Government of Kenya

Ministry of Labour, Social Security and Services

Department of Children Services

Additional Financing for the Cash Transfer for Orphans and Vulnerable Children Project (P146161)

Vulnerable and Marginalized Groups Framework (VMGF)

Draft: 9 September 2013
Abbreviations and Acronyms

AAC  Area Advisory Council
AF   Additional Financing
BWC  Beneficiary Welfare Committee
C&G  Complaints and Grievances
CCO  County Children’s Office
CPS  Country Partnership Strategy
CPU  Central Programme Unit
CT OVC Cash Transfer for Orphans and Vulnerable Children
DCS  Department of Children Services
DFID Department for International Development
ESSA Environmental and Social Systems Assessment
GAC  Governance and Anti-Corruption
HSNP Hunger Safety Net Programme
IFAR Integrated Fiduciary Assessment Report
IFMIS Integrated Financial Management Information System
IFR  Interim Financial Report
IPRS Integrated Population and Registration Service
KENAO Kenya National Audit Office
KIHBS Kenya Integrated Household Budget Survey
LOC  Location OVC Committee
M&E  Monitoring and Evaluation
MGCSD Ministry of Gender, Children and Social Development
MIS  Management Information System
MLSSS Ministry of Labour, Social Security and Services
MTEFF Medium Term Expenditure and Financing Framework
MTP  Medium Term Plan
NCCS National Council for Children’s Services
NDMA National Drought Management Authority
NSNP National Safety Net Programme
NSPP National Social Protection Policy
OM  Operations Manual
OPCT Older Persons Cash Transfer
OVC Orphan and Vulnerable Child
PCK Postal Corporation of Kenya
PDO Project Development Objective
PforR Program for Results
PIBS Programme Implementation and Beneficiary Survey
PMT Proxy Means Test
PSP  Payment Service Provider
PWSD-CT Persons with Severe Disability Cash Transfer Program
ROC Regional Operations Committee
SCCO Sub County Children’s Office /Officer
SCOSC Sub-County OVC Sub-Committee
SIDA Swedish International Development Cooperation Agency
TA  Technical Assistance
<table>
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<th>Acronym</th>
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<tr>
<td>TWG</td>
<td>Technical Working Group</td>
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<tr>
<td>UFS-CT</td>
<td>Urban Food Subsidy Cash Transfer Programme</td>
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<td>UNICEF</td>
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1 Introduction

1. This Vulnerable and Marginalized Groups Framework (VMGF) has been prepared by the Government of Kenya (GOK), the Ministry of Labour, Social Security and Services, under the Additional Financing for Cash Transfer for Orphans and Vulnerable Children (CT-OVC) Project, which has triggered the World Bank’s Operational Policy OP 4.10. The Policy stipulates that, in the event that vulnerable and marginalized groups are likely to be affected by a Bank supported project, a VMGF must be prepared.

2. A proposed VMGF is prepared when a project design is not yet finalised so that it is not possible to identify all the potential adverse impacts, as is required in a Vulnerable and Marginalised Group’s Plan (VMGP). The VGMF is to be used by the Ministry of Labour, Social Security and Services (MLSSS) and the Department of Children’s Services (DCS) in order to ensure that the Word Bank indigenous people’s policies, particularly Operational Policy (OP) 4.10 on Indigenous People, are adequately addressed. The purpose of the VGMF is to ensure that the management of issues related to vulnerable and marginalised people is integrated into the development and operation of the Programmes, ensuring effective mitigation of potentially adverse impacts while enhancing the potential benefits of the CT OVC programme.

Country and Sectoral Context

3. In spite of a decade of relatively strong economic growth, high rates of poverty persist in Kenya. Between 2000 and 2009, economic growth in Kenya averaged 3.9 percent, which translated into a modest rise in incomes for Kenyans – the first since the 1970s. However, since 2007, the country has registered growth rates of above 5 percent only once – in 2010, which was also the only year in which the country did not suffer from domestic or international shocks. However, poverty incidence remains high at 46.6 percent in 2005/06, having declined from 52.2 percent in 2000. Poverty rates are markedly higher in rural areas (49.7 percent) than in urban areas (34.4 percent), although residents of informal urban settlements often experience great deprivation. Poverty rates also tend to be higher among vulnerable groups such as children (53.5 percent), including orphans and vulnerable children (54.1 percent), older people (53.2 percent), and people with disabilities (57.4 percent).

4. The Government of Kenya has recently approved the National Social Protection Policy, which aims to strengthen the delivery of social assistance to poor and vulnerable populations. The National Social Protection Policy (NSPP), which was approved by the Cabinet in May 2012, outlines a vision for gradually realizing the right to social protection as articulated in the Constitution and, within this, the government’s ambition to enhance social assistance. As a first step in this reform agenda, the government is establishing a National Safety Net Programme (NSNP), which aims to strengthen operational systems while expanding the coverage of cash transfer programmes. The five programmes that form the NSNP are: (i) the Older Persons Cash Transfer (OPCT), the Cash Transfer for Orphans and Vulnerable Children (CT-OVC), the Hunger Safety Net Programme (HSNP), the Urban Food Subsidy Cash Transfer (UFS-CT), and

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1 This reflects the most recent nationally representative household survey. An updated Kenya Integrated Household Budget Survey (KIHBS) should be available in 2014.
the Persons with Severe Disability Cash Transfer (PWSD-CT). The delivery of the NSNP will be coordinated by the National Social Protection Secretariat.

5. The main objective of the NSNP is to improve the welfare and resiliency of beneficiaries, with the aim of reducing poverty and vulnerability in Kenya. The NSNP will target poor households that are particularly vulnerable because of where they live (the arid and semi-arid lands of northern Kenya or informal settlements of major urban centres) or because of their circumstances (households caring for orphans and vulnerable children, people with severe disabilities, and older people). To achieve this objective, the government aims to (i) progressively expand the coverage of the five cash transfers that constitute the NSNP, (ii) adopt best practices with regards to targeting, enrolment, payment, complaints and grievances and monitoring and evaluation and (iii) strengthen programme systems and structures. Additionally, while most of the programme activities will be carried out initially on a programme-by-programme basis, but as the NSNP proceeds, the government will exploit opportunities to share functions across programmes. This will lead to an increasingly consolidated approach to safety net support in Kenya.

The Cash Transfer for Orphans and Vulnerable Children (CT-OVC) Programme

6. The Cash Transfer for Orphans and Vulnerable Children (CT-OVC) Programme was launched by the Government of Kenya (GOK) in 2004. The broad objective of the Programme is to strengthen households’ capacities to provide a social protection system through regular cash transfers to families with OVC, in order to encourage fostering and retention of orphans and vulnerable children (OVC) in their families within the communities and to promote their human capital development. Of the total of 2.4 million OVC, roughly 600,000 are extremely poor.

7. To this end, the Programme provides regular support to poor households caring for OVCs in programme areas. To identify those households that are eligible for support, the Programme first identifies of programme counties, sub-counties and locations. This geographical targeting is guided by a CT-OVC Programme Expansion Plan which is developed at the national level on the basis of poverty and vulnerability criteria. Once locations have been identified operational structures like the Sub-County OVC Sub-Committee (SCOSC), the Location OVC Committee (LOC) members and Beneficiary Welfare Committees (BWCs) are established and trained. Second, all households with orphan’s and vulnerable children are identified by LOC members who visit and enlist potential beneficiary households using programme eligibility criteria and enter the relevant information in the targeting forms. Third, household-level data is collected and analysed using a Proxy Means Test to assess their likelihood of being poor against national standards. A list of potential beneficiaries is generated, and this is presented to the community at a community validation baraza.

8. The final list of households targeted for support is then entered into the programme management information system and those households enrolled into the programme and issued with a programme identity card.

The objective of the NSNP is to be achieved by implementing activities which contribute to the following six results. (i) the most vulnerable and poorest households enrolled in the NSNP; (ii) NSNP beneficiaries receive appropriate, reliable and accessible payments; (iii) citizens are able to appeal and complain to improve program performance; (iv) monitoring and learning system is functioning; (v) cash transfer sector is harmonized and government-managed; and (vi) programs are responsive to shocks. These six results correspond to the six outputs of the NSNP logframe. The details can be found in the NSNP Monitoring and Evaluation Plan and the Program Appraisal Document for the National Safety Net Program for Results.
9. Payments of Ksh 2,000 are made, in cash, to households every two months via a payments service provider. The CT-OVC Programme has out-sourced the delivery of payments to a payment service provider (PSP). The Postal Corporation of Kenya (PCK) and Equity Bank currently carry out this function. PCK uses a paper-based system to record the payments made to beneficiaries through its networks of post offices, and these data are then entered into the computer to be reconciled electronically with the programme payrolls. When they receive the payment, each beneficiary must produce a programme or national ID to prove his or her identity and must sign for each payment. In contrast, Equity Bank makes payments electronically using point-of-sale devices through its network of banking agents. The payments are made to beneficiaries using a smartcard which is verified by a fingerprint reader.

10. DCS case management procedures would be used to follow up households where concerns are raised about the care being received by a child. Individual household visits may be carried out by LOC members to raise awareness on appropriate care and to provide advice on problems households are encountering in caring for children. Community awareness session would be conducted in the community to promote understanding of the programme and to help households deal with health and family issues. Awareness sessions would be carried out in conjunction with relevant line departments and other organizations operating in the area.

**Institutional arrangements for the CT-OVC Programme**

11. **National Oversight:** The government is in the process of establishing the National Social Protection Council, which will provide overall policy direction and oversight for social protection in Kenya. This Council is supported by a Social Protection Secretariat, which is already established and is currently located within the Ministry of Labour, Social Security and Services (MLSSS). The Social Protection Secretariat will oversee the implementation of the National Safety Net Programme, including assessing programme implementation according to the monitoring and evaluation framework, producing management reports, maintaining the single registry, and updating the MTEFF and expansion plan.

12. The National Safety Net Programme Steering Committee is being established to provide oversight of the programme and to address key policy and operational issues as they may arise. This Steering Committee will be chaired by the principle secretary of the ministry responsible of social assistance and will be supported through a Technical Working Group, which will regularly monitor implementation progress.

13. **Management of the CT-OVC Programme:** The CT-OVC is implemented by the Department of Children’s Services within the Ministry of Labour, Social Security and Services. Under the 2010 Constitution, social protection remains a national-level function, and, as such, institutional arrangements described below will continue to be those used for programme implementation. The institutional arrangements of the Programme are documented in the Operational Manual (OM).

14. At the national level, the DCS manages, coordinates, monitors and oversees the CT-OVC programme and coordinates with the payment service provider(s). It is headed by a Programme

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5 The agency banking network came into being as a result of the Banking Act Amendment of 2009, which authorizes banks to appoint agents (usually shopkeepers) to provide limited banking services such as taking deposits and managing withdrawals.

6 Smartcards are electronic cards used to access a bank account or a cash transfer that contains biometric information unique to the client. In other words, the PCK uses one-factor authentication and Equity bank uses two-factor authentication. Annex 4 presents a more detailed analysis of these issues.

7 The National Social Protection Policy mandates the establishment of this council.
Coordinator and consists of 13 staff in headquarters in Nairobi to cover the implementation needs of all the participating sub-counties. Payments are the responsibility of outsourced payment service providers, which are contracted by the national-level programme managers. At present, payments are made through the Postal Corporation of Kenya (PCK) and Equity Bank. The Internal Audit Department of the ministry undertakes periodic audits of the cash transfer programmes as per their mandate.

15. While Social Protection Secretariat is not involved in programme implementation, it will play a lead role in the procurement of technical assistance to the NSNP under component one of the project. In this capacity, in coordination with the five programmes that constitute the NSNP, it undertake an annual planning process of the technical assistance required by the NSNP, manage the procurement of this assistance, and oversee the delivery of the consultancy and non-consultancy services and purchasing of goods.

16. At the County level, the County Children Offices (CCO), reporting to DCS, has been established in all Counties. At the sub-county level there are sub-county Children Offices (SCCO). The CCO is responsible for; the supervision of the programme throughout their county; the management of the Sub-County Offices; ensuring the proper utilization of resources with the county; the coordination of bi-monthly meetings with Sub-County Children’s Officers; receiving, addressing and forwarding complaints and grievances; and reporting on the functioning of the CT-OVC Programme within the county. The SCCO are responsible for the administrative aspects of the programme at the sub-county level. Location OVC Committee (LOC) members, sub-county OVC Committee (SCOSC) members and elderly members of the community support the activities of the CCO in activities related to selection of beneficiaries, enrolment, conditionality compliance, payments, monitoring and handling complaints.

17. These and other important Sub County-level bodies are described below:

18. The Advisory Area Council (AAC). The AAC was created to coordinate and supervise activities and services for children at the Sub County level. Its composition mirrors that of the National Council for Children’s Services (NCCS) as provided for in the Children’s Act. The composition of the AAC includes: sub-county Commissioner (chairperson), sub-county Children Officer (Secretary), sub-county Education Officer, sub-county Labour Officer, sub-county Social Development Officer, sub-county Statistics Officer, sub-county Medical Officer, and sub-county Officer Commanding Police Division, sub-county Information Officer, Representative of Non-governmental Organization, Representative of a Faith Based Organization, Representative of the private sector, Children’s Magistrate and an officer from local authorities. The AAC has a Sub County OVC Sub-Committee who is in charge of supporting the implementation of the CT-OVC programme.

19. Sub County OVC Sub-Committee (SCOSC). The SCOSC is responsible for sensitizing Sub-County administrators, opinion leaders and the community on the CT-OVC Programme. The SCOSC is also responsible for establishing, training and supervising Location CT-OVC committees, whose responsibilities are described below. The SCOSC assists in the programme cycle activities, including beneficiary selection and monitoring and direct assistance to beneficiaries with respect to compliance, payments, updating records, appeals and complaints.

20. At the community-level, the CT-OVC Programme has established Location OVC (LOC) Committees and Beneficiary Welfare Committees (BWCs). The main role of the LOC is to identify OVC within their location, assist to identify enumerators for household surveys, validate selection of beneficiaries through the community, and assist with enrolment. The BWCs, which
are composed of and are elected by beneficiaries, are responsible for representing and empowering beneficiaries.  

21. In addition to the above, two other government bodies play key roles in the implementation of the NSNP:

- **The National Treasury** has the statutory mandate to provide the financial guidelines and directives for the transfer of funds for the CT-OVC programme and other government ministries. The Ministry controls and supervises the operations of ministries with regard to budget implementation and financial management, which is a crucial oversight responsibility. The MOF also administers the Designated Account (DA).

- **Kenya National Audit Office** (KENAO) will carry out the external audit of the CT-OVC programme.

**Cash Transfer for Orphans and Vulnerable Children Project**

22. The CT-OVC Programme is financed by the Government of Kenya (GoK), the World Bank, the UK Department for International Development (DFID), UNICEF and the Swedish International Development Cooperation Agency (SIDA). The World Bank has been supporting the CT-OVC Programme through the CT-OVC Project (P111545), which was approved by the World Bank Executive Board on March 31, 2009.

23. The Project Development Objective is to increase social safety net access for extremely poor OVC households, through an effective and efficient expansion of the CT-OVC programme. This was achieved through two components: Component One, **Policy Development and Institutional Strengthening**, aims to (i) strengthen the Ministry of Gender, Children and Social Development (MGCSD) to coordinate social protection initiatives in Kenya, (ii) strengthen the capacity of the Department of Children’s Service to effectively manage the Programme; (iii) improve governance and accountability; and (iv) support the management information system and monitoring and evaluation; Component Two, **Programme Implementation in Selected Districts**, aims to provide cash benefits to households with orphans and vulnerable children (OVC) in selected districts.

24. The CT-OVC Project has been consistently rated satisfactory for the last twelve months. Results from external monitoring show that implementation of the Program is consistent with the provisions of the Operations Manual and that there is a general positive perception of the program among beneficiaries and non-beneficiaries. Additionally, among the communities surveyed, understanding of program eligibility, registration and payment processes was high, although understanding of the updates and complaints process was found to be lower. The draft report for the baseline of the impact evaluation suggests that the program may effectively be reaching the poorest households. This report is currently being revised and based on the final conclusions the Program will review the targeting methods.

25. The CT-OVC Program is having a significant positive impact on a range of outcomes. The findings from the second round (2007-2011) of a quasi-experimental impact evaluation implemented by the University of North Carolina and the Transfer Project reaffirmed earlier

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8 This is done, for example, by informing beneficiaries of payment dates, compiling a list of beneficiaries who did not receive a payment during a payment cycle and giving it to the sub-county Children’s Officer (SCCO) to take action, collecting and forwarding information to SCCOs concerning any changes in beneficiary status, and forwarding any complaints submitted by beneficiaries to SCCOs.
evidence that the Program is positively impacting household welfare and shows findings in areas not previously explored including adolescent health and local economy effects. The Program continues to have a significant impact on consumption and a modest impact on household productive assets, with a significant reduction of on-farm child labour. There are similarly positive results for health and education outcomes among children and evidence, for the first time, that the Programme reduces the vulnerability of adolescents in beneficiary households to HIV.

26. In parallel, the Project has also supported a range of activities that have contributed to strengthening the social protection sector in Kenya. Component One of the Project provides support to the Social Protection Secretariat for policy development and capacity building. This support has been instrumental in the drafting and recent approval of the National Social Protection Policy, which provides the underpinning for the legislative and institutional framework for the social protection sector. It has also contributed to building the capacity of the Social Protection Secretariat to carry-out its mandate to coordinate the social protection sector. Concurrently, support through this component has enabled the government to (i) contract a new payment service provider (PSP) for the CT-OVC Program to provide transfers to beneficiaries electronically using two-factor authentication, thus significantly improving the security of the payments over the existing paper-based system; (ii) strengthen the complaint and grievance mechanism for the Program; and (iii) invest in monitoring and evaluation, which is generating an important stream of information on program implementation and results.

Additional Financing to the Cash Transfer for Orphans and Vulnerable Children (CT-OVC) Project

27. The CT-OVC Programme is one of five programmes that make up the National Safety Net Program (NSNP), which the World Bank will support through a Program for Results. In order to ensure effective delivery of the NSNP, Government and development partners agreed that the most appropriate vehicle to provide technical assistance for capacity building for the NSNP and its constituent programmes would be the CT-OVC Programme. Although presented as a separate Additional Financing initiative, the programme is part of the overall PforR Framework and hence its incorporation in the design of the PforR.

28. To this end, the Government requested the World Bank to consider additional financing of US$ 10 million to the CT OVC project for capacity building for both this programme and for the NSNP. DFID will also provide GBP 36.3 million to the CT-OVC Project, of which 3.3 million will be allocated to technical assistance and 33 million to the provision of cash transfers.

1.1.1 Project Development Objectives

29. The additional financing will enhance the impact of the CT-OVC Programme (and the broader NSNP), which has proven to be an effective means of supporting poor and vulnerable households. The aim of the additional financing is: to increase social safety net access for extremely poor OVC households and to build the capacity of the government to more effectively deliver the National Safety Net Programme.

1.1.2 Project Components

30. As noted above, the CT OVC Project has two components, which will be retained in the Additional Financing Project, although component one has been modified to reflect the focus on building the capacity of the government to deliver the NSNP.
31. **Component One:** Policy Development and Institutional Strengthening (*US$ 10 million equivalent from IDA and US$ 5.2 million equivalent through DFID co-financing*).

32. The component aims to contribute to building the capacity of the government to deliver the National Safety Net Programme by (i) strengthening programme systems to ensure good governance; (ii) harmonizing cash transfer programmes to improve sector coherence; and (iii) capacity building for expanding cash transfer programmes to promote more comprehensive and equitable coverage. These three areas of support reflect the key results of the National Safety Net Program for Results. To build capacity in these three areas, this component will support the provision of technical assistance to the government to further development and strengthen core program me systems, such as targeting, enrolment, payments and complaint and grievances, among others. To detail these requirements further – and to situate them in a careful assessment of the government’s capacity to coordinate, manage and implement the NSNP - a Functional Review will be carried-out in FY13/14.

33. **Component Two:** Programme Implementation in Selected Sub Counties (*US$ 51.2 million equivalent through DFID co-financing*). The activities to be financed through this component remain unchanged from the original project, as this consists of financing regular cash transfers to poor and vulnerable households caring for OVCs that are enrolled into the programme. These households are selected in accordance with the Programme’s Operational Manual. Once enrolled into the Programme, each household receives a monthly payment in cash, which is delivered every two months either through the Postal Corporation of Kenya (PCK) or Equity Bank. The monthly transfer is currently Ksh 2,000, although this will be reviewed on an annual basis, and adjusted if needed.

2  **Social Assessment of the Vulnerable and Marginalized Groups in Operational Areas**

34. In order to inform the design of the Program for Results (PforR) financing to the NSNP, the World Bank undertook an Environmental and Social Systems Assessment (ESSA) of the Kenya National Safety Net Programme. The ESSA was prepared between November 2012 and April 2013. The ESSA reviewed the existing government systems, as they relate to the NSNP, in terms of their capacity to plan and implement effective measures for environmental and social impact management. More specifically, the ESSA reviewed the government’s regulatory and administrative frameworks and the capacity of the relevant implementing agencies to put them into practice, including any previous relevant experience in the sector, and compared them with the environmental and social effects that are likely to be associated with the NSNP. The aim in undertaking this assessment was to determine if any measures were required to strengthen the government’s environmental or social management systems. The ESSA included a review of the social and environmental impacts of the CT OVC Programme, and focused particularly on impact on vulnerable and marginalized groups. The findings of the ESSA, which included consultations with both selected marginalized groups and civil society stakeholders, are detailed in a Programme Action Plan for the National Safety Net Program for Results.

35. The GOK concurred with the findings of the ESSA and with the resulting Action Plan. The programmes that constitute the NSNP, including the CT OVC Programme, are currently putting into practices the recommendations of the ESSA. Given the agreement of the Government with the results of the ESSA, the VMGF builds on, and is guided by, the findings of the ESSA and its Action Plan.
36. Article 43 of the Constitution of Kenya 2010 expressly guarantees all Kenyans their economic, social, and cultural rights, including basic rights to health, education, food, and decent livelihoods. It explicitly asserts the right “of every person… to social security” and binds the State in Article 43(3) to “provide appropriate social security to persons who are unable to support themselves and their dependents.” This refers to social protection in its totality, including social assistance, social security, and health insurance. The Constitution pays specific attention to the needs of children, women, older people, people with disabilities, and minority groups. Section 53, for instance, provides for free and compulsory basic education as well as the protection of the best interests of the child. Article 54 focuses on persons with disability, Article 55 on youths, Article 56 on minorities and marginalized groups, and Article 57 on older members of society.

37. The constitutional right to social security, in both the wide and narrow senses, is closely interlinked with other social protection rights. These include the right to the highest attainable standard of health. It also includes the rights to equality and freedom from discrimination and to human dignity, freedom of movement and residence, reasonable working conditions, fair administrative actions, access to justice, and the resolution of disputes in a fair manner and by a public hearing before a court or independent and impartial tribunal or body. Article 21 of the Constitution commits the state to working towards the gradual realization of the social and economic rights and binds the state “to observe, respect, protect, promote, and fulfil the rights and fundamental freedoms in the Bill of Rights.” For this to be achieved, the state is expected to take whatever legislative, policy, and other measures as necessary, including the setting of standards.

38. The National Social Protection Policy (NSPP), passed by Cabinet in May 2012, defines social protection as: Policies and actions, including legislative measures, that enhance the capacity of and opportunities for the poor and vulnerable to improve and sustain their lives, livelihoods, and welfare, that enable income-earners and their dependants to maintain a reasonable level of income through decent work, and that ensure access to affordable healthcare, social security, and social assistance. The NSPP articulates nine key principles: (i) leadership and integrity; (ii) good governance; (iii) evidence-based programming; (iv) gender mainstreaming; (v) equity and social justice; (vi) common standards; (vii) public participation; (viii) adequacy, affordability, and sustainability; and (ix) flexibility and responsiveness to changing contexts.

39. Several acts of parliament, bills, strategies and policies address the safety net sub-sector in the country. These can be broadly grouped into three: (i) sector-wide; (ii) vulnerability-based; and (iii) geographical-based legislations. There are various acts guiding the education sector (e.g. the Education Act, Gender Policy in Education, Free Primary Education and Special Needs Education), health sector (e.g. the HIV/AIDS Bill and the Health Sector Strategic Plans); and agriculture (e.g. the Strategy for Revitalizing Agriculture and the Agriculture Sector Development Strategy). Various legal documents (acts, bills and policies) and strategies focus on specific vulnerable categories of people in the country (e.g. the Children’s Act, National Policy on Older Persons, and National Policy on Youth, National Gender and Development Policy and Disability Act). The main challenge for most of these frameworks is their lack of alignment with

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9 Marginalized groups are those that, because of their relatively small population, traditional lifestyles, and/or geographic isolation, have been unable to fully participate in the integrated social and economic life of Kenya”: Article 260 of the Kenyan Constitution (2010).
the changing social, political and economic contexts (for instance, they are not yet aligned to the Constitution).

40. The marginalization of certain parts of the country is widely recognized as a key driver of poverty, which has led to the enactment of specific legislation aimed at redressing historical and current injustices and inequalities. For instance, the National Policy for the Sustainable Development of Arid and Semi-Arid Lands (2007) was developed in recognition of the fact that, despite being endowed with a wealth of physical, natural, human, and social capital resources, the ASALs face the highest levels of poverty in the country. Although these anomalies are also addressed in national broad-based policies, correcting them requires specific interventions that will bring these areas up to the same development level as the rest of the country. The situation of the urban poor is also a key focus for development and constitutional interventions, as reflected in several interventions such as slum upgrading and the UFS-CT.

41. From a human development perspective, the Kenya Vision 2030 contains commitments that dovetail well with social protection and safety nets in particular. The Vision is built on three pillars – economic, social, and political. The social pillar seeks to build “a just and cohesive society with social equity in a clean and secure environment.” It makes special provisions for those with disabilities and those who live in marginalized areas. For the first five-year period (Medium-term Plan I: 2008-2012), the Vision’s goal was “to increase opportunities all round among women, youth, and all disadvantaged groups.” The second MTP (2013-2018) is currently being developed, and the NSNP will contribute significantly to the achievement of the social pillar goals.

42. The five cash transfer programmes that constitute the NSNP are largely targeted to the groups identified in the Constitution and other policies as marginalized, thus being in need of support. In terms of the Additional Financing to the CT-OVC Project, the OVC programme targets children who would otherwise have only limited opportunities to develop their human capital.10

43. Based on this analysis, the ESSA concluded that the current policy environment in Kenya provides an appropriate framework for managing the potential social effects of the NSNP. The Constitution of Kenya (2010), and the associated Bill of Rights, sets out the economic, social, and cultural rights of all Kenyans, and the application of these rights to certain vulnerable groups, which are identified as children, women, older people, people with disabilities, minorities and marginalized groups and marginalized communities.

Vulnerable and Marginalized Groups in Operational Areas

44. The Constitution of Kenya 2010 (Article 260) defines a “marginalized community” to mean:

(a) A community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole;

10For the purposes of the program, an OVC is defined as “a child who has lost one or both parents as a result of death; a child who is chronically ill or who has a caregiver who is chronically ill (defined as being bedridden or not able to perform normal duties for at least the last three months); and a child who lives in a child-headed household due to orphanhood.”

11There is some evidence to suggest that the CT-OVC tends to reach older children rather than the youngest children. This is because the likelihood of a child becoming an orphan increases with age. As a result, there may be a missed opportunity to influence the first two years of a child’s life through the cash transfers as currently implemented.
(b) A traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;

(c) An indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or

(d) Pastoral persons and communities, whether they are—

(i) Nomadic; or

(ii) A settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole;

“marginalised group” means a group of people who, because of laws or practices before, on, or after the effective date, were or are disadvantaged by discrimination on one or more of the grounds in Article 27 (4), which states that The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.12

45. The ESSA found that although all parts of the country are covered by one or multiple cash transfer programmes, there has been no particular emphasis on the identification and inclusion of other marginalized groups other than the OVC, older persons and PWSD, with the exception of the HSNP that is implemented in counties occupied by some of these groups.

46. According to the ESSA, “minority ethnic groups in Kenya include the Elmolo, Ogiek, Boni, among others. These groups continue to practice a traditional way of life in the form of livelihood, education, health and clothing, among other aspects. For example, the Ogiek, commonly known as the ‘forest people’ are present in some parts of Rift Valley and Mount Elgon Districts. The Boni and others are found in the coastal region. During the assessment, participants in Lamu referred to the Boni as ‘marginalized among the marginalized’ since Lamu County is considered marginalized.” Annex 1 includes details on the Elmolo, Ogiek and Boni.

3 Impacts of the CT-OVC Programme on the Vulnerable and Marginalized Groups and Mitigation Measures

47. This section of the VMGF draws on the ESSA that was carried-out for the NSNP to identify the potential positive and negative effect that the CT-OVC Programme may have on vulnerable and marginalized groups. It then discusses the steps that the Programme has taken in response to these findings.

Potential Positive and Negative Effects of the CT-OVC Programme

48. The ESSA for the NSNP assessed the potential positive and negative effects of the Programme on vulnerable and marginalized groups. The main findings of the ESSA are summarized below.

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12The World Banks OP 4.10 uses the term ‘indigenous peoples’ to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to natural resources in these habitats and territories; (c) customary cultural, economic, social or political institutions that are separate from those of the dominant society and culture; and (d) an indigenous language, often different from the official language of the country or region. The groups visited by the assessment team met this categorization.
49. It is clear from the feedback received from the participants involved in this assessment and from the findings of the various impact assessments conducted on the cash transfer that these programmes have various advantages. A common thread in the feedback on the social benefits was the fact that the cash transfers are unconditional, thereby providing the beneficiaries with the flexibility to use them according to their needs. Respondents used terms such as “blessing” and “gift” to describe the cash transfers, indicating that the transfers were timely and performed a critical role in the lives of the beneficiaries. Some participants in the assessment observed that the cash transfers had given them hope and something to look forward to. The benefits identified by the community members and corroborated by the various evaluations can be categorized in four broad areas: (i) access to services (for example increased access to basic healthcare and education; and increased access to national identity cards and other official documents such as birth and death certificates); (ii) economic empowerment (for example, the ability to invest in small businesses, to access credit facilities, and to save money); (iii) social empowerment (for example, improved self-esteem and reduced stigma); and (iv) improved quality of life (for example, reduced dependence on the community).

50. In terms of programme inclusion and exclusion the ESSA found evidence that programme managers at local levels employ means of reducing the number of potentially eligible households in the face of widespread need and limited programme resources. These practices, which are not documented in the Operations Manuals, may result in the exclusion of especially needy households and limit the transparency of programme targeting. The exclusion of some ethnic groups was subtly referred to during the fieldwork. This issue arose in areas that are prone to resource-based conflicts. The ESSA recommended that programme reviews and evaluations specifically seek to monitor whether certain groups are systematically excluded from the programme.

51. In terms of marginalized people’s rights, the ESSA concluded that the Programme targets resources to poor households with members who are vulnerable, as identified in the Constitution. While marginalized communities in Kenya reside in some areas that are covered by cash transfer programmes, there has been no particular emphasis by the programme on the identification and inclusion of these groups. The ESSA fieldwork found incidences of potentially eligible households from marginalized communities not being included in the programme, but it was not possible to determine whether this was a consequence of their marginalized situation or the low coverage of cash transfers in these areas. When eligible households are prioritized by communities for support from the programmes, there was some suggestion that minority groups might be ranked lower than the dominant ethnic groups but also that their residence in more remote areas also reduces their opportunities to access the programme. The ESSA recommended that the Operations Manuals for the cash transfer programmes, including the CT OVC programme, be reviewed to include guidance on how to ensure that these communities are equally considered during the targeting process and participate during programme implementation; and staff will be trained in the use of the new guidelines. The application of these guidelines would then be assessed by the annual Programme Implementation and Beneficiary Satisfaction (PIBS) survey of the NSNP.

52. The social conflict mentioned in this assessment is mainly related to the fact that only a limited number of eligible households can benefit from these programmes. Such conflict usually arises with regard to the targeting process, a process that is considered by some people to be unfair because of factors such as corruption and underhand deals. This conflict has led to tension between beneficiaries and non-beneficiaries, between local administrators and community
members, and between programme GoK personnel and local administrators. Although efforts have been made by individual programmes to address some of these social conflicts (for example, making the targeting process more transparent by increasing community involvement), more needs to be done to ensure that the selection and payment procedures are understood by the beneficiary communities.

**Measures to Mitigate Against Potential Negative Effects**

53. The CT-OVC Programme has revised its operation manual in response to the findings of the ESSA to mitigate the negative effects of the Programme on vulnerable and marginalized groups. These changes are described in the sections that follow and summarized in Table 1.

**Programme Targeting Procedures**

54. The programme includes well-articulated procedures to ensure the accurate targeting of poor and vulnerable populations, including marginalized groups. The targeting procedures include four key steps designed to ensure an accessible and transparent process of selecting programme beneficiaries. These are:

   a. The identification of programme counties, sub-counties and locations (geographical targeting) based on objective and transparent poverty and vulnerability criteria and the establishment of key operational structures in these areas;

   b. The identification of households considered to be eligible by the community;

   c. The identification of households which meet programme criteria according to a proxy means test (PMT) using easily identifiable household characteristics; and,

   d. The ranking of those who meet PMT criteria so that the poorest are selected first and households progressively added as resources allow.

55. The programme has articulated in its Operations Manual (OM) a **Targeting Appeals mechanism.** After the targeting process is completed, the list of beneficiaries will be displayed in the communities. Households that feel they have been unfairly excluded as beneficiaries and believe they meet the defined criteria, can submit an appeal to the County Children’s Officer (CCO) which would be processed according to the OM.

56. Further revisions will be made in order to ensure that minority, vulnerable and marginalized groups are not excluded or included in the programme on the basis of characteristics other than those listed in the programme eligibility criteria. To this end, the following procedure has now been included in the programme operations:

   i. The Sub County Children’s Officer (SCCO), with support from the Sub County OVC Sub Committee (SCOSC), will ensure that they are aware of the existence of remote communities or minority and marginalized groups in their sub-county and make every efforts to ensure that they participate in key decision making processes;

   ii. Every effort will be made to ensure that LOCS and BWCs are representative of communities across the location including any representative of communities across the location including in remote parts of the location and members of minority or marginalized groups;

   iii. Attendance at **barazas** (public community meetings) will be as representative as possible. This may necessitate additional effort for communication in very scattered locations and,
in exceptional circumstances, may require the provision of transport for representatives from remote communities or alternatively a visit to the communities from the SCCO.

**Stakeholder involvement in programme planning and implementation and complaint and grievance resolution**

57. The programme has a number of community level structures through which communities, including those who are considered to be minority, vulnerable and marginalised, will participate in programme decision-making processes. These include:

(i) **Sub-County OVC Sub-Committees (SCOSC)**, which play a key role during targeting including: sensitisation of communities, selection of enumerates to conduct targeting data collection; the validation of household lists; the supervision of the targeting process; and the presentation of targeted households to AAC for approval.

(ii) **Location Committees (LOCs)** play a key role in raising awareness of the programme among community members and have responsibilities to support programme targeting. LOC members are elected from each sub-location by community members attending the initial awareness raising barazas.

(iii) **Beneficiary Welfare Committees (BWCs)** are established once enrolment is completed in each location where the programme is operational. These committees, composed of and elected by beneficiaries, play key roles in disseminating information to beneficiaries (such as payment dates) and representing their key concerns (through playing a role in the complaints and grievance system and composing lists of beneficiaries who did not receive a payment during a payment cycle to Sub-County Children’s Officers to facilitate follow-up). They also play a similar role to LOCs in locations where the programme is operational but a scale-up of the programme is planned.

58. The revised Programme OM states that both LOCs and BWCs should be representative of the Locations they serve. There should be members from each of the sub-locations making up the location and representation from any marginalized or minority groups found in the location. This in itself will be an indicator of the inclusion of marginalized and vulnerable groups in the programme.

59. These local bodies, specifically the BWCs, are mandated to respond and, to the full extent possible, resolve any complaint and grievance that arises in response to the Programme. Because of this, these committees should include traditional leaders, local authorities and representatives, and VMG representatives.

60. Using the TA to be availed through the Additional Financing (Component 1), the capacity of the programme implementing structures will be enhanced, further increasing their ability to ensure that the CT OVC Programme is responsive to the needs of minority, vulnerable and marginalized communities. The exact capacity building activities that will be financed will be determined based on the findings of a Functional Review.
Table 1: Summary Potential impacts of the programme on Vulnerable and Marginalized Groups and Mitigating Measures

<table>
<thead>
<tr>
<th>Component</th>
<th>Project activity as outlined in Project Paper</th>
<th>Possible Impacts</th>
<th>Mitigation Measures</th>
<th>Monitoring Framework</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Component One: Policy Development and Institutional Strengthening</strong></td>
<td>The component aims to contribute to building the capacity of the government to deliver the National Safety Net Programme by (i) strengthening programme systems to ensure good governance; (ii) harmonizing cash transfer programme to improve sector coherence; and (iii) capacity building for expanding cash transfer programme to promote more comprehensive and equitable coverage.</td>
<td>(+) Marginalized and vulnerable groups are left out due to weak delivery systems</td>
<td>Enhancement of the capacity of the institutional structures to effectively deliver the programme, including strengthening programme targeting, the complaint and grievance mechanisms, and roll-out of the communication strategy. These steps should better ensure that eligible households from among vulnerable and marginalized communities are included in the programme, are aware of the programme and their entitlements under it and can lodge complaints against front-line programme staff.</td>
<td>NSNP PIBS survey</td>
</tr>
<tr>
<td><strong>Component Two: Programme Implementation in Selected Sub-counties</strong></td>
<td>This component aims at using cash transfers to strengthen the ability of vulnerable households to protect and care for OVC, ensuring that OVC stay within their communities and can be cared for effectively.</td>
<td>(+) Improved beneficiary household consumption, enhanced social standing and increased access to social services; (-) Potential tension in some communities because of few households that benefit in a context of widespread need; (-) Possibility that Vulnerable</td>
<td>Increased government resourcing to broaden coverage of the programme. This is a key objective of Component 2 of the Additional Financing and the planned expansion of the NSNP; Robust community awareness sessions about the programme objectives, procedures and resource availability; Design of specific procedures to ensure awareness of programme officials and community members on existence of remote communities and need to make effort</td>
<td>NSNP PIBS survey and CT OVC External Monitoring Firm</td>
</tr>
</tbody>
</table>
and Marginalized Groups are excluded or included in the programme on the basis of characteristics other than those listed in programme eligibility criteria to include them in decision-making; Ensuring that, where they exist, efforts are made to include representation of marginalized communities in LOCS and BWCs; Documentation of procedures for enhancing participation of marginalized groups in Operations Manuals.
4 Free, Prior and Informed Consultations

61. Free, prior and informed consultation, in relation to activities taking place involving VMGs refers to a process whereby affected vulnerable and marginalized communities, freely have the choice, based on sufficient information concerning the benefits and disadvantages of the project, of whether and how these activities occur, according to their systems of customary decision making. This VMGF establishes an appropriate culturally inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation. Free, prior and informed consultation of the vulnerable and marginalized communities will be conducted at each stage of the project, and particularly during project preparation, to fully identify their views and ascertain their broad community support for the project in the following ways. Particular emphasis will be placed on this process as the Programme rolls-out to new areas.

62. For this Framework, consultations were undertaken by the DCS with a selected vulnerable and marginalized group. The consultation was undertaken with the Ogiek of Nakuru County on September 6, 2013. The objective of the consultation was to share the VMGF and to solicit feedback on the main elements of the Framework. The Framework was shared using appropriate language (Kiswahili) with translation into the local language, Ogiek. The consultation sought to confirm, based on free, prior and informed consultation, that the measures identified to avoid/minimize/mitigate adverse effects are appropriate. Annex 2 provides an overview of the consultation process that was carried out on this VMGF.

5 Social Assessment Process

63. As the CT-OVC Programme expands into new programme areas, the implementing agency will assess if vulnerable and marginalized groups are present in the target areas. This will be carried out as part of the process by which the Programme establishes local level structures in areas selected for inclusion in the Programme (see paragraph 6).

64. If, based on the screening, the Government concludes that VMGs are present in, or have collective attachment to, the project area, the implementing agency will undertake a social assessment to evaluate the project’s potential positive and adverse effects on the VMGs, and to examine benefit-sharing or project alternatives where adverse effects may be significant. The breadth, depth, and type of analysis required for the social assessment will be proportional to the nature and scale of the project’s potential and effects on the Vulnerable and Marginalized Groups present. These procedures will be articulated in the Operations Manual for the Programme. As needed, the implementing agency will prepare Terms of Reference (ToR) for the social assessment.

65. The social assessment will ensure free, prior and informed consultation with the VMGs during project planning and implementation. It will ensure that mitigation of potential adverse impacts, deriving from project activities, will be based on a participatory and consultative process acceptable to the World Bank and the VMGs themselves. Annex 3 provides an example of a social screening form.

6 Case Management/Complaints and Grievance Mechanism (C&G)

66. The purpose of the complaints and grievance mechanism is to ensure that anyone who has a concern about the operation of the programme me can make a complaint and receive
feedback on how this complaint is resolved. Complaints may be raised by beneficiaries of the programme, other members of the community where the programme is operating or members of the general public.

67. The 2008 service charter of the Ministry of Gender, Children and Social Development\(^{13}\) outlines a series of commitments by the Ministry along with a complaints mechanism that people can use if they feel that these commitments have not been fulfilled. In addition to this, the CT-OVC Programme has established complaint and grievance procedures. These are formal mechanisms for beneficiaries and non-beneficiaries to give feedback to programme managers on how the programme is being implemented. The CT-OVC Locational Committees (LOCs) at local level conduct awareness-raising sessions. The Beneficiary Welfare Committees (BWCs) are responsible for supporting programme implementation once beneficiaries are enrolled, that is, with regards to informing beneficiaries of payments and forwarding complaints and grievances to programme managers. More specifically, people may lodge their grievances on the Programme (a) in person with a BWC member; (b) in person, or by writing, to the SCCO; (c) in person, or by writing, to the CCCS; (d) in person to the CT-OVC Secretariat; (e) Via a toll-free telephone number or SMS to the CT-OVC Secretariat (f) by Email or post to the CT-OVC Secretariat or the Director of Children’s Services. A Complaints and Grievance Committee will also be established within the Social Protection Secretariat to address complaints and grievances at the national-level.

68. The CT-OVC Programme is the process of developing procedures for recording the complaints and grievances that were lodged at national-level or escalated to national programme managers in a dedicated module in their management information systems (MIS). This will enable consolidating reporting by the Social Protection Secretariat, which will be carried-out on a six-monthly basis and shared with the World Bank and partners. Finally, the M&E framework for the NSNP includes indicators to monitor the functioning of the complaint and grievance mechanisms, including an assessment of the time it takes for feedback to be given to people who lodge complaints.

69. Additionally, the CT-OVC has distributed service charters to programme beneficiaries and communities. These, together with the use of barazas (open community meetings) and awareness raising sessions, help to ensure that, beneficiaries and their communities have the necessary information to understand how the programme work.

70. The grievance procedure should be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency. Assistance to VMGs should be given to document and record the complaint, and if necessary, provide advocate services to address the grievances. The grievance redress mechanism is designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the law courts for resolution which would otherwise take a considerably longer time. However, judicial recourse is an option when all other attempts at redress are not satisfactory to the complainants.

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\(^{13}\) Following a Ministerial reshuffle, the MGCSD no longer exists. The programmes previously managed under the MGCSD are not implemented by the Ministry of Labour, Social Security and Services (MLSSS)
7 Monitoring and reporting arrangements

71. The key objectives of the CT-OVC Programme Monitoring and Evaluation system is to (a) Improve the quality of programme implementation; (b) Provide information that resources are being used for their intended purposes (transparency and accountability); (c) Learn lessons which can be used by this and other cash transfer programmes; and (d) Assess whether the programme is achieving its intended impact. To achieve these objectives the programme has a monitoring and evaluation framework and a number of monitoring and evaluation tools which are described in sections. As part of the NSNP, the CT OVC will be monitored through an annual Programme Implementation and Beneficiary Satisfaction (PIBS) survey. The PIBS will be undertaken by an external third party agency. The PIBS framework and tools include questions around the inclusion and participation of Minority, Vulnerable and Marginalised groups in the programme.

8 Disclosure arrangements

72. The VMGF will be disclosed to the wider public by posting it on the Social Protection Secretariat website as well as the World Bank’s InfoShop. It will also be made available to VMGs in an appropriate form, manner and language.

9 Budget

73. The implementation and supervision of this VMGF will be built into the project budget. An estimated US$10,000 will be required to support the initial preparation activities in each new programme area (screening and social assessment). Additionally, the capacity building activities to be financed through Component One of the project will include those activities required to ensure the full implementation of this framework, which will be regularly monitored.

<table>
<thead>
<tr>
<th>Component</th>
<th>Unit costs (USD)</th>
<th>Total (USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implementation and supervision of VMGF</td>
<td>10,000 X 25*</td>
<td>250,000</td>
</tr>
<tr>
<td>NSNP Programme Implementation and Beneficiary Welfare Survey (PIBS)</td>
<td>250,000**</td>
<td>250,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>500,000</td>
</tr>
</tbody>
</table>

Note: the capacity building component (One) of the proposed additional financing is USD 10 million for the next three years.

* 25 counties: working estimate of counties (out of the total of 47) with significant within-county location scale up
** The NSNP PIBS covers four programmes. It is estimated to cost US 1million over the next four years. The estimated cost of CT OVC component is approximately 25% of overall cost.
Annexes
Annex 1: Details on the Elmolo, Ogiek, and Boni
Annex 2: Overview of consultation process
Annex 3: Social Screening Form
Annex 1  Profile of Some Vulnerable and Marginalized Groups Who May be in the Project Area

Elmolo

The Elmolo are believed to be one of the smallest tribe in Kenya with some estimates suggesting they number less than 1000. They largely reside around the Southeastern shores of Lake Turkana, around the Loiyangalani area. The Elmolo’s neighbour’s include the Turkana, the Pokot and the Samburu. The group has strong links with the Cushitic Rendille group although they are a Maa-speaking people. Their ancestors “Baz” are thought to have lived around Lake Turkana some centuries ago with their cousins, the Daassenach and Arbore people. Unlike their neighbours, the Elmolo almost entirely depend on fishing from Lake Turkana as a primary source of livelihood. Their economy is deeply rooted in fishing although some today have acquired small numbers of livestock, a culture acquired mainly from the Samburu. With climate change and drought the Lake has receded and there has been notable decline in fish in the Lake. This threatens a key source of livelihood for the Elmolo. The Elmolo’s neighbors are larger in number, often carry arms, and compete for the resources of Lake Turkana. These factors combine to further compromise the future of an already marginalized group in the country.

Boni

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

The Boni live in forested areas of the district i.e. within the Witu and Boni forests. They live deep into the forest and only come out to the periphery when there is hardship or hunger. They perceive the forest in the Boni inhabited areas as communally theirs. However, with the gazettement of all the forest by the government this has become a source of conflict.
Young school girls from the Boni community in Lamu (March 2013)

Ogiek

The Ogiek (Ogiot - sing.) ethnic group consists of 20-30 groups of former hunters and honey-gatherers, mostly living in forested highlands in western Kenya. Local groups have more specific names, e.g., Kaplelach, Kipsang'any, Kapchepkendi e.t.c. Okiek, a Kalenjin language of the Southern Nilotic group, is the mother tongue of most Ogiek people, but several groups now speak Maasai as their first language. Traditionally the Ogiek had occupied most of the forests in the extreme west and south of Western Kenya, but today their main area of living is in and around the Mau forest, which is not part of the operational areas. Nevertheless, some Ogiek groups are found in the Upper Yala catchment near the villages Serengoni, Senghalo (Nandi South), in the Kipkurere forest (Nandi South) and some live scattered in the Uasin Gishu district. Most publications (Ogiek.org etc.) and most NGOs assume that the hunter-gatherers at Mt. Elgon belong to the Ogiek and that they are not – as they claim - an independent hunter-gatherer group. Their argument is not very convincing as they address themselves as Dorobo, which is – as said before - the Maa word for people without cattle, while they share most cultural practices with the
Ogiek. Precise demographic figures are not available as the last national census did not count the Ogiek as an independent group.

**History**

Knowledge of Ogiek history before 1900 is limited. Oral history traces back the origin to the Kiplombe hills near Siswek. It is said that all Ogiek have lived there before a famine forced some of them to migrate to the Mau and Tindiret forests. Before the advent of the colonialists, they were already involved in the local and regional trading networks, bartering honey and meat for agricultural products.

Colonial administration affected Ogiek groups in different ways. Between the 1920s and 1940s, many Ogiek were displaced from their lands by European farmers, while others – especially deeper in the forests – received at least full usufructuary rights for their lands, which were transformed into forest reserves. Initially they had limited direct government interaction, but felt colonial policies through the ever increasing encroachment of their neighbours, who were forced into the forests by the government to create space for the farms in the plains. Due to the reduction of land and increasing hunting pressure, the Ogiek gradually diversified their economy, adding agriculture and/or herding to the traditional hunter-gatherer lifestyle.

**Livelihood**

Traditionally the Ogiek divided land into lineage-owned tracts stretching along the escarpment slope. Tracts transected four or five ecological zones, giving families access to honey and game during each season. Residence groups were small extended families, patrilineal cores that might be joined by affine and matrilineal relatives. Six to ten adjacent lineages constituted a named local group, i.e. a significant unit of cultural identity and history.

Unlike many other hunter-gatherers, beside of honey, Ogiek collect hardly any plants, fruits or non-timber-forest-products from the forest. Honey is eaten, stored for future use, brewed into beer and traded. It is said to have been the main product for the barter with their agricultural and/or pastoralist neighbours. Traditionally the Ogiek hunt with dogs, bows and arrows, spears, clubs and poison. Traditionally they were going for buffalos, elephants, duikers, hyraxes, bongos, and giant forest hogs. Now that hunting is illegal, they only hunt with small traps around their garden farms resulting in some meat from monkeys and other smaller game.

Starting in the 1920’s the Ogiek started to cultivate small millet and maize gardens due to reduced production from the forest. This led to a more sedentary lifestyle in mid altitude forest and - in turn - a further increase of agriculture and/or pastoralism. Today, agriculture is the main source of subsistence and income, which is supported through some livestock rearing, hunting (which is illegal) and bee-keeping. Honey gathering is still a key activity and carried out the traditional way, with few Ogiek using modern bee-hives and/or processing the honey for regional markets. Blackburn concludes: "without honey and condition of getting it, Ogiek life would be entirely different. This explains why the Ogiek live in the forest" (Blackburn 1974:151).
The economic activities are organized by gender groups: Men traditionally make beehives; collect honey, hunt and these days herd cattle and/or clear land to plant maize and beans. Women's work traditionally included building the houses under thick canopies (Sanet) and the making of leather bags, straps and clothing. Today they concentrate on the planting and harvesting of crops, the processing and cooking of food, the maintaining of firewood and water supplies and the childcare.

Their access to land varies very much from village to village. Before independence most Ogiek lived on state or trust land (i.e. in the forests) with all usufructuary rights, but no letters of allotment. Following independence, the land reform and the general land demarcation in 1969 usufructuary rights were out-ruled. Legal access to land is now channelled through individual land titles and - in the Maasai-dominated districts – group ranches. Group-ranch demarcation began in the 1970s, crossing lineage land boundaries, incorporating non-Ogiek into some groups, and registering significant parts of Ogiek land to non-Ogiek. During the same time, the Ogiek were evicted from the forest reserves. As they were not provided with any land or compensation most had to go back and live illegally in the forests until the next eviction-team would show up. The regular evictions, arrests and loss of property, crops and even lives further increased the poverty of the Ogiek, underlined their social discrimination and cemented their marginalization. Those Ogiek that managed to obtain group-ranch titles, started in the 80ies and 90ies to divide the land into individual plots following the example of their neighbours and supported by governmental services. Settlement patterns shifted again as people moved to live on their own land, but it also attracted many Ogiek to lease or sell their lands to other ethnic groups. Many of these land sales were technically illegal as they were made before group-ranches were legally divided and many sales were undertaken before Ogiek learned about the market value of their land and at ridiculously low prices. Today the majority of the Ogiek have still no legal access to land or any source of livelihood and live a life at the mercy of their non-Ogiek neighbours and local and national governments in which they are not represented (Huntingford 1929, 1954; Blackburn 1976, 1982; Kratz 1981, 1994; Marshall 1994; Tuweit 2004).

Social organization

Ogiek live in local groups dispersed throughout the highlands, typically near one or more other Ogiek groups and adjacent to more populous ethnic groups. In quite a good number of cases Ogiek speak their neighbours' language better than their own. Ogiek groups thus have distinctive histories of interaction with one another, with their neighbours, and with local government administration. Modes of social organization vary among Ogiek groups, but in general one can say that patrilineages are central in land holding and residence, legal matters, inheritance, and marriage arrangement, while matrilineal and affine relations are important for ceremonial occasions, in some residential and work groups, and in emotional terms. Further units are the age-sets, which create relationships among members, crosscutting relations defined by lineage and clan. Women have no separate age-sets, but become associated with male age-sets through relatives. Political and legal matters are discussed in meetings of men.

Depending on the issue, gatherings involve men from one lineage, several lineages, or a large neighborhood. All adult men have the right to attend and speak at meetings, though older men often speak more extensively. This changes of course in meetings with officials as most
elders don’t speak Swahili or English. Women were traditionally excluded from formal councils, but this traditional setting is no longer ruling as government officials and external visitors demand and invite the presence
Annex 2 Report of the Consultation with the Ogiek of Nessuit Location on the VMGF for the Additional Financing to the CT-OVC Project

Background

74. This report is on a consultation with the Ogiek community of Nakuru County. The objective of the consultation was to share the draft Vulnerable and Marginalized Groups Framework (VMGF) and to solicit feedback on the main elements of the Framework. The Framework was shared using appropriate language (Kiswahili) with translation into the local language, Ogiek. The consultation sought to confirm, based on free, prior and informed consultation, that the measures identified to avoid/minimize/mitigate adverse effects are appropriate.

The Consultation

75. A government-led team consisting of a representative Ministry of Labour, Social Security and Services (MLSSS) Department of Children Services (DCS) with the support of an independent consulting firm undertook the consultation September 6-7, 2013. A representative from World Bank observed the consultation process.

76. The consultation adopted several approaches - public barazas (meetings), informal group interviews with village and township elders. Key informant interviews with the County Coordinator of Children Services (CCS), Nakuru County and a representative of the Ogiek People’s Development Programme (OPDP), a CSO located in Nakuru County.

77. The Framework was shared using appropriate language (Kiswahili) with translation into the local language, Ogiek. The consultation sought to confirm, based on free, prior and informed consultation, that the measures identified to avoid/minimize/mitigate potential adverse effects of the programme are appropriate from the community’s perspective.

78. As such, the consultations included:

(a) Meeting with county representatives to discuss the objective of the consultation mission, to share the report with officials, and receive guidance on appropriate procedures to share with the local community. The team met with the Country Children Coordinator (CCC), who provided further background on the implementation of the Programme in the county, and the various locations and sub locations in which the Ogiek community are found in Nakuru County;

(b) Meeting with village elders, leaders and gate-keepers in Nessuit location of Nakuru County (September 6, 2013). The team travelled to Nessuit Location, approximately 40 kilometers from Nakuru town. A settlement of the Ogiek has been established in this location, as discussed below. The team met with local elders and identified the purpose of the consultation mission. The team provided a summary of key elements of the framework and noted some comments and inputs from the village elders. The team noted that the Ogiek are defined as a marginalized and vulnerable group, and that, while the Programme does not specifically target marginalized groups, efforts are being made to ensure that, in locations where the project is implemented, remote and marginalized groups will be included in local committees, will be encouraged to participate actively in local public barazas and will have equal access to complaints and grievance mechanisms, and to systems for appealing targeting decisions. The elders and leaders concurred with
the key components of the VMGF. The elders appreciated that the programme is unable to provide benefits to all locations. The elders noted that, should the programme be implemented in their location, the actions proposed to ensure the inclusion and participation of the Ogiek in the programme is appropriate. The team then indicated the importance of widely sharing the findings with the community. The elders recommended a baraza to be held the next day, to ensure broad community participation in the consultation.

(c) **With the support of the Chief and Village elders/leaders, a public baraza** was convened on Saturday, September 7, in Nessuit Location. The baraza attracted a group of about 30-40 participants, representative of women and men, and from all the key Ogiek clans and villages within the location. The Chief and other village elders were also present during the meeting. As with the above, the team explained the reason for the consultation, provided a summary of the draft VMGF content and proposed actions. The community was invited to reflect on the findings, and to share their views on the proposed draft framework. As with their leaders, the group broadly concurred with the draft VMGF. The community emphasized the importance of public barazas for ensuring include and broad participation of the entire community in programme operations and decision-making processes. The government noted that this is a key element in the CT OVC programme and has been strengthened to ensure the participation of remote, vulnerable and marginalised groups such as the Ogiek.

*A woman contributes during a consultation “baraza” with a group of Ogiek in Nessuit Location (2013)*
Outcome of the consultation

Location of the Ogiek

79. During the consultation, the team learnt that the Ogiek are found in the Uasin Gishu – Kipkorere Forest, Narok and Nakuru Counties. In Nakuru County, the Ogieks are located in Nessuit, Sururu, Likia, Teret, Marioshoni and Tinet locations. Nessuit is a cosmopolitan location comprising of a number of groups including the Kikuyus, Kipsigis, Nandi, Turgen and the Ogieks. Mesibei and Nessuit locations have the most number of Ogieks. It also emerged that the Narok Ogieks are found in Sisimwani location.

Locations where CT-OVC programme is implemented

80. The CT OVC programme is implemented in the sub-counties of Molo, Elburgon, Kuresoi, Njoro, Rongai, Gilgil, Naivasha and Nakuru North. From the consultation process, it emerged that the Ogieks also reside in parts of Kuresoi, Njoro and Molo sub-counties. Nessuit location, in Njoro sub-county is not covered by the CT-OVC programme at the moment. It should be noted that, as the programme expands, it may cover other locations in the county, based on its documented geographic expansion plan.

81. The DCS explained to the various elders and community members that CT-OVC programme is not established in all locations in the country and that locations are identified on the basis of the national data available that gives the number of orphans and number of households that are categorized as hard core poor. Locations with high numbers of orphans and hardcore poor households are included in the programme subject to the availability of funds. The participants in the consultation were informed that if funds become available targeting will be done across the country and if Nessuit location will meet the eligibility criteria then the location will be included in the programme.

82. The DCS also informed the community, through the baraza, that marginalization is not an explicit criterion for inclusion in the CT-OVC programme. The main criterion for enrolment into the CT-OVC programme, the team indicated to the community, is any household that is hardcore poor and lives with OVC. The cash transfer programme has a mechanism that involves marginalized groups from the targeting, which is embedded in the programme’s operational manual where marginalized groups are defined. It is expected that the vulnerable, minority and marginalized communities are represented in all local programme structures.

Existing community structures

83. There exists community structures among the Ogieks of Nessuit location, most of which are informal in nature, which handle issues ranging from land, road infrastructure, social welfare issues, etc; For instance, ILKISARUNI (age-group of about 45yrs and above) group of 20 members, all men contributes about Kshs. 500-1000 weekly for the support of households living with orphans where they buy heifers for the households. The group was established in 2010.

84. It was reported that the community does not hold any public baraza and they recommended that in case of the introduction of any government programme, including the CT OVC programme, that there should be a public baraza for every person that will involve all community members. This will ensure wide participation of all sections of a community, and
will render the programme processes more transparent and accessible to their community. The team welcomed this feedback and indicated to the community that the CT OVC programme makes use of barazas in the majority of its community-level processes. For example, barazas are used to introduce the programme to beneficiaries and during programme targeting processes.

**Conclusion**

85. In a conclusion, the team observed that the Ogieks of Nessuit have community structures that can be utilized for effective implementation of various programmes, as described in the CT OVC programme revised operations manual. The main components of the draft VMGF were shared with the community through elders, local leaders, and community barazas and through discussions with a representative organization. The various consultations show that the Ogiek acknowledged the context of the VMGF and agreed with the actions proposed to ensure, if the CT OVC program is implemented in their locations, their community is included in key programme decision-making structures and participates in other relevant programme processes at the local level. The community emphasized the importance of using existing community processes, such as public barazas, to ensure broad and transparent participation in programme processes.
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Annex 3  Example of a Social Screening Form

A. BACKGROUND INFORMATION
A 1. Type/description/justification of proposed activity
A 2. Location of activity
A3. Duration of activity
A 4. Focal point and person for activity

B. EXPECTED BENEFITS
B1. Benefits for local people
B2. Benefits to Vulnerable and Marginalized Groups (VMGs)
B3. Total Number of expected beneficiaries
B4. Total Number of expected Vulnerable and Marginalized Peoples beneficiaries
B5. Ratio of B4 and B5; Are benefits distributed equitably? YES NO

If NO explain and state remedial measures

C. POTENTIAL ADVERSE SOCIAL IMPACTS
C1. Will activity entail restriction of access of VMP to lands and related natural resources YES NO
If no, explain why
C2. Will activity entail commercial development of natural and cultural resources critical to VMGs YES NO
If no, explain why
C3. Will activity entail physical relocation of Vulnerable and Marginalized Peoples YES NO
If no, explain why
If yes exclude from project

D. CONSULTATION WITH VMGs
D1. Has VMG orientation to project been done for this group? YES NO
If no, explain why
D2. Has PRA/RRA been done in this area? YES NO
If no, explain why
D3. Did the VMP give broad support for project YES NO
If no, explain why