



**THE REPUBLIC OF KENYA**

**MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND  
URBAN DEVELOPMENT  
(MLPWHUD)**

**SECOND KENYA URBAN SUPPORT PROGRAM (KUSP2)  
P177048**

**Investment Project Financing**

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

**May 16, 2023**

## ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN

1. The Republic of Kenya (the Recipient) is planning to implement the Second Kenya Urban Support Program (the Project) with the involvement of the Ministry of Lands, Public Works, Housing and Urban Development (MLPWHUD) and the State Department for Housing and Urban Development (SDHUD), as set out in the Financing Agreement. The International Development Association hereinafter the [Association] has agreed to provide financing for the Project, as set out in the referred agreement.
2. The Recipient shall ensure that the Activities are 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, if any, that shall be adopted under the Activities, 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 Association.
4. As agreed by the Association and the Recipient, this ESCP will be revised from time to time if necessary, during the implementation of the Activities, to reflect adaptive management of changes and unforeseen circumstances related to the Activities or in response to assessment of performance of the Activities. In such circumstances, the Recipient through the Ministry of Lands, Public Works, Housing and Urban Development and the Association agree to update the ESCP to reflect these changes through an exchange of letters signed between the Association and the Ministry of Lands, Public Works, Housing and Urban Development. The Recipient shall promptly disclose the updated ESCP.

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
<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 Activities, including but not limited to the implementation of the ESCP, stakeholder engagement activities, log and status of any complaints received.</p>	<p>Submit quarterly and annual reports to the Association during implementation of the Activities, commencing after the Effective Date.</p> <p>Submit each report to the Association no later than fourteen (14) days after the end of each reporting period.</p>	<p>National Program Coordination Team (NPCT) State Department for Housing and Urban Development (SDHUD)</p>
B	<p><b>INCIDENTS AND ACCIDENTS</b></p> <p>Promptly notify the Association of any incident or accident related to the Activities 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.</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>National Program Coordination Team (NPCT) State Department for Housing and Urban Development (SDHUD)</p>
<b>ESS 1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS</b>			
1.1	<p><b>ORGANIZATIONAL STRUCTURE</b></p> <p>Establish and maintain a National Program Coordination Team (NPCT) with qualified, experienced, full-time staff and resources to support management of ESHS risks and impacts of the Project including: 2 Environmental specialists, 1 Health and Safety specialist, 2 Social specialists, each with more than five (5) years of experience in carrying out environmental and social assessments of the IPF Activities.</p>	<p>Ensure that 1 environmental specialist and 1 social specialists are hired or deployed prior to the Effectiveness Date. Ensure that an additional 1 environmental specialist, 1 health and safety specialist and 1 social specialist are hired or deployed within three (3) months of effectiveness. Thereafter, all are maintained throughout Project implementation.</p>	<p>National Program Coordination Team (NPCT) State Department for Housing and Urban Development (SDHUD)</p>

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
1.2	<p><b>TECHNICAL ASSISTANCE</b></p> <p>Ensure that the consultancies, capacity building, training, and any other technical assistance activities are carried out in accordance with terms of reference acceptable to the Association that are consistent with the ESSs. Thereafter, ensure that the outputs of such activities comply with the terms of reference.</p>	Throughout implementation of the Activities.	<p>National Program Coordination Team (NPCT)</p> <p>State Department for Housing and Urban Development (SDHUD)</p>
1.3	<p><b>EXCLUSIONS:</b> Exclude the following types of activities as ineligible for financing under the project:</p> <ul style="list-style-type: none"> <li>The ToRs for the TA activities shall be assessed to exclude outputs that may lead to substantial and high risk downstream environmental and social risks and impacts.</li> </ul>	Throughout implementation of the Activities.	<p>National Program Coordination Team (NPCT)</p> <p>State Department for Housing and Urban Development (SDHUD)</p>
<b>ESS 2: LABOR AND WORKING CONDITIONS</b>			

MATERIAL MEASURES AND ACTIONS	TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
<p>2 <b>LABOR MANAGEMENT PROCEDURES</b></p> <p>Ensure that workers are engaged in the implementation of the Activities consistent with ESS2.</p> <p>To this end, ensure that the following measures are carried out:</p> <ul style="list-style-type: none"> <li>a) Provide 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 occupational health and safety (including personal protective equipment, and emergency preparedness and response) measures, taking into account the General Environmental, Health and Safety Guidelines (EHSs) including section 3.4 on traffic safety, and other relevant Good International Industry Practice (GIIP) and, as appropriate, the industry-specific Environment Health and Safety Guidelines (EHSs);</li> <li>c) Implement measures, as applicable, to, inter alia: (i) prevent the use of all forms of forced labor and child labor; (ii) 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 Government existing code of conduct for workers, which shall include measures on worker and community health and safety and to prevent and respond to Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) cases; and,</li> <li>e) Implement measures to prevent discrimination in the hiring process, remuneration, access to training or other employment conditions on grounds of sex, gender, race, tribe, religion, disability, union membership and political opinions;</li> </ul>	<p>Throughout implementation of the Activities.</p>	<p>National Program Coordination Team (NPCT) State Department for Housing and Urban Development (SDHUD)</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>		

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
<b>ESS 3 to ESS9</b>			
3	Relevant aspects of these standards shall be considered in the technical assistance activities under action 1.2. above, as relevant.	Throughout implementation of the Activities.	National Program Coordination Team (NPCT) State Department for Housing and Urban Development (SDHUD)
<b>ESS 10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE</b>			

MATERIAL MEASURES AND ACTIONS	TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
<p>10.1 <b>STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE</b>            Incorporate stakeholder engagement and information disclosure measures in the implementation of the Activities, in a manner consistent with ESS10.</p> <p>To this end, ensure that the following measures are implemented:</p> <ul style="list-style-type: none"> <li>a) Provide stakeholders with information about the environmental and social risks and impacts of the IPF Activities in a timely, understandable, accessible and appropriate manner and format, including but not limited to any environmental and social instruments prepared as part of the Activities such information will be available at the State Department of Housing and Urban Development (SDHUD) website and offices.</li> <li>b) Consult stakeholders in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination and intimidation, including with regards to any environmental and social instruments prepared as part of the Activities;</li> <li>c) Document the stakeholder engagement activities, including: (i) stakeholder mapping; (ii) description of consultations and participation mechanisms utilized, and records of meetings held; (iii) feedback received and responses to said feedback; and (iv) measures to engage stakeholders who, because of their particular circumstances, may be disadvantaged or belong to vulnerable and marginalised groups; (v) how the presence and needs of Vulnerable and Marginalized Groups are incorporated into the outputs of the TA activities including support to preparation of urban Land use/Spatial plans and institutional strengthening activities.</li> <li>d) Using technology for meetings and consultations such as Webex, Zoom and Teams, and meeting small groups of people while observing COVID-19 protocols as applicable</li> </ul>	<p>Implement the stakeholder engagement activities throughout the implementation of the Activities.</p>	<p>National Program Coordination Team (NPCT)            State Department for Housing and Urban Development (SDHUD)</p>

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
10.2	<p><b>GRIEVANCES</b></p> <p>Receive and facilitate resolution of concerns and grievances in relation to the Activities, promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all parties affected by the Activities, at no cost and without retribution, including concerns and grievances filed anonymously, in a manner consistent with ESS10.</p>	Throughout implementation of the Activities.	<p>National Program Coordination Team (NPCT)</p> <p>State Department for Housing and Urban Development (SDHUD)</p>