

REPUBLIC OF KENYA



Ministry of Energy and Petroleum

KENYA GREEN AND RESILIENT EXPANSION OF ENERGY (GREEN) PROGRAM PHASE 2 PROJECT–

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP)

December 15, 2023

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN

1. The Republic of Kenya (the Recipient) will implement the Kenya Green and Resilient Expansion of Energy (Green) Program Phase 2 Project (the Project) with the involvement of the Kenya Electricity Transmission Company Limited (KETRACO), the Ministry of Energy and Petroleum (MoEP) and the Kenya Electricity Generating Company PLC (KenGen) as set out in the Financing Agreements. The International Development Association (the Association) in its own capacity and as and as an accredited entity of the Green Climate Fund (GCF), has agreed to provide the financing for the Project, as set out in the referred agreements.
2. The Recipient shall ensure that the Project is carried out in accordance with the Environmental and Social Standards (ESSs) and this Environmental and Social Commitment Plan (ESCP), in a manner acceptable to the World Bank. The ESCP is a part of the Financing Agreements. Unless otherwise defined in this ESCP, capitalized terms used in this ESCP have the meanings ascribed to them in the referred agreements.
3. Without limitation to the foregoing, this ESCP sets out material measures and actions that the Recipient shall carry out or cause to be carried out, including, as applicable, the timeframes of the actions and measures, institutional, staffing, training, monitoring, and reporting arrangements, and grievance management. The ESCP also sets out the environmental and social (E&S) instruments that shall be adopted and implemented under the Project all of which shall be subject to prior consultation and disclosure, consistent with the ESS, and in form and substance, and in a manner acceptable to the World Bank. Once adopted, said E&S instruments may be revised from time to time with prior written agreement by the World Bank.
4. As agreed by the World Bank and the Recipient, this ESCP will be revised from time to time if necessary, during Project implementation, to reflect adaptive management of Project changes and unforeseen circumstances or in response to Project performance. In such circumstances, the Recipient and the World Bank agree to update the ESCP to reflect these changes through an exchange of letters signed between the World Bank and the Recipient. The Recipient shall promptly disclose the updated ESCP.

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
MONITORING AND REPORTING			
A	<p>REGULAR REPORTING</p> <p>Prepare and submit to the World Bank regular monitoring reports on the environmental, social, health and safety (ESHS) performance of the Project, including but not limited to the implementation of the ESCP, status of preparation and implementation of E&S instruments required under the ESCP, stakeholder engagement activities, and functioning of the grievance mechanism.</p>	<p>Submit quarterly reports to the World Bank throughout Project implementation, commencing 3 months after the Effective Date. Submit each report to the World Bank no later than 15 days after the end of each reporting period.</p>	<p>KenGen & KETRACO</p>
B	<p>INCIDENTS AND ACCIDENTS</p> <p>Promptly notify the World Bank of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers, including, inter alia, cases of sexual exploitation and abuse (SEA), sexual harassment (SH), and accidents that result in death, serious or multiple injury. Provide sufficient detail regarding the scope, severity, and possible causes of the incident or accident, indicating immediate measures taken or that are planned to be taken to address it, and any information provided by any contractor and/or supervising firm, as appropriate.</p> <p>Subsequently, at the World Bank’s request, prepare a report on the incident or accident and propose any measures to address it and prevent its recurrence.</p>	<p>The contractors/ supervising firms to notify KenGen and KETRACO within 24 hours of being aware of the incident. KenGen and KETRACO then notify the World Bank no later than 48 hours after learning of the incident or accident.</p> <p>Provide subsequent report to the World Bank within a timeframe acceptable to the World Bank</p>	<p>KenGen & KETRACO Contractors/Supervising Firms</p>
C	<p>CONTRACTORS’ MONTHLY REPORTS</p> <p>Require contractors and supervising firms to provide monthly monitoring reports on ESHS performance in accordance with the metrics specified in the respective bidding documents and contracts, and submit such reports to the World Bank through KETRACO and KenGen PLC. The report should include a schedule of statutory permits, licenses, incident/accident if any and any other requirements as agreed by the World Bank.</p>	<p>Submit the monthly reports to the World Bank upon request as annexes to the reports to be submitted under action A above.</p>	<p>KenGen & KETRACO Contractors/Supervising Firms</p>
ESS 1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS			
1.1	<p>ORGANIZATIONAL STRUCTURE</p>		<p>KenGen & KETRACO</p>

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	KenGen and KETRACO shall establish and maintain an organizational structure each, with qualified staff and resources to support management of ESHS risks and impacts of the Project. For KETRACO the staff shall include as a minimum health and safety expert, environmental risks management expert and a social risks management expert. For KenGen the staff shall include as a minimum: a health and safety expert, an environmental risks management expert and a social risks management expert.	Establish Project Implementation Units (PIUs) in KETRACO and KenGen PIT comprising of ESHS experts prior to Effective Date and thereafter maintain the experts in the PIUs throughout the implementation period.	
1.2	<p>ENVIRONMENTAL AND SOCIAL INSTRUMENTS</p> <p>. Adopt and implement an Environmental and Social Impact Assessment (ESIA), and corresponding Environmental and Social Management Plan (ESMP) for which the ESIA/ESMP is require the Project, consistent with the relevant ESSs.</p> <p>Undertake Environmental and Social Audits on annual basis during the operation phase of all the projects and sub projects.</p>	<p>Adopt the ESIA/ESMP prior to commencement of corresponding subproject/ Project activity that requires the adoption of such ESIA/ ESMP. Once adopted, implement the respective ESIA/ESMP throughout Project implementation.</p> <p>Undertake environmental audit on an annual basis during Project implementation submit the respective reports to NEMA and World Bank not later than December 15 in each year of the project implementation.</p>	KenGen & KETRACO
1.3	<p>MANAGEMENT OF CONTRACTORS</p> <p>Incorporate the relevant aspects of the ESCP, including, inter alia, the relevant, E&S instruments, the Labor Management Procedures, and SEA/SH code of conduct, into the ESHS specifications of the procurement documents and contracts with contractors and supervising firms. Thereafter ensure that the contractors, subcontractors and supervising firms comply with the E&S requirements of their respective contracts.</p>	<p>As part of the preparation of procurement documents and respective contracts</p> <p>Supervise contractors throughout Project implementation.</p>	KenGen & KETRACO and Supervising Firms
1.4	<p>TECHNICAL ASSISTANCE</p> <p>Ensure that the consultancies, studies (including feasibility studies, if applicable), capacity building, training, and any other technical assistance activities under the Project are carried out in accordance with terms of reference acceptable to the World Bank and consistent with the ESSs. Thereafter ensure that the outputs of such activities comply with the terms of reference.</p>	Throughout Project implementation.	KenGen, KETRACO, and Ministry of Energy and Petroleum

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
1.6	<p>PERMITS, LICENSES AND APPROVALS</p> <p>Obtain relevant approvals, permits, licenses and other requirements applicable for the implementation and operation of the project activities.</p>	Acquire relevant approvals, licenses and permits prior to implementation and operation of the Projects.	KenGen & KETRACO
ESS 2: LABOR AND WORKING CONDITIONS			
2.1	<p>LABOR MANAGEMENT PROCEDURES</p> <p>Adopt and implement the Labor Management Procedures (LMP for [its respective part of] the Project , including, inter alia, provisions on working conditions, management of workers relationships, occupational health and safety (including personal protective equipment, and emergency preparedness and response), code of conduct (including relating to SEA and SH), forced labor, child labor, grievance arrangements for Project workers, and applicable requirements for contractors, subcontractors, and supervising firms</p>	<p>KETRACO and KenGen to implement their respective LMP that was adopted and disclosed during appraisal stage throughout Project implementation.</p> <p>The Ministry of Energy and Petroleum to develop and adopt a LMP within six (6) months of Project Effective Date, and thereafter implement it throughout their TA implementation period.</p>	KenGen & KETRACO
2.2	<p>GRIEVANCE MECHANISM FOR PROJECT WORKERS</p> <p>Establish and operate a grievance mechanism for Project workers, as described in the LMP and consistent with ESS2</p>	Establish grievance mechanism within three months of Effective Date and thereafter maintain and operate it throughout Project implementation].	KenGen & KETRACO
2.3	<p>OCCUPATIONAL HEALTH AND SAFETY (OHS) MEASURES</p> <p>Develop, adopt, and implement an OHS management plan as part of the subproject ESMPs and C-ESMPs commensurate to the OHS risks and hazards that may arise from the Project activities, consistent with ESS2, LMP, national requirements and international good practice standards, e.g., WB Group EHS Guidelines, as per the provisions of ESS2. Ensure that contractors and subcontractors adhere to the same national and international standards. The OHS management plan shall include emergency preparedness and response measures for construction and operational phase.</p>	Adopt OHS Management Plan as part of ESMP and thereafter implement the plan throughout Project implementation.	KenGen, KETRACO & Contractors
ESS 3: RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT			
3.1	<p>RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT</p> <p>Incorporate resource efficiency and pollution prevention and management measures in the ESIA/ ESMPs to be prepared under action 1.2 above.</p>	Same timeframe as for the adoption and implementation of the ESIA/ ESMP	KenGen, KETRACO & Contractors
ESS 4: COMMUNITY HEALTH AND SAFETY			
4.1	<p>TRAFFIC AND ROAD SAFETY</p> <p>Incorporate measures to manage traffic and road safety risks as required in the ESMP to be prepared under action 1.2 above.</p>	Same timeframe as for the adoption and implementation of the ESMP.	KenGen, KETRACO & Contractors

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
4.2	<p>COMMUNITY HEALTH AND SAFETY</p> <p>Assess and manage specific risks and impacts to the community arising from Project activities including, inter alia, behavior of Project workers, risks of labor influx, response to emergency situations, and include mitigation measures in the sub project ESIA/ESMPs.</p>	Same timeframe as for the adoption and implementation of the ESIA/ ESMP.	KenGen, KETRACO & Contractors
4.3	<p>SEA AND SH RISKS</p> <p>Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) risk is considered low. However, in case the Bank’s SEA/SH risk screening tool consider this as moderate, substantial, or high risk, then KenGen, KETRACO & Contractors will adopt, disclose and implement the SEA/SH Action Plan as part of the ESMPs to assess and manage the Project risks related to SEA and SH.</p>	Same timeframe as for the adoption and implementation of the ESMP	KenGen, KETRACO & Contractors
4.4	<p>SECURITY MANAGEMENT</p> <p>Assess and implement measures to manage the security risks of the Project, including the risks of engaging security personnel to safeguard project workers, sites, assets, and activities in the ESMP, consistent with the requirements of ESS4 and in a manner satisfactory to World Bank, and guided by the principles of proportionality and GIIP, and by applicable law, in relation to hiring, rules of conduct, training, equipping, and monitoring of such personnel.</p>	Prior to engaging security personnel and thereafter implemented throughout Project implementation.	KenGen, KETRACO & Contractors
ESS 5: LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT			
5.1	<p>Resettlement Action Plan (RAP)</p> <p>Prepare, consult upon, adopt, publicly disclose and implement a simple RAP in line with ESS5 to guide KETRACO in the acquisition of the 1.9 Km wayleave for the line in line out (LILO) to the substation at Kimuka for purposes of registering easement.</p> <p>Establish and operate an accessible grievance mechanism - as part of the RAP - to address any resettlement related complaints</p>	Adopt and implement the RAP for the 1.9KM Kimuka LILO prior to registration of easement or implementation of any project related activity on the 1.9Km wayleave.	KETRACO
ESS 6: BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES			
6.1	<p>BIODIVERSITY RISKS AND IMPACTS</p> <p>Relevant aspects of this standard shall be considered, as needed, under action 1.2 above. Where significant risk and adverse impacts on biodiversity have been identified during sub-project screening, adopt and implement a Biodiversity Management Plan as part of the ESMP, consistent with ESS6.</p>	Adopt the BMP as part of the ESMP thereafter implement the BMP throughout Project implementation.	KenGen & KETRACO
ESS 7: INDIGENOUS PEOPLES/SUB-SAHARAN AFRICAN HISTORICALLY UNDERSERVED TRADITIONAL LOCAL COMMUNITIES			
7.1	<p>VULNERABLE AND MARGINALIZED GROUPS PLANNING FRAMEWORK (VMGPF)</p>		

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	NO VMGF will be required for the project since all civil works subprojects to be implemented by KenGen (the BESS facilities) and by KETRACO, (Kimuka substation and the two STATCOMs), will be on sites that are owned by the sector agencies. As such, subprojects' implementation will have no impacts on VMG lands, livelihoods, or culture.	N/A	N/A
7.2	<p>VULNERABLE AND MARGINALIZED GROUPS PLAN (VMGP)</p> <p>Each implementing agency to implement their respective subprojects in line with ESS7. In this regard, ensure compliance with:</p> <ul style="list-style-type: none"> • The provisions of the SEP in relation to meaningful consultation with VMGs in a culturally appropriate and gender and intergenerationally inclusive manner ways • The provisions of the LMP in ensuring that VMGs are considered for unskilled and semi-skilled employment opportunities 	Implement the VMGs related provisions of the SEP and LMPs throughout the project implementation period	KenGen & KETRACO
ESS 8: CULTURAL HERITAGE			
8.1	<p>CULTURAL HERITAGE RISKS AND IMPACTS</p> <p>. Adopt and implement a Cultural Heritage Management Plan (CHMP) as part of the ESMPs, consistent with ESS8.</p>	Same timeframe as for the adoption and implementation of the ESMP.	KenGen & KETRACO
8.2	<p>CHANCE FINDS</p> <p>Describe and implement the chance finds procedures, as part of the ESMPs of the Project.</p>	Same timeframe as for the adoption and implementation of the ESMP.	KenGen & KETRACO
ESS 9: FINANCIAL INTERMEDIARIES [This standard is only relevant for Projects involving Financial Intermediaries (FIs).]			
Not Relevant			
ESS 10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE			
10.1	<p>STAKEHOLDER ENGAGEMENT PLANS PREPARATION AND IMPLEMENTATION</p> <p>Adopt and implement the Stakeholder Engagement Plan (SEP) for the Project, consistent with ESS10, which shall include measures to, inter alia, provide stakeholders with timely, relevant, understandable, and accessible information, and consult with them in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination, and intimidation.</p> <p>Adopt and implement the provisions of the SEP in line with ESS7 where applicable</p>	Throughout Project implementation, KETRACO and KenGen to implement their respective SEPs that they adopted and disclosed during appraisal.	KenGen & KETRACO

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
		The Ministry of Energy and Petroleum to develop and adopt a SEP within six (6) months of Project effective Date, and thereafter implement it throughout their TA implementation period	
10.2	<p>PROJECT GRIEVANCE MECHANISM</p> <p>Establish, publicize, maintain, and operate an accessible grievance mechanism, to receive and facilitate resolution of concerns and grievances in relation to the Project, promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all Project-affected parties including VMGs, at no cost and without retribution, including concerns and grievances filed anonymously, in a manner consistent with ESS10.</p> <p>The grievance mechanism shall be equipped to receive, register, and facilitate the resolution of SEA/SH complaints, including through the referral of survivors to relevant gender-based violence service providers, all in a safe, confidential, and survivor-centered manner.</p>	Establish the grievance mechanism prior to start of any Project Activity and thereafter maintain and operate the mechanism throughout Project implementation.	KenGen, KETRACO & the Contractors
10.3	<p>INFORMATION DISCLOSURE</p> <p>Disclose the Project information summary on environmental and social risks and impacts and proposed mitigation measures to allow stakeholders to understand the risks and impacts of the Project, proposed mitigation measures, and potential opportunities. At a minimum, disclose the following:</p> <ul style="list-style-type: none"> • An easy-to-understand Non-Technical Summary (NTS), summarizing the purpose, nature, and scale of the Project, the duration of the proposed Project activities, and potential risks and impacts of the Project activities on local communities, and the proposals for mitigating these. • The proposed stakeholder engagement process • The process and means by which grievances can be raised and will be addressed. <p>Disclose information in relevant local languages and in manner that is accessible and culturally appropriate, considering any specific needs of groups that may be differentially or disproportionately affected by the Project or groups of the population with specific needs (such as, disability, literacy, gender, mobility, differences in language and accessibility).</p>	Ensure that the relevant Project information is disclosed prior to the start of any Project activity throughout the duration of the project.	KenGen & KETRACO

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	Due to personal data protection, all personal information of individuals (such as name, address, telephone numbers, etc.) must be removed or blackened in the disclosed information, unless their disclosure is required under national regulation.		
CAPACITY SUPPORT			
CS1	<p>Sensitize/train the PIU staff of both implementing agencies on:</p> <ul style="list-style-type: none"> a) Stakeholder Engagement Plan (SEP) – stakeholder mapping and engagement b) Emergency preparedness and response c) Community health and safety d) Labor Management Procedures (LMP) consisting of Code of Conduct for project workers in relevant languages and Labor Specific GRM e) World Bank ESHS requirements f) SEA/SH prevention and response measures g) Project wide GRM h) Occupational Health and Safety (OHS) i) ES requirements of this ESCP j) Subproject screening and monitoring/supervision k) Climate Assessment of Energy Projects l) Gender Mainstreaming and assessment in energy projects 	During project implementation	KenGen, KETRACO
CS2	<p>Train project workers on:</p> <ul style="list-style-type: none"> a) Occupational health and safety including on emergency prevention and preparedness and response arrangements to emergency situations, Personal protective equipment, Workplace risk management, prevention of work-related accidents, Health and safety rules; waste management, Occupational health and safety standards, etc. b) Employment and working conditions – Conditions of employment under national labor laws; Code of conduct for suppliers, service providers and subcontractors; Workers' organizations and trade unions; and Rules on child labor and minimum age for employment of children. c) SEA/SH sensitive GRM – Registration and Processing Procedures; Complaint Resolution Procedures; Operation of the GRM; Documentation and processing of complaints; and Use of the procedure by the different actors. 	During project implementation	KenGen and KETRACO

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	d) GBV/SEA/SH – Awareness, prevention and measures to prevent, mitigate and respond to SEA/SH risks; Content of the project's code of conduct prohibiting behaviors related to SEA/SH, as well as sanctions in case of non-compliance; Themes, activities and target audiences will be defined as part of the prevention measures; Support to survivors, including service providers identified by the project in the intervention areas and the referral and counter-referral process; and SEA/SH complaint management: complaint handling, responsible parties, verification process and complaint resolution		
CS3	Undertake community training on emergency prevention and preparedness and response arrangements to emergency situations	Annually, for the duration of Project implementation	KenGen and KETRACO