

## GOVERNMENT OF KENYA



# KENYA GREEN AND RESILIENT EXPANSION OF ENERGY (GREEN) PROGRAM –

## COMPONENTS:

- a. Battery Energy Storage System (BESS) Project
- b. Suswa STATCOM
- c. Rabai STATCOM
- d. 400/220kV Kimuka substation and associated LILO

## DRAFT ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP)

November 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 as set out in the Financing Agreement and the Project Agreement.<sup>1</sup> The International Development Association (the Association)<sup>2</sup>, has agreed to provide the financing for the Program, as set out in the referred agreement(s).
2. The Recipient shall ensure that the Program 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 Program 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 Program 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 Program implementation, to reflect adaptive management of the projects under the program, projects' changes and unforeseen circumstances or in response to projects' performance. In such circumstances, the Recipient shall 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.

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<sup>1</sup> Use "Financing Agreement" for IDA financing. Use "Loan Agreement" for IBRD financing. Use "Grant Agreement" for TF financing. Add a reference to "Project Agreement" where there is one. Consult with the Project Lawyer for correct references.

<sup>2</sup> In case the project is financed by multiple financing sources (e.g. both an IBRD loan or IDA credit/grant and a TF grant), reference should be made to IBRD/IDA in all of these capacities, with a term like "World Bank" or the "Bank" used to refer to all of them collectively.

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
<b>MONITORING AND REPORTING</b>			
A	<p><b>REGULAR REPORTING</b></p> <p>Each implementing agency to 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&amp;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 &amp; KETRACO</p>
B	<p><b>INCIDENTS AND ACCIDENTS</b></p> <p>Each implementing agency to 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 contractor is to notify KenGen and KETRACO within 24 hours of being aware of the incident 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 &amp; KETRACO Contractors/Supervising Firms</p>
C	<p><b>CONTRACTORS’ MONTHLY REPORTS</b></p> <p>Each implementing agency to 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 &amp; KETRACO Contractors/Supervising Firms</p>
<b>ESS 1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS</b>			
1.1	<p><b>ORGANIZATIONAL STRUCTURE</b></p>		<p>KenGen &amp; 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, including an Environmental Expert, Social Safeguard /Community Relations Officer, Health & Safety Officer and Engineer. The ESHS team will be part of the Project Implementation Team (PIT) which shall cover all the projects.	Establish a PIT comprising of ESHS experts before project commencement and maintain the team throughout the implementation period.	
1.2	<p><b>ENVIRONMENTAL AND SOCIAL INSTRUMENTS</b></p> <p>Each implementing agency to screen every project/sub-project for potential E&amp;S risks and impacts, and conduct an Environmental and Social Impact Assessment (ESIA) and all other pertinent management plans for all planned projects under the program: The reports and plans will be as per the requirements of the World Bank ESF and applicable national legislations. Implementation of these reports, approval conditions and plans shall be undertaken on a quarterly basis and reports thereof submitted to the Bank and other pertinent national Authorities.</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 and ESMP at least 6 months prior to project commencement.. Implement the ESIA and ESMP throughout Project implementation.</p> <p>During year 1 of project implementation, the PIT shall meet at least monthly to address matters arising from the project and at least quarterly from 1 year for project progress updates with minutes of meetings.</p> <p>Adhere to in a manner materially consistent with the World Bank ESF guidelines and the Kenyan EIA licensing conditions and implement the project plans during the project implementation.</p> <p>Undertake environmental audit on an annual basis during operation phase all the projects and sub projects and submit the respective reports to NEMA and World Bank.</p>	KenGen & KETRACO
1.3	<p><b>MANAGEMENT OF CONTRACTORS</b></p>	Incorporate relevant aspects of ESCP in the specifications of the relevant bidding documents and respective contracts.	KenGen & KETRACO and Supervising Firms

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	<p>The supervising firm, contractors and sub-contractors engaged on the projects follow through with the commitments stated in the C-ESMP and will operate in a manner consistent with the requirements of the ESSs. Each Implementing Entity will ascertain that the supervising firm and contractors engaged in connection with the respective project are legitimate and reliable enterprises and have knowledge and skills to perform their project tasks in accordance with their contractual commitments.</p> <p>Each implementing agency to incorporate the relevant aspects of the ESCP, E&amp;S instruments, into the ESHS specifications of the bidding documents and contracts with contractors and supervising firms. Ensure that the contractors, subcontractors and supervising firms comply with the E&amp;S requirements of the bidding documents and contracts.</p>	Supervise contractors throughout Project implementation.	
1.4	<p><b>TECHNICAL ASSISTANCE</b></p> <p>Each implementing agency to ensure that the consultancies, feasibility studies, ESIA's, 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 Program implementation.	KenGen & KETRACO
1.6	<p><b>ASSOCIATED FACILITIES</b></p> <p>The implementing Agencies will ensure that the activities of any associated facility if by a different financier, are carried out in accordance with the applicable requirements of this ESCP and the ESSs' instruments.</p>	Prepare all E&S tools for associated facilities prior to procurement and implementation of the associated facilities.	KenGen & KETRACO
1.8	<p><b>PERMITS, LICENSES AND APPROVALS</b></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
<b>ESS 2: LABOR AND WORKING CONDITIONS</b>			
2.1	<p><b>LABOR MANAGEMENT PROCEDURES</b></p> <p>The Program shall adopt and implement the Labor Management Procedures (LMP) that have been prepared for the project by each implementing agency in line with the applicable requirements of ESS2 and in a manner acceptable to the World Bank, in relation to the Project's direct, contracted, and primary supply workers.</p>	Adopt the LMP during appraisal stage. Thereafter implement the LMP throughout Project implementation.	KenGen & KETRACO

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	A Labour management Plan will be developed by contractors and implemented to promote the employment of people from the surrounding communities.		
2.2	<p><b>GRIEVANCE MECHANISM FOR PROJECT WORKERS</b></p> <p>Each implementing agency to develop, maintain and operate a Grievance Mechanism for workers consistent with the requirements of ESS2 and in line with the LMP, which is easily accessible to the direct and contracted workers engaged in Project implementation to raise workplace concerns. Such workers must be informed of the grievance mechanism at the time of recruitment. The grievance mechanism must be designed to address concerns promptly, using an understandable and transparent process, and to take all measures necessary and appropriate to resolve, or facilitate the resolution of, such concerns and grievances, in a manner satisfactory to the World Bank.</p>	Establish grievance mechanism within three months of effectiveness and thereafter maintain and operate it throughout Project implementation].	KenGen & KETRACO Contractors
2.3	<p><b>OCCUPATIONAL HEALTH AND SAFETY (OHS) MEASURES</b></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 WB ESS2, LMP, national requirements and international good practice standards, e.g., WB Group EHS Guidelines, as per the provisions of WB 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 at least 6 months prior to all project and subprojects commencement. Implement the plan throughout Project implementation.	KenGen, KETRACO & Contractors
<b>ESS 3: RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT</b>			
3.1	<p><b>RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT</b></p> <p>Incorporate resource efficiency and pollution prevention and management measures in the Sub project ESIA/ ESMPs to be prepared under action 1.2 above.</p>	Same timeframe as for the adoption and implementation of the ESMP	KenGen, KETRACO & Contractors
<b>ESS 4: COMMUNITY HEALTH AND SAFETY</b>			
4.1	<p><b>TRAFFIC AND ROAD SAFETY</b></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
4.2	<p><b>COMMUNITY HEALTH AND SAFETY</b></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 ESMP.	KenGen, KETRACO & Contractors
4.3	<p><b>SEA AND SH RISKS</b></p>	Same timeframe as for the adoption and implementation of the ESMP	KenGen, KETRACO & Contractors

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	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 mitigations measures as provided in the ESMPs to assess and manage the Project risks related to SEA and SH.		
4.4	<p><b>SECURITY MANAGEMENT</b></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> <p>The Security Personnel manning the Project comprising of guards, armed policemen, Critical Infrastructure Police Unit (CIPU) among others will adhere to the code of conduct and good international practice, and any gaps identified will be mitigated.</p>	Prior to engaging security personnel and thereafter implemented throughout Project implementation.	KenGen, KETRACO & Contractors
<b>ESS 5: LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT</b>			
5.1	<p><b>Resettlement Action Plan (RAP)</b></p> <p>In consultation with the project affected persons (PAPs), prepare and implement a simple RAP in line with ESS5 to guide KETRACO in the acquisition of the 1.5 Km wayleave for the LILO at Kimuka for purposes of registering easement.</p> <p>Prepare and implement an accessible Grievance Mechanism to address any resettlement related complaints as part of the RAP.</p>	<p>Prepare and implement RAP for the 1.5KM Kimuka LILO prior to registration of easement or implementation of any project related activity on the 1.5Km wayleave.</p> <p>Implement the GRM throughout the project implementation period</p>	KETRACO
<b>ESS 6: BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES</b>			
6.1	<p><b>BIODIVERSITY RISKS AND IMPACTS</b></p> <p>Where significant risk and adverse impacts on biodiversity have been identified, assess and manage specific risks and impacts related to ESS6 and include mitigation measures in the subproject ESIA/ESMPs.</p>	BMP prepared at time of ESMP preparation thereafter implement the BMP throughout Project implementation.	KenGen & KETRACO
<b>ESS 7: INDIGENOUS PEOPLES/SUB-SAHARAN AFRICAN HISTORICALLY UNDERSERVED TRADITIONAL LOCAL COMMUNITIES</b>			
7.1	<p><b>VULNERABLE AND MARGINALIZED GROUPS PLANNING FRAMEWORK (VMGPF)</b></p>	N/A	N/A

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	NO VMGF will be required for the project since the locations of the KenGen implemented BESS facilities and the KETRACO implemented Kimuka substation and the two STATCOMs are known. Subprojects' implementation will have no impacts on VMG lands, livelihoods or culture since the proposed sites are on land that is owned by three of the sector agencies, KETRACO, KenGen and KPLC.		
7.2	<p><b>VULNERABLE AND MARGINALIZED GROUPS PLAN (VMGP)</b></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"> <li>• The provisions of the SEP in relation to consultations with VMGs in culturally and gender and intergenerationally appropriate ways</li> <li>• The provisions of the LMP in ensuring that VMGs are considered for unskilled and semi-skilled employment opportunities</li> </ul>	Implement the VMGs related provisions of the SEP and LMPs throughout the project implementation period	KenGen & KETRACO
<b>ESS 8: CULTURAL HERITAGE</b>			
8.1	<p><b>CULTURAL HERITAGE RISKS AND IMPACTS</b></p> <p>As part of the ESIA/ESMPs to be updated/prepared, include a Cultural Heritage and Chance find management procedure consistent with ESS8 to manage any chance finds and implement it throughout the project phases.</p>	Adopt the CHMP as part of the ESMP prior to Project Commencement and thereafter implement the ESMP throughout Project implementation.	KenGen & KETRACO
<b>ESS 9: FINANCIAL INTERMEDIARIES [This standard is only relevant for Projects involving Financial Intermediaries (FIs).]</b>			
Not Relevant			
<b>ESS 10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE</b>			
10.1	<p><b>STAKEHOLDER ENGAGEMENT PLAN PREPARATION AND IMPLEMENTATION</b></p> <p>Adopt and implement the Stakeholder Engagement Plan (SEP) that has been prepared for the Project, in line 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>	Adopt the SEP prior to start of any Project Activity and thereafter implement the SEP throughout Project implementation.	KenGen & KETRACO
10.2	<p><b>PROJECT GRIEVANCE MECHANISM (GRM)</b></p>		KenGen, KETRACO & the Contractors



MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	<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>	<p>Establish the grievance mechanism prior to start of any Project Activity and thereafter maintain and operate the mechanism throughout Project implementation.</p>	
10.3	<p><b>INFORMATION DISCLOSURE</b></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"> <li>• 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.</li> <li>• The proposed stakeholder engagement process</li> <li>• The process and means by which grievances can be raised and will be addressed.</li> </ul> <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> <p>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.</p>	<p>Ensure that the relevant Project information is disclosed prior to the start of any Project activity throughout the duration of the project.</p>	KenGen & KETRACO
<b>CAPACITY SUPPORT</b>			
CS1	<p>Sensitize/train the PIT staff of both implementing agencies on:</p> <ol style="list-style-type: none"> <li>Stakeholder Engagement Plan (SEP) – stakeholder mapping and engagement</li> <li>Emergency preparedness and response</li> </ol>	During project implementation	KenGen, KETRACO & World Bank

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	<ul style="list-style-type: none"> <li>c) Community health and safety</li> <li>d) Labor Management Procedures (LMP) consisting of Code of Conduct for project workers in relevant languages and Labor Specific GRM</li> <li>e) World Bank ESHS requirements</li> <li>f) SEA/SH prevention and response measures</li> <li>g) Project wide GRM</li> <li>h) Occupational Health and Safety (OHS)</li> <li>i) ES requirements of this ESCP</li> <li>j) Subproject screening and monitoring/supervision</li> <li>k) Climate Assessment of Energy Projects</li> <li>l) Gender Mainstreaming and assessment in energy projects</li> </ul>		
CS2	<p>Train project workers on:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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</li> </ul>	During project implementation	KenGen and KETRACO

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	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