



**KENYA DIGITAL ECONOMY ACCELERATION
PROJECT
P170941**

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

FEBRUARY 2023

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN

1. The Republic of Kenya (the Recipient) will implement the Kenya Digital Economy Acceleration Project (the Project), with the involvement of the Ministry of Information, Communication and the Digital Economy (MICDE) and the Information, Communication and Technology Authority (ICTA) as set out in the Financing Agreement. The International Development Association of the World Bank), has agreed to provide financing for the Project, as set out in the referred agreement.
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. 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 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 Recipient through the Information, Communication and Technology Authority, and the World Bank agree to update the ESCP to reflect these changes through an exchange of letters signed between the World Bank and the Information and Communication Technology Authority. The Information and Communication Technology Authority shall promptly disclose the updated ESCP.

| MATERIAL MEASURES AND ACTIONS | | TIMEFRAME | RESPONSIBLE ENTITY |
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| 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 and annual reports to the World Bank throughout Project implementation, commencing after the Effective Date.</p> <p>Submit each report to the World Bank no later than 14 days after the end of each reporting period.</p> | ICTA |
| 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 injuries, forced or child labor. Any such incidents/accidents should be promptly reported by the contractor to the Project Implementation Unit within ICTA (PIU) using standard forms contained in the ESMF.</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>Notify the World Bank no later than 48 hours after learning of the incident or accident.</p> <p>Provide subsequent reports to the World Bank within a timeframe acceptable to the World Bank.</p> | ICTA |
| C | <p>CONTRACTORS’ MONTHLY REPORTS</p> <p>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 the ICTA.</p> | <p>Submit the monthly reports to the World Bank</p> | ICTA |

| MATERIAL MEASURES AND ACTIONS | | TIMEFRAME | RESPONSIBLE ENTITY |
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| D | <p>NOTIFICATIONS RELATING TO DAAB COMPLIANCE REVIEW OF CONTRACTOR COMPLIANCE WITH SEA/SH PREVENTION AND RESPONSE OBLIGATIONS</p> <p>Notify the World Bank of any referral submitted to the Dispute Avoidance and Adjudication Board (DAAB) to initiate a process of compliance review in relation to a contractor’s obligations to prevent and respond to sexual exploitation and abuse (SEA), and/or sexual harassment (SH) specified in the respective works contract with such contractor; and, in the event of any such referral, notify the World Bank of: (i) the DAAB’s decision on such referral; (ii) the contractor’s Notice of Dissatisfaction, if any, with such DAAB decision; (iii) any notification received on the commencement of an emergency arbitration proceeding or full arbitration proceeding in relation to the DAAB’s decision; and (iv) the resulting emergency arbitration order and/or full arbitration order, if any.</p> | <p>No later than 7 days after the issuance or receipt, as applicable, of the relevant document (i.e., referral to the DAAB, issuance of DAAB decision, Notice of Dissatisfaction, notice of commencement of emergency/full arbitration, emergency/full arbitration order, as applicable).</p> | <p>ICTA</p> |
| ESS 1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS | | | |
| 1.1 | <p>ORGANIZATIONAL STRUCTURE</p> <p>Establish and maintain a PIU within ICTA to undertake ESHS management for the Project. The PIU should be staffed with qualified and experienced full time 1 environmental specialist and 1 social specialist. In addition, the PIU shall recruit the SEA/SH and Security Consultants on the part-time basis.</p> | <p>Ensure that 1 environmental, health and safety specialist and 1 social specialist are recruited or deployed prior to Effective Date and thereafter maintained throughout Project implementation.</p> <p>Ensure that 1 SEA/SH consultant and 1 security consultant are deployed to the Project prior to Effective Date.</p> | <p>ICTA</p> |

| MATERIAL MEASURES AND ACTIONS | | TIMEFRAME | RESPONSIBLE ENTITY |
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| | <p>During the project implementation and construction works phase, the contractors and shall each maintain qualified and full time 1 environmental, health and safety specialist, 1 social specialist and community liaison officer. While the supervision consultant shall maintain qualified and full time 1 environmental, health and safety specialist and 1 social specialist.</p> | <p>Ensure that the supervision consultants deploy qualified and fulltime 1environment,health and safety specialist and 1 social specialist, while contractors will deploy 1 environmental, health and safety specialist, 1 social specialist and community liaison officer throughout project implementation .</p> | |
| 1.2 | <p>ENVIRONMENTAL AND SOCIAL INSTRUMENTS</p> <p>Prepare, consult upon, adopt and publicly disclose the Environmental and Social Management Framework (ESMF) with the following E&S instruments as annexes: ESMP for minor civil works, guidance on waste management plans, environmental code of practice (ECOP) for e-waste and the labour management procedures (LMP) consistent with the relevant ESSs. In addition, prepare Sexual Exploitation and Harassment (SEAH) Prevention and Response Plan, Security Management Plan (SMP), Resettlement Policy Framework (RPF), Vulnerable Marginalized Group Framework (VMGF) and the Social Assessment.</p> <p>Screen every technical assistance activity and Sub-projects and carry out environmental and social impact assessment for the identified sub-projects as per the guidance and requirements of the ESMF and the RPF during Project implementation, incorporate the Environment and Social Impact Assessment(ESIA)/ESMP recommendations in the Contractors ESMPs during implementation and duly comply with any applicable requirements in the ESMF and RPF during project implementation such as carrying out environmental and social risks assessments and Resettlement Action Plans (RAP), preparing, consulting upon, adopting, publicly disclosing and implementing the respective ESIA/ESMPs before commencing works in a manner acceptable to the Association. All TA outputs will be prepared consistent with ESS in a manner acceptable to the Association. The proposed subprojects described in the exclusion list set out in the ESMF shall be ineligible to receive financing under the Project.</p> | <p>Prepare, consult upon, adopt and publicly disclose the instruments prior to Effective Date and thereafter implement the ESMF throughout Project implementation.</p> <p>Ensure screening of sub-projects throughout project implementation. Prepare, consult upon, adopt, publicly disclose and thereafter implement ESIA/or ESMPs and RAPs before commencing the procurement process throughout Project implementation.</p> | ICTA |
| 1.3 | <p>MANAGEMENT OF CONTRACTORS</p> | | ICTA |

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| | Incorporate the relevant aspects of the ESCP, including, inter alia, the relevant E&S instruments, SEA/SH, security management plan, the Labor Management Procedures, SEP, and code of conduct, into the ESHS specifications of the procurement documents and contracts with contractors and supervising firms. Thereafter, ensure that the contractors and supervising firms comply and cause subcontractors to comply with the ESHS specifications of their respective contracts. | As part of the preparation of procurement documents and respective contracts. Supervise contractors throughout Project implementation | |
| 1.4 | TECHNICAL ASSISTANCE Ensure that the consultancies, feasibility studies, ESMP studies, 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 World Bank, that are consistent with the ESSs. Thereafter ensure that the outputs of such activities comply with the terms of reference (ToRs). | Throughout Project implementation. | ICTA |
| 1.5 | CONTINGENT EMERGENCY RESPONSE FINANCING a) Ensure that the CERC Implementation Plan includes a description of the ESHS assessment and management arrangements in accordance with the ESSs. b) Adopt any environmental and social (E&S) instruments which may be required for activities under CERC Part of the Project, in accordance with the CERC Implementation Plan and the ESSs, and thereafter implement the measures and actions required under said E&S instruments, within the timeframes specified in said E&S instruments. | a) The adoption of the CERC Implementation Plan in form and substance acceptable to the World Bank is a withdrawal condition under Section III.B.1(b) of Schedule 2 of the Financing Agreement for the Project. | |

| MATERIAL MEASURES AND ACTIONS | | TIMEFRAME | RESPONSIBLE ENTITY |
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| | | b) Adopt any required E&S instrument and include it as part of the respective bidding process, if applicable, and in any case, before the carrying out of the relevant Project activities for which the E&S instrument is required. Implement the E&S instruments in accordance with their terms, throughout Project implementation. | |
| ESS 2: LABOR AND WORKING CONDITIONS | | | |
| 2.1 | <p>LABOR MANAGEMENT PROCEDURES</p> <p>Prepare, consult upon, adopt, publicly disclose and implement the Labor Management Procedures (LMP) for 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), training of workers, code of conduct (including relating to SEA and SH), forced labor, child labor, grievance arrangements for Project workers, and applicable requirements for contractors, subcontractors, and supervising firms.</p> <p>The Recipient shall implement the Occupational, Health and Safety (OHS) measure for workers (including emergency preparedness and response measures) as prescribed in the ESMF, LMP and the World Bank Group EHS General guidelines .</p> | <p>Prepare, consult upon, adopt and publicly disclose the LMP, as part of the ESMF, prior to Effectiveness Date and thereafter implement the LMP throughout Project implementation.</p> <p>Adopt the OHS measures prior to project commencement and thereafter implement them throughout Project implementation.</p> | <p>ICTA</p> <p>ICTA</p> |
| 2.2 | GRIEVANCE MECHANISM FOR PROJECT WORKERS | | ICTA |

| MATERIAL MEASURES AND ACTIONS | | TIMEFRAME | RESPONSIBLE ENTITY |
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| | Establish and operate the labor grievance mechanism for Project workers, as described in the LMP and consistent with ESS2. | Establish a grievance mechanism prior to engaging Project workers and thereafter maintain and operate it throughout Project implementation. | |
| ESS 3: RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT | | | |
| 3.1 | <p>RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT</p> <p>Prepare, consult upon, adopt, publicly disclose and implement the following annexes as part of the ESMF:</p> <ul style="list-style-type: none"> i. Guidance on the waste management plans ii. Environmental Code of Practice for e-waste <p>Incorporate resource efficiency and pollution prevention and management measures in each subproject ESMP to be prepared under action 1.2 above.</p> | <p>Adopt and publicly disclose prior to Effective Date and thereafter implement throughout Project implementation</p> <p>Throughout Project implementation</p> | ICTA |
| ESS 4: COMMUNITY HEALTH AND SAFETY | | | |
| 4.1 | <p>TRAFFIC AND ROAD SAFETY</p> <p>Incorporate measures to manage traffic and road safety risks as required in the ESIA/ESMPs to be prepared under action 1.2 above.</p> | Throughout Project implementation | ICTA |
| 4.2 | <p>COMMUNITY HEALTH AND SAFETY</p> | Same timeframe as for the adoption and implementation of the ESMPs. | ICTA |

| MATERIAL MEASURES AND ACTIONS | | TIMEFRAME | RESPONSIBLE ENTITY |
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| | Assess and manage specific risks and impacts to the community arising from Project activities, including, inter alia, the behavior of Project workers, risks of labor influx, and response to emergency situations, and include mitigation measures in the ESIA/s/or ESMPs to be prepared in accordance with the ESMF. | | |
| 4.3 | <p>Sexual Exploitation and Abuse (SEA) AND Sexual harassment (SH) RISKS</p> <p>Prepare, consult upon, adopt, publicly disclose and implement the Sexual Exploitation and Harassment (SEAH) Prevention and Response Plan to assess and manage the risks of sexual exploitation and abuse (SEA/ and sexual harassment (SH).</p> <p>Incorporate SEA/SH mitigation measures, as applicable, in subproject ESMPs to be prepared under action 1.2 above</p> <p>The PIU will maintain a SEA/SH specialist throughout the project implementation stage.</p> | <p>Prepare and adopt prior to Effective Date and thereafter implement throughout project implementation</p> <p>Throughout project implementation</p> | ICTA |
| 4.4 | <p>SECURITY MANAGEMENT</p> <p>Prepare, adopt, and thereafter implement the Security Management Plan (SMP) consistent with ESS4 and good international practice, in a manner acceptable to the Association, to ensure that the use of security personnel in the project does not result in adverse consequences to the community health and safety, including in matters relating to SEAH. The SMP shall be guided by the principles of proportionality and GIIP, and by applicable national laws, in relation to hiring, rules of conduct, training, equipping, and monitoring of such personnel.</p> <p>The contractors shall prepare and implement site-specific security management plans detailing contract-specific security measures.</p> | <p>SMP shall be prepared and adopted prior to Effective Date, and thereafter maintained throughout project implementation</p> <p>Prepare contract-specific security management plans, throughout project implementation.</p> | ICTA Supervision consultants. Contractors |

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| ESS 5: LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT | | | |
| 5.1 | <p>RESETTLEMENT POLICY FRAMEWORK</p> <p>Prepare, consult upon, adopt, publicly disclose and implement the Resettlement Policy Framework (RPF) for the Project, consistent with ESS5.</p> | Prepare, consult upon, adopt, and publicly disclose the RPF prior to Effectiveness Date and thereafter implement the RPF throughout Project implementation. | ICTA |
| 5.2 | <p>RESETTLEMENT ACTION PLANS</p> <p>Prepare consult upon, adopt, publicly disclose and implement Resettlement Action Plan/Plans (RAP/RAPs) for each subproject under the Project for which the RPF requires such RAP, consistent with ESS5.</p> | Before the commencement of construction works of subprojects including ensuring that before taking possession of the land, the Resettlement Action Plan is fully implemented. | ICTA |
| ESS 6: BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES | | | |
| 6.1 | <p>BIODIVERSITY RISKS AND IMPACTS: Relevant aspects of this standard shall be considered, as needed, under action 1.2 above. The Recipient shall screen sub-projects, prepare, consult on, adopt, publicly disclose, environmental and social impact assessments (ESIAs)/or environmental and social management plans (ESMPs) with relevant mitigation measures for sub-projects, screen and exclude sub-projects activities that are likely to have impacts on biodiversity, critical habitats and protected areas.</p> | Throughout project implementation | ICTA |
| ESS 7: INDIGENOUS PEOPLES/SUB-SAHARAN AFRICAN HISTORICALLY UNDERSERVED TRADITIONAL LOCAL COMMUNITIES | | | |
| 7.1 | <p>VULNERABLE AND MARGINALIZED GROUPS FRAMEWORK</p> <p>Prepare, consult upon, adopt, publicly disclose and implement a Vulnerable and Marginalized Group Framework (VMGF) for the Project, consistent with ESS7.</p> | Prepare consult upon, adopt, and disclose the project’s VMGF prior to Effectiveness Date and thereafter implement the VMGF throughout Project implementation | ICTA Supervision consultants. |

| MATERIAL MEASURES AND ACTIONS | | TIMEFRAME | RESPONSIBLE ENTITY |
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| 7.2 | <p>VULNERABLE AND MARGINALIZED GROUP ACTION PLAN (VMGAP)</p> <p>Prepare, adopt, publicly disclose and implement the VMGAP for each subproject under the Project as set out in the VMGF and consistent with ESS7. This will include measures related to facilitating access to digital connects and targeting the VMGs to ensure that they benefit from project activities related to digital connectivity.</p> | Prepare, adopt and publicly disclose the VMGAP prior to the carrying out of subproject that requires the adoption of such VMGAP and once adopted, implement the respective VMGAP throughout Project implementation. | ICTA Supervision consultants. Contractors |
| ESS 8: CULTURAL HERITAGE | | | |
| 8.2 | <p>CHANCE FINDS</p> <p>Relevant aspects of this ESS8 shall be considered, as needed, in the ESMF as outlined under action 1.2 above.</p> | Implement the procedures in the ESMF, as applicable, throughout Project implementation. | ICTA Supervision consultants. Contractors |
| ESS 9: FINANCIAL INTERMEDIARIES | | | |
| | Not Relevant. | | |
| ESS 10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE | | | |
| 10.1 | <p>STAKEHOLDER ENGAGEMENT PLAN PREPARATION AND IMPLEMENTATION</p> <p>The Project shall adopt and implement a stakeholder engagement plan consistent with ESS 10, in a manner acceptable to the Association.</p> <p>The Stakeholder Engagement Plan shall be updated to include input from the Social Assessment and the SEA/SH action plan.</p> | <p>Stakeholder Engagement Plan is disclosed prior to appraisal and implemented throughout Project implementation.</p> <p>Prior to disbursement for the Component 1, 2 and 3.</p> | ICTA |
| 10.2 | PROJECT GRIEVANCE MECHANISM | | ICTA |

| MATERIAL MEASURES AND ACTIONS | | TIMEFRAME | RESPONSIBLE ENTITY |
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| | <p>Establish publicize, maintain, and operate an accessible grievance mechanism, to receive and facilitate the 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.</p> | <p>Establish the grievance mechanism prior to Effective Date, and thereafter maintain and operate the mechanism throughout Project implementation.</p> | <p>Supervision consultants. Contractors</p> |
| CAPACITY SUPPORT | | | |
| CS1 | <p>Training may be required for ICTA’s PIU staff on:</p> <ul style="list-style-type: none"> • Environment and Social Framework (ESF) • WBG EHS Guidelines on Telecommunications • Environmental and Social Management Framework (ESMF) including Labor Management Procedures (LMP) consisting of Code of Conduct for project workers in relevant languages and Labor Specific GRM, Environmental Code of Practice for e-waste management • Environmental and Social Management Plans (ESMPs) • SEA/SH Action Plan • Vulnerable and Marginalized Groups Plan • Stakeholder Engagement Plan • Project wide GRM • Security management plan | <p>During project implementation</p> | <p>ICTA</p> |
| CS2 | <p>Training may be required for Recipient’s Ministries, Counties, Departments and Agencies staff on:</p> <ul style="list-style-type: none"> • Environmental and social legal requirements; • ESIA methodology and process; • Environmental and social impact determination (tools and methods); • Mitigation hierarchy (Avoid, Minimize, Restore & Offset (AMRO); | <p>During project implementation</p> | <p>ICTA</p> |

| MATERIAL MEASURES AND ACTIONS | | TIMEFRAME | RESPONSIBLE ENTITY |
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| | <ul style="list-style-type: none"> Stakeholder mapping and engagement; ESMP preparation and monitoring techniques; and Preparation of ESIA ToRs, RAP ToR, and others. SEA/SA Action Plan Security Management Plan | | |
| CS3 | <p>Specify training for Project workers on:</p> <ul style="list-style-type: none"> Occupational health and safety including on emergency prevention and preparedness and response arrangements to emergency situations. Gender-Based Violence/ SEA-SH prevention and response measures. Workers Grievance Management. Labor Management Procedures SEA/SH Action Plan Resettlement Action Plan Security Management Plan | During project implementation | MICDE/ICTA |