

IMRANA JALAL
Chair
The Inspection Panel

IPN REQUEST RQ 19/03

May 31, 2019

**MEMORANDUM TO THE EXECUTIVE DIRECTORS
INTERNATIONAL DEVELOPMENT ASSOCIATION**

Request for Inspection

**Kenya: Natural Resource Management Project (P095050), Kenya Climate
Smart Agriculture Project (P154784) and Urban Support Program (P156777)**

Notice of Non-Registration

Summary

1. In accordance with paragraph 17 of the Resolution¹ establishing the Inspection Panel (the “Panel”), I hereby inform you that on April 15, 2019, the Panel received a Request for Inspection (the “Request”) of the Natural Resource Management Project (“NRMP), the Kenya Climate Smart Agriculture Project (“KCSAP”) and the Urban Support Program (“USP”).
2. The Request was submitted by seven community members from Kitale (Trans Nzoia County), Kapenguria (West Pokot County) and Kapcherop (Marakwet County) who live and represent others in the Cherangany Hills in Kenya (the “Requesters”). The Requesters consider themselves indigenous and raise concerns about the lack of recognition of their indigenous identity, which in their view has contributed to the loss of their traditional lands and territories. They also allege a lack of consultations in the design and implementation of the KCSAP and USP, and ethnic discrimination and exclusion from the benefits of these projects.
3. After conducting its due diligence and talking to the Requesters and Management, the Panel is not registering this Request for Inspection.

¹ The World Bank Inspection Panel, International Development Association, Resolution No. IDA 93-6 (referred to as the “Resolution”).

The Projects

4. **Natural Resource Management Project.** The NRMP was approved on March 27, 2007 and closed on June 30, 2013. The original development objective was to “*enhance the institutional capacity to manage water and forest resources, reduce the incidence and severity of water shocks such as drought, floods and water shortage in river catchments and improve the livelihoods of communities participating in the co-management of water and forest resources.*”²

5. The NRMP had four components: 1) water resources management and irrigation; 2) management of forest resources; 3) livelihood investments in Upper Tana catchment, and 4) management and monitoring and evaluation. Component 2 sought to operationalize the newly enacted Forest Act by assisting in creating a transparent and accountable regulatory and institutional framework in forest resources management. Activities under component 2 included identifying partnership models for community participation and benefit sharing in the forest sector, realigning and demarcating boundaries in selected gazetted forests, supporting the implementation of a Resettlement Policy Framework and developing and implementing Resettlement Action Plans.

6. In June 2011, the NRMP was restructured and the development objective was redefined to: “*improve the management of water and forest resources in selected districts.*”³ Among other things, the restructuring formalized the fact that the Cherangany Hills were part of the project area and this allowed the reallocation of funds towards implementation of activities in that area.

7. **Kenya Climate Smart Agriculture Project.** The KCSAP was approved on February 9, 2017, and the closing date is January 31, 2022. The development objectives are “*to increase agricultural productivity and build resilience to climate change risks in the targeted smallholder farming and pastoral communities in Kenya, and in the event of an Eligible Crisis or Emergency, to provide immediate and effective response.*”⁴ The KCSAP benefits 24 counties selected on the basis of: (i) vulnerability to climate change and extreme weather events; (ii) volatility in agricultural production and presence of fragile ecosystems; and (iii) poverty indices.

8. The KCSAP has three components: 1) upscaling climate-smart agricultural practices; 2) strengthening climate-smart agricultural research and seed systems; and 3) supporting agro-weather, market, climate, and advisory services. Under component 1 of the KCSAP, smallholder agro-pastoral production activities are being supported in the form of community micro-projects aimed at: (i) improving water and soil management; (ii) promoting livelihoods and crop diversification, including drought-tolerant crops, stall-fed intensive dairy production, and agroforestry systems; and (iii) improving small-scale farmer-managed irrigation schemes for crop and pasture/fodder development/production.

² Natural Resource Magement Project Financing Agreement between Republic of Kenya and International Development Association, dated May 7, 2007 Credit No. 4277-KE, Schedule 1.

³ Natural Resource Management Project Restructuring Paper, p.5.

⁴ Climate Smart Agriculture Project Appraisal Document, p.6.

This component also supports investments in pastoral production systems through micro-projects aimed at: (i) increasing productivity of livestock systems, animal health, and herd management; (ii) promoting integrated soil fertility and sustainable land management practices; (iii) supporting market access; and (iv) developing infrastructure for value addition such as abattoirs.⁵

9. The KCSAP was assigned an environmental category B and triggered the following safeguard policies: Environmental Assessment (OP/BP 4.01); Pest Management (OP 4.09); Physical Cultural Resources (OP/BP 4.11); Indigenous Peoples (OP/BP 4.10); and Involuntary Resettlement (OP/BP 4.12). A Vulnerable and Marginalized Groups (VMGs) Framework was prepared for the KCSAP.

10. **Urban Support Program.** The USP was approved in July 26, 2017, and the closing date is July 31, 2023. The USP is financed through a hybrid of the Investment Project Financing and Program for Results instruments. The development objective is “*to establish and strengthen urban institutions to deliver improved infrastructure and services in participating counties in Kenya.*”⁶ The USP provides capacity building and institutional support to 47 counties, as well as direct financial support to 45 counties and to 59 potentially eligible urban areas within those counties.

11. The USP has three windows. Window 1 provides support to the national government for establishing and strengthening the institutional and policy framework for urban management. Window 2 provides support to county governments for the formulation of urban development plans, the establishment and operation of urban institutional arrangements, and the initial preparation of urban infrastructure investments. Window 3 provides support to urban boards and administrations through their respective county governments for financing infrastructure investments in urban areas. Eligible investments include water and sewerage reticulation, waste management, drainage, connectivity infrastructure (roads and street light), urban social and economic infrastructure, and fire and disaster management.

The Request

12. The Request was submitted by seven community members who live and represent others in the Cherangany Hills in Kenya. The Requesters overarching complaint relates to a lack of recognition of the Cherangany as Indigenous Peoples (IPs) under Bank-financed projects. They allege that this lack of recognition is contributing to the historical ethnic discrimination they face in Kenya and to the loss of their customary lands and territories.

13. **Natural Resource Management Project.** The Requesters raise concerns about the closed World-Bank financed NRMP⁷ and the implementation of the Management Action

⁵ Climate Smart Agriculture Project Appraisal Document, p.8.

⁶ Urban Support Program Project Appraisal Document, p.7.

⁷ In January 2013, the Panel received a Request from members of the Sengwer indigenous community from the Cherangany Hills related to the NRMP. In June 2013, the Panel received a Request from four representatives of the Cherangany Indigenous Peoples community on behalf of people living in the

Plan in response to the Panel's investigation of that project. They argue that NRMP documents did not recognize the Cherangany traditional structures, and identified another Council of Elders as custodians of the natural resources in the Cherangany Hills. In their view, this has exacerbated the historical injustices they already face, and could "*trigger ethnic war.*" They also claim they were not invited to the Colloquium to Promote Dialogue and Cooperation on Land and Legacy Issues among Forest Stakeholders held as part of the Management Action Plan.

14. **Kenya Climate Smart Agriculture Project.** The Requesters claim the KCSAP is being implemented without any consultation with the Cherangany Indigenous Peoples. They specifically mention an incident in which a Cherangany representative was told to leave a meeting on the project. According to them, Bank Management "*skip (sic) the safeguards mechanism of FPIC*" (Free, Prior and Informed Consent), which enables vulnerable and marginalized communities like the Cherangany to participate in the plans and programs implemented in their lands, and to benefit from them. They claim that due to the lack of FPIC they are experiencing negative impact and facing "*unfair competition from prospecting immigrant communities.*"

15. The Requesters allege that the World Bank Indigenous Peoples Policy is not implemented in Kenya and as a result IPs are "*put in a precarious situation*" and "*deliberately denied*" access to services by the county governments on discriminatory ethnic grounds. They contend that the lack of recognition of their indigenous identity by the World Bank is contributing to their exclusion from mainstream society in Kenya, and to the loss of their traditional land and territories. According to them, Bank policies "*must be utilized to empower and assist vulnerable and marginalized IP communities like the Cherangany to live like other sectors of society.*"

16. **Urban Support Program.** The Requesters allege that their counties are not being granted municipality status due to ethnic discrimination, and as a result they are not able to access the benefits from the USP related to urban infrastructure upgrades. They claim that this is hurting the economy and trade of their counties, and keeping them in poverty. The Requesters also allege that the USP was developed without the participation of indigenous representatives and without FPIC. They ask the Inspection Panel to investigate the NRMP, the KCASP and USP projects.

Cherangany Hills. The Requesters claimed they were being harmed by the operationalization of the Kenya Forest Act supported by the NRMP. The allegations raised included forceful evictions from ancestral lands; lack of provisions for resettlement and inadequate consultations; inadequate consideration of the customary rights to forests of the indigenous peoples; and harm derived from changing their designation from "Indigenous Peoples" to "Vulnerable and Marginalized Groups" without proper consultations. The Panel issued its Investigation Report in May 2014. Additional information can be found at: <http://www.inspectionpanel.org/panel-cases/natural-resource-management-project>

Panel's Observations and Determination

17. In accordance with its Operating Procedures⁸, the Panel on April 22, 2019, issued a Notice of Receipt on its website and informed the Requesters and Management. The Panel conducted its due diligence by reviewing the information contained in the Request, as well as NRMP, KCSAP and USP project documents. The Panel also met with Bank Management on May 9, 2019.

18. **Use of the term Indigenous Peoples.** Regarding the harm alleged by the Requesters related to the lack of recognition of the Cherangany as Indigenous Peoples under Bank-financed projects, the Panel notes that in its Investigation Report of the NRMP the Panel analyzed this issue and found that *“the use of the term VMGs instead of Indigenous Peoples does not in itself amount to non-compliance with OP/BP 4.10 because the policy does not require its use to ensure protection of the rights included therein.”*⁹ The Panel observed that in the context of the NRMP the policy could be implemented in the absence of the use of term “Indigenous Peoples.”

19. At the same time, the Panel noted in its investigation that for the Cherangany-Sengwer, the term “Indigenous Peoples” is central to their self-identity and consequently for the protection of their customary rights. The Panel recognized the complexity of applying the term “Indigenous Peoples,” particularly when the Government of Kenya had already expressed its position about these designations. Nonetheless, the Panel’s view was that *“meaningful compliance with the Indigenous Peoples policy calls for more consideration to be given to a community’s attachment to a particular designation through greater consultation, and in ensuring that the use of any other designation does not dilute the full customary rights of Indigenous Peoples as enshrined in OP 4.10.”*¹⁰

20. Based on the above, since the Panel has previously issued a finding on the use of the terminology of “VMGs” instead of “Indigenous Peoples” for the Cherangany-Sengwer, and in the absence of new evidence or circumstances not known at the time of the prior request, the Panel deems that this claim is inadmissible.

21. **Natural Resource Management Project.** In relation to the claims raised by the Requesters related to the NRMP and the implementation of Management Action Plan in response to the Panel’s investigation, the Panel notes that the NRMP closed in June 2013 and is more than 95 percent disbursed. Therefore, the claims raised by the Requesters relating to the NRMP are not admissible as per the Panel Resolution.

22. **Kenya Climate Smart Agriculture Project.** In its meeting with the Panel, Management explained that in accordance with its development objectives, the KCSAP supports agricultural activities in the farmlands. Management added that protected areas and forestry activities are not included in the KCSAP design. According to Management,

⁸<http://ewebapps.worldbank.org/apps/ip/PanelMandateDocuments/2014%20Updated%20Operating%20Procedures.pdf>

⁹ Natural Resource Management Project Investigation Report, p.51.

¹⁰ Natural Resource Management Project Investigation Report, p.51.

the design of the KCSAP is based on a demand-driven approach, in which micro-projects will be proposed by the community and selected in a participatory manner. Community driven development committees comprised of elected members were established by the KCSAP and will be responsible for selecting the proposals to be funded. Management explained that these committees include indigenous leaders, and Management has tried to ensure that they are inclusive. Management pointed out that the design of the KCSAP includes targeted grants to VMGs, in which landless farmers will be eligible to participate and no matching contribution will be required. Management added that no grant to support agro-pastoral activities has been disbursed yet.

23. Management explained that consultations were carried out with indigenous groups during the preparation of the KCSAP and the Cherangany community was broadly represented. Management stated it is aware of the internal divisions in the Requesters' community and has made an effort to separately engage with representatives from both the Sengwer and Cherangany groups.¹¹ Management added that Bank project documents in Kenya use the terminology of "Vulnerable and Marginalized Groups" as this is consistent with the Kenyan Constitution. According to Management, the use of this terminology as opposed to "Indigenous Peoples" is in compliance with Bank policies. Management stated that there is no harm caused to the Cherangany community members as a result of the KCSAP's activities, and they are not being discriminated against in access to its benefits.

24. The Panel notes that, according to the Project Appraisal Document (PAD), climate-smart agriculture investments will be provided through community level investments to support micro-projects identified through participatory processes.¹² Community-driven development committees comprised of elected community leaders will be formed in each of the participating villages. These committees will prepare community development plans and will plan, implement, manage, and monitor their community Climate Smart Agriculture investments.¹³ The PAD states that the KCSAP will fund micro-projects exclusively targeting Vulnerable and Marginalized Groups¹⁴ to increase their productive capacity and economic status, and approximately 18,150 households in VMGs are expected to benefit from community micro-projects.¹⁵

25. The Panel understands from the PAD that consultations during preparations of KCSAP took place in September and October 2016 in six counties, as well as in Nairobi,

¹¹ In its Investigation Report, the Panel noted that the Cherangany and the Sengwer ethnic groups recognize that the labels constitute different names for the same ethnic community since they share a dialect, oral histories, a tradition of being forest-dwelling hunter-gatherers, and an identity of being indigenous to the Cherangany Hills. The division and tension revolve around the question of which ethnic label is the "correct one," and the assumed motivations that "others" have for insisting upon a particular name.

¹² Kenya Climate Smart Agriculture Project Appraisal Document, p.8.

¹³ Kenya Climate Smart Agriculture Project Appraisal Document, p.40.

¹⁴ The Project defines VMGs as people who meet World Bank criteria for "marginalization" and Government of Kenya's criteria for "marginalized" and "minority" communities. They can include youths, indigenous people, elderly women and men, widows/orphans, the differently-abled, recovering substance abusers, and people living with HIV/AIDS.

¹⁵ Kenya Climate Smart Agriculture Project Appraisal Document, p.6.

and included representatives of VMGs/IPs.¹⁶ The PAD explains that a VMG Framework was prepared and a detailed VMG Plan will be developed for each micro-project if the screening determines that IPs or VMGs are present in the area. The plan will include a social assessment process, consultations and stakeholder engagement. Considering the KCSAP's participatory and demand-driven approach and its focus on VMGs, the Panel notes that the design of the KCSAP did not include discriminatory features and appears to be accessible to all smallholder farmers, agro-pastoralists, and pastoralists living in the participating counties.

26. **Urban Support Program.** Management pointed out that the USP provides institutional and urban development grants to eligible areas that meet minimum conditions – such as having both municipality status as defined by the Kenya Urban Areas and Cities Act and an urban board. Management reiterated that the USP focuses solely on urban areas. In the eligible counties, the specific investments to be funded are determined by the counties' board through a participatory process. Management explained that all citizens that live in the selected counties can benefit from the activities of the USP. According to Management, consultations were held during the preparation of the Environmental and Social Systems Assessment and included the participation of VMGs, including Indigenous Peoples. The assessment also recommended further consultations with indigenous communities during the implementation phase. The Panel also heard from Management that consultations were held in Kitale and Kepenguria and that Cherangany community members were present in those meetings.

27. The Panel understands that the USP aims to support improved governance, service delivery and infrastructure in urban areas. According to the PAD, the USP will provide support to urban boards and administrations through their respective county governments for financing infrastructure investments in urban areas.¹⁷ The urban development grants will finance a broad range of investments and will be provided to eligible areas if they meet minimum conditions and as a function of their performance. The minimum conditions are related to having been granted a municipal charter, establishing urban boards and administration, ensuring adequate public financial management, demonstrating readiness to implement urban investments projects and adhering to environmental, social and fiduciary requirements.¹⁸ The PAD adds that the prioritization and selection of urban investments consider: (i) citizen participation; (ii) social inclusion, including gender and disability considerations; (iii) climate change and disaster adaptation; and (iv) economic viability.¹⁹

28. The PAD explains that the Environmental and Social Systems Assessment identified 14 counties recognized as “*marginalized areas*.” It states that no negative effects on these groups are expected as a result of activities from the USP, given its focus on urban areas. It adds that the USP “*aims to foster integration of vulnerable, indigenous/marginalized groups into the Program design, including consultation during*

¹⁶ Kenya Climate Smart Agriculture Project Appraisal Document, p.82.

¹⁷ Urban Support Program Appraisal Document, p.10.

¹⁸ Urban Support Program Appraisal Document, p.13.

¹⁹ Urban Support Program Appraisal Document, p.10.

project selection and monitoring, and the development of the appropriate social accountability systems as part of the urban institutions to be established with the support of the Program.”²⁰

29. The Panel understands from its initial document review and meeting with Management that all urban areas that qualify as municipalities or cities under the Kenyan legal framework are eligible to receive urban development grants supported by the USP.²¹ Therefore, all citizens who live in these areas could potentially benefit from urban infrastructure improvements under the USP.

30. The Panel’s review of the USP and KCSAP project documentation and discussions with the Requesters and Management did not reveal any discriminatory elements and plausible link between the harms alleged by the Requesters and these projects.

31. In light of the foregoing and in accordance with the Panel Resolution, its Clarifications, and its Operating Procedures, and after reviewing the information gathered through its own due diligence and received from Management, the Panel is not registering the Request for Inspection since the NRMP is closed and given the absence of a plausible link between the Request’s claims of harm and the KCSAP and USP projects.

Yours sincerely,



Imrana Jalal
Chair

Attachments

Mr. David Malpass, President
International Development Association

The Executive Directors and Alternates
International Development Association

Requesters

²⁰ Urban Support Program Appraisal Document, p.79.

²¹ Nairobi and Mombasa are the only exception and are not eligible per the design of the USP.

ANNEX I

REQUEST FOR INSPECTION

To the Executive Secretary
The Inspection Panel
1818 H Street, NW,
Washington DC 20433, USA

15th April, 2019.

1. We, 1. **Barnabas Mungo Longit - DCM (Rt. SACP)**, 2. **William Kipkwen**, 3. **Barnabas Ngesemwo**, 4. **Benson Kenyatta Krop**, 5. **Amos Chesuswa**, 6. **Joseph Chebobei** and 7. **Solomon Cherongos** live and represent others who live in the area known as **Cherangany Hills** which was the **Natural Resources Management (NRMP)** project area financed by the World Bank; and currently the **Climate Smart Agriculture project area** which is also being implemented within some of our Indigenous Peoples lands and territories again (but this time round in pockets) **without any consultation hence lack of FPIC (Free, Prior and Informed Consent)** engagement with the Cherangany Indigenous Peoples' Community while the project is thought to have been designed to escape the mandatory FPIC mechanism by tactical World Bank staff keen to exclude indigenous peoples in their project plans which we object.

Our contact addresses are found in the signed list below.

2. **The World Bank has totally failed to respond to the Cherangany Indigenous Community's complaints for many years now:** including the most recent one of last year 28th November, 2018 and the latest of 20th February, 2019 without responses to date. We have written complaint letters to the World Bank Kenya Country Director including reminders seeking for responses to our various points of contention or complaints regarding **Cherangany human rights violations** but none has been responded to, which is now a span of five (5) years without any response including on the latest projects:-

i) **Climate Smart Agriculture Project:**

Though World Bank Country Office unsatisfactorily responded to one complaint of our IPO five (5) years ago which aroused so many questions that might have overwhelmed World Bank Officials because that particular response was too wrong, or because it was full of falsehoods that we wanted answered and which haven't been answered to date;

- Climate Smart Agriculture is a new and an ongoing project which has come again and though we have written complaint letter to be consulted and told about it, no response from World Bank yet!

Because of the lack of any response and action for five years from the World Bank and the resultant consultative output to have been anticipated as the outcome-result aimed at resolving the violations complained of in the earlier project, has now made World Bank Management to skip the safeguard mechanism of FPIC that assists vulnerable and

marginalized indigenous peoples' communities like the Cherangany community of Kenya to be recognized in their territory by enabling the IPs to participate in the plans and programs being made in their lands so as to favor them as opposed to the current negative impacts being experienced by this greatly vulnerable and marginalized Cherangany indigenous peoples' community as a result of lack of FPIC hence bringing about unfair competition from prospecting immigrant communities.

This indicates that the **World Bank Policies** and **Bank Procedures** are not implemented in the area of safeguards relating to indigenous peoples' rights in Kenya; and because there are two levels of Government i.e. the **County Government** and the **National (or the Central) Government**, IPs are put in a precarious situation at the Counties because of tribalism or negative ethnicity practiced by County Government Officers in service delivery deliberately denied to IP areas on ethnic grounds. This is so because staffs are mostly recruited on tribal and on political grounds which by extension are controlled by a Governor who is a politician eager not to lose votes hence marginalization of minority IPs which is why United Nations safeguards and World Bank Policies and Procedures must be utilized to assist Vulnerable and Marginalized Indigenous Peoples' Communities like the Cherangany to live like other sectors of society as an empowerment.

ii) **Kenya Urban Support Programme:-**

- **The Upgrades or development of chosen urban centers within Counties to Municipality Status** is the other World Bank funded Project which has also put Indigenous Peoples' towns and urban centers within IP areas to be marginal with no hope of being chosen so as to attain municipality status ever because of lack of infrastructural affirmative action which normally woos trade because of negative ethnicity (tribalism) practiced at the Counties and hence worsening of town growth within IP areas therefore **an anticipated negative town progress in terms of commerce-spread** though the urban project has just started; its negative impacts are anticipated or foreseen to be commercially painful and negative in the long run in terms of IPs' sustained poverty prevalence hence heightening the loss of empowerment in terms of the urban center growth investment in order to enhance creation of governance structures for both administrative and legislative rights now lacking in this IP areas to be impossible.
- **Designing World Bank Projects in Nairobi and at the Counties without input from IPs' expert representative participation rob IPs of the empowerment right to be consulted through FPIC which has been the case in the Climate Smart Agriculture and the Kenya Urban Support Programme Projects.** This Approach of failing to honor FPIC will make IPs to miss out on crucial grand

projects like e.g. Chepngaan Water and Sanitation project etc. which has failed to take off on ethnicity grounds despite having Survey and Design documents ready just because of the same said political and tribal reasons.

3. The **Damages and Harm** we have Suffered and which are now **getting Intensified** are:

- i) **The Cherangany indigenous peoples do not feature in the CRA (Commission on Revenue Allocation) list** of marginalized groups in Kenya and are missing in the **Equalization Fund Document** prepared by the Commission on Revenue Allocation as per the Constitution of Kenya hence missing out for being allocated any such financial resource otherwise supposed to target them because of lack of **recognition** and **identity** of Cherangany IPs as a community.
- ii) **Identity Crisis: Caused by World Bank's funded weird Social Assessment Report (SA) that we now seek for ways of resolving as it is the major source of all the sufferings brought about by lack of IDENTITY and RECOGNITION of Cherangany as a distinct minority indigenous community by both government levels.**
During the resent **headcount of government employees**, Cherangany employees in the **Civil Service** and **the Forces employment** failed to be registered biometrically as their ethnicity is not in the list of tribes in Kenya since **Cherangany is NOT listed as a tribe** or an ethnic community which has caused a lot of bitterness to the Cherangany Community members as those in government employment are forced to be listed as other tribes or listed as belonging to other ethnic communities **for the sake of fulfilling the mandatory government employees' exercise!! THIS IS WRONG.** This is because of the wrong Social Assessment (SA) Report produced through World Bank financing; and the "COLOQUIUM" outcome listing minority tribes which excluded the Cherangany even after earlier Inspection Panel visited!
- iii) **Not recognized as both Minority and an Indigenous Peoples Community:** This happened in two ways:
 - a) **During the wrongly Distorting Social Assessment Report development funded by World Bank, And;**
 - b) **During the Exclusion of the Cherangany peoples' Community to participate in the "COLOQUIUM" at Eldoret organized by World Bank Management without inviting the Cherangany complainant requesters who had requested for Inspection by the World Bank Inspection Panel.**
- iv) **Loss of lands and territories** through **Land occupation and forced assimilation** hence causing **Loss of natural resources and rights with unfair competition:**

Currently this is being wrongly regularized through mapping by government officers from the prospecting rival ethnic communities at the Counties especially ██████████ ██████████ keen on disorienting official Cherangany Hills territory maps by extending and renaming it with a view to winning future funds targeting the five (5) major Water Towers of Kenya namely:- **1. Mount Kenya, 2. Aberdare, 3. Mau Forest, 4. Mount Elgon, and; 5. Cherangany Hills.** The concerned officers undertaking this weird exercise derive their authority of developing the wrong maps from the equally wrong secondary data produced by Ministry of Environment, Water and Forestry Consultants during the Natural Resources Management (NRMP) Project's Social Assessment Report complained of and funded by World Bank.

- v) **Lack of FPIC or consultation:** World Bank Management has failed to honor this human rights enabling instrument. Decisions are now made by government officers who design project-criteria that IPs cannot be able to benefit from, however important a project may be, as the World Bank funding window will always be used by the County Government Officers to deny Cherangany IPs' crucial projects by pointing to this Climate Smart Agriculture Project as they have been doing on the earlier NRMP project saying it is time for other communities and areas to benefit; which is the reason why planning and design of any project must involve IPs to redress this real impending violation with damaging implications of not being able to exploit their natural resources hence FPIC omission correction by World Bank.
- vi) **Non recognition of locally mandated governance structures:** Instead of recognizing the **Cherangany Council of Elders** as the custodians of the natural resources within their territory of Cherangany hills, especially the Cherangany Forest, the NRMP documents financed by World Bank state that Cherangany Forest will be managed by the **Pokot Council of Elders** which is a terrible abuse and conflict- causing statement that can trigger ethnic war.

Failure to offer contracts to Indigenous Peoples Organizations (IPOs): Despite possessing the requisite expertise and competence, the local Non Governmental Organizations (NGOs) run by IPs have never been awarded a contract they have applied for, to provide technical advisory services as Service Providers (SPs) in advertized projects so as to also benefit from exploitation of resources from their area of operation hence failing to be empowered by building the IPOs' capacity by these World Bank financed Projects.

- vii) **IPO (Indigenous Peoples Organization) Non Recognition:**

CHEMUDEP IP Organization does not discharge its human rights obligation effectively currently because of the damaging Social Assessment report in the public domain financed through

World Bank funding which despises or demonizes CHEMUDEP IPO therefore being quoted by government officers during public meetings including some Consultants yet IPOs have the capacity and are the mouth pieces of IPs during difficult times on infringements and violations of rights of citizens especially IPs by cruel governments etc.

We were shocked as CHEMUDEP representative who is a major opinion leader was humiliated by [REDACTED] who told him to leave a meeting that later turned out to be the current World Bank Climate Smart Agriculture Project, claiming that government officers had instructed him on those to participate in that initial meeting saying it was not a World Bank sponsored meeting which was a lie because it actually turned out to be the current World Bank Climate Smart Agriculture Project meeting!! Why was such weird plan told to [REDACTED] [REDACTED] to our organization by the government officers through the chief and why was the purpose of the meeting and its' conveners concealed?

4. **Cherangany community has suffered since colonial period and the historical injustices** have not been officially identified with a view of being compensated and the recent distortions by the World Bank funded **Social Assessment Report** has increased the burdens being suffered even with more harm and damages by causing non recognition which we need corrected through formal interventions and consultation with the Bank Management after your visit and ascertainment of these facts by the Inspection Panel so as to seek for ways of remedying them and to investigate on why World Bank violated its own Policies and Procedures in the **first NRMP** and now in the **two** most current projects of **Climate Smart Agriculture** and the **Urban upgrade programme** without the use of the enabling safeguards.

The undersigned Cherangany Indigenous Peoples Community representatives request for inspection of these complaints by the World Bank Inspection Panel and seek the World Bank Board recommendation for ascertainment of these facts so as to find ways of redressing them in the Panels' recommendation after their findings.

Best Wishes,



1. Barnabas Mungo -DCM (Rt. SACP)
P.O Box 3215-30200
Kitale
TRANS NZOIA COUNTY

Bentley P.

2. Benson Kenyatta
P.O Box 174-30600, Kapenguria
WEST POKOT COUNTY



3. William Kipkwen
P.O Box
Kitale
TRANS NZOIA COUNTY



4. Barnabas Ngesemwo
P.O Box 280-30200
Kitale



5. Amos Chesuswa
P.O Box 480-30600
Kapenguria
WEST POKOT COUNTY



6. Joseph Chebobei
P.O Box 27-30204, Kapcherop
ELGEYO/MARAKWET COUNTY



7. Solomon Cherongos
P.O Box 480-30600,
Kapenguria
WEST POKOT COUNTY