



REPUBLIC OF KENYA

NATIONAL TREASURY AND PLANNING

Financing Locally-Led Climate Action Program (IPF Components)

Environmental and Social Commitment Plan

April 2021

ENVIRONMENTAL & SOCIAL COMMITMENT PLAN FOR FINANCING LOCALLY-LED CLIMATE ACTION PROGRAM

1. The Republic of Kenya (the **Recipient**) shall implement the Financing Locally-Led Climate Action Program (the **Project**), with the Ministry of Finance and Planning (National Treasury) as the Implementing Agency and with the involvement of the following Ministries/agencies/units: Ministry of Labor and Social Protection, Ministry of Environment and Forestry , Ministry of Devolution and ASAL Areas and the Council of Governors (COG). The International Development Association (hereinafter the Bank/the Association) has agreed to provide financing for the Project.
2. The National Treasury (NT) will implement material measures and actions so that the Project is implemented in accordance with the Environmental and Social Standards (**ESSs**). This Environmental and Social Commitment Plan (**ESCP**) sets out material measures and actions, any specific documents or plans, as well as the timing for each of these.
3. The Recipient will also comply with the provisions of any other E&S Documents required under the ESF and referred to in this ESCP such as Labour Management Procedures (LMP) and Stakeholder Engagement Plans and the timelines specified in those E&S documents.
4. The Recipient is responsible for compliance with all requirements of the ESCP.
5. Implementation of the material measures and actions set out in this ESCP will be monitored and reported to the Association by the Recipient as required by the ESCP and the conditions of the legal agreement, and the Association will monitor and assess progress and completion of the material measures and actions throughout implementation of the Project.
6. As agreed by the Association and the Recipient, this ESCP may be revised from time to time during Project implementation, to reflect adaptive management of Project changes and unforeseen circumstances or in response to assessment of Project performance conducted under the ESCP itself. In such circumstances, the Recipient will agree to the changes with the Association and will update the ESCP to reflect such changes. Agreement on changes to the ESCP will be documented through the exchange of letters signed between the Association and the Recipient. The Recipient will promptly disclose the updated ESCP.
7. Where Project changes, unforeseen circumstances, or Project performance result in changes to the risks and impacts during Project implementation, the Recipient shall provide additional funds, if needed, to implement actions and measures to address such risks and impacts which may include health and safety, gender-based violence or environmental impacts.

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
Monitoring and Reporting			
A	REGULAR REPORTING: Prepare and submit to the Association regular monitoring progress 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 documents required under the ESCP, stakeholder engagement activities, and the functioning of the grievance mechanism.	Quarterly and Annually throughout the Project Implementation Period	National Treasury
B	INCIDENTS AND ACCIDENTS: Promptly notify the Association of any incident or accident related to the Occupational Health and Safety (OHS), Gender Based Violence including Sexual Harassment. Project which has, or is likely to have, a significant adverse effect on the Occupational Health and Safety (OHS), the public or Consultants <i>including</i> child abuse, gender-based violence under the Project. Provide sufficient detail regarding the incident or accident, indicating immediate measures taken or that are planned to be taken to address it, and any information provided by any Project staff or Consultants, as appropriate. Subsequently, as per the Association's request, prepare a report on the incident or accident and propose any measures to prevent its recurrence.	Notification of the Bank within 48 hours. Root-cause analysis, as relevant, after the Association's request for such an analysis, along with measures to prevent recurrence to be provided within fifteen days.	National Treasury
ESS1 Assessment and Management of Environmental and Social Risks and Impacts			
1.1	ORGANIZATIONAL STRUCTURE: Overall Coordination of the Project will be by the National Treasury and its counterparts in the respective Ministries and the Council of Governors. For the IPF components the NT shall maintain an organizational structure with qualified staff and resources to support management of environment and social risks; including expedite the hiring and deployment of qualified and experienced Environmental Specialist (1) and Social Safeguards Specialist (1) to support the NPIU on this operation.	The NPIU shall be fully established before disbursement for the relevant components and maintained throughout project implementation. The Social Safeguards Specialist and Environment Specialist shall be hired /deployed as condition of disbursement for Component 4 of the Program	National Treasury
1.2	ENVIRONMENTAL AND SOCIAL ASSESSMENT/ MANAGEMENT PLANS AND INSTRUMENTS	i. Throughout project implementation	National Treasury

	<p>i. Technical Assistance: ensure that terms of reference for studies, advisory services and the outputs of any technical assistance provided under the Project are prepared and/or delivered in a manner acceptable to the Association and duly incorporate and take into consideration the requirements of the Environmental and Social Standards.</p> <p>ii. Assess any unforeseen impacts, including those identified via the Grievance Redress Mechanism (GRM), and implement respective corrective measures, including compensation, where appropriate.</p>	ii. Throughout project implementation.	
ESS2 Labor and Working Conditions			
2.1	<p>LABOR MANAGEMENT PROCEDURES: The Project shall be carried out in accordance with the applicable requirements of national law and ESS2, in a manner acceptable to the Association, including through, inter alia, implementing adequate occupational health and safety measures, ensuring adequate terms and conditions and nondiscrimination/equal opportunity, and training of government civil servants and Consultants, establishing grievance mechanisms, to enable workers to raise project workplace-related concerns, including sexual harassment, for Project workers. , signing a code of conduct noted under [2.2].and incorporating labor requirements into the bidding and contract documents for any TA and studies to be carried out. Government civil servants seconded to the project will remain subject to the terms and conditions of their existing employment agreement/arrangement with their home agency provided that ESS2 paras 17-20 (Protecting the Workforce) and 24-30 (Occupational Health and Safety) will apply to such workers.</p> <p>As a measure to ensure adherence of workers who sign the code of conduct, a training will be conducted at the time of signing (before appraisal) and monitoring will be conducted regularly by a WB GBV expert.</p> <p>The LMP was prepared in December 2020 and will be updated on a yearly basis or more often if needed.</p>	Throughout project implementation	National Treasury
2.2	The Recipient shall ensure a non-discriminatory, decent work environment in line with national law and ESS2; including ensuring that government civil servants and Consultants adhere to the professional code of conduct developed as part of the LMP.	Throughout project implementation	National Treasury
2.3	The Recipient shall establish a system adequate to prevent and address Sexual Harassment in the workforce, including the	Throughout project implementation	National Treasury

	integration of provisions into the code of conduct noted under [2.2].		
2.4	<p>OCCUPATIONAL HEALTH AND SAFETY (OHS) MEASURES: The Recipient shall prepare and implement adequate occupational health and safety measures for government staff and Consultant in line with national law and ESS2 requirements set out in the LMP proportional to the different activities under the Project.</p> <p>Prevention of HIV/AIDS and COVID-19 will be carried out by awareness raising during capacity building sessions for the SRM Unit and other implementing entities, E.g. CCD, COG, MoW, MOA and by adhering to national, WHO and World Bank guidelines on prevention of COVID-19, respectively.</p>	Throughout project implementation	National Treasury
2.5	<p>GRIEVANCE MANAGEMENT : In line with ESS2 paragraphs 21-23 of ESS2, the Project shall establish a labor grievance mechanism for all direct workers and contracted workers and assign focal points to address these grievances within NT, participating Ministries and departments. Government civil servants engaged in relation to the project will have access to the grievance avenues under their existing employment agreements/arrangements.</p>	Throughout project implementation	National Treasury
ESS3 Resource Efficiency and Pollution Prevention and Management			
3.1	Not relevant for this Project		
ESS4 Community Health and Safety			
4.1	<p>Not relevant for this Project</p> <p>Nevertheless, the development of the Social Risk Management and any potential policies, regulations and/or standards developed by the SRM Unit under the project as a part of the social risk management framework will be fully consistent with the principles of ESS4.</p> <p>Moreover, civil servants and consultants will sign and abide by a code of conduct which will cover their participation in meetings with interactions with community members during consultation processes by project appraisal. Moreover, they will abide by Kenyan national law and the WHO and World Bank guidance regarding consultations and field visit carried out during the COVID-19 pandemic, by prioritizing virtual interactions.</p>		
ESS5 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement			
5.1	Not relevant for this Project		
ESS6 Biodiversity Conservation and Sustainable Management of Living Natural Resources			
6.1	Not relevant for this Project		

ESS7 Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities			
7.1	<p>The activities under the IPF component will focus on building systems within to identify and mitigate potential negative impacts and ensure inclusion of all relevant vulnerable groups including those identified as IPSSAHUTLC according to ESS7 and as marginalized communities (Art. 56) by the Kenyan Constitution.</p> <p>The SEP specifies the meaningful consultation of IPs during the validation of the SRM Framework.</p>	At relevant disclosure milestones throughout the project	National Treasury
ESS8 Cultural Heritage			
8.1	Not relevant for this Project		
ESS9 Financial Intermediaries			
9.1	Not relevant for this Project		
ESS10 Stakeholder Engagement and Information Disclosure			
10.1	STAKEHOLDER ENGAGEMENT PLAN: The Project shall implement a Stakeholder Engagement Plan (SEP) consistent with ESS10, in a manner acceptable to the Association.	Throughout project implementation	National Treasury
10.2	UPDATE SEP: The Recipient has prepared the SEP prior to project appraisal, defining further details on the operational steps consistent with ESS10, in a manner acceptable to the Association. The SEP will be updated and monitored during each supervision mission.	Throughout project implementation	National Treasury
10.3	STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE: Implement the SEP(s) consistent with ESS10, including the use of different, culturally appropriate communication approaches to ensure communication also with the most vulnerable, including illiterate and people with disabilities.	Throughout Project implementation	National Treasury
10.4	GRIEVANCE MECHANISM: Accessible grievance arrangements shall be made publicly available to receive and facilitate timely resolution of concerns and grievances in relation to the Project, consistent with ESS10, in a manner acceptable to the Association, at a minimum as part of the reporting under action A of this ESCP.	Throughout Project implementation	National Treasury
Capacity Building			
11.1	Capacity Support: There will be training and capacity building on environmental and social risks management for the NPIU staff and other staff involved on the Project on the EES1-10, the training will include GRM, SEA/GBV, code of conduct, OHS and Stakeholder Engagement.	Throughout Project implementation	National Treasury