



## **Promotion of Climate-Friendly Cooking: Kenya and Senegal (GCF/EnDev)**

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*Capacity Building Support to Entrepreneurs  
through Development of Environmental and Social  
Management Training Manual and Training of  
Trainers under Promotion of Climate Friendly  
Cooking in Kenya*

**Environmental and Social Management  
Plan (ESMP) Training Manual [Volume  
2]**

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**Environmental and Social Management Plan (ESMP) Training Manual [Volume 2]**



GREEN  
CLIMATE  
FUND

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für Internationale  
Zusammenarbeit (GIZ) GmbH

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## LIST OF ACRONYMS

ASALs	Arid and Semi-Arid Lands
BMZ	Germany's Federal Ministry for Economic Development and cooperation
CAJ	Commission on Administrative Justice
CBOs	Community Based Organisations
CCAK	Clean Cooking Association of Kenya
CFAs	Community Forest Associations
CHV	Community Health Volunteers
CSO	Civil Society Organisation
DeKUT	Dedan Kimathi University of Technology
DOSHS	Directorate of Occupational Safety and Health Services
E4I	Energy for Impact
EE	Executing Entities
EnDev	Energising Development
EMCA	Environmental Management and Coordination Act
ESHS	Environmental Social Health and Safety
ESMP	Environmental and Social Management Plan
E&S	Environmental and social safeguards.
ERC	Energy Regulatory Commission
FGD	Focus Group Discussion
GBM	Greenbelt Movement
GCF	Green Climate Fund
GHGs	Greenhouse Gas
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
GVEP	Global Village Energy Partnership
HAP	Household Air Pollution
ICS	Improved Cookstoves
KCJ	Kenya Ceramic Jiko
KFS	Kenya Forestry Service
KII	Key Informant Interview
KIRDI	Kenya Industrial Research and Development Institute
LMEs	Last Mile Entrepreneurs
LPG	Liquified Petroleum Gas
KEBS	Kenya Bureau of Standards
KNCHR	Kenya National Commission on Human Rights
KTDA	Kenya Tea Development Agency
MFI	Microfinance Institution
MoE	Ministry of Energy
MoE&F	Ministry of Environment and Forestry
MOH	Ministry of Health

NCA	National Construction Authority
NDC	Nationally Determined Contribution
NEMA	National Environmental Management Authority
NGEC	National Gender and Equality Commission
NGOs	Non-Governmental Organizations
NMK	National Museums of Kenys
PA	Practical Action
SEP	Stakeholder Engagement Plan
SHGs	Self Help Groups
SNV	Netherlands Development Organisation
ToRs	Terms of References
ToT	Training of Trainers
UNFCCC	United Nations Framework Convention on Climate Change
WRA	Water Resources Authority
WUAs	Water Users Associations

## FOREWORD AND ACKNOWLEDGEMENTS

This ESMP Training Manual [Vol 2] is developed in the context of Environmental and Social Impacts generated through activities under the Green Climate Fund Project being implemented by GIZ. The manual was developed through a rigorous exercise from July 2022 to February 2023 which resulted in the preparation of the Rapid Assessment and ESMP Review Report [Vol 1]. The need for the manual was dictated by the realities of negative environmental and social impacts arising from projects being implemented without due consideration to environmental and social health and safety standards. Furthermore, the communities have not been sensitized on safe environmental practices with regard to production and use of Improved Cook Stove (ICS). In such contexts, all forms of environmental degradation are likely to occur unless deliberate steps are taken to prevent and respond to them. While most production of ICS is being undertaken by artisanal producers with minimal impacts on the environments, evidence shows that enhanced production envisaged through the interventions of Green Climate Fund (GCF) could generate significant environmental and social challenges and hence the need to develop this manual to guide capacity building on environmental and social safeguards issues for the project.

At the core of this manual are the issues touching on environmental protection, community health, safety and labor conditions, biodiversity and preservation of forests and wildlife resource, land acquisition and resettlement, grievance redress mechanisms, stakeholder engagement and gender equality in the implementation of GCF project. The manual thus acts as a comprehensive guide to be used by experts and community beneficiaries involved in GCF and an aid to their understanding of the relevant issues around environmental, social, health and safety issues. Apart from providing information on the subject, the manual also provides hints on how to carry out participatory and experiential training on the subject. The strength of the manual lies in the fact that it was based on field observations and was actually pre-tested with more 30 ToTs involved in GCF project. Experiences gained from the pre-tests were used to fine-tune the content covered and the training methodology suggested.

GIZ is indebted for the development of this manual to the team of Consultants from Panafcon Ltd who compiled and pre-tested the manual. The team was led by Dr. Dan Adino, Joshua Oyieko, George Wandera and Richard Okello. The work was enriched by the information received from and the participation of other partners involved in GCF. Trainings were ably organized and coordinated by the GIZ focal point Ezekiel Moseki. To all those who contributed to the development of this appreciable piece of work, GIZ offers its sincerest gratitude especially the safeguards focal points at GIZ.

### **Preface**

The Promotion of Climate-Friendly Cooking in Kenya consists of technical assistance and limited investments to scale up the current production of Improved Cook Stoves (ICS) in Kenya and Senegal, ensure product quality, support marketing activities, and develop awareness to augment the adoption of ICS by households, with the aim to reduce greenhouse gas (GHG) emissions from domestic cooking which is a major contributor to GHG emissions in these countries due to heavy reliance on fuel wood as the main source of energy for cooking. The project also intends to generate knowledge which can be used to replicate these results to the many similar countries where cooking is a major contributor to GHG emissions<sup>1</sup>.

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<sup>1</sup> *GIZ Promotion of Climate-Friendly Cooking in Kenya and Senegal: Green Climate Fund Project Proposal Environmental and Social Assessment 22 January 2019*

### **Project Objectives**

The current modest growth of ICS sales (5% per year in Kenya) is insufficient to meet increasing household demand and reach the Nationally Determined Contribution (NDC) targets. On the supply side, the ICS sector is not capable of securing the investment required to scale up ICS production and sales, whereas the demand for ICS remains concentrated in a limited geographic location and among more affluent and better-informed consumer groups. The project paradigm shift objective is therefore to accelerate the growth of the ICS sector, in particular in more remote and rural locations. The project will transform the sector from the one which is dominated by a number of small, artisanal, under-capitalized, and informal ICS producers into a much stronger economic sector with sufficient technological basis and business management capacities, access to commercial capital and ability to deliver better quality products to a bigger number of consumers, in particular in remote rural areas. The intended outcome of the project is to double annual ICS production and sales volume by the project end (after 5 years) and achieve a 3-fold increase by 2030; the scale required to substantially reach the ICS-related NDC targets and to achieve Official Development Assistance (ODA) - independent growth.

**INTRODUCTION Objectives of the Manual**The overall aim of the ESMP Training Manual is to enable GIZ to equip its partners with the necessary skills and knowledge necessary to implement GCF in environmentally and socially sustainable manner. The specific objectives of this manual are to equip the participants with knowledge and skills to:

- a) To identify Legal policy and institutional framework applicable to GCF project
- b) Explain and assess & manage environmental and social risks and impacts
- c) Understand Labour force and working conditions
- d) To promote Resource efficiency and prevent environmental pollution
- e) Promote Community health and safety
- f) To understand Land acquisition processes
- g) Promote Conservation of biodiversity and sustainable management of living natural resources
- h) Promote Cultural heritage
- i) Undertake Stakeholder engagement for projects
- j) Respect the rights of Indigenous people in project areas
- k) Conduct Gender Analysis/Assessment to promote Social Inclusion
- l) Design and implement appropriate Grievance Redress Mechanism for GCF project

## **1.1 The Principles and Social Environmental Standards Adopted in the Manual**

The manual is prepared based on the National Legislation, Equator Principles, IFC Performance Standards and the World Bank Environmental and Social Standards (ESS).

### **1.1.1 National Legislation**

The Environmental Management and Coordination Act (EMCA), 1999, is the framework law on environmental management and conservation in Kenya. Arising from this Act, Several Regulations and Guidelines have been generated to promote environmental protection and the management of resources including water resources and wetlands, biological diversity, waste management, noise and excessive vibration and air quality. These regulations stipulate specific standards that must be complied with when implementing project have the potential to generate environmental and social impacts

The 2<sup>nd</sup> Schedule of EMCA provides categories of project to undergo Environmental and Social Impact Assessment. Activities associated with harvesting of sand and clay for the production of ICS are listed in the *Second Schedule under Medium Risk Projects*:

- *Item (4) Artisanal mining including quarrying of: - (c) Harvesting of aggregate, sand, gravel, soil, clay, stone and slate*
- *Item (7) Medium Scale Processing and Manufacturing Industries Including: (a) brick and earth ware manufacture*

### **1.1.2 Equator Principles**

Equator Principles (EPs) are a set of voluntary guidelines adopted by financial institutions to ensure that large scale development or construction projects appropriately consider the associated potential impacts on the natural environment and the affected communities.

Equator Principles Financial Institutions (EPFIs) formulate their own environmental and social guidelines to comply with the Equator Principles framework, which in turn confirms compliance with the underlying IFC Performance Standards and World Bank Group EHS Guidelines.

**Table 1: Equator Principles**

<b>Principle</b>	<b>Equator Principle</b>
1	<p><b>Review and Categorisation</b></p> <p>Categorisation of project base on the magnitude of environmental and social risks and impacts, including those related to Human Rights, climate change, and biodiversity. Such categorisation is based on the International Finance Corporation’s (IFC) environmental and social categorisation process.</p> <p><b>Category A</b> – Projects with potential significant adverse environmental and social risks and/or impacts that are diverse, irreversible or unprecedented;</p> <p><b>Category B</b> – Projects with potential limited adverse environmental and social risks and/or impacts that are few in number, generally site-specific, largely reversible and readily addressed through mitigation measures;</p> <p><b>Category C</b> – Projects with minimal or no adverse environmental and social risks and/or impacts.</p>
2	<p><b>Environmental and Social Assessment</b></p> <p>Conducting of appropriate Assessment process to address the environmental and social risks and scale of impacts of the project. The Assessment Documentation shall propose measures to minimise, mitigate, and where residual impacts remain, to compensate/offset/remedy for risks and impacts to Workers, Affected Communities, and the environment, in a manner relevant and appropriate to the nature and scale of the project</p>
3	<p><b>Applicable Environmental and Social Standards</b></p> <p>Assessment of compliance with host country laws, regulations and permits that pertain to environmental and social issues</p>
4	<p><b>Environmental and Social Management System and Equator Principles Action Plan</b></p> <p>An Environmental and Social Management Plan (ESMP) is required to address issues raised in the Assessment process and incorporate actions required to comply with the applicable standards</p>
5	<p><b>Stakeholder Engagement</b></p> <p>All Category A and Category B projects there is need to will require the client to demonstrate effective Stakeholder Engagement, as an ongoing process in a structured and culturally appropriate manner, with Affected Communities, Workers and, where relevant, Other Stakeholders.</p>
6	<p><b>Grievance Mechanism</b></p> <p>All Category A and, Category B projects as appropriate, Category B Projects, there is need to establish effective grievance mechanisms which are designed for use by Affected Communities and Workers, as appropriate, to receive and facilitate resolution of concerns and grievances about the Project’s environmental and social performance.</p>
7	<p><b>Independent Review</b></p> <p>All Category A and, as appropriate, Category B Projects, an Independent Environmental and Social Consultant, will carry out an Independent Review of the Assessment process including the ESMPs, the ESMS, and the Stakeholder Engagement process documentation in order to determine compliance with Equator Principles.</p> <p>The Independent Consultant will also propose a suitable Equator Principles Action Plan</p>

<b>Principle</b>	<b>Equator Principle</b>
	(EPAP) capable of bringing the Project into compliance or indicate where there is a justified deviation from the applicable standards.
8	<p><b>Covenants</b></p> <p>For all Projects, where there is no compliance with its environmental and social covenants, the Equator Principles Financial Institutions (EPFIs), will work with the Project Implementors on remedial actions to bring the Project back into compliance. If the Project Implementor fails to re-establish compliance within an agreed grace period, the EPFI reserves the right to exercise remedies, including calling an event of default, as considered appropriate.</p>
9	<p><b>Independent Monitoring and Reporting</b></p> <p>For all Category A and, as appropriate, Category B Projects, in order to assess Project compliance with the Equator Principles, the EPFI will require independent monitoring and reporting provided by an Independent Environmental and Social Consultant.</p>
10	<p><b>Reporting and Transparency</b></p> <p>For all Category A and, as appropriate, Category B Projects, the project implementors are expected to:</p> <ul style="list-style-type: none"> <li>• Ensure that, at a minimum, a summary of the ESIA is accessible and available online and that it includes a summary of Human Rights and climate change risks and impacts when relevant</li> <li>• Report publicly, on an annual basis, GHG emission levels (combined Scope 1 and Scope 2 Emissions, and, if appropriate, the GHG efficiency ratio) during the operational phase for Projects emitting over 100,000 tonnes of CO<sub>2</sub> equivalent annually.</li> </ul>

### 1.1.3 IFC Performance Standards

The IFC Performance Standards are intended to provide guidance on how to identify risks and impacts, and are designed to help avoid, mitigate, and manage risks and impacts as a way of doing business in a sustainable way, including stakeholder engagement and disclosure obligations in relation to project-level activities. IFC requires its clients to apply the Performance Standards to manage environmental and social risks and impacts so that development opportunities are enhanced.

**Table 2: IFC PS on Environmental and Social Project Impact Screening**

<b>PS</b>	<b>Performance Standard</b>
PS1	<p><b>Assessment and Management of Environmental and Social Risks and Impacts.</b></p> <ul style="list-style-type: none"> <li>• Identify project E&amp;S risks and impacts</li> <li>• Adopt mitigation hierarchy (anticipate/avoid, minimize, compensate/offset)</li> <li>• Improve performance through an Environmental and Social Management System (ESMS)</li> <li>• Engagement with Affected Communities, other stakeholders</li> </ul>
PS 2	<p><b>Labour and Working Conditions</b></p> <ul style="list-style-type: none"> <li>• To promote the fair treatment, non-discrimination, and equal opportunity of workers.</li> <li>• To establish, maintain, and improve the worker-management relationship.</li> <li>• To promote compliance with national employment and labour laws.</li> <li>• To protect workers, including vulnerable categories of workers such as children, migrant workers, workers engaged by third parties, and workers in the client's supply chain.</li> <li>• To promote safe and healthy working conditions, and the health of workers.</li> </ul>

<b>PS</b>	<b>Performance Standard</b>
	<ul style="list-style-type: none"> <li>To avoid the use of forced labour.</li> </ul>
PS 3	<p><b>Resource Efficiency and Pollution Prevention</b></p> <ul style="list-style-type: none"> <li>Avoid, minimize, and reduce project-related pollution</li> <li>More sustainable use of resources, including energy and water</li> <li>Reduced project-related Greenhouse Gas (GHG) emissions</li> </ul>
PS 4	<p><b>Community Health, Safety, and Security</b></p> <ul style="list-style-type: none"> <li>To anticipate and avoid adverse impacts on the health and safety of the Affected Community</li> <li>To safeguard personnel and property in accordance with relevant human rights principles</li> </ul>
PS 5	<p><b>Land Acquisition and Involuntary Resettlement</b></p> <ul style="list-style-type: none"> <li>Avoid, minimize adverse social and economic impacts from land acquisition or restrictions on land use</li> <li>Improve or restore livelihoods and standards of living</li> <li>Improve living conditions among displaced persons</li> </ul>
PS 6	<p><b>Biodiversity Conservation and Sustainable Management of Living Natural Resources</b></p> <ul style="list-style-type: none"> <li>Protection and conservation of biodiversity</li> <li>Maintenance of benefits from ecosystem services</li> <li>Promotion of sustainable management of living natural resources</li> </ul>
PS 7	<p><b>Indigenous Peoples</b></p> <ul style="list-style-type: none"> <li>Ensure full respect for IPs (human rights, dignity, aspirations, livelihoods, culture, knowledge, practices)</li> <li>Avoid, minimize adverse impacts</li> <li>Sustainable and culturally appropriate development benefits and opportunities</li> <li>Free, Prior and Informed Consent (FPIC) in certain circumstances</li> </ul>
PS 8	<p><b>Cultural Heritage</b></p> <ul style="list-style-type: none"> <li>Protection and preservation of cultural heritage</li> <li>Promotion of equitable sharing of cultural heritage benefits</li> </ul>

#### 1.1.4 World Bank ESS

International Financial Institutions (IFIs) are major sources of financial and technical support for developing countries and have often served as important vehicles in the promotion of economic development and even global stability. They condition the provision of loans, grants, and debt relief on the implementation, by the recipient country, of a series of policy reforms. These typically seek to make the fiscal and debt situation sustainable, improving competitiveness, and boosting economic growth. They also advise on development projects, funding them and assisting in their implementation. Generally, most of the IFIs share the following goals and objectives:

- To reduce global poverty and improve people's living conditions and standards;
- To support sustainable economic, social and institutional development; and
- To promote regional cooperation and integration.

IFIs achieve these objectives through loans, credits and grants to national governments. They also provide technical and advisory assistance to their borrowers and conduct extensive research on development issues. IFIs ensure that the development projects they fund are aligned to Environmental and Social Safeguards. ESS standards are a cornerstone of IFI support to sustainable development. The objective of these policies is to avoid or, when avoidance is not possible, to minimize and mitigate adverse project impacts on the environment and affected people, and to help borrowers (and grant recipients) strengthen their own safeguard systems and develop the capacity to manage environmental risks. Ethics and human rights are implicit in the ESS.



**Figure 1: Summary of the World Bank 10 ESSs**

## 1.2 How to use the Manual

The manual provides a broad framework for the intended users on the content to cover. The user is required to familiarize with the content and to use additional references where appropriate. The manual also suggests various methodological steps for covering each module. However, the trainer is at liberty to use alternative effective approaches depending on the context of training.

## 1.3 Training facts

The modules are arranged in the sequence in which they are expected to be taken and estimated durations suggested. However, trainers have the discretion and flexibility to adopt the manual to suit their contexts. Such circumstances will include the time and resources available, number and category of participants, the training needs of participants.

## 1.4 Target Users

This manual has been prepared for use by GIZ social and environmental safeguards staff as well as partner trainers involved in the GCF project. The users are assumed to have gone through the same or an equivalent course. The manual may also be adapted and used in similar contexts elsewhere.

## 1.5 Preparation of Session Plans

For every session, you need a clear plan which shows:

- **Objectives:** What you intend to achieve by the session.
- **Topics:** The content you will cover.
- **Steps:** The specific activities you and the participants will go through.
- **Time:** The length of time allocated to each step.
- **Resources:** The materials / equipment you need for each step.
- **Evaluation:** Key questions to assess if learning has taken place.

## 1.6 Training Methods

- a) Focus Group Discussions
- b) Resource Persons or Guest Speakers
- c) Personal Testimonies
- d) Case Studies and Scenarios
- e) Role Play
- f) Videos
- g) Group Exercises
- h) Field Visits
- i) Group Work

## 1.7 Training Materials

- a) Note books and pens for participants.
- b) Flip chart paper.
- c) Videos, television set and video player.
- d) Computer, LCD projector and other accessories
- e) Handouts for participants.
- f) Reprographic equipment e.g. photocopier, printer, computer etc.
- g) Marker pens
- h) Tape.

## 2 PRELIMINARY ACTIVITIES

### 2.1 Introductions

Introduction is normally done on day one and entails the following steps:

- a) Introduction of facilitators and participants
- b) Training expectations
- c) Levelling of training objectives and expectations.
- d) Setting training rules and regulations.

### 2.2 Training expectations

- a) Facilitator asks the participants to share their workshop expectations.
- b) Facilitators write participant's answers in relation to their expectations on a flipchart and clarify which ones will be covered in the training workshop and the ones which are not to be covered.

### 2.3 Training Objectives

Facilitator to provide an overview of the training workshop and its objectives. By the end of the training, participants should be able to:

- a) To identify Legal policy and institutional framework applicable to GCF project
- b) Explain and assess & manage environmental and social risks and impacts
- c) Understand Labour force and working conditions
- d) Promote resource efficiency and prevent environmental pollution
- e) Promote community health and safety
- f) Understand land acquisition processes
- g) Promote Conservation of biodiversity and sustainable management of living natural resources
- h) Promote Cultural heritage
- i) Undertake Stakeholder engagement for projects
- j) Respect the rights of Indigenous people in project areas
- k) Conduct Gender Analysis/Assessment and Gender and promote Social Inclusion.

#### Ice Breakers

**Option One:** From the ice breaking, ask each participant to introduce one person met by name, occupation and any other interesting detail learnt.

**Option Two:** If there is no time to carry out the ice-breaking exercise, ask participants to let other participants know them

### 3 TIME TABLE

<b>DAY 1</b>		
<b>Day/Time</b>	<b>Session</b>	<b>Facilitator</b>
8.00 am – 8.30 am	Opening session (Leveling Expectations)	
8.30-10. 30a.m	Introduction to ESIA and the applicable legal frameworks	
10.30 am – 11.00 am	Health Break	
11.00 am – 1.00 pm	ESIA components and preparation processes	
1.00 pm - 2.00 pm	Lunch Break	
2.00 pm – 4.00pm	Improved labor and working conditions	
<b>DAY 2</b>		
<b>Day/Time</b>	<b>Session</b>	<b>Facilitator</b>
8.00a.m-8. 30a.m	Recap	
8.30am – 10.30am	Resource efficiency and prevention of environmental pollution	
10.30 am – 11.00 am	Health Break	
11.00a.m -1.00p.m	Introduction to community health and safety	
1.00 pm - 2.00 pm	Lunch Break	
2.00 pm – 3.00 pm	Introduction to Land Acquisition and involuntary resettlement	
3.00-4.00p.m	Delivery and Timing of Compensation	
<b>DAY 3</b>		
<b>Day/Time</b>	<b>Session</b>	<b>Facilitator</b>
8.00-8.30	Recap	
8.30am – 10.30 am	Conservation of Biodiversity and Sustainable Management of Living Natural Resources	
10.30 am – 11.00 am	Health Break	
11.00 am – 1.00 pm	Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities	
1.00 pm - 2.00 pm	Lunch Break	

2.00 pm – 4.00pm	Introduction to Cultural heritage	
4.00 pm – 4.30 pm	Health Break	
<b>DAY 4</b>		
<b>Day/Time</b>	<b>Session</b>	<b>Facilitator</b>
8.30am – 10.30 am	Introduction to gender and development	
10.30 am – 11.00 am	Health Break	
11.00 – 1.00 pm	Introduction to Stakeholder Engagement	
1.00.00 -2.00 pm	Lunch Break	
2.30 -4.30 pm	Stakeholder analysis and Engagement techniques	
<b>DAY 5</b>		
<b>Day/Time</b>	<b>Session</b>	<b>Facilitator</b>
8.30am – 9.00 am	Recap	
9.00-10.30	Grievance Mechanisms protocols or Guidelines	
10.30 am – 11.00 am	Health Break	
11.00am – 1.00 pm	Class Presentation Action planning and Evaluation	

## 4 MODULE 1: ASSESSMENT & MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS

### 4.1 Module Plan

Session	Topics	Time
Session 1	Introduction to ESIA and the applicable legal frameworks	2 Hrs
Session 2	ESIA components and preparation processes	2 Hrs

#### a) Objectives

The objectives of this module are to:

- Introduce participants to Environmental and Social Impact Assessment
- Introduce participants to applicable ESIA legal frameworks in Kenya
- Equip participants with knowledge of how to undertake the ESIA process
- To enable the participants, appreciate the Purpose of Environmental and Social Impact Assessment
- Enable participants to describe the Key Steps in the Environmental and Social Impact Assessment Process
- Highlight to the participants the components of Environmental and Social Impact Assessment Report
- Enable the participants understand the content of an ESMP
- Enable the participants understand the contents and importance of Monitoring Plan

At the end of this module, participants should be able to:

- Describe Environmental and Social Impact Assessment
- Highlight applicable ESIA legal frameworks in Kenya
- Explain how to undertake the ESIA process
- State the Purpose of Environmental and Social Impact Assessment
- Describe the key steps in the Environmental and Social Impact Assessment Process
- Highlight the components of Environmental and Social Impact Assessment Report
- Describe the content of an ESMP and Monitoring Plan

#### b) Training Methods

- Focus Group Discussions
- Group Work
- Personal Testimonies
- Case Studies and Scenarios
- Role Play
- Videos

### c) Training Materials

- Flip chart paper.
- Marker pens (red, blue and black usually).
- Tape for holding charts on to walls.
- Overhead projector, transparencies and pens for writing on the transparencies.

## 4.2 SESSION 1: Introduction to Environmental and Social Impact Assessment and the Applicable Legal Frameworks in Kenya

### a) Sessional Objectives

At the end of this session, the participant should be able to:

- Define Environmental and Social Impact Assessment (ESIA)
- Explain the objectives and importance of ESIA
- Highlight legal, policy and institutional frameworks on environmental protection in Kenya

#### **Exercise 1.1:**

*The facilitator will ask the participants to highlight their understanding and experience of ESIA from various projects in Kenya*



### What is Environmental and Social Impact Assessment

**Environmental and Social Impact Assessment (ESIA) may be defined as a ‘comprehensive document of a project’s potential environmental and social risks and impacts and the possible mitigation plans.**

It is important to note that environmental and social impact assessment processes include the analysis, monitoring and management of the intended and unintended positive and negative environmental and social impacts of planned activities and interventions and associated environmental and social changes arising from the interventions. The primary purpose is to ensure a more sustainable and equitable biophysical and human environment

### b) Objectives of Environmental and Social Impact Assessment

The key objectives of an ESIA are mainly to:

- Identify, predict, and evaluate the economic, environmental, and social impacts of development activities
- Provide information on the environmental and social consequences to enable appropriate decision making to occur
- Promote environmentally and socially sound and sustainable development through the identification of appropriate alternatives and mitigation measures

### c) Principles of Environmental and Social Impact Assessment

The general guiding principles of an ESIA include:

- (a) Participation
- (b) Transparency
- (c) Certainty
- (d) Accountability
- (e) Credibility
- (f) Cost effectiveness
- (g) Flexibility
- (h) Practicality



### Purpose of Environmental and Social Impact Assessment

The purpose of the ESIA is to assess and predict potential environmental and social impacts and to develop appropriate mitigation measures for the adverse impacts, which are detailed in an Environmental and Social Management Plan (ESMP). It is important to note that the scope and depth of an ESIA largely depends on the nature, complexity and significance of the identified impacts associated with the proposed project.

### d) Legal, Policy and Institutional Frameworks on Environmental and Social Impact Assessment

**Exercise 1.2:**

The facilitator will ask the participants to list relevant legislations and institutional frameworks guiding ESIA process in Kenya.

**Table 3: National Frameworks on Environmental and Social Impact Assessment**

Framework	Requirements
Constitution of Kenya 2010	<p>The constitution of Kenya is the most supreme legal document of the country. It provides legal guidance on all the fundamental aspects of the nation. The preamble to the Constitution states that 'the people of Kenya are respectful of the environment, which is Kenya's heritage, and are determined to sustain it for the benefit of future generations'. Several provisions of the Constitution reflect this elevation of broad environmental principles. Article 10 entrenches the principle of sustainability as one of the national values and principles of governance, while Article 42 guarantees the right to a clean and healthy environment, including the right to have the environment protected for the benefit of present and future generations.</p> <p>Chapter five of the new constitution covers "Land and Environment" and includes articles 69 and 70. The Chapter seeks to eliminate processes &amp; activities likely to endanger the environment. Article 69 states that 1) The State shall</p> <ul style="list-style-type: none"> <li>a) ensure sustainable exploitation, utilization, management, and conservation of the environmental and natural resources, and ensure the equitable sharing of the accruing benefits</li> <li>b) work to achieve and maintain a tree cover of at least ten per cent of the land</li> </ul>

Framework	Requirements
	<p>area of Kenya</p> <p>c) protect and enhance intellectual property in, and indigenous knowledge of, biodiversity and the genetic resources of the communities</p> <p>d) encourage public participation in the management, protection, and conservation of the environment; e) protect genetic resources and biological diversity</p> <p>f) establish systems of environmental impact assessment, environmental audit, and monitoring of the environment</p> <p>g) eliminate processes and activities that are likely to endanger the environment; and</p> <p>h) utilize the environment and natural resources for the benefit of the people of Kenya.</p>
<p>Environmental Management and Coordination Act, 1999 (Amendment 2015)</p>	<p>The Government enacted the Environmental Management and Coordination Act (EMCA) in 1999 to provide a legal and institutional framework for environmental management in the country. The Act was amended in 2015 to align to the New Constitution (2010). Thereafter, it was amended in 2019 to update the Second Schedule list of projects that require EIA study.</p> <p>The following are key elements of the EMCA law:</p> <ul style="list-style-type: none"> <li>- It stipulates at the outset that “<i>Every person in Kenya is entitled to a clean and healthy environment and has the duty to safeguard and enhance the environment</i>” and that anyone has the right to take a person breaching this law to court</li> <li>- It defines illegal activities within several areas, including waste management and pollution and degradation of rivers, lakes, wetlands, coastal zones, agricultural areas, forests and biodiversity; and,</li> <li>- It sets down the principles for EIA, and for the development of 5-year National Environmental Action Plans (NEAPs) and County Environmental Action Plans (CEAPs), to be developed at the National and County levels, respectively.</li> </ul> <p>Section 58 of the Act directs that any project of the nature specified under the Second Schedule of the Act should be subjected to an EIA study and a report of the same submitted to NEMA, for the purpose of processing an EIA license. The 2019 Amendment of the Act (Legal Notice No.31) provides an updated list of projects that require EIA, and assigns projects to three categories, depending on the seriousness of their likely effects, namely: low risk, medium risk, and high-risk projects.</p>
<p>Environmental (Impact Assessment and Audit) Regulations, 2003</p>	<p>These regulations are made under section 147 of the EMCA, 1999 (Amendment 2019), and provide the general guidelines for undertaking EIA, environmental auditing (EA) and monitoring in Kenya. Regulation 3 provides that the EIA/EA Regulations should apply to all policies, plans, programmes, projects and activities specified in Part IV, Part V and the Second Schedule of the EMCA, 1999 (Amendment 2019).</p> <p>Regulation 4(1) states that no proponent should implement a project that is likely to have a negative environmental impact; or for which an EIA is required under the Act or these Regulations, unless an EIA has been concluded and approved in accordance with these Regulations.</p> <p>Regulations 11 and 12 provide that EIA should be conducted in accordance with</p>

Framework	Requirements
	<p>terms of reference (ToR) developed during the scoping exercise by the proponent and approved by NEMA. The assessment should be conducted in accordance with the general EIA guidelines and sector EIA guidelines set out in the Third Schedule to these Regulations. Sector EIA guidelines should be developed by the lead agency in consultation with the Authority (NEMA). According to Regulation 17 (1), the proponent shall in consultation with the Authority, seek the views of persons who may be affected by the project. In seeking the views of the public, after the approval of the project report by the Authority, Regulation 17(2) states direct the proponent to:</p> <p>(a) Publicize the project and its anticipated effects and benefits by:</p> <ul style="list-style-type: none"> <li>• posting posters in strategic public places in the vicinity of the site of the project informing the affected parties and communities of the project publishing a notice on the project for two successive weeks in a newspaper that has a nation-wide circulation; and</li> <li>• making an announcement of the notice in both official and local languages in a radio with a nation-wide coverage for at least once a week, for two consecutive weeks</li> </ul> <p>(b) hold at least 3 public meetings with the affected parties and communities, to explain the project and its effects, and to receive their oral or written comments</p> <p>(c) ensure that appropriate notices are sent out at least one week prior to the meetings and that the venue and times of the meetings are convenient for the affected communities and the other concerned parties; and</p> <p>(d) ensure, in consultation with the Authority, that a suitably qualified coordinator is appointed to receive and record both oral and written comments and any translations thereof received during all public meetings for onward transmission to the Authority</p>
<p>Environmental. Management and Co-ordination (Waste Management). Regulations, 2006</p>	<p>These Regulations guides on the appropriate waste handling procedures and practices. It is anticipated that, the project will generate a large quantity of solid waste during construction, and these will need to be managed through reduction, reuse, and recycling or appropriate disposal. It is therefore anticipated that, the amount of materials to be discarded as waste during the project implementation will be minimum.</p> <p>As regards waste reduction, it is recommended that the proponent put in place measures to ensure that construction materials requirements are carefully budgeted for to ensure that the amount of construction materials left on site after construction is kept minimal. It is further recommended that the proponent considers the use of recycled or refurbished construction materials including those excavated from the existing roads. Purchasing and using once used or recovered construction materials will lead to financial savings and reduction of the amount of construction debris disposed of as waste.</p> <p>In addition to the above-mentioned recommendations and in order to comply with the requirements of these regulations; the proponent should undertake the following;</p> <ol style="list-style-type: none"> <li>1. NOT allow disposal of any wastes on the highway, street, road, recreational area and public places;</li> <li>2. Encourage segregation of wastes and grouping them according to their similarity, for example plastics, toxics, organics, etc;</li> <li>3. Ensure all wastes are deposited in designated dumping sites are approved</li> </ol>

Framework	Requirements
	<p>by the local authority;</p> <ol style="list-style-type: none"> <li>4. Ensure all waste handlers engaged by the proponent are licensed by NEMA and possess all relevant waste handling equipment and documentations, such as waste transport license, tracking documents, license to operate a waste yard, insurance cover, and vehicle inspection documents, amongst others;</li> <li>5. Implement cleaner production principles of waste management namely reduce, reuse and recycle; Label all hazardous wastes as specified in Section 24 (1-3) of the regulation.</li> </ol> <p>The fourth schedule lists wastes considered as hazardous and these include solvents, emulsifiers/emulsion, waste oil/water and hydrocarbon/water mixtures.</p>
<p>Environmental Management and Co-ordination (Water Quality) Regulations, 2006</p>	<p>The Regulations provide for proper management of water for domestic, industrial, recreational and irrigation purposes. It further enumerates the guidelines for prevention of pollution of the water sources. Section 4(2), 6 and Section 24 of the regulation prohibits pollution of water bodies and requires that all substances discharged into the water bodies should meet the standards set under the Third schedule of the regulation. Further, the proponent will be required to observe the requirements of these Regulations that prohibit anyone from undertaking development within a minimum of 6m from the highest ever recorded flood level.</p>
<p>Environmental Management and Co-Ordination (Noise and Excessive Vibration Pollution) Regulations, 2009</p>	<p>These Regulations provide guidelines for acceptable levels of noise and vibration for different environments during the construction and operation phase. Section 5 of the regulation warns on operating beyond the permissible noise levels while Section 6 gives guidelines on the control measures for managing excessive noises. In this context, the project team should observe the noise regimes for the different zones especially so for working in areas termed as silent zones which include institutions, and worship places, amongst others. These areas are permitted exposure to Sound Level Limits of not exceeding 40 dB (A) during the day and 35 dB (A) at night.</p> <p>The regulation states that a day starts from 6.01 a.m. to 8.00 p.m., while night starts from 8.01 p.m. – 6.00 a.m. Construction sites near the silent zones are allowed maximum noise level of 60 dB (A) during the day, whilst night levels are maintained at 35 dB (A). The time frame for construction sites is adjusted and the day is considered to start at 6.01 a.m. and ends at 6.00 p.m. while night duration starts from 6.01 p.m. and ends at 6.00 a.m.</p> <p>Part III of the regulation gives guidelines on noise and vibration management from different sources. Sections 11, 12 and 13 of the stated part give guidelines on noise and vibration management from machines, motor vehicles and night - time construction respectively. Section 15 requires owners of activities likely to generate excessive noise to conduct an ESIA</p>
<p>Environmental Management and Co-Ordination (Wetlands, River Banks, Lake Shores and Sea Shore Management) Regulation, 2009</p>	<p>These regulations apply to all wetlands in Kenya whether occurring in private or public land. The objectives of the regulations are to provide for the conservation and sustainable use of wetlands and their resources. The pottery clay and sand used for ICS production are extracted either within wetland or and banks of existing water resources (rivers, streams etc.). These are considered valuable wetlands and water resources that need to be protected. The regulations provide that ESIA is carried out for activities occurring within or adjacent to wetlands</p>

Framework	Requirements
	and permits obtained from the relevant authorities. The regulations require that special measures are put in places including prevention of soil erosion, siltation and water pollution
Environmental Management and Coordination (Air Quality) Regulations, 2014 (Revised 2016)	These Regulations provide for prevention, control and abatement of air pollution to ensure clean and healthy ambient air. The regulations provide for the establishment of emission standards for various sources such as mobile sources (e.g., motor vehicles) and stationary sources (e.g., industries) and establish the procedures for the issuance of emissions licenses, measurement of emissions, inspection and monitoring programs, and reporting requirements. It provides for air quality standards that must be maintained when protects with potential to produce air pollutants are in operation.
Policy Framework	
National Environment Policy 2014	<p>The policy provides a framework for an integrated approach to planning and sustainable management of Kenya’s environment and natural resources, which in turn strengthens the legal and institutional framework for effective coordination and management of the environment and natural resources. The guidelines in the policy are aimed at achieving socio-economic wellbeing and survival of citizens and humans through proactive measures in protection of the environment.</p> <p>The salient features of the policy include:</p> <ul style="list-style-type: none"> <li>• Under paragraph 3.2(n) one of the principles to be applied in implementing the policy is that communities should be involved in decision-making and empowerment in implementation of decisions flowing out of the policy.</li> <li>• The policy takes cognizance of high population growth (which leads to higher human activity), shrinking productive land and technological changes as some of the factors that dictate a change in strategy and planning to safeguard the environment.</li> </ul>
National Environment Action Plan, 2003 (Revised 2007)	National Environmental Action Plan was a deliberate policy effort to integrate environmental concerns into the country’s development initiatives/plans. The policy provides a series of measures to address climate change including sustainable land management incorporation into national planning, policy and legal frameworks. It also seeks to increase the country’s forest cover and adopt economic incentives for the management of forest products and community participation in conservation strategy.
Vision 2030	<p>Vision 2030 was launched in 2008 as Kenya's development blueprint covering the period 2008–2030. It was aimed at making Kenya a newly industrializing 'middle income country providing high-quality life for all its citizens by the year 2030'. Under the Social Pillar of Vision 2030, it is explicitly stated that Kenya's journey towards widespread prosperity involves the building of a just and cohesive society that enjoys equitable social development in a clean and secure environment.</p> <p>Vision 2030 is a Kenyan Government’s developmental policy which reflects the commitment by the Kenyan government to achieve low-carbon and climate-resilient development. Vision 2030 was launched in 2008 as Kenya's development blueprint covering the period 2008–2030. It was aimed at making Kenya a newly industrializing 'middle income country providing high-quality</p>

Framework	Requirements
	<p>life for all its citizens by the year 2030'. Under the Social Pillar of Vision 2030, it is explicitly stated that Kenya's journey towards widespread prosperity involves the building of a just and cohesive society that enjoys equitable social development in a clean and secure environment. The vision of a clean and sustainable environment by 2030 is to be attained with improved pollution and waste management, improved capacity to adapt to global climate change and the harmonization of environmental laws for better environmental governance and planning</p>
National Environment Policy 2014	<p>The policy provides a framework for an integrated approach to planning and sustainable management of Kenya's environment and natural resources, which in turn strengthens the legal and institutional framework for effective coordination and management of the environment and natural resources. The guidelines in the policy are aimed at achieving socio-economic wellbeing and survival of citizens and humans through proactive measures in protection of the environment.</p> <p>The salient features of the policy include: Under paragraph 3.2(n) one of the principles to be applied in implementing the policy is that communities should be involved in decision-making and empowerment in implementation of decisions flowing out of the policy. The policy takes cognizance of high population growth (which leads to higher human activity), shrinking productive land and technological changes as some of the factors that dictate a change in strategy and planning to safeguard the environment.</p>
National Environment Action Plan, 2003 (Revised 2007)	<p>National Environmental Action Plan was a deliberate policy effort to integrate environmental concerns into the country's development initiatives/plans. The policy provides a series of measures to address climate change including sustainable land management incorporation into national planning, policy and legal frameworks. It also seeks to increase the country's forest cover and adopt economic incentives for the management of forest products and community participation in conservation strategy.</p>
<b>Institutional and Administrative Framework</b>	
National Environment Council	<p>The National Environmental Council (The Council) is responsible for policy formulation and directions for the purposes of developing the EMCA. The Council also sets national goals and, objectives, and determines policies, and priorities for the protection of the environment.</p>
National Environmental Management Authority (NEMA)	<p>The responsibility of the National Environment Management Authority (NEMA) is to exercise general supervision and, co-ordination of all matters relating to the environment and to be the principal instrument of government in the implementation of all policies relating to the environment. The Authority shall review the ESIA report for the project, visit the project site to verify information provided in the report and issue an ESIA license if it considers that all the issues relevant to the project have been identified and mitigation measures to manage them proposed.</p>
The Water Resources Authority (WRA)	<p>This is a state corporation and the lead agency in water resources management. Its responsibilities include; to develop principles, guidelines and procedures for the allocation of water resources; to monitor, and from time to time reassess, the national water resources management strategy; to receive and determine applications for permits for water use; to monitor and enforce conditions attached to permits for water use; to regulate and protect water resources quality from adverse impacts; to manage and protect water catchments in accordance</p>

Framework	Requirements
	with guidelines in the national water resources management strategy, to determine charges to be imposed for the use of water from any water resource; to gather and maintain information on water resources and from time to time publish forecasts, projections and information on water resources; to liaise with other bodies for the better regulation and management of water resources; to advise the Minister concerning any matter in connection with water resources.
The Standards and Enforcement Review Committee	In addition to NEMA, the Act provides for the establishment and enforcement of environmental quality standards to be set by a technical committee of NEMA known as the Standards and Enforcement Review Committee (SERC). NEMA through EMCA has established standards for the various environmental parameters that require management, and these include the water quality standards, noise and vibration control standards, and the waste management standards, amongst other. The committee through the Compliance and Enforcement Department of NEMA monitors the compliance level of various projects to ensure pollution control standards are implemented. The committee also follows on pollution complaints reported by the public.
The County Environment Committees	The County Environment Committee contributes to decentralization of activities undertaken by NEMA and thus enables local communities to have access to environmental management information. It also enables the County Environment Committees to conduct quick site visits and review reports of localized project on time.
Environment and Land Court	This court is established pursuant to Article 162(2) of the Constitution and Section 4 of the Environment and Land Court Act. The court is a superior court and has jurisdiction throughout Kenya with original and appellate jurisdiction to hear and determine disputes relating to environment planning, climate change issues and any other disputes related to land and the environment as per Section 13 of the Act.
National Environment Tribunal	The National Environment Tribunal is established under section 125 of the EMCA with jurisdiction to entertain appeals from parties aggrieved by decisions made by NEMA, such as: <ul style="list-style-type: none"> <li>(a) the grant of a license or permit or a refusal to grant a license or permit, or the transfer of a license or permit, under the EMCA or its regulations</li> <li>(b) the imposition of any condition, limitation or restriction on a person's license under the EMCA or its regulations</li> <li>(c) the revocation, suspension, or variation of a person's license under the EMCA or its regulations</li> <li>(d) the amount of money required to be paid as a fee under the EMCA or its regulations and the imposition against a person of an environmental restoration order or environmental improvement order by the NEMA under the EMCA or its regulations</li> </ul>
National Environmental Complaints Committee	The National Environmental Complaints Committee (NECC) is responsible for the investigation of allegations or complains related to the environment; preparation of annual reports on the state of the environment; and undertaking public interest litigation on behalf of the citizens, in environmental matters. It was established to replace the Public Complaints Committee (PCC).

### 4.3 SESSION 2: ESIA Components and Preparation Process's

#### a) Sessional Objective

At the end of this session, the participants should be able to:

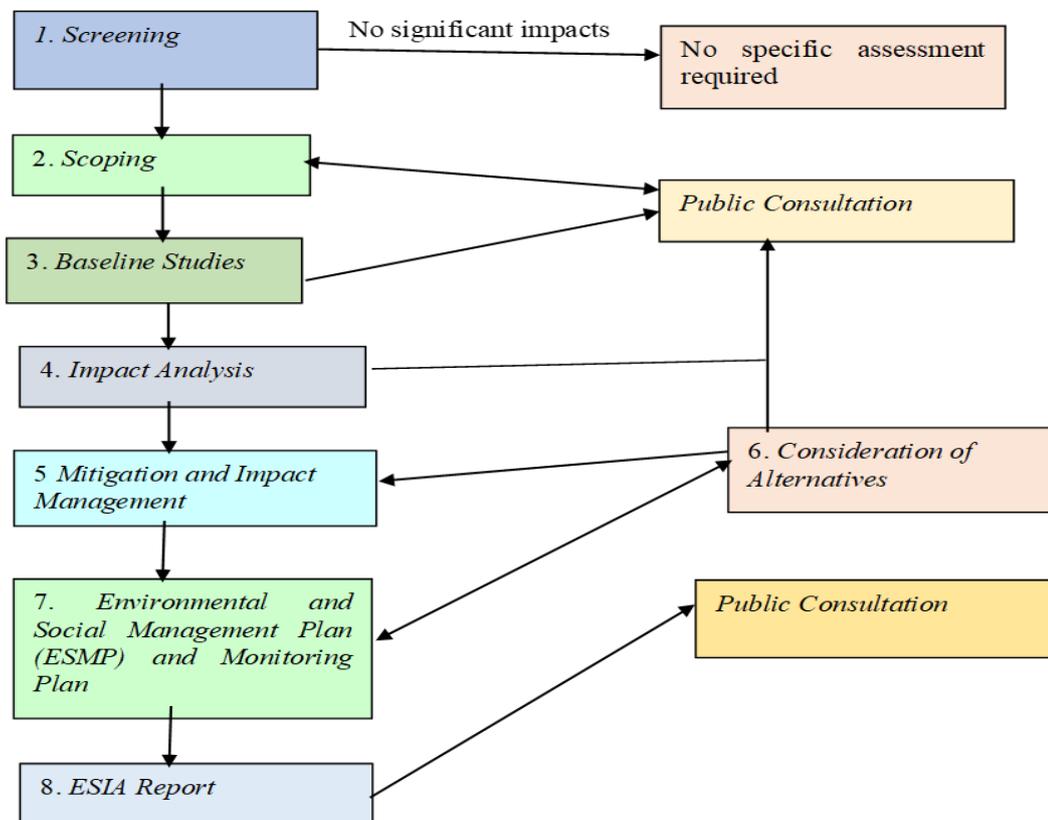
- Understand how to undertake the ESIA process
- Describe the key steps in the Environmental and Social Impact Assessment Process
- Highlight the components of Environmental and Social Impact Assessment Report
- Understand the content of an ESMP

#### b) Key Steps in the Environmental and Social Impact Assessment Process

##### **Exercise 1.3**

*The participants to divide themselves into three groups and discuss the key steps in ESIA process*

The Environmental and Social Impact Assessment (ESIA) process consists of a number of distinct steps or stages as illustrated in Figure 1. A brief description of each of the stages is provided below. The ESIA is meant to identify, predict and assess the type and scale of potential impacts and opportunities associated with proposed projects related to land acquisition and resettlement. Ideally, the process should begin as early as possible in the conceptualization stage of the project.



**Figure 1: Key Steps in the Environmental and Social Impact Assessment Process (Adapted from IAIA, 1999)**

**i. Screening**

This is the first step which quickly determines whether a full ESIA is necessary or not. It evaluates three things namely;

- The location, scale and duration of proposed project activities
- The presence of resources of significant value (such as endangered species and proximity to protected areas or critical natural habitats) or potential impacts to social and ecosystem services
- The types of technology that will be used

Screening is a vitally important step for predicting and understanding potential impacts related to land acquisition and resettlement activities and it can help determine issues of significance and pinpoint what issues to monitor and prioritize for future study.

**ii. Scoping**

If a full ESIA is required, scoping determines which impacts are likely to be significant and should become the main focus of the ESIA. It also identifies data availability and gaps and determines the appropriate spatial and temporal scopes for the assessment and helps identify appropriate survey and research methodologies for use in impact analysis.

### **iii. Baseline Studies**

Baseline studies provide a reference point against which any future environmental and social changes associated with the proposed project associated with land acquisition and resettlement can be assessed and provide information for subsequent monitoring of project performance. A comprehensive baseline study should identify critical issues and resources that will be affected during implementation of the proposed project. It is important to note that collecting baseline information can be difficult, especially in remote areas where environmental and socioeconomic conditions are not very conducive.

### **iv. Impact Analysis**

Proposed projects often lead to various adverse impacts on the biophysical and social environment and therefore the impacts need to be analysed and predicted. Predicting the likely impacts of a proposed project and evaluating their significance is very important in the ESIA process. Prediction is often based on the available environmental and social baseline information of the proposed project area. The key considerations in impact analysis and prediction include magnitude, extent, duration and significance of the impact.

The magnitude of the impact is informed by the severity of each potential impact and indicates whether the impact is irreversible or, reversible and estimated potential rate of recovery. The extent of impact is the zone of influence of the impact and can be site-specific or limited to the project area; within the locality of the proposed project or far outside the project area. The duration of the impact has to do with a temporal dimension and needs to be considered in an ESIA whilst the significance of impact refers to the value or amount of the impact which once predicted should have its significance evaluated using suitable criteria.

### **v. Impact Prediction and Evaluation**

This is the heart of the ESIA and involves analysing the impacts to determine their nature, spatial and temporal scale, reversibility, magnitude, likelihood, extent and effect. Various methods are available for prediction and evaluation of potential impacts of a proposed project include use of checklists, Ad hoc, matrices, weighting, GIS and RS, and networks, among others. Once the potential impacts are understood, it is necessary to judge the significance of each impact, to determine whether it is acceptable, requires mitigation or is unacceptable.

Determining the significance of impacts is a complex and subjective process with several factors affecting the significance including the importance of resources at local, regional, national or international levels; whether the area is subject to formal or informal protection; the ecological and social values of potentially affected biodiversity, habitats, social structures and the value of the ecosystems, social structures and facilities as sources of food or livelihood for local communities.

### **vi. Mitigation and Impact Management**

Mitigation aims to eliminate or reduce negative environmental and social impacts. Mitigation options should generally include

- Avoidance of impacts altogether
- Reduction of impacts where unavoidable
- Restoration of habitats to their original state
- Relocation of affected species or habitats
- Compensation for any residual, unavoidable damage

**vii. Consideration of Alternatives**

This allows identification of the least damaging option and it is an iterative process of comparing potential impacts and mitigation options of a series of alternative designs, locations, technologies and operations. The aim is to identify the optimal configuration that meets or exceeds the requirements of national legislation and any funding agencies. Alternatives can include variations in layout on the project site, alternative engineering processes and construction practices, the selection of different sites or routing of linear facilities, and screening of suppliers to select those with appropriate environmental and social risk management systems.

**c) The Environmental and Social Impact Assessment Report**

The Environmental and Social Impact Assessment (ESIA) Report is the physical report on the ESIA process and findings and should provide a clear, jargon-free review of potential environmental and social impacts. The report also describes how the impacts will be mitigated. The report forms the basis of public consultation activities and is presented to regulatory authorities as the basis for decision making. The report is made public through established channels to enable affected communities understand risks, impacts and opportunities related to proposed projects related to land acquisition and resettlement.



What are the environmental and social Impacts of ICS project?

**Exercise 1.4**

Divide participants into small groups and assign them to list:  
 Environmental impacts associated with ICS production  
 Social Impacts of ICS production  
 Health Impacts of ICS production

**Table 4: Some of the ICS Project Risks identified from the Rapid Assessment [Vol 1] and Proposed Mitigation Measures**

Project Activities	Rapid Assessment Observation	Required Action
<b>Sand Extraction</b> ✓ Excavation of Pottery Sand from River Basin and Hillsides <b>Soil Extraction</b> ✓ Excavation of Pottery Clay from River Banks and Wetlands <b>Material Transportation</b> ✓ ✓ Movement of Materials in Sacks and wheel barrow <b>Stove Production Process</b>	<b>Impacts and Risks Noted:</b> <b>Material Extraction</b> ✓ Ecological Impacts at the clay extraction sites ✓ Ecological impacts at the sand extraction sites ✓ Use of fuel wood to fire the kilns Use of solvents and paints without proper containments	<b>Implementation of measures to address gaps includes:</b> ✓ Training of workers on environmental protection matters – <b>Immediate Action</b> ✓ Regular monitoring (monthly) of material extraction sites and production centres for compliance. - <b>Monthly</b> ✓ Preparation of detailed mitigation guidelines for ICS production processes – <b>Immediate Action</b> ✓ Establishment of a clear consultation and communication avenues and grievance mechanism – <b>Immediate Action</b>

Project Activities	Rapid Assessment Observation	Required Action
<ul style="list-style-type: none"> <li>✓ Soaking of Clay</li> <li>✓ Mixing of Clay and Sand</li> <li>✓ Kneading the material by feet</li> <li>✓ Shaping the Liner</li> <li>✓ Baking the Liners in the kiln</li> <li>✓ Fabricating the ICS metal casing</li> <li>✓ Painting the ICS metal casing</li> </ul>		

**Plate 1: Sample Photos of Negative Impacts of ICS Production**



*Pottery Sand Extraction Site – Caves Created*



*Pottery Clay Extraction Site*



*Inside One of Caves Where Pottery Sand is Extracted*

**Exercise 1.5**

*The participants to write an ESIA report for the ICS Project*

**d) Content of ESIA Report**

The key components of an Environmental and Social Impact Assessment (ESIA) report are described in this section. The components must be thoroughly covered through a full ESIA process for high-risk projects. This means that a partial ESIA does not require as much detailed background and baseline information as in a full ESIA. The components of the ESIA report include executive or non-technical summary, project description; policy, legal and administrative framework, stakeholder analysis, environmental and social baseline study, assessment of environmental and social impacts, analysis of alternatives, environmental and social management plan, stakeholder consultations and a monitoring plan. Each of these components is described in the following sections.

**i. Executive Summary**

This provides a non-technical summary of significant impacts to be easily understood by a general audience such as local stakeholders. Key components of the summary include how the identified impacts should be managed and any critical and outstanding issues that require further action.

**ii. Project Description**

This describes in a concise manner the main parameters of the proposed project, including:

- The executing entities of the project (e.g. main project lead as well as project partners) and their respective roles in the project;
- The project's geographic location illustrated with appropriate maps;
- Summary of the project (project objective(s), expected outcomes, outputs and main activities), and
- Implementation arrangements.

### **iii. Policy, Legal and Institutional Framework**

In this section, the policy, legal and institutional frameworks within which the project takes place are described and any laws and regulations that pertain to environmental and social matters relevant to the project identified. This includes regulations on environmental and or social impact assessments to which the project must adhere as well as laws implementing host country obligations under international law. It is necessary to take into account any legal frameworks for promoting gender equality while noting any areas where the project might fall short on compliance.

### **iv. Stakeholder Analysis**

The main purpose of the stakeholder analysis is to first to identify the key stakeholders, understanding how they will be affected by the potential impacts and clarifying how they are to be involved in the ESIA process. This is done by listing all key stakeholders on the basis of data on existing stakeholder analysis done during the project design process and on general knowledge about the project context. Consideration should be made with regard to:

- stakeholders' interests in and expectations from the proposed project;
- how they might positively or negatively affect the project;
- an appraisal of how their livelihoods are likely to be positively or negatively impacted by the project; and
- how they should be involved in the ESIA based on (a), (b) and (c) items above.

It is necessary to disaggregate the stakeholders between men and women where relevant and feasible and to present the key findings of the analysis using a matrix.

### **v. Environmental and Social Baseline Study**

This provides a detailed description and analysis of the environmental and social contexts within which the project operates. The analysis should focus on the immediate context of the project site and aspects that relate to the identified impacts to enable informed decisions to be made regarding project design, operation, or mitigation measures. For general context data, it is useful to make use of both primary and secondary data at the site. This section is important because it provides an understanding of the current environmental and social conditions that form the baseline against which project impacts can be predicted and measured during project implementation. The scope of the baseline analysis depends on the nature of the project and the issues identified by the screening exercise. The analysis would cover a broad range of physical, biological, socio-economic and cultural features that are likely to be affected by the project.

### **vi. Assessment of Environmental and Social Impacts**

This step is the heart of the ESIA as it itemizes and describes the identified impacts, makes predictions in terms of their probability and assesses their significance. The assessment should give particular attention to impacts that would affect people's livelihoods through access restrictions or resettlement, on indigenous peoples, on cultural heritage or on biodiversity. Particular consideration should be made on potential environmental and social impacts that would affect women, children and other vulnerable groups. When analysing the risks, both direct and indirect impacts should be taken into account.

Examples include inadvertent knock-on impacts or cumulative impacts that occur through interaction with other developments, impacts arising at the project site or within the project's wider area of influence and impacts triggered over time.

The impacts of the proposed project can be analysed using a range of methods including simple qualitative analysis and detailed quantitative surveys or modelling. The data collection methods and analytical tools used would be informed by the type and significance of the impacts, the level of assessment needed and the availability of the quantitative methods. The methods used for data collection and analysis should be described in detail and their use justified. Where necessary, participatory research and assessment tools should be employed to enable stakeholders have adequate understanding of the project, provide opportunities for them to raise any issues or concerns and enable them to participate in the identification of appropriate mitigation measures for the adverse impacts.

To prioritise mitigation measures, it is important to understanding the significance of impacts and risks associated with the proposed project. To evaluate significance, it is important to consider the likelihood that a given risk event is expected to occur and the magnitude of the expected impacts. The latter refers to the extent to which a risk event might negatively affect environmental and or social receptors. The criteria to use include sensitivity of the receptor, severity of impacts, expected duration and scale and whether or not the impact is reversible. Assessing significance of risks also consider whether there are known, acceptable and readily available good practices to address those impacts and whether the executing entities and/or main stakeholders have experience applying such measures.

#### **vii. Analysis of Alternatives**

The main purpose of the analysis of alternatives is to identify other options, including not implementing the project, to achieve the objectives of the project and compare their impacts with the original proposal. Note that this is required only for high-risk projects where the identified impacts are very significant.

The analysis constitutes a systematic comparison of feasible, less adverse, alternative technologies, designs, operations and sites including the "no project" option to the proposed project in terms of their:

- effectiveness of achieving the project objectives;
- potential environmental and social impacts, the feasibility of mitigating these impacts;
- operational requirements and suitability under local conditions;
- institutional, training and monitoring requirements;
- estimated cost-effectiveness; and
- conformity to existing policies, plans, laws and regulations.
- The analysis should recommend the preferred alternative and state why it was chosen.

#### **e) Environmental and Social Management and Monitoring Plan (ESMMP)**



#### **What is an ESMP and Monitoring Plan?**

##### **Exercise 1.6**

*The participants to discuss the scope of an ESMP and Monitoring Plan in their own understanding*

**i. Environmental and Social Management Plan (ESMP)**

The ESMP is the main output of the ESIA process and provides a clear strategy for managing proposed project risks and mitigation of associated adverse impacts. The identification of mitigation measures is done in consultation with affected groups/stakeholders and is guided by the mitigation hierarchy. The mitigation hierarchy implies that all reasonable attempts must first be made to avoid negative environmental and social impacts. If avoidance is not possible, measures should be taken to minimise the impacts to acceptable levels and address remaining residual impacts with adequate and fair compensation measures.

The Environmental and Social Management Plan (ESMP) is also called an Environmental and Social Action Plan (ESAP). It defines resources, roles and responsibilities required to manage various impacts and implement mitigation measures. The plan forms a link between the EA &S and the Social and Environmental Management System. The central elements of an ESMP should include a prioritized description of the activities planned to mitigate impacts, a time line and identification of resources to ensure the plan can be implemented, and a communication plan that indicates how progress in the implementation of the plan will be disclosed.

The risk management strategy is documented in the ESMP which describes the mitigation measures, an implementation schedule and required resources and responsibilities. It is important to consider the technical and operational feasibility, cultural adequacy and sustainability of proposed measures besides requirements for capacity building and institutional strengthening. The ESMP should also indicate how the measures designed to avoid impacts.

**ii. Monitoring Plan**

The plan should also define monitoring requirements to determine whether mitigation is successful. Note that monitoring is often overlooked since it occurs once the project has been approved and is underway. It is however important for ensuring compliance and allowing for any necessary remedial measures to be put in place.

The Monitoring Plan should elaborate the identified aspects of the project that require monitoring, the parameters to be measured or looked into, the frequency of monitoring, the resources required to achieve the monitoring requirements and reporting.

**Exercise 1.7**

*The participants to divide themselves into groups and each group to prepare one of the following ESMP and Monitoring Plan*

*Water Management Plan*

*Waste Management Plan*

*Health and Safety Management Plan*

*Spill Prevention, Control and Containment Management*

*Rehabilitation and Site Clean-up Management*

*Monitoring Plan*

## 5 MODULE 2: LABOUR FORCE AND WORKING CONDITIONS

### 5.1 Module Plan

Session	Topics	Time
Session 1	Improved Labor and Working Conditions	2 Hr

#### a) Objectives

The objectives of this module are to:

- Introduce participants to labor and working conditions
- Introduce participants to applicable legal frameworks in Kenya
- Enable the participants to Understand Working conditions and management of worker relationships
- Help the participants to know how to protect the work force
- Assist the participants to know about Grievance mechanism
- Allow the participants to understand different Categories of workers

#### b) Learning Outcomes

At the end of this module, participants should be able to:

- Explain labor and working conditions
- Understand Working conditions and management of worker relationships
- Highlight the applicable legal framework governing labour and working conditions
- Know how to protect the work force
- Know about Grievance mechanism
- Understand different Categories of workers

#### c) Training Methods

- Focus Group Discussions
- Group Work
- Personal Testimonies
- Case Studies and Scenarios
- Role Play
- Videos

#### d) Training Materials

- Flip chart paper.
- Marker pens (red, blue and black usually).
- Tape for holding charts on to walls.
- Overhead projector, transparencies and pens for writing on the transparencies

## 5.2 SESSION 1: Improved Labour and Working Condition

### a) Sessional objectives

At the end of this session, the participants should be able to:

- Highlight the importance of a good working environment.
- Describe different categories of workers
- Understand what constitutes terms of employment
- State the Rules regarding workers' organizations
- Highlight measures that workers need to put in place to protect themselves from work related injuries and illnesses



What are the importance of improved labour and working conditions?

#### Importance of improved working conditions

To promote safety and health at work.

To promote the fair treatment, non-discrimination and equal opportunity of project workers.

To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate.

To prevent the use of all forms of forced labor and child labor.

To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.

To provide project workers with accessible means to raise workplace concerns.

#### **Exercise 2.1**

*Lead the participants to note down what they consider to constitute a good working condition*

*The participants will then be asked to highlight what constitute a poor working condition*

*The participant to discuss applicable legal frameworks for labor and working conditions in Kenya*

### b) Steps to improve Working Conditions

- Non-discrimination and equal opportunity
- Protecting the Work force
- Terms of employment
- Workers Grievance Mechanism
- Worker's organizations



**c) Categories of Workers**

- Contracted workers
- Primary supply workers
- Community workers

**d) Contracted Workers**

The employer will make reasonable efforts to ascertain that third parties who engage contracted workers are legitimate and reliable entities and have in place labor management procedures applicable to the project that will allow them to operate.

**e) Community Workers**

Use of community workers in a number of different circumstances, including where labor is provided by the community as a contribution to the project, or where projects are designed and conducted for the purpose of fostering community-driven development, providing a social safety net or providing targeted assistance in fragile and conflict-affected situations.

The employer will require measures to be implemented to ascertain whether such labor is or will be provided on a voluntary basis as an outcome of individual or community agreement. Accordingly, where the project includes the provision of labor by community workers, the employer will apply the relevant provisions in a manner which reflects and is proportionate to:

- the nature and scope of the project;
- the specific project activities in which the community workers are engaged; and
- the nature of the potential risks and impacts to the community workers.

**f) Primary Supply Workers**

As part of the environmental and social assessment, the employer will identify potential risks of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers. Where there is a significant risk of child labor or forced labor related to primary supply workers, the employer will require the primary supplier to identify those risks.

**g) Terms of Employment**

- Project workers should be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment.
- The information and documentation will set out their rights under national labor and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits.
- This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur.
- Project workers should be paid on a regular basis as required by national law and labor management procedures. Deductions from payment of wages will only be made as allowed by national law or the labor management procedures, workers should be informed of the conditions under which such deductions will be made.
- Workers will be provided with adequate periods of rest per week, annual holiday and sick, maternity and family leave, as required by national law and labor management procedures.

**h) Non-Discrimination and Equal Opportunity**

- Decisions relating to the employment or treatment of workers will not be made on the basis of personal characteristics unrelated to inherent job requirements.

- The employment of workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship
- The labor management procedures will set out measures to prevent and address harassment, intimidation and/or exploitation.
- The employer should provide appropriate measures of protection and assistance to address the vulnerabilities of project workers, including specific groups of workers, such as women, people with disabilities, migrant workers and children

**i) Worker’s Organizations**

- The role of legally established workers’ organizations and legitimate workers’ representatives should be respected, and they will be provided with information needed for meaningful negotiation in a timely manner.
- The employer should not restrict workers from developing alternative mechanisms to express their grievances and protect their rights regarding working conditions and terms of employment.
- The employer should not seek to influence or control these alternative mechanisms.
- The employer will not discriminate or retaliate against workers who participate, or seek to participate, in workers’ organizations and collective bargaining or alternative mechanisms.

**j) Protecting the Work force**

- A child under the minimum age of 18 years will not be employed.
- Forced labor, which consists of any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty, will not be used.
- No trafficked persons will be employed in connection.

**k) Workers Grievance Mechanism**

**Exercise 2.2**

*Ask the participants to prepare a workplace GRM and discuss the necessary ingredients in a GRM*

- A grievance mechanism will be provided for all direct workers and contracted workers (and, where relevant, their organizations) to raise workplace concerns.
- Workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against any reprisal for its use.
- Measures will be put in place to make the grievance mechanism easily accessible to all workers.
- Grievance Redress mechanism will be designed to address concerns promptly, using an understandable and transparent process that provides timely feedback to those concerned in a language they understand, without any retribution, and will operate in an independent and objective manner.
- The grievance mechanism will not impede access to other judicial or administrative remedies that might be available under the law or through existing arbitration procedures, or substitute for grievance mechanisms provided through collective agreements.

**l) Safety at the Work Environment**

- Employer will actively collaborate and consult with workers in promoting understanding, and methods for, implementation of OHS requirements, as well as in providing information to workers, training on occupational safety and health, and provision of personal protective equipment without expense to the workers.
- Employer will develop and implement procedures to establish and maintain a safe working environment, including that workplaces, machinery, equipment and processes under their control are safe and without risk to health, including by use of appropriate measures relating to chemical, physical and biological substances and agents.
- Workplace processes will be put in place for workers to report work situations that they believe are not safe or healthy, and to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health.
- Workers who remove themselves from such situations will not be required to return to work until necessary remedial action to correct the situation has been taken. Workers will not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removal.
- Workers will be provided with facilities appropriate to the circumstances of their work, including access to canteens, hygiene facilities, and appropriate areas for rest.
- A system for regular review of occupational safety and health performance and the working environment will be put in place and include identification of safety and health hazards and risks, implementation of effective methods for responding to identified hazards and risks, setting priorities for taking action, and evaluation of results

## 6 MODULE 3: RESOURCE EFFICIENCY AND PREVENTION OF ENVIRONMENTAL POLLUTION

### 6.1 Module Plan

Session	Topics	Time
Session 1	Resource Efficiency and Prevention of Environmental Pollution	2 Hr

#### a) Objectives

The objectives of this module are to:

- Enable participants to appreciate the concept of avoidance or putting in efforts minimize adverse impacts on human health and the environment by avoiding or minimizing pollution from project activities.
- Introduce participants to applicable legal frameworks on resource efficiency and prevention of pollution
- Assist participants to adopt concepts of promoting more sustainable use of resources, including energy, land and water.
- Assist participants on how to avoid or minimize programming-related emissions of short and long-lived climate pollutants and ozone-depleting substances.
- Enable participants to implement concepts of how to avoid or minimize generation of hazardous and non-hazardous substances and wastes, and promote a human rights-based approach to the management and disposal of hazardous substances and wastes.
- Assist participants to understand the applicable techniques of preventing pollution by providing safeguards like containments and impervious working surfaces

#### b) Learning Outcomes

At the end of this module, learners should be able to:

- Explain how to avoid or minimize adverse impacts on human health and the environment by avoiding or minimizing pollution from project activities.
- State how to promote more sustainable use of resources, including energy, land and water.
- Describe how to avoid or minimize programming-related emissions of short and long-lived climate pollutants and ozone-depleting substances.
- State how to avoid or minimize generation of hazardous and non-hazardous substances and wastes, and promote a human rights-based approach to the management and disposal of hazardous substances.
- Highlight the applicable legal framework governing resource efficiency and prevention of pollution.

#### c) Training Methods

- Focus Group Discussions
- Group Work
- Personal Testimonies
- Case Studies and Scenarios
- Role Play
- Videos

**d) Training Materials**

- Flip chart paper.
- Marker pens (red, blue and black usually).
- Tape for holding charts on to walls.
- Overhead projector, transparencies and pens for writing on the transparencies

**6.2 SESSION 1: Resource Efficiency and Prevention of Environmental Pollution**

**a) Sessional Objectives**

At the end of this session, the participants should be able to:

- Explain how to promote resource efficiency
- Explain how to avoid or minimize adverse impacts on human health and the environment by avoiding or minimizing pollution from project activities.
- State how to promote more sustainable use of resources, including energy, land and water.
- Describe how to avoid or minimize programming-related emissions of short and long-lived climate pollutants and ozone-depleting substances.
- State how to avoid or minimize generation of hazardous and non-hazardous substances and wastes, and promote a human rights-based approach to the management and disposal of hazardous substances and wastes
- Introduce participants to applicable legal frameworks on resource efficiency and prevention of pollution

**Exercise 3.1**

*Ask the participants to list down applicable legal frameworks on resource efficiency and prevention of pollution in Kenya*

**Exercise 3.2**

*Ask the participants to list down the Environmental Resources used in the production of ICS  
Ask the participants to suggest ways of promoting the efficient use of ICS production resources*

**b) Introduction**

- Projects should be designed and implemented in a manner that promotes the efficient use and consumption of land/soils, energy, water, and other resources and material inputs.
- Technically and financially feasible and cost-effective efficiency measures should be implemented.
- Measures should be put in place to integrate the principles of cleaner production into product design and production processes with the objective of conserving raw materials, energy, and water.
- For resource intensive projects, benchmarking data are utilized to establish the relative level of efficiency. Principles of green design, circular economy, sustainable infrastructure and sustainable procurement are considered where feasible.

*ICS Production Resources*

*Water*

*Sand*

*Soil*

*Fuel wood*

*Iron*



**Plate 2: Sites for Extraction of Pottery Sand and Clay for ICS Production**

**c) Water Usage**

For projects with high water demand (generally greater than 5,000 m<sup>3</sup>/day in non-arid climates), in addition to applying the resource efficiency requirements of this Standard, measures are adopted that avoid or reduce water usage so that the project's water consumption does not have significant adverse impacts on communities, other users or on the environment and ecosystems. Cumulative impacts of water use are assessed and appropriate mitigation measures implemented, such as water demand management, efficiency measures, benchmarking usage, alternative supplies, resource contamination avoidance, mitigation of impacts on downstream users, and water use offsets.



Good international practice for water conservation and efficiency is applied, including for irrigation activities and wastewater usage.

#### d) Pollution Prevention

##### **Exercise 3.3**

*Ask the participants to list down the various categories of waste material that may come out from ICS production*

*Ask the participants to list the measures that can be put in place to prevent environmental pollution that may arise from ICS production activities*

#### e) Techniques of Preventing Environmental Pollution

- i. Application of technologies and practices that prevent pollution during the project life cycle. The technologies and practices applied will be tailored to the hazards and risks associated with the nature of the project. They may include:
  - ✓ Provision of leak proof surfaces with containments at work areas
  - ✓ Storage of hazardous chemicals and fuels on paved areas with containment
  - ✓ Using Chain of Custody forms to keep records of Hazardous Chemicals and Wastes
  - ✓ Engagement of NEMA Registered/Approved Hazardous Waste Disposal Firms
- ii. Utilizing performance levels and measures specified in national law or in good international practice.

##### **Wastes**

Projects should avoid the generation of hazardous and non-hazardous waste materials.

Where waste generation cannot be avoided, projects reduce the generation of waste—including plastics—and recover and reuse waste in a manner that is safe for human health and the environment.

Where waste cannot be recovered or reused, it is treated, destroyed, or disposed of in an environmentally sound manner that includes the appropriate control of emissions and residues resulting from the handling and processing of the waste material.

##### **Hazardous Materials**

Projects should avoid or, when avoidance is not feasible, minimize and control release and exposure to hazardous materials resulting from their production, transportation, handling, storage and use.

Projects should consider the use of less hazardous substitutes for such chemicals and materials and will avoid supporting the manufacture, trade, and use of chemicals and hazardous materials subject to international bans, restrictions or phase-outs due to their high toxicity to living organisms, environmental persistence, potential for bioaccumulation, or potential for depletion of the ozone layer, unless for acceptable purposes as defined by the conventions or protocols (e.g. the Montreal Protocol, Minamata Convention, Basel Convention, Rotterdam Convention, Stockholm Convention).





**Plate 3: Metallic Wastes generated during Fabrication ICS Casings**

## 7 MODULE 4: COMMUNITY HEALTH AND SAFETY

### 7.1 Module Plan

Session	Topics	Time
SESSION 1	Introduction to Community Health and Safety	2 Hrs

#### a) Objectives

The objectives of this module are to:

- Introduce participants to Occupational Safety and Health (OSH)
- Introduce the participants to legal, policy and institutional frameworks on community health and safety
- Introduce participants to Occupational Safety and Health Management System (OSHMS)
- Introduce participants to Occupational Safety and Health Measures

#### b) Learning Outcomes

At the end of this module, learners should be able to:

- Appreciate the purpose for Occupational Safety and Health (OSH) procedures
- Understand the legal, policy and institutional frameworks on community health and safety
- Explain Occupational Safety and Health Management System (OSHMS)
- Explain Occupational Safety and Health Measures

#### c) Training Methods

- Focus Group Discussions
- Group Work
- Personal Testimonies
- Case Studies and Scenarios
- Role Play
- Videos

#### d) Training Materials

- Flip chart paper.
- Marker pens (red, blue and black usually).
- Tape for holding charts on to walls.
- Overhead projector, transparencies and pens for writing on the transparencies

### 7.2 SESSION 1: Introduction to Occupational Safety and Health (OSH)

#### a) Sessional Objectives

At the end of this session, the participants should be able to:

- Appreciate the purpose for Occupational Safety and Health (OSH) procedures
- Highlight the legal, policy and institutional frameworks on community health and safety
- Explain Occupational Safety and Health Management System (OSHMS)
- Explain Occupational Safety and Health Measures



## What is the purpose of OSH Measures at Workplace?

### Purpose of OHS

Identification of potential hazards to workers, particularly those that may be life-threatening  
 Provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances;  
 Training of workers and maintenance of training records;  
 Documentation and reporting of occupational accidents, diseases and incidents;  
 Emergency prevention and preparedness and response arrangements to emergency situations  
 Remedies for adverse impacts such as occupational injuries, deaths, disability and disease.  
 Protection of workers from various hazards  
 Elimination of diseases, incidents and deaths  
 Establish a framework for occupational safety and health management systems  
 Strengthen compliance with regulations and standards (e.g., OSHA, 2007)  
 Integration of occupational safety and health management system in institutional policies  
 staff motivation

### Exercise 4.1

Ask the participants to discuss legal, policy and institutional frameworks on community health and safety in Kenya

## b) Legal, Policy and Institutional Frameworks on Community Health and Safety and Labour conditions

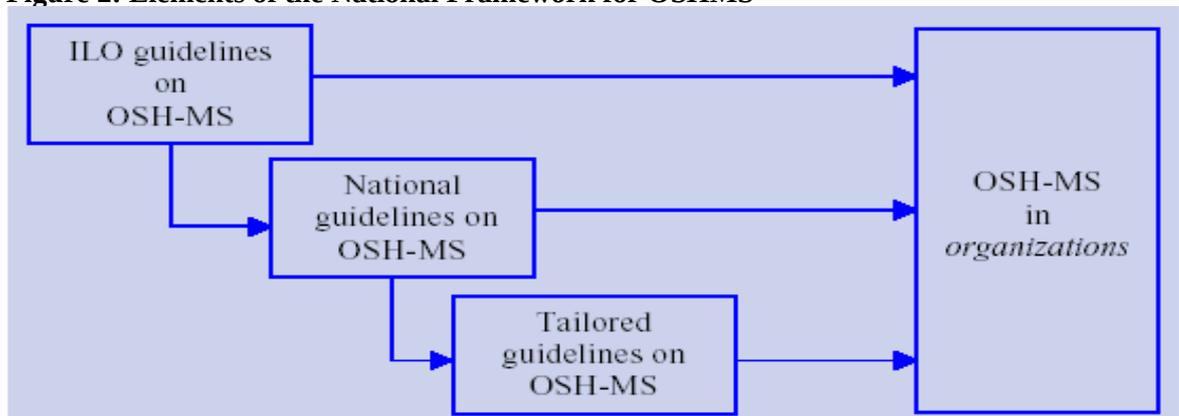
**Table 5: Framework on Community Health and Safety and Labor Conditions**

Framework	Framework Requirement
The Occupational Safety and Health Act, 2007(OSHA)	<p>This Act applies to all workplaces and their associated workers, whether temporary or permanent. The main aim of the Act is to safeguard the safety, health and welfare of workers and non-workers. It was signed into law in October 2007 to repeal and replace the Factories and Other Places of Work Act Cap 514. It came into force on December 20, 2007.</p> <p>The Act makes provision for safety and health of workers in all workplaces in Kenya. All rules made under the previous Act remain in force under the new Act. The Act requires developers to notify the Director of Occupational Health and Safety of their intended development before commencement. The act also sets minimum standards that</p>

Framework	Framework Requirement
	<p>are to be maintained in such workplaces to safeguard health, safety and welfare of workers. These are all aimed at elimination of hazards from workplaces. The act further requires all workplaces to display the abstract of the act for all workers to read and remind themselves on how to protect themselves from hazards.</p> <p>The Act also makes it mandatory for occupiers or employers to provide personal protective equipment and all practicable means to prevent injury to health of workers who are exposed to any potentially harmful substances or conditions. Section 9(1) demands that every occupier shall establish a safety and health committee at the workplace in accordance with regulations prescribed by the Minister, if there are twenty or more persons employed at the workplace.</p> <p>The Act further requires all workplaces to have stocked first aid boxes under the charge of trained first aid attendants. The Factories (Building Operations and Works of Engineering Construction) Rules of 1984 are more specific on standards and requirements for the construction works. The said Act requires that before any premises are occupied or used a certificate of registration should be obtained from the chief inspector. The occupier must keep a general register with provision for health, safety and welfare of workers on site. For safety, fencing of the premises and dangerous areas must be done. There should be provision for clean and sanitary working conditions. Moreover, there must be also provision of portable drinking water.</p> <p>The act requires the Contractor to keep a general register at the workplace to record accidents or occupational diseases. Despite being repealed, the regulations under the Factories and Other Places of Work Act (Cap 514) are still operational under the Occupational Safety and Health Act, 2007 and shall apply, where appropriate. The regulations relevant to the project shall also be enforced fully.</p>
The Employment Act, 2007	An Act of Parliament to repeal the Employment Act, declare and define the fundamental rights of employees, to provide basic conditions of employment of employees, to regulate employment of children, and to provide for matters connected with the foregoing.
The Work Injury Benefits Act, 2007	This is an Act of Parliament that provides for compensation payment to employees for work related injuries and diseases contracted in the course of employment and for connected purposes. The Act includes the provision of compulsory insurance for employees. The Act also defines an employee as any worker on contract of service with an employer.
Public Health Act Cap 232	<p>Part IX Section 115 of the Act states that no person or institution shall cause nuisance or conditions liable to be injurious or dangerous to human health. Any noxious matter or wastewater flowing or discharged into a watercourse is deemed as a nuisance. Section 116 requires local Authorities to take all lawful necessary and reasonably practicable measures to maintain their jurisdiction clean and sanitary to prevent occurrence of nuisance or conditions liable to cause injuries or just are dangerous to human health.</p> <p>Such nuisance or conditions are defined under section 118 as waste pipes, sewers, drainers or refuse pits in such state, situated, or constructed as in the opinion of the medical officer of health to be offensive or injurious to health. Any noxious matter or wastewater flowing or discharged from any premises into the public street or into the</p>

Framework	Framework Requirement
	<p>gutter or side channel or watercourse, irrigation channel, or bed not approved for discharge is also deemed as nuisance. Other nuisances are accumulation of materials or refuse which in the opinion of the medical officer of health is likely to harbor rats or other vermin.</p> <p>Part XII Section 136 states that all collections of water, sewage, rubbish, refuse and other substance which permit or facilitate the breeding or multiplication of pests shall be deemed a nuisance. The Act addresses matters of sanitation, hygiene and general environmental health and safety which is directly related to road project and associated activities.</p> <p>Part XII Section 136 is complemented by the Malaria Prevention Act (Cap246) which provides measures to curb the breeding of mosquitoes at development sites. Measures proposed in the Act to control the breeding of the vector include maintenance of free drainage channels, removal of stagnant water from any land to prevent larvae breeding, removal of wastes and broken bottles, amongst others.</p> <p><i>The act requires that measures be taken to safeguard the health of the workers and the public at large during project implementation and after commissioning. The Contractor will be advised to ensure that all borrow pits are rehabilitated and the drainage system is constructed to the required standards and maintained throughout the project phases to avoid ponding that can be breeding grounds for disease vectors.</i></p>
<b>Administrative and Institutional Framework</b>	
<p>Directorate of Occupational Safety and Health Services</p>	<p>The mandate of the Directorate of Occupational Safety and Health Services (DOSHS) is to ensure compliance with the provisions of the OSHA (2007) and subsidiary legislations, and promote safety and health of workers. Key functions include:</p> <ul style="list-style-type: none"> <li>• Inspecting workplaces to ensure compliance with safety and health law</li> <li>• Examination and testing of steam boilers, air &amp; steam receivers, gas cylinders, lifts, cranes chains and other lifting equipment</li> <li>• Measurements of workplace pollutants for purposes of their control</li> <li>• Investigation of occupational accidents and diseases with a view to preventing recurrence</li> <li>• Medical examinations of workers</li> <li>• Training on Occupational safety and health, first aid and fire safety</li> <li>• Approving architectural plans of building intended for use as workplaces</li> <li>• Disseminating information on occupational safety and health to customers</li> </ul>

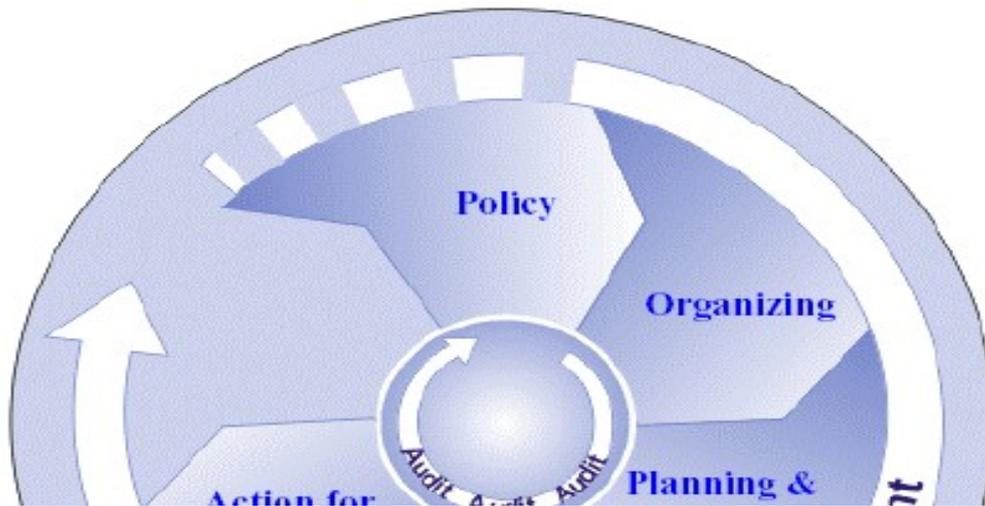
**Figure 2: Elements of the National Framework for OSHMS**



**c) Occupational Safety and Health Measures**

- Ventilation
- Temperatures in indoor workplaces
- Work in hot or cold environments
- Lighting
- Cleanliness and waste materials
- Room dimensions and space
- Workstations and seating
- Maintenance
- Floors and traffic routes
- Falls into dangerous substances
- Transparent or translucent doors, gates or walls and windows
- Windows
- Escalators and moving walkways
- Lock and tag
- Confined space

**Figure 3: Occupational Safety and Health Management System (OSHMS)**



**d) Policy**

- Focus is on occupational safety and health management at the work place
- Needs worker participation/stakeholder input
- Organizational structure, responsibilities and accountability
- Competence and training
- Documentation
- Communication

**e) Planning and implementation**

- Initial review
- System planning, development and implementation
- Prevention and control measures
- Management of change
- Emergency prevention, preparedness and response

**f) Evaluation**

- Performance monitoring and measurement
- Investigation of work-related injuries, ill health, diseases and incidents
- Need for clear PM indicators
- Should be periodic and systematic

**g) Audit**

Conduct periodic audits to determine whether:

- the OSH management system and its elements are in place
- Is adequate
- effective in protecting the safety and health of workers

An audit policy and programme should be developed to deal with

- auditor competency,
- audit scope
- frequency of audits
- audit methodology
- reporting

#### **h) Action for improvement**

- Take necessary action based on audit report
- Aim is to improve
- Preventive and corrective actions for identified issues should be clearly spelt out

#### ***Exercise 4.2***

*Ask the participants to list*

*Some of the hazards that are associated with ICS material and production sites*

*Causes of injury at ICS material and production sites*

### **7.3 OHS Issues identified in the ICS Project**

#### **a) Training on ESHS**

Only a small percentage of entrepreneurs (19% of Producers and 12% of Material Suppliers) have undergone Environmental, Social, Health and Safety (ESHS) Training. Since material extraction and production activities have potential health and safety concerns that require safeguard measures, all those involved in these activities need to be appropriately trained/inducted on the required safety measures and mitigations. The occupational injuries and illnesses reported are largely as a result of inadequate safeguard measures. Again the study revealed that the training is not regular as some of the respondents received their last trainings seven (7) years ago (GIZ Rapid Assessment [Vol 1], 2022).

#### **b) Site inspections to enforce OHS procedures**

A smaller percentage of the Material Supplier Sites (31%) and ICS Production Sites (29%) have been inspected. For the sites that were inspected, the inspections were carried out by GIZ, Equilibrium Eco 2, Practical Action, Global Village Energy Partnership (GVEP) now called Energy 4 Impact, Kenya Forestry Service (KFS) and NEMA. More efforts are required with regards to site inspection to ensure they comply with environmental, social, health and safety requirements (GIZ Rapid Assessment [Vol 1], 2022).

#### **c) Occupation Health and Safety**

Almost half (50%) of the Material Source sites that were visited have recorded injuries while only 29% of the ICS Production sites recorded injuries. The mentioned injuries are all preventable by putting in place appropriate safety measures including safety training and use of appropriate PPE. Thus, ESHS training/induction of the workers needs to be enhanced to ensure they are able to

protect themselves from preventable injuries. The various injuries associated with the Material Sourcing sites include falling inside clay pits, collapsing tunnels, cuts caused by hoes/spades and getting stuck in clay pits (GIZ Rapid Assessment [Vol 1], 2022). On the other hand, injuries associated with ICS Production activities include cuts from sharp objects during kneading/mixing of pottery clay and burns at the Kilns during the baking of liners. Some cases of injuries do occur during the extraction of materials and production of ICS. The Common causes of injuries include:

- Sharp objects like sharp stones during the kneading process
- Burns during the burning process
- Cut from jembes while digging out clay
- Minor cuts during work
- Falling inside a pit
- Collapsing of a dug pit/tunnel
- Collapsing of walls of the excavated holes
- Getting stuck in the sticky soil
- Cuts caused by spade

The photos below represent producers and material suppliers who do not use PPEs at the working sites. This practice exposes them to work related injuries.



**Plate 4: Material suppliers working without appropriate PPE**



**Plate 5: Transporters without PPEs**



**Plate 6: Moulding and Kneading without Appropriate PPE**

**Protection measures applied by some ICS producers**

- Wearing protective gear (Use of safety shoes; Wearing of helmet; Wearing of gloves;)
- Avoiding working on site during heavy rains
- Observing safety precautions
- Observing working height to avoid sinking
- Wearing protective gear;

The study also revealed that some producers and material suppliers use PPE as shown in the photos below:



**Plate 7: Workers with PPE at Production Centres**

## 8 MODULE 5: LAND ACQUISITION AND INVOLUNTARY RESETTLEMENT

### 8.1 Module Plan

Session	Topics	Time
SESSION 1	Introduction to Land Acquisition and Involuntary Resettlement	2Hrs
SESSION 2	Delivery and Timing of Compensation	2Hrs

#### a) Objectives

The objectives of this module are to:

- Introduce participants to the concept of land acquisition and involuntary resettlement
- Introduce the participants to legal, policy and institutional frameworks on Land Acquisition and Involuntary Resettlement
- Introduce participants to the concept of compensation timing
- Introduce participants to the concept of relocation
- Enable participants to understand the key steps in compensation delivery
- Equip participants with knowledge to understand the different modes of compensation
- Equip participants with knowledge to understand relocation processes in project induced resettlement
- Introduce the students to international best practices in land acquisition and involuntary resettlement

#### b) Learning Outcomes

At the end of this module, learners should be able to:

- Understand the concept of land acquisition and involuntary resettlement
- Highlight the governing legal framework on Land Acquisition and involuntary Resettlement
- Explain the concept of compensation timing and delivery
- Explain how compensation delivery is executed
- Develop practical approaches for addressing the challenges associated with land acquisition and involuntary resettlement
- Identify different modes of compensation
- Outline the relocation processes

#### c) Training Methods

- Focus Group Discussions
- Group Work
- Personal Testimonies
- Case Studies and Scenarios
- Role Play
- Videos

#### d) Training Materials

- Flip chart paper.
- Marker pens (red, blue and black usually).
- Tape for holding charts on to walls.
- Overhead projector, transparencies and pens for writing on the transparencies

## 8.2 SESSION 1: Introduction to Land Acquisition and Involuntary Resettlement

### a) Sessional Objectives

At the end of this session, participants should be able to:

- Understand key concepts in land acquisition and involuntary resettlement
- Understand Kenya's legal, policy and Institutional framework for land acquisition and resettlement
- Describe the structure of Resettlement Action Plan
- List the principles of involuntary resettlement
- Describe the Social risks of resettlement
- Highlight the Stages of resettlement implementation



### Land Acquisition. What is it?

#### **Exercise 5.1**

*Ask the participants to highlight their previous experiences with land acquisition  
Ask the participant why land acquisition may be necessary*

### b) Key concepts in Land Acquisition and Involuntary Resettlement Compensation

Something, typically money or replacement assets awarded to someone in recognition of loss arising from involuntary resettlement. The affected persons should be offered compensation at full replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods, economically displaced persons will be provided opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living.

### c) Project-Affected Persons

Persons affected by land acquisition, relocation, or loss of incomes associated with change in land use due to the project are defined as project-affected persons (PAPs).

**d) Full Replacement Cost**

ESS 5 requires that all affected assets (land and structures) are compensated at their replacement cost. Replacement cost of an affected asset is equivalent to the amount required to replace the asset in its existing condition. The replacement cost of structures should be equal to the cost of constructing/purchasing a new structure, without making any deductions for depreciation.

**e) Market value**

Comparable sales method for valuing the affected asset. This is based on the open market comparison of the land/asset to be valued with what other similar parcels of land/asset are currently selling for in the area but considering the differences between them.

**f) Physical and Economic Displacement**

Displacement is the impact that necessitates resettlement of affected persons. Displacement could be physical, i.e. where the affected persons are required to relocate, or economic, where the impact of loss of incomes forces the affected persons to move or to initiate alternative strategies of income restoration.

**g) Cut-off date**

A cut-off date is a date that government sets following a census in which it identifies property owners and their property for which government will pay compensation during compulsory land acquisitions. The countdown for compensation timelines commences at the time of declaration of cut-off-date

IFC standards set the cut-off date (also often referred to as the moratorium date) as the date of completion of the census and assets inventory of persons affected by the project. In reality this approach can cause issues related to speculation. Ideally, the project can declare a cut-off date just before resettlement related asset surveys commence on the basis of legislation, failing which it will need to be agreed with affected people.

**h) Host Communities**

The community that receives the displaced persons of relocation is referred to as the host community.

**i) Livelihood Restoration**

Deliberate measures to support the PAPs to regain and improve their livelihoods. In international policy, livelihoods improvement is the objective, consistent with development orientation. Livelihoods restoration, in principle, is the minimum acceptable outcome of resettlement.

**j) Benefit sharing**

Benefit sharing is accomplished when resource owners grant access to outside investors to exploit the local resources and the proceeds or profit from such exploitation are shared using the agreed formulae between the developer and the local communities

**k) Principles of Involuntary Resettlement**

- i. Avoid or minimize adverse resettlement impacts including physical and economic displacement. Where it is not feasible to avoid resettlement, resettlement activities should be

- conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.
- ii. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs in accordance with the principles outlined in ESS 5
  - iii. Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
  - iv. Mitigate adverse social and economic impacts from land acquisition by:
    - ✓ Providing compensation for loss of assets at full replacement cost;
    - ✓ Ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected; and
    - ✓ Improve or at least restore the livelihoods and standards of living of affected people.
  - v. Provide additional assistance and opportunities (e.g., credit facilities, training, or job opportunities) and improve or at least restore the income-earning capacity, production levels and standards of living of economically displaced persons whose livelihoods or income levels are adversely affected;
  - vi. Provide transitional support to affected people, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.
  - vii. The key principles of this RAP are based on the requirements of ESS 5 and constitute the following:
    - ✓ Compensation and resettlement of project-affected people will be carried out in compliance with Kenyan legislation and World Bank ESS 5
    - ✓ Where Kenyan legislation is less favourable to PAHs than the requirements of ESS5 the latter shall apply;
    - ✓ All physically and economically displaced people will be offered an option between either a full resettlement package, including the provision of replacement structures or cash compensation;
    - ✓ The Project will provide for measures to support sustainable use of cash compensation (money management training) and for mechanisms within the overall monitoring framework to follow up the use of cash compensation;
    - ✓ The Project will assist PAHs in restoring their livelihoods to at least their previous levels through the development and implementation of tailored livelihoods restoration packages for each household
    - ✓ The Project aims to ensure PAHs are Project beneficiaries; targeted livelihood restoration programs will have this as a core strategy to achieve this goal.
    - ✓ The RAP implementation and outcomes will be monitored and evaluated as part of a transparent process.
    - ✓ Key methods of consultations with the communities included Focus Group Discussion, Key informant interviews at venues identified and agreed upon via consensus.

## l) Legal, Policy and Institutional Frameworks for Land Acquisition and Resettlement

### **Exercise 5.2**

*Ask the participants to discuss Legal, Policy and Institutional Frameworks for Land Acquisition and Resettlement*

**Table 6: National Frameworks for Land Acquisition and Resettlement**

<b>Legal Framework</b>	<b>Functional Relationship to Resettlement</b>
Constitution of Kenya 2010	Constitution of Kenya 2010 recognizes individuals' right to acquire and own property provided they are citizens of the country in article 40. However, Article 66 of the same Constitution provides for the State to regulate the manner in which these rights may be curtailed for the benefit of the general public. Article 47 of the Constitution provides for administrative action to override the individual rights but the victim has to be given written reason for the action taken that undermines the right.
Environment and Land Court Act, 2011	Article 162 of the constitution provides for the creation of specialized courts to handle all matters on land and the environment. Such a court will have the status and powers of a High Court in every respect. Article 159 on the principles of judicial authority, indicates that courts will endeavour to encourage application of alternative dispute resolution mechanisms, including traditional ones, so long as they are consistent with the constitution. Section 20, of the Environment and Land Court Act, 2011 empowers the Environment and Land Court, on its own motion, or on application of the parties to a dispute, to direct the application of alternative dispute resolution (ADR), including traditional dispute resolution mechanisms.
Community land Act 2016	This act give effect to Article 63 (5) of the Constitution; to provide for the recognition, protection and registration of community land rights; management and administration of community land; to provide for the role of county governments in relation to unregistered community land and for connected purposes
The Land Act 2012 Laws of Kenya	It is the substantive law governing land in Kenya and provides legal regime over administration of public and private lands. It also provides for the acquisition of land for public benefit. The government has the powers under this Act to acquire land for projects, which are intended to benefit the general public. It provides for just compensation for any acquired land. The projects requiring resettlement are under the provision of this Act.
Land Registration Act, 2012	The law provides for the registration of absolute proprietorship interests over land (exclusive rights) that has been adjudicated or any other leasehold ownership interest on the land. Such land can be acquired by the state under the Land Act 2012 in the project area.
National Land Commission Act 2012	The act establishes the National Land Commission with the purpose of managing public land and carrying out compulsory acquisition of land for specified public purposes.
The Land Adjudication Act Chapter 95 Laws of	Provides for ascertainment of interests prior to land registrations under the Land Registration Act 2012 through an adjudication committee that works in liaison with adjudication officers.

<b>Legal Framework</b>	<b>Functional Relationship to Resettlement</b>
Kenya	
The Valuers Act 532	The act establishes valuers' registration board, which has the responsibility of regulating the activities and conduct of registered valuers in accordance with the provision of the act.
Land Laws (Amendment) Act (s.98), 2016	The Act amended the Land Act by adding some provisions on evictions (ss. 152A – 152I). The Act prohibits unlawful occupation of community, private or public land. Also, the Act provides the procedure to be followed in case of eviction. Where it is public land, the Commission should notify all affected persons through a gazette notice, a newspaper notice and a radio announcement, at least 3 months prior to the eviction. In the case of eviction from unregistered community land, the county executive committee member is supposed to issue a 3-month notice to all those affected by the intended eviction in the gazette, newspaper and radio. Where the community land is registered or the land is private, the county government or owner respectively should publish a 3-month notice in local daily newspapers and served upon the deputy county commissioner and local police station. Any person affected by the eviction notice should apply to court for relief. During eviction, the Act prescribes the mandatory procedures to be followed and the Act emphasizes the need to respect the dignity and rights of evictees.
Land Value (Amendment) Act, 2019	<i>Amendments to the Land Act</i> The Land Value (Amendment) Act amended s. 2 of the Land Act by adding definitions for several terms. "Just compensation" means "a form of fair compensation that is assessed and determined through criteria set out under" the Land Act. "Prompt" in relation to compensation means within a reasonable time of the Commission taking possession of the land, and in any case not more than one year. "Full" in relation to compensation means "the restoration of the value of the land, including any improvements thereon as at the date of the notice of intention to acquire the land," "Tribunal" means the Land Acquisition Tribunal established under Part VIIIA of the Land Act.
Land Adjudication Act, Cap 284 and Land Consolidation Act, Cap 283	As we noted earlier, land that is held under customary land tenure would have to be converted into formal tenure for purposes of compulsory acquisition. This is because customary law does not recognize the power of eminent domain and many of the legal issues that should be satisfied in order for compulsory acquisition are best realized under formal law. For instance, in order to determine ownership for purposes of compensation, registered title to serve as proof ownership is necessary. The process of conversion from customary tenure to formal tenure is provided for under the Land Adjudication Act and the Land Consolidation Act. Adjudication, as noted under the National Land Policy, is a process that extinguishes customary tenure and creates property rights under formal tenure. <sup>2</sup>
<b>Policy Framework</b>	
National Land Policy, Sessional Paper No. 3 of 2009	The objective of this Policy is to secure rights over land and provide for sustainable growth, investment and the reduction of poverty. Development projects that require compulsory land acquisition have the potential of affecting secure land rights and poverty levels. It is thus useful that such projects are aligned with the objectives of the National Land Policy. Important provisions of the policy relating to compulsory land

<sup>2</sup> National Land Policy, Chapter 3, section 3.3.3.3, paragraph 85

<b>Legal Framework</b>	<b>Functional Relationship to Resettlement</b>
	<p>acquisition and resettlement include chapter 3, section 3.6.1.3 paragraph 175 of this Policy provides for the principles of resettlement. It requires the government to establish criteria for the determination of persons who qualify for resettlement to ensure that resettlement is carried out in a transparent and accountable manner and also that resettlement programmes are provided with infrastructure and basic services. Further, paragraph 177 provides for the establishment of land banks as a mechanism for making land available for purposes of resettlement.</p>
<b>Administrative and Institutional Framework</b>	
<p>Ministry of Lands and Physical Planning</p>	<p>Land management in Kenya is vested in the national government under the Ministry of Lands and Physical Planning. In the discharge of its mandate, the Ministry is made up of various departments with clear and specific responsibilities. The departments are in charge of Administration and Planning, Lands, Land Adjudication and Settlement, Survey and Physical Planning. Several semi-autonomous bodies such as Land Arbitration Tribunal, Valuers Registration Board, Estate Agents Registration Board, Land Control Boards and Physical Planning Liaison Committee also exist within the Ministry.</p> <p>The mandate of the Ministry includes the following</p> <ul style="list-style-type: none"> <li>• National Lands Policy and Management</li> <li>• Physical Planning for Land Use</li> <li>• Land Transactions</li> <li>• Survey and Mapping</li> <li>• Land Adjudication</li> <li>• Settlement Matters</li> <li>• Rural Settlement Planning</li> <li>• Land Registration</li> <li>• National Spatial Data Infrastructure</li> <li>• Land and Property Valuation Services &amp;</li> <li>• Land Administration</li> </ul>
<p>The National Land Commission</p>	<p>The National Land Commission (NLC) is a body created by Kenya’s Constitution of 2010. The Commission is the legally constituted body authorized to undertake or give approval to compulsory acquisition of Land, according to the Land Act 2012. The Commission has a broad mandate with various functions. Some of the functions of NLC pursuant to Article 67(2) of Kenya’s Constitution 2010, are to:</p> <ul style="list-style-type: none"> <li>• Manage public land on behalf of the National and County governments;</li> <li>• Initiate investigations into present or historical land injustices and recommend appropriate redress;</li> <li>• Monitor and have oversight responsibilities over land use planning throughout the country;</li> <li>• Compulsorily acquire land for National and County governments</li> <li>• Compensate acquired land on behalf of national and County government</li> <li>• Recommend a National Land Policy to the National government;</li> <li>• Advise the National government on a comprehensive programme for the registration of title in land throughout Kenya;</li> <li>• Conduct research related to land and the use of natural resources, and make recommendations to appropriate authorities;</li> <li>• Initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress;</li> <li>• Encourage the application of traditional dispute resolution mechanisms in land conflicts;</li> </ul>

Legal Framework	Functional Relationship to Resettlement
	<ul style="list-style-type: none"> <li>• Assess tax on land and premiums on immovable property in any area designated by law; and</li> <li>• Monitor and have oversight responsibilities over land use planning throughout the country.</li> <li>• On behalf of, and with the consent of the National and County governments, alienate public land;</li> <li>• Monitor the registration of all rights and interests in land;</li> <li>• Ensure that public land and land under the management of designated state agencies are sustainably managed for their intended purpose and for future generations;</li> <li>• Develop and maintain an effective land information management system at National and County levels;</li> <li>• Manage and administer all unregistered trust land and unregistered community land on behalf of the County government;</li> <li>• Develop and encourage alternative dispute resolution mechanisms in land dispute handling and management;</li> <li>• Implement settlement programmes on behalf of National and County governments as outlined in section 134 of the Land Act 2012;</li> <li>• Administer the Land Settlement Fund in accordance with section 135 of Land Act 2012;</li> <li>• Manage the Land Compensation Fund;</li> <li>• Identify ecologically sensitive areas that are within public land and demarcate and take any other justified action on those areas and act to prevent environmental degradation and climate change in accordance with the Land Act 2012;</li> <li>• Reserve public land for the establishment of approved settlement programmes, and where public land is not available, purchase private land subject to the Public Procurement and Disposal Act, 2005 or any</li> </ul>

### **m) The Structure of Resettlement Action Plan**

The RAP is the guiding document for managing resettlement. The resettlement should be conducted in line with the provision of the RAP. The RAP is normally prepared during the resettlement planning and it contains valuation, asset inventory, list of PAPs, eligibility criteria, RAP schedule and budget estimates

#### **Exercise 5.3**

*What Constitutes a Resettlement Action Plan?*

*Ask the participants to name the various components of RAP*



**o) Resettlement Risk Mitigation**

The aim is to uplift people from:

- Landlessness to land-based resettlement;
- Joblessness to reemployment;
- Homelessness to house reconstruction;
- Marginalization to social inclusion;
- Increased morbidity to improved health care;
- Food insecurity to adequate nutrition;
- Loss of access to restoration of community assets and services; a
- Social disarticulation to networks and community rebuilding

**p) Stages in Resettlement Implementation**

- Establishment of appropriate institutions
- Staffing
- Review and update RAP implementation schedule
- Compensation
- Relocation
- Host communities

**q) Establishment of Appropriate Institutions**

The implementation of the RAP requires collaboration from all the stakeholders. This would require a properly constituted structure for the administration of the same. The proposed project involves land acquisition, resettlement and compensation of project affected people for the loss of their land, structures, business disruption and trees/crops. The Institutional Framework clarifies the role of various stakeholders in the implementation and administration of the RAP. It further clarifies the role of PAPs and their responsibility in the entire exercise. The procedures to be followed, along with the support facilities available and a timeframe for implementation of each of the activities are also outlined.

**Staffing**

Successful resettlement management requires the inputs of qualified staff with various skills to support the RAP implementation processes. The below provide a summary of the key experts who may be required to support resettlement implementation process. These staff are normally identified during the planning stage but they should be available to implement the RAP.

**Table 7: Staff for RAP Management**

Key Expert	Functions
Team Leader	Design, implementation, and/or monitoring and evaluation of resettlement activities.
Sociologist/ Resettlement Expert/ Community Development Expert	Community/ stakeholder engagement and facilitation, public consultation, Conflict and dispute resolution and communications. Stakeholder Mapping and Analysis designing and delivering gender development activities as per the Resettlement Plans and VMGP is required
Training and Livelihood Specialist	Preparation and supervision of implementation of Livelihoods Restoration Plan (LRP) for each Project affected persons and household. Designing and ensuring successful delivery and monitoring of the livelihood restoration strategies during the implementation phase of the RAP.

Key Expert	Functions
Social Workers	Community mobilization and facilitation skills, lead in community and stakeholder consultations and engagements, Communication with the PAPS and Stakeholders during Resettlement Assist in resolving RAP related grievances Stakeholder Mapping and Analysis.
Registered Land Surveyor/ GIS Specialist	Development of PAP data bases with GPS coordinates, develop new or improve on existing maps locating PAPS, affected properties and land. Advise on land access/acquisition of material sites processes where necessary or called upon.
Registered Valuers	The Valuer will determine the value of any acquired land and assets (structures, trees and crops) that are likely to be affected by the project)
Registered Civil Engineer	The engineer will be in charge of monitoring the proposed structural resettlement facilities at the resettlement sites and within the host communities as appropriate.
Architect	The architect will work with the team members in the review and monitoring of design of the proposed resettlement facilities at the resettlement sites within the host communities as appropriate.

**r) Review and update RAP Implementation Schedule**

The schedule outlines the key activities to be performed during resettlement implementation. It shows the sequence of activities and timelines. The schedule is important as it a planning tool for the entire project. The world bank best practice dictates that PAPS should be fully compensated and resettled before commencement of any civil works.

**Table 8: Example of resettlement schedule**

Timelines	Months																	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18-24
Establishment of a resettlement unit																		
Gazettment of parcels by NLC																		
Inspection of parcels																		
Enquiry																		
Issuing of awards																		
Disbursement of funds																		
Relocation of PAPS																		
Implementation Livelihood restoration programmes																		

### 8.3 SESSION 2: Delivery and Timing of Compensation

#### a) Sessional Objectives

At the end of this session, participants should be able to:

- Describe factors to consider in compensation
- Highlight the Principles on timing and delivery of compensation for land acquisition
- Explain the process of Timing of compensation and cut-off dates
- List the Steps to be followed by the national land commission in awarding the compensation
- Describe Compensation and resettlement strategies

#### b) Factors to consider in Compensation

- For persons whose livelihoods are land-based, replacement land that has a combination of productive potential, locational advantages, and other factors at least equivalent to that being lost will be offered where feasible;
- For persons whose livelihoods are natural resource-based and where project-related restrictions on access envisaged in paragraph apply, measures will be implemented to either allow continued access to affected resources or to provide access to alternative resources with equivalent livelihood-earning potential and accessibility. Where common property resources are affected, benefits and compensation associated with restrictions on natural resource usage may be collective in nature
- If it is demonstrated that replacement land or resources are unavailable, the Borrower will offer economically displaced persons options for alternative income earning opportunities, such as credit facilities, skills training, business start-up assistance, employment opportunities, or cash assistance additional to compensation for assets. Cash assistance alone, however, frequently fails to provide affected persons with the productive means or skills to restore livelihoods.

#### c) Principles on Timing and Delivery of Compensation for Land Acquisition

- Fix exact area of land required
- Fix rates of compensation for lands building, crops and trees.
- Identify owners/Tenants.
- Follow the laws and Rules strictly.
- Hasten the stages of Land Acquisition.
- Get Funds on time & pay promptly.
- Shift the Project Affected Persons within the prescribed time.
- Transfer the land & use it faster.

#### d) Timing of Compensation

The procedures for timely compensation is provided for in the World Bank's guidelines specifically ESS5. One of the objectives of this framework is to mitigate unavoidable adverse economic impacts from land acquisition or restriction of land use by providing timely compensation. Involuntary resettlement should be avoided. Where involuntary resettlement is unavoidable, it will be minimized and appropriate measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced persons) will be carefully planned and implemented (WB, 2018).

#### e) Compensation Count-down

Two factors to be considered:

- Start and end of census

- Cut-off date
- f) Effect of Cut-off Date**
- Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance
- Fixed assets (such as built structures, crops, fruit trees, and wood- lots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated

**g) Key Issues related to the Cut-off Date**

- Making sure you have a sound basis for declaring the cut-off date
- Ensuring the cut-off date is well communicated
- Taking the necessary steps to try and pre-empt and manage influx and speculation
- The reality is that this situation offers huge potential opportunities to make money for affected communities and newcomers
- Even with the optimal set of measures, it is still likely that some level of speculation is inevitable

**h) Key steps related to the cut-off date and managing speculation**

- Being well prepared in advance and moving quickly with surveys once cut-off date is declared
- Using a variety of tools to record the situation at the time of the cut-off date and expedite data collection e.g.: obtain imagery to record situation at time of cut-off e.g. satellite imagery and unmanned aerial vehicles, including video footage and if possible, registration of aerial imagery in court in order to make it valid evidence for use in litigation.
- Undertaking and recording stakeholder engagement in a variety of ways to ensure people cannot claim they did not know the cut-off date e.g. regular meetings at community and household level to explain eligibility criteria
- Putting in place measures like joint patrols (with community and government), informing people immediately when the census will start and end to stop unauthorized activities such erecting unauthorized structures or planting new vegetation.

**i) Interests on Compensation Entitlements**

Compensation in Kenya can drag for years but National laws do not have provision for paying interest based on time lapse.

**j) International Best Practices**

Indian Land Acquisition Law provides for paying of interest on compensation entitlements as indicated below:

- Period between valuation and compensation award: 12%
- Period between award and payment - 9% in year one and 15 % in successive years

**k) Compensation Delivery**

- The law mandates the National Land Commission to undertake compulsory acquisition.
- The national land commission is established under the National Land Commission Act 2012.

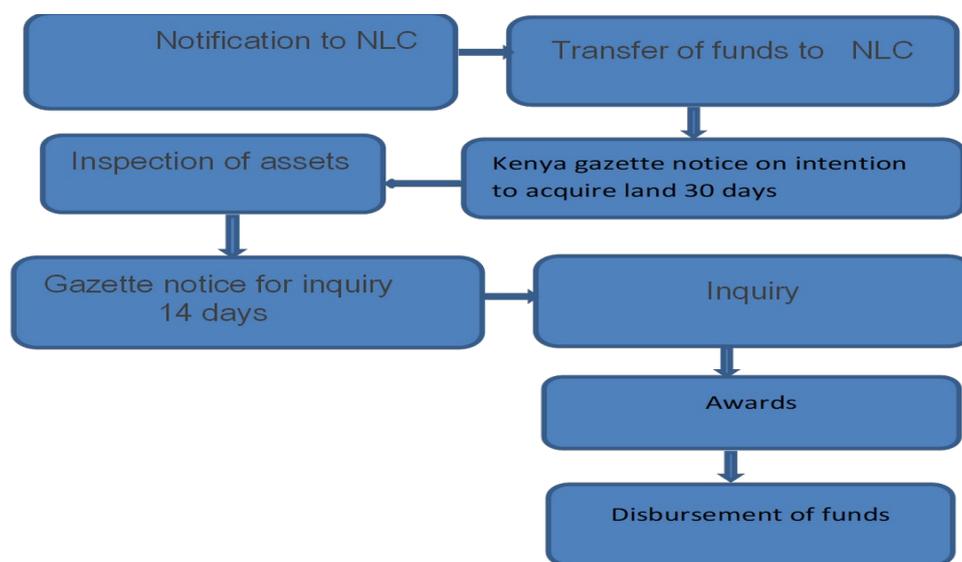
**Exercise 5.5**

*Ask the participants to describe land acquisition processes by the National Land Commission*

**l) Steps to be followed by the National Land Commission in awarding the Compensation**

- The implementing agency informs the NLC through the Principal secretary of the line Ministry on the intention to acquire land and provide the project design maps
- Budget for compensation is transferred to National Land Commission
- Gazette notification on intent to acquire- 30 days
- Inspection of assets
- Gazette notice for inquiry 14 days (Public hearing)
- Issuing and signing of awards
- Disbursement of funds to the respective PAPs Bank accounts

**Figure 5: NLC Processes**



**m) Procedures of Inquiry as to Compensation (Public Hearing)**

- At least thirty days after publishing the notice of intention to acquire land, the Commission shall appoint a date for an inquiry to hear issues of propriety and claims for compensation by persons interested in the land, and shall cause notice of the inquiry to be published in the Gazette or county Gazette at least fifteen days before the inquiry; and serve a copy of the notice on every person who appears to the Commission to be interested or who claims to be interested in the land.
- The notice of inquiry shall call upon persons interested in the land to deliver a written claim of compensation to the Commission, not later than the date of the inquiry.
- At the hearing, the Commission shall make full inquiry into and determine who are the persons interested in the land and also receive written claims of compensation from those interested in the land.
- The Commission may postpone an inquiry or adjourn the hearing of an inquiry from time to time for sufficient cause.
- For the purposes of an inquiry, the Commission shall have all the powers of the Court to summon and examine witnesses, including the persons interested in the land, to administer oaths and affirmations and to compel the production and delivery to the Commission of documents of title to the land.

- The public body for whose purposes the land is being acquired, and every person interested in the land, is entitled to be heard, to produce evidence and to call and to question witnesses at an inquiry.

**n) Documents required by NLC to effect Compensation**

- Copy of land title deed
- Grants and letters of administration for administrators of estates of deceased Land owners
- Copy of National ID
- Bank account details
- Copy of Tax registration pin certificate

**o) Preparing PAPs for Compensation and Relocation**

A meeting should be held to:

- Inform them on the date of compensation
- Explain the process of payment
- Provide a question and answer session
- Agree on payment method

**p) Time Period within which PAPs are expected to Vacate the Compensated Land**

This varies from one country to another. In Kenya it is estimated to be three months on ninety days. Other countries such as Japan allow for forty-five days or one and half months.

**q) Compensation for Community Land**

The compensation for community land is conducted as per the provision of community land act 2016.

**r) Role of County Governments in Compensation for Community Land**

- County governments shall hold in trust all unregistered community land on behalf of the communities for which it is held.
- The respective county government shall hold in trust for a community any monies payable as compensation for compulsory acquisition of any unregistered community land.
- Upon registration of community land, the respective county government shall promptly release to the community all such monies payable for compulsory acquisition.
- Any such monies shall be deposited in a special interest earning account by the county government.
- The respective county government shall transfer the amount and the interests earned to the communities as may be prescribed.
- Any transaction in relation to unregistered community land within the county shall be in accordance with the provisions of this Act and any other applicable law.

**s) Compensation for Absentee PAPs and PAPs with Disputes**

Compensation for absentee PAPs and PAPs with disputes is guided by both international standards and the national laws.

#### **t) International Standards**

IFC standards and the world Bank recognizes that there may be significant difficulties related to the payment of compensation to particular affected persons, for example: when legal status of land use is the subject of lengthy disputes, where efforts to contact absentee owners have failed, or where individuals have rejected compensation that has been offered to them in accordance with the approved plan. On an exceptional basis, with prior agreement of the Bank and where the Borrower demonstrates that all reasonable efforts to resolve such matters have been taken, the Borrower may deposit compensation funds as required by the plan into an escrow account and proceed with the relevant project activities. Compensation placed in escrow account will be made available to eligible persons in a timely manner as issues are resolved (WB- ESS5).

#### **u) National Laws**

The National Land Commission Act 2012 allows the Commission to deposit compensation into an escrow account and proceed with the relevant project activities. Compensation placed in escrow account will be made available to eligible persons in a timely manner as issues are resolved or when the absentee PAPs are located. If the amount of any compensation awarded is not paid, the Commission shall on or before the taking of possession of the land, open a special account into which the Commission shall pay interest on the amount awarded at the base lending rate set by the Central Bank of Kenya and prevailing at that time from the time of taking possession until the time of payment.

#### **v) Compensation and Resettlement Strategies**

There are three main options available for compensation and they include:

- Land for land
- Resettlement houses
- Cash for land

#### **w) Land-for Land compensation**

- Factors to consider in land -for -land compensation:
- Consult and select a site.
- Fix the number of plots required.
- Demarcate the sites.
- Provide public utility infrastructure
- Distribute benefits as per policy.
- Allow time to build houses.
- Shift within prescribed time.

#### **x) Challenges in Land for Land Compensation**

While land-for-land compensation is the most preferred method to cushion the rural populations from the risk of impoverishment especially those whose livelihood is agriculture based, the following challenges still abound:

- Not everyone will be willing or opt for resettlement sites
- Experiences show only one-third to two-thirds people opt for project- sponsored site
- Some affected household take this as opportunities to migrate to cities
- It may be difficult for the government to secure enough resettlement land for large scale projects which displaces so many people

**Table 9: Models to Secure Land for Resettlement**

Model 1	Government land available near the project area and leased to project authorities – <b>not always available</b>
Model 2	Government acquires additional land for project authority – <b>this is typical of project experience as resettlement is considered part of the project</b>
Model 3	Project purchases land for Resettlement Site from existing land owners – <b>possible, but hard to achieve for a large project</b>
Model 4	Project incentivizes the affected community to find/purchase land in bulk – <b>rarely feasible, often used in urban projects</b>

**y) Challenges associated with Cash-for-Land Compensation**

- The preference should be given to Land-for-land especially for rural PAPs whose livelihoods are land-based.
- Agricultural land should be replaced with land of the same potential where feasible.
- Cash compensation is prone to misuse by the PAPs
- Risk of impoverishment is high in cash compensation compared to other forms of compensation

**z) Informal Structures on the Land which PAPs do not Legally Own**

Some communities live for many years in informal settlements and projects change their access to land/ livelihood and may not be legally entitled for compensation.

**aa) Possible Interventions**

- Replacement cost of structure if it is constructed by them
- Pay for any improvements made to the land (crops, structures)
- If legalization of informal residential structures is possible, assist the process
- If social housing, welfare benefits or assistance to find employment exists under national legislation, assist them to get these benefits.
- Provide replacement housing with security of tenure

**bb) Relocation and Transitional Support**

This always apply when projects lead to displacement of urban dwellers who are then resettled in government build apartments. Transitional support will be provided as necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.

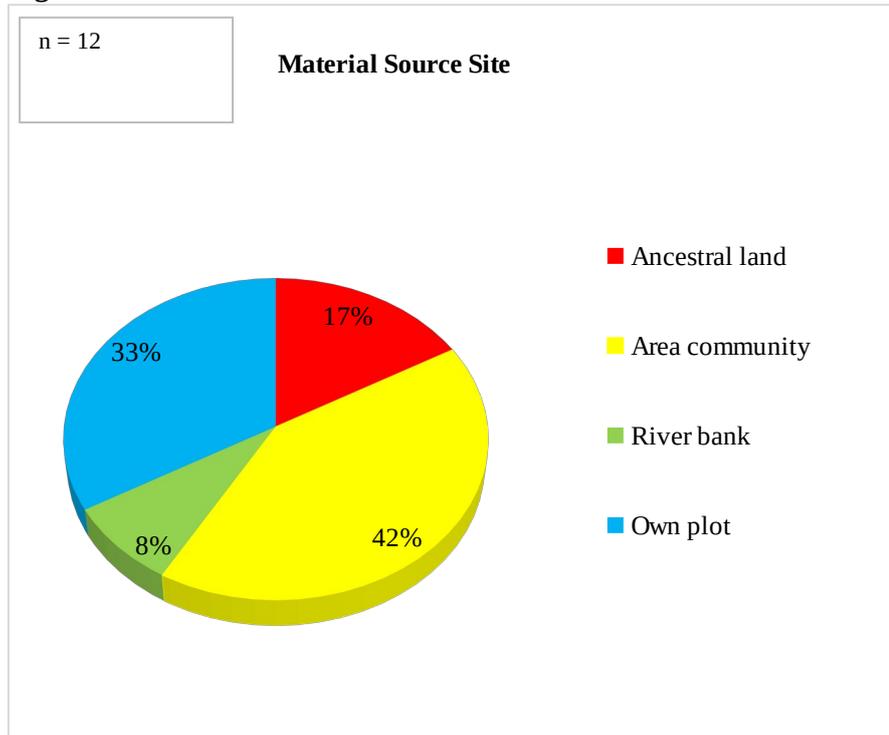
**cc) What is the impact of forced displacement on host communities?**

- Shock on Employment and wages
- Shock on Consumer and producer market
- Pressure on Social amenities
- Culture shock
- Insecurity

**dd) ICS Production and Land Ownership**

Most of the respondents indicated that they get material from the land owned by individual community members in their respective areas. The main material is clay, sand and water.

**Figure 6: Material Source Sites**



*Source: Rapid Assessment*



**Plate 8: Source of Water**



**Plate 9: Source of Clay**



**Plate 10: Source of Sand**

**ee) Impacts and Risks include:**

- Lack of proper ownership of land where ICS production is being carried out or clay/sand materials are being sourced from.
- Disputes arising from Pottery Clay and Sand extraction sites on land ownership
- Donated land without proper documentation may cause loss of investment when disputes arise

**ff) Gaps Noted Include**

- Producers being denied access to material source sites
- In the rural area, donated land may be contested by members of the family of the donor generating disputes and loss of property.

- Succession issues with rural lands contributing to slow pace of land ownership transfer to material suppliers or ICS producers
- gg) Implementation of Measures to address Gaps includes:**
- Displacement of settlements or during land acquisition for ICS production is not envisaged
  - Land acquired for ICS Production should be fully owned by ICS Producers whether donated or purchased with appropriate documentation
  - ***When Land is Required for Expansion or New Site***, Producers must ensure pottery sand or clay are obtained from legal sources with permits to extract clay or sand for ***Any Suppliers Provide Materials***.

## 9 MODULE 6: CONSERVATION OF BIODIVERSITY AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES

### 9.1 Module Plan

Session	Topics	Time
SESSION 1	Conservation of Biodiversity and Sustainable Management of Living Natural Resources	2 Hrs

#### a) Objectives

The objectives of this module are to:

- Introduce participants to Biodiversity management
- Introduce participants to legal, policy and institutional frameworks on preservation of biodiversity, forests and wildlife resources
- Assist the participants to understand the Approach to Biodiversity Management
- Assist the participants to Critical habitat determination
- Help the participants to explain Potential Adverse Impacts of projects on Biodiversity

#### b) Learning Outcomes

At the end of this module, learners should be able to:

- Understand Biodiversity management
- Understand legal, policy and institutional frameworks on preservation of biodiversity, forests and wildlife resources
- Explain the Approach to Biodiversity Management
- Describe Critical habitat determination
- Identify Adverse Impacts of projects on Biodiversity

#### c) Training Methods

- Focus Group Discussions
- Group Work
- Personal Testimonies
- Case Studies and Scenarios
- Role Play
- Videos

#### d) Training Materials

- Flip chart paper.
- Marker pens (red, blue and black usually).
- Tape for holding charts on to walls.
- Overhead projector, transparencies and pens for writing on the transparencies

## 9.2 SESSION 1: Introduction to Biodiversity Management

### a) Sessional Objectives

At the end of this session, participants should be able to:

- Understand Biodiversity management
- Understand legal, policy and institutional frameworks on preservation of biodiversity, forests and wildlife resources
- Explain the Approach to Biodiversity Management
- Describe Critical habitat determination
- Identify Adverse Impacts of projects on Biodiversity



### What are the Main Approaches to Biodiversity Management?

#### APPROACH TO BIODIVERSITY MANAGEMENT

- Identification and characterization of biodiversity baseline conditions for the Project based on primary and secondary data sources;
- Identification of important biodiversity features (priority species and habitats) of high conservation value and relevance to the Project;
- Application of the mitigation hierarchy to avoid, minimize and rehabilitate Project related impacts to these biodiversity features during Project construction and operation;
- Compensation of significant residual impacts to biodiversity receptors;
- Adherence to national regulatory requirements.

### b) Legal, Policy and Institutional Frameworks on Preservation of Biodiversity, Forests and Wildlife Resources

#### Exercise 6.1

*Ask the participants to describe Legal, Policy and Institutional Frameworks on the Preservation of Biodiversity, Forests and Wildlife Resources*

**Table 10: Frameworks on Preservation of Biodiversity, Forests and Wildlife Resources**

Framework	Framework Requirements
Environmental Management and Coordination (Conservation of Biological Diversity and Resources, Access)	The Regulations requires proponents to conduct ESIA if their activities may have adverse impacts on ecosystems or lead to unsustainable use of natural resources or/and lead to introduction of exotic species. The regulation aims at increasing the coverage of protected areas and establishing new special status sites by providing guidelines for protecting endangered species. Section 5 of the regulation provides guidelines on Conservation of threatened species and Part III of the regulation guides on the access to genetic materials. The Section states that, the Authority

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6 January 2023, version 1.0

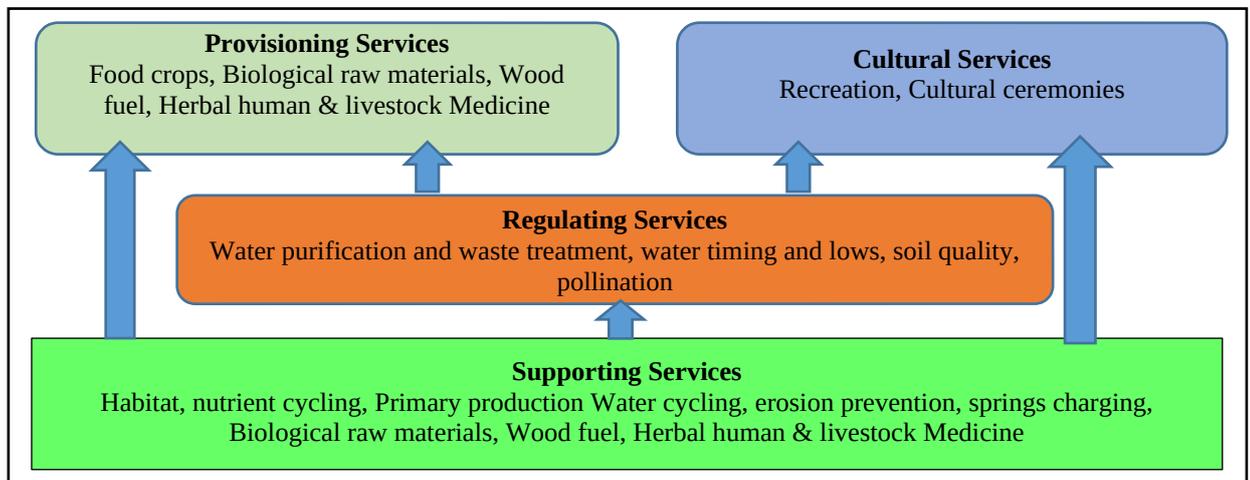
Framework	Framework Requirements
to Genetic Resources and Benefit Sharing) Regulations, 2006	shall, in consultation with the relevant lead agencies, impose bans, restrictions or similar measures on the access and use of any threatened species in order to ensure its regeneration and maximum sustainable yield.
Forest Conservation and Management Act, 2016	<p>The Act provides establishment, development and sustainable management including conservation and rational utilization of forest resources for socio economic development of the country. The Act seeks to:</p> <ul style="list-style-type: none"> <li>• Protect indigenous forests and conserve existing forests and forest lands</li> <li>• Ensure stabilization of soils and ground water thereby supporting agricultural activities</li> <li>• Protect water catchments areas and moderating climate by absorbing greenhouse gases</li> <li>• Provide the main locus of Kenya’s biodiversity and major habitat for wildlife</li> <li>• Provide essential raw materials for wood-based industries and a variety of non-wood forest products in addition to wood fuel</li> </ul>
Kenya Wildlife Conservation and Management Act	This Act provides for the protection, conservation and management of wildlife in Kenya. The Act deals with areas declared as National Parks, under the Act. The Act controls activities within the park, which may lead to the disturbance of animals. Further the Act protects wildlife outside the parks. The Act prohibits killing of wildlife for any purpose whatsoever unless authorized by the KWS.
<b>Policy Frameworks</b>	
Kenya Forest Policy	<p>Among other objectives the National Forest Policy aims at:</p> <ul style="list-style-type: none"> <li>• Preparation of a national strategy to increase and maintain forest and tree cover to at least 10% of the total land area and rehabilitation/restoration of degraded forest ecosystems, and the establishment of a national forest resource monitoring system.</li> <li>• Adoption of an ecosystem approach for the management of forests, and recognition of customary rights and user rights to support sustainable forest management and conservation.</li> </ul> <p>Plans for implementation of initiatives geared towards increasing the country’s total tree cover should be proposed in the plan for implementation. In addition, initiatives that support proper management of the County’s Forest resources should be incorporated into the plan.</p>
Wildlife Conservation and Management Policy, 2017	It is aimed at promoting protection and conservation of wildlife in Kenya, through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes in order to provide for the social, economic, ecological, cultural and spiritual needs of present and future generations; contribute to the sustainable development of the country; and enhance the quality of human life.
Sessional Paper No. 1 of 2020 of Wildlife Policy	<p>The sessional paper was developed to provide a framework to have an enabling environment for conservation and sustainable management of wildlife for current and future generations. The specific objectives of the Policy are to: -</p> <ol style="list-style-type: none"> <li>a) Conserve in perpetuity, Kenya's wildlife resources, as a national heritage;</li> <li>b) Increase access, incentives and sustainable use of wildlife resources, while ensuring equitable sharing of benefits;</li> <li>c) Promote partnerships and incentives for wildlife-based enterprises;</li> <li>d) Facilitate collaboration for effective governance and financing of the wildlife sector between communities, private conservancies, counties, national</li> </ol>

Framework	Framework Requirements
	<p>government and international partners; and</p> <p>e) Promote management of viable wildlife populations and their habitats in Kenya.</p> <p>Kenya's wildlife resources have been conserved as vital resources for the country's tourism industry. However, wildlife species are not just important for economic purposes but also have ecological functions, are important for providing ecosystem services and act as a natural heritage. Currently, the country has more than 1,100 bird species and over 350 mammal species. Over 13 of the bird species and over 20 mammal species are endemic. Other wild species found in Kenya include over 25,000 insect species; over 224 freshwater fish, more than 25 of which are endemic. Over 220 reptile species are also found in Kenya with more than 47 of these are endemic. Over 297 species of molluscs are also found in Kenya.</p>
<b>Administrative and Institutional Framework</b>	
Kenya Wildlife Service	This is a state corporation that was established by an Act of Parliament (Cap 376), with the mandate to conserve and manage wildlife in Kenya, and to enforce related laws and regulations. The corporation undertakes conservation and management of wildlife resources across all protected areas in collaboration with stakeholders. Its mandate is to work with others to conserve, protect and sustainably manage wildlife resources.
Kenya Forest Service	This is a State Corporation established in February 2007 under the Forest Act 2005 to conserve, develop and sustainably manage forest resources for Kenya's social-economic development. They shall provide guidelines for the protection of the important forest resources within the project environment.

**Exercise 6.2**

*Ask the participants to explain what constitutes an ecosystem*

**c) Ecosystem Services**



**Table 11: Ecosystem Services**

Service	Subcategory	Definition
Food	Crops	Cultivated plants or agricultural products harvested by people for human or animal consumption as food
	Livestock	Animals raised for domestic or commercial consumption or use
	Wild plant foods	Edible plant species gathered from the wild
	Bush meat	Animal species hunted for sustenance
Biological raw materials	Timber and other wood products	Products made from trees harvested from natural forest ecosystems, plantations, or non-forested lands
	Grasses	Thatching grass used as raw material in housing or for creating mats and beds
	Fibres	Non-wood and non-fuel fibres such as leaves, fronds and threads
Biomass fuel	Fuel wood and charcoal	Biological material derived from living or dead plant parts that serve as a source of energy
Freshwater	Water	Rivers, groundwater (springs), rainwater, and surface waters for household, agricultural and livestock uses
Natural medicines	Herbal medicine	Herbal medicines and other biological materials derived from ecosystems for human and livestock use
Water purification and waste treatment	Water	Role the ecosystems play in the filtration and decomposition of organic wastes and pollutants in water; assimilation and detoxification of compounds through soil and subsoil processes
Water timing and flows	Water	Influence the ecosystems have on timing and magnitude of water runoff, flooding, and springs recharge, particularly in terms of the water storage potential of the ecosystems
Soil quality	Soil	Role ecosystems play in sustaining soil's biological activity, diversity, and productivity; regulating and partitioning water and solute flow; storing and recycling nutrients and gases; among other

Service	Subcategory	Definition
		functions
Pollination	Productivity	Role ecosystems play in transferring pollen from male to female flower parts and maintaining reproductive capacity of ecosystem plant components
Recreation	Rivers and ponds	Recreational pleasure people derive from natural or cultivated ecosystems
Ceremonial	Forest, specific tree species	Some cultural ceremonies held by Elders in specific sites or under specific trees

#### d) Critical Habitat Determination

Critical Habitat is a concept developed by the International Finance Corporation (IFC) in its Performance Standard 6 (PS6) on Biodiversity Conservation and Sustainable Management of Living Resources. This concept is designed to identify areas of high biodiversity value in which development would be particularly sensitive and require special attention.

Critical habitat is defined in Paragraph 16 of the 2012 version of IFC Performance Standard 6 (IFC PS6) as an area with high biodiversity value. This includes areas that meet one or more of following criteria:

- **Criterion 1:** Critically Endangered (CR) and/or Endangered (EN) species;
- **Criterion 2:** Endemic and/or restricted-range species;
- **Criterion 3:** Migratory and/or congregatory species;
- **Criterion 4:** Highly threatened and/or unique ecosystems; and
- **Criterion 5:** Key evolutionary processes.

#### e) Potential Adverse Impacts of Project on Biodiversity

##### **Exercise 6.3**

Ask the participants to describe any adverse negative impacts that the production of ICS may bring to biodiversity and suggest mitigation measures

**Table 12: Impacts of ICS production on biodiversity**

Negative Impact	Description	Mitigation Measures
Habitat Loss and Degradation	Vegetation clearing and excavation of sand and soil	<ul style="list-style-type: none"> <li>• The extent of vegetation clearance should be monitored not to exceed proposed area's surface to be cleared;</li> <li>• Vegetation that is removed should not be burnt but left on the ground in suitable areas to decompose (preferably in soil stockpiles areas);</li> </ul>
Increased soil erosion risk and hydrological impacts	Increased erosion risk would result from soil disturbance and the loss of plant cover within cleared and disturbed areas.	<ul style="list-style-type: none"> <li>• Cleared areas should be revegetated with seed or plants of locally occurring specie</li> <li>• Regular monitoring for erosion during to ensure that no erosion problems have developed as result of the soil disturbance.</li> <li>• All erosion problems observed should be rectified as soon as possible, using the appropriate erosion control structures and revegetation techniques</li> </ul>

Negative Impact	Description	Mitigation Measures
		<ul style="list-style-type: none"> <li>Excavated earth, as well as all other solid and liquid wastes, needs to be deposited in pre-approved locations to avoid the degradation of waterways and wetlands.</li> </ul>
Impacts on hydrology and water quality	The primary impact to surface water quality during is expected to arise from suspended sediments generated from earthwork activities	
Impacts on ecosystem services (grazing areas, medicinal plants)	There are numerous ecosystem services that accrue from the existing forest and Wetlands. These services, however require the two ecosystems to be stable and any reduction in the size of the ecosystem can compromise the quantity and quality of the services	

*Source: Rapid Assessment*

**Table 13: Activities, Impacts and Mitigations**

Activities	Impacts and Mitigation Measures
<p><b>Sand Extraction</b></p> <ul style="list-style-type: none"> <li>✓ Excavation of Pottery Sand from River Basin and Hillsides</li> </ul> <p><b>Soil Extraction</b></p> <ul style="list-style-type: none"> <li>✓ Excavation of Pottery Clay from River Banks and Wetlands</li> </ul> <p><b>Stove Production Process</b></p> <ul style="list-style-type: none"> <li>✓ Painting the ICS metal casing</li> </ul>	<p><b>Project Impacts and Mitigation:</b></p> <p><b>Material Extraction Activities</b></p> <ul style="list-style-type: none"> <li>✓ Material Extraction – <i>There is need to:</i> <ul style="list-style-type: none"> <li>○ Sensitize workers on soil degradation arising from poor extraction methods.</li> <li>○ Carry out prompt restoration of the ponded excavated areas at the clay sites and caves created at the sand extraction sites</li> <li>○ Avoid extraction of materials at the river banks to avoid erosion and siltation</li> </ul> </li> </ul> <p><b>ICS Production</b></p> <ul style="list-style-type: none"> <li>✓ Potential Contamination of soils and nearby surface waters by solvents and paints: <ul style="list-style-type: none"> <li>○ Provision of paved ground with containment for ICS Metal Casing Paint works</li> </ul> </li> </ul>
<p><b>Monitoring</b> - Monitoring of Compliance with requirements</p>	<p><b>Monitoring shall be done on:</b></p> <ul style="list-style-type: none"> <li>✓ Material extraction methodology</li> <li>✓ Material Site restoration</li> <li>✓ Carrying out paintings on paved ground with containment</li> </ul>



**Plate 11: Clearance of Forests to provide Wood Fuel**



**Plate 12: Excavation to extract Clay Soil and Sand**

**f) Biodiversity Management plan (BMP)**

BMP is a framework for managing Project risks and impacts to biodiversity and to identify and prioritize appropriate impact management actions. BMPs and Biodiversity Action Plans are recommended as global leading practice by bodies such as the UN Global Compact and are a requirement for EBRD Performance Requirement 6 compliance.

**i. Purpose of BMP**

- Provides a summary of all biodiversity actions planned by the Project, supporting institutional memory;
- Facilitates communication about sound project biodiversity risk management to external audiences such as regulators;
- Provides reassurance that risks and impacts are being managed, and ensures investment is prioritized towards actions that most cost-effectively tackle highest risks / impacts;
- Provides a basis for planning and tracking progress

**ii. Scope of BMP**

- Management measures to mitigate adverse impacts during pre-construction, construction, operation and closure phases
- A description of the ecological monitoring and reporting commitments including location, frequency and key performance indicators for adaptive management
- Definition of roles and responsibilities
- A presentation of the proposed schedule of works.

**Exercise 6.4**

*Divide the participants into groups of 5-10 participants and ask them to develop a BMP for ICS Project.*

**10 MODULE 7 INDIGENOUS PEOPLES/SUB-SAHARAN AFRICAN HISTORICALLY UNDERSERVED TRADITIONAL LOCAL COMMUNITIES**

**10.1 Module Plan**

Session	Topics	Time
<b>SESSION 1</b>	Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities	2 Hrs

**a) Objectives**

The objectives of this module are to:

- Introduce participants to Indigenous Peoples
- Introduce participants to the Legal Framework governing Indigenous Peoples
- Assist the participants to understand the avoidance of advanced impacts
- Assist the participants to understand the process of Meaningful consultation
- Introduce participants to the steps of seeking Free prior and informed consent

**b) Learning Outcomes**

At the end of this module, participants should be able to:

- Understand concept of Indigenous people
- Highlight the Legal Framework Governing Indigenous Peoples
- Explain the steps of avoidance of advanced impacts
- Understand process of Meaningful consultation
- Undertake the process of Free prior and informed consent

**c) Training Methods**

- Focus Group Discussions
- Group Work
- Personal Testimonies
- Case Studies and Scenarios
- Role Play
- Videos

**d) Training Materials**

- Flip chart paper.
- Marker pens (red, blue and black usually).
- Tape for holding charts on to walls.
- Overhead projector, transparencies and pens for writing on the transparencies

**10.2 SESSION 1: Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities**

**a) Sessional Objectives**

At the end of this session, participants should be able to:

- Understand concept of Indigenous people
- Understand the Legal Framework governing indigenous Peoples in Kenya

- Explain the steps of avoidance of advanced impacts
- Understand process of Meaningful consultation
- Undertake the process of Free prior and informed consent

## b) Introduction



### ***Who are Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities?***

#### ***Exercise 7.1***

*Ask the participants to discuss the Legal Framework governing indigenous Peoples in Kenya  
Ask the participants to list the communities which they consider to be Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities in Kenya*

#### **CHARACTERISTICS OF INDIGENOUS PEOPLES/SUB-SAHARAN AFRICAN HISTORICALLY UNDERSERVED TRADITIONAL LOCAL COMMUNITIES.**

Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; and

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; and

Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and

A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

#### ***Exercise 7.2***

*Ask the participants to list the Negative Impacts that ICS project may have on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities*

## c) Categories of Projects

- Projects Designed Solely to Benefit Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities
- Projects Where Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities Are Not the Sole Beneficiaries

**d) Negative Impacts of Projects on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities**

- They are particularly vulnerable if their land and resources are transformed, encroached upon, or significantly degraded.
- Projects may also undermine language use, cultural practices, institutional arrangements, and religious or spiritual beliefs that Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities view as essential to their identity or well-being.

**e) Avoidance of Adverse Impacts**

Adverse impacts on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities will be avoided where possible. Where alternatives have been explored and adverse impacts are unavoidable, the project will minimize and/or compensate for these impacts in a culturally appropriate manner proportionate to the nature and scale of such impacts and the form and degree of vulnerability of the affected Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities.

**f) Mitigation and Development Benefits**

The project and affected Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities will identify mitigation measures in alignment with the mitigation hierarchy as well as opportunities for culturally appropriate and sustainable development benefits. The scope of assessment and mitigation will include cultural impacts<sup>11</sup> as well as physical impacts. The project will ensure the timely delivery of agreed measures to affected Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities.

**g) Positive Impacts of projects on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities**

- Projects may also create important opportunities for Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities to improve their quality of life and well-being.
- Projects may create improved access to markets, schools, clinics and other services that seek to improve living conditions.
- Projects can create opportunities for Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities to participate in, and benefit from project-related activities that may help them fulfill an aspiration to play an active and meaningful role as citizens and partners in development.

**h) Importance of Consultation and Planning in Projects affecting Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities**

- To obtain the Free, Prior, and Informed Consent (FPIC) of affected Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities
- To avoid adverse impacts of projects on Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities, or when avoidance is not possible, to minimize, mitigate and/or compensate for such impacts.
- To recognize, respect and preserve the culture, knowledge, and practices of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities, and to provide them with an opportunity to adapt to changing conditions in a manner and in a timeframe acceptable to them.

- To ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource based livelihoods of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities.
- To promote sustainable development benefits and opportunities for Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities in a manner that is accessible, culturally appropriate and inclusive
- To improve project design and promote local support by establishing and maintaining an ongoing relationship based on meaningful consultation with the Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities affected by a project throughout the project's life cycle.

**i) Free, Prior and Informed Consent (FPIC)**

FPIC is required in circumstances in which the project will:

- Have significant impacts on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities' cultural heritage that is material to the identity and/or cultural,
- Have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation;
- Cause relocation of Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities from land and natural resources subject to traditional ownership or under customary use or occupation; or
- Ceremonial, or spiritual aspects of the affected Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities' lives. independent specialists to assist in the identification of the project risks and impacts.

FPIC Process will:

- Document efforts to avoid and otherwise minimize the area of land proposed for the project;
- Document efforts to avoid and otherwise minimize impacts on natural resources subject to traditional ownership or customary use or occupation;
- Identify and review all property interests, tenurial arrangements, and traditional resource usage prior to purchasing, leasing or, as a last resort, undertaking land acquisition;
- Assess and document Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities' resource use without prejudicing any Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities' land claim. The assessment of land and natural resource use will be gender inclusive and specifically consider women's role in the management and use of these resources;
- Ensure that affected Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities are informed of:

**j) Promoting Meaningful Consultation in Seeking FPIC**

- Involve Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities' representative bodies and organizations (e.g., councils of elders or village councils, or chieftains) and, where appropriate, other community members;
- Provide sufficient time for Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities' decision making processes; and
- Allow for Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities' effective participation in the design of project activities or mitigation measures that could potentially affect them either positively or negatively.

**Table 14: Rapid Assessment of ICS Project**

<b>Project Activities which may affect Indigenous People</b>	<b>Observation</b>	<b>Recommendations</b>
<p><b>Sand Extraction</b></p> <ul style="list-style-type: none"> <li>✓ Excavation of Pottery Sand from River Basin and Hillsides</li> </ul> <p><b>Soil Extraction</b></p> <ul style="list-style-type: none"> <li>✓ Excavation of Pottery Clay from River Banks and Wetlands</li> </ul> <p><b>Stove Production Process</b></p> <ul style="list-style-type: none"> <li>✓ Soaking of Clay</li> <li>✓ Mixing of Clay and Sand</li> <li>✓ Kneading the material by feet</li> <li>✓ Shaping the Liner</li> <li>✓ Baking the Liners in the kiln</li> <li>✓ Fabricating the ICS metal casing</li> <li>✓ Painting the ICS metal casing</li> </ul>	<p><b>Presence of Indigenous Peoples</b></p> <p>Although there are Indigenous peoples in Kenya, so far, the project has not been executed in places where these people are found</p> <p>The proposed scaling up may take the project areas where indigenous peoples are present</p>	<p><b>Implementation of measures to address gaps includes:</b></p> <ul style="list-style-type: none"> <li>✓ Training of workers on Indigenous Peoples which include hunters-gatherers, pastoralists and some fisher people and some farmers. – <b>During Project Implementation</b></li> </ul> <p><b>Enhancement Measures</b></p> <p>Promotion of production and uptake of ICS by communities to reduce GHG and protect forest resources for the benefit of these peoples.</p>

**k) Vulnerable and marginalized people group plan**

**Exercise 10.3**

Ask the participants to prepare Vulnerable and Marginalized People Group Plan for ICS Project?

## 11 MODULE 8: CULTURAL HERITAGE

### 11.1 Module Plan

Session	Topics	Time
SESSION 1	Introduction to Cultural Heritage	2 Hrs

#### a) Objectives

The objectives of this module are to:

- Explain key concepts of cultural heritage
- Introduce participants to the Legal Framework governing Cultural Heritage
- Describe the forms and categories of cultural heritages
- Discuss the chance find procedures
- Identify the measures to protect cultural heritage

#### b) Learning Outcomes

At the end of this module, participants should be able to:

- Explain key concepts of cultural heritage
- Highlight the Legal Framework governing Cultural Heritage
- Describe the forms and categories of cultural heritages
- Discuss the chance find procedures
- Identify the measures to protect cultural heritage

#### c) Training Methods

- Focus Group Discussions
- Group Work
- Personal Testimonies
- Case Studies and Scenarios
- Role Play
- Videos

#### d) Training Materials

- Flip chart paper.
- Marker pens (red, blue and black usually).
- Tape for holding charts on to walls.
- Overhead projector, transparencies and pens for writing on the transparencies

### 11.2 SESSION 1: Introduction to Cultural Heritage

#### a) Sessional Objectives

At the end of this session, participants should be able to:

- Explain key concepts of cultural heritage
- To highlight the Legal Framework governing Cultural Heritage in Kenya
- Describe the forms and categories of cultural heritages
- Discuss the chance find procedures
- Identify the measures to protect cultural heritage

### **What is cultural heritage?**

Cultural heritage provides continuity in tangible and intangible forms between the past, present and future. People identify with cultural heritage as a reflection and expression of their constantly evolving values, beliefs, knowledge and traditions. Cultural heritage, in its many manifestations, is important as a source of valuable scientific and historical information, as an economic and social asset for development, and as an integral part of people's cultural identity and practice.

#### **b) Importance Protection and Preservation of Cultural Heritage**

- To protect cultural heritage from the adverse impacts of project activities and support its preservation.
- To address cultural heritage as an integral aspect of sustainable development.
- To promote meaningful consultation with stakeholders regarding cultural heritage.
- To promote the equitable sharing of benefits from the use of cultural heritage.

#### ***Exercise:8.1***

*Ask the participants to describe various forms of Cultural Heritages and what constitutes them*

*Ask the participants to highlight the Legal Framework Governing Cultural Heritage in Kenya*

- Tangible Cultural Heritage, which includes movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Tangible Cultural Heritage may be located in urban or rural settings, and may be above or below land or under the water;
- Intangible cultural heritage, which includes practices, representations, expressions, knowledge, skills—as well as the instruments, objects, artifacts and cultural spaces associated therewith—that communities and groups recognize as part of their Cultural Heritage, as transmitted from generation to generation and constantly recreated by them in response to their environment, their interaction with nature and their history.

**Exercise:8.2**

Divide the participants into groups and assign each group to discuss the following categories of cultural heritage:

*Movable cultural heritage*

*Built heritage*

*Legally protected cultural heritage areas*

*Archaeological sites and material*

*Natural features with cultural significance*

- i. Movable Cultural Heritage:** Movable cultural heritage includes such objects as: historic or rare books and manuscripts; paintings, drawings, sculptures, statuettes and carvings; modern or historic religious items; historic costumes, jewellery and textiles; fragments of monuments or historic buildings; archaeological material; and natural history collections such as shells, flora, or minerals.
- ii. Built Heritage:** Built Heritage refers to single or groups of architectural works in their urban or rural setting as evidence of a particular civilization, a significant development or a historic event. Built Heritage includes groups of buildings, structures and open spaces constituting past or contemporary human settlements that are recognized as cohesive and valuable from an architectural, aesthetic, spiritual or sociocultural perspective.
- iii. Legally Protected Cultural Heritage Areas:** These include world heritage sites and nationally and sub nationally protected areas.
- iv. Archaeological Sites and Material:** Archaeological sites comprise any combination of structural remains, artifacts, human or ecological elements and may be located entirely beneath, partially above, or entirely above the land or water surface. Archaeological material may be found anywhere on the earth's surface, singly or scattered over large areas. Such material also includes burial areas, human remains and fossils.
- v. Natural Features with Cultural Significance:** Natural features may be imbued with cultural heritage significance. Examples include sacred hills, mountains, landscapes, streams, rivers, waterfalls, caves and rocks; sacred trees or plants, groves and forests; carvings or paintings on exposed rock faces or in caves; and paleontological deposits of early human, animal or fossilized remains.

**Exercise:8.3**

Ask the participants to list Projects which triggers the requirement for the Protection of Cultural Heritage

**Cultural Heritage is triggered when projects affect Cultural Sites:**

- Involves excavations, demolition, movement of earth, flooding or other changes in the physical environment;
- Is located within a legally protected area or a legally defined buffer zone;
- Is located in, or in the vicinity of, a recognized cultural heritage site; or
- Is specifically designed to support the conservation, management and use of cultural heritage.

**Exercise:8.4**

Divide the participants into groups of 5-10 and ask them to discuss the measures which can be put in place in areas where the ICS project may trigger the requirement for the protection of cultural heritage

**PRESERVATION MEASURES**

1. Relocating or modifying the physical footprint of the project
2. Conservation and rehabilitation *in situ*;
3. Relocation of cultural heritage;
4. Documentation;
5. Strengthening the capacity of national and subnational institutions responsible for managing cultural heritage affected by the project;
6. Establishment of a monitoring system to track the progress and efficacy of these activities;
7. Establishment of an implementation schedule and required budget for the identified mitigation measures;
8. Cataloguing of finds.

**Table 15:Results from Rapid Assessment of ICS Project**

<b>ICS Project Activities</b>	<b>Observations from Rapid Assessment</b>	<b>Action Plans</b>
<p><b>Sand Extraction</b></p> <ul style="list-style-type: none"> <li>✓ Excavation of Pottery Sand from River Basin and Hillsides</li> </ul> <p><b>Soil Extraction</b></p> <ul style="list-style-type: none"> <li>✓ Excavation of Pottery Clay from River Banks and Wetlands</li> </ul>	<ul style="list-style-type: none"> <li>✓ Material Suppliers of Pottery Clay and Sand have not been guided on any archaeological finds. They have:</li> <li>✓ Not undergone any induction on the requirements of the “National Museums and Heritage Act” requiring the protection of any Archaeological Finds</li> <li>✓ Not been inducted on the application of the “Chance Find Procedure” for any artefacts encountered during excavation of materials</li> </ul>	<p><b>Implementation of measures to address gaps includes</b></p> <ul style="list-style-type: none"> <li>✓ Consultation should be carried out with the material suppliers and workers to establish whether they have encountered any strange objects and what they have done with it. – <b>Immediate Action</b></li> <li>✓ Material Suppliers and the workers should undergo induction/training on National Museums and Heritage Act requirements and the chance find procedure they should follow for reporting any archaeological finds – <b>Immediate Action</b></li> </ul>



**Plate 13:Excavation and Transportation of Pottery Sand from one of the sites**

**c) Chance Find Procedure**

A chance finds procedure is a project-specific procedure which is followed if previously unknown cultural heritage is encountered during project activities. It set out how chance finds associated with the project will be managed.

**d) Types of Projects which require Chance Find Procedure**

- Construction projects
- Excavations,
- Demolition,
- Movement of earth,
- Flooding or other changes in the physical environment.

**e) Procedure**

A requirement to:

- Notify relevant authorities of found objects or sites by cultural heritage experts;
- Fence-off the area of finds or sites to avoid further disturbance;
- Conduct an assessment of found objects or sites by cultural heritage experts;
- Identify and implement actions consistent with the requirements of ESS 8 and national law;  
Train project personnel and project workers on chance find procedures.

**f) Commercial use of Cultural Heritage**

Where a project intends to use cultural heritage of project affected parties (including individuals and communities) for commercial purposes, the project will inform the project affected parties of: (a) their rights under national law; (b) the scope and nature of the commercial development and the potential impacts; and (c) the potential consequences of such development and impacts.

The project will not proceed with such commercial use unless it:

- Carries out meaningful consultation with stakeholders as described
- Provides for fair and equitable sharing of benefits from commercial use of such cultural heritage, consistent with customs and traditions of the project affected parties; and
- Identifies mitigation measures according to the mitigation hierarchy.

## 12 MODULE 9: GENDER AND DEVELOPMENT

### 12.1 Module plan

Session	Topics	Time
SESSION 1	Introduction to Gender and Development	2 Hrs

#### a) Objectives

The objectives of this module are to:

- Introduce participants to Gender and Development
- Introduce participants to the Legal Framework governing Gender and Development
- Assist the participants to understand Gender Analysis
- Assist the participants to understand Tools for Gender Analysis
- Inform participants on existence of legislative requirements on Gender issues

#### b) Learning Outcomes

At the end of this module, participants should be able to:

- Explain Gender Analysis
- Highlight the Legal Framework governing Gender and Development
- Understand Tools for Gender Analysis

#### c) Training Methods

- Focus Group Discussions
- Group Work
- Personal Testimonies
- Case Studies and Scenarios
- Role Play
- Videos

#### d) Training Materials

- Flip chart paper.
- Marker pens (red, blue and black usually).
- Tape for holding charts on to walls.
- Overhead projector, transparencies and pens for writing on the transparencies

### 12.2 SESSION 1: Introduction to Gender Development

#### a) Sessional Objectives

At the end of this session, participants should be able to:

- Understand concept of Gender and Development
- Highlight Legal Framework governing Gender and Development
- Explain Gender Analysis
- Understand Tools for Gender Analysis

## **b) Key Concepts in Gender and Development**

### **Exercise 9.1**

Ask the participants to highlight Legal Framework Governing Gender and Development in Kenya  
Ask the participants to define the following terms:

*Gender mainstreaming*  
*Gender analysis*  
*Gender assessment*  
*Gender equality*  
*Gender equity*  
*Gender discrimination*  
*Gender relations*  
*Gender roles*  
*Sex disaggregated data*

## **c) Gender Assessment**

Gender assessment entails a gender review of on-going or recently concluded programmes. The aim is to establish how a programme incorporates gender dynamics in its design and implementation. The exercise may result into the identification of new opportunities to improve future projects and at the same time highlight successes and gaps in programming.<sup>3</sup>

## **d) Gender Analysis**

Gender analysis involves data collection and processing. The focus is on sex-disaggregated information in order to understand gender differences. Gender analysis is important because it may avoid negative impacts that programmes and policy interventions may have on women or men. A part from quantitatively mapping out the current situation, gender analysis should also raise questions about the influencing factors and cause effects of gender-related differences. A gender analysis is a requirement in developing equality goals and focused planning

## **e) Gender Mainstreaming**

Gender mainstreaming has been embraced internationally as a strategy towards realizing gender equality. It involves the integration of a gender perspective into the preparation, design, implementation, monitoring and evaluation of policies, regulatory measures and spending programmes, with a view to promoting equality between women and men, and combating discrimination

## **f) Gender Equality**

Gender equality ensures that the needs, priorities and interests of boys and girls, men and women are given due consideration while recognizing the diversity that exist among members of human society. The concept of gender equality has been seen as the preferred term for equal rights, life prospects, opportunities and power for women and men, girls and boys. It involves the process whereby the society treats and values men and women equally based on the roles they play despite similarities and differences which may exist between men and women.

<sup>3</sup><http://www.acdivoca.org/wp-content/uploads/2016/07/ACDI-VOCA-Gender-Analysis-Manual.pdf>

Equality is achieved when an individual person's rights, responsibilities and opportunities are not dependent on whether they are born female or male.

**g) Gender Equity**

Gender equity focuses on fairness and justice with regards to needs and benefits for women and men, girls and boys in the society. The principle of equity has been used in the health, education and humanitarian sectors to refer to the equal distribution of resources based on the needs of different groups of people. It may involve applying provisional measures to compensate for past societal biases. Gender equity may also be viewed as a differential treatment that is fair and positively addresses a bias or disadvantage that a particular gender within the society may be subjected to as a result of gender roles or norms or differences between the men and women. According to the European Commission, gender equity entails the provision of fairness and justice in the distribution of benefits and responsibilities between women and men, while recognizing that women and men have different needs and power and that these differences should be identified and addressed in a manner that rectifies the imbalances between the sexes.

**h) Gender Discrimination**

Gender discrimination refers to the differential treatment and outcomes that deny women the opportunity to enjoy economic, cultural rights, development, social and political benefits to the fullest extent. Gender discrimination also constitutes restriction, exclusive and distinction, steps made on the basis of sex which has the effect of impeding the women from recognition and enjoyment of their rights.

**i) Gender Relations**

Gender relations define how members of a society interact with one another depending on their attributed gender. The nature of this interaction is normally be analysed within the cultural context in which they operate. It can be seen as social relations uniting women and men as socially co-existing social groups in a particular community. Gender relations is also influenced by other social factors including; race, religion age, ethnicity. All these factors combine to determine the identity and the position of people in societal context.

**j) Gender Roles**

Gender roles are behaviours which members of a society learn through socialization and tend to dictate which activities, tasks and responsibilities are perceived as female or male. The gendered labour division practiced in a given societal setting determines the roles that men and women actually perform. The division of labour based on gender considerations sometimes makes women to face many different cultural, institutional, physical and economic constraints, most of which are founded on patriarchal tendencies which promote discrimination against women. Moser observed that clear understanding of gender roles provides programme planners and policy makers with the key insights for a gender planning. She also stated that Gender planning should recognize the fact that most women from low and middle income brackets have a triple roles including reproductive, productive, and community role. Gender roles often determine the traditional responsibilities and tasks assigned to men, women, boys and girls. Gender-specific roles are often conditioned by household structure, access to resources, specific impacts of the global economy, occurrence of conflict or disaster, and other locally relevant factors such as ecological conditions.

### **k) Sex Disaggregated Data**

Disaggregation of data is a technique through which data is analysed and presented according to sex indicators such as men and women or boys and girls. It is advisable to move a step further and give the distinction in terms of the ages and disability for the highlighted sex categories. Sex disaggregated data makes it much easier to detect inequalities which may exist among different segments of the population in a society. Furthermore, gender-specific statistics are designed to detect gender-differentiated conditions and characteristics as well as the nature of gender interactions. The effective and successful implementation of social protection programmes can greatly benefit by making available the data disaggregation by gender, age and disability. Making such data available would require the various national and international statistical bureaus to be gender-sensitive in data collection, compilation and dissemination. Investment may be needed to build statistical capacity of the government to increase the availability of disaggregated data.

Building a strong data base containing information which is gender differentiated is paramount in assessing the prevailing conditions and situation to enable evidence based social protection response. Appropriate data collection methods that capture and reflect the real situations of various groups, while avoiding the distortion that can arise from cultural factors and stereotypes, are an additional prerequisite. The procedure for production and improvement of gender-specific indicators should be prescribed into the existing data collection tools including censuses, surveys while working together with the users in order to reap maximum benefit from the existing statistical systems and data.

### **l) Barriers to Gender Equity for Inclusive Development in Kenya**

Uneven access to resources With regard to protection of vulnerable groups, Agenda 21 provides that the general objectives of protecting vulnerable groups are to ensure that all such individuals should be allowed to develop to their full potential (including healthy physical, mental and spiritual development); to ensure that young people can develop, establish and maintain healthy lives; to allow women to perform their key role in society; and to support indigenous people through educational, economic and technical opportunities.

With restrained or limited access to resources including land based resources, it is hard or even impossible for women to participate actively and qualitatively in national development and ultimately sustainable development. The net effect is that women are denied the chance due to lack of capacity and resources to participate in national development.

The Constitution of Kenya 2010 classifies women among the marginalized groups of people who may need affirmative action. It has been argued that the lifestyles of women and men are rooted inter alia in economic conditions, power positions and gender, which inform people's perceptions of what welfare represents – and which in turn determine what people can and wish to consume.

It is also observed that the gender disparities in economic power-sharing are an important contributing factor to the poverty of women. It has also been documented that the heavy burden

### **m) Gender Analysis**

#### **What is Gender Analysis?**

Gender analysis refers to the variety of methods used to understand the relationships between men and women, their access to resources, their activities, and the constraints they face relative to each other.

Gender analysis provides information that recognizes that gender, and its relationship with race, ethnicity, culture, class, age, disability, and/or other status, is important in understanding the different patterns of involvement, behaviour and activities that women and men have in economic, social and legal structures.

Gender analysis is an essential element of socio-economic analysis. A comprehensive socio-economic analysis would take into account gender relations, as gender is a factor in all social and economic relations. An analysis of gender relations provides information on the different conditions that women and men face, and the different effects that policies and programs may have on them because of their situations. Such information can inform and improve policies and programs and is essential in ensuring that the different needs of both women and men are met. At the local level, gender analysis makes visible the varied roles women, men, girls and boys play in the family, in the community, and in economic, legal and political structures. A gender perspective focuses on the reasons for the current division of responsibilities and benefits and their effect on the distribution of rewards and incentives.

#### **n) Gender Analysis in Development Cooperation**

An understanding of socio-economic relations, and with it gender relations, is an integral part of policy analysis, and is essential in creating and implementing effective development cooperation initiatives. Analysis of the different situations of men and women can provide an understanding of the different impacts that legislation, cultural practices, policies, and programs can have on women and men.

Gender analysis offers information to understand women's and men's access to and control over resources that can be used to address disparities, challenge systemic inequalities (most often faced by women), and build efficient and equitable solutions. The information gathered during the research stage of the analysis should make the differences between women and men explicit (using sex-disaggregated data) so that policies, programs and projects can build effective actions that promote equality. Since gender relations will change in each context and over time, a gender analysis should be done within each development initiative.

Gender analysis can also provide insights on how gender equality can be promoted within efforts for sustainable development to ensure maximum efficiency in pursuing development goals. To be most effective, it must be part of each step of a development initiative: from conception and design to implementation and evaluation. By being part of this process, gender analysis has already led to changes in strategies for development cooperation that previously did not meet the needs of women.

Global Affairs Canada's Policy on Gender Equality section entitled [Gender Analysis as a Tool](#) outlines some important considerations.

#### **o) What can Gender Analysis Tell Us?**

An analysis of gender relations can tell us who has access, who has control, who is likely to benefit from a new initiative, and who is likely to lose. Gender analysis asks questions that can lead us in a search for information to understand why a situation has developed the way it has. It can also lead us to explore assumptions about issues such as the distribution of resources and the impact of culture and traditions.

It can provide information on the potential direct or indirect benefit of a development initiative on women and men, on some appropriate entry points for measures that promote equality within a particular context, and on how a particular development initiative may challenge or maintain the existing gender division of labour. With this information measures of equity can be created to address the disparities and promote equality.

In the case of primary education, gender analysis can tell us that a gender gap exists in most countries; that is, there is a gap between girls' and boys' enrolment and retention in school. In the majority of countries where there is a gender gap, the gap works against girls, but in others, it works against boys. In India, an average six-year-old girl can expect to spend six years in school, three years less than a boy of the same age. Girls in rural areas are at even greater disadvantage: their risk of dropping out of school is three times that of a boy. In Jamaica, however, it is boys who are at higher risk of missing out on education. Boys are often pulled out of school and sent to work to boost family income, and thus, their drop-out rate is higher than that of girls'. In their efforts to balance the need to meet the needs of both girls and boys, governments are increasingly using gender analysis to investigate the source of the gap and what measures can be adopted to reduce the distortions in the educational system.

**p) Where is Gender Analysis Used?**

Development cooperation always involves people. Within Global Affairs Canada, a gender analysis that addresses the connections of gender with factors such as race, ethnicity, culture, class, age, disability, and/or other status, among others, is required for all policies, programs and projects. While it is easy to see the people involved in more practical and tangible initiatives, such as capacity building for local authorities, any policy or project will ultimately have an effect on people, and must work to promote the equal status of women and men.

For example, the development of a country's environmental policy, should involve a holistic socio-economic analysis that addresses gender relations to fully understand the situation and ensure that the policy and its directives promote equality. This might involve understanding the perceptions of women and men of the environment, a sex-disaggregated account of activities performed and their effect on the environment, and the uses men and women make of natural resources, such as land and water.

Many of women's contributions to the economy continue to go unrecognized because their work is not easily counted within the conventional structures. Women do a majority of the work within the informal sector and the home and as a result, much of their work is not counted or is underrepresented in official statistics. The lack of a gender analysis in economic policies can result in women's perspectives and priorities being left out of strategies for development.

**q) When in the Process is Gender Analysis Applied?**

Gender analysis takes place throughout the entire development process, throughout research, to problem definition, planning, implementation, monitoring and evaluation. By examining basic assumptions each step of the way, the interrelationships between social context and economic factors can be understood and initiatives that respond to those needs can be designed. Global Affairs Canada-led initiatives must undertake gender analysis at the planning stage and integrate the findings and recommendations at each step of the way, from planning through to evaluation.

For example, the Servico Nacional de Aprendizagem Industrial (SENAI) or National Industrial Apprenticeship Program in Brazil, a technical training program, built in gender analysis from the beginning and responded to the under-representation of female students. Consequently, a portion of the program focused on a sensitization campaign geared towards students and industry. In it, promotional materials showcased female role-models in non-traditional jobs, such as posters with women involved in construction. As a result of undertaking and following through on the gender analysis, the number of women in technical courses jumped from 13.5% to 31.3% in seven years.

#### **r) Who Undertakes Gender Analysis?**

It is the task of analysts, policy-makers and program managers located in both donor and partner countries, in both government and civil society, to work in partnership with women and men involved to advance gender equality. This participatory process provides the context for the creation, implementation and evaluation of development initiatives to promote gender equality. Additionally, a gender analysis should identify local and national initiatives undertaken by both governments and civil society in order to strengthen and complement these efforts.

Individuals, groups and communities affected by development initiatives must be involved from the beginning of the process in order to determine the gender dimensions of the issue at hand. Without local knowledge and expertise, some of the intricacies of the gender roles and social relationships may not be easily understood.

In the case of the organizations delivering food aid to vulnerable members of the Dinka people of South Sudan there was a puzzling issue. When Dinka mothers began voluntarily to remove malnourished children from therapeutic feeding programs, the organizations involved were surprised. They questioned their own assumptions of the vulnerability of people and the way that food aid was being distributed. They then set-up discussions between members of aid organisations and women and men involved in decision-making about food in the local communities. During the discussions it became clear that each group had different definitions of need and different ideas of how aid should be distributed. For example, both Dinka people and organisations identified widows and people with disabilities as vulnerable. Dinka people, however, also identified male and female farmers and fishers with no livestock or fish, and men and women without daughters. The donor strategy often called for the provision of food aid to one child within a family, but the Dinka explained that gifts are to be distributed within the clan and the family. This exchange has led to devising methods to better account for local definitions of social assets, and to establishing a more appropriate manner of distributing aid that takes into account local practices.

#### **s) Elements of Gender Analysis**

For a good gender analysis, resources and commitment to implement the results of the analysis are necessary. Consider three important points:

- it requires skilled professionals with adequate resources
- it benefits from the use of local expertise
- the findings must be used to actually shape the design of policies, programs and projects

Undertaking gender analysis begins with examining the issue so that the broad reality of gender roles and relationships is taken into account. Gathering information to enrich the understanding of the gender roles and relations in a specific context means asking difficult questions. When

doing research, consider if you are challenging the existing gender division of labour, tasks, responsibilities and opportunities.

Who are the intended recipients of the benefits of the proposed policy, program or project, and who could potentially lose? Both women and men must be consulted on the issue at hand, and have the opportunity to contribute to the definition of the solution. At the same time, it is important to keep in mind the long term impact of a policy, program or project in terms of women's equality with men. How will these enable women to have increased control over their lives?

Take, for example, the case of maternal mortality. Every year at least 585,000 women die of pregnancy or childbirth related causes around the world (WHO, 2000). A medical approach to maternal mortality can only partly address this tragic and complex problem. Broadening the focus and giving attention to equality issues such as child marriage, limited access to reproductive health services and family planning, female genital mutilation, and women and girls eating last and least can reduce and transform the recurring nature of maternal mortality. Reconsidering an issue using gender analysis expands the understanding of the challenges women face and the range of solutions available.

#### **t) Tools for Gender Analysis**

There are a variety of tools that have been developed to assist people in asking these questions. Each tool is different, with some advantages and disadvantages, some account for other social characteristics and factors better, while others are more participatory. Following are some examples.

The [Harvard Analytical Framework](#) is a tool to collect data at the community and household level. It has three main components: an activity profile ('who does what?'), an access and control profile ('who has access and who controls what?'), and an analysis of influencing factors ('how does gender influence the profiles?').

Module 1 of the ILO/SEAPAT's Online Gender Learning & Information, entitled [Some Gender Planning Approaches and Strategies](#) offers descriptions of the Harvard Analytical Framework, Moser's Gender Planning Framework, the Women's Empowerment Framework and the Social Relations Framework.

Regardless of the tool or method used, information should account for differences between men and women, boys and girls, and should ask questions for the reasons behind these differences. Without this, development initiatives will come short in their efforts to support sustainable development.

Global Affairs Canada's Policy on Gender Equality [Gender Analysis Guidelines](#) provides some thoughts on what to ask and what to do when carrying out gender analysis.

#### **Exercise 9.2**

*Ask the participants to conduct a Gender Analysis of ICS Project and prepare a Gender Development Plan.*

## 13 MODULE 10: STAKEHOLDER ENGAGEMENT FOR PROJECTS

### 13.1 Module Plan

Session	Topics	Time
SESSION 1	Introduction to Stakeholder Engagement	2 Hrs
SESSION 2	Stakeholder Analysis and Engagement Techniques	2 Hrs.

#### a) Objectives

The objectives of this module are to:

- Understand key concepts in stakeholder engagement
- Introduce participants to the Legal Framework Governing Stakeholder Engagement
- Understand the importance of stakeholder engagement for the success of a project;
- Highlight the process of stakeholder identification/mapping
- Analyse key stakeholders for engagement in a project;
- Determine the effective stakeholder engagement techniques
- Determine means of communication with stakeholders for the entire project cycle.

#### b) Learning Outcomes

At the end of this module, participants should be able to:

- Understand key concepts in stakeholder engagement
- Highlight the Legal Framework Governing Stakeholder Engagement
- Understand the importance of stakeholder engagement for the success of a project;
- Highlight the process of stakeholder identification/mapping
- Analyze key stakeholders for engagement in a project;
- Determine the effective level of participation during stakeholder engagement;
- Determine means of communication with stakeholders for the entire project cycle.

#### c) Training Methods

- Focus Group Discussions
- Group Work
- Personal Testimonies
- Case Studies and Scenarios
- Role Play
- Videos

#### d) Training Materials

- Flip chart paper.
- Marker pens (red, blue and black usually).
- Tape for holding charts on to walls.
- Overhead projector, transparencies and pens for writing on the transparencies

## 13.2 SESSION 1: Introduction to Stakeholder Engagement

### a) Sessional objectives

At the end of this session, participants should be able to:

- Understand key concepts in stakeholder engagement
- Understand the Legal Framework Governing Stakeholder Engagement processes in Kenya
- Understand the importance of stakeholder engagement for the success of a project;
- Highlight the process of stakeholder identification/mapping



### Who are Project Stakeholders

Project stakeholders are defined as persons or groups who are directly or indirectly affected by a project, as well as those who may have interests in a project and/or the ability to influence its outcome, either positively or negatively. There are two main categories:

- “those who will be or are likely to be directly or indirectly affected, positively or negatively, by a project (commonly referred to as project-affected people, households or communities)”
- “those who might have an interest in, or may influence the project”

Stakeholder engagement refers to the process by which a project communicates or interacts with its stakeholder to achieve a desired outcome and enhance accountability, while Stakeholder Mapping - process of identifying those likely to have an interest or stake in a proposed project.

Projects may encounter serious difficulties and challenges arising from inadequate or lack of engagement of the stakeholders or sometimes because of unmet expectations of various stakeholders of a project.

#### **Exercise 10.1**

*Ask the participants to*

*Define a stakeholder, stakeholder engagement? How does it differ from Public Participation?*

*Think of a project you have encountered where stakeholder engagement was inadequate or ineffective.*

*Reflect on the following:*

*What went well?*

*What went wrong? why?*

*What were the methods of stakeholder engagement used?*

### b) Public Participation as a Legal Basis for Stakeholder Engagement in Kenya

Public participation is a constitutional requirement in Kenyan decision making process, it lays the basis for stakeholder engagement in any project implementation in the country where Citizens have a right to contribute to decisions affecting their lives.

Public participation is one of the national values and principles of governance under Article 10 of the constitution of Kenya, 2010 the County Government act No 17, 2012, The public finance management Act, 2012, The Public Procurement and Asset Disposal Act, 2015, The Urban and Cities Act, 2011 have all provisions on facilitating, setting up mechanisms for effective public participation and ensuring public engagement in various affairs of the government that affects them including decision making on the service delivery to the public. For instance, the constitution requires the Legislatures and Executive at both national and county levels are required to engage the public in the processes of policy-making, law-making and, planning, implementation of development programmes and projects. Both levels of government should ensure, facilitate and build the capacity of the public to participate. Therefore, according to the county government Act 2012 counties are expected to establish mechanisms that facilitate public communication and access to information with the media with the widest reach to the public or affected persons/groups. Consequently, the governor is expected to submit to the national assembly on the citizen participation in affairs of the county government including participation in county’s development project. Effective participation according to County Government Act 2012 must include marginalized and minority groups. There has to be county planning units (such as Sub-County, ward, village, urban and city, county executive committees) in the county that are responsible for, among others, ensuring meaningful engagement of citizens and stakeholders and that civic education must be organized for the public and create an institutional framework for civic education. Transparency of procurement process to the public is a requirement for an effective participation in procurement process in the public procurement and asset disposal act 2015.

**Definition of project stakeholders**

Project stakeholders are defined as persons or groups who are directly or indirectly affected by a project, as well as those who may have interests in a project and/or the ability to influence its outcome, either positively or negatively Freeman 1984.

There are two main categories:

- “those who will be or are likely to be directly or indirectly affected, positively or negatively, by a project (commonly referred to as project-affected people, households or communities)”
- “those who might have an interest in, or may influence the project”

**c) The Link between Stakeholder Engagement and Project Cycle**

Stakeholder engagement in development is a continuous and on-going process throughout the project as illustrated in Table

**Table 16: The Link between Stakeholder Engagement and Project Cycle**

<b>Project Phase</b>	<b>Stakeholder Engagement Activities</b>
Project Preparation	Set engagement objectives
	Conduct a stakeholder analysis
	Conduct stakeholder consultations
	Develop a stakeholder engagement plan
Project Implementation	Implement the SEP
	Assess the engagement process
	Update the engagement plan (on need basis)

Project Phase	Stakeholder Engagement Activities
	Respond to the engagement results
	Measure and report process and progress

#### d) Definition of Terms and Concepts

- i. **Participation:** Participation means taking part in decision making.
- ii. **Public participation** is the process by which public concerns, needs, and values are incorporated into governmental and corporate decision making.
- iii. **Stakeholder Participation** is a process where stakeholders (e.g. individuals, groups and/or organizations) choose to take an active role in making decisions about things that affect them.
- iv. **Stakeholder analysis:** this is a systematic process of listing and analysing information to determine which people, organizations or groups who are positively or negatively affected by the project; and assessing the interests and concerns of stakeholders in the project and the ways in which these stakeholders may influence the project's outcomes. An understanding of power relations and potential alliances and conflicts among stakeholders is necessary. Stakeholder analysis provides the foundation for planning stakeholder engagement throughout the project cycle.
- v. **Stakeholder Engagement:** It is an overarching term that encompasses a range of activities and interactions that can be done by the project implementers with stakeholders throughout the project cycle. These could include: inform, consult, listen, understand, communicate, influence, negotiate, etc., with the broader objectives of meeting the needs of the project to gain the approval and support of the stakeholders, or at least minimizing their opposition or obstruction (UNDP 2020, Stakeholder Engagement Guide; Jaansoo, 2009).

#### e) Types of Stakeholders

Project stakeholders are persons or groups who are directly or indirectly affected by a project, as well as those who may have interests in a project and/or the ability to influence its outcome, either positively or negatively. World Bank's Environment and Social Safeguards ESS10 categorizes stakeholders into three main groups as follows:

- i. Those that have a role in the project implementation (also known as 'implementing agencies'): they consist mainly of government ministries, departments and agencies (ministries and local administrative entities).
- ii. Are impacted or likely to be impacted directly or indirectly, positively or adversely, by the project (also known as 'affected parties'). The affected individuals would depend on the project (road, health facility, Markets, etc.) include local communities, vulnerable groups and users of the project area, for example: users of the roads, school going children, attendees to churches and health canters, users of bus stop, street vendors, farmers, people who collects water near wetlands, etc.
- iii. May have an interest in the project ('interested parties'). They include individuals or groups whose interests may be affected by the project and who have the potential to influence the project outcomes in any way. In this group are found civil society organization, opinion leaders in the project area, the media, other government agencies, and the private sector in general, among others.

## f) The Benefits of Stakeholder Engagement

### Exercise 10.2:

#### Learners' Activity on the Benefits and Challenges of conducting Stakeholder Engagement

- What would be the benefits of stakeholder engagement in the project
- What are the challenges encountered in stakeholder engagement in this and other projects?
- How can we encounter these challenges to ensure effective engagement and success of the project?
- How can stakeholder analysis and mapping help in the success of a project?
- How can stakeholder engagement planning help?
- What level of stakeholder engagement was employed? Was it adequate?
- What methods of stakeholder engagement were employed? Were they effective?
- What does it mean to have an inclusive and effective stakeholder engagement?

Improved quality of decisions: The process of consulting with the stakeholders often helps to clarify the objectives and requirements of a project or policy/law. Stakeholder engagement provides additional skills, knowledge, concerns, and ideas that may have been overlooked by project implementers. The benefits are also summarized in Figure 3.1.

- i. **Transparency:** Stakeholder engagement presents opportunities for project proponents to disclose crucial information to stakeholders.
- ii. **Informed consent:** Stakeholder engagement is an opportunity for stakeholders especially project hosts to get all the requisite project information so that when they decide to support and host the project including giving up their land and other resources, they do it from an informed position.
- iii. **Accountability:** In the engagement sessions they report on project resources and accomplishments.
- iv. **Response to needs:** Stakeholder engagement enables project proponents to clarify the needs of stakeholders including beneficiaries and on the bases of such feedback fine-tune the design to better respond to those needs.
- v. **Risk management:** Stakeholder engagement offers a platform for stakeholders to analyse projects and share their fears and aspirations regarding the project as well as receive suggestions on how to mitigate and manage anticipated risks.
- vi. **Buy-in and ownership.** As stakeholders understand the project they get to know how they will use or benefit from it and therefore tend to accept and own it. They often protect project assets e.g. from vandalism and aggressive activities etc.
- vii. **Visibility enhancement:** Stakeholder engagement presents opportunities for the project proponents, contractors and other actors to present to the public and constituents, information on the project and potential development activities and benefits to communities.
- viii. **Enhanced process of legitimacy:** It legitimizes implementation by minimizing or removing suspicion and manipulation among stakeholders
- ix. **Minimizing cost and delay:** Even though public participation is time consuming at the start, projects without stakeholder engagement often face resistance or even attract litigations leading to delays and become costly in the end.

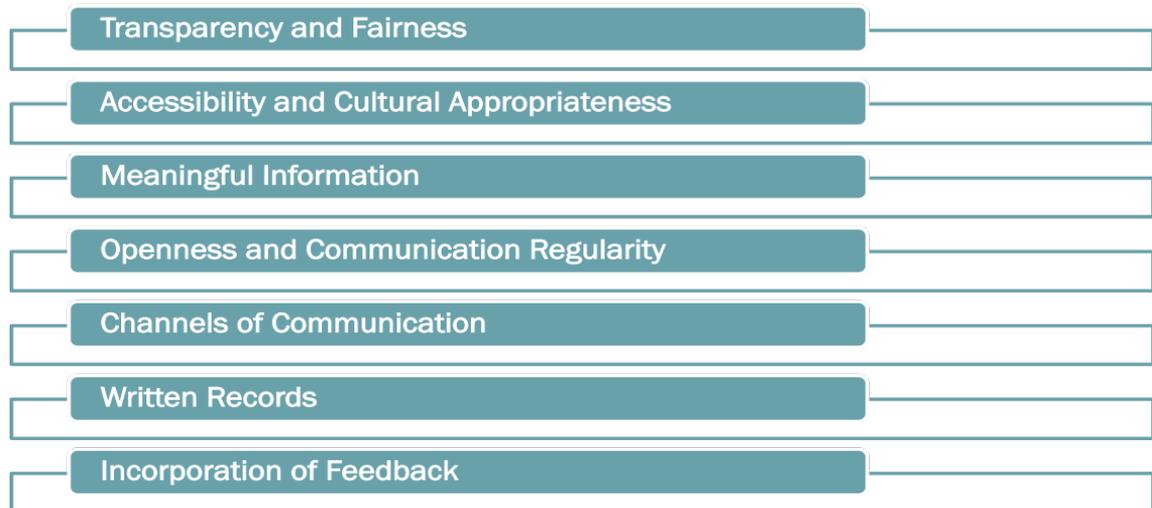
- x. **Avoiding worst-case confrontations and Manage Social Conflicts:** Stakeholder engagement executed in the early stage of the project provides opportunities for the involved parties to express their needs, values, positions, and concerns without having to be controversial, bitter, and adversarial thus minimize the number and magnitude of social conflicts arising during the implementation of projects.



**Figure 7: Summary of benefits of Stakeholder Engagement in Project Cycle**

- g) Principles of Stakeholder Engagement as Outlined in ESS10 of the World Bank ESF, 2018**
- i. Stakeholders must be given assurance from the responsible agency that their views will be given due consideration in making final plans and decisions that mitigate risks and increase benefits for the community.
  - ii. Stakeholder engagement shall be conducted as a continuous process starting from design phase to project closure.
  - iii. Public engagement shall be announced in the language of the targeted stakeholder. Translation is necessary.
  - iv. Free, prior informed consent and free participation of stakeholders in key decisions regarding the project
  - v. Increased access to public engagement process by having the consultations brought closer to the PAPs
  - vi. Holding public engagements at neutral places where all stakeholders feel comfortable
  - vii. Stakeholders shall be provided with flyers containing project information during public consultation.
  - viii. Inclusivity shall be ensured in stakeholder Engagement and especially, the vulnerable persons must be included.

The principles of public participation and engagement are summarized in the figure below.



**Figure 8: Summary of Principles of Public Participation and Stakeholder engagement**

**a) Stakeholder Identification and Mapping**

It involves identifying, analysing, and prioritizing the people and organizations with a stake in the project features and its performance. Initially, this assists in determining project requirements and ultimately help to effectively manage and communicate with various stakeholders. Stakeholder mapping helps in the identification of: donors’ objectives, stakeholders’ interests, effective communication plan, potential risks. Stakeholder identification and mapping also helps incoming up with various categories of stakeholders including and how they can be handles during stakeholder’s engagement E.g. Key stakeholders who may be managed more closely

Projects may encounter serious difficulties and challenges arising from inadequate stakeholder identification and mapping. This would be due to several reasons including:

- i. Inability to identify **key stakeholders**;
- ii. Under or overestimating **stakeholders’ influence**;
- iii. Ineffective categorization **of stakeholders** which means that communication with important stakeholders is not deep enough but communication with less important stakeholders is excessive;
- iv. Not being able to **build a relationship of trust with stakeholders**.

**b) Stakeholder Identification Techniques**

There are four (4) key techniques for the identification of stakeholders: (i) use of a generic list; (ii) use of a set of questions; (iii) snowballing; and (iv) stakeholder analysis.

**i. Use of Generic List**

Start by looking at listing the generic stakeholders and identify those categories and types for the particular context. The table below provides a summary of the broad stakeholder types according to three main categories, namely: those who affect the project; those who are affected by the project; and others who may be interested in the project.

**Table 17: The Generic Stakeholder Categories and Types**

Broad Category	Sub-Category	Types of Individuals and Groups
<b>Those who affect the project</b>	Those involved in delivery of the project	Developer
		Client
		Owner
		Investor
		Designer
		Banks
		Insurance
	Those who determine the context	Professional consultants such as architectural, financial, structural, engineering, etc.
		County/Local Authority – Planning department, etc.
		County/Regional government departments Central/National Government Departments Non-departmental public bodies such as Environment Authority/Agency, Housing Corporation, etc.
<b>Those who are affected by the project:</b>	Directly affected	Users of the buildings, road users, spaces, facilities, etc.
	May be directly or indirectly affected depending upon the context	Local/surrounding community members
		General Public
		Local community groups such as resident associations or other community-based groups
		Specific demographic groups such as those based on race, ethnicity, gender, age, etc.
<b>Others who may be interested</b>	Environmental/social campaigning organizations	
	Researchers/Academics	
	Media	
	Potential users/clients for future projects	
	Political leadership	

*Source: Muthuri et al, 2008*

**Note:** Some stakeholders may belong to more than one category, implying that they may affect the project and be affected by it. The classification can be used at the initial stage in starting to list the names of individuals or organizations that should be considered for engagement.

## ii. Using a Set of Questions

A list of questions is used to ensure that all important stakeholders are considered, as illustrated below.

### **List of questions**

- Who are the intended beneficiaries and users of the project?
- Who is likely to be affected by the project but are voiceless?
- Who is likely to negatively affect the project by opposing it or through their non-cooperation?
- Who belongs to organizations with relevant interests?
- Which agencies or institutions have the statutory responsibilities?
- Who has the ability to represent the interests of those unable to participate?
- Who has the authority to make decisions or judgments on behalf of those they are representing?
- Who has unique knowledge related to any aspect of the project?
- Who has historical or cultural links to the project area?
- Who has any issues that the project raises?
- Who depends on natural or other resources which may be affected by the project?
- Are the identified stakeholders representing the interests of diverse groups and are they sufficiently representative?

## iii. Snowballing Technique

Snowballing technique is a process of developing and growing the list of potential stakeholders during the process through talking to other institutions/agencies and getting referrals of other institutions/agencies. Useful information can be obtained from those identified using focus group discussions, interviews and questionnaires. This is a relatively inexpensive and effective way of identifying the stakeholders but may lead to biases in case of significant differences existing between groups known within established social circles and those who are not (Hair *et al*, 2000). It is also possible that potential stakeholders who are less distinctly visible may not be identified using the snowballing approach.

It is proposed that mapping of the stakeholders identified through these techniques should be carried out in order to start designing the engagement, start identifying the relationships between them and also contribute to identification of stakeholders.

### **Exercise 10.3**

*Ask the participants to list Stakeholders involved in the ICS project*

**Table 18: Identified stakeholders for ICS Project**

<b>Institution</b>	<b>Role/Function</b>
Ministry of Energy	The Ministry of Energy is responsible for formulation and articulation of energy policies through which it provides an enabling environment for all stakeholders. The task of the ministry includes national energy planning, training of manpower and mobilization of financial resources.  <i>The ICS production and distribution will be governed by policies of the Ministry of Energy.</i>
Ministry of Health	The functions of the Ministry of Health (MOH) of Kenya include Health Policy,

Institution	Role/Function
Health (MoH)	<p>Sanitation Policy, Preventive and Promotive Health Services, HIV/AIDS Programme and other Sexually Transmitted Infections (STIs) Treatment and Management, Health Education, Family Planning, Food and Food Handling, Health Inspection and other Public Health Services, Quarantine Administration, Overall Sanitary Services, Insanitary Nuisances, Curative Services, Clinics, Dispensaries, Health Centres and Hospitals, Registration of Doctors and Para Medicals, Maternity Services, Nurses and Midwives, National Hospital Insurance Fund, Kenya Medical Research Institute, Kenya Medical Training College, Government Chemist, Kenya Medical Supplies Agency (KEMSA), The Radiation Protection Board, Regulatory Bodies for Pharmacy and Medicine.</p> <p><i>The ICS will significantly reduce respiratory diseases from smoke inhalation thus contributing to Preventive and Promotive Health Services of the Ministry of Health.</i></p>
Ministry of Environment and Forestry	<p>The Ministry of Environment and Forestry is mandated to undertake National Environment Policy and Management, Forestry development policy and management, Development of re-afforestation and agro-forestry, Restoration of strategic water towers, Protection and conservation of Natural environment, Pollution control, Lake Victoria management programme, Restoration of Lake Naivasha basin, Kenya Meteorological department, Kenya meteorological training, Conservation and protection of wetlands and Climate change affairs.</p> <p><i>The ICS material harvesting and production process has environmental and social impacts that requires ESMPs developed under policies being implemented by the Ministry of Environment and Forestry.</i></p>
The Ministry of Public Service, Youth and Gender Affairs	<p>To coordinate gender mainstreaming in national development planning and promote equitable political and socio-economic development for women, men, girls and boy</p>
Ministry of Interior and Coordination of National Government	<p>Ministry of Interior and Coordination of National Government is charged with the responsibility of public administration, internal security, printing of Government documents, Immigration and Registration of Persons, Betting Control Probation Services, Prison Services and championing campaign against drug and substance abuse.</p> <p><i>Administratively, the County Commissioner (CC), Deputy County Commissioner (DCCs), Assistant County Commissioners (ACCs), Chiefs, Assistant Chiefs and Village Elders offer support to the ICS material suppliers and producers.</i></p>
Kenya Bureau of Standards (KEBS)	<p>The aims and objectives of the Kenya Bureau of Standards include preparation of standards relating to products, measurements, materials, processes, etc., and their promotion at national, regional and international levels; certification of industrial products; assistance in the production of quality goods; improvement of measurement accuracy and circulation of information relating to standards.</p> <p><i>The molds and other equipment used to produce the ICS stoves are made using standards developed by KEBS</i></p>
Kenya Forest	<p>Kenya Forest Service has the mandate to Conserve, Protect and Manage all Public</p>

<b>Institution</b>	<b>Role/Function</b>
Service (KFS)	<p>Forests In accordance with the provisions of the Act; Prepare and Implement Management Plans for all Public Forests, and upon request, prepare Management Plan for Forests on Community Land or Private Land in consultation with Forest Owners; Promote Forestry Education and Training.</p> <p><i>The wood fuel used by ICS produces is protected by KFS.</i></p>
Clean Cooking Association of Kenya (CCAK)	<p>Clean Cooking Association of Kenya (CCAK), is a private, not for profit, business membership organization representing stakeholders in the clean cooking sector. The members are mainly drawn from the private sector as well as representatives from government, academia, development partners, Non-Governmental Organizations among others. The main objective of CCAK is to advocate for an enabling environment at both national and county levels to catalyse the growth of the clean cooking sector and promote adoption of clean cooking technologies, capacity building of the sector and sector coordination.</p> <p><i>The ICS producers in this project benefit from CCAK activities.</i></p>
Green Climate Fund (GCF)	<p>The Green Climate Fund is a fund established within the framework of the United Nations Framework Convention on climate Change (UNFCCC) as an operating entity of the Financial Mechanism to assist developing countries in adaptation and mitigation practices to counter climate change.</p> <p><i>The ICS have adapted practices to mitigate climate change as advocated by GCF.</i></p>
Community Forest Associations (CFAs)	<p>Community Forest Associations play an important role in protecting, conserving and managing forests in Kenya. Communities that live near the forests form these associations. These communities use the forests sustainably as a source of livelihood by generating income, thereby easing the pressure on the forested areas. In addition, they use these associations to play a significant role in decision making concerning land use. They support the government efforts in forest conservation and management and as change agents.</p>
The County and Sub-County Environment Committees	<p>The Environment Committee will:</p> <ul style="list-style-type: none"> <li>• Approve applications for Contractor’s site camps</li> <li>• Provide permits for quarries and borrow pit sites</li> </ul> <p><i>Audit the material excavation sites for safeguards compliance (environmental, social, safety and cultural impacts).</i></p>
The National Environment Management Authority (NEMA)	<p>NEMA will:</p> <ul style="list-style-type: none"> <li>• Approves the ESIA Project Reports</li> <li>• Issue EIA License for project implementation</li> <li>• Carry out independent Audit to determine compliance with ESMP</li> </ul> <p><i>The materials extraction and ICS production process requires NEMA licensing.</i></p>
Water Resources Authority (WRA)	<p>WRA</p> <ul style="list-style-type: none"> <li>• Provides necessary water abstraction permits for boreholes and surface water sources (rivers, streams etc)</li> <li>• Monitors water use in the region and provides guidance water use</li> </ul> <p><i>ICS preaction requires use of water from rivers/streams that are regulated by WRA</i></p>
The National Museums of Kenya (NMK)	<p>NMK will:</p> <ul style="list-style-type: none"> <li>• Carry out recovery of any physical, cultural or archaeological artefacts encountered during excavation works</li> <li>• Guide the Contractor’s team on the protection of physical cultural resources</li> </ul>

<b>Institution</b>	<b>Role/Function</b>
	<i>Pottery sand and clay materials extraction activities may encounter archaeological artifacts that needs to be preserved by NMK.</i>
County Governments	County Governments will: <ul style="list-style-type: none"> <li>• Provide approvals for the materials extraction and ICS production;</li> <li>• Provide Approval for material extraction and ICS production sites;</li> <li>• Provide support on other project activities.</li> </ul>
County Government - Department of Education, Gender and Youth, Administration, Environment, Water and Social Services	County Department will: <ul style="list-style-type: none"> <li>• Provide support to any group at higher risk of being subjected to discriminatory practices, violence, natural or environmental disasters, or economic hardship than other groups within the state</li> <li>• Provide support to any group or sector of society (such as women, children or the elderly)</li> <li>• Provide guidance and support on community education/sensitization and compliance with environmental and social requirements</li> </ul>
National Construction Authority (NCA)	NCA <ul style="list-style-type: none"> <li>• Registers contractors carrying out construction activities in Kenya</li> <li>• Inspects constructions for compliance</li> </ul>
Kenya National Commission on Human Rights (KNCHR),	KNCHR: <ul style="list-style-type: none"> <li>• Investigates and provides redress for human rights violations</li> <li>• Carries out research and monitor the compliance of human rights norms and standards,</li> <li>• Conducts human rights education,</li> </ul>
Commission on Administrative Justice (CAJ) also known as the "Office of the Ombudsman"	CAJ <ul style="list-style-type: none"> <li>• Investigates any conduct in state affairs or any act or omission in public administration in any sphere of Government</li> <li>• investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair, or unresponsive official conduct.</li> <li>• Overseeing and enforcing the implementation of the Access to Information Act, 2016.</li> </ul>
National Gender and Equality Commission (NGEC)	NGEC: <ul style="list-style-type: none"> <li>• Ensures that there is gender equality and equity throughout the implementation of the project.</li> <li>• Representatives will monitor and evaluate gender quality and equity with regards to job provision and harassment cases on site to ensure compliance with the law.</li> </ul>
Directorate of Occupational Safety and Health Services (DOSHS)	DOSHS: <ul style="list-style-type: none"> <li>• Provides OSH permits for workplaces of the project ICS production centres;</li> <li>• Provides guidance on Health and Safety requirements at workplaces;</li> <li>• Provides guidance on incident record keeping and reporting;</li> <li>• Conducts inspections to ensure conformance to OSHA</li> </ul>
<ul style="list-style-type: none"> <li>• ICS Material Supplier</li> <li>• ICS Producer</li> </ul>	<b>ICS Material Supplier and Producers</b> <ul style="list-style-type: none"> <li>• Will engage workers who meet the labour law requirements</li> <li>• Will ensure all workers are in possession of appropriate Personal Protective Equipment (PPE)</li> <li>• Will ensure that all workers have undergone training/induction on Environmental, Health and Safety issues</li> </ul>

Institution	Role/Function
	<ul style="list-style-type: none"> <li>• Will ensure there is an ESMP before work commences</li> <li>• Will operationalize and implement the CESMP</li> <li>• Will carry out day to day management of E H&amp; S risks evaluation</li> <li>• Will report on incidents and accidents to the DOSHS Officer as required</li> </ul>

### 13.3 SESSION 2: Stakeholder Analysis and Engagement Techniques

#### a) Sessional Objectives

At the end of this session, participants should be able to:

- analyse key stakeholders for engagement in a project;
- Highlight the governing Legislative Framework for Stakeholder Engagement
- Determine the effective stakeholder engagement techniques
- Determine means of communication with stakeholders for the entire project cycle.

#### b) Stakeholder Analysis

It involves identification and classification of stakeholders in the project. This helps a project manager to prioritize the stakeholders and plan for their engagement. Stakeholder analysis also helps in understanding the communication needs in the project.

The six-point criteria used for analysing each identified stakeholder include:

- Stakeholder Type:** Donor, Project Team, Reference Group or User.
- Contribution (value):** Does the stakeholder have information, counsel, or expertise that is useful to the project?
- Legitimacy:** Does the stakeholder have any legitimate claim for engagement?
- Willingness to engage:** How willing is the stakeholder to engage in the entire project process?
- Influence:** How much influence does the stakeholder have and who do they influence? For effective stakeholder engagement it is important to be aware of stakeholders' influence and how it changes during the course of a project
- Involvement:** Would the identified stakeholder derail or delegitimize the process if they are excluded from the project?

#### Questions to ask when doing Stakeholder Analysis

- Will stakeholders be helpful or unhelpful to the proposed project?
- Who are the allies and who are the adversaries to the project?
- What is the current level of engagement of the stakeholder and where should the stakeholder be?
- What is the level of stakeholder influence, interest, and power on the project?
- Which stakeholder is involved and at what stage?
- Is the main purpose of the analysis to approve, consult, inform or perform various activities?
- Who is interested to know the changes happening to the project?
- The kind of reports that are required by each category of stakeholders;
- The level of detail and the frequency of communication, and
- Who are the picky stakeholders and how to address their needs and concerns?
- What is the capacity of stakeholders to participate in the planning process?
- What is the potential conflict that could arise during project implementation?

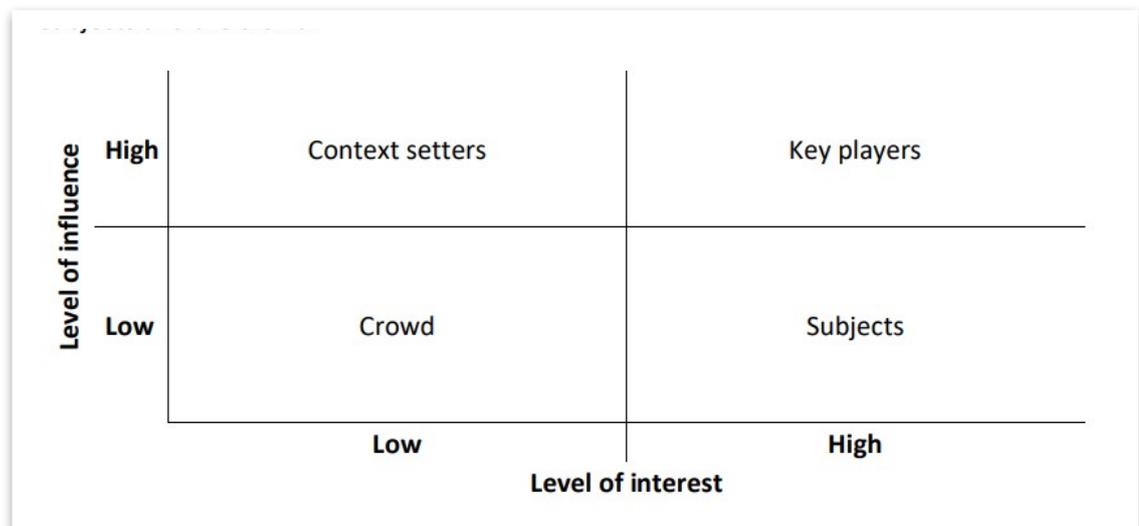
process among the various stakeholders. The purpose of this important aspect is to establish the following:

### c) Stakeholder Analysis Techniques

#### i. Power versus Interest Grid

Eight key steps are required in constructing the Power-Interest Grid during the stakeholder analysis stage in a proposed project. The steps include:

- Identifying the various stakeholders who are part of the project;
- Determine the interests or concerns the stakeholders have and how much power or authority they have to change the direction of the project;
- Plotting a 2x2 matrix with the Y-axis representing ‘Power’ whilst the X-axis represents ‘Interest’. The power of a stakeholder increases from bottom to top along the Y-axis whilst the ‘Interest’ of stakeholders increases from left to right on the X-axis;
- Classifying stakeholders on the basis of their power and interest;
- Working closely with stakeholders in the top right corner of the grid whose power and interest are high and ensuring they are consulted, collaborated with and fully and completely engaged;
- Keeping stakeholders in the top left corner of the grid satisfied daily without going into the details since they have high power but less interest;
- Keeping stakeholders in the bottom right corner of the grid informed about the project progress and changes because they have low power but high interest. These stakeholders can be allies on project and help prevent issues that would affect the project negatively; and
- Keeping an eye on or monitoring the interest levels of the stakeholders in the bottom left corner of the grid because they have low power and low interest. They need to be communicated to effortlessly and infrequently giving less detail.



**Figure 9: Power-interest Matrix used to Identify Stakeholders with differing levels of Interest and Influence over the Particular Project**

## ii. Influence-Impact Grid

The second stakeholder analysis technique is the Influence-Impact Grid. This technique resembles the Power Versus Interest Grid but the grid axes show a plot of influence versus impact. Influence shows how active a stakeholder is involved or the extent to which they can persuade or force others in decision making. Impact is the ability to bring change or result by the stakeholder. This technique helps to prioritize stakeholders in terms of their influence and impact.

## iii. Power-Influence Grid

This is the stakeholder analysis technique and is similar to the Power Versus Interest Grid. In this case, influence shows how actively a stakeholder is involved while power indicates the level of authority that a stakeholder has.

## iv. Importance – Influence Grid

This is similar to the Power -Versus Interest Grid but the order in which the interest and needs of each stakeholder are addressed is defined by ‘Importance’. Note that the top right corner category stakeholders (e.g. Fig 1) should be managed closely in all the above four stakeholder analysis techniques.

## v. Salience Model

This model helps to separate the important stakeholders from the not so important ones and it is a three-dimensional model that considers the stakeholder’s power, legitimacy and urgency. Salience means ‘prominence’ and so this model helps to prioritize the stakeholders. The greater the number of factors the stakeholder has, the higher the salience. The intersection of the three factors is plotted similar to a Venn diagram. ‘Legitimacy’ is the appropriateness or rightfulness of the stakeholder’s involvement in the project whilst ‘urgency’ indicates how quickly the stakeholder’s needs should be addressed. Besides, the time element, urgency also tells how important the stakeholder’s need is to the objectives of the project.

**Table 19:Stakeholder Analysis Template**

Stakeholder Groups	Key stakeholders	Contacts Phone, Email, Website, Address	Current engagement. How they are involved in the project activities	How could the stakeholder contribute to the project?	What is important to stakeholders	How much does the project impact them (High, Medium or Low)	How much influence do they have on the project (High, Medium or Low)	How could the stakeholders block the project?	Level of engagement (High, Medium or Low)	Engagement Technique

**Exercise 10.4:**

**Ask the participants to conduct a stakeholder analysis for ICS project**

- Participants to List all stakeholder roles in the case
- Allocate stakeholder roles to various participants
- Draw a stakeholder mapping matrix on the chart or floor using a coloured tape
- Ask participants to locate their quadrant from the matrix (drawn matrix)
- Ask participants why they think they fall in their respective quadrants considering power interest
- respective quadrants considering their power, interest or influence levels
- Briefly summarize with the slide on power-interest matrix

**Table 20: Stakeholder Analysis for ICS Project**

#	Role	Stakeholders
1	Advisory, Monitoring and Supervision of the assignment	GIZ
2	Implementation of the ESMPs	ICS Entrepreneurs – This includes: <ul style="list-style-type: none"> <li>• ICS Producers – These are producers of the Improved Cookstoves i.e., ceramic, and metallic component of ICS</li> <li>• LMEs – They facilitate the distribution of ICS to the households. They include wholesalers, stockists and installers</li> </ul>
3	Sustainable exploitation and Compliance with National and Local Regulations	<b>Material Suppliers</b> - They enable the production process by supplying the required raw materials i.e., pottery sand, clay, firewood, metal sheets etc <b>County Government:</b> Departments of Energy, Water, Environment, Public Health, Gender and Forest <b>National Government:</b> CC, DCC, ACC, Chiefs, Assistant Chiefs and Village Elders
	Adoption of Policies, promotion of project activities, development of a more sustainable fuelwood industry through innovation and sharing the knowledge	<b>GoK, Network of Local Partners, Institutions and NGOs</b> - Ministry of Energy (MoE), Practical Action (PA), Energy for Impact (E4I), Dedan Kimathi University of Technology (DeKUT), Strathmore University, Greenbelt Movement (GBM) and Kenya Tea Development Agency (KTDA) – Foundation among others

**d) Stakeholder Engagement Techniques**

Typology of Participation and Effective Level of Participation in Stakeholder Engagement.



Based on the mapping exercise, there are several groups of stakeholders defined. However, it is impractical to engage all the stakeholders identified on the same level of intensity and measure using the same techniques or approaches. It is therefore important to be highly selective in choosing stakeholders for ongoing consultation and collaboration because being strategic and clear about whom to engaging with and why will save both time and money. It will also help to better manage the expectations of the stakeholders since their contributions will influence the decision.

**e) Levels and Corresponding Methods of Stakeholder Engagement**

The table describes the various levels of stakeholder engagement and the corresponding methods engagement.

**Table 21: Framework for Stakeholder Engagement**

<b>INCREASING IMPACT ON THE DECISION</b>					
	<b>Inform</b>	<b>Consult</b>	<b>Involve</b>	<b>Collaborate</b>	<b>Empower</b>
<b>Stakeholder engagement goal</b>	To provide balanced, objective, accurate and consistent information to assist stakeholders to understand the problem, alternatives, opportunities and/or solutions.	To obtain feedback from stakeholders on analysis, alternatives and/or decisions.	To work directly with stakeholders throughout the process to ensure that their concerns and needs are consistently understood and considered.	To partner with the stakeholder including the development of alternatives, making decisions and the identification of the preferred solution.	To place final decision-making in the hands of the stakeholders.

	Inform	Consult	Involve	Collaborate	Empower
<b>Promise to the Public</b>	Keep you informed	Keep you informed, record your concerns and provide feedback on public input in project decisions	Will work with the public to ensure their input is reflected in the development of alternatives and provide feedback on how the input influenced project decisions	Will seek public advice and innovation in formulating solutions and incorporate advice and recommendations into project decisions to the extent possible.	Will build your capacity for informed decision making and will implement what you decide.
<b>Methods of engagement</b>	<ul style="list-style-type: none"> <li>• Fact sheets</li> <li>• Websites</li> <li>• Open houses</li> <li>• Newsletters, bulletins, circulars</li> <li>• Websites, external and educate</li> </ul>	<ul style="list-style-type: none"> <li>• Public comments</li> <li>• Focus groups</li> <li>• Surveys</li> <li>• Public meetings</li> <li>• internet</li> </ul>	<ul style="list-style-type: none"> <li>• Workshops</li> <li>• Deliberative polling</li> <li>• Web 2.0 tools</li> <li>• Forums</li> </ul>	<ul style="list-style-type: none"> <li>• Web 2.0 tools</li> <li>• Stakeholder reference groups</li> <li>• Facilitated consensus building forums for deliberation and decision-making</li> </ul>	<ul style="list-style-type: none"> <li>• Facilitation of direct dialogue between stakeholders and government or project proponent</li> </ul>

**Source:** Adapted from the International Association for Public Participation (IAP2) Spectrum 2018 [www.iap2.org](http://www.iap2.org) and Victoria State Government - Education and Training [www.education.vic.gov.au](http://www.education.vic.gov.au)

Each of the domains are provided as a guide only because there are a variety of culturally relevant and appropriate methods in each context of stakeholder engagement.

Table 3.5 provides a potential list of project stakeholders and their anticipated levels of engagement. Note that this would depend on the magnitude of the project and level of social risks and impacts.

**Table 22: Various Stakeholder categories and their Respective Levels of Engagement**

Type/Names of stakeholders' groups based on power-interest matrix	Level of Engagement
<b>Key Players (high power, high interests)</b>	Manage closely Keep them fully engaged. Active engagement (Daily updates, personal contacts, regular invites to exclusive events)
<b>Context Setters (High Power Low interests)</b>	Keep them sufficiently involved/ Keep them satisfied (Weekly updates, invitation to certain events)
<b>Subjects (High Interests, Low Power)</b>	Keep Them informed. Sustain their interest and Leverage when useful for the project (Weekly updates, invitation to certain events)
<b>Crowd</b>	Provide Minimum effort. no overloading with communication (Monthly updates)

#### f) **Methods of Stakeholder Engagement**

To better choose the technique, the following questions should be considered:

- Familiarity: How well do you know the issue and the stakeholder(s) involved?
- What has the relationship been in the past?
- What research and pre-work has been done already?
- Frequency: Is this one-off meeting, multiple meetings, or an ongoing dialogue with no defined end?
- Guidance/Facilitation: Will the engagement be managed directly by the Project Partner or will it be facilitated by a third party?
- Participant Profile: Does the engagement involve one representative, many from the same organizations, or representatives from many different organizations?
- Are these senior decision makers, impacted or concerned citizens, potential plaintiffs, etc.?
- Complexity: Does the engagement involve one issue or multiple issues?
- What is the level of seriousness, potential impacts, etc.?
- Trust/Credibility: How much trust exists between the Project Partner and Stakeholder(s)? What credibility does each have with the other?





**Plate 14: Public Consultation Meetings at Different Locations**



**Plate 15: Key Stakeholder Engagement Meeting**

**Exercise 10.5**

Participants to list their respective activities, stakeholders to be involved, the methods, frequency/time, venue and resources that they need to undertake the stakeholder engagement levels.

- Have the groups presented their work?
- Discuss the choice of the method, level of participation and choice of stakeholders (each no longer than 5 minutes)
- Which SE level of engagement is most appropriate when?
- Debrief which SE level of engagement is most suitable for which quadrant

### g) Communication

Communication seeks to address the needs of various stakeholders. Appropriate channels of communication should be identified to ensure a wide reach and impact on the stakeholders. The communication strategy must be sensitive to the requirements of the Government of Kenya and the financiers. It must also include all other communication requirements to safeguard the integrity of the process and the authenticity of the messages; and the project should designate an officer to coordinate the communication plan. The designated staff should promote evidence-based media engagement through monitoring and evaluating the effectiveness of the information shared and the channels used and make adjustments as appropriate. Stakeholders should be involved in the design and dissemination of information as applicable.

**Table 23: Communication Matrix**

<b>Stakeholder:</b> Who will you communicate to?	<b>Specific Recipient:</b> Who exactly will be targeted at this level?	<b>Message:</b> (What is the topic?)	<b>Communicator:</b> Where will the Communication originate from?	<b>Delivery Method:</b> (How will the communication be Delivered?)	<b>Schedule:</b> When will it happen and how often

### h) Information Disclosure

Disclosure of relevant project information helps stakeholders understand the risks, impacts and opportunities of the project. For instance, for communities adversely affected by the project, the following may be disclosed to the PAP: purpose nature and scale of the project, the duration of proposed project activities; any risks to and potential impacts with regard to environment, workers' health and safety, public health and safety and other social impacts on communities, and proposed mitigation plans the envisaged consultation process, if any, and opportunities and ways in which the public can participate time/venue of any envisaged public meetings, and the process by which meetings are notified, summarized, and reported.

**Table 24: Information Disclosure Matrix**

<b>Project Component</b>	<b>Type of information to be disclosed</b>	<b>Methods of Disclosure proposed</b>	<b>Timing Frequency</b>	<b>Target Stakeholders</b>	<b>Responsible stakeholders</b>	<b>Percentage of stakeholders reached</b>	<b>Responsible person</b>

### i) Stakeholder management database /register

Stakeholder management database should contain the following information:

- Type of information disclosed, date, and formats (e.g. oral [face-to-face], brochure, reports, posters, press releases/media briefings, and participation in radio/TV programs, etc.), and how it was released or distributed;
- The locations, attendance and dates of all project information meetings;
- Individuals, groups and/or organizations consulted;
- Key issues/concerns raised/discussed and requests received;

- Company response to issues raised/requests, including any commitments or follow-up actions, including reporting back to stakeholders; and
- Date, location, means, and identity of stakeholders, and the date when the company reports back to stakeholders; and any complaint via a grievance register.

**j) Stakeholder Engagement Plan (SEP)**

**i. Contents of a Stakeholder Engagement Plan (SEP) Document**

The SEP is a vital document which aims at facilitating a continuous and inclusive engagement with all stakeholders. SEP document highlights a structured process to be followed by projects in engaging its stakeholders.

**Exercise 10.6**

*Ask the participants to prepare a stakeholder engagement plan for ICS project*

**ii. Components of SEP include:**

- **Section 1:** Introduction
- **Section 2:** Project Description
- **Section 3:** Legal and Policy Framework for Stakeholder Engagement
- **Section 4:** Summary of previous stakeholder engagement activities
- **Section 5:** Stakeholder mapping and analysis
- **Section 6:** Structure for Stakeholder Engagement
- **Section 6:** The Grievance Mechanism
- **Section 7:** Communication Plan
- **Section 8:** Monitoring, Evaluation and Reporting
- **Section 9:** Implementation Arrangements
- **Section 10: Stakeholder Engagement Budget**

**k) Monitoring, Evaluation and Reporting**

Monitoring and reporting help in showing how significant interaction with stakeholders are logged.

Reporting helps to consider when the results of stakeholder engagement activities will be reported by you and your team. It also helps to determine how this information is shared with project management and other internal teams that have been identified engage with similar stakeholders.

In the stakeholder engagement Plan, it is important to describe how and when you will evaluate the success of your engagement activities, from the perspective of both your stakeholders and your team

The following indicators are important in assessing the effectiveness of the of stakeholder engagements

### **l) Monitoring Indicators**

The Stakeholder Engagement plan will have indicators to measure stakeholder engagement and public participation which seeks to address the following issues:

- Is there a stakeholder engagement plan to provide a framework for public participation?
- How many stakeholders and are they listed by category (Youth, women, PWDs, Older Persons) and are there efforts to involve Vulnerable and marginalized Groups (VMGs)?
- Is there a stakeholder engagement focal point person and are there platforms or mechanisms to promote public communications and information access e.g. media, TVs, ICT centers, websites, community radio, Baraza, traditional media?
- Are there resources allocated for stakeholder engagement?

## 14 MODULE 11: GRIEVANCE REDRESS MECHANISM

### 14.1 Module Plan

Session	Topics	Time
SESSION 1	Grievance Redress Mechanism (GRM) Protocols or Guidelines	2 Hrs

#### a) Objectives

The objectives of this module are to:

- Introduce participants to the concept of GRM Channels and Steps
- Assist the participants to understand the GRM Institutional Structures
- Assist the participants to understand Grievance Mechanisms protocols or Guidelines

#### b) Learning Outcomes

At the end of this module, participants should be able to:

- Understand concept of GRM Channels and Steps
- Explain the GRM Institutional Structures
- Understand Grievance Mechanisms protocols or Guidelines

#### c) Training Methods

- Focus Group Discussions
- Group Work
- Personal Testimonies
- Case Studies and Scenarios
- Role Play
- Videos

#### d) Training Materials

- Flip chart paper.
- Marker pens (red, blue and black usually).
- Tape for holding charts on to walls.
- Overhead projector, transparencies and pens for writing on the transparencies

### 14.2 SESSION 1: Introduction to GRM

#### a) Sessional objectives

At the end of this session, participants should be able to:

- Understand concept of GRM Channels and Steps
- Explain the GRM Institutional Structures
- Understand Grievance Mechanisms protocols or Guidelines

#### b) Introduction

This module is anchored on the need to have effective channels through which grievances from the stakeholders on a specific development project can be adequately addressed. GRM is a core component of managing project operational risks.

GRM has proven to be an effective tool for early identification, assessment, and resolution of complaints which may arise during project implementation.

Organizations must inculcate deeper understanding of the steps involved in grievance redress to enable them establish a system that improves project outcomes. Lack of an adequate GRM has occasioned the stalling of many development projects around the world due to unresolved concerns. An effective grievance mechanism has the ability to identify minor incidents affecting project beneficiaries before they escalate into unmanageable and serious conflicts. This course is structured in five sections including aim and objectives, learning outcomes, modes of delivery, course content and case studies.

### c) Understanding Nature of Grievance



#### What is Grievance Redress Mechanisms?

##### **Plenary Session**

Since GRM is not new to organizations, the presenter may ask the trainees about the grievance management systems that exist within their organizations, project specific GM including what exists within the local administrative levels and in communities– (structures, channels, complaints handling processes).

The course content will provide the minimum requirements and principles appropriate for a project-based GM

Grievance Redress Mechanisms are a set of structures, procedures and processes by which complaints, queries, clarifications and feedback about a project or service are sought, resolved and responded to for purposes of improving the quality-of-service delivery. **A project-level grievance mechanism** is a system for receiving, evaluating, and addressing project related grievances from affected stakeholders and communities at the level of the organization, or project- **IFC, 2009**.

**Table 25: Nature of Development Project Related Grievances**

Grievances Commonly Anticipated for most Project types	Grievances Typical in Complex Projects
<ul style="list-style-type: none"> <li>• Flaws in the consultation process</li> <li>• Noise and other forms of pollution</li> <li>• Road traffic</li> <li>• Access to project benefits (e.g., no or insufficient jobs created for local communities)</li> <li>• Complaints related to service delivery</li> <li>• Fraud and corruption</li> <li>• Workers' complaints</li> </ul>	<ul style="list-style-type: none"> <li>• Issues related to access to land, acquisitions, and resettlement</li> <li>• Influx and workers related issues</li> <li>• Access roads and heavy traffic</li> <li>• Complaints from Indigenous peoples and other marginalized categories</li> <li>• GBV/SEA complaints</li> </ul>

**d) Rationale and Purpose for GM**

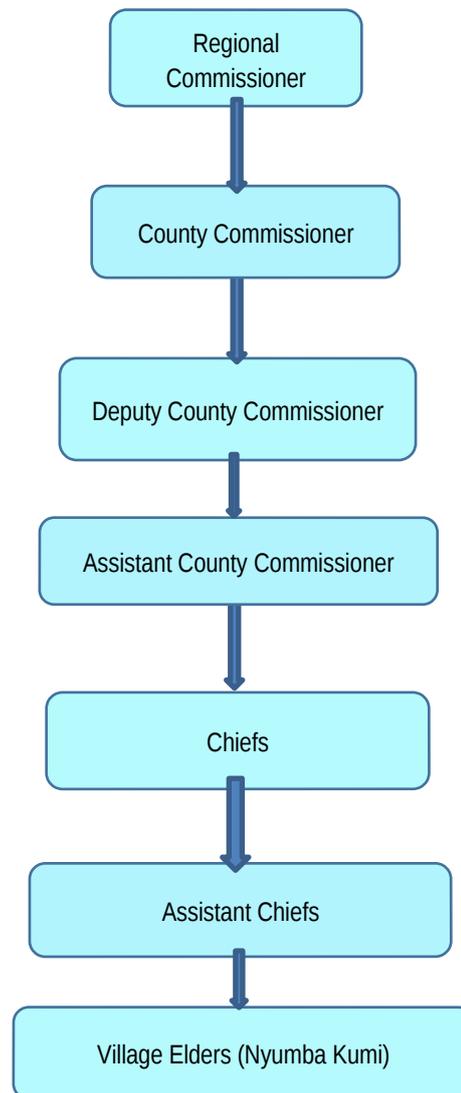
- It provides for a timely and cost-effective means of resolving complaints,
- It provides project information that can lead to improvements in service delivery, and
- Where complaints are handled properly, a good system can improve the reputation of a project or organization and strengthen public confidence of a project administrative processes.
- Provide affected people with avenues for making complaints or resolving any disputes that may arise during the course of project implementation
- Ensure those providing services can lodge complaints securely and confidentially
- Ensure that appropriate and mutually acceptable redress actions are identified and implemented to the satisfaction of complainants
- Helps to deter fraud and corruption.
- Avoid the need to resort to judicial proceedings, unless the complainant decides that the process provided has failed.

**e) Governance and GM in Kenya**

Designated National government officials from the Ministry interior and coordination of government functions (formerly provincial administration) works closely with community leaders and elders at the grass root levels to resolve disputes and conflicts in their areas of jurisdictions. Their key function is maintenance of law and order in the society. These officials coordinate central government policies and development programmes by bringing together relevant bureaucrats, funders, and community members. They arbitrate in local affairs ranging from land conflicts to marriage disputes. Additionally, they are in charge of maintaining and coordinating security within their jurisdiction.

Some projects complaints may be channelled to this structure and therefore it is important that the project works closely with the local structures. The complaints mechanisms should show a clear link to these structures. The public administration structures are also useful in mobilization and dissemination of information regarding GM of particular projects.

The structure is supported at the grass root by the village council of elders as shown in the figure below.



**Figure 10: Governance and GRM in Kenya**

**f) Principles of an effective GM**

A good GRM should align to the following principles:

- i. **Proportionality:** A mechanism scaled to risk and adverse impact on affected communities
- ii. **Cultural Appropriateness:** Designed to take into account culturally appropriate ways of handling community concerns.
- iii. **Accessibility:** A clear and understandable mechanism that is accessible to all segments of the affected communities with no cost
- iv. **Transparency and Accountability** to all Stakeholders
- v. **Appropriate Protection:** A mechanism that prevents retribution and does not impede access to other remedies
- vi. **Responsiveness and efficiency:** The GM is designed to be responsive to the needs of all complainants. Accordingly, officials handling grievances are trained to take effective action upon, and respond quickly to, grievances and suggestions.
- vii. **Participatory and social inclusion:** Special attention is given to ensure that poor people and marginalized groups, including those with special needs, are able to access the GM.

viii. **Legitimacy:** The GM governance structure should be widely perceived as sufficiently independent from the parties to a particular grievance

**g) Approach to developing or strengthening Grievance Redress mechanisms**

Below are three interlinked steps that can be used when establishing or aiming to strengthen a program GM.

- Risk-based Assessment of Potential Grievances, Disputes or Conflicts that may arise during project preparation and implementation. This should consider cultural sensitivities, special needs of individuals
- Identification of the Client’s existing capacity for grievance redress; and
- Preparation of an Action Plan that identifies priority areas for strengthening grievance capacity, or if necessary, establishing new mechanisms at the project level. Where applicable, dedicated resources should be allocated for realization of the action plan.

**i. Assessment of Risks and Potential Grievances and Disputes**

The project team should conduct a rapid review of contentious issues, stakeholders, and institutional capacity, strongly relying on existing information from stakeholders. The exercise will start by understanding the issues that are likely to a cause to complaint related to the project, such as clarity on procedures, fraud and corruption, delay in provision of services, environmental concerns e.g noise, dust, waste disposal etc. The review will map who are likely to be affected by the project and their likely concerns. The system should take cognizance of the available local dispute resolution mechanisms and consider the cultural aspects of the people likely to be affected by the project.

**ii. Capacity assessment**

Categorizing both risks of disputes and institutional capacity to address those disputes is central to this approach. Where capacities of local institutions are low and the stakes are high, the risk of grievances going unaddressed will be significant. Issues and stakeholder reviews will be mostly desk-based and will initially and primarily rely on the project or program information.

**iii. Action Plan**

Action plan that suits the interest of stakeholders and beneficiaries would focus on key steps that shall be taken during project preparation and implementation to strengthen grievance redress across programme space. A lot of emphasis should be directed towards exploring opportunities and synergies for supporting improved organizational capacity to handle grievances.

**h) Features and considerations in building/Strengthening GRM**

It is important to make certain considerations when designing or strengthening a GM. The table below enlists some of the probable considerations across a GM process.

**Table 26: Considerations across a GM process**

Process	Considerations	Additional considerations
<i>Uptake</i>	<ul style="list-style-type: none"> <li>• How are grievances collected?</li> <li>• At how many locations and through what channels?</li> <li>• What is the organizational/projects structure for grievances handling?</li> <li>• What are the challenges and how can they be</li> </ul>	<ul style="list-style-type: none"> <li>• Category of complaints- Staff, community etc</li> </ul>

Process	Considerations	Additional considerations
	mitigated	
<b>Sorting and Processing</b>	<ul style="list-style-type: none"> <li>How are grievances categorized, logged and prioritized?</li> <li>Who are they referred to?</li> <li>How are they addressed?</li> <li>What are the challenges and how can they be mitigated</li> </ul>	<ul style="list-style-type: none"> <li>Sensitivity of the complaints- GBV/SEA, administrative issues, Corruption related</li> </ul>
<b>Acknowledgement and Follow Up</b>	<ul style="list-style-type: none"> <li>How is information about the grievance gathered to resolve it?</li> <li>How are grievances escalated to higher levels?</li> <li>What are the challenges and how can they be mitigated</li> </ul>	<ul style="list-style-type: none"> <li>Characteristics of the complainant- Cultural aspects, language, disability, level of literacy</li> </ul>
<b>Feedback</b>	<ul style="list-style-type: none"> <li>How are GRM users and the public at large informed about the results of investigations and the actions taken on grievances?</li> <li>What are the challenges and how can they be mitigated</li> </ul>	<ul style="list-style-type: none"> <li>Urgency to resolve</li> </ul>
<b>Monitoring and Evaluation</b>	<ul style="list-style-type: none"> <li>How are grievances tracked?</li> <li>How is grievances data analysed?</li> <li>How are processes modified to prevent grievances from recurring?</li> <li>What are the challenges and how can they be mitigated</li> </ul>	<ul style="list-style-type: none"> <li>Technology</li> </ul>

## i) GRM Channels and Steps

### i. Grievance Channels

The grievance steps provide for clear steps to be followed in receiving, recording, resolving and communication feedbacks. They are the avenues for channelling and providing feedback on grievances raised. It is important to put in place a number of adaptive channels to promote inclusivity; and to continuously track performing channels and have them publicized appropriately. They include:

- In person (persons with disability will be assisted to lodge the complaints)*
- Complaints on behalf of persons unable to lodge complaints*
- Suggestion boxes*
- Online via email, website, web posting, or a complaints management*
- Hotlines*
- information system (eGRM System)*
- Telephone*
- In writing, including Braille*
- Text messages*
- Social media*
- Any other mode as may be determined by an institution or a project team*

### ii. Grievance Steps

#### **Step 1: Reporting and Receiving Grievances**

A communication campaigns regarding the project should ensure that beneficiaries, and other stakeholders know where and how to submit grievances.

#### **Step: 2 Recording, Acknowledging and Processing of Grievances**

All submitted complaints and grievances should be registered using the tools available for the project. Each complaint and grievance should be classified, analysed and monitored according to

type, accessibility and degree of priority. A database should be established to track complaints and their resolution.

It is important to have clear timelines for acknowledging complaints and have implementers and beneficiaries informed about it. Either an automatic or manual reply depending on the project should be sent to the complainants confirming the receipt of their complaints.

***Step 3: Reviewing and Investigating Grievances***

All grievances will need to undergo some degree of review and investigation, depending on the type of grievance and clarity of circumstances.

***Step 4: Developing Resolution Options and Preparing a Response***

Once the grievance is well understood, resolution options can be developed taking into consideration stakeholders' preferences, project policy, past experience, current issues, and potential outcomes.

***Step 5: Feedback Mechanism***

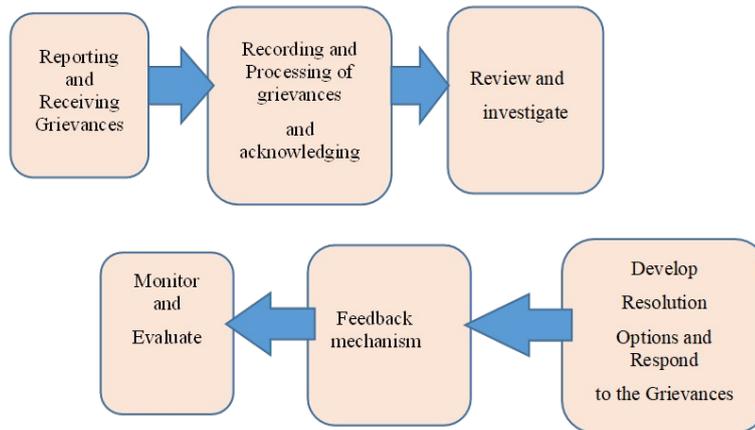
One of the most important steps of the GRM is to provide clear feedback of outcome to the complainants. In case of anonymous complain/grievance, feedback may not be possible but it is important to take action on the complaint received. The means through which the complainant has been acknowledged shall also be recorded in the database.

As much as possible, feedback should be provided through the channel that the complainant used to channel their concerns.

***Step 6: Monitoring, Reporting and Evaluating a Grievance Mechanism***

Monitoring and reporting can be a useful tool for measuring the effectiveness of the grievance redress mechanism and the efficient use of resources, and for determining broad trends and recurring problems so that they can be resolved proactively before they become points of contention. Monitoring and reporting also create a base level of information that can be used to report back to communities. A grievance flow diagram is provided in figure 2.

**Figure 11: Grievance Flow Diagram**



#### j) GRM Institutional Structures

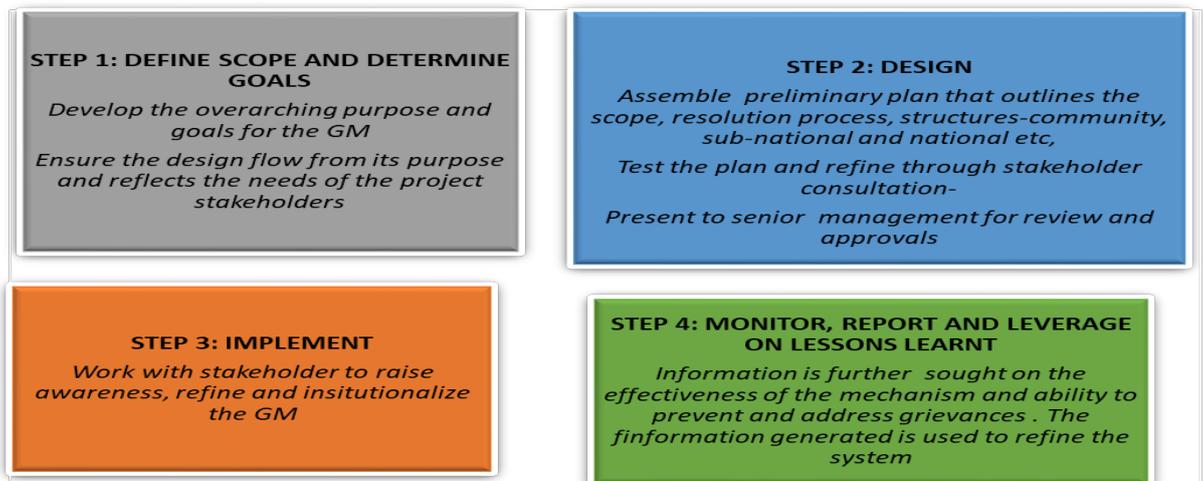
A clear appropriate institutional arrangement for implementing GRM in projects and institutions is very important. The Grievance management structures are dependent on the scope and needs of the project. It Could include:

- **Project GRM Focal Person:** It is important to have an officer in the project assigned as a focal point for complaints management. The Focal person will oversee complaints management on behalf of the project and ensure implementation of the complaint's guidelines for the project.
- **Project Management Team:** The project management team implements various components of the project upon which project complaints may be directed to for resolution. The project management team is therefore key in resolving or responding to project complaints. It is therefore imperative that the project team are part of the development of the grievance mechanisms procedures and are aware about their roles in grievance management related to the project.
- **GRM committees (at various levels of project implementation):** If the project has different implementation levels e.g national, sub-national. It is important to have an operational committee to manage complaints. The Committee should be as inclusive as possible with representation of key actors in the project.
- **Community structures:** Depending on the project, especially projects targeted to communities, community volunteers may be part of the project grassroots structures. This can be utilized as complaints structures in the community level and can act as conduits for complaints or resolution agents particularly for complaints related to project information. Such actors should therefore be well sensitized on complaints handling protocols. They can also be useful in raising awareness of the complaints mechanisms for the project. Examples of such structures may include: Community health volunteers, children volunteers, Nyumba Kumi, chiefs etc. depending on the project sector.
- **Involvement of Third Parties:** Depending on the scale of the project, Third Parties can be contracted to manage complaints on behalf of the project e.g. NGOs (see case study).

**k) Grievance Mechanisms Protocols or Guidelines**

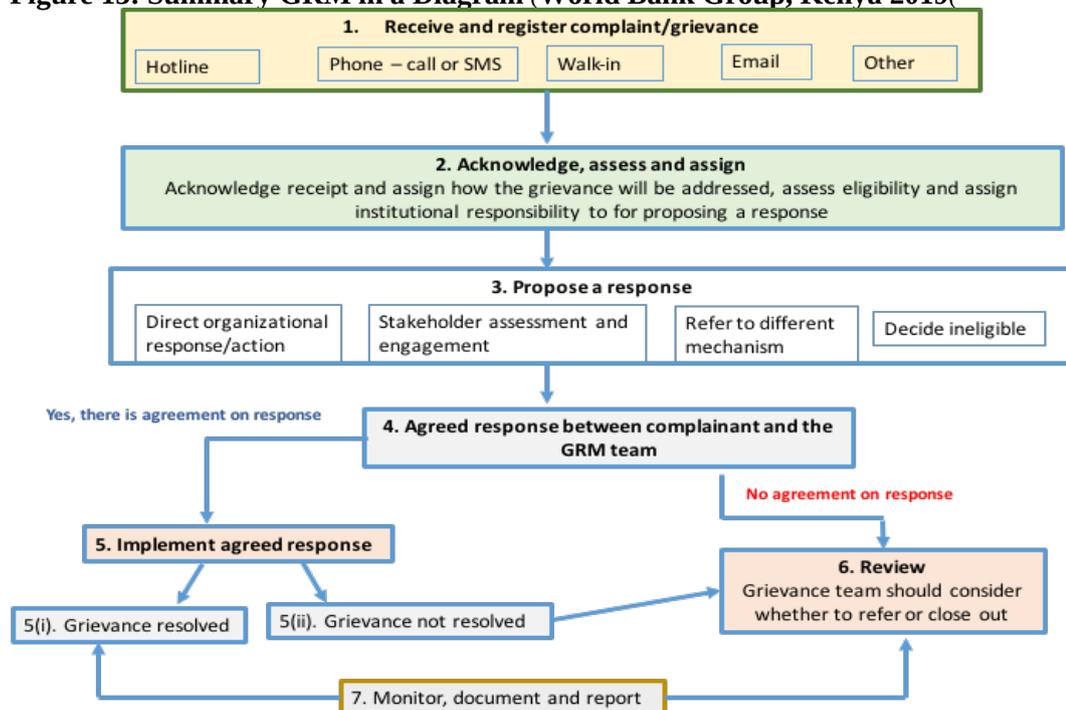
It is important for a project to develop a guideline or protocols for managing complaints. The purpose of the guideline is to provide a simplified roadmap to effective complaints handling in the project. The guide is informed by the identified project feedback requirements including the communication needs of affected and interested stakeholders among others. The guideline should provide for learning for GM system improvement that is informed by implementation lessons. A snapshot of some of the topical areas of a GM Guideline at minimum is provided in **Figure 12** below, while a summary GRM in a Diagram is in **Figure 13**.

**Figure 12: Content for a GRM Protocol/ Guideline**



The figure provides a snapshot of the minimum elements and processes that completes a grievance mechanism right from receipt, resolution and closing of complaints.

**Figure 13: Summary GRM in a Diagram (World Bank Group, Kenya 2019)**



## **l) Resources**

For effective discharge of a GM function, it is important to allocate adequate resources to support management of project complaints. These include: human and financial resources, office space and requisite equipment.

- **Human Resources:** There should be full time staff dedicated to complaints management with clear responsibilities to register and facilitate resolution and feedback in line with the set timelines. The staff should be adequately trained to handle people and facilitate resolution of their concerns.
- **Financial Resources:** Complaints management require adequate financial resources to support systems set up and operations. The costs associated with complaints management include: staffing, call costs, investigations, set up of work stations among others.
- **Office and equipment:** The project should be able to allocate an office space and requisite equipment to facilitate the staff assigned to manage complaints. The office space should provide for safe keeping of complaints files especially those with sensitive cases to avoid spill over of complainant's concerns.

## **m) Summary Good Practice Notes on GRM for Projects**

- i It is beneficial to review who may be affected by the project, and the nature of the potential impact, during the broader stakeholder analysis phase of the Social and Environmental Assessment
- ii The Stakeholders and community must be fully informed of avenues to escalate their complaints or grievances, and of their rights to use alternative remedies they are not satisfied with the response of the project to their complaints
- iii Put in place policies and procedures of handling complaints and grievances with clearly defined roles and responsibilities
- iv Establish a call centre staffed with trained personnel-especially for large and sensitive projects
- v Decentralize and strengthen local structures-To include project-based GRM that feed to the organizational one
- vi Undertake periodic self-audits on GRM and learn from the findings.
- vii Undertake external independent Stakeholder/beneficiary satisfaction survey.
- viii Whenever possible, it is helpful to automate the process of complaint data collection, escalation, tracking, feedback and monitoring.

### **Exercise 11.1**

*Ask the participants to prepare a GRM for ICS project*

## COLOPHON

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Client	: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
Project	: Promotion of Climate-Friendly Cooking: Kenya and Senegal (GCF/EnDev): Capacity Building Support to Entrepreneurs through Development of Environmental and Social Management Training Manual and Training of Trainers under Promotion of Climate Friendly Cooking in Kenya
File	: Environment, Social Assessment & Resettlement
Length of report	: 131 pages
Author	: PANAFCON Ltd.
Date	: Error: Reference source not found
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## ANNEXES

## **Annex 1: Criteria for Selecting ToTs and Training Needs Assessment Form**

### **Annex 1a: Criteria for selecting ToTs**

The following are some of the criteria to be used for selecting the ToTs:

- Selected Environmental and Social Experts from County Governments
- Selected Environmental and Social Experts from relevant National Government Departments and Agencies
- Selected ICS Producers
- Selected ICS Material Suppliers

The above should have achieved at least KCSE Certificate Level.

## Annex 1b: Training Needs Assessment Form

Tick appropriate box in relation to your understanding of the following social safeguarding concepts.

1. Knowledge about environmental and social safeguarding issues in development projects

Highly Knowledgeable	
Moderate knowledge	
No knowledge	

2. Previous trainings in environmental and social safeguards

Professional training	
Short courses	
Workshop/seminars	
Non	

3. Previous working experience in projects with environmental and Social safeguards requirements

Experience in several projects with social safeguards requirements	
Experience in one project	
No project experience	

4. Previous engagement as an environment and Social safeguard specialist

Several engagements	
Single engagement	
No engagement	

5. Familiarity with Environmental and social safeguards instruments/ protocols

High	
Moderate	
Not familiar	

6. Familiarity with Grievance Redress Mechanisms (GRM) in projects

High	
Moderate	
Not familiar	

7. Your understanding of the role of GRM in projects

High understanding	
Moderate knowledge	
No knowledge	



8. Your understanding of GRM Operations and structures

High	
Moderate	
No knowledge	

9. Your knowledge on the nature of grievances that may arise from ICS production

High	
Moderate	
No knowledge	

10. Your technical ability to handle environmental and social grievances in ICS project

High ability	
Moderate	
No capability	

11. Your familiarity with steps in involved in grievance reporting and redress

High	
Moderate	
Not familiar	

Kindly give suggestion on any other specific topics or areas of interest you may wish to be covered during the upcoming ESMP training for ICS project but are not included in this TNA.

Thank you and looking forward to hosting you for the upcoming training.

## **Annex 2: Training Evaluation Form for ToTs**

## Annex 2: Training Evaluation Survey for ToTs

Date \_\_\_\_\_

Title and Location of Training: \_\_\_\_\_

Trainer: \_\_\_\_\_

Thank you for attending the ESMP Class, we would like to hear your impression of the various aspects of the training, so that we can continually improve the experience for attendees.

1. Were the objectives of the training clearly defined?

2. Overall, how would you rate the Training Class? Excellent  Good  Fair  Poor

3. Please rate the following aspects of the Trainer.

	<i>Excellent</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>	<i>NA</i>
<i>Did the Trainer have a thorough grasp of the subject?</i>					
<i>Did your trainer actively invite questions?</i>					
<i>Did your Trainer answer the questions posed?</i>					
<i>Was individual assistance provided when needed?</i>					
<i>Was your Trainer prepared for class?</i>					
<i>Did your Trainer have a professional demeanor?</i>					
<i>Did the trainer provide time for follow-ups?</i>					
<i>How would rate the overall skills of the Trainer?</i>					

4. Please rate the following aspects of the Training Class

	<i>Excellent</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>	<i>NA</i>
<i>Did this Class meet your expectations</i>					
<i>Was the time provided appropriate</i>					
<i>Did the Class begin on time</i>					
<i>Was all of the equipment working properly</i>					
<i>Was the content organized and easy to follow?</i>					
<i>Were the materials distributed helpful</i>					
<i>Were the training objectives met?</i>					
<i>Was the meeting room and facilities adequate and comfortable</i>					
<i>How would you rate the Manuals</i>					

5. Give any other suggestions or comments to help us improve.

\_\_\_\_\_

\_\_\_\_\_



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