



**Lake Naivasha Basin Ecosystem Based Management
(10589)**

ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

PROCESS FRAMEWORK

AND INDIGENOUS PEOPLES FRAMEWORK

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LIST OF ACRONYMS

AGENT	Advancing Gender in the Environment
BMU	Beach Management Unit
CEDAW	Convention on the Elimination of Discrimination against Women
CFA	Community Forest Association
CRC	Convention on the Rights of the Child
EBM	Ecosystem Based Management
EMCA	Environmental Management and Coordination Act
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Safeguards
ESSF	Environmental and Social Safeguards Framework
FAO	United Nations Food and Agriculture Organization
FPIC	Free Prior and Informed Consent
GAP	Gender Action Plan
GBV	Gender Based Violence
GEF	Global Environmental Facility
GOALAN	Green Horticulture at Lake Naivasha project
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ILO	International Labor Organization
IP	Indigenous People
IPP	Indigenous Peoples Plan
IPPF	Indigenous Peoples Planning Framework
IUCN	International Union for the Conservation of Nature
KFS	Kenya Forest Services
LANABLA	Lake Naivasha Basin Landscape Association
LANABWRUA	Lake Naivasha Basin Water Resources Users Association
LNKG	Lake Naivasha Growers Group
LNRA	Lake Naivasha Riparian Association

LNB	Lake Naivasha Basin
LNBIMP	Lake Naivasha Basin Integrated Management Plan
LRP	Livelihood Restoration Plan
MDP	Medium-term Development Plan
MFI	Micro-Finance Institution
NEMA	National Environment Management Authority
NETFUND	National Environment Trust Fund
NGEC	National Gender Equality Commission
NLC	National Land Commission
PAP	Project Affected People
PES	Payment-for-Ecosystem-Services
PF	Process Framework
PFMP	Participatory Forest Management Plans
PMU	Project Management Unit
PPMS	WWF's Project and Program Standards
PSC	Project Steering Committee
RoK	Republic of Kenya
SEAH	Sexual Exploitation, Abuse and Harassment
SEP	Stakeholder Engagement Plan
SIPP	Safeguards Integrated Policies and Procedures
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
WHO	World Health Organization
WRUA	Water Resources Users Association
WWF	World Wildlife Fund

1. INTRODUCTION

Lake Naivasha is one of the two freshwater lakes in the Kenyan part of the Rift. The key values provided by Lake Naivasha Basin (LNB) are globally significant biodiversity, and provision of water and fertile soil. In 1995, the LNB was designated as a wetland of international importance. The freshwater supports a rich ecosystem with hundreds of bird species, papyrus fringes filled with hippos, riparian lands where waterbuck, giraffe, zebra and various antelopes graze, dense patches of acacia forest with buffalos, bushbuck and swampy areas where waterfowl breed and feed.

The LNB is challenged by land degradation, water pollution and loss of biodiversity, resulting in a reduction in provision of ecosystem services. This is caused by a number of threats, in particular (i) poor agricultural practices by small scale farmers in the upper catchment; (ii) overgrazing and illegal logging in the lower, middle and upper catchment; (iii) pollution of water bodies from farmlands, settlements and industries; (iv) over-abstraction of water resources; (v) urbanization, agricultural expansion, infrastructure development and other types of development associated with land use change; and (vi) impacts of climate change.

The project objective is to restore forest ecosystems and reduce land degradation in the LNB catchment for increased protection of Lake Naivasha's water resources, biodiversity, and associated ecosystem services to support the local and national economy. In this regard, the high-level theory of change of the project is that if the LNB community, sectors, and counties are supported to undertake joint responsibility for the management of the basin through participatory planning and multi-stakeholder engagement forums, and if the impacts from smallholder agriculture in the upper catchment on the lake can be reduced through the introduction of improved farmer techniques, accompanied by improved access to finance and markets for sustainable production, and the institutionalization and implementation of landscape restoration and management measures by riparian land users, then the overall threats to the LNB and its associated ecosystem services will be reduced.

Based on the overall theory of change, the project is structured around 4 key components:

- Component 1: Strengthening the enabling conditions for integrated landscape management in LNB
- Component 2: Market and financial mechanisms for implementation of the LNB Integrated Management Plan
- Component 3: Improved land management in LNB
- Component 4. Knowledge Management and Monitoring and Evaluation

The project will be implemented over a timespan of four years, with a total budget of 1,785,422 US\$ in addition to an estimated co-financing contribution of 9,341,919 US\$; the project will operate under a financial agreement to be signed between WWF US, as the GEF Project Agency, and the Ministry of Finance, on behalf of the Government of Kenya (GoK). As the GEF Project Agency, WWF GEF Agency will provide technical and financial supervision and implementation support of the project as well as support on issues affecting timely and quality project implementation.

The National Environment Trust Fund (NETFUND) will act as the Lead Executing Agency for the project. The day-to-day management of the project will be assured by a Project Management Unit (PMU), with responsibilities for the coordination of work between the various partners in the project, for leading on specific components of work, as well as for facilitating procurement processes. The PMU will also be responsible for the reporting, monitoring and evaluation functions.

Several executing partners will be engaged in the implementation and coordination of specific project components, of which most notably Imarisha Lake Naivasha and Kenya Forest Services (KFS).

In compliance with WWF Environmental and Social Safeguards Framework (ESSF), as detailed in WWF's Environmental and Social Safeguard Integrated Policies and Procedures (SIPP), the Lake Naivasha Ecosystem Based Management (EBM) Project was screened according to WWF's Standard on Environmental and Social Risk Management. The Project has been categorized as a Category "B" project, given that it is essentially a conservation initiative expected to generate significant positive and durable social, economic and environmental benefits. Any adverse environmental and social impacts are site specific and can be mitigated. The proposed project triggered the following standards:

- Standard on Protection of Natural Habitats
- Standard on Pest Management
- Standard on Indigenous Peoples
- Standard on Restriction of Access and Involuntary Resettlement
- Community Health, Safety and Security

1.1. Objective of the Environmental and Social Management Framework (ESMF)

The preparation of this ESMF was required in accordance with the WWF's ESSF, through guidance and procedures described in WWF's SIPP, in order to identify and manage the environmental and social risks and impacts of the LNB Ecosystem-based Management Project. The ESMF aims to outline the principles, procedures, and mitigation measures for addressing environmental and social impacts associated with the project in accordance with the laws and regulations of the Republic of Kenya (RoK) and with the ESSF.

Since the precise scope of activities that will be implemented as part of the project will only be determined during the implementation phase, site-specific social and environmental impacts are uncertain at this stage. Thus, the development of site-specific Environmental and Social Management Plans (ESMPs) is currently not feasible, and an ESMF is necessary to set out procedures for addressing potential adverse social and environmental impacts that may occur during project activities. Site-specific ESMPs will be developed pursuant to the guidance provided by this ESMF during project implementation.

The specific objectives of the ESMF include the following:

- Carry out a preliminary identification of the positive and negative social and environmental impacts and risks associated with the implementation of the Project, including any Sexual Exploitation, Abuse and Harassment (SEAH) risks;
- Outline the legal and regulatory framework that is relevant to the Project implementation;
- Specify appropriate roles and responsibilities of actors and parties involved in the ESMF implementation;
- Propose a set of preliminary recommendations and measures to mitigate any negative impacts and enhance positive impacts;

- Develop a screening and assessment methodology for potential activities, that will allow an environmental/social risk classification and the identification of appropriate safeguards instruments;
- Set out procedures to establish mechanisms to monitor the implementation and efficacy of the proposed mitigation measures; and
- Outline requirements related to disclosure, grievance redress, capacity building activities, and budget required for the implementation of the ESMF.

1.2. Objective of the Process Framework (PF)

The Project triggers the WWF's Standard on Access Restriction and Resettlement as it may restrict or otherwise affect access to natural resources and the livelihood activities of project affected people (PAP). This Process Framework (PF) describes the process by which affected communities participate in identification, design, implementation and monitoring of relevant project activities and mitigation measures. The purpose of this PF is to ensure participation of PAP while recognizing and protecting their rights and interests and ensuring that they do not become worse off as a result of the project. Specifically, the PF will:

- Describe activities that may involve new or more stringent restrictions on use of natural resources in the project area.
- Establish the mechanism through which the local communities can contribute to the project design, implementation and monitoring.
- Identify the potential negative impacts of the restriction on the surrounding communities, including any gendered differences or SEAH risks associated with access restriction or differing uses of natural resources.
- Specify the criteria for eligibility of economically displaced persons to receive compensation benefits and development assistance (no physical displacement will be allowed under this project or any WWF project).
- Describe the mitigation measures required to assist the economically displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the LNB, will be identified.
- Describe the grievance procedure or process for resolving disputes to natural resource use restrictions.
- Describe the participatory monitoring arrangements with neighboring community members.

As the project intends to enhance the livelihoods and resilience of IPs and local communities, the allocation of project benefits among local community members is particularly important. The intent of the framework is to ensure transparency and equity in the planning and implementation of activities by the project. This framework details the principles and processes for assisting communities to identify and manage any potential negative impacts of the project activities. Since the exact social impacts will only be identified during project implementation, the PF will ensure that mitigation of any negative impacts from project investments occurs through a participatory process involving the affected stakeholders and rightsholders. It will also ensure that any desired changes by the communities in the ways in which IPs exercise customary tenure rights in the project sites would not be imposed but should emerge from a consultative process.

1.3. Objective of the Indigenous Peoples Planning Framework (IPPF)

- There are different ethnic groups and clans present in the project area that can be identified as Indigenous Peoples, including but not limited to the Maasai who live in neighboring counties, such as Narok, and cross over to LNB looking for pasture and water during severe droughts. Although the Kenyan government does not formally recognize the Maasai as indigenous, they are considered so under WWF and GEF policies. Based on WWF's Standard on IPs, some of the people affected by this project would be considered Indigenous, ethnic or tribal minorities, and an Indigenous Peoples Planning Framework thus has to be prepared.
- The objective of the IPs Planning Framework (IPPF) is to clarify the principles, procedures and organizational arrangements to be applied to IPs for the LNB Ecosystem-based Management Project. This framework will serve as a guideline to the project team to:
- Enable them to prepare IP Plans (IPPs) for specific activities proposed consistent with WWF's Environment and Social Safeguard Integrated Policies and Procedures.
- Engage affected IPs in a Free Prior and Informed Consent (FPIC) process.
- Enable IPs to benefit equitably from the project.

1.4. ESMF/PF/IPPF Preparation Methodology

The ESMF/PF/IPPF was prepared based on stakeholder consultations held during the project design process.

The ESMF/PF/IPPF draws on consultations results, and on the relevant laws and regulations of Kenya and the ESSF and SIPP. The relevant laws and regulations of RoK related to safeguards apply to the project since it is implemented within the jurisdiction of the Country. WWF's SIPP applies since the project is managed by WWF, which is an implementing agency of GEF.

In order to avoid duplications and for ease of reference, the ESMF, PF, and IPPF are combined into a single document.

2. PROJECT DESCRIPTION

This chapter outlines the objectives of the Lake Naivasha Basin Ecosystem Based Management, its components, milestones, and major supported activities.

1.2. Project Objectives and Components

The project objective is to restore forest ecosystems and reduce land degradation in the LNB catchment for increased protection of Lake Naivasha's water resources, biodiversity, and associated ecosystem services to support the local and national economy.

The high-level theory of change of the project is that if the LNB community, sectors, and counties are supported to undertake joint responsibility for the management of the basin through participatory planning and multi-stakeholder engagement forums, and if the impacts from smallholder agriculture in the upper catchment on the lake can be reduced through the introduction of improved farmer techniques, accompanied by improved access to finance and

markets for sustainable production, and the institutionalization and implementation of landscape restoration and management measures by riparian land users, then the overall threats to the LNB and its associated ecosystem services will be reduced.

Based on the overall theory of change, the project is structured around 4 key components:

- Component 1: Strengthening the enabling conditions for integrated landscape management in Lake Naivasha Basin
- Component 2: Market and financial mechanisms for implementation of the LNB Integrated Management Plan
- Component 3: Improved land management in LNB
- Component 4: Knowledge Management and Monitoring and Evaluation

A summary description of each of the project components is presented below.

Component 1: Strengthening the enabling conditions for integrated landscape management in Lake Naivasha Basin

Under Component 1, the project will address the barriers related to (i) inadequate coordination and lack of collective accountability across upstream and downstream sectors of water use; and (ii) the poor coordination between institutions responsible for various aspects of conservation and sustainable management of natural resources in the LNB. Coordination of this component will be delegated to Imarisha Lake Naivasha, as the Executing Partner of NETFUND. In this regard, the project will firstly conduct a participatory review and update of the Lake Naivasha Basin Integrated Management Plan (LNBIMP) using a multi-sectorial and gender sensitive approach, which will be institutionalized through integration into the Annual County Development Plans. Secondly, Imarisha's capacity for leading and coordinating the implementation of the Plan will be strengthened through the organization of Annual LNB Multi-stakeholder Forums, for enhanced coordination between stakeholders in relation to the implementation of the LNBIMP, as well as knowledge and best practices exchange. Imarisha will furthermore lead on the organization of quarterly meetings of key project stakeholders under a Technical Committee, which will ensure synergies and effective coordination of project activities as well as third-party initiatives. The LNBIMP and other outputs under Component 1 will be the basis for targeted interventions under Component 3, which are geared towards facilitating the implementation of priority activities defined under the LNBIMP.

The anticipated outcomes and outputs under this component include:

Outcome 1.1: Harmonized inter-sectoral and multi-stakeholder planning and management across LNB and County plans for integrated, inclusive and sustainable land management in LNB

The project will support the review of the integrated framework for environmental management and development within LNB entailed in the LNBIMP, which formally expired in 2022. This review process, which will be led by Imarisha Lake Naivasha, includes taking stock of progress and lessons learnt in the implementation of the Plan, as well as an analysis of current trends and planned

developments in the basin¹. Imarisha Lake Naivasha will lead a participatory process with LNB stakeholders to review, update and eventually socialize the LNBIMP, including its related Lake Naivasha Riparian Management Plan. Key stakeholders to be engaged in this process include Community Forest Association (CFAs), Water Resources Users Association (WRUAs), small-scale farmer groups, private sector (commercial flower and horticulture growers, tourism operators, entrepreneurs, pastoralist groups, women's rights groups and riparian land owners associations, besides the national and County government agencies in the basin: the Kenya Wildlife Service, Kenya Forest Service, Water Resources Authority, National Environment Authority, Kenya Generation (geothermal power generating company), the Kenya Plant Health Inspectorate and the Department of Education, Children, Gender Affairs, Culture and Social Services. Implementation of the 2023-2032 Plan will be ensured through alignment of the existing County Development Plans within the LNBIMP, as well as by establishing relevant forums for stakeholder engagement and coordination of relevant initiatives within the basin. The project will ensure equal participation of women and men in the consultations and keen towards addressing negative social and gender factors that impact the basin and its resource use.

Output 1.1.1: Participatory review and update of the Lake Naivasha Riparian Management Plan (LNBIMP 2023-2033)

- Consultations with key stakeholders to build support for the Plan and alignment with County Plans and priorities
- Collection of data on key socio-economic trends and developments in the basin (e.g., land-use changes, infrastructure developments, agricultural development, urban and rural development) and their potential threats to the environment (e.g., status of various biota, water resources, forest cover)
- Update the LNBIMP (including its Riparian Plan)
- Socialize the Plan with key Basin stakeholders.

Output 1.1.2: Mainstreaming of priority intervention areas in the County Development Plans

- Annual participatory review of the status of implementation of the County Integrated Development Plans in terms of priorities identified in the LNBIMP
- Integrating key policy and action areas in Annual County Development Plans to ensure alignment with the priorities identified in the LNBIMP

Output 1.1.3: LNB multi-stakeholder Platform meetings coordinated by Imarisha for coordinated implementation of the LNBIMP and knowledge and best practice exchange

- Facilitate Annual LNB Multi-Stakeholder platform meetings including WRUAs, CFAs, farmers' groups, Lake Naivasha Basin Water Resources Users Association (LANABWRUA), Lake Naivasha Riparian Association (LNRA), Lake Naivasha Basin Landscape Association (LANABLA), Imarisha Lake Naivasha, WWF, NETFUND, private sector, etc.
- Facilitate quarterly meetings of the Lake Naivasha Basin Technical Committee to coordinate the effective implementation of the LNBIMP, including the LNB EBM Project
- Dissemination/sharing of information on key environmental issues collected under output 1.1.1 (such as emerging infrastructure developments and potential threats, status of various biota, peer-reviewed articles on Lake Naivasha, lessons on NRM best practices) to key stakeholders

¹ To note, one of the threats that the project will consider in the development of the updated LNBIMP is the mega infrastructural development projects that the Government of Kenya (both National and County) have fronted in Lake Naivasha basin.

including the private sector, academia, communities, development partners, CSOs, media and the governments

Component 2: Market and financial mechanisms for implementation of the LNBIMP

Under component 2, the project will address challenges related to the absence of adequate financial incentives and market opportunities for smallholder farmers in the LNB to change to more sustainable farming methods, as well as the absence of adequate finance for implementation of concrete restoration and management actions as defined in the LNBIMP. Coordination of activities under this component will be managed directly by the Project Management Unit (PMU), hosted and overseen by NETFUND.

Firstly, the project will support the development of a sustainable finance and resource mobilization strategy for the LNBIMP. Secondly, the project will support the restructuring and operationalization of the existing Payment-for-Ecosystem-Services (PES) scheme, based on the recommendations from the recently concluded review, and building on the provisions of the new Water Towers Bill (2022), among others. Finally, the project will support the development and strengthening of market opportunities for sustainable agricultural products, among others, through the Naivasha Basin Sustainable Horticulture Farmers group and related Green Shop.

The anticipated outcomes and outputs under this component include:

Outcome 2.1: Improved access to finance for implementation of restoration and improved land management activities in LNB

The project will firstly support the development of a sustainable finance and resource mobilization strategy for the LNBIMP. In this regard, a recent executive order from the President² provides the mandate and responsibility for the restoration of the Lake Naivasha basin to the Ministry of Environment and Forestry, including the mobilization of resources for said purpose. The resource mobilization strategy will go beyond traditional donor and public sector funding, and include, among others, opportunities for leveraging private sector investments, blended finance solutions, carbon finance, etc. The development and implementation of this plan will be led by Imarisha Naivasha, with the support of NETFUND. As a critical part of this strategy, the project will support the restructuring and operationalization of the existing PES scheme, based on the recommendations of the PES review study³. In this regard, the project will build on the provisions of the proposed new Water Towers Bill 2022, expected to be officially adopted and enacted by early 2023, which includes specific provisions to enhance resource mobilization capacity for the conservation of Kenya's water towers, including the Aberdare mountain range in the upper catchment of Lake Naivasha, as well as on the provisions of the Natural Resources (Benefit Sharing) Bill, 2020, which provides for the development of specific benefit-sharing agreements between natural resource users, national and County governments and local communities. More specifically, the project will build on earlier plans for the establishment of a Lake Naivasha Basin PPP Sustainable Development Fund (LNB-3P-SDF), which would be funded by a price premium from

² Executive Order no. 1 of 2020, Republic of Kenya.

³ Greenfi (2021). Feasibility Assessment for Scale-Up of the Payments For Environmental Services (PES) Project at Lake Naivasha, report prepared for WWF-Kenya/FSD Africa.

Naivasha flowers sold in the EU, water user fees, and other revenues⁴. The PES review will be undertaken by the Lake Naivasha Water Resource Users Association (LANABWRUA), with close oversight provided by NETFUND, and will be developed in close collaboration with private sector actors operating in the basin (principally horticulture producers, hoteliers and conference facilities) as well as financial institutions.

Output 2.1.1: Sustainable finance and resource mobilization strategy for the LNBIMP

- Commission a study into potential mechanisms for ensuring sustainable finance and resource mobilization for implementation of the LNBIMP, including Imarisha.
- Organize a virtual donor and investor conference to attract financial investments into various aspects of the LNBIMP.

Output 2.1.2: Restructured and operationalized PES system

- Participatory review and restructuring of the revised PES operational strategy, including development of new modalities
- Development and roll-out of PES communications strategy and marketing products to attract participation and investments downstream ‘buyers’ and other investors
- Linking upstream actors (e.g., smallholder farmers, communities) to the PES scheme
- Opportunity/viability analysis and design for the establishment of a central basin investment fund, under the custodianship of NETFUND, to facilitate the deployment of PES and PES-like approaches in the LNB

Output 2.1.3 Linkages to micro-finance institutions and other financial service providers, including the existing PES scheme

- Creating awareness and linking smallholder farmers to Micro-Financial Institutions (MFI) to access agribusiness financial services, with specific attention to gender-specific needs
- Training farmers on developing business plans, preparing funding applications and contract negotiation and management skills (e.g., where it comes to contract farming), with specific attention for capacity development of women farmers

Outcome 2.2: Improved access to markets for sustainable agricultural produce

To create market incentives for farmers to change to more sustainable production, the project will build on the market access activities conducted through the Green Horticulture at Lake Naivasha (GOALAN) project, and provide support through facilitating a market survey for sustainable produce, develop marketing/promotional products, provide training on contracting and negotiation skills, facilitate meetings and dialogues with potential buyers, as well as building awareness and capacity regarding the KS1758 (Kenya Standards) certification process aimed at increasing the marketability of produce through assurance to buyers of its quality, hygiene and environmental standards. All of this will include a gender-sensitive lens to ensure women benefit since they are mostly producing food crops for which the market is more volatile and unorganized. The business case for certification must also be assessed from a gender perspective. The project will furthermore provide support for the continued operationalization of the Green Shop (VashaGreen) for sustainably farmed produce (established through the GOALAN project, now

⁴ Kissinger, Gabrielle. “Case Study: Imarisha Naivasha, Kenya,” in Financing Strategies for Integrated Landscape Investment. Seth Shames, ed. Washington, DC: EcoAgriculture Partners, on behalf of the Landscapes for People, Food and Nature Initiative. 2014.

phasing out), in association with the Lake Naivasha Basin Sustainable Horticulture Farmers group. The Green Shop will provide incentives to farmers to transition to more sustainable farming practices by providing secure access to buyers of their produce.

Output 2.2.1: Market access points secured for sustainably produced horticulture products from the LNB

- Mapping potential markets for selected products within the LNB and beyond, including the potential for product diversification and value addition (e.g., potato chips, fermentation)
- Developing marketing products and supporting marketing events
- Training and capacity building for the Green Horticulture Shop operators (e.g., on financial administration, contract negotiation, marketing and customer relations, aspects of trading and management).
- Facilitate meetings between the Green Shop and potential suppliers (farmers) and buyers (e.g., conference tourism facilities, processors, retail enterprises) geared towards securing reliable markets
- Creating awareness and building capacity regarding the KS1758 (Kenya Standards) certification process aimed at increasing the marketability of produce through assurance to buyers of its quality, hygiene and environmental standards, in a gender responsive way.

Component 3: Improved land management in upper LNB

In Component 3, the project will address three key barriers: (i) the lack of capacity of farmers in the upstream areas of the basin (Nyandarua County) to apply more sustainable agricultural practices and technologies; (ii) the related weaknesses in extension services for supporting farmers to make the transition toward sustainable agricultural practices; and (iii) the lack of capacity for implementation of adequate land and ecosystem conservation and restoration efforts. The Sustainable Food Systems Specialist in the PMU will directly manage aspects related to the promotion of sustainable agricultural practices (Outcome 3.1), working closely with the County Agricultural Development Departments and Agricultural Extension Officers at County and Ward level. Work under Outcome 3.2 (improved management and restoration) will be delegated to Imarisha Lake Naivasha (outputs 3.2.1 and 3.2.2) and KFS (output 3.2.3 and 3.2.4) respectively.

The anticipated outcomes and outputs under this component include:

Outcome 3.1: Improved capacity of LNB smallholder farmers for the transition towards sustainable and biodiversity-friendly agricultural practices

This project will support smallholder farmers through training and facilitation to adopt best farming practices that enhance soil and water conservation to increase farm production. Building on the experiences gained from the GOALAN project, the project will promote locally affordable, adoptable and replicable technologies that reduce post-harvest losses, based on the principles of conservation agriculture, including:

- Minimal soil disturbance (through reduced or no-tillage) in order to preserve soil structure, soil fauna and organic matter;
- Permanent soil cover (cover crops, residues and mulches) to protect the soil and contribute to the suppression of weeds;
- Drip irrigation, ideally combined with rainwater harvesting, to minimize water use;
- Grass barriers and contour farming to avoid erosion and sediment runoff;
- Diversified crop rotations, and crop combinations, which promote soil micro-organisms and disrupt plant pests, weeds and diseases;

- Where pesticides are needed, as a last resort, only green and blue label pesticides would be applied.

In this regard, the project will apply a Train-the-Trainers approach, which includes firstly the development of a training manual and curriculum (output 3.1.1), which will involve key institutions (HCD, KEPHIS, Financial institutions, Country Agriculture Department) in the training of 15 Ward Agricultural Officers (output 3.1.2) - 1 officer per ward in the LNB - as Trainers/group facilitators, and subsequently the roll out of the training program to 2,700 smallholder farmers by the Ward Agricultural Officers (WAO). Each WAO would train 3 groups of 20 farmers, two seasonal trainings, during two years of the project (4 training cycles in total). In addition, in every ward there would be a model farm, and field days would be carried out in each ward for technical backstopping for smallholders. To provide incentives for farmers to switch to sustainable production practices, the selected smallholders will be provided with basic tools and materials to implement sustainable land management and biodiversity-friendly agricultural practices (e.g., certified seeds, compost/mulching tools) on their land.

Procedures and criteria for the selection of farmers will be developed early in the project implementation process, in a participatory and collaborative way. The selection of model farms and farmers to be supported will take into consideration opportunities for scaling up, the willingness of farmers to facilitate exchanges and sharing of lessons learnt with other farmers, as well as gender balance as key criteria. Additionally, the project will work with a gender expert to ensure that the training content, teaching methods, training materials and environment, and the trainers, themselves will be gender-sensitive, so that women are able to participate and benefit from the training. A deliberate strategy will be developed that ensures participation of female farmers in the training programs.

Through these strategic initiatives, the project will complement and enhance the efforts under the GOALAN and Green Zones Development Support Projects (see baseline section), which aim to promote sustainable horticulture production (mainly potatoes, maize and beans). The Green Zones project provides the main baseline project associated with the proposed project and a principal source of co-financing for the on-the ground work under Outcome 3.1 of the project.

Output 3.1.1: Agricultural training manual and curriculum targeting smallholder farmers developed with key state agencies and stakeholders

- Gender and stakeholder conflict sensitive training needs assessment
- Development of gender sensitive training modules (e.g., financial management, sustainable, agro-ecological production, market requirements and product standards)
- Training of LNB ward agricultural officers to act as ToT for the training program as well as related extension services. Gender awareness training will be a topic of this training.

Output 3.1.2: Roll out of curriculum training to 2,700 (gender-balanced) LNB smallholder farmers through ward agricultural officers (group facilitators) and field days with demonstrations for technical backstopping

- Delivery of training program (3 groups of 20 farmers per ward)
- Establish model farms with selected farmers for peer learning
- Field days with demonstration of practices

Output 3.1.3: Tools and materials for implementation of sustainable, biodiversity-friendly agricultural practices (e.g., certified seeds, compost/mulching tools, etc.)

- Support farmers with materials for conservation agriculture practices, including provision of soil testing, certified seeds, compost/mulching tools

Outcome 3.2: Priority forest and land management interventions implemented in Lake Naivasha riparian lands for enhanced water and biodiversity protection

Under outcome 3.2, the project will first support the development of a Code of Conduct for LNB stakeholders. The Code of Conduct will delineate the roles and obligations for each stakeholder, including government institutions, other stakeholders (Imarisha Lake Naivasha, etc.) and communities in ensuring ecologically, socially and economically acceptable protection and conservation measures to minimize, stop and reverse land degradation and loss of habitat in the LNB riparian lands. The Code of Conduct will serve as a guidance tool for stakeholders with regard to the provisions of the Riparian Management Plan (part of the LNBIMP), the County Development Plans, as well as applicable laws and regulations (including riparian by-laws). The Code will be socialized through an awareness program coordinated by Imarisha and enforced by ongoing co-financed government efforts. The Code will furthermore serve as a tool for monitoring and enforcement of these plans and regulations by the responsible authorities.

At a practical level, the project will support targeted management measures in degraded areas of the riparian zone of the Lake to benefit biodiversity protection. In this regard, the project will enhance and expand the efforts under the Green Zones Development Support Project (see baseline section), which aims to improve protection of 10,000 ha of forest land in South Kinangop Forest Station, in addition to active regeneration work on 1,600 ha of forest land. GEF funding will allow expansion of the area under improved management in the Geta, North Kinangop and South Kinangop Forest Stations to 37,682 ha, in particular through updating of the (expired) Participatory Forest Management Plans (PFMPs), and institutionally strengthening and capacitating the CFAs and WRUAs to play their role in the implementation of these Plans.

Furthermore, the project will contribute to the restoration of three degraded forest areas: Sofia Beat in Geta Forest Station (200 ha) and two sites in South Kinangop, of 16 and 23 ha respectively. Specific activities will include mapping and temporary fencing of vulnerable areas (to keep away livestock and wildlife), training community scouts to undertake monitoring and surveillance, as well as awareness raising among communities.

Output 3.2.1: Lake riparian area Code of Conduct for LNB stakeholders

- Consultations with LNB stakeholders regarding roles and responsibilities in relation to ecologically, socially and economically acceptable protection and conservation measures to minimize, stop and reverse land degradation and loss of habitat in the LNB riparian lands
- Based on these consultations, develop a clear Code of Conduct for LNB stakeholders
- Validation of the Code of Conduct with LNB stakeholders

Output 3.2.2: Awareness program on Lake Naivasha Riparian Code of Conduct

- Socialization of the LNB Code of Conduct through an awareness raising program

Output 3.2.3: Participatory Forest Management Plans for three target Forest Stations (South and North Kinangop and Geta) updated

- Updating the existing Participatory Forest Management Plans for three target Forest Stations (South and North Kinangop and Geta),
- Institutionally strengthening and training the CFAs and WRUAs to play their roles in implementing these plans.

Output 3.2.4: Protection and restoration activities on key degradation areas implemented (in particular passive restoration through demarcation, natural regeneration and where necessary temporary fencing)

- Restoration of degraded forest areas through collaboration with Kenya Forest Service (KFS) and the relevant CFAs.

Component 4. Knowledge Management and Monitoring & Evaluation

This component will establish a strategy for knowledge management and sharing of project lessons in LNB as well as from similar experiences elsewhere in Kenya. In particular, the project will focus on sharing experiences and lessons on integrated planning processes, such as the County Development Plans developed in other parts of Kenya, from sustainable farming approaches as well as forest landscape restoration. Stakeholder engagement will be carried out to identify appropriate project knowledge products to be developed (such as brochures, pamphlets) and distributed to LNB users at catchment and local community levels, and potentially a wider audience. The project will also deliver specific knowledge management products on the linkage to farmer support as a model for mobilizing finances to farmers through voluntary payments from downstream users.

Beyond LNB stakeholders, these knowledge products will also be geared towards informing interventions under the NETFUND Green Zones Development Project in other target geographies, as well as other GEF projects and Government policies. In this regard, the Government, through the Ministry of Environment, is putting in place a platform for the exchange of lessons and experiences between GEF projects as well as towards relevant Government Institutions. The Monitoring and Evaluation (M&E) plan will contribute lessons learned and best practices to inform adaptive management of the project. By making knowledge available to all LNB stakeholders, the project will contribute to the scaling-up and replication of the ecosystem-based management approach and community engagement in sustainable land management and biodiversity, across the key land degradation hotspot catchment zones across Kenya. In particular, through NETFUNDs Green Zones Development Support Project, the lessons learnt from the project will be widely spread to other key geographies in Kenya.

Outcome 4.1: Effective Knowledge Management and communications ensured to support long-term support for Lake Naivasha Basin with potential for upscaling and replication

Output 4.1.1: Basin-wide communication strategy developed and implemented to support sustainable land management and biodiversity-friendly agricultural practices in LNB

- Development of basin-wide communication strategy for the project
- Roll-out of communication events and activities as per the strategy

Output 4.1.2: Project knowledge products adequately developed and disseminated with LNB stakeholders and potentially wider audience

- Development of knowledge products
- Dissemination of knowledge products

Outcome 4.2: Effective M&E ensured to inform effective adaptive project management

Output 4.2.1: Project M&E plan implemented and project progress reports completed

- Monitoring and evaluation as per the M&E plan
- Development of semi-annual project progress reports and quarterly financial reports

Output 4.2.2: Annual reflection workshops to track progress against workplan and results framework indicator targets for effective project management

- Organization of annual reflection and planning workshops
- Review and validation of project theory of change
- Drafting or validation of annual work plans

2.2. Project Area Profile

Lake Naivasha is one of the two freshwater lakes in the Kenyan part of the Rift. Designated as a wetland of international importance in 1995, the Lake Naivasha Basin (LNB) is a significant provider of globally significant biodiversity, and provision of water and fertile soil. The freshwater supports a rich ecosystem with hundreds of bird species, papyrus fringes filled with hippos, riparian lands where waterbuck, giraffe, zebra and various antelopes graze, dense patches of acacia forest with buffalos, bushbuck and swampy areas where waterfowl breed and feed. Seventy percent (70%) of the rivers that feed LNB originate from the Aberdares Forest, a tropical forest with over 7,788 plant species, globally significant wildlife such as elephants, black rhino, and mountain bongo, and over 250 species of both endemic and migratory bird species. The forest covers over 250,000 ha and one of the main water towers in Kenya. It forms part of the upper catchments of Tana River, Kenya's largest river as well as Athi, Ewaso Nyiro (North) and Malewa rivers. The forest serves as a catchment for the Sasumua and Ndakaini dams which provide most of the water and energy resources for Kenya's capital, Nairobi.⁵

The basin is characterized by fertile soils and freshwater that supports livelihood activities for the communities living in the area. The fertile soils and availability of water support growing of food crops, horticulture farming and floriculture. The lower basin supports one of the most expansive horticultural industries in this part of the world which employs more than 250,000 people. The horticulture industry is among the fastest growing industries in Kenya: in 2016, the flower sector contributed Sh70.8 billion (~570M US\$), accounting for 70 percent of earnings from the horticultural sector. LNB accounts for more than 50% of the country's cut flower exports. The lake plays a critical role in the groundwater system, which supports irrigation around the lake basin. Additionally, the Naivasha area is steadily rising as a conference tourism destination in the country. The availability of many hotels, homestays and campsites at all budgetary levels, as well as the proximity to Nairobi and natural sceneries such as Hells Gate, Mount Longonot, the Aberdares Game Reserve, Lake Nakuru Game Park, and Menengai crater, attract many local and foreign visitors. Finally, fishery is conducted for both domestic and commercial purposes.

⁵ Lambrechts, Woodley, Church, & Gachanja (2003). Aerial survey of the destruction of the Aberdare Range forests. Nairobi: UNEP.

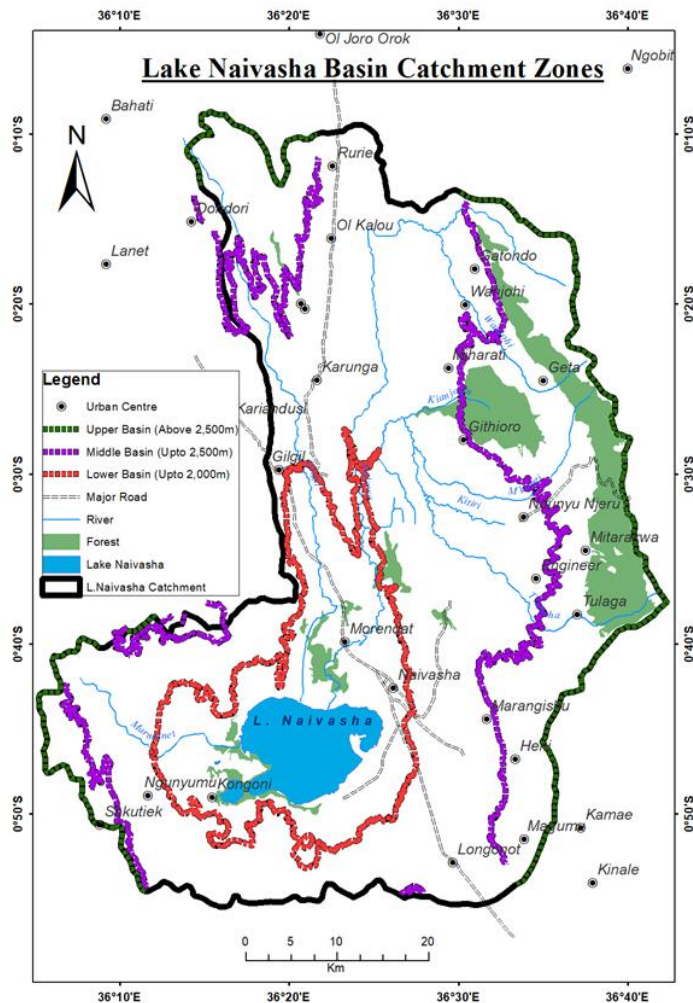


Figure 1 presents the different catchment zones in the LNB. Proposed project interventions will mainly take place in the upper catchment in Nyandarua County, with limited activities around Lake Naivasha itself, in Nakuru County, under the jurisdiction of the Naivasha Water Resources Users Association (WRUA). River Kianjogu (Kianjogu WRUA) and River Wanjohi (Wanjohi WRUA) are the main tributaries of River Malewa, the main source of water influx into Lake Naivasha (80% of the water that feeds Lake Naivasha comes from River Malewa). The majority of the targeted area falls in the Upper zone of the catchment (>2500 m above sea level) while a small percentage falls in the middle zone of the catchment (2000 m-2500 m above sea level).

Figure 1 Lake Naivasha Basin Catchment Zones

2.3. Demographic and economic information

Kenya is located on the equator on Africa's east coast and its population is estimated at 47.6 million people in the 2019 census. The majority, about 70%, are estimated to live in rural areas, 80% of whom are engaged in agriculture, with women making the biggest contribution. LNB, specifically, is mainly inhabited by communities who depend on small-scale rain-fed agriculture on the upper side and pastoralism in the lower areas.

The growth of population around Lake Naivasha is around 3.1% annually and is concentrated in the urban areas with mean density of about 500 persons per km². The population increased up to tenfold over the last three decades from around 43,000 in 1963 to around 750,000 in 2011, in particular driven by the growth of the flower industry.

Naivasha is the largest town in the basin and the largest settlement in Nakuru County, with a total population of 198,444 (2019 census). Unplanned settlements have grown around Lake Naivasha, each housing tens of thousands of people, who have come to work, or seek work, in the horticultural industry. The largest centers of aggregation are: Karagita, Kwa Muhia, Kamere and Kasarani. Collectively, their population could amount to 50,000 inhabitants, all living in close proximity to the lake. Official records are incomplete and not reliable as these communities are mostly composed of young people who immigrate looking for jobs and that are ready to move

elsewhere as opportunities arise. As a consequence, the structure of the built-up area comprises mostly compounds with large numbers of small rooms rather than family estates and homes.

2.4. IPs and Vulnerable Groups

(a) Overview of Indigenous Peoples Situation

According to the International Work Group for Indigenous Affairs, in Kenya, the people who identify with the Indigenous movement are mainly nomadic herders and hunter-gatherers, as well as some fishing villages and small farming communities. It is estimated that pastoralists comprise 25% of the national population, while the largest individual hunter-gatherer community amounts to approximately 79,000.⁶

The pastoralists mainly occupy the arid and semi-arid lands of northern Kenya and towards the border between Kenya and Tanzania in the south. The hunter-gatherers include the Ogiek, Sengwer, Yiaku, Waata and Aweer (Boni), while the pastoralists include the Turkana, Rendille, Borana, Maasai, Samburu, Ilchamus, Somali, Gabra, Pokot, Endorois and others.

The Indigenous Peoples of Kenya face insecurity in the possession of land and resources, poor service provision, low political representation, discrimination and exclusion. The practice of forced evictions against Indigenous Peoples such as Sengwer hunter-gatherers in Kenya has been widespread. These evictions have had serious effects and have caused numerous violations of human rights: the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions.

In a historic judgment by the Kenyan Environment and Land Court in Meru the title deeds of the land on which the Lake Turkana Wind Project sit have been declared “irregular and unlawful”. The case which began in October 2014 and finally ended on 19 October 2021 found that the title deeds were acquired irregularly.

(b) IPs in project sites

Long before European settlement, the Lake Basin was part of a territory that traditionally belonged to the Maasai. In fact, the name of Lake Naivasha derives from the Maa expression *enaiposha*, still used by Maasai elders, meaning “receding waters” and referring to the frequent changes in lake levels that characterize the basin's hydrology.

According to their own oral history, as reported by the Naivasha Basin Sustainability Initiative, the Maasai tribe originated in the Lower Nile Valley, between South Sudan and northern Kenya. They eventually expanded southwards through the Rift Valley, reaching deep into Tanzania. Historians guess that the ancient southward migration took place sometimes during the XVII century A.D., but precise elements of proof are scarce.⁷

The Lake Naivasha drainage basin therefore largely occupies traditional pastures of the pastoral Maasai. However, the basin became part of the so-called white highlands after colonialization, areas where only European settlers were allowed to own land. After independence, mainly members of the Kikuyu tribe occupied the parts suitable for rain-fed agriculture. Because the land tenure in the

⁶ Please refer to “Kenya” (n.d.), *International Work Group for Indigenous Affairs (IWGIA)*.
<https://www.iwgia.org/en/kenya.html>

⁷ Please refer to “Indigenous (Maasai) history” (n.d.), *Naivasha Basin Sustainability Initiative*.
<http://www.naivasha.info/>

bottom of the Rift Valley remained largely unchanged, much of the land around the lake is still owned by Kenyans of European origin. The fishermen community is mainly Luo.⁸

Lake Naivasha has always been of particular importance for the Rift Valley Maasai clans who periodically migrated towards the lake to water their cattle at times of drought. The loss of access to the lake, due to the distribution of the lands to white settlers that took place at the turn of the century, has always been fiercely opposed by the Maasai, in courts and through struggle with neighboring tribes that settled in the lowlands around the lake. Recent localized outbursts of violence occurred in 2010 near Mai Mahiu, exacerbated by a severe drought.

These days, the resident population of Maasai origin subsist on on-farm and off-farm activities, such as subsistence and commercial cultivation, livestock-keeping, wage/salaried labor, business (small shops, hotels, bars etc.). Land rental is an important livelihood component often involving Maasai landowners (including Dorobo) and Kikuyu tenants. However, the majority of the population are of mixed identity, i.e. 'nusu nusu'/manusu, referring to offspring of Maasai/Kikuyu/Dorobo intermarriages, as well as Kikuyu who acquired Maasai identity by adopting Maasai names and culture as early as 1910.

What this means for the project is that, while the majority of the Maasai have integrated into society and as such may no longer be associated with their traditional nomadic lifestyle, recognition should be given to the historical rights of access of migrating Maasai groups, including access to pastures and water resources. While Kenyan law does not acknowledge their status as IPs, under GEF and WWF policies, this special status is upheld and is therefore to be considered in the context of the project. This is particularly relevant in the context of activities that may lead to temporary or permanent limitations in access to land, water and other natural resources, including the development of landscape management plans (Component 1), and the Code of Conduct (Component 3). Further details on this are provided in the IPPF (section 4.6).

2.5. Gender

Kenya ranked 128th in the Gender Equality Index in 2021 as women are 50% less likely to have the same economic, social and political opportunities as men. Gender inequality is manifested to varying degrees in Kenya through unequal access to and control of (natural and productive) resources, unbalanced participation and decision-making in environmental planning and governance at all levels, and uneven access to socio-economic benefits and services. On women's participation in politics and political representation, Kenya's record shows that, in 2021, women had 23.2% of the seats in parliament, considerably lower than the threshold set out by Kenya's constitution which dictates that the Parliament should not be composed of more than two-thirds of one gender.

Regarding the education level, the percentage of females aged above 25 years that had obtained some secondary education is slightly less compared to males (31.1% and 37.7% respectively). These figures indicate that a substantial proportion of both males and females have not achieved proficiency in functional literacy and numerical skills. Low levels of education, especially among women, negatively influence their economic status as they are subjected to low skilled jobs that offer low earnings. In addition, it increases the risk of having children with poor health, since higher education fosters the capacity to absorb new information on health, nutrition, and hygiene.

⁸ Becht, R., Odada, E. O., and Higgins, S. (2005). Lake Naivasha: experience and lessons learned Brief. Available at http://www.worldlakes.org/uploads/17_Lake_Naivasha_27February2006.pdf

While women are entitled by law to inherit land, due to the power of customary rules and traditions men still own 99% of the land in Kenya. This inequality in access and control over land is critical because it is one of the most important resources for productive economic activity as well as for environmental management. While women are particularly active in agricultural activities, the lack of land ownership impedes their ability to decide on land use as well as their access to credit to invest in farm improvements.

Since 1995 and after the Fourth World Conference on Women in Beijing, China, Kenya has made progress in the advancement of gender equality and women's empowerment in terms of reform laws, policies, institutional mechanisms, and programs. In 2000, the Government developed the National Gender and Development Policy, which provided a framework to reduce gender inequalities in the country. In 2004, the National Commission on Gender and Development Act was enacted, and the 1976 Women's Bureau in the Ministry of Culture and Social Services elevated into the State Department for Gender Affairs (SDGA). The Women's Bureau was created to provide self-help aid to women, especially rural women, in closing the gender inequality gap in the agrarian sector. A gender mainstreaming implementation plan of action was drafted in 2007, recommending, among other things, the creation of gender focal persons in each Ministry. Since then, the presence of a gender division or department has been a key feature in Ministries coordinating other related functions such as social services, sports, youth, culture, and child development. The mandate of the department or division has been to coordinate mainstreaming gender in national development.

The 2010 Constitution of RoK is seen as the single most important step in entrenching gender equality in Kenya's political and economic agenda. It includes an affirmative action policy in the public sector and the creation of the **National Gender Equality Commission** (NGEC) as an independent constitutional commission. In 2013, a Gender Directorate was created under the new Ministry of Devolution and Planning. These efforts have yielded some tangible results, such as mainstreaming gender in the Vision 2030, in which several socio-economic development programs have been formulated to empower women and increase their participation in all sectors. These include the Women and Youth Enterprise fund. The Fund has expanded outreach by opening offices across all the 290 constituencies, although it is not clear how rural women have fared in accessing these services. Other results are the gains in reforming the constitutional and legal frameworks for the protection and promotion of women's human rights.

Despite indications of progress, a recent review commissioned by the Gender Directorate (MDP 2015) on the implementation of the Beijing Platform Plan for Action concludes that tangible benefits for most women in Kenya are yet to be realized, especially in rural areas.

In the project area, women have limited rights and claims to economic resources and limited power to make decisions that benefit themselves, their families, and their communities. They are dependent on male family members for numerous things in their lives when it comes to self-development and representation. Generally, this dependency may exacerbate gender-based violence and defilement of children in the community, an issue that affects households in LNB.

The impact of climate change, land and environmental degradation does affect women differently from men because of their dependency on natural resources for their food supply and income, especially on what their farm provides. Men have different income-generating options besides agriculture, whereas these options for women are limited. Moreover, women's domestic responsibilities such as cleaning, cooking and caring for children and elderly add to their resource and time constraints, to be available for training and other meetings to voice their needs and interests. This is exacerbated by gender stereotypes among both women and men about leadership,

which is seen as a role to be played by men. A general low self-esteem, low capacity to speak in public and lack of role models in leadership roles also play a role.

Despite placing gender equality and women's empowerment at the center of Kenya's development strategies and plans, the country still reflects varied gender-based inequalities exacerbated by gender-based violence, including sexual abuse, rape, physical violence, and sexual harassment ostensibly due to lack of awareness and or inadequate budget allocations for equality and inclusion, implementation and mainstreaming of pertinent policies.

3. ENVIRONMENT AND SOCIAL POLICY, REGULATIONS AND GUIDELINES

This chapter first outlines the laws and regulations of RoK and the WWF's ESSF and SIPP that are applicable to the project, and then discusses gaps between RoK's laws and regulations and the SIPP. **For the purposes of the Lake Naivasha EBM Project implementation, the principles and procedures of the ESSF and SIPP shall prevail in all cases of discrepancies.**

3.1 RoK's Policies, Laws, Regulations Guidelines

(a) Laws on Environmental Protection and Biodiversity Conservation

Name	Year	National/ regional	Key points
The Constitution of Kenya	2010	National	<ul style="list-style-type: none"> The State shall ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits. Every person has a duty to cooperate with state organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources.
Wildlife Policy	2017	National	<ul style="list-style-type: none"> Wildlife resources will be managed as a key component of complex ecological systems, with the maintenance of ecosystem functions and ecological processes. Wildlife conservation and management shall be encouraged and recognized as a form of land use on public, community and private land. Where benefit accrues from wildlife conservation and management, the people of Kenya will share these equitably.
Wildlife Conservation and Management Act	2013	National	<ul style="list-style-type: none"> Applies to all wildlife resources on public, community and private land, and Kenya territorial waters, and recognizes conservation of wildlife on community and

			<p>as a land use.</p> <ul style="list-style-type: none"> • Recognizes wildlife conservancies and sanctuaries, wildlife scouts, community wildlife associations. • Promotes ecosystem based planning and effective participation of the public in wildlife management. • Encourages equitable sharing of benefits from wildlife to offset costs and devolution of wildlife conservation to those owners and managers of land where wildlife occurs.
Fisheries Management and Development Act	2016	National	<ul style="list-style-type: none"> • The objective of this Act is to protect, manage, use and develop the aquatic resources in a manner which is consistent with ecologically sustainable development, to uplift the living standards of the fishing communities and to introduce fishing to traditionally non-fishing communities and to enhance food security • It establishes the Kenya Fisheries Advisory Council, The Kenya Fisheries Service, The Fish Marketing Authority, the Fisheries Research and Development Fund and the Fish Levy Trust Fund
National Environment Policy	2013	National	<ul style="list-style-type: none"> • The Policy aims to provide a framework for an integrated approach to sustainable management of Kenya's environment and natural resources
Forest Conservation and Management Act	2016	National	<ul style="list-style-type: none"> • The 2016 law retains the Kenya Forest Service as administrator of all public forests and recognizes the roles of county governments in the management of forests. • The law provides for community participation in the management of public forests, through community forests associations (CFAs) • The law declares every gazetted (protected) forest at the time of its enactment to be a public forest
Environmental Management and Coordination Act (EMCA),	1999	National	<ul style="list-style-type: none"> • Spells out the framework legislation that coordinates environmental management activities including biodiversity conservation, management and utilization. • Institutions under EMCA includes <ol style="list-style-type: none"> 1. NEMA/ coordinates the management of environment including biodiversity resources in Kenya 2. National Environment Councils / relates to policy formulation 3. Provincial and district environment committees/ Contributes to decentralization of environmental

			management and enable participation of local communities. <ul style="list-style-type: none"> • Public complaint committee / Provides the administrative mechanism for addressing environmental harm • Section 58 of EMCA requires an environmental impact assessment license/ no permit should be given to any project that cumulates significant negative environmental impact
Wetland Regulation	2009	National	<ul style="list-style-type: none"> • Empowers the district environmental committees to coordinate, monitor and advise on all aspects of wetland resource management within the district • Contains water quality regulations e.g. protection of source of water for domestic use, water for industrial use and effluent discharge, Water for agricultural use • Contains waste management regulations. It applies to all categories e.g industrial waste, pesticides and toxic substances • Conservation of biological diversity resources, access to genetic resources and benefit sharing regulations • Promotes the integration of sustainable use of resources in wetlands into the local and national management of natural resources for socio-economic development;
Conservation of biological diversity resources, access to genetic resources and benefit sharing regulations	2006	National	<ul style="list-style-type: none"> • EIA license / to engage in activities with an adverse impact on any ecosystem, lead to the introduction of any exotic species or lead to unsustainable use if natural resources

(b) Specific Policies related to the Lake Naivasha Basin

The Lake Naivasha Catchment Area Protection Order, 2012 (L.N. No. 8 of 2013) declares the Lake Naivasha Catchment Area to be a protected area for the purposes of the Water Act and provides that the Lake Naivasha Catchment Area Water Allocation Plan shall be the basis for allocation of water in the Lake Naivasha Catchment Area. The Order furthermore provides for the establishment of Water Resources Users' Associations (WRUAs) as agents to carry out various functions such as: monitor the use of water; facilitate and enforce compliance with the conditions of water use permits; monitor revenue collections and follow up payment on non-revenue generating water used. The WRUAs are associations of water users, water abstractors, riparian landowners and any other stakeholders who voluntarily come together to cooperatively manage water resources. There are 12 WRUAs in Naivasha basin actively participating and taking responsibility with regard to sustainable basin management. The proposed project will work with the Kianjogu, Wanjohi and Naivasha WRUAs. All 12 WRUAs in the LNB are member of the Lake Naivasha Basin Umbrella Water Resource Users Association (LANABWRUA), which is the body representing all the 12

WRUAs. LANABWRUA draws its membership from the individual WRUAs in the project area. The Association has a management committee that oversees its functions.

One of the main provisions of the Kenya Constitution of 2010 was the creation of County Governments. Article six of the Constitution establishes the National and County Governments as distinct and inter-dependent entities. One of the objects of devolution is the recognition of communities' participation in the management of natural resources, promotion of equity in sharing of benefits accruing from local resources, and decentralization of state organs and strengthening of local institutions. Since the successful completion of this devolution process in 2013, responsibilities for agriculture and natural resources rest with the counties. This includes responsibilities for planning and managing land use, the details of which are specified in the County Governments Act 2012. The specific policy instruments available to County governments in this regard are Spatial Plans and Integrated Development Plans (which may be complemented by more specific Sectoral Plans and Urban Development Plans). All three counties within the basin (Nyandarua, Nakuru and Narok) have developed Integrated Development Plans, which are valid for 5 years. As these plans expired in 2022, new County Developments are currently under development. Annual Development Plans, furthermore, guide the work of the County Governments on a more day-to-day basis. Planning at County level is guided and overseen by the National Land Commission, which has the mandate to monitor and have oversight responsibilities over land use planning throughout the country.

(c) Laws on Labor and Working Conditions

Name	Year	National/ regional	Key points
The Constitution of Kenya	2010	National	<ul style="list-style-type: none"> Article 27 provides for the right to equality and freedom from discrimination. Employees shall not be discriminated against directly or indirectly on grounds of race, sex, pregnancy, language and many others. Article 41 every person has a right to fair labor relations. Including Fair remuneration, reasonable working condition, to join or participate in a program of a trade union or to go on strike
The employment Act	2007	National	<ul style="list-style-type: none"> It provides the basic rights and duties in employment, employer-employee relationship and termination of employment e.g., prohibits sexual harassment, stipulates in detail the Termination and Dismissal of Employees
The Labor Relations Act	2007	National	<ul style="list-style-type: none"> This act relates to trade unions, employer organizations and trade disputes. It provides registration, regulation, management of trade unions and employer organizations. In addition, it safeguards the right of association, promotion of effective collective bargaining while ensuring social justice and

			economic development.
The Labor Institution Act	2007	National	<ul style="list-style-type: none"> • It provides for the definitions for the contract of service, collective agreement, redundancy. • It establishes various institutions like the National Labor Board, Labor Administration and inspection, a committee of inquiry and wages council and employment agencies which work to enhance the institution and establish the regulations that govern Kenya Labor relation. • It also provides for a framework for the establishment of government organs charged with administering labor laws and providing for their function, duties and powers. • It is important to note that, this only applies to all the workforce in Kenya except the army forces and the police.
Occupational Safety and Health Act	2007	National	<ul style="list-style-type: none"> • The core purpose of this act is to secure the safety, health and welfare of employees while at work including other people that are present at the workplace against risks to health and safety due to activities of employees at work. • It creates a legal framework whereby employers have to maintain healthy working conditions and the environment of their workers.
The Work Injury Benefits Act	2007	National	<ul style="list-style-type: none"> • It provides the international Labor Organization Convention compliant laws pertaining to employee compensation in the workplace.
The Industrial Court Act	2011	National	<ul style="list-style-type: none"> • This is the court that handles employment matters and has the same status as the high court of Kenya. It has the power to adjudicate cases of employment and labor relations.

(d) Land Acquisition

Name	Year	National/ regional	Key points
Constitution of Kenya	2010	National	<ul style="list-style-type: none"> • Article 260 of the Constitution sets out an all-encompassing definition of land (either, public. Private or communal land) • All land in Kenya belongs the people of Kenya collectively as a nation, communities and individuals. • Provides a right, for every person, either individually or in association with others, to acquire and own property of any description and in any part of Kenya. It restricts the land

			<p>rights of non-citizens only to acquisition of leasehold tenure, for periods not exceeding 99 years</p> <ul style="list-style-type: none"> • Community land is set out in article 63(2) of the Constitution as follows: (a) land lawfully registered in the name of group representatives under the provisions of any law.²⁷ (b) land lawfully transferred to a specific community by any process of law (c) any other land declared to be community land by an Act of Parliament (d) land that is (i) lawfully held, managed or used by specific communities as community forests, grazing areas or shrines • Indigenous people and local communities can seek to enforce land rights. This is either community land that is (i) lawfully held, managed or used by specific communities as community forests, grazing areas or shrines; or (ii) ancestral lands and lands traditionally occupied by hunter-gatherer communities, which may have been occupied for long periods by specific communities, but without formal adjudication, registration and issuance of title to such land. The Constitution affirms the rights of minorities and marginalized groups and requires Kenya to implement various affirmative actions to fulfill these rights. Indigenous communities are recognized under Kenya's Constitution through the lens of marginalization. • Article 69(2) mold for proactive public participation in environmental management; and requires that performance of this duty includes a collaboration between citizens and public agencies and officers
The Land Act	2012	National	<ul style="list-style-type: none"> • The Land act governs the administration and management of all types of public land and establish rules for administration and transactions over private land. • The Act grants the National Land Commission overall authority for management of all types of public land, including the allocation of rights in public land • Kenya Forest Service serves as administrator of all public forests and recognizes the roles of county governments in the management of forests. It also classifies forests as public, private or community forests • The law provides for community participation in the management of public forests, through CFAs.

The Land Registration act	2012	National	<ul style="list-style-type: none"> • It provides a unified system for registration of interests in land in Kenya, including private and community land*not yet done. • It also sets out the process to be followed in registration of land, the form taken by the lands register, as well as the legal effect granted by the registration of ownership interests in land
National Land Commission Act	2012	National	<ul style="list-style-type: none"> • The National Land Commission NLC is an independent constitutional commission, through article 248(2) and (3) of the Constitution. It has authority to administer all public land on behalf of the national and county governments. NLC has a supervisory role over all public entities entrusted with management of public land, including public forests, national parks and catchment areas. It is empowered to carry out the process of investigating all historical land injustices and making recommendations and/or taking actions to provide remedies.
Forests Conservation and Management Act	2016	National	<ul style="list-style-type: none"> • The Forests Conservation and Management Act was enacted in 2016, to replace the Forests Act of 2005 • It classifies forests as public, private or community forests. In addition, the law provides for community participation in the management of public forests, through CFAs. • Legal confusion: the law declares every gazetted (protected) forest at the time of its enactment to be a public forest. This potentially contradicts article 62(1)(g) of the Constitution which excludes certain community forests from classification as public forests • Legal confusion: the Forest Conservation and Management Act anticipates a situation where registered forest associations “may apply to the KFS for permission” to participate in conservation and management of a public forest. This seems to contradict the 2009 Forest Rules in which KFS seems to get the authority to ‘whenever circumstances make it necessary or appropriate to do so, to invite forest associations to participate in the sustainable management of State forests’. This would remove the legal opportunity for communities to proactively apply to participate in sustainable forestry management.
The Community Land Act	2016	National	<ul style="list-style-type: none"> • The Act establishes the community as a collective legal entity, capable of being registered and issued with a title document

			<p>over land and of making decisions regarding the use, control and transfer of the land.</p> <ul style="list-style-type: none"> • This law eliminates certain discriminatory customary practices, such as patriarchy, by providing that all adult members of the community will comprise the community assembly, without undue discrimination against women members • It provides for the election of a community land management committee by the community assembly and this committee exercises day-to-day management of community land affairs.
National Land Policy	2009	National	<ul style="list-style-type: none"> • The overall objective of the National Land Policy is to secure rights over land and provide for sustainable growth, investment and the reduction of poverty in line with the Government's overall development objectives. • The policy offers a framework of policies and laws designed to ensure the maintenance of a system of land administration and management. It provides a) All citizens with the opportunity to access and beneficially occupy and use land; b) Economically viable, socially equitable and environmentally sustainable allocation and use of land; c) Efficient, effective and economical operation of land markets; d) Efficient and effective utilization of land and land-based resources; and e) Efficient and transparent land dispute resolution mechanisms
National Land Use Policy	2016	National	<ul style="list-style-type: none"> • The goal of the national land use policy is to provide legal, administrative, institutional and technological framework for optimal utilization and productivity of land related resources in a sustainable and desirable manner at national, county and community levels.

Additional insights into the Community Land Act⁹

Implementation of the Community Land Act will be a long-term and complex process. The ascertainment, adjudication and registration of the community and its ownership interests over any land will be a complex exercise. In instances where the community has continuously occupied land that is outside protected (forests and wildlife) areas, the process will be less complex, similar to conversion of land registered under group representatives. It is possible that registration of hitherto unregistered community land could bring additional problems. These include the legal

⁹ Kibugi R. 2021. Local communities' and indigenous peoples' land and forestry rights: Assessing the law and practice on tenure security in Kenya. Occasional Paper 222. Bogor, Indonesia: CIFOR

possibility of subdivision and selling of the land, thereby resulting in community landlessness despite the intent to assure tenure. In pastoralist areas, which are usually arid and semi-arid lands, demarcation of community land boundaries should be preceded by spatial or physical planning. This is important in order to identify, map out and make provision for the ecological resources necessary for pastoralist mobility and a transhumance lifestyle, including livestock pathways, water sources and holding grounds. If this is not undertaken, and critical pastoralist infrastructure is included as part of community land rights bundle, this will create complications, including conflict.

(e) Indigenous Peoples

RoK has no specific legislation on indigenous peoples and has yet to adopt the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and ratify the International Labor Organization (ILO) and the Convention on the Rights of the Child (CRC).

However, Kenya has ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Elimination of Discrimination against Women (CEDAW).

Chapter Four of the Constitution of RoK contains a progressive Bill of Rights that makes international law a key component of the laws of RoK and guarantees the protection of minorities and marginalized groups. In accordance with articles 33, 34, 35 and 36, freedom of expression, means of communication and access to information and association are guaranteed. However, the principle of Free, Prior and Informed Consent (FPIC) is not made in Kenya.

Kibugi (2021)⁹ identified six key recommendations to enhance the application of the legal framework to ensure protection of indigenous peoples within the context of community land rights:

1. It is important to undertake and finalize the mapping out and development of an inventory of areas of community land that require ascertainment of customary rights, adjudication and registration. This should be done in a participatory manner.
2. Participatory development of bylaws, including those governing management, land use and sustainability requirements of community land should be a priority. Areas of community land previously governed either under the Trust Lands Act or the Government Lands Act (i.e. those lands occupied by communities with ancestral claims but remaining unalienated) should also be prioritized, especially those areas without a dispute on the identity of the community with land interests.
3. A system should be put in place to map out which community forests legally fall within the scope of article 63(2)(d)(i) and (ii) of the Constitution – and to distinguish the proper legal process to be followed. Based on prior court decisions, it appears that indigenous peoples and other local communities need to trigger the NLC to initiate and conclude historical land injustices hearings regarding those lands they claim as ancestral homes. In this respect, the Commission should be commencing the processes of admitting and hearing historical land injustices publicly and rendering remedies without further delay.
4. There should be prioritization of the needs of indigenous communities in addressing ancestral land claims, either directly through implementation of the Community Land Act provisions on adjudication and registration, or through commencement of investigations into historical land claims and injustices.
5. There should be evaluation and determination of the appropriate governance framework that will be applied in the event a protected area (e.g., public forest) is converted into community land and is transferred or registered to an indigenous community.

6. The implementation of legal mechanisms for community participation in management of public forests is critical for Kenya, including to fulfil the constitutional obligation to increase tree cover to 10% of total land cover.

(f) Gender, Gender-Based Violence, and Sexual Harassment

Name	Year	National/ regional	Key points
The Constitution of Kenya	2010	National	<ul style="list-style-type: none"> Includes an affirmative action policy in the public sector and the creation of the National Gender Equality Commission (NGEC) as an independent constitutional commission Guarantees human dignity and right to nurturing and protecting the well-being of the individual, the family, communities. The Constitution of Kenya provides for the security of the person and protection against all forms of violence. Articles 25(a), 29(d) and (f) and 50 prohibit any form of torture treatment that is cruel, inhuman and degrading from either public or private entities.
National Gender and Equality Commission	2011	National	<ul style="list-style-type: none"> Framework to reduce gender inequalities in the country The aim of the commission is to promote gender equality and freedom from discrimination accordance with Article 27 of the Constitution of Kenya
The Sexual Offences Act	2006	National	<ul style="list-style-type: none"> Its primary purpose is to provide for the protection of persons from harm from unlawful sexual acts It recognizes sexual harassment as a crime
The Prohibition of Female Genital Mutilation Act	2011	National	<ul style="list-style-type: none"> Prohibits genital mutilation and also any language that ridicules a woman for having not undergone female genital mutilation, or a man for marrying or otherwise supporting a woman who has not undergone female genital mutilation
The National Policy for Prevention and Response to gender-based violence	2014	National	<ul style="list-style-type: none"> The overall goal of this National Policy is to accelerate efforts towards the elimination of all forms of GBV in Kenya Key objectives; a coordinated approach in addressing GBV and effective programming; enhanced enforcement of laws and policies towards GBV prevention and response; increase in access to quality and comprehensive support services across sectors; and improved sustainability of GBV prevention and response interventions
The Victim Protection Act	2014	National	<ul style="list-style-type: none"> It was enacted with the aim of giving effect to the rights and protecting the dignity of

			victims of crime.
Protection against Domestic Violence Act	2015	National	<ul style="list-style-type: none"> Addresses violence within the family set-up and seeks to protect persons in a domestic relationship including relatives and children
Children's Act	2022	National	<ul style="list-style-type: none"> The act stipulates that all activities done on behalf of children should be in the best interest of the child. Violence against children is not in their best interest.

(g) Community Engagement

Name	Year	National/ regional	Key points
The Constitution of Kenya	2010	National	<ul style="list-style-type: none"> Public participation In Kenya is considered a crucial pillar of the Kenya constitution. It gives the public an opportunity to take part in decision making processes in government. Public participation especially important in the budget and legislation processes. Other areas where public participation in Kenya should take place include the public procurement and tendering process. Article 61 gives the public, individually or a group a say in matters of land including acquisition, management, transfer, disposal or ownership of public private or communal land. Article 69 (1) (d): The State should encourage public participation in the management, protection, and conservation of the environment The Constitution states that community land will vest in and be held by communities identified on the basis of (i) ethnicity, (ii) culture or (iii) similar community of interest
Community Land Act	2016	National	<ul style="list-style-type: none"> Recognizes and secures community land rights in former Group Ranches and Trust Lands. Formalizes stronger democratic decision making on community land. Promotes wildlife conservation and natural resource management on community land.
National County Climate Change Act	2016	National	<ul style="list-style-type: none"> The Act is giving the county a mandate to create a climate change fund to help communities directly implement climate-related projects and activities
Protection of Traditional Knowledge and Traditional Cultural Expressions Act	2016	National	<ul style="list-style-type: none"> Seeks to provide a unified and comprehensive framework for the protection and promotion of traditional knowledge and traditional cultural expressions; and to give

			effect to Articles 11, 40(5) and 69 of the Constitution, recognizes the intrinsic value of traditional cultures and traditional cultural expressions, including their social, cultural, economic, intellectual, commercial and educational value.
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3.2 WWF Safeguards Standards and Procedures Applicable to the Project

- WWF's safeguards standards require that any potentially adverse environmental and social impacts are identified, and avoided or mitigated. Safeguards policies that are relevant to this project are as follows.

(i) Standard on Environment and Social Risk Management

- This standard is applicable because the Lake Naivasha Basin EBM project intends to support activities that result in a variety of environmental and social impacts. The Project is expected to generate significant positive and durable social, economic and environmental benefits. Any adverse environmental and social impacts are expected to be site specific and can be mitigated.
- The precise location and impact of specific activities cannot be determined at this stage, and will only be known during project implementation. Thus, an ESMF is prepared to set out guidelines and procedures on how to identify, assess and monitor environmental and social impacts, and how to avoid or mitigate adverse impacts. Site-specific ESMPs will be prepared as required, based on principles and guidelines of the ESMF.

(ii) Standard on Protection of Natural Habitats

- WWF's mission is to protect natural habitats, and it does not undertake any projects that would result in conversion or degradation of critical natural habitats, especially those that are legally protected, officially proposed for protection, or identified as having high conservation value.
- At this point, there are no planned project activities that would negatively impact natural habitats. However, this standard has been triggered because the project entails on-the-ground activities, including restoration activities on key riparian degradation areas (such as demarcation) and small-scale irrigation infrastructure, even if these are geared towards reducing the unsustainable use and extraction of natural resources. Consequently, further site-specific environmental impact assessments may be needed as the specific activities and its locations become better defined to determine which safeguard measures, if any, need to be in place to ensure no lasting damage to natural habitats or the people that rely on them occur.

(iii) Standard on Restriction of Access and Resettlement

- The WWF's Standard seeks to ensure that adverse social or economic impacts on resource-dependent local communities as a result from restrictions on resource access and/or use are avoided or minimized.
- The project does not support involuntary resettlement of persons directly or indirectly nor will proceed with activities without consulting the communities as guided by the relevant regulations and laws of Kenya and WWF US policies. However, this standard has been triggered because this project is concerned with land management, which often results in

changes of access. In addition, restoration activities under component 3 of the project may require temporary fencing and restrictions of access to certain areas demarcated for restoration. As such, more information is needed to determine the extent of these potential access restrictions and the risk they might pose if no mitigation measures are taken. A Process Framework has been prepared as part of the ESMF to conform to WWF's Environment and Social Safeguards Framework to ensure community rights are respected.

(iv) Standard on Indigenous Peoples

- The WWF's standard requires ensuring that indigenous rights are respected, that IPs do not suffer adverse impacts from projects, and that IPs receive culturally appropriate benefits from conservation. The policy mandates that projects respect IPs' rights, including their rights to FPIC processes and to tenure over traditional territories; that culturally appropriate and equitable benefits (including from traditional ecological knowledge) are negotiated and agreed upon with the IPs' communities in question; and that potential adverse impacts are avoided or adequately addressed through a participatory and consultative approach.
- This standard has been triggered because there are different ethnic groups and clans present that can be identified as Indigenous Peoples, including but not limited to the Maasai, who traditionally used the lake and surrounding areas as pasture land during periods of droughts. Although the Kenyan government does not formally recognize the Maasai as indigenous, they are considered so under WWF and GEF policies. Furthermore, more information on the presence and resource use of other pastoralist communities is needed, including but not limited to the Samburu and Turkana. Consequently, an Indigenous Peoples Planning Framework has been prepared as part of the ESMF to conform to WWF's Environment and Social Safeguards Framework.

(v) Standard on Community Health, Safety and Security

- This Standard ensures that the health, safety and security of communities are respected and appropriately protected. The Guidance on Labor and Working Conditions requires employers and supervisors to implement all reasonable precautions to protect the health and safety of workers through the introduction of preventive and protective measures. It also requires that the labor rights of project-employed workers are observed, as indicated in Annex 1: Project Level ESS Screening Tool. Project activities should also prevent adverse impacts involving quality and supply of water to affected communities; SEAH-related risks to both affected communities as well as project staff; safety of project infrastructure, life and properties; protective mechanisms for the use of hazardous materials; disease prevention procedures; and emergency preparedness and response.
- This standard has been triggered because, although the project's activities have not been fully defined yet, some of the envisaged ones (such as on-farm practices and post-harvest activities, as well as the installation of small-scale irrigation infrastructure) represent potentially negative environmental and health impacts, as well as implications for labor standards, if these are not done correctly and the risks are not minimized. As the specific activities and their locations become better defined, further environmental impact assessments will be carried out before development of small-scale infrastructure begins. Additionally, there has been a reported increase in conflict between humans and hippos in Lake Naivasha, likely as a result of infrastructure development for tourism purposes and encroachment on riparian land by farmers. The project does not expect to develop on-the-ground activities in the LNB riparian area itself (beyond the development of the Code of

Conduct under Component 3), which is where this potential conflict primarily plays out. Nonetheless, if this were to change, the ESMF will identify and list measures for mitigating human wildlife conflict.

(vi) Standard on Pest Management

- WWF-funded projects are not allowed to procure or use formulated products that are in World Health Organization (WHO) Classes IA and IB, or formulations of products in Class II, unless there are restrictions that are likely to deny use or access by lay personnel and others without training or proper equipment. The project will follow the recommendations and minimum standards as described in the United Nations Food and Agriculture Organization (FAO) International Code of Conduct on the Distribution and Use of Pesticides and its associated technical guidelines, and procure only pesticides, along with suitable protective and application equipment, that will permit pest management actions to be carried out with well-defined and minimal risk to health, environment, and livelihoods.
- This standard has been triggered because, while the project will not procure any pesticides, on-farm activities by participating farmers may involve the use of registered biopesticides and conventional pesticides in class III and IV. Because the project will adopt an integrated pest management approach (which considers cultural, mechanical, physical and chemicals methods), the use of these pesticides will be minimized to promote environmental conservation and human health and ensure economical management of pests.

(vii) Standard on Cultural Resources

- This Standard ensures that Cultural Resources are appropriately preserved and their destruction, damage or loss is appropriately avoided. Physical cultural resources include archaeological, paleontological, historical, architectural, and sacred sites including graveyards, burial sites, of unique natural values. Intangible cultural resources include traditional ecological knowledge, performing arts, oral traditions and expressions, traditional craftsmanship and social practices, rituals and events. The impacts on cultural resources resulting from project activities, including mitigating measures, may not contravene either the recipient country's national legislation or its obligations under relevant international environmental treaties and agreements.
- The project has not triggered this standard, as the on-the-ground activities of the project will be restricted to gazette forest areas and agricultural lands with no known cultural resources that may be affected.

(viii) Standard on Grievance Mechanisms

- Project-affected communities and other interested stakeholders may raise a grievance at any time to the PMU and WWF. The PMU will be responsible for informing project-affected parties about the Accountability and Grievance Mechanism. Contact information of the PMU and WWF will be made publicly available. Relevant details are also provided in the Grievance Redress section of this ESMF/PF/IPPF.
- The WWF Standard on Grievance Mechanisms is not intended to replace project- and country-level dispute resolution and redress mechanisms. This mechanism is designed to: address potential breaches of WWF's policies and procedures in a gender-responsive manner; be independent, transparent, and effective; be survivor-centered and offer protections to those reporting SEAH-related grievances; be accessible to project-affected people; keep complainants abreast of progress of cases brought forward; and maintain records on all cases and issues brought forward for review.

(ix) Standard on Public Consultation and Disclosure

- This standard requires meaningful consultation with relevant stakeholders, occurring as early as possible and throughout the project cycle. It requires the Project Team to provide relevant information in a timely manner and in a form and language that are understandable and accessible to diverse stakeholders. This standard also requires that information concerning environmental and social issues relevant to the project is disclosed for at least 30 days prior to implementation, and 45 days if the Indigenous Peoples Standard has been triggered. WWF will disclose safeguards documentation on its Safeguards Resources web page. The final safeguards documents should be published on NETFUND's websites of the Implementing Agencies and made available locally in specific locations. The project is also required to locally release all final key safeguards documents via hardcopy, translated into the local language and in a culturally appropriate manner, to facilitate awareness by relevant stakeholders that the information is in the public domain for review.

(x) Standard on Stakeholder Engagement

This standard ensures that WWF is committed to meaningful, effective and informed stakeholder engagement in the design and implementation of all GEF and GCF projects. WWF's commitment to stakeholder engagement arises from internal standards such as WWF's Project and Program Standards (PPMS), as well as WWF's commitment to international instruments such as United Nations Declaration on Indigenous People (UNDRIP). Stakeholder engagement is an overarching term that encompasses a range of activities and interactions with stakeholders throughout the project cycle and is an essential aspect of good project management. The project has prepared a Stakeholder Engagement Plan that will be implemented during the project.

(xi) Guidance Note on Gender-based Violence and Sexual Exploitation, Abuse and Harassment

- All over the world, it is estimated that one in three women and girls experience GBV during her lifetime. A recent study conducted by IUCN, in collaboration with USAID as part of Advancing Gender in the Environment (AGENT), states that forms of GBV (ranging from sexual, physical and psychological violence, to trafficking, sexual harassment, sexual coercion and in some cases rape) can be linked to environmental issues.
- Many projects implemented by WWF relate to effective management of protected areas and the landscapes in which they are located through support to law enforcement, patrolling and better management and restoration of landscapes by restricting access to natural resources. These activities can potentially give rise to GBV/SEAH risks where government-employed law enforcement officials/rangers/guards supported by the project may misuse the power of their positions by sexually exploiting women in local communities. This is a particular risk if women are collecting water or natural resources in a protected area. As another example, projects that promote alternative livelihoods, particularly ones that improve women's empowerment and decision making, can often lead to changes in power dynamics within communities and increase the risks of GBV/SEAH toward those empowered women.
- GBV and SEAH in the implementation of WWF activities in projects and programs is unacceptable and requires timely, proportional, and appropriate action. WWF recognizes that to achieve biodiversity conservation it is vital to promote gender equality and make every effort to ensure that project activities implemented by WWF respect integrity and human rights and mitigate any risk that gives rise to discriminatory and exploitative gender inequalities. WWF does support projects in areas where there is civil war, ethnic conflict,

and insurgencies where there are existing GBV/SEAH risks. WWF therefore needs to understand these risks in order to avoid exacerbating local conditions that contribute to GBV/SEAH, which would undermine any conservation outcomes the project may seek to achieve.

- For WWF projects, including GEF and GCF projects, under the Standard on Community Health and Security, the project team should identify any potential GBV/SEAH risks by screening proposed project activities using the following questions:
 - Is there a risk that the project could pose a greater burden on women by restricting the use, development, and protection of natural resources by women compared with that of men?
 - Is there a risk that persons employed by or engaged directly in the project might engage in gender-based violence (including sexual exploitation, sexual abuse, or sexual harassment)?
 - Does the project increase the risk of GBV and/or SEAH for women and girls, for example by changing resource use practices?
 - Does any mandated training for any individuals associated with the project (including project staff, government park rangers and guards, other park staff, consultants, partner organizations and contractors) cover GBV/SEAH (along with human rights, etc.)?
- The identification of GBV/SEAH risks in a project is normally undertaken as part of project preparation and could be conducted during community/stakeholder consultations together with identifying potential risks and screening impacts on vulnerable groups, community health, safety and security, labor and working conditions, gender equality issues, and any other social or environmental risks. Any potential GB V/SE AH risk identified during this stage would be factored into the project's overall social risk, which, in turn, is factored into the overall environmental and social risk associated with a project.

3.3 Gaps between Kenya's laws and policies and the WWF's SIPP

In general, RoK's laws, policies, and guidelines are in line with the WWF's environmental and social safeguards requirements. However, there are a few differences between the two systems, as discussed below. In all cases of conflict or discrepancy, the requirements of the WWF will prevail, for the purpose of the Lake Naivasha Basin Ecosystem-based Management project, over RoK's laws and regulations.

With regard to *environmental impacts*, there are no direct contradictions between RoK's laws and regulations and the WWF's SIPP, but the requirements of the latter are more extensive in certain cases. For instance, WWF's SIPP requires a thorough environmental and social analysis of the impact of specific project activities on the environment and on local communities before the activity is formally approved and any funds are disbursed. These requirements are beyond the environmental clearance process prescribed by the RoK legislation. All project activities should fully comply both with the RoK's Regulations on the Environmental Clearance of Projects, and with the procedures and mitigation measures prescribed in this ESMF/PF. In case that the WWF's SIPP requirements are more extensive, strict, or detailed than RoK's legislation and policies, the former will apply to all project activities.

With regard to *social impacts*, the primary discrepancies between RoK's laws and regulations and the WWF's SIPP refer to the status of non-title holders and informal land use, and the commitment to participatory decision-making processes. First, according to the WWF's SIPP, all users of land and

natural resources (including people that lack any formal legal ownership title or usage rights) are eligible to some form of assistance or compensation if the project adversely affects their livelihoods. The RoK laws only recognize the eligibility of land owners or formal users to receive compensation in such cases.

This is particularly relevant in the context of pastoralist groups, such as the Maasai, that may hold no formal land ownership over their traditional pasture land. Indigenous people and local communities can, however, seek to enforce land rights in such cases where it concerns ancestral lands and lands traditionally occupied by hunter-gatherer communities, which may have been occupied for long periods by specific communities, but without formal adjudication, registration and issuance of title to such land.

A major difference is also the fact that the Maasai and other pastoralist groups are not recognized as Indigenous People by RoK, where they are under WWF's SIPP. Indigenous communities are, however, recognized under Kenya's Constitution through the lens of marginalization. The Constitution affirms the rights of minorities and marginalized groups and requires Kenya to implement various affirmative actions to fulfill these rights.

For the purposes of the Lake Naivasha Basin EBM project, the provisions of the WWF's ESSF and SIPP shall prevail over the Government of Kenya's legislation in all cases of discrepancy.

4. ANTICIPATED ENVIRONMENTAL AND SOCIAL IMPACTS AND MITIGATION MEASURES

This section outlines potential adverse environmental and social impacts that may result from project activities.

4.1 Potentially Adverse Environmental Impacts

Components 1, 2 and 4 of the Project are not expected to have any noticeable environmental impacts, the nature of activities being primarily planning and engagement processes with no direct impact on the ground.

Component 3, however, involves a range of field activities with the potential for impact on the environment:

1. Outcome 3.1 involves a range of activities geared towards demonstrating and implementing sustainable farming practices in the upper catchment of the basin. It should be noted that the project will not open new areas for cultivation, but that these activities would be implemented at existing farms. Activities associated with potential environmental impacts include:

Activity	Potential Environmental Impact
Introduction of better seed varieties	New seed varieties may cause degradation of soil and damage to the local vegetation, reduce soil fertility, or become invasive.
Promotion of environmentally friendly pest management systems	Pesticides and fertilizers may cause pollution of soil and water, affecting local biodiversity and people. Fertilizers

and fertilizers	may cause eutrophication of waters.
Installation of drip irrigation and water harvesting systems	Although geared towards reducing resource (water) use, the installation of piping materials and water reservoirs may entail short term impacts, including dust and disturbance of natural vegetation.

2. Outcome 3.2, furthermore, involves the restoration of forest landscapes. Activities will occur on land already designated for such purpose, so no new land will be opened. Despite the generally positive effects of restoration on the environment, there may be several short-term impacts that need to be mitigated:

Restoration through planting of tree species	Invasive species planted to improve the degraded land may impact on local biodiversity
Temporary fencing of restoration areas	Disturbance of natural habitats due to the installation of fencing

While both these Outcomes are expected to have an overall positive impact on both nature and people, there may be limited short-term impacts that should be mitigated. Details of the proposed mitigation measures are presented in section 4.2.

4.2 Environmental Mitigation Measures

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Table 1 Anticipated Environmental Impacts and Mitigation Measures

Project Activity	Potential impact	Proposed mitigation measures	Responsible party
Component 3: Improved land management in upper Lake Naivasha Basin			
Outcome 3.1: Improved capacity of LNB smallholder farmers for the transition towards sustainable and biodiversity-friendly agricultural practices			
Introduction of better seed varieties	New seed varieties may cause degradation of soil and damage to the local vegetation, reduce soil fertility, or become invasive.	Assess appropriateness of seeds in terms of biodiversity, water efficiency, local needs, survival, etc. Ensure that only compatible seeds are planted	PMU in collaboration with horticulture directorate
Promotion of environmentally friendly pest management systems and fertilizers	Pesticides and fertilizers may cause pollution of soil and water, affecting local biodiversity and people. Fertilizers may cause eutrophication of waters.	Assess appropriateness of pesticides and fertilizers in the local context. Build the capacity of executing partners to ensure full awareness and knowledge regarding the usage and impacts of selected pesticides and fertilizers. Comply with FAO's International Code of Conduct on the Distribution and Use of Pesticides and its associated technical guidelines, and procure only pesticides, along with suitable protective and application equipment, that will permit pest management actions to be carried out with well-defined and minimal risk	PMU in collaboration with horticulture directorate

		<p>to health, environment, and livelihoods.</p> <p>The project will not fund nor include the promotion or usage of pesticides.</p> <p>Reduce the amount of chemical fertilizers and pesticides used through strengthening of farmer capacity on the proper use of chemicals/non-chemical alternatives for pest management (e.g. integrated pest management and good agriculture practice).</p>	
Installation of drip irrigation and water harvestings systems	The installation of piping materials and water reservoirs may entail shorter impacts, including dust and disturbance of natural vegetation.	<p>Ensure careful siting, alignment, design and/or timing of works</p> <p>Avoid using heavy machinery</p> <p>Limit soil excavation and noise disturbance to minimize impact on natural habitats</p>	PMU in collaboration with ward agricultural officers
Outcome 3.2: Priority forest and land management interventions implemented in Lake Naivasha riparian lands for enhanced water and biodiversity protection			
Restoration through planting of tree species	Invasive species planted to improve the degraded land may impact on local biodiversity	<p>Assess appropriateness of species in terms of biodiversity, water efficiency, forest fire, local needs, cultural sensitivity, survival, etc.;</p> <p>Ensure that only native species are planted.</p>	KFS
Temporary fencing of restoration areas	Disturbance of natural habitats due to the installation of fencing	Ensure careful siting, alignment, design of fencing, and/or timing of works (seasonal)	KFS

		<p>Avoid using heavy machinery</p> <p>Avoid soil excavation and noise disturbance to minimize impact on natural habitats</p>	
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4.3 Potential Adverse Social Impacts

The project is expected to result in positive social outcomes by enhancing rural livelihoods, strengthening community resilience to climate change, and empowering communities in the governance of natural resources. Adverse social impacts are expected to be minor as long as certain precautions are taken. The following are the key potential social impacts associated with the project:

1. **Restrictions in access to land and natural resources**, including the risk that local people and communities affected by the project are unaware of their rights and/or lack the capacity to claim them. Project activities will include the development and updating of Integrated Landscape Management Plans and related management of priority areas for ecosystem management and restoration. These include:
 - a. Activities related to Outputs 1.1.1 and 1.1.2: Updating of the Lake Naivasha Basin Integrated Management Plan (LNBIMP). The LNBIMP intends to offer an integrated, equitable and coordinated approach to resource management in the LNB. The plan proposes the development of coordinated efforts and initiatives in promotion of environmental conservation, sustainable development and improved livelihoods for stakeholders in the basin. The plan further identifies zones and proposes management approaches and actions for each zone. While the LNBIMP serves as a guideline and in itself does not directly result in access restriction or land reallocation, its roll-out and, in particular, its integration into County Development Plans may result in conflicts over land use and access to water and other natural resources between different user groups and residents.
 - b. Activities related to Output 3.2.1: Development of Lake riparian area Code of Conduct for LNB stakeholders. While the Code of Conduct in itself is a non-binding instrument to agree on the *modus operandi* for collective management of the LNB riparian area, it may result in conflicts over issues such as land use and access to water and other natural resources between different user groups and residents.
 - c. Activities related to Output 3.2.3: Updating the existing Participatory Forest Management Plans for three target Forest Stations (South and North Kinangop and Geta), alongside institutionally strengthening and training the CFAs and WRUAs to play their roles in implementing these plans. These Forest Management Plans cover areas designated as communal and state forest lands; their development and implementation may lead to certain forms of access restrictions.
 - d. Finally, activities under Output 3.2.4 involve the restoration of degraded forest areas through collaboration with Kenya Forest Service (KFS) and the relevant CFAs. Restoration of project areas may require temporary fencing or other types of restrictions of access to certain areas demarcated for restoration.

Associated with the risk of potential restrictions in access to land and other resources is risk of loss of livelihoods of certain community members and groups. Furthermore, there is the risk that local people and communities affected by the project are unaware of their rights and/or lack the capacity to claim them, consequently aggravating the negative impacts of these restrictions.

2. **Inter-personal and inter-community conflicts due to the selection of beneficiaries of the project, as well as due to surveillance of forest areas by community scouts:** Since only some of the affected community members will benefit from certain activities, conflicts and tensions may arise as a result of beneficiary selection processes. This relates in particular to the following activities:

- a. Activities related to Output 2.2.1: Training farmers on developing business plans, preparing funding applications and contract negotiation and management skills
- b. Activities related to Output 2.1.3: Linking smallholder farmers to Micro-Financial Institutions and the PES scheme
- c. Activities related to Outputs 3.1.3: Training of farmers on sustainable agricultural production methods
- d. Activities related to Output 3.1.3: Provision of tools and materials for implementation of sustainable, biodiversity-friendly agricultural practices

In addition, inter-personal and inter-community conflicts may also arise from the engagement of community scouts for the surveillance of restoration sites under Output 3.2.4 (restoration of degraded forest areas).

3. **Health risks related to the misuse of agrochemicals by farmers:** Limited knowledge on safe use and handling of pesticides may lead to the misuse of agrochemicals by farmers and consequent health risks. This risk is associated mainly with activities related to Output 3.1.2: the establishment of model farms and the organization of field days.

4.4 Social Mitigation Measures

Table 2 Anticipated Social Impacts and Mitigation Measures

Project Activity	Potential impact	Proposed mitigation measures	Responsible party
Component 1: Strengthening the enabling conditions for integrated landscape management in Lake Naivasha Basin (LNB)			
Development of LNBIMP, including Riparian Management Plan	While the LNBIMP in itself does not directly result in access restriction or land reallocation, its roll-out and, in particular, its integration into County Development Plans may result in conflicts over land use and access to water and other natural resources between different user groups and residents	<p>Ensure that the voices of all stakeholder groups are actively represented and heard in the development of the LNBIMP.</p> <p>Organize target group consultations with vulnerable and marginalized groups (including IPs, women).</p> <p>Collect in-depth data on specific impact of land-use change and infrastructure developments on women, IPs and other marginalized groups.</p> <p>Ensure equal participation of women and men in the consultations around the development of the LNBIMP.</p> <p>Explicitly invite women's and IP rights groups (where existing) to consultations on the LNBIMP.</p> <p>Any change or new demarcation of boundaries for land use or access resulting from the LNBIMP should be</p>	Imarisha Lake Naivasha

		<p>based on free and prior informed consultations with affected communities and relevant authorities, which should be obtained prior to finalizing any border change.</p> <p>If the demarcation of land boundaries negatively impacts sources of economic income or other types of livelihoods of affected communities, full and timely compensation shall be provided to all affected individuals, irrespective of their formal land title. Compensation shall be calculated based on the replacement value of these livelihoods (market value plus any replacement costs).</p>	
	<p>Risk that local people and communities affected by the project are unaware of their rights and/or lack the capacity to claim them</p>	<p>Develop and implement a basin-wide communication strategy that explicitly ensures that information is adapted to each target audience (such as women, youth, IPs) and disseminated by means accessible to these groups.</p> <p>Carry out awareness raising and capacity building activities on land and resource management rights and regulations.</p>	
Component 2: Market and financial mechanisms for implementation of the LNBIMP			
<p>Training farmers on developing business plans, preparing funding applications and contract negotiation and management skills</p>	<p>Community conflicts due to beneficiary selection for training activities and engagement in marketing</p>	<p>Criteria for beneficiary selection should be developed in an inclusive manner, putting special emphasis on the engagement of vulnerable</p>	<p>PMU</p>

		community members (e.g. women, IPs, disabled, single-headed households, etc.) The criteria for beneficiary selection should be clearly outlined and widely publicized among community members in a manner that is easy to understand and accessible.	
Linking smallholder farmers to Micro-Financial Institutions and the PES scheme	Community conflicts due to beneficiary selection. Under this activity, it is unlikely that individual farmers would be selected or targeted; rather, access to these facilities will in part be dictated by issues such as means of communication, proximity and transport facilities.	Where appropriate, approaches should consider the practical constraints of beneficiaries and designed to be inclusive, with special emphasis on the engagement of vulnerable community members (e.g. women, IPs, disabled, single-headed households, etc.).	PMU
Component 3: Improved land management in upper Lake Naivasha Basin			
Training of farmers on sustainable agricultural production methods, including the provision of tools and supplies for the implementation of sustainable, biodiversity-friendly agricultural practices (e.g., certified seeds, compost/mulching tools, etc.)	Community conflicts due to beneficiary selection for training activities, including the provision of tools and supplies.	Criteria for beneficiary selection should be developed in an inclusive manner, putting special emphasis on the engagement of vulnerable community members (e.g. women, IPs, disabled, single-headed households, etc.). The criteria for beneficiary selection should be clearly outlined and widely publicized among community members in a manner that is easy to understand and accessible.	PMU

Establish model farms to demonstrate sustainable farming methods	Misuse of agrochemicals by farmers due to limited knowledge on safe use and handling of pesticides, leading to health risks	Capacity building and training activities to ensure proper handling of pesticides	PMU
Development of Lake riparian area Code of Conduct for LNB stakeholders	While the Code of Conduct in itself is a non-binding instruments to agree on the modus operandi for collective management of the LNB riparian area, it may result in conflicts over issues such as land use and access to water and other natural resources between different user groups and residents.	<p>Ensure that the voices of all stakeholder groups are actively represented and heard in the development of the Code of Conduct.</p> <p>Organize target group consultations with vulnerable and marginalized groups (including IPs, women).</p> <p>Collect in-depth data on specific impact of land-use change and infrastructure developments on women, IPs and other marginalized groups.</p> <p>Ensure equal participation of women and men in the consultations around the development of the Code of Conduct.</p> <p>Explicitly invite women's and IP rights groups (where existing) to consultations on the Code of Conduct.</p> <p>Any change in land use or access to resources resulting from the Code of Conduct should be based on free and prior informed consultations with affected communities and relevant authorities.</p>	Imarisha Lake Naivasha

		<p>If the agreed Code of Conduct negatively impacts sources of economic income or other types of livelihoods of affected communities, full and timely compensation shall be provided to all affected individuals, irrespective of their formal land title. Compensation shall be calculated based on the replacement value of these livelihoods (market value plus any replacement costs).</p>	
	<p>Risk that local people and communities affected by the project are unaware of their rights and/or lack the capacity to claim them?</p>	<p>Develop and implement a basin-wide communication strategy that explicitly ensures that information is adapted to each target audience (such as women, youth, IPs) and is disseminated by means accessible to these groups.</p> <p>Carry out, as part of the roll-out of the Code of Conduct, awareness raising and capacity building activities on land and resource management rights and regulations.</p>	<p>Imarisha Lake Naivasha</p>
<p>Updating the existing Participatory Forest Management Plans for three target Forest Stations (South and North Kinangop and Geta), alongside institutionally strengthening and training the CFAs and WRUAs to play their roles in implementing these plans</p>	<p>The Forest Management Plans cover areas designated as communal and state forest lands; their development and implementation may lead to certain forms of access restrictions.</p>	<p>Ensure that the voices of all stakeholder groups are actively represented and heard in the development of the Forest Management Plans.</p> <p>Organize target group consultations with vulnerable and marginalized groups (including IPs, women).</p> <p>Ensure equal participation of women</p>	<p>KFS</p>

		<p>and men in the consultations around the development of the Forest Management Plans.</p> <p>Explicitly invite women's and IP rights groups (where existing) to consultations on the Forest Management Plans.</p> <p>Any change in land use or access to resources resulting from the Forest Management Plans should be based on free and prior informed consultations with affected communities and relevant authorities.</p> <p>If the agreed Forest Management Plans negatively impacts sources of economic income or other types of livelihoods of affected communities, appropriate alternative means of livelihoods or compensation shall be provided to all affected individuals, irrespective of their formal land title. Compensation shall be calculated based on the replacement value of these livelihoods (market value plus any replacement costs).</p>	
Restoration of degraded forest areas through collaboration with Kenya Forest Service (KFS) and the relevant CFAs	Restoration of project areas may require temporary fencing or other types of restrictions of access to certain areas demarcated for restoration.	<p>Any restrictions in access to land and resources, even temporary ones, should be based on free and prior informed consultations with affected communities and relevant authorities</p> <p>If the agreed access restrictions</p>	KFS

		negatively impact sources of economic income or other types of livelihoods of affected communities, appropriate alternative means of livelihoods or compensation shall be provided to all affected individuals, irrespective of their formal land title. Compensation shall be calculated based on the replacement value of these livelihoods (market value plus any replacement costs).	
	Inter-personal and inter-community conflicts may arise from the engagement of community scouts for the surveillance of restoration sites	<p>Community scouts should be adequately vetted and trained in conflict avoidance and resolution over access to land and resources, as well as human-wildlife interactions.</p> <p>Scouts will not be armed and will not have a law enforcement mandate as such; rather, they will work with the official authorities to resolve any breaching of laws and regulations.</p> <p>Communities affected by access restriction need to be socialized to the presence of these scouts and engaged at regular points in the process to facilitate constructive discussion around any issues that might arise, including compensation measures in particular.</p>	KFS

4.5 Process Framework: Livelihood Restoration Measures

The development of landscape management plans as part of the project may result in restrictions of access to livelihoods and natural resources for local communities.

In particular, the following (temporary or permanent) restrictions in access to livelihoods and restrictions may occur as a result of the project:

1. Component 1 of the project involves the development of an Integrated Management Plan for the LNB (LNBIMP). Under the same component, the project will seek to influence the Annual County Development Plans.
2. Under Component 3, the Project will support the development of Participatory Forest Management Plans for three forest stations.
3. Similarly, under Component 3, the Project will support the participatory development of a Code of Conduct for the Lake Naivasha riparian zone.
4. Finally, under Component 3, the Project will support the restoration of degraded forest areas, which may require temporary fencing or other types of restrictions of access to certain areas demarcated for restoration.

Associated with the risk of potential restrictions in access to land and other resources is risk of loss of livelihoods of certain community members and groups. Furthermore, there is the risk that local people and communities affected by the project are unaware of their rights and/or lack the capacity to claim them, consequently aggravating the negative impacts of these restrictions.

As a principle, any change of land use, or new zonation originating from the abovementioned project interventions should be based on free and prior informed consultations of the affected communities and relevant authorities, which should be carried out prior to finalizing any usage changes.

In addition, where such access restrictions may affect livelihoods, livelihoods-related support during project implementation will be provided to the households of communities impacted by project-induced restrictions of access to natural and community resources within the targeted areas. This process will be organized in the following manner:

- *Screening*

The Safeguards specialist at PMU will undertake screening of all planned activities for likely restrictions of access and use for local communities. This will include both communities that reside in project-affected areas as well as pastoralists and agro-pastoralists that may lack land title but whom have traditional and historical ties to the project landscape.

- *Social assessment*

If the screening confirms and identifies households affected due to access restriction to natural resources, a social assessment process based on participatory consultations with affected peoples will be carried out. The social assessment will generate the necessary baseline information on demographics, social, cultural, and economic characteristics of affected communities, as well as the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend. The assessment will evaluate potential impacts and the extent of restriction of access to resources along with suitable mitigation and enhancement measures, including options for alternative access to similar resources.

- *Livelihood Restoration Plans*

Based on the findings of the screening and social assessment, Livelihood Restoration Plans (LRP) will be prepared in consultation with affected peoples and stakeholders which will

provide tailored livelihood support and benefit sharing for affected persons, groups and communities.

The LRPs will be site-specific and include the following issues: (1) identifying and ranking of site-specific impacts; (2) setting out criteria and eligibility for livelihood assistance; (3) outlining the rights of persons who have been either customarily or legally/illegally using forest, water or land resources for subsistence to be respected; (4) identifying and describing available mitigation measures alternatives, taking into account the provisions of applicable local legislation, the available measures for mitigation promoted via project activities and any additional sound alternatives proposed by the affected persons; (5) outlining specific procedures on how compensation can be obtained.

- *Mitigation measures as part of the LRPs*

Participatory and inclusive consultations should be carried out with affected communities, individuals, and stakeholders to agree on the allocation of alternative livelihoods. Eligibility criteria should be established according to guidelines provided in Section 5.5: Community Engagement of the ESMF/PF.

Alternative livelihood schemes should be discussed, agreed upon and provided for affected persons/groups. The livelihood options should be built on and based upon the traditional skills, knowledge, practices and the culture/world view of the affected peoples/groups and persons.

Where appropriate, affected persons should be provided project-related livelihood support and other opportunities as part of the planned project activities. These may include activities implemented as part of the following outputs:

- Output 2.1.3: Linking smallholder farmers to Micro-Financial Institutions (MFI) to access agribusiness financial services.
- Output 2.1.3: Training farmers on developing business plans, contract negotiation and management skills, and preparing funding applications.
- Output 2.2.1: Creating awareness and building capacity regarding the KS1758 (Kenya Standards) certification process aimed at increasing the marketability of produce.
- Output 3.1.2: Training LNB smallholder farmers through ward agricultural officers (group facilitators) and field days with demonstrations for technical backstopping.
- Output 3.1.3: Support selected farmers with materials for conservation agriculture practices, including provision of soil testing, certified seeds, compost/mulching tools.
- Output 3.2.3: Institutional strengthening and training of CFAs and WRUAs to support the implementation of the Participatory Forest Management Plans.

In addition, an accessible and efficient grievance redress mechanism should be established and made functional (see Chapter 12 of this ESMF/PF).

Special efforts should be made to tailoring these mitigation measures to the needs of pastoralists and agro-pastoralists, in particular those designated as IPs. While some of them may be interested in the mitigation measures outlined above, others may necessitate an alternative approach (e.g., allocation of alternative grazing areas).

- *Compensation*

In case that compensation is awarded, it shall be calculated based on the replacement value of these livelihoods (economic market value plus any replacement costs). In cases where compensation will consist of the allocation of alternative resources (e.g., alternative grazing areas), measures will include identification of these resources with the active involvement of the affected persons/communities and assistance to access these resources. Detailed procedures on how compensation should be calculated and awarded should be provided in each site-specific LRP based on local conditions and feedback from the affected people.

4.6 Indigenous Peoples Planning Framework (IPPF)

(a) IP Population of Project Sites

As stated above, Lake Naivasha is part of a territory that traditionally belonged to the Maasai pastoralists. However, the European colonization of the area changed the land tenure landscape and, consequently, blocked the Maasai clans' access to the lake and the traditional pastures in the drainage basin.

Although this has since been opposed by the Maasai, the LNB and neighboring areas have seen an exponential increase in the number of pastoral settlements, expanding crop cultivation, human population growth and intensification of land use due to "progressive sedentarization of Maasai pastoralists."¹⁰ These days, a resident population of peoples of Maasai origin live in the Lake riparian area and the lower parts of the basin. They no longer maintain their traditional nomadic lifestyle and subsist on on-farm and off-farm activities, such as subsistence and commercial cultivation, livestock-keeping, wage/salaried labor, and business (small shops, hotels, bars etc.). Land rental is an important livelihood component often involving Maasai landowners (including Dorobo) and Kikuyu tenants.

These changes are also taking place in the hinterlands of the basin due to the continuous expansion of the horticulture industry and natural resource use at Lake Naivasha. Consequently, "former communally owned lands that were dedicated to livestock grazing on the fringes of Lake Naivasha [now] provide food for thousands of flower farm workers, to residents of Naivasha central, and to other growing populations outside Naivasha."¹¹ Ultimately, the strong development of the flower industry around Lake Naivasha, complemented by a healthy tourism sector, has attracted individuals from all over Kenya to migrate to the area and, as a result, the Lake area is melting pot of ethnic groups.

This notwithstanding, there still are culturally distinguishable Maasai who continue to practice a pastoralist lifestyle. To be sure, there is no specific data nor formal statistics available on these peoples in the LNB itself, but the stakeholder engagement process conducted to date has yielded information that permits the following conclusions: (1) they do not presently reside in the upper catchment and (2) they do access the area occasionally for resource use. It is also known that there are groups of Maasai who live in neighboring counties, such as Narok, who cross over to LNB looking for pasture and water during severe droughts. Due to climate change, the occurrence of these events has become more common, even if making predictions about these patterns has become harder. Recently, such periods of drought have been occurring in particular during the latter part of the year (Oct – Dec) and the early part (Jan-Feb), associated with low rainfall during the short rainy season (Oct-Dec period).

Although the Kenyan government does not formally recognize the Maasai as indigenous, they are considered so under WWF and GEF policies. Based on WWF's Standard on IPs, the people affected by this project would thus be considered Indigenous, ethnic or tribal minorities.

(b) Project Impacts on IPs Groups

As is the case for all the communities affected by this Project, I is the proposed activities are expected to result in positive social outcomes to IP groups by enhancing rural livelihoods, strengthening community resilience to climate change, and empowering communities in the governance of natural resources. Adverse social impacts are expected to be minor as long as certain precautions are taken.

¹⁰ Ogutu, J.O., Piepho, H.P., Dublin, H.T., Bhola, N. and Reid, R.S. (2009). Dynamics of Mara-Serengeti ungulates in relation to land use changes. *Journal of Zoology*, 278(1), 1.14.

¹¹ Kioko, E.M. (2016). Turning conflict into coexistence: cross-cutting ties and institutions in the agro-pastoral borderlands of Lake Naivasha basin, Kenya. [Doctoral dissertation, University of Cologne].

The following are the key potential impacts associated with the project that might affect IPs:

Restrictions in access to land and natural resources, including the risk that IP groups affected by the project are unaware of their rights and/or lack the capacity to claim them:

Project activities will include the development and updating of Integrated Landscape Management Plans and related management of priority areas for ecosystem management and restoration, including an updated Lake Naivasha Basin Integrated Management Plan (LNBIMP), a Lake riparian area Code of Conduct for LNB stakeholders, and Participatory Forest Management Plans (PFMP) for three target Forest Stations (South and North Kinangop and Geta).

Noted should be that, as Maasai and other IP groups reside mainly in the riparian and other lower parts area of the Lake, the PFMPs will most likely not affect them. On the other hand, although both the LNBIMP and Code of Conduct are non-binding guidance documents, these plans may ultimately result in measures and actions that could restrict access to land, water and other natural resources.

Associated with the risk of potential restrictions in access to land and other resources is a risk of loss of livelihoods. Furthermore, there is the risk that IP communities affected by the project are unaware of their rights and/or lack the capacity to claim them, consequently aggravating the negative impacts of these restrictions.

Conflicts due to the selection of beneficiaries of the project: Since only some of the affected community members will benefit from certain activities, conflicts and tensions may arise as a result of beneficiary selection processes. This relates in particular to the following activities:

1. Activities related to Output 2.2.1: Training farmers on developing business plans, preparing funding applications and contract negotiation and management skills.
2. Activities related to Output 2.1.3: Linking smallholder farmers to Micro-Financial Institutions and the PES scheme.
3. Activities related to Outputs 3.1.3: Training of farmers on sustainable agricultural production methods.
4. Activities related to Output 3.1.3: Provision of tools and materials for implementation of sustainable, biodiversity-friendly agricultural practices.

As previously stated, the target project area for these activities is the upper catchment area of the Lake and the Maasai and other potential IP groups reside in the lake riparian area. It is therefore unlikely that these groups would be affected.

Health risks related to the misuse of agrochemicals by farmers: Limited knowledge on safe use and handling of pesticides may lead to the misuse of agrochemicals by farmers and consequent health risks.

As for the previous impact, the potential presence of Maasai and other IP groups in the upper catchment of the basin cannot be fully determined at this stage, a precautionary approach should be taken.

(c) Mitigation Planning

At this point in time, the exact impacts of the project activities as described in section 4.6 (b) cannot be determined. Much will depend on the design of key outputs (in particular the LNBIMP and Code of Conduct). Additionally, while it is currently assumed that there are no IPs residing in the main project area—namely, the upper catchment of the LNB—further field verification will be required to provide a definite conclusion.

At this stage, therefore, mitigation planning would generally need to consider the following:

1. Regular consultation will be held with the IPs, including the women, to seek their informed participation both in assessing potential impacts and in designing mitigation measures and project intervention at all stages of project preparation and implementation. To achieve this information exchange, focus group discussions, awareness raising events, workshops, and distribution of pamphlets in local language will be carried out.
2. Where potential negative impacts are expected, the scope and impact of these impacts should be assessed, and appropriate mitigation measures designed.
3. Where IP groups may be affected, site specific Indigenous Peoples Plan (IPPs, see below) should be prepared considering best options and approaches that are in accordance with the needs and interests of affected individuals and communities. Specifically, the social and cultural context of affected IPs and their traditional skill and knowledge in natural resource management should be considered in this regard.
4. Community organizations, NGOs, and other stakeholders experienced in executing IP development plans or projects will be engaged to prepare these IPP's.
5. The IPP's should provide a set of indicators for periodic monitoring of the progress of planned activities incorporated in the plans in order to confirm their effectiveness, and to plan and undertake alternative measures as appropriate.
6. The project will allocate sufficient budget for the implementation of the IPP's as well as develop a financing plan to ensure smooth transitioning after project closure.

Finally, it should be noted that in the Maasai/Kikuyu agro-pastoral borderlands on the fringes of Lake Naivasha basin, Local Peace Committees and Nyumba Kumi Committees have gained considerable prominence in the last decade, for rendering themselves useful in the prevention and nonviolent resolution of local disputes that arise due to differences in sentiments or emotions. Where such conflicts may arise, therefore, the project would consider these Committees as a means for finding resolution.

Responsibility for mitigation planning, including the development of IPP's will lie with the PMU, under the overall coordination of the Project Safeguard Specialist.

(d) Steps for Formulating an IPP

WWF's Standard on Indigenous People requires that, regardless of whether Project affected IPs are affected adversely or positively, an IPP needs to be prepared with care and with the full and effective participation of affected communities.

The requirements include screening to confirm and identify affected IP groups in the project areas, social analysis to improve the understanding of the local context and affected communities; a process of free, prior, and informed consent with the affected IPs' communities in order to fully identify their views and to obtain their broad community support to the project; and development of project-specific measures to avoid adverse impacts and enhance culturally appropriate benefits.

Minimum requirements for projects working in areas with IPs are:

- Identification of IP groups through screening;
- Assessment of project impacts;
- Consultations with affected IP communities following FPIC principles and obtain their broad community support;
- Development of sites specific IPs plan (IPP) to avoid adverse impacts and provide culturally appropriate benefits; and
- In activities with no impacts, the requirements could be limited to consultations during implementation to keep local communities informed about project activities and documentation of all consultations held.

(e) Social Assessments

WWF's Standard on Indigenous People requires screening for IPs to assess risks and opportunities and to improve the understanding of the local context and affected communities. The Project level ESS Screening (Annex 1 of this ESMF) is completed yearly during the Annual Workplan development to screen for and assess these risks and opportunities

A description of activities that may result in adverse social impacts on IPs is presented in section (b), but will be revisited during project implementation during this annual screening.

(f) Development of IP Plans (IPP)

Based on the results of the social assessments, an IPP shall be developed for each project site.

The contents of the IPP will depend on the specific project activities identified and the impacts these activities may have on IPs in the project area. As a minimum, the IPP should include the following information:

- ✓ Description of the IPs affected by the proposed activity;
- ✓ Summary of the proposed activity;
- ✓ Detailed description of IPs' participation and consultation process during implementation;
- ✓ Description of how the project will ensure culturally appropriate benefits and avoid or mitigate adverse impacts;
- ✓ Budget;
- ✓ Mechanism for complaints and conflict resolution; and
- ✓ Monitoring and evaluation system that includes monitoring of particular issues and measures concerning indigenous communities.

For project activities that may result in changes in IPs' access to livelihoods, the provisions of the Process Framework (Section 4.5) should be followed.

(g) Free, Prior and Informed Consent Framework

Free, Prior and Informed Consent (FPIC) is an approach for ensuring that the rights of IPs are guaranteed in any decision that may negatively affect their lands, territories or livelihoods. It ensures that they have the right to give or withhold their consent to these activities without fear of reprisal or coercion, in a timeframe suited to their own culture, and with the resources to make informed decisions.

FPIC is composed of four separate components:

- Free—Without coercion, intimidation, manipulation, threat or bribery.
- Prior—indicates that consent has been sought sufficiently in advance, before any project activities have been authorized or commenced, and that the time requirements of the indigenous community's consultation/consensus processes have been respected.
- Informed—Information is provided in a language and form that are easily understood by the community, covering the nature, scope, purpose, duration and locality of the project or activity as well as information about areas that will be affected; economic, social, cultural and environmental impacts, all involved actors, and the procedures that the project or activity may entail.
- Consent—The right of IPs to give or withhold their consent to any decision that will impact their lands, territories, resources, and livelihoods.

The processes of consultation and obtaining FPIC will be applied to all the aspects of the project (financed under WWF) that may negatively affect the rights of the IPs and ethnic minorities.

FPIC will be required on any matters that may negatively affect the rights and interests, water areas, lands, resources, territories (whether titled or untitled to the people in question) and traditional livelihoods of the IPs concerned.

Thus, FPIC is integral to the execution of the proposed project, as the project areas includes diverse indigenous communities. WWF recognizes the strong cultural and spiritual ties many IP groups have to their lands and territories and committed to strengthen these ties in all WWF/GEF/GCF funded projects. FPIC gives IPs the freedom to determine their own development path to promoting conservation sustainably. The following checklist (Box 1) may assist in helping to determine whether some Project activities may require an FPIC process

Box 1. Checklist for appraising whether an activity may require an FPIC Process

1. Will the activity involve the use, taking or damage of cultural, intellectual, religious and/or spiritual property from IPs?
2. Will the activity adopt or implement any legislative or administrative measures that will affect the rights, lands, territories and/or resources of IPs (e.g. in connection with the development, utilization or exploitation of mineral, water or other resources; land reform; legal reforms that may discriminate de jure or de facto against IPs, etc.)?
3. Will the activity involve natural resource extraction such as logging or mining or agricultural development on the lands/territories of IPs?
4. Will the activity involve any decisions that will affect the status of IPs' rights to their lands/territories/water resources, resources or livelihoods?
5. Will the activity involve the accessing of traditional knowledge, innovations and practices of indigenous and local communities?
6. Will the activity affect IPs' political, legal, economic, social, or cultural institutions and/or practices?
7. Will the activity involve making commercial use of natural and/or cultural resources on lands subject to traditional ownership and/or under customary use by IPs?
8. Will the activity involve decisions regarding benefit-sharing arrangements, when benefits are derived from the lands/territories/resources of IPs (e.g. natural resource management or extractive industries)?
9. Will the activity have an impact on the continuance of the relationship of the IPs with their land or their culture?
10. Will the interventions/activities restrict on access to NTFPs, timber, lands, etc. and other sources of livelihoods and community resources?

If the answer is 'Yes' to any of these questions in Box 1, it is likely that FPIC will be required of the potentially affected indigenous peoples for the activity that may result in the impacts identified in the questions. When an FPIC process is required, a stakeholder consultation process will need to be initiated to define and agree on an FPIC process with the community or communities. The IPs who may be affected by the Project will have a central role in defining the FPIC process, based on their own cultural and governance practices. The consultation process should be launched as early as possible to ensure full, effective and meaningful participation of IPs.

All consultations with IPs should be carried out in good faith with the objective of seeking agreement or consent. Consultation and consent is about IPs' right to meaningfully and effectively participate in decision-making on matters that may affect them. Consultations and information disclosure are integral parts of FPIC process and any development support planning for IPs to ensure that the priorities, preferences, and needs of the indigenous groups are taken into consideration adequately. With that objective in view, a strategy for consultation with IPs has been proposed so that all consultations are conducted in a manner to ensure full

and effective participation. The approach of full and effective participation is primarily based upon transparent, good faith interactions, so that everyone in the community is empowered to join fully in the decision-making process. It includes providing information in a language and manner the community understands and, in a timeframe, compatible with the community's cultural norms.

The affected IPs will be actively engaged in all stages of the project cycle, including project preparation, and feedback of consultations with the IPs will be reflected in the project design, followed by disclosure. Their participation in project preparation and planning has informed project design and will continue to actively participate in the project execution. Once the IPP or LRP is prepared, it will be translated into local languages (as applicable) and made available to them before implementation, including in formats other than written documents if and when requested by the communities.

NETFUND shall ensure adequate flow of funds for consultation and facilitation of planned activities within the IPP. Project brochures and pamphlet with infographic containing basic information such as sub-project location, impact estimates, and mitigation measures proposed, and implementation schedule will be prepared, translated into a language understandable to the IPs, and distributed among them. If literacy is low in the communities, other means of communication must also be agreed upon with them, especially targeting community members who may have lower literacy levels.

A range of consultative methods will be adopted to carry out consultation including, but not limited to: focus group discussions (FGDs), public meetings, community discussions, and in-depth and key informant interviews; in addition to the censuses and socioeconomic surveys.

The key stakeholders to be consulted during screening, impact assessment; design and implementation of IPP, LRP and Process Framework (PF) include:

- All affected persons belonging to IPs/marginalized groups;
- Appropriate government Departments/Ministries
- Provincial and municipal government representatives;
- Insert relevant community cooperatives, management structures, umbrella bodies, etc.;
- The private sector;
- Academia representatives.

The project will ensure adequate representation of each group of stakeholders mentioned above while conducting consultations using various tools and approaches.

The views of IPs communities are to be considered during execution of project activities, while respecting their practices, beliefs and cultural preferences. The outcome of the consultations will be documented into the periodical reports and included in project's trimester progress reports. The Project Coordinator with support of the Safeguards Specialist will also ensure that affected persons are involved in the decision-making process.

Procedures to seek FPIC

Project interventions and activities adversely affecting the IPs, therefore, need to follow a process of free, prior, and informed consent, with the affected IPs in order to fully identify their views and to seek their broad community support to the project; and development of project-specific measures to avoid adverse impacts and enhance culturally appropriate benefits.

Community involvement is a critical component of FPIC, as FPIC is a collective process, rather than an individual decision. In practice, FPIC is implemented through a participatory process involving all affected groups that is carried out prior to the finalization or implementation of any project activities, decisions or development plans. FPIC is established through good faith negotiation between the project and affected IPs. A facilitator should support this process, a

person who will be available throughout the Project, who speaks the necessary languages and is aware of the project context. This person may or may not be part of the PMU, but should be agreeable to all parties involved.

Box 2 below outlines some generic steps to be followed for FPIC with the affected IPs in order to seek their broad community support.

Box 2. Steps for Seeking FPIC from Project Affected Indigenous Peoples

1. Identify communities, sub-groups within communities, and other stakeholders with potential interests/rights (both customary and legal) on the land or other natural resources that are proposed to be developed, managed, utilized, or impacted by the proposed project activity.
2. Identify any rights (customary and legal) or claims of these communities to land or resources (e.g., water rights, water access points, or rights to hunt or extract forest products) that overlap or are adjacent to the site(s) or area(s) of the proposed project activity;
3. Identify whether the proposed project activity may diminish the rights, claims, or interests identified in Step 2 above and also identify natural resources that may be impacted by this project and the legal and customary laws that govern these resources;
4. Provide the details of proposed project activities to be implemented along with their likely impacts on IPs either positively or negatively, as well as the corresponding proposed mitigation measures in a language or means of communication understandable by the affected IPs;
5. All project information provided to IPs should be in a form appropriate to local needs. Local languages should usually be used and efforts should be made to include all community members, including women and members of different generations and social groups (e.g. clans and socioeconomic background);
6. Selection of facilitator, who will be available throughout the Project, who speaks the necessary languages and is aware of the project context, and is culturally and gender-sensitive. The facilitator should be trustworthy to affected IPs. It will also be helpful to involve any actors which are likely to be involved in implementing the FPIC process, such as local or national authorities
7. If the IP communities are organized in community associations or umbrella organizations, these should usually be consulted.
8. Provide sufficient time for IPs' decision-making processes (it means allocate sufficient time for internal decision-making processes to reach conclusions that are considered legitimate by the majority of the concerned participants)
9. Support a process to create a mutually respected decision-making structure in cases where two or more communities claim rights over a project site.
10. If FPIC is not familiar to the community, engage in a dialogue to identify existing decision-making structures that support the principles underlying FPIC.
11. Identify the community-selected representative(s) or "focal people" for decision making purpose-- identification of the decisionmakers and parties to the negotiation.
12. Agree on the decisionmakers or signatory parties and/or customary binding practice that will be used to conclude the agreement, introducing the chosen representatives, their role in the community, how they were chosen, their responsibility and role as representatives;
13. If consent is reached, document agreed upon outcomes/activities that are to be included into the project, and agree on a feedback and a project grievance redress mechanism. Agreements reached must be mutual and recognized by all parties, taking into consideration customary modes of decision-making and consensus-seeking. These may

- include votes, a show of hands, the signing of a document witnessed by a third party, performing a ritual ceremony that makes the agreement binding, and so forth;
14. When seeking “broad community consent/support” for the project, it should be ensured that all relevant social groups of the community have been adequately consulted. This may mean the project staff have to seek out marginalized members, or those who don’t have decision-making power, such as women. When this is the case and the “broad” majority is overall positive about the project, it would be appropriate to conclude that broad community support/consent has been achieved. Consensus building approaches are often the norm, but “broad community consent/support” does not mean that everyone has to agree to a given project;
 15. When the community agrees on the project, document the agreement process and outcomes including benefits, compensation, or mitigation to the community, commensurate with the loss of use of land or resources in forms and languages accessible and made publicly available to all members of the community, providing for stakeholder review and authentication;
 16. The agreements or special design features providing the basis for broad community support should be described in the IPs Plan; any disagreements should also be documented; and
 17. Agree on jointly defined modes of monitoring and verifying agreements as well as their related procedures: how these tasks will be carried out during project implementation, and the commission of independent periodic reviews (if considered) at intervals satisfactory to all interest groups.

(h) Disclosure

- The final IPPF and PF and any site specific IPPs and LRPs will be disclosed on the website of the executing agency, NETFUND, and the website of WWF and made available to affected IPs; information dissemination and consultation will continue throughout project execution. Summaries of IPPs and mitigation measures proposed in IPPs will be translated into Kiswahili and paper copies will be made available to the affected persons in the office of relevant local authorities.

(i) Institutional and monitoring arrangements

- The Project Safeguards Specialist will be responsible for the development and implementation of the IPPF and any IPP, with support from the PMU Project Coordinator on logistical matters (e.g., conducting field visits, reaching out to IP communities, convening meetings, etc.).
- The Safeguards Specialist will periodically report on the implementation of the IPPF/IPP to the Project Coordinator, NETFUND and WWF US. Monitoring and reporting will be undertaken together with reporting on the other ESMF commitments (as indicated in Section 5.4).

4.7 Pest Management Plan

The project will adopt an integrated pest management approach (which considers cultural, mechanical, physical and chemicals methods), which includes among others:

- Minimal soil disturbance (through reduced or no-tillage) in order to preserve soil structure, soil fauna and organic matter;
- Permanent soil cover (cover crops, residues and mulches) to protect the soil and contribute to the suppression of weeds;

- Diversified crop rotations, and crop combinations, which promote soil micro-organisms and disrupt plant pests, weeds and diseases;
- Where pesticides are needed, as a last resort, only green and blue label pesticides would be applied.

Where the use of pesticides cannot be avoided, the project will build knowledge regarding the advantage and disadvantage of their use and, where appropriate, will train farmers on application rates, techniques and equipment, disposal of empty containers and remaining/unused pesticides mixtures. In all cases, the project will comply with FAO's International Code of Conduct on the Distribution and Use of Pesticides and its associated technical guidelines, along with suitable protective and application equipment that will permit pest management actions to be carried out with well-defined and minimal risk to health, environment, and livelihoods.

5. IMPLEMENTATION ARRANGEMENTS

5.1. Procedures for the Identification and Management of Environmental and Social Impacts

The following is an exclusion list of activities will not be financed by the Lake Naivasha Basin EBM project. This includes activities that:

1. Lead to land management practices that cause degradation (biological or physical) of the soil and water. Examples include, but are not limited to: the felling of trees in core zones and critical watersheds; activities involving quarrying and mining; commercial logging; or dredge fishing.
2. Negatively affect areas of critical natural habitats or breeding ground of known rare/endangered species.
3. Significantly increase GHG emissions.
4. Use genetically modified organisms or modern biotechnologies or their products.
5. Involve the procurement and/or use of pesticides and other chemicals specified as persistent organic pollutants under the Stockholm Convention or within categories IA, IB, or II by the World Health Organization.
6. Result in the loss of biodiversity, alteration of the functioning of ecosystems, and introduction of new invasive alien species.
7. Involve the procurement or use of weapons and munitions or fund military activities.
8. Lead to private land acquisition and/or physical displacement and voluntary or involuntary relocation of people, including non-titled and migrant people.
9. Contribute to exacerbating any inequality or gender gap that may exist.
10. Involve illegal child labor, forced labor, sexual exploitation or other forms of exploitation.
11. Adversely affect indigenous peoples' rights, lands, natural resources, territories, livelihoods, knowledge, social fabric, traditions, governance systems, and culture or heritage (physical and non-physical or intangible) inside and/or outside the project area.
12. Negatively impact areas with cultural, historical or transcendent values for individuals and communities.

In advance of the initiation of any project activity, the Safeguards Specialist should fill in detailed information regarding the nature of the activity and its specific location in the *Safeguards Eligibility and Impacts Screening* form (Annex 1). Part 1 of this form comprises of basic information regarding the activity; Part 2 contains basic "pre-screening" questions. If the response to any of the questions in these two parts is "Yes", the activity will be deemed ineligible for funding under the Project. The executing partners will thus be required to change the nature

or location of the proposed activity so that it complies with all safeguards requirements and all responses at the *Safeguards Eligibility and Impacts Screening* form are negative.

If the activity is deemed eligible according to Part 2, an environmental and social screening procedure will be carried out in accordance with Part 3 of *Safeguard Eligibility and Impacts Screening* format, which is based on the WWF's SIPP and applicable Kenya laws and regulations. The executing partners shall respond to the specific questions in Part 3 of the form, provide general conclusions regarding the main environmental and social impacts of each proposed activity, outline the required permits or clearances, and specify whether any additional assessments or safeguard documents (e.g., ESMP) should be prepared.

Issues that are considered as part of this environmental and social screening include the following:

- a. Need for government-land acquisition;
- b. Environmental impacts (e.g., dust, noise, smoke, ground vibration, pollution, flooding, etc.) and loss or damage to natural habitat;
- c. Social impacts: identification of vulnerable groups or indigenous peoples, impacts on community resources, impacts on livelihoods and socio-economic opportunities, restrictions of access to natural resources, land usage conflicts, impacts on tangible or intangible cultural heritage, etc.; and
- d. Health and safety issues (both for workers and for local communities).

The screening of each activity should be undertaken by the Safeguards Specialist. If the screening process indicates that additional assessments or safeguards documents shall be prepared, these should be carried out by the executing partners prior to the start of activities.

If the screening reveals adverse environmental or social impacts that may arise from the planned activity, an ESMP should be prepared. The ESMP should be prepared by the Safeguards Specialist, in collaboration with the Project Coordinator.

5.2. Guidelines for ESMP Development

In case that the Environmental and Social screening process identifies any adverse environmental or social impacts as a result of specific project activities, the Safeguards Specialist in collaboration with the Project Coordinator should develop a site- and activity-specific ESMP. The ESMP should be prepared before the initiation of the project activity and closely follow the guidance provided in this ESMF.

The ESMP should describe adverse environmental and social impacts that are expected to occur as a result of the specific project activity, outline concrete measures that should be undertaken to avoid or mitigate these impacts, and specify the implementation arrangements for administering these measures (including institutional structures, roles, communication, consultations, and reporting procedures).

The structure of the ESMP should be as follows:

- (i) **A concise introduction:** explaining the context and objectives of the ESMP, the connection of the proposed activity to the project, and the findings of the screening process.
- (ii) **Project description:** Objective and description of activities, nature and scope of the project (location with map, construction and/or operation processes, equipment to be used, site facilities and workers and their camps; bill of quantities if civil works are involved, activity schedule).

- (iii) **Baseline environmental and social data:** Key environmental information or measurements such as topography, land use and water uses, soil types, and water quality/pollution; and data on socioeconomic conditions of the local population. Photos showing the existing conditions of the project sites should also be included.
- (iv) **Expected impacts and mitigation measures:** Description of specific environmental and social impacts of the activity and corresponding mitigation measures.
- (v) **ESMP implementation arrangements:** Responsibilities for design, bidding and contracts where relevant, monitoring, reporting, recording and auditing.
- (vi) **Capacity Need and Budget:** Capacity needed for the implementation of the ESMP and cost estimates for implementation of the ESMP.
- (vii) **Consultation and Disclosure Mechanisms:** Timeline and format of disclosure.
- (viii) **Monitoring:** Environmental and social compliance monitoring with responsibilities.
- (ix) **Grievance Mechanism:** Provide information about the grievance mechanism, how PAPs can access it, and the grievance redress process.
- (x) **A site-specific community and stakeholder engagement plan:** In order to ensure that local communities and other relevant stakeholders are fully involved in the implementation of the ESMP, a stakeholder engagement plan should be included in the ESMP. Specific guidelines on community engagement are provided in Section 5.8 below.

5.3. Stakeholders' Role & Responsibilities in the ESMF Implementation

(a) General

A schematic representation of the proposed institutional arrangements for the project is presented in Figure 2.

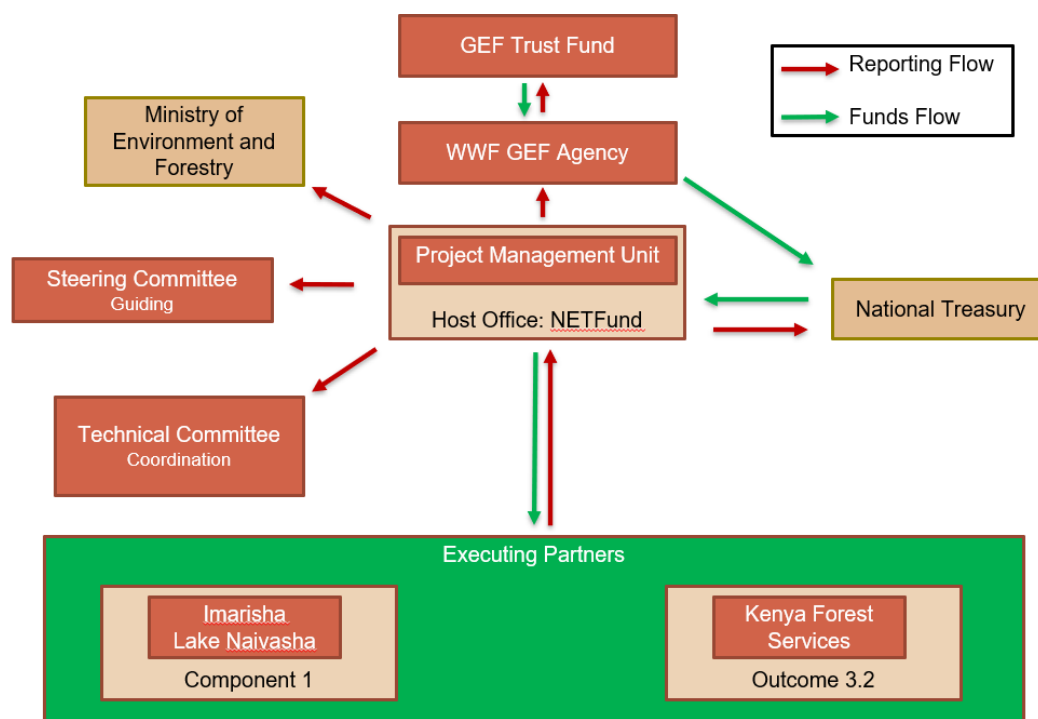


Figure 2 Project institutional arrangements

NETFUND will act as the **Lead Executing Agency** for the project, operating under the auspices of the Ministry of Environment and Forestry. As such, NETFUND will take overall fiduciary responsibility of the project as well as of forming and leading the Project Steering Committee. NETFUND will appoint a Project Focal point who will be responsible of overall administration and supervision of the PMU.

NETFUND will furthermore host the Project Management Unit (PMU), which will be tasked with the day-to-day management of the project. The main function of the PMU will be to coordinate efforts between the various partners in the project, as well as be responsible for the reporting, monitoring and evaluation functions.

Project Steering Committee (PSC): Project oversight and strategic guidance will be provided by a national Project Steering Committee (PSC), which will include the key Government Agencies to be responsible for the delivery of the project, and other key stakeholders as appropriate, notably: NETFUND, Ministry of Environment and Forestry, Ministry of Agriculture, Livestock, Fisheries and Co-operatives, Imarisha Lake Naivasha, Nyandarua County Government, Nakuru County Government, WWF Kenya, Lake Naivasha Basin Water Resources Users Association (LANABWRUA), Lake Naivasha Riparian Association (LNRA), Lake Naivasha Basin Landscape Association (LANABLA) and WWF GEF Agency (as observer). The PSC will meet twice a year to formally review project progress, endorse the Annual Project Workplan and Budget as well as discuss and strategic matters related to the project.

WWF GEF Agency: WWF-US, through its WWF GEF Agency will: (i) provide consistent and regular project oversight to ensure the achievement of project objectives; (ii) liaise between the project and the GEF Secretariat; (iii) report on project progress to GEF Secretariat (annual Project Implementation Report); (iv) ensure that both GEF and WWF policy requirements and standards are applied and met (i.e. reporting obligations, technical, fiduciary, M&E); (v) approve annual workplan and budget; (vi) approve budget revisions, certify fund availability and transfer funds; (vii) organize the terminal evaluation and review project audits; (viii) certify project operational and financial completion, and (ix) provide no-objection to key terms of reference for project management unit.

(a) Safeguards Implementation

Specific arrangements and responsibilities related to the implementation of environmental and social safeguards requirements, as stated in this ESMF/PF are as follows:

NETFUND:

- Overall responsibility for ensuring environmental safeguards are implemented.
- Ensure coordination with relevant Government authorities.

Project Steering Committee:

- Overall oversight and monitoring of compliance with safeguards commitments.
- Support and specific recommendations on specific safeguard issues if needed.

WWF GEF Agency:

- Overall oversight and monitoring of compliance with safeguards commitments.
- Support and specific recommendations on specific safeguard issues if needed.

PMU:

- Ensuring that bidding documents and contracts include relevant clauses or conditions relevant to environmental and social safeguards as set out in this ESMF. It is particularly important to include in bidding documents requirements related to occupational health and safety.

- Implementing and supervising ESMF and other safeguard plans;
- Provision of safeguard reports to the Executing Agency;
- Implementation of Grievance Redress Mechanism (GRM);
- Disclosure of safeguards documents; and
- Reporting on safeguards implementation and compliance to the PSC and WWF GEF Agency.

Safeguards Specialist within PMU:

- Provide inputs to the Project Coordinator to ensure safeguards compliance with reference to ESMF/PF/IPPF during project planning and implementation;
- Monitor implementation of the ESMF/PF/IPPF including inputs and recommendations from related consultants;
- Conduct ESS Screening on newly planned/revised project activities, as outlined in ESMF;
- Ensure the project team's understanding of environmental and social safeguards and how to support implementation of the ESMF/PF/IPPF;
- Provide training on safeguards requirements to PMU staff and relevant partners as required;
- Regularly review the above-mentioned frameworks and make amendments as necessary;
- Set up, lead the socialization of and ensure implementation of the grievance redress mechanism including being a point of contact to receive grievances. Oversee the addressing of grievances with assistance from the Community Engagement/Gender Officer;
- Ensure full disclosure of existing and newly developed Plans with concerned stakeholders;
- Carry out regular monitoring and capacity building visits to the project sites;
- Provide inputs to project reports on the status of safeguards compliance and GRM implementation with the ESMF/PF during implementation and any issues arising;
- Coordinate with the Community Engagement and Gender Officer to ensure alignment in implementation of the ESMF/PF/IPPF and the Gender Action Plan and Stakeholder Engagement Plan;
- Participate in monthly calls with the ESS Specialist in the WWF US GEF Agency; and
- Undertake any other tasks assigned by the project manager to support the project with respect to environmental and social safeguard issues.

5.4. Monitoring

The compliance of project activities with the ESMF/PF/IPPF will be thoroughly monitored by various entities at different stages of preparation and implementation.

- ***Monitoring at the project level***

The overall responsibility for implementing the ESMF/PF/IPPF and for monitoring compliance with the Project's environmental safeguard activities lies with the PMU. The Safeguards Specialist procured by the PMU shall oversee the implementation of all field activities and ensure their compliance with the ESMF. The Specialist shall also provide the executing agency

and partners with technical support in carrying out environmental and social screenings and preparing ESMPs and any other necessary documentation. The Safeguards Specialist shall also monitor the project's grievance redress mechanism (GRM) and assess its effectiveness (i.e., to what extent grievances are resolved in an expeditious and satisfactory manner).

Finally, the Safeguards Specialist will also be responsible for reporting on overall safeguards compliance to the Project Coordinator, the Project Steering Committee, and WWF GEF Agency.

- ***Monitoring at the field activity level***

The PMU and, specifically, the Safeguards Specialist shall closely monitor all field activities and ensure that they fully comply with the ESMF/PF/IPPF and with the terms and conditions included in the environment clearances issued by RoK's national authorities. The PMU is also fully responsible for the compliance of all external contractors and service providers employed as part of the project with the safeguards requirements outlined in the ESMF/PF/IPPF and ESMP (as applicable).

Disbursement of project funds to project partners will be contingent upon their full compliance with the safeguards requirements.

- ***Monitoring at the GEF implementing and implementing agency level***

The WWF, as the project's implementing agency, and NETFUND, as the executing agency and chair of the Project Steering Committee, are responsible for overseeing compliance with the ESMF/PF/IPPF.

In order to facilitate compliance monitoring, the PMU will include information on the status of ESMF/PF/IPPF implementation in the six-monthly Project Progress Reports (PPRs) and the annual Project Implementation Review (PIR) reports.

5.5. Community Engagement

- Community consultation has been an integral part of these assessments as well as the proposed project design and will be carried out as a continuous process through the project cycle. This section describes the community engagement during project preparation and implementation. This section is an overview, whereas the full details are written out in the Stakeholder Engagement Plan.

(a) Community engagement during Project and ESMF/PF Preparation

Community engagement during project preparation, including the development of the ESMF/PF/IPPF, involved consultations with a range of local community and civil society organizations, to know:

- Beach Management Unit (BMUs)
- Community Forest Associations (CFAs)
- Water Resource Users Association (WRUAs)
- Lake Naivasha Basin Umbrella Water Resource Users Association (LANABWRUA)
- Lake Naivasha Basin Landscape Association (LANABLA)
- Lake Naivasha Basin Riparian Association (LNRA)
- Lake Naivasha Sustainable Horticulture Farmers Association

Consultations also included a number of private sector organizations representing the local private sector actors, to know the Lake Naivasha Growers Group, the Nakuru County Tourism

Association Naivasha Chapter, which both represent key community groups engaged in economic activities in the LNB.

Initial field consultations with these stakeholders were conducted in LNB in August 2019 for collaborative development of the project's technical design, and follow-up stakeholder consultations were carried out in September-October 2019 to consult the project strategy. Consultations approaches included a technical design workshop and ensuing consultations in the field, which resulted in common agreement among stakeholders on the values of LNB (provision of water and fertile soil for irrigation and source of livelihoods (floriculture, horticulture, livestock) and global biodiversity (critical ecosystems, migratory bird routes and wildlife corridors, RAMSAR site and IBA), and the principal environmental problem in LNB which is the loss and degradation of water, soil and habitat, which reduce provision of ecosystem services which the proposed project seeks to address.

During the detailed project development stage, in November 2022, further consultations were held through interviews and focus group discussions, as well as through the organization of a Technical Design Workshop. This stakeholder engagement helped to better understand who was involved and why stakeholders are involved as documented in the Stakeholder Engagement Plan (SEP), but also to identify vulnerable and marginalized groups (women, youth, IPs) that may require special attention.

These consultations also formed the basis for the identification of potential social impacts that may result of the project, as well as define measures to mitigate such. The results of these consultations are reflected in this ESMF/PF/IPPF.

A final validation meeting was held on 19 December 2022. The meeting brought together the key stakeholders in the process, including a number of key community associations (notably LNRA and LANABWRUA). The meeting raised a number of minor suggestions for improvement and clarification, which have been integrated into the final project document and ESMF/PF/IPPF.

(b) Community engagement during project implementation

The communities residing in and around the project area are the ultimate recipient of project impacts and benefits, and therefore constitute a key stakeholder. Because the interventions need community support or participation in order to succeed, a participatory process and community consultations approach engaging government authorities, right holders and stakeholders at different levels will provide substantial information on the patterns of resource use of local affected communities/groups and persons, which will provide accurate information about which groups/individuals will be affected most by project activities.

Measures and approaches for continued community engagement during the project implementation phase are documented in the SEP. A key role in this regard is laid out for the respective community organizations listed above. An overview of their engagement in the project is presented in Table 3.

Table 3 List of community organizations and their engagement in the project

Stakeholder Name	Engagement During Project Implementation
Community Forest Associations (CFAs)	Forest restoration along with KFS e.g., tree planting and management of forest. Participate in the LNBIMP review, annual stakeholder forum.
Water Resource Users Association (WRUAs)	Participate in the LNBIMP review, annual stakeholder forum, PES revision. Adopt sustainable, biodiversity-friendly agricultural practices along the

	riparian land and forest restoration activities along the river.
Lake Naivasha Basin Umbrella Water Resource Users Association (LANABWRUA)	Participate in the LNBIMP review, annual stakeholder forum, PES revision, participate in developing the LNB riparian code of conduct.
Lake Naivasha Basin Landscape Association (LANABLA)	Participate in the LNBIMP review, annual stakeholder forum, PES revision, participate in developing the LNB riparian code of conducts.
Lake Naivasha Basin Riparian Association	Participate in the development of the LNBIMP and riparian code of conduct. To participate in yearly forums organized by Imarisha for feedback.
Lake Naivasha Sustainable horticulture farmers	Use sustainable production methods in their farming of horticultural produce and marketing of produce. Train farmers on sustainable, biodiversity-friendly agricultural practices.
Beach Management Unit (BMUs)	Representatives to Participate in developing the LNB riparian code of conducts and review of LNIMP
Pastoralists (including Maasai)	As part of their traditional use and practice, the Maasai and related pastoralists use Lake Naivasha in times of extreme drought, travelling from nearby Narok county. Although they are not permanent residents in the project area, the project will screen for their presence on a yearly basis and engage them as and when appropriate.

Engagement of community groups in the project will be activity-specific. In addition, the project design includes a number of mechanisms that will ensure the structural engagement of community organizations (and other project stakeholders) in project coordination and decision-making processes. These are, notably:

- The Project Steering Committee (PSC), which will include the key Government Agencies to be responsible for the delivery of the project, and other key stakeholders as appropriate, including several community organizations (LANABWRUA, LNRA and LANABLA).
- A Technical Committee which will be established as a mechanism for coordination among project partners on the ground, both for the project specifically and for the LNBIMP at large. The Committee will include a number of community organizations that are crucial for the delivery of the project: LANABWRUA, participating CFAs and WRUAs, Lake Naivasha Green Horticulture Association and LNRA.
- Beyond the PSC and Technical Committee, the LNB Multi-stakeholder Platform, led by Imarisha, will be formed to serve as a way of engaging a broader group of stakeholders, including community organizations.

Under the coordination of the PMU, further dedicated stakeholder groupings will be established on an as-needed basis around specific aspects of the project. These will include, among others:

- Target group forums to facilitate engagement between farmer groups and other value chain actors in the horticulture sector;
- Target group around specific land and ecosystem restoration activities; and
- Target groups of vulnerable and marginalized sections of society to provide specific inputs into the development of the LNBIMP, the Code of Conduct and other management plans and outputs related to the project. These include, among others:
 - Women, youth, disabled individuals, elderly (especially single-headed households).
 - Nomadic groups / IPs (Maasai), who may not be present in communities at all times.

5.6. Communications and Disclosure

All affected communities and relevant stakeholders shall be informed about the ESMF requirements and commitments. The executive summaries of the SEP and ESMF including the IPPF and PF will be translated into Kiswahili and made available along with the full-length English versions of the ESMF and SEP on the websites of NETFUND, as well as the websites of the WWF GEF Agency. Hard copies of the ESMF will be placed in appropriate public locations and at NETFUND. These documents will be disclosed for 45 days prior to the project start date.

During project implementation, the Project Coordinator and the Safeguards Specialists at the PMU will be responsible to raise community awareness regarding the requirements of the ESMF, and will also ensure that all external contractors and service providers are fully familiar and comply with the ESMF and other safeguards documents.

During the implementation of the project, activity-specific ESMPs shall be prepared in consultation with affected communities and disclosed to all stakeholders prior to project concept finalization. All draft ESMPs shall be reviewed and approved by NETFUND, in consultation with the PSC and WWF GEF Agency in advance of their public disclosure. The PMU must also disclose to all affected parties any action plans prepared during project implementation, including gender mainstreaming.

Disclosure should be carried out in a manner that is meaningful and understandable to the affected people. For this purpose, the executive summary of ESMPs or the terms and conditions in environment clearances should be disclosed on NETFUND and WWF websites.

The disclosure requirements are summarized in Table 4 below.

Table 4 Disclosure framework for ESMF related documents

Documents to be disclosed	Frequency	Where
Environment and Social Management Framework	Once in the entire project cycle, 45 days prior to the project start Must remain on the website and other public locations throughout the project period.	On the website of NETFUND and WWF. Copies should be available at the PMU office, and in local municipal offices in project areas
Environmental and Social Management Plan/s	Once in the entire project cycle for every activity that requires ESMP. Must remain on the website and other disclosure locations throughout the project period.	On the website of NETFUND and WWF. Copies should be available at the PMU office, and in local municipal offices in project areas
Safeguards Monthly Progress Report	Monthly	Copies should be available at the PMU office, and in local municipal offices in project areas
Minutes of Formal Public Consultation Meetings	Within two weeks of meeting	On the website of NETFUND and WWF. Copies should be available at the PMU office and in local municipal offices in project areas
Grievance redress process	Quarterly, throughout the project cycle, during every stakeholder engagement meeting or event	On the website of NETFUND. Copies should be available at the PMU office and information shared during each community engagement event

5.7. Capacity Building and technical assistance

Capacity building activities will be provided as needed by WWF US to NETFUND to provide the latter with ESMF/PF/IPPF implementation requirements and good practices. These will focus in particular on issues related to the preparation of ESMPs, LRPs and IPPs, organization of consultations, operationalization of the GRM, and monitoring of ESMF implementation. The budget for capacity building shall be included in Component 4.

5.8. Grievance Mechanisms

The project will have a direct and tangible effect on local communities and individuals residing within or in the vicinity of project sites. There is thus a need for an efficient and effective Grievance Redress Mechanism (GRM) that collects and responds to stakeholders' inquiries, suggestions, concerns, and complaints. This section will describe the details of the GRM, including details on the process to submit a grievance, how long the PMU will have to respond, and who on the PMU will be responsible for its implementation and reporting.

The GRM will operate based on the following principles:

1. ***Fairness:*** Grievances are assessed impartially, and handled transparently.
2. ***Objectiveness and independence:*** The GRM operates independently of all interested parties in order to guarantee fair, objective, and impartial treatment to each case.
3. ***Simplicity and accessibility:*** Procedures to file grievances and seek action are simple enough that project beneficiaries can easily understand them and in a language that is accessible to everyone within a given community, especially those who are most vulnerable.
4. ***Responsiveness and efficiency:*** The GRM is designed to be responsive to the needs of all complainants. Accordingly, officials handling grievances must be trained to take effective action upon, and respond quickly to, grievances and suggestions.
5. ***Speed and proportionality:*** All grievances, simple or complex, are addressed and resolved as quickly as possible. The action taken on the grievance or suggestion is swift, decisive, and constructive.
6. ***Participation and inclusiveness:*** A wide range of affected people—communities and vulnerable groups—are encouraged to bring grievances and comments to the attention of the project implementers. Special attention is given to ensure that poor people and marginalized groups, including those with special needs, are able to access the GRM.
7. ***Accountability and closing the feedback loop:*** All grievances are recorded and monitored, and no grievance remains unresolved. Complainants are always notified and get explanations regarding the results of their complaint. An appeal option shall always be available.

Complaints may include, but not be limited to, the following issues:

- (i) Allegations of fraud, malpractices or corruption by staff or other stakeholders as part of any project or activity financed or implemented by the project, including allegations of gender-based violence or sexual exploitation, abuse, or harassment;
- (ii) Environmental and/or social damages/harms caused by projects financed or implemented (including those in progress) by the project;
- (iii) Complaints and grievances by permanent or temporary workers engaged in project activities.

Complaints could relate to pollution prevention and resource efficiency; negative impacts on public health, environment or culture; destruction of natural habitats; disproportionate impact on marginalized and vulnerable groups; discrimination or physical or sexual harassment; violation of applicable laws and regulations; destruction of physical and cultural heritage; or any other issues which adversely impact communities or individuals in project areas. The grievance redress mechanism will be implemented in a culturally sensitive manner and facilitate access to vulnerable populations. Special training will be provided to the ESS Specialists within the first 6 months of project implementation, or before the GRM is finalized, whichever is sooner. This will help to ensure they have the capacity to address SEAH-related grievances in a culturally sensitive and victim-centered way.

- (1) Submitting complaints:** Project affected people, workers, or interested stakeholders can submit grievances, complaints, questions, or suggestions to the PMU or directly to NETFUND through a variety of communication channels, including phone, regular mail, email, text messaging/SMS, or in-person. It is important to enable to separate channels for complaint submissions to NETFUND and the PMU in order to ensure that project affected people have sufficient opportunities to lodge their complaints to impartial and neutral authorities of their choice.
- (2) Processing complaints:** All grievances submitted to the PMU or NETFUND shall be registered and considered. A tracking registration number should be provided to all complainants. To facilitate investigation, complaints will be categorized into four types: (a) comments, suggestions, or queries; (b) complaints relating to nonperformance of project obligations and safeguards-related complaints; (c) complaints referring to violations of law and/or corruption while implementing project activities; (d) complaints against authorities, officials or community members involved in the project management; and (e) any complaints/issues not falling in the above categories.
- (3) Acknowledging the receipt of complaints:** Once a grievance is submitted, the designated official at NETFUND or the Safeguards Specialist at the PMU shall acknowledge its receipt, brief the complainant on the grievance resolution process, provide the contact details of the person in charge of handling the grievance, and provide a registration number that would enable the complainant to track the status of the complaint.
- (4) Investigating complaints:** The Safeguards Specialist at the PMU will gather all relevant information, conduct field visits as necessary, and communicate with all relevant stakeholders as part of the complaint investigation process. The PMU should ensure that the investigators are neutral and do not have any stake in the outcome of the investigation. A written response to all grievances will be provided to the complainant within 10 working days. If further investigation is required, the complainant will be informed accordingly and a final response will be provided after an additional period of 10 working days. Grievances that cannot be resolved by grievance receiving authorities/office at their level should be referred to a higher level for verification and further investigation.
- (5) Appeal:** In the event that the parties are unsatisfied with the response provided by the GRM, he/she will be able to submit an appeal to NETFUND within 10 days from the date of decision. In the event that the parties are unsatisfied with the decision of the appeal committee, the parties can submit their grievances to the Court of Law for further adjudication.
- (6) Monitoring and evaluation:** The Safeguards Specialist at the PMU will compile a quarterly report with full information on the grievances they received. The report shall contain a description of the grievances and their investigation status. Summarized GRM reports shall constitute part of the regular project progress reporting, and shall be

submitted to the PSC and WWF GEF Agency. These reports should also be available on the websites of NETFUND and WWF GEF Agency.

Information about channels available for grievance redress shall be widely communicated in all project affected communities and to all relevant stakeholders. The contact details (name, phone number, mail and email address, etc.) of the PMU and NETFUND shall be disseminated as part of all public hearings and consultations, in the local media, in all public areas in affected communities, and on large billboards in the vicinity of project activity sites and workers' camps.

The GRM seeks complement, rather than substitute, the judicial system and other dispute resolution mechanisms. All complainants may therefore file their grievance in local courts or approach mediators or arbitrators, in accordance with the legislation of RoK. In addition to the project-specific GRM, a complainant can submit a grievance to the WWF GEF Agency. A grievance can also be filed with the Project Complaints Officer (PCO), a WWF staff member fully independent from the Project Team, who is responsible for the WWF Accountability and Grievance Mechanism and who can be reached at:

Email: SafeguardsComplaint@wwfus.org

Mailing address:

Project Complaints Officer
Safeguards Complaints,
World Wildlife Fund
1250 24th Street NW
Washington, DC 20037

Stakeholders may also submit a complaint online through an independent third-party platform at <https://report.whistleb.com/en/wwf>.

5.9. Budget

The ESMF implementation costs, including all costs related to compensation to project affected people, will be fully covered from the project budget. It will be the responsibility of the Safeguards Specialist to ensure that sufficient budget is available for all activity-specific mitigation measures that may be required in compliance with the ESMF.

A Safeguards and MEL Specialist will be employed and 50% of his/her time will be dedicated to ensuring the ESMF implementation. The Project Coordinator in the PMU will oversee the ESMF implementation.

Budget for capacity building on ESMF/PF/IPPF implementation, travel costs and workshops and meetings for safeguards monitoring (including travel, workshops and meetings) will be included in the overall monitoring and evaluation budget under Component 4 of the project.

Annex 1. Safeguard Eligibility and Impacts Screening

This screening tool needs to be filled out for each activity or category of activities included in the annual work plan and budget. In addition, the screening tool needs to be completed whenever management measures or management plans are developed and/or when project intervention areas are determined.

The tool will be filled out by the Safeguards Specialist and reviewed by the Project Coordinator. The decision on whether a Site-Specific Environmental and Social Management Plan (ESMP) or Livelihood Restoration Plan (LRP) are required shall be made by the Safeguards Specialist in consultation with the WWF GEF Agency Safeguards Specialists and NETFUND, based on the information provided in this screening form, as well as interviews with the PMU staff, local communities, and any other relevant stakeholders.

Part 1: Basic Information

1	Activity Name	
	Description of Activity ("sub-activities")	
2	Type of Activity:	New activity <input type="checkbox"/> Continuation of activity <input type="checkbox"/>
3	Activity location:	
4	Total size of site area	
5	Activity implementation dates	
6	Total cost	

(Move to Part 2 after filling in all information in the table above)

Part 2: Eligibility Screening

No.	Screening Questions: <i>Would the project activity</i>	Yes	No	Comments/ Explanation
1	Lead to land management practices that cause degradation (biological or physical) of the soil and water? Examples include, but are not limited to: the felling of trees in core zones and critical watersheds; activities involving quarrying and mining; commercial logging; or dredge fishing.			
2	Negatively affect areas of critical natural habitats or breeding ground of known rare/endangered species?			
3	Significantly increase GHG emissions?			
4	Use genetically modified organisms or modern biotechnologies or their products?			
5	Involve the procurement and/or use of pesticides and other chemicals specified as persistent organic pollutants under the Stockholm Convention or within categories IA, IB, or II by the World Health Organization?			
6	Develop forest plantations?			

No.	Screening Questions: <i>Would the project activity</i>	Yes	No	Comments/ Explanation
7	Result in the loss of biodiversity, alteration of the functioning of ecosystems, and introduction of new invasive alien species?			
8	Involve the procurement or use of weapons and munitions or fund military activities?			
9	Lead to private land acquisition and/or to physical displacement and voluntary or involuntary relocation of people, including non-titled and migrant people?			
10	Contribute to exacerbating any inequality or gender gap that may exist?			
11	Involve illegal child labor, forced labor, sexual exploitation or other forms of exploitation?			
12	Adversely affect indigenous peoples' rights, lands, natural resources, territories, livelihoods, knowledge, social fabric, traditions, governance systems, and culture or heritage (physical and non-physical or intangible) inside and/or outside the project area?			
13	Negatively impact areas with cultural, historical or transcendent values for individuals and communities?			
Please provide any further information that can be relevant:				

If all answers are “No”, project activity is eligible and move to Part 3

If at least one question answered as “yes”, the project activity is ineligible and the proponent can reselect the site of project activity and do screening again.

Part 3: Impacts screening

Answer the questions below and follow the guidance to provide basic information regarding the suggested activity and describe its potential impacts.

No.	Would the project activity:	Yes/No	Provide explanation and supporting documents if needed
<i>Environmental Impacts</i>			
1	Result in permanent or temporary change in land use, land cover or topography.		
2	Involve clearance of existing land vegetation		If yes, number of trees to be cut down: Species of trees: Are the trees protected: Total land area of vegetation cover removed: Estimated economic value of the trees, crops and vegetation to be cut down

		/ removed and any replacement costs (e.g., fees, registration, taxes): <i>Provide additional details:</i>
3	Does the activity involve reforestation or modification of natural habitat? If yes, will it involve use or introduction of non-native species into the project area?	
4	Will pesticides be used? If so, are they on the list of those excluded by the Stockholm Convention?	
5	Result in environmental pollution? This may include air pollution, liquid waste, solid waste, or waste as the result of earth moving or excavation for example	
6	Trigger land disturbance, erosion, subsidence, or instability?	
7	Result in significant use of water, such as for construction?	
8	Produce dust during construction and operation?	
9	Generate significant ambient noise?	
10	Increase the sediment load in the local water bodies?	
11	Change on-site or downstream water flows?	
12	Negatively affect water dynamics, river connectivity or the hydrological cycle in ways other than direct changes of water flows (e.g. water filtration and aquifer recharge, sedimentation)?	
13	Result in negative impacts to any endemic, rare or threatened species; species that have been identified as significant through global, regional, national, or local laws?	
14	Could the activity potentially increase the vulnerability of local communities to climate variability and changes (e.g., through risks and events such as landslides, erosion, flooding, or droughts)?	
<i>Socio-Economic Impacts</i>		
15	Negatively impact existing tenure rights (formal and informal) of individuals, communities or others to land, fishery and forest resources?	
16	Operate where there are indigenous peoples and their lands/territories/waters are	

	located?		
	OR		
	Operate where any indigenous communities have close cultural/spiritual or land use relationships? If yes to either, answer questions below:		
	<ul style="list-style-type: none"> a. Has an FPIC process been started? b. Will any restrictions on their use of land/territories/water/natural resources be restricted? 		
17	Restrict access to natural resources (e.g., watersheds or rivers, grazing areas, forestry, non-timber forest products) or restrict the way natural resources are used, in ways that will impact livelihoods?		
18	Restrict access to sacred sites of local communities (including ethnic minorities) and/or places relevant for women's or men's religious or cultural practices?		
19	Operate where there are any cultural heritage or religious or sacred sites that may be impacted by the project?		
20	Undermine the customary rights of local communities to participate in consultations in a free, prior, and informed manner to address interventions directly affecting their lands, territories or resources?		
<i>Labor and Working Conditions</i>			
21	Involve hiring of workers or contracting with labor agencies to provide labor? If yes, answer questions a-b below.		
	<ul style="list-style-type: none"> c. Are labor management issues prevalent in the landscape? d. Are illegal child labor issues prevalent in the landscape? 		
22	Involve working in hazardous environments such as steep, rocky slopes, areas infested with poisonous animals and/or disease vectors?		

<i>Minorities and Vulnerable Groups</i>		
23	Negatively affect vulnerable groups (such as ethnic minorities, women, poorer households, migrants, and assistant herders) in terms of impact on their economic or social life conditions or contribute to their discrimination or marginalization?	
24	Stir or exacerbate conflicts among communities, groups or individuals? Also considering dynamics of recent or expected migration including displaced people, as well as those who are most vulnerable to threats of sexual exploitation, abuse or harassment.	
<i>Occupational and Community Health and Safety</i>		
25	Involve any risks related to the usage of construction materials, working high above the ground or in canals where slopes are unstable?	
26	Expose local community to risks related to construction works or use of machinery (e.g., loading and unloading of construction materials, excavated areas, fuel storage and usage, electrical use, machinery operations)	
27	Generate societal conflicts, increased risk of sexual exploitation, abuse or harassment or pressure on local resources between temporary workers and local communities?	
28	Work in areas where forest fires are a threat? If yes, how recently was the last one?	
29	Work in areas where there the presence or history of vector-borne diseases (some examples include malaria, yellow fever, encephalitis)	
<i>GBV/SEAH Risks</i>		
30	Is there a risk that the project could pose a greater burden on women by restricting the use, development, and protection of natural	

	resources by women compared with that of men?		
31	Is there a risk that persons employed by or engaged directly in the project might engage in gender-based violence (including sexual exploitation, sexual abuse, or sexual harassment)? The response must consider risks not only at the beneficiary level, but also to workers within all the organizations receiving GEF funding.		
32	Does the project increase the risk of GBV and/or SEAH for women and girls, for example by changing resource use practices or singling out women and girls for training without complimentary training/education for men? The response must consider all workers within the organizations receiving GEF funding.		
33	Does any mandated training for any individuals associated with the project (including project staff, government officials, park rangers and guards, other park staff, consultants, partner organizations and contractors) cover GBV/SEAH (along with human rights, etc.)?		
Conflict Sensitivity and Risks			
34	Are there any major underlying tensions or open conflicts in the landscape/seascape or in the country where the landscape/seascape is situated? If yes, answer a-d below		
	<p>e. Is there a risk that the activities interact with or exacerbate existing tensions and conflicts in the landscape/seascape?</p> <p>f. Do stakeholders (e.g. implementing partners, rights holders, other stakeholder groups) take a specific position in relation to the conflicts or tensions in the landscape/seascape or are they perceived as taking a position?</p> <p>g. How do stakeholders perceive WWF Country Office and IA and its partners in relation to existing conflicts or tensions?</p> <p>h. Could the conflicts or tensions in the landscape/seascape have a</p>		

	negative impact on the activities?		
35	Could the activities create conflicts among communities, groups or individuals?		
36	Are some groups (stakeholders, rights holders) benefiting more than others from the activities? And if so, how is that affecting power dynamics and mutual dependencies?		
37	Do the activities provide opportunities to bring different groups with diverging interests positively together?		

- List of documents to be attached with Screening form:

• 1	• Layout plan of the activity and photos
• 2	• Summary of the activity proposal
• 3	• No objection certificate from various departments and others relevant stakeholders

Screening Tool Completed by:

Signed:

Name: _____

Title: _____

Date: _____

Screening Conclusions [TO BE COMPLETED BY Safeguards Specialist]

i. Main environmental issues are:

ii. Permits/ clearance needed are:

iii. Main social issues are:

iv. Further assessment/ investigation needed and next step.

a. Need for any special study:.....

b. Preparation of ESMP (main issue to be addressed by the ESMP):.....

c. Preparation of LRP (main issue to be addressed by the LRP):.....

d. Any other requirements/ need/ issue etc:

Screening Tool Reviewed by:

Signed:

Name: _____

Title: _____

Date: _____

Exclusion list

The following practices and activities will not be supported by the project:

1. Land or water management practices that cause degradation (biological or physical) of the soil and water.
2. Activities that negatively affect areas of critical natural habitats or breeding ground of known rare/ endangered species.
3. Actions that represent significant increase in GHG emissions.
4. Use of genetically modified organisms, or the supply or use of modern biotechnologies or

their products in crops.

5. Introduction of crops and varieties that previously did not grow in the implementation areas, including seed import/transfer.

6. Actions resulting in loss of biodiversity, alteration of the functioning of ecosystems, and introduction of new invasive alien species.

7. Procurement of pesticides or activities that result in an increase in the use of pesticides.

8. Activities that would lead to physical displacement and voluntary or involuntary relocation.

9. Activities that do not consider gender aspects or contribute to exacerbating any inequality or gender gap that may exist.

10. Child Labor.

11. Activities that would adversely affect IPs' rights, lands, natural resources, territories, livelihoods, knowledge, social fabric, traditions, governance systems, and culture or heritage (physical and non-physical or intangible) inside and/or outside the project area.

12. Activities that would negatively impact areas with cultural, historical or transcendent values for individuals and communities.