

**United Nations Development Programme
OAI, Social and Environmental Compliance Unit**



DRAFT TERMS OF REFERENCE (TOR) FOR INVESTIGATION

**In response to allegations of non-compliance with
UNDP's social and environmental commitments in the context of
UNDP's "Forestry and Land Restoration Action for Kenya's NDC (FLaRAK)" Project and
"Forest Carbon Partnership Facility (FCPF) REDD+ Readiness Grant" Project**

**Case No. SECU0027
Date: 24 July 2026**

Basic Data

Case No.	SECU0027
Category of non-compliance:	Social and Environmental
Location:	Republic of Kenya
Date complaint received:	27 February 2026
Source of complaint:	Individual Members of the Keiyo Indigenous Community
Eligibility assessment conducted by:	Richard Bissell, Lead Compliance Officer
Compliance Officer assigned:	Richard Bissell, Lead Compliance Officer
Other investigators assigned:	Peter Boldt, Compliance Analyst
Related Case(s):	N/A

I. Overview

1. UNDP's Social and Environmental Compliance Unit (SECU) registered a complaint from Individual members of the Keiyo Indigenous Community in the western region of the Republic of Kenya (Kenya). The complainants allege that several UNDP supported initiatives implemented within the Kaptagat Forest Ecosystem, including the FLARAK project and the Forest Carbon Partnership Facility (FCPF) REDD+ Readiness Grant Project, were carried out without the involvement or consent of the Keiyo Indigenous Community, despite the community residing adjacent to targeted ecosystems. According to the complaint, these projects proceeded on land the community identifies as ancestral territory, including burial sites, and have continued despite the absence of meaningful participation or free, prior, and informed consent (FPIC), or disclosure of required environmental and social impact assessments (ESIAs). The complainants further assert that the fencing of forest blocks, which they describe as forcibly imposed by authorities, restricts long standing forest use rights and has resulted in intimidation, and loss of livelihoods. They claim that the lack of transparency around carbon credit benefit sharing, the erosion of cultural practices, and the exclusion of the Keiyo community from project governance, amongst other allegations, amount to violations of UNDP's Social and Environmental Standards (SES) and raise concerns about human rights violations.
2. The "Forestry and Land Restoration Action for Kenya's NDC (FLARAK)" project (Project ID: 00130784)¹ specified a start date of March 2022 and planned end date of March 2023. FLARAK was a country-level initiative implemented under UNDP's flagship Climate Promise programme² and was financed by the Government of Japan. The implementing partner was the Ministry of Environment, Climate Change and Forestry of Kenya³ and this was a National Implementation Modality (NIM) project.
3. The "Forest Carbon Partnership Facility (FCPF) REDD+ Readiness Grant" project (Project ID: 00099178)⁴ specified a start date of 1 June 2018 and planned end date of December 2021. It was a NIM project and was financed by FCPF, a multi-donor trust fund housed at the World Bank, with a total FCPF contribution of USD \$3.8 million.⁵ The project was implemented by UNDP as the delivery partner along with the Ministry of Environment, Climate Change and Forestry of Kenya, as the main implementing partner.
4. FLARAK aimed to help Kenya meet its Nationally Determined Contributions (NDCs) and 10% tree cover targets through forest governance strengthening, certified seedling production, restoration-technology piloting (including fencing), and public mobilisation across three pilot ecosystems; Kaptagat, Kakamega and Magadi-Suswa, delivering 285 ha reafforested, livelihood support, and county-level forest policy mainstreaming. UNDP's REDD+ readiness support, delivered as a FCPF partner project, aimed to build the institutional, policy, and benefit-sharing architecture Kenya needs to access results-based payments for reduced deforestation, (including priority-landscape engagement in Elgeyo-Marakwet County), and design of the benefit-sharing mechanisms through which future carbon revenues will flow.

¹ See <https://open.undp.org/projects/00136332>

² For more information see: [UNDP Climate Promise | Helping countries reach their climate goals](#)

³ FLARAK Prodoc, cover page.

⁴ See <https://open.undp.org/projects/00099178>

⁵ REDD+ Prodoc p. 2

II. Process to Date

5. SECU registered the case on its online case registry on 2 March 2026.⁶ As part of the Eligibility Determination process, SECU engaged with the complainants and made a documentation and information request to the UNDP Kenya Country Office, which was responded to in late March, 2026.
6. On **18 June** 2026, SECU determined that the complaint met the eligibility criteria⁷ for a compliance review: the complaint (1) relates to a project or programme supported by UNDP; (2) raises actual or potential issues relating to compliance with UNDP's social and environmental commitments, and (3) reflects that, as a result of UNDP's noncompliance with its social and environmental commitments, complainants may be or have been harmed.⁸

III. Applicable Social and Environmental Commitments

7. The complaint, as presently understood by SECU, raises potential compliance issues related to UNDP's Social and Environmental Standards (SES) as follows:
 - a. Human Rights
 - b. Community Health, Safety and Security (Standard 3)
 - c. Cultural Heritage (Standard 4)
 - d. Displacement and Resettlement (Standard 5)
 - e. Indigenous Peoples (Standard 6)
 - f. Stakeholder Engagement and Response Mechanisms
 - g. Access to Information

Other applicable social and environmental commitments may be identified during the course of the investigation.

IV. Scope of Work

8. The aim of the compliance investigation is to establish a background factual record through the objective gathering of evidence, make findings based on this record, and, if necessary, make recommendations on how to bring UNDP-supported activities into compliance with the SES and other relevant policies and procedures, mitigate any harm that results from the breach of UNDP's social and environmental commitments, and help identify avenues to prevent similar compliance concerns in future.
9. The scope of this compliance investigation, like all compliance investigations, is limited to that over which UNDP has reasonable control. It does not focus on the actions of other entities except

⁶ See [SECU-SRM Complaint Feb 2026 REDACTED.pdf](#)

⁷ Section 8.2 of SECU's Investigation Guidelines detail the eligibility criteria for a SECU compliance review. Available at:

https://www.undp.org/sites/g/files/zskgke326/files/publications/SECU%20Investigation%20Guidelines_4%20August%202017.pdf.

⁸ Eligibility Determination

insomuch as they relate to UNDP's commitments to conduct appropriate due diligence and to assess, mitigate and address social and environmental risks that occur in the context of UNDP-supported activity.

10. Both projects under review have reached their planned end dates. An important focus of this investigation is therefore whether activities and outputs supported by these projects continue to contribute to adverse impacts in the project area and on affected communities following project completion, and, if so, how such impacts may be mitigated or addressed.
11. The compliance review carried out by SECU will involve the following key activities:
 - a. An initial desk-based review of accessible documentation, e.g., project documents, including feasibility studies, risk logs, social and environmental screening procedures, environmental and social assessments, documentation relating to stakeholder engagement, relevant procurement documentation, including notices and ToRs, and annual workplans. The documentation to be reviewed will also include news articles and publicly available information, UNDP-generated records, information from national entities, the complainant and other local sources, and other relevant documents. This desk-review will assist SECU in developing a more detailed analysis of compliance issues with UNDP's social and environmental commitments and scoping out the various roles of key stakeholders and decision-makers both within UNDP and outside the organization.
 - b. Identifying initial questions to be addressed to a variety of relevant stakeholders, in-country and otherwise. This will necessarily be an iterative process as more information is secured.
 - c. Identifying individuals and groups to be interviewed. These might include:
 - i. UNDP personnel involved in relevant project activities at the country office, regional bureau, and headquarters levels;
 - ii. Complainants;
 - iii. Representatives of local partners involved in project activities, including government agencies and local institutions;
 - iv. Other groups and individuals who can provide evidence regarding UNDP's compliance with relevant standards and laws, and the existing and potential impacts of relevant UNDP-supported activities.
 - d. An assessment of the risks of acts of intimidation or reprisal at various stages of the compliance process and identification of preventative and response measures in consultation with relevant stakeholders as and if necessary.
 - e. Establishing contact with individuals and groups identified above to set up interviews.
 - f. An investigation mission to Kenya to obtain evidence relating to the adherence of UNDP-supported activity with UNDP's social and environmental commitments.
 - g. The preparation of a draft investigation report that assesses compliance of UNDP-supported activity with UNDP's social and environmental commitments.
 - h. Sharing the factual docket with the complainant and relevant UNDP business units for a final fact check.

- i. Publishing the draft report for public commenting, and specifically requesting comments from the complainants, the UNDP Kenya Country Office, Regional Bureau for Africa (RBA), and other relevant stakeholders.
- j. Reviewing and responding to the received comments and finalizing the report.
- k. Clearing the final report within OAI and the submission of the report to the UNDP Administrator and other relevant units.
- l. Publishing the report on the SECU registry.
- m. Monitoring the implementation of any related Administrator's decision.

V. Anticipated Milestones and Timeframes

12. The SECU process expects to achieve the following milestones in terms of developing its report and its component parts:

Milestone	Expected Completion Date
1. Issue Draft Terms of Reference on SECU website for public comment.	July 2026
2. Revise ToR based on public comments.	August 2026
3. Request additional information and documentation from complainant and RBA/CO staff knowledgeable about the project. Desk-based document review, and virtual interviews as feasible and necessary.	July - August 2026
4. Field Mission to Kenya.	October 2026
5. Continue requests for additional information from relevant stakeholders.	July – September 2026
6. Complete and release for public comment the Draft Investigation Report.	December 2026
7. Issue final report to the Administrator and relevant units, publish the report and circulate to all stakeholders.	February - March 2027