

Republic of Kenya



MINISTRY OF WATER & SANITATION, AND IRRIGATION

Kenya Water, Sanitation and Hygiene Program (PI79012)

**STAKEHOLDER ENGAGEMENT PLAN FOR THE IPF
COMPONENT**

October 2023

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Acronyms and Abbreviations

ACHPR	African Commission on the Human and Peoples Rights
CoC	Code of Conduct
CBO	Community Based Organization
CDD	Community Driven Development
CIGs	Community Interest Groups
CoE	Council of Elders
CoK	Constitution of Kenya
CSO	Civil Society Organizations
CGA	County Government Act
CRA	Commission on Revenue Allocation
EAs	Environmental Assessments
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standards
FPOs	Farmer Producer Organizations
FS	Feasibility Study
GDP	Gross Domestic Product
GoK	Government of Kenya
GM	Grievance Mechanism
ICT	Information and Communication Technologies
IDA	International Development Association
IPOs	Indigenous Peoples Organizations
IPV	Intimate Partner Violence
IPF	Investment Project Financing
KNCHR	Kenya National Commission on Human Rights
Kshs	Kenyan Shilling
KFS	Kenya Forest Service
LRA	Land Registration Act 2012
M&E	Monitoring and Evaluation
MDAs	Ministries, Departments and Agencies
MDGs	Millennium Development Goals
MEWNR	Ministry of Environment, and Forestry
MSME	Micro, Small and Medium-scale Enterprises
MOWSI	Ministry of Water & Sanitation and Irrigation
MoDP	Ministry of Devolution and Planning
MoE	Ministry of Education,
MoH	Ministry of Health
MOPE	Market-Oriented Producer Enterprise
MoU	Memorandum of Understanding
NEMA	National Environment Management Authority
NDMA	National Drought Management Authority
NGO	Non-Governmental Organization
NGAO	National Government Administrative Officers

NLC	National Land Commission
NLP	National Land Policy
OP	Operational Policy
OSH	Occupational Safety and Health
PAD	Project Appraisal Document
PAP	Project Affected Persons
PMU	Project Management Unit
PDO	Project Development Objective
PforR	Performance for Results
PIC	Public Information Centre
POM	Project Operation Manual
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RCGW	Regional Center on Groundwater
PAP	Project Affected Person
SEA	Sexual Exploitation and Abuse
SEP	Stakeholder Engagement Plan
SDS	Social Development Specialist
SH	Sexual Harassment
ToR	Terms of Reference
SA	Social Assessment
SEAH	Sexual Exploitation, Abuse, and Harassment
SIA	Social Impact Assessment
SP	Service Provider
SMP	Security Management Plan
UN	United Nations
UNDRP	Declaration on the Rights of Indigenous Peoples
VMGs	Vulnerable and Marginalized Groups
VMGF	Vulnerable and Marginalized Groups Framework
VMGP	Vulnerable and Marginalized Groups Plan
WARIS	Water Regulation Information System
WASREB	Water Services Regulatory Board
WB	World Bank
WBG	World Bank Group
WRA	Water Resource Authority
WRUA	Water Resources Users Association
WSDP	Water and Sanitation Development Project
WSP	water service provider
WSS	Water Supply and Sanitation
WSTF	Water Sector Trust Fund
WUAs	Water User Associations

GLOSSARY OF KEY TERMS

Affected Communities refers to groups of people living in close proximity to a the location of a subproject, who could potentially be impacted by the subproject.

Stakeholders are persons or groups who are directly or indirectly affected by a project, as well as those who may have interests in a project and/or the ability to influence its outcome, either positively or negatively (IFC's Handbook on Stakeholder Engagement (2007)); workers, local communities directly affected by the project and other stakeholders not directly affected by the project but that have an interest in it, e.g. local authorities, neighboring projects, and/or nongovernmental organizations (NGOs), Civils Society Organizations (CSOs) etc.

Consultation is the process of presenting/gathering information or advice from stakeholders and taking their views into account when making project decisions and/or setting targets and defining strategies.

Engagement is process through which a company builds and maintains constructive and sustainable relationships with project stakeholders over the life of a project. This is part of a broader "stakeholder engagement" strategy, which also encompasses governments, civil society, employees, suppliers, and others with an interest in the project.

Environmental and Social Impact Assessment is an assessment comprising various social and environmental studies which aim to identify project environmental risks and impacts and design appropriate mitigation measures to manage negative impacts, and to enhance positive ones.

Grievance Mechanism is a process for receiving, evaluating, and addressing project-related complaints from citizens, stakeholders and other affected communities and individuals.

NGOs/CSOs - None state organizations, often not-for-profit, that facilitate community development, local capacity building, advocacy, and environmental protection.

Partnership - partnership in the context of engagement is defined as collaboration between people and organizations to achieve a common goal and often share resources and competencies, risks and benefits.

SSAHUTLC also referred to as VMGs in Kenya generally include minority groups following traditional livelihoods e.g. pastoralists, hunter-gatherers and traditional fisher folk. They are often marginalized as they are small in number or are discriminated by the larger society due to their traditional livelihoods e.g. hunter-gathering or artisanal livelihoods such as blacksmiths. They are also sometimes shunned as they may engage in low status in occupations, or live in remote isolated areas, and/or are associated with other traditional beliefs.

Article 260 of the Constitution of Kenya, 2010, defines "Marginalized Community" that can be considered parallel to VMG description in ESS7:

"marginalised community" means—

- (a) a community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole;
- (b) a traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;
- (c) an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or
- (d) pastoral persons and communities, whether they are—
 - (i) nomadic; or
 - (ii) a settled community that, because of its relative geographic isolation, has experienced only

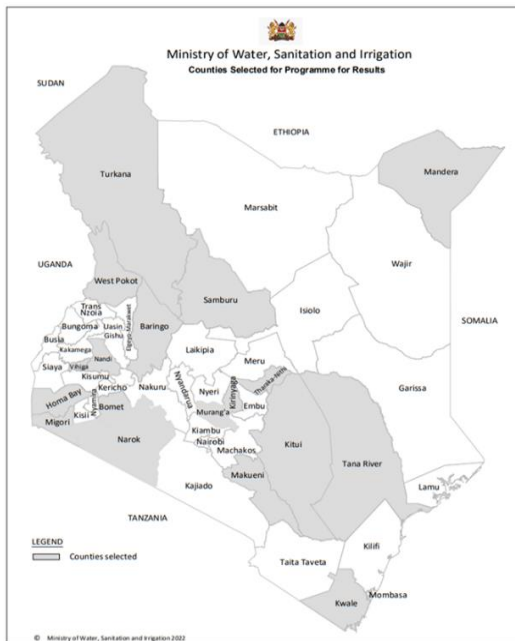
marginal participation in the integrated social and economic life of Kenya as a whole.

I. Introduction/Project Description

I.1 Project Description and Area

1. The Kenya Water, Sanitation and Hygiene (K-WASH) Program, currently under preparation, is a hybrid Performance for Results (PforR) and Investment Project Financing (IPF). Its objective is to support the Government of Kenya (GoK) to implement part of its Water and Sanitation Sector Program – the National Water and Sanitation Investment Program (NAWASIP) – and achieve universal access to Water Supply and Sanitation (WSS) under the NAWASIP. K-WASH will focus on supporting activities under component’s 3, 4 and 5 of the Government Program (NAWASIP). Component 3 focuses on increasing access to WSS in rural areas, Component 4 on improving sector efficiency and reforms, and Component 5 on program coordination, capacity building and M&E.
2. The Program's geographic reach will be limited to 19 selected counties out of the 47 counties in Kenya. The selected counties include **West Pokot, Turkana, Samburu, Mandera, Baringo, Narok, Kwale, Tana River, Kitui, Makueni, Tharaka Nithi, Nandi, Vihiga, Bomet, Migori, Murang’a, Kericho, Garissa and Kirinyaga**. Six of the 19 counties (Mandera, Samburu, West Pokot, Turkana and Narok) are overwhelming VMG (IP) pastoralist occupied counties, with unregistered communal land tenure system; four counties (Baringo, Tana River, West Pokot, and Kwale) are home to minority VMGs such as the Ilchamus, Endorois, Waatha/Waata, Wallwana, Sanye, Munyoyaya, Awer, Sengwer, and Wakifundi, among others; and 10 of the counties (Muranga, Tharak Nthi, Makueni, Kitui, Migori, Vihiga, Boment, Nandi, Kirinyaga, and Kericho) are crop farming counties with private (titled) land tenure systems. Between them, the 19 participating counties have a total of 33 Water Service Providers (WSPs).
3. To maximize the transformative effects of the World Bank’s support for the NAWASIP, the PforR component (US\$190M) will be implemented in the rural areas of the 19 counties, over a five year period (2023-2028).

The map of the Project counties is shown below in grey shade.



- i. **Population Density¹**
Based on the KPHC, 2019, each county density was awarded a weight with the densely populated county getting the highest weight and vice versa. This was done to ensure the most populous counties are gathered for during selection. The total weight given to this criterion was 1.5.
- ii. **Marginalization**
Identification of marginalised areas as per the Commission On Revenue Allocation report ². The report was based on five indicators on Access to Safe Water, Access to Improved Sanitation, Access to Electricity, Primary school attendance rate and Secondary school attendance rate.
The report did not consider urban slums as part of marginalized areas since the focus of the policy was on proximity to services and not affordability. Therefore, it is in line with the Kenya WASH PforR project development objective of increasing access to water and sanitation in rural counties. The total weight given to this criterion was 2.
- iii. **Arid and Semi-Arid Lands (ASAL)**
The ASALs make up to 89% of the Country with approximately 38% of Kenya's Population and they have the lowest development indicators in the country.³The ASALs identified include Baringo, Garissa, Isiolo, Mandera, Marsabit, Samburu, Tana River, Turkana, Wajir, Embu, Kajiado, Kilifi, Kitui, Kwale, Laikipia, Lamu, Makueni, Meru, Narok, Nyeri, Taita Taveta, Tharaka Nithi and West Pokot counties. The total weight given to this criterion was 1.
- iv. **Access to water levels.**
The access to safe water was based on the KPHC, 2019 report. The county with low coverage was given higher weight and vice versa. Inversing was done to ensure the county with low coverage gets the highest weight. The total weight given for the criterion was 2.5.
- v. **Open Defecation levels.**
The total weight given for the criterion was 2 and considered on the counties with over 50% OD levels
- vi. **Allocation Ratio**
As per the County Allocation Revenue Act of 2021, the allocation Ratio (AR) which is a factor of population, health, agriculture, urban, poverty, land area, roads and basic share

1.2 IPF Component

4. This SEP has been prepared to ensure an inclusive process throughout the project life cycle. It supports the development of strong, constructive, and responsive relationships that are important for successful management of the project's environmental and social risks. Stakeholder engagement is most effective when initiated at an early stage of the project development process, and is an integral part of early project design decisions, the assessment, management, and monitoring of the project's environmental and social risks and impacts are implemented in a participatory and inclusive manner, and in a way that minimizes potential environmental and social risks. This SEP also outlines requirements regarding engagement with workers and the special provisions on emergency preparedness and response.
5. Objectives of the SEP
 - a) To establish a systematic approach to stakeholder engagement that will help MoWSI identify stakeholders, build and maintain a constructive relationship with them, in particular project affected parties (PAPs).
 - b) To assess the level of stakeholder interest and support for the project and to enable stakeholders' views to be taken into account in the project design and environmental and social performance.
 - c) To promote and provide means for MoWSI to have effective and inclusive engagement with project-affected parties throughout the project life cycle on issues that could potentially affect them.
 - d) To ensure that appropriate project information on environmental and social risks and impacts is disclosed to stakeholders in a timely, understandable, accessible, and appropriate manner and format.

- e) To not only provide project-affected parties with accessible and inclusive means to raise issues and grievances, but also allow MoWSI avenues for the management and response of such grievances.
6. The Ministry of Water, Sanitation and Irrigation (MoWSI), and the national and county implementing agencies will receive technical assistance for the implementation, monitoring, and reporting of Program activities. The MoWSI will facilitate technical assistance towards the capacity building of all counties for the preparation of key water and sanitation sector policies, strategies and plans, such as the County Water Supply and Sanitation Strategy (a strategy-level document that will provide an overarching framework to guide WSS sector investments and service delivery decisions). In addition, technical assistance will be provided for addressing the gaps and deficiencies uncovered by the technical, financial, and environmental and social systems assessments (ESSA). Support for sector monitoring and reporting will include the employment of an independent results verification agency (IVA).

1.3 Potential Risks

7. While adverse and irreversible risks and impacts are not foreseen under the TA component, some social and environmental risks may be anticipated, which will require stakeholder consultations and grievance redress mechanisms as mitigation measures for the TA activities risks; this may include (i) Change of legislation in the water sector (ii) Failure to execute part of the contract by the beneficiary (iii) Incorrect selection of technologies for project realization (iv) Insufficient information provision or disclosure (v) Incorrect budgeting (vi) Ineffective communication (vii) Inefficient allocation of project resources (viii) Resignation of the staff in the project team. Environmental wise, it could result to negative cumulative environmental impacts that may relate to water needs balance between people and the environment, water and waste water abstraction and discharge quality; entry and placement investments into or close to ecologically sensitive ecosystems; waste management; pollution control among many other subjects that the sector policies may pronounce themselves on. These risks are related to the development of sector policies, strategies, procedures, or frameworks, all of which will need to: (i) adequately consider how the risks would be managed, and (ii) define a clear strategy for future stakeholder engagement with all stakeholders, including VMGs and other vulnerable groups and individuals.
8. The anticipated social risks include: (i) potential for sexual exploitation and abuse (SEA), and sexual harassment (SH). The development of policies, strategies, and plans will require public participation in line with the Constitution of Kenya, 2010, other relevant laws, and the World bank's ESF/ESS. Project implementation may result in some level of interactions between the TA consultants and community members, with the potential for sexual exploitation and abuse of community members by TA project workers; (ii) potential exclusion of VMGs and other vulnerable groups such as minority clans, or individuals such as Persons with Disabilities (PWDs) from the consultation processes while implementing the TA activities, with the risk that their voices, concerns and aspirations may not be considered in the development of the policies, strategies, and plans, leading to potential downstream grievances and other risks; and,

(iii) the potential risk of the consulting firm to overlook the Kenyan labor laws in its treatment of locally recruited staff, leading to labor related grievances.

9. This SEP has been prepared as a mitigation measure for some of the TA risks identified above, and to ensure all stakeholders are identified, engaged and consulted throughout the life of the TA activities. Some considerations of ensuring that the policies, strategies and plans, have clearly described how measures will be put in place to avoidance and/or mitigate risks related to inadequate stakeholder engagement, exclusion of VMGs (and ensuring their informed consent is secured where appropriate), SEA/SH, information disclosure and grievances management among other E&S considerations. In addition, the E&S factors considered in the policies, strategies and plans should be consistent with the World Bank Environmental and Social Standards (ESS 1 to 10).

2.0 Brief Summary of Previous Stakeholder Engagement Activities

10. The project's Stakeholder Engagement Plan (SEP) is informed by a set of principles which define its core values underpinning engagement with identified stakeholders. Common principles based on "International Best Practice" including a) Demonstrated commitment on the need to identify, understand, and engage stakeholders meaningfully; b) Integrity, mutual respect, and trust in the stakeholder engagement process; c) Respecting the rights, cultural beliefs, values and interests of stakeholders and affected communities; d) Transparency in responding to community concerns in a timely, open and effective manner; e) Inclusivity is encouraged and supported by appropriate participation opportunities; and, f) Trust is achieved through open and meaningful dialogue that respects and upholds community's beliefs, values, and opinions.
11. According to ESS10 which must be read in conjunction with ESS1. Although TA activities may not involve involuntary resettlement, VMGs and cultural heritage may be affected by policy decisions, and therefore special disclosure and consultation requirements set out in ESS5, ESS7, and ESS8 also apply. There isn't a big gap in legal, policy or regulatory framework between the requirements regarding SE in national legislation and the WB's ESF as outlined below
 - a) Article 69, CoK 2010 1(d) provides that the state shall - encourage public participation in the management, protection, and conservation of the environment. This includes the environments of VMGs, hence the need for meaningful consultation of the VMGs on how any environmental impacts arising from the proposed project shall be managed.
 - b) Article 63, 2(d)(i) inter alia recognizes VMG lands as community land consisting of - land that is lawfully held, managed, or used by specific communities as community forests, grazing areas or shrines; ancestral lands and lands traditionally occupied by hunter-gatherer communities. Such land is to be treated cautiously when it potentially falls in a project corridor. This is so because the land is usually collectively owned, often untitled and difficult to determine who to compensate in case of acquisition and what form such compensation should take to be acceptable and useful to VMGs.
12. The SEP has been prepared in fulfilment of the requirements of the various Kenyan laws on public participation and information disclosure, and the World Bank's ESF requirements regarding stakeholder engagement and information disclosure. Such frameworks include articles 74c and 232 of the Constitution of Kenya, 2010, the County Government Act (CGA) 2012, Public Finance Management Act (PFMA) 2012, the Climate Change Act (2016), and the World Bank's Environmental and Social Framework (ESF)'s Environmental and Social Standard (ESS) 10, on "Stakeholder Engagement and Information Disclosure". These frameworks require public participation in many aspects of National and County Government functions including policy and legislation development, and setting national and county planning and budget priorities, among others.
13. In line with the above country and World Bank requirements the K-WASH TA activities will be implemented in a participatory manner and that stakeholders shall have full information about the Program, a number of stakeholder consultations and information disclosure activities have been undertaken. They include a county orientation workshop on April 5, 2023, during

which the World Bank and MoWSI project teams made presentations to disclose to county stakeholder's information about the K-WASH program, including the PforR and IPF Components, their objectives, and the Program's potential risks and impacts, and to seek stakeholder views on the Program risks and impacts, as well as potential mitigation measures. Other consultations were specifically for the Environmental and Social Systems Assessment (ESSA) for the PforR component. They involved one national workshop on April 11, and four county regional workshops (from April 12 to April 24 2023), with participation by relevant stakeholders from all the 19 participating counties. Detailed information on these consultations can be found in the ESSA report.

3.0 Stakeholder Identification and Analysis

14. Cooperation, consultation and negotiation with stakeholders throughout the Project cycle often require the identification of persons within the groups who act as legitimate representatives of their respective stakeholder group, i.e. the individuals who have been entrusted by their fellow group members with advocating the groups’ interests in the process of engagement with the Project. Community representatives may provide helpful insights. Verification of stakeholder representatives (i.e. the process of confirming that they are legitimate and genuine advocates of the specific stakeholder group that they represent) remains an important task in establishing contact with the community stakeholders, e.g., by talking informally to a random sample of community members.
15. List of the water sector stakeholders consulted
 - a. Ministry of Water (Water and Irrigation Sectors)
 - b. Water Sector Trust Fund
 - c. Water Services Regulatory Board (WASREB)
 - d. National Water Harvesting and Storage Authority
 - e. National Irrigation Authority
 - f. Water Service Providers Association and representatives of WSP’s
 - g. Representatives of WWDA’s
 - h. Council of Governors, representing County Governments
 - i. State Department of Regional Development East Africa Community
 - j. Regional Development Authorities
 - k. Ministry of Agriculture, and livestock Development
 - l. Office of the Attorney General
 - m. Capital Markets Authority
 - n. The National Treasury
 - o. KEWASNET (The Kenya Water and Sanitation Civil Society Network)
 - p. Water Aid Kenya
 - q. Women and Water

3.1. Affected parties

16. The K-WASH Project has multiple stakeholders ranging from national and participating county governments, private sector, civil society, and the general public. K-WASH stakeholders will mainly include all actors engaged in the different water and sanitation sector activities. For the purposes of the SEP, stakeholders who are likely to be directly affected, include, but not limited to:

Table 1: Directly Affected Stakeholder Category and their needs

Organization/Agency	Role	Specific functions list	Information Needs
MoWSI ,	Management of WSS	Participate in all TA phases of preparation of county level water and sanitation sector (WSS) policies, strategies, and plans, and SESA	Project information on IPF (roles and obligations in implementation of TA activities)

Organization/Agency	Role	Specific functions list	Information Needs
Water Service Providers	Provision of water services in area of operation	Participate in all TA phases of preparation of National level water and sanitation sector (WSS) policies, strategies, and plans, and SESA	Project information on IPF (roles and obligations in implementation of TA activities)
County Governments	Management of the water service providers	Participate in all TA phases of preparation of county level water and sanitation sector (WSS) policies, strategies, and plans, and SESA	Project information on IPF (roles and obligations in implementation of TA activities)
Water User associations (WRUA)	Management of community-based water services	Participate in all TA consultation phases of preparation of WRUA, policies, strategies, and plans, and SESA	Project information on IPF (roles and obligations in implementation of TA activities)
Local CBOs, NGOs	Mobilization and preparation of none government stakeholders at county level for participation in the preparation of the policies, strategies, plans and SESA, and verification of the same once they have been prepared	Ensure inclusivity in framework development	Project information (roles and obligations in project implementation TA activities) Project documents
Religious and public based institutions (churches, mosque, schools, provincial administration)	Mobilization and preparation of stakeholders at county level for participation in the preparation of the policies, strategies, plans and SESA and verification of the same once they have been prepared	Good will	Project information (roles and obligations in project implementation TA activities) Project Documents
Security agencies, NGAOs 'Nyumba Kumi' leaders	Maintenance of peace and security	Entry points to the community, Mobilization, Channels of information dissemination	Project information (roles and obligations in project implementation)
Stakeholders dealing with GBV such as SEA/SH service providers	Development of referral pathway and community sensitization	Provide referral contacts and information dissemination	Project information (roles and obligations in project implementation)

3.2. Other interested parties

17. Other interested parties refer to individuals, groups, or organizations with an interest in the project, which may be because of the project location, its characteristics, its impacts, or matters related to public interest. For example, these parties may include regulators, government officials, the private sector, the scientific community, academics, unions, women's organizations, other civil society organizations, and cultural groups

Table 2: Other interested parties

No.	Organization/Agency	Role	Specific functions list	Information Needs
1	Kenya Water Training Institute	Train on plans and policies	Train on plans and policies	Project information on IPF (roles and obligations in implementation of TA activities)
2	Water Services Providers Association (WASPA)	Implementation of regulatory framework.	Implementation of regulatory framework.	Project information on IPF (roles and obligations in implementation of TA activities)
3	National Environmental Tribunal	Handling of high-level environmental grievances	Handling of high-level environmental grievances	Project information on IPF (roles and obligations in implementation of TA activities)
4	National Gender and Equality Commission (NGEC)	Gender equity in TA activities	Gender equity in TA activities	Project information (roles and obligations in project implementation TA activities)
5	National Council for Persons with Disabilities	Rights for PWDs related to participation of these groups in the TA activities	Rights for PWDs related to participation of these groups in the TA activities	Project documents
6	State Department of ASAL	Mainly National drought management Authority (NDMA) on disaster management policies	Mainly National drought management Authority (NDMA) on disaster management policies	Project information (roles and obligations in project implementation TA activities)
7	National Government Administrative Officers (NGAO)	Maintenance of peace and security	Maintenance of peace and security	Project Documents
8	Land and Environment Court	Judicial resolution that cannot be handled at project level	Judicial resolution that cannot be handled at project level	Project information on IPF (roles and obligations in implementation of TA activities)
9	Council of Governors	Intergovernmental coordination	Intergovernmental coordination	Project information on IPF (roles and obligations in implementation of TA activities)
10	The Kenya Water and Sanitation Civil Society Network (KEWASNET)	Alliance for information transfer	Alliance for information transfer	Project information on IPF (roles and obligations in implementation of TA activities)
11	WASH Alliance Kenya	Water and sanitation service provider		Project information (roles and obligations in project implementation TA activities)

3.3. Disadvantaged / vulnerable individuals or groups

18. The Program's geographic reach will include the 19 counties including ((Baringo, Tana River, West Pokot, and Kwale) which are home to minority VMGs. The SEP requires that during the TA activities, the TA consultant with support from MoWSI, will make intentional efforts and considerations to ensure inclusion and participation of the minority VMGs and other vulnerable individuals. The disadvantaged/vulnerable also includes low-income households; women; youth; the elderly; persons with limited mobility; or persons with disabilities. It is expected that the PWDs and minority clans are able to meaningfully participate in the process of making policies, strategies, plans, and the SESA. The gap analysis revealed that there is a convergence between the requirements of ESS7 and COK 2010. The same applies to the process of getting feedback from stakeholders and provision of job opportunities. Similarly, Article 27 (4) CoK 2010 states: "The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth" and this, applies to the VMGs.
19. Article 28 of the Constitution of Kenya states that "every person has inherent dignity and the right to have that respected and protected". This compels the proponents of the project to respect and protect the dignity of the members of VMGs during the project preparation, implementation including construction, and operation. For instance, the project should carefully examine the extent to which the project potentially affects the livelihoods of VMGs, because dignity - the state or quality of being worthy of honor or respect - is part of a people's livelihoods. It is notable that VMG livelihoods are usually precarious and liable to disruption if exposed to external factors without care.
20. Article 56 provides that the State shall put in place affirmative action programs designed to ensure that minorities and marginalized groups: (a) Participate and are represented in governance and other spheres of life, (b) Are provided special opportunities in educational and economic fields, (c) Are provided special opportunities for access to employment, (d) Develop their cultural values, languages and practices, and (e) Have reasonable access to water, health services and infrastructure. Article 56 thus compels projects to leave VMGs better not worse off, and to preserve their environment, cultural values, languages, and practices. In the project under review, it is critical to consider and remedy any chance of disrupting VMG culture.

3.4. Summary of project stakeholder needs

Table 3: Summary of Stakeholder Needs

Stakeholder Group	Key characteristics	Language needs	Preferred notification means (email, phone, radio, letter)	Specific needs (accessibility, Large print, childcare, daytime meetings)
National-level institutions	N/A	English	E-mail	Daytime meetings
County-level government officials, assembly members and others	N/A	English	Meetings, email	Daytime meetings
Non-state national actors	N/A	English or Swahili	E-mail, meetings, social media	Day-time meetings
Non-state county actors	A mixture of literate, semi-literate and illiterate community members including some VMGs	English, Swahili and local language as applicable	E-mail, meetings, social media and provision of information through channels such as churches, mosques, schools, Chief, and clan elders	Day-time meetings

4.0 Stakeholder Engagement Program

4.1. Purpose and timing of stakeholder engagement program

21. The stakeholder engagement program will help to ensure that all relevant stakeholders are consulted and engaged in the TA activities. It is important to keep in mind that SEP implementation is a dynamic process and some stakeholders, and their interests, might change over time or new stakeholders and information needs may emerge, and hence the SEP will be updated accordingly, should such need arise during TA implementation. The Stakeholder Engagement Program below, outlines the goals and envisaged schedule for the various stakeholder engagement activities.

The TA activities will include:

- a) Support in development of policies such as the County Water Supply and Sanitation Strategy (CWSSS)
- b) Support in sector monitoring and reporting and will include the employment of a CVA and the alignment of national water sector data collection and reporting mechanisms with global practices, such as those for reporting on the SDGs.
- c) Support the operationalization of intergovernmental coordination mechanisms envisioned by sector policy and legislation.
- d) Support MoWSI to develop a Fecal Sludge Management Strategy (FSMS), which will be piloted in two Counties within the Program area for at least six months.
- e) Support for the MoWSI to address and close out gaps and deficiencies uncovered by the technical, financial, and environmental and social systems assessments (ESSA).

Table 4: Stakeholder Engagement Plan

Project component	Topic of Consultation	Target Stakeholders	Issues Raised /Expected Decisions	Methods Used	Time-table/location/dates
Project Preparation Phase					
TA activity on Support to development of policies such as the County Water Supply and Sanitation Strategy (CWSSS)	Proposed county level water and sanitation sector (WSS) policies, strategies, and plans consultations	All	Issues with current status; proposed improvements	Workshop/focus groups	Throughout TA activities implementation
Support in sector monitoring and reporting and will include the employment of a CVA and the alignment of national water sector data collection and reporting mechanisms with global practices, such as those for reporting on the SDGs.	Proposed National MoWSI level water and sanitation sector (WSS) policies, strategies, and plans, and undertaking a SESA, and capacity building activities.	All	Identification of actual participants	Lecturers/interviews/workshops; Placement on the online Platform and MoWSI website	Throughout TA activities implementation
Support the operationalization of intergovernmental coordination mechanisms envisioned by sector policy and legislation.	Proposed National and county level intergovernmental water and sanitation sector (WSS) policies, strategies, and plans consultations	All	Current gaps and issues and policy framework to improve operationalization	Focus groups/Workshops/Virtual meetings.	Throughout TA activities implementation
Support MoWSI to develop a Fecal Sludge Management Strategy (FSMS), which will be piloted in two Counties within the Program area for at least six months.	Proposed national and county level water and sanitation sector (WSS) policies, strategies, and plans consultations	All	Current management and need for improvement policy frameworks	Lecturers/interviews/workshops; Placement on the online Platform and MoWSI website	Throughout TA activities implementation

Project component	Topic of Consultation	Target Stakeholders	Issues Raised /Expected Decisions	Methods Used	Time-table/location/dates
Support for the MoWSI to address and close out gaps and deficiencies uncovered by the technical, financial, and environmental and social systems assessments (ESSA).	Proposed National MoWSI level water and sanitation sector (WSS) policies, strategies, and plans, and undertaking a SESA, and capacity building activities	All	Unpack the identified gaps and strengthen the identified strategies	Lecturers/interviews/workshops; Placement on the online Platform and MoWSI and other implementing agencies website e.g WASREB, WSTF	Throughout TA activities implementation

4.2. Proposed strategy for information disclosure

22. MoWSI will disclose project information to allow stakeholders to understand the risks and impacts of the project, and potential opportunities, and also ensure that they participate effectively in the policies, strategies and plans making process. Though project preparation has relied significantly on national level and county level stakeholder engagement in order to gain understanding of the needs of the affected counties, as well as an understanding of the proposed activities given the nature of the Project, Performance for results there would be multiple rounds of consultations both at the national and county level on key areas like land management procedures, SEAH, Security related issues and functionality of the GM as provided in 5.0 of this SEP.
23. Environmental and social aspects such as mobilization and election of community committees, inclusion, land, grievances, labour, GBV/SEAH, access and use of the various investments, and disclosures; information pathways will be discussed extensively and the consultations documented
24. However, it is anticipated that from the next round of consultations the five purposes of consultations and information dissemination in the GRMC are: (a) understanding of the needs of the affected populations; (b) ensuring of coordination between all implementers and county governments and community authority structures; (c) reception of feedback and comments as well as grievances from all stakeholders on project design and implementation; (d) provision of transparent and accountable mechanisms on all aspects of Project design and implementation; and (e) ensuring that members of vulnerable groups from project affected communities are able to participate fully in the consultation process and enjoy project benefits. To ensure this, a grievance redress mechanism (GRM) will be in place throughout the life cycle of the Project (see below) and will be set up in a way that all affected individuals and groups can report on project-related grievances or can provide comments and feedback.
25. Information disclosure to the affected populations and beneficiaries in the affected counties will rely on the following key methods: Radio broadcasting, community meetings in coordination with local authorities (district administration, community leaders), and phone communication (SMS). At the national level information will be disclosed mainly by email. Information will be disclosed in Kiswahili, English and other local languages as necessary. Through Local authorities, such as county/ sub county/ ward Administrators or community leaders will be requested to inform communities in community meetings and through disclosure on social media.

Table 5: Strategy for Consultation

26.

Project Stage	List of information to be disclosed	Methods proposed	Timelines: locations / dates	Target Stakeholders	% Reached	Responsibilities
Project Design	SEP	Stakeholder meetings	September	County level	10%	PMU
		Email	September	National Level	50%	PMU
		websites	September	National level	20%	PMU
	ESCP	Stakeholder meetings	September	County level	10%	PMU
		email	September	National level	50%	PMU
		websites	September	National level	20%	PMU
	E and S Risks and Mitigation plans required	Stakeholder meetings	September	National and County Levels	10%	PMU
	key E&S instruments (RPF, LMP, SMP SEAH GM)	Stakeholder meetings on E&S in all counties	September	County level	10%	PMU
		email	September	National level	50%	PMU
		websites	September	National level	20%	PMU

Project Initiation and Implementation	Activity – or site specific ESMPs	Community meetings	Continuous	Community level	20%	WSPs/WRUA/CBOs
		email	Continuous	National level	50%	WSPs/WRUA/CBOs
		website	Continuous	National level	20%	WSPs/WRUA/CBOs
		Stakeholder meetings	Continuous	County and Regional level	20%	WSPs/WRUA/CBOs
	Any project-	Community meetings	Continuous	Community level	20%	WSPs/WRUA/CBOs

	related information (on activities, beneficiary selection etc...)	radio	Continuous	Community, County and Regional level	20%	WSPs/WR UA/CBOs
		Mobile phone	Continuous	Community, County and Regional level	20%	WSPs/WR UA/CBOs
		Email/website	Continuous	National level	50%	WSPs/WR UA/CBOs
	GM	Community meetings	Continuous	Community level	20%	PMU/All agencies
		radio	Continuous	Community, County and Regional level	20%	PMU/All agencies
		Mobile phone	Continuous	Community, County and State level	20%	PMU/All agencies
		website	Continuous	National level	30%	PMU/All agencies

21. MoWSI will provide stakeholders with access to the following information, as early as possible before project appraisal, and in a timeframe that enables meaningful consultations with stakeholders on TA activities: This plan also lays out the overall consultative processes of the Project with its different stakeholders. In principle, all Implementing Partners overseeing sub-component activities will follow their existing participatory engagement and consultation methods, especially with affected communities and beneficiaries. These will follow specific tools and methods of community consultations that partners have developed in their sectorial fields (e.g. in health, agriculture, water, marketing.). This SEP will be updated to include these strategies. (i) purpose, nature and scale of the TA activities; (ii) duration of TA activities; (iii) the design and implementation arrangements for TA activities; (iv) Potential risks and impacts of the TA activities on local communities, and the proposals for mitigating these, highlighting potential risks and impacts that might disproportionately affect VMGs and describing the differentiated measures taken to avoid and minimize these; (v) the proposed stakeholder engagement process highlighting the ways in which stakeholders can participate in the TA activities; (vi) the time and venue of any proposed public consultation meetings, and the process by which meetings will be notified, summarized, and reported; and the process and means by which grievances will be raised and addressed.

4.3. Proposed strategy for consultation

22. The implementing agencies will structure stakeholder engagements systematically to reflect the provisions of the Constitution of Kenya, 2010, under other relevant laws on public participation, as well ESS10, to ensure that all relevant constructive relationships are built and maintained with them throughout the TA implementation process. As

appropriate to the TA activities, meaningful stakeholder engagement at national and county levels will be part and parcel of the entire process of developing county level water and sanitation sector policy frameworks, strategies, plans and the SESA, all of which will guide implementation of WSS services as well as the management of E&S risks and impacts.

23. The nature, scope, and frequency of stakeholder engagement will be proportionate to the nature and scale of the TA activities and the potential E&S risks and impacts. Information disclosure to the national and county stakeholders will rely on the following key methods as appropriate to each stakeholder category: email, physical/virtual meetings, radio broadcasting, community meetings in coordination with relevant county institutions and community leaders, phone calls and social media communication (SMS/WhatsUp). At the national level, information will be disclosed mainly by email, physical/virtual meetings and through reports, as appropriate. Information will be disclosed in Kiswahili, English and other local languages as necessary. Local authorities, such as county/ sub county/ ward Administrators or community leaders will be requested to share information with the affected communities, either through community meetings or through other channels such as churches or mosques, schools, chiefs and community elders/leaders.

4.4. Proposed strategy to incorporate the view of vulnerable groups

24. These are persons who may be disproportionately impacted or further disadvantaged by the TA activities as compared with other groups due to their vulnerable status, and that may require special engagement efforts to ensure their representation in the consultation and decision-making process associated with the TA activities. The TA consultant's team will make effort to ensure that the vulnerable and disadvantaged groups are aware about the proposed TA activities and that they have the possibility to submit their propositions/suggestions on the proposed policies, strategies and plans. It is expected that the TA consultants will be intentional in reaching out to the vulnerable and disadvantaged groups, especially in counties with minority VMG counties.
25. The format of every consultation activity will meet general requirements on accessibility, i.e., should be held at venues that are easily reachable and do not require long commutes, entrance fees or preliminary access authorization, cultural appropriateness (i.e., with due respect to the local customs and norms), and inclusiveness, i.e., engaging all segments of the local society, including disabled persons, the elderly, minorities, and other vulnerable individuals, e.g., taking into view the access needs of persons with disabilities. If necessary, logistical assistance should be provided to enable participants from remote areas, persons with limited physical abilities and those with insufficient financial or transportation means to attend public meetings scheduled by the TA consultants.

4.5. Timelines

26. Prior to the consultation process for TA activities, the TA Consultant with support by MoWSI, will disclose to the various stakeholders the consultation timeframes and objectives to ensure a meaningful and informed consultation process, especially where VMGs are concerned. In addition, the the TA Consultant and MoWSI will maintain and disclose as part of TA activities, a documented record of the stakeholder engagement, such as (i) stakeholders consulted, (ii) feedback received, and (iii) how the feedback was considered or the reasons why it was not.

4.6. Review of Comments

27. Stakeholders will be given opportunity to provide feedback on the draft policies, strategies, plans, and the SESA report either through stakeholder feedback workshops or by sharing the respective documents with them in line with the communication channels outlined in this SEP. In this regard, the TA consultants and MoWSI will take special measures to ensure that members of VMG communities have equal opportunity to provide feedback on the TA activities and to incorporate their views, voices and needs into the policies, strategies, plans, and the SESA. To achieve effective feedback, the respective documents will be shared with stakeholders in advance of the feedback date (this should be at least two weeks) prior to the stakeholder feedback workshop or, as applicable, the set date for receiving written feedback from stakeholders. In the case of feedback workshop(s), the TA consultant and MoWSI will ensure the invites are sent out in advance explaining the agenda of the meeting and opportunity is offered to speak. This will be done in a culturally appropriate manner as needed. Information dissemination will also consider communicating with persons with disabilities (e.g., ensuring there is sign language translation during meetings). The documents produced and shared will be translated into Kiswahili if necessary. The profiling of the community members shall be carried out to inform the consultation and communication activities.

4.7. Future Phases of Project

28. Key stakeholders for potential future phases of the MPA Program can be analyzed in terms of their interests and influence in order to better understand them. Individual consultations and discussions will take place with those who have high levels of interest in the implementation of strategies policies and plans designed through TA activities. Individual consultations will also take place with the group with a medium and a high interest in the project. Those with high interest in the project, e.g. MoWSI, WASREB, WSTF, WRA, and participating County Governments, will be consulted during throughout each phase of any project that may be implemented as a consequence of the TA activities, from design, through implementation, to monitoring and evaluation.

29. The table below summarizes the potential roles, interests, and influence for the main stakeholders in potential future projects that may arise from the TA activities. Their future concerns and interest for engagement will be determined by the analysis and Prioritization of Stakeholder Groups Based on Level of Interest in, and Influence over the Project.

Table 6: Table of potential roles and level of interest

Categories of Stakeholders	Role	Level of Analysis		
		H=High	M=Medium	L=Low
		Interest		Influence
Affected parties				
Ministry of Water sanitation and Irrigation	Coordination, TOR development, procurement TA activities	H	H	
WASREB	Coordination and implementation of water services and regulations of Tariffs	H	H	
Water sector trust fund (WF)	Funding of water and sanitation services	H	H	
County Governments	Mobilization, Coordination of TA activities implementation	H	H	
Mobile Service Providers	Communication Channel during mobilization	H	M	
PFOs, CBOs, CIGs	Mobilization for continuous inclusive consultations during Implementation of TA activities.	H	M	
Local water providers(tracking)	Business	M	L	
SACCOs	Sources of finances	M	M	
WSPs/WRUAs	Actual implementation of TA, design or plans.	H	L	
Interested parties				
NDMA	assessment of hunger/ famine	H	H	
MSEA	Information sharing / business	M	M	
NEMA	Regulator/ information sharing	H	H	
International NGOs	Information sharing	M	M	
Famine Early Warning System Network	Information sharing	M	L	
County and National Administration	Mobilization of communities	M	H	
Vulnerable groups				
Youth Livestock brokers	Invisible beneficiaries of the TA activities	H	L	
Pastoral Female – Headed Households	Invisible beneficiaries of the TA activities	H	L	
Urban Poor pastoralists (drop-outs)	Invisible beneficiaries of the TA activities	H	L	
Poor women engaged in sale of livestock products	Invisible beneficiaries of the TA activities	H	L	
Indigenous peoples like Ogiek	Key beneficiaries but often underserved	H	L	

5.0 Grievance Mechanism

30. A Grievance Mechanism (GM), especially for TA stakeholders for the IPF component of K-WASH and will be in place throughout the TA implementation period. Complaints raised by partners, members of the community where the TA activities are being implemented or by members of the public regarding any aspect of the TA implementation, will be directed to MoVSI, and if applicable, to the main Program GM for logging and resolution. The GM for TA workers is a separate mechanism which is set out in the LMP. workers, Potential complaints by workers may include: Workers' rights; Sexual harassment; Salaries and wages, and working hours, etc.

5.1 Objective of the GM Mechanism

31. The GM serves as an effective tool for early identification, assessment and resolution of grievances and the strengthening of accountability measures to beneficiaries. The GM is an important feedback mechanism that improves project impact and also responds to concerns and grievances of project-affected parties related to the environmental and social performance of the project in a timely manner. The GRM for this project has the following objectives:

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

The GM shall be equipped to receive, register and facilitate the resolution of SEA/SH complaints, including through the referral of survivors to relevant gender-based violence service providers, all in a safe, confidential, and survivor-centered manner”

32. The SEP will keep the local communities and other stakeholders informed about the project's TA activities, and to specifically address GBV and SEA related issues. The grievance mechanism for project workers required under ESS2 will be provided separately. The following guidelines are to be followed in design of project specific GM:

- Proportionality
- Cultural appropriateness
- Accessibility
- Simplicity
- Transparency and accountability.

5.2 Grievance Investigation and Resolution Process

33. The GM of the TA activities will be maintained during the entire period of Project implementation. The GM will ensure that all stakeholders can effectively be engaged in

the TA activities with practical suggestions/feedback on TA activities allowing them to be more accountable, transparent, and responsive. This mechanism will follow the following principles:

- Grievances will be treated confidentially, assessed impartially, and handled transparently.
- The submitting and readdressing of the grievances will be free of charge for complainants.
- MoVSI will ensure that all project-affected parties will have equal opportunity to submit their grievance in accessible way. The Project beneficiaries may use a range of contact options (telephone number, e-mail address and postal address, etc.). The GM is accessible to all TA stakeholders.
- The channels for filling in grievance form should be disclosed on official sources.
- MoVSI GM will provide an opportunity to submit a grievance anonymously.
- Affected persons may raise a complaint at any time of TA related activities.
- All grievances will be registered and documented, and each grievance resolution process and communication will be systematically tracked.
- The channels for filing complaints are listed this SEP and will be communicated to the public during the consultations.

5.3 Internal Grievances:

Grievances from Employees (including Consultants),:

- Complaints pertaining to a remuneration or benefits as per TA consulting Human Resource policy
- Gender discrimination
- Workplace Sexual harassment
- Issues related to worker's organization
- Labour and accommodation.
- Health and Safety issues; and
- Extended working hours.

5.4 External Grievances:

Grievances from community members:

- Issues related to sexual exploitation and abuse by project workers against community members;
- Issues related to gender-based violence at the community-level e.g., domestic violence;
- Issues related to child labour and protection;
- Impact on community health;
- Concerns over the impact on local cultures and customs in development of policies .

The list of grievances will be regularly updated as and when the new one arises.

5.5 Grievance Management and Reporting Levels

There are 2 levels of grievances management proposed in this SEP, but which will be revised and elaborated further following the completion of project wide GM within the first 6 months of project effectiveness with the judicial recourse forming the third level.

Level 1. County Grievance Management Committees

In each of the Counties, a County Grievance Management Committee will be established and will be coordinated by the already established County Project implementation Unit(PIU). Grievances that can be resolved by the Sub County Technical Teams, or escalated to the County Grievance Management Committee where the environmental and social specialist of the PIU will double up as the GRM expert and focal point. The composition of the County Grievance Management Committee will include:

- PIU
- County Government representative or WSP
- Community representative
- Representative from a Civil Society Organization (active in the area in field of water service provision)

Level 2. National Project Management Unit

The national grievance management committee will be established and will be coordinated by the already established **Project Managemnt Unit**. A GM expert will be stationed at the PMU and will handle all the grievances that are escalated by the PIU for resolution. The GM expert will be the main focal point for GM handling but will be supported by a team of experts.

Level 3. Judicial Recourse

In case the K-WASH GM will not allow an amicable agreement to be reached, the complainant can resort to justice within Kenya's legal system (and could at any time even without going through the established committees) at their own cost.

5.6 Publicizing and Disclosure of the GM

The project wide GM will be disclosed to the stakeholders through written and verbal communication. The mediums to be used for this purpose are public meetings, group discussions, electronic media (radio) etc. and will be elaborated in the project wide GM is being set up. The project wide GM disclosure will be done along with the disclosure of other plans

5.7 Receiving and Recording Grievances

As part of the GM, the grievances from the stakeholder may be communicated verbally (in person or over a telephonic conversation) or in written form (in the format given below). A sample grievance form is in annex (4) but will be elaborated further upon completion of project wide Grievance Redress Mechanism.

5.8 Maintaining a Grievance Register

Each grievance thus received, shall be recorded in a grievance register. The format for the grievance register shall be as outlined in annex (5). The grievance register shall be updated at each stage of the grievance redress.

5.9 Acknowledgment of Grievance

Upon the completion of the recording of the grievance, the stakeholder will be provided with an acknowledgment of the receipt, along with a summary of the grievance (Box 5.1).

Box 5.1 Sample Acknowledgement Receipt for Claimant

Dear (enter name of the aggrieved)

Date:.....

RE: Grievance (Enter Subject Matter)

The Grievance Management Committee (**mention level**) is writing to you regarding the grievance received on (**enter date**) with the issue/subject being (**summarize the grievance/complaint/concern**).

Grievance Management Committee will begin investigating this grievance and intend to revert back to you not later than 14 working days from the date of receipt of the complaint.

Grievance Management Committee (Grievance Coordinator) will serve as the point of contact for this case and will update you as necessary. In the meantime, please do not hesitate to contact him should you have any questions.

Kind Regards

Signature:.....

Enter name:.....

Grievance Coordinator

N/B

Medium of initial grievance response by Grievance Management Committee could be through (a) Email (b) Telephone (c) Face to Face (d) Letter (with the above content communicated).

In case the grievance is assessed to be out of the scope of the GM, a communication towards the same shall be made to the complainant, and an alternative mode of redressal shall be suggested (Table 7).

Table 7 GM Applicable Timeframes

Action	Timeframe
Register grievance in database	Within 2 working day
Acknowledge grievance	Within 2 working days
Issue grievance feedback explaining time required for resolution and on-going progress if not yet resolved	Within 14 working days
Issue grievance feedback when mitigation established within the assigned timeframes	14 days
Approve and issue/implement redress action as per the agreement and related conditions/options.	14 days after agreeing to resolution

5.10 SEAH GM

There will be a separate reporting mechanism for SEAH cases which is discrete from the standard GM and this mechanism is outlined in the SEAH Prevention and Response Plan that will be prepared for the K-WASH project. SEAH matters will be handled with utmost confidentiality, adopting a survivor centered approach and also ensuring clear incident reporting channels.

5.11 GM Monitoring and Implementation

It is important to monitor GM to ensure that the grievances are addressed and resolved. The monitoring of the GM implementation will be undertaken on a periodic basis by the PMU and PIU teams. Monitoring aspects will be elaborated in the project wide GM that will be set up and will include the following indicators:

- Number of cases requesting external review or alternative third-party arbitration
- Number of stakeholders satisfied with solution
- Number and percentage of grievances received per categories
- Number and percentage of grievances received per severity level
- Number and percentage of grievances resolved versus rejected

- Number and percentage of grievances per operation site/location
- Type of grievances received according to the categories,
- Severity of grievance.
- Qualitative indicators shall be reported monthly and include root cause analysis, specific case examples and lessons learned.
- Number of grievances received, logged, acknowledged, processed, resolved and closed within a set time frame.

5.12 GM Reporting

The performance of the TA activities GM will be reviewed on a quarterly basis during the implementation period. For the purpose of review, the quarterly reports will be considered for analysis and discussion. On the basis of these reports, a Grievance Redress Mechanism Report will be prepared. Reports will be periodically shared by each agency on complaints and grievance logs with the PMU for monitoring purposes.

The PMU will maintain a documented record of stakeholder engagement and GM, including a description of the stakeholders consulted, a summary of the feedback/grievances received and a brief explanation of how the feedback was considered, or the reasons why the issue could not be resolved. For complaints related to SEAH, reporting and response protocol including identification of SEAH-sensitive channels to be integrated into the grievance mechanism, and requirements for enabling survivor-centered care.

5.13 National Environment Complaints Committee

The National Environmental Complaints Committee (NECC) was established under Section 31 of the Environmental Management and Co-ordination Act, 1999. It was formerly known as the Public Complaints Committee (PCC) but its name changed in the EMCA (Amendment) No. 5 of 2015). It is an important institution in the assessment of the condition of the environment in Kenya. It plays an important role in the facilitation of alternative dispute resolution mechanisms relating to environmental matters. The NECC makes recommendations to the Cabinet Secretary and thus contribute significantly to the formulation and development of environmental policy.

5.14 National Environment Tribunal

The NET is established under Section 125 of EMCA for the purpose of hearing appeals from administrative decisions by organs responsible for enforcement of environmental standards. An appeal may be lodged by a project proponent upon denial of an ESIA license or by a local community upon the grant of an ESIA license to a project proponent. NEMA may also refer any matter that involves a point of law or is of unusual importance or complexity to NET for direction. The

proceedings of NET are not as stringent as those in a court of law and NET shall not be bound by the rules of evidence as set out in the Evidence Act. Upon the making of an award, NET's mandate ends there as it does not have the power to enforce its awards. EMCA provides that any person aggrieved by a decision or award of NET may within 30 days appeal to the High Court.

5.15 Environment and Land Court

The Constitution of Kenya (CoK) has further provided for specific courts to deal with land and environment (Environment and Land Court) that are charged with playing a vital role in reconciling environmental related disputes and these courts will serve as the ultimate stop in the event of disputes or complaints that cannot be resolved through other alternative means.

5.16 World Bank's Grievance Redress

Grievances Redress Service

For information on how to submit complaints to the WB's GRS please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

6.0 Resources and Responsibilities for implementing stakeholder engagement activities

6.1 Resources

Both human and financial resources are required for the successful implementation of this SEP in proportion to the TA activities. The budget for the implementation of the SEP will be drawn from the TA budget, to be maintained by the MoWSI/PMU which has the overall responsibility for ensuring the success of the TA activities.

Table 7: Project Estimated Costs for SEP Activities (USD)

Item	Quantity	Unit cost	Total cost (USD)	Remarks
Stakeholder consultations workshops during preparation of county level water and sanitation sector (WSS) policies, strategies, and plans, and capacity building activities.	19	20,000	380,000	On average once, a quarter for 5 years
Capacity building and support to public awareness campaign to ensure effective participation of all stakeholders in the TA activities (pieces of training, workshops stakeholders)	19	20,000	380,000	Lump sum for 5 years
Information materials development (brochures, leaflets, posters, other items during capacity building TA activities)			500,000	All project implementation phases
Total			1,260,000	

6.2 Management functions and responsibilities

6.0 While a total of five national and thirty three county government institutions will be responsible for the implementation of K-WASH, it is the **Department of Water, Sanitation and Sewerage Development** in the **Ministry of Water, Sanitation, and Irrigation (MoWSI)**, which, through the dedicated National Program Coordination Unit (PMU) that will be set up under the Program prior to effectiveness, will be responsible for the overall management and coordination of all Program activities including stakeholder engagement and other E&S performance requirements of the TA activities.

- 7.0 To ensure effectiveness and efficiency of Program implementation, a County Program Coordinating Unit (PIU) that is adequately staffed and resourced, will be established in each participating county. The overall responsibility for the implementation of the SEP lies with the MoWSI, specifically, the Head of the PMU. The PMU staff will include a Social Specialist, who will be responsible for maintaining a stakeholder database for the overall project register, including the all TA activities of the K-WASH program.
- 8.0 To ensure the successful implementation of this SEP, the PMU will support the TA Consulting Firm to apply the SEP to all the TA activities at the national, county and community levels, including the stakeholder consultations workshops for the preparation of county level water and sanitation sector (WSS) policies, strategies, and plans, and capacity building activities. In this regard, the TA consultants will report on the progress of all TA activities, including adherence to the requirements of this SEP, to the PMU Social Specialist on a monthly basis. The PMU Social Specialist will undertake field verification activities during the planned events.

7.0 Monitoring and Reporting

7.1. Involvement of stakeholders in monitoring activities

- I. The MoWSI will compile a report summarizing SEP results on an ongoing basis throughout the TA implementation period. This report will provide a summary of all stakeholder consultations, including the issues, concerns/suggestions made by each stakeholder category, and how they have been taken on board in the development of the policies, strategies and/or plans, and the SESA. The SEP will be revised and updated or supplemented as needed, during the TA implementation period, and will be publicly disclosed.

A) Monitoring and Reporting

B) MoWSI will establish a Monitoring and Evaluation (M&E) system for the TA activities, that is participatory, and which will utilize a list of agreed performance indicators that are accessible and useful to the concerned stakeholders. Furthermore, the project will involve affected parties by gathering their observations to triangulate findings and involve them in participatory discussions on all TA activities, including the monitoring and evaluation processes. **Involvement of Stakeholders in Monitoring Activities**

2. The PMU will monitor the implementation of this SEP in accordance with the requirements of the Legal Agreement and the Environmental and Social Commitment Plan (ESCP) including changes resulting from the implementation of any TA activity. The extent and mode of stakeholder monitoring with respect to environmental and social performance of the TA activities will be proportionate to the potential environmental and social performance risks and impacts of the TA activities and their effect on the various stakeholder interests.
3. The following M&E actions will be undertaken regarding stakeholder interests in line with the environmental and social performance requirement of the TA activities:

- i) Conducting stakeholder engagement in a consultative manner, in accordance with this SEP and building upon the channels of communication and engagement as established with stakeholders.
- ii) Collection of feedback from stakeholders on the environment and social performance of the project, and on the implementation of any mitigation measures outlined in the ESCP on for the TA activities.
- iii) Periodic reviews of compliance with requirements of the legal agreement, including the ESCP.
- iv) Where appropriate, engaging stakeholders and any third parties such as independent experts, local communities or non-governmental organizations (NGOs), to complement or verify the monitoring of TA activities.

7.2. Reporting back to stakeholder groups

4. The stakeholder engagement process will aim to support the development of strong, constructive and responsive relationships among the key TA stakeholders for successful mitigation of any environmental and social risks of the TA activities. All stakeholder engagement meetings will have minutes, which will be stored in the project stakeholder engagement database; this will be to ensure that (i) there are records that can be referred to and that all views raised are taken into consideration, and (ii) commitments made are delivered upon. In addition, the outcomes of the stakeholder engagement activities with comments that have been considered will be reported in the ESCP and monitoring progress reports by all relevant parties. Despite this being for internal use only, it will result in an annual report on stakeholder engagement under the project.
5. Finally, K-WASH will share TA reports with the relevant TA stakeholders and solicit their feedback and input. K-WASH will choose a suitable time and mode to deliver such reports, and ensure that stakeholder feedback on TA activities are considered by the TA consultants. Where appropriate, the project team will respond to any questions, comments, or objections that stakeholders might have, and address them respectfully and constructively.

Stakeholder Engagement Plan K-WASH IPF Component
ANNEXES:

Annex 1: Template for Stakeholder Meetings

Stakeholder	Date	Venue	Participants	Key points raised

Annex 2: Grievance Registration Form

Reference No: _____

*Note: you can remain anonymous if you prefer or request not to disclose your identity to the third parties without your consent. In case of anonymous grievances, the decision will be disclosed at the online **Platform***

First Name _____

Last Name _____

I wish to raise my grievance anonymously
 I request not to disclose my identity without my consent
 Contact Information

Please mark how you wish to be contacted (telephone, e-mail).

By Telephone: _____
 By E-mail _____
 I will follow up the resolution at the website as I want to remain anonymous

Preferred Language for communication: English Other (indicate)

Description of Incident or Grievance (*What happened? Where did it happen? Whom did it happen to? What is the result of the problem? Date of Incident/ Grievance*)

One-time incident/grievance (date _____)
 Happened more than once (how many times? _____)

Signature: _____ Date: _____

Please return this form to: MoWSI P.O. Box