



**SOUTH SUDAN – EASTERN AFRICA REGIONAL TRANSPORT, TRADE AND DEVELOPMENT FACILITATION PROGRAM (SS-EARTTDFP)**

**PROJECT ID (P131426)**

**CONSULTANCY SERVICES FOR SOCIAL ASSESSMENT STUDY FOR THE PROPOSED REHABILITATION OF LESSERU- MARICH PASS - LODWAR- NADAPAL (A1) ROAD**

**TERMS OF REFERENCE**

**BACKGROUND INFORMATION**

**1.0 General**

The proposed Program Development Objective (PDO) of the **South Sudan – East Africa Regional Transport, Trade and Development Facilitation Program (SS-EARTTDFP)** is to enhance regional connectivity and integration of South Sudan with its Eastern Africa neighboring countries. This would be achieved through increasing transport efficiency, facilitating trade and development, connecting Juba with fiber optics, and linking South Sudan to alternative sea ports.

The proposed program helps eastern part of South Sudan and north western part of Kenya to boost export oriented agricultural development by facilitating increased agricultural production along the Juba-Eldoret corridor, endowed with abundant natural resources, through improved access and development of export processing zones. The proposed program contributes to the overarching goal of integrating the economies of the countries in the sub-region and helps them compete in the free market zone of Eastern and Southern Africa, and the global market. The program will also contribute to the reduction of transport cost that will help lower the cost of economic development, services delivery to the poor, and doing business, in the sub-region.

The program will be implemented in three phases. The first phase of the program defined herein after as the “Project”, is proposed to focus on Juba – Nadapal – Eldoret corridor and priority trade and development facilitation interventions. The second phase is proposed to finance the improvement of the remainder of the road infrastructure, not covered under phase one; and support trade and development facilitation along the priority corridors linking South Sudan to Mombasa and Djibouti ports, and the neighboring countries, as well as corridor No. 3, including facilitation of trade with

Tanzania and the other Great Lake countries. The third phase will focus on upholding the transport, trade and development facilitation along the priority corridors in the sub-region. All the three phases support the overarching program objective.

The principal factors for focusing on the Juba–Nadapal-Eldoret corridor, include: (a) the corridor opens the massive agricultural, animal and mineral resources rich area in eastern South Sudan, the closest to the regional and global market, and the less developed Turkana region of Kenya; (b) the corridor crosses only one transit regime and will be the cost effective and shortest connection to Mombasa, in terms of truck turnaround time; (c) the project crosses flatter terrain, which will reduce vehicle operating cost and safer for driving; (d) the corridor opens access to an alternative sea port – Djibouti; and (e) the corridor offers the quickest route to the offshore submarine cables off the East African coast, with the fewest transit countries.

The Kenya National Highways Authority (KeNHA) the implementing agency for Kenya component has already developed detailed designs for the Lesseru-Marich Pass-Lodwar-Nadapal route, and as part of this important program, Social Assessment needs to be carried out for the Pokot and Turkana community living along proposed project areas the in-line with Operation Policy of the Bank for Indigenous People.

### **1.1 Objective of the Assignment**

The Social Analysis of the vulnerable and marginalized groups, including groups that meet the OP 4.10 Indigenous People’s communities has three main objectives.

1. To assist the SS-EARTTDFP to support the aspirations and needs of the VMGs in Turkana and Pokot.
2. To identify and prepare a comprehensive plan that will avert any potentially adverse effects from project interventions on indigenous people and where not possible or feasible, mitigate or compensate such adverse impacts.
3. To ensure that the project benefits reach the VMGs in an equitable manner and through institutions that respect and are able to serve them in a decentralized manner.

### **1.2 Summary of the Contents of a Social Assessment**

The main objective of the consultancy is to elaborate a SA report as a project management instrument. The Bank task team's social scientist conducted a social screening by visiting proposed project sites to determine whether there are people with characteristics consistent with OP 4.10 present in these areas and to identify any social impacts and risks that may result due to project activities.

For Kenyan side of the project, the overwhelming majority of project beneficiaries/affected people can be considered as meeting the defining characteristics of OP 4.10 as realized during the social screening, and the implementing agency (KeNHA) intends to engage a consultant to conduct a social assessment to evaluate the project’s potential positive and adverse effects on the Vulnerable and Marginalized Groups, and to examine project alternatives to avoid scenarios

where adverse effects may be significant. If majority of the project affected people are Turkana or Pokot, no standalone instrument will be prepared, however, the project design includes culturally appropriate socio-economic activities to address social vulnerability within the project activities.

## 2.0 Scope of Work

- Based on available information, provide a brief **description the project** (the project objectives, a short summary describing the project components, and project sites/areas, and the potential impacts on VMGs to the extent that these are known at the time of the SA).
- Provide a short description of the **rationale for the SA and its scope, the key issues which the SA needs to investigate and address, list of activities to be undertaken, methodologies to be employed, geographical areas to be covered if known**, etc. The methodology to be used to obtain the various information and data sets should be described in detail. This would include both quantitative and qualitative methods. The process of conducting free, prior and informed consultation with affected VMGs should also be detailed.
- Map showing the exact locations of VMGs and the dominant communities in relation to the proposed project area, including current and traditional occupancy within the project areas, current and historical uses of natural resources among others. If no reliable maps are available, conduct a detailed participatory mapping showing natural resources territories that are presently used and which have been traditionally owned or customarily used or occupied by VMGs with emphasis on the links between VMGs and natural resources.
- Identify **key stakeholders**, including groups directly affected by the project and other groups likely to be indirectly impacted; other stakeholders including those in other Bank or donor related projects, stakeholders involved in financing and implementing who could be such commercial, financial and other nongovernmental agencies, and government agencies; elaboration of a culturally
- Elaboration of the **participatory and consultation approaches** preferred by, or appropriate for, affected VMGs to inform a framework for consultation and participation at each stage of project and sub-projects preparation and implementation.
- Undertake **needs analysis** of the community development projects/roadside amenities along the corridor. Participatory approaches should be employed in undertaking community needs appraisal to enhance ownership and social acceptance.
- Carry out an **institutional analysis** of the key institutions (government and non-government) at the national, regional and local/municipal levels, and nongovernmental organizations (NGOs) that interact with Indigenous Peoples, in regards to the sector, the area or the proposed project activities.
- Identify **legal issues**, especially those relating to recognition of juridical status, organizational structure, and land tenure systems and security of VMGs.
- Include relevant demographic, social, economic, and cultural information regarding the **characteristics of the VMGs**, including relevant baseline data for monitoring and evaluation purposes. In the process, describe the social and kinship organization of VMGs/communities, degree of social cohesion, networks, and support systems,

conflict resolution mechanisms and local institutions (customary and other). Similarly, determine religious and cultural elements as they are likely to affect and be affected by the proposed project interventions.

- Identify local knowledge relevant for the proposed project, and how it may be affected and used during project implementation.
- Analyze the **economic livelihood and production systems**, including degree of isolation from or integration in the market economy, sources of revenues from remittances, etc.
- Describe degree of self-subsistence and seasonal patterns experienced by the VMG/Communities resources consumption patterns; description of baseline information on the land and territories currently inhabited and natural resources used, and areas which the affected VMGs have traditionally owned, or customarily used or occupied.
- Describe the opportunities, constraints, likely to **impacts and social risks** concerning the proposed project and affected Indigenous Peoples and other communities. Social risks may include low capacity of the implementing agency to work with VMGs/migrant populations, low capacity of VMGs /communities and organizations, political turmoil and social conflicts, conflicting interests, and cultural bias and insensitivity towards Indigenous Peoples. Identify any persons who would be considered more vulnerable and at greater risk of experiencing negative impacts.
- **Plan for free, prior and informed consultations** and continued consultations and participation throughout the project cycle. The objectives of free, prior and informed consultations are to: (i) inform affected vulnerable indigenous peoples about the proposed project; (ii) assess in a participatory manner the possible project benefits and adverse impacts; and (iii) agree on measures to enhance benefits or mitigate adverse impacts that will be incorporated into the project's design. The extent and methodology of the consultations are based on the project type, possible impacts, and the circumstances of affected peoples.
- Elaborate on the **capacity of local existing indigenous institutions** to represent VMGs and be effective interlocutors for them in their participation in project implementation and their relationship to the implementing agency and other development and donor agencies.
- Identify stakeholders' perceptions of, and suggestions to, the project as tentatively planned: This entails current VMGs views of the proposed project and its social effects, including degree of community support and specific areas of potential opposition and conflict.
- Identify the various **short-term and long-term interventions and action plans** required to ensure that negative impacts from the SS-EARTTDFP are addressed and that the VMGs participate in the project benefits at their various local village levels. The process should ensure adequate inclusion, consultation and participation of women, youth and other vulnerable groups. The interventions and action plans should be in line with KeNHA's mandate to the extent to which it complies with the World Bank OP 4.10 that requires the borrower to apply due diligence in ensuring the rights and interests of VMGs are safeguarded through its operational guidelines.
- Elaborate Project Impact Monitoring and Evaluation Framework for use in continuous and final assessment of whether interventions for addressing the identified

project negative impacts are implemented and mechanisms for ensuring that VMGs participate in benefits sharing are undertaken. The framework should identify specific interventions /sub-projects/ mechanisms; participative and consultative process of the VMGs in the project Impacts M&I; organizational framework to ensure inclusion of VMGs in the M&I.

The SA report should inform ways to design and implement the project to enhance the delivery of culturally appropriate benefits and of potential social, economic, gender, health, and cultural impacts of the proposed project, and if adverse effects are likely, recommendations for their avoidance, minimization, or mitigation. **The SA report should cover**, as appropriate:

1. *Executive Summary*: a summary of the SA and its methodology, key findings and recommendations
2. Findings of the SA, including stakeholder and institutional analyses, and a description of the data and information gathered
3. Description of the process of free, prior, and informed consultation with the affected VMGs/communities
4. Socio-economic and other relevant baseline data
5. Maps of the VMGs/communities areas, currently and traditionally occupied, used or owned
6. Description of the legal and institutional context pertaining to Indigenous Peoples and the sector in the country.
7. Description of potential benefits for VMGs (and other communities)
8. Description of potential adverse impacts on VMGs/communities (and other the stakeholders)
9. Recommendations for project design and implementation, including recommendations to ensure that project benefits are culturally appropriate and sustainable, and recommendation for appropriate mitigation measures for any adverse impacts.
10. Recommendations for capacity building and institutional strengthening of local communities
11. Recommendations for participation of and free, prior, and informed consultation with Indigenous Peoples during project implementation, monitoring, and evaluation
12. The evaluation of the extent of broad community support for the project, including any formal agreements reached with VMGs/communities and/or their organizations. Should be supported by data based evidence.
13. *Annexes*: In addition, the SA may include annexes on specific issues, such as: the itinerary of the social assessment process, relevant maps, minutes of meetings and consultations with the VMGs/communities and other key stakeholders, financial implications and a proposed budget and plan to follow through with the recommendations

### **3.0 Summary of Key Tasks**

In preparation and conducting this assessment, the consultant will conduct: -

- A desk review of project documents – South Sudan – Eastern Africa Regional Transport, Trade and Development Facilitation Program, SS-EARTTDFP (PAD), Resettlement Action Plans (RAPs) and, Feasibility Study Reports and, existing reports on the VMGs in the project areas among others.
- Prepare consultations for the local participation strategy, implementation schedule for indigenous-related activities that would be compatible with the main project goals, project performance indicators specifically for indigenous peoples, timelines, entities responsible for monitoring and evaluation, and a proposed budget. Interviews and focus group discussions with target communities
- Undertake field visits: (i) conduct a targeted social analysis to determine whether indigenous peoples have special needs relative to the overall population;
- Conduct key informant interviews with the project implementing agency and other stakeholders (ministries, champions, and affected people) as well as relevant GOK Stakeholders about the proposed plan and any changes that would make the plan more effectual.
- Keep a record of all consultation meetings (date, time, issues discussed, participants, concerns, suggestions, photographs) to be attached to the report.
- Hold Dissemination workshops of findings of the Social Analysis involving target communities, implementing agencies and other key stakeholders such as provincial administration.

#### **4.0 Expected Outputs**

The outputs of will be: (i) Social Assessment Report

#### **4.1 Logistical and Organizational Arrangements**

Individual consultant with experience in undertaking social assessments and in facilitating consultative processes in developing country contexts will be engaged for the SA. Experience with Kenya's pastoral communities will be an added advantage. The consultant should deploy a Team with the following qualifications:

##### **a) Lead Consultants (Team Leader)**

He/ She must be a senior social scientist with at least ten (10) years specialised experience in social assessments and participatory research methodologies in rural development including agricultural (including livestock/pastoralist) projects. He/She should possess a post graduate degree preferably Ph.D. in social sciences.

The team leader must have served in a similar capacity and with relevant experience in preparation of World Bank OP 4.10 Safeguard documents. He/She must also have proven sensitivity to VMGs/communities and cultural minority issues and appropriate familiarity with the local languages and cultures of the affected communities.

##### **b) Gender Specialist**

He/She must possess a post graduate Master's Degree in gender & development, sociology or other related field of study with at least five (5) years' specialised post qualification professional experience. He/She must have an experience in undertaking social assessments in at least three (3) projects.

c) **Institutional Specialist**

He/She must possess a post graduate Master's Degree in management or other related field of study with at least five (5) years' experience in institutional analysis and must demonstrate good knowledge of local institutions.

## **5.0 Client-RT Coordination**

Throughout the process of preparing the Social Assessment, the consultant will provide regular updates of the work to the client and, as agreed during initial consultations, to key national authorities. These updates will summarize, among others, the status of tasks, resources, schedules, coordination with local authorities, etc., as well as issues that require attention. It is essential to ensure that the client and consultant are in agreement about the scope and progress of the preparation, and that there is an opportunity to review on a regular basis any difficulties or assistance that is required to enable the firm to complete its assignment.

This coordination is particularly critical because the consultant will require the participation of County authorities at various points in the preparation of the reports, in particular, in order to ensure that the procedures comply with national regulations and/or that the firm has required feedback and approvals to proceed in a timely manner and without undue delays.

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

The World Bank and the Borrower will provide the following facilities and materials to the Consultant, for example:

- The Project ISDS and PAD;
- Relevant background documentation and studies; e.g. RPF, RAPs, ESMF, ESIA, Detailed Design Reports among others.
- Making all necessary arrangements for facilitating the work of the Consultant and to provide access to government authorities, other Project stakeholders, and Project sites.

## **5.2 Schedule and Reporting**

### **Commencement**

The Consultant shall commence the Social Assessment Study within seven (7) calendar days of the effective date of signing of the contract with the Client.

### **Reports**

The Consultant shall prepare and submit the following reports to the Client. All reports shall be in English and prepared on A4 metric size.

- I. **Inception Report:** This report shall summarize the initial findings and give defined proposals covering the methodologies to be employed for different tasks for the SA, and a detailed work program of all major activities of the assignment (*3 No. Hard copy and 2 No. Soft copy to Client*).

- II. **Draft Final Social Assessment Report:** This report shall summarize the findings, analyses, results and recommendations of the study, and shall contain all supporting materials - (3 No. Hard copy and 2 No. Soft copy to Client ).
- III. **Final Social Assessment Report:** This report shall incorporate all revisions deemed necessary arising from comments received from the Client and the Financier following discussions and agreement from the client and the Consultant – (6 No. Hard copy and 3 No. Soft copy to Client).

### **Format of the Reports**

The reports shall be provided in CD-ROM in Microsoft Word for text, Microsoft Excel for tables/graphs and spread sheets and AutoCAD for drawings.

### **Submission of Reports**

The above reports shall be submitted to:

*General Manager (Special Projects)  
Kenya National Highways Authority  
Blue Shield Towers  
P.O Box 49712-00100  
NAIROBI*

### **Implementation Time Schedule**

The expected schedule of the assignment is as follows:

- a) The Consultant shall commence the Social Assessment Study within seven (7) calendar days of the effective date of the contract. The effective date shall be the date on which the Consultancy agreement shall be signed by the Client.
- b) The Social Assessment Consultancy will take a total of Twelve (12) weeks
- c) The following tentative time schedule shall be observed in carrying out the studies:

<b><u>Activity</u></b>	<b><u>Month</u></b>	<b><u>Responsibility</u></b>
(i) Effective Date of Contract	M+0	KeNHA
(ii) Commencement of Services Consultant	M+0.25	
<i>(Social Assessment (SA) Study Report)</i>		
(iii) Inception Report	M+0.5	Consultant
(iv) Draft Final Report	M+2.5	Consultant
(v) Final Report	M+3	Consultant

The consultant is expected to indicate clearly assignment critical milestones, with timing for each activity; taking into account the duration of the entire project implementation period. In addition to the above, the Consultant would, however, outline the scheduling of activities for the Social Assessment Study.