will be on where surface and shallow groundwater resources are readily available to farmers. For water harvesting, the sub-component will support construction of small-size farm ponds and water pans (both construction of new water pans and rehabilitation of existing ones) and other interventions enabling improved water recharge. Based on their geographic, environmental, social, and temporal context there will be subjected to SEMP.
20. The FLID interventions will be demand driven and will leverage CIGs and FPOs to motivate individual farmers to access irrigation and use water efficiently. The CIGs and FPO network will also be leveraged to develop Irrigation-centred multi-stakeholder platforms called FLID forums that will emphasize climate resilience by linking farmers with irrigation suppliers, financial institutions, and other key stakeholders. Lastly, this sub-component will also support deployment of specialized technical resource persons at county level to coordinate with county irrigation development unit (CIDU). The resource persons and the county teams will facilitate technical support to farmers on water

harvesting and accessing irrigation including identifying, aggregating, and linking individual farmers with tech-suppliers and financing institutions.

21. **Sub-component 2.2: Market access and Infrastructure Development.** This sub-component will support development of enabling climate resilient market infrastructure linked to prioritized value chains and on enhancing market linkages for farmers through enabling linkages with agri-business SMEs and other private sector partners. The market infrastructure will include development and upgrading of both new and existing physical markets, aggregation centers (e.g. warehouses, packhouses, cold chain storage facilities, sale yards) and cold-chain infrastructure to reduce post-harvest losses and food spoilage and the associated GHG emissions. Investments will be identified by value chain development plans and focus will be on developing co-financing models including Public Private Partnership (PPP) investments, impact investments and multi-county collaborations. Investments will also be informed by climate considerations such as increased resilience and reduced emissions across food value chains.
22. Active support will also be given to initiatives towards maximizing finance for value chain development and crowding in of investments through value chain forums at county, regional and national level aimed at building higher coordination among value chain actors, financing institutions and policy makers. The project will work closely with International Finance Corporation (IFC) to develop linkages with anchor off-takers and value chain actors while also identifying and creating a pipeline of investable opportunities for development of crucial market infrastructure in partnership with private sector. In addition, the Kenya Markets Information Systems (KAMIS) will be strengthened to bridge market information asymmetry between producers and other value chain actors. This sub-component will also include a dedicated window for financing new and existing SMEs providing crucial services especially market linkages along the value chains.
23. **Sub-component 2.3: Data and Digital Investments.** This sub-component will support climate adaptation planning through the scaling up of partnership with DAT service providers including mobilization, technical assistance, training and capacity building and digital equipment. The support will enable farmers to access climate information services, climate smart TIMPs, climate resilience inputs (seeds, breeds, and balanced fertilizers), market information, digital finance and e-commerce. In addition, support will be directed towards the strengthening of the existing Big Data platform at KALRO as the foundational database for insight-driven, more productive, resource efficient and climate-resilient farming. The Big Data platform will support wider farmer outreach by supporting digitization of more farmers, deepening data around savings, credit, cash flows and access to market at the farmer level and mapping of other key stakeholders to enable access to financial services and market linkages for farmers under the project.
24. Also, under the sub-component, at least 2000 youth (with at least 30 percent women) will be developed as agriculture entrepreneurs (referred to as “agriprenuers”) that will double up as both the last mile extension service providers and as the human touch point for

“bundling” the services (access to climate resilient inputs, climate information services, financial service, and market linkages) through the partnership with the various DAT providers. Lastly, county staff and lead farmers will be trained on digital services, data driven decision making and partnership management.

**25. Sub-component 2.4: Research Linkages, Technical Assistance and Institutional Capacity.** This sub-component will (i) provide continued support to KALRO towards further strengthening of climate smart TIMPs, (ii) support technical assistance for value chain development at various levels and (iii) placement of and building capacity of county level implementation units and county level coordination to anchor project activities. The sub-component will support sustained partnership with KALRO and fund the development of TIMPS for the three new value chains (cotton, pyrethrum, and cashew nuts). As well, the inventories of TIMPS for all other value chains developed during the implementation of KSCAP and NARIGP will be updated with a focus on further strengthening climate resilience and enhancing value addition. Three to five TIMPS with the highest potential for impact (through enhanced productivity, profitability, climate resilience, GHG mitigation) for each of the supported value chains will be prioritized.

26. The sub-component will also support the onboarding of technical support agencies (TSA) across several functional areas including but not limited to TSAs for FPO capacity building, value chain development, financial services, and market infrastructure development. Lastly, this sub-component will support deployment of full time dedicated human resources, coordination activities and the procurement of equipment to support their functioning at the county level. A dedicated cell to coordinate closely with private sector players, anchor off-takers and public departments will be established. The cell will anchor investment coordination and a reference database of ongoing value chain investments at the county level for prospective new investors.

### **Component 3: Piloting Climate Smart Safer Urban Food Systems**

27. This component will support the rollout of urban food system pilots in Nairobi, a major urban cluster in the county, and parts of Kiambu and Machakos bordering the city as the peri-urban areas. The focus will be to demonstrate proof of concept of an efficient and safe urban food system.

**28. Sub-component 3.1: Climate Smart Urban and Peri-Urban Agriculture.** In this sub-component, urban and peri-urban farmers within certain select production zones (e.g., chicken, potato, tomato, dairy, and apiculture among others) will be mobilized into CIGs/VMGs and FPOs and supported with micro project investments to promote contextually conducive climate smart agriculture technologies. Linkages with DAT service providers will be ensured to support more efficient input use matched to climatic trends and reduced GHG emissions. These urban/peri-urban production zones will be linked to midstream value chain stakeholders such as processors and logistics providers (nutrition-sensitive preservation and processing technologies) to reduce post-harvest losses. New and existing agri-business SMEs supporting such production and marketing practices will be supported through training and linkage with financial service providers.

**29. Sub-component 3.2: Urban Market Infrastructure.** This subcomponent will support linkages between rural/peri-urban producers and urban consumers by (i) developing climate proof market infrastructure (physical urban and peri-urban markets) to serve as market hubs for direct farmer-consumer linkages and make them more resilient to climate change and (ii) facilitating direct linkages between the CIGs/FPOs under the project and e-commerce platforms and digital aggregators. Further support will focus on intensive consumer awareness and information campaign to catalyze higher demand and value for safer food produce.

**30. Sub-component 3.3: Policy and Institutional Strengthening:** This sub-component will support the implementation of existing policy and regulatory frameworks, beginning with the Nairobi City County Food System Strategy. The activities to be funded will include: (i) operational costs towards strengthening the coordination and convergence among the various line ministries and departments (e.g. Urban, Agriculture, Health) that are involved in Urban Food Systems and Food Safety both at the national and county level; (ii) training and capacity building costs both at the government level, farmer level and consumer level; and (iii) Support Policy Analytics and Technical assistance (through appropriate technical experts and agencies) to be provided to the line ministries, departments and agencies.

#### **Component 4: Project Coordination and Management**

31. This component will finance activities related to National and County-level project coordination, including planning, fiduciary (financial management and procurement), Staffing and Human Resource (HR) management at the National level, environmental and social safeguards implementation, monitoring and compliance, development of the MIS and Information Communication Technologies (ICT), regular M&E, impact evaluation, communication, knowledge management and citizen engagement.

**32. Subcomponent 4.1: Project Coordination.** This subcomponent will finance the costs of National Project Coordination Unit (NPCU) including salaries of the contract staff, and operation and maintenance (O&M) costs, such as office space rental, fuel and spare parts of vehicles, office equipment, audits, furniture, and tools, among others. It will also finance the costs of project supervision and oversight provided by the National Project Steering Committee (NPSC) and inter-governmental coordination provided by the Joint Agriculture Sector Steering Coordination Mechanism (JASSCOM) and the Council of Governors' (COG) structures for Agriculture including Committee on Agriculture, Caucus of County Executive Committee Members (CECMs) for Agriculture. Further support will be provided to the Agriculture Transformation Office and other project administration costs.

**33. Subcomponent 4.2: Communication, Monitoring & Evaluation (M&E) and ICT.** This sub-component will finance activities related to communication with all stakeholders includes project beneficiaries, all government officials that are part of the project

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implementation, key policy makers and the citizens at large. As part of citizen engagement, the project will draw from similar experiences with Community Driven Development (CDD) to engage with the communities intensively and ensure their participation and complete ownership in the planning, preparation and implementation of the value chain development plans, the micro project proposals at the CIG level and the Enterprise Development Plans at the FPO. It will also finance activities related to routine M&E functions (e.g., data collection, analysis, and reporting) and development of an ICT-based Agricultural Information Platform for sharing information (e.g., technical or extension and business advisory services, market data, agro-weather, and others) and networking across all project components. Furthermore, baseline, mid-point, and end-of-project impact evaluations will also be financed.

### **Component 5: Contingency Emergency Response**

34. This zero-budget component will finance immediate response activities following natural disasters (e.g., droughts, floods and or any sudden surge of a crop and livestock pest or disease like the locust or fall army worms) impacting the agricultural sector. The emergency response financing would be triggered upon formal request from the National Treasury (NT) on behalf of GoK. In such cases, funds from project components would be reallocated to finance immediate response activities as needed. Procedures for implementing the contingency emergency response will be detailed in the Immediate Response Mechanism Operations Manual (IRM-OM) to be prepared and adopted by GoK after declaration of the natural disaster.

### **6.7 NAVCDP Subprojects**

35. The subprojects related to the three thematic components and sub-components and the relevant actors are described in Table I-1.

**Table I-1: Possible NAVCDP Subprojects and Relevant Stakeholders**

#	Subprojects	Actors
I	<b>Component I: Building Producer Capacity for Climate Resilient Stronger Value Chains</b>	
I.1	Sub-component I.1 Farmer Capacity Building and e-voucher Support	
	<ul style="list-style-type: none"> <li>● Community mobilization and strengthening of CDDCs and SACCOs within selected value chains</li> <li>● Identification of capacity needs</li> <li>● Capacity building of small farmers on TIMPs</li> <li>● Small scale infrastructure investments for primary aggregation and value addition</li> <li>● Mobilize farmers to access GoK e-voucher fixed package of inputs (seeds, fertilizer, and agro-chemicals)</li> <li>● Technical support</li> </ul>	
I.2	Sub-component I.2 FPO Level Climate Smart Value Chain Investments	
	<ul style="list-style-type: none"> <li>● Mobilization and strengthening of FPOs/SACCOs</li> <li>● Business performance diagnostic and grading of FPOs</li> </ul>	
	<ul style="list-style-type: none"> <li>● Common Interest Groups (CIGs)</li> <li>● VMGs</li> <li>● Individual farmers</li> <li>● CDDCs</li> <li>● SACCOs</li> <li>● Relevant NGOs/CSOs</li> <li>● County extension services departments</li> <li>● Social Safeguards specialist</li> <li>● Environment safeguards Specialist</li> </ul>	

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#	Subprojects	Actors
	<ul style="list-style-type: none"> <li>• Development of business plans and linkage to finance</li> <li>• Linkage support to digital agriculture service provider</li> <li>• Linkage support to anchor off-takers</li> </ul>	<ul style="list-style-type: none"> <li>• VMGs</li> <li>• FPOs</li> <li>• Relevant NGOs/CSOs</li> <li>• SACCOs</li> <li>• County extension services departments</li> <li>• Social Safeguards specialist</li> <li>• Environment safeguards Specialist</li> </ul>
1.3	<i>Sub-component 1.3 Improve Credit worthiness of CIGs and FPOs, SACCOs</i>	
	<ul style="list-style-type: none"> <li>• Loans</li> <li>• Support partnership with banks, SACCOs, and micro finance companies for loans to FPOs and CIGs</li> </ul>	<ul style="list-style-type: none"> <li>• Common Interest Groups (CIGs)</li> <li>• VMGs</li> <li>• FPOs</li> <li>• Individual farmers</li> <li>• Relevant NGOs/CSOs</li> <li>• SACCOs</li> <li>• County extension services departments</li> </ul>
<b>2</b>	<b>Component 2: Climate Smart Value Chain Ecosystem Investments</b>	
2.1	<i>Sub-component 2.1 Farmer-led Irrigation Development</i>	
	<ul style="list-style-type: none"> <li>• Technical support to identify irrigation needs</li> <li>• Development of irrigation-centered multi-stakeholder platforms</li> <li>• Training and development of county resource persons</li> <li>• Construction of small-size farm ponds</li> <li>• Linkage to flexible irrigation finance</li> <li>• Modernization of small irrigation schemes.</li> </ul>	<ul style="list-style-type: none"> <li>• County Governments</li> <li>• County Technical Departments</li> <li>• PCUs</li> <li>• Individual Technical Staff</li> </ul>
2.2	<i>Sub-component 2.2 Market access and Infrastructural Development</i>	
	<ul style="list-style-type: none"> <li>• Development and modernization of physical markets and aggregation centers</li> <li>• Small duration storage facilities at regional level</li> <li>• Processing and value addition facilities at county / regional level</li> <li>• Refrigerated transport facilities</li> <li>• Catalytic finance to agri-business</li> <li>• Linkage support for produce certification and export licensing</li> </ul>	<ul style="list-style-type: none"> <li>• PCU</li> <li>• Social safeguards expert</li> <li>• Environmental safeguards expert</li> <li>• County Governments</li> <li>• Relevant National Directorates</li> </ul>
2.3	<i>Sub-component 2.3 Data and Digital Investments</i>	
	<ul style="list-style-type: none"> <li>• Mobilization of farmers to enable linkage to Agri-technology providers</li> <li>• Training and capacity building for county staff and farmers</li> <li>• Technical equipment</li> <li>• Technical assistance and consultancy services</li> <li>• Dashboard to monitor the digital initiative</li> <li>• Development of youth (focus on women among the youth)</li> </ul>	<ul style="list-style-type: none"> <li>• PCU</li> <li>• Social Safeguards specialist</li> <li>• Environment safeguards Specialist</li> <li>• County Governments</li> <li>• Relevant National Directorates</li> <li>• Relevant NGOs/CSOs</li> <li>• CIGs</li> </ul>
2.4	<i>Sub-component 2.4 Research Linkages, Technical Assistance and Institutional Capacity</i>	
	<ul style="list-style-type: none"> <li>• Develop an inventory of TIMPs for the three new value chains (cotton, pyrethrum, and cashew nuts)</li> </ul>	<ul style="list-style-type: none"> <li>• CIGs</li> <li>• VMGs/CDDCs</li> <li>• FPOs/SACCOs</li> </ul>

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#	Subprojects	Actors
	<ul style="list-style-type: none"> <li>● Prioritize/select 3-5 TIMPs with highest potential for impact</li> <li>● Accelerate the dissemination of prioritized TIMPs for adoption by beneficiary farmers</li> <li>● Link agriculture to nutrition</li> <li>● Deployment of TAs at various levels</li> <li>● Deployment and capacity building at county level implementation teams</li> <li>● Value chain forums at various levels</li> <li>● Partnership management at various levels</li> </ul>	<ul style="list-style-type: none"> <li>● Individual farmers</li> <li>● Relevant NGOs/CSOs</li> <li>● County extension services departments</li> <li>● Environment safeguards Specialist</li> <li>● Social safeguards expert</li> </ul>
<b>3</b>	<b>Component 3: Piloting Climate Smart Safer Urban Food Systems</b>	
3.1	<i>Sub-component 3.1 Climate Smart Urban and Peri-urban Agriculture</i>	
	<ul style="list-style-type: none"> <li>i. Comprehensive market assessment</li> <li>ii. Develop partnership framework</li> <li>iii. Upgrade facilities and services</li> <li>iv. Select FPOs and farmers' groups and training on safe food practices</li> <li>v. Linking FPOs to e-commerce platforms and digital aggregators.</li> <li>vi. Establish modern rural - urban food refrigerated transport system</li> </ul>	<ul style="list-style-type: none"> <li>i. PCU</li> <li>ii. Social Safeguards experts</li> <li>iii. Environmental safeguards experts</li> <li>iv. County Governments</li> <li>v. Relevant National Directorates</li> <li>vi. VMGs</li> <li>vii. CIGs/CDDCs/SACCOs</li> </ul>
3.2	<i>Sub-component 3.2 Urban Market Infrastructure</i>	
	<ul style="list-style-type: none"> <li>● Selection of production zones</li> <li>● Mobilizing and organizing urban and peri-urban farmers into grassroots institutions</li> <li>● Promote use of technology</li> <li>● Irrigation and water management</li> <li>● Use of IPM</li> <li>● Increase availability of elite germplasm of selected crops</li> <li>● Reduced post-harvest losses and increased processing</li> </ul>	<ul style="list-style-type: none"> <li>● PCU</li> <li>● Social Safeguards specialist</li> <li>● Environment safeguards Specialist</li> <li>● County Governments</li> <li>● Relevant National Directorates</li> <li>● CIGs</li> <li>● CDDCs</li> <li>● SACCOs</li> </ul>
3.3	<i>Sub-component 3.3 Policy and Institutional Strengthening</i>	
	<ul style="list-style-type: none"> <li>● Strengthening the coordination of ministries and departments involved</li> <li>● Training and capacity building at government level, farmer, and consumer levels</li> <li>● Technical assistance</li> </ul>	<ul style="list-style-type: none"> <li>● Line Ministries, Departments and Agencies at National and County levels</li> <li>● Relevant NGOs/CSOs</li> <li>● CIGs/VMGs</li> <li>● CDDCs/SACCOs</li> <li>● FPOs</li> </ul>

**Exclusion list**

36. the following types of activities will be considered ineligible for financing under the project due to their adverse risks or impacts:

- i. Activities that have a high probability of causing serious adverse effects to human health, safety and/or the environment;
- ii. Activities that may adversely affect lands or rights to local communities traditions or cultures or other vulnerable and marginalized groups;

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- iii. Associated facilities which do not meet the requirements of the ESSs, to the extent that the beneficiaries have control or influence over such associated facilities;
- iv. Activities that may have significant adverse social impacts and/ or may give rise to significant social or community conflict;
- v. subproject/ activity with either adverse impacts on land or natural resources under traditional/customary use or have risks associated with the relocation of VMGs coupled with any negative impact on their cultural sites/heritage;
- vi. Activities that may involve involuntary resettlement or land acquisition (physical relocation of PAPs);
- vii. Activities that may involve unacceptable labor and working conditions
- viii. Investment on land for which clear ownership document is not available;
- ix. Activities that may involve economic displacement of more than 200 PAPs;
- x. Activities that may affect or result in impacts on cultural heritage; and
- xi. Any other excluded activities as set out in the ESMF and ESCP for the Project.

## **6.8 Project Beneficiaries**

37. The primary beneficiaries of the project will be over 500,000 small scale farmers, including women, youth, and other vulnerable/marginalized persons engaged in agricultural activities that will cover improvement of 9 prioritised value chains within 33 countries. The farmers will be organised into Common Interest Groups/ Vulnerable and Marginalised Groups/IP/SSAHTULC (CIGs/VMGs/IPs), and it is envisaged that 50% of these farmers will be women. Another set of beneficiaries will be farmers who will have been federated into Farmer Producer Organizations (FPOs) to aggregate their farm produce for value addition and marketing, and farmers who will have joined the project SACCOs. The project will also benefit many value chain actors at various levels including extension workers, aggregators, logistics support providers and SMEs. Other beneficiaries will be the Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities (IP/SSAHUTLC) who meet the requirements of the WB ESS7 as described in the Vulnerable and Marginalized Groups Framework. Further, the project will have urban and peri-urban beneficiaries who will benefit from the promotion of climate smart urban/peri-urban agriculture and urban market infrastructure. This means that the project targets rural, peri-urban and urban beneficiaries. The Resettlement Policy Framework (RPF) will be specifically relevant for Project Affected Persons (PAPs) among these groups of beneficiaries.

## **6.9 Purpose and Objectives of the Resettlement Policy Framework**

38. The subprojects envisaged in NAVCDP as outlined in Table I will 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

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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 I will be used to collect information for development of the IRP<sup>2</sup> where necessary.

39. NAVCDP 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 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.
40. As most lands in the project participating counties 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.
41. 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:
  - a) Develop a screening and assessment methodology for potential subprojects that will require for land documentation and preparation of IRP in ESMP;
  - b) Outline potential situations of economic loss, eligibility criteria, compensation for economic loss/disturbance allowance, procedures of compensation linked to construction schedule;
  - c) Specify appropriate roles and responsibilities of involved actors and parties;
  - d) Outline the required procedures for managing and monitoring land acquisition and economic displacement impacts related to the subprojects;

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<sup>2</sup> 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.

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- e. Ensure that farmers and entities participating in the project have tenure of the land to be used and are not displacing other users of the land;
- f. if land is to be donated or voluntary sold, the process and transaction fulfill the requirements of ESS5 VLD and are well documented (Annex 5: Sample Voluntary Land/Asset Donation Template for National Agricultural Value Chain Development Project);
- g. Determine the training, capacity building and technical assistance needed to develop and implement the RPF instrument for all investments planned successfully and effectively;
- h. Establish the funding required to implement the RPF requirements; and
- i. Provide practical information, and resources for implementing the framework.

## **7 PRINCIPLES AND GUIDELINES GOVERNING PREPARATION OF IRP**

42. The exact sites for the proposed NAVCDP 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 NAVCDP funding should not involve land acquisition leading to physical displacement of persons.
43. Most adverse impacts for the proposed NAVCDP 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.
44. The purpose of preparing an IRP for NAVCDP 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.

### **7.1 Categories of Economically Project Affected Persons (PAPs)**

45. The situations in which economic displacement would occur in NAVCDP 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, aggregation centres and cold chain infrastructure.
46. The sub projects will require 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 IRP will be managed as part of ESMP..
47. **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

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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.

## **7.2 Response mechanism to the needs of economically displaced PAPs**

48. For NAVCDP subprojects<sup>3</sup> 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.
49. NAVCDP 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.
50. NAVCDP 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 NAVCDP 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,

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<sup>3</sup> 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.

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additional targeted assistance will be provided (for example, credit facilities, training, or 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.

51. 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 (Annex 1: Checklist for RPF Consultations; Annex 2: Environmental and Social Screening Subprojects Check List by Beneficiary Communities (Micro projects, FPO investments and Multi community investments). NAVCDP 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.

### **7.3 Economic Displacement Related to Land Access for NAVCDP Investments**

52. Temporary economic displacement of PAPs related to utilization of land for the establishment of NAVCDP 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 NAVCDP 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.

53. To minimize economic displacement impacts related to land use for NAVCDP 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) (Annex 7: NLC Guidelines for Accessing of Public Land by FPOs). In regard to value chain 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.

### **7.3.1 Donation of private land to CIGs/VMGs/SACCOs/CDDCs**

54. 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. 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.
55. 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 for implementation of sub- projects under NAVCDP is given in Annex 5.

### **7.3.2 Use of Private Land for CIGs/VMGs, CDDCs, SACCOs, and FPO subprojects**

56. Lease of private land for CIG/VMG investments - Land can be leased from members or non-members of CIGs/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 6 provides a template for land lease for investments under NAVCDP.

57. 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.

### **7.3.3 Access to Community Land by CIGs/VMGs, CDDCs, SACCOs, and FPOs**

58. Investment on community land by CIGs/VMGs, CDDCs, SACCOs and FPO. - For NAVCDP investments on community land, either for CIG/VMGs, CDDCs, SACCOs. FPO or community subprojects, the proponents will hold a public meeting in which the request for community land will be minuted. The proponents will be guided by the project team to fill the community land resolution and consent form (see annex 8). 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.

59. 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.

### **7.3.4 Use of Public Land for subprojects**

60. **FPO investments on public land** – FPOs can use public land for value chain investments by following the guidelines provided by the National Land Commission (NLC) (see annex 7). Markets, being public goods, are 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 9 is a sample MOU for customization and use in NAVCDP investments.

61. 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.

62. **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

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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.

63. 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.

## **8 POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK**

64. This section sets out the policy, legal and institutional framework that is applicable and relevant to resettlement. It discusses the fit between the laws and regulations of Kenya and World Bank policy requirements, and proposed measures to bridge the gaps between them. It also does a comparison between the World Bank ESS5: Land Acquisition; Restrictions on Land Use and Involuntary Resettlement, and the legislative framework.

### **8.1 The Policy Framework**

#### **8.1.1 The Kenya Vision 2030**

65. This is a development blueprint for Kenya negotiated in 2013 and aimed at steering the country into a middle-income one by 2030. Vision 2030's social pillar envisages efforts at social equity and poverty reduction. Land reforms envisaged in Vision 2030 are geared towards a holistic management of this critical resource to create a foundation for the implementation of projects identified in the Vision.

#### **8.1.2 National Land Policy, 2009**

66. This policy is meant to address the land question in the context of a new liberal democracy. The overall objective of the National Land Policy is to secure rights over land and provide for sustainable growth, investment, and the reduction of poverty in line with the Government's overall development objectives. The policy speaks to the fact that women, children, minority groups and differently abled persons have traditionally suffered inadequate land rights resulting from unfair laws, and customary practices relating to management and ownership of land. The policy recognizes traditional occupancy and user rights as land rights. The project under review should proceed under these premises.

#### **8.1.3 The Constitution of Kenya 2010**

67. Article 28 of the Constitution of Kenya states that "every person has inherent dignity and the right to have that respected and protected". This compels the proponents of the project to respect and protect the dignity of PAPS during project preparation, implementation including construction, and operation. Article 60, in Chapter Five of the Constitution of Kenya that is on Land and the Environment, provides for the principles of land policy that land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable, and in accordance with the following principles — (a) Equitable access to land; (b) Security of land rights; (c) Sustainable and productive management of land resources; (d) Transparent and cost effective administration of land; (e) Sound conservation and protection of ecologically sensitive areas; (f) Elimination of gender discrimination in law, customs and practices related to land and property in land; and (g) Encouragement of communities to settle land disputes through recognized local community initiatives consistent with the Constitution. Article 61 provides that all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals. It classifies land in Kenya into public, private and community land.

68. Article 69, 1(d) provides that the state shall - encourage public participation in the management, protection, and conservation of the environment. This includes the environments of PAPs, hence the need for meaningful consultation of the PAPs on how any environmental impacts arising from the proposed project shall be managed

## **8.2 Legislation**

### **8.2.1 County Governments Act, 2012**

69. The Act operationalizes the constitutional provisions on devolution of resources and power to the 47 counties in Kenya. It bestows the power of decision-making on people in the counties through their representatives in the county assemblies and enhances their participation in local development. It attempts the protection of and promotion of the interests and rights of minorities and marginalized communities, through participatory budgeting and representation in the county legislatures deemed to be closer to the people at the grassroots. Agriculture is a devolved function, and the project should reach and involve locals in the consultation processes.

### **8.2.2 Community Land Act, 2016**

70. The Community Land Act was enacted to give effect to Article 63(5) of the Constitution. It provides a mechanism for recognizing, protecting, registering and managing community land. It also provides for the Conversion of Community Land to Public Land and vice versa. The Act recognizes collective ownership of traditional commonly used land. Most land is of the foregoing description and is therefore protected under the Act. The Act provides that community groups registered as owners of community land shall receive compensation in the event of compulsory acquisition. Where community land is not registered, the Act requires affected county governments to hold any such compensation in trust for the affected groups until registration of land titles in the community's favour materializes. The Act recognizes customary occupancy as constituting land rights to community land and stipulates the said proprietary rights.

### **8.2.3 Land Registration Act, 2012**

71. This Act provides for the conferment of interest on land by registration and grants the certificate of title as conclusive evidence of proprietorship. After any land acquisition conducted by NAVCDP, the project should follow through to ensure that a certificate of title is obtained as conclusive evidence of proprietorship. The Land Registration Act governs the registration of all land in Kenya. It revises, consolidates and rationalizes the registration of titles to land. It also gives effect to the principles and objects of devolved governments in land registration.

### **8.2.4 Land Act, 2012**

72. This is an Act of Parliament to give effect to Article 68 of the Constitution, to revise, consolidate and rationalize land laws; to provide for the sustainable administration and management of land and land-based resources, and for connected purposes. On use of

land, this Act defines public purposes to mean the purposes of transportation including roads, canals and bridges; public buildings including factories; public utilities for water, sewage, electricity, irrigation and drainage, dams and reservoirs; and any other analogous public purpose. This Act provides for conversion of land. Private land may be converted to public land by (i) compulsory acquisition; (ii) reversion of leasehold interest to Government after the expiry of a lease; and (iii) transfers; or (iv) surrender.

73. Registered community land may be converted to either private or public land in accordance with the Community Land Act, 2012. The Act provides for validity of contracts in sale of land to be in writing; signed by all the parties thereto; and the signature of each party signing has been attested to by a witness who was present when the contract was signed by such party. The Act also provides for compulsory acquisition of land if such acquisition is in the public interest.

#### **8.2.5 Physical and Land Use Planning Act, 2019**

74. This is an Act of Parliament to make provision for the planning, use, regulation and development of land and for connected purposes. This Act provides for land use planning and development control where land use planning means the process of designating, regulating, evaluating, zoning and organizing the present and future use and development of land in all its geographical areas and its resources to secure the physical, economic and social efficiency, health and well-being of urban and rural communities. According to this Act, the process of managing or regulating the carrying out of any works on land or making of any material change in the use of any land or structures should ensure that operations on land conform to spatial development plans as well as policy guidelines, regulations and standards issued by the planning authority from time to time in order to achieve a purposeful utilization of land in the interest of the general welfare of the public.

#### **8.2.6 The Way-leaves Act CAP 292 Laws of Kenya, 2010**

75. This Act grants power to the Government to carry any sewer, drain or pipeline into, though, over or under any lands whatsoever but may not in so doing interfere with any existing building. In so doing, the Government shall, at least one month before carrying any sewer, drain or pipeline into, though, over or under any private land without the consent of the owner of the land, give notice of the intended work, either by notice in the Gazette or in such other manner as the Minister may in any case direct. Also, the Government shall make good all damage done, and shall pay compensation to the owner of any tree or crops destroyed or damaged, in the execution of any power conferred by this Act.

#### **8.2.7 Water Act, 2016**

76. This is an Act of Parliament to provide for the regulation, management and development of water resources, water and sewerage services, and for other connected purposes. It provides for the right to have access to water through a water permit and for a location or structure where water is stored for future use. Under this Act, any use of water from a water resource requires issuance of a water permit by the Water Resources Authority.

### **8.2.8 The Environmental Management and Coordination Act (Amendment), 2015**

77. This Act requires sub-projects requiring large scale resettlement to submit an ESIA to NEMA for approval and licencing.

## **8.3 International Instruments and Policy**

### **8.3.1 The African Charter on Human and People's Rights**

78. Article 22(1) states that all peoples shall have the right to their economic, social, and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.
79. Article 5 provides that every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman, or degrading punishment and treatment shall be prohibited.
80. Article 13(2) states that every citizen shall have the right of equal access to the public service of his country. (3) Every individual shall have the right of access to public property and services in strict equality of all persons before the law. The PAPs affected by the project will be treated with the dignity and respect of their members in perspective.

## **8.4 Institutional Framework**

### **8.4.1 The National Land Commission**

81. Article 67 of the Kenyan Constitution has provided for the National Land Commission whose functions, among others, include to manage public land on behalf of the national and county Governments and to monitor and have oversight responsibilities over land use planning throughout the country. The National Land Commission may perform any other functions prescribed by national legislation.

### **8.4.2 State Department of Land and Physical Planning.**

82. This department provides the policy for controlling the use and development of land in the country. It is also the custodian of all land documents, their use and approve any change of user of the parcels of land in the country.

### **8.4.3 The office of the Land Adjudication and Registration.**

83. This office maintains the lands registers, makes entries to the land registers and issues title deeds or lease certificates. This officer also confirms land ownership by filling the official land search documents. This office will be crucial in the NAVCDP to provide evidence of land ownership void of any encumbrances for investment.

### **8.4.4 The County Executive Committee Member (CECM) in charge of Land**

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84. The CECM in charge of lands at the County will be expected to confirm availability of public land for investment under NAVCDP support. Further, the CECM will prepare the cabinet memo for discussion in the county cabinet and prepare the cabinet resolutions for further action by the NLC.

#### **8.4.5 Water Resources Authority**

85. This Authority is provided for by the Water Act, 2016 and one of its functions is to regulate the management and use of water resources. The Authority is also to coordinate with other regional, National and international bodies for the better regulation of the management and use of water resources. The Authority is also to receive water permit applications for water abstraction, water use and recharge and determine, issue, vary water permits; and enforce the conditions of those permits.

#### **8.4.6 World Bank Environmental and Social Framework**

86. The World Bank Environmental and Social Framework (ESF) has 10 Environmental and Social Standards (ESS) that form a good basis for project sustainability. The most relevant standard to resettlement is ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement. ESS10 on Stakeholder Engagement and Information. Disclosure also applies to the issue of PAPs. These two standards are discussed below:

#### **8.4.7 ESS5 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement**

87. ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on 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, leading to loss of income sources or other means of livelihood), or both. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement. The World Bank, out of its experience, indicates that involuntary resettlement in development projects, if unmitigated, often gives rise to severe economic, social, and environmental consequences. It argues that there will be consequences which include the following: impoverishment of people as their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and face greater competition for resources; community institutions and social networks are weakened and kin groups dispersed; cultural identity, traditional authority, and the potential for mutual help are diminished or lost. This ESS safeguards for the implementation of Bank supported projects and requires that a RAP shall be prepared by the borrower and cleared by the World Bank prior to implementation of project activities.

#### **8.4.8 ESS10 Stakeholder Engagement and Information Disclosure**

88. This ESS avers that to promote effective project design, to build local project support or ownership, and to reduce the risk of project-related delays or controversies, the

Borrower will undertake an engagement process with affected persons, as required in ESS10. This engagement process will include stakeholder analysis and engagement planning, disclosure of information, and meaningful consultation, in a culturally appropriate and gender and inter-generationally inclusive manner. Cultural appropriateness relates to the usual communication channels that PAPs use. For example, in the case of meetings, if men and women usually meet separately, that should be maintained during consultation. Additionally, any written material being shared during consultation should be in the language commonly understood locally by PAPs.

## **8.5 Gaps between GoK and WB ESF Requirements**

89. The comparison between Kenyan Law/ Framework and World Bank ESS 5 – Land Acquisition, Restrictions on Land use and Involuntary Resettlement is given in Table 3-I and includes:

- i. The GoK Laws allow for acquisition of land which may lead to displacements of persons without provision for resettlement in case of physical displacement of PAPs. The national legal framework however allows for cash compensation for PAPs with privately owned land at prevailing market rates but “land for land” for land under customary tenure. PAPs who are tenants are entitled to compensation based upon the amount of rights they hold upon land under relevant national laws. Further, legal owners of permanent/non-permanent buildings and crops are compensated at prevailing market rates while those lacking formal ownership documents are not considered for any compensation.
- ii. The World Bank safeguards frameworks allow for livelihood restoration for any PAPs irrespective of the status of their land tenure. The approach follows the mitigation hierarchy (avoid, reduce, mitigate and ultimately compensate) and WB ESS5 requires anticipation and avoidance of land acquisition. However, if land acquisition cannot be avoided, WB safeguards advocate for minimization/reduction of negative impacts followed by mitigation measures and lastly compensation at replacement cost value and provision of support during the transition to improve or restore livelihoods to levels prior to displacement of PAPs. This will include necessary transaction costs associated with asset replacement, administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on PAPs. Further, where functioning land markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. However, where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances, where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas

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where inflation is high or the period between calculation of compensation rates and delivery of compensation is extensive.

90. The gaps between the Kenyan Law/ Framework and World Bank ESS 5 – Land Acquisition, Restrictions on Land use and Involuntary Resettlement Measures can be resolved as follows:

- i. Each case should be treated on its own applying the common principles across the board and considering the applicable policy for a given situation. Where the policies of GoK and the World Bank diverge, World Bank ESS5 shall prevail.
- ii. Careful screening of all subprojects will be necessary to establish details of each case.
- iii. Establish an entitlement matrix with the involvement of the community and publicize the PAPs screening report and the entitlement matrix.
- iv. Identify and aid the vulnerable individuals and groups and clearly targeting the physically challenged, women headed households and children headed households.
- v. The screening exercise and the preparation of the entitlement matrix must be carried out transparently and equitably.

**Table 3-1: Comparison between Kenyan Law/ Framework and World Bank ESS**

<b>Category of PAPs / Type of Lost Assets</b>	<b>Kenyan Law</b>	<b>World Bank ESS 5</b>	<b>Proposed mitigation measures</b>
Land Owners	Cash compensation based upon market value. Land for land under customary law	Recommends land for land compensation. Other compensation is at replacement cost	Mitigate unavoidable adverse social and economic impacts from land acquisition 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.
Land Tenants	Entitled to compensation based upon the amount of	Are entitled to some form of compensation	Provide timely compensation for loss of assets at replacement cost and (b)

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<b>Category of PAPs / Type of Lost Assets</b>	<b>Kenyan Law</b>	<b>World Bank ESS 5</b>	<b>Proposed mitigation measures</b>
	rights they hold upon land under relevant laws	whatever the legal recognition of their occupancy.	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.
Land Users	In some cases land users have some form of secured tenure extended to them under law regarding easement rights where if a person uses land for 12 consecutive years without a dispute entitles him for a right equivalent to ownership. In other cases land users not entitled to compensation for land, crops and any other economic assets.	Entitled for compensation for crops, may be entitled to replacement land and income must be restored to pre-project levels at least	Provide timely compensation for loss of assets at replacement cost.
Owners of Non-Permanent Buildings	Cash compensation based on market value or entitled to new housing on authorized land under government housing programs	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.	Provide timely compensation for loss of assets at replacement cost. Salvageable items not deducted from payment.
Owners of Permanent Buildings	Cash compensation is based on market value	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation	Provide timely compensation for loss of assets at replacement cost. Salvageable items not deducted from payment.

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<b>Category of PAPs / Type of Lost Assets</b>	<b>Kenyan Law</b>	<b>World Bank ESS 5</b>	<b>Proposed mitigation measures</b>
		expenses, prior to displacement.	
Crops	Cash compensation based upon market rates calculated as an average net agricultural income.	Entitled to in-kind compensation or cash at full replacement cost.  Crops: Market value between seasons  Trees: Value of lumber or equivalent  Fruit trees: Value of production lost until replacement seedlings mature.	Provide timely compensation for loss of crops at replacement cost.

## **9 IMPLEMENTATION ARRANGEMENTS**

### **9.1 Introduction**

91. Implementation of NAVCDP 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.
92. 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), MoA&LD 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) will be established under the SDCD&AR; 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.
93. National Grievance Management Committee-these are members drawn from the implementing agencies for the purpose of ensuring smooth running of the project through resolution of complaints logged by the stakeholders. They are nominated by NPC and appointed by the PS the principal secretary for crops and agricultural research development. They shall be between 7 to 9 with two ex-officials with the 2/3 gender rule adhered to.
94. **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 a 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). Additionally, the project will innovatively utilize mechanisms such as internships and community level human resource deployment especially at institutions such as Farmers Field and Business Schools (FFBS) (Refer to Project FFBS Framework), SACCOs, and FPOs.
95. County Grievance Management Committee-these are members drawn from the implementing agencies and other sector partners for the purposes of ensuring smooth running of the project through resolution of complaints logged by the stakeholders. They are nominated by CPC and appointed by the chief officer of the project implementing department. They shall be between 11 to 13 with the 2/3 gender rule adhered to.
96. County Environment Committees-these are structures legally gazetted by governors and they will be used for supervision and backstopping of the investments.

97. **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 CIGs and VMGs, 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.
98. Social Accountability and Integrity Committee (SAIC)-For oversight and handling of grievances it's paramount to put in place the Social Audit and Integrity Committee (SAIC). The membership should be between 3 and 5 with the 2/3 gender rule adhered to including the youth.
99. The County Environmental and Social Safeguards Compliance Officer (CESSCO) will build the capacity of the SAIC to 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 IRP, then they will be forwarded to the CPCU for deliberation. The screening will depend on the specific sub-project under consideration. SAIC will be involved in screening of micro-projects with support from CPCU E/S experts; County-wide sub-projects will be screened by CPCU ES experts; while inter-county sub-projects (regional and national) will be screened by NPCU. Accordingly, the recommendations would be forwarded for further processing and preparation of ESIA/ESMP. The Sub County Technical Teams (SCTT) and the SAIC will be responsible for the development of the community level agreements which will be witnessed by the local administration officers and endorsed by a commissioner of oaths.

## **9.2 Coordination with other Relevant Departments**

100. 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 (representing the Ministry of Agriculture, Livestock, Fisheries and Cooperatives) will be responsible for coordinating development initiatives alongside the County Directors of the implementing agencies. The RPF will also be implemented in consultation with land registrars, NLC regional coordinators, ministry of water and irrigation, Water Resources Authority, KeNHA, KuRRA, KERA, NEMA and other key regulation agents in the country

## **10 PUBLIC CONSULTATION, INFORMATION COMMUNICATION, AND DISCLOSURE**

### **10.1 National Stakeholder's Consultations Workshop**

101. The consultation and disclosure workshop was held at Lukenya Get-Away between 8th November 2021 and 10th November 2021, for a duration of three full days. The first day was attended by 39 Indigenous Peoples Organizations' representatives, Safeguards Consultants, PoEs and NPCU heads and representatives. On the second day, 32 participants attended representing county and farmers' representatives, as well as the Safeguards Consultants, PoEs and NPCU heads and NPCU representatives. The third day was attended by 20 Policy makers and other stakeholders. The policy makers included representatives from KEMFRI, Ministry of Lands Machakos, Crop and Marketing Directorate, Director of Livestock Production, National Treasury, National Gender and Equality Commission, Potato Council, KEPSA, Kenya Animal Genetic Resource Centre, Ministry of Energy, Nairobi City County, National Treasury, NEMA Ministry of Water, Sanitation and Irrigation, KEBS, KCSAP, NARIGP and Youth Affairs. The participants were encouraged to share their views bearing in mind that they were selected and invited to represent the views of all Kenya (Annex 3: Stakeholders consultation (8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> November 2021); Annex 4: Comments and observations during the stakeholders' consultation (8th,9th and 10th 2021)).

102. Similarly, in line with the requirements of SEP, the same instruments are being realigned as recommended by the 1st ISM NAVCDP that was held on February 13-17, 2023 and recommended project design changes that have necessitated realignment of the ESS instruments,. Further, the instruments will be redisclosed both in country and in the World Bank External website.

### **10.2 Information Communication and Disclosure on the RPF**

103. MoA&LD gave an overview of NAVCDP to all the participants on the different days explaining the context and rationale of NAVCDP, the project development objective and the project components and sub-components. The new approaches to be scaled up in NAVCDP include intensive approach instead of extensive approach; strong focus on linking FPOs with the commercial entities to enhance market access and value addition; focus on enhancing access to financial services both at the farmer and FPO levels; focus on the development of Agripreneurs to ensure the leveraging of data and digital technologies; urban food system pilots; and hiring technical support agencies and best practice institutions. The participants were informed that in NAVCDP, 9 priority value chains are in the basket and the counties are required to adopt 4 VCs from the bundle and 1 additional VC as an open choice to each of the project 33 counties. The 9 value chains are as follows; 1. Dairy; 2. Poultry; 3. Fruits (Banana, Mango, Avocado); 4. Vegetables (Tomato, Potato); 5. Coffee; 6. Cotton; 7. Cashewnut; 8. Apiculture; and 9. Pyrethrum. After realignment of the NAVCDP tools, during consultation in March xxx, 2023, participants will also be taken through the ESMF, the IPMP, the LMP, the RPF, the VMGF, the SMP, the GM, the SEA/SH Action Plan and the SEP. On each of the NAVCDP

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ESS tools all the participants will be taken through the purpose of the tools, elements and key areas, details for example on compensation and valuation methods of assets taken as covered in this RPF document.

**10.3 Feedback from the Participants on the RPF.**

104. The participants in the three days were supportive of the RPF and its Executive Summary that had been sent to them prior to the workshop. The consultant and the NPCU explained to them the reasons as to why FPIC was not envisaged in NAVCDP.
105. The RPF will be subjected to an additional round of stakeholder consultations because:
  - i. The consultations and disclosure activities took place when COVID – 19 restrictions were in force. Therefore, cascading the sessions to selected regions will present opportunity for participation of stakeholders at the grassroots.
  - ii. Substantial revisions have been made to the earlier version consulted based on field visits to project sites in Meru/Kilifi Counties for NARIGP and Machakos/Bomet Counties for KSCAP in April and May 2022.
106. Due to the additional project changes i.e increase of project counties from 26 to 33, the project will hold further stakeholder consultations on the realigned tools including this RPF.

## **II 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. NAVCDP 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 NAVCDP 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 NAVCDP will be

- (i) Project GM - the SAIC members at the community who will receive, document and resolve any grievances that arise;
- (ii) Contractors' Workers GM (For each contractor but where complaints are to be escalated from this level; they will report to the County GM Committee;
- (iii) Issues of GBV/SEAH are sensitive; therefore, the third GM Tier is on GBV/SEAH – Cases shall be handled by a lady champion appointed by the project right at grassroot level (escalation will follow the national guideline on GBV issues).

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 /County GMC will be referred to either NGMC or Police Gender Desk. Any grievances that will not be fully resolved at the National level will be referred to the GRS of the World Bank or complainants go full court redress. (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 NAVCDP ESMF and NAVCDP GM Manual.

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## **12 MONITORING AND EVALUATION**

110. 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 NAVCDP, which will be through the PCU of the project, housed at the Ministry of Agriculture Livestock Fisheries and Cooperatives.

111. Monitoring and evaluation for the RPF will be undertaken at the following three levels of the project implementation:

### **(a) CIG/VMG/CDDC/SACCO/FPO level**

112. 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.

### **(b) CPCU level.**

113. 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.

### **(c) NPCU**

114. 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..

115. The NPCU and IAs will institute an administrative reporting system that will:

- i. Provide timely information about all grievances arising because of NAVCDP 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 allocation

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116. Consistent with the Environmental and Social Management Framework ESMF), the sub-project committees and CPCUs would be responsible for periodic reporting to the NPCU any emerging issues for attention.

## **13 BUDGET FOR IMPLEMENTATION OF THE RPF**

117. All costs for implementation of this RPF, including preparation and implementation of the income restoration plans will be funded by NAVCDP except compensation for land. Table 8-1 gives an indicative budget for RPF implementation and more accurate costs will be determined during subproject selection, design and feasibility studies depending on the number of the PAPs who will require income restoration.

**Table 8-1: Indicative Budget for RPF Implementation**

<b>S. No</b>	<b>Indicative Budget Item</b>	<b>Cost in USD</b>
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, SACCOs 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
<b>Total</b>		<b>280,000</b>

## **14 ANNEXES**

### **Annex I: Checklist for RPF Consultations**

This checklist is being used by facilitators of FGDs and Consultation Meetings in the NAVCDP 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 acquisition 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 NAVCDP 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?

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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?

**NAVCDP 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 NAVCDP 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 NAVCDP 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?

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

**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 chosen? ..... Expected sub - project duration: .....	

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**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
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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

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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.*

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**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

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*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

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			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**

<b>(i) Summarize the above:</b>	<b>(ii) Guidance</b>
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<input type="checkbox"/> All the above answers are 'No'  <input type="checkbox"/> There is at least one 'Yes'	<ul style="list-style-type: none"><li>● If all the above answers are 'No', there is no need for further action;</li><li>● If there is at least one 'Yes', please describe your recommended course of action (see below).</li></ul>
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**(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 CDE<sup>4</sup>, 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 NAVCDP-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 ESS10 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: .....

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<sup>4</sup>County Director of Environment and the County Technical Team

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Name: .....

Position / Community: .....

Date: .....

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

**Signature:** .....

Date.....

**Note:**

<b>Project category</b>	<b>Characteristics</b>
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/SEAH	Additional actions needed

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**Annex 3: Stakeholders consultation (8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> November 2021)**

**Day I (8th November 2021) List of Participants for the National Stakeholder's Workshop for Indigenous Peoples Organization Representatives**

S. No	Name	Tel. No.	Email address	Community	Region
1	Mohamed Kitete	0715349314	kitetemohamed@gmail.com	Indigenous Peoples Organization (IPO) Coastal region	Coastal region
2	Yunus Ahmed	0708722698	Yunusahmed90@gmail.com	"	"
3	Ambia Hirsi Dullow	0728546932	ambiadullow@gmail.com	"	"
4	Moses Kachine	0784395546	moseskachike@gmail.com	Minority and marginalized groups affairs- The presidency- Office of the DP	Country wide
5	John Lengoisa	0710212957	jsamorai@ogiekpeoples.org	Ogiek Peoples Organization	Mau region
6	Jane Machani	0716984618		"	"
7	John Kisambai	0758805321		"	"
8	Milka Chepkorir	0700404454	mctalaa@gmail.com	Sengwer	Cherangany
9	David Yator	0726806100	sengwer@sengwer.org	Sengwer	

**2. County Reps (CESSCO +2 IP Community reps)**

S/No	NAME	COMMUNITY	COUNTY	TELEPHONE
1.	Fatuma Abdallah	Waata	Tana-River	0710583088
2.	George Wasonga	CESSCO	Tana-River	0725760206
3.	Joseph Mumu	CESSCO	Kiambu	0721422173
4.	Rehema M. Ruwa	CESSCO	Kilifi	0710586664
5.	Agnes Barisa	Waata	Kilifi	0791402478
6.	Jacob Kokani	Waata	Kilifi	0728044720
7.	Isaac Lagat	Ogiek	Uasin Gishu	0723411793
8.	Richard K. Maina	Ogiek	Narok	0711828692
9.	Naboe Ene Sameri	Ogiek	Narok	0708958908
10.	Meriki Joseph	CESSCO	Narok	0712803569

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<b>S/No</b>	<b>NAME</b>	<b>COMMUNITY</b>	<b>COUNTY</b>	<b>TELEPHONE</b>
11.	Wilson K. Kurgat	Ogiek	Uasin Gishu	0722942038
12.	Gilbert Cheruiyot	CESSCO	Trans Nzoia	0727855330
13.	Richard Kipkering	CESSCO	Nandi	0723462103
14.	Isaac Kosgei	Sengwer	Trans Nzoia	0728519029
15.	Philis Mukung	Ogiek	Trans Nzoia	0740322434
16.	Paulo Sang	Ogiek	Nandi	0790900379
17.	William Kibitok Chepkwony	Ogiek	Nandi	0719537754
18.	Japheth Musila	CESSCO	Kwale	0711655420
19.	Bashora Muhindi Guyo	Wasanye	Kwale	0705474977
20.	Salim B. Bonaya	Wasanye	Kwale	0745934163
21.	Quentine Ngati	CESSCO	Taita Taveta	0722797326
22.	Khadijah Wakio	Waata	Taita Taveta	0797179139
23.	Guyo S. Hamisi	Waata	Taita Taveta	0792971597
24.	Tony Igwo Elkana	Waata	Tana River	0724370830
25.	Stephen J. Ndung'u	Ogiek	Kiambu	0721477315
26.	Paul W. Njehu	Ogiek	Kiambu	0721469403
27.	Benson K. Gichuki	CESSCO	Nakuru	0719376601
28.	David Barngetuny	Ogiek	Nakuru	0722101146
29.	Francis Ngonino	Ogiek	Nakuru	0720645692
30.	Nixon Kasembeli	CESSCO	Uasin Gishu	0723846596

**CONSULTANTS – attended all three days**

1	Stephen Mburu Mwaura	0729377629
2	Edward Ontita	0715766266
3	Ronald Reagan	0725098332
4	Tito Kodiaga	0722579272
5	Harriet Manoti	0722609448

**PoEs – attended all three days**

1	David Olang	0729750700
2	Benjamin Kilaka	0726883288

**NPCU – attended all three days**

1	Samuel Guto	0712715727
2	Titus Mutisya	0713351744
3	Judy Amadiva	0722544862
4	Rachael Macharia	0714400915
5	Miriam Chemtai	0701745654

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**Day 2 (Nov 09, 2021): Public and Stakeholder Consultation and Information Disclosure**

**County and Farmer Representatives**

<b>S/No</b>	<b>Name</b>	<b>County/Designation</b>	<b>Telephone</b>	<b>VC</b>
1	John M. Wachira	Nyandarua-CPC	0722654423	Potato
2	Peter N. Mbutu	Nyandarua-Farmer	0728285742	
3	Kenduiywa Julius	Bomet-CPC	0721403231	Dairy
4	Kipsang Sitonik	Bomet-Farmer	0728063363	
5	James King'ori Njuguna	Murang'a-CESSCO	0721571313	Banana
6	Alex Kamau Muchoki	Murang'a-Farmer	0721311394	
7	Josephine Kananu Kinoti	Embu-CESSCO	0724083315	Coffee
8	Mburugu J. N. Mwiti	Embu-Farmer	0710459043	
9	Patrick Ng'ang'a	Meru-CPC	0738376383	Banana
10	Dancan Murithi	Meru-Farmer	0725262346	
11	Merina A. Adhiaya	Kakamega-CPC	0723798401	Chicken
12	Anne Murunga	Kakamega-Farmer	0710809858	
13	Okal Jacob Ohalo	Kericho-CESSCO	0720236598	Dairy
14	Humphrey Langat	Kericho-Farmer	0721604986	
15	Peter S. Lirhu	Kitui	0701657009	Apiculture
16	Eutichus Kyungu	Kitui-Farmer	0724618837	
17	Gachara John	Kirinyaga-CPC	0722447079	Coffee
18	Geoffrey K. Munyagia	Kirinyaga-Farmer	0722434101	
19	Samuel Oduor Okumu	Kisii-CPC	0722551646	Banana
20	Ronald Guto	Kisii-Farmer	0720253572	
21	Allan F. Ogendo	Busia-CPC	0723312854	Chicken
22	Arnold Okiru	Busia-Farmer	0725873139	
23	Alice Wangui Gichuki	Nyeri-CPC	0721633225	Coffee
24	Mary Ann Maina	Nyeri-Coffee focal person	0721417671	
25	Samuel Maina	Nyeri-Farmer	0729872414	
26	Nicodemus N. Nzombe	Machakos		Mango
27	Raphael M. Muli	Machakos-Farmer	0721493163	
28	James Owuor Omondi	Homa Bay-CESSCO	0714238187	Cotton
29	Frank Otieno	Homa Bay-Farmer	0757364011	
30	Albertina Mercy Achapa	Migori-CESSCO	0717283224	Cotton
31	Peter Mwalyo Kinyenze	Makueni- CESSCO	0727515474	Mango
32	Benjamin Musungu	KEPSA	0714159582	

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**Day 3 (Nov 10, 2021): Public and Stakeholder Consultation and Information Disclosure**

**Policy Makers and Other Stakeholders**

No.	Name	Telephone	Email address	Organization
1	Dr. Jonathan Munguti	0722622732	Jmunguti2000@gmail.com	KEMFI
2	Andrew Wambua	0725301465	wambuanzuki@gmail.com	Ministry of Land-Machakos County
3	Elijah Gichuru	0723152655	ekgichuru@gmail.com	CRF
4	Juma Mohamed	0722676794	Kibo62@yahoo.com	Crop and marketing Directorate
5	Mary Kanyi	0721379470	marywacera@yahoo.com	Director, livestock production.
6	Joshua Lodungokio	0704420301	lodungokiongbon@gmail.com	National Treasury
7	Goreti Osur	0733908450	gosur@ngeckenya.org	National Gender and Equality Commission
8	Henry Chemjor	0725626763	hchemjor@npck.org	Potato Council
9	Ben Musungu	0714159582	bmusungu@kepsa.or.ke	KEPSA
10	Patrick Maingi	0727680344	pmaingi@kepsa.or.ke	KEPSA
11	Mary Nzisa	0721844088	mnzisa@kagrc.go.ke	Kenya Animal Genetic Resource Centre
12	David Kioko	0724691174	david88089070@gmail.com	Ministry of Energy
13	Zacharia Njuguna	0721273241	Njugunazakaria2015@yahoo.com	Nairobi City County
14	Patrick Macharia	0721710746	Patmurumi@gmail.com	National Treasury
15	Margarete Njuki	0721262347	Margarete.wainoi.njuki@gmail.com	NEMA
16	Maurice Oondo	0721247009	nauropond@hotmail.com	Ministry of water, sanitation and irrigation
17	Christine Kalui	0722570466	kaluic@kebs.org	KEBS
18	Dr. Gilbert M Muthee	0722340651	gilbertmuthee@yahoo.com	KCSAP
19	John Kimani	0721342918	jwkimani@2018@gmail.com	NARIGP
20	Francisca Kanini	0724214210		Youth Affairs

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**Annex 4: Comments and observations during the stakeholders' consultation  
(8th,9th and 10th 2021)**

**Day 1 (8th Nov. 2021) Comments, Observations, and Responses during the National  
Consultative Stakeholders Workshop For Communities Meeting the Requirements of ESS7**

<b>S/No.</b>	<b>Name /  Community /  Institution /  County</b>	<b>Contacts</b>	<b>Question/  Observation/  Comment</b>	<b>Answer Provided</b>
1	John Samurai Kisiambai - Mau Region - Ogiek Community	0758805321	<p>a) Funding level of this new project is too high. How much benefit is targeted for the VMGs?</p> <p>b) What project indicators will measure benefits to the VMGs?</p>	<p>a) NAVCDP is targeting VMGs or communities that satisfy the requirements of the World Bank ESS7 because some project counties are a host to these communities. The specific benefits are through priority value chains for ALL not just the VMGs. The benefitting communities are yet to make their choices along the priority value chains. In addition, NAVCDP will make a deliberate effort to reach-out the VMGs for targeting and inclusion.</p> <p>b) The following are some of the indicators: No. of CIGs supported % of which VMG; Total financial support to CIGs % support to VMGs; Total project beneficiaries (F, M); number of which are VMGs, etc.</p>
2	Isaac Lagat – Ogiek Community, Uasin Gishu County	0723411793	<p>a) Are our inputs to be taken and acted upon?</p> <p>b) The previous and current sister projects did ESIA/ESMPs, but we think they are</p>	<p>a) This workshop is a serious process along the preparation of the NAVCDPES Frameworks and the concerns raised will be addressed. The frameworks not only</p>

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			<p>short to recognize emerging risks and impacts along the implementation phase. Will it be the case in NAVCDP?</p> <p>c) Are all subprojects supposed to have an ESIA/EA report and approved by NEMA?</p> <p>d) IPs should be involved in the implementation reviews and M&amp;E in the course of project implementation process. IPs should not only be involved in the initial stages but also during implementation.</p> <p>e) At what level, do you do specific ESIAAs however small?</p> <p>f) What strategy is in place to ensure IPs will be continuously involved?</p> <p>g) By all means we shouldn't be lumped together with the dominant communities.</p>	<p>serve as a guide in mitigation of risks and impacts, but a covenant in the Financial Agreement between the National Treasury and the World Bank.</p> <p>b) No. NAVCDP will ensure investments are environmentally friendly first by screening all proposed investments through a standard checklist; guided by the results in the checklist to ensure the right instrument to mitigate is formulated and implemented accordingly. In addition, the other WB supported projects must have followed same process including recommending Environmental and Social Audits done after one year of implementation; and continuously done annually.</p> <p>c) Not really, but all subprojects must be screened using the standard checklist annexed in the ESMF.</p> <p>d) Yes. Engagement of IPs throughout the project from preparation to evaluation.</p> <p>e) Subproject level, if after administering the</p>

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				<p>ESS screening checklist, County Director of NEMA guides on the same.</p> <p>f) IP support is part of the project deliverable; and therefore, IPs in the project counties will continuously be involved.</p> <p>g) Recommendation is acceptable to some extent but not always i.e., there are value chains where IPs willingly would work with others.</p>
3	Milka Chepkorir-Sengwer community - Trans Nzoia County	0700404454; <a href="mailto:mctala@gmail.com">mctala@gmail.com</a>	<p>a) Will NAVCDP undertake Social Impact Assessment?</p> <p>b) How do you ensure that the use of pesticides and other form inputs to deliver on one priority of the project does not eliminate the last one on the priority list? E.g. use of pesticides to control pests on maize, potatoes etc. completely affecting honey production by indigenous peoples in forests.</p> <p>c) Biodiversity conservation and ecologically sensitive areas. What is the deliberate move of the project to ensure that environmentally</p>	<p>a) Yes, at the initial implementation period.</p> <p>b) Any antagonizing VCs shall be analyzed in detail and due diligence followed to ensure sustainability issues are achieved. The Integrated Pest Management (IPM) will be applied to avoid adverse effects to the biodiversity.</p> <p>c) Any project proposed investments to impact on the sensitive ecosystems will be excluded.</p>

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<b>S/No.</b>	<b>Name / Community / Institution / County</b>	<b>Contacts</b>	<b>Question/ Observation/ Comment</b>	<b>Answer Provided</b>
			sensitive areas are not affected?	
4	Joseph Mumu - CESSCO  Kiambu County	0721422173	<p>a) Why are ESS issues handled last (if lucky) or better miss out in NARIGP?</p> <p>b) How are CESSCOs role going to be seen and felt as project implementers but not process facilitators?</p> <p>c) The ESS activities need to be clearly brought out in the project components; how do we harmonize the plan across the project component?</p> <p>d) Develop a decommissioning plan /guide for the projects supported for implementation once the lifetime expires.</p>	<p>a) This should not be the case. In the new operation, all staff must be sensitized on the seriousness of environmental and social safeguards.</p> <p>b) In the new operation, care should be taken to ensure that safeguards are given the attention they deserve.</p> <p>c) In the design of the project and during detailing of components, this is when ES issues are picked, and activities planned and budgeted for. NAVCDP will relook into the obvious omissions where possible.</p> <p>d) Yes. This comment is true. Attention should be focused on the ESMPs drawn whether they include and act on such areas.</p>
5	Phyllis Mukung – Ogiek community, Trans Nzoia County	0740322434	<p>a) As the Ogiek community our lives depend so much on milk and honey products. Will there be special value chains for IPs like sheep or goat rearing and bee keeping?</p>	<p>a) Yes, since time immemorial, there has been value chains for IP communities that are easy to promote (value chains that do not make IP community vulnerable; and that enhance IP livelihoods). Therefore, beekeeping will always win support</p>

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			<p>b) Will the IPs be allowed to form their own FPOS?</p> <p>c) Will IPs and other VMGs be separated from the framework?</p>	<p>for implementation by the IP community.</p> <p>b) Yes. IP community can form own FPO, so long as the volumes can sustain the FPO operations.</p> <p>c) Yes. In the design of NAVCDP other vulnerable groups: aged, Differently Abled Persons, youth, female headed households, etc. are explained under ESS1 while the IPs (IP/SSAHUTLC) are addressed guided by ESS7.</p>
6	Mohamed Kitete Awer Community, Lamu County	0715349314; <a href="mailto:kitetemohamed@gmail.com">kitetemohamed@gmail.com</a>	-How will security be implemented in areas like Lamu and Tana River County?	<p>-NAVCDP has a security management procedure which will be applied at all times, but the project is not taking over Mandate of the Ministry of Internal Security. -The project will work in collaboration with all stakeholders to ensure that security issues do not affect productivity and profitability. It should also be noted that the previous exclusion of Lamu County was not because of security issues.</p>
7	Jacob Kokani - Waata community, Kilifi County	0728044720	<p>a) Will the frameworks be disclosed?</p> <p>b) It's my prayer that implementers stop</p>	<p>a) Yes. This stakeholder consultation process requires NAVCDP documents including these E&amp;S frameworks</p>

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			using derogatory names.	<p>disclosed both Nationally and in the World Bank External website.</p> <p>b) Yes, noted with humbleness. The team also requests that the IP representatives assist in providing the acceptable names for their communities.</p>
8	Francis Ngoninio—Ogiek community, Nakuru County, Chairperson CDDC	0720645692	<p>a) How will IPs be included in NAVCPD in terms of representation in market linkages? Such gaps were noticed in NARIGP.</p> <p>b) In NARIGP the facilitation of volunteering committee (CDDC) there were some gaps, kindly look into that for smooth running of NAVCDP.</p> <p>c) How will corruption be eliminated in NAVCDP?</p> <p><b>d) Recommendation</b>  As a current CDDC chair from MAU, IPs under the MOALF NARIGP success was 70%. Therefore, IPs under the MOALF be given a chance to represent IPs so that they feel they are part of the NAVCDP project.</p>	<p>a) Market linkage will be based on the priority value chains by these communities.</p> <p>b) Yes. The observation is noted. Lessons from NARIGP have been adopted.</p> <p>c) Through training of communities, transparency, and accountability of project implementation structures.</p> <p>d) Yes, well noted.</p>

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9	David Barugetuny– Ogiek community, Nakuru County	0722101146	a) Will NAVCDP support construction of the impassable roads across the marginalized community operational areas? Farmers are facing challenges when delivering their produce to the collection centers or to the market.	a) The project will support spot infrastructure improvement to enable farmers to deliver their produce to the market. However, it will not take over the road construction since the mandate is in a different Government entity.
11	David Yator Kiptum - Sengwer Community, Trans Nzoia County	0726806100; <a href="mailto:sengwer@sengwer.org">sengwer@sengwer.org</a>	a) How will forest indigenous peoples benefit from financing institution? (Loans, etc.)  b) Thoroughly build understanding of the project implementation agencies from ward, sub county, county and National to avoid misinformation, confusion, and discrimination.  c) How do you ensure that the IPs are not discriminated in the new project, because during NARIGP we were initially left out in window one and window two, we did not benefit from the	a) NAVCDP is not to offer loans but financial support to target beneficiaries through formulation of community proposals for prioritized investments.  b) Yes. This is a valid point. NAVCDP will aim at ensuring information and communication is done at all levels and disclosure of information to all stakeholders through regularized stakeholder engagement meetings.  c) NAVCDP borrowed from NARIGP and some of the gaps in NARIGP will be

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			<p>multi community investments.</p> <p>d) So far SENGWER did not benefit from multi community investments. A proposal was approved by CPSC but has not been funded to date.</p> <p>e) How will farmer technical expert be enhanced for access of project implementation</p> <p>f) The project is silent on building capacity of IPs, IPOs, CIG, there is need to build their capacity.</p> <p>g) M&amp; E - indigenous people be represented in M&amp; E at all levels.</p> <p>h) Project implementation – include IPs in project implementation from County to National Level.</p>	<p>addressed in this new operation.</p> <p>d) Two MCIs in the county are in Makuno ward which is inhabited by the Sengwer (Chesucheki irrigation scheme and the Dairy Farmers of Cherangany milk processing plant).</p> <p>The Kapolet MCI—the decision rests on the NTAC. There are two counties facing a similar fate: Trans Nzoia and Narok- these two exceeded their allocations/project ceiling for MCIs (KES m 270-350 per county).</p> <p>e) Through capacity building of those smallholder farmers who will have been affiliated to: CIGs, and FPOs.</p> <p>f) Capacity building both implementers and beneficiaries is a priority in NAVCDP. A Training schedule will be produced after a training needs assessment.</p> <p>g) OK. This recommendation will be explored. However, NAVCDP has adopted a participatory M&amp;E.</p> <p>h) This will be considered.</p>

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12	Milka Chepkorir-Sengwer Community, Trans-Nzoia County	0700404454; <a href="mailto:mctala@gmail.com">mctala@gmail.com</a>	<p>a) All Details should be captured in the project document nothing should be left out and included in the implementation manuals.</p> <p>b) Does the National management unit include an indigenous representative? If not should be considered.</p> <p>c) Who is putting together the Gender Action Plan?</p> <p><b>d) CONCERN</b></p> <p>Being an IP is not equal to poverty and marginal listing, IPs specific indicators will never end indigenousness of a people. The project should end the notion of negativity from non-indigenous personnel leading the implementation of this project.</p>	<p>a) Good suggestion. We will go by it.</p> <p>b) As the project design continues being polished; this is also something to be thought of; now that under the DP Office there exists an office dealing with the indigenous communities; the representation structure at national level may be co-opted at the NTAC</p> <p>c) The GBCAP for NAVCDP has been drafted by the consultants. During the subsequent revisions, there will be further stakeholders' consultation.</p> <p>d) The matter is noted</p>
13	Wilson K. Kurgat - Uasin Gishu County Chairman, Ogiek Consortium	0722942038	<p>a) What can be done concerning the high number of chemicals being used on the farms that negatively affects humans through compromised food safety issues?</p> <p>b) Market issues should be considered to maximize profitability.</p>	<p>a) NAVCDP is having IPMP as one of the framework approaches that will guide pesticide use at beneficiary level. Communities will be trained on safe use of chemicals and the management of pesticides, handling, storage, and transportation.</p>

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			<p>c) Why have these counties been exempted Kericho, Baringo, Laikipia, Bungoma, and Elgeyo Marakwet.</p>	<p>Besides the chemical pollution from pesticides is a global issue that will involve a lot of consultations.</p> <p>b) Of course, the NAVCDP PDO is about 'increased market accessibility' and 'enhanced value addition'. In the issue of infrastructure markets will be constructed within counties to reduce cost of travel to far away markets.</p> <p>c) Kericho, Baringo, Laikipia, Bungoma, Elgeyo Marakwet have been excluded from NAVCDP because they are covered by other projects within the sector funded by World Bank, IFAD and AfDB</p>
14	John Kisiambei—Ogiek Organization, Nakuru County	0758805321;	<p>a) How will the project help IPs to continue conserving the environment?</p> <p>b) Some pesticides that are used affect bee farming/honey production, how will that be considered in the new project?</p>	<p>a) The project will continue implementing SLM activities in collaboration with the IP communities and KFS</p> <p>b) The pesticides to be used in NAVCDP will be those that are friendly to pollinators with minimum effect on non- targeted organisms. Approved</p>

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				also and normally is a buffer zone to prevent contamination.
15	Japheth Musila – CESSCO, Kwale County,	0711655420	<p><b>Comment:</b></p> <p>a) Land department/NLC should be involved in NAVDP to offer counsel.</p> <p>b) Minority community interests to be brought on board</p>	<p>a) True. Land issues and especially ownership have been a challenge.</p> <p>b) Yes, they will be targeted for inclusion with their priority value chains.</p>
16	Jane Machani - Ogiek Peoples Organization- Mau Region	0716984618	IPs are surrounded by other communities and the project might not benefit them making them not respond which may in turn affect the IPs and cause delays on coming up with responses.	IPs will be targeted during project operation and their CIGs/VMGs/FPOs will be considered along those of majority communities.
17	Isaac Kosgei Sengwer Representative. Cherengany, Trans Nzoia County	0728519029	<p>a) Suggested a differentiation between VMGF and indigenous people framework because indigenous people do not like being associated with other VMGs.</p> <p>b) ESS8: Well, captured on cultural sites</p>	<p>a) Yes. This is true. It was not easy under NARIGP but now the distinction is evident. VMGs are addressed under ESS1 while IP/SSAHUTLC are addressed under ESS7</p> <p>b) Yes, it is necessary here because, in case of any technical hitch's civil works, the project applies these guidelines.</p>
18	Moses Kachike - Minority and marginalized	0784395546; 0722655302; <a href="mailto:moseskachike@gmail.com">moseskachike@gmail.com</a>	a) Nationally, 28 counties with 79 IP communities.	Well received.

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<b>S/No.</b>	<b>Name / Community / Institution / County</b>	<b>Contacts</b>	<b>Question/ Observation/ Comment</b>	<b>Answer Provided</b>
	groups affairs- The presidency- Office of the DP		<p>The counties that are not factored here, are in other projects i.e., 'Resilience Project'</p> <p>b) Invite this new project to come for more information on IP/SSAHUTLC in this country; the department holds the database.</p>	
19	Ambia Hirsi Dullow— Munywoyaya community - IPO/IP Media Coastal Region—Tana River County	0728546932; <a href="mailto:ambiadullow@gmail.com">ambiadullow@gmail.com</a>	<p>a) The deliberations in this forum are useful for this country. NAVCDP should aim at working with media for visibility and media privy to issues touching on the IP/SSAHUTLC in Kenya.</p>	<p>a) The team can't agree more. NAVCDP will strategize to involve responsible media coverage in its operations.</p>

**Day 2 November 09, 2021: For County Departments and Other Stakeholders including Farmers**

<b>S/No.</b>	<b>Name / Position / Institution / County</b>	<b>Contacts</b>	<b>Question/Observation/Comment</b>	<b>Answer Provided</b>
I.	Peter Kinyenze (CESSCO- Makueni)		<p>a) What is the difference between ESMF and ESIA? Does ESMP apply to all?</p> <p>b) Some projects will require SPRs instead of ESIA, therefore can the</p>	<p>a) ESMF is a framework approach adopted by the borrower to mitigate against potential environmental and social risks where site specific investments</p>

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**Resettlement Policy Framework (RPF)**

<b>S/No.</b>	<b>Name / Position / Institution / County</b>	<b>Contacts</b>	<b>Question/Observation/Comment</b>	<b>Answer Provided</b>
			<p>ESMF recognize this and have SPR appear in the document?</p> <p>c) Are there written documents on bee safety to agrochemicals which can be used during NAVCDP?</p>	<p>are not known at project appraisal. It is at project preparation level, and it carries an ESMP at framework level. On the other hand, ESIA is a site specific mitigation instrument normally at implementation phase of the project. It also has a site specific ESMP.</p> <p>b) Yes. According to NEMA Legal Notice 30 and 31 of April 31, 2019, ESIAAs are now categorized 'low-risk projects' to do a SPR while the more complex investments with 'high-risk levels' will undertake Comprehensive Project Report (CPR).</p> <p>c) This documentation on bee safety is not available now but it can be sought. We will endeavor to look for such literature and share accordingly. The ESMF contain some mitigation measures to be taken into consideration such as consideration of the time to spray the pesticides. Besides bees have a way of surviving or countering the harmful chemicals.</p>
2.	Peter Liru (Kitui)		The document suggests issues of SEA/SH Action Plan especially on sexual harassment be handled by GM, which I feel it couldn't handle it exhaustively. Suggested introduction of SEA/SH handling subcommittee of the main.	This is correct. SEA/SH is sensitive in its handling, requires special training, and confidentiality. Capacity building for the staff will be undertaken at different levels so as they can be able to sensitize the community.
3	John Wachira (CPC - KCSAP Kirinyaga)		a) Suggested that there should be consistency on value chains/commodities. Pointed out the following documents with conflicting information	a) The 12 value chains were categorized into 9 categories so that the counties are guided to choose one VC per category. The

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<b>S/No.</b>	<b>Name / Position / Institution / County</b>	<b>Contacts</b>	<b>Question/Observation/Comment</b>	<b>Answer Provided</b>
			<p>b) We should not undermine the impact of Pesticides Containers as an impact of waste disposal that requires mitigation measures</p> <p>c) Pointed out that the monitoring aspect for the implementation of the ESS plans was missing</p>	<p>point is noted and will be ironed out.</p> <p>b) Point noted and to be emphasized during ESS training/sensitization.</p> <p>c) The M&amp;E aspect may not have been prominent in the summary presented in the meeting but is well captured in the main document</p>
4	James Njuguna (CESSCO Murang'a)		<p>a) How will the government minimum wage be harmonized with the market rates for unskilled youth employment in SLM?</p>	<p>-NAVCDP aims at guiding on labor management. At the least, ensure the workers do not suffer by getting low wages but also ensuring everything is within the law and WB Standards (ESS2)</p> <p>-The labor officers will guide the counties on the payments using the rates applicable in the respective counties.</p>
5	Francis Otieno (Farmer, Homa bay)		<p>a) Why can't farmers be made to use organic fertilizer and pesticides? This would reduce production cost and increase farmers' earnings.</p> <p>b) What criteria will be used to determine the people to be resettled?</p> <p>c) Mechanization is relevant to making farming easier and enjoyable. Tractors for ploughing, harrowing, planting, and spraying.</p> <p>d) Let the right personnel with knowledge in agriculture and related fields run the project. They should be honest and transparent and each should have a certificate of good conduct.</p>	<p>a) This is a good idea and will be mainstreamed in the project activities.</p> <p>b) The RPF has given the criteria for identification and documentation of the persons to be resettled. Besides the projects takes into considerations activities that will not require acquisition of land.</p> <p>c) The point is noted and will be considered during project operation.</p> <p>d) Point noted for consideration</p>

**NAVCDP**  
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<b>S/No.</b>	<b>Name / Position / Institution / County</b>	<b>Contacts</b>	<b>Question/Observation/Comment</b>	<b>Answer Provided</b>
6	Dr. Muli (Farmer, Machakos)	a)	b) Value chains disconnect between producers and consumers then brokers come and exploit the market. Yatta multipurpose farmers' cooperative society.	NAVCDP will enhance market access for farmers and improve linkages between producers and consumers thereby addressing most of the value chain challenges. Farmer markets similar to what they have in Europe and America will be introduced. As a matter of fact there is one being piloted in Kiambu.
7	Eutichus Kyungu (Farmer, Kitui)		a) Project implementation at FPO level. NARIGP concentrates much on activity implementation budget but not administration cost/staff cost. Hence you find it difficult for committee to implement these activities to its member groups, requesting NARIGP to consider staff cost in its budgets.	Capacity building, provision of equipment and facilitation of staff from relevant county technical departments involved in the implementation of project activities had been considered in the project

**Day 3 November 10, 2021: For National Line Departments Policy Makers and Other Stakeholders including Donors and CSOs.**

<b>S/No .</b>	<b>Name / Position / Institution / County</b>	<b>Contacts</b>	<b>Question/Observation/Comment</b>	<b>Answer Provided</b>
I	Joshua Lodungokiok – The National Treasury	0704420301; <a href="mailto:lodungokiokbon@gmail.com">lodungokiokbon@gmail.com</a>	a) The VMGs Kiambu, Nandi, Uasin Gishu, etc. counties. How have they been involved in this project?	The IP communities have been fully involved in micro project identification and implementation. In some cases, the IP communities have their own value chains while in other cases; they are recognized as members of the CIG/VMG/FPO. They have also been elected into leadership

**NAVCDP**  
**Resettlement Policy Framework (RPF)**

<b>S/No .</b>	<b>Name / Position / Institution / County</b>	<b>Contacts</b>	<b>Question/Observation/Comment</b>	<b>Answer Provided</b>
				positions in the CIGs/VMG/FPO.
2	David Kioko – Ministry of Energy	0724691174; <a href="mailto:david88089070@gmail.com">david88089070@gmail.com</a>	<b>Comments:</b> -Encouraged use of solar power in the FLIP to cut on the cost of energy and reduce pollution caused by use of fossil fuels. -Noted that the NAVCDP will actually be operationalizing the Kenya National Energy Efficiency and Conservation Strategy. And asked the team to download the same for guidance. - The Ministry of Energy is ready to collaborate with the project team to when called upon.	-Comments noted positively. NAVCDP will engage further.
3	Margarete Njuki, NEMA Hqs	0721262347; <a href="mailto:Margarete.wainoi.njuki@gmail.com">Margarete.wainoi.njuki@gmail.com</a>	a)As presented this morning, the ESMF ESMP does not consider air pollution from VCs especially dairy b) Biodiversity concerns: biodiversity is a complex issue and needs to be integrated in the report because these VCs in a way will lead to lose of biodiversity.	a)The point is noted for emphasis in the ESMF b) Point noted and further engagements with NEMA to discuss the issue to be done during project implementation.
4	Mary Kanyi - KGRIC	0721379470; <a href="mailto:marywacera@yahoo.com">marywacera@yahoo.com</a>	a) NAVCDP is on fewer VCs and will cover not all counties previously under NARIGP. How will continuity be ensured on the communities left out? b) How will NAVCDP integrate with other projects for synergy? And also access other benefits i.e. crop and livestock insurances? c) Farmers are being exploited along the VCs. How will this project help reduce this exploitation?	a) NARIGP and KCSAP have elaborate sustainability measures to ensure that the activities continue after the projects. The projects also fully involve and build the capacities of agriculture extension staff who will continue to interact with the farmers after closure of the projects. b) For every VC the starting point is what

**NAVCDP**  
**Resettlement Policy Framework (RPF)**

<b>S/No .</b>	<b>Name / Position / Institution / County</b>	<b>Contacts</b>	<b>Question/Observation/Comment</b>	<b>Answer Provided</b>
				<p>determines who is in it and with consultations alliances are formed to avoid duplications.</p> <p>c) The issue of farmer markets will eliminate the issue of exploitation. Sensitization of FPOs and CIGs will be supported and strengthened.</p>
5	Henry Chemjor - Potato Council	0725626763; <a href="mailto:hchemjor@npck.org">hchemjor@npck.org</a>	<p>a) Some counties have no capacities on E&amp;S. They go ahead and hire consultants who have no or very little expertise? How will this new project help control this gap?</p> <p>b) Public Lands and ownership: when such lands are given to communities to invest; management issues crop up later and this affects the progress of such investments. How is land being handled in this project?</p>	<p>a) Counties will be advised to hire consultants handling environmental / social issues who have the requisite qualifications and experience</p> <p>b) The land on which the project will be implemented will be fully documented and due diligence done. NLC will also be fully involved to ensure that public land is properly availed for FPO utilization on other related investments.</p>
6	Christine Kalu	0722570466; <a href="mailto:kaluic@kebs.org">kaluic@kebs.org</a>	<p>a) The FPOs: how will they be strengthened? In my opinion through capacity building for ownership and sustainability.</p> <p>b) Review of Policies: The new Agriculture strategy - <b><i>Agricultural Sector Transformation and Growth</i></b></p>	<p>a) Point noted and the issues to be included in the FPO capacity building</p> <p>b) ASTGS to be included in the ESS documents.</p>

**NAVCDP**  
**Resettlement Policy Framework (RPF)**

<b>S/No</b>	<b>Name / Position / Institution / County</b>	<b>Contacts</b>	<b>Question/Observation/Comment</b>	<b>Answer Provided</b>
			<b>Strategy</b> is not mentioned. Kindly include.	
7	Ben Musungu	0714159582; <a href="mailto:bmusungu@kepsa.or.ke">bmusungu@kepsa.or.ke</a>	<p>a) The VCs seem to have dropped from 29 to 6. How will the 6 VCs interphase with the CIGs?</p> <p>b) BMOs not mentioned here. What role can they play?</p>	<p>a) The CIGs that are not will not be included in NAVCDP will be addressed using the normal extension services.</p> <p>b) The BMOs to be involved as stakeholders during the value chain improvement activities</p>
8	Elijah Gichuru – Coffee Research Institute	0723152655; <a href="mailto:ekgichuru@gmail.com">ekgichuru@gmail.com</a>	In the presentation of the table with the vulnerable groups i.e. Ogieks, we did not see a listing of the aged. Why?	The table on VMGf mainly focused on ESS7. The aged and other categories of VMGs are addressed in ESS1 under the ESMF.
10	Maurice Opondo- Ministry of Water	0721247009; <a href="mailto:nauropond@hotmail.com">nauropond@hotmail.com</a>	<p>-Agreed on validating the Frameworks but with adjustments:</p> <p>- Policies, add the following: Irrigation Policy 2019; Irrigation Act 2019; Water Act 2016; Water Act 2021.</p> <p>-Think about catchment conservation and capacity WRUAs to check on water use footprints.</p> <p>-Propose inclusion of Labor Officers as stakeholders. They do have a responsibility in implementation of NAVCDP.</p>	All points well noted and to be included in the ESS instruments.

**NAVCDP**  
**Resettlement Policy Framework (RPF)**

<b>S/No .</b>	<b>Name / Position / Institution / County</b>	<b>Contacts</b>	<b>Question/Observation/Comment</b>	<b>Answer Provided</b>
11	Goreti Osur- National Gender and Equality Commission	0733908450; <a href="mailto:gosur@ngeckeny.or g">gosur@ngeckeny.or g</a>	<p>a) NACVDP should consider inclusion of gender in its operations.</p> <p>b) Issue of certification – seems to be emphasized at quality at value addition. Why not along the entire VC?</p>	<p>a) Point noted and to be considered</p> <p>b) Point noted and GAP and certification to be included in all the segments of value chains.</p>
12	Franscisca Kanini–Youth Affairs		<p>a) Data and Digital Space for the youth –youth seem not well captioned in the Frameworks because they are boxed under the digital space, but we feel they should be right from production decisions.</p> <p>b) Does NAVCDP have climate change activities?</p>	<p>a) Point well noted.</p> <p>b) Climate change issues are mainstreamed in all project activities</p>
13	Zacharia Njuguna – Nairobi City Council	0721273241; <a href="mailto:Njugunazakaria2015 @yahoo.com">Njugunazakaria2015 @yahoo.com</a>	<p>a) Nairobi County practices urban farming. To what extend will NAVCDP support this system?</p> <p>b) Market/Market Access: Nairobi is the largest consumer of the produce from the rural areas. Is NAVCDP going to support infrastructural development and traceability approaches?</p>	The issues will be expounded and considered when unpacking the activities of component 3 of NAVCDP for Nairobi, Kiambu and Machakos.

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**Annex 5: Sample Voluntary Land/Asset Donation Template for National Agricultural Value Chain Development Project**

<b>County</b>	<b>Sub-County</b>	<b>Ward</b>	<b>Settlement/village</b>
<b>Name of land/Asset owner</b>		<b>ID Number:</b>	<b>Beneficiary of the project: Y/N</b>
<b>Gender (M/F)</b>		<b>Age</b>	<b>Occupation</b>
<b>Address</b>			
Description of land that will be taken for the subproject	Area affected	Total landholding area	Ratio of land affected to total land held:
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

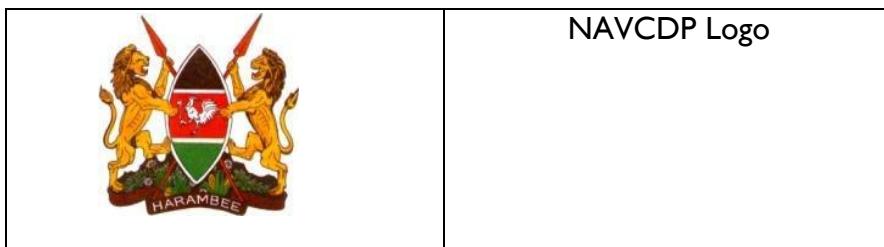
Signature : Signature

ID. No : Date

Date :

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**Annex 6: Land Lease Template**



**INDIVIDUAL LAND OWNER RESOLUTION AND CONSENT FORM**

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

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.....

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**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	
<b>Any other temporary/permanent structure</b>	
<b>Estimated Loss of income</b>	
<b>Estimated cost of the loss</b>	

o **LANDLORD'S WITNESSES**

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

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○ TENANT'S WITNESSES

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

Dated this ..... day of .....20.....

**AREA CHIEF**

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

**COMMISSIONER FOR OATHS**

Name	Law firm	Phone number & email	Signature & Rubber Stamp

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**Annex 7: NLC Guidelines for Accessing of Public Land by FPOs**

The FPO shall apply to the County Government through the NAVCDP 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 NAVCDP.

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 FPO 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 FPO.
  - 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.

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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.

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**Annex 8: Community Land Resolution and Consent Form**



**COMMUNITY LAND RESOLUTION AND CONSENT FOR LAND USAGE  
PERMIT FORM**

ITEM	DESCRIPTION
<b>Project name</b>	
<b>Name of Investment</b>	
<b>Detailed specifications of investment</b>	
<b>Project Location:</b>	
<b>GPS coordinates</b>	
<b>Estimated cost of the investment</b>	

Please attach the community Barraza minutes and summary safeguards report explaining how the requirements for consent for land usage permit for this investment have been met.

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**TERMS OF THE AGREEMENT**

1. As discussed in our community Barraza on .....to which all residents and regular users of the investment area (specify) ..... 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.
2. That, ..... shall be site of the proposed ..... and that:
3. We all are aware that the land set aside for the investment is community land and no one is claiming individual ownership because it belongs to all of us and negative impacts on particular individuals using the land will be addressed by the community, and no alternative claims will be made later on the land.
4. We have all agreed unanimously that the project implementation should continue.
5. We all shall strive to peacefully resolve any conflicts with other communities concerning the investment.
6. We will strive to peacefully co-exist and resolve any conflict arising out of the investment facility following due process provided by the laws of Kenya.
7. The land for which consent for permit to use is granted was identified in consultation with all residents and users of the land.
8. We all understand the likely impacts of proposed activities on for which consent for permit to use is granted.
9. We all understand that the community could have refused this investment.
10. We all agreed to this investment and donation of the land without coercion, manipulation, or any form of pressure on the part of public or traditional authorities.
11. We all agreed that we do/do not require any monetary or non-monetary benefits or incentives as a condition for the for which consent for permit to use is granted against the following benefits expected as condition for donation

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12. The land being for which consent for permit to use is granted will not reduce the remaining land area to a level below that required to maintain the livelihoods of occupiers and users of land at current levels and will not require the relocation of any household.
13. If any structure will be moved or any access to land be limited as a result of the investment, the individual affected will be compensated so their livelihood will be unaffected.

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14. The land is free of encumbrances or encroachment and is not claimed by any individual and its ownership is not contested.

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We have been designated by the community of

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).

<b>S/No.</b>	<b>Name</b>	<b>Village/ Location</b>	<b>ID/No.</b>	<b>Signature</b>
1.				
2.				
3.				
4.				
5.				

**Witnessed on this ..... Day of ..... in the Year.....: by:**

**1. Area Chief**

<b>Name</b>	<b>ID/No.</b>	<b>Signature &amp; R/Stamp</b>

**2. Ward Administrator**

<b>Name</b>	<b>ID/No.</b>	<b>Signature &amp; R/Stamp</b>

**3. County Project Coordinator**

<b>Name</b>	<b>ID/No.</b>	<b>Signature &amp; R/Stamp</b>

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**4. Land Registrar/adjudication officer**

<b>Name</b>	<b>ID/No.</b>	<b>Signature &amp; R/Stamp</b>

**5. County Government (Physical Planning Department)**

<b>Name</b>	<b>ID/No.</b>	<b>Signature &amp; R/ Stamp</b>

**6. County Ministry Relevant to the project e.g. Water/Livestock Production etc.**

<b>Name</b>	<b>P/No.</b>	<b>Designation</b>	<b>Signature &amp; R/ Stamp</b>

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**Annex 9: Sample MOU between a County Government and FPO**

<b>COUNTY GOVERNMENT</b>		<b>NAME OF FPO.</b>
.....		

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**COUNTY GOVERNMENT OF .....**

**AND**

**(Name of FPO) .....**

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**Resettlement Policy Framework (RPF)**

**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 Box .....in 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 ..... value chain **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 of .....produce.

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
- Enhanced .....production and marketing are critical for achieving Vision 2030.
- Improved .....marketing will stimulate more activities and hence service hitherto not existent.
- The two parties have complementary roles in development and marketing of .....products 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.

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- 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 value chain and increase government revenue along the chain.

**NOW THEREFORE** .....County Government and .....farmers' 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.

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**Article I: GENERAL PROVISIONS**

*1.1 Scope of the MoU*

This MoU governs the broad area of collaboration between the two parties i.e. The .....County government and the .....farmers' 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:**

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1. 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 the .....farmers' Cooperative 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

##### 1. Chairperson's roles

- ✓ Co-ordinates the activities of the market
- ✓ Call and Chair all the market meetings
- ✓ Signatory to the committee' 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).

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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 The .....County 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 The .....farmers' Co-Operative Society Limited shall maintain the toilets and sanitation facilities and manage solid and liquid waste from the market
- 4.2 The .....County 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 The .....County Government will be responsible for provision of waste systems including bins/collection material.
- 4.6 The .....County 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 by .....County Government & The National Agricultural Value Chain Development 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.

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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 the .....County 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 The .....county 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**

**8:1** There shall be a Steering Committee that meets at least twice a year to oversee the MoU implementation and made up of FOUR members two each from the principal parties, one representative from Agriculture and food Authority (AFFA) and one from implementing project (NAVCDP). The committee shall have a chairperson, vice chairperson and a secretary. The chairperson shall be responsible for calling meetings in whose absence, the vice chairperson will do so while the secretary shall do all correspondences and be a custodian of the records.

**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

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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:

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- 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 value chain 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.

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**Article 15: SIGNATURES**

**IN WITNESS WHEREOF** this Memorandum of Understanding has been executed by the parties under their respective hands on this .....day 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.....