



**MINISTRY OF AGRICULTURE AND LIVESTOCK
DEVELOPMENT**

STATE DEPARTMENT FOR CROP DEVELOPMENT

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

**STAKEHOLDER ENGAGEMENT PLAN
(SEP)**

REVIEWED MARCH 2023

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ACRONYMS AND ABBREVIATIONS

AFA	Agriculture and Food Authority
ARAP	Abbreviated Resettlement Action Plan
C-ESMP	Contractor's Environmental and Social Management Plan
CFA	Community Forest Associations
CIGs	Common Interest Groups
CoK	Constitution of Kenya
COVID-19	Corona virus Disease
CPCU	County Project Coordination Unit
CPR	Comprehensive Project Report
CSO	Civil Society Organization
CTDs	County Technical Departments
DAP	Differently Abled Persons
DAT	Disruptive Agricultural Technologies
E&S	Environmental and Social
EHS	Environmental Health and Safety
EPRP	Emergency Preparedness Response Plan
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standards
FFS	Farmer Field School
FF&PS	Farmer Field and Pastoral School
FPIC	Free Prior Informed Consultation
FPOs	Farmer Producer Organizations
SEAH	Sexual Exploitation Abuse and Harassment
GDP	Gross Domestic Product
GIIP	Good International Industry Practice
GRC	Grievance Redress Committee
GM	Grievance Mechanism
GGMC	Grievance Redress Management Committee
GRS	Grievance Redress Service
HCDA	Horticultural Crops Development Authority
IAs	Implementing Agencies
IPMP	Integrated Pest Management Plan
IPOs	Indigenous Peoples Organization
IP/SSA/HUTLC	Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities
KAGRC	Kenya Artificial Insemination and Genetic Research Centre
KALRO	Kenya Agriculture and Livestock Research Organization
KCSAP	Kenya Climate Smart Agriculture Project
KEBS	Kenya Bureau of Standards
KEPHIS	Kenya Plant Health Inspectorate Service
KEPSA	Kenya Private Sector Association
KMC	Kenya Meat Commission
KPIs	Key Performance Indicators
LMP	Labour Management Plan
MCIs	Multicommodity Investments

MoA&LD	Ministry of Agriculture and Livestock Development
NARIGP	National Agricultural and Rural Inclusive Growth Project
NAVCDP	National Agricultural Value Chain Development Project
NEMA	National Environment Management Authority
NERC	National Emergency Response Committee
NESSCO	National Environment and Social Safeguards Compliance Officer
NGOs	Non-Governmental Organizations
NLC	National Land Commission
NLP	National Land Policy
NPC	National Project Coordinator
NPCU	National Project Coordination Unit
OHS	Occupational Health and Safety
PAI	Project Area of Influence
PAPs	Project Affected Persons
PDO	Project Development Objective
PCU	Project Coordination Unit
PIM	Project Implementation manual
PoEs	Panel of Experts
POs	Producer Organizations
PPP	Public Private Partnerships
PVC	Priority Value Chain
PWDs	Persons with Disabilities
Q&A	Question and Answers
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SC	Steering Committee
SEP	Stakeholder Engagement Plan
SMP	Security Management Plan
SPR	Summary Project Report
STE	Short-Term Expert
TSA	Technical Support Agencies
TV	Television
TWG	Technical Working Group
VC	Value Chain
VMG	Vulnerable and Marginalized Group
VMGF	Vulnerable and Marginalized Groups Framework
VMGP	Vulnerable and Marginalized Groups Plan
WMP	Waste Management Plan
WRUAs	Water Resource Users Association

I. INTRODUCTION

I.1 BACKGROUND

- I) The National Agricultural Value Chain Development Project (NAVCDP) will support a range of investments along the identified commodity value chains either previously supported by other World Bank projects or newly identified through NAVCDP. This will entail the following:
- (i) For each of the commodities, County and regional levels as well as National value chain development plans will be finalized, identifying sets of investments crucial to the achievement of shared objectives. These plans will clearly outline pathways for private sector engagement, ecosystem investments envisaged from the regional government and ag-tech solutions most relevant to the specific commodity and region;
 - (ii) In the selected value chains, the capacity of the existing or new farmer groups will be built through strong community based digital extension systems, micro-investments for demonstration of production technologies and support for access to credit;
 - (iii) Farmer Producer Organizations (FPOs) will receive infrastructure and working capital support and technical assistance to build capacity for delivering a range of services like inputs, extension and value addition to member farmers/farmer groups. Productive alliance approaches will be undertaken to build market capacity of these FPOs through linkage with commercial and private sector entities like Agribusiness SMEs engaged in value addition, anchor agribusiness firms, e-commerce companies and large Ag-tech start-ups with support for business development, technical assistance and part financing. This approach will also generate new jobs and enterprises at various levels in supported value chains;
 - (iv) In the selected value chains, the project will also support the e-voucher program so that farmers and farmer groups could access vital input support;
 - (v) Complementary investments at the County and National levels will be supported for enabling infrastructure (irrigation infrastructure, processing infrastructure or market infrastructure etc.) for enhanced agriculture commercialization;
 - (vi) Incubation and training of women and the youth from local communities to emerge as agri-entrepreneurs (agripreneurs) will be scaled-up for provision of bundled services (inputs, extension, credit and market linkages) to farmers. These are expected to emerge as meaningful private sector jobs in rural economy as agripreneurs will earn incomes through transaction charges from the private sector for delivery of above services; and
 - (vii) Farmer-consumer market linkages will be developed in select urban clusters through dedicated urban food system pilots with end-to-end traceability mechanisms and appropriate interventions that enhance food safety, operationalizing farmer markets and institutional linkages.

I.2 PROJECT SUMMARY

Sometime in January 2023, the Government of Kenya requested for additional counties for NAVCDP through the National Treasury Ref. “***Inclusion of Additional Counties to the National Agricultural Value Chain Development Project (NAVCDP)***”, (IDA Credit. No. 7064-KE) letter dated January 23, 2023. Subsequently, the 1st ISM for NAVCDP was held on

February 13-17, 2023, and The World Bank, Country Director gave an “IDA No Objection letter” on the same Ref. February 2, 2023.

NAVCDP thereafter adopted the recommended project changes that have affected the project design in the following areas:

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, Tana River, Kwale and Kilifi. Under Urban and peri urban Agriculture, Nairobi county will be added. The added counties in the above list include: Tharaka Nithi, Bungoma, Kajiado, Vihiga, Siaya, Nyamira and Kisumu.

- a) The project will allow Saturation- in all wards of the project counties.
 - b) Each county will select up to 5 value chains, however 4 must be from the 16 VC menu and one more an open county choice.
 - c) Farmers Producer Organizations are value chain sensitive and will be funded directly - (FPOs will benefit from three grants: inclusion grant; Enterprise Development grant; and Value Chain Upgrading Matching grant)
 - d) There will be no micro-project grants except should there be an affirmative action - instead the Common Interest Groups (CIGs) will access funds as a revolving fund from ward-based Savings and Credit Cooperative Organizations (SACCOs).
 - e) Through the CDDCs, the CIGs/VMGs 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 dereferencing) will be registered and subsequently both the CDDCs (for wards) and CIGs mobilization will be undertaken based on the PICD process.
 - f) 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.
 - g) Farmer registration, SACCO membership, and accessing SACCO funds will be value chain neutral activities.
- 2) NAVCDP 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 and National levels 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; and (iv) Supporting National Level Policy Reforms and Capacity Development of counties to provide enabling environment for e-voucher and Disruptive Agricultural Technologies (DAT) while strengthening partnerships with technical support agencies.

I.3 PROJECT COMPONENTS AND AREAS WHICH CALL FOR STAKEHOLDER ENGAGEMENT

The envisaged mandate and components for the proposed NAVCDP will include specific investments at farmer, CDDC, SACCO, FPOs, County and National levels as summarized in Table I.

Table I: Project Components and Areas that require Stakeholder Engagement

Component 1: Supporting Farmer level Investment		Areas for Stakeholder Engagement
Farmer level investments	Extension services and availability of credit through SACCOs individual members CIGs/VMGs mobilized under the existing projects and other deserving farmers through CDDCs.	Community mobilization for selection of investments and implementation; criteria for selection/profiling CIGs/ VMGs; CDDCs, SACCOs, M&E and Reporting
	Establishment of an expanded human resources architecture towards delivery of advisory and extension services	Identification and participation of the human resource.
Component 2: Supporting County Value Chain Development		
Strengthening County Technical Departments (CTDs)	Invest in strengthening the capacity of CTDs, FPOs, and SACCOs to support community-led investments under Component 1 and 2	County awareness creation (County and community levels .. CDDCs, SACCOs), CTDs identification, training; identification of community-led investments
Identification, planning, and implementation of MCIs	Provide funding for investments in highly relevant multi-community investments in National Resources Management (NRM) and market infrastructure development directly linked to supported value chains	Identification and implementation of the multi-community investments; identification.
	Establish county level structures for harmonized delivery of input subsidies to farmers by rollout of the e-voucher program	Establishment of county level structures for delivery of subsidies; e-voucher rollout and management
Component 3: Piloting Safer Urban Food Systems		
This component will support roll out of urban food system pilots in select urban clusters, focusing on demonstrating a proof of concept by direct linkage of rural FPOs to urban consumers through creation of appropriate market infrastructure and		Choice of participants; selection of urban clusters; linkage of FPOs to urban consumers; creation of commercial entities; food

commercial entities that will enhance the efficiency of food distribution coupled with interventions that focus on enhanced food safety during aggregation, logistics and distribution	distribution; food safety stakeholders' identification and participation; review platforms; etc.
Component 4: Support to National Level Policy Reforms and Capacity Development for Counties	
Enabling environment for e-voucher	Support policy reforms at county and national levels to entrench e-voucher subsidy system Identification of stakeholders on policy reforms; identification of areas for policy reforms; participation; pushing the policy reform agenda, etc.
Disruptive Agricultural Technologies (DAT)	Support agricultural digitization investments towards scaling up of DAT initiatives Identify stakeholders for digitization; participation; review forums, etc.
Strengthen partnerships with Technical Support Agencies (TSAs)	Establish and strengthen partnerships with TSAs and other best practice institutions to provide strategic support to each of the prioritized value chains Identify partners and other stakeholders; strengthening platforms;
Support to National level farmer federations	Targeted support to national level farmer federations and other key agencies involved in development of supported value chains Identify farmer groups for federation; identification of criteria for federation; etc.

1.4 NAVCDP SCREENING AND COMPLIANCE PROCEDURES

- 3) The NAVCDP is being prepared under the World Bank's Environment and Social Framework (ESF). Under the ESF, NAVCDP must comply with nine out of ten Environmental and Social Standards (ESSs).
- 4) The various screening assessments that will require the application of the NAVCDP Stakeholders Engagement Plan (SEP) will include the following.
 - *Environmental and Social Impact Assessments (ESIAs) (mainly Summary Project Reports – SPRs)*. The community value chain development subprojects will have preliminary assessments (ESS screening checklist) in the NAVCDP Environmental and Social Management Framework (ESMF) that will establish criteria for mitigation and future evaluations of individual subproject investments.
 - *Resettlement Policy Framework (RPF)*. The project will avoid any disruption of the peoples' lives through the acquisition of land. However, it is notable that some subprojects may require temporary or permanent use of land that is currently allocated to other people or is being utilized, therefore its use may result in physical and/or economic displacement of some households or persons (even if temporary). Such activities will require stakeholders to be engaged regularly and in-depth. Therefore, such investments may require one or more separate Resettlement Action Plans (RAPs) or Relocation Plans, but the principles and

objectives of the project will be the same for all subprojects. For that reason, a single RPF has been prepared to cover all subprojects, and specific investment RAPs (as applicable); therefore, a robust SEP is necessary.

- *Vulnerable and Marginalized Groups' Framework (VMGF)*. NAVCDP will cover some counties which potentially host communities who meet the requirements of ESS7. Such communities need to benefit from the project equitably with other dominant communities. Consequently, careful social targeting and inclusion will be applied to ensure these communities benefit from the project interventions. It would be prudent to consult this SEP for full details on the process and procedures for inclusion of these communities.
- *The establishment and operationalization of the various project Grievance Mechanisms (GMs) requirements*: Project GM; an approach to LMP GM; GBV/SEAH GM and more specific, handling, reporting (various platforms existing), post-counselling; referral institutions, etc.

5) Table 2 presents the key instruments that may be required for each implementation level.

Table 2: Environmental and Social documentation for NAVCDP and subprojects

Document	National level	County level	MCI level	PO level	FFS/CIG/ Farmer level	Farmer Federation level
ESMF**	X	X				
IPMP**	X	X	X	X	X	X
ESS screening checklist	X	X	X	X	X	X
ESIAs/SPR		X	X	X		X
ESIAs/CPR			X	X		X
ESMP		X	X	X	X	X
C-ESMP		X	X	X		
EPRP			X	X	X	X
WMP			X	X		X
EHS/OHS	X	X	X	X	X	X
LMP			X	X		X
SMP	X	X	X	X	X	X

Document	National level	County level	MCI level	PO level	FFS/CIG/ Farmer level	Farmer Federation level
VMGF**	X	X				
VMGP**				X	X	X
RPF**	X	X				
RAP or Abbreviated RAP			X	X		X
Incident /Accident Register			X	X	X	X
SEAH ACTION PLAN	X	X	X	X	X	X
Child protection Strategy			X	X		
SEP	X	X	X	X	X	X
GMC	X	X	X	X	X	X

Note:

C-ESMP: Contractor's ESMP

CPR: Comprehensive Project Report

EHS: Environmental Health and Safety

EPRP: Emergence Preparedness Response Plan

ESIA: Environmental & Social Impact Assessment

ESMF: Environmental and Social Management Framework

ESS: Environmental and Social Standards

SEAH Action Plan: Sexual Exploitation Abuse and Harrassment Prevention and Response Plan

GMC: Grievance Redress Mechanism Committee

IPMP: Integrated Pest Management Plan

LMP: Labour Management Procedures

OSH: Occupational Safety and Health

RAP: Resettlement Action Plan

RPF: Resettlement Policy Framework

SEP: Stakeholder Engagement Plan

SMP: Security Management Plans

SPR: Summary Project Reports

VMGF: Vulnerable and Marginalized Groups Framework

VMGP: Vulnerable and Marginalized Groups Plan

WMP: Waste Management Plan

***indicates separate E&S document to be prepared to meet ESF and other applicable requirements; * identifies present documentation.*

1.5 SUMMARY OF PROJECT POTENTIAL ENVIRONMENTAL AND SOCIAL IMPACTS/RISKS

- 6) Some of the envisaged project environmental and social impacts/risks are presented in Table 3: *Some of the envisaged project environmental and social impacts/risks* Table 3.

Table 3: *Some of the envisaged project environmental and social impacts/risks*

S/No	Impact/Risk
Environmental Impacts	
POSITIVE	
1	Creation of employment opportunities
2	Increased agricultural incomes and competitiveness
3	Improved farmer skill-base
4	Improved natural resource management
5	Reduced GHGs emissions
6	Improved engagement with the vulnerable and persons who meet requirements of ESS7
NEGATIVE	
1	Loss of vegetation
2	Noise and vibration
3	Air pollution
4	Soil and water pollution
5	Community health and safety
6	Food safety risks along the various value chains as a result of mushrooming of many food industries without proper food processing, quality control, and assurance skills.
7	OHS
8	Generation of hazards and non-hazardous wastes
9	Risk of compromising food quality hence food safety within the urban system approach.
10	Use of pesticides
11	Acidification of soils
Social Impacts	
POSITIVE	
1.	Creation of employment opportunities
2	Increased agricultural incomes and competitiveness
NEGATIVE	
1	Exclusion of beneficiaries
2	Elite capture
3	Exclusion of vulnerable individuals and groups due to unpreparedness to join SACCOs
4	GBV/SEAH
5	Most new Wards are disadvantaged in the new project approach of FPOs and SACCOs
6	Labour issues on civil works
7	Conflict amongst farmers
8	Child labor/Child sexual exploitation
9	Public investment in land whose ownership status is unclear
10.	Gender Based Violence/Sexual Exploitation Abuse & Harassment
11.	Public health diseases – COVID-19; COVID-B; STIs and waterborne diseases

1.6 OBJECTIVES OF STAKEHOLDER ENGAGEMENT PLAN

- 7) The SEP seeks to define a structured, purposeful, genuine and culturally appropriate approach to consultation and information disclosure. NAVCDP recognizes the diverse and varied interests and expectations of project stakeholders and seeks to develop an approach for reaching each of the stakeholders in the different capacities at which they interface with the project. The aim is to create an atmosphere of understanding that actively involves project-affected people and other stakeholders leading to improved decision making.
- 8) Overall, this SEP will serve the following purposes:
 - i. Identify and analyze different stakeholders at different levels;
 - ii. Plan engagement modalities through effective communication, consultations and disclosure;
 - iii. Outline platforms for stakeholders to influence decisions regarding the project;
 - iv. Define roles and responsibilities for the implementation of the SEP;
 - v. Define reporting and monitoring measures to ensure the effectiveness of the SEP and periodic reviews of the SEP based on monitoring findings;
 - vi. Define roles and responsibilities of different actors in implementing this Plan;
 - vii. Elaborate the GM for the project;
 - viii. Outline the dissemination of relevant project materials, including explanations of intended project benefits and, where appropriate, the setup of a project website; and
 - ix. Document stakeholder consultations on proposed project design, environmental and social risks and impacts, mitigation measures, the proposed SEP, and draft environmental and social risk management instruments.

NAVCDP will be implemented in 33 counties as shown in Table 4

Table 4: Distribution of NAVCDP Participating Counties across different Regions

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

NAVCDP will also implement agricultural activities in Urban/Peri urban areas of Nairobi, Machakos, Kajiado & Kiambu

1.7 World Bank Requirements for Stakeholder Engagement

- 9) This project is being prepared under the World Bank's Environment and Social Framework (ESF). As per the Environmental and Social Standard (ESS) 10 on Stakeholders Engagement and Information Disclosure, the implementing agencies are required to provide stakeholders with timely, relevant, understandable and accessible information, and consult with them in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination and intimidation. Effective stakeholder engagement can improve the environmental and social sustainability of projects, enhance project acceptance, and make a significant contribution to successful project design and implementation.
- 10) Stakeholder engagement is an inclusive process conducted throughout the project life cycle. Where properly designed and implemented, it supports the development of strong, constructive, and responsive relationships that are important for successful management of a project's environmental and social risks. Stakeholder engagement is most effective when initiated at an early stage of the project development process, and is an integral part of early project decisions and the assessment, management, and monitoring of the project's environmental and social risks and impacts.
- 11) The ESS 10 defines the requirements for stakeholder engagement as follows:
- Establish a systematic approach to stakeholder engagement that helps Borrowers; identify stakeholders and maintain a constructive relationship with them;
 - Assess stakeholder interests and support for the project and enable stakeholders' views to be taken into account in project design;
 - Promote and provide means for effective and inclusive engagement with project-affected parties throughout the project life-cycle;
 - Ensure that appropriate project information is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner;
 - Develop a Stakeholder Engagement Plan proportionate to the nature and scale of the project and its potential risks and impacts needs to be developed by the Borrower;
 - The Borrower will maintain and disclose as part of the environmental and social assessment, a documented record of stakeholder engagement.

1.8 STAKEHOLDER IDENTIFICATION AND ANALYSIS

1.8.1 Project stakeholders Defined

- 12) Project stakeholders are 'individuals, farmer groups, communities or other entities who:
- (i) are impacted or likely to be impacted directly or indirectly, positively or adversely, by the project (also known as 'Project Affected Parties' (PAPs);

- (ii) Those who may have an interest in the project ('interested parties'). They include individuals or groups whose interests may be affected by the project and who have the potential to influence the project outcomes in any way; and
 - (iii) Vulnerable communities: these include vulnerable and marginalized groups (VMGs) that reside in a section of the counties that will participate in this project. It also covers disadvantaged groups such as persons with disabilities, older persons and female headed-households.
- 13) Cooperation and negotiation with the stakeholders throughout the project development will often require the identification of persons within the CIGs/VMGs or POs who act as legitimate representatives of their respective stakeholder farmer groups, i.e., the individuals who have been elected and entrusted by their fellow CIG/VMG or any other project group members with the responsibility of advocating for the groups' interests in the process of engagement with the project.
- 14) Community representatives, in case of multi-community investments, will provide helpful insights into the local settings and act as main conduits for dissemination of the project-related information and as a primary communication/liaison link between the project and targeted communities and their established networks. The legitimacy of such representatives may stem both from their official elected status and their informal and widely supported standing within the community that allows them to act as focal points of contact in the project's interaction with its stakeholders. Examples of legitimate stakeholder representatives include but are not limited to:
- elected officials of county and ward levels, and self-governance bodies;
 - administrative officials at the community levels including chiefs and assistant chiefs;
 - non-elected leaders that have wide recognition within their community, such as chairpersons of local initiative groups, committees, local cooperatives, etc.;
 - leaders of community-based organizations, local NGOs, women's and youth groups; and
 - The elders and veterans within the affected community; religious leaders, including those representing traditional faiths; teachers; and other respected persons in the local communities, etc.

1.8.2 Identification of Stakeholders

- 15) Stakeholder engagement process for the NAVCDP in Kenya will start from identification, mapping, and analysis. It is anticipated that this SEP will help clarify the stakeholder identification procedure at the national level. This will guide NAVCDP and allow compliance with above cited commitments (National and County). The following criteria, adjusted to take

account of site-specific conditions, are proposed to be used for the identification of stakeholders:

- **Liability:** project implementation or on-going operations may result in legal, financial, or other liabilities of the proponent to a social group.;
- **Influence:** a social group may be able to substantially influence project implementation or ongoing operations;
- **Partnership:** there are opportunities for building partnership relations between the project developer and a given social group in the framework of the project implementation or on-going operations;
- **Dependency:** project implementation may significantly affect a given social group and may affect vital interests of its representatives if they are dependent on the project's on-going operations in economic or financial terms;
- **Representation:** a social group may have a right to represent interests about a project or on-going operations, and this right is legitimated through legislation, custom and and/or cultural specifics; and
- **Expressed interest:** a social group and/or individual may express interest to a project or ongoing operations, and this group is not necessarily directly affected by the planned or current activities.

I.8.3 Stakeholder Analysis

16) For the purposes of effective and tailored engagement, stakeholders of the proposed NAVCDP, and subprojects will be divided into the following core categories.

- **Project Affected Persons (PAPs)/Households (PAHs)** – individuals, VMGs, CIGs, FPOs, and POs and other entities within the project Area of Influence (PAI) that are directly affected (actually or potentially) by the project and/or have been identified as most susceptible, and who need to be closely engaged in identifying impacts and their significance, as well as in decision-making on mitigation and management measures.
- **Other Interested Parties** – Line ministries and departments, CSOs, development partners in the same sector, individuals, entities that may not experience direct impacts from NAVCDP but who consider or perceive their interests as being affected by the project and/or who could affect the project and the process of its implementation in some way.
- **Vulnerable Groups** – persons who may be disproportionately impacted or further disadvantaged by the subproject as compared to any other groups due to their vulnerable status¹ and that may require special engagement efforts to ensure their

¹ Vulnerable status may stem from an individual's or group's race, national, ethnic, or social origin, color, gender, language, religion, political or other opinion, property, age, culture, literacy, sickness, physical or mental disability, poverty or economic disadvantage, and dependence on unique natural resources.

equal representation in the consultation and decision-making process associated with the project(s). These may include women, persons with disability (PWD), youth, female and child headed households, squatters, among others.

- I 7) Engagement with all identified stakeholders will help ensure the greatest possible contribution from the stakeholder parties towards the successful implementation of the subproject(s) and will enable the subproject(s) to draw on their pre-existing expertise, networks, and agendas. It will also facilitate both the communities' and institutional endorsement of the project(s) by various parties. Access to the local knowledge and experience also becomes possible through the active involvement of stakeholders. A description of the stakeholders and needs is summarized in Table 4.

1.8.4 Summary of project stakeholder needs

Table 5: Summary of project stakeholder needs

Category	Stakeholder group	Estimated Membership	Language needs	Preferred notification means (e-mail, phone, WhatsApp)	Specific needs (accessibility, large print, childcare, etc.)
National Steering Committee (NSC)	PSs-Agriculture, Livestock, Fisheries and Cooperatives	About 7-9 members	English / Kiswahili	Letters, Phone calls, emails, WhatsApp	Daytime meetings
National Technical Advisory Committee	Sector Directors, Non-State Actors	About 15 members	English / Kiswahili	Letters, Phone calls, emails, WhatsApp	Daytime meetings
National Project Coordinating Unit (NPCU)	Designated Experts	13-14 Specialists	English / Kiswahili	Letters, Phone calls, emails	Daytime meetings
Thematic Groups	Panel of Experts (PoEs)	Thematic areas/experts based on the nine value	English / Kiswahili	Letters, Phone calls, emails, WhatsApp	Daytime meetings
County Steering Committee (CSC)	Sector CECs, NGOs,	7-11 persons	English / Kiswahili	Letters, Phone calls, emails,	Daytime meetings
County Technical Advisory Committee (CTAC)	Sector County Directors, Non-State Actors, Reps of special groups	11-15 experts	English / Kiswahili	Letters, Phone calls, SMS, emails, WhatsApp	Daytime meetings
CIGs	Registered farmers / Pastoralists	Numerous	English/Kiswahili/local language	Letters, Phone calls, emails, radio, SMS	Daytime meetings
VMGs	Registered VMG farmers / pastoralists	Numerous	Kiswahili/local language	Letters, Phone calls, emails, radio, public meetings, group	Daytime meetings, entry point Council of Elders
POs	Registered and practicing members	Numerous	English/Kiswahili/local	Letters, Phone calls, emails,	Daytime meetings

Category	Stakeholder group	Estimated Membership	Language needs	Preferred notification means (e-mail, phone,	Specific needs (accessibility, large print, childcare,
Multi-community Investment Committees	Elected officials by the community; community members	Numerous	English/Kiswahili/local language	Letters, Phone calls, emails, radio	Community barazas through Area Chiefs
Value chain Apex Organizations	Representatives	Numerous	English/Kiswahili	Letters, Phone calls, emails, SMS	Daytime meetings
Industry	Players along the relevant value	Numerous	English/Kiswahili	Letters, Phone calls, emails,	Daytime meetings
Agro-input stockists	Players	Numerous	English/Kiswahili	Letters, Phone calls, emails,	Daytime meetings

2. POLICY, LEGAL, AND INSTITUTIONAL FRAMEWORK

2.1 INTRODUCTION

18) Public participation in decision making follows from the legislation of the Republic of Kenya and obligations under international agreements. The Constitution of Kenya (CoK, 2010) entrenches a wide range of social, political, economic, and cultural rights and revolutionizes the entire system of political governance by devolving authority to county governments and decreeing the need for citizen participation in decision making. It enshrines the right to access of information and makes principles of international laws and treaties ratified by Kenya an integral part of the country's laws as summarized in Table 6: Policy, Legal, and Institutional Framework Gap *analysis*.

Table 6: Policy, Legal, and Institutional Framework Gap analysis

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p><u>Social and Environmental Assessment and Management System (ESSI)</u></p> <p><u>Use of Borrower's Environmental and Social Framework</u> When a project is proposed for Bank support, the Borrower and the Bank will consider whether to use all, or part, of the Borrower's ES Framework in the assessment, development, and implementation of a project. Such use may be proposed provided this is likely to address the risks and impacts of the project and enable the project to achieve objectives materially consistent with the ESSs.</p> <p><u>Environmental and Social Assessment</u> The Borrower will carry out an environmental and social assessment of the project to assess the environmental and social risks and impacts of the project throughout the project life cycle. The</p>	<p><u>Use of Borrower's Environmental and Social Framework</u></p> <p><u>Environmental Management and Coordination Act 1999;</u> Provides for protection and conservation of the environment, environmental impact assessment, and environmental auditing and monitoring.</p> <p><u>Environmental Management and Coordination (Amendment) Act 2015</u> (<i>legal Notice No 5 of 2015</i>) and provides for a full ESIA study for high-risk projects.</p> <p><u>Environmental Impact Assessment Guidelines and Administrative Procedures, 2002.</u> The guidelines provide the steps in implementation of an EIA, Monitoring and Environmental Audit Provides for carrying out an EIA Study where a Project will have significant environmental impacts.</p>	<p>No significant gaps between ESS I and the various national laws except that the project will refocus on reducing community vulnerability through inclusion, targeting, and participation of all without discrimination.</p>

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>assessment will be proportionate to the potential risks and impacts of the project, and will assess, in an integrated way, all relevant direct, indirect, and cumulative environmental and social risks and impacts throughout the project life cycle, including those specifically identified in ESSs2–10.</p> <p>Environmental and Social Commitment Plan The Borrower will develop and implement an ESCP, which will set out measures and actions required for the project to achieve compliance with the ESSs over a specified time frame. The ESCP will be agreed upon with the Bank and will form part of the legal agreement. The draft ESCP will be disclosed as early as possible, and before project appraisal.</p> <p>Project Monitoring and Reporting The Borrower will monitor the environmental and social performance of the project in accordance with the legal agreement (including the ESCP). The extent and mode of monitoring will be agreed upon with the Bank and will be proportional to the nature of the project, the project’s environmental and social risks and impacts, and compliance requirements. The Borrower will ensure that adequate institutional arrangements, systems, resources, and personnel are in place to carry out monitoring. Where appropriate and as set out in the ESCP, the Borrower will engage stakeholders and</p>	<p>Project Monitoring and Reporting The Environmental Management and Coordination Act provides for ESIA studies including as part of ESMP clear procedures to monitor and measure the effectiveness of the management program, as well as compliance with any related legal and/or contractual obligations and regulatory requirements.</p> <p>Environmental (Impact Assessment and Audit Regulations), 2003 Environmental Audit (EA) is the systematic documentation, periodic and objective evaluation of activities and processes of an ongoing project. The purpose of EA is to determine the extent to which the activities and programs conform to the approved environmental management plan. An initial environmental audit and a control audit are conducted by a</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>third parties, such as independent experts, local communities, or non-governmental organizations (NGOs), to complement or verify its own monitoring activities. Where other agencies or third parties are responsible for managing specific risks and impacts and implementing mitigation measures, the Borrower will collaborate with such agencies and third parties to establish and monitor such mitigation measures.</p> <p>Stakeholder Engagement and Information Disclosure As set out in ESS10, the Borrower will continue to engage with, and provide sufficient information to stakeholders throughout the life cycle of the project, in a manner appropriate to the nature of their interests and the potential environmental and social risks and impacts of the project.</p>	<p>qualified and authorized environmental auditor or environmental inspector who is an expert or a firm of experts registered by NEMA. In the case of an ongoing project NEMA requires the proponent to undertake an initial environmental audit study to provide baseline information upon which subsequent environmental audits shall be based. The proponent shall be issued with an acknowledgement letter and an improvement order where necessary.</p> <p>Stakeholder Engagement and Information Disclosure The Environmental Management and Coordination Act provides for ESIA studies to include stakeholder engagement and disclosure of information.</p>	
<p><u>Labour and Working Conditions (ESS2)</u> recognizes that the pursuit of economic growth through employment creation and income generation should be balanced with protection for basic rights of workers.</p> <ul style="list-style-type: none"> • ESS2 provides specific requirements on occupation health and safety, expanding upon the World Bank Group's Environmental, Health and Safety Guidelines. • It introduces labor management procedures. • It requires non-discrimination and equal opportunity. 	<p><u>Occupational Safety and Health Act (OSHA), 2007;</u></p> <ul style="list-style-type: none"> • Provides for the safety, health and welfare of workers and all persons lawfully present at workplaces. • Provides for the registration of workplaces. • provides for maintenance of cleanliness of workplaces, adequate lighting and ventilation, provision of sanitary conveniences, • Outlines safety requirements in use of machinery to prevent accidents and injuries. <p><u>The Factories and Other Places of Work (Noise Prevention and Control) Rules, 2005</u></p>	<p>No significant gaps between ESS 2 and the various national laws, but the project will have a keen eye on reducing child protection and sexual exploitation, abuse and harassment at the point of employment</p>

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<ul style="list-style-type: none"> • ESS2 includes provisions on the treatment of direct, contracted, community, and primary supply workers, and government civil servants. • ESS2 recognizes workers' organizations. It requires a grievance mechanism for all project workers. • ESS2 includes protection of project workers, including vulnerable workers, such as women, and persons with disabilities. • Prevents the use of all forms of forced labor and child labor <p>Working Conditions and Management of Workers Relationship</p> <p>The Borrower will develop and implement written labor management procedures applicable to the project. These procedures will set out the way in which project workers will be managed, in accordance with the requirements of national law and this ESS 9. The procedures address the way in which this ESS will apply to different categories of project workers, including</p>	<p>Rules provide for the maximum noise exposure levels for workers in places of work and for the provision of protective equipment for those exposed to high noise levels.</p> <p>Provide that an occupier shall also institute noise reduction measures at the source of noise in the workplace.</p> <p><u>Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations 2009</u></p> <ul style="list-style-type: none"> • Prohibits the generation of unreasonable, unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose, health or safety of others and the environment. • Provides for the maximum noise levels permissible in various environmental set ups such as residential areas, places of worship, commercial areas and mixed residential <p>Working Conditions and Management of Workers Relationship</p> <p>Kenya's employment and labor laws workers are guided by clear labor management procedures.</p>	<p>especially for women</p>

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>direct workers, and the way in which the Borrower will require third parties to manage their workers.</p> <p>Non-Discrimination and Equal Opportunity Decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. The labor management procedures will set out measures to prevent and address harassment, intimidation, and/or exploitation. Where national law is inconsistent with this requirement, the project will seek to carry out project activities in a manner that is consistent with the requirements to the extent possible. The borrower will take measures to prevent and address harassment, intimidation, and/or exploitation, especially in regard to women. The principles of non-discrimination apply to migrant workers.</p>	<p>Non-Discrimination and Equal Opportunity The constitution of Kenya does not allow discrimination of any form and prohibit discrimination on race, sex, ethnicity, religion, and several other criteria, and further the labor laws also provide for equal opportunity and non-discrimination of any form for workers with respect to employment including any form of intimidation or harassment. However, the laws do not explicitly prohibit discrimination based on sexual orientation or gender identity.”</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>Workers Organization</p> <p>In countries where national law recognizes workers' rights to form and to join workers' organizations of their choosing and to bargain collectively without interference, the project will be implemented in accordance with national law. In such circumstances, the role of legally established workers' organizations and legitimate workers' representatives will be respected, and they will be provided with information needed for meaningful negotiation in a timely manner. Where national law restricts workers' organizations, the project will not restrict project workers from developing alternative mechanisms to express their grievances and protect their rights regarding working conditions and terms of employment. The Borrower should not seek to influence or control these alternative mechanisms. The Borrower will not discriminate or retaliate against project workers who participate, or seek to participate, in such workers' organizations and collective bargaining or alternative mechanisms.</p> <p>The Borrower will provide a grievance mechanism for workers (and their organizations, where they exist) to raise workplace concerns and inform the workers of the grievance mechanism at the time of recruitment and make it easily accessible to them.</p> <p>Protecting the Workforce Child Labor and Minimum Age</p>	<p>Workers Organization</p> <p>Kenya's employment and labor laws fully provide for grievance redress mechanism establishment in all workplaces through freedom to join associations or trade unions and enter into collective bargaining agreements.</p> <p>Child Labor and Minimum Age Employment Act, 2007 defines a "child" to mean a person who has not attained the age of eighteen years. This is the same definition in the children Act, 2001 and the</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>A child under the minimum age will not be employed or engaged in connection with the project. The labor management procedures will specify the minimum age for employment or engagement in connection with the project, which will be the age of 14 unless national law specifies a higher age.</p> <p>Forced Labor The borrower will not employ forced labor, which consists of any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty. This covers any kind of involuntary or compulsory labor, such as indentured labor, bonded labor, or similar labor-contracting arrangements. The borrower will not employ trafficked persons.</p> <p>Grievance Mechanisms A grievance mechanism will be provided for all direct workers and contracted workers (and, where relevant, their organizations) to raise workplace concerns. Such workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for its use. Measures will be put in place to make the grievance mechanism easily accessible to all such project workers.</p>	<p>Industrial Act. The law does not prohibit employment of children between the ages of 16-18 per se. It prohibits child labor which occurs when certain factors accompany such employment apply.</p> <p>Forced Labor Any form of forced labor, including trafficking, is prohibited by the labor laws.</p> <p>Grievance Mechanisms Kenya's employment and labor laws provide for all workers the freedom and right to join associations and trade unions where they can air their grievances without fear of victimization.</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>Occupational Health and Safety The Borrower to provide a safe and healthy work environment taking into account inherent risks in its particular sector and specific classes of hazards in the work areas. Measures relating to occupational health and safety will be applied to the project. The OHS measures will take into account the General Environmental Health and Safety Guidelines (EHSGs) and, as appropriate, the industry specific EHSGs and other Good International Industry Practice (GIIP). The OHS measures applying to the project will be set out in the legal agreement and the Environmental and Social Commitment Plan (ESCP).</p> <p>Contracted Workers The Borrower will make reasonable efforts to ascertain that third parties who engage contracted workers are legitimate and reliable entities and have in place labor management procedures applicable to the project that will allow them to operate in accordance with the requirements of this ESS.</p> <p>Community Workers Projects may include the use of community workers in a number of different circumstances, including where labor is provided by the community as a contribution to the project, or where projects are designed and conducted for the purpose of fostering community-</p>	<p>Occupational Health and Safety The Occupational Safety and Health Act has clear provisions and requirements for ensuring health and safety of workers and stipulates the requirements of the employer with respect to the same.</p> <p>Contracted Workers Kenya's employment and labor laws provide for protection of the rights of all categories of workers, including contracted workers.</p> <p>Community Workers Kenyan labor laws do not interfere with agreements made between workers and employers for as long as the agreement is in line with the employment act.</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>driven development, providing a social safety net or providing targeted assistance in ecologically sensitive and conflict-affected situations. Given the nature and objectives of such projects, the application of all requirements of ESS2 may not be appropriate. In all such circumstances, the Borrower will require measures to be implemented to ascertain whether such labor is or will be provided on a voluntary basis as an outcome of individual or community agreement.</p> <p>Primary Supply Workers As part of the environmental and social assessment, the Borrower will identify potential risks of child labor, forced labor, and serious safety issues which may arise in relation to primary suppliers.</p>	<p>Primary Supply Workers Kenya's labor laws provide and ensure that rights of all categories of workers are protected including workers employed by primary suppliers. Child labor, forced labor and workers safety are considered a criminal offence by the labor and employment laws as well as occupational safety and health legislation.</p>	
<p><u>Resource Efficiency and Pollution Prevention and Management (ESS3)</u> recognizes that economic activity and urbanization often generate pollution to air, water, and land, and consume finite resources that may threaten people, ecosystem services, and the environment at the local, regional, and global levels. The current and projected atmospheric concentration of greenhouse gases (GHG) threatens the welfare of current and future generations. At the same time, more efficient and effective resource use, pollution prevention, and GHG emission avoidance, and</p>	<p>Kenya has a variety of legal and regulatory statutes that address and enforce Pollution Prevention and Management including (Air, Water, Hazardous and Non-Hazardous Waste, Chemical and Hazardous Materials, Pesticides) as described below.</p> <p><u>Environmental Management and Coordination (Water Quality) Regulations 2006</u></p> <ul style="list-style-type: none"> • Provides for the protection of ground and surface water resources. • Provides the water quality standards for sources of 	<p>No significant gaps between ESS 3 and the various national laws.</p>

Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements	National Laws and Requirements	Gaps
<p>mitigation technologies and practices have become more accessible and achievable.</p> <p>The Borrower will consider ambient conditions and apply technically and financially feasible resource efficiency and pollution prevention measures in accordance with the mitigation hierarchy. The measures will be proportional to the risks and impacts associated with the project and consistent with GIIP, in the first instance the Environmental Health and Safety Guidelines (EHSGs).</p> <ul style="list-style-type: none"> • Include requirements on management of wastes, chemical and hazardous materials. • Provides for avoidance or minimization and/generation of hazardous and non-hazardous waste • Minimize and manage the risks and impacts associated with pesticide use • Provides for measures to avoid or minimize adverse impacts on human health and the environment by avoiding or minimizing pollution from project activities. • Provides for measures to promote more sustainable use of resources, including energy and water. • Requires that project that involving significant pest management issues, the Project will prepare IPMP 	<p>domestic water.</p> <ul style="list-style-type: none"> • Provides that an EIA shall be carried out and license obtained to abstract water or carry out activities that may have adverse impacts on the quantity or quality of water in lakes, rivers, streams, springs and wells • Provides the water quality standards for effluent discharged into the aquatic environment. <p><u>Environmental Management and Coordination (Waste Management) Regulations 2006</u></p> <ul style="list-style-type: none"> • Provides for standards for handling, transportation and disposal of various types of wastes including pesticide wastes and other hazardous wastes. • Requirements to ensure waste minimization or cleaner production, waste segregation, recycling or composting. • Provides for licensing of vehicle transporting waste. • Provides for the licensing of waste disposal facilities. <p><u>Environmental Management and Coordination (Controlled Substances) Regulations 2007 (Legal Notice No 73 of 2007)</u></p> <ul style="list-style-type: none"> • Provides for measures for storage, handling packaging and disposal of products with ozone-depleting substances. <p><u>Environmental Management and Coordination (Air Quality) Regulations, 2014</u></p> <ul style="list-style-type: none"> • Provides for ambient air quality tolerance limits. • Prohibits air pollution in a manner that exceeds 	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<ul style="list-style-type: none"> • Requires that the Ministry will not use pesticides or pesticides products or formulations unless such use is in compliance with VBG EHSs • Requires not to use any pesticides products that contain active ingredients that are restricted under applicable international conventions or protocols • Provides for measures to reduce project related GHG emissions. <p>Pollution Prevention and Management The Borrower will avoid the release of pollutants or, when avoidance is not feasible, minimize and control the concentration and mass flow of their release using the performance levels and measures specified in national law or the EHSs, whichever is most stringent. This applies to the release of pollutants to air, water, and land due to routine, nonroutine, and accidental circumstances, and with the potential for local, regional, and transboundary impacts.</p> <p>Air Pollution Management In addition to the resource efficiency measures described above, the Borrower will consider alternatives and implement technically and financially feasible and cost-effective options to avoid or minimize project-related air emissions during the design, construction, and operation of the project.</p>	<p>specified levels.</p> <ul style="list-style-type: none"> • Prohibits air pollution in controlled areas including residential areas, hospitals, National Parks, reserves and sanctuaries, conservation areas and central business districts • Provides for the control of vehicular emissions. • Provides for prevention of dispersion of visible particulate matter or dust from any material being transported. 	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>Management of Hazardous and Non-hazardous Waste. The Borrower will avoid the generation of hazardous and non-hazardous waste. Where waste generation cannot be avoided, the Borrower will minimize the generation of waste, and reuse, recycle and recover waste in a manner that is safe for human health and the environment. Where waste cannot be reused, recycled or recovered, the Borrower will treat, destroy, or dispose of it in an environmentally sound and safe manner that includes the appropriate control of emissions and residues resulting from the handling and processing of the waste material.</p> <p>Management of Chemicals and Hazardous Materials The Borrower will avoid the manufacture, trade, and use of chemicals and hazardous materials subject to international bans, restrictions or phaseouts unless for an acceptable purpose as defined by the conventions or protocols or if an exemption has been obtained by the Borrower, consistent with Borrower government commitments under the applicable international agreements.</p> <p>Management of Pesticides Where projects involve recourse to pest management measures, the Borrower will give preference to integrated pest management (IPM) or integrated vector</p>	<p>Management of Pesticides Pest Control Products Act Chapter 346, 2012 This Act covers the use, application, importation, and trade in pest products.</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>management (IVM) approaches using combined or multiple tactics.</p>	<p>The Pest Control Products (Licensing of Premises) Regulations prohibits any person from using any premises for purposes of manufacturing, formulating, packaging, and storing pest control products without a license issued under these regulations.</p> <p>The Pest Control Products (Labeling, Advertising and Packaging) Regulations, 1984– address the design of pesticide packages (packaging and labeling).</p> <p>The Pest Control Products (Importation and Exportation) Regulations, 1984 contain provisions specifically addressing the import and export of pesticides.</p> <p>Pest Control Products (Disposal) Regulations, 2006-Regulation 2 provides that those disposing pesticides for commercial purposes must be in possession of a license, and the use of any pesticide disposal method must be approved by the PCPB.</p>	
<p>Community Health and Safety (ESS4) recognizes that project activities, equipment, and infrastructure can increase community exposure to risks and impacts. In addition, communities that are already subjected to impacts from climate change may also experience an acceleration or intensification of impacts due to project activities.</p> <p>ESS4 addresses the health, safety, and security risks and impacts on project-affected communities and the corresponding responsibility of Borrowers to avoid or minimize such risks and impacts, with particular</p>	<p>Kenya has a number of legal and regulatory statutes that address community health and safety, hazard material management and safety, safety services, traffic and road safety, ecosystem services, community exposure to diseases, emergency preparedness and security personnel.</p> <p><u>The Public Health Act (Cap 242)</u></p> <ul style="list-style-type: none"> • Provides for the prevention of the occurrence of nuisance or conditions dangerous/injurious to humans. • Provides that the relevant local authority shall take all lawful, necessary and reasonably practicable measures. 	<p>No significant gaps between ESS 4 and the various national laws.</p>

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>attention to people who, because of their particular circumstances, may be vulnerable.</p> <p>ESS 4 Objectives include:</p> <ul style="list-style-type: none"> • To anticipate and avoid adverse impacts on the health and safety of project-affected communities during the project life cycle from both routine and no routine circumstances. • To promote quality and safety, and considerations relating to climate change in the design and construction of infrastructure, including dams. • To avoid or minimize community exposure to project-related traffic and road safety risks, diseases, and hazardous materials. • To have in place effective measures to address emergency events. • To ensure that the safeguarding of personnel and property is carried out in a manner that avoids or minimizes risks to the project-affected communities. <p>Community Health and Safety</p> <p>The Borrower will evaluate the risks and impacts of the project on the health and safety of the affected communities during the project life cycle, including those who, because of their particular circumstances, may be vulnerable. The Borrower will identify risks and</p>	<p><u>Environmental Management and Coordination Act 1999;</u> Provides for protection and conservation of the environment, environmental impact assessment, and environmental auditing and monitoring.</p> <p><u>Environmental Management and Coordination (Amendment) Act 2015</u> (<i>legal Notice No 5 of 2015</i>) and provides for a full ESIA study for high-risk projects.</p> <p><u>Environmental Impact Assessment Guidelines and administrative procedures, 2002.</u> The guidelines provide the steps in implementation of an EIA, Monitoring and Environmental Audit</p> <p>Provides for carrying out of an EIA Study where a Project will have significant environmental impacts and the Project Report does not disclose adequate mitigation measures</p> <p><u>Environmental Management and Coordination (Water Quality) Regulations 2006</u></p> <ul style="list-style-type: none"> • Provides for the protection of ground and surface water resources. • Provides the water quality standards for effluent discharged into the aquatic environment. <p><u>Environmental Management and Coordination (Waste Management) Regulations 2006</u></p> <ul style="list-style-type: none"> • Provides for standards for handling, transportation, 	

Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements	National Laws and Requirements	Gaps
<p>impacts and propose mitigation measures in accordance with the mitigation hierarchy.</p> <p>Infrastructure, Equipment Design and Safety The Borrower will design, construct, operate, and decommission the structural elements of the project in accordance with national legal requirements, the EHSGs and other GIIP, taking into consideration safety risks to third parties and affected communities. Structural elements of a project will be designed and constructed by competent professionals and certified or approved by competent authorities or professionals. Structural design will take into account climate change considerations, as appropriate.</p> <p>Hazardous Materials Management and Safety The Borrower will avoid or minimize the potential for community exposure to hazardous materials and substances that may be released by the project.</p> <p>Safety of Services Where the project involves provision of services to communities, the Borrower will establish and implement appropriate quality management systems to anticipate and minimize risks and impacts that such services may have on community health and safety. In such circumstances, the Borrower will also apply the</p>	<p>and disposal of various types of wastes including hazardous wastes.</p> <ul style="list-style-type: none"> • Requirements to ensure waste minimization or cleaner production, waste segregation, recycling, or composting. • Provides for licensing of vehicle transporting waste. • Provides for the licensing of waste disposal facilities. <p><u>Environmental Management and Coordination (Controlled Substances) Regulations 2007 (Legal Notice No 73 of 2007)</u></p> <ul style="list-style-type: none"> • Provides for measures for storage, handling packaging and disposal of products with ozone-depleting substances. <p><u>Environmental Management and Coordination (Air Quality) Regulations, 2014</u></p> <ul style="list-style-type: none"> • Provides for ambient air quality tolerance limits. • Prohibits air pollution in a manner that exceeds specified levels. • Prohibits air pollution in controlled areas including residential areas, hospitals, National Parks, reserves and sanctuaries, conservation areas and central business districts • Provides for the control of vehicular emissions. • Provides for prevention of dispersion of visible particulate matter or dust from any material being transported. 	

Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements	National Laws and Requirements	Gaps
<p>concept of universal access, where technically and financially feasible.</p> <p>Traffic and Road Safety The Borrower will identify, evaluate, and monitor the potential traffic and road safety risks to workers, affected communities, and road users throughout the project life cycle and, where appropriate, will develop measures and plans to address them. The Borrower will incorporate technically and financially feasible road safety measures into the project design to prevent and mitigate potential road safety risks to road users and affected communities.</p> <p>Ecosystem Services The project's direct impacts on ecosystem services may result in adverse health and safety risks to and impacts on affected communities. With respect to this ESS, ecosystem services are limited to provisioning and regulating services as defined in ESS1. Where appropriate and feasible, the Borrower will identify the project's potential risks and impacts on ecosystem services that may be exacerbated by climate change. Adverse impacts will be avoided, and if they are unavoidable, the Borrower will implement appropriate mitigation measures.</p>	<p>Traffic and Road Safety Kenya has a Traffic Act and National Transport and Safety Authority (NTSA) Act which ensures the implementation of all traffic rules and regulations including protecting communities from road safety hazards and risks.</p> <p>Ecosystem Services <u>Environmental Management and Coordination Act 1999;</u> Provides for protection and conservation of the environment, environmental impact assessment, and environmental auditing and monitoring. <u>Environmental Management and Coordination (Amendment) Act 2015</u> (legal Notice No 5 of 2015) and provides for a full ESIA study for high-risk projects.</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>Community Exposure to Disease The Borrower will avoid or minimize the potential for community exposure to waterborne, water based, water-related, and vector-borne diseases, and communicable and non-communicable diseases that could result from project activities, taking into consideration differentiated exposure to and higher sensitivity of vulnerable groups. Where specific diseases are endemic in communities in the project area, the Borrower is encouraged to explore opportunities during the project life cycle to improve environmental conditions that could help minimize their incidence.</p> <p>Emergency Preparedness and Response The Borrower will identify and implement measures to address emergency events. An emergency event is an unanticipated incident, arising from both natural and man-made hazards, typically in the form of fire, explosions, leaks, or spills, which may occur for a variety of different reasons, including failure to implement operating procedures that are designed to prevent their occurrence, extreme weather, or lack of early warning. The measures will be designed to address the emergency event in a coordinated and expeditious manner; to prevent it from injuring the health and safety of the community; and to minimize, mitigate, and compensate for any impacts that may occur.</p>	<p>Community Exposure to Disease <u>The Public Health Act (Cap 242)</u></p> <ul style="list-style-type: none"> • Provides for the prevention of the occurrence of nuisance or conditions dangerous/injurious to humans. • Provides that the relevant local authority shall take all lawful, necessary and reasonably practicable measures. • Kenya Guidelines on Management of COVID-19 provides for approaches towards managing the spread of COVID-19 including social distancing and quarantine. <p>Emergency Preparedness and Response <u>Environmental Management and Coordination Act 1999;</u> Provides for development of emergency preparedness and response plans for minimizing risks to communities and ensuring participation of communities in response.</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>Security Personnel</p> <p>When the Borrower retains direct or contracted workers to provide security to safeguard its personnel and property, it will assess risks posed by these security arrangements to those within and outside the project site. In making such arrangements, the Borrower will be guided by the principles of proportionality and GIIP, and by applicable law in relation to hiring, rules of conduct, training, equipping, and monitoring of such security workers. The Borrower will not sanction any use of force by direct or contracted workers in providing security except when used for preventive and defensive purposes in proportion to the nature and extent of the threat. The Borrower will (i) make reasonable inquiries to verify that the direct or contracted workers retained by the Borrower to provide security are not implicated in past abuses; (ii) train them adequately (or determine that they are properly trained) in the use of force (and where applicable, firearms) and appropriate conduct toward workers and affected communities; and (iii) require them to act within the applicable law and any requirements set out in the Environmental and Social Commitment (ESCP).</p>	<p>Security Personnel</p> <p>The Private Security Regulation Act 2016 provides for conduct of contracted security personnel including hiring, training, use of force and association with communities. The regulations include and require that security personnel undergo mandatory background checks by the National Intelligence Service (NIS) and obtain a certificate of good conduct form NIS before consideration for employment.</p> <p>The National Police Act 2014 was established to Regulate and coordinate duties to be performed by police officers; regulating the granting of leave to police officers; prescribing arrangements and procedures for providing, assisting in or coordinating staff development programmes; and. the employment of civilian staff within the Service.</p> <p>The Firearms Act is an act of parliament established for regulating, licensing, and controlling the manufacture, importation, exportation, transportation, sale, repair, storage, possession and use of firearms, ammunition, air guns and destructive devices.</p> <p>The Independent Policing Oversight Authority was established through an Act of Parliament published in November 2011 to provide for civilian oversight over the work of the police in Kenya.</p>	

Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements	National Laws and Requirements	Gaps
<p><u>Land Acquisition, Restrictions on land use and Involuntary Resettlement (ESS5) -</u> <u>includes situations where project makes land physically unusable or inaccessible, even when there is no land acquisition. It covers restrictions on access to communal property and natural resources, including marine and aquatic, timber, freshwater, hunting and gathering ground, grazing, and cropping areas. It contains criteria on voluntary transactions, land donations, forced eviction and eminent domain; as well as a definition of replacement cost, including where inflation exists. ESS5 provides some flexibility where a party derived substantial income from multiple illegal rental units. It includes provisions to protect and support women, including documentation, training, access to credit and jobs.</u></p> <p><u>Objectives:</u> <u>The Environmental and Social Standard on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5), requires Borrowers to:</u> • Avoid or minimize involuntary resettlement by exploring project design alternatives • Avoid forced eviction • Mitigate unavoidable adverse impacts from land acquisition or restrictions on land use through timely compensation for loss of assets at replacement cost and assisting displaced persons in their efforts to improve, or at least restore, livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior</p>	<p>Kenya has several land statutory policies and laws governing land ownership, use, transfer, buying and selling, change of land use, land dispute resolution, etc.</p> <ul style="list-style-type: none"> • Environment and Land Court. Section 20, of the Environment and Land Court Act, 2011 empowers the Environment and Land Court, on its own motion, or on application of the parties to a dispute, to direct the application of including traditional dispute resolution mechanisms. • Land Act No. 6 Of 2012 Revised Edition 2016 [2012] Provide for the sustainable administration and management of land and land-based resources, and for connected purposes. • Community Land Act 2016 Presents an unprecedented opportunity for communities to legally claim rights to their land and have complete decision-making power about how their land is used and managed. 	<p>The main gap is the definition of encroachers and squatters. In the national laws both have no legal basis while in the ESS5, encroachers are compensated (where applicable).</p>

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p><u>to the beginning of project implementation, whichever is higher • Improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure • Ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and informed participation.</u></p> <p><u>Requirements/application:</u> <u>This ESS applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on land use undertaken or imposed in connection with project implementation: (a) Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law; (b) Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;8 (c) Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally</u></p>		

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p><u>designated protected areas, forests, biodiversity areas, or buffer zones are established in connection with the project;</u>⁹ (d) <u>Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project-specific cut-off date;</u> (e) <u>Displacement of people as a result of project impacts that render their land unusable or inaccessible;</u> (f) <u>Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds, and grazing and cropping areas;</u> (g) <u>Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation;</u>¹⁰ and (h) <u>Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation of a project.</u></p>		
<p><u>Biodiversity Conservation and Sustainable Management of Living Natural Resources (ESS6)</u> recognizes protecting and conserving biodiversity and sustainably managing living natural resources are fundamental to sustainable development.</p> <p>ESS6 recognizes the importance of maintaining core ecological functions of habitats, including forests, and the biodiversity they support. Habitat is defined as a terrestrial, freshwater, or marine geographical unit or</p>	<p>Kenya has a number of legal and statutory laws that govern biodiversity including conservation, and sustainable management as described below.</p> <p><u>The Wildlife Conservation and Management Act, 2013</u></p> <ul style="list-style-type: none"> • Prohibits pollution of wildlife habitats and ecosystems. <p><u>The Forest Conservation and Management Act, 2016</u></p> <ul style="list-style-type: none"> • Prohibits the destruction of protected tree species or 	<p>No significant gaps between ESS 6 and the various national laws.</p>

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>airway that supports assemblages of living organisms and their interactions with the non-living environment. All habitats support complexities of living organisms and vary in terms of species diversity, abundance, and importance.</p> <p>ESS 6 also addresses sustainable management of primary production and harvesting of living natural resources.</p> <p>ESS6 recognizes the need to consider the livelihood of project-affected parties, including Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities, whose access to, or use of, biodiversity or living natural resources may be affected by a project. The potential, positive role of project-affected parties, including Indigenous Peoples, in biodiversity conservation and sustainable management of living natural resources is also considered.</p> <p><u>Objectives</u></p> <ul style="list-style-type: none"> • To protect and conserve biodiversity and habitats. • To apply the mitigation hierarchy and the precautionary approach in the design and implementation of projects that could have an impact on biodiversity. • To promote the sustainable management of living natural resources. • To support livelihoods of local communities, including Indigenous Peoples, and inclusive 	<p>family of trees</p> <ul style="list-style-type: none"> • Provides for the sustainable management of indigenous forests and woodlands. <p><u>The Environmental Management and Coordination (Wetlands) Regulations, 2009</u> applies to all wetlands in Kenya whether occurring in private or public land. The objective of the regulations is to provide for the conservation and sustainable use of wetlands and their resources in Kenya and promote the integration of sustainable use of resources in wetlands into the local and national management of natural resources for socio-economic development.</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>economic development, through the adoption of practices that integrate conservation needs and development priorities.</p> <p><u>Requirements</u> <u>General</u> The environmental and social assessment as set out in ESS1 will consider direct, indirect, and cumulative project-related impacts on habitats and the biodiversity they support. This assessment will consider threats to biodiversity, for example, habitat loss, degradation and fragmentation, invasive alien species, overexploitation, hydrological changes, nutrient loading, pollution and incidental take, as well as projected climate change impacts. It will determine the significance of biodiversity or habitats based on their vulnerability and irreplaceability at a global, regional, or national level and will also take into account the differing values attached to biodiversity and habitats by project-affected parties and other interested parties.</p> <p><u>Assessment of Risks and Impacts</u> Through the environmental and social assessment, the Borrower will identify the potential project related risks to and impacts on habitats and the biodiversity that they support. In accordance with the mitigation hierarchy, the Borrower will make the initial assessment of project risks and impacts without taking into account the possibility of biodiversity offsets. The assessment</p>	<p><u>Assessment of Risks and Impacts</u> <u>Environmental Management and Coordination Act 1999;</u> Provides for protection and conservation of the environment, environmental impact assessment, and environmental auditing and monitoring.</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>undertaken by the Borrower will include identification of the types of habitats potentially affected and consideration of potential risks to and impacts on the ecological function of the habitats. The assessment will encompass any areas of potential biodiversity importance that may be affected by the project, whether or not they are protected under national law. The extent of the assessment will be proportional to the risks and impacts, based on their likelihood, significance, and severity, and will reflect the concerns of project affected parties and other interested parties.</p> <p>Primary Suppliers</p> <p>Where a Borrower is purchasing natural resource commodities, including food, timber, and fiber, that are known to originate from areas where there is a risk of significant conversion or significant degradation of natural or critical habitats, the Borrower's environmental and social assessment will include an evaluation of the systems and verification practices used by the primary suppliers.</p>	<p><u>Environmental Management and Coordination (Amendment) Act 2015</u> (legal Notice No 5 of 2015) and provides for a full ESIA study for high-risk projects.</p> <p>Primary Suppliers</p> <p><u>Environmental Management and Coordination Act 1999;</u></p> <p>Provides for protection and conservation of the environment, environmental impact assessment, and environmental auditing and monitoring.</p> <p><u>Environmental Management and Coordination (Amendment) Act 2015</u> (legal Notice No 5 of 2015) and provides for a full ESIA study for high-risk projects.</p>	
<p>Indigenous peoples/Sub-Saharan African historically underserved traditional local communities (ESS7) recognizes that the situation of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities varies from region to region and from country to country. The national and regional contexts and the different</p>	<p>While the term “Indigenous Peoples” is not used in Kenya, the legal framework recognizes particular concerns and rights of minorities and marginalized groups. The Constitution defines a marginalized community as:</p>	<p>Gaps between ESS 7 and the various National laws mainly with regards to Free, Prior Informed Consent (FPIC).</p>

Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements	National Laws and Requirements	Gaps
<p>historical and cultural backgrounds will form part of the environmental and social assessment of the project. In this way, the assessment is intended to support identification of measures to address concerns that project activities may exacerbate tensions between different ethnic or cultural groups.</p> <ul style="list-style-type: none"> • To ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities. • To avoid adverse impacts of projects on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities, or when avoidance is not possible, to minimize, mitigate, and/or compensate for such impacts. • To promote sustainable development benefits and opportunities for Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities in a manner that is accessible, culturally appropriate, and inclusive. • To improve project design and promote local support by establishing and maintaining an ongoing relationship based on meaningful consultation with the Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities affected by a project throughout the project's life cycle. 	<p>“A community that, because of its <i>relatively small population</i> or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole;</p> <p>A <i>traditional community</i> that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;</p> <p>An <i>indigenous community</i> that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or</p> <p><i>Pastoral persons and communities</i>, whether they are (i) nomadic; or (ii) a settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole” (Article 260; emphasis added).</p> <p>The Constitution of Kenya adopted in 2010 requires the State to address the needs of vulnerable groups, including “minority or marginalized” and “particular ethnic, religious or cultural communities” (Article 21.3). Specific provisions include: affirmative action programs and policies for minorities and marginalized groups (Articles 27.6 and 56); rights of “cultural or linguistic” communities to maintain their culture and language (7, 44.2 and 56); protection of community land, including land that is “lawfully held, managed or used by specific communities as community forests, grazing areas or</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<ul style="list-style-type: none"> • To obtain the Free, Prior, and Informed Consent (FPIC) of affected Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities in the three circumstances described in this ESS. • To recognize, respect, and preserve the culture, knowledge, and practices of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities, and to provide them with an opportunity to adapt to changing conditions in a manner and in a time frame acceptable to them. <p>Requirements General A key purpose of this ESS is to ensure that Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities present in or with collective attachment to the project area are fully consulted about, and have opportunities to actively participate in, project design and the determination of project implementation arrangements. The scope and scale of consultation, as well as subsequent project planning and documentation processes, will be proportionate to the scope and scale of potential project risks and impacts as they may affect Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities.</p>	<p>shrines,” and “ancestral lands and lands traditionally occupied by hunter-gatherer communities” (63); promotion of representation in Parliament of “...(d) ethnic and other minorities; and (e) marginalized communities” (100); and an equalization fund to provide basic services to marginalized areas (204).</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>Projects Designed Solely to Benefit Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities</p> <p>Where projects are designed to provide benefits only to Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities, the Borrower will proactively engage with the relevant Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities to ensure their ownership and participation in project design, implementation, monitoring, and evaluation. The Borrower will also consult with them as to the cultural appropriateness of proposed services or facilities and will seek to identify and address any economic or social constraints (including those relating to gender) that may limit opportunities to benefit from, or participate in, the project.</p> <p>When Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities are the sole, or the overwhelming majority of, project beneficiaries, the elements of the plan may be included in the overall project design, and preparation of a stand-alone Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities Plan is not necessary.</p>		

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>Projects Where Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities Are Not the Sole Beneficiaries</p> <p>When Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities are not the only beneficiaries of the project, planning requirements will vary with circumstances. The Borrower will design and implement the project in a manner that provides affected Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities with equitable access to project benefits. The concerns or preferences of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities will be addressed through meaningful consultation and project design, and documentation will summarize the consultation results and describe how Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities' issues have been addressed in project design. Arrangements for ongoing consultations during implementation and monitoring will also be described.</p> <p>The Borrower will prepare a time-bound plan, such as an Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities plan setting out the measures or actions proposed. In some circumstances, a broader integrated community development plan will be prepared, addressing all</p>	<p>Avoidance of Adverse Impacts</p> <p>The Constitution of Kenya adopted in 2010 requires the State</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>beneficiaries of the project and incorporating necessary information relating to the affected Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities.</p> <p>Avoidance of Adverse Impacts Adverse impacts on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities will be avoided where possible. Where alternatives have been explored and adverse impacts are unavoidable, the Borrower will minimize and/or compensate for these impacts in a culturally appropriate manner proportionate to the nature and scale of such impacts and the form and degree of vulnerability of the affected Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities.</p> <p>Mitigation and Development Benefit The Borrower and affected Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities will identify mitigation measures in alignment with the mitigation hierarchy described in ESS1, as well as opportunities for culturally appropriate and sustainable development benefits. The scope of assessment and mitigation will include cultural impacts</p>	<p>to address the needs of vulnerable groups, including “minority or marginalized” and “particular ethnic, religious or cultural communities” (Article 21.3).</p> <p><u>Environmental Management and Coordination Act 1999;</u> Requires undertaking of ESIA studies and identification of risks and impacts including on communities.</p> <p><u>Environmental Management and Coordination (Amendment) Act 2015</u> (<i>legal Notice No 5 of 2015</i>) and provides for a full ESIA study for high-risk projects.</p> <p><i>Mitigation and Development Benefits</i> The Constitution of Kenya adopted in 2010 requires the State to address the needs of vulnerable groups, including “minority or marginalized” and “particular ethnic, religious or cultural communities” (Article 21.3).</p> <p><u>Environmental Management and Coordination Act 1999;</u> Requires undertaking of ESIA studies and identification of risks and impacts including on communities.</p> <p><u>Environmental Management and Coordination Act 1999</u> (<i>legal Notice No 31 and 31 of 2019</i>) and provides for a preparation of SPR for low and medium risk project and CPR for high-risk projects.</p>	

Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements	National Laws and Requirements	Gaps
<p>as well as physical impacts. The Borrower will ensure the timely delivery of agreed upon measures to affected Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities.</p> <p>Meaningful Consultation Tailored to Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities.</p> <p>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 Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities, 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 intergenerationally inclusive manner. For Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities, the process of meaningful consultation will also: (a) Involve Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities' representative bodies and organizations (e.g., councils of elders or village councils, or chieftains) and, where appropriate, other community members; (b) Provide sufficient time for Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities' decision-</p>	<p>Meaningful Consultation Tailored to Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities.</p> <p><u>Environmental Management and Coordination Act 1999; Environmental Management and Coordination (Amendment) Act 2015</u> (legal Notice No 5 of 2015) Requires that while undertaking ESIA studies meaningful consultations be undertaken with the stakeholders and project affected persons.</p> <p>Article 204 of the Constitution establishes the Equalisation Fund in Kenya into which should be paid one half per cent (0.5%) of all the revenue collected by the national government each year. The national government should use the Equalisation Fund only to provide basic services to marginalized areas.</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>making processes; and (c) Allow for Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities' effective participation in the design of project activities or mitigation measures that could potentially affect them either positively or negatively.</p> <p><i>Circumstances Requiring Free, Prior, and Informed Consent (FPIC)</i> Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities may be particularly vulnerable to the loss of, alienation from, or exploitation of their land and access to natural and cultural resources. In recognition of this vulnerability, in addition to the General Requirements of this ESS (Section A) and those set out in ESSs I and IO, the Borrower will obtain the FPIC of the affected Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities in circumstances in which the project will: (a) Have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation; (b) Cause relocation of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities from land and natural resources subject to traditional ownership or under customary use or occupation; or (c) Have significant</p>	<p><i>Circumstances Requiring Free, Prior, and Informed Consent (FPIC)</i> Environmental Management and Coordination Act 1999; Environmental Management and Coordination (Amendment) Act 2015 (<i>legal Notice No 5 of 2015</i>). Requires that while undertaking ESIA studies meaningful consultations be undertaken with the stakeholders and project affected persons. Does not Free, Prior, Informed Consent.</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>impacts on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities' cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities' lives. In these circumstances, the Borrower will engage independent specialists to assist in the identification of the project risks and impacts.</p> <p>Grievance Mechanism The Borrower will ensure that a grievance mechanism is established for the project, as described in ESS10, which is culturally appropriate and accessible to affected Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities and takes into account the availability of judicial recourse and customary dispute settlement mechanisms among Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities.</p>	<p>Grievance Mechanism National Environment Tribunal- Established under EMCA provides avenue for grievances redress on environment related matters.</p> <p>National Environment Complaints Committee- Established under EMCA provides avenue for grievances redress on environment related matters.</p> <p>Environment and Land Court Act-Establishes environment and land courts across the country for the sole purpose of addressing grievances related to environment and land.</p> <p>Kenya National Commission for Human Rights- Established to address grievances related to human rights including historical injustices on land, culture etc.</p> <p>Commission for Administration of Justice Act- Established office of the Ombudsman-The Commission is the national/constitutional stakeholder instrument for grievance redress.</p>	

Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements	National Laws and Requirements	Gaps
<p>Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities and Broader Development Planning.</p> <p>The Borrower may request Bank technical or financial support in the context of a specific project or as a separate activity, for preparation of plans, strategies, or other activities intended to strengthen consideration and participation of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities (as they may be referred to in the national context) in the development process. This may include a variety of initiatives designed, for example, to: (a) strengthen local legislation to establish recognition of customary or traditional land tenure arrangements; (b) address the gender and intergenerational issues that exist among Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities; (c) protect indigenous knowledge including intellectual property rights; (d) strengthen the capacity of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities to participate in development planning or programs; and (e) strengthen the capacity of government agencies providing services to Indigenous</p>	<p>Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities and Broader Development Planning.</p> <p>The Constitution of Kenya adopted in 2010 requires the State to address the needs of vulnerable groups, including “minority or marginalized” and “particular ethnic, religious or cultural communities” (Article 21.3). Specific provisions include: affirmative action programs and policies for minorities and marginalized groups (Articles 27.6 and 56); rights of “cultural or linguistic” communities to maintain their culture and language (7, 44.2 and 56); protection of community land, including land that is “lawfully held, managed or used by specific communities as community forests, grazing areas or shrines,” and “ancestral lands and lands traditionally occupied by hunter-gatherer communities” (63); promotion of representation in Parliament of “...(d) ethnic and other minorities; and (e) marginalized communities” (100); and an equalization fund to provide basic services to marginalized areas (204).</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities.		
<p>Stakeholder Engagement and Information Disclosure. (ESS 10).</p> <p>This ESS recognizes the importance of open and transparent engagement between the Borrower and project stakeholders as an essential element of good international practice. Effective stakeholder engagement can improve the environmental and social sustainability of projects, enhance project acceptance, and make a significant contribution to successful project design and implementation.</p> <p>Objectives</p> <ul style="list-style-type: none"> • To establish a systematic approach to stakeholder engagement that will help Borrowers identify stakeholders and build and maintain a constructive relationship with them, in particular project-affected parties. • To assess the level of stakeholder interest and support for the project and to enable stakeholders' views to be taken into account in project design and environmental and social performance. • To promote and provide means for effective and inclusive engagement with project-affected parties throughout the project life cycle on issues that could potentially affect them. • To ensure that appropriate project information on environmental and social risks and impacts is 	<p>The Environmental Management and Coordination Act provides for ESIA studies to conduct robust stakeholder engagement and information disclosure. Public participation is a key requirement during the ESIA process and outlined in the EIA/EA regulations 2003.</p> <p>The EIA/EA regulations require that:</p> <p>(1) During the process of conducting an environmental impact assessment study under these Regulations, the proponent shall in consultation with the Authority, seek the views of persons who may be affected by the project. (2) In seeking the views of the public, after the approval of the project report by the Authority, the proponent shall - (a) publicize the project and its anticipated effects and benefits by - (i) posting posters in strategic public places in the vicinity of the site of the proposed project informing the affected parties and communities of the proposed project; (ii) publishing a notice on the proposed project for two successive weeks in a newspaper that has a nation-wide circulation; and (iii) making an announcement of the notice in both official and local languages in a radio with a nation-wide coverage for at least once a week for two consecutive weeks; (b) hold at least three public meetings with the affected parties and communities to explain the project and its effects, and to receive their oral or written comments; (c) ensure that</p>	<p>No significant gaps between ESS 10 and the various national laws.</p>

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>disclosed to stakeholders in a timely, understandable, accessible and appropriate manner and format.</p> <ul style="list-style-type: none"> • To provide project-affected parties with accessible and inclusive means to raise issues and grievances and allow Borrowers to respond to and manage such grievances. <p>Engagement during Project Preparation Stakeholder Identification and Analysis The Borrower will identify the different stakeholders, both project-affected parties and other interested parties. As set out in paragraph 5, individuals or groups that are affected or likely to be affected by the project will be identified as ‘project-affected parties’ and other individuals or groups that may have an interest in the project will be identified as ‘other interested parties’.</p> <p>Stakeholder Engagement Plan In consultation with the Bank, the Borrower will develop and implement a Stakeholder Engagement Plan (SEP) proportionate to the nature and scale of the project and its potential risks and impacts. A draft of the SEP will be disclosed as early as possible, and before project appraisal, and the Borrower will seek the views of stakeholders on the SEP, including on the identification of stakeholders and the proposals for</p>	<p>appropriate notices are sent out at least one week prior to the meetings and that the venue and times of the meetings are convenient for the affected communities and the other concerned parties; and (d) ensure, in consultation with the Authority that a suitably qualified coordinator is appointed to receive and record both oral and written comments and any translations thereof received during all public meetings for onward transmission to the Authority</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>future engagement. If significant changes are made to the SEP, the Borrower will disclose the updated SEP.</p> <p>Information Disclosure The Borrower will disclose project information to allow stakeholders to understand the risks and impacts of the project, and potential opportunities. The Borrower will provide stakeholders with access to the following information as early as possible before the Bank proceeds to project appraisal, and in a time frame that enables meaningful consultations with stakeholders on project design.</p> <p>Meaningful Consultation The Borrower will undertake a process of meaningful consultation in a manner that provides stakeholders with opportunities to express their views on project risks, impacts, and mitigation measures, and allows the Borrower to consider and respond to them. Meaningful consultation will be carried out on an ongoing basis as the nature of issues, impacts, and opportunities evolves.</p>	<p>Information Disclosure THE ENVIRONMENTAL (IMPACT ASSESSMENT AND AUDIT) REGULATIONS, 2003 PART IV 21. (1) The Authority shall, within fourteen days of receiving the environmental impact assessment study report, invite the public to make oral or written comments on the report. (2) The Authority shall, at the expense of the proponent - (a) publish for two successive weeks in the Gazette and in a newspaper with a nation-wide circulation and in particular with a wide circulation in the area of the proposed project, a public notice once a week inviting the public to submit oral or written comments on the environmental impact assessment study report; and (b) make an announcement of the notice in both official and local languages at least once a week for two consecutive weeks in a radio with a nation-wide coverage. (3) The invitation for public comments under this regulation shall state - (a) the nature of the project; (b) the location of the project; (c) the anticipated impacts of the project and the proposed mitigation measures to respond to the impacts; (d) the times and place where the full report can be inspected; and (e) the period within which the Authority shall receive comments. (4) The notice to be published in the newspaper as specified under sub regulation (3) shall be in Form 8 set out in the First Schedule to these Regulations. 22.</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
	<p>(1) Upon receipt of both oral and written comments as specified Public hearing. by section 59 and section 60 of the Act, the Authority may hold a public hearing</p> <p>(2) A public hearing under these Regulations shall be presided over by a suitably qualified person appointed by the Authority.</p> <p>(3) The date and venue of the public hearing shall be publicized at least one week prior to the meeting - (a) by notice in at least one daily newspaper of national circulation and one newspaper of local circulation; (b) by at least two announcements in the local language of the community and the national language through radio with a nationwide coverage.</p> <p>(4) The public hearing shall be conducted at a venue convenient and accessible to people who are likely to be affected by the project.</p> <p>(5) A proponent shall be given an opportunity to make a presentation and to respond to presentations made at the public hearing.</p> <p>(6) The presiding officer shall in consultation with the Authority determine the rules of procedure at the public hearing.</p> <p>(7) On the conclusion of the hearing, the presiding officer shall compile a report of the views presented at the public hearing and submit the report to the Director General within fourteen days from the date of the public hearing.</p> <p>Engagement during Project Implementation and External Reporting</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>Engagement during Project Implementation and External Reporting The Borrower will continue to engage with, and provide information to, project-affected parties and other interested parties throughout the life cycle of the project, in a manner appropriate to the nature of their interests and the potential environmental and social risks and impacts of the project.</p> <p>Grievance Mechanism The Borrower will respond to concerns and grievances of project-affected parties related to the environmental and social performance of the project in a timely manner. For this purpose, the Borrower will propose and implement a grievance mechanism to receive and facilitate resolution of such concerns and grievances.</p>	<p>NEMA's EIA/EA regulations 2003 provide for annual environmental audits of all projects during implementation and throughout project life cycle. Further, the regulations require that the reporting (audits) be undertaken by external parties registered with NEMA.</p> <p>Grievance Mechanism The Environmental Management and Coordination Act provides for ESIA studies establishment of a robust grievance redress mechanism.</p> <p><u>National Environment Tribunal-</u> Established under EMCA provides avenue for grievances redress on environment related matters.</p> <p><u>National Environment Complaints Committee-</u> Established under EMCA provides avenue for grievances redress on environment related matters.</p> <p><u>Environment and Land Court Act-</u>Establishes environment and land courts across the country for the sole purpose of addressing grievances related to environment and land.</p> <p><u>Kenya National Commission for Human Rights-</u> Established to address grievances related to human rights including historical injustices on land, culture etc.</p>	

<i>Gap Analysis of Environmental and Social Standards and Kenyan National Laws and ESS Requirements</i>	National Laws and Requirements	Gaps
<p>Organizational Capacity and Commitment The Borrower will define clear roles, responsibilities, and authority, as well as designate specific personnel to be responsible for the implementation and monitoring of stakeholder engagement activities and compliance with this ESS.</p>	<p><u>Commission for Administration of Justice Act-</u> Established office of the Ombudsman-The Commission is the national/constitutional stakeholder instrument for grievance redress.</p> <p>Organizational Capacity and Commitment Roles and responsibilities including clear authority lines and personnel for implementation of stakeholder engagement is required in preparation of ESIA and part of ESMP.</p>	

19) NAVCDP has developed a SEP proportionate to the nature and scale of the project and its potential risks and impacts (paragraph 13). Stakeholders are/will be identified and their engagement needs and communication channels defined. The SEP must be disclosed for public review and comment as early as possible before the project is appraised by the World Bank. ESS10 also requires the development and implementation of a grievance mechanism (GM) that allows project-affected parties and others to raise concerns and provide feedback related to the environmental and social performance of the project and to have those concerns addressed in a timely manner. The NAVCDP has adopted a GM structure that previously worked for other WB supported projects including the NARIGP, KCSAP and Emergency Locust Response Project (ELRP).

3. PURPOSE AND TIMING OF STAKEHOLDER ENGAGEMENT

3.1 INTRODUCTION

- 20) NAVCDP will adopt meaningful stakeholder consultations in a manner that will provide stakeholders with opportunities to express their views and concerns on project risks, impacts, and mitigation measures, and allow the project management to consider and respond. Stakeholder engagement and consultation commenced with the preparation of this project and will continue with project implementation as an ongoing process as the nature of issues, impacts, and opportunities emerge.
- 21) The implementation of the project will require very close engagement with many stakeholders and communities. NAVCDP has prepared a Project Implementation Manual (PIM) which will remain a living document. It will remain open for updating/review as declared in the project ESCP for an update / review of the SEP the project management will submit for clearance by the Bank and subsequent disclosure within 1 year of effectiveness to make sure that there is sufficient guidance for engagement at county level. All stakeholder groups that have a stake in NAVCDP design, implementation, monitoring and evaluation (M&E) will be fully involved through culturally appropriate, gender sensitive and effective participation. As such, a process and institutional structure for full and effective participation will be established and operationalized. The contemplated decision-making and governance structures will pay special attention to women, youth, Persons with Disabilities (PWDs), minority groups and VMGs.
- 22) The stakeholder consultation processes will adopt acceptable and accessible procedures to protect all stakeholders from COVID-19 spread by making use of virtual modes/technology such as holding meetings on zoom, Webex, teams and meeting in small groups and observing social distancing, washing hands regularly with soap, and/or use of sanitizer as will be guided by local, national and international protocols. Consultations with VMGs will take into consideration the language and cultural approaches to meetings as detailed in the Vulnerable and Marginalized Framework (VMGF) and application in the VMGPs. At this point, it should be noted that none of the project activities will in any way have “adverse” impact on land or natural resources or subject to traditional ownership or under customary use of occupation. The FPIC reference in the ESMF and VMGF is about the consent required from communities before the project undertakes any soil and land improvement measures in areas that are typically on the upstream of a water pan. It therefore, refers to the deliberate efforts to be made by the project team to inform the VMGs using the appropriate language about the objectives of undertaking the sub- projects in areas where they inhabit, which do not involve any physical or economic displacements. These measures will only further improve the soil and land quality and in no way cause any adverse impacts. It is also envisaged that no project activity which will entail the relocation of the VMGs. And further, no activity taken up or approved will lead to physical relocation of such communities. In addition, the project will not take up an activity that will impact on the cultural heritage of the VMGs. These aspects have been addressed in the ESMF, RPF, and VMGF and it is expected that the level of VMGs consultation will be proportionate to the scale of the issue.

3.2 VULNERABLE GROUPS

- 23) NAVCDP will take special measures to ensure that disadvantaged and vulnerable groups have equal opportunity to access information, provide feedback, or submit grievances at

all levels of the project cycle including (design, subproject identification, implementation, M&E, review meetings, etc.). In the project VMGF, 14 out of 33 counties host the vulnerable groups. So far whatever is not clear is amongst the identified project value chains as per the NAVCDP PAD, what would each specific VMGs choose? What would be the best approach to ensuring broad community ownership? NAVCDP expects to conduct an abridged Social Assessment (SA) as one of the early project implementation activities in order to provide these answers. The SA shall be abridged because NAVCDP is to some extent upscaling the gains by National Agricultural and Rural Inclusive Growth Project (NARIGP) and Kenya Climate Smart Agriculture Project (KCSAP) who did their SA studies not too long ago. If necessary, NAVCDP will provide transport to public meetings for vulnerable people (if venues get prohibitive) and will also deliver brochures and informational material to such households in a format and language they understand.

- 24) The IP/SSAHUTLCs as referred to in the World Bank ESS7, referred to as VMGs in Kenya are in 14 out of 33 NAVCDP counties as explained in the NAVCDP ESMF, VMGF, and RPF (Table 7). They have identities and aspirations that are distinct from mainstream groups in National societies and often are disadvantaged by traditional models of development. In the Project VMGF these communities who meet the requirements of the WB ESS7 and the minority communities in the Constitution of Kenya, are referred to as the VMGs and these are the only ones discussed in the frameworks as VMGs. ESMF ESS1 has discussed extensively other forms of vulnerability that mention such groups as Persons with Disability (PWD); women, single parents, youth, elderly, etc. These groups will be targeted and included for participation differently as discussed in the NAVCDP ESMF. Therefore, NAVCDP will ensure that the development process fosters full respect for affected parties' human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods. In addition, ensure all stakeholders may seek for some help from the project all for fulfillment or levels of support and ownership.

Table 7: NAVCDP Project Counties with IP/SSAHUTLAC

No	Counties	Community
1	Nakuru	Ogieks
2	Tana River	Waata
3	Bungoma	Ogieks
4	Nandi	Talai
5	Trans Nzoia	Ogieks, Sengwers
6	Kiambu	Ogieks
7	Kilifi	Waata
8	Kwale	Waata
9	Uasin Gishu	Sengwer
10	Narok	Ogieks, Masaai
11	Bomet	Ogieks

No	Counties	Community
12	Taita Taveta	Waata
13	Kericho	Talai
14	Kajiado	Masaai

3.3 PURPOSE AND TIMING OF STAKEHOLDER ENGAGEMENT PROGRAM

- 25) The aim is an effective engagement process with NAVCDP stakeholders throughout the project cycle - listening, learning, and continue to improve NAVCDP performance. The SEP recommends use of 5 principles: purposeful; inclusive; timely, transparent; and respectful approaches that are also culturally acceptable and take into consideration concerns of all stakeholders.

3.4 PROPOSED STRATEGY FOR INFORMATION DISCLOSURE

- 26) Access to, and disclosure of information is an aspect of transparency and accountability that serves as a means of promoting understanding about the project, engendering public trust, and contributing towards informed participation. NAVCDP disclosure of information will relate to the timing, objectivity, and meaningfulness of the shared project related information. NAVCDP will ensure early disclosure of project related information because it is necessary to provide an overall picture of the project for informed decision-making with regards to next steps. Information will be provided to and widely distributed among all stakeholders in an appropriate timing, and format; for the ongoing opportunities will be provided for responding regularly to stakeholders' feedback, for analyzing and addressing comments and concerns. The VMGs will also be consulted regularly using culturally acceptable means.

3.5 BRIEF SUMMARY OF PREVIOUS STAKEHOLDER ENGAGEMENT ACTIVITIES

- 27) The MoA & LD undertook a scoping mission for the new project. Basically, it met sector ministries, line departments and sister World Bank supported projects' management teams and some beneficiaries. Later the MoA&LD presented NAVCDP ESS Frameworks to the key stakeholders. The initial activity entailed stakeholder identification as part of public consultation and more specifically to seek input from the stakeholders on potential environmental and social impacts and mitigation measures. MoA&LD provided adequate notice to the stakeholders with respect to the date and time for the consultations (November 08-10, 2021). There were three types of stakeholders for this public consultation: IP/SSAHUTLC/VMGs, county level sector implementers and farmer representatives; and national level sector policy makers. The executive summaries of the draft ESMF, RPF, VMGF, and other plans at framework level were attached to the invitation letters for participants' perusal. The issues raised by the stakeholders and responses including list of participants were captured and integrated in the final reports. Key issues raised are summarized in Table 6.

Table 8: Summary of Stakeholder Consultation Concerns

Concerns	Response
The project is huge in terms of investments. Where will be the place of the VMGs in this project? Will we be involved in the design?	All stakeholders will be involved in the design and implementation of each of the sub-projects, including IP/SSAHUTLC/VMGs in areas where they are present.
What were the environmental risks, impacts and challenges encountered in the other projects e.g., KCSAP, NARGIP? Has a completion report for the past projects been developed to determine the lessons learned?	The KCSAP and NARGIP have moderate environmental and social impacts similar to those anticipated for NAVCDP. ESIA reports were prepared for the subprojects and disclosed. These reports are available online (Kilimo website and World Bank External website).
At what level do we undertake the environmental impacts assessment? There are small and huge projects?	Screening will be undertaken for all the subprojects and a determination of the need for further environmental and social analysis made based on the screening.
We have provided our contributions at this stage, and we are glad that we have been consulted. At implementation, will we be consulted?	A SEP has been prepared for this project and will ensure that consultation with all stakeholders is undertaken throughout the project implementation phases.
How will the use of pesticides affect the value chains? Use of pesticides in potatoes may end up impacting negatively on bee keeping?	There is a possibility of pesticide use in one value chain adversely impacting another value chain. The IPMP developed will provide a framework for the use of pesticides.; and for specific subproject screening indicate that significant pesticides will be used then subproject specific IPMP will be prepared.
How will the project be implemented in areas with security issues e.g., Lamu and Boni Forest? How will you address the security issues and ensure our safety?	The project has prepared a Security Management Plan (SMP) which provides guidance on managing security related concerns.
Will there be disclosure of this ESMF after these consultations?	The ESMF and other related instruments will be disclosed on the websites of MoA&LD and World Bank.
Impacts associated with GHG emissions from dairy farming and mitigation measures have not been addressed. Consider biogas projects.	This is noted and will be included in the revised draft.
Pesticide container collections/disposals has not been included in the ESMF.	The adverse impacts associated with empty containers and their disposal have been described in the document including mitigation measures.
Apiculture: What safeguards exist to manage pesticide use and ensure safety of beehives? Some pesticides that are used affect honey production, how will that be considered in the new project?	All subprojects using pesticides and implemented in areas where bee farming is undertaken will be required to conduct specific analysis on the potential impacts of the pesticides on bees and develop adequate mitigation measures including

	<p>not using the chemicals and seeking other alternatives such as bio-pesticides.</p> <p>The pesticides to be used in NAVCDP will be those that are friendly to pollinators with minimum effect on non- targeted organisms.</p>
Government has minimum wages for workers which may be too low and may not attract workers. How can you ensure that workers (youth employment) are not paid this low minimum wage?	A Labour Management Plan (LMP) has been prepared for the project and will provide guidance on all labour related issues and concerns during project implementation.
What can be done concerning the high number of chemicals being used on the farms that negatively affects humans through compromised food safety issues?	NAVCDP has developed an 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.
How will the project help IP/SSAHUTLC/VMGs to continue conserving the environment?	The project will continue implementing SLM activities in collaboration with the IP/SSAHUTLC/VMGs communities and KFS.
IP/SSAHUTLC/VMGs 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/VMGs will be targeted during project operation and their CIGs/VMGs/POs will be considered along those of majority communities.
Encourage use of solar power in the FLID to cut on the cost of energy and reduce pollution caused by use of fossil fuels.	Comments noted positively. NAVCDP will engage further.
Some counties have no capacities on E&S. They go ahead and hire consultants who have no or very little expertise? How will this new project help control this gap?	Counties will be required to hire qualified and experienced environmental and social safeguards specialists to handle environmental and social issues.
Public land and ownership: when such land is 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?	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.

28) MoALD presented this ESMF and other project ESS instruments as a draft to identified stakeholders in December 2021 as part of public consultation and more specifically to seek input from the stakeholders on potential environmental and social impacts and mitigation measures of the NAVCDP. MoALD provided adequate notice to the stakeholders with respect to the date and time for the consultations. The executive summaries of the draft ESMF, IPMP, LMP, SMP, RPF, SEP, LMP, GRC, GBV/SEAH/PP, and VMGF were attached to the invitation letters for participant's perusal.

29) The issues raised by the stakeholders and responses including list of participants are included in Annex I and were used in the finalization of the ESMF and other instruments.

30)

Key issues are summarized in table 9-I below. **Table 9-I. Summary of Stakeholder Consultation Concerns**

S/No	Concerns	Response
1.	The project is huge in terms of investments. Where will be the place of the VMGs in this project? Will we be involved in the design?	All stakeholders will be involved in the design and implementation of each of the sub projects and including VMGs in areas where they are present.
2.	What were the environmental risks and impacts and challenges encountered in the other projects e.g., KCSAP, NARGIP? Has a completion report for the past projects undertaken to determine the lessons learned?	The KCSAP and NARGIP has moderate environmental and social impacts which are similar to those that NAVCDP will have. Environmental and Social Impact Assessment reports were prepared for the sub projects and disclosed. These reports are available online (www.kilimo.go.ke).
3.	At what level do we undertake the environmental impacts assessment? There are small and huge projects?	Screening will be undertaken for all the sub projects and a determination of the further environmental and social analysis made based on the screening.
4.	We have provided our contributions at this stage, and we are glad that we have been consulted. At implementation, will we be consulted?	A Stakeholder Engagement Plan has been prepared for this project and will ensure that consultation with all stakeholders is undertaken throughout the project implementation phases.
5.	How will the use of pesticides affect the value chains between each other? Use of pesticides in potatoes ends up impacting on bees?	There is a possibility of pesticide use in one value chain adversely impacting another value chain. The IPMF developed will provide a framework for the use of pesticides. In addition, where the sub-project screening will indicate that significant pesticides will be used then sub-project specific IPMP will be prepared.
6.	How will the project be implemented in areas with security issues e.g., Lamu and Boni Forest? How will you address the security issues and ensure our safety?	The project has prepared a Security Management Plan which provides guidance on managing security related concerns.
7.	Will there be disclosure of this ESMF after these consultations?	This ESMF and other related instruments will be disclosed on the websites of MoALD and by the World Bank.
8.	Impacts associated with GHG emissions from dairy farming and mitigation measures have not been addressed. Consider biogas projects.	This is noted and will be included in the revised draft.

S/No	Concerns	Response
9.	Pesticide container collections/disposals has not been included in the ESMF.	The adverse impacts associated with empty containers and their disposal have been described in the document including mitigation measures.
10.	Apiculture: What safeguards exist to manage pesticide use and ensure safety of beehive. Some pesticides that are used affect honey production, how will that be considered in the new project?	<p>All sub projects using pesticides and implemented in areas where bee farming is undertaken will be required to conduct specific analysis on the potential impacts of the pesticides on bees and develop adequate mitigation measures including not using the chemicals and seeking other alternatives such as bio pesticides.</p> <p>The pesticides to be used in NAVCDP will be those that are friendly to pollinators with minimum effect on non- targeted organisms.</p>
11.	Government has minimum wages for workers which may be too low and may not attract workers. How can ensure that workers (youth employment) are not paid this low minimum wage?	A labour management procedure has been prepared for the project and will provide guidance on all labour related issues and concerns during project implementation.
12.	What can be done concerning the high number of chemicals being used on the farms that negatively affects humans through compromised food safety issues?	NAVCDP is having IPMF 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.
13.	How will the project help Vulnerable, and Marginalized Groups as defined by ESS7 to continue conserving the environment?	The project will continue implementing SLM activities in collaboration with the VMGs communities and KFS
14.	VMGs are surrounded by other communities and the project might not benefit them making them not respond which may in turn affect the VMGs and cause delays on coming up with responses.	VMGs will be targeted during project operation and their CIGs/VMGs/POs will be considered along those of majority communities.
15.	Encourage use of solar power in the FLIP to cut on the cost of energy and reduce pollution caused by use of fossil fuels.	Comments noted positively. NAVCDP will engage further.
16.	Some counties have no capacities on E&S. They go ahead and hire consultants who have no or very little expertise? How will this new project help control this gap?	Counties will be required to have qualified and experienced environmental and social safeguards specialist to handle environmental/social issues.
17.	Public Lands and ownership: when such lands are given to communities	The land on which the project will be implemented will be fully documented and due diligence done.

S/No	Concerns	Response
	to invest; management issues crop up later and this affects the progress of such investments. How is land being handled in this project?	NLC will also be fully involved to ensure that public land is properly availed for FPO utilization.

Similarly, in line with the requirements of SEP, the same instruments were 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.

4.0 PUBLIC CONSULTATIONS OF ESMF, RPF, VMGF, SEP, AND PLANS AT IMPLEMENTATION

4.1 SEP ACTIVITIES ON DISCLOSURE

- 31) On November 08-10, 2021, draft documents - SEP, ESMF, IPMP, VMGF, GM, SMP, LMP, SEAH Prevention and Response Plan, RPF - were discussed during a validation workshop. Availability of the final documents will be announced in newspapers and on the NAVCDP and World Banks websites.
- 32) Besides sharing of the draft documents with the stakeholders (and the final documents in near future), project brochures and updates will be posted on the appropriate sites. An easy-to-understand guide to the terminology used in the environmental and social reports or documents will also be posted on the website. In addition, the site will provide details about the GM and contact details for the project. NAVCDP will update and maintain the website regularly during project implementation, at least quarterly.
- 33) The disclosure process associated with the release of project environmental and social documentation, including the SEP, will be implemented as follows:
- Disclosure of the ESMF, IPMP, VMGF, RPF, GM, SMP, LMP, SEAH Prevention and Response Plan, and SEP in public domain will take place in February 2022 after clearance by the World Bank;
 - Public consultation meetings with project affected and other stakeholders to present and discuss findings of the ESMF and measures proposed in the ESMP, VMGPs, LMP and RAPs (as appropriate);
 - Public consultation meetings in project affected communities and with other stakeholders to present and discuss the ESS instruments and measures proposed in the ESMPs and other implementation plans; and
 - Subsequent and appropriate disclosures will be done as the project is being implemented.
- 34) The SEP will remain in the public domain for the entire period of project implementation and will be updated on a regular basis as the project progresses through its various phases, to ensure timely identification of any new stakeholders and interested parties and their involvement in the process of collaboration with the project. The methods of engagement will also be revised periodically to maintain their effectiveness and relevance to the project's evolving environment.

4.2 CONTINUING DISCLOSURES AND CONSULTATIONS

- 35) Table 4 (above) summarizes the main stakeholders of the project, types of information to be shared with stakeholder groups, as well as specific means of communication and methods of notification. Table 7 provides a description of stakeholder engagement and disclosure methods recommended to be implemented during stakeholder engagement process.

Table 9: Stakeholder Engagement and Disclosure Methods

Category of Stakeholder	Project Information Shared	Means of communication/ disclosure
Beneficiary population in the project area.	ESMF/ESMP, IPMP, VMGF, RPF, SMP, LMP, and SEP, GM. Regular updates on project development.	<ul style="list-style-type: none"> - Public notices. - Electronic publications and press releases on the project website. - Hard copies displayed at designated public locations. - Press releases in the local media. - Consultation meetings. - Information leaflets and brochures. - Separate focus group meetings with vulnerable groups, as appropriate.
NGOs and CBOs	ESMF/ESMP, IPMP, VMGF, RPF, SMP, LMP, and SEP, GM. Regular updates on project development.	<ul style="list-style-type: none"> - Public notices. - Electronic publications and press releases on the project/Ministry website. - Dissemination of hard copies at designated public locations. - Press releases in the local media. - Consultation meetings. - Information leaflets and brochures.
Government authorities and agencies	ESMF/ESMP, IPMP, VMGF, RPF, SMP, LMP, and SEP, GM. <ul style="list-style-type: none"> - Regular updates on project development. - Additional project information, if required for the purposes of regulation and permitting. 	<ul style="list-style-type: none"> - Dissemination of hard copies of the ESMF/ESMP, IPMP, VMGF, RPF, SMP, LMP, SEP and GM. - Project status reports. - Meetings and roundtables.
Related businesses and enterprises	SEP and GM Updates on project development and tender/procurement announcements.	<ul style="list-style-type: none"> - Electronic publications and press releases on the project website. - Information leaflets and brochures. - Procurement notifications.
Project Employees	<ul style="list-style-type: none"> -Employee Grievance Redress Mechanism -Updates on project development. 	<ul style="list-style-type: none"> - Staff handbook. - Email updates covering the Project staff and personnel. - Regular meetings with the staff. - Posts on information boards in the offices and on site. - Reports, leaflets.
VMGs	<ul style="list-style-type: none"> - Sensitization followed by training on the project ESMF/ESMP, IPMP, VMGF, 	<ul style="list-style-type: none"> -Community/Beneficiaries' meetings. -Information through Brochures

Category of Stakeholder	Project Information Shared	Means of communication/disclosure
	RPF, SMP, LMP, SEAH Prevention and Response Plan, GM and SEP - Implementation of the project activities	

information and opportunities to voice their views on topics that matter to them as in Table 8.

4.2.2 Project Information Disclosure

- I. Information will be packaged and shared with the key stakeholders using different methods. The NPCU through MoA&LD will be responsible for ensuring that the information gets to the stakeholders in a timely manner. Feedback from stakeholders will be taken into view and improvements will be made to ensure robust and consistent information flow. Table 10 below presents a summary of the information disclosure for the project. The SEP is a living document that may be modified and changed following input and suggestions from project stakeholders. The MoA&LD will provide stakeholders with access to the following information, as early as possible and in a timeframe that enables meaningful consultations with stakeholders on project design:

Table 10: Information Disclosure Plan at different stages of the project cycle

Information to be disclosed	Method used	Target stakeholders	Responsibilities
Before appraisal			
Disclosure of project document (PAD, SEP, ESCP, ESRS)	<ul style="list-style-type: none"> Websites - MoA&LD and WBG Brief summaries of the main features of the project SEP, 	All key stakeholders	<ul style="list-style-type: none"> NPCU
After appraisal			
Publicity on project approval and roll-out plans	<ul style="list-style-type: none"> Audio-visual messages on project information (radio, TV in different local languages) Newspaper stories/supplements Printed materials on project information Social Media (Twitter, Facebook, Instagram, WhatsApp) Emails 	All key project stakeholders	<ul style="list-style-type: none"> NPCU

Information to be disclosed	Method used	Target stakeholders	Responsibilities
	<ul style="list-style-type: none"> • Press releases • Speeches • Websites (FGS and FMS, WBG) 		
Disclosure of the project documents ESMF, IPMP, RPF, VMGF, Updated SEP, LMP, GBV Protection and Response Action Plan,	<ul style="list-style-type: none"> • Websites - MoA&LD and WBG • Brief summaries of the main features of the project SEP • Audio-visual messages on the project (radio, TV in different languages) • Newspaper stories/supplement • Social Media (twitter, Facebook, Instagram WhatsApp) • Emails • Press releases • Speeches 	<ul style="list-style-type: none"> • MoA&LD and all partners involved in the project • Open access to all interested parties • Distribution of printed flyers to schools and other institutions 	<ul style="list-style-type: none"> • NPCU • WBG Team
During implementation			
Roll-out of direct support to SACCOs CDDCs agro pastoralists, pastoralists and livestock herders.	<ul style="list-style-type: none"> • Key informant interviews with key stakeholders • Community discussions (through public meetings and call-in radio sessions/activations) • Newsletters • Newspaper stories/supplement • Social media (twitter, Facebook, Instagram WhatsApp) • Emails • Press releases • Speeches • Mobile phone block messages 	<ul style="list-style-type: none"> • Farmers • Farmer Producer Organizations (FPOs) • Communities organization • Communities implementing partners • SACCOs • CDDCs 	<ul style="list-style-type: none"> • NPCU • Communication expert • Safeguards officers

Information to be disclosed	Method used	Target stakeholders	Responsibilities
Highlights on project activities, achievements and lessons learned	<ul style="list-style-type: none"> • TV/Radio spots/activations and announcements • Print materials (newsletters and flyers) • Town hall meetings • Newspaper stories/supplement • Social Media (twitter, Facebook, Instagram WhatsApp) • Emails • Press releases • Speeches • Mobile phone block message 	<ul style="list-style-type: none"> -Project beneficiaries (learners, teachers, CECs) -Implementing partners -Other interested parties 	<ul style="list-style-type: none"> -Safeguards Officers -Communication experts
Update on project process	<ul style="list-style-type: none"> • Print materials (newsletter, flyers, etc.) • Project progress reports • Town hall meetings 	All stakeholders	<ul style="list-style-type: none"> • NPCU
Complaints/Compliments about the project implementation	Logs and reports from the national GM focal person, State GM focal persons (GM complaints points in communities, and project areas	<ul style="list-style-type: none"> • Receivers of information and services • Information or Data managers 	<ul style="list-style-type: none"> • NCPU and Safeguards Officers
	Surveys and direct observations of the project beneficiaries	<ul style="list-style-type: none"> • Different stakeholders • Vulnerable populations 	<ul style="list-style-type: none"> • Communication Officer • M&E Officer
Monitoring and reporting			
Feedback of effectiveness of different modalities of engagement	<ul style="list-style-type: none"> • Semi-structured interviews • Online surveys • Satisfaction surveys 	Project primary beneficiaries	<ul style="list-style-type: none"> • MoA&LD • Safeguards Officers • M&E Officer
Quarterly	Progress report including summaries of complaints and resolution	<ul style="list-style-type: none"> • MoA&LD, offices at the national and 	M&E officer

<i>Information to be disclosed</i>	<i>Method used</i>	<i>Target stakeholders</i>	<i>Responsibilities</i>
		county level offices • Implementing partners	

2. The MoA&LD and the NCPU will provide appropriate background and relevant technical information to stakeholders whose feedback is sought on various project issues with sufficient advance notice (7-10 business days) so that the stakeholders have enough time to prepare to provide meaningful feedback.

Table 11: Planned stakeholder engagement activities

Stage	Target stakeholders	Topic(s) of engagement	Method(s) used	Location/frequency	Responsibilities
	Project Affected Persons (PAPs): <ul style="list-style-type: none"> - People potentially affected by land acquisition - People residing in project area - Vulnerable households 	<ul style="list-style-type: none"> - ESMF/ESMP, IPMP, VMGF, RPF, SMP, LMP, SEAH ACTION PLAN, GM and SEP - Land acquisition process - Assistance in gathering official documents for authorized land uses - Compensation rates, methodology - Compensation packages - Project scope and rationale - Project benefits and target - Project E&S principles - Resettlement and livelihood restoration options - Grievance mechanism process 	<ul style="list-style-type: none"> - Public meetings, separate meetings for women and vulnerable - Face-to-face meetings - Mass/social media communication (as needed) - Disclosure of written information: brochures, posters, flyers, website Information boards or desks - In-County Grievance mechanism - NAVCDP monthly newsletter - For the vulnerable communities, the message will be packaged in a culturally acceptable manner and language through the FPIC approach - What about radio? 	<ul style="list-style-type: none"> - In County disclosure for Drafts on ESMF / ESMP, IPMP, VMGF, RPF, SMP, LMP, SEAH Action Plan,, GM, and SEP once. - Continuous communication through mass/social media and routine interactions. - Throughout RAP development as needed 	<ul style="list-style-type: none"> - NAVCDP teams (County and National levels) - Specialists responsible for land acquisition - RAP consultant

Stage	Target stakeholders	Topic(s) of engagement	Method(s) used	Location/frequency	Responsibilities
	Other Interested Parties (External) <ul style="list-style-type: none"> - County and CSOs in Kenya - Representatives in wards 	<ul style="list-style-type: none"> - ESMF, ESMP, RPF, VMGF, GM, SMP, LMP, SEP, disclosures - Land acquisition process - Identification of land plots and uses - Resettlement and livelihood restoration options (if needed) - Project scope, rationale, and E&S principles - Grievance mechanism process 	<ul style="list-style-type: none"> - Face-to-face meetings - Joint public/community meetings with PAPs 	<ul style="list-style-type: none"> - Throughout RAP development as needed - Project launch meetings in Counties. - Quarterly meetings in affected Wards and Counties. - Disclosure meetings in Counties and at national level. 	<ul style="list-style-type: none"> - NAVCDP E&S Team - Specialists responsible for land acquisition and other Panel of Experts (PoE) - RAP and VMGP consultant
	Other Interested Parties (External) <ul style="list-style-type: none"> - Press and media - NGOs 	<ul style="list-style-type: none"> - ESMF, ESMP, RPF, VMGF, GM, SMP, LMP, SEP, RAP disclosures - Grievance mechanism 	<ul style="list-style-type: none"> - Public meetings, trainings / workshops (separate meetings specifically for women and 	<ul style="list-style-type: none"> - Project launch meetings in County - Meetings in affected 	<ul style="list-style-type: none"> - NAVCDP team
	<ul style="list-style-type: none"> - Businesses and business organizations - Workers' organizations - Academic institutions - National Government Ministries - Kenya Government Departments - General public, jobseekers 	<ul style="list-style-type: none"> - Project scope, rationale and E&S principles 	<ul style="list-style-type: none"> - vulnerable as needed) - Mass/social media communication - Disclosure of written information: Brochures, posters, flyers, website. - Information boards or desks in County - Grievance mechanism - Notice board for employment recruitment 	<ul style="list-style-type: none"> - wards and County as needed - Communication through mass/social media (as needed) - Information desks with brochures / posters in affected wards (continuous) 	

	Other Interested Parties (External) <ul style="list-style-type: none"> - Other Government Departments from which permissions / clearances are required. - Other project developers, donors 	<ul style="list-style-type: none"> - Legal compliance issues - Project information scope and rationale and E&S principles - Coordination activities - Land acquisition process - Grievance mechanism process - ESMF/ESMP/VMGF/SEAH ACTION PLAN/RPF/SEP disclosures 	<ul style="list-style-type: none"> - Face-to-face meetings - Invitations to public / community meetings - Submission of required reports 	<ul style="list-style-type: none"> - Disclosure meetings - Reports as required 	- NAVCDP team
	Other Interested Parties (Internal) <ul style="list-style-type: none"> - Other NAVCDP staff - Supervision Consultants - Supervision contractors, sub-contractors, service providers, suppliers, and their workers. 	<ul style="list-style-type: none"> - Project information: scope and rationale and E&S principles - Training ESMF/ESMP requirements and other ESS management plans - Grievance mechanism process - E&S requirements - Feedback on consultant/contractor reports 	<ul style="list-style-type: none"> - Face-to-face meetings - Trainings/workshops - Invitations to public / community meetings 	As needed	- NAVCDP team
	Project Affected People <ul style="list-style-type: none"> - People potentially affected by land acquisition - People residing in project area - Vulnerable households/persons 	<ul style="list-style-type: none"> - Grievance redress mechanism - Health and safety impacts. - Employment opportunities - Project status 	<ul style="list-style-type: none"> - Public meetings, open houses, trainings/workshops - Separate meetings as needed for women and vulnerable - Individual outreach to PAPs as needed - Disclosure of written information: brochures, posters, flyers, website 	<ul style="list-style-type: none"> - Quarterly meetings during construction seasons - Communication through mass/social media as needed - Notice boards updated weekly - Routine interactions 	<ul style="list-style-type: none"> - NAVCDP management team - Supervision and RAP consultants - Contractor/sub contractors

STAGE 2: CONSTRUCTION AND MOBILIZATION ACTIVITIES			Information boards in Counties - Notice board(s) at construction sites - Grievance mechanism - NAVCDP monthly newsletter	- Brochures in local offices	
	Other Interested Parties (External) - Governmental committees for land use and compensation - County and representatives in Wards	- Project scope, rationale and E&S principles - Grievance mechanism - Project status - World Bank compensation requirements	- Face-to-face meetings - Joint public/community meetings with PAPs	As needed (monthly during construction season)	- NAVCDP team - Supervision and RAP consultants - Contractor/sub contractors
	Other Interested Parties (External) - Press and media - NGOs - Businesses and business organizations - Workers' organizations - Academic institutions - National Government Ministries and departments - General public, jobseekers	- Project information - scope and rationale and E&S principles - Project status - Health and safety impacts - Employment opportunities - Environmental concerns - Grievance mechanism process	- Public meetings, open houses, trainings / workshops - Disclosure of written information: brochures, posters, flyers, website, Information boards in County Notice board(s) at construction sites - Grievance mechanism	Same as for PAPs	- NAVCDP team

	Other Interested Parties (Internal) <ul style="list-style-type: none"> - Other NAVCDP stakeholders - Supervision Consultants - Contractor, sub-contractors, service providers, suppliers, and their workers 	Project information: scope and rationale and E&S principles - Training on ESMF / ESMP requirements and other sub-management plans - Worker grievance mechanism	- Face-to-face meetings - Trainings/workshops - Invitations to public community meetings /	Daily, as needed	- NAVCDP team - Supervisors
STAGE 3: PERATION AND MAINTENANCE	Project Affected Persons: <ul style="list-style-type: none"> - People residing in project area - Vulnerable households 	- Satisfaction with engagement activities and GM - Grievance mechanism process - Damage claim process	- Outreach to individual PAPs - NAVCDP website - Grievance mechanism - NAVCDP newsletter	- Outreach as needed - Meetings in affected County and Wards (as needed/requested) - Monthly (newsletter)	- NAVCDP team
	Other Interested Parties (External) <ul style="list-style-type: none"> - Press and media - NGOs - Businesses and business organizations - Workers' organizations - Academic institutions - County Government Departments - General public, 	- Grievance mechanism process - Issues of concern - Status and compliance reports	- Grievance mechanism - NAVCDP website - Face-to-face meetings - Submission of reports as required.	As needed	- NAVCDP team & management

5. TRAINING /CAPACITY BUILDING

- 36) NAVCDP will arrange necessary training associated with the implementation of this SEP that will be provided to the members of staff who, due to their professional duties, may be involved in interactions with the external public, as well as to the senior management. Specialized training will also be provided to the staff appointed to deal with community stakeholder grievances as per the project GM. In addition, community structures implementing the project will also be trained on the operationalization of the GM.
- 37) Project contractors will also receive necessary instructions for the GM and in relation to the main principles of community interactions. In addition, the stakeholder engagement training module may include but not limited to the areas identified in Table 9.

Table 12: Proposed Training Module for Stakeholder Engagement

S/No.	Module	Target
1	Role of a stakeholder	All levels
2	Managing stakeholder interests	NAVCDP Management
3	Managing stakeholder participation	NAVCDP Management
4	Stakeholder negotiation skills	All levels
5	Communication skills	All
6	Building relationships for effective stakeholder engagement	All
7	Project GM and how it helps stakeholders	All
8	Project SACCOS	All
9	CDDCs	All
10	FPOs	All

6. RESOURCES AND RESPONSIBILITIES FOR IMPLEMENTING NAVCDP STAKEHOLDERS' ENGAGEMENT ACTIVITIES

6.1 RESOURCES

- 38) The MoA&LD will be the main implementing agency for the project and will lead the execution of the activities, including this SEP. The budget contains adequate funding for the SEP and GM and should be referenced when developing the detailed workplan as under Table 14. The NAVCDP will be responsible for procurement and distribution of inputs. The institutional and implementation arrangements for the project are contained in the NAVCDP ESMF.
- 39) The National Committee on COVID-19 in the MoA&LD, chaired by the Cabinet Secretary, will provide stewardship and oversight of the project on the expected COVID-19 protocols. The Ministry's COVID-19 Committee will draw guidance from the National Emergency Response (NERC). The MoA&LD COVID-19 Committee is expected to handle and guide on the following: (i) coordinate NAVCDP preparedness and response to COVID-19 including stakeholders; (ii) coordinate capacity building of NAVCDP personnel, service providers, contractors, CIGs, VMGs, POs, and other stakeholders; (iii) enhance imparting the COVID-19 at all forums before any business is transacted; (iv) coordinate the procurement and supply of COVID-19 preventive measures (hand sanitizer, face masks, soap, gloves (where applicable)).
- 40) The National COVID-19 Committee at the MoA&LD will provide technical guidance throughout the project implementation. The Committee will also train the project implementers at some point including the project management. The project NPCU will report to this Committee, and the Committee will report to NERC. The NAVCDP National team will in turn train counties and counties will be expected to the project beneficiaries at county level.

6.2 Inclusion Plan

- 41) In addition to focusing on the most underserved areas, the project will give special consideration to vulnerable and marginalized groups. These include:
- i. Minority clans and groups;
 - ii. Internally displaced persons;
 - iii. Those who live in remote rural areas or areas characterized by violence that are bereft of social services and amenities;
 - iv. Nomadic pastoralist communities.
 - v. Female headed families;
 - vi. Elderly persons;
 - vii. Illiterate persons; and
 - viii. Youth
 - ix. Single parents
 - x. Differently Able Persons

- 42) There are social, economic, and physical barriers that prevent vulnerable and marginalized individuals and groups from participating in projects, which include lack of financial resources, inaccessibility of meeting venues, social stigma, lack of awareness and/or poor consultation. For instance, people living with disabilities are often not effectively engaged in consultations due to lack of access and social stigma and cultural beliefs that they are not able to participate or considered to have limited productive roles in society. In this regard, the project will deploy viable strategies to engage target communities and other stakeholders and overcome social stigma and encourage inclusion. Also, discussions should be conducted in a simplified manner to ensure the illiterate and people with no or limited financial literacy understand the project and its components. In addition, efforts will be made to promote diversity in staffing (see Labor-Management Procedures (LMP) and Environment and Social Management Framework (ESMF). The 30 percent dedicated for women shall be selected in a manner that will see women from different parts of the counties partake and benefit in the project activities.

Engaging marginalized and vulnerable groups

- 43) The project will take special measures to ensure that members of disadvantaged and marginalized groups have equal opportunity to project benefits. This will include ensuring that they are involved in consultations on project siting and design, and implementation process. The participation of disadvantaged and marginalized groups in the selection, design, and implementation of project activities will largely determine the extent to which the Inclusion Plan will be achieved. Where adverse impacts are likely, the NPCU will undertake prior and informed consultations with the likely affected communities/ groups and those who work with and/or are knowledgeable of the local development issues and concerns. The primary objectives will be to:
- Understand the operational structures in the respective communities.
 - Seek their input/feedback to avoid or minimize the potential adverse impacts associated with the planned interventions.
 - Identify culturally appropriate impact mitigation measures; and
 - Assess and adopt measures that could be promoted to complement the measures required to mitigate the adverse impacts.
- 44) Consultations will be carried out broadly in two stages. First, prior to commencement of any project activities. The NPCU will arrange for consultations with community leaders, and representatives of disadvantaged and marginalized groups about the need for, and the probable positive and negative impacts associated with the project activities. Secondly, after the initial roll-out of the project activities, a rapid assessment will be conducted to ascertain how the disadvantaged and vulnerable groups, in general, perceive the interventions and gather any inputs/feedback they might offer for better outcomes, which would inform the project delivery.
- 45) Stakeholder and community engagement will be key in the sensitization of community level structures and means by which complaints and grievances related to the project will be received, handled and addressed. The understanding is that communities know their own

vulnerabilities than external actors and the engagement of local structures is most effective in such projects where administrative capacity is limited.

The NCPU will:

- i. Facilitate broad participation of disadvantaged and marginalized individuals and groups with adequate gender and generational representation; community elders/leaders; and CBOs;
- ii. Provide the disadvantaged and marginalized individuals and groups with all relevant information about project activities including on potential adverse impacts;
- iii. Organize and conduct the consultations in forms that ensure free expression of their views and preferences; and
- iv. Document details of all consultation meetings, with disadvantaged and marginalized groups on their perceptions of project activities and the associated impacts, especially the adverse ones;
- v. Apply the principles of FPIC with communities who meet the requirements of ESS7.
- vi. Share any input/feedback offered by the target populations; and
- vii. Provide an account of the conditions agreed with the people consulted.

46) The following issues will be addressed during the implementation stage of the project:

Provision of an effective mechanism for monitoring implementation of the Inclusion Plan;

- i. Development of accountability mechanisms to ensure the planned benefits of the project are equally received by disadvantaged and vulnerable individuals and groups;
- ii. Involve suitably experienced CBOs/NGOs to address the disadvantaged and vulnerable people's through developing and implementing action plans;
- iii. Ensuring appropriate budgetary allocation of resources for the Inclusion Plan;

47) Once the disadvantaged and marginalized individuals and groups are identified in the project area, the provisions in this Inclusion Plan will ensure mitigation measures of any adverse impacts of the project are implemented in a timely manner. The project should ensure benefits to the disadvantaged and marginalized by ensuring that they are consulted, have accessible and trusted complaints mechanism and benefit from project activities.

6.2 MANAGEMENT FUNCTIONS AND RESPONSIBILITIES

Table 13: *Methods, Tools and Techniques for Stakeholder Engagement*

Method/ Tool	Description and Use	Contents	Dissemination Method	Target Groups	Responsibility
Information Provision					
Distribution of printed public materials: leaflets, brochures, fact sheets	Used to convey information on the project and regular updates on its progress to local, county, and national stakeholders.	-Printed materials present illustrative and written information on Project activities, facilities, technologies, and design solutions, as well as impact mitigation measures. -Presented contents are concise and adapted to a layperson reader. Graphics and pictorials are widely used to describe technical aspects. -Information may be presented both in English and Kiswahili for local and national stakeholders and in English for international audience.	Distribution as part of consultation meetings, public hearings, discussions, and meetings with stakeholders, as well as household visits in remote areas. Placement at the offices of local administration and NGOs, libraries, and other public venues.	Households in project area. Communities of Kenya, as well as relevant stakeholders for the NAVCDP.	NPCU/CPCUs
Distribution of printed public materials: flyers, leaflets, newsletters/updates	A newsletter or an update circular sent out to Project stakeholders on a regular basis to maintain awareness of the Project development.	Important highlights of project achievements, announcements of planned activities, changes, and overall progress.	Circulation of the newsletter or update sheet with a specified frequency in the Project Area, as well as to any other stakeholders that expressed their interest in receiving these periodicals. Means of distribution – post,	Households in Project Area. Public venues in Project Area – local administrations, libraries. Communities in project area	NPCU/CPCUs

Method/ Tool	Description and Use	Contents	Dissemination Method	Target Groups	Responsibili ty
			emailing, texting, electronic subscription, delivery in person. The mailed material can be accompanied by enclosed postage-paid comment / feedback form that a reader can fill in a return to the Project's specified address.		
Printed advertisements in the media	Inserts, announcements, press releases, short articles, or feature stories in the printed media – newspapers and magazines	Notification of forthcoming public events or commencement of specific Project activities. General description of the Project and its benefits to the community.	Placement of paid information in local, county, and national printed media, including those intended for general reader and specialized audience	Community in project area	NPCU/CPCUs
Radio or television entries	Short radio programmes, video materials or documentary broadcast on TV.	Description of the project, project development updates, solutions for impact mitigation. Advance announcement of the forthcoming public events or commencement of specific project activities.	Collaboration with media producers that operate in the counties and can reach local audiences.	Communities in project area	NPCU/CPCUs

Method/ Tool	Description and Use	Contents	Dissemination Method	Target Groups	Responsibili ty
Visual presentatio ns	Visually convey project information to affected communities and other interested audiences.	Description of the project and related solutions/impact management measures. Updates on project development.	Presentations are widely used as part of the public hearings and other consultation events with various stakeholders.	Affected communities in the project area, participants of the public hearings, consultations, rounds tables, focus group discussions and other forums attended by Project stakeholders. County governments and other governmental bodies.	NPCU/CPC Us
Notice boards	Displays of printed information on notice boards in public places.	Advance announcements of the forthcoming public events, commencement of specific project activities, or changes to the scheduled process.	Printed announcements and notifications are placed in visible and easily accessible places frequented by the local public, including libraries, ward cultural centers, post offices, shop, local administrations.	Directly affected communities in the project area	NPCU/CPC Us
Information Feedback					

Method/ Tool	Description and Use	Contents	Dissemination Method	Target Groups	Responsibility
Information repositories accompanied by a feedback mechanism	Placement of project-related information and printed materials in dedicated / designated locations that also provide visitors and readers with an opportunity to leave their comments in a feedback register.	Various project-related materials, ESMF documentation, environmental and social action plans.	Deposition of materials in publicly available places (offices of local NGOs, local administrations, libraries) for the duration of a disclosure period or permanently. Audience is also given free access to a register of comments and suggestions.	Directly affected communities in the project area	NPCU
Dedicated telephone line (hotline)	Setting up a designated and manned telephone line that can be used by the public to obtain information, make enquiries, or provide feedback on the project. Initially, telephone numbers of project's specialized staff can be shared with the public, particularly staff involved in	Any issues that are of interest or concern to the local communities and other stakeholders.	Telephone numbers are specified on the printed materials distributed to project stakeholders and are mentioned during public meetings. Project's designated staff should be assigned to answer and respond to the calls, and to direct callers to specialist experts or to offer a call-back if a question requires detailed consideration.	Local communities within the project Area. Any other stakeholders and interested parties.	NPCU

Method/ Tool	Description and Use	Contents	Dissemination Method	Target Groups	Responsibili ty
	stakeholder engagement, public relations, social and environmental concerns.				

Internet / Digital Media	Launch of project website to promote various information and updates on the overall project, impact assessment and impact management process, procurement, employment opportunities, as well as on project's engagement activities with the public. Website should have a built-in feature that allows viewers to leave comments or ask questions about the project. Website should be available in	Information about project operator and shareholders, project development updates, health and safety, community relations, community updates, employment and procurement, environmental and social aspects.	A link to the Project website should be specified on the printed materials distributed to stakeholders. Other on-line based platforms can also be used, such as web conferencing, webinar presentations, web-based meetings, Internet surveys / polls etc. Limitation: Not all parties / stakeholders have access to the internet, especially in the remote areas and in communities	Affected communities , project stakeholders and other interested parties that have access to the internet resources.	NPCU (communication officer)
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	two languages – Kiswahili for the local and national audience, and in English for international stakeholders.				
Surveys, Interviews and Questionnaires	The use of public opinion surveys, interviews, and questionnaires to obtain stakeholder views and to complement the statutory process of public hearings.	Description of the proposed project and related solutions / impact management measures. Questions targeting stakeholder perception of the project, associated impacts and benefits, concerns, and suggestions.	Soliciting participation in surveys/interviews with specific stakeholder groups or communitywide. Administering questionnaires as part of the household visits.	Directly affected households in the Project Area of Influence. Other communities within the project Area of Influence.	NPCU/CPCUs
Feedback & Suggestion Boxes	A suggestion box will be used to encourage communities in the affected communities to leave written feedback and comments about the project. Contents of the suggestion box shall be checked by designated project staff on a regular basis	Any questions, queries, or concerns, especially for stakeholders that may have a difficulty expressing their views and issues during public meetings.	Appropriate location for a suggestion box should be selected in a safe public place to make it readily accessible for the community. Information about the availability of the suggestion box should be communicated as part of project's regular interaction with local	Directly affected households in the project area. Other communities within the project area.	NPCU/CPCUs

	to ensure timely collection of input and response/action , as necessary.		stakeholders and beneficiaries.		
Consultation & Participation					
Public hearings	Project representatives, the affected public, authorities, regulatory bodies, and other stakeholders for detailed discussion on a specific activity or facility that is planned by the project and which is subject to the statutory expert review.	Detailed information on the activity and/or facility in question, including a presentation and an interactive Questions & Answers session with the audience.	Wide and prior announcement of the public hearing and the relevant details, including notifications in local, county and national mass media. Targeted invitations are sent out to stakeholders. Public disclosure of Project materials and associated impact assessment documentation in advance of the hearing. Viewers/readers of the materials are also given free access to a register of comments and suggestions that is made available during the disclosure period.	Directly affected communities in the project area of influence. Other communities within the project area. Communities in the project area.	NPCU/CPCUs
Household /Farm visits	Household/Farm level visits can be	Description of the project and related solutions	Visits should be conducted by project's	Directly affected in	NPCU/CPCUs

	conducted to supplement the statutory process of public hearings, particularly to solicit feedback from community members and vulnerable persons who may be unable to attend the formal hearing events.	/ impact management measures. Any questions, queries, or concerns, especially for stakeholders that may have a difficulty expressing their views and issues during formal community-wide meetings.	designated staff with a specified periodicity. Limitation: logistical challenges in reaching households/farms in remote locations.	the project area.	
Focus Group Discussions and Round Table Workshops	Used to facilitate discussion on Project's specific issues that merit collective examination with various groups of stakeholders.	Project's specific activities and plans, design solutions and impact mitigation / management measures that require detailed discussion with affected stakeholders.	Announcements of the forthcoming meetings are widely circulated to participants in advance. Targeted invitations are sent out to stakeholders.	Directly affected households/farms in the project area, youth, elderly, women, and other vulnerable groups.	NPCU/ CPCUs
Information centres and field offices	Project's designated venue for depositing project-related information that also offers open hours to the community and other members of the public, with project staff available to respond to queries or	Project-related materials. Any issues that are of interest or concern to the local communities and other stakeholders.	Information about the info centre or a field office with open hours for the public, together with contact details, is provided on the Project's printed materials distributed to stakeholders, as well as during public meetings and household visits.	Directly affected communities in the project area, and any other stakeholders and interested parties.	NPCU/ CPCUs

	provide clarifications.				
Site Tours	Visits to Project Site and facilities organized for local communities, county governments, and the media to demonstrate project solutions. Visitors are accompanied by the project's staff and specialists to cover various aspects and to address questions arising from the public during the tour.	Demonstration of specific examples of project's design solutions and approaches to managing impacts.	Targeted invitations distributed to selected audience offering an opportunity to participate in a visit to the project site. Limitation: possible safety restrictions on the site access during active construction works.	Local communities within the project area. Elected officials. Media groups. CSOs and NGOs and other initiative groups.	NPCU/CPCUs

6.3 SEP IMPLEMENTATION BUDGET

The budget in the table below shall be incorporated in the ESMP for purposes of implementing this SEP.

Table 14: SEP Proposed Implementation Budget

S/No.	Module	Target	Lumpsum Budget (USD)
1	Awareness creation of the NAVCDP	(All levels)	30,000
2	Identification of Line Departments and establishment of project Implementation structures	Line Departments/other implementation parties	25,000
3	NAVCDP launch	Public for visibility	85,000

1	Identification, analysis, and mapping of stakeholders	All levels	25,000
2	Role of a stakeholder	All levels	150,000
3	Managing stakeholder interests	NAVCDP Management	62,000
4	Managing stakeholder participation	NAVCDP Management	62,000
5	Stakeholder negotiation skills	All levels	150,000
6	Communication skills	All	50,000
7	Building relationships for effective stakeholder engagement	All	75,000
8	Establishment and Operationalization of Project GM Committees	All	100,000
9	Info generation, & sharing, communication and reporting, Visibility build-up	ALL	120,000
10	Stakeholders Quarterly review meetings	ALL	20,000
TOTAL			979,000

7. MONITORING AND REPORTING

7.1 STAKEHOLDER INVOLVEMENT IN NAVCDP MONITORING

- 48) One way to help satisfy stakeholder concerns and promote transparency is to involve project-affected stakeholders in monitoring the implementation of mitigation measures or other environmental and social activities. Such participation, and the flow of information generated through this process, can also encourage local stakeholders to take a greater degree of responsibility for their environment and welfare in relation to the project, and to feel empowered that they can do something practical to address issues that affect their lives. Participatory monitoring also tends to strengthen relationships between the project and its stakeholders. It might be necessary to consider capacity-building and training programs to enable project-affected people or local organizations to acquire the technical skills necessary to participate in effective monitoring.
- 49) It is in the project proponents' interests to ensure that any groups monitoring their project have a sound technical understanding of the process, as it leads to more accurate and credible monitoring results and enables informed dialogue. The project proponents should promote participatory monitoring with affected stakeholders. This level of monitoring requires the physical presence of affected individuals at the time that monitoring takes place and involves methods and indicators meaningful to the stakeholders concerned. It is also good practice. In relation to any type of stakeholder involvement in project monitoring, care should be taken in the choice of representatives and the selection process should be transparent.
- 50) The SEP will be periodically revised and updated as necessary during NAVCDP implementation to ensure that the information presented therein is consistent and is the most recent, and that the identified methods of engagement remain appropriate and effective in relation to the project context and specific phases of the development. Any major changes to the project related activities and to its schedule will be duly reflected in the SEP.
- 51) Quarterly summaries and internal reports on public grievances, enquiries and related incidents, together with the status of implementation of associated corrective/preventative actions will be collated by responsible staff and referred to the NAVCDP project coordination unit (PCU) (this quarterly report will thus be guided by data obtained and reported monthly at county level). The monthly summaries will provide a mechanism for assessing both the number and the nature of complaints and requests for information, along with the project's ability to address those in a timely and effective manner.
- 52) Information on public engagement activities undertaken by the project during the year may be conveyed to the stakeholders in two possible ways:
- Publication of a stand-alone annual report on project's interaction with the stakeholders;
 - Several Key Performance Indicators (KPIs) will also be monitored by the project on a regular basis, including the following parameters:
 - Number of public reviews, consultation meetings and other public discussions/forums conducted within a reporting period (e.g., monthly, quarterly, or annually);
 - Frequency of public engagement activities;
 - Geographical coverage of public engagement activities – number of wards, POs and/or Sub projects covered by the consultation process;
 - Number of public grievances and nature received within a reporting period, (e.g., monthly, quarterly, or annually) and number of those resolved within the prescribed timeline;

- Number of press materials published/broadcasted in the local, County, and National media in the appropriate form and language; and
- Number of project investments in the beneficiary communities in the project area.

8. GRIEVANCE MECHANISM

8.1 OVERVIEW

- 53) Project-affected-people and any other stakeholder may submit comments or complaints at any time by using the project's Grievance Mechanism (GM). The overall objectives of the GM are to:
- Provide a transparent process for timely identification and redress of issues affecting the project and people, including issues related to the resettlement and compensation program.
 - Strengthen accountability to beneficiaries, including project affected persons.
 - Aim at reducing grievances as well as discourage escalation of grievances through sensitization and training of stakeholders.
- 54) The GM will be accessible to all external project stakeholders, including affected people, community members, CIGs, VMGs, POs, survivors of GBV/SEA/SH, civil society, media, and other interested parties. External stakeholders can use the GM to submit complaints, feedback, queries, suggestions, or even compliments related to the overall management and implementation of the project, including the resettlement and compensation program. The GM is intended to address issues and complaints in an efficient, timely, and cost-effective manner. A separate mechanism will be available to NAVCDP, contractor employees, who are internal stakeholders; and victims of SE/A who due to confidentiality of their case.
- 55) NAVCDP GM tool is explained in the ESMF, VMGF, RPF, SEAH Prevention and Response Plan, LMP, and this SEP. All these versions are consistent in terms of establishment, member composition, training and operationalization. The only difference is each has a special focus and approach.
- 56) Grievances that are anonymously or media reported are given the same attention based on their relevance to the project. The project management must visit the site to do ground truthing and fact finding. And whatever the findings, the station involved must be retrained to manage this risk in a more proactive manner. At that level efforts must also be made to capture the grievance in the normal log.
- 57) NAVCDP will be responsible for managing the stakeholder GM, but many or most grievances are likely to result from actions of the construction contractors and so will need to be resolved by the contractors themselves, with NAVCDP oversight. Typical grievances for NAVCDP and construction projects could include issues related to:
- Land acquisition and compensation;
 - Construction damages to property, crops, or animals;
 - Traffic;
 - Environmental and social impacts such as erosion;
 - Nuisances such as dust or noise;
 - Worker misbehavior;
 - Reduction in water flows in the river;
 - Labour issues;
 - Discrimination in access to resources for VMGs and other disadvantaged and vulnerable groups; and
 - Inadequate consultation and participation

- 58) NAVCDP is to be implemented in 33 counties. These counties are also supported by NARIGP and KCSAP where GM Committees are operational. NAVCDP has borrowed a lot from these two World Bank supported projects. Therefore, NAVCDP implementers will be expected to strengthen the existing GM structures by prescribing an additional role and/or training the implementing structures and other stakeholders NAVCDP new responsibilities. The GM will be in place and operational before NAVCDP begins implementation activities and will function until the completion of all construction activities and beyond, at least until the contractor's defect liability period ends. It is expressly put in the ESCP and RPF that any community investment that after E&S screening that would be deemed to cause physical displacement should be excluded. Therefore, NAVCDP will not anticipate any physical but economic displacements in a small-scale in water-related infrastructures and NRM-related investments where PAPs and PAHs may have encroached on such public land reserved for public utilities. Such PAPs will extensively be persuaded to be willing to relocate because they may also be beneficiaries of the proposed investment. The displacements may also be temporary lasting a few days and not more than 30 days. In such cases, livelihood restoration plans will be prepared to ensure that the project affected persons (PAPs) or project affected households (PAHs) do not incur losses.
- 59) People who reside near the land and others who may be affected will be informed, in meetings and with brochures, of the GM's purpose, functions, procedures, timelines and contact persons. Additional measures will be taken to inform those who are determined to be eligible for compensation.
- 60) The project GM will include three successive tiers of extra-judicial grievance review and Redress:
- The first tier will be the NAVCDP E&S teams at ward level, including the community contact person(s) and beneficiaries. They will deal quickly with issues that can be resolved and would always involve direct communication with the person(s) who submitted the grievance.
 - Any complaint that is SEA/SH related shall not be logged-in but referrals will be made to the alternate channels: a hotline for women—and men—in crisis 1195; Police at the Gender Desk; SGBV Hospitals; Form P3 filled; Medical support; Psycho-social support; Counselling; Referrals; and case continues. SEAH cases will be management based on what the survivor wants. All actions shall be survivor centered.
 - The second tier will be a County Grievance Redress Committee (GRC) that includes representatives of NAVCDP at County level and project technical teams from various sector departments. The GC will deal with issues that could not be resolved in the first tier.
 - The third tier will be a National Grievance Redress Committee (NGRC) that included one or more senior NAVCDP managers and one or more PAPs and/or leaders, meeting at National level. National level GRC, which is the 3rd Tier may have coopted County level representation, will resolve issues that could not be resolved by County GRC.
- 61) Grievances would be handled as described in the sub-section below.

8.2 GRIEVANCE MANAGEMENT PROCESS

62) Information about the GM will be publicized as part of the initial disclosure consultations in the participating County and Wards. Brochures/flyers will be distributed during consultations and public meetings, and posters will be displayed in public places such as in government offices, project offices, ward notice boards, community centers, etc. Information about the GM will also be posted online on the NAVCDP platforms/Ministry website. The overall process for the GM will include six steps, as shown on Figure 1 and described below. This builds on the way grievances are typically managed, which is illustrated in Figure 2.



Source: Agarwal, Sanjay and David Post. 2009. *Feedback Matters: Designing Effective Grievance Redress Mechanisms for Bank - Financed Projects* Part I. SDV. World Bank.

Figure 1: Schematic process of GM mechanisms

- 63) **Step 1: Uptake.** Project stakeholders will be able to provide feedback and report complaints through several channels: in person at offices (ward, County, project, and NAVCDP National offices) and at project sites, and by mail, telephone, face-face; and email.
- 64) **Step 2: Sorting and processing.** Complaints and feedback will be compiled by the ESS compliance officer and recorded in a register. Submissions related to the resettlement and compensation program will be referred to the National Land Commission (NLC) for processing and redress. The Department will assign one individual to be responsible for dealing with the complaints (probably the social safeguards officer), including following through within NAVCDP and with the complainant to arrive at a redress, with the goal to resolve complaints within 14 days of receipt.
- 65) **Step 3: Acknowledgement and follow-up.** Within seven (7) days of the date a complaint is submitted, the responsible person will communicate with the complainant and provide information on the likely course of action and the anticipated timeframe for redress of the complaint. If complaints are not resolved within 14 days, the responsible person will provide an update about the status of the complaint/question to the complainant and again provide an estimate of how long it will take to resolve the issue. In addition, the NLC will report to the National grievances management committee every two weeks on grievances that have remained unresolved for 30 days or more within the project area.
- 66) **Step 4: Verification, investigation, and action.** This step involves gathering information about the grievance to determine the facts surrounding the issue and verifying the complaint's validity, and then developing a proposed redress, which could include changes of decisions concerning eligibility for compensation, additional compensation or assistance, changes in the program itself, other actions, or no actions. Depending on the nature of the complaint, the process can include site visits, document reviews, a meeting with the complainant (if known and willing to engage), and meetings with others (both those associated with the project and outside) who may have knowledge or can otherwise help resolve the issue. It is expected that

many or most grievances would be resolved at this stage. All activities taken during this and the other steps will be fully documented, and any redress logged in the register.

- 67) **Step 5: Monitoring and evaluation.** Monitoring refers to the process of tracking grievances and assessing the progress that has been toward redress. The ESS compliance officer will be responsible for consolidating, monitoring, and reporting on complaints, enquiries and other feedback that have been received, resolved, or pending. This will be accomplished by maintaining the grievance register and records of all steps taken to resolve grievances or otherwise respond to feedback and questions.
- 68) **Step 6: Providing Feedback.** This step involves informing those to submit complaints, feedback, and questions about how issues were resolved, or providing answers to questions. Whenever possible, complainants should be informed of the proposed redress in person. If the complainant is not satisfied with the redress, he or she will be informed of further options, which would include pursuing remedies through the World Bank, as described below, or through avenues afforded by the Kenyan legal system. On a monthly basis, the county level GMCs under the tutelage of the County GM Chairperson in liaison with County Safeguards / Focal experts will report to the National level NAVCDP PCU on grievances resolved since the previous report and on grievances that remain unresolved, with an explanation as to steps to be taken to resolve grievances that have not been resolved within 30 days. Data on grievances and/or original grievance logs will be made available to World Bank missions on request, and summaries of grievances and redress will be included in periodic reports to the World Bank.

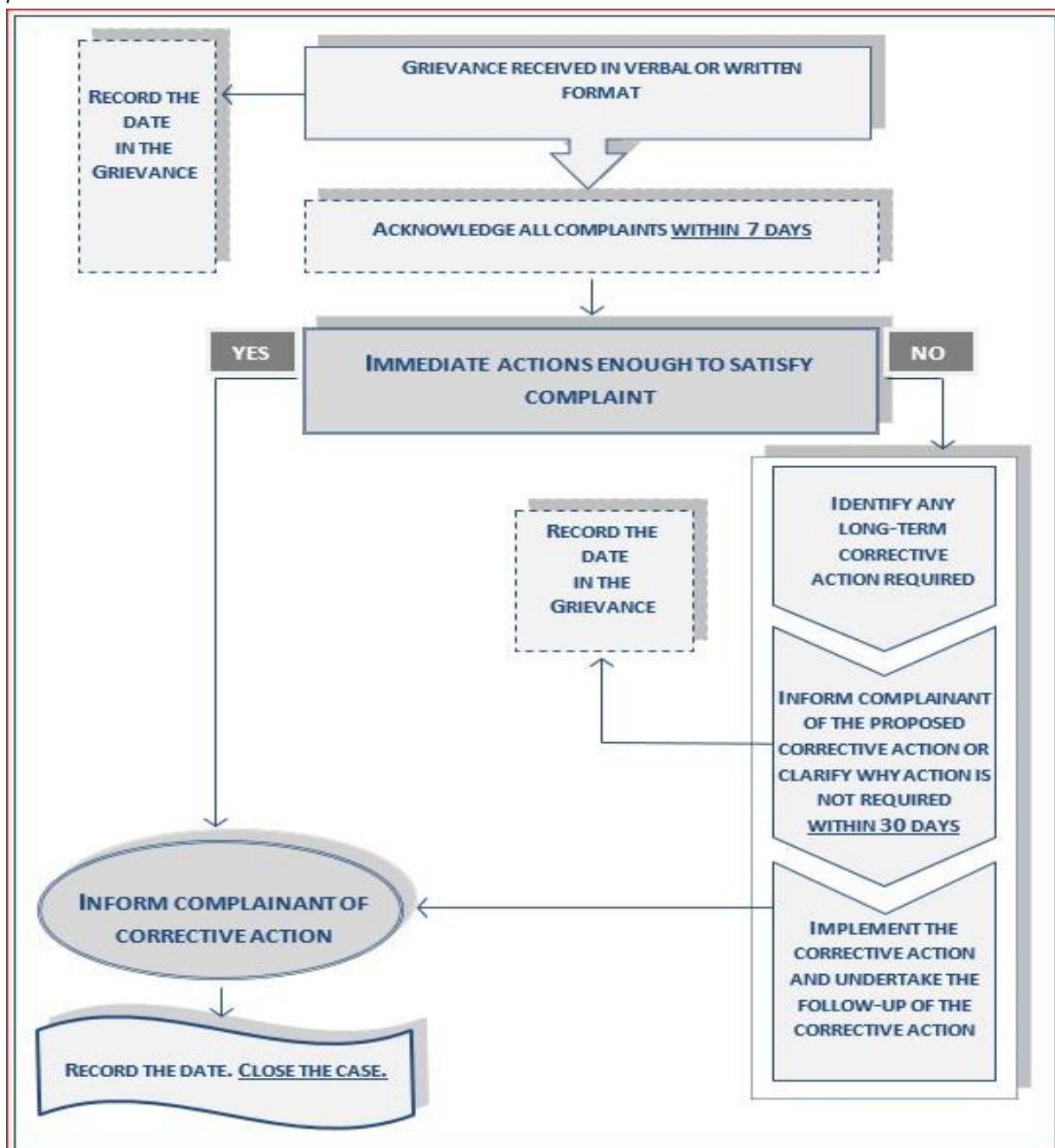


Figure 2: Typical grievance Redress process

- 69) NAVCDP will be responsible for coordinating grievances management through all six steps. Step 4 (Verify, investigate and Act) could involve interviews of the aggrieved party, workers, or other stakeholders; review of records; consultation with authorities; and/or other fact-finding activities. If the grievance cannot be resolved to the satisfaction of all parties, it will be referred to GRC, who would retrace Step 4 as needed. The steps following the initial investigation and proposed solution would proceed as follows:
- 70) Determination of proposed redress or referral to second tier:

- If redress is proposed: referral to social focal person for review and approval (including refinements). Once approved, responsible person would communicate redress to complainant and refer to corporate management for implementation.
 - If referred to second tier, GRC would consider facts determined by initial review and conduct such other fact-finding as needed, including interviews of complainant and others if necessary.
- 71) GRC recommends redress or refers to GRC 2nd tier:
- If redress is proposed: referral to NAVCDP county level for implementation, including communication to complainant.
 - If referred to third tier, GRC to meet and discuss facts as determined by initial tiers and make determination of proposed redress.
- 72) GRC recommended redress: referred to NAVCDP PCU level for communication to complainant and implementation of recommended actions (if any).
- Complainant would be asked to acknowledge acceptance (or rejection) of the redress.
 - NAVCDP PCU would then implement actions that are part of the redress (if any).
- 73) If a person who submits a grievance is not satisfied with the redress at the first or second tiers, he or she may request it be elevated to the next tier. If they are not satisfied with the ultimate redress, they may pursue legal remedies in court or pursue other avenues. Throughout the entire process, NAVCDP will maintain detailed records of all deliberations, investigations, findings, and actions, and will maintain a summary log that tracks the overall process.

8.3 GRIEVANCE PROCESSING

- 74) Any aggrieved persons can submit a grievance (at all levels to a Focal Person):
- By completing a written grievance form that will be available (a) in the ward; (b) at NAVCDP offices at all levels; and (c) on NAVCDP website/Ministry website. An example of a grievance registration form is provided in Annex 2: Example Grievance Form; and
 - By contacting the NAVCDP community structures on GM or staff of the NAVCDP team, either by telephone or in person. In addition, grievances may be communicated to contractor supervisors or to NAVCDP community-lead structures, who will be briefed on receiving and reporting complaints. Grievances received verbally will be recorded by the ESS focal person on a grievance registration form and logged into the grievance register. A copy of the logged grievance will be given to the complainant, giving them the opportunity to alert NAVCDP staff if the grievance has not been noted down correctly.
- 75) NAVCDP will explain to local communities the possibilities and ways to raise grievances during consultation meetings organized in each ward when this SEP and other project documents are disclosed and then at quarterly meetings thereafter. The GM procedures will be disclosed through the project's website and will also be described in a brochure or pamphlet made available in ward administration buildings.
- 76) The NAVCDP community ESS focal person will be responsible for logging and tracking grievances. As noted above, an ESS team will be assigned responsibility for investigating and

recommending redress on each grievance, or to recommend referral to a GRC level along the tiers.

- 77) Information to be recorded in the grievance log will include name, contact details of the complainant, a summary of the grievance, and how and when it was submitted, acknowledged, responded to and closed. All grievances will be acknowledged within 7 days and resolved as quickly as possible and not later than 14 days. If there has been no redress within 30 days, the person assigned responsibility for the grievance will contact the complainant to explain the reason for the delay. A generic flow chart for registering and processing grievances is shown in **Error! Reference source not found.** The status, number, and trends of grievances will be discussed between the project team at county level and NAVCDP PCU during meetings held at least quarterly and more frequently as needed (*in this case County PCUs will share their GRC schedule of meetings with the National PCU*).
- 78) A grievance will be considered “resolved” or “closed” when a redress satisfactory to both parties has been reached, and after any required corrective measures have been successfully implemented. When a proposed solution is agreed by the complainant, the time needed to implement it will depend on the nature of the solution. Once the solution is being implemented or is implemented to the satisfaction of the complainant, the complaint will be closed out and acknowledged in writing by both the complainant and NAVCDP GMCs at respective levels.
- 79) In certain situations, it may not be possible to reach a satisfactory redress. This could occur if a complaint cannot be substantiated or is proved to be speculative or fraudulent. In such situations, NAVCDP efforts to investigate the grievance and to arrive at a conclusion will be well documented and the complainant advised of the situation. It is also possible that a complainant will not be satisfied with the proposed redress. In such cases, if NAVCDP cannot do more, the complainant will be asked to acknowledge refusal of the proposed redress in writing. NAVCDP will then decide whether to implement the redress without the agreement of the complainant and the complainant will decide whether to pursue legal remedies.

8.4 GRIEVANCE LOGS

- 80) As noted previously, the National and County offices will maintain a grievance logs registers (as shown in **Annex 4: Grievance log Register**). This log will include at least the following set of information.
- Date of the complaint.
 - Individual reference number.
 - Name of the person submitting the complaint, question, or other feedback, address and/or contact information (unless the complaint has been submitted anonymously).
 - Details of the complaint, feedback, or question/her location and details of his / her complaint.
 - Name of person assigned to deal with the complaint (acknowledge to the complainant, investigate, propose redress, etc.).

- Details of proposed redress, including person(s) who will be responsible for authorizing and implementing any corrective actions that are part of the proposed redress.
- Date when proposed redress was communicated to the complainant (unless anonymous).
- Date when the complainant acknowledged, in writing if possible, being informed of the proposed redress.
- Details of whether the complainant was satisfied with the redress, and whether the complaint can be closed.
- If necessary, details of GRCM (ward level) and GRCM (County level) referrals, activities, and decisions.
- Date when the redress is implemented (if any).

8.5 MONITORING AND REPORTING ON GRIEVANCES

81) Details of monitoring and reporting are described above. Day-to-day implementation of the GM and reporting to the World Bank will be the responsibility of the project NESSCO and Short- Term Expert (STE)-social safeguards and development. To ensure management oversight of grievance handling, the internal audit unit plus STE- social safeguards will be responsible for monitoring the overall process, including verification that agreed redress are implemented. In case of accidents, SEAH, and other complaints with gravity (escalated to the WB), the project management must report to the Bank on progress of resolutions as per the stipulated timelines i.e., before 48 hours after occurrence.

8.6 POINTS OF CONTACT

- 82) Information on the project and future stakeholder engagement programs will be available on the Ministry of Agriculture, Livestock, Fisheries, and Cooperatives or project's website and will be posted on information boards in the Counties and wards where NAVCDP will be implemented. Information can also be obtained from NPCU, Offices in Nairobi, and CPCUs.
- 83) The national point of contact regarding the stakeholder engagement program is as shown below.

<i>Description</i>	<i>Contact details</i>
Name and position	Samuel Guto, NPC, NAVCDP, Nairobi, Kenya
Address:	P.O Box 8073-00200
E-mail:	info@NARIGP.Com
Telephone:	+254 020 2715466

<i>Description</i>	<i>Contact details</i>
--------------------	------------------------

Name and position	David Olang NESCO, NAVCDP, NAIROBI, Kenya
Address:	P.O Box 8073-00200
E-mail:	info@NARIGP.Com
Telephone:	+254 020 2715466

8.7 WORLD BANK GRIEVANCE REDRESS SERVICE

- 84) Communities and individuals who believe that they are adversely affected by a project supported by the World Bank may also register complaints directly to the Bank through the Bank's Grievance Redress Service (GRS) (<http://projects-beta.worldbank.org/en/projects-operations/products-and-services/grievanceredress-service>). A complaint should be submitted in English, although additional processing time will be needed for complaints that are not in English (Kenya not part of this exception).
- 85) A complaint can be submitted to the Bank GRS through the following channels:
- By email: grievances@worldbank.org
 - By fax: +1.202.614.7313
 - By mail: The World Bank, Grievance Redress Service, MSN MC10-1018, 1818 H Street Northwest, Washington, DC 20433, USA
 - Through the World Bank Kenya Country Office, Delta Center, Menengai Road, Upper Hill P.O. Box 30577-00100 Nairobi, Kenya. Tel: + 254 20 2936000
Kenyainfo@worldbank.org
- 86) The complaint must clearly state the adverse impact(s) allegedly caused or likely to be caused by the Bank-supported project. This should be supported by available documentation and correspondence to the extent possible. The complainant may also indicate the desired outcome of the complaint. Finally, the complaint should identify the complainant(s) or assigned representative/s and provide contact details. Complaints submitted via the GRS are promptly reviewed to allow quick attention to project related concerns.
- 87) In addition, project-affected communities and individuals may submit complaints to the World Bank's independent Inspection Panel, which will then determine whether harm occurred, or could occur, because of the World Bank's non-compliance with its policies, standards, and procedures. Complaints may be submitted to the Inspection Panel at any time after concerns have been brought directly to the World Bank's attention, and after Bank Management has been given an opportunity to respond. Information on how to submit complaints to the World Bank Inspection Panel may be found at www.inspectionpanel.org.

ANNEXURE

Annex 1a: List of Identified Stakeholders

S / No.	Institution
1.	Agriculture
2	Livestock
3	Fisheries
4	KALRO
5	KEPSA
6	NEMA
7	KEBS
8	Irrigation
9	KAGRC
10	National Gender Commission
11	National Treasury
12	KCSAP
13	Pyrethrum
14	Coffee
15	Potato
16	Local CSOs/NGOs
17	Indigenous Peoples Organizations (IPOs)
18	IPSSAHUTLC Reps
19	World bank
20	NPCU
21	Other Development Partners
22	AFFA Secretariat
23	Farmers Umbrella Federation Organization
24	Industry Institutions related to Priority Value Chains i.e., KMC; Dairy;
25	Exporters i.e., HCDA,
26	Del Monte
27	Seed Merchants
28	KEPHIS
29	Poultry Breeders

**Annex 1b: List of Stakeholders:
Indigenous Peoples/Groups who attended the NAVCDP Public
Consultation workshop on the ESS Frameworks and Plans)**

**Annex... Day I (Nov 08, 2021): Public and Stakeholder Consultation and
Information Disclosure**

Day I. Indigenous Peoples Organization Reps- 8th November 2021

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 people's organization	Mau region
6	Jane Machani	0716984618		"	"
7	John Kisiambai	0758805321		"	"
8	Milka Chepkorir	0700404454	mctalaa@gmail.com	Sengwer	Cherangany
9	David Yator	0726806100	sengwer@sengwer.org	Sengwer	

Day I: 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
11.	Wilson K. Kurgat	Ogiek	Uasin Gishu	0722942038
12.	Gilbert Cheruiyot	CESSCO	Trans Nzoia	0727855330
13.	Richard Kipkering	CESSCO	Nandi	0723462103

S/No	NAME	COMMUNITY	COUNTY	TELEPHONE
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 Barngatuny	Ogiek	Nakuru	0722101146
29.	Francis Ngonino	Ogiek	Nakuru	0720645692
30.	Nixon Kasembeli	CESSCO	Uasin Gishu	0723846596

Annex 2: Example Grievance Form

Grievance Form			
Grievance reference number (to be completed):			
Contact details (may be submitted anonymously)	Name (s):		
	Address:		
	Telephone:		
	Email:		
How would you prefer to be contacted (check one)	By mail/post: <input type="checkbox"/>	By phone: <input type="checkbox"/>	By email <input type="checkbox"/>
Preferred language	<input type="checkbox"/> Local	<input type="checkbox"/> Kiswahili	<input type="checkbox"/> English
Provide details of your grievance. Please describe the problem, who it happened to, when and where it happened, how many times, etc. Describe in as much detail as possible.			
What is your suggested redress for the grievance if you have one? Is there something you would like NAVCDP or another party/person to do to solve the problem?			
How have you submitted this form to the project?	Online <input type="checkbox"/>	email <input type="checkbox"/>	By hand <input type="checkbox"/>
	In person <input type="checkbox"/>	By telephone <input type="checkbox"/>	Other (specify) <input type="checkbox"/>
Who filled out this form (If not the person named above)?	Name and contact details:		
Signature			
Name of NAVCDP person assigned responsibility			
Resolved or referred to GRC1?	<input type="checkbox"/> Resolved	<input type="checkbox"/> Referred	If referred, date:
Resolved referred to GRC2?	<input type="checkbox"/> Resolved	<input type="checkbox"/> Referred	If referred, date:
Completion			
Final redress (briefly describe)			
	Short description	Accepted? (Y/N)	Acknowledgement signature
1 st proposed solution			
2 nd proposed solution			

3 rd proposed solution			
additional			

Annex 3: Complaint Log Form

Name of Commenter/Aggrieved		Comment/Grievance Number	
Name of Organization (if applicable)			
Address and Position			
Telephone/Fax			
Email Address			
Method of Grievance Placement	Mail Email Phone Walk In (Face to Face)		
Most effective means to send a response	Mail	Email	Phone
Date and Time of Comment/Grievance	Date	Time	
Nature and location of Comment/Grievance	Please provide details of grievance.		
What outcome are you seeking?			
Additional Information			
Any Supporting Documents Attached	Yes	No	
Initial Response details			
Date of initial response:			
Resolved/Addressed by:			
Nature of Resolution:			
Date of Resolution:			

Annex 4: Grievance log Register

[illegible]