



Republic of Kenya

**INDIGENOUS PEOPLES PLANNING FRAMEWORK
(Ogiek and Sengwer)**

By

**KENYA AGRICULTURAL PRODUCTIVITY AND AGRIBUSINESS
PROJECT (KAPAP)**

**March 31, 2009
(Revised Draft)**

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Executive Summary

KAPAP Objectives

Kenya Agricultural Productivity and Agribusiness Project (KAPAP) will contribute to the revitalization of agriculture by:

1. Making resources available and strengthen the capacity of agricultural producers and other resource users to: (i) adopt good practices and technologies to mitigate land degradation and achieve greater productivity of crops, trees and livestock; and (ii) adopt sustainable alternative livelihood options to diversify and increase income, and reduce the pressure on the natural resources.
2. Enhancing the institutional capacity of all relevant stakeholders to promote sustainable land management practices and alternative livelihood strategies based on participatory and demand-driven approaches.
3. Evaluating the impact of existing policies affecting the management of natural resources and contribute to the removal of barriers hindering the widespread adoption of SLM practices.
4. Facilitating the exchange of information on best practices in sustainable land management among farmers, communities, extension agents, researchers, development partners, and policy makers.

The project corresponds with the fundamental features of the Government's strategies for development and poverty alleviation as specified in the Kenya Vision 2030 and in the Agricultural Sector Development Strategy (ASDS) which has specifically identified five critical areas requiring public action in the modernization process of the sector. The project was designed to fund agricultural policy processes and activities including small-scale, community-based sub-projects that were identified and planned by the communities, with the support of project-financed extension teams.

During project preparation, it became clear that the project might impact on indigenous peoples' rights, lands, livelihoods and culture. To qualify for funding from the World Bank and following best practice documented in the World Bank's policy on indigenous peoples (OP 4.10), the Government of Kenya has commissioned the elaboration of this **Indigenous Peoples Planning Framework (IPPF)** to ensure that the development process fully respects the dignity, human rights, economies, and culture of indigenous peoples and that the project and its IPPF has broad community support from the affected indigenous peoples. To achieve this, this IPPF develops measures to (a) avoid potentially adverse effects on the indigenous peoples' communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects; and, (c) the IPPF aims also to ensure that the indigenous peoples receive social and economic benefits that are culturally appropriate and gender as well as intergenerationally inclusive.

The IPPF is based on free, prior and informed consultations with indigenous peoples

undertaken in five phases for the KAPSLM project (KAPSLMP): a) baseline survey and in-depth consultations with two representative indigenous peoples' communities, with some indigenous peoples' organizations and other NGOs; b) elaboration of a draft IPPF on the basis of this information; c) distribution of the draft IPPF to indigenous peoples' communities and indigenous peoples' organizations; d) internal discussion of the draft IPPF among the indigenous peoples; e) feedback workshop to discuss and finalize the IPPF of the KAPSLMP. This KAPAP IPPF builds upon the one for KAPSLMP and makes proposals for further free and informed consultations with the IP in the project areas to update it.

Indigenous Peoples in the KAPAP Operational Areas

The *African Commission's Working Group of Experts on Indigenous Populations & Communities* (ACHPR and IWGIA 2005) outlines that "almost all African states host a rich variety of different ethnic groups. All of these groups are indigenous to Africa. However, some are in a structural subordinate position to the dominating groups and the state, leading to marginalization and discrimination. It is this situation that the indigenous concept, in its modern analytical form, and the international legal framework attached to it, addresses".

KAPAP will become active in fifty nine operational districts. Of these, the Indigenous Peoples are found in the former West Pokot, Nakuru and Trans-Nzoia Districts which now include the following: **West Pokot:** West Pokot, Central Pokot, North P. **Nakuru:** Nakuru, Molo, Nakuru, North Naivasha, Njoro. **Trans Nzoia:** Trans Nzoia West, Trans Nzoia East, Kwanza. The Sengwer in Trans Nzoia District and West Pokot while Ogiek in the Nakuru District catchments are the marginalized and social discriminated peoples of those particular regions.

The report documents in detail that indigenous peoples face similar problems whether they are hunter-gatherers or semi-pastoralists. Literature and field consultations indicated that the Ogiek and Sengwer neither have the same access to land, resources and protection against land grabbers and cattle rustlers as other people, nor the same influence, legal status, organizational, technical or economic capacities as other citizens of Kenya. The Ogiek and Sengwer, who formerly ranged over broad areas of uninterrupted forests as full-time foragers, have increasingly been constricted to areas with home 'bases' involving agriculture and livestock rearing and outlying areas where some honey gathering is still practiced. The constant taking of land and constantly increased restrictions of the access to natural resources have further increased the sedentarisation, marginalization, social discrimination and impoverishment of the Ogiek and Sengwer. The Ogiek and Sengwer, who are more dependent on forests than others, were - often in disrespect of their legal utilization rights - forced out of the forest with little or no compensation and with little or no land to go to or resources to live on. They are less represented in county councils etc. and decision making processes and less often recognized as chiefs or assistant chiefs. On the contrary, they are forced to accept to be represented by their neighbors and to be administered by dominant ethnic groups in the local and central administration.

Rough estimates of cash income indicate that indigenous peoples' households may earn about one third of average rural incomes in the country, most of them are landless and without legal access to natural resources or any other source of income. They have no way to participate in the benefits of the reform process in the domain of sustainable land and natural resource management as they lack the capacities to voice their needs and concerns. They are not able to defend their possession of the remnants of their 'homelands' from outside interests and further encroachment on their land and their resources.

The key development vision of the indigenous peoples is quite simple: They want to live in peace with their neighbors, on a piece of land big enough to carry out agriculture and graze some livestock, have access to forests to gather honey for consumption and commercial use, practice their culture, have equal access to social infrastructure and technical services and be equally represented in all decision making bodies at local, regional and national level. In short, they want to enjoy life as all other people in Kenya. They don't request special treatment, but equal opportunities.

The Indigenous Peoples Planning Framework of the KAPAP

It is unlikely that anybody will invest in or accept reduced short term benefits as long as they are not sure that they will benefit from the long term benefits, the secured ownership of land and access to resources for all stakeholders is a key requirement for sustainable land and natural resource management. This key problem for the indigenous peoples' communities has to be addressed in a timely and comprehensive manner to allow indigenous peoples to become beneficiaries of the KAPAP.

The report documents in detail that the KAPAP embodies, in a scenario without an IPPF, several major risks for the indigenous peoples, which have to be mitigated to ensure that the Ogiek and Sengwer do not

- face further physical and economic displacements from land and forests traditionally utilized by them as source of livelihood and basis for their cultural and social system,
- lose all legal access to natural resources, which are an important source of livelihood and basis for their cultural and social system,
- continue to be affected by land grabbers and cattle rustlers,
- become even more marginalized in the society and disintegrate from the nation,
- receive less assistance from governmental services,
- have less capacities to defend their legal rights,
- become or remain as dependent of other ethnic groups, and
- lose their cultural and social identity.

Discussions with all stakeholders indicate that all parties involved are prepared to assist the indigenous peoples to face these risks. The main actors of the IPPF of the KAPAP are, the Ministries of Agriculture, Livestock , Fisheries, Environment and Natural Resources, Water and Irrigation, Lands, Home Affairs, Planning and

National Development, Education, Gender, Sports, Culture and Social Services, Special Programmes, Tourism and Wildlife, Justice, the Office of the President, KARI, the Kenya National Commission for Human Rights, Kenya National Federation of Agricultural Producers (KENFAP), the indigenous peoples' organizations, and the Ogiek and Sengwer themselves.

To realize the potential positive impacts and to mitigate the potential negative impacts, to guarantee that the indigenous populations have equal opportunities to participate in the benefits offered by the KAPAP and that these benefits are culturally appropriate, to ensure that the rights, livelihoods, dignity and culture of the indigenous forest are respected, to guarantee that the KAPAP fulfils international standards as outlined in the OP 4.10 of the World Bank and to enable the KAPAP to fulfill its objectives, the Government of Kenya will carry out, through KAPAP, the following mitigation measures for the Sengwer and Ogiek in the operational area of the KAPAP:

- Build required capacities necessary for implementation of the IPPF
- Conduct Indigenous Peoples Orientation and Mobilization
- Hold free and informed consultations with Indigenous Peoples
- Facilitate mapping of community resources critical to IP
- Develop strategies for participation of IP and institute mitigation measures for potential adverse impact
- Build the capacity of Indigenous Peoples in Sustainable Natural Resource Management and Social Mapping
- Ensure equitable representation of IP in decision making organs
- Conduct participatory M&E with IPPF

It is assumed that these activities of the IPPF of the KAPAP are able to guarantee that the KAPAP is able to satisfy international requirements in general and the OP 4.10 of the World Bank in particular, and that

- the KAPAP reduces poverty for all ethnic groups and lower the dependence on and degradation of natural resources;
- the KAPAP promotes an effective management system of lands and natural resources, which offers positive impacts to the entire population and the biodiversity;
- the KAPAP respects the dignity, rights and culture of the indigenous peoples;
- the KAPAP assures that the Ogiek and Sengwer receive culturally appropriate benefits equal to any other ethnic groups.

1 Introduction

Kenya Agricultural Productivity and Agribusiness Project (KAPAP) will contribute to the revitalization of the agricultural sector through:

- Improved linkages of agricultural research and extension systems to national, local and regional sector priorities through the implementation of ASDS, NASEP and NARS policies, including improved planning, coordination, funding and implementation;
- the empowerment of producer and other public and private stakeholders and their organizations to plan, design and deliver extension and agribusiness services, aimed at sector transformation/growth, including production and value-addition and linking farmers to input and output markets; and
- the setting-up of appropriate funding and risk mitigation systems which would lead to the development of on- and off- farm diversification and promote private investment in the sector.

The Project Development Objective (PDO) is to empower stakeholders to transform smallholder agricultural¹ production and marketing systems for increased productivity and incomes in the Project areas.

The Government of Kenya (GoK) recognizes the need to raise rural incomes and to improve the sustainability of land and natural resource utilization. It has elaborated various strategies to address these issues, in line with Vision 2030, MTP, and the Agricultural Sector Development Strategy (ASDS) which emphasized the importance of sustainable land management as a critical element in poverty reduction. The ASDS stressed the need for a coherent land policy and forest policy as condition sine qua non for the sustainable utilization of land and natural resources and as key to poverty reduction and biodiversity conservation. Comprehensive forest and land policies covering the use, administration, tenure, and delivery systems of land and forest have been initiated. The forest policy has been adopted in 2005, while the land policy is still under preparation. These policies have far reaching implications on: (i) existing legislation and the institutions mandated with the management of land and natural resources; (ii) land and natural resource management; and (iii) the extent to which local communities can participate in these activities. The National Biodiversity Strategy and Action Plan recognizes encroachment for agriculture and grazing and the resulting loss of vegetation as a major threat to biodiversity and notes the link between soil erosion resulting from hillside and dry land cultivation and monoculture. The National Action Programme addresses these issues in the context of the United Nations Convention to Combat Desertification. In a participatory process the following priorities were identified:

¹ The term 'agricultural' covers all aspects relating to crops, livestock and fisheries.

- An environment that enables communities to access and manage local resources;
- Development of ecologically sound land use policies, plans and techniques;
- Information and knowledge base for addressing land degradation;
- Implementation of a targeted awareness to foster cooperation and a common understanding on sustainable land management;
- Capacity building of stakeholders;
- Support to local community initiatives to develop long-term financial mechanisms.

The KAPAP has been elaborated to address these national and international key objectives. The development objective of the project is that “agricultural producers and other natural resource users increasingly adopt profitable and environmentally-sound land management practices and alternative livelihood strategies in the targeted operational areas.” Specifically, the project will focus on four principal areas: (i) Results orientation; (ii) Accountability; (iii) Transparency; and (iv) Participation. The results orientation activities include areas such as targeting and monitoring and evaluation against socio-economic indicators reflecting production, sales, employment, investments, etc. For accountability, the project will include capacity building in institutional risk management, financial engineering and procurement monitoring. For transparency, it will address information dissemination and communication about Project targeting and objectives, documentation, such as a comprehensive operational manual, complaints mechanisms, and supervision and quality control of project activities. For participation, it will support the consultation processes with the communities, decision-making processes, and social accountability.

The project has 4 components:

Component 1: Policy/Institutional and Project Implementation Support

This component will support activities that will lead to better coordination of the sector with an aim of creating the necessary impetus for sector-wide approach. These activities will be undertaken both at the national and lower levels. At the national level, the Project will support the development of the ASDS investment plan, its implementation, activities that will facilitate harmonization of both Government and donor supported programs, and activities to align them with ASDS.

Component 2: Agricultural Research Systems

Support will be given to National Agricultural Research System (NARS) institutions with the objective of operationalizing the NARS policy towards increased productivity and value addition through pluralism, decentralization, efficiency, cost effectiveness and impact. This will enhance the interplay of research, extension, education, agricultural and livestock producers and clients in all aspects of research problem identification, research agenda setting, planning, and research service delivery. Further investment will be made to the Kenya Agricultural Research

Institute (KARI) in order to continue implementing strategic research programs of Institute, in order to support the implementation of its Investment Plan. The support to KARI under the Project will focus on promoting an agricultural innovation approach, which is a clear shift from previous paradigms which focused more on capacity building and institutional strengthening. The research will address client market needs, and focus more on value addition, and impact, as articulated in the NARS framework. Research on Natural Resource Management (NRM) issues will also be supported with a special focus on climate change.

Component 3: Agricultural Extension, Farmer and Service Providers Empowerment

The overall objective of this component is to support the Government to implement the National Agricultural Sector Extension Policy (NASEP), focusing on empowering the extension clientele through sharing of information, imparting knowledge, skills and changing attitudes, so that they can efficiently manage their resources for increased productivity, improved incomes and standard of living. In line with the ASDS, KAPAP will strengthen and scale-up its support to extension on the base of the implementation framework of the NASEP, developed by the agricultural sector line Ministries. This reform agenda forms a conducive environment for strengthened Public Private Partnerships (PPPs) in the sector to fill the gap created by the reduced presence of public sector extension service providers, but also to cater better for diverse needs of extension clientele. Key NASEP elements target the implementation of a pluralistic, participatory, demand driven and market oriented, professional, and decentralized national extension and innovation system.

Component 4: Agribusiness and Market Development

The objective of this component is, therefore, to empower all public and private stakeholders along commodity chains to plan, design and deliver agribusiness services aimed at value-addition, and linking producers to input and output markets. Building on existing experiences, the Project will promote further coordination within the sub-sector with the relevant ministries, the private sector, and involve development partners to enhance synergies with on-going agribusiness activities.

During project preparation it became clear that the project might impact on indigenous peoples' rights, lands, livelihoods and culture. To qualify for funding from the World Bank and following best practice documented in the World Bank's policy on Indigenous Peoples (OP 4.10), the Government of Kenya (GoK) has commissioned through the Kenya Agricultural Research Institute the elaboration of **this Indigenous Peoples Planning Framework (IPPF)** to ensure that the development process fully respects the dignity, human rights, economies, and cultures of indigenous peoples and that the KAPAP and its IPPF has a broad community support from the affected indigenous peoples' communities. To achieve this, this IPPF develops measures to (a) avoid potentially adverse effects on the indigenous peoples' communities; or (b) when avoidance is not feasible, minimize,

mitigate, or compensate for such effects. c) The IPPF also aims at ensuring that the indigenous peoples receive social and economic benefits that are culturally appropriate and gender and intergenerationally inclusive. To achieve this, the KAPAP IPPF has been elaborated upon the extensive consultations that were undertaken during the preparation of the KAPSLMP IPPF, which relied on:

a) a gender and intergenerationally inclusive framework that provided opportunities for consultation at each stage among (i) the project, (ii) the affected indigenous peoples' communities, (iii) the indigenous peoples organizations, and (iv) other local civil society organizations identified by the affected indigenous peoples' communities;

b) consultation methods appropriate to the social and cultural values of the affected indigenous peoples' communities and their local conditions and, in designing these methods, gives special attention to the concerns of indigenous women, youth, and children; and

c) the provision of all relevant information about the project (including an assessment of potential adverse effects of the project on the affected indigenous peoples' communities - see chapter 3) in a culturally appropriate manner.

The free, prior and informed consultations with indigenous peoples under KAPSLMP were undertaken in 5 phases: a) baseline survey and in-depth consultations in 7 representative indigenous peoples' settlements and some indigenous peoples' organizations; b) elaboration of a draft IPPF on the basis of this information; c) distribution of the draft IPPF to all stakeholders (relevant governmental structures and indigenous peoples' communities in the operational area of the project); d) internal discussion of the draft IPPF among the stakeholders without external influence; d) workshop to discuss and finalize the IPPF of the KAPSLMP (see annex 4).

The World Bank approval of the KAPSLMP has been delayed and, as a result, no sub-projects have been considered for the IPs thus far. Two IPs being covered under KAPAP (Ogiek and Sengwer) are also covered under KAPSLMP. Given the sensitivity and reputational risk of going back to the same IPs without any further contacts under KAPSLMP, the KAPAP preparation team of GoK felt that it would initially adapt the KAPAP IPPF on the basis of the KAPSLMP IPPF, and update it once the KAPSLMP was approved by the World Bank (expected in April 2009).

The IPPF for the KAPAP embodies the following elements:

a) A summary of the legal and institutional framework, the demographic, social, cultural, and political characteristics of the affected indigenous peoples' communities, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.

- b) A summary of results of the free, prior, and informed consultations with the affected indigenous peoples' communities (from KAPSLMP).
- c) A summary of project activities and their possible impacts.
- d) An action plan of measures to ensure that the indigenous peoples receive social and economic benefits that are culturally appropriate, including, if necessary, measures to enhance the capacity of the project implementing agencies.
- e) When potential adverse effects on indigenous peoples are identified under b, an appropriate action plan of measures to avoid, minimize, mitigate, or compensate for these adverse effects.
- f) The cost estimates and financing plan for the IPPF.
- g) A framework for ensuring free, prior, and informed consultations with the affected indigenous peoples' communities during project implementation.
- h) Accessible procedures appropriate to the project to address grievances by the affected indigenous peoples' communities arising from project implementation taking into account the availability of judicial recourse and customary dispute settlement mechanisms among the indigenous peoples.
- i) Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the IPPF. The monitoring and evaluation mechanisms will include arrangements for the free, prior, and informed consultation with the affected indigenous peoples' communities.

2 KAPAP Districts with Indigenous Peoples

"There is no internationally agreed upon definition of indigenous people" (UN Human Right and Indigenous Issues: 92). But for operational purposes and in line with other international organizations, such as the UN Working Group on Indigenous Populations, the UN Permanent Forum on Indigenous Issues and the International Labor Organization (ILO), the OP 4.10 of the World Bank suggests "to use the term 'indigenous peoples' in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

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

The African Commission's Working Group of Experts on Indigenous Populations & Communities outlines the problems related to the use of the term "indigenous

peoples” in Africa: “There is no question that all Africans are indigenous to Africa in the sense that they were there before the European colonialists arrived and that they have been subject to sub-ordination during colonialism. We thus in no way question the identity of other groups. When some particular marginalized groups use the term indigenous to describe their situation, they use the modern analytical form of the concept (which does not merely focus on aboriginality) in an attempt to draw attention to and alleviate the particular form of discrimination they suffer from. They do not use the term in order to deny other Africans their legitimate claim to belong to Africa and identity as such” (ACHPR 2005: 88). “Almost all African states host a rich variety of different ethnic groups. All of these groups are indigenous to Africa. However, some are in a structural subordinate position to the dominating groups and the state, leading to marginalization and discrimination. It is this situation that the indigenous concept, in its modern analytical form, and the international legal framework attached to it, addresses” (ACHPR 2005: 114).

In that logic it becomes clear that the indigenous concept is nothing fixed once and forever, but that it is possible that certain groups, which are marginalized and discriminated at national level, might at a local level be in a dominant position or at least able to defend their rights, interest and to voice their needs in local fora. Social discrimination might also change with time. It is possible that a group, which at a certain period had been in a dominant or equal position to others becomes marginalized and socially discriminated. Nevertheless, it seems as in most cases indigenous peoples remain for structural reasons (for example because they are employing different livelihood patterns) throughout history in a marginalized and discriminated position.

KAPAP will become active in fifty nine operational districts. Of these, the Indigenous Peoples are found in the former West Pokot, Nakuru and Trans-Nzoia Districts which now include the following: **West Pokot:** West Pokot, Central Pokot, North P. **Nakuru:** Nakuru, Molo, Nakuru, North Naivasha, Njoro **Trans Nzoia:** Trans Nzoia West, Trans Nzoia East, Kwanza. The Sengwer in Trans Nzoia District and West Pokot while Ogiek in the Nakuru District catchments are the marginalised and socially discriminated peoples of those particular regions.

Table 1: KAPAP Operational Districts

Old district	New districts	Old district	New districts
West Pokot	West Pokot, Central Pokot, North P.	Tana River	Tana River, Tana Delta
Nakuru	Nakuru, Molo, Nakuru North Naivasha, Njoro	Kwale	Kwale, Kinango, Msambweni
Trans Nzoia	Trans Nzoia West, Trans Nzoia East, Kwanza	Garissa	Garissa, Fafi, Lagdera
Nyandarua	Nyandarua North, Nyandarua Central, Nyandarua South, Kipipiri	Wajir	Wajir East, Wajir South, Wajir North, Wajir West
Nyeri	Nyeri South, Nyeri North,	Meru Central	Meru Central, Imenti

	Nyeri Central, Nyeri East		North, Buuri Imenti South
Homa Bay	Homa Bay, Ndhiwa	Makueni	Makueni, Mbooni, Kibwezi, Nzani
Gucha	Gucha, Gucha South	Embu	Embu
Siaya	Siaya, Ugenya	Kakamega	Kakamega North, K. Central, Kakamega South, Kakamega East
Taita - Taveta	Taita, Taveta	Busia	Busia, Samia, Bunyala
Kilifi	Kilifi, Kaloleni	Butere- Mumias	Butere, Mumias

All of the districts are inhabited by many ethnic groups. Some of them consider themselves as being the indigenous peoples of the area and fulfill the general criteria of indigenous peoples of the UN, the ILO and the World Bank?. Following the outlined modern indigenous concept one has to ask whether all ethnic groups have the same chance to benefit from the project and voice their concern if their rights, interests, needs, livelihoods, culture or desires are affected by the project. This question will be answered in a case by case assessment. It will show that the Sengwer and the Ogiek are the indigenous peoples in the KAPAP operational areas.

3 Indigenous Peoples affected by KAPAP

Hunter-gatherers in Kenya are often addressed as Torobbo, Dorobo, Ndorobo, or Wandorobo, which are all Swahili-izations deriving from "Il Torobbo," the Maa-term for people without cattle i.e. in the Maasai understanding "poor people". In the coastal areas hunter-gatherers are mostly addressed by the Somali term "Boni", which refers to someone without any possessions, and/or "Sanye", which means in Somali "to gather together to use for a general purpose". Assimilation policies and lack of recognition of separate and distinct identities of hunter-gatherers started under the colonial government, when the stated policy was "wherever possible the Dorobo should become members of and be absorbed into the larger tribe with which they have most affinity" (Adams, 1932). The post-colonial government has followed a similar approach by classifying all hunter-gatherer groups under "Other" or forcing them to be counted and grouped along with their dominant neighbors.

They are further marginalized through their way of living and their livelihood patterns, as in Kenya all hunting is illegal since the 1970s and all policies, sector strategies and projects solemnly address the needs and interests of agriculturalists and/or pastoralists. From a national perspective, this makes perfect sense as more than 95% of the population depends on these two sources of livelihood and origin from cultures which are closely associated with one of the two. If one considers that most people depend on agriculture and cattle grazing, the ban of all hunting also seems not that much of a problem as game meat has for most ethnic groups only a cultural meaning (rite of passage etc.), but no economic importance. The problem for them is not that they are unable to hunt, but that the compensation schemes for

human-wildlife conflicts are either hardly ever paid (crop destruction) or very low (KSH 30,000 = USD 400 for a human killed by a wild animal). Nevertheless, there are people in Kenya who traditionally depended entirely on non-agricultural and non-pastoral use of forests: Among others the Ogiek and the Sengwer.

Another form of marginalization resulted from the limited understanding of hunter-gatherer livelihood strategies by the colonial powers. Huge parts of the land used before the advent of the colonialists by hunter-gatherers, teeming with wildlife, were allocated to white settlers, who considered these landscapes terra nullius (empty land) as the traditional lifestyle of hunter-gatherers doesn't leave obvious signs of settlement or caretakership. Even where hunter-gatherer habitation or "ownership" was obvious, people were moved off the land to make way for white settlers that preferred the healthier highlands to the malaria-infested plains. During this time much of the wildlife was decimated by game hunters - long before the post-colonial government came into power. With independence, productive hunter-gatherer land was grabbed by the more dominant groups, scattering the people and forcing them to seek refuge deeper in the forests, higher up the mountains or to move to marginal areas where tsetse flies and mosquitoes are rife. During the same time, the forests were taken away when the government unilaterally gazetted these forests as protected areas, forest reserves or forest areas. Other areas, especially in the coastal region, have been set aside for large agricultural projects. Hunter-gatherer communities were summarily evicted from the forests, which had been the source of their livelihoods for thousands of years. Several hunter-gatherer communities have lodged court cases against the government, but till date no decision has been taken.

The Government of Kenya has realized some of the problems created by its ignorance to the rights, needs and cultures of hunter-gatherer communities. The 2005 Forest Policy and Forest Bill define as one of its policy objectives: "promote the participation of the private sector, communities and other stakeholders in forest management to conserve water catchment areas, create employment reduce poverty and ensure the sustainability of the forestry sector" (Forest Policy: Introduction). To do that, forests and wildlife should no longer be either used or protected, but sustainably managed (FP: 1.1). A key strategy is outlined as policy statement 1.1.3.: "Empower local communities to manage forests through community forest associations". It makes clear that "sustainable managed indigenous forests can supply goods and services to meet the demand of the growing population. These forests will be put under efficient and sustainable multipurpose management, which combines biodiversity conservation and water-catchment functions together with the production of tangible benefits for forest adjacent communities." The KAPAP should consider this bill as an opportunity to address IP issues. It can and should build on the lessons learned of the ODA/DFID funded Kenya's Indigenous Forests Conservation Project (KIPCON), which has worked intensively with hunter-gatherers in the establishment of sustainable management systems for indigenous forests.

The Natural Resource Management Project (NRMP – IDA supported), which is a sister-project to KAPAP, is expected among others to establish the regulatory and institutional framework for implementing the forest bill. It is foreseen that it provides the legal, organizational and technical framework to adjust the forest policy to international standards. One of the issues to be solved by the project in accordance with international standards such as the social safeguards (here especially OP 4.10 Indigenous Peoples & OP 4.12 Involuntary Resettlement) is the existence of large group of people living in indigenous and gazetted forests. The NRM project team will address all forest related issues relating to the IPPFs of earlier IDA-financed projects.

The Ministry of Lands has initiated the formulation of a comprehensive policy for the administration and management of Kenya's land. The overall objective is to provide for sustainable growth and investment and the reduction of poverty in line with the Government's overall development objectives. The policy is expected to guide the development of laws that provide all citizens, particularly the poor, with equal opportunities to access and beneficially occupy and use land and guarantee the economic, equitable and environmentally sustainable allocation and use of land. It will also establish appropriate regulatory arrangements for the productive, sustainable use and equitable distribution of land. Technical reports to various aspects have been developed and are presently incorporated into a first draft (MLH 2005).

Following is an introduction to the indigenous peoples addressed in this IPPF, to their history, their livelihood strategies, their social organization, and - in general - to the marginalization and social discrimination, they are facing and its underlying courses.

3.1 Ogiek

The Ogiek (Ogiot - sing.) ethnic group consists of 20-30 groups of former hunters and honey-gatherers, mostly living in forested highlands in west and central Kenya. Local groups have more specific names, e.g., Kaplelach, Kipsang'any, Kapchepkendi etc. Okiek, a Kalenjin language of the Southern Nilotic group, is the mother tongue of most Ogiek people, but several groups now speak Maasai as their first language. Their main area of living is around the Mau forest, which is not part of the KAPAP. Nevertheless, at least four Ogiek groups are found in the project region: Five groups in the extreme west of the Yala river catchments near the villages Serengoni, Senghalo and in the Kipkurere forest south-west of Burnt (the last one has been visited) and one group in the Enoosupukia forest southwest of Maiella in the Kinale-Kikuyu catchments (this one has also been consulted) (see areas circled in red in the maps). In the discussions it was made clear - supported by historical evidences - that traditionally the Ogiek had occupied most of the forests of the upper Yala catchments and the higher areas of the eastern rift valley escarpment.

Precise demographic figures are not available as the government did not consider the Ogiek as an independent group within the last national census. The African

Commission on Human and Peoples' Rights estimated their total population to be between 15,000 and 20,000 individuals (ACHPR 2005:15) which is in line with scientific data (Heine and Möhlig 1980:32), while the Ogiek themselves estimate their total number to be between 20,000 (Kobei 2002:60) and 60,000 (Ogiek.org).

3.1.1 History

Knowledge of Ogiek history before 1900 is limited. Oral history traces back the origin to the Kiplombe hills near Siswek. It is said that all Ogiek have lived there before a famine forced some of them to migrate to the Mau and Tindiret forests. Before the advent of the colonialists, they were already involved in the local and regional trading networks, bartering honey and meat for agricultural products. Colonial administration affected Ogiek groups in different ways. Between the 1920s and 1940s, many Ogiek were displaced from their lands by European farmers, while others - especially deeper in the forests - received at least full usufructuary rights for their lands, which were transformed into forest reserves. Initially they had limited direct government interaction, but felt colonial policies through the ever increasing encroachment of their neighbours, who were forced into the forests by the government to create space for the farms in the plains. Due to the reduction of land and increasing hunting pressure, the Ogiek gradually diversified their economy, adding agriculture and/or herding to the traditional hunter-gatherer lifestyle.

3.1.2 Livelihood

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

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

Starting in the 1920s, the Ogiek started to cultivate small millet and maize gardens due to reduced production from the forest. This led to a more sedentary lifestyle in mid-altitude forest and - in turn - a further increase of agriculture and/or pastoralism. Today, agriculture is the main source of subsistence and income, which is supported through some livestock rearing, hunting (which is illegal) and bee-keeping. Honey gathering is still a key activity and carried out the traditional way, with few Ogiek using modern bee-hives and/or processing the honey for regional markets. Blackburn concludes: "without honey and condition of getting it, Ogiek life

would be entirely different. This explains why the Ogiek live in the forest" (Blackburn 1974:151).

The economic activities are organised by gender groups: Men traditionally make beehives; collect honey, hunt and these days herd cattle and/or clear land to plant maize and beans. Women's work traditionally included building the houses under thick canopies (Sanet) and the making of leather bags, straps and clothing. Today they concentrate on the planting and harvesting of crops, the processing and cooking of food, the maintaining of firewood and water supplies and the childcare.

Their access to land varies very much from village to village. Before independence most Ogiek lived on state or trust land (i.e. in the forests) with all usufructuary rights, but no letters of allotment. Following independence, the land reform and the general land demarcation in 1969 usufructuary rights were out-ruled. Legal access to land is now channelled through individual land titles and - in the Maasai-dominated districts - group-ranches. Group-ranch demarcation began in the 1970s, crossing lineage land boundaries, incorporating non-Ogiek into some groups, and registering significant parts of Ogiek land to non-Ogiek. During the same time, the Ogiek were evicted from the forest reserves. As they were not provided with any land or compensation most had to go back and live illegally in the forests until the next eviction-team would show up. The regular evictions, arrests and loss of property, crops and even lives further increased the poverty of the Ogiek, underlined their social discrimination and cemented their marginalisation.

Those Ogiek that managed to obtain group-ranch titles, started in the 80ies and 90ies to divide the land into individual plots following the example of their neighbours and supported by governmental services. Settlement patterns shifted again as people moved to live on their own land, but it also attracted many Ogiek to lease or sell their lands to other ethnic groups. Many of these land sales were technically illegal as they were made before group-ranches were legally divided and many sales were undertaken before Ogiek learned about the market value of their land and at ridiculously low prices. Today the majority of the Ogiek have still no legal access to land or any source of livelihood and live a life at the mercy of their non-Ogiek neighbours and local and national governments in which they are not represented (Huntingford 1929, 1954; Blackburn 1976, 1982; Kratz 1981, 1994; Marshall 1994; Tuweit 2004).

If one takes the two sites visited during the elaboration of the KAPSLMP IPPF, one even gets a better understanding of the marginalisation and social discrimination of Ogiek communities and their vulnerability to all interventions in the area of land management:

In the Kipkurere forest, the indigenous forests are protected as forest reserve (i.e. not considered to inhabit humans), while the lowlands were in the early 70ies transformed by non-Ogiek into Shambas, leaving little land and sources of income for the Ogiek. They mostly settled at the forest fringes and established small gardens

and lived from honey gathering and subsistence agriculture. In the context of the ethnic clashes in the early 90ies, most non-Ogiek were driven out and did not return as the Shamba system, which regulated farming in forest areas, was banned during that period. They left a vast area of potential agricultural land behind, but this land was not given to the Ogiek, but taken by their dominant neighbours. The Ogiek of this region, about 1,500 individuals, have neither a legal access to land nor to any source of livelihood. Some of them were resettled in 1995 to a settlement scheme near Senhalo, where they were provided with individual land titles, but the settlement scheme was much too small to absorb all those Ogiek of the area without land. Those who remained behind report constant conflicts with their neighbours and the local administration as they have no legal access to land and resources and due to that live at the mercy of others. In 2001 the administration prohibited Ogiek children to visit the local primary school and in 2005, they told the Ogiek that they would burn down any larger farm. Due to that, they are unable to generate any cash income (Focus group discussion & Tuweit 2004).

The living condition of the Ogiek in the Enoosupukia forest, which is situated at the southern end of the Mau escarpment, is even worse. The transformation of Enoosupukia from thick forest to an agricultural enclave occurred within the living memory of many of the elders. Prior to independence the Ogiek had almost exclusive use of the area. After independence some Purko-Maasai families arrived and were accepted into the community. Official demarcation of land began in 1977, but numerous small development projects were initiated up to a decade earlier and were inclusive of, or even initiated by the Ogiek. Scott Matter suggests in his MSc thesis that agricultural groups started entering the areas in the late 1960s. Coming at first to stay in the forest, they began to clear small areas and to cultivate. A gradually growing population of farmers began to invite their relatives and friends, leading to the nearly complete deforestation and the social and political marginalization of Ogiek and Maasai residents. In the context of the ethnic clashes in the early 90ies they were violently expelled from Enoosupukia – legalised with the need for water catchment protection (Matter 2004, forthcoming).

Most parts of Enoosupukia remained Trust Land and are till date under the legal jurisdiction of the Narok county council, while some of the land, which has been earlier transformed, was gazetted as settlement scheme (Moi Ndabi) and hosts today 21 of the 64 Ogiek families of Enoosupukia. Stability was maintained until 2002 when the government called for the eviction of all residents from the water catchment area. Local community members fought back, supported in their fight by the Catholic Church, the Ogiek Welfare Council and Survival International – a US-based human rights organisation. Due to external pressure the eviction was not carried out that year, but in February 2005, residents of the trust land were notified of an impending eviction order, which has since been effected. Approximately 1,200 people were forced from their homes, houses were burnt or destroyed. People dispersed to various locations, with the majority taking refuge on the land of their Ogiek relatives. The Ogiek continued to protest that they had been unlawfully evicted from their land and victimized by police brutality and received missions

from the UNHCHR and the ILO, but the only result was the return of county council rangers in June 2005. The rangers proceeded to target specific homes, destroying the temporary shelters erected by victims of the first eviction. In the wake of this second eviction, those community members whose homes had been destroyed either fled again or took refuge with those whose homes survived the attacks (Matter 2004, forthcoming).

When we visited the Ogiek of Enoosupukia in December 2005 tenuous stability ruled the place. While the county council claims the need to enforce depopulated water catchment areas, long-term residents, both displaced and remaining at Enoosupukia, began legal proceedings against those institutions. Meanwhile, Maasai have moved their herds back onto the lush, highland pastures around the former homes and shambas of displaced residents, while the Ogiek have nearly given up all hope to survive the next years without external assistance.

3.1.3 Social organization

Ogiek live in local groups dispersed throughout the highlands, typically near one or more other Ogiek groups and adjacent to more populous ethnic groups. In quite a good number of cases Ogiek speak their neighbors' language better than their own. Ogiek groups thus have distinctive histories of interaction with one another, with their neighbors, and with local government administration. Modes of social organization vary among Ogiek groups, but in general one can say that patrilineages are central in land holding and residence, legal matters, inheritance, and marriage arrangement, while matrilineal and affine relations are important for ceremonial occasions, in some residential and work groups, and in emotional terms. Further units are the age-sets, which create relationships among members, crosscutting relations defined by lineage and clan. Women have no separate age-sets, but become associated with male age-sets through relatives. Political and legal matters are discussed in meetings of men. Depending on the issue, gatherings involve men from one lineage, several lineages, or a large neighborhood. All adult men have the right to attend and speak at meetings, though older men often speak more extensively. This changes of course in meetings with officials as most elders don't speak Swahili or English. Women were traditionally excluded from formal councils, but this traditional setting is no longer ruling as government officials and external visitors demand and invite the presence of all gender groups (Huntingford 1929, 1954; Blackburn 1976, 1982; Kratz 1981, 1994; Marshall 1994). While in their majority still organized in the traditional way, most Ogiek are grateful for the effort of some educated Ogiek, who have established an armada of Community Based Organization and NGOs. These efforts are spearheaded by Charles Sena (the first Ogiek lawyer) and Joseph Towett from the Ogiek Peoples National Assembly (they also represent the Ogiek Rural Integral Projects and the Ogiek Welfare Council), Daniel Kobei from the Ogiek Peoples' Development Program and Sarone ole Sene, who holds a PhD in anthropology from McGill and runs the research department of World Vision Kenya.

3.2 Sengwer

The Sengwer (also referred to as Cherangany, a nickname given to them by the Maasai) are former hunter-gatherers, who live in the Trans-Nzoia, Marakwet and West Pokot Districts in and around the Cherangany Hills. In a letter to the Review Commission of the Constitution of Kenya, they outlined in detail the boundaries of their ancestral land, which covered most of the Cherangany hills and the lowland of the region.² The majority of them live in the Cherangany hill catchment area of the KAPAP.

The published data of the 1999 census does not provide information on the ethnographic distribution. The Sengwer themselves claim to have between 40,000 (Tiampati 2002:63) and 60,000 (Kiptum 2001) members. No scientific material could be located to judge on this claim.

3.2.1 History

Oral history traces the history of the Sengwer back to a man called Sengwer, who is considered to be the mythical first inhabitant of the Cherangany hills. It is said that he had two sons named Sirikwa (elder) and Mitia, whose children formed the clans: Kapchepororwo, Kapchepar (Kaptoyoi), Kapumpo, Kaptogom, Kapcherop, Kaki-sango, Kimarich (Kamosus), Kapsorme (Kapseto), Kapteteke, Kipsirat, Kamengetiony (Kopoch & Kapkotet), Kaplema and Kamesieu. Each patrilineage is said to have had their portion of land running from the highlands to the plains. The elders said that before the advent of the colonialists, the Sengwer lived during the rainy season in the vast plains of what is today Trans-Nzoia and during the dry season in the forest on the mountain slopes of the Cherangany hills. It is said that the Sengwer lived in good relation with their neighbors as they were not competing for the same resources, but barter honey and dry meat for food crops and/or milk etc.

² "Ancestral Land of the Sengwer: Commences from Kiporoom River in Uasin Gishu District. It extends along Kapsumbeywet river through Ziwa (Sirikwa) centre, Moiben Posta and Kose hills in Uasin Gishu. From Kose hills it goes down to join Moiben river. The boundary goes up river Moiben to the confluence of Ko'ngipsebe and Kimowo streams. It turns eastwards to cover areas of Maron sub-location in Emboput location in Marakwet District. Turning to the west it then goes to Kamolokon along Marakwet/West Pokot and Marakwet boundary. From here it drops to Sebit, Somor, then to Kongelai and up along Swom river. From Swom river to the confluence of Swom and Cheptenden river. From Cheptenden river to the confluence of Cheptenden river and Moiben river where these two rivers confluence with Kibooram" (Kiptum 2002).

It is believed that the first Arab slave and ivory hunters came to the area around 1600 and oral history claims that the Sengwer have been quite involved into the trade. In exchange for the ivory they were provided with Millet and Sorghum seedlings. During the Maasai immigration they acquired their first cattle, but it is a common belief that hunting and gathering remained the main source of livelihood for all Sengwer until the mid of the last century.

As so many other ethnic minorities, the Sengwer were considered by the British to be served best if they were forced to assimilate with their dominant neighbors. Due to that their traditional structure was not recognized and integrated as independent ethnic group in the system of indirect rule, but as sub-structure of their neighbors. As their land in the plains of Trans Nzoia turned out to be the best area for agricultural production in Kenya, they were displaced entirely from there to make way for white farmers. A minority stayed behind as farm workers, but the majority went up into the forests of the Cherangany hills. When the government started to protect the water-catchments and forests in the 1920ies and 30ies as forest reserves, they acknowledged the presence of the Sengwer and provided them with all usufructuary rights for this area as well as the right to farm on the openings in the forest. They enjoyed these rights until the 1970ies, when a new fashion of conservation recommended that all hunting should be prohibited and forests should be cleansed of people.

As the Sengwer were not considered as independent group, they were also not invited to join the settlement schemes in which the independent Kenya redistributed the white farms to the farm workers and the dominant ethnic groups of the area. While most Sengwer are officially landless, some few Sengwer especially in the northern parts of the Cherangany hills received some land, but even this land is contested.

3.2.2 Livelihood

Before the colonial time, Sengwer used to be hunters and honey-gatherers. Following their contacts with the Arabs and the Maasai some adopted small scale agriculture (shifting cultivation) and/or livestock rearing, but it is said that hunting remained their main source of livelihood until the 1920s. The elders reported collective as well as individual hunting techniques. During the Sakas (collective hunt) a group of people would try to circle large animals such as elephants and buffalos on the plains and spear or arrow them down. In contrast, the Kwo (individual hunt) is carried out by a nuclear family and mostly based on the use of poisoned baits and/or traps.

Gathering of fruits and other non-timber-forest-products is mostly done by women, while honey collection from beehives as well as from natural places such as holes in trees etc. is traditionally a male activity. It has - beside being eaten - a variety of uses:

- Honey is mixed with water as a daily drink (breakfast), and used to brew beer; Honey plays a major role in marriages and other ceremonies. Before marriage, honey is given to the mother of the bride as part of the dowry. The night before the

marriage, wife and husband had to smear honey on their future house, each starting in a different direction until they meet and unite.

- Honey has also medical use. People apply it to their body to drive away mosquitoes and against muscle pains. Another smelly mixture is spread around the compounds to keep wildlife at distance.

Millet and Sorghum are the “traditional” crops, which were inherited from the Arab traders and mostly planted in the lowlands. These days, maize, potatoes, beans and a variety of vegetable are grown. Before land became scarce, the Sengwer used shifting cultivation patterns and changed their farms every three years. Transplanting, harvesting transforming, marketing and preparing of crops is considered beside of gathering, the provision of water and the education of the children as core female activities.

The Sengwer learned to keep animals, especially cattle, from the Maasai, when these arrived in the area in the context of their expansion from the north. The herds of the Sengwer are - also due to the common cattle rustling - very small and milk and livestock mostly used for auto-consumption.

Most of the ancestral land of the Sengwer is occupied either by other ethnic groups or demarcated as forests, which prohibit legal settlements or agriculture. It is said that around 20% of the Sengwer have legal access to land, but that these plots are on average only 2.5 acres per household, i.e. very small. The majority of the community members are landless. Significant parts of the ancestral lands have been demarcated as forests: Kapkanyar 70,000 acres; Kipteber 57,000 acres; Kapolet 10,800 acres; Chemurgoi 9,800 acres; Sogotio 8,800 acres; Kerer 5,340 acres; Kaisingor 2,680 acres and Embobut 8,000 acres. The problem of the Sengwer to access land and/or resources legally might best be described best through an assessment of the three communities visited:

The Embobut forest in the Marakwet district contains, according to local sources, approximately 5,000 Sengwer, which claim to have arrived in the area in the 1930s when they were displaced from the plains of Trans-Nzoia. The settlements are located right on top of the highest lines of the Cherangany hills, with a view into the Rift Valley and the plains of Trans-Nzoia on either side, but without roads, schools, health infrastructure as it is officially considered as forest. The people who took refuge there, report of ongoing conflicts with forest officials and neighboring communities. They commonly stated that the forest guards would arrive every three to four years to burn and destroy their houses and farms in the name of forest conservation and to loot their property. In the meantime armed cattle rustlers would come time and again to take crops and cattle and shoot those who resisted. The Sengwer of the Embobut forest made clear that the local and central administration did not react on any complaints against the evictions, with the argument that the Sengwer are illegally in the area and due to that not entitled to any protection from the state and county council. Their average annual cash income is said to be around

KSh 3,000 (USD 40) per household as significant parts of their production are taken away before they can market it.

The situation of the Sengwer of the Kapolet forest is not much better. Presently there are 487 Sengwer households living in this half-legal settlement, which had been given to them after they invaded a state lodge. The history of these people is closely linked to the quest of the Sengwer for land and recognition: In result of years of broken promises from side of the government approximately 2,000 Sengwer invaded on March, 22, 1997 a state owned farm in the plains (ADC Milimani) and stayed there even when their elders and leaders were arrested. After a month of serious fights, the government offered them a new settlement scheme in the Kapolet forest (in total over 3,000 acres) in exchange for a peaceful end of the invasion. The Sengwer accepted, and in a first phase 1,000 acres were demarcated for nearly 500 households, who moved in the same month, but the promised letters of allotment were not even issued by December 2005 with the official reason that the land is officially a forest and due to that not suitable for a settlement scheme. Due to the same reason, the second and third phase of the settlement scheme, which supposed to provide the entire 3,000 acres to Sengwer, have not yet started. The community members stated that they have witnessed significant encroachments from non-Sengwer on the entire Kapolet forest, especially logging activities and the establishment of new farms on the land of phase 2 & 3.

In view of legal access to land, the Sengwer of the Talau Location are quite lucky. All 755 households have letters of allotment and they are satisfied with the quality and size of their lands, but they also have significant problems: Only in 2005 about 20 Sengwer of this small location with a total population of around 4,000 people have been killed by cattle rustlers. The total loss of cattle is reported to be around 400 and the non-economic losses might be even higher as most families have to be on alert each night. The Sengwer complained bitterly that even those cattle which have been identified to be theirs, were not returned and that no support was coming from the government. In contrast, some rifles, which had been organized by the only Sengwer councilor to protect the lives and property of the Sengwer, have been confiscated by the police, leaving the Sengwer unarmed to stand well equipped intruders. From that perspective it is not surprising that most Sengwer feel marginalized by the government.

3.2.3 Social organization

Patrilineages led by the elders are the traditional form of self-organization. In contrast to other hunter-gatherer societies, the influence of the elders seems to be quite strong among the Sengwer and have also survived the advent of modern forms of self-organization. In their struggle for land and recognition the Sengwer-elites have created a good number of Community Based Organizations and NGOs (see contact list), which are spearheaded by David Kiptum Yator, chairman of among others the Sengwer Indigenous Development Project and the Hunter-Gatherer Forum of Kenya, Jacob Tekeroi, the chairman of the Sengwer land allocation committee, and Josilah Cheruiyot, who is an assistant director in the Ministry of

Livestock & Fisheries. All are assembled and coordinated through the Sengwer Cultural Centre in the Kapolet forest.

Those Sengwer who have managed to obtain legal access to land also received some form of representation at local and regional level. The Sengwer of the Talau location have a Sengwer sub-chief and also an elected councilor (who presently serves as assistant mayor) in the county council since 1971, while those Sengwer who remain in illegal (Embobut forest) or partly legal settlements (Kapolet forest), are not represented by one of their people, but by members of other ethnic groups in the area.

3.3 Hunter-Gatherers: Development visions and key issues

The key development vision of the hunter-gatherers - documented in their numerous publications and in the discussion during the elaboration of the IPPF of the KAPSLMP earlier - is quite simple: They want to live in peace with their neighbors, on a piece of land big enough to carry out agriculture and graze some livestock, have access to forests to gather honey for consumption and commercial use, practice their culture, have equal access to social infrastructure and technical services and be equally represented in all decision making bodies at local, regional and national level. They don't request special treatment, but equal opportunities. To achieve this, a good number of key issues have to be addressed:

Equal access to land: To have equal opportunities for a self-determined development, the Ogiek and Sengwer need land to settle, to farm and to graze their small herds on.

Equal access to security: As a result of their social discrimination, their legal titles are often not respected by their neighbours. To have equal opportunities, the Ogiek and Sengwer need the support of the security forces to protect their properties and lives.

Equal access to traditional sources of livelihood: To have equal opportunities, the Ogiek and Sengwer need more than any other people in Kenya legal access to forests and forest products (honey etc.), as these two are their traditional sources of livelihood.

Equal access to decision making processes: To participate fully in the development process, to voice their concerns and needs and to be able to guarantee that the rights, livelihoods and culture of the Ogiek and Sengwer are not negatively affected, they need to be represented in all relevant decision making bodies (county councils, local consultative meetings, and KAPAP structures).

3.4 Summary

It becomes clear that the indigenous peoples face similar problems whether they are hunter-gatherers or semi-pastoralists. From the legal point of view, the Ogiek and Sengwer are citizens equal to all other people born in Kenya, but they have neither the same access to land and resources, and protection against land grabbing and cattle rustlers as other groups, nor the same influence, legal status, organizational, technical or economic capacity as other citizens of Kenya. The Ogiek and Sengwer, who formerly ranged over broad areas of uninterrupted forests as full-time foragers,

have increasingly been constricted to areas with home 'bases' involving agriculture and livestock rearing and outlying areas where some honey gathering is still practiced. The constant taking of land and constantly increased restrictions of the access to natural resources have further increased the sedentarisation, marginalisation, social discrimination and impoverishment of the Ogiek and Sengwer. The indigenous peoples who are more dependent on forests than others were often - in disrespect of their legally guaranteed utilisation rights - forced out of the forest with little or no compensation and with little or no land to go to or resources to live on.

They are less represented in county councils and the decision making process and less often recognised as chiefs or sub-chiefs. On the contrary, they are forced to accept to be represented by their neighbours and to be administered by dominant ethnic groups in the local and central administration. Rough estimates of cash income indicate that indigenous peoples' households may earn about one third of average rural incomes in the country, most of them are landless and without legal access to natural resources or any other source of income. They have no way to acquire rights to participate in the benefits of the reform process in the domain of sustainable land and natural resource management as they lack legal recognition as independent ethnic groups and/or the capacities to voice their needs and concerns. They are not able to defend their possession of the remnants of their 'homelands' from outside interests and further encroachment on their land and their resources.

To participate in the KAPAP and to have an equal access to social, economic and culturally appropriate benefits from KAPAP, and to make sure that KAPAP fully respects the dignity, human rights, economies, and cultures of indigenous peoples, the project will need to undertake the following for the Ogiek and the Sengwer in the project areas:

- Build required capacities necessary for implementation of the IPPF
- Conduct Indigenous Peoples Orientation and Mobilization
- Hold free, prior and informed consultations with Indigenous Peoples
- Facilitate mapping of community resources critical to IP
- Develop strategies for participation of IP and institute mitigation measures for potential adverse impact
- Build the capacity of Indigenous Peoples in Sustainable Natural Resource Management and Social Mapping
- Ensure equitable representation of IP in decision making organs
- Conduct participatory M&E with IPPF

4 Possible Impact of KAPAP on Indigenous Peoples

Table 2: The possible impacts of KAPAP on the indigenous people in the operational areas of the project

PROJECT ACTIVITIES AS OUTLINED IN THE PAD	POSSIBLE IMPACTS ON IP ³
Component 1: Policy/Institutional and project implementation	
Support of sector-wide approaches	☺☺ No direct impact but at lower levels the IP could be represented in the joint programming to articulate their needs
Policy/Institutional Support	☺☺ If policy addresses issues like legal access to land and other natural resources that are of particular concern to the IP ☹☹ Some policies e.g. environmental, forest impact negatively on IP who for instance rely on forests for their economic, social and cultural survival
Gender mainstreaming	☺☺ Positive impact as IP are to receive gender-inclusive benefits
Support to Project implementation structures	☺☺ Project structures that will include the IP organizations represented in project areas
M&E and impact assessment	☺☺ M&E frameworks take into account the presence of IP in project areas and specific impacts of the project on this group
Management Information System (MIS)	☺☺ General positive impact for all players
Communication strategy	☺☺ IP needs included in communications strategy and benefit from increased access to information
Networks	☺☺ Existing IP networks (See Annex) and farmer networks if included will be strengthened and will articulate IP issues
Component 2: Agricultural Research Systems	
Support to NARS	
Competitive collaborative research tilted towards matching grants for value chain development	☺☺ If IP issues are addressed in research for value chains that include their products
Establishment of a reference resource centre	☺☺ There are IP resources that can be deposited in this centre that can serve to create awareness on IP issues
Laying the legal and financial framework needed for a sustainable funding mechanism for the entire NARS	☺☺ General positive impact for all players
Publication of Eastern African Agricultural and Forestry	☺☺ IP issues will be reported in journal papers

³ ☺☺ -Positive impact ☹☹ Negative impact ☺☹ Both positive and negative ☺☺ No direct impact

PROJECT ACTIVITIES AS OUTLINED IN THE PAD	POSSIBLE IMPACTS ON IP ³
Journal	
Capacity building of the scientific community	☺☺ General positive impact as researchers cover IP concerns
Establishment of innovative mechanisms aimed at achieving sustainable funding for agricultural research	☺☺ General positive impact for all players
Support to KARI	
Adoption of the Agricultural Product Value Chains (APVC) approach in conducting research with strong emphasis on value addition and market development	<p>☺☺ Economic impact on IP if they are value chain players; otherwise if the projects and value chains identified do not involve IP due to lack of legal access to land and that other groups of people take up the activities on land owned by IP</p> <p>☹☹ The identified priority Value Chains do not include IP products such as Non Timber Forest Products (NTFP) that may be deemed illegal and so IP will not benefit from this component rather will be marginalized further</p> <p>☺☺ Socio-Economic studies will include social assessments of the appropriateness and impacts of sub-projects on IP</p>
Establishment of an Adaptive Research, outreach and partnership department to strengthen linkages with partners in the value chain	☺☺ If specific measures are taken to include IP in adaptive and outreach programs and make them key players in value chains that are appropriate to them culturally and socio-economically
Need to strengthen ICT capabilities	☺☺ General positive impact
Need to strengthen PME for effectiveness, efficiency and impact of research	☺☺ If IP issues are articulated in PME systems
Strengthen research in arid areas by developing research facilities in Garissa	☹☹ No direct Impact as no IP in Garissa
Strengthen NRM research especially on impacts of climate change and bio-fuels	<p>☹☹ May result in potential restriction on access by IP to natural resources in project sites in view of climate change issues</p> <p>☺☺</p>
Strengthen strategies for sustainable funding	☺☺ General positive impact
Refocus the research planning and implementation to nationally coordinated programs	☺☺ General positive impact
Component 3: Agricultural extension and farmer and other stakeholders empowerment	

PROJECT ACTIVITIES AS OUTLINED IN THE PAD	POSSIBLE IMPACTS ON IP ³
Agricultural Extension	☺☺ The project will build capacity to cater for diverse needs of the extension clientele, who should include IP as a vulnerable group
	☹☹ Empowering extension to focus commercial agriculture may make the IP lose out on the cultural aspects of their farming that are not necessarily commercial
	☹☹ Extension may not cover areas where the IP live such as forests as it is considered illegal to undertake any activities in such areas and this may exclude needs of the IP
Farmer and other stakeholders empowerment	☺☺ Special attention will be given to capacity building to empower poor farmers, especially youth, women and other vulnerable groups who should include IP
	☺☹ Participatory needs assessment, prioritization and development of intervention strategies that include IP will benefit them but if they re not their needs will be left out as some do not reside within the rest of the communities
	☺☹ Gender balanced and regular consultative meetings that include IP and negative if they do not as needs will not be articulated
	☺☺ Training sessions for interest groups and producer organizations should have positive impact on IP in project areas
Component 4: Agribusiness and market development	
Create network of Agribusiness development centers (ABCs)	☹☹ IP enterprises and areas where IP live not be included in the selected grain, fruits & vegetables value chains that exclude NTFP for example
Foster creation of Agro-Industry Funding instruments	
Support the creation of four Agro Food Parks (AFPs) in four regions	☹☹ Policies, rules and regulations to foster trust amongst value chain actors will not favor IP who live in areas and undertake activities perceived as illegal
Pilot the linking of rural agro-processing activities to off-grid energy sources	☺☹ If ABCs and AFPs are set up at central/ local areas accessible to IP there will be positive impact but if not their produce will miss out on the VCs and be marginalized further
Enhance training in agribusiness management and food technologies to meet market demands	
☺☺ IP may benefit from training once its included in curricula if specific measures are taken to include their students in training	

5 Framework for free, prior and informed consultation

The OP 4.10 states 3 areas of concern for the IP (see Annex 3, Paragraphs 16-21):

- Lands and Related Natural Resources
- Commercial Development of Natural and Cultural Resources
- Physical Relocation of Indigenous Peoples

It is highly unlikely that the proposed activities will result in any significant adverse impacts for Indigenous Peoples. Some adverse impacts may arise from potential restriction of access by IP to natural resources e.g. forests. Key steps to constitute free, prior, informed consent will include the following:

5.1 Indigenous Peoples Orientation and Mobilization

Given that the IP were consulted in December 2005 for KAPSLMP, it will be necessary to bring them and staff in project areas up to speed with KAPAP project objectives, activities and desired outcomes in order to gain broad support by them for the project. In addition, orientation meetings under KAPAP would seek to complement consultation undertaken during KAPSLMP project preparation, to more accurately identify and map the perceptions of the IP and other stakeholders regarding the KAPAP project components, and how they may have any positive or adverse impacts on the IP. This stage will identify key representatives of the IP for participation in subsequent consultations and decision making organs.

5.2 Consultations with Indigenous Peoples

A PRA and baseline survey had been undertaken in 2006 for one group of the Sengwer in Cherangani Hills. In view of this, rapid appraisals will suffice in such cases to update the information collected during KAPSLMP. In Nakuru District, where the Ogiek are based, it would be prudent to undertake both socio-economic baseline and PRA surveys if these have not been previously done by other programs. This is because during KAPSLMP the upper catchment at Kikuyu-Kinale was the only area covered for these studies and this information would not be representative of the lower catchment. The PRA process would identify the locations and size where the 3 key concerns of the IP may be applicable: Numbers and details of IP that will be affected, Ways in which they will be affected; Activities that will be undertaken in IP areas; and alternatives to counteract the impacts likely to result from a sub-project and mitigation measures acceptable to the IP and the World Bank. After the PRA, the community planning team will present their compiled report to the rest of the community for a consensus building on the issues agreed upon. This will also lead to better community understanding of the need for any changes in use or management, and the project in general. Agreements both within the community or with secondary users should be drawn up and signed by the community representatives in the presence of the local and national project staff as well as the community who should be witnesses to the agreement.

5.3 Mapping of community resources critical to IP

Mapping of community resources in areas where the IP live and their utilization will be necessary to identify their access to and/or control of these. The IP representatives will play a key role in mapping. These will include the following: Land and natural resources and Social infrastructure and technical services. It will draw upon the PRA exercise and constitute an input into the planning of activities that impact on the Indigenous Peoples and will establish the baseline for subsequent monitoring. It will provide information on a) scale of natural resource utilization, b) condition of lands and potential threats for IP, c) existing unsustainable commercial development of natural and cultural resources critical to IP d) customary rights and overlapping or conflicts in resource use from within and outside IP areas, e) condition of infrastructure. Regarding customary rights of IP to use of common resources, the mapping will build upon the consultations held with the IP in 2005 and would provide information on (i) location and size of the area and condition of resource, (ii) primary users, including those that belong to IP that currently use or depend on these common resources, (iii) secondary users and the types of uses they make, (iv) the effects of these uses on the IP, and (v) mitigation measures of adverse impacts if any.

5.4 Development of strategies for participation of IP and mitigation measures

Meetings will be held with the different groups of IP to review results of the resource mapping and agree on its implications regarding KAPAP activities, resource access restrictions, mitigation/compensatory measures and IP participation arrangements for project activities. Activities selected should ensure that the IP do not:

- face further physical and economic displacements from land and forests traditionally utilized by them as source of livelihood and basis for their cultural and social system,
- lose further legal access to natural resources, which are an important source of livelihood and basis for their cultural and social system,
- continue to be affected by land grabbers and cattle rustlers,
- become even more marginalized in the society and disintegrate from the nation,
- receive less assistance from governmental services,
- have less capacities to defend their legal rights,
- become or remain as dependent of other ethnic groups, and
- Lose their cultural and social identity.

Since the exact sub-projects and activities will be identified at a later stage, activity will be subjected to social screening before it's taken up for implementation. The project does not intend to undertake any activity that will involve involuntary resettlement of the IP or any other groups of people for that matter. Any activity that will require physical relocation of indigenous people or acquisition of private or

community land currently used by the IP should be excluded. The social assessment will also identify if the proposed project activity will involve change in use or management of commonly held properties in the community as well as involving the commercial development of natural and cultural resources on lands or territories that Indigenous Peoples traditionally owned, or customarily used or occupied. The social assessment will ensure free, prior and informed consultation with the IP during project planning and implementation. It will ensure that mitigation of potential adverse impacts, deriving from project activities, will be based on a participatory and consultative process acceptable to the World Bank and the IP themselves. Annual project work plans will include the social screening. The social screening may follow the format shown on Table 3:

In addition to the social screening, project activities should comply with the following:

- Conserve and sustainably use land and other natural resources that impact on IP and other communities
- Provide equitable share of benefits to IP and mitigate any possible adverse impacts
- Be socially and culturally acceptable to the IP and economically feasible so that the IP are not further discriminated/marginalized
- Be institutionally feasible: Local institutionally capacity should be adequate to take up activities
- Be environmentally sustainable and avoid detrimental impacts from those activities that cannot be mitigated
- Be elected and owned by the IP and other communities through participatory consultation
- Be supported by training and capacity building to enhance IP and community development

The KAPAP secretariat will generally be responsible for such screening together with the implementing institutions; however, decisions will be made by mutual consent of the Indigenous Peoples and with the endorsement of the national level management of KAPAP.

Table 3: Format for Social Assessment

SOCIAL SCREENING FOR KAPAP ACTIVITIES	
A. BACKGROUND INFORMATION	
A 1. Type/description/justification of proposed activity	
A 2. Location of activity	
A3. Duration of activity	
A 4. Focal point and person for activity	
B. EXPECTED BENEFITS	
B1. Benefits for local people	
B2. Benefits to Indigenous Peoples (IP)	
B3. Total Number of expected beneficiaries	
B4. Total Number of expected Indigenous Peoples beneficiaries	
B5. Ratio of B4 and B5; Are benefits distributed equitably?	<input type="checkbox"/> YES <input type="checkbox"/> NO If NO state remedial measures
C. POTENTIAL ADVERSE SOCIAL IMPACTS	
C1. Will activity entail restriction of access of IP to lands and related natural resources	<input type="checkbox"/> YES <input type="checkbox"/> NO If yes exclude from project
C2. Will activity entail commercial development of natural and cultural resources critical to IP	<input type="checkbox"/> YES <input type="checkbox"/> NO If yes exclude from project
C3. Will activity entail physical relocation of Indigenous Peoples	<input type="checkbox"/> YES <input type="checkbox"/> NO If yes exclude from project
D. CONSULTATION WITH IP	
D1. Has IP orientation to project been done for this group?	<input type="checkbox"/> YES <input type="checkbox"/> NO
D2. Has PRA/RRA been done in this area?	<input type="checkbox"/> YES <input type="checkbox"/> NO
D3. Did the indigenous peoples give broad support for project	<input type="checkbox"/> YES <input type="checkbox"/> NO

Prepared by: _____ Verified by: _____

KAPAP RSU Coordinator

IP representative

Date: _____

Date: _____

Note: Attach sketch maps, PRA/RRA results and other relevant documents.

5.5 Capacity Building

During the IP orientation and mobilization process, the interest, capacity and skills of the IP and their institutions, CBOs and NGOs for natural resource management, including social screening, will be assessed. The project will provide training for them in resource mapping, natural resource management evaluation, planning, record keeping, basic account keeping and monitoring and evaluation.

In addition, for social impact management, training will be needed for KAPAP and implementing agencies key staff on the implementation of the IPPF with special attention to developing their knowledge on IPPF background, history and areas of concern as well as their skills for community orientation, free, prior and informed consultative planning, PRA tools and techniques

5.6 Establish equitable representation of IP in decision making organs within KAPAP

KAPAP will ensure that IP are well represented in the national and district steering committees to articulate issues important to them. They will help make decisions on their needs and priorities with facilitation and guidance from KAPAP and the implementing organizations. In so doing, IP representatives will take the following into account:

- Conservation of natural resources by adopting specific, tangible actions that demonstrate sustainable use and management, linked with improving their livelihoods while upholding their rights, culture and dignity.
- Social sustainability ensuring that their livelihoods and way of life are not adversely impacted but rather improved and that there is equitable share of benefits with IP and that measures to mitigate or eliminate adverse impacts, if any, on them are adequate
- Environmental sustainability ensuring that detrimental environmental impacts such as depletion of biodiversity are avoided or mitigated
- Low cost and financial feasibility ensuring that proposed activities can be sustained with their own resources and system after completion of KAPAP
- Consistency with national policies and objectives as far as is possible given that some policies such as the Forest Bill are not supportive of the IP.

6 The Indigenous Peoples Planning Framework of the KAPAP

The following Indigenous Peoples Planning Framework (IPPF) of the KAPAP develops measures to ensure that the indigenous peoples (Ogiek and Sengwer) receive social and economic benefits that are culturally appropriate, including measures to enhance the capacity of the project implementing agencies and other stakeholders. The IPPF embodies a pilot phase in which the IPPF will be presented and discussed in all indigenous peoples' settlements in the KAPAP operational area, to enhance the broad support from indigenous peoples for the KAPAP, to provide detailed baseline data for the planning and the M&E and to integrate additional and/or specific problems to be addressed into the IPPF. The results of these consultations will be used to redefine the IPPF during the course of its

implementation. Such an open and well facilitated discussion process, which goes along with the formation of the IPPF implementing bodies, will further enhance the communication and cooperation between the indigenous peoples in the operational areas and the KAPAP. To monitor and evaluate the impacts of the IPPF, draft impact indicators are elaborated, which should be redefined as one of the first activities of the proposed participatory impact monitoring on the base of the baseline data established during the pilot-phase.

Due to the fact that no detailed demographic data on the Ogiek and Sengwer exists, it is difficult to estimate how many indigenous people will be affected by the KAPAP. The Ogiek inhabit Nakuru District while the Sengwer inhabit Trans Nzoia and West Pokot Districts, the three of which are KAPAP operation areas. It is estimated that there are approximately 20,000 Ogiek in East Africa and majority of those live in Nakuru, (Kimaiyo 2004) and an estimated 15,000 and 10,000 Sengwer in Trans Nzoia and West Pokot districts, respectively.

During the planning phase, the main focus will be on the establishment of the institutional framework, the sensitization of all stakeholders in general and the affected populations in particular, and the gathering of baseline data. As this will involve all Ogiek and Sengwer settlements in the operational areas, the IPPF should be further discussed in detail and - in case the need arises - amendments suggested to the steering committee.

In general, it is assumed that the 8 activities of the IPPF of the KAPAP are able to guarantee that the KAPAP is able to satisfy international requirements in general and the OP 4.10 of the World Bank in particular, and that :

- the KAPAP reduces poverty for all ethnic groups and lowers the dependence on and degradation of natural resources;
- the KAPAP promotes an effective management system of lands and natural resources, which offers positive impacts to the entire population and the biodiversity;
- the KAPAP respects the dignity, rights and culture of the indigenous peoples; and
- the KAPAP assures that the Ogiek and Sengwer receive culturally appropriate benefits equal to other ethnic groups.

Table 4: KAPAP - Indigenous People's Planning Framework for the Sengwer and Ogiek

Indigenous People's					
Issue	Activity	Responsibility	By When	Cost in US \$	Indicators
1. Capacity Building for implementation of IPPF	Training of staff from KAPAP and other implementing agencies	KAPAP Implementing Organizations	08/2009	10,000	<ul style="list-style-type: none"> • Participants are able to implement IPPF
2. Indigenous Peoples Orientation and Mobilization	Reconnaissance survey Community meetings	KAPAP Indigenous Peoples Organizations/ elders	09/2009	15,000	<ul style="list-style-type: none"> • Population and dynamics of IP in KAPAP Districts well understood by key players • IP in all KAPAP operation Districts give broad support for the project
3. Consultations with Indigenous Peoples:	Participatory Rural Appraisals/ Rapid Rural Appraisals	KAPAP	12/2009	15,000	<ul style="list-style-type: none"> • Information from consultations verified by IP and IPOs as correct and a true representation of their needs and priorities
4. Mapping of community resources critical to IP	Baseline Surveys Community transect reports	KAPAP IPO s	03/2010	20,000	<ul style="list-style-type: none"> • Information from consultations verified by IP and IPOs as correct and a true representation of natural, cultural and social, technical resources critical to their survival
5. Development of strategies for participation of IP and mitigation measures	Social Screening	KAPAP	Annual	10,000	<ul style="list-style-type: none"> • Activities implemented respect the conditions and do not leave the IP worse off than they were • Activities respect the rights, culture and dignity of the IP

Indigenous People's					
Issue	Activity	Responsibility	By When	Cost in US \$	Indicators
					<ul style="list-style-type: none"> • Mitigation measures implemented and effective
6. Capacity Building	Trainings for IP and IPO	KAPAP		100,000	<ul style="list-style-type: none"> • IP and IPO use training to advance their cause
7. Equitable representation of IP in decision making organs	Election of representatives Annual Steering Committee meetings Bi-annual District Level meetings	KAPAP	Project Inception, Bi-annual Annual	50,000	<ul style="list-style-type: none"> • Active participation of IP in forums • IP and M&E indicate that representation is satisfactory to the IP
8. Participatory M&E with IP	Internal M&E External M&E	KAPAP IPO	Annual	KAPAP M&E Budget	<ul style="list-style-type: none"> • M&E reports accessible to IP and implementing agencies • Mechanism for feedback into IPPF in place and implemented

7 Institutional and Communication Arrangements

According to the Project Appraisal Document, KAPAP will be implemented by six agencies: the Ministries of Agriculture, Livestock Development, Fisheries Development, and Cooperative Development, KARI, and KENFAP. Representatives from these institutions will form the National Steering Committee, together with the players in the implementation of the IPPF, in addition to sector ministries Environment and Natural Resources, Lands, Gender, Sports, Culture and Social Affairs. Other key members will include a representative from the Kenya National Commission for Human Rights and one representative from each of the 12 districts in which KAPAP interacts with indigenous peoples (= 12 in total), 2 representatives from the IPOs (one for each group [Ogiek and Sengwer]) and 2 elected representatives of the two communities.

At district level, a district IPPF-committee should consist of a representative each from: KAPAP Project (RSU Coordinator), District Officer, Agricultural department, Livestock department, Forest department, Lands department, Security department, District Development Office, Department of Social Affairs and 12 representatives from the indigenous peoples' communities. It will provide a linkage between KAPAP project, the indigenous peoples and the district administration. It should meet twice a year and work as focal point for all IPPF related issues at district level. It should be informed about all kinds of KAPAP activities and communicate relevant information through the indigenous peoples' representatives to the indigenous peoples' communities. It should also gather information and feedback from the indigenous peoples' communities to channel them to the relevant governmental structures, the national steering committee, or the KAPAP Secretariat.

The KAPAP officers will chair both committees and facilitate communication between the National Steering Committee, the KAPAP Secretariat and the IP. The elected representatives from the community will facilitate the communication between the indigenous peoples' communities in their area and the district IPPF committee, the national steering committee and the project. They should be elected during the pilot phase of the IPPF after a further introduction and general discussion on the IPPF, the communication channels, etc., to ensure that the elected representatives have broad community support and are elected on the basis of free, prior and informed consultations.

To harmonize IPPF work between the different levels, the indigenous peoples representatives in each of the ten districts in the operational area with indigenous peoples should elect among them two coordinators to represent the indigenous peoples of the district in the national steering committee, and to coordinate communication and work among the indigenous peoples of the district.

8 Grievance processes

There will be two levels of dispute resolution under KAPAP; the District Level

Committee and the National Steering Committee elaborated above. In addition, the IP will take into account their cultural and customary dispute resolution mechanisms and seek to integrate these with the project structures, as will be deemed appropriate depending on the circumstances. In the event that all of these options are exhausted, then judicial recourse should be considered as a last option. Grievances from the communities on the implementation of the project should follow a similar course. Room should be given for revision of this process to incorporate the input of the IPPF during community orientation and mobilization.

9 Monitoring and evaluation mechanisms

Monitoring and evaluation (M&E) are fundamental components of projects involving affected individuals, households and communities. Monitoring should be participatory and include the monitoring of beneficial and adverse impacts on Indigenous peoples within project impact areas. M&E should be based on free, prior and informed consultation with the IP who should play an integral role in its implementation. All monitoring activities are ultimately the responsibility of the KAPAP Secretariat. Implementing agencies will be responsible for compiling the data and auditing for completeness of the records, and they will be responsible for providing compiled M&E information to the KAPAP.

The overall goal of the M&E process for the Indigenous Peoples plan is to: Ensure effective communication and consultation takes place; Report any grievances that require resolution; Document the performance of KAPAP as regards the Indigenous Peoples; and Allow program managers and participants to evaluate whether the Sengwer and Ogiek have maintained their rights, culture and dignity and that they are not worse off than they were before the project.

The objectives of evaluation include:

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

The PM&E reports at district level should be produced before June 30th of each year and then be returned to all indigenous peoples' communities for feedback etc., before being handed over to the IPPF-committees at district level before August 31st. In September of each year (from 2010 on) the IPPF district committees will meet to discuss among other issues the PM&E reports, elaborate an evaluation at district level and prepare recommendations on how to fine-tune the IPPF and the KAPAP further.

The district PM&E-reports, the district IPPF evaluation and the recommendation should be communicated to the national steering committee before October 31st. The IPPF coordinator of KAPAP will publish the district PIM reports, the district IPPF evaluations and recommendation through the KARI webpage, communicate them to the steering committee members, the World Bank task team and the interested public. They will be the basis for the annual evaluation of the IPPF implementation carried out by the national steering committee in view of the performance indicators outlined in the IPPF and the overarching principals of this IPPF. The outcomes of this process will be further crosschecked in 2012 and 2014 by an external IPPF evaluation and the World Bank task team in view to enhance the quality further, and to guarantee that the indigenous peoples' dignity, human rights, economies, and cultures are respected by the KAPAP, that all decisions which affect any of these are based on the free, prior, and informed consultation with the indigenous peoples, that the indigenous peoples receive social and economic benefits that are culturally appropriate and gender and intergenerationally inclusive, that adverse effects on the indigenous peoples' communities are, as much as possible, avoided, and if this was according to the IPPF district-committees not feasible, minimize, mitigate, or compensate in a culturally appropriate manner, based on broad support by the indigenous peoples' communities.

The following indicator groups (Table 5) are suggested as a basis to measure the success and weakness of activities related to Indigenous Peoples.

Table 5: Monitoring and evaluation for KAPAP IPPF

Issue	Indicator	Data Source	Responsible Agency	Schedule
Framework Indicators: Effectiveness of the IPPF				
1. Capacity Building for implementation of IPPF	Number of individuals & institutions trained	Training workshops reports	KAPAP	First year
2. Indigenous Peoples Orientation and Mobilization	Number of IP meetings; Number of IP sensitised	Reconnaissance survey reports Community meeting reports	KAPAP IPO	Baseline
3. Consultations with Indigenous Peoples	Number of PRA/RRA Attendance of PRA/RRA PRA reports acceptable to IP	RRA reports PRA reports	KAPAP IPO	Baseline
4. Mapping of community resources critical to IP	Level of IP participation Reports verified and accepted by IP	Baseline survey reports Community transect reports	KAPAP IPO	Baseline
5. Development of strategies for participation of IP and mitigation measures	Number of projects passed by social screening Number of projects implemented	KAPAP reports Implementing agencies reports	KAPAP	Annual
6. Capacity Building	Types of training Attendance by IP	Training reports	KAPAP	Annual
7. Equitable representation of IP in decision making organs	Number of meetings attended by IP representatives Number and types of IP issues articulated	District Level and National Steering Committee reports IPO reports	KAPAP IPO	Annual, Bi-annual
Livelihood Indicators: Livelihood Status of indigenous people's				
8. Socio-economic status of IP	Change in Livelihood activities of IP households, disaggregated by gender	KAPAP M&E reports Survey reports	KAPAP IPO	Annual
	Change income levels of IP households	KAPAP M&E reports Survey reports	KAPAP IPO	Annual
9. Land and natural resources use and access	Change in type and location in natural resource use	IPO reports Social Assessment Reports	KAPAP	

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ANNEX 1: Itinerary for consultation with IP (KAPSLMP)

Day	Date	Place	Activity
1	8/12/05	Y'dé-Nairobi	Review of PAD and other literature, Transport.
2	9/12/05	Nairobi	Transport. Discussion with KARI. Planning of fieldtrips, etc. Team building with other consultants and relevant KARI staff. Discussion with Centre for Minority Rights Development (Korrir Singoeie) and Indigenous Information Network (Lucy Mulenkie).
3	10/12/05	Nairobi	Review of documents. Discussion with World Bank Task Team.
4	11/12/05	Nairobi	Review of documents.
5	12/12/05	Tugen Hills	Transport. Discussion with stakeholders in Nakuru: Sengwer Indigenous Development Project; Sengwer Education Bursary Fund; Hunter-Gatherer Forum; Ogiek Welfare Council; Ogiek Peoples Development Programme.
6	13/12/05	Tugen Hills	Consultation with local stakeholders: District Department of Social Services (Jane Obiero); Consultation with IP: Village Meeting with Ilchamus in Kailerr.
7	14/12/05	Tugen Hills	Consultation with local stakeholders: District Forest and Environmental Service; District office of Ministry of Livestock (Laman Labatt) Consultation with IP: Meeting with Ilchamus on Ol Kokwai.
8	15/12/05	Tugen Hills	Consultations with local stakeholders: Tugen Populations in and near Lake Kamnarok
9	16/12/05	Cherangany	Consultant with local stakeholders: SCC-Vi Agroforestry (Bjorn Horuath); District Development Office (Gladys Kinuah); District Department of Lands and Land Settlement (Tom Chepkwesi & Isaac Kavue); Catholic Church Land & Peace Programme (Mathew Bole); District Department of Social Services (Jane Nyangota)
10	17/12/05	Cherangany	Consultant with IP: Meeting with Sengwer in Kapolet Forest and Talau Location
11	18/12/05	Cherangany	Consultant with IP: Meeting with Sengwer in Kamologon (Embobut forest)
12	19/12/05	Nakuru	Consultant with IP: Meeting with Ogiek in Kipkurere forest
13	20/12/05	Nakuru	Consultant with IP: Meeting with Ogiek in Enoosupukia forest
14	21/12/05	Nairobi	Feedback session with KARI; Discussion with Julian Bauer on Watha in the Taita Hills project site.
15	22/12/05	Nairobi-Y'dé	Elaboration of draft IPPF
16	23/12/05	Yaoundé	Elaboration of draft IPPF
17	24/12/05	Yaoundé	Elaboration of draft IPP
18	25/12/05	Yaoundé	Elaboration of draft IPP
19	26/12/05	Yaoundé	Elaboration of draft IPP
20	7/1/06	Y'dé-Nairobi	Transport
21-28	8-15/1/06	Nairobi	Discussions with KARI
29	16/1/06	Nairobi	Preparation of IPP workshop
30	17/1/06	Kapanguera	Travel
31	18/1/06	Kapanguera	IPP workshop
32	19/1/06	Kap'era -Y'dé	Travel
33	20/1/06	Yaoundé	Finalisation of IPP

ANNEX 2: Peoples and organizations directly consulted (KAPSLMP)

Ogiek

Charles Sena; Ogiek Peoples National Assembly; (info@orip.or.ke)

Joseph Towett; Ogiek Peoples National Assembly & Ogiek Welfare Council
(ogieknet@cratormet.com).

Sarone ole Sena (sarone_ole_sena@wvi.org).

Daniel Kobei ; Ogiek Peoples Development Programme (dkobei@yahoo.com;
opdp2001@yahoo.com).

Village Meeting Enosupukia Forest: Simon Ngayami (SimonSeleyian@yahoo.com;
0721-976794); Kuyiatio Nashur; Simana Kereto; Mayiani Ole Mebaron; Timothy
Ole Mebaron; Naguoi Omerae; Nurran Kereto; Lepapa Omerae; Eunice Ngayami.

Village Meeting Kipkurere Forest: Joseph Tuwei (0720-808130); Kipkoech Sang
(0724-554315); Kiprotich Koringo (0723-753440); William K. Tuwgi (0721-735330);
William K. Katam (0720-385919); Mercy Jepkosgei (0725-943949); Samuel K.
Songok; William K. Koech; Kepkendot Mutai; Johana Bett; Benjamin Maiyo;
Kibkerege Koech; Richard K. Langat; David K. Sitienei.

Sengwer

David Kiptum Yator; Sengwer Indigenous Development Project; Sengwer Education
Bursary Fund; Hunter-Gatherer Forum; (ykiptumsengwer@hotmail.com;
yat.or@lycos.com; sengwer.idp@multitechweb.com).

Moses Leleu Laima (Sengwer Cerangany Cultural Group; P.O. Box 94-30215;
Kesogon via Kitale; 0734-683050)

Paul Kebet; Cherangany Hills Forest Conservation; (0721-353944)

Village Meeting Talau Location: 20 male and 10 female.

Village Meeting Kamologon (Embobut forest): Thomas; Paul Kip Kenoi; Sammy Kip
Chemeri; Toroitich; William; Chehimo Kip Koo; Paulina; Josephine; Elisabeth; Selly.

Village Meeting Kapolet Forest: Jacob K. Chehol (Sengwer Land Allocation
Committee; 0735-493161); Josilah J. Cheruiyot (Livestock & Fisheries); Charles
Kiberen (Sengwer Land Allocation Committee); Barnabas Ng'esenwo (Public
Officer Marakwet District); Joseph Cheruiyot (Sengwer Community Health
Centre); Jacob K.Roi (Sengwer Water, Sanitation and Environment Committee);
Viola Chepngetich (Sengwer Youth Committee 0722-428781); Frida Chepkoech
(Sengwer Youth Committee); William Kiptoo (Village Elder); Kiptoo Keleke
(Sengwer

Ilchamus

Orlando Loweri; Lake Baringo Self-Help Group (0723-990652 & 0725-860187; c/o
Baringo Island Camp P.O. Box 1141; Nakuru)

Francis L. Olekeis; Kailer Village Development Committee; (P.O. Box 80 Marigat;
Tel: 0735-870161)

Samson Kakimon, Kailer Village Development Committee; (P.O. Box 56 Marigat; Tel: 0736-444359)

Village Meeting on Ol Kokwa: 8 male, 4 female (remained mostly passive).

Village Meeting Kailer: Francis Lekingidia; Jackson Naremo; Veronica Tikinya; Esther Tenges; Mariku-Nkera Likimariki; Christine Lekesio; Rosemany Naremo; Nolkoronkaya Lekaitalin; Jane Sululia; Mary Suluka; Maria Lekituli; Jane Nareno; Eunice Lenonoi; Leviah Lesange; Salinaah Kenei; Lepooya James; Lekae Samuel; Valychiffe Piliyah; Tom Sekege; Lekchike Peter; Samson Lenonor; Godama Sayroki; Nicholas Lekinaniki; Lenaguienyi Wilson; Lokuda Lekesio; Kinazol Moiben and Keiz Francis.

Indigenous Peoples Organisations

Naomi Kipuri, African Union Sub-commission on Indigenous People; (kipuri3000@yahoo.com)

Fisherpeoples Network: Mr. Mhuswala (0733-423706)

Indigenous Information Network: Lucy Mullenkei.

Centre for Minority Rights Development: Korrir Singoeie (Korir.singoei@cemiride.info; 722-776994)

Experts

Peter Little; University of Kentucky; (pdlitt1@uky.edu; Email 7&10/12/05)

Abdillahi Aboud; Egerton University; (Eu-crsp@africaonline.co.ke; Email 10/12/05). Meeting 13/12/05.

Clement Lenachuru; Egerton University; (olenashuru@yahoo.com; Email 10/12/05)

Josephat Cheng'ole Mulindo; KARI Marigat, Baringo District (cjmulindo@yahoo.com); Email 10/12/05)

Johnson Changeiywo; Egerton University; (jchangeiywo@yahoo.com).

Maina Josephat; Ministry of Livestock Marigat (0735-170951)

Laban Labatt; Ministry of Livestock Marigat (0735-115117 & 0722-364449)

Bjorn Horvath; VA-Life Project Kibale (bjorn.viafpk@mac.com)

Scott Matter; McGill University (scott.matter@mail.mcgill.ca)

Jacqueline Klopp; Columbia University (jk2002@columbia.edu)

Julian Bauer; EcoTerra (0733-633000; pjb@ecoterra.net)

ANNEX 3: OP. 4.10: Indigenous Peoples

Note: OP and BP 4.10 together replace OD 4.20, *Indigenous Peoples*, dated September 1991. These OP and BP apply to all projects for which a Project Concept Review takes place on or after July 1, 2005. Questions may be addressed to the Director, Social Development Department (SDV).

1. This policy [1] contributes to the Bank's [2] mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. For all projects that are proposed for Bank financing and affect Indigenous Peoples,[3] the Bank requires the borrower to engage in a process of free, prior, and informed consultation.[4] The Bank provides project financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous Peoples.[5] Such Bank-financed projects include measures to (a) avoid potentially adverse effects on the Indigenous Peoples' communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects. Bank-financed projects are also designed to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender and intergenerationally inclusive.

2. The Bank recognizes that the identities and cultures of Indigenous Peoples are inextricably linked to the lands on which they live and the natural resources on which they depend. These distinct circumstances expose Indigenous Peoples to different types of risks and levels of impacts from development projects, including loss of identity, culture, and customary livelihoods, as well as exposure to disease. Gender and intergenerational issues among Indigenous Peoples also are complex. As social groups with identities that are often distinct from dominant groups in their national societies, Indigenous Peoples are frequently among the most marginalized and vulnerable segments of the population. As a result, their economic, social, and legal status often limits their capacity to defend their interests in and rights to lands, territories, and other productive resources, and/or restricts their ability to participate in and benefit from development. At the same time, the Bank recognizes that Indigenous Peoples play a vital role in sustainable development and that their rights are increasingly being addressed under both domestic and international law.

3. *Identification.* Because of the varied and changing contexts in which Indigenous Peoples live, and because there is no universally accepted definition of "Indigenous Peoples," this policy does not define the term. Indigenous Peoples may be referred to in different countries by such terms as "indigenous ethnic minorities," "aboriginals," "hill tribes," "minority nationalities," "scheduled tribes," or "tribal groups."

4. For purposes of this policy, the term "Indigenous Peoples" is used in a generic sense to refer to a distinct, vulnerable, social and cultural group[6] possessing the following characteristics in varying degrees:

- (a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- (b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;[7]
- (c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- (d) an indigenous language, often different from the official language of the country or region.

A group that has lost "collective attachment to geographically distinct habitats or ancestral territories in the project area" (paragraph 4 (b)) because of forced severance remains eligible for coverage under this policy.[8] Ascertaining whether a particular group is considered as "Indigenous Peoples" for the purpose of this policy may require a technical judgment (see paragraph 8).

5. *Use of Country Systems.* The Bank may decide to use a country's systems to address environmental and social safeguard issues in a Bank-financed project that affects Indigenous Peoples. This decision is made in accordance with the requirements of the applicable Bank policy on country systems. [9]

Project Preparation

6. A project proposed for Bank financing that affects Indigenous Peoples requires:

- (a) screening by the Bank to identify whether Indigenous Peoples are present in, or have collective attachment to, the project area (see paragraph 8);
- (b) a social assessment by the borrower (see paragraph 9 and [Annex A](#));
- (c) a process of free, prior, and informed consultation with the affected Indigenous Peoples' communities at each stage of the project, and particularly during project preparation, to fully identify their views and ascertain their broad community support for the project (see paragraphs 10 and 11);
- (d) the preparation of an Indigenous Peoples Plan (see paragraph 12 and [Annex B](#)) or an Indigenous Peoples Planning Framework (see paragraph 13 and [Annex C](#)); and
- (e) disclosure of the Indigenous Peoples Plan or Indigenous Peoples Planning Framework (see paragraph 15).

7. The level of detail necessary to meet the requirements specified in paragraph 6 (b), (c), and (d) is proportional to the complexity of the proposed project and commensurate with the nature and scale of the proposed project's potential effects on the Indigenous Peoples, whether adverse or positive.

Screening

8. Early in project preparation, the Bank undertakes a screening to determine whether Indigenous Peoples (see paragraph 4) are present in, or have collective attachment to, the project area.^[10] In conducting this screening, the Bank seeks the technical judgment of qualified social scientists with expertise on the social and cultural groups in the project area.

The Bank also consults the Indigenous Peoples concerned and the borrower. The Bank may follow the borrower's framework for identification of Indigenous Peoples during project screening, when that framework is consistent with this policy.

Social Assessment

9. *Analysis.* If, based on the screening, the Bank concludes that Indigenous Peoples are present in, or have collective attachment to, the project area, the borrower undertakes a social assessment to evaluate the project's potential positive and adverse effects on the Indigenous Peoples, and to examine project alternatives where adverse effects may be significant. The breadth, depth, and type of analysis in the social assessment are proportional to the nature and scale of the proposed project's potential effects on the Indigenous Peoples, whether such effects are positive or adverse (see [Annex A](#) for details). To carry out the social assessment, the borrower engages social scientists whose qualifications, experience, and terms of reference are acceptable to the Bank.

10. Consultation and Participation. Where the project affects Indigenous Peoples, the borrower engages in free, prior, and informed consultation with them. To ensure such consultation, the borrower:

- (a) establishes an appropriate gender and intergenerationally inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation among the borrower, the affected Indigenous Peoples' communities, the Indigenous Peoples Organizations (IPOs) if any, and other local civil society organizations (CSOs) identified by the affected Indigenous Peoples' communities;
- (b) uses consultation methods^[11] appropriate to the social and cultural values of the affected Indigenous Peoples' communities and their local conditions and, in designing these methods, gives special attention to the concerns of Indigenous women, youth, and children and their access to development opportunities and benefits; and
- (c) provides the affected Indigenous Peoples' communities with all relevant information about the project (including an assessment of potential adverse effects of the project on the affected Indigenous Peoples' communities) in a culturally appropriate manner at each stage of project preparation and implementation.

11. In deciding whether to proceed with the project, the borrower ascertains, on the basis of the social assessment (see paragraph 9) and the free, prior, and informed consultation (see paragraph 10), whether the affected Indigenous Peoples' communities provide their broad support to the project. Where there is such support, the borrower prepares a detailed report that documents:
- (a) the findings of the social assessment;
 - (b) the process of free, prior, and informed consultation with the affected Indigenous Peoples' communities;
 - (c) additional measures, including project design modification, that may be required to address adverse effects on the Indigenous Peoples and to provide them with culturally appropriate project benefits;
 - (d) recommendations for free, prior, and informed consultation with and participation by Indigenous Peoples' communities during project implementation, monitoring, and evaluation; and
 - (e) any formal agreements reached with Indigenous Peoples' communities and/or the IPOs.

The Bank reviews the process and the outcome of the consultation carried out by the borrower to satisfy itself that the affected Indigenous Peoples' communities have provided their broad support to the project. The Bank pays particular attention to the social assessment and to the record and outcome of the free, prior, and informed consultation with the affected Indigenous Peoples' communities as a basis for ascertaining whether there is such support. The Bank does not proceed further with project processing if it is unable to ascertain that such support exists.

Indigenous Peoples Plan/Planning Framework

12. *Indigenous Peoples Plan.* On the basis of the social assessment and in consultation with the affected Indigenous Peoples' communities, the borrower prepares an Indigenous Peoples Plan (IPP) that sets out the measures through which the borrower will ensure that (a) Indigenous Peoples affected by the project receive culturally appropriate social and economic benefits; and (b) when potential adverse effects on Indigenous Peoples are identified, those adverse effects are avoided, minimized, mitigated, or compensated for (see [Annex B](#) for details). The IPP is prepared in a flexible and pragmatic manner, [12] and its level of detail varies depending on the specific project and the nature of effects to be addressed. The borrower integrates the IPP into the project design. When Indigenous Peoples are the sole or the overwhelming majority of direct project beneficiaries, the elements of an IPP should be included in the overall project design, and a separate IPP is not required. In such cases, the Project Appraisal Document (PAD) includes a brief summary of how the project complies with the policy, in particular the IPP requirements.

13. *Indigenous Peoples Planning Framework*. Some projects involve the preparation and implementation of annual investment programs or multiple subprojects.[13] In such cases, and when the Bank's screening indicates that Indigenous Peoples are likely to be present in, or have collective attachment to, the project area, but their presence or collective attachment cannot be determined until the programs or subprojects are identified, the borrower prepares an Indigenous Peoples Planning Framework (IPPF).

The IPPF provides for the screening and review of these programs or subprojects in a manner consistent with this policy (see [Annex C](#) for details). The borrower integrates the IPPF into the project design.

14. *Preparation of Program and Subproject IPPs*. If the screening of an individual program or subproject identified in the IPPF indicates that Indigenous Peoples are present in, or have collective attachment to, the area of the program or subproject, the borrower ensures that, before the individual program or subproject is implemented, a social assessment is carried out and an IPP is prepared in accordance with the requirements of this policy. The borrower provides each IPP to the Bank for review before the respective program or subproject is considered eligible for Bank financing. [14]

Disclosure

15. The borrower makes the social assessment report and draft IPP/IPPF available to the affected Indigenous Peoples' communities in an appropriate form, manner, and language.[15] Before project appraisal, the borrower sends the social assessment and final IPP/IPPF to the Bank for review. [16] Once the Bank accepts the documents as providing an adequate basis for project appraisal, the Bank makes them available to the public in accordance with [The World Bank Policy on Disclosure of Information](#), and the borrower makes them available to the affected Indigenous Peoples' communities in the same manner as the earlier draft documents.

Special Considerations

Lands and Related Natural Resources

16. Indigenous Peoples are closely tied to land, forests, water, wildlife, and other natural resources, and therefore special considerations apply if the project affects such ties. In this situation, when carrying out the social assessment and preparing the IPP/IPPF, the borrower pays particular attention to:

- (a) the customary rights[17] of the Indigenous Peoples, both individual and collective, pertaining to lands or territories that they traditionally owned, or customarily used or occupied, and where access to natural resources is vital to the sustainability of their cultures and livelihoods;
- (b) the need to protect such lands and resources against illegal intrusion or encroachment;

- (c) the cultural and spiritual values that the Indigenous Peoples attribute to such lands and resources; and
- (d) Indigenous Peoples' natural resources management practices and the long-term sustainability of such practices.

17. If the project involves (a) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied (such as land titling projects), or (b) the acquisition of such lands, the IPP sets forth an action plan for the legal recognition of such ownership, occupation, or usage. Normally, the action plan is carried out before project implementation; in some cases, however, the action plan may need to be carried out concurrently with the project itself. Such legal recognition may take the following forms:

- (a) full legal recognition of existing customary land tenure systems of Indigenous Peoples; or
- (b) conversion of customary usage rights to communal and/or individual ownership rights.

If neither option is possible under domestic law, the IPP includes measures for legal recognition of perpetual or long-term renewable custodial or use rights.

Commercial Development of Natural and Cultural Resources

18. If the project involves the commercial development of natural resources (such as minerals, hydrocarbon resources, forests, water, or hunting/fishing grounds) on lands or territories that Indigenous Peoples traditionally owned, or customarily used or occupied, the borrower ensures that as part of the free, prior, and informed consultation process the affected communities are informed of (a) their rights to such resources under statutory and customary law; (b) the scope and nature of the proposed commercial development and the parties interested or involved in such development; and (c) the potential effects of such development on the Indigenous Peoples' livelihoods, environments, and use of such resources. The borrower includes in the IPP arrangements to enable the Indigenous Peoples to share equitably in the benefits [18] to be derived from such commercial development; at a minimum, the IPP arrangements must ensure that the Indigenous Peoples receive, in a culturally appropriate manner, benefits, compensation, and rights to due process at least equivalent to that to which any landowner with full legal title to the land would be entitled in the case of commercial development on their land.

19. If the project involves the commercial development of Indigenous Peoples' cultural resources and knowledge (for example, pharmacological or artistic), the borrower ensures that as part of the free, prior, and informed consultation process, the affected communities are informed of (a) their rights to such resources under statutory and customary law; (b) the scope and nature of the proposed commercial development and the parties interested or involved in such development; and (c) the potential effects of such development on

Indigenous Peoples' livelihoods, environments, and use of such resources. Commercial development of the cultural resources and knowledge of these Indigenous Peoples is conditional upon their prior agreement to such development. The IPP reflects the nature and content of such agreements and includes arrangements to enable Indigenous Peoples to receive benefits in a culturally appropriate way and share equitably in the benefits to be derived from such commercial development.

Physical Relocation of Indigenous Peoples

20. Because physical relocation of Indigenous Peoples is particularly complex and may have significant adverse impacts on their identity, culture, and customary livelihoods, the Bank requires the borrower to explore alternative project designs to avoid physical relocation of Indigenous Peoples. In exceptional circumstances, when it is not feasible to avoid relocation, the borrower will not carry out such relocation without obtaining broad support for it from the affected Indigenous Peoples' communities as part of the free, prior, and informed consultation process. In such cases, the borrower prepares a resettlement plan in accordance with the requirements of [OP 4.12, *Involuntary Resettlement*](#), that is compatible with the Indigenous Peoples' cultural preferences, and includes a land-based resettlement strategy. As part of the resettlement plan, the borrower documents the results of the consultation process. Where possible, the resettlement plan should allow the affected Indigenous Peoples to return to the lands and territories they traditionally owned, or customarily used or occupied, if the reasons for their relocation cease to exist.

21. In many countries, the lands set aside as legally designated parks and protected areas may overlap with lands and territories that Indigenous Peoples traditionally owned, or customarily used or occupied. The Bank recognizes the significance of these rights of ownership, occupation, or usage, as well as the need for long-term sustainable management of critical ecosystems. Therefore, involuntary restrictions on Indigenous Peoples' access to legally designated parks and protected areas, in particular access to their sacred sites, should be avoided. In exceptional circumstances, where it is not feasible to avoid restricting access, the borrower prepares, with the free, prior, and informed consultation of the affected Indigenous Peoples' communities, a process framework in accordance with the provisions of [OP 4.12](#). The process framework provides guidelines for preparation, during project implementation, of an individual parks and protected areas' management plan, and ensures that the Indigenous Peoples participate in the design, implementation, monitoring, and evaluation of the management plan, and share equitably in the benefits of the parks and protected areas. The management plan should give priority to collaborative arrangements that enable the Indigenous Peoples, as the custodians of the resources, to continue to use them in an ecologically sustainable manner.

Indigenous Peoples and Development

22. In furtherance of the objectives of this policy, the Bank may, at a member country's request, support the country in its development planning and poverty reduction strategies by providing financial assistance for a variety of initiatives designed to:

- (a) strengthen local legislation, as needed, to establish legal recognition of the customary or traditional land tenure systems of Indigenous Peoples;
- (b) make the development process more inclusive of Indigenous Peoples by incorporating their perspectives in the design of development programs and poverty reduction strategies, and providing them with opportunities to benefit more fully from development programs through policy and legal reforms, capacity building, and free, prior, and informed consultation and participation;
- (c) support the development priorities of Indigenous Peoples through programs (such as community-driven development programs and locally managed social funds) developed by governments in cooperation with Indigenous Peoples;
- (d) address the gender [19] and intergenerational issues that exist among many Indigenous Peoples, including the special needs of indigenous women, youth, and children;
- (e) prepare participatory profiles of Indigenous Peoples to document their culture, demographic structure, gender and intergenerational relations and social organization, institutions, production systems, religious beliefs, and resource use patterns;
- (f) strengthen the capacity of Indigenous Peoples' communities and IPOs to prepare, implement, monitor, and evaluate development programs;
- (g) strengthen the capacity of government agencies responsible for providing development services to Indigenous Peoples;
- (h) protect indigenous knowledge, including by strengthening intellectual property rights; and
- (i) facilitate partnerships among the government, IPOs, CSOs, and the private sector to promote Indigenous Peoples' development programs.

Notes

1. This policy should be read together with other relevant Bank policies, including *Environmental Assessment* (OP 4.01), *Natural Habitats* (OP 4.04), *Pest Management* (OP 4.09), *Physical Cultural Resources* (OP 4.11, forthcoming), *Involuntary Resettlement* (OP 4.12), *Forests* (OP 4.36), and *Safety of Dams* (OP 4.37).
2. "Bank" includes IBRD and IDA; "loans" includes IBRD loans, IDA credits, IDA grants, IBRD and IDA guarantees, and Project Preparation Facility (PPF) advances, but does not include development policy loans, credits, or grants. For social aspects of development policy operations, see OP 8.60, *Development Policy Lending*, paragraph 10. The term "borrower" includes, wherever the context requires, the recipient of an IDA grant, the guarantor of an IBRD loan, and the project implementing agency, if it is different from the borrower.

3. This policy applies to all components of the project that affect Indigenous Peoples, regardless of the source of financing.
4. "Free, prior, and informed consultation with the affected Indigenous Peoples' communities" refers to a culturally appropriate and collective decision-making process subsequent to meaningful and good faith consultation and informed participation regarding the preparation and implementation of the project. It does not constitute a veto right for individuals or groups (see paragraph 10).
5. For details on "broad community support to the project by the affected Indigenous Peoples," see paragraph 11 .
6. The policy does not set an *a priori* minimum numerical threshold since groups of Indigenous Peoples may be very small in number and their size may make them more vulnerable.
7. "Collective attachment" means that for generations there has been a physical presence in and economic ties to lands and territories traditionally owned, or customarily used or occupied, by the group concerned, including areas that hold special significance for it, such as sacred sites. "Collective attachment" also refers to the attachment of transhumant/nomadic groups to the territory they use on a seasonal or cyclical basis.
8. "Forced severance" refers to loss of collective attachment to geographically distinct habitats or ancestral territories occurring within the concerned group members' lifetime because of conflict, government resettlement programs, dispossession from their lands, natural calamities, or incorporation of such territories into an urban area. For purposes of this policy, "urban area" normally means a city or a large town, and takes into account all of the following characteristics, no single one of which is definitive: (a) the legal designation of the area as urban under domestic law; (b) high population density; and (c) high proportion of non-agricultural economic activities relative to agricultural activities.
9. The currently applicable Bank policy is OP/BP 4.00, *Piloting the Use of Borrower Systems to Address Environmental and Social Safeguard Issues in Bank-Supported Projects*. Applicable only to pilot projects using borrower systems, the policy includes requirements that such systems be designed to meet the policy objectives and adhere to the operational principles related to Indigenous Peoples identified in OP 4.00 (see [Table A1.E](#)).
10. The screening may be carried out independently or as part of a project environmental assessment (see [OP 4.01](#), *Environmental Assessment*, paragraphs 3, 8).
11. Such consultation methods (including using indigenous languages, allowing time for consensus building, and selecting appropriate venues) facilitate the articulation by Indigenous Peoples of their views and preferences. The "Indigenous Peoples Guidebook" (forthcoming) will provide good practice guidance on this and other matters.
12. When non-Indigenous Peoples live in the same area with Indigenous Peoples, the IPP should attempt to avoid creating unnecessary inequities for other poor and marginal social groups.
13. Such projects include community-driven development projects, social funds, sector investment operations, and financial intermediary loans.
14. If the Bank considers the IPPF to be adequate for the purpose, however, the Bank may agree with the borrower that prior Bank review of the IPP is not needed. In such case, the Bank reviews the IPP and its implementation as part of supervision (see [OP 13.05](#), *Project Supervision*).
15. The social assessment and IPP require wide dissemination among the affected Indigenous Peoples' communities using culturally appropriate methods and locations. In the case of an IPPF, the document is disseminated using IPOs at the appropriate national, regional, or local levels to reach Indigenous Peoples who are likely to be affected by the project. Where IPOs do not exist, the document may be disseminated using other CSOs as appropriate.
16. An exception to the requirement that the IPP (or IPPF) be prepared as a condition of appraisal may be made with the approval of Bank management for projects meeting the requirements of [OP 8.50](#), *Emergency Recovery Assistance*. In such cases, management's approval stipulates a timetable and budget for preparation of the social assessment and IPP or of the IPPF.
17. "Customary rights" to lands and resources refers to patterns of long-standing community land and resource usage in accordance with Indigenous Peoples' customary laws, values,

- customs, and traditions, including seasonal or cyclical use, rather than formal legal title to land and resources issued by the State.
18. The "Indigenous Peoples Guidebook" (forthcoming) will provide good practice guidance on this matter.
 19. See [OP/BP 4.20](#), *Gender and Development*.

Annex A: Social Assessment

1. The breadth, depth, and type of analysis required for the social assessment are proportional to the nature and scale of the proposed project's potential effects on the Indigenous Peoples.
2. The social assessment includes the following elements, as needed:
 - (a) A review, on a scale appropriate to the project, of the legal and institutional framework applicable to Indigenous Peoples.
 - (b) Gathering of baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples' communities, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.
 - (c) Taking the review and baseline information into account, the identification of key project stakeholders and the elaboration of a culturally appropriate process for consulting with the Indigenous Peoples at each stage of project preparation and implementation (see paragraph 9 of this policy).
 - (d) An assessment, based on free, prior, and informed consultation, with the affected Indigenous Peoples' communities, of the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is an analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples' communities given their distinct circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to other social groups in the communities, regions, or national societies in which they live.
 - (e) The identification and evaluation, based on free, prior, and informed consultation with the affected Indigenous Peoples' communities, of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

Annex B Indigenous Peoples Plans

1. The Indigenous Peoples Plan (IPP) is prepared in a flexible and pragmatic manner, and its level of detail varies depending on the specific project and the nature of effects to be addressed.
2. The IPP includes the following elements, as needed:

- (a) A summary of the information referred to in Annex A, paragraph 2, (a) and (b).
- (b) A summary of the social assessment.
- (c) A summary of results of the free, prior, and informed consultation with the affected Indigenous Peoples' communities that was carried out during project preparation (Annex A) and that led to broad community support for the project.
- (d) A framework for ensuring free, prior, and informed consultation with the affected Indigenous Peoples' communities during project implementation (see paragraph 10 of this policy).
- (e) An action plan of measures to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate, including, if necessary, measures to enhance the capacity of the project implementing agencies.
- (f) When potential adverse effects on Indigenous Peoples are identified, an appropriate action plan of measures to avoid, minimize, mitigate, or compensate for these adverse effects.
- (g) The cost estimates and financing plan for the IPP.
- (h) Accessible procedures appropriate to the project to address grievances by the affected Indigenous Peoples' communities arising from project implementation. When designing the grievance procedures, the borrower takes into account the availability of judicial recourse and customary dispute settlement mechanisms among the Indigenous Peoples.
- (i) Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the IPP. The monitoring and evaluation mechanisms should include arrangements for the free, prior, and informed consultation with the affected Indigenous Peoples' communities.

ANNEX 4: Proceedings of Stakeholders Meeting (KAPSLMP)



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**INDIGENOUS PEOPLE STAKEHOLDERS MEETING
ON SUSTAINABLE LAND MANAGEMENT PROJECT
WORKSHOP HELD AT GOLF CLUB, KAKAMEGA 18th
JANUARY 2006.**

MORNING SESSION

INTRODUCTION AND THE OPENING OF THE WORKSHOP - BY DR. GICHERU OF KARI

The participants introduced themselves and the organization they represent. The participants comprised of the IP and the KAP-SLM project - researchers and the other experts.

He went through the workshop objective before presenting the KAP SLM objectives. The project is funded by GEF through the World Bank and will be implemented by KARI along with the other stakeholders. The stakeholders will comprise people and groups from IP, government ministries and institutions, researchers etc.

He advised everybody to brainstorm on the Agenda of the workshop so that everybody is clear with what is to be discussed during the workshop.

The concept of the SLM was presented to the participants whereby he explained that SLM is based on 6 pillars .i.e.

- Maintaining and enhancing production
- Reducing production risk
- Preventing land and water degradation
- Securing economic viability
- Social acceptability
- Local and global environmental benefits

The proposed project

- Title : Agricultural Productivity and Sustainable Land Management in Kenya
- Objective: seeks to promote sustainable use of natural resources for higher productivity and incomes for the rural farmers of Kenya and the maintenance of critical ecosystem functions in fragile areas.
- Key development goal: contribute to the modernization of Kenya's agricultural sector and improvement of the lives and livelihoods of its rural communities through the development, acquisition and application of improved and profitable agricultural technologies and production practices.
- Global Environment objective: mitigate land degradation in selected priority watersheds in order to ensure continued ecosystem functions and sustain rural livelihoods.
- Mode of operation: promotion of sustainable land management technology packages and practices that have local and global benefits.
- ecosystem integrity.
- This will involve the integrated utilization of soil, water, air, and floral and faunal bio-diversity for physical and socio-economic development, paying particular attention to the maintenance and restoration of ecosystem integrity

Specific activities

- To evaluate the current socio-economic status (livelihood patterns) and natural resources management practices within selected watersheds/catchments
- To develop, promote and scale-up sustainable land management best practices and technologies to achieve greater productivity
- To evaluate the impact and assist in designing policies that influence the incentives for the farmers and communities to adopt improved land management practices.
- To enhance the institutional capacity of stakeholders to undertake participatory and multidisciplinary sustainable land management practices and extension of best management practices.
- To facilitate the exchange of information on best practices in sustainable land management among farmers, communities, scientists, development partners, and policy makers.
- To promote public-private sector partnerships in sustainable land management for maximizing environmental services and economic empowerment of communities

Project Components

Component 1. Promotion of Best Management Practices and Best Management Technologies for improved livelihoods: SLM practices and technologies that are suitable for scaling-up (swc, water harvesting, reseeded of degraded lands, high yielding and ecologically adapted crop and livestock varieties and genotypes, soil fertility maintenance practises etc)

Component 2. Promotion of Alternative livelihoods systems:

- identify, develop an inventory and document economically viable livelihood options
- create an environment conducive to the adoption of improved plant nutrient technologies (promote a more efficient procurement, distribution, and marketing of inputs and that enhance effective utilization of farm outputs)
- increase the local awareness and use of the indigenous products, processing and enhanced marketing strategies, develop markets for non-timber forest products and other products, and ways of value-adding

Component 3. Community empowerment and capacity building

- strive to empowering farmers, community based organizations, extension providers and the implementers both in knowledge and resources to better implement natural resource programs.
- demonstration value of this project, community-based awareness building and knowledge sharing will be supported through farmer-led extension and farmer-to-farmer information sharing.

Component 4. Institutional and policy analysis

- Examine legislative and policy frameworks to identify any inconsistencies, perverse incentives and opportunities for further policy support for sustainable land management
- participatory involve government agencies and national level institutions to seek to remove the broader policy and legal barriers to improved land management

DISCUSSIONS AND CLARIFICATIONS OF DR. GICHERU'S PRESENTATION ISSUES

- The participants acknowledged the project that it will bring down the level of poverty in Kenya
- Participants were concerned about how the IP will be recognized by the government
- The IP were informed that the issue of alternative livelihoods will be addressed during the project
- Involvement of the top government officials was a concern to the IP participants since the policy makers were not present. However, KARI will organize the launching workshop where high level Government officials will be invited.
- Participants sought clarifications about KAPP and it's relation with current KAP-SLM project and how KAPP will impact on indigenous people

REACTIONS

- The project will mainstream the IP in the project and ensure their improved livelihoods
- KAP-SLM promised to involve IP's during launching of the project and IPs will make contribution in the presence of the senior government officials
- KAPP and KAP SLM are sister projects complementing each other one on sustainable land management and the other on adaptive research and transfer of technologies to the farmers.

INDIGENOUS PEOPLES PLAN (IPP) OF KAP-SLM - By Dr. Schmidt-Soltau Introduction

"Almost all African states host a rich variety of different ethnic groups (...). All of these groups are indigenous to Africa. However, some are in a structural subordinate position to the dominating groups and the state, leading to marginalisation and discrimination. It is this situation that the indigenous concept, in its modern analytical form, and the international legal framework attached to it, addresses".

African Commission's Working Group of Experts on Indigenous Populations

1. IP are found in the Operational area of the project:

- Cherangany Hills – Sengwer
- Kinale Catchment – Ogiek
- Yala river Catchment – Ogiek
- Tugen Hills – Inchamis
- Taita Hills – few Watha

2. Living condition of indigenous peoples

The Ilchamus, Ogiek and Sengwer:

- have less access to land and natural resources and
- have less access to security.
- are less represented in decision making processes at all levels
- have less access to social infrastructure and technical services
- have a development Vision: The Sengwer, Ogiek and Ilchamus don't request special treatment, but equal opportunities.

3. Has the increased dependence on farming and livestock rearing, and the desire to access social services and decision making processes turned the Ogiek, Sengwer and Ilchamus into simple citizens of Kenya like others - a few ethnic groups among many others? Decidedly not!

4. Reasons for IPP:

- As the project might impact on indigenous peoples' rights, lands, livelihoods and culture the Government of Kenya has to ensure that the KAP-SLM fully respects the dignity, human rights, economies, and culture of indigenous peoples;
- To ensure that the KAP-SLM has a broad community support from the affected indigenous peoples;
- to qualify for funding from the World Bank.
- Is it likely that the KAP-SLM will achieve all this without a specific set of action?
- Certainly not!

5. To achieve this, this IPP develops measures to:

- avoid potentially adverse effects on the indigenous peoples' communities; or
- when avoidance is not feasible, minimize, mitigate, or compensate for such effects.
- to ensure that the indigenous peoples receive social and economic benefits that are culturally appropriate and gender as well as intergenerationally inclusive.

6. The main actors of the IPP of the KAP-SLM

- KARI,
- Ministry of Agriculture,

- Ministry of Livestock and Fisheries,
- Ministry of Environment and Natural Resources,
- Ministry of Water and Irrigation,
- Ministry of Lands,
- Ministry of Home Affairs,
- Ministry of Planning and National Development,
- Ministry of Gender, Sports, Culture and Social Services,
- Indigenous Peoples' Organisations and the
- Ogiek, Sengwer and Ilchamus themselves.

7. IPP Action Plan (1)

- Establish an environment that enables sustainable land and resource management:
- Establish the capacities necessary to implement the IPP;
- Establish an equal access to land and natural resources;
- Establish an equal access to security, social infrastructure and technical services.

8. IPP Action Plan (2)

- Establish equal technical opportunities
- Provide the IP with technical capacities to participate actively in sustainable land and natural resource management;
- Provide the relevant GoK staff and other stakeholders with the technical capacities to cooperate successfully and in a culturally appropriate manner with the indigenous peoples;
- Facilitate priority access of indigenous peoples to KAP-SLM related jobs;
- Establish for the IP an equal access to decision making processes in the domain of sustainable land and natural resource management;
- Establish a participatory impact monitoring for KAP-SLM in indigenous peoples' areas.

9. IPP Action Plan (3)

- Establish equal cultural opportunities
- Establish a national policy on indigenous peoples;
- Assist the indigenous peoples' organisations in capacity building to preserve the loss of traditional knowledge, culture and livelihood patterns.
- Foster the creation of forums for communication and exchange between IP and other ethnic groups and accompany this process of mutual understanding.

10. Expected outcomes of IPP

- It is assumed that these eleven activities are able to guarantee that the KAP-SLM

- is able to satisfy international requirements (OP 4.10 of the World Bank);
- reduces poverty for all ethnic groups and lower the dependence on & degradation of natural resources;
- promotes an effective management system of lands and natural resources, which offers positive impacts to the entire population and the biodiversity;
- respects the dignity, rights and culture of the indigenous peoples;
- assures that the indigenous peoples receive culturally appropriate benefits equal to any other ethnic groups.

Discussions

- Definitions of IP's peoples as per the African charter. The participants highlighted the need for KARI support so that the IP's are accepted by the government-policies.
- There is need to include ministry of education as a stakeholder since the level of illiteracy of IP's is quite high. The other ministries to be included as stakeholders are: Office of the President, Ministry of Special Programmes, Ministry of Justice, Ministry of Wildlife, Human Rights Commission
- Participants acknowledged the work done by Dr. Kai as very inclusive

Reactions

- (i) KAP-SLM will not ignore participation of IP's during the project implementation with the stakeholders.
- (ii) KAP-SLM will work with the ministries mentioned above as stakeholders since they are critical in the implementation of KAP SLM.

Question

The need to have Office of the President as a stakeholder, considering insecurity is very important in the areas occupied by IPs was raised.

- Participants wanted the Project activities implemented immediately
- Destruction of Kaporet forest, it was said that the problem was caused by the forest settlement. Other communities encroached the forest even before Sengwer were settled by the Government.
- It was alleged that forest department has been involved in the forest destruction, instead of conserving it.
- The problem of Kaporet forest is not settlement of Sengwer as it was earlier said but the colonial policies which displaced the Sengwer from their ancestral lands.
- The issue of title deeds was raised and the Project was requested to look at it during the project duration.

- The participants raised the concern of lack of demarcation of their land e.g. Ichamus area.
- The issue of grazing has brought great enmity e.g. Pokot, Samburu etc.
- Unsustainable hunter, gathering livelihood has become something of the past.
- The participants raised the issues of job employment as discriminative to the IP's e.g. Sengwer. This has demoralized education of children.
- Illiteracy and poverty has caused land selling by the IP's.

Reactions

- KAP-SLM will build capacity to the IP's to look into the issues raised above.
- KAP-SLM will also include all the stakeholders mentioned by the participants.

Other discussions

KARI should support the IP's by highlighting to the government to ratify international instruments e.g. 120 convention 169, African charter.

- The government recognition of IP's was highly acknowledged.
- All participants acknowledged the work of KARI and Dr. Kai efforts
- It was suggested by the participants that the GOK should do something to bar the logging companies from destroying the forest e.g. Mau forest.
- Formulation of communities committees to be set-up in the catchment areas to capture IP's issues.
- It was also suggested that IP to be included in all the structures of the project. i.e. at Catchment level (communities) and the National committees.
- Setting of working groups (3 groups according to the 3 main elements of the IPP action plan) and a KARI person to be included

AFTERNOON PLENARY AND GROUPS PRESENTATIONS

- Population census to be done in the IP's areas
- Culturally the population issue is very difficult
 - The IPs are having problems in getting Identity Cards and Birth certificates. The GOK should do something about this issue.
- Participants wanted to know organization structure of the project and how it will look like.
- Participants were concerned of interferences by other communities e.g. in Sengwer land.

Reactions

- Baseline survey will be done during the project and the issue of IP population census can be captured
- Steering committee will be set and will be chaired by KARI KAP-SLM.
- Finalization of the project structure is not yet done.

- Detailed IPP is going to be done and not yet availed to the IPP's.

CHANNELING GRIEVANCES

- Concern over a parallel structure was brained stormed and was agreed that it will be put in place when the flow of information will be found not to work. It was suggested that for the time being a grievances office to be set up within the IP structure.

CLOSING REMARKS FROM DR. GICHERU

He thanked all the participants and promised to incorporate all the feedbacks in the main report. He thanked the participants for accepting to come to the meeting on behalf of KARI and promised the participants that KAP SLM will do what it takes can to support IP's and he closed the workshop.

<i>Time</i>	<i>Activity</i>	<i>by whom</i>
<i>Tuesday 17th January 2006</i>		
6 pm	Arrival,	All
6-8 pm	Registration and distribution of workshop material	Secretariat
<i>Wednesday, 18th January 2006</i>		
7.30-8.30 am	Breakfast	All
8.30 am	Introductions and Opening the workshop	Dr. P. Gicheru
9.00 am	Brief on proposed KAP-SLM Project	KAP-SLM Team
9.45 am	Presentation of draft IPP for KAP-SLM	Dr. Kai Schmidt-Soltau
10.30 am	HEALTH BREAK	All
11.00 am	General Discussions and Group Formation	All
1.00 pm	LUNCH BREAK	
2.00 pm	Group Discussions	Stakeholders
3.30 pm	Plenary - Feedback Session	Stakeholders
4.00 pm	HEALTH BREAK	All
4.30 pm	Decision making on IPP of KAP-SLM	Stakeholders
5.00 pm	Next Steps	Stakeholders
6.00 pm	Rounding up and closure of workshop	Dr. P. Gicheru
<i>Thursday 19th January 2006</i>		
8.00 am	Departure	All

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