



**REPUBLIC OF KENYA**

**MINISTRY OF LABOUR AND SOCIAL PROTECTION  
STATE DEPARTMENT OF SOCIAL PROTECTION**

**DEPARTMENT OF SOCIAL DEVELOPMENT**

**STAKEHOLDER ENGAGEMENT PLAN (SEP)**

**FOR THE  
FINANCING LOCALLY-LED CLIMATE ACTION PROGRAM  
(SOCIAL RISK MANAGEMENT)**

**OCTOBER 2020**

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## ABBREVIATIONS AND ACRONYMS

ASAL	Arid and Semi-Arid Land
CCA	Climate Change Act
CCCF	County Climate Change Fund
CCD	Climate Change Directorate
CCF	Climate Change Fund
CCU	Climate Change Unit
CF-TAC	Inter-Agency Climate Finance Technical Advisory Committee
CoG	Council of Governors
DOSHS	Directorate of Occupational, Health and Safety Services
GBV	Gender-Based Violence
GHG	Greenhouse Gas
GoK	Government of Kenya
GRM	Grievance Redress Mechanism
IPF	Investment Project Financing
KSG	Kenya School of Government
MLSP	Ministry of Labour and Social Protection
MTP	Medium-Term Program
NAP	National Adaptation Plan
NCCAP	National Climate Change Action Plan
NCCRS	National Climate Change Response Strategy
NDC	Nationally Determined Contribution
NDMA	National Drought Management Authority
NEMA	National Environment Management Authority
NGEC	National Gender and Equality Commission
NLC	National Land Commission
NT	National Treasury
PDO	Program Development Objective
PforR	Program for Results
PIU	Project Implementation Unit
PIM	Program Implementation Manual
PS	Principal Secretary
PSC	Program Steering Committee
SEP	Stakeholder Engagement Plan
SRM	Social Risk Management
UFCCC	United Nations Framework Convention on Climate Change
UNDP	United Nations Development Program
WHO	World Health Organization

## 1. INTRODUCTION

### 1.1 Social risk management in Kenya

1. Social Risk Management (SRM) is about protecting local communities from the unintended negative effects of development projects. It is a key tool for the achievement of inclusive and sustainable development. SRM seeks to manage social risks such as impoverishment due to physical and economic displacement from land, lack of inclusion in development activities, negative impacts on livelihoods and social exclusion particularly of vulnerable and marginalized groups (VMGs) and minorities. Other social risks include project-based conflicts, gender-based violence (GBV), sexual exploitation and abuse (SEA) and labour influx due to development.

2. SRM is also about public participation in the development process, which is a constitutional right for all citizens in Kenya. Inclusivity of participation requires that a project consults widely with a focus on ensuring that no one is left behind and that the stakeholders have sufficient information and opportunity to genuinely engage on project-related issues. SRM is one of the key components of the Financing Locally-led Climate Action Program that will be implemented nationally over a 5-year period.

### 1.2 Financing Locally-led Climate Action Program

3. In response to the negative effects of climate change that are threatening the livelihoods of smallholders and raising food security risks, Kenya has prioritized addressing climate change as a critical challenge to sustainable development. The country has made specific commitments to reduce Greenhouse Gases (GHGs) under the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement. Through Kenya's Nationally Determined Contribution (NDC) submitted to the UNFCCC in July 2015, the country committed to abating its GHG emissions by 0 percent by 2030 relative to the business as usual scenario of 14 MtCO<sub>2</sub>eq. On adaptation, Kenya's National Adaptation Plan (NAP, 2015-2030) lays out plans to, among other goals, integrate climate change adaptation into national and county level development planning and enhance the resilience of vulnerable populations to climate shocks and natural hazards.

4. In the past decade, Kenya has demonstrated pioneering leadership on climate change, both in its commitments at the global level, and in establishing national level legal and policy frameworks and institutions. In 2010, the country took a major step to promote a dual-track approach aimed at addressing both climate change adaptation and mitigation measures by developing a National Climate Change Response Strategy (NCCRS). This was followed by the launch of the first National Climate Change Action Plan (NCCAP) for the period 2013-2018. In addition, Kenya launched in 2008 its Vision 2030 as a key national development planning instrument. As the national long-term development blueprint, Vision 2030 aims to transform Kenya into a newly industrializing, middle-income country by 2030. While climate change was faintly mentioned in the first Vision 2030 Medium-Term Program (MTP, 2008-2012), an inter-ministerial and cross-sectoral process during the development of the subsequent NCCAP (2018-2022) ensured that climate change was incorporated in development planning and in the wider implementation of Vision 2030. In 2016, Kenya enacted the Climate Change Act (CCA), and in 2018, Parliament approved the National Climate Change Policy.

5. Given the complex and dynamic nature of climate change and its impacts at the local level, there is an opportunity to support strategic coordination among local and national climate stakeholders, and to support local climate action that improves communities' resilience to climate change while promoting collaborative partnerships between communities and county government structures. Locally led climate

actions can inform traditional knowledge with the latest climate science to develop innovative solutions that are inclusive, sustainable, and respond directly to the needs and priorities of local communities, with a focus on communities identified as most vulnerable to climate change within each of the 47 counties in the country.

### 1.3 Project Description

6. The project interventions are conceptualized within the proposed ***'Financing Locally-Led Climate Action Program'***, which is coordinated by The National Treasury and financed by the World Bank.

7. The climate change project's coordination and guidance will be provided by a high level cross-sectoral Program Steering Committee (PSC), comprising the Permanent Secretary (PS) in charge of National Treasury (NT), the PS in charge of Environment and Forestry, the PS in charge of Ministry of Devolution and ASAL, the PS in charge of Ministry of Labor and Social Protection, and the Chair of the CoG. The PSC will be co-chaired by the PS NT and the PS Environment and Forestry. An Inter-Agency Climate Finance Technical Advisory Committee (CF-TAC), is already established by the NT, and will provide technical and advisory services to stakeholders. The head of the SRM Unit is a member of this committee.

8. The overall coordination and implementation of the SRM component will be led by the PS responsible for Social Protection who is also the accounting officer. The PS will have the primary responsibility for efficient and effective implementation of the project for achievement of the stated development objectives. All the key decisions, including financial and procurement, related to the project implementation will be vested with the PS.

9. A SRM Unit has been established and it is located within the Department of Social Development. It is headed by Deputy Director in charge of SRM Unit and its main responsibilities include: coordinate SRM activities in development projects including the conduct and review of social impacts assessments, oversee, monitor and enforce compliance of Social Risk issues, coordinate development and delivery of curriculum on SRM standards in conjunction with relevant Government and institutions of higher learning and facilitate the establishment of a certification process for SRM experts. The Deputy Director in charge of SRM Unit will coordinate implementation of the day-to-day administration of the project activities. The Unit will also provide Secretariat to the SRM National Multi-Sectoral Committee.

### 1.4 Activities under the Investment Project Funding (IPF)

10. This climate change project has two funding streams: the Program for Results (PforR) which will support components 1 and 2 and the Investment Project Financing (IPF) which will focus on components 3 and 4. The IPF will finance the following activities at the national government level in support of local climate action:

- (i) operational and technical capacity building of key stakeholders to improve their service delivery to counties in terms of carrying out county-level climate change actions, particularly of the NT, CCD, and CoG, including online connectivity;
- (ii) facilitation of cross-sectoral coordination between the CCD, CoG, NDMA, KMD, KSG, MLSP, Commission on Revenue Allocation (CRA), Controller of Budget (COB), Office of the Auditor General (OAG), and other actors which play key roles in coordinating, monitoring, and reporting on climate change and disaster risk management activities in the country, by supporting the functions of the National Climate Change Council;

- (iii) improving the operational and technical capacity of the CoG Maarifa Center<sup>1</sup> and CCD resource centers to serve as state-of-the-art pioneer centers for sharing of climate knowledge;
- (iv) conducting vulnerability assessment of counties to identify priority needs in partnership with pioneer partners such as the KRCS; and
- (v) financing a Project Implementation Unit within the Climate Finance and Green Economy Unit of the NT.

11. The IPF component will support the capacity building and training of counties and national government agencies in the identification, mitigation, and management of social risks and impacts for the project activities as identified in the Environment and Social Systems Assessment (ESSA) and guided by the Environmental and Social Implementation Manual for the project. This will ensure that the project meets the six environmental and social principles according to OP 9.00 on Program for Results, the ESSA, and the Environmental and Social Framework (ESF).

12. Further, the IPF will support the Country's Capacity Building on SRM, which will be directed towards Technical Assistance to MLSP on SRM. The MLSP will be an implementing partner under the project. The Department of Social Development (DSD) under MLSP derives its mandate from the Presidential Executive Order No. 1 of 2018 that include; (i) community mobilization; (ii) family promotion and protection; (iii) community development policy; (iv) registration of self-help groups; (v) implementation of the Social Protection Policy; (vi) policies and programs for persons with disabilities; (vii) policies and programs for older persons; (viii) National Volunteerism Policy; (ix) Vocational Training and rehabilitation of persons with disability. MLSP is in the process of expanding its mandate to include a Social Risk Management Policy and the establishment of a Social Risk Management Unit.

13. This project will support the following activities under the Country's Capacity Building on SRM (a detailed list of activities is presented in Annex 1):

- i. support a working group of academic institutions and related partners (such as Kenya School of Government and University of Nairobi) in developing programs to train social experts and practitioners on social assessment for VMGs, Social Impact Assessment and Gender-Based Violence in line with international standards;
- ii. create awareness, training and capacity building of the social development officers under the Department of Social Development on international policies and practice on social risks identification, assessment, mitigation measures and management at national and all the 47 counties;
- iii. formalization of a multi-stakeholder committee, with representation from national institutions responsible for specific aspects of SRM both at national and county levels such as National Environmental Management Authority (NEMA), National Land Commission (NLC), National Gender and Equality Commission (NGEC), Council of Governors (CoG) and others to spearhead stakeholders' engagement and other activities in the process of institutionalization of SRM in national and county governments;
- iv. Technical Assistance for deeper analysis of social risks policy and regulations in Kenya as compared to the World Bank's ESF;

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<sup>1</sup>Maarifa Center was established by the CoG and its partners as Kenya's premier devolution knowledge sharing and learning platform. The Center serves as an important national platform to document and share experiences, innovations, and solutions on Kenya's devolution process. See <https://maarifa.cog.go.ke/about/> for more information.

- v. Based on the outcome of the policy and regulations analysis, undertake a Technical Assistance for the development of a SRM policy framework consistent with the World Bank's ESF and specific responsibilities of the SRM Unit including coordination of screening of social risks, review and clearance of SRM assessment; and
- vi. Establish regulations, which will guide their registration of social professionals, experts and practitioners to manage their continuous professional development and regulate their professional conduct.

### **1.5 Applicable World Bank Standard**

14. The SEP for the SRM component has been prepared under the World Bank's ESF. As per the Environmental and Social Standard (ESS) 10: *'Stakeholders Engagement and Information Disclosure'*, the implementing agencies are required to provide stakeholders with timely, relevant, understandable and accessible information, and consult with them in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination and intimidation. Stakeholder engagement is an inclusive process conducted throughout the project life cycle. Stakeholder engagement is most effective when initiated at an early stage of the project development process, and is an integral part of early project decisions and the assessment, management, and monitoring of the project's environmental and social risks and impacts.

### **1.6 Objectives and scope of the SEP**

15. The overall objective of this SEP is to define a program for stakeholder engagement, including public information disclosure and consultation, throughout the project cycle. The SEP outlines ways in which the project team will communicate with stakeholders and includes a mechanism by which people can raise concerns, provide feedback, or make complaints about the project and any activities related to the project. This will ensure smooth collaboration between project staff and the stakeholders as well as minimize and mitigate any possible social risks related to the proposed project activities.

16. Specifically, the SEP will:

- i. Identify relevant stakeholders for this Project that might be affected, paying particular attention to, those interested and /or able to influence the project and its activities;
- ii. Provide guidance for stakeholder engagement so as to align with the provisions of Environmental and Social Standard 10 (ESS10) and other applicable ESSs of the World Bank Environmental and Social Framework (ESF) and related standards for International Best Practice;
- iii. Identify the most effective methods, timing and structures through which project information will be shared, and to ensure regular, accessible, transparent and appropriate consultation forums, including ensuring addressing the needs and special circumstances of persons with disabilities, women, etc.;
- iv. Develop a stakeholders' engagement processes that provide stakeholders with opportunities to participate in and contribute to all the phases of the project;
- v. Define a clear and open communication and feedback plan;
- vi. Establish Grievance Redress Mechanism (GRM);
- vii. Define roles and responsibilities for the implementation of the SEP; and
- viii. Define reporting and monitoring measures to ensure effectiveness of the SEP and periodic reviews of the SEP based on findings.

17. This SEP describes how the Project will engage internal and external stakeholders during planning, implementation, monitoring and evaluation phases of the project. The SEP outlines the following:

- Project description;
- Previous stakeholder engagement activities;
- Stakeholder identification and analysis as part of stakeholders mapping;
- Stakeholder engagement program (activities);
- Resources and responsibilities for implementing stakeholder engagement activities;
- GRM; and
- Monitoring and reporting.

18. This plan is considered to be a 'live' document and may be amended periodically considering operational changes and experiences during its implementation.

## **2. BRIEF SUMMARY OF PREVIOUS STAKEHOLDER ENGAGEMENT ACTIVITIES**

### **2.1 Key Institutional stakeholder meetings and consultations on the project**

19. The MLSP has held numerous high-level meetings with key institutional stakeholders in readiness for implementation of SRM in projects across the country. The Cabinet Secretary (CS) confirmed the Ministry's willingness to take a lead role towards the institutionalization of SRM in the country during a meeting held in February 2019, the CS committed to the establishment of the necessary structures for implementing SRM. The Department of Social Development (DSD) under the State Department for Social Protection is preparing for its new mandate by assessing the gaps, identifying capacity building needs and defining an appropriate approach towards institutionalizing SRM. Three Inter-Agency consultations on SRM have been conducted including representatives from Ministry of Transport and Infrastructure, Devolution, Environment, Lands, Interior, Health and Council of Governors (CoG) to enhance coordination of SRM in the country. In addition, a review on various legal and legislative frameworks has been done to guide the development of a National SRM Framework.

20. The engagements and consultations held by MLSP on SRM (but not specifically on the climate change project) involved relevant Government agencies, development partners, academic institutions and various key stakeholders as summarized in Table 2 (summary reports are provided in Annexes 1 and 2). The SRM team has ensured and will continue to ensure compliance with national laws, policies and protocol requirements, as well as World Health Organization (WHO) and World Bank guidance regarding the COVID-19 situation in relation to stakeholder consultations and related activities.

Table 1: Past engagements on SRM

Stakeholder	Date	Participant	Key Points Discussed
World Bank MLSP	February 2019	<ul style="list-style-type: none"> <li>• Department of Social Development</li> <li>• CoG</li> <li>• Environment Institute of Kenya (EIK)</li> <li>• Kenya School of Government (KSG)</li> <li>• Ministry of Devolution and Arid and Semi-Arid Lands MoDA)</li> <li>• Ministry of Labour and Social Protection (MLSP),</li> <li>• National Council for Persons with Disabilities (NCPWD)</li> <li>• National Environment Management Authority (NEMA), National</li> <li>• Gender and Equality Commission (NGEC)</li> <li>• National Land Commission (NLC)</li> <li>• University of Nairobi (UoN)</li> </ul>	<ul style="list-style-type: none"> <li>-Identification of coordination entity for policy making and improved coordination on SRM in Kenya</li> <li>-Develop a common understanding of SRM in the context of development projects for KADP</li> <li>-Create a vision for an integrated approach to SRM capacity building, working across institutional boundaries</li> <li>-Agree on concrete actions to support the institutionalization of SRM capacity of counties</li> </ul>
MLSP	July 2019	<ul style="list-style-type: none"> <li>• Kenya National Human Rights Commission (KNHCR),</li> <li>• National Commission on Integration and Cohesion (NCIC)</li> <li>• Office of the Ombudsman,</li> <li>• Department of Occupational Safety and Health (DOSH) and</li> <li>• Department of Labour</li> <li>• Vision 200 Delivery Secretariat</li> <li>• NGEC</li> <li>• National Cohesion &amp; integration commission</li> <li>• World Bank</li> <li>• Ministry of devolution</li> <li>• UON</li> <li>• NEMA</li> <li>• DOSH</li> <li>• KSG</li> <li>• Africa Institute for Health and Development</li> </ul>	<ul style="list-style-type: none"> <li>• Take stock of the activities agreed in the previous multi-stakeholder workshop</li> <li>• Discuss and understand mandates, roles and responsibilities as they relate to managing social risks in development projects in Kenya;</li> <li>• Agree on concrete actions towards improved stakeholder coordination and strengthening of capacities in support of SRM in development projects, at both national and county levels</li> </ul>
MLSP	July 2019  October 2019	<ul style="list-style-type: none"> <li>• Department of Social Development (National &amp; County Social Development Officers)</li> </ul>	<ul style="list-style-type: none"> <li>-Develop a common understanding of social risk management in the context of development projects;</li> <li>-Strengths and gaps in the Department of Social Development</li> <li>-Agree on concrete actions to strengthen capacities in support of SRM in development projects with a focus on counties</li> </ul>

MLSP	Dec. 9, 2019	<ul style="list-style-type: none"> <li>• Management and senior technical specialists from Kenyan capacity development institutions and authorities with a social risk management mandate.</li> </ul>	<ul style="list-style-type: none"> <li>-Take stock of current and past capacity development activities on social risk management in Kenya;</li> <li>-Clarify mandates and capacities for social risk management capacity development in Kenya, and</li> <li>-Develop a set of concrete actions for social risk management capacity development going forward.</li> </ul>
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**3. STAKEHOLDERS IDENTIFICATION AND ANALYSIS**

**3.1 Project stakeholders**

21. Project stakeholders are defined as individuals, groups or other entities who are interested in the project at different levels. The DSD has identified project stakeholders who will be informed and consulted about the project in the implementation of the project. Project stakeholders are categorized into two main groups as described below.

**Affected Parties:** persons, groups, local communities and other entities within the Project Area of Influence (PAI) that may be adversely affected by the project directly or indirectly, positively or negatively. The project will focus particularly on those directly and adversely affected by project activities. This category includes government officials, institutions of higher learning, county governments and individuals who may offer specific services to the project. During project implementation, the SRMU will identify and include other stakeholders who may need to be brought on board.

**Other Interested Parties (OIP):** constitute individuals/groups/entities who may be interested in the project because of its location, its proximity to natural or other resources or parties involved in the project. OIP may be affected by the project and have the potential to influence project outcomes. They may not experience direct impacts from the Project but they may consider or perceive their interests as being affected by the project and/or who could affect the project and the process of its implementation in some way. Such stakeholders include NGOs, local government officials, community leaders, and civil society organizations, particularly those who work with the affected communities. These stakeholders can help play a role in identifying risks, potential impacts and opportunities for the borrower to consider and address in the assessment process. These stakeholders include institutions of higher learning currently providing training on ESIA, Universities that might have an interest in the project, entities currently collaborating with the county governments on development projects, media, development partners, among others.

Given the fact this project is a technical assistance (TA) on SRM at the national and county levels, vulnerable and marginalized groups (VMGs) shall not be directly affected by the project activities. However, if the project moves into piloting the TA outcomes, then this SEP will be adjusted to reflect the additional stakeholders and the attended engagement strategies.

### 3.2 Approaches to Stakeholder Engagement

22. *Main principles:* In order to implement best practice approaches that are in line with the provisions of ESS10, the project will apply the following principles for stakeholder engagement:

- a. *Openness and lifecycle approach:* consultations and other stakeholder engagement for the project will be undertaken during the whole lifecycle, carried out in an open manner, free of external manipulation, interference, coercion or intimidation;
- b. *Informed participation and feedback:* information will be provided to and widely distributed among all stakeholders in a meaningful, sensitive and appropriate format, and ongoing and regular opportunities will be provided to respond to stakeholders' feedback;
- c. *Inclusivity and sensitivity:* stakeholder identification will be undertaken to support robust, sensitive and meaningful communication and build effective relationships. The participation process for the project and sub-projects will be inclusive. All stakeholders at all times will be encouraged to get involved in the consultation process; and
- d. *Sensitivity to stakeholders' needs:* this will be necessary to ensure that the consultation processes adopt acceptable and accessible norms of engagement. In addition, measures will be put in place to protect all people engaged in the project from COVID-19 by making use of technology such as holding meetings on Webex, Zoom and Teams and meeting small groups of people while observing protocols such as wearing masks, no handshaking and sanitizing (as further explained in section 4.2 of this SEP).

### 3.3 Stakeholder identification and analysis

23. Table 3 provides a tentative list of stakeholders for the project. The list will be reviewed and updated on the basis of consultations held during project implementation with the various stakeholders.

**Table 2: Stakeholder Analysis**

<b>Stakeholder Name</b>	<b>What is important to the stakeholder?</b>	<b>At what point are they engaged?</b>	<b>Strategy for engaging the stakeholder</b>
National Treasury	-Project objectives have been achieved -Piloting new SRM framework on PforR components of the project	At the design stage and throughout the project implementation	Proactive team work Participate in development of Project Appraisal Document
Ministry of Labor and Social Protection	Leading the process and fulfilling an untapped part of their mandate to regulate the management of social risks on projects	From identification stage	-Form sub-committees responsible for the various aspects of the project incorporating other officers in the ministry: -GRM -Social safeguards' -OHS, etc.
National SRM Multi-Sectoral Committee	-Effective implementation of the project from a policy and oversight perspective	From the identification stage	-During the regular quarterly meetings -Briefing notes -Annual project reports
47 county governments	Coordination with national government on mechanisms/framework/policy that may affect the implementation of	-Planning and implementation stage	Working with them directly and with COG closely early on during the formulation of the framework/mechanism/policy

	development projects in the counties		
Council of Governors (COG)	Providing a mechanism for consultation amongst County Governments	At the design stage and throughout the project implementation and evaluation	Participate in development of Project Appraisal Document
Academic institutions both public and private (e.g. KSG and UoN)	Capacity building of social safeguards officers at the national, county and sub-county levels	At the implementation stage	-Engage the partners in the MSC -Monitor the performance of partners -Sensitize the beneficiaries on the GRM
Private sector investors	Collaborating with the government institutions on service provision on SRM	Implementation stage	Prioritization of efforts to streamline processes within existing licensing procedures to the extent possible and technically viable.
Development partners	How focus on SRM might affect their activities across the country	Implementation stage	Coordination of efforts within the development sector at the national and county levels

#### 4. STAKEHOLDER ENGAGEMENT PROGRAM

24. The stakeholder engagement process will build on the existing preparatory work supported by the World Bank. The SEP will specifically complement the ongoing stakeholder engagement that has brought together key national stakeholders, as a de facto taskforce, to engage on SRM on development projects in Kenya. The SEP will be updated as new partners and information emerges. The project will continue to ensure compliance with national law, policies and protocol requirements as well as WHO and World Bank guidance<sup>2</sup> regarding the COVID-19 situation in relation to consultations and related activities as highlighted in section 4.2 below.

##### 4.1 Proposed strategy for information disclosure

25. To ensure that the project maintains information disclosure, continuous and effective interaction with stakeholders, a number of methods will be used, including:

- Early notification for consultation sessions and preferably sending out invitations to the stakeholders with a clear agenda for discussion;
- Providing adequate time for preparation prior to consultative sessions;
- Sharing information for public consumption well in advance and providing opportunity for feedback and comments;
- Choosing appropriate methods of communication especially for remotely located stakeholders during roll-out in counties, such as the use of local radio, television, distribution of printed materials, visual presentations, notice boards, internet, or telephone etc.;
- Ensuring concise documentation of all stakeholder engagement sessions with a record of minutes, lists of attendance (signed) and photographs for the consultative process;
- Establishing a well-designed GRM that will enhance the efficiency and effectiveness of the project; and

<sup>2</sup>For example, see World Bank Technical Note: Public Consultations and Stakeholder Engagement in WB-supported operations when there are constraints on conducting public meetings March 20, 2020.

- Using technology for meetings and consultations such as Webex, Zoom and Teams, and meeting small groups of people while observing COVID-19 protocols including wearing masks, no handshaking and sanitizing.

26. Table 4 presents the key methods/tools to be used for ensuring effective stakeholder consultation and participation. The responsibility for execution will lie solely with the MLSP. All the meetings and consultations will be taken while ensuring an observation of MOH and World Bank guidance on social distancing, handwashing and wearing of masks as outlined in section 4.2.

**Table 3: Stakeholder engagement plan: Methods, tools and target groups**

Topic of consultation/ message	Method used	Target stakeholders	Responsible parties
<b>After appraisal</b>			
Publicity on project approval and roll out plans	- Audio-visual messages on project information (radio, TV in different languages) -Newspaper stories/supplement - Printed materials on project information -Emails - Press releases - Speeches - Website	-Multisectoral committee at National and County level -County and Sub-County Social Development Officers -COG	-MLSP (DSD-SRM Unit)
Disclosure of the project documents	- Websites – MLSP and World Bank	- (Open access to) All interested parties	-World Bank Team -MLSP -National Treasury
<b>During implementation</b>			
-Establish and coordinate the multi-sectoral SRM committee formally -Prepare the committee's TORs	-Consultation meetings -Participatory preparation of TORs with members' validation	-Members of de facto SRM multi-stakeholder committee -New members of the formally established multi-sectoral SRM committee	MLSP (DSD – SRM Unit)
Engage with the committee to design the SRM mechanism and exact roles and functions of the Unit, other agencies (NEMA, NGEC) and counties	Regular meetings with a minimum periodicity of one meeting per month to establish	Committee members	MLSP (DSD – SRM Unit)
Role of counties vis-à-vis the SRM Unit within the DSD/MLSP	Workshop consultations (virtual or in person)	COG and counties	MLSP Committee
Managing social risks on county-level projects	Call for proposals of training courses on SRM (virtual modules)	Academic institutions SRM practitioners County governments	-MLSP (DSD-SRM Unit) -Academic institutions

Initial announcements highlight on new SRM framework for awareness raising	-Radio spots/activations and announcement -Printed materials (newsletters and flyers) -Community Town hall meetings -TV -Newspaper stories/supplement -Social Media (twitter, Facebook, Instagram WhatsApp) -Emails -Speeches	-Project beneficiaries (Community members) -Implementing partners -Other interested parties -General public	-MLSP communication expert - SRM National Steering Committee -DSD-SRM Unit -County and Social Development Officers
Update on project process	-Printed materials (newsletter, flyers, etc.) -Project progress reports -Community Town Hall meetings	- All stakeholders	- DSD-SRM Unit -County and Social Development Officers - PS
Complaints/Compliments about the mechanism	-Logs and reports from the County and Sub-County Offices (GRM complaints points County and Sub-County offices, etc.)	All stakeholders	-DSD-SRM Unit -County and Social Development Officers
<b>Monitoring and reporting</b>			
Monitoring and evaluation of the Project	-Key informant interviews -Surveys	-Project beneficiaries	- DSD-SRM Unit -County and Social Development Officers - M&E team

27. The county and sub-county Social Development Officers (SDOs) will continue to play a key role in facilitating, coordinating, and ensuring stakeholder engagement at the County and Sub-County levels. At the county level, the SRM County and Sub-County Project Coordination Committee, will be responsible for facilitating the coordination of the mechanism, implementation and monitoring at that level and providing reports to the DSD-HQ SRM Unit. In coordination with the National Steering Committee, the DSD-HQ SRM Unit will support stakeholder engagement efforts and report on tasks that need to be undertaken at the County and Sub-County, public forums and all other stakeholder engagement efforts.

28. The project will take special measures to ensure that members of disadvantaged and vulnerable groups have equal opportunity to provide feedback on the mechanism during its preparation and during implementation to incorporate communities’ views, voices and needs. Meeting venues will be considered taking into view the access needs of persons with disabilities while information dissemination will also consider communicating with persons with disabilities (e.g. ensuring there is sign language translation during meetings). The documents produced and shared will be translated into Kiswahili if there is a need to do.

**4.2 Protection against COVID-19**

29. Protection against possible risks as provided for in Section 6 (2) of the OSH Act, 2007 in view of COVID-19 infection risk, will be managed through several means. These will include:

- i. Provision and maintenance of procedures of work that are safe and without risks to health (including social distancing and access to handwashing facilities);
- ii. Arrangements for ensuring safety and absence of risks to COVID-19 in connection with the use, handling, storage and transportation of project materials;

- iii. Provision of such information, instructions, training and supervision as is necessary on COVID-19 to ensure the safety and health at work of every person engaged in project activities;
- iv. Informing all persons engaged in project activities of imminent risk and appropriate recourse measures;
- v. Ensuring that every person engaged in project activities participates in the application and review of safety and health measures;
- vi. Ensuring that all workers have adequate and updated information on COVID-19; and
- vii. Establishing measures and a referral pathway if any worker is infected with COVID-19 including establishing linkages with the Ministry of Health (MoH).

## **5. APPROACHES TO COMMUNICATION ACTIVITIES**

30. Communication is key to the success of any development project. The formulation of communication messages and decisions on the channels to be used will be guided by the following key considerations:

- i. The involvement of the key stakeholders in the design and dissemination of information;
- ii. Use of multiple channels of communication including radio, newsletters, social media, fact sheets, frequently asked questions (FAQs), etc. based on the needs and access conditions of the target audience. All documents will be presented in English and Kiswahili as appropriate;
- iii. Sensitivity to GoK policies and regulations, the financiers (WB and others) and other communication requirements to safeguard the integrity of the process and the authenticity of the messages; and
- iv. Evidence-based media engagement: The Communication officer or the assigned focal person will be required to monitor and evaluate the effectiveness of the information shared and the channels used and adjust accordingly.

### **5.1 When to communicate with the stakeholder**

31. Stakeholder engagement is a continuing and iterative process. The SRMU has identify and will continue to identify, communicate, and facilitate a two-way dialogue with the people affected by its decisions and activities, as well as others with an interest in the implementation and outcomes of its decisions and the project. This process will take into account the different access and communication needs of various groups and individuals, especially those more disadvantaged or vulnerable, including consideration of both communication and physical accessibility challenges. Engagement will begin as early as possible in project preparation because early identification and consultation allows stakeholders' views and concerns to be considered in the project design, implementation and operation.

32. Project communication will be structured and offered regularly but with the flexibility of responding to issues as they emerge. It is envisaged that there will be more engagement at the MLSP level but since this project will be implemented by the County and Sub-County SDOs, the key responsibilities will be borne by the SRMU. It is important that the following information is provided regularly and on need-basis:

- i. Status of development of SRM policy, legislation and guidelines;
- ii. Types of courses offered on SRM;
- iii. Number of people trained SRM;
- iv. Status of implementation of SRM in Kenya;
- v. GRM processes in place to facilitate reporting; and
- vi. The list of project related complaints received and resolved.

33. Table 4 presents a list of key stakeholders who will be engaged directly on the project, the regularity of engagement and the level of interaction. It is notable that the communication specified here is over and above the use of media during general correspondence by the Ministry on Departmental activities. This list will be reviewed and adjusted from time to time based on the prevailing contexts and emerging communication needs.

**Table 4: Stakeholder engagement matrix**

<b>Stakeholder</b>	<b>Specific org / agency</b>	<b>Message</b>	<b>Communicator</b>	<b>Delivery method</b>	<b>Schedule</b>
<i>Who will you communicate to?</i>	<i>Who exactly will be targeted at this level?</i>	<i>What is the purpose of communication?</i>	<i>Who will the communication be from?</i>	<i>How will the communication be delivered?</i>	<i>When will it happen and how often</i>
Key implementing partners	MLSP, Min. of Agriculture, Min. of Transport, Min. of Interior, COG, NDMA, NCPWD Interior, NEMA, National Treasury, World Bank	-Update on the project -Assigning of roles and responsibilities -Work plan of activities -GRM -Project progress (M&E results) -Stakeholder perceptions	County and Sub-County Social Development officers National, County and Sub-County Multisectoral committee	- E-technology: zoom, Teams, Skype, etc. - Briefing reports - Phone calls	Monthly
	MLSP	-Preparedness for SRM process mitigation -Reported project cases -Key challenges being experienced in the project -GRM	County and Sub-County Social Development officers National, County and Sub-County Multisectoral committee	- Detailed reports -E-technology: Zoom, Skype, Teams	Bi-weekly and on need basis
	County and Sub-County SRM Committee, Community leaders	-Update on the project -Work plan of activities -Project progress (M&E results) -Stakeholders' perceptions -County and Sub-County SRM situation	- County Coordinators - Social Development Officers	-Monitoring reports -Briefing reports	Monthly and on need basis
Other partners	NGEC, NCIC, MOH, MoE, Public Service Commission, Media, development partners, etc	-Update on the project Expectations/deliverables -Work plan of activities -Project progress (M&E results) -Stakeholders' perceptions surveys -Updates on SRM sector	-National, County and Sub-County - Multisectoral committee	-Project reports -Monitoring reports -Briefing reports -Status update reports -FAQs	Quarterly and on need basis

## 6. GRIEVANCE REDRESS MECHANISM (GRM)

### 6.1 Objectives of the GRM

34. It is critical for project teams to identify and mitigate possible risks, conflict or tension that might occur at all stages of the design and implementation of the project. The Project will respond to concerns and grievances of project-affected parties related to the environmental and social performance of the project in a timely manner. For this purpose, the project will implement a grievance mechanism to receive and facilitate resolution of grievances and complaints related to its activities. A well-designed and implemented GRM will considerably enhance efficiency and effectiveness of the aspects supported by the IPF component. The GRM for this project has the following objectives:

- i. Provide the stakeholders with an effective platform to seek redress or resolve any dispute that may arise during implementation of the project;
- ii. Ensure that appropriate and mutually acceptable redress mechanisms are identified and implemented to the satisfaction of complainants; and
- iii. Reduce the need for using judicial proceedings.

35. The SRMU will receive and consider all comments and complaints associated with the design and implementation of the SRM component. The complaints will be logged and reported on as shown in Annexes 3, 4 and 5. Any person or organisation may send comments and/or complaints in person, by phone or via post or email using the contact information provided further below. All comments and complaints will be responded to either verbally or in writing, in accordance with the preferred method of communication specified by the complainant. If need be, some cases will be escalated to the SRM Multi-Sectoral Committee, and where necessary to the responsible agencies so as to come up with resolution to concerns and grievances received.

36. The SRMU will appoint one officer to be responsible for the GRM. In addition, a GRM committee will be established comprised of the Deputy Director, Social Safeguards Officer, M&E Officers to oversee the implementation of the GRM system. The GRM Officer will serve as the Secretary to the committee. The officer at the national level will have counter-parts at each county level with similar responsibilities. The names and cell number of all the GRM focal points will be made public for ease of communication. An email address (e.g. [srmu.grievances@gmail.com](mailto:srmu.grievances@gmail.com)) will be put in place and disseminated. The Ministry address will also be shared for correspondence. In person complaints will also be encouraged and the GRM officers provided space to receive and record the complaints. The National GRM focal point, together with the other members of the SRMU, will design and distribute registers to all counties.

37. All grievances will be registered and acknowledged within 7 days and responded to within 14 days of receiving the grievance. Individuals who submit their comments or grievances have the right to request that their name be kept confidential.

38. The SRM Multi-Sectoral Committee will monitor the way in which grievances are being handled by the Unit and the Counties and guide the team on appropriate management of the same.

39. The SRMU will keep a log of all grievances (including those received and addressed by the Counties). The grievance management reports will be produced and included in the annual environmental and social reports, posted on the MLSP website and submitted to interested stakeholders including the SRM Multi-Sectoral Committee.

40. If a complainant is not satisfied with the way his/her grievance has been responded to or handled by the GRM Committee (to be constituted by the SRMU) will invite representatives of the relevant local community to participate in the process so that a mutually agreed solution is identified and implemented. At all times, complainants are also able to seek legal remedies in accordance with the laws and regulations of the Republic of Kenya (including the Office of the Ombudsman, the International Council of Jurists and courts of law).

41. A brief one-pager on the project grievance procedures and channels will be provided to the stakeholders at all levels and the team will take advantage of meetings to share the one-pager.

### **6.1 Steps to be followed in addressing complaints**

42. Different channels including public awareness on the design and openness dialogue about possible negative and positive impact of the project can reduce delay or stalling of the project by managing expectations and mitigating possible risks associated with the implementation. An effective GRM can help catch problems before they become more serious or widespread, thereby preserving the project funds and reputation. It is however notable that the project complaints handling mechanism does not replace the functional legal and country mechanisms, but provides a system for managing project level complaints to ensure that they are identified early, mitigated and addressed. County specific issues will be handled by the County Grievance team and County and Sub-county offices and the various Community SRM Committees.

43. Multiple channels will be availed to the public for channeling complaints on the project, including:

- a) Telephone and texts;
- b) In person visits to the County and Sub-County social development offices across the country;
- c) The SRM multi-sectoral team at different levels;
- d) Letters addressed to the Ministry's postal office box; and
- e) A dedicated email address that will be shared for use by the public (as illustrated above).

### **6.2 Description of the project GRM**

44. The following steps will be utilized to manage grievances:

- i. Grievance and complaint committee will be constituted at the different levels: national, county and sub-county to receive complaints on the project. Confidential complaints such as incidences of GBV/SEA will be guided by a complaints protocol (to be prepared) and all the implementers will be trained on the same. County grievance focal persons will be identified and trained on the complaints protocol; and
- ii. The SRM Unit will explore the possibility of operating an online platform for the GRM. The online platform will allow for an expedited review and response process for the grievances and complaints.

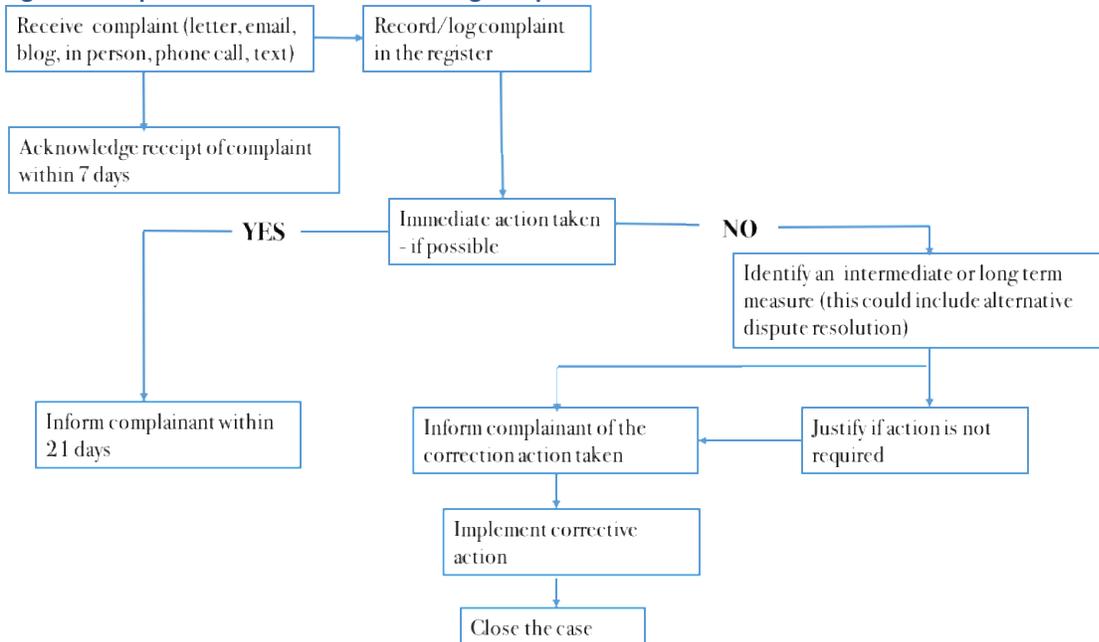
45. The following actions will be used for managing complaints for this project.

- i. Complaints will be sent to the GRM focal point to be appointed at the SRM Unit, and County/Sub-County SRM Multi-sectoral Committees, Social Development Offices at the National, County and Sub-county by email, text, phone, and letter or in person. The complaints should be collated onto a complaints form and logged into a register (as shown in Annexes 3,4 and 5). The complaints handling email and telephone numbers will be disseminated widely to all stakeholders.
- ii. Complaints will be reviewed by the GRM Officer at the sub-county level within 7 days of receipt.

The Grievance Committee at the Sub-County (which will be the lowest level) will be made up of the following members, Sub-County SDO, Chair of the County multisectoral committee, County Government nominee and a CBO/NGO based in the sub-county. This structure will be replicated at the county and national levels.

- iii. For informal complaints i.e. those raised through social media, print media or not formally lodged, the national-level GRM committee will make determination on whether to investigate based on the substance and potential impact/reputational risk to the project, WB and/or the Republic of Kenya.
- iv. Complaints regarding GBV/SEA will be kept confidential and reported through a different procedure that will be detailed in the GBV Action Plan to be implemented for the Climate Change project as a whole.
- v. No disciplinary or legal action will be taken against anyone raising a complaint in good faith.
- vi. A quarterly report of complaints resolution will be compiled and shared with the WB.

**Figure 1: Steps to be followed in addressing complaints**



### 6.3 Future Phases of Project

All the stakeholders will be kept informed as the project develops, including reporting on project environmental and social performance and implementation of the SEP and GRM. The project will produce annual reports that will be shared among all stakeholders and the public. However, periodic briefs will be prepared and disseminated more frequently especially during the active periods, when the public may experience more impacts or when phases are changing (for example, when major trainings have been launched engaging county teams).

## 7. RESOURCES AND RESPONSIBILITIES FOR IMPLEMENTING THE SEP

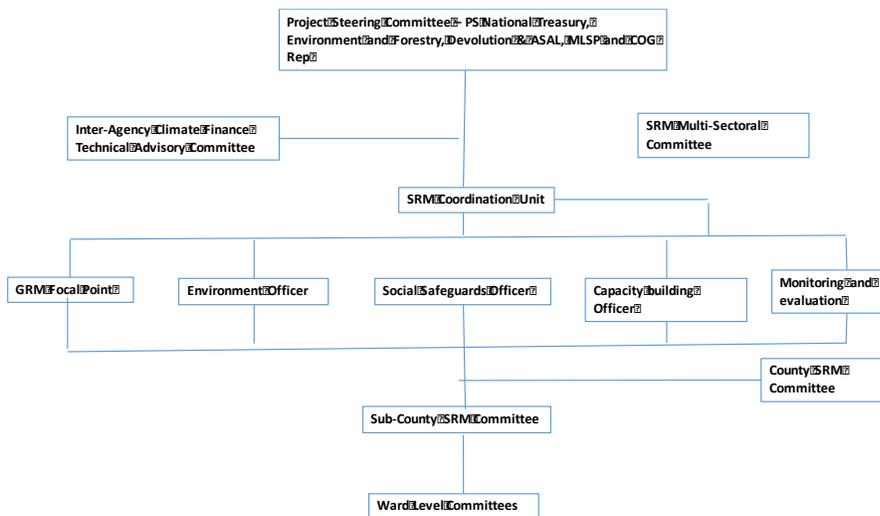
### 7.1 Coordination of the SRM activities

46. The overall coordination and implementation of the SRM components will be led by the PS responsible for Social Protection who is also the accounting officer. The PS will have the primary responsibility for efficient and effective implementation of the IPF component for achievement of the stated development objectives. All the key decisions, including finance and procurement related to the project implementation will be vested with the PS.

47. The project will set up a Multi-Sectoral Committee (MSC) that will draw participation from key stakeholders such as relevant ministries, COG, constitutional agencies and academic institutions to provide leadership on this area of work (the tentative list of members is in Annex 6). The Director for Social Development is a member of this committee. Specifically, the MSC will be responsible for providing policy and programmatic guidance to the SRMU. The Committee shall be chaired by the PS, State Department for Social Protection, and will meet quarterly. The Ministry may revise the TORs of the MSC as the SRM activities and requirements continue to evolve.

48. A newly established SRM Unit, located within the DSD, will be responsible for the implementation of the Project. The Director, support by his/her Deputy, will coordinate all the project activities. The Unit will also be the secretariat to the SRM National Multi-Sectoral Committee. The SRM Unit is will be responsible for providing technical oversight, establishing networks with partners, financial and administrative management, program activity monitoring and reporting. The management structure is presented in Figure 4.

Figure 2: Management and Implementation Structure for the SEP



49. The SRM Multi-Sectoral committee will provide leadership in priority actions for institutionalizing SRM, capacity building activities, parameters for the review and monitoring of social risks in development projects across the country, potential partnerships with global stakeholders, identification and management of challenges and risks.

## 7.2 Resources for implementing the SEP

50. The project has set aside funds to ensure that the planned stakeholder engagement activities are implemented and monitored effectively. The summary budget is presented in Table 8.

**Table 5: Estimated budget for the implementation of the SEP**

Stakeholder Engagement Activities	Q-ty/per years	Unit Cost (USD)	Months	Total Cost (USD)
GRM, MIS case management process, data base (including running of hotline, record keeping, etc.)	4	500	24	2,000
Travel expenses of staff on Stakeholder Engagement missions	8	100	24	800
Activities related to the Inclusion Plan	8	100	24	800
Communication materials (leaflets, posters)	8	125	24	1,000
Project press conferences (twice per year)	2	200		400
Training (Social issues, outreach, GRM, etc.) for PMU, State, District and community levels	2	50,000		100,000
Project hotline to receive complaints and grievances related to the project (TA and Airtime)	1	100,000		100,000
<b>Subtotal</b>				<b>205,000</b>
Contingency (10%)				20,500
<b>Total</b>				<b>225,500</b>

## 8. MONITORING AND EVALUATION

51. The SEP will be periodically revised and updated as necessary in order to ensure that the information and the methods of engagement remain appropriate and effective in relation to the project context. Any major changes to the project related activities and to its schedule will be duly reflected in the updated SEP. Monthly/quarterly summaries and internal reports on public grievances, enquiries and related incidents, together with the status of implementation of associated corrective/preventive actions will be collated by responsible staff and referred to the senior management of the project.

52. The monthly/quarterly summaries will provide a mechanism for assessing both the number and the nature of complaints and requests for information, along with the project's ability to address those in a timely and effective manner. Information on public engagement activities undertaken by the project during the year may be conveyed to the stakeholders in two possible ways:

- i. Publication of a standalone annual report on project's interaction with the stakeholders; and
- ii. A number of Key Performance Indicators (KPIs) will also be monitored by the project on a regular basis and reported on.

### 8.2 Timeline for Provision of Feedback

53. The MLSP and the PMU will provide appropriate background and relevant technical information to stakeholders whose feedback is sought on various project issues with sufficient advance notice (7-10 business days) so that the stakeholders have enough time to prepare to provide meaningful feedback.

## ANNEXES

### Annex 1: First multi-stakeholder meeting report on SRM

Kenya Accountable Devolution Program (KADP):  
**Strengthening County Social Risk Management Capacity**  
**Strategic Visioning and Planning Meeting**  
February 12-13, 2019  
World Bank Office, Upper Hill, Nairobi

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#### BACKGROUND

1. As devolution in Kenya creates new opportunities and openings for improved service delivery to the citizens, and significant progress has been made in many devolved functions, counties are still grappling with capacity challenges to adequately deliver on their new mandates under the constitution. One area of concern is sound management of social risks that naturally come with the implementation of projects, i.e. when developing new infrastructure in counties. Hence, the need to set up proper organizational structures, functions and strengthen the acquisition of skills needed in many counties to ensure proper implementation of projects while minimizing the potential for harm for the environment and vulnerable or marginalized populations affected by such projects.

2. The Kenya Accountable Devolution Program (KADP) is a multi-donor trust fund established in 2012 to inform and strengthen Kenya devolution. KADP II (\$22.3 million) is currently nearing the end of its second phase. Consequently, the World Bank has initiated the planning and design for a third phase for KADP (2019-2015). Stakeholder consultations thus far have clearly shown a need to further strengthen county capacity for improved social risk management (SRM).<sup>3</sup> The strategic visioning and planning meeting was organized by the World Bank with the main aim of bringing together key stakeholders working in this area to further inform the identification of priorities that could be supported by World Bank under KADP III.

#### OBJECTIVES

3. The meeting objectives were threefold:
- (i) Develop a common understanding of SRM in the context of development projects for KADP;
  - (ii) Create a vision for an integrated approach to SRM capacity building, working across institutional boundaries; and
  - (iii) Agree on concrete actions to support the institutionalization of SRM capacity of counties.
4. The outputs from the meeting present a starting point for a possible longer-term support engagement to be designed under World Bank funding. The meeting participants defined concrete next steps and actions that are likely to further advance and implement key areas identified in the theory of change for KADP III. The meeting agenda is presented in Annex 1.

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<sup>3</sup>SRM consists of public interventions to assist individuals, households, and communities better manage risk, and to provide support to the critically poor (Holzmann, Jorgensen 2000).

## **PARTICIPANTS AND MEETING ORGANIZATION**

5. The meeting was attended by 25 participants representing the following institutions/agencies: Council of Governors (CoG), Environment Institute of Kenya (EIK), Kenya School of Government (KSG), Ministry of Devolution and Arid and Semi-Arid Lands (MoDA), Ministry of Labor and Social Protection (MLSP), National Council for Persons with Disabilities (NCPWD), National Environment Management Authority (NEMA), National Gender and Equality Commission (NGEC), National Land Commission (NLC), University of Nairobi (UoN), and the World Bank.

6. The meeting was organized in the form of brief presentations, plenary discussions and group discussions. Six case stories were shared to stimulate discussions on the key social risks and challenges facing the national and county governments in addressing these risks. Adrian Howard Cutler, the Lead Social Development Specialist at the World Bank, made the opening remarks. This report presents a summary of the key outcomes from the meeting and the next steps.

## **KEY MEETING OUTCOMES**

### **Defining Social Risk Management**

7. The participants identified the key social and environmental risks inherent in development projects. The range of social risks include conflicts, resettlement, compensation, diseases, sexual exploitation and abuse (SEA), ethnicity, corruption, teenage pregnancies, among others. For environment, there was a shorter list of risks that included land degradation, deforestation, desertification, flooding, pollution, among others. The shorter list of environmental risks could be indicative of consensus on what the risks are and the mitigation measures.

8. The key social risks identified were clustered into the following categories: ethnicity; gender; age (youth, children, older persons, etc.); location (where one is located – informal settlement, Arid and Semi-Arid Lands, etc.); gender-based violence (GBV); SEA; participation/consultations; resettlement/compensation; grievance redress mechanism (GRM); conflict mitigation; governance and corruption; and vulnerability and marginalization.

9. The participants noted that social risks are experienced from all development projects although there is more attention to the mitigation of these risks when the project is donor-funded. One of the participants opined: *‘When the county expands a road in the rural areas we see the same consequences. For example, they destroyed my hedge and moved on with the road construction without compensation. This exacerbated my exposure to crime and insecurity.*

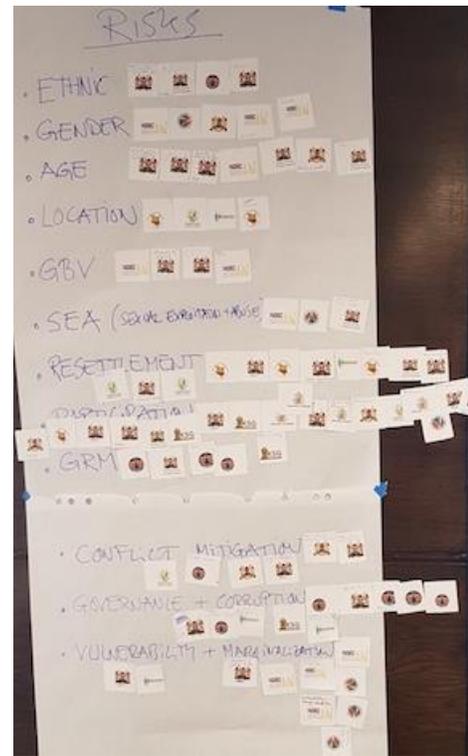
### **Roles and responsibilities**

10. In a follow-up exercise to the identified risks, the participants were asked to indicate which institutions, agencies and/or ministries were responsible for addressing the risks identified above. The outcomes of this session, presented in Figure 1, illustrate the following:

- (i) There are many partners responsible for and/or with an interest in participation. Indeed, it was noted that participation is a constitutional requirement that has gained a lot of traction since devolution;

- (ii) Many of the agencies and ministries have multiple responsibilities of relevance to social risks;
- (iii) There are overlapping mandates between agencies and ministries that, if not coordinated, could lead to duplication of effort;
- (iv) Some of the agencies and ministries have presence at the county and sub-county levels (MLSP, NCPWD, NEMA), while others have a more central and regional approach (KSG, NGECC);
- (v) Although agencies and ministries may be present in the same county, they may not partner on the various risks due to inadequate coordination at the lower levels;
- (vi) Inter-county/inter-community/inter-ethnic competition is oftentimes detrimental to the success of development projects. For instance, there is an ongoing concern about a dam project which will be developed in one county with the water (about 75%) serving a different county; and
- (vii) There are intra and inter-county, and inter-governmental issues that need to be considered. National projects that cut across counties, such as LAPPSET, SGR and national roads/highways, have shared social risks, which often go unaddressed.

Figure 1: Social risks and responsible entities



### Levels of intervention required

11. Participants discussed the need to address social risks at three levels:
  - i. Policy-making and institutional leadership at the national level: the need for a national policy and an Act of Parliament to address the prevention and management of social risks on development projects;
  - ii. Capacity building of the institution - both at national and county level- that is ultimately identified as the natural “home” for these issues; and
  - iii. Training practitioners at the national and county levels on the new policy and newly developed national and county systems for preventing and managing social risks on development projects. In the meantime, while policies and legal instruments are developed, urgent training is required to avoid negative social impacts on ongoing projects.

### Social risk management at the county level

12. The participants discussed the need for counties to institutionalize SRM so that all projects, whether funded by the county or national government, are screened and the social risks prevented, minimized or mitigated. Although there may be some good practices at the county level, inadequate coordination was identified as a key challenge. Social risks have also not attracted a lot of attention from county leadership mainly due to limited understanding of what they entail and how they should be addressed. Furthermore, social service ministries are some of the insignificant ones at the national and county levels, hence they attract limited resources that further limits their scope.

13. The participants noted that the institutionalization of SRM at the county level is possible through:
- (i) Developing a clear understanding of SRM and role definition;
  - (ii) Finding ways of tapping into existing social science resources at the county level – these exist in the MLSP, NCPWD and other government agencies;
  - (iii) Screening for social risks for all development projects, which would entail identification and mitigation of such risks; and
  - (iv) Documenting the current practices of addressing social risks at county level.
14. Although the MoDA has developed a National Capacity Building Framework (NCBF), it does not have SRM indicators. The MoDA team at the meeting promised to include SRM indicators in the revised NCBF.

### **Capacity building and strengthening**

15. Capacity strengthening for counties was seen as key for:
- (i) Providing a common understanding of SRM among all partners;
  - (ii) Sensitizing county leadership on SRM, which would then create an urgency for them to develop SRM structures around development projects;
  - (iii) Identification/recruitment of trained social scientists to be responsible for SRM. It was noted that in some counties people are assigned the responsibility for SRM without the requisite skills; and
  - (iv) Training technical people in SRM through multiple channels: in-class; online; field-based; and peer-to-peer learning.
16. The following were identified as key areas of focus when developing capacity building strategies for SRM:
- (i) Recognize that counties are at different levels: there are those that are developed, developing and least developed. Therefore, the capacity building activities should be aligned to the county needs;
  - (ii) Social risks are different depending on the context, therefore, capacity building efforts should be tailored to these needs. For instance, people in the coastal region are squatters on their own land, thus resettlement matters are a priority in discussions on social risks;
  - (iii) Social risks increase with the size of the project, although this does not mean that they are not relevant for small scale projects funded by counties;
  - (iv) Mitigation measures are not cast in stone and should be dynamic, since social issues change over time; and
  - (v) Monitoring of social risks should be an integral part of any training. One participant noted that managing social risks is *'trying to hit a moving target hence the need for flexibility.'*
17. Participants also identified incentives for counties to act, in addition to the risks of not addressing SRM. These include political risks of not meeting voters' needs; legal exposure to judicial action, competition amongst counties for resources; and reputational risks of negative social impacts, including irreversible impacts produced by and/or exacerbated by development projects.

### **Visioning of SRM capacity building**

18. During an interactive session on a vision for SRM capacity development for the country, the participants came up with a vision that was considered forward looking. It was noted that the vision is not cast in stone. Further, the participants proposed operationalization of the vision into a program of activities that is time bound.

**Vision:** Counties with capacities to prevent and manage social risks in development projects for the sustainable wellbeing of communities.

19. Focusing on county capacity is critical, since projects are implemented in counties, be they national or county funded. The people affected by development projects are based in counties and expect their leadership to protect them. Counties should therefore be concerned about political, legal and reputational risks that emanate from poorly planned and implemented projects. The participants were cognizant of the fact that *‘County governments are political entities. The Executives are controlled by the members of county assembly (MCAs). Elected bodies at the county level have the oversight roles and exert a lot of pressure on the Executives who are supposed to be more technical.’* Training on SRM should also target MCAs because they determine which projects are funded and implemented by their county governments. They are also key in county policy development and oversight.

#### NEXT STEPS

20. The next steps were discussed by 5 groups and the conclusions are summarized in Table 1.

Focus area	Key actions
Immediate actions	<ul style="list-style-type: none"> <li>-Share the outcomes of the meeting with peers</li> <li>-Use the Governors’ conference (March 3-8, 2019) to share information on SRM</li> <li>-Include other institutions in the next discussions including the National Cohesion and Integration Commission (NCIC), Kenya National Commission on Human Rights (KNCHR) and Ministry of Public Service, Youth and Gender</li> </ul>
Authorizing Environment	<ul style="list-style-type: none"> <li>-Hold a breakfast meeting with the institutional heads, exclusively</li> <li>-Include social risks in the NCBF (MoDA)</li> <li>-Present the SRM to the relevant committees at the CoG</li> </ul>
Roles and responsibilities	<ul style="list-style-type: none"> <li>-Identify and agree with a lead ministry on the ‘home’ for SRM</li> <li>-The Ministry to initiate the policy development process</li> <li>-Initiate the development of a legislative framework</li> </ul>
Analytical work	<ul style="list-style-type: none"> <li>-Conduct an analysis of the existing legal, policy and regulatory structures for coordinating SRM</li> <li>-Assess inter-governmental arrangements for coordinating SRM actions between national and county governments: standards; compliance; and enforcement</li> <li>-Document SRM best practices at the county level</li> </ul>
Strategy	<ul style="list-style-type: none"> <li>-Develop a program for the vision developed at the meeting</li> <li>-Conduct stakeholder mapping</li> <li>-Conduct social risk analysis to identify issues to be addressed during capacity building</li> <li>-Mobilize resource for SRM - county, national and multi-lateral levels</li> </ul>

## Annex 2: Meeting report – 2<sup>nd</sup> Consultation Meeting on SRM

### SECOND SOCIAL RISK MANAGEMENT MULTI-STAKEHOLDER WORKSHOP

JULY 5, 2019

SILVER SPRINGS HOTEL, UPPER HILL, NAIROBI

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#### Background

1. Social risk management is increasingly being recognized as a critical enabler and catalyst for the ambitious development agenda in Kenya. Inadequate attention to social risks has several consequences including delayed projects, additional costs, social tensions and unrest, as well as social, health-related and economic hardships for local populations.

2. In February 2019, a first multi-stakeholder workshop organized by the World Bank under the Kenya Accountable Devolution Program (KADP) brought together 12 institutional key players involved in social risk management in Kenya. The meeting itemized four key action areas for follow-up: (i) identification of a coordination entity for policy making and improved coordination on social risk management; (ii) analytical work to develop a better understanding of the regulatory environment and clarity of mandates related to managing social risks in development projects in Kenya; (iii) inclusion of social risk management as an important capacity area in the revised National Capacity Building Framework (NCBF); and (iv) development of activities in support of improved capacity development on social risk management.

3. Subsequently, a high-level meeting between the World Bank and the Ministry of Labour and Social Protection (MLSP) during which the Cabinet Secretary (CS) affirmed the Ministry's willingness to take a lead towards the institutionalization of social risk management in the country. Further, the CS committed to the formulation of a Cabinet Memo to be adopted by the Cabinet and the establishment of the necessary structures for implementing social risk management.

4. Analytical work on the regulatory environment for social risk management is underway and first steps have been taken by the Kenya School of Government (KSG) and University of Nairobi (UoN) to tackle capacity areas on social risk management in the context of the Kenya Devolution Support Program (KDSP). The establishment of the Center for Land Acquisition and Resettlement (CLAR) by the KSG and UoN with funding support of the World Bank is another avenue for enhancing capacity at the county level. The July 05, 2019 meeting was held as a follow-up to the February 2019 meeting in order to take stock of the progress made on the various key actions.

#### Objectives

5. The objectives of the workshop were to:
- i. Take stock of the activities agreed in the previous multi-stakeholder workshop;
  - ii. Further sharpen the understanding of mandates, roles and responsibilities as they relate to managing social risks in development projects in Kenya; and
  - iii. Agree on concrete actions towards improved stakeholder coordination and strengthening of capacities in support of social risk management in development projects, at both national and county levels.

## Participants

6. The meeting was attended by 26 participants representing various institutions involved in social risk management as listed in Annex 2. Additional participating institutions were drawn from the Kenya National Human Rights Commission (KNHCR), National Commission on Integration and Cohesion (NCIC), the Office of the Ombudsman, Department of Occupational Safety and Health (DOSH) and Department of Labour of the MLSP. The Director of the Social and Political Pillars of Vision 2030 also attended the meeting since social development falls within the department's mandates. The various institutions at the meeting were recognized as key to the social risk management agenda (see Annex 2 on list of participants).

## Status up-date

**7. Legal assessment, the regulatory framework:** Ms. Catherine Mumma, a legal specialist, made a presentation highlighting the focus areas of the upcoming analytical work supported by the World Bank. She indicated that the analysis would focus on existing relevant regulations while also reviewing relevant policies, institutional mandates and other relevant national documents (such as government circulars and executive orders) so that she can provide a comprehensive synopsis of the state of social risk management in the country. She is expected to complete her analysis by mid-August 2019.

**8. Coordination role:** Ms. Josephine Muriuki, the Director of the Department of Social Development (DSD) in MLSP made a brief presentation on the progress the Ministry had made on the coordination role.

- i. Following the high-level meeting held between the World Bank and Ministry top leadership in February 2019, the department had drafted a Cabinet Memo which was being reviewed internally at the time of the meeting. Once approved by the CS, it would be presented to the Principal Secretaries of key Ministries for buy-in before presentation to the full Cabinet.
- ii. The MLSP was cognizant of the need to engage other key stakeholders in discussions on policy on social risk management and coordination. She noted that the formation of a multi-sectoral coordination framework had been provided for in the Cabinet Memo and would be effected soon after the Cabinet approval.
- iii. A meeting held in April 2019, facilitated by the World Bank, brought together officers from the DSD based in the national office to sensitize them on social risk management as an initial step towards capacity building for the Ministry.
- iv. Forty (40) MLSP officers from the sub-county, county and national levels were inducted on social risk management from July 01 – 03, 2019. The aims of the meeting were to: (i) develop a common understanding of social risk management in the context of development projects; (ii) develop a common understanding of social risk management-related capacity strengths and gaps in the Department; and (iii) agree on concrete actions to strengthen capacities in support of social risk management in development projects, with a focus on the counties. At the end of the meeting, all the participants noted that they were now able to engage on social risk management in their various roles and responsibilities. Ms. Muriuki observed that she too had gained a lot from the training. However, she noted the need for further capacity building for the MLSP to cover all the social development officers based in the counties and sub-counties.

**9. Social risk management and NCBF:** Dr. Silvia Kinyaa of the Ministry of Devolution and Arid and Semi-Arid Lands (MoDA) reported that social risk management indicators had been integrated in the current NCBF. She, however, indicated that the framework was undergoing validation and would only be shared after refining it with the outcomes of the ongoing exercise. The meeting participants opined that it would be important for them to be involved at the point of validation so that they too can provide input

before finalization (it was not clear at the end of the meeting when MoDA would be able to share the validated draft with the meeting participants).

**10. Capacity building:** Dr. Andrew Rori, of the Kenya School of Government (KSG), reported on the progress made on training on social risk management. He indicated that KSG, UoN and the World Bank had developed a short training course that targets focal points involved in Kenya Devolution Support Program (KDSP) as an initial step towards enhancing the program-level capacity to address social risks. He noted that there are plans to tailor make courses targeting various cadres, such as Governors, County Executive Committee (CEC) members, directors and technical teams. This is still work in progress. He also reported that the KSG and UoN were involved in the initial training offered by the CLAR in June 2019. The second training will be offered in September 2019 and he hoped that it would rope in county staff. Dr. Rori further reported that the KSG was in the process of developing modules on social risk management to be integrated in other programs, including senior management training so that policy makers can gain an understanding of social risks and mitigation strategies.

### Defining roles and responsibilities of the various partners

11. Through an exercise of stakeholder mapping, it was clear that there are multiple partners engaged in social risk management in development projects. The participants identified a list of key partners and their roles in social risk management as summarized in Table 1.

<b>Table 1: Social risk management partners, key roles, capacity needs and recommendations</b>				
No.	Social risk area	Who should be involved?	Assessment capacity/challenges	Recommendations
1.	Protection of cultural heritage	National Museums of Kenya (identification and gazettement), KNATCM – UNESCO, communities, CoG, NEMA (ESIA), CSOs	-Role in protection is not clear -Communities lack negotiation skills -Social aspects not sufficiently addressed in the ESIA -Coordination role is unclear	-Clarify roles, regulations and policy -Community empowerment
2.	Protection of communities (from diseases, hazardous waste, safety, labour influx)	NEMA, Ministries of Health, Infrastructure, Works, Labour and Social Protection & Immigration, DOSH, CSOs, CoG	-EMP is not comprehensive -Lack of coordination	-Need to develop comprehensive linkages -Better coordination
3.	Protection of workers	DOSH, Ministry of Interior, MLSP, MoH, CSOs, CoG & National Construction Authority	-Resources for DOSH are limited -Weak monitoring and enforcement	-Tighten linkages through policy and regulations framework -Joint enforcement
4.	Protection of vulnerable and disadvantaged groups	MLSP (social assistance), NGEC, NEMA (ESIA) CSOs	-The ‘S’ in ESIA is silent -NGEC is not an implementer -No frameworks for addressing vulnerable groups -Community role is not clear	-Clear and detailed laws and policies -Social risk management framework should be developed
5.	Protection related to land acquisition and resettlement	Ministries of Water and Irrigation and Lands, counties, National Land Commission (NLC),	-Some of the Ministries have capacity although not sufficiently tapped -Inadequate coordination of activities -Overlapping mandates	-Need for coherence in the area of social risk management -Better coordination of the various partners

		National Treasury, NEMA, DSD, Water Resources Authority		
6.	Protection of marginalized traditional communities	NGEC, Counties, KNCHR, CAJ, NCIC, Community leadership, Ministry of Interior, DSD, Regional blocks (e.g. FCDC), Ministry responsible for culture, CSOs	-Lack of coordination -Overlapping mandates -Inadequate financial and human resources in some of the key institutions (e.g. NGEC, NCIC)	-Develop a coordinated approach under the leadership of one of the lead agencies -Create awareness
7.	Gender: women and girls	Social and Political Pillars Department, NGEC, Construction companies, DSD, Labour Department, DOSH	-Inadequate attention to gender parity by the various institutions -Inadequate attention to development projects by the key partners -Weak monitoring and evaluation	-Strengthen M&E -Capacity building for key partners on gender issues -Implementation of sanctions for non-compliance
8.	Social impact assessment	NEMA (ESIA), Ministries of Water, Public Works, Interior & Lands, County Governments, community leaders and DSD	-Impunity -Lack of professional capacity -Lack of coordination -Lack of involvement of/and between agencies	-SIA to be coordinated by MLSP -Responsible ministry to coordinate and collaborate with the key stakeholders
9.	Monitoring, Evaluation and Reporting (MER)	NEMA (enforces ESMP), Ministries of Interior, Water and Public Works, County Governments	-Lack of enforcement of social risks -Weak M&E systems -Weak communication and coordination	-Establishment of coordination and implementation frameworks -Strengthen M&E frameworks in the CIDPs
10.	Stakeholder engagement	Ministries of Works and other relevant departments, County Governments, communities	Communities are not adequately involved	Stakeholder mapping and framework for engagement throughout the process
11.	Grievance redress mechanism	County Governments, Ombudsman, CAJ, KNCHR, NCIC, CAJ, Ministry of Interior	-Lack of an integrated system -Weak GRM system	-Establish an integrated GRM system -Introduce County Offices of Ombudsman -Awareness raising on GRM

12. The participants noted the need for a coordinated approach to development with a clear focus on ensuring that communities enjoy maximum benefits from the projects and any social and environmental risks are adequately mitigated. There was consensus that the people should be at the center of development.

13. Further, during a stakeholder mapping exercise, the members took cognizance of the various institutions and agencies that should be engaged in social risk management. Although the extent of involvement would depend on the type of project, it was agreed that the project proponents should ensure broad-based consultations. The fact that public participation and citizen engagement are constitutional requirements was cited as an impetus to engage with stakeholders. There was also emphasis on seeking the views of members who may not be able to participate unless they are sought, such as persons with disability; members of traditional communities; youth; women; and older persons.

### Next steps

14. The participants agreed on a limited range of next steps, as outlined in Table 2.

<b>No</b>	<b>Action</b>	<b>Responsible entity</b>
1.	Finalization of the cabinet memo followed by consultations with line ministries for support	MLSP
2.	Formation of a multi-sectoral group, involving key agencies and ministries to be part of the policy development process	MLSP
3.	Share the draft NCBF with the stakeholders at the meeting for their input, more so the MLSP	MoDA
4.	Develop tailored capacity building courses to meet the needs of the different cadres of staff at the county level (with the support of the World Bank and other partners	KSG

**Annex3:4Complaints form**

1. Complainant's Details:

Name (Dr / Mr / Mrs / Ms) \_\_\_\_\_

ID Number \_\_\_\_\_

Postal address \_\_\_\_\_

Mobile \_\_\_\_\_

Email \_\_\_\_\_

County \_\_\_\_\_

Age (in years): \_\_\_\_\_

2. Which institution or officer/person are you complaining about?

Ministry/department/agency/company/group/person

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Have you reported this matter to any other public institution/ public official?

Yes  No

4. If yes, which one?

\_\_\_\_\_  
\_\_\_\_\_

4. Has this matter been the subject of court proceedings?

Yes  No

5. Please give a brief summary of your complaint and attach all supporting documents [Note to indicate all the particulars of *what* happened, *where* it happened, *when* it happened and by *whom*]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. What action would you want to be taken?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_

\*Based on the Kenya Public sector complaints handling guide, CAJ.

**Annex 4: Complaints log**

Date and complaint from	Complaint e.g. non-issuance of ID	Officer/ department complained against	Nature of complaint/ service issue, e.g. delay	Type of cause – physical (e.g. system failure), human (e.g. inefficient officers, slow, unresponsive) or organization (e.g. policies, procedures, regulations)	Remedy granted	Corrective/ preventive action to be taken	Feedback given to complainant

### Annex 5: Complaints reporting template

No. of complaints received	Main mode complaint lodged	No. of complaints resolved	No. of complaints pending	Duration taken to resolve, e.g. spot resolution, 1 day, 7 days, 14 days, 1 month, quarterly, annual	Recommendations for system improvement

Note that this form could be replaced with the use of the GEMS system being supported by the World Bank.

## Annex 6: Members of the SRM Multi-Sectoral Committee

Name	Area of focus
National Environmental Authority (NEMA)	Environmental risk management
National Gender & Equality Commission (NGEC)	Protection and promotion of gender equality and freedom from discrimination of different groups including special interest groups
National Cohesion Integration Commission (NCIC)	Promotion of peaceful co-existence of persons of different ethnic and eliminate all forms of ethnic or racial discrimination
Ministry of Health	Attaining equitable, affordable, accessible and quality health care for all
National Draught Management Authority (NDMA)	Coordinate matters relating to drought risk management and mechanism to end it
National Council of Person with Disability	Prevention and protection of discrimination of PWDs
National Land Commission	Management of public land on behalf of the National and County Governments
Ministry of Interior and coordination of National Government	Provision of security and safety to people and property
Ministry of water, Sanitation and irrigation	Promoting and supporting integrated water resource management to enhance water availability and accessibility.
Ministry of Education	To provide, promote and coordinate quality education, training and research for sustainable development.
The National Treasury	managing Kenya's National and County Levels of Government Finances
Ministry of Agriculture, Livestock and Fisheries	Improving livelihood of Kenyans and ensure food security through creation of an enabling environment and ensuring sustainable natural resource management.
Civil society Organizations	Act as Overseer for communities and manifest the will and interest of the people
Kenya National Commission on Human Rights	Promotion and Protection of human rights