

**Eimi Watanabe**  
**Chairperson**

**IPN REQUEST RQ 13/02**

August 1, 2013

**MEMORANDUM TO THE EXECUTIVE DIRECTORS AND ALTERNATES  
OF THE INTERNATIONAL DEVELOPMENT ASSOCIATION**

**Request for Inspection  
KENYA: Natural Resource Management Project (P095050)**

**Notice of Receipt of a Second Request Concerning the Project and Recommendation  
to Process the Request in Connection with the Ongoing Investigation**

1. On June 28, 2013, the Panel received a second Request for Inspection concerning the Kenya: Natural Resource Management Project (NRMP). The Request was submitted by four representatives of the Cherangany Indigenous Peoples Community on behalf of people living in the area known as Cherangany Hills.
2. The first Request regarding the NRMP was submitted on January 14, 2013 by individuals from Sengwer communities living in the Cherangany Hills. The first Requesters asked the Panel to keep their identities confidential. The Panel registered the first Request on January 30, 2013. On March 15, Management submitted its Response and on May 29, 2013 the Panel issued its Report and Recommendation in which it recommended that the Board of Executive Directors authorize the Panel to carry out an investigation of the matters included in the Request. The Board approved the Panel's recommendation on June 7, 2013. The Panel is currently in the early stage of its investigation.
3. The second Request states that the Cherangany Indigenous Peoples Community has suffered harm as a result of World Bank failures or omissions in the NRMP. The Requesters claim that they suffered "*Community Identity Crisis*" as a result of the "*non recognition of the Cherangany Indigenous Peoples Community by the Kenya Forestry Service (KFS) and the World Bank who have not yet determined the real indigenous peoples.*" They add that there are distortions in Project documents, such as the Indigenous Peoples Planning Framework (IPPF) and the Social Assessment (SA), as to who are "*the rightful owners of the Cherangany Hills Territory*". As a result, they claim that they suffer a sense of loss of identity, territory, social and cultural status. According to the Requesters, the Project did not recognize the Cherangany Indigenous Peoples Community as indigenous peoples affected by

the Project, while Sengwer people were included. This, they state, has created “*unfair competition and conflicts which might lead to internal friction and tribal war from prospecting tribes*”.

4. Furthermore, the second Request raises claims similar to the ones in the first Request – i.e. the harmful change of terminology from “*indigenous peoples*” to “*vulnerable and marginalized groups*”, evictions of peoples from the forest without free, prior informed consultations, and lack of disclosure of key project documents.
5. They state that they have brought their concerns to the World Bank but have been sidelined; that “*there was a predetermined intention to sideline and totally misinform*” of the rights of Cherangany Indigenous Peoples.
6. They request the Panel to carry out an investigation of these matters.
7. After careful review of the second Request the Panel has concluded that, at the time the second Request was submitted, it met the basic requirements for registration and that for reasons of economy and efficiency, the second Request should be processed jointly with the first Request and within the context of the investigation already approved by the Board. Hence, the Panel will not issue a Notice of Registration and ask for a separate Management Response, but will provide copies of the second Request to Management and ask for any comments or information that the Panel should consider in relation to the new Request.
8. Subject to the Board’s approval, the Inspection Panel would proceed as follows:
  - a) verify the technical eligibility of the Requesters and the Request during the investigation visit to be conducted in the context of the investigation already approved by the Board;
  - b) if technical eligibility is confirmed, address the claims presented in this additional Request in the context of the Investigation Report to be submitted to the Board as a result of the investigation already approved by the Board;
  - c) advise the new Requesters accordingly and share this Notice with them (the Notice and the Request will be posted on the Panel’s website) .
9. The Panel has consulted with Management on the above.

