

IPN REQUEST 21/02

August 10, 2021

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

Request for Inspection

**Kenya: Secondary Education Quality Improvement Project (P160083) and
Kenya Climate-Smart Agriculture Project (P154784)**

Notice of Non-Registration

Summary

1. In accordance with paragraph 18 of the Resolution¹ of the Inspection Panel (the “Panel”), I hereby inform you that on June 21, 2021, the Panel received a Request for Inspection (the “Request”) of the Secondary Education Quality Improvement Project (SEQIP - P160083) and Kenya Climate-Smart Agriculture Project (KCSAP - P154784) (the “Projects”) in Kenya.
2. The Request for Inspection was submitted by eight community members who live and represent others living in the area known as Cherangany Hills in Kenya. The Requesters alleged adverse impact on the Cherangany community from the Projects. They claimed that the non-recognition of their community as indigenous in project documents and during implementation of these projects has led to a community and territorial identity crisis and increased discrimination through tribalism. The Requesters also alleged that both projects target “*a very small section of the IPs [indigenous peoples] and leave out the more vulnerable and marginalized of them*” in terms of benefits and decision-making. They further claimed that consultations excluded them and their indigenous peoples’ organizations and added that KCSAP sub-projects do not benefit their communities.
3. After conducting its due diligence, the Panel is not registering this Request. The Panel determined that for KCSAP the Requesters raise similar concerns to those raised in a complaint that was submitted but not registered in 2019 and provided no new evidence to alter the Panel’s earlier decision. With regard to SEQIP, the Panel understands that the community’s concerns about lack of consultation and lack of mention in Project documents have been addressed.

¹ The World Bank Inspection Panel, International Development Association, Resolution No. IDA 2020-0003, September 8, 2020 (the “Resolution”).

The Projects

4. The Secondary Education Quality Improvement Project was approved on September 15, 2017. This Project's development objective is to improve student learning in secondary education and transition from primary to secondary education, in targeted areas. It has four components: i) improving quality of teaching in targeted areas; ii) improving retention in upper primary school and transition to secondary school in targeted areas; iii) system reform support; and iv) project management, coordination, and monitoring and evaluation.² SEQIP's closing date is December 31, 2023. It is a Category B Project and has triggered the Bank's Policies on Environmental Assessment (OP/BP 4.01), Physical Cultural Resources (OP/BP 4.11) and Indigenous Peoples (OP/BP 4.10).

5. The Kenya Climate-Smart Agriculture Project was approved on February 9, 2017. This Project's development objective is 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. It has five components: i) upscaling climate-smart agricultural practices; ii) strengthening climate-smart agricultural research and seed systems; iii) supporting agro-weather, market, climate and advisory services; iv) project coordination and management; and v) contingency emergency response.³ KCSAP's closing date is June 30, 2023. The Project is a Category B Project and has triggered the Bank's Policies on 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).

The Request

6. The Requesters are eight community members who live and represent others living in the area known as Cherangany Hills in Kenya. In substance, they claimed that they have suffered or are likely to suffer from the exclusion and lack of consultation as indigenous peoples in the planning and implementation of the projects, and that the non-recognition of Cherangany community as indigenous is "*further heightening discrimination through tribalism,*" creating a "*community crisis*".

7. According to the Requesters, the World Bank failed to call for a forum or meeting that would have allowed them "*to vent out our frustrations and for the World Bank to get first hand facts so as to be able to remedy their suffering.*" The Requesters also alleged that project documents were not disclosed in a timely manner. They further claimed a "*wrong approach*" was followed with regard to project identification, resulting in the implementation of "*very small unsustainable projects*" with only a small number of people benefitting. With specific reference to KCSAP, they

² International Development Association, Project Appraisal Document on a Proposed Credit in the Amount of Euro 175.5 Million (US\$200.00 Million Equivalent) to the Republic of Kenya for the Secondary Education Quality Improvement Project, September 7, 2017, pp. 16-17.

³ International Development Association, Project Appraisal Document on a Proposed Credit in the Amount of SDR 184.7 Million (US\$250.00 Million Equivalent) to the Republic of Kenya for a Kenya Climate-Smart Agriculture Project, January 13, 2017, p. viii.

explained that they only learned about the project when it was well underway and were not consulted.

8. The Requesters said they believe that Bank's Policies on Indigenous Peoples (OP/BP 4.10) and Projects in Disputed Areas (OP 7.60) have not been observed.

Panel's Observations and Determination

9. In accordance with its Operating Procedures,⁴ after receiving the Request on June 21, 2021, the Panel issued a Notice of Receipt of the Request on its website on July 22, 2021. The Panel conducted its due diligence by reviewing the information contained in the Request and Project documents, as well as speaking to the Requesters on July 20, 2021, to better understand their concerns.

10. The Panel met with Management on August 4, 2021, to understand the Project activities and the alleged harm claimed by the Requesters. Management informed the Panel that the concerns raised by the community are not new to them. Management stated that extensive consultations were conducted for both projects that included all communities. Management explained that consultations with the Cherangany people were conducted as part of project preparation.

11. With regard to SEQIP, Management stated that a separate Vulnerable and Marginalized Groups Plan (VMGP) for the Cherangany people has been developed with participation of the Cherangany people. Management stated that this was done not to achieve policy compliance but rather to ensure that the ongoing leadership struggle in the Sengwer/Cherangany community will not lead to a boycott of the Project by some community leaders and their followers, which, in turn, could prevent community members from participating and receiving benefits from the Project. With regard to KCSAP, Management stated both the micro-projects and the sub-projects covered large numbers of beneficiaries from all groups, were demand- driven and led by community institutions. It added that there were representatives from the different groups on each of the counties' development committees.

12. With regard to SEQIP, the Panel understands from its meeting with Management that the community was consulted and a VMGP was prepared specifically for the Cherangany people. The Requesters explained to the Panel that, while they were not adequately consulted initially, they were contacted and consulted after raising their concerns. They stated that these concerns are thus now addressed.

13. The Panel assessed the Request for Inspection and observed that it raises similar matters to a previous Request received on April 15, 2019, relating to KCSAP, and no new evidence that would alter the Panel's previous determination has been provided in the new Request. The Panel's 2019 review of KCSAP project documentation and discussions with the Requesters and Management did not reveal any discriminatory elements or a plausible link between the harms alleged by the Requesters and KCSAP. The Panel did not register the earlier Request owing to the lack of a plausible link between the claims of harm and the KCSAP. Based on its review of the current documents and discussions with the Requesters and Management, the Panel maintains there is no

⁴ Inspection Panel Operating Procedures, April 2014.

evidence of discrimination or a plausible link between the harms alleged by the Requesters and KCSAP.

14. In light of the foregoing and in accordance with the Panel Resolution and its Operating Procedures, and after reviewing the information gathered through its own due diligence, the Panel is not registering this Request for Inspection.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Jalal".

Imrana Jalal, Chair

Attachments

Mr. David Malpass, President
International Development Association

The Executive Directors and Alternates
International Development Association

Attachment

**Request for Inspection
(Redacted)**

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

Monday, 21st June, 2021

Dear Sir/Madam,

RE: Request for Inspection by the World Bank Inspection Panel to Cherangany Hills in Kenya.

Attached find **request for inspection** and a letter to [REDACTED] of **3rd December 2020**-World Bank Country Director for Kenya and that of [REDACTED] of **12/1/2021** –Acting Head of Office, Kenya.

It should be noted that this is not the first time Cherangany IPs are requesting for inspection by the World Bank Inspection Panel.

It should also be known that the projects we complain about are not the only ones causing harm but these two latest are heightening the harm and damage to Cherangany IPs even more and that's why we want them stopped until we are consulted after you come visiting and getting first hand factual evidence for your informed and rightful decision.

We write this separate forwarding letter with the knowledge that World Bank has a set of regulations and procedures to be met before inspection is commenced, one of which is that the project in question should be at a certain stage of implementation to be recommended.

This is why in **item five (5)** of our Request for Inspection and **paragraph two (2) above** of this forwarding letter, the Board should understand that we made complaints in good time to the World Bank Kenya Country Office and to the Inspection Panel but denied on the same technical issues one of which we now preempt might hinder recommending our request for inspection on the grounds that the project might be in mid or past recommended implementation timeframe for an inspection which will ruin our human rights mitigation efforts on those grounds yet as captured in item 5 of this request for inspection we were given false unfulfilled promises by Kenya Government and World Bank Officers that made us agree to wait for the resolution of our complaints until maybe now what the Board might call existing Bank procedures that will succeed in hindering recommendation for inspection but in essence will have been a deliberately tactical way by either Government Officers or World Bank staff to cause failures in resolving the lodged complaints in good time and hence win in not being investigated by the Panel.

What will World Bank Board do in such a scenario where World Bank staff or government Offices made such false promises as in this case until maybe time for launching any complaint for inspection is over?

This is because we have real fears that the World Bank funded projects that have caused much harm might not be investigated and remedies sought and the Board must be considerate of these secrets or hidden facts and therefore should allow for inspection.

Kind Regards,

Cherangany Indigenous Peoples Minority Community of Kenya.

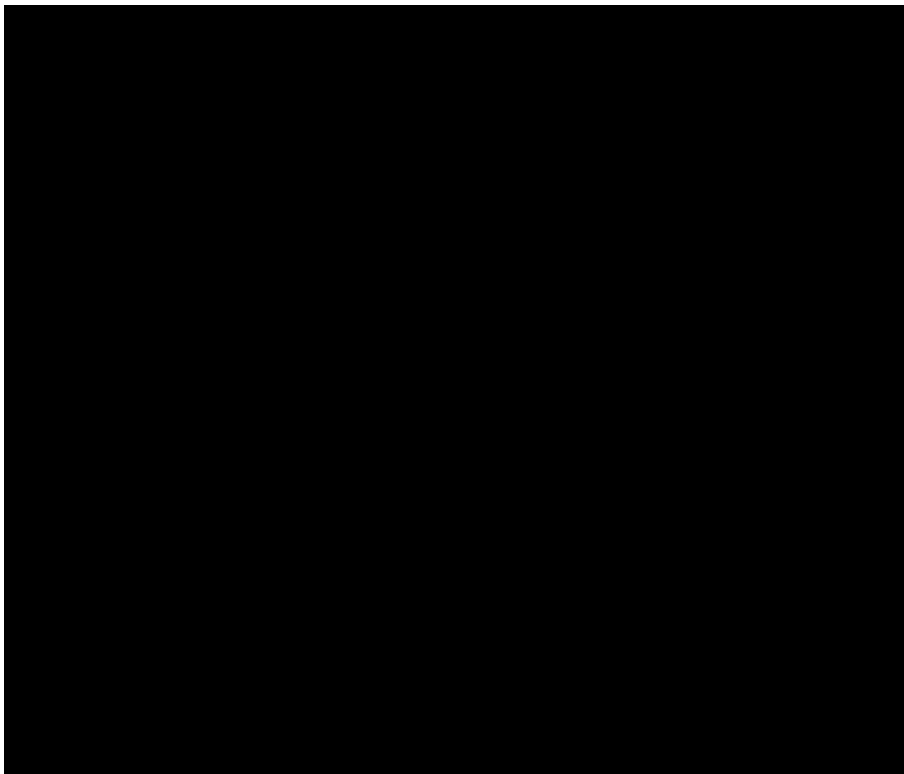
To Executive Secretary,
The Inspection Panel, 1818 H Street, NW
Washington DC 20433, USA

Monday, 21st June, 2021

1. We, [REDACTED] and [REDACTED] live and represent others who live in the area known as Cherangany Hills which is both the Secondary Education Quality Improvement Project (SEQIP) and Kenya Climate Smart Agriculture Project (KCSAP) operation area financed by the World Bank (WB). Our addresses as the requesters are as listed (i-viii) below.
2. We have suffered and likely to suffer harm as a result of the World Bank's Failures, Commissions and Omissions through funding during planning and implementation of both the Secondary Education Quality Improvement Project (SEQIP) and the Kenya Climate Smart Agriculture Project (KCSAP) financed by the World Bank within a small section of our area of Cherangany Hills encompassing three Counties of West Pokot, Elgeiyo/Marakwet and Trans Nzoia not covered.
3. The damages and harm we have suffered and still suffering from are:
 - (i) We have suffered heightened Community Crisis first reported to you on 28th June, 2013 now confirmed this date of Monday, 21st June, 2021 eight years since we first complained to World Bank Kenya Country office and eventually to the Inspection Panel. The non recognition of the Cherangany Indigenous Peoples Community in the project documents preparation and during implementation of the two recent projects among others causing further distortions and harm are obviously becoming deliberate and have brought about the non recognition of Cherangany as indigenous peoples minority community in Kenya again and therefore they cannot be recognized internationally because of World Bank.
 - (ii) We have suffered harm on both the **Community Identity** and **Territorial identity Crisis** through the earlier World Bank funded Write-ups and Documentations and currently in the following Documents furthering the messes causing harm:
 - (a) Ministry of Education, State Department of Basic Education, Secondary Education Quality Improvement Project (SEQIP) for Vulnerable and Marginalized Groups Framework (VMGF) of July, 2017 where Cherangany IPs have been excluded in that report.
 - (b) Ministry of Education, Environment and Social Management Framework (SEQIP) Document of July, 2017 also excluding Cherangany IPs.
 - (c) The Climate Smart Agriculture Project (CSAP) Document leaving out Cherangany IPs.All these non recognition and wrong documentation designed-projects funded by World Bank causing local, national and international distortions in **identity** and **non recognition** of our community as indigenous peoples' community in Kenya now further heightening discrimination through tribalism (or negative ethnicity) which is mostly practiced at the Counties causing further non recognition at that level as a result of these omissions and commissions by the World Bank which have caused great harm and suffering to Cherangany people socially, economically and politically including killings because IPs are listed in Kenya with Cherangany IPs missing!!!
 - (iii) Both projects targeting a very small section of the IPs and leaving out the more vulnerable and marginalized of them while giving to majority tribes making decisions.
 - (iv) Wrong project designs at the World Bank Office? Not recognizing Cherangany IPs.
 - (v) Non Disclosures of Bank projects in good time but late after implementation.
 - (vi) Entirely excluding Indigenous Peoples Organizations (IPOs) and demonizing them.
 - (vii) Lack of FPIC but a non conforming IP Rights violation approach termed FPIC but not.
 - (viii) Wrong approach in project-identification funding very small unsustainable projects and leaving out impactful projects targeting majority community like the non implementation of Chepngaani Community Water Project already designed and non tariff while forcing a County government project that will impose the Cherangany IPs to pay high water tariffs from their own natural water resource from Cherangany Hills now managed and run by a

- rival tribe (ethnic community of Pokot) that will obviously make our people resort to tapping water from polluted springs and rivers which is a Human rights violation.
- (ix) Failure by World Bank in calling for a forum or denial of the meeting we requested to be organized for us to vent out our frustrations and for the World Bank to get first hand facts so as to be able to remedy the suffering of this IP community.
 - (x) We have suffered public assumptions by tribalists of benefiting from World Bank donor IP targeted financing perception yet only 0.25% out of 60,000 of the community benefit but despised caused by the tribalism (or negative ethnicity) highly practiced at Counties.
4. We believe the World Bank **Operational Policy OP** and **Bank Procedures BP 4.10** on IPs and **Operational Policy 7.60 (OP 7.60)** on Projects in Disputed Areas have not been observed in all our above complained of cases.
 5. We have complained to World Bank Kenya Country Office severally even giving finer details of complaints for correction with pledges which have not been fulfilled or honored therefore making us call for the stoppage of especially these two projects and **ONCE AGAIN REQUEST FOR INSPECTION BY THE WORLD BANK INSPECTION PANEL. Please Note: the –Forwarding letter.** The two World Bank Funded Projects i.e. **SEQIP** and **KCSAP** must now be stopped until we are consulted after the visit and recommendation by the Inspection Panel.

No.	Name	Signature	Date 21st June, 2021
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Though with several letters to World Bank Kenya;
 Attached please find two letters we wrote to WB Country Director for Kenya [redacted] and that **detailed letter written to** [redacted] Acting Head of Office Kenya; hereby attached whose most questions we asked have not been responded to but only giving attempted false answers.

It must therefore be known that we were being given false promises yet to be fulfilled but will eventually cause great harm and damage to this Cherangany IPs which have already manifested.