

**Republic of Kenya**



**Ministry of Agriculture, Livestock Fisheries and Cooperatives**

**Vulnerable and Marginalized Groups Framework (VMGF)**

**For**

**National Agricultural Value Chain Development Project  
(NAVCDP)**

**2<sup>nd</sup> September, 2022**

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**ACRONYMS**

ACHPR	African Commission on the Human and Peoples Rights (ACHPR)
CoC	Code of Conduct
CBO	Community Based Organization
CDD	Community Driven Development
CIGs	Community Interest Groups
CoE	Council of Elders
CoK	Constitution of Kenya
CPSC	County Project Steering Committee
CSO	Civil Society Organizations
CRA	Commission on Revenue Allocation
EAs	Environmental Assessments
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standards
FPIC	Free, Prior and Informed Consultation
FPO	Farmer Producer Organization
FS	Feasibility Study
GDP	Gross Domestic Product
GoK	Government of Kenya
GM	Grievance Mechanism
ICT	Information and Communication Technology
IDA	International Development Association
IP/SSAHUTLC	Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities
IPM	Integrated Pest Management
IPOs	Indigenous Peoples Organizations
KAPAP	Kenya Agricultural and Agribusiness Project
KAPSLMP	Kenya Agricultural Productivity and Sustainable Land Management Project
KNCHR	Kenya National Commission on Human Rights
KSh	Kenyan Shilling
KFS	Kenya Forest Service
LA	Land Act 2012
LAC	Land Administration Committees
LACT	Land Acquisition Compensation Tribunal
LRA	Land Registration Act 2012
M&E	Monitoring and Evaluation

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MDGs	Millennium Development Goals
MEWNR	Ministry of Environment, Water and Natural Resources
MSME	Micro, Small and Medium-scale Enterprises
MoALFC	Ministry of Agriculture, Livestock, Fisheries, and Cooperatives
MoDP	Ministry of Devolution and Planning
MoE	Ministry of Education,
MoH	Ministry of Health
MOPE	Market-Oriented Producer Enterprise
MoU	Memorandum of Understanding
NARIGP	National Agricultural and Rural Inclusive Growth Project
NAVCDP	National Agricultural Value Chains Development Project
NCBF	National Capacity Building Framework
NCCAP	National Climate Change Action Plan
NEMA	National Environment Management Authority
NGO	Non-Governmental Organization
NLC	National Land Commission
NLP	National Land Policy
OP	Operational Policy
PAD	Project Appraisal Document
PAP	Project Affected Persons
PCU	Project Coordinating Unit
PDO	Project Development Objective
PICD	Participatory Integrated Community Development
PRA	Participatory Rural Appraisal
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SA	Social Assessment
SAIC	Social Accountability and Integrity Committee
SIA	Social Impact Assessment
SLM	Sustainable Land Management
SP	Service Provider
UN	United Nations
UNDRIP	Declaration on the Rights of Indigenous Peoples
US\$	United States Dollars
VMGs	Vulnerable and Marginalized Groups
VMGF	Vulnerable and Marginalized Groups Framework
VMGP	Vulnerable and Marginalized Groups Plan
WB	World Bank

## EXECUTIVE SUMMARY

### Background

1. In the World Bank Environmental and Social Framework/Standards, ESS7 constitutes, the term “Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities” referred to as Vulnerable and marginalized Groups (VMGs) in Kenya in World bank operations) is used in a generic sense to refer exclusively to a distinct social and cultural group possessing the following characteristics in varying degrees: (a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; (b) Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; (c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and (d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside. This ESS also applies to communities or groups who, during the lifetime of members of the community or group, have lost collective attachment to distinct habitats or ancestral territories in the project area because of forced severance, conflict, government resettlement programs, dispossession of their land, natural disasters, or incorporation of such territories into an urban area. This ESS also applies to forest dwellers, hunter-gatherers, pastoralists, or other nomadic groups subject to satisfaction of the criteria in paragraph 8 of ESS7.

Article 260 of the Constitution of Kenya, 2010, defines “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 whole;

Article 56 and 27 (4) of the Constitution of Kenya also refers to VMGs. It states that “the State shall put in place affirmative action programmes designed to ensure that minorities and marginalized groups: (a) participate and are represented in governance and other spheres of life; (b) are provided special opportunities in educational and economic fields; (c) are provided special opportunities for access to employment; (d) develop their cultural values, languages and practices; and (e) have reasonable access to water, health services and infrastructure”.



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2. This Vulnerable and Marginalized Groups Framework (VMGF) is prepared in recognition that the National Agricultural Value Chain Development Project (NAVCDP) will be implemented in the counties of Kiambu, Uasin Gishu, Trans Nzoia, Nandi, Narok, Kericho, Nakuru, Tana River, Taita Taveta, Kilifi, and Kwale, where communities who meet the requirements of ESS7 are present. Broadly, ESS 7 requires that NAVCDP provides opportunities for VMGs to participate in, and benefit from, the development process in ways that do not threaten their unique cultural identities and well-being. Therefore, this VMGF is prepared by the Government of Kenya (GoK) in line with the World Bank ESS7 to serve as a guide into mitigating against any potential negative impacts which are likely to affect the VMGs during implementation of the NAVCDP.

**Project Description**

3. NAVCDP is an intervention to address sub-optimal performance of the agricultural sector and increased poverty levels in rural Kenya by focusing on smallholder farmers that are either transitioning or have transitioned from subsistence to market-oriented and modern farming. The Project Development Objective is “To increase market participation and value addition for farmers in select value chains in project areas.” The project has nine (9) agricultural product value chains selected for support in 26 counties across the country. The value chains are (i) dairy, (ii) poultry, (iii) fruits (banana, mango and avocado), (iv) vegetables (tomato and potato), (v) coffee, (vi) cotton, (vii) cashew-nut, (viii) apiculture, (ix) pyrethrum. The 26 participating counties are Meru, Murang’a, Kiambu, Kirinyaga, Embu, Nyeri, Machakos, Makueni, Kitui, Nandi, Uasin Gishu, Trans Nzoia, Bomet, Kericho, Narok, Nyandarua, Nakuru, Busia, Kakamega, Kisii, Migori, Homa Bay, Tana River, Taita Taveta, Kilifi, and Kwale.
4. NAVCDP support will be organized into five components as outlined in Table 0-I and the expected sub-projects for Component 1, 2 and 3 in Table 0-2.

*1 Table 0-I: Components and Sub-components of the NAVCDP*

<b>1</b>	<b>Component 1: Building Producer Capacity for Climate Resilient Stronger Value Chains</b>
1.1	<i>Sub-component 1.1 Farmer Capacity Building and e-Voucher Support</i>
	<ul style="list-style-type: none"> <li>● Participatory identification of capacity needs for CIGs/VMGs</li> <li>● Community mobilization and strengthening of CIGs/VMGs through group micro-level investments to demonstrate climate smart TIMPs for prioritized value chains.</li> <li>● Mobilize farmers to access GoK funded NVSP input climate smart e-subsidy support (seeds, fertilizer, and agro-chemicals)</li> <li>● Small scale infrastructure investments for primary aggregation and value addition</li> <li>● Technical Assistance at National and County levels to support implementation</li> </ul>
1.2	<i>Sub-component 1.2 FPO Level Climate Smart Value Chain Investment</i>

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	<ul style="list-style-type: none"> <li>● Participatory identification of capacity needs for FPOs and provision of inclusion grants for the mobilization and strengthening of FPOs</li> <li>● Development of climate informed business plans to enable access high quality climate resilient inputs, balanced fertilizers, aggregation and value addition</li> <li>● Technical assistance to support access to formal financing; enable linkages with agribusiness SMEs, e-commerce companies and large ag-tech startups; and build techno-managerial capacity for agribusiness operations</li> </ul>
1.3	<i>Sub-component 1.3 Improve Creditworthiness of CIGs and FPOs</i>
	<ul style="list-style-type: none"> <li>● Provide initial small grants to CIGs through Savings and Credit Cooperatives (SACCOs) that will be repaid to build a revolving fund</li> <li>● Enhance financial management of CIGs/SACCO/CDDCs</li> <li>● Technical assistance to FPOs to access finance and support development of FPO rating tool</li> <li>● Build county, regional and national level partnerships for FPOs to ensure credit linkages and long-term access to capital from commercial banks, SACCOs, micro-finance institutions and digital financial service providers</li> </ul>
<b>2</b>	<b>Component 2: Climate Smart Value Chain Ecosystem Investments</b>
2.1	<i>Sub-component 2.1 Farmer-led Irrigation Development</i>
	<ul style="list-style-type: none"> <li>● Leverage on CIGs/FPOs to motivate farmers access irrigation and use water efficiently</li> <li>● Leverage on CIGs/FPOs to develop irrigation-centred FLID forums linking farmers with irrigation suppliers, financial institutions and other key stakeholders</li> <li>● Deployment of technical resource persons to coordinate with County Irrigation Development Units (CIDU) for provision of technical support on water harvesting and accessing irrigation through aggregation and linkage of farmers to high-tech suppliers and financial institutions</li> </ul>
2.2	<i>Sub-component 2.2 Market Access and Infrastructural Development</i>
	<ul style="list-style-type: none"> <li>● Formulate value chain development plans and co-financing models to maximize finance and crowding of investments at County, regional and national levels</li> <li>● Development and upgrading of physical markets, aggregation centres and cold chain infrastructure</li> <li>● Develop linkages with anchor off-takers and create pipeline investable opportunities for development of market infrastructure with private sector players</li> <li>● Strengthen Kenya Markets Information Systems (KAMIS) to bridge market information asymmetry</li> <li>● Finance new and existing SMEs that provide essential services along the value chains</li> </ul>
2.3	<i>Sub-component 2.3 Data and Digital Investments</i>
	<ul style="list-style-type: none"> <li>● Scale up partnership with DAT service providers by mobilizing technical assistance, training/capacity building and digital equipment</li> </ul>

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	<ul style="list-style-type: none"> <li>● Strengthen existing Big Data platform at KALRO to support wider farmer outreach</li> <li>● Develop women and youth agripreneurs as last mile extension service providers and human touch point for bundling services in partnership with DAT providers</li> <li>● Training and capacity building for county staff and farmers</li> </ul>
<b>2.4</b>	<i>Sub-component 2.4 Research Linkages, Technical Assistance and Institutional Capacity</i>
	<ul style="list-style-type: none"> <li>● Develop an inventory of TIMPs for the three new value chains (cotton, pyrethrum, and cashew nuts)</li> <li>● Update inventories of TIMPs for other value chains developed under NARIGP/KCSAP and prioritize 3-5 TIMPs with highest potential for impact</li> <li>● Support on-boarding of Technical Support Agencies across several functional areas</li> <li>● Support deployment of full-time dedicated human resource and required equipment to support their functioning at County level</li> <li>● Establish dedicated cell at County level to anchor investment coordination and reference database of ongoing county level investments for prospective new investors</li> </ul>
<b>3</b>	<b>Component 3: Piloting Climate Smart Safer Urban Food Systems</b>
<b>3.1</b>	<i>Sub-component 3.1 Climate Smart Urban and Peri-urban Agriculture</i>
	<ul style="list-style-type: none"> <li>● Mobilizing and organizing urban and peri-urban farmers into CIGs/VMGs and FPOs and provide micro-project investment support to promote appropriate TIMPs</li> <li>● Linkage with DAT service providers for efficient input use</li> <li>● Link urban/peri-urban zones to mid-stream value chain stakeholders such as processors, logistic providers</li> <li>● Train and link SMEs in urban/peri-urban production and marketing to financial service providers</li> </ul>
<b>3.2</b>	<i>Sub-component 3.2 Urban Infrastructure</i>
	<ul style="list-style-type: none"> <li>● Develop climate proof market infrastructure to serve market hubs for direct farmer-consumer linkages</li> <li>● Facilitate between CIGs/VMGs and FPOs and e-commerce platforms and digital aggregators</li> <li>● Support intensive consumer awareness and information campaign to catalyze higher demand and value for safer food produce</li> </ul>
<b>3.3</b>	<i>Sub-component 3.3 Policy and Institutional Strengthening</i>
	<ul style="list-style-type: none"> <li>● Implementation of existing legal and regulatory frameworks such as the Nairobi City Council Food System Strategy</li> <li>● Strengthening the coordination and convergence of line ministries and departments and agencies involved in urban food systems at National and County levels</li> <li>● Training and capacity building for consumers, farmers and government line ministries and departments</li> </ul>

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	<ul style="list-style-type: none"> <li>Support policy analytics and technical assistance to line ministries and departments</li> </ul>
<b>4</b>	<b>Component 4: Project Coordination and Management</b>
	<i>Sub-component 4.1 Project Coordination</i>
	<ul style="list-style-type: none"> <li>Finance costs of NPCU that include salaries, operation and maintenance costs, project supervision and oversight</li> <li>Support oversight and inter-governmental coordination provided by the Joint Agriculture Sector Steering Mechanism (JASSCOM), Council of Governors (CoG and Caucus of County Executive Committee Members (CECMs)</li> <li>Support the Agriculture Transformation Office</li> </ul>
	<i>Sub-component 4.2 Communication, Monitoring and Evaluation (M&amp;E), and Information Communication Technology</i>
	<ul style="list-style-type: none"> <li>Finance activities related to communication with all stakeholders that are part of project implementation</li> <li>Support engagement with farming communities to ensure participation and ownership at planning, preparation and implementation of community driven development operations</li> <li>Finance routine M&amp;E functions including baseline, mid-point and end of project evaluations</li> <li>Facilitate networking across project components and support development of an ICT-based agricultural information platform for sharing information</li> </ul>
<b>5</b>	<b>Component 5 Contingency Emergency Response</b>
	Finance immediate response activities following natural disasters impacting the agricultural sector triggered upon formal request from the National Treasury on behalf of GoK

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

#	Sub-projects	Stakeholders
1	Component 1: Building Producer Capacity for Climate Resilient Stronger Value Chains	
1.1	<i>Sub-component 1.1 Farmer Capacity Building and e-voucher Support</i>	Actors
	<ul style="list-style-type: none"> <li>Community mobilization and strengthening of CIGs within selected value chains</li> <li>Identification of capacity needs</li> <li>Capacity building of small farmers on TIMPs</li> <li>Small scale infrastructure investments for primary aggregation and value addition</li> <li>Mobilize farmers to access GoK e-voucher fixed package of inputs (seeds, fertilizer, and agro-chemicals)</li> <li>Technical support</li> </ul>	<ul style="list-style-type: none"> <li>Common Interest Groups (CIGs)</li> <li>VMGs</li> <li>Individual farmers</li> <li>Relevant NGOs/CSOs</li> <li>County extension services departments</li> </ul>
1.2	<i>Sub-component 1.2 FPO Level Climate Smart Value Chain Investments</i>	
	<ul style="list-style-type: none"> <li>Mobilization and strengthening of FPOs</li> </ul>	<ul style="list-style-type: none"> <li>Common Interest Groups (CIGs)</li> <li>VMGs</li> </ul>

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

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

### **Purpose of the VMGF**

5. The objective of this VMGF Framework is to set out the requirements of ESS7 with regard to VMGs, specifically on how they will be fully consulted and have the opportunity to actively participate during the design and implementation of NAVCDP. The framework will also include the procedures to be followed in preparing appropriate safeguards documents necessary to fully operationalize the VMGF in a sustainable manner ensuring full access of benefits to the VMGs in the implementing counties. This is due to the recognition that VMGs are present in some of the counties who have collective attachment to the project area.
6. The other purpose is to ensure that NAVCDP gets consent of the community prior to the involvement within the project cycle. More specifically, on the designs processes of the sub projects i.e. identification of value chains, preparation of value chain plans, networks, capacity building of communities, where and how the decisions will be made and by whom? When all this and more is initiated, discussed, agreed, consented, and captured, then it will form the VMGF that then, will be monitored and reported during the project M&E.
7. Taking into consideration the VMGF issues, and characteristics as set out under ESS7, the review of literature and project documents on the likely presence of VMGs, the following 11 counties were identified to have the presence of VMGs as listed: the Ogiek of Kiambu, Nandi, Uasin Gishu, Narok, Trans Nzoia, Kericho, and Nakuru counties, the Talai of Kericho County, the Sengwer of Trans Nzoia County, the Watha of Tana River, Kilifi, Taita Taveta and Talai in Kericho counties, and the Wasanye of Kwale County
8. The identified list of VMGs in the respective project counties will be validated and updated during screening of the various VMGs during the Social Assessment (SA) study specific to each of the 11 counties. Any other VMGs identified during the SA will be included in the list and VMGFs prepared accordingly for the respective county.

### **Objectives of this VMGF**

9. NAVCDP VMGF has the overall objective of guiding the general project operations including specific processes of involving the VMGs of Kenya's with an aim to:
  - Avoiding negative impacts of sub-projects on VMGs, or when avoidance is not possible, to minimize, mitigate, and/or compensate;
  - Improving NAVCDP design and promote local support by establishing and maintaining an ongoing relationship based on meaningful consultation with the VMGs affected by a subproject throughout NAVCDP life cycle;
  - Avoiding undertaking any activities that may lead to negative impacts on VMGs in the three circumstances described in the ESS7;
  - Promoting sustainable development benefits and opportunities for VMGs in a manner that is accessible, culturally appropriate, and inclusive;



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- Recognizing, respecting, and preserving the culture, knowledge, and practices of VMGs, and to provide them with an opportunity to adapt to changing conditions in a manner and a time frame acceptable to them; and
- Ensuring that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of VMGs.
- Ensuring the involvement of the VMGs in prioritization of their select VC, their involvement in the implementation structures including leadership and ensuring they receive their rightful shares of the micro-projects.

**Potential Benefits of the Project to VMGs**

10. The project will create opportunities for the VMGs to participate in both FPOs and value chains activities, and to sell their produce at relatively higher prices. Through this project, they will have opportunities to negotiate prices through the FPOs and to benefit from higher prices arising from value addition to their produce.
11. The project will also strengthen the linkages between the VMGs and county governments including extension and other technical services they provide, to support selected value chains. This will bring them to the center of decision-making in the counties. It will also provide opportunities for them to participate in decision-making about value chain related policy changes at the county and national level.
12. The project will also provide job opportunities to VMG farmers and youth in better-managed value chains and during construction of small-scale sub-projects. These new income streams will improve local livelihoods of the VMGs.

**Potential Negative Impacts on VMGs**

13. In some cases, the sub projects can be proposed on a land or natural resources under traditional/customary use leading to granting of community lands belonging to VMGs. Counties will use the principles of FPIC to ensure that the members of VMGs willingly provide the land for such investments.
14. The project is likely to alter local power structures and relations that may disadvantage the VMGs. This could lead to SEA/SH incidences at the interface of VMGs and the project and associated actors in the new formal setting. FPOs are likely to become stronger and to broker value addition activities to selected value chains where the VMGs usually participate but from positions of weakness.

**Social Risk Management Documentation and Disclosure**

15. This VMGF describes the procedures for further preparation of ESF instruments including VMG Plans specific to 11 beneficiary counties as one of the first activities. The specific



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VMGPs will be prepared based on the social assessment of respective value chain development plan for the each of the 11-beneficiary county with presence of VMGs. VMGPs will be prepared and approved along with the county specific value chain Development Plan and prior to undertaking activities in areas where VMGs are present and implemented throughout the project. Any subproject that will trigger the situations<sup>1</sup> described in section 24 of the WB ESS7 will be identified and will not be considered for implementation.

16. It is shown that the ESF instruments will be disclosed to stakeholders incrementally in the course of consultations during project preparation and in the various websites of the county governments, the Ministry of Agriculture, and the World Bank once they are completed and cleared.

**Capacity Building for VMGF Implementation**

17. The consultant's initial assessment of the NAVCDP team revealed a capacity gap in social safeguards and a preliminary recommendation has been made to the project to engage a social safeguards expert for further training and mentoring of the team

**Institutional arrangement.**

18. The report discloses the institutional arrangement for delivering the VMGF and the associated documentations such as the VMGP including SA. The institutions include the NPCU, Civic Organizations, NGOs and the Bank.

**Role of the safeguard specialist**

19. The safeguard specialist in NAVCDP, with support from other sister projects as appropriate, will be responsible for; (i) screening of sub-projects affecting VMGs, (ii) reviewing, aligning, and approving sub-projects, while ensuring their compliance to ESS7 and attendant guidance notes, (iii) assessing the adequacy of screening and reviews of sub-project impacts and the attendant mitigation measures for affected VMGs, (iv) assessing the adequacy of stakeholder identification, consultation and involvement of the affected VMGs' broad support to the sub-projects, (v) monitoring sub-project implementation to draw and document constraints and lessons learned concerning VMGs and the application of this VMGF in the progress and monitoring reports, and (vi) ensuring that the affected VMGs participate actively in the monitoring and evaluation exercises of all sub-projects that affect them, and ensuring that their feedback is included in future sub-project actions.

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<sup>1</sup> Circumstances requiring Free, Prior and informed Consent (FPIC)

(a) have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation;

(b) cause relocation of IP/ SSAHUTLC from land and natural resources subject to traditional ownership or under customary use or occupation; or

(c) have significant impacts on IP/ SSAHUTLC's cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected IP/ SSAHUTLC's lives

All the investments under NAVCDP will be subjected to ESS screening and any of them found to result in any of the above situations will not be approved for funding.

### **Grievance Mechanism (GM), and Monitoring and Reporting**

20. This VMGF recommends that a GM model for adjustment and adoption into the VMGPs be formulated. The GM will be based on the VMGs dispute resolution structures, that revolves around councils of elders and other culturally appropriate and accessible structures at lower levels. However, it will be encouraged that the grievances be settled at the lowest level. The project will document and existing culturally acceptable grievances resolution structures and introduced the elements of the project GM which will complement them for smooth and effective grievance resolution which will also take in to consideration the women and other vulnerable members of the community. The grievances reporting mechanism for the VMGs will use the various communication channels such as verbal presentation, community spokes persons, letters, telephone texts and call and web- based system where applicable. The grievances or feedback from the communities will be channeled through the Social Accountability and Integrity Committee (SAIC) at the community level, then to the CPCU and the NPCU. The feedback will also be communicated to the community members through the same structures.

### **Monitoring and Evaluation**

21. The monitoring and reporting system will be developed further during VMGP preparation. The main issues to be monitored for the VMGs include the value chains prioritized by the VMGs, number of grievances received and resolved from the VMGs, documentation of the consultations done, number of sub- projects received from the VMGs, the number approved for funding, the number of VMG beneficiaries (men, women and youth) and also the TIMPs that have been adopted by the VMGs.

### **Information, Communication and Disclosure**

22. NAVCDP will endeavor to disclose project information on the project and how it affects or benefits VMGs as transparently as possible and on a continuous basis. Information sharing will happen in two stages. First, before the final selection of any sub-projects sited in VMG areas, the NAVCD team will consult them about their perception of need for sub-project, opinions on potential positive and negative impacts associated with the sub-projects. Second, prior to a detailed impact assessment, engagements will be carried out to ascertain how the VMGs perceive the need for undertaking physical works for the subproject and gather any inputs/feedback they might have for better outcomes such as VMGs' deeper participation in the design of project activities and mitigation measures, which would eventually be addressed in VMGPs and design of the sub-projects and any required physical works. The VMGs consultations will also include civic organizations such as FPOs, CBOs and NGOs who usually speaks for them. Once the VMGPs and other safeguards documents are prepared, they will be submitted to World Bank for approval and disclosed to public before any sub-project is implemented.

### **Stakeholder Engagement and Public Consultations**

23. Initial disclosure was carried out during the 1<sup>st</sup> stakeholders' meetings that were held for three days from November 8th to 10th, 2021 in Nairobi. The first day brought together representatives of communities as per the requirements of ESS7. The teams included men, women, female and male youth, and representatives of civil society and differently abled people in those communities. The second day meeting focused on county line departments and other stakeholders including farmers while the third day involved National line departments policy makers and other stakeholders including development partners and CSOs. Similar consultations will be continued during project preparation and implementation. The lists of persons consulted, and minutes of the engagement meetings are in Appendix 6. Stakeholders were identified in line with ESS 10 on stakeholder engagement and information disclosure. The document gives a strategy for the participation and consultation of the VMGs.

### **Communication Strategy**

24. The VMGPs' communication strategy will focus on:
- Facilitating widespread participation of VMGs in culturally appropriate ways with adequate gender and inter-generational representation; with special focus on VMGs that present as minority in a beneficiary ward.
  - Providing VMGs with relevant information about value chain plan, associated investments and each sub-project that affects them;
  - Documenting in details of all consultation meetings; and
  - Providing and explaining grievance mechanisms as additional avenues for VMGs' expression on sub-projects.

### **Budget for implementation of the VMGF**

25. The report indicates that all the costs for implementation of this VMGF, including preparation and implementation of VMGPs including Social Assessment will be financed by NAVCDP budget the agreed guidelines and protocols.

# 1 INTRODUCTION AND BACKGROUND

## a. Introduction

- 2) In the World Bank Environmental and Social Framework/Standards, ESS7 constitutes, the term “Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities” referred to as Vulnerable and marginalized Groups (VMGs) in Kenya in World bank operations) is used in a generic sense to refer exclusively to a distinct social and cultural group possessing the following characteristics in varying degrees: (a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; (b) Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; (c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and (d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside. This ESS also applies to communities or groups who, during the lifetime of members of the community or group, have lost collective attachment to distinct habitats or ancestral territories in the project area because of forced severance, conflict, government resettlement programs, dispossession of their land, natural disasters, or incorporation of such territories into an urban area. This ESS also applies to forest dwellers, hunter-gatherers, pastoralists, or other nomadic groups subject to satisfaction of the criteria in paragraph 8 of ESS7.
  
- 3) Article 260 of the Constitution of Kenya, 2010, defines “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 whole;
  
- 4) Similarly, Article 56 of the Constitution of Kenya is refers to the minority and vulnerable communities. It states that “the State shall put in place affirmative action programmes designed to ensure that minorities and marginalized groups: (a) participate and are represented in governance and other spheres of life; (b) are provided special opportunities in educational and economic fields; (c) are provided special opportunities for access to employment; (d) develop their cultural values, languages and practices; and (e) have reasonable access to water, health services and infrastructure”.
  
- 5) This Vulnerable and Marginalized Groups Framework (VMGF) is prepared in recognition that the National Agricultural Value Chain Development Project (NAVCDP) will be

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implemented in some counties inhabited by communities who meet the requirements of ESS7. Broadly, ESS 7 requires that such proposed projects aim at reducing poverty through a sustainable development stemming from enhanced opportunities for Vulnerable and Marginalized Groups (VMGs) to participate in, and benefit from, the development process in ways that do not threaten their unique cultural identities and well-being. Therefore, this VMGF is prepared by the Government of Kenya (GoK) in line with the Government legislation and also in line with the WB ESS7.

- 6) The Project Development Objective NAVCDP is “To increase market participation and value addition for farmers in select value chains in project areas.” The focus of NAVCDP will be on smallholder farmers that are either transitioning or have transitioned from subsistence to market-oriented and modern farming systems. This project is a direct mitigation for agricultural under-production and poverty in rural Kenya. The NAVCDP targets improvement of nine (9) agricultural product value chains in 26 counties across the country. The value chains are (i) dairy, (ii) poultry, (iii) fruits (banana, mango and avocado), (iv) vegetables (tomato and potato), (v) coffee, (vi) cotton, (vii) cashew-nut, (viii) apiculture, (ix) pyrethrum. The 26 participating counties are Meru, Murang’a, Kiambu, Kirinyaga, Embu, Nyeri, Machakos, Makueni, Kitui, Nandi, Uasin Gishu, Trans Nzoia, Bomet, Kericho, Narok, Nyandarua, Nakuru, Busia, Kakamega, Kisii, Migori, Homa Bay, Tana River, Taita Taveta, Kilifi, and Kwale.
- 7) This Framework presents the NAVCDP impacts, which may affect the VMGs negatively and positively. The VMGs discussed in this report are in 11 participating counties and include the Ogiek of Kiambu, Nandi, Uasin Gishu, Narok, Trans Nzoia, Kericho, and Nakuru counties, the Talai of Kericho County, the Sengwer of Trans Nzoia County, the Watha of Tana River, Kilifi, Taita Taveta and Talai in Kericho counties, and the Wasanye of Kwale County. Fifteen participating counties namely, Kisii, Homa Bay, Migori, Kakamega, Busia, Nyandarua, Murang’a, Meru, Kirinyaga, Embu, Nyeri, Bomet, Machakos, Makueni, and Kitui do not host VMGs within the meaning of ESS7. The ESS framework describes the VMGs and forms a guide into mitigating against any potential negative impacts which may affect them during implementation of the NAVCDP.

**b. Project Context**

- 8) The National Agricultural Value Chain Development Project (NAVCDP) is currently under preparation. The National Project Coordinating Unit (NPCU) for the National Agricultural Rural Inclusive Growth Project (NARIGP) is undertaking NAVCDP to bolster selected agricultural product value chains in 26 counties in Kenya. NARIGP is domiciled in the State Department for Crop Development and Agricultural Research within the Ministry of Agriculture, Livestock, Fisheries and Cooperative Development.
- 9) NARIGP was a response to the need to transform the agricultural sector and build resilience to climate change risks in Kenya by focusing on increasing productivity and profitability. In pursuit of this, the Government prioritized to address the following main constraints

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towards increased agricultural production, productivity and value addition: (a) Low use of agricultural inputs; (b) Frequent droughts and climate variability; (c) Natural resources degradation (particularly soil and water), as a result of nutrients mining and soil erosion; (d) Low levels of private investment in the primary production (subsistence commercial-oriented agriculture) and in value addition; and (e) Poor rural infrastructure, such as small scale irrigation, roads, marketing and storage.

- 10) NARIGP was designed to address the constraints in the Kenyan agricultural sector by increasing production and productivity using community participatory and value chain approaches. The Project Development Objective (PDO) for NARIGP is “To increase agricultural productivity and profitability of targeted rural communities in selected Counties, and in the event of an eligible crisis or emergency, to provide immediate and effective response”. It has four components: (i) Community Driven Development; (ii) Strengthening Producer Organizations and value chain development; (iii) Supporting County community-led development; and (iv) Project coordination and management.
- 11) NARIGP has had an impressive performance and attained most of the key performance indicators thereby laying a firm foundation for progress towards achievement of its outcome targets. The project is in its last segment and is expected to close by June 30th, 2023. There is a proposal by the Ministry of Agriculture, Livestock, Fisheries and Cooperative Development to undertake a new operation that will build on the strong foundation in terms of FPOs and value chain development laid by twin IDA funded project, NARIGP and Kenya Climate Smart Agriculture Project (KCSAP), to further scale up support to GoK’s vision in the agriculture sector of transforming smallholder subsistence agriculture in Kenya into an innovative, commercially oriented, and modern sector. The new operation is a five year USD 250 million “National Agricultural Value Chain Development Project” (NAVCDP) with USD 200 million from IDA, USD 10 million counterpart contribution from the National Government, USD 20 million from participating County Governments and a further USD 20 million from beneficiaries.

### **c. Project Description**

#### **1.1.1 Project Development Objective**

- 12) To increase market participation and value addition for targeted farmers in select value chains in project areas.

#### **1.1.2 Project Components**

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

**Component 1: Building Producer Capacity for Climate Resilient Stronger Value Chains**

- 14) This component will focus on sustainable productivity enhancement, climate resilient and nutrition sensitive production and increased market participation for project farmers through improved access to credit, inputs and digital extension services while linking them to high-capacity Farmer Producer Organizations (FPOs). Inclusion of women smallholders will be a key focus area with at least 50 percent of CIG/VMG members supported under the project estimated to be women farmers.
- 15) **Sub-component 1.1: Farmer Capacity Building and e-Voucher Support.** The sub-component will build small-holder farmer capacity for enhanced climate resilience, improved production and market participation through (i) training on climate smart TIMPs through on farm extension and public facilities to demonstrate CSA technologies for increased productivity, (ii) enhanced climate resilience and reduced GHG emissions, (iii) demonstrative micro-project investments to complement TIMPs training, (iv) farmer mobilization and technical assistance to support access to e-vouchers, and (v) small scale infrastructure investments for primary aggregation, small duration storage and value addition. Most activities under this sub-component will be scaled up from earlier investments made under NARIGP/KCSAP and the focus will be on strengthening commercial orientation, inclusion of women farmers and enhanced climate resilience and adaptation. New mobilization of small farmers into CIGs as required, will also be undertaken as part of this component. Capacity building, Institutional strengthening of the CIGs and CDDCs and community level coordination costs will also be covered. The project will partner with KALRO to further strengthen and expand the existing inventory of TIMPs with emphasis on climate resilience, nutrition, and safer food production practices.
- 16) Micro-project investments at the CIG/VMG level will support demonstration sites for the climate smart TIMPs. The sub-component will also support farmers to access e-vouchers as part of the National Value Chain Support Program (NVSP), launched in 2020 by Ministry of Agriculture, Livestock, Fisheries and Cooperatives (MoALFC). The project will support mobilization and registration of farmers, and provision of technical assistance at the national and county levels for the implementation of the program. Finally, the sub-component will also support provision of small-scale infrastructure investment (through micro project investments) needed for primary aggregation and value addition including weighing, grading, cleaning of produce, small duration storage and quality testing equipment.
- 17) **Sub-component 1.2: Farmer Producer Organization (FPO) Level Climate Smart Value Chain Investments.** This sub-component will focus on nurturing strong, market oriented FPOs that can enhance market participation and value realization for member small farmers and CIGs. The project will leverage the existing FPOs (mostly the best performing) mobilized under KCSAP/NARIGP and undertake new mobilization of FPOs if required. The sub-component will provide small inclusion grants to eligible FPOs towards inclusion /recruitment of more members into the FPOs. In addition, FPOs will be supported to develop climate informed Enterprise Development Plans (EDPs) that will be funded to enable the FPO and its member farmers access to high quality and climate resilient inputs (e.g., climate resilient seeds, breeds, and balanced fertilizers), aggregation

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and value addition. EDPs will prioritize investments which could help build resilience of farmers to climate vulnerability and will be screened for their emission potential. Further, there will be provision of technical assistance to support long term access to formal financing, enable linkages with agribusiness SMEs, e-commerce companies and large ag-tech startups, and build techno-managerial capacity for agribusiness operations.

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

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

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



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persons and the county teams will facilitate technical support to farmers on water harvesting and accessing irrigation including identifying, aggregating, and linking individual farmers with tech-suppliers and financing institutions.

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

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

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

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

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

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

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

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existing agri-business SMEs supporting such production and marketing practices will be supported through training and linkage with financial service providers.

- 31) **Sub-component 3.2: Urban Market Infrastructure.** This subcomponent will support linkages between rural/peri-urban producers and urban consumers by (i) developing climate proof market infrastructure (physical urban and peri-urban markets) to serve as market hubs for direct farmer-consumer linkages and make them more resilient to climate change and (ii) facilitating direct linkages between the CIGs/FPOs under the project and e-commerce platforms and digital aggregators. Further support will focus on intensive consumer awareness and information campaign to catalyze higher demand and value for safer food produce.
- 32) **Sub-component 3.3: Policy and Institutional Strengthening:** This sub-component will support the implementation of existing policy and regulatory frameworks, beginning with the Nairobi City County Food System Strategy. The activities to be funded will include: (i) operational costs towards strengthening the coordination and convergence among the various line ministries and departments (e.g. Urban, Agriculture, Health) that are involved in Urban Food Systems and Food Safety both at the national and county level; (ii) training and capacity building costs both at the government level, farmer level and consumer level; and (iii) Support Policy Analytics and Technical assistance (through appropriate technical experts and agencies) to be provided to the line ministries, departments and agencies.

**Component 4: Project Coordination and Management**

- 33) This component will finance activities related to National and County-level project coordination, including planning, fiduciary (financial management and procurement), Staffing and Human Resource (HR) management at the National level, environmental and social safeguards implementation, monitoring and compliance, development of the MIS and Information Communication Technologies (ICT), regular M&E, impact evaluation, communication, knowledge management and citizen engagement.
- 34) **Subcomponent 4.1: Project Coordination.** This subcomponent will finance the costs of National Project Coordination Unit (NPCU) including salaries of the contract staff, and operation and maintenance (O&M) costs, such as office space rental, fuel and spare parts of vehicles, office equipment, audits, furniture, and tools, among others. It will also finance the costs of project supervision and oversight provided by the National Project Steering Committee (NPSC) and inter-governmental coordination provided by the Joint Agriculture Sector Steering Coordination Mechanism (JASSCOM) and the Council of Governors' (COG) structures for Agriculture including Committee on Agriculture, Caucus of County Executive Committee Members (CECMs) for Agriculture. Further support will be provided to the Agriculture Transformation Office and other project administration costs.
- 35) **Subcomponent 4.2: Communication, Monitoring & Evaluation (M&E) and ICT.** This sub-component will finance activities related to communication with all stakeholders includes project beneficiaries, all government officials that are part of the project

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

**Component 5: Contingency Emergency Response**

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

**1.1.3 Possible Types of Sub-Projects under the Project**

37) The three thematic components of NAVCDP have several possible sub-projects (Table 1.2). The main consideration in identifying possible sub-projects is that the NAVCDP aspires to enhance small-scale farmers’ participation in selected agricultural value chains by inter alia entrenching value addition and market participation. Nonetheless, this attempt to identify sub-projects remains incomplete because the type, number and actual location cannot be ascertained at this stage.

*2 Table 1-2: Possible Sub-projects and Relevant Stakeholders*

#	Sub-projects	Stakeholders
1	Component 1: Building Producer Capacity for Climate Resilient Stronger Value Chains	
1.1	<i>Sub-component 1.1 Farmer Capacity Building and e-voucher Support</i>	
	<ul style="list-style-type: none"> <li>● Community mobilization and strengthening of CIGs within selected value chains</li> <li>● Identification of capacity needs</li> <li>● Capacity building of small farmers on TIMPs</li> <li>● Small scale infrastructure investments for primary aggregation and value addition</li> <li>● Mobilize farmers to access GoK e-voucher fixed package of inputs (seeds, fertilizer, and agro-chemicals)</li> </ul>	<ul style="list-style-type: none"> <li>● Common Interest Groups (CIGs)</li> <li>● VMGs</li> <li>● Individual farmers</li> <li>● Relevant NGOs/CSOs</li> <li>● County extension services departments</li> </ul>

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#	Sub-projects	Stakeholders
	<ul style="list-style-type: none"> <li>● Technical support</li> </ul>	
1.2	<i>Sub-component 1.2 FPO Level Climate Smart Value Chain Investment</i>	
	<ul style="list-style-type: none"> <li>● Mobilization and strengthening of FPOs</li> <li>● Business performance diagnostic and grading of FPOs</li> <li>● Development of business plans and linkage to finance</li> <li>● Linkage support to digital agriculture service provider</li> <li>● Linkage support to anchor off-takers</li> </ul>	<ul style="list-style-type: none"> <li>● Common Interest Groups (CIGs)</li> <li>● VMGs</li> <li>● FPOs</li> <li>● Relevant NGOs/CSOs</li> <li>● County extension services departments</li> </ul>
1.3	<i>Sub-component 1.3 Improve Credit worthiness of CIGs and FPOs</i>	
	<ul style="list-style-type: none"> <li>● Loans</li> <li>● Support partnership with banks, SACCOs, and micro finance companies for loans to FPOs and CIGs</li> </ul>	<ul style="list-style-type: none"> <li>● Common Interest Groups (CIGs)</li> <li>● VMGs</li> <li>● FPOs</li> <li>● Individual farmers</li> <li>● Relevant NGOs/CSOs</li> <li>● County extension services departments</li> </ul>
2	<b>Component 2: Climate Smart Value Chain Ecosystem Investments</b>	
2.1	<i>Sub-component 2.1 Farmer-led Irrigation Development</i>	
	<ul style="list-style-type: none"> <li>● Technical support to identify irrigation needs</li> <li>● Development of irrigation-centered multi-stakeholder platforms</li> <li>● Training and development of county resource persons</li> <li>● Construction of small-size farm ponds</li> <li>● Linkage to flexible irrigation finance</li> <li>● Modernization of small irrigation schemes.</li> </ul>	<ul style="list-style-type: none"> <li>● County Governments</li> <li>● County Technical Departments</li> <li>● PCU</li> <li>● Individual Technical Staff</li> <li>● CIGs/VMGs</li> </ul>
2.2	<i>Sub-component 2.2 Market access and Infrastructural Development</i>	
	<ul style="list-style-type: none"> <li>● Development and modernization of physical markets and aggregation centers</li> <li>● Small duration storage facilities at regional level</li> <li>● Processing and value addition facilities at county / regional level</li> <li>● Refrigerated transport facilities</li> <li>● Catalytic finance to agri-business</li> <li>● Linkage support for produce certification and export licensing</li> </ul>	<ul style="list-style-type: none"> <li>● PCU</li> <li>● Social safeguards expert</li> <li>● Environmental safeguards expert</li> <li>● County Governments</li> <li>● Relevant National Directorates</li> <li>● CIGs/VMGs/FPOs</li> </ul>
2.3	<i>Sub-component 2.3 Data and Digital Investments</i>	
	<ul style="list-style-type: none"> <li>● Mobilization of farmers to enable linkage to Agri-technology providers</li> </ul>	<ul style="list-style-type: none"> <li>● PCU</li> <li>● Safeguards experts</li> <li>● County Governments</li> </ul>

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

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#	Sub-projects	Stakeholders
	<ul style="list-style-type: none"> <li>● Strengthening the coordination of ministries and departments involved</li> <li>● Training and capacity building at government level, farmer, and consumer levels</li> <li>● Technical assistance</li> </ul>	<ul style="list-style-type: none"> <li>● Line Ministries, Departments and Agencies at National and County levels</li> <li>● Relevant NGOs/CSOs</li> <li>● CIGs/VMGs</li> <li>● FPOs</li> </ul>

**1.1.4 Project Beneficiaries**

38) NAVCDP aims to support mainly 500,000 small scale farmers who will be transitioning or have potential to transition from being subsistence farmers to commercial farmers or are selling only a small percentage of their produce commercially. Other beneficiaries of the project include value chain actors at various levels including extension workers, aggregators, logistics support providers and SMEs operating within the value chain. The project will place a strong focus on inclusion of women farmers within the supported value chains.

**1.1.5 Project Coverage and Value Chains**

39) Final selection of value chains and counties for NAVCDP was based on intensive analytics that assessed potential for inclusion and commercialization, ongoing investments in the 28 value chains supported by NARIGP/KCSAP. In addition, there was consideration of the availability of strong community institutions like CIGs/VMGs and FPOs to enable building up on ongoing investments and capacity to deliver multiplier effects while minimizing duplication.

40) For value chains, climate vulnerability and the potential of Climate Smart Agriculture (CSA) practices were reviewed and incorporated coupled with the consideration of the three pillars of CSA of increased productivity and incomes, adaptation to climate change and mitigation of GHG emissions. As well, the selected value chains were also largely aligned with the high potential value chains identified under ASTGS. The nine value chains that have been prioritized are: Dairy, Coffee, Chicken, Fruits (Avocado, Banana, Mango), Vegetables (Irish potatoes, Tomato), Apiculture, Pyrethrum, Cashew nut and Cotton.

41) The selection of counties to be supported under NAVCDP involved ranking of all 47 counties on a combination of parameters including the production advantage in the prioritized value chains, relative ranking at national level and ongoing performance under NARIGP and KCSA. A key consideration in the selection was avoidance of duplication and overlap of Bank and other donor funded projects. NAVCDP will be implemented within 26 counties spread across 7 geographical clusters (Table 1-1).

*3 Table 1-1: Distribution of NAVCDP Participating Counties across different Regions*

Region	Mt Kenya	Lower Eastern	North Rift	Central/South Rift	Western	Nyanza	Coast

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<b>Counties</b>	Meru, Nyeri, Murang'a, Kirinyaga , Kiambu, Embu, Nyandarua	Machakos , Kitui, Makueni	Nandi , Uasin Gishu , Trans Nzoia	Nakuru, Narok, Kericho, Bomet	Kakamega , Busia	Homa Bay, Migori, Kisii	Taita Taveta , Kwale, Kilifi, Tana River
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**d. and Objectives of the VMGF**

42) The purpose of this framework is to set out the requirements of ESS7 on VMGs, specifically to guide preparation of NAVCDP interventions that will ensure full access to opportunities and benefits to these communities. Since these communities will be affected by the planned project, the objectives of this VMGF are:

- i. To ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of VMGs;
- ii. To avoid negative impacts of sub-projects on VMGs, or when avoidance is not possible, to minimize, mitigate and/or compensate for such impacts;
- iii. To promote sustainable development benefits and opportunities for VMGs in a manner that is accessible, culturally appropriate and inclusive;
- iv. To improve project design and promote local support by establishing and maintaining an ongoing relationship based on meaningful consultation with PAPs who fit the criteria of VMGs;
- v. To use the principles of FPIC to ensure that the VMGs are not negatively affected by the three situations described in ESS7; and
- vi. To recognize, respect and preserve the culture, knowledge, and practices of VMGs, and to provide them with an opportunity to adapt to changing conditions in a manner and in a timeframe acceptable to them.

**e. VMGF Principles**

43) The guiding principles of the VMGF include the following.

- i. **Respect for Human Rights** - the framework encapsulates the assurance that NAVCDP design and implementation process enhances respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of affected VMGs
- ii. **Avoidance of Negative Impacts** - the framework provides procedures for avoiding NAVCDP's negative impacts on VMGs, or when avoidance is not possible, to minimize, mitigate, and/or compensate for such impacts.
- iii. **Promotion of Culturally Appropriate and Sustainable Benefits** - the framework describes procedures for promotion of culturally appropriate and sustainable NAVCDP benefits and opportunities for affected VMGs.



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- iv. **Improve VMGs Buy-in to the NAVCDP** - the framework offers suggested procedures for continuous meaningful consultations with affected members to foster positive relationships, buy-in and license to operate from affected VMGs

**f. Approach and Methodology for the VMGF**

44) The process for preparation of this VMGF followed the following steps.

- i. Literature and documents review to understand the project and its context. The documents reviewed include anthropological studies of various VMGs, the legal, policy and regulatory instruments in use and relevant to VMGs in Kenya such as the Constitution of Kenya, Vision 2030, and available project documents such as the PAD.
- ii. Screening for VMGs in the project counties. This was done partly through literature review and through consultations with the project team during a virtual meeting held on 19<sup>th</sup> October 2021.
- iii. Predicting the NAVCDP's potential benefits and negative impacts on the bases of available information on sub-projects and predictable activities. The dimensions and sittings of the sub-projects have not yet been determined and thus the prediction of impacts and benefits was at a general level.
- iv. VMGs workshop. This took place on November 8<sup>th</sup>, 2021. The aim was to disclose as much project information as possible to the VMGs representatives and discuss *inter alia* their fears, opinions, and aspirations regarding the NAVCDP. The VMGs representatives also discussed the benefits they anticipate and any negative impacts they may foresee. The workshop was attended by nine Indigenous Peoples Organization (IPO) representatives, 20 members of the IP communities from 10 counties that are inhabited by the IPs communities and 26 County Environmental and Social Safeguards Officers (CESSCOs)

**2 SCREENING FOR VMGS IN PROJECT COUNTIES**

45) The ESS7 recognizes that IP/SSAHUTLC, who are generally referred to as Vulnerable and Marginalized Groups (VMGs) as per Constitution of Kenya 2010, have identities and aspirations that are distinct from mainstream groups in National societies and often are disadvantaged by traditional models of development. Other VMG characteristics in Kenya are:

- i. Their economic, social, and legal status frequently limits their capacity to defend their rights to, and interests in, land, territories, and natural and cultural resources;
- ii. That status may restrict their ability to participate in, and benefit from development projects;
- iii. They do not receive equitable project benefits and benefits are not designed or delivered in culturally appropriate forms;
- iv. They may not always be adequately consulted on the design or implementation of project that would profoundly affect their lives and communities;
- v. The roles of men and women in indigenous cultures are often different from those in mainstream groups, and women and children suffer double marginalization i.e., in their communities and because of external interventions;
- vi. Livelihoods are inextricably linked to land and natural resources;
- vii. They are particularly vulnerable if their land and resources are transformed, encroached upon, or significantly degraded; and
- viii. Projects may also undermine their language use, cultural practices, institutional arrangements, and religious or spiritual beliefs.

46) In summary and according to ESS7, the broad characteristics of VMGs are as follows:

- (a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others;
- (b) Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas;
- (c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and
- (d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

47) Following intensive review of literature and project documents on the 26 counties that have been identified to participate in the NAVCDP, some 11 counties were found to be inhabited by communities that meet the criteria for VMGs. The Counties and the VMGs are summarized in Table 2-1 below.

**4 Table 2-1: VMGs in the Project Counties**

#	County	VMGs
1.	Kiambu	Ogiek
2.	Nandi	Ogiek
3.	Uasin Gishu	Ogiek

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#	County	VMGs
4.	Trans Nzoia	Sengwer and Ogiek
5.	Narok	Ogiek
6.	Nakuru	Ogiek
7.	Tana River	Watha
8.	Taita Taveta	Watha
9.	Kilifi	Watha
10.	Kwale	Wasanye
11.	Kericho	Talai and Ogiek

- 48) The identified list of VMGs in the respective project counties will be validated during consultations, and/or when the project Social Assessment (SA) will be done with the various VMGs
- 49) The respective VMGs are not located in one county or even in one sub-county in any of the counties. They are spread across counties, for instance, the Ogiek are found in seven project counties. The VMGs are therefore not homogenous. Nonetheless, a general characterization of their livelihoods and culture is discussed below to contextualize project impacts on them.

### **2.1.1 Ogiek**

- 50) Marioshoni ward of Molo constituency is home to the largest proportion of Ogiek people in Kenya. Ogieks are an indigenous minority ethnic group in Kenya comprising about 20,000 members. The land they inhabit was forest land and has been cleared for settlement in the last twenty years. The Ogiek claim this land as their traditional territory as hunters and gatherers over several generations. However, this claim has been contested and a court case has progressed through Kenyan courts over the years and landed in the African Court on Human and People's Rights where it was decided in favor of the Ogiek on May 26th, 2017. The African Court ruled inter alia that the Mau forests are the ancestral home of the Ogiek peoples and stated that the most salient feature of indigenous societies is their unhindered access to and use of their traditional land. Even after the court ruling however, the Ogiek continue to live on the land without title deeds.
- 51) There are Ogiek populations in Kiambu, Nandi, Uasin Gishu, Trans Nzoia, Nakuru, Kericho, and Narok Counties. They are all linked together by Language propagated through an FM Radio that broadcasts 24 hours every day from Marioshoni. The NGO Ogiek Peoples' Development Program (OPDP) speaks for all Ogiek people in Kenya.
- 52) The Ogieks' livelihoods revolve around bee keeping and honey. Honey is critical to their religion and belief systems and is a central item in their rituals and ceremonies. They have placed beehives in the forests around them and on their farms. They sell the surplus honey through cooperatives and self-help groups. They also grow maize, beans, vegetables, and potatoes for domestic consumption and for sale of surpluses to the rest of the country

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through middlemen who transport it. The Ogiek rear dairy cattle and sell most of the milk in Njoro and Nakuru towns.

- 53) The Ogiek are a patriarchal society. They have a strong council of elders that holds sway in most community-wide decisions. All members of the council are men, but women participate in local community meetings and contribute to discussions without hindrance. Other representative organizations of the Ogiek include churches, self-help groups organized around honey production and sales, the NGO Ogiek Peoples Development Program (OPDP) and several Community-Based Organizations (CBOs).

### **2.1.2 Sengwer**

- 54) The Sengwer people mainly reside in Cherangany Hills. It is estimated that the current population of the Sengwer, considered as one of the most marginalised groups, is about 30,000. They are divided into clans. Most of them do not own land since they were never invited to the settlement schemes and land redistribution program of the former white settlers' farms. It is noted that even the spaces they occupy which are mostly suitable for agriculture have continued to be under disputes from outsiders. Their livelihoods revolve around agriculture, beekeeping, and honey harvesting, and livestock. Their governance rests on a council of elders that is devolved to the clan level.

### **2.1.3 Wasanye**

- 55) The Wasanye people live in Lamu County (Lamu West in Mapenya (Shekale), Mkunumbi Witu, Madagoni, Sendemke) and in Kwale County (Kinango-Kilibasi, Silaloni, Busho and Matuga-Mbegani/Mkongani). The Wasanye are about 10,000. The Wasanye society is made up of 7 clans: Walunku, Wamanka, Ebalawa, Ilam, Digilima, Simtumi, and Radhotu – speaking in sharp dialects that can compare to Xhosa in South Africa.

- 56) The Sanye are focused on the forests and take immense pride in their land. They take much comfort in their forests, spending most of their time there and rely on the forests for medicine as opposed to nearby hospitals. The herbs are used to make beverages and heal people. The neighboring communities refer to them as 'witches' as they actively practice witchcraft and believe in the existence of spirits. Their primary language is Dahalo. Originally, they were hunters and gatherers from the forests but have since adapted to subsistence farming, fishing, and honey harvesting.

Waata-speaking Sanye of Kenya, numbering 16,500, are unengaged and unreachable.

### **2.1.4 Watha/Waata**

- 57) In the literature the names Waata and Watha are used interchangeably and refer to the same people. The difference is in the county where they are located. They live in scattered territorial groups along Tana and Galana rivers. A few of them are still living in thick forests across Kenya. They have a traditional council of elders and headman known as Abagaazi who govern them. Land ownership is communal, and a few have managed to get titles for their land. They were originally hunters and preferred elephants as their target, a factor which led to them being labelled poachers and targeted by the government in wildlife

conservation efforts. They live in permanent settlements practicing mixed farming and fishing while those in the forests practice beekeeping.

#### **2.1.5 The Talai**

58) The Talai (Orgoiik or Laibons) originated from Nandi County in the early 1800s and were assimilated as one of the Kipsigis clans. They moved to Kipsigis land just before the advent of the British colonialism in early 1890s. Once the colonialists arrived, they played a pivotal role in the resistance to the invasion of Kipsigis land. For their role in continual resistance of British occupation the Talai were deported to Gwasssi in South Kavirondo in 1934. The Talai totaling about 698 males and females were rounded up and banished to Gwasssi. Their deportation ended in 1962 when they were repatriated to Kericho District. However, to date, the majority of them are eking their living from very difficult situations since upon their return to Kipsigis land they were not allocated any land not even from where they had been deported from. They are largely squatters and keep livestock for a living.

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

59) This section presents the policy, legal and institutional framework applicable and relevant to the VMGs and identifies the legal and regulatory regime that undergirds the management of potential project impacts.

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

60) Article 28 of the Constitution of Kenya states that “every person has inherent dignity and the right to have that respected and protected”. This compels the proponents of the project to respect and protect the dignity of the members of VMGs during the project preparation, implementation including construction, and operation. For instance, the project should carefully examine the extent to which the project potentially affects the livelihoods of VMGs, because dignity - the state or quality of being worthy of honor or respect - is part of a people’s livelihoods. It is notable that VMG livelihoods are usually precarious and liable to disruption if exposed to external factors without care.

61) Article 56 provides that the State shall put in place affirmative action programs designed to ensure that minorities and marginalized groups: (a) Participate and are represented in governance and other spheres of life, (b) Are provided special opportunities in educational and economic fields, (c) Are provided special opportunities for access to employment, (d) Develop their cultural values, languages and practices, and (e) Have reasonable access to water, health services and infrastructure. Article 56 thus compels projects to leave VMGs better not worse off, and to preserve their environment, cultural values, languages, and practices. In the project under review, it is critical to consider and remedy any chance of disrupting VMG culture.

62) Similarly Article 27 (4) states: “The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status,

63) health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth” and partially applies to VMGs.

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

65) Article 63, 2(d)(i) inter alia recognizes VMG lands as community land consisting of - land that is lawfully held, managed, or used by specific communities as community forests, grazing areas or shrines; ancestral lands and lands traditionally occupied by hunter-gatherer communities. Such land is to be treated cautiously when it potentially falls in a project corridor. This is so because the land is usually collectively owned, often untitled and difficult to determine who to compensate in case of acquisition and what form such compensation should take to be acceptable and useful to VMGs.

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- 1) Article 260 of the Constitution of Kenya, 2010, defines “Marginalized Community” that can be considered parallel to VMG description in ESS7:

“marginalised community” means—

- (a) a community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole;
  - (b) a traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;
  - (c) an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or
  - (d) pastoral persons and communities, whether they are—
    - (i) nomadic; or
    - (ii) a settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole.
- 66)

### **The Policy Framework**

#### **3.1.1 The Kenya Vision 2030**

- 67) This is a development blueprint for Kenya negotiated in 2013 by a broad spectrum of actors including government, opposition parties, civil society, and development partners among others and aimed at steering the country into a middle-income status by 2030. Vision 2030’s social pillar envisages efforts at protecting the people from discrimination, and respect for gender, youth, and vulnerable groups. Further, the pillar sets in motion efforts for equity and poverty reduction. These efforts are favorable for the development of VMGs in a just environment. These efforts should also build into project the sustainability of VMG livelihoods.

#### **3.1.2 Gender Policy, 2011**

- 68) The policy operationalizes the aspiration for equality of men and women before the law in their pursuit for economic opportunities including employment and business. The policy is facilitative to law reform to get rid of laws that prevent women’s access to and control over economic resources including land. It also aims at improving vocational and technical skills of disadvantaged groups, notably unemployed youth, differently abled women, poor urban and rural women, and street families with the objective of enhancing their employability. This is critical because women, girls and youth constitute important segments of VMG populations.

#### **3.1.3 National Land Policy, 2009**

- 69) This policy was meant to address the land question in the context of a new liberal democracy. The policy speaks to the fact that women, children, minority groups and people with disabilities (PWDs) have traditionally suffered inadequate land rights resulting from unfair laws, and customary practices. The policy also attempts to address historical land

injustices in VMG territories through recognition of traditional occupancy and user rights as land rights. The project under review should proceed under these premises.

#### **3.1.4 Kenya National Youth Policy, 2006**

70) This Policy aspires for a society in which the youth enjoy equal opportunity to usefully engage in social, economic, political, cultural, and religious life. The youth constitute a significant component of VMG populations in Kenya. Any initiatives that address their plight therefore speaks to the needs of VMGs and the disadvantaged.

#### **3.1.5 Forest Policy, 2014**

71) The policy attempts to align forest management in Kenya with the Constitution of Kenya, 2010. In this policy the Ministry provides an oversight and regulatory role leaving Kenya Forest Service to manage forests on public land, and county governments to manage forests other than those under KFS. The policy adopts an ecosystem approach to forest management, recognizes customary rights and user rights to support sustainable forest management and conservation. The policy aims to promote sustainable production and utilization of non-wood forest products and recognizes community forests as inter alia ancestral forestland traditionally occupied by hunter-gatherer communities. This is critical when working with VMGs that live in or draw some of their livelihood resources from forests.

#### **3.1.6 National Policy on Culture and Heritage, 2009**

72) The policy avers that Kenya adheres to UNESCO's definition of culture as "that whole complex of distinctive, spiritual, material, intellectual and emotional features characterizing a society or social group. This definition encompasses, in addition to art and literature, lifestyles, ways of living together, value accepted systems, traditions and beliefs". The also defines national heritage as the sum of all the creativity in all its forms preserved, enhanced, and handed over to future generations as a record of human experience and aspirations. These broad definitions and the requirement of the policy that both the culture and heritage of Kenya conserved judiciously, implies that projects such as NAVCDP should proceed in a manner that preserves indigenous biodiversity, promotes, or preserves traditional foods, and anchors on, and respects indigenous knowledge in food production and preparation. The latter being part of national heritage.

#### **3.1.7 Policy Framework on Nomadic Education in Kenya**

73) The framework shows that there are three kinds of nomads - hunter-gatherers, pastoral nomads, and peripatetic nomads (fishing nomad). The vision of the framework is a globally competitive Nomadic quality education, training, and research for Kenya's sustainable development. This is to be achieved with the recognition of education as a basic human right and the Kenya government's commitment to EFA, MDGs and Vision 2030. The framework is to ensure conformity with other government policies on education generally and the development of nomadic areas in general. The framework additionally aims at developing partnerships with CBOs, NGOs, and other actors to promote high quality education for nomadic children in Kenya. The relevance of this framework to NAVCDP is



that the latter adds to efforts to develop nomadic areas by increasing production and incomes that will add to educational development and people's welfare in those areas.

### **3.1.8 National Environment Policy (2014)**

74) Provides a framework for improved forest governance, resource allocation, partnerships, and collaboration with the state and non-state actors to enable the sector to contribute to meeting the country's growth and poverty alleviation goals within a sustainable environment. The relevance of this policy to NAVCDP is that some of the VMGs may be residing in forests and will need to negotiate using resources therein for project supported value chains such as apiary.

### **3.1.9 Arid and Semi-Arid Land Policy 2012**

75) Provides for delicate balance between the quest for rapid development and the need to maintain and support the unique livelihoods system that best utilizes the variable ecological conditions of the region. Some of the counties Narok participating in the NAVCDP are semi-arid and project activities have to align with this policy.

## **Legislation**

### **3.1.10 National Museums and Heritage Act Cap 216 Revised Edition 2012 (2006).**

76) The issue of shrines mentioned in Article 63 of the Constitution of Kenya is picked up in the National Museums and Heritage Act Cap 216 Revised Edition 2012 (2006). At Section 46(1) the act provides that "all antiquities which are lying in or under the ground, or on the surface of any land already protected under any law as a monument or being objects of archaeological, paleontological or cultural interest that are discovered in a part of Kenya after the commencement of this Act, shall be the property of the Government". These are of great cultural value and are to be protected and preserved if found or expected to be found in the project footprint. Because of their ability for the preservation of the culture, VMGs are likely to be in possession or control of many antiquities. These must be seen and identified through VMG lenses, not external perspectives.

### **3.1.11 National Cohesion and Integration Act, 2008**

77) The Act is meant to promote National cohesion and integration by protecting Kenyans from discrimination on the bases of ethnic or racial backgrounds. It is the basis of aspirations for equitable distribution of public resources in Kenya. It provides that the distribution of public resources should consider Kenya's diverse population and poverty index. The latter points to affirmative actions in favor of VMGs and other peripheral populations to meet their expressed development needs and aspirations. The project under preparation should be alive to this Act and make specific provisions to reach and benefit VMGs in culturally appropriate ways.

### **3.1.12 County Governments Act, 2012**

78) The Act operationalizes the constitutional provisions on devolution of resources and power to the 47 counties in Kenya. It bestows the power of decision-making on people in the

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counties through their representatives in the county assemblies and enhances their participation in local development. It attempts the protection of and promotion of the interests and rights of minorities and marginalized communities, through participatory budgeting and representation in the county legislatures deemed to be closer to the people at the grassroots. Agriculture is a devolved function, and the project should reach and involve VMGs in the consultation processes.

**3.1.13 The Community Land Act, 2016**

79) The Act recognizes collective ownership of traditional commonly used land. Most VMG land is of the foregoing description and is therefore protected under the Act. The Act provides that community groups registered as owners of community land shall receive compensation in the event of compulsory acquisition. Where community land is not registered, the Act requires affected county governments to hold any such compensation in trust for the affected groups until registration of land titles in the community's favor materializes. The Act recognizes customary occupancy as constituting VMGs' land rights to community land and stipulates the said proprietary rights.

**3.1.14 The Forest Act, 2005**

80) The Forest Act provides 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 according to Article 47.2(e) that may include "collection of forest produce for community-based industries" premised in a license or management agreement. At Article 3, the Act defines a "forest community" as "a group of persons who have a traditional association with a forest for purposes of livelihood, culture or religion. The NAVCDP must align to this in her activities that touch on VMGs that qualify as forest communities under this Act.

**International Instruments and Policy**

**3.1.15 The African Charter on Human and People's Rights**

81) Article 22(1) states that all peoples shall have the right to their economic, social, and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

82) Article 5 provides that every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman, or degrading punishment and treatment shall be prohibited.

83) Article 13(2) states that every citizen shall have the right of equal access to the public service of his country. (3) Every individual shall have the right of access to public property and services in strict equality of all persons before the law. The VMGs affected by the project will be treated with the dignity and respect of their members in perspective.

### **3.1.16 The ILO Convention No. 169 on Indigenous and Tribal Peoples**

84) ILO Convention No. 169 is an international treaty adopted by the International Labor Conference of the ILO in 1989. It represents a consensus reached by ILO tripartite constituents on the rights of indigenous and tribal peoples within the Nations/states where they live and the responsibilities of Governments to protect these rights.

85) Article 6(1) stipulates that Governments should: “Consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly”<sup>2</sup>. This calls for meaningful consultation of the VMGs regarding any developments that affect them or their ways of life and livelihoods.

86) Further, Article 6(2) of the Convention specifies that “consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures”. The Convention particularly emphasizes the need to consult in the following circumstances<sup>3</sup>:

- Prior to exploration or exploitation of mineral and sub-surface resources (Article 15(2)).
- Prior to relocation, which should take place only with free and informed consent (Article 16).
- When considering alienation or transmission of indigenous peoples’ lands outside their own communities (Article 17).
- On the organization and operation of special vocational training programs (Article 22).
- On literacy and educational programs and measures (Articles 27 and 28).

87) The foregoing provisions buttress the VMGs natural resources including land and calls on their involvement in the design of social services for them. Development should therefore not be imposed on them, rather they must be afforded opportunities to negotiate and access that development at their terms.

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

88) The World Bank Environmental and Social Framework (ESF) has 10 Environmental and Social Standards (ESS) that form a good basis for project sustainability. The most relevant standard to VMGs is ESS7 on Indigenous peoples/sub-Saharan Africa Historically Underserved Traditional Local Communities. ESS10 on stakeholder engagement and

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<sup>2</sup>ILO (2013) Understanding the Indigenous and Tribal Peoples Convention, 1989 (No. 169) HANDBOOK for ILO Tripartite Constituents. Geneva: ILO, Page 12.

<sup>3</sup>Ibid, page 12.

information disclosure also applies to the issue of VMGs. These two standards are discussed below.

**3.1.17 ESS7 Indigenous Peoples/sub-Saharan Africa Historically Underserved  
Traditional Local Communities (IP/SSAHUTLC)**

89) This ESS recognizes that Vulnerable and marginalized groups) have identities and aspirations that are distinct from mainstream groups in National societies and often are disadvantaged by traditional models of development. Therefore, the proposed project should respect these identities and aspirations, and must strive to ameliorate rather than deepen their disadvantage.

90) This ESS applies regardless of whether VMGs are affected positively or negatively, and regardless of the significance of any such impacts. The ESS calls for avoidance of negative impacts on VMGs where possible and where not possible, minimization and/or compensation for these impacts in a culturally appropriate manner proportionate to the nature and scale of such impacts and the form and degree of vulnerability of the affected VMGs. This ESS recognizes that the roles of women and men in VMGs are different from those in the larger society, and that women are often marginalized both within their own VMGs communities and because of external development and may have specific needs. Further, the ESS calls for mitigation measures as well as opportunities for culturally appropriate and sustainable development benefits.

91) This process should adhere to stakeholder engagement as discussed in ESS10 on stakeholder engagement and information disclosure. However, where VMGs are particularly vulnerable to the loss of, alienation from or exploitation of their land and access to natural and cultural resources, ESS 7 requires that in addition to the foregoing conditions among others, the proponent obtains the Free, Prior, Informed Consent (FPIC) of the affected VMGs. Any subprojects that will need FPIC<sup>4</sup> will be excluded.

**3.1.18 ESS10 Stakeholder Engagement and Information Disclosure**

92) This ESS avers that to promote effective project design, to build local project support or ownership, and to reduce the risk of project-related delays or controversies, the borrower will undertake an engagement process with affected Vulnerable and marginalized groups, as required in ESS10. This engagement process will include stakeholder analysis and engagement planning, disclosure of information, and meaningful consultation, in a culturally appropriate and gender and inter-generationally inclusive manner. Cultural

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<sup>4</sup> Circumstances requiring Free, Prior and informed Consent (FPIC)

(a) have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation;

(b) cause relocation of IP/ SSAHUTLC from land and natural resources subject to traditional ownership or under customary use or occupation; or

(c) have significant impacts on IP/ SSAHUTLC's cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected IP/ SSAHUTLC's lives

All the investments under NAVCDP will be subjected to ESS screening and any of them found to result in any of the above situations will not be approved for funding.

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appropriateness relates to the usual communication channels that VMGs use. For example, in the case of meetings, if men and women usually meet separately, that should be maintained during consultation. Additionally, any written material being shared during consultation should be in the language commonly understood by VMGs

93) A gap analysis on key ESS 7 and 10 concepts that are relevant to VMGs has been carried out and the output is presented in Table 3-1 below.

*5 Table 3-1: Gap Analysis of ESS7/10 and Kenya’s Legal Framework*

World Bank ESS7 Requirements	Kenyan Legislative Provisions	Gaps	Recommendations
Self-Identification as members of a distinct indigenous social and cultural group and recognition of this identity by others	<p><b>Article 10(2) (b):</b> “The national values and principles of governance include: human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized.”</p> <p><b>Article 27(4):</b> prohibits discrimination on any grounds: “the state shall not discriminate directly or indirectly against any person on any ground including conscience, belief, culture, dress, language or birth.”</p>	While the constitution protects the indigenous people, it is not specific on the self-identity of these communities. As such they go unnoticed since not many people know that they exist and hence they miss out on opportunities.	Adopt the recognition of identity in ESS7 and the Constitution’s non-discrimination stance.
Collective attachment to geographical distinct habitats and territories and to the natural resources in these areas	<p><b>Article 66. (1)</b> Indicates that the State may regulate the use of any land, or any interest in or right over and land, in the interest of defense, public safety, public order, public morality, public health, or land use planning.</p> <p><b>Forest policy, 2014:</b> The policy adopts an ecosystem approach to forest management, recognizes customary rights and user rights to support sustainable forest management and conservation. The policy aims to promote sustainable production and utilization of non-</p>	In reference to article 66, the government may in the name of project force them out of their habitation not bearing in mind the psychological harm that comes with it.	Adopt ESS7’s recognition of VMGs’ attachment to distinct habitats and thus consider project negative impacts on those habitats accordingly.

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<b>World Bank ESS7 Requirements</b>	<b>Kenyan Legislative Provisions</b>	<b>Gaps</b>	<b>Recommendations</b>
	<p>wood forest products and recognizes community forests as inter alia ancestral forestland traditionally occupied by hunter-gatherer communities</p> <p><b>The National Land Policy, 2009:</b> The policy attempts to address historical land injustices in VMG territories through recognition of traditional occupancy and user rights and land rights.</p>		
<p>Customary cultural, economic, social, or political institutions that are distinct or separate from the rest of the mainstream population</p>	<p><b>Article 11. (3) (b)</b> Parliament shall enact legislation to recognize and protect the ownership of indigenous seeds and plant varieties, their genetic and diverse characteristics, and their use by the communities of Kenya.</p> <p><b>Article 63, 2(d)(i)</b> inter alia recognizes VMG lands as community land consisting of - land that is lawfully held, managed, or used by specific communities as community forests, grazing areas or shrines; ancestral lands and lands traditionally occupied by hunter-gatherer communities.</p> <p><b>Kenya National Youth Policy, 2006</b> This Policy aspires for a society in which the youth (which make up for the vast majority of the VMG) enjoy equal opportunity to usefully engage in social, economic, political, cultural, and religious life.</p>	<p>Parliament is yet to enact the laws required under article 11 of the constitution.</p>	<p>Respect the indigenous institutions of VMGs and undertake to protect them during project design and implementation.</p>
<p>A distinct language or dialect that is different from</p>	<p><b>Article 44(1):</b> “Every person has the right to use the language and to participate in the cultural life of the person’s choice. A person belonging</p>	<p>The right to a language of choice has not been backed up</p>	<p>Follow ESS7 in respecting the respective VMGs languages and</p>

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World Bank ESS7 Requirements	Kenyan Legislative Provisions	Gaps	Recommendations
that spoken by the other people in the country where they live	<p>to a cultural or linguistic community has the right with other members of that community – (a) to enjoy the person’s culture and use the person’s language; or (b) to form, join and maintain cultural and linguistic associations and other and other organs of civil society. A person shall not compel another person to perform, observe or undergo any cultural practice or rite.”</p> <p><b>National Policy on Culture and Heritage, 2009</b> The policy also defines national heritage as the sum of all the creativity in all its forms preserved, enhanced, and handed over to future generations as a record of human experience and aspirations.</p>	with institutions to guarantee that right and protect it. VMG languages are under threat from dominant languages even in the context of development projects.	translating posters and project document summaries into those languages to reach them more appropriately.
Public Consultation	<b>Article 35. (1)</b> Every person has the right of access to (a) information held by the state; and (b) information held by another person and required for the exercise of protection of any right of fundamental freedom.	Kenya does not have a specific set of laws and guidelines for public consultation and stakeholder engagement.	Follow ESS 7 and 10 to disclose project information and carry out public consultation with VMGs in culturally appropriate ways.

#### **4 POTENTIAL PROJECT IMPACTS**

94) This section identifies the positives and negative impacts of NAVCDP to the VMGs in the various project counties and proposes actions to mitigate them and indicates who will be responsible for the various actions. Besides mitigating the potential negative impacts, the actions suggested also aim at enhancing the participation of VMGs in the NAVCDP to benefit from it and climb out of poverty and economic isolation in a way that does not threaten their culture and identity.

##### **Potential Benefits of the Project to VMGs**

95) The project will create opportunities for the VMGs to participate in both FPOs and value chain activities, and to sell their produce at higher prices. VMGs often sell their produce at throwaway prices to the middlemen who collect the produce from their farms. Through this project, they will have opportunities to negotiate prices through FPOs and to benefit from higher prices arising from value addition to their produce before selling. Part of the support NAVCDP will give includes capacity building of the VMGs to be competitive in the market.

96) The project will also strengthen links between the VMGs and county government services including the extension and other technical services they provide to support the selected value chains. This will bring them into the county decision-making processes. It will also provide opportunities for VMGs to participate in decision-making about value chain related policy changes at the county and national level.

97) The project will also provide job opportunities in better-managed value chains and in small construction works in sub-projects for VMGs farmers and youth. These new income streams will benefit local livelihoods.

98) The project will also benefit the VMGs through the implementation of TIMPS and subsidies through the e-voucher system. These will help improve productivity as well as incomes for them. Besides that, the utilization of DAT will equally affect their production systems positively and improve their livelihoods.

##### **Potential Negative Impacts on VMGs**

99) In some cases, the sub projects can be proposed on a land or natural resources under traditional/customary use leading to granting of community lands belonging to VMGs. Counties will use the principles of FPIC to ensure that the members of VMGs willingly provide the land for such investments.

100) The project is also likely to alter local power structures and relations that may disadvantage the VMGs. This could lead to SEA/SH incidences at the interface of VMGs and the project and associated actors in the new formal setting. FPOs are likely to become stronger and to broker value addition activities to selected value chains where the VMGs



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usually participate but from positions of weakness. If the FPOs are not better managed they will be too powerful to listen to VMGs' concerns and to even reach them with inputs and marketing opportunities. This is because VMGs are already on the periphery of decision-making processes. Therefore, any changes and benefits intended by the NAVCDP for VMGs production and livelihoods, these should be at the preferred pace and manner of the VMGs. To achieve this there will be continuous consultations with VMGs during project implementation to ensure that VMGs are allowed to process the interventions at their terms.

- 101) The risks and potential negative impacts are presented in the Table 4-1 below.

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6 Table 4-1: Negative Impacts and Mitigation Measures

Sub-projects/ Activities	Negative Impacts	Possible Actions	Responsibilities
<b>Component 1: Building Capacity for Climate Resilient Stronger Value Chains</b>			
<p><i>Sub-component 1.1 Farmer capacity building and e-voucher support</i></p>	<p>The farmer level capacity building and e-voucher support are likely to lead to:</p> <ul style="list-style-type: none"> <li>● VMGs <b>changing their traditional land uses</b> to adopt project interventions such as irrigated agriculture and other forms.</li> <li>● Bringing the VMGs in some Counties into <b>resource conflicts</b> with other people such as tenants who have previously leased their land.</li> <li>● Inadequate information to VMGSs on e-voucher systems and operations</li> <li>● Limited access to GoK fixed package inputs due to the remoteness of the VMGs.</li> <li>● Inputs supplies may alter power relations and lead to SEAH incidents</li> </ul>	<ul style="list-style-type: none"> <li>● Embark on meaningful consultations to better resolve any undesired changes and disruptions to traditional ways of life and land use.</li> <li>● Specific awareness creation efforts packaged in the VMGs vernacular languages</li> <li>● Deploy e-vouchers through VMGs institutions such as councils of elders, CBOs, and business entities</li> <li>● Implement and monitor the SEAH Prevention and Response Plan.</li> </ul>	<p>NPCU/CPCU</p>
<ul style="list-style-type: none"> <li>● Community mobilization and strengthening of CIGs with selected value chains.</li> </ul>	<p>The VMGs may be excluded from these project activities because:</p>	<p>NAVCDP will:</p> <ul style="list-style-type: none"> <li>● Translate awareness creation and training</li> </ul>	<p>NPCU</p>

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Sub-projects/ Activities	Negative Impacts	Possible Actions	Responsibilities
<ul style="list-style-type: none"> <li>● Identification of capacity needs</li> <li>● Capacity building of small farmers on TIMPs</li> <li>● Small scale infrastructure investments for primary aggregation and value addition.</li> <li>● Mobilize farmers to access GoK sponsored fixed package of inputs (seeds, fertilizer, and agro-chemicals)</li> <li>● Technical support</li> </ul>	<ul style="list-style-type: none"> <li>● The VMGs are not integrated into community-wide groups and leaderships</li> <li>● The National and County Governments have inadequate VMG-tailored information packages.</li> </ul> <p>Counties currently lack capacity to manage and follow up on the procedures to be followed that ensures the willingness of affected members of VMGs and that principles underlying FPIC are respected.</p> <ul style="list-style-type: none"> <li>●</li> <li>● VMGs members have limited access to awareness meetings and training conducted in Kiswahili or English as is the practice of formal meetings in many counties.</li> <li>● VMGs livelihoods are organized around pastoralism, hunting, and gathering, bee keeping in the wild and have little intersection with formal value chains</li> </ul>	<p>materials into VMGs vernacular languages.</p> <ul style="list-style-type: none"> <li>● Ensure the VMGs are involved in all the appropriate implementation structures including at county level</li> <li>● Train the county teams on procedures to be followed on FPIC principles and allocation of land during approval of sub projects.</li> <li>● Involve NGOs/ CBOs /CSOs that represent and speak for respective VMGs</li> <li>● Genuinely start the value chain development work with a focus on where respective VMGs are technologically and boost their production from there.</li> <li>● Work with men to reach out to women and youth with resources support in culturally appropriate ways.</li> <li>● Offer specific extension services to V&lt;MGs</li> </ul>	

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<b>Sub-projects/ Activities</b>	<b>Negative Impacts</b>	<b>Possible Actions</b>	<b>Responsibilities</b>
	<ul style="list-style-type: none"> <li>● VMGs women and youth may not have land to offer for priority investments.</li> <li>● Inadequate property rights for VMGs</li> <li>● Infrastructural works such as construction of markets may bring in some construction labor likely to instigate SEAH on VMGs women and girls.</li> <li>● VMGs may not appreciate the new way of farming</li> <li>● VMGs may not have the capacity to absorb inputs and will be excluded from the interventions.</li> <li>● Fertilizer and agro-chemical likely to contaminate VMGs water sources</li> <li>● Agro-chemicals will likely affect bee-keeping negatively (bees die or abscond)</li> </ul>	<ul style="list-style-type: none"> <li>● Create Codes of Conduct (CoC) for extensionists, credit and input providers.</li> <li>● Enforce CoC</li> <li>● Deliberately capacity build VMGs in selected value chains</li> <li>● Train farmers on using fertilizers and agro-chemicals away from water sources and against cultivating on riverbanks</li> <li>● Assess the impact of proposed agro-chemicals regarding beekeeping and recommend use of friendlier chemicals</li> </ul>	
<i>Sub-component 1.2 FPO Level Climate Smart Value Chain Investments</i>	<p>The VMGs may be excluded because:</p> <ul style="list-style-type: none"> <li>● Their participation in selected value chains may be weak.</li> <li>● Their participation in FPOs may also be weak.</li> </ul>	<p>The NAVCDP will:</p> <ul style="list-style-type: none"> <li>● Identify VMGs capacity needs in selected value chains and meet them to mainstream the VMGs in those value chains</li> </ul>	CPCU

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Sub-projects/ Activities	Negative Impacts	Possible Actions	Responsibilities
	<ul style="list-style-type: none"> <li>● Their appreciation of the value chain investments may be limited</li> </ul>	<ul style="list-style-type: none"> <li>● Work with value chains that they can relate to. Ensure VMGs involvement in prioritization of the value chains.</li> <li>● Target VMGs/FPOs for inclusion</li> </ul>	
<ul style="list-style-type: none"> <li>● Mobilization and strengthening of FPOs</li> <li>● Business performance diagnostic and grading of FPOs</li> <li>● Development of business plans and linkage to finance</li> <li>● Linkage support to digital agriculture service provider</li> <li>● Linkage support to anchor off-takers</li> </ul>	<p>The VMGs may be excluded from benefits because:</p> <ul style="list-style-type: none"> <li>● They may not be widely engaged in business</li> <li>● Low technical capacity in digital agriculture</li> <li>● Limited interests in some of the value chains</li> </ul>	<p>The NAVCDP will:</p> <ul style="list-style-type: none"> <li>● Target and grow small VMG-owned business for inclusion</li> <li>● Deliberately enhance VMGs technical capacity in digital agriculture</li> </ul>	CPCU
<p><i>Sub-component 1.3 Improve creditworthiness of CIGs/FPOs</i></p>	<p>The VMGs will be excluded:</p> <ul style="list-style-type: none"> <li>● Because they are in peripheral and relatively weaker communities relative to neighboring communities.</li> <li>● Because they have limited voice in community FPO leaderships.</li> <li>● They tend to live in remote and inaccessible lands making their</li> </ul>	<ul style="list-style-type: none"> <li>● The NAVCDP will target support at VMGs to include them in the project and grow their produce in selected value chains and draw them into participation in those value chains.</li> </ul>	CPCU /NPCU

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Sub-projects/ Activities	Negative Impacts	Possible Actions	Responsibilities
	<p>engagement costly for them and the project proponents.</p> <ul style="list-style-type: none"> <li>● Their produce in selected value chains may be lower relative to their neighbors because their livelihoods of focus are different.</li> </ul>	<ul style="list-style-type: none"> <li>● The VMGPs will include resources for reaching the VMGs</li> </ul>	
<ul style="list-style-type: none"> <li>● Loans</li> <li>● Support partnership with banks, SACCOs, and micro finance companies for loans to FPOs and CIGs</li> </ul>	<ul style="list-style-type: none"> <li>● The VMGs may be excluded because they are unlikely to be members of SACCOs or other finance institutions in significant numbers</li> <li>● VMGs may not have the capacity to absorb loans</li> <li>● Credit provision may alter power relations and lead to GBV incidents</li> </ul>	<ul style="list-style-type: none"> <li>● The project will link VMGs with SACCOs and build their capacity to access and utilize loans.</li> <li>● The project will use VMGs leadership and build their capacity to manage targeted credit support from the project.</li> <li>● Implement and monitor SEAH Prevention and Response Plan.</li> </ul>	CPCU/NPCU
<b>Component 2: Climate Smart Value Chain Ecosystem Investments</b>			
<i>Sub-component 2.1 Farmer-led Irrigation Development</i>	Irrigation agriculture may be new and of no interest to VMGs hence their exclusion	<ul style="list-style-type: none"> <li>● Create awareness and consult widely with VMGs disclosing the benefits of irrigated agriculture</li> </ul>	CPCU/NPCU
<ul style="list-style-type: none"> <li>● Technical support to identify irrigation needs</li> </ul>	<ul style="list-style-type: none"> <li>● VMGs may be excluded from training and irrigation related benefits due to dis-interest.</li> </ul>	<ul style="list-style-type: none"> <li>● The project will make specific efforts to draw VMGs to irrigated agriculture.</li> </ul>	CPCU/NPCU

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<b>Sub-projects/ Activities</b>	<b>Negative Impacts</b>	<b>Possible Actions</b>	<b>Responsibilities</b>
<ul style="list-style-type: none"> <li>● Development of irrigation-centered multi-stakeholder platforms</li> <li>● Training and development of county resource persons</li> <li>● Construction of small-size farm ponds</li> <li>● Linkage to flexible irrigation finance</li> <li>● Modernization of small irrigation schemes.</li> </ul>	<ul style="list-style-type: none"> <li>● Irrigation may lead to water extraction upstream by farmers to the detriment of VMGs livelihoods who have limited water storage facilities.</li> </ul>	<ul style="list-style-type: none"> <li>● Water resource user committees will be sensitized to water needs downstream and observance of user bylaws.</li> </ul>	
<p><i>Sub-component 2.2 Market access and infrastructure development</i></p>	<ul style="list-style-type: none"> <li>● Limited VMGs involvement of selected value chains due to weak representations in the value chains.</li> </ul>	<ul style="list-style-type: none"> <li>● Capacity-build VMGs to fully appreciate and participate in selected value chains.</li> <li>● Dedicate extension services to VMGs to grow the quality and quantity of their produce and participation in selected relevant value chains.</li> </ul>	CPCU/NPCU
<ul style="list-style-type: none"> <li>● Development and Modernization of physical markets and aggregation centers</li> <li>● Small duration storage facilities at regional level</li> </ul>	<ul style="list-style-type: none"> <li>● VMGs may be excluded from benefiting due to sophisticated and alien technologies.</li> <li>● Infrastructural works may lead to SEA/SH</li> <li>● Formal business relations may also make VMGs to suffer</li> </ul>	<ul style="list-style-type: none"> <li>● Wide and meaningful consultation with VMGs, their institutions and leaderships including NGOs</li> </ul>	CPCU/NPCU

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<b>Sub-projects/ Activities</b>	<b>Negative Impacts</b>	<b>Possible Actions</b>	<b>Responsibilities</b>
<ul style="list-style-type: none"> <li>● Processing and value addition facilities at county / regional level</li> <li>● Refrigerated transport facilities</li> <li>● Catalytic finance to agri-business</li> <li>● Linkage support for produce certification and export licensing</li> </ul>	<p>SEAH from strangers in the value chains they interact with.</p>	<ul style="list-style-type: none"> <li>● Implement and monitor the SEAH Prevention and Response Plan.</li> </ul>	
<p><i>Sub-component 2.3 Data and Digital Investments</i></p>	<p>Inadequate awareness, lack of equipment and remoteness may lead to VMGs exclusion from digital investments.</p>	<ul style="list-style-type: none"> <li>● Concerted awareness creation, training, and motivation of VMGs farmers to participate in digital investments.</li> <li>● Affirmative action for VMGs in provision of equipment.</li> </ul>	<p>CPCU/NPCU</p>
<ul style="list-style-type: none"> <li>● Mobilization of farmers to enable linkage to Agri-technology providers</li> <li>● Training and capacity building for county staff and farmers</li> <li>● Technical equipment</li> <li>● Technical assistance and consultancy services</li> </ul>	<ul style="list-style-type: none"> <li>● Lack of awareness may lead to exclusion.</li> <li>● Barriers of low literacy levels may also lead to exclusion</li> <li>● Inadequate information to VMGs on DAT and its benefits</li> <li>● Exclusion of VMGs from DAT activities</li> </ul>	<ul style="list-style-type: none"> <li>● Targeted awareness to VMGs</li> <li>● Invest in additional equipment and training of trainers among VMGs</li> <li>● Create awareness and undertake specific information provision efforts on DAT and its</li> </ul>	<p>CPCU /NPCU</p>



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<b>Sub-projects/ Activities</b>	<b>Negative Impacts</b>	<b>Possible Actions</b>	<b>Responsibilities</b>
<ul style="list-style-type: none"> <li>● Dashboard to monitor the digital initiative</li> <li>● Development of youth (focus on women among the youth)</li> </ul>		<p style="text-align: center;">benefits to VMGs livelihoods.</p>	
<i>Sub-component 2.4 Research Linkages, Technical Assistance and Institutional Capacity</i>	<ul style="list-style-type: none"> <li>● VMGs are unlikely to participate in research links due to remoteness and marginalization.</li> </ul>	<ul style="list-style-type: none"> <li>● Link up NGOs that represent and speak for the respective VMGs to lead engagement and experimentation with them.</li> </ul>	CPCU/NPCU/KALRO
<ul style="list-style-type: none"> <li>● Develop an inventory of TIMPs for the three new value chains (cotton, pyrethrum, and cashew nuts)</li> <li>● Prioritize/select 3-5 TIMPs with highest potential for impact</li> <li>● Accelerate the dissemination of prioritized TIMPs for adoption by beneficiary farmers</li> <li>● Link agriculture to nutrition</li> <li>● Deployment of TAs at various levels</li> <li>● Deployment and capacity building at county level implementation teams</li> </ul>	<ul style="list-style-type: none"> <li>● The VMGs needs and agenda is likely to be excluded from the prioritization of TIMPs due to unique livelihood activities</li> <li>● Exclusion from adoption of the TIMPs due to their aloofness to new technologies</li> <li>● Lack of transparency in constructing partnerships and support.</li> <li>● VMGs elite capture of partnerships and support.</li> </ul>	<ul style="list-style-type: none"> <li>● Involve VMGs institutions and farmers in prioritization of TIMPs and provide incentives to them to adopt the TIMPs.</li> <li>● Carry out meaningful consultation and information disclosure to capture the VMGs aspirations and secure the participation of a wide spectrum of VMGs.</li> <li>● Consult with traditional VMG leaderships during formation of partnerships to ensure inclusion of VMGs</li> </ul>	CPCU /NPCU/KALRO

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<b>Sub-projects/ Activities</b>	<b>Negative Impacts</b>	<b>Possible Actions</b>	<b>Responsibilities</b>
<ul style="list-style-type: none"> <li>• Value chain forums at various levels</li> <li>• Partnership management at various levels</li> </ul>			
<b>Component 3: Piloting Climate Smart Safer Urban Food Systems</b>			
<i>Sub-component 3.1 Climate smart urban and peri-urban agriculture</i>			
<ul style="list-style-type: none"> <li>• Comprehensive market assessment</li> <li>• Develop partnership framework</li> <li>• Upgrade facilities and services</li> <li>• Select FPOs and farmers' groups and training on safe food practices</li> <li>• Linking FPOs to e-commerce platforms and digital aggregators.</li> </ul> <p>Establish modern rural - urban food refrigerated transport system</p>	<p>Exclusion of VMGs from benefiting due to:</p> <ul style="list-style-type: none"> <li>• Non-representation in urban and peri-urban agriculture.</li> <li>• Non-participation in food trade outside their villages</li> </ul> <p>Weak farmers' groups</p>	<p>Conduct meaningful consultations and capacity building, and link VMGs farmer organizations to FPOs.</p>	CPCU /NPCU
<i>Sub-component 3.2 Urban Market Infrastructure</i>			
<ul style="list-style-type: none"> <li>• Selection of production zones</li> </ul>	<p>VMGs are likely to be excluded due to:</p>	<p>The project will practice inclusive consultation, training and demonstrations, provision</p>	CPCU

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<b>Sub-projects/ Activities</b>	<b>Negative Impacts</b>	<b>Possible Actions</b>	<b>Responsibilities</b>
<ul style="list-style-type: none"> <li>● Mobilizing and organizing urban and peri-urban farmers into grassroots institutions</li> <li>● Promote use of technology</li> <li>● Irrigation and water management</li> <li>● Use of IPM</li> <li>● Increase availability of elite germplasm of selected crops</li> <li>● Reduced post-harvest losses and increased processing</li> </ul>	<ul style="list-style-type: none"> <li>● Low productivity in selected value chains</li> <li>● Peripheral participation in the value chains</li> <li>● Inadequate experience with technologies such as irrigated agriculture and IPM.</li> <li>● Possible VMGs elite capture of benefits</li> </ul>	<p>of materials and outreach to VMGs household level to create a critical mass of farmers involved in the project.</p>	
<i>Sub-component 3.3 Policy and Institutional Strengthening</i>			
<ul style="list-style-type: none"> <li>● Strengthening the coordination of ministries and departments involved</li> <li>● Training and capacity building at government level, farmer, and consumer levels</li> <li>● Technical assistance</li> </ul>	<ul style="list-style-type: none"> <li>● Exclusion of VMGs voices from policy reform discussions at County and National Level</li> </ul>	<ul style="list-style-type: none"> <li>● NAVCDP will tap into CSOs/NGOs that represent VMGs voices to contribute to the policy reform discussions.</li> <li>● Implement and monitor the Stakeholder Engagement Plan (SEP) as it relates to VMGs consultations.</li> </ul>	CPCU/NPCU
<b>Component 4: Project Coordination and Management</b>			
<i>Sub-component 4.1 Project Coordination</i>	The project bureaucracy may present opportunities for project staff and associated companies to	Implement and monitor the SEA/SH Prevention and Response Plan.	CPCU/NPCU

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<b>Sub-projects/ Activities</b>	<b>Negative Impacts</b>	<b>Possible Actions</b>	<b>Responsibilities</b>
	engage in SEAH of VMGs women and girls		
<i>Sub-component 4.2 Communication, Monitoring and Evaluation (M&amp;E), and Information Communication Technology</i>	<ul style="list-style-type: none"> <li>● VMGs indicators may not be included in the M&amp;E system.</li> <li>● VMGs participation in the M&amp;E system may be minimal due to their limited access to ICT equipment.</li> </ul>	Make the M&E system more participatory, recruit M&E champions in VMGs and provide them with ICT equipment.	CPCU /NPCU
<b>Component 5: Contingency Emergency Response</b>			
	Some of the VMGs experience local disasters such as floods, wildfires, drought, and disease which may disrupt their livelihoods and participation in projects such as NAVCDP	NAVCDP should focus disaster management and prevention at VMGs institutions and groups for better and uninterrupted participation in the project.	NPCU

**Exclusion list**

**The following** types of activities will be considered ineligible for financing under the project:

- i. Activities that have a high probability of causing serious adverse effects to human health and/or the environment;
- ii. Activities that may adversely affect lands or rights of Traditional Local Communities or other vulnerable and marginalized groups;
- iii. Associated facilities which do not meet the requirements of the ESSs, to the extent that the beneficiaries have control or influence over such associated facilities;
- iv. Activities that may have significant adverse social impacts and/ or may give rise to significant social or community conflict;
- v. sub-project/ activity with either adverse impacts on land or natural resources under traditional/customary use or have risks associated with the relocation of VMGs coupled with any negative impact on their cultural sites/heritage;
- vi. Activities that may involve involuntary resettlement or land acquisition (physical relocation of PAPs);
- vii. Investment on land for which clear ownership document is not available;
- viii. Activities that may involve economic displacement of more than 200 PAPs;
- ix. Activities that may affect or result in impacts on cultural heritage; and
- x. Any other excluded activities as set out in the ESMF for the Project.

## **5 PROCEDURES FOR PREPARATION OF VULNERABLE AND MARGINALSIED GROUP PLANS (VMGPS)**

### **Vulnerable and Marginalized Group Plan**

- 102) This VMGF is being prepared because the value chain development plans specific to beneficiary counties is yet to be prepared and actual sub-projects of the NAVCDP have not yet been designed to allow the project team to assess the potential impacts on VMGs.
- 103) Under ESS 7, it is required that after the project is designed, it's scope and intersection with VMGs and its footprint is better understood, a VMGP is prepared in line with procedures provided in the VMGF. The purpose of the VMGP is to spell out how affected VMGs will be consulted throughout the project, identify the impacts of the NAVCDP on affected VMGs, show how those will be avoided and/or mitigated, and propose measure to ensure that they access NAVCDP benefits fairly and in culturally appropriate ways (annex 4).
- 104) The VMGPs shall be prepared for each of the 11 counties where VMGs are present at the time of preparation of respective value chain Development plans in the first year of the project implementation phase and prior to rollout of activities at the community and FPO level (Annex 3). The specific VMGPs will be based on the social assessment of value chain development plan for the each of the 11-beneficiary county with presence of VMGs .The preparation of specific county VMGPs shall be independent of the respective County Integrated Development Plans (CIDPs), process, and timing. The VMGP includes the following elements, as needed:
- i. A summary of the targeted Social Assessment (SA), including the applicable legal and institutional framework and baseline data.
  - ii. A summary of the results of the meaningful consultation tailored to VMGs, and if the project involves the three circumstances specified in paragraph 24 of ESS7, then the activities will not be approved for implementation.
  - iii. A framework for meaningful consultation tailored to VMGs during project implementation.
  - iv. Measures for ensuring VMGs receive social and economic benefits that are culturally appropriate and gender sensitive and steps for implementing them. If necessary, this may call for measures to enhance the capacity of the project implementing agencies.
  - v. Measures to avoid, minimize, mitigate, or compensate VMGs for any potential negative impacts that were identified in the social assessment, and steps for implementing them.
  - vi. The cost estimates, financing plan, schedule, and roles and responsibilities for implementing the VMGP.
  - vii. Accessible procedures appropriate to the project to address grievances by the affected VMGs arising from project implementation, as described in paragraph 35 of ESS7 and in ESS10.

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- viii. Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the VMGP, including ways to consider input from project-affected VMGs in such mechanisms.

**Social Assessment (SA)**

**5.1.1 The Need for Social Assessment**

- 105) A targeted Social Assessment for the purposes of ESS7, is usually conducted when VMGs are present in or have a collective attachment to a project area. A key aspect of the SA is understanding the relative vulnerabilities of the affected VMGs and how the project may affect them. The assessment is proportionate to the nature and scale of the proposed project's potential risks to, and impacts on, as well as the vulnerability of the VMGs. The specific VMGPs will be based on the social assessment of value chain development plan for the each of the 11-beneficiary county with presence of VMGs.
- 106) The assessment should consider differentiated gender impacts of project activities and impacts on potentially disadvantaged or vulnerable groups within the community of VMGs. Therefore, efforts are made to assess the status of women and girls regarding land ownership, labor provisioning and access to returns to their labor in the event of formalization of production and linkages to the market.
- 107) The assessment also evaluates the proponent's capacity to involve VMGs in project design and implementation. Consultations with VMGs can support and strengthen the assessment and help in identifying their development priorities and preferences regarding both project benefits and mitigation measures. Consultations are carried out with VMGs in a manner that is culturally appropriate, and their inputs are considered in project design and VMGPs. Consultations continue throughout project design and implementation.
- 108) In certain circumstances, project benefits, such as enhancing access to roads, health care, education, and agriculture, can have unintended negative impacts on VMGs due to their circumstances or vulnerabilities. These impacts as likely in this project, may include loss of language and cultural norms, undermining of traditional governance structures, creation of internal conflict, increased pressures and encroachment on lands, and pressures on or contamination of natural resources. The assessment identifies the potential for, and scale of, such negative impacts.
- 109) In the NAVCDP, VMGs are heterogeneous as they comprise multiple groups and different social units within these groups (such as individuals, clans, communities, and ethnic groups). In this case, the project is being implemented at the National, Regional, or local level, and issues of cultural identity, geographic access, language, governance structures, cohesion, and priorities differ greatly among groups. The NAVCDP also has different impacts on different subgroups within the VMGs. For example, land for a project may be acquired from one clan, but such acquisition could impact other clans' traditional access to and use of such land and the resources located on it. The social assessment for the purposes of ESS7 forms the basis for identifying the different groups and understanding

the nature and significance of potential impacts on each of them. The consultation with VMGs and social assessment should be conducted in a culturally appropriate manner.

### **5.1.2 Considerations in Preparing a Social Assessment Report**

- 110) The social assessment will include the following elements, as needed.
- i. A review of the legal and institutional framework applicable to VMGs.
  - ii. Baseline data collection and analysis on the demographic, social, cultural, and political characteristics of the VMGs; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.
  - iii. Taking the review and baseline data into account, the identification of project-affected parties and the elaboration of a culturally appropriate process for involving and consulting with the VMGs at each stage of project preparation and implementation.
  - iv. An assessment, based on meaningful consultation tailored to VMGs, of the potential negative and positive effects of the project. Critical to the determination of potential negative impacts is an analysis of the relative vulnerability of, and risks to, the affected VMGs, given their distinct circumstances and close ties to land and natural resources, as well as their potential lack of access to opportunities relative to other social groups in the communities, regions, or National societies in which they live. The assessment will consider differentiated gender impacts of project activities and impacts on potentially disadvantaged or vulnerable groups within the community of VMGs.
  - v. The identification and evaluation of measures necessary to avoid negative impacts, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such impacts, and to ensure that the VMGs receive culturally appropriate benefits under the project. This is based on meaningful consultation tailored to VMGs.

#### **Consultations with VMGs for the Preparation of This VMGF**

- 111) Consultation with VMGs during the preparation of this VMGF was carried out in the context of COVID-19 and in compliance with Ministry of Health protocols. This entailed conducting a one-day on workshop November 8, 2021, where ten NAVCDP participating counties sent VMGs representatives including men, women, female and male youth, CBO representatives, and persons abled differently. The workshop used Kiswahili and vernacular languages to reach every participant effectively and to facilitate him or her to participate in the workshop actively and express their opinions (see Annex 6).
- 112) The VMGs suggested that they should not be lumped together with dominant communities during project design and implementation. They also requested to be involved and consulted on the project beyond the design period into implementation and to ensure



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that sensitive ecosystems that VMGs occupy are not interfered with using pesticides that may for instance affect bee keeping.

- 113) Some of the issues the VMGs raised in the workshop regarding their exclusion were raised in subsequent workshops with county-level staff and farmers, and with national level policy makers for awareness creation and for integration into the project processes.

## **6 STRATEGY FOR PARTICIPATION AND CONSULTATION WITH VMGS**

### **Introduction**

114) Participation of VMGs in selection, design and implementation of the subprojects will largely determine the extent to which the VMGP objectives would be achieved. To facilitate effective participation, the VMGP will follow a timetable to consult VMGs at various stages of the project cycle especially during preparation and implementation of the VMGPs for the screened and identified VMGs. (Table 2-1). The primary objectives would be to achieve the following:

- i. NAVCDP get consent of the community(ies) – VMGs before they are involved;
- ii. Allow these communities who meet the requirements of ESS7 paragraph 8 and 9 get full opportunity to fully participate in the project;
- iii. Get VMGs full access to accruing project benefits;
- iv. Seek their inputs/feedback on how to maximize benefits accessibility and how to avoid or minimize the potential negative impacts associated with the required works;
- v. Identify culturally appropriate impact mitigation measures; and
- vi. Assess and adopt economic opportunities, which the project team could promote to complement the measures required to mitigate the negative impacts.

115) Consultations will be carried out broadly in two stages. First, prior to final selection of any subproject located in an area inhabited by VMGs, the project team will consult them about the need for, and the probable positive and negative impacts associated with the value chain project and attendant infrastructure development. Second, prior to detailed impact assessment, ascertain how the VMGs in general perceive the need for the project and gather any inputs/feedback they might offer for better outcomes, which would eventually be addressed in VMGPs and design of the physical works.

### **Broad Decision Areas for VMGP Preparation**

116) To ensure that VMGs are fully consulted about and have opportunities to actively participate in project design and the determination of project implementation arrangements: the scope and scale of consultation, as well as subsequent project planning and documentation processes, will be proportionate to the scope and scale of potential project risks and impacts as they may affect vulnerable and marginalized groups. The implementers at the county and community level need to have the following information at hand (decision areas):

117) The consultations and data collection will focus on some of the aspects such as the design of the project, The communities targeted, physical location of the VMGs, (ward, sub county, County) the prioritized value chains, the feedback channels necessary and available, the stakeholders capacity needs, types of trainings to be organized and the target trainees, , the key decision makers in the community etc. After doing this and more, the

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output is the VMGP that needs to be accepted, adopted, and monitored, and reported on during the M&E.

- 118) The information above demonstrates some of the activities that VMGs must be included, involved, and consulted in a manner consistent with their collective attachment to the project area, with a view to help them access full project opportunities and benefits throughout NAVCDP cycle. The VMGPs shall be prepared for each county at the time of preparation of respective value chain development plans in the first year of the project implementation phase and prior to rollout of activities at the community and FPO level.
- 119) The VMGPs' communication strategy will:
- i. Facilitate participation of VMGs with adequate gender and generational representation; customary/traditional IPOs, community elders/leaders, and CSOs on VMGs development issues and concerns;
  - ii. conduct the consultations in a manner to ensure free expression of their views and preferences; and
  - iii. Facilitating widespread participation of VMGs in culturally appropriate ways with special focus on VMGs that present as minority in a beneficiary ward.
  - iv. Providing VMGs with relevant information about value chain plan, associated investments and each sub-project that affects them including that on potential negative impacts,;
  - v. Providing and explaining grievance mechanisms as additional avenues for VMGs' expression on sub-projects.
  - vi. Document details of all consultation meetings with VMGs including perceptions of the proposed interventions and the associated impacts, especially the negative ones and any inputs/feedback offered by the VMGs.
- 120) The SA will assess the detailed impacts at household and community levels, with a particular focus on the negative impacts perceived by VMGs and the probable (and feasible) mitigation and community development measures. To ensure informed participation and more focused discussions, the communication strategy will provide affected VMGs with the impact details of the proposed project activities. Consultations will cover topics/areas concerning cultural and socioeconomic characteristics, as well as those VMGs consider important. Consultations will continue throughout the preparation and implementation period, with a focus on the households directly affected. Consultation stages, probable participants, methods, and expected outcomes are suggested in the VMGs consultation matrix presented in Table 7.

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7 Table 7: Indicative VMGs Consultation Matrix

Consultation Stages	Consultation Participants		Consultation	Expected
	Project Authority	VMG Community	Method	Outcome
Reconnaissance & ground verification of existing and location/sites for subprojects	Project team, project consultants (Social Scientist) and other stakeholders	VMGs, including organizations, community leaders/elders, youth group leaders, religious leaders	Open meetings & discussions, visits to proposed subproject sites, IP settlements & surroundings, key informant interviews with VMGs leaders	First-hand assessment of VMGs' perception of potential social benefits and risks, and prospect of achieving broad base support for the project activities
Screening of the proposed subprojects	PCU, consultants, and respective county representatives	VMGs including organizations, community leaders/elders, youth group leaders, religious leaders	Open meetings & discussions, visits to proposed subproject sites, IP settlements & surroundings, key informant interviews with VMG leaders	Assessment and documentation of the subprojects' impacts on VMGs, appropriate mitigation measures for negative impacts and decisions on which subprojects to align and implement, and which ones to discontinue based on VMGs needs and preferences.
In-depth study of risks and benefits taking into consideration, inter alia the conditions that led to community consensus	NPCU, consultants, and respective county representatives	VMGS, including organizations, community leaders/elders, youth group leaders, religious leaders	Open meetings & discussions, visits to proposed subproject sites, VMGs settlements & surroundings, key informant interviews with VMGs leaders	Assessment of VMGs' perception of potential social benefits and risks, and prospect of achieving broad base support for the project activities. Understanding of activity adjustments to align with VMGs needs and aspirations.
Social Assessment/analyses	PCU, consultants, and respective	VMGs, including organizations, community	Open meetings & discussions, visits to proposed	Assessment and documentation of the subprojects' impacts on VMGs, appropriate

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	county representatives	leaders/elders, youth group leaders, religious leaders	subproject sites, IP settlements & surroundings, key informant interviews with VMGs leaders	mitigation measures for negative impacts and decisions on which subprojects to align and implement, and additional ones to enhance VMGs participation and benefits from the NAVCDP.
Preparation of VMGPs	PCU, consultants and respective county representatives	VMGs including organizations, community leaders/elders, youth group leaders, religious leaders	Open meetings & discussions, visits to proposed subproject sites, IP settlements & surroundings, key informant interviews with VMGs leaders	Development of County specific VMGPs to guide the investments for IP communities in NAVCDP
Implementation	PCU, consultants, and respective county representatives	VMGs, including organizations, community leaders/elders, youth group leaders, religious leaders	Open meetings & discussions, visits to proposed subproject sites, VMGs settlements & surroundings, key informant interviews with VMGs leaders	Based on county specific VMGPs, the IP communities will participate and support the various sub-projects and activities, and ensure that benefits flow to VMGs.
Monitoring & Evaluation	PCU, consultants, and respective county representatives	A few VMG representatives from organizations, community leaders/elders, youth group leaders, religious leaders	Project level focused meetings and field level meetings with VMGs and representatives active in the value chains	VMGs' appreciation of the project processes and outputs, and the remedial actions suggested to better reach them with the subprojects and activities.

121) The following strategies should also be included in the project to support the participation of the VMGs:

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- i. The project should explore how to accommodate the most vulnerable and destitute members of VMGs, especially older persons, Persons Abled Differently (PAD), child/female headed households and more so those who have been living in the project area for many years.
  - ii. Encourage members of VMGs to get involved in various development planning, implementation, operation, and maintenance (O&M) activities in the project through arranging related training.
  - iii. Assist members of VMGs to develop their capacity and capability to enable them to participate in the proposed subprojects.
  - iv. Explore avenues for creating employment opportunities for VMGs women and youth.
  - v. Ensure adequate resources and technical support for the implementation of the action plan for VMGs.
  - vi. At all stages, culturally appropriate communication methods (verbal and non-verbal, in local language) should be used to ensure meaningful consultation; and
  - vii. Provision to ensure involvement of VMGs community members in various training activities as part of the subproject to enhance livelihoods.
- 122) The VMGPs will ensure mitigation of any negative impact of the subproject. The subproject should ensure benefits to the VMGs by providing, in consultation with them, opportunity to get them involved in various income earning opportunities and activities.
- 123) The following issues will be addressed during the implementation stage of the project:
- i. Provision of an effective mechanism for monitoring implementation of the VMGF and any VMGPs.
  - ii. Development of accountability mechanisms to ensure the planned benefits of the project are received by VMGs.
  - iii. Ensuring appropriate budgetary allocation of resources for the VMGPs; and
  - iv. Provision of technical assistance for sustaining the VMGF; and
  - v. Ensuring that VMGs traditional social organizations, cultural heritage, traditional political and community organizations are protected.
  - vi. Ensuring that VMGs' traditional production systems are preserved and enhanced.

**7 INSTITUTIONAL ARRANGEMENTS**

124) This chapter provides the institutional arrangements at play in delivering and operationalizing this VMGF and associated documentation such as the VMGP and SA as appropriate. The responsibility for the tasks rests with the project coordination unit (PCU) and the safeguards team therein.

**Capacity Building for the VMGF Implementation**

125) The operationalization of the VGMF will require competent social safeguards staff at the NPCU and CPCU. They will require further sensitization on the planned activities under NAVCDP, the World bank ESS including ESS7. These teams will then build the capacity of the other staff and stakeholders in NAVCDP. They will also be expected to build the capacity of the key stakeholders in the project including the VMGs, the IPOs, CIGs, FPOs, CBOs and also the NGOs.

**Capacity Assessment**

126) The aim of this assessment of the NAVCDP is to identify any capacity gaps and recommend capacity development and mentorship efforts. Initial assessment shows that the NAVCDP has a capacity gap in social risk management. Once the assessment is complete, recommendations will be made in relation to the capacity gaps. The capacity assessment for the VMGF implementation will focus on the requirements provided in Table 6-1.

*8 Table 6-1: Capacity Building Needs*

#	Domain	Relevant Expertise Available	Qualifications	Remarks
1	NAVCDP	Inadequate social safeguards expertise available to the project	Needs a Sociologist /Anthropologist with at least two years' experience in similar work.	The person deployed will require further training and mentorship.
2	County Government	Social Experts	These are available and will need further capacity building in specific safeguards subjects	Training can be provided in-house
3	National Level	Social Experts	These are available and will need further capacity building in specific safeguards subjects	Training can be provided in-house

**The NPCU and Safeguards Team**

127) For all Project activities the MoALFC shall maintain an organizational structure with qualified and experienced staff, and resources to support management of environment and social risks of the Project; including expediting the appointment and/or hiring and deployment of qualified and experienced Environmental Specialists, GBV expert, Social Safeguards Specialists/anthropologist, Communications Specialist to support the National Project Coordination Unit (NPCU).

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- 128) Similarly for all Project activities the participating counties shall each maintain an organizational structure with qualified staff and resources to support management of environment and social risks of the Project; including the hiring and deployment of qualified and experienced Environmental Specialist and Social Safeguards Specialist to support the County Project Coordination unit (CPCU) on this Project to complement the staff at post.
- 129) The safeguard specialists in NAVCDP, with support from a panel of experts as appropriate, will be responsible for the following:
- i. Screening for sub-projects affecting VMGs;
  - ii. Reviewing, tweaking, and approving sub-projects, while ensuring their compliance and benefit from ESS7 and attendant guidance notes;
  - iii. Assessing the adequacy of screening and reviews of sub-project impacts and the attendant mitigation measures for affected VMGs;
  - iv. Assessing the adequacy of stakeholder identification, consultation, and involvement of the affected VMGs communities' broad support to the sub-projects;
  - v. Monitoring sub-project implementation, to draw and document constraints and lessons learned concerning VMGs and the application of this VMGF in the progress and monitoring reports; and
  - vi. Ensuring that the affected VMGs participate actively in the monitoring and evaluation exercises of all sub-projects that affect them, and that their feedback is included in future sub-project actions.
- 130) The role of the NPCU will also include responsibility of guiding identification of VMGs and other project investments at county level; guiding on screening; guiding preparation of VMGPs and other investment proposals; guiding vetting at County level; reviewing VMGPs; and other investments at National level through the National technical committee; obtaining clearance from World Bank; disclosure of the VMGPs; and other related documents; and monitoring of implementation of VMGPs. Review and screening of county annual investment plans and budgets, as necessary and as guided by the county Safeguards Focal Officers and the relevant county committees. Between 12 months to 18 months after launch of NAVCDP, both the VMGPs and other community proposed, screened, and approved investments should have been presented to the NPCU for review and approval.

**Civil Society Organizations (CSOs)**

- 131) The CIGs, CDDCs and FPOs which represent the VMGs within their communities will be involved in all stakeholder and community engagements and will be responsible for mobilizing VMGs feedback and involvement in sub-projects that affect them. They will also be responsible for funneling VMGs to participate in value chains as appropriate.
- 132) The various VMGs have their local and traditional CSOs who will be critical for mobilization for the project. Among the Ogiek of Nakuru, for example, Sogoot FM Radio, CBOs Mariosioni Lawina Ndoswa (MALANDO), Mariosioni Community Development



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(MACODEV), and the Council of Elders are crucial. The Sengwer have a council of elders, the Wasanye also have a council of elder made up of the 7 clan elders, and the Watha have a council of elders, and strong headmen at grassroots known as *Abagaaza*.

**Non-Governmental Organizations**

- 133) The NGOs present and active in the area, and which speak for the respective VMGs will be engaged during the SA studies and VMGP preparation, as well as during the M&E of each subproject. The formation of GM for each sub-project will also include representation of the appropriate NGO. For instance, the NGO Ogiek Peoples' Development Program (OPDP) will be good to involve in Ogiek areas. Similar NGOs that work with or speak for other VMGs will be determined during subsequent consultations.

**World Bank**

- 134) The WB will review, approve and disclose the VMGF and all the VMGPs for NAVCDP. During implementation, the WB will also conduct field monitoring and evaluation.

## **8 GRIEVANCE MECHANISM**

135) A GM will be required during the implementation of sub-projects in the respective VMGs host counties. The current GM tools and processes under NARIGP and KCSAP will be customized for use in the NAVCDP from the VMGs community level up to the National level to build on the skills and competencies acquired through the capacity building in order to ensure the following.

- Promptness - grievances usually relate to the welfare of complainants and should be resolved as quickly and completely as possible. Time is of essence in this GM process involving the VMGs.
- Transparency - the GM system and process should be as open as possible. GM process outcomes should as much as possible be disclosed to VMGs to build confidence in the system.
- Fair and effective - the system should be fair, treating the same issues in the same manner regardless of who the complainant is. Committees involved should aim to deal with matters comprehensively and to the satisfaction of parties.
- Non-retributive to complainant - the system should ensure that complainants are protected throughout the process and project. They should not suffer any loss or injury from the contractor or VMG community merely for raising their complaint with the GM system. This assurance should be the preamble of any grievance process.
- Appropriateness to custom - the GM strives to conclude the resolution of grievances at the lowest level of the mechanism namely, the council. This relates to the kind of dispute resolution process that VMGs members are familiar with, and which they consider simple and fair. The process up the ladder is complex and alien and may not be considered fair.
- Simplicity - the procedure for launching a grievance will be simple enough to be understood and followed by ordinary members of VMGs. They can thus report their grievances or concerns orally, by telephone, in writing or in any other way appropriate to their circumstances.
- Documentation - the grievances or feedback will be recorded as received and the resolution process and outcomes will be documented judiciously. The aim is to keep record just in case the same grievances are mischievously raised up the GM ladder and for learning purposes.

### **8.1 Grievances Resolution process**

136) A four tier GM will be adopted comprising of Community, Ward, County and National levels (Figure 1). At the Community level in areas where the VMGs are involved, the existing Council of elders will receive, document and resolve all grievances and record them in the grievances log register and the entered into the “Tusuluhishe” booklet or any other format developed for NAVCDP with the assistance of the SAIC representative from

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the zone. It is expected that most of the grievances will be resolved at this level. In order to ensure that the grievances from women and other venerable community members are received and resolved, the communities will be advised to select female SAIC representatives at that level. The project will put in place a GM with multiple communication channels to facilitate confidential logging in of SEAH complaints in all the project locations. It will be necessary to identify and integrate SEAH entry points within the GM with clear procedures and tools for safe, confidential, and ethical management of related complaints. Considerations related to SEAH will be integrated into GM explicitly developed for project.

- 137) Any grievances that are not resolved at the community/council level will be escalated to the ward level where the SAIC will receive, record, evaluate and resolve the grievances and provide feedback to the complainant through the council of elders. The matter may also be discussed in the CDDC where the local administrators (chiefs) are members.
- 138) If the matter is not resolved at the ward level, the SAIC will escalate to the County grievances management committee through the CPCU for further deliberation and resolution and provision of feedback to the complainant through the SAIC.
- 139) In the event that a grievance is not resolved at the County level, the County grievances management committee will escalate to the National grievances management committee through the NPCU. The NPCU will receive, deliberate and resolve the matter and provide feedback through the CPCU
- 140) Information about the GM will be publicized as part of the initial disclosure consultations in the participating County and wards. Brochures/flyers will be distributed during consultations and public meetings, and posters will be displayed in public places such as in government offices, project offices, ward notice boards, community centers, etc. Information about the GM will also be posted online on the NAVCDP platforms/Ministry website. The NAVCDP stakeholders and beneficiaries including the IPs will also be sensitized to use the established web-based grievances management system developed under NARIGP using the toll free sms number: 21886, the telephone number: +254773206315 and also the email address; grs@narigp.go.ke. The system will be updated to the new operation within 6 months after NAVCDP effective date.

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***Figure 1: Schematic Version of Model Grievance Mechanism***

141) During consultations, and although the VMGs preferred familiar lower level aspects of the GM, they were made aware that grievances may be launched with the Kenyan Judiciary or directly with the World Bank Grievance Redress System and/or the World Bank Inspection Panel. Nonetheless, the VMGs were sensitized to the existence of various levels of the GM and further awareness on the NAVCDP GM will be deepened through engagements with VMGs over the life of the project. The implementation of the GM in the VMGF will also be monitored throughout the project life in a participatory manner. The grievances on SEAH will be handled in a victim centered and confidential manner as detailed in a separate SEAH Action Plan.

## **8.2 World Bank’s Grievance Redress**

### **8.2.1 Grievances Redress Service**

142) The Grievance Redress Service (GRS) is an avenue through which VMGs can submit complaints directly to the World Bank if they believe that NAVCDP will or is likely to have adverse effects on them, their community, or their environment. The GRS enhances the World Bank’s responsiveness and accountability to project-affected communities by ensuring that grievances are promptly reviewed and addressed. Complaints must be in writing and addressed to the GRS and sent through the following methods: Online by accessing the online form; Email to [grievance@worldbank.org](mailto:grievance@worldbank.org); Letter or hand delivery to World Bank Headquarters in Washington D.C., United States or World Bank Kenya County Office.

### **8.2.2 World Bank Inspection Panel**

143) The Inspection Panel by World Bank is an independent complaints mechanism for people and communities who believe that they have been, or are likely to be, adversely affected NAVCDP. The Panel is an impartial fact-finding body, independent from the World Bank management and staff, reporting directly to the Board. The Inspection Panel process aims to promote accountability at the World Bank, give affected people a greater voice in activities supported by the World Bank that affect their rights and interests, and foster redress when warranted. In September 2020, the Board updated the resolution that created the Panel and added to the Panel functions. At the same time, the Board approved a resolution establishing the World Bank Accountability Mechanism (AM). The new AM began operations in early 2021 and houses the Panel to carry out compliance reviews and a new Dispute Resolution Service (DRS), which will give complainants another avenue to have their concerns addressed. Contacts for registration of complaints to the IP are listed below. Tel: +1 202 458 5200: Email: [ipanel@worldbank.org](mailto:ipanel@worldbank.org)

## **9 MONITORING AND REPORTING**

144) The Monitoring and Evaluation (M&E) system is meant to track activities, outputs, outcomes, and processes in the interaction of the NAVCDP with the identified and affected VMGs. This VMGF avers that, monitoring of the beneficial and negative impacts of the project on the affected VMG should be participatory. This means that the process should be both qualitatively, delving into the opinions, understandings, and aspirations of VMG members, and quantitatively, pursuing the metrics of outputs including benefits to, and consultations with VMGs.

### **Objectives for monitoring**

145) All monitoring activities will principally remain the responsibility of NAVCDP. The overall goal of the M&E process for the VMGP is to ensure that:

- i. Effective communication and consultation take place.
- ii. Reporting of any grievances that require resolution; and
- iii. Documenting the performance of NAVCDP as regards to the VMGs; and allow program managers and participants to evaluate whether the affected VMGs have maintained their rights, culture, and dignity and that they are not worse off than they were before the project.
- iv. Lessons are drawn and appropriate remedial actions taken.

146) The specific objectives of evaluation will include:

- i. An assessment of the compliance of activities undertaken in relation to the objectives and methods identified in the VMGF.
- ii. An assessment of the consultation procedures that have taken place at the community and individual levels.
- iii. An assessment on whether the affected communities have had access to mitigation activities.
- iv. The occurrence of grievances and extent of resolution of disputes.
- v. An evaluation of the impact of the project on income and standard of living within the communities.
- vi. Analysis of the impacts to get the various types and levels of vulnerability to the communities.
- vii. An assessment of the impacts on the vulnerable persons within the community especially the women and youth.
- viii. Collection of data clearly indicating the impacts of project activities disaggregated by gender and the appropriate mitigation actions to address the impacts.
- ix. Identification of actions that can improve the positive impact of the project and mitigate potential negative impacts.
- x. Ensure that VMGs have benefitted under the project as intended/targeted. Also monitoring and evaluation should be against both VMGF and respective VMGPS.

147) Monitoring and evaluation will be on both VMGF and respective VMGPs. Regular monitoring reports will be done quarterly while evaluation reports will be annually. The

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VMGPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities.

The NAVCDP PCU will institute an administrative reporting system that will:

- i. Provide timely information about all grievances arising because of NAVCDP activities.
- ii. Identify any grievances that have not been resolved at a local level and require resolution through the involvement of the NAVCDP team; and
- iii. Document the timely completion of project obligations for all vulnerable and marginalized peoples' grievances.
- iv. Capture the process and outputs of all stakeholder engagement activities including VMGs consultations. The indicators to track will include number of meetings, participants by gender and age, actions from meetings, and number of brochures issued by subject.
- v. Document progress and outcomes of mitigation measures and benefit enhancing initiatives for VMGs.

148) The NAVCDP is expected to establish a monitoring system involving the project implementation team, key stakeholders, county governments as well as representatives of the VMGs to ensure effective implementation of the VMGP once it is prepared. The project safeguard experts will undertake identification of impact indicators for monitoring and evaluation of the VMGP. Some of the monitoring indicators will include among others (a). Consultation processes (b). Grievance redress issues, (c). Capacity building, (d). Status of the VMGs in comparison with pre-project phase, among other indicators.

## **10 INFORMATION DISCLOSURE ARRANGEMENTS**

149) The NAVCDP will endeavor to disclose project information on the project and how it affects or benefits the VMGs as transparently as possible and on a continuous basis. This approach respects the human rights of VMGs and speaks to their fundamental constitutional right to access information on matters that affect them. The information will be availed to them in culturally appropriate forms, manner, and language to enhance VMGs' participation in project decisions and activities.

### **10.1 Stakeholder Engagement**

150) This was carried out from November 8th and 10th, 2021 during the preparation of the VMGF and it will be continued to the end of the process. The lists of persons consulted, and minutes of the engagement meetings are in Appendix 6. Stakeholders were identified in line with ESS 10 on stakeholder engagement and information disclosure. Each stakeholder was assessed in terms of their interest, influence and information needs from the project. They were engaged and informed in a culturally appropriate manner to reach women, persons abled differently, and youth among the VMGs.

### **10.2 Information and Communication**

151) Information sharing will happen in two stages. First, before the final selection of any sub-projects sited in VMGs areas, the NAVCD team will consult them about their perception of need for sub-project, opinions on potential positive and negative impacts associated with the sub-projects. Second, prior to detailed impact assessment, engagements will be carried out to ascertain how the VMGs perceive the need for undertaking physical works for the subproject and gather any inputs/feedback they might have for better outcomes, which would eventually be addressed in VMGPs and design of the sub-projects and any required physical works.

152) The VMGPs' communication strategy aims to:

- i. Facilitate participation of VMGs in culturally appropriate ways with adequate gender and generational representation; customary/traditional IPOs; community elders/leaders; and CSOs on VMGs development issues, fears, concerns, preferences, and aspirations.
- ii. Provide them with relevant information about the sub-project in question, including that on potential negative impacts, organize and conduct consultations in a manner that is open, relevant, and accessible to all sectors of the population to ensure unhindered expression of their views and preferences.
- iii. Document details of all consultation meetings including details on VMGs' perceptions of the proposed works and the associated impacts, especially the negative ones and any inputs/feedback offered by the VMGs, and an account of the broad community support by VMGs.
- iv. Provide and explain Grievance Mechanisms as additional avenues for VMGs and their representatives to express themselves and provide further feedback to the NAVCDP on



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any issue that concerns them, and which may help improve their experience of the project.

- v. The communication strategy will not only focus on potential negative impacts but also project benefits that will flow to VMGs in a timely manner.

**10.3 Disclosure of VMGF**

153) This VMGF, once prepared and cleared will be disclosed in the Ministry of Agriculture, Livestock, Fisheries, and Cooperatives and World Bank websites. For a start the draft VMGF report has been disclosed to the VMGs' representatives at a workshop on 8<sup>th</sup> November 2021.

154) Similarly, county specific VMGPs once prepared and cleared will be disclosed to public. The draft VMGPs will be subjected to stakeholder validation before being disclosed in the project, ministry and World bank websites. The SA will be used as a basis for development of VMGPs hence the final deliverable for SAs will be the 11 VMGPs. The VGMP will be developed during the value chain prioritization and selection at the onset of the project in the 11 counties that are inhabited by the VMGs.

**11 BUDGET FOR IMPLEMENTATION OF THE VMGF**

- 155) All costs for implementation of this VMGF, including preparation and implementation of VMGPs and Social Assessment Plans will be financed by NAVCDP budget.
- 156) More accurate costs will be estimated during sub-project selection, design and feasibility studies owing to the views of relevant project officials and based on more concrete sub-project requirements including where they affect VMGs. Therefore, the indicative budget provided below will be updated at the time and subsequently as the need for the plans take better shape.
- 157) The budget for the implementation of the VMGP mainly includes costs for capacity building, training of the PCU staff and VMG committee members, stakeholder meetings, information packaging and dissemination, consultancy support for VMGP implementation and monitoring, GM, any livelihood assistance to the most vulnerable groups and interventions to make the sub-project more accessible to VMG.
- 158) Once a subproject has been appraised and finalized in the context of the VMGF, the required budget is to be allocated by NAVCDP for preparation and implementation of the VMGP. The VMGPs’ budget will also include costs for implementation of IP/VMGPs, such as travel costs of the relevant NAVCDP PCU members and other participating actors as appropriate. Scenarios like the foregoing make it very difficult to provide any accurate budget for VMGPs and their implementation. Hence, what is provided below in Table 7 is an indicative budget.

*9 Table 11-1: Indicative Budget for VMGF Implementation*

<b>S. No.</b>	<b>Indicative Budget Item</b>	<b>Cost in USD</b>
1	VMGF implementation including stakeholder engagement plan actions	27,500
2	Preparation of Social Assessment reports and development of the VMGPs	63,000
3	VMGP implementation M&E activities	7,700
4	Additional measures/ interventions for the VMGs	55,000
5	Stakeholder and Community Consultations during VMGP preparation and implementation	77,000
6	Annual VMGP Audits (11 No. @ 2000 each)	22,000
7	Preparation and Implementation of GM including training of GMC and PCU members on GM operations.	22,000
<b>Total</b>		<b>274,200</b>

**REFERENCES**

ILO Convention No. 165 on Indigenous and Tribal Peoples

Kenya (2010) The Constitution of Kenya

Kenya (2014) The Forest Policy, 2014

World Bank (2017) The World Bank Environmental and Social Framework. Washington, DC: The World Bank Group.

## **ANNEXES**

### **Annex 1: Checklist for Vulnerable & Marginalized Groups (VMGs) Consultation**

This checklist is being used by facilitators of FGDs and Consultation Meetings with VMGs in the NAVCDP Selected counties that have VMGs. A separate list of those counties and an interim listing of VMGs therein is provided.

The aim of these consultations is to characterize the VMGs in terms of livelihoods, culture, governance, and natural resource use, identify points of intersection with the NAVCDP, discuss how the project may affect them both negatively and positively and how the project can effectively respond to their unique needs. The facilitator will briefly describe/explain the NAVCDP to the participants.

1. Name of Facilitator: \_\_\_\_\_ Name of Note Taker: \_\_\_\_\_
2. County: \_\_\_\_\_ Sub-county: \_\_\_\_\_ Ward: \_\_\_\_\_
3. Date: \_\_\_\_\_
4. Name of VMG: \_\_\_\_\_
5. VMGs presence is in dominance or minority?
6. Is there any other VMG sub groups present in minority in the area?
7. What are the dominant types of houses VMG members live in?

#### **LIVELIHOODS**

8. Which food production activities do the VMG members engage in regularly?
9. What are the main regular income generating activities undertaken by the VMG members?
10. Which Farmer Producer Groups (FPOs) serve the VMG members? What have been the outcomes of the services offered?
11. What are the main challenges in access to finance and investment in farming?

#### **LAND TENURE and NATURAL RESOURCES**

12. How do the VMG members access land and water in their territory?
13. Do the VMG individuals or community have title to land? How is land managed in their territory?
14. Which challenges do they experience in accessing and using land and other natural resources that they need?
15. What the typical social tension or conflict issues with respect to land and natural resources VMG experience?

#### **GOVERNANCE**

16. What are the main leadership structures in the VMG and how do they function?
17. Which dispute resolution structures exist in the VMG?
18. How do women participate in decision making in the VMG?

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19. Which CBOs and NGOs work with and/or represent the VMG interests? Have they been effective?
20. What forms of Gender-based Violence do VMG members normally experience? How these reported and handled?

**NAVCDP OR OTHER GOVERNMENT PROJECTS**

21. What are the likely impacts (both negative and positive) of the project on the VMG? How can negative impacts, if any, be mitigated in culturally appropriate ways?
22. How in their opinion can the project be adjusted to better serve their agricultural needs?
23. What benefits are women likely to draw from NAVCDP and how can those be enhanced?
24. What are the preferred channels of receiving project information and making complaints/feedbacks?

**END**

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**Annex 2: Sample Grievances Log**

<b>No.</b>	<b>Name of Complainant</b>	<b>Gender</b>	<b>Brief Description of Grievance</b>	<b>Date of Receipt</b>	<b>Grievance Status and Brief Description of Response</b>	<b>Date of Response</b>	<b>Remarks</b>

### **Annex 3: ToRs for Preparation of a SA report and VMGP**

The TOR describes the overall methodology for carrying out each component of the VMGP including desk and field studies, and data collection and analysis methods; and to provide an initial detailed plan of work, outputs, and staff assignments with levels of effort by task.

- a) Identify the types of sub-projects likely to be in VMG areas.
- b) Outline the procedure for conducting the primary screening of the VMGs within the project areas and likely to be affected by identified sub-project interventions.
- c) Identify potential positive and negative effects of proposed value chain development plans for the beneficiary county or sub- projects on VMGs.
- d) Develop a plan for carrying out the secondary screening (detailed social assessment in line with ESS7) for each of the identified VMGs in the projects' operational area including but not limited to the following:
  - A review of the legal and institutional framework applicable to VMGs in the project context.
  - Provision for baseline information on the demographic, social, cultural, and political characteristics of the affected VMGs, the land they traditionally or customarily owned and accessed and the natural resources they depend on.
  - Process of identifying key stakeholders and elaboration of a culturally appropriate and gender – sensitive process for meaningful consultation with VMGs at each stage of project preparation and implementation, taking the review and baseline information into account.
  - Process of assessing potential negative and positive effects of the sub-project based on meaningful consultations with the affected VMGs.
  - Inclusion of a gender sensitive assessment of the affected VMGs perceptions about the sub-project and its impact on their social, economic, and cultural status

#### Qualification and Experience of the Consultant

- i) Type: Individual Consultant
- ii) Qualifications: The Consultant must be a Social Specialist or Anthropologist with demonstrated skills in Stakeholder Engagement and community Development.
- iii) Experience: The expert is required to:

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- have demonstrated experience in undertaking similar engagements either locally or internationally (successively undertaken at least two (2) similar assignments).
- knowledge and/or familiarity with the social dynamics in Kenya and/or of VMG communities such as those where the sub-projects may be located.
- Knowledge of the Kiswahili language.
- Ability to work well with National and County Government officials and community personnel; and
- Demonstrate experience and understanding of the World Banks' Environmental and Social Standards 7 on VMG is considered critical.

The consultant will:

- a) Develop a plan for ensuring free, prior, informed, and accessible consultation with the affected VMG communities at each stage of project preparation and implementation.
- b) Outline considerations and indicators for assessing broad community support
- c) Identify the main actors/stakeholders (formal and informal) for screening project supported activities, evaluating their effects on VMG and recommendation for strengthening their capacity.
- d) Describe measures to strengthen the social, legal, and technical capabilities of (a) government institutions to address VMG issues in the project area and (b) VMG organizations in the project area to enable them to represent the VMGs more effectively.
- e) Describe the procedures to redress grievances by affected VMG communities and how these procedures are accessible to VMGs, their cultural appropriateness and gender sensitivity.
- f) Clearly outline the monitoring and reporting arrangements, that ensure the participation of the affected VMGs and confirm that VMG benefit equally compared to other dominant groups
- g) Describe the disclosure arrangements for VMG to be prepared under the VMGP including but not limited to:
  - The process of participation, information disclosure and consultation with the affected VMGs.



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- Consultation and participation mechanisms to be used during project implementation ensuring participation of the VMGs.
- The process of capturing and documentation of VMGs concerns with regards to the social impact assessment results and how these will be addressed in the project design.
  
- The disclosure of the SA report and the VMGP – both draft and final.

**Reporting**

The consultant will be reporting to the National Project Coordinator (or equivalent appointed by the NAVCDP) during this assignment, who will also be coordinating the process of the consultancy.

**Services, Facilities and Materials to be provided by the Client**

The NAVCDP will make available relevant project documents, background documentation and studies; sample VMGPs that have been developed for similar projects in Kenya. The client will also make all necessary arrangements including logistics for facilitating the work of the Consultant and to provide access to government authorities, other Project stakeholders, and Project sites.

**The Content of the Social Assessment Report will among others include the following:**

1. Executive Summary
2. Introduction
3. Methodology
4. Policy, Legal and Institutional Framework
5. Socio-economic Baseline
6. Stakeholder and Community Engagement Process and Outcomes
7. Potential Sub-projects' Benefits to VMGs
8. Potential Sub-project Impacts on VMGs and Mitigation Measures
9. Grievance Mechanism for the SA Process and Implementation
10. Process for Ascertaining Broad Support for the Sub-projects
11. Livelihood Support Initiatives for VMGs
12. The Vulnerable and Marginalized Plans (VMGPs)
13. Conclusions and Recommendations

**The consultancy deliverables**

- (1) An Inception report – 7 days after contract signing
- (2) Draft NAVCDP Social Assessment - 30 days after contract signing
- (3) Final NAVCDP Social Assessment - 45 days after contract signing

[done soon after project launch (1<sup>st</sup> 3 months) to enable counties adopt it before commencement of mobilization process]<sup>5</sup>

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<sup>5</sup> Preparation VMGP for each relevant county

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- (4) Clear guidelines on preparation of county specific VMGPs (Annex in the SA Report)-  
45 days after contract signing.

**Proposed Payment Schedule**

This consultancy is expected to cost not less than Kshs. \_\_\_\_\_xxxxxxx\_\_\_\_\_ and not more than Kshs. \_\_\_\_\_xxxxxxx\_\_\_\_\_

The consultant shall be paid as per the following schedule:

- (a) 20% on submission of the Inception Report.
- (b) 50% on submission of the 11 draft VMGPs and validation of the information collected.
- (c) 30% on submission of the final (hard copy and electronic versions) 11 VMGPs including the training plan.

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**Annex 4: NAVCDP Stakeholder Consultation Workshop**

(November 08, 2021) Question and Answer Session for Communities Meeting the Requirements of ESS7

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

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

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				g) Recommendation is acceptable to some extent but not always i.e., there are value chains where IPs willingly would work with others.
3	Milka Chepkorir-Sengwer community - Trans Nzoai County	0700404454. <a href="mailto:mctalaa@gmail.com">mctalaa@gmail.com</a>	<p>a) Will NAVCDP undertake Social Impact Assessment?</p> <p>b) How do you ensure that the use of pesticides and other form inputs to deliver on one priority of the project does not eliminate the last one on the priority list? e.g. use of pesticides to control pests on maize, potatoes etc. completely affecting honey production by indigenous peoples in forests.</p> <p>c) Biodiversity conservation and ecologically sensitive areas. What is the deliberate move of the project to ensure that environmentally sensitive areas are not affected?</p>	<p>a) Yes, at the initial implementation period.</p> <p>b) Any antagonizing VCs shall be analyzed in detail and due diligence followed to ensure sustainability issues are achieved. The Integrated Pest Management (IPM) will be applied to avoid negative effects to the biodiversity.</p> <p>Ac) ny project proposed investments to impact on the sensitive ecosystems will be excluded.</p>
4	Joseph Mumu - CESSCO Kiambu County	0721422173	<p>a) Why are ESS issues handled last (if lucky) or better miss out in NARIGP?</p> <p>b) How are CESSCOs role going to be seen and felt as project implementers but not process facilitators?</p> <p>c) The ESS activities need to be clearly brought out in the project components; how do we harmonize the</p>	<p>a) This should not be the case. In the new operation, all staff must be sensitized on the seriousness of environmental and social safeguards.</p> <p>b) In the new operation, care should be taken to ensure that safeguards are given the attention they deserve.</p> <p>c) In the design of the project and during detailing of</p>

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			plan across the project component? d) Develop a decommissioning plan /guide for the projects supported for implementation once the lifetime expires.	components, this is when ES issues are picked, and activities planned and budgeted for. NAVCDP will relook into the obvious omissions where possible. d) Yes. This comment is true. Attention should be focused on the ESMPs drawn whether they include and act on such areas.
5	Phyllis Mukung – Ogiek community, Trans Nzoia County	0740322434	a) As the Ogiek community our lives depend so much on milk and honey products. Will there be special value chains for IPs like sheep or goat rearing and bee keeping? b) Will the IPs be allowed to form their own POS? c) Will IPs and other VMGs be separated from the framework?	a) Yes, since time in memorial, there has been value chains for IP communities that are easy to promote (value chains that do not make IP community vulnerable; and that enhance IP livelihoods). Therefore, beekeeping will always win support for implementation by the IP community. b) Yes. IP community can form own PO, so long as the volumes can sustain the PO operations. c) Yes. In the design of NAVCDP other vulnerable groups: aged, Differently Abled Persons, youth, female headed households, etc. are explained under ESS1 while the VMGs are addressed guided by ESS7.
6	Mohamed Kitete - Awer Community, Lamu County	0715349314. <a href="mailto:kitetemohamed@gmail.com">kitetemohamed@gmail.com</a>	-How will security be implemented in areas like Lamu and Tana River County?	-NAVCDP has a security management procedure which will be applied at all times, but the project is not taking over Mandate of the

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				Ministry of Internal Security. The project will work in collaboration with all stakeholders to ensure that security issues do not affect productivity and profitability.
7	Jacob Kokani -Watha community, Kilifi County	0728044720	a) Will the frameworks be disclosed? b) It's my prayer that implementers stop using derogatory names.	a) Yes. This stakeholder consultation process requires NAVCDP documents including these E&S frameworks disclosed both Nationally and in the World Bank External website. b) Yes, noted with humbleness. The team also requests that the IP representatives assist in providing the acceptable names for their communities.
8	Francis Ngoninio – Ogiek community, Nakuru County, Chairperson CDDC	0720645692	a) How will IPs be included in NAVCPD in terms of representation in market linkages? Such gaps were noticed in NARIGP. b) In NARIGP the facilitation of volunteering committee (CDDC) there were some gaps, kindly look into that for smooth running of NAVCDP. c) How will corruption be eliminated in NAVCDP? <b>d) Recommendation</b> As a current CDDC chair from MAU, IPs under the MOALF NARIGP success was 70%. Therefore, IPs under the MOALF be given a chance to represent IPs so	a) Market linkage will be based on the priority value chains by these communities. b) Yes. The observation is noted. Lessons from NARIGP have been adopted. c) Through training of communities, transparency, and accountability of project implementation structures. d) Yes, well noted.

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



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			<p>community investments. A proposal was approved by CPSC but has not been funded to date.</p> <p>e) How will farmer technical expert be enhanced for access of project implementation</p> <p>f) The project is silent on building capacity of IPs, IPOs, CIG, there is need to build their capacity.</p> <p>g) M&amp; E - indigenous people be represented in M&amp; E at all levels.</p> <p>h) Project implementation – include IPs in project implementation from County to National Level.</p>	<p>(Chesucheki irrigation scheme and the Dairy Farmers of Cherangany milk processing plant).</p> <p>The Kapolet MCI – the decision rests on the NTAC.</p> <p>There are two counties facing a similar fate: Trans Nzoia and Narok- these two exceeded their allocations/project ceiling for MCIs (KES m 270-350 per county).</p> <p>e) Through capacity building of those smallholder farmers who will have been affiliated to: CIGs, and POs.</p> <p>f) Capacity building both implementers and beneficiaries is a priority in NAVCDP. A Training schedule will be produced after a training needs assessment.</p> <p>g) OK. This recommendation will be explored. However, NAVCDP has adopted a participatory M&amp;E.</p> <p>(h This will be considered.</p>
12	Milka Chepkorir-Sengwer Community, Trans-Nzoia County	0700404454; <a href="mailto:metalaa@gmail.com">metalaa@gmail.com</a>	<p>a) All Details should be captured in the project document nothing should be left out and included in the implementation manuals.</p> <p>b) Does the National management unit include an indigenous representative? if not should be considered.</p>	<p>(a Good suggestion. We will go by it.</p> <p>(b As the project design continues being polished; this is also something to be thought of; now that under the DP Office there exists an office dealing with the indigenous communities; the representation structure at</p>

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			<p>c) Who is putting together the Gender Action Plan?</p> <p><b><u>d)CONCERN</u></b> Being an IP is not equal to poverty and marginal listing, IPs specific indicators will never end indigenouness of a people. The project should end the notion of negativity from non-indigenous personnel leading the implementation of this project.</p>	<p>national level may be coopted at the NTAC</p> <p>c)The GBCAP for NAVCDP has been drafted by the consultants. During the subsequent revisions, there will be further stakeholders' consultation.</p> <p>d)The matter is noted</p>
13	Wilson K. Kurgat - Uasin Gishu County Chairman, Ogiek Consortium	0722942038	<p>a) What can be done concerning the high number of chemicals being used on the farms that negatively affects humans through compromised food safety issues?</p> <p>b) Market issues should be considered to maximize profitability.</p> <p>c) Why have these counties been exempted Kericho, Baringo, Laikipia, Bungoma, Elgeyo Marakwet.</p>	<p>a) NAVCDP is having IPMP as one of the framework approaches that will guide pesticide use at beneficiary level. Communities will be trained on safe use of chemicals and the management of pesticides, handling, storage, and transportation.</p> <p>b) Of course, the NAVCDP PDO is about '<i>increased market accessibility</i>' and '<i>enhanced value addition</i>'</p> <p>c) Kericho, Baringo, Laikipia, Bungoma, Elgeyo Marakwet have been excluded from NAVCDP because they are covered by other projects within the sector funded by World Bank, IFAD and AfDB</p>

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14	John Kisiambei – Ogiek Organization, Nakuru County	0758805321;	a) How will the project help IPs to continue conserving the environment? b) Some pesticides that are used affect honey production, how will that be considered in the new project?	a) The project will continue implementing SLM activities in collaboration with the IP communities and KFS b) The pesticides to be used in NAVCDP will be those that are friendly to pollinators with minimum effect on non- targeted organisms. approved normally a buffer zone is established contamination.
15	Japheth Musila – CESSCO, Kwale County,	0711655420	<b>Comment:</b> a) Land department/NLC should be involved in NAVDP to offer counsel. b) Minority community interests to be brought on board	a) True. Land issues and especially ownership have been a challenge. b) Yes, they will be targeted for inclusion with their priority value chains.
16	Jane Machani Ogiek Peoples Organization - Mau Region	0716984618	IPs are surrounded by other communities and the project might not benefit them making them not respond which may in turn affect the IPs and cause delays on coming up with responses.	IPs will be targeted during project operation and their CIGs/VMGs/POs will be considered along those of majority communities.
17	Isaac Kosgei Segwer Representativ e Cherengany, Trans Nzoia County	0728519029	a) Suggested a differentiation between VMGF and indigenous people framework because indigenous people do not like being associated with other VMGs. b) ESS8: Well, captured on cultural sites	a) Yes. This is true. It was not easy under NARIGP but now the distinction is evident. VMGs are addressed under ESS1 while VMGs are addressed under ESS7 b) Yes, it is necessary here because, in case of any technical hitch’s civil works, the project applies these guidelines.

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18	Moses Kachine - Minority and marginalized groups affairs- The presidency- Office of the DP	0784395546; 0722655302; <a href="mailto:moseskachike@gmail.com">moseskachike@gmail.com</a>	a) Nationally, 28 counties with 79 IP communities. The counties that are not factored here, are in other projects i.e., ‘Resilience Project’ b) Invite this new project to come for more information on VMGs in this country; the department holds the database.	Well received.
19	Ambia Hirsi Dullow – Munywoyaya community - IPO/IP Media Coastal Region – Tana River County	0728546932; <a href="mailto:ambiadullow@gmail.com">ambiadullow@gmail.com</a>	The deliberations in this forum are useful for this country. NAVCDP should aim at working with media for visibility and media privity to issues touching on the VMGs in Kenya.	a) The team can’t agree more. NAVCDP will strategize to involve responsible media coverage in its operations.

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**Table 2: NAVCDP ESS Frameworks - Stakeholder Consultation Workshop (November 09, 2021): For County Line Departments and Other Stakeholders including Farmers**

<i>S/No</i>	<i>Name / Position / Institution / County</i>	<i>Contacts</i>	<i>Question/Observation/Comment</i>	<i>Answer Provided</i>
1.	Peter Kinyenze (CESSCO-Makueni)		<p>a) What is the difference between ESMF and ESIA? Does ESMP apply to all?</p> <p>b) Some projects will require SPRs instead of ESIA, therefore can the ESMF recognize this and have SPR appear in the document?</p> <p>c) Are there written documents on bee safety to agrochemicals which can be used during NAVCDP?</p>	<p>a) ESMF is a framework approach adopted by the borrower to mitigate against potential environmental and social risks where site specific investments are not known at project appraisal. It is at project preparation level, and it carries an ESMP at framework level. On the other hand, ESIA is a site specific mitigation instrument normally at implementation phase of the project. It also has a site specific ESMP.</p> <p>b)Yes. According to NEMA Legal Notice 30 and 31 of April 31, 2019, ESIA's are now categorized 'low-risk projects' to do a SPR while the more complex investments with 'high-risk levels' will undertake Comprehensive Project Report (CPR).</p> <p>c)This documentation on bee safety is not available now but it can be sought. We will endeavor to look for such literature and share accordingly.</p>
2.	Peter Liru (Kitui)		The document suggests issues of GBVP especially on sexual harassment be handled by GM, which I feel it couldn't handle it exhaustively. Suggested introduction of GBV handling subcommittee of the main.	This is correct. GBV is sensitive in its handling, requires special training, and confidentiality.

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3	John Wachira (CPC - KCSAP Kirinyaga)		<p>a) Suggested that there should be consistency on value chains/commodities. Pointed out the following documents with conflicting information</p> <p>b) We should not undermine the impact of Pesticides Containers as an impact of waste disposal that requires mitigation measures</p> <p>c) Pointed out that the monitoring aspect for the implementation of the ESS plans was missing</p>	<p>a) The 9 value chains were put into 6 categories so that the counties are guided to choose one VC per category. The point is noted and will be ironed out.</p> <p>b)Point noted and to be emphasized during ESS training/sensitization.</p> <p>c)The M&amp;E aspect may not have been prominent in the summary presented in the meeting but is well captured in the main document</p>
4	James Njuguna (CESSCO Murang'a)		<p>a) How will the government minimum wage be harmonized with the market rates for unskilled youth employment in SLM?</p>	<p>-NAVCDP aims at guiding on labour management. At the least, ensure the workers do not suffer by getting low wages but also ensuring everything is within law and WB Standards (ESS2)</p> <p>The labour officers will guide the counties on the payments using the rates applicable in the respective counties.</p>

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5	Francis Otieno (Farmer, Homa bay)		<p>a) Why can't farmers be made to use organic fertilizer and pesticides? This would reduce production cost and increase farmers earnings.</p> <p>b) What criteria will be used to determine the people to be resettled?</p> <p>c) Mechanization is relevant to making farming easier and enjoyable. Tractors for ploughing, harrowing, planting, and spraying.</p> <p>d) Let the right personnel with knowledge in agriculture and related fields run the project. They should be honest and transparent, and each should have a certificate of good conduct.</p>	<p>a) This is a good idea and will be mainstreamed in the project activities.</p> <p>b) The RPF has given the criteria for identification and documentation of the persons to be resettled.</p> <p>c) the point is noted and will be considered during project operation.</p> <p>d) Point noted for consideration</p>
6	Dr. Muli (Farmer, Machakos)	a)	b) Value chains challenges between producers and consumers then brokers come and exploit the market. Yatta multipurpose farmers' cooperative society.	NAVCDP will enhance market access for farmers and improve linkages between producers and consumers thereby addressing most of the value chain challenges
7	Eutichus Kyungu (Farmer, Kitui)		a) Project implementation at FPO level. NARIGP concentrates much on activity implementation budget but not administration cost/staff cost. Hence you find it difficult for committee to implement these activities	Capacity building, provision of equipment and facilitation of staff from relevant county technical departments involved in the implementation of project activities had been considered in the project

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			to its member groups, requesting NARIGP to consider staff cost in its budgets.	



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**Table 3: NAVCDP ESS Frameworks - Stakeholder Consultation Workshop (November 11, 2021): For National Line Departments Policy Makers and Other Stakeholders including Donors and CSOs.**

<i>S/N o.</i>	<i>Name / Position / Institution / County</i>	<i>Contacts</i>	<i>Question/Observation/Comment</i>	<i>Answer Provided</i>
1	Joshua Lodungokiok – The National Treasury	0704420301; <a href="mailto:lodungokiokbon@gmail.com">lodungokiokbon@gmail.com</a>	(a The VMGs Kiambu, Nandi, Uasin Gishu, etc. counties. How have they been involved in this project?	The IP communities have been fully involved in micro project identification and implementation. In some cases, the IP communities have their own value chains while in other cases, they are recognized as members of the CIG/VMG/PO. They have also been elected to leadership positions in the CIGs/VMG/Po.
2	David Kioko – Ministry of Energy	0724691174; <a href="mailto:david88089070@gmail.com">david88089070@gmail.com</a>	<b>Comments:</b> - Encouraged use of solar power in the FLIP to cut on the cost of energy and reduce pollution caused by use of fossil fuels. -Noted that the NAVCDP will actually be operationalizing the Kenya National Energy Efficiency and Conservation Strategy. and asked the team to download the same for guidance. - The Ministry of Energy is ready to collaborate with the project team to when called upon.	-Comments noted positively. NAVCDP will engage further.
3	Margarete Njuki, NEMA Hqs	0721262347; <a href="mailto:Margarete.wainoi.njuki@gmail.com">Margarete.wainoi.njuki@gmail.com</a>	a) As presented this morning, the ESMF ESMP does not consider	a)The point is noted for emphasis in the ESMF b) point noted and further engagements with NEMA

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<i>S/N o.</i>	<i>Name / Position / Institution / County</i>	<i>Contacts</i>	<i>Question/Observation/Comment</i>	<i>Answer Provided</i>
			air pollution from VCs especially dairy b) Biodiversity concerns: biodiversity is a complex issue and needs to be integrated in the report because these VCs in a way will lead to lose of biodiversity.	to discuss the issue to be done during project implementation.
4	Mary Kanyi - KGRIC	0721379470; <a href="mailto:marywacera@yahoo.com">marywacera@yahoo.com</a>	(a NAVCDP is on fewer VCs and will cover not all counties previously under NARIGP. How will continuity be ensured on the communities left out? (b How will NAVCDP integrate with other projects for synergy? And also access other benefits i.e., crop and livestock insurances? (c Farmers are being exploited along the VCs. How will this project help reduce this exploitation?	A)NARIGP and KCSAP have elaborate sustainability measures to ensure that the activities continue after the project s. The projects also fully involve and build the capacities of agriculture extension staff who will continue to interact with the farmers after closure of the projects
5	Henry Chemjor - Potato Council	0725626763; <a href="mailto:hchemjor@npck.org">hchemjor@npck.org</a>	(a) Some counties have no capacities on E&S. They go ahead and hire consultants who have no or very little expertise? How will this new project help control this gap? (b Public Lands and ownership: when such lands are given to communities to invest;	a) Counties will be advised to hire consultants handling environmental / social issues who have the requisite qualifications and experience  b) The land on which the project will be implemented will be fully documented and

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			management issues crop up later and this affects the progress of such investments. How is land being handled in this project?	due diligence done. NLC will also be fully involved to ensure that public land is properly availed for FPO utilization.
6	Christine Kalui,	0722570466; <a href="mailto:kaluic@kebs.org">kaluic@kebs.org</a>	(a The POs: how will they be strengthened? In my opinion through capacity building for ownership and sustainability. (b Review of Policies: The new Agriculture strategy - <b><i>Agricultural Sector Transformation and Growth Strategy</i></b> is not mentioned. Kindly include.	a) Point noted and the issues to be included in the FPO capacity building b)ASTGS to be included in the ESS documents.
7	Ben Musungu –	0714159582; <a href="mailto:bmusungu@kepsa.or.ke">bmusungu@kepsa.or.ke</a>	a) The VCs seem to have dropped from 29 to 6. How will the 6 VCs interphase with the CIGs? b) BMOs not mentioned here. What role can they play?	a) The CIGs that are not will be included in NAVCDP will be addressed using the normal extension services. b) The BMOs to be involved as stakeholders during the value chain improvement activities
8	Elijah Gichuru	0723152655; <a href="mailto:ekgichuru@gmail.com">ekgichuru@gmail.com</a>	In the presentation of the table with the vulnerable groups i.e., Ogieks, we did see a listing of the aged. Why?	The table on VMGf mainly focused on ESS7. The aged and other categories of VMGs are

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<i>S/N o.</i>	<i>Name / Position / Institution / County</i>	<i>Contacts</i>	<i>Question/Observation/Comment</i>	<i>Answer Provided</i>
				addressed in ESS1 under the ESMF.
10	Maurice Opondo - Ministry of Water	0721247009; <a href="mailto:nauropond@hotmail.com">nauropond@hotmail.com</a>	Agreed on validating the Frameworks but with adjustments: - Policies, add the following: Irrigation Policy 2019; Irrigation Act 2019; Water Act 2016; Water Act 2021. -Think about catchment conservation and capacity WRUAs to check on water use footprints. -Propose inclusion of Labour Officers as stakeholders. They do have a responsibility in implementation of NAVCDP.	All points well noted and to be included in the ESS instruments.
11	Goreti Osur - National Gender and Equality Commission	0733908450; <a href="mailto:gosur@ngeckkenya.org">gosur@ngeckkenya.org</a>	(a) NACVDP should consider inclusion of gender in its operations. (b) Issue of certification – seems to be emphasized at quality at value addition. Why not along the entire VC?	a) Point noted and to be considered  b) Point noted and GAP and certification to be included in all the segments of value chains.
12	Francisca Kanini – Youth Affairs		a) Data and Digital Space for the youth – youth seem not well captioned in the Frameworks because they are boxed under the digital space, but we feel they should	a) Point well noted.  c) Climate change issues are mainstreamed in all project activities

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			be right from production decisions. b) Does NAVCDP have climate change activities?	
13	Zacharia Njuguna – Nairobi City Council	0721273241; <a href="mailto:Njugunazakaria2015@yahoo.com">Njugunazakaria2015@yahoo.com</a>	(a Nairobi County practices urban farming. To what extend will NAVCDP support this system? (b Market/Market Access: Nairobi is the largest consumer of the produce from the rural areas. Is NAVCDP going to support infrastructural development and traceability approaches?	The issues will be expounded and considered when unpacking the activities of component 3 of NAVCDP for Nairobi, Kiambu and Machakos.

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**Annex 5: Day 1 (Nov 08, 2021) Participant Details for Public and Stakeholder Consultation and Information Disclosure for Indigenous Peoples Organization Reps**

S. No	Name	Tel.No.	Email address	Community	Region
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2	Yunus Ahmed	0708722698	Yunusahmed90@gmail.com	“	“
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4	Moses Kachine	0784395546	moseskachike@gmail.com	Minority and marginalized groups affairs- The presidency- Office of the DP	Country wide
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6	Jane Machani	0716984618		“	“
7	John Kisiamba i	0758805321		“	“
8	Milka Chepkorir	0700404454	mctalaa@gmail.com	Sengwer	Cherangany
9	David yator	0726806100	sengwer@sengwer.org	Sengwer	

**Day 1: County Reps (CESSCO +2 IP Community reps)**

S/N	NAME	COMMUNITY	COUNTY	TELEPHONE
1.	Fatuma Abdallah	Watha	Tana-River	0710583088
2.	George Wasonga	CESSCO	Tana-River	0725760206
3.	Joseph Mumu	CESSCO	Kiambu	0721422173

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<b>S/N</b>	<b>NAME</b>	<b>COMMUNITY</b>	<b>COUNTY</b>	<b>TELEPHONE</b>
4.	Rehema M. Ruwa	CESSCO	Kilifi	0710586664
5.	Agnes Barisa	Watha	Kilifi	0791402478
6.	Jacob Kokani	Watha	Kilifi	0728044720
7.	Isaac Lagat	Ogiek	Uasin Gishu	0723411793
8.	Richard K.Maina	Ogiek	Narok	0711828692
9.	Naboe Ene Sameri	Ogiek	Narok	0708958908
10	Meriki Joseph	CESSCO	Narok	0712803569
11	Wilson K. Kurgat	Ogiek	Uasin Gishu	0722942038
12	Gilbert Cheruiyot	CESSCO	Trans Nzoia	0727855330
13	Richard Kipkering	CESSCO	Nandi	0723462103
14	Isaac Kosgei	Sengwer	Trans Nzoia	0728519029
15	Philis Mukung	Ogiek	Trans Nzoia	0740322434
16	Paulo Sang	Ogiek	Nandi	0790900379
17	William Kibitok Chepkwony	Ogiek	Nandi	0719537754
18	Japheth Musila	CESSCO	Kwale	0711655420
19	Bashora Muhindi Guyo	Wasanye	Kwale	0705474977
20	Salim B. Bonaya	Wasanye	Kwale	0745934163
21	Quentine Ngati	CESSCO	Taita taveta	0722797326
22	Khadijah Wakio	Watha	Taita Taveta	0797179139
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24	Tony Igwo Elkana	Watha	Tana River	0724370830
25	Stephen J. Ndung'u	Ogiek	Kiambu	0721477315
26	Paul W. Njehu	Ogiek	Kiambu	0721469403
27	Benson K. Gichuki	CESSCO	Nakuru	0719376601
28	David Barngetuny	Ogiek	Nakuru	0722101146
29	Francis Ngonino	Ogiek	Nakuru	0720645692
30	Nixon Kasembeli	CESSCO	Uasin Gishu	0723846596

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<b>PoEs</b>		
1	David Olang	0729750700

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2	Benjamin Kilaka	0726883288
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1	Samuel Guto	0712715727
2	Titus Mutisya	0713351744
3	Judy Amadiva	0722544862
4	Rachael Macharia	0714400915
5	Miriam Chemtai	0701745654

**Annex 6: Day 2 (Nov 09, 2021) Participant List for Public and Stakeholder Consultation and Information Disclosure**

S/NO	NAME	County/Designation	Telephone	VC
1	John M. Wachira	Nyandarua-CPC	0722654423	Potato
2	Peter N. Mbutu	Nyandarua-Farmer	0728285742	
3	Kenduiywa Julius	Bomet-CPC	0721403231	Dairy
4	Kipsang Sitonik	Bomet-Farmer	0728063363	
5	James King'ori Njuguna	Murang'a-CESSCO	0721571313	Banana
6	Alex Kamau Muchoki	Murang'a-Farmer	0721311394	
7	Josephine Kananu Kinoti	Embu-CESSCO	0724083315	Coffee
8	Mburugu J.N Mwiti	Embu-Farmer	0710459043	
9	Patrick Ng'ang'a	Meru-CPC	0738376383	Banana
10	Dancan Murithi	Meru-Farmer	0725262346	
11	Merina A. Adhiaya	Kakamega-CPC	0723798401	Chicken
12	Anne Murunga	Kakamega-Farmer	0710809858	
13	Okal Jacob Ohalo	Kericho-CESSCO	0720236598	Dairy
14	Humphrey Langat	Kericho-Farmer	0721604986	
15	Peter S. Lirhu	Kitui	0701657009	Apiculture
16	Eutichus Kyungu	Kitui-Farmer	0724618837	
17	Gachara John	Kirinyaga-CPC	0722447079	Coffee
18	Geoffrey K. Munyagia	Kirinyaga-Farmer	0722434101	
19	Samuel Oduor Okumu	Kisii-CPC	0722551646	Banana
20	Ronald Guto	Kisii-Farmer	0720253572	
21	Allan F. Ogendo	Busia-CPC	0723312854	Chicken
22	Arnold Okiru	Busia-Farmer	0725873139	
23	Alice Wangui Gichuki	Nyeri-CPC	0721633225	Coffee
24	Mary Ann Maina	Nyeri-Coffee focal person	0721417671	
25	Samuel Maina	Nyeri-Farmer	0729872414	



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26	Nicodemus N. Nzombe	Machakos		Mango
27	Raphael M. Muli	Machakos-Farmer	0721493163	
28	James Owuor Omondi	Homabay-CESSCO	0714238187	Cotton
29	Frank Otieno	Homabay-Ffarmer	0757364011	
30	Albertina Mercy Achapa	Migori-CESSCO	0717283224	Cotton
31	Peter Mwalyo Kinyenze	Makueni- CESSCO	0727515474	Mango
32	Benjamin Musungu	KEPSA	0714159582	

**Annex 7: Day 3 (Nov 10, 2021) Participant Details for Public and Stakeholder Consultation and Information Disclosure (Policy Makers and Other Stakeholders).**

S.No	Name	Tel.No.	Email address	Organization
1	Dr. Jonathan Munguti	0722622732	Jmunguti2000@gmail.com	KEMFRI
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5	Mary Kanyi	0721379470	marywacera@yahoo.com	Director, livestock production.
6	Joshua Lodungokiok	0704420301	lodungokiokbon@gmail.com	National Treasury
7	Goreti Osur	0733908450	gosur@ngeckkenya.org	National Gender and Equality Commission
8	Henry Chemjor	0725626763	hchemjor@npck.org	Potato Council
9	Ben Musungu	0714159582	bmusungu@kepsa.or.ke	KEPSA
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13	Zacharia Njuguna	0721273241	Njugunazakaria2015@yahoo.com	Nairobi City County

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