



Kenya Railways

Preparation of Proposed Kenya Urban Mobility Improvement Project – P176725

Project Preparation Advance

Draft

ENVIRONMENTAL and SOCIAL COMMITMENT PLAN (ESCP)

August 2023

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN

1. The Government of Kenya (the Recipient) is planning to implement the proposed Kenya Urban Mobility Improvement Project (the Project) with the involvement of the Ministry of Road and Transport (MoRT), Ministry of Lands, Public Works, Housing, and Urban Development (MoLPWH&UH), Council of Governors, Kenya Railways (KR), Kenya Urban Roads Authority (KURA), Nairobi Metropolitan Area Transport Authority (NaMATA), National Transport Safety Authority (NTSA), Nairobi City County Government, and County Government of Kiambu for which it has requested a Project Preparation Advance (PPA), as set out in the PPA Agreement. Kenya Railways (KR) will be the main project's implementation agency. The International Development Association (hereinafter the Association), has agreed to provide the PPA to finance activities (the Activities) related to the preparation of 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 Kenya Urban Mobility Improvement Project PPA agreement. Unless otherwise defined in this ESCP, capitalized terms used in this ESCP have the meanings ascribed to them in the referred agreement(s).
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 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 Kenya Railways and the Association agree to update the ESCP to reflect these changes through an exchange of letters signed between the Association and the Recipient. The Recipient shall promptly disclose the updated ESCP.

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
MONITORING AND REPORTING			
A	<p>REGULAR REPORTING</p> <p>Prepare and submit to the Association monitoring reports on the environmental, social, health, and safety (ESHS) performance of the Activities financed under the PPA, including but not limited to the implementation of the ESCP, the status of the preparation of the E&S instruments under preparation, stakeholder engagement activities, grievance log, and status of any complaints received.</p>	Quarterly throughout PPA implementation	Kenya Railways
B	<p>INCIDENTS AND ACCIDENTS</p> <p>Promptly notify the Association of any incident or accident related to the Activities under PPA implementation which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public, or workers, including, without limitation any allegations of sexual exploitation and abuse (SEA), sexual harassment (SH), and occupational accidents or fatalities. 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 consultants or implementing agency, or beneficiary agency, as appropriate.</p> <p>Subsequently, as per 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 in line with the World Bank’s Environmental and Social Incidence Response Toolkit (ESIRT).</p> <p>Provide subsequent reports to the Association within a timeframe acceptable to the Association.</p>	Kenya Railways

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
ESS 1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS			
1.1	<p>ORGANIZATIONAL STRUCTURE</p> <p>Hire or deploy qualified and experienced one (1) environmental specialist, one (1) social specialist, and one (1) communication to support the management of ESHS risks and impacts of the activities under the PPA.</p>	<p>Hire or deploy one (1) environmental specialist, one (1) social specialist, one (1) communication specialist prior to the disbursement of the PPA, and thereafter maintain these positions throughout the PPA period only.</p>	<p>Kenya Railways</p>
1.2	<p>TECHNICAL ASSISTANCE</p> <p>Ensure that the consultancies, studies (including feasibility studies), capacity building, training, and any other technical assistance activities under the Project Preparation Advance, including, inter alia, preparation of the Strategic Environment and Social Assessment (SESA), Environmental and Social Management Framework (ESMF), Resettlement Policy Framework (RPF) Environmental and Social Impact Assessments (ESIAs), Resettlement Action Plans (RAPs) 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>	<p>Throughout the implementation of the activities.</p>	<p>Kenya Railways</p>
ESS 2: LABOR AND WORKING CONDITIONS			

2	<p>LABOR MANAGEMENT PROCEDURES</p> <p>Ensure that the following measures are carried out:</p> <ul style="list-style-type: none"> 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, 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; b) Implement occupational health and safety (including personal protective equipment, and emergency preparedness and response) measures, considering the General Environmental, Health, and Safety Guidelines (EHSGs), and other relevant Good International Industry Practice (GIIP) and, as appropriate, the industry-specific EHSGs and other Good International Industry Practice (GIIP); c) Implement measures, as applicable, to, inter alia: (i) prevent the use of all forms of forced labour and child labour; (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 labour and working conditions; d) Develop a code of conduct for workers, which shall include measures to prevent and respond to SEA and SH cases; and e) Incorporate the relevant requirements above in the ESHS specifications of the procurement documents and contracts with third parties that engage workers in the implementation of the Activities. 	<p>Carry out the measures throughout the implementation of the PPA activities.</p>	<p>Kenya Railways</p> <p>Implementing agencies</p> <p>Beneficiary entities</p>
---	--	--	--

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
	f) Relevant aspects of the ESS2, including, inter alia, working conditions and management of workers relations, protecting the work force, grievance mechanism, occupational Health and Safety, community workers, contracted workers, and primary supply workers, shall be considered in the technical assistance activities under action 1.2. above.	Throughout the implementation of the PPA activities.	Kenya Railways
ESS 3 to ESS9			
3	Relevant aspects of these standards shall be considered in the technical assistance activities under action 1.2. above, as relevant.	Same timeframe as for action 1.2.	Kenya Railways
ESS 10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE			
4.1	<p>STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE</p> <p>Ensure that the Technical Assistance provided under the PPA incorporates stakeholder engagement and information disclosure measures in the implementation of the Activities, in a manner consistent with ESS10.</p> <p>Prepare, consult, adopt, disclose, and implement a Stakeholder Engagement Plan (SEP) for the Activities.</p>	Adopt the SEP for the Activities prior to the disbursement of the PPA, and thereafter implement the SEP throughout the implementation of the PPA activities.	Kenya Railways Implementing agencies Beneficiary entities
4.2	<p>GRIEVANCES</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 the implementation of the PPA activities.	Kenya Railways Implementing agencies Beneficiary entities