

APPENDIX G: Indigenous Peoples Plan for the proposed Kipeto Transmission Line Project, Kenya

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1 Introduction

This report provides an description of the Indigenous Peoples Plan for the Kipeto Maasai Community, for a 100 MW wind energy project which has the potential to positive and negatively affect the community. The framework in which the study is considered, the impacts associated with the project on the indigenous Maasai community in Kipeto, are carried out within local and international standards to ensure avoidance, minimisation and where possible enhancement of positive impacts to promote the interests of the community as consultations determined.

Kipeto Energy Ltd proposes to establish a commercial wind energy facility by constructing 63 wind turbine generators within an area of about 70km², 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 contemporary requirement for Indigenous people's Free Prior and Informed Consent (FPIC) before a project is developed is observed in this project derived from rights of indigenous People's which is recognized under international, regional and local human rights treaties and declarations. These include ILO Convention 169, the African Charter and IFC Performance Standards which provide the framework both for definition of indigenous peoples and set the issues to be identified and how these issues are to be managed within a widely consultative and participatory process described in a separate Stakeholders engagement plan.

The details of the potential social impacts as described in more detail in the ESIA are also described here with a view to specifically determine the indigenous people's contexts and mitigation measures are culturally appropriate.

2 BASELINE DATA ON MAASAI INDIGENOUS COMMUNITY

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/km²; the population density in pastoral areas was approximately 5 people/km² (CBS, 1981).

Table 1: Kajiado County Statistics. Source Statistical Survey 2010

The County Population	687, 312 people
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
Households have Secondary Education	12.5 percent.

2.1 Kipeto project area basic statistics

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.

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 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.

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.

Taking a generic definition of indigenous people, the Maasai community can be referred to as a distinct social and cultural group possessing the following characteristics in varying degrees:

- a) *Self-identification* as members of a distinct indigenous cultural group and the recognition of the Maasai as a distinct cultural group goes beyond national, regional and international borders.
- b) *Collective attachment* to geographically distinct habitats or ancestral territories among being where the project area is located.
- c) *Customary cultural*, economic, social, or political institutions that are separate from those of the mainstream society or culture; or
- d) *A distinct language* or dialect, often different from the official language or languages of the country or region in which they reside.

The constitution protects minorities and marginalized groups (article 56): the state shall put in place action programmes designed to ensure that minorities and marginalized groups:

- i) participate and are represented in governance and other spheres of life;
- ii) are provided special opportunities in educational and economic fields;
- iii) are provided special opportunities for access to employment;
- iv) develop their cultural values, languages and practices; and
- v) Have a reasonable access to water, health services and infrastructures.

Indigenous peoples are social groups with identities, are often among the most marginalized and vulnerable segments of the population. In many cases, their economic, social, and legal status limits their capacity to defend their rights to, and interests in, lands and natural and cultural resources, and may restrict their ability to participate in and benefit from development projects like the transmission line.

3 KIPETO WIND PROJECT IMPACTS

This section provides an analysis of key findings of impacts, risks and opportunities as determined by the environmental and social impact assessment processes.

Table 3: Key Findings: Analysis of Impacts

Potential Risks	Risks Assessment and Results of Mitigation
Construction phase impacts:	
Limitations of land use rights due to land take for the transmission line way leave	Negative impact which improves with mitigation. The Mitigation measure is mainly compensation based in which 70% of land market prices are paid to land owners which is higher than normal compensation rates of 30%
Fences and gate placed along the proposed transmission line access routes;	Without Mitigation a negative impact that reduces with mitigation in which the integrity of the paddocks along the transmission line is reconstructed after the transmission line is built and maintained with assistance from the community.
Impacts associated with construction disturbance: traffic, waste and noise impacts	Negative impact without mitigation and very low negative with mitigation. A construction plan will include community safety guidelines associated with risks related to noise, potential for traffic accidents to children and livestock.
Socio-economic benefits of compensation payments	A positive impact is achieved with some mitigation necessary associated with training in legal and financial skills lacking in the indigenous community that will improve the outcomes associated with payments.
Operations Phase impacts	
Electromagnetic field (EMF) exposure	Negative low without Mitigation and improves with mitigation like avoiding construction within way leave and limiting land use within the 60 metre corridor wayleave.
Visual impacts	For local tourism potential intrusion impacts when no mitigation is implemented are Negative. This is especially during the dry weather and improves should some of the proposed mitigation be implemented.
Potential impacts associated with indigenous Maasai people’s identity and livelihoods	The project development area accelerates exposure of the community to identity and livelihood risks associated with community security and loss of the community ancestral pastoral lifestyle related to the rangelands. This is especially due to an increased immigrant population and growth of urban culture.
Impacts associated with proposed benefits sharing mechanisms	The community perceives benefits from the Community Trust as important in facilitating benefit sharing in social services investments of their choice and need.
Organizational capacity impacts	The training of locals in skills currently lacking to be able to have the capacity to manage and participate in project activities and gain employment at various levels.

Table 4: Efforts to Avoid and Minimize Area of Land Proposed for the Project

Item	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 locations was initially carried out by GED based on optimising the wind resource 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.

Item	Activity	Design efforts
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 5: Efforts to Avoid and Minimize Impacts on Natural Resources and Areas of Importance to Indigenous Peoples

Item	Item	Efforts to Avoid or Minimize Impacts
1.	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.
2.	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.
3.	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.
4.	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.
5.	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 Maasai 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.

4 LEGISLATIVE BACKGROUND AND GUIDING PRINCIPLES

4.1 Right to Self-determination

Indigenous People's have an inherent right to self determination enshrined in different international jurisprudence and from which are their right to freely determine their social, economic and cultural development. Indigenous people also enjoy the right to maintain and develop their cultures, as well as the right over their lands, territories and resources.

4.2 New Constitution of Kenya

The new constitution of Kenya recognizes the rights of indigenous communities, apart from widely expanding the principles of participatory governance. The constitution protects their right to develop their culture, languages and practices as minorities and marginalized groups.

The constitution recognizes ancestral land as community land and land traditionally occupied by hunter-gatherer communities. Land lawfully held, managed or used by specific communities as community forest, grazing areas and shrines. Community land shall not be disposed of or otherwise used except in terms of legislation specifying the nature and rights of the members of each community individually and collectively.

Among the state's obligations in respect of the environment, Article 69: 1(d) shall encourage public participation in the management, protection and conservation of the environment.

4.3 The African Charter and the African Commission on Human and People's Rights

The African Commission on Human and People's Rights promotes and upholds rights of Indigenous communities in Africa. Describing the indigenous peoples situations

Most of the areas occupied by Pastoralists, hunters-gatherers and other people's have identified with indigenous peoples' movement are under-developed with poor, if any, infrastructure. Generally, too, they have often been evicted from their land or been denied access to the natural resources upon which their survival as people's depend for the benefit of others. Indigenous people's are also dominated by the thinking of mainstream populations and looked down upon as backward people.

Dispossession of land and natural resources is a major human rights problem for indigenous peoples. They have in so many cases been pushed out of their traditional areas to give way for economic interests of other more dominant groups and large-scale development initiatives that tend to destroy their lives and cultures, rather than improve their situation. Pg. 20.

The Maasai in Kenya and Tanzania have been and are still experiencing dislocations similar to those experienced by other pastoralists and hunter-gatherers in the region. Evictions of Maasai from their ancestral territories at both sides of the common border started during the colonial era and are continuing to the present. Page 24. *The report of the African Commission's Working Group of Experts on Indigenous Populations/Communities*

Discrimination: Article 5 of the African Charter says that every individual shall have the right to respect of the dignity inherent in a human being and article 19 says that all peoples shall be equal and enjoy the same respect.

Denial of Justice: the right to justice is enshrined in several of the articles of the African Charter such as Articles 3,4,5,6 and 7. However, denial of justice towards indigenous communities and individuals is evident in many instances.

Cultural rights violations are equally common marginalization against indigenous peoples against Article 22 of the African Charter on cultural rights and identity.

Denial of constitutional and legislative recognition: The report finds very few African countries recognize the existence of indigenous peoples in their countries.

Marginalization from social services: The lack of own professionals in the field of education, human and animal health, judicial system and public administration deprives indigenous peoples representation in important spheres of decision at various levels. This constitutes a violation of fundamental human rights as spelled out by the African Charter on Human and People's Rights, such as a) The rights of equal access to public service of one's country (article 13 (2)); b) the right to education (article 17 (1)); c) the right to medical care and attention (article 16 (2)).

Denial of the right to existence and to their own development according to article 20 and 22 of the African Charter which emphasize that all peoples have right to existence and to social, economic and cultural development of their own choice and in conformity with their own identity.

4.4 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.

4.5 ILO Convention 169

The ILO Convention 169 on indigenous and Tribal Peoples, requires 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.

The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.

4.6 Free Prior and Informed Consultations with Indigenous Maasai People

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 have 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 CULTURALLY APPROPRIATE MITIGATION MEASURES

5.1 Process to achieve culturally appropriate indigenous Maasai impacts in Kipeto

- a) The process included 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 that was led by and 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) It provided sufficient time for the indigenous maasai's internal decision-making processes to work through and debate information. 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) This Indigenous People's Plan satisfies, protects and manages the interests of indigenous Maasai peoples as derived from continuous informed consultations and participation as considered by the IFC social performance standards.
- 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 was done together with the community members. Leaders of various levels were engaged on protection of their interests as a distinct community.
- g) Development programs and impact mitigation decision making by the indigenous maasai's for the Kipeto project is an ongoing and iterative process. They are at the process of debating the different projects that would of interest to improve their livelihoods. The community leaders have identified the following key areas of interest some of which have been integrated into the roles of the community trust:
 - i). Create employment and sub-contracting opportunities.
 - ii). Health care
 - iii). Education facilities and opportunities
 - iv). Vocational, business, and cultural training
 - v). Community infrastructure including roads, electricity in their homes, and roads

- vi). Environmental protections
- vii). 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.

5.2 Community Based Natural Resource Management Component

The Community Trust is established within Kenyan law to provide the indigenous community with a community based indigenous resource management facility among other areas. The Community Trust will be managed by the Trustees some of whom will be local land owners affected or participating in the project in one way or the other. The Community Trust has the following objectives for the indigenous Maasai community in Kipeto:

I. Objectives of the Trust

These are continuous further engagement of the wider community to ensure the objectives benefit the wider community. 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.

Table 6: Measures to Enhance Opportunities

IMPACT ITEM	OPPORTUNITY ENHANCEMENT MEASURE
Land	Compensation provided at 70% of market value for Transmission line which is above normal 30% of market value provided by the transmission line government agency Kenya Power.
	Subject to signed leases land owners who have turbine allocated will have a lease amount paid annually for the land in which the turbine stands and the access roads pass.
Access roads	The project will see the improvement of local road network both around and within the project area. This will significantly improve accessibility of the area (a major challenge during the rainy season)
Local employment	There are employment opportunities for skilled and unskilled labour for community members willing to and who access limited employment opportunities available
Local Tender opportunities	The local indigenous Maasai youths will be provided with opportunities for supply of materials and small construction subcontracts as a way to enhance their economic participation.
Training for the local indigenous people working with the company	Training of new skills to locals who will participate in various project activities to transfer and improve skills to the indigenous Maasai community
Information and communication	The communication and information provided through out the consultation process is done in accessible formats mostly local Maasai language using translators and the national language.

5.3 Grievance Mechanism

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.

The grievance mechanism designed based on “open meetings approach” for discussion of issues in a language easily understandable 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.

