REPUBLIC OF KENYA
MINISTRY OF LABOUR AND SOCIAL PROTECTION

THE KENYA SOCIAL RISKS AND IMPACTS MANAGEMENT POLICY, 2024

OCTOBER, 2024

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LIST OF ACRONYMS AND ABBREVIATIONS

ASAL	Arid and Semi-arid Lands
CIDP	County Integrated Development Plan
CoK	Constitution of Kenya
COVID	Corona Virus Disease
DOSHS	Directorate of Occupational Safety and Health Services
DSD	Directorate of Social Development
DSRM	Directorate of Social Risk Management
EFC	Error, Fraud and Corruption
EIA	Environmental Impact Assessment
EMCA	Environmental Management and Co-ordination Act
ESC	Economic, Social and Cultural
GBV	Gender-Based Violence
GDP	Gross Domestic Product
GoK	Government of Kenya
GRM	Grievance Redress Mechanism
HoD	Head of Department
ILO	International Labor Organization
INLUG	Integrated National Land Use Guidelines
KIBHS	Kenya Integrated Budget Household Survey
KNBS	Kenya National Bureau for Statistics
M&E	Monitoring and Evaluation
MDA	Ministries, Departments and Agencies
MDACs	Ministries, Departments, Agencies and Cou nties
MERL	Monitoring, Evaluation, Research and Learning
MTP	Medium Term Plan
NEMA	National Environment Management Authority
NLC	National Land Commission
NMSC	National Multi-Sectoral Committee
SDG	Sustainable Development Goals
SEA	Sexual Exploitation and Abuse
SAI	Social Impact Assessment
SRIA	Social Risks and Impact Assessment
SRIM	Social Risks and Impacts Management
SEM	Social Risk Management
UM	United Nation
UNESCO	United Nations Educational, Scientific and Cultural Organization

KEY POLICY TERMS AND DEFINITIONS

1. **Accreditation:** The process of certification and recognition of an individual, institution or program as meeting certain predetermined standards of quality, competence, and credibility. It involves a thorough evaluation of the institution or program against established criteria by an independent third-party organization or accrediting body.

2. **Cabinet Secretary:** Refers to the Cabinet Secretary for the time being responsible for matters relating to the Ministry of Labour and Social Protection.

3. **Community:** The people who live in an area surrounding a project or business activity, including any indigenous or marginalized groups.

4. **Culture:** The customs, beliefs, values, and practices that characterize a particular society or group.

5. **Environmental impact:** The effect that the project or business activity may have on the natural environment, such as air and water quality, soil health, and biodiversity.

6. **Ethics:** The moral principles and values that guide decision-making and behavior including honesty, fairness, and respect for human dignity.

7. **Grievance:** Any perceived or real issue, complaint, problem, or allegation that an individual or community group wants a project proponent to address.

8. **Grievance redress mechanism (GRM)**: The formal institutions and channels people can use to express their dissatisfaction with service delivery and to demand redress. They can provide feedback to providers and policy makers about service delivery performance, and to hold service delivery providers to account. Effective GRMs allow complaints to be processed and resolved speedily, sanctions imposed and whistle-blowers protected.

9. **Human rights:** The basic rights and freedoms that are inherent to all human beings, such as the right to life, liberty, and security of person, the right to work, and the right to a standard of living adequate for health and well-being including the right to be protected from any harm arising from development projects

10. **Mitigation measures:** Strategies and actions that can be taken to reduce or avoid negative social risks and impacts, such as providing alternative livelihoods or compensating affected communities.

11. **Monitoring and evaluation:** The ongoing process of assessing the effectiveness of the social risks and impacts management policy and making adjustments as needed.

12. **Public participation:** Active involvement by the citizenry in decision-making processes through, *inter alia*, use of the national media, relevant consultative mechanisms, collaborations and public hearings.

13. **Social impacts:** The actual effects that a project or business activity has on the social fabric of a community, such as changes in the local economy, social structures and cultural norms.

14. **Social Risk:** The probability of adverse consequences resulting from development projects/investments by state and non-state actors.

15. **Social Risks and Impacts Assessment (SRIA):** The systematic process of identifying, predicting and evaluating the potential social risks and impacts of a development project and developing strategies to manage or mitigate these impacts.

16. **Social Risks and Impacts Management (SRIM):** A combination of contractual and institutional measures intended to prevent and mitigate the potential social risks and impacts of infrastructure and other development projects to proximal communities.

17. **Social responsibility:** The responsibility of proponents to act in ways that contribute to sustainable development, protects human rights and benefit society as a whole.

18. **Stakeholders:** The individuals, groups and organizations that have an interest in a projects or are affected by the outccome of a project or business activity including employees, customers, suppliers, investors, local communities and governments.

19. **Stakeholder engagement:** The process of involving stakeholders in a project to ensure their concerns, perspectives and interests are taken into consideration.

20. **Stakeholder Meetings**: Meetings held with selected/interest groups or leaders focusing on providing information and gaining input of key stakeholders in the project.

21. **Sustainable development:** Development that meets the needs of the present generation without compromising the ability of future generations to meet their needs.

22. **Vulnerability:** The degree to which individuals or communities may be more susceptible to harm or negative impacts due to their socio-economic, physical or environmental circumstances.

FOREWORD

Development projects are critical to Kenya's economic growth, but often have potential social risks and impacts that can adversely affect local communities. These social risks and impacts range from displacement of people from their land, loss of cultural heritage, adverse negative impacts to vulnerable and marginalized groups, communal and other forms of conflicts, gender-based violence/sexual exploitation and abuse, effects of labour influx, environmental related impacts, among others. These risks often intersect and exacerbate each other, making it crucial to adopt a holistic approach to their management.

In recognizing the need to address the social risks and impacts that can hinder progress in the implementation and realization of optimal outcomes from development projects, the Government of Kenya, in collaboration with various stakeholders, developed the Kenya Social Risks and Impacts Management Policy. The Policy aims to proactively identify, assess, and mitigate the social risks and impacts that could undermine social cohesion, stability and inclusive sustainable development in the country. The Policy provides guidance on how to identify, assess, and manage social risks and impacts associated with development projects throughout the project life cycle (planning, implementation, monitoring and evaluation). It emphasizes the need for meaningful engagement and consultation with local communities, ensuring that they are empowered and involved in decision-making for actions that affect their lives.

The Policy has been developed through a participatory approach, involving stakeholders from various sectors including national government agencies, county government authorities, development partners, private sector and civil society organizations. This collaboration has enabled the policy to capture diverse perspectives and needs. The Policy seeks to harness the collective systems, expertise, and resources of key stakeholders to address social risks and impacts comprehensively and effectively throughout the project lifecycle. It emphasizes the importance of coordination, collaboration and co-creation of activities to achieve the desired outcomes.

The successful implementation of this Policy, therefore, requires shared commitment from all stakeholders and access to adequate resources, including the requisite capacities and effective institutional arrangements. With collective responsibility, there is no doubt that Kenya will realize the aspirations and goals outlined in this Policy. Further, the realization of the Policy will require integration and building of synergies with existing relevant policies, legislation, plans, strategies and programs.

In conclusion, I call upon National and County Government Ministries, agencies and departments, development partners, private sector and other key stakeholders to implement the Policy by effectively mainstreaming social risks and impacts management in project planning and implementation in order to avoid and mitigate against associated adverse negative impacts and promote people-centered sustainable development.

Hon. Alfred Mutua
CABINET SECRETARY
MINISTRY OF LABOUR AND SOCIAL PROTECTION

ACKNOWLEDGEMENT

This Policy was developed through broad consultations and participation of stakeholders across the country. I wish to thank all those who gave their inputs individually or through their organisations. Gratitude goes to the valuable contributions and steadfast dedication of several national and county government ministries, departments, and agencies; development partners; employers and workers' organizations; civil society organizations (CSOs); the private sector and other stakeholders in the Social Risks and Impacts Management (SRIM) sector in Kenya. The State Department for Social Protection and Senior Citizen Affairs provided exceptional leadership throughout the Policy development process with the Social Risk Management (SRM) Unit in the Directorate of Social Development (DSD) overseeing coordination.

We acknowledge the immense technical inputs of the Kenya School of Government, the University of Nairobi, the Directorate of Occupational Health and Safety, National Environmental Management Authority, and all the members of the National Multi-sectoral Committee on SRIM. Specific appreciation goes to the World Bank, Kenya Office, for the financial and technical assistance in establishing social risk management programmes and activities, including developing the SRIM Policy. We also recognize the support received from The National Treasury Project Implementation Unit for Financing Locally Led Climate Action, especially with regards to facilitation of stakeholder engagement meetings.

The Ministry, through the State Department for Social Protection and Senior Citizen Affairs, will continue to provide the requisite leadership, mobilize resources and leverage the efforts of all relevant stakeholders to promote and enhance compliance to the management of social risks and impacts arising from development projects. Monitoring, evaluation and learning become imperative in ensuring the mitigation of social impacts. The State Department for Social Protection and Senior Citizen Affairs, The Directorate of Social Development will therefore work towards enhancing human resource capacities with adequate skillsets to address diverse risks and impacts associated with development projects across the country.

The Ministry, through the Directorate of Social Development, will continue to provide the requisite leadership, mobilize resources and leverage the efforts of all relevant stakeholders to promote and enhance compliance with the management of social risks and impacts arising from development projects. The Directorate will also work towards enhancing human resource capacities with adequate skillsets to address diverse risks and impacts associated with development projects across the country.

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EXECUTIVE SUMMARY

The Government of Kenya acknowledges that development projects have both positive and negative impacts to the people and their environments. The need to identify, plan for and mitigate project risks and impacts is a key commitment of the national and county governments to the people of Kenya. Effective Social Risks and Impacts Management (SRIM) seeks to maximize and enhance the socially sustainable benefits of investments through participatory planning, active risk management, and responsive follow-up to community inputs in project design, implementation and managemeent.

This Policy intends to realize the vision of **"people-centered development"** with the associated positive outcomes. These include powerful transformational effects on society, preventing human rights violations, enhancing welfare, inclusion, doing no harm and ultimately leading to sustained improvements in the standards of living and dignity of the respective communities targeted by development projects. The achievements will be assured through building technical capacities within the social development sector.

The Policy's mission is to "Establish a framework for coordination and capacity building in the management of social risks and impacts for sustainable development in Kenya." This will be actualized through the main goal which is to "Establish systems and procedures for effective management of social risks and impacts arising from development projects in Kenya." The Policy has four objectives: (i) institute and strengthen legal and policy framework for Social Risks and Impacts Management; (ii) establish and strengthen institutional framework for Social Risks and Impacts Management; (iii) strengthen capacities of SRIM actors for effective management of Social Risks and Impacts; and (iv) establish and strengthen systems and procedures for Social Risks and impacts Assessment (SRIA).

This Policy creates standards for the identification, screening, assessments, analysis, monitoring, and management of the intended and unintended negative social risks and impacts in development projects. It aims to ensure that all development projects funded by the national and county governments, private sector and other partners are managed sustainability by ensuring inclusion, participation, stakeholder engagement, and respect for human rights.

The Policy provides for mechanisms and procedures that: combine preventive, mitigative, and adaptive measures to address social risks and impacts; strengthen SRIM capacities in the country through the adoption of procedures for accreditation and professional development of social risks and impact experts; establish legal frameworks necessary for the practice of SRIM; and ensure coordination and coherence with other relevant policies and with all actors at all levels.

The Policy provides for the establishment of a Department for Social Risks and Impacts Management that will coordinate with other partners in the roll-out of the provisions contained herein. Resources for implementing the Policy will be included in the annual budget of the Ministry responsible for Social Protection. A monitoring and evaluation framework will be put in place to ensure that lessons are captured and used to inform Policy implementation. An Implementation Matrix is also provided for stakeholders to reference while implementing the Policy provisions.


LEGAL FRAMEWORK
Provide for the development and enactment of the Social Risks and Impacts Management and Coordination Act and the development of regulations for SRIA and for Professional Accreditation.
SOCIAL RISKS & IMPACTS ASSESSMENT (SRIA)
Establish systems and procedures for Social Risks and Impacts Assessments.
01
02
PREVENTION & MITIGATION
Facilitate the prevention and mitigation of social risks and impacts.
10
ACCOUNTABILITY
Promote good governance and accountability in the delivery of SRIM services.
Vision
People centered development.
Mission
Establish a framework for capacity building and coordination for management of social risks and impacts for sustainable development in Kenya.
Goal
To enhance the benefits of development, plans, programs, and projects through proactive approaches to the management of social risks and impacts.
STAKEHOLDER ENGAGEMENT & PUBLIC PARTICIPATION
Define processes for public awareness and stakeholder engagement on SRIM.
09
03
STRATEGIES & GUIDELINES
Provide for the development of relevant framework documents (strategies, guidelines, manuals, certificates and licenses) necessary for the standardization of SRIM practice in Kenya.
08
04
INSTITUTIONAL CAPACITIES
Strengthen capacities for actors on SRIM.
INSTITUTIONAL ARRANGEMENTS
Establish the institutional arrangements and structures for inter-ministerial and intergovernmental coordination and specify roles for critical actors.
07
05
ACCREDITATION
Develop guidelines for certification and accreditation of SRIM experts.
06
DIRECTORATE OF SRIM
Establish the Directorate of SRIM to coordinate and oversee implementation of all aspects of the SRIM Policy.

CHAPTER 1|BACKGROUND INFORMATION

1.1 Introduction

The Government of Kenya (GoK), private sector and development partners continue to invest in infrastructural development projects across different sectors, including transport, mining, urban development, agriculture, health, energy, water, housing, and manufacturing, amongst others. The developments are in line with the aspirations of the Sustainable Development Goals (SDGs), African Union (AU) Agenda 2063, and the Kenya Vision 2030 and Bottom Up Economic Transformation Agenda (BETA) 2022 - 2027. These development projects present varied levels of environmental and social risks to host populations, and have since raised consciousness on the prevalence of social impacts, and created the need to reassess the effectiveness of existing regulatory and institutional frameworks for managing these impacts.

Implementation of large scale infrastructure projects presents opportunities but also potential grounds for challenges to human rights, such as those relating to sustainable land use, relations with local communities and ensuring transparency and accountability in revenue streams. For instance, the relationship between local communities and agencies implementing infrastructure projects has raised several grievances on the part of the local communities revolving around community engagement, land use, environmental protection, employment opportunities, procurement, and corporate social responsibility among others. These challenges must be addressed since they have a far-reaching impact on human rights and on sustainable development. Land is a prerequisite for the enjoyment of economic, social and cultural rights relating to an adequate standard of living, housing, food and natural resource benefits sharing. The Constitution states that "all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals". However, it is often a source of conflict due to population pressure, rapid urbanization, environmental degradation, land-intense large-scale projects such as mining, oil and gas, and commercial agriculture, all of which result in competition for the available productive land.

International human rights law guarantees against arbitrary deprivation of property and provides a standard of conduct to be followed in case of land acquisition for development purposes. Furthermore, there are additional protections for vulnerable and marginalized groups (VMGs) in recognizing the unique importance, cultural and spiritual values that they attach to their lands, territories and natural resources. This guarantees land rights for indigenous people and provides protection against displacement from their land. The laws and protections also provide for consultation and consent to development projects.

1.2 Policy and Legal and Regulatory Framework

1.2.1 Global Context

Kenya is a signatory to several international instruments and frameworks that exist both at global and regional levels and that are relevant to the implementation of this Policy. Some of the ratified international and regional treaties and agreements to which Kenya is bound and that directly or indirectly seek to address issues of social risks and impacts of development projects within societies include: The International Convention on the Elimination of All Forms of Racial Discrimination,1965; Universal Declaration on Human Rights,1948; UNESCO Convention

Concerning Protection of the World Cultural and Natural Heritage,1972; The International Covenant on Civil and Political Rights,1966;The International Covenant on Economic, Social and Cultural Rights,1966; The Convention on the Elimination of All forms of Discrimination Against Women,1979; The Convention on the Rights of the Child,1989; The Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families,1990; The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, 2003.

Several SDGs and ILO core conventions cover various aspects of working conditions including decent work and economic growth, reduction of inequality, quality education, and gender equality. ILO agreements ratified by Kenya include Forced Labour Convention, 1930 (No. 29); Right to Organize and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Abolition of Forced Labour Convention, 1957 (No. 105); Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Minimum Age Convention, 1973 (No. 138); and the Worst Forms of Child Labour Convention, 1999 (No. 182). ILO Safety and Health Policy, 2001; and the Convention on the Rights of Persons with Disabilities, 2006.

In the light of SDGs, the Policy has endeavoured to mainstream the relevant SDGs, targets and indicators within its thematic areas and interventions. The SDG targets include: 1.3 improve nationally appropriate social protection systems for all, particularly the poor and vulnerable; 2.3 double the agricultural productivity and incomes of small scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers; 4.5 eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations; SDG3 Ensure healthy lives and promote well-being for all at all ages; SDG 5 Achieve Gender equality and empower all women and girls; 5.1 Non-discrimination on gender grounds; 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation; 8.5 achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value; 8.8 protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment); SDGs 10 (Reduction of inequalities; SDG12 Responsible production and consumption; SDG 16 Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective accountable and inclusive institutions at all levels; 16.1 accountable and inclusive institutions. 16.2 end abuse, exploitation, trafficking and all forms of violence against and torture of children; 16.3 Urges states to ‘promote the rule of law at the national and international levels and ensure equal access to justice for all; and 16.6 Calls for the development of ‘effective, accountable and transparent institutions at all levels.

1.2.2 Regional Context

AU treaties ratified by Kenya include the African Charter on Human and Peoples' Rights,1981 (Banjul Charter); African Charter on the Rights and Welfare of the Child,1990; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. The 2003(Maputo Protocol); and the African Youth Charter, 2006.

1.2.3 National Context

Notably, the CoK, 2010 is the primary source for the national principles upon which social standards are derived. Article 11 recognizes culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and nation. The CoK adopts international laws as part of domestic laws.

Under the international human rights law, Kenya is obligated to protect those under its jurisdiction against human rights violations, including by third parties, such as businesses. The Bill of Rights, Chapter Four of the CoK, guarantees several civil, political, economic, social, and cultural rights, and these rights reflect human rights standards spelt out in international human rights law. Art. 20 (1) of the Constitution indicates that the Bill of Rights applies to all citizens and binds all State organs and all persons (including business enterprises). Article 21(3) requires all State organs and public officers to address the needs of vulnerable groups within society including women, older members of society, persons with disabilities, children, youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities. Art. 22 provides access to remedy for any person who claims that right or fundamental freedom in the Bill of Rights has been denied, violated, infringed, or threatened.

The CoK 2010 provides in Article 27 that every person is equal before the law and has the right to equal protection and equal benefit of the law. The Article describes equality as including the full and equal enjoyment of all rights and fundamental freedoms. This Article entrenches the right to equal opportunities in political, economic, cultural and social spheres. It prohibits discrimination on all grounds and requires the State to employ affirmative action measures to address historical injustices that are responsible for the marginalization of some interest groups. Article 35 of the guarantees citizens the right to access information, promoting transparency and accountability in governance. This empowers citizens, fosters informed decision-making, and holds officials accountable.

The CoK 2010 guarantees the right to property under Art. 40 and the State cannot arbitrarily deprive a person of their property (Art. 40 (3)). Art. 40 (4) indicates that provision may be made to compensate occupants of land in good faith, who have been deprived of their property after the acquisition of land, even if the occupants may not have title to the land. Article 43(1)(b) provides that 'every person has the right to accessible and adequate housing and reasonable standards of sanitation'. However, Article 66 of the same Constitution provides for the State to regulate how these rights may be curtailed for the benefit of the general public. Article 47 provides for administrative action to override the individual rights but the victim has to be given a written reason for the action taken that undermines the right.

Specific provisions have been made on environmental and land rights, which are spelt out in Chapter Five. The Constitution defines three classifications of land – public land which is governed by Art. 62; community land whose provisions are guaranteed in Art. 63 and private land which is spelt out in Art. 64.

Article 260 of the CoK 2010 defines a marginalized community as a community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole. Article 10 CoK 2010 recognizes the participation of the people, equity, social justice, inclusiveness, equality, human rights, protection of the marginalized and sustainable development as national values and principles of governance.

Article 41 of the CoK guarantees every person the right to fair labour practices, and confers specific rights on workers, employers and trade unions, and employers' organisations. Every worker is entitled to fair remuneration, reasonable working conditions, the right to join and participate in the activities of a trade union and go on strike as a means of advocating for their labour-related rights. Employers are entitled to form and join employers' organisations and participate in such organizations' programs. Trade unions and employers' organisations are entitled to organize and form new or join existing federations. Other constitutional rights related to labour include Article 30 which prohibits slavery, servitude and forced labour.

In addition to the CoK 2010, the Land Act, 2012 deals with public land under Article 62 of the Constitution, private land under Article 64 of the Constitution, and community land under Article 63 of the Constitution. All matters relating to compulsory land acquisition, including access to land for business purposes, are governed by the Land Act, 2012. Further, the Community Land Act, 2016 gives effect to Article 63 (5) of the Constitution and deals more substantively with community land which is vested in and held by communities identified based on ethnicity, culture or similar community interests. Land Registration Act, 2012 provides for the registration of absolute proprietorship interests over land (exclusive rights) that has been adjudicated or any other leasehold ownership interest on the land. Such land can be acquired by the state under the Land Act 2012. The Land Adjudication Act 1968 Chapter 95 Laws of Kenya Provides for the ascertainment of interests before land registrations under the Land Registration Act 2012 through an adjudication committee that works in liaison with adjudication officers.

Environment and Land Court Act, 2011 Article 162 of the Constitution of Kenya provides for the creation of specialized courts to handle all matters on land and the environment. Article159 on the principles of judicial authority, indicates that courts will endeavour to encourage the application of alternative dispute resolution mechanisms, including traditional ones, so long as they are consistent with the constitution. Section 20, of the Environment and Land Court Act, 2011 empowers the Environment and Land Court, on its own motion, or on application of the parties to a dispute, to direct the application of alternative dispute resolution (ADR), including traditional dispute resolution mechanisms.

The Valuers Act 532 establishes the Valuers' Registration Board, which has the responsibility of regulating the activities and conduct of registered valuers under the provision of the act. The Trespass Act (L.N.1964, Rev 2012) provides for the owner or police to arrest trespassers without a warrant but they should proceed to the magistrate immediately following. The court may convict and order the trespasser to leave within a specified period. Failing to follow the order, the court authorises an administrative or a police officer to remove the person and belongings.

The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities, Act 2012 requires that displacement and relocation be carried out only if justified by compelling and overriding public interests, and under the conditions and procedures of Article 5 of the Protocol, Principles 7-9 of the Guiding Principles, and Sections 21-22 of the Act. Eviction procedures have been redacted in the Land Laws (Amendment) of 2016 and Regulation of 2017. Eviction is only legal if it follows these procedures. Lawful eviction procedures provide for appeal by the notified people to stay an eviction. If just cause is found to be 'historical land injustice' remedies are recommended. The decision of the court is based on the legality of the notification procedure executed, as well as of the claims. The court can protect affected parties from forced eviction.

The Matrimonial Property Act, 2013 provides that a married woman has equal rights as a married man to acquire, administer, hold, control or dispose of property whether movable or immovable. The Act further provides that ownership of matrimonial property vests in the spouses according to their contribution, either monetary or non-monetary, in its acquisition and upon divorce should be divided between the spouses. The Marriage Act, 2014 provides that parties to a marriage have equal rights and obligations at the time of the marriage, during and at the dissolution of the marriage.

The County Governments Act, 2012 provides for the election, functioning, control of tasks and powers, etc. of county governments as provided for under Article 176 of the CoK 2010. It also provides for a wide variety of matters relating to public administration at the local level such as civic participation, access to information, public communication, and the protection of minorities.

The Access to Information Act of 2016 ensures that every citizen can access information held by the State and others, crucial for exercising rights and freedoms. It establishes clear procedures for access and appeals, facilitating information dissemination in accessible formats to strengthen democratic governance and empower citizens. Several statutes give effect to labour-related constitutional guarantees, including those dealing with labour disputes, working conditions and protection against discrimination. Some of the critical statutes are:

i. Occupational Safety and Health Act, 2007
ii. Employment Act, 2007
iii. Labour Relations Act, 2007
iv. Childrens Act, 2022
v. HIV& AIDS Prevention and Control Act, 2006
vi. Sexual Offences Act, 2006,
vii. Persons with Disabilities Act, 2003
viii. The Labour Institutions Act, 2007
ix. The Work Injury Benefits Act, 2007
x. The Arbitration Act,1995
xi. National Gender and Equality Commission Act, 2011
xii. National Cohesion and Integration Act, 2008
xiii. Environmental Management and Co-ordination Act, 1999 (Rev 2015)
xiv. The National Museums and Heritage Act, 2006
xv. The Protection of Traditional Knowledge and Cultural Expressions Act, 2016
xvi. Public Health Act, 2012
xvii. Data protection Act, 2019
xviii. The Mining Act, 2016
xix. The Community Group Registrations Act, 2022
xx. The National Environmental Tribunal Procedure Rules, 2003
xxi. National Land Use Policy, 2017
xxii. Kenya Health Act, 2017
xxiii. The National Policy for Prevention and Response to Gender Based Violence, 2014
xxiv. National Policy on Gender and Development, 2019
xxv. The National Land Policy, 2009
xxvi. The National Action Plan on Business and Human Rights for the Implementation of the United Nations Guiding Principles on Business and Human Rights (2020-2025)

1.3 Gap Analysis of the Existing Legal Frameworks

Despite the existence of a wide range of legal instruments, there still exist gaps in comprehensive legislation to support effective coordination across Ministries, Deparments, Agencies, and levels of government for effective and efficient delivery of SRIM. Comprehensive legislation would also ensure that all SRIM structures and programs are fully anchored in law and have sustainable funding flows.

The provisions of the CoK 2010 and the ratified international agreements have enumerated human rights in a sufficiently broad manner that subsequent legislative and regulatory instruments can, if so purposed, generate the comprehensive social standards necessary to support social risks and impacts management system in Kenya. The country has made strides in the legal and policy protection of women's property rights as relates to ownership, inheritance, management, and disposal. However, despite these laws, there are still obstacles including cultural, traditions, historical injustices, and lack of awareness that inhibit women from accessing and owning their fair share of property and attendant rights.

Furthermore, the Constitution guarantees access to information, community empowerment, inclusion in decision-making, and benefits sharing from the exploitation of natural resources. Nevertheless, there are key gaps in access to information and subsequent ineffective communication at all cycles of project development that pose social risks among the beneficiaries and benefactors. This includes insufficient communication which sets the stage for misunderstandings among stakeholders and undermines collaborative efforts and the credibility of project initiatives. Moreover, inadequate knowledge and skills on information and lack of information exposes the project beneficiaries to exploitation and manipulation and may compromise their their well-being and economic security.

The Mining Act, 2016 has not been fully operationalised concerning the sharing of revenues, effectively denying local communities impacted by the operations of mining companies the rights and protections under the law. There are cultural and historical barriers to access to land by women, minorities and marginalized groups such as indigenous persons. These barriers limit these groups' participation in and decision-making power over land-related issues. Futhermore, it presents a challenge to accessing sustainable benefits for host communities from the exploitation of natural resources despite the constitutional imperative for equitable sharing of benefits.

The Land Act, 2012 and the Community Land Act, 2016 provide a framework for land security, the compulsory acquisition of land by the government, and the need for prompt compensation where land is compulsorily acquired. However, the laws are not comprehensive regarding land acquisition by private actors. The procedures, in respect of unregistered community land, are not aligned to those of the Land Act, 2012 that provide for prompt compensation of communities that are physically displaced from such lands in line with the provision of The Integrated National Land Use Guidelines, 2011, which recognizes that development projects can have social risks affecting land use by individuals and communities.

Available labour laws provide extensive protections for workers' rights drawn from the rights in the CoK 2010, Employment Act (2007), the ILO conventions, among others. It is expected that these provisions and protections apply to all employer-employee relationships including those relating to the implementation of development projects. The laws do not, however, address the

social risks and impacts associated with the expectation that development projects should facilitate access to employment opportunities to communities affected by the projects.
The CoK 2010 requires all State organs to conduct public participation and stakeholder engagement in all projects. However, what constitutes sufficient public participation is unclear. A key determination that has been made by the courts of law is that public participation must include providing the public with all the information they need to actively participate in decision-making.

The National Cohesion and Integration Act, 2008 which established the National Cohesion and Integration Commission, addresses issues of conflict in the country. The Act does not have any provisions for the monitoring or management of conflicts that may arise from development projects. The EMCA, 1999 (revised in 2015) makes minimal reference to social risks and impacts.

In summary, whereas Kenya has laws that broadly address concerns relating to most of the social risks and impacts identified by the stakeholders during the development of this Policy, these laws do not directly address the context of development projects. At best, the laws set out broad principles tangentially addressing different elements of social risks and impacts. Most of these laws do not directly create obligations on the need for assessments and management of social risks and impacts from development projects.

1.4 The SRIM Policy Linkage to Kenya's Development Agenda

1.4.1 The Kenya Vision 2030

Under the social pillar of Vision 2030, Kenya aims to build a just and cohesive society with social equity in a clean and secure environment. The key sectors under the social pillar include: education and training, the Health System, Water and Sanitation, Environment, Housing and Urbanization, Gender, Youth and Vulnerable Groups. Equity and poverty elimination revolve around the economic, social, cultural and environmental rights guaranteed under the CoK, 2010. Economic, social and cultural rights are those human rights relating to the workplace, social security, family life, participation in cultural life, and access to housing, food, water, healthcare and education.

1.4.2 The Botton-Up Economic Transformation Agenda

This Policy contributes to the realization of Botton-Up Economic Transformation Agenda (BETA) as provided for in the Manifesto of the ruling government as it creates grassroots structures at the community level to ensure that communities are given an opportunity to make decisions on development projects. Theses projects have potential for negative social risks and impacts that need to be anticipated and mitigated. This Policy will strengthen the coordination and cooperation between National and County Governments and ensure synergies across interventions. Efforts will be made by the State Department for Social Protection and Senior Citizens Affairs to ensure that the County Integrated Development Plans (CIDPs) fully integrate SRIM.

CHAPTER 2|SITUATIONAL ANALYSIS

2.1 Introduction

The successful implementation of this Policy must take into account the socio-economic context of the country as well as the needs of its population. Although Kenya has made significant progress in reducing poverty and achieving economic growth, high poverty levels and inequality still persist. The findings of the Kenya Integrated Household Budget Survey (KIHBS) conducted in 2018-2022 revealed that poverty rates have decreased but there are still considerable variations across counties with rural areas and Arid and Semi-Arid Lands (ASALs) being more affected. Urban poverty should not be overlooked especially given the disruptions occasioned by COVID-19 and impacts of rapid urbanization. Kenya's economy has grown steadily over the past five years with a GDP growth rate of 5.6% per year on average. However, despite the country's fast-growing economy, it has been affected by both external and domestic supply and demand shocks including the COVID-19 pandemic, drought and locust attacks.

The Kenyan labour market is highly informal. As of 30th June 2019, 83 percent of the working population was in the informal sector. In 2019, male employees accounted for 64.5 percentof the total wage employment in the formal sector. The majority of female employees were working in education, agriculture, forestry and fishing, Ppublic administration, and defense. Overall, casual employment registered a growth of 6.0% and accounted for 23.4 percent of the total wage employment (KNBS, 2020). Casual workers have less protection under the labour laws such as the right to collective bargaining or paid leave. The ILO refers to this as casualization of labour and has expressed concerns on the increasing use of casual labour in formal employment. While the National Action Plan (NAP) on Business and Human Rights for the Implementation of the United Nations Guiding Principles on Business and Human Rights (2020-2025) has no specific actions on the informal sector, it is important to formulate policies for the proper oversight of this sector.

Implementation of development projects in Kenya, just like elsewhere in the world, contributes both positively and negatively to human rights. The positive contribution includes employment creation, public revenue through payment of taxes, and life quality-enhancing innovations. Negative impacts include violations of labour rights and displacement of communities to pave way for operations, often without adequate consultation or compensation. The stakeholders' consultations during the development of this Policy revealed that human rights abuses are prevalent across various sectors in Kenya including, but not limited to, road construction, manufacturing, tourism, mining, telecommunications, banking and finance, business services, and agribusiness.

Implementation of public projects often gives rise to risks of impoverishment, including physical and economic displacements, and loss of livelihoods on affected households and populations. The displacement of people has often resulted in negative economic, environmental, and social impacts, including loss of land; joblessness; homelessness; human capital loss; marginalization; food insecurity; increased morbidity and mortality; loss of access to common property; and psychological and socio-cultural stress arising from compulsory land acquisition. Compulsory land acquisition, valuation for compensation, and involuntary resettlement should be based on the theory of social justice which emphasizes equity.

There is growing evidence to illustrate that inadequate management of social risks can lead to significant economic losses. Data from the Ministry of Roads and World Bank show that Kenya lost Kshs. 1,907,409,919.18 from only one road project in Turkana County due to failure to address social risks.

The National Action Plan (NAP) on Business and Human Rights for the Implementation of the United Nations Guiding Principles on Business and Human Rights (2020-2025) reveals that there have been allegations of human rights abuse across many business sectors, including in the agricultural sector where sexual harassment, poor housing, low remuneration and poor working conditions are common, particularly in commercial farms growing tea, coffee and flowers. Kenya's experience with the implementation of development projects and human rights concerns revolve around workplace rights, local communities and business relations, human rights and sustainable land use, human rights and sustainable environment and human rights and small- and medium-sized enterprises.

Social risks and impacts are best managed through coordinated interventions that are based on clear institutional mandates, and through processes that require the identification of projects and assessment of risks and impacts as an initial step towards mitigation. Mechanisms should be established to ensure risk mitigation recommendations that result from such assessments are implemented.

2.2 The importance of Social Impact Assessments

The quality of life and well being of a community needs to be a priority in the process of generating economic growth. The prosperity of a country is closely related to the well being of its community which includes all aspects of life including economy, living standards, liveability, health and safety. The quality of life will be affected if these aspects are ignored in development planning. Social Impact Assessment (SIA) is one among the many planning tools that can help a country to develop holistically where the community is the focus of development. The SIA serves as a crucial project planning tool for the Project Proponent and the consultants. It also serves as a decision-making tool for governments to ensure that development initiatives are in line with national aspiration and help realise people centricity and community well being.

SIA should be seen as a project planning tool to identify and manage negative impacts while ensuring benefits are accrued to the local community. It is a form of investment in project risk management, incorporating local community values and inputs in project design and site selection. SIA findings from surveys, community engagement, risk analysis and other analysis should be used to improve project planning and design. A development project is the outcome of planning by the project proponent, guided by a business model that aims to deliver expected returns. The submission of the SIA report is the project proponent's commitment to fulfilling the obligations towards the local community. To enable the Government to make informed decisions, the project proponent, in the SIA report, must demonstrate that:

i. The proposed development project is aligned with national or state policies and complies with all legislations;
ii. The benefits to the community outweigh the costs to the community; and
iii. Negative impacts of the project have been minimized while positive impacts have been optimized to reach all affected communities.

SIA reports are prepared and submitted as supporting documents to the Government for making planning decisions. The Universal Doctrine of Planning and Development emphasizes the integration of spiritual values in development by focusing on three relationships: humans and the creator; humans and humans; and humans and the environment. Human centered development is a key philosophy of the doctrine, where human needs, attitudes, emotions and aspirations are prioritised in policy and planning. The implementation of SIA aligns with this philosophyand the process should commence as early as possible to ensure optimal planning and prevent social issues from becoming more complex. This allows the project proponent to modify the project design and incorporate necessary changes in a timely manner.

2.3 Types of Social Risks

Social risks are dependent on the type and scale of a project. During consultations on this Policy, the identified common negative social risks that cut across development projects include:

i. Lack of transparency and trust by local communities due to inadequate consultations and limited stakeholder engagement;
ii. Ineffective project Grievance Redress Mechanism resulting in persistent project complaints and project stoppages by local communities leading to project implementation delays;
iii. Poor labour management practices, such as child labour or employers' lack of compliance with safety and/or employment commitments;
iv. Land acquisition, involuntary resettlement, and loss of livelihoods;
v. Social conflicts between the local community(ies) and the influx of construction workers and service providers, which may be related to religious, cultural, or ethnic differences, or based on competition for local resources;
vi. Increased insecurity due to the presence of project resources;
vii. Project related gender-based violence and sexual exploitation, abuse and harassment (SEAH); and
viii. Poor community health and safety practices.

2.4 Challenges Facing Social Risks and Impacts Management in Kenya

The key challenge of implementing SRIM in Kenya is the absence of clearly defined regulatory, coordination and oversight arrangements for the development and application of effective regulations and practices. Where they exist, the mandates for SRIM exist as pieces of legislation in different Ministries, Departments, Agencies and Counties (MDACs) without a clear coordination mechanism, thus raising the need for better linkages among actors. This fragmented approach is replicated at the national, county and sub-county levels. Further, core community structures, systems and capacities that promote effective management of social risks and impacts remain underdeveloped in the country.

2.5 Rationale for the Policy

The 2010 Constitution provides the values and principles of public service which require both National and County Governments, as well as State Corporations to be responsive, prompt, effective, impartial and equitable in the provision of services. The County Act of 2012, for example, lists the principles of citizen participation to include legal standing of interested or affected persons or communities or organizations to redress of grievances, particularly for women,

youth and marginalized communities. The systems which facilitate the public to grievance redress, however, tend to have weak linkages to the county and national grievance redress structures.
The key challenge of improving SRIM in Kenya is the lack of clearly-defined regulatory and oversight arrangements for the development and application of effective SRIM policies and practices. To the extent that they exist, the mandates for SRIM in Kenya are vested in different government ministries and agencies without a clear coordination mechanism. The fragmented approach is replicated at the county level, with no effective coordination between County and National Government levels. Further, core community structures and systems that promote effective management of social risks and impacts are also underdeveloped. For example, structures that facilitate citizens to participate in the development process, including the ability to register grievances and receive redress are critical for all development projects.

The establishment of robust SRIM systems consistent with Kenyan laws and international best practices will help provide communities, National and County Governments, the private sector and donors with the requisite frameworks for ensuring the effective management of social risks and impacts arising from development projects, with real gains for local people. It will also result in an expanded funding environment and opportunities anchored on partnerships across relevant MDACs and between the national and county levels.

Effective SRIM can have a powerful transformational effect on society as a tangible demonstration of the social contract between the Government and its citizens, preventing human rights violations, enhancing welfare, and ultimately leading to sustained improvements in the standards of living and dignity of the respective communities targeted by a development project. An effective SRIM system also helps to encourage private sector investment by providing a social licence for business certainty through clearly articulated processes for managing social and associated reputational risks.

Social risks and impacts management focuses on inclusion, doing no harm, and maximizing development gains. It is at the core of sustainable development. It seeks to maximize and enhance the socially sustainable benefits of investments through participatory planning, active risk management and responsive follow-up to community inputs in project design and implementation. Poor social risks and impact management can result in serious negative consequences on project implementation including cost overruns and derailment of project schedules.

This Policy has created standards for the identification, screening, assessments, analysis, monitoring, and management of the intended and unintended negative social risks and impacts in development projects. The Policy aims to ensure that all development projects funded by the national and county governments, private sector and other partners are managed sustainability by ensuring inclusion, participation, stakeholder engagement, and respect for human rights.

Broadly, the Kenya SRIM Policy provides for mechanisms and procedures that:

i. Combine preventive, mitigative, and adaptive measures to address social risks and impacts;
ii. Strengthen SRIM capacities in the country through the adoption of procedures for accreditation and professional development of social risks and impact experts;
iii. Establish legal frameworks necessary for the practice of SRIM; and
iv. Ensure coordination and coherence with other relevant policies and with all actors at all levels.

In summary, this is the first Kenya Social Risks and Impacts Management Policy that provides strategic guidance on the implementation and delivery of SRIM interventions in the Country in line with the Constitutional provisions, Vision 2030 and other related international instruments. The Policy initiative is part of the broader global, regional, national, and sub-national frameworks which position SRIM as a key aspect of human development.

2.6 Policy Vision, Goal and Objectives

2.6.1 Vision

People-centered development.

2.6.2 Mission

Establish a framework for coordination and capacity building in the management of social risks and impacts for sustainable development in Kenya.

2.6.3 Goal

The goal of this Policy is to establish systems and procedures for effective management of social risks and impacts arising from development projects in Kenya.

2.6.4 Objectives

This Policy will:

i. Institute and strengthen legal and policy framework for Social Risks and Impacts Management;
ii. Establish and strengthen institutional framework for Social Risks and Impacts Management;
iii. Strengthen capacities of SRIM actors for effective management of Social Risks and Impacts; and
iv. Establish and strengthen systems and procedures for Social Risks and impacts Assessment (SRIA).

2.7 Guiding Principles

The implementation of the Policy will be guided by the following set of core principles.

i. **Rights-based approach:** The implementation of SRIM Policy shall ensure that duty bearers perform their obligations to protect and promote the welfare of the right holders with regards to implementation of development projects.
ii. **Inclusivity:** The Policy will be implemented in ways to ensure integral services, such as project benefits are accessible to all target populations.
iii. **Common standards:** State and non-State actors involved in implementing and supporting SRIM will commit to common sets of performance standards and reporting procedures.
iv. **Leadership and integrity:** Governance within the SRIM sector will be in accordance with the provisions of Chapter 6 of the Constitution of Kenya, 2010.
v. **Accountability and participation:** SRIM programs/interventions will be transparent, consultative and inclusive. Accountability to citizens and civic participation will be integral to the sector in accordance with Article 10 of the Constitution of Kenya, 2010. In addition, the Policy will institute stronger mechanisms for meaningful community participation and set measurable thresholds for community contribution to SRIM processes.

vi. **Partnership, collaboration, cooperation and coordination:** The Policy explores and leverages on existing structures at the national and county levels.

vii. **Evidence-based:** The Government will ensure that the implementation of SRIM Policy is continuously informed by the evidence generated through research, monitoring, evaluation, reporting and learning (MERL) conducted regularly by credible and independent national and international institutions and experts.

viii. **Public participation:** The policy guarantees the meaningful engagement of members of the public as well as stakeholders in decision-making processes that are relevant to SRIM. Public participation and stakeholder engagement are important tools for identifying and addressing potential risks and impacts associated with a particular project or policy.

ix. **Sustainable development:** The Government will ensure balanced economic, social, and environmental considerations to ensure long-term well-being for present and future generations.

CHAPTER 3| THEMATIC AREAS

This Chapter identifies thematic areas and presents them in the form of policy issue(s), policy objectives and policy interventions:

i. Legislative Framework
ii. Social Risks and Impacts Assessment
iii. Capacity Building and Professional Development
iv. Strengthening of Iinstitutional Arrangments

3.1 Legislative Framework

Policy issue

The existing relevant laws to the management of social risks and impacts fall short of the articulation of the need for a statutory system or statutory structures, and devotion to the management of social risks and impacts in the context of infrastructural and other development projects. Further, they do not directly create any obligations to assess the social risks and impacts of development projects implemented in the country.

Policy objective

To institute an adequate legislative framework for SRIM.

Policy interventions

The Ministry of Labour and Social Protection, working with other stakeholders, shall:

i. Develop and enact the Social Risks and Impacts Management Coordination Act and develop subsequent Regulations and Guidelines;
ii. Review and align relevant laws and policies to provide for SRIM mandates under the State Department for Social Protection and Senior Citizen Affairs;
iii. Establish collaborative linkages between the State Department for Social Protection and Senior Citizen Affairs and NEMA; and
iv. Establish the coordination structures at the National and County levels.

3.2 Social Risks and Impacts Assessment (SRIA)

Policy issue

Social risks and impacts are mostly determined by a project's predicted footprint, which includes its magnitude, complexity, and intrinsic sectoral risks as well as local factors such as people's vulnerability, poverty levels, lack of resilience, and social exclusion. The identification of social risks and impacts assessment for development projects has not received the needed attention to avert the negative impacts arising from such projects.

Policy objective

To establish and strengthen systems and procedures for social risks and impacts assessments.

Policy interventions

The Ministry of Labour and Social Protection, working with other stakeholders, shall:

i. Review Social Risks and Impacts Assessment (SRIA) reports and make recommendations to NEMA for licensing within the NEMA timelines;
ii. Develop National Social Risks and Impacts Assessment Regulations;
iii. Develop standard tools to facilitate SRIAs;
iv. Develop a mitigation plan for social risks and impacts; and
v. Supervise the conduct of SRIA in Kenya.

3.3 Capacity Building and Professional Development for SRIM

Policy issue
The country does not have accredited institutions that offer professional training on SRIA. Furthermore, there are no experts licensed to conduct SRIA for development projects.

Policy objective
Improve institutional and professional capacities and standards for the conduct of SRIA in Kenya.

Policy Interventions
The Ministry of Labour and Social Protection, working with other stakeholders, shall:
i. Establish partnerships and accredit academic institutions of higher learning to promote SRIM capacity development in Kenya;
ii. Work with relevant SRIM professional bodies and associations to regulate the conduct of SRIA practitioners;
iii. Develop and implement SRIM capacity development strategy;
iv. Strengthen the human resource management and capacity development for SRIM at the National and County levels;
v. Invest in SRIM related research and innovation; and
vi. Facilitate the establishment of a professional body for SRIM experts that will license and maintain a national database of all SRIM experts in the country.

3.4 Institutional Framework for SRIM

Policy Issue
Poor coordination of agencies and weak capacity to implement SRIM in Kenya.

Policy Objective
Strengthen intutional coordination for effective delivery of SRIM interventions.

Policy Interventions
i. The Ministry of Labour and Social Protection, in consultation with Public Service Commission shall establish the Directorate of Social Risks and Impacts Management (DSRIM) to co-ordinate SRIM activities and establish linkages, collaboration and networking with agencies involved in SRIM and specifically, with NEMA to ensure that Social Risks and Impacts Assessments (SRIA) are conducted and annexed to ESIA reports. DSRIM shall review SRIA reports and make appropriate recommendations. NEMA and DSRIM shall ensure compliance with the instructions provided in the reports to applicants.
ii. The Ministry of Labour and Social Protection in consultation with the County Governments shall establish County SRIM Committee to entrench SRIM within plans,

programs, and projects of the County and Provide feedback on SRIA reports, studies, and social audit reports for projects undertaken in the county.

CHAPTER 4| FUNDING AND SUPPORT

The implementation of the Social Risks and Impacts Management Policy will require additional expenditure. This will be factored into the annual budget of the Ministry responsible for Social Development. However, additional resources shall be sought from NGOs, the Private Sector and Development Partners. The policy identifies the following modes of funding and support for Social Risks and Impacts Management Policy implementation in Kenya.

4.1 National and County Government

Article 20 (5) of the Constitution states that the State has to allocate sufficient resources to ensure the achievement of constitutional rights. In the case of any right listed under Article 43 (Economic and Social Rights) and in allocating resources, the State shall give priority to fund and providing support to enhance Social Risks and Impacts Management programmes. The Government will:

i. Establish and support the coordination and implementation structures;
ii. Ensure that adequate resources are allocated to Social Risks and Impacts Management programmes;
iii. Encourage the use of devolved funds to support Social Risks and Impacts Management programmes; and
iv. Provide funds for periodic review of the Policy and formulation of relevant legislative frameworks based on emerging issues.

4.2 Non-state Actors

i. Private Sector
ii. Development Partners
iii. Civil Society/NGOs and Faith Based Organizations
iv. Academia/Research Institutions
v. Communities and Families

4.3 Management of Finances

The finances allocated to Social Risks and Impacts Management programmes shall be managed efficiently and according to the Government Financial Management Regulations.

CHAPTER 5| COORDINATION AND IMPLEMENTATION OF THE POLICY

5.1 Coordination

The Cabinet Secretary responsible for Social Protection will oversee the coordination and implementation of SRIM in Kenya by establishing guidelines to strengthen multi-sectoral coordination. This responsibility includes overseeing collaboration between National and County Governments, facilitated through an interdepartmental system. To ensure effective administration, the Cabinet Secretary, in consultation with the Public Service Commission, will establish a Directorate of SRIM within the State Department for Social Protection and Senior Citizen Affairs. This Directorate will lead the development of the institutional framework for SRIM and collaborate with NEMA to integrate SRIM into development projects. Additionally, County SRIM Committees will be formed, consisting of representatives from relevant National and County Government departments, agencies, and non-state actors. Each committee will be co-chaired by the County Executive Member for Social Services and the County Commissioner, with joint secretaries from the National Government's County Coordinator for Social Development and the County Director for Social Services.

The Directorate of SRIM will serve as the lead agency for SRIM and will coordinate investment project documents with NEMA. This collaboration will ensure that SRIM principles are effectively integrated into environmental and development projects, fostering a coordinated approach to managing social risks and impacts across the country.

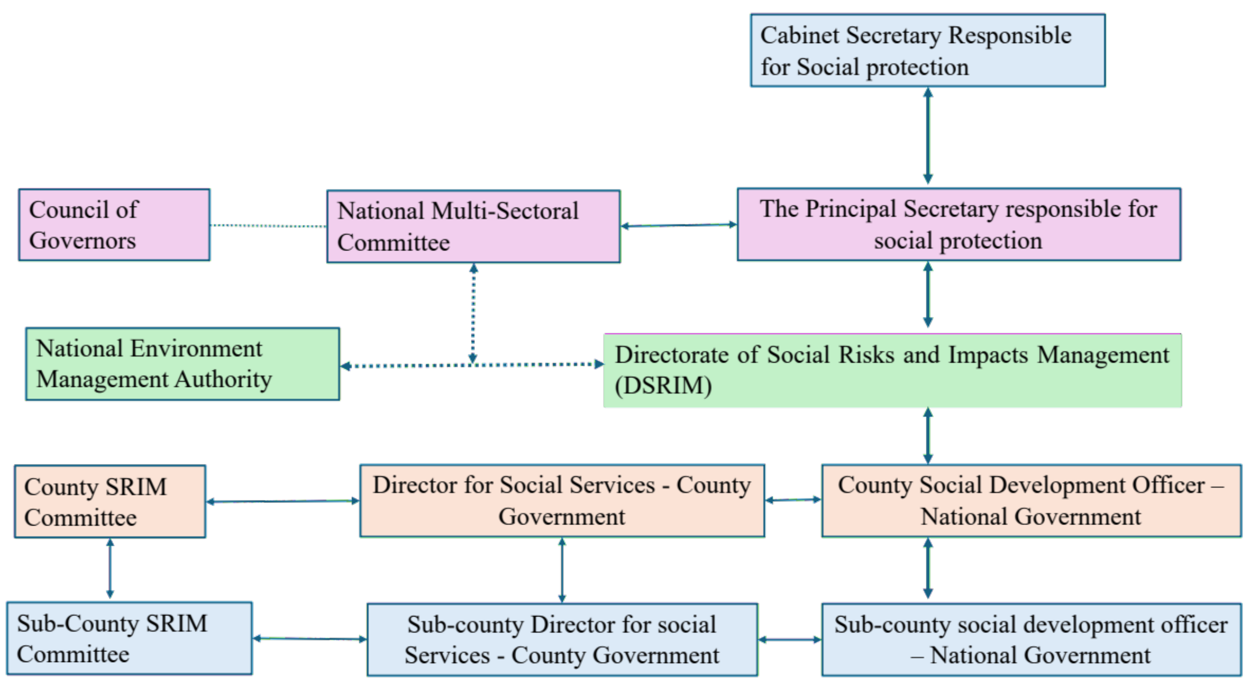

Figure 5.1 summarizes the inter-relations of the coordination structures at the National and County levels.

The role of Non-State Actors in the implementation of the Policy will be to:

i. Provide additional financial and technical support to government;
ii. Provide checks and balances to the government to ensure implementation of the Policy;
iii. Lobbying and advocacy for the Policy; and

iv. Compliment government interventions.

5.2 Monitoring and Evaluation

The availability of reliable and consistent information is essential for planning and monitoring policies and programmes; making decisions about the support that should be provided towards strengthening SRIM as well as for providing focus for the different sectors and stakeholders involved in the implementation of the Social Risks and Impacts management Policy. To this end, the Ministry of Labour and Social Protection shall be responsible for the coordination of different government policies that promote sound SRIM in development projects and will be dependent on a clearly defined and executed Monitoring & Evaluation (M&E) process. The M&E process is important for the implementation of the Policy as it will provide the Government with the means for learning from past experience, improving service delivery, planning and allocating resources, and demonstrating results as part of accountability to key stakeholders.

The Policy M&E will also be consolidated by ongoing research through the identification of changing trends in Social Risks and Impacts Management, to the extent possible, the set of 'Social Risks and Impacts Management as provided for in the new World Bank Environmental and Social Frameworks.

The DSRIM will facilitate the M&E process and hence shall develop programme supervision and control mechanisms which will be established at the national and county levels to assess progress made. To this end, all government departments will have elaborate information management systems to generate detailed data for regular situational analyses of Social Risks and Impacts Management in projects.

5.2.1 Monitoring

Monitoring will involve collecting data regularly to contribute positively to the successful implementation of the Policy. The results of the monitoring process will be used to reflect on what is happening on the ground about the implementation plan. The monitoring results will feedback into the implementation process on a regular basis and will continually be utilised to improve services offered. This process will provide opportunities to learn from the actual and present options for adjustment and improved implementation.

5.2.2 Evaluation

Evaluation is the systematic appraisal system used to assess the quality and impact of implementation against the set objectives reflected on the integrated implementation plan of the Social Risks and Impacts Management Policy. The evaluation process will utilise diverse approaches using both qualitative and quantitative methods.

5.2.3 Policy Review

The National Policy on Social Risks and Impacts Management shall be reviewed every five (5) years in order to bring on board emerging issues and new ideas that will inform timely and appropriate intervention.

<table>
<tr><th>THEMATIC AREA 1</th><th colspan="4">LEGISLATIVE FRAMEWORK</th></tr>
<tr><td>OUTCOME/ OBJECTIVES</td><td colspan="4">To establish a statutory system or statutory structures, devoted to the management of social risks and impacts in the context of infrastructural and other development projects.</td></tr>
<tr><td>Interventions/ Activities</td><td>Indicators/Output</td><td>Resources/ Budget</td><td>Actors</td><td>Timeframe</td></tr>
<tr><td>Develop and enact the Social Risks and Impacts Management Coordination Act</td><td>• SRIM Coordination Act developed</td><td rowspan="2">50M</td><td rowspan="2">MLSP Members of the SRIM Multisectoral Committee</td><td rowspan="2">July 2023-June 2024</td></tr>
<tr><td>Develop subsequent Regulations and Guidelines</td><td>• Regulations and Guidelines for SRIM developed</td></tr>
<tr><th>THEMATIC AREA 2</th><th colspan="4">SOCIAL RISKS AND IMPACTS ASSESSMENT (SRIA)</th></tr>
<tr><td>OUTCOME/ OBJECTIVES</td><td colspan="4">To Define the scope of Social Risks and Impacts Assessments (SRIAs), and the outline procedures and workflows for conducting the SRIAs.
Social risks and impacts are mostly determined by a project's predicted footprint, which includes its magnitude, complexity, and intrinsic sectoral risks, as well as local factors such as people's vulnerability, poverty levels, lack of resilience, and social exclusion. Projects of substantial or high risk and complexity may require significantly greater effort in terms of time, resources, and oversight, than projects of low to moderate risk. The directorate seeks to analyse such projects and recommends for licensing to NEMA to ensure SRIM issues are well taken care of.</td></tr>
<tr><td>Interventions/ Activities</td><td>Indicators/Output</td><td>Resources/ Budget</td><td>Actors</td><td>Timeframe Outcomes</td></tr>
<tr><td>Establish and strengthen legislation for the coordination, financing and strengthening of capacities necessary in the conduct of SRIA in Kenya</td><td>• No. of legislations reviewed and improved to strengthen coordination, financing and capacities for SRIA</td><td rowspan="2">100M</td><td rowspan="2">MLSP
World Bank
University of Nairobi
Kenya School of Government

And select Members of the SRIM Multi-sectoral Committee</td><td rowspan="2">July 2023-June2024</td></tr>
<tr><td>Establish and strengthen structures for SRIAs at all administrative levels of the National Government</td><td>• No. of Structures established (by level)
• No. of trainings/orientations held to improve capacities of the established structures</td></tr>
</table>

Develop National Social Risks and Impacts Assessment Regulations .	• National Social Risks and Impacts Assessment Regulations developed			
Develop standard tools to facilitate SRIAs	• No. of tools developed (by name and category)			
Develop a mitigation plan for social risks and impacts	• No. of mitigation plans developed			
Develop an ICT based platform to enhance access to information and delivery of SRIM services.	• ICT based Platform for SRIM developed			
Strengthen good governance and accountability in the delivery of SRIA services.	• Description of actions to strengthen good governance and accountability within SRIM			
THEMATIC AREA 3	**PROFESSIONAL DEVELOPMENT AND ACCREDITATION**			
OUTCOME/ OBJECTIVES	To provide guidance and policy provisions regarding professional qualifications and accreditation of SRIA experts in Kenya. *The thematic area specifically contributes to the realization of Pillar 1 above (on SRIA), and broadly leads to the improvement of SRIM capacities in the Country.*			
Interventions/ Activities	**Indicators/Output**	**Resources/ Budget**	**Actors**	**Timeframe**
Establish partnerships with accredited academic institutions of higher learning for capacity development	• No. of formal partnerships established	**150M**	MLSP World Bank University of Nairobi Kenya School of Government And select Members	July 2024-June2025
Strengthen the human resource capacity for SRIM at the national and county levels	• No. of trainings and orientations held to National and County level actors			

	• Percentage (%age) improvement in the number of government staff (at both levels) dedicated to the SRIM functions.		of the SRIM Multisectoral Committee	
Develop and implement SRIM capacity development strategy	• SRIM Capacity Development Strategy developed			
Strengthen the institutionalization of capacity development for SRIM in Kenyan institutions of higher learning	• No. of institutions offering SRIM Courses at Diploma, Undergraduate and Graduate levels			
Establish the SRIM Research portfolio	• SRIM Research portfolio with MLSP established • No. of research studies conducted			
Establish, institutionalize, and implement procedures for the accreditation of training institutions and registration of SRIM experts and firms;	• Procedures for the accreditation of training institutions and registration of SRIM experts and firms; established, institutionalized and implemented			

Develop and maintain a national database of all SRIM experts in the country	• National database of SRIM experts • No. of SRIM experts listed in the national database			
Support the development of a grievance and redress mechanism for SRIM experts	• GRM system for experts • No.of grievances raised and addressed through the established mechanism			
Facilitate the establishment of a professional body for SRIM experts	• Professional body for SRIM experts established			
CROSS-CUTTING AREAS				
Interventions/ Activities	**Indicators/Output**	**Resources/ Budget**	**Actors**	**Time Frame**
INSTITUTITIONAL ARRANGEMENTS				
Establish coordination structures at the National, County, and sub-County levels	• No. of coordination structures established (by level and role)	**50M**	MLSP	July 2025-June2026
Establish a multi-sectoral standing committee on SRIM	• Standing Committee on SRIM established			
STAKEHOLDER ENGAGEMENT AND PUBLIC PARTICIPATION IN THE CONTEXT OF SRIM				
Develop and adopt Stakeholder Engagement and Public Participation guidelines for SRIM	• Sensitization and Awareness forums	**10M**	MLSP County Governments Members of the SRIM Multisectoral Committee	July 2025-June2026
Develop tools for monitoring the level and quality of public participation in SRIM	• No. of tools developed			
MONITORING, EVALUATION, REPORTING AND LEARNING (MERL):				

Develop guidelines and tools for systematic and routine MERL	• No.of Guidelines for routine MERL developed	**10M**	MSLP	July2026-June2027
FINANCING				
Develop a resource mobilization strategy for SRIM	• Resource Mobilization Strategy developed	**10M**	MLSP	July2026-June2027
COMMUNICATION				
Develop a comprehensive Communication Strategy and plan	• Communication Strategy developed	**50M**	MLSP	July 2027-June2028
Establish a knowledge management platform to improve the practice of SRIM	• No. of Knowledge management platforms developed			