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MINISTRY OF EDUCATION
State Department of Early Learning & Basic Education
DIRECTORATE OF PROJECTS COORDINATION AND DELIVERY

SOCIAL ASSESSMENT REPORT

SECONDARY EDUCATION QUALITY IMPROVEMENT PROJECT



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SOCIAL ASSESSMENT REPORT

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ABBREVIATIONS AND ACCRONYMS

AWP&B	Annual Work Plan and Budgets
CBC	Competency Based Curriculum
CEMASTEIA	Centre for Mathematics, Science and Technology Education in Africa
CIDP	County Integrated Development Plan
CoK	Constitution of Kenya
CRA	Commission on Revenue Allocation
D&CSCs	Design and Construction Supervision Consultants
DPC&D	Directorate of Project Coordination and Delivery
FPIC	Free, Prior and Informed Consultation
GoK	Government of Kenya
GRM	Grievance Redress Mechanism
IPs	Indigenous Peoples
KICD	Kenya Institute of Curricula Development
KNBS	Kenya National Bureau of Statistics
KNEC	Kenya National Examination Council
KNCHR	Kenya National Commission on Human Rights
MCA	Member of County Assembly
MDGs	Millennium Development Goals
MOE	Ministry of Education
MPSSI	Minimum Package of Safe School Infrastructure
NEMA	National Environment Management Authority
PAD	Project Appraisal Document
PDO	Project Development Objective
PIM	Participatory Impact Monitoring
PWDs	Persons With Disabilities
QTS	Quality Teaching Standards
SBTSS	School Based Teacher Support System
SEQIP	Secondary Education Quality Improvement Project
TPD	Teacher Professional Development
TPAD	Teacher Performance Appraisal and Development
TSC	Teachers Service Commission
VMG	Vulnerable and Marginalized Group
VMGF	Vulnerable and Marginalized Groups Framework

VMGP Vulnerable and Marginalized Groups Plan
WB World Bank

1 EXECUTIVE SUMMARY

1.0 Background

This Social Assessment (SA) has been done with respect to the proposed Secondary Education Quality Improvement Project (SEQIP) financed by the World Bank. Since the proposed project interventions target the Indigenous Peoples (IPs), also known in Kenya as Vulnerable and Marginalized Groups (VMGs), the World Bank (WB) safeguard policy OP/BP 4.10 has been triggered and this social assessment was required, as part of project preparation which is later aimed at informing the preparation of site-specific VMG plans.

The first SA covered 15 identified Sub-Counties from 9 purposively sampled SEQIP targeted counties with Vulnerable and Marginalized communities in November, 2020. A repeat SA was also conducted West Pokot county, Kapenguria Sub-county July, 2021 following a complaint raised by the Cherangany Community on exclusion in participation. Stakeholder consultations and Focused Group Discussions (FGDs) were conducted with each of these groups to inform their prevailing circumstances in regards to education and socio-economic profile. The FGDs reflected satisfactory community representation in terms of gender, the elderly, women, men, youth, persons with disability (PWDs) and vulnerability. Community meetings “Barazas” were held in each VMG community to discuss the challenges in reaching the project objectives, the causes, and what could be done to address them. This activity was undertaken taking cognizance of the COVID -19 pandemic¹ and protocols² which affected nearly all learners thereby exacerbating already existing inequalities among the marginalized.

This report presents the findings and recommendations of Social Assessment (SA) undertaken November, 2020 and July 2021 in line with the SEQIP. It is anticipated that the SEQIP will have a positive impact on the individual, community and national levels

¹ An outbreak of Corona virus disease (COVID - 19) caused by the 2019 corona virus (SARS -CoV-2) had been rapidly spreading across the World since December 2019 following diagnosis of the initial cases in Wuhan, China in late 2019 and has since spread affecting various countries worldwide. COVID-19 is the name given by the [World Health Organization](#) (WHO) as an acronym that stands for [corona virus disease of 2019](#). The corona virus disease of 2019 was given then abbreviated as COVID-19 by the [WHO](#) in [a press release](#) on February 11, 2020.

² The current COVID-19 pandemic protocols occasioned restriction of county to county movement and public gatherings (for social distancing) in line with the Presidential Directive issued from the 17th March 2020 and has other directives given after stipulated timeframes.

by increasing inclusion of the VMGs, enhancing Grievance Redress Mechanism (GRM) and improving project management through ongoing monitoring and evaluation and capacity building/ enhancement.

1.2 Objective of SEQIP Project and Social Assessment

The **Project Development Objective (PDO)** is to improve student learning in secondary education and transition from primary to secondary education, in the targeted areas.

The **objective of the SA** was to develop an understanding of the key social, economic, cultural and livelihood characteristics of the VMGs targeted by the project and assess the impact of the project interventions on the VMGs/IPs in the targeted sub-counties. This shall inform the design of the project so that it is responsive to their needs and incorporate the principles of the World Bank's OP4.10 into the different project interventions as relevant.

1.2.1 Project Components

The SEQIP has four components with subsequent subcomponents to enable achievement of the PDO. These include;

Component 1: Improving Quality of Teaching in Targeted Areas

This component addresses the critical concerns that constrain teaching and learning, using results-based financing (RBF) modality. Identified key contributors to poor learning outcomes include insufficiency in the quantity, quality, and classroom practices, as well as availability of textbooks. To address these constraints, three subcomponents are proposed; to reduce teacher shortages, enhancing teacher's professional development, improve the quality of classroom instruction; and enhancing the availability of textbooks in a timely and a cost-effective way which is a key input for effective instruction in an environment that lacks instructional materials.

Component 2: Improving Retention in upper Primary School and Transition to Secondary School in target areas.

This component tackles issues that constrain retention at primary and secondary schools and transition from primary to secondary. This component will support (i) provision of a Minimum Package of Safe School Infrastructure (MPSSI), and ICT-enabled training facilities for education managers and (ii) advocacy and social support, gender sensitization, and scholarship and mentoring interventions for improving retention as well as transition from primary to secondary of poor and vulnerable children in targeted areas, through results-based financing modality. In primary

schools, the project will finance the construction of toilets, water facilities and replacement of life-threatening structures. Targeted secondary schools will have the construction of additional classrooms, science laboratories, multipurpose rooms/libraries, dormitories, wash facilities, and electric provision. Schools for special needs learners in targeted counties will be prioritized.

Component 3: System Reform Support.

This component contributes to the Government's on-going efforts to put in place new curriculum. Implementation of the competency-based curriculum (CBC), which is a major change from the current teacher-centered and content-based one, will require capacity building of school managers, teachers, national and sub-national education administrators, development of new teaching-learning materials, and the institution of new student assessment systems. Support for these activities will be provided through two subcomponents; one focusing on CBC development in a phased approach for selected grades, and the other on development associated with student assessment systems.

Component 4: Project Management, Coordination and Monitoring and Evaluation

This component supports and finances effective project management through two subcomponents; (i) project management, coordination, and communication; and (ii) research, and monitoring and evaluation. These activities will involve; (i) preparation and execution of annual work plans, and budget (AWP&B), procurement plans and capacity building plans; (ii) project monitoring, reporting and evaluation; (iii) assessment and research feeding policy reform; (v) development and implementation of a communication strategy for the project in general, and for component 1.2, in particular; (vi) capacity building of the project management officials on planning and management, M&E, and other technical aspects; and (vii) efficient fiduciary and safeguards implementation and reporting.

1.2.2 Project Location and Beneficiaries

The project is being implemented in 110 Sub-counties from 30 Counties that are both educationally and economically disadvantaged. The targeted sub-counties were identified based on the high incidence of poverty; the uneven advancement in poverty reduction and high inequalities across the targeted counties; low retention rates at the primary level and low transition rates from primary to secondary level.

The project targets to specifically benefit 7,852 public primary schools and 2,147 public secondary schools in the targeted 110 sub-counties in 30 counties that are educationally

and economically disadvantaged. Approximately, 600,000 students in upper primary grades 7 and 8; 600,000 students in the four grades of secondary level, Form 1–4

The institutional beneficiaries also include County and sub-County level officials, as well as officials and technical staff at the Ministry of Education (MoE), Kenya Institute of Curricula Development (KICD), Teachers Service Commission (TSC), Kenya National Examination Council (KNEC), and Centre for Mathematics, Science and Technology Education in Africa (CEMASTEА)

The World Bank’s OP 4.10, definition of IPs/VMGs includes nomadic pastoralists, hunter-gatherers, and other nomadic groups’ e.g. traditional fishing communities. As this project is national and it was not possible to consult with all VMG groups, Nine (9) counties were purposively sampled for the SA consultations, these included; Kilifi, West Pokot, Turkana, Bungoma, Homa Bay, Tana River, Garissa, Wajir and Marsabit since they had different types of VMGs including hunter-gatherers, fisher folk and pastoralists and covered the areas where the project will be implemented.

1.2.3 Implementing Agencies

The Ministry of Education (MoE) is the lead implementer of the Project. The Directorate of Project Coordination and Delivery (DPC&D) will be directly responsible for the SEQIP implementation by working closely with all the other implementing agencies which include: Teachers Service Commission (TSC) which is an autonomous agency; Kenya Institute of Curriculum Development (KICD); Kenya National Examinations Council (KNEC); and Centre for mathematics, Science and Technology Education in Africa (CEMASTEА) which are semi-autonomous agencies. The Directorate will forge inter-departmental, inter-institutional, inter-Ministerial inter-agency coordination and collaboration. At the county level, the County and Sub-County Education Officers and County Project Coordination Unit (CPCU) will be required to play a key role in facilitating and monitoring project implementation.

1.3 Social Assessment Methodology

The methodology entailed collecting data using primary and secondary sources to simultaneously inform the development of the SA and the VMGF. Secondary data was obtained through literature review, while primary information was collected through consultation with stakeholders, key informant interviews (KII), focused group discussions and field observations including with VMGs and other groups in the selected counties.

1.4 Institutional, Policy and Legal Frameworks

The Social Assessment was guided by a broad spectrum of policies which govern and regulate decision making, agreements and laws pertaining to the VMGs in Kenya. These include: The Constitution of Kenya 2010, (CoK, 2010) that acknowledges the presence of minorities and marginalized communities established through historical processes, with specific reference to indigenous peoples. The definition of marginalized groups recognizes communities that are disadvantaged due to unfair discrimination on one or more prohibited grounds or a community, which by reason of its relatively small population or otherwise, has been unable to fully develop its internal structures or resources to allow it to participate in the integrated social and economic life of Kenya as a whole.

Article 43 of the CoK, 2010 guarantees the right of every person to economic, social and cultural rights. Article 56 of the CoK notes that affirmative action programmes shall be designed to ensure that minorities and marginalized groups have reasonable access to water, health services and infrastructure. Its repeated reference to VMGs indicates a significant commitment to the principles of equity and equality, and thus compares favorably with the spirit of the World Bank OP 4.10 Indigenous Peoples. Other relevant statutes include: The National Cohesion and Integration Act, The Kenya Vision 2030 development blueprint, National Policy on Gender and Development, Kenya National Youth Policy, National Land Policy and the Draft National Policy on Older Persons and Ageing among others.

1.5 Key Findings from the Social Assessment

1.5.1 Socio-Economic Situation of VMGs

The identified VMGs experience various challenges including food insecurity, limited access to basic educational and social services, and poor economic and livelihood opportunities. This is due to historical marginalization, small populations, and remoteness due to the vastness of the counties. They have different livelihood occupations, including pastoralism, hunting, and gathering, traditional fishing, subsistence crop farming, daily cheap casual labour and petty/small scale trading. These VMGs are in areas where the project will be implemented and therefore should be appropriately consulted and engaged so that they can meaningfully benefit from the project.

The purposively sampled counties have VMGs that are located in areas that are extremely remote, have poor infrastructure, and their culture and the geographical

location in remote areas they have not been fully integrated into the development programs of the country and are not well understood or reached.

Consultations were made with the Waatha, Ngikebotok, Sengwer, Cherengany, Suba, Malakote/ Waliwaa, Munyoyaya, Riba, Waayu ilkunono, Sakuye, Ogiek. In addition to the VMGs, the participants identified as in particular need of attention due to their vulnerability included the older persons, women, youth, orphans, and vulnerable children, people with severe disabilities (PWSDs), and child-headed households.

1.5.2 Potential Impacts and Mitigation Measures

Some of the general anticipated significant positive effects of the project include: (i) improved learners retention, transition and completion in basic education; (ii) Access to better livelihoods through support from the infrastructure component that will create employment resulting into increased incomes within the targeted communities; enhanced awareness/empowerment among the communities and VMGs/IPs enabling them to know their rights and claim their entitlements; (iii) improved capacity for the youth and women to engage in productive activities; (iv) Better management of local resources; and

The potential negative impacts of the project investment include: (i) conflict related to access to employment and procurement opportunities as a result of elite capture and clan/sub-clan based preferential treatment; (ii) Flare-up of clan conflicts due to perceived and/or real preferential treatment in access to facilities; (iii) Disregard of the VMGs/IPs in planning and project implementation; (iv) there is also the danger that the County and National Governments may exclude the 110 sub-counties on budgetary allocation on the assumption that the WB project will solve their problems. This would be unfortunate since the level of investment by the WB is limited.

1.5.3 Free Prior and Informed Consultations Process (FPIC)

The process of free, prior and informed consultations with VMGs led to broad support for the project, they anticipate improved socio-economic living standards and opening up the areas for alternative livelihood sources, they also anticipate improved academic levels, retention, transition and completion of basic education. Also, the VMGs should be directly involved in the project activities and should be involved in major decisions for project ownership and sustainability. The VMGs also noted that they should play a key role in the selection of those who will be in the project implementation committees. The detailed comments from the VMG consultative meetings and responses are summarized and annexed.

A key recommendation for free, prior and informed consultations with VMGs during project implementation was that the project should undertake in-depth awareness raising and consultations with VMGs in decision-making. Based on such consultations, the VMGs will be able to make informed decisions and support the project.

1.6 Stakeholder and Institutional analysis

Implementation of community projects in various target counties involves several partners that support the communities. The assessment team had consultations with representatives of National governments and County government, Non-governmental Organizations (NGOs) working in the project areas and VMGs with a view of understanding perceptions with regards to the design, implementation, monitoring and evaluation of projects. The assessment found that to ensure community buy-in and project sustainability, stakeholder consultation and participation at all levels is key.

1.7 Conclusion and recommendations

1.7.1 Conclusion

The SEQIP Project presents a positive benefit to society as a whole. The project interventions are likely to have significant prospects to transform the VMGs in the targeted counties. However, it is imperative that for all project components the exercise of inclusion, maximum engagement, and participation of VMGs be enhanced. It can be deduced that this social assessment has commenced the consultative decision-making process, which the concerned parties ought to commit to executing in a fair, timely, and culturally appropriate manner. The stakeholders consulted noted that community involvement is very vital in sustainability of the projects. During project implementation, community members should be given priority in employment and in the supply of goods and services where possible.

The community should be involved in managing the project and giving regular feedback to the implementing agencies. In order to ensure sustainability of the SEQIP, it is recommended to maximize community awareness, involvement and support. The involvement of community representatives in project implementation committees is vital in order to factor in community suggestions and concerns in the project. Capacity building is also very vital.

A number of key measures and actions were proposed by VMGs for ensuring social, economic and cultural benefits to them. These include actions to: (i) enhance and strengthen the livelihood and economic capabilities of the VMGs in order to lift them out of poverty; (ii) fast track implementation of project components that are aimed at bringing VMGs to par with other communities (if not better); (iii) Ensure the free, prior,

and informed consultations with VMGs to enable their involvement and participation at every step of the SEQIP implementation.

1.7.2 Recommendations

The summary recommendations for this SA are as follows:

#	KEY AREA	RECOMMENDATION
1.	Establishment of structures to enhance VMGs participation in the project activities.	<ul style="list-style-type: none"> • Enhance outreach and awareness raising to ensure clarity on the project by all key stakeholders. • Project implementation structures at the national, county, sub-county and community levels will include representation of the VMGs/IPs. • Information dissemination and general communication strategies should be done in a culturally appropriate manner and through accessible channels. • Sensitize community members on the Project and consult the VMGs on the project design by ensuring culturally appropriate and responsiveness to their needs and aspirations.
2.	Recommendations for project design.	<ul style="list-style-type: none"> • Consultative meetings for the design of the project should be based on prior information provided to the VMG communities regarding the subcomponents proposed based on this social assessment report after its validation by the VMG communities themselves. • The validation process should involve the use of the identified institutions and stakeholders based on the information on stakeholder analysis to address the potential threats, interests of various institutions and stakeholders as well as properly utilize the opportunities that are within these institutions for project implementation and initial buy-in. • CBOs and other stakeholders in the project can also be instrumental in providing a monitoring and evaluation framework for the community projects.
3.	Participating in free, prior and informed consultations for engaging VMGs	<ul style="list-style-type: none"> • The process for participating in free, prior and informed consultations during project implementation should be discussed at a planning workshop where the experts can provide guidance on how to prioritize the various projects by the VMG representatives based on the validated contents of the social assessment report.
4.	Development of VMG Plans	<ul style="list-style-type: none"> • The development plans for the Vulnerable and Marginalized Communities should be based on identified activities that the VMGs are involved in, their suggestions of possible projects that are appropriate to their cultural conditions and an assessment of the environmental conditions. This would enable the projects proposed for these VMG communities to be culturally appropriate to their conditions.
5.	Implementation of prioritized	<ul style="list-style-type: none"> • The implementation of the prioritized projects for the VMGs should be carried out based on the provisions of the World Bank

#	KEY AREA	RECOMMENDATION
	projects.	<p>Operational policy no. 4.10 and as described under the section of free, prior and informed consultations in this report.</p> <ul style="list-style-type: none"> • The award of contracts should be done equitably not favoring any segment of the communities while ensuring that groups of VMGs are not discriminated against. • Officers at the national, county and sub-county levels will monitor and address all cases of error, fraud and corruption (EFC). • Include EFC indicators in all monitoring and evaluation activities.
6.	Gender and age differentiation	<ul style="list-style-type: none"> • Consider the gender and age variations in the needs and development initiatives based on the opportunities, capabilities and existing resources for each of the VMGs.

2.0 INTRODUCTION

2.1 PROJECT BACKGROUND

The Government of Kenya (GoK) received a credit from the World Bank for the Secondary Education Quality Improvement Project (SEQIP) during the period 2017-2023. Since the project will be implemented in areas where Indigenous Peoples (IPs), known in Kenya as Vulnerable and Marginalized Groups (VMGs), are present, the World Bank (WB) safeguard policy OP/BP 4.10 has been triggered and this social assessment was required, as part of project preparation and the findings to inform the project implementation.

The State Department of Early Learning and Basic Education (SDEL&BE) is implementing the project in 110 Sub-counties from 30 Counties that are both educationally and economically disadvantaged. The targeted sub-counties were identified based on high incidence of poverty; uneven advancement in poverty reduction and high inequalities across targeted counties; low retention rates at primary level and low transition rates from primary to secondary level with wide disparities despite the improvement in the overall transition rate and the need to sustain the government's on-going comprehensive and ambitious reform agenda across all levels in the education sector. This activity was undertaken taking cognizance of the COVID -19³

³ An outbreak of the novel Corona Virus Disease (COVID - 19) caused by the 2019 corona virus (SARS -CoV-2) had been rapidly spreading across the World since December 2019 following diagnosis of the initial cases in Wuhan, China in late 2019 and has since spread affecting various countries worldwide. COVID-19 is the name given by

pandemic, which affected nearly all learners thereby exacerbating already existing inequalities for the marginalized communities.

The **Project Development Objective (PDO)** is to improve student learning in secondary education and transition from primary to secondary education, in the targeted areas.

The PDO being the overall objective of the project, various activities and programs are holistically geared towards the achievement of the project's goal. The Social Assessment (SA) is a strategic process meant to identify the needs of the vulnerable and marginalized stakeholders in education for the planning of interventions for effective implementation of the SEQIP. Through SA, the project will take cognizance of the social pillars of inclusivity, equity, accountability and transparency.

2.1.1 SEQIP Social Assessment

The Ministry of Education has committed itself in ensuring social inclusion within SEQIP. The World Bank OP4.10 and the Constitution of Kenya, 2010 will guide the framework for ensuring social inclusion within this project. The normative approach to ensure social inclusion for World Bank-funded projects is to prepare a Vulnerable and Marginalized Groups Framework (VMGF) that guides the social assessment process (VMG-SA), which in turn guides the preparation of site-specific Vulnerable and Marginalized Groups Plans (VMGP). While the VMGF is prepared for the entire proposed project operational area, the VMG-SA and VMGP are site-specific.

The latter, (VMG-SA and VMGP) are conducted for each of the VMGs within the project operational area. The aim is to ensure the human rights of the VMGs are observed and respected during the implementation of the project. This is done by ensuring that: any potential adverse impacts are addressed; that social benefits accruing from the project are affirmatively accessible and equitably shared by the VMGs in a culturally appropriate and inclusive way; that consultations with the VMGs promotes local support for the project; that there is free, prior and informed consent in project implementation; and that any complaints or grievances arising from the project are amicably addressed.

2.1.2 The Vulnerable and Marginalized Groups (VMGF) for SEQIP

the [World Health Organization](#) (WHO) as an acronym that stands for **corona virus disease of 2019**. The corona virus disease of 2019 was given then abbreviated as COVID-19 by the [WHO](#) in [a press release](#) on February 11, 2020. In order to respond to the crisis and to cushion Kenyans from the adverse effects of the COVID-19, the Government of Kenya put a number of measures in place including introducing several bans, establishing a National Coordination Committee on the Response to the Corona Virus Pandemic (NCCRCP) and developing MoH protocols.

In 2017, the Government of Kenya (GoK) through the Ministry of Education prepared a Vulnerable and Marginalized Framework (VMGF). The exercise entailed a detailed screening of VMGs who may be present within all the 30 SEQIP targeted Counties that constitute the project operational area. Noting the existence of a vast number of social groups satisfying the World Bank and Kenya Government criteria for VMGs, the VMGF outlined the process that would be followed to conduct site-specific social assessment and how this would inform the preparation of Vulnerable and Marginalized Group Plans (VMGPs). The VMGF was informed by public consultation with key stakeholders at the county levels. This was followed by in depth consultations and Focus Group Discussions (FDGs) at the village level in sampled 4 counties with the presence of VMGs. VMG consultations involved bigger groups engagement with village elders in selected locations and FDGs focused on the marginalized groups within the VMGs especially the women and youth. A total of 200 people were consulted.

The VMGF was prepared over the period, May - June 2017. The VMGF documented views from the VMGs on how MoE can design the SEQIP to provide opportunity for VMGs and other stakeholders to voice their opinions and concern on different aspects of the project, particularly ways in which the project could affect them adversely and how the same could be eliminated, minimized and/or compensated. The resulting draft VMGF was disclosed through a national validation workshop held on the 30th June, 2017 at KICD. The workshop brought together over sixty representatives, including VMGs, MoE staff and the World Bank. The VMGF has since been disclosed on the World Bank Infoshop and MoE website⁴

2.1.3 The Scope of Social Assessment for SEQIP

In line with the World Bank's OP4.10, a Social Assessment for World Bank-funded project was carried out to improve the design of the project and establish a participatory process for the project implementation and monitoring. In order to achieve this, the social assessment process took account of the views and preferences of the affected people and other stakeholders. The process covers five social assessment considerations for the design of socially inclusive projects: (i) a review of the legal and institutional framework appropriate for the project affected social group; (ii) characterization of social context for project-affected social groups; (iii) stakeholder analysis and elaboration of the culturally appropriate process for consulting with the project affected social group; (iv) assessment of the potential adverse and positive effect for the project; and (iv) Identification measures necessary to avoid adverse effect or if not feasible, measure to minimize, mitigate, or compensate for the effects.

⁴ <https://www.education.go.ke/index.php/downloads/file/346-seqip-vmgf-report-july-2017>

2.1.4 World Bank Policy on Indigenous Peoples/VMGs

In order to ensure that project funds lead to inclusive and equitable development, the World Bank requires application of OP/BP 4.10 on Indigenous Peoples or Vulnerable and Marginalized Groups (VMGs) as they are referred to in Kenya. The policy is aimed at ensuring World Bank funded project meets six objectives, which are:

- to foster full respect of human rights, dignity, aspirations, identity, culture and natural resources-based livelihoods of Indigenous People.
- to avoid, or minimize, or mitigate and/or compensate for such impacts.
- to promote benefits and opportunities to indigenous peoples in an accessible, culturally appropriate and inclusive manner.
- to improve the design and promote local support of the project by indigenous peoples through meaningful consultations throughout the life cycle of a project.
- ensure free, prior, and informed consent to development practices that might influence their traditional practices.
- to recognize, respect, and preserve the culture, knowledge, and practices of indigenous peoples, and provide them with an opportunity to adapt to changing conditions in a manner and in a timeframe acceptable to them.

2.2 RATIONALE FOR THE SOCIAL ASSESSMENT (SA)

The main reason for the exercise was to ensure that VMGs are not excluded from the project where they fit the criteria (*see table 1*) that the project is appropriate to them and to ensure that there is broad community support for SEQIP with specific recommendations for different VMG contexts are integrated in the project design. Thus the SA undertook community and various stakeholders' consultations with a range of VMGs. Since SEQIP is a national project and it was unfeasible to consult with all VMG groups, the focus was on different types of VMGs and representatives based on their geographical areas and their characteristics namely; (i) pastoralists, (ii) hunters and gatherers; and (iii) traditional fishing communities and the different VMG requirements given their different cultures and livelihoods within the project area.

2.3 OBJECTIVE OF THE SOCIAL ASSESSMENT

The objective of this Social Assessment was to develop an understanding of the socio-economic and cultural characteristics of the VMGs in the selected project areas to inform the design of SEQIP project. The SA will ensure all VMGs are adequately involved and they get maximum benefit from the project's interventions. This is expected to lead to enhanced inclusion and local ownership while reducing and compensating for adverse social impacts.

The SA shall inform the process of incorporating the principles of the World Bank's OP4.10 into the different SEQIP components, as deemed relevant. The SA will also provide baseline information about the VMGs in the project sites and inform the process of incorporating the principles of OP4.10 into the Project Implementation Manual (PIM). Apart from deepening the understanding of key social issues and evaluating mitigation measures, the assessment also sought to discern appropriate ways to reach these groups so as to ensure that the project objectives are acceptable to them.

The Social Assessment broadly entailed: evaluating the legal and institutional framework applicable to VMGs; baseline information on socio-economic, cultural, political; and identifying SEQIP activities, their impacts and how to manage them in a manner that is culturally appropriate, gender and intergenerational inclusive.

2.4 SEQIP PROJECT COMPONENTS

The Project has four components with subsequent subcomponents to enable achievement of the PDO. These are;

2.4.1 Component 1: Improving Quality of Teaching in Targeted Areas

This component will address the critical concerns that constrain teaching and learning, using a results-based financing (RBF) modality. Identified key contributors to poor learning outcomes include insufficiency in the quantity, quality, and classroom practices, as well as availability of textbooks. To address these constraints, three subcomponents are proposed; (i) to reduce teacher shortages, (ii) enhancing teacher's professional development, improve the quality of classroom instruction; and (iii) enhancing the availability of textbooks in a timely and cost effective way, which is a key input for effective instruction in an environment that lacks instructional materials.

Sub component 1.1: Reducing teacher shortage

Reducing teacher shortage is limited to Science, Mathematics and English subjects in the SEQIP targeted areas. According to the Project Appraisal Document (PAD), an allocation plan that considers equity within and across sub-counties and the minority and vulnerable groups will be developed by TSC guided by the SEQIP Vulnerable and Marginalized Groups Framework (VMGF). To ensure that qualified candidates fill the new posts annually, TSC will regularly monitor 'teachers on duty' status.

Sub component 1.2: Enhancing teacher professional development (TPD).

The TPD will support TSC's effort to implement its teachers' professional development strategy aimed at improving primary and secondary teachers' competencies in science, mathematics and English based on both the framework provided by Kenya's Quality Teaching Standards (QTS) as well as the SEQIP VMGF that takes care of the vulnerable

and marginalized groups. Specifically, SEQIP will support two sets of interventions belonging to what, in TSC's Teacher Professional Development (TPD) Framework, is called context areas, which are part of its TPD programs. During the implementation of SEQIP, interventions will start with needs assessments (NA) based on data collected using the Teacher Performance Appraisal and Development (TPAD) instrument developed by TSC.

Sub component 1.3: Provision of textbooks

This sub-component aims to assist schools in targeted sub-counties reach a target of one-to-one textbook-student ratio in science, mathematics, and English in grades 7 and 8, and in Forms 1 to 4, to reduce unit price of existing textbooks and to enhance the MOE's capacity to make informed policy decisions related to the provision of textbooks.

2.4.2 Component 2: Improving Retention in Upper Primary School and Transition to Secondary School in Target Areas

This component will address issues that constrain retention at primary and secondary schools and transition from primary to secondary. This component will support (i) provision of a Minimum Package of Safe School Infrastructure (MPSSI) and ICT-enabled training facilities for education managers and (ii) advocacy and social support, gender sensitization, and scholarship and mentoring interventions for improving retention as well as transition from primary to secondary of poor and vulnerable children in targeted areas, through results-based financing modality. In primary schools, the project will finance construction of toilets, water facilities and replacement of life threatening structures. In the targeted secondary schools there will be construction of additional classrooms, science laboratories, multipurpose rooms/libraries, dormitories, toilets, WASH facilities and electric provision. The first set of interventions on school infrastructure improvement will prioritize schools for special needs children located in the targeted sub-counties.

Subcomponent 2.1: Improving school infrastructure

This subcomponent will finance (a) hiring of Design and Construction Supervision Consultants (D&CSCs); (b) infrastructure needs assessment (NA); (c) construction of additional classrooms, science laboratories, multipurpose rooms/libraries, dormitories, toilets and water facilities, and electricity provision based on school-based infrastructure NA of secondary schools in targeted areas; (d) construction of toilets, water facilities, and replacement of highly unsafe structures in primary schools; (e) construction of one modern training center with boarding facilities at the national level for training of national, county, and sub-county education officials and school managers; and (f) fixtures, furniture, and ICT equipment, as required in the newly constructed infrastructure.

Subcomponent 2.2: Improving retention in upper primary school and transition to secondary school of poor and vulnerable students.

This subcomponent will support the development and implementation of (a) a targeted advocacy and social support program that will involve social mobilization focusing on parents and community leaders and provision of a school kit for targeted children that will offset indirect costs borne by parents enabling poor and vulnerable students to complete the upper primary grades (grades 7 and 8); (b) a gender-sensitization program to make schools, teachers, and students more gender sensitive; and (c) a scholarship program combined with mentorship and social support that enables poor but academically promising students to transition to Form 1.

2.4.3 Component 3: System Reform Support

This component handles the Competency Based Curriculum (CBC) and Competency Based Assessment (CBA).

Sub component 3.1. Development and introduction of a competency-based curriculum

This subcomponent will enable KICD to develop the new CBC and related supporting materials through a phased approach for grades 4 to 9 under the proposed 2+6+3+3 education structure. Sequence charts to guide the development and rollout of new curricula and materials will be formulated in academic year 2018.

Sub component 3.2. Strengthening of national system for monitoring learning progress and national examination

This sub component will address: (a) introduction of continuous formative assessment over the entire education cycle using a variety of learning assessment tools, including portfolios; (b) establishment of a national student assessment at the end of grade 3 (lower primary in the proposed new structure) and grade 6 (upper primary in the proposed new structure), which are expected to replace the current grade 8 summative examination; (c) the implementation of follow-up of MLA at Form 2 that will be used to assess the impact of SEQIP on student learning enhancement; and (d) introduction of a national assessment, or national exams, at the end of grade 9 (lower secondary education in the proposed new structure).

2.4.4 Component 4: Project Management, Coordination and Monitoring and Evaluation

This component will support and finance effective project management through two subcomponents; (i) project management, coordination and communication; and (ii) research, and monitoring and evaluation. These activities will involve; (i) preparation and execution of annual work plans and budget (AWP&B), procurement plans and

capacity building plans; (ii) project monitoring, reporting and evaluation; (iii) assessment and research feeding policy reform; (v) development and implementation of a communication strategy for the project in general, and for component 1.2, in particular; (vi) capacity building of the project management officials on planning and management, M&E, and other technical aspects; and (vii) efficient fiduciary and safeguards implementation and reporting.

2.5 THE PROJECT BENEFICIARIES

The project targets to benefit 7,852 public primary schools and 2,147 public secondary schools in the targeted 110 sub counties in 30 counties which are educationally and economically disadvantaged. Also approximately 600,000 students in upper primary grades 7 and 8; 600,000 students in the four grades of secondary level, Form 1-4;

- (i) About 18,000 students from a scholarship and Mentorship program to enable them to transit to Secondary Education;
- (ii) About 37,500 students in the upper Primary from the Social Support Program
- (iii) About 17,000 Primary and 8,500 Secondary Science, Mathematics and English (SME) teachers in the targeted schools from the new pedagogical skills and the School-Based Support System (SBTSS);
- (iv) About 3,000 Primary Schools and 1,000 Secondary Schools from improved learning environment;
- (v) The community (Parents, teachers and leaders) from Advocacy, relevant information and knowledge on gender-related issues; and
- (vi) All public primary schools from introduction and roll out of Competency-Based Curriculum and its Assessment.

In addition, the project institutional beneficiaries include County and sub-County level officials, as well as officials and technical staff at the Ministry of Education (MoE), Kenya Institute of Curricula Development (KICD), Teachers Service Commission (TSC), Kenya National Examination Council (KNEC), and Centre for Mathematics, Science and Technology Education in Africa (CEMASTEIA).

2.5.1 The Project Location

The SEQIP project is being implemented by the Ministry of Education, State Department of Early Learning and Basic Education in 30 Counties covering 110 Sub-Counties that are both educationally and economically disadvantaged. The targeted SEQIP counties include: Baringo, Bomet, Bungoma, Busia, Elgeiyo Marakwet, Garissa, Homa Bay, Kajiado, Kakamega, Kilifi, Kisii, Kitui, Kwale, Lakipia, Machakos, Makueni, Mandera, Marsabit, Migori, Murang'a, Nandi, Isiolo, Narok, Samburu, Taita Taveta, Tana River, Tharaka Nithi, Turkana, Wajir, and West Pokot. Several of these counties

have groups of communities known in Kenya as Vulnerable and Marginalized Groups (VMGs) (CoK, 2010) and in the World Bank Policy OP 4.10, Indigenous Peoples (IP).

Since SEQIP is being implemented in some of the counties with IPs/VMGs, the Bank Policy OP 4.10 on Indigenous Peoples has been triggered. The core principle of this is to; *'Give due consideration to the cultural appropriateness of, and equitable access to, program benefits, giving special attention to the rights and interests of indigenous peoples and to the needs and concerns of vulnerable groups'* (OP4.10). In line with the above requirement, this SA has been undertaken and a Vulnerable and Marginalized Group Framework has been developed to ensure effective engagement and benefit sharing by the VMGs.

2.6 INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENT

The implementation arrangements of SEQIP have been designed leveraging on lessons learnt from other externally funded projects and capacity needs of the MoE for planning, management, and M&E. At the national level, the MoE in general and the State Department of Early Learning and Basic Education are responsible for the overall project delivery. The key implementing agencies include the Ministry of Education (MoE) State Department of Early Learning and Basic Education, the Teachers Service Commission (TSC), the Kenya Institute of Curriculum Development (KICD) and the Kenya National Examinations Council (KNEC). The Directorate of Projects Coordination and Delivery (DPC&D) is directly responsible for SEQIP by ensuring implementation of SEQIP is in compliance with fiduciary and safeguard requirements of the projects, coordinate implementation and compliance of the environmental and social safeguards, implementation of the VMGF and communication strategy for communicating with internal and external stakeholders regarding the project.

TSC is responsible for implementation of Subcomponents 1.1 and 1.2; the MoE through the DPC&D is responsible for implementation of Subcomponents 1.3, 2.1, 2.2 and Component 4; KICD and KNEC is responsible for implementation of Subcomponents 3.1 and 3.2, respectively. However, interagency coordination and collaboration is critical for implementation of the project for achievement of the PDO. The DPC&D works closely with the respective agency for ensuring necessary coordination and collaboration. At the county level, the existing County Project Coordination Unit (CPCU) each having a County Project Coordinator is responsible for facilitating SEQIP coordination, implementation and monitoring. Teachers Service Commission (TSC) is charged with reducing teacher shortage and enhancing TPD. To alleviate teacher shortages in Mathematics, Science, and English both in primary and secondary schools, TSC has committed to allocate 10 percent of the annual budgeted new teaching posts for these subject areas to the targeted sub-counties during the project period. To this end,

an allocation plan that considers equity within and across sub-counties and the minority and vulnerable groups was developed. To ensure that qualified candidates fill the new posts annually, TSC committed to regularly monitor 'teachers on duty' status. In the event of any teachers' position filled under the project becoming vacant, the position will be filled within six months as per TSC procedures.

In addition, TSC is implementing the teachers' professional development strategy by improving primary and secondary teachers' competencies based on both the framework provided by Kenya's Quality Teaching Standards (QTS) as well as the SEQIP VMGF that takes care of the VMGs. Specifically, SEQIP supports two sets of interventions for training teachers of Science, Mathematics and English (SME). The first one, 'Prescribed Modules Programs' is targeted to all teachers, and the second, 'School-Based TPD Programs' focuses on SME teachers in the project-targeted sub-counties under SEQIP. During the implementation of SEQIP, both sets of interventions will start with needs assessments (NA) based on data collected using the Teacher Performance Appraisal and Development (TPAD) instrument developed by TSC. The choice of who to train will be guided, in addition to the MoE framework, by the SEQIP VMGF to ensure inclusivity and equity to all who are expected to benefit from the project.

The MoE through the Kenya Institute of Curriculum Development (KICD) is providing textbooks. This intervention addresses issues related to the timely and cost-effective provision of textbooks for every learner enrolled in grades 7 and 8 and Forms 1 to 4 for VMGs in targeted sub-counties. This subcomponent is to assist schools in targeted sub-counties reach a target of one-to one textbook-student ratio so as to improve retention and transition from primary to secondary for the vulnerable and marginalized communities in the targeted areas. The MoE is also charged with improving retention in upper primary and transition to secondary in targeted areas. This is done through two interventions; (i) supporting and financing provision of a Minimum Package of Safe School Infrastructure (MPSSI) in targeted areas; and (ii) advocacy and social support, gender sensitization, and scholarship and mentoring interventions for improving retention as well as primary to secondary transition of poor and vulnerable children in targeted areas. The first set of interventions on school infrastructure improvement will include schools for special needs children located in the targeted sub-counties.

MoE will also support and finance effective project management through (a) project management, coordination, and communication; and (b) research and monitoring and evaluation. The key activities will involve: (a) preparation and execution of annual work plan and budget (AWP&B), procurement plans (PPs), and capacity-building plans; (b) project monitoring, reporting, and evaluation; (c) assessments and policy

research; (d) development and implementation of a communication strategy for the project in general and for the advocacy, social support, and scholarship subcomponent in particular; (e) capacity building of the project management officials on planning and management, M&E, and other technical aspects; (f) efficient fiduciary and safeguards implementation and reporting; and (g) establishment and operationalization of a grievance redress mechanism.

The Kenya Institute of Curriculum Development (KICD) and the Kenya National Examinations Council (KNEC) will put in place a new curriculum and assessment systems. Implementation of the new CBC, will require capacity building of teachers, school managers, national and sub-national education administrators; development of new TLMs and institution of new student assessment systems. The support is targeting the special needs learners and teachers by preparing a curriculum, learning materials, training of implementers and assessment systems, which are adapted to suit the needs of this category. In addition, curriculum designs and curriculum support materials are being printed and distributed to all public schools countrywide with a special focus on learners from VMG areas. KICD is responsible for curriculum reform and its implementation, whereas KNEC is responsible for students' assessment reform. These institutions will work in tandem for smooth implementation of the reform.

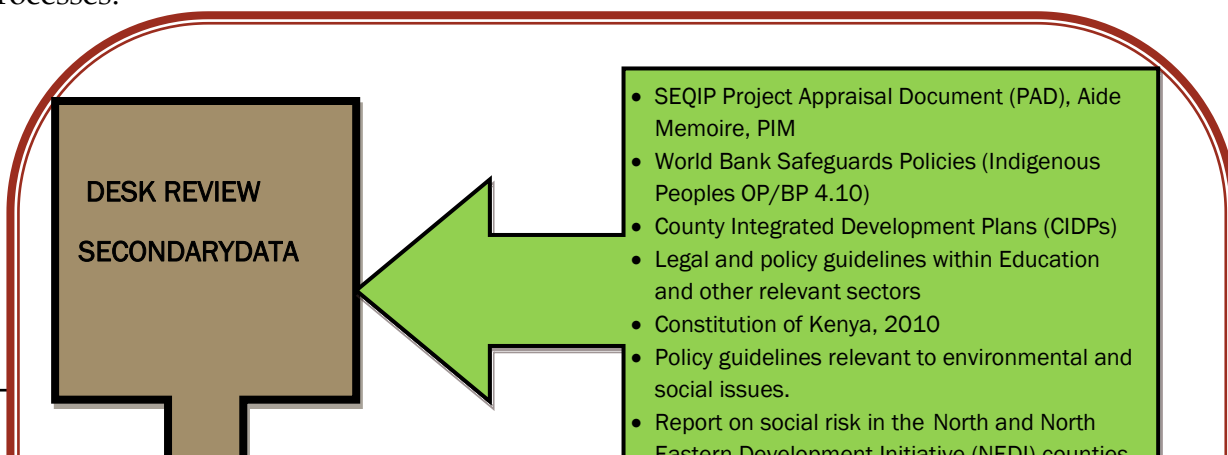
3.0 SOCIAL ASSESSMENT METHODOLOGY

This chapter presents the approach and methodology that was used while undertaking the social assessment.

3.1 SOCIAL ASSESSMENT APPROACH

3.1.1 Social Assessment Design

The overall approach to this social assessment design is summarized in figure 1. The center in the diagram shows the final goal of Social Assessment according to the various social dimensions while the outer side describes the methods used and the processes.



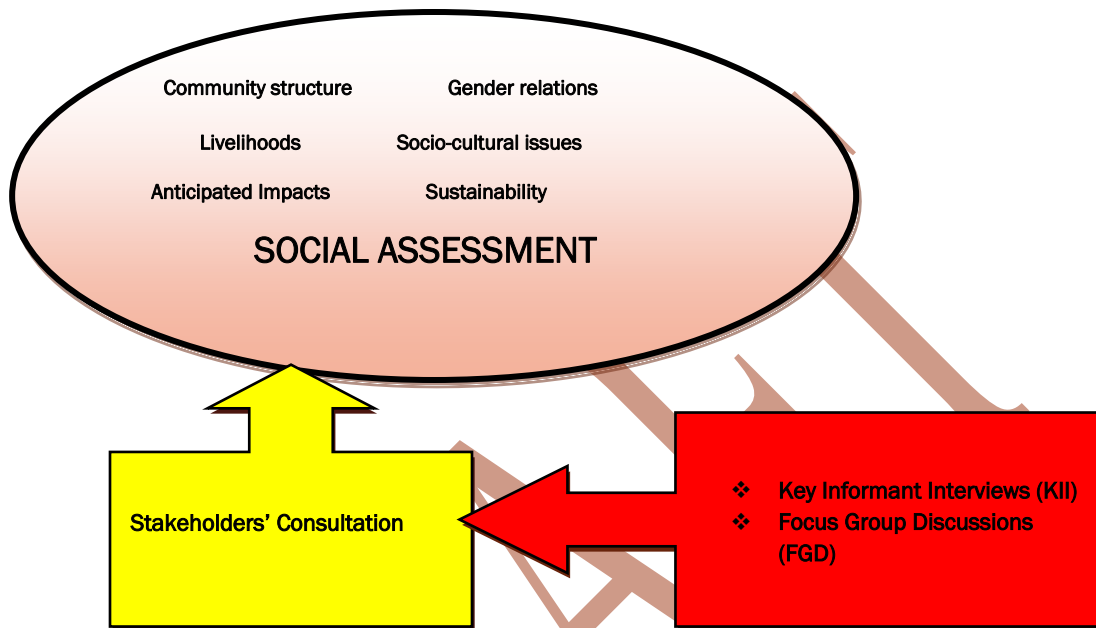


FIGURE 1: SOCIAL ASSESSMENT DESIGN

3.2 SOCIAL ASSESSMENT METHODOLOGY

3.2.1 Literature review

Desk review: The study began by desk review and online research on previous studies, documents and other publications. This was followed up by comprehensive review of the project documents. Several documents were reviewed to help in gaining deeper understanding of the project including: Constitution of Kenya 2010; Kenya Vision 2030; National Social Protection Policy (2011); Gender Policy (2011); World Bank Safeguards policies; SEQIP Project Appraisal Document (PAD) - focusing on project description, project development objective and key indicators, project components, project target areas, institutional and implementation arrangements, and monitoring and evaluation of outcomes. and Project Aide Memoire; The SEQIP Project Implementation Manual (PIM); Report on social risk in the North and North Eastern Development Initiative (NEDI) counties; Other relevant Social Assessment documents prepared in Kenya for World Bank projects and other project manuals that focus on social safeguards methodology and grievance redress mechanisms for VMGs.

3.2.2 Preliminary activities and meetings:

The desk review was followed by development of instruments of data collection such as questionnaires and Focus Group Discussion (FGD) guides. Data collection tools were then submitted to the World Bank for approval and No Objection. After approval of data collection instruments, the SEQIP team collaborated with State Department for Social Protection in virtually training officers who were to support in data collection each sampled county and sub- Counties.

During the 19th November, 2020 virtual training (see annex 1), officers were taken through the World bank policies on safeguards, the Social assessment tools to ensure in-depth understanding of questions, adherence to the correct procedures of the interviews and the long term implication of the Social Assessment in informing the project design.

3.2.3 Selection of VMGs

Baseline qualitative data:

Secondary data was obtained through literature review on the available literature demonstrating that previous Social Assessments had been successfully carried out in the other VMG targeted counties. The selection of VMGs to inform the social assessment was based on the screening criteria adopted by the World Bank, IGWIA, UN special rapporteur and the ILO (see table 1).

TABLE 1: CRITERIA FOR SCREENING VMGS USING WORLD BANK OP 4.10 AND CONSTITUTION OF KENYA 2010

Criteria for screening of VMGs	
World Bank OP 4.10	1.0 Identity
	❖ Self-identification
	❖ Recognition of this identity by others
	2.0 Collective Attachments
	❖ Distinct habitats
	❖ Ancestral territories
	❖ Natural resources
	3.0 Distinct Customary Institutions
	❖ Cultural Institutions
	❖ Economic Institutions
	❖ Social Institutions
	❖ Political Institutions
	4.0 Distinct Indigenous Language
❖ Indigenous language	

Criteria for screening of VMGs	
Constitution of Kenya, 2010	❖ Neighboring languages
	❖ National Language
	5.0 Social Assessment
	❖ Population (small)
	❖ Unique culture
	❖ Traditional lifestyle
	❖ Traditional Livelihood
	❖ Geographic location

The first Commission on Revenue Allocation policy in 2013⁵ identified 14 counties as more marginalised. These were: Turkana, Mandera, Wajir, Marsabit, Samburu, West Pokot, Tana River, Narok, Kwale, Garissa, Kilifi, Taita Taveta, Isiolo and Lamu. Therefore, this Social Assessment purposively sampled nine (9) counties, that is; Kilifi, West Pokot, Turkana, Bungoma, Homa Bay, Tana River, Garissa, Wajir and Marsabit. These counties have different types of VMGs including hunter-gatherers, fisher folk and pastoralists and covered the areas where the project will be implemented. Further probing was conducted at the communities' level to generate information on whether they fit the OP 4.10 criteria as indicated below in table 2.

Random Sampling was used to select stakeholders who participated in Key Informant Interviews and Focus Group Discussions. The participants were selected based on their knowledge on the demographics, social economic and cultural set up of the VMGs.

TABLE 2: SAMPLED COUNTIES FOR THE SELECTED VMGS TO UNDERTAKE SOCIAL ASSESSMENT

Regional Coverage	County	No. of VMGs	Type of VMGs	Sub-Counties
1. Coast Region	1. Kilifi	3	Waatha	Ganze, Magharini, Kilifi North
	2. Tana River	2	Malokote/ Waliwana and Munyoyaya	Tana River
2. North Eastern Region	3. Garisa	1	Malakote/ Waliwana Munyoyaya	Fafi Sub-county
	4. Wajir	1	Riba	Wajir East
3. Eastern Region	5. Marsabit	5	Odhola/Ilkunono	Laisamis
			Waayu/waata	North Horr
			Sakuye	Moyale
			Waayu/Konso/Burji	Marsabit Central
			El molo	Loiyangiani
4. Rift Valley Region	6. West Pokot	2	Sengwer Cherangany	Kapenguria

⁵ <https://www.crakenya.org/wp-content/uploads/2018/06/CRA-37-Second-Policy-on-Marginalised-Areas-June-16th-2018.pdf>

Regional Coverage	County	No. of VMGs	Type of VMGs	Sub-Counties
	7. Turkana	1	Ngikebotok	Loima
5. Western Region	8. Bungoma	1	Ogiek	Mt. Elgon
6. Nyanza Region	9. Homa Bay	1	Suba	Mbita/Gwasi

3.2.4 Stakeholders Free, Prior and Informed Consultations (FPIC)

The FPIC with the vulnerable and marginalized communities will be conducted at each stage of the project and especially during implementation. In this regard, the IPs/VMGs have been consulted at each stage to fully capture their views and ascertain their broad community support for the project. The FPIC, in relation to activities taking place that affect IPs/VMGs, refers to a process whereby affected vulnerable and marginalized communities freely have the choice, based on sufficient information concerning the benefits and disadvantages of the project, of whether and how these activities will occur according to their systems of customary representation and decision-making.

The stakeholder consultation was considered key to the preparation of the social assessment and forms the determination of the key issues for consideration in the project design and implementation strategies. The objectives of the FPIC as indicated below provides details of the views captured during the consultations which aimed to:

- fully inform the communities about the SEQIP project;
- identify in a participatory process potential impacts and benefits;
- accord the VMGs fair and culturally appropriate chance to be engaged and determine how they wish to be involved throughout the project cycle;
- solicit the support of the VMGs for the project;
- determine the nature of the local governance structure and document the procedures for the entry and access into the community;
- obtain detail data on local livelihoods, customs and historical traditions for information to all SEQIP and partner implementing agencies;
- Determine through careful consultation with the VMGs the preferred mechanisms for information provision, consultation and representatives in decision making.

Primary information was collected through a range of consultations undertaken through meetings and fieldwork. Field work entailed mobilizing in a representative sample of different groups of the VMGs from scattered locations in a central place for in-depth interviews and FGDs. Mobilization was led by County Directors of Education, County Project Coordinators and Sub County Director of Education supported by Sun-County Social Development Officers who also involved the Chiefs and other relevant stakeholders. Preliminary meetings were held in Nairobi with relevant staff of the State Department for Early Learning and Basic Education together with three representatives from State Department of Social Protection and World Bank safeguard specialist in

developing a clear roadmap for social assessment. Mutual understanding was arrived at on social assessment goals, approach, activities tools of analysis and outputs.

3.2.4.1 VMG Consultation:

In order to have an overall synthesized perception and group opinions of larger community and VMGs living within the project area as well as authenticating the data from the sample households, focused groups discussions were held with various representatives of women, elders and youths among the Vulnerable and Marginalized Groups (VMGs). Consultations with VMGs were undertaken in the counties as shown in table 2. The initial meetings were held with identified stakeholders as indicated in annex 7 across the 15 sub-counties. At each of the Sub-Counties, a total of 5 Key informant Interviews (KIIs) and 3 community member Focus group discussions were conducted. The interviews were used to gain an in-depth understanding of social issues affecting these VMGs. The selected stakeholders were distributed as follows:

TABLE 3: STAKEHOLDERS TO BE SELECTED

Key Informant Interviews (KIIs) per Sub-County	Community members interviews / Focus Group Discussions (FGD)
1 Representative from line Ministries (DCC, MoE, TSC, DCS)	1 representative of Village elders
1 Representative from the Trade Unions (KNUT, KUPPET)	1 representative of PWDs
1 Representative from (KEPSHA, KESHA/ Parents Association / Parent)	1 representative from Youth/Youth group leader
1 Representative Area Chief/ Sub- Chief	1 rep Religious leader
1 Representative from Prominent (VMGO/ CSO/CBO/FBO)	1 representative from women / women leaders

3.2.4.2 Key Informant interviews:

Key Informant interviews were carried out with important SEQIP stakeholders to obtain in the qualitative data with respect to the social assessment.

3.2.4.3 Focused Group Discussion:

In order to understand the overall perception and group opinions of the larger community and the VMGs living within the project area FGDs were held. Before every FGD was held an introduction about the aim of the FGD and was done. This helped to build confidence between the community and the interviewing officers, render clarity of purpose and expectations and ensure that the team was holding discussions with the right participants.

The FGDs involved consultations with a range of gender disaggregated groups of VMG, comprising men, women, youth (male and Female). These discussions were held at the location level and village level in each of the sampled sub- counties. The key issues of discussion centered on the following:

TABLE 4: KEY ISSUES OF DISCUSSION DURING SOCIAL ASSESSMENT

#	Main IP/VMGs issues	Areas of discussion / probing
1.	Social, cultural and political characteristics	Ethnic groups, clans, languages, cultural differences, power structure, role of youth and women
2.	Economic profile, activities	Livelihood sources, services available for IPs, experiences with other education projects , desired economic/social projects
3.	Community participation and consultation in development projects	Involvement of IPs/VMGs in project planning, implementation and monitoring, and challenges in effective engagement
4.	Community Cultural structures/ Community governance and appropriate consultation approaches	Presence of groups/organizations in villages, opinion leaders, how to consult with community
5.	Social cohesion, level of integration and conflict resolution mechanism	Conflicts (inter-household, clan, ethnic), relationship with majority groups, conflict resolution mechanisms. Gender relations, Relation between men and women, women empowerment, decision-making, GBV, resolution of gender-based conflicts
6.	Project impacts	Potential positive and negative impacts of project implementation, preventing and mitigating negative impacts
7.	Grievance Redress Mechanism	Complaints on SEQIP/Education projects and devolved funds, grievance redress structures, responsiveness to VMGs/IPs, potential improvements on GRMs

3.2.4.4 Gender Considerations:

The consultations also took into account the issues of gender. Specific consultations with women in the project-affected area were carried to ensure that their concerns are included in the project design and preparation. The Marginalized communities are a highly patriarchal society where women and their views are generally not considered. Majority of Marginalized communities still hold to the traditional misconception that women cannot make decisions and thus under-represented in property ownership, education, and political leadership among others.

3.2.5 Methodology of Analysis

During the analysis, the notes from Key Informant Interviews and Focus Group Discussions together with the sub-county reports were captured verbatim in qualitative data analysis software, *QDA Miner*. All the locational and demographic information gathered during the social assessment was used to categorize the captured data. The data in the QDA was analyzed through an iterative process using content analysis methodology, where the data was coded from a perspective on vulnerable and marginalized groups, including their lifestyles, perceived participation in development and education programmes, grievances and possible risks to development projects in their communities. In the first iteration, the data was parsed and coded for keywords on the thematic issues on VMGs. The key words were then used for the subsequent iterations to build more border themes, which were finally refined and aligned to the objectives of SEQIP. For instance, the VMG communities' lifestyles were analyzed for positive and negative impact on retention and transition. The themes, sub-themes were used to generate thematic findings with associated textual citation from the original data, and to have a summary of emerging findings specific to every VMG.

3.2.6 Limitations/ challenges faced during consultations:

The key challenges encountered were; the vast areas covered and poor access road made transport difficult especially in Suba and Ganze sub-county, for other vast sub-counties County Project Coordinators had to support the SEQIP team in ensuring that the exercise was timely undertaken. Also, high cost of transport which made access to VMGs rather difficult thereby a reduction in participation of the various communities. Following the Ministry of Health COVID 19 regulations⁶ had an impact on reduction of participants per community because of adherence to social distancing and avoidance in overcrowding during community barazas. Therefore, representatives of the communities were the once expected to participate yet barazas are meant for the whole community. Security was also a major challenge especially in Fafi Sub-county.

4.0 INSTITUTIONAL, LEGAL AND POLICY FRAMEWORK

This chapter presents the legal and institutional framework applicable for VMGs in Kenya. It briefly discusses the existing legal framework that relates to VMGs and promotes social inclusion. It is a requirement of the OP/BP 4.10 to undertake a Social Assessment to evaluate the project's potential positive and adverse effects on the Indigenous Peoples, and to examine project alternatives where adverse effects may be significant. The SA is a means to engage FPIC with target communities and to assess whether these communities will provide their broad support to the project. The aim is

⁶ <https://www.health.go.ke/covid-19/>

to provide a basis for SEQIP relevant norms and rules, in terms laws and policies that emerge from these institutions and the implications for social inclusion of VMGs in the SEQIP project.

4.1 INSTITUTIONAL FRAMEWORK FOR IPS/VMGS IN KENYA

There are four key institutions upon which the rights of the VMGs in Kenya are anchored: (i) Ministry of Labour and Social Protection that is charged with preparing communities and vulnerable individuals for improved livelihoods; (ii) the Ministry of Public Service, Youth and Gender Affairs that coordinates empowerment programmes for the youth, women and People With Disabilities (PWDs) and also charged with promoting gender equity in the country; (iii) National Gender and Equality Commission that is involved in the mainstreaming of issues of minorities and marginalized communities and groups in development; (iv) Kenya National Commission on Human Rights that monitors government institutions and conducts investigations on alleged human rights violations; (v) The National Cohesion and Integration Commission that is primarily preventing discrimination on the basis of race or ethnicity, and advocating for cohesiveness among the diverse groups in the country, and (vi) Kenyan Museums for protecting cultural heritage.

4.2 NATIONAL LEGISLATION PROMOTING SOCIAL INCLUSION OF VMGS

4.2.1 The Constitution of Kenya 2010 in its various Articles make very clear provisions on the rights, privileges and responsibilities of the vulnerable and marginalized groups. The Constitution protects the rights of minorities in three ways: (i) making substantive provisions to address specific concerns of these communities; (ii) mainstreaming concerns of minorities into institutions of governance including political parties, county and sub-county leadership; (iii) creating institutions and mechanisms that, if effectively implemented, could empower minorities and marginalized groups. It has also provided a rich and complex array of civil and political rights, social-economic rights and group rights.

It affirms fundamental national principles and values of unity, participation of the people, equality, equity, inclusiveness, non-discrimination and protection of the marginalized and vulnerable people. It also protects the cultural foundations and expression of the Kenyan people as an integral part of the right to self-determination. The principle of non-discrimination runs throughout the Constitution as a further affirmation of the country's commitment to recognize and protect the diversity of the people of Kenya and their right to self-determination as equal members of the Kenyan

population. To this end, the GoK commits to promoting respect for all cultures, ethnicities, races, gender, political opinions and religious beliefs.

Article 21(3) states that “all State organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities”.

Further to this, Article 22 (1) provides that “Every person has the right to institute court proceedings claiming that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened”. Article 43 on Economic and Social rights particularly 43(f) provides for right to education and 43(3) states that “The State shall provide appropriate social security to persons who are unable to support themselves and their dependents”.

In addition to these, Article 56 focuses on the rights of Minority and Marginalized groups. It states that: “the State shall put in place affirmative action programmes designed to ensure that minorities and marginalized groups – (a) participate and are represented in governance and other spheres of life; (b) are provided special opportunities in educational and economic fields; (c) are provided special opportunities for access to employment; (d) develop their cultural values, languages and practices; and (e) have reasonable access to water, health services and infrastructure”.

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

It further defines that: “*marginalized group*” means a group of people who, because of laws or practices before, on, or after the effective date, were or are disadvantaged by discrimination on one or more of the grounds in Article 27 (4), which states that ‘The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language or birth.’

The definition of marginalized groups, being broad, encompasses most of the groups that identify themselves as indigenous peoples. The Constitution provides the norms and rules for respecting the human rights for all members of the society, addressing the needs of vulnerable groups, preventing social discrimination, ensuring affirmative action for social groups affected by past-discrimination.

Article 44⁷ of the Constitution of Kenya recognizes that a person belonging to a cultural or linguistic community has the right, with other members of that community, to enjoy the person's culture and use the person's language; or to form, join and maintain cultural and linguistic associations and other organs of civil society. The post-colonial Kenyan state had pursued a policy of assimilation and integration of numerically smaller tribes into some dominant ones, which the GoK 2010 endeavored to change.

The recognition of minorities and marginalized people is expected to contribute to the preservation of their identities and enable them to interact at the same level with other groups, including in relation to participation in political life as well as development matters.

4.3 LEGAL FRAMEWORK FOR SOCIAL INCLUSION IN KENYA

Kenya's legal and regulatory framework has inclusion of several provisions, policies and instruments that if well developed and implemented hold promise for addressing marginalization and inclusion of IPs. Social inclusion in Kenya is governed by both international and national legislation. International legislations that promote social inclusion of VMGs/Indigenous People's include: The African Charter on Human and Peoples' Rights (ACHPR), the International Labour Organisation (ILO) convention 169,

⁷ **Article 27 (4)**, which states that *The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social grounds.*

Article 260 defines marginalized communities as:

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

the United Nations Declaration on the Rights of Indigenous People (UNDRIP) of 1989, World Bank Policies and the Sustainable Development Goals (SDGs) for 2030.

Kenya also ratified the ACHPR in 1992 and ascribes to World Bank Policies and SDGs which are critical to social inclusion of VMGs. In addition, although Kenya has not ratified the ILO Convention 169 and abstained from ratifying the UNDRIP of 2007, they provide critical norms and rules for the inclusion of VMGs in social development. The ACHPR, both the Commission and Charter, provide important foundations for screening and inclusion of VMGs in social development and their right to best state of physical health. The World Bank Policies are instrumental in providing guidance on screening VMGs as well as tools and processes for social inclusion of VMGs in its funded social development interventions undertaken by governments.

4.3.1 Kenya Vision, 2030: in its Social Pillar seeks to build a just and cohesive society that enjoys equitable social development in a clean and secure environment. This pillar aims to improve the quality of life for all Kenyans by targeting a cross-section of human and social welfare projects and programmes. This pillar also makes special provisions for Kenyans with various disabilities and previously marginalized communities.

4.3.2 Basic Education Act, 2013 provides for free and compulsory basic education stating that it is the right of every child to free and compulsory education. It further states that the Cabinet Secretary shall in consultation with the National Education Board and the relevant County Education Boards provide for the establishment of appropriate boarding primary schools in arid and semi-arid areas, hard-to-reach and vulnerable groups as appropriate.

4.3.3 Children's Act, 2001: it prohibits any child from being discriminated on any ground including sex, religion, creed, custom, language and other status among others. All the children, boys and girls, are entitled to enjoy the right to education, religious education, and protection from child labor and from harmful cultural practices including female genital mutilation (FGM). The Act provides in 37(2, F) for the need to *"give attention and provide assistance to the acute situations of children in hardship, including disabled children, street children, orphaned and destitute children, children who abuse drugs, children who are sexually abused and children who are affected by domestic violence, and formulate programmes for the consideration by the Council, for the alleviation of the plight of such children."*

4.3.4 The County Government Act of 2012 confers powers of self-governance to the people and enhancing their participation in decision-making. It also seeks to protect and promote the interests and rights of minorities and marginalized communities. It

provides mechanisms in terms of county governance structures and processes for the inclusion of marginalized communities. The Act requires that Counties include the marginalized in County executive committees that support with the responsibility to supervise the administration and delivery of services in the county and all decentralized units and agencies in the county. In addition, the Act provides consultation and participation platforms, avenues and rules, including sharing of information, participation in local decision making and planning of development initiatives in a manner that prevents social exclusion and that makes participation meaningful. (Article 35 (1), 87(a -d), 91 (e-g), 95 (a-f), and 97 on Inclusion and integration of minorities and marginalized groups and Article 115 on public participation in county planning)

4.3.5 Persons with Disabilities Act, reviewed, 2014: Outlines the following entitlements: (1) a legitimate expectation of being able to enjoy *accessibility and mobility*; (2) a legitimate expectation of being able to access *public buildings* (that must now be adapted to suit needs of PWDs); and (3) a legitimate expectation of being able to access *public service vehicles* (that must now be adapted to suit needs of PWDs). This is a comprehensive law covering rights, rehabilitation and equal opportunities for persons with disabilities. It creates the National Council of Persons with Disabilities (NCPWD) as a statutory organ to oversee the welfare of persons with disabilities. The Law also requires that both public and private sector employers reserve 5% of jobs for persons with disabilities.

4.3.6 The Prohibition of Female Genital Mutilation (FGM) Act, 2011: This Act prohibits the practice of FGM, to safeguard against violation of a person's mental or physical integrity through the practice of FGM and for connected purposes. It defines FGM thus '*comprises all procedures involving partial or total removal of the female genitalia or other injury to the female genital organs, or any harmful procedure to the female genitalia, for non-medical reasons*'.

4.3.7 The National Commission on Gender and Development Act, 2010: This Act promotes gender equality in accordance with Article 27 of the CoK 2010 and its target groups include women, youth, children, older persons, people with disability and marginalized groups.

4.3.8 National Cohesion and Integration Act, 2008: The Act encourages national cohesion and integration by outlawing discrimination on ethnic grounds. It introduces important provisions for "ethnically equitable" distribution of public resources and stipulates that distribution of public resources should take into account Kenya's diverse population and poverty index.

4.3.9 The Community Land Act, 2016: The Act prohibits disposal of unregistered community land. Even though it does not limit compulsory acquisition for public purposes, it commits counties to hold compensation for the affected community until a formal title is secured. The Act recognizes the validity of existing customary rights of occupancy in community land by VMGs. Similarly; it spells out the rights of the community as the proprietor of the land.

4.3.10 The Protection of Traditional Knowledge and Cultural Expressions Act, 2016: The Act is intended to give effect to Articles 11, 40 and 69(1) (c) of the Constitution. Article 11 recognizes culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and provides that Parliament shall enact legislation to ensure that communities receive compensation or royalties for the use of their cultures and cultural heritage. Article 40 (5) obliges the state to support, promote and protect the intellectual property rights of the people of Kenya. Art. 69(1) (c) and (e) mandates the state to protect and enhance intellectual property, traditional or indigenous knowledge of biodiversity and the genetic resources of the communities and protect genetic resources and biological diversity. The Act is relevant to VMGs as it considers protection of their cultures and heritage.

4.3.11 The Commission on Revenue Allocation, No. 22 of 2016⁸ Earmark 0.5% of annual state revenue to the development of marginalized areas, in addition to 15% of national revenue for direct transfer to county governments. It has also developed two policies on marginalization. The first policy published by the commission in 2013 used county as unit for analysis and defined marginalization as covering the following 14 counties: Turkana, Mandera, Wajir, Marsabit, Samburu, West Pokot, Tana River, Narok, Kwale, Garissa, Kilifi, Taita-Taveta, Isiolo and Lamu.

IDENTIFIED MARGINALISED AREAS IN KENYA

⁸ <https://www.crakenya.org/wp-content/uploads/2018/06/CRA-37-Second-Policy-on-Marginalised-Areas-June-16th-2018.pdf>



FIGURE 2: MARGINALIZED COMMUNITIES DISTRIBUTION IN KENYA

In formulating the first marginalization policy, three approaches were used to identify marginalized counties. These were: information generated on historical injustices; a survey carried out in all the 47 counties on marginalized counties and, a county development index (CDI) constructed on the basis of information on poverty levels, status of roads, use of electricity, access to safe water, access to health care services, access to improved sanitation, and levels of literacy. Information from the three methodologies was triangulated to identify the 14 marginalized counties.

While the second marginalization policy from 2018 - 2021 identified⁹ 1,424 (see table 10) sub-locations as the most marginalized areas in 34 counties and highlighted certain minority groups as particularly marginalized: The Endorois, Ilchamus, Sengwer, Waata, Elmolo, Aweer-Boni, Makonde, Yaaku and Dorobo-Saleta (otherwise known as Ogiek).

⁹ <https://www.crakenya.org/wp-content/uploads/2018/06/CRA-37-Second-Policy-on-Marginalised-Areas-June-16th-2018.pdf>

4.4 POLICY FRAMEWORK FOR SOCIAL INCLUSION IN KENYA

4.4.1 Kenya National Commission on Human Rights Act, 2011: The Act mandates the Kenya Human Rights Commission (KHRC) to investigate and provide redress for human rights violations in Kenya, to research and monitor the compliance of human rights norms and standards, human rights education and training and campaigns, advocate and collaborate with other stakeholders in Kenya.

4.4.2 The Equal Opportunities Commission Act, 2007: It aims at promoting equal opportunities for all persons, prohibits discrimination and provides for remedies for victims of discrimination and for connected purposes. Every person is entitled to equality with respect to the following without discrimination: employment; education and training; access and use of public facilities; health services and facilities; housing, goods, facilities and services including financial services; acquisition, change or retention of nationality and change of domicile; admission and membership into professional associations or qualification without which as a matter of law or of practice, a person would find it difficult to carry on a particular profession (including any vocation or occupation); or inheritance.

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

4.4.5 Sessional Paper No. 1 of 2019: The Government has put in place measures to oversee the implementation of policies and strategies that address challenges affecting marginalized, as well as hard-to reach and vulnerable groups. This policy promotes enhancing provision of quality and relevant primary education through the following strategies – (i) Strengthen the regulatory framework; (ii) promote equitable distribution of teachers; (iii) Strengthen Continuous Professional Development (CPD) of teachers; (iv) promote health and nutrition for learners; (v) strengthen partnerships and linkages in primary education; (vi) promote STEM programmes; (vii) reform the primary education curriculum; and (viii) reform the assessment and examinations framework.

4.4.6 Kenya Gender Policy, 2011 guarantees equality for men and women in accessing economic and employment opportunities. It facilitates the review of laws that hinder women's access to and control over economic resources and improve vocational and technical skills of disadvantaged groups, notably unemployed youth, disabled women, poor urban and rural women, and street dwellers, for improved access to employment opportunities.

4.4.7 Kenya National Youth Policy, 2006: The Policy envisions a society where youth have equal opportunity to productively participate in economic, social, political, cultural and religious life. The young people are a component that makes up the VMG in communities. Any initiatives aimed at addressing the sources of disadvantage within societies must take cognizance of young peoples' special views and needs.

4.4.8 National Land Policy, 2009: The policy takes cognizance of the fact that women, children, minority groups and PWDs have been denied access to land rights as a result of discriminatory laws, customs and practices. Additionally, by recognizing that the land and resources that the IPs/VMGs live in and depend on are inextricably linked to their identities, cultures, livelihoods, physical, and spiritual well-being, the policy seeks to ameliorate their continued marginalization.

4.4.9 National Policy on Older Persons and Ageing, 2009: The older people are often discriminated against and neglected. They are also prone to risks as are children, women, youth and the PLWDs. The policy is facilitating the integration and mainstreaming of the needs and concerns of older persons in national development.

4.4.10 Kenya National Social Protection Policy (NSPP, 2011) has an overall objective to cushion the poor and vulnerable from hard socio-economic risks & shocks, build their resilience and prevent them from falling further into poverty situations and a goal of 'ensuring that all Kenyans live in dignity and are able to exploit their human capabilities for their own social and economic development' and contribute to the economy'.

4.4.11 National Policy for the Sustainable Development of Arid and Semi-Arid Lands (2007): This policy developed upon the realization that marginalization of certain parts of the country is a key driver of poverty, the policy aims at redressing historical and current injustices and inequalities that can correct this imbalance. The policy recognizes that the arid and semi-arid areas are endowed with a wealth of physical, natural, human, and social capital resources yet face the highest levels of poverty in the country. Therefore, specific interventions are required to bring these areas up to the same development level as the rest of the country.

4.4.12 Sector Policy for Learners and Trainees with Disabilities, 2018: The policy is structured in thematic areas with inclusive education and training as an approach cutting across all themes meeting the needs of disabilities. The policy further recognizes that there are learners and trainees who may require special institutions and home-based care, depending on the severity of disability and their individual interest. The

component of remote training of teachers and learners will consider the special needs for both learners and teachers.

4.4.13 Education and Training Sector Gender Policy 2015: The overall goal of this policy is to promote gender equality issues in regard to access, equity and equality in the education sector and to enhance empowerment for effective participation and contribution in national development by all. The policy promotes gender equality issues in regard to access, equity and equality in the education sector which is being supported by the project as well.

4.4.14 The Gender Based Violence Policy Draft, 2013: This policy is aimed at positioning GBV as a major manifestation of and a driver of inequality seeks to encapsulate the government's commitment to gender equality, and to convey values, decisions, undertakings and general directions for action towards elimination of GBV.

4.4.1 WORLD BANK SAFEGUARD POLICIES

The World Bank Policies are instrumental in providing guidance on screening VMGs as well as tools and processes for social inclusion of VMGs in its funded social development interventions undertaken by governments. The World Bank safeguard policy OP/BP 4.10 is triggered by the proposed project because the pool of pre-identified potential interventions in the 110 sub-counties includes areas where indigenous peoples are present. The World Bank policy OP 4.10 defined Indigenous People's (in Kenya referred to as VMGs) as distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

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

This definition is similar to Kenya's Constitutional definition and would apply to most of the groups and communities identified under Kenya's marginalization policies. However, the application of OP4.10 requires on the ground verification that OP4.10 criteria are met for specific communities. The implementation of the interventions will be undertaken through transparent and accountable selection criteria that will be guided by robust community- validation processes. These processes will also benefit from SEQIP redress mechanisms, thus ensuring that the poor and VMGs are an integral part of the Project.

4.4 IMPLICATION OF THE LAWS AND FRAMEWORKS FOR SEQIP PROJECT

This social assessment analyzed the existing legal and institution framework, from an international and national perspective, under which the SEQIP will be implemented. This purpose was to gain insights on the extent to which social inclusion is guaranteed both under *de facto* and *de jure* considerations and the gaps, if any, that need to be strengthened.

Notably, Kenya Constitution of 2010 provide the overarching framework for social inclusion, provide framework guidance on the governance structures, processes and instruments required to ensure social inclusion of VMGs. This social assessment found that although there are adequate institutions on social inclusion, critical knowledge, and skills gaps among the national and county government structures exist for inclusion of VMGs in social development initiatives.

In addition, there is critical exclusion of VMGs this means that the SEQIP has to embark on an intentional extensive and intensive capacity building of national and county government on VMGs inclusion processes. In addition, the Project must ensure that VMGs are included in the local, county and national governance structures for meaningful participation in the continued implementation and support of the project. Further, the SEQIP must ensure that as the project is being implemented VMGs capacity is enhanced where it exists. This implies that, more funds must be allocated and ring-fenced and progressively reviewed to ensure adequacy financing of initiatives to strengthen local, county and national VMGs governance structures and processes.

5.0 FINDINGS OF THE SOCIAL ASSESSMENT

This chapter presents baseline information on the demographic, social, cultural, and political characteristics of the VMGs. First as a summary of the VMGs categorization and then elaborates on the Socio-economic profile of each specific VMGs. The chapter then goes on to elaborate on the potential positive and negative impacts of the project and their mitigation measures as identified in consultations with the VMGs as categorized in the project components.

5.1 INTRODUCTION

The WB's OP/ BP 4.10 policy, the term "Indigenous Peoples" is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary, cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) an indigenous language, often different from the official language of the country or region.

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

5.2 VULNERABLE GROUPS

Vulnerability refers to the conditions determined by physical, social, economic and environmental factors or processes, which increase the susceptibility of a community to the impact of hazards. A vulnerable group is therefore a population that has some

specific characteristics that make it at higher risk of falling into poverty than others living in areas targeted by a project.

Many factors contribute to vulnerability in different communities. The identities and cultures of VMGs are inextricably linked to the lands on which they live and the natural resources on which they depend. VMGs are often poorer than others within their communities, their rights not always respected, and they are often excluded in development or other participatory planning processes. Consequently, members of these communities often feel excluded. These distinct circumstances expose VMGs to different types of risks and levels of impacts from development projects, including loss of identity, culture, and customary livelihoods, as well as exposure to disease. Moreover, gender and intergenerational issues among these people is complex.

CoK 2010 has classified children, persons living with disability, and the elderly as vulnerable. From the findings of the social assessment study, certain vulnerable groups may be hindered from equitably drawing the benefits of the proposed project. This is as a result of the prevailing physical, socio-economic, socio-political, livelihood strategies, environmental, historical injustices, and cultural conditions in the localities. In Kenya the WB has agreed with the Government to use the term Vulnerable and Marginalized Groups, rather than Indigenous Peoples, which takes into consideration other vulnerable and marginalized groups as per the CoK, 2010.

TABLE 5: INDICATIVE LIST OF VMGS IN SEQIP COUNTIES THAT FIT CoK 2010 AND OP4.10 CRITERIA FOR IDENTIFYING VMGS

	County	VMG
1.	Kilifi	Waatha, Wakifundi, Makonde
	Tana River	Waatha, Malokote/ Waliwana/Ilwana, Munyoyaya
2.	Garissa	Malakote, Waliwana, Munyoyaya
3.	Wajir	Riba
4.	Marsabit	Odholo, Ilkunono, Waayu/waata, Sakuye/Saguye Waayu, Konso, Burji, Dassanach, El molo
5.	Isiolo	Waatha
6.	West Pokot	Sengwer, Cherengany
7.	Turkana	Ngikebotok, Elmolo, Ichakun
8.	Bungoma	Ogiek
9.	Homa Bay	Basuba/ Suba
10.	Elgeyo Marakwet	Sengwer
11.	Laikipia	Yiakku
12.	Samburu	Illkunono/ Ndorobo
13.	Baringo	Ilchamus/ Endrois
14.	Taita Taveta	Waadhu, Wapare
15.	Nandi	Terik, Ogiek
16.	Narok	Ogiek, Ilkunono
18.	Kitui	Oromo

19.	Makueni	Angulia
20.	Mandera	Warabeya
21.	Kwale	Wakifundi, Makonde

This SA consultation also revealed that poverty of VMGs is compounded by their exclusion in development projects, the lack of official disaggregated data by ethnicity, and representation which keeps the problem of minority and indigenous poverty hidden and unaddressed.

5.3 CATEGORIES OF VMGs IDENTIFIED DURING CONSULTATION

During consultations at the community level, the respondents were asked to identify those among them that are considered vulnerable and marginalized. The responses reflected varied perceptions. During discussions at the county levels, the dominant view was that vulnerability and marginalization have taken on the following forms whom they considered vulnerable and marginalized with a majority also getting affected by the COVID -19 pandemic, responses included: (i) the chronically poor; (ii) persons with disabilities; (iii) the elderly; (iv) women/ girls, especially the widowed and those in female-headed households; (v) child-headed households and (vi) the Marginalized Minority communities. The marginalized people and communities become even more vulnerable in emergencies.¹⁰

5.3.1 Chronically poor

The major determinants of wealth include livestock in pastoral communities; land and livestock in agro-pastoral and agricultural communities; and availability of labor in all livelihood systems. As chronically poor households lack one or more of these factors they become more vulnerable to risks and shocks. In the discussion held with the community groups they identified landlessness and lack of livestock as main source of vulnerability in their area. Though access is not limited, the poor becomes less beneficiary from some of the project outputs due to limited resources.

5.3.2 Persons with Disabilities (PWDs)

There are a number of laws in place that aim at protecting the rights of persons with disabilities (PWDs) in Kenya, including Persons with Disabilities Act, 2003 and the CoK, 2010, however, these groups of people still face challenges. For instance, access to basic education, healthcare services and vocational training is still a major challenge. It was observed through the consultations that the high poverty level among PWDs has turned some of them into street beggars. Disabilities are further compounded by lack of opportunities like in participation in development projects. A key informant proposed

¹⁰ <https://idpjournal.biomedcentral.com/articles/10.1186/s40249-017-0375-2>

the implementation of interventions that promote inclusive development and enactment of legal provisions guiding the employment of PWDs in special schools.

The cultural beliefs surrounding PWDs have resulted in stigma, leading to intensified marginalization of this group. In Garissa, Kilifi and Wajir Counties, for instance, it was reported that PWDs are locked in their homes while others are tied to trees. A key informant observed that: *“In our community persons with disabilities are viewed as outcasts...some of them are hidden from the public eye as disability is seen as a “curse” in this community.”*

It was observed during the SA that although all PWDs deserve affirmative action measures, there are still specific groups that suffer double marginalization such as women/girls, children, youth, minorities and elderly persons with disabilities. A representative from local NGO in Turkana County that deals with PWDs noted that: *“It is even harder when girls, women or children are disabled. This is because they are already marginalized by virtue of their position in the community”.*

With respect to the COVID-19 pandemic as an emerging issue, access to information is often a barrier for persons with a disability who have specific communication needs. They are often excluded from decision-making spaces and have unequal access to information on outbreaks and availability of services. They can be socially isolated, for example, if they don't access the community regularly. Therefore, it is important to ensure active outreach to collect feedback from persons with disabilities. Disseminate information that uses clear and simple language. Provide information in accessible formats, like Braille, large print. Involve organizations of persons with disabilities in consultation and decision-making. Provide tailored approach to meet individual needs and other social support networks.

5.3.3 Older Persons

Communities that still practice pastoral nomadic, old age is often seen as an encumbrance with some of those unable to walk long distances being abandoned along the way. It was also discussed during FGD in Kaloleni sub-county how elderly abuse has impacted on their society. Cases of brutal murder of the elderly were prominent; a government representative reported that the elderly were being murdered so that the other family members could inherit property or the young ones buy *bodaboda* (Motorbike).

When discussing about the impact of COVID-19 in different communities as an emerging issue, it was observed that, the elderly are most vulnerable group, majority are caregivers to orphan and vulnerable children though with higher fatality rate. This

can become more challenging in emergencies. It is therefore vital that this cohort is assisted to understand the information/ messages provided or instructions on how to care for them and address their specific feedback during pandemic by targeting their family members, and caregivers.

5.3.4 Women, Girls, Widowed and Female Headed Households

Gender relations in the host communities are closely aligned to culture. For instance, in Fafi sub-county, women considered themselves voiceless and powerless whenever major community decisions are made but their marginalization was not finding itself into the mainstream gender discussions. Even when the question on marginalization was posed during a women's FGD, they first came up with a list of VMGs that included the physically handicapped and those chronically poor and only added themselves onto the list after probing. During meetings women tend to speak minimally while men, especially those with influence, dominate the discussions.

The previous pandemics¹¹ illustrate the value of engaging with women when communicating about risks associated with pandemics. Women are the primary caregivers to children, the elderly, and the ill, therefore a need to recognize and engage them during consultations and by ensuring access to information on outbreaks and available services especially in communities that are dominated by men. For such communities, tailoring interventions to needs to be gender, language, and local culture sensitive.

5.3.5 Child-Headed Households

It was observed during the SA that child headed households were particularly vulnerable among the Sengwer / Cherangany in West Pokot where parents have been killed due to cattle rustling and other hostilities. They face severe challenges of malnutrition as well as education. The issues of homes headed by underage children without lack of national ID cards and who therefore cannot access the educational, social and other services that require National Identification cards services are on increase. This also leads to early marriages, teenage pregnancies thereby increasing rates in school dropouts as well as retention.

5.3.6 The Minority Communities

The minorities, Indigenous Peoples and Ethnic Diversity in Kenya (Makoloo M.O., 2005)¹² provides the following understanding on minorities as: (i) Any ethnic, linguistic

¹¹ This response was in respect to the COVID-19 pandemic.

¹² <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-147-Kenya-Minorities-Indigenous-Peoples-and-Ethnic-Diversity.pdf>

or religious group within a county, which is in a non-dominant position within that state; (ii) A group consisting of individuals who possess a sense of belonging to that group, and who are determined to preserve and develop their distinct ethnic identity. As a response to its relations with other segments of society, a minority group will normally develop a strong sense of group loyalty and other related behavior; (iii) Likely to be discriminated against or marginalized on the rounds of its ethnicity, language, culture or religion.

The Constitution of Kenya 2010 defines marginalized communities as one or more of the following; (i) A community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole; (ii) A traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole; (iii) An indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or pastoral persons and communities, whether they are: nomadic or settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole.

The above definition of marginalized communities is in conformity with some of the criteria for identifying IPs according to the World Bank's OP 4.10. These minority communities have tended to be scattered in different locations or counties, in which they live among more dominant communities. For example, in Kenya, the Watha community is found in Garissa, Tana River and Kilifi counties.

However, the Constitution of Kenya, 2010, has gone further to classify pastoralists as being among the marginalized groups in Kenya owing to the geographical remoteness of the areas in which they live, which has resulted in their exclusion from participating actively in the socioeconomic affairs of Kenya, despite their being the overwhelming majority in their respective counties and in spite of their representation in the political affairs of the country. The introduction of the devolved government system in Kenya in 2013 has led to emerging outlook on the marginalized community groups.

The recognition of minorities and indigenous peoples would contribute to the preservation of their identities and enable them to obtain equality with other groups including in relation to participation in political life as well as in development matters (Makoloo, 2005). Due to their minority nature, voices, aspirations and concerns of VMGs are often lost when stakeholder consultations involve groups from dominant

communities. For this reason, it is recommended during project implementation that IPs/VMGs should be consulted to ensure that the project benefits reach the VMGs in a culturally appropriate manner and with their full participation and leadership.

5.4 GENDER CONSIDERATIONS

Specific consultations with women in the project-affected area were carried to ensure that their concerns are included in the project design and preparation. The Marginalized communities are highly patriarchal societies where women and their views are generally not considered. This situation is the outcome of the interplay of a myriad of factors ranging from discriminatory property ownership laws and practices to deep seated cultural values. The consultations brought light how the socialization among VMGs has reinforced gender inequalities and discrimination. A respected opinion leader among the Munyoyaya said that “where there are issues of pregnancies and unlawful marriages they are dealt with silently by village elders”. Cases of sexual exploitation and abuse of PWD and hiding of PWD at the coast (Kilifi) and Garrisa were cited. This poses a threat to any project targeting inclusion of PWDs and therefore mitigation deemed necessary.

Men confessed to having many wives and keeping mistresses. In West Pokot and Marsabit counties they indicated that a woman’s money is their money and it is common for a man demand it. This often triggers Gender Based Violence (GBV). They indicated that the scenario would be different if the money belonged to a group because then the community and administrative leadership come in to condemn such behavior.

Among the Sengwer community, women were free to talk before men but while seated while in the Waatha community the men would dominated the discussions. Majority of the women said they spend most of their time on domestic chores in line with their culture. Therefore, little time is left for improving their confidence levels, literacy levels or participating in major forums. In Kaloleni sub-county *nyumba kumi* initiative had women representation on all the villages for purpose o their inclusion in development activities.

5.5 SOCIO-ECONOMIC PROFILE OF VMGs IN SEQIP TARGETED COUNTIES

This section describes the socio-economic profile of the VMGs in the SEQIP counties. It presents the four categories of VMGs in Kenya: pastoralist, hunter-gatherers, fishing, and farming groups.

5.5.1 Social Context of Vulnerable and Marginalized Groups

Marginalization occurs across multiple levels of governance, some communities are only marginalized at the national level while they form the dominant groups at the county level. Others are marginalized at the county level and subsequently at the local level.

Majority of the counties where SEQIP is being implemented hosts Vulnerable and Marginalized communities. These areas are characterized by perilous socio-economic situations that include food insecurity, limited access to basic education and social services and income generating activities, and infrastructures. Table 6 below indicates the VMGs across the SEQIP targeted counties.

TABLE 6: SUMMARY OF SOCIO- ECONOMIC PROFILE OF THE MINORITY VMGS

#	County	Ancestry hunter-gatherer social groups	Pastoralist marginalized groups	Fishing marginalized groups	Farming and urban-based marginalized social groups	Nationally Marginalized Groups
1.	Kilifi	Waatha		Wakifundi, Watswaka	Makonde	
2.	Tana River	Watha Sanye		Sanye, Waatha, Munyoyaya, Malakote/ Waliwana	Malakote/ Waliwana	Pokomo
3.	Garrisa				Munyoyaya	
4.	West Pokot	Sengwer Cherengany				
5.	Homa Bay				Suba	
6.	Bungoma	Ogiek				
7.	Wajir	Riba				Somali
8.	Marsabit	Waayu	Dassanach	Elmolo		Rendile, Gabra, Borana , Somali
9.	Turkana		Ichakun, Elmolo, Ngikebotok	Ngikebotok		Turkana

5.5.1.1 VMGs categorized based on Clan

The Elmolo, although listed as marginalized, were considered a small group of people who derive their livelihood from Lake Turkana but are mainly in Marsabit County. It is noteworthy that through the use of devolved authority and funds, the County Governments have endeavored to spread their resources to all sub-counties and wards.

However, the community members and county leadership were quick to point out that some far flung areas were still underserved and could be considered marginalized due to limited access to services such as health, education, water and roads. When asked about the marginalization of the Elmolo, officers at the county headquarters noted that there is a representative of the Elmolo on the County Assembly although he does not reside near the lake. They noted that he took advantage of the provision for VMGs in the CoK to get a seat. Some communities in the targeted sub-counties still practice pastoral nomadism and subscribe to traditional leadership structures because 'development is yet to reach them'. There are also few people whose education level and skills may enable them get access to formal employment not only with the County Governments but also with local and Non-Governmental Organizations (NGOs).

A key informant from Wajir stated that: *'If you belong to the dominant clan, then you will have access to services including employment and even political positions. The minority clans that do not have any one to support them in accessing employment remain behind and this creates animosity among community members'*. The same sentiments were echoed amongst different communities like the Waatha community in Kilifi and Marsabit County. The fact that dominant community members had limited access to education and those who had access, had poor outcomes, largely due to poor quality of instruction; this was seen as a key driver of marginalization of the youth.

5.5.1.2 Ancestry Hunter-gatherer marginalized groups

They have been ethnocentrically profiled on the basis of their ancestry lifestyle and livelihoods that were based on hunting of game and gathering of honey and wild fruits. The VMGs that were targeted from this groups include; The Waayu, Riba, Waatha, Ogiek, Sengwer, and the Cherangany.

5.5.1.3 Pastoralist marginalized groups

The minority pastoralist groups have been marginalized by virtue of their small numbers and isolation in remote geographical locations away from their closely associated dominant groups. This includes the Dassanash in Marsabit, Illchamus in Baringo, Oromo in Kitui and Ichakun in Turkana County.

5.5.1.4 Fishing marginalized social groups

The SA identified the Elmolo as part of the fishing group who are marginalized for different reasons. The Elmolo are considered traditionally elusive from any association with other communities apart from their long-term Samburu acquaintances who have influenced and endangered their ancestry and their language. The Wakifundi and Watswaka are similarly minority groups living among and marginalised by the

Mijikenda for having been closely associated with the ancient slave trade. This SA only focused on the Elmoloo community.

5.5.1.5 Farming and urban-based marginalized groups are the fewest. The farming groups include: Suba in Migori County; and Wapare/Waadhu in Taita- Taveta. Urban-based marginalized groups included the Wafrere/Wanyasa in Mombasa and Makonde in Kilifi. This social assessment focused on the Malakote/Waliwana, Munyoyaya and the Suba.

5.5.1.6 Nationally Marginalized Groups

VMGs marginalized at national level are mainly the pastoralist groups. These include: The Rendille in Marsabit, the Gabra, Borana and Somalis in Marsabit and Isiolo Counties; Somali clans in Mandera, Wajir, Garissa; the Pokomo in Tana River County, Turkana community in Turkana, Laikipia, and Isiolo Counties; Maasai in Narok and Kajiado Counties; and Samburu in Samburu county.

5.5.2 Socio - Economic Profile of VMGs in SEQIP Targeted Counties

This section presents baseline information demographic, social, cultural and political characteristics of VMGs in relation to the criteria for OP4.10 and the program services. The representation of social groups with ancestry hunter-gatherer lifestyle and livelihoods, traditional artisanal blacksmith lifestyle and livelihood, the minority pastoralist, the minority fishing groups and the nationally marginalized social groups.

5.5.2.1 Wayyu of Marsabit of County

Marsabit County has a population of 459,785 and a land area of 70,961 square kilometres.¹³ The Commission on Revenue Allocation identifies Marsabit as the fourth most marginalized county in Kenya. With 4.3 people per square kilometer, the main economic activity is pastoralist and livestock rearing. Several ethnic groups live in Marsabit County; including the Borana, Gabra, Rendille, Burji and Dasa apart from the Burji the other communities have a background of pastoralism. The communities are mixed in terms of religion, between Islam, Christianity and Waaqeffannaa¹⁴. This county has several marginalized communities where the Waayu also live.

According to oral history, the Waayu community has a population of 3,761¹⁵. It is believed that their poverty, as depicted by lack of livestock, resulted from an act of a mythical god rather than natural calamity. The Waayu have formerly been referred to as “Waata”, a derogatory term meaning the “beggar” because historically, they have

¹³ Kenya National Bureau of Statistics, 2019

¹⁴ Waaqeffannaa, or belief Waaq (God) is a traditional Oromo religion practised in Kenya’s Marsabit County and in Ethiopia.

¹⁵ Ibid.

had no livestock and culturally not enabled to own any by their neighbour and the past government regimes. They are also stigmatized and cannot marry be married by other tribes since they are considered inferior.

Ancestrally, the Wayyu derived their livelihood from ancestry hunting and gathering in the desert wilderness. Noting the scarcity of hunting and gathering resources in this harsh desert landscape and cultural belief that they cannot own livestock, they live a strenuous lifestyle by clinging around and begging for food from their neighboring communities, especially the Gabra and Borana therefore have very limited household income and sources of food, thus, they rely on food relief. They perform their cultural activities especially for every new moon called Jih Bala; they live within the mainstream and are dependent on the Gabra communities. The community is only given enough to sustain life making the begging culture and casual labour a daily and lifelong culture. This leads to such deviant social behavior as indulging in alcoholism, drugs abuse and selling of miraa.

The community is geographically spread and is found in some northern counties that include: Marsabit, Isiolo, Wajir, and Coastal counties including Tana River, Lamu, Kilifi and Kwale areas. The Wayyu are found in eighteen villages in Marsabat and Wajir: Dirib Gombo, Dub Gobba, Boru Harro, Badassa, WaqoJaldesa, Sololo, Turbi, Maikona, Kalacha, Hurihills, Elgade, North Horr, Balesa, Elhadi, Dukana, Qorga, Somare, and Forole villages. In these villages, there are 9 dominant Wayyu clans that include: Chaqo, Wantho, Tiy'olo, Baches, Kodele, Qochot, Mango and Rogo bl'a.

In North Horr sub-county the wayyu communities are approximately 300 households (about 2000 people) living in North horr. They were traditionally hunters and gatherers but they are now a vulnerable group who get their living from doing casual jobs and selling of Miraa. They mainly live in Abdub Tullu's village while some are scattered the Gabra community. They speak the Borana dialect of the Oromo Language.



One of the elders airing his sentiments on categorizing WAYUU community in North-horr

During the consultative meeting, a total of forty-six participants (24 Male and 22 Female) representing different interest group within the sub-county were consulted. The Waayu community highlighted the following challenges during stakeholders' entry meeting and focus group discussions

- ✚ Lack of political representation.
- ✚ High level of Poverty.
- ✚ Drop out from school.
- ✚ Drug and substance abuse.
- ✚ Early pregnancies and marriage
- ✚ Lack of political representation
- ✚ Exclusion from decision making
- ✚ Exclusion in Job opportunities by both National and County government

They conveyed that in case of conflict, redress measures can be done through constituting community adhoc committees, use of council of elders, local administration, courts and political representatives. This structures would therefore work with the SEQIP structures put in place to ensure conflicts are addressed.

5.5.2.2 The Sakuye (Saguye)

The Sakuye (or Saguye) are a semi-nomadic pastoral people living in Marsabit near the Ethiopian border and Isiolo counties. According to the census 2019 the Sakuye are listed at 27,006 people. This marginalized sub-group of Rendille moved north from Marsabit where they were referred to as Saakuye because of being affiliated to the Borana; they speak Borana dialect and settled amongst them. Their name came from the old name for Marsabit, Saaku. The Sakuye adopted Islam in the early 20th century.

Today, the Sakuye population is divided and lives in Dabel and in Isiolo. Dabel is their traditional ceremonial site. Following Kenya's independence, nearly all of their livestock died due to the Shifta war in 1963 between the Somalis and the Kenya government. The Sakuye were caught in the middle and most of them became destitute. Some were able to rebuild their herds but many remain poor. They survived by taking up agriculture. Most of their families exist on famine relief but the fortunate ones have camels or cattle. The SA FGD brought out that currently the Sakuye practice burning of charcoal / firewood selling, livestock keeping goats' camel and cattle.

During consultations with this community a total of 38 participants were engaged (11 females and 27 male) in Dibir and Gombo locations. The following challenges;

- Learners drop out of school due to lack of school fees; drugs & substance abuse;
- Majority of the girls are involved in teenage pregnancies there exist conflict between communities caused by competition for natural resources like land;

- Discrimination in employment from successive leaderships;
- Disbursement of scholarships and exclusion of VMGs;
- Development projects were also disbursed unfairly, regions inhabited by the VMGs were passively considered; and
- Community involvement in crucial decision making on matters education and development was never accorded to that community, hence felt out of place.



Focus Group Discussions with Key stakeholders in Moyale Sub-county

5.5.2.3 Waatha of Kilifi County

The 'Waatha' were hunter-gatherers generally known as the Dahalo. They hunted and gathered in various coastal forests (including the Arabuko-Sokoke) and throughout the drier thorn-bush country to the west. Culturally the Waatha are organized into seven clans that include: (i) Wargulu; (ii) Warwayu; (iii) Jаланthu; (iv) Gamadhu; (v) Karara; (vi) Worumetha and (vii) Kojega. These clans form one of the basis upon which the traditional governance structures and decision-making processes are established and pursued. They suffer numerous challenges that affect their access to education services. Their community is remotely located in the geographically remote areas of Ganze sub-county in Kilifi County and scattered in Kaloleni and Magharini sub-county where infrastructure and social facilities are poorly developed.



Community Baraza held in Ganze Sub-County, Mitangani sub-location in Shirango village.

Despite the community striving to gain education, they suffer stereotypes, regarded as generally lagging in the modern civilization perspective and stigmatization that leads to discrimination and marginalization. Thus, they are largely excluded from employment opportunities in the county government. With hunting having been illegalized and the area being a semi-arid region, the community has minimal opportunity for livelihood. They depend on casual labour from the dominant society. The baseline was able to establish that currently some of their community members practice subsistence farming, livestock keeping, firewood & charcoal selling, bee keeping, and traditional brewing-magwe.

TABLE 7: SUMMARY OF CONSULTATIONS IN 3 SUB- COUNTIES HOSTING THE WAATHA COMMUNITY IN KILIFI COUNTY

#	Description	Sub - County	Location	Sub-location	Village	No. of Participants consulted	
						Female	Male
1	Community Public Baraza (Community entry meeting and interviews)	Kaloleni	Kinangoni	Kinagoni	Gotani	54	74
2	Community Public Baraza (Community entry meeting and interviews)	Ganze	Mitangani	Shirango	Shirango	39	40
3	Community Public Baraza (Community entry meeting and interviews)	Magharini	Gongoni	Gongoni	Gongoni	76	48

During consultation in Ganze Sub-County the level of education amongst the participants was limited going by how they responded to the questions. It was reported that only five (5) five Persons with Disabilities (PWDs) were currently registered by the National Council for Persons with Disabilities (NCPWD). However, more PWDs within

the community had not been registered by the NCPWD due to challenges in accessing government services.

The community reported that they are never involved or consulted in development matters. Since the Community lives in a forest setting, they largely survive on wild fruits and hunting. The nearest primary school (Jira Primary School) is said to be six (6) kilometres from the village. In case of any form of grievances the community would get it addressed through their council of elders, village elders and *nyumba kumi*¹⁶ ambassadors.

5.5.2.4 Malakote in Garissa County

The Malakote (Waliwana) community lives in Garrisa¹⁷ and Tana River county, Tana North sub-county, Sala and Chewele wards (the SA focused on Garrissa). They live among other communities like the Somali, Orma, Wardei, Pokomo and Gare communities. They self-identify as 'Malakote' or 'Waliwana' but are referred to as 'Munya' by the Somalis, while knowing for sure that is not their preference. According to the census 2019 the Malakote are listed at 21,774 people. They have a distinct indigenous language that is spoken by most community members. The Malakote are Hunters and gatherers, they also farm and fish.

The Malakote (Waliwana) community lives in: - Bakuyu, Ziwani, Anole, Sala, Jajabo, Nanighi, Subo, Tune, Ghamano, Chewele, Shikaadabu, Mitobini, Bawama, Garsen, Taleo. Generally, they live in squatters since the bordering communities have very few title deeds. This community has village elders who moderate the conflicts at home and any misunderstanding in the community. In times of anticipated outbreak, this committee alerts the community on measures of prevention and ensuring that they adhere to. They have a CBO, which supports children by paying their school fees from various sponsors and advocacy activities against female circumcision and child abuse.

The Malakote have been marginalized on quite a number of issues such as employment with opportunities given to the other communities, tendering processes for contracts within county government, and cross-cultural marriages. Consequently, the Malakote areas have poor roads that are critically dilapidated, lack clean water, and are denied

¹⁶ Nyumba Kumi Initiative is an approach to policing that brings together the police, civil society and local communities to develop local solutions to safety and security concerns.

¹⁷ Fafi sub-county borders Jjara, Garissa and Dadaab sub-counties as well as the Republic of Somalia. The sub-county headquarters are in Bura and it has five wards namely - Bura, Dekaharia, Jarajila, Fafi and Nanighi. It has a total population of 134,040 of the sub-counties in Garissa, Fafi has the lowest population density of 9 persons per square kilometer.

education bursary opportunities for poor families. The communities around them publicly stereotype them and use derogative ways of discriminating them.

The SA consultation in Garissa County held consultations in Fafi sub-county, bura location, Jambale sub-location in Syria, Shukule and Jiira villages. A total of 15 participants (8 male and 7 female) were consulted as key representatives in the community. The area is sparsely populated with a small population of the Malakote who live in semi-permanent settlement structures. The community is barely recognized and is not involved in government projects due to the fact that they have low exposure with minimal education levels. Their geographical environment and lifestyle also has isolated them from access to government amenities and urbanization. The community lack adequate secondary education facilities and experience low primary to secondary transition rate of pupils due to lack of financial support and ability of parents. They have a culture of early child marriages.

5.5.2.5 Munyoyaya in Tana River County

Tana River sub-county is one of the three sub-counties within the Tana River County that Munyoyaya community lives in. The county has a population of 315,943¹⁸ people. The communities that predominantly occupy the area are the Pokomo, Oromo and Wardei. The minority groups are Wailwana, Watta and Munyoyaya but his assessment focused on the Munyoyaya community.

The Munyoyaya are a Cushitic group who occupy the lower banks of River Tana on both sides of Garissa and Tana River counties with a total population of 15,024 according to 2019 census. They migrated from the Horn of Africa accompanied by the Borana, Orma and Somalis in search of pasture for their livestock. They settled in Tana River and Garissa counties along the banks of River Tana where they still stay to date. They self-identify as Munyoyaya, however, others identify them using different names that include: Korokoro, Munyo and Yaya.

The Munyoyaya have a distinct language. They are composed of 6 sub-clans: Mandonyo, Ilane, Nurto, Metta, Karara, and Bare Tuma. The group indicated that they are marginalized due to the low levels of education and leadership amongst its membership. Administratively they are represented by chiefs, they are also is governed by traditional and religious institutions that include clan elders who act as custodians of the group tradition and also mediate on differences amongst community members

¹⁸ Ibid, KNBS 2019

while religious leaders are the custodians of religion through nurturing of Islamic teachings in mosques and 'Madrasa'.

The main economic activities include livestock (cows, goats, donkeys) and small-scale poultry for domestic use, charcoal selling, selling of indigenous trees for building traditional houses and doing manual work.



Focus Group Discussions & stakeholders' meeting with Munyoyaya community representatives

During consultations with the community a total of 35 participants (17 males and 18 females) were engaged. They highlighted the main challenges faced included shortage of water, poor infrastructure, and poor network and electricity coverage. Insecurity is an even greater concern as it threatens the livelihood of the settlements and the existence of schools and other facilities. Drought and famine are common but relief food cannot reach starving populations due to inaccessible roads. They also encounter high school dropouts and low enrolment levels, which affects retention rates. The sub-county had an enrolment of 162 girls that make up about 5.5% of the total enrolment of girls in the county.¹⁹ The negative social impacts included high rate of teenage pregnancy, Sexually Transmitted Diseases, Alcohol, drug abuse and breakage of families

The SA established that the Munyoyaya community has their own way of addressing when it comes to grievance within the community. There is the channel - Council of elders up to the King. When the case is serious then the low reinforcing authority will be involved.

5.5.2.5 Ogiek of Mt Elgon Forest in Bungoma County

Bungoma County has a population of 1,670,570 of which 812,146 are males 858,389 females as per the KNBS 2019 census. The county has 9 constituencies in which Mt. Elgon sub-county that have 78,873 people hosted amongst where the Ogiek community

¹⁹ <https://inee.org/system/files/resources/1Study-of-Education-and-Resilience-in-Kenya.pdf> pg. 16

lives. The Ogiek or “Dorobo” are known as hunters and gatherers, they were nicknamed “Dorobo” by their neighbors, the Maasai, from the word “Iltoroboni” meaning the poor without cattle to the Maasai “Dorobo” as poor, lagging in civilisation and living in forests backward and forest to other communities like Kalenjin. They speak ‘Wandorobo’ which was a better term for Swahili traders interested in the ivory, which the forest dwellers could supply. The name has been perpetuated as the name of the community to date. They refer to themselves as Ogiek which literally means “Caretaker of the universe”.

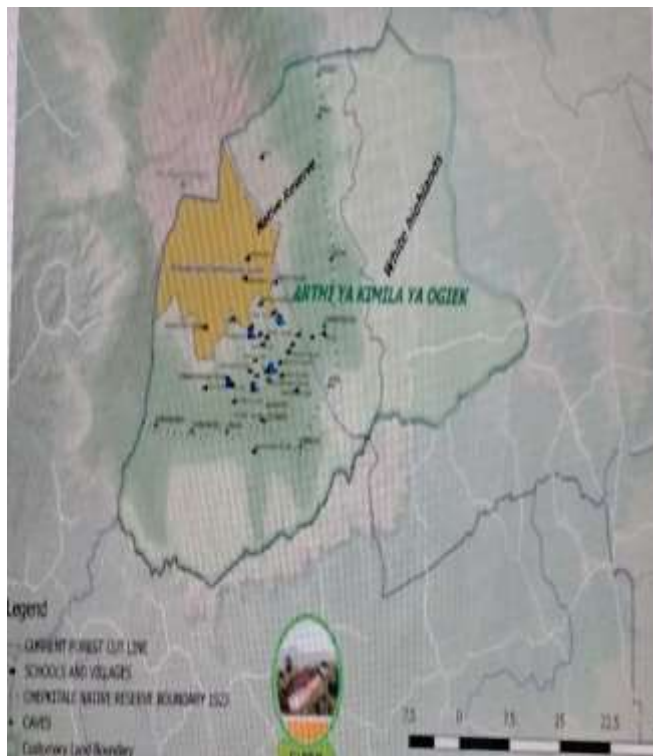


FIGURE 3: MAP OF THE OGIEK COMMUNITY

Source: Global Dialogue on Human Rights and Bio Diversity Conservation Report, Eldoret, Kenya 20-23 November 2017. Stockholm Resilience Centre, April 2018.

According to KNBS, 2019, The Ogiek community has a total population of 52,596 people found dispersed around Mau Forest Complex and Mt Elgon where they utilize the forests for their traditional lifestyle and livelihood. They are a minority forest-dwelling ethnic group living in Chepkiltale moorland of Mt Elgon. The illegalizing, banning and criminalizing of all manner of hunting by the Kenya Government has led to the community adopting a forest-dwelling honey gathering and pastoral lifestyle and livelihood. The community now lives on traditionally preserved milk and honey gathering.

The significance of the forest resources of Mt the Elgon ecosystem to the Ogiek and adjacent communities (Saboat, Terik and others) living within the catchment areas cannot be over-emphasized. The livelihoods of most people revolve around forest resources and biodiversity. The ecosystems provide a wide range of goods and services including medicine; water for domestic use; livestock, timber poles, firewood and many other non-timber products.

During Social Assessment consultation in Mt. Elgon sub-county a total of 95 participants [81 male and 14 female] representing different interest groups within the sub-county were consulted. Based on the traditions in this community men and women do not interact freely. This has limited the participation of the female gender in decision making and social economic activities. It has further manifested in prioritization of the boy child in education as opposed to according both gender equal opportunities.

TABLE 8: SUMMARY OF CONSULTATIONS WITH THE OGIEK COMMUNITY

#	Type of consultation / Description	Location	Sub Location	Village	Participants	
					Male	Female
1	Entry meeting	Kapsokwony	Kapsokwony	kapsokwony	19	7
2	Community Baraza	Kapsokwony	Kapsokwony	Kapsokwony	39	3
3	Focus Group Discussions	Kapsokwony	Bugaa	Bamboo	18	4
4	Key Informant Interviews	Kapsokwony	Bugaa	Bamboo	5	0

The community reported that when grievances were received, the structures for addressing them included; the COGC, Supreme Council of Elders, Local Administration, courts and arbitration channels. The community has confidence in these structures, as it was widely believed that they could resolve all the grievances promptly. Communication to the community members can be done through community leaders referred to as *Takrut*, physical visits, letters and phone calls. Other influential groups in the community included; laibons (sungula), professionals, teachers, traditional spiritual leaders (Kapsongar clan), political leaders, Chepkitale Indigenous Development Project (CIDP), Peace and Rights Projects and the Community Scouts.

The community highlighted the some of the challenges they encounter including learners being exposed to practices such as; Female Genital Mutilation, early marriage, teenage pregnancies and tendencies of child abuse with rapes cases being the most notable. These are among the factors that have contributed to incidences of school dropouts and failure of some learners to complete Basic Education.

The majority of the Ogiek people did not prioritize education and could hardly allocate economic proceeds or trade off any valuable to support education for their children. Some people even used children to provide labour for their agricultural activities. This contributed to absenteeism and eventual dropout from school. Other social economic practices that affected schooling were; circumcision ceremonies and cattle grazing that promoted absenteeism.



Some of the challenges that were raised by the Ogiek community included:

- Communication barriers due to language used.
- Respect for community norms
- Lack of transparency and accountability eg. Disclosing the costs of the projects and the sources of funds.
- Alleged biasness of the National Constituency Development Fund against the community.
- Lack of community involvement.

Community Baraza discussions with key stakeholders amongst the Ogiek Community

5.5.2.6 Minority community in West Pokot – The Sengwer

The Sengwer live in the three administrative districts of Marakwet, West Pokot and Trans Nzoia in and along Cherangany Hills. They are estimated to be 10,729²⁰ of them living in their traditional territories. They lived by hunting, gathering and bee keeping. As similar to other ethnic minorities, the Sengwer were considered by the British to be served best if they were forced to assimilate with their dominant neighbors. Their traditional structure was not recognized and integrated as an independent ethnic group in the system of indirect rule, but as sub-structure of their neighbors. As their land in the plains of Trans Nzoia turned out to be the best area for agricultural production in Kenya, they were displaced entirely from there to make way for white farmers.

As a minority, they stayed behind as farm workers, but the majority went up into the forests of the Cherangany hills. While most Sengwer are officially landless, some few Sengwer especially in the northern parts of the Cherangany hills received some land, but even this land is contested. The community continues to live among the Pokots, Marakwets and the Keiyo communities.

Before the colonial time, Sengwer used to be hunters and honey-gatherers. Following their contacts with the Arabs and the Maasai some adopted small scale agriculture (shifting cultivation) and/or livestock rearing, but it is said that hunting remained their

²⁰ KNBS 2019

main source of livelihood. The elders reported collective as well as individual hunting techniques.

The Sengwer have increasingly been restricted to areas with home “bases ‘involving agriculture, livestock rearing and honey gathering is still practiced. The Sengwer continue to experience expropriation of their land and restrictions on access to natural resources, especially forests and water, which have further increased their sedentarization, marginalization, social discrimination, and impoverishment. Even though they are considered, from the formal legal point of view, as citizens equal to all other Kenyans, they do not have the same access to land and resources, protection against cattle rustlers, social and political influence, legal status and/or organizational, technical or economic capacities.

The Sengwer, like other forest-dwelling communities face various forms of marginalization, oppression, mal- representation, illiteracy and powerlessness²¹. They live in forest areas or forestland with contested tenure rights between the Sengwer and the government.

An interview with a Pokot Senior Chief indicated that a woman is disenfranchised in a public forums and lacking authority within her own homestead, with her value being equated with the value of her dowry. This was observed during the FGD consultations where women were engaged (preferable) separately. During consultation at Talau location in Talau, Chorok, Tulwet and Kaprech villages a total of 121 participants (83 males and 38 females) were consulted. The highlighted the following challenges;

- Their women have no voice or representation indecision making areas and their opinions don’t count even on issues affecting them.
- Early marriages.
- Female Genital Mutilation (FGM); Their women must undergo FGM as a rite to marriage (Womanhood), while women married by outsiders are considered as outcasts.
- The girl child education in not given priority, once a girl undergoes FGM they are considered ready for marriage (dowry payments is done).
- Negative perceptions about the value of education since those who have gone to school most of them are unemployed therefore not encouraging them to go to school.
- Since they lack political representation in the County Assembly and National Assembly, they missed out on Bursaries and Scholarships; and other basic services such as employment of teachers, and County Government Jobs.

²¹ Memorandum by Sengwer Council of Elders:3rd July, 2019

- Within the community, they have only 2 (two) secondary schools i.e. Kaibos and Talau Secondary schools serving nearly 15 primary schools.
- Alcoholism, marginalization, unemployment, underdevelopment, unique culture, high illiteracy rates, high poverty levels.
- They have trained teachers who are yet to be employed by the TSC.
- Their representation is lacking in most committees e.g. CDF, Bursary Committees, Scholarships and projects committees.

The FGDs held in Talua indicated that the Sengwer community has Council of Elders that solves most domestic problems. The community has gate keeper/community opinion leaders and council of elders (Kokwetab Gotab, Myoot) who support in solving grievances raised. Raised grievances can also be resolved by the support of local administration.

During the FGD with the Sengwer in West Pokot, it became difficult to distinguish between the Sengwer and Cherangany. Many participants were referring to themselves as “Sengwer-Cherangany” or “Cherangany”. The Sengwer were nicknamed ‘Cherang’any or Dorobo by the Maasai. It is after several probes on what their real tribal identity was that many started acknowledging that they are Sengwer. It is at that point when a key informant explained that the name Sengwer (“Meeiwon”) in their language meant: “those with nothing”. Many people hate being referred to as such. However, there is still a portion of the community that prefers to be referred to as the “cherangany” and others “the Sengwers”.

The two communities though claiming to be different, have same challenges and order of addressing grievances. Also, since they come from the same area they are affected by challenges that cut across the community. The communities were also in agreement that an all inclusive consultation should always be considered whenever development agendas or initiatives are being implemented within their area.

5.5.2.7 Minority communities in West Pokot - The Cherangany

The Cherangany community members have been ethnocentrically profiled as hunter – gatherers on the basis of their ancestry lifestyle and livelihoods that were based on hunting of game and gathering of honey and wild fruits. The community predominantly inhabits Talau, Kaibos and Kaisakat Locations. They are estimated to be 8,323²² of them living in

²² KNBS County and Sub-County Census 2019

their traditional territories. They were nicknamed ‘Cherang’any or Dorobo by the Maasai. The three locations where the SA was undertaken population is as shown below;

LOCATION	MALE	FEMALE	TOTAL
KAIBOS	2,739	2,246	4,985
KAIBOS	984	996	1,980
KAPKATET	611	576	1,187
KIPKORINYA	1,144	674	1,818
KAISAKAT	4,867	4,663	9,530
KAPCHILLA	1,188	1,176	2,364
PARAYWA	626	567	1,193
SIYOI	3,053	2,920	5,973
TALAU	3,250	3,139	6,389
CHEPKOTI	1,387	1,374	2,761
KAPSURUM	1,417	1,354	2,771
TALAU	446	411	857

*Population of the locations KPHC 2019

During the second SA it was noted that they were originally hunters-gatherers and honey harvesters but currently they are engaged in crop farming, livestock rearing and small scale business. They also claim to be marginalized educationally and politically. The Cherangany, like other forest-dwelling communities continue to face various forms of marginalization, oppression, mal- representation, illiteracy and powerlessness²³. They live in forest areas with contested tenure rights between them and the government.

A stakeholder’s consultation at the entry meeting was conducted with a total of 46 participants [36 males and 10 females] representing different interest groups within the sub-county. A Community ‘baraza’ was also held the next day as detailed in the table below;

SUMMARY OF CONSULTATIONS WITH THE CHERANGNY COMMUNITY

#	Type of consultation / Description	Location	Sub Location	Village	Participants	
					Male	Female
1	Entry meeting	Talau	Chepkoti	Chorok	36	10
2	Community Baraza	Talau	Chepkoti	Chorok	44	12
3	Focu s Group Discussions	Kaibos Talau	Kaibos Chepkoti	Kipkorinya Chorok ‘B’ Roroket Cheranganyi	44	12

²³ Memorandum by Cherengany Community July 2019

#	Type of consultation / Description	Location	Sub Location	Village	Participants	
					Male	Female
4	Key Informant Interviews	Kaibos Talau	Kaibos Choroka	Kipkorinya Choroka	5	1

During the FGDs, it still became difficult to distinguish between the Sengwer and Cherangany. Some participants were referring to themselves as “Sengwer”, “Sengwer-Cherangany” or “Cherangany” while others claimed that Cherangany was a tribe while Sengwer was their clan.

Despite the difficulty in agreeing on a common name for identification purposes, they highlighted the following challenges that reinforce their marginalization;

DRAFT

- Inadequate scholarships and bursaries from National and County governments;
- They lack political representation in the County Assembly and National Assembly, some missed out on county bursaries and scholarships;
- They lack minority representation especially where resources are being distributed,
- Lack of adherence to the 30% affirmative rule in leadership positions and other opportunities such as employment of teachers, and other job openings at County Government level.
- Women from the VMG community have no voice or representation in decision making areas and their opinions don't count even on issues affecting them.
- Cattle rustling, Kapolet water diverted from them, killings by rustlers and community land taken by Kenya Forest Service
- Early marriages and Female Genital Mutilation (FGM); women are forced to undergo FGM as a rite to marriage (Womanhood), while women married by outsiders are considered as outcasts. The girl child education is not given priority, once a girl undergoes FGM they are considered ready for marriage (dowry payments is done).
- Negative perceptions about the value of education since those who have gone to school most of them are unemployed therefore not encouraging them to go to school.
- Within Cherang'any community they have only 2 (two) secondary schools i.e. Kaibos and Talau Secondary schools serving nearly 15 primary schools
- There are high incidences of alcoholism, marginalization, unemployment, underdevelopment, unique culture, high illiteracy rates, high poverty levels.
- They have trained teachers who are yet to be employed by the TSC.
- Their representation is lacking in most committees e.g. CDF, Bursary Committees, Scholarships and projects committees.
- Neglect of responsibilities by parents, learners and community



Focus Group discussions at Talau primary School with Cherangany VMG representatives and National Project Coordinator –SEQIP explaining to the Stakeholders Project Components

Some of the resolutions that were passed at the community baraza included;

- One community representative was selected to the County Technical Committee; two representatives were further selected to be disseminating any project information to the community.
- The community will always follow the right channels when registering and redressing grievances/complaints through the available structures that include council of elders, village elders, chiefs sub county, county and national office
- There will be openness in project implementation and project activities
- The community should be involved in public participation in the projects
- Community needs to be involved during selection of committees from the grassroots;
- There is need to enhance flow of communication and feedback;
- Improve learning facilitates especially the classrooms, WASH facilities;
- Facilitate access to employment opportunities that may occur during project the implementation e.g. supply of locally materials;

The FGDs held in Talua indicated that the Cherangany community as a Community has its own governing structures for example the use of council of elders to arbitrate in matters of conflict and that solves their domestic problems. The community also has gate keepers’/community opinion leaders who support in solving grievances raised. Raised grievances can also be resolved by the support of local administration.

The community opinion leaders and council of elders support in identifying focal persons. The representatives are then in cooperated in SEQIP GRM committee to support the project in case of any complaints.

5.5.2.8 Riba of Wajir County

Wajir County has a population of 661,941²⁴ and covers an area of 56,686 square kilometers, with 11.8 people per square kilometer.²⁵ Eighty-five per cent of the county's populations live in rural areas.²⁶ The Commission on Revenue Allocation identifies Wajir as the third most marginalized county in Kenya. The main livelihood is pastoralist, however currently; most of the population relies on proceeds from the sale of meat, charcoal burning and sell of firewood and metallic.

The Riba community in Wajir County belongs to the Hawiya Somali community with a total population of 10,690²⁷. They are believed to have originated from central Somalia, Baidoa. Historically, they belong to the ancient hunters and gatherers but of late they have turned to be pastoralist keeping mostly cattle and goats. They are divided into 5 clans; Mahat, Makaran, Hilmamis, Qeyra and Modin. They live in Ganyure, Boji and Barwaaqo villages of Ganyure ward with the Ajuran community. They suffer marginalization as depicted by exclusion from accessing employment opportunities and political representation. Other challenges like lack of permanent water source and poor sanitary facilities affect their health.

The Social Assessment was undertaken in Wajir East Sub County, in Halanle, Barazabark Hodhan and Kalkacha Villages respectively. Most of the population here are low income earners and rely on relief food from Government well wishers. The SA focused on the plight of the Riba community despite the fact that the Arjun, Sakuye, Gabra, Sheikaal, Issaq, Harti, Barawa, Arabs, Derasima, Asharaff, Wardei, Hiir and Somali Bantes community are also marginalized and living in the same conditions.

Some of the challenges that were raised by the Riba community included:

- Lack of community involvement that would lead to their automatic exclusion in the project.
- There is potential for resource-based conflicts and elite capture in terms of access to employment, grants, contracts and other benefits associated with the project
- There was also an indication that the non-Ogden, Degodia, and Ajuran clan members residing in the Wajir East sub-counties tend to be marginalized in decision-making and have limited access to resources. Such people are not considered for education bursaries or access to other local initiatives aimed at supporting the poor and vulnerable. Lack of transparency and accountability e.g., disclosing the costs of the projects and the source of funds.

²⁴ Kenya National Bureau of Statistics, 2009 Kenya Population and Housing Census Report.

²⁵ Kenya National Bureau of Statistics, 2009 Kenya Population and Housing Census Report.

²⁶ Kenya Open Data, www.opendata.go.ke.

²⁷ Ibid

• Alleged biasness of the National and county opportunities in the development

5.5.2.9 Ngikebotok of Turkana County

At 855,399 Turkana County's population is more than twice that of Marsabit's.²⁸ The majority of people living in the county are of Turkana ethnic origin. The Commission on Revenue Allocation identifies Turkana as one of the most marginalized county in Kenya. The main livelihood is pastoralist livestock production and livestock trade. Other livelihoods include fishing, weaving, tourism and employment jobs.

The Ngikebotok community is a small sub-klan in the larger Turkana tribe. They live and practice irrigation farming along the river Turkwel from Lobokat, Katilu, Nakwamoru, Juluk, Naipa, Kalemunyang, and Kotela. The Community mostly relies on basic skills for their survival for instance, they are good at hunting, bee keeping and harvesting and generally do not have much regard or value for education. The social Assessment consultation was undertaken at Loima Sub County - which has a total population of 107,795 people (KNBS, 2019), Lurgum, Napetet and Kalemunyang Sub-Location in Kalemunyang, Konyipad, lorugum, Kotela and Napetet Village. A total of 47 participants [24 male and 23 female] representing different interest groups within the sub-county were consulted.

During consultation it was observed that women are the ones in charge of setting up of manyatta's and providing food for the families while the men's role is to defend the community from external attacks as well as handling disputes within the community. Men and women participate in community general meetings. However, women are not allowed in some specific meetings that are generally reserved for men and equally this applies to meetings reserved for women. They engage in early marriages with small portions of farms used for dowry payment.

The Community has its own governing structures for example the use of council of elders to arbitrate in matters of conflict. Any successful Consultations in Ngekebotok community can only be done after meeting Chief / Sub Chief, village elders and Kraal leaders.

²⁸ Kenya National Bureau of Statistics, 2019

Some of the challenges that were raised by the Ngikebotok community included:

- Early marriages and Girls not taken to school
- High illiteracy levels and rise in poverty levels
- Discrimination, lack of involvement and marginalization from the large communities
- They do not have a say on issues on land ownership after being assimilated
- Loss of life and livestock as a result of raids by nearby communities
- Shortage of teachers in schools
- Need for awareness creation and sensitization of the community on importance of education
- The government to initiate peace processes to help in ensuring co-existence of communities along the corridor and neighbouring communities.

5.5.2.10 El Molo of Marsabit County

The **El Molo**, also known as Elmolo, Dehes, Fura Pawa and Ldes, are an ethnic group mainly inhabiting the Northern Eastern parts of Kenya. They historically spoke the *El Molo* language as a mother tongue, an AfroAsiatic language of the Cushitic branch. Their earlier language was Cushitic language similar to the Rendille. The language is only spoken well by the elders. Others speak Samburu language due to assimilation and inter-marriages. However, their original and distinct language was called 'oogurapau'. The name of this tribe (El Molo) originated from a phrase of Samburu community meaning "those who make a living from other sources other than cattle".

The original homeland of El molo is not known because some people are saying that they came from Somalia while others are saying that they came from Ethiopia. With increase in the intermarriages between the El Molo and Samburu and Turkana people, there is an increased chance of extinction of the El molo community. In fact, there are few people from the El Molo community who speak the language purely. Their ancestors "Baz" are thought to have lived around Lake Turkana some centuries ago with their cousins, the Dasenach and Arbore people. Their current population is 1104 according to the recent Kenya Bureau of Statistics Census 2019, living in a small area to the north of Loiyangalani on the eastern shore of Lake Turkana.

Their economy is deep rooted to fishing although some today have acquired small numbers of livestock, a culture acquired mainly from the Samburu. The life of the El Molo is generally based on fishing, using spears or harpoons, fishing rods (made from the roots of an acacia with doum palm fiber and a forged iron point or hook) and nets (made from doum palm fiber). Currently the El Molo are affected by increased pollution of the Lake, lack of sanitary facilities and lack of access to fresh drinking water.

El Molo practices a traditional religion centered on the worship of Waaq. The El Molo community has their arms of governance of Marsara and Korshirr. Men are divided into those two arms of governance. The El Molo has seven clans: Marble; Orikara; Orisole; Orisayo; Origaltite; Origaltito; and Orikaya. Four of the clans: Marle, Orikara, Origaltite, and Orisole, have shrine on the Lorain Island.

The El Molo are rather elusive living in the vicinity of other communities and therefore live in very isolated villages away from the trading centers. With such tender of avoidance, coupled the fact that they live in geographically remote areas with poor infrastructural development, and overreliance on fishing for food and household income, the El Molo are challenged in accessing basic primary educational services among other social services they are least integrated.

The social assessment was held at Marsabit County, Loiyangalani sub county (that has a population of 35,713 people), Loiyangalani location, El-molo sub location in kula samaki, Layeni and Komote villages. The area was predominantly inhabited by the El-molo community, however, the land is owned communally among other neighboring communities. The entry Location meeting was held at Loiyangalani, which had sparsely vulnerable marginalized communities at Kula samaki and its environment. However, the SA was conducted in Layeni and Komote villages in El-molo sub location inhabited by most vulnerable and marginalized group of El-molo community with absolutely limited social amenities, only two primary schools one being a lower primary and a dispensary on the shores of Lake Turkana built on top of the Hill. A total number of forty-eight participants (thirty-five (35) male and thirteen (13) female) were placed on board for deliberation.

TABLE 9: SUMMARY OF CONSULTATIONS WITH THE ELMOLO COMMUNITY

#	Description	Sub -county	Location	Sub -location	Village
1	Entry meeting	Loiyangalani	Loiyangalani	Loiyangalani	Kula samaki
2	Baraza meeting	Loiyangalani	Loiyangalani	Loiyangalani	Kula samaki
3	Focus discussion group	Loiyangalani	Loiyangalani	El -molo	Kula samaki, Layeni, Komote

In the Elmolo community redress mechanism is done through the community structures led by two distinct levels of powers in the community notably 'Marsara' and 'Korchir'. These two levels of powers handle all the complaints arising among the El-molo community. Other active and appropriate existing means enforced are the local

administration and “*Nyumba kumi*” initiative. Some of the challenges that were raised by the El molo community included;

- Early marriages
- Female genital mutilation (FGM)
- ‘Moranism’
- High illiteracy levels
- Rise in poverty levels
- Discrimination, lack of involvement and marginalization from the large communities
- Provision of sanitary towels to girl child
- Ignorance of available educational and social services
- Need for awareness creation and sensitization of the community on importance of education
- Individuals vested interest in projects implementation.
- Biases in selection of projects’ beneficiaries
- Lack of accountability, transparency and involvement in projects during implementation.

5.5.2.11 Suba of Homa Bay County

Homa Bay County as a county has a population of 1,116,436 and an area of 3,154.7 km² with the abasuba population estimated at about 157,787 (KNBS, 2019). The Social Assessment was undertaken in Mbita/Gwasi Sub County. The county has Lake Victoria as a major source of livelihood.

The **Suba** (*Abasuba*) are Bantu group of people in Kenya who speak the Suba language they call themselves “Luo-Abasuba” to mean that they are non-local. Their population has very few fluent speakers left. They migrated to Kenya from Uganda and settled on the two Lake Victoria islands of Rusinga and Mfangano, others also settled on the mainland areas including Gembe , Gwassi, Kaksingri of Suba South and Migori and are believed to be the last tribe to have settled in Kenya. The Suba have distinct language greatly influenced by the neighboring Luo with most of their language classified as endangered.

Suba clans customary include Simbete, Sweta, and Wiga; and they have a clear and distinct ancestry that goes back to forefathers who crossed the Red Sea from Egypt (Misri). The rural population comprises the members of the Abasuba communities, who are considered to be the indigenous people in Migori County whereas the Town’s

population consists of immigrant workers, traders and businessmen from the various Luo sub-clans.

The community is usually engaged in fishing and farming activities to earn a livelihood. Dominant communities within the area are mixed up but the majorities being Luos with whom they interact well.

During the social assessment in Gwasssi central location, magunga village a total of 54 participants (35 Male and 19 female) with representation from PWDs, widows and Child-headed families were consulted. Challenges faced by the Abasuba that have influenced education include cultural practices like early marriages, teenage pregnancies, home deliveries and use of traditional medicinal remedies, wife inheritance with sexual relationship and open space defecation because they do not have a toilet readily accessible or due to traditional cultural practices. The population of child headed families is also on the rise.

Structures are in place to address grievances from community members include council of elders, beach management units, local administration and project implementation committees that are in existence.

5.5.2.12 Ilkunono in Laisamis

Laisamis is a settlement in Marsabit County. It is the 5th largest urban centre in Marsabit County with a population of 65,376²⁹. The Ilkunono community is mainly found in Comboni Village with approximately 488 households, Nairibi Sub-location with approximately 300 households and some part of Lontolio location with approximately 450 households headed by village elders who are the main decision makers. During the SA consultative meetings in Comboni village, a total of 81 participants [39 male and 42 females] representing different interest groups within the sub-county were consulted. Comboni village is found within Laisamis town. The Ilkunono community who mainly speak Samburu majorly occupies the area.

The Ilkunono community is vulnerable and marginalized in terms of resource distribution and allocation, leadership representation both in County and National level, unequal distribution of job opportunities, skewed allocation of bursaries and scholarships and they are also considered as social outcast by other communities. The Ilkunono community is located in a semi-arid area, some of their economic activities include: burning and selling of charcoal, selling of firewood, Making of local brooms and natural twig tooth brushes, casual laborers, craftworks i.e. beadwork. They are also black smiths

²⁹ [CIDP Marsabit 2018-2022](#)". Maarifa Centre. Retrieved 11 December 2020

involved in making metallic tools such as spears, arrows among others but lately they have limited market for selling their proceeds.

Other communities hence consider the Ilkunono community as outcasts such that their children cannot intermarry with other communities. Their community members are not involved in decision-making and public barazas especially by the County government. For a long period of time, they have experienced skewed distribution of resources by both the County and national governments. In terms of education, they have been denied bursaries and scholarships.

The community pointed out that due to their low population, they do not have political representation e.g. elected or nominated leaders at the county level. Most of the graduates from the Ilkunono community are unemployed due to lack of political good will and leadership representation especially in Marsabit County. Some of the challenges that were raised by the Ilkunono community included the following;

- Early marriages resulting to school drop-outs, gender based violence and child abuse;
- Female genital mutilation (FGM) contributing to school drop outs;
- Retrogressive community beliefs/ negative social practices have resulted to truancy, low transition and completion rates in both primary and secondary schools.
- Their consideration by other communities as outcast has lowered their self-esteem
- High illiteracy levels
- Rise in poverty levels due to skewed distribution of resources by county government
- Discrimination, lack of involvement and marginalization from the large communities
- Lack of political representation within the county and national government
- Neglect of parental obligations resulting to early pregnancies.
- The endless male circumcision ceremonies as an impediment to boy child education
- Individuals vested interest in projects implementation.
- Biases in selection of projects' beneficiaries
- Lack of accountability, transparency & involvement in projects during implementation.
- High rate of unemployment among the youth
- Frequent drought and famine leading to learners dropping out of school.
- Need for awareness creation to the community on importance of education



TABLE 10: SUMMARY OF SOCIO-ECONOMIC BASELINE FINDINGS OF THE MINORITY VMGs

#	County	Population by County ³⁰	Sub- County	Population by Sub-County ³¹	No. of Marginalized areas ³² (CRA2018)	VMG community consulted	Population Of the VMGs and Livelihood
1.	West Pokot	621,241	Kapenguria	184,446	42	Sengwer Cherangany	Hunter gatherers, small farming, Honey harvesting
2.	Kilifi	1,453,787	Ganze	143,906	29	Waatha	Hunters and gatherers
			Magharini	191,610	26	Waatha	
			Kaloleni	193,682	15	Waatha	
3.	Tana River	315,943	Tana River /Bura	315,943	22	Malakote/ Waliwana/	Hunters and gatherers, farming, Fishing
4.	Wajir	781,263	Wajir East	110,654	7	Riba	Pastoralist, Small scale farming, Iron smelting
5.	Garissa	841,353	Fafi	134,040	12	Munyoyaya	Nomadic Pastoralists, casual labour, farming
6.	Marsabit	459,785	Laisamis	65,376	27	Ilkunono	Charcoal selling / firewood, casual laborers, craftworks Black smiths
			North Horr	71,447	20	Waayu	Ancestry hunting and gathering
			Marsabit Central	79,181	5	Waayu	Hunters and gatherers, farming, Fishing
			Moyale	108,949	16	Sakuye	Semi - Nomadic pastoralists, hunters , gatherers
			Loiyangilani	35,713	*not captured	El Molo	Hunters and gatherers, farming, Fishing
7.	Turkana	926,976	Loima	107,795	26	Ngikebotok	Fishing, Weaving and Small Scale farming
8.	Bungoma	1,670,570	Mt. Elgon	78,873	9	Ogiek	Hunting & Gathering
9.	Homa Bay	1,116,436	Suba	122,383	5	Abasuba	Fishing, Small scale farming

Source: KNBS 2019 Population and Housing Census (2019)

5.6 POTENTIAL IMPACTS, POTENTIAL NEGATIVE IMPACTS AND PROPOSED MITIGATION MEASURES

This section presents an analysis of the potential benefits and adverse effects of the project interventions (by components) to the host communities as discussed during the consultations and the proposed mitigation measures for the project.

³⁰ KNBS: Kenya Population and Housing Census by County https://open.africa/dataset/2019-kenya-population-and-housing-census/resource/f1fca3c3-af10-4b55-b33a-95e8fbbd8dc2?inner_span=True.

³¹ KNBS: Kenya population by Sub- County

³² 2nd Policy and Criteria for sharing revenue among Marginalized areas, CRA 2018

TABLE 11: POTENTIAL IMPACTS AND PROPOSED MITIGATION MEASURES OF SEQIP ON VMGS

Project Component	Sub-Component	Potential Positive impacts	Potential Negative Impacts	Mitigation Measures
Component 1: Improving quality of teaching in targeted areas.	<i>Subcomponent 1.1: Reducing teacher shortage</i>	<ul style="list-style-type: none"> ▪ Reducing teacher shortage in science, mathematics and English subjects ▪ Equity in recruitment of teachers across sub-counties and the minority and vulnerable groups by TSC ▪ New posts filled annually by qualified candidates ▪ TSC regularly monitor ‘teachers on duty’ status. ▪ Increased teachers commitment in schools 	<ul style="list-style-type: none"> ▪ Insecurity of teachers due to deployment in insecure regions. ▪ Limitation on social and emotional intelligence ▪ Lack of inclusion in teacher recruitment with respect to gender, SNE, disability and representation from VMGs 	<ul style="list-style-type: none"> ▪ Give timeframe for teachers posted in such areas ▪ Use multi sectoral approach to deal with insecurity issues. ▪ Give priority to VMGs while recruiting teachers from the specific communities ▪ Give extraneous allowance.
	<i>Subcomponent 1.2: Enhancing teacher professional development (TPD).</i>	<ul style="list-style-type: none"> ▪ The TPD will support TSC’s effort to implement its teachers’ professional development strategy. ▪ Improved primary and secondary teachers’ competencies in science, mathematics and English based. 	<ul style="list-style-type: none"> ▪ Other subjects are likely to suffer 	<ul style="list-style-type: none"> ▪ Strengthen Quality Assurance and Standards at MoE and TSC.
	<i>Subcomponent 1.3: Provision of textbooks</i>	<ul style="list-style-type: none"> ▪ Schools in targeted sub-counties assisted to reach a target of one-to-one textbook-student ratio in science, mathematics, and English in grades 7 and 8, and in Forms 1 to 4. ▪ Reduced unit price of existing textbooks for learners. ▪ Enhanced MoE’s capacity to make informed policy decisions related to the provision of textbooks. 	<ul style="list-style-type: none"> ▪ Exclusion of SNE and Learners With Disabilities ▪ Delays in publishing of books ▪ Delay in distribution, security and safety of textbooks ▪ Over and under supply of textbooks 	<ul style="list-style-type: none"> ▪ Timely publishing of books ▪ Adaptation of textbooks ▪ Proper assessment of schools that require textbooks to avoid over and under supply.
Component 2: Improving retention in upper primary school and transition to secondary school in	<i>Subcomponent 2.1: Improving school infrastructure</i>	<ul style="list-style-type: none"> ▪ Inclusion of VMG communities during infrastructure needs assessment ▪ construction of additional classrooms, science laboratories, multipurpose rooms/libraries, dormitories, toilets and water facilities, and electricity in targeted 	<ul style="list-style-type: none"> ▪ Project sustainability after the lapse of the agreed project implementation period. ▪ The presence of construction workers/ suppliers is likely to increase the student’s exposure and access to drugs and alcohol and transmission of 	<ul style="list-style-type: none"> ▪ Proper stakeholder mapping and engagement. ▪ Intensive Sensitization, awareness creation, public participation and involvement of various stakeholders from to ensure beneficiaries own the project throughout the

Project Component	Sub-Component	Potential Positive impacts	Potential Negative Impacts	Mitigation Measures
targeted areas		<p>areas;</p> <ul style="list-style-type: none"> ▪ construction of toilets, water facilities, and replacement of highly unsafe structures in primary schools; ▪ construction of one modern training center with boarding facilities at the national level for training of national, county, and sub-county education officials and school managers; and ▪ Have new fixtures, furniture, and ICT equipment, as required in the newly constructed infrastructure. 	<p>communicable diseases such as COVID- 19.</p> <ul style="list-style-type: none"> ▪ Stakeholders with vested interests e.g. the politicians who may derail implementation process ▪ Exposure of learners to strangers subscribing to no ethical code during construction may read to their sexual exploitation. (Disco Matanga, Boda Boda, threats of impregnating school going girls.) ▪ Local air pollution and pollution of the soil. ▪ Lack of clear environmental conservation strategies from the community level ▪ land degradation- risk of exposure to hazardous materials from excavations and exhaust emissions from materials transport trucks; ▪ Creation of waste leftover from construction materials; local air pollution from dust emissions resulting from transporting trucks and construction works; leakages of polluted waters as a result of certain processes and high levels of water use, as well as risks of accidents and injuries to construction workers; Noise and vibration caused by heavy trucks, and construction 	<p>project cycle.</p> <ul style="list-style-type: none"> ▪ Adequate notice and time for consultation. ▪ Proper training of various stakeholders for in-depth understanding of the projects 'operations. ▪ Provide standard guideline on behaviors to be observed by contractors and their workers to minimize social risks in host communities and learning institutions arising from cultural differences.

Project Component	Sub-Component	Potential Positive impacts	Potential Negative Impacts	Mitigation Measures
			<p>machinery disrupting learning in the classrooms due to noise caused by construction</p> <ul style="list-style-type: none"> ▪ Risk of transmission of infections with possibility of air and water borne diseases outbreak. Solid waste generation; increased demand for sanitation; increased levels of energy consumption; increased levels of water use. 	
	<i>Subcomponent 2.2: Improving retention in upper primary school and transition to secondary school of poor and vulnerable students.</i>	<ul style="list-style-type: none"> ▪ Advocacy and social support program in place that will involve social mobilization focusing on parents and community leaders ▪ provision of a school kit for targeted Learners that will offset indirect costs borne by parents enabling poor and vulnerable students to complete school ▪ Gender-sensitization program to make schools, teachers, and students more gender sensitive; and ▪ Scholarship program combined with mentorship and social support that enables poor but academically promising students to transition to Form 1. 	<ul style="list-style-type: none"> ▪ Inequitable access to schools due to distance from their community and transport issues. ▪ Possibilities of elite capture, conflict of interest and nepotism in different activities especially the scholarship program at the community and County levels thus excluding the needy target groups. ▪ Likely effects of dependence syndrome in the targeted counties and beneficiaries. ▪ Religious apathy including ridiculous beliefs and superstitions. 	<ul style="list-style-type: none"> ▪ Vetting of beneficiaries (scholarship) to capture the needy through field visits to ascertain the validity of information. ▪ In infrastructure implementation planning and designing should ensure compatibility with surroundings and construction standards ▪ Respect for diversity such as gender, disability, use of local language.
Component 3: System reform support	<i>Subcomponent 3.1. Development and introduction of a competency-based curriculum.</i>	<ul style="list-style-type: none"> ▪ KICD will develop the new CBC supporting materials through a phased approach. ▪ Sequence charts to guide the development and rollout of new curricula and materials formulated. 	<ul style="list-style-type: none"> ▪ Timely adaptation of the learning materials for LWD and Special needs 	Inclusion of vulnerable groups during materials development especially for Learners with Disabilities and Special Needs.

Project Component	Sub-Component	Potential Positive impacts	Potential Negative Impacts	Mitigation Measures
	<i>Subcomponent 3.2. Strengthening of national system for monitoring learning progress and national examination</i>	<ul style="list-style-type: none"> Continuous formative assessment over the entire education cycle using a variety of learning assessment tools, including portfolios Establishment of a national student assessment at the end of grade 3 and grade 6 Implementation of follow-up of MLA at Form 2 used to assess the impact of SEQIP on student learning enhancement; Introduction of a national assessment / national exams, at the end of grade 9. 	<ul style="list-style-type: none"> Timely implementation of national exam with respect to the COVID - 19 pandemic and other pandemics. Exclusion of teachers in training of teachers on assessment. Delays on development of tools for assessment 	<ul style="list-style-type: none"> Clear communication to parents, guardians and learners on the examination calendar. Consider inclusion in selection of teachers to be trained (SNE, PWDs, Gender)
Component 4: Project Management, Coordination, and Monitoring and Evaluation	<i>Subcomponent 4.1: Project management, coordination, and communication.</i>	<ul style="list-style-type: none"> Support and finance effective project management Preparation of VMG inclusive workplans, budgets and reports Communication strategy that is appropriate to the vulnerable communities 	<ul style="list-style-type: none"> VMGs exclusion in the implementation and management of the project at all levels limiting the chance of sustainability 	<ul style="list-style-type: none"> Clear communication, transparency and accountability. Ensuring the interests of VMGs is given special attention to their concerns, opportunities and benefits.
	<i>Subcomponent 4.2: Research and monitoring and evaluation.</i>	<ul style="list-style-type: none"> Inclusive project monitoring an evaluation Efficient fiduciary and safeguards implementation and reporting 	<ul style="list-style-type: none"> Leakages of inputs and resources due to weak monitoring and accountability systems at the grass root level. 	<ul style="list-style-type: none"> Have proper grievance redress mechanisms with strict control measures, strict timelines in responding to various concerns and use of other referral pathways. This should be communicated clearly to the public. Treat grievances with confidentiality, impartially and transparently. Transparency in monitoring and reporting of project progress done regularly to address emerging issues .

5.6.1 Summary of the potential impacts of the project and mitigation measures

The key stakeholders engaged in the SA gave positive feedback concerning the project. It was noted that for a long time the leadership in different communities had disregarded agencies engaged in education affairs and inclusion of VMGs. They considered the WB investment a timely response to the grievances they have had for many years. Some of the general anticipated significant positive effects of the project include:

- ❖ Improved learners retention, transition and completion in basic education;
- ❖ Increased access to education and other services;
- ❖ Access to better livelihoods through support from the infrastructure component that will create employment resulting into increased incomes within the targeted communities; enhanced awareness/empowerment among the communities and VMGs/IPs enabling them to know their rights and claim their entitlements;
- ❖ Improved capacity for the youth and women to engage in productive activities;
- ❖ Better management of local resources; and

The potential negative impacts from the project investment include:

- i. Conflict related to access to employment and procurement opportunities as a result of elite capture and clan/sub-clan based preferential treatment;
- ii. Flare up of clan conflicts due to perceived and/or real preferential treatment in access to facilities;
- iii. Disregard of the VMGs/IPs in planning and project implementation;
- iv. There is also the danger that the County and National Governments may neglect the 110 sub-counties on the assumption that the WB project will solve their problems. This would be unfortunate since the level of investment by the WB is limited.

To build on the benefits and **mitigate the challenges identified above**, there is a need to engage the host communities and the VMGs/IPs in FPIC leading to broad community support in all stages of the project. Monitoring of project activities should be done with the host community and VMG/IP lens. There should be creation of awareness at all levels to sensitize people about the project objectives, implementation plan and expected outcomes. Information should be shared widely and in a timely manner. Various channels of communication should be explored including telephone, local radio stations, county and sub-county offices, religious places (Churches and Mosques), social halls and chiefs /assistant chiefs' offices.

5.7 GRIEVANCE REDRESS MECHANISMS (GRM)

A grievance is a concern or complaint raised by an individual or groups affected by the project operational activities. The concerns and complaints can result from either real or perceived impacts of the projects' operations. GRM therefore, provides guidance, guidelines and modalities for managing and addressing grievances that may emerge from SEQIP implementation process. It will also provide modalities for raising awareness, visibility, and understanding on SEQIP and providing feedback on its implementation.

The SEQIP GRM will offers project stakeholders and VMGs an opportunity to seek and receive grievance/ complaints and strengthen projects' team to identify, track, resolve and refer eligible grievances thereby enhancing project's efficiency and development of outcomes.

5.7.1 Procedures for receiving and handling Grievances

SEQIP will setup grievance uptake points, which include: (a) multiple barrier-free uptake locations (village, school, sub-county, county, and national); and (b) multiple barrier-free uptake channels (mail, e-mail, telephone, website, project staff, text messaging/SMS, complaints boxes). SEQIP will maintain a grievance log/register.

TABLE 12: PROCEDURE FOR RECEIVING AND HANDLING GRIEVANCES

Procedure	Details
Complaints received at Uptake location	<ul style="list-style-type: none"> •SEQIP will setup grievance uptake points, which include: (a) multiple barrier-free uptake locations (village, school, sub-county, county, and national); and (b) multiple barrier-free uptake channels (mail, e-mail, telephone, website, project staff, text messaging/SMS, complaints boxes) •SEQIP will maintain a grievance log that record, complaints received, Receipt/acknowledgement details, Describe the issues, Location of each complaint , complaints resolved and complaints that have gone to mediation •The uptake point will be strategically established at multiple uptake locations and channels. •SEQIP will share and discuss with the World Bank the raw or summarized grievances data to receive support and help in responding quickly and effectively.
Sorting & Processing	SEQIP will sort received grievances into categories and determine the most competent and effective level of redress, redress approach, prioritize based on the risk rating, make judgment and reassign each grievance based on the priority.
Acknowledging & Follow-up	SEQIP will provide a written response and acknowledging receipt of each complaint
Verification, investigation & redress action	<p>Verification</p> <ul style="list-style-type: none"> • Check for eligibility of complaint in terms of relevance to the project. • Escalate grievances that required high level intervention within SEQIP • Refer grievances that are outside SEQIP jurisdiction <p>Investigation:</p> <ul style="list-style-type: none"> • Appoint an independent investigator neutral with no stake in the outcome of the investigation • Collect basic information, Collect and preserve evidence

	<ul style="list-style-type: none"> Analyze to establish facts and compile a report <p>Grievance action plan Based on the findings determine the next steps and make recommendations:</p> <ul style="list-style-type: none"> Direct comprehensive response and details of redress action; Referral to the appropriate institution to handle the grievance Undertake mutually agreed follow - up actions Update of complainant and SEQIP implementing teams Provide users with a grievance redress status update and outcome at each stage of redress, <p>Update SEQIP implementing team on grievance redress across GRM value chain.</p>
Complaints resolved	Close the complaint
Unresolved Complaints for mediation	Referral to relevant multi-sectoral institutions for mediation, arbitration and can even go to courts
Update of complainant and SEQIP implementing teams	Provide users with a grievance redress status update and outcome at each stage of redress, (iii) update SEQIP implementing team on grievance redress across the GRM value chain

5.7.2 GRM Management

The SEQIP project will elaborate on a culturally appropriate Grievance Redress Mechanism across the multiple levels of government, from local (community level, community unit, school level), County (County systems), and National Level (Project Management Team,). Conflicts and grievances will be handled at the relevant level. Project related issues, concerns, complaints, and grievances uptake points will be identified and culturally appropriate communication channels established. For feedback and resolution of complaints handling committees will be established at each level and the process of lodging a complaint and resolution will be determined. This will include appropriate mechanisms to lodge a complaint (writing, orally, telephone, internet or other methods); principles of dealing with a complaint: impartiality; democratic representations; gender and intergenerational equity; timeliness, and feedback loops among others. The GRM will allow project stakeholders including VMGs to submit feedback and grievances on the quality and quantity education based services including malpractice and corruption issues.

The GRM will strengthen the existing SEQIP Grievance system of complaints registrars, suggestions boxes and Grievance focal persons. For VMGs, the VMG focal points at county level will act as additional focal points for VMG grievances and will ensure that the system is accessible and trusted by VMGs by carrying additional activities as required. These will include additional awareness creation among VMG community, having personnel from VMG communities as an additional channel and monitor of VMG concerns and ensuring the committees (which provide a link between the community and the education institutions helps to resolve grievances) have VMG representation.

5.7.2.1 Gender Based Violence (GBV)

GBV is widespread especially among the VMGs and is often normalized, although accurate information is minimal in terms of data, social surveys and information at county level. Some of the identified harmful practices among VMGs during Social Assessment included: early marriage, indiscriminate sex among age sets, teenage pregnancies, and child abuse through forced marriages, rape cases, wife inheritance, and various forms of female genital mutilation. VMGs like the Ogiek, Ngikebotok, El molo and Ilkunono practice different forms of GBV. The linkage between GBV, reproductive health problems and school retention has been associated with school dropout, increased infant mortality, under nutrition among children of abused mothers, and increased incidence of HIV/AIDS and sexually transmitted infections (STIs).

Some surveys have been done, for example, a GBV assessment in Wajir in 2006, carried out by CARE International identified factors contributing to perpetuation of violence in cultural practices such as abduction and early marriage, gender and cultural roles that discriminate girls' access to education, housing arrangements that enable GBV to occur, and inter-tribal conflicts in which rape may be committed for revenge. Unmarried girls between the ages of 9 and 15 appeared to be the most vulnerable to rape because they are often in the bush-herding goats or collecting water or firewood far from their homes³³. Traditionally amongst some communities, GBV cases are resolved through the local host community structures involving the council of elders and religious leaders who implement sanctions according to the unwritten rules. Although there have been some changes in dispute resolution mechanisms involving GBV cases it was noted that more needs to be done. However, the further you go out of the town centers in the VMG communities, the higher the chances of interacting with remnants of the traditional dispute resolution mechanisms. There is also recognition of the existence of a criminal justice system anchored on the Kenyan laws that outlaws GBV in all its manifestations including early/forced marriages, wife battering, and sexual abuse, among others. A key informant in North Horr observed that "The social fabric has weakened while the consumption of drugs and alcohol has increased leading to engagement in such types of GBV".

From the COVID-19 pandemic perspectives, data from a study by the KNBS showed that 23.6 per cent of Kenyans have witnessed/ heard cases of domestic violence in their communities since the introduction of COVID-19 containment measures.³⁴ About 12,000 women and girls displaced and affected by floods need GBV-related services and psychosocial first aid while, at least 2,350 women and girls across the country needed shelters and safe houses for protection from GBV and FGM. As identified from the above

³³ https://scholar.google.co.uk/scholar?q=prevalence+of+gbv+in+kenya&hl=en&as_sdt=0&as_vis=1&oi=scholart

³⁴ <https://reports.unocha.org/en/country/kenya/card/2rC8kJetx/>

study, a coordinated approach is required in order to respond to the needs of such survivors therefore SEQIP will ensure that project beneficiaries are safeguarded from such and necessary measures put are in place during project implementation.

5.7.2.2 GBV Complaints

Complaints regarding gender-based violence are extremely sensitive and could cause trauma to the survivor if handled improperly. Thus, they should not go through the general complaints procedure and should be treated by the recipient in total confidentiality and sensitivity, in line with the survivors' wishes. All project team staff and GRM focal points should be informed that if a case of GBV is reported to them, they should immediately refer the survivor to the nearest health facility that specializes in free post GBV health support (within 72 hours of the incident to access PEP and PREP). The only information they should establish is if the incident involves a worker on the project and if the survivor/complainant has been told about the services above. If a worker on the project is involved the incident should be immediately reported to the NPC who will provide further guidance after consulting with the World Bank. The NPC should report the incident to the World Bank Task Team Leader (TTL) or social safeguards advisor within 24 hours of receiving the report.

5.7.2.2 Female Genital Mutilation

There is high prevalence of FGM in the North Eastern parts of Kenya, mainly infibulations, with 90 percent prevalence in Wajir, Mandera, and Garissa. In Samburu, the FGM prevalence is 86 percent (though reducing at a very high rate due to the presidential directive to end FGM by 2023) and it is also practiced among certain groups in Tana River and Marsabit (it has not been easy to reduce FGM since some of these areas it is carried out during initiation rites rather than in individual households as a secret). Although there have been concerted efforts to criminalize FGM through legislation, such as 'the Prohibition of Female Genital Mutilation Act (2011, revised 2012)' and the Protection Against Domestic Violence Act (2015) that covers all violence including FGM, and the formation of agencies such as the Anti-Female Genital Mutilation Board, the Anti-FGM and Child Marriage Prosecution Unit, and setting up of hotlines, the practice continues. Several non-governmental organizations (NGOs) have carried out advocacy programs against FGM and papers have been written that bring in Islamic thought and religious leaders against FGM. However, there has been discernible impact after prosecution of the perpetrators. Female Genital Mutilation is still common in the Somali community despite efforts by the National Government and its development partners to eradicate this practice through the enforcement of laws such as the FGM Act. Early marriages are attributable to FGM since after circumcision the young girls are considered ready for marriage.

5.8 FREE, PRIOR AND INFORMED CONSULTATION (FPIC)

This section elaborates on the appropriate consultation approaches preferred by the VMGs covering the strategy for participation during project implementation and the consultation procedures to be adopted during the SA disclosure. Lastly, the section outlines the recommended methods for consultation with VMGs so as to enhance their maximum participation in the projection cycle.

5.8.1 Framework for Free, Prior and Informed Consultation (FPIC)

The FPIC refers to a process whereby affected vulnerable and marginalized communities, freely have the choice, based on sufficient information concerning the benefits and disadvantages of the project, of whether and how these activities will occur according to their systems of customary representation and decision-making. Table 13 presents a summary of the operationalization of FPIC for the project in relation to activities.

TABLE 13: SUMMARY OF FREE, PRIOR AND INFORMED CONSULTATIONS

Summary of Free, Prior and Informed Consultations	
Free	No threats: the IPs/VMGs will not be coerced to support any activity by any of the project teams and local leaders through any means such as threats of not being included in the project if they do not support the process
	No manipulation: the IPs/VMGs will not be manipulated by the leaders through any means possible to participate or support decisions and actions
	No intimidation: the IPs/VMGs will be allowed to participate in project activities with full understanding of their rights and of their own willingness
	No incentives: there will be no use of 'carrot and stick' tactics to lure IPs/VMGs into supporting or engaging in Project activities
Prior	The consultation process will start early and be iterative in nature. This will allow the PIU to incorporate concerns of the IPs/VMGs and recommendations into project design
	Before any activity is initiated, the project team will ensure that the development plans are finalized and the specific requirements, including consultations, consensus- building and land acquisition are included
Informed	Information to be provided will be accurate and in an appropriate language
	The information will articulate the objectives of the proposed activities, duration, those targeted, proposed benefits sharing and legal issues
	Information will be channeled by use of various media accessible to the IPs/VMGs
	Information will take into view the cultural contexts
Consultation	The form may vary for different communities – it may be oral or written but will be consultative and participatory
	The process for providing consent will reflect the diversity of views and outcomes which will be documented.

Summary of Free, Prior and Informed Consultations	
	Decision-making will not exclude or marginalize individuals due to gender, ethnicity, age, disability, location or any other factor.

5.9 CONSULTATION DURING SOCIAL ASSESSMENT

This section outlines the details of the free, prior and informed consultation with the VMGs carried out during the social assessment with VMGs and other stakeholders.

5.9.1 Consultations with the VMGs & other Stakeholders

Consultations with key representatives of VMGs and other stakeholders in the 9 purposively sampled counties were conducted 23rd November 2020 concurrently in all the identified 15 sub-counties. The SEQIP team joined to county teams on the first day by paying courtesy calls to the Sub-County of entry. Upon briefing by the teams on the objective of the Social assessment the teams joined the various stakeholders that had been mobilized by the Sub-County Directors of Education.

In order to have an overall synthesized perception and group opinions of larger community and VMGs living within the project areas focused groups discussions were held with various representatives of women, elders and youths amongst the Vulnerable and Marginalized Groups (VMGs).



Turkana County CPC addressing VMG baraza Focus group discussion at Konyipad Village

5.9.2 Targeted consultation with the minority VMGs

Consultations with the representatives of the minority VMGs were held from 24th until 27th November 2020 at the specified villages where the minority communities were found. The VMGs representatives included: Waayu, Waatha, Malakote / Waliwana, Munyoyaya, Ogiek, Suba, Riba, Elmolo, Sakuye, Ngikebotoka and the Suba.

The VMG participants who were invited to the meeting were informed in advance of the objectives of the meetings, location, the time and the stakeholders to be expected at the event. During the actual consultations prayers were conducted, followed by the introduction of team members, Government officials and VMG members. The SC-DEOs or their representatives together with the SC-SDOs then took up the session by informing the participants of the project details, objectives of the social assessment and the procedure to be followed to enhance constructive engagement in line with the expectations of FPIC. In all sessions with the VMGs, where need be, an interpreter would be selected from the participants to ensure that all the communication was relayed in the language appropriate for the VMGs.

In order for the VMGs to provide detailed information, focus group discussions and in depth interviews were held from 25th until 27th November, 2020. Among the key issues discussed during these meetings included livelihoods, community structure, anticipated project impacts, grievance redress mechanism, process of free, prior and informed consultations and strategies to ensure the communities benefit from project interventions.

5.9.3 Summary of issues from the VMGs and Stakeholders Consultations

- ✦ ***Involvement of the VMGs and local communities in project implementation:*** The local communities wish to be directly involved in the project activities. They want to be consulted on the major decisions. The communities also noted that they should play a key role in selection of those who will be in the project implementation committees. For project sustainability and ownership they recommended inclusion in all future selected committees.
- ✦ ***Anticipated project benefits:*** Across the project counties, the communities consulted indicated that they were very positive about project benefits which focus on improving learners' retention, transition and completion of basic education.
- ✦ ***Exclusion from participation during construction in schools infrastructure:*** The VMGs in the locality felt that they are economically marginalized and experience above average levels of poverty with below average rates of participation in mainstream labor markets due to their socioeconomic disadvantage, geographical location and the cultural preference for traditional pastoral / hunting-gathering or fishing/farming lifestyle or other livelihood strategies such as blacksmithing. They noted that this may lead to a scenario whereby only a few of them qualify for such jobs, therefore requesting for more inclusion.
- ✦ ***Fear of political interference:*** majority of the VMGs expressed their fear that they would be excluded since they do not form part of the major communities and that some of them are viewed as "outcasts" and have few or no representation with the county and

national government. The participants also pointed out to the influence by the county-level and ward-level politicians who selfishly redirect development projects to address their individual interest and aspirations.

- ✦ **Corruption:** fears that the recruitment of personnel and procurement contracts could be influenced by nepotism, clannism and that project resources could be misused.
- ✦ **Training, Capacity Building and Enhancement:** The communities raised on to their low literacy levels. The rate of school dropout is very high in these regions coupled with early and/or arranged marriages. They therefore requested for extensive training and capacity building and enhancement of project management committees on the operations of the project. This will ensure that the communities can easily embrace the project support it and further maximize on the project benefits.
- ✦ **Acceptance of the proposed project:** Overall, the stakeholders consulted confirmed that they welcomed the project and thus looked forward towards its implementation.

5.9.4 Consultation during SA disclosure to VMGs

Disclosure of project information must occur in a form and language appropriate to the relevant stakeholders and VMGs, in a reasonable timeframe to allow them to process the information being communicated and raise concerns if necessary. Accountability is required in sharing information about the project, planned activities as well as and clear procedures used in requesting for information.

As a standard practice, it is mandatory that all key documents prepared under SEQIP are publicly disclosed according to the constitution of Kenya and the World Bank disclosure policy to inform local communities and stakeholders on the general implication of the project. Given the interest that the SEQIP will trigger across the country, all appropriate and acceptable disclosure pathways shall be used. The contents of the Social Assessment will be disclosed through making them available as hard copies, institutional / school / MoE meetings, and National and County consultative workshops. Electronic copies will also be placed on MoE website and at the World Bank info shop to allow the public and interested stakeholders to be informed and provide feedback.

Similarly, copies of the document will be displayed strategically in public establishments within each of the county for wide circulation and public scrutiny. A disclosure, which will be supported by the County governments, will be held on site in close proximity to the VMGs so as to enhance unlimited accessibility to all vulnerable groups.

5.9.5 Consultation during project implementation

Consultations of VMGs will be undertaken in the implementation of the interventions to ensure that they adequately deal with the needs, and preferences of the VMGs. The VMGs

will be provided with relevant project information in language and manner suitable to them. Separate community dialogue meetings carried out to assess the project impacts and benefits to these groups. Regular consultation with the VMGs should take place during the project implementation period by observing the following:

- Ensure that the consultation is inclusive and captures the diversity of views within the community.
- Engage openly in public consultation events to address any emerging concerns.
- Maintain a record of decisions reached with the VMGs including the results of monitoring and evaluation or reviews.
- Come up with a mutually agreeable mechanism to resolve grievances and disputes.

5.9.6 Culturally appropriate methods for VMGs meaningful participation

In order to enhance inclusion and effective consultation with the VMGs, it is imperative that effective communication channels are used during the project cycle. This will ensure that the sections of the communities that are traditionally underserved such as women, youth, and the disabled and other vulnerable group are fully heard and their interests captured. SEQIP will identify and carry out targeted consultations with vulnerable and marginalized groups to understand their concerns / needs in terms of accessing information, challenges encountered and ensure that their voices are acted on and not disregarded.

Due to the COVID-19 pandemic consultation methods used will ensure that they will not entirely require physical participation in meetings but other avenues such as radio broadcasts and social media platforms can be used for sensitization and awareness creation. Face-to face consultations/focus group discussions can also be used to reach out to VMGs where possible but taking into consideration the Ministry of Health (MOH) guidelines/protocols.

The continuous involvement of women and the elderly who are guardian/caregivers to learners in the project activities as part of decision makers in the project will also be upheld. The project will adopted participatory strategies in effective engagement and communication with vulnerable and marginalized groups. People living with disabilities will be provided with information in accessible formats while children/ learners will be provided with information and communication materials in a child-friendly manner. Grievance Redress Mechanisms will also be designed in such a way that all groups identified as vulnerable have access to information and can submit their grievances and receive feedback as prescribed (see GRM section).

6.0 STAKEHOLDER AND INSTITUTIONAL ANALYSIS

Generally, stakeholders fall into one or more of the following categories: international actors, national actors, public sector, interest groups and unions, civil society members, commercial/private for-profit and non-profit organizations, Faith based and community based organizations. Stakeholders can be of any size, form and capacity as individuals, groups, organizations, or unorganized groups.

Stakeholders include the various groups who have an interest or a stake in the project in addition to the VMGs themselves who have been described in detail in the previous chapter. They include those who are likely to be affected by the project as well as those who may have an influence over the project. The interests of various groups in the development process are the subjects of stakeholder analysis.

6.1 AFFECTED (INTERNAL) STAKEHOLDERS

These are persons, groups and other entities within the Project Area of Influence (PAI) that are directly influenced (actually or potentially) by the project and/or have been identified as most susceptible to change associated with the project, and who need to be closely engaged in identifying impacts and their significance, as well as in decision-making on mitigation and management measures. In SEQIP the following individuals and groups were identified as stakeholders and consulted at National, County and local levels.

- ❖ Ministry of Education
- ❖ Kenya Institute of Curriculum Development (KICD)
- ❖ Kenya National Examination Council (KNEC)
- ❖ Teachers Service Commission (TSC)
- ❖ Centre for Mathematics, Science and Technology in Africa (CEMASTEA)
- ❖ National Treasury
- ❖ County Education Board
- ❖ Kenya Institute of Special Education (KISE)
- ❖ Board of Management (BOM)
- ❖ Kenya Primary Schools Heads Association (KEPSHA)

- ❖ Kenya Private Schools Association (KPSA)
- ❖ Teachers
- ❖ Learners and Learners with Special Needs

6.2 OTHER INTERESTED (EXTERNAL) STAKEHOLDERS

These are individuals/groups/entities that may not experience direct impacts from the Project but who consider or perceive their interests as being affected by the project and/or who could affect the project and the process of its implementation in some way. In SEQIP these stakeholders include;

- ❖ Development partners/ Sponsors
- ❖ National Council for Persons with Disabilities (NCPWD)
- ❖ National Environmental Management Authority (NEMA)
- ❖ Ministry of Labour and Social Protection (Directorate of Occupational Safety and Health (DOSH), Department of Social Development, Dep. Of Children Services
- ❖ Ministry of Public service, Youth and Gender Affairs
- ❖ Ministry of Interior and Coordination of the National Government Functions
- ❖ Universities and teacher training institutions
- ❖ Kenya National Commission on Human Rights (KNCHR)
- ❖ National Gender and Equality Commission (NGEC)
- ❖ Teachers Unions (KNUT and KUPPET)
- ❖ Parents/ Guardians/caregivers
- ❖ Publishers
- ❖ Religious organizations (FBOs)
- ❖ Council of Governors (COG)
- ❖ Civil Society Organizations (CSOs)
- ❖ Non-Governmental Organizations (NGOs)
- ❖ Community Based Organizations (CBOs)
- ❖ Elected /Political Leaders (Senators, MPs and MCAs)
- ❖ Media
- ❖ Contractors

6.3 DISADVANTAGED/ VULNERABLE AND MARGINALIZED GROUPS

In the implementation of SEQIP, the vulnerable or disadvantaged groups may include and are not limited to the following:

- ❖ Elderly - these can be guardians/caregivers to learners
- ❖ Illiterate people - these can be guardians/caregivers to learners
- ❖ Persons living with disabilities - Learners with Special needs
- ❖ Vulnerable and marginalized groups including traditional communities eg. Nomadic pastoralists.

- ❖ Orphans and vulnerable children from low-income families

Vulnerable groups within the communities affected by the project will be further confirmed and consulted through dedicated means, as appropriate.

6.3.1 Key Organizations involved with VMGs

The social assessment found out that there are different institutions or groupings in each of the VMGs with interests that might compete for control of resources within the communities. In addition to the community-based groups identified during the consultative meetings, there are other established groupings with wider coverage and special interests in the activities taking place within the VMGs. These institutions operating at different levels among the VMG communities can be a potential barrier to successful implementation of the sub-projects and a source of conflicts at community level. **Table 14** indicates some of the groupings/ organizations that are involved with VMGs included:

TABLE 14: KEY ORGANIZATIONS INVOLVED WITH VMGS

#	STAKEHOLDER	SPECIFIED AREA OF FOCUS
1.	Marsabit Women's Advocacy Development Organization (MWADO)	MWADO advocates for women's rights for the Waayu / Watha community in Marsabit County.
2.	Indigenous Information Network (IIN)	A non-profit, non- governmental organization (NGO) registered Works on rights issues for pastoralist and forest-dwelling indigenous groups. It has been involved in dissemination of information, environmental conservation activities, community development, and advocacy activities in support of Indigenous and Minority Peoples in the region.
3.	Ogiek Peoples' Development Program(OPDP)	The core mandate of OPDP is undertake social work aimed at promoting social change, social development, social justice, social cohesion, and the empowerment of the Ogiek community.
4.	Pastoralist Development Network of Kenya (PDNK)	PDNK works to identify gaps in policies that affect pastoralist's communities in Kenya by mobilizing communities to interrogate and generate issues of concern in their respective regions. This way PDNK ensures grassroots pastoralists identify their own issues, determine policy interventions and thus enable them to engage in policy making processes on issues concerning their livelihoods and well-being. Through advocacy, PDNK engages the media in lobbying / championing pastoralist rights and privileges as a strategic mind-set changer and opinion shaping partner
5.	Kuto Sengwer Indigenous Peoples (KSIP).	To promote interests of Sengwer in the Cherangany Hills, Western Kenya
6.	Friends of Lake Turkana (FLT)	A grassroots organization dedicated to the protection of the environment and people of the Lake Turkana Basin. It focuses on campaigning for the rights of marginalized communities whose livelihoods are threatened by 'development' and government / corporate victimization. FLT campaigns for the rights of communities to enjoy healthy environments and to access their natural resources.
7.	Chepkitale Indigenous Development Project	A Non- governmental organization registered by the Chepkita Ogiek in 2003. It ensures the realizations of Chepkita rights are not

#	STAKEHOLDER	SPECIFIED AREA OF FOCUS
	(CIDP)	undermined.
8.	Pokot Women Empowerment Organization (POWEO)	The organization has been in the forefront in responding to humanitarian emergencies championing the women's rights.
9.	CHEMUDEP	Advocates for the rights of the Cherangany community in areas where they community members have settled.

7.0 PROJECT IMPACT MONITORING AND EVALUATION FRAMEWORK

This section outlines the contents of monitoring and evaluation for the project. This will aid monitoring of the adverse impacts of the project on VMGs. It includes the objectives, approach and the adverse impacts and proposed mitigation measures.

7.1 MONITORING AND EVALUATION (M&E) COMPONENTS

The M&E will constitute the verification of attainment of targets regarding the mitigation measures and the provision of anticipated project benefits to the VMGs.

Objectives of Monitoring & Evaluation

The objectives of the M&E will be to:

- a. Track the perception of the VMG towards the project during its implementation.
- b. Track the project' compliance with proposed mitigation measures with regard to socio- cultural and environmental aspects.
- c. To determine the impact of the SEQIP Project on the wellbeing of the VMGs.

7.2 MONITORING AND EVALUATION APPROACH

Participatory approach will be adopted in order to accord the VMGs the opportunity to participate to the maximum during project implementation. All project indicators will be disaggregated by gender and location (area of intervention) to facilitate the monitoring of VMGs/IPs in the interventions. The project will also enhance inclusion of vulnerable communities living in the targeted sub-counties.

A set of indicators, will be determined during the development of the plans, which will be monitored during the entire implementation period. Consultants and firms recruited to

conduct monitoring of project activities will be provided with the plans for all the project interventions.

7.3 MONITORING & EVALUATION PLAN

The M&E plan will be developed jointly with VMGs so as to formulate mitigation measures that are culturally compliant to their situation.

7.4 COMPLIANCE, COMPLETION AUDITS & OUTCOME EVALUATION

MoE jointly with implementing agencies will engage an independent auditor to ascertain the project compliance with relevant frameworks. M&E shall be undertaken by the implementing agencies, reporting to the MoE and World Bank on regular basis during the project cycle. The evaluation process should be participatory involving the VMGs in all aspects.

8.0 CONCLUSIONS AND RECOMMENDATIONS

Conclusion

Some of the communities where SEQIP is operating occupy relatively underdeveloped and underserved areas compared with the other parts of Kenya. They have a perilous socio-economic challenges, food insecurity, limited access to basic social and educational services and poor infrastructure; poor livelihood opportunities; and low economic resource based on their limited economic opportunities. Women and girls in these areas are at risk of GBV although this continues to be under-reported. The limited access to basic services including education, health and water has resulted in high levels of illiteracy and exposure to preventable diseases, among other challenges.

The project interventions are likely to have significant prospects to transform the VMGs in the targeted counties. However, it is imperative that for all project components the exercise of inclusion, maximum engagement and participation of VMGs be enhanced. It can be deduced that this social assessment has initiated the consultative decision making process, which the concerned parties ought to commit to execute in a fair, timely and culturally appropriate manner. However, inclusion, consultations, engagement and participation of VMGs still remain a major challenge. This Social assessment brought to the forefront the need to engage such communities at the very initial stages of project designing, during and all through project implementation cycle.

The stakeholders consulted noted that involvement of the community is very fundamental in sustainability of the projects. The community members should be involved in planning

processes through public participation forums organized by the relevant organizations and the national and county government. During project implementation, community members should be given priority in terms of employment in school infrastructure construction, supply of goods and services where possible. In SEQIP implementation the community will be involved and participate in giving regular feedback to the implementing agencies.

In order to ensure sustainability of the SEQIP it is recommended to maximize community awareness, involvement and support. Involvement of community representatives in the project implementation committees is vital in order to factor in community suggestions and concerns in the project. Capacity building and enhancement is also very vital for the staff representing the various implementing agencies and to the operations and project team. Majority of the communities considered this WB project as a timely response to the grievances they have had for many years.

Recommendations:

For enhanced participation by the VMGs in the project-targeted areas, the suggestions made by the participants during the SA include:

- ❖ Enhance outreach and awareness creation to ensure clarity on the project by all key stakeholders. Multiple means of communication should be used to ensure that all members are reached including the VMGs/IPs;
- ❖ Work with village elders and other respected community leaders in project planning, implementation and M&E. The emphasis should be placed on working with people and groups trusted by the communities;
- ❖ Broad community support would be ascertained by an inclusive community meeting / community bararza's to enhance community ownership.
- ❖ Collaborate with trusted local organizations and selective international organizations that have a history and good working relationships with the communities to implement the project; and
- ❖ Hold consultations with local leaders, including political leadership since they control resources that could complement the project financing. For instance, the MPs are responsible for CDF, bursary funds and other resources available for local development. The County Governments have resources that could also be used to strengthen interventions supported by SEQIP.

On project implementation it key to ensure that the resources provided for the project are used for the purposes intended by WB. Consequently, the project should have clear implementation mechanisms to ensure transparency and accountability, which include:

- i. Activities identified for implementation should be clearly documented and disseminated through a clear communication strategy that uses accessible mechanisms, e.g. local radio, and media that is understandable by the communities;
- ii. Recruitment procedures should be done transparently, while ensuring the inclusion of VMGs/IPs;
- iii. The award of contracts should be done equitably while ensuring that VMGs/IPs or their groups are not discriminated against;
- iv. Vulnerable groups identified for support should be trained and the support given to them made known to the community members;
- v. Ensure that the public works activities are sustainable and beneficial to all community members.
- vi. GRM should be activated and accessible to all people and the feedback mechanisms integrated into the system.

The table below presents a list of specific recommendations and key actions to safeguard the wellbeing of VMGs/ IPs in the project sites:

#	KEY AREA	RECOMMENDATION
1.	Establishment of structures to enhance VMGs participation in the project activities.	<ul style="list-style-type: none"> • Enhance outreach and awareness raising to ensure clarity on the project by all key stakeholders. • Project implementation structures at the national, county, sub-county and community levels will include representation of the VMGs/IPs. • Information dissemination and general communication strategies should be done in a culturally appropriate manner and through accessible channels. • Sensitize community members on the Project and consult the VMGs on the project design by ensuring culturally appropriate and responsiveness to their needs and aspirations.
2.	Recommendations for project design.	<ul style="list-style-type: none"> • Consultative meetings for the design of the project should be based on prior information provided to the VMG communities regarding the subcomponents proposed based on this social assessment report after its validation by the VMG communities themselves. • The validation process should involve the use of the identified institutions and stakeholders based on the information on stakeholder analysis to address the potential threats, interests of various institutions and stakeholders as well as properly utilize the opportunities that are within these institutions for project implementation and initial buy-in. • CBOs and other stakeholders in the project can also be instrumental in providing a monitoring and evaluation framework for the community projects.
3.	Participating in free, prior and informed	<ul style="list-style-type: none"> • The process for participating in free, prior and informed consultations during project implementation should be discussed at a planning workshop where the experts can provide guidance on how to prioritize the

#	KEY AREA	RECOMMENDATION
	consultations for engaging VMGs	various projects by the VMG representatives based on the validated contents of the social assessment report.
4.	Development of VMG Plans	<ul style="list-style-type: none"> The development plans for the Vulnerable and Marginalized Communities should be based on identified activities that the VMGs are involved in, their suggestions of possible projects that are appropriate to their cultural conditions and an assessment of the environmental conditions. This would enable the projects proposed for these VMG communities to be culturally appropriate to their conditions.
5.	Implementation of prioritized projects.	<ul style="list-style-type: none"> The implementation of the prioritized projects for the VMGs should be carried out based on the provisions of the World Bank Operational policy no. 4.10 and as described under the section of free, prior and informed consultations in this report. The award of contracts should be done equitably not favoring any segment of the communities while ensuring that groups of VMGs are not discriminated against. Officers at the national, county and sub-county levels will monitor and address all cases of error, fraud and corruption (EFC). Include EFC indicators in all monitoring and evaluation activities.
6.	Gender and age differentiation	<ul style="list-style-type: none"> Consider the gender and age variations in the needs and development initiatives based on the opportunities, capabilities and existing resources for each of the VMGs.

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10.0 ANNEXES

ANNEX 1: VIRTUAL TRAINING PROGRAM FOR OFFICERS



MINISTRY OF EDUCATION
State Department of Early Learning & Basic Education
DIRECTORATE OF PROJECTS COORDINATION AND DELIVERY

VIRTUAL TRAINING FOR COUNTY DIRECTORS OF EDUCATION (CDE's), COUNTY PROJECT COORDINATORS (CPC's), SUB- COUNTY DIRECTORS OF EDUCATION (SCDE's) AND SUB-COUNTY SOCIAL DEVELOPMENT OFFICERS (SC-SDOs) ON SOCIAL ASSESSMENT FOR THE SECONDARY EDUCATION QUALITY IMPROVEMENT PROJECT (SEQIP).

DATES: THURSDAY, 19TH NOVEMBER, 2020

TIME: 9:00 AM - 1 PM

OBJECTIVES:

The workshop will seek to:

- I. Sharing of Key Messaging for SEQIP;
- II. Acquaint officers on World Bank safeguards policies;

- III. Training on the Social Assessment tools (Key Informant Interviews guide (KII) and Focus Group Discussion guide (FGD));
- IV. Report writing for Social Assessment at Sub-County Level.
- V. Share the Roadmap for implementation of Social Assessment

Time	Activity (s)	Presenter
9.00 – 9.15 am	Prayers	Florence Musalia- SEQIP
	Preliminaries	
	Opening Remarks	Director DPCAD Director Social Development
9 am – 11:00am	Brief on SEQIP implementation and key Message for the project interventions.	National Project Coordinator - Jane Mbugua Florence Musalia SEQIP
10.30 am – 12.00 pm	❖ Brief on World Bank safeguards policies; ❖ Introduction to Social Assessment in Sampled counties.	Social Safeguards Specialist Julie Omolo
	Administration of Social Assessment tools; ❖ Key Informant Interviews (KII); and ❖ Focus Group Discussion (FGD) guides ❖ Sub- County level Reporting tool	Richard Obiga - SPS Moses Mureithi - DSD Johnson Ndolo
	Schedule for the activity -roll out plan (Roadmap)	Social Safeguards Specialist Julie Omolo
	Plenary/Feedback from stakeholders	NPC
12.00 pm – 1.00 pm	Closing Remarks and Prayers	Director DPCAD

ANNEX 2: KEY MESSAGES SHARED AT THE ENTRY MEETINGS

Key Message of Secondary Education Quality Improvement Project (SEQIP)

- Project: Secondary Education Quality Improvement Project (SEQIP)
- Board Approval Date: September, 28, 2017
- Effectiveness Date: December 7, 2017
- Closing Date: December 31, 2023
- Project cost: Euro 175.5 million (200 Million USD Equivalent)
- Source of funds: IDA/World Bank
- Project Period: 6 Years
- Borrower: Republic of Kenya
- Responsible Agency: Ministry of Education
- Project being implemented in 110 sub-counties from 30 Counties that are educationally and economically disadvantaged.

Project Development Objective

To improve student learning in secondary education and transition from primary to secondary education, in targeted areas

Project Beneficiaries

1. About 1.2 million learners in upper primary grades 7&8 and Form 1-4
2. 7,852 public primary schools and 2,147 public secondary schools in the targeted 110 sub-counties in 30 counties, which are educationally and economically disadvantaged. These sub-counties have been identified based on their high incidence of poverty, low retention rates at the Upper Primary (grades 7 & 8) primary level, and low transition rates from primary to secondary level.
3. The project institutional beneficiaries include Kenya Institute of Curriculum Development (KICD); TSC; Kenya National Examination Council (KNEC); and Centre for Mathematics, Science, and Technology Education in Africa (CEMASTEА).

Key Performance Indicators

- (a) Average student test score in science subjects at Form 2 at public schools in targeted sub-counties
- (b) Average student test score in mathematics at Form 2 at public schools in targeted sub-counties
- (c) Transition rate from primary to secondary education in targeted sub-counties

SEQIP INTERVENTIONS BY COMPONENTS

Component 1: Improving Quality of Teaching in Targeted Areas

- 1.1 Reducing Teacher Shortage for Science, Mathematics and English teachers in Targeted Areas -TSC
- 1.2 Enhancing Teacher Professional Development _ TSC THROUGH CEMASTEА
- 1.3 Provision of text books-MoE &KICD

Component 2: Improving Retention in Upper Primary School and Transition to Secondary School in Targeted Areas:

- 1.2 Improving School Learning Environment (Construction of Classrooms and Laboratories in targeted Secondary Education and Sanitation facilities in targeted Primary Education and Ultra-Modern Training Facility) - MoE
- 2.2 a) Advocacy, Social Support and Gender sensitization Programme - MoE
- b) Scholarship, Mentorship and Gender-sensitization Programme-MoE

Component 3: Systems Reforms Support

- 3.1: Development & Introduction of CBC Grades 4 to 9- KICD
- 3.2: Strengthening of National System for Monitoring Learning Progress and National Examination - KNEC

Component 4: Project Management, Coordination, Research, Monitoring & Evaluation-MoE Sub-Component:

- 4.1: Project Management, Coordination & Communication
- 4.2: Research, Monitoring & Evaluation

ANNEX 3: KEY STAKEHOLDERS INVITED DURING ENTRY MEETINGS

S/NO	Identified stakeholders
1.	D/County Commissioners
2.	County Directors of Education – Ministry of Education
3.	County Directors of Education – Teachers Service Commission
4.	County Project Coordinators (CPCs)
5.	State Department of Social Protection - County Children officers
6.	State Department of Social Protection - County Social Development officers
7.	Representative of KESHA
8.	Representative of Kenya Primary Schools Heads Association (KEPSHA)
9.	Representative of Teachers Unions (KNUT/KUPPET)
10.	Representative of VMGO/CSO's
11.	Representative Parents Association
12.	Ministry of Interior -Area Chiefs (entry location)
13.	Representative of Persons With Disabilities
14.	Representative Member of Parliament
15.	Representative of Women
16.	Representative of Youths
17.	Representative of Non-Governmental Organizations (NGOs) /FBOs/CBOs

ANNEX 4: FOCUS GROUP DISCUSSION GUIDE FOR SOCIAL ASSESSMENT



**MINISTRY OF EDUCATION
State Department of Early Learning & Basic Education
DIRECTORATE OF PROJECTS COORDINATION AND DELIVERY**

FOCUS GROUP DISCUSSION GUIDE FOR SOCIAL ASSESSMENT

1. County: _____

2. Sub-County:

3. Division _____

6. Date of the Interview:

|_|_| / |_|_| / |2|0|2|0|

Time of interview: _____

Place of interview: _____

4. Location_____

5. Village_____

1. Demographic profile

- i. What is the name of your community?
- ii. What other communities do you interact with?
- iii. What are the unique characteristics of your community? (*EXPLORE culture, geographic boundaries, and economic activities*)
- iv. Which languages are spoken in your community?
- v. What is the main religion in your community?
- vi. What are the other religions in your community?

2. Economic profile

- (i) What are the major sources of livelihood for the members in your community?
- (ii) Do these activities rely on local or external resources? (*Explain*)
- (iii) Has your community benefitted from any education program? If yes explain (*EXPLORE Scholarship, bursary and any other*)
- (iv) What is your view on learner's transition from primary to secondary in your community? (*Explain*)
- (v) Any suggestions on how this can be improved?
- (vi) In what ways can the community benefit from SEQIP? (*EXPLORE infrastructure, retention, completion and transition*).

3. Community participation and consultation in development projects

- i. Kindly explain to us how community members, get involved in development processes in this area? (*EXPLORE planning, implementation, monitoring & evaluation, etc.*).
- ii. Who influences development matters in this community? (*EXPLORE on men, women, youth, religious leaders, local leaders, etc.*).
- iii. Who is key in representing your interest/ focal person?
- iv. What are the likely challenges of implementing SEQIP in this community? (*EXPLORE on community expectations and attitude, beliefs, culture, environmental issues, conflict, community cohesion, inter-household distribution of resources and tension, Gender Based Violence, community support mechanisms, elite capture*)
- v. What recommendations would you propose for the above challenges?

4. Community cultural resources

- i. What are some of the most important physical and cultural resources located in your locality? (*EXPLORE for religious, traditions and practices; beliefs etc.*)
- ii. How will these resources affect the project?
- iii. How will the project affect the cultural resources?
- iv. What measures can be instituted to prevent the (ii) and (iii) above?

5. Community governance and appropriate consultation approaches

- i. Which are the groups, organizations, associations and cooperatives in this community? (*EXPLORE for existence of Men, women, youth and, PWDs groups*)
- ii. Other than (i) who are the other influential people, groups or representatives of interest groups in this community? (*EXPLORE to obtain local names, Council of elders*)
- iii. If an individual wishes to freely consult the people in this community.....
 - Who would he approach first?
 - How will he approach him/her?
 - What gender aspects should be borne in mind?
 - What religious considerations should be observed?

6. Social cohesion, level of social integration and conflict resolution mechanisms

- i. Has there been any conflict in your community over the following issues?
 - Natural resources e.g. water, land (Specify)
 - Employment opportunities
 - Issues related to cultural, religious differences
 - Historical injustices
 - Biased selection on development projects
 - Others

If yes, what were the causes, impacts and resolutions (*Explain*).
- ii. What are your expectations on this project? (*EXPLORE employment opportunities, resistance, business opportunities, accrued/spillover benefits*)
- iii. What do you recommend should be done to prevent conflicts?
- iv. How can the local community be involved more in this project?

7. Potential impacts of the project and stakeholders (community members) perceptions

- i. What do you consider as the impact of the project in your community (*EXPLORE impact on men, youth, women and Persons with Disabilities*).
 - What do you consider as the potential risks
 - What is your general recommendation about the project? (*Explore acceptance*).

8. Grievance Redress Mechanisms

- i. What are some of the complaints about program/project(s) implementation in this community (*list them*). (*EXPLORE on selection, transparency, accountability, community involvement, etc.*)
- ii. What structures are in place to address community members' grievances? (*EXPLORE on the availability of committees, use of local administration and community structures (e.g. courts, mediation and arbitration, council of elders, etc.)*).
- iii. How have these structures effectively addressed grievances?
 - a. appropriately (*Explain*)
 - b. Promptly (*Explain*)
- iv. What channels exists for reporting complaints? (*EXPLORE accessibility and contacts*).
- vi. Any suggestions for improvement of the existing channels?

THANK YOU ALL, THIS IS THE END OF THE DISCUSSION

ANNEX 5: KEY IN-DEPTH INTERVIEW GUIDE FOR SOCIAL ASSESSMENT



**MINISTRY OF EDUCATION
State Department of Early Learning & Basic Education
DIRECTORATE OF PROJECTS COORDINATION AND DELIVERY**

KEY IN-DEPTH INTERVIEW GUIDE FOR SOCIAL ASSESSMENT

1. County: _____

8. Name of the Interviewer: _____

2. Sub-County: _____	9. Name of Interviewee (optional): _____
3. Division _____	Title/ Designation: _____
4. Location _____	Contacts _____
5. Village _____	Email _____
6. Date of the Interview: _____	Address _____
_ _ / _ _ / 2 0 2 0	
Time: _____	
Place of interview: _____	

Self-Introduction:

*(I'mtogether with my colleagues from the **State Department of Early Learning & Basic Education** of the Ministry of Education (accompanying officers to introduce themselves.....), we are conducting an assessment on social issues on a project called, Secondary Education Quality Improvement Project (SEQIP) of the Kenya Government. **The Project Development Objective is to improve student learning in secondary education and transition from primary to secondary education.***

The project has four components: (i) Component 1: Improving quality of teaching in targeted areas (ii) Component 2: Improving retention in upper primary school and transition to secondary school in targeted areas (iii) Component 3: System reform support (iv) Component 4: Project management, coordination, and monitoring and evaluation. Different activities shall be implemented in different Counties by multiple agencies.

Your selection to participate in this interview is based on the fact that you know this community well and therefore your views will be key in informing the SEQIP design and implementation. Please understand that you are taking part in this interview on a voluntary basis. Kindly share with us your honest views.

Do you have any issues you would like to raise before we start? *(If any issues are raised, I'll address them before the interview).*

1. Economic activities

- i. What are the main economic activities in this area?
(EXPLORE on farming, livestock keeping, fishing, small scale businesses, etc.).
- ii. How does earning from the above activities influence spending on education?
- iii. How does income from the above activities influence education enrollment, retention, completion and transition to secondary school?

2. Community governance and appropriate consultation approaches

- i. Please describe how this community is governed?
(EXPLORE on community leadership structure, clannism etc.).

3. Social and cultural characteristics

- (i) Who are considered as the most vulnerable and marginalized in this community?
- (ii) Please explain how land is owned in this community?
 - a. *(EXPLORE on land territories, customs, relations, interactions with the larger community, etc.)*.
- (iii) What social services are available in this community?
 - a. *(EXPLORE on access to essential services in education, water, health, financial credit and agricultural extension services)*.
- (iv) mention the challenges faced in accessing these challenges
- (v) In your own view how can these challenges faced in accessing these services in (iii)?
 - a. *(EXPLORE on awareness of the availability of services, access to community centers, training, financial literacy access, education barriers and perceptions)*.
- (vi) In your view, how can these challenges be overcome?
- (vii) What are the social-cultural barriers to education in this community?

4. Community participation and consultation in development projects

- i. Kindly explain to us how community members are involved in development processes in this area? *(EXPLORE infrastructure, implementation and monitoring of projects etc.)*.
- ii. Kindly explain to us how community members have been involved in development processes in this community in education *(EXPLORE Infrastructure, scholarships, bursaries, advocacy, social support)*.
- iii. Who are the influential people or groups in development matters in this community? *(EXPLORE on men, women, youth, religious leaders, local leaders, etc.)*.
- iv. Who represents the community interest?
- v. What would be the potential risks of implementing an education project in this community? *(EXPLORE on community attitude, beliefs, culture, environmental issues, conflict, community cohesion, inter-household distribution of resources and tension GBV, community support mechanisms)*

5. Grievance Redress Mechanisms

- i. What are some of the complaints raised on implementation of programs in this community (list them). *(EXPLORE on selection, transparency, accountability, community involvement, etc)*.
- ii. What structures are in place to address community members' grievances? *(EXPLORE on the availability of committees, use of local administration and community structures (e.g. courts, mediation and arbitration, council of elders, etc.)*.
- iii. How have these structures effectively addressed grievances?
 - a. Appropriately *(Explain)*
 - b. Promptly *(Explain)*
- iv. What channels exist for reporting complaints? *(EXPLORE accessibility and contacts)*.

v. Any suggestions for improvement of the existing channels?

6. Gender relations

i. What are the key roles of the following in this community?

Population categories	Key roles
Men	
Women	
Male youth	
Female youth	
Persons With Disabilities	

(EXPLORE on education, skills and economic opportunities (formal and informal employment), decision making processes, political issues etc.).

ii. How are gender based-related issues resolved in this community? *(EXPLORE kangaroo courts, local structure, religious institutions, etc.).*

This is the end of our interview.

Do you have any other views that you feel can improve the implementation of this project in this community?

Thank you for your time!

ANNEX 6: SAMPLE ATTENDANCE LIST FROM ENTRY MEETINGS

SUB COUNTY DIRECTOR OF EDUCATION
SEQUIP MT ELGON SUBCOUNTY ENTRY MEETING
ATTENDANCE REGISTER

SNO	NAME	P/NO/ID NO.	DESIGN.	MOBILE	SIGN.
1.	CHESTARI KIMTAI	6082590	PRINCIPAL	0712596697	<i>[Signature]</i>
2.	KEMATI W CHEPKUCH	11453363	HLT	0724008719	<i>[Signature]</i>
3.	Lucy NDIEMA	8319940	SNR CHIEF	0701078362	<i>[Signature]</i>
4.	Janeplex Mbatiani	9021199	WOMAN Rep.	0722490169	<i>[Signature]</i>
5.	Ndiema Kiplimo Lemuko	33675103	REP THE CHIEF COMM	0724060858	<i>[Signature]</i>
6.	Albert K. Mung'u	13650588	SDO	0724047096	<i>[Signature]</i>
7.	Margaret Omungu	5291669	CCSD	0729 981469	<i>[Signature]</i>
8.	Patrick Kibit	6500568	KEPSHA	0727696 664	<i>[Signature]</i>
9.	Kenneth R. Khasisi	20360316	Parent Rep	0728396592	<i>[Signature]</i>
10.	JAMES M. KINTOKIE	12581036	NGO'S REP	0700849978	<i>[Signature]</i>
11.	Rev. CAREB BOIT	0235362	Parents Rep	0720554129	<i>[Signature]</i>
12.	MAUREEN CHEBET	28358560	Youth Rep	0716440300	<i>[Signature]</i>
13.	DOUGLAS MUDAMBO	23309023	INFORMATION	0726232327	<i>[Signature]</i>
14.	Ambrose Simonoo	32536326	Media	0740068305	<i>[Signature]</i>
15.	Christinus Wafu	29120055	Media	0746884007 0746330007	<i>[Signature]</i>
16.	JAYNE A. NTHANGIYE	900521	TSC	0729161088	<i>[Signature]</i>
17.	Christine Owind	21436080	CPC	0721529635	<i>[Signature]</i>
18.	John Ongosi	1991102219	JDE	0722724126	<i>[Signature]</i>
19.	ANNE NGATIA	201170	KNEC	0721350369	<i>[Signature]</i>
20.	Karanga Karuri	900508	TSC	074820302	<i>[Signature]</i>

SUB COUNTY DIRECTOR OF EDUCATION
SEQUIP MT ELGON SUBCOUNTY ENTRY MEETING
ATTENDANCE REGISTER

SNO	NAME	P/NO/ID NO.	DESIGN.	MOBILE	SIGN.
✓ 1.	Dorothy Duma	2007027249	MOE SAd	072527774	
2.	Peter M. Kichisak	91079212	CLERK	0723033703	
✓ 3.	Caren Kinn	36528628	Mp rep	070179896	
4.	Edward Lameck	27878021	ACC I	0727224511	
5.	Donald Akot Ayang	2001065652	SCDE	0719873428	
6.	Musungu Mwachira	90169640	SCSASO MT Elgon	0722238422	
7.					

SEQUIP PROJECT- FOCAL PERSONS FOR VMGS

S/NO	NAME OF FOCAL PERSON	ID NO.	MOBILE NO.	BANK ACC NO.	BANK BRANCH	SIGNATURE
1.	Athe Budha Huto	11386046	0725208876	1010195213422	Equity MARGAT	
2.	HUBA GERMAN GUYO	0066179	075626680	1020194062184	Equity Marsabit	
3.	ADAM WAGO JIRO	1136625	072320499	N/A	N/A	
4.	ROBA WAKO JIRO	2134267	0712757826	N/A	N/A	
5.	BUKE YATTANI	0065040	0729525332	N/A	N/A	
6.						
7.						

ALI K. ABDULLA

27/11/2020

SUB-COUNTY
DIRECTOR OF EDUCATION
NORTH HORN
MOB. NO: 0724043322

9.4 Attendance list for VMG participants

County... Marsabit
 Sub-County... North Horr
 Location... NORTH HORR
 Sub-Location... NORTH HORR Village... HORRI GUDHA
 Date... 24/11/2020

S/No.	Name	Position in the community	ID. No	Phone number	Signature
1.	BARAKO TURAT	Youth	27427500	0910184114	
2.	JOHN BORU	Catechist	27799911	0716513971	
3.	ALI DOTI	C.H.N	22708329	0714447773	
4.	ELEMA ADANO		05922860	0713041434	
5.	TUYE HABAME	Elder	9691056	0721945640	
6.	MARSO BORG	Elder	0066861	0711470959	JARSO
7.	YATANI RACHA	Elder	0066621	0713739110	YATANI
8.	DAKI HURO	Youth	28835304	0704388972	
9.	ARBE WALEO	Youth	35407370	0703221151	
10.	ADAN HALKAWO	Youth	24997716	0725663072	
11.	DANIEL A GADAWO	Youth	24439144	0716298955	
12.	AHMED RAKAWO	Youth	23824843	0710771638	
13.	GIYUO A. DOKO	Elder	8204637	0720691328	
14.	ALI HURA	Youth	22558675	0727845229	
15.	ABALE HALAKE	Elder	0631217	0701884142	
16.	NAME BUCHA	Elder	26195231	0717411243	
17.	MUAN GADANA GIYUO	Elder	0966979	0705626680	
18.	ELEMA G. SARU	S.N.E officer	21779237	0716256021	
19.	ROBA RONCHORA	YOUTH	22702291	0717552097	
20.	DOKO YATANI	Elder	0021567	0712351809	

Attendance list for VMG participants

County Marsabit
 Sub-County North Horr
 Location NORTH HORR
 Sub-Location NORTH HORR Village Abdub. Terles
 Date 28/11/2020

S/No.	Name	Position in the community	ID. No	Phone number	Signature
1.	Dub Guyo Boru	Elder	20782850		<i>[Signature]</i>
2.	Chuluke Duba	DPC	8204443	0712829624	<i>[Signature]</i>
3.	Roba Waka Jaldes	Elder	21742467	0712957826	<i>[Signature]</i>
4.	ADAM WARIO JILLO	ELDER	11386825	0723206994	<i>[Signature]</i>
5.	Doti Tacho	Elder	27589051	0794767174	<i>[Signature]</i>
6.	Batu Guyo	Youth	32901058	0792663918	<i>[Signature]</i>
7.	Shaga Guyo	Youth	27208454	0794920144	<i>[Signature]</i>
8.	Halima Mohamed	Elder	0631248	0716266123	<i>[Signature]</i>
9.	Habiba Bwaha	Elder	0027723	0711371379	<i>[Signature]</i>
10.	Buke Yattari	Elder	0065040	0729525332	<i>[Signature]</i>
11.	Jillo Komballa	Youth.	31668060	0704387106	<i>[Signature]</i>
12.	Dibo Wario Jillo	Youth.		0720063244	<i>[Signature]</i>
13.	Gumato Denge Godan	Youth	35777302	0700010203	<i>[Signature]</i>
14.	Dhadi Kanchora Hache	Elder	8205091	0714755374	<i>[Signature]</i>
15.	Hawo Quni Boku	Elder/Youth	22700741	0759430215	<i>[Signature]</i>
16.	Christina Kabale	Youth	22702258	0726321422	<i>[Signature]</i>
17.	Tume Roba Wario	Youth	27208535	0758538325	<i>[Signature]</i>
18.	Tiya Kombola	Youth		0714804408	<i>[Signature]</i>
19.	Urufo ANANO	Elder	7146046	0798968739	<i>[Signature]</i>
20.	Kane Abdub Boru	Youth	34205634	0716833387	<i>[Signature]</i>

ANNEX 7. LOCATIONS AND VILAGES DURING SOCIAL ASSESSMENT

#	County	Sub- county	Name of the VMG community consulted	Location	Location/ Village Of Consultation
1.	West Pokot	Kapenguria	Sengwer Cheragany	Talau Kaisakat/ Siyoi	Chorok Kaprech, Tulwet
2.	Kilifi	Ganze	Waatha	Mitangani Ganze	Shirango, Gede/Jira Chamamba, Ganze, Ndarako
		Magharini	Waatha	Marafa Chamari Gongoni	Marafa, Birikani Majanaheri Gongoni
		Kaloleni	Waatha	Kinangoni Mbiirimbi	Gotani Katsangani South
3.	Tana River	Tana River	Munyoyaya	Chewani Zubaki Mikinauni	Hola Ngobeni Hamesa
4.	Wajir	Wajir East	Riba		
5.	Garissa	Fafi	Malakote/ Waliwana	Bura	Syria, Shukule Jira, Bura, Jamele
6.	Marsabit	Laisamis	Ilkunono	Lontolio	Naribi, Comboni
		North Horr	Waata/Waayu	North Horr Dirib	Horri Gudha, Abdub Tullu Daramu Dima, Sessi
		Marsabit Central	Sakuye Waata/Waayu	Nagayo Dakabariicha Qilta Korma DiribGombo	Guyo Korma, Guyo Burqa Guyo Diba, Somo Anno Dalach Jillo, Mata Arba Manyatta Jillo
		Moyale	Sakuye	Township Somare	Towship, Gurumesa Waqo Huka Manyatta Wako
		Loiyangilani	El Molo	Loiyangilani	Dir-dima and Golla Sub Location (Dabel Location,) Kula samaki
7.	Turkana	Loima	Ngikebotok	Lorugum	Konyiirad, Kotela
8.	Bungoma	Mt. Elgon	Ogiek	Mt Elgon Kaboywo Kong'it Kapsokwony	Mt Elgon Iyyaa Kibet Jugaa
9.	Homa Bay	Suba	Abasuba	Gwasi Central Kaksigri Central	Sido Village, Gingo Magunga, Nyega Mandera

ANNEX 5. SAMPLE PHOTOS DURING COMMUNITY BARAZAS



Participants keenly following the North Horr Sub-County Education Director's explanation on Social Assessment procedures.



Focus Group Discussions & stakeholders' meeting with representatives from the Munyoyaya community



Baraza kaloleni Sub-County in Gotani village

ANNEX 9: SAMPLE MINUTES

MINUTES FOR THE COMMUNITY BARAZA HELD ON 24/11/2020 AT DOWNTOWN HOTEL NORTH HERR AT 9.00 A.M

MEMBERS PRESENT

1.	Ms. Shaga Guyo - Youth	1. Mrs. Halima Isaac- Elder
2.	Mr. Jarso Bora- Elder	2. Mr. Yattani Racha. Elder
3.	Ms. Arbe Wako - Youth	3. Ms. Daki Haro- Youth
4.	Mr. Daniel A. Godana - Youth	4. Mr. Adan Halkano Youth
5.	Mr. Ahmed Rakau- Youth	5. Mr. Guyo A Doko.- Youth
6.	Mrs. Kame Budha- Elder	6. Mrs. Loko Daki-- Elder
7.	Mr. Ali Huka- youth	7. Mrs. Qabale Halakhe- Elder
8.	Elema G. Saru-Stakeholder (S.N.E)	8. Mrs. Halma Mohamed- Elder
9.	Mr. Doti Tacho – Elder	9. Mr. Doti Halakhe – Elder
10.	Ms. Bati Guyo- Youth	10. Mr. Boru Abduba – Elder
11.	Mr. Adan Wario Jillo- Youth	11. Mr. Denge Godana – Elder
12.	Mr. Roba Wako Jaldesa- Youth	12. Ms. Kame Abdub Boru- Youth
13.	Mrs. Chuluke Duba – Elder	13. Mrs. Tiya Kombola – Elder
14.	Mr. Barako Tura -Youth	14. Mrs. Rufo Adano – Elder
15.	Mr. John Boru - Catechist	15. Mrs. Tume Roba Wario- Elder
16.	Mr. Ali Doti - C.H.V	16. Ms. Christine Kabale- Youth
17.	Mrs. Habiba Budha – Elder	17. Ms. Hawo Qurri Boku- Youth
18.	Mr. Dub Guyo Boru-- Elder	18. Ms. Gumato Denge Godana- Youth
19.	Mr. Doko Yattani- Elder	19. Mrs. Dhadi Konchora Hache- Elder
20.	Mr. Roba Konchora- Youth	20. Mr. Gabriel Galgalo- Youth
21.	Mr. Elema Adano -Elder	21. Mr. Ali A Kerrow -S.C.D.E North Horr
22.	Mrs. Dibo Wario Jillo – Elder	22. Mr. Adhe Budha Huka- Stakeholder (KNUT)
23.	Mr. Jillo Kombola – Elder	23. Mr. Abdi Omar- Stakeholder (KESSHA)
24.	Mrs. Buke Yattani – Elder	24. Mr. Oluoch Omingo (ACC North Horr)
25.	Mr. Tuye Habane- Elder	

AGENDA:

1. Introduction.
2. Challenges/Constrains.
3. Other Contributions/Inputs from stakeholders.
4. Contribution /inputs from stakeholders.
5. A.O.B

MIN1/24/11/2020 - INTRODUCTION

The meeting commenced at 9.30 am with a word of prayer from Mr. Denge Godana. The Sub-County Director of Education called the meeting to order. He carried the members through personal introduction by members present. He further briefed the members on the Agenda of the day by explaining the background of social assessment, target group and funding. He in particular gave a brief history of SEQIP programme implemented by the Ministry of Education in collaboration with the World Bank. The Director informed the members on the scope of the project in detail. In addition, the Director explained what social assessments entails and shared its road map. He said that the steps commenced with sub county entry meeting done on 23/11/2020 and filling of key inquiry questionnaires, community Baraza today 24/11/2020 and 25th - 27th focus discussion

Groups with VMGs form WAYYU community. The sub county report will be written on 28th- 29th for onward submission to the Ministry of Education headquarters Nairobi by 2nd of December 2020. He highlighted the areas where member's ideas are required for the refining of the project development and implementation to achieve the desired goals. The Director asked the participants to mention the challenges /constrains and contribute other related matters through discussions and share inputs to redress the said challenges. He then opened the session for plenary discussions.

MIN2/24/11/2020 -CHALLENGES AND CONSTRAINS

Mr. Roba Sarba a youth from WAYYU recounted how he applied for a job advertised by NGO and went through the rigorous process of application and interview his job offer was turned down by one of the panelist who he claims denied him the opportunity due to his ethnic affiliation to WAYYU community. His sentiments were echoed by other participants who also sighted an instance during the recruitment of " THE KENYA PRISON WARDERS" the recruiting officer denied ever hearing of community called WAYYU thereby leading to loss of job opportunity of minority and marginalized WAYYU jobseekers. Other challenges identified are:

- Denial of job opportunities by both National and County Government.
- Demeaning by societies as beggars and are not allowed owning camels a prestigious and much valued animal.
- Non representation in any decision making organs e.g. National Identity Card Vetting committee, Security committee and D.S.G.
- Lack of political representation.
- No land ownership., Poverty
- School drop out of Wayyu School going children due to lack of school fees, foodstuff and Drug and Substance abuse.
- Stigmatization cannot marry or be married by other tribes because they are inferior.
- Early pregnancy and marriage make them regarded as social misfit.

MIN 3/24/11/2020- OTHER CONTRIBUTIONS AND DISCUSSION

As discussion progressed an Elder Mr. Jarso Bora sought clarification whether the WAYYU community accused other communities so as to be identified as Vulnerable and marginalized despite other small tribes

living within the same locality. He was informed that the Gareh community have majority of their kin's in Mandera and Wajir counties. Similarly, the Turkanas have a share in Loiyangalani and Turkana County. Mr. Adan Wario argued that every project has a target group and there is nothing in WAYYU being considered as the most VMG in North Horr. However, the Sub County Director Mr. Ali Kerrow clarified that even within wayyu themselves there are the VMGs.

Mr. Doko Yattani from the Gabra community commended the National Government for identifying WAYYU as VMG as this will make at par with other communities through this affirmative action. Mr. Doti Bonaya appreciated the effort of the National Government for coding the WAYYU as 46TH tribe and appealed to the representative of the National Government to Acknowledge, recognize uphold their place in the society including protecting them from deliberate disregard as portrayed by the recent happenings by the County Government of Marsabit during MARSABIT , LOIYANGALANI CULTURAL FESTIVAL last year. The members also shared suffering of the few wayyu learners who struggled and completed their secondary education but were unable to collect their certificate due to fee balance. The Sub- County director immediately instructed to be furnished with the names of the learners and the school they completed for him to make follow up and ensure they will pick their certificate as soon as possible.

MIN 4/24/11/2020 -CONTRIBUTION /INPUTS FROM STAKEHOLDERS

The Sub-County asked the participant to share their sentiments on how they redress the challenges mentioned above. The following ways were identified:

- ❖ Through political leadership.
- ❖ By use of arbitration by council of elders.
- ❖ Through community Ad hoc Committee.
- ❖ Local Administrators office e.g., Chiefs.
- ❖ Courts.
- ❖ The members reported that they are also aware of picketing as a form of airing grievance but has never been used.

MIN 5/24/11/2020 A.O.B.

The Director requested the VGMS to identify 15 people for focal group discussion 5 for each day based on the following criteria as stipulated in the policy document as follows: One Religious leader; One representative of P.L.W.D; One youth representative; One women representative; One Elder.

Mr. Adan Wario asked why it has taken long for the project to involve the VMG community and whether they will be part of the project implementation process. The Director explained that Research and gradual policy implementation stages has been ongoing and highlighted training and recruitment of teachers, infrastructural development and scholarship awards has been undertaken in north horr where WAYYU communities are also being benefiting indiscriminately. He also assured they will be included in the remaining part of the project. There being no other business, the meeting adjourned at 12.30 pm.

Minutes taking officer signature: _____
Name: ADAN WARIO, BUDHA HUKA
Date: 24/11/2020

Area Chief Signature: _____
Name: KISHA, BASHA, GULGALLA
Date: 24/11/2020

Community representative Consent
Name: ADAN WARIO, BUDHA HUKA
Date: 24/11/2020

DRAFT