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GROUNDWATER RESOURCES

MINISTRY OF WATER, SANITATION AND IRRIGATION

Horn of Africa Groundwater for Resilience Project– Kenya (P174867)

ENVIRONMENTAL and SOCIAL COMMITMENT PLAN (ESCP)

April 20, 2022



MARSABIT COUNTY
GOVERNMENT



TURKANA COUNTY
GOVERNMENT



GARISSA COUNTY
GOVERNMENT



WAJIR COUNTY
GOVERNMENT



MANDERA COUNTY
GOVERNMENT

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN

1. The Government of Kenya (“Recipient”), will implement the **Kenya Horn of Africa -Groundwater for Resilience Project** (P174867) (hereinafter known as “**the Project**”) through its Ministry of Water, Sanitation and Irrigation (MoWSI) at National and County level. The International Development Association (IDA, hereinafter “**the Association**”) has agreed to provide financing for the Project.
2. The Recipient will implement material measures and actions so that the Project is implemented in accordance with the Environmental and Social Standards (**ESSs**) of the World Bank. This Environmental and Social Commitment Plan (**ESCP**) sets out material measures and actions, any specific documents or plans, as well as the timing for each of these.
3. The Recipient will also comply with the provisions of any other E&S documents required under the ESF and referred to in this ESCP, including:
 - a. Stakeholder Engagement Plan (SEP), Environmental and Social Management Framework (ESMF), Resettlement Policy Framework (RPF), which have been prepared for the Kenya Groundwater for Resilience Project; and
 - b. Labor Management Procedures (LMP), Project wide Security Management Plan (SMP) and County Security Risk Assessments and Security Management Plans, and Sexual Exploitation, Abuse and Harassment (SEAH) Prevention and Response Plan as well as site specific plans and studies, including site or issue specific plans, procedures, guidelines OSH Plan and Environmental and Social Management Plans (ESMPs), which will be prepared for subprojects of the Kenya Groundwater for Resilience Project and any other plans and studies, and the timelines specified in all of those E&S documents.
4. The Recipient is responsible for compliance with all requirements of the ESCP even when implementation of specific measures and actions is conducted by the Ministry.
5. Implementation of the material measures and actions set out in this ESCP will be monitored and reported to the Association by the Recipient as required by the ESCP and the conditions of the legal agreement, and the Association will monitor and assess progress and completion of the material measures and actions throughout implementation of the Project.
6. As agreed by the Association and the Recipient, this ESCP may be revised from time to time during Project implementation, to reflect adaptive management of Project changes and unforeseen circumstances or in response to assessment of Project performance conducted under the ESCP itself. In such circumstances, the Recipient through the minister responsible for MoWSI will agree to the changes with the Association and will update the ESCP to reflect such changes. Agreement on changes to the ESCP will be documented through the exchange of letters signed between the Association and the Recipient through the minister responsible for MoWSI. The MoWSI will promptly disclose the updated ESCP on its publicly accessible website.
7. Where Project changes, unforeseen circumstances, or Project performance result in changes to the risks and impacts during Project implementation, the Recipient shall provide additional funds, if needed, to implement actions and measures to address such risks and impacts, which may include environmental, health and safety impacts, labor influx, security risks to community, Project personnel and assets, land acquisition and resettlement impacts, social impacts, and sexual exploitation, abuse and harassment (SEAH).

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
MONITORING AND REPORTING			
A	<p>REGULAR REPORTING</p> <p>Prepare and submit to the Association regular monitoring reports on the environmental, social, health and safety (ESHS) performance of the Project, including but not limited to the implementation of this ESCP; the status of preparation and implementation of E&S documents required under the ESCP; stakeholder engagement activities; and functioning of the grievance mechanism(s).</p>	End of quarter following effectiveness, and thereafter quarterly.	<p>PCU within the MoWSI</p> <p>PIUs within WSTF and WRA</p> <p>Sub PIUs at county level</p>
B	<p>INCIDENTS AND ACCIDENTS NOTIFICATION</p> <p>Promptly notify the Association 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. Provide sufficient details regarding the incident or accident, indicating immediate measures taken or that are planned to be taken to address it, and any information provided by any contractor and supervising entity, as appropriate.</p> <p>Subsequently, as per the Association's request, prepare a report on the incident or accident and propose any measures to prevent its recurrence.</p> <p>Report all other incidents and accidents to the Association in a timely manner</p>	<p>Promptly after becoming aware of the incident or accident and no later than 48 hours after learning of incident or accident, using such reporting protocols and procedures as the Association may communicate.</p> <p>As per agreed timeframe</p> <p>End of every quarter.</p>	PCU
C	<p>CONTRACTORS MONTHLY REPORTS</p> <p>As per the Association's request, provide to the Association the contractors' and design and supervision consultants' monthly monitoring reports on ESMP implementation submitted to the PCU.</p> <p>PCU to review contractor and private sector entities reports and escalate to the Association any key issues throughout Project implementation.</p>	<p>Upon request by the Association.</p> <p>As part of quarterly reports unless an incident covered by B.</p>	PCU
ESS 1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS			

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
1.1	ORGANIZATIONAL STRUCTURE		
	Establish and maintain an organizational structure at the National level with qualified staff and resources to support management of E&S risks including: appointing within the PCU, a senior Environmental Specialist and a Senior Social Specialist to be dedicated full time to the Project; appointing within the WSTF PIU, a full-time Social Specialist, and a full-time Environmental Specialist, and a full time GBV Specialist; a hydrogeologist, and a security focal point and appointing with the WRA PIU, a full-time Social Specialist, and a full-time Environmental Specialist who have knowledge/experience of more than 5 years in the respective subject matter.	Prior to disbursement under component 1. The specialists shall be maintained throughout the implementation of activities in the life of the Project.	PCU, WSTF PIU WRA PIU
	Establish and maintain an organizational structure at County level with qualified staff and resources to support management of E&S risks including appointing within the SPIU, full time environmental specialist and a full time social/GBV specialist with at least 3 years relevant experience who shall be responsible for monitoring and reporting on environmental and social risk management to the PCU in line with the ESMF and being the focal point for grievances at county level. Social accountability committees shall delegate a focal person for environmental and social risk management and as a focal point for grievances at community level.	In order to be eligible to access PBG grants under Component 1, the Sub-PIUs must have on staff at least one social, one environmental and one GBVB specialist. The structure/staff shall be maintained throughout the entire project period to maintain eligibility. This is also reflected in the PBG Manual.	SPIU,
	Develop and implement SMP at the project level	As part of the ESMF and the POM and in accordance with the timeline specified in Section 1.2	Sub-PIU
	Develop county level Security Risk Assessments (SRA) and Security Management Plans (SMPs) for each county, and provide capacity building and monitoring support throughout the Project.	As part of the minimum conditions of eligibility for each of the counties to access the PBG Grant under component 1.	SUB-PIU
	In accordance with the SMP, develop an implement subproject/site specific Management Plans (SMPs)	Prior to bidding process for contractors in the specific county.	MOWSI
Contract an E&S capacity building firm/specialized consultants to carry out a sector wide capacity assessment and capacity building plan which is presented and approved by the national project steering committee and MOWSI technical committee who will oversee its implementation.	Hire the consultants within six after effectiveness and implement throughout the Project per item 11 below.	MOWSI	

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
1.2	<p>ENVIRONMENTAL AND SOCIAL ASSESSMENT</p> <p>Prepare a Project wide SEAH Prevention and Response Plan, and Labour Management Procedures acceptable to the Association.</p> <p>In accordance with the screening procedures enumerated in the ESMF and the provisions of project wide plans for this project, undertake site-specific environmental and social risk screening and impact assessments for subprojects including assessment of the physical and biological environment, location of water infrastructure, conflict issues and mitigation measures, availability of suitable land that is free of encumbrances and contestation, or can be acquired/used in accordance with the RPF, ensuring equity and inclusivity of site and sub project selection, as well as assessment of the capacity of likely contractors to implement ESMPs and monitoring arrangements. Based on these assessments, prepare, consult adopt and disclose site/subproject specific ESMPs and if needed land agreements or RAPS acceptable to the Association</p>	<p>Prior to disbursements of component 1 ESMPs approved and disclosed and implementation arrangements in place prior to initiating the implementation of site-specific subprojects.</p> <p>Land agreements or RAPS/LRPs fully implemented prior to initiating the implementation of site-specific subprojects.</p> <p>Reflect these requirements in the PBG Manual. Tender documents and ESF documents must be ready before disbursement for that particular lot.</p>	<p>PCU and WSTF PIU and SPIUs</p>

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
1.3	<p>MANAGEMENT TOOLS AND INSTRUMENTS</p> <p>Implement ESMF, C-ESMPs, OSH Plan, RPF, SEP, SMPs, SEAH Prevention and Response Plan and LMP, including possible modifications of any such plan if deemed necessary to meet Bank ESF requirements.</p> <p>Update the Project wide SEP once inclusive stakeholder consultations have been carried out at county level satisfactory to the Association.</p> <p>Prepare, adopt and publicly disclose, sub-project construction and operation ESMPs including required elements of the SEAH Prevention and Response Plan, LMPs, Site specific Security Management Plans, OSH Plan and Resettlement Action Plan or Livelihood Restoration Plan (RAP/LRP) as specified in the ESMF and RPF, in a manner satisfactory to the Association.</p> <p>Implement any agreed actions arising from the Regional Strategic Environmental and Social Assessment (SESA) being prepared by IGAD as relevant.</p>	<p>Throughout Project implementation</p> <p>Six months after effectiveness</p> <p>Plans approved and implementation arrangements in place before issuing bidding documents for the Contactors/executing agencies and implemented as of commencement of the sub-project in accordance with the respective schedule for implementing the mitigation measures contained in the instruments throughout the Project implementation</p> <p>All disclosure and clearance of ESS instruments before bidding documents are issued.</p> <p>Throughout Project implementation</p>	<p>PCU, PCIUs and SPIUs</p>

MATERIAL MEASURES AND ACTIONS	TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
<p>1.4 MANAGEMENT OF CONTRACTORS</p> <p>Incorporate the relevant aspects of the ESCP, including the relevant E&S documents and/or plans, the ESMPs, LMP, SEAH Prevention and Response Plan and County level SRAs and SMPs, into the ESHS specifications of the procurement documents with contractors. Thereafter ensure that the contractors comply with the ESHS specifications of their respective contracts.</p> <p>Develop and implement procedures (LMP, CoC, C-ESMP, ESHS) for managing primary suppliers, community workers, contractors and subcontractors recruited to carry out civil works including inter alia:</p> <ul style="list-style-type: none"> • Ensure compliance with the national laws, e.g., licenses to construct, excavate, and operate any sites for project purposes; • Relevant environmental and social requirements shall be included in the procurement and contracting process including bidding documents, contracts and subcontracts consistent with the requirements of ESSs; • Preparation of a detailed contractor-ESMP (C-ESMP) that is costed, with sufficient budget, to mitigate E&S risks and demonstrates sufficient capacity to implement the required measures shall be prepared by selected bidder prior to contract signature; • Codes of conduct (CoCs) are required for contractors, subcontractors, primary suppliers and their workers covering conditions of service, OHS, SEAH and security and included in construction contracts; • Monitor contractor commitment and compliance with ESSs; • Provide GRM for contractor and subcontractor, primary suppliers, communities and other stakeholders as well as employees; in addition, the contractors will provide internal prior to commencement of works. • Ensure contractors and primary suppliers provide details on their oversight on environmental, social, health and safety (ESHS) performance and adequate mechanisms for serious incident reporting within 24 hours as required; and • Monitor the performance of the contractors and primary suppliers to ensure that they comply with the ESHS specifications of their respective contracts in accordance with the ESMF, SEP, LMP, Sexual Exploitation, Abuse and Harassment (SEAH) Prevention and Response Plan, and Security Management Plan and site-specific assessments and plans. 	<p>Prior to the preparation of procurement documents and in the final contracts PIU to ensure all relevant ESS clauses are included and budgeted for before signing of contracts</p> <p>Supervise contractors throughout Project implementation</p>	<p>PCU, PIUs, SPIUs</p>

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
1.5	<p>MONITORING AND INSPECTION</p> <p>MoWSI, WSDF and WRA shall continuously monitor environmental and social risks and impacts on the environment, Project-affected communities and workers to ensure effective compliance in accordance with ESHS instruments (ESMF, RPF, SEP, SMP, SEAH Prevention and Response Plan, OSH Plan and LMP), conditions of approval, capacity and reporting requirements as set out in this ESCP and take necessary remedial actions acceptable to the Association.</p>	Throughout the Project Implementation	PCU, PIUs and SPIUs
1.6	<p>EXCLUSION CRITERIA</p> <p>The following types of activities are ineligible for financing under the Project:</p> <ul style="list-style-type: none"> • Activities that may cause long term, permanent and/or irreversible environmental or social impacts (e.g. loss of major natural habitat, significant influx, food insecurity, water scarcity, indirect physical displacement). • Activities that have a high probability of causing serious adverse effects to human health and/or the environment. • Activities that may have significant adverse social impacts and/ or may give rise to significant social conflict such as risk of violence, significant resource restrictions, elite capture and discriminatory exclusion. • Activity that will compromise the sustainability of the aquifer, • Activities that may involve significant physical resettlement or extensive economic resettlement, displacement or loss of livelihoods –more than 10 vulnerable HH. • Activities that may impact on known cultural heritage sites including sites that are important to local communities. <p>Any other excluded activities as set out in the ESMF for the Project that is informed from the stakeholders consultations.</p>	Throughout the Project Implementation	PCU, PIUs and SPIUs
1.7	<p>TECHNICAL ASSISTANCE</p> <p>Ensure that the consultancies, studies (including feasibility studies, if applicable), capacity building, training, and any other technical assistance activities under the Project: (1) are carried out in accordance with terms of reference acceptable to the Association that are consistent with the ESSs; and thereafter ensure that the outputs of such activities comply with the terms of reference; and (2) that working conditions for all workers providing services under TA activities are in accordance with ESS2 and Kenyan Law, including OHS, safety and access to a workers' grievance mechanism, and the Project LMP once approved.</p>	Throughout Project implementation	PCU, PIUs

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
ESS 2: LABOR AND WORKING CONDITIONS			
2.1	<p>LABOR MANAGEMENT PROCEDURES (LMP)</p> <p>Develop an LMP, compliant with ESS 2 requirements and in form and substance acceptable to the Association, to address labor risks, including (but not limited to)</p> <ul style="list-style-type: none"> • conditions of service; • code of conduct; • occupational, health and safety (OHS) measures; • Covid-19 prevention measures; • prevention of child and forced labor; • emergency preparedness and response; • grievance redress mechanism for project workers; • training of project workers on key issues including OHS and GBV prevention; and • management of labor influx at project level. 	Prior to disbursements of component 1.	PCU
2.2	<p>GRIEVANCE MECHANISM FOR PROJECT WORKERS</p> <p>Develop and maintain a grievance mechanism for direct and contracted workers, as outlined in the LMP as well as a confidential mechanism for GBV/SEAH complaints.</p>	Grievance mechanism to be operational three months after effectiveness and before any workers are hired and to be maintained throughout Project implementation.	PCU, PIUs and SPIUs
2.3	<p>OCCUPATIONAL HEALTH AND SAFETY (OHS) MEASURES</p> <p>Develop and implement occupational, health and safety (OHS) measures, based on World Bank EHS Guidelines for Water and Sanitation, as part of the LMP including through, inter alia, implementing adequate OHS measures and incorporating ESMF, ESMPs, SMP, SEAH Prevention and Response Plan requirements into the ESHS specifications of the procurement documents and contracts with contractors.</p>	Measures to be developed three months after Project effectiveness and before any workers are hired and operational prior to requesting bids from contractors.	PCU
ESS 3: RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT			
3.1	<p>RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT</p> <p>Resource efficiency and pollution prevention and management measures shall be covered under the ESMF and ESMPs to be prepared under the clause 1.3 above. This will be in line with ESS3 and what is prescribed under the local laws specifically the Water Act and Environmental Management and Coordination Act (EMCA) and the World Bank Group Environmental, Health and Safety Guidelines for Water and Sanitation. The objectives shall be achieved by putting in place proper management measures for potentially hazardous substances and generated waste also covered by ESS1.</p>	<p>Prepare, adopt and publicly disclose the ESMPs prior to implementation of site-specific subprojects.</p> <p>Monitor implementation of the ESMPs throughout Project implementation.</p>	PCU, PIUs and SPIUs

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
3.2	<p>DEPLETION OF GROUND WATER RESOURCES</p> <p>Targeted building of the rehabilitating infrastructure to actively enhance groundwater recharge in line with the Project sub-component of Managed Aquifer Recharge (MAR) through the following activities:</p> <ul style="list-style-type: none"> a) Establishment, mobilization, and capacity building of WRUAs covering the selected NEDI aquifers areas. b) Implementation of Sub-catchment management plans by WRUAs, c) Protection of aquifer recharge zones through gazettement and investments in Nature-Based Infrastructure Solutions for aquifer recharge. <p>Install a water discharge meter for the boreholes at the point of water abstraction to record the daily volume of water abstracted, and Install the dip tube for the boreholes to monitor the ground water level for the drilled boreholes periodically.</p>	<p>Throughout the Project Implementation</p> <p>Prior to handing over of the boreholes to the Communities for use.</p>	PCU, PIUs, SPIUs and WRUAs.
3.3	<p>DRINKING UNTREATED WATER</p> <p>All water sources developed by the Project shall be subjected to the water quality tests for the physio-chemical and microbiology parameters to ensure all parameters meet the KEBS potable water drinking standards before handing over to the community.</p> <p>Undertake periodic water quality tests for the physio-chemical and microbiology parameters.</p>	<p>Prior to handing over of the boreholes to the Communities for use.</p> <p>Quarterly throughout the Project Implementation.</p>	PCU, PIUs and SPIUs
3.4	<p>AQUIFER SUSTAINABILITY</p> <p>Potential interventions (boreholes and wells) shall be subject to prior knowledge corresponding aquifer sustainability assessment approved by the Association (as a pre-requisite), to ensure that the proposed investment shall not compromise the sustainability of the resource or have transboundary negative externalities or impacts on watersheds beyond the assessed impacts described in the OP7.50 memo as notified to the riparian countries.</p>	<p>Throughout the Project Implementation</p>	PCU
ESS 4: COMMUNITY HEALTH AND SAFETY			

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
4.1	<p>COMMUNITY HEALTH AND SAFETY</p> <p>Adopt and implement measures and actions to assess and manage specific risks and impacts to the community arising from Project activities, including risks of labor influx; risk of exposure to infectious diseases (including COVID-19 and HIV/AIDS); response to emergency situations due to conflict or natural disasters, construction and structural safety risks, as well as traffic and road safety risks, and include these measures and actions in the ESMPs to be prepared in accordance with the ESMF, in a manner acceptable to the Association.</p> <p>Risk due to community members drinking contaminated ground water that may not be treated.</p>	<p>Prepare, adopt and publicly disclose the site specific-ESMPs during call for bids of site-specific subprojects.</p> <p>Monitor implementation throughout Project implementation.</p> <p>Undertake quarterly water quality tests for the physio-chemical and microbiology parameters to ensure all parameters meet KEBS Portable water drinking standards.</p>	PCU

MATERIAL MEASURES AND ACTIONS	TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
<p>4.2 GBV AND SEAH RISKS: Prepare, adopt, publicly disclose and implement a stand-alone Project-wide Sexual Exploitation, Abuse and Harassment (SEAH) Prevention and Response Plan.</p> <p>Key measures include:</p> <ul style="list-style-type: none"> • CoCs for Project direct and contracted workers; and plan for sensitization/awareness raising for the community and intended training activities for workers on CoC and GBV/SEA provisions; • Mapping and development of partnerships with identified GBV service providers; • A Reporting and Response Framework that outlines key requirements for reporting cases if they arise and measures to enable safe, ethical, survivor-centered response; • An Accountability Framework that outlines how the PCU/contractor shall handle allegations, including related to investigation (in alignment with national processes) and sanctions for potential perpetrators; and • Establishment of channels/procedures for safe, confidential and survivor centered reporting of GBV incidence that connect to the Project GRM and enable training of GRM operators on how to respond to cases that come forward. <p>Development of additional protection measures to address potential sexual harassment in recruitment practices and in the workplace.</p> <p>Include GBV requirements in bidding documents including requirements for CoCs, training of workers, and how GBV related costs shall be covered in the contract.</p> <p>Bid evaluations to include consideration for GBV response proposals.</p> <p>Ensuring additional funds are made available to implement measures to address GBV/SEA risks and impacts that may arise during Project implementation.</p>	<p>Prior to disbursement of Component 1.</p> <p>Implement the Sexual Exploitation, Abuse and Harassment (SEAH) Prevention and Response Plan throughout Project implementation.</p>	<p>PCU</p>

<p>4.3</p>	<p>SECURITY PERSONNEL</p> <p>Prepare, adopt and implement a county wide Security Risk Assessment and Management Plan consistent with the requirements of ESS4, in a manner acceptable to the Association and include security measures in site specific ESMPs.</p> <p>The following measures shall be adopted, to ensure that the engagement of military and security personnel for provision of security to Project workers, sites and/or assets, is carried out in accordance with the ESSs:</p> <ul style="list-style-type: none"> a) Assess the risks and impacts of engagement of the military and security personnel as part of the assessment referred to in action 1.3 c) above, and implement measures to manage such risks and impacts, a Security Management Plan, guided by ESS4, the principles of proportionality and Good international Industry practice (GIIP), and by applicable law, in relation to hiring, rules of conduct, training, equipping, and monitoring of such security personnel. b) Adopt and enforce standards, protocols and codes of conduct for the selection and use of military and security personnel, and screen such personnel to verify that they have not engaged in past unlawful or abusive behavior, including sexual exploitation and abuse (SEA), sexual harassment (SH) or excessive use of force. c) Ensure that PIU signs a memorandum of understanding (MoU), with the Ministry of Security and the NISA setting out the arrangements for the engagement of the military and security personnel under the Project, including compliance with the relevant requirements of this ESCP. d) Ensure that such personnel are adequately instructed and trained, prior to deployment and on a regular basis, on the use of force and appropriate conduct (including in relation to civilian-military engagement, SEA and SH, and other relevant areas), as set out in the Project Operational Manual, SMP, Security Management Plan and LMP. e) Ensure that the stakeholder engagement activities under the Stakeholder Engagement Plan (SEP) include a communication strategy on the involvement of military and security personnel under the Project. f) Ensure that any concerns or grievances regarding the conduct of military and security personnel are received, monitored, documented (taking into account the need to protect confidentiality), resolved through the Project’s grievance mechanism. security-related incidents shall be reported to the Association in accordance with action B of 	<p>Prior to preparing bid documents for contractors for activities under component 1.</p> <p>Site specific SMPs prior to bidding process for contractors in the specific county.</p>	<p>PCU and WSTF PIU and sub PIUs</p>
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MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
	<p>this ESCP. Where the Association shall require, after consultation with the Borrower:</p> <p>(i) promptly appoint a third-party monitor consultant, with terms of reference, qualifications and experience satisfactory to the Association, to visit and monitor the Project area where military and security personnel are deployed, collect relevant data and communicate with Project stakeholders and beneficiaries; (ii) require the third-party monitor consultant to prepare and submit monitoring reports, which shall be promptly made available to and discussed with the Association; and (iii) promptly take any actions, as may be requested by the Association upon its review of the third-party monitor consultant reports.</p>		
ESS 5: LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT			
5.1	<p>ADOPTION OF RESETTLEMENT ACTION/LIVELIHOOD RESTORATION PLANS</p> <p>Prepare, adopt and publicly disclose, site specific Resettlement Action Plans (RAPs) or Livelihood Restoration Plans (LRPs) and land agreements in accordance with ESS5 and consistent with the requirements of the RPF in a manner acceptable to the Association.</p> <p>Thereafter, implement the respective RAPs and LRPs, in a manner acceptable to the Association.</p>	RAPs/LRPs to be approved prior to bidding and implemented prior to initiation of works	PCU and WSTF PIU and sub PIUs.
5.2	<p>FORCED DISPLACEMENT PRIOR TO PROJECT APPROVAL</p> <p>All land acquisition for the Project is expected to be carried out as outlined in item 5.1 above. In the exceptional case where subproject assessment identifies that involuntary resettlement or forced displacement occurred in anticipation of construction or in any other Project-financed infrastructure before Board approval of the Project, or in the absence of a RAP/LRP prepared in a manner acceptable to the Association the subproject will be ineligible for inclusion in the Project unless the relevant ESS5 requirements can be satisfied retroactively and the Association specifically authorizes such retroactive application.</p>	Screening and census survey during the RAP process for subprojects to verify whether any prior forced displacement occurred and acceptable retroactive requirements to be included in the respective RAP prior to approval of the subproject and call for bids. Retroactive measures implemented as part of the RAP.	PCU and WSTF PIU and sub PIUs.
ESS 6: BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES			

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
6.1	<p>BIODIVERSITY RISKS AND IMPACTS</p> <p>Consistent with the ESMF, ensure that ESS6-related measures are included in the subprojects, and any applicable project studies/consultancies, and that such measures are adopted and implemented in a manner acceptable to the Association.</p> <ul style="list-style-type: none"> a) Avoid adverse impacts on biodiversity and promote sustainable management of natural resources. b) Apply the mitigation hierarchy and precautionary approach in the design and implementation of projects that could have an impact on biodiversity. c) Screen any proposed subproject in accordance with ESMF prepared for the project. d) Assess the direct, indirect and cumulative impacts in subproject specific ESIA or ESMPs on biodiversity and management of natural resources including hydrological changes as well as projected climate change impact. e) Support livelihood of local communities, including underserved people and inclusive economic development by adopting conservation needs and development priorities. f) Protect local, Regional and international recognized areas of high biodiversity values. g) Offset shall be considered as a last resort only if significant residual adverse impacts remain after all mitigation hierarchies have been considered. 	<p>Prepare, adopt and publicly disclose the ESMPs prior to implementation of site-specific subprojects.</p> <p>Fully implement all subproject ESMPs.</p>	
ESS 7: INDIGENOUS PEOPLES/SUB-SAHARAN AFRICAN HISTORICALLY UNDERSERVED TRADITIONAL LOCAL COMMUNITIES			

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
7.1	<p>As the overwhelming majority of the beneficiaries of component 1 fit the criteria for Historically Underserved Traditional Local Communities (HUTLCs) as per ESS7 the elements of the SEP inclusion plan shall be included in the overall Project design. The Borrower shall proactively engage with the relevant Historically Underserved Traditional Local Communities to ensure their ownership and participation in Project design, implementation, monitoring and evaluation. The Borrower shall also consult with them as to the cultural appropriateness of proposed services or facilities and shall seek to identify and address any economic or social constraints (including those relating to gender) that may limit opportunities to benefit from, or participate in, the Project. Free Prior and informed consent will be required with HUTLCs where the project will have adverse effects on land and natural resources subject to traditional ownership or under customary use or occupation, cause relocation of HUTLCs or have significant impacts on their cultural identity that is material to their identity and/or cultural, ceremonial or spiritual aspects that affects their lives. To this end:</p> <p>(a) Develop and adopt an Inclusion plan, site selection criteria and consultation and FPIC process as part of the SEP and ESMF (also reflected in the PBG manual)</p> <p>(b) As applicable in accordance with e ESMF and SEP, complete the consultation/FPIC process and adopt and implement the measures/plans required and/or agreed for impact management and benefit provision, and thereafter implement same</p>	<p>In accordance with the timeline for adoption of the ESMF as set out in 1.2 above</p> <p>Prior to finalization of site selection, and prior to commencement of any works contracts (as also reflected in the PBG manual), and throughout project implementation.</p>	<p>PCU, WSTF PIU and sub PIUs.</p>
ESS 8: CULTURAL HERITAGE			

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
8.1	<p>CULTURAL HERITAGE AND CHANCE FINDS:</p> <p>Consistent with the ESMF ensure that ESS8 related measures are included in the ESMPs for subprojects and that such measures are adopted and implemented in a manner acceptable to the Association.</p> <p>Implement:</p> <ul style="list-style-type: none"> the chance finds procedure described in the ESMF which shall be included in site-specific ESMPs. Protect cultural heritage from adverse impacts of project activities and support preservation. Conduct meaningful consultation with stakeholders regarding cultural heritage both tangible and intangible. 	Implement the ESMPs, including complying with chance finds procedures, throughout the sub-project implementation.	PCU WSTF PIU and sub PIUs.
ESS 9: FINANCIAL INTERMEDIARIES			
	Not relevant to the Project		
ESS 10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE			
10.1	<p>STAKEHOLDER ENGAGEMENT PLAN (SEP) PREPARATION AND IMPLEMENTATION</p> <p>Prepare, adopt and implement the SEP</p> <p>Update, disclose and implement the updated SEP, in a manner acceptable to the Association.</p>	<p>Prior to appraisal and throughout Project implementation</p> <p>Update as necessary throughout Project implementation, starting no later than six months after effectiveness to reflect results of county level consultations.</p>	PCU, WSTF PIU and sub PIUs.
10.2	<p>PROJECT GRIEVANCE MECHANISM</p> <p>Establish and operationalized a functioning, trusted and accessible Project Grievance Mechanism, as described in the SEP.</p> <p>Accessible grievance arrangements shall be made publicly available to receive and facilitate resolution of concerns and grievances in relation to the Project, consistent with ESS10, in a manner acceptable to the Association.</p>	Prior to disbursement of component 1.	PCU, WSTF PIU, WRA PIU and sub PIUs.

MATERIAL MEASURES AND ACTIONS	TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
CAPACITY SUPPORT (TRAINING)		
<p>CS1 A sector wide E&S capacity assessment and enhancement plan will be developed, and updated as necessary following the recruitment and induction of E&S specialists. The capacity assessment shall include terms of reference, an action plan and timeline and roles and responsibilities for capacity building activities, including training and mentorship, in the following areas:</p> <ul style="list-style-type: none"> • The World Bank’s ESF in general; • Stakeholder mapping and engagement; • Occupational and Community Health and Safety issues (such as OHS measures in rehabilitation, construction and maintenance); • Labour Management; • Specific aspects of environmental and social assessment including preparation of E&S instruments such as ESMF, ESMPs, RAPs and LRPs, Sexual Exploitation, Abuse and Harassment (SEAH) Prevention and Response Plans, OHS Plan, Security Management Plans and water sharing agreements; • Gender Based Violence (GBV); and • Grievance Management. <p>Targeted groups shall include the following:</p> <ul style="list-style-type: none"> • PCU in the MoWSI; • PIUs in WSTF and WRA • County level SPIUs; • Contractors/subcontractors/primary suppliers and their project workers; • Water resource users’ associations (WRUAs); • Beneficiary communities; and • Key stakeholders. 	<p>Capacity assessment and enhancement plan completed 12 months after project effectiveness and agreed with the Association and adopted within 15 months form effectiveness.</p> <p>Capacity building shall be carried out throughout the Project as required in accordance with the agreed schedule set out in the Capacity enhancement plan.</p>	<p>PCU, WSTF and WRA PIUs and sub PIUs.</p>