

Ministry of Finance and Economic Development Botswana Renewable Energy Scale Up Support (P178822)

Draft ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP)

16 July 2022

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN

1. The Ministry of Finance and Economic Development (the Recipient) will implement the Botswana Renewable Energy Scale Up Support Project (the “Project”), with the involvement of the Ministry of Mineral and Energy (MME) through the Project Energy Development Unit (PEDU) as the Project Implementation Unit (PIU), as set out in the Grant Agreement. The International Bank for Reconstruction and Development (the “Bank”), acting as the administrator of Energy Sector Management Assistance Program (ESMAP), has agreed to provide financing for the Project, as set out in the referred agreement.
2. The Recipient shall ensure that the Project is carried out in accordance with the Environmental and Social Standards (ESSs) and this Environmental and Social Commitment Plan (ESCP), in a manner acceptable to the Bank. The ESCP is a part of the Grant Agreement. Unless otherwise defined in this ESCP, capitalised terms used in this ESCP have the meanings ascribed to them in the referred agreement(s).
3. Without limitation to the foregoing, this ESCP sets out material measures and actions that the Recipient shall carry out or cause to be carried out, including, as applicable, the timeframes of the actions and measures, institutional, staffing, training, monitoring and reporting arrangements, and grievance management. The ESCP also sets out the environmental and social (E&S) instruments that shall be adopted and implemented under the Project, all of which shall be subject to prior consultation and disclosure, consistent with the ESS, and in form and substance, and in a manner acceptable to the Bank. Once adopted, said E&S instruments may be revised from time to time with prior written agreement by the Bank.
4. As agreed by the Bank and the Recipient, this ESCP will be revised from time to time if necessary, during Project implementation, to reflect adaptive management of Project changes and unforeseen circumstances or in response to Project performance. In such circumstances, the Recipient [through] Ministry of Minerals and Energy (MME) and the Bank agree to update the ESCP to reflect these changes through an exchange of letters signed between the Bank and the Recipient Deputy Permanent Secretary of MME. The Recipient shall promptly disclose the updated ESCP.

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
MONITORING AND REPORTING			
A	<p>REGULAR REPORTING</p> <p>Prepare and submit to the Bank regular monitoring reports on the Environmental, Social, Health and Safety (ESHS) performance of the Project, including but not limited to the implementation of the ESCP, status of preparation and implementation of E&S instruments required under the ESCP, stakeholder engagement activities, and functioning of the grievance mechanism(s).</p>	Submit bi-annually reports to the Bank throughout Project implementation, commencing after the Effective Date.	PEDU
B	<p>INCIDENTS AND ACCIDENTS</p> <p>Promptly notify the Bank of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers, including, <i>inter alia</i>, cases of sexual exploitation and abuse (SEA), sexual harassment (SH), and accidents that result in death, serious or multiple injury. Provide sufficient detail regarding the scope, severity, and possible causes of the incident or accident, indicating immediate measures taken or that are planned to be taken to address it, and any information provided by any consultant and/or supervising firm, as appropriate.</p> <p>Subsequently, at the Bank’s request, prepare a report on the incident or accident and propose any measures to address it and prevent its recurrence.</p>	<p>Notify the Bank no later than 48 hours after learning of the incident or accident.</p> <p>Provide subsequent report to the Bank within a timeframe acceptable to the Bank.</p>	PEDU
ESS 1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS			
1.1	<p>ORGANIZATIONAL STRUCTURE</p> <p>The PEDU will establish and maintain an organizational structure with qualified staff and resources to support management of ESHS risks and impacts of the Project. The PEDU will recruit a qualified Environmental and Social Specialist to oversee the implementation and preparation of the instruments.</p>	Appoint the Environmental and Social Specialist no later than 30 days from project effectiveness. .	MME/PEDU
1.3	<p>MANAGEMENT OF CONSULTANTS</p> <p>Incorporate the relevant aspects of the ESCP, including, <i>inter alia</i>, the relevant E&S instruments, the Labor Management Procedures, and Code of Conduct, into the ESHS specifications of the procurement documents and contracts with consultants and supervising firms. Thereafter ensure that the consultants and supervising firms comply and cause sub-consultants to comply with the ESHS specifications of their respective contracts.</p>	As part of the preparation of procurement documents and respective contracts.	PEDU

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
1.4	<p>TECHNICAL ASSISTANCE</p> <p>a) Prepare a Terms of Reference (ToR) for the Environmental and Social Impact Assessment (ESIA) which incorporates E&S sustainability considerations to fulfill the requirements of national laws and international good practices as exemplified in the World Bank Environmental and Social Framework. The ToR should make provision for the preparation of an Environmental and Social Management Plan (ESMP), Stakeholder Engagement Plan (SEP) and GBV/SEA/SH assessment and action plan as part of the ESIA.</p> <p>b) Prepare, submit for Bank review and disclose the ESIA including the ESMP, SEP, GBV/SEA/SH assessment and action plan. The ESIA shall include ToR for the development of a Resettlement Action Plan (RAP).</p> <p>c) Ensure that the consultancies, studies (including feasibility studies, if applicable), capacity building, training, and any other technical assistance activities under the Project, including, <i>inter alia</i>, the preparation of the Environmental and Social Impact Assessment and Environmental and Social Management Plans are carried out in accordance with terms of reference acceptable to the Botswana Environmental Impact Assessment Act (including the engagement of duly certified EA practitioners) and the Bank, that are consistent with the ESSs. Thereafter ensure that the outputs of such activities comply with the terms of reference.</p> <p>d) Prepare a generic ESMP proportionate to the level of potential risks and impacts associated with the geotechnical and seismic studies.</p>	<p>a) No later than 30 days after project effectiveness</p> <p>b) No later than project closure.</p> <p>c) Throughout Project implementation.</p> <p>d) Prior to commencing with the geotechnical and seismic studies and thereafter implement throughout the Project Implementation.</p>	PEDU
ESS 2: LABOR AND WORKING CONDITIONS			
2.1	<p>LABOR MANAGEMENT PROCEDURES</p>	<p>a) Throughout project implementation</p> <p>b) As part of the ESIA outputs</p>	PEDU

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	<p>a) Comply and implement Labor Management Practices (LMP) for the Project which will form part of the procurement documents, including, <i>inter alia</i>, provisions on working conditions, management of workers relationships, occupational health and safety (including personal protective equipment, and emergency preparedness and response), code of conduct (including relating to SEA and SH), forced labor, child labor, grievance arrangements for Project workers, and applicable requirements for consultants, sub-consultants etc. consistent with those stipulated in the applicable national laws and good international practices explicated in ESS 2.</p> <p>b) Prepare a Terms of Reference for developing a Labor Management Procedure and an Occupational Health and Safety Plan for downstream activities as part of the ESIA.</p>		
2.2	<p>GRIEVANCE MECHANISM FOR PROJECT WORKERS</p> <p>Establish and operate a grievance mechanism for Project workers, as described in the LMP and consistent with ESS2.</p>	Establish grievance mechanism prior engaging Project workers and thereafter maintain and operate it throughout Project implementation.	PEDU
ESS 3: RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT			
3.1	<p>a) As part of the Terms of Reference for the Environmental and Social Impact Assessment study ensure that E&S sustainability is considered as part of the project design in line with the requirements of the national laws and international good practices as exemplified in ESS 3.</p> <p>b) Include measures to ensure resource efficiency and prevention of pollution in line with national legislation and international good practices as part of the generic Environmental and Social Management plan reference in 1.4 (c).</p>	<p>a) Prior to commencing with the studies (geotechnical and seismic) and thereafter implement the ESMP throughout Project implementation</p> <p>b) Prior to commencing with the geotechnical and seismic studies and thereafter implement throughout the Project Implementation.</p>	PEDU
ESS 4: COMMUNITY HEALTH AND SAFETY			
4.1	<p>COMMUNITY HEALTH AND SAFETY</p> <p>As part of the bidding requirements include a requirement for the consultant to put measures in place for preventing the spread of infectious diseases such as COVID-19 and HIV/AIDS in line with the World Bank guidelines on COVID-19, the WHO guidelines and those stipulated by the national legislation.</p>	Prior to the consultant commencing with the studies	PEDU/ Consultants
4.3	<p>SEA AND SH RISKS</p>	a) and b) Prior to commencement of the studies	PEDU

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	<p>a) As part of the pre-screening process, assess the risks of sexual exploitation and abuse (SEA) and sexual harassment (SH) and ensure the generic ESMP referenced in 1.4(c) include proportionate mitigation measures.</p> <p>b) All contracts to include a Code of Conduct for workers with a clear position statement on SEA/HA including detailing disciplinary action to be taken for non-compliance.</p>		
ESS 5: LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT			
5.1	<p>RESETTLEMENT POLICY FRAMEWORK Conduct a pre-site selection screening to exclude areas which requires resettlement or will negatively impact on livelihoods. As part of the ToR referenced in 1.4 (a) include provision for further assessment of the applicability of ESS 5 and include the need for a Resettlement Action Plan (RAP) to be prepared in line with the requirements of national laws and good international practices as exemplified in the ESS 5, if found to be applicable and unavoidable.</p>	Prior to commencement with the studies.	PEDU
ESS 6: BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES			
6.1	<p>BIODIVERSITY RISKS AND IMPACTS a) Conduct a pre-site selection screening to exclude areas with potential sensitive habitats such as wetlands, biodiversity hotspots and known bird and bat migratory routes. If not avoidable, additional specialist will be included in the ToR referenced in 1.4 (a) and mitigation measures proportionate to the level of the anticipated impacts and risks as part of the ESMP to be prepared with the ESIA.</p> <p>b) Provisions for mitigation measures proportionate to the level of the anticipated impacts and risks associated with the geotechnical and seismic studies; on biodiversity and natural environments will be included in the generic ESMP referenced in 1.4 (c).</p>	a) and b) Prior to commencement with the studies.	PEDU
ESS 7: INDIGENOUS PEOPLES/SUB-SAHARAN AFRICAN HISTORICALLY UNDERSERVED TRADITIONAL LOCAL COMMUNITIES			
7.1	<p>INDIGENOUS PEOPLES PLANNING FRAMEWORK</p>	As part of the preparation of the Terms of Reference mentioned in 1.4 (a)	PEDU

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	The ToR referenced in 1.4 (a) will make provision of the screening of potential impacts on IP/SSAHUTLC. If found applicable, the ESIA should propose measures to avoid cultural and physical impacts and if not avoidable propose measures to reduce and mitigate impacts on IP/SSAHUTLC by preparing an IP/SSAHUTLC plan in line with legislation concerning Indigenous Peoples (i.e. conventions and declarations) and the requirements of ESS7.		
ESS 8: CULTURAL HERITAGE [
8.1	CULTURAL HERITAGE RISKS AND IMPACTS The ToR referenced in 1.4 (a) will make provision of the screening of potential impacts on cultural heritage sites.	As part of the preparation of the Terms of Reference mentioned in 1.4(a)	PEDU
8.2	CHANCE FINDS Prepare a chance finds procedures for the downstream project implementation as part of the ESIA and ESMP referenced in 1.4 (b)	As part of the outputs of the ESIA study	PEDU
ESS 9: FINANCIAL INTERMEDIARIES			
	Not Applicable		
ESS 10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE			
10.1	STAKEHOLDER ENGAGEMENT PLAN PREPARATION AND IMPLEMENTATION Prepare, adopt and implement a Stakeholder Engagement Plan (SEP) for the Project, consistent with ESS10, which shall include measures to, <i>inter alia</i> , provide stakeholders with timely, relevant, understandable and accessible information, and consult with them in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination and intimidation.	Prior to RETF appraisal and thereafter implement the SEP throughout Project implementation.	PEDU
10.2	PROJECT GRIEVANCE MECHANISM Establish, publicise, maintain, and operate an accessible grievance mechanism, to receive and facilitate resolution of concerns and grievances in relation to the Project, promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all Project-affected parties (PAPs), at no cost and without retribution, including concerns and grievances filed anonymously, in a manner consistent with ESS10.	Establish the grievance mechanism prior to RETF appraisal and thereafter maintain and operate the mechanism throughout Project implementation.	PEDU

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	The grievance mechanism shall be equipped to receive, register, and facilitate the resolution of SEA/SH complaints, including through the referral of survivors to relevant gender-based violence service providers, all in a safe, confidential, and survivor-centered manner.		
CAPACITY SUPPORT			
CS1	Undertake an organisational capacity assessment of the PIU and implementation to determine existing capacity for implement and managing downstream project E&S risks and impacts and determine areas which requires strengthening.	No later than project closure	PEDU