



REPUBLIC OF KENYA

MINISTRY OF WATER, SANITATION AND IRRIGATION

THWAKE MULTIPURPOSE WATER DEVELOPMENT PROGRAM

ENVIRONMENTAL & SOCIAL MANAGEMENT PLAN (ESMP)

ESMP Annex to the Financing Agreement (FA)

General considerations

1. The Ministry of Water, Sanitation and Irrigation is planning to implement the **Thwake Multipurpose Water Development Program Phase 1** (the *Project*). The Bank has agreed to provide financing, implementation support and monitoring for the Project.
2. The Ministry of Water, Sanitation and Irrigation will implement measures and actions of this Environmental and Social Management Plan¹ (*ESMP*) so that the Project meets all the requirements of the Bank Environmental and Social Operational Safeguards (*OS*) and the National policy and legal requirements.
3. Where the ESMP refers to specific plans, whether they have already been prepared or are to be developed, the ESMP requires compliance with all mandatory provisions of such plans.
4. The table below summarizes the material measures and actions that are required, the basis of the requirement, the timing of the measure or action, and the criteria to be used for determining whether the required measure or action has been successfully achieved. Ministry of Water, Sanitation and Irrigation is responsible for compliance with all requirements of the ESMP even when implementation of specific measures and actions is conducted by an entity different from the Project Implementation Team (PIT).
5. Implementation of the material measures and actions set out in this ESMP will be monitored and reported to the Bank by Ministry of Water, Sanitation and Irrigation as required by the ESMP and the conditions of the legal agreement, and the Bank will monitor and assess progress and completion of the measures and actions throughout implementation of the Project.
6. As agreed by the Bank and Ministry of Water, Sanitation and Irrigation, this ESMP may be revised from time to time during Project implementation, to reflect adaptive risk management of project changes and unforeseen circumstances or in response to assessment of project performance conducted under the ESMP itself. In such circumstances, Ministry of Water, Sanitation and Irrigation will propose and agree changes with the Bank, and then update the ESMP to reflect such changes.

¹ The ESMP refers to all the E&S risks/impacts and measures, as approved in all the disclosed E&S documents and agreed between the Bank and Borrower. For projects involving multiple subprojects, that are identified, prepared and implemented during the course of the project, the Borrower will need to demonstrate to the Bank, before the project appraisal, through the preparation of E&S documentation of a sample of subprojects, that it has the capacity to carry out appropriate environmental and social assessment of subprojects, and prepare and implement such subprojects in accordance with the national laws and the OSs. (*Section III.2.3 of Bank's ESP and section D of OSI*)

Material Actions² to Manage the Project's E&S Risks and Impacts		Basis for Requirement	Key Performance Indicator	Indicative Timing/Deadline
Periodic E&S implementation report to the Bank		Bank's ESP and OS1	Reports submitted in time, in good standard	Two weeks after the due period
Submission of Monthly E&S implementation report				Audit within first quarter of the Year
Submission of Annual Environmental & Social Audit				
1	Recruitment of E and S specialists as part of the Project implementation unit	Disclosed ESIA, OS1	Seasoned E&S specialists in the PIT	By Project effectiveness date
2	Establishment of the Project Grievance Redress Mechanism (GRM) and disclosure to Public	OS1, OS10 and National requirements	Established, operational/ functional and Disclosed GRM with well-resourced and facilitated GRC with community members included and satisfactorily meets both Bank requirements	Before project effectiveness date
3	Payment of compensation and reinstallation of affected people	SO10	Addressed pending legacy issues i.e.. Finalization of demarcation and issuance of title deeds to concerned PAPs to finalise the resettlement process.	By First Disbursement
4	Incorporation of site-specific E&S measures in the request for proposals/Request for Inspection	SO1 & national requirements	Sufficient E&S requirements incorporated/ included in the request for proposals(RFPs)/Request for Inspection (RFIs)	Prior to publishing of Expression of Interest and Requests for Proposals (RFPs)/ request for Inspection (RFIs)
5	Submission of high-risk activity's Contractor ESMP (C-ESMP) to Bank clearance	Bank's ESP and OS1	C-ESMP of quality acceptable to the Bank approved	Before resumption of the construction activities
6	Establishment of the Contractor's Grievance Mechanism (GM) and information of workers	OS1, OS2, SO10 and Bank's Disclosure and Access to Information Policy	Established functional GRM for workers involving Project Management and workers. Workers aware of GRM and all project workers are accessing it. Receipt and addressing of Workers workplace concerns	Prior to commencement /resumption of construction activities
7	Obtaining nationally required licenses prior commencement of subjected activities (Statutory licenses, permits, certificates, etc.)	OS1, OS2 and national labor laws	Requisite valid licenses/permits in place	Before commencement/ resumption of the relevant/concerned works.
8	Preparation, approval, and disclosure of specific E&S documents during Project implementation, including prior review of Category 1 terms of reference by the Bank	Bank's ESP, OS1 and national requirements	Approved and disclosed site-specific E&S documents prepared before and during project implementation.	Before resumption of the project activities and after identification of E&S issue during the project implementation
9	Engagement with concerned stakeholders of each relevant specific E&S activity	OS1, OS10, Bank's Disclosure and Access to Information Policy	Stakeholder engagement plan (SEP).	Before resumption of activities, and

² Please add any relevant key actions and/or indicate "Not applicable" in the third column ("Basis for requirement") for actions that are not applicable to the project.

			Presence of minutes of stakeholder meetings conducted and progress reports of SEP implementation.	continuous during project implementation.
10	Establishment of Emergency Preparedness and Response mechanism	OS1 & OS4, national legislation on contingencies et	Emergency preparedness and Response Plan in place	Before resumption of project construction activities
11	Appropriate and timely handling of complaints/grievances	Bank's ESP and OS1	Operational project level GRM Grievance logs in place and routinely updated Allocation of GRM operationalization budget and minutes of grievance resolution	Prior to resumption of project activities If and when an issue occurs
12	Notification to riparian or alert to downstream exposed peoples	Bank's ESP and OS1, applicable International Treaty/Convention ratified	N/A	N/A
13	Capacity building of key project implementers	OS1	Reports on Capacity building of key project implementers	Within two weeks of works commencing, and on continuous basis
14	Implementation of ESMS/ESAP ³	OS1 and OS9, national requirements	N/A	N/A
14.1	<i>Approval of any required E&S management procedure</i>	Ditto	N/A	N/A
14.2	<i>Establishment of the E&S unit</i>	Ditto	N/A	N/A
14.3	<i>Capacity Building of the E&S Unit</i>	Ditto	N/A	N/A
14.4	<i>Processing the Value Chain E&S due diligence</i>	Ditto	N/A	N/A
15	Suspending work activity in the event of EOHS risk or incident, immediately notify the Bank, and resume works only upon no-objection of the Bank.	Bank's ESP	Notifications to the Bank	Immediately and no later than 72 hours after the occurrence
16	Prepare the root-cause analysis (RCA) of any fatal EOHS incident and implement the Corrective Action Plan (CAP).	Bank's ESP and OS1	Quality Root-cause analysis (RCA) for serious incidents/fatalities/events that stops work for more than 24 hours prepared Corrective action plan implemented	7 days after incident/accident occurrence As defined by RCA
17	Disclosure of Project's E&S reports to the public	OS1, OS10, Bank's Disclosure and Access to Information Policy	Project E&S reports disclosed to the public	Immediately after approval of the E & S reports

³ Applies to non-sovereign operations and public sector projects implemented by permanent autonomous Agencies/Institutions.

