



Kenya Power

THE GOVERNMENT OF KENYA

Kenya Power Lighting Company

**The IPF (Technical Assistance)
Phase 1 Component of the Kenya Green and Resilient
Expansion of Energy (GREEN)
Program**

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

January 2023

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN

1. The Government of Kenya will implement Kenya Green and Resilient Expansion of Energy (GREEN) Program with the Kenya Power and Lighting Company as the Project Implementing Entity, as set out in the Financing Agreement and the Project Agreement. The International Development Association, (the World Bank) has agreed to provide the financing for 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 World Bank. The ESCP is a part of the Financing Agreement and the Project Agreement. Unless otherwise defined in this ESCP, capitalized terms used in this ESCP have the meanings ascribed to them in the referred agreement.
3. 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 Government of Kenya through Kenya Power and Lighting Company agrees to update the ESCP to reflect these changes through an exchange of letters signed between the World Bank and the Government of Kenya (GoK) with the GoK being represented by the Cabinet Secretary, National Treasury, and the Managing Director, Kenya Power and Lighting Company. 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(s).</p>	<p>Submit quarterly reports to the World Bank throughout Project implementation commencing 3 months after the Effective Date.</p>	<p>Responsibility KPLC</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.</p> <p>Provide sufficient detail regarding the scope, severity, and possible causes of the incident or accident, including a root cause analysis indicating immediate measures taken or that are planned to be taken to address it, and any information provided by any consultant and/or supervising firm, as appropriate.</p> <p>Subsequently, at the World Bank’s request, prepare areport on the incident or accident and propose any measures toaddress it and prevent its recurrence.</p>	<p>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 Association and include in quarterly reports throughout Project implementation.</p>	<p>Responsibility –KPLC</p>
ESS 1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS			

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
1.1	<p>ORGANIZATIONAL STRUCTURE</p> <p>KPLC shall maintain a Project Implementing Unit (PIU) as the entity that will be tasked with ESHS management. The PIU shall have fulltime qualified and dedicated staff and resources to support management of ESHS risks and impacts of the TA, including: An Environmental Specialist and a Social Specialist, each with more than eight (8) years of experience in supervising and coordinating environmental and social risk management in similar projects or programs like this one. Such specialists can be drawn from the existing KPLC staff provided they have the right qualifications and can dedicate their time for program activities for the entire duration of the program, or they can be hired to support the Program during its entire implementation period.</p> <p>Where necessary for the efficient delivery of the TA activities, the PIU will mobilize additional staff on short term or long term basis in accordance with institutional capacity assessment needs or project needs. As appropriate, such additional resources may include consultancy services or hiring new staff to provide support on: biodiversity management, health and safety, environmental management, GBV (SEA/SH), and social risk management (e.g. to be responsible for stakeholder engagement and grievances redress). This will ensure the sound environmental and social management of the Project where and when the need arises.</p>	<p>Establish the PIU with the E&S specialist within the first month of effectiveness and maintain it throughout project implementation.</p> <p>During year 1 of project implementation. the PIU shall meet at least biweekly to address matters arising from TA activities and at least monthly from year 2</p>	Responsibility –KPLC
1.2	<p>ENVIRONMENTAL AND SOCIAL INSTRUMENTS</p>		Responsibility –KPLC

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	<ol style="list-style-type: none"> 1. Prepare TORs for the TA activities, especially the Strategic Environmental and Social Assessments (SESA) and prefeasibility studies in line with provisions of the ESF and the ESSs and seek Bank clearance prior to procuring them. The TA activities, in particular the SESA and the prefeasibility studies, will identify and highlight the downstream E&S risks and impacts, and recommend management plans to be developed for the management of downstream E&S risks and impacts. It is anticipated that these will include, but not limited to, and where applicable; Biodiversity management Plans, Traffic Management plans, Waste Management plans, contractor and labor management plans including workers code of conduct (CoC), SEA/SH prevention and response plan, and Covid Management plan etc. 2. Subject the proposed plans, policies, programs and strategies of the project to a (SESA) as required and consistent with the relevant ESSs. 	<ol style="list-style-type: none"> 1. Prepare the SESA and other TA activities ToRs and obtain Bank clearance for the same prior to procuring out their consultancy services 2. Initiate the preparation of any plans, policies, programs and strategies that may be recommended by the SESA, only after obtaining World bank concurrence and after the SESA has been formally adopted. 3. Once adopted, implement the respective SESA provisions throughout Project the implementation period. <p>Implement the LMP, the SEP and the GRM throughout the duration of the Program</p>	
1.3	<p>MANAGEMENT OF CONSULTANCY</p> <p>Incorporate the relevant aspects of the ESCP, including, inter alia, the relevant E&S instruments, the Labor Management Procedures, the code of conduct, the SEP and grievance redress requirements, into the ESHS specifications of the procurement documents and contracts with consultants. Thereafter, ensure that the consultancy firms comply with these ESHS specifications of their respective contracts.</p>	<p>As part of the preparation of procurement documents and respective consultancy contracts.</p> <p>Before signing agreements.</p>	<p>Responsibility –KPLC</p>

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
		Supervise consultants throughout Project implementation.	
1.4	<p>TECHNICAL ASSISTANCE</p> <p>Ensure that all consultancies, studies and any other technical assistance activities under the Project are carried out in accordance with terms of reference acceptable to the Bank that are consistent with the ESSs which will form part of the operational manual for the project.. Thereafter ensure that the outputs of such activities comply with the terms of reference.</p> <p>Ensure that the process includes adequate capacity of EHS staff involved in reviewing of all TA products to ensure adequate consideration of measures needed to manage EHS risks in future projects/activities are consistent with ESF and ESS requirements</p>	Throughout Project implementation.	Responsibility –KPLC
ESS 2: LABOR AND WORKING CONDITIONS			
2.1	<p>LABOR MANAGEMENT PROCEDURES</p> <p>Prepare and implement the Labor Management Procedures (LMP) for the TA activities 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 the Consultancy.</p> <p>Include in all TA TORs for downstream activities, the Labor Management Procedures (LMP), including measures for all groups of workers’ OHS risks, workers Grievance Mechanism, and the Stakeholder Engagement Plan (SEP) that have been outlined in section 1.2 above.</p>	<p>LMP shall be prepared and disclosed prior to appraisal.</p> <p>LMP shall be implemented throughout Project implementation.</p>	Responsibility –KPLC

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
2.2	<p>GRIEVANCE MECHANISM FOR WORKERS</p> <p>Establish and operate a grievance mechanism for consultancy workers, as described in the LMP and consistent with ESS2.</p>	GRM shall be established prior to project appraisal and implemented throughout project implementation.	Responsibility –KPLC
2.3	<p>OCCUPATIONAL HEALTH AND SAFETY (OHS) MEASURES</p> <p>Relevant OHS provisions and measure have been included in the Labour Management Plan and shall be included in the Terms of Reference and applied to all project activities. Measures shall be designed and implemented, in accordance with national law and the World Bank EHS guidelines.</p>	Prior to clearance on the TORs and maintained throughout project implementation.	Responsibility –KPLC
ESS 3: RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT			
3.1	<p>RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT</p> <p>Ensure all TA products are reviewed to ensure adequate consideration of measures needed to manage EHS risks in future projects/activities consistent with ESF and ESS requirements.</p> <p>Develop ToRs for all TA activities and incorporate resource efficiency and pollution prevention and management measures in the TA activities ToRs and SESA to be prepared under action 1.2 above.</p>	Prior to procurement of SESA consultancies and any other TA activities and thereafter implemented throughout Project implementation	Responsibility –KPLC

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
ESS 4: COMMUNITY HEALTH AND SAFETY			
4.1	TRAFFIC AND ROAD SAFETY Incorporate measures to manage traffic and road safety risks as required in the Labour Management plan to cover to be prepared under action 2.1 above.	Maintained throughout Project implementation	Responsibility –KPLC
4.2	COMMUNITY HEALTH AND SAFETY Assess and manage specific risks and impacts to the community arising from TA activities, including, inter alia measures to: minimize the potential for community exposure to communicable diseases, including COVID-19, and include mitigation measures in the LMP.	Same timeframe as for the adoption and implementation of the SESA and maintained throughout Project implementation	Responsibility –KPLC
4.3	SEA AND SH RISKS Adopt and implement a SEA/SH Action Plan to assess and manage the Program risks related to SEA and SH	GBV/SEA/SH Prevention Action Plan shall be prepared within two months of effectiveness and shall be maintained throughout Project implementation	Responsibility –KPLC
4.4	SECURITY MANAGEMENT Assess security risks of the TA activities, including pre-deployment Security Risk Assessments (SRAS) and ensure mitigation measures are in place prior to any TA consultancy teams mobilizing to site to understand s	Prior to commencement of TA consultancy activities	Responsibility –KPLC
ESS 5: LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT			
5.1	Prepare TORs for the TA and SESA studies in line with provisions of ESS 5 and ensure the E&S risks related to land take, involuntary resettlement and impacts on livelihoods, are assessed as part of the SESA in line with this ESS.	As part of the preparation of procurement documents for SESA and other respective TA consultancy contracts.	Responsibility –KPLC
ESS 6: BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES			

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
6.1	<p>BIODIVERSITY RISKS AND IMPACTS</p> <p>Prepare TORs for the TA activities and Strategic Environmental and Social Assessments (SESA) studies in line with provisions of ESS 6 and further ensure that E&S risk of proposed TA activities on biodiversity and other living natural resources are assessed as part of the SESA.</p> <p>Ensure all TA products are reviewed to ensure adequate consideration of measures needed to manage EHS risks in future projects/activities consistent with ESF and ESS requirements.</p>	<p>As part of the preparation of procurement documents for SESA and other respective TA consultancy contracts., prepare ToRs for all TA activities.</p> <p>Prepare and adopt the SESA prior to completing the proposed plans, policies, programs and strategies, and thereafter implement throughout Project implementation.</p>	Responsibility –KPLC
ESS 7: INDIGENOUS PEOPLES/SUB-SAHARAN AFRICAN HISTORICALLY UNDERSERVED TRADITIONAL LOCAL COMMUNITIES			
7.1	<p>INDIGENOUS PEOPLES PLANNING FRAMEWORK</p> <p>Prepare TORs for the all TA activities, including the prefeasibility studies and the SESA studies, in line with the provisions of ESS 7 and further ensure that E&S risk of proposed TA activities on indigenous people are assessed as and mitigation measures recommended.</p>	As part of the preparation of procurement documents for SESA and other respective TA consultancy contracts.	Responsibility –KPLC
ESS 8: CULTURAL HERITAGE			
8.1	<p>CULTURAL HERITAGE RISKS AND IMPACTS</p> <p>Prepare TORs for the TA activities including prefeasibility and SESA studies in line with provisions of ESS 8 and further ensure that E&S risk of proposed TA activities on cultural heritage and chance finds are assessed as part of these studies</p>	As part of the preparation of procurement documents for SESA and other respective TA consultancy contracts.	Responsibility –KPLC
ESS 9: FINANCIAL INTERMEDIARIES			
9.1	<i>This standard is not relevant, as the project has no financial intermediaries</i>	N/A	N/A
ESS 10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE			

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
10.1	<p>STAKEHOLDER ENGAGEMENT PLAN PREPARATION AND IMPLEMENTATION</p> <p>Prepare, adopt and implement a Stakeholder Engagement Plan (SEP) for the Project, which shall include measures to, inter alia, provide the TA 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. In addition, the provisions of the SEP outlined in the section 1.2. shall be included into the respective activity ToRs for the downstream Program activities</p>	<p>The SEP been prepared as part of the appraisal conditions for the GREEN Program.</p>	<p>Responsibility –KPLC</p>
10.2	<p>PROJECT GRIEVANCE MECHANISM</p> <p>Establish, publicize, maintain, and operate an accessible grievance mechanism as 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 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. In addition, the provisions of the GRM outlined in the section 1.2. shall be included into the respective activity ToRs for the downstream Program activities</p>	<p>The SEP, which outlines the GRM for TA activities, shall be prepared and established prior to project appraisal.</p> <p>KPLCs GM will be shared with stakeholders prior to start of TA activities</p>	<p>Responsibility –KPLC</p>
CAPACITY SUPPORT			

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
CS1	<p>As outlined in the ESHS PAP,undertake an ESF/ESHS Training Needs Assessment (TNA), prepare an E&S ESF capacity building plan for KPLC staff at all levels¹ based on the results of the TNA,and conduct ESF training for the PIU staff and other levels of KPLC. As outlined in the ESHS PAP, ESF trainings willbe required for the PIU Coordinator/Manager & all Environment and social safeguards staff, and any other staff handling the project onESSs but not limited to:</p> <ul style="list-style-type: none"> ● Stakeholder engagement ● Occupational and Community Health and Safety including First Aid and road safety ● Proper consideration of potential ESHS risks in Project TA activities, in particular feasibility studies and policy/strategy development, ● SEA/SH Risk Mitigation ● Training in disability inclusion and inclusion of VMGs and other vulnerable groups ● Grievance Management ● Labor management procedures ● Code of conduct to prevent GBV and SEA ● Management of risks related to involuntary resettlement/land take 	<p>Train PIU on the ESF. During on boarding and thereafter conduct refresher trainings.</p>	<p>Responsibility –KPLC</p>
CS2	<p>Conduct training for Project workers, beneficiaries, oversight committees on:</p> <ul style="list-style-type: none"> ● occupational health and safety including on emergency prevention and preparedness and response arrangements to emergency 	<p>During on boarding and thereafter conduct refresher trainings.</p>	<p>Responsibility –KPLC</p>

¹At some of the levels, capacity building activities may include short orientation sessions for decision-makers and E&S champions at different within the different levels with the aim of ensuring E&S risk management has the requisite visibility and support at all levels of the company

MATERIAL MEASURES AND ACTIONS	TIMEFRAME	RESPONSIBLE ENTITY
<p>situations</p> <ul style="list-style-type: none"> ● SEA/SH Risk Mitigation ● Proper consideration of potential ESHS risks in Project TA activities, in particular feasibility studies and policy/strategy development, ● Disability, VMG and other vulnerable groups inclusion training ● Grievance Management ● Implementation, Monitoring and reporting of ESMPs ● Labor management procedures ● Code of conduct to prevent -SEA/SH; 		