



GOVERNMENT OF KENYA

MINISTRY OF TRANSPORT AND INFRASTRUCTURES



**SOCIAL ASSESSMENT LESSERU-MARICH PASS-
LODWAR-NAKODOK A1 ROAD**

**SOUTH SUDAN-EA REGIONAL TRANSPORT, TRADE AND
DEVELOPMENT FACILITATION PROJECT (EARTTDFP)**

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TABLE OF CONTENTS

TABLE OF CONTENTS	2
LIST OF FIGURES	6
ACRONYMS AND ABBREVIATIONS	7
EXECUTIVE SUMMARY	8
STRUCTURE OF THE SOCIAL ASSESSMENT	8
PROJECT RATIONALE AND IMPACT.....	12
Project Justification.....	12
Project Beneficiaries.....	13
Legal And Policy Background	14
Vulnerable And Marginalized Groups In Project Corridor.....	14
The Socio-Economic study	16
KEY IMPACTS (BENEFICIAL AND ADVERSE) ON VULNERABLE GROUPS.....	16
<i>Summary of Results of Free Prior Informed Consultation</i>	24
framework for free, prior and informed consultations	29
monitoring and evaluation.....	31
implementation arrangements.....	32
<i>Ministry of Transport and Infrastructure</i>	32
<i>Project Implementing Unit –KENHA</i>	33
Liaison with the Government of Kenya	33
1 INTRODUCTION AND SOCIAL ASSESSMENT SUMMARY	35
1.1 Background Information	35
1.2 The Project.....	35
1.3 Project Objectives	35
1.4 Reasons For Social Assessment	36
1.5 Vulnerable And Marginalized Groups’ in the Project Area	36
1.6 Project Components	37
1.6.1 <i>Component 1: Upgrading Critical Road Infrastructure in the Recipient Territory</i>	37
1.6.2 <i>Component 2: Facilitation of Regional Transport, Trade and Development</i>	37
1.6.3 <i>Component 3: Institutional Development and Program Management</i>	38
1.6.4 <i>Component 4: Enhancing Internet Connectivity</i>	38
1.7 Project Rationale And Impact.....	39
1.7.1 <i>Project Impact</i>	39
1.8 Project Justification.....	40
1.9 Project Beneficiaries	41
1.10 Legal And Policy Background	41
1.10.1 <i>National</i>	41
1.10.2 <i>International</i>	43
1.11 Vulnerable And Marginalized Groups In Project Corridor.....	43
1.11.1 <i>Characteristics of Pokot and Turkana Community</i>	43
2 STUDY SCOPE AND METHODOLOGY	46
2.1 Introduction	46
2.2 Study Scope.....	46
2.3 Study Methodology	46
2.3.1 <i>Baseline Assessment</i>	46
2.3.2 <i>Public Consultation</i>	46
2.3.3 <i>Focus Group Discussion</i>	47
2.3.4 <i>Individual Interviews</i>	47
2.3.5 <i>Impact Identification and Evaluation</i>	47
3 DESCRIPTION OF SOCIO-CULTURAL, INSTITUTIONAL, HISTORICAL AND POLITICAL CONTEXT	48
3.1 Introduction	48
3.2 Socio-Cultural Context	48

3.2.1	<i>Demographics in Project Affected Areas-Turkana</i>	48
3.2.2	<i>Agriculture and Land Tenure</i>	49
3.2.3	<i>Land Tenure in the Project Area</i>	50
3.2.4	<i>Livelihoods and Economy</i>	50
3.2.5	<i>Economy and Employment</i>	51
3.2.6	<i>Poverty and Vulnerability</i>	52
3.2.7	<i>Education</i>	52
3.2.8	<i>Water and Sanitation</i>	53
3.2.9	<i>Energy</i>	54
3.2.10	<i>Housing and Other Assets</i>	56
3.2.11	<i>History and Culture of Turkana</i>	58
3.3	West Pokot County	61
3.3.1	<i>Position and Size</i>	61
3.3.2	<i>Administrative and Political Units</i>	61
3.3.3	<i>Demographic Features</i>	62
3.3.4	<i>Education and Literacy</i>	63
3.3.5	<i>Energy</i>	65
3.3.6	<i>Housing</i>	66
3.3.7	<i>Water</i>	69
3.3.8	<i>Health and Nutrition</i>	70
3.3.9	<i>Land and Land Use</i>	70
3.3.10	<i>Non-Governmental Organizations</i>	71
3.3.11	<i>Gender Inequality and Youth</i>	71
3.3.12	<i>HIV and AIDS</i>	72
3.3.13	<i>History and Culture of Pokot</i>	72
3.3.14	<i>Language</i>	72
3.3.15	<i>Livelihoods</i>	73
3.3.16	<i>Resolving Conflicts</i>	73
3.3.17	<i>Society & Culture Group Description Family Structures</i>	74
3.3.18	<i>Social Habits and Groupings</i>	74
3.3.19	<i>Ceremonies</i>	75
3.3.20	<i>Religion</i>	75
3.3.21	<i>Kinship</i>	75
3.3.22	<i>Marriage and Family</i>	76
3.3.23	<i>Domestic Unit</i>	76
4	POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK	78
4.1	<i>Introduction</i>	78
4.2	<i>Legal and Institutional framework</i>	78
4.2.1	<i>Constitution of Kenya</i>	78
4.2.2	<i>Land Act</i>	81
4.2.2.1	<i>Land Acquisition Process</i>	81
4.2.3	<i>Children and Orphans Provision of Land Possession</i>	87
4.3	<i>Commission for Revenue Allocation Act</i>	87
4.4	<i>Policy Framework</i>	89
4.4.1	<i>The National Land Policy (NLP)</i>	89
4.4.2	<i>Vision 2030</i>	90
4.5	<i>Definition and Treatment by the World Bank's Policy</i>	91
4.6	<i>Enabling Environment For Public Participation And Development Planning</i>	92
5	POTENTIAL ADVERSE EFFECTS/RISKS ON VULNERABLE AND MARGINALISED GROUPS	97
5.1	<i>Loss Of Graves</i>	97
5.2	<i>Loss Of Land/Displacement</i>	98
5.3	<i>Loss Of Structures</i>	98
5.4	<i>Loss Of assets Of Spiritual Significance</i>	98
5.5	<i>Disruption Of Family Set Up/Weakening Of Social Bonds</i>	99

5.6	Disruption of Clan/Social Linkages	99
5.7	In-Migration	100
5.8	Loss of Lives and Livestock	100
5.9	Women, Youth And Children.....	100
5.10	HIV/AIDS and Public Health	101
5.11	Management of Other Social Risks	101
5.12	Culturally Appropriate Benefit Sharing Mechanisms.....	101
5.13	Introduction	105
5.13.1	<i>RAP Compensation and Resettlement</i>	106
5.13.2	<i>Pastoralist Road Side Markets</i>	107
5.13.3	<i>Social Infrastructures and Social Services Delivery</i>	107
5.13.4	<i>Gender and Youth Issues</i>	108
5.13.5	<i>Impact of project on traditional way of life</i>	110
5.13.6	<i>Benefits to be shared with the local communities</i>	110
5.14	Recommendations for project design and implementation arrangements	111
6	FEEDBACK AND GRIEVANCE HANDLING MECHANISM	112
6.1	Introduction	112
6.1.1	<i>General Principles and Key Aspects</i>	112
6.1.2	<i>Grievance Registration and Monitoring</i>	114
6.1.3	<i>First Level: Council of Elders</i>	115
6.1.4	<i>Second Level: Village level in cooperation with PIU</i>	120
6.1.5	<i>Fourth Level: Resort to Justice</i>	123
6.1.6	<i>National Land Commission Grievance Mechanism</i>	123
	<i>The Kenyan Constitutional Mechanism for Feedback and Grievance Redress: Commission on Administrative Justice (CAJ) – the Ombudsman</i>	124
7	FRAMEWORK FOR FREE, PRIOR INFORMED CONSULTATION	127
7.1	Introduction	127
7.2	Cost of Information Dissemination and Consultation	128
7.3	Key Stakeholders And Proposed Communication Channels	128
7.4	Methods Of Communication/Information Dissemination/Consultation	131
7.5	Extent and Methodology	132
7.5.1	<i>Information</i>	132
7.5.2	<i>Consultation</i>	132
7.5.3	<i>Gender and Youth</i>	133
7.6	Consultations Concerning The Project During The Period December 2014.....	133
7.6.1	<i>CONSULTATIONS FOR PREPARATION OF THE SA</i>	134
7.6.2	<i>Consultations in Context of SA Disclosure</i>	141
7.6.3	<i>CONSULTATION DURING IMPLEMENTATION</i>	141
8	MONITORING PLAN	143
8.1	Introduction	143
8.2	Overview	143
8.2.1	<i>OBJECTIVES OF MONITORING</i>	144
8.2.2	<i>M&E APPROACH</i>	144
8.2.3	<i>INTERNAL MONITORING</i>	145
8.2.4	<i>Outcome Evaluation</i>	154
8.2.5	<i>Compliance and Completion Audit</i>	154
8.2.6	<i>Responsibilities</i>	154
8.2.7	<i>Evaluation Procedures</i>	155
9	COST ESTIMATES AND FINANCING PLAN FOR THE SOCIAL ASSESSMENT.....	156
10	BIBLIOGRPAHY.....	158
11	APPENDIX.....	160
	APPENDIX 1 – CONSULTATIONS/MINUTES OF MEETINGS WITH AFFECTED COMMUNITIES.....	160

FOCUS GROUP DISCUSSION/MINUTES WITH WOMEN AND YOUTH PASTORALISTS	172
Operational Manual	187
OP 4.10 - Indigenous Peoples	187
APPENDIX 3-PHOTOGRAPH PLATES	194
(See Separate Attachment)	194
APPENDIX 4-LIST OF PARTICIPANTS	195
(See Separate Attachement)	195
List of Contacted Participants-Key Informants	196

LIST OF TABLES

Table 1 Overview: Contentes of the RAP	8
Table 2 Socio-Economic Characteristics of Turkana	14
Table 3 Socio-Economic Characteristics of the Pokot	15
Table 4. Major Town Centres where structures and other assets will be affected.....	17
Table 5. Consultations held, Locations and Venues, Dates and Number of Participants	18
Table 6. Issues rased in Consultations and Responses	19
Table 7. Summary of Outcome of the PAP Consultation.....	21
Table 8 Socio-Economic Characteristics of Turkana	43
Table 9 Socio-Economic Characteristics of the Pokot	44
Table 10 Overall Employment by Education Levels in Turkana County	51
Table 11 Overall Employment by Education Levels in West Pokot County	63
Table 12. How Public Participation and Concerns of Marginalized and Minority Groups are addressed by the COK, 2010.....	94
Table 13. Other Relevant Legislation and Public Participation.....	96
Table 14. Summary of Issues and Mitigation Measures	105
Table 15: Feedback and Complaints Redress by the CAJ (the Ombudsman)	124
Table 16. Stakeholders in Lesseru-MarichPass-Lodwar-Nakodok Road Rehabilitation Project	129
Table 17. Stakeholder Consultation Process with Respect to the Project	133
Table 18. Consultations in Affected Communities	134
Table 19. Consultation Objectives with PAPs	134
Table 20. Summary of Impact and Mitigation Measures of Potential Adverse Impacts on Turkana and Pokot Communities	146
Table 21. Cost for SA Implementation	156

LIST OF FIGURES

Figure 1 Administrative Units and Map of Turkana County	48
Figure 2 Population Pyramid of the Turkana	49
Figure 3 Fishermen in Lake Turkana	51
Figure 4 Livestock keeping in Lake Turkana area	51
Figure 5 Turkana County-Percentage of Households with Improved and Unimproved Sources of Water by Ward.....	53
Figure 6 Turkana County-Percentage of Households with Improved and Unimproved Sanitation by Ward.....	54
Figure 7 Percentage Distribution of Households by Source of Cooking Fuel in Turkana County.....	54
Figure 8 Percentage Distribution of Households by Source of Lighting Fuel in Turkana County.....	55
Figure 9 percentage Distribution of Households by Floor Material in Turkana County	56
Figure 10 Percentage Distribution of Households by Wall Material in Turkana County	57
Figure 11 West Pokot County Map by Ward.....	62
Figure 12 Percentage Distribution of Households by Source of Cooking Fuel in West Pokot County.....	65
Figure 13 Percentage Distribution of Households by Source of Lighting Fuel in West Pokot County.....	66
Figure 14 Percentage Distribution of Households by Floor Material in West Pokot County ...	67
Figure 15 Percentage Distribution of Households by Roof Material in West Pokot County	67
Figure 16 Percentage Distribution of Households by Wall Material in West Pokot County	68
Figure 17 West Pokot County-Percentage of Households with Improved and Unimproved Sources of Water by Ward.....	69
Figure 18 West Pokot County-Percentage of Hpouseholds with Improved and Unimproved Sanitation by Ward.....	70
Figure 19 Map showing the 14 Marginalized Counties . Source: CRA.....	89

ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
AIDS	Acquired Immune Deficiency Syndrome
BID	Background Information Document
CAJ	Commission of Administration of Justice
CBO	Community Based Organization
CDD	Community Driven Development
CDI	County Development Index
CIC	Commission for Implementation of the Constitution
CIC	Commission for Implementation of the Constitution
CIDP	County Integrated Development Plan
COK	Constitution of Kenya
CRA	Commission for Revenue Allocation
CRA	Commission of Revenue Allocation
DLSAO	District Land Adjudication and Settlement Officer
DPs	Displaced Persons
DRC	Democratic Republic of Congo
ESIA	Environment and Social Impact Assessment
ESMP	Environment and Social Management Plan
FGD	Focus Group Discussions
FGHM	Feedback, Grievance Handling Mechanism
GDP	Gross Domestic Product
GM	Grievance Mechanism
GNU	Gross National Income
GOK	Government of Kenya
HIV/AIDS	Human Immuno Deficiency Virus
IPPF	Indigenous Peoples Policy Framework
ITS	Intelligent Transportation Systems
KACC	Kenya Anti-Corruption Commission
KFS	Kenya Forest Service
KNBS	Kenya National Bureau of Statistics
MDGs	Millennium Development Goals
MEWNR	Ministry of Environment, Water and Natural Resources
NEMA	National Environment Management Authority
NGOs	Non-Governmental Organizations
NLC	National Land Commission
NLC	National Land Commission
NLP	National Land Policy
NT	National Treasury
PAH	Project-Affected Household
PAP	Project Affected Persons
PDO	Project Development Objectives
PIU	Project Implementation Unit
PRA	Participatory Rural Appraisal
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RPLRP	Regional Pastoral Livelihoods Resilience Project
SA	Social Assessment
SEBR	Socio-Economic Baseline Report

EXECUTIVE SUMMARY

This document presents the Social Assessment (SA) for the proposed rehabilitation of Lesseru-Marich Pass-Lodwar-Nakodok road in Kenya to be supported through the Bank funded South Sudan East African Region Transport, Trade Development Facilitation Project (EARTTFDP=the Project). The Project will affect communities along the project corridor beginning from Lesseru to Nakodok (601 km). The SA has been established in order help make the project responsive to social development concerns, including seeking to enhance benefits for poor and vulnerable communities along the project corridor while minimizing or mitigating risk and adverse impacts. Furthermore, the SA has been developed in order to ensure that the Pokots and Turkana's who are the dominant local communities along the project area are involved from the beginning in the preparation of the project, are fully informed about the project, consulted and their views, socio economic and cultural needs and priorities are taken into consideration when preparing the project and are fully involved.

STRUCTURE OF THE SOCIAL ASSESSMENT

The SA has been developed and the overview of outline is described in **Table 1** below

Table 1 Overview: Contentes of the RAP

Chapter Outline	Chapter Description
	Executive Summary
One	Introduction
Two	Study Scope and Methodology
Three	Project Description
Four	Description of socio-cultural, Institutional and political context
Five	Policy, legal and institutional framework
Six	Key Social Issues
Seven	Strategy to achieve Social Development Outcomes
Eight	Developing a Monitoring Plan
Nine	Feedback and Grievance Handling Mechanism
Ten	Free Prior Informed Consultation

THE PROJECT

The Kenya National Highway Authority (KENHA) through East African Regional Transport, Trade and Development Facilitation Project is in the process of rehabilitating the 601 KM long Lesseru-Marich Pass-Lodwar-Nakodok Road, which traverses Turkana and West Pokot Counties. The proposed road rehabilitation project will entail excavation of the existing road surface to pave way for fresh carpeting, horizontal alignment of narrow sections of the road within the road reserve, development of interchanges, construction of service roads at all major trading centres along the road corridor, construction of a truck lay bay, road realignment, evacuation of persons who have encroached into the road reserve and acquisition of land for road construction.

Reasons for Social Assessment

Social Assessment is the instrument used most frequently by the Borrower to analyze social issues and solicit stakeholder views for the design of World Bank-supported projects. Social assessment helps make the project responsive to social development concerns, including seeking to enhance benefits for poor and vulnerable people while minimizing or mitigating risk and adverse impacts. It analyzes distributional impacts of intended project benefits on different stakeholder groups, and identifies differences in assets and capabilities to access the project benefits.

Vulnerable and Marginalized Groups¹, Project Area

The project area is inhabited by the Pokot and Turkana community who are considered vulnerable and marginalised as per the criteria of the World Bank's OP 4.10 and of the Constitution of Kenya (CoK) 2012. The Pokot and Turkana communities ;(a) self-identify as members of a distinct indigenous social and (b) cultural group and have collective attachment to geographically distinct habitats and ancestral territories in the project area and to the natural resources in these habitats and territories; (c) have distinct customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture and; (d) have their own distinct language, different from the official language . The above characteristics hence qualify them as vulnerable and marginalized and necessitated the need for preparation of a Social Assessment, which has therefore been prepared for the project.

The overall objective of the SA is to ensure that the process involved in the preparation of the project fully respects the dignity, human rights, economies, and cultures of the Pokot and Turkana. Further the SA is to ensure that the Pokot and Turkana, who are the dominant local tribes along the project corridor are involved from the beginning in the preparation of the project, are fully informed about the project, consulted and their views, socio economic and cultural needs and priorities are taken into consideration when preparing the project and are fully involved.

To this end, the Bank requires the borrower to engage in a process of free, prior, and informed consultation. The Bank provides project financing only where free, prior, and informed consultation results in broad community support to the project by the affected vulnerable and marginalized groups. Such Bank-financed projects include measures to:-

- (a) Avoid potentially adverse effects on the Vulnerable and Marginalized Groups (VMGs); or
- (b) When avoidance is not feasible, minimize, mitigate, or compensate for such effects

¹ For purposes of this social assessment, the terms "vulnerable and marginalized groups" and "marginalized communities" will be used instead of the term "Indigenous Peoples" to align the terminology with the language in the Constitution of Kenya. This in no way dilutes the application of the content of OP 4.10.

(c) Ensure that the vulnerable and marginalised people receive social and economic benefits that is culturally appropriate and gender as well as inter-generationally inclusive.

Project Components

This “Project” includes the following components namely:

Component 1: Upgrading Critical Road Infrastructure in the Recipient territory.

This component includes support to KeNHA for upgrading approximately 258.1 km of part of the Nadapal-Eldoret Road in Kenya with the associated supervision costs. This caters for upgrading the following road sections: (a) Kalobeiyei River - Nadapal (88.1 km) bordering South Sudan, which includes upgrading about 26 km unpaved road involving reconstructing major structures; (b) between Lokitaung and Kalobeiyei River (80 km); and (c) between Lesseru and Kapenguria (91km), which is heavily trafficked and traverses an area with huge agriculture potential, yet the road conditions have deteriorated; as well as (d) replacement of critical bridges, including Kainuk Bridge at Muruni River. The civil works contracts for Kalobeiyei River – Nadapal, Lokitang – Kalobeiyei, and Kainuk bridge will have provisions for pastoralist roadside infrastructure construction, while all road upgrading contracts will have provisions for road side social amenities and HIV/AIDS prevention tasks.

Component 2: Facilitation of Regional Transport, Trade and Development. This component supports promotion of sound transport, trade and development facilitation measures, increasing the efficiency of the corridor. This includes:

Sub-component 2(a): Support to KRA for the implementation of transport, trade and development facilitation measures, including: (i) quality control and harmonization of customs and other border agencies procedures; (ii) establishing One Stop Border Post (OSBP) at the Kenya side of Nadapal/Nakodok, through a design-build (DB) arrangement; (iii) provision of advisory services and equipment for the strengthening of the cross-border management unit of KRA as well as promote effective coordination with other border agencies; (iv) Support to the implementation of an integrated border management system; (v) support to the implementation of the Memorandum of Understanding (MoU) between Kenya Customs and South Sudan Customs Services to exchange information and promote the use of common procedures; and (vi) ICT to ensure revenue collection and facilitate clearance and release of goods to help Kenya Customs comply with new transparency requirement of e-citizen registration, electronic collection of revenue and e-reporting of clearances and release of goods.

Sub component 2 (b): Support to KeNHA for the implementation of transport, trade and development facilitation measures, including: (i) enhancing social infrastructure and social services delivery, including Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) prevention; (ii) corridor Road Safety assessment and implementation of pilot corridor Road Safety action plan along the corridor and promoting “The Safe System”; (iii) developing pilot pastoralist road side infrastructure that would help integrate the pastoralist communities along the parts of the corridor habited by Turkanas and Pokots in the modern economy through provision of sites for services, clean water, extending electrification to selected

centers, provision of market shades, milk cooler, slaughter houses, veterinary posts, livestock holding area in selected locations, and connecting community information centers with fiber connection; (iv) introduction of Intelligent Transportation Systems (ITS) through developing national and regional ITS Architectures; piloting highway ITS along selected regional corridors, road corridors in selected cities, selected junctions, etc.; introduction of tolling system in selected sections of roads; traffic data collection on the national road network, as well as establishing the institutional base for ITS management in KeNHA; and (v) preparing a strategic plan for the development of high capacity highways focused on regional transit corridors.

Sub-component 2 (c): Support to MoTI for the implementation of transport, trade and development facilitation measures, including: (i) Support to corridor performance monitoring; (ii) Support to national corridor management committees; and (iii) Facilitating the development of export processing zones, storage facilities and rest stops through designing the sites, provision of site and services, as well as certification of export products and simplifying the process for import-export.

Component 3: Institutional Development and Program Management

Sub-component 3(a): Strengthening of KeNHA's and MoTI's institutional capacity through the provision of advisory services and training, including: (i) strengthening road design review capacity of KeNHA; and (ii) enhancing project management capacity of MoTI; and (iii) strengthening the capacity of the lead Road Safety Agency (the National Transport and Safety Agency). This may involve conducting needs assessment, road safety audits and strengthening enforcement capability.

Sub-component 3(b): Provision of advisory services, training and logistical support, including office equipment, materials and supplies, and Operating Costs as required to sustain the management and coordination of Project implementation activities, including audits, and monitoring and evaluation of the execution of the Project.

Sub-component 3(b): Support to prepare follow-on projects. This sub-component will finance TA to support the preparation of the third phase of the regional project and development of future follow-on regional transport and trade facilitations projects.

Component 4: Enhancing Internet Connectivity. Support to Kenya ICT Authority for the construction of a fiber optic cable, alongside the part of the Juba-Eldoret road located in Kenya, between Nadapal and Eldoret. Fiber spurs and rings will also be constructed and provision made for connecting refugee camp in Kakuma, schools, hospitals and other strategic locations including pastoralist road side markets, export processing zones, rest stops and community centers and service centers along the corridor in Kenya.

In parallel with the implementation of the second project in Kenya, under the ongoing First Project, South Sudan will implement upgrading of critical infrastructure, as well as trade and development facilitation activities. In addition to completing the upgrading of the road section in South Sudan, the establishment of an OSBP and overloading control weigh bridge at Nadapal, as well as connecting export processing zones, rest stops and community centers and service centers along the corridor with

ICT, in South Sudan will be implemented under the third project, anticipated to start in 2017.

PROJECT RATIONALE AND IMPACT

The upgrading of this corridor helps to generate and promote trade and development in the sub-region. Increased accessibility will contribute to creating and enlarging markets, particularly that of regional agricultural trade, but also third country origin products transported along the corridor. The gains of accessibility are obtained by the upgrading of the road infrastructure, which must be supplemented by reduction of transport and trade transaction costs. One day delay of road transportation costs each truck US\$140 per day in fixed cost and driver's time and this is further augmented by additional cost of 0.5 percent of goods value per day to the traders, which constitutes lost opportunity cost and financial cost. The program's sound transport, trade and development facilitation measures will reduce the border dwell time significantly, thus contributing to the reduction in the turnaround time between Juba and Mombasa from 8 days to 5 days. The economic effect of the program will be further increased by: increased competitiveness in road transportation sector (bilateral transit agreement); accessibility to efficient financial and social infrastructure (banking and insurance services); gains from the prevention of HIV/AIDS; economic return from export processing zones and storage facilities; gains from prevention of causality and congestion caused by traffic accident; and prevention of road damage caused by overloading.

Laying fiber optic cable alongside the road from Eldoret to the border and further to Juba will enhance internet connectivity for the population living in the north –western part of Kenya while linking South Sudan with the global internet for the first time. This initiative should lead to a substantial reduction in the price of internet service. Currently, the retail price of mobile data in South Sudan is over US\$450 per Gigabyte, which makes most internet applications prohibitively expensive for mobile users. One reason the price is so high is because the mobile operators are reliant on satellite bandwidth. Providing wholesale internet connectivity through a fiber cable should reduce the retail price by more than half within three years of the service becoming operational. The introduction of ITS in Kenya for the first time will help to enhance the efficiency of traffic movement along the busiest road corridors and reduce accident and injuries.

Project Impact. The improved road and ICT access, trade and export processing facilitation will provide greater opportunity to local farmers and pastoralists to have better access to the domestic and regional agricultural markets and encourage surplus production. The small businesses that would develop along the corridor, border post, rest stops, and processing areas will help create employment to the youth and rural poor. The construction and maintenance works will also provide income-generating jobs to the local people. Hence, these opportunities will help local products to be sold at market prices and increase household income, contributing to poverty reduction and shared growth.

PROJECT JUSTIFICATION

The countries in the Eastern Africa sub-region, including Kenya, Uganda, Tanzania, Burundi, Rwanda, Ethiopia, eastern Democratic Republic of Congo (DRC), and South

Sudan recorded an average annual economic growth rate of about 5 percent over the last decade. The sub-region is potentially a large regional market of over 200 million people. Relatively poor transport links between these countries, the less than satisfactory performance of the ports of Mombasa and Dar-es-Salaam, the high cost of internet access in many parts of the region, the poor state, or non-existence of fiber optic links, cumbersome trade facilitation procedures and requirements, and a range of technical, political and policy-related factors create obstacles and increase costs to the movement of goods, people, information services, and act as a major impediments on intra- and inter-regional trade, contributing to the under development of the sub-region.

Kenya is a relatively large country with a land area of 580 400 sq. km with an estimated population of 44.4 million, in 2013. The population was 31.25 million in year 2000 and has been growing at an annual rate of 2.6% p.a. Its Gross Domestic Product (GDP) was estimated at US\$44.1 billion in 2013 with considerable variation in past annual growth rates ranging from 0.6% in year 2000, 5.9% in 2005, 1.6% in 2008, to 5.3% in 2010. Gross National Income (GNI) per capita was \$930 in 2013 using the Atlas method. Poverty rate has not much changed since the early 1990s: it was 45.9% in 2005 and 44.8% in 1992.

There are considerable regional variations in the development pattern of Kenya's economy, with the Turkana North County in which most of the project area is located has the highest incidence of absolute poverty with more than 80 percent of the population in that area living below the absolute poverty line compared to the national average poverty line indicator of 45.9 percent. The population living along the corridor in the Kenyan territory is predominantly pastoralist communities, Turkanas and Pokots deprived of basic social and economic services with limited or no access-to-access to economic opportunities. Life expectancy in Kenya has slowly increased from 53 years in 2005 to 61 years in 2012. Adult literacy rates have increased substantially from 74% in 2000 to 87% in 2009.

Services represent the largest share of the economy with 67% of GDP in 2010, agriculture accounting for 19% (the share was 32% in year 2000) with industry representing 14% in 2010. However, in terms of employment and exports, agriculture is by far the most important sector with more than 80% in employment and more than 70% in export value derived from agriculture.

PROJECT BENEFICIARIES

The beneficiaries of the project will include: the pastoralist communities, farmers and businesses along the road corridor, road users (passengers and freight), tradable sectors of the economy, agriculture, mining and ultimately, consumers and producers both inside and outside the sub-region. The export processing facilities and pastoralist roadside infrastructure, the project will offer new job and income earning opportunities to the people in Turkana and West Pokot in Kenya and in Eastern Equatoria and eastern part of Central Equatoria states in South Sudan.

ICT users in north-western part of Kenya, as well as throughout South Sudan, government departments, the private sector, especially small and medium enterprises, and development partners will also benefit from the reduced costs for internet. Due to

the poor state of this corridor the inhabitants are occasionally cut off from the rest of Kenya and South Sudan, particularly during the rainy season. Improvement of the corridor will also attract investment for export oriented agricultural development and mining in the project influence area.

LEGAL AND POLICY BACKGROUND

The SA has been prepared in compliance with the requirements of the relevant national legislation of the Republic of Kenya. The process and procedures of land acquisition for the Project will be principally governed by Kenya land laws including; Constitution of Kenya (CoK) and Land Act 2012, as well as the World Bank Indigenous Peoples Policy (OP 4.10) and the already prepared Indigenous Peoples Policy Framework (IPPF) for the EARTTFDP. The World Bank Group is one of the potential lender for the project.

VULNERABLE AND MARGINALIZED GROUPS IN PROJECT CORRIDOR

The Pokots and Turkanas are categorized as marginalized and vulnerable as a result of screening that was conducted in accordance with OP. 4.10. The constitution of Kenya (COK 2010), has also categorized Turkana and West Pokot Counties as a vulnerable and marginalized County. **Table 2 and 3 below** reflects a summary of the socio-economic characteristics of the Turkana and Pokot.

Table 2 Socio-Economic Characteristics of Turkana

Social Structures	<ul style="list-style-type: none"> • Social Organisation is characterized as a patrilineal kinship system: property is transmitted in most cases from father to son, and the pattern of marital residence is patrilocal. • For the Turkana, the society is divided into clans, which are divided into sub clans, and sub-clans subdivide into local patrilineal lineages. Each family is a member of a certain clan.
Political Organisation	<ul style="list-style-type: none"> • Traditional leaders exist- Council of Elders. • However, power is now vested in national and county governments with political authority and administrative organisations representing the state.
Language	<ul style="list-style-type: none"> • Turkana tribe is part of the Nilotic tribes and constitutes the second largest pastoralist community in Kenya after the Maasais. They speak the Turkana language, which is Nilotic and similar to the Maasai language.
Religion	<ul style="list-style-type: none"> • Close to 95% of the people living in Turkana County adhere to traditional beliefs while 5-10% of the residents are Christians. The Turkana believe in a Supreme deity called Akuj. They believe that Akuj created the world and that he is in control of the blessings of life. They also believe in the existence of ancestors, ngipean or nikaram. As in most African traditional religions, traditional religious specialists in Turkana are present and play an active role in almost every community event.
Occupation and Economy	<ul style="list-style-type: none"> • The source of livelihood in all communities is livestock. Incomes from sale of livestock and livestock products play a significant role in their livelihood. Incomes increase during the rainy season in April to May and November from sale of animals. Similarly, salaries did not feature as a significant source of income with exception of communities at Kalokol, Loiyangalani and Illeret. Fishing is a significant source of income for all communities

	sampled in this study with exception of North Horr. Basket weaving featured as significant source of incomes for the Turkana communities at Kalokol and Lorengelup and to a lesser extent at Kang'arise. Basket weaving did not feature as a source of income for almost all of the households interviewed at Illeret, North Horr and Loiyangalani. All households reported some income from sales of crop.
Cultural Identity	<ul style="list-style-type: none"> The Turkana have maintained their cultural identity, although majority are adopting the modern lifestyle. They practise several rituals during rights of passage including circumcision among others.

Table 3 Socio-Economic Characteristics of the Pokot

Social Structures	<ul style="list-style-type: none"> The homestead is the social center for the Pokot. Here a man lives with his wives, each having their own hut. All members of the family live here and the stock is corralled here at night. The man of the family rules the homestead, telling the others what duties they are to perform. The extended family (kapor) is the most important social grouping among the Pokoot. Especially important are the relatives of the mother who are the most active in assisting with the bride price or feast contributions.
Political Organisation	<ul style="list-style-type: none"> The clan is the primary political grouping among the Pokoot. All livestock and shambas ultimately belong to the clan rather than to individuals and decisions regarding these and many other matters are made at the clan level. There are about 25 clans and 150 sub-clans among the Pokot. Clans meet and interact in the extended families.
Language	<ul style="list-style-type: none"> The Pokoot language is one of the Para-Nilotic languages. The Para-Nilotic speaking peoples of Kenya include the Turkana, the Kalenjin and the Maasai groups. The Pokoot language is included within the Kalenjin group though Pokoot is the most different of all Kalenjin languages. The Pokoot can communicate with other Kalenjin speakers, but only with great difficulty as many of their words are different. Alternate Language Names Pokot, Suk, Pakot.
Religion	<ul style="list-style-type: none"> In Pokot cosmology, the universe has two realms, the above and the below. The above, remote and unknowable, is the abode of the most powerful deities—Tororot, Asis (sun), and llat (rain); the below is the abode of humans, animals, and plants. Men and women are considered responsible for the peace and prosperity of the realm that they inhabit, but they must rely upon divine vitality and knowledge to achieve and maintain these conditions. The Pokot communicate with their deities through prayer and sacrifice: Tororot is said to listen to his creatures below, Asis to witness their activities, and llat to serve as a messenger between the two realms. Deities, in turn, communicate with humans, warning and rebuking them about their misconduct. Christianity has reshaped Pokot cosmology, primarily by reducing the number of deities, while augmenting their attributes. Religious Practitioners. The divine messenger llat has a human counterpart called a <i>werkoyon</i> (prophet), who foresees disaster and recommends expiation, usually animal sacrifice, to alleviate it. A <i>werkoyon</i> may be either male or female; his or her ability to foresee

	and to advise is considered a divinely given gift, to be used on behalf of all Pokot.
Occupation and Economy	<ul style="list-style-type: none"> • Pastoralists Occupation Cattle husbandry has traditionally been the center of the Pokoot economy. Even the agricultural Pokoot try to have a few cows to raise. Cattle have filled both an economic and social role among the Pokoot and the more cattle one has the better. Products / Crafts Some bees are kept by the Pokoot for production of honey and honey wine which is important in certain ceremonies. The Pokoot also do some hunting, but not really as a means of subsistence. More and more Pokoot are turning to panning gold part-time.
Cultural Identity	<ul style="list-style-type: none"> • There are some thirty-six named, exogamous patrilineal clans. Many of these clans are found among other Kalenjin groups; a few originated among the Turkana. Clan histories recount the movements of people from one locale to another, emphasizing the vulnerability of humans and their dependence upon supernatural benefactors to help them overcome hunger, thirst, and, ultimately, death itself; the attributes of these benefactors are praised in poetry and song. Clans are conceptualized as "pathways" and fellow clan members as children of the same "father" or "grandfather." Although members of the same clan are dispersed geographically and are differentiated internally, they are said to hold their herds in common. Unlike some East African cattle-keeping groups, the Pokot retain their clan affiliations throughout their lives; there is no ceremony to sever clanship in the event of marriage. Genealogical reckoning tends to be shallow, reaching back three to four generations.

THE SOCIO-ECONOMIC STUDY

As part of the Social Assessment, stakeholder consultations were undertaken in during the month of December 2014 including consultative meetings with Pokot and Turkana community members. The socio- economic survey was done using a semi-structured household questionnaire. The questionnaire covered the households' baseline information on incomes and expenditures, occupational and livelihood pattern, use of resources, arrangements for use of common property, social organization, leadership patterns, community organizations, and cultural parameters.

KEY IMPACTS (BENEFICIAL AND ADVERSE) ON VULNERABLE GROUPS

Positive Impacts

1. The pastoralist roadside market infrastructure will help the local population sell dairy products and livestock at a better price. The markets will engage the pastoralist; in particular women to establish restaurants to prepare and sell food. The market place will attract investment for processing dairy products and meat products, which will help pastoralist in the project area to serve as out growers and input providers. The economic opportunities will help increase the income for the pastoralist community and improve their livelihood. The markets will help engage in business the pastoralists and transform the way they live; by encouraging them to settle and have better access to social services, in particular education for their children. Developing

pilot pastoralist road side markets that would help integrate the pastoralist communities along the parts of the corridor habited by Turkana and Pokots through provision of sites for services, clean water, electrification, market shades, milk cooler, slaughter houses, veterinary posts, livestock holding area, and community information centers with fiber connection.

2. The upgrading of the road will provide greater opportunity to the local farmers and pastoralists to have better access to the domestic and regional agricultural markets. The farmers and pastoralists would have the opportunity to be suppliers of agricultural products; processing plants and business; hence these will help local products to be sold at market prices and increase household income; contributing to improved livelihood of the local community.
3. The construction and maintenance works will also provide, in the short term, income generating jobs to the local people. The works contracts will have provision for basic services; such as boreholes for potable water for PAPs. Women’s participation in the project is guaranteed, as the project will provide employment for them (e.g. basic construction, clearing).

Adverse Impacts

The potential adverse impacts associated with the project include: (a) Frequency of accidents, among vehicles and with other users of the road; (b) Loss of land predominantly used for business enterprises, agriculture and grazing; (c) Loss of housing structures within markets and towns currently exist within 20 meters on either side of the proposed center of the road; (d) Loss of shade for community meetings and income as a result of felling of numerous trees including mango trees on road side; (e) Loss of cultural and religious properties (sacred trees, graves) identified along the road; (f) Potential loss of lives and livestock due to speeding vehicles during and after construction; (g) Increased STDs including HIV/AIDs infections due to increased number of construction workers and other road users; and (h) disruption of livelihood systems; and impacts on social networks and community bonds. The Table 4 below shows the major centres along the project corridor where adverse impacts mentioned above are likely to be experienced.

Table 4. Major Town Centres where structures and other assets will be affected

Major Town Centres along Lesseru-Marrich Pass Corridor
Matunda
Soy
Moi’s Bridge
Kamakut
Nangili
Nabusaka
Fafarol
Kibomet/Naisambu
Taito
Aruba
Kongoni
Maili Saba
Kipsaina
Kesegon
Simatwet

Major Town Centres along Marrich Pass-Lodwar Corridor
Marich Pass
Kainuk
Kalemng'orok
Lokichar
Kasuroi
Lochaang'ikamatak
Lochoromoit
Kimabur
Loturerei
Major Town Centres along Lodwar-Nakodok Corridor
Lodwar
Nasiger
Duka Moja/Napelilim
Makutano Gold
Nakalale
Lokore/Komotagai
Kakuma Town
Kalobeyei
Natira/Nakururum
Songot

Given the close community of indigenous groups, households may be especially vulnerable to disruptions created by involuntary resettlement, through the possible dispersal of connected households, the fracturing of social networks, and the weakening of cultural practices. Feedback from the consultation programme reflected a preference of relocating as one community.

Public Consultations

A total of **36** consultative meetings were held with **1,184** PAPs at different locations within the project corridor as shown in **Table 5** below to first of all sensitize them about the project, inform them of the reason for conducting the Social Assessment and seek their views and perception on the project including broad community support. The table outlines the locations and dates where the consultations were held during the preparation of the Social Assessment. Consultations were carefully planned and conducted to ensure efficiency and effectiveness in covering key issues both from the PAPs and communities on the one hand, and the project interests on the other.

Table 5. Consultations held, Locations and Venues, Dates and Number of Participants

Location	Venue	Date	Number of Participants
Lesseru Marich Pass Road Section			
Chepareria Post Office	Chepareria Post Office	9 th December 2014	37
Chepareria-Sebit	Parua location	7 th December 2014	27
Marich	Marich Shopping Centre		11
Kapenguria-Kamatira	Kamatira Shopping Centre	8 th December 2014	10
Psigirio-Mmagei	Makutano Dispensary	8 th December 2014	37
Sebit Shopping Centre	Sebit Shopping Centre	9 th December 2014	51
Waitaluk	Waitaluk Shopping Centre	5 th December 2014	32
Sirende	Sirende Shopping Centre	5 th December 2014	25

Matisi	Matisi Shopping Centre	5 th December 2014	50
Sinyereri-Kwanza	Sinyereri-Kwanza		38
Sitatunga –Kasaigat	Sitatunga –Kasaigat	6 th December 2014	28
Total Participants			391
Marich Pass Lodwar Road Section			
Napatet – Lodwar	Lodwar Trading Centre	2 nd December 2014	24
Lokichar	Lokichar Trading Centre	3 rd December 2014	29
Kainuk	Kainuk Trading Centre	4 th December 2014	26
Kakuma	Kakuma Chiefs Camp	6 th December 2014	24
Lokichoggio	Lokichoggio, DO's place	2 nd December 2014	30
Total Participants			232
Lodwar-Nakodok Road Section			
Lodwar Town	Lodwar Town	2 nd Dec. 2014	34
Napelilim	Nasiger Village Centre	2 nd Dec. 2014	220
Nakalale	Makutano Gold Centre	3 rd Dec. 2014	60
Kakuma	Kakuma Town	3 rd Dec.2014	30
Kalobiyei	Kalobiyei Village Centre	4 th Dec 2014	26
Songot	Songot Chief's Office	4 th Dec 2014	44
Lokichogio	Lokichogio Town	5 th Dec. 2014	54
Mireka	Mireka Grounds	2 nd Dec. 2014	28
Total			437
Focus Group Discussions - Women and Youth			
Location	Venue	Date	Number of Participants
Matunda (Youth FGD)	Matunda Market	9 th December 2014	9
Kesegon (Women FGD)	Kesegon Market	6 th December 2014	13
MaliSaba (Women FGD)	Miali Saba Centre	8 th December 2014	6
Naisambu/Kibomet (Youth FGD)	Naisambu/Kibomet Market Centre	5 th December 2014	10
Lokichoggio (Youth FGD)	Lokichoggio Trading Centre	5 th December 2014	15
Kalobeiyei (Youth FGD)	Kalobeiyei	4 th December 2014	9
Songot (Women FGD)	Songot Shopping Centre	4 th December 2014	11
Nasinger-Lagga (Women FGD)	Nasinger-Lagga	2 nd December 2014	8
Lodwar (Youth FGD)	Lodwar Shopping Centre	2 nd December 2014	8
Kainuk (Youth FGD)	Kainuk Centre	4 th December 2014	10
Lokichar (Women FGD)	Lokichar Trading Centre	3 rd December 2014	10
Kakuma (Women FGD)	Kakuma Trading Centre	3 rd December 2014	14
Total			124

During the consultations, which included specific Focus Group Discussions targeting women and youth, several issues and concerns were expressed and have been summarised in Table 6 below. Local communities interviewed broadly support the proposed project because the area is significantly marginalised and has lacked basic services for decades to an extent that the local communities have always wondered if they are Kenyan citizens. However, they expressed a number of issues and concerns that they wanted addressed and outlined below including responses provided by KENHA.

Table 6. Issues raised in Consultations and Responses

Issue	Response
How will private land be compensated and what will be process of compensation?	All affected person will have their any of their lost land valued and captured in the entitlement in a Resettlement Action Plan (RAP). The National Land Commission (NLC) will publish the approved list for compensation in the local dailies and thereafter if no contentions arise as to the ownership, payment will be made. Those with or without title deeds will also be compensated provided they have the relevant documentation to prove ownership. Payment will then be made after valuation and based on market value.
<u>Who will be compensated?</u> What process will be used to identify PAPs who ill be compensated and at what value?	Anybody impacted by the project will qualify for fair and just compensation based on market rates of land.
<u>What will be compensated?</u> We have planted trees on public land at Lord Keringet after Maili Saba. Will you compensate for loss of trees on public land too?	The road size on Waitaluk–Sirende is 40metres wide and any encroachment outside the 60metres into private land will be fully, fairly and justly compensated.
What is the correct size of road and will compensation be done on affected persons whose land would be encroached by the expansion of the road.	The road size on Waitaluk–Sirende is 40metres wide and any encroachment outside the 60metres into private land will be fully, fairly and justly compensated.
<u>Community Benefits</u> How will local communities benefits from employment and business opportunities offered by the project? Will shades be provided at the following areas Karas, Kamatira, Tantana, Bendera and St. Mary's. We would like those ablution facilities are constructed for the road users to avoid travelers using the forests to relieve themselves?	The Government will ensure that locals benefit from employment opportunity provided by the project particularly unskilled labour will be sourced locally. The contractor will ensure toilets are constructed for workers working on the road project and the project has a component for providing several roadside amenities including markets, rest stops among others
<u>Timing of Compensation</u> When will compensation be made?	Compensation will be done just before the project commences.
<u>Design and Safety</u> KENHA should consider erecting bumps at the Marich Pass trading Centre, Sigor Junction, Police area and Coastal. There is also need for a roundabout at Lelan. The economy of the population is largely dependent on small-scale businesses including boda bodas (passenger motor cycles) and there is need to incorporate them on the design to reduce the number of accidents.	Bumps were considered on various section of the road during the design stage. We will verify if the following additional sections can be considered during design review. More space will be created on the pavements and the road in town widened to facilitate boda boda motorcyclists. The design has factored this plus pedestrians use where necessary.
<u>Project Start Date</u> When is construction expected to begin?	Once the design review has been finalized, compensation made and procurement completed for the contractor, then construction will begin immediately.
<u>Who is a Project Affected Person</u> How shall we know that we are project-affected persons?	The project follows the current ROW. Those within the ROW will have to move and where we have new alignment or deviations from ROW, just and fair compensation will surely be made. Project Affected

	persons have already been informed of the same.
<u>Cultural Concerns</u> We have cultural trees at Bendera, will the project facilitate the cutting and transfer of this tree?	The project will facilitate the cost of transfer of cultural trees from Bendera to the site of choice of the community. All the accompanying costs will be compensated
<u>Compensation Process and Mode</u> What will be the mode of payment free of corruption?	KENHA will make payments through National Land Commission (NLC). Payments will be made payments to Project Affected Persons' (PAPS) bank accounts. This is expected to limit cases of corruption.
<u>Entitlement for PAPs</u> Will Government factor in a disturbance allowance due to inconveniences caused by resettlement?	Yes. Disturbance allowance of 15% of total valuation of assets will be factored in the compensation package to settle inconveniences caused by resettlement process.
<u>Legal Framework</u> What is the legality of compulsory land acquisition?	The Constitution of Kenya 2010 and Lands Act 2012 vested powers of Compulsory Acquisition on the government–NLC in particular, to compulsorily acquire land for development with just and fair compensation at market rates.
<u>Land Tenure</u> How will people settling on land without title deeds be compensated and whether those on government land will qualify for the same?	Anybody impacted by the project will qualify for fair and just compensation based on market rates of land. Efforts will be made to establish to exact ownership of the land from Land Department. However those on Government land would not be compensated but will be given some livelihood support.

Table 7. Summary of Outcome of the PAP Consultation

Anxiety, Fears, Concerns and Uncertainties	
Issues	Response
We do not know how much we are going to receive in compensation payment for loss of assets,	All PAPs will be compensated based on the results of the valuation which is being undertaken using replacement costs for structures and market rates for land
What will happen if the cash compensation turns out to be inadequate to replace lost assets – let alone restoring lost income and livelihoods,	A grievance redress mechanism has been established with PAPs represented to handle grievances arising from compensation
We do not know the dates when compensation payments commence so that we can plan self-relocation,	All PAPs will be informed in advance at least 3 months on when to relocate after compensation
How will we know that our affected land and property is measured accurately and recorded or registered appropriately? Some affected property is not registered by oversight. What are the chances for correcting mistakes in registration of affected property?	Valuation exercise will be conducted in a transparent manner with all PAPs present and explanation on the valuation process provided for each PAP. Errors made will be resolved through the grievance committees
What if the impact of the road affects farmers beyond the often-mentioned 40 meters width?	Land outside of the ROW/40 m will be compensated.

What will happen if some of the property registered for compensation goes missing during actual compensation? What if we eat from crops that are registered for compensation?	Any structure, land or asset valued before the cut of date will be compensated whether they exist or not at the time of compensation. Any new structure after cut off date will not be compensated
Those of us who are of old ages, no matter how much money we receive in compensation, is not going to help us as we are unable to do much with it.	Money management training will be given to all PAPs and specifically to the vulnerable groups i.e. aged etc
Preferences and Demands	
Issues	Response
We do not want “land for land” compensation, just cash compensation,	The Project prefers land for land but will consider cash as well
We do not want to lose our kinship ties and social networks. If we receive timely and adequate compensation, we can relocate ourselves and reintegrate into existing communities,	This is noted
We need provision for transportation expenses during relocating our property,	The RAP will cater for disturbance and moving allowance
We demand that all PAPs are embraced in the various Food Security Programmes currently underway in the area,	This is noted
We demand that compensation payments are made as soon as possible,	Compensation will be made 3 months before project construction commences
Please, commence the civil work as soon as possible,	Civil work will only commence when all PAPs have been compensated
Those of us who use land given to us by our parents or inherited from them demand compensation payment for lost land, though the title of the land is in our parents’ names,	All households will be compensated including those owning land customarily
We trust that all affected property are included and registered accurately,	The RAP will value all the assets in the project affected area
Perennial crops are intergenerational in nature. I don’t think this fact has been understood and appreciated.	The project understand the difference between perennial and annual crops and will compensate these differently
Because, we, the current owners of property, are compensated for such loses. But, what about our children who would have depended on the same crops that the project destroys today?	Compensation will be provided to households based on existing property

Expectations, Hopes, Aspiration and Needs	
Issues	Responses
Given very poor availability of social service facilities in our area, we ask the government (project) to provide support to the construction and or maintenance of such facilities as public health, veterinary clinics, schools, potable water supply, electricity, and telecommunications,	The project has a social investment component aimed at providing services like water and roadside amenities including market centres
We elderly people expect to be provided by special assistance,	Elderly are grouped as vulnerable and additional assistance will be provided to them
Project affected persons should be given a special consideration in all available employment opportunities, both short-term and long-term, We hope and aspire to help ourselves through using compensation payments for useful and productive purposes such as building dwellings, opening retail shops and business, opening restaurants to serve the demand that might come with the project, engaging in agricultural goods trading, organize ourselves into groups and engage in services such as ground transport (vehicular) and grain milling.	This is noted
Benefits and Appreciation	
Issues	Responses
The road component will open up opportunities and improve access to markets and services. We are rather lucky that the road cuts across our neighborhood, We agree on and pledge to observe the cut-off date as per the project request,	Thank you
We elderly people expect to be provided by special assistance,	Elderly are grouped as vulnerable and additional assistance will be provided to them
Questions and Clarifications	
Issues	Responses
As the farming season has already approached we need to know the verdict of affected land. Can we use the land until we receive compensation?	You may use the land until you will be provided with notice to vacate which is in advance of 3-6 months
What are the plans for family graves that will be	Graves will be moved in accordance with the local customs and practices to new gravesites

affected?	within the compounds of the PAP.
Can we use the affected farmland temporarily to grow annual crops?	Yes until construction commences
What about the indirect impact of the road component on farmers residing close to it? They will be affected adversely by dust, noise and rolling stones during civil works,	There is an ESIA report under development which will design mitigation measures for impacts on environment
Who are the people nominated to do the property valuation?	Valuation is done by independent consultants-valuation experts in the presence of the PAPs
What are the procedures put in place to effect compensation payments?	Compensation will be done through cheques to the account of the PAPs. All PAPs will be requested to open a bank account. Payment may be through MPESA but upon verification of all PAP details.

Summary of Results of Free Prior Informed Consultation

The vulnerable groups through a consultative process raised a number of key issues associated with the Project during the free, prior and informed consultation process.

These include:

a) Graves and Trees of Spiritual Significance

A major concern of the vulnerable groups was how graves would be relocated. They requested that all graves be exhumed and moved to a different location (s) chosen by the affected groups in accordance with appropriate religious/traditional norms and custom and in proper consultation with those concerned including meeting all costs associated with the rituals. Graves to be interred in an appropriate traditional and religious manner, following traditional and religious practice. The traditional process of moving graves by the Turkana and Pokot is similar and is presided by the council of elders.

b) Community Relations and Social Bonds

A commonly raised concern was that the family bonds, community bonds, support structures, networks and social security which would be disrupted through relocation and movement which will impact on religious activities, culture and traditional values of the Turkana and Pokots. The Turkana and Pokots are a closely-knit community that is structured along family and clan based bonds and kinships. In order to preserve their own separate cultural identities and maintain existing kinship and social ties, a preference was shown by the Turkana and Pokots to be relocated, with members of the same family and clan, either in one village or in a neighborhood of a larger village.

c) Project Status

Requesting more detailed information on the status of the Project, the main concern was on the time schedule of the construction/project; whether it has been approved and when the construction will start. This related specifically to resettlement.

d) Land/Asset Acquisition, Resettlement, Compensation and Livelihood Restoration

The most frequently raised issues were around the loss of land and businesses including income and its implication on their current way of life and livelihoods, the acquisition of other assets, and compensation. A concern was expressed by the PAPs regarding the rights of those with no legal title to the land. The project is operating in Counties where the County holds land in Trust on behalf of the local communities. Even though there are efforts by the Counties to offer legal title, the process is slow. For this reason, land for land compensation is preferred where PAPs will be displaced from communal land and will be allocated another communal land of similar size and potential.

Mitigation measures proposed by the Pokots and Turkana Communities/vulnerable groups;

- A full ceremony for relocating the graves and trees of spiritual significance to be conducted prior to commencement of any activity.
- A preference for relocation to areas close-by to existing localities and to employment opportunities.
- Assistance in the restoration of livelihoods through for example, provision of training programmes, loan facilities and credit, and marketing support.
- Assurance that spiritual resources including graves affected by the project be relocated in accordance with the traditions, customs and rituals of the Pokot and Turkana and full compensation provided for the exercise and ceremonies.
- Payment for grief occasioned by the relocation of graves
- Formation of local compensation committee that includes representatives of vulnerable groups and other groups working with them.
- Resettlement and rehabilitation planning and preparation activities be undertaken well before displacement occurs, with identified areas and Resettlement Plan presented in advance to enable timely and appropriate decision-making

e) Employment opportunities

The communities requested that, as with other affected people they be given preference for job opportunities during the construction of the road and be provided with training and skills to fill positions skilled positions, including for women.

f) Attitudes towards Project

Despite the concerns raised during the consultation process, the Turkana and Pokot have appeared supportive of the Project, participating in the consultation process through attendance at meetings and responding to the various surveys. However, there has been an underlying concern around the fact that this being a GOK project, they may never be compensated for losses especially cultural related resources. This is an anxiety and fear that was common in all the consultations held with the Turkana and Pokot and OP. 4.10 seeks to address such fears and concerns

Box 1. Community Perception and Views about Project: Turkana



- We are aware of the project and we very much support the project
- When the road is upgraded business will boom
- Some people will build house for living and business near the road
- We will be engaged in selling milk and goats other than selling charcoal as we do now
- Our goats will go to market; we will share milk with others and sell.
- We will establish hotels and sell roasted goat meat
- We need veterinary services
- The community will engage in planting trees
- We need market where we sell our products”
- Improve transport and security in the region.
- Employment opportunities and starting small businesses during construction for women and youth such as providing services to the workers (meals, laundry etc.).
- Improved roads network in the area.
- There will be less time spent on the road allowing for more time to be devoted socio-economic development activities.
- Rehabilitated road will promote tourism and expand the economic base of the region.

g) HIV/AIDS and other Sexually Transmitted Diseases

With the in-migration of workers and others seeking employment in the Project corridor, of particular concern is the potential increase in the spread of STDs, and particularly HIV/AIDS. HIV/AIDS/STD prevention and control will necessitate a continual program of prevention by the Project.

An HIV/AIDS assessment along the road corridor will be carried out by this project as part of the social infrastructure and services needs assessment, and mitigation measures would be implemented. As this will be a regional transit corridor the HIV/AIDS assessment will focus on the hot spots (rest stops- service, towns and villages). In addition, the civil work contracts will have provision for awareness campaigns for the workers, the community and drivers aiming to address HIV/AIDS risks during construction period.

HIV/AIDS prevention will focus on sensitizing key government, private sector and civil society organization to enhance their engagement in the provision of services in combating HIV/AIDS, establishing counseling centers, sensitization campaigns, as well as improving the services provided at border posts and rest stops. The objective of the support to HIV/AIDS prevention will be to promote culturally sensitive activities conducive to the reduction of infection and transmission risks of HIV/AIDS and other sexually transmitted diseases and infections among the high risk groups along the corridor, targeting truck drivers and affected local populations. The support will be focused on sensitization and using existing government, private and NGO health facilities for testing and as wellness centers.

h) Gender Equality and Participation

In order to ensure the equal distribution of Project benefits to women, and to safeguard the rights of women in all aspects of the Project, women’s participation will be secured by ensuring that women enjoy increased access to the improved markets, and social infrastructure and services. Attention will be given to markets at the border, rest stops (service centers), and export facilitating zones by providing safe and enhanced access to the market places, which will benefit more the rural women who

represent the majority engaged in informal cross-border trade (SA field socio-economic survey, 2014). The project through Focus Group Discussions with women and youth has assessed specific demands and interests of pastoralist women and youth, which include:

Box 2: Specific Needs, Demands and Interest of Pastoralist Women and Youth

1. We would like to be provided with a market in the major stop centres, rest stop centres, weigh bridges with a section where women and youth can be allowed to conduct trade without interference
2. Most rest stops lack sanitation facilities (toilets) that are sensitive to gender especially women and we are forced at times to share these facilities. We demand that facilities be constructed for men and women
3. Water is scarce and hinders our ability to conduct businesses as we are at times forced to close shop to look for water for the households and this affects our income. We would like the project to drill boreholes in the rest stops and major centres so that we may not lose time looking for water for use at homes and instead focus on trade.
4. We understand that there will be slaughter houses constructed by the project and our request is that since the business of slaughtering livestock is male dominated, the women should be allocated extra slots in the market centres otherwise the men will take all the slots
5. Can we be provided with a graining milling machine to be owned by the women traders as an income generating activity within the trading centres?
6. We would like protection as we go about our businesses. We are forced to close our shops early unlike the men due to insecurity and this disadvantages our business.
7. How will the market centres and rest stops be managed? Currently, the leadership in our market centres are male dominated and we have little say and representation. We would like to have a significant voice in the management of the new rest stops.
8. Access to credit for women and youth; is the project capable of linking us with institutions that provide credit to women and youth? We can that once the road is completed, several business opportunities will emerge and we would like to take advantage but we lack access to credit facilities in order to compete with the men.
9. Construction jobs should be given to the women and youth as well this is because in most cases the jobs are given to men only
10. How will we be paid, through MP, Chief, MCA or bank? Will the compensation packages be paid to individual PAPs directly into their bank accounts or issued with cheques payable to the individual PAPs and not to their leaders or their proxies. Our men sometimes run away with the money leaving us poorer.
11. We would like the project to construct milk-cooling plants/shades so that we cannot have our milk get spoilt all the time.
12. We lack general skills for trade and business and need to have our capacity built in order to access existing business opportunities

Based on the expressed interest of the women and youth habitants along the corridor the project will among others as described in Box 3 below:

Box 3. Project Response to Needs

Interventions targeting needs expressed by women and youth are highlighted in section 6.1.3 and include;

- Construction of milk cooler/shades
- Construction of slaughterhouses
- Linking women to micro-credit service providers
- Construction of security post and stations
- Construction of boreholes and other sanitation facilities
- Construction of Export Processing Zones
- Initiating Private Public Partnerships to spur economic growth
- Provision of education and training in trade by linking the women and youth to service providers
- Construction of livestock holding grounds
- Compensation of women and youth for lost assets including livelihood restoration
- Ensuring that women and youth get 30% of all construction work related to the project
- The project has prioritized recruitment, training, and hiring of women for unskilled and semiskilled employment with an agreement that 30% of the labourers will be women who will also be given tenders and contracts for supply of food stuff like vegetables, meat products and firewood to construction camps established during the road construction.
- Compensation for loss of land and property will not discriminate against women who will have a right to land compensation as provided for by the constitution of Kenya.
- Titles of nominated couples will be made out in names of both man and wife. For polygamous household women living in their own household will get their own titles. The Constitution of Kenya provides for gender rights and enshrined within the constitution the right of every Kenyan to own property including women via inheritance.

Social Risk Management

Social risks identified are expected to be experienced during project design, implementation, and monitoring and evaluation. Risk management plans need to be prepared with an eye to addressing these concerns. A Resettlement Action Plan (RAP), Environmental and Social Impact Assessment Report (ESIA) have prepared to identify and minimise the social risks.

Grievance Management

In practice, in similar compensation and resettlement activities, grievances arise from misunderstandings of the Project policy, or result from conflicts between neighbours,

which can usually be solved through adequate mediation using customary rules or local administration at the lowest level. Most grievances will be settled with additional explanation efforts and mediation using customary dispute settlement mechanisms. Effective implementation of Project-related developments will require the placement of a formal grievance management system on a Project level, and access by stakeholders to national and international institutions grievance redress mechanisms.

Traditional and National Procedures

The vulnerable groups do not have a judicial system operating separately from formal government structures. However, existing traditional judicial systems will take up localized grievances and disputes relating to the project, where appropriate. A two tier grievance redress mechanism has been proposed with the first tier (preferred) being the use of the Council of Elders (traditional system for dispute resolution);

The Project provides a simple and accessible, extra-judicial mechanism for managing grievances and disputes based on explanation and mediation by third parties. Each of the affected persons will be able to trigger this mechanism, while still being able to resort to the judicial system. Grievance management will provide four tiers of amicable review and settlement, first one being the Council of Elders, the second level will be the Village Committees and PIU, then a mediation committee at Sub County level and finally and last resort is the pursuit of redress in the law courts of the country.

The Pokot and Turkana community is deeply traditional and observes a historical way of life based on clanism. Turkanas and Pokots are part of the Kalenjin who are guided by Council of Elders. The Council of Elders is a cultural body that plays a significant role among the Pokot and Turkana and is respected. They have the mandate to resolve conflicts including land related conflicts; natural resources related conflict e.g. pasture; interclan conflicts; among others. The Council of Elders also presides over rights of passage including circumcision and marriage rights among others.

FRAMEWORK FOR FREE, PRIOR AND INFORMED CONSULTATIONS

In addition to prior, free, and informed consultation during the preparation, a framework for free prior and informed consultation for implementing this SA has been designed in a consultative manner and following the guidelines for free, prior and informed consultation set forth by OP. 4.10. The framework has also been prepared in line with the Constitution of Kenya (2010) specifically those tenets focusing on public participation. Consultations with the vulnerable and marginalized groups will be carried out through culturally appropriate processes they have identified (details in the main text), organizations and institutions, e.g., Turkana and Pokot Council of Elders. The Turkana and Pokot will have the right to participate through representatives' chosen by themselves in accordance with their own procedures and decision-making institutions and consultations will also take into account the issues of gender by ensuring that women and youth are represented in the decision making institutions established in this SA. This is already reflected in the grievance management committees, which have provided for representation of women and youth as described in chapter 7.

In line with the relevant international requirements, consultation with and participation of affected communities and individuals were key elements of the SA development and implementation process. One essential aspect of this approach was the establishment of a robust process to redress the grievances of affected people. Consultation with the affected population and with officials of local government, civil society and other representatives of the affected population is essential in order to achieve an in-depth understanding of types and extents of Project impacts of the required measures for mitigation and enhancement was undertaken (=livelihood restoration measures).

In December 2014, the consulting firm contracted by KENHA for the SA study employed research assistants who undertook individual and group interviews with stakeholders in eleven survey areas using a mix of qualitative and quantitative survey instruments mainly Focus Group Discussion Guides and Key Informant Interview Guides (see annex for survey instruments). These interviews were conducted with the following stakeholder groups:

- Administrators and local representatives from the national government (Chiefs, Assistant Chiefs, Village Elders, County Land Officer);
- Turkana and West Pokot County Executive Committee Members (Devolution and Governance; Youth Women and Sports);
- Representatives of Council of Elders in Turkana and Pokot
- Representatives of local civil society associations (women, youth, etc.)

These interviews aimed to identify: (i) the status and recent developments in local economic conditions (agriculture, trade, crafts, industry, tourism, etc.); (ii) status and recent developments in infrastructures and services; (iii) project's key stakeholders and representatives and on-going programs and local priorities.

Consultations were conducted after preparatory meetings with County Government authorities and the local administration including chiefs and assistant chiefs from the affected project sites. The local administrators facilitated the performance of the field program. Affected local communities were visited in order to inventory the affected assets in a participatory manner.

In the context of the consultations, communities were provided with updated information about the Project in the frame of community meetings. An overview on the consultation activities in the context of the Project so far is provided in the full text below.

Consultation activities in the frame of this SA had a focus on:

- Committing to open and transparent communication and engagement from the beginning to have a considered approach in place
- Confering with the VMGs at the outset on how they wish to be engaged
- Ensuring that all representatives of the project and executing partner agencies (including third party subcontractors and agents) are well briefed on local

- customs, history and legal status, and understand the need for cultural sensitivity
- Understanding and respecting local entry protocols as they relate to permission to enter a community and access traditional lands
- Consultation in the context of the RAP approach to compensation:
 - Self -validation of affected land by local communities
 - Consultation with resettlement committees on compensation approach
 - Consultation in the context of disclosure;
 - Consultation of local communities on needs and aspirations with regard to the design of livelihood restoration measures;
 - Consultation of local communities/focus groups on PAPs on how to best compensate the loss of land;
 - Consultation on who is best to represent the Turkana and Pokot in decision making
- Continuous information of the affected population and other project stakeholders about Project progress and upcoming relevant activities:
- Public consultation on the context of the monitoring program;
- Routine consultation of local resettlement committees in the context of the RAP monitoring program;

MONITORING AND EVALUATION

The M&E Section will be initiated at an early stage to undertake preparatory activities for the implementation of the monitoring and evaluation programme, including:

- Early training/capacity- building to prepare communities for participation in the programme.
- The establishment of a monitoring management system, incorporating a monitoring database that is linked to existing databases.

The overall aim of the programme will be to measure the extent to which the goals of the Vulnerable and Marginalized Groups Plan have been achieved. In order to do this, indicators and targets will be established including specific indicators developed.

Performance Monitoring

Using input/output indicators, progress with relocation and compensation of cultural sites (graves and trees) livelihood restoration etc. will be measured against scheduled actions and performance milestone by the M&E Section, together with relevant organizational structure.

Impact Monitoring

Impact monitoring will focus on the effectiveness of restoration of cultural resources, livelihood restoration measures, the identification of constraints, and recommendations for any corrective measures. While internal monitoring reports will be a source of information, the generation of new data will be required to compare against pre displacement (baseline) conditions, occurring at two levels:

- Participatory (qualitative) Monitoring and Evaluation (PME) of groups/communities: A community-based PME programme will be implemented whereby vulnerable groups will be assisted in developing their own criteria for acceptable standards of living; assessing their pre-project (baseline) standard of living based on their own criteria; monitoring their progress towards recovering their pre-project standard of living; evaluating the effectiveness of mitigation measures; and developing and communicating their own solutions to outstanding problems.
- Standardized (quantitative) monitoring of households and businesses; using survey instruments, the socio-economic status of the vulnerable groups will be tracked and measured against baseline data collected during the preparation of the SA and RAP prior to resettlement. Baseline data from SA and RAP will therefore form the basis to which monitoring of impact will be measured.

External agencies will be appointed to conduct these monitoring exercises, coordinated by the M&E Section of proponent.

Completion Audit

At the end of the project activities, a completion audit will be undertaken by an independent agency to verify that activities have been undertaken in compliance with the SA.

IMPLEMENTATION ARRANGEMENTS

Compliance with social commitments contained in this document will be under the responsibility of the Environmental and Social Unit of KENHA that will report to the Project Coordinator. The Environmental and Social Unit of KENHA will be responsible for securing and maintaining the project's social license to operate, which during the project's construction phase will entail the following areas of oversight and responsibility:

Oversee and provide quality assurance on the following

- Resettlement action planning and execution
- Community relations
- Socio-economic impact assessment
- Implementation of social aspects of recruitment and procurement policies
- Development and execution of additional needed policies for all operational areas of responsibility

A supervising consultant (firm) will be recruited to supervise the construction activities and the supervising consultant will also recruit an environmental and social specialist including engineers to oversee the construction activities.

Ministry of Transport and Infrastructure

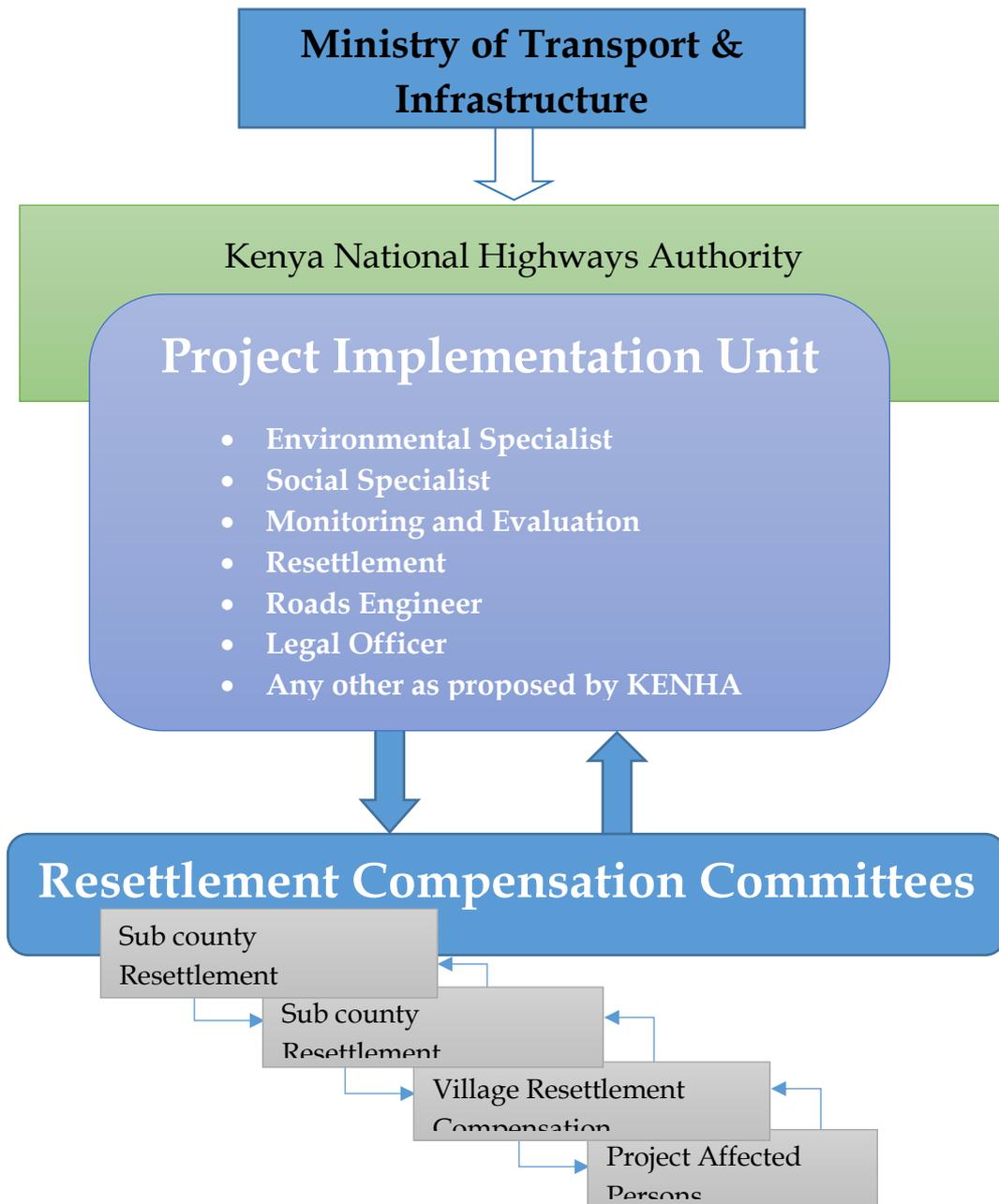
The Project is owned by the Government of Kenya through the Ministry of Transport and Infrastructure and shall be responsible for mobilization of financing from The National Treasury (NT) for the RAPs and elements of this SA that overlap with the RAPs. MOTI will request National Treasury to allocate funds for this project.

Project Implementing Unit -KENHA

KENHA will serve as project implementing unit (PIU) for implementing the SA, with a team dedicated to carrying out the respective activities, and coordinating with the County and National Government. This team will be from the Environment and Social Interest Unit that already exists within KENHA and has wide experience in RAP implementation.

LIAISON WITH THE GOVERNMENT OF KENYA

The project is owned by the Government of Kenya through the Ministry of Transport and Infrastructure who jointly with KENHA. MOTI shall be responsible for mobilization of financing from The National Treasury for this SA.



Cost Estimates

As a Project-affected group, capital and operating costs relating to vulnerable groups are mainly covered in the overall resettlement budget in the Resettlement Plan. Particular additional costs relate to vulnerable groups, over and above these costs are however factored and outlined in this SA.

1 INTRODUCTION AND SOCIAL ASSESSMENT SUMMARY

1.1 BACKGROUND INFORMATION

This chapter provides a summary of the information existing in the Social Assessment (SA), para 2 (a) and (b) in accordance with OP. 4.10. The summary includes a review on project scale, legal and institutional framework applicable to vulnerable and marginalized groups in Kenya as well as baseline information on characteristics of the vulnerable groups. The baseline information includes demographics, social, cultural characteristics including land and territories traditionally owned or occupied and inherent natural resources.

1.2 THE PROJECT

The Kenya National Highways Authority (KENHA) through East African Regional Transport, Trade and Development Facilitation Project is in the process of rehabilitating the 601 KM long Lesseru-Marich Pass-Lodwar-Nakodok Road, which traverses Turkana and West Pokot Counties. The proposed road rehabilitation project will entail excavation of the existing road surface to pave way for fresh carpeting, horizontal alignment of narrow sections of the road within the road reserve, development of interchanges, construction of service roads at all major trading centres along the road corridor, construction of a truck lay bay, road realignment, evacuation of persons who have encroached into the road reserve and acquisition of land for road construction.

1.3 PROJECT OBJECTIVES

The objective of the Project is to enhance connectivity and economic integration of Kenya with South Sudan, whilst improving safety on the corridor and South Sudan's access to sea-ports. This project will contribute to the twin pillars of the Project Development Objectives (PDO), regional connectivity and integration, principally integrating the economies of the sub region, through improving road infrastructure and ICT links, and facilitating the reduction of non-fiscal trade barriers. It will also help boost export oriented agricultural development in the north western part of Kenya endowed with agricultural land, animal resources, fishery, minerals, including the recent discovery of oil, and tourism potential; and south eastern part of South Sudan, with immense potential of agriculture, livestock and mineral exploitation, including cement, gold, semi-precious stones, and petroleum, by lowering the cost of doing business and development, as the this project will help to enhance the safety and efficiency of the corridor, lower the cost of transportation and ICT access, and facilitate the development of export processing areas and road side markets.

Moreover, trade facilitation measures of this project will help integrate the poor, such as the pastoralist women living along the corridor, into the national and sub-regional economy through the development of a pastoralist road side market. This project will also help instill innovative road management systems by introducing, for the first time, Intelligent Transportation Systems (ITS), which will help increase efficiency and safety of the transportation services along the principal transit corridors

connecting the landlocked countries in the sub-region to the sea Port of Mombasa and Kenya's arterial urban and rural corridors.

The proposed second project contributes to the overarching goal of the overall program - "the Project"-; namely, enhancing regional connectivity and integration of South Sudan with its Eastern Africa neighboring countries and its access to sea port by lowering the cost of intra-regional trade and facilitating efficient cross-border movement of goods and people. The overall program will be implemented in a series of three projects (SOP). The first project of the program (Phase 1), focused on South Sudan was approved in May 2014. It supports the improvement of part of the Juba-/Nadapal-Nakodol road in the territory of South Sudan and implementation of trade and development facilitation measures, including a new fiber optic link. This second project -Phase 2- will focus on the improvement of road and ICT infrastructure, implementation of trade and development facilitation, including facilitating the development of export processing zones, pastoralist road side markets, and service centers (rest stops) in the Kenyan territory. The third project - Phase 3 - will focus on enhanced support to trade facilitation measures along the Juba-Nadapal-Eldoret corridor and completing the upgrading of the Juba-Eldoret road.

1.4 REASONS FOR SOCIAL ASSESSMENT

Social Assessment is the instrument prepared by the Borrower to analyze social issues and solicit stakeholder views for the design of World Bank- supported projects. Social assessment helps make the project responsive to social development concerns, including seeking to enhance benefits for poor and vulnerable communities that meet the criteria for OP 4.10 while minimizing or mitigating risk and adverse impacts. It analyzes distributional impacts of intended project benefits on different stakeholder groups, and identifies differences in assets and capabilities to access the project benefits.

1.5 VULNERABLE AND MARGINALIZED GROUPS' IN THE PROJECT AREA

The project area is inhabited by the Pokot and Turkana community who are considered vulnerable and marginalised as per the Bank's OP 4.10 and Constitution of Kenya (CoK) 2012. The Pokot and Turkana communities self-identify as members of a distinct indigenous social and cultural group and have collective attachment to geographically distinct habitats and ancestral territories in the project area and to the natural resources in these habitats and territories. They have their own distinct language and cultural practices and are separated from domination groups in Kenya. The above characteristics hence qualify them as vulnerable and marginalized and necessitated the need for preparation of a Social Assessment.

The overall objective of the SA is to ensure that the process involved in the preparation of the project fully respects the dignity, human rights, economies, and cultures of the Pokot and Turkana. Further the SA is to ensure that the Pokot and Turkana who are the dominant local tribes along the project corridor are involved from the beginning in the preparation of the project, are fully informed about the project, consulted and their views, socio economic and cultural needs and priorities are taken into consideration when preparing the project and are fully involved.

To this end, the Bank requires the borrower to engage in a process of free, prior, and informed consultation. The Bank provides project financing only where free, prior,

and informed consultation results in broad community support to the project by the affected vulnerable and marginalized groups. Such Bank-financed projects include measures to:-

- (a) Avoid potentially adverse effects on the Indigenous Peoples' communities; or
- (b) When avoidance is not feasible, minimize, mitigate, or compensate for such effects
- (c) Ensure that the vulnerable and marginalised people receive social and economic benefits that is culturally appropriate and gender as well as inter-generationally inclusive.

1.6 PROJECT COMPONENTS

This "Project" includes the following components namely:

1.6.1 Component 1: Upgrading Critical Road Infrastructure in the Recipient Territory

This component includes support to KeNHA for upgrading approximately 258.1 km of part of the Nadapal-Eldoret Road in Kenya with the associated supervision costs. This caters for upgrading the following road sections: (a) Kalobeiyei River - Nadapal (88.1 km) bordering South Sudan, which includes upgrading about 26 km unpaved road involving reconstructing major structures; (b) between Lokitaung and Kalobeiyei River (80 km); and (c) between Lesseru and Kapenguria (91km), which is heavily trafficked and traverses an area with huge agriculture potential, yet the road conditions have deteriorated; as well as (d) replacement of critical bridges, including Kainuk Bridge at Muruni River. The civil works contracts for Kalobeiyei River – Nadapal, Lokitang – Kalobeiyei, and Kainuk Bridge will have provisions for pastoralist roadside infrastructure construction, while all road-upgrading contracts will have provisions for roadside social amenities and HIV/AIDS prevention tasks.

1.6.2 Component 2: Facilitation of Regional Transport, Trade and Development

This component supports promotion of sound transport, trade and development facilitation measures, increasing the efficiency of the corridor. This includes:

Sub-component 2(a): Support to KRA for the implementation of transport, trade and development facilitation measures, including: (i) quality control and harmonization of customs and other border agencies procedures; (ii) establishing One Stop Border Post (OSBP) at the Kenya side of Nadapal/Nakodok, through a design-build (DB) arrangement; (iii) provision of advisory services and equipment for the strengthening of the cross-border management unit of KRA as well as promote effective coordination with other border agencies; (iv) Support to the implementation of an integrated border management system; (v) support to the implementation of the Memorandum of Understanding (MoU) between Kenya Customs and South Sudan Customs Services to exchange information and promote the use of common procedures; and (vi) ICT to ensure revenue collection and facilitate clearance and release of goods to help Kenya Customs comply with new transparency requirement of e-citizen registration, electronic collection of revenue and e-reporting of clearances and release of goods.

Sub component 2 (b): Support to KeNHA for the implementation of transport, trade and development facilitation measures, including: (i) enhancing social infrastructure and social services delivery, including Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) prevention; (ii) corridor Road Safety assessment and implementation of pilot corridor Road Safety action plan along the corridor and promoting “The Safe System”; (iii) developing pilot pastoralist road side infrastructure that would help integrate the pastoralist communities along the parts of the corridor habited by Turkanas and Pokots in the modern economy through provision of sites for services, clean water, extending electrification to selected centers, provision of market shades, milk cooler, slaughter houses, veterinary posts, livestock holding area in selected locations, and connecting community information centers with fiber connection; (iv) introduction of Intelligent Transportation Systems (ITS) through developing national and regional ITS Architectures; piloting highway ITS along selected regional corridors, road corridors in selected cities, selected junctions, etc.; introduction of tolling system in selected sections of roads; traffic data collection on the national road network, as well as establishing the institutional base for ITS management in KeNHA; and (v) preparing a strategic plan for the development of high capacity highways focused on regional transit corridors.

Sub-component 2 (c): Support to MoTI for the implementation of transport, trade and development facilitation measures, including: (i) Support to corridor performance monitoring; (ii) Support to national corridor management committees; and (iii) Facilitating the development of export processing zones, storage facilities and rest stops through designing the sites, provision of site and services, as well as certification of export products and simplifying the process for import-export.

1.6.3 Component 3: Institutional Development and Program Management

Sub-component 3(a): Strengthening of KeNHA’s and MoTI’s institutional capacity through the provision of advisory services and training, including: (i) strengthening road design review capacity of KeNHA; and (ii) enhancing project management capacity of MoTI; and (iii) strengthening the capacity of the lead Road Safety Agency (the National Transport and Safety Agency). This may involve conducting needs assessment, road safety audits and strengthening enforcement capability.

Sub-component 3(b): Provision of advisory services, training and logistical support, including office equipment, materials and supplies, and operating costs as required to sustain the management and coordination of Project implementation activities, including audits, and monitoring and evaluation of the execution of the Project.

Sub-component 3(b): Support to prepare follow-on projects. This sub-component will finance TA to support the preparation of the third phase of the regional project and development of future follow-on regional transport and trade facilitations projects.

1.6.4 Component 4: Enhancing Internet Connectivity

Support to Kenya ICT Authority for the construction of a fiber optic cable, alongside the part of the Juba -Eldoret road located in Kenya, between Nadapal and Eldoret. Fiber spurs and rings will also be constructed and provision made for connecting

refugee camp in Kakuma, schools, hospitals and other strategic locations including pastoralist road side markets, export processing zones, rest stops and community centers and service centers along the corridor in Kenya.

In parallel with the implementation of the second project in Kenya, under the ongoing First Project, South Sudan will implement upgrading of critical infrastructure, as well as trade and development facilitation activities. In addition to completing the upgrading of the road section in South Sudan, the establishment of an OSBP and overloading control weigh bridge at Nadapal, as well as connecting export processing zones, rest stops and community centers and service centers along the corridor with ICT, in South Sudan will be implemented under the third project, anticipated to start in 2017.

1.7 PROJECT RATIONALE AND IMPACT

The upgrading of this corridor helps to generate and promote trade and development in the sub-region. Increased accessibility will contribute to creating and enlarging markets, particularly that of regional agricultural trade, but also third country origin products transported along the corridor. The gains of accessibility are obtained by the upgrading of the road infrastructure, which must be supplemented by reduction of transport and trade transaction costs. One day delay of road transportation costs each truck US\$140 per day in fixed cost and driver's time and this is further augmented by additional cost of 0.5 percent of goods value per day to the traders, which constitutes lost opportunity cost and financial cost. The program's sound transport, trade and development facilitation measures will reduce the border dwell time significantly, thus contributing to the reduction in the turnaround time between Juba and Mombasa from 8 days to 5 days. The economic effect of the program will be further increased by: increased competitiveness in road transportation sector (bilateral transit agreement); accessibility to efficient financial and social infrastructure (banking and insurance services); gains from the prevention of HIV/AIDS; economic return from export processing zones and storage facilities; gains from prevention of causality and congestion caused by traffic accident; and prevention of road damage caused by overloading.

Laying fiber optic cable alongside the road from Eldoret to the border and further to Juba will enhance internet connectivity for the population living in the north-western part of Kenya while linking South Sudan with the global internet for the first time. This initiative should lead to a substantial reduction in the price of internet service. Currently, the retail price of mobile data in South Sudan is over US\$450 per Gigabyte, which makes most internet applications prohibitively expensive for mobile users. One reason the price is so high is because the mobile operators are reliant on satellite bandwidth. Providing wholesale internet connectivity through a fiber cable should reduce the retail price by more than half within three years of the service becoming operational. The introduction of ITS in Kenya for the first time will help to enhance the efficiency of traffic movement along the busiest road corridors and reduce accident and injuries.

1.7.1 Project Impact

The improved road and ICT access, trade and export processing facilitation will provide greater opportunity to local farmers and pastoralists to have better access to

the domestic and regional agricultural markets and encourage surplus production. The small businesses that would develop along the corridor, border post, rest stops, and processing areas will help create employment to the youth and rural poor. The construction and maintenance works will also provide income-generating jobs to the local people. Hence, these opportunities will help local products to be sold at market prices and increase household income, contributing to poverty reduction and shared growth.

1.8 PROJECT JUSTIFICATION

The countries in the Eastern Africa sub-region, including Kenya, Uganda, Tanzania, Burundi, Rwanda, Ethiopia, eastern Democratic Republic of Congo (DRC), and South Sudan recorded an average annual economic growth rate of about 5 percent over the last decade. The sub-region is potentially a large regional market of over 200 million people. Relatively poor transport links between these countries, the less than satisfactory performance of the ports of Mombasa and Dar-es-Salaam, the high cost of internet access in many parts of the region, the poor state, or non-existence of fiber optic links, cumbersome trade facilitation procedures and requirements, and a range of technical, political and policy-related factors create obstacles and increase costs to the movement of goods, people, information services, and act as a major impediments on intra- and inter-regional trade, contributing to the under development of the sub-region.

Kenya is a relatively large country with a land area of 580 400 sq. km with an estimated population of 44.4 million, in 2013. The population was 31.25 million in year 2000 and has been growing at an annual rate of 2.6% p.a. Its GDP was estimated at US\$44.1 billion in 2013 with considerable variation in past annual growth rates ranging from 0.6% in year 2000, 5.9% in 2005, 1.6% in 2008, to 5.3% in 2010. Gross National Income (GNI) per capita was \$930 in 2013 using the Atlas method. Poverty rate has not much changed since the early 1990s: it was 45.9% in 2005 and 44.8% in 1992.

There are considerable regional variations in the development pattern of Kenya's economy, with the Turkana North County in which most of the project area is located has the highest incidence of absolute poverty with more than 80 percent of the population in that area living below the absolute poverty line compared to the national average poverty line indicator of 45.9 percent. The population living along the corridor in the Kenyan territory is predominantly pastoralist communities, Turkanas and Pokots deprived of basic social and economic services with limited or no access-to-access to economic opportunities. Life expectancy in Kenya has slowly increased from 53 years in 2005 to 61 years in 2012. Adult literacy rates have increased substantially from 74% in 2000 to 87% in 2009.

Services represent the largest share of the economy with 67% of GDP in 2010, agriculture accounting for 19% (the share was 32% in year 2000) with industry representing 14% in 2010. However, in terms of employment and exports, agriculture is by far the most important sector with more than 80% in employment and more than 70% in export value derived from agriculture.

1.9 PROJECT BENEFICIARIES

The beneficiaries of the project will include: the pastoralist communities, farmers and businesses along the road corridor, road users (passengers and freight), tradable sectors of the economy, agriculture, mining and ultimately, consumers and producers both inside and outside the sub-region. The export processing facilities and pastoralist roadside infrastructure, the project will offer new job and income earning opportunities to the people in Turkana and West Pokot in Kenya and in Eastern Equatoria and eastern part of Central Equatoria states in South Sudan.

ICT users in north-western part of Kenya, as well as throughout South Sudan, government departments, the private sector, especially small and medium enterprises, and development partners will also benefit from the reduced costs for internet. Due to the poor state of this corridor the inhabitants are occasionally cut off from the rest of Kenya and South Sudan, particularly during the rainy season. Improvement of the corridor will also attract investment for export oriented agricultural development and mining in the project influence area.

1.10 LEGAL AND POLICY BACKGROUND

The SA has been prepared in compliance with the requirements of the relevant national legislation of the Republic of Kenya, as well as the World Bank Indigenous Peoples Policy (OP 4.10) and the already prepared Vulnerable and Marginalised Groups Framework (VMGF) for the EATTFDP. The World Bank Group is the potential lender for the project.

1.10.1 National

While the Constitution of Kenya (COK, 2010), does not specifically use the term Indigenous Peoples (IP), it is nevertheless quite rich in articles that define vulnerability and marginalization, including issues that VMGs cite as the reasons for their self-identification. It also addresses social exclusion in general. Most important, the Constitution now underscores measures for mitigating social exclusion, vulnerability and marginalization by specifically providing for affirmative action as a strategy for facilitating and fast tracking inclusion of the hitherto groups who felt excluded for the mainstream economic and political processes of the country.

In line with the recognition of marginalized groups by the COK, 2010, Article 260 of the Constitution defines a “marginalized community” as: (a) a community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole;(b) a traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;(c) an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or (d) pastoral persons and communities, whether they are (i) nomadic; or (ii) a settled community that, because of its relative geographic isolation, has

experienced only marginal participation in the integrated social and economic life of Kenya as a whole².

Similarly, the COK, 2010, defines 'marginalized group' as: a group of people who, because of laws or practices, on, or after the effective date, were or are disadvantaged by discrimination on one or more of the grounds in Article 27 (4) which prohibits discrimination on the basis of ethnic or social origin, religion, conscience, belief, culture, dress or language. In addition, article 27(6) calls on the state to undertake, 'legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination'. This article prohibits both direct and indirect discrimination.

Articles 56 and 260 of the Constitution are a clear demonstration of the intentions of the country to deal with the concerns of minority and marginalized groups: The definition of marginalized communities and groups by the COK, 2010, and the provisions for affirmative action programmes for minority and marginalized groups are efforts to clearly provide a legal framework for the inclusion of minority and marginalized groups into mainstream development of the country. These articles present the minority and marginalized groups including groups that fit the OP 4.10 criteria as a unique category of certain segments of the Kenyan population that deserve special attention in order to bring them to par with the rest of the country.

The Constitution of Kenya requires the State to address the needs of vulnerable groups, including "minority or marginalized" and "particular ethnic, religious or cultural communities" (Article 21.3): The Specific provisions of the Constitution 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 (Articles 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" (Article 63); promotion of representation in Parliament of "... (d) ethnic and other minorities; and (e) marginalized communities" (Article 100); and an equalization fund to provide basic services to marginalized areas (Article 204).

Other Constitutional provisions that protect the right of Kenyan, including marginalized groups: Abraham (2012) further specifies the relevant articles in the 2010 Constitution that are meant to protect the rights of Kenyans either as an individual or groups; for example: (i) Article 22, the enforcement of the bill of rights, accords every individual the right to institute court proceedings: (ii) Article 22(2)(b) allow a person to institute proceedings either as a member of or in the interest of a group or class of persons; and, Article 22(2)(c) allows for proceedings by persons acting in the public interest (Abraham, 2012:20).

²Ditto

1.10.2 International

World Bank’s OP. 4.10 recognizes that “the distinct identities and cultures of VMGs remained inextricably linked to the lands they inhabited and the natural resources they depended upon to survive”. The policy thus established processing requirements for VMGs that include: (i) screening, (ii) social assessment, in consultations with communities involved, (iii) preparation of Indigenous Peoples Plan (IPP) or Indigenous Peoples Planning Framework (IPPF) and, (iv) disclosure. It also requires the borrower to seek broad community support of VMGs through a process of free, prior and informed consultation before deciding to develop any project that targets or affects VMGs.

1.11 VULNERABLE AND MARGINALIZED GROUPS IN PROJECT CORRIDOR

The Pokot and Turkana are the ethnic group that is present in along the project area specifically between Lesseru-MarichPass-Lodwar-Nakodok. The project corridor consists of a 2 major vulnerable and marginalised ethnic groups referred to as the Pokot and Turkana. In essence the whole population in Turkana and Pokot County is therefore categorized as vulnerable and even though their exist other groups within the area the Pokot and Turkana remain the dominant group which is distinct in nature and in regard to culture and traditional norms. The Pokot and Turkana are categorized as marginalized and vulnerable as a result of screening that was conducted in accordance with OP. 4.12. The constitution of Kenya (COK 2010), has also categorized Turkana and West Pokot Counties as a vulnerable and marginalized Counties.

1.11.1 Characteristics of Pokot and Turkana Community

Table 8 Socio-Economic Characteristics of Turkana

Social Structures	<ul style="list-style-type: none"> • Social Organisation is characterized as a patrilineal kinship system: property is transmitted in most cases from father to son, and the pattern of marital residence is patrilocal. • For the Turkana, the society is divided into clans, which are divided into sub clans, and sub-clans subdivide into local patrilineal lineages. Each family is a member of a certain clan.
Political Organisation	<ul style="list-style-type: none"> • Traditional leaders exist- Council of Elders. • However, power is now vested in national and county governments with political authority and administrative organisations representing the state.
Language	<ul style="list-style-type: none"> • Turkana tribe is part of the Nilotic tribes and constitutes the second largest pastoralist community in Kenya after the Maasais. They speak the Turkana language, which is Nilotic and similar to the Maasai language.
Religion	<ul style="list-style-type: none"> • Close to 95% of the people living in Turkana County adhere to traditional beliefs while 5-10% of the residents are Christians. The Turkana believe in a Supreme deity called Akuj. They believe that Akuj created the world and that he is in control of the blessings of life. They also believe in the existence of ancestors, ngipean or nikaram. As in most African traditional religions, traditional religious specialists in Turkana are present and play an active role in almost every community event.
Occupation	<ul style="list-style-type: none"> • The source of livelihood in all communities is livestock. Incomes

and Economy	from sale of livestock and livestock products play a significant role in their livelihood. Incomes increase during the rainy season in April to May and November from sale of animals. Similarly, salaries did not feature as a significant source of income with exception of communities at Kalokol, Loiyangalani and Illeret. Fishing is a significant source of income for all communities sampled in this study with exception of North Horr. Basket weaving featured as significant source of incomes for the Turkana communities at Kalokol and Lorengelup and to a lesser extent at Kang'arise. Basket weaving did not feature as a source of income for almost all of the households interviewed at Illeret, North Horr and Loiyangalani. All households reported some income from sales of crop.
Cultural Identity	<ul style="list-style-type: none"> The Turkana have maintained their cultural identity, although majority are adopting the modern lifestyle. They practise several rituals during rights of passage including circumcision among others.

Table 9 Socio-Economic Characteristics of the Pokot

Social Structures	<ul style="list-style-type: none"> The homestead is the social center for the Pokot. Here a man lives with his wives, each having their own hut. All members of the family live here and the stock is corralled here at night. The man of the family rules the homestead, telling the others what duties they are to perform. The extended family (kapor) is the most important social grouping among the Pokoot. Especially important are the relatives of the mother who are the most active in assisting with the bride price or feast contributions.
Political Organisation	<ul style="list-style-type: none"> The clan is the primary political grouping among the Pokoot. All livestock and shambas ultimately belong to the clan rather than to individuals and decisions regarding these and many other matters are made at the clan level. There are about 25 clans and 150 sub-clans among the Pokot. Clans meet and interact in the extended families.
Language	<ul style="list-style-type: none"> The Pokoot language is one of the Para-Nilotic languages. The Para-Nilotic speaking peoples of Kenya include the Turkana, the Kalenjin and the Maasai groups. The Pokoot language is included within the Kalenjin group though Pokoot is the most different of all Kalenjin languages. The Pokoot can communicate with other Kalenjin speakers, but only with great difficulty as many of their words are different. Alternate Language Names Pokot, Suk, Pakot.
Religion	<ul style="list-style-type: none"> In Pokot cosmology, the universe has two realms, the above and the below. The above, remote and unknowable, is the abode of the most powerful deities—Tororot, Asis (sun), and llat (rain); the below is the abode of humans, animals, and plants. Men and women are considered responsible for the peace and prosperity of the realm that they inhabit, but they must rely upon divine vitality and knowledge to achieve and maintain these conditions. The Pokot communicate with their deities through prayer and sacrifice: Tororot is said to listen to his creatures below, Asis to witness their activities, and llat to serve as a messenger between the two realms. Deities, in turn, communicate with humans, warning and rebuking them about their misconduct. Christianity has reshaped Pokot cosmology, primarily by reducing the number of deities, while augmenting their attributes.

	<ul style="list-style-type: none"> • Religious Practitioners. The divine messenger Ilat has a human counterpart called a <i>werkoyon</i> (prophet), who foresees disaster and recommends expiation, usually animal sacrifice, to alleviate it. A <i>werkoyon</i> may be either male or female; his or her ability to foresee and to advise is considered a divinely given gift, to be used on behalf of all Pokot.
Occupation and Economy	<ul style="list-style-type: none"> • Pastoralists Occupation Cattle husbandry has traditionally been the center of the Pokoot economy. Even the agricultural Pokoot try to have a few cows to raise. Cattle have filled both an economic and social role among the Pokoot and the more cattle one has the better. Products / Crafts Some bees are kept by the Pokoot for production of honey and honey wine which is important in certain ceremonies. The Pokot also do some hunting, but not really as a means of subsistence. More and more Pokoot are turning to panning gold part-time.
Cultural Identity	<ul style="list-style-type: none"> • There are some thirty-six named, exogamous patrilineal clans. Many of these clans are found among other Kalenjin groups; a few originated among the Turkana. Clan histories recount the movements of people from one locale to another, emphasizing the vulnerability of humans and their dependence upon supernatural benefactors to help them overcome hunger, thirst, and, ultimately, death itself; the attributes of these benefactors are praised in poetry and song. Clans are conceptualized as "pathways" and fellow clan members as children of the same "father" or "grandfather." Although members of the same clan are dispersed geographically and are differentiated internally, they are said to hold their herds in common. Unlike some East African cattle-keeping groups, the Pokot retain their clan affiliations throughout their lives; there is no ceremony to sever clanship in the event of marriage. Genealogical reckoning tends to be shallow, reaching back three to four generations.

2 STUDY SCOPE AND METHODOLOGY

2.1 INTRODUCTION

This chapter describes the approach and methods that were applied in undertaking this study, developing the project and involving the public.

2.2 STUDY SCOPE

Scoping survey was undertaken during the first week of the study in the month of December 2014. The survey involved familiarization of the study area, existing environmental set up, including settlements, land uses, boundaries of the project area, and human activities among others. During the visit, the study team met with the local administration, Turkana and West Pokot County Government, ethnic Turkana and Pokot and Non Governmental Organisations (NGOs).

2.3 STUDY METHODOLOGY

2.3.1 Baseline Assessment

The study team undertook a baseline assessment of socio-economic, cultural, institutional and political environment of the study area and related parameters during the month of December 2014. The assessment was undertaken in the following ways as discussed below.

2.3.1.1 Literature Review

Desktop analysis of secondary data was undertaken to review past research done on the project area. Documents that were reviewed included among other documents:

- Turkana County Integrated Development Plan
- West Pokot County Integrated Development Plan
- Government of Kenya Census Reports (2010)
- Constitution of Kenya 2010
- Land Act
- National Land Commission Act
- Vulnerable and Marginalised Groups Framework for EARTTDFP
- Resettlement Policy Framework (RPF) for EARTTDFP
- Draft Resettlement Action Plans for Project EARTTDFP
- World Bank safeguard policies and procedures specifically OP 4.10 and 4.12

2.3.1.2 Socioeconomic Survey

For baseline survey, 15 enumerators were recruited within the project area. The criterion for recruiting the enumerators was that they had to be Form Four (4) graduates, being a resident of the project area and residing in one of the villages within the project area. The enumerators were then trained for half a day and dispatched to the respective villages to test the questionnaire in order to evaluate the responsiveness of the tool and the understanding of the enumerators when administering the questionnaire.

2.3.2 Public Consultation

Public consultation was conducted through public barazas. The local chiefs and assistant-chiefs in the respective locations and sub-locations organized the public

barazas. Consultations were also held with the County Government of Turkana and West Pokot. The aim of these consultations was to explain to the local community and other stakeholders about the project objectives, the proposed activities including, construction and operations and expected outputs. The stakeholders' consultation also helped in highlighting the serious socio-economic and environmental concerns and impacts that could arise from the project and was instrumental in helping to come up with feasible mitigation measures.

2.3.3 Focus Group Discussion

Focus Group Discussions (FGDs) were held with targeted members of the community in the affected area specifically Council of Elders, Chiefs and assistant chiefs and women groups.

2.3.4 Individual Interviews

All the directly affected PAPs identified through mapping and determination of area of direct influence was interviewed directly using questionnaires that were developed for the study.

2.3.5 Impact Identification and Evaluation

The consultants with the help of stakeholders identified and analysed potential social impacts specifically on the vulnerable persons and linking these with specific project activities and phase.

3 DESCRIPTION OF SOCIO-CULTURAL, INSTITUTIONAL, HISTORICAL AND POLITICAL CONTEXT

3.1 INTRODUCTION

This chapter describes the socio-cultural, institutional, historical and political context in which the project operates. The chapter presents a qualitative description and quantitative indicators of development trends relevant to the project, such as significant demographic changes, patterns of asset ownership and livelihoods, external political or economic environment, etc.

3.2 SOCIO-CULTURAL CONTEXT

The Turkana and Pokot are the predominant ethnic group along the project corridor specifically between Lesseru-Marich Pass-Lodwar-Nakodok and there is no other different group in the project corridor with distinct or unique socio-cultural features within the corridor.

3.2.1 Demographics in Project Affected Areas-Turkana

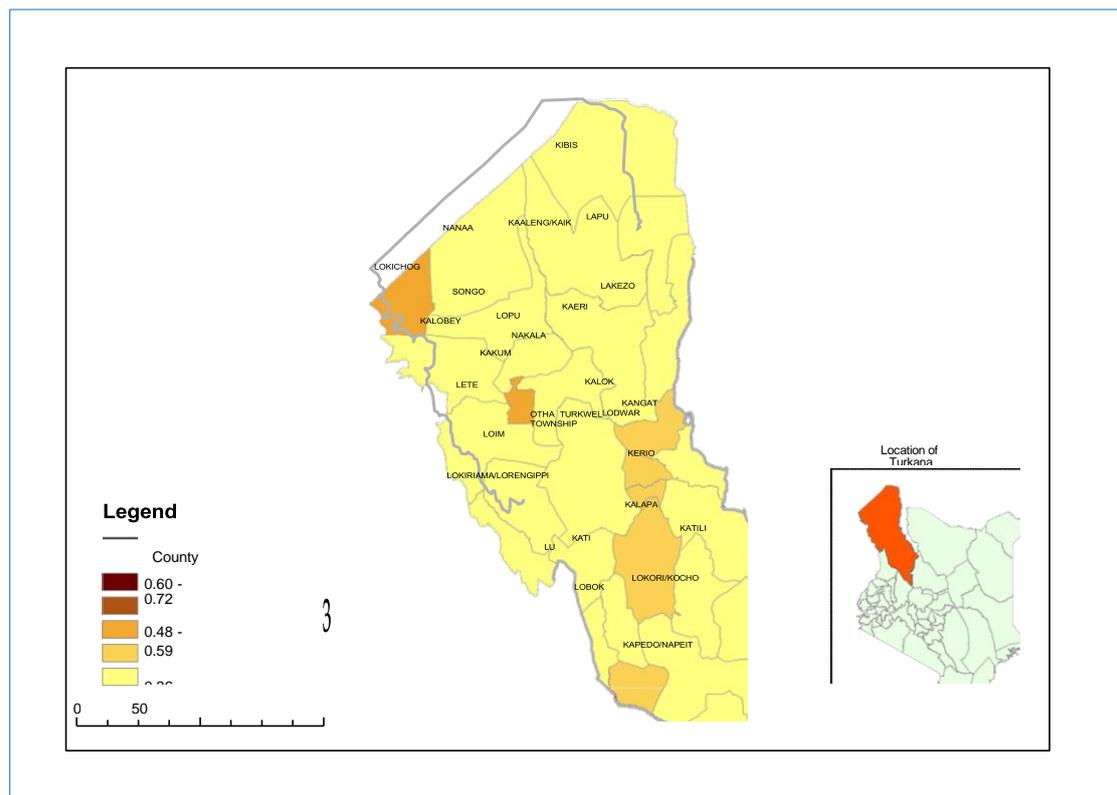


Figure 1 Administrative Units and Map of Turkana County

3.2.1.1 Population and Demographic Characteristics

Today, the Turkana people primarily occupy Turkana County, which lies in the extreme Northwest corner of Kenya. Turkana County consists of about 68,000 square kilometers, making it the largest county. It is bordered by Uganda to the West, South Sudan and Ethiopia to the north and northeast and Lake Turkana to the east. To the

south and east, neighboring counties are West Pokot, Baringo and Samburu counties, while Marsabit county is located on the opposite shore of Lake Turkana.

According to the most recent 2009-population census report in Kenya, the Turkana population was 855,399, or 2.5% of the Kenyan population. Of these, 52.05% were male and 47.97% were female. The Turkana are nomadic pastoralists who mainly keep cattle, donkeys, camels and goats. The animals are the main source of food and wealth. The Turkana are the second largest pastoral community in Kenya after the Maasai people.

Turkana County has a child rich population, where 0-14 year olds constitute 46% of the total population. This is due to high fertility rates among women as shown by the highest percentage household size of more than 7 members at 59%. The lower proportion of 0-4 year olds is due to high infant and under five mortality rates.

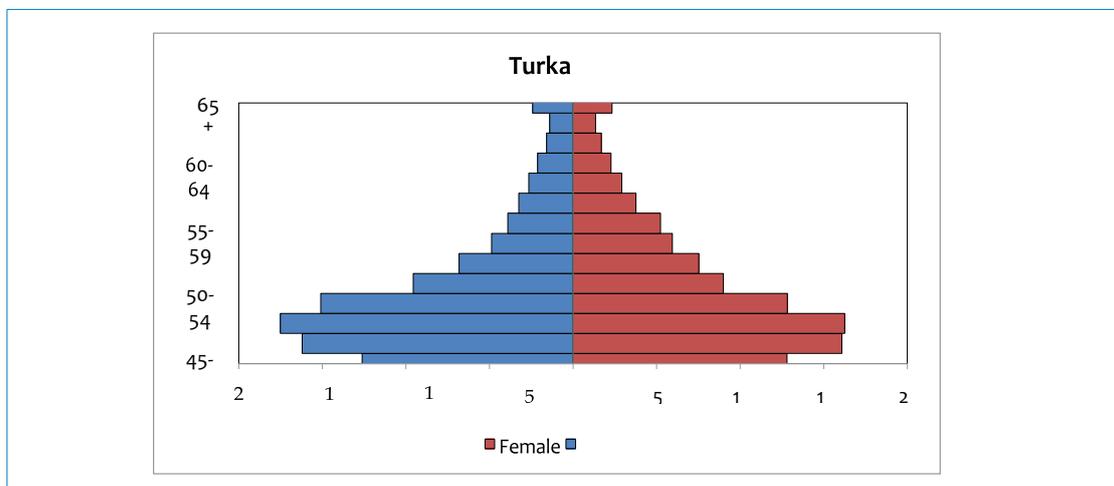


Figure 2 Population Pyramid of the Turkana

3.2.2 Agriculture and Land Tenure

3.2.2.1 Agriculture and Animal Husbandry in the Project Area

Large part of the administrative area is rural with the dominant activity being subsistence farming that is entirely dependent on the rainy season. Available data shows that the rains are spread over very few days in the season. Land use is subsistence farming with very low land productivity value, due to poor rainfall, poor soil quality and the people's culture.

3.2.2.2 Livestock Keeping

Livestock, especially *Zebu* (humped) cattle, are very important in the Turkana culture. It is estimated that Turkana County has over 143,000 cattle, over 800,000 sheep, over 1,000,000 goats and over 30,000 donkeys. Livestock acts as a source of food and clothing by providing meat, milk, blood, hides and skin. Livestock is also used as a form of traditional currency to negotiate for brides and dowry payment. Turkana people constantly strive to increase the number of their livestock. Traditionally, a young man will be given a single goat with which to start a herd, and he will accumulate more via animal husbandry. In turn, once he has accumulated sufficient livestock, these animals will be used to negotiate for wives. It is not uncommon for

Turkana men to lead polygamous lifestyles, since livestock wealth will determine the number of wives each can negotiate for and support.

In the Turkana culture, men are the ones who are in charge of livestock. They make decisions concerning the animals and control the financial capital. If a man wishes to divide his herds into several groups, he can do it without referring the matter to the women of the household. In the event that a married man dies, the family livestock is passed down to his eldest son, instead of his wives. In case the son is too young, then a relative of the dead husband will take care of the livestock until the sons are ready to take care of them.

3.2.3 Land Tenure in the Project Area

Because they are pastoralists, grazing land is a critical asset for the Turkana people. In the Turkana County, the general nature of land tenure, as elsewhere among Kenyan pastoral communities, is that land is communally owned. Land rights are reserved to communities rather than to individuals, and land is an undivided part of the social system where rightful use is determined by affinity, common residence, and social status. In the Project area, land tenure is a mixture of formal, customary and group ranch. Formal tenure corresponds to land that was allocated by the State via a legal title. There is no standard size for formally allocated plots.

3.2.4 Livelihoods and Economy

The stronghold of the project area's economy is pastoral livestock production. The sub-sector is a source of livelihood for over 60% of the inhabitants. Nonetheless, cattle rustling, frequent disease outbreaks, water scarcity, low productivity and poor marketing hamper expansion of the sector. The rest of the population (20%, 12% and 8%) depend on agro-pastoralism, fishing and casual and formal labor in urban and peri-urban areas respectively (FAO, 2007). Crop production is carried out along the Kerio and Turkwel rivers and on the arable flood plains and is both rain fed and irrigated. Main crops cultivated are maize, sorghum, beans and cassava.

The project area is a pastoral region thus the constant movements of the pastoralists coupled with high levels of poverty (according to FAO, 2007 approximately 62% of the inhabitants of the larger Turkana area are classified as absolutely poor) have not permitted growth of an efficient market infrastructure for livestock and its products.



Figure 3 Fishermen in Lake Turkana



Figure 4 Livestock keeping in Lake Turkana area

3.2.5 Economy and Employment

3.2.5.1 Employment

The 2009 population and housing census covered in brief the labour status as tabulated below. The main variable of interest for inequality discussed in the text is work for pay by level of education.

Table 10 Overall Employment by Education Levels in Turkana County

Education Level	Work for pay	Family Business	Family Agricultural Holding	Intern/Volunteer	Retired/ Home-maker	Fulltime Student	Incapacitated	No work	Number of Individuals
Total	5.6	16.9	50.1	1.5	6.5	4.0	0.5	14.9	422,657
None	3.4	17.5	55.4	1.5	6.6	0.1	0.5	15.1	353,488
Primary	9.8	15.2	27.3	1.7	7.7	23.3	0.6	14.4	44,792
Secondary+	28.8	11.7	15.0	2.3	4.0	24.6	0.2	13.4	24,377

In Turkana County, 3% of the residents with no formal education are working for pay, 10% of those with primary education and 29% of those with secondary level of education or above. Work for pay is highest in Nairobi at 49% and this is 20 percentage points above the level in Turkana for those with secondary or above level of education.

3.2.6 Poverty and Vulnerability

Turkana County is the poorest county in Kenya, according to the Kenya Integrated Household Budget Survey 2011/12 Basic Report. It is constrained by an arid environment, remoteness from the capital and poor access to services, in addition to the underlying causes of poverty experienced elsewhere in Kenya.

The province is highly marginalised and receives little policy priority. A few statistics from the KIHBS 2011/12 illustrate these points:

- The proportion of the rural population below the absolute poverty line was 49% nationally and 94% in Turkana at the time of the survey.
- The percentage of the population 15 years and above who can read and write was 79% nationally and 19% in Turkana. Nationally, the figure for males was 85% and for females was 74%. In Turkana, the figure for males was 29% and the figure for females was 8%.
- Immunisation rates for children aged 12-23 months were equally revealing. 66% of children are fully immunised nationally, but the figure for Turkana is 34%.

3.2.7 Education

Only 3% of Turkana County residents have a secondary level of education or above. Turkana Central constituency has the highest share of residents with a secondary level of education or above at 7%. This is 6 percentage points above Loima constituency, which has the lowest share of residents with a secondary level of education or above. Turkana Central constituency is 4 percentage points above the county average. Lodwar Township ward has the highest share of residents with a secondary level of education or above at 16%. This is 15 percentage points above Letea ward, which has the lowest share of residents with a secondary level of education or above. Lodwar Township ward is 13 percentage points above the county average.

A total of 15% of Turkana County residents have a primary level of education only. Turkana Central constituency has the highest share of residents with a primary level of education only at 26%. This is four times Loima constituency, which has the lowest share of residents with a primary level of education only. Turkana Central constituency is 11 percentage points above the county average. Lobokat ward has the highest share of residents with a primary level of education only at 46%. This is almost 45 percentage points above Letea ward, which has the lowest share of residents with a primary level of education only. Lobokat ward is 31 percentage points above the county average.

As many as 82% of, Turkana County residents have no formal education. Loima constituency has the highest share of residents with no formal education at 93%. This is 25 percentage points above Turkana Central constituency, which has the lowest share of residents with no formal education. Loima constituency is 11 percentage points above the county average. Letea ward has the highest percentage of residents with no formal education at 99%. This is twice Lodwar Township ward, which has the lowest percentage of residents with no formal education. Letea ward is 17 percentage points above the county average.

3.2.8 Water and Sanitation

Improved sources of water comprise protected springs, protected wells, boreholes, piped water into dwellings, collected piped and rain water; while unimproved sources include ponds, dams, lake, stream/river, unprotected springs, unprotected wells, jabia, water vendors and other. In Turkana County, 39% of residents use improved sources of water, with the rest relying on unimproved sources. There is no significant gender differential in use of improved sources with 38% of male headed households and 41% in female headed households.

Turkana South constituency has the highest share of residents using improved sources of water at 56%. That is twice Loima constituency, which has the lowest share using improved sources of water. Turkana South constituency is 17 percentage points above the county average. Lodwar Township ward has the highest share of residents using improved sources of water at 77%. That is 64 percentage points above Loima ward, which has the lowest share using improved sources of water. Lodwar Township ward is 38 percentage points above the county average.

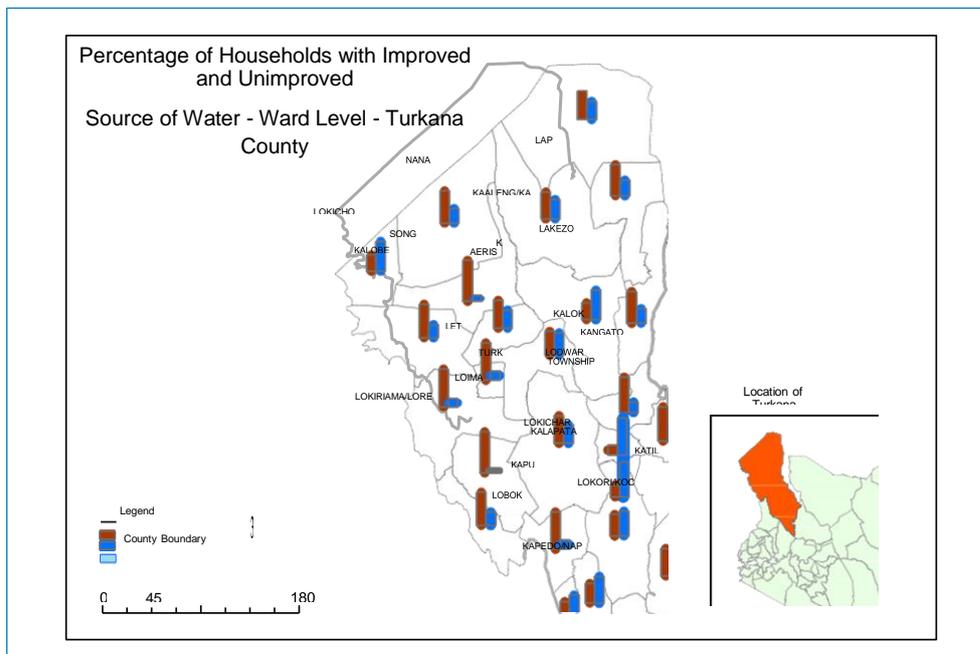


Figure 5 Turkana County-Percentage of Households with Improved and Unimproved Sources of Water by Ward

3.2.8.1 Sanitation

Only 9% of residents in Turkana County use improved sanitation, while the rest use unimproved sanitation. Use of improved sanitation is almost similar by gender, with male headed households at 9% as compared with female headed households at 8%.

Turkana Central constituency has the highest share of residents using improved sanitation at 17%. That is eight times Loima constituency, which has the lowest share using improved sanitation. Turkana Central constituency is 8 percentage points above the county average. Lobokat ward has the highest share of residents using improved sanitation at 42%. That is 42 percentage points above Letea ward, which has the

lowest share using improved sanitation. Lobokat ward is 33 percentage points above the county average.

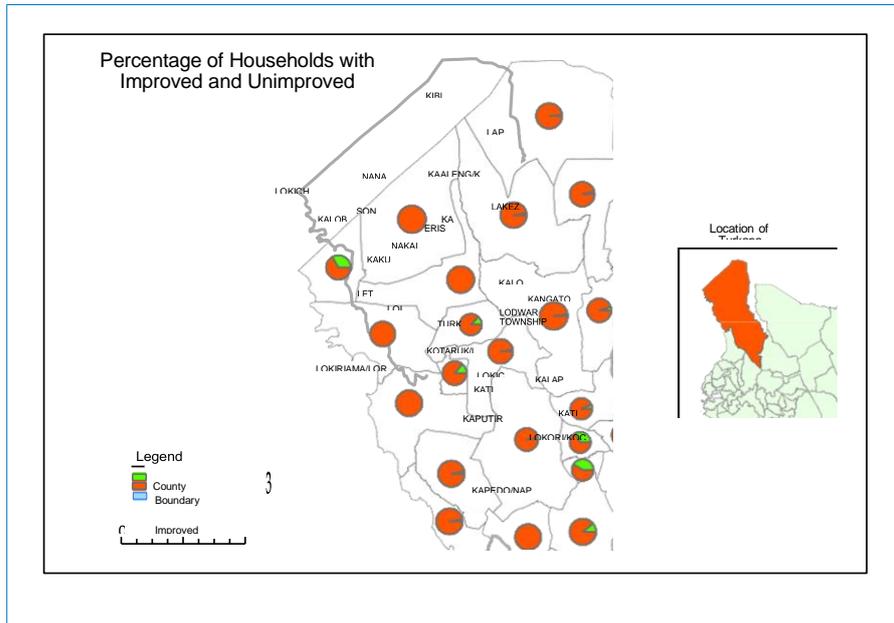


Figure 6 Turkana County-Percentage of Households with Improved and Unimproved Sanitation by Ward

3.2.9 Energy

3.2.9.1 Cooking Fuel

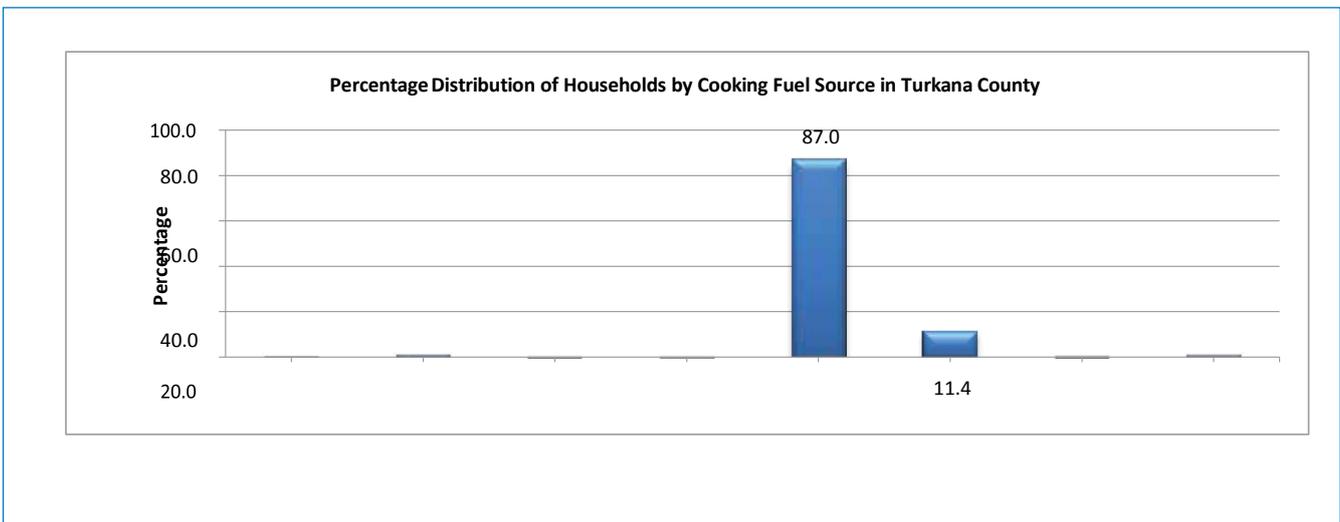


Figure 7 Percentage Distributions of Households by Source of Cooking Fuel in Turkana County

Less than 1% of residents in Turkana County use liquefied petroleum gas (LPG), and 1% use paraffin. 87% use firewood and 11% use charcoal. Firewood is the most common cooking fuel by gender with 86% in male and 89% in female-headed households. Loima constituency has the highest level of firewood use in Turkana County at 97%. This is 26 percentage points above Turkana Central constituency,

which has the lowest share. Loima constituency is about 10 percentage points above the county average. Katilia ward has the highest level of firewood use in Turkana County at 99%. This is 57 percentage points above Lodwar Township ward, which has the lowest share. Katilia ward is 12 percentage points above the county average.

Turkana Central constituency has the highest level of charcoal use in Turkana County at 26%. This is 23 percentage points above Loima constituency, which has the lowest share. Turkana Central is 15 points above the county average. Lodwar Township ward has the highest level of charcoal use in Turkana County at 53%. This is 52 percentage points more than Katilia ward, which has the lowest share. Lodwar Township is 42 percentage points above the county average.

3.2.9.2 Lighting

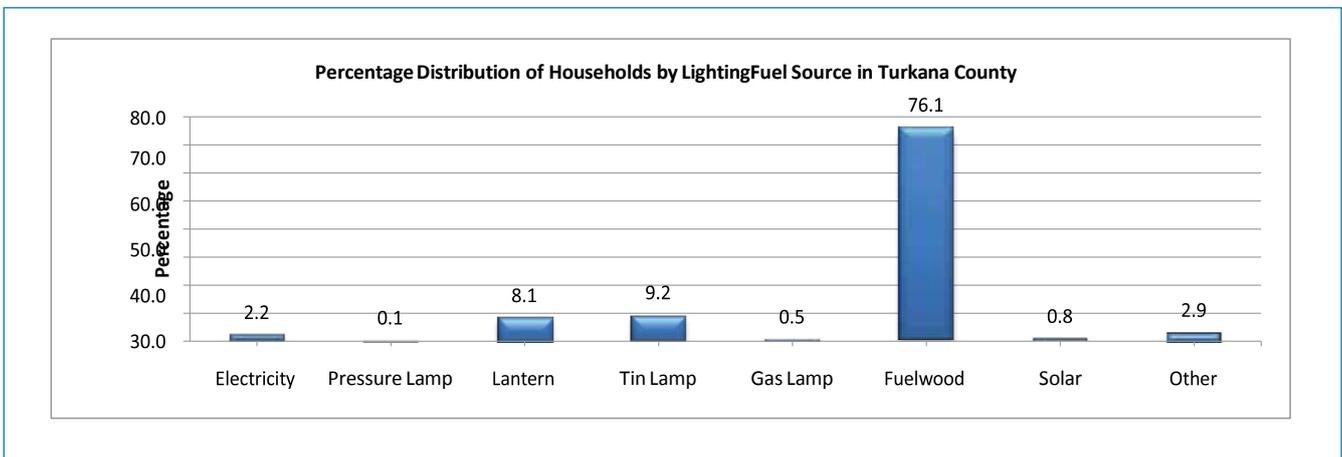


Figure 8 Percentage Distribution of Households by Source of Lighting Fuel in Turkana County

Turkana Central constituency has the highest level of electricity use at 7%. That is 7 percentage points above Loima constituency, which has the lowest level of electricity use. Turkana Central constituency is 5 percentage points above the county average. Lodwar Township ward has the highest level of electricity use at 19%. That is 19 percentage points above Kerio Delta, Kotaruk/Lobei, Turkwel, Loima, Katilia, Kalapata, Katilu and Lokirama/Lorengippi wards, which have no level of electricity use. Lodwar Township ward is 17 percentage points above the county average.

3.2.10 Housing and Other Assets

3.2.10.1 Flooring

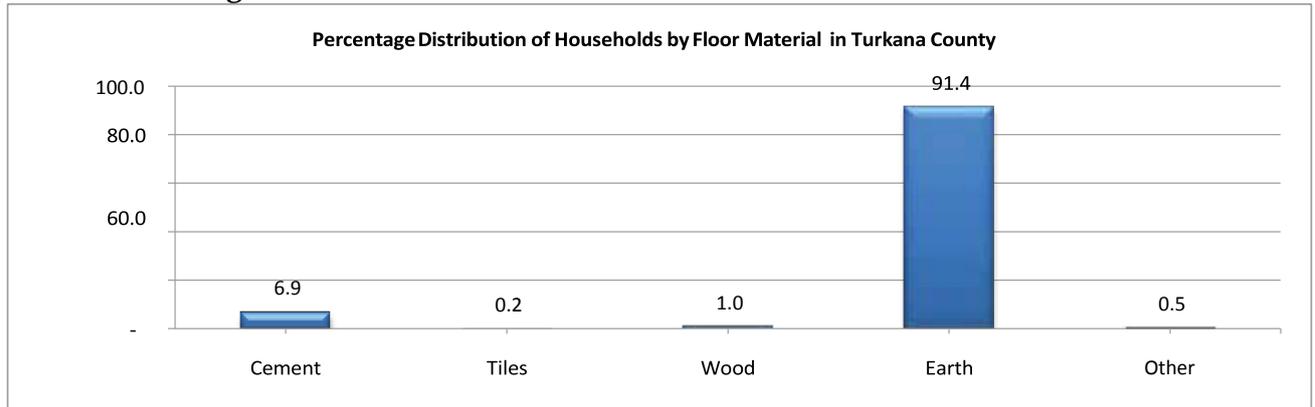
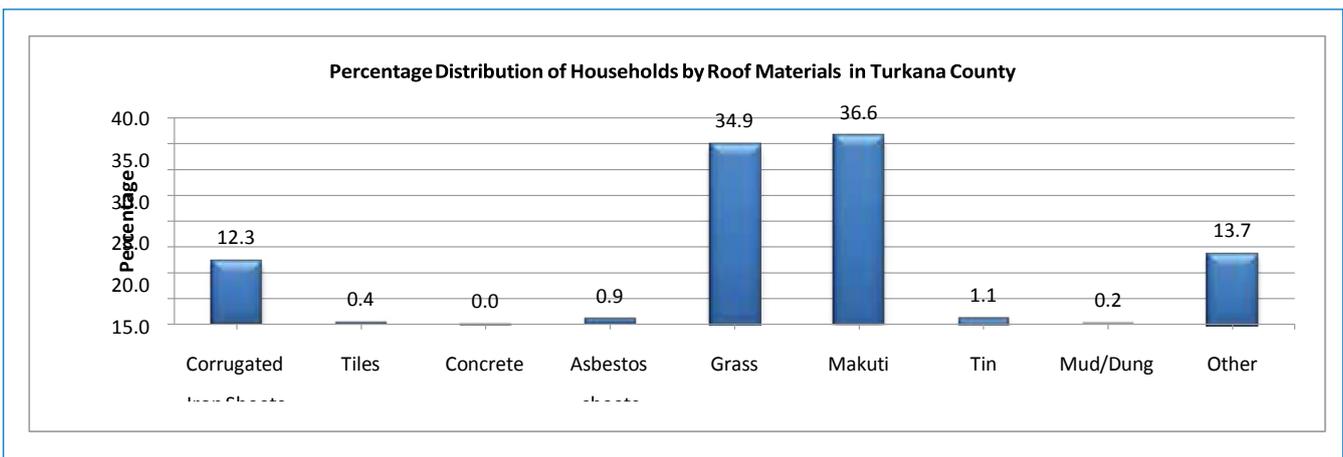


Figure 9 percentage Distribution of Households by Floor Material in Turkana County

In Turkana County, 7% of residents have homes with cement floors, while 91% has earth floors. 1% has wood and less than 1% has tile floors. Turkana Central constituency has the highest share of cement floors at 16%. That is 15 percentage points above Loima constituency, which has the lowest share of cement floors. Turkana Central is 9 percentage points above the county average. Lodwar Township ward has the highest share of cement floors at 37%. That is 37 percentage points above Letea, Songot, Kerio Delta, Lokiriyama/Lorengippi, Kalapata and Katilu ward, which have the lowest share of cement floors. Lodwar Township ward is 30 percentage points above the county average.

3.2.10.2 Roofing

Figure 10: Percentage Distribution of Households by Roof Material in Turkana County



In Turkana County, none of the residents have homes with concrete roofs, while 12% have corrugated iron roofs. Grass and makuti roofs constitute 72% of homes, and less than 1% has mud/dung roofs.

Turkana Central constituency has the highest share of corrugated iron sheet roofs at 25%. That is 23 percentage points above Loima constituency, which has the lowest

share of corrugated iron sheet roofs. Turkana Central constituency is 13 percentage points above the county average. Lobokat ward has the highest share of corrugated iron sheet roofs at 59%. That is 59 percentage points above Letea ward, which has the lowest share of corrugated iron sheet roofs. Lobokat ward is 47 percentage points above the county average.

Turkana East constituency has the highest share of grass/makuti roofs at 81%. That is 18 percentage points above Turkana Central constituency, which has the lowest share of grass/makuti roofs. Turkana East constituency is 9 percentage points above the county average. Kalapata ward has the highest share of grass/makuti roofs at 100%. This is three times Lobokat ward, which has the lowest share. Kalapata ward is 28 percentage points above the county average.

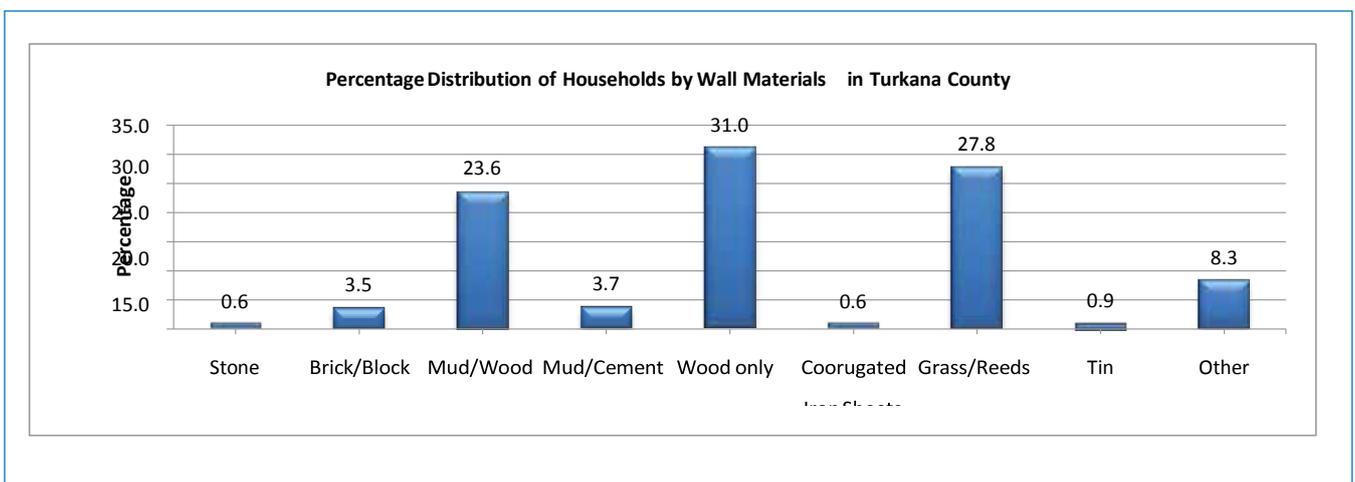


Figure 10 Percentage Distribution of Households by Wall Material in Turkana County

In Turkana County, 4% of homes have either brick or stonewalls. 27% of homes have mud/wood or mud/cement walls. 31% has wood walls. 1% has corrugated iron walls. 28% have grass/thatched walls. 9% have tin or other walls.

Turkana Central constituency, which has the highest share of brick/stone walls at 11%. That is 11 percentage points above Loima constituency, which has the lowest share of brick/stone walls. Turkana Central constituency is 7 percentage points above the county average. Lodwar Township ward has the highest share of brick/stone walls at 29%. That is 29 percentage points above Kalapata ward, which has no share of brick/stone walls. Lodwar Township ward is 25 percentage points above the county average.

Turkana East constituency has the highest share of mud with wood/cement walls at 54%. That is 47 percentage points above Turkana North constituency, which has the lowest share of mud with wood/cement. Turkana East constituency is 27 percentage points above the county average. Lobokat ward has the highest share of mud with wood/cement walls at 76%. That is 38 times Lake Zone ward, which has the lowest share of mud with wood/ cement walls. Lobokat ward is 49 percentage points above the county average. The vast majority of houses observed in the affected area are

made from local material, including locally extracted earth or clay for walls without cement or plastering and local timber for the structure. Almost all roofing materials for affected households are covered with grass (makuti).

The quality of housing in the study area as an indicator of the quality of life was found deficient, as most of the housing was traditional, devoid of any sanitary services. The houses are built of mud and mangrove posts for walling with makuti roof and conspicuously lacking ventilation and matching doors. The floors are mostly earthen and dusty as there is little extra water to temper the floor dust.

3.2.11 History and Culture of Turkana

The Turkana people emerged as a distinct ethnic group sometime during the early to middle decades of the 19th century. According to history and oral traditions, the “original” Turkana were part of the “Ateker” language groups of the eastern Nilotic linguistic family known as the central para-nilotes (Lamphear 1992). Oral history suggests that, prior to A.D. 1500, the ancestors of the Ateker Language Group lived somewhere in the southern Sudan and most likely subsisted as hunting and gathering peoples.

At the beginning of the 18th century, the ancestral Ateker group of people began a southern migration and split into segments that were to form distinct linguistic groups such as the Karamajong, Dodos, and Toposa. Oral history suggests that a group called the Jie seceded from the Karamajong people and that the Turkana then separated from the Jie and expanded their territory by establishing themselves in the region near the Tarach River, in what is now Turkana District. By the beginning of the 19th century, Turkana cattle camps began to push down the Tarach in search of new pastures upon which to graze their animals. As they moved westward, the Turkana encountered other pastoral groups, some of which herded camels (most likely the Rendille and Borana). As the Turkana expanded eastward, they began both to assimilate and disperse other groups. They first pushed to the north and east to Lake Turkana, and then to the south, crossing the Turkwell River. They captured large number of animals during their expansion including Boran Zebu cattle, and also many camels.

From the 1850's onwards, due to unfavorable climatic conditions in the Turkana District leading to variable fodder and water supply, and because of the unique requirements of each stock species, Turkana pastoralists developed a flexible social system and a pastoral system well augmented with agriculture, hunting, gathering, and fishing (Lamphear 1992). Turkana people also had competitive raiding relationships with the surrounding pastoralist tribes. By the 1890s before the first arrival of the British military presence, Turkana people had occupied much of the territory they use today.

3.2.11.1 Marriage and Family

Marriage in Turkana society is a social institution, which not only connects a couple, but also extends beyond the nuclear family to encompass the clan. Marriage is a passage into manhood and womanhood; it legitimizes children, and expands peoples' social networks. Turkana people can only marry inside or outside of their section membership, but must marry outside their clan. The main reason for the prohibition

of marriage between clan members, is that clan members are considered brothers and sisters concerning reciprocal obligations and rights, and incest is, therefore unacceptable. Other reasons include the desire to avoid problems within the same clan, and to avoid giving birth to ill offspring. Turkana pastoralists refer to bride price as 'stock of marriage' or '*ngebarin Akortar*'.

Marriages in Turkana are not considered permanent and official until a ceremonial ox is slaughtered and livestock are handed over to the woman's family. Bride price in Turkana is among the highest recorded for pastoral people in East Africa and it ranges from 10-30 cattle, 15-30 camels and 85-100 goats. In practice, the couple may not live together before all the bride wealth is transferred. Relationships with the in-laws is especially valued by the Turkana, and the selection of a bride is made with this considerations in mind

Polygamy is a common practice in marriage. A man can marry more than one woman so long as he can afford to pay the bride price. The first wife is called the "mother of the house" and she has control over other wives if they both live in the same compound. One reason for having many wives is to have a bigger family, which will easily share in the chores of herding and protecting the cattle.

When a man's wife dies in the Turkana culture, the husband would marry another woman to continue the roles of the dead spouse. If a woman is widowed, a male relative to the man will inherit her for a wife. For this marriage, she is not paid a bride price. The inheriting man will take care of the livestock left by the deceased and can have children with the widow. However, the children from this union will not belong to him but to the late husband. Turkana people do not only value social relations with their living relatives and friends, but also with those who have died.

Turkana people value male children more than girls. They believe that their spirit will live on through children who pass their name on. Turkana men fear dying without a son to continue his name and revitalize his influence in the world. Sons are married according to the order in which they were born. The eldest son will get married first, and when the family has gathered enough livestock, the next son will follow. If the first son dies before he gets married, the second son will marry a wife for the dead brother. These marriages are sometimes called 'ghost marriages', but are highly regarded by Turkana people.

Neighbor Relations: With each other they are good, but they are enemies to all neighboring groups with the exception of the Jie. The Jie are traditional allies and folklore claims a relationship. The Turkana are fiercely independent and cattle raids are carried out against all surrounding tribes creating mutual enmity. The Turkana are feared by their neighbors. Authority / Rule Three to five families may cooperate in a neighborhood, but this is constantly shifting as each family relocates by their own decision. Turkana are very independent people.

Social Habits/Groupings

Each male is born into one of two "alternations". If the father is a "leopard", the son is a "stone". These "alternations" have little social significance except as a convenience for forming raiding parties. Boys are circumcised at the age of 16-20 with minimum

ceremony. Then they must wait another 10-15 years for marriage. Girls are usually married by their late teens. There are no formal political leaders or groups capable of taking corporate action. There are no chiefs, no ruling class, and no centralized political institutions. Leadership is confined to the local level and is demonstrated by local influence, but there is almost a total lack of social sanction that compels people to follow. This is consistent with the Turkana independent nature.

3.2.11.2 Language

Turkana tribe is part of the Nilotic tribes and constitutes the **second largest pastoralist community in Kenya** after the Maasais. They speak the **Turkana language**, which is Nilotic and similar to the Maasai language.

3.2.11.3 Customs

The Turkana have maintained their cultural identity, although majority are adopting the modern lifestyle. They practise several rituals during rights of passage including circumcision among others. Celebrations Important life events to the Turkana are initiation, marriage, child-bearing, and death. The initiation ceremony takes place when two new age-sets are created. The ceremony is brief and preparations beforehand are minimal. Initiation is the first stage of adulthood for Turkana males and occurs after a good rain season when boys are between 16 and 20 years of age. For the woman, marriage is the first and primary stage of adulthood. Turkana girls are usually married when they are between 15 to 20 years of age. They usually have some say in the selection of an appropriate husband. The wedding itself may take a couple of days and is perhaps the most important event in Turkana social life. There is a ceremony with a lot of dancing and feasting. Childbearing doesn't have much fanfare in Turkana society, but it represents the second stage of adulthood for the Turkana woman. The death of a nuclear family head is very important because it raises the problem of settling the inheritance. The death of a family head or older person is accompanied by intense mourning. The body is disposed of by burial and often a meat feast will follow.

3.2.11.4 Religion

Close to 95% of the people living in Turkana County adhere to traditional beliefs while 5-10% of the residents are Christians. The Turkana believe in a Supreme deity called Akuj. They believe that Akuj created the world and that he is in control of the blessings of life. They also believe in the existence of ancestors, ngipean or nikaram. As in most African traditional religions, traditional religious specialists in Turkana are present and play an active role in almost every community event.

3.2.11.5 Family Set-Up/Structures (Clanism)

The basic social unit among the Turkana is the nuclear family, which consists of a man and his wives and children. Married sons remain with their father, although they become increasingly more autonomous, while daughters leave when they are married and join the nuclear family of their husbands. The unity of the family centers in the head who has inherited the ownership of the stock from his father. Though the family may be scattered over several homesteads, it always continues to be a distinct and corporate group.

3.2.11.6 Decision Making Process and Conflict Resolution

The Turkana have a council of elders who are important players in alternative dispute resolution mechanism using traditional approaches that have been employed by their forefathers historically and remain a significant aspect of their culture and tradition.

3.3 WEST POKOT COUNTY

3.3.1 Position and Size

West Pokot County is one of the 14 Counties in the Rift Valley region. It is situated in the north rift along Kenya's Western boundary with Uganda border. It borders Turkana County to the North and North East, Trans Nzoia County to the South, Elgeyo Marakwet County and Baringo County to the South East and east respectively. The County lies within Longitudes 340 47' and 350 49' East and Latitude 10 and 20 North. The County covers an area of approximately 9,169.4 km² stretching a distance of 132 km from North to South.

3.3.2 Administrative and Political Units

3.3.2.1 Administrative Subdivision (Sub-Counties, Divisions, Locations)

The county has four constituencies, 13 divisions, 61 locations and 222 sub locations. It covers an area of 9,169.4 Km².

3.3.2.2 Political Units (Constituencies, Electoral Wards)

The county has four constituencies namely: Kapenguria, Kacheliba, Sigor and Pokot South and a total of twenty county wards. Kapenguria and Kacheliba constituencies have six wards, while Sigor and Pokot South have four wards each.

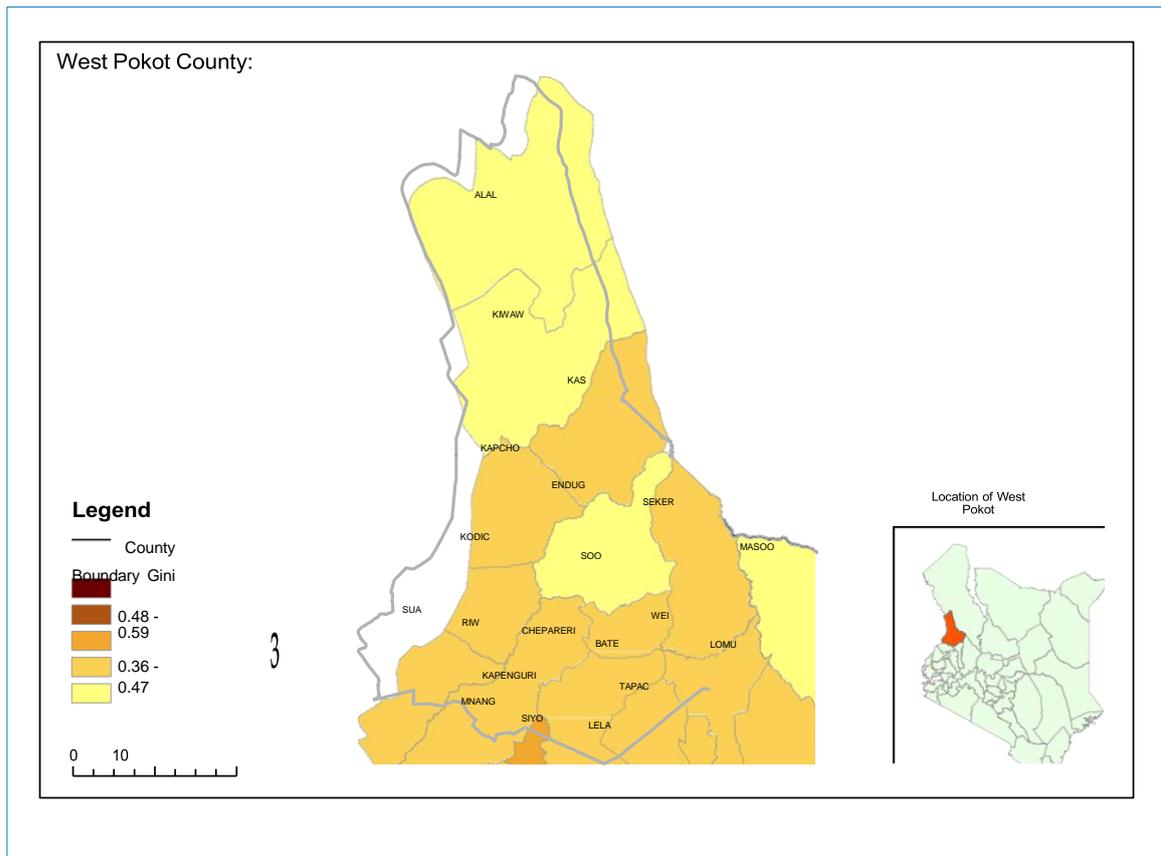


Figure 11 West Pokot County Map by Ward

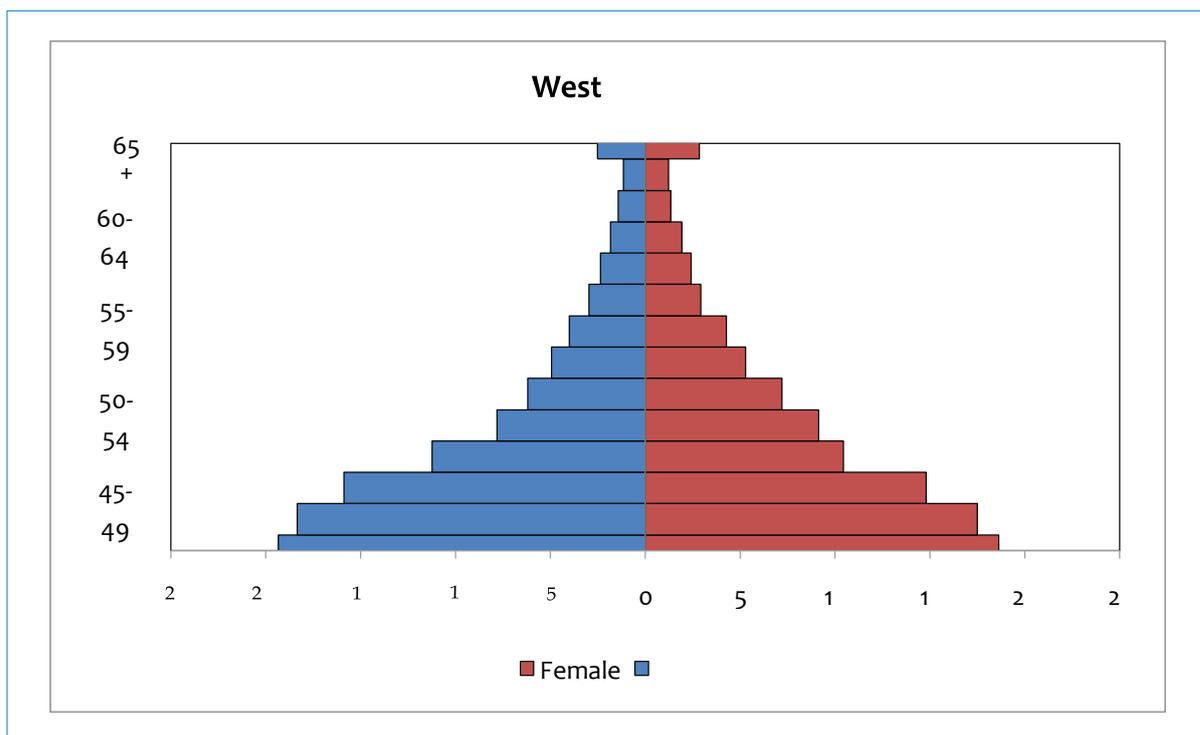
3.3.3 Demographic Features

3.3.3.1 Population Size and Composition

The population of the county is estimated at 631,231 persons as per 2013 projections. This population consists of 313,746 males and 317,484 females giving sex ratio of 100:101. The county inter-censal growth rate is 5.2 percent, which is higher as compared with the national average of 3.0 percent. If current trends prevail, the county population is expected to grow to 700,414 and 771,180 in 2015 and 2017 respectively. It is also worth noting that the youth (aged 15-34 years), whose population estimate is 196,830 forms 31 percent of the County population.

The proportion of the population aged below 14 years and above 64 years comprises about 55 per cent. These age groups are dependants and their proportion is higher than the population in the labour force (15-64 years), which constitutes 45 per cent. These dependants are therefore likely to exert pressure on the workforce to provide for their basic needs.

Figure 12: West Pokot Population Pyramid



3.3.3.2 Population

West Pokot County has a child rich population, where 0-14 year olds constitute 52% of the total population. This is due to high fertility rates among women as shown by the highest percentage household size of 4-6 members at 38%.

3.3.3.3 Employment

The 2009 population and housing census covered in brief the labour status as tabulated below. The main variable of interest for inequality discussed in the text is work for pay by level of education.

Table 11 Overall Employment by Education Levels in West Pokot County

Education Level	Work for pay	Family Business	Family Agricultural Holding	Intern/Volunteer	Retired/Home-maker	Fulltime Student	Incapacitated	No work	Number of Individuals
Total	7.	11.	48.	1.	12.	10.7	0.4	7.	229,712
None	3.	11.	59.	1.	15.	0.1	0.6	8.	117,175
Primary	6.	12.	42.	0.	10.	20.7	0.3	6.	84,850
Secondary	26.	11.	22.	1.	5.9	24.8	0.1	7.	27,687

In West Pokot County, 3% of the residents with no formal education, 7% of those with a primary education and 26% of those with a secondary level of education or above are working for pay. Work for pay is highest in Nairobi at 49% this is almost twice the level in West Pokot for those with a secondary level of education or above.

3.3.4 Education and Literacy

The right to education has become a constitutional right under the bill of rights of the constitution of Kenya 2010. Education equips citizens with understanding and

knowledge that enables them to make informed choices about their lives and those facing the Kenyan society. Its standards and contents therefore must be relevant to the needs of the economy and society. Through education, counties will be able to build a knowledge-based society capable of adapting to the dynamic sociopolitical and economic environment.

3.3.4.1 Pre-School Education

There are 479 pre-primary schools in the county with 984 ECD teachers. This gives a Teacher pupil ratio of 1:45 with an enrolment of 33,398. The enrolment is almost half of the eligible number of ECD school age children under this age bracket. This represents 49 per cent enrolment rate. Low enrolment is contributed by nomadic lifestyle and long distances to schools. The priority areas under early childhood development include construction of classrooms and recruitment of ECD teachers.

3.3.4.2 Primary Education

There are a total of 503 primary schools with 3005 teachers and an enrolment of 156,272 pupils in the county. The Teacher pupil ratio stands at 1:52. The county has a gross primary school enrolment of 88 percent. Staffing and school infrastructure needs to be proved to enhance the learning environment and ensure quality education.

3.3.4.3 Literacy

The literacy levels in the county stands at 40 percent. However, there are variations in the literacy rates, with higher rates in West Pokot Sub-county. Low literacy rates are due to various factors such as nomadic lifestyles, negative cultural practices, inaccessibility and inadequate education facilities. Concerted efforts to address the root causes of low literacy are therefore needed. Areas of focus include: provision of adequate education facilities, addressing negative cultural practices namely; FGM, early marriages and cattle rustling and changing nomadic lifestyle of the community to permanent settlement through provision of water and pastures for animals and development of more adult education centres.

Only 6% of West Pokot County residents have a secondary level of education or above. Kapenguria constituency has the highest share of residents with a secondary level of education or above at 11%. This is 9 percentage points above Kacheliba constituency, which has the lowest share of residents with a secondary level of education or above. Kapenguria constituency is 5 percentage points above the county average. Kapenguria ward has the highest share of residents with a secondary level of education or above at 21%. This is 19 percentage points above Masool ward, which has the lowest share of residents with a secondary level of education or above. Kapenguria ward is 15 percentage points above the county average.

A total of 38% of West Pokot County residents have a primary level of education only. Pokot South constituency has the highest share of residents with a primary level of education only at 56%. This is four times Kacheliba constituency, which has the lowest share of residents with a primary level of education only. Pokot South constituency is 18 percentage points above the county average. Two wards, Lelan and Siyoi, have the highest share of residents with a primary level of education only at 60% each. This is almost nine times Alale ward, which has the lowest share of residents

with a primary level of education only. Lelan and Siyoi wards are 22 percentage points above the county average.

A total of 55% of West Pokot County residents have no formal education. Kacheliba constituency has the highest share of residents with no formal education at 84%. This is 48 percentage points above Pokot South constituency, which has the lowest share of residents with no formal education. Kacheliba constituency is 29 percentage points above the county average. Alale ward has the highest percentage of residents with no formal education at 92%. This is three times Kapenguria ward, which has the lowest percentage of residents with no formal education. Alale ward is 37 percentage points above the county average.

3.3.5 Energy

Energy is one of the infrastructural enablers of the three pillars of Vision 2030 and the level and intensity of commercial energy use is a key indicator of the degree of economic growth and development. The main source of energy in the county is fuel wood, which accounts 90 per cent of the energy needs of the county population. Petroleum energy is another source accounting for 5 per cent energy needs. Despite the presence of Turkwel Dam, which generates electricity, connection is still low with only 2 per cent of the population accessing electricity and only 10 trading centres connected with power. Electricity power outages are also prevalent in the county. Paraffin, which is another source of energy, is used by 8 per cent of population. Other sources of energy in the county include charcoal and solar. The county has a high potential for solar energy, which remains untapped.

3.3.5.1 Cooking Fuel

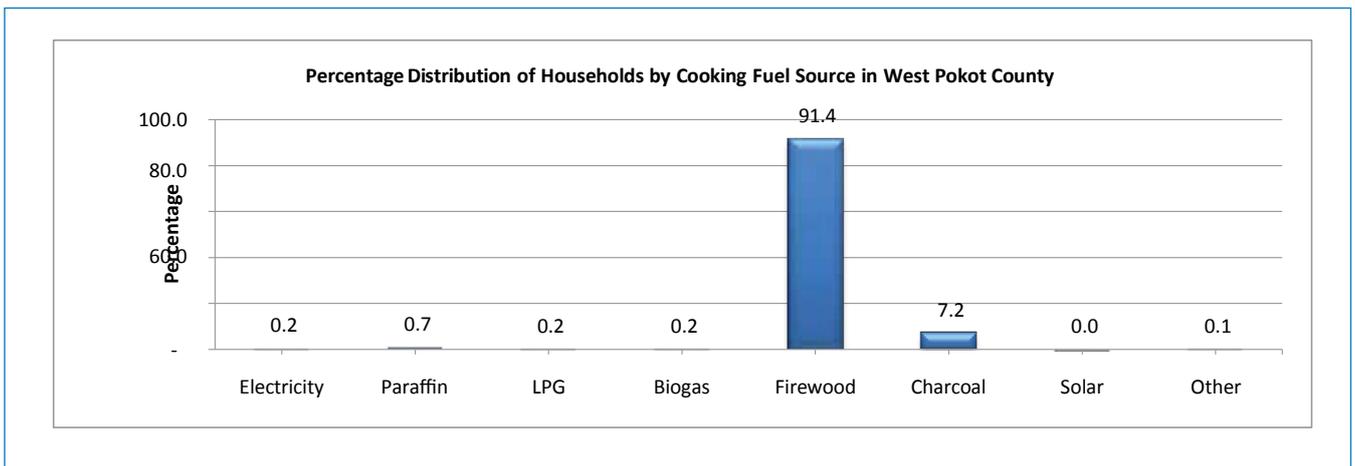


Figure 12 Percentage Distribution of Households by Source of Cooking Fuel in West Pokot County Less than 1% of residents in West Pokot County use liquefied petroleum gas (LPG), and 1% use paraffin. 91% use firewood and 7% use charcoal. Firewood is the most common cooking fuel by gender with 91% of male-headed households and 93% in female-headed households using it. Two constituencies, Kacheliba and Sigor, have the highest level of firewood use in West Pokot County at 98% each. This is 16

percentage points above Kapenguria constituency, which has the lowest share at 82%. Kacheliba and Sigor constituencies are at 7 percentage points above the county average. Three wards, Kiwawa, Sook and Kodich, have the highest level of firewood use in West Pokot County at 99% each. This is 43 percentage points above Kapenguria ward, which has the lowest share at 56%. Kiwawa, Sook and Kodich are 8 percentage points above the county average.

Kapenguria constituency has the highest level of charcoal use at 16%. This is 14 percentage points above Kacheliba constituency, which has the lowest share. Kapenguria constituency is 9 percentage points above the county average. Kapenguria ward has the highest level of charcoal use in West Pokot County at 39%. This is 38 percentage points more than Kiwawa ward, which has the lowest share. Kapenguria ward is 32 percentage points above the county average.

3.3.5.2 Lighting

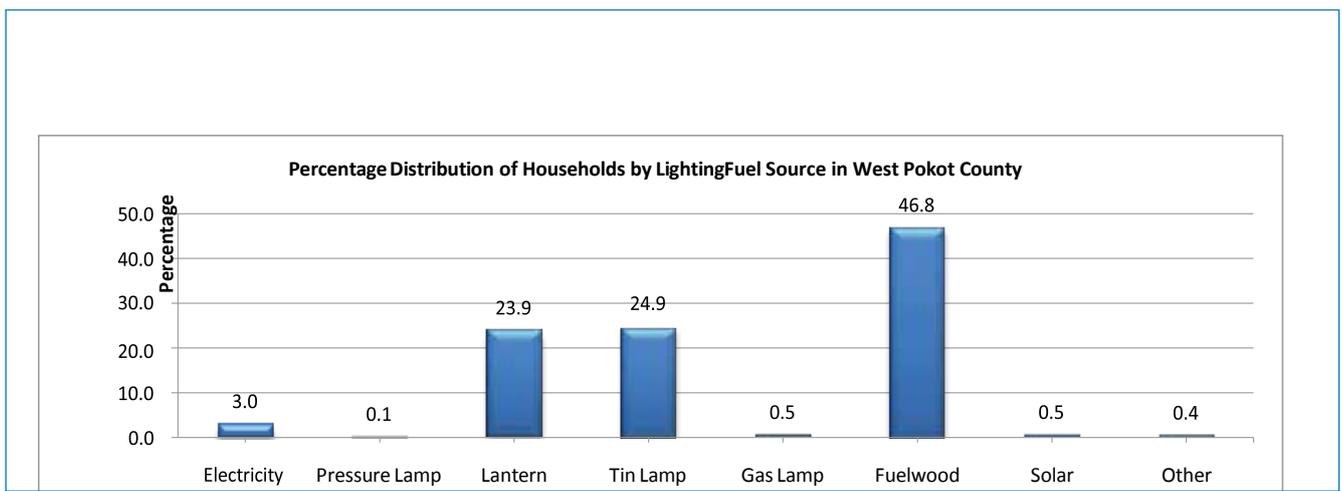


Figure 13 Percentage Distribution of Households by Source of Lighting Fuel in West Pokot County

Only 3% of residents in West Pokot County use electricity as their main source of lighting. A further 24% use lanterns, and 25% use tin lamps. 47% use fuel wood. Electricity use is equal by gender with 3% of both male-headed households and female-headed households using it.

Kapenguria constituency has the highest level of electricity use at 8%. That is 8 percentage points above Kacheliba constituency, which has the lowest level of electricity use. Kapenguria constituency is 5 percentage points above the county average. Kapenguria ward has the highest level of electricity use at 22%. That is 22 percentage points above Sook, Kodich, Kapchok, Kiwawa, and Alale wards, which have no levels of electricity use. Kapenguria ward is 19 percentage points above the county average.

3.3.6 Housing

Kenya Vision 2030 aims to provide the country's population with adequate, affordable and decent housing in a sustainable environment. The main housing types in the county are grass thatched houses, semi-permanent and permanent houses. In overall, there are 88,026 grass-thatched houses, 5,129 permanent and semi-permanent

houses mainly found in the urban/town centres. Traditional manyattas are found in some parts of Pokot North and Pokot Central Sub-Counties. The county housing sector is characterized by inadequacy of affordable and decent housing, low investment, extensive and inappropriate dwelling units.

3.3.6.1 Flooring

In West Pokot County, 13% of residents have homes with cement floors, while 86% have earth floors. Less than 1% has tile and 1% have wood floors. Kapenguria constituency has the highest share of cement floors at 26%. That is 22 percentage points above Kacheliba constituency, which has the lowest share of cement floors. Kapenguria constituency is 13 percentage points above the county average. Kapenguria ward has the highest share of cement floors at 55%. That is 53 percentage points above Kapchok ward, which has the lowest share of cement floors. Kapenguria ward is 42 percentage points above the county average.

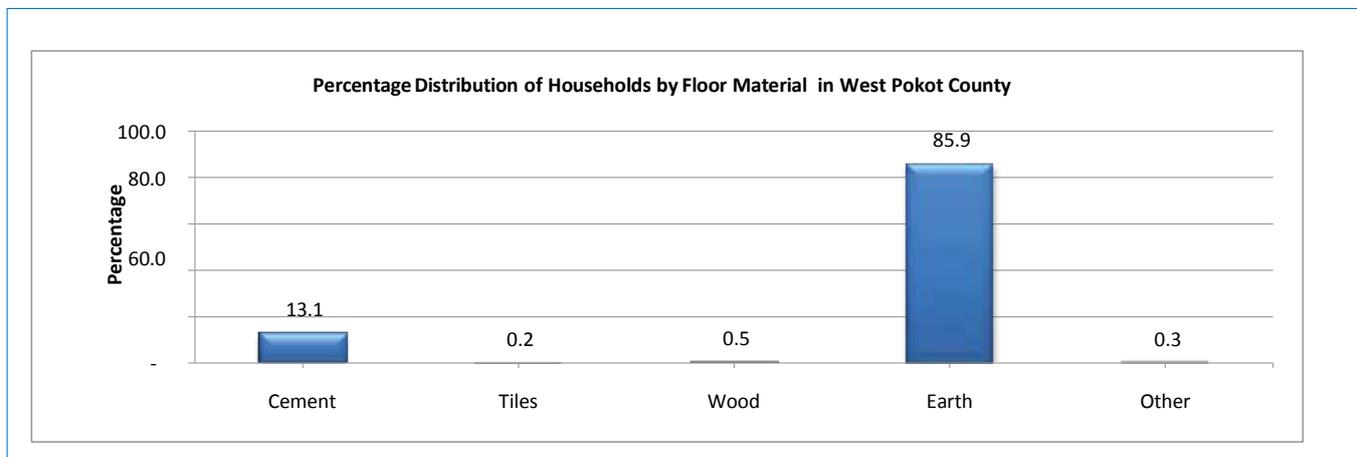


Figure 14 Percentage Distribution of Households by Floor Material in West Pokot County

3.3.6.2 Roofing

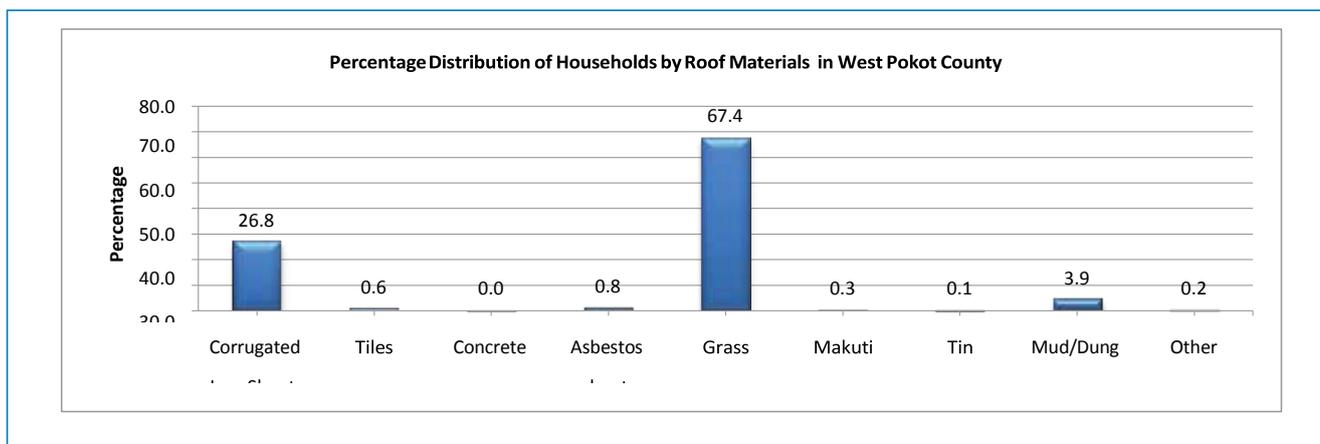


Figure 15 Percentage Distribution of Households by Roof Material in West Pokot County

27% have corrugated iron sheet roofs. Grass and makuti roofs constitute 68% of homes, and 4% have mud/dung roofs.

Kapenguria constituency has the highest share of corrugated iron sheet roofs at 46%. That is 40 percentage points above Kacheliba constituency has the lowest share of corrugated iron sheet roofs. Kapenguria constituency is 19 percentage points above the county average. Kapenguria ward has the highest share of corrugated iron sheet roofs at 74%. That is 71 percentage points above Kasei ward, which has the lowest share of corrugated iron sheet roofs Kapenguria ward is 47 percentage points above the county average.

Sigor constituency has the highest share of grass/makuti roofs at 87%. That is 36 percentage points above Kapenguria constituency has the lowest share of grass/makuti roofs. Sigor constituency is 19 percentage points above the county average. Masool ward has the highest share of grass/makuti roofs at 94%. This is four times Kapenguria ward, which has the lowest share. Masool ward is 26 percentage points above the county average.

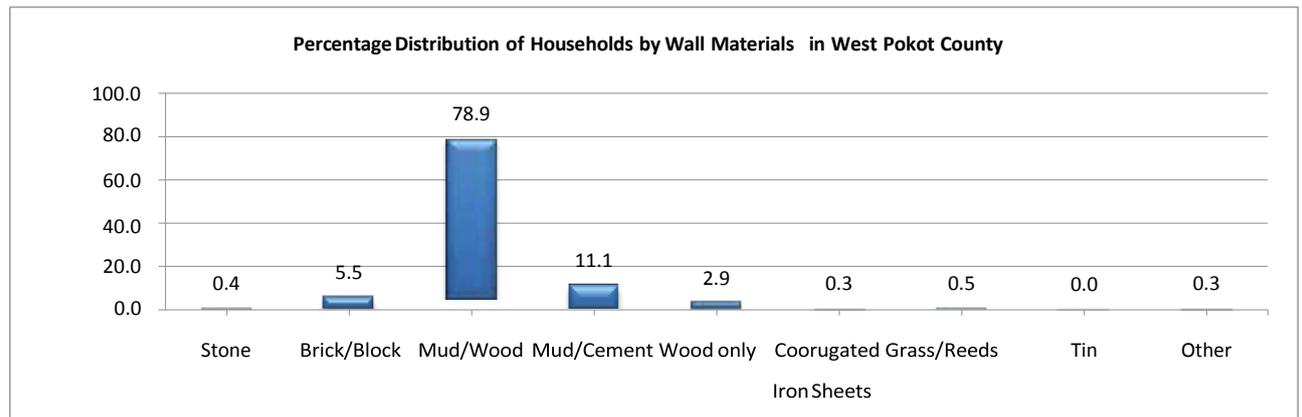


Figure 16 Percentage Distribution of Households by Wall Material in West Pokot County

In West Pokot County, 6% of homes have either brick or stonewalls. 90% of homes have mud/wood or mud/ cement walls. 3% have wood walls. Less than 1% has corrugated iron walls. 1% has grass/thatched walls. Less than 1% has tin or other walls.

Kapenguria constituency has the highest share of brick/stone walls at 13%. That is 12 percentage points above Kacheliba constituency, which has the lowest share of brick/stone walls. Kapenguria constituency is 7 percentage points above the county average. Kapenguria ward has the highest share of brick/stone walls at 32%. That is 32 percentage points above Kasei ward, which has the lowest share of brick/stone walls. Kapenguria ward is 26 percentage points above the county average.

Pokot South constituency has the highest share of mud with wood/cement walls at 96%. That is 12 percentage points above Kapenguria constituency, which has the lowest share of mud with wood/cement. Pokot South constituency is 6 percentage points above the county average. Tapach ward has the highest share of mud with

wood/ cement walls at 99%. That is 49 percentage points above Masool ward, which has the lowest share of mud with wood/cement walls. Tapach ward is 9 percentage points above the county average.

3.3.7 Water

Improved sources of water comprise protected spring, protected well, borehole, piped into dwelling, piped and rain water collection while unimproved sources include pond, dam, lake, stream/river, unprotected spring, unprotected well, jabia, water vendor and others.

In West Pokot County, 25% of residents use improved sources of water, with the rest relying on unimproved sources. There is no significant gender differential in use of improved sources as 25% of male-headed households and 26% in female-headed households use it.

Kacheliba constituency has the highest share of residents using improved sources of water at 33%. That is almost twice Sigor constituency, which has the lowest share using improved sources of water. Kacheliba constituency is 8 percentage points above the county average. Kodich ward has the highest share of residents using improved sources of water at 56%. That is 44 percentage points above Masool ward with the lowest share using improved sources of water. Kodich ward is 31 percentage points above the county average.

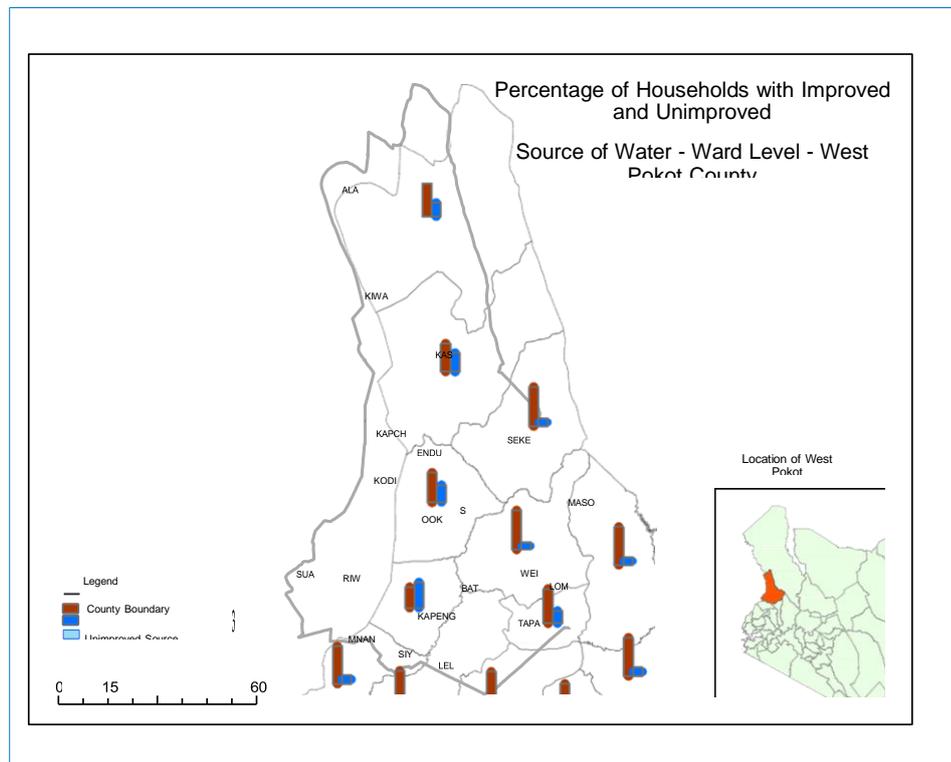


Figure 17 West Pokot County-Percentage of Households with Improved and Unimproved Sources of Water by Ward

3.3.7.1 Sanitation

A total of 27% of residents in West Pokot County use improved sanitation, while the rest use unimproved sanitation. Use of improved sanitation is equal by either gender with both male and female-headed households at 27%. Pokot South constituency has the highest share of residents using improved sanitation at 48%. That is 16 times Kacheliba constituency, which has the lowest share using improved sanitation. Pokot South constituency is 21 percentage points above the county average. Siyoi ward has the highest share of residents using improved sanitation at 82%. That is 81 percentage points above Kiwawa ward, which has the lowest share using improved sanitation. Siyoi ward is 55 percentage points above the county average.

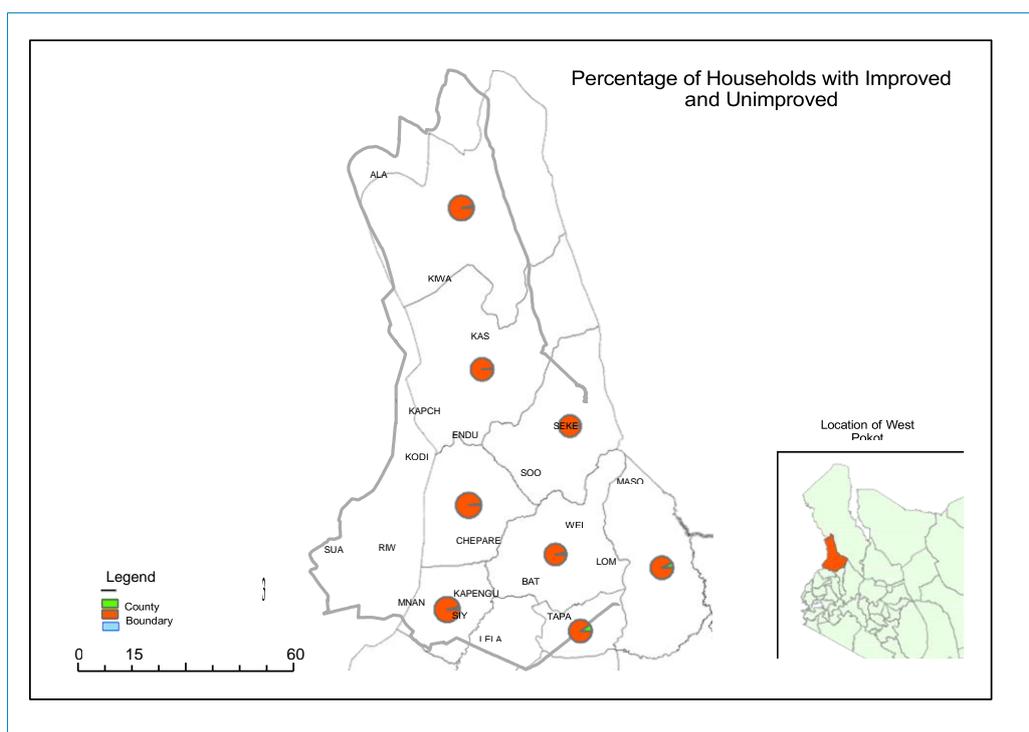


Figure 18 West Pokot County-Percentage of Hhouseholds with Improved and Unimproved Sanitation by Ward

3.3.8 Health and Nutrition

3.3.8.1 Health Access

The health sector plays a critical supportive role in maintaining a healthy, working population, which is necessary for increased labour productivity. Health services in the county remain inaccessible both in terms of personnel as well as physical distance. The county has 2 Hospitals, 2 sub-Sub-County hospitals, 7 health centres and 72 dispensaries. The Doctor to patient ratio is 1:63,747 with the average distance to the nearest health facility being 25 Km, this makes the health services in the county inaccessible to the population.

3.3.9 Land and Land Use

3.3.9.1 Mean Holding Size

The average farm size in the county stands at 30 ha. The population is predominantly rural depending on pastoralism as their main source of livelihood. Subsistence crop production is also undertaken in the arable areas.

3.3.9.2 Percentage of Land with Title Deeds

90 per cent of land in West Pokot sub-county and 60 per cent in Pokot Central have title deeds. Almost all the persons in North Pokot do not have title deeds as land is owned communally. Overall, only 11 percent of the farmers in the County have title deeds. Land reforms are geared towards a holistic management of this critical resource so as to create a foundation for the implementation of projects identified in the integrated plan.

3.3.9.3 Incidence of Landlessness

Land in the county is largely communally owned. Cases of landlessness are minimal with most parts of the land being unutilized because of communal ownership. Most parts of Pokot Central and all of Pokot North sub-counties are communally owned.

3.3.9.4 Insecure Land tenure system

In overall, only 11 per cent of the farmers in the county have title deeds. Land adjudication needs to be addressed to increase tenure security and minimize frequent land conflict in the county. Land adjudication will create incentive for improved land management and increased production as well as enable farmers to access credit facilities. Land reforms are critical for successful implementation of projects identified in the integrated plan. Improved land reforms increases investors' confidence and trigger major development investments

3.3.10 Non-Governmental Organizations

The county has a number of Non-Governmental Organizations working in their various capacities to complement the development initiatives of the Government. The notable NGOs in the county include: World Vision, ACTED, UNICEF, ACF, USAID, Red Cross, and Health Right International. There are also local NGOs working with the communities such as Yangat, SIKOM, Maendeleo Ya Wanawake and others. These NGOs are expected to continue supporting rural communities in the areas of agriculture, nutrition, water, disaster relief, health and education.

3.3.11 Gender Inequality and Youth

Gender concerns are increasingly becoming important developmental issue due to its role in reduction of inequality and poverty. Gender inequality is a major challenge in the county. For instance, most women are confined to domestic chores and are mostly not involved in decision-making committees. The gender inequality is also manifest in education as there is poor parity in gender enrolment. The ratio of boys to girls in primary schools is 100:92 and 100:64 for secondary schools. The county will need to put in place strategies to empower women in decision-making.

Youth population comprises more than 50 per cent of the total Population County's. However, they have limited access to resources and financial services which would enhance their opportunities for growth. Development of the county will be

accelerated through changing attitudes and building capacities of youth in order to reduce unemployment.

3.3.12 HIV and AIDS

HIV/AIDS remains a developmental challenge in West Pokot County especially due to its socio-economic impact. Its prevalence rate is 2.5 per cent in the county. The most affected age group is 15-45 years which is the economically active population. The major constraint in the fight against HIV/AIDS is stigma and inaccessibility to health services as most services are offered only at the Sub-County hospitals and the health centres due to shortage of personnel. Other constraints include high poverty levels and illiteracy that hampers the delivery of the services due to health service non-seeking behavior of the community. The interventions to address HIV/AIDS pandemic include mobile VCT & outreaches, PMTCT and PITC. The Ministries of Health will continue strengthening the interventions to reduce the infection rates through promotion of detection, care and support to the affected through VCT, PMTCT, awareness campaigns and capacity building on home based care. NACC through Total War on AIDS (TOWA) programme is also supporting Community Based Organizations and local NGOs to help address HIV/AIDS pandemic.

3.3.13 History and Culture of Pokot

The Pokot were once considered part of the Kalenjin people who were highland Nilotic people who originated in southern Ethiopia and migrated southward into Kenya as early as 2,000 years ago. Though the Pokoot consider themselves to be one people, they are basically divided into two sub-groups based on livelihood. About half of the Pokoot are semi-nomadic, semi-pastoralists who live in the lowlands west and north of Kapenguria and throughout Kacheliba Division and Nginyang Division, Baringo District. These people herd cattle, sheep, and goats and live off the products of their stock. The other half of the Pokoot are agriculturalists who live anywhere conditions allow farming.

The homestead is the social center for the Pokoot. Here a man lives with his wives, each having their own hut. All members of the family live here and the stock is corralled here at night. The man of the family rules the homestead, telling the others what duties they are to perform.

The position of women in Pokoot society is weak. A woman has no voice in any public forums and no authority within her own homestead. She is considered "foolish", like the cows for which she is traded.

Illness and death are greatly feared among the Pokot. Death is the end of life and there is no after life. Therefore, life is most important and is precious to the Pokoot. Much of their religious ritual is involved in warding off illness or in effecting cures. The majority of the Pokoot still follow their traditional religion. Some of Pokoot are Christians but the majority are traditionalists. Even among the Christians, the traditional religion worldview is still dominant.

3.3.14 Language

The Pokot language is one of the Para-Nilotic languages. The Para-Nilotic speaking peoples of Kenya include the Turkana, the Kalenjin and the Maasai groups. The

Pokoot language is included within the Kalenjin group though Pokot is the most different of all Kalenjin languages. The Pokoot can communicate with other Kalenjin speakers, but only with great difficulty as many of their words are different. The Pokot are a Kalenjin-speaking people whose language (ng'ala Pokot, "tongue or language of Pokot") incorporates words from the neighboring Karamojong and Turkana. The term "Kalenjin" dates from World War II; it is a self-chosen label that has replaced various colloquial, scholarly, and administrative designations, including "Nandi-speaking peoples," "Nilo-Hamites," "Southern Nilotes," and "Paranilotes." The Kalenjin consist of eight principal groups: the Keiyo, Kipsigis, Marakwet, Nandi, Pokot, Saboat, Terik, and Tugen.

3.3.15 Livelihoods

Pastoralists Occupation Cattle husbandry has traditionally been the center of the Pokoot economy. Even the agricultural Pokoot try to have a few cows to raise. Cattle have filled both an economic and social role among the Pokoot and the more cattle one has the better. Some bees are kept by the Pokot for production of honey and honey wine, which is important in certain ceremonies. The Pokoot also do some hunting, but not really as a means of subsistence. More and more Pokot are turning to panning gold part-time.

3.3.16 Resolving Conflicts

Dialogue was and is still a main mechanism for resolving conflicts and disputes in the Karamoja cluster. The history of intervening and mitigating conflicts in the cluster is replete with intra and inter-community peace dialogues. Dialogue was a major mechanism for resolving disputes at all levels of society right from the family, clan and with other neighboring communities. Peace and or disputes resolving dialogues were basically like a modern court system.

When resolving conflicts, both the prosecution and defence are given enough time to argue their case. Elders with oratory skills would act as defence and prosecution lawyers as well as the jury. The system upheld the fundamental principles of natural justice for nobody could be condemned without being unheard. Closely related to peace dialogue are arbitration and mediation. This would normally compliment dialogue when two communities who are in conflict are unlikely to come to a consensus. In such a situation, a third neutral party (community) would be called upon to mediate and arbitrate in the dispute. "Amongst the Karamojong' sub groups, a group can mediate a conflict or dispute between two or more different groups. Tepeth have been trying to arbitrate the Matheniko and the Bokora conflict for many years."

Another way of resolving conflicts among the communities in the Karamoja cluster is through peace pacts and accords. As mentioned earlier, the Turkana were more armed than the Karamojong communities in Uganda. Akabwai notes that unarmed, the Karamojong could not protect themselves against the Turkana, who punished them into submission by taking most of their animals. This forced the Matheniko to beg for peace with the Turkana at Lokirama in 1973. A peace agreement was accepted by the Turkana and was finally signed by (literally) burying a hatchet in 1978 at Lokirama. This peace agreement has endured ever since and, in part, accounts for the strengthening of the Matheniko, who have managed to reserve their pastoral identity ever since the Turkana hostilities stopped. Disputes may be aired in neighborhood

councils and in government courts. Other sanctions include shaming, cursing, and bewitching.

3.3.17 Society & Culture Group Description Family Structures

The homestead is the social center for the Pokot. Here a man lives with his wives, each having their own hut. All members of the family live here and the stock is corralled here at night. The man of the family rules the homestead, telling the others what duties they are to perform. The extended family (kapor) is the most important social grouping among the Pokot. Especially important are the relatives of the mother who are the most active in assisting with the bride price or feast contributions. The Pokot were originally a part of the Kalenjin grouping of people who live south of the Pokot. The agricultural Pokoot are particularly similar to the Kalenjin in matters of culture. However, now neither the Pokoot nor the other Kalenjin groups regard the Pokot as part of the Kalenjin group.

3.3.18 Social Habits and Groupings

The clan is the primary political grouping among the Pokoot. All livestock and shambas ultimately belong to the clan rather than to individuals and decisions regarding these and many other matters are made at the clan level. There are about 25 clans and 150 sub-clans among the Pokoot. Clans meet and interact in the extended families.

A third major grouping among the Pokot is the age-set. There are 8 age-sets in a cyclic age-set system much like that of the Nandi. One is initiated into the age-set through the circumcision ceremony, which occurs at 10 to 15 year intervals. Each age set has its own responsibilities with more authority wielded by the older age-sets. Elders (of the eldest age-set) sit in the center of the traditional half circle (kirket) during ceremonies.

Judicial/punishment system and political control among the Pokoot is invested in the council of elders (kokwo). The council is responsible for maintenance of law and order, security affairs, settlement of disputes between clans and age-sets (including marriage disputes), decisions on ceremonial matters such as the date of circumcision, and approval of new development projects (schools, etc.).

All decisions of the council of elders must be unanimous and enforcement is assured by means of ceremonies, which demonstrate the authority of the elders. Wealthy men and elderly men have greater influence in the council, but any man has the right to speak.

Celebrations: Pokoot life is full of ritual and ceremonies which serve both social and religious functions. They observe some five different rites of passage, which are accompanied by appropriate ceremonies. Birth is an occasion for celebration and the new child is received with songs and ceremony. Hair shaving is done when the child begins to crawl and blessings are given that the child may live long. Circumcision is the next stage for both boys and girls and signifies their entrance into adulthood. Girls must be circumcised before marriage or giving birth. Marriage occurs between young "warriors" of 20 to 25 years of age and the newly circumcised girls of 14 or 15 years of age. This age difference and the population structure usually assures

polygamy for the rich. Death is the ultimate end of life. There is no expectation of life after death among the traditional Pokoot. Burial is attended by only one or two family members as death and burial are feared greatly.

3.3.19 Ceremonies

The main ceremonies mark transitions in the social lives of individuals and communities. Especially notable among these are the cleansing of a couple expecting their first child; the cleansing of newborn infants and their mothers; the cleansing of twins and other children who are born under unusual circumstances; male and female initiation; marriage; *sapana*, a coming-of-age ceremony for men; and summer-solstice, harvest, and healing ceremonies.

3.3.20 Religion

In Pokot cosmology, the universe has two realms, the above and the below. The above, remote and unknowable, is the abode of the most powerful deities—Tororot, Asis (sun), and Ilat (rain); the below is the abode of humans, animals, and plants. Men and women are considered responsible for the peace and prosperity of the realm that they inhabit, but they must rely upon divine vitality and knowledge to achieve and maintain these conditions. The Pokot communicate with their deities through prayer and sacrifice: Tororot is said to listen to his creatures below, Asis to witness their activities, and Ilat to serve as a messenger between the two realms. Deities, in turn, communicate with humans, warning and rebuking them about their misconduct. Christianity has reshaped Pokot cosmology, primarily by reducing the number of deities, while augmenting their attributes.

In the Pokot traditional religion, they have a remote idea of a supreme being known as Tororot who is approached through animal sacrifices, but not to be known as a personal God to an individual. Though Tororot is the creator of all things and is ultimately the source of all life, Yim or the Above (sky) is often equated with God and is the cause of natural diseases. Asis (sun) also has great power and accidents can occur when Asis is ill. Rain is brought by the Ilat who have human bodies and very large wings on which they carry water from the big lake. The Pokoot believe that natural diseases come from the above and are cured by the herbalist. Many illnesses, however, are caused by overstepping the bounds of Pokoot society, by sorcery, or by ancestral spirits. Special rituals and ceremonies must be performed to counteract these illnesses. Life is ultimately related to Tororot who can give life or take it away. The divine messenger Ilat has a human counterpart called a *werkoyon* (prophet), who foresees disaster and recommends expiation, usually animal sacrifice, to alleviate it. A *werkoyon* may be either male or female; his or her ability to foresee and to advise is considered a divinely given gift, to be used on behalf of all Pokot.

3.3.21 Kinship

There are some thirty-six named, exogamous patrilineal clans. Many of these clans are found among other Kalenjin groups; a few originated among the Turkana. Clan histories recount the movements of people from one locale to another, emphasizing the vulnerability of humans and their dependence upon supernatural benefactors to help them overcome hunger, thirst, and, ultimately, death itself; the attributes of these benefactors are praised in poetry and song. Clans are conceptualized as "pathways" and fellow clan members as children of the same "father" or "grandfather." Although

members of the same clan are dispersed geographically and are differentiated internally, they are said to hold their herds in common. Unlike some East African cattle-keeping groups, the Pokot retain their clan affiliations throughout their lives; there is no ceremony to sever clanship in the event of marriage. Genealogical reckoning tends to be shallow, reaching back three to four generations (see "Marriage").

Relatives are differentiated according to the logic of clanship, generation, and gender. Relatives are categorized as "father's people" (*kapapo*), "mother's people" (*kamama*), and "spouse's people" (*kapikoi*). Father's people are fellow clan members and hence the source of fathers, brothers, sisters, and "aunts" (father's sisters). Mother's people are differentiated according to their relationship to "uncle" (mother's brother). Terms for spouse's people often are derived from the names of the livestock that have been exchanged to establish affinal ties. In addition, people who share the same name, marry into the same family, establish stock partnerships, or are cut by the same circumcision knife also are considered relatives.

3.3.22 Marriage and Family

Marriage is underwritten by gift giving, with the flow of gifts moving from the groom and his family to the bride and her family, often over a period of years. The amount and the types of gifts are agreed upon before the bride moves to her husband's home. The bride's family often receives a combination of livestock, goods, and cash, and the bride receives milk cows and rights to land. Divorce owing to incompatibility or to lack of children is not uncommon in the early years of a marriage, but, after the birth of children, divorce is rare. The bond between a husband and wife and their respective families and clans endures for three to four generations, after which time the relationship is said to "disappear," and marriages may again take place between the two groups. A man may have more than one wife, but polygyny is uncommon among men under 40 years of age.

A young adult woman is promised stock by her family after her initiation and at the time of her marriage, but generally she asks for and receives only one gift of stock from her family. A woman acquires additional stock, along with rights to land, from her husband and her mother-in-law; she transmits this property to her children and her daughters-in-law. Young men usually receive stock from their fathers and close agnates after initiation, but a man does not obtain full ownership of the stock he inherits until he marries and establishes his own homestead. In the highlands, a man receives full control of a portion of the family's land after he marries.

3.3.23 Domestic Unit

A homestead is composed of one or more buildings that provide housing, cooking, and storage for a man and his wife (or wives) and children; co-wives have separate houses. Where cultivable land is inherited (primarily in the highlands), married sons tend to live near their fathers.

Socialization

Families are responsible for supporting their children, but socialization per se is a communitywide affair. The role of the community in teaching children ethical rules and responsible behavior is emphasized during initiation, the most important rite of

passage for most Pokot. Initiation consists of a series of neighborhood-based ceremonies organized by adult men and women, who, by turns, teach, encourage, remonstrate, cook for, and laud the initiates during and after their ordeals (circumcision for boys; clitoridectomy for girls). The work of initiation is organized by gender, with women taking primary responsibility for girls' initiations, and men for boys' initiations.

Socio-political Organization

Distinctions based on gender and generation is essential to the etiquette of everyday life within homesteads and neighborhoods, the two principal social groupings. When boys are circumcised, they acquire membership in one of eight age sets, the names of which rotate cyclically through time; the opening and closing of each set is determined by elderly men. A second age-based system for men, called *sapana*, has two divisions. Adopted from the neighboring Karamojong in the second half of the nineteenth century, *sapana* may take the place of circumcision in the lowlands, but in the highlands the ceremony, if undertaken at all, follows circumcision. Women do not have age-sets.

4 POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

4.1 INTRODUCTION

This chapter reviews all national legislation and regulations pertinent to the project, as well as the broader policy and reform context within which the project takes place. It takes particular attention to laws and regulations governing the project's implementation and the access of poor and excluded groups to goods, services and opportunities provided by the project.

4.2 LEGAL AND INSTITUTIONAL FRAMEWORK

4.2.1 Constitution of Kenya

Defining who VMGs are in Kenya has proved to be problematic: this is because Kenya is a country with a rich diversity of cultures and ethnicity. It has 42 officially recognized “ethnic groups,” with the five largest groups – the Kikuyu, Luo, Luhya, Kamba and Kalenjin—making up about 70% of the population. However, many groups are not included in the official list and some estimate that there are 70 ethnic groups in Kenya.³ The country is home to a number of groups who self-identify as Indigenous Peoples, some of which are hunter-gatherers, while others are nomadic or semi-nomadic pastoralist.⁴ In the absence of updated and reliable statistics, it is difficult to give precise demographic data of the various groups. Estimations vary greatly and depend on who one considers as IP in Kenya. Some experts have put the total population of groups that self-identify as Indigenous Peoples at around 1.5 million.⁵

The COK, 2010 recognizes and defines social exclusion, vulnerability and marginalization: During the long process of constitution making in Kenya, legal experts and other stakeholders, were explicitly aware of the need to address the problem of escalating inequalities and marginalization of many ethnic communities and groups. The Post Election Violence (PEV) of 2007/2008 had exposed the nationwide challenges associated with social exclusion. Moreover, it was found necessary to address the simmering perceptions that a few ethnic groups had emerged as economically and politically dominant and were continuously marginalizing the others. Accordingly, while the COK, 2010, does not specifically use the term IP, it is nevertheless quite rich in articles that define vulnerability and marginalization, including issues that VMGs cite as the reasons for their self-identification. It also addresses social exclusion in general. Most important, the Constitution now underscores measures for mitigating social exclusion, vulnerability and

³ See the East Africa Living Encyclopaedia prepared by the African Studies Centre, University of Pennsylvania, at <http://www.africa.upenn.edu/NEH/kethnic.htm>.

⁴ See the Report of the UN Special Rapporteur on Indigenous Peoples in Kenya, UN Doc. A/HRC/4/32/Add.3, 26 February 2007; the Report of the African Commission's Working Group of Experts on Indigenous Populations/Communities. Banjul & Copenhagen: ACHPR & IWGIA, 2005; and the website of the International Working Group on Indigenous Affairs (IWGIA) at <http://www.iwgia.org/regions/africa/kenya>.

⁵ Kipuri, Naomi. “Kenya and its Indigenous Peoples” (unpublished paper). This number does not include all pastoral groups in Kenya; all pastoral groups make up about 25% of the Kenyan population.

marginalization by specifically providing for affirmative action as a strategy for facilitating and fast tracking inclusion of the hitherto groups who felt excluded for the mainstream economic and political processes of the country.

In line with the recognition of marginalized groups by the COK, 2010, Article 260 of the Constitution defines a “marginalized community” as: (a) a community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole;(b) a traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;(c) an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or (d) pastoral persons and communities, whether they are (i) nomadic; or (ii) a settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole⁶.

Similarly, the COK, 2010, defines ‘marginalized group’ as: a group of people who, because of laws or practices, on, or after the effective date, were or are disadvantaged by discrimination on one or more of the grounds in Article 27 (4) which prohibits discrimination on the basis of ethnic or social origin, religion, conscience, belief, culture, dress or language. In addition, article 27(6) calls on the state to undertake, ‘legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination’. This article prohibits both direct and indirect discrimination.

Articles 56 and 260 of the Constitution are a clear demonstration of the intentions of the country to deal with the concerns of minority and marginalized groups: The definition of marginalized communities and groups by the COK, 2010, and the provisions for affirmative action programmes for minority and marginalized groups are efforts to clearly provide a legal framework for the inclusion of minority and marginalized groups into mainstream development of the country. These articles present the minority and marginalized groups including groups that fit the OP 4.10 criteria as a unique category of certain segments of the Kenyan population that deserve special attention in order to bring them to par with the rest of the country.

The Constitution of Kenya requires the State to address the needs of vulnerable groups, including “minority or marginalized” and “particular ethnic, religious or cultural communities” (Article 21.3): The Specific provisions of the Constitution 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 (Articles 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” (Article 63); promotion of representation in Parliament of “...(d) ethnic and other minorities; and (e)

⁶Ditto

marginalized communities” (Article 100); and an equalization fund to provide basic services to marginalized areas (Article 204).

Other Constitutional provisions that protect the right of Kenyan, including marginalized groups: Abraham (2012) further specifies the relevant articles in the 2010 Constitution that are meant to protect the rights of Kenyans either as an individual or groups; for example:(i) Article 22, the enforcement of the bill of rights, accords every individual the right to institute court proceedings: (ii) Article 22(2)(b) allow a person to institute proceedings either as a member of or in the interest of a group or class of persons; and, Article 22(2)(c) allows for proceedings by persons acting in the public interest (Abraham, 2012:20).

The Constitution of Kenya, 2010,⁷ protects the sanctity of private property rights and states that no property can be compulsorily acquired by the Government except in accordance with law.⁸ Article 40(3) states:

“The State shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation—results from an acquisition of land or an interest in land or a conversion of an interest in land, or title to land, in accordance with Chapter Five; or is for a public purpose or in the public interest and is carried out in accordance with this Constitution and any Act of Parliament that –

*(i) Requires prompt payment in full, of just compensation to the person; and
(ii) Allows any person who has an interest in or right over, that property a right of access to a court of law.⁹*

The Constitution empowers the state to exercise the authority of compulsory acquisition. Land Act 2012 designates the National Land Commission (NLC) as the agency empowered to compulsorily acquire land.¹⁰ Article 40 of the Constitution provides that the state may deprive owners of property only if the deprivation is "for a public purpose or in the public interest," which includes public buildings, roads, way leaves, drainage, irrigation canals among others. The state's exercise of this power is left at the discretion of NLC, and requires the state to make full and prompt payment of "just compensation" and an opportunity for appeal to court.

Article 40(3)(a) refers to acquisition and conversion of all kinds of land in Kenya (private, public, community land and foreign interests in land). The Constitution further provides that payment of compensation shall be made to “occupants in good faith” of land acquired by the state who do not hold title for such land.¹¹ An occupant in good faith is a “bona fide” occupant. On the other hand, under the Constitution,

⁷ The Government of Kenya adopted the Constitution of Kenya, 2010, on 27 August 2010. The full text is available at http://www.kenyalaw.org/klr/fileadmin/pdfdownloads/Constitution/Constitution_of_Kenya2010.pdf, accessed May 25, 2011.

⁸ Constitution of Kenya, art. 40.

⁹ Id.

¹⁰ The Land Act, 2012 The Government of Kenya, Section 8.

¹¹ Constitution of Kenya. Id. at art. 40(5).

those who have acquired land illegally are not regarded as deserving any compensation.¹²

In addition to Article 40, Chapter Five of the Constitution is relevant to compulsory acquisition. This chapter, entitled "Land and Environment," is divided into two parts. Part 1 deals with land, and Part 2 deals with environment and natural resources. Part 1 of Chapter 5, articles 60 – 68, describes the principles of land policy. Land should be held, used and managed in a manner that is equitable, efficient, productive and sustainable and in accordance with security of land rights, sound conservation and protection of ecologically sensitive areas.¹³ These principles must be implemented through a national land policy reviewed regularly by the national government and through legislation.¹⁴

4.2.2 Land Act

The Land Act¹⁵ is the Kenya's framework legislation regulating compulsory acquisition of land (i.e. land, houses, easements etc.). The LA was adopted on 2nd May 2012 and provides for sustainable administration and management of land and land based resources including compulsory acquisition.

4.2.2.1 Land Acquisition Process

Proof that compulsory possession is for public good

It is very explicit in the Land Act, 2012, Section 107, that whenever the national or county government is satisfied that it may be necessary to acquire some particular land under section 110 of Land Act 2012, the possession of the land must be necessary for public purpose or public interest, such as, in the interests of public defence, public safety, public order, public morality, public health, urban and planning, or the development or utilization of any property in such manner as to promote the public benefit. Road construction is explicitly identified as qualifying for land acquisition as public utility and the necessity therefore is such as to afford reasonable justification for the causing of any hardship that may result to any person having right over the property, and so certifies in writing, possession of such land may be taken.

Respective Government agency or cabinet must seek approval of NLC

The respective Cabinet Secretary or Government agency or the County Executive Committee Member must submit a request for acquisition of private land to the NLC to acquire the land on its behalf. The Commission will prescribe a criteria and guidelines to be adhered to by the acquiring authorities in the acquisition of land. Similarly, the Commission has powers to reject a request of an acquiring authority, to undertake an acquisition if it establishes that the request does not meet the requirements prescribed.

Inspection of Land to be acquired

¹² Constitution of Kenya. Id. at art. 40(3).

¹³ Id. at art. 60.

¹⁴ Id. at art. 60(2).

¹⁵ Land Act, 2012.

NLC may physically ascertain or satisfy itself whether the intended land is suitable for the public purpose, which the applying authority intends to use as specified. If it certifies that indeed the land is required for public purpose, it shall express the satisfaction in writing and serve necessary notices to land owners and or approve the request made by acquiring authority intending to acquire land.

Publication of notice of intention to acquire

Upon approval, NLC shall publish a notice of intention to acquire the land in the *Kenya Gazette and County Gazette*.¹⁶ It will then serve a copy of the notice to every person interested in the land and deposit the same copy to the Registrar¹⁷ The courts have strictly interpreted this provision, requiring that the notice include the description of the land, indicate the public purpose for which the land is being acquired and state the name of the acquiring public body.¹⁸ NLC shall ensure that the provisions are included in her notice.

The Land Registrar shall then make entry in the master register on the intention to acquire as the office responsible for survey, at both national and county level, geo-references the land intended for acquisition.

Serve the notice of inquiry

Thirty days after the publication of the Notice of Intention to Acquire, NLC will schedule a hearing for public inquiry. NLC must publish notice of this meeting in the *Kenya Gazette and County gazette 15 days before the inquiry meeting* and serve the notice on every person interested in the land to be acquired. Such notice must instruct owner of land to deliver to the NLC, no later than the date of the inquiry, a written claim for compensation.¹⁹

Holding of a public hearing

NLC then convenes a public hearing not earlier than 30 days after publication of the Notice of Intention to Acquire. On the date of the hearing, NLC must conduct a full inquiry to determine the number of individuals who have legitimate claims on the land, the land value and the amount of compensation payable to each legitimate claimant.²⁰ Besides, at the hearing, the Commission shall— make full inquiry into and determine who are the persons interested in the land; and receive written claims of compensation from those interested in the land. For the purposes of an inquiry, the Commission shall have all the powers of the Court to summon and examine witnesses, including the persons interested in the land, to administer oaths and affirmations and to compel the production and delivery to the NLC of documents of title to the land.

¹⁶ The *Kenya Gazette* is the official government journal in Kenya published by the Government Printing Press.

¹⁷ Land Act, 2012, 107

¹⁸ Government of Kenya 1994. Coastal Aquaculture Limited v. The Commissioner of Lands and Settlement and the Minister of Lands and Settlements Mombasa H.C. Misc. Appl., No. 55 of 1994, http://www.kenyalaw.org/CaseSearch/case_download.php?go=97115264151454584840489&link=, accessed May 25, 2011.

This ruling was upheld by the Court of Appeal. Coastal Aquaculture Limited v. the Commissioner of Lands and Settlement and the Minister of Lands and Settlements. Nairobi. No. 252 of 1996, http://www.kenyalaw.org/CaseSearch/view_preview1.php?link=49186237036025529910634, accessed May 25, 2011.

¹⁹ Land Act, 2012 (112).

²⁰ *Id.* at article 112

The public body for whose purposes the land is being acquired, and every person interested in the land, is entitled to be heard, to produce evidence and to call and to question witnesses at an inquiry. It will also provide opportunity to land owners to hear the justification of the public authority in laying claims to acquire the land.

Valuation of the land

Part III of the Land Act 2012, section 113 (2a) states that “the Commission shall determine the value of land with conclusive evidence of (i) the size of land to be acquired; (ii) the value, in the opinion of the Commission, of the land; (iii) the amount of compensation payable, whether the owners of land have or have not appeared at the inquiry.” This can be interpreted that NLC must determine the value of the land accordingly and pay appropriate just compensation in accordance with the principles and formulae that it will develop. Nonetheless, just compensation²¹ could also be interpreted as market rate. The final award on the value of the land shall be determined by NLC and shall not be invalidated by reason of discrepancy, which may be found to exist in the area.

Matters to be considered in determining compensation:

The market value of the property, which is determined at the date of the publication of the acquisition notice, must be considered.²² Determination of the value has to take into consideration the conditions of the title and the regulations that classify the land use e.g. agricultural, residential, commercial or industrial.

Increased market value is disregarded when:

- It is accrued by improvements made within two years before the date of the publication of the acquisition notice, unless it is proved that such improvement was made in good faith and not in contemplation of the proceedings for compulsory acquisition.
- It is accrued by land use contrary to the law or detrimental to the health of the occupiers of the premises or public health.
- Any damages sustained or likely to be sustained by reason of severing such land from other land owned by the claimant.
- Any damage sustained or likely to be sustained if the acquisition of the land had negative effects on other property owned by the claimant.
- Reasonable expenses, if as a consequence of the acquisition, the claimant was compelled to change his residence or place of business (i.e., compensation for disruption to the claimant’s life).
- Any damage from loss of profits over the land occurring between the date of the publication of the acquisition notice and the date the NLC takes possession of the land.²³

Matters not to be considered in determining compensation:

- The degree of urgency, which has led to the acquisition.
- Any disinclination of the person’s interest to part with the land.
- Damages sustained by the claimant, which will not represent a good cause of action.
- Damages, which are likely to be caused to the land after the publication of the acquisition notice or as a consequence of the future, land use.

²¹ Schedule explaining ‘just compensation’ has not been assessed and released by NLC. The Land Act 2012 say NLC should develop the schedule.

²² *Id.* at article 112 and article 111

²³ Schedule 2 governing compensation 2000

- Increased land value accrued by its future use.
- Any development at the time of acquisition notice, unless these improvements were necessary for maintaining the land.²⁴

Award of compensation

The Land Act does not stipulate that compensation must be in the form of money only. Under the Land Act 2012 section 117, the State can award a grant of land in lieu of money compensation (“land for land”), provided the value of the land awarded does not exceed the value of the money compensation that would have been allowable.²⁵ The law could be interpreted that any dispossessed person shall be awarded the market value of the land.²⁶ The new law is silent on relocation support or disturbance allowance support.

Upon the conclusion of the inquiry, and once the NLC has determined the amount of compensation, NLC will prepare and serves a written award of compensation to each legitimate claimant.²⁷ NLC will publish these awards, which will be considered “final and conclusive evidence” of the area of the land to be acquired, the value of the land and the amount payable as compensation.²⁸ Land Act, Section 115 further stipulates that an award shall not be invalidated by reason only of a discrepancy between the area specified in the award and the actual area of the land. Compensation cannot include attorney’s fees, costs of obtaining advice, and costs incurred in preparing and submitting written claims.

Payment of Compensation

A notice of award and offer of compensation shall be served to each person by the Commission. Section 120 provides that “first offer compensation shall be paid promptly” to all persons interested in land.²⁹ Section 119 provides a different condition and states that the NLC “as soon as practicable” will pay such compensation.³⁰ Where such amount is not paid on or before the taking of the land, the NLC must pay interest on the awarded amount at the market rate yearly, calculated from the date the State takes possession until the date of the payment.³¹

In cases of dispute, the Commission may at any time pay the amount of the compensation into a special compensation account held by the Commission, notifying owner of land accordingly. If the amount of any compensation awarded is not paid, the Commission shall on or before the taking of possession of the land, open a special account into which the Commission shall pay interest on the amount awarded at the rate prevailing bank rates from the time of taking possession until the time of payment.

²⁴ Schedule 3 governing compensation for compulsory acquisition

²⁵ *Land Act*, 117.

²⁶ *Land Act*, Schedule

²⁷ *Land Act*, 115

²⁸ *Land Act*, 115

²⁹ *Land Act*, This language reflects the language of the Kenya Constitution, 1963.

³⁰ *Land Act*, 119

³¹ *Constitution of Kenya*, article 162

Transfer of Possession and Ownership to the State

Once first offer payment has been awarded, the NLC will serve notice to landowners in the property indicating the date the Government will take possession. Upon taking possession of land, the commission shall ensure payment of just compensation in full. When this has been done, NLC removes the ownership of private land from the register of private ownership and the land is vested in the national or county Government as public land free from any encumbrances.³²

On the other side also, the Commission has also the power to obtain temporary occupation of land. However, the commission shall as soon as is practicable, before taking possession, pay full and just compensation to all persons interested in the land.

In cases of where there is an urgent necessity for the acquisition of land, and it would be contrary to the public interest for the acquisition to be delayed by following the normal procedures of compulsory acquisition under this Act, the Commission may take possession of uncultivated or pasture or arable land upon the expiration of fifteen days from the date of publication of the notice of intention to acquire.

On the expiration of that time NLC shall, notwithstanding that no award has been made, take possession of that land. If the documents evidencing title to the land acquired have not been previously delivered, the Commission shall, in writing, require the person having possession of the documents of title to deliver them to the Registrar, and thereupon that person shall forthwith deliver the documents to the Registrar.

On receipt of the documents of title, the Registrar shall— cancel the title documents if the whole of the land comprised in the documents has been acquired; if only part of the land comprised in the documents has been acquired, the Registrar shall register the resultant parcels and cause to be issued, to the parties, title documents in respect of the resultant parcels. If the documents are not forthcoming, the Registrar will cause an entry to be made in the register recording the acquisition of the land under this Act.

Opportunity for Appeal

The Kenya Constitution establishes Environment and Land Court³³. Article 162 of the constitution provides for the creation of specialized courts to handle all matters on land and the environment. Such a court will have the status and powers of a High Court in every respect. Article 159 on the principles of judicial authority, indicates that courts will endeavour to encourage application of alternative dispute resolution mechanisms, including traditional ones, so long as they are consistent with the constitution. 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.

Any person whose land has been compulsorily acquired may petition the Environment and Land Court for redress with respect to:

³² Land Act, 115 and 116

³³ Land Act 2012, Section 128

- *The determination of such person's right over the land;*
- *The amount offered in compensation; and*
- *The amount offered in compensation for damages for temporary dispossession in the case of the Government's withdrawal of its acquisition of the land.*³⁴

Parties will pay fees as determined by Environment and Land Court or the court may choose to waive them completely or in part on grounds of financial hardship.³⁵

4.2.3 Children and Orphans Provision of Land Possession

The Land Act 2012, Part III, section 27³⁶ recognizes the capacity of a child as being capable of holding title to land. However this can only happen through a trustee and such a child shall be in the same position as an adult with regard to child's liability and obligation to the land.

4.3 COMMISSION FOR REVENUE ALLOCATION ACT

Where are the Marginalized Areas in Kenya? The CRA is tasked with identifying marginalized areas for sharing equalization funds in Kenya to bring marginalized areas to par with others. The primary instrument for identifying marginalized counties by Commission on Revenue Allocation (CRA) is the County Development Index (CDI), which is a composite index, constructed from indicators measuring the state of health, education, infrastructure and poverty in a county. The CRA also takes into consideration legislated discrimination; geographical location; culture and lifestyles; external domination; land legislation and administration; minority recognition groups; ineffectual political participation; and inequitable government policies.

Based on these criteria, the following fourteen (14) counties have been identified by CRA as marginalized: **Turkana, Mandera, Wajir, Marsabit, Samburu, West Pokot, Tana River, Narok, Kwale, Garissa, Kilifi, Taita Taveta, Isiolo and Lamu.** Figure 19 depicts a map highlighting the marginalized counties in Kenya as identified and classified by the Commission of Revenue Allocation. The new Revenue Allocation Commission, mandated by Article 204 of the Constitution to earmark 0.5% of annual state revenue to the development of marginalized areas, in addition to 15% of national revenue for direct transfer to county governments, has yet to take a specific interest in the concerns of indigenous communities. In implementing Article 59 of the Constitution, the government has split the Equality and Human Rights Commission into three: the Human Rights Commission, the Commission on Administrative Justice and the Gender Commission.

The project is located in Turkana and West Pokot Counties, which are categorised as marginalised by CRA as depicted in **Figure 19** below.

³⁴ *Land Acquisition Act.* at article 29(7).

³⁵ *Land Acquisition Act* at article 43.

³⁶ "A child shall be capable of holding title to land through a trustee and such child be in the same position as an adult with regard to the child's liability and obligations to the land".

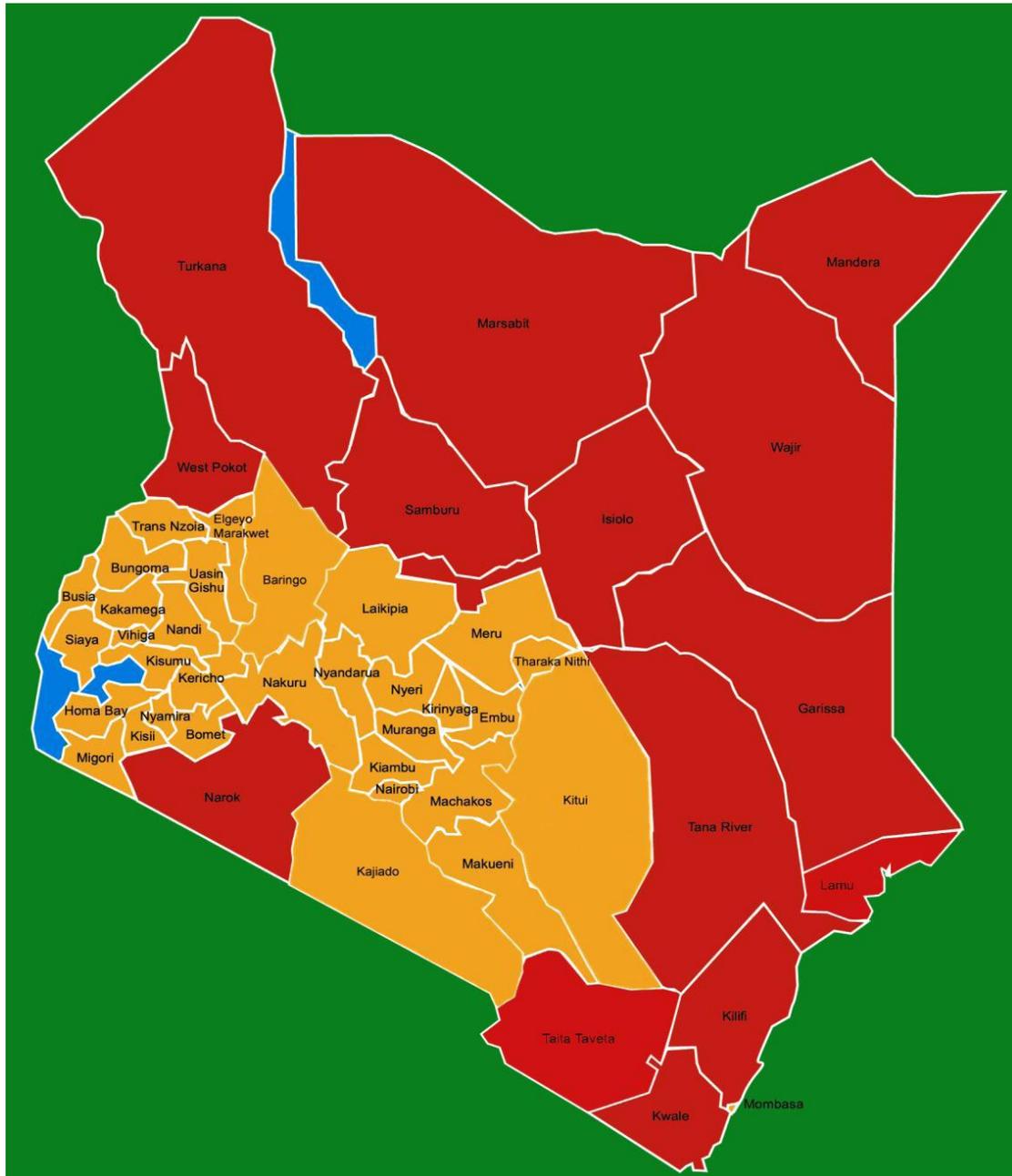


Figure 19 Map showing the 14 Marginalized Counties. Source: CRA

4.4 POLICY FRAMEWORK

4.4.1 The National Land Policy (NLP)

The NLP was endorsed in 2009³⁷ while the Land Act, Land Registration Act and National Land Commission Act were adopted in May 2012.³⁸ According to the policy, a Community Land Act is scheduled to be adopted within five years of the enactment of the new Constitution, along with a number of other land related laws and

³⁷ Sessional Paper No. 3 of 2009, Ministry of Lands

³⁸ The Land Act No. 6 of 2012, the Land Registration Act No. 3 of 2012, and the National Land Commission Act No. 5 of 2012

regulations. The NLP includes a key policy principle for restitution of land rights of minority communities as a way of restoration and protection of land rights which were violated by colonial and post-colonial governments (articles 3.6.1.2 and 3.6.6 on restitution and land rights of minority communities respectively). The policy calls on the GoK to secure community land and to “document and map existing forms of communal tenure, whether customary or non-customary, in consultation with the affected groups, and incorporate them into broad principles that will facilitate the orderly evolution of community land law” (article 3.3.1.2, paragraph 66).

The Forest Act of 2005 and Forest Policy of 2007 both provide some provisions for the customary rights of forest communities and community forestry: The Forest Act states, that “nothing in this Act shall be deemed to prevent any member of a forest community from using, subject to such conditions as may be prescribed, such forest produce as it has been the custom of that community to take from such forest otherwise than for the purpose of sale” (Article 22), and “...may include activities such as ‘collection of forest produce for community based industries’” (Article 47.2.e) under a license or management agreement. The Act defines a “forest community” as “a group of persons who: (a) have a traditional association with a forest for purposes of livelihood, culture or religion [...] (Article 3). The Forest Policy recognizes the “traditional interests of local communities customarily resident within or around a forest” (paragraph 4.3).

The National Policy on Culture and Heritage (2009) aims to promote and protect the cultures and cultural diversity among Kenya’s ethnic communities. This includes the protection of indigenous languages, the expression of cultural traditions, knowledge, and practices, traditional medicines, and community rights.

4.4.2 Vision 2030

Kenya Vision 2030 is the country’s new development blueprint covering the period 2008 to 2030. It aims to transform Kenya into a newly industrializing, “middle-income country providing a high quality life to all its citizens by the year 2030”.

The Vision 2030 is founded on economic, social and political pillars anchored on macroeconomic stability; continuity in governance reforms; enhanced equity and wealth creation opportunities for the poor; infrastructure; energy; science, technology and innovation (STI); land reform; human resources development; security as well as public sector reforms.

Vision 4 of the paper is adding value to products and services. Under this vision, the country envisions raising incomes in agriculture, livestock and fisheries. The strategy proposes processing and adding value to her products before they reach the market. This is to be accomplished through an innovative, commercially oriented and modern agriculture, livestock and fisheries sector.

These interventions are expected to generate an additional KSh.80-90 billion increase in GDP, mainly through better yields in key crops, increased smallholder specialization in the cash crop sector (2-3 crops per plot), utilization of a million hectares of currently uncultivated land, and new cultivation of up to 1.2 million hectares of newly-opened lands. Specific strategies are to transform key institutions

in agriculture and livestock to promote household and private sector agricultural growth and increase productivity of crops and livestock.

The Vision recognizes that Kenya is a water scarce country. The economic and social developments anticipated by Vision 2030 will require more high quality water supplies than at present. The strategy therefore, proposes water conservation and starting of new ways of harvesting and using rain and underground water. The goal of the vision for 2012 is to promote agricultural productivity and increase area under irrigation and drainage from 140,000 to 300,000 hectares.

4.5 DEFINITION AND TREATMENT BY THE WORLD BANK'S POLICY

The World has a set of "Do No Harm" safeguard policies that are meant to protect project affected persons (PAPs) from impacts and actions of Bank financed projects: Some of the World Bank's development activities have significant impacts on the rights and livelihoods of VMGs, who worldwide constitute the "poorest of the poor and continue to suffer from higher rates of poverty, lower levels of education and a greater incidence of disease and discrimination than other groups" (World Bank 2010). Since the early 1980s the World Bank Group (WBG) has adopted a number of policies, designed to mitigate harm to indigenous peoples in WBG-financed projects (Mackay, 2005). These have been referred to as safeguard policies.

The World Bank's first policy on VMGs was adopted in 1982 as Operational Manual Statement (OMS 2.34) and focused on numerous aspects concerning VMGs: They included: (a) the recognition and protection of Indigenous Peoples' land rights; (b) the provision of health, education, and other services to Indigenous Peoples; (c) the strengthening of government agencies responsible for protecting indigenous lands and providing services to Indigenous Peoples; and (d) the preparation of special components within World Bank-financed projects to address the needs of Indigenous Peoples.

The Indigenous Peoples Policy OD 4.20 relied on the ILO Convention 169 as a framework: It extended the definition of Indigenous Peoples to include a wider array of peoples and groups than those indicated in OMS 2.34. The main criterion for this new definition included the maintenance of social and cultural identities distinctive from those of the national societies in which these peoples live (Mackay, 2005; World Bank, 2011). This definition also highlighted the fact that most VMGs have close attachments to their ancestral lands and, if their lands are not recognized and adequately protected, they often remain disadvantaged in the developmental processes. OD 4.20 also highlighted the need for the 'informed participation' of VMGs in the decision-making of development projects rather than the need to only strengthen the indigenous governmental agencies. Under OD 4.20, the World Bank-financed projects that affected VMGs required special 'Indigenous Peoples Development Plans' (IPDPs). These plans ensured that Indigenous Peoples would participate in and benefit from World Bank-financed operations (ibid).

In 2005, the World Bank endorsed the Operational Policy/Bank Procedures (OP/BP 4.10) on VMGs: The operational policy retained the policy requirements of OD 4.20 that Bank-financed projects are designed not only to avoid adverse impacts but equally important, to provide culturally appropriate benefits (ibid). OP. 4.10 recognized that "the distinct identities and cultures of VMGs remained inextricably

linked to the lands they inhabited and the natural resources they depended upon to survive”. The policy thus established processing requirements for VMGs that include: (i) screening, (ii) social assessment, in consultations with communities involved, (iii) preparation of Indigenous Peoples Plan (IPP) or Indigenous Peoples Planning Framework (IPPF) and, (iv) disclosure. It also requires the borrower to seek broad community support of VMGs through a process of free, prior and informed consultation before deciding to develop any project that targets or affects VMGs. See Annex 2 for details on OP. 4.10.

OP 4.10 allows other terminologies to be used in place of IP: The Policy notes that a wide range of terms may refer to peoples that fit the IP criteria for purposes of this policy’s application. Other terminologies that may be used to define VMGs include: (i) “indigenous ethnic minorities; (ii) aboriginals; (iii) hill tribes; (iv) minority nationalities; (v) scheduled tribes; or (vi) tribal groups” (paragraph 3). Other acceptable terminologies in the borrower’s legal frameworks may also be used.

The World Bank, like the UN, has no definition of IP: because of the varied and changing contexts, in which VMGs live, and because there is no universally accepted definition of IP (paragraph 3), OP 4.10 does not “define the term.” Instead, it presents a set of characteristics for identifying VMGs. For purposes of this policy, “the term Indigenous Peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

- Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories
- Customary, cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- An indigenous language, often different from the official language of the country or region.

OP 4.10 also considers loss of collective attachment to ancestral lands and territories: In addition to the four identification criteria, OP 4.10 also states that a group that has lost ‘collective attachment to geographically distinct habitats or ancestral territories in the project area’ (paragraph 4 (b)) because of forced severance remains eligible for coverage under this policy. Nevertheless, ascertaining whether or not a particular group is considered as ‘Indigenous Peoples’ for the purpose of OP 4.10, “may require a technical judgment”.

4.6 ENABLING ENVIRONMENT FOR PUBLIC PARTICIPATION AND DEVELOPMENT PLANNING

The legal framework in Kenya provides for numerous avenues and conducive if not enabling environment for public participation and development planning for the Project. The following table highlights the different legislations in Kenya and how they provide for public participation and engagement including specifically for vulnerable groups.

Table 12. How Public Participation and Concerns of Marginalized and Minority Groups are addressed by the COK, 2010

Nature of concerns expressed by VMGs	Opportunities provided in COK to redress concerns of VMGs
1. Concern over historical land injustices	
<ul style="list-style-type: none"> • Dispossession of ancestral land to pave way for conservation activities • Related dispersal of communities and fragmentation of social cohesion among VMGs and their assimilation by dominant communities 	<p>Articles 67 establishes the National Land Commission whose mandate, is (e) <i>to initiate investigations on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress</i></p> <p>Article 60 (1) <i>Land in Kenya shall be held, used and managed ...allowing for : (a) Equitable access to land, (b) Security of land rights</i></p> <p>Article 63 (1) states that, <i>Community land shall vest in, and be held by communities identified on the basis of ethnicity, culture or similar community interest</i></p> <p>Article 63 (2), <i>community land consists of ... (d) (ii) ancestral lands and lands traditionally occupied by hunter/gatherer communities</i></p> <p>Article 63 (4) protects community land from arbitrary disposal “<i>except in terms of legislation specifying the nature and extent of the rights of members of each community individually and collectively</i></p> <p>The Prevention, Protection and Assistance to Internally Displaced Persons and Affected and Communities At No. 56 of 2012</p>
2. Concern over development related land injustices and the question of benefit sharing from natural resources (protected forests, parks, lakes and resources beneath the surface such as minerals, oil, gas, geothermal energy)	
<p>VMGs wish to receive compensation for lost ancestral land and to equally enjoy benefits from the conservation, extractive or development activities undertaken on their land (natural resources, forests, lake conservation, mining, oil and geothermal development, rivers for hydropower generation etc.</p>	<p>Article 69 (1) states that, <i>The State shall, (a) ensure sustainable exploitation, utilization, management, and conservation of the environment and natural resources, and ensure equitable sharing of the accruing benefits.</i></p>
3. Concern over exclusion of VMGs from benefiting from social and economic development activities of the country	
<p>Underinvestment in infrastructure (roads, education, health and water facilities, and connectivity) and geographic isolation make it difficult for VMGs to effectively compete in the job market.</p>	<p>Article 56 states that <i>The State shall put in place affirmative action programmes designed to ensure that minorities and marginalized groups:</i></p> <ul style="list-style-type: none"> (a) <i>Are provided special opportunities in educational and economic fields;</i> (b) <i>Are provided special opportunities for access to employment;</i> (c) <i>Develop their cultural values, languages and practices; and</i> (d) <i>Have reasonable access to water, health services and infrastructure</i> <p>The Commission on Revenue Allocation (CRA), is the constitutional mechanism for bringing the marginalized communities and regions of Kenya into the country’s mainstream development.</p> <p>Article 216 (4) CRA is to “<i>Determine... and regularly review a policy in which it sets out the criteria by which to identify the marginalized areas for the purposes of Article 204 (2).</i></p>

	<p>Article 204 (2) states that <i>the National Government shall use the Equalization Fund only to provide basic services including water, roads, health facilities and electricity to marginalized areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation.</i></p> <p>Article 217 which deals with division of revenue states at clause (2) that: <i>In determining the basis of revenue sharing (among the Counties), the Senate shall, (b) request and consider recommendations from the Commission on Revenue Allocation; and (d) invite the public, including professional bodies, to make submissions to it on the matter.</i></p>
<p>4. The question of representation: exclusion from participation in the governance and political life of the country</p>	
<p>Because of their minority status, most IP communities are unable to compete in elective politics and are not represented in political or administrative positions resulting in their views not be taken into account.</p>	<p>The COK, 2010 has provisions for representation of the marginalized in the political systems of the country.</p> <p>Article 56 states that <i>The State shall put in place affirmative action programs designed to ensure that minorities and marginalized groups:</i></p> <p><i>(a) Participate and are represented in governance and other spheres of life;</i></p> <p>Article 100 states that: <i>Parliament shall enact legislation to promote representation in Parliament of (d) ethnic and other minorities, and, (e) marginalized communities.</i></p> <p>Devolution is an opportunity for representation of VMGs: In this regard, Article 177 (1) states that <i>A county assembly shall consist of the number of members of marginalized groups ... prescribed by an Act of Parliament.</i> In observance of this provision, a number of VMGs have had their members nominated into county assemblies. For example, in Baringo County, the minority Ilchamus has two elected and three nominated members of County Assembly.</p> <p><i>Opportunity for inclusion of marginalized groups in public service: according to article 232 (1), the values and principles of public service include (h) representation of Kenya's diverse communities, and Affording adequate and equal opportunities for (i) men and women, (ii) members of all ethnic groups, and (iii) persons with disabilities.</i></p> <p>Finally, the Fourth Schedule Part 2 (14) stipulates that the functions and powers of the county are to ensure and coordinate the participation of communities and locations in governance at the local level. Counties are also to assist communities to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level</p>
<p>5. The issue of recognition as a means of preserving IP culture and practices</p>	
<p>Because they are not recognized for who they are in terms of their cultures, language, lifestyle and other aspects of their life, these are neither respected nor taken into account in case of the need for acquisition or taking away of their land, hence failure to resettle them as whole groups³⁹, leading to their loss of</p>	<p>Article 7 (b) obligates the <i>State to promote the development and use of indigenous languages</i></p> <p>Article 10 (2) states that: <i>The national values and principles of governance include: Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized</i></p> <p>Article 11 (1) states that, <i>the Constitution recognizes culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and nation while Article 11</i></p>

³⁹This was in reference to the recent cash compensation to the IDPS and forest dwellers instead of land for land compensation

social cohesion and eventual extinction as a distinct group	<p>(2) (a) obliges the state <i>to promote all forms of cultural expression through ..., arts, traditional celebrations ... and other cultural heritage. Article 11 (2) (c) obliges the State to recognize the role of ... and indigenous technologies in the development of the nation</i></p> <p>Article 11 (3) states that <i>Parliament shall enact legislation to (a) ensure communities receive compensation or royalties for the use of their culture and cultural heritage</i></p> <p>Article 27 (4) prohibits discrimination on any ground: It states that, <i>the state shall not discriminate directly or indirectly against any person on any ground, including ..., conscience, belief, culture, dress, language or birth</i>”</p> <p>Article 27 (6) provides the means for redressing marginalization and other forms of discrimination by stating. It states: <i>To give full effect to the realization of rights guaranteed under this Article, the State shall take full legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination</i></p>
6. Concern over inadequate or lack of consultation and benefit sharing with VMGs	
In cases where IP land and natural resources (forest, lake, valuable minerals etc.) have been taken away from them, they have hardly been consulted.	<p>Article 69(1) provides for public participation in the management, protection and conservation of the environment by stating that the State shall, (d) <i>encourage public participation in the management, protection and conservation of the environment</i></p> <p>Article 118 (1) (b) states that <i>Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its committees</i>, which in essence accords all Kenyans including marginalized groups, through their IPOs, to have their voices included in legislations that affect them</p> <p><i>Article 196 (1) states that a County shall, (a) conduct business in an open manner and hold sittings in public and ensure that they facilitate public participation in their legislative and other businesses, (b) facilitate public participation and involvement in the legislative and other business of the assembly and its committees.</i> These provisions further presents the marginalized communities and groups, through their IPOs to articulate their concerns and aspirations</p>

Table 13. Other Relevant Legislation and Public Participation

Legislation	Provisions
Environmental Management and Coordination Act	Provides for public consultation during the development and preparation of ESIA for Project and requires report be subjected to public scrutiny. Evidence of consultation of affected parties required as part of process.
National Land Commission Act 2012	National Land Commission provides for public consultation and engagement during the process of land acquisition for public good
Land Act 2012	The Land Act provides for consultation of land owners to be engaged in valuation of land, negotiation and involvement in adjudication process

5 POTENTIAL ADVERSE EFFECTS/RISKS ON VULNERABLE AND MARGINALISED GROUPS

This chapter describes the potential adverse effects of the Project on the Turkana and Pokot communities with specific reference to effects on cultural resources and culture and customs, land resources, family set up and way of life as well as disruption of clan based system. An appropriate action plan which includes measures to avoid, minimize, mitigate, or compensate for these adverse effects concludes the chapter. This chapter determines the key social and institutional issues in relation to project objectives and identifies the key stakeholder groups in this context and determine how relationships between stakeholder groups will affect or be affected by the project; and identify expected social development outcomes and actions proposed to achieve those outcomes. The results of this social analysis provide the baseline information for designing the social development strategy. The chapter also identifies the key stakeholder groups in this context and determine how relationships between stakeholder groups will affect or be affected by the project; and identify expected social development outcomes and actions proposed to achieve those outcomes.

5.1 LOSS OF GRAVES

The Turkana and Pokot people have a lot of reverence for the dead and therefore their graves are well preserved including communal burial sites, which is a common way of resting the departed in this community. They also, as much as they have adopted new forms of religious worship, have deep attachment to the traditional worship and the shrines are crucial in their ways of life.

According to the Resettlement Action Plan (RAP), and consultation with the communities along the project corridor, a total of 43 graves and communal cemeteries in Kakuma will be affected by the project i.e. hence adversely affecting the cultural norms of the Turkana and Pokot communities.

Mitigation Measure(s)

All the affected graves have been identified during the RAP census survey conducted in 2014. During the dissemination of information about this project and as part of obtaining broad community support, the Turkana and Pokot communities were informed of the fact that graves will be affected and consultations were held to determine the measures, which are culturally acceptable in avoiding, minimizing or compensating for the adverse effects.

The mitigation measure that was agreed upon during the deliberations was that all graves /burial sites identified as affected, will be relocated using the Turkana and Pokot cultural practices and procedures. The council of elders will lead in the process of relocation, which is a ceremony with rituals and participation of the entire community.

All families whose dead will be disturbed will be compensated (monetary) for the disturbances and emotional strife, and the project will meet all the costs related to relocation of the graves including those associated with rituals and ceremonial

processes. The new gravesites will be located in the new areas of land acquired following compensation.

5.2 LOSS OF LAND/DISPLACEMENT

Loss of land predominantly used for agriculture and grazing; (c) Loss of numerous business and housing structures within markets and towns, which currently exist within 20 meters on either side of the proposed center of the road;

The Turkana and Pokot communities have a lot of collective attachment to land and inherent resources. Land is used by this community in many instances communally for grazing of livestock, settlements and homesteads, crop production among others. Affected land will be residential land, land used for business and agricultural land. Land take will result in the permanent change of land use and the termination of the present use of the land.

Mitigation Measure(s)

Even though the project is likely to acquire parcels of land from the VGs for this project, there is broad support and awareness that this is unavoidable. All affected land will be compensated in accordance with OP. 4.12 as a measure for impacts associated with land acquisition. The Government of Kenya will provide funds for all compensation activities, which will occur before commencement of project works.

Overall, land acquisition and resettlement impacts of the project are modest with minimal risks associated with losses to lands and homes. Mitigation for these adverse impacts are reflected in the ESMPs and RAPs and they are as follows: (a) Minimize land acquisition; (b) Adequate compensation for loss of land; (c) Planting of shade and fruit trees along the road; (d) Minimize unnecessary felling of fruit trees; (e) Demolish structures with full permission and as per conditions set by the community and relocation in full conformity with the wishes of the community; compensation for those to be relocated will be land for land as the preferred mode due to the fact that land lost in most of the areas affected is communally owned.

5.3 LOSS OF STRUCTURES

The project will lead to the loss of numerous structures (mostly businesses) that are established along the project corridor and as a matter of fact within the Right of Way (ROW). The reason why a significant number of structures are along the road reserve especially in major centres is due to the historical issue of insecurity along the project corridor which has triggered establishment close to the roadside; the establishment of Daadab and Kakuma refugee camps that has seen influx of refugees conducting trade; the lack of services for the local communities among others.

Mitigation Measure(s)

All the affected structures have been enumerated and valuation conducted based on full replacement costs and detailed in the RAP documents.

5.4 LOSS OF ASSETS OF SPIRITUAL SIGNIFICANCE

Loss of cultural and religious properties (sacred trees, graves) identified along the road;

Mitigation Measure(s)

The RAP reports prepared for this project have identified the number of graves and trees of spiritual significance that will be affected by the proposed project. The affected graves will be exhumed and relocated at a site chosen by the affected households using existing traditional and cultural methods of relocation that exists within the Turkana and Pokot communities. The project will meet all costs related to the relocation, which could include administration and moving costs and if necessary costs of ceremonies associated with the rituals. The same will apply to the trees, which cannot be replanted, but the project will provide resources to oversee the process of bringing down the trees in a culturally acceptable manner.

5.5 DISRUPTION OF FAMILY SET UP/WEAKENING OF SOCIAL BONDS

Given the close community of the Turkana and Pokot, households and homesteads may be especially vulnerable to involuntary resettlement, such as the possible dispersal of connected households, the fracturing of social networks and weakening of cultural practices.

The men (Pokot and Turkana) are largely polygamous and have more often than not, more than one wife. This is part of their culture and hence a family comprises of the head of household (male), the wives and children. Males take care of families and they control the farming. Males (including boys) also historically would hunt wild animals and herd their domestic animals (i.e. cattle, sheep, goats and chickens). Women do all household work assisted by girls and also do a great deal of the farming.

Households may find it difficult to re-establish viable communities and networks in their new areas. Feedback obtained from the consultations indicates and reflect an anxiety over related issues, focusing on concerns around;

- The disruption and severance of existing community bonds
- Where they will be resettled, whether they will be accepted by host communities and on social security in the relocation areas and;
- The impact of relocation on religious activities, culture and traditional values.

Preference was shown towards relocating as one community and within the specific clans

Mitigation Measure(s)

Like other Kenyan tribes today, Turkana and Pokots have assimilated to modern cultural practices, resulting in the disappearance of many of their traditional customs. However, the project will ensure that all those families/homesteads that will be displaced will be resettled within their clan in order to retain membership and ensure continuation of cultural and clan based linkages. Land for land compensation will be the mode of compensation for relocating those groups affected in order to ensure that they are relocated within their clansmen.

5.6 DISRUPTION OF CLAN/SOCIAL LINKAGES

The Turkana and Pokot culture revolves around **clans** and **age-sets**. A clan consists of several family groups with a common patriarchal ancestor. A person's age-set determined their role and social standing within the clan and elaborate rituals were often held for members graduating from one age-set to another.

Clan membership is determined by birth and not subject to change; the bride joins the husband's clan if differs from hers. The clan traditionally owned land and not individuals however; this has since changed with land being owned by individuals in certain areas in the project area. The sons inherit land from their fathers including any goods or money they may have. Daughters do not receive any part of the inheritance. The project as a result of land acquisition and displacement is likely to interrupt and disrupt the social and clan based linkages that exist as part of Pokot and Turkana traditional culture.

Mitigation Measure(s)

In order to ensure that the families/homesteads that will be physically displaced are resettled within their own clans so as to retain membership and ensure continuation of linkages, all families were requested to identify or indicate that they have families/clans members in neighboring villages who would accommodate them without conflict. During the consultations, the families indicated that land is communally owned and they could easily locate where their clan members reside and that there was available land and would therefore not have a problem with land for land compensation.

5.7 IN-MIGRATION

Non-residents may move into the project area seeking employment and improved access to grazing, water resources, and improved infrastructure and services. This may result in increased resource-based conflict, strain on resources and infrastructure, increase in communicable disease transfer, and disruption to existing social structures

Mitigation Measure (s)

The project will strive to recruit local residents for all positions that do not require skilled labour in order to minimize huge exodus of immigrants and further hire those from neighbouring counties who share an almost similar culture with the Pokots and Turkana. All non-resident workers will be sensitized on the customs, traditions and way of life of the Pokots and Turkana in order to minimize cultural conflicts.

5.8 LOSS OF LIVES AND LIVESTOCK

Frequency of accidents, among vehicles and with other users of the road; Potential loss of lives and livestock due to speeding vehicles during and after construction; (f) Provide facilities for pedestrians and non-motorized traffic;

Mitigation Measure(s)

Provide facilities for pedestrians and non-motorized traffic; erect speed bumps; warning signs and enforce speed limits through punitive fines.

5.9 WOMEN, YOUTH AND CHILDREN

The majority of Pokot and Turkana still hold to the traditional view that women cannot make decisions and thus women are under-represented in property ownership, education, and political leadership among others. This situation is the outcome of the interplay of a myriad of factors ranging from discriminatory property ownership laws and practices to deep seated cultural biases that consign the female gender to subordinate status in the local communities.

Women and children might be at risk of being dispossessed of their immovable and productive assets as a result of the compensation process that may solely benefit the male household head. The social mobilization process in the project area, has reinforced gender inequalities where the women and the girl child is only seen as a factor of production and is less favored when it comes to opportunities for advancement such as education, land ownership and economic development.

Mitigation Measure(s)

Due to low levels of educational attainment, prevalence of traditional attitudes toward gendered roles, and high birth rates, project-associated employment benefits will go to male residents at the exclusion of women and other vulnerable residents. The project has prioritized recruitment, training, and hiring of women for unskilled and semiskilled employment with an agreement that 30% of the labourers will be women who will also be given tenders and contracts for supply of food stuff like vegetables, meat products and firewood to construction camps established during the road construction. Project activities targeting women will be designed as part of implementation of the SA and will include establishment of income generating projects as described above specifically for the Pokots and Turkana women affected by project and these activities include. Compensation for loss of land and property will not discriminate against women who will have a right to land compensation as provided for by the constitution of Kenya. Titles of nominated couples will be made out in names of both man and wife. For polygamous household women living in their own household will get their own titles. The Constitution of Kenya provides for gender rights and enshrined within the constitution the right of every Kenyan to own property including women via inheritance.

5.10 HIV/AIDS AND PUBLIC HEALTH

Increased STDs including HIV/AIDs infections due to increased number of construction workers and other road users; especially during construction and when the road becomes passable specifically in rest stops for truck drivers which have a tendency in attracting commercial sex workers as observed in other major road corridors in the country.

Mitigation Measure(s)

STDs sensitization campaigns training and distribution of awareness materials for information, education and communication on HIV/AIDs;

5.11 MANAGEMENT OF OTHER SOCIAL RISKS

To manage other risks, RAP and ESIA reports have been prepared to identify and minimise these social risks.

5.12 CULTURALLY APPROPRIATE BENEFIT SHARING MECHANISMS

Below is a summary of culturally appropriate benefit sharing mechanism proposed by the communities during the consultations and synthesized by the consultants. In view of the fact that Pokot and Turkana communities have rich and significant attachment to their culture, interventions, activities and benefits must be culturally appropriate and sensitive. These are highlighted below and show efforts made to preserve the cultures of these communities while opening opportunities for new livelihoods:

- 1. Road Side market Infrastrucre lnked to Pastoralism.** The EARTTFDP contains a component that is aimed at developing pastoralist roadside market infrastructure to help the local population sell dairy products and livestock at a better price. The main economic livelihood of the Turkana and Pokot is pastoralism since they are predominantly pastoralists who live on livestock (subsistence and economic). Therefore, an economic activity that involves opening up more opportunities for the Pokot and Turkana to trade in cattle (and other livestock products) resonates with their cultural practices and way of life; hence, an appropriate cultural benefit sharing intervention. The market place will attract investment for processing dairy products and meat products, which will help pastoralist in the project area to serve as out growers and input providers. The economic opportunities will help increase the income for the pastoralist community and improve their livelihood. The markets will help engage in business the pastoralists and transform the way they live; by encouraging them to settle and have better access to social services, in particular education for their children. The markets will also engage women in establishing restaurants and food stalls to prepare and sell food.
- 2. Microfinance facilities to enahcne traditional livilihoods of women.** Establishment of micro-finance and credit facilities specifically for women will help provide them with credit access to initiate women centered and oriented micro enterprises. Such activities are traditionally conducted by women but constrained by lack of access to finances and lending (e.g. food kiosks, butcheries, milk kiosks, etc). This intervention is culturally appropriate for women because it provides income-generating opportunities within the culturally accepted roles and functions of women in Pokot and Turkana communities. In these two communities, women engage in small scale trade of food products.
- 3. Value Addition activities to boost the livestock economy.** In order to boost the livestock economy and increase added value, the project is intending to construct milk coolers and shades in response to the problem of a glut in milk or lack of proper storage that leads to discarding of milk or selling at a throw away price. This intervention is targeting women and youth who are the majority that engage in this enterprise and registered complaints during the consultations. This is a culturally sensitive and appropriate intervention, which plays a dual role of providing opportunities for women to conduct culturally accepted income generating activities while recognizing their cultural roles; hence, minimizing conflict with the men. In Pokot and Turkana communities, women are responsible for milking cows and selling the milk.

4. **Ringfencing employment opportunities for women.** Women's participation in the project is guaranteed through an agreement reached during the consultations that all contractors recruited for road construction must allocate 30% of the semi-skilled/unskilled positions to the women and youth who will provide employment. The project has prioritized recruitment, training, and hiring of women for unskilled and semiskilled employment with an agreement that 30% of the labourers will be women who will also be given tenders and contracts for supply of food stuff like vegetables, meat products and firewood to construction camps established during the road construction.
5. **Community Investments to reduce Women's Workloads.** The project area is water scarce and one of the requests made by the VMGs during consultations was the provision of water. This intervention addresses and protects, if not preserves, a significant cultural way of life of these two communities who are associated with keeping livestock in large numbers but are plagued by consistent lack of water and drought leading to losses. The works contracts will have provision for basic services such as boreholes for potable water for the communities. In all the rest stops, boreholes will be constructed to provide water for road users as well as for the VMGs who will have access the water for domestic use, including watering of livestock. The provision of clean water from protected wells will benefit community welfare through reduction of water borne diseases and reduce women's time in collecting water. In providing water as a benefit to the communities, not only is the culture of the communities maintained but dependency on livestock as a source of food income is sustained and hence livelihoods are assured.
6. **Boosting incomes by connecting to markets.** Creating The Export Processing Zones (EPZ) to be established by the along the road corridor in strategic locations will focus on boosting the potential of processing and light manufacturing activities that already are occurring and to support the objective of the agriculture based export oriented development within the region. The processing zone will focus on establishment of agricultural products processing and storage facilities. The EPZ will also include facilities, such as animal quarantines, to help in the export of animal products and live animals. This intervention is geared towards improving livestock production including quality, which is consistent with the cultures of the Pokot and Turkana in terms of livestock husbandry and agro pastoralism.

STRATEGY TO ACHIEVE SOCIAL DEVELOPMENT OUTCOMES

5.13 INTRODUCTION

This chapter further identifies the interventions and strategies proposed in order to ensure that negative impacts from the Project are addressed and that the VMGs participate in the project benefits at their various local village levels. The strategies have ensured adequate inclusion, consultation and participation of women, youth and other vulnerable groups.

As part of the social development strategy and to protect the Pokots and Turkana community from risks associated with the project, the EARTTFDP has developed activities that seek to improve incomes in the two Counties overall, through support of community-driven development activities that provide sustainable livelihood support. These activities are intended to improve livelihood paradigms and project benefit sharing for the largely rural communities in Turkana and Pokot Counties. As such, the project will focus on income-generating activities and livelihood enhancement initiatives listed below.

The proposed activities will be CDD in approach in the sense that the affected groups will be accorded the privilege of choosing the type of interventions to be supported and locations for these interventions in a consultative, equitable and participatory manner. Using the Community Driven Development (CDD) approach, proposals will be sought from communities, which support livelihoods especially targeting women and youth. This will bring different actors from different sectors under a Steering Committee to vet and prioritize proposals. This is one of the ways that social inclusion will be achieved and ensures that vulnerable groups are included in the benefit stream and in access to opportunities created by the project.

Table 14 below highlights a summary of the key themes and issues that emanated from the consultations held with the VMGs in different venues along the project corridor and how the proposed activities by the project in section 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, respond to the community priorities including mitigation measures.

Table 14. Summary of Issues and Mitigation Measures

Impacts	Mitigation
Individual losing land, property and other immovable investment	KENHA will ensure that all affected people are compensated fully, fairly and promptly and in accordance with the RAP reports. Compensation for land will be on a land to land basis. Structures will be compensated at full replacement cost
Individual losing access to livelihoods	All PAPs who will lose land, buildings/houses, crops or sources of income or livelihoods will be fully compensated or rehabilitated according to the RAP reports, based on their losses to ensure

	that at least they can restore their livelihoods to that of the pre-project level.
Loss of business	To mitigate the loss, the implementing agency will compensate and initiate livelihood restoration programs. The program will include training on start-up enterprises, business training skills and assistance in establishment of alternative livelihood structures
Loss of structures	Full replacement cost will be paid for every structure lost including an additional disturbance allowance for the inconvenience caused. Adequate time will be given to the PAPs to establish their new homes and settlements prior to being evicted from Right of Way (ROW) and after payment of compensation.
Loss of cultural resources e.g. graves, trees	The implementing agency KENHA will assist in the relocation and cleansing rites for transfer of graves prior to de-commissioning of the project sites.
Possible entrance of newcomers to the project area	It is recommended that the implementing agency and County governments agencies work cooperatively to put in place measures to protect the locals and their land from influx of new workers. This could be through ensuring that jobs are offered to the local community members where possible.
Loss of Grazing Areas/Pastureland	It is recommended that the implementing agency, KENHA and County government agencies help the pastoralists establish alternative grazing areas. Road Safety training of pastoralists on road use and animal crossing should be undertaken.

5.13.1 RAP Compensation and Resettlement

The VMGs will be economically and physically displaced as a result of the road rehabilitation project. There will be compensation of all affected groups within the project corridor for assets lost including income. Land will be compensated at current market rates and in view of the fact that land tenureship is communal in a major section of the project area, land for land will be the preferred mode of compensation especially because the communities wish to be resettled together and within their own clans to ensure that their linkages are not disrupted. Cash compensation is also fraught with issues and problems and will be avoided.

Structures lost (business or residential) will be compensated at full replacement cost and cultural assets will be relocated using traditional methods and practises of the Turkana and Pokot and costs associated with the modalities met by KENHA.

Resettlement Action Plans have been prepared for the different road sections and have clearly outlined the displacement impacts and mitigation measures including compensation. Income restoration strategies have been outlined in the RAP reports including disturbance and relocation allowances including cash compensation to enable business enterprises re-establish.

5.13.2 Pastoralist Road Side Markets

The project contains a component aimed at developing pastoralist road-side market infrastructure to help the local population sell dairy products and livestock at a better price. The markets will engage the pastoralist; in particular women to establish restaurants to prepare and sell food. The market place will attract investment for processing dairy products and meat products, which will help pastoralist in the project area to serve as out growers and input providers. The economic opportunities will help increase the income for the pastoralist community and improve their livelihood.

The markets will help engage in business the pastoralists and transform the way they live; by encouraging them to settle and have better access to social services, in particular education for their children. Developing pilot pastoralist road side markets will help integrate the pastoralist communities along the parts of the corridor habited by Turkanas and Pokots through provision of sites for services, clean water, electrification, market shades, milk cooler, slaughter houses, veterinary posts, livestock holding area, and community information centers with fiber connection.

5.13.3 Social Infrastructures and Social Services Delivery

The project will also support social infrastructures and social services delivery along the project corridor especially in major market centres including Lokichoggio, Lodwar and Marich Pass. These social infrastructure and services include;

a) Sexually Transmitted Diseases/HIV/AIDS Preventive Services

In all rest stops, there will be Voluntary Counselling and Testing (VCTs) established to offer an integrated approach to addressing the problem associated with the spread of STDs and HIV/AIDS associated with rest stops that are known to be hot spots for the same. VCT stations will have staff who will provide advice and dispense condoms as well as conduct counselling and testing and awareness on the vagaries of STDs. They will also be open to the general public and offer services for free.

b) Water Provision

In all the rest stops, boreholes will be constructed to provide water for road users as well as for the VMGs who will access the water for domestic use including watering of livestock. The project area is water scarce and one of the requests made by the VMGs during consultations was the provision of water for use.

c) Security Control Posts

The project will establish a security police post in all the rest stops in order to curb the persistent problem of insecurity. In collaboration with the National Government, security personell will be deployed in these posts and will play a significant role in offering security at the rest stops, to businesses thriving in the stops and to the general public.

d) Establishment of Export Processing Zones

The Export Processing Zones (EPZ) to be established by the along the road corridor in strategic locations will focus on boosting the potential of processing and light manufacturing activities that already are occurring and to support the objective of the agriculture based export oriented development within the region. The processing zone will focus on establishment of agricultural products processing and storage

facilities.

The EPZ will also include facilities, such as animal quarantine to help in the export of animal products and live animals. An investment and feasibility study is proposed by KENHA aimed at identifying basic infrastructure required to attract investment to the site. The study will address issues related to certification of products, and simplification of the process for import-export. The project will mainly finance provision of site and services to the rest stops and processing zones and through Public Private Partnership; KENHA will interest the private sector to invest on these areas.

e) Weighbridges

A number of weighbridges will be constructed along the roads corridor along major centres in Lodwar, MarichPass, Kakuma and Moi's Bridge. These weighbridges attract traders who conduct businesses targeting the truck drivers including accommodation and food among others. The affected communities are therefore provided with a potential business opportunity along these areas.

f) Milk Coolers and Shades

In order to boost the livestock economy and increase value addition, the project is intending to construct milk coolers and shades in response to the problem of glut in milk or lack of proper storage that leads to discarding of milk or selling at a throw away price. This intervention is targeting the women and youth who are the majority that engage in this enterprise and registered complaints during the consultations.

g) Slaughterhouses

Modern slaughterhouses are proposed for construction in the major towns as a way of addressing loss of livestock occasioned by severe drought. Communities in this region and along the project corridor end up losing livestock to drought and this is exacerbated by the lack of slaughterhouses, which can enable the livestock to be slaughtered and sold before drought leads to natural death.

h) Livestock Holding Grounds and Veterinary Services

Holding grounds for livestock and provision of veterinary services is an intervention that the project intends to support in collaboration with the Ministry of Agriculture, Livestock and Fisheries and by adopting the approach currently being employed by Regional Pastoral Livelihoods Resilience Project (RPLRP) another World Bank funded project in Kenya targeting pastoral livelihood improvements in Kenya. This will ensure that meat products from the region are of quality and thus combined with access (road), it presents an opportunity of bolstering this significant economic activity in the region.

5.13.4 Gender and Youth Issues

The program will benefit women, youth, children and the elderly by improving access to markets, and social infrastructure and services. Attention will be given to markets at the border, rest stops (service centers), and export facilitating zones by providing safe and enhanced access to the market places, which will benefit more the rural women who represent the majority engaged in informal cross-border trade. The project through Focus Group Discussion conducted in December 2014 (see section

8.6.1) assessed specific demands of pastoralist women and youth and based on the expressed interest of both along the corridor the project will develop among others a pastoralist road side market that provides basic facilities to process and market products of the pastoralist community. See Box 4 below on the needs expressed by women and youth and proposed interventions

Box 4. Trade/Occupation Activities by Women and Youth (Source, Field Data)

1. Operating Tailoring shops
2. Trade in food products (Operating food kiosks)
3. Operating posho mills
4. Operating butcheries
5. Vending water
6. Vending milk
7. Charcoal trade
8. Trade in groceries
9. Operating MPESA kiosks
10. Bicycle repair shops

Box 5: Specific Needs, Demands and Interest of Pastoralist Women and Youth

1. We would like to be provided with a market in the major stop centres, rest stop centres, weigh bridges with a section where women can be allowed to conduct trade without interference
2. Most rest stops lack sanitation facilities (toilets) that are sensitive to gender especially women and we are forced at times to share these facilities. We demand that facilities be constructed for men and women
3. Water is scarce and hinders our ability to conduct businesses as we are at times forced to close shop to look for water for the households and this affects our income. We would like the project to drill boreholes in the rest stops and major centres so that we may not lose time looking for water for use at homes and instead focus on trade.
4. We understand that there will be slaughter houses constructed by the project and our request is that since the business of slaughtering livestock is male dominated, the women should be allocated extra slots in the market centres otherwise the men will take all the slots
5. Can we be provided with a graining milling machine to be owned by the women traders as an income generating activity within the trading centres?
6. We would like protection as we go about our businesses. We are forced to close our shops early unlike the men due to insecurity and this disadvantages our business.
7. How will the market centres and rest stops be managed? Currently, the leadership in our market centres are male dominated and we have little say and representation. We would like to have a significant voice in the management of the new rest stops.
8. Access to credit for women; Is the project capable of linking us with institutions that provide credit to women and youth? We can that once the road is completed, several business opportunities will emerge and we would like to take advantage but we lack access to credit facilities in order to compete with the men.

9. Construction jobs should be given to the women and youth as well this is because in most cases the jobs are given to men only
10. How will we be paid, through MP, Chief, MCA or bank? Will the compensation packages be paid to individual PAPs directly into their bank accounts or issued with cheques payable to the individual PAPs and not to their leaders or their proxies. Our men sometimes run away with the money leaving us poorer.
11. We would like the project to construct milk-cooling plants/shades so that we cannot have our milk get spoilt all the time.
12. We lack general skills for trade and business and need to have our capacity built in order to access existing business opportunities

Box 6. Project Response to Needs

Interventions targeting needs expressed by women and youth are highlighted in section 6.1.3 and include;

- Construction of milk cooler/shades
- Construction of slaughterhouses
- Linking women to micro-credit service providers
- Construction of security post and stations
- Construction of boreholes and other sanitation facilities
- Construction of Export Processing Zones
- Initiating Private Public Partnerships to spur economic growth
- Provision of education and training in trade by linking the women and youth to service providers
- Construction of livestock holding grounds
- Compensation of women and youth for lost assets including livelihood restoration
- Ensuring that women and youth get 30% of all construction work related to the project

5.13.5 Impact of project on traditional way of life

The tribes who either live beside or move around the proposed road rehabilitation, are mostly agro-pastoralists, depend on subsistence farming, livestock rearing and/or hunting wild animals. None of these livelihood activities, or their cultural and traditional way of life is affected by the rehabilitation of the road as almost all the farming; grazing and hunting activities are conducted at some distance from the road. In the consultations held during the preparation of SA, the local residents have raised some concerns about maintaining their traditional livelihoods once the road is built, but they have been generally very supportive of the road rehabilitation, as it would allow them to transport themselves and their produce to market more easily.

5.13.6 Benefits to be shared with the local communities

The upgrading of the road will provide greater opportunity to the local farmers and pastoralists to have better access to the domestic and regional agricultural markets. The farmers and pastoralists would have the opportunity to be suppliers of agricultural products; processing plants and business; hence these will help local products to be

sold at market prices and increase household income; contributing to improved livelihood of the local community.

The construction and maintenance works will also provide, in the short term, income generating jobs to the local people. The works contracts will have provision for basic services such as boreholes for potable water for PAPs. Women's participation in the project is guaranteed through an agreement reached during the consultations that all contractors recruited for road construction must allocated 30% of the semi-skilled/unskilled positions to the women and youth who will provide employment for them (e.g. basic construction, clearing). The project has prioritized recruitment, training, and hiring of women for unskilled and semiskilled employment with an agreement that 30% of the labourers will be women who will also be given tenders and contracts for supply of food stuff like vegetables, meat products and firewood to construction camps established during the road construction. Project activities targeting women will be designed as part of implementation of the SA and will include establishment of income generating projects as described above specifically for the Pokots and Turkana women affected by project and these activities include.

5.14 RECOMMENDATIONS FOR PROJECT DESIGN AND IMPLEMENTATION ARRANGEMENTS

The Project has been designed in a participatory manner and the integration of the social development issues have already been have been part of the project design and incorporated in the implementation arrangements. Specific action plans or implementation mechanisms to address relevant social issues and potential impacts have also been recommended in this SA (section 6.1) including the stand alone separate Resettlement Action Plans (already developed).

6 FEEDBACK AND GRIEVANCE HANDLING MECHANISM

6.1 INTRODUCTION

The Feedback and Grievance Handling Mechanism (FGHM) provides affected parties with a mechanism to express any issues and problems that they may have with the compensation and resettlement process for the Project in a way, which is free of cost and without retribution. The local communities will also have ultimate recourse to the courts in accordance with the provisions of Kenyan law. This chapter further describes the accessible procedures appropriate to the subproject to address grievances by the affected VGs arising from project implementation. The design of the grievance procedures proposed has taken into account the availability of judicial recourse and customary dispute settlement mechanisms among the VGs.

6.1.1 General Principles and Key Aspects

This SA has adopted the grievance redress mechanism proposed under the RAPs prepared for this project and described below in order to ensure that a single mechanism for redress is adopted to minimise confusion, duplication and conflict in dispute solution.

The Project has put in place an extra-judicial mechanism for the management of grievances and disputes, based on explanation and on mediation by third parties principally the Pokot and Turkana Council of Elders. The VGs will be able to trigger this mechanism, while still being able to resort to the judicial system. Grievance management will provide four tiers of amicable review and settlement, with the first one on the Pokot and Turkana Council of and the second is Elders/Village level if issue not resolved by the Council of Elders and village elders. The third level will integrate a mediation committee in case the grievance cannot be solved on the second level. Finally, there will be the option for each complainant to resort to court (fourth level), in case there is no solution within the Project's grievance mechanism.

Since grievance management committees have already been established through the RAPs documents and in view of the fact that they advocate for alternative dispute and grievance redress using traditional and cultural methods prior to resorting to the courts, this SA proposes that these already established institutions serve as the same organs for resolving issues related to VMGs moreso since there is a significant overlap of the issues related to resettlement and VMGs.

The mechanism proposed thus for feedback and grievance redress has been designed based on the following principles:

- VGs will have easy access to deliver grievances and complaints;
- Grievances can be submitted orally (and will be recorded) or in written form;
- Any grievance will be registered by the grievance management committees which have been established through the RAP process, acknowledged receipt of, and tracked until it is closed; The RAP grievance committees integrates vulnerable and marginalised groups including youth and women and will be

funded under the RAP implementation budget hence provide an integrated and cost cutting approach to managing grievance emerging from the SA

- The grievance management arrangement will include three tiers of extra-judicial, amicable review and settlement, with the first one internal to the PIU in cooperation with the customary dispute resolution mechanism in this case Council of Elders;
- The second level will be through the Resettlement Committee established under the RAP process
- The third tier of the mechanism will be mediation Committees and the fourth tier will be through the judicial system, for those grievances that cannot be resolved by the first and second tier; the overall objective is to avoid resorting to justice for as many grievances as possible.

Use of RAP Resettlement Committees For Grievance Management

This SA proposes the use of the already established grievance management committees established to handle resettlement related issues due to the existing overlap of issues and concerns identified by the SA and RAPs.

Resettlement Committees have been established at the Sub County, Location and Village levels along the project corridor and comprise of the following representatives described below. In every affected village there will be a Village Committees and the membership will include:

- The sub locational chief,
- Assistant chiefs,
- One project affected youth,
- One project affected woman,
- One project affected male
- A representative of vulnerable groups,
- A Community Based Organisation (CBO) in the location.
- Business representative.

There will be a Mediation Committee at the Sub County level to handle grievances that cannot be resolved by the village committee and membership will include:

- One representative of the National Administration; - National Government
- One representative of County Administration; - County Government
- Land Officer
- Representatives of Resettlement and Compensation Committees at location level.
- One representative from KENHA acting as an observer;
- One representative of the construction contractor, acting as an observer
- Three representatives of the affected people, amongst them at least one woman, chosen i.e. from community based organizations, elders, customary authorities.

In case this mechanism will not allow an amicable agreement to be reached, the complainant or the defendant can resort to Justice (and could at any time).

Key aspects of the grievance mechanism are:

- Closure sheet, copy of which will be handed to the complainant after he/she has agreed to the resolution and signed off.
- Grievance monitoring sheet (actions taken, corrective measures);
- Grievances will be recorded using a Grievance Form (in local language, also available in English). Grievance Forms will contain details regarding the grievance as well as the name and address of the applicant, application date, type of application and the name of the persons receiving the grievance. The forms will be logged in a register where they will be tracked through to a suitable resolution.
- Receipt with acknowledgement of registration, to be handed back to the complainant;
- Resolution options will be developed through unilateral proposal, bilateral discussion and/or third party mediation. Any response will be communicated clearly either orally or in writing, and a grievance case will only be closed when an agreement with the complainant is reached.
- The PIU formed by KENHA will be based at project site and will maintain a digital grievance database, containing the logs and records of all grievances received, with an indication of the respective status of a grievance (i.e. resolved, not resolved, pending. . .)
- The VGs need to be informed about the grievance mechanism and how they can make use of this process.
- VGs will be offered access to third party legal advice, through a qualified lawyer; this lawyer will be available at the PIU; legal advice will be at no costs; information on the possibility of access to legal advice will be communicated to the affected people; However this will be a last resort and not the second resort. There will be a three tier system as already described above with the first level being Council of elders and resolution at community level; second level being a body with representation elected from PAPs, women, youth, provisional administration, chief, dep county commissioner. If no resolution is arrived at in the first two levels, then arbiter agreed to by both parties will be pursued and the last resort will be pursuit of the grievance in the courts
- Closure sheet, copy of which will be handed to the complainant after he/she has agreed to the resolution and signed off.
- Grievance monitoring sheet (actions taken, corrective measures);

6.1.2 Grievance Registration and Monitoring

Grievance registration will be possible:

- At the village level with the registration done through the Council of Elders;
- At the PIU Community Liaison Office, to be established at the Project site who will forward all the grievances to the Council of Elders;

Grievances will be registered within 7 days of receipt and a response will be provided to the aggrieved party in 30 days or less.

Closure of a grievance does not automatically mean that the complainant is satisfied with the action taken (i.e. in cases where a complaint is not justified). Closure means

that the complainant agrees that action has been taken to address the grievance without being necessarily satisfied with the outcome.

6.1.3 First Level: Council of Elders

The Turkana and Pokot community is deeply traditional and observes a historical way of life based on clan system. The Council of Elders is a supreme body that plays a significant role among the Turkana and Pokot and is widely respected. They have the mandate to resolve conflicts including land related conflicts; natural resources related conflict e.g. pasture; interclan conflicts; among others. The Council of Elders also presides over rights of passage including circumcision, marriage rights among others.

The **Turkana and Pokot Council of Elders** is composed of people of good reputation and who have knowledge of customs and culture of the Turkana and Pokot.

Council members are not elected, as long as one has a good reputation in the society and is regarded as impartial then he is welcomed in the council. Women are not part of this forum. There is no term limit, one serves until they are too old and retire on their own volition or when they die. The other way to be removed from the council is if a person's reputation becomes negative, then the council members will not involve them in council matters. The person may not be formally informed that he is no longer a council member, but will not be informed of meetings and decisions made, basically he is side-lined.

Council of Elders say/decisions is strongly respected. In case a person defies their decision, the person will be fined and/or banned from attending any social functions e.g. burials, marriages or any other function that brings the community together. The person is may be excommunicated from the community.

This SA prefers this first level of grievance or conflict redress to be handled by the Council of Elders as an organ that has been part of Turkana and Pokot culture and engaged in resolving all forms of cultural disputes. Grievances not resolved by the Council of Elders will be taken to the second level, then third level and finally fourth level which is legal redress (formal courts). An integral part of the grievance mechanism (GM) is a defined way for VGs to bring questions or concerns about project activities to the project proponent, and receive prompt responses in a consistent and transparent manner. In order to comply with these standards, the GM will be:

- Accessible;
- Adaptively managed; and
- Consistent;
- Dialogic.
- Equitable;
- Legitimate;
- Transparent;

In order to fulfill the above criteria, the GM by the Council of Elders will:

- Communicate the GM process with stakeholders clearly, appropriately, and broadly;
- Ensure stakeholder feedback informs the development and ongoing management of the GM;
- Impose minimal restrictions on the types of issues to be raised under the GM;
- Involve stakeholders in the GM design and ensure it is culturally appropriate;
- Maintain the grievance register;

- Monitor and report on outcomes to the community to ensure accountability and communication; and
- Provide multiple points of access;
- Respect the confidentiality of all parties and accommodate anonymous complaints as much as reasonably possible;
- Take steps to protect aggrieved parties from retaliation;

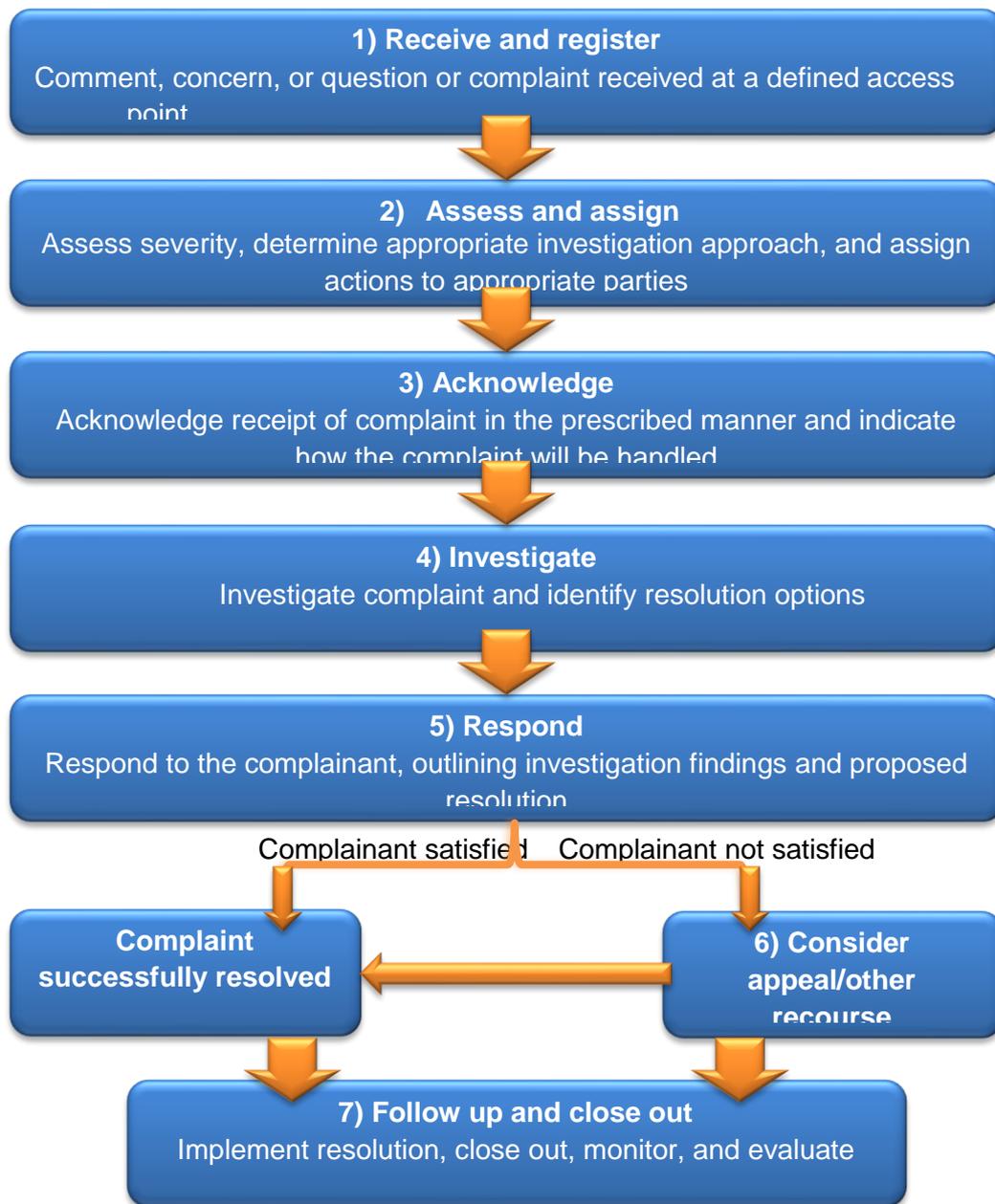
The GM that is conducted by the Council of Elders or any other proposed informal institution is not intended to replace state judicial or non-judicial recourse, but offers an alternate means of dispute resolution that is efficient, immediate, and at a low cost to both stakeholders and the project.

Grievance Management Team

The Council of Elders and KENHA's/PIU will be responsible for receiving complaints, distributing responses and acknowledgements, liaising with complainants as needed, and maintaining the grievance register and grievance forms. The dedicated project social manager from KENHA's/PIU will be responsible; in consultation with the Council of Elders will be responsible for assessing and managing grievances. The Council of Elders will also be responsible for assigning and managing grievance investigations through close-out.

Grievance Management Process-

There are seven general steps in the GM process that will be followed by the Council of Elders. These are illustrated in below.



Receive and register

VMGs will be able to register a complaint (including comments, questions, disputes, and concerns) to the Council of Elders or KENHA/PIU through any of the following means:

- Email to a dedicated address (publicized on the Background Information Document (BID) and presented at every meeting)
- Phone call to a PIUs dedicated number (publicized on the BID and presented at every meeting)
- Since lack of education is high among the Turkana and Pokots, especially women and traditionally they are not very present in the community affairs, to accommodate their access and filing of complaints if they have any during

compensation, once a week, the Council of Elders will reside in an affected village together with the KENHA's/PIU to collect verbal complaints if any

- Text message to a dedicated number given to the Council of Elders (publicized on the BID and presented at every meeting)
- Verbal statement (signature or signed and dated) to translator, PIU, or other third party scribe
- Written statement delivered to project office (provided form optional)
- Written statement deposited in a dedicated drop box in a designated location(s) (provided form optional)

Received complaints will be registered daily in the grievance register, an electronic spreadsheet database. For each complaint registered, a case number will be assigned and a grievance form will be completed if the complainant has not already done so. Grievance forms will be scanned and electronically filed, and a hard copy given to the complainant.

Assess and assign

Upon registration, the Council of Elders will conduct a rapid assessment of the nature and severity of the grievance with resources provided by KENHA's PIU. Simple complaints that can be easily resolved will be fast tracked for response and resolution within several days.

Acknowledge

Within 24 hours of registration, complainants should be informed that their complaint has been received and their case registered. Acknowledgement is done by the PIU Staff and Council of Elders, and should be communicated via text or phone call, followed up with a hard copy of the grievance form. In the case of anonymous complaints, acknowledgement will be posted in the designated community notice board location(s). These may be co-located with the complaint drop box(es). At a minimum, these will be posted at project site notice board, as well as at the project office.

Investigate

Simple complaints may be fast tracked for immediate response by the Council of Elders and communicated through the PIU.

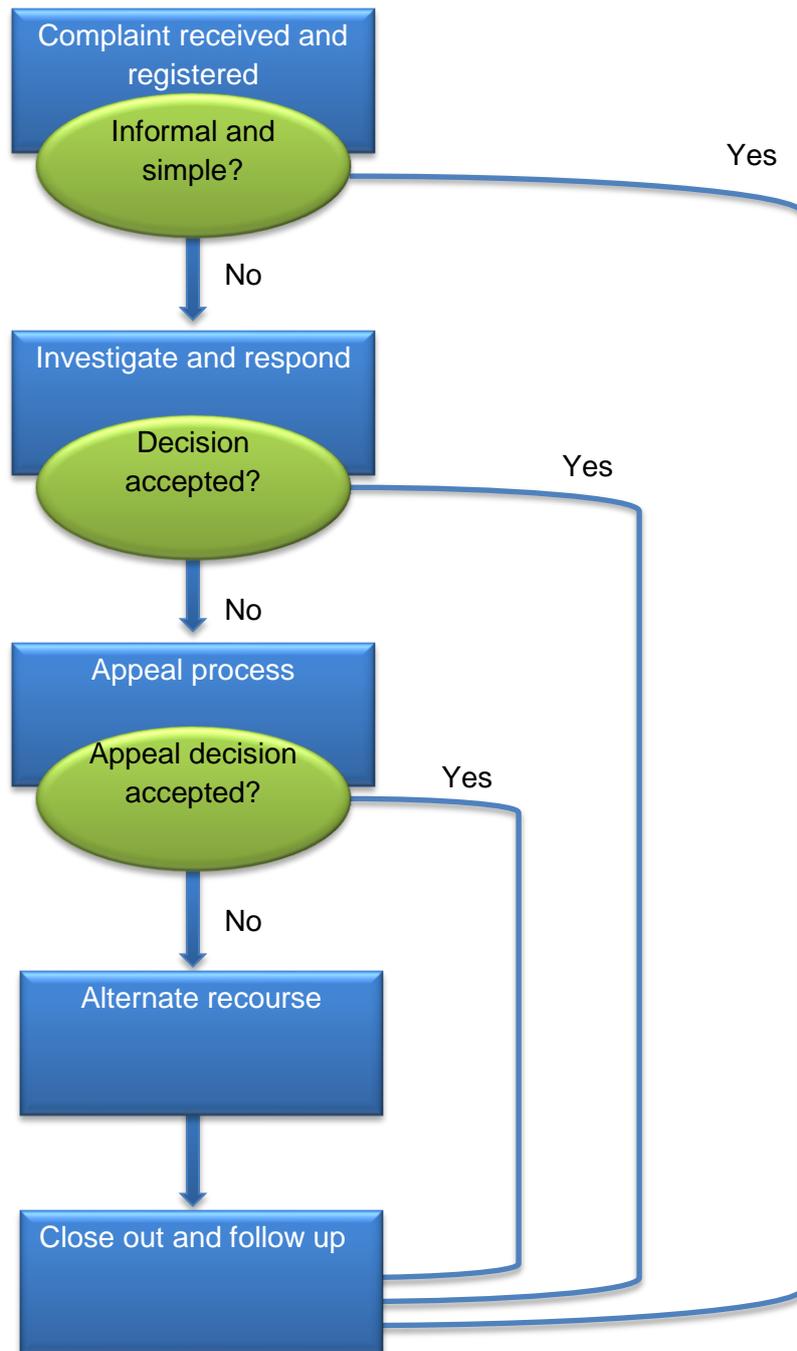


Figure 20 Complaint fast track points

Throughout the investigation, cultural sensitivity to the way in which the complainant experiences the issue is crucial to achieving a successful outcome, in addition to simply establishing the facts of the complaint.

Respond

Upon conclusion of the investigation, the Council of Elders will develop a provisional proposal that is culturally appropriate, and both reasonable and proportionate to the grievance. Initial responses should be developed and reviewed internally, as resulting resolutions may affect policies or set precedence for future complaint responses.

The Council of Elders, along with KENHA/PIU staff, will then meet with the complainant to discuss the provisional proposal and consider any alternative remedies. The complainant then may accept the proposed resolution, reject it, or consider alternative remedies. The final agreed resolution should be specific, time bound, and mutually agreed by both parties. If the resolution is not self-executed, a monitoring plan must be included. In the event that the complaint is found to be unsubstantiated, the grievance manager will explain the reasons as found during investigation, and may suggest other possible recourse for the complainant.

Follow up and close out

Upon agreement or resolution, the final process step of the grievance mechanism is to implement the resolution and any appropriate monitoring of outcomes, and then close out the grievance. Following verification that the agreed resolution has been implemented, the PIU will note the resolution particulars and close out date in the grievance register. If appropriate, involved parties may be asked to give feedback on their experience of the grievance mechanism process and outcome in order to improve the GM. Close out and documentation of results will be done in cases where no agreement has been reached, and the parties' evaluation of the GM process should be requested.

6.1.4 Second Level: Village level in cooperation with PIU

In practice, in similar compensation and resettlement activities, grievances arise from misunderstandings of the Project policy, or result from conflicts between neighbours, which can usually be solved through adequate mediation using customary rules or local administration at the lowest level.

Furthermore, grievances are expected to arise in the context of construction activities. For this reason, the cooperation with the construction contractor's grievance management – and community liaison staff is of key importance (see ESMP).

Grievances related to construction should be resolved through cooperation of PIU grievance management and the construction contractors staff in charge for grievances. During construction, weekly reports should be issued to senior management (PIU) that highlight grievances with potential to affected the construction schedule. These reports should include grievances where resolution is pending for long periods.

Aggrieved people will have the opportunity to submit their grievances at the village level. This setting provides maximum accessibility to the grievance mechanism for all affected people and the possibility to resolve grievances in a practical and direct manner.

Local resettlement committees/village leaders as members of the resettlement committees will record grievances in oral or written form. It is expected that a large part of grievances can be resolved directly through explanation and information to the claimant.

Resettlement committees/village leaders will obtain training from the PIU in order to address issues, which can be resolved by explanation (i.e. explanation of resettlement policy, compensation strategy or entitlement determination, construction related

regulations). The Project Implementation Unit (PIU) takes note of the grievances filed with the village chiefs during meeting routines and regular visits of all affected villages with consultations. Furthermore, regular meetings will be performed with key staff of the construction contractor. All grievances will be registered within PIU and entered in the electronic database.

Grievances, which were not resolved on the village level, will be reviewed. PIU grievance officers will perform the reviews, typically with the following steps:

- Review of existing relevant documentation on the individual case (household issues, potential plot disputes, initial measurements and counts, etc....); construction related disturbance-or other issue
- Review of disputed properties, disputed boundaries, or property characteristics in the field, as applicable, and hearing of interested parties (the complainant(s) and third parties (resettlement committee members);
- Agreement on proposed resolution within the grievance management team and the local resettlement committee/village leader; representative of construction contractor
- Response to complainant.

For these cases, the grievance management team will cooperate with representatives of the local resettlement committees and with representatives of the construction contractor and will meet directly with the complainant in order to provide in depth explanations and if necessary, combine the explanation with a field visit to the disputed area/ the location related to a construction related grievance.

The PIU grievance management team will:

- Maintain, check and file the registered grievances and log all grievances in a central database of grievances at PIU level;
- Ensure that grievances are acknowledged receipt of in the agreed timeframe (7 days);
- Collect files of grievances submitted at local levels on a regular basis (twice a month) to make sure that all grievances are dealt with in a timely manner; check that receipts for grievance registration were issued by the local levels (resettlement committees, cell and ward administrations)
- Make sure that local authorities and Village Resettlement Committees are duly consulted when reviewing the grievance; construction contractors representatives will be consulted when applicable
- Make sure that closure letters proposing a resolution to the complainant are timely sent to the complainant and acknowledged receipt of;
- Ensure that all steps of grievance management are properly documented.

The village level grievance redress committee will include

1. One Village Elder from affected village
2. Chief and Assistant Chief of Area
3. County Ward Administrator
4. Youth representative
5. Women representative
6. Vulnerable group representative

Third Level: Mediation Committee (Sub County)

The third tier aims at processing grievances that the first tier is unable to resolve, and coming up with solutions, which if agreed will be binding to both the implementing agency and the complainant(s). The objective is to avoid resorting to Justice and try to reach amicable settlements wherever possible. No grievance will be considered by the second tier unless it has already been reviewed by the first tier and the resolution proposed by the PIU was not acceptable to the complainant.

The third tier of grievance management shall be based on a Mediation Committee established at Sub County level, which will include:

- One representative of the Sub County Administration;-National Government
- One representative of County Administration; - County Government
- Land Officer
- One representative of the Project Implementation Unit (PIU), acting as an observer;
- One representative of the construction contractor, acting as an observer
- Three representatives of the affected people, amongst them at least one woman, chosen i.e. from community based organizations, elders, customary authorities.

The Mediation Committee will meet as needed, depending on the inflow of registered complaints and disputes. Minutes of meetings, including proposed resolution arrangements, records of decisions, agreements reached would be prepared.

6.1.5 Fourth Level: Resort to Justice

In case this mechanism will not allow an amicable agreement to be reached, the complainant or the defendant can resort to the courts (and could at any time).

6.1.6 National Land Commission Grievance Mechanism

The Land Act 2012 and National Land Commission Act 2012 obligate the NLC to manage grievances and disputes related to resettlement or land amicably. NLC will be expected to arbitrate or negotiate with PAPs or landowners that have any grievances concerning their compensation. The cascading structures they put in place are also expected to take up this responsibility. However, even though NLC has been constituted it is not yet actively engaged in resettlement issues because it has not received the desired staffing levels and work force and it is overwhelmed by the magnitude of land related issues and would not be in a position to execute its duties as required by law expeditiously for the moment.

What provisions of the CoK, 2010 help address some of these Grievances at National and County levels?

The Constitution of Kenya 2010 holds significant implications for GoK's engagement with IPs and IPOs with regard to service delivery and mechanism for grievance redress of the key concerns expressed by IPOs. This is especially the case with regard to access to feedback and grievance redress mechanism. These mechanisms are the CAJ and the devolution of a number of instruments to the county level, which deal with land administration and land adjudication.

- There is the National Land Commission (NLC).
- There is the Commission of Administration of Justice (CAJ) Office of the Ombudsman.
- There is the Commission for Implementation of the Constitution (CIC).
- There is the Commission for Revenue Allocation (CRA).

Following the promulgation of the Constitution of Kenya, 2010, Kenya now has a formal Feedback and Complaints Handling Mechanism, the Commission on Administrative Justice (CAJ) or the Ombudsman, which is robust in its mandate and objectives, but which is yet to devolve to the County or grassroots levels.

The Kenyan Constitutional Mechanism for Feedback and Grievance Redress: Commission on Administrative Justice (CAJ) – the Ombudsman

The Constitution of Kenya, 2010, provides for an elaborate grievance redress mechanism, which could be leveraged to address grievances that result from project actions. The Constitution of Kenya (COK) has established the National Land Commission to address historical injustices related to land; the Commission on Administrative Justice “Ombudsman”, 2010, as the accessible mechanism for public feedback and grievance redress. It is the national/constitutional stakeholder instrument for grievance redress. There is CRA mandated to reduce marginalization within the counties through the Equalization Fund.

How the Ombudsman works in Kenya: The need for a public complaints institution in Kenya was driven by the realization that about 85% of complaints received by the Kenya Anti-Corruption Commission (KACC) were administrative in nature. For this reason, the Public Complaints Standing Committee was established in June 2007 via Gazette Notice No. 5826. The mandate was to receive and address complaints against public officers and public institutions to improve service delivery. This is the institution that was succeeded by the CAJ, on the promulgation of the Constitution of Kenya, 2010.

Types of complaints that can be made to the Ombudsman and the feedback and redress process: Three types of complaints can be made to the office of the Ombudsman including: (i) Citizen against State/public officers and institutions; (ii) Public Officers against fellow public officers; and, (iii) Public Institutions against other public institutions. The Ombudsman is a three step and time bound mechanism for feedback and grievance redress, as shown in **Table 15** below.

Table 15: Feedback and Complaints Redress by the CAJ (the Ombudsman)

Step 1	Complainant fills in a Complaint Form <ul style="list-style-type: none"> • Complaint is assessed for compliance with CAJ Mandate; • If within mandate, CAJ commences inquiries and complainant is issued with copy of communication – CAJ 2 [Sec. 43]; • If NOT within CAJ mandate, Complainant is advised accordingly and/or referred to appropriate government agencies; • If a response is not received from the respondent after 14 working days, CAJ sends a first reminder giving the respondent 7 days to comply; • If no response is received after this, a final reminder of 7 days is sent; • If there is still no response after 28 days, summonses are issued to the respondent in line with [Sec. 27(a)].
Step 2	If after the summonses the respondent still fails to comply, the Ombudsman proceeds to:

	<ul style="list-style-type: none"> • Determines the complaint in the absence of the respondent; • Institutes legal proceedings against the respondent [according to Sec. 52]; • Cites the respondent as an unresponsive State or Public Office or Officer, and/or declares such State or Public Officer to be unfit to serve in the Public Service;
Step 3	<p><i>How the Ombudsman undertakes grievance redress action:</i> In resolving a complaint, the Ombudsman may:</p> <ul style="list-style-type: none"> • Conduct investigations according to articles [A.59 (2)(i)] [Sec 8 b)] [A.252(1)(g)] [Sec. 53 (1)]; • Demand and obtain information or documents [S.26 (d)]; • Conduct an inquiry [A.252(1)(g)] • Undertake mediation, negotiation and conciliation [A.252 (1) (b)]; • Constitute a hearing panel; • Invite or summon any person or persons to attend to the Commission [S.26 (f)]; • Obtain orders from the Court authorizing Searches or Seizures [Sec.26 (e)]. • Obtain warrants of arrest for breach of any summons or orders of the Commission.

Grievance Redress Mechanisms with a Focus on National and County Governments

The Constitution of Kenya, 2010, also provides mechanisms for redressing political and administrative grievances that could result from the new constitutional and governance dispensation in Kenya, i.e. focusing on national and county governments. The Commission for Implementation of the Constitution (CIC) in Kenya identified seven areas of potential conflict between the national and county governments. These include: (i) Revenue sharing with potential conflict arising from questions such as: (i) basis for equitable share, conditional grants, equalization fund usage, borrowing and guarantees, and donor relations; (ii) Schedule 4 on function boundaries with potential conflict arising from issues such as policy vs. implementation, and, shared/concurrent functions; (iii) Functional Transfer as provided in article 187 could be a source of conflict if the transferred function is not matched with adequate resources to enable its effective implementation; (iv) Sharing of Natural Resources between National and County & Inter County; (v) County Boundaries, as these are not clearly defined by law (vi) Stoppage of funds to county governments under Article 190 and, (vii) Suspension of counties.

Mechanisms for Intergovernmental Dispute Resolution: In anticipation of the above conflicts, disputes and grievances between the two levels of government, the COK, 2010 has made provisions for the resolution of such relational conflicts. In the first place, the Constitution requires that settlement of disputes should include use of alternative dispute resolution mechanisms such as negotiation, mediation and arbitration. In addition, Article 189 of the constitution anticipated the creation of joint committees and joint authorities for purposes of dispute resolution. On the other hand, legislation provides specific mechanisms for consultation and dispute resolution, including: (i) Intergovernmental Relations Act; (ii) Public Finance Management (PFM); (iii) County Government Act on sectoral issues; and, (iv) National Government Coordination Act. Finally, any disputes that are not resolved through these constitutional and legislative means are subject to resolution through the courts of law, in particular, the Supreme Court which has jurisdiction over interpretation or application of the provisions of the COK, 2010, (article 163 (4) (a)). However, while these offices have been set up and recognized within the 2010 CoK it will take many years to update the legal framework to effect fully the rights and redress mechanisms therein. For example, the 2010 constitution states that the

legislation on community land, regulation of land use and on the “promotion of marginalized groups” should be in effect within five years. (Article 261).

7 FRAMEWORK FOR FREE, PRIOR INFORMED CONSULTATION

7.1 INTRODUCTION

Where the project affects VMGs, the borrower engages in free, prior, and informed consultation with them. To ensure such consultation, the borrower:

- a) Establishes an appropriate gender and intergenerationally inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation among the borrower, the affected VMGs/communities, their organizations, if any, and other local civil society organizations (CSOs) identified by the affected Indigenous Peoples' communities;
- b) Uses consultation methods⁴¹ appropriate to the social and cultural values of the affected VMGs communities and their local conditions and, in designing these methods, gives special attention to the concerns of VMG women, youth, and children and their access to development opportunities and benefits; and
- c) Provides the affected VMGs/communities with all relevant information about the project (including an assessment of potential adverse effects of the project on the affected Indigenous Peoples' communities) in a culturally appropriate manner at each stage of project preparation and implementation.
- d) In deciding whether to proceed with the project, the borrower ascertains, on the basis of the social assessment and the free, prior, and informed consultation whether the affected communities provide their broad support to the project⁴⁰.

This chapter highlight the plan for free, prior and informed consultations and continued consultations and participation throughout the project cycle. Free, Prior and Informed Consultation is a mechanism and a process wherein indigenous peoples and communities undertake their own/independent collective decision on the matters that affect them. This collective decision-making process includes programmes and projects that relate to the use of their lands and resources; plans that will have serious implications on their health; activities that may affect their territorial integrity, collective identity, cultural integrity, livelihoods, social cohesion and well being, among others. This principle also applies to policy formulations or adoption of legislative and administrative decisions that directly affect indigenous peoples. A key component of effective stakeholder engagement and consultation is free, prior and informed consultation.

This chapter described the proposed framework for ensuring free, prior and informed consultation with the affected vulnerable groups during implementation of the Project. The proposed framework has been designed in a consultative manner and following the guidelines for free, prior and informed consultation set forth by OP. 4.10. The framework has also been prepared in line with the Constitution of Kenya (2010) specifically those tenets focusing on public participation.

⁴⁰ Extracted from the OP 4.10 Indigenous Peoples Policy, World Bank, July 2005.

Consultations with the vulnerable groups will be carried out through their own existing processes, organizations and institutions, e.g., councils of elders and village elders. The Pokot and Turkana will have the right to participate through representatives' chosen by themselves in accordance with their own procedures and decision-making institutions and consultations will also take into account the issues of gender.

7.2 COST OF INFORMATION DISSEMINATION AND CONSULTATION

The project will disseminate all information related to the project and touching on the vulnerable groups free of charge and in a timely manner and using methods that are culturally appropriate and respectful of the culture of the Pokot and Turkana.

All information about the project will be made available voluntarily and in a transparent manner at the request of the Pokot and Turkana in strategic places within the project area and in their local language without any cost. All costs for information dissemination and communication will be met by the project. The vulnerable groups will determine the process and timeline for decision making and all the community members will be free to participate regardless of age, gender or standing in the community.

Information Dissemination Timeframe

- Information about the project, information on public meetings and consultations will be disseminated in advance to the vulnerable groups before consultations and deliberations on are held. Information will include the objective of the meetings or discussions, the agenda and venue/locations, the time among others and will be in the local Pokot and Turkana language and in formats decided by the Pokot and Turkana.
- Information will be provided before activities can be initiated, at the beginning or initiation of an activity, process or phase of implementation, including conceptualization, design, proposal, information, execution, and following evaluation; and
- Sufficient time will be provided in the project to allow the vulnerable groups to understand, access, and analyze information on the proposed activity. The amount of time required will depend on the decision-making processes of the vulnerable groups.
- The decision-making timeline established by the vulnerable groups must be respected, as it reflects the time needed to understand, analyze, and evaluate the activities under consideration in accordance with their own customs.

7.3 KEY STAKEHOLDERS AND PROPOSED COMMUNICATION CHANNELS

The identification of key players or stakeholders was conducted through a stakeholder identification (mapping) and analysis process. Stakeholders in general include the various groups who have an interest or a stake in a given issue and in this context it will imply those groups interested or having a stake in the proposed road rehabilitation Project. Stakeholders are categorised as local communities (affected groups); Civil Society Organisations (CSOs, CBOs,), traditional/cultural organisations (council of elders), Government (National and Devolved), Private Sector (e.g. truck drivers, traders) among others.

The overall goal of consultation and stakeholder engagement was to establish an on-going, accessible and constructive dialogue with potentially affected parties and other interested organizations and individuals, so that their views and concerns can be taken into account in decisions about the Project in accordance with international good practice.

Table 16. Stakeholders in Lesseru-MarichPass-Lodwar-Nakodok Road Rehabilitation Project

Stakeholder	Interest	Influence	Level of influence
Ministry of Roads and Infrastructure	Project implementing agency interested in ensuring that the project development objectives are achieved.	Can influence the project as a major player and stakeholder	High
Turkana and West Pokot County Government	Interested in ensuring that all developmental activities implemented by stakeholders within their Counties are aligned with County policies and respond to County 5 Year Integrated Development Plan.	Have a major influence on project from political context and devolved governance. Could easily de-rail project if ignored in design, planning and implementation.	High
Kenya National Highways Authority (PIU)	To ensure that the project is executed in effectively, in a timely manner and in line with implementation plan	Have no major influence on the project, other than ensuring that the project is implemented on time	Low
National Government Local Administration-Chiefs, Assistant Chiefs Chiefs and Assistant Chiefs are important channels for communication and dissemination of information and are part of the National Government.	Ensure that project development objectives are achieved	Can influence the project by providing an enabling policy environment and administrative set up for implementation	High
Council of Elders (Turkana and Pokot) The Pokot and Turkana communities in the project area have their own representative organizations that provide effective channels for communicating local preferences especially on matters related to culture and customs. These traditional leaders (Council of Elders) occupy pivotal positions for mobilizing people and have	As a traditional decision making body, they are beneficiaries from the project by being PAPs	Have a major influence on the project specifically in regard to decision making	High

been proposed as the mediums to use for communication into the planning process, with due concern for ensuring genuine representation of the indigenous population.			
Project Affected Persons	Benefiting from the project	Have a major influence on the project in terms of implementation. Could reject the project if dissatisfied with the benefits, design or implementation arrangements	High
CSOs	To ensure that the PAPs benefit from the project in a transparent manner	Have medium-high influence on project. Can strengthen capacity of PAPs to understand project better including increasing awareness on rights and privileges.	Medium
Political Leaders-Member of National and County Assembly	Interested in gaining political mileage as a result of the project	Can influence the PAPs negatively and influence PAPs to reject project if not included in project planning and implementation.	High
Private Sector, e.g. Truck drivers and traders on the rest stops	Comprise of stakeholders interested in trade and entrepreneurship along the road including along rest stops or on the highway	Can influence project positively by enhancing trade and negatively especially on aspects related to HIV/AIDS scourge	High

Local Administration-Chiefs, Assistant Chiefs

Chiefs and Assistant Chiefs are important channels for communication and dissemination of information and are part of the National Government.

Information provided to the vulnerable groups will:

- Be accessible, clear, consistent, accurate, constant, and transparent;

- Be complete, covering the spectrum of potential social, financial, political, cultural, environmental impacts, including scientific information with access to original sources in appropriate language;
- Be delivered by culturally appropriate personnel, in culturally appropriate locations, and include capacity building of indigenous or local trainers;
- Be delivered in a manner that strengthens and does not erode indigenous or local cultures;
- Be delivered in appropriate language and culturally appropriate format (including radio, video, graphics, documentaries, photos, oral presentations);
- Be delivered with sufficient time to be understood and verified;
- Be objective, covering both the positive and negative potential of project activities and consequences of giving or withholding consent;
- Be provided on an ongoing and continuous basis throughout the Free, Prior and Informed Consultation process.
- Reach the most remote, rural communities, women and the marginalized;

7.4 METHODS OF COMMUNICATION/INFORMATION DISSEMINATION/CONSULTATION

Public Barazas/Open House meetings

Public meetings/barazas will be used for communicating of information and discussing issues related to the project to the vulnerable groups.

Use of Community Radio

The local vernacular radio station will also be used as a channel of communicating and disseminating information about the project to the vulnerable groups.

Posters

Posters in local language will also be used to disseminate information about the project to the vulnerable groups for instance in announcing proposed meetings which will be placed in strategic points like market centres, hospitals, schools etc.

Background Information Document

The purpose of the background information document (BID) is to offer the vulnerable groups a clear, non-technical and consistent explanation of the project activities, proponent, and mechanisms for stakeholder engagement and communication about the project. This reduces misinformation and miscommunication about project activities and impacts. The BID will be distributed to all the vulnerable groups and posted in project-affected communities in advance of the start of project activities. The BID will be a single sheet of paper printed on both sides. Information on one side in local language will be replicated on the reverse side in English. Information will also be made available in Kiswahili as needed.

- **Documentation**

The opinions, views, concerns, and recommendations of meetings and consultations held with the vulnerable groups must and will be properly recorded and acknowledged. Responses and actions in relation to the result of the consultations shall be provided and made public. All communications with stakeholders, including

grievances, will be recorded in a stakeholder engagement record. It is the responsibility of PIU to maintain this record and are responsible for accurate and timely management and maintenance of the stakeholder engagement record.

The objectives of free, prior and informed consultations was to: (i) inform affected vulnerable indigenous peoples about the proposed project; (ii) assess in a participatory manner the possible project benefits and adverse impacts; and (iii) agree on measures to enhance benefits or mitigate adverse impacts that will be incorporated into the project's design.

7.5 EXTENT AND METHODOLOGY

The Free, Prior and Informed Consultation process included:

- Initial Consultation with leaders/representatives
- Information Dissemination
- Consultation
- Community deliberations/discussions amongst themselves
- Consultations/dialogues for additional information/clarification
- Decide form/ method for collective decision making
- Undertake own collective decision making
- Inform project proponents the result of the decision-making process
- Establishment of grievance mechanism
- Participation in monitoring and evaluation

7.5.1 Information

As a prerequisite to the full and effective participation of the PAPs in the Social Assessment, there was timely dissemination of information at all levels through local language and via Focus Group Discussions and Village Barazas as well as formal meetings with County Governments. The information targeting the VMGs was disseminated during the period beginning 1st-31st December when the SA was being prepared in several venues and locations along the project corridor as shown in table 20 and 21 and the issues and concerns arising have been summarised further in section 8.6.1 and included in annex section of this report. Sufficient time was allocated for them to understand and deliberate on the potential risks and opportunities from the Project and their potential role in the processes.

7.5.2 Consultation

Consultations with the Turkana and Pokot were carried out through their own existing processes, organizations and institutions. Specifically, consultations were held with the

- Council of Elders
- County Government
- Village Elders
- Local Turkana and Pokot Community Members

The PAPs were also given the right to participate through representatives chosen by themselves in accordance with their own procedures and decision-making institutions.

7.5.3 Gender and Youth

The consultations also took into account the issues of gender. Specific consultations with women in the project-affected area were carried to ensure that their concerns are included in the project design and preparation. The Turkana and Pokot community is highly patrilineal society where women and their views are generally not considered. Majority of Turkana and Pokot still hold to the traditional misconception that women cannot make decisions and thus women are under-represented in property ownership, education, and political leadership among others. This situation is the outcome of the interplay of a myriad of factors ranging from discriminatory property ownership laws and practises to deep seated cultural biases that consign the female gender to subordinate status in the local communities. Gender and youth consultation and issues arising are reflected in section 6.1 of this report.

7.6 CONSULTATIONS CONCERNING THE PROJECT DURING THE PERIOD DECEMBER 2014

A comprehensive government stakeholder consultation process was developed in order to obtain authorizations for consultants to conduct fieldwork, as well as to engage as soon as possible with government authorities in obtaining their views, advice and participation in defining the socio-economic and environmental impacts of the project and the most adequate mitigation measures to apply. This was also a particularly important step in terms of gaining a better understanding of resettlement impacts and planning possible synergies with rural development projects to find available land and propose restoration strategies. The consultation process is summarized in the following **Table 17**.

Table 17. Stakeholder Consultation Process with Respect to the Project

Consultation Process and Objectives	Date	Level	Participants
<ul style="list-style-type: none"> Introduce consultants to County and authorities and testing with authorities the field program Introduction to the Project with Maps showing the project corridor Introduction of Consultants to County officials Testing the questionnaires and obtain comments from officers 	1st -30 th December 2014	County Level	Turkana County Government- Executive Secretaries
<ul style="list-style-type: none"> Introducing the Field Program and Agree on Consultation Mechanism Presenting the field program and requirements from government 	1st -30 th December 2014	County Level	PAPs; Local Administration
<ul style="list-style-type: none"> Community consultations with potentially affected PAPs to inform about the Project, collect their views 	1st -30 th December 2014	County Level	PAPs; Local Administration
<ul style="list-style-type: none"> Consultation of PAPs with participatory and individual questions at the end of each survey to know their views and expectations 	1st -30 th December 2014	County and Project Level	PAPs; Local Administration
<ul style="list-style-type: none"> Focus Group on Land Tenure, Vulnerable Groups 	December 2014	Project Level	PAPs; Local Administration
<ul style="list-style-type: none"> Include comments of all consultations to finally disclose the draft RAP through a formal consultation process 	1st -30 th December 2014	County Level	County Government,

7.6.1 CONSULTATIONS FOR PREPARATION OF THE SA

During December 2014, consultations with affected communities in project area were performed. Consultations were conducted after preparatory meetings with authorities of Turkana and West Pokot Counties and National Government (administration). Local administration authorities facilitated the performance of the field program.

Table 18. Consultations in Affected Communities

Date	Institution/Affected Party	Participants
December 2014	Turkana County Government Office	County Government: County Executive Committee Members, KENHA Staff
December 2014	West Pokot County Government Office	County Government: County Executive Committee Members, KENHA Staff
December 2014	Public Consultation Meeting with PAPs	Local communities from Turkana and Pokot
December 2014	Public baraza meeting with PAPs	Local communities from Turkana and Pokot
December 2014	Training of Enumeration Team	

Table 19. Consultation Objectives with PAPs

Consultation with villages in project corridor	
	Villages along the Project Corridor
Objectives	<ul style="list-style-type: none"> - Provide updated information on the Project - Conduct a asset inventory and validation of affected assets (land, residential structures, business structures) - Obtain information on preferences of PAP, affected by the loss of their residential assets, if they would prefer the participation in a resettlement program of the Project or rather opt for cash compensation and then conduct self- resettlement.
Consultations	<ul style="list-style-type: none"> - Village leaders and resettlement committees - Affected people

Table 20. Consultations held, locations and venues, dates and number of participants

Location	Venue	Date	Number of Participants
Lesseru Marich Pass Road Section			
Chepareria Post Office	Chepareria Post Office	9 th December 2014	37
Chepareria-Sebit	Parua location	7 th December 2014	27
Marich	Marich Shopping Centre		11
Kapenguria-Kamatira	Kamatira Shopping Centre	8 th December 2014	10
Psigirio-Mmagei	Makutano Dispensary	8 th December 2014	37
Sebit Shopping Centre	Sebit Shopping Centre	9 th December 2014	51
Waitaluk	Waitaluk Shopping Centre	5 th December 2014	32
Sirende	Sirende Shopping Centre	5 th December 2014	25
Matisi	Matisi Shopping Centre	5 th December 2014	50
Sinyereri-Kwanza	Sinyereri-Kwanza		38
Sitatunga –Kasaigat	Sitatunga –Kasaigat	6 th December 2014	28
Total Participants			391
Marich Pass Lodwar Road Section			
Napatet – Lodwar	Lodwar Trading Centre	2 nd December 2014	24
Lokichar	Lokichar Trading Centre	3 rd December 2014	29
Kainuk	Kainuk Trading Centre	4 th December 2014	26
Kakuma	Kakuma Chiefs Camp	6 th December 2014	24

Lokichoggio	Lokichoggio, DO's place	2 nd December 2014	30
Total Participants			232
Lodwar-Nakodok Road Section			
Lodwar Town	Lodwar Town	2 nd Dec. 2014	34
Napelilim	Nasiger Village Centre	2 nd Dec. 2014	220
Nakalale	Makutano Gold Centre	3 rd Dec. 2014	60
Kakuma	Kakuma Town	3 rd Dec.2014	30
Kalobiyei	Kalobiyei Village Centre	4 th Dec 2014	26
Songot	Songot Chief's Office	4 th Dec 2014	44
Lokichoggio	Lokichoggio Town	5 th Dec. 2014	54
Mireka	Mireka Grounds	2 nd Dec. 2014	28
Total			437
Focus Group Discussions - Women and Youth			
Location	Venue	Date	Number of Participants
Matunda (Youth FGD)	Matunda Market	9 th December 2014	9
Kesegon (Women FGD)	Kesegon Market	6 th December 2014	13
MaliSaba (Women FGD)	Miali Saba Centre	8 th December 2014	6
Naisambu/Kibomet (Youth FGD)	Naisambu/Kibomet Market Centre	5 th December 2014	10
Lokichoggio (Youth FGD)	Lokichoggio Trading Centre	5 th December 2014	15
Kalobeiyei (Youth FGD)	Kalobeiyei	4 th December 2014	9
Songot (Women FGD)	Songot Shopping Centre	4 th December 2014	11
Nasinger-Lagga (Women FGD)	Nasinger-Lagga	2 nd December 2014	8
Lodwar (Youth FGD)	Lodwar Shopping Centre	2 nd December 2014	8
Kainuk (Youth FGD)	Kainuk Centre	4 th December 2014	10
Lokichar (Women FGD)	Lokichar Trading Centre	3 rd December 2014	10
Kakuma (Women FGD)	Kakuma Trading Centre	3 rd December 2014	14
Total			124

Consultation Activities

Information to VMGs

In the context of the consultations, communities were provided with updated information about the Project in the frame of community meetings. Participants were invited to ask questions and received direct response.

- Participants entirely appreciated the Project.
- PAPs in expressed doubt on the compensation process being able to meet the benefits associated with land use.
- The most frequent questions from people affected by the project were related to the amount of compensation they would receive for the loss of production from land and when this compensation would be disbursed. People were concerned about if and how they would be able to gain access to alternative land, once their land plots would be not available for cultivation any more.
- People in the villages asked to know whether they would be considered for jobs when the construction exercise starts.

Table 21. Summary of Issues and Responses

Issue	Response
How will private land be compensated and what will be process of compensation?	All affected person will have their any of their lost land valued and captured in the entitlement in a Resettlement Action Plan (RAP). The National Land Commission (NLC) will publish the approved list for compensation in the local dailies and thereafter if no contentions arise as to the ownership, payment will be made. Those with or without title deeds will also be compensated provided they have the relevant documentation to prove ownership. Payment will then be made after valuation and based on market value.
<u>Who will be compensated?</u> What process will be used to identify PAPs who will be compensated and at what value?	Anybody impacted by the project will qualify for fair and just compensation based on market rates of land.
<u>What will be compensated?</u> We have planted trees on public land at Lord Keringet after Maili Saba. Will you compensate for loss of trees on public land too?	The road size on Waitaluk–Sirende is 40metres wide and any encroachment outside the 60metres into private land will be fully, fairly and justly compensated.
What is the correct size of road and will compensation be done on affected persons whose land would be encroached by the expansion of the road.	The road size on Waitaluk–Sirende is 40metres wide and any encroachment outside the 60metres into private land will be fully, fairly and justly compensated.
<u>Community Benefits</u> How will local communities benefits from employment and business opportunities offered by the project? Will shades be provided at the following areas Karas, Kamatira, Tantana, Bendera and St. Mary's. We would like those ablution facilities are constructed for the road users to avoid travelers using the forests to relieve themselves?	The Government will ensure that locals benefit from employment opportunity provided by the project particularly unskilled labour will be sourced locally. The contractor will ensure toilets are constructed for workers working on the road project and the project has a component for providing several roadside amenities including markets, rest stops among others
<u>Timing of Compensation</u> When will compensation be made?	Compensation will be done just before the project commences.
<u>Design and Safety</u> KENHA should consider erecting bumps at the Marich Pass trading Centre, Sigor Junction, Police area and Coastal. There is also need for a roundabout at Lelan. The economy of the population is largely dependent on small-scale businesses including boda bodas (passenger motor cycles) and there is need to incorporate them on the design to reduce the number of accidents.	Bumps were considered on various section of the road during the design stage. We will verify if the following additional sections can be considered during design review. More space will be created on the pavements and the road in town widened to facilitate boda boda motorcyclists. The design has factored this plus pedestrians use where necessary.
<u>Project Start Date</u> When is construction expected to begin?	Once the design review has been finalized, compensation made and procurement completed for the contractor, then construction will begin immediately.
<u>Who is a Project Affected Person</u> How shall we know that we are project-affected persons?	The project follows the current ROW. Those within the ROW will have to move and where we have new alignment or deviations from ROW, just and fair

	compensation will surely be made. Project Affected persons have already been informed of the same.
<u>Cultural Concerns</u> We have cultural trees at Bendera, will the project facilitate the cutting and transfer of this tree?	The project will facilitate the cost of transfer of cultural trees from Bendera to the site of choice of the community. All the accompanying costs will be compensated
<u>Compensation Process and Mode</u> What will be the mode of payment free of corruption?	KENHA will make payments through National Land Commission (NLC). Payments will be made payments to Project Affected Persons' (PAPS) bank accounts. This is expected to limit cases of corruption.
<u>Entitlement for PAPs</u> Will Government factor in a disturbance allowance due to inconveniences caused by resettlement?	Yes. Disturbance allowance of 15% of total valuation of assets will be factored in the compensation package to settle inconveniences caused by resettlement process.
<u>Legal Framework</u> What is the legality of compulsory land acquisition?	The Constitution of Kenya 2010 and Lands Act 2012 vested powers of Compulsory Acquisition on the government – NLC in particular, to compulsorily acquire land for development with just and fair compensation at market rates.
<u>Land Tenure</u> How will people settling on land without title deeds be compensated and whether those on government land will qualify for the same?	Anybody impacted by the project will qualify for fair and just compensation based on market rates of land. Efforts will be made to establish to exact ownership of the land from Land Department. However those on Government land would not be compensated but will be given some livelihood support.

Table 22. Summary of outcome of the PAP consultation

Anxiety, Fears, Concerns and Uncertainties	
Issues	Response
We do not how much we are going to receive in compensation payment for lose of assets,	All PAPs will be compensated based on the results of the valuation which is being undertaken using replacement costs for structures and market rates for land
What will happen if the cash compensation turns out to be inadequate to replace lost assets – let alone restoring lost income and livelihoods,	A grievance redress mechanism has been established with PAPs represented to handle grievances arising from compensation
We do not know the dates when compensation payments commence so that we can plan self-relocation,	All PAPs will be informed in advance at least 3 months on when to relocate after compensation
How will we know that our affected land and property is measured accurately and recorded or registered appropriately? Some affected property is not registered by oversight. What are the chances for correcting mistakes in registration of affected property?	Valuation exercise will be conducted in a transparent manner with all PAPs present and explanation on the valuation process provided for each PAP. Errors made will be resolved through the grievance committees
What if the impact of the road affects farmers	Land outside of the ROW/40 m will be

beyond the often-mentioned 40 meters width?	compensated.
What will happen if some of the property registered for compensation goes missing during actual compensation? What if we eat from crops that are registered for compensation?	Any structure, land or asset valued before the cut of date will be compensated whether they exist or not at the time of compensation. Any new structure after cut off date will not be compensated
Those of us who are of old ages, no matter how much money we receive in compensation, is not going to help us as we are unable to do much with it.	Money management training will be given to all PAPs and specifically to the vulnerable groups i.e. aged etc

Preferences and Demands	
Issues	Response
We do not want “land for land” compensation, just cash compensation,	The Project prefers land for land but will consider cash as well
We do not want to lose our kinship ties and social networks. If we receive timely and adequate compensation, we can relocate ourselves and reintegrate into existing communities,	This is noted
We need provision for transportation expenses during relocating our property,	The RAP will cater for disturbance and moving allowance
We demand that all PAPs are embraced in the various Food Security Programmes currently underway in the area,	This is noted
We demand that compensation payments are made as soon as possible,	Compensation will be made 3 months before project construction commences
Please, commence the civil work as soon as possible,	Civil work will only commence when all PAPs have been compensated
Those of us who use land given to us by our parents or inherited from them demand compensation payment for lost land, though the title of the land is in our parents’ names,	All households will be compensated including those owning land customarily
We trust that all affected property are included and registered accurately,	The RAP will value all the assets in the project affected area
Perennial crops are intergenerational in nature. I don’t think this fact has been understood and appreciated.	The project understand the difference between perennial and annual crops and will compensate these differently
Because, we, the current owners of property, are compensated for such loses. But, what about our	Compensation will be provided to households

children who would have depended on the same crops that the project destroys today?	based on existing property
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Expectations, Hopes, Aspiration and Needs	
Issues	Responses
Given very poor availability of social service facilities in our area, we ask the government (project) to provide support to the construction and or maintenance of such facilities as public health, veterinary clinics, schools, potable water supply, electricity, and telecommunications,	The project has a social investment component aimed at providing services like water and roadside amenities including market centres
We elderly people expect to be provided by special assistance,	Elderly are grouped as vulnerable and additional assistance will be provided to them
Project affected persons should be given a special consideration in all available employment opportunities, both short-term and long-term, We hope and aspire to help ourselves through using compensation payments for useful and productive purposes such as building dwellings, opening retail shops and business, opening restaurants to serve the demand that might come with the project, engaging in agricultural goods trading, organize ourselves into groups and engage in services such as ground transport (vehicular) and grain milling.	This is noted

Benefits and Appreciation	
Issues	Responses
The road component will open up opportunities and improve access to markets and services. We are rather lucky that the road cuts across our neighborhood, We agree on and pledge to observe the cut-off date as per the project request,	Thank you
We elderly people expect to be provided by special assistance,	Elderly are grouped as vulnerable and additional assistance will be provided to them

Questions and Clarifications	
Issues	Responses
As the farming season has already approached we need to know the verdict of affected land. Can we use the land until we receive compensation?	You may use the land until you will be provided with notice to vacate which is in advance of 3-6 months
What are the plans for family graves that will be affected?	Graves will be moved in accordance with the local customs and practices to new gravesites within the compounds of the PAP
Can we use the affected farmland temporarily to grow annual crops?	Yes until construction commences
What about the indirect impact of the road component on farmers residing close to it? They will be affected adversely by dust, noise and rolling stones during civil works,	There is an ESIA report under development which will design mitigation measures for impacts on environment
Who are the people nominated to do the property valuation?	Valuation is done by independent consultants-valuation experts in the presence of the PAPs
What are the procedures put in place to effect compensation payments?	Compensation will be done through cheques to the account of the PAPs. All PAPs will be requested to open a bank account. Payment may be through MPESA but upon verification of all PAP details.

Consultations on the RAP Compensation Approach

Simultaneously they were consulted on the compensation approach in order to obtain their endorsement:

- Compensation for loss of income from land
- Compensation for loss of residential structure
- Compensation for loss of business structure

The consulted local authorities and resettlement committees endorsed the compensation approach and confirmed their agreement with their signatures.

Key Informant Interviews

Structured interviews were conducted to better understand issues of land use and to gain an understanding of what would be important to consider for livelihood restoration. The results of the interviews are compiled in **Appendix 1**. The respective information was integrated into the main Social Assessment and RAP text, especially into the identification of livelihood restoration measures and into the baseline information about land use of affected communities.

Main issues addressed in the interviews were

- Most important crops on land and related yields
- Use of production from land (household consumption, market sale)
- Range of income from market sale of land production

- Assistance measures and compensation

Interviews on the Various Administrative Levels

Information gathering interviews were conducted on the County, Sub County, Location and sub location- levels.

Table 23 . Interviews on the County and Sub County and Village-Level

County/Sub County/Village Unit	Topics Addressed
Turkana and West Pokot County Government	Information on project, discussion on issues likely to affect the vulnerable groups; mitigation strategies; role of the County Government; mechanism for grievance redress among others; means and methods of engaging the VMGs;

7.6.2 Consultations in Context of SA Disclosure

The Social Assessment will be disclosed in the website of the Turkana and West Pokot County Government, KENHA, MOTI and World Bank to allow the public and stakeholders to consult the documents for final feedback. Publications will be in English. Hard copies will be placed in public areas (Turkana and West Pokot County Government headquarters, MOTI and KENHA office) to allow for public consultation. The disclosure process will be accompanied by the consultation of affected communities in order to obtain their views and concerns on the overall approach. A disclosure program, comprising:

- Consultation events during disclosure will be held on site in the affected villages and be made accessible for all affected people, including vulnerable groups.
- During the consultation events, concerns will be recorded and questions will be answered. PAPs will be informed on the availability of the full versions of the SA at the Sub County Offices.
- Focus group discussions in order to obtain views and concerns will be implemented in each of the affected communities
- Public information events for presentation and explanation of the SA, and
- The County Government of Turkana and West Pokot as well as the local resettlement committees of the affected communities will support the performance of the disclosure consultation program.
- The disclosure process will be explained and the SA executive summary will be presented and explained. Hard copies will be available for the local Turkana and Pokot communities.

7.6.3 CONSULTATION DURING IMPLEMENTATION

During implementation, the Project Implementation Unit will be responsible for the planning and performance of regular consultation with affected communities, covering the different groups of PAP, including vulnerable people. Community Liaison Officers (to be assigned immediately by the start of implementation, at the start of year 0) will be the staff who will operate the consultation program for the project affected communities during the implementation phase. Key elements of consultation during project implementation are:

- Continuous information of the affected population and other project stakeholders about Project progress and upcoming relevant activities;
- Continuous update of stakeholder list;
- Provide accessibility for affected people; establish capacity/availability for quick response to consultation needs expressed by PAP (i.e. constructions related concerns).
- Public consultation events in the context of the RAP monitoring program;
- Routine consultation of local resettlement committees in the context of the SA monitoring program;
- Special consideration of vulnerable people, organize the identification of and the individual participatory needs assessment with vulnerable persons (see chapter above);

From the start of SA implementation, PIU will operate a field office at the project site. The operation of the project office will be communicated broadly to affected people, including office hours of key staff. The location of the office will be signposted.

8 MONITORING PLAN

8.1 INTRODUCTION

This chapter presents the monitoring and evaluation framework that was developed in consultation with key stakeholders, especially beneficiaries and affected people. The framework identifies expected social development indicators; establish benchmarks, and design systems and mechanisms for measuring progress and results related to social development objectives. The framework also identifies organizational responsibilities in terms of monitoring, supervision, and evaluation procedures.

8.2 OVERVIEW

The monitoring is to assess the overall success of the SA and the effectiveness of the various processes and measures. Monitoring activities will comprise three main components:

- Internal monitoring
- External monitoring (by external experts);
- RAP completion audit (by one or more international experts)

The internal monitoring process will run as part of day to day PIU activities by the PIU teams.

External monitoring is intended to provide an independent, third party, objective assessment of the on-going project implementation to ensure that the Project is meeting international standards for compensation and resettlement.

The monitoring & evaluation team in collaboration with representatives of affected people will select final outcome indicators by the start of Year 0. A stratified sample of about 20% of affected people will be used consistently for outcome measurement. The stratification process will ensure that all sub-groups are adequately represented in the sample. The team will finalize the baseline against which indicators will be measured for the sample households prior to affected households' loss of assets (by month 6 of Year 0). Indicators will include both quantitative (such as income for livelihood restoration, size and quality for standard of living), as well as proxy indicators for livelihood restoration.

The completion audit will verify full, comprehensive and transparent implementation of the project according to international policies. Each of the key aspects of the M&E mechanism is described below.

Key results that the proposed Project will support are:

- i. Direct project beneficiaries (number) of which female (percentage)
- ii. Total project beneficiaries (number) with improved access to social services
- iii. Beneficiaries receiving access to water supply and sanitation in small towns and rural communities in Turkana and West Pokot County
- iv. Target land area where sustainable land and water management practices have been adopted as a result of the project

- v. Project beneficiaries (number) with enhanced livelihoods

8.2.1 OBJECTIVES OF MONITORING

The overall objectives of monitoring is to verify the following points:

- Actions and commitments described in the project including RAP, ESIA and SA are implemented fully and on time;
- Project affected persons understand their rights;
- Eligible project affected persons (PAPs) receive their full compensation entitlements and livelihood restoration measures within the agreed time;
- Physically displaced HH restore and improve living standards to at least previous levels
- Compensation and livelihood restoration measures are effective with regard to the enhancement or at least the restoration of livelihoods of PAPs;
- Complaints and grievances expressed/submitted by PAPs are followed up and resolved and that, where necessary, corrective actions are implemented;
- If necessary, changes in procedures are made to improve delivery of compensation/assistance to PAPs; needs for changes would be noted largely by the monitoring and evaluation results and through consultation of PAP

The overall responsibility of monitoring is with KENHA. The monitoring will be performed by internal (PIU) staff that will receive training with regard to monitoring techniques and recording of monitoring results and external experts will be hired for external monitoring (evaluation) where applicable.

8.2.2 M&E APPROACH

The following monitoring and evaluation approach will be used, whereby different levels of monitoring and evaluation are used

- Internal progress (Input/output) monitoring: measures whether inputs are delivered on schedule, and their direct measurable results, for instance
 - Lost sacred trees/ re-established
 - Graves and burial re-established
 - Vulnerable families relocated within their own clans

Monitoring will also seek to document and investigate specific conflict or hardship situations arising from the implementation of the RAP. Monitoring keeps track of RAP implementation efficiency and indicates whether changes have to be made to make the program work more efficiently. Progress monitoring is done internally by the Project at a frequency determined by the SA for every indicator. For this SA, participatory elements are integrated in the monitoring process, e.g. interviews and focus group discussions.

Note: Monitoring of compensation disbursement will be outsourced to an external independent entity.

- Outcome evaluation:
 - Outcome evaluation assesses whether standard of living and livelihood restoration measures are achieving the goals of restoring/improving standard of living of physically displaced households and/or

restoring/improving livelihood conditions of economically displaced households.

- Outcome evaluation defines the extent to which the project is achieving or likely to achieve the objectives. Re-establishment of businesses and earning acceptable returns over a reasonable period is an example of outcome. Outcome evaluation, combined with output monitoring results, will indicate whether the program is genuinely working and should continue to be implemented as planned, or whether some fundamental changes need to be made. Outcome evaluation looks beyond numerical compliance to the longer-term impacts of program inputs and outputs, do determine what works and what does not work, and what needs to be changed. Outcome evaluation will be done by an independent entity during project implementation.
- Outcome evaluation often uses proxy indicators (indirect indicators): for example, many people are reluctant to talk about their actual income. Proxy indicators can be used to help determine whether affected people are re-establishing or improving their livelihoods and standard of living. Indirect indicators may include school attendance, or the purchase of “luxury” items such as motorbikes, sat TVs.

8.2.3 INTERNAL MONITORING

Internal monitoring will verify progress and analyse relevant issues at regular intervals (e.g. quarterly) in order to provide information for necessary updates of the project implementation.

Table 20. Summary of Impact and Mitigation Measures of Potential Adverse Impacts on Turkana and Pokot Communities

Issue/Impact	Mitigation Measure(s)
<p>Loss of traditional spiritual trees located within the project area</p>	<p>There was broad community support for this project with a clear condition that the affected trees must be relocated in and following the traditional systems and ways of conducting the process. The Elders, who were informed that the project would affect the trees, were further consulted to find out measures that are culturally appropriate for minimizing this impact.</p> <p>Elders indicated that they would oversee the process of re-locating the trees but would need compensation mainly resources to obtain bulls that would be slaughters in order to appease the spirits during the relocation who would be disturbed. A full ceremony for relocating the shrines exists and elders would conduct the ceremony prior to commencement of any activity.</p>
<p>Loss of graves and communal burial sites</p> <p>The Turkana and Pokot people have a lot of reverence for the dead and therefore their graves are well preserved including communal burial sites, which is a common way of resting the departed in this community. They also, as much as they have adopted new forms of religious worship, have deep attachment to the traditional worship and the shrines are crucial in their ways of life.</p>	<p>All the affected graves/burial sites have been identified during the RAP census survey conducted in March-April 2014. During the dissemination of information about this project and as part of obtaining broad community support, the community was informed of the fact that graves will be affected and consultations were held to determine the measures, which are culturally acceptable in avoiding, minimizing or compensating for the adverse effects.</p> <p>The mitigation measure that was agreed upon during the deliberations was that all graves /burial sites identified as affected, will be relocated using the cultural practices and procedures. The council of elders will lead in the process of relocation, which is a ceremony with rituals and participation of the entire community.</p>

Issue/Impact	Mitigation Measure(s)
	<p>Project will meet all the costs related to relocation of the graves including those associated with moving the graves, administrative costs and if necessary costs for rituals and ceremonial processes.</p>
<p>Disruption of familial/Clan linkages, ties and family set up</p>	<p>Like other Kenyan tribes today, Turkana and Pokots have assimilated to modern cultural practices, resulting in the disappearance of many of their traditional customs. In order to ensure that the families/homesteads that will be physically displaced are resettled within their own clans so as to retain membership and ensure continuation of linkages, all families were requested to identify or indicate that they have families/clans members in neighbouring villages who would accommodate them without conflict. During the consultations, the families indicated that they had located where their clan members reside and that there was available land and were simply waiting for compensation to buy the land from their fellow clansmen and resettle.</p>
<p>Loss of Land</p> <p>The Pokot and Turkana community have a lot of collective attachment to land and inherent resources. Land is used by this community in many instances communally for grazing of livestock, settlements and homesteads, crop production among others.</p>	<p>All land owned collectively or individually by the Turkana and Pokot that will be acquired as a result of the project will be compensated based on the findings of the RAP and in accordance with OP. 4.12</p>

Issue/Impact	Mitigation Measure(s)
<p>Affected land will be residential land, land used for business and agricultural land. Land take will result in the permanent change of land use and the termination of the present use of the land.</p>	
<p>In-Migration</p> <p>Non-residents may move into the project area seeking employment and improved access to grazing, water resources, and improved infrastructure and services. This may result in increased resource-based conflict, strain on resources and infrastructure, increase in communicable disease transfer, and disruption to existing social structures</p>	<p>The project will sensitize all foreign workers on the customs, traditions and way of life of the Turkana and Pokot. This will also include awareness on HIV/AIDS which is likely to become a health concern</p>
<p>Gender</p> <p>Due to low levels of educational attainment, prevalence of traditional attitudes toward gendered roles, and high birth rates, project-associated employment benefits will go to male residents at the exclusion of women and other vulnerable residents.</p>	<p>Compensation for losses will not discriminate against gender and will be in accordance with the Constitution of Kenya. Gender targeted investments or income generating initiatives will be designed to target the vulnerable women</p>
<p>HIV/AIDS</p>	<p>Upon hiring, employees (local and non-local) should receive training in culturally appropriate interactions with local communities, as well as infectious disease transfer prevention. No non-local community employees should be permitted to leave camps. Only managerial employees with</p>

Issue/Impact	Mitigation Measure(s)
Increase in project-associated laborers, human and vehicular traffic may attract sex workers resulting in increased social conflict and rates of HIV and other disease infection	specific reason will be permitted to access local community for duty related activities.

Monitoring Activity	Mitigation Measure	Monitoring Indicator	Duration and Frequency	Phase	Party incurring costs	Party Implementing Measures
Impact: Loss of graves located within the project area						
<p>Monitor relocation processes against the RAP including the implementation plan</p> <p>Physical observation to ensure that affected graves and burial</p>	<p>All graves/burial sites identified as affected will be relocated using the cultural practices and procedures. The council of elders will lead in the process of relocation, which is a ceremony with rituals and participation of the entire community.</p> <p>All families whose dead will be disturbed will be compensated (monetary) for the disturbances and emotional strife, and the project will meet all the costs related to relocation of the graves including those associated with rituals and ceremonial processes.</p>	<p>Graves and burial sites relocated</p> <p>Compensation for ceremonies and rituals for relocating graves provided</p> <p>Written attestation by affected families, council of elders on</p>	<p>Throughout the pre-construction phase and ends when Affected Families, Council of Elders are satisfied and have relocated the graves</p>	<p>Prior to construction works</p>	<p>KENHA</p>	<p>MOTI, KENHA and County Government</p>

sites are relocated to the satisfaction of the affected before any construction works begin		satisfaction with compensation and relocation process				
Impact: Disruption of familial linkages, ties and family set up						
Monitor relocation processes against the RAP including the implementation plan Physical monitoring of the relocation exercise to ensure that homesteads affected are relocated within their clans and families	The project will ensure that all those homesteads that will be physically displaced will be resettled within their clan in order to retain membership and ensure continuation of cultural and clan based linkages.	Relocation Plan showing all Vulnerable Groups affected by clan and where they will be resettled. Physical map showing the clans in the project area and in proposed relocation sites Affected VGs resettled within their families % Total relocations made within agreed time Confirmation and attestation in written form by Council of Elders, Local Administrators and Clan Elders that homesteads have been relocated next to their kinsmen	Throughout the pre-construction phase and ends when Affected Families, Council of Elders are satisfied and have been relocated in areas where they are together as a family	Prior to construction works	KENHA	MOTI, KENHA and County Government
Impact: Disruption of clan related linkages, ties and structures/Social Bonds						
Physical monitoring of the relocation exercise to ensure that homesteads affected are relocated within their clans	The project will ensure that all those homesteads that will be physically displaced will be resettled within their clan in order to retain membership and ensure continuation of cultural and clan	Relocation Plan showing all Vulnerable Groups affected by clan and where they will be resettled. Physical map showing the clans in the project area and in	Throughout the pre-construction phase and ends when Affected Families, Council of Elders are satisfied and have been relocated in areas where they are	Prior to construction works	KENHA	MOTI, KENHA and County Government

	based linkages.	proposed relocation sites Affected VGs resettled within their families % Total relocations made within agreed time Confirmation and attestation in written form by Council of Elders, Local Administrators and Clan Elders that homesteads have been relocated next to their kinsmen	together as a family			
Impact: Loss of Land						
Monitor relocation processes against the SA including the implementation plan Physical monitoring of the relocation and compensation exercise to ensure that homesteads affected are relocated in line with OP. 4.12	All land owned collectively or individually by the Turkana and Pokot that will be acquired as a result of the project will be compensated based on the findings of the RAP and in accordance with OP. 4.12	Compensation of Turkana and Pokot for land acquired as per OP. 4.12 and livelihood restoration including cultural way of life achieved % Total compensations made within agreed time at agreed cost	Throughout the pre-construction phase and ends when Affected Families, Council of Elders are satisfied and have been relocated in areas where they are together as a family	Prior to construction works	KENHA	MOTI, KENHA and County Government
Impact: Consultation and Grievance						
Monitor grievances and complaints from VGs about the project prior to implementation, during implementation and post	Establish a functional and culturally appropriate grievance and feedback redress mechanism for the vulnerable groups	Do VGs understand the process of land acquisition/compensation/ livelihood restoration measures? Results of routine interviews with	Prior to construction phase, during implementation.	Prior to construction works and through out project construction phase	KENHA	MOTI, KENHA and County Government

project		<p>VGs</p> <p>Do VGs understand avenues for expressing grievances? Results of routine interviews with VGs</p> <p>What types of grievances have been issued and how have these been resolved?</p> <p>Summary of input from Grievance Procedure and routine interviews with VGs: factual information.</p> <p>Number and type of complaints received, response times, and feedback from stakeholders about their satisfaction with the process.</p>				
Performance Against Schedule						
Monitor implementation of SA as per schedule	Development of a Program Implementation Plan and schedule	<p>Payment of compensation and delivery of livelihood restoration measures % complete</p> <p>Grievance process: no. of grievances received/responded/resolved</p> <p>Consultation activities: records of meetings, discussions, interviews, etc.</p>	Prior to construction phase, during implementation.	Prior to construction works and through out project construction phase	KENHA	MOTI, KENHA and County Government
Overall Benefits to Vulnerable Group						
			Prior to construction phase, during implementation.	Prior to construction works and through out project	KENHA	MOTI, KENHA and County Government

				construction phase		
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8.2.4 Outcome Evaluation

Outcome evaluation will be done by a qualified and experience external evaluator. Outcome evaluation (with data collection and analysis) will be done with 6-month intervals from the beginning of implementation onwards. One of the key purposes of outcome evaluation is the identification of need for changes (e.g. for the implementation mechanisms) or additional actions within livelihood restoration. With 6-month intervals, need for changes can be identified timely and changes can be implemented as quickly as possible. Simple-socio-economic parameters will be established and monitored

Compliance and Completion Audit

The purpose of the compliance/completion audit is to determine whether the Project has met its commitments and can be released from further responsibility. Hence, the independent compliance and completion audit will focus on the assessment of compliance with the commitments of this SA, the relevant Kenyan legislation and the WB Policies. The audit will be performed by an independent entity (to be determined).

8.2.5 Compliance and Completion Audit

The compliance and completion audit will be performed in an integrated manner including the RAP about one year after completion of SA and RAP implementation, including the completion of the livelihood restoration programs.

- The compliance reviews will concentrate on
- Overall compliance with applicable legislation, international requirements and commitments of this SA
- Compliance with the eligibility criteria described in the RAP
- Actual delivery of entitlements as described in the RAP
- Compliance with implementation mechanisms described in the RAP
- The completion audit will assess all activities needed to achieve compliance were implemented and whether compensation (and resettlement) can be deemed complete.

A key objective of this SA is to ensure that vulnerable groups in the project area are compensated and livelihood restoration measures initiated and capable of leading to sustainable restoration or enhancement of affected people's quality of life and income levels.

8.2.6 Responsibilities

- Internal monitoring will be a responsibility of the PIU team. In cooperation with the monitoring officers, the community liaison- with the grievance management officers will be in charge of gathering and processing relevant data. Interim monthly reports will be established according to monitoring activities.
- Monitoring results will be entered into a digital database by PIU database management experts.
- PIU officers will also prepare the annual monitoring report to be delivered

- For outcome monitoring and evaluation external consultants will be hired who will conduct six-monthly monitoring missions during implementation. The scope of work of this consultant will include the two countries to address transnational consistency issues and to allow for comparisons.
- The compliance/completion audit will be contracted to a qualified and experienced consultant.

8.2.7 Evaluation Procedures

Evaluation will be undertaken in a transparent manner and will include combination of methods, such as participant observation, key informant interviews, focus group discussions, census and socio-economic surveys, gender analysis, Participatory Rural Appraisal (PRA), Participatory Poverty Assessment (PPA) methodologies, and other tools. These procedures will be tailored to the special conditions of the project and to the different groups living in the project area;

9 COST ESTIMATES AND FINANCING PLAN FOR THE SOCIAL ASSESSMENT

This chapter outlines the estimated costs for implementing the different aspects of SA for the Project. All costs for implementation of SA will be financed by the EARTTFDP. The costs below have been estimated based on interviews with community members and relevant government officials.

The budget for the implementation of the SA mainly includes costs for skills development and self-employment, training of the VMGs, consultation/meetings, information dissemination, NGO/Agency hiring for SA implementation & monitoring, GRM etc. The SA budget also includes costs for implementation of SA such as salaries and travel costs of the relevant KENHA/PIU staff. The Government of Kenya will finance all the cost of the SA.

Since all the project-affected people are Turkana and Pokot, costs related to the vulnerable groups are covered in the overall resettlement budget and resettlement action plan. The resettlement budget reflects among others;

Capital costs comprising compensation paid for loss of land, standing crops and trees, for structures and other fixed assets and for other entitlements such as displacement allowances etc.

Operation costs comprising costs for payment of salaries for KENHA/PIU, for support to Turkana and Pokot County Government, provincial administration, resettlement committees for monitoring and evaluation etc.

Costs related to land acquisition from the Turkana and Pokot including restoration efforts will be financed by the Government of Kenya and have been estimated in the RAP document. The Government of Kenya and World Bank will jointly finance the costs related to relocation of the graves and traditional spiritual trees.

The proposed activities will be funded through a CDD in approach in the sense that the affected groups will be accorded the privilege of choosing the type of interventions to be supported and locations for these interventions in a consultative, equitable and participatory manner. Using the Community Driven Development (CDD) approach, proposals will be sought from communities, which support livelihoods especially targeting women and youth. This will bring different actors from different sectors under a Steering Committee to vet and prioritize proposals. This is one of the ways that social inclusion will be achieved and ensures that vulnerable groups are included in the benefit stream and in access to opportunities created by the project.

Table 21. Cost for SA Implementation

Activity	Cost (USD)
Compensation for loss of traditional trees	50,000

Compensation for loss graves and burial sites	50,000
Compensation for land	See RAP
Compensation for trees	See RAP
Compensation for structures	See RAP
Livelihood restoration costs	See RAP
Moving/Disturbance Allowances	See RAP
Initiation of gender focused interventions for vulnerable groups	200,000
Communication and Consultation	100,000
Workshops and Seminars	50,000
Grievance Redress and Feedback Processes	50,000
Capacity Building including training	50,000
Fee to NGO for SA Implementation	100,000
Fee For Monitoring and Evaluation/External and Internal Consultants	100,000
Total	750,000

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11 APPENDIX

APPENDIX 1 – CONSULTATIONS/MINUTES OF MEETINGS WITH AFFECTED COMMUNITIES

Summary of Minutes of Meetings Held With PAPs at Different Locations

Kainuk Consultation Held on the 4/12/2014(Chief's office compound)

The area chief introduced his team and introduced the consultants to the stakeholders. He appreciated the efforts made and encouraged the locals to accept the project as they were the ones to suffer.

Concerns

1. Locals were concerned of the indigenous trees that were to be destroyed during construction, as this would cause deforestation. The stretch from Lokichar to Kainuk has indigenous trees and the fodder tree, which is seeds and food the livestock.
2. They were happy the road would be constructed on so they would also not miss out on county revenue as most trucks were diverging to Uganda route due to the bad roads in Turkana.
3. The road would also add to more passengers' buses currently there is only one bus plying the route and thus causing congestion and heavy fares are levied on the passengers.
4. Turkana rely solely on food from Kitale and due to the bad roads traders at times get stranded on the roads due to heavy downpour and forced to throw away foods due to the overstay on the road side.
5. Insecurity along the roads and livestock raid is rampant especially from the neighboring Pokot
6. Increase of foreign employees and influx of immigrant over population will cause intermarriage, diseases HIV etc
7. Business links with Sudan and Kenya will be strengthened
8. KENHA should make sure the standard quality of the roads is the same as other counties.
9. Bridges should be constructed, as one may not reach their destination especially when it rains due to the broken and over stretched lags.
10. KENHA to have a meeting with the PAPS before destruction and before being resettled.

Kakuma Consultation Meeting at the Chiefs camp on the 5/12/2014

1. **Employment:** Most of the locals expressed their desire that employment opportunities to be reserved for them in order to create employment for the youth. They requested that the workforce should use technology transfer for subsequent maintenance and operations.
2. **Loss if income generating activities:** Locals felt they would be total loss for their businesses as Kakuma was a ne way street own and if they were to relocate then the whole town will be wiped out. They asked the project planners to relocate them close to the road so that they would not go far from their initial business centres.
3. **Compensation:** Locals requested for adequate time for relocation and timely compensation to enable them plan well.
4. Locals praised and have committed to embrace the road project, as it will bring development and benefits for the community in line with vision 2030.
5. **Land Market;** Project will trigger land market in the area; speculators will invade the area to capitalize on the new opportunity in land values.
6. Locals emphasized the need for the project to construct an overpass/fly overs and bridges across the highway and consider also the physically challenged people.

Consultation Meeting at Napatet (Lodwar County) 2/12/2014

Introductions:

The chief gave thanks to KENHA and the consultants for creating time to consult them and urged the locals to give out their views and opinion of the project. He also told the locals not to oppose the project and look at the good side of what it will benefit Turkana as a county.

Main Concerns For The PAPs:

1. Compensation: The locals said that they wish to be compensated early before the project starts and wish KENHA to reach out to everyone because there were some of them who were very illiterate and ignorant. The issue of land came up as Turkana's have communal land and they were wondering which criteria would be used to compensate them?
2. Duration of compensation and how it will be conducted because they did not want to be paid through their leaders (politicians). They asked for the requirements for compensation. Locals emphasized that the compensation should be conducted through their local chiefs because they were the ones who knew the area and the occupants of the lands affected by the project.
3. KENHA should split the tenders and award the preferred contractor to fast track the work as locals have been waiting for the road project for a very long time and now have no hope on any study being conducted on road projects.
4. Employment for contracts on road should be given to the locals and only expertise should be exempted. The wages should also be above the average and not below the living standards. Contractors to outsource laborers' within Turkana and not from Nairobi.
5. Loss of indigenous trees, locals felt that a comprehensive EIA should be done on the highway to avoid cutting of excessive trees without replacement, as this would cause desertification.
6. Health issues due to dust from roads and diseases contracted from the influx of foreign employees due to high increase of employment.
7. Social livelihood will be affected due to the relocation of PAPs
8. Locals emphasized if the quality of roads to be of quality as other counties as they had experienced that the roads constructed in Turkana were of poor quality.
9. Civic education to be conducted to avoid conflicts when the contractors start working on the roads.
10. Good inter-boundary relations with neighboring countries, business will flow and market access to all will be opened
11. Transport will be accessible and costs will be affordable
12. Social economy will be boosted -investors will be encouraged to invest in Turkana-Juba
13. Insecurity along the highway will be reduced

Lokichar Consultation Meeting at Check Point Market on 3/12/2014

Meeting headed by chief of Lokichar Josephine Ekal and in attendance was Lokichar Check Point Business Group.

Concerns:

The locals were impressed that they were consulted and were happy with the road project and did not oppose although they had concerns over a few issues. The locals were impressed that they were consulted and were happy with the road project and did not oppose although they had concerns over a few issues.

1. KENHA should construct a market at a strategic location that they would be able to get accessibility to market their products as this was their only source of income and majority of the traders were widows or orphans. They stated that they had registered the group and meetings regarding the relocation had been conducted several but they never agreed to the location as it was way too far from their usual business customers and the space was not enough for all the traders. They however requested KENHA to purchase a larger plot near the road to accommodate the larger group. It was clarified with the chief that there was market already constructed for the traders but they opposed it saying it was small and not strategic for their customers as their target was the travelers and trucks drivers. They however requested for a modern market location that would accommodate transportation and accessible roads to

- the market.
2. Traders also asked KENHA if they already had a place in mind that they wanted to relocate them and requested that they should be involved in the process.
 3. What will be compensated, because the land where the traders were was communal land given to them by County for business?
 4. Employment for the youth also came up and locals requested to be given priority
 5. Locals emphasized on KENHA to have road signs, bumps and road marshals to avoid accidents.
 6. Health issues as dust due to road construction will lead to diseases like TB, and other diseases caused by foreign employees i.e. HIV
 7. Sanitation and sewer system to be constructed along the main market areas because this was a major problem with the lagas.
 8. Civic education to be given to all the affected persons before being relocated.

Meeting held at DO's office in Lokichoggio on the 6/12/2014

Concerns:

1. **Land issues:** locals and business community felt that the rates of land will go up and land owners already do not want to sell land as they await the road construction to start, so as to get better or higher payments for lands. They did mention that there was a lot of squatters building next to the road and wondered how the compensation will be conducted. What of those leasing the land, what of tenants? And land owners?
2. **Social livelihood:** Lokichoggio has been known to be a vibrant town and now with the road, social livelihood will change.
3. Community asset, locals asked if they will compensate just for their assets in cases where land was not theirs.
4. Water supply and sanitation, locals mentioned that they did not have any sewer system and water was a major issue in Turkana and asked if this would also be considered when the roads are being constructed.
5. **Compensation:** locals felt that they should be paid in full and not installments' as they wanted to prepare themselves early for relocation.

Issues	Responses
When is the road construction expected to start?	No time given. However, construction will start once the final engineering design is done and finances for the construction are available, this may take at most 3 years. Local leaders will be notified before construction starts.
Will the local people be considered for employment?	The contractor(s) will be asked to give the local people first priority in employment of skilled and unskilled labour
Who is entitled to compensation?	Those who were earning a living or own property (land and structures) along the project corridor before the cut off dates for different sections of the road corridor
Why will the government compensate for this specific project and not other projects elsewhere (e.g. the Langata demolitions)?	The design phase of the projected is funded by World Bank; hence it must a bid by the bank's guidelines on evictions and resettlement.
How much will be the compensation?	A registered valuer will visit the affected parties to cost / determine the amount to be paid as compensation. However, those dissatisfied with the value given will be free to appeal in court.
Will compensation be given before construction starts? Will a vacate notice given.	Yes, compensation will be given before road construction starts. A humble notice will be given for the affected parties to vacate before construction starts.
Will the road retain the current dangerous route at	Yes. However, there will be some realignment at

Kamatira Hills?	Kamatira Forest section to reduce the road grades.
Where will the road construction materials be sourced from?	The road design engineers have identified suitable construction materials sources in the area, owners of the material sites will be compensated by the contractor(s)
Will those people who have voluntarily removed/demolished their structures which were in the road reserve be compensated?	Yes, if the structures had not been demolished by establishment of cut off dates for the different RAPs
What measures will be in place to protect the local people from environmental pollution and safety during the construction period.	An EIA Study has been undertaken and has captured the concerns of local people. Appropriate mitigation measures (e.g. dust suppression, speed limits, provisions of deviations, etc.) have been recommended.

Community Issues and Concerns	Consultation Team Responses
How will private land be compensated and what will be process of compensation?	All affected person will have their any of their lost land valued and captured in the entitlement in a Resettlement Action Plan (RAP). The approved list for compensation will then be published in the local dailies by The National Land Commission (NLC) and thereafter if no contentions arise as to the ownership, payment will be made. Those with or without title deeds will also be compensated provided they have the relevant documentation to prove ownership. Payment will then be made after valuation and based on market value.
What process would be used to identify those that would be compensated and at what value?	Anybody impacted by the project will qualify for fair and just compensation based on market rates of land.
I have planted my trees on public land at Lord Keringet after Maili Saba. Will you compensate for loss of trees on public land too?	First and foremost, you will be granted time to harvest all your trees, the trees will be valued and you will be compensated for them.
What is the correct size of road and will compensation be done on affected persons whose land would be encroached by the expansion of the road.	The road size on Waitaluk – Sirende is 60metres wide and any encroachment outside the 60metres into private land will be fully, fairly and justly compensated.
What is the legitimacy of previous surveys done without their community involvement?	Due to the magnitude of the project it was not possible to involve everyone and the reason the forum is held today. The government will deal with individual land owners during compensation and that GPS coordinates will be used during surveying for accuracy. Consultations will be on-going through Resettlement Committee that have been formed. They will carry the consultation between the contractor, the Government and community.
They have been many accidents in the some section of the roads. There is need to erect	Bumps were considered on various sections of the road during the design stage. We will verify if the following

<p>bumps in notorious areas to curb further accidents. These areas include:</p> <ul style="list-style-type: none"> a) Sirende Primary b) Friends Secondary c) St. Johns Secondary d) Lamp Lighter Primary e) Machungwa Primary f) Machungwa Secondary g) Sieyenga 	<p>additional sections can be considered - Sirende Primary, Friends Secondary, St. Johns Secondary, Lamp Lighter Secondary, Machungwa primary, Machungwa secondary and Sieyenga</p>
<p>KENHA should consider providing culverts in sections diverting into villages or other rural roads or homestead. The following sections are suggested:</p> <ul style="list-style-type: none"> a) Karara – road to Karara b) Moi’s Bridge (Kapkoii secondary schools c) Friends Secondary d) St. Johns Secondary e) Lamp Lighter Primary f) Machungwa Primary g) Machungwa Secondary 	<p>The design has ensured that culverts are placed at every entrance or diversion to public schools. For safety purposes, the contractor will verify the need of culverts at Sirende Primary, Friends Secondary, St. Johns Secondary, Lamp Lighter Secondary, Machungwa primary, Machungwa secondary.</p>
<p>The following section was proposed for a road bus parking space for unloading and loading passengers and goods. The sections suggested include</p> <ul style="list-style-type: none"> a) Junction Kapikoi b) Junction of Korara. c) Sienga d) Kwa Muthoni 	<p>The section will be considered during design review for bus parking space.</p>
<p>When will compensation be made?</p>	<p>Compensation will be done just before the project commences.</p>
<p>How will locals benefits from employment opportunities offered by the project?</p>	<p>It is Government policy to ensure that the locals benefit from employment opportunity provided by the project particularly unskilled labour, which will be sourced locally.</p>

Maili Saba – Sitatunga - Sinyereri – Kwanza

The area is comprises of two regions separated by the highway. The stretch from Sinyereri-Maili Saba has potholes patched with soil by the locals and is also in a dilapidated state. It is with this in mind that the community would like the road construction process be expedited to facilitate easy transport and movement of goods. The meeting covered Maili Saba, Sitatunga, Sinyereri and Kwanza locations. The consultant explained the reason for convening the meeting as SS-EARTDFP and thanked the community members who were in attendance for creating time to discuss the impact of the proposed project. The chief of the area also took time to give a brief history of the project and the expected impact as a result of its execution.

Community Issues and Concerns	Consultation Team Responses
How will valuation be done?	All affected immovable property or asset will be valued at market rates and compensated for by Government.
How will people settling on land without title deeds be compensated and whether those on government land will qualify for the same?	Anybody impacted by the project will qualify for fair and just compensation based on market rates of land. Efforts will be made to establish to exact ownership of the land from Land Department. However those on Government land would not be compensated but will be given some livelihood support
What is the correct size of road and will compensation be done on affected persons whose land would be encroached by the expansion of the road.	The road size on Kitale town – Hospital ward is 40metres wide and any encroachment outside the 40metres into private land will be fully, fairly and justly compensated.
What is the legality of compulsory land acquisition	The Constitution of Kenya 2010 and Lands Act 2012 vested powers of Compulsory Acquisition on the government – NLC in particular, to compulsorily acquire land for development with just and fair compensation at market rates.
Why were consultations not been done during the design stages?	Consultations were held during the design stages and we have minutes and attendance list to prove that they were done. KENHA takes consultations seriously and must undertake consultation at every stage of any road project.
The economy of the population is largely dependent on small-scale businesses including boda bodas (passenger motor cycles) and there is need to incorporate them on the design to reduce the number of accidents.	More space will be created on the pavements and the road in town widened to facilitate boda boda motorcyclists. The design has factored this plus pedestrians use where necessary.
The road drainage system should not flood people farms as is the current design since this would negatively affect our farms	The feasibility study has factored in the whole aspect of the road drainage system and where possible avoided flooding individual farms. All drainage water will be directed to the rivers by-passing the roads. The link roads will also be tarmacked to some extent especially those that lead to public utilities.
Our youth should benefit from employment opportunities offered by the project	The project will provide opportunity for employment and small community procurements to the locals. Each road section will have opportunity for recruitment of the local youths. The contractor will liase with the chief for specific arrangements on this.
When will compensation be made?	Compensation will be done just before the project commences which could be next year.
How will locals benefits from employment opportunities offered by the project?	The Government will ensure that locals benefit from employment opportunity provided by the project particularly unskilled labour will be sourced locally.

Psigirio – Makutano

The consultation meeting was held in 8th December 2014. The County Government and Chief helped in the mobilization of the community participants. The chief

welcomed the members present and thanked them for attending the meeting though it was a market day. The community members in turn expressed their support to have the road construction process expedited. Those that would be affected and had knowledge of encroaching the road willingly accepted to move to pave way for the construction process. Participants present were mainly from Psigirio – Makutano stretch of the highway.

Community Issues and Concerns	Consultation Team Responses
What will be the mode of payment free of corruption?	KENHA will make payments through National Land Commission (NLC). Payments will be made payments to Project Affected Persons' (PAPS) bank accounts. This is expected to limit cases of corruption.
Will Government factor in a disturbance allowance due to inconveniences caused by resettlement?	Yes. Disturbance allowance of 15% of total valuation of assets will be factored in the compensation package to settle inconveniences caused by resettlement process.
What process would be used to identify those that would be compensated and at what value?	Anybody impacted by the project will qualify for fair and just compensation based on market rates of land.
What is the correct size of road and will compensation be done on affected persons whose land would be encroached by the expansion of the road.	The road size on Sinyereri – Kwanza section is 40 metres wide and any encroachment outside the 40 metres into private land will be fully, fairly and justly compensated.
Shall we continue to be involved even during the survey?	Survey work has actually been done and the community has been involved all along. During actual compensation the community will continue to be involved through Resettlement Committees already established.
<p>KENHA should consider erecting bumps in the following areas to curb accidents especially those related to pedestrians:</p> <ul style="list-style-type: none"> a) Sirikwa b) Milima Primary school, c) Kesogon centre d) Rehema Primary School e) Kipsaina Market (PAG) f) Satellite 	Bumps have been considered on various sections of the road during the design stage. We will verify if the following additional sections can be considered during design review.
An underpass bridge should also be constructed at Sinyereri Bridge to allow rare antelopes (Sitatungas) to cross.	Proper road signs particularly those intended to improve safety and protection of rare Sitatunga antelope species will be erected. A proposal for Underpass Bridge will also be made for consideration during design review.
Proper road signs (preferably those made of other materials other than metal) should be erected at relevant points with security lights stationed in every market area.	Proper road sign will be made at relevant points to enhance road safety using appropriate materials that does invite theft.
Is it possible to construct shades at every bus stage?	Shades are not within the mandate of KENHA but the County Government at respective points.
KENHA should consider providing culverts in sections diverting into villages or other rural roads or homestead.	The design has ensured that culverts are placed at every entrance or diversion to public schools. Other additional culverts will be made at the recommendation of the community.

When will compensation be made?	Compensation will be done just before the project commences.
How will locals benefits from employment and business opportunities offered by the project?	The Government will ensure that locals benefit from employment opportunity provided by the project particularly unskilled labour will be sourced locally.

Sebit Consultation Meeting

The chief welcomed the members present and thanked them for attending the meeting. He welcomed the construction of the road on behalf of the community. KENHA consultant explained the reason for convening the meeting – the scope of SS-EARTTDFP and the importance of their consultations and thanked the community members who were in attendance for creating time to discuss the impact of the SS-EARTTDFP proposed project. Community members in attendance were those living along Sebit stretch of the Lesseru – Marich Pass highway.

Community Issues and Concerns	Consultation Team Responses
What will be the mode of payment free of corruption?	KENHA will make payments through National Land Commission (NLC). Payments will be made payments to Project Affected Persons' (PAPS) bank accounts. This is expected to limit cases of corruption.
Will compensation be fair and how will you evaluate fairness of compensation?	Compensation will be fair since it will be based on current market rates. The law says just and fair compensation.
How shall we know that we are project affected persons?	The project follows the current ROW. Those within the ROW will have to move and where we have new alignment or adjustments, just and fair compensation will surely be made. Project Affected persons have already been informed of the same.
What is the correct size of road and will compensation be done on affected persons whose land will be encroached by the expansion of the road.	The road size on Psigirio – Makutano section is 60 metres wide and any encroachment outside the 60 metres into private land will be fully, fairly and justly compensated.
It was important that ablution blocks be constructed for the road users to avoid travelers using the forests to relieve themselves. This always infringes on our culture and will not be entertained by the locals. The contractor should also respect the culture and norms of the community.	The contractor will be requested to ensure that ablution facilities are put in place in all project sites areas to ensure that the environment where we have construction is not polluted.
There is also need to erect bumps in the following areas to curb accidents especially those related to pedestrians: a) Bondeni – Kamwotyny centre b) Murkwijit centre c) Tarau junction	Bumps were considered on various sections of the road during the design stage. We will verify if the following additional sections can be considered during design review. The design has also considered comprehensively the issue of road signs.
KENHA should consider providing culverts	The design has ensured that culverts are placed at every

in sections diverting into villages or other rural roads or homestead.	entrance or diversion to public schools. Other additional culverts will be made at the recommendation of the community.
We have had previous road sign stolen by people in business of scrap metals?	Proper road signs (Preferably those made of other materials other than metal) will be erected at relevant points especially cattle and children's crossings with security lights stationed in every market area.
How shall the project ensure the safety of our livestock?	Proper road signs indicating drivers to be careful will be erected at relevant points especially where we have cattle and children's crossings.
Shades should also be constructed in every stage especially at Kamwotiny, chief's place, Tartar junction and Rumaita stage.	Shades construction is the responsibility of County Government and not KENHA.
When will compensation be made?	Compensation will be done just before the project commences.
How will locals benefits from employment and business opportunities offered by the project?	The Government will ensure that locals benefit from employment opportunity provided by the project particularly unskilled labour will be sourced locally.

Kamatira – Chepareria Trading Centre

The chief welcomed the members present and thanked them for attending the meeting. The consultant explained the reason for convening the meeting – the scope of SS-EARTTDFP and the importance of their consultations and thanked the community members who were in attendance for creating time to discuss the impact of the SS-EARTTDFP proposed project. Community members living along *Makutano – Kamatira - partly Chepareria* stretch of the Lesseru – Marich Pass highway were in attendance. The following were the concerns raised by the community along the stretch.

Community Issues and Concerns	Consultation Team Responses
How will Project Affected Persons (PAPs) be compensated fairly for their land.	Compensation will be fair since it will be based on current market rates. The law says just and fair compensation.
Is it possible to get the maps for the area and place it with the local chief for verification?	Yes, it is possible to get maps for the area. The maps will be placed at the chief's place for easy accessibility.
What is the correct size of road between Kamatira-Chepareria?	The road size on Kamatira – Sebit section is 50 metres wide and any encroachment outside the 50 metres into private land will be fully, fairly and justly compensated.
We would that ablution facilities are constructed for the road users to avoid travelers using the forests to relieve themselves?	As per Environmental Impact Assessment (EIA) report, the contractor will ensure toilets are constructed for workers working on the road project.
We have cultural trees at Bendera, will the project facilitate the cutting and transfer of this tree?	The project will facilitate the cost of transfer of cultural trees from Bendera to the site of choice of the community. All the accompanying costs will be met by the project.
The current design of the Kamatira stretch is a death trap as the design has many flaws especially going downhill. Many accidents	The Kamatira stretch will be re-designed and diverted. The Government is aware about the many accidents on the stretch and that is why it has re-designed the section.

<p>have occurred at the spot as a result of the poor design. The government should redesign the stretch. There is need to erect bumps in the following areas to curb accidents especially those related to pedestrians:</p> <p>a) Karas b) Tunnel at Ng'ombe Moja and St. Mary's c) Kamatira Shopping Centre d) Tandana e) Soko Mjinga f) Yang'at and Kabesi</p>	<p>Bumps have also been considered on various sections of the road during the design stage. We will verify if the following additional sections can be considered during design review.</p>
<p>KENHA should consider providing culverts in sections diverting into villages or other rural roads or homestead.</p>	<p>The design has ensured that culverts are placed at every entrance or diversion to public schools. Other additional culverts will be made at the recommendation of the community.</p>
<p>There have been theft of previous road signs placed on the road? How do you plan to save our roads?</p>	<p>Proper road signs made of other materials other than metal will be erected at relevant points.</p>
<p>Will shades be provided at the following areas Karas, Kamatira, Tantana, Bendera and St. Marys. There is also need for a roundabout at Lelan</p>	<p>Shades are not within the mandate of KENHA but of the County Government</p>
<p>How will our cattle and children be protected from the speeding cars?</p>	<p>There will be road signs indicating to the speeding drivers the need to slow down due to presence of large number of livestock in the area.</p>
<p>When will compensation be made?</p>	<p>Compensation will be done just before the project commences.</p>
<p>How will locals benefits from employment and business opportunities offered by the project?</p>	<p>The Government will ensure that locals benefit from employment opportunity provided by the project particularly unskilled labour will be sourced locally.</p>

Marich Pass

The chief welcomed the members present and thanked them for attending the meeting. He welcomed the construction of the road on behalf of the community. The consultant explained the reason for convening the meeting – the scope of SS-EARTTDFP and the importance of their consultations and thanked the community members who were in attendance for creating time to discuss the impact of the proposed project.

Community Issues and Concerns	Consultation Team Responses
<p>What will be the mode of payment for entitlement package?</p>	<p>KENHA will make payments through National Land Commission (NLC). Payments will be made payments to Project Affected Persons' (PAPS) bank accounts.</p>
<p>Can we be assisted to get maps for the area at the local chief for verification?</p>	<p>Yes. The County Lands office has agreed to get the maps and place them at the chief's offices for reference.</p>
<p>What process would be used to identify those that would be compensated and at</p>	<p>Anybody impacted by the project will qualify for fair and just compensation based on market rates of land.</p>

what value?	
What is the correct size of road at Marich Pass?	The road size on Marich Pass section is 60 metres wide and any encroachment outside the 60 metres into private land will be fully, fairly and justly compensated.
Shall we continue to be involved even during the survey?	Survey work has actually been done and the community has been involved all along. During actual compensation the community will continue to be involved through Resettlement Committees.
Will the road improve on the drift which are impassable during rainy season?	All drifts will be replaced by bridges.
KENHA should consider erecting bumps at the Marich Pass trading Centre, Sigor Junction, Police area and Coastal	Bumps were considered on various section of the road during the design stage. We will verify if the following additional sections can be considered during design review.
Toilets should be constructed during construction period to limit pollution of the environment.	Toilets are going to be constructed for workers along the roads to limit environmental pollution.
KENHA should consider providing culverts in sections diverting into villages or other rural roads or homestead.	The design has ensured that culverts are placed at every entrance or diversion to public schools. Other additional culverts will be made at the recommendation of the community.
When will compensation be made?	Compensation will be done just before the project commences.
How will locals benefits from employment and business opportunities offered by the project?	The Government will ensure that locals benefit from employment opportunity provided by the project particularly unskilled labour will be sourced locally.

FOCUS GROUP DISCUSSION/MINUTES WITH WOMEN AND YOUTH PASTORALISTS

MINUTES OF FOCUS DISCUSSION GROUP (WOMEN) MEETING HELD AT SONGOT ON THE 4TH DECEMBER 2014 AT 15.00PM.

Present.

- Liya Mango - Team Leader
- Pauline Makhoha – Consultant (Gender Specialist)
- Research Assistants

Introduction

AGENDA OF THE MEETING

1. Opening of the meeting/Word of prayer
2. Introduction of participants
3. Views and purpose of the Focus Group Discussion
4. Closing remarks
5. A.O.B
6. Closing/prayer

Discussions

The women community members present were urged to give their views on the project, which they did, a summary of the consultative exercise is tabled below;

Comments and Issues	Response
The ladies raised issue of not being the head of the families and hence did not have platforms to air views or make decisions while father /husband is alive.	This is noted and PAPs will be encouraged and sensitized on gender equality.
Will there be health facilities and schools? Patterns of community will change and high levels of teenage pregnancy and sexual promiscuity will rise	HIV awareness and prevention campaigns amongst community and workers will be encouraged.
What will be the mode of payment and will it be free of corruption?	KENHA will make payments through National Land Commission (NLC). Payments will be made to Project Affected Persons' (PAPS) bank accounts. This is expected to limit cases of corruption.
We do not know how much we are going to receive in compensation payment for loss of assets,	All PAPs will be compensated based on the results of the valuation which is being undertaken using replacement costs for structures and market rates for land

Conclusion

The meeting ended at 16:00 with a word of prayer from Veronica Atabo.

Recorded by – Pauline Makhoha

MINUTES OF FOCUS DISCUSSION GROUP (WOMEN) MEETING HELD AT KAKUMA ON THE 3RD DECEMBER 2014

Present.

- Liya Mango – Team Leader
- Pauline Makhoha – Gender Specialist
- Women Stakeholders.

Introduction

This focus group discussion meeting was convened at Kakuma with the intention of getting the views of women within the community in regard to the project. It opened with a prayer from Alice Nakaale.

AGENDA OF THE MEETING

7. Opening of the meeting/Word of prayer
8. Introduction of participants
9. Views and purpose of the Focus Group Discussion
10. Closing remarks
11. A.O.B
12. Closing/prayer

Discussions

The community members present were urged to give their views on the project, which they did, a summary of the consultative exercise is tabled below;

Comments and Issues	Response
Will they be compensated for the loss of business as this is their daily income and most of them are widows?	Property valuation shall be done in order to compute compensation packages of the properties that shall be affected and damaged including trees, buildings and other structures.
What will happen if the cash compensation turns out to be inadequate to replace lost assets – let alone restoring lost income and livelihoods,	A grievance redress mechanism has been established with PAPs represented to handle grievances arising from compensation
Perennial crops are intergenerational in nature. I don't think this fact has been understood and appreciated.	The project understand the difference between perennial and annual crops and will compensate these differently
Because, we, the current owners of property, are compensated for such loses. But, what about our children who would have depended on the same crops that the project destroys today?	Compensation will be provided to households based on existing property
Workers from outside the community engaged in construction may bring with them alien cultures, which may corrupt our youth.	All in-migration workers will be furnished with an ethics code on how to interact with the locals in a respectable manner.
Aside from compensating us for involuntary displacement, is there any other way the project will benefit us?	The proponent will also come up with measures to restore livelihoods.
Is there a grievance redress mechanism system in place and will it be effective?	There is a grievance redress mechanism in place which with corporation from the PAPs is expected to handle any issues fairly.

Amongst us are the elderly people and we expect to be provided special assistance,	Elderly are grouped as vulnerable and additional assistance will be provided to them
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Conclusion

The meeting ended at 16:00 with a closing from Vivian Epuu. The appreciated the project motives and resolved to support it to its conclusion and stressed the need for them to be involved in all aspects of the project.

Recorded by – Pauline Makhoha

Approved by – Liya Mango

MINUTES OF FOCUS DISCUSSION GROUP (WOMEN) MEETING HELD AT MAILI SABA ON THE 8TH DECEMBER 2014

Present:

- Liya Mango – Team Leader
- Pauline Makhoha – Consultant (Gender Specialist)
- Stakeholders as per attached attendance list.

Introduction

This Focus Group Discussion took place at Maili Saba in Kitale. It was attended by women groups constituted within the Maili Saba area.

Agenda of the meeting

13. Opening of the meeting/Word of prayer
14. Introduction of participants
15. Purpose of the meeting
16. Closing remarks
17. Closing/prayer

The meeting started with a word of prayer led by the chair lady of the women group. The consultants then introduced themselves to the assembled stakeholders. They explained the purpose of convening the meeting. The public was made aware that the consultants were there to undertake an inventory of assets belonging to the community.

Discussions

The community members present were urged to give their views on the project, which they did, a summary of the consultative exercise is tabled below;

Comments and Issues	Response
We use our land for farming and pasture for our animals. If our land is acquired what will we leave on?	The owner of land that is acquired will be fully compensated for it to enable them get a similar property elsewhere.
By acquiring land here for the project, family and social linkages may be interfered with? How can this be avoided?	The project proponent is aware of the close ties families have. It does not expect to relocate affected persons too far from their kin, it hopes the PAPs will be accommodated within their kin hence no social destabilization on a large scale is expected.
Workers from outside the community engaged in construction may bring with them alien cultures, which may corrupt our youth.	All in-migration workers will be furnished with an ethics code on how to interact with the locals in a respectable manner.
Is there a grievance redress mechanism system in place and will it be effective?	There is a grievance redress mechanism in place which with corporation from the PAPs is expected to handle any issues fairly.
Will my whole land be affected?	Only the area that is below the 100m contour mark will be affect, those with properties higher than the watermark will not be affected.
Will the project provide jobs for us as women?	The project will aspire to create jobs for the women during construction.
We have planted trees on public land at Lord Keringet after Maili Saba. Will you	The road size on Waitaluk–Sirende is 40metres wide and any encroachment outside

compensate for loss of trees on public land too?	the 60metres into private land will be fully, fairly and justly compensated.
What process will be used to identify PAPs who will be compensated and at what value?	Anybody impacted by the project will qualify for fair and just compensation based on market rates of land.

Conclusion

The meeting ended at 16:00 with a word of prayer. The women resolved to support the project to its conclusion and stressed the need for them to be involved in all aspects of the project.

Recorded by – Pauline Makhoha

Approved by – Liya Mango

MINUTES OF FOCUS DISCUSSION GROUP (WOMEN) MEETING HELD AT KESEGON ON THE 6TH DECEMBER 2014

Present.

- **Liya Mango – Team Leader**
- **Pauline Makhoha – Consultant (Gender Specialist)**
- **Women Stakeholders**

Introduction

The meeting was convened at Kesegon in order to inform the potential affected persons as to what the project would entail and to get the views of the women on a gender perspective.

AGENDA OF THE MEETING

18. Opening of the meeting/Word of prayer
19. Introduction of participants
20. Views and purpose of the Focus Group Discussion
21. Closing remarks
22. A.O.B
23. Closing/prayer

Discussions

The women present were urged to give their views on the project, which they did, a summary of the consultative exercise is tabled below;

Comments and Issues	Response
Can we be provided with a graining milling machine to be owned by the women traders as an income generating activity within the trading centres?	The requested is noted and will be communicated to the project proponent for consideration.
Access to credit for women; Is the project capable of linking us with institutions that provide credit to women and youth? We can that once the road is completed, several business opportunities will emerge and we would like to take advantage but we lack access to credit facilities in order to compete with the men.	The consultant will recommend that the project strives to link the women to micro - credit service providers.
Construction jobs should be given to the women as well. This is because in most cases the jobs are given to men only	The proponent will be encouraged to practice gender balance during recruitment of workers.
We would like the project to construct milk-cooling plants/shades so that we cannot have our milk get spoilt all the time.	Noted and will be recommended to the proponent that the project should construct milk coolers and shades within market centres.

The meeting ended at 16:30 with a word of prayer from Lydia Njoki.

Recorded by – Pauline Makhoha

Approved by – Liya Mango

MINUTES OF FOCUS DISCUSSION GROUP (YOUTH) MEETING HELD AT KALOBEIYEI MARKET ON THE 4TH DECEMBER 2014.

Present:

- Liya Mango Consultant (Team Leader)
- Pauline Makhoha Consultant (Gender Specialist)
- Youth Members

Introduction

The consultants invited the Youth to an exclusive sitting away from their parents and guardians. The meeting was opened by a prayer from one of the members present at 16:30. Members present were then accorded an opportunity to introduce themselves briefly.

Purpose of the meeting

The Youth make up a large part of the community's demography. As such they are vital stakeholders in any project. Those present were reminded that they were representatives of their colleagues who were unavailable; they were encouraged to air their views on the proposed project freely as they would play an integral part in the realization of the project benefits both during and after construction.

Discussions

The consultative discussion so a number of comments and views raised by the Youth present; a summary of which is tabled below;

<u>Comments/Queries raised</u>	<u>Response</u>
The economy of the population is largely dependent on small-scale businesses including boda bodas (passenger motor cycles) and there is need to incorporate them on the design to reduce the number of accidents.	More space will be created on the pavements and the road in town widened to facilitate boda boda motorcyclists. The design has factored this plus pedestrian's use where necessary.
Will the proponent utilize local labour or will this be sourced from outside the community?	The project intends to utilize local labour and will give the youth first priority in allocation of jobs both skilled and unskilled. With the skills they will acquire from the construction of the road, they would then be able to diversify their employment chances.
Will we be compensated for assets we have developed in our parents land?	They were informed that any who had developed any assets on their parents' property would get full compensation recorded separately after an inventory of loss of assets has been carried out. The law provided for them to be compensated separately on their rights to development on the affected land parcels.
We are concerned that the project may disrupt our social lives, access to our friends and family may be impeded.	The project will reconstitute any social or infrastructural amenity that may be affected hence social network disruption may be minimal.
We are worried that this project will lead to spread of HIV/AIDS and drug abuse specifically because of the interaction of	The implementer will ensure that any external workers will respect the local community. Negative interaction will be

external workers and our people.	curbed and awareness on HIV/AIDS and drug abuse increased.
What do we do in case we have a dispute on how to share compensation proceeds or if we are not satisfied with the compensation provided?	The project will establish a resettlement and grievance management committee, which will handle all disputes related to compensation.

Conclusion

The meeting concluded with the resolution that the issues raised by the Youth would be given consideration and incorporated in the project. The youth also requested to be involved in all aspects of the project for its betterment.

There being no other business, the meeting ended with a prayer AT 17:30.

Recorded by – Pauline Makhoha

Approved by – Liya Mango

MINUTES OF FOCUS DISCUSSION GROUP (YOUTH) MEETING HELD AT KAINUK MARKET CENTRE ON THE 4TH DECEMBER 2014.

Present:

- Liya Mango Consultant (Team Leader)
- Pauline Makhoha Consultant (Gender Specialist)
- Youth Members

Introduction

The consultants invited the Youth to an exclusive sitting away from their parents and guardians. The meeting was opened by a prayer from one of the members present 13:30. Members present were then accorded an opportunity to introduce themselves briefly.

Purpose of the meeting

The Youth make up a large part of the community's demography. As such they are vital stakeholders in any project. Those present were reminded that they were representatives of their colleagues who were unavailable; they were encouraged to air their views on the proposed project freely as they would play an integral part in the realization of the project benefits both during and after construction.

Discussions

The consultative discussion so a number of comments and views raised by the Youth present; a summary of which is tabled below;

<u>Comments/Queries raised</u>	<u>Response</u>
We lack general skills for trade and business and need to have our capacity built in order to access existing business opportunities	Provision of education and training in trade by linking the women and youth to service providers.
We would like protection as we go about our businesses due to insecurity.	This is noted and recommendation to project proponent is for construction of police posts along the corridor.
We would like ablution facilities to be constructed for the road users to avoid travelers using the forests to relieve themselves.	The contractor will ensure toilets are constructed for workers working on the road project and the project has a component for providing several roadside amenities including markets, rest stops among others
KENHA should consider erecting bumps at the Marich Pass trading Centre, Sigor Junction, Police area and Coastal. There is also need for a roundabout at Lelan.	Bumps were considered on various section of the road during the design stage. We will verify if the following additional sections can be considered during design review.
When will compensation be made?	Compensation will be done just before the project commences
What do we do in case we have a dispute on how to share compensation proceeds or if we are not satisfied with the compensation provided?	The project will establish a resettlement and grievance management committee, which will handle all disputes related to compensation.

Conclusion

The meeting concluded with the resolution that the issues raised by the Youth would be given consideration and incorporated in the project. The youth also requested to be involved in all aspects of the project for its betterment.

There being no other business, the meeting ended with a prayer.

Recorded by – Pauline Makhoha

Approved by – Liya Mango

MINUTES OF FOCUS DISCUSSION GROUP (YOUTH) MEETING HELD AT LODWAR TRADING CENTRE ON THE 2ND DECEMBER 2014.

Present:

- Liya Mango Consultant (Team Leader)
- Pauline Makhoha Consultant (Gender Specialist)
- Youth Members

Introduction

The consultants invited the Youth to an exclusive sitting away from their parents and guardians. The meeting was opened by a prayer from one of the members present at 16:00. Members present were then accorded an opportunity to introduce themselves briefly.

Purpose of the meeting

The Youth make up a large part of the community's demography. As such they are vital stakeholders in any project. Those present were reminded that they were representatives of their colleagues who were unavailable; they were encouraged to air their views on the proposed project freely as they would play an integral part in the realization of the project benefits both during and after construction.

Discussions

The consultative discussion so a number of comments and views raised by the Youth present; a summary of which is tabled below;

<u>Comments/Queries raised</u>	<u>Response</u>
How will local communities benefit from employment and business opportunities offered by the project?	The Government will ensure that locals benefit from employment opportunity provided by the project particularly unskilled labour will be sourced locally.
Will Government factor in a disturbance allowance due to inconveniences caused by resettlement?	Yes. Disturbance allowance of 15% of total valuation of assets will be factored in the compensation package to settle inconveniences caused by resettlement process.
How will people settling on land without title deeds be compensated and whether those on government land will qualify for the same?	Anybody impacted by the project will qualify for fair and just compensation based on market rates of land. Efforts will be made to establish to exact ownership of the land from Land Department. However those on Government land would not be compensated but will be given some livelihood support.
We do not know the dates when compensation payments commence so that we can plan self-relocation,	All PAPs will be informed in advance at least 3 months on when to relocate after compensation
When will compensation be made?	Compensation will be done just before the project commences
We do not want "land for land" compensation, just cash compensation,	The Project prefers land for land but will consider cash as well

Conclusion

The meeting concluded with the resolution that the issues raised by the Youth would be given consideration and incorporated in the project. The youth also requested to be involved in all aspects of the project for its betterment.

There being no other business, the meeting ended with a prayer.

Recorded by – Pauline Makhoha

Approved by – Liya Mango

MINUTES OF FOCUS DISCUSSION GROUP (YOUTH) MEETING HELD AT MATUNDA ON THE 9TH DECEMBER 2014.

Present;

- Liya Mango Consultant (Team Leader)
- Pauline Makhoha Consultant (Gender Specialist)
- Youth Members

Introduction

The consultants invited the Youth to an exclusive sitting away from their parents and guardians. The meeting was opened by a prayer from one of the members present at 16:00. Members present were then accorded an opportunity to introduce themselves briefly.

Purpose of the meeting

The Youth make up a large part of the community's demography. As such they are vital stakeholders in any project. Those present were reminded that they were representatives of their colleagues who were unavailable; they were encouraged to air their views on the proposed project freely as they would play an integral part in the realization of the project benefits both during and after construction.

Discussions

The consultative discussion so a number of comments and views raised by the Youth present; a summary of which is tabled below;

<u>Comments/Queries raised</u>	<u>Response</u>
How will local communities benefit from employment and business opportunities offered by the project?	The Government will ensure that locals benefit from employment opportunity provided by the project particularly unskilled labour will be sourced locally.
Will Government factor in a disturbance allowance due to inconveniences caused by resettlement?	Yes. Disturbance allowance of 15% of total valuation of assets will be factored in the compensation package to settle inconveniences caused by resettlement process.
How will people settling on land without title deeds be compensated and whether those on government land will qualify for the same?	Anybody impacted by the project will qualify for fair and just compensation based on market rates of land. Efforts will be made to establish to exact ownership of the land from Land Department. However those on Government land would not be compensated but will be given some livelihood support.
We do not know the dates when compensation payments commence so that we can plan self-relocation,	All PAPs will be informed in advance at least 3 months on when to relocate after compensation
When will compensation be made?	Compensation will be done just before the project commences
We do not want "land for land" compensation, just cash compensation,	The Project prefers land for land but will consider cash as well

Conclusion

The meeting concluded with the resolution that the issues raised by the Youth would be given consideration and incorporated in the project. The youth also requested to be involved in all aspects of the project for its betterment.

There being no other business, the meeting ended with a prayer.

Recorded by – Pauline Makhoha

Approved by – Liya Mango

APPENDIX 2- Key Elements Social Assessment Report

Operational Manual

OP 4.10 - Indigenous Peoples

These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.

OP 4.10
July, 2005

Note: OP/BP 4.10, *Indigenous Peoples*, were revised on April 2013 to take into account the recommendations in "Investment Lending Reform: Modernizing and Consolidating Operational Policies and Procedures" (R2012-0204 [IDA/R2012-0248]), which were approved by the Executive Directors on October 25, 2012. As a result of these recommendations: (a) OP/BP 10.00, *Investment Project Financing*, were revised, among other things, to incorporate OP/BP 13.05, *Supervision*, and OP/BP 13.55, and *Implementation Completion Report*, (which have accordingly been retired); and (b) OP 8.60, *Development Policy Lending*, and OP 9.00, *Program-for-Results Financing*, have also been revised. OP/BP 4.10 have consequently been updated to reflect these changes, as well as to clarify the extent of their applicability to Development Policy Lending and Program-for Results-Financing and to reflect the updated title of the Bank's policy on access to information. Questions on this OP/BP may be addressed to the Safeguard Policies Helpdesk in OPCS (safeguards@worldbank.org).

Revised April 2013

1. This policy¹ contributes to the Bank's² mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. For all projects that are proposed for Bank financing and affect Indigenous Peoples,³ the Bank requires the borrower to engage in a process of free, prior, and informed consultation.⁴ The Bank provides project financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous Peoples.⁵ Such Bank-financed projects include measures to (a) avoid potentially adverse effects on the Indigenous Peoples' communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects. Bank-financed projects are also designed to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender and intergenerationally inclusive.

2. The Bank recognizes that the identities and cultures of Indigenous Peoples are inextricably linked to the lands on which they live and the natural resources on which they depend. These distinct circumstances expose Indigenous Peoples to different types of risks and levels of impacts from development projects, including loss of identity, culture, and customary livelihoods, as well as exposure to disease. Gender and intergenerational issues among Indigenous Peoples also are complex. As social groups with identities that are often distinct from dominant groups in their national societies, Indigenous Peoples are frequently among the most marginalized and vulnerable segments of the population. As a result, their economic, social, and legal status often limits their capacity to defend their interests in and rights to lands, territories, and other productive resources, and/or restricts their ability to participate in and benefit from development. At the same time, the Bank recognizes that Indigenous Peoples play a vital role in sustainable development and that their rights are increasingly being addressed under both domestic and international law.

3. *Identification.* Because of the varied and changing contexts in which Indigenous Peoples live and because there is no universally accepted definition of "Indigenous Peoples," this policy does not define the term. Indigenous Peoples may be referred to in different countries by such terms as "indigenous ethnic minorities," "aboriginals," "hill tribes," "minority nationalities," "scheduled tribes," or "tribal groups."

4. For purposes of this policy, the term "Indigenous Peoples" is used in a generic sense to refer to a distinct, vulnerable, social and cultural group⁶ possessing the following characteristics in varying degrees:

- a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories⁷;
- c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- d) an indigenous language, often different from the official language of the country or region.

A group that has lost "collective attachment to geographically distinct habitats or ancestral territories in the project area"; (paragraph 4 (b)) because of forced severance remains eligible for coverage under this policy.⁸ Ascertaining whether a particular group is considered as "Indigenous Peoples" for the purpose of this policy may require a technical judgment (see paragraph 8).

5. *Use of Country Systems.* The Bank may decide to use a country's systems to address environmental and social safeguard issues in a Bank-financed project that affects Indigenous Peoples. This decision is made in accordance with the requirements of the applicable Bank policy on country systems.⁹

Project Preparation

6. A project proposed for Bank financing that affects Indigenous Peoples requires:
- a) screening by the Bank to identify whether Indigenous Peoples are present in, or have collective attachment to, the project area (see paragraph 8);
 - b) a social assessment by the borrower (see paragraph 9 and [Annex A](#));
 - c) a process of free, prior, and informed consultation with the affected Indigenous Peoples' communities at each stage of the project, and particularly during project preparation, to fully identify their views and ascertain their broad community support for the project (see paragraphs 10 and 11);
 - d) the preparation of an Indigenous Peoples Plan (see paragraph 12 and [Annex B](#)) or an Indigenous Peoples Planning Framework (see paragraph 13 and [Annex C](#)); and
 - e) disclosure of the draft Indigenous Peoples Plan or draft Indigenous Peoples Planning Framework (see paragraph 15).
7. The level of detail necessary to meet the requirements specified in paragraph 6 (b), (c), and (d) is proportional to the complexity of the proposed project and commensurate with the nature and scale of the proposed project's potential effects on the Indigenous Peoples, whether adverse or positive.

Screening

8. Early in project preparation, the Bank undertakes a screening to determine whether Indigenous Peoples (see paragraph 4) are present in, or have collective attachment to, the project area.¹⁰ In conducting this screening, the Bank seeks the technical judgment of qualified social scientists with expertise on the social and cultural groups in the project area. The Bank also consults the Indigenous Peoples concerned and the borrower. The Bank may follow the borrower's framework for identification of Indigenous Peoples during project screening, when that framework is consistent with this policy.

Social Assessment

9. *Analysis.* If, based on the screening, the Bank concludes that Indigenous Peoples are present in, or have collective attachment to, the project area, the borrower undertakes a social assessment to evaluate the project's potential positive and adverse effects on the Indigenous Peoples, and to examine project alternatives where adverse effects may be significant. The breadth, depth, and type of analysis in the social assessment are proportional to the nature and scale of the proposed project's potential effects on the Indigenous Peoples, whether such effects are positive or adverse (see [Annex A](#) for details). To carry out the social assessment, the borrower engages social scientists whose qualifications, experience, and terms of reference are acceptable to the Bank.

10. *Consultation and Participation.* Where the project affects Indigenous Peoples, the borrower engages in free, prior, and informed consultation with them. To ensure such consultation, the borrower:

- a) establishes an appropriate gender and intergenerationally inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation among the borrower, the affected Indigenous Peoples' communities, the Indigenous Peoples Organizations (IPOs) if any, and other local civil society organizations (CSOs) identified by the affected Indigenous Peoples' communities;
- b) uses consultation methods¹¹ appropriate to the social and cultural values of the affected Indigenous Peoples' communities and their local conditions and, in designing these methods, gives special attention to the concerns of Indigenous women, youth, and children and their access to development opportunities and benefits; and
- c) provides the affected Indigenous Peoples' communities with all relevant information about the project (including an assessment of potential adverse effects of the project on the affected Indigenous Peoples' communities) in a culturally appropriate manner at each stage of project preparation and implementation.

11. In deciding whether to proceed with the project, the borrower ascertains, on the basis of the social assessment (see paragraph 9) and the free, prior, and informed consultation (see paragraph 10), whether the affected Indigenous Peoples' communities provide their broad support to the project. Where there is such support, the borrower prepares a detailed report that documents:

- (a) the findings of the social assessment;
- (b) the process of free, prior, and informed consultation with the affected Indigenous Peoples' communities;
- (c) additional measures, including project design modification, that may be required to address adverse effects on the Indigenous Peoples and to provide them with culturally appropriate project benefits;
- (d) recommendations for free, prior, and informed consultation with and participation by Indigenous Peoples' communities during project implementation, monitoring, and evaluation; and
- (e) any formal agreements reached with Indigenous Peoples' communities and/or the IPOs.

The Bank reviews the process and the outcome of the consultation carried out by the borrower to satisfy itself that the affected Indigenous Peoples' communities have provided their broad support to the project. The Bank pays particular attention to the social assessment and to the record and outcome of the free, prior, and informed consultation with the affected Indigenous Peoples' communities as a basis for ascertaining whether there is such support. The Bank does not proceed further with project processing if it is unable to ascertain that such support exists.

Indigenous Peoples Plan/Planning Framework

12. *Indigenous Peoples Plan.* On the basis of the social assessment and in consultation with the affected Indigenous Peoples' communities, the borrower prepares an Indigenous Peoples Plan (IPP) that sets out the measures through which the borrower will ensure that (a) Indigenous Peoples affected by the project receive culturally appropriate social and economic benefits; and (b) when potential adverse effects on Indigenous Peoples are identified, those adverse effects are avoided, minimized, mitigated, or compensated for (see [Annex B](#) for details). The IPP is prepared in a flexible and pragmatic manner,¹² and its level of detail varies depending on the specific project and the nature of effects to be addressed. The borrower integrates the IPP into the project design. When Indigenous Peoples are the sole or the overwhelming majority of direct project beneficiaries, the elements of an IPP should be included in the overall project design, and a separate IPP is not required. In such cases, the

Project Appraisal Document (PAD) includes a brief summary of how the project complies with the policy, in particular the IPP requirements.

13. *Indigenous Peoples Planning Framework.* Some projects involve the preparation and implementation of annual investment programs or multiple subprojects.¹³ In such cases, and when the Bank's screening indicates that Indigenous Peoples are likely to be present in, or have collective attachment to, the project area, but their presence or collective attachment cannot be determined until the programs or subprojects are identified, the borrower prepares an Indigenous Peoples Planning Framework (IPPF). The IPPF provides for the screening and review of these programs or subprojects in a manner consistent with this policy (see [Annex C](#) for details). The borrower integrates the IPPF into the project design.

14. *Preparation of Program and Subproject IPPs.* If the screening of an individual program or subproject identified in the IPPF indicates that Indigenous Peoples are present in, or have collective attachment to, the area of the program or subproject, the borrower ensures that, before the individual program or subproject is implemented, a social assessment is carried out and an IPP is prepared in accordance with the requirements of this policy. The borrower provides each IPP to the Bank for review before the respective program or subproject is considered eligible for Bank financing.¹⁴

Disclosure

15. The borrower makes the social assessment report and draft IPP/IPPF available to the affected Indigenous Peoples' communities in an appropriate form, manner, and language.¹⁵ Before project appraisal, the borrower sends the social assessment and draft IPP/IPPF to the Bank for review.¹⁶ Once the Bank accepts the documents as providing an adequate basis for project appraisal, the Bank makes them available to the public in accordance with [The World Bank Policy on Access to Information](#), and the borrower makes them available to the affected Indigenous Peoples' communities in the same manner as the earlier draft documents.

Special Considerations

Lands and Related Natural Resources

16. Indigenous Peoples are closely tied to land, forests, water, wildlife, and other natural resources, and therefore special considerations apply if the project affects such ties. In this situation, when carrying out the social assessment and preparing the IPP/IPPF, the borrower pays particular attention to:

- (a) the customary rights¹⁷ of the Indigenous Peoples, both individual and collective, pertaining to lands or territories that they traditionally owned, or customarily used or occupied, and where access to natural resources is vital to the sustainability of their cultures and livelihoods;
- (b) the need to protect such lands and resources against illegal intrusion or encroachment;
- (c) the cultural and spiritual values that the Indigenous Peoples attribute to such lands and resources; and
- (d) Indigenous Peoples' natural resources management practices and the long-term sustainability of such practices.

17. If the project involves (a) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied (such as land titling projects), or (b) the acquisition of such lands, the IPP sets forth an action plan for the legal recognition of such ownership, occupation, or usage. Normally, the action plan is carried out before project implementation; in some cases, however, the action plan may need to be carried out concurrently with the project itself. Such legal recognition may take the following forms:

- (e) full legal recognition of existing customary land tenure systems of Indigenous Peoples; or
- (f) conversion of customary usage rights to communal and/or individual ownership rights.

If neither option is possible under domestic law, the IPP includes measures for legal recognition of perpetual or long-term renewable custodial or use rights.

Commercial Development of Natural and Cultural Resources

18. If the project involves the commercial development of natural resources (such as minerals, hydrocarbon resources, forests, water, or hunting/fishing grounds) on lands or territories that Indigenous Peoples traditionally owned, or customarily used or occupied, the borrower ensures that as part of the free, prior, and informed consultation process the affected communities are informed of (a) their rights to such resources under statutory and customary law; (b) the scope and nature of the proposed commercial development and the parties interested or involved in such development; and (c) the potential effects of such development on the Indigenous Peoples' livelihoods, environments, and use of such resources. The borrower includes in the IPP arrangements to enable the Indigenous Peoples to share equitably in the benefits¹⁸ to be derived from such commercial development; at a minimum, the IPP arrangements must ensure that the Indigenous Peoples receive, in a culturally appropriate manner, benefits, compensation, and rights to due process at least equivalent to that to which any landowner with full legal title to the land would be entitled in the case of commercial development on their land.

19. If the project involves the commercial development of Indigenous Peoples' cultural resources and knowledge (for example, pharmacological or artistic), the borrower ensures that as part of the free, prior, and informed consultation process, the affected communities are informed of (a) their rights to such resources under statutory and customary law; (b) the scope and nature of the proposed commercial development and the parties interested or involved in such development; and (c) the potential effects of such development on Indigenous Peoples' livelihoods, environments, and use of such resources. Commercial development of the cultural resources and knowledge of these Indigenous Peoples is conditional upon their prior agreement to such development. The IPP reflects the nature and content of such agreements and includes arrangements to enable Indigenous Peoples to receive benefits in a culturally appropriate way and share equitably in the benefits to be derived from such commercial development.

Physical Relocation of Indigenous Peoples

20. Because physical relocation of Indigenous Peoples is particularly complex and may have significant adverse impacts on their identity, culture, and customary livelihoods, the Bank requires the borrower to explore alternative project designs to avoid physical relocation of Indigenous Peoples. In exceptional circumstances, when it is not feasible to avoid relocation, the borrower will not carry out such relocation without obtaining broad support for it from the affected Indigenous Peoples' communities as part of the free, prior, and informed consultation process. In such cases, the borrower prepares a settlement plan in accordance with the requirements of [OP4.12, *Involuntary Resettlement*](#), that is compatible with the Indigenous Peoples' cultural preferences, and includes a land-based resettlement strategy. As part of the resettlement plan, the borrower documents the results of the consultation process. Where possible, the resettlement plan should allow the affected Indigenous Peoples to return to the lands and territories they traditionally owned, or customarily used or occupied, if the reasons for their relocation cease to exist.

21. In many countries, the lands set aside as legally designated parks and protected areas may overlap with lands and territories that Indigenous Peoples traditionally owned, or customarily used or occupied. The Bank recognizes the significance of these rights of ownership, occupation, or usage, as well as the need for long-term sustainable management of critical ecosystems. Therefore, involuntary restrictions on Indigenous Peoples' access to legally designated parks and protected areas, in particular access to their sacred sites, should be avoided. In exceptional circumstances, where it is not feasible to avoid restricting access, the borrower prepares, with the free, prior, and informed consultation of the affected Indigenous Peoples' communities, a process framework in accordance with the provisions of [OP 4.12](#). The process framework provides guidelines for preparation, during project implementation, of

an individual parks and protected areas' management plan, and ensures that the Indigenous Peoples participate in the design, implementation, monitoring, and evaluation of the management plan, and share equitably in the benefits of the park's and protected areas. The management plan should give priority to collaborative arrangements that enable the Indigenous, as the custodians of the resources, to continue to use them in an ecologically sustainable manner.

Indigenous Peoples and Development

22. In furtherance of the objectives of this policy, the Bank may, at a member country's request, support the country in its development planning and poverty reduction strategies by providing financial assistance for a variety of initiatives designed to:

- (a) strengthen local legislation, as needed, to establish legal recognition of the customary or traditional land tenure systems of Indigenous Peoples;
- (b) make the development process more inclusive of Indigenous Peoples by incorporating their perspectives in the design of development programs and poverty reduction strategies, and providing them with opportunities to benefit more fully from development programs through policy and legal reforms, capacity building, and free, prior, and informed consultation and participation;
- (c) support the development priorities of Indigenous Peoples through programs (such as community-driven development programs and locally managed social funds) developed by government in cooperation with Indigenous Peoples;
- (d) address the gender¹⁹ and intergenerational issues that exist among many Indigenous Peoples, including the special needs of indigenous women, youth, and children;
- (e) prepare participatory profiles of Indigenous Peoples to document their culture, demographic structure, gender and intergenerational relations and social organization, institutions, production systems, religious beliefs, and resource use patterns;
- (f) strengthen the capacity of Indigenous Peoples' communities and IPOs to prepare, implement, monitor, and evaluate development programs;
- (g) strengthen the capacity of government agencies responsible for providing development services to Indigenous Peoples;
- (h) protect indigenous knowledge, including by strengthening intellectual property rights; and
- (i) facilitate partnerships among the government, IPOs, CSOs, and the private sector to promote Indigenous Peoples' development programs.

1. This policy should be read together with other relevant Bank policies, including *Environmental Assessment* [OP 4.01](#), *Natural Habitats* [OP 4.04](#), *Pest Management* [OP 4.09](#), *Physical Cultural Resources* [OP/BP 4.11](#), *Involuntary Resettlement* [OP 4.12](#), *Forests* [OP 4.36](#), and *Safety of Dams* [OP 4.37](#).

2. "Bank" includes IBRD and IDA; "loans" includes IBRD loans, IDA credits, IDA grants, IDA guarantees, and Project Preparation Facility (PPF) advances, but does not include Development Policy Lending or Program-for-Results Financing. For social aspects of Development Policy Lending and program-for-Results Financing operations, see [OP 8.60](#), *Development Policy Lending*, paragraph 10 and [OP/BP 9.00](#), *Program-for-Results Financing*. The term "borrower" includes, wherever the context requires, the recipient of an IDA grant, the guarantor of an IBRD loan, and the project implementing agency, if it is different from the borrower.
3. This policy applies to all components of the project that affect Indigenous Peoples, regardless of the source of financing.
4. "Free, prior, and informed consultation with the affected Indigenous Peoples' communities" refers to a culturally appropriate and collective decisionmaking process subsequent to meaningful and good faith consultation and informed participation regarding the preparation and implementation of the project. It does not constitute a veto right for individuals or groups (see paragraph 10).
5. For details on "broad community support to the project by the affected Indigenous Peoples," see paragraph 11.
6. The policy does not set an *a priori* minimum numerical threshold since groups of Indigenous Peoples may be very

- small in number and their size may make them more vulnerable.
7. "Collective attachment" means that for generations there has been a physical presence in and economic ties to lands and territories traditionally owned, or customarily used or occupied, by the group concerned, including areas that hold special significance for it, such as sacred sites. "Collective attachment" also refers to the attachment of transhumant/nomadic groups to the territory they use on a seasonal or cyclical basis.
 8. "Forced severance" refers to loss of collective attachment to geographically distinct habitats or ancestral territories occurring within the concerned group members' lifetime because of conflict, government resettlement programs, dispossession from their lands, natural calamities, or incorporation of such territories into an urban area. For purposes of this policy, "urban area" normally means a city or a large town, and takes into account all of the following characteristics, no single one of which is definitive: (a) the legal designation of the area as urban under domestic law; (b) high population density; and (c) high proportion of nonagricultural economic activities relative to agricultural activities.
 9. The currently applicable Bank policy is [OP/BP 4.00, *Piloting the Use of Borrower Systems to Address Environmental and Social Safeguard Issues in Bank-Supported Projects*](#). Applicable only to pilot projects using borrower systems, the policy includes requirements that such systems be designed to meet the policy objectives and adhere to the operational principles related to Indigenous Peoples identified in OP 4.00 (see [Table A1](#)).
 10. The screening may be carried out independently or as part of a project environmental assessment (see [OP 4.01, *Environmental Assessment*](#), paragraphs 3, 8).
 11. Such consultation methods (including using indigenous languages, allowing time for consensus building, and selecting appropriate venues) facilitate the articulation by Indigenous Peoples of their views and preferences. The *Indigenous Peoples Guidebook* (forthcoming) will provide good practice guidance on this and other matters.
 12. When non-Indigenous Peoples live in the same area with Indigenous Peoples, the IPP should attempt to avoid creating unnecessary inequities for other poor and marginal social groups.
 13. Such projects include community-driven development projects, social funds, sector investment operations, and financial intermediary loans.
 14. If the Bank considers the IPPF to be adequate for the purpose, however, the Bank may agree with the borrower that prior Bank review of the IPP is not needed. In such case, the Bank reviews the IPP and its implementation as part of supervision (see [OP/BP 10.00, *Investment Project Financing*](#)).
 15. The social assessment and IPP require wide dissemination among the affected Indigenous Peoples' communities using culturally appropriate methods and locations. In the case of an IPPF, the document is disseminated using IPOs at the appropriate national, regional, or local levels to reach Indigenous Peoples who are likely to be affected by the project. Where IPOs do not exist, the document may be disseminated using other CSOs as appropriate.
 16. An exception to the requirement that the IPP (or IPPF) be prepared as a condition of appraisal may be made with the approval of Bank management for projects meeting the requirements of paragraph 11 of [OP/BP 10.00, *Investment Project Financing*](#). In such cases, management's approval stipulates a timetable and budget for preparation of the social assessment and IPP or of the IPPF.
 17. "Customary rights" to lands and resources refers to patterns of long-standing community land and resource usage in accordance with Indigenous Peoples' customary laws, values, customs, and traditions, including seasonal or cyclical use, rather than formal legal title to land and resources issued by the State.
 18. See the World Bank *Indigenous Peoples Guidebook* for good practice guidance on this matter.
 19. See [OP/BP 4.20, *Gender and Development*](#).

**APPENDIX 3-PHOTOGRAPH PLATES
(See Separate Attachment)**

**APPENDIX 4-LIST OF PARTICIPANTS
(See Separate Attachement)**

List of Contacted Participants-Key Informants

#	People Contacted	Information Provided
1.	Eng. Omondi Osewe Kenya National Highways Authority (KeNHA) Blue Shield Towers, Hospital Road, Upper Hill P.O. Box 49712 – 00100, Nairobi Kenya Tel:+254-20-8013842 Email: p.omondi@kenha.co.ke	<ul style="list-style-type: none"> • Provided Management Support
2.	Eng. James Kariuki Kenya National Highways Authority (KeNHA) Blue Shield Towers, Hospital Road, Upper Hill P.O. Box 49712 – 00100, Nairobi Kenya Tel:+254-20-8013842 Email: j.kariuki@kenha.co.ke	<ul style="list-style-type: none"> • Provided Management Support • Provided Project Information
3.	Mr. Walter Barongo Manager, Environmental and Social Interests Kenya National Highways Authority (KeNHA) Blue Shield Towers, Hospital Road, Upper Hill P.O. Box 49712 – 00100, Nairobi Kenya Tel:+254-20-8013842 E-mail: w.nyatwanga@kenha.co.ke	<ul style="list-style-type: none"> • Provided Management Support • Provided Project Information
4.	Lochuch Esanyen Christopher Assistant Chief Lodwar Township Sub-Location Tel: 0729411104	<ul style="list-style-type: none"> • Received SA Team • Participated in PCM • Hosted the PCM
5.	Joseph Tapen Chief Napelilim Location Tel. No: 0714405587	<ul style="list-style-type: none"> • Received SA Team • Participated in PCM • Hosted the PCM
6.	Barnabas Eloiloi Ag Chief Nkalale Location Tel: 0715008479	<ul style="list-style-type: none"> • Received SA Team • Participated in PCM • Hosted the PCM
7.	Cosmas Nakaya Chief Kakuma Location Tel: 0720916213	<ul style="list-style-type: none"> • Received SA Team • Provided Administration Support
8.	Emmanuel Lapongo Chief Kalobiyei Location Tel: 0724272924	<ul style="list-style-type: none"> • Received SA Team • Provided Administration Support
9.	Meshack Lokalei Chief Songot Location Tel:0712700362	<ul style="list-style-type: none"> • Received SA Team • Provided Administration Support
10.	Daniel Losil Kakure Chief Lokichogio Location Tel: 0700783998	<ul style="list-style-type: none"> • Received SA Team • Provided Administration Support

#	People Contacted	Information Provided
11.	Hon. Immanuel Imana County Government Turkana County	<ul style="list-style-type: none"> • Provided Administration Support
12.	Dorcas Atabo Ekiru Loitalado Fuel Station Tel: 0700323197	Filled in SA Stakeholder Questionnaire
13.	Moses Kanaiyo Kai Tel: 0729399777	Filled in SA Stakeholder Questionnaire
14.	Jeremiah Nangolol Kakuma Motor Cycle Riders Group Tel: 0711633916	Filled in SA Stakeholder Questionnaire
15.	Cornerstone Ministries International Church Tel: 0727085782	Filled in SA Stakeholder Questionnaire
16.	Mohammed Said Hassan Dayah Bus Express Service Tel: 0720938985	Filled in SA Stakeholder Questionnaire
17.	Ekitela Elijah Lekuya Kiteyarai Self Help Group Tel: 0708283873	Filled in SA Stakeholder Questionnaire
18.	Kakuma Travellers Tel: 0720638036	Filled in RAP Stakeholder Questionnaire
19.	Pentecostal Assemblies Of God Tel: 0716003846	Filled in SA Stakeholder Questionnaire
20.	Dayah Express Company Ltd Tel: 0721878874	Filled in SA Stakeholder Questionnaire
21.	Daniel Karanja Eldoret Express Company Tel: 0712032950	Filled in SA Stakeholder Questionnaire
22.	Ethiopian Orthodox Tewahedo Debrehail St. Gabriel Church Tel: 0713555300	Filled in SA Stakeholder Questionnaire
23.	Natiir Dispensary Tel: 0724078465	Filled in SA Stakeholder Questionnaire
24.	Fr. Dominic Nariamao Legio Maria Of African Man Tel: 0728362541	Filled in SA Stakeholder Questionnaire
25.	African Inland Church Tel: 0714682826	Filled in SA Stakeholder Questionnaire
26.	Michael L. Nabuin St. Johns Catholic Lokichoggio Tel: 0727105688	Filled in SA Stakeholder Questionnaire

#	People Contacted	Information Provided
27.	Francis Kariuki Ragui Tel: 0711892389	Filled in SA Stakeholder Questionnaire
28.	Loruma Car Wash Garden Youth Group Tel: 0705759796	Filled in SA Stakeholder Questionnaire
29.	Josephat Lokiteed Ngibolon Tel: 0705131664	Filled in SA Stakeholder Questionnaire
30.	Enyaman Simon Full Gospel Church of Kenya Tel: 0727035749	Filled in SA Stakeholder Questionnaire
31.	Total Kenya Limited Tel: 0722203425	Filled in SA Stakeholder Questionnaire
32.	Peter Yegon, Mohammed Hussein and Leo Eremon Tel: 0723609683, 0722835468,0723672059	Filled in SA Stakeholder Questionnaire
33.	Abdikadir Hassan Ibrahim and Hashim Shaban Tel: 0722690061, 0722299500	Filled in SA Stakeholder Questionnaire
34.	Echip L. Obeid Tel:0710910346	Filled in SA Stakeholder Questionnaire
35.	Diocese of Lodwar Lokichoggio Catholic church Tel: 0734790147	Filled in SA Stakeholder Questionnaire
36.	Abdillahi Ogle Kakuma wholesalers Tel: 0720718617	Filled in SA Stakeholder Questionnaire
37.	Ekulan Etibol Nakereu Kakuma Baptist Church Tel: 0701830209	Filled in SA Stakeholder Questionnaire
38.	Emmanuel Lokai Post bank Mashinani Tel: 0706605473	Filled in SA Stakeholder Questionnaire
39.	Nasiger Dispensary Tel: 0728677070	Filled in SA Stakeholder Questionnaire
40.	Our Lady Of Fatima Catholic Church Tel: 0719680389	Filled in SA Stakeholder Questionnaire
41.	Ahmed Mohammed Noor Almubarak Wholesalers Tel: 0722555563	Filled in SA Stakeholder Questionnaire
42.	Richard Ekutan Tel: 0728611515	Filled in SA Stakeholder Questionnaire
43.	James Chegem Turkana County Tel: 0710241047	Filled in SA Stakeholder Questionnaire
44.	Ogle petroleum Tel: 0724940990	Filled in SA Stakeholder Questionnaire
45.	Kenya Defense Forces Lokichoggio Base Tel: 0725674676	Filled in SA Stakeholder Questionnaire
46.	Kenya Airports Authority Lokichoggio Airport Tel: 0700374129	Filled in SA Stakeholder Questionnaire