



# Concept Environmental and Social Review Summary

## Concept Stage

### ( ESRS Concept Stage)

Date Prepared/Updated: 02/08/2023 | Report No: ESRSC03298

**BASIC INFORMATION****A. Basic Operation Data**

Operation ID	Product	Operation Acronym	Approval Fiscal Year
P179012	Program-for-Results Financing (PforR)	Kenya WASH Program	2024
Operation Name	Kenya Water, Sanitation and Hygiene Program		
Country/Region Code	Beneficiary country/countries (borrower, recipient)	Region	Practice Area (Lead)
Kenya	Kenya	EASTERN AND SOUTHERN AFRICA	Water
Borrower(s)	Implementing Agency(ies)	Estimated Appraisal Date	Estimated Board Date
The National Treasury	Ministry of Water, Sanitation and Irrigation	30-Aug-2023	07-Nov-2023

**Proposed Development Objective**

increase sustainable access to improved rural water and sanitation services, eliminate open defecation and improve the financial performance of water services providers in selected counties

Financing (in USD Million)	Amount
IPF Component	10.00
Total Operation Cost	400.00

**B. Is the operation being prepared in a Situation of Urgent Need of Assistance or Capacity Constraints, as per Bank IPF Policy, para. 12?**

No

**C. Summary Description of Proposed Operation [including overview of Country, Sectoral & Institutional Contexts and Relationship to CPF]**



The IPF component will primarily be for providing technical assistance and capacity building activities for the implementing agencies and supporting intergovernmental coordination. The MoWSI and the national and county implementing agencies will receive technical assistance for the implementation, monitoring, and reporting of Program activities. The MoWSI will facilitate technical assistance towards the capacity building of all counties for the preparation of key policy and strategy documents, such as the County Water Supply and Sanitation Strategy which is a strategy-level document that will provide an overarching framework to guide WSS sector investments and service delivery decisions over a five-year period to ensure universal access and the sector's financial sustainability. In addition, technical assistance will be provided for addressing the gaps and deficiencies uncovered by the technical, financial, and environmental and social (E&S) assessments. Support for sector monitoring and reporting will include the employment of an independent results verification agency (IVA) and the alignment of national water sector data collection and reporting mechanisms with global practices, such as those for reporting on the Sustainable Development Goals (SDGs). Recognizing the role of the national and county governments, the project will also support the operationalization of intergovernmental coordination mechanisms envisioned by sector policy and legislation.

#### **D. Environmental and Social Overview**

D.1. Detailed operation location(s) and salient physical characteristics relevant to the E&S assessment [geographic, environmental, social]

The Program's geographic reach will be limited to the 18 counties of West Pokot, Turkana, Samburu, Mandera, Baringo, Narok, Kwale, Tana River, Kitui, Makueni, Tharaka Nithi, Nandi, Vihiga, Bomet, Migori, Murang'a, Homa Bay, and Kirinyaga. It will provide implementation support to these counties through the technical assistance and capacity building initiatives discussed above. The target counties have sensitive conservation areas such as National Parks and Game Reserves, lakes, rivers, (riparian areas) and other important wetlands, protected forests, terrestrial and savanna grassland areas. Further, counties of West Pokot, Bomet, Kwale, and Tana River are inhabited by Indigenous Peoples/Sub Saharan Africa Historically Underserved Traditional Local Communities, known in Kenya as Vulnerable and Marginalized Groups (VMGs). These counties could eventually benefit greatly from the preparation and eventual implementation of environmentally and socially sound water sector policies and strategies. In addition, the technical assistance towards addressing the water sector environmental, social, health and safety gaps and deficiencies uncovered by environmental and social systems assessment (ESSA) would strengthen the environmental and social (E&S) risk management culture in the sector for the better. On the flip side, should E&S risks and impacts not be adequately considered and articulated in the policies and strategic documents, serious downstream cumulative negative E&S impacts could materialize and impact the sensitive E&S receptors in the recipient counties including the VMGs. To fully mainstream the strategies and policies prepared under the program, and to align them with the national legal and legislative frameworks and the World Bank ESSs, they will be subjected to a Strategic Environmental and Social Assessment (SESA). The ToRs for the SESA studies and for the respective policies and strategies to be supported under the IPF component, shall be reviewed and cleared by the Bank to ensure they are materially consistent with the ESF requirements prior to the launch of the procurement process for the consultancy services/one month after the date of effectiveness.

#### **D. 2. Borrower's Institutional Capacity**

Most Waterworks Development Agencies and WSPs have experience in E&S risk management requirements in World Bank financed projects. Through MoWSI, majority of them have benefited from World Bank financed projects and have had the opportunity to strengthen their E&S systems. Some of the agencies and WSPs involved in the recently closed and ongoing WB financed projects such as: WaSSIP-AF P096367; Kenya OBA Fund P132979; WSDP P156634; CWSCR P145559; and Groundwater for Resilience Project P174867; have developed experience in managing E&S



risks in projects. However, despite these experiences, ESHS risk management challenges remain. These include but not limited to: (i) how to address weaknesses in the intergovernmental implementation arrangements especially related to the management of E&S risk; (ii) the synchronization of engineering designs and procurement processes of subprojects with the preparation and clearance of safeguards instruments and tools; (iii) inexhaustive ESHS specification in bidding documents and contracts, (iv) insufficient budgeting of E&S risk management in bids and contracts and, (v) engagement of less experienced E&S specialists – whether as staff or as consultants - on critical projects resulting in the implementing agencies (IAs) inability to prepare adequate environmental, social, health and safety (ESHS) instruments or to prepare adequate E&S consultancy ToRs and to critically review ESHS instruments prepared by consultants.

The MoWSI as the sector’s coordinating entity continues to have inadequate inhouse capacity for ESHS risk management. Even though it has demonstrated some capacity in coordinating the preparation, implementation, and monitoring of key environmental and social risk management frameworks and site-specific plans on the closed and ongoing projects, it has been unable to retain much of these experiences as most projects are supervised by short term consultants, project specific contracted E&S specialists, usually with little experiences in ESHS risk management, engaged framework consultants or seconded specialist from sister agencies like NEMA, DOSH etc. While at project closure, with enhanced support of the World Bank’s E&S specialists the individual projects may be rated as having been satisfactorily implemented in line with the E&S requirement, the individual E&S specialists who would have been mentored by the Bank’s E&S staff would exit the respective sector institutions with all the capacity and experiences gained leaving the water institutions with no institutional E&S memory, only for the cycle to start a fresh, should a new Bank financed project be initiated.

This TA is thus expected to strengthen the ESHS capacities of the sector agencies through the implementation of the ESSA findings. Accordingly, the Program Action Plan (PAP) containing risk mitigation measures to increase the Borrower’s capacity and improve systems and procedures will be discussed and agreed with the Borrower. The Bank’s E&S team will work closely with the Borrower as part of the E&S safeguards dialogue throughout program design and implementation. The IPF component will further support the water sector agencies to put in place adequate and effective systems for ESHS risk management and coordination by and among the various actors, including national and county governments. These will include trainings in E&S risk management and other targeted trainings as may be applicable in line with the ESHS requirements under the ESF. There is therefore a need to continue to build the capacity of the IAs on the ESF requirements throughout project design and implementation, including the preparation of E&S instruments and tools in line with the ESF.

## **II. SCREENING OF POTENTIAL ENVIRONMENTAL AND SOCIAL (ES) RISKS AND IMPACTS**

### **A. Environmental and Social Risk Classification (ESRC)**

Substantial

#### **Environmental Risk Rating**

Substantial

The project environmental risk rating is considered “Substantial”. It’s a TA operation whose components can be categorized into type 2 and type 3 technical assistance (TA). Type 2 TA activities will include preparation of key policies and strategy documents, such as the County Water Supply and Sanitation Strategy which is a strategy-level document that will provide an overarching framework to guide WSS sector investments and service delivery decisions. Type 3 TA will aim at providing support for the MoWSI to address and close out gaps and deficiencies



uncovered by the technical, financial, and environmental and social systems assessments (ESSA). This may include support towards monitoring and reporting on the program implementation and the alignment of national water sector data collection and reporting mechanisms with global practices. There will be no support towards preparation of feasibility studies of projects for future investments (whether or not funded by the Bank) or otherwise activities that may fall under type 1 TA categorization in line with the WB TA guidelines. The type 2 and 3 TA activities that will be supported are not expected to have any direct negative environmental risks or impacts. However, should type 2 activities such as sector policies, strategies, procedures, framework documents etc. be environmentally unsound, they have the potential to result into substantial downstream cumulative negative environmental impacts that may relate to water needs balance between people and the environment, water and waste water abstraction and discharge quality; entry and placement investments into or close to ecologically sensitive ecosystems; waste management; pollution control among many other subjects that the sector policies may pronounce themselves on. Overall, the TA activities are expected to help bridge the Gaps between the World Bank's ESF, the sector institutions' operational procedures and the Kenya's policy, legal and regulatory frameworks in line with IIGP. It is thus expected that the TA sub-components will be of low risk and have much more positive environmental outcomes. However, the ESCP to be developed during appraisal will include a commitment for the client to ensure the Terms of Reference (ToR) for these respective TA components provides for compliance with the ESF requirement should the activities have any direct or indirect relationship with the respective ESS standards or have potential E&S impacts.

### **Social Risk Rating**

Substantial

The Social Risk Rating at the Concept Stage is Substantial. This is because the TA component will only support type 2 and type 3 TA activities which are not expected to have adverse social risks or impacts such as the risk of involuntary resettlement, impacts on IP lands or cultures and largescale labor influx. However, social risks can be anticipated. For example: (i) if type 2 activities such as the development of sector policies, strategies, procedures, or frameworks fail to adequately consider how social risks would be managed, it could result into substantial downstream negative social risks such as those related to involuntary resettlement, stakeholder engagement, grievances redresses, SEA/SH, labor influx, and exclusion of VMGs and other vulnerable groups and individuals among other social factors that the sector policies, strategies and plans may pronounce themselves on; (ii) the development of policies, strategies and plans may require public participation in line with the Constitution of Kenya, 2010. This may result in some level of interactions between the TA consultants and community members, with the potential for sexual exploitation and abuse of community members by project consultants and their staff; (iii) there is the potential for exclusion of VMGs and other vulnerable groups and individuals from the consultation process, with the risk that their voices, concerns and aspirations may not be considered in the development of the policies, strategies and plans, leading to potential downstream grievances and other risks. This risk is particularly important because some of the target counties such as West Pokot, Turkana, Samburu, Mandera, Narok, Kwale and Tana River which are known to be VMG counties and where issues around water can be sensitive; (iv) the institutional level, there is generally, a weak , capacity among the IAs including MoWSI to effectively identify, understand and prevent or mitigate adverse social risks and impacts on projects, as well as harmonize and provide oversight on the management of E&S risks and impacts across the diverse national and county level project actors; and (v) executing TA activities and applying the TA output is not expected to result in significant and adverse social risks and impacts. However, significant reputational risks are anticipated from how the Borrower will subsequently apply or fail to apply the TA advice. Some of the mitigation measures for the social risks and impacts will include: (i) ensuring that TA service providers understand their obligations on SEA/SH and stakeholder consultations by including these obligations, complete with requirements for acceptable codes of conduct, in the ToRs and bid documents for consultancy services; (ii) the design and implementation of TA activities will be required to consider VMGs and traditionally excluded groups and build in mitigation measures to ensure that



they are consulted in a culturally appropriate and gender and intergenerationally inclusive manner, and recommendations made to ensure their views, concerns and aspirations are considered to inform the development of the policies, strategies and plans that are foreseen under the TA activities; and (iii) to address the potential ESHS capacity gaps among the implementing agencies, the Borrower will ensure the sustainability of the capacity-building initiatives by availing and retaining qualified, adequate and relevant staff to participate in the proposed activities and ensure that the enhanced capacity is embedded in the Borrower's overall sector operations. Lastly, the Borrower will commit to the underlying objectives of the TA, including those recommendations that relate to E&S aspects, in line with the Bank's E&S considerations under TA.

#### **Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH) Risk Rating**

Moderate

Consultations in support of the TA activities may be implemented in counties where SEA is tolerated, either due to cultural or poverty related reasons. However, due to the scale and nature of the type 2 and type 3 TA activities, the sexual exploitation, abuse and harassment (SEA-H) risks are anticipated to be Moderate; this is because much of the work involving the implementation of TA activities will be desktop/office based with limited field visits to ensure public participation and to collect primary data. Influx of external labor/workforce to be involved in these activities is however, expected to be minimal at any one given time. The Bank will undertake a detailed SEA/SH risk assessment during project preparation, including assessing the Borrower's capacity to manage SEA/SH risks under the Program. Requirements for SEA/SH mitigation measures (including as applicable the SEA/SH Prevention and Response Action Plan) will be reflected in the ESCP to be prepared during appraisal, and in the ToRs and contracts for TA engagements.

## **B. Environment and Social Standards (ESSs) that Apply to the Activities Being Considered**

### **B.1. General Assessment**

#### **ESS1 Assessment and Management of Environmental and Social Risks and Impacts**

##### ***Overview of the relevance of the Standard for the Operation:***

The project will support only type 2 and type 3 TA activities. Type 1 TA activities i.e. preparation of future investment projects or subprojects including feasibility studies (whether or not funded by the Bank), will not be supported under the IPF component. Type 2 TA activities will be limited to the preparation of county government strategy documents, such as the County Water Supply and Sanitation Strategies which are strategy-level documents that will provide an overarching framework to guide WSS sector investments and service delivery decisions. Policies, strategies and framework documents normally have far reaching impacts as they provide overall guidance to the whole sector. Should these documents be unsound or inadequate in their consideration of ESHS risk management strategies, they could potentially misguide the water sector into a growth path with cumulative negative environmental and social impacts to sensitive environmental and social receptors. For example, the policies, strategies and plans should ensure water use rights are balanced between the environment ecosystem sustenance needs and other developmental demands, harmonization of water quality standards for both discharge into the environment and use, placement of water investments in protected environments including abstraction of water from protected ecosystems, catchment protection and pollution management of water resources among other transecting areas with the environment. There is need to ensure the policies and strategies prepared do not contradict the national environmental laws and regulations, and international good practice avoidance and/or mitigation measures for involuntary resettlement, stakeholder engagement, inclusion of VMGs and ensuring their informed consent is secured where appropriate, SEA/SH, information disclosure and grievances management among other E&S



consideration. In addition, the E&S factors considered in the policies, strategies and plans should be consistent with the World Bank Environmental and Social Standards (ESS 1 to 10).

Type 3 TA will aim at providing support for the MoWSI to address and close out gaps and deficiencies uncovered by the technical, financial, and environmental and social systems assessments (ESSA) to be conducted during project preparation. This may include support towards monitoring and reporting on the program implementation and the alignment of national water sector data collection and reporting mechanisms with global practices. Type 3 TA will further support the operationalization of inter-governmental coordination mechanisms as envisaged in the sector policy and legislation. The risks of the type 3 TA will be further assessed in the appraisal ESRS to reflect the findings of the ESSA.

Overall, the TA activities are expected to have positive impacts by helping to bridge the ESHS gaps between the World Bank ESF on one hand, and the MoWSI institutions' operational procedures and the national policy, legal and regulatory frameworks on the other, in line with IIGP. However, to fully mainstream the strategies and policies prepared under the program, and to align them with the national legal and legislative frameworks and the World Bank ESSs, they will be subjected to a Strategic Environmental and Social Assessment (SESA). The ToRs for the SESA studies and for the respective policies and strategies to be supported under the IPF component, shall be reviewed and cleared by the Bank to ensure they are materially consistent with the ESF requirements prior to the launch of the procurement process for the consultancy services/one month after the date of effectiveness. The client and the Bank will prepare and agree on an Environmental and Social Commitment Plan (ESCP). The ESCP will outline the material measures and actions that the borrower will implement to address any anticipated E&S risks and impacts. In addition, the ESCP will include commitments by the Borrower on timing, resources, and responsibilities required for the implementation of specified ESF instruments that will be agreed on during appraisal, including Stakeholder Engagement Plan (SEP), Labor Management Procedures (LMP), and the SEA/SH Prevention and Response Action Plan. The Borrower will disclose the ESCP, LMP, SEA/SH Action Plan, and SEP prior to appraisal.

### **ESS10 Stakeholder Engagement and Information Disclosure**

Implementing TA activities, in particular, consultations to inform the development of policies, strategies and plans, will involve the participation of different stakeholder groups, including VMGs and other vulnerable groups and individuals, government ministries, agencies and departments, development partners, TA providers, NGOs and CSOs, etc. The Borrower will structure stakeholder engagements systematically to reflect the provisions of the Constitution of Kenya, 2010, under relevant articles and ESS10 to ensure that all relevant stakeholders are identified, and constructive relationships are built and maintained with them throughout the project cycle. Stakeholder engagement will commence as early as possible (during project preparation) and in a timeframe that enables meaningful consultations with them on policy frameworks, strategies and plans that will guide implementation of WSS services as well as the management of E&S risks and impacts. The nature, scope, and frequency of stakeholder engagement will be proportionate to the nature and scale of the TA activities and their potential E&S risks and impacts. The Borrower will maintain and disclose as part of TA activities, a documented record of the stakeholder engagement, such as (i) stakeholders consulted, (ii) feedback received, and (iii) how the feedback was considered or the reasons why it was not. The appraisal ESRS will document the stakeholder consultations conducted during project preparation or prior to appraisal.





The Borrower will prepare a Stakeholder Engagement Plan (SEP) at the onset of TA activities and prior to the appraisal. The SEP shall identify all critical existing and potential stakeholders and describe, among others, the characteristics of each stakeholder, including their level of interest, influence, support, timelines (including frequency of consultations), and methods of engagement with them throughout the TA activities implementation process. As applicable, the SEP will include differentiated stakeholder engagement and consultation measures to allow the equal and effective participation of those identified as VMGs and traditionally excluded groups.

Lastly, the SEP will include a Grievance Redress Mechanism (GRM) that is functional and efficient. The GRM will allow stakeholders to raise concerns and for the Borrower to facilitate resolution in a timely manner.

## **B.2. Specific Risks and Impacts**

**A brief description of the potential environmental and social risks and impacts relevant to the Operation.**

### **ESS2 Labor and Working Conditions**

Direct workers (staff of relevant Ministries, Departments and Agencies -MDAs) and contracted workers (consultants) will be involved in implementing TA activities. Given the nature of work involved, health and safety risks to these workers is unlikely to be adverse. However, direct risks and impacts related to child labor, engaging children in the provision of goods and services to direct workers and the non-employment of locals for works that they can do (such as interpreters) may be anticipated.

The Borrower shall ensure that the bid documents require that all the parties involved in the project have provided channels for employees to air their grievances, free to form unions and have contracts of employment aligned to the requirements of relevant labor laws of Kenya and the ESS 2.

The Borrower will assess any anticipated labor-related risks and impacts of proposed TA activities and propose mitigation measures in line with the ESF provisions. These measures will be prescribed in the LMP in a manner consistent with ESS2 and ESS1. Likewise, labor-related risks associated with future downstream investments will be addressed in the ToRs of the relevant TA activities. ToRs for TA activities will be developed during implementation and prior reviewed by the Bank before procurement of consultancy services is launched.

The Borrower will prepare the LMP consistent with the ESF that shall be reviewed and cleared by the Bank prior to appraisal. The LMP will ensure national laws and the provisions of ESS2 are satisfactorily complied to through the project implementation phases.

### **ESS3 Resource Efficiency and Pollution Prevention and Management**

Activities supported by the TA are limited to type 2 and type 3 TA investments. There will be no support towards preparation of feasibility studies of projects or any other form of preparation of future investment. As such, any environmental impacts related to resource efficiency and pollution prevention will be limited to desktop and field visits conducted by the client's team and her contracted consultants engaged in various TA assignments. These impacts will be negligible however water sector strategies and possibly policies to be supported under type 2 TA are likely to conflict with national environmental policies, regulation and the ESF framework. This may result unsound





policies on resource use and pollution prevention. To mitigate this, the strategies and policies supported will be subject into a SESA process and ToRs for preparing strategies, policies and the SESA assessment shall be detailed to capture all the anticipated risks and impacts in line with the objectives of ESS 3 and ESS1. They shall further be reviewed and cleared by the Bank prior to procurement documents being launched.

#### **ESS4 Community Health and Safety**

The proposed type 2 and 3 TA activities (preparation of water sector strategies, policies, and capacity building activities) are unlikely to result into any adverse community health and safety impacts. There will be no support towards preparation of feasibility studies of projects or any other form of preparation of future investments. Most of the activities will be desktop/office based with field visit to collect data and undertake stakeholder engagement and consultation. Potential safety hazard to the community and workers will be limited to risk of traffic accidents occurring and potential cases of SEA. These, however, are expected to be negligible due to the small number of labor influx that is associated with consultancy service activities. The ToRs for the development of respective policies and strategies to be supported including the accompanying SESAs, shall be reviewed, and cleared by the Bank to ensure they are materially consistent with the provisions of ESS4 and ESS1 prior to the procurement process being launched.

#### **ESS5 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement**

No activities under the IPF component are expected to have risks and impacts related to land acquisition, restrictions on land use or involuntary resettlement, and, the outcome of the TA activities will be policies and strategies whose implementation are not expected to have adverse risks and impacts related to land acquisition, restrictions on land use or involuntary resettlement. This is because activities under the IPF component will not include the preparation of instruments or feasibility studies in anticipation of downstream investments (whether financed by the Bank or other financiers). ToRs for TA activities will be developed during implementation and prior reviewed by the Bank before procurement is launched and will include a requirement to assess in line with ESS5 any land issues related to the TA activities.

#### **ESS6 Biodiversity Conservation and Sustainable Management of Living Natural Resources**

Activities supported by the TA will be limited to type 2 and type 3 TA investments.

There TA will not support the preparation of feasibility studies of projects or any other form of preparation of future investment or any form of civil works on any nature. as such, any environmental impacts related to biodiversity conservation and sustainable management of living natural resources will be limited to desktop and field visits conducted by the client's team and her contracted consultants engaged in various type 2 and type 3 assignments. These will include preparation of county specific water sector strategies, policies and capacity building initiatives. The potential risk of the activities lies in them conflicting with the national environmental policies, laws and regulations including the WB ESF and thus misguiding the counties water sector strategic growth in a way that undermines the conservation of biodiversity. This is however manageable by subjecting the strategies and policies prepared to a SESA process and ToRs for preparing strategies, policies and the SESA assessment shall be detailed to capture all the anticipated risks and impacts in line with the objectives of ESS 6 and ESS1. They shall further be reviewed and cleared



by the Bank prior to procurement documents being launched. This requirement shall further be included in the ESCP to be prepared and agreed on by the client prior to appraisal.

#### **ESS7 Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities**

The proposed TA activities are unlikely to adversely impact the VMGs, but direct potential impacts associated with carrying out the TA activities such as the exclusion of VMGs from the consultation and disclosure process and access to culturally appropriate benefits and opportunities such as employment of locals as research assistants may be anticipated. ToRs for the respective TA activities, in particular, the consultations to inform the development of the proposed policies and strategies, shall be reviewed and cleared by the Bank before procurement is launched, to ensure consultations with VMGs in culturally and gender and intergenerationally inclusive manner, and the need to disclose project information to them, are clearly provided for in the ToR in line with ESS1, ESS7 and ESS10. These requirements will be detailed in the ESCP and shall be consistent with the objectives of ESS 7.

#### **ESS8 Cultural Heritage**

No form of type 1 TA activities will be supported-there will be no support towards preparation of feasibility studies of projects or any other form of preparation of future investments. The type 2 and type 3 TA activities have no physical footprint and therefore are unlikely to have any adverse impacts on tangible and intangible cultural heritage. The strategies, policies and technical assistance initiative that will be supported will be subjected to a SESA process to ensure any risk to cultural heritage are well assessed and aligned with the requirement of ESS8 and the national legal and legislative framework. ToRs for these studies, strategies and policies will be reviewed and cleared by the Bank prior to the procurement process being launched. This requirement shall be included in the ESCP to be prepared and agreed on by the client prior to appraisal.

#### **ESS9 Financial Intermediaries**

Not Relevant

### **C. Legal Operational Policies that Apply**

<b>OP 7.50 Operations on International Waterways</b>	TBD
<b>OP 7.60 Operations in Disputed Areas</b>	TBD

## **III. WORLD BANK ENVIRONMENTAL AND SOCIAL DUE DILIGENCE**

**A. Is a common approach being considered?** No

**Financing Partners**

N/A



## **B. Proposed Measures, Actions and Timing (Borrower's commitments)**

### **Actions to be completed prior to Bank Board Approval:**

Engage stakeholders and disclose appropriate information in line with the ESS 10 provisions.

Prepare the Environmental and Social Commitment Plan (ESCP) and disclose the draft ESCP before project appraisal. The ESCP will spell out the material measures and actions (commitments) required for the project to achieve compliance with the ESSs over the specified time frame.

Prepare and disclose the Stakeholder Engagement Plan (SEP), Labor Management Procedures (LMP), and SEA/SH Prevention and Response Action Plan before project appraisal.

### **Possible issues to be addressed in the Borrower Environmental and Social Commitment Plan (ESCP):**

- The organizational structure that the Borrower will establish and maintain to implement the actions outlined in the ESCP.
- The Borrower's capacity to manage the E&S risks and impacts of the project.
- The capacity-building measures that the Borrower will employ to address the specific actions required under the ESCP.
- The process for adaptive management of any project changes or unforeseen circumstances.
- The systems, resources, and personnel that the Borrower will put in place to carry out project monitoring, including any third parties that will be used to complement or verify the Borrower's monitoring activities.
- Commitment and timing to prepare TORs for the E&S instruments that are acceptable to the Bank and consistent with the relevant provisions of the ESF.
- The Borrower while undertaking the TA activities, will subject some of the type 2 TA activities to a Strategic Environmental and Social Assessment to systematically identify and harmonize areas of conflict with national legal and legislative framework and ensure consistency with the Works Bank's Environmental and Social Framework.

## **C. Timing**

**Tentative target date for preparing the Appraisal Stage ESRS**

30-Mar-2023

## **IV. CONTACT POINTS**

### **World Bank**

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## The World Bank

Kenya Water, Sanitation and Hygiene Program (P179012)

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### Borrower/Client/Recipient

Borrower: The National Treasury

### Implementing Agency(ies)

Implementing Agency: Ministry of Water, Sanitation and Irrigation

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### V. FOR MORE INFORMATION CONTACT

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### VI. APPROVAL

Task Team Leader(s): Pascaline Wanjiku Ndungu, Victor Vazquez Alvarez

Practice Manager (ENR/Social) Helene Monika Carlsson Rex Recommended on 08-Feb-2023 at 03:03:58 EST