

**MIGA****Multilateral Investment
Guarantee Agency**
WORLD BANK GROUP

Environmental and Social Action Plan (ESAP)			
No.	Item	Deliverable	Deadline
Performance Standard 1: Environmental and Social Assessment and Management System			
1	Update the Quality, Health, Safety and Environment (QHSE) Policy to include environmental and social aspects, as well as commitments towards compliance with Kenyan regulation and the PSs.	Updated QHSE Policy	30 days after effective date of contract of guarantee
2	Prepare a Cumulative Impact Assessment (CIA) report	CIA Report	60 days after effective date of contract of guarantee
3	An independent E&S Consultant will conduct an Environmental and Social Due Diligence (ESDD) for all existing temporary Project components, including quarries and borrow pits, construction camps, fabrication sites, asphalt plants, concrete batching and maintenance areas.	Materials Supply Plan indicating where the Project will source materials from, that includes terms of reference (ToR) for the ESDD ESDD report	60 days after effective date of contract of guarantee Prior to the acquisition of any existing material sites
4	Conduct an Environmental and Social Impact Assessment (ESIA) for all new temporary Project components, including the development of any material sites construction camps, fabrication sites, asphalt plants, concrete batching and maintenance areas	Materials Supply Plan indicating where the Project will source materials from, that includes terms of reference (ToR) for the ESIA ESIA reports, approvals and conditions of approval	60 days after effective date of contract of guarantee Prior to the development of new material sites
5	Develop decommissioning plans for all temporary Project components, including the rehabilitation of all material sites, construction camps, fabrication sites, asphalt plants, concrete batching and maintenance areas which is the responsibility of the Engineering, Procurement and Construction (EPC) Contractor	Decommissioning plans for the material sites that include rehabilitation of all material sites as the responsibility of the EPC Contractor	No later than 90 days before closure of any material site or facility
6	Conduct a climate risk and vulnerability assessment for the Project. The assessment should include a study of localized climate change projections of rainfall and should evaluate the adequacy of the road drainage should rainfall conditions intensify for the Project region.	Climate Risk and Vulnerability Assessment Report	60 days after effective date of contract of guarantee

7	Develop and implement an Environmental and Social Management System (ESMS) in line with PS1 requirements for the construction and operation phases. The EMS will include the following elements: (i) policy; (ii) identification of risks and impacts; (iii) management programs; (iv) organizational capacity and competency; (v) emergency preparedness and response (including site specific emergency plans); (vi) stakeholder engagement; and (vii) monitoring and review. The ESMS will also incorporate the COVID-19 Prevention and Control Plan.	A copy of the finalized document describing the E&S Management System for the Project.	No later than 90 days after the Contract Effective Date
8	Appoint an Environmental, Health and Safety (EHS) Manager	Terms of Reference and Contract for EHS Manager	ToR no later than 30 days after the Contract effective Date Contract no later than 60 days after the Contract Effective Date
9	Appoint three Community Liaison Officers (CLOs) to support the implementation of the external Grievance Redress Mechanism (GRM) support local recruitment. The Project CLOs will collaborate with the planned Horn of Africa Gateway Development Project (HoAGDP) CLOs and Civil Society Organizations (CSOs), where possible.	Terms of Reference and Contract for the CLOs	ToR no later than 30 days after the Contract effective Date Contract no later than 60 days after the Contract Effective date
10	Develop an Environmental, Health and Safety (EHS) Training and Awareness procedure, which includes both formal and informal training requirements	EHS Training and Awareness Procedure	No later than 60 days after the Contract Effective date
11	Develop and implement a Stakeholder Engagement Plan (SEP) for the construction and operations phases of the Project, in line with PS 1 requirements. The SEP will: (i) outline the Project's objectives in terms of stakeholder engagement; (ii) describe the activities to be conducted with the stakeholders during each stage of the Project's development, including specific activities for women and vulnerable groups; (iii) include procedures for documenting engagement activities; and (iv) include measures to allow the effective participation of those identified as disadvantaged or vulnerable. The implications of COVID-19 should be taken fully into account in the SEP and measures to undertake engagement where face-to-face options are not available identified.	SEP	No later than 60 days after the Contract Effective Date
12	Develop and implement a Grievance Redress Mechanism (GRM) Procedure. The GRM Procedure will describe the steps to be followed to collect, record, evaluate and respond to complaints and grievances raised by external stakeholders. The	GRM Procedure	No later than 60 days after the Contract Effective Date

	means for submitting the grievances will include verbally, in writing and anonymously. As part of the GRM Procedure, the Project will have ongoing reporting to affecting communities		
Performance Standard 2: Labor and Working Conditions			
13	Develop and implement a procedure to confirm that priority is given to the local community members for unskilled and semiskilled labor and develop a register of interested / eligible workers	Local Labour Procedure	No later than 30 days after the Contract Effective Date
14	Develop a worker accommodation plan in line with European Bank for Reconstruction and Development (EBRD) and the International Finance Corporation (IFC) guidelines for worker accommodation	Worker accommodation plan, in line with EBRD and IFC guidelines for worker accommodation	Prior to the construction of the worker accommodation
15	Conduct an ESIA for the worker accommodation in line with national legislation and the MIGA PSs	Terms of Reference for the worker accommodation ESIA ESIA Report	No later than 30 days after the Contract Effective Date Prior to the construction of the worker accommodation
16	Provide MIGA with the worker accommodation ESIA licenses (including conditions of approval) once granted by the Kenya National Environment Management Authority (NEMA).	ESIA approval and conditions of approval	Prior to construction of the worker construction
17	Develop and implement a Human Resources (HR) policy and HR procedures in line with PS 2 requirements require that any day laborers also have written contracts. The HR policy and procedures will include provisions for working conditions; terms of employment; non-discrimination and equal opportunity; grievance mechanism; occupational health and safety; and the prohibition of child and forced labor.	HR Policy and Procedures in line with PS2 requirements and contracts for day laborers in form and substance satisfactory to MIGA.	No later than 60 days after the Contract Effective Date
18	Produce and actively use a project labor commitment (policy statement) in line with PS 2 including specific gender commitment	Policy statement that includes gender specific commitments	No later than 60 days after the Contract Effective Date
19	Implement a code of conduct and action plan to help prevent gender-based violence (“GBV”) and violence at management and worker level (both employers and contractors), as well as community level. The Project will collaborate with the Planned Horn of Africa Gateway Development Project (HoAGDP) to enable consistency with the HoAGDP GBV assessment, where possible	Code of conduct and action plan	No later than 60 days after the Contract Effective Date

20	Develop and implement a sexual harassment policy according to requirements under PS2 and in collaboration with the HoAGDP, where possible.	Sexual harassment policy	No later than 60 days after the Contract Effective Date
21	Develop and implement a Risk Assessment for the proposed impacts associated with the intended construction activities on the receiving environment. The Risk Assessment will include HSE aspects/hazards under direct control of the Project, as well as aspects/hazards that the Project cannot influence.	Risk Assessment	Prior to construction
22	Include EHS provisions in contracts with other sub-contractors providing services to the Project's operations and require that the provisions include compliance with the Performance Standards.	EHS provisions in sub-contractor contracts	No later than 60 days after the Contract Effective Date
23	Include EHS provisions in contracts with primary suppliers providing goods to the Project's operations and require that the provisions include compliance with the Performance Standards.	EHS provisions in supplier contracts	No later than 60 days after the Contract Effective Date
Performance Standard 3: Resource Efficiency and Pollution Prevention			
24a	Conduct an ESIA of available water sources to select the optimal one and develop and implement a Water Management Plan for the construction and operations phases in line with PS 3 requirements.	ESIA and Water Management Plan in form and substance satisfactory to MIGA	No later than 60 days after the Contract Effective Date
24b	The Water Management Plan will develop alternative water options, so as to not abstract from the Lorian Swamp which is already suffering from extreme water shortages both for communities and wildlife	Water Management Plan with alternative options for water sources	No later than 60 days after the Contract Effective Date
Performance Standard 4: Community Health, Safety and Security			
25a	Develop and implement a Community Health and Safety Plan for the construction phase in line with PS 4 requirements	Construction Community Health and Safety Plan in form and substance satisfactory to MIGA	No later than 30 days prior to construction
25b	Develop and implement a Community Health and Safety Plan for the operations phase in line with PS 4 requirements	Operations Community Health and Safety Plan in form and substance satisfactory to MIGA	No later than 30 days prior to operations
26	The Project Enterprise will identify locations that have black spots/areas where road traffic accidents have historically been concentrated and sensitive risk receptors (school and town centers) and collaborate with traffic police and KeNHA to determine feasible mitigation measures	Mitigation measures to reduce the risk of accidents in black spots	No later than 60 days after the Contract Effective Date
27	Update the Grievance Procedure to one that is sensitive to GBV concerns	Grievance Procedure that details GBV concerns	No later than 30 days prior to construction
28	Update the Security Management Plan in line with the requirements of PS4, providing clear commitment by the Project in terms of recruitment, vetting and	Security Management Plan and Code of Conduct	No later than 30 days prior to construction

	appropriate training of security contractors, as well as a Code of Conduct with respect to use of force.		
PS 5: Land Acquisition and Involuntary Resettlement			
29	Establish a grievance redress committee (GRC) and GRM for compensation	Minutes of the GRC meeting GRM	No later than 60 days after the Contract Effective Date
30	Disclose the ARAPs to the Project Affected Persons (PAPs) and hold meetings with the PAPs to finalize the compensation packages	Records of meetings	Prior to construction
31	The Project Company will collaborate with KeNHA so that all negotiations and agreements will be conducted in line with the PS5 definition of informed consent and fair compensation based on full replacement cost	Copies of agreements	Prior to construction
32	Commission an external completion audit of the ARAPs to assess whether the provisions have been met and implement supplemental measures if applicable	ARAP Completion Audit	One year following the implementation of the ARAP mitigation measures
PS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources			
33	Prepare a Residual Impact Assessment and Biodiversity Action Plan (BAP) to address impacts to Natural Habitat and associated biodiversity values and Critical Habitat and Critical Habitat qualifying species. Consultation with relevant experts and other stakeholders will be required.	BAP Terms of Reference (ToR) BAP	Condition Precedent
34	Undertake a Priority Ecosystem Services Review (ESR) and incorporate any requisite mitigation measures into the BAP.	ESR	Condition Precedent
PS 7: Indigenous Peoples			
35	Collaborate with the CA so that the stakeholder engagement process includes consultation with the Borana and Somali, and that appropriate mitigation measures are carried out throughout the RAP, as well as during the implementation of the Project. The implications of COVID-19 should be taken fully into account in the SEP and measures to undertake engagement where face-to-face options are not available identified.	SEP and Records of Stakeholder Engagement	No later than 60 days after the Contract Effective Date
36	Appoint two additional CLOs to manage the stakeholder engagement process for the VMGs. The Project CLOs will collaborate with the planned Horn of Africa Gateway Development Project (HoAGDP) CLOs and Civil Society Organizations (CSOs), where possible.	Terms of Reference and Contract for the CLOs	ToR no later than 30 days after the Contract effective Date Contract no later than 60 days after the Contract Effective date

PS8: Cultural Heritage			
37	Map all salt rocks in the vicinity of the Project	Map of salt rocks within the Project area	No later than 60 days after the Contract Effective Date
38	Implement the Chance Finds Procedure in relation to all temporary and permanent works areas	Change Finds Procedure	No later than 60 days after the Contract Effective Date
39	Conduct toolbox talks with workers so that they are aware of the Chance Find Procedure and can implement it	Records of toolbox talks	Prior to construction and to be a continuous practice during the project construction period