

# **APPENDIX E: Stakeholder Engagement Plan for the proposed Kipeto Transmission Line Project, Kenya**

*Prepared for:*

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### Acronyms

IFC	International Finance Corporation
ILO	International Labour Organization
EIA	Environmental Impact Assessment
FPIC	Free Prior Informed Consent
GE	General Electric
KEL	Kipeto Energy Limited
KTL	Kurrent Technologies Limited
PPA	Power Purchase Agreement
ICP	Informed Consultation and Participation
IAP2	International Association of Public Participation
ICCPR	International Covenant on Civil and Political Rights
ICECSR	International Covenant on Economic Social and Cultural Rights
CERD	Committee on Elimination of Racial Discrimination
SEP	Stakeholder Engagement Plan
IP	Indigenous People's

### Glossary

**GE:** General Electric, a world renowned company with interests including turbine production and is the lead shareholder in Kipeto Energy.

**KEL:** Kipeto Energy Limited is the company formed by GE, Craftskills Ltd and the “Trust” to implement the wind energy project subject of this study.

**GED:** An firm of international wind energy consultants based in Ireland who are acting as Project Managers on the Proposed Wind Farm Development at Kipeto

**KTL:** is a registered environmental services firm of experts contracted to undertake the ESIA process.

**Craftskills ltd:** is a Kenyan small wind power company, shareholding founder of Kipeto Energy;

**Ole-Kipapeyi:** one of the first community liaison officers during the initial days of the feasibility study. He is an experienced former government officer who had his education in Kipeto and hails from the southern side of Eldamat.

**Ezekiel Nkanoni:** is one of the longest serving community liaison officers with a wide experience on the project from the initial days. Has been very instrumental in managing community mobilization and engagement during the feasibility phase, is one of the sons of a large land owner in the project, a church elder, and local school teacher and a strong defender of community interests.

**Wilson Saitaga:** is the other long serving community liaison officer with a wide experience on the project. He is a strong community mobiliser, a pastor by background with a wide network of local leadership and community contacts and adept negotiator and communicator in community meetings and engagement. He is a strong supporter of indigenous rights and respect of community interests.

**Community Trust** – The Community Trust is a legal arrangement (to be created via a document called a Deed of Trust) in which the board of trustees will control income received from the ownership of %5 of the diluted equity in Kipeto Energy limited) for the benefit of other people ("beneficiaries"). In this case the board of trustees will be appointed by all the shareholders and representatives of the wider group of people who are to benefit and the beneficiaries will be the group of people who live in the surrounding areas. These benefits will be investment in the area in which they live through increased amenities such as infrastructure; schools, clinics and other such facilities as may be decided by the Trustees exercising their fiduciary powers granted to them under the Deed and by law.

## 2 INTRODUCTION

Kipeto Energy Ltd proposes to establish a commercial wind energy facility by constructing 63 wind turbine generators within an area of about 70km<sup>2</sup>, with a maximum generating capacity of 100 MW. The Kipeto area is located about 70 km south-west of Nairobi in Kajiado County, predominantly inhabited by an indigenous community, the Maasai.

The project includes several impacts whose assessment and mitigation measures have been subject to in-depth informed consultations and participation over a period of five year delineated at the feasibility study phase.

The in-depth stakeholder consultation is an effort to meet the standards provided by IFC performance standards, the new constitution, including legislations like the county government Act on devolution among others. Various regional and international standards of stakeholder engagement including the African Charter especially sections relevant to Indigenous people rights and the ILO convention 169 have guided the development and implementation of this stakeholder engagement plan.

The guiding principles of the International Association of Public Participation have enabled a comprehensive stakeholder's engagement approach and plan which has not only sought to achieve Free, Prior, Informed Consent of the indigenous Maasai community. It has also developed an indigenous people's development plan that seeks to ensure sustainable development of the community in their cultural and indigenous lifestyle is protected from the impacts of the project which may negatively harm the Maasai brand as is internationally recognized.

The engagement approach displays the detailed consultations in an effort to achieve the indigenous people's FPIC which also develops a management infrastructure that ensures continuous consultation and participation within the whole project cycle from design, feasibility study phase, to construction, operations and decommissioning.

Detailed engagement during the environmental assessment stage with all the processes agreed to and the informed consultations generated thereafter have been summarized and documented to work with and supplement the social impact assessment report. The commitments derived from the consultation process have then guided the post EIA engagements and provided the guidance for the community and project to engage at the construction and operation phase.

## **3 PROJECT DESCRIPTION**

### **3.1 Purpose, Nature, Scale of the Project**

Kipeto Energy Ltd proposes to establish a commercial wind energy facility by constructing 63 wind turbine generators within an area of about 70km<sup>2</sup>, with a maximum generating capacity of 100 MW. The Kipeto area is located about 70 km south-west of Nairobi in Kajiado County.

*The area* is predominantly inhabited by the Maasai an indigenous community with rural area livestock farming as the dominant economic activity. Most of the land owners are ranchers and the titled land are mainly used for grazing livestock. Kipeto Energy Ltd is a wind farm energy generation company established by three partners (GE, Craftskills and Landowners) who propose to use wind turbines constructed within a common area to generate electricity and supply it to the national grid.

The Kipeto Energy wind project involves additional construction of auxiliary facilities including internal and external access roads, a 17 km transmission line, cabling system and a site internal sub-station. The wind energy facility will generate electrical power to sell to the Kenya Power through a 25 year Power Purchase Agreement (PPA).

### **3.2 Estimate Timeline/Duration of Project Activities**

The project implementation consists of three phases namely:

Phase I – **Feasibility Stage** in which the wind resource was assessed using online sources and local information, wind measuring masts were erected and land leases acquired from the local landowners; extensive environmental assessment undertaken; consultations and negotiations on the Community Trust commenced from 2009 when KEL recieved a Letter of Intent from Ministry of Energy to 2013; attached in Appendix 1. A firm of lawyers Naikuni Ngaah & Miencha Co. Advocates, Nairobi was retained to represent landowners interests. The main partner Mr. Lucas Naikuni is Maasai and took part in negotiations with landowners on site. Landowners were free also to chose their own lawyer.

Phase II - **The Construction Stage** in which internal and external road networks, 63 no. turbines with system cabling to an internal sub-station, the transmission line, access roads within it and the internal access roads to each and every turbine will be built; Estimated construction duration is 24 months from January 2014 to December 2015;

Phase III – **Operations and Maintenance Phase** where electricity is generated from the turbines and sold to the national grid through a Power Purchase Agreement. The disbursement of community trust allocations will take place during this phase. The planning and management of the Communtiy Trust including all the issues raised and prioritised by the community will occur during this phase. The estimated duration of the operation phase is 25 years from December 2015.

### 3.3 List of main activities and their identified potential impacts

The project main adverse impacts are discussed in the Appendix H of the specialists report in the ESIA, the Socio-Economic Impacts Assessment report. Other impacts are listed in the Social Impact Assessment Report Appendix in the the Kipeto Transmission Line Environmental and Social Impact Assessment Report.

Key components and features of the Kipeto Energy Project include:

- **A Turbine Corridor:** consultations to design has identified a specific footprint within the project area suitable for turbine placement. The iterative process has resulted in concentrations of turbines being located within agreed corridors to achieve the distance from households and achieve the MW required. Four turbines have been removed from the layout while the layout design has resulted in the voluntary relocation of households in order to facilitate turbines as guided by the voluntary resettlement agreements with the land owners.
- **Internal Roads:** roads will be constructed within the Kipeto Wind Farm Site for transporting wind farm components, materials and personnel within the site and to allow access around the site for construction and operational activities. The access roads have been designed largely on an agreed common access way leave for access roads. The turbines are located inside individual land holdings and a final access route traverses the land from the common wayleave. Where the road to the turbine is passing through an individual owners land, agreements have been reached with due consultations and compensation and are covered under land lease agreements. Detailed repeated discussions were carried out during the EIA process to discuss these and sensitization planning meetings continue into construction period to ensure harmony between individual life, construction activities and community life.
- **Transmission Line Way Leave:** The transmission line route includes an access road within the way leave whose construction and maintenance will involve community participation to enable maintenance of land use largely in its current format while allowing maintenance activities for the line to continue. The community propose that gates be kept between individual plots to segment the access road and manage only authorised use. The gates and fences between different plots will be maintained to enable normal grazing activities continue while allowing maintenance vehicle drivers access to open and close the gate as they pass.
- **External Roads:** Public roads to the site will be used for traffic associated with the construction and operation of the Kipeto Wind Farm and by Over-Weight and Over-Dimension Vehicles (OW/OD Vehicles). This use will be directed by an extensive transport study done for the project for delivery and exit including of turbines from the port of Mombasa and construction related vehicles. The project will consult with local roads authority and others such as Kajiado County Government and local traffic police to ensure disruption is kept to a minimum. Also road upgrades to enable heavy components to be transported will improve road quality which will benefit all road users.

- **EMF Exposure:** The engagement with land owners on the transmission wayleave involved detailed and repeated consultations on impacts associated with EMF exposure on livestock. There was a lot of fear related to the impact of EMF on livestock, water pans and households located a distant out side the way leave. The mitigation measure of a 30 meter wayleave either side of the transmission line for the land take was agreed with the community.
- **Temporary Construction Infrastructure:** Components required for the construction of the Kipeto Wind Farm include concrete batching plants, central lay down areas, excess fill areas, contractor compound, quarrying and crushing facilities and water storage and abstraction facilities. Construction of the transmission line and access routes will create impacts which have been mitigated by sensitization awareness such as planned community meetings during the construction period which are aimed at managing the community and ensuring a safe construction process to ensure community planned grazing and community activities that are safe and guided by an agreed accessible grievance mechanism currently in the drafting and consultation phase.
- **Operations Infrastructure:** Community awareness of the various operations and maintenance will be managed by a clear communication system driven by locally accessible CLO's and a grievance mechanism for all the project activities. Community safety and the management of cumulative impacts due to the transmission line section of the project where the road cuts through land and introduces security concerns. The community has proposed participation in the provision of security services through sub-contracting which will also provide employment opportunities beneficial to local residents.

### 3.4 Pertinent Environmental and Social Impacts

The pertinent environmental and social impacts and risks that are pertinent to the affected communities/IP are:

*i) Management of the Project as per Agreements:*

All the agreements must be adhered to including in those relation to the land lease, construction and operations impacts management. A constant two way communication throughout the period of the project will be implemented with a clear, accessible grievance mechanism available;

**Grievance Mechanism:** The management of community issues associated with the health and safety of the community during the construction stage are a key consideration of the grievance plan. The grievance plan contains provision to utilise local, accessible, community liasion officers able and willing to manage grievances within outlined procedures and a clear and transparent non-judicial process of management of grievances with the help of local traditional structures including the input of the elders. The content contributing to a draft grievance plan was discussed in the meetings held in May 2013 and some proposals made as shown in section 7.1.1. (b).

### ii) *The Indigenous People Development Plan:*

The Indigenous People Development Plan includes the components of local employment and sub-contracts, the establishment, function and responsibilities of the community trust and the protection of the Maasai interests as the indigenous people's.

#### *Local Employment and Sub-Contracts:*

Employment opportunities for local resident Maasai's was a main concern for the community, especially the youth. There are also those elders who would wish to participate in employment and sub-contract opportunities since they did not have land on which turbines and other facilities are to be located that have rent payments.

The variety of semi-skilled and unskilled labour that qualifications are not required for could be provided by the many young to middle-aged men.

Examples include

- Labour intensive work involving digging for foundations and roads
- Provision of Security
- Work involving erection/removal of signage/fencing/ and giving traffic information
- Construction of the compound
- Catering work
- Cleaning of the compound
- Driving construction vehicles
- Community liaison

The more educated sons of land owners and other Kipeto community members in various professions or studying at colleges are keen to access any available sub-contract opportunities both at the construction stage or created under the auspices of the community trust. Some of the youth have or are in the process of obtaining qualifications in electrical engineering and could potentially be trained in maintenance of the turbines.

Analysis carried out by the European Wind Energy Association, E.W.E.A. shows that the breakdown of jobs created by the wind energy industry is as follows

- Wind turbine and component manufacturers are responsible for the lion's share of jobs (59%),
- Followed by developers with 16%, utilities and I.P.P.s 9%,
- Installation and O&M 11%,
- Consultancy and engineering 3%.

After completion, the operation and maintenance of the wind farm could result in the creation of up to 40 jobs based on 0.4 jobs per MW<sup>1</sup> (as per EWEA) in operations and maintenance and other activities after construction. Based on the example in Europe

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<sup>1</sup>[www.ewea.org](http://www.ewea.org) Wind Energy – The Facts' publication, 2008 edition: [www.windfacts.eu](http://www.windfacts.eu)

this could result in up to 40 permanent jobs being created by the construction of Kipeto Wind Farm.

A community trust fund based on a 5% share of the profits of the wind farm will be set up to benefit the local community. The details are being finalised and will take the form of a deed. The Community Trust deed will also define the types of membership and their rights and benefits to community. This will include:

- i) Community infrastructure development: educational, medical, communication, transport, provision of electricity to households;
- ii) Capacity building of indigenous people's skills including training, business opportunities, land management, access to services including legal and financials services, management of natural and environmental resources;
- iii) Protection of indigenous interests including a certain percentage having control and influence in the Trust.
- iv) Allowing local community members to determine the direction and focus of the trust;
- v) Women and youth to each have their representation to choose what they want and have allocation cater for these self defined interests;
- vi) Budgetary disaggregation: where budgets are allocated according to age (budgetary allocation for youth interests projects), gender (budgetary allocations for women interests) and other special interest groups;

*Indigenous People's Interests* – these include maintaining as much as possible the integrity of the local main land use which is livestock grazing, and ensuring that the project does not adversely open the area to rapid changes outside the normal manageable pace of change. Protection of the cultural resources and management of Maasai culture within the project footprint is to be a priority in the development of Kipeto Wind Farm.

*How will this be achieved?*

There are identified mitigation measures within the Indigenous Peoples Plan which includes the management of the interests associated with cultural resources identified by the community as significant. These cultural resources are:

- a) Land;
- b) Grazing areas;
- c) Cultural events, materials and activities associated with the Maasai community.

The mitigation measures include:

- a) Managing the project footprint impact on grazing land including access roads and turbine location. This has already been partially mitigated against during the layout design process.
- b) Managing paddocks in the transmission line through gates and fences along the access road.
- c) The Community Trust is to contain a resource allocation designated for managing natural resources including managing soil erosion, planting trees, and grazing ranches.

Figure 1: Locations of public/stakeholder consultation meetings within the project footprint area



## 4 Summary Baseline Data

The proposed Kipeto Energy Project is located in two divisions of Kajiado County, Ngong Division and Kajiado Central, on the edge of the lower Kenyan parts of the Great Rift Valley. The large portion of the site is located within the Oloyiankalani and the Enjororoi sub-locations of South Kikonyokei Location in Ngong Division, while the other is in Oloyiankalani sub-location of Ildamat location of Kajiado Central. The project site is 18km north-west of Kajiado town and some 70km from Nairobi Metropolitan City. The project area is further situated between the C58-Magadi Road and A104 –Namanga Road.

The project area is located to the north-west of Kajiado town and is enveloped between Isinya-Kajiado Road towards the east and Kiserian-Isinya Road towards the north. The Rift Valley escarpment runs on the westward border of the project area. It provides a scenic view of the bottom of the valley and has several footpaths and livestock path links with the valley below.

The Kajiado County is the administrative centre but a larger contribution to the economy comes from the northern urban centres of Isinya, Kiserian and Ongata Rongai. Over the last 30 years, the human population of Kajiado District has increased four-fold, or by 4.7% a year (Republic of Kenya, 1982). At least half of this increase was due to immigration. In 1979 the population of Kajiado County was estimated at 149,000, or an overall density of 7.6 people/km<sup>2</sup>; the population density in pastoral areas was approximately 5 people/km<sup>2</sup> (CBS, 1981).

**Table 1: Kajiado County Statistics. Source Statistical Survey 2010**

<b>The County Population</b>	<b>687, 312 people</b>
The constituencies in the county	Kajiado Central, Kajiado West, Kajiado North and Kajiado South
The Kipeto project passes	Kajiado West
Poverty Rate	Is the richest county by national county figures, though disparities are huge especially in the project area
Fully Immunized Households less than 1 year old in 2010/11	30.9 per cent
Malaria as percentage of all first outpatient visits	22.6 percent
Households have access to improved Water	72 percent
Households have Access to Sanitation	74.2 percent
Paved Roads in County	5.9 percent
Households have Electricity	39.8 percent
Households who delivered in a Health Facility	39 percent
Households had all the Vaccinations	70.7 percent
Households can read and write	55 percent
Households have Primary Education	62 percent

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Households have Secondary Education	12.5 percent.
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**Table 2: Kipeto Project Footprint (including the Transmission Line) Area statistics, Source Household survey and local administration 2011**

	Item	Number
1.	Estimate Population	3,750
2.	Number of Households	780
3.	Number of Registered Voters	1260
4.	Number of Primary Schools	4
5.	Number of Secondary Schools	1
6.	Number of Hospitals	1

**Community Infrastructure:** The community lacks basic educational, transport, medical and water infrastructure. There are only two primary schools (*Donyo Sidai* and *Esilanke*) and one secondary school within the project area. There are no medical facilities except for the one at *Olooyiankalani* (3 KM from site) after which Kajiado Town which is 20 KM from the site or Isinya another 12 KM from site.

The internal access roads to various homes and households are yet to be well demarcated and as the number of land sub-divisions increase the number of access way leave that are not demarcated will continue to increase in number.

**Socio-Cultural Setting:** Maasai households live together within a large compounds or *Boma's* of 6 to 12 households. They keep livestock, mainly cattle, sheep and goats. Increasingly there are also donkeys kept for carrying water and dogs for livestock keeping and security. The Maasai are polygamous and own large tracts of land ranches. Most of the land is private ranches are have with title deeds. The ranches are fenced into paddocks for managing large stocks of livestock mainly kept for commercial meat and milk.

The community is patriarchal and male and female have separate roles, social responsibilities and balance of power roles. Sons are more likely to inherit land from their fathers than daughters more due to the fact daughters get married and live outside the family. The community cherishes continuity of structure. Livestock as resources in inheritance help to perpetuate and maintain the family name and clan influence. There are cultural activities, such as rites of passage for different age groups which are important social management structures used to delineate among groups in dispensing authority and rights.

Households are increasingly made from materials different from traditional Maasai round roofed cow-dung and mud walled round shaped popular *Manyattas*. Houses made from iron sheets, wood and mixture are increasing in number. There are religious denominations like churches which co-exist with indigenous rituals and celebrations.

Men in the Maasai community typically dominate formal meetings such as community and organization meetings. Men also typically represent families in business dealings. Identification of women issue's, concerns and aspirations generally require specific permission from men and separate meetings initiatives. Meetings to

discuss the proposed development with elders were organized initially and specific permissions received for wider separate consultations with women from different households within the project footprint.

Culturally, indigenous Maasai peoples in the project area strongly identify with being Maasai. Many men if you meet them in the local towns would be very different from the person in terms of dressing that you met in the rural Kipeto area. The very old would change little, but the middle aged would change significantly, wearing more western clothes in towns and disappearing into traditional Maasai *shuka* when at home.

***Economic and Land Use Context:*** Land within the project area is mainly occupied by the Maasai who migrated to the area over 100 years ago and have used the land for grazing livestock ever since. There are different families and households within the project area who then subdivide their land to sons in order to form new households. This has a limiting impact on grazing land and livestock carrying capacity of available land per household. A large number of livestock is kept in grazing areas located outside the project area. Few Maasai households have started subsistence farming.

Land is generally titled and there are no communal lands in the area. Most land is under the name of the father, who is often in a polygamous relationship. Sons typically build on subdivided land and most homes on a plot are typically from the same family.

Attachment to land is very strong and people are very suspicious of any activities taking place in the grasslands. Several times EIA consultants had to give and repeat explanations as to what they are actually doing in the plots. The attachment is also due to long history of residence in the area among the Maasai with some generational histories going over 100 years.

Besides engaging in livestock keeping, some Maasai engage in subsistence farming, others are also taking jobs in local towns especially when they are younger. The selling handmade Maasai artifacts, products of livestock and opening small businesses in the local towns are also increasingly common.

There is also an increasing tendency to sell sections of land attractive to tourism for the construction of small cottages especially along the attractive escarpment and due to fact that wild animals were available locally historically (including Zebras, Antelopes, Ostrich etc), although this is diminishing. Some wild animals also migrate to the area from the national parks adjacent to Kipeto.

**Table 3: Efforts to Avoid and Minimize Area of Land Proposed for the Project**

	Activity	Design efforts
1	Turbine Location	The area around Kipeto was identified as having potential for a wind farm by Craftskills in year 2009 Technical design of the wind farm including turbine loctions was initially carried out by GED based on optimismising the wind resourse to achieve 100MW. Where possible a 7 by 3D spacing was used to achieve optimal design as is standard. The design was later refined in order to mitigate environmental impact assessments. The process of Kipeto Wind Farm design was an iterative process and was also based on agreement of the plot owners to participate in the project. Where no agreements were made, turbines were dropped or relocated.
2	Internal Access Roads	The access roads to the individual turbines have been designed largely on designated common access way leave for access roads. The access road to each turbine passes through an individual owners land using the most direct route. There are lease agreements signed with each land owner who has an access track, cables and or a turbine located in his land. Such agreements have been reached with due consultations and compensation and are covered under the land lease agreements. Detailed repeated discussions were carried out during the EIA process to discuss these agreements. Further discussions will be carried out during community meetings at the construction stage to manage any road related issues arising.
3.	Transmission Line Way Leave	Land was acquired for way leave and land use to construct the transmission line using the most direct route to the wind farm from Isinya substation. Negotiations for this land was done and the line corridor designed based on landowner requirements environmental constraints. Agreed compensation was put in place supported by clear and discussed mitigation impacts on land taken including a minimal 60 metres corridor where there are no permanent houses constructed.
4.	Sub -Station	The location of the substation minimizes land take as it is located in a central area of the proposed wind farm close to the borrow pit and adjacent to the access road the E104 which will reduce the impact of bringing large substation materials onto site. The substation location is the most suitable adjacent point for off take to Isinya substation.
5.	Construction activities	Construction activities are planned with minimum land take and specified activities will take place in delineated areas. Special regard will be given to land use when choosing an area for construction activities. This is due to the high cost associated with grazing land especially for small landholders. Where grazing land is affected measures will be taken to restore the grazing area after construction activities has been completed.
6.	Any flora or fauna that is affected by the project	Any Sandalwood area was avoided. Migration paths for birds and bats were modeled and the layout design adjusted to suit the flight paths and breeding areas of birds and bats

**Table 4: Efforts to Avoid and Minimize Impacts on Natural Resources and Areas of Importance to Indigenous Peoples**

Item	Efforts to Avoid or Minimize Impacts
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Land	Entering legal agreements that limits land use related to the project to specific land use needs agreed including access roads, cabling and turbine areas. Land areas where temporary construction activities will take place (e.g. construction yard), temporary land agreements will be entered into with specific individual land owners according to their wishes.
Grazing areas	Protection of individual land grazing areas and maintenance of the paddock system that is managed by fences and gates will be maintained. An improvement of storm water management will be introduced to reduce soil erosion and grass cover.
Water	Additional water sources will be identified and created if possible and permitted by the Ministry of Water and water will be sourced from outside the project area to meet project needs. Where boreholes, water pans are created they will be allocated to the community once the construction phase of the project has been completed.
Indigenous socio-political structures	Capacity building community structures and enabling them to effectively participate in management of the community going forward will be a cornerstone of the trust. The social impact assessment of the EIA and the Stakeholders Engagement has at all times endeavored to respect the rights and traditions of the Maasai and to work within their traditions.
Maasai cultural resources (events, activities, language and materials)	Promotion and protection of Maasai history, events and activities that would then help perpetuate the indigenous identity will be carried out as part of the activities of the trust. At all times since to conception of the proposed development efforts have been made to respect Masai cultural resources. Social activities, engagement of CLO's, provision of information materials, and local language translation have taken place as part of the engagement process since the project conception.

## **5 ENGAGEMENT PRINCIPLES, OBJECTIVE AND CRITERIA**

### **5.1 Engagement Principles**

i) Chapter Five of the **new constitution of Kenya** recognizes the rights of citizens to participate in governance including consenting on a wide range of natural resource decisions affecting them directly. The constitution identifies ‘participation of the people’ among its national values and principles of governance. These principles and values include good governance, integrity, transparency and accountability and sustainable development, Article 10 (2).

#### **ii) Legislative Guiding Principles:**

Guidance from the new Land laws including the **Kenya Land Act 2012**, the **Land Registration Act 2012** and the **National Land Commission Act 2012** were useful in answering any questions in relation to land rights that the community raised.

The **County Government Act 2012** is the best legislative barometer as to the new participation benchmark provided under the new constitution. Part 8 of the Act on Citizen Participation: Citizens have a right to petition a county government to conduct local referenda in relation to planning and investment decisions affecting the county as long as 25 percent of the local registered voters.

The ESIA was developed guided by the National Environmental Management Act 199 (NEMA) and subsidiary legislation including regulation 101 among others. The requirement for public meetings was surpassed and consultations were also done to include distribution of the reports to lead agencies and local county government within the legal assumption that they are accessible to indigenous communities’ representatives.

The explanation of these county government powers also helped the community to know that they also have a local system through which they can petition should they feel the need.

#### **iii) IFC Performance Standards**

Stakeholder engagement as the basis for building strong, constructive and responsive relationships, essential for the successful management of a project’s environmental and social impacts, should be an on-going process as guided by Performance Standard 1 and Performance Standard 7 on Indigenous Peoples’.

It should involve in varying degrees, the following elements: stakeholder analysis and planning; disclosure and dissemination of Information; consultation and participation; grievance mechanism; and on-going reporting to affected communities. The nature, frequency, and level of effort of stakeholder engagement are commensurate with the project risks and adverse impacts and phase of project development.

As a project with potentially significant adverse impacts on affected communities, KEL will continue to conduct an informed consultation and participation (ICP) process with the objective of building upon other consultation steps initiated during the initial feasibility studies. There are social cohesion issues brought about by an alternative company (a company which also had a proposal to establish a wind farm in the area, also known as Empiris). The company was trying to set up another wind farm in the Kipeto area and had signed up some land. However KEL had an Expression of Interest (EOI) agreement with the Ministry of Energy and the rights of KEL to proceed with the development of the proposed Kipeto Wind Farm was upheld by the Ministry. This motivated the increased demand for in-depth exchange of views and information, in an organized fashion and also affected other negotiations such as land issues. Please refer to further details in section four on stakeholder engagement during the feasibility study phase.

### **iv) ILO Convention 169**

The ILO Convention 169 on indigenous and Tribal Peoples requires that consultations be carried out in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures. Article 6 also continues:

- i) Consultation of the people's concerned, through their appropriate procedures and in particular through their representatives institutions.
- ii) Establish means through which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programs which concern them.
- iii) Establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.

The priority issues of the Indigenous People's include land and natural resources (grazing lands). Any potential adverse impacts on these were topical subjects for consultations and were sensitively discussed and prioritized at all times. Informed participation in decision-making on mitigation measures proposed and participation in implementation of the same was encouraged. Please see the section 4 on Stakeholder engagement during the feasibility study phase for further details.

## **5.2 The Objective**

The main objective of stakeholder engagement was to achieve the broad social consent of the community for the project. This consent was determined by achieving an indigenous people's Free, Prior, informed Consent.

The in-depth informed consultations and participations throughout the life span of the project is a key pillar of achieving social consent. Consultations were made meaningful by ensuring that as much of the information was provided for various stakeholders as possible within the timelines and prior to the establishment of the project. Please refer to section 4 of this report 'the Approach to Stakeholder Engagement' below.

### 5.3 Guiding Principles

The following principles and guidelines have been considered in the development of this SEP.

**International Association of Public Participation (IAP2)** is an international association that promotes the values and best practices associated with involving the public in government and industry decisions.

The IAP2's seven core values for the professional standards and best practices of public participation which have been considered in the development of this include the following:

- a) The public should have a say in decisions about actions that affect their lives;
- b) Participation includes the promise that the public's contribution will influence the decisions;
- c) The public participation process communicates the interest and meets the process needs of participants;
- d) The public participation process seeks and facilitates the involvement of those potentially affected;
- e) The public participation process involves participants in defining how they participate;
- f) The public participation process provides participants with information they need to participate in a meaningful way; and
- g) The public participation process communicates to participants how their input affected the decisions.

The above requirements have been taken into consideration in this SEP. The stakeholder engagement process outlined here are thus intended to satisfy the requirements of all key pieces of legislation within a single process. This is efficient in terms of time and costs, and reduces the risk of costly process delays due to stakeholders and the authorities having the opportunity to fault the process based on regulatory requirements related to environmental impacts themselves or any component of the EIA process in particular.

### 5.4 Mitigation Measures Identified by the Indigenous People

There are five core elements of the Kipeto Wind Energy Project Indigenous Development Plan:

- (a) Respect for the Rights, Customs and Culture of the Maasai indigenous Peoples
- (b) Achieve a Free Prior Informed Consent for the wind energy project;
- (c) Participate in the direct and indirect economic benefits of the project;
- (d) Local capacity building in the area of health care, education, transport infrastructure, Water supply, Small business training, sustainable management of cultural items, history and events; natural resource and environment management and

(e) Sustainable development

### 5.4.1 Respect the Rights, Customs and Culture of the Maasai Indigenous People's

The project was generated and developed with the extensive participation and consultation of the indigenous Maasai people's. Where the existing rights, customs and culture was directly affected the project sought alternatives to avoid or significantly minimize where possible. This meant time schedules were changed where a different timing for the activity would reduce impact. In cases where during the day we couldn't find household owners, visits were organized at night. Other meetings were done on weekend, during cultural activities or during market days at market centers.

The Project has designed the location of project activity away from areas of cultural significance and resource. KEL has sought to improving participation in the process of dialogue with the community by including women in decisions on land. This was affected through meetings directly with women with permission from the head of the household. Within the community women are increasingly taking part in investment and land decisions as well as continuing with traditional roles.

### 5.4.2 Free Prior and Informed Consent

The contemporary requirement for Indigenous People's Free Prior and Informed Consent (FPIC) is derived from rights of indigenous peoples which is recognized under international, regional and human rights treaties and declarations. States have a duty and company a responsibility to obtain indigenous people's FPIC in the issuance of concessions, and before the commencement of related activities in or near their territories or impacting on the enjoyment of their rights.

Article 27 of the International Covenant on Civil and Political Rights (ICCPR) and Article 15 of the International Covenant on Economic Social and Cultural Rights (ICECSR), both affirm the indigenous People's right to self determination applicable to support the demand for FPIC: "Respect the principle of free, prior and informed consent of indigenous people in all matters covered by their specific rights."

The Committee on Elimination of Racial Discrimination (CERD) clarified that securing Indigenous People's rights, including their property, in a non-discriminatory manner necessitated that decisions directly relating to (Indigenous People) rights and interests are taken with their informed consent.

The UN Declaration on the rights of Indigenous People's of 2007 has placed emphasis on the requirement to obtain FPIC in relation to projects impacting on Indigenous Peoples.

The ILO Convention 169 recognizes indigenous people's collective land and participation rights and affirms a strong procedural requirement for consultations which must have 'the objective of achieving ...consent'. In addition, these consultations must be undertaken in good faith and in a form appropriate to the circumstances'. The project engagement approach scheduled in section 4 of this report is a detailed description of the attempt to undertake good faith consultations with a broad objective of achieving consent of the community prior to the beginning of the project and continuous throughout the life of the project.

### 5.4.3 Process to Achieve Culturally Appropriate Indigenous Maasai in Kipeto

- a) Identification of the project impacts on the indigenous Maasai community collective cultural resources, natural resources and distinct language rights, events and activities which may be affected and informed consultation on the mitigation measures proposed through the ESIA process.
- b) Participation has involved Maasai indigenous people's representative bodies and organizations (the Council of Elders in the case for Maasai of Kipeto project area) as well as members of the affected communities. Most general meetings did not specify between land owners who have signed land leases and those landowners who have not. The EIA stakeholder meetings were open to the general public (through letter notices sent through school children) although in some instances interest to attend meetings was high only among those who have signed leases. The community structure within or around the project area does not have any rented houses.
- c) Provided sufficient time for the indigenous maasai's internal decision-making processes. Larger polygamous households were given more time as opposed to smaller monogamous households. There are not collective socio-political structures in the Kipeto area. The community decisions were collective through mainly the elders of the most senior age groups. The household decisions were collective based on the household members' composition.
- d) Information about impacts was disclosed at all times to interested parties in local language and in a step by step understanding of the process. Land owners were given access to legal advice before agreeing to sign a land lease to the project ,to agree to a location of a turbine, road, or any project facility through their land, the right to negotiate location, right to relocate with compensation, right to negotiate compensation that enables voluntary relocation and right to change mind.
- e) An Indigenous People's Plan that satisfies, protects and manages the interests of indigenous maasai peoples as derived from continuous informed consultations and participation.
- f) The identification of needs and interests and planning for the protection of indigenous Maasai people's interests going forward, as the directly affected community, development programs and impact mitigation for the Kipeto project is an ongoing and iterative process. From the beginning, the indigenous maasai's and community leaders have identified the following key areas of interest some of which have been integrated into the roles of the community trust:
  - Create employment and sub-contracting opportunities.
  - Health care
  - Education facilities and opportunities
  - Vocational, business, and cultural training
  - Community infrastructure including roads, electricity in their homes, and roads
  - Environmental protections
  - Promotion of Maasai cultural and indigenous interests.

The Community Trust introduces two other contexts that have generated interest in the community:

- a) Sustainable Development
- b) Community Management and Capacity Building

*Sustainable Development*: the Trust will be structured in a manner that benefits all sections of the households. Differences by gender and age have been protected in the delivery of the benefits to the community through legal structure of the Trust and commitments in budget for special interest groups.

*Cultural and Natural Resource Management* will be equally be integrated into the responsibilities in the trust and budgeted for to ensure the future of the land and its natural appearance are protected in the long term and for the benefit of the community future generations.

*Community Management Skills* provided through resources and the need for capacity building to take over the responsibilities arising from the project and the trust where possible and therefore the Maasai livelihoods is facilitated within the resource and object structure of the Community Trust.

The training opportunities and the opportunities for transfer of wind energy knowledge to the community will assist in sustaining the indigenous nature of the community.

## 6 APPROACH TO STAKEHOLDERS ENGAGEMENT

Stakeholder Engagement was defined as a broad, inclusive and continuous process between the project and those potentially impacted that encompasses a range of activities and approaches and encompasses the entire life of the Kipeto Project.

Stakeholder engagement is planned within the list of objectives scheduled in the implementation of the entire life of the project. Engagement was designed to start early in the project due to the many complex matters to be shared in consultations with a wide variety of stakeholder.

The project is divided into phases.

- The feasibility study phase.
- The construction phase,
- the operations phase
- The decommissioning phase.

The Feasibility Study phase has taken about four years and includes various sub-objectives which in themselves will demand a series of stakeholder engagement activities to achieve those objects. The Construction Phase will take another 24 months while the operations phase will take about 25 years subject to the purchasing power agreement with Kenya Power. At this point the wind farm would be subject to re-permitting or decommissioning.

**Figure 2: A Spectrum of Stakeholder Engagement**



The Stakeholder Engagement Spectrum above shows the changes in Intensity of Engagement increases from basic communication strategies which target the wider county and national populations to the in-depth consultations of the local community and the negotiations and partnerships among the land owners with land lease agreements.

The stages in stakeholder engagement include the following to take place over the life of the Kipeto Energy project:

## Kipeto Transmission Line ESIA Study – Stakeholder Engagement Plan

Stakeholder Category				Engagement		
		Communication strategies	Information disclosure	consultations	participation	Negotiation & Partnerships
1.	All Land owners in the Project area with or without land leases.	General meetings, FGD, Key Informant Interviews, share minutes, telephone, CLOs, door to door,	In-depth	Informed and in-depth, individually	Land agreements, All meetings, informed decisions	Land lease agreements, Power to change
2.	All residents of the Project area	General meetings, FGD, Key Informant Interviews, share minutes, telephone, CLOs, door to door,	In-depth	In general meetings and on questions	Individual	Individual choice
3.	Land owners not in support of the project	General meetings, FGD, Key Informant Interviews, share minutes, telephone, CLOs, door to door,	In-depth	In general meetings and on questions	Individual	Individual
4.	Land owners around the project area	Posters, general meetings, minutes, reports and flyers distributed through county offices, shops, and chief's baraza and office,	General	Posters, general meetings, flyers,	Representative	County government
5.	The general Kajiado County community	Posters, general meetings, minutes, reports and flyers distributed through county offices, shops, and chief's baraza and office, websites and documents and reports at county information	General		Representative	County government
6.	The government stakeholders	NEMA public circulation	Newspapers adverts,	Meetings and letters	Lead agencies	Lead agencies and law

## Kipeto Transmission Line ESIA Study – Stakeholder Engagement Plan

Stakeholder Category				Engagement		
		Communication strategies	Information disclosure	consultations	participation	Negotiation & Partnerships
			reports and letters			
6.	The National population	website	Website, national gazette	Lead agencies	Lead agencies and NEMA	Government

The negotiation process was and is mainly staged in an iterative process that began with extensive deliberations with the elders. This meant most of the time several meetings as the concepts required breaking down into information packages that was easy to dialogue within the informal and formal meetings available for the meetings.

It was only when the elders felt that they were agreeable to the information and that the information could be disseminated to other members of the family would they allow meetings that included other members. Building trust was key as the elder are men who made agreements based purely on trust.

The **meetings** were also held based and guided by these principles of trust first then documentation included and verified later. Most elders did not trust in signing things or giving specific information about numbers of their cows, children, school or wives. These were only provided when there was sufficient trust for them to bring along their sons and collect the minutes which first were taken to the household for further elaboration. The minutes were written in English since the educated children understand the language well and always asked that the copies be provided so that they as the educated children of each household would facilitate translation to local language.

**Meetings are and were generally announced** in schools to all children to take to their parents and through the local chief's offices and through representatives like church leaders and school teachers. Different measure to meet different targets were/are used including General meeting, meetings organized by others, Focus group discussions, women meetings, youth meetings,. These meetings were organized without discrimination of any kind and open to land owners with project leases and those without. This also includes shopkeepers and business people in the area.

**Different Elders would attend several meetings** in different places attended by different people then sit and compare for consistency of the message and the sincerity of the messengers. Once trust was achieved they were the most ardent supporters of the project. This is when they meant they have signed into the project. The period of choosing between the two projects was done this way and during the ESIA meeting for elders held, one of the elder stood and announced that they have been listening to consistency of message and have come to agree with the project.

**Face to face discussions** were the preferred mode of engagement within the Maasai environments and locations. Written materials were mostly introduced when the younger English-literate sons were allowed into meetings. The younger members were mainly to confirm wordings and to help write names of participants and sign off minutes of meetings as true and representative of the debate.

The elders once they agreed to something, they kept their word irrespective of whatever opposition or other issues that arose from the issues. They are men of their word.

The risks and adverse impacts identified by the Kipeto wind farm project necessitated that we undertake process of consultation that would provide the affected communities with opportunities to express their views on risks, impacts and mitigation measures, and allows the opportunity to respond to these views.

To organize an effective two way consultation process on such a complex project has required that KEL:

a) Begin early in the process of identification of environmental and social risks and impacts and continue on an ongoing basis as risks and impacts arise and understanding awareness and ability to propose solutions among community members increase;

## **Kipeto Transmission Line ESIA Study – Stakeholder Engagement Plan**

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- a) All meetings were based on the prior disclosure and dissemination of relevant, transparent and objective meaningful and easily accessible information, which in a culturally appropriate local language (interpreted of all meetings in local Maasai language);
- b) Focus inclusive engagement on those directly affected as opposed to those not directly affected;
- c) Consultations should be free from external manipulation, interference, coercion or intimidation. At no time should the project engage the provincial administration or government to intimidate the community into supporting the project.
- d) Enable meaningful participation, where applicable and
- e) All consultations were and to continue being documented.

## Kipeto Transmission Line ESIA Study – Stakeholder Engagement Plan

### Feasibility Study Phase

The objective at this stage was to ensure a strong foundation is set for the engagement process both to build confidence and to ensure many members join the project. During this phase of the engagement good practice required that guidelines are provided to provide sufficient information to the stakeholders and also to:

- a) Provide introductory project information to the community;
- b) Explain the process and stages in the project; erection of Met Masts, project membership process.
- c) Start initial engagements in relation to the Wind measurements;
- d) Explain and start land lease negotiations;

Timelines	Task	Activities	Venue	Negotiated Deliverables	Responsible Persons
July 2009	<b>Project Introduction and start of Feasibility Studies</b>	Small Meetings with individual elders in households to explain the project and solicit their support by Ole-Kipapeyi the CLO;  First meeting at the telecom mast with Craftskills directors Simon and Dr. Namunje  September meeting with Elders after MOE gave Craftskills letter (August 2009) authorizing the start of feasibility studies	Esilanke, and in donyo sabuk area, church and school	Critical understanding of the project  Share letter contents and plans to do feasibility studies.  Free expression of opinion	Craft Skills  Ole-Kipapeyi
July 2009		First Meetings of six elders land owners organized by Ole Kipapeyi and attended by Dr. Namunje and Simon Guyo; to facilitate entry into the area.  Intensive groundwork by Ole Kipapeyi who was a teacher in Kipeto to create awareness among this group of Elders locally.	School Esilanke	Critical understanding among a small core group of elders with key age group decision status	

## Kipeto Transmission Line ESIA Study – Stakeholder Engagement Plan

Timelines	Task	Activities	Venue	Negotiated Deliverables	Responsible Persons
February 2011		First general meeting of elders and local participants in an effort to introduce the project and collect views about the company, the project details, the impacts on land	50 participants about 18 elders with land leases and 15 women and 24 youth	Mainly to introduce the project and its requirements in the feasibility studies.	
March 2011	<b>Land Negotiations</b>	Ole-Kipapeyi continues individual door to door explanation of the project to the local land owners.	33 Households visited	List of land owners confident enough to engage with their title deeds;	Craft Skills and Ole-Kipapeyi
March 2011		List of land owners who understand the project and are ready to consider leasing their land increases to 10 land owners and some are identified to erect the Met Masts. And terms for the met Mats are negotiated with the identified land owners.	43 households visited	Land owners where Met Masts can be erected	
March 2011		Meeting with potential investors from GE with representatives of the community Land owners in Nairobi;  Meeting in Esilanke in which the Meeting with GE was explained and as potential investors the basics of what was agreed and the potential going forward should the deal go through;  Meeting at Esilanke attended by GE representatives, lawyers, Craftskills, Provincial Administration DO, chiefs, councilors and local land representative and some owners participants	60 participants 60% land lease holders, elders with land leases, 20 women and 18 youth	Number of land owners ready to join the project and sign agreements;  Discussions begin about land leases and the need to confirm land title deeds before signing leases;	

## Kipeto Transmission Line ESIA Study – Stakeholder Engagement Plan

Timelines	Task	Activities	Venue	Negotiated Deliverables	Responsible Persons
April 2011	<b>Land Lease</b>	Meetings to agree on the terms and Erecting the Met Masts and the agreement to have a community lawyer accessible and who must be a Maasai and knowledgeable of the area and within reach of the elders and able and willing to engage with the community	39 participants	Choice and agreement on the community lawyer Naikuni Nyagah& Miencha Company Advocates Titus Naikuni of NNM Partners with offices in Kajiado	Craftskills, Ole Kipapeyi and Ezekiel
May 2011		Meetings to Identification and Choice of important issues to include in the land lease documents.  More detailed discussions on the of process of developing the leases and the need to organize budget for the process;	20 participants mainly elders	Development and collection of issues to include in the land lease document	
May 2011		May 22 <sup>th</sup> Baraza Meetings to explain the process again and to confirm the process with a few land owners whose title’s went through the land lease process and came back without any alterations as was feared.	45 participants Mainly elders	Land owners able to debate the first land leases documents	
June 2011	<b>Alternative Project</b>	The first reconnaissance tour of the Kipeto area by the EIA team of consultants including Air quality, Sound, Social economic, Ecology etc;  Esilanke church meeting to discuss and find out which is the bona fide company registered by the government and allowed to operate in Kipeto; Minutes of April 2010  Meeting in Esilanke to introduce the EIA team and also follow up on the deliberations at the DC office in which there appeared to be two companies doing wind project in the	78 participants  Over 33 youth and 40 elders	A critical number of land owners supporting the Kipeto Wind Energy project;  1 <sup>st</sup> land leases signed and payments made  The meetings were to provide information on KEL project as another company (Empiris) was trying to sign up land without authorization from MOE which KEL had.	Craftskills, Ezekiel and Wilson

## Kipeto Transmission Line ESIA Study – Stakeholder Engagement Plan

Timelines	Task	Activities	Venue	Negotiated Deliverables	Responsible Persons
		<p>area;</p> <p>Continued mobilization and creating awareness on what are the expectations of the project after there were conflicting reports as to the true impacts related to wind project in the community; 2 meeting organized for deeper dialogue on this</p> <p>18<sup>th</sup> June and 20<sup>th</sup> June 2011 with elders and general meeting in which some of the elders resolved to continue supporting the project and told those who wanted to support the other project to do so and we leave in peace.</p>		<p>Minimize the impact of the Alternative Company (Empiris) misinforming on wind project related impacts land owners.</p>	
June 2011		<p>Ole-Kipapeyi continues with door to door meetings with land owners and those who have accepted and sent to the lawyers: they go with a photocopy of their title deed to community lawyer for verification and registration before being handed over to IKM, the GE Lawyer</p>	<p>19 households visited</p>	<p>Continuous collection of land leases signature and payments for the 1<sup>st</sup> year done;</p>	
July 2011		<p>Second meeting in the Kipeto church: Empiris claimed that they have already developed phase one of their project that is lighting the primary school using a wind turbine. They were looking forward to develop another phase that is for the community. At this point there was confusion as other members in the meeting argued that its craft skill that have been given the permission to develop this project. The debate was so heated that the pastor of the church decided to expel people from his</p>	<p>113 participants</p>	<p>Minimize the impact of the Alternative Company offering wind project related land leases to land owners.</p>	

## Kipeto Transmission Line ESIA Study – Stakeholder Engagement Plan

Timelines	Task	Activities	Venue	Negotiated Deliverables	Responsible Persons
		church”. Source Minutes CCI church meeting June 2011			
August 17 <sup>th</sup> 2011	<b>Arbitration</b>	DC Ngong Meeting with Mr. Hiram Kahi and represented by Mrs Karisa DO1 Ngong area attended by both Craftskills and Alternative Company Empiris in which the letter for Craftskills dated 2009 and letter for Empiris dated 2010 made DO to declare government had given project to Craftskills	57 participants	Manage the impact of the competition between the two companies	Craftskills Ezekiel and Wilson

## **7 OBJECTIVES OF STAKEHOLDER ENGAGEMENT DURING THE EIA**

The objectives of the stakeholder engagement during the Environmental Impact Assessment phase, taking into consideration regulatory requirements and good practice guidelines are to provide sufficient and accessible information to stakeholders during the:

- a) Screening Phase;
  - Receive and disseminate initial information about the proposed project;
  - Contribute to the design of the stakeholder engagement process;
  - Provide initial comments and responses to the proposed project; and
  - Contribute local information and knowledge
- b) The Scoping Phase;
  - Raise issues of concern and suggestions for enhanced benefits sharing;
  - Verify that the community issues are always recorded and they verify;
  - Community is engaged in identifying reasonable alternatives for siting various site specific activities and projects elements; and
  - Contribution of relevant local information and traditional knowledge to the environment assessment.
- c) The Impact Assessment Phase
  - Dialogue impacts with the local community
  - Ensure contribution of relevant information and local and traditional knowledge to the environmental assessment;
  - Verify that their issues have been considered in the environmental investigations;
  - Comments on the findings of the social and environmental assessments.
  - Discuss the reports and provide consent as to their project issues
- d) Mitigation Management Plans
  - Verify and dialogue how the impacts have been managed;
  - Contribute relevant information and knowledge to management plans;
  - Comments on the proposed management plans; and
  - Commit to monitoring and grievance mechanism defined;
  - Discuss the management plan proposed

### 7.1 Stakeholder Identification and Analysis;

This was done by the Kurrent ESIA team to determine who are the Kipeto Project stakeholders, their age groupings, and sub-groupings. These stakeholders identified are apart from stakeholders defined by regulatory requirements like the local County Council, lead agencies and relevant government ministries including water, health, energy, and local government (now county government).

- a) **Wind Project Affected Based Stakeholders;** those directly affected by project site specific elements and equipments and activities, but not land specific. Potential impacts include noise, access routes, community trust, social amenities etc.,
- b) **Land Based Identification Stakeholders:** those indirectly affected within the local areas of project activities in relation to its land based needs. Potential impacts are associated with land and are managed by the lease and mitigated by compensation
- c) **Geographically Identified Stakeholders;** those within administrative or political geographical constituency of the project including Kajiado County in general and neighbouring counties and maybe the national economy. Noise, visual impacts and economic impacts including from higher demand of goods and services from turbine income and Community development from the trust would be the mitigation.
- d) **Interests Identified Stakeholders:** Those whose ‘interests’ make them stakeholders including those with similar business interests, regulatory interests, environmental, social, economic and interests related to any topical area that is relevant to wind energy project directly and indirectly affected by the project. Regulatory aspects of the project with NEMA, socio-economic aspects with county government.

**Mapping of the stakeholders was done based on the following characteristics:**

- a) Those who will be adversely affected potential environmental and social impacts
- b) Those most vulnerable stakeholders,
- c) At what stage of the project development is which stakeholder to be engaged?
- d) What are the various interests of the project stakeholders and what might influence them?
- e) Which stakeholders might help to enhance the project design?
- f) Which stakeholders can best assist with early scoping of issues and impacts?
- g) Who opposes or supports the project, its changes and impacts?
- h) Whose opposition could be detrimental to the success of the project
- i) Which departments of government are relevant to the project?
- j) Who is critical to engage with first and why?
- k) What is the optimal sequence of engagement?

### **Identification and Verification of Stakeholder Representatives**

Stakeholder representatives are the main agents through which consultations and communication of information are done. They represent an efficient way through which large number of stakeholders can receive information and are individuals who are true advocates of the views of their constituents.

They have also helpful in organizing specific stakeholder meetings and are in most cases also identified by the project affected persons as good representatives. They include elected representatives, traditional representatives (clan elders, and tribal leaders), leaders of local community groups, cooperatives groups, local NGO's and local women groups; school teachers and religious and political leaders. Out of these community liaison officers were also identified. They were identified from the community leadership including school teachers and local church leadership. Ezekiel Nkanoni (a son of a land owner), a teacher and also in the church leadership in the community and Wilson Saitaga also a son of a local land owner, a pastor in a local church are the community liaison officers.

### **Household Engagement:**

Households were specified and were also engaged in consultation to ensure their participation in the project. This included identification and mapping of the structures, door to door description of the project to those who did not attend the meetings, and also mobilization of hierarchical structures for engagement with households included in the project. The household leaders, who are mainly the male elders were engaged first. After the male elders were in agreement then the female household members were engaged and then followed by the younger members of the household.

Households with larger land holdings and polygamous families that would be directly affected by the project were provided with more time for discussion than those with smaller monogamous families and or small pieces of land. This was important especially because most land decisions also affected households as a unit. Polygamous households needed repeat meetings in their home to deliberate on issues and in some cases (e.g. Nkanoni family from which one of the community liaison officers comes from) two influential sons were in support of a competing wind company proposing to work in the area. Decisions on land sub-division and its impact on location of the turbine, access roads and how these affect division of household incomes were key considerations in these debates. Fears of what the copies of the title used to make a land lease agreements could be used for and delay as a result processes related to land title transactions in government offices led to a lot of apprehension that needed continuous dialogue and management. These processes were key before any lease signatures or payments could be made.

## **7.2 Information Disclosure**

Information disclosure in a manner that is understandable and continuous was and is the main criteria for successful stakeholder engagement for the proposed development. This is because timely and accurate information is integral to meaningful engagement of all stakeholders including the affected communities. This is especially the case if the target community is an indigenous community with a history of discrimination and marginalization as is the Maasai community. All

meetings were scheduled in a two step manner with the initial meeting specifically for information and the second meeting for consultations.

*Transparency:* To ensure trust building and the need to promote understanding of the project. The disclosure strategy for the proposed development promotes the principle of openness and transparency. A two way communication strategy in which regular meetings to share reports and open grievance mechanism are planned to ensure transparency objectives are managed.

*Apply good practice principles:* Disclosure was done early and in an objective manner to facilitate consultation. The disclosure was made as meaningful and accessible as possible to the local community by having as much in local language as possible.

*Manage information on sensitive and controversial issues:* is important and most of the information was tailored to specific target affected stakeholders, presented with facts and explaining the uncertainties and what need to be used for what decisions and who to contact should they face uncertainties.

### 7.3 Stakeholder Consultations

Consultation is a two way process of dialogue between the proposed project and its stakeholders with the objective of initiating and sustaining constructive external relationships over the life of the project to obtain a social license to “operate”.

The engagement is guided by the International Association Public Participation (IAP2) core values in 2.3 above, targeting different stakeholders at different times and with different methods, scoping of priority issues, sharing responsibilities among various project persons and documenting each engagement.

*Informed Participation* that is more intensive and active was defined within focused group sessions by participants who were encouraged to confirm what they were told in the general meetings. The younger participants were encouraged to research the internet and comment on the level of disclosure found. Minutes of meetings were shared to ensure they protected the interests of their parents who are considered less literate.

This lead to a more in-depth exchange of views and information, and to joint analysis and decision making in the project as required by IFC Performance Standards and guidelines for stakeholder engagement. In-depth informed participation will focus on the land owners within the project area whether they were in the lease or not part of the project lease.

As *indigenous communities*, the Maasai resident in the project area were identified using their representative bodies identified as elders. In most cases, elders gave permission to consult other household members when they felt satisfied that the project was beneficial to the community. When no consent was given another meeting was arranged later for further discussions.

Since the project affects men and women differently and for the purpose of achieving gender requirements, initial consultations with men only was required and permission sought to hold disaggregated meetings. Permitted meetings with women and youth followed separately at the environmental assessment stage. The minutes of these meetings can be found in Appendix H of the ESIA (the sociology report).

### 7.4 Negotiation and Partnerships

The consultation process with land owners led to subsequent negotiations about the project. This was organized in a step by step manner and in good faith within specific objectives as set out as deliverables in the tabular presentations.

During the feasibility studies the consultations with land owners were general and targeted at laying the ground work by establishing trust and credibility though to enable achieve land negotiations for the land leases. This was the most important objective of the initial negotiations. Continuous face to face consultations with household heads and open consultations with various members as individual land owners, youths, and women made the negotiations for land lease very important. Most of the households are polygamous and land has various interests. Where subdivisions were yet to be done, wives and sons had a lot to contribute to the consultations and made the negotiations very complex and long.

The negotiation meetings were also held based and guided by these principles of trust first then documentation included and verified later. Most elders did not trust in signing things or giving specific information about numbers of their cows, children, school or wives. These were only provided when there was sufficient trust for them to bring along their sons and collect the minutes which first were taken to the household for further elaboration.

During most of the Social Impact Assessment meetings in quarter two of 2011, participant lists were at first refused, participant questionnaires were rejected if they included signature of the participants. The meetings held in 2012 and 2013 all participant questionnaires were filled and they would allocate one of the sons of a land owner to take the names of the participants. Cooperation in terms of attributing themselves to the project had increased significantly.

### 7.5 Grievance Management

The community and the proponent agreed and are in the process of developing and implementing a grievance mechanism for the purpose of managing any of the issues that may arise as a result of the project. Different risks related to various phases of the project were identified and the suitability of the grievance mechanism defined within the legal and indigenous frameworks available within the community and the wider administrative structures.

An important component of the grievance mechanism is the open meetings approach for discussion of issues and deliberation of solutions that target common risks and safety. This is to ensure openness and “fairness of process” which is an important attribute required by the IFC performance standards.

The need for a clear accessible method of lodging a complaint and a sustainable way of managing review of complaints lodged with predictable process outcomes, through to how decisions are made and what possibilities may exist for appeal. The document will be in written form and also available to the local community, with good record keeping database. The grievance mechanism will at the local community level of complaints data recording, classification and documentation, be done by the Community liaison officers. A select group of elders will form the first level of complaints mediation. Where this level of mediation solves the matter it ends there.

Where it cannot solve the matter a larger team including project representatives would sit within certain days to determine the case. Again if the case is solved it ends there. If it is not solved, the dispute will take a legal angle.

### **7.6 Stakeholder Involvement in Project Monitoring**

For the purposes of Performance Standards 1, 7 and 8, ‘FPIC’ has the meaning of building on and expanding the process of Informed Consultations and Participation. This means there has to be good faith negotiations between the client and the affected communities of Indigenous People’s. The Kipeto project endeavored to document that:

- a) The parties agree to a mutually acceptable process between the company and the community;
- b) Evidence of agreement between the parties as the outcome of negotiations.

To promote transparency and satisfy stakeholder concerns, participatory monitoring and implementation of mitigation measures and or other environmental and social programs are key components of the stakeholder engagement. This will be achieved through periodic feedback as part of the two way communication through project implementation and reporting through monthly, quarterly meetings to community during community Trust meetings. A monitoring and evaluation management plan will guide the activity.

### **7.7 Reporting to Stakeholders**

Stakeholders’ engagement includes feedback after consultations have taken place. Stakeholders want to know which of their suggestions have been taken on board, what risks or impacts mitigation measures will be put in place to address their concerns, and how the projects impacts are being monitored. Follow-up meetings will be held prior to implementation of each activity related to the particular concern. The concerns of the community have and will inform project design to a large extent. During the follow-up and periodic community meetings, stakeholder reporting is done either directly or through answering specific questions on issues raised.

## 8 STAKEHOLDER ENGAGEMENT PLAN

### Screening Stage

The objective of stakeholder engagement during the Environmental Assessment stage Screening Phase, taking into consideration regulatory requirements and good practice guidelines are to

- Disseminate initial information about the proposed project;
- Contribute to the design of the stakeholder engagement process;
- Provide initial comments and responses to the proposed project; and
- Contribute local information and knowledge

Timelines	Task	Activities	Deliverables	Responsible Person
June 12 <sup>th</sup> 2011	Identification of stakeholders	Introduction meeting to the Esilanke community	Understanding the EIA process and what it entails	Kurrent Technologies and Ezekiel and Wilson
June 2011	Household Consultations on land and sharing information	House to House meetings and survey	Household survey on location of houses in land and their GPS	Kurrent Technologies Ezekiel and Wilson
June 2011	Disclosures on project details and EIA process and deliverables	Esilanke meeting with select leaders, community representatives and youth and women representatives	Dialogue on process meetings and house visits	Kurrent Technologies Ezekiel and Wilson
July 13 <sup>th</sup> 2011	Project information and disclosure	Meeting at the community in Esilanke Introduction of the EIA process to baraza in Ndonyo	Scoping EIA with the community	Kurrent Technologies Ezekiel and Wilson

## Kipeto Transmission Line ESIA Study – Stakeholder Engagement Plan

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Timelines	Task	Activities	Deliverables	Responsible Person
		Sidai		
July 2011	Project information disclosure	Household survey and data collection	Local stakeholders mapping and analysis	Kurrent Technologies Ezekiel and Wilson

## Kipeto Transmission Line ESIA Study – Stakeholder Engagement Plan

### Scoping Phase

The objective of stakeholder engagement during the Environmental Assessment stage Screening Phase, taking into consideration regulatory requirements and good practice guidelines are to

- Disseminate Receive initial scoping information about the proposed project;
- Contribute to the design of the stakeholder engagement process;
- Provide initial comments and responses to the proposed project; and
- Contribute local information and knowledge

Timelines	Task	Activities	Deliverables	Responsible Person
July 13 <sup>th</sup> 2011	Project information and disclosure	Formal meeting in Nairobi inviting all relevant government agencies, community member representatives, and EIA experts to define the EIA process and deliverables.  Esilanke Meeting to disseminate basics of the project to the community	Agree on the process and future mode of engagement with deliverables  Dissemination of information	Kurrent Technologies  Ezekiel and Wilson for community mobilization  Kurrent Technologies
16 July 2011	Project information Disclosure	Meeting at the community in Esilanke to scope the project and prepare for general baraza on the same disclosure of project information  Provide basic A3 size picture and encourage internal household discussions	Introduction of the EIA process to baraza in Ndonyo Sidai  Encourage the community to consider internal dialogue	Kurrent Technologies  Ezekiel and Wilson for community mobilization

## Kipeto Transmission Line ESIA Study – Stakeholder Engagement Plan

Timelines	Task	Activities	Deliverables	Responsible Person
20 <sup>th</sup> July 2011	Attend a cultural event as part of knowledge of cultural activities for the indigenous community	Meat Camp Cultural Event : Key informant interview with one of the main supporters of the project in a meeting with a group of 8 Elders who provided guidance on how the community is culturally structured, the role of age groups, their decision making roles, historical perspectives and how to engage them in future.	Engaging the community from their traditional representatives	Kurrent Technologies Ezekiel and Wilson for community mobilization

### Social Impacts Assessment Phase

The objective of stakeholder engagement during the Environmental Assessment stage Screening Phase, taking into consideration regulatory requirements and good practice guidelines are to

- Receive initial information about the proposed project;
- Contribute to the design of the project by negotiating significance of impacts;
- Provide initial comments and responses to the proposed project; and
- Contribute local information and knowledge

Timelines	Task	Activities	Deliverables	Responsible Person
July 17 <sup>th</sup> 2011	Identification of impacts	Introduction meeting to the Esilanke community	Understanding the EIA process and what it entails	Kurrent Technologies and Ezekiel and Wilson
July 2011	Identification of potential impacts as a result of wind project	Endonyo Sidai Community Meeting with elders with attendance of Craftskills Doc and Simon to explain potential impacts  To the community and the need to come up with responsible management structures where the impacts are adverse	Agree and confirm that that the Craftskills directors are aware and part and parcel of the EIA process	Kurrent Technologies with Wilson and Ezekiel as the community Liaison
July 2011	Collection of community fears and perceptions on the potential impacts of the wind project	Focus groups Meeting to deliberate on the fears arising from misinformation from the Empiris about impacts like cows will not give birth, water will finish and land title's deed will not be usable	Provide objective and clear information to ensure objective negotiations	Kurrent Technologies with Wilson and Ezekiel as the community Liaisons

## Kipeto Transmission Line ESIA Study – Stakeholder Engagement Plan

Timelines	Task	Activities	Deliverables	Responsible Person
		to secure loans		
July 2011	Project information disclosure and assessment of impacts	Formal meeting in Nairobi inviting all relevant government agencies, community member representatives, and EIA experts to define the EIA process and deliverables.	Wider government stakeholders are informed and engaged into the project and their contribution is sort.	Kurrent Technologies with Wilson and Ezekiel as the community Liaisons
July 2011	Project compensation details for owners who join land lease	Meeting at the community on Compensation details for feasibility stage; compensation for operations stage	Making general guidelines open and transparent for all who wish to join land lease	Kurrent Technologies with Wilson, Ezekiel and Craftskills representatives

## Kipeto Transmission Line ESIA Study – Stakeholder Engagement Plan

### Mitigation Measures as Outlined in project SIA document

The objective of stakeholder engagement during the Environmental Assessment in the mitigation Phase, taking into consideration regulatory requirements and good practice guidelines are to

- Their mitigation proposals were taken into consideration in design of the proposed project;
- Contribute to the design of the stakeholder engagement process;
- Provide initial comments and responses to the proposed project; and
- Contribute local information and knowledge

Timelines	Task	Activities	Deliverables	Responsible Person
August 2nd 2011	Data collections	Second Key Informant Interview on in-depth history of a polygamous household and the future of the Maasai community in the area	Understanding the potential impacts to Maasai households in Kipeto	Kurrent Technologies and Ezekiel and Wilson
August 4th 2011	Information dissemination	To discuss further social impacts potential to the project;  To seek permission for the many different consultant vehicles running around in the land carrying out different studies;	Define significance of the impacts and provide clarity and share	Kurrent Technologies and Ezekiel and Wilson
August 9th 2011	Information dissemination and assessment of impacts	Meeting with women in Esilanke to discuss: What are the actual project potential impacts and what measures to mitigate them	Explaining the mitigation measures specifically to women as outlined in the Kipeto SIA documents	Kurrent Technologies and Ezekiel and Wilson
August 11 <sup>th</sup> 2011	Project information and	Meeting with youth in	Explaining the mitigation	Kurrent Technologies and

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Timelines	Task	Activities	Deliverables	Responsible Person
	disclosure	Esilanke to discuss potential social impacts of the project	measures specifically to the youth as specified in the Kipeto SIA document and related to employment, credit facilities	Ezekiel and Wilson
August 16 <sup>th</sup> 2011	Employment opportunities available in the project	Meeting with youth from Donyo Sidai Area to elaborate on potential opportunities for employment from the project given that they are not currently land owners to receive compensation payments	Youth were growing apprehensive about the lack of clear opportunities to benefit from the project	Kurrent Technologies and Ezekiel and Wilson
August 18 <sup>th</sup> 2011	Complains that women from Donyo Sidai area were excluded from project information meetings	Meeting with women from Donyo Sidai to discuss project details and repeat potential impacts and deal with fears that some impacts were negative according to information they were receiving .	The need to engage with a women on their own separate meetings and provide them with basic project information	Kurrent Technologies and Ezekiel and Wilson
August 25 <sup>th</sup> 2011	Elders and Youth to resolve the resistance among the youth	Meeting to resolve benefits information between the elders and the youth who are said to be apprehensive about the benefits of the project to them	Benefit sharing in terms of employment and the benefits of the community trust to the youth was clarified.	Craftskills Simon, Kurrent Technologies and Ezekiel and Wilson
October 7 <sup>th</sup> 2011	Meeting with the Project Manager to discuss and confirm what has earlier been sad about mitigations	Meeting at Esilanke with the community to discuss and confirm several issues raised during the EIA as potential	Catherine Keogan project manager, GED visited the site and discussed various	Kurrent Technologies and Ezekiel and Wilson

## Kipeto Transmission Line ESIA Study – Stakeholder Engagement Plan

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Timelines	Task	Activities	Deliverables	Responsible Person
	measures and project development plan.	impacts and benefits of the project and also hear the way forward in relation to the project in terms of time lines	potential impacts	

## **9 STAKEHOLDER ENGAGEMENT PRE-CONSTRUCTION, CONSTRUCTION AND OPERATIONS PHASE**

Stakeholder engagements during the pre-construction, construction and operations phases of the project are determined both by various activity schedules that the project demands and the commitments defined within the specific requirements including the following:

1. Considering the commitments to continuous reporting to the stakeholders throughout the life of the project;
2. The need for local community based engagement and dissemination of information about the project;
3. Given the detailed and comprehensive information demands that this commitments imply;
4. Identifying the need to keep the community ready and engaged on the project

### **9.1 Pre-Construction Phase**

At the pre-construction stage the following stakeholder engagement process details are on-going and in preparation for the construction stage:

- a) Following up on commitments made and subjected to the environmental permit acquired from the regulatory authorities.
- b) Following up on the commitments made to the community in relation to the reporting on various activities as key stakeholders in the process.
- c) Clear communications including tenders stages, survey works and the investment due diligence requirements of various potential and actual investors of the project.
- d) Coordinate community meeting to enable new opportunities including the CDM to engage with the community with clear explanations to the community about their benefits to these or any additional opportunities, brought about by the project.
- e) Communication and information with the community on an on-going basis including widening and deepening communications to the wider community in Kajjado County and Kenya about the project through project website, documents submitted to county government and public information activities like flyers at the local towns;
- f) Preparing the community for the up-coming construction phase and the challenges expected as delineated in the potential impacts assessment through sensitization meetings and information;
- g) Continuing with process engagements that are incomplete even as the ESIA draft report is submitted including:
- h) Completion of detailed in-depth engagement, deliberations and drafting of the Community Trust documents.

## Kipeto Transmission Line ESIA Study – Stakeholder Engagement Plan

- i) Completion of the ESIA for the associated facilities especially the Transmission line, bridge, burrow pits rehabilitations, sub-station and engaging the community on these issues.
- j) Setting up detailed structures, plans and resources for management of the identified potential mitigation measures;
- k) The development and dissemination of a grievance mechanism to manage the pre-and construction and operations phase of the project.

Pre-Construction activity	Mitigation Commitment	Responsibility	Timing
Engage the community more deeply on the Community Trust	KEL holds consultation meetings on the Community Trust with Community Lawyers	KET director	Quarterly meetings until Trust developed
	KTL sociologist meetings with community on Community Trust	KTL	First quarter 2013
	Community Lawyers hold meetings with community for their views on the Community Trust	Community Legal representatives	Quarterly until Trust developed 2012/13
	Partners Legal representatives meetings to harmonize Community Trust document	Project Manager	Quarter 2013 of draft negotiated
Engage the community on and establishment of a Grievance mechanism	KTL sociologist holds meetings with community on Grievance Mechanism	KTL	Quarterly until a final document is developed
	Legal representatives and project manager holds meetings on various aspects of the Grievance Mechanism	Project manager	Quarterly 2013
	Review of the Grievance Mechanism with the Community	KEL	Final negotiated draft 2013
Deepen engagement to create awareness on the project with the county authorities and county population in general	Meeting held on 27 <sup>th</sup> June 2013 in which over 200 participants attended including county representatives at both national and county government and land owners and non land owners and the general public ( <i>see attached minutes and pictures</i> )	Project Manager KEL GE KTL	June 2013
	Project Website established and project information uploaded	KEL	2013-2014

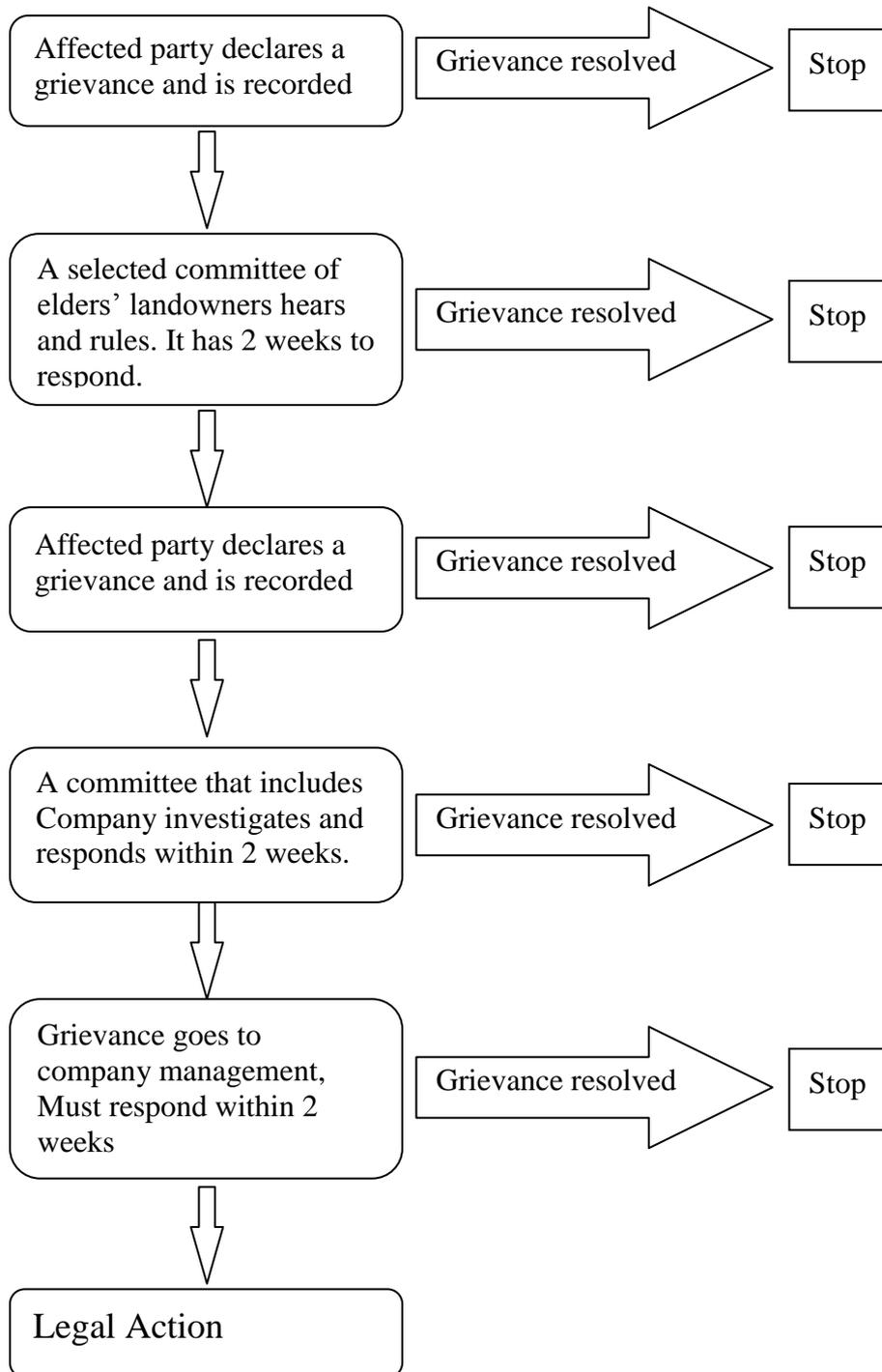
Pre-Construction activity	Mitigation Commitment	Responsibility	Timing
	Project brochures developed and distributed around the county	KTL and KEL	2013-2014
Continuous meetings on matters arising and reporting on project development to construction phase.	Meetings related to Project development	Project Manager	Quarterly and annual meetings
	CLO engaging with the community at project site and providing project updates and reports	KEL	Monthly and as needs arise.

### 9.2 Grievance Mechanism

**Grievance mechanism:** Construction Stage: management of community issues associated with safety and health of the community are a key consideration of the grievance plan. Locally accessible community liaison officers able and willing to manage grievances within outlined procedures will be engaged and clear and transparent non-judicial process of management of grievances with the help of local traditional structures including elders has been discussed and agreed as the mechanism by which grievances will be handled. A draft document is in the process of being developed in consultation with the community.

A well functioning grievance mechanism, is designed and proposed by the community during the meetings is necessary and will include the following aspects:

- a) Be predictable, transparent and credible process to all the parties in any grievance but more so to the local community members.
- b) The outcomes should be seen as fair, and effective and lasting as would also be judged by the elders who participated in considering the grievance as was reported.
- c) Should build trust as an integral component of broader community relations activities.
- d) Should enable systematic identification of emerging issues and trends, and in general meetings facilitate awareness of these trends and facilitate correction and preemptive engagement.



The following are some community recommendations on the draft grievance mechanism document

During construction, the site manager will be responsible for handling the grievances

- a) There should be a grievance desk in the community
- b) Complaints should be delegated so that community members in various project areas can lodge complaints easily from various parts of the projects area to be accessible to all community members from both the transmission line and the wind farm areas;
- c) The person dealing with the complaint Avoid bribery and distortion of the complaint from the community. Employ people with community interests at heart; have effective ways to avoid changes of the complaint through corruption especially when given by an illiterate person.
- d) Provide ways in which the complaint can be forwarded in local language and effectively translated into English for those who are English illiterate.
- e) Ensure an effective data management system (storage, retrieval of complaints)
- f) Have a prescribed way of managing a complaint from beginning to end;
- g) Have an elders represented in the first level of mediation;
- h) Second level of mediation should include local administration like the chief
- i) Third level should include a elders, local administration and legal representatives,
- j) Community participation and ownership is important
- k) Ensure an effective community reporting on how the grievances were resolved.
- l) Continuous and efficient monitoring and evaluation of the effectiveness of the whole grievance mechanism

### 9.3 Community Awareness and Information

#### Project Management Communications

The project should maintain engagement throughout the life of the project. The communication given should be consistent to the information needs provided in the plan. This includes communication about meetings of the community relevant activities.

These include but not limited to:

- a) *Project Activity Plans* during construction and operations to enable effective participation and review. There should equally be adequate information disclosure about the activities as has always happened during the EIA and the feasibility stages.
- b) *Community Trust Communications*: the activities of the trust should be equally communicated in an effective and participatory manner so that to enable continuous engagement and the feeling that the community is part and parcel of the establishment and management of the community trust.

- c) *Accessible Methods of Project Communications*: the local meetings are an effective fair way of providing information that is general as opposed to information targeting individual land owners or residents community members. The site office should have communications about construction activities in a clear and on going manner. Community liaison officers should be accessible and fair. Grievances should be clearly recorded and fairly reviewed with the interests of the local community prioritized.
- d) *Project Report Communications*: reports produced will be in simple formats also and will be discussed in open meetings in summary in the local language to enable meaningful participation of the English illiterate community members. The reports will be periodically produced and shared with the community.
- e) These communications will be guided by operational phase plan scheduled in section 7.3

### 9.4 Community Trust

The establishment, function, control and responsibilities of the Community Trust are as to be formed in line with intentions expressed by the developers of the Kipeto Wind Farm:-

#### I. Objectives of the Trust

These are continuous further engagement of the wider community to ensure the objective meet the wider community for its benefit. A project website will provide detailed information on the project. While other reports and news will be provided through the county media, county submitted reports, flyers etc. The broad areas of support, subject to full consultation and engagement, will be:-

- I.1. Preservation of the Masaai culture and language for the specific betterment of the Masaai community
- I.2. Development of infrastructure within the project area to benefit the indigenous Maasai community ;
- I.3. Promote and sustain formal education (including schools and other facilities);
- I.4. Promote and sustain adult education and awareness into economic matters, including financial and legal services to understand the implications of the increased resources in the community;
- I.5. Promote health services (including clinics and other facilities) focusing on community based healthcare, primary health care, education and prevention on sexually transmitted diseases including HIV/Aids, education and awareness to avoid substance abuse and general management of good hygiene and good health;
- I.6. Natural resource management including provision and preservation of water;
- I.7. Ensure that there is equality in representation of all focus groups to include women/widow, orphaned children and youth groups to ensure their interests are protected;
- I.8. Generally ensure equitable distribution, management and use of wealth to ensure no one section of the community are disadvantaged in deployment of resources that are available to the Trust

I.9. A central team or teams to be appointed from the various groups of the Community to ensure their interests are added to the formal establishment of the Trust.

### **II. Establishment of the Trust**

The Trust has to be registered under the laws of Kenya once a Trust Deed setting out the following has been agreed:-

- II.1. The Name of the Trust
- II.2. The Objectives of the Trust
- II.3. Number of Trustees to be appointed and the terms of their appointment. The legal duties of Trustees will remain subject to local legal provisions
- II.4. Timing of the registration to be made very clear (12- 24 months) which will meet the timing of when funds will be available to the Trust. This timing is to be considered as part of the consultation and communication of the establishment principles;
- II.5. Governance of the Trust in terms of meetings to ensure continual engagement and communication to the Community on the operations and meeting the objectives of the Trust;
- II.6. Draft of the Trust Deed to be agreed with representatives of the Trust, with a lawyer who the community appointed to assist the community represent their combined interests, Lucas Naikuni or Naikuni, Ngaah and Miencha Company Advocates, Nairobi Kenya.

### **III. Functions of the Trust**

The community has a general agreement that the trust should have the following functional focus including:

- III.1. to ensure that the management of the Trust through the Trustees in line with the Trust Deed are made in accordance with the agreed objectives;
- III.2. There should be regular meetings involving community members and specific areas of priority to be given to the special interest groups
- III.3. Financial governance and transparency will be critical to ensure full visibility of the use of resources available to the Trust to ensure proper alignment with the objectives of the Trust

### **IV. Special Interest Groups**

There will be special recognition of the special interests of the Masaai Community and the Youth, Women/Widows and orphaned children that will be managed within the objectives of the Trust;

### **V. Financial management of the Trust**

There will be transparency as to the all financial matters that will be set out in the operation of the Trust.

### 9.5 Construction Phase

The construction phase community engagement identified various impacts which will be managed in a participatory manner with the community actively informed and involved. A detailed construction management plan guides construction details for the project according to the final design plans negotiated. A general stakeholder specific guide is outlined herein.

Construction activity	Mitigation Commitment	Responsibility	Timelines
Upgrade External Roads required for access to Kipeto Site	Manage traffic, build safety structures like bumps, sensitize community;	Site Manager	2014-2015
Deliver, install and commission wind turbines	Locational negotiation, minimize land use, minimize limits to grazing land; rehabilitate land,	Site Manager	2015-2016
Survey, Construct and build internal access roads	Limit land use to agreed road needs only, negotiate additional needs and compensate within a contingency plan.	Site Manager	2014-2015
Establish temporary Construction Compound	Negotiate and compensate for land use should any additional land be required outside agreed land.	Site Manager	2014
Construct water abstraction and storage facilities	Limit impacts on local water use and leave new water sources for the community benefit	Site Manager	2014
Excavate and construct reinforced concrete Turbine Foundations	Dispose soils well, limit impacts on grazing land	Site Manager	2014-2015
Route and construct transmission line	Compensate for way leave taken and agree on terms prior to construction according to the voluntary household relocation plan. Sign way leave agreements and avoid relocation in routing line. Where relocation must be voluntary of under RAP	Kipeto Energy Project Manager	2014-2015
Construct sub-station facilities	Compensate for land, fence the facility, and ensure community safety issues and prioritized.	Kipeto Energy Project manager	2014-2015
Sourcing of materials locally	Provide lists and sub-contracts for local	Site Manager	2014-2015

Construction activity	Mitigation Commitment	Responsibility	Timelines
	participation of companies and labour by local youth.		
Construction based activities	Rehabilitate all construction based impacts to as near original status as possible;	Site Manager	2014-2015

### 9.6 Operations Phase

Operations and Management: under a long-term lease with land owners in the project area, Kipeto Energy Limited plans to generate electricity and sell to Kenya Power. The power will be sold to the Kenya Power at an agreed power Tariff agreement in accordance with a Power Purchase Agreement.

- a) A revenues to the Kipeto community Trust that will be used for community projects as defined by the trust controlled including by the local community stakeholders.
- b) Noise impacts are managed according to the World Health Organization guideline at the nearest receptor off-site.
- c) All other impacts as outlined in the ESIA documents both for the Wind project and the Transmission line.

#### Pre-Construction, Construction and Operations Phase

The objective of stakeholder engagement during these phases, taking into consideration regulatory requirements and good practice guidelines are to:

- Disseminate more information about the construction and operations and provide participatory monitoring and evaluations methods, including a clear, accessible and effective grievance mechanism;
- Expand awareness of the benefits available within the construction and operations phases;
- Maintain participatory engagement on the Community Trust with community feeling some

## Kipeto Transmission Line ESIA Study – Stakeholder Engagement Plan

decision is their own.

- Maintain communication on the project with the community;

Timelines	Task	Activities	Deliverables	Responsible Person
Monthly meetings	Awareness on Community Trust	Meetings on Community Trust drafts Meetings on Grievance Mechanism	Continuous engagement and Consultations	GE, Craft skills, and community Liaisons
Quarterly meetings	Stakeholder Meetings	Quarterly Management Meetings of representatives of all shareholders of Kipeto Energy; Community quarterly update meetings	Continuous engagement and consultations	GE, Craft skills and community Liaisons
Monthly reports	Monthly Data Collection and Reports Writing	Monthly Reports disseminated including to the community Meetings of representatives to discuss report	Management Report Environment Report; Community Report	GE, Craft skills, Kurrent Technologies and community Liaison
Quarterly reports	Quarterly Reports compilation, dissemination and discussion	Quarterly Reports disseminated including to the community Quarterly Meetings of representatives to discuss report	Management Report Environment Report; Community Report	GE, Craft skills, Kurrent Technologies and community Liaison
Annual meetings	Annual meetings to discussion reports and progress	Annual meetings including to the community Annual Meetings of representatives to discuss report and make resolutions	Management Report Environment Report; Community Report	GE, Craft skills, Kurrent Technologies and community Liaison
Annual Reports	Annual Reports compilation, dissemination and discussion	Annual Reports disseminated including to the community	Management Report Environment Report;	GE, Craft skills, Kurrent Technologies and community

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Timelines	Task	Activities	Deliverables	Responsible Person
		Annual reporting to all stakeholders including local community to discuss report and make resolutions	Community Report	Liaison

## **10 INDIGENOUS PEOPLE’S DEVELOPMENT PLAN**

### **10.1 The Project Development Plan**

The project is located in an area populated almost exclusively by the Maasai indigenous people and subject to meeting held as part of consultations with the project stakeholders and given the provisions proposed into the community trust by the community; respecting the rights to self determination of the Maasai community; has developed this indigenous peoples development plan. This section needs to demonstrate that the project:

Consulting with the local indigenous Maasai community and facilitating their informed participation in all relevant aspects of the project planning and decision making;

Ensuring that local indigenous people share in the benefits of the project through the following initiatives:

- a) **Local Hiring:** The Kipeto Energy project intends to train and hire as many indigenous residents of the Kipeto communities as practically possible. The local hiring targets will be distributed according to skills developed prior to project commences and limited support will be provided to outstanding students to pursue education in project related courses like Engineering. While direct support to local educational facilities will be escalated to provide future employees form the local community.
- b) **Local Capacity Building and Infrastructure Developments:** through the community Trust the Project will contribute 5% of the amount generated as revenue on an annual basis to the various local capacity building needs and community infrastructure as the community chooses and governance. This facility will significantly contribute to the development of educational, medical, transportation, natural resources, electricity supply and business and cultural needs and sustenance of the community.
- c) **Sustainable development:** Also through the Community Trust, the project will collaborate with appropriate agencies and NGO’s, financial institutions and organizations to identify, plan and implement sustainable social and economic development initiatives. The purpose is to facilitate locally based development that will survive the life of the running project. The tourism potential from the escarpment is among the projects to be considered.
- d) **Environmental protection and development:** The grazing lands, the need for more trees and the management of storm water effects like soil erosion, are important considerations in managing the environmental resources of the community. The empowering of the local community working with Kenya Wildlife society to maintain the local grazing lands attraction to wild animals should also receive support.
- e) **Monitoring and evaluations:** The Kipeto project will also continue to monitor the community socio-economic indicators and collaborate with the trust and affected communities and organizations to routinely evaluate the effectiveness of

the indigenous people's plan to the development of the Maasai community in the Kipeto area according to an established plan. A Monitoring and Evaluation Plan is developed to guide this component.

## **11 Appendices:**

1. Letter from MOE to KEL
2. Relevant Minutes of Meetings
3. Copy of Draft Community Trust document
4. Minutes of Voluntary Relocation Consensus
5. A generic Copy of Voluntary Relocation Agreement
6. A generic Copy of the Land lease Agreement
7. Indigenous People’s Plan