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**REPUBLIC OF KENYA**

**Ministry of Education  
State Department of Basic Education.**



**SECONDARY EDUCATION QUALITY IMPROVEMENT PROJECT (SEQIP)**

**VULNERABLE AND MARGINALIZED GROUPS FRAMEWORK (VMGF)**

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## ABBREVIATIONS

ASAL	Arid and Semi-Arid Lands
BoM	Board of Management
CBC	Competency Based Curriculum
COK	Constitution of Kenya
CEMASTEА	Center for Mathematics, Science, and Technology Education for Africa
CPS	Country Partnership Strategy
CSO	Curriculum Support Officers
DPC&D	Directorate of Project Coordination and Delivery
DFID	Department for International Development
ESMF	Environmental and Social Management Framework
FDSE	Free primary Education and Free Day Secondary Education
FPIC	Free, Prior and Informed Consultations
GoK	Government of Kenya
GRC	Grievance Redress Committee
GRM	Grievances Redress Mechanism
GPE	Global Partnership for Education
KCPE	Kenya Certificate of Primary Education
KCSE	Kenya Certificate of Secondary Education
KEMI	Kenya Education Management Institute
KICD	Kenya Institute for Curriculum Development
KISE	Kenya Institute of Special Education
KNEC	Kenya National Examination Council
KSE	Kenya School of Education
MOE	Ministry of Education
NESP	National Education Strategic Plan
PDO	Project Development Objective
TMSS	Textbook Management Support System
TPAD	Teacher Performance Appraisal and Development
TPD	Teacher Professional Development
SEQIP	Secondary Education Quality Improvement Project
TSC	Teachers Service Commission
USAID	United States Agency for International Development
VMGF	Vulnerable and Marginalized Groups Framework
VMGs	Vulnerable and Marginalized Groups
VMGP	Vulnerable and Marginalized Groups Plan



## **EXECUTIVE SUMMARY**

### **Introduction**

The Ministry of Education has prepared this Vulnerable and Marginalized Group Framework (VMGF) for the Secondary Education Quality Improvement Project (SEQIP) to conform to the World Bank's Operational Policy 4.10 on Indigenous Peoples and Kenyan Constitution that is committed to inclusive development of Vulnerable and Marginalized Groups. This policy is triggered because the SEQIP is likely to be implemented in counties inhabited by vulnerable and marginalized groups. The Operational Policy 4.10 also requires that Bank-financed projects are designed not only to avoid adverse impacts on the VMGs but also ensure that development process fully respects the dignity, human rights, economies and cultures of vulnerable and marginalized Groups.

This VMGF describes the policy requirements and planning procedures that SEQIP will follow during the preparation and implementation of sub projects investments especially those identified as occurring in areas where VMGs are present. It outlines the processes and principles of screening to determine if a proposed investment impacts adversely on vulnerable communities, the process of social assessment consultations and stakeholder engagement, disclosure procedures, communication and grievances redress mechanism. The purpose of this VMGF is to ensure that management of issues related to vulnerable and Marginalized Groups are integrated into the development and operation of proposed investments to be financed under the SEQIP to ensure effective mitigation of potentially adverse impacts while enhancing accruing benefits.

### **Project Components**

The SEQIP has four main components; Component 1: Improving quality of teaching in targeted areas; Component 2: Improving retention in upper primary school and transition to secondary school in targeted areas; Component 3: System Reform Support; Component 4: Project Management, Coordination and Monitoring and Evaluation

#### *Component 1: Improving Quality of Teaching in Targeted Areas*

This component will address the critical supply side issues that constrain teaching and learning, using a results-based financing (RBF) modality. On the supply side, deficiencies in the quantity, quality, and classroom practices, as well as availability of textbooks have been identified to be key contributors to poor learning outcomes.

To address these very different but equally challenging sets of constraints, three subcomponents are proposed. The first subcomponent aims to reduce teacher shortages; the second seeks to improve the quality of classroom instruction; and the third at enhancing the availability of textbooks, 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 Targeted Areas:*

This component will address the critical supply side and demand side issues that constrain retention at primary and secondary schools and transition from primary to secondary. This component will support and finance 2 sets of interventions: (i) provision of a Minimum Package of Safe School Infrastructure (MPSSI), and ICT-enabled training facilities for education managers; through an investment project financing modality 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, through results-based financing modality. The first set of interventions on school infrastructure improvement will prioritize schools for special needs children located in the targeted sub-counties.

*Component 3: System Reform Support*

This component will contribute to the Government's on-going efforts to put in place, a new curriculum that is more attuned and responsive to the socio-economic reality of Kenya and its Vision 2030 challenges. Implementation of the new competency-based curriculum (CBC), which is a major shift from the current teacher-centered and content-based one, will require capacity building of teachers, school managers, national and sub-national education administrators, development of new teaching-learning materials, and institution of new student assessment systems. Support for these activities will be provided through two sub-components; one focusing on CBC development for selected grades, and the other on development of the associated student assessment systems.

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

This component will support and finance effective project management through two sub-components; (i) project management, coordination and communication; and (ii) research, and monitoring and evaluation. The key 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.

**Project Area**

The SEQIP is a nationwide project to be implemented in 110 educationally and economically disadvantaged sub-counties in 30 counties.

## **Project Beneficiaries**

The project will benefit 110 educationally and economically disadvantaged sub-counties in 30 counties. These sub-counties have been identified based on their high incidence of poverty, low retention rates at primary level and low transition rates from primary to secondary level. According to the 2015 data, a total of 7,852 public primary schools and 2,147 public secondary schools, as well as approximately 600,000 students in upper primary grades 7 and 8, 600,000 students in the four grades of secondary level, 17,000 primary-level and 8,500 secondary-level science, mathematics and English teachers in those schools will directly benefit from system-wide interventions under the project.

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 (CEMASTEА).

## **Project Institutional and Implementation Arrangements**

The Ministry of Education State Department of Basic Education will be the overall implementing agency for the SEQIP project. The Principal Secretary (PS) in-charge of the State Directorate of Basic Education, will have the primary responsibility of efficient and effective implementation of the project for achievement of stated development objectives. All the key decisions, including financial and procurement, related to the project implementation will be vested with the Principal Secretary.

A Project Steering Committee (PSC), chaired by the Education Cabinet Secretary, which is already functioning well for the GPE-PRIEDE Project and USAID and DfID funded TUSOME Project, will continue to play the same role for SEQIP. The PS, Basic Education, functions as the Secretary of the PSC.

The Directorate of Project Coordination and Delivery (DPC&D) will be directly responsible for the SEQIP implementation. The Directorate is expected to be well positioned to forge inter-departmental, inter-institutional and inter-Ministerial coordination and convergence. The DPC&D will work closely with the respective agency for ensuring necessary coordination and collaboration. Each agency will designate a high level competent staff as the Project Focal Point. The Project Focal Point person will be assisted by some designated officials, including finance officer and accountant. The DPC&D will be appropriately empowered by the PS to take all day-to-day decisions required for the Project implementation.

The key implementing agencies are: TSC, KNEC, KICD and CEMASTEА. TSC will be responsible for implementation of Sub-components 1.1. TSC and CEMASTEА will be responsible for implementation of Sub-component 1.2; the MoE through the DPC&D will be

responsible for implementation of Sub-components 1.3, 2.1, 2.2, and Component 4; KICD and KNEC will be responsible for implementation of Sub-components 3.1 and 3.2 respectively.

The county and sub-county education offices will play a key role in facilitating and monitoring project implementation at the school level. At the county level, the existing County Project Coordination Unit (CPCU) set up under the GPE PRIEDE Project will be responsible for facilitating SEQIP implementation and monitoring.

## **Justification for VMGF**

The Project will trigger the Bank's Operational Policy 4:10: Indigenous Peoples which require that an Indigenous People Planning Framework (in Kenya's context, the VMG Framework) be developed before the projects takes off. This framework is expected to provide for the screening and review of programs or sub projects with a view to ensuring that (a)VMG affected by the project receive culturally appropriate social and economic benefits in a manner that is gender, disability, and inter-generationally inclusive; (b) When potential adverse effects on VMG are identified, those adverse effects are avoided, minimized, mitigated, or compensated for; and (c) Opportunities are taken to document collected data within the affected area for future VMG project activities (inclusive of demographics associated with women, youth, persons with disabilities, children, and older persons).

## **VMGF Requirements**

It is clear from the initial project preparation that some of the targeted schools under the SEQIPfall under areas where groups that meet the criteria of WB OP 4.10 Indigenous Peoples are present in or have collective attachment to the project area. It is therefore mandatory under this policy that the development process fully respects the dignity, human rights, economies and culture of the vulnerable and marginalized people.

World Bank's Operational and Procedural Policies, specifically OP 4.10 requires the Government of Kenya to prepare a VMGF which establishes a mechanism to determine and assess future potential social impacts of Ministry of Education planned sub projects under the proposed SEQIP on vulnerable and marginalized groups. The mechanism sets out the following requirements;

### ***Free and Prior Informed Consultation***

Projects affecting the vulnerable and marginalized, whether adversely or positively, therefore, need to be prepared with care and with the participation of affected communities. The requirements include social analysis to improve the understanding of the local context and affected communities; a process of free, prior, and informed consultation with the affected vulnerable and marginalized communities in order to fully identify their views and to obtain their broad community support to the project; and development of project-specific measures to avoid adverse impacts and enhance culturally appropriate benefits.

This Vulnerable and Marginalized Groups Framework (VMGF) sets out:

- *The types of investments likely to be proposed for financing under the project.*
- *The potential positive and adverse effects of such investments on VMGs.*
- *A plan for carrying out the social assessment for such investments.*

- *A framework for ensuring free, prior, and informed consultation with the affected VMGs at each stage of project preparation and implementation.*
- *Institutional arrangements (including capacity building where necessary) for screening project-supported investments, evaluating their effects on VMGs, preparing VMGF s, and addressing any grievances.*
- *Monitoring and reporting arrangements, including mechanisms and benchmarks appropriate to the project.*
- *Disclosure arrangements for VMGF to be prepared under the VMGF.*

OP 4.10 requires that a process of free, prior, and informed consultation, with the affected vulnerable and marginalized communities, of the potential adverse and positive effects of the project be designed and used in consultation. It is unlikely that the proposed investments will result in any adverse impacts for vulnerable and marginalized communities, but the VMGs should be informed of project impacts, positive and negative and consulted with prior to project implementation.

This VMGF establishes an appropriate gender and inter-generationally inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation among SEQIP, and other local civil society organizations (CSOs) identified by the affected Vulnerable and Marginalized Groups.

Free and prior informed consultation of the vulnerable and marginalized communities will be conducted at each stage of the project, and particularly during project preparation, to fully identify their views and ascertain their broad community support for the project.

### ***Screening, Preparation and Implementation of VMGFs***

Screening of all the SEQIP investments will be a mandatory requirement prior to implementation to determine if vulnerable and marginalized people are included. This will be done to determine whether VMGs are present or have collective attachment to the project area. The screening will be carried out by a social scientist who is well versed with the social and cultural issues of the VMGs in collaboration with the agencies executing the specific sub project investment in the project area. Ideally the screening for VMGs should consider the GOK's framework for identification of Vulnerable and Marginalized Groups (VMGs) according to the New Constitution of Kenya (CoK) however, the Bank criteria for identification of VMGs as per OP. 4.10 will be used to make a final determination

A social assessment will be undertaken if the screen process undertaken by DPC&D concludes that VMGs are present in, or have collective attachment to the project area. The executing partner for the subproject will carry out a social assessment to evaluate the project's potential positive and adverse effects on the VMGs.

If during screening, a county has predominantly the VMGs as per OP 4.10; then a Social Assessment will be done to isolate the community issues, including the general vulnerability (Vulnerable students are those who have lost one or two parents, suffered neglect and/or abandonment, and whose parents are unable to educate their children due to mental or physical disablement, HIV/AIDS or other debilitating illnesses, and extreme poverty, as well as girls who have little or no school opportunity due to inhibitive practices such as early marriage and female genital mutilation, and boys endangered by exposure to grave negative influences, such as radicalization and child labor) . The results of the social assessment will then be incorporated into the sub project design. However, if a given county has both a dominant community, and communities meeting requirements for OP 4.10, including vulnerability aspects from both communities, then social assessments and specific VMGPs will be consulted, prepared, reviewed and approved and funding released accordingly.

Where the project affects VMGs, the DPC&D will engage in free, prior, and informed consultation with them and will ensure that it;

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

### ***Consultation and Stakeholder Engagement***

The stakeholders in collaboration with the agencies within DPC&D implementing the project will facilitate and arrange for consultative meetings with VMGs. These meetings will be conducted based on free and prior information about the proposed project and the stakeholders will also be informed about the potential adverse impacts of the project on the VMGs.

Such consultation will include use of indigenous languages, articulation by VMGs of their views and preferences and allowing time for consensus building. Representatives of the Vulnerable and

Marginalized Groups in collaboration with the local administration in the sub project area will select a venue that is considered appropriate by all the parties.

Engagement will be based on honest and open provision of information, and in a form that is accessible to VMGs. Engagement will begin at the earliest possible stage, prior to substantive on-the-ground activity implementation.

### ***Grievance Redress Mechanisms***

A grievance redress mechanism will be developed for addressing the grievances from the affected VMGs related to subproject implementation. The procedure of grievance redress will be incorporated in the project information pamphlet to be distributed during admission process. Participatory consultation with the targeted VMGs will be undertaken during project planning and implementation stages.

The assessment will establish a mechanism to receive and facilitate resolution of affected VMGs concerns, complaints, and grievances about the project's safeguards performance at each subproject having VMGs impacts, with assistance from Non-Governmental Organisations (NGO), community based organizations, chiefs, village elders and religious leaders. Under the Grievance Redress Mechanism (GRM), a Grievance Redress Committee (GRC) will be formed for the project with involvement of VMGs representative & local stakeholders. The GRCs are to be formed and activated during the VMGF s implementation process. The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time and at the lowest levels where the PAPs reside for quick resolution.

The traditional dispute resolution structures existing for each of the VMGs will be used as the first step in resolving grievances. The GRM may draw on and be part of that proposed in the Resolution Policy Framework for the SEQIP. The grievance mechanisms will include representatives from the VMGs, Non-Governmental Organisations (NGO), community based organizations, chiefs, village elders and religious leaders. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency.

### **Disclosure**

This VMGF was disclosed in-country by the client on Friday 30, June 2017 in KICD. The workshop was attended by 63 participants drawn from the following counties: Nairobi, West Pokot, Kwale, Laikipia, Wajir, Turkana, and HomaBay. The VMG communities who attended include: Sengwer, Dorobo, Ogiek, and Yaako. The communities had also youth representation, NGOs who worked for them in developmental aspects (See Annex 14.8 attendance list for the Disclosure including the comments, questions raised and answers provided during the disclosure workshop). The MoE also endeavoured to make available the VMGF to the affected VMGs and all relevant stakeholders in an appropriate form, manner, and language through an appropriate platform including disclosing it in the e-government (link ....) on July ....., 2017. Likewise the

sub project VMGPs will be disclosed and made available to the affected VMGs and all relevant stakeholders in an appropriate form, manner, and language through stakeholder workshops when they become due. As soon as the Bank accepts the documents that it is providing an adequate basis for project appraisal, the Bank will avail them to the public in accordance with Bank Policy on Disclosure of Information.

Each subproject VMGP will be disclosed to the affected VMGs with detailed information of the subproject. This will be done through public consultation and made available as brochures, leaflets, or booklets, using local languages. Summary of the VMGP will be made available in hard copies and in language at: Offices of the MoE; Sub County or County Office; and any other local level public offices.

### **Monitoring and Evaluation**

The implementation of VMGF will be monitored. SEQIP/ DPC&D and the executing agency implementing specific sub components will establish a monitoring system involving SEQIP/ DPC&D staff, partner implementing agencies, county governments, and VMGs to ensure effective implementation of VMGF. A set of monitoring indicators will be determined during VMGF implementation and will be guided by the indicators contained in the project document. Appropriate monitoring formats will be prepared for monitoring and reporting requirements.

### **Budget for VMGP Implementation**

The administrative costs for survey, social assessment, and preparation of the VMGF will be financed under the Project. The implementation cost for the individual VMGPs will also be incorporated in the project cost. Additional costs to specifically cater for VMGs include; hire of a social scientist or VMGs Consultant to screen VMGs and prepare the VMGF, implementation of FPIC including mobilization, translation of reports, and special focus meetings and capacity building for project staff dealing with social issues including staff at district level.

At this stage, it is not possible to estimate the exact number of VMGs who may be affected under SEQIP since the technical designs and details of all investments have not yet been finalized. It is therefore not possible to provide an estimated budget for the total cost of VMGF that may be associated with SEQIP implementation.

## **1.0. INTRODUCTION**

### **1.1. Sectoral and Institutional Context**

Kenya's Vision 2030 conveys the country's clear commitment to education and training. Its Social Pillar singles out the education and training system as a vehicle to drive Kenya's efforts towards becoming an upper-middle income economy. Consequently, the country's five-year Medium Term Plans have highlighted the top priorities for education, and public spending on education has been sustained at close to 6 percent of GDP, or a quarter of its total national budget on education for the last 5 years. To improve access, quality and equity of education, the Government has introduced new legal and institutional policy frameworks covering basic education, technical/vocational education and training, university education, and science and technology during the past four years which complement earlier Acts establishing Universal Free Primary Education and Free Day Secondary Education (FDSE). A National Education Sector Plan (NESP 2013/14 - 2017/18) has been formulated to underpin the investments and policy reforms that are required to achieve Vision 2030 education priorities.

Kenya has made good progress in primary education completion and transition to secondary education than many other sub-Saharan African countries; addressing remaining inequalities can help accelerate progress in these areas. Kenya's current school education system comprises 2 years of early childhood education (ECD), 8 years of primary and 4 years of secondary. Students take the Kenya Certificate of Primary Education (KCPE) examination at the end of primary school, and the Kenya Certificate of Secondary Education (KCSE) examination at the end of secondary school. Participation in ECD increased from a net enrollment rate (NER) of 52 percent in 2009 to 56 percent in 2016. The primary school NER was 89 percent in 2016, and the transition rate from primary to secondary was 81 percent, a remarkable improvement from 55 percent in 2009. Although secondary school participation had a modest NER of 51 percent in 2016, this was an encouraging improvement from 33 percent in 2009. A prominent issue, however, is the jump in the dropout rate at grades 7 and 8 compared to lower grades. At the ECD as well as primary and secondary levels, there was little overall difference in school participation between boys and girls. Nevertheless, there was significant variation in school participation across counties, especially at the secondary level. The secondary school NER in 2014 was below 15 percent for the bottom five counties, while it was above 80 percent for the top five counties. (Disaggregate statistics is not yet available for 2015 and 2016). Importantly, gender disparity in school participation is concentrated in the most educationally disadvantaged counties.

Kenya has also made investments in improving quality and learning outcomes at the primary level; nevertheless, achievement on basic skills appears low in relation to countries in other regions. For example, at the lower primary level where school access is universal, Kenyan students have attained language and math scores that have ranked among the top of sub-Saharan African countries on regional-scope assessments and surveys such as the four Southern and Eastern Africa Consortium for Monitoring Educational Quality (SACMEQ) assessments during

1998-2014, and the Service Delivery Indicators (SDI) survey of 2012. Kenyan primary-school teachers have similarly shown better content and pedagogical knowledge than their regional peers. However, 66 percent of Kenyan urban adults performed at level 1 or below out of a scale of 5 levels on the Skills toward Employability and Productivity (STEP) reading proficiency test in 2015, indicating very rudimentary skills which were lower than their peers' in six of the other seven low- and middle-income countries surveyed in South East Asia, Eastern Europe and Latin America.

At the secondary level, Kenya does not participate in international learning assessments such as TIMSS (Trends in International Mathematics and Science Study) or PISA(The Program for International Student Assessment), but national assessment data indicate deficiencies and inequities in learning outcomes. For example, the 2014 national Monitoring Learner Achievement (MLA) assessment at Form 2 found that, in mathematics, almost 90 percent of students did not have minimum competency in algebra and geometry, and about 30 percent did not have minimum competency in measurement, numbers and statistics. The Form 2 MLA also revealed remarkable variation in student achievement between genders, between urban and rural areas, and across counties. Boys outperformed girls on every assessed mathematical skill on the MLA, and the share having minimum competency was at least 5 percentage points higher for boys than for girls for 7 of the 9 assessed mathematical skills. Urban students also demonstrated significantly better achievement in each assessed mathematical skill than their rural peers. In algebra, geometry and trigonometry, the share of students with minimum competency in urban areas was twice that in rural areas. Similarly, counties differed markedly on the Form 2 MLA outcomes. For example, with regards to numbers skills, less than 5 percent of students in Kwale, Tana River, Lamu, Marsabit, Garissa and Wajir had minimum competency, while the highest shares were 53 and 57 percent in Baringo and Trans Nzoia, respectively.

Both supply and demand-side factors contribute to inequalities in completion of primary education, and transition to and completion of secondary education, as well as in student learning outcomes. On the supply side, the poorer counties tend to have fewer secondary schools relative to primary schools, with both primary and secondary schools more likely to lack basic infrastructure, including water and sanitation which affect girls in particular. Moreover, many teacher posts, especially in mathematics and sciences, are vacant in the poorer counties, and many of those teachers that are in place lack adequate content knowledge and pedagogical skills. In certain subjects, such as mathematics and science subjects, only a small share of teachers is female, which may pose a particular constraint to girls' participation. Weak governance and accountability mechanisms have resulted in poor education outcomes. On the demand side, many children from poor families cannot attend boarding schools due to high school fees and cost of accommodation, and the poorest may not even have the means to attend secondary day schools due to school fees and transportation costs. Other costs include the high costs of textbooks, which are among the highest in Sub-Saharan Africa, and the implicit costs of low net returns to education due to low teaching and learning quality. Girls may also be constrained by unfavorable

social expectations and opportunities related to mathematics and science subjects. Many girls in the most educationally and economically disadvantaged areas are furthermore subject to early marriage and motherhood.

Recent reforms introduced by the Government of Kenya (GoK) provide the opportunity to improve quality and redress inequalities in education. Gender equity has been enforced in all education programs. Re-entry policy has also been enforced to address dropout cases of young mothers who enter motherhood while in school. FDSE has improved access particularly in rural and marginalized areas. In addition, the GoK through the Constituency Development Fund (CDF) continues to provide bursaries. Education is an area of focus in the 2016 National Policy for the Sustainable Development of Northern Kenya and other Arid Lands, which is supported by the Ministry of Education (MoE) in the most recent strategic plan by means of infrastructure investments and scholarships. Moreover, as part of the Digital Learning Program, the government is in the process of providing electricity to all public primary schools through connection to the grid or micro solar systems, and plans to provide the same to public secondary schools. In addition, in 2016, a landmark 4-year Collective Bargaining Agreement was negotiated for the first time between the Teachers Service Commission (TSC) and the teachers' unions. The agreement provides the basis for constructive dialogue and prevention of loss of school days due to teacher strikes, as well as for improved governance and accountability in school-level service delivery through expansion of career paths for teachers in public service, standardization of basic pay and benefits for every job, and institutionalization of annual teacher performance management and evaluation.

In line with the Sustainable Development Goals, the Government of Kenya intends to provide a compulsory 9-year basic education cycle, and also revise the school curriculum moving to a competency-based curriculum. The government is envisioning to reorganize the education structure from the current 2+8+4 to a 2+6+3+3 system. The reorganization of the system will require mapping of schools and teachers, and detailed assessment of available and required infrastructure and teachers. Implementation of the new competency-based curriculum (CBC), which is a major shift from the current teacher-centered and content-based one, will require skills and knowledge upgrading for teachers; capacity building for school managers, national and sub-national education administrators (under the MoE, TSC, and affiliated agencies); development of new teaching-learning materials; and institutionalization of new student assessment systems to replace the current examinations system. The CBC will be rolled out on a phased basis, starting with the lower grades and expected to be completed by 2025 for the whole basic education cycle.

## **1.2. Higher Level Objectives to which the Project Contributes**

The Constitution of Kenya (2010) has the Bill of Rights at its core, while the country's Vision 2030 acknowledges the need to reform the education and training system so that it aligns well with the aspirations of the youth, and those of the country on becoming an upper-middle income industrialized nation. Vision 2030 champions a growing inclusive economy, one that is fostered

by strong knowledge-based sectors and particularly manufacturing and services. Achieving this vision will depend heavily on how well the graduates from the education system are equipped with 21st Century universal basic skills, which the SEQIP aims to support.

The SEQIP will contribute directly to the twin goals of the World Bank's global strategy: ending extreme poverty and boosting shared prosperity in a sustainable manner. In particular, the project focuses on the most educationally and economically disadvantaged areas, as well as the poorest and most vulnerable children. The SEQIP will also contribute to a priority in the World Bank's Africa Development Strategy to accelerate the demographic transition and harness the demographic dividend. Participation in secondary school is associated with lowered fertility; by enabling more girls in poor regions to attend secondary school, the project will contribute to this objective. The project also responds to a key domain in the Kenya Country Partnership Strategy (2014-18) that aims at building human capital through education and training. Further, having more young people with better quality secondary level education will raise the skills of the country's working population

### **1.3. Relationship to CPS and NESP**

The Project is directly related to the second domain of the CPS, which is focused on "Protection and Potential-Delivering shared prosperity" that aims at building human capital by enabling people through education and skills training to realize their potential to better their own social and economic life and contribute to the country's inclusive economic growth, and social cohesion.

The proposed interventions are also in tandem with the twofold goals of the World Bank's global strategy: ending extreme poverty and boosting shared prosperity in a sustainable manner. The central rationale behind SEQIP is that the World Bank Group cannot effectively achieve these twin goals without building human capital with appropriate skills and knowledge to participate meaningfully in economic activities that will not only help them to come out of poverty trap but also contribute to the country's economic growth.

The SEQIP contributes to the World Bank's Africa Development Strategic priority on harnessing the demographic dividend. The SEQIP aims to address some of the key challenges such as huge wastage at upper primary level leading to lower transition to secondary level and poor quality of science, mathematics and language education at secondary level. The project will focus on educationally challenged areas where access, equity and quality are major issues compared to other parts of the country. This will make significant contribution towards achievement of both the World Bank's twin goals and World Bank's Africa Development Strategy.

In addition to being aligned to the Bank's twin goals, the proposed project also complement various on-going interventions such as GPE-funded PRIEDE Project, USAID-DfID funded TUSOME and other AfDB funded projects.



## **2.0. PROJECT DESCRIPTION**

### **2.1. Project Description**

The project incorporates lessons from many countries on measures to improve education quality, with a focus on gender and socio-economic equity, including evidence from the latest comprehensive meta-analysis of education impact evaluations in developing countries. The critical factors that have been found to contribute to improved student learning are : (i) teachers having requisite content knowledge and pedagogical skills; (ii) addressing accountability and incentive issues in teacher management so that teachers are deployed where required and effectively use instructional time; (iii) a “structured pedagogy “ approach, defined as a package of teacher training, ongoing teacher support, resources for teachers, and learning materials for students, all of which well-aligned with each other; (iv) a learning environment, including appropriate class size, that enables all students to engage in learning; (v) adequate and timely provision of learning preparations or remediation to students; and (vi) an appropriate curriculum, with regular assessments that are linked to expected curricular outcomes. The project also explicitly addresses the educational and socio-economic needs of students, especially girls, at risk of dropping out at the end of the primary cycle to facilitate their transition to secondary school, as well as during secondary school to improve their chances of completing basic education.

### **2.2. Project Development Objectives**

The project development objective (PDO) is to improve student learning in secondary education and transition from primary to secondary education, in all targeted areas.

#### **Key Performance indicators**

The PDO will be measured by the following 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

### **2.3. Project Area**

The SEQIP is a nationwide project to be implemented in 110 educationally and economically disadvantaged sub-counties in 30 counties.

### **2.4. Project Components**

The proposed Project has four components that focus on the following key areas:

## Component 1: Improving quality of teaching in targeted areas (US\$36 million)

This component will address the critical supply-side issues that constrain teaching and learning, using a results-based financing (RBF) modality. On the supply side, deficiencies in the quantity, quality, and classroom practices, as well as availability of textbooks have been identified to be key contributors to poor learning outcomes.

To address these challenging sets of constraints, three subcomponents are proposed. The first subcomponent aims to reduce teacher shortages, the second improves the quality of classroom instruction, and the third enhances the availability of textbooks, which is a key input for effective instruction in an environment that lacks instructional materials. Disbursements of IDA funds will be conditioned on the achievement of disbursement-linked indicators (DLIs), as measured by disbursement-linked results (DLRs) <sup>1</sup>. A matrix of DLIs with associated DLRs has been developed to measure performance annually and monitor the results achieved as reflected in the Results Framework.

### Subcomponent 1.1: Reducing teacher shortage (US\$8 million)

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 will be developed by TSC guided by the SEQIP VMGF. To ensure that the new posts are filled annually by qualified and acceptable candidates, TSC will 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. The DLI used for disbursing funds for achieving the targets of this subcomponent is ‘Reduced science, mathematics, and English teacher shortages in targeted sub-counties’.

The associated risks with this subcomponent include the following:<sup>2</sup> (a) the National Treasury (NT) does not provide the budgeted allocation of new teacher posts, which is 5,000 in 2017 and (b) teachers recruited in some of the sub-counties affected by insecurity may leave their posts. Considering the relatively positive projections for economic growth and the fiscal situation as well as the GoK’s commitment to human capital development for achieving Vision 2030 goals, it is unlikely that the NT would completely stop new teacher post allocations. Experience with providing additional incentives for teachers recruited for schools affected by insecurity has not been successful. TSC will closely monitor the presence of teachers in those schools in liaison with the local communities and ascertain what appropriate actions can be taken.

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<sup>1</sup> DLI is referred to indicator and DLR to the result to be achieved under the indicator.

<sup>2</sup> It is assumed that the NT will maintain the allocation of new teacher posts at the 2017 level during the project life. Given this assumption, the estimated number of new teachers’ positions to be allocated by TSC to the target sub-counties during the project life will be 3,000 in total.

## Subcomponent 1.2: Enhancing teacher professional development (US\$15 million)

This subcomponent will support TSC's effort to implement its teachers' professional development strategy aimed at improving primary and secondary teachers' competencies based both on the framework provided by the Kenya's Quality Teaching Standards (QTS), as well as the SEQUIP VMGF that takes care of the vulnerable and marginalized groups. Specifically, SEQUIP will support two sets of interventions belonging to what, in TSC's Teacher Professional Development (TPD) Framework, is called context areas,<sup>3</sup> which are part of its TPD programs. The first one is called by TSC 'Prescribed Modules Programs' and is targeted to all teachers, and the second one 'School-Based TPD Programs' will focus on SME teachers in the project-targeted sub-counties under SEQUIP. During the implementation of SEQUIP, both sets of interventions will start with needs assessment (NA) based on data collected using the 'Teacher Performance Appraisal and Development' (TPAD) instrument developed by TSC. The estimated numbers of primary school and secondary school SME teachers to be trained are 17,000 and 8,500, respectively. The choice of who to train will be guided, in addition to the MoE framework, by the SEQUIP VMGF to ensure inclusivity and equity to all who are expected to benefit from the project.

The first set of interventions supports TSC's effort to set up the Prescribed Modules Programs consisting of (a) establishment of a TPD framework to align teachers' performance with the eight nationally prescribed teaching standards, (b) assessment of teacher competencies and training needs using the recently launched TPAD system, and (c) implementation of a modular approach to provide TPD training based on the training NA.

At the core of these interventions is making TPD training available to all teachers through a flexible approach consisting of six modules covering all the eight competency areas identified in the QTS. Each module will include a unit on teacher professionalism and integrity, which among others, will have content on gender based violence and prevention of student's violence. The modules will combine face-to-face sessions, written work, e-learning using interactive interfaces, and blended approaches covering the eight teaching standards. Upon successful completion of the 10-course units in a module, covered in a period of five years, the participating teacher will be awarded a renewable teaching certificate.

The second set of interventions, which falls within the scope of TSC's School-Based TPD Programs, involve the establishment of a school-based teacher support system (SBTSS) aimed at providing professional development training in subject matter as well as pedagogical content knowledge to SME teachers in the targeted sub-counties. Subject matter as well as the pedagogical content knowledge gaps in mathematics, science,<sup>4</sup> and English will be identified using TPAD instruments and approaches. The objective of these interventions is to improve teaching practices in the targeted sub-counties by enhancing pedagogical content knowledge of teachers teaching these three subjects. TSC will implement the SBTSS. In the case of science and mathematics in schools in the project areas, TSC will work through CEMASTEAs given

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<sup>3</sup> The three context areas are (a) Teacher-Initiated TPD Programs, (b) School-Based Programs, and (c) Prescribed Modules. As indicated above, SEQUIP will support areas (b) and (c).

<sup>4</sup> For the project, sciences at secondary level include physics, chemistry, and biology.

CEMASTEA's capacity in implementing teachers' capacity building in these areas. For the delivery of School-Based TPD for English, TSC will identify, through a competitive and transparent process, one or more partner institution with relevant capacity that can deliver the required professional development support program.

Based on the needs analysis using TPAD data, TSC will recruit subject matter specialists to establish panels tasked with the review and development of course contents for mathematics and science, and train facilitators/trainers. The facilitators will train targeted science and mathematics teachers in grades 7 and 8 and Forms 1 to 4 of the target schools using the existing CEMASTEAs school-based in-service education and in-service training (INSET) centers, and conduct follow-up mentoring and support at the school level. The training will cover topics identified through the TPAD NA analysis, new pedagogic practices including learner's exercises and formative assessments, and simplified teacher's guides for instructional support. The trainers will visit a target school at least thrice in a year. The trainers will conduct additional follow-up of teacher support visits in low performing schools.

As part of the activities of the SBTSS, SEQIP will support peer learning using information and communication technology (ICT). Teachers will receive training on how to address and solve issues through collaboration, how to share knowledge and experience among them, and how to leverage this social group effectively to improve their knowledge and classroom instructional practices. They will receive support and assistance as needed from the facilitators for establishing WhatsApp groups.

The SBTSS will be implemented in a phased approach based on clusters of primary and secondary schools that will be established based on CEMASTEAs school-based INSET centers in the selected sub-counties. There are 59 secondary and 9 primary INSET centers in the targeted sub-counties. In the first two years of the project, 68 clusters with about 500 secondary schools and 2,000 feeder primary schools will be formed using INSET centers across all target sub-counties. The INSET centers will act as the 'resource centers' for both primary and secondary schools. Each cluster will be supported by a cluster resource team comprising highly skilled trainers/facilitators, one to two CEMASTEAs faculty, select faculty from the nearby Teacher Training College, TSC sub-county directors, and a curriculum support officer. The trainers/facilitators will be selected based on established trainer standards and minimum academic qualification. The existing pool of 1,000 CEMASTEAs trainers will be considered as potential candidates to participate in the implementation of these activities, provided that they comply with the established terms and performance standards set by TSC.

During SEQIP's third year, the intervention will be scaled up using information of the SBTSS process evaluation. It will cover all primary and secondary SME teachers of the remaining primary schools (over 5,500) and secondary schools (additional 1,500) in the targeted sub-counties.

The DLI used for disbursing funds for achieving the targets of this subcomponent is 'Share of science, mathematics, and English teachers in grades 7 and 8, and Forms 1– 4 in targeted sub-counties that are certified based on TPD modules or receive school-based support.'

The potential risks associated with the implementation of this subcomponent are (a) delays in getting TPD modules ready by the second year of project implementation, limiting the number of teachers that can get certification and (b) delays in implementing the SBTSS in English, because of delays in identifying competent institutions to provide the training. Both risks are mitigated by associating disbursements to results through achievement of DLRs.

### Subcomponent 1.3: Provision of textbooks (US\$13 million)

This subcomponent will address issues related to the timely and cost-effective provision of textbook for every student enrolled in grades 7 and 8 and Forms 1 to 4 in targeted sub-counties. The main objectives of this subcomponent are to assist schools in targeted sub-counties reach a target of one-to-one textbook-student ratio<sup>5</sup> in science, mathematics, and English in grades 7 and 8 and 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.

A two-pronged strategy that combines decentralized selection of SME textbook titles for grades 7 and 8 and Forms 1 to 4 by schools, with a centrally managed procurement by the MoE will be used to achieve these objectives. Currently, schools decide what books to buy based on a catalogue<sup>6</sup> of approved textbooks prepared by KICD on behalf of the MoE. The current catalogue lists between four to six titles for each subject matter, and the unit price variation between the lowest and the highest price ranges from 26 percent to 318 percent. Each school buys directly from local distributors using funds allocated to them through a specific TLM earmarked in school capitation grant. While this modality of textbook provision gives schools control over which books to use, the price of textbook purchased by schools in Kenya is quite high when compared to other SSA countries such as Benin, Côte d'Ivoire, Madagascar, Namibia, and Rwanda.

The procurement of books will be managed by the MoE. The MoE, through KICD, will invite all publishers whose textbooks are in the current catalogue to resubmit proposal with revised unit prices including book production and distribution costs. Publishers will also be invited to present new books for review. The best evaluated book based on content, quality, and price per subject and grade will be selected as the respective course book.

Schools will submit to the county education office, through the sub-county education office, requests indicating the total number of books, including learning materials for special needs children, needed at each grade/form and subject based on students enrolled in the respective grade/form. The County Education Director will validate the request based on enrollment data and will further communicate it to the MoE by the end of first month of every academic year for further processing. Using the information sent by schools through the sub-county and county, the MoE will procure the books and learning materials for special needs children in volume from the publishers who will be responsible for delivering the appropriate number of textbooks to each

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<sup>5</sup> Under SEQIP, every student in grades 7 and 8 will have three textbooks, one each in science, mathematics, and English; and every secondary student will have five textbooks, one each in chemistry, physics, biology, mathematics, and English.

<sup>6</sup> This catalogue is commonly known as the 'Orange Book'.

school. Publishers will be paid upon confirmation by the head teacher and sub-county education authority that the textbooks have reached the schools.

To manage the school request and the procurement and distribution processes, the project will rely and make full use of the TLM module of Education Management Information System (EMIS) being developed by the MoE.

The DLI used for disbursing funds for achieving the targets of this subcomponent is ‘Share of schools reporting student-textbook ratio of 1:1 in science, mathematics, and English at grades 7 and 8 and Form 1–4 in targeted sub-counties.’

The main but low risk associated with the implementation of this subcomponent is limited competition because of reluctance of some publishers listed in the KICD catalogue to participate in the new bidding scheme.

Component 2: Improving retention in upper primary school and transition to secondary school in targeted areas (US\$132 million)

This component will address the critical supply and demand issues that constrain retention at primary and secondary schools and transition from primary to secondary. This component will support and finance two sets of interventions: (a) provision of a Minimum Package of Safe School Infrastructure (MPSSI) in targeted areas and ICT-enabled training facilities for education managers through an investment project financing (IPF) modality and (b) 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 through an RBF modality. The first set of interventions on school infrastructure improvement will include schools for special needs children located in the targeted sub-counties.

Subcomponent 2.1: Improving school infrastructure (US\$82 million)

This subcomponent will finance (a) hiring of Design and Construction Supervision Consultants (D&CSCs); (b) infrastructure 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. About 3,000 primary schools and 1,000 secondary schools will benefit from this subcomponent.

In the primary schools in the targeted areas, the project will finance construction of toilets and water facilities and replacement of life-threatening structures, if any. About 3,000 primary schools out of the total 7,852 primary schools either do not have these facilities or have large girls’ enrollment without adequate functional toilets and water facilities. The MoE will identify such primary schools through the County Director of Education (CDE) within three months of project effectiveness. The CDE will identify not more than 40 percent of the total primary

schools in the targeted sub-counties for the provision of toilet and water facilities under the project.

In the secondary schools in the targeted areas, the project will finance construction of additional classrooms, science laboratories, multipurpose rooms/libraries, dormitories, toilets and water facilities, and electricity provision. Infrastructure NA will be conducted in all secondary schools in the targeted sub-counties based on MPSSI norms, which will create comprehensive school-based infrastructure database for the MoE for school infrastructure development planning. Based on the school-based infrastructure assessment, a long list of beneficiary secondary schools will be prepared individually for each county using the following criteria for MPSSI inputs: (a) schools with overcrowded classrooms, (b) schools having all four Forms 1–4 with minimum 150 enrollments but with maximum shortfall with respect to the MPSSI, (c) girls' schools, and (d) special needs schools located in the targeted sub-counties, (e) schools from more vulnerable communities including those identified in the VMGF with high percentage of students/pupils been needy. From this long list, a final list of schools will be prepared to be funded within the funds available in the project. The schools in this list will be selected from each county to ensure even distribution of beneficiary schools among the counties.

Where possible, secondary schools will be connected to the electric grid. SEQIP will coordinate with another IDA-financed project, Kenya Off-Grid Solar Access project, from which about 200 secondary schools located in the North Eastern counties will benefit. The experience of the solar project will inform possible scaling up of micro solar energy solutions for schools. For water facilities, existing water facilities in schools will be restored/augmented. However, in secondary schools with boarding facilities, where water requirement is much higher, appropriate and adequate water sources will be provided, which will be determined by the NA and prioritization.

The infrastructure development activities will have four steps: (a) NA and prioritization; (b) preparation of work plans, packages, building designs, classroom furniture design and specifications, bill of quantities, and bid documents; (c) construction of buildings and construction supervision; and (d) taking over of the completed buildings. The MoE will appoint three to four Design and Construction Supervision Consultants (D&CSCs) to provide technical support to implement all four steps. All the activities under this subcomponent will be implemented and monitored in accordance with the infrastructure development strategy and protocol to be agreed at credit negotiations and included in the Project Implementation Manual (PIM). The NA and the design will incorporate environmental and social screening of the subprojects and preparation of supplementary safeguards instruments such as the Environmental and Social Impact Assessment (ESIA)/or Environmental and Social Management Plans (ESMPs) as well as standards for seismic-resistant construction.

The potential risks associated with the implementation of this subcomponent are nonperformance of D&CSCs and ineffective contract management of the D&CSCs by the DPC&D. The first risk will be mitigated through the competitive selection of the D&CSCs with proven track record. However, in the event of nonperformance by any of the D&CSCs, the same will be replaced by others which will be clearly spelled out in the bid document and contract. The capacity of the DPC&D's School Infrastructure Management Unit (SIMU) will be strengthened with additional qualified staff either as consultants or on deputation from other departments.

## Subcomponent 2.2: Improving retention in upper primary school and transition to secondary school of poor and vulnerable students (US\$50 million)

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<sup>7</sup> students to complete the upper primary grades (grades 7 and 8); (b) ensure vulnerable and marginalized groups are aware of the scholarship opportunities, (c) a gender-sensitization program to make schools, teachers, and students more gender sensitive; (d) collect status data for vulnerable and marginalized groups and (e) a scholarship program combined with mentorship and social support that enables poor but academically promising students to transition to Form 1, which is the first grade in secondary education, and complete four years of secondary education. The beneficiaries will be students enrolled in upper primary and secondary schools in the targeted sub-counties who are selected through a transparent, community-based process drawing on the experience of several nongovernmental organization (NGO)-implemented programs in Kenya that have demonstrated positive impacts.<sup>8</sup> The detailed selection criteria will be developed by the implementation agency in the first year of project implementation.

The first set of interventions, advocacy, social support, and gender sensitization will be provided to the upper primary grades 7 and 8. However, all interventions aiming to prevent and redress gender based and students' violence will be implemented both in primary and secondary schools in the targeted sub-counties. The choice of the intervention combining targeted advocacy with in-kind support at the upper primary grades is based on lessons learned from other programs that have a similar objective of improving the school attendance of poor and vulnerable children.<sup>9</sup> Among the advocacy strategies, a key one will be to reach out to parents and community leaders to encourage them to take up practices that have a positive impact on the education of girls and other vulnerable children. Social support program includes in-kind support as well as mentorship support. In-kind support will be delivered to about 37,500 learners in the form of a school kit<sup>10</sup> that poor households cannot afford to provide for their children to attend school. The same group

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<sup>7</sup> Vulnerable students are those who have lost one or two parents, suffered neglect and/or abandonment, and whose parents are unable to educate their children because of mental or physical disablement, Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) or other debilitating illnesses, and extreme poverty, as well as girls who have little or no school opportunity because of inhibitive practices such as early marriage and female genital mutilation, and boys endangered by exposure to grave negative influences such as radicalization and child labor. This category of vulnerable groups include groups that are from vulnerable and marginalized groups identified in the Vulnerable and Marginalized group framework (see also SEQIP VMGF Annex 14.2).

<sup>8</sup> The 'Wings to Fly' program, widely recognized as one of the more successful scholarship programs for secondary school students in Kenya, uses a community-based selection process that combines a participatory approach with home visits to verify the applicant's eligibility for the scholarship. Other scholarship programs where the community plays a major role in the selection of beneficiaries include those financed by U.K. Department for International Development (DFID) and the Northern Kenya Education Trust (NOKET).

<sup>9</sup> While conditional cash transfers piloted by Save the Children in Garissa County have shown some impact on raising school attendance, the complexity and high administrative costs of this model have discouraged replication and scaling-up. The GoK's Sanitary Towels for Girls program is widely recognized as a successful intervention to promote girls' education.

<sup>10</sup> School kit will contain items such as uniforms/clothes as well as basic hygiene supplies such as soap, toothbrush, toothpaste, and sanitary towels.

of children will benefit from the advocacy program to increase their motivation to attend school regularly and complete primary education. In addition, a gender sensitization program will be implemented at the school level to sensitize learners and teachers. A teacher, preferably a female teacher, in each of the primary and secondary schools in the targeted areas will be designated as a gender champion, whose capacity will be strengthened on how to deal with gender issues.

The second intervention, a secondary school scholarship program combined with child-specific mentorship, will support deserving primary school graduates in the targeted sub-counties who do not have the means to continue their education. The children eligible for scholarship will be selected from grade 8 cohorts in the targeted areas in the first and second years of the project. Scholarship recipients will have their school fees (including boarding fees) paid for at the beginning of Form 1 at schools to which the student is admitted. Other scholarship benefits include (a) stipend to cover the costs of transport to and from school and other necessities, (b) school kits, and (c) mentoring support<sup>11</sup> to help scholars, both boys and girls, cope with schooling and other social challenges. The scholar will continue to enjoy these benefits until she/he completes Form 4, subject to satisfactory school attendance, behavior, and academic performance each year.<sup>12</sup> The scholarship program will enable the two cohorts of about 18,000 students, each cohort of about 9,000 students, to complete 4 years of secondary education starting from Form 1. To implement this program with a strong focus on targeting and monitoring and evaluation (M&E), the MoE will partner with one or more agencies within or outside the GoK that have a proven track record on managing scholarships/bursaries with students' mentorship.

It is extremely critical to ensure that the school environment is safe both for boys and girls and the girls, in particular, do not encounter gender-based discrimination and violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to them. The main aim of this program will be to create awareness on gender based and students' violence and to empower teachers, students, and the members of the School Board of Management with relevant information and knowledge, including locally available referral services. To make the school safer for girl students and the teachers and male students gender sensitive, the project will finance gender-sensitization orientation and training in every primary and secondary school in targeted areas. In every school, a teacher, preferably a female teacher, will be appointed as a 'Gender Champion' who will be the focal point for all gender-related issues. Structured gender-sensitization orientation will be conducted at least twice a year in every school. The Gender Champion will be empowered with additional resources with links to the county health and child protection offices. To implement these set of activities, the MoE will work with the advocacy and social support agencies and other civil society organizations with pertinent experience to develop and implement school-based tool kit on gender sensitization and prevention of students' violence. These interventions, including development of the kit, will be informed by existing good practices both within Kenya and the region.

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<sup>11</sup> Scholarship recipients will be mentored through school-based coaching and peer support programs as well as mentorship fora at regional and national levels. This will specifically target girls with life skills mentorship.

<sup>12</sup> Specific conditions include school attendance of above 75 percent during the school year, improvement in academic performance as measured by internal school assessments, and demonstration of high levels of discipline.

The detailed policies and procedures for the programs will be documented in the Operations Manual. A third-party verification agency will be contracted by the MoE to visit schools on a random sampling basis, to ascertain whether the programs are being carried out in accordance with the Operations Manual and progress reporting reflects reality in the field. The third party will investigate the timeliness of fund transfer to schools for payment of fees and compliance by school principals with reporting requirements on student attendance and performance.

At midterm, a process evaluation of the advocacy and social support, gender sensitization, and scholarship and mentorship program will be conducted to assess how effectively the systems, procedures, and mechanisms established to implement, manage, and monitor the program are working. The MoE will evaluate the two programs to draw lessons for potential integration into longer-term government programs.

The main risks associated with this subcomponent are (a) potential beneficiaries have little knowledge about the social support and scholarship programs and (b) nepotism in the selection of eligible candidates for the programs. To mitigate the first risk, the MoE will develop and implement a communication strategy to disclose information on the programs to all the stakeholders in the targeted sub-counties, drawing on the extensive grassroots network of the MoE's partner agencies for this subcomponent. With respect to the second risk, mitigation measures include identification of eligible candidates by the implementing agencies (IAs) through a rigorous community-based selection process, validation of selected beneficiary households against the single registry for cash transfers, and establishment of a grievance redressal mechanism to address complaints about program processes.

### Component 3: System reform support (US\$20 million)

This component will contribute to the GoK's ongoing efforts to put in place a new curriculum that is more attuned and responsive to the socioeconomic reality of Kenya and its Vision 2030. Implementation of the new CBC, which is a major shift from the current teacher-centered and content-based curriculum, 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. Support for these activities will be provided through two subcomponents, one focusing on CBC development for selected grades and the other on development of the associated student assessment systems.

KICD is the key institution responsible for curriculum reform and its implementation, whereas KNEC is responsible for students' assessment reform. Considering that these institutions will need to work in tandem for smooth implementation of the reform, the subcomponents have been designed to foster a collaborative approach.

#### Subcomponent 3.1. Development and introduction of a competency-based curriculum (US\$12 million)

As part of a wider reform of education, in January 2017, KICD launched a new Basic Education Curriculum Framework (BECF) and is currently working on the introduction of a new CBC for Early Years of Education (EYE) comprising two years of preprimary education and grades 1 to 3

of lower primary education. It is expected that the new curriculum for EYE will be rolled out in the 2018 academic year.

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.

During the life of the project, CBC will be rolled out in grades 4 to 8. Under the rollout, all teachers will receive induction and orientation training during the year preceding the rollout. This induction training will be implemented in collaboration with TSC, KNEC, and CEMASTEPA. Its main objective will be to get teachers acquainted with the BECF, curriculum designs, and the envisaged assessment methods. Teachers will receive mentoring and coaching support on curriculum content, pedagogy, and formative assessment methodology. A participatory monitoring and assessment process will accompany the introduction of the new CBC to provide feedback for fine-tuning the materials as well as identify areas where teachers may need further training and support.

The above activities will be supported through financing of consultant services, workshops for the development of new curriculum designs, TLMs, and assessment tools; the awareness training of teachers, head teachers, and related education personnel through a modified cascade model; production of support materials for the new CBC; and continuous monitoring, assessment, and feedback.

**Subcomponent 3.2. Strengthening of national system for monitoring learning progress and national examination (US\$8 million)**

A central aspect of the basic education curriculum reform launched in January 2017 is the reform of the current student assessment system involving (a) introduction of continuous formative assessment over the entire education cycle using a variety of learning assessment tools, including portfolios; (b) establishment of a sample-based 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) which, together with the cumulative formative assessment results, will form the basis for guiding students to different pathways or tracks offered in senior secondary school education (grades 10 to 12).

In light of the above, this subcomponent will support KNEC to (a) develop assessment and survey instruments for grade 6 and to adapt grade 3 instruments to the new CBC; (b) establish a national examination item bank, including its architectural design and related technical support; (c) implement follow-up of MLA in Form 2 that will be used to assess the impact of SEQIP on student learning enhancement; (d) design training for KNEC staff and item developers needed for implementing monitoring learning progress (MLP) test and establishing the item bank; (e)

design and establish a web-based portal to facilitate access to test items, formative assessment practices, and dissemination of MLP and examination results. SEQIP will also finance (a) training of KNEC staff and item developers, (b) data collection, processing, and analysis for the implementation of grade 6 MLP and Form 2 MLA; (c) dissemination of results; (d) acquisition of ICT equipment and software related to the portal and the item banking system, including storage and management capacity for the items themselves, and of items metadata; and (e) statistics packages related to the usability of the items; item reliability and validity; and item authoring.

#### Component 4: Project management, coordination, and monitoring and evaluation (US\$12 million)

This component will support and finance effective project management through two subcomponents: (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 redressal mechanism.

Based on the lessons learned from the Global Partnership for Education-Primary Education and Development Project (GPE-PRIEDE) Project, external technical assistance will be financed right from the beginning to support the MoE for smooth and speedy implementation, M&E, and third-party DLR verification. The project will also finance transport and per diem cost incurred for project management; monitoring and reporting by the national, county, and sub-county level staff; workshops; capacity-building activities; development; production and dissemination of communication materials; assessments and policy studies; reasonable amount of office equipment and consumables; and a maximum of four vehicles and related fuel and maintenance cost.

##### Subcomponent 4.1: Project management, coordination, and communication (US\$8 million)

This subcomponent will support capacity strengthening of the newly established DPC&D to manage and provide overall project management and coordination. The core functions of the DPC&D for SEQIP are as follows: (a) directly implement those activities the MoE is responsible for; (b) facilitate and oversee implementation of those activities for which other agencies are responsible; (c) carry out the required M&E and manage third-party verification agencies; (d) prepare AWPB for the whole project on time and obtain necessary approvals; (e) implement fiduciary and safeguards arrangement and ensure compliance; (f) ensure timely fund release and utilization and submission of statement of expenditure (SoE) and withdrawal claims to the World Bank; (g) facilitate biannual joint supervision missions undertaken by the World Bank and provide necessary documents for the missions; (h) prepare communication strategy for the project and implement the strategy; (i) establish an efficient grievance redressal mechanism; (j)

prepare annual budgeted plans for capacity building of project and the other MoE officials and execute the plans with necessary approvals, including the World Bank; and (k) carry out assessments and policy research.

Considering the above core functions, this subcomponent will support the DPC&D to (a) monitor, evaluate, and report on project activities through technical assistance, including third-party verification agencies; (b) implement the scholarships, school fund, advocacy and mentorship activities with support from third-party IAs; (c) implement fiduciary and safeguards requirements through relevant technical assistance; (d) facilitate implementation and monitoring of the school infrastructure activities through support by at least four D&CSCs; and (e) develop and implement a communication strategy and carry out relevant studies and research through technical assistance. In addition, IAs (TSC, KICD, and KNEC) will be provided with technical assistance under their respective components.

The project will also strengthen the institutional framework and performance related to procurement function in the MoE and IAs. Specifically, the project will support (a) a detailed review of the current institutional structure and procurement skills of the Procurement Department of the MoE and IAs to develop an action plan for strengthening the procurement capacity and improve performance and (b) mechanisms to increase transparency and value for money in procurement and distribution of textbooks.

The existing GPE-PRIEDE Project Steering Committee (PSC) chaired by the Education Cabinet Secretary will function as the apex body to monitor the implementation progress of the project, provide strategic policy guidance, ensure effective interagency coordination as required under the project, and resolve high-level strategic issues affecting project implementation. The DPC&D will act as the secretariat for the PSC.

#### Subcomponent 4.2: Research and monitoring and evaluation (US\$4 million)

This subcomponent will support and finance hiring of qualified agencies/institutions, both public and private, to carry out independent verification and evaluations to build country capacity in M&E. Local institutions such as universities and research institutions will be involved in project M&E, policy studies, and other assessments. In addition to the assessment activities under Subcomponent 3.2, some research and monitoring and evaluation activities are as follows: (a) independent verifications of all DLI-based activities, (b) process evaluation of activities as mentioned in various components, and (c) any other research and evaluation recommended by the joint implementation support missions and the PSC. In addition, the project will also support some important policy research and documentation that will help the MoE make policy decisions. Illustrative studies are (a) to underpin reorganization of the existing 2+8+4 education structure to 2+6+3+3, (b) expenditure surveys to track capitation grants and use the findings to strengthen accounting and reporting of capitation grant and its better utilization, (c) a study on spatial distribution of secondary schools to ensure universal access, and (d) study to ascertain the prevalence and factors of gender based and students' violence in schools.

## **2.5. Project Beneficiaries**

The project will benefit 110 educationally and economically disadvantaged sub-counties in 30 counties. These sub-counties have been identified based on their high incidence of poverty, low retention rates at primary level and low transition rates from primary to secondary level. According to the 2015 data, a total of 7,852 public primary schools and 2,147 public secondary schools, as well as approximately 600,000 students in upper primary grades 7 and 8, 600,000 students in the four grades of secondary level, 17,000 primary-level and 8,500 secondary-level science, mathematics and English teachers in those schools will directly benefit from system-wide interventions under the project.

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).

## **2.6. Vulnerable and Marginalized Group Framework (VMGF)**

The World Bank's Operational Policy 4.10 on Indigenous Peoples is triggered for this Project. In compliance with the OP 4.10 and prior to project appraisal stage, a Vulnerable and Marginalized Group Framework (VMGF) is developed to ensure that the vulnerable and marginalized communities would be sufficiently and meaningfully consulted leading to their free, prior and informed consultation (FPIC) for possible interventions, that they would have equal opportunity to share the project benefits, and that any potential negative impacts are properly mitigated. The VMGF will form a basis for project implementation and subsequent monitoring and evaluation of the project with the aim of accommodating the VMGs. At project implementation stage, Vulnerable and Marginalized Group Plan (VMGP) will be developed based on this VMGF after the target schools are approved and results of social screening confirm presence of identified VMGs.

This VMGF will cover:

- Sub-projects likely to be financed in this arrangement.
- Sub projects possible benefits and adverse effects on VMGs.
- A plan for undertaking Social assessment for identified sub-projects.
- A framework for ensuring Free, Prior, and Informed consultation with the affected VMGs at each stage of project preparation and implementation.
- Institutional arrangements for screening project-supported activities, evaluating their effects on VMGs, preparing VMGPs, and addressing any grievances.
- Project Monitoring and reporting arrangements.
- Disclosure arrangements for VMGPs to be prepared under the VMGF.

## **2.7. Project Institutional and Implementation Arrangements**

The implementation arrangements of SEQIP have been designed keeping in mind the lessons learnt from other externally-funded projects and capacity building within the Ministry for planning, management and monitoring and evaluation.

For SEQIP, at the National level, the MoE in general, and the State Department of Basic Education, in particular, will be responsible for the overall project delivery. The Principal Secretary (PS) in-charge of the State Directorate of Basic Education, who is also the Ministry's accounting officer, will have the primary responsibility of efficient and effective implementation of the project for achievement of stated development objectives. All the key decisions, including financial and procurement, related to the project implementation will be vested with the PS.

A Project Steering Committee (PSC), chaired by the Education Cabinet Secretary, which is already functioning well for the GPE-PRIEDE Project and USAID and DfID funded TUSOME Project, will continue to play the same role for SEQIP. The PS, Basic Education, functions as the Secretary of the PSC. The PSC includes key MoE directorates such as Policy, Planning, Basic Education, Secondary Education, Quality Assurance, School Audit, ICT, and Chief Finance and Chief Procurement Officers, Chief Executive Officers of KNEC, KICD, TSC, other senior officials, and the chair of the Education Development Partners Core Group (EDPCG). The PSC will provide strategic direction to the project, endorse the AWPB, ensure effective coordination among the implementing agencies at the national level for smooth implementation, review the implementation progress, and resolve any policy and coordination issues requiring high level interventions. The PSC will normally meet once in a quarter, but can be convened by the Chair as and when required.

The DPC&D will be directly responsible for the SEQIP implementation, including implementing this VGMF and the subsequent VMGPs (see Figure 1). The Directorate is expected to be well positioned to forge inter-departmental, inter-institutional and inter-Ministerial coordination and convergence. The core functions of the DPC&D are: (i) preparation of the AWPB, and present it to the PSC; (ii) coordination with the National Treasury and Central Bank of Kenya and MoE's internal Finance Department for timely flow of funds; (iii) submit withdrawal applications to the Bank for timely disbursement; (iv) ensure compliance with fiduciary and safeguard requirements of the projects; (v) plan and organize need based capacity building activities for MoE officials using project funds; (vi) conduct assessments and policy research; (vii) carry out necessary monitoring and evaluation under the project in a timely manner; and (viii) prepare and implement communication strategy for communicating with internal and external stakeholders regarding the project. The DPC&D will be appropriately empowered by the PS to take all day-to-day decisions required for the Project implementation.

The Project will involve several agencies, both autonomous and semi-autonomous, in implementation of various project activities, as mentioned in the Project Description (Annex 2) in the PAD. The key implementing agencies are: TSC (an autonomous agency), KNEC, KICD

and CEMASTEAs, which are semi-autonomous agencies. TSC will be responsible for implementation of Sub-components 1.1. TSC and CEMASTEAs will be responsible for implementation of Sub-component 1.2; the MoE through the DPC&D will be responsible for implementation of Sub-components 1.3, 2.1, 2.2, and Component 4; KICD and KNEC will be responsible for implementation of Sub-components 3.1 and 3.2 respectively. However, inter-agency coordination and collaboration is critical for implementation of the project for achievement of the PDO. The DPC&D will work closely with the respective agency for ensuring necessary coordination and collaboration. Each agency will designate a high level competent staff as the Project Focal Point. The Project Focal Point person will be assisted by some designated officials, including finance officer and accountant.

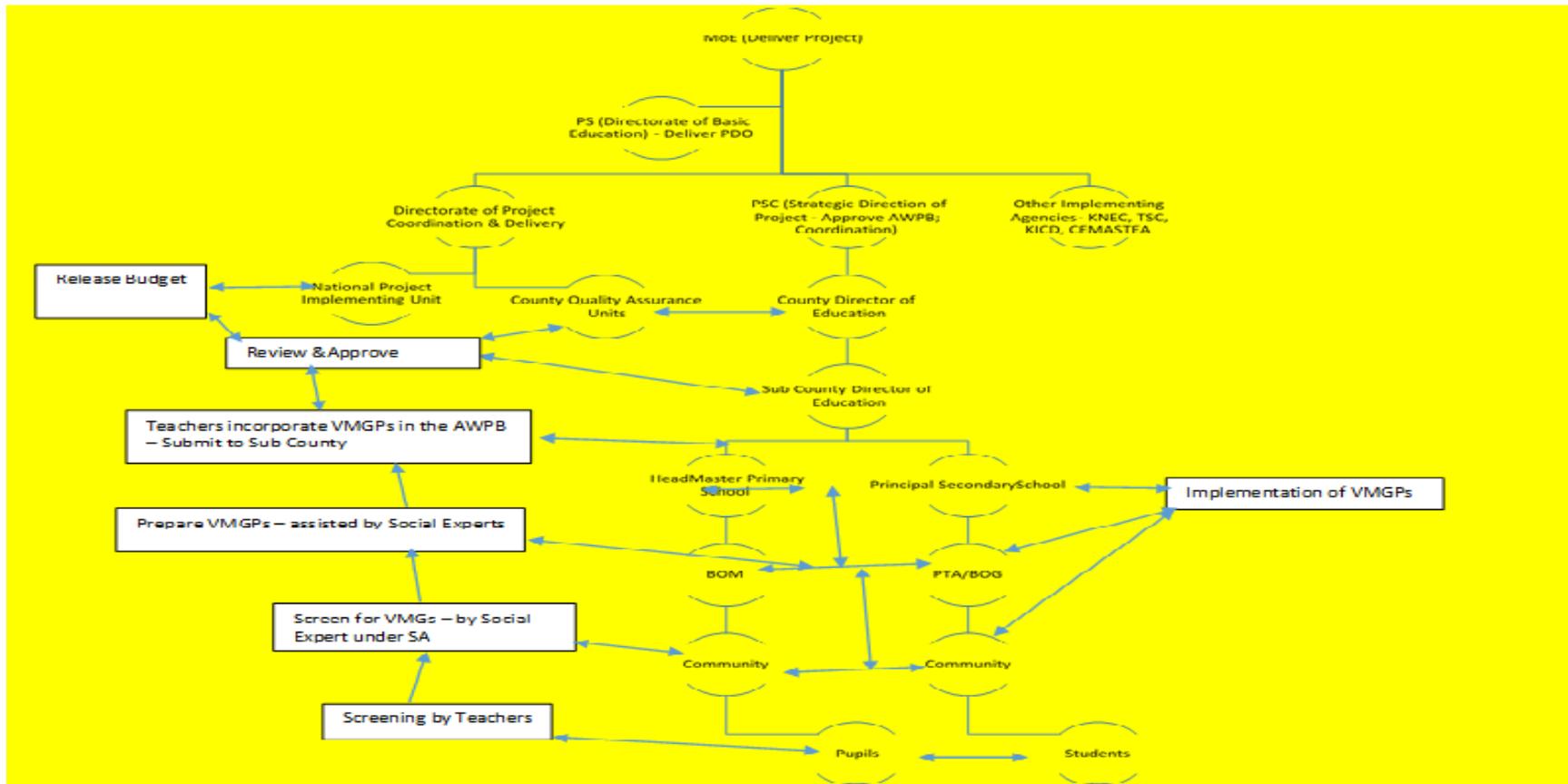
The county and sub-county education offices will play a key role in facilitating and monitoring project implementation at the school level. At the county level, the existing County Project Coordination Unit (CPCU) set up under the GPE PRIEDE Project will be responsible for facilitating SEQIP implementation and monitoring. Their capacity will be augmented with minimum additional staff and operating cost for SEQIP activities.

Implementation of the VMGF will be procedurally done. If during screening, a county has predominantly the VMGs as per OP 4.10; then a Social Assessment will be done to isolate the community issues, including the general vulnerability (Vulnerable students are those who have lost one or two parents, suffered neglect and/or abandonment, and whose parents are unable to educate their children due to mental or physical disablement, HIV/AIDS or other debilitating illnesses, and extreme poverty, as well as girls who have little or no school opportunity due to inhibitive practices such as early marriage and female genital mutilation, and boys endangered by exposure to grave negative influences, such as radicalization and child labor) . The results of the social assessment will then be incorporated into the sub project design. However, if a given county has both a dominant community, and communities meeting requirements for OP 4.10, including vulnerability aspects from both communities, then social assessments and specific VMGPs will be consulted, prepared, reviewed and approved and funding released accordingly.

Specifically, implementation of the VMGF will be as illustrated in Figure1; where at every level it is illustrated what will happen.



Figure1: SEQIP Implementation Process



### 3.0. METHODOLOGY FOR THE PREPARATION OF THE VMGF

#### 3.1. Detailed and in-depth Literature Review

Literature review was undertaken to help in gaining a further and deeper understanding of the project. Among the documents that were reviewed in order to familiarize and deeply understand the project included:

- World Bank Indigenous Peoples Operational Policy OP 4.10
- Other relevant VMGF documents prepared in Kenya for World Bank projects
- SEQIP Project Appraisal Document
- Constitution of Kenya 2010
- Relevant legislative documents in Kenya on vulnerable and marginalized groups
- Legal and policy guidelines within the education and other relevant sectors
- The Kenya Vision 2030
- Policy guidelines that are relevant to vulnerable and marginalized groups social issues

Further, relevant data collection instruments especially to gather information pertaining to the social economic status and FGD discussion key point were developed.

#### 3.2. Public Consultation

Public Consultation with key stakeholders at regional level were held in Kisumu, Nakuru, Isiolo and Mombasa. This was followed by VMGs consultations and Focus Group Discussions (FGDs) at the village level in the sampled four counties with presence of VMGs. VMG consultations involved bigger groups engagement with all the villagers in selected locations and the FGD focused on the marginalized groups within the VMGs especially women and youth. The VMGs communities consulted were the Sengwer of Trans-Nzoia (Hunter gatherers/Farmers), The Turkana (Pastoralist and fishermen), Wakifundi of Kwale (Hunter gatherers/Farmers), Endorois (Fishermen) and the Yiaaku of (Hunter gatherers/Farmers). A total of 200 people were consulted.

The objectives of the consultations were to disclose information on SEQIP and to provide an opportunity for VMGs and other stakeholders to voice their opinions and concerns on different aspects of the project, particularly the ways in which the project could affect them adversely and how the same could be eliminated, minimized or compensated. Their concerns informed the development of this VMGF. Table 1 shows the stakeholders who were consulted.

**Table 1. VMG Consultation by region**

Date	County	Attendance		Total Attendance	Identified VMGs (list)
		Females	Males		
29 <sup>th</sup> May 2017	Kwale	13	9	22	Wakifundi
30 <sup>th</sup> May 2017	West Pokot	12	9	21	Sengwer
30 <sup>th</sup> May 2017	Laikipia	13	15	28	Turkana
31 <sup>st</sup> May 2017	Laikipia	26	24	50	Dorobo
1 <sup>st</sup> June 2017	Laikipia	47	32	79	Yiaaku
<b>Total</b>				<b>200</b>	

In the course of carrying out the mentioned consultations, the VMGs were keen to understand their role in the project and raised the following issues as shown in Table 2.

**Table 2. Issues raised by VMGs and corresponding responses**

<b>Date</b>	<b>County</b>	<b>Issue(s)</b>	<b>Raised by (dominant community or VMGs)</b>	<b>Response given</b>
29/05/2017	Kwale	What was the criteria that was used to select the counties and if the list could be made available?	VMGs	Commission on Revenue Allocation (CRA) definition of “marginalized areas” which is “communities that have been excluded from social and economic life of Kenya for different reasons. Another criteria used was poverty data. Final list of counties and sub counties selected for the project will be made available.
30/05/2017	West Pokot/ Laikipia	Fear that consultations with VMGs would not be continuous. VMGs are only consulted at start of the projects and then are not consulted when implementation of the project starts	VMGs	The VMGF will provide for a continuous consultations process throughout the project lifetime. This will also allow the VMG communities to own the project thereby designing solution to their problems and reaching agreements on project priorities.
30/05/2017	West Pokot/ Laikipia	How to ensure that VMG schools benefit from the project and it is not hijacked by dominant communities in the project area	VMGs	Screening and identification of VMGs will be done before commencement of the project. MoE will also carry out capacity building for the VMGs to bring them to point where they can fully participate in the implementation of the project

31/05/2017	Laikipia	Gender and youth in decision making. Does the project address issue of inclusivity and gender	VMGs	MoE will take deliberate strategies to address gender roles and age differentials focusing on attitude change at community level
01/06/2017	Laikipia	What safeguards has MoE put in place to ensure does not suffer elite capture	VMGs	MoE will ensure that project ownership is cultivated throughout the project life cycle through the use of effective VMG mobilization, appropriate awareness creation, capacity building, and honouring commitments with the VMGs

### 3.3. Preparation of VMGF

This involved;-

- Collation of baseline data on the Vulnerable and Marginalized Groups in Kenya including demographic, lifestyle, livelihood, history and education;
- Identification of positive and negative impacts of the proposed sub components on the VMGs;
- Documentation of Proposed Grievances Handling Mechanism in project implementation and management
- Formulation of monitoring and evaluation plan.
- Provision of indicative budget for the implementation of VMGF

**Table 3. Vulnerable and Marginalized Groups Framework**

Issues	Activity	Responsibility	Indicators
– Screening	– Carry out an inventory of VMGs in every county	– SEQIP Team and executing partner executing agencies/VMGs	– Identification guided and verified by constitution of Kenya 2010 and OP 4.10 on classification of vulnerable and marginalized groups
– Vulnerable and Marginalized Groups Orientation and Mobilization	Community meetings/outreach and sensitization on project components	SEQIP Team and partner executing agencies/Vulnerable and Marginalized Peoples Organizations/Elders	Population and dynamics of VMPs in screened areas well understood by key players and SEQIP Team  VMGs in all areas identified give broad support for the project
– Consultations with Vulnerable and Marginalized Groups	– Participatory Rural Appraisals	SEQIP Team and executing partner executing agencies	Information from consultations verified by VMGs and VMGOs as correct
– Mapping of community	– Baseline Surveys	SEQIP Team and executing partner executing agencies and VMGOs	Community transect reports  Information from consultations verified by VMGs and VMGOs as

resources critical to VMGs which could benefit from the project e.g. labor, materials			correct and appropriate
– Development of strategies for participation of VMGs and mitigation measures	– Social Screening	– SEQIP Team and executing partner executing agencies VMGOs	– SEQIP Activities respect the rights, culture and dignity of the VMGs
Capacity Building	Trainings/Information dissemination on policy requirements for VMGs and VMGOs	SEQIP Team and executing partner executing agencies VMGOs	VMGs and VMGOs aware of policy and project requirements.
– Representation of VMGs in decision making organs	– Ensure Representation of VMGs in all stages of the project	SEQIP Team and executing partner executing agencies VMGOs	Active participation of VMGs in forums
– Participatory M&E with VMGs	– Internal M&E – External M&E	– SEQIP Team and executing partner executing agencies VMGOs	– M&E reports accessible to VMGs and implementing agencies – Mechanism for feedback into – VMGF in place and implemented

<ul style="list-style-type: none"> <li>- Training and Capacity Building for implementation of VMGF</li> </ul>	<ul style="list-style-type: none"> <li>- Training of staff from partner executing agencies and VMG Organizations</li> </ul>	<ul style="list-style-type: none"> <li>- SEQIP Team and executing partner executing agencies</li> </ul>	<ul style="list-style-type: none"> <li>- Participants are able to implement VMGF</li> </ul>
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## **4.0. OVERVIEW OF THE VULNERABLE AND MARGINALISED GROUPS IN KENYA**

### **4.1. Vulnerable and Marginalized Peoples in Kenya**

Pastoralists, hunter-gatherers, some fishermen and a minority farming communities in Kenya can be considered to be vulnerable and marginalised groups. The pastoralists of Kenya are mainly found in the Northern parts of the country which is majorly arid and also some sections bordering the United Peoples Republic of Tanzania. They include the Turkana, Borana, Rendille, Maasai, Ilchamus, Samburu, Somali, Pokot, Gabra, Endorois, and others. The Hunter-gatherers comprises of the Sengwer, Waata, El Molo, Yaaku, Malakote, Ogiek, Wagoshi, and Sanya. These vulnerable and marginalised groups suffer perennial droughts, insecurity, scarcity of water, pasture, cattle rustling and so on. They have been marginalised over the years both by the colonial government and successive Kenya Governments.

The worst form of marginalisation of these people has been the unequal distribution of education opportunities which has had an adverse effect on their childrens' schooling. There is need therefore for deliberate efforts by Government to offer education opportunities to these persons and all other marginalised groups in the country.

### **4.2. Brief Highlight of VMGs in Kenya**

The vulnerable and marginalized groups in Kenya as per the CoK are described below in summary;  
*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 50,000 (30,000 of them live in their traditional territories and another 20,000 in the diaspora). They lived by hunting and bee-keeping. In his evidence before the 1932 Kenyan Land Commission, Mr. C.H. Kirk, stated how they used to go over Cherangany shooting and the only peoples with whom they came into contact along Cherangany Hills were the Cherangany Dorobo, a small tribe of Dorobo (Sengwer).

As so many other ethnic minorities, the Sengwer were considered by the British to be served best if they were forced to assimilate with their dominant neighbours. Due to that their traditional structure was not recognized and integrated as independent ethnic group in the system of indirect rule, but as sub-structure of their neighbours. 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. A minority stayed behind as farm workers, but the majority went up into the forests of the Cherangany hills. As the Sengwer were not considered as independent group, they were also not invited to join the settlement schemes in which the independent Kenya redistributed the white farms to the farm workers and the dominant ethnic groups of the area. 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.

#### *Livelihood*

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 main source of livelihood until the 1920s. The elders

reported collective as well as individual hunting techniques. Gathering of fruits and other non-timber-forest-products is mostly done by women, while honey collection from beehives as well as from natural places such as holes in trees etc. is traditionally a male activity. It has - besides being eaten - a variety of uses: Honey is mixed with water as a daily drink (breakfast), and used to brew beer; Honey plays a major role in marriages and other ceremonies. Before marriage, honey is given to the mother of the bride as part of the dowry. Honey has also medical use. People apply it to their body to drive away mosquitoes and against muscle pains. Another smelly mixture is spread around the compounds to keep wildlife at distance. Millet and Sorghum are the “traditional” crops, which were inherited from the Arab traders and mostly planted in the lowlands.

#### *The current status of Indigenous Sengwer*

The Sengwer have increasingly been restricted to areas with home ‘bases’ involving agriculture and livestock rearing and outlying areas where some 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 other resources, protection against cattle rustlers, social and political influence, legal status and/or organizational, technical or economic capacities as other Kenyan citizens.

#### *Ogiek*

The Ogiek (*Ogiot - sing.*) ethnic group consists of 20-30 groups of former hunters and honey gatherers, mostly living in forested highlands in western Kenya. Local groups have more specific names, e.g., Kaplelach, Kipsang'any, Kapchepkendi etc. Okiek, a Kalenjin language of the Southern Nilotic group, is the mother tongue of most Ogiek people, but several groups now speak Maasai as their first language. Traditionally the Ogiek had occupied most of the forests in the extreme west and south of Western Kenya, but today their main area of living is in and around the Mau forest, which is not part of the operational areas. Nevertheless, some Ogiek groups are found in the Upper Yala catchment near the villages Serengoni, Senghalo (Nandi South), in the Kipkurere forest (Nandi South) and some live scattered in the Uasin Gishu district.

#### *Livelihood*

Traditionally the Ogiek divided land into lineage-owned tracts stretching along the escarpment slope. Tracts transacted four or five ecological zones, giving families access to honey and game during each season. Residence groups were small extended families, patrilineal cores that might be joined by affine and matrilineal relatives. Six to ten adjacent lineages constituted a named local group, i.e. a significant unit of cultural identity and history. Unlike many other hunter-gatherers, beside of honey, Ogiek collect hardly any plants, fruits or non-timber-forest-products from the forest. Honey is eaten, stored for future use, brewed into beer and traded. It is said to have been the main product for the barter with their agricultural and/or pastoralist neighbours.

Starting in the 1920s the Ogiek started to cultivate small millet and maize gardens due to reduced production from the forest. This led to a more sedentary lifestyle in mid altitude forest and – in turn - a further increase of agriculture and/or pastoralism. Today, agriculture is the main source of subsistence and income, which is supported through some livestock rearing, hunting (which is illegal) and bee-keeping. Honey gathering is still a key activity and carried out the traditional way, with few Ogiek using modern bee-hives and/or processing the honey for regional markets. Blackburn concludes: "without honey and condition of getting it, Ogiek life would be entirely different. This explains why the Ogiek live in the forest" (Blackburn 1974:151). Their access to land varies very much from village to village. Before independence most Ogiek lived on state or trust land (i.e. in the forests) with all usufructuary rights, but no letters of allotment. Following independence, the land reform and the general land demarcation in 1969 usufructuary rights were out-ruled. Legal access to land is now channelled through individual and titles and - in the Maasai-dominated districts - group ranches. Group-ranch demarcation began in the 1970s, crossing lineage land boundaries, incorporating non-Ogiek into some groups, and registering significant parts of Ogiek land to non-Ogiek. During the same time, the Ogiek were evicted from the forest reserves. As they were not provided with any land or compensation most had to go back and live illegally in the forests until the next eviction-team would show up.

The regular evictions, arrests and loss of property, crops and even lives further increased the poverty of the Ogiek, underlined their social discrimination and cemented their marginalization.

### ***Turkana***

The Turkana people are the second largest of the pastoral people of Kenya with a population of 1,034,000. They occupy the far northwest corner of the nation, an area of about 67,000 square kilometres. This nomadic community moved to Kenya from Karamojong in eastern Uganda. The Turkana tribe occupies the semi Desert Turkana District in the Rift valley province of Kenya. Around 1700, the Turkana emigrated from the Uganda area over a period of years. They took over the area, which is the Turkana district today by simply displacing the existing people of the area. Turkana warriors today still take pride in their reputation as the most fearless fighters in East Africa. Adherence to the traditional religion is weak and seems almost nonchalant among the Turkana.

*Location in the Country* - Rift Valley Province, Turkana, Samburu, Trans-Nzoia, Laikipia, Isiolo districts, west and south of Lake Turkana; Turkwel and Kerio rivers *Livelihood*: Like the Maasai and tribes, Turkana people keeps herds of cattle, goats and camel. Livestock is a very important part of the Turkana people. Their animals are the main source of income and food. Turkana' s have also pursued other non-pastoral income-earning activity in both urban and rural environments. This includes various forms of wholesale and retail trade (e.g. selling livestock, milk, hides and skins, honey, and artisan goods etc.), traditional rental property ownership and sales, waged employment (local and non-local, including working as a hired herder, farm worker, and migrant labourer), farming (subsistence and commercial), and the gathering and selling of wild products (e.g. gum Arabic, firewood, or medicinal plants). Fishing in Lake Turkana is another, long standing form of diversification. Fishermen along Lake Turkana migrate to follow the patterns of fish movement. The pastoralists also supplement their livelihoods by selling the fish. Many of them have also taken up weaving mats and baskets particularly

near the lake where weaving material is readily available from the Doum Palm. Other natural resource-based livelihood diversification activities have included the collection and sale of aloe, gum Arabic, honey, wild fruits, firewood, and the production and sale of charcoal and alcohol.

### ***Rendile***

The Rendile are a Cushitic tribe that inhabits the climatically harsh region between Marsabit hills and Lake Turkana in Northern Kenya where they neighbour the Borana, Gabbra, Samburu and Turkana tribes. They (Rendile) consist of nine clans and seven sub clans. They are culturally similar to the Gabbra, having adopted some Borana customs and being related to the Somali people to the east. Rendile are semi-nomadic pastoralists whose most important animal is the camel. The original home of the Rendille people was in Ethiopia. They were forced to migrate southwards into Kenya due to frequent conflicts with the Oromo tribe over pasture and water for their animals. Being pastoralists, the lifestyle of the Rendille revolves around their livestock. In the northerly areas, camels are their main source of livelihood. This is because camels are best adapted to the desert conditions that prevail in the northern Kenya. The camels are an important source of milk and meat for the Rendille people. There are about eight or nine sub clans including the Urowen, Dispahai, Rongumo, Lukumai (Nahgan), Tupsha, Garteilan, Matarbah, Otol, and Saale with an estimated population of 63,000. The Rendile are located in Eastern Province, Marsabit District, between Lake Turkana and Marsabit Mt. The primary towns include Marsabet, Laisamis, Merille, Logologo, Loyangalani, Korr, Kamboi, Ngurunit, and Kargi.

#### *Livelihood:*

The Rendille people are traditionally pastoralists keeping goats, sheep, cattle, donkeys, and camels. Their nomadic lifestyle is becoming more prominent in the areas exposed to little urbanization and modernization. In the recent past though, their livelihood has experienced constant competing interests from the Samburu's and Gabras leading them to constant conflict over land and water resources particularly at the borderline of the boundary districts. In the most cases, the raids and conflicts have had the objective to replenish their herds depleted by severe droughts, diseases, raiding or other calamities.

### ***Gabra***

The Gabra are an Oromo people who live as camel-herding nomads, mainly in the Chalbi desert of northern Kenya and the highlands of southern Ethiopia. They are closely associated with other Oromo, especially their non-nomadic neighbours, the Borana. The Gabra speak the Borana dialect of Oromo, which belongs to the Cushitic branch of the Afro-Asiatic language family and have a population of about 3,000. They are located in Samburu District, Lake Baringo south and east shores; and in Rift Valley Province (Chamus), Baringo District.

#### *Livelihood:*

Gabra are pastoralists who keep and depend on cattle, sheep, goats, donkey, and camels. They solely rely on access to water and pastures for the survival of their livestock. Typical Gabra household keeps 5-10 cattle; 20-25 goats; 15-20 sheep; and 0-5 camels. Cattle provide the majority of income from

livestock production followed by goats, sheep, and camels. Majority of the grain consumed by Gabra household in this zone is purchased. This includes maize, rice, and sugar. Households also rely on the wild food including fruits and berries, honey, roots, and tubers. Climate change has had an impact on new weather patterns and prolonged drought pushing the Gabra community to frequent water shortages. They have a conglomerate of peoples living north of the Tana River in Kenya, the area around Lake Turkana and the highlands of southern Ethiopia.

### ***Ajuran***

The Ajuran are ethnically Somalis. They were a kingdom that ruled Somalia before the advent of Europeans into Africa. When the rest of the Somalis got fed up with their rule they took up arms against them in war popularly known as Eji iyo Ajuran meaning the rest of Somalis vs. the Ajuran. The wars that ensued deposed the kingdom and drove some of the Ajuran as far as where they live today in the North Eastern Kenya and Eastern part of Ethiopia. Some of those who settled in present day Kenya eventually adopted the language and customs of their neighbours and hosts, the Borana. The Ajuran are best known in Somali history for establishing the Gareen dynasty based in Qalaafo (now part of Ethiopia). The Gareen dynasty ruled parts of East Africa from the 16th to the 20th century. Among the Kenyan Ajuran people, the majority speak the Borana language as their first language while others speak the Somali language as their first language especially those from Wajir North District in the areas of Wakhe and Garren. It is vital to note that since Somali is the language of wider communication in North-eastern Province, even the Ajuran who speak Borana as their first language learn the language. The link between the Garreh and Ajuran is their primary language, which is Borana and not Somali.

Population: 59,000. Location in the Country: Eastern Province, Marsabit, Isiolo and Moyale districts, Wajir North.

#### ***Livelihood:***

The Ajurans, like the rest other Somali tribes of Northern Kenya have traditionally lived a nomadic life. This way of life is dictated by the climate, which is semi-arid with two seasonal rains. They follow water and pasture for the animals they keep such as cattle, camels, goats, sheep, donkeys and mules that provide them their livelihood. Where the land is good for farming there are settled populations growing corn, millet, sorghum and some fruits and vegetables. The Ajuran live in an area with relatively high rainfall and good pasture for their animals. However, this blessing has on many occasions become troublesome to them in terms of marauding neighbours in need of the same resources. The intrusion by others has periodically resulted in clashes. Today, the Ajuran allow others to live and pasture their animals in their communal land. Some of the main causes of their vulnerability include the following: erosion of assets due to armed conflict during intermittent inter/intra-clan conflict, resulting in poverty; protracted conflict and insecurity; Systematic marginalization and discrimination based on ethnicity and caste; poor access to economic/employment opportunities. Notably, their right and ability of the transhumant pastoralists to eventually return to their homes characterizes this type of seasonal movement and gives rise to certain analyses.

### ***Maasai***

Kenya's most well-known ethnic tribe, the Maasai (or Masai) are semi-nomadic people located primarily in Kenya and northern Tanzania. They are considered to be part of the Nilotic family of African tribal groups, just as the Scilluk from Sudan and the Acholi from Uganda. The Maasai probably migrated from the Nile valley in Ethiopia and Sudan to Maasailand (central and southwestern Kenya and northern Tanzania) sometime around 1600 AD, along the route of lakes Chew Bahir and Turkana (ex Rudolph), bringing their domesticated cattle with them. Once considered fierce warriors, feared by all tribes in the zone, the Maasai lost most of their power during the late XIX century, as a consequence of a string of natural and historic calamities. They were hit by drought, smallpox, and cattle pest, and contemporarily had to mourn the departure of Laibon Mbatiani, their respected and much admired leader, direct descendant of the mythical OIMasinta, founder of the tribe. The Maasai speak the Maasai language, an Eastern Nilotic language closely related to Samburu (or Sampur), the language of the Samburu people of central Kenya, and to Camus spoken south and southeast of Lake Baringo. Maasai's population is about 684,000 and is located in the Rift Valley Province, Kajiado and Narok districts.

#### Livelihood

The Maasai are cattle and goat herders, their economy almost exclusively based on their animal stock, from which they take most of their food: meat, milk, and even blood, as certain sacred rituals involve the drinking of cow blood. Moreover, the huts of the Maasai are built from dried cattle dung.

#### *Ilchamus*

They are originally a pastoralist people who used to live on the mainland but due to clashes they have been forced to migrate to an island in Lake Baringo. It is a very traditional and culturally bound society, hierarchical and male-dominated. They live from fishing in small boats made of balsam tree that dates back maybe a thousand years. They also do some souvenirs and they have some livestock. Many are uneducated and illiterate. They are eager to learn new things, participating and seemingly eager to create a better life. They communicate mainly in their local language. They have a population of 34,000 and are located in Southeast and south shore of Lake Baringo, and southwest shore as far north as Kampi ya Samaki.

**Livelihood:** The majority of the Ilchamus practice both livestock rearing and agriculture, but on the islands in Lake Baringo there are about 800 Ilchamus who live nearly entirely from fishing. The mainland Ilchamus are semi-pastoralists with a long history of small scale agriculture. The main types of livestock owned by the Ilchamus are cattle (zebus), sheep (red Maasai and dopper cross) and goats (small east African), but their herds are significantly smaller than those of their neighbours. The key problems here are the insufficient security against aggressions from their neighbours, access to water and pressure of other people on their land due to the non-existence of land titles. The nearest markets are at Marigat and Kiserian.

#### *Aweer*

The Aweer are a remnant hunter-gatherer group living along the Kenyan coast in Lamu District on the mainland. In the last 30 years, the Aweer have faced very difficult times. In 1967, their homeland became a battlefield in the war between Kenya and Somalia. In Kenya today, they are a vulnerable

group, struggling to survive, in search of a new identity. Traditionally they depend on their elders for leadership and do not normally meet for village discussion. There are some men who have more than one wife, and each wife has her own house in which she lives with her children. The husband does not have his own home but lives with each wife periodically. The Aweer have a population of 8,000 and are located in the Coast Province, behind Lamu, and Tana River districts in forests; North-Eastern Province, Garissa District.

*Livelihood:*

Hunters and Gatherers. They are indigenous hunter/gatherers famous for their longbows and poison arrows. The Aweer are often referred to - and even sometimes refer to themselves - as the "Boni". Considered by some as pejorative, Boni is based on the Swahili word "kubuni" which means 'to move', in reference to their proclivity, historically, to move around in pursuit of their livelihoods, rather than settle in one place. The lives of the Aweer were drastically changed when the Kenyan government curtailed their traditional way of life as a response to the insecurity of the region after the Shifta War (1963-1967), forcing them to settle in villages along the Hindi-Kiunga Road on Government Land between the Boni National Reserve and the Dodori National Reserve while adopting slash and burn agriculture.

***Pokot***

They speak Pökoot, language of the Southern Nilotic language family, which is close to the Marakwet, Nandi, Tuken and other members of the Kalenjin grouping. Kenya's 2009 census puts the total number of Pokot speakers at about 620,000 in Kenya. They have once considered part of the Kalenjin people who were highland Nilotic people who originated in southern Ethiopia and migrated southward into Kenya as early as 2,000 years ago. Though the Pokot consider themselves to be one people, they are basically divided into two sub-groups based on livelihood. Population: 662,000. The Pokot are located in the Rift Valley Province, Baringo and West Pokot districts.

*Livelihood:*

It is usually claimed that from the earliest time of the original Pokot, they were agriculturalist, they did not have many cattle, and the few they had were taken by wild animals abounding the area. They have been hunters and gatherer living in caves. Currently, Pokot are semi-nomadic, semi-pastoralists who live in the lowlands west and north of Kapenguria and throughout Kacheliba Division and Nginyang Division, Baringo District. These people herd cattle, sheep, and goats and live off the products of their stock. The other half of the Pokoot are agriculturalists who live anywhere conditions allow farming. Mixed farming is practiced in the areas of Kapenguria, Lelan and parts of Chepararia. These areas have recorded rainfall between 120mm to 160mm while pastoral areas include Kiwawa, Kasei, Alale and parts of Sigor receiving 80mm and 120mm. The livelihood of Pokot has led to constant conflict between them and other pastoral communities - the Turkana, Matheniko and the Pokot of Uganda. This clash has been sustained by semi-arid savannah and wooded grassland terrain that cuts along the habitation area. Resources such as land, pasture, water points are communally owned and they are no specific individual rights.

## *Endorois*

Endorois community is a minority community that was living adjacent to Lake Baringo and has a population of about 20,000. However, the Government of Kenya forcibly removed the Endorois from their ancestral lands around the Lake Bogoria area of the Baringo and Koibatek Administrative Districts, as well as in the Nakuru and Laikipia Administrative Districts within the Rift Valley Province in Kenya, without proper prior consultations, adequate and effective compensation. Endorois are a community of approximately 60,000 people who, for centuries, have lived in the Lake Bogoria area. They claim that prior to the dispossession of Endorois land through the creation of the Lake Hannington Game Reserve in 1973, and a subsequent re-gazetting of the Lake Bogoria Game Reserve in 1978 by the Government of Kenya, the Endorois had established, and, for centuries, practiced a sustainable way of life which was inextricably linked to their ancestral land.

However, since 1978 the Endorois have been denied access to their land, neighbouring tribes as bona fide owners of the land and that they continued to occupy and enjoy undisturbed use of the land under the British colonial administration, although the British claimed title to the land in the name of the British Crown. At independence in 1963, the British Crown's claim to Endorois land was passed on to the respective County Councils. However, under Section 115 of the Kenyan Constitution, the Country Councils held this land in trust, on behalf of the Endorois community, who remained on the land and continued to hold, use and enjoy it. The Endorois' customary rights over the Lake Bogoria region were not challenged until the 1973 gazetting of the land by the Government of Kenya. The act of gazetting and, therefore, dispossession of the land is central to the present to their current predicament.

The area surrounding Lake Bogoria is fertile land, providing green pasture and medicinal salt licks, which help raise healthy cattle. Lake Bogoria is central to the Endorois religious and traditional practices. The community's historical prayer sites, places for circumcision rituals, and other cultural ceremonies are around Lake Bogoria. These sites were used on a weekly or monthly basis for smaller local ceremonies, and on an annual basis for cultural festivities involving Endorois from the whole region. The Complainants claim that the Endorois believe that the spirits of all Endorois, no matter where they are buried, live on in the Lake, with annual festivals taking place at the Lake. They believe that the Monchongoi forest is considered the birthplace of the Endorois and the settlement of the first Endorois community. Despite the lack of understanding of the Endorois community regarding what had been decided by the Kenya Wildlife Service (hereinafter KWS) informed certain Endorois elders shortly after the creation of the Game Reserve that 400 Endorois families would be compensated with plots of "fertile land."

The undertaking also specified, according to the Complainants, that the community would receive 25% of the tourist revenue from the Game Reserve and 85% of the employment generated, and that cattle dips and fresh water dams would be constructed by the State. To date, the Endorois community has not received adequate compensation for this eviction, nor have they benefited from the proceeds of the reserve. Because they no longer have free accesses to the lake or land, their property rights have been violated and their spiritual, cultural and economic ties to the land severed. Once able to migrate with the seasons between Lake Bogoria and the Mochongoi forest, the Endorois are now forced to live on a strip

of semi-arid land between their two traditional sites with no access to sustain their former cattle rearing and beekeeping livelihood. The eviction of the Endorois people by the Kenyan government and the gazetting' (or public declaration of state ownership) of their land began in 1973 and continued until 1986.

#### *Livelihood:*

Dependent on land and fishing from Lake Bogoria. Critically, land for the Endorois is held in very high esteem, since tribal land, in addition to securing subsistence and livelihood, is seen as sacred, being inextricably linked to the cultural integrity of the community and its traditional way of life.

#### ***Boni***

The Boni people are known for their unique tradition of whistling to birds that guide them to honey. They are found in North-eastern Kenya's district of Ijara and Lamu district. Their population is about 4,000, compared to 25,000 half a century ago (Source: Organization for the Development of Lamu Communities (ODLC). They are nomadic hunter-gatherer tribe of mainly Cushitic origin with a unique characteristic. The community sources their subsistence from forest products such as honey, wild plants/fruits for consumption and medicinal purposes. The Boni are found in the North-Eastern part of Lamu district and Ijara District. They are concentrated mainly in Witu, Hindi and Kiunga divisions. The community is located in villages of Bargoni (Hindi Division), Milimani, Bodhei, Basuba, Mangai, Mararani, Kiangwe and Kiunga (Kiunga division), Pandanguo and Jima (Witu Division).

The Boni live in forested areas of the district i.e. within the Witu and Boni forests. They live deep into the forest and only come out to the periphery when there is hardship or hunger. They perceive the forest in the Boni inhabited areas as communally theirs. However, with the gazettelement of all the forest by the government this has become a source of conflict.

#### ***Watha***

The Watha people are mostly found in the rural arid and semi-arid lands of the country. A minority of them live in thick forests scattered all over the country. The people are traditionally hunters and gatherers. In Malindi district a Watha community is found in four divisions (i.e. Malindi, Langobaya, Marafa and Magarini). In Tana River district the Watha are found in Sombo and Laza divisions while in Mandera the Watha are found in Central division. The population of Watha community in the districts is estimated at approximately 30,000 persons. This is only 2.7% of the entire Malindi, Mandera and Tana River district population. The Watha people are traditionally hunters and gatherers. However since the government abolished unlicensed hunting of game and wild animals, the Watha people now live in permanent settlements, some of them along the river and where there are forests, mainly in the mixed farming and livestock farming zones. The forests afford them an opportunity to practice bee keeping while those along the river practice crop production.

The land tenure system in the district is communal ownership. Most of the land in the three districts of Malindi, Mandera and Tana River are currently under trust land by the county councils. Few influential people in the district have however managed to acquire title deeds from the land offices in Nairobi.

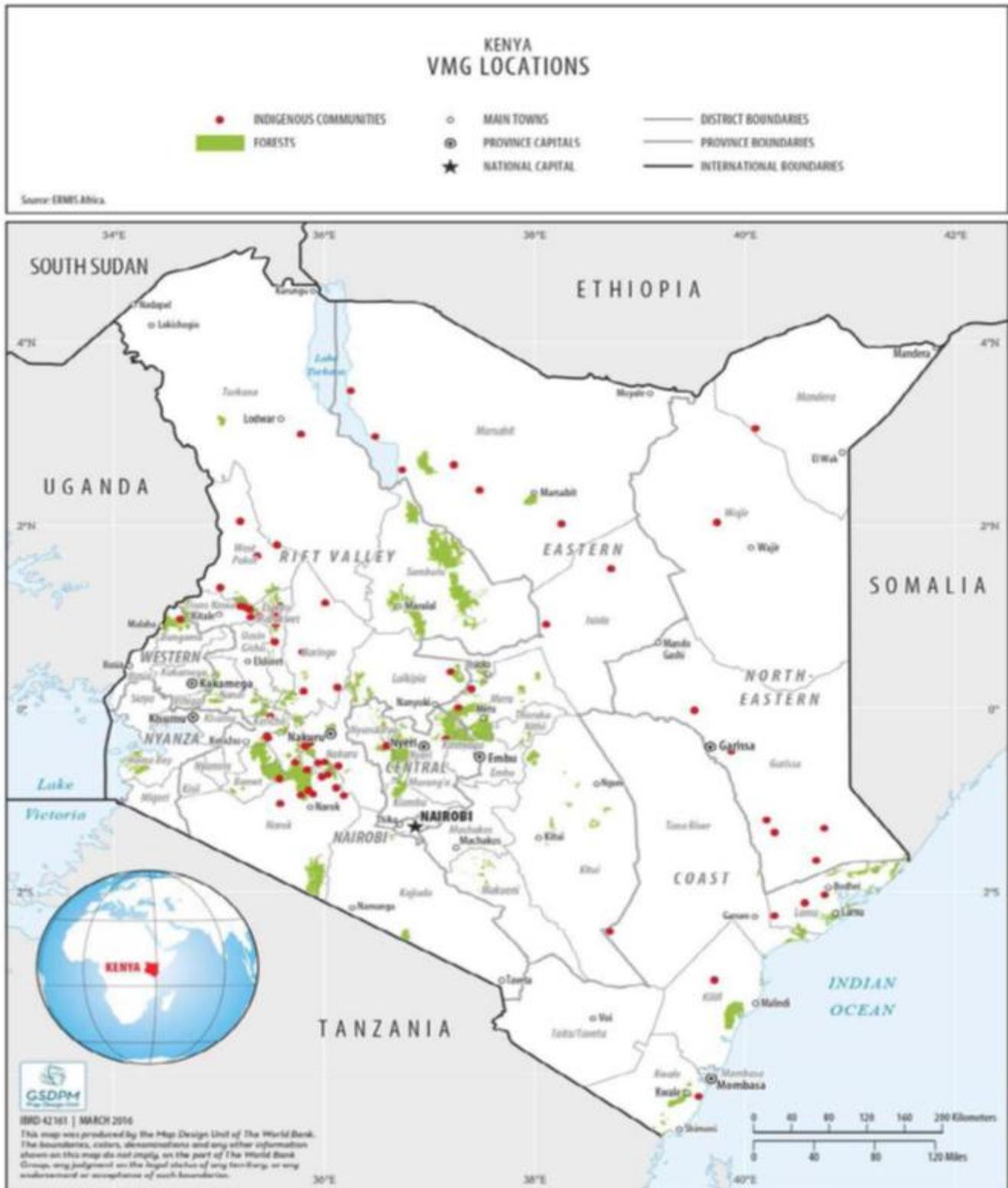
However, most of this trust lands are controlled by the majority tribes and becomes a point of conflict if the smaller tribes and outsiders get involved. This is what has pushed the small and marginalized tribes like Watha deep into the forests.

### **4.3. Location of VMGs in Kenya**

Map 1. Depicts the locations of Vulnerable and Marginalized Groups in Kenya as described in the Constitution of Kenya 2010. Out of 47 counties in Kenya 14 have been defined as “marginalized areas” by the Commission on Revenue Allocation (CRA). CRA defines these as “communities that have been excluded from social and economic life of Kenya for different reasons” and “geographic location (county or sub-county) where significant populations of underserved communities live” (CRA, 2013).

The 14 underserved counties which are deemed to be marginalised by CRA include Mandera, Wajir, Garissa, Tana River, Samburu, Isiolo, Marsabit, Narok, West Pokot, Turkana, Taita Taveta, Kwale, Kilifi and Lamu. They collectively represent 72% of the country’s total land area and 20% of the country’s population, including historically nomadic societies that even today continue to rely on pastoralism. Their population is highly dispersed, at a density four times lower than the national average. They present profound infrastructure deficits, including lack of access to social services. There is also significant insecurity in certain areas, giving rise to substantial numbers of displaced persons and livelihood adaptations that further undermine economic prosperity.

Map 1. Vulnerable and Marginalized Groups: Presence by Region



Source: ERMIS AFRICA, www.ermisafrika.org, 2016.

#### **4.4. Education of the VMGs in Kenya**

Most of the VMGs are found in areas generally regarded as inaccessible, Arid and semi-arid areas of Kenya. These areas were generally neglected over the years and were categorized as marginalized. Years of economic and political marginalization have resulted in the arid and semi-arid lands (ASALs) being the most under developed areas in Kenya. The colonial governments regarded them as non-productive. Successive independent governments saw the areas as too expansive to invest in. Therefore the area has remained undeveloped. It is upon this realization that recent government initiatives have been laid to address the development challenges of these areas. One key intervention is provision of education opportunities. A significant proportion of the VMG population has never been to school. The average net enrolment rate at Primary school level is way below the national average. At secondary level, the Net Enrolment Ratio (NER) in arid areas in 2013 was 9% on average, against a national average of 39.5%.

Rates of retention, survival and completion among VMGs are also very low. The primary completion rate on average in the arid counties in 2013 was 65%, compared with 84% nationally. These areas also have the lowest ratios of trained teachers to pupils, low performance in the national examinations, and low rates of transition to next levels of education. Literacy levels are extremely low, for example only 19.1% of adults in Turkana are formally literate, compared with the national average of 79%.

Few opportunities for employment, coupled with harsh weather conditions, high mobility of pastoral groups, long distance to school, cattle rustling, harmful cultural practices such as FGM, early and forced marriages hinder progress in attaining education especially among girls and women. They are more disadvantaged as they are expected to play the traditional role of being housewives and homemakers rather than pursue education. They also take care of the homesteads as the men go out in search of pasture, and water for animals. This increases their vulnerability and contributes to a significant gender gap in enrolment.

A report by the Kenya National Bureau of Statistics (KNBS) and Society for International Development singles out Turkana County with 82 per cent illiteracy, followed by Wajir, Garissa, Mandera and Marsabit at 76 per cent, 74 per cent, 70 per cent and 68 per cent respectively. According to the report, people in Nairobi County have 15.4 times more access to secondary school education or above than those living in Turkana County. They also have 2.2 times more access to secondary school education than an average Kenyan. Still, individuals living in Turkana County are seven times less likely to have access to any secondary education than an average Kenyan. Turkana County's proportion of population with no education is eight times that of the highest ranked county, Nairobi. At constituency level, Loima Constituency in Turkana has the highest share of individuals with no education – at 93 per cent – compared to Makadara Constituency in Nairobi with the least at 8.2 per cent. This means that a person in Loima is 11 times more likely to have no education than one in Makadara.

Disparities in the provision of education opportunities also continue to be exhibited in areas inhabited by the VMGs and the local dominant communities. For example the most extreme difference in secondary school education and above is in Kajiado County, home of the Maasai VMG where the top ward

(Ongata Rongai) has nearly 59 percent of the population with secondary education plus, while the bottom ward (Mosiro) has only 2 percent. The Maasai appear poor on account of their simple lifestyle, so lacking in modern conveniences. Some have however huge cattle herds worth a substantial amount. But they rarely sell the cattle, and the accumulation of cattle wealth is almost an end in itself. The Maasai have resisted modern education, and to integrate in the cash economy. In Kenya, Maasai literacy rates are below 20%, and fall as low as 5% among clans pursuing a purely nomadic lifestyle.

Inequality in education can also be compared between the numbers of people with no education to those with some education. A more unequal county is one that has large numbers of both. Isiolo, home to the Borana VMG, is the most unequal county in Kenya by this measure, with 51 percent of the population having no education, and 49 percent with some. This is followed by West Pokot, home to Sengwer VMG, at 55 percent with no education and 45 percent with some.

Education is typically seen as a means of improving people's welfare. Studies indicate that inequality declines as the average level of educational attainment increases, with secondary education producing the greatest payoff, especially for women. There is considerable evidence that even in settings where people are deprived of other essential services like sanitation or clean water, children of educated mothers have much better prospects of survival than do the children of uneducated mothers. Education is therefore typically viewed as a powerful factor in leveling the field of opportunity as it provides individuals with the capacity to obtain a higher income and standard of living. Therefore the government of the day and other international partners have an obligation to provide education to all citizens particularly the VMGs.

## **5.0. RELEVANT LEGAL FRAMEWORK AND REGULATIONS**

### **5.1. Definition and Treatment by the African Commission on Human and Peoples Rights (ACHPR)**

The ACHPR, recognizes the existence of indigenous people who are distinctly different from other groups within a state and who have experienced subjugation, marginalization, dispossession, exclusion or discrimination because of their cultures, ways of life or modes of production different from those of the dominant society. This kind of alienation has hindered them to genuinely participate in decision-making processes of their communities. The report outlines the following key characteristics, which identify VMGs in Africa:

- Different cultures from the dominant society
- Threats of extinction
- High dependence on land
- Highly discriminated against
- They live in inaccessible lands

### **5.2. Definition and Treatment by the World Bank's Policy**

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

*The World Bank Operational Policy/Bank Procedures Indigenous Peoples (OP/BP 4.10).* The operational policy requirement that Bank-financed projects are designed not only to avoid adverse impacts but equally important to recognize that "the distinct identities and cultures of VMGs remained inextricably linked to the lands they inhabited and the natural resources they depended upon to survive". The policy provides processing requirements for VMGs that include: (i) screening, (ii) social assessment, in consultations with communities involved, (iii) preparation of Indigenous Peoples Plan (IPP) or Indigenous Peoples Policy Framework (IPPF) and, (iv) disclosure. It also requires the borrower to seek broad community support of VMGs through a process of free, prior and informed consultation before deciding to develop any project that targets or affects VMGs.

*The World Bank, like the UN, has no definition of IP: because of the varied and changing contexts, in which VMGs live, and because there is no universally accepted definition of IP (paragraph 3), OP 4.10 presents a set of characteristics for identifying VMGs. For purposes of this policy, the term "Indigenous Peoples" is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:*

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

### **5.3. VMGs and 2010 Constitution of Kenya Legal and Policy Frameworks**

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

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

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

*The Constitution of Kenya requires the State to address the needs of vulnerable groups, including “minority or marginalized” and “particular ethnic, religious or cultural communities” (Article 21.3):* The Specific provisions of the Constitution include: affirmative action programs and policies for minorities and marginalized groups (Articles 27.6 and 56); rights of “cultural or linguistic” communities to maintain their culture and language (Articles 7, 44.2 and 56); protection of community land, including land that is “lawfully held, managed or used by specific communities as community forests, grazing areas or shrines,” and “ancestral lands and lands traditionally occupied by hunter-gatherer communities”

(Article 63); promotion of representation in Parliament of “...(d) ethnic and other minorities; and (e) marginalized communities” (Article 100); and an equalization fund to provide basic services to marginalized areas (Article 204).

The Constitution of Kenya does realize that education is the key to empowering the most marginalized and vulnerable individuals in society. Marginalized individuals like the girl-child, pastoralists and persons with disabilities also tend to have the least possibility of acquiring an education; and the State continues to make conscious and concerted efforts on an affirmative basis to enable these individuals to best exploit their life-chances alongside their other Kenyan peers through primary, secondary and tertiary education. Investment in FPE and (FDSE) has remained a key flagship programme, coming among the top five recipients of public expenditure in the last five years.

*The Constitution of Kenya in Article 43 (1) (f); Article 54 (1) (b); Article 55 (a); Article 56 (b) and Article 53 (1) (b) provides that every person has the right to education Article 43 (1). This right is reiterated in Article 53 (1) (b) which provides that children have the right to basic and compulsory education; Article 54 (1) (b) provides that persons with disabilities have the right to access educational institutions; Article 55 (a) provides that the State shall ensure that youth have access to relevant education and training; and Article 56 (b) provides that the State shall provide minorities and marginalized groups with special opportunities in education.*

#### **5.4. Other Legal and Policy Provisions that Facilitate Operationalization of OP 4.10**

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 VMGs. These include:

- a) *The National Land Policy (NLP):* The NLP was endorsed in 2009 while the Land Act, Land Registration Act and National Land Commission Act were adopted in May 2012.<sup>14</sup> According to the policy, a Community Land Act is scheduled to be adopted within five years of the enactment of the new Constitution, along with a number of other land related laws and regulations. The NLP includes a key policy principle for restitution of land rights of minority communities as a way of restoration and protection of land rights which were violated by colonial and post-colonial governments (articles 3.6.1.2 and 3.6.6 on restitution and land rights of minority communities respectively). The policy calls on the GoK to secure community land and to “document and map existing forms of communal tenure, whether customary or non-customary, in consultation with the affected groups, and incorporate them into broad principles that will facilitate the orderly evolution of community land law” (article 3.3.1.2, paragraph 66).
- b) *The National Policy on Culture and Heritage (2009) aims to promote and protect the cultures and cultural diversity among Kenya’s ethnic communities.* This includes the protection of indigenous languages, the expression of cultural traditions, knowledge, and practices, traditional medicines, and community rights.
- c) *Ministry of Education’s Sessional Paper No. 1 of 2005: A Policy Framework for Education, Training and Research - Meeting the Challenges of Education, Training and Research in Kenya in the 21st Century.* This sessional paper establishes that the language of instruction shall be the

mother tongue in lower primary school (classes 1-3) in the rural areas, and that a culturally sensitive approach must be used to address the learning needs of different communities – including the VMGs.

- d) *Policy Framework for Nomadic Education in Kenya (COK, 2010)*: Free and mandatory education was introduced in Kenya in 2003. However, the pastoralist areas have continuously recorded a much lower enrolment and completion rates as compared to the rest of the country. The Government of Kenya formally adopted the Nomadic Education Policy in 2010 to boost *education* access to Nomadic communities. The policy contemplates education terms based on seasons rather than calendar terms. The policy considers use of an academic calendar that would be flexible and factor in climatic conditions and patterns of nomadic livelihood. The policy provides for the development of curriculum that would be useful to pastoral lifestyle. The policy further proposes creation of a National Council for Nomadic Education.
- e) In addition, the adoption of a law establishing the Environment and Land Court is important for indigenous communities given that the Court will “hear and determine disputes relating to environment and land, including disputes: (a) relating to environmental planning and protection, trade, climate issues, land use planning, title, tenure, boundaries, rates, rents, valuations, mining, minerals and other natural resources; (b) relating to compulsory acquisition of land; (c) relating to land administration and management; (d) relating to public, private and community land and contracts, chooses in action or other instruments granting any enforceable interests in land; and (e) any other dispute relating to environment and land
- f) *National Policy for the Sustainable Development of Northern Kenya and other Arid Lands*. The policy states that the Government will put in place an institutional and legal framework for the development of Northern Kenya and other arid lands. The policy thus calls on the government to establish a range of institutions that will provide long-term continuity in Arid and Semi-Arid Land (ASAL) development, including a National Drought Management Authority and National Drought and Disaster Contingency Fund to increase responsiveness to drought, National Council on Nomadic Education, a Northern Kenya Education Trust, a Livestock Marketing Board, and a Northern Kenya Investment Fund.

## **5.5. GAP ANALYSIS**

The Constitution of Kenya and other related legislations have a lot of similarities with the tenets of OP. 4.10. There is considerable overlap between groups identified by the government of Kenya as vulnerable and marginalized and groups that have triggered OP 4.10. Similarly, the groups identified both by the government and in the context of Bank supported operations align with some of the groups that have been identified by the African Commission on Human and Peoples’ Rights (ACHPR). Thus, there is no significant discrepancy between Kenyan laws and regulations and the World Bank’s OP.4.10. In addition, the Bank’ OP4.10 comprehensively describe the objectives, principles and procedure to safeguard the indigenous peoples. The VMGF, therefore, will be prepared on the basis of the World Bank’s OP.4.10 by taking into consideration relevant Kenya policies and regulation. Clear mechanism for free, prior and informed consultation in order to seek broad support of the Project from the VMGs will be used in the whole cycle of the Project. During implementation, a Grievance Redress Mechanism will be established so that every indigenous people can bring his/her voice, complaint/reservation on the project.



## **6.0 KEY ISSUES AND POTENTIAL IMPACTS OF THE PROJECT ON VULNERABLE AND MARGINALIZED GROUPS**

### **6.1. Key Issues Encountered by VMGs**

Fieldwork and desk review conducted as part of the consultations found that most of the VMGs are located in remote areas of the counties they inhabit where accessibility (road) is difficult and infrastructures are limited. Most of their villages have only primary schools with poor infrastructure coupled with poor learning environment. From stakeholders (villagers, teachers, and local authorities) consultative meetings confirmed that majority of VMG students dropped out of schools at grade 6, as they could not afford to continue their studies due to long distance to the nearest school to their village. Poverty is the key obstacle for their access to education. Other factors that cause dropout among VMG students are early marriage for girls, lack of role models/mentors and lack of concern by parents over their children's education.

However it should be noted that minimal, if any, negative impacts are anticipated as a result of the project. Most of the impacts anticipated will be positive for all communities, including for VMGs. As a result, a key focus of the VMGF and the VMGPs will be to propose long lasting interventions to allow VMGs optimally draw from these subprojects.

### **6.2. Potential Beneficial Impacts**

In the context of SEQIP, the VMGs in the project areas are likely to receive long term project benefits through the support on;

- i. Reduction in teacher shortages and deficiencies in targeted areas will lead to improved learning outcomes and student retention through increase of the quantity, quality, and classroom presence of teachers
- ii. Targeted advocacy and social support program and provision of a school kit for the children will lead to motivation to attend school regularly and complete primary education and improved retention in upper primary and transition to secondary of poor and vulnerable students.
- iii. The scholarship program combined with child-specific mentorship programme will support deserving (needy) primary school graduates in the targeted sub-counties complete four years of secondary education.
- iv. Improved school environment for learning through construction of classrooms in selected secondary schools and upgrading science laboratories, sanitation and water facilities, electricity, minor renovation and rehabilitation in selected primary schools will lead to better learning outcomes and improved retention in upper primary and transition to secondary of poor and vulnerable students.
- v. The ICT enabled school based teacher support system (SBTSS) capacity building especially on inquiry based teaching approach will lead to improved content knowledge and classroom instruction among Kenyan teachers for sciences, mathematics and English (SME) in the targeted schools thus benefitting the VMG students.

- vi. Teacher mentoring and coaching support on curriculum content as well as pedagogy and formative assessment methodology will lead to proficiency in Competency Based Curriculum and student assessment practices.
- vii. Proficiency in Mathematics, English and Science and better learning outcomes by VMG students through provision of textbooks in Mathematics, English and Science for grades seven, eight and Form one in all primary and secondary schools targeted by the project through a new efficient centralized procurement system for purchasing and distributing textbooks together with a computerized textbook management support system.

### **6.3. Potential Adverse Impacts**

The main social risks is that of exclusion of the VMGs. Social risks envisioned in the implementation process include:

- i. Inequitable access to the schools due to distance from their community and transport issues
- ii. Possibility of elite capture especially the scholarship program at the community and county levels thus excluding target groups
- iii. Nepotism in the selection of eligible candidates for the scholarship programs
- iv. Lack of ownership/support of the project by the target groups if they are not involved fully from the onset
- v. Leakages of inputs and resources due to weak monitoring and accountability systems at the grass root level.
- vi. VMGs exclusion in the implementation and management of the project at all levels ( assuming them to be receipts ) limiting the chance of sustainability
- vii. Likely effects of dependence syndrome
- viii. Project sustainability after lapse of the six years

### **6.4. Proposed Mitigation Measures**

To avoid or minimize adverse impacts and, at the same time, ensure enhancement of benefits and full participation of the vulnerable groups, several measure shall the instituted including:

- The SEQIP project will ensure that all project design frameworks and consecutive processes and activities are disclosed in culturally appropriate and accessible manner using FPI-Consultation guidelines stipulated in this document;
- Ensure that VMGs and their organizations are fully incorporated in selection, design, and implementation process;
- Ensure coordinated attempt to equitably distribute project services
- SEQIP to undertake specific impact assessments of proposed project on the economic and social development of VMGs and dominant communities.
- SEQIP in collaboration with the identified VMGs should screen all subprojects for potential impacts.

- The project management should ensure outreach activities to VMGs to raise awareness on the importance of education for girls and boys for increased enrolment of VMG students at all levels

Table 4 presents a summary of the potential positive and negative impacts of each sub project investments under SEQIP. This will provide a basis for developing VMGP for each sub-component.

**Table 4. Summary of Strength, Opportunities, Risks and threats (SORT) Analysis**

Component	Positive Impacts(Strengths & Opportunities)	Negative Impacts(Risks and Threats)
<b>Component 1: Improving Quality of Teaching in Targeted Areas</b>		
<i>Subcomponent 1.1: Reducing teacher shortages</i>	<ul style="list-style-type: none"> <li>• Improved teacher competencies through Teacher Professional Development</li> <li>• Improved learning outcomes and student retention</li> <li>• Improved teacher-student contact hours</li> <li>• Equitable distribution of teachers across counties</li> <li>• Renewed confidence in public schools by parents.</li> <li>• Reduced truancy</li> </ul>	<ul style="list-style-type: none"> <li>• Inadequate facilities due to increased number of students</li> <li>• Shortage of teachers due to increased enrolment of students</li> <li>• Non availability of teachers in VMGs schools due to insecurity and hardship conditions</li> <li>• Inability of TSC to post qualified teachers to VMG schools</li> <li>• Inability of teachers in VMG schools to improve their competencies</li> <li>• Non-retention of qualified teachers in VMG schools</li> </ul>
<i>Subcomponent 1.2: Enhancing Teachers' Professional Development</i>	<ul style="list-style-type: none"> <li>• Improved quality of classroom instruction</li> <li>• Improved subject matter knowledge as well as in instructional methods (or pedagogical knowledge)</li> <li>• Improved teacher proficiency in the threekey areas - SME</li> <li>• Better transmission of content to students by teachers</li> <li>• Better teacher follow-up at the school levelby curricula support officers</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of skilled trainers for school-based teacher support</li> <li>• Inadequate coordination among the key institutions</li> <li>• Lack of electricity in VMG areas might delay implementation of school-based Teachers Support program as it is ICT based</li> </ul>
<i>Sub-component 1.3: Provision of Textbooks</i>	<ul style="list-style-type: none"> <li>• Adequate and relevant textbook stocks in schools</li> <li>• Establish school libraries and lending systems</li> <li>• Longer textbook life.</li> <li>• Ensures equitable distribution of textbooks.</li> <li>• Proficiency in Mathematics, English and</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of storage facilities will lead to shorter text book life</li> <li>• Inequitable distribution of textbooks to VMG schools Fear of frequent change of textbooks leading to schools holding textbooks that are not relevant</li> </ul>

	<p>Science and better learning outcomes by VMG students</p> <ul style="list-style-type: none"> <li>• An efficient centralized procurement system for purchasing and distributing textbooks</li> <li>• Better tracking and usage of textbooks through computerized textbook management support system.</li> </ul> <p>Efficient ordering, procurement, distribution and replacement process for textbooks.</p>	
<b>Component 2: Improve Retention in Upper Primary and Transition to Secondary in Targeted Areas</b>		
<i>Sub-component 2.1: Improve school infrastructure</i>	<ul style="list-style-type: none"> <li>• Better learning outcomes and improved retention in upper primary and transition to secondary</li> <li>• Better sanitation and hygiene in VMG schools</li> <li>• Improved school attendance</li> <li>• Improved personal hygiene and health.</li> <li>• Renovation/rehabilitation of dilapidated school infrastructure</li> <li>• Reduction in overcrowding in targeted schools</li> <li>• Better learning outcomes for students in Science, Maths and English.</li> <li>• Improved school image</li> <li>• Increased learner self confidence</li> </ul>	<ul style="list-style-type: none"> <li>• Exclusion due to stringent criteria for identification of VMG schools</li> <li>• Lack of ownership/support of the project by the target groups if they are not involved fully from the onset</li> <li>• Leakages of inputs and resources due to weak monitoring and accountability.</li> <li>• Rejection/Sabotage of the project by the VMGs due to their lack of involvement in the project management.</li> <li>• Labour influx may lead to social vices</li> <li>• Delay in implementing school improvement projects</li> </ul>
<i>Sub-component 2.2: Improve retention in upper primary and transition to secondary of poor and vulnerable students</i>	<ul style="list-style-type: none"> <li>• Motivation to attend school regularly and complete primary education.</li> <li>• Targeted advocacy will lead to reduction of negative cultural practices</li> <li>• Increased transition to secondary for poor and vulnerable students</li> <li>• Reduction in early marriages and pregnancy</li> </ul>	<ul style="list-style-type: none"> <li>• Student dropout from school due to delays in funds/kits disbursement</li> <li>• Nepotism in the selection of eligible candidates for the programs</li> <li>• Possibility of elite capture especially the scholarship program at the community and</li> </ul>

	High percentage of VMG students able to access education	<p>county levels thus excluding target groups</p> <ul style="list-style-type: none"> <li>• High drop-out rates of VMG students due to long distance to the nearest school</li> <li>• Dependency syndrome on aid</li> </ul>
<b>Component 3: System Reform Support</b>		
<i>Sub-component 3.1 Development and Introduction of a CBC</i>	<ul style="list-style-type: none"> <li>• Recognition of talent in the new education system</li> <li>• learner-focused learning as opposed to exam focussed</li> <li>• This curriculum appreciates individual student unique talents</li> <li>• Flexibility in instruction content delivery</li> <li>• New curriculum encourages participatory learning</li> <li>• Coaching support on curriculum content as well as pedagogy and formative assessment methodology will result in better trained teachers</li> <li>• Continuous monitoring, assessment and feed-back will result in smooth transition to new curriculum</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of knowledge/understanding of the Competency Based Curriculum by the stakeholders especially in the target areas</li> <li>• Lack of information on how the CBC will be rolled out</li> <li>• Fears that VMG schools are not well equipped in both resources and manpower to implement the CBC</li> <li>• Transition to the CBC might be hindered by shortage of qualified teachers and poor learning environment/facilities.</li> </ul>
<i>Sub-component 3.2. Strengthening of National System for Monitoring Learning Progress (MLP) and National Examination</i>	<ul style="list-style-type: none"> <li>• Reform of the current student assessment system</li> <li>• Standardized learning assessment tools</li> <li>• Wide range of test items</li> <li>• Ease of exam retrieval</li> <li>• Improved capacity to conduct national examinations</li> <li>• Institutionalizing the sample based national MLP</li> </ul>	<ul style="list-style-type: none"> <li>• Challenges with technology</li> <li>• Poor preparedness of teachers to handle new CBC</li> <li>• Lack of adequate time for teachers to receive training on the new CBC</li> <li>•</li> </ul>

## 7.0. FRAMEWORK FOR ENSURING FREE, PRIOR AND INFORMED CONSULTATION

### 7.1. Free, Prior and Informed Consultation

OP 4.10 requires that a process of free, prior, and informed consultation, with the affected vulnerable and marginalized group, of the potential positive and adverse effects of the project being undertaken. The chances that the proposed investments will result in significant adverse impacts for vulnerable and marginalized communities is minimal. However, the O.P 4.10 and good practice requires that the VMGs/PAPs be informed of the project and consulted prior to project implementation.

Free, prior and informed consultation (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 and how these activities occur.

This VMGF establishes an appropriate gender and inter-generationally inclusive framework that provides opportunities for consultation each stage of project preparation and implementation with the affected VMGs.

*Free and prior informed consultation of the vulnerable and marginalized communities will be conducted at each stage of the project, and particularly during project preparation, to fully identify their views and ascertain their broad community support for the project.*

### 7.2. Component Investment Screening

Screening of all the SEQIP investments will be a mandatory requirement prior to implementation to determine if vulnerable and marginalized people are included. This will be done to determine whether VMGs are present or have collective attachment to the project area. The screening will be carried out by social consultants hired by the Ministry of Education who are well versed with the social and cultural issues of the VMGs norms in the project area (see Annex 14.1).

It is important during the screening phase of the sub project implementation to carefully identify who will be adversely affected by the selected subprojects as it may not impact the entire group or it may impact non-vulnerable group living in their midst or parts of several different groups only some of which are vulnerable and marginalized.

#### **Box 1. The Elements of Free, Prior and Informed Consultation**

- Free – people are able to freely make decisions without coercion, intimidation or manipulation
- Prior – sufficient time is allocated for people to be involved in the decision-making process before key project decisions are made and impacts occur
- Informed – people are fully informed about the project and its potential impacts and benefits, and the various perspectives regarding the project (both positive and negative)
- Consultation – there are effective uses of consultation methods appropriate to the social and cultural values of the affected Indigenous Peoples' communities and their local conditions and, in designing these methods, gives special attention to the concerns of Indigenous women, youth, and children and their access to development opportunities and benefits.

Adapted from UN Permanent Forum on Indigenous Interests (UNPFII), the Tebtebba Foundation, the International Indian Treaty Council and others.

### 7.3. Preparation of Social Screening Form

The SEQIP/DPC&D Social assessment specialists will prepare the screening forms in collaboration with the executing agency for the specific component considered for implementation. A sample screening form is shown in annex 14.1. The OP 4.10 of the World Bank suggests “using the term ‘indigenous peoples’ in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

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

Therefore, during the screening exercise, while referencing the GOK recognition of VMGs, the above stated definition and characteristics of VMGs according to the Bank will be used to screen and determine if the VMGs meet the threshold for O.P 4.10. If the results show that there are VMGs in the zone of influence of the proposed component, a Social Assessment (SA)/analysis will be planned for those areas.

**Screening Criteria:** The SEQIP/DPC&D and Executing partners responsible for subproject preparation and implementation will visit all VMGs settlements near the selected subproject areas, which may be affected and influenced by the subproject components. Public meetings will be arranged in selected communities by the SEQIP/DPC&D with the VMGs and their leaders to provide them information and to seek their views on the subproject being undertaken.

During this visit, the screening team mentioned above will undertake screening of the VMGs with the help of the community leaders and local authorities. The screening will cover the following aspects:

1. Name(s) of VMGs in the area;
2. Total number of VMGs in the area;
3. Percentage of VMGs to that of total area/locality population
4. Number and percentage of VM households along the zone of influence of the proposed subproject.
5. Will a VMGPs be required if a subproject passes through any VMG?

If the results of the screening indicate the presence of VMGs in the zone of influence of the proposed sub project, a social assessment and VGMP will be undertaken for those areas

#### **7.4. Social Assessment Process**

A social assessment will be undertaken if the screen process undertaken by DPC&D concludes that VMGs are present in, or have collective attachment to the project area. The executing partner for the subproject will carry out a social assessment to evaluate the project's potential positive and adverse effects on the

The scope and type of analysis required for the social assessment will correspond to the nature and scale of the proposed sub project's potential adverse or positive effects on the Vulnerable and Marginalized Groups present in the project area. The DPC&D will prepare detailed Terms of Reference (ToR) for the social assessment study once it is determined that VMGs are present in the project area.

Where the project affects VMGs, the DPC&D will engage in free, prior, and informed consultation with them and will ensure that it;

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

The DPC&D will on the basis of social analysis and FPI Consultation proceed with respective sub-project after satisfying itself that the affected VMG communities provide their broad support to the project. Where such support will be provided, the DPC&D will prepare a detailed social assessment report which will be submitted to the World Bank for review.

#### **7.5. Methodology for Social Assessment**

##### **Combined Qualitative and Quantitative Analysis Method**

Quantitative analysis is preferred for complex social assessment analysis such as for population structure, educational level and socioeconomic indicators. Qualitative indicators that cannot be quantified should be analyzed and evaluated through a combination of qualitative and quantitative analysis, but primarily qualitative analysis. However, in this case the impacts are expected to be minimal and the social assessment/analysis will be in line with the scope of impacts identified and indeed will focus more on how to enhance coverage to more VMGs.

##### **Comparative Analysis Method**

The comparative analysis method is designed to find out the social profile of a project area in the absence of the project, and the impacts of the project on the area after its completion, thereby identifying the natures and degrees of different benefits and impacts.

**Stakeholder analysis method**

The stakeholder analysis method identifies different stakeholders involved in the project and prepares a stakeholder table, detailing expectations for the Project roles and responsibilities for successful project implementation.

**Participatory assessment**

Participatory assessment is a process of building partnerships all stakeholders in in a social assessment by promoting meaningful participation through structured dialogue. The key points include listening to all stakeholders' opinions respecting all participants, showing interests in their knowledge, speeches and behaviors, and encouraging them to share their knowledge and ideas.

## **Other Methods**

A number of data analysis tools and methods may be used in undertaking SA, including: a) socioeconomic survey; b) institutional analysis; c) social gender analysis; d) social impact analysis; e) poverty analysis; and f) social risk assessment.

### **7.5.1. Survey/Data Gathering Methods**

The process of gathering baseline information on education, employment, demographic social, cultural, and political characteristics of the affected VMGs, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend will be through a *participatory rural appraisal mapping exercise* involving the VMGs in the proposed project investment area.

Mapping the community resources where the project investments are targeted will determine the sphere of influence, how the vulnerable and marginalized communities utilize the said resources so as identify how project can enhance utilization of these resources.

Regarding customary rights of VMGs to use of common resources, the mapping will provide information on (i) location and size of the area and condition of resource, (ii) primary users, including those that belong to VMGs that currently use or depend on these common resources, (iii) secondary users and the types of uses they make, (iv) the effects of these uses on the VMGs, and (vi) mitigation measures of adverse impacts if any.

The following survey methods should be used mainly in SA of the VMGs:

**Literature review:** is intended to learn the history and background of the project, and the social and economic development of each project area, which is an important basis for in-depth field survey. The SA team should collect feasibility study reports, plans and other documents related to the Project according to the Bank policies of Indigenous People.

1. **Statistics:** social and economic development statistics of the sub project area; census and sampling population survey data; statistics on social relief.
2. **Review of Legal Framework:** A review, on a scale appropriate to the project, of the legal and institutional framework applicable to VMGs.
3. **Focus Group Discussions (FGD):** Should be held with officials and technicians of competent authorities aimed to learn their attitude to, ideas and suggestions for the project.

### **7.5.2. Stakeholder Identification**

All the interested and affected stakeholders will be identified through a culturally appropriate process for consulting with the VMGs at each stage of project preparation and implementation. A stakeholder mapping exercise will be conducted for each of the proposed investment where there is a likelihood of VMGs being affected and the stakeholder mapping process will ensure that all the interested and affected stakeholders are identified and included in the social assessment process including impact identification and mitigation.

### **7.5.3. Stakeholder Consultation**

The stakeholders in collaboration with the agencies within DPC&D implementing the project will facilitate and arrange for consultative meetings with VMGs. These meetings will be conducted based on free and prior information about the proposed project and the stakeholders will also be informed about the potential adverse impacts of the project on the VMGs.

Such consultation will include use of indigenous languages, articulation by VMGs of their views and preferences and allowing time for consensus building. Representatives of the Vulnerable and Marginalized Groups in collaboration with the local administration in the sub project area will select a venue that is considered appropriate by all the parties.

Engagement will be based on honest and open provision of information, and in a form that is accessible to VMGs. Engagement will begin at the earliest possible stage, prior to substantive on-the-ground activity implementation.

Good practice community engagement, in the context of Vulnerable and Marginalized Groups and projects, will aim to ensure that:

- Vulnerable and Marginalized Groups have an understanding of their rights
- Vulnerable and Marginalized Groups are informed about, and comprehend the full range (short, medium and long-term) of social impacts – positive and negative – that can result from the proposed investment
- Any concerns that Vulnerable and Marginalized Groups have about potentially negative impacts are understood and addressed by SEQIP and the Executing Agencies
- Traditional knowledge informs the design and implementation of mitigation strategies and is treated respectfully
- There is mutual understanding and respect between the SEQIP/DPC&D and the Vulnerable and Marginalized Groups as well as other stakeholders
- Vulnerable and Marginalized People aspirations are taken into account in project planning so that people have ownership of, and participate fully in decisions about, community development programs and initiatives
- The project has the broad, on-going support of the Vulnerable and Marginalized Groups
- The voices of all in the Vulnerable and Marginalized Groups are heard; that is, engagement processes are inclusive.

## **7.6. Strategies for Inclusion of Women and Youth**

While it is important to acknowledge that there are major achievements made in two-third gender and PWDs inclusivity, it should not automatically be assumed that public projects will achieve the two thirds rule. Therefore deliberate efforts need to be put in place to ensure participation of all. In particular, the SEQIP/DPC&D and its executing partners need to be sensitive to the exclusion of women and young people in the decision-making process.

During the Social Assessment, where it is determined that traditional decision-making structures exclude women and younger people, it may be necessary to obtain input from these groups by less direct means (for example, and where possible, via community needs surveys and baseline studies, or through informal discussions with small groups).

## **7.7. Impact Identification Including Long Term**

The assessment of project beneficial and adverse impacts will be conducted based on free, prior, and informed consultation, with the affected Vulnerable and Marginalized Groups (VMGs). The determination of potential adverse impacts will entail an analysis of the relative vulnerability of, and risks to, the affected VMGs given their distinct circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to other social groups in the communities or counties in which they live.

## **7.8. Determination of Mitigation Measures**

The identification and evaluation, based on free, prior, and informed consultation with the affected VMGs, of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that the VMGs receive culturally appropriate benefits under the project will be conducted in a participatory manner. Mitigation measures may involve compensation as well and typical mitigation actions or compensations

## **7.9. Capacity Building**

During the vulnerable and marginalized peoples 'orientation and mobilization process, the interest, capacity and skills of the VMGs and their institutions, CBOs and NGOs, including social screening, will be assessed. If required the VMGF will propose the provision of training for the VMGs in among others resource mapping, record keeping, basic account keeping and monitoring and evaluation.

The staff within the SEQIP/DPC&D will provide training for the partner implementing agencies in social assessment, implementation of the VMGF with special attention to developing their knowledge on VMGF background, history and areas of concern as well as their skills for community orientation, free, prior and informed consultative planning, PRA tools and techniques.

## **7.10. Bank Decision on Sub Project Investments**

In deciding whether to proceed with the project, the SEQIP/DPC&D will then ascertain, on the basis of the social assessment and the free, prior, and informed consultation, whether the affected VMGs' provide their broad support to the project. Documentation of broad community support will be provided by minutes prepared from all meetings held with the VMGs. The minutes will be verified and

authenticated by community representatives. Where there is such broad community support, the SEQIP/DPC&D will prepare and submit to the Bank a detailed report (Vulnerable and Marginalized Groups Framework) that documents:

- 1) The findings of the social assessment/analysis
- 2) The process of free, prior, and informed consultation with the affected VMGs;
- 3) Measures, including project design modification, that may be required to expand access to or address adverse effects on the VMGs' and to provide them with culturally appropriate project benefits;
- 4) Recommendations for free, prior, and informed consultation with and participation by VMGs during project implementation, monitoring, and evaluation; and
- 5) Any formal agreements reached with VMGs'.

The Bank reviews the process and the outcome of the consultation carried out by the SEQIP/DPC&D to satisfy itself that the affected VMGs have provided their broad support to the project. The Bank will pay particular attention to the social assessment and to the record and outcome of the free, prior, and informed consultation with the affected VMGs' as a basis for ascertaining whether there is such support.

#### **Who Conducts the SA**

The social assessment (SA) will be undertaken by the social experts from SEQIP/DPC&D. The TOR for the work will be shared with World Bank for clearance. The SA consultants will gather relevant information from separate group meetings: Discussions will focus on sub-Project impacts, positive and negative; and recommendations for design of sub-Project. The social consultants will be responsible for analyzing the SA, and providing the necessary recommendation on involvement of VMGs and ways to ensure they benefit from the project.

## **8.0. STRATEGY FOR PARTICIPATION AND CONSULTATION WITH VULNERABLE AND MARGINALISED GROUPS**

Participation of VMGs in selection, design and implementation of the project components will largely determine the extent to which the VMGF objectives would be achieved. To ensure benefits have as wide a reach as possible and where adverse impacts are likely, the SEQIP/DPC&D will undertake prior and informed consultations with the likely affected VMGs and those who work with and/or are knowledgeable of VMGs' development issues and concerns. To facilitate effective participation, the VMGF will follow a timetable to consult VMGs at different stages of the Project program cycle, especially during preparation and implementation of the VMGFs. The primary objectives would be to examine the following:

- To seek their inputs/feedback on how to maximize benefits, accessibility and how to avoid or minimize the potential adverse impacts associated with the project;
- Identify culturally appropriate impact mitigation measures; and
- Assess and adopt education opportunities, which the SA could promote to complement the measures required to mitigate the adverse impacts.

Consultations will be carried out broadly in two stages. First, prior to final selection of any project component located in an area inhabited by VMGs. The SEQIP/DPC&D will consult the VMGs about the need for and the probable positive and negative impacts associated with the project execution. Second, prior to detailed impact assessment, to ascertain how the VMGs in general perceive the project and gather any inputs/feedback they might offer for better outcomes. This will eventually be addressed in VMGF and inform the design of the project.

The VMGFs communication strategy will;

- Facilitate participation of VMGs with adequate gender and generational representation; Youth leaders, customary/traditional VMG organizations; community elders/leaders; and civil society organizations, CBOs and FBOs on VMGs development issues and concerns.
- Provide them with relevant information about the project components, including that on potential adverse impacts, organize and conduct the consultations in manners to ensure free expression of their views and preferences.
- Document details of all consultation meetings, with VMGs perceptions of the proposed project and the associated impacts, especially the adverse ones and any inputs/feedbacks offered by VMGs; and an account of the broad community support by VMGs.

The SA will examine the detailed impacts at an individual and community levels, with a particular focus on the adverse impacts perceived by VMGs and the probable (and feasible) mitigation measures. To ensure continuing informed participation and more focused discussions, the communication strategy will provide affected VMGs with the impact details of the proposed project. Consultations will cover topics/areas concerning cultural and socioeconomic characteristics, as well as what VMGs consider

important. Consultations will continue throughout the preparation and implementation period. Consultation stages, probable participants, methods, and expected outcomes are suggested in the VMGs consultation matrix shown in Table 5.

**Table 5. Indicative VMGs Consultation Matrix**

Consultation Stage	Consultation Participants		Consultation Method	Expected Outcome
	Project Authority	VMGs Community		
Inspection & ground validation of existing and location/sites for projects	SEQIP/DPC&D, Social Scientist consultant and other stakeholders	VMGs, including Youth leaders ,CBOs, FBOs VMGOs and community leaders/elders	Open discussions forums, interviews, visits to planned subproject locations& VMG settlements	Evidence-based evaluation of VMGs’ awareness of potential social benefits and risks and attainment of all-inclusive support for the project
Screening of the planned project components	SEQIP/DPC&D, Social Scientist consultant and other stakeholders	VMGs, including likely affected VMGS,VMGOs community leaders/elders, youth and opinion leaders	Open discussion forums, FGDs, spot interviews, etc.	Determination of project impacts & related issues, feedback from intended project beneficiaries
Detailed analysis of risks and benefits, together with the concurrence conditions as articulated by the community	SEQIP/DPC&D, Social Scientist consultant and other stakeholders and experts knowledgeable in VMG issues	VMGs, VMGOs, organizations, key informants Community leaders	Structured interviews;; hotspot discussion, FGDs	Specific views on project negative or positive impacts/risks and feedback on possible mitigation options and alternative development measures
Social analysis	SEQIP/DPC&D, Social Scientist consultant and other stakeholders	VMGs Individuals households	Survey/ Questionnaires administration	Contributions to the VMGF , and Determination of issues that could be integrated in the project design
Preparation components of projects and VMGF	SEQIP/DPC&D, Social Scientist consultant and other stakeholders	VMGs, VMGOs, Community leaders/elders, disadvantaged VMGs	Group consultation and discussions forums, KII etc.	Preparation of VMGF , and incorporation of SA inputs into project design
Implementation	SEQIP/DPC&D, Social Scientist consultant and other stakeholders	Youth leaders ,VMGs, VMGOs, Community leaders/elders	Monitoring committees	successful implementation of VMGF Decision making and better resolution developed
M&E	SEQIP/DPC&D, Social Scientist consultant, NGOs & CBOs	VMGs/VMGOs Youth leaders, elders and NGOs/CBOs working in the project	Formal participation in review and implementation of	Resolution, implementation of issues, Feedback on VMGF effectiveness

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

1. The project should explore how to accommodate the most vulnerable and destitute of the VMGs.
2. Encourage VMGs to get involved in various project designing, planning, implementation activities in the project through arranging related training.
3. Assist VMG youth to develop their capacity and capability to enable them to participate in proposed project components;
4. Ensure adequate resources and technical support for the implementation of the action plan for VMGs.
5. At all stages culturally appropriate communication methods (verbal and nonverbal, in local language) should be used to ensure meaningful consultation.

Once the VMGs are identified in the project area, the VMGFs will ensure mitigation of any adverse impact of the project. The project components should ensure benefits to the VMGs by providing (in consultation with the VMGs themselves) opportunity to get them involved in various sub-project investments.

The following issues need to be addressed during the implementation stage of the project;

- Provision of an effective mechanism for monitoring implementation of the VMGF;
- Development of accountability mechanism to ensure the planned benefits of the project are received by VMGs;
- Ensuring appropriate budgetary allocation of resources for the VMG development .
- Provision of technical assistance for sustaining the VMGF;
- Ensure that VMGs traditional social organizations, cultural heritage, traditional political and community organizations are protected

## **9.0. GRIEVANCES REDRESS MECHANISM**

### **9.1. The Need for Grievances Redress Mechanism**

Vulnerable and Marginalized Groups should be provided with access to mechanisms that are legitimate, reliable, transparent, and cost-effective to enable them to present their grievances and find solutions that satisfy their concerns. Setting up appropriate grievance redress mechanisms to address community concerns, prevent adverse consequences and risks. It also enables VMGs grievances to be resolved at the lowest level, without allowing them to escalate into unmanageable levels.

Vulnerable and marginalized local communities and stakeholders may raise a grievance at all times to the SEQIP/DPC&D and the executing agencies about any issues covered in this framework and the application of the framework. The VMGs should be informed about this possibility and contact information of the respective organizations at relevant levels should be made available. These arrangements should be described in the project-specific frameworks and VMGPs along with the more project-specific grievance and conflict resolution mechanism. Many of the factors that may give rise to conflict between VMGs and proposed projects can be a source of conflict with non-VMGs as well. These include, for example:

- Inadequate engagement or decision-making processes
- Inequitable distribution of benefits
- Broken promises and unmet expectations of benefits
- Failing to generate opportunities for employment, training, supply or community development
- Environmental degradation
- Disruption to amenity and lifestyle
- Loss of livelihood
- Violation of human rights
- Social dislocation
- Historical grievances not being adequately addressed.

Other factors that may affect the VMGs and their relations with project investments include for example, a lack of respect (perceived or actual) for indigenous customary rights or culture, history and spirituality, is likely to trigger a strong reaction. Similarly, issues around access to and control of land and the recognition of sovereignty are very important for many VMGs and can lead to serious conflict if they are not handled sensitively and with due respect for the rights of affected groups.

A clear time schedule will be defined for resolving grievances, ensuring that they are addressed in an appropriate and timely manner, with corrective actions being implemented if appropriate and the complainant being informed of the outcome. The grievance procedure will be simple and will be administered as far as possible, at the project level by the relevant institutions and partners. However the grievance procedure does not replace existing legal processes and if it fails to provide a result, complainants can still seek legal redress.

## **9.2 Grievance Redress Process**

All sections of the community where a project investment is identified, including those with low levels of literacy, should be able to access the grievances mechanism easily. The SEQIP/DPC&D should facilitate access by maintaining and publicizing multiple access points to complaint mechanisms, such as at the project site and in key locations within communities.

The procedure of grievance redress will be incorporated in the project information pamphlet to be distributed prior to implementation. Participatory consultation with affected households will be undertaken during project planning and implementation stages.

SEQIP/DPC&D will establish a mechanism to receive and facilitate resolution of affected VMGs concerns, complaints, and grievances about the projects' safeguards performance at each subproject having VMGs impacts, with assistance from Non-Governmental Organisations (NGO).

## **9.3. Establishment of Grievance Redress Committee**

A Grievance Redress Committee will be established at the project area once it has been determined that VMGs are present in an area. A Grievance Redress Committee (GRC) will be formed for each project with involvement of VMGs representative and local stakeholders. The GRC will comprise the following representatives;-

1. County Administrator/
2. Representative from MoE
3. Representative of CBOs/NGOs active in the area
4. Representative of the VMGs
5. Government ministries representatives
6. Consultants (social specialists)

The GRCs are to be formed and activated during the VMGPs implementation process to allow VMGs sufficient time to lodge complaints and safeguard their recognized interests. Assistance to VMGs will be given to document and record the complaint, and if necessary, provide legal services to address the grievances. The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the law courts for resolution.

Attempts will be made to ensure that all disputes in communities are solved by the traditional leaders via the GRC after a thorough investigation of the facts using the services of his officials. The traditional dispute resolution structures existing for each of the VMGs will be used as the first step in resolving grievances.

Marginalized and vulnerable communities will be provided with a variety of options for communicating issues and concerns, including in writing, orally, by telephone, over the internet or through more informal methods as part of the grievance redress mechanism. In the case of marginalized groups (such as women and young people), a more proactive approach may be needed to ensure that their concerns have been identified and articulated. This will be done through an independent intermediary. Where a third party mechanism is part of the procedural approach to handling complaints, one option will be to

include women or youth as representatives on the body that deals with grievances. Access to the mechanism is without prejudice to the complainant's right to legal recourse. Prior to the approval of individual VMGPs, all the affected VMGs will have been informed of the process for expressing dissatisfaction and seeking redress. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency.

How conflicts and disagreements are interpreted and handled is shaped by culture, both indigenous and corporate. For this reason, it is very important that the SEQIP/DPC&D understand the cultural preferences that VMGs have for dealing with disputes.

#### **9.4. Use of Alternative Dispute Resettlement Mechanisms**

The traditional dispute resolution structures existing for each of the VMGs will be used as the first step in resolving grievances. All attempts would be made to settle grievances.

#### **9.5. Further Redress-Kenya Court of Law**

All the grievances that will not be resolved by the GRC or which the VMGs are dissatisfied with in terms of resolution will be channelled to the existing structures in Kenya for handling grievances which is the Kenyan Courts of Law as the last resort.

#### **9.6. Complain Pattern**

If a complaint pattern emerges, SEQIP/DPC&D and County administrations, with the traditional leaders will discuss possible remediation. The local leaders will be required to give advice concerning the need for revisions to procedures. Once they agree on necessary and appropriate changes, then a written description of the changed process will be made. SEQIP/DPC&D, County administrations and the traditional leaders and representatives will be responsible for communicating any changes to future potential PAPs when the consultation process with them begins.

In selecting a grievance structure, the VMGs should take into account their customary dispute settlement mechanisms, the availability of judicial recourse and the fact that it should be a structure considered by all stakeholders as an independent and qualified actor.

The aim will be to integrate both indigenous and corporate ways of resolving problems into the complaints mechanism. Systems and procedures must adequately reflect VMGs preferences for direct or indirect interaction, negotiation, debate, dialogue, and application of indigenous traditional management and/or ceremony, with external agents to ensure mutually acceptable processes and outcomes.

Where a project investment is dealing with more than one VMG, there may well be multiple culturally appropriate methods for dealing with problems by different interests. It is therefore highly desirable to utilize processes that focus on dialogue, building cross-cultural understanding and through this, finding mutually agreeable solutions. Such approaches are more equitable and, on a practical level, are more likely to facilitate viable, long-term resolution of community issues and concerns.

#### **9.7. Grievance Log**

##### **Documentation and Recording**

Documentation of complaints and grievances is important, including those that are communicated informally and orally. These should be logged, assessed, assigned to an individual for management, tracked and closed out or “signed off” when resolved, ideally with the complainant(s) being consulted and informed where appropriate of the resolution. Provision should also be made for confidentiality of information or anonymity of the complainant(s) whenever necessary.

A grievance log will be established by the SEQIP/DPC&D and copies of the records kept with all the relevant authorities at the County, Sub County and Village level and will be used in monitoring of complaints and grievances.

In each project investment, SEQIP/DPC&D will appoint a VMGs/Project Liaison Officer (PLO) who will ensure that each complaint has an individual reference number, and is appropriately tracked and recorded actions are completed. The log also contains a record of the person responsible for an individual complaint, and records dates for the following events:

- Date the complaint was reported;
- Date the grievance log was uploaded onto the project database;
- Date information on proposed corrective action sent to complainant (if appropriate);
- The date the complaint was closed out; and
- Date response was sent to complainant.

### **Responding to Complaints**

Once parties agree on the way forward, an action plan should be formalized and implemented.. Effective responses will also include engagement with parties involved to ensure that the response continues to be appropriate and understood. Communities should also be advised of the close-out of the issue and what has been done to achieve it. This feedback provides an opportunity for SEQIP to demonstrate that it has addressed the issue as well as confirming that the community considers the response satisfactory and the matter closed.

### **Understanding Root Causes**

Although it is not always possible to identify root causes, some issues will warrant deeper analysis in order to better understand the issue and avoid its further escalation. In the absence of a tailored methodology for analysing community-related disputes and grievances, these methods may be adapted to guide this analysis. Funding will be allocated in during the preparation of each VMGP to support community-based research to highlight the VMGs perspective, which could further provide a deeper understanding of the causes of conflict.

### **9.8. Monitoring Complaints**

Effective monitoring may also help to prevent the escalation of lower-level disputes into more serious conflicts. Information related to monitoring of the VMGPs will be gathered through various channels, such as formal review, evaluation and analysis or through day-to-day interaction with VMGs. Monitoring will help determine the effectiveness of processes for responding to community concerns. The outcomes of monitoring should be reported formally to the community on a regular basis, in

addition to being used for internal management purposes. The VMGs/Project Liaison Officer for each project will be responsible for:

- Providing the project investment reports detailing the number and status of complaints;
- Any outstanding issues to be addressed; and
- Monthly reports, including analysis of the type of complaints, levels of complaints, and actions to reduce complaints.

## **10.0. MONITORING AND REPORTING ARRANGEMENTS**

Monitoring and Evaluation (M&E) are fundamental components of projects involving affected communities. Monitoring should be participatory and include the monitoring of beneficial and adverse impacts on Indigenous peoples within project impact areas. M&E should be based on free, prior and informed consultation with the VMGs who should play an integral role in its implementation. All monitoring activities will principally remain the responsibility of the SEQIP/DPC&D and will also be responsible for compiling the data and auditing for completeness of the records.

The overall goal of the M&E process for the Vulnerable and Marginalized Groups Plan is to ensure that:

- Effective communication and consultation takes place;
- Reporting of any grievances that require resolution;
- Document the performance of the SEQIP as regards the VMGs; and allow program managers and participants to evaluate whether the affected VMGs have maintained their rights, culture and dignity and that they are not worse off than they were before the project.

The specific objectives of evaluation will include:

1. An assessment of the compliance of activities undertaken in relation to the objectives and methods identified in the VMGF;
2. An assessment of the consultation procedures that have taken place at the community and individual level;
3. An assessment on whether the affected communities have had access to mitigation activities;
4. The occurrence of grievances and extent of resolution of disputes;
5. An evaluation of the impact of the Project on income and standard of living within the communities; and
6. Identification of actions that can improve the positive impact of the Project and mitigate potential negative impacts.

The VMGPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. The SEQIP/DPC&D will institute an administrative reporting system that will:-

- Provide timely information about all grievances arising as a result of SEQIP activities;
- Identify any grievances that have not been resolved at a local level and require resolution through the involvement of the SEQIP/DPC&D;
- Document the timely completion of project obligations for all vulnerable and marginalized peoples grievances;

The M&E reports for each project investment will be prepared by SEQIP/DPC&D each year and presented to VMGs for feedback etc., before being handed over to the VMGF-committees at district or county level for discussion and prepare recommendations on how to fine-tune the VMGP. There will be a project steering committee, which will be established for each project where VMGs are involved and a representative of the VMGs will sit in this committee. The M&E report will be submitted to this committee for review and then submitted to the World Bank. Every year an independent external

evaluation will be carried out to further cross check the quality of and to guarantee that the indigenous peoples' dignity, human rights, economies, and cultures are respected by the SEQIP/DPC&D, that all decisions which affect any of these are based on the free, prior, and informed consultation with the indigenous peoples, that the indigenous peoples receive social and economic benefits that are culturally appropriate and gender and inter-generationally inclusive, that adverse effects on the indigenous peoples' communities are, as much as possible, avoided, and if this was according to the VMGF project committees not feasible, minimize, mitigate, or compensate in a culturally appropriate manner, based on broad support by the indigenous peoples' communities.

### **10.1. Participatory Impact Monitoring**

The monitoring and evaluation of the VMGF implementation as well as the implementation of the projects in the operational areas inhabited by VMGs is an important management tool, which should include arrangements for the free, prior, and informed consultations with the affected VMGs. The implementation of the participatory impact monitoring (PIM) at district or county level will be an important element to assist the various structures to fine-tune their intervention in view to maximize culturally appropriate benefits and provide space for the indigenous peoples' communities to voice their concerns.

The PIM will be based on the data gathered by the screening process/social assessments, the organizations of the VMGs, the relevant governmental structures (lands, forests, development and social) at county or district level etc. The organizations representing the VMGs will play a key role as facilitator of the PIM process and the selection of the facilitators will be the decision of the communities, but it is advised to choose people who are able to elaborate on the basis of the PIM reports, which reflect the situation on the ground in a transparent and plausible way.

The DPC&D, within the MoE with the mandate of preparing and managing externally-funded projects, will be directly responsible for SEQIP implementation, management, coordination, monitoring and evaluation. The DPC&D will (i) carry out the required monitoring and evaluation and third party verification as required; (ii) facilitate bi-annual joint supervision missions undertaken by the Bank and provide necessary documents for the missions.

The DPC&D will also support and finance hiring of qualified agencies/institutions, both public and private, to carry out independent verification and evaluations. Some of the key assessments, evaluation and verifications are: (i) bi-annual assessment (by KNEC) of learning achievements at grade seven and Form One based on learning standards; (ii) independent verification of the scholarship program; (iii) Independent verification of teachers' deployment on targeted schools; and (iv) any other evaluation recommended by the joint review missions and the Project Steering Committee

**Table 6. Monitoring and Evaluation Indicators for SEQIP/VMGF**

Issues	Indicator	Responsibility	Data Sources
Capacity Building for implementation of VMGF	Number of individuals & institutions trained	SEQIP/DPC&D	workshop reports
Vulnerable and Marginalized Groups Orientation and Mobilization	Number of VMGs meetings; Number of VMGs sensitized	SEQIP/DPC&D Vulnerable and Marginalized Groups Organizations/Elders	Reconnaissance studies
Consultations with Vulnerable and Marginalized Groups:	Number of PRA/RRA Attendance of PRA/RRA Acceptable PRA reports by VMGs	SEQIP/DPC&D Vulnerable and Marginalized Groups Organizations	RRA reports PRA reports
Mapping of community resources critical to VMGs	Level of VMGs participation Reports verified and accepted by VMGs	SEQIP/DPC&D Vulnerable and Marginalized Groups Organizations	Baseline survey reports Community transect reports
Full involvement of VMGs and mitigation measures	Screened and implemented projects	SEQIP/DPC&D Vulnerable and Marginalized Groups Organizations	SEQIP reports
Capacity Building	Types of training Number of Trainings Attendance by VMGs	SEQIP/DPC&D Vulnerable and Marginalized Groups Organizations	Training reports
Full representation of VMG in making decisions	Meetings held by VMG leaders, VMGs issues addressed	SEQIP/DPC&D Vulnerable and Marginalized Groups Organizations	Sub County Level and National Steering Committee reports VMGO reports
VMG involvement in M&E	M&E (Both internal & external)	Vulnerable and Marginalized Groups Organizations SEQIP/DPC&D	M& E Reports Ministry of Education , and other implementing Agencies

## 11.0. DISCLOSURE ARRANGEMENTS FOR VMGF

This VMGF was disclosed in-country by the client on Friday 30, June 2017 in KICD. The workshop was attended by 63 participants drawn from the following counties: Nairobi, West Pokot, Kwale, Laikipia, Wajir, Turkana, and HomaBay. The VMG communities who attended include: Sengwer, Dorobo, Ogiek, and Yaako. The communities had also youth representation, NGOs who worked for them in developmental aspects (See Annex 14.8 attendance list for the Disclosure including the comments, questions raised and answers provided during the disclosure workshop). The MoE also endeavoured to make available the VMGF to the affected VMGs and all relevant stakeholders in an appropriate form, manner, and language through an appropriate platform including disclosing it in the e-government (link ....) on July ....., 2017. Likewise the sub project VMGPs will be disclosed and made available to the affected VMGs and all relevant stakeholders in an appropriate form, manner, and language through stakeholder workshops when they become due. As soon as the Bank accepts the documents that it is providing an adequate basis for project appraisal, the Bank will avail them to the public in accordance with Bank Policy on Disclosure of Information.

Each subproject VMGP will be disclosed to the affected VMGs with detailed information of the subproject. This will be done through public consultation and made available as brochures, leaflets, or booklets, using local languages. Summary of the VMGP will be made available in hard copies and in language at: Offices of the MoE; Sub County or County Office; and any other local level public offices.

## 12.0. BUDGET FOR VMGP IMPLEMENTATION

The administrative costs for survey, social assessment, and preparation of the VMGF will be financed under the Project. The implementation cost for the individual VMGPs will also be incorporated in the project cost. Additional costs to specifically cater for VMGs include; hire of a social scientist or VMGs Consultant to screen VMGs and prepare the VMGF, implementation of FPIC including mobilization, translation of reports, and special focus meetings and capacity building for project staff dealing with social issues including staff at district level.

At this stage, it is not possible to estimate the exact number of VMGs who may be affected under SEQIP since the technical designs and details of all investments have not yet been finalized. It is therefore not possible to provide an estimated budget for the total cost of VMGF that may be associated with SEQIP implementation.

**Table 7. Indicative Budget**

Indicative Budgetary Item		Amount (USD)
1	Hire of Social Safeguard Expert	50,000.00
2	Stakeholders / consultation forums on VMGP social assessment	50,000.00
3	Vetting of VMGPs	30,000.00
4	Preparation of VMGPs	50,000.00

5	Continuous capacity building (teachers, BOM, PTA, BOG, Implementing agencies),	50,000.00
3	Monitoring and evaluation studies on the implementation of VMGPs	50,000.00
4	Third party evaluation of project implementation (Bi-annual)	50,000.00
5	Contingencies	20,000.00
<b>Total</b>		<b>350,000.00</b>

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**14.0. ANNEXES**

**14.1. Social Screening Form**

**14.2. Proposed Pupils'/Students' screening Form**

### 14.3. Contents of Vulnerable and Marginalized Groups Framework

<b>OP 4.10, Indigenous Peoples Planning Framework</b>	<b>These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.</b>
<p>1. The Indigenous Peoples Planning Framework (IPPF) sets out:</p> <ul style="list-style-type: none"><li>(a) The types of programs and subprojects likely to be proposed for financing under the project.</li><li>(b) The potential positive and adverse effects of such programs or subprojects on Indigenous Peoples.</li><li>(c) A plan for carrying out the social assessment for such programs or subprojects.</li><li>(d) A framework for ensuring free, prior, and informed consultation with the affected Indigenous Peoples' communities at each stage of project preparation and implementation (see paragraph 10 of this policy).</li><li>(e) Institutional arrangements (including capacity building where necessary) for screening project-supported activities, evaluating their effects on Indigenous Peoples, preparing IPPs, and addressing any grievances.</li><li>(f) Monitoring and reporting arrangements, including mechanisms and benchmarks appropriate to the project.</li><li>(g) Disclosure arrangements for IPPs to be prepared under the IPPF</li></ul>	

#### **14.4. Sample terms of reference for developing a VMGP**

Note: the VMGF will be developed in detail commensurate with the impacts. Minimal adverse impacts are anticipated and VMGF s will focus on how to broaden reach of benefits to VMGs.

##### **A. Executive Summary of the Vulnerable and Marginalized Groups Plan**

This section should concisely describe the critical facts, significant findings, and recommended actions.

##### **B. Description of the Project/Background Information**

This section provides a general description of the project; discusses project components and activities that may bring impacts on indigenous people; and identify project area.

The ToR should provide pertinent background for preparing the VMGF. This would include a brief description of:

- Statement of the project objectives,
- Implementing agency/sponsor and their requirements for conducting a VMGF ,
- Project components, especially those that will finance subprojects;
- Anticipated types of subprojects/components, and what types will not be financed by the project;
- Areas of influence to be assessed (description plus good map)
- Summary of environmental/social setting
- Applicable Bank safeguards policies, and consequent Project preparation requirements.

The ToR should also include a brief history of the project, including alternatives considered, its current status and timetable, and the identities of any associated projects. Also include a description of other project preparation activities underway (e.g., legal analysis, institutional analysis, social assessment, baseline study).

##### **C. Social Impact Assessment**

This section should among others entail:

(i) Review of the legal and institutional framework applicable to indigenous people in the project context where relevant.

(ii) Provide baseline information on the demographic, social, cultural, and political characteristics of the affected Vulnerable and Marginalized Groups (VMGs); the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.

(iii) Identify key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with VMGs at each stage of project preparation and implementation, taking the review and baseline information into account.

(iv) Assess, based on meaningful consultation with the affected indigenous people's communities, the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected

indigenous people's communities given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live.

(v) Include a gender-sensitive assessment of the affected VMGs perceptions about the project and its impact on their social, economic, and cultural status.

(vi) identify and recommend, based on meaningful consultation with the affected indigenous peoples communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that the indigenous peoples receive culturally appropriate benefits under the project.

### **Information Disclosure, Consultation and Participation**

This section of the ToR should:

(i) Describe the information disclosure, consultation and participation process with the affected VMGs that was carried out during project preparation;

(ii) Summarize their comments on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design;

(iii) in the case of project activities requiring broad community support, document the process and outcome of consultations with affected indigenous people's communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;

(iv) Describe consultation and participation mechanisms to be used during implementation to ensure indigenous people's participation during implementation; and

(v) Confirm disclosure of the draft and final VMGF to the affected VMGs.

### **E. Beneficial Measures**

This section should describe and specify the measures to ensure that the VMGs receive social and economic benefits that are culturally appropriate, and gender responsive.

### **F. Mitigation Measures**

This section should specify the measures to avoid adverse impacts on indigenous people; and where the avoidance is impossible, specifies the measures to minimize mitigate and compensate for identified unavoidable adverse impacts for each affected indigenous people groups.

### **G. Capacity Building**

This section should provide measures to strengthen the social, legal, and technical capabilities of (a) government institutions to address indigenous people's issues in the project area; and (b) indigenous people's organizations in the project area to enable them to represent the affected indigenous peoples more effectively.

### **H. Grievance Redress Mechanism**

This section should describe the procedures to redress grievances by affected indigenous people's communities. It also explains how the procedures are accessible to VMGs and culturally appropriate and gender sensitive.

### **I. Monitoring, Reporting and Evaluation**

This section should describe the mechanisms and benchmarks appropriate to the project for monitoring, and evaluating the implementation of the VMGF. It also specifies arrangements for participation of affected indigenous people in the preparation and validation of monitoring, and evaluation reports.

### **J. Consulting Team**

The general skills required of VMGF team are: Social Specialist or Anthropologist, Stakeholder engagement specialist, Community Development expert.

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

The ToR should specify what services, facilities and materials will be provided to the Consultant by the World Bank and the Borrower, for example:

1. The Project ISDS and draft PAD;
2. Relevant background documentation and studies;
3. Example VMGF s that demonstrate best practice, especially from the region or country;
4. Making all necessary arrangements for facilitating the work of the Consultant and to provide access to government authorities, other Project stakeholders, and Project sites.

### **L. Schedule and Deliverables**

Specify dates for the consultancy deliverables (e.g. detailed work plan within 2 weeks, interim report within 7 weeks, and final draft report within 10 weeks of contract signature), and the overall duration of the consultancy (e.g. 15 weeks from contract signature).

### **M. Technical Proposal Contents**

The ToR should require a technical proposal that at least:

- Demonstrates that the Consultant understands the overall scope and nature of the VMGF preparation work, and what will be required to respond satisfactorily to each component of the ToR;
- Demonstrates that the Consultant and his proposed team have relevant and appropriate experience to carry out all components of the ToR. Detailed curriculum vitae for each team member must be included;
- Describes the overall methodology for carrying out each component of the ToR, including desk and field studies, and data collection and analysis methods; and
- Provides an initial plan of work, outputs, and staff assignments with levels of effort by task.

### **N. Budget and Payments**

The ToR should indicate if there is a budget ceiling for the consultancy. The ToR should specify the payment schedule (e.g. 10% on contract signature, 10% on delivery of detailed work plan, 40% on delivery of interim report, 30% on delivery of final draft VMGF, and 10% on delivery of final VMGF).

### **O. Other Information**

Include here lists of data sources, project background reports and studies, relevant publications, and other items to which the consultant's attention should be directed.

### 14.5. Three Point Rank Order System for VMGPs

To be filled by SEQIP/ DPC&D Team and World Bank as part of review and monitoring

Criterion	Points	Explanation
<b>Screening</b>		
1. Have all IP groups in project area been identified (is screening adequate)?	0	Not stated
	0.5	The names of some groups have been mentioned; baseline survey has been proposed; Aggregates all groups together
	1	Detailed description of all indigenous groups is given
<b>Social Assessment</b>		
2. Has a social assessment been done (Is baseline data given)?	0	Not stated
	0.5	Proposed to collect all relevant data - no specifics; data briefly stated; or not updated, data not disaggregated
	1	Disaggregated population data of IP; relevant socio-economic indicators have been stated; data that needs to be collected are listed;
3. Has legal framework been described?	0	Not stated
	0.5	Brief mention of framework given
	1	Constitutional provisions, legal statutes and government programs in relevant sectors related to indigenous peoples stated
Have benefits/ adverse impacts to IP groups been identified?	0	Not Discussed
	0.5	Potential impacts have been briefly discussed
	1	Potential positive and negative impacts identified and discussed
<b>Consultation, Participation, Community Support</b>		
Have IP been involved in free, prior and informed consultation at the project implementation stage? Are there any records of consultation?	0	Not determinable
	0.5	Brief mention that consultations have taken place; no details provided
	1	Detailed description of process given; appropriate methods used, interlocutors are representative
Does project have verifiable broad community support (and how has it dealt with the issue of community representation)?	0	Not stated
	0.5	States that IP groups will be involved in preparing village/community action plans; participation process briefly discussed
	1	Detailed description of participation strategy and action steps given
7. Is there a framework for consultation with IPs during the project implementation?	0	No
	0.5	Passing mention
	1	Detailed arrangements
<b>Indigenous People Plan</b>		
8. Is there a specific plan (implementation schedule)?	0	Not stated
	0.5	Flexible time frame (activities need to be proposed); given activity wise; year-wise distribution; mentioned but integrated into another project document (RAP, etc.); no separate treatment; combined with RAP;
	1	Detailed description given

9. Does the IPP/IPDP include activities that benefit IP	0	Not stated
	0.5	Activities stated but not detailed
	1	Activities clearly specify
10. Are activities culturally appropriate?	0	Not stated
	0.5	Cultural concerns noted but not explicit
	1	Activities support cultural norms
11. Have institutional arrangements for IPP been described?	0	Not stated
	0.5	Mentioned but integrated into another project document (RAP, etc.); no separate treatment
	1	Detailed description of agencies involved in implementation of plan, including applicable IPO's or tribal organizations.
12. Is a separate budget earmarked for IPP?	0	Not stated
	0.5	Mentioned but integrated into another project document (RAP, etc.); not broken down activity-wise
	1	Detailed description given
Are there specific monitoring indicators?	0	Not mentioned
	0.5	Proposed that monitoring indicators shall be designed later; Project outcomes that need to be monitored are stated
	1	Monitoring indicators disaggregated by ethnicity
Has a complaint/conflict resolution mechanism been outlined?	0	Not mentioned
	0.5	Passing mention of mechanism in document
	1	Detailed description and few concrete steps of mechanism given
Were the Indigenous Peoples Plan or Framework (IPP/IPPF) disclosed in Infoshop and in Country in an appropriate language?	0	No
	0.5	Disclosed in Infoshop
	1	Detailed Summary in appropriate form, manner and language
<b>Special Considerations</b>		
If applicable, what considerations have been given to the recognition of the rights to lands and natural resources of IPs?	0	None
	0.5	Passing mention
	1	Detailed considerations
17. If applicable, what considerations have been given to the IP sharing of benefits in the commercial development of natural and cultural resources?	0	None
	0.5	Passing mention
	1	Detailed considerations
18. Does the project involve the physical relocation of IPs (and have they formally agreed to it)?	0	No resettlement unless with their prior consent
	0.5	Only within traditional lands or territories
	1	Yes, physical relocation outside their traditional territories with no compensation or consent

**14.6. Consultative Meetings List of Attendances, VMGs Photos**  
**List of attendances**



Group SFNOWER

**CONSULTATIVE/FGD ATTENDANCE SHEET**

Project SEARIP Venue TALAU MIXED SECONDARY SCHOOL Date 30/5/2017

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4.	ANASTANWA CHEPOKAIMUK	0717235057	<i>[Signature]</i>
5.	JANE C TANUI	0795800025	<i>[Signature]</i>
6.	CHRISTINE CHERUTO	0728171270	<i>[Signature]</i>
7.	MILKA RAVAIL	079977523	<i>[Signature]</i>
8.	RAEL CHELANGAS	0702929791	<i>[Signature]</i>
9.	CRISTINE LOWIO	—	<i>[Signature]</i>
10.	EUNICE NGEIYWA	0723454970	<i>[Signature]</i>
11.	CAROLINE Chepkumbou	0726211092	<i>[Signature]</i>
12.	BERNARD TANUI	0719290457	<i>[Signature]</i>
13.	ROBERT MAKHANU	0796081511	<i>[Signature]</i>
14.	SMON KUKWAI KOELH	0706705628	<i>[Signature]</i>
15.	MORRIS C. KOYOPIL	0797343651	<i>[Signature]</i>
16.	JULIUS K. CHEKAVIYAT	—	<i>[Signature]</i>
17.	BARNABAS P. KIRANIPOLE	0715332977	<i>[Signature]</i>
18.	PAUL A. ASTICH	0729783784	<i>[Signature]</i>
19.	ANDREW OTOIC	0710855202	<i>[Signature]</i>
20.	LADIA NDOGE	—	<i>[Signature]</i>
21.			



FGD

Group WOMEN

CONSULTATIVE/FGD ATTENDANCE SHEET

Project

Venue Talau Mixed Sec School Date 30/5/2017

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2.	EUNICE NDEIYWA	079244676	
3.	ANASTANCIA CHEPOKAMVIL	0717235057	
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5.	RAEL CHELANGAT	0702929791	
6.	MILKA RAPHAEL	0799275339	
7.	CHRISTIE cherUTO	0728171270	
8.	PHILLOS *1 MIONDE	0729639017	
9.	JOSPHINE MAFULA	0712646570	
10.	CHRISTINE LOKIYU		
11.	CAROLINE CHEPHEMBA	0726271092	
12.	Lydia ndege	-	
13.			
14.			
15.			
16.			
17.			
18.			
19.			



Group YAAKU DOROBO COMMUNITY

CONSULTATIVE/FGD ATTENDANCE SHEET

Project PARAWA CULTURAL GROUP

Venue ARIJITO CENTRE

Date 01/06/2017

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2.	ELIZABETH KIPEROS	0724697595	
3.	MARTHA KININGO	0723697355	
4.	DENINAH MATIANI	0710803525	
5.	JOSFINA LELEI	0720460074	
6.	ELIZABETH SAPURO	0722575501	
7.	JENNIFER TURASO	0702269694	
8.	JALII <del>LEINA</del> Ntaaya	0707926688	
9.	MARGRATE LELEI	0726420794	
10.	REDEMATA KAIMURI	0720350232	
11.	MARTHA MOIRE	0701665128	
12.	<del>EMILY</del> LELEI	0741321085	
13.	NANCY PANASEI	0796252287	
14.	JOYCE MORUOH	0702396662	
15.	SITATIAN KITDSI		
16.	SITANEI CAROL	0713291856	
17.	STELLA MORUOH	0718259687	
18.	JENIFFER SHIPAYO	0716734969	
19.	ELIZA SAPURO	0710461270	
20.	JENKESI MORUOH	0716830924	

24.	JANE LEGBE	0796104414	Lege
5.	ROBE MORIJOH	0728756520	R
6.	MDIRIAN MACKONTE	0702276699	
27.	Jane Kinyagak	0702338222	Jane
28.	MAGRARE MORIJOH	0792566712	MA
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32.	ROSEMARY NABERE	0710813218	OR
	FILMON MESIKANA	0710719602880	Film
33.	ATUMA KURARU	0704431830	Film
34.	STEPHEN KITOSI	0724732464	SM
35.	YIASOI LEGEI MIINTE	0724954698	
36.	JACK DAMIN KIYAA	0792626784	Jimm
37.	KAMUNGUYA NANGUNYE	0710A55846	
38.	DOMIC KURARU	0707659276	Domic
39.	YIMOS SAPURU	0702269386	
40.	DICKSON KIPERUS	0719405995	Stepen
41.	Nicholas Kodei	0721814808	
42.	Richard KARMUSHU	0722403568	Richard
43.	KENETH CHEBURET	0720712084917	Keneth
44.	JAMET MATIYANA	0797137460	Jamet
45.	ANN MUTHONI	0707045864	ANN
46.	GRACE LERANDI	0705388715	Grace
47.	LYDIAH WANGUI KODEI	0724225238	Lydia
48.	ANDREW KATOYIE	0725628000	Andrew
49.	Joseph Kinyagak	0718322144	Joseph
		0798716557	Joseph



Ministry Of Education

State Department of Basic Education

Directorate of projects Coordination and Delivery

SEQIP TEAM AND CONSULTANTS REGIONAL CONSULTATIVE MEETINGS FOR ESMF AND VMGF HELD AT MOMBASA, KISUMU, NAKURU AND ISIOLO FROM 25<sup>TH</sup> TO 28<sup>TH</sup> MAY 2017.

ATTENDANCE LIST

ISIOLO DAY 1

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42.	MOTAMED HASSAN	M	Kic Bot	0728617779		
43.	AZI HAZKAWI GABAY	M	IC	070194857		
44.	NORA KAMPAS BIRA	M	BOM - ludo	073600713		
45.	SATU KATI WILLO	F	II	0709161770		
46.	TENAN ALKET	M	ISiolo PA 100	0743533225		
47.	GRACE LILIAN	F	Greedy Blatch	0729046315		
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50.	KATHA AN DEANO	M	M...	0721424150		
51.	M...	M	M...	0720115070		
52.	M...	M	M...	0720211170		
53.	M...	F	M...	0727206700		
54.	Bika Abdikadir	M	ISiolo	0715390000		
55.	ARDI BARISO	M	ISiolo	0706000000		
56.	SALAD HAJI BISA	M	ISiolo	0702159500		
57.	ALEX Njorge	M	M...	0720315000		
58.	Abdikadir	M	ISiolo	0707530000		
59.	RASHID HASAN	M	ISiolo	0721500000		
60.	ABDI KATTALU HASAN	M	ISiolo	0721500000		
61.	ALBERT Lemwani	M	OLDOITIRO - ISiolo	0704172200		
	Junia Halika	M	ISiolo	0704200000		

GROUP 1



**MEETING ATTENDANCE LIST**

**Title of meeting:** Regional County Consultation Workshop on the Proposed Secondary Education Quality Improvement Project (SEQIP)

**Description of meeting:** Preparation of Vulnerable and Marginalised Groups Framework for SEQIP

**Date of session:** 27 May 2017 **Project:** MOE/SEQIP/IC/01/2016-2017

**Time of session:** Start: 8.00am End: 5.00pm **Consultant:** Dr. Joash Migosi **Facilitator:** Ministry of Education

**Location/ Town:** NAKULU **Venue:** EGERTON UNIVERSITY ARC HOTEL

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Preparation of Vulnerable and Marginalised Groups Framework for SEQIP Page 1 of 7

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18.						

GROUP 2

MEETING ATTENDANCE LIST

Title of meeting: Regional County Consultation Workshop on the Proposed Secondary Education Quality Improvement Project (SEQIP)  
 Description of meeting: Preparation of Vulnerable and Marginalised Groups Framework for SEQIP  
 Date of session: 27 May 2017 Project: MOE/SEQIP/C/01/2016-2017  
 Time of session: Start: 8.00am End: 5.00pm Consultant: Dr. Joash Migosi Facilitator: Ministry of Education  
 Location/ Town: NAKURU Venue: EGERTON UNIVERSITY A&C HOTEL

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Preparation of Vulnerable and Marginalised Groups Framework for SEQIP Page 1 of 1

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# GROUP 3

## MEETING ATTENDANCE LIST

**Title of meeting:** Regional County Consultation Workshop on the Proposed Secondary Education Quality Improvement Project (SEQIP)

**Description of meeting:** Preparation of Vulnerable and Marginalised Groups Framework for SEQIP

**Date of session:** 27 May 2017 **Project:** MOE/SEQIP/IC /01/2016-2017

**Time of session:** Start: 8.00am End: 5.00 pm **Consultant:** Dr. Joash Migosi **Facilitator:** Ministry of Education

**Location/ Town:** NAKURU **Venue:** EGERTON UNIVERSITY ARC HOTEL

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GROUP ONE

MINISTRY OF EDUCATION  
State Department of Basic Education

MEETING ATTENDANCE LIST

Title of meeting: Regional County Consultation Workshop on the Proposed Secondary Education Quality Improvement Project (SEQIP)

Description of meeting: Preparation of Vulnerable and Marginalised Groups Framework for SEQIP

Date of session: 26 May 2017

Project: MOE/SEQIP/IC /01/2016-2017

Time of session: Start: 8:00am End: 5:00pm

Consultant: Dr. Joash Migosi Facilitator: Ministry of Education

Location/ Town: KISUMU CITY Venue: TOM MBOYA LABOUR COLLEGE

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MINISTRY OF EDUCATION  
State Department of Basic Education

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GROUP II

MINISTRY OF EDUCATION  
State Department of Basic Education

MEETING ATTENDANCE LIST

**Title of meeting:** Regional County Consultation Workshop on the Proposed Secondary Education Quality Improvement Project (SEQIP)

**Description of meeting:** Preparation of Vulnerable and Marginalised Groups Framework for SEQIP

**Date of session:** 26 May 2017 **Project:** MOE/SEQIP/IC /01/2016-2017

**Time of session:** Start: 8.00am End: 5.00 pm **Consultant:** Dr. Joash Migosi **Facilitator:** Ministry of Education

**Location/ Town:** KISUMU **Venue:** Tom MBOYA LABOUR COLLEGE

	Full Name	County	Position/ Title and Institution / Organisation	Contact Tel. Number	E-mail	Signature
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MINISTRY OF EDUCATION  
State Department of Basic Education

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GROUP 3



MINISTRY OF EDUCATION  
State Department of Basic Education

MEETING ATTENDANCE LIST

Title of meeting: Regional County Consultation Workshop on the Proposed Secondary Education Quality Improvement Project (SEQIP)  
 Description of meeting: Preparation of Vulnerable and Marginalised Groups Framework for SEQIP  
 Date of session: 26 May 2017 Project: MOE/SEQIP/IC/01/2016-2017  
 Time of session: Start: 8.00am End: 5.00 pm Consultant: Dr. Joash Migosi Facilitator: Ministry of Education  
 Location/ Town: KISUMU Venue: TOM MBOTA LABOUR COLLEGE

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State Department of Basic Education

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**DOROBO COMMUNITY CONSULTATIVE MEETING**



SENGWER COMMUNITY



**TURKANA COMMUNITY**



**KISUMU-STAKEHOLDER MEETING**



## NAKURU-STAKEHOLDERS MEETING



**YAAKU COMMUNITY**



**MOMBASA-STAKEHOLDERS**





**ISIOLO-STAKEHOLDERS MEETING**



**WAKIFUNDI COMMUNITY**



**14.7. Questions, Comments and Answers during the VMGF Disclosure Workshop held on June 30, 2017 in KICD**

Issue	Response
<p>What is the TSC going to do differently to ensure teachers are retained in volatile (insecure) areas?</p>	<ul style="list-style-type: none"> <li>• The TSC is implementing a five year retention policy where teachers are upon employment expected to serve in that station for a period of five years. However, it was also considering to reduce the period of service before transfer to motivate teachers to apply and continue working in hardship areas.</li> <li>• The TSC is considering implementing a differentiated hardship allowance to attract and retain more teachers in extreme hardship areas</li> <li>• The TSC is considering lowering the entry level for school administrators from JG - M to JG - L in the hardship areas as an incentive for retention as this will ensure faster ascension to positions of leadership for exemplary teachers in the hardship areas</li> </ul>
<p>How shall the programme be implemented?</p>	<ul style="list-style-type: none"> <li>• The project design was highlighted by the Ministry where the roles of different implementing agencies were explained. Other highlighted roles were those of other agencies to be engaged in the course of implementation such as third party agencies.</li> <li>• The Ministry also highlighted the project implementation arrangement and highlighted the roles of agencies such as the National Project Steering Committee, Project Implementation Team and the County Project Coordination Units, school level implementation committees and school communities.</li> <li>• The forum was further informed that the presentation was a summary that may not necessarily have given the full details of every envisaged activity.</li> </ul>
<p>Was prevalence of drought and hunger considered in the design?</p>	<ul style="list-style-type: none"> <li>• The moral question of feeding class 7 &amp; 8 and secondary yet leaving out the lower primary classes was explored and it informed exclusion of feeding programme in the project.</li> </ul>
<p>The issue of quality vs status quo- the participant wanted to hear of more trees to be planted and recycling of waste activities in schools.</p>	<p>Quality was going to be realized through:</p> <ul style="list-style-type: none"> <li>• Capacity building of the teachers. This was embedded in the project (pedagogical skills)</li> <li>• Provision of text books</li> </ul>

Issue	Response
	<ul style="list-style-type: none"> <li>• Employment of teachers (10%)</li> <li>• Reforming the curriculum and assessment.</li> </ul>
<p>Child protection: -child labour -Some workers in construction sites might engage in immoral activities</p>	<ul style="list-style-type: none"> <li>• The project will be guided by the National Child Protection Policy 2010 and the Penal Code in enforcing the child protection policies.</li> <li>• Child Protection is anchored in the TSC Code of Conduct and Ethics.</li> <li>• It was recommended that all workers be required to sign a moral code and commitment to adhere to the child protection policy.</li> <li>• Clauses on child protection/labour will be included in all third party contracts</li> <li>• WB have embedded clauses on environment, child protection &amp; social issues in all their contracts</li> </ul>
<p>Community involvement. Who should the community engage with in the event they find that the project is not being implemented as per their interest? Protection of the community</p>	<ul style="list-style-type: none"> <li>• The project will be participatory between communities and Government.</li> <li>• Project Technical Committees established in the Counties will handle issues in the counties.</li> <li>• The needs assessment will be done in specific schools and communities will be directly involved in identifying the needs</li> <li>• Identification of the needy students for scholarship shall include community members for effective targeting</li> <li>• Independent verification agencies</li> <li>• Community will be involved in works at the construction sites.</li> </ul>
<p>Child participation</p>	<ul style="list-style-type: none"> <li>• Gender responsiveness high in the project</li> <li>• The child's voice will be addressed through the safeguards.</li> </ul>
<p>Sustainability</p>	<ul style="list-style-type: none"> <li>• Involvement of MOE Agencies.</li> <li>• Interventions would be mainstreamed into Government systems.</li> <li>• Sustainability will also be realized through partnerships with development partners, county governments and use of other funds like CDF</li> <li>• The project will have a robust M&amp;E Framework to ensure sustainability</li> <li>• All disbursements are linked to results</li> </ul>

Issue	Response
Was there consultation on Free Education?	Free education followed recommendations from the Kiremi Mwiria Report that was a product of stakeholder consultations. It was guided by consideration of the unit cost of education.
Recommended use of safe building materials while avoiding others such as those containing asbestos and lead.	To be addressed in the designs and BoQs
How will wastage of water be avoided? Where will the sources of water be? Will projected sources be feasible?	.Proper timing would be undertaken for rain water harvest. A needs assessment report will inform what will be appropriate in which area. .Tanks will be provided to harvest rain water.
Were the political leaders consulted?	Politicians had been involved and would continually be engaged as necessary.
How will injustices and hijacking of the project by politicians be prevented?	<ul style="list-style-type: none"> <li>• Communities will be closely involved in: identifying those who will truly qualify for scholarships.</li> <li>• Distribution of books was designed to eliminate foul play.</li> <li>• Local people would have opportunity to work in construction sites.</li> </ul>
Few indigenous Pokots were getting employed as teachers. How will the project address such?	<ul style="list-style-type: none"> <li>• Recruitment of teachers is done openly following public adverts.</li> <li>• The guidelines for recruitment did not bar anybody from being employed anywhere.</li> <li>• The criteria favored those with longer durations since their graduation from teacher training.</li> <li>• The Sub-component on advocacy will address some of the practices that cause marginalization.</li> <li>• Affirmative action be taken to guarantee employment of people from marginalized areas as teachers.</li> <li>• -Build capacity of people from marginalized areas to bring them at par with the rest of the Country.</li> <li>• -Address issues that cause marginalization.</li> </ul>
Enrolment is expected to grow and outstrip facilities in project schools and even degrade the environment. Are	Additional infrastructure is meant to address increased enrolment among other needs.

<b>Issue</b>	<b>Response</b>
there remedial measures?	

### Specific Comments on VMGF by the Participants to the Consultants' presentation

Issue	Comments
<p>Child protection: -child labour - Some workers in construction sites might engage in immoral activities.</p>	<ul style="list-style-type: none"> <li>• The project will be guided by the National Child Protection Policy 2010 and the Penal Code in enforcing the child protection policies.</li> <li>• Child Protection is anchored in the TSC Code of Conduct and Ethics.</li> <li>• It was recommended that all workers be required to sign a moral code and commitment to adhere to the child protection policy.</li> <li>• Clauses on child protection/labour will be included in all third party contracts WB have embedded clauses on environment, child protection &amp; social issues in all their contracts</li> </ul>
<p>Community involvement. Who should the community engage with in the event they find that the project is not being implemented as per their interest? Protection of the community</p>	<ul style="list-style-type: none"> <li>• The project will be participatory between communities and Government.</li> <li>• Project Technical Committees established in the Counties will handle issues in the counties.</li> <li>• The needs assessment will be done in specific schools and communities will be directly involved in identifying the needs</li> <li>• Identification of the needy students for scholarship shall include community members for effective targeting</li> <li>• Independent verification agencies</li> <li>• Community will be involved in works at the construction sites.</li> </ul>
<p>Were the political leaders consulted?</p>	<p>Politicians had been involved and would continually be engaged as necessary.</p>
<p>How will injustices and hijacking of the project by politicians be prevented?</p>	<ul style="list-style-type: none"> <li>• Communities will be closely involved in: identifying those who will truly qualify for scholarships.</li> <li>• Distribution of books was designed to eliminate foul play.</li> <li>• Local people would have opportunity to work in construction sites.</li> </ul>
<p>Sustainability</p>	<ul style="list-style-type: none"> <li>• Involvement of MOE Agencies.</li> <li>• Interventions would be mainstreamed into Government systems.</li> <li>• Sustainability will also be realized through partnerships with development partners, county governments and use of other funds like CDF</li> <li>• The project will have a robust M&amp;E Framework to</li> </ul>

Issue	Comments
	<p>ensure sustainability</p> <ul style="list-style-type: none"> <li>• All disbursements are linked to results</li> </ul>
<p>Few indigenous Pokots were getting employed as teachers. How will the project address such?</p> <p>-</p> <p>Address issues that cause marginalization.</p>	<ul style="list-style-type: none"> <li>• Recruitment of teachers is done openly following public adverts.</li> <li>• The guidelines for recruitment did not bar anybody from being employed anywhere.</li> <li>• The criteria favored those with longer durations since their graduation from teacher training.</li> <li>• The Sub-component on advocacy will address some of the practices that cause marginalization.</li> <li>• Affirmative action be taken to guarantee employment of people from marginalized areas as teachers.</li> <li>• -Build capacity of people from marginalized areas to bring them at par with the rest of the Country.</li> </ul>

**14.8. List of Attendance during the VMGF Disclosure on June 30, 2017 in KICD**

  
 Republic of Kenya  
**MINISTRY OF EDUCATION**  
 State Department of Basic Education  
 Directorate of Project Coordination and Delivery

**NATIONAL FORUM FOR SEQIP SAFEGUARDS DISCLOSURE, 30/6/2017, KENYA INSTITUTE OF CURRICULUM DEVELOPMENT**

Attendance list

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Republic of Kenya  
MINISTRY OF EDUCATION  
State Department of Basic Education  
Directorate of Project Coordination and Delivery

NATIONAL FORUM FOR SEQIP SAFEGUARDS DISCLOSURE, 30/6/2017, KENYA INSTITUTE OF CURRICULUM DEVELOPMENT

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Republic of Kenya  
**MINISTRY OF EDUCATION**  
State Department of Basic Education  
Directorate of Project Coordination and Delivery

NATIONAL FORUM FOR SEQIP SAFEGUARDS DISCLOSURE, 30/6/2017, KENYA INSTITUTE OF CURRICULUM DEVELOPMENT

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Republic of Kenya  
**MINISTRY OF EDUCATION**  
 State Department of Basic Education  
 Directorate of Project Coordination and Delivery

NATIONAL FORUM FOR SEQIP SAFEGUARDS DISCLOSURE, 30/6/2017, KENYA INSTITUTE OF CURRICULUM DEVELOPMENT

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Republic of Kenya  
**MINISTRY OF EDUCATION**  
 State Department of Basic Education  
 Directorate of Project Coordination and Delivery

NATIONAL FORUM FOR SEQIP SAFEGUARDS DISCLOSURE, 30/6/2017, KENYA INSTITUTE OF CURRICULUM DEVELOPMENT

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Republic of Kenya  
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NATIONAL FORUM FOR SEQIP SAFEGUARDS DISCLOSURE, 30/6/2017, KENYA INSTITUTE OF CURRICULUM DEVELOPMENT

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