

**THE REPUBLIC OF KENYA**

**SECOND KENYA DEVOLUTION SUPPORT PROGRAM  
KDSP**

**NEGOTIATED**

**ENVIRONMENTAL AND SOCIAL  
COMMITMENT PLAN (ESCP)**

**November 1, 2023**

## ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN

1. The Republic of Kenya (the Recipient) will implement the Second Kenya Devolution Support Program (Operation), consisting of the Program for Results (PforR) component (Program) and the Investment Project Financing (IPF) component (Project), with the involvement of the State Department of Devolution (SDD), as set out in the Financing Agreement. The International Development Association (IDA, hereinafter the Association) has agreed to provide financing for the Operation, as set out in the referred agreement. This Environmental and Social Commitment Plan (ESCP) only applies to the Project.
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 Association. The ESCP is a part of the Financing Agreement. Unless otherwise defined in this ESCP, capitalized terms used in this ESCP have the meanings ascribed to them in the referred agreement.
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 ESSs, and in form and substance, and in a manner acceptable to the Association. Once adopted, said E&S instruments may be revised from time to time with prior written agreement by the Association.
4. As agreed by the Association and the Recipient, this ESCP will be revised from time to time if necessary, during Project implementation, to reflect adaptive management of changes and unforeseen circumstances related or in response to Project performance. In such circumstances, the Recipient through the SDD and the Association agree to update the ESCP to reflect these changes through an exchange of letters signed between the Association and the Government of Kenya, through the Principal Secretary, State Department for Devolution. The Recipient shall promptly disclose the updated ESCP.

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
<b>MONITORING AND REPORTING</b>			
A	<p><b>REGULAR REPORTING</b></p> <p>Prepare and submit to the Association 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&amp;S instruments required under the ESCP, stakeholder engagement activities, and functioning of the grievance mechanism (GM).</p>	<p>Submit quarterly reports to the Association throughout Project implementation commencing after Effective Date.</p> <p>Submit each report to the Association no later than 14 days after the end of each reporting period.</p>	<p>National Program Coordination Unit within the State Department of Devolution (NPCU)</p>
B	<p><b>INCIDENTS AND ACCIDENTS</b></p> <p>Promptly notify the Association of any incident or accident related to the Program that 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.</p> <p>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 Association’s request, prepare a report on the incident or accident and propose any measures to address it and prevent its recurrence.</p>	<p>Notify the Association no later than 48 hours after learning of the incident or accident.</p> <p>Provide subsequent report to the Association within a timeframe acceptable to the Association.</p>	<p>NPCU</p>
<b>ESS1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS</b>			
1.1	<p><b>ORGANIZATIONAL STRUCTURE</b></p> <p>Establish, and thereafter maintain, a National Program Coordination Unit (NPCU) with qualified, experienced, and full-time staff and resources to support management of environmental, social, health and safety (ESHS) risks and impacts of the Project, including: 1 Environmental specialist, 1 Occupational, Health and Safety (OHS) specialist, and 1 Social specialist.</p> <p>In addition, the NPCU shall second or redeploy a Gender Based Violence/SEA/SH Expert on need basis.</p>	<p>Maintain 1 Environmental specialist, 1 OHS specialist, and 1 Social specialist, 3 months after the Effective date, and thereafter maintain these positions throughout Project implementation.</p> <p>Throughout Project implementation.</p>	<p>NPCU</p>
1.2	<p><b>ENVIRONMENTAL AND SOCIAL INSTRUMENTS</b></p> <p>The only E&amp;S instruments required for the Project are the present ESCP, which sets out labor and GBV/SEA related requirements, and a Stakeholder Engagement Plan (SEP) already prepared. The E&amp;S aspects of the associated Program are addressed in the</p>	<p>Implement the provisions of the ESCP and SEP throughout Project implementation.</p>	<p>NPCU</p>

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	Environmental and Social Systems Assessment (ESSA) and respective Program Action Plan (PAP).		
1.3	<p><b>TECHNICAL ASSISTANCE</b></p> <p>Ensure that the consultancies, capacity building, training, and any other technical assistance activities under the Project are carried out in accordance with terms of reference (ToRs) acceptable to the Association and consistent with the ESSs. Thereafter ensure that the outputs of such activities comply with the ToRs and the relevant ESSs.</p>	Throughout Project implementation.	NPCU
<b>ESS2: LABOR AND WORKING CONDITIONS</b>			
2.1	<p><b>LABOR MANAGEMENT PROCEDURES</b></p> <p>Ensure that workers are engaged in the implementation of the Project activities consistent with ESS2.</p> <p>To this end, ensure that the following measures are implemented:</p> <ul style="list-style-type: none"> <li>a) Provide Project workers with information and documentation that is clear and understandable regarding their terms and conditions of employment through written contracts setting out their rights, including, inter alia, workers health and safety, rights related to hours of work, wages, overtime, compensation, and benefits, as well as written notice of termination of employment, and details of severance payments, as applicable;</li> <li>b) Implement measures to prevent discrimination in the recruitment and hiring process, compensation including wages and benefits, access to training or other employment conditions on grounds of sex, gender, race, tribe, religion, disability, union membership and political opinions;</li> <li>c) Implement measures as applicable to, inter alia: prevent the use of all forms of forced labor and child labor; enable workers to benefit from, inter alia, access to grievance and redress mechanisms without fear of retaliation; and effective freedom to form and join workers organizations or alternative mechanisms for expressing their concerns and protect their rights related to labor and working conditions;</li> <li>d) Adopt and implement existing Government code of conduct for workers, including measures on worker and community health and safety and to prevent and respond to Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) cases;</li> <li>e) Implement occupational health and safety (including personal protective equipment and emergency preparedness and response) measures, taking into account the General Environmental, Health and Safety Guidelines (EHSGs) of the World Bank Group, including section 3.4 on traffic safety, and other relevant Good International</li> </ul>	Adopt the LMP provisions by Effective Date and thereafter implement the LMP provisions throughout Project implementation.	NPCU

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	<p>Industry Practice (GIIP) and, as appropriate, the industry-specific Environment Health and Safety Guidelines (EHSGs); and</p> <p>f) The public service grievance redress system for work-related grievances will be adopted for project workers with necessary considerations for confidentiality and whistle-blower protection.</p> <p>Relevant aspects of this standard shall be considered in the technical assistance activities under section 1.3 above.</p>		
<b>ESS 3: RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT</b>			
3.1	<p>Relevant aspects of this standard shall be considered in the technical assistance activities under section 1.3 above.</p>	Throughout implementation of the Project activities.	NPCU
<b>ESS 4: COMMUNITY HEALTH AND SAFETY</b>			
4.1	<p>Adopt and implement existing Government code of conduct for workers to prevent and respond to Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) cases to ensure national laws and the provisions of ESS4 requirements are met.</p> <p>Relevant aspects of this standard shall be considered in the technical assistance activities under section 1.3 above.</p>	Throughout implementation of the Project activities.	NPCU
<b>ESS 5: LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT</b>			
5.1	<p>Relevant aspects of this standard shall be considered in the technical assistance activities under section 1.3 above.</p>	Throughout implementation of the Project activities.	NPCU
<b>ESS 6: BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES</b>			
6.1	<p>Relevant aspects of this standard shall be considered in the technical assistance activities under section 1.3 above.</p>	Throughout implementation of the Project activities.	NPCU
<b>ESS 7: INDIGENOUS PEOPLES/SUB-SAHARAN AFRICAN HISTORICALLY UNDERSERVED TRADITIONAL LOCAL COMMUNITIES</b>			
7.1	<p>Relevant aspects of this standard shall be considered in the technical assistance activities under section 1.3 above.</p>	Throughout implementation of the Project activities.	NPCU
<b>ESS 8: CULTURAL HERITAGE</b>			
8.1	<p>Relevant aspects of this standard shall be considered in the technical assistance activities under section 1.3 above.</p>	Throughout implementation of the Project activities.	NPCU
<b>ESS 9: FINANCIAL INTERMEDIARIES</b>			
9.1	<p>ESS9 is not relevant to the Project as it will not engage financial intermediaries.</p>		
<b>ESS 10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE</b>			

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
10.1	<p><b>STAKEHOLDER ENGAGEMENT PLAN PREPARATION AND IMPLEMENTATION</b></p> <p>The Project has prepared and disclosed a Stakeholder Engagement Plan (SEP) consistent with ESS10, in a manner acceptable to the Association.</p> <p>Implement the SEP consistent with ESS10, including the use of different, culturally appropriate communication approaches to ensure communication with the Vulnerable and Marginalized groups (VMG), as well as women, illiterate, and people with disabilities.</p> <p>Relevant aspects of this standard shall be considered in the technical assistance activities under section 1.3 above.</p>	<p>SEP prepared and disclosed for consultation prior to appraisal.</p> <p>Implement the SEP, and update it as needed, throughout Project implementation.</p>	NPCU
10.2	<p><b>PROJECT GRIEVANCE MECHANISM</b></p> <p>Establish, publicize, maintain, and operate an accessible GM that forms part of the SEP, 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, at no cost and without retribution, including concerns and grievances filed anonymously, in a manner consistent with ESS10.</p> <p>The GM 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>	<p>Establish the GM within 6 months after Effective Date and thereafter maintain and operate it throughout Project implementation.</p>	NPCU
<b>CAPACITY SUPPORT</b>			
CS1	<p>Conduct the World Bank ESF training for the NPCU, Counties' Project Coordination Unit (CPCU), and country-level environmental and social specialists, TA service providers, and staff of NPCU and SDD. Additional capacity building activities include, but are not limited to:</p> <ul style="list-style-type: none"> <li>● Gender-based violence (GBD) and sexual exploitation and abuse (SEA)/sexual harassment (SH);</li> <li>● Inclusion of VMGs and other disadvantaged or vulnerable groups (persons with disabilities, ethnic minorities);</li> <li>● Occupational Health and Safety (OHS);</li> <li>● Stakeholder engagement and grievances management; and</li> <li>● Other trainings identified as necessary through the capacity assessment.</li> </ul>	<p>Commence the trainings three (3) months after the Effective Date and thereafter conduct refresher trainings.</p>	NPCU